



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

September 7, 2010
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 LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation, pursuant to Government Code Section 54956.9(b): One Potential Case

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

Name of Case: Callan v. City of San Clemente, et al., OCSC Case No. 01CC07556.

C. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION, pursuant to Government Code Section 54956.9(c):

Number of Potential Cases: One

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION - Rev. Linda Robison, Palisades United Methodist Church

PLEDGE OF ALLEGIANCE

ROLL CALL

1. **Special Presentations**

A. **Certificate of Recognition - Joe Llamas**

Presentation of a Certificate of Recognition to Joe Llamas in recognition of his 81st birthday and acknowledging his status as the first boy born in San Clemente.

B. **Presentation by SunCal, LLC - Status of the Marblehead Residential/SunCal Project**

Presentation by SunCal concerning the status of the Marblehead Residential/SunCal project.

C. **San Clemente General Plan - Status Report**

Report from Alan Korsen, General Plan Advisory Committee representative, concerning the status of the San Clemente General Plan.

D. **Wayside Horn and Safety/Quiet Zone Status Report** - 1-D-1 through 1-D-2

Report from the Community Development Director concerning the status of pursuing wayside horns and establishing a Safety/Quiet Zone.

Staff Recommendation

Receive and file the Administrative Report, dated September 7, 2010, which is on file with the City Clerk.

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 Regular Meeting minutes of August 18, 2010.](#)
 - (2) [Planning Commission Study Session minutes of August 18, 2010.](#)
 - (3) [Zoning Administrator Regular Meeting minutes of August 18, 2010.](#)
 - (4) [Parks and Recreation Commission Regular Meeting minutes of August 10, 2010.](#)
 - (5) [Design Review Subcommittee Meeting minutes of June 23, 2010 and July 14, 2010.](#)

C. **Warrant Register**

Approve Wire Transfer Nos. 725 through 728,
and Warrant Nos. 813432 through 813578,
for the period 08-02-10 through 08-06-10,
in the amount of\$ 809,211.89

Approve Warrant Nos. 813579 through 813764,
for the period 08-09-10 through 08-13-10,
in the amount of\$1,559,634.43

Approve Wire Transfer Nos. 729 through 733,
and Warrant Nos. 813765 through 813934,
for the period 08-16-10 through 08-20-10,
in the amount of\$4,685,130.58

TOTAL WARRANT REGISTER.....\$7,053,976.90

Payroll Register

Approve Warrant Nos. 322130 through 322150,
Automatic Deposit Advises 168307 through 168585,
for the period 07-26-10 through 08-08-10,
in the amount of \$ 442,737.26

Approve Warrant Nos. 322151 through 322175,
Automatic Deposit Advises 168586 through 168882,
for the period 08-09-10 through 08-22-10,
in the amount of \$ 421,247.91

TOTAL PAYROLL REGISTER..... \$ 863,985.17

D. [Notice of Completion - Street Rehabilitation for Avenida Vista Montana, Phase I](#) - 6-D-1 through 6-D-3

1. Accept Phase I of the street rehabilitation for Avenida Vista Montana, from the contractor, ICE Engineering, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for Phase I of the street rehabilitation for Avenida Vista Montana, Project No. 10310. (Contract C10-01)
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 ICE Engineering, Inc.
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. [Contract Award - Reservoir No. 1 Roof Repair](#) - 6-E-1 through 6-E-4

1. Approve the plans and specifications for Reservoir No. 1 Roof Repair, Project No. 24401.
2. Approve, and authorize the Mayor to execute, Contract C10-52, by and between the City of San Clemente and Healey Construction Company providing for the Reservoir No. 1 Roof Repair, in the amount of \$31,244.
3. Direct Staff to minimize repair construction and to issue a request for proposal for design of the Reservoir No. 1 Replacement.

