



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

March 5, 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.)

- A. PUBLIC EMPLOYMENT/PUBLIC EMPLOYEE APPOINTMENT: City Manager

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION – Fr. Mike Hanifin, Our Lady of Fatima Catholic Church

PLEDGE OF ALLEGIANCE

ROLL CALL

- 1. **Special Presentations.**

- A. **San Clemente High School Student Report**

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

B. Mothers Against Drunk Driving (MADD) Awards

Presentation of awards by Tiffany Townson, from Orange County MADD, to the following San Clemente Police Officers for their achievements in DUI arrests:

Deputy Jeff Hewitt	34 Arrests
Deputy Jeremiah Prescott	28 Arrests
Deputy Michael Carrillo	25 Arrests

C. National Association of People Against Bullying Presentation

Presentation by Anna Mendez, Executive Director of the National Association of People Against Bullying.

D. Operation Enduring Freedom Monument Presentation

Presentation by Terry Rifkin, President of the Dana Point 5th Marine Regiment Support Group, concerning the Operation Enduring Freedom Monument which will be displayed at the 5th Marine Memorial Park.

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 Regular Council Meetings of February 5, 2013 and February 19, 2013.

B. Receive and file:

(1) Design Review Subcommittee minutes of January 23, 2013.

(2) Zoning Administrator regular meeting minutes of February 6, 2013 and February 20, 2013.

(3) Planning Commission adjourned regular meeting minutes of February 13, 2013 and February 20, 2013.

C. **Warrant Register**

Approve Warrant Nos. 506057 through 506205 for the period 2-4-13 through 2-8-13 in the amount of.....\$3,274,595.11

Approve Wire Transfers Nos. 1099 through 1102 and Warrant Nos. 506206 through 506377 for the period 2-11-13 through 2-15-13 in the amount of.....\$1,046,381.97

TOTAL WARRANT REGISTER.....\$4,320,977.08

Payroll Register

Approve Warrant Nos. 177 through 180 and Automatic Deposit Advises 5984 through 6249 for the period 2-4-13 through 2-17-13 in the amount of\$395,549.75

TOTAL PAYROLL REGISTER.....\$395,549.75

D. **Parking Prohibitions on El Camino Real** Pages 6-D-1 through 6-D-7

1. Approve prohibiting parking on the northeast side of North El Camino Real, from East Escalones curb return in a northwesterly direction for a distance of one hundred (100) feet.
2. Approve prohibiting parking on the west side of South El Camino Real between Avenida Mateo and Avenida Algodon.
3. Adopt Resolution No. 13-05 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, MODIFYING "NO PARKING AREAS" ON EL CAMINO REAL.

E. **Request to Authorize a Limited Term, Benefited Position (Senior Facilities Maintenance Specialist)** Page 6-E-1

Authorize a limited-term, benefited position (Senior Facilities Maintenance Specialist) from March 2013 through October 2013.

F. **Notice of Completion – Community Center HVAC Maintenance Rehabilitation**
Pages 6-F-1 through 6-F-2

1. Accept the “Community Center HVAC Maintenance Rehabilitation, Project No. 11546”, from the contractor, True Air Mechanical, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the “Community Center HVAC Maintenance Rehabilitation, Project No. 11546”.
3. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Maintenance Division that no liens have been levied against True Air Mechanical, 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.

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. **410 Arenoso Lane – Conditional Use Permit 12-270/Cultural Heritage Permit 12-271/Site Plan Permit 12-272 – Reef Pointe Villas** Pages 7-A-1 through 7-A-62

Public Hearing to consider an appeal by the City Council to consider the Planning Commission’s approval of Conditional Use Permit 12-270, Cultural Heritage Permit 12-271 and Site Plan Permit 12-272, a request to demolish an existing apartment building and construct a new three-story building with five residential units and a subterranean garage located at 410 Arenoso Lane. The project is located in the Pier Bowl Specific Plan and the Architectural and Coastal Zone Overlays. The legal description is Lot 46, of Block 3, of Tract 784 and Assessor’s Parcel Number 692-012-06.

Planning Commission Recommendation

Adopt Resolution No. 13-06 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP) 12-270 AND CULTURAL HERITAGE PERMIT (CHP) 12-271, REEF POINTE VILLAS, A REQUEST TO CONSTRUCT A FIVE UNIT RESIDENTIAL DEVELOPMENT AT 410 ARENOSO LANE.

8. **Unfinished Business.**

None.

9. **New Business.**

None.

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) **Appointment of Joe Anderson as City Treasurer** Pages 11-B(1)-1 through 11-B(1)4

Staff Recommendation

Effective March 21, 2013, appoint Joe Anderson as the City Treasurer to fulfill the remainder of the four-year term of office as the result of Pall Gudgeirsson's resignation.

C. **City Attorney**

D. **Council Members**

(1) Report from Mayor Baker, City Representative to the Orange County Fire Authority (OCFA), relative to OCFA Matters

(2) Report from Councilmember Donchak, City Representative to the California Joint Powers Insurance Authority (CJPIA), relative to CJPIA Matters

12. **Resolutions/Ordinances.**

- A. **Ordinance No. 1563 (Second Reading) - Making Violations of City-Issued Permits a Nuisance** Pages 12-A-1 through 12-A-2

Adopt 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. **Ordinance No. 1564 (Second Reading) - Removal of Business-Generated Litter on the Public Right-of-Way** Pages 12-B-1 through 12-B-3

Adopt 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.

13. **Adjournment.**

The next Regular Council Meeting will be held on March 19, 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 Regular Session will commence at 6:00 p.m.

A subsequent Council Meeting will be held on March 26, 2013 (not on March 13, 2013 as originally scheduled) at 4:00 p.m. in the Council Chambers, for the purpose of considering the City's Long Term Financial Report 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.