



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 16, 2013
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...

CLOSED SESSION (5:00 P.M.) If there are no Closed Session items, the City Clerk will recess the meeting to 6:00 p.m.

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: Pall Gudgeirsson, City Manager

Negotiating Parties: City of San Clemente and Scott Melcher, on behalf of Surf N' Turf Paradiso, LLC

Under Negotiation: Price and terms of payment

B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, pursuant to Government Code Section 54956.8

Property: 1100 N. El Camino Real, San Clemente

Agency Negotiator: Pall Gudgeirsson, City Manager

Negotiating Parties: Lynn Wood, CEO, San Clemente Chamber of Commerce

Under Negotiation: Price and terms of payment

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION – Bishop Rod Gillins, Church of Jesus Christ of Latter-day Saints

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations.

A. Certificates of Recognition – Street Art Program

Presentation of Certificates of Recognition to Regina Hurley, Michael Ravetti, Ashley Keene, Josh Barnes, and Meghann Nelsen, 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 City Council Regular Meeting Minutes of June 18, 2013 and the Adjourned Regular Meeting Minutes of June 25, 2013.

B. Receive and file:

- 1) Planning Commission Adjourned Regular Meeting Minutes of June 26, 2013 and July 3, 2013.
- 2) Zoning Administrator Regular Meeting Minutes of July 3, 2013.
- 3) Human Affairs Committee Regular Meeting Minutes of June 12, 2013.

C. **Warrant Register**

Approve Wire Transfers Nos. 1142 through 1146 and Warrant Nos. 509164 through 509329 paid on 06/28/2013 in the amount of.....\$1,177,579.50

Approve Wire Transfer No. 1147 and Warrant Nos. 509330 through 509507 paid on 07/05/2013 in the amount of.....\$3,605,700.52

TOTAL WARRANT REGISTER.....\$4,783,280.02

Payroll Register

Approve Warrant Nos. 224 through 232 and Automatic Deposit Advises 8593 through 8923 for the period 06/10/2013 through 06/23/2013 in the amount of.....\$436,722.31

TOTAL PAYROLL REGISTER.....\$436,722.31

- D. **Contract Award – Avenida Columbo Storm Drain Extension** (Pages 6D-1 through 6D-5)

Staff Recommendation

- 1) Approve the plans and specifications for the Avenida Columbo Storm Drain Extension, Project No. 18005.
- 2) Approve, and authorize the Mayor to execute, Contract No. C13-29, by and between the City of San Clemente and Lucas Builders, Inc., providing for the Avenida Columbo Storm Drain Extension, Project No. 18005, in the amount of \$69,960.

- E. **Contract Contingency Increase – Recycled Water Expansion Project No. 18201 BEF** (Pages 6E-1 through 6E-3)

Staff Recommendation

- 1) Approve a supplemental appropriation from Water Fund Depreciation Reserve Account 052-466 to Sewer Fund Connection Fee Reserve Improvements Other Than Buildings for Recycled Water System Expansion Account 054-477-45300-000-18201 in the amount of \$39,030.
- 2) Approve an increase in the contingency from \$576,000 to \$615,030 for the Recycled Water Expansion Pipeline Schedules III and IV, Cordillera Water and Recycled Water Reservoirs and Bella Collina Towne and Golf Club Meter, Project No. 18201 BEF. (Contract No. C12-53)

- F. **Refund Denial - Backflow Device Charges Billed in 2011** (Pages 6F-1 through 6F-2)

Staff Recommendation

Determine to not issue retroactive credits for the Backflow Device charges billed in 2011.

G. **Proposed Tax Liens – 2012 Weed Abatement and 2013 Storm Drain/Clean Ocean Charges** (Pages 6G-1 through 6G-10)

Staff Recommendation

- 1) Adopt Resolution No. 13-29 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE ORANGE COUNTY AUDITOR-CONTROLLER TO ADD UNPAID 2012 WEED ABATEMENT ASSESSMENTS TO THE FY 2013-14 TAX ROLLS.
- 2) Adopt Resolution No. 13-30 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE ORANGE COUNTY AUDITOR-CONTROLLER TO ADD DELINQUENT STORM DRAIN AND CLEAN OCEAN FEES TO THE FY 2013-14 TAX ROLLS.
- 3) Direct the City Clerk to file the resolutions with the Orange County Auditor-Controller, thereby placing a lien on the affected properties in order to collect revenue owed to the City.