F. [Contract Award - Lower San Pablo Pressure Reducing Station Rehabilitation](#) - 6-F-1 through 6-F-4

1. Approve the plans and specifications for the Lower San Pablo Pressure Reducing Station Rehabilitation, Project No. 10405.
2. Approve, and authorize the Mayor to execute, Contract C10-54, by and between the City of San Clemente and Ted Enterprises, Inc., providing for the rehabilitation of the Lower San Pablo Pressure Reducing Station, in the amount of \$137,719.
3. Approve a supplemental appropriation of \$36,380 to Account 052-466-45300-000-10405 from the Water Fund Depreciation Reserve.

G. [Building Improvements - 910 Calle Negocio Building](#) - Pages 6-G-1 and 6-G-2

Approve a supplemental appropriation in the amount of \$98,170 and transfer \$62,320 from the General Fund, \$28,680 from the Clean Ocean Fund and \$7,170 from the Solid Waste Fund to the Negocio Debt Service Fund (Account 006-803-45300) for improvements to the second floor of the 910 Calle Negocio building.

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. [1523 Avenida De La Estrella \(Dwinnell's Landscape Materials\), Amendment to Site Plan Permit \(AM SPP\) 97-085](#)

Public Hearing to consider a City initiated amendment to condition of approval number six (6) associated with landscaping at the southeast corner of the site for an existing outdoor landscape and materials business located at 1523 Avenida De La Estrella within the Light Industrial Zoning District of the West Pico Corridor Specific Plan, legal description being portions of Lots 9, 11, 12, 14, and 15, of Block 6, of Tract 795.

Staff Recommendation

Continue the Public Hearing to the Council meeting of September 21, 2010.

- B. [2009-10 Consolidated Annual Performance Evaluation Report \(CAPER\) for Expenditure of Community Development Block Grant Funds](#) - 7-B-1 through 7-B-26

Public Hearing to consider approving the Consolidated Annual Performance Evaluation Report for 2009-10, which summarizes last year's program accomplishments funded under the U.S. Department of Housing and Urban Development (HUD), Community Development Block Grant (CDBG) Program.

Staff Recommendation

Approve and adopt the 2009-10 Consolidated Annual Performance Evaluation Report (CAPER) for submittal to the U.S. Department of Housing and Urban Development.

- C. [California Vehicle Code and San Clemente Municipal Code Enforcement in the Harbor View Estates Community](#) - 7-C-1 through 7-C-12

Public Hearing to consider a request from the Harbor View Estates Homeowners Association that the City of San Clemente enforce the California Vehicle Code (CVC) and San Clemente Municipal Code (SCMC) on private streets within the Harbor View Estates community. This request, if adopted, would give the City's Police Department (the Orange County Sheriff's Department) the authority, but not the obligation, to enforce the CVC and SCMC on said streets.

Staff Recommendation

Adopt Resolution No. 10-66 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPLYING THE PROVISIONS OF THE CALIFORNIA VEHICLE CODE AND THE SAN CLEMENTE MUNICIPAL CODE TO ALL PRIVATE STREETS IN TRACTS 14759 AND 14760, IN THE HARBOR VIEW ESTATES COMMUNITY.

8. **Unfinished Business.**

A. [Rancho Mission Viejo Plan Update](#) - 8-A-1 through 8-A-3

Report from the Community Development Director providing an update on the Rancho Mission Viejo plan.

Staff Recommendation

1. Receive and file the Administrative Report, dated September 7, 2010, which is on file with the City Clerk.
2. Direct that the Administrative Report be forwarded to the General Plan Advisory Committee.

B. [Implementation of the Citygate Management Review Recommendations](#) - 8-B-1 through 8-B-22

Report from the Community Development Director concerning the status of implementing the Citygate management review recommendations for the Community Development Department.

Staff Recommendation

1. Direct Staff to provide a further update on the implementation of the recommendations of the Citygate management review at a City Council Meeting in March 2011.
2. Proceed with the \$8,500 expenditure for Arroyo Consultants to do a customer service survey.

9. **New Business**

- A. [Trailhead Parking in the Terminus of Camino De Los Mares](#) - 9-A-1 through 9-A-15

Report from the Public Works Director/City Engineer concerning trailhead parking in the terminus of Camino De Los Mares.

