



# 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](http://www.san-clemente.org)

October 7, 2014  
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.*

**5:00 P.M. CLOSED SESSION**

- A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, pursuant to Government Code Section 54956.8:

Property: Vista Hermosa Sports Park, 987 Avenida Vista Hermosa, San Clemente

Agency Negotiator: James Makshanoff, City Manager

Negotiating Parties: City of San Clemente and Surf N' Turf Paradiso, LLC

Under Negotiation: Price and terms of payment

- B. Capistrano Shores, Inc. v. City of San Clemente:

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

Capistrano Shores Inc. v. City of San Clemente (OCSC No. 30-2014-00708545-CU-WM-CXC)

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

Capistrano Shores Inc. v. City of San Clemente (OCSC No. 30-2014-00709987-CU-EI-CXC)

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

Capistrano Shores Inc. v. City of San Clemente (OCSC No. 30-2014-00726889)

**6:00 P.M. BUSINESS MEETING**

**CALL TO ORDER**

**INVOCATION – David Keehn, Chaplain, Orange County Fire Authority  
(Battalion 6)**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**SPECIAL PRESENTATIONS**

**A. Proclamation - Purple Heart Cities**

Presentation of Proclamation to Orange County Supervisor Pat Bates setting aside November 2014 as Purple Heart Month.

**B. Certificate of Recognition - Condor Squadron**

Presentation of a Certificate of Recognition to Chris Rushing, on behalf of the Condor Squadron, in appreciation of the Condor Squadron's 4<sup>th</sup> of July flyover of Orange County Coastal Cities.

**C. Saddleback Memorial Hospital – San Clemente Campus**

Presentations concerning the potential closure of the San Clemente campus of Saddleback Memorial Hospital.

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**

(1) [Approve the minutes of the Joint Council, Commissions, and Committee Meeting of September 9, 2014.](#)

(2) [Approve the Regular City Council meeting minutes of September 2, 2014.](#)

B. **Receive and file:**

(1) [Zoning Administrator Adjourned Regular Meeting minutes of September 18, 2014.](#)

(2) [Planning Commission Regular Study Session minutes of September 17, 2014.](#)

(3) [Planning Commission Regular Meeting Minutes of September 17, 2014.](#)

C. **Warrant Register**

[Warrant Nos. 519024 through 519147, paid on 9/12/14, in the amount of](#).....\$ 539,403.61

[Approve Wire Transfers Nos. 1304 through 1308, paid on 9/19/14, and Warrant Nos. 519148 through 519308, paid on 9/19/14, in the amount of](#).....\$1,207,865.82

[Warrant Nos. 519309 through 519505, paid on 9/26/14, in the amount of](#).....\$1,820,308.18

TOTAL WARRANT REGISTER.....\$3,567,577.61

**Payroll Register**

Approve Warrant Nos. 333 through 335 and Automatic Deposit Advises 18628 through 19005 for the period 9/1/14 through 9/14/14, paid on 9/19/14, in the amount of.....\$ 473,599.62

TOTAL PAYROLL REGISTER.....\$ 473,599.62

D. **Supplemental Funding for Street Lights in the Calle Valle/Los Molinos Utility Undergrounding District** Pages 6-1-D through 6-D-2

Staff Recommendation

Approve a supplemental appropriation of \$25,000 from the General Fund Unassigned Fund Balance to the Los Molinos Street Lights Project Account (001-416-45300-000-14324), to fund new street lights in the Los Molinos area.

E. **Contract Award – Recycled Water Retrofits** Pages 6-E-1 through 6-E-4

Staff Recommendation

1. Approve the plans and specifications for the City of San Clemente Recycled Water Retrofits, Project No. 13111.
2. Approve, and authorize the Mayor to execute, Contract C14-39 by and between the City of San Clemente and Midori Landscape, Inc. providing for Recycled Water Retrofits, in the amount of \$92,210.

F. **Contract Change Order No. 2 – Emergency Repair and Replacement of Traffic Signal Cabinets at Avenida Pico and Avenida Presidio/Calle Frontera** Pages 6-F-1 through 6-F-9

Staff Recommendation

1. Ratify the City Manager’s determination that an emergency condition existed at Avenida Pico and Avenida Presidio/Calle Frontera due to the damage done to the existing controller cabinets on August 9, 2014. (Project No. 10811)
2. Approve a supplemental appropriation of \$95,000 from the undesignated fund balance to Account 014-817-45300-000-10811, Equipment Replacement of Traffic Signal Cabinets/Electrical Services Reserve Fund from the Capital Equipment Replacement Reserve Fund.
3. Ratify Change Order No. 2 to Contract C13-35, approved by the City Manager with Dynalectric in the amount of \$90,000 to repair and replace the existing traffic signal cabinets and equipment.

- G. **Contract Award – FY 2015 Slurry Seal Program** Pages 6-G-1 through 6-G-13

Staff Recommendation

1. Approve the plans and specifications for the FY 2015 Slurry Seal Program, Project No. 27304.
2. Approve, and authorize the Mayor to execute, Contract C14-40 by and between the City of San Clemente and American Asphalt South, Inc., providing for the FY 2015 Slurry Seal Program, in the amount of \$161,782.62.
3. Authorize the Public Works Director to negotiate and execute a contract change order for cracksealing on the streets listed on Attachment 1 to the Administrative Report, dated October 7, 2014, to the extent any surplus contingency funds permit while staying within the approved project budget.

