



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

July 1, 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 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 - 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

PLEDGE OF ALLEGIANCE

ROLL CALL

1. **Special Presentations.**

A. **Orange County American Planning Association Award (OCAPA) – Transportation Planning Award for Bicycle and Pedestrian Master Plan**

Presentation by Randy Nichols, Juror for OCAPA, to Jeff Hook, Principal Planner, Cliff Jones, Associate Planner, and Brenda Miller in recognition of the City receiving the Transportation Planning Award from the Orange County American Planning Association for the Bicycle and Pedestrian Master Plan.

B. **Certificate of Recognition – Eric Ord, Community Bench at San Clemente’s Highest Point**

Presentation of Certificate of Recognition to Eric Ord for his Eagle Scout community service project of planning and constructing a bench at San Clemente’s highest peak (an elevation of 1,008-feet) on the Cristianitos Regional Trail.

C. **Presentation of Proclamation – Spinal Muscular Atrophy Awareness Month**

Presentation of Proclamation to Julie Prenditz, Hope for Spinal Muscular Atrophy, designating August as Spinal Atrophy Awareness Month.

D. **Presentation of Proclamation - Parks Make Life Better Month**

Presentation of a Proclamation to Beaches, Parks, and Recreation Director Sharon Heider and Recreation Manager Pamela Passow, proclaiming July 2014 as “Parks Make Life Better” Month.

E. **4th of July Logistics and Activities Report**

Report from Public Information Officer Laura Ferguson concerning logistics and activities for the 4th of July holiday.

F. **Certificate of Recognition – Rocky Fenton (Winner of State Championship in Discus Throwing)**

Certificate of Recognition presented to San Clemente High School student Rocky Fenton for winning the state championship in discus throwing.

G. **Certificate of Recognition – Mike Viti, Operation Enduring Freedom Veteran and West Point Graduate**

Certificate of Recognition presented to Mike Viti, Operation Enduring Freedom Veteran and West Point Graduate, for his efforts to honor the Fallen Military Members of the Global War on Terror by hiking over 7,000 miles to increase awareness of the sacrifices of war and to raise funds for permanent memorials for our country's fallen heroes.

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 Adjourned Regular Council meeting minutes of June 18, 2014 and June 5, 2014.

B. Receive and file:

(1) Regular Planning Commission meeting minutes of June 18, 2014.

(2) Regular Zoning Administrator meeting minutes of June 18, 2014.

C. **Warrant Register**

Approve Handwrite No. 517019, paid on 6/13/14;
Wire Transfer Nos. 1267 through 1270,
paid on 6/13/14; approve Warrant Nos. 516876
through 517018, paid on 6/13/14,
in the amount of.....\$1,407,589.49

Approve Warrant Nos. 517020 through 517215,
paid on 6/20/14, in the amount of.....\$1,786,164.59

TOTAL WARRANT REGISTER.....\$3,193,754.08

Payroll Register

Approve Warrant Nos. 317 through 318, and
Automatic Deposit Advises 16193 through 16535 for the
period of 5/26/14 through 6/8/14, paid on 6/13/14,
in the amount of.....\$ 442,045.58

TOTAL PAYROLL REGISTER.....\$ 442,045.58

D. **Notice of Completion - Street Rehabilitation (Calle Hidalgo and Via Hidalgo) and FY 2014 Major Street Maintenance for Calle Gaucho, Calle Chueca, Via Chueca, Calle Luego, Calle Juarez and 1406 Jinette**
Pages 6-D-1 through 6-D-5

Staff Recommendation

1. Accept the Street Rehabilitation for Calle Hidalgo and Via Hidalgo, (Project No. 14333) and FY 2014 Major Street Maintenance for Calle Gaucho, Calle Chueca, Via Chueca, Calle Luego, Calle Juarez, and 1406 Jinette, Project No. 24301, from the contractor, R.J. Noble Company.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Street Rehabilitation for Calle Hidalgo and Via Hidalgo, and FY 2014 Major Street Maintenance for Calle Gaucho, Calle Chueca, Via Chueca, Calle Luego, Calle Juarez, and 1406 Jinette. C13-39

Recommended action continued on following page

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 the contractor, R.J. Noble Company.
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.

E. **Notice of Completion - Recycled Water System Expansion, Pipeline Schedules I & II and Pressure Reducing Station** Pages 6-E-1 through 6-E-4

Staff Recommendation

1. Accept the Recycled Water System Expansion, Pipeline Schedules I & II and Pressure Reducing Station, Project No. 18201CD, from the contractor, Colich & Sons, L.P.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Recycled Water System Expansion, Pipeline Schedules I & II and Pressure Reducing Station, Project No. 18201CD. C12-54
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 Colich & Sons, L.P.
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.

