



CITY OF SAN CLEMENTE

ADJOURNED REGULAR CITY COUNCIL

MEETING AGENDA

City Council Chambers
San Clemente Civic Center
100 Avenida Presidio
San Clemente, California
www.san-clemente.org

November 8, 2012
5:00 p.m. - Closed Session
6:00 p.m. - Business Meeting

Information concerning City Council Meeting protocols and procedures is contained at the end of this agenda.

RULES FOR ADDRESSING COUNCIL

- Members of the public may address the City Council on matters within the jurisdiction of the City of San Clemente.
- If you wish to address Council, please complete one of the blue speaker cards located at the entrance to the Council Chambers and submit it to the City Clerk or Deputy City Clerk.
- Persons wishing to address Council concerning an **agendized** item will be invited to address Council during the time that Council is considering that particular agenda item. Persons wishing to address Council concerning a **non-agendized** issue will be invited to address Council during the “Oral Communications” portion of the meeting.
- When the Mayor calls your name, please step to the podium, state your name and your city of residence, and then give your presentation. Please limit your presentation to three minutes.

MISSION STATEMENT

The City of San Clemente, in partnership with the community we serve, will foster a tradition dedicated to:

Maintaining a safe, healthy atmosphere in which to live, work and play;

Guiding development to ensure responsible growth while preserving and enhancing our village character, unique environment and natural amenities;

Providing for the City's long-term stability through promotion of economic vitality and diversity...

Resulting in a balanced community committed to protecting what is valued today while meeting tomorrow's needs.

CLOSED SESSION (5:00 P.M.) If there are no Closed Session items, the City Clerk will recess the meeting to 6:00 p.m.

- A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, pursuant to Government Code Section 54957:

Title: City Manager

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION - Rod Gillins, Church of Jesus Christ of Latter-day Saints, San Clemente Stake

PLEDGE OF ALLEGIANCE

ROLL CALL

- 1. **Special Presentations.**

- A. **Presentation of Proclamation - Buddy Poppy Days**

Presentation of a Proclamation to Delores Padgett, VFW San Clemente Post 7142, proclaiming November 9-11, 2012 as Buddy Poppy Days.

2. **Oral Communications (Part 1).** Members of the audience who wish to address Council on matters that are within the jurisdiction of the City of San Clemente, but not separately listed on the agenda, may do so during the Oral Communications portion of the meeting. A total time limitation of 30 minutes is allocated for Oral Communications Part 1, with each speaker being allotted 3 minutes in which to give his or her presentation. Speaker order is determined by the order in which speaker cards are provided to the City Clerk or Deputy City Clerk at the meeting. Speakers that cannot be accommodated during Oral Communications Part 1 will be invited to address Council during Oral Communications Part 2, which appears on this agenda as Item No. 10. When the Mayor calls your name, please step to the podium, state your name and the City in which you reside, and make your presentation. Subject to very limited exceptions, Council is not permitted to discuss or take action on items that do not appear on the agenda.

3. **Motion waiving reading in full of all Resolutions and Ordinances.**

4. **Consideration of agendizing items requiring immediate action.** Any items agendized will be considered under New Business, unless otherwise determined by a majority vote of the City Council.

5. **Closed Session Report - City Attorney.**

6. **Consent Calendar.** All items listed on the Consent Calendar are considered to be routine and will be enacted by one motion without discussion unless Council, Staff, or the public requests removal of an item for separate discussion and action.
 - A. **City Council Minutes**

Approve minutes of the City Council Adjourned Regular Meeting of October 2, 2012.

B. Receive and file:

- (1) Coastal Advisory Committee Regular Meeting minutes of September 13, 2012.
- (2) Design Review Subcommittee Meeting minutes of September 12, 2012, September 26, 2012 and October 10, 2012.
- (3) Zoning Administrator Regular Meeting minutes of October 17, 2012.
- (4) Planning Commission Adjourned Regular Meeting minutes of October 17, 2012.
- (5) Human Affairs Committee Regular Meeting minutes of October 10, 2012.
- (6) Beaches, Parks and Recreation Commission Regular Meeting minutes of October 9, 2012.

