



AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING

Meeting Date: July 7, 2020

Agenda Item 9B

Approvals:

City Manager ES

Dept. Head OB

Attorney _____

Finance _____

Department: Public Works
Prepared By: Tom Bonigut, Public Works Director/City Engineer

Subject: *REPEAL CHAPTER 15.64 OF THE SAN CLEMENTE MUNICIPAL CODE CONCERNING THE AVENIDA LA PATA SUPPLEMENTARY ROAD FEE PROGRAM.*

Fiscal Impact: None.

Summary: This report recommends City Council approval to formally end the Avenida La Pata Supplementary Road Fee program and repeal Chapter 15.64 of the City's Municipal Code which authorized this program.

Discussion: -- In March 1992, the City Council adopted Ordinance No. 1079 which established the Avenida La Pata Supplementary Road Fee Program. The purpose of this program was to establish a mechanism for assessing new development its pro rata fair share of the cost of constructing Avenida La Pata between the City limits and the Ortega Highway in order to mitigate the traffic impacts caused by new development within certain identified benefit zones in the Talega area. The Avenida La Pata Supplementary Road Fee was needed to supplement funding from the City's Regional Circulation Financing and Phasing Program (RCFPP), which by itself would not have been sufficient to finance construction of this portion of Avenida La Pata.

At that time the Talega area was known as the Rolling Hills/Champion Hills development within unincorporated Orange County. Therefore, the County of Orange adopted the City's RCFPP program and also adopted its companion fee program for Avenida La Pata to be able to levy fees to finance construction of Avenida La Pata prior to this area being annexed into the City of San Clemente. The City then collected fees on new development and routinely transmitted collected funds to the County. As the City Council is aware, construction of the final segment of Avenida La Pata was completed in late 2018, and the County has since confirmed that the City has fulfilled its financing obligation for construction of Avenida La Pata. Therefore, having served and fulfilled its intended purpose, the Avenida La Pata Supplementary Road Fee Program is no longer needed. Staff has confirmed that the City has not collected any La Pata road construction fees since the roadway was completed.

On August 11, 2020, the Orange County Board of Supervisors is expected to authorize the closure of the Avenida La Pata Supplementary Road Fee Program and formally conclude its participation in the City's RCFPP. Staff recommends that the City Council similarly end its Avenida La Pata Supplementary Road Fee Program by repealing Chapter 15.64 of the City's Municipal Code.

Recommended

Action: STAFF RECOMMENDS THAT the City Council approve and adopt Ordinance No. _____ titled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TO END THE AVENIDA LA PATA SUPPLEMENTARY ROAD FEE PROGRAM AND REPEAL CHAPTER 15.64 OF THE SAN CLEMENTE MUNICIPAL CODE."

Attachment: Proposed Ordinance.

Notification: None.

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ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF SAN CLEMENTE, CALIFORNIA, TO END
THE AVENIDA LA PATA SUPPLEMENTARY ROAD
FEE PROGRAM AND REPEAL CHAPTER 15.64 OF
THE SAN CLEMENTE MUNICIPAL CODE**

WHEREAS, on March 18, 1992, the City Council approved and adopted Ordinance No. 1079 which established the Avenida La Pata Supplementary Fee Program; and

WHEREAS, the purpose of the Avenida La Pata Supplementary Fee Program was to establish a mechanism for assessing new development its pro rata fair share of the cost of constructing Avenida La Pata between the City limits and the Ortega Highway in order to mitigate the traffic impacts caused by new development within certain identified benefit zones; and

WHEREAS, per the Notice of Completion of Work recorded on December 7, 2018, the Avenida La Pata Avenue Gap Closure/Widening improvement was completed by Sukut Construction, LLC on November 5, 2018; and

WHEREAS, both the City and the County territories within the Avenida La Pata Supplementary Road Fee Program Area of Benefit are substantially built-out and no significant future revenue is anticipated to be collected; and

WHEREAS, on September 3, 2019, the City Council authorized a final payment of \$364,922 to the County of Orange to fulfill the City's remaining funding obligation for construction of the Avenida La Pata Avenue Gap Closure/Widening improvement; and

WHEREAS, any and all Avenida La Pata Supplementary Road Fee Program reimbursement agreements shall be considered null and void; and

WHEREAS, this action to end the Avenida La Pata Supplementary Road Fee Program is not a project within the meaning of CEQA Guidelines Section 15378 and is therefore not subject to CEQA, since it does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

NOW, THEREFORE, the City Council of the City of San Clemente, California, hereby ordains as follows:

Section 1: That the Avenida La Pata Supplementary Road Fee Program, having served and fulfilled its purpose to finance construction of Avenida La Pata, is hereby ended and closed.

Section 2: Chapter 15.64 of the Municipal Code of the City of San Clemente titled "Avenida La Pata Supplementary Road Fee Program," is hereby repealed in its entirety.

Section 3: The City of San Clemente supports similar action by the County of Orange to end the Avenida La Pata Supplementary Road Fee Program and conclude the County's participation in the City's Regional Circulation Financing and Phasing Program.

Section 4. The City Clerk shall certify to the passage of this ordinance and cause the same to be published as required by law, and the same shall take effect as provided by law.

APPROVED AND ADOPTED this _____ day of _____, 2020.

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of San
Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF SAN CLEMENTE)

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, hereby certify that Ordinance No. _____ having been regularly introduced at the meeting of _____, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the _____ day of _____, 2020, and said ordinance was adopted by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this _____ day of _____, 2020.

CITY CLERK of the City of
San Clemente, California

APPROVED AS TO FORM:

CITY ATTORNEY