



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

April 16, 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 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

- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, pursuant to Government Code Section 54956.9(a). PUC Case A. 11-08-004

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION - Pastor Mike Fanning, Heritage Christian Fellowship

PLEDGE OF ALLEGIANCE

ROLL CALL

1. **Special Presentations.**

A. **Consideration of Adopting Marine Light Helicopter Squadron 469 (HMLA-469)**

Page 1-A-1

Staff Recommendation

Adopt Marine Light Helicopter Squadron 469 (HMLA-469).

B. **Presentation Concerning the 2nd Battalion 4th Marines**

Presentation by Major George Flynn concerning the activities and upcoming deployment of the 2nd Battalion 4th Marines.

C. **Presentation of California Parks and Recreation Society Awards for the Vista Hermosa Sports Park and San Clemente Aquatic Center**

Presentation by Dr. William Thomas and Michael Smith, of the Beaches, Parks and Recreation Commission, of awards that the City received from the California Parks and Recreation Society. The awards received include "Award of Excellence for Vista Hermosa Sports Park" and "Award of Excellence for San Clemente Aquatic Center".

D. **Donate Life Month Proclamation**

Presentation of proclamation to Dick Veale designating the month of April 2013 as Donate Life Month.

E. **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 minutes of the City Council Adjourned Regular Meeting of March 26, 2013 and Regular Meeting of April 2, 2013.

 - B. Receive and file:
 - (1) Design Review Subcommittee meeting minutes of March 13, 2013.
 - (2) Beaches, Parks and Recreation Commission minutes of December 11, 2012, January 15, 2013 and March 12, 2013.
 - (3) Planning Commission Study Session minutes of April 3, 2013 and Planning Commission Regular Meeting minutes of April 3, 2013.
 - (4) Zoning Administrator meeting minutes of April 3, 2013.

C. **Warrant Register**

Approve Wire Transfers Nos. 1114 and 1115 and Warrant Nos. 506999 through 507186 for the period 3-18-13 through 3-22-13 in the amount of\$1,554,201.74

Approve Wire Transfers Nos. 1116 through 1119 and Warrant Nos. 507187 through 507309 for the period 3-25-13 through 3-29-13 in the amount of\$ 745,553.10

TOTAL WARRANT REGISTER.....\$2,299,754.84

Payroll Register

Approve Warrant Nos. 192 through 195 and Automatic Deposit Advises 6802 through 7077 for the period 3-18-13 through 3-31-13 in the amount of\$ 419,564.85

TOTAL PAYROLL REGISTER.....\$ 419,564.85

D. **Notice of Completion – Trail Lighting Project (Linda Lane to Pier Bowl)** Pages 6-D-1 through 6-D-3

1. Accept the “Linda Lane to Pier Bowl Trail Lighting Project, Project No. 10140”, from the contractor, Dennis Patrick Contracting.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for Project No. 10140.
3. Authorize the City Clerk to release the Payment Bond and balance of retention 35 days from the recordation of the Notice of Completion upon verification with the Beaches, Parks and Recreation Department that no liens have been levied against Dennis Patrick Contracting.
4. Authorize the City Clerk to release the Performance Bond upon receipt of the Warranty Bond in the amount of 25% of the construction cost.

E. **Notice of Completion – Storm Drain Rehabilitation** Pages 6-E-1 through 6-E-4

1. Accept the construction of the Storm Drain Rehabilitation, Project No. 26001, from the contractor, Sancon Engineering.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for Storm Drain Rehabilitation, Project No. 26001.
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 Sancon Engineering, 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. **Revised Restated Employee Pension Plan Document** Page 6-F-1

Approve, and authorize the Mayor to execute, the revised City of San Clemente Restated Employees' Retirement Plan.

G. **Final Parcel Map 2009-141, Kramer Subdivision (323 West Avenida Valencia)**
Pages 6-G-1 through 6-G-22

1. Accept on behalf of the City of San Clemente the water rights as dedicated on the Final Parcel Map.
2. Approve Final Parcel Map 2009-141 as it conforms to the requirements set forth in the Subdivision Map Act and the previously approved Tentative Parcel Map.
3. Authorize the City Engineer to execute the Final Parcel Map upon confirmation by the City Attorney that the Deed Restriction for Parcel 1 is complete.
4. Authorize the Mayor to execute the Deed Restriction and Conservation Easement Deed.
5. Authorize the City Clerk to execute and submit the Final Parcel Map, Deed Restriction, and Conservation Easement Deed to the Orange County Recorder's Office for recordation.

H. **Contract Award – Replacement of Traffic Signal Controllers and Central Traffic Signal Control System** Pages 6-H-1 through 6-H-11

Approve, and authorize the Mayor to execute, Contract 13-09 by and between the City of San Clemente and Control West, Inc., to furnish and install traffic signal controllers and a traffic signal control system, for a cost not to exceed \$267,548.

I. **Selection of T-Street Beach Concessionaire** Pages 6-I-1 through 6-I-3

1. Approve the selection of Edith Wilson as the T-Street Beach Concessionaire.
2. Direct Staff to prepare a Consent Agreement, to be drafted by the City Attorney, to the OCTA to allow the City to sublease the T-Street Concession building to Edith Wilson.
3. Approve, and authorize the Mayor to execute, Contract C13-10, a sublease agreement between the City and Edith Wilson to operate the T-Street Beach Concession.