F. **Contract Amendment - Design of Digester No. 1 Structural and Mechanical Rehabilitation as part of the Solids Handling Sludge Storage Tank** Pages 6-F-1 through 6-F-7

Staff Recommendation

Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C13-28 by and between the City of San Clemente and Wilson Engineers, providing for design of Digester No. 1 Structural and Mechanical Rehabilitation as part of the Solids Handling Sludge Storage Tank, Project No. 14205. This Amendment will increase the contract amount from \$134,000 to \$203,495 (an increase of \$69,395).

G. **Contract Amendment – On Call Building Plan Review Services** Pages 6-G-1 through 6-G-5

Staff Recommendation

1. Accept a supplemental appropriation of \$48,000 from the General Fund unassigned fund balance to Account 001-421-43890-000-00000.
2. Approve, and authorize the Mayor to execute, Amendment No. 3 to Contract C10-37, by and between the City of San Clemente and VCA Code Group, providing for temporary on-site building plans examiner services. This contract amendment will increase the contract amount from \$65,000 to \$113,000 (an increase of \$48,000).

H. **Fee Waiver Request – San Clemente Marine Corps Support Group Pancake Breakfast** Pages 6-H-1 through 6-H-3

Staff Recommendation

Waive the rental fees of \$1,125 for the Ole Hanson Beach Club, so that the San Clemente Marine Corps Support Group's pancake breakfast planned for September 6, 2014 can be conducted with no associated site fees.

I. **Contract Award - City-Wide Classification and Compensation Study**

Staff Recommendation

The Administrative Report, and associated staff recommendation, is expected to be prepared and available on the city's website prior to the Council meeting.

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.

None.

8. **Unfinished Business.**

A. **60% Design for the North El Camino Real Class I Bicycle and Pedestrian Path Project** Pages 9-A-1 through 9-A-6

Report from the Public Works Director/City Engineer concerning the 60% design for the North El Camino Real Class I Bicycle and Pedestrian Path Project.

Staff Recommendation

1. Approve the approach for the 60% design concept for the North El Camino Real Class I Bicycle and Pedestrian Path Project.
2. Approve a supplemental appropriation of \$78,600 from the unassigned fund balance in the Gas Tax Fund to Account 012-861-45300-000-13308.
3. Approve Option 2 improvements.

If the Council desires Option 2, approve a supplemental appropriation of \$135,000 from the unassigned fund balance of the Air Quality Improvement Fund to Account 012-861-45300-000-13308.

If the Council desires Option 3 or 4, direct staff to proceed with the landscaping and irrigation design, complete a technical amendment to the RCFPP to fund the additional costs, and approve a supplemental appropriation of \$175,000 from the unassigned fund balance of the Air Quality Improvement Fund to Account 012-861-45300-000-13308 to fund the additional design and permitting phase services (\$40,000), and include the Option 2 improvements needed to support landscaping (\$135,000).

9. **New Business.**

A. **Amendment to Park Master Plan – Jim Johnson Memorial Sports Park**
Pages 9-A-1 through 9-B-6

Report from the Director of Beaches, Parks, and Recreation concerning an amendment to the Park Master Plan for the Jim Johnson Memorial Sports Park.

Staff and Beaches, Parks and Recreation Commission Recommendation

Amend the master plan for the Jim Johnson Memorial Sports Park to replace the area identified for Courtney’s Sandcastle with open turf and a reduced number of trees.

B. **Intention to Consider Altering the Rate and Method of Apportionment of the Special Taxes for Marblehead Coastal Community Facilities District (CFD) No. 2006-1.** Pages 9-B-1 through 9-B-40

Report from the Public Works Director/City Engineer concerning the intention to alter the rate and method of apportionment of the special taxes for Marblehead Coastal Community Facilities District (CFD) No. 2006-1.

Staff Recommendation

Adopt Resolution No. 14-25 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2006-1 OF THE CITY OF SAN CLEMENTE, DECLARING ITS INTENTION TO CONSIDER ALTERING THE RATE AND METHOD OF APPORTIONMENT OF THE SPECIAL TAXES.

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.**

- A. **Ordinance No. 1583 (Second Reading) - Water Rates** Pages 12-A-1 through 12-A-7

Staff Recommendation

Adopt 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. **Ordinance No. 1584 (Second Reading) - Sanitary Sewer Rates** 12-B-1 through 12-B-2

Staff Recommendation

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

13. **Adjournment.**

The next Regular Council Meeting will be held on July 15, 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.