



CITY OF SAN CLEMENTE

REGULAR CITY COUNCIL

REVISED MEETING AGENDA

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

April 2, 2013
5:00 p.m. - Closed Session
6:00 p.m. - Business Meeting

Note: This Revised Agenda varies from the original Agenda that was posted on March 26, 2013 in that the Staff Recommendation for Agenda Item 6-D has been modified (the modified staff recommendation is contained on Page 4 of this agenda in italicized type) and a new Consent Calendar Item 6-J has been added (see Page 7 of this agenda for that item).

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.

Information concerning City Council Meeting protocols and procedures is contained at the end of this agenda.

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 REAL PROPERTY NEGOTIATOR, pursuant to Government Code Section 54956.8

Property: 1100 N. El Camino Real, San Clemente

Agency Negotiator: Pall Gudgeirsson, City Manager

Negotiating Parties: Lynn Wood, CEO, San Clemente Chamber of Commerce

Under Negotiation: Price and terms of payment

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION – Martin Garff, San Clemente Stake Public Affairs Director, Church of Jesus Christ of Latter-Day Saints

PLEDGE OF ALLEGIANCE

ROLL CALL

1. **Special Presentations.**

A. **San Clemente High School Report**

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

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 Meeting of March 19, 2013.

B. Receive and file:

- (1) Special Coastal Advisory Committee meeting minutes of February 21, 2013.
- (2) Planning Commission Regular Meeting minutes of March 20, 2013.
- (3) Planning Commission Regular Study Session minutes of March 20, 2013.

C. **Warrant Register**

Approve Warrant Nos. 506668 through 506838 for the period 3-4-13 through 3-8-13 in the amount of.....\$ 569,192.14

Approve Wire Transfers Nos. 1109 through 1113 and Warrant Nos. 506839 through 506998 for the period 3-11-13 through 3-15-13 in the amount of.....\$1,891,415.38

TOTAL WARRANT REGISTER.....\$2,460,607.52

Payroll Register

Approve Warrant Nos. 186 through 191 and Automatic Deposit Advises 6521 through 6801 for the period 3-4-13 through 3-17-13.....\$ 397,260.35

TOTAL PAYROLL REGISTER.....\$ 397,260.35

D. **Change Order for FY 2013 Slurry Seal Program** Pages 6-D-1 through 6-D-3

- 1. Approve a transfer of \$43,000 from Account 001-416-45720-000-23301 (FY 13 Major Street Maintenance) to Account 001-416-45730-000-27304 (FY 13 Slurry Sealing Program).
- 2. Authorize the Public Works Director/City Engineer to execute Change Order No. 1 to Contract C12-35, by and between the City of San Clemente and American Asphalt South, Inc., for an additional cost not to exceed \$43,000.

E. **Notice of Completion – Reservoir No. 9 Drainage and Slope Repair** Pages 6-E-1 through 6-E-4

1. Accept Reservoir No. 9 Drainage and Slope Repair, Project No. 22402.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Reservoir No. 9 Drainage and Slope Repair, Project No. 22402. (Contract C12-28)
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 Ted Enterprises, 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.

F. **Del Gado Road – Potential Acceptance of Private Street** Pages 6-F-1 through 6-F-3

That Council state its intent to accept the private portion of Del Gado Road within the City limit if: 1) the street is improved to City standards and in a condition acceptable to the Public Works Director/City Engineer; and b) documentation acceptable to the Public Works Director/City Engineer is provided by the private street owners to offer the respective portions of their parcels to the City for public street purposes.

G. **Environmental Sustainability Grant Policy and Procedure No. 203-2 – Proposed Update** Pages 6-G-1 through 6-G-10

Approve the revised Policy and Procedure No. 203-2 entitled “Environmental Sustainability Grant Funding”, effective April 2, 2013.

