



CITY OF SAN CLEMENTE

REGULAR CITY COUNCIL

REVISED MEETING AGENDA*

**This Revised Agenda for the City Council Meeting of June 4, 2013 replaces the original agenda that was posted on May 29, 2013. The difference is that this Revised Agenda includes an additional Closed Session item. The new Closed Session item is contained on Page 3 of this agenda in italicized type.*

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

June 4, 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...

Resulting in a balanced community committed to protecting what is valued today while meeting tomorrow's needs.

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: 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

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

Property: Portion of the second floor of the Community Development Department building, located at 910 Calle Negocio, San Clemente

Agency Negotiator: Pall Gudgeirsson, City Manager

Negotiating Parties: City of San Clemente and Bubba Gump Shrimp Co. Restaurant and Market, Inc.

Under Negotiation: Both Price and Terms of Payment.

- C. *CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, INITIATION OF LITIGATION, Government Code § 54956.9 (d)(4), (one case): California Regional Water Quality Control Board, San Diego Region*

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION – Rev. Dr. Paula A. Ferris, Senior Pastor - St. Andrew’s by the Sea United Methodist Community of Faith

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations.

A. Human Relations Leadership Awards

Presentation of Human Relations Leadership awards to Amanda Gianelli and Caili McDaniel in recognition of their dedicated commitment to human relations.

B. San Clemente High School Student Report

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

C. Citizens Police Academy

Report from Deputy Joseph Bull, Community Liaison, concerning the first Citizens Police Academy that was recently conducted by the Orange County Sheriff Department.

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 agenda items requiring immediate action.** Any items agenda items 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 Adjourned Regular Meeting Minutes of May 16, 2013 and the Regular City Council Meeting Minutes of May 21, 2013.

B. Receive and file:

- (1) Golf Course Committee regular meeting minutes of May 2, 2013.
- (2) Planning Commission adjourned regular meeting minutes of May 15, 2013.
- (3) Zoning Administrator regular meeting minutes of May 22, 2013.
- (4) Beaches, Parks, and Recreation Commission regular meeting minutes of May 14, 2013.
- (5) Planning Commission adjourned regular meeting minutes of May 22, 2013.

C. **Warrant Register**

Approve Wire Transfers Nos. 1129 through 1132 and Warrant Nos. 508155 through 508317 for the period 5-6-13 through 5-10-13 in the amount of.....\$1,843,417.44

Approve Warrant Nos. 508318 through 508487 for the period 5-13-13 through 5-17-13 in the amount of\$694,305.23

TOTAL WARRANT REGISTER\$2,537,722.67

Payroll Register

Approve Warrant Nos. 207 through 212 and Automatic Deposit Advises 7651 through 7945 for the period 4-29-13 through 5-12-13 in the amount of\$407,553.84

TOTAL PAYROLL REGISTER.....\$407,553.84

D. **Recreation Sports Partnership Agreements** Pages 6-D-1 through 6-D-65

- 1) Deny partnership status to Elite Soccer.
- 2) Approve Recreation Sports Partnership Agreements for AYSO, San Clemente Girls Softball, San Clemente Little League, and South Coast Youth Football. (Contract C13-21)
- 3) Approve the changes to the Recreation Sports Partnership Policy as recommended in the Administrative Report, dated June 4, 2013, that is on file with the City Clerk.

E. **Status Update on Redevelopment Agency Dissolution (RDA)** Pages 6-E-1 through 6-E-7

- 1) Direct staff to prepare a resolution for the Oversight Board finding that the General Fund loan was for legitimate redevelopment purposes.
- 2) Direct staff to prepare an accelerated General Fund loan payment plan for presentation to the Oversight Board to further the dissolution of the former Redevelopment Agency.
- 3) Direct staff to prepare the Long-Range Property Management Plan finding that the properties of the former RDA are being used for governmental purposes.

F. **Contract Termination and New Contract Award – Annual Audit of Financial Records** Pages 6-F-1 through 6-F-29

- 1) Terminate Contract No. 12-024 by and between the City of San Clemente and Teaman, Ramirez, & Smith, Inc. relating to financial auditing services.
- 2) Approve, and authorize the Mayor to execute, Contract No. C13-16, by and between the City of San Clemente and Van Lant & Fankhanel, providing for annual financial auditing services, in an amount not to exceed \$129,600.00.

G. **Contract Award – Calle Seville Sidewalk Improvements, Project No. 13309** Pages 6-G-1 through 6-G-11

- 1) Approve the plans and specifications for the Community Development Block Grant (CDBG) Calle Seville Sidewalk Improvements – Project No. 13309.
- 2) Approve, and authorize the Mayor to execute, Contract No. C13-17 by and between the City of San Clemente and CT&T, Inc., relating to the CDBG Calle Seville Sidewalk Improvements, Project No. 13309, in the amount of \$89,501.00.