- H. **Contract Award – FY 2015 Major Street Maintenance for Calle Amigo, Calle Descanso, Calle Sorpreso, Calle Macho, Calle Amable, Calle Brisa, Calle Contenta, Calle Dulce, Calle Embocadura and Calle Corral** Pages 6-H-1 through 6-H-13

Staff Recommendation

1. Approve the specifications for the FY 2015 Major Street Maintenance for Calle Amigo, Calle Descanso, Calle Sorpreso, Calle Macho, Calle Amable, Calle Brisa, Calle Contenta, Calle Dulce, Calle Embocadura and Calle Corral, Project No. 25301.
2. Approve, and authorize the Mayor to execute, Contract C14-41 by and between the City of San Clemente and R.J. Noble Company, providing for Major Street Maintenance for Calle Amigo, Calle Descanso, Calle Sorpreso, Calle Macho, Calle Amable, Calle Brisa, Calle Contenta, Calle Dulce, Calle Embocadura and Calle Corral, in the amount of \$455,604.60.

I. [Parking Prohibition – Avenida De La Estrella](#) Pages 6-I-1 through 6-I-6

Planning Commission and Staff Recommendation

1. Approve prohibiting parking on the south side of Avenida De La Estrella, at the alternate driveway serving the 500 block of El Camino Real businesses for 20 feet northwesterly.
2. Adopt Resolution No. 14-42 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING 'NO PARKING AREAS' ON AVENIDA DE LA ESTRELLA.

J. [Utility Agreements and Easements – Avenida Vista Hermosa Interchange](#) Pages 6-J-1 through 6-J-33

Staff Recommendation

1. Approve, and authorize the Mayor to execute, Joint Use Agreement No. 101916-1 by and between the City of San Clemente and Pacific Bell Telephone Company (dba AT&T California).
2. Approve, and authorize the Mayor to execute, the Consent to Common Use Agreement No. 101910-1 by and between the City of San Clemente and Pacific Bell Telephone Company (dba AT&T California).
3. Approve, and authorize the Mayor to execute, two communications easements to Pacific Bell Telephone Company (doing business as AT&T California).
4. Authorize the City Clerk to record the subject agreements and easements with the County of Orange Clerk-Recorder.

K. **Notice of Completion - Water Reclamation Plant Odor Control Improvements** Pages 6-K-1 through 6-K-4

Staff Recommendation

1. Accept the Water Reclamation Plant Odor Control Improvements, Project No. 18604, from the contractor, Newest Construction Company, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Water Reclamation Plant Odor Control Improvements, Project No. 18604. Contract C13-24
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 Newest Construction Company, Inc.
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.

L. **M2 Grant Extension Request - Traffic Signal Synchronization Projects for Avenida Pico and El Camino Real Corridors** Pages 6-L-1 through 6-L-4

Staff Recommendation

Authorize the Public Works Director to forward a request to the Orange County Transportation Authority (OCTA) for a 12-month extension of Measure M2 Regional Traffic Signal Synchronization Program (Project P) funding for the signal synchronization projects of Avenida Pico and El Camino Real Corridors.



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. [2013-14 Consolidated Annual Performance Evaluation Report \(CAPER\) for Expenditure of Community Development Block Grant Funds](#) Pages 7-A-1 through 7-A-27

Public Hearing to consider adopting the 2013-14 Consolidated Annual Performance Evaluation Report (CAPER) for Expenditure of Community Development Block Grant Funds.

Staff Recommendation

Approve and adopt the 2013-14 Consolidated Annual Performance Evaluation Report (CAPER) for submittal to the Department of Housing and Urban Development.

8. **Unfinished Business.**

None.

9. **New Business.**

- A. [Property Assessed Clean Energy \(PACE\) Financing Programs](#) Pages 9-A-1 through 9-A-41

Report from the Public Works Director concerning the possibility of the City joining two Property Assessed Clean Energy (PACE) financing programs.

Staff Recommendation

1. Adopt Resolution No. 14-43 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE CITY OF SAN CLEMENTE TO JOIN THE CALIFORNIAFIRST PROGRAM; AUTHORIZING THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT CONTRACTUAL ASSESSMENT PROCEEDINGS AND LEVY CONTRACTUAL ASSESSMENTS WITHIN THE INCORPORATED TERRITORY OF THE CITY; AND AUTHORIZING RELATED ACTIONS.

*Recommendation continued on following page*

2. Adopt Resolution No. 14-44 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE CITY'S JURISDICTION IN THE CALIFORNIA HERO PROGRAM TO FINANCE DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES, ENERGY AND WATER EFFICIENCY IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND APPROVING THE AMENDMENT TO A CERTAIN JOINT POWERS AGREEMENT RELATED THERETO TO PERMIT THE HERO PROGRAM SERVICES WITHIN THE CITY OF SAN CLEMENTE.
  3. Authorize the City Manager to execute Participation Agreements or related documents, and to approve such actions as are necessary to allow implementation of the CaliforniaFIRST and California HERO programs provided that such agreements and actions do not require expenditure of City funds.
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.**
- None.
13. **Adjournment.**

The next Regular Council Meeting will be held on October 21, 2014 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be considered at 5:00 p.m. The Regular Business Meeting 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.

### **USE OF ELECTRONIC VISUAL AIDS BY PUBLIC AT MEETINGS**

To allow staff adequate time to confirm software compatibility, individuals wishing to utilize electronic visual aids to supplement their oral presentations at the meeting, must submit the electronic files to the City Clerk by no later than 12:00 p.m. on the day of the meeting. Only compatible electronic formats will be permitted to be used on City audio/visual computer equipment. Staff makes no guarantee that such material will be compatible, but will use its best efforts to accommodate the request.

### **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 Department 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](http://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 Department, located at 100 Avenida Presidio, San Clemente, during normal business hours.

The City Clerk's Department 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](mailto:cityclerk@san-clemente.org) or call 949-361-8200.

This agenda is subject to amendment up to 72 hours prior to the meeting.