



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 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.

None.

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations.

A. Relay for Life Proclamation

Presentation of a proclamation to Don Muir, Chairperson for the 2013 Relay for Life Event, proclaiming July 27 and July 28, 2013 as "Relay for Life Days".

B. **Certificates of Recognition – Retiring Members of the Orange County Sheriff Department**

1. Sgt. Scott Kennedy – 28 years of excellent service with the Orange County Sheriff Department (8 years in San Clemente).
2. Investigator Marc Carter – 28 years of outstanding service with the Orange County Sheriff Department (19 years in San Clemente).
3. Deputy Lynette Johnson – 8 years of exemplary service with the Orange County Sheriff Department (all years in San Clemente).

C. **Presentation of Honoraria – George Scarborough, Retiring City Manager**

Presentation of the following honoraria to George Scarborough, City Manager, in recognition of 10 years of distinguished service for the City of San Clemente.

- City Commendation to be presented by Mayor Bob Baker
- County Proclamation to be presented by Supervisor Pat Bates
- OCFA Plaque to be presented by Division Chief Rick Robinson

D. **Appointment of Mark Taylor as City Treasurer** Pages 1-D-1 through 1-D-3

Staff Recommendation

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

E. **Presentation by Orange County Transportation Authority**

Presentation by the Orange County Transportation Authority (OCTA) concerning current projects.

F. **County Presentation – Status of the Library Expansion Project**

Status report by Steve Franks, Director of Orange County Community Resources, and Helen Fried, County Librarian, relative to the status of the San Clemente Library expansion project.

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 agendaized 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 City Council meeting of March 5, 2013.
 - B. Receive and file:
 - (1) Zoning Administrator Regular Meeting Minutes of March 6, 2013.
 - (2) Planning Commission Architectural Tour Minutes of March 8, 2013.

C. **Warrant Register**

Approve Wire Transfers Nos. 1103 and 1104 and Warrant Nos. 506378 through 506548 for the period 2-18-13 through 2-22-13 in the amount of.....\$1,854,203.00

Approve Wire Transfers Nos. 1105 through 1108 and Warrant Nos. 506549 through 506667 for the period 2-25-13 through 3-1-13 in the amount of.....\$2,572,255.51

TOTAL WARRANT REGISTER.....\$4,426,458.51

Payroll Register

Approve Warrant Nos. 181 through 185 and Automatic Deposit Advises 6250 through 6520 for the period 2-18-13 through 3-3-13.....\$ 395,507.20

TOTAL PAYROLL REGISTER.....\$ 395,507.20

D. **Extensions of Beaches and Parks Maintenance Contracts** Pages 6-D-1 through 6-D-3

1. Approve, and authorize the Mayor to execute, Amendment No. 5 to Contract C05-32, by and between the City of San Clemente and E. Stewart and Associates, providing for Inland Trail Maintenance with a contract end date of June 30, 2018 and no changes to compensation.
2. Approve, and authorize the Mayor to execute, Amendment No. 4 to Contract C08-64, by and between the City of San Clemente and E. Stewart and Associates, providing for Beach Trail Maintenance with a contract end date of June 30, 2018 and no changes to compensation.
3. Approve, and authorize the Mayor to execute, Amendment No. 2 to Contract C05-31, by and between the City of San Clemente and Rod’s Tree Service, providing for Tree Maintenance with a contract end date of June 30, 2018 and no changes to compensation, and the addition of 10% more trees serviced.