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. **Implementation of Audible Warning System (AWS) Update – Construction Schedule and OCTA Cooperative Agreement** Pages 8-A-1 through 8-A-18

Report from the Community Development Director concerning implementation of an Audible Warning System.

Staff Recommendation

Authorize the City Manager to execute Cooperative Agreement No. C-3-1528 by and between the City and OCTA for construction of safety improvements and installation of an Audible Warning System, with the City cost in an amount equal to 12% of the total project cost (\$504,000 maximum City share) with project cost not to exceed \$4.2 million, subject to: (a) negotiations with OCTA, (b) the agreement being satisfactory to the City Manager and City Attorney, and (c) the stipulation that no work will occur between July 3 and July 8, 2013. (Contract C13-11)

B. **Code Amendment – Excreta (Animal Waste) Nuisance Prohibited** Pages 8-B-1 through 8-B-8

Report from the Beaches, Parks and Recreation Director concerning the possibility of amending the Code of the City of San Clemente relating to animal waste violations.

Staff Recommendation

Introduce Ordinance No. 1566 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 6.8, ANIMAL REGULATIONS GENERALLY, OF THE SAN CLEMENTE MUNICIPAL CODE.

C. **Ole Hanson Beach Club Rehabilitation Concept Plans**

Report from the Beaches, Parks and Recreation and Public Works Departments concerning the concept plans for the rehabilitation of the Ole Hanson Beach Club.

Staff Recommendation

1. Approve the Preliminary Design Report.
2. Direct Architectural Group Resources, Inc. (ARG) to proceed with the final design and preparation of the construction documents based on Floor Plan B (Elevator in Lobby) within the existing \$2.5 million budget.

9. **New Business.**

A. **Contract Award – Fourth of July Fireworks Show** Pages 9-A-1 through 9-A-23

Report from the Beaches, Parks and Recreation Director concerning the Fourth of July fireworks show.

Staff Recommendation

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 Fireworks & Stage FX America as the service provider for the 2013-2017 fireworks shows.
3. Approve, and authorize the Mayor to execute, Contract C12-18, by and between the City of San Clemente and Fireworks & Stage FX America in an amount not to exceed \$38,000 per year for the 2013-2015 Fourth of July Fireworks Shows with the option to extend the agreement to the 2016 Fireworks show for a cost not to exceed \$39,900, and to extend the agreement to the 2017 Fireworks show for an amount not to exceed \$41,895.

B. **Parking Restrictions Along the Frontage of 790 Avenida Salvador** Pages 9-B-1 through 9-B-9

Report from the Public Works Director/City Engineer concerning proposed parking restrictions along the frontage of 790 Avenida Salvador.

Staff Recommendation

1. Direct Police Services to increase enforcement on Avenida Salvador.
 2. Approve prohibiting parking along the frontage of 790 Avenida Salvador between the hours of 10:00 p.m. and 6:00 a.m.
 3. Direct Staff to review the prohibition following a six-month period from the time of installation and direct Staff and the Planning Commission to recommend any subsequent actions.
 4. Direct Staff to review the prohibition following the development of the project.
 5. Adopt Resolution No. 13-11 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING "RESTRICTED PARKING AREAS" ON AVENIDA SALVADOR.
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) Report from City Manager Gudgeirsson summarizing the results of Council's March 26, 2013 meeting relative to the City's strategic priorities.

C. **City Attorney**

D. **Council Members**

- (1) Report from Councilmember Donchak, City representative to the Coastal Animal Services Authority.
- (2) Report from Councilmember Evert, City representative to the San Joaquin Hills Transportation Corridor Agency.
- (3) Report from Mayor Baker, City representative to the Foothill/Eastern Transportation Corridor Agency.
- (4) Report from Mayor Pro Tem Brown concerning proposed amendments to South Coast Air Quality Management District (AQMD) Rule 444 (Open Burning) and AQMD 445 (Wood-Burning Devices).

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 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.

13. **Adjournment.**

Adjourn to an Adjourned Regular Meeting to be held on May 7, 2013. Closed Session items will be considered at 5:00 p.m. The proposed FY 2014 City budget will be presented to Council at 5:30 p.m. The regular business meeting will commence at 6:00 p.m.

A subsequent Adjourned Regular Meeting will be held on May 16, 2013 at 4:00 p.m. in the Council Chambers for the purpose of conducting a workshop on the proposed FY 2014 City budget. If needed, this meeting will be continued to May 17, 2013 at 4:00 p.m. in the Council Chambers.

The next Regular Council Meeting will be held on May 21, 2013 in the Council Chambers. Closed Session items will be considered at 5:00 p.m. The 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.

USE OF ELECTRONIC VISUAL AIDS BY PUBLIC AT MEETINGS

To allow staff adequate time to confirm software compatibility, individuals wishing to utilize electronic visual aids to supplement their oral presentations at the meeting, must submit the electronic files to the City Clerk by no later than 12:00 p.m. on the day of the meeting. Only compatible electronic formats will be permitted to be used on City audio/visual computer equipment. Staff makes no guarantee that such material will be compatible, but will use its best efforts to accommodate the request.

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.