H. **Agreement with Orange County Transportation Authority (OCTA) to Define Roles and Responsibilities for the Commuter Rail Station Located at 615 Avenida Victoria (San Clemente Pier Area)** Pages 6-H-1 through 6-H-2

Approve, and authorize the Mayor to execute, Cooperative Agreement No. C-2-1988 by and between the OCTA and the City of San Clemente to define roles and responsibilities for the Commuter Rail Station located at 615 Avenida Victoria. (Contract C13-18)

I. **Notice of Completion – Fiscal Year (FY) 2012 and 2013 Slurry Seal Program, City Project No. 27304** Pages 6-I-1 through 6-I-5

- 1) Accept the FY 2012 and FY 2013 Slurry Seal Program, Project No. 27304 from the contractor, American Asphalt South, Inc.
- 2) Authorize the Mayor to execute the Notice of Completion for the FY 2012 and FY 2013 Slurry Seal Program, Project No. 27304.
- 3) Authorize the City Clerk to record the Notice of Completion for the FY 2012 and FY 2013 Slurry Seal Program, Project No. 27304. (Contract C12-35)
- 4) 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 American Asphalt South, Inc.
- 5) Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

J. **Easement Acceptance – Extension of Avenida La Pata** Page 6-J-1

- 1) Adopt Resolution No. 13-19 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DEDICATING THE STREET RIGHT-OF-WAY FOR AVENIDA LA PATA AND CAMINO DEL RIO WITHIN THE CITY PROPERTY THAT IS DEFINED AS THE CIVIC USE SITE.
- 2) Adopt Resolution No. 13-20 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ACCEPTING AN EASEMENT FOR STREET, SLOPE AND CONSTRUCTION PURPOSES AS DEDICATED FOR AVENIDA LA PATA ON TRACT NO. 16337.
- 3) Authorize the City Clerk to record the Irrevocable Offer of Dedication in the official records of the Orange County Recorder's Office. (Contract D-460)
- 4) Adopt Resolution No. 13-21 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO ACCEPT CERTAIN INTERESTS IN REAL PROPERTY IN CONJUNCTION WITH THE AVENIDA LA PATA AND CAMINO DEL RIO PROJECT.
- 5) Affirm the City's right-of-way needed to construct Avenida La Pata as depicted in Attachment 4 of the Administrative Report, dated May 21, 2013, that is on file with the City Clerk.

K. **Notice of Completion – Corporation Yard Building ‘A’ Seismic Upgrade, Project No. 11547** Pages 6-K-1 through 6-K-4

- 1) Accept the construction of the Corporation Yard Building ‘A’ Seismic Upgrade, Project No. 11547, from the contractor, Robert D. Gosney Construction.
- 2) Authorize the Mayor to execute the Notice of Completion for the Corporation Yard Building ‘A’ Seismic Upgrade, Project No. 11547.
- 3) Authorize the City Clerk to record the Notice of Completion for the Corporation Yard Building ‘A’ Seismic Upgrade, Project No. 11547. (Contract C12-31)
- 4) 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 Robert D. Gosney Construction.
- 5) Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

L. **Contract Award – Sewer System Rehabilitation FY 2013, Project No. 24200 and Storm Drain Rehabilitation FY 2013, Project No. 26001** Pages 6-L-1 through 6-L-5

- 1) Approve the plans and specifications for the Sewer System Rehabilitation FY 2013, Project No. 24200 and Storm Drain Rehabilitation FY 2013, Project No. 26001.
- 2) Approve, and authorize the Mayor to execute, Contract No. C13-19, by and between the City of San Clemente and Sancon Engineering, Inc., providing for the Sewer System Rehabilitation FY 2013, Project No. 24200 and Storm Drain Rehabilitation FY 2013, Project No. 26001 in the amount of \$204,389.00.

M. **Contract Award – Water Reclamation Plant Aeration Blowers – Project No. 12201** Pages 6-M-1 through 6-M-4

- 1) Approve the plans and specifications for the Water Reclamation Plant Aeration Blowers Replacement, Project No. 12201.
- 2) Approve, and authorize the Mayor to execute, Contract No. C13-20, by and between the City of San Clemente and J.R. Filanc Construction Company, Inc., providing for the replacement of the Water Reclamation Plant Aeration Blowers, Project No. 12201, in the amount of \$102,598.00.

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 2014**

Public Hearing relative to the proposed San Clemente Fiscal Year 2014 budget.

Staff Recommendation

- 1) Conduct the Public Hearing on the proposed Fiscal Year 2014 City budget.
- 2) Direct Staff to prepare resolutions approving the City budget for Fiscal Year 2014 for consideration at the Council Meeting of June 18, 2013.

B. **Code Amendment – Water Rates** Pages 7-B-1 through 7-B-9

Public Hearing concerning a proposal to increase fixed water meter charges and water commodity charges.