Staff Recommendation continued on next page

4. Approve, and authorize the Mayor to execute, Amendment No. 5 to Contract C05-33, by and between the City of San Clemente and TruGreen LandCare, providing for Streetcape Maintenance, with a contract end date of June 30, 2018 and a 5% reduction in contract cost.
5. Approve, and authorize the Mayor to execute, Amendment No. 3 to Contract AC-486, by and between the City of San Clemente and Bonanza Mobile Wash, providing for sidewalk pressure washing, with a contract end date of June 30, 2018 and no changes to compensation.
6. Approve, and authorize the Mayor to execute, Amendment No. 2 to Contract C08-36, by and between the City of San Clemente and TruGreen LandCare for Parks Maintenance, with a contract end date of June 30, 2018 with a 5% reduction in contract cost and removal of maintenance responsibilities for Ralphs Skate Court and the Baron Dog Playgrounds.
7. Approve, and authorize the Mayor to execute, Amendment No. 4 to Contract C05-34, by and between the City of San Clemente and TruGreen LandCare for Beach and Park Restroom Maintenance, with a contract end date of June 30, 2018 and a 5% reduction in contract cost.
8. Approve, and authorize the Mayor to execute, Amendment No. 4 to Contract C05-36, by and between the City of San Clemente and Animal Pest Management for Landscape Rodent Control, with a contract end date of June 30, 2018 and no changes to compensation.
9. Approve, and authorize the Mayor to execute, Amendment No. 3 to Contract C05-37, by and between the City of San Clemente and TruGreen LandCare for Beach Maintenance, with a contract end date of June 30, 2018 and a 5% reduction in contract cost.
10. Approve, and authorize the Mayor to execute, Amendment No. 4 to Contract C11-28, by and between the City of San Clemente and E. Stewart and Associates, for Beach Equipment Operation, with a contract end date of June 30, 2018 and no changes to compensation..
11. Approve, and authorize the Mayor to execute, Amendment No. 5 to Contract C07-38, by and between the City of San Clemente and E. Stewart and Associates for Steed Park Landscape Maintenance with a contract end date of June 30, 2018 and no changes to compensation and the addition of the maintenance responsibilities for Ralphs Skate Court and the Baron Dog Playgrounds.
12. Approve, and authorize the Mayor to execute, Amendment No. 3 to Contract AC-334, by and between the City of San Clemente and TruGreen LandCare for Negocio Landscape Maintenance, with a contract end date of June 30, 2018 and a 5% reduction in contract cost.

- E. **Establishment of Weed Abatement Program for 2013** Pages 6-E-1 through 6-E-21

Adopt Resolution No. 13-07 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PURSUANT TO SECTION 39561 AND 39562 OF THE CALIFORNIA GOVERNMENT CODE DECLARING WEEDS, RUBBISH, REFUSE, AND DIRT UPON STREETS, SIDEWALKS, PARKWAYS, AND PRIVATE PROPERTY TO BE PUBLIC NUISANCES AND PROVIDING FOR THE ABATEMENT THEREOF.

- F. **Notice of Completion – FY 2012 and FY 2013 Slurry Seal Program** Pages 6-F-1 through 6-F-5

1. Accept the FY 2012 and FY 2013 Slurry Seal Program, Project No. 27304 from the contractor, American Asphalt South, Inc. (Contract C12-35)
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the FY 2012 and FY 2013 Slurry Seal Program, Project No. 27304.
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 American Asphalt South, 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.

- G. **Fee Waiver Request from National Association of People Against Bullying** Pages 6-G-1 through 6-G-8

1. Approve the fee waiver request from the National Association of People Against Bullying for use of the Community Center Auditorium, Ole Hanson Room and kitchen for a total of \$1,000 for the rental fees for the student dance to be held on Saturday, March 30, 2013.
2. Waive the requirement for City-contracted security guards, permitting the applicant to coordinate an agreement with the Orange County Sheriff Department to utilize 3-4 Volunteer Reserves with the same ratio required for the given attendance of 200 guests.
3. If the Orange County Sheriff Volunteer Reserves are not available, that Police Services assign Deputies to the same ratio of guard service necessary and that this fee be paid from Council Contingency funds.

H. **Approval of Pall Gudgeirsson as City Manager and City Manager Employment Contract** Pages 6-H-1 through 6-H-9

1. Effective March 21, 2013, appoint Pall Gudgeirsson as the City Manager.
2. Approve, and authorize the Mayor to execute, an Employment Agreement by and between the City of San Clemente and Pall Gudgeirsson. (Contract C13-06)

I. **Construction of Permanent Wedding Site at the Municipal Golf Course** Pages 6-I-1 through 6-I-4

Approve the construction of a permanent wedding site at the Municipal Golf Course with the minor modifications that were suggested by the Golf Course Committee. The Golf Course Committee's recommendations are identified within the Administrative Report, dated March 19, 2013, that is on file with the City Clerk.

