



REVISED AGENDA*

CITY OF SAN CLEMENTE

REGULAR CITY COUNCIL

MEETING AGENDA

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

December 4, 2012
5:00 p.m. - Closed Session
6:00 p.m. - Business Meeting

** This Revised Agenda replaces the agenda for the City Council Meeting of December 4, 2012 that was posted on November 27, 2012. This Revised Agenda includes a new Closed Session Item B. The new language is included on Page 2 of this agenda in italicized type.*

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. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, pursuant to Government Code Section 54956.9(a):

Daniel Walker as Trustee for the 1997 Walker Family Trust v. City of San Clemente, Orange County Superior Court Case No. 30-2012-00591239-CU-WM-CJC

- B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(b): One potential case

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION - Rev. Dr. Paula A. Ferris, St. Andrews by the Sea United Methodist Community of Faith

PLEDGE OF ALLEGIANCE

ROLL CALL

- A. **APPROVAL OF MINUTES**

- (1) **City Council Minutes**

Approve the minutes of the Joint City Council/General Plan Advisory Committee Meeting of November 13, 2012.

B. **ELECTION RESULTS, ADMINISTRATION OF OATH OF ALLEGIANCE, AND ELECTION OF MAYOR AND MAYOR PRO TEMPORE**

(1) **Results of the General Municipal Election Held on November 6, 2012**

Staff Recommendation

Adopt Resolution No. 12-61 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD NOVEMBER 6, 2012, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW.

(2) **Oath of Allegiance - Newly-Elected City Clerk and City Treasurer**

Administration of the Oath of Allegiance to City Clerk-Elect Joanne Baade and City Treasurer-Elect Pall Gudgeirsson.

(3) **Oath of Allegiance - Newly-Elected Councilmembers**

Administration of the Oath of Allegiance to Councilmembers-Elect Bob Baker and Chris Hamm.

(4) **Election of Mayor and Mayor Pro Tempore**

The City Clerk will conduct the election for Mayor. The newly elected Mayor will then assume the Mayor's seat and will conduct the election for Mayor Pro Tempore.

1. **Special Presentations.**

A. **Holiday Serenade - San Clemente High School Madrigals**

Holiday serenade by the San Clemente High School Madrigals, under the direction of Tiffany Fernandez.

B. **Certificates of Recognition - Red Ribbon Week Celebration**

Presentation of Certificates of Recognition to Red Ribbon Week Celebration Sponsors in appreciation of their valuable contributions to the celebration.

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**

This agenda item will be considered immediately following Roll Call so that the 2012 City Council can approve the minutes from November 13, 2012 meeting.

 - B. Receive and file:
 - (1) Zoning Administrator Adjourned Regular Meeting minutes of November 20, 2012.

 - (2) Planning Commission Adjourned Regular Meeting minutes of November 15, 2012 and November 20, 2012.

C. **Warrant Register**

Approve Handwrite No. 504653
and Warrant Nos. 504523 through 504652,
for the period 11-12-12 through 11-16-12,
in the amount of\$ 1,391,097.89

D. **Contract Award - Crossing Guard Services** - Pages 6-D-1 through 6-D-5

Approve, and authorize the Mayor to execute, Contract C06-40, by and between the City of San Clemente and All City Management Services, Inc., providing for crossing guard services, in an amount not to exceed \$101,000.

E. **Fiscal Year 2011-2012 Measure M2 Expenditure Report** - Pages 6-E-1 through 6-E-8

Adopt Resolution No. 12-62 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TO ADOPT THE FISCAL YEAR 2011-2012 MEASURE M2 EXPENDITURE REPORT FOR THE CITY OF SAN CLEMENTE.

F. **Avenida Vaquero Storm Drain Replacement and Easement Agreement for Camino De Los Mares/Avenida Vaquero Storm Drain Upgrade** - Pages 6-F-1 through 6-F-20

1. Approve, and authorize the Mayor to execute, the Avenida Vaquero Storm Drain Replacement and Easement Agreement, by and between the City of San Clemente, and GC8, a joint venture of LHC Investments, LLC, and James and Suzan Wu (Shorecliffs Golf Course) for the Camino De Los Mares/Avenida Vaquero Storm Drain Upgrade, Project No. 16001.
2. Authorize payment of \$7,500 to Staff to pay GC8, a joint venture of LHC Investments, LLC, and James and Suzan Wu, for granting this easement and the grantor's attorney review fees.

G. **Contract Amendment - Communications Site Lease Agreement (2916½ Via San Gorgonio)** - Pages 6-G-1 through 6-G-6

Approve, and authorize the Mayor to execute, the First Amendment to Communications Site Facility Lease, by and between the City of San Clemente and Los Angeles SMSA Limited Partnership, dba Verizon Wireless, for the installation of back-up generators at a cellular site located at 2916½ Via San Gorgonio. (Contract C11-23)

- H. **State-Mandated Disability Access and Education Fee for Business Licenses** - Pages 6-H-1 through 6-H-3

Adopt Resolution No. 12-63 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DIRECTING THE COLLECTION OF THE STATE MANDATED DISABILITY ACCESS AND EDUCATION FEE FOR BUSINESS LICENSE APPLICATIONS.

- I. **Parking Standards for Group Instructional Uses** - Pages 6-I-1

Direct Staff to improve parking requirements when the Zoning Ordinance is updated.

