



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

February 19, 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 LEGAL COUNSEL - EXISTING LITIGATION, pursuant to Government Code Section 54956.9(a):

Daniel Walker as Trustee for the 1997 Walker Family Trust v. City of San Clemente, Orange County Superior Court Case No. 30-2012-00591239-CU-WM-CJC

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. **Presentation of Commendation - Ian Madison Olaf Kos**

Presentation of a Commendation to Ian Madison Olaf Kos in recognition of achieving the rank of Eagle Scout.

B. **FY 2013 2nd Quarter Financial Report and Mid-Year Adjustments** - Pages 1-B-1 through 1-B-55

Report from the Assistant City Manager/City Treasurer concerning the FY 2013 2nd Quarter Financial Report and mid-year adjustments.

Staff Recommendation

1. Approve the FY 2013 2nd Quarter Financial Report.
2. Approve and authorize the mid-year adjustments as outlined in the Administrative Report, dated February 19, 2013, 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**

Approve the minutes of the City Council Adjourned Regular Meetings of January 8, 2013 and January 22, 2013.

B. Receive and file:

(1) Planning Commission Adjourned Regular Meeting minutes of February 6, 2013.

C. **Warrant Register**

Approve Wire Transfer No. 1093 and Warrant Nos. 505769 through 505954, for the period 01-21-13 through 01-25-13, in the amount of\$ 1,949,349.06

Approve Wire Transfer Nos. 1094 through 1098 and Warrant Nos. 505955 through 506056, for the period 01-28-13 through 02-01-13, in the amount of\$ 1,252,021.19

TOTAL WARRANT REGISTER..... \$ 3,201,370.25

Payroll Register

Approve Warrant Nos. 173 through 176 and Automatic Deposit Advises 5716 through 5983, for the period 01-21-13 through 02-03-13, in the amount of \$ 396,935.33

TOTAL PAYROLL REGISTER..... \$ 396,935.33

D. **Contract Award - Major Street Maintenance for Via Senda, Calle Tinaja, and 407 Cazador Lane** - Pages 6-D-1 through 6-D-11

1. Approve the plans and specifications for Major Street Maintenance for Via Senda, Calle Tinaja, and 407 Cazador Lane, Project No. 23301.
2. Approve, and authorize the Mayor to execute, Contract C13-02, by and between the City of San Clemente and Ben's Asphalt, Inc., providing for Major Street Maintenance for Via Senda, Calle Tinaja, and 407 Cazador Lane, Project No. 23301, in the amount of \$89,435.

E. **Contract Award - Well Treatment Backwash Pipeline and Avenida Vaquero Waterline Replacement** - Pages 6-E-1 through 6-E-6

1. Approve the plans and specifications for the Well Treatment Backwash Pipeline, Project No. 24401.
2. Approve the plans and specifications for the Avenida Vaquero Waterline Replacement, Project No. 13405.
3. Approve a supplemental appropriation of \$125,000 to Account 052-466-45300-000-24401 from the Water Fund Depreciation Reserve.
4. Approve a supplemental appropriation of \$18,050 to Account 052-466-45300-000-13405 from the Water Fund Depreciation Reserve.
5. Approve, and authorize the Mayor to execute, Contract C13-03, by and between the City of San Clemente and GCI Construction, Inc., providing for the Well Treatment Backwash Pipeline, Project No. 24401, and Avenida Vaquero Waterline Replacement, Project No. 13405, in the amount of \$187,631.

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. **Code Amendment - Making Violations of City-Issued Permits and Conditions a Nuisance** - Pages 8-A-1 through 8-A-4

Report from the Community Development Director concerning the possibility of amending the Code of the City of San Clemente to make violations of City-issued permits and conditions a nuisance.

Staff Recommendation

Introduce Ordinance No. 1563 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CODE SECTION 8.52.030 TO MAKE VIOLATIONS OF APPROVED CITY PERMITS A NUISANCE FOR MUNICIPAL CODE ENFORCEMENT.

B. **Code Amendment - Removal of Business-Generated Litter on the Public Right-of-Way** - Pages 8-B-1 through 8-B-5

Report from the Community Development Director concerning the possibility of amending the Code of the City of San Clemente relative to the removal of business-generated litter on the public right-of-way.