- H. **Contract Award – Prima Deshecha Canada Channel, Facility No. MO1 Rehabilitation** Pages 6-H-1 through 6-H-16
1. Approve the plans and specifications for the Prima Deshecha Canada Channel, Facility No. MO1 Rehabilitation, Project No. 10013.
 2. Approve a supplemental appropriation in the amount of \$608,000 from the Storm Drain Fund Depreciation Reserve to Account 059-553-45300-000-10013.
 3. Approve, and authorize the Mayor to execute, Contract C13-07 by and between the City of San Clemente and Earth Construction & Mining, providing for the Prima Deshecha Canada Channel, Facility No. MO1 Rehabilitation, Project No. 10013, in the amount of \$1,774,935.60.
 4. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C11-17 by and between the City of San Clemente and VA Consulting, Inc., providing for construction management services. This Amendment will increase the contract amount from \$119,461 to \$157,164 (an increase of \$37,703).
- I. **Contract Award – FY 2013 Sidewalk Construction Program, Phase 1, Project No. 13316** Pages 6-I-1 through 6-I-14
1. Approve the plans and specifications for the FY 2013 Sidewalk Construction Program, Phase 1, Project No. 13316.
 2. Approve, and authorize the Mayor to execute, Contract C13-08 by and between the City of San Clemente and Nobest, Inc., providing for Phase 1 of the FY 2013 Sidewalk Construction Program, Project No. 13316, in the amount of \$230,000.
- J. **Authorize the City Manager to Select Bickmore for the Review of Insurance Coverage Options** Pages 6-J-1 and 6-J-2
1. Exercise Section 7.1 of Policy and Procedure 201-2-3 for the Selection of Professional Services Contractors.
 2. Authorize the City Manager to select Bickmore as the professional services contractor for the review of Insurance Coverage Options.

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. **Avenida Vista Hermosa Street Name Change** Pages 7-A-1 through 7-A-14

Public Hearing to consider a request to consider changes to the street name "Avenida Vista Hermosa." With the development of Marblehead Coastal, Avenida Vista Hermosa will be extended westward to Avenida Pico, resulting in two intersections of Avenida Vista Hermosa and Avenida Pico. The street name changes are proposed to distinguish the intersections so emergency services can locate and respond effectively to potential emergencies that may arise in the future.

Staff Recommendation

Adopt Resolution No. 13-10 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CHANGING THE NAME OF AVENIDA VISTA HERMOSA TO WEST AVENIDA VISTA HERMOSA FROM INTERSTATE-5 TO AVENIDA PICO ON THE COASTAL SIDE OF THE FREEWAY.

8. **Unfinished Business.**

None.

9. **New Business.**

A. **Trees and Views Operating Policy** Pages 9-A-1 through 9-A-9

Report from the Community Development Director concerning the trees and views operating policy.

Staff Recommendation

Review and discuss the issues of views and trees and:

1. Confirm or amend the Guiding Principles and Process discussed in the Administrative Report, dated April 2, 2013, that is on file with the City Clerk.
2. Incorporate the Guiding Principles and Process into an updated Tree Policy, to be reviewed and approved by Council at a future date.
3. Utilize the Guiding Principles and Process as interim policy, until the comprehensive Tree Policy is returned to Council for further discussion.

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**

(1) Consideration of Scheduling a Joint City Council/GPAC/Planning Commission Meeting Pages 11-A(1)-1 to 11-A(1)-7

Staff Recommendation

Schedule a Joint City Council/GPAC/Planning Commission meeting for Wednesday, May 29, 2013 at 7:00 p.m. in the 2nd Floor Conference Room, located at 910 Calle Negocio, San Clemente, California.

(2) Establishment of Interview/Appointment Dates to fill Vacancies on Various City Commissions and Committees and the Downtown Business Association Board of Directors Pages 11-A(2)-1 through 11-A(2)-2

Staff Recommendation

1. Authorize the City Clerk to advertise to fill 21 vacancies on the Planning Commission, Golf Course Committee, Beaches, Parks and Recreation Commission, Human Affairs Committee, Coastal Advisory Committee, Investment Advisory Committee and the City Representative to the Downtown Business Association Board of Directors.
2. Establish two meeting dates in June 2013 to interview and appoint residents to fill the upcoming vacancies.

B. **City Manager**

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 relative to the Safety/Quiet Zone**

12. **Resolutions/Ordinances.**

A. **Ordinance No. 1565 (Second Reading) – Streamlining Condominium Map Process** Pages 12-A-1 through 12-A-27

Staff Recommendation

Adopt Ordinance No. 1565 entitled A 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.

13. **Adjournment.**

The next Regular Council Meeting will be held on Tuesday, April 16, 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 business session will begin 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.