- J. **Settlement Agreement and Mutual Release Related to the Construction of the Downtown Fire Station and Senior Center** - Pages 6-J-1 through 6-J-13

1. Approve, and authorize the Mayor to execute, the Settlement Agreement and Mutual Release, by and between the City of San Clemente and Fidelity and Deposit Company of Maryland, related to the construction of the Downtown Fire Station and Senior Center.
2. Authorize Staff to release the final construction payment held in retention in accordance with the Settlement Agreement.

- K. **Contract Award - SCADA Support and Maintenance Services** - Pages 6-K-1 through 6-K-7

Approve, and authorize the Mayor to execute, Contract C12-51, by and between the City of San Clemente and AppIT, LLC, providing for on-call support and maintenance services for the City's SCADA System, in an amount not to exceed \$125,000 for a 24-month period.

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. **Mitigated Negative Declaration (MND) for the Avenida Columbo Storm Drain Extension Project** - Pages 7-A-1 through 7-A-100

Public Hearing to consider a proposal to extend the existing 24" High Density Polyethylene (HDPE) storm drain line by connecting a new, above-ground 24" HDPE pipe. The new pipe will extend approximately 175 feet from the existing pipe to the bottom of the canyon. The project site is located in the southeast portion of the City of San Clemente at the end of the Avenida Columbo cul-de-sac. The nearest cross street is Avenida Salvador.

Staff Recommendation

Adopt Resolution No. 12-64 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE MITIGATED NEGATIVE DECLARATION FOR THE AVENIDA COLUMBO STORM DRAIN EXTENSION PROJECT NO. 18005.

8. **Unfinished Business.**

None.

9. **New Business.**A. **Contract Award - Recycled Water System Expansion Projects** - Pages 9-A-1 through 9-A-11

Report from the Public Works Director/City Engineer concerning the possibility of awarding contracts for the Recycled Water System Expansion Projects.

Staff Recommendation

1. Approve the plans and specifications for the Recycled Water System Expansion, Water Reclamation Plant and Pump Station, Project No. 18201A, Cordillera Water and Recycled Water Reservoirs and Bella Collina Towne & Golf Club Meter, Project No. 18201B, Pipeline Schedule III, Project No. 18201E, and Pipeline Schedule IV, Project No. 18201F, Pipeline Schedule I, Project No. 18201C and Pipeline Schedule II & Pressure Reducing Station, Project No. 18201D.
2. Approve a supplemental appropriation in the amount of \$609,000 from the Sewer Fund Connection Fee Reserve to Account 054-477-45300-000-18201.
3. Find the HPS Mechanical, Inc., bid proposal to be non-responsive due to missing bid form pages for the Recycled Water System Expansion, Cordillera Water and Recycled Water Reservoirs and Bella Collina Towne & Golf Club Meter, Project No. 18201B, Pipeline Schedule III, Project No. 18201E, and Pipeline Schedule IV, Project No. 18201F.
4. Waive minor irregularities in the Colich & Sons, L.P., bid for the Recycled Water System Expansion, Pipeline Schedule I, Project No. 18201C, and Pipeline Schedule II & Pressure Reducing Station, Project No. 18201D.
5. Waive minor bid irregularity claimed by Stanek Construction for the Recycled Water System Expansion, Water Reclamation Plant and Pump Station, Project No. 18201A.
6. Approve, and authorize the Mayor to execute, Contract C12-52, by and between the City of San Clemente and Gateway Pacific Contractors, Inc., providing for the construction of the Recycled Water System Expansion, Water Reclamation Plant and Pump Station, Project No. 18201A, in the amount of \$7,579,932.

(Staff Recommendation continued on the next page)

7. Approve, and authorize the Mayor to execute, Contract C12-53, by and between the City of San Clemente and Canyon Springs Enterprises, dba RSH Construction, providing for the construction of the Recycled Water System Expansion, Cordillera Water and Recycled Water Reservoirs and Bella Collina Towne & Golf Club Meter, Project No. 18201B, Pipeline Schedule III, Project No. 18201E, and Pipeline Schedule IV, Project No. 18201F, in the amount of \$4,227,000.
8. Approve, and authorize the Mayor to execute, Contract C12-54, by and between the City of San Clemente and Colich & Sons, L.P., providing for the construction of the Recycled Water System Expansion, Pipeline Schedule I, Project No. 18201C, and Pipeline Schedule II & Pressure Reducing Station, Project No. 18201D, in the amount of \$6,546,637.

B. **Beach, Park and Landscape Maintenance Contracts** - Pages 9-B-1 through 9-B-5

Report from the Beaches, Parks and Recreation Director regarding whether to extend current beach, park and landscape maintenance contracts or to rebid all, or a portion thereof, of the subject contracts.

Staff Recommendation

Direct Staff to:

Negotiate extensions of all current maintenance contracts scheduled to end on June 30, 2013, with the exception of the Beach Trail Fence Repair and Playground Maintenance contracts, as they need to be re-bid as Public Works Contracts. Staff will return to the City Council to award contracts.

OR

Re-bid all current maintenance contracts.

OR

Re-bid particular maintenance contracts and extend the remaining maintenance contracts.

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**

(1) **Appointment of a New City Manager**- Pages 11-B(1)-1

Report from the City Manager concerning the appointment of a new City Manager.

Staff Recommendation

Declare intent to appoint Pall Gudgeirsson as City Manager upon George Scarborough's retirement on March 20, 2013.

C. **City Attorney**

D. **Council Members**

12. **Resolutions/Ordinances.**

None.

13. **Adjournment.**

The next Regular Council Meeting will be held on Tuesday, December 18, 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.

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.