Planning Commission and Staff Recommendation

1. Approve the parking modifications to the eastern terminus of Camino De Los Mares, between Portico Del Norte/Diamante and the dead-end, as described in the Administrative Report, dated September 7, 2010, which is on file with the City Clerk.
2. Adopt Resolution No. 10-64 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING "NO PARKING AREAS", "RESTRICTED PARKING AREAS" AND "DIAGONAL PARKING ZONES" ON CAMINO DE LOS MARES AND AVENIDA LA PATA.

- B. [Conflict of Interest Code - Biennial Update - 9-B-1 through 9-B-7](#)

Report from the City Clerk concerning the biennial update to the City's Conflict of Interest Code.

Staff Recommendation

Introduce Ordinance No. 1521 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 2.24 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO THE CITY'S CONFLICT OF INTEREST CODE.

C. [City Membership on the International Council for Local Environmental Initiatives](#) - 9-C-1 through 9-C-5

Report from the Public Works Director/City Engineer concerning the possibility of joining the International Council for Local Environmental Initiatives and conducting a greenhouse gas emissions inventory.

Staff Recommendation

1. Adopt Resolution No. 10-67 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TO JOIN THE INTERNATIONAL COUNCIL FOR LOCAL ENVIRONMENTAL INITIATIVES - LOCAL GOVERNMENTS FOR SUSTAINABILITY (ICLEI) TO CONDUCT A GREENHOUSE GAS EMISSIONS INVENTORY FOR THE CITY OF SAN CLEMENTE.
2. Designate a Councilmember to act as the "elected official liaison" to the ICLEI.

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) **Potential Confidentiality Breach (Playa Del Norte Project Negotiations)**

Consideration of a possible leak of Closed Session information relative to negotiations for the LAB (Playa Del Norte) Project.

12. **Resolutions/Ordinances**

- A. [Ordinance No. 1519 \(Second Reading\) - Zoning Amendment 10-144, 35555 and 35551 Camino Capistrano \(Anvari Residential Zone Amendment\)](#) - 12-A-1 through 12-A-5

Staff Recommendation

Adopt Ordinance No. 1519 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING TITLE 17, APPENDIX A, SECTION O (SPECIAL RESIDENTIAL OVERLAYS) TO REMOVE THE PROPERTIES LOCATED AT 35555 CAMINO CAPISTRANO AND 35551 CAMINO CAPISTRANO FROM THE RL-2 RESIDENTIAL OVERLAY AND ESTABLISH A NEW RL-23 RESIDENTIAL OVERLAY WITH SPECIFIC SIDE-YARD SETBACKS.

- B. [Ordinance No. 1520 \(Second Reading\) - Back-In Diagonal Parking](#) - 12-B-1 through 12-B-2

Staff Recommendation

Adopt Ordinance No. 1520 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 10.28.200 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO DIAGONAL PARKING IN THE CITY.

13. **Adjournment**

Adjourn to an Adjourned Regular Meeting to be held on September 14, 2010 at 7:00 p.m. in the Second Floor Conference Room, located at the Community Development Department building, 910 Calle Negocio, San Clemente, California, for the purpose of meeting in joint session with Parks and Recreation Commission.

The next Regular Council Meeting will be held on September 21, 2010 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be discussed at 5:00 p.m. The General Session will commence at 6:00 p.m.

AGENDA

Regular Meeting
San Clemente Redevelopment Agency
September 7, 2010

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

1. **ROLL CALL**
2. **APPROVAL OF MINUTES**
3. **WARRANT REGISTER**
4. **CONSENT CALENDAR**
5. **PUBLIC HEARINGS**
6. **ORAL COMMUNICATIONS**
7. **UNFINISHED BUSINESS**
8. **NEW BUSINESS**
9. **ADJOURNMENT**

CITY COUNCIL/REDEVELOPMENT AGENCY 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.

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 or Redevelopment Agency 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.

MEETINGS RECORDED AND TELEVISED

City Council and RDA 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 tape 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 or RDA 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. Regular Redevelopment Agency meetings are held on the first Tuesday of each month in the Council Chambers and normally commence immediately following City Council meetings. Additional meetings of the City Council and RDA may be called as needed.