



REVISED AGENDA*

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

January 22, 2013
5:00 p.m. - Closed Session
6:00 p.m. - Business Meeting

** This Revised Agenda replaces the agenda for the City Council Meeting of January 22, 2013 that was posted on January 15, 2013. This Revised Agenda includes an additional New Business Item 9-B. The new language is included on Page 7 of this agenda in italicized type.*

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 - EXISTING LITIGATION, pursuant to Government Code Section 54956.9(a):

Name of Case: Avenida San Juan Partnership v. City of San Clemente, et al., OCSC Case No. 30-2008-00101411-CU-EI-CJC

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION - Shadi Farhadi, Baha'i Spiritual Assembly of San Clemente

PLEDGE OF ALLEGIANCE

ROLL CALL

- 1. **Special Presentations.**

None.

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 minutes of the City Council Regular Meeting of December 4, 2012.
 - B. Receive and file:
 - (1) Coastal Advisory Committee Regular Meeting minutes of December 13, 2012.
 - (2) Human Affairs Committee Regular Meeting minutes of December 12, 2012.
 - (3) Golf Course Committee Regular Meeting minutes of January 3, 2013.
 - (4) Zoning Administrator Regular Meeting minutes of December 19, 2012 and January 9, 2013.
 - (5) Planning Commission Adjourned Regular Meeting minutes of December 19, 2012 and January 9, 2013.

C. **Warrant Register**

Approve Warrant Nos. 505295 through 505310,
for the period 12-17-12 through 12-21-12,
in the amount of\$ 1,070,942.89

Approve Wire Transfer Nos. 1085 through 1088
and Warrant Nos. 505311 through 505443,
for the period 12-31-12 through 01-04-13,
in the amount of\$ 867,863.33

TOTAL WARRANT REGISTER.....\$ 1,938,806.22

Payroll Register

Approve Warrant Nos. 166 through 167 and
Automatic Deposit Advises 5181 through 5440,
for the period 12-24-12 through 01-06-13,
in the amount of\$ 394,965.69

TOTAL PAYROLL REGISTER.....\$ 394,965.69

D. **Notice of Completion - Bus Stop Improvements** - Pages 6-D-1 through 6-D-3

1. Accept the Bus Stop Improvements, Project No. 13317, from the contractor, Carvajal Trucking & Tractor, Inc.
2. Authorize the Mayor to execute, and City Clerk to record, the Notice of Completion for the Bus Stop Improvements, Project No. 13317. (Contract C12-41)
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 Carvajal Trucking & Tractor, 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. **Historic Structures Report for the Miramar Theater and Bowling Alley** - Page 6-E-1 through 6-E-4

1. Approve Westlake Reed Leskosky's (WRL) use of Lawson-Burke Structural Engineers as a subcontractor to complete the structural evaluation portion of the Historic Resources Report.
2. Accept Historic Preservation Grant revenues in the amount of \$20,000 to Account 001-000-33490.
3. Authorize a supplemental appropriation in the amount of \$20,000 to Account 001-442-43690 Professional Services in the General Fund.

F. **Assignment, Assumption, Hold Harmless, and Release Agreement with The Reserve Maintenance Corporation, The Reserve at Forster Highlands LLC, and The Reserve North At Forster Highlands LLC, Relative to Tracts 16211 and 16282** - Pages 6-F-1 through 6-F-9

Authorize the Mayor to execute an Assignment, Assumption, Hold Harmless, and Release Agreement, by and between the City of San Clemente and The Reserve Maintenance Corporation, The Reserve at Forster Highlands LLC, and The Reserve North at Forster Highlands, approving and consenting to the assignment of the Subdivision Improvement Agreements (dated March 6, 2002), from The Reserve at Forster Highlands LLC (Assignor) and The Reserve North at Forster Highlands LLC (Assignor) to The Reserve Maintenance Corporation (Assignee), subject to the City Attorney's final approval of the agreement. (Contract C13-01)

G. **Contract Amendment - Ole Hanson Beach Club Rehabilitation** - Pages 6-G-1 through 6-G-6

Approve, and authorize the Mayor to execute, the First Amendment to Contract C11-43, by and between the City of San Clemente and Architectural Resources Group, Inc., relative to the rehabilitation of the Ole Hanson Beach Club. This contract amendment increases the contract amount from \$230,102 to \$251,602 (an increase of \$21,500).

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.**

None.

9. **New Business.**

A. **Increased Dog Access to City Parks - Phase I** - Page 9-A-1 through 9-A-63

Report from the Beaches, Parks and Recreation Director concerning the possibility of increasing dog access to City parks.

Staff Recommendation

1. Adopt Resolution No. 13-02 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AN EXPANSION OF THE DESIGNATED CITY PUBLIC PARKS WHERE DOGS ARE PERMITTED ON-LEASH AND NEGATIVE DECLARATION, IN ACCORDANCE WITH SAN CLEMENTE MUNICIPAL CODE SECTION 6.08.020(A).
2. Approve the "Pick up the Poop" public service announcement.
3. Direct Staff to prepare an Ordinance for future Council consideration that would modify the Code of the City of San Clemente to increase the fine or dog waste violations from \$50 to \$250.
4. Authorize the transfer of an appropriation in the amount of \$3,500 for signs from the Council Contingency Account (001-203-44900) to Other Maintenance Supplies (001-635-42590).

B. **Avenida San Juan Partnership - Stipulation for Entry of Judgment and Proposed Judgment (404 East Avenida San Juan)**

Report from the City Manager concerning the possibility of the City executing a Stipulation of Entry Judgment and Proposed Judgment relative to Avenida San Juan Partnership.

Staff Recommendation

1. *Approve and authorize the Mayor to execute the Stipulation for Entry of Judgment and Proposed Judgment.*
2. *Adopt Resolution No. 13-03 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RESCINDING RESOLUTION NO. 07-49 AND DIRECTING CITY STAFF TO RESUME PROCESSING OF THE APPLICATION OF AVENIDA SAN JUAN PARTNERSHIP FOR GENERAL PLAN AMENDMENT (GPA) 06-428, ZONING AMENDMENT (ZA) 06-429, TENTATIVE PARCEL MAP (TPM) 2005-229, SITE PLAN PERMIT (SPP) 06-430, CONDITIONAL USE PERMIT (CUP) 06-431, AND VARIANCE (VAR) 07-045 FOR REAL PROPERTY LOCATED AT 404 EAST AVENIDA SAN JUAN.*

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) **Council Appointments to the Transportation Corridor System (TCS) -**
Page 11-D(1)-1

Staff Recommendation

Appoint a representative and alternate representative to the Transportation Corridor System (TCS).

- (2) **Report from Lori Donchak relative to the Orange County Transportation Authority (OCTA)**

- (3) **Report from Robert Baker, City Representative to the Foothill/Eastern Transportation Corridor Agency, relative to the F/ETCA Matters**

- (4) **Report from Jim Evert, City Representative to the San Joaquin Hills Transportation Corridor Agency, relative to the SJHTCA Matters**

12. **Resolutions/Ordinances.**

None.

13. **Adjournment.**

The next Regular Council Meeting will be held on Tuesday, February 5, 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 General Session 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.

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.