



CITY OF SAN CLEMENTE

SPECIAL CITY COUNCIL MEETING AGENDA

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

June 17, 2014
3:00 P.M. – Commission/
Committee Interviews
and Appointments
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.

3:00 P.M. Interviews/Appointments – City Commissions and Committees (Beaches, Parks and Recreation Commission, Human Affairs Committee, and Investment Advisory Committee)

Staff Recommendation

1. Interview candidates for the Beaches, Parks and Recreation Commission and appoint three citizens to fill vacancies on the Commission for terms to expire June 30, 2016.
2. Interview candidates for the Human Affairs Committee and appoint three citizens to fill vacancies on the Committee for terms to expire June 30, 2016, and appoint one citizen to fill an unexpired term to expire on June 30, 2015.
3. Appoint one individual (City residency not required) to fill an industry specialist vacancy on the Investment Advisory Committee for a term to expire June 30, 2016.

5:00 P.M. CLOSED SESSION

- A. 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)

- B. 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)

C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

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

Callan, et al. v. Marlborough Seaview Estates Homeowners Association, et al., OCSC Case No. 01CC07556 (consolidated with Case No. 01CC15381)

6:00 P.M. BUSINESS MEETING

CALL TO ORDER

INVOCATION – Gregory Stapley, The Church of Jesus Christ of Latter-day Saints

PLEDGE OF ALLEGIANCE

ROLL CALL

1. **Special Presentations.**

A. **San Clemente High School**

A. Report from Matt Garritson and Gabby Meyer, student representatives of San Clemente High School, concerning campus activities.

B. Presentation of Certificates of Recognition to Gabby Meyer and Matt Garritson in appreciation for providing San Clemente High School updates on campus activities for the 2013/14 school year.

B. **Certificates of Recognition – Jeane McPhee and Mike Conlon, San Clemente High School Faculty**

Presentation of Certificates of Recognition to San Clemente High School Faculty members Jeane McPhee and Mike Conlon in appreciation for outstanding instruction, support, and guidance to the students of San Clemente High School and wishing them continued success and happiness in their retirement years.

C. **Mothers Against Drunk Driving (MADD) Awards**

Presentation of an award by Tiffany Townson, of Orange County MADD, to San Clemente Sheriff's Deputy Aaron Schulte for his achievement in making 26 DUI arrests in 2013.

D. **Certificate of Recognition – Associate Planner Sean Nicholas**

Presentation of a Certificate of Recognition to Sean Nicholas, Associate Planner, who was recognized by the American Planning Association for becoming one of five Planners in the county that passed the distinguished American Institute of Certified Planners (AICP) exam.

E. **Human Affairs Committee Annual Report** Pages 1-E-1 through 1-E-3

Report from Kay Childs, Chair of the Human Affairs Committee, concerning Human Affairs Committee activities for the period of July 1, 2013 through June 30, 2014.

F. **Human Relations Leadership Award – Kevin Mariano**

Presentation of the 2014 Human Relations Leadership Award to Kevin Mariano.

G. **Certificate of Recognition – Ethan Gacek - San Clemente High School Scholar of Scholars**

Presentation of a Certificate of Recognition to Ethan Gacek, San Clemente High School's Scholar of Scholars.

H. **Certificate of Recognition - Mason Delahook -Triton of Tritons**

Presentation of a Certificate of Recognition to Mason Delahook, San Clemente High School's Triton of Tritons.

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**

None.

B. Receive and file:

- (1) Planning Commission Adjourned Regular Meeting Minutes of May 28, 2014.
- (2) Zoning Administrator Regular Meeting Minutes of June 4, 2014.
- (3) Planning Commission Study Session Meeting Minutes of June 4, 2014.
- (4) Planning Commission Regular Meeting Minutes of June 4, 2014.

