



CITY OF SAN CLEMENTE

SPECIAL AND REGULAR CITY COUNCIL MEETING AGENDA

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

April 3, 2012
4:30 p.m. - Closed Session (Special Meeting)
6:00 p.m. - Business Meeting (Regular 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 (4:30 P.M.) If there are no Closed Session items, the City Clerk will recess the meeting to 6:00 p.m.

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, pursuant to Government Code Section 54956.9(a):

Name of Case: Avenida San Juan Partnership v. City of San Clemente, et al., OCSC Case No. 30-2008-00101411-CU-EI-CJC

- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, pursuant to Government Code Section 54956.9(a):

R.J. Noble v. SunCal Marblehead, LLC, Orange County Superior Court Case No. 30-2008-00111733

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

Property: Irons in the Fire Restaurant, located at 150 East Avenida Magdalena, San Clemente

City Negotiator: George Scarborough, City Manager

Negotiating Parties: City of San Clemente and Dave Donaldson

Under Negotiation: Both Price and Terms of Payment.

(Closed Session items continued on next page)

D. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code Section 54956.9(c): One potential case.

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION - Pastor Roger Gales, Heritage Christian Fellowship

PLEDGE OF ALLEGIANCE

ROLL CALL

1. **Special Presentations.**

A. **Presentation of Commendation - Kent Campbell**

Presentation of a Commendation to Kent Campbell for going above and beyond the call of duty to create an outstanding Boys and Girls Club for San Clemente.

B. **San Clemente High School Student Report**

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

C. **Status Report - Avenida La Pata Gap Closure**

Presentation by Harry Persaud, County of Orange Planned Communities/Public Works Manager, concerning project activities and funding for the Avenida La Pata Gap Closure.

D. **Status Update - Poche Beach Issues**

Presentation by County and City Staff concerning the Poche Beach urban runoff treatment system, Prima Deshecha Bacteria Source Identification Study, pond outlet management permit and catwalk repair 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 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 Adjourned Regular City Council Meeting of March 13, 2012.

 - B. Receive and file:
 - (1) Planning Commission Regular Meeting minutes of March 21, 2012.
 - (2) Planning Commission Study Session minutes of March 21, 2012.
 - (3) Beaches, Parks and Recreation Commission Regular Meeting minutes of March 13, 2012.

C. **Warrant Register**

Approve Warrant Nos. 826145 through 826367,
for the period 03-05-12 through 03-09-12,
in the amount of \$ 538,996.21

Approve Handwrite Nos. 826516 through 826519,
Wire Transfers Nos. 923 through 926, and
Warrant Nos. 826368 through 826515,
for the period 03-12-12 through 03-16-12,
in the amount of\$1,606,711.57

TOTAL WARRANT REGISTER.....\$2,145,707.78

Payroll Register

Approve Warrant Nos. 322650 through 322658,
Automatic Deposit Advises 179476 through 179746,
for the period 03-05-12 through 03-18-12,
in the amount of \$ 411,908.11

TOTAL PAYROLL REGISTER..... \$ 411,908.11

D. **Contract Award - Traffic Modeling Associated with the New General Plan -
Pages 6-D-1 through 6-D-2**

1. Approve a supplemental appropriation of \$9,600 from the General Fund to Account 001-413-43890-000-00000.
2. Approve, and authorize the Mayor to execute, Contract C12-09, by and between the City of San Clemente and Stantec Consulting Services, Inc., providing for traffic modeling services associated with the new General Plan, in an amount not to exceed \$52,000.

E. **Contract Termination and Award - Avenida Pico Bicycle Path Study** - Pages 6-E-1 through 6-E-2

1. Approve termination of Contract C10-12, by and between the City of San Clemente and Fehr & Peers Transportation Consultants, relative to the Avenida Pico Bicycle Path Study, Project No. 30803.
2. Authorize Staff to submit written notice to Fehr & Peers Transportation Consultants advising that the City is terminating the agreement. (Contract C10-12)
3. Approve, and authorize the Mayor to execute, Contract C12-10, by and between the City of San Clemente and DKS Associates, providing for the completion of the Avenida Pico Bicycle Path Study, in the amount of \$13,500.