H. **Authorization of One Limited-Term Building Inspector II Position** (Page 6H-1)

Staff Recommendation

- 1) Authorize one Limited-Term Building Inspector position for approximately 14 months with the following benefits (in addition to the required payroll-related benefits): vacation at the rate of 80 hours per year, medical coverage, and City-observed holidays.
- 2) Authorize a transfer of \$93,000 from Account 001-422-43890-000-00000 (Contractual Services) to Account 001-422 program for Salary and Benefits.

I. **Contract Award – Biosolids Management Services** (Pages 6I-1 through 6I-22)

Staff Recommendation

1. Authorize the City Attorney to make final revisions to the Agreement for Biosolids Management Services – South Orange County Wastewater Authority and Nursery Products, LLC of California that are consistent with the Administrative Report, dated July 16, 2013, that is on file with the City Clerk.

Staff recommendation continued on next page

2. Approve, and authorize the Mayor to execute, the final version of Contract No. C13-30, by and between the City of San Clemente, South Orange County Wastewater Authority, Santa Margarita Water District, Irvine Ranch Water District, and Nursery Products, LLC of California, relating to Biosolids Management Services.

J. **Reimbursement for Installation of a Grease Interceptor – Fisherman’s Restaurant** (Pages 6J-1 through 6J-3)

Staff Recommendation

Appropriate \$50,000 in the General Fund to Account 001-617-45300-000-0000 and authorize reimbursement to Hal E. Griffith (Fisherman’s Restaurant owner) in the amount of \$50,000 for installation of a grease interceptor.

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. **Avenida Serra Workforce Housing Project – Financing for Avenida Serra Apartments and First Amendment to Disposition and Development Agreement (DDA)** (Pages 7A-1 through 7A-30)

Public Hearing to consider amending the DDA for the Avenida Serra Workforce Housing Project and bond issuance.

Staff Recommendation

- 1) Adopt Resolution No. 13-31 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING, AUTHORIZING AND DIRECTING EXECUTION OF A JOINT EXERCISE OF POWERS AGREEMENT RELATING TO THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY AND APPROVING THE ISSUANCE OF REVENUE BONDS BY THE AUTHORITY FOR THE PURPOSE OF FINANCING OR REFINANCING THE ACQUISITION, CONSTRUCTION AND IMPROVEMENT OF CERTAIN FACILITIES FOR THE BENEFIT OF AVENIDA SERRA HOUSING PARTNERS, L.P., A CALIFORNIA LIMITED PARTNERSHIP.

Staff recommendation continued on next page

- 2) Approve, and authorize the Mayor to execute, the First Amendment to the Disposition and Development Agreement (DDA), by and between the City of San Clemente and National Community Renaissance of California. (Contract No. C12-21)

8. **Unfinished Business.**

- A. **Review of Commercial Vehicle Parking Regulations** (Pages 8A-1 through 8A-16)

Report from the Chief of Police Services concerning provisions of the San Clemente Municipal Code pertaining to parking of commercial vehicles.

Staff Recommendation

Determine if any changes should be considered to Sections 10.04.010 and 10.28.230 of the San Clemente Municipal Code, which pertain to parking of commercial vehicles, and provide staff with direction concerning the types of changes, if any.

9. **New Business.**

- A. **Miramar Theatre and Bowling Alley Historic Structures Report** (9A-1 through 9A-86)

Report from the Community Development Director concerning the Miramar Theatre and Bowling Alley Historic Structures Report.

Staff Recommendation

- 1) Receive and file the Miramar Theatre and Bowling Alley Historic Structures Report.
- 2) Authorize staff to negotiate with the Miramar Theatre and Bowling Alley property owner. The scope of negotiations will consider a range of potential City incentives that could result in the guaranteed rehabilitation of the historic properties, and the long-term maintenance of these historic cultural resources.

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**

1) **Beach Parking Impact Fund** (Pages 11B-1 through 11B-7)

Staff Recommendation

Adopt Resolution No. 13-32 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING THE DEADLINE FOR SELECTING BEACH PARKING PROJECTS AND COMMITTING TO THE RETURN OF THAT PORTION OF BEACH PARKING FUNDS NOT NECESSARY TO CREATE THE ADDITIONAL BEACH PARKING.

C. **City Attorney**

D. **Council Members**

1) **Consideration of eliminating the position of City Representative to the Downtown Business Association** (Mayor Pro Tem Brown)

12. **Resolutions/Ordinances.**

None.

13. Adjournment.

The next Regular Council Meeting will be held on August 20, 2013 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be considered at 5:00 p.m. The public business meeting will commence at 6:00 p.m.

Please note that the Regular Council Meeting of August 6, 2013 was previously canceled.

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.

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 Office 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 Office, located at 100 Avenida Presidio, San Clemente, during normal business hours.

The City Clerk's Office 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.