



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

May 21, 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):

Sadeghi v. City of San Clemente, Orange County Superior Court Case No. 30-2011 00520642.

- C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, pursuant to Government Code Section 54956.8

Property: Vista Hermosa Sports Park, 987 Avenida Vista Hermosa, San Clemente.

Agency Negotiator: Pall Gudgeirsson, City Manager

Negotiating Parties: City of San Clemente and Scott Melcher

Under Negotiation: Price and Terms of Payment

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION - Shadi Farhadi, Baha'i Faith Community

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations.

A. Certificate of Recognition - Jack Lashbrook, City Patriarch

Presentation of a Certificate of Recognition to Jack Lashbrook, the City's newly designated City Patriarch.

B. Drowning Prevention Summer Proclamation

Presentation of a proclamation to Kirk Wells, OCFA Division Chief, proclaiming May 27, 2013 through September 2, 2013 as Drowning Prevention Summer.

C. National Beach Safety and Rip Current Awareness Week Proclamation

Presentation of a proclamation to Rod Mellott, Marine Safety Lieutenant, and Teddy Weise, Marine Safety Supervisor, proclaiming June 2, 2013 through June 9, 2013 as National Beach Safety and Rip Current Awareness Week.

- 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 City Council Regular Meeting minutes of May 7, 2013.

B. Receive and file:

- (1) [Golf Course Committee Regular Meeting Minutes of January 3, 2013 and March 7, 2013.](#)
- (2) [Planning Commission Adjourned Regular Meeting minutes of May 1, 2013, Regular Meeting minutes of May 8, 2013 and Study Session minutes of May 8, 2013.](#)
- (3) [Zoning Administrator meeting minutes of May 8, 2013.](#)

C. **Warrant Register**

Approve Wire Transfers Nos. 1125 through 1128
and Warrant Nos. 507848 through 507993 for
the period 4-22-13 through 4-26-13 in the amount of.....\$ 816,633.58

Approve Warrant Nos. 507994 through 508154
for the period 4-29-13 through 5-3-13 in the amount of.....\$ 414,379.43

TOTAL WARRANT REGISTER.....\$ 1,231,013.01

Payroll Register

Approve Warrant Nos. 204 through 206 and Automatic
Deposit Advises 7366 through 7650 for the period
4-15-13 through 4-28-13 in the amount of.....\$ 406,479.05

TOTAL PAYROLL REGISTER.....\$ 406,479.05

D. **Notice of Completion - Avenida Granada Trash Enclosure** Pages 6-D-1 through 6-D-6

1. Accept the construction of the Avenida Granada Trash Enclosure, Project No. 12346, from the contractor, Eltiste Company.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Avenida Granada Trash Enclosure, Project No. 12346. (Contract C12-42)
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 Eltiste Company.
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.

E. **Assignment, Assumption, Hold Harmless, and Release Agreement Between the Reserve Maintenance Corporation, and Pardee Homes and Bond Release - Tract 16212, Planning Area 4, The Reserve East at Forster Highlands** Pages 6-E-1 through 6-E-32

1. Approve, and authorize the Mayor to execute, an Assignment, Assumption, Hold Harmless, and Release Agreement, by and between The Reserve Maintenance Corporation and Pardee Homes, approving and consenting to the assignment of the Subdivision Improvement Agreement (dated March 6, 2002), from Pardee Homes (Assignor) to The Reserve Maintenance Corporation (Assignee), subject to the City Attorney's final approval of the agreement. Contract C13-15
2. Adopt Resolution No. 13-17 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ACCEPTING THE DEDICATED SEWER AND WATER IMPROVEMENTS AND AUTHORIZING THE RELEASE OF THE IMPROVEMENT BONDS FOR TRACT 16212, PLANNING AREA 4, THE RESERVE EAST AT FORSTER HIGHLANDS, LLC, PARDEE HOMES.

F. **Contract Award - Street Sweeping Services** Pages 6-F-1 through 6-F-2

Approve, and authorize the Mayor to execute, Contract C08-49 by and between the City of San Clemente and Cannon Pacific Services, Inc., providing for street sweeping services from July 1, 2013 to June 30, 2018.

G. **Change Order - Recycled Water Expansion, Project No. 18201A**
Pages 6-G-1 through 6-G-4

1. Approve the plans and specifications for the MO2 Water Quality Treatment Backwash Pipeline, Project No. 13015.
2. Authorize the City Engineer to approve a change order to Contract 18201A for the construction of the MO2 Water Quality Backwash Pipeline, in an amount not to exceed \$55,340 with funding from MO2 Water Quality Treatment Backwash Pipeline Account 057-543-45300-000-13015. (Contract C12-52)
3. Approve a contract contingency increase in the amount of \$55,340 to the Recycled Water Expansion, Project No. 18201A.

H. **Notice of Completion - Alameda Lane Drainage System Rehabilitation, Project No. 10011** Pages 6-H-1 through 6-H-4

1. Accept the Alameda Lane Drainage System Rehabilitation, Project No. 10011, from the contractor, GCI Construction, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Alameda Lane Drainage System Rehabilitation, Project No. 10011. (Contract C12-39)
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 GCI Construction, 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.