F. **1181 Puerta Del Sol (Final Map 17347) - Puerta Del Sol Condominium Conversion** - Pages 6-F-1 through 6-F-2

1. Approve Final Map 17347 as it conforms to the requirements set forth in the Subdivision Map Act and previously approved Tentative Map.
2. Authorize the Public Works Director/City Engineer to execute Final Map 17347.
3. Authorize the City Clerk to execute and submit Final Map 17347 to the County of Orange Recorder's Office for recordation.

G. **Establishment of Weed Abatement Program for 2012** - Pages 6-G-1 through 6-G-4

Adopt Resolution No. 12-10 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PURSUANT TO SECTIONS 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.

- H. **Parking Program for San Clemente Casino When Community Non-Profit Organizations Use the Facility for Community Fundraising Purposes** - Pages 6-H-1 through 6-H-3

Direct Staff to implement the best management practices as outlined in the Administrative Report, dated April 3, 2012, which is on file with the City Clerk.

- I. **Contract Award - Water Reclamation Plant SCADA Fiber Optic Network** - Pages 6-I-1 through 6-I-4

1. Approve the plans and specifications for the Water Reclamation Plant SCADA Fiber Optic Network, Project No. 12605.
2. Approve, and authorize the Mayor to execute, Contract C12-11, by and between the City of San Clemente and Intelinet, Inc., providing for the Water Reclamation Plant SCADA Fiber Optic Network, Project No. 12605, in the amount of \$101,507.

- J. **Communications Site Lease Agreement - T-Mobile West Corporation (3895 Calle Andalucia)** - Pages 6-J-1 through 6-J-18

1. Approve, and authorize the Mayor to execute, a Communications Site Lease Agreement, by and between the City of San Clemente and T-Mobile West Corporation, for the transmission of cellular communications and provision of mobile/wireless communication services at 3895 Calle Andalucia. (Contract C12-12)
2. Authorize the City Manager to approve future amendments to the Communications Site Lease provided that the City Manager shall not have the authority to approve a decrease in the rental rate without prior approval of the City Council.

- K. **Assembly Bill 1455 "High-Speed Rail Lemon Law"** - Pages 6-K-1 through 6-K-8

Adopt Resolution No. 12-11 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, SUPPORTING AB 1455 (HARKEY) HIGH SPEED RAIL LEMON LAW, which would remove the remaining available balance of the \$9 billion in state debt funding for the high speed rail project, while allowing for the \$950 million segment allowed for local transportation to remain available for future funding.

L. **Use of Beach for Holiday Photo Fundraiser by Friends of San Clemente Beaches, Parks and Recreation Foundation** - Pages 6-L-1 through 6-L-7

Approve the Friends of San Clemente Beaches, Parks and Recreation Foundation's request to use a portion of the beach and waive fees for a two-day holiday photo fundraising event.

M. **Healthy Eating Active Living (HEAL) City** - Pages 6-M-1 through 6-M-6

Adopt Resolution No. 12-12 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DECLARING THAT SAN CLEMENTE IS A HEALTHY EATING ACTIVE LIVING (HEAL) CITY.

N. **Appointment of City Attorney and Assistant City Attorney** - Pages 6-N-1 through 6-N-9

1. Accept the resignation of Jeff Oderman from the position of City Attorney, with regret.
2. Adopt Resolution No. 12-13 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPOINTING A CITY ATTORNEY AND ASSISTANT CITY ATTORNEY.

O. **Welcome Home Parade for San Clemente's Adopted Marine Unit** - Pages 6-O-1 through 6-O-4

1. Approve the staging, parade route and temporary street closures that best meet the logistical needs of the Marines.
2. Approve the temporary closure of the upper Pier Bowl parking lot.
3. Allow a section of the beach north of the Pier at the shade structure to be roped off for the 2/4 Association barbeque.
4. Waive police services costs associated with traffic control/safety.

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. **3812 Via Del Campo - (Amendment to Tentative Parcel Map 2006-287) - Lee Subdivision**

Public Hearing to consider a request by the homeowner and applicant to consider amending some of the originally approved Conditions of Approval for a subdivision of one lot into two lots at 3812 Via Del Campo within the Residential Low Density Zoning District (RL-17). The legal description being Lot 22, of Tract 8495, Assessors Parcel Number 675-062-15.