C. **Warrant Register**

Approve Wire Transfer No. 1056
 and Warrant Nos. 503545 through 503691,
 for the period 10-01-12 through 10-05-12,
 in the amount of \$ 1,518,472.08

Approve Wire Transfer Nos. 1057 through 1060
 and Warrant Nos. 503692 through 503884,
 for the period 10-08-12 through 10-12-12,
 in the amount of \$ 897,734.19

TOTAL WARRANT REGISTER..... \$ 2,416,206.27

Payroll Register

Approve Warrant Nos. 123 through 130, and
 Automatic Deposit Advises 3527 through 3803,
 for the period 10-01-12 through 10-14-12,
 in the amount of \$ 422,964.15

TOTAL PAYROLL REGISTER..... \$ 422,964.15

D. **Communications Site Lease Agreements - New Crown Castle NG West, Inc. (South El Camino Real at West Avenida Cadiz and North El Camino Real at Boca De La Playa)** - Pages 6-D-1 through 6-D-4

1. Approve, and authorize the Mayor to execute, a Communications Site Lease Agreement by and between the City of San Clemente and Crown Castle NG West, Inc., providing for the installation and operation of a phazar antenna on a City street light pole located at South El Camino Real at West Avenida Cadiz. (Contract C12-43)
2. Approve, and authorize the Mayor to execute, a Communications Site Lease Agreements by and between the City of San Clemente and Crown Castle NG West, Inc., providing for the installation and operation of a phazar antenna on a City street light pole located at North El Camino Real at Boca De La Playa. (Contract C12-44)

E. **Contract Award - Historic Structures Report for the Miramar Theater and Bowling Alley** - Pages 6-E-1 through 6-E-25

Approve, and authorize the Mayor to execute, Contract C12-45, by and between the City of San Clemente and Westlake Reed Leskosky Design, providing for a historic structures report for the Miramar Theater and Bowling Alley, in an amount not to exceed \$28,000.

F. **Contract Award - Purchase of Electricity** - Pages 6-F-1 through 6-F-12

Approve, and authorize the City Manager to execute, the necessary agreements by and between the City of San Clemente and Nobles Americas, for the purpose of purchasing electricity. (Contract C12-46)

G. **Beach Trail Sign Frame Donation** - Pages 6-G-1 through 6-G-4

Accept the donation of 30 frames for beach trail signs from Public Safety Industries (valued at \$5,000).

H. **Pedestrian Movements Surrounding the North Ola Vista/Avenida Cabrillo and Ola Vista/Avenida Granada Intersections** - Pages 6-H-1 through 6-H-6

Direct Staff to implement signage relating to pedestrians and road conditions at the intersection of Ola Vista and Avenida Cabrillo as outlined in the Administrative Report, dated November 8, 2012, which is on file with the City Clerk.

- I. **Notice of Completion - Linda Lane Runoff Treatment** - Pages 6-I-1 through 6-I-4
1. Accept the Linda Lane Runoff Treatment, Project No. 10008, from the contractor, PALP, Inc., dba Excel Paving Company.
 2. Authorize the Mayor to execute, and City Clerk to record, the Notice of Completion for the Linda Lane Runoff Treatment, Project No. 10008. (Contract C12-32)
 3. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Engineering Division that no liens have been levied against PALP, Inc., dba Excel Paving Company.
 4. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.
- J. **Contract Award - Vista Cayenta Pressure Reducing Station Rehabilitation** - Pages 6-J-1 through 6-J-4
1. Approve the plans and specifications for the Vista Cayenta Pressure Reducing Station Rehabilitation, Project No. 12450.
 2. Approve a supplemental appropriation of \$32,000 to Account 052-466-45300-12450 from the Water Fund Depreciation Reserve.
 3. Approve, and authorize the Mayor to execute, Contract C12-47, by and between the City of San Clemente and GCI Construction, Inc., providing for the rehabilitation of the Vista Cayenta Pressure Reducing Station, in the amount of \$161,882.
- K. **County of Orange Water Quality Ordinance Implementation Agreement** - Pages 6-K-1 through 6-K-12
- Approve, and authorize the Mayor to execute, the Water Quality Ordinance Implementation Agreement No. D11-062, by and between the City of San Clemente and the Orange County Flood Control District, to provide as-needed pollution investigation and response services. (Contract C12-48)