C. **Warrant Register**

Approve Wire Transfer Nos. 1262 through 1266,
 paid on 5/30/14; approve Warrant Nos. 516614
 through 516734, paid on 5/30/14;
 in the amount of.....\$2,405,831.05

Approve Warrant Nos. 516735 through 516875,
 paid on 6/6/14; in the amount of.....\$1,862,134.99

TOTAL WARRANT REGISTER.....\$4,267,966.04

Payroll Register

Approve Warrant Nos. 305 through 308, and Automatic Deposit Advises 15235 through 15542 for the period of 4/14/14 through 4/27/14, paid on 5/2/14, in the amount of.....\$ 416,437.83

Approve Warrant Nos. 315 through 316, and Automatic Deposit Advises 15869 through 16192 for the period of 5/12/14 through 5/25/14, paid on 5/30/14, in the amount of.....\$ 426,192.40

TOTAL PAYROLL REGISTER.....\$ 842,630.23

D. **Contract Award - Fleet Services** Pages 6-D-1 through 6-D-24

Staff Recommendation

1. Approve and authorize the contracting of Fleet Maintenance Services to First Vehicle Services.
2. Approve, and authorize the Mayor to execute, Contract No. C14-22 by and between the City of San Clemente and First Vehicle Services, Inc., to provide Fleet Maintenance services, in an amount not to exceed \$485,000.

E. **Revised Resolutions to Call the General Municipal Election for November 4, 2014 and to Request Consolidation with the Statewide General Election** Pages 6-E-1 through 6-E-7

Staff Recommendation

1. Adopt Resolution No.14-19 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2014, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES, AND REPEALING RESOLUTION NO. 14-14.
2. Adopt Resolution No. 14-20 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 4, 2014, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE, AND REPEALING RESOLUTION NO. 14-15.

F. **Contract Award – Marblehead Coastal Construction Inspection Services FY 2015** Page 6-F-1

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract No. C14-21 by and between the City of San Clemente and Anderson Penna, to provide construction inspection services for the Marblehead Coastal Development project for FY 2015, in an amount not to exceed \$195,000.

G. **Renewed Measure M (M2) Annual Funding Eligibility – Fiscal Year 2014-2015** Pages 6-G-1 through 6-G-44

Staff Recommendation

1. Approve the Measure M2 Seven Year Capital Improvement Program for Fiscal Years 2014-2015 through 2020-2021.
2. Adopt Resolution No. 14-21 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CONCERNING THE STATUS OF THE CIRCULATION ELEMENT AND MITIGATION FEE PROGRAM FOR THE RENEWED MEASURE M (M2) PROGRAM.
3. Authorize the Public Works Director/City Engineer to submit Measure M2 funding eligibility requirements on behalf of the City of San Clemente to the Orange County Transportation Authority.

H. **Citizen Option for Public Safety Program (COPS)** Page 6-H-1

Staff Recommendation

Approve the use of COPS grant funds for a portion of one patrol deputy position for FY 2015.

I. **Code Compliance Funding and Organization** Pages 6-I-1 through 6-I-2

Staff Recommendation

Approve a supplemental appropriation in the amount of \$13,000 to the Clean Ocean Fun account #057-542-41030.

- J. **Establishing Appropriations Limit for Fiscal Year 2015** Pages 6-J-1 through 6-J-6

Staff Recommendation

1. Approve selection of the following annual adjustment factors:
 - a. Population increase for the County of Orange.
 - b. Increase in California per capita personal income.
2. Adopt Resolution No. 14-22, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING AN APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA CONSTITUTION.

- K. **Contract Award – San Clemente Beach Trail Crossings Safety and Audible Warning System, and Submittal of a Request to the Federal Railroad Administration for a Waiver of the Train Horn Rule** Pages 6-K-1 through 6-K-6

Staff Recommendation

1. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C13-11, by and between the City of San Clemente and the Orange County Transportation Authority (OCTA), providing for San Clemente Beach Trail Crossing Safety Enhancements and Audible Warning System. OCTA Contract #C-3-1528
2. Approve and authorize the City Manager to submit an application to the Federal Railroad Administration requesting a waiver of the Train Horn Rule.

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. **Water Rates** Pages 7-A-1 through 7-A-11

Public Hearing concerning the possibility of modifying the City's water rates.