Staff Recommendation

Adopt Resolution No. 12-14 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AN AMENDMENT TO TENTATIVE PARCEL MAP 2006-287, LEE SUBDIVISION, A REQUEST FOR A SUBDIVISION OF AN EXISTING PARCEL LOCATED AT 3812 VIA CAMPO.

B. **310 E. Avenida Pico - (Minor Architectural Permit 11-219) – U-Haul Façade Enhancements** - Pages 7-B-1 through 7-B-30

Public Hearing to consider an appeal by the applicant of the Zoning Administrator's denial of extra signage associated with an approved Minor Architectural Permit 11-219, changing the exterior colors of a commercial building located within the Industrial (M2) zoning district located at 310 East Avenida Pico, Assessors Parcel Number 691-433-02.

Staff Recommendation

Adopt Resolution No. 12-15 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, UPHOLDING THE APPROVAL OF THE ZONING ADMINISTRATOR'S APPROVAL OF MINOR ARCHITECTURAL PERMIT 11-219, U-HAUL FAÇADE ENHANCEMENTS, A REQUEST FOR FAÇADE ENHANCEMENTS FOR THE U-HAUL FACILITY LOCATED AT 310 EAST AVENIDA PICO. This resolution would approve multiple façade and site improvements, but deny the orange wave line element.

C. **Ambulance Transport Fees** - Pages 7-C-1 through 7-C-6

Public Hearing to consider proposed fee increases for ambulance transport. The proposed fee for basic life support ambulance transport would increase from \$471.75 to \$498.22 (an increase of \$26.47) for residents and from \$671.75 to \$698.22 (an increase of \$26.47) for non-residents. The proposed fee for advance life support ambulance transport would increase from \$ 827.50 to \$867.99 (an increase of \$40.49) for residents and from \$1,027.50 to \$1,067.99 (an increase of \$40.49) for non-residents. The cost of actual supplies used during transport and mileage at \$16.11 per mile would also be charged.

Staff Recommendation

Adopt Resolution No. 12-16 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REVISING AMBULANCE TRANSPORT FEES, AND REPEALING RESOLUTION NO. 08-82, EXHIBIT "A" AS IT RELATES TO AMBULANCE TRANSPORT FEES.

8. **Unfinished Business.**

None.

9. **New Business.**A. **Code Amendment - Business License Tax Schedule for Fortune Telling and Tattoo Establishments** - Pages 9-A-1 through 9-A-3

Report from the Assistant City Manager/City Treasurer concerning the possibility of amending the Code of the City of San Clemente to modify the business license tax schedule for fortune telling and tattoo establishments.

Staff Recommendation

Introduce Ordinance No. 1550 entitled AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 5.08 RELATING TO BUSINESS LICENSES AND REGULATIONS.

B. **Rescheduling of June 5, 2012 Regular City Council Meeting to Enable City Facilities to be Used for June 5, 2012 Presidential Primary Election** - Page 9-B-1

Report from the City Clerk concerning the possibility of rescheduling the June 5, 2012 Regular City Council meeting to enable the City facilities to be used for the June 5, 2012 Presidential Primary Election.

Staff Recommendation

1. Determine whether to reschedule the June 5, 2012 City Council meeting to enable the Orange County Registrar of Voters to use the Council Chambers and City Hall parking lot for the Presidential Primary Election.
2. If Council determines to grant the Registrar's request, select a revised date for the conduct of the first Regular Council Meeting in June 2012.

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) Report from Councilmember Donchak, City Representative to the Coastal Animal Services Authority (CASA), relative to CASA Matters

12. **Resolutions/Ordinances.**

None.

13. **Adjournment.**

The next Regular Council Meeting will be held on Tuesday, April 17, 2012 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be discussed at 5:00 p.m. The General Session 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 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.