Staff Recommendation

Introduce Ordinance No. 1567 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.

C. **Code Amendment – Sanitary Sewer Rates** Pages 7-C-1 through 7-C-7

Public Hearing concerning a proposal to increase sewer base and commodity charges.

Staff Recommendation

Introduce Ordinance No. 1568 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 13.24.190, SUBSECTIONS (D), AND (E) OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO SANITARY SEWER RATES.

D. **Amendment to Tentative Tract Map (TTM) 17049 – Bellota Landslide Repair** Pages 7-D-1 through 7-D-30

Public Hearing concerning a proposal to add four additional lots to the approved subdivision associated with the Bellota Landslide Repair.

Staff Recommendation

Adopt Resolution No. 13-22 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AN AMENDMENT TO TENTATIVE TRACT MAP 17049, BELLOTA LANDSLIDE REPAIR, ALLOWING FOR THE SUBDIVISION AND SALE OF 24 MOBILE HOME LOTS WITHIN THE SHORECLIFFS MOBILE HOME PARK ASSOCIATED WITH THE BELLOTA LANDSLIDE REPAIR.

8. **Unfinished Business.**

A. **Granada Trash Enclosure – Cost Recovery Strategy** Pages 8-A-1 through 8-A-3

Report from the Director of Public Works concerning the cost recovery strategy for the Granada Trash Enclosure.

Staff Recommendation

Provide direction on whether or not to require a one-time fee for use of the Granada Trash Enclosure, and if so, confirm the fee amount.

9. **New Business.**

- A. **Code Amendment – Adoption of City Seal and City Logo and Establishing Regulations with Regard to Their Usage** Pages 9-A-1 through 9-A-5

Report from the City Clerk concerning the possibility of adopting a City Seal and Logo by ordinance and establishing regulations relating to their use.

Staff Recommendation

Introduce Ordinance No. 1569 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADDING SECTION 2.57 TO THE CODE OF THE CITY OF SAN CLEMENTE RELATING TO THE ADOPTION OF THE OFFICIAL CITY SEAL AND OFFICIAL CITY LOGO AND ESTABLISHING REGULATIONS WITH REGARD TO THEIR USE.

- B. **Scholarship Program for Camp Pendleton Marine Families and Authorizing Resident Status for Active Military** Pages 9-B-1 through 9-B-5

Report from the Beaches, Parks, and Recreation Director concerning scholarship programs for Marines stationed at Camp Pendleton and authorizing resident status for all active military for purposes of programs, swim passes, and rentals.

Staff and Beaches, Parks, and Recreation Commission Recommendation

- 1) Support the addition of a scholarship program for Marine families stationed at Camp Pendleton with the allocation of \$2,500.00 from the City Council Contingency Fund to Account 001-624-44890.
- 2) Add the active military as a resident status for programs, swim passes, and rentals.

C. **Unsolicited Proposal from French Soccer Institute – Use of Undeveloped Park Land at Richard T. Steed Memorial Park** Pages 9-C-1 through 9-C-5

Report from the Beaches, Parks, and Recreation Director concerning an unsolicited request for use of undeveloped park land at Richard T. Steed Memorial Park.

Staff and Beaches, Parks, and Recreation Commission Recommendation

If the Council has interest in amending the Park Master Plan for Richard T. Steed Memorial Park, allow a public/private recreation facility and allow the early construction of the “meadows” area at Vista Hermosa Sports Park, then direct staff to negotiate specific lease terms with the French Soccer Institute and return to Council for approval of a lease, Park Master Plan Amendment for Richard T. Steed Memorial Park, and Vista Hermosa Sports Park use agreement.

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**

- (1) Report from Councilmember Donchak, City representative to the California Joint Powers Insurance Authority (CJPIA), relative to CJPIA matters.
- (2) Report from Mayor Baker, City representative to the Orange County Fire Authority (OCFA), relative to OCFA matters.
- (3) Appointment of City representatives to the Coastal Animal Services Authority (CASA) Board. Pages 11-D-3-(1) through 11-D-3-(3)
- (4) Appointment of City representatives to the Nine South County Water Agencies. Pages 11-D-4-(1) through 11-D-4-(3)

12. Resolutions/Ordinances.

None

13. Adjournment.

The next Regular Council Meeting will be held on June 18, 2013 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be discussed at 5:00 p.m. The public business meeting will commence at 6:00 p.m.

A subsequent Adjourned Regular Council Meeting will be held on June 24, 2013 at 6:00 p.m. in the Council Chambers, for the purpose of interviewing and making appointments to various City Commissions and Committees.

Another Adjourned Regular Council Meeting will be held on June 25, 2013 at 6:00 p.m. in the Council Chambers, for the purpose of continuing interviews and making appointments to various City Commissions and 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.