Staff Recommendation

Introduce Ordinance No. 1583 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 13.04.220, SUBSECTIONS (A), (B), and (C) OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO WATER RATES.

B. **Sanitary Sewer Rates** Pages 7-B-1 through 7-B-5

Public Hearing relative to the possibility of modifying the City's sanitary sewer rates.

Staff Recommendation

Introduce Ordinance No. 1584 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 13.24.190, SUBSECTION (D) OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO SANITARY SEWER RATES.

8. **Unfinished Business.**

None.

9. **New Business.**

A. **Policy and Procedure 301-2-1 – City Owned Trees: Protection and Administration** Pages 9-A-1 through 9-A-7

Report from the Director of Beaches, Parks, and Recreation concerning the possibility of amending the City's Policy regarding removal, relocation or replacement of public trees.

Staff Recommendation

Direct staff to present the proposed change to the City Owned Trees; Protection and Administration Policy to the Golf Course Committee, Beaches, Parks and Recreation Commission and Planning Commission for recommendations and development of criteria and return to the City Council for action.

B. **Ole Hanson Beach Club Rehabilitation Scope and Bid Options** Pages 9-B-1 through 9-B-5

Report from the Director of Beaches, Parks, and Recreation concerning scope and bid options for the Ole Hanson Beach Club rehabilitation.

Staff Recommendation

Direct staff to proceed with bidding the approved scope of work for the rehabilitation of the Ole Hanson Beach Club.

C. **City of San Clemente Fiscal Year 2015 Budget Adoption** Pages 9-C-1 through 9-C-11

Report from the Assistant City Manager concerning adoption of the Fiscal Year 2015 City budget.

Staff Recommendation

1. Adopt Resolution No. 14-23 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING AND APPROVING THE BUDGET AT THE FUND LEVEL FOR THE CITY OF SAN CLEMENTE FOR THE 2015 FISCAL YEAR AND THE COMMITMENT OF FUND BALANCE.
2. Adopt Resolution No. 14-24 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A REVISED SALARY SCHEDULE AND NEW CLASSIFICATIONS AND AMENDING RESOLUTION NO. 13-28 AND ANY OTHER RESOLUTIONS IN CONFLICT THEREWITH.

D. **Contract Award – FY 2015 Police Services** Pages 9-D-1 through 9-D-47

Report from the Assistant City Manager concerning the Fiscal Year 2015 Police Services Contract.

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract No. 93-16 by and between the City of San Clemente and the County of Orange, providing for Police Services for FY 2015, in an amount not to exceed \$12,430,310.

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**

1. Consideration of providing amicus support for the City of Newport Beach's group home litigation. Pages 11-C-1 through 11-C-6

D. **Council Members**

1. Consideration of appointing a voting representative to the Metropolitan Water District of Southern California.

12. **Resolutions/Ordinances.**

A. **Ordinance No. 1581 (Second Reading) – Bike Riding on Mariposa Boardwalk** Pages 12-A-1 through 12-A-3

Staff Recommendation

Adopt Ordinance No. 1581 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 12.32.130 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO THE USE OF BICYCLES AND OTHER ACTIVITIES ON THE PIER, BEACH ACCESS ROAD AND BEACH TRAIL.

B. **Ordinance No. 1582 (Second Reading) - Fees for Sidewalk Waiver Applications and Appeals Fees** Pages 12-B-1 through 12-B-2

Staff Recommendation

Adopt Ordinance No. 1582 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SUBSECTION 12.08.020 OF THE SAN CLEMENTE MUNICIPAL CODE TO REQUIRE A SIDEWALK WAIVER APPLICATION FEE.

13. **Adjournment.**

Adjourn to an Adjourned Regular Meeting to be held on June 18, 2014 at 4:00 p.m. at the Community Development Building, Conference Room A, 910 Calle Negocio, San Clemente, for the purpose of conducting interviews and filling vacancies on City Commissions/Committees.

The next Regular Council Meeting will be held on July 1, 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. 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 or call 949-361-8200.