04/03/12
6A

CITY OF SAN CLEMENTE

ADJOURNED REGULAR CITY COUNCIL MEETING

March 13, 2012

An Adjourned Regular City Council meeting was called to order at 9:30 a.m. in Conference Room A of the Community Development Department building, located at 910 Calle Negocio, San Clemente, California, by Mayor Evert.

PRESENT BAKER, BROWN, DAHL, MAYOR EVERT

ABSENT DONCHAK

CITY STAFF PRESENT George Scarborough, City Manager; Joanne Baade, City Clerk;
Anthony Mejia, Deputy City Clerk

PRESENT FROM Congressman Ken Calvert; Jason Gagnon, Deputy District Director
CONGRESSMAN
CALVERT'S OFFICE

Joint Meeting with U.S. Congressman Calvert

Mayor Evert provided welcoming remarks and thanked Congressman Calvert and his staff for attending this meeting.

City Manager Scarborough explained that the City sent a letter to Congressman Calvert on February 29, 2012 that identified the City's FY 2013 Federal Appropriations requests; provided an overview of the following projects for which the City is requesting funding assistance:

1. **San Clemente Beach Restoration and Sand Replenishment Design Phase** - Amount requested \$500,000.
2. **Safety/Quiet Zone Improvements** - Amount requested \$468,000.
3. **Avenida La Pata Extension Project** - Amount requested \$9 million.
4. **Recycled Water Storage and Treatment Expansion** - Amount requested \$2.5 million.
5. **South Orange Coastal Desalination Project** - Amount requested \$15-20 million.
6. **Courtney's SandCastle Universally Accessible Playground, Phase II** - Amount requested \$326,000.

6A-1

Congressman Calvert expressed willingness to help the City with regard to the beach restoration and sand replenishment project; stated that he supports the Water Resources Development Act (WRDA) legislation, but noted that it may be delayed due to a difficult political environment in Washington, D.C.

With regard to the Safety/Quiet Zone, Congressman Calvert advised that he will determine if federal transportation funding is available and suggested that the City and County contact Burlington Northern Santa Fe (BNSF) for assistance.

With regard to the recycled water storage and treatment expansion, Congressman Calvert expressed support for recycled water projects, noting that water resources are depleting and recycling water will reduce dependence on importing potable water.

Congressman Calvert suggested that county staff research whether Transportation Infrastructure Finance and Innovation Act (TIFIA) funds are available for the Avenida La Pata Extension Project; expressed support for the Courtney's SandCastle Universally Accessible Playground, advising that he will continue to provide assistance.

With regard to the South Orange Coastal Ocean Desalination Project, Congressman Calvert stated that the Metropolitan Water District (MWD) may have an interest in supporting the desalination project rather than constructing a water pipeline from Lake Mathews to south Orange County; noted that allocating funding for the project will be difficult during this challenging and political year.

Oral Communications

None.

Round Table

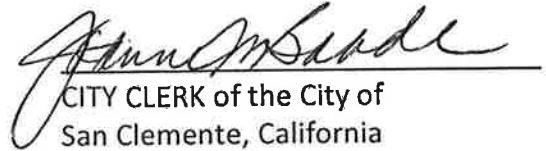
Congressman Calvert stated that it was a privilege to serve San Clemente and other south Orange County cities; noted that his new congressional district is primarily the cities of Norco, Eastvale, Lake Elsinore, Murrieta, Temecula, Menifee, Corona, and Canyon Lake.

In response to Council inquiry, Congressman Calvert stated that he voted against the bond issue for California's High Speed Rail; opined that California and the federal government cannot afford the project; expressed hope that the state will re-evaluate its plans and will allow citizens to re-vote on the issue.

6A-2

ADJOURNMENT

MOTION BY COUNCILMEMBER BAKER, SECOND BY MAYOR PRO TEM BROWN, CARRIED 4-0, to adjourn at 10:30 a.m., to an Adjourned Regular Meeting to be held on Tuesday, March 20, 2012 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. The Water and Wastewater Utilities Cost-of-Service Study Workshop will begin at 4:00 p.m. Closed Session items will be discussed at 5:30 p.m. The General Session will commence at 6:00 p.m.