I. **Resolution Confirming Adoption of Marine Light Helicopter Squadron HMLA-469** Pages 6-I-1 through 6-I-3

1. Adopt Resolution No. 13-18 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, SUPPORTING THE "AMERICA SUPPORTING AMERICANS" ADOPTION PROGRAM, AND ADOPTING THE LIGHT ATTACK HELICOPTER SQUADRON, HMLA-469, CAMP PENDLETON, CALIFORNIA.
2. Direct Staff to submit a copy of Resolution No. 13-18 to the California League of Cities urging participation in the "America Supporting Americans" Adoption Program.

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. **Max Berg Plaza Park Play Equipment Replacement and Declaration of Surplus Property** Pages 8-A-1 through 8-A-14

Report from the Beaches, Parks and Recreation Director concerning the acquisition of new play equipment for Max Berg Plaza Park and the disposition of the current equipment.

Staff Recommendation

1. Approve the purchase of playground equipment for Max Berg Plaza Park from GameTime, a Playcore company, utilizing the U.S. Communities Cooperative Purchase, for an amount not to exceed \$150,000, including installation.
2. Approve, and authorize the Mayor to execute, Contract No. C13-14 with U.S. Communities - Lead Agency CMNC for Cooperative Purchasing.
3. Approve and authorize the Mayor to declare the list of existing play equipment at Max Berg Plaza Park as Surplus Property for Donation, and to authorize the Beaches, Parks and Recreation Director to donate the surplus equipment to Kids Around the World for the purpose of benefitting the youth of an underprivileged community. The list of play equipment to be donated is attached to the Administrative Report, dated May 21, 2013, which is on file with the City Clerk.
4. Approve, and authorize the Mayor to execute, the Release and Indemnification Agreement with Kids Around the World.

B. **Concept Plan for the Ole Hanson Beach Club Rehabilitation** Pages 8-B-1 through 8-B-10

Report from the Beaches, Parks and Recreation Director concerning approval of the concept plan for the rehabilitation of the Ole Hanson Beach Club.

Staff Recommendation

Select the preferred Floor Plan and confirm the proposed scope of work for Phase 1 of the Ole Hanson Beach Club rehabilitation project, with an existing project budget of \$2.5 million.

9. **New Business.**

A. **Base of Pier Restroom Renovation** Pages 9-A-1 through 9-A-5

Report from the Beaches, Parks and Recreation Director concerning conceptual designs for the renovation of the Base of Pier restroom.

Staff Recommendation

1. Approve Option 2 for the Base of Pier restroom.
2. Authorize the City Manager to amend the agreement with RRM for the Base of Pier restroom providing for Final Design, CEQA Documentation, Coastal Commission Permit Support, Construction Period Design Support and Construction Inspection services, for an additional cost not to exceed \$25,000.
3. Allocate an additional \$65,000 to Account 001-636-45300-000-12560 for the Base of Pier restroom renovation.

B. **Modifications to the Orange County Fire Authority (OCFA) Contract to Provide Seasonal Ambulance Services** Pages 9-B-1 through 9-B-7

Report from the Interim Director of Finance and Administrative Services concerning proposed modifications to the Orange County Fire Authority contract to provide seasonal ambulance services.

Staff Recommendation

Authorize staff to negotiate with the Orange County Fire Authority (OCFA) to modify the existing contract to add seasonal ambulance services.

C. **Modifications to Orange County Fire Authority (OCFA) Contract to Fuel OCFA Vehicles at the City's Fueling Station** Pages 9-C-1 through 9-C-2

Report from the Interim Director of Finance and Administrative Services concerning proposed modifications to the Orange County Fire Authority contract to fuel OCFA vehicles at the City's fueling station.

Staff Recommendation

Authorize staff to negotiate with the OCFA to consider modifying the existing contract to allow Orange County Fire Authority (OCFA) vehicles to refuel at the City's fueling station.

D. **North Beach Car Rally and Cruise Event** Pages 9-D-1 through 9-D-17

Report from the Beaches, Parks and Recreation Director concerning a request by the North Beach Community Association (NBCA) to conduct a special event "Car Rally and Cruise" on June 8, 2013 at the North Beach Parking Lot and for the City to waive fees associated with City services needed to conduct the event.

Staff Recommendation

1. Approve the North Beach Car Rally and Cruise event at the North Beach parking lot in the staff-recommended location (Site B) and require the organization to provide recommended services to offer a safe event.
2. Require the NBCA to provide liability insurance and indemnity.
3. Deny the request by NBCA for fee waiver of City services needed to conduct the event.

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) **San Clemente Library Report**

Report from Councilmember Donchak relative to the San Clemente library expansion project.

(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.

(4) **Selection of Voting Delegate and Alternate(s) for League of Cities Annual Conference** Pages 11-D(4)-1 through 11-D(4)-4

Select a Voting Delegate, and up to two Alternates, to vote on behalf of the City of San Clemente at the League of California Cities Annual Conference on September 18-20, 2013 in Sacramento.

- (5) **Proposed Amendments to Air Quality Management District Rule 444 (Open Burning) - Mayor Pro Tem Brown** Pages 11-D(5)-1 and 11-D(5)-2

Report concerning the Air Quality Management District's potential amendments to Rule 444, which would ban the use of fire rings and beach burning.

12. **Resolutions/Ordinances.**

None.

13. **Adjournment.**

Adjourn to an Adjourned Regular Meeting to be held on May 29, 2013 at 6:00 p.m. in the 2nd floor Conference Room at 910 Calle Negocio, San Clemente, for the purpose of meeting in Joint Session with the City's Planning Commission and General Plan Advisory Committee relative to the City's new General Plan.

The next Regular Council Meeting will be held on June 4, 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 public 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.