



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

June 5, 2014
4:30 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 (4:30 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 - 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)
- C. 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)
- D. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION – Badi Jeffers, Bahai Faith Community

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations.

A. San Clemente High School Report

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

B. Certificate of Recognition – Camp Pendleton Fire Department, CalFire, Orange County Fire Authority

Presentation of Certificates of Recognition to the Camp Pendleton Fire Department, CalFire, and the Orange County Fire Authority expressing the City's gratitude for their outstanding efforts in their air and ground attacks on the recent brush fires on Camp Pendleton and in San Diego County.

C. Certificate of Recognition - Deputy Jeremiah Prescott

Presentation of a Certificate of Recognition to Deputy Jeremiah Prescott in recognition of being awarded the Medal of Lifesaving by the Orange County Sheriff's Department for his meritorious efforts in saving the life of a critically injured motorist.

D. Certificate of Recognition – Ruth DeNault (2014 Wall of Recognition Recipient)

Presentation of a Certificate of Recognition to Ruth DeNault for being named to the 2014 Wall of Recognition.

E. Certificate of Recognition – Street Art Program

Presentation of Certificates of Recognition to Meghann and Frederic Nelson, Jason Kuncas, Josh Risch, Joan Gonzales, Audrey Miller and Dennis Ruble, in recognition of their artistic contributions to the Street Art Program.

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 the Regular City Council meeting minutes of May 6, 2014 and May 20, 2014 and the Adjourned Regular City Council Meeting of May 15, 2014.
 - B. Receive and file:
 - (1) Regular Zoning Administrator meeting minutes of May 21, 2014.
 - (2) Regular Planning Commission Study Session minutes of May 21, 2014.
 - (3) Regular Planning Commission meeting minutes of May 21, 2014.
 - (4) Regular Beaches, Parks and Recreation Commission meeting minutes of May 13, 2014.

C. **Warrant Register**

Approve Wire Transfer No. 1257 through 1260, paid on 5/16/14; approve Warrant Nos. 516207 through 516357, paid on 5/16/14, in the amount of.....\$1,632,748.82

Approve Handwrite No. 516358, paid on 5/19/14, Wire Transfer No. 1261, paid on 5/20/14, and Warrant Nos. 516359 through 516613, paid on 5/23/14, in the amount of.....\$4,289,978.43

TOTAL WARRANT REGISTER.....\$5,922,727.25

Payroll Register

Approve Warrant Nos. 309 through 314, and Automatic Deposit Advises 15543 through 15868 for the period of 4/28/14 through 5/11/14, paid on 5/16/14, in the amount of.....\$ 419,666.39

TOTAL PAYROLL REGISTER.....\$ 419,666.39

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. **City of San Clemente Proposed Budget for Fiscal Year 2015**

Public Hearing relative to the proposed San Clemente Fiscal Year 2015 budget.

Staff Recommendation

- 1) Conduct the Public Hearing on the proposed Fiscal Year 2015 City budget.
- 2) Direct Staff to prepare resolutions approving the City budget for Fiscal Year 2015 for consideration at the Council Meeting of June 17, 2014.

8. **Unfinished Business.**

None.

9. **New Business.**

A. **Contract Award – Lucy Computerized Maintenance Management System** Pages 9-A-1 through 9-A-17

Report from the Public Works Director/City Engineer concerning the possibility of entering into a contract with Lucy for purchase and implementation of the Lucy Computerized Maintenance Management System for the Utilities Division.

Staff Recommendation

1. Approve, and authorize the Mayor to execute, Contract No. C14-20 by and between the City of San Clemente and Lucy, providing for the purchase and implementation of the Lucy Computerized Maintenance System for the Utilities Division, in the amount of \$187,620.
2. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C14-20 by and between the City of San Clemente and Lucy, relating to the purchase and implementation of the Lucy Computerized Maintenance Management System for the Public Works and Beaches and Parks Maintenance Divisions, at a cost not to exceed \$137,000, contingent upon the following: 1) Council approval of FY 2015 Decision Package PW-0314, and 2) approval of the City Attorney and Public Works Director.

B. **Code Amendment – Bike Riding on Mariposa Boardwalk** Pages 9-B-1 through 9-B-6

Report from the Beaches, Parks and Recreation Director concerning the possibility of amending the Code of the City of San Clemente to allow bike riding on the Mariposa Boardwalk.

Staff and Beaches, Parks and Recreation Commission Recommendation

Introduce 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. If adopted, this ordinance will eliminate the Mariposa Point Boardwalk from the list of areas where bicycle riding is not permitted.

C. **Code Amendment – Fees for Sidewalk Waiver Applications and Appeals Fees** Pages 9-C-1 through 9-C-8

Report from the Public Works Director/City Engineer concerning the possibility of establishing fees for Sidewalk Waiver applications and appeals.

Staff Recommendation

1. Introduce 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.
2. Adopt Resolution No. 14-18 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING FEES FOR SIDEWALK WAIVER APPLICATIONS AND APPEALS.

D. **Federal Lobbyist Assistance – FY 2015** Pages 9-D-1 through 9-D-9

Report from the Public Works Director/City Engineer concerning the possibility of extending the agreement with Marlowe and Company for Federal lobbyist assistance in FY 2015.

Staff Recommendation

Determine whether or not to retain Marlowe & Company for Federal lobbying and government affairs consulting services for FY 2015 and, if so, direct staff to prepare a Professional Services Agreement and funding scenario for approval at a subsequent City Council meeting.

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.**

Adjourn to an Adjourned Regular Meeting to be held on June 17, 2014 at 3:00 p.m. in the Council Chambers located at 100 Avenida Presidio, San Clemente, for Council to conduct interviews and fill Commission and Committee vacancies. The regular business meeting will commence at 6:00 p.m.

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

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.