CITY CLERK of the City of
San Clemente, California

MAYOR of the City of
San Clemente, California

04/03/12
6B(1)

**MINUTES OF THE REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
March 21, 2012 @ 7:00 p.m.
City Council Chambers
100 Avenida Presidio
San Clemente, CA 92672**

1. CALL TO ORDER

Chair Anderson called the Regular Meeting of the Planning Commission of the City of San Clemente to order at 7:05 p.m.

2. PLEDGE OF ALLEGIANCE

Chair pro tem Darden led the Pledge of Allegiance.

3. ROLL CALL

Commissioners Present: Donald Brown, Barton Crandell, Michael Kaupp, Jim Ruehlin;
Chair pro tem Julia Darden, Vice Chair Lew Avera, Chair Nesa Anderson

Commissioners Absent: None

Staff Present: Jim Pechous, City Planner
Jeff Hook, Principal Planner
Zackary Ponsen, Senior Civil Engineer
Ajit Thind, Deputy City Attorney
Eileen White, Recording Secretary

Agenda items are presented in the originally agendized format for the benefit of the minutes' reader, but were not necessarily heard in that order.

6B(1)-1

4. SPECIAL ORDERS OF BUSINESS**A. General Plan Advisory Committee (GPAC) Update (Alan Korsen)**

A presentation by GPAC member Alan Korsen updating the Commission on recent GPAC meetings. Mr. Korsen will summarize key General Plan policy discussions and comments raised at the meetings.

Alan Korsen, GPAC member, reviewed issues presented and discussed at the last GPAC meeting, including minutes correction regarding the Marblehead Coastal project. He explained GPAC's final decision on the matter to be revised and reflected in the GPAC minutes as follows: "If (the Marblehead Project is) not realized by its expiration date in 2018, the City shall initiate a new planning process for the area." In addition, he noted the GPAC received an outstanding presentation regarding Climate Action Plan (CAP), provided the City's population percentages that work/live both inside and outside of the City, and noted it is anticipated that additional GPAC meetings beyond May 14, 2012 will be needed for the Committee to complete its review of the draft General Plan sections.

In response to a comment regarding whether he thinks the draft General Plan document was substantively changed during the Commission's review, Mr. Korsen acknowledged that GPAC members have expressed concern that their work on the update during the past two years might have been for naught if it is being disregarded by the Planning Commission. He added that he has encouraged the members to review the Planning Commission meeting video and embrace their role as an advisory committee.

Commissioner Kaupp requested Mr. Korsen forward comments to the GPAC that the Planning Commission is incredibly impressed with the detail and quality of work provided by GPAC members and wanted to emphasize that the Commission valued GPAC's recommendation. He wanted to dispel any notion that the Commission was somehow being "cavalier" in its review of or commentary on GPAC's work. He added the Commission looks at the draft General Plan with different perceptions from those of GPAC and that all perceptions are equally important to the success of the document.

6B(1)-2

Mr. Korsen thanked Commissioner Kaupp for his comments, and noted the GPAC is dedicated and invested in the project, and would like to see an outstanding product as a result.

Oral report received.

B. General Plan Policies (Hook) (continued from 03-07-12)

Consider General Plan Advisory Committee comments and recommendations and review draft General Plan goals, policies, and implementation actions for the sections on Land Use and Natural Resources.

Chair Anderson requested staff begin their presentation with the Del Mar/T-Zone element of the General Plan, which includes a proposed two story height limit, as this issue has generated substantial public commentary and discourse. This issue warrants thoughtful consideration, notice to all affected property owners and possibly, holding a public workshop and/or meeting dedicated to the topic to determine pros and cons, discuss consequences, understand existing CUP procedures, etc. The Commission will receive public testimony, provide input, and continue this element of the General Plan to a future meeting.

Commissioner Kaupp recused himself from considering this portion of the General Plan due to property ownership in the affected area and left the meeting room.

Jeff Hook, Principal Planner, projected draft General Plan sections on the overhead and recommended the Commission review the selected text, provide input and take action if desired. Revisions will be incorporated into the text and become the Commission's edited copy. The Commissioners will have additional opportunities to review and/or revise the document as it progresses through the approval process. He noted that Brian Judd of The Planning Center was also present for questions.

Consultant Judd referred to a mixed-use guide developed by The Planning Center as a design concept to use for future shaping of Del Mar/T-Zone, and agreed to provide copies to the Commissioners for their consideration.

Del Mar/T-Zone

Commissioner Darden questioned whether the statement "The area exhibits a balance between economic and cultural vitality and village character through its Spanish Colonial Revival architecture, pedestrian-orientation and ocean views that provide a unique sense of place." She questioned whether this statement sets a tone which may not be in agreement with the policies following the goal statement, especially with regard to reduced building height limits. The Commissioners agreed to insert a placeholder for this sentence, to be revisited once the relationship between building heights, historic rehabilitation and Spanish Colonial Revival architecture is clarified. In addition, the Historic Preservation Policy will be revisited after the sections on Spanish Colonial Revival architecture, remodeling strategies and new development have been thoroughly discussed.

On a question from Commissioner Crandell, City Attorney Thind confirmed that the City could make findings to justify reducing maximum building heights, and if it did so, he felt the reduction would be legally defensible and valid.

The Commissioners agreed that staff would simplify the Bicycle and Pedestrian Environment Policy in this section.

Chair Anderson invited the public to provide comment.

Email dated March 19, 2012, from G. Wayne Eggleston, resident, in favor of a two story ban in the Del Mar/T-Zone area. The email was read aloud during the meeting by Kathleen Ward.

Letter dated March 20, 2012, from Christine Lampert, resident, supporting the existing three story building height in the Del Mar/T-Zone area. The letter was read aloud during the meeting by Donald Prime.

Email dated March, 20, 2012, from Gary Hopp, resident, in favor of the proposed two story ban to support the 97% majority vote of residents who voted in a recent poll to keep the area in human scale.

4B(1)-4

Email dated March 20, 2012, from Mary McMenamain, resident, opposing the two story ban and referencing successful existing buildings over two stories in the Del Mar/T-Zone area.

Email dated March 21, 2012, from Marji Boughton, Downtown property owner, opposing the two story ban to preserve property rights and property values in the area.

Letter dated March, 21, 2012, from Jeanne Griffin, resident, opposing the two story ban, which will devalue properties and adversely affect business revenue for the City.

Email dated March 21, 2012, from Rick Franks, resident, opposing the two story ban as it will undermine much needed new development.

Letter dated March 26, 2012, from S. Randall Griffin, resident, opposing the two story ban, which will inhibit business opportunities and property values.

Ed Bracknau, resident, opposed allowing three story buildings on Del Mar to improve the area's silhouette, discourage overcrowding, reduce the parking shortage, and improve the City's first impression.

Larry Culbertson, resident, distributed handouts to the Commissioners depicting the streetscape along both blocks of Del Mar and indicating the number of stories for each building. He supports limiting buildings to 2 stories in the Del Mar/T-Zone area.

Jennifer Massey, resident, urged the Commissioners to endorse the GPAC recommendation and supported maintaining the area to 2 stories in order to preserve the City's beguiling and different atmosphere, and not sacrifice the City's jewel quality for profits.

Jeri Mann, resident, opposed allowing three story buildings in order to preserve the charm and uniqueness of the City. She recounted the success of resident's groups bonding together to preserve their quality of life, and asked the Commission to support the majority's wishes, which are to preserve the City the way it is.

Kathleen Ward, resident, read the letter submitted by Wayne Eggleston, who opposes three story buildings in the Del Mar/T-Zone due to potential negative impacts caused by intensification of use, loss of village character, poor history of mixed use projects in the City, and inadequate infrastructure to support three story buildings. He called for a vision workshop in order to allow public discourse on the subject.

Kathleen Ward, resident, opposed allowing three story buildings in the Del Mar/T-Zone because the concept is incompatible with the City's Vision Document, GPAC recommendation, City survey results, and definition of village character.

Donald Prime, resident, read the letter submitted by Christine Lampert, resident, supporting continuing to allow three-story buildings because it is part of Ole Hanson's original vision for the City; stating that removing the property owners' rights to build up to three stories devalues property and takes away established rights; noting the elimination of the third story reduces mixed use properties, with residential units on the third floors, which brings vibrancy and life to downtown environments; calling for a committee of experts in the field of urban design to evaluate the streetscape.