L. **Notice of Completion - Calle Valle Water System Replacement** - Pages 6-L-1 through 6-L-4

1. Accept the construction of the Calle Valle Water System Replacement, Project No. 24400, from the contractor, Concrete Coring Company.
2. Authorize the Mayor to execute, and City Clerk to record, the Notice of Completion for the construction of the Calle Valle Water System Replacement, Project No. 24400. (Contract C12-17)
3. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Engineering Division that no liens have been levied against Concrete Coring Company.
4. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

M. **Release of Improvement Bonds - Tract 16569, Shea Homes, LP.** - Pages 6-M-1 through 6-M-5

Adopt Resolution No. 12-59 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE RELEASE OF IMPROVEMENT BONDS, WITHOUT LIMITATION, FOR TRACT 16569, SHEA HOMES, LP.

N. **Revised Contract Amendment - Interstate-5/Avenida Vista Hermosa Right-of-Way Closeout** - Pages 6-N-1 through 6-N-2

Approve, and authorize the Mayor to execute, the revised First Amendment to Contract C10-07, by and between the City of San Clemente and RBF Consulting, providing for right-of-way closeout services for the Interstate-5/Avenida Vista Hermosa Interchange, Project No. 12155. This contract amendment increases the contract amount from \$20,000 to \$46,425 (an increase of \$26,425).

O. **Contract Award - Via Alegre Storm Drain Rehabilitation** - Page 6-O-1 through 6-O-3

1. Approve the plans and specifications for the Via Alegre Storm Drain Rehabilitation, Project No. 23002
2. Approve, and authorize the Mayor to execute, Contract C12-49, by and between the City of San Clemente and Sancon Engineering, Inc., providing for the rehabilitation of the Via Alegre Storm Drain, Project No. 23002, in the amount of \$29,900.

7. **Public Hearings.** The Public Hearing process includes a staff presentation, a presentation by the applicant not to exceed ten (10) minutes, and public testimony (not to exceed three minutes per speaker). Following closure of the Public Hearing, the City Council will respond to questions raised during the hearing, discuss the issues, and act upon the matter by motion.

A. **Zoning Amendment 12-285, Zoning Ordinance Clean Up** - Pages 7-A-1 through 7-A-61

Public Hearing to consider City-initiated amendments to the Zoning Ordinance that would: 1) correct erroneous text and/or formatting problems, 2) clarify ambiguous language, 3) repair inaccurate or "broken" text references, 4) remove unnecessary and/or obsolete graphics and text, and 5) provide new and updated definitions to clarify existing standards.

Planning Commission Recommendation

Introduce Ordinance No. 1561 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING TITLE 17 OF THE CITY OF SAN CLEMENTE MUNICIPAL CODE TO CLEAN UP ZONING ORDINANCE INCONSISTENCIES AND ERRORS.

8. **Unfinished Business.**

None.

9. **New Business.**

- A. **Backflow Device Administration and Penalty Fees for Water Utility** - Pages 9-A-1 through 9-A-4

Report from the Assistant City Manager/City Treasurer concerning the possibility of modifying water utility backflow device administration and associated penalty fees.

Staff Recommendation

Adopt Resolution No. 12-60 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING CERTAIN FEE SCHEDULES FOR THE WATER UTILITY DIVISION.

- B. **Centerline Striping of Resurfaced Streets** - Pages 9-B-1 through 9-B-4

Report from the Public Works Director/City Engineer concerning the possibility of deleting centerline striping of resurfaced streets.

Staff Recommendation

Direct Staff to consider the deletion of existing centerlines during street maintenance and repair projects unless a majority of residents who respond on a specific street are opposed to the change or if Staff believes that existing centerlines (or portions thereof) are needed for safety.

- C. **State Water Resources Control Board Finance Agreement for State Revolving Fund Loan for City's Recycled Water System Expansion Project** - Page 9-C-1

Report from the Public Works Director/City Engineer concerning the State Water Resources Control Board Finance Agreement for the State Revolving Fund Loan for the City's Recycled Water System Expansion Project.

Staff Recommendation

The Administrative Report and Staff Recommendation will be provided to Council in a supplemental packet by Friday, November 2, 2012.

10. **Oral Communications (Part 2).** Members of the audience who wish to address Council on matters that are within the jurisdiction of the City of San Clemente, but not separately listed on the agenda, may do so during the Oral Communications portion of the meeting. When the Mayor calls your name, please step to the podium, state your name and the City in which you reside, and make a presentation not to exceed three minutes. Subject to very limited exceptions, Council is not permitted to discuss or take action on items that do not appear on the agenda.

11. **Reports.**

- A. **Commissions and Committees**
- B. **City Manager**
- C. **City Attorney**
- D. **Council Members**

12. **Resolutions/Ordinances.**

- A. **Ordinance No. 1560 (Second Reading) - Curb, Gutter and Sidewalk Construction and Repair and Maintenance of Public Property Abutting Private Property** - Pages 12-A-1 through 12-A-5

Adopt Ordinance No. 1560 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TO AMEND MUNICIPAL CODE CHAPTERS 12.08 AND 12.24. This ordinance would modify the Code of the City of San Clemente related to curb, gutter, and sidewalk construction and maintenance and repair of public property abutting private property.

13. **Adjournment.**

Adjourn to an Adjourned Regular Meeting to be held on November 13, 2012 at 6:00 p.m. at Casa Romantica, located at 415 Avenida Granada, San Clemente, California, for the purpose of meeting in Joint Session with the General Plan Advisory Committee.

A subsequent Adjourned Regular Council Meeting to be held on Tuesday, November 27, 2012 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be discussed at 5:00 p.m. The General Session will commence at 6:00 p.m.

NOTE: Council previously rescheduled its Regular Meeting of November 20, 2012 to November 27, 2012.

CITY COUNCIL MEETING PROCEDURES

PRESENTATION OF WRITTEN MATERIALS TO COUNCIL

In order to ensure that Councilmembers have adequate time to consider written materials concerning agenda items, it is strongly recommended that such materials be submitted to the City Clerk by noon the date preceding the Council meeting.

MEETINGS RECORDED AND TELEVISED

City Council meetings are broadcast live and are replayed periodically on Cox Communications Local Access Channel 30 (or Channel 854 for high-definition televisions). Meetings are also recorded via audio CD and DVD and retained as a City record in accordance with the City's records retention schedule.

LENGTH OF MEETINGS

At 11:00 p.m., the City Council will determine which of the remaining agenda items can be considered and acted upon at this meeting and will continue all other agenda items to a future meeting.

AMERICANS WITH DISABILITIES ACT

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification or accommodation from the City Clerk at (949) 361-8200. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

COMMUNICATION DEVICES

To minimize meeting distractions and sound system interference, please be sure all personal communication devices are turned off or on silent mode.

MEETING SCHEDULE

Regular Council Meetings are held on the first and third Tuesdays of each month in the Council Chambers, located at 100 Avenida Presidio, San Clemente. Closed Session items are considered at 5:00 p.m. and the Business Meeting begins at 6:00 p.m. Additional meetings of the City Council may be called as needed.

AGENDAS, ADMINISTRATIVE REPORTS AND SUPPLEMENTAL WRITTEN MATERIALS

Agendas and Administrative Reports are available for review and/or copying at the City Clerk's Office as soon as agendas are posted (a minimum of 72 hours prior to the meeting). Agendas and Administrative Reports can also be viewed at the San Clemente Library, located at 242 Avenida Del Mar, or by accessing the City's website at www.san-clemente.org. An "Inspection Copy" of agenda materials is also located at the entrance to the Council Chambers during meetings for public review. All written material distributed to a majority of the Council after the original agenda packet was distributed is available for public inspection in the City Clerk's Office, located at 100 Avenida Presidio, San Clemente, during normal business hours.

The City Clerk's Office also offers an agenda packet subscription service free of charge. If you wish to receive email copies of City Council agendas, which include hyperlinks to staff reports and other back-up material, please send an email to cityclerk@san-clemente.org or call 949-361-8200.