Staff Recommendation

Introduce Ordinance No. 1564 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CODE SECTION 8.40.070 TO DEAL WITH LITTER GENERATED BY BUSINESSES THAT ACCUMULATES IN THE PUBLIC RIGHT-OF-WAY.

C. **Bonito Canyon Tennis Court Rehabilitation and Budget Request** - Pages 8-C-1 through 8-C-8

Report from the Beaches, Parks and Recreation Director concerning the rehabilitation of the Bonito Canyon Tennis Court.

Staff Recommendation

Direct Staff to proceed with Option 1, including temporary repair of two courts, negotiate a Joint Use Agreement with Capistrano Unified School District (CUSD) which seeks public use of the tennis courts, and include the larger reconstruction project as part of the 2015 Capital Improvement Program when the outcome of the Joint Use Agreement is known.

D. **North Beach Parking** - Pages 8-D-1 through 8-D-71

Report from the Community Development Director relative to parking at North Beach.

Staff Recommendation

1. Direct Staff to proceed with development of construction/bid documents for the City-owned El Camino Real lot, based upon the proposed design option, as outlined in the Administrative Report, dated February 19, 2013, that is on file with the City Clerk.
2. Direct Staff to proceed with negotiations to acquire the Gallery site.
3. Direct Staff to proceed with development of construction documents for design Option 5, a parking structure and commercial space development, as outlined in the Administrative Report, dated February 19, 2013, that is on file with the City Clerk.

9. **New Business.**

A. **Marblehead Coastal Development - Agreement with Arch Insurance and Lehman Brothers (dba LV Marblehead, LLC)** - Pages 9-A-1 through 9-A-2

Report from the Public Works Director/City Engineer concerning the possibility of approving an agreement with Arch Insurance and Lehman Brothers (dba LV Marblehead, LLC) relative to the Marblehead Coastal Development.

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C13-04, by and between the City of San Clemente, Arch Insurance, and Lehman Brothers (dba LV Marblehead, LLC) relative to the Marblehead Coastal Development.

- B. **Contract Amendment - Senior Center Project Funding Agreement** - Pages 9-B-1 through 9-B-5

Report from the City Manager concerning the possibility of amending the Project Funding Agreement with South County Senior Services (Age Well Senior Services) relative to the construction of the new senior center.

Staff Recommendation

1. Determine if all or a portion of the \$157,078.24 interest earnings will be included as a Repayment Credit Amount.
 2. Approve, and authorize the Mayor to execute, the Second Amendment to Project Funding Agreement, by and between the City of San Clemente and Age Well Senior Services (successor in interest to South County Senior Services, Inc.) for the construction of the new senior center. (Contract C09-35)
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 Mayor Baker, City Representative to the Foothill/Eastern Transportation Corridor Agency, relative to F/ETCA Matters**
 - (2) **Report from Councilmember Evert, City Representative to the San Joaquin Hills Transportation Corridor Agency, relative to SJHTCA Matters**

- (3) **Report from Councilmember Donchak, City Representative to the Coastal Animal Services Authority (CASA), relative to CASA Matters**

12. **Resolutions/Ordinances.**

- A. **Ordinance No. 1562 (Second Reading) - 100 Mira Puerta – (General Plan Amendment 12-184/Zoning Amendment 12-185) - Evans Residence** - Pages 12-A-1 through 12-A-3

Adopt Ordinance No. 1562 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING GENERAL PLAN AMENDMENT 12-184/ZONING AMENDMENT 12-185, AMENDING THE GENERAL PLAN AND ZONING DESIGNATION FROM PRIVATE OPEN SPACE TO RESIDENTIAL LOW FOR A PROPERTY LOCATED AT 100 MIRA PUERTA.

13. **Adjournment.**

The next Regular Council Meeting will be held on Tuesday, March 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.

A subsequent Adjourned Regular Council Meeting will take place on Wednesday, March 13, 2013 at 4:00 p.m. for the purpose of considering the City's Long-Term Financial Plan and Strategic Priorities.

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.