Juniel Worthington, resident, opposed allowing three story buildings in order to maintain the City's village character and support the GPAC recommendation.

Brenda Miller, resident, commented on the City Council's enjoyment of the bike tour of Long Beach; noted that embracing multi-modal transportation helps cities weather the storm of high density housing and intensity of use, as well as increases sustainable transportation and quality of life; emphasized the necessity of creating multi-modal transportation routes throughout the community. She suggested revising the Bicycle and Pedestrian Environment Policy to add "multi-modal," in front of "bicycle and pedestrian" throughout the policy, and eliminating the term "appropriate" on the fifth line.

Eugene Gilbert, resident, supported limiting the downtown area to two stories in general, but conceded there should be a process to allow three stories if feasible on a case-by-case basis.

Richard Boyer, resident, noted the vast majority of residents have indicated through surveys, project votes, and public testimony that they want the City's downtown to remain the same, which to most means limiting the story count to what it is today, and eliminating the option to add a third story.

Barbara Brocknau, resident, opposed allowing three story buildings on Del Mar/T-Zone to maintain the beautiful views from the top of Del Mar, eliminate having to chose which property owners will be allowed to build to three stories, refrain from setting precedence for other projects, not aggravate the existing parking shortage, and maintain the City's quaint Village by the Sea character.

Donald Prime, resident, supported allowing the third story option in the Del Mar/T-Zone in order to preserve the property rights and values of owners. As a downtown property owner, he was never contacted about the potential loss of property development rights. He commented that the lots downtown are privately owned parcels, not community assets to be developed as the community sees fit to develop. He promoted addressing the expansion of Del Mar/T-Zone area with additional design and massing guidelines.

Georgette Korsen, resident, opposed allowing three story buildings on Del Mar/T-Zone because surveys have indicated and residents have stated their preference that the City maintain a village character and preserve its charm and human scale. She urged the Commission to vote to reflect the values stated by residents and remove the option to allow third stories in the area.

Chair Anderson closed the public comment portion of this item.

Commission Comment:

The Commissioners agreed this topic warranted further research, discussion, and public input before moving forward with a decision.

Chair Anderson noted that although the design guidelines for the Del Mar/T-Zone area allow up to three stories with a CUP, no new development has occurred in 20 years because of the difficulties associated with providing parking on small lots. Urban Design Guidelines in

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place ensure that any redevelopment addresses massing in a thoughtful way and is done in a manner consistent with Spanish Colonial Revival architecture. She pointed out that existing buildings with over two stories were built under the direction put forth by Ole Hanson. She established from staff that the Zoning Ordinance now sets a two-story limit for Downtown buildings that are 100 percent commercial or residential, and that only mixed-use buildings can have three stories, and then only under certain circumstances. She noted that mixed use in downtown areas typically create hubs for residents to work and live, reduce car trips and encourage alternate methods of transportation, and bring vitality to the neighborhood. She believes additional meetings are necessary to fully discuss and understand all the issues involved, with input from the public, GPAC members, property owners, etc. before a decision should be made.

Vice Chair Avera thanked Brenda Miller for her efforts with the Bike Master Plan and helpful assistance to the GPAC. He supports continuing to allow three-story buildings, since their massing can be controlled through Zoning Ordinance requirements and Design Guidelines that address floor area ratio (FAR), building setbacks, building height requirements, etc. He thanked Larry Culbertson for providing the streetscapes, which in his opinion, indicate that three-story buildings can be a welcome addition and provide variety in roof tops. He pointed out for the record that the GPAC's vote in support of a two-story height limit passed with a slim majority and a significant number of members absent.

Commissioner Ruehlin felt the vote taken by GPAC to support a two-story height limit in the Del Mar/T-Zone area was premature, not properly researched in advance and abruptly undertaken. Legal and land use issues were not addressed with the degree of thoughtfulness and attention to detail as they deserved. Although there is room for improvement, limiting the Downtown to two stories would change the direction of the Del Mar/T-Zone area, which currently is experiencing a much improved, vibrant, and enjoyable revival. This is a complex