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. **Subdivision Ordinance Amendment – Streamlining Condominium Map Process**
Pages 7-A-1 through 7-A-79

Public Hearing to consider a request to consider City initiated amendments to Title 16 “Subdivisions” of the Municipal Code. The proposed amendments would: 1) streamline the subdivision review process for condominiums, condominium conversions, time shares, community apartments, and stock cooperatives, and 2) make minor clean up edits (e.g., repair inaccurate or “broken” text references). The review process would not change for subdivisions of land to create parcels for new development (e.g., split one lot into two so two homes can be built instead of one). Specifically, the Municipal Code amendments would make it so Zoning Administrator approval is required to subdivide four or fewer units (e.g., into condominiums), and require Planning Commission approval to subdivide five or more units. Currently, all subdivisions require a Planning Commission recommendation to the City Council and City Council approval.

Planning Commission Recommendation

1. Introduce Ordinance No. 1565 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING TITLE 16 OF THE MUNICIPAL CODE TO STREAMLINE SUBDIVISION REVIEW PROCEDURES FOR CONDOMINIUMS, CONDOMINIUM CONVERSIONS, TIME SHARES, COMMUNITY APARTMENTS, AND STOCK COOPERATIVES.
2. Adopt Resolution No. 13-09 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING THE FEE SCHEDULE FOR CERTAIN PLANNING APPLICATIONS ADOPTED BY RESOLUTION NO. 08-81.

8. **Unfinished Business.**

A. **San Clemente Aquatics Partnership Agreement** Pages 8-A-1 through 8-A-12

Report from the Beaches, Parks and Recreation Director concerning the possibility of entering into a partnership agreement with San Clemente Aquatics.

Staff Recommendation

Approve, and authorize the Mayor to execute, a Partnership Agreement (Contract C13-05) by and between the City of San Clemente and San Clemente Aquatics.

9. **New Business.**

A. **Reorganization of Water Reclamation Plant Staffing** Pages 9-A-1 through 9-A-14

Report from the Assistant City Manager concerning the possibility of reorganizing staffing within the Water Reclamation Plant.

Staff Recommendation

1. Approve the elimination of four Plant Operator II positions in Sewer/Sanitation; create a new job classification of Plant Operator III; approve the reclassification of two Lead Plant Operator positions to Plant Operator III; approve three additional Plant Operator III positions for the water treatment plant; and approve the salary placement of the Plant Operator III classification at Range 52.
2. Adopt Resolution No. 13-08 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A REVISED SALARY SCHEDULE AND NEW CLASSIFICATION AND AMENDING RESOLUTION NO. 13-01 AND ANY OTHER RESOLUTIONS IN CONFLICT THEREWITH.

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) **Operation Enduring Freedom Monument (Consideration of City Donation)** Pages 11-B(2)-1 through 11-B(2)-2

Staff Recommendation

1. Determine if the City will provide a donation to support the Operation Enduring Freedom Monument at Camp Pendleton, and, if so, the amount of the donation.
2. Transfer the appropriate amount from the Council Contingency Reserve Account 001-203-44900 to the Marine Unit Support Account 001-202-44756.

C. **City Attorney**

D. **Council Members**

- (1) **CASA Report**

Report from Councilmember Donchak, City representative to the Coastal Animal Services Authority (CASA), concerning CASA matters.

- (2) **San Joaquin Hills Transportation Corridor Agency Report**

Report from Councilmember Evert, City representative to the San Joaquin Hills Transportation Corridor Agency (SJHTCA), concerning SJHTCA matters.

(3) **Foothill Eastern Transportation Corridor Report**

Report from Mayor Baker, City representative to the Foothill Eastern Transportation Corridor Agency (FETCA), concerning FETCA matters.

12. **Resolutions/Ordinances.**

None.

13. **Adjournment.**

Adjourn to an Adjourned Regular Meeting to take place on Tuesday, March 26, 2013 at 4:00 p.m. (location to be determined), for the purpose of considering the City's Long Term Financial Report and Strategic Priorities.

The next Regular Council Meeting will be held on Tuesday, April 2, 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 Business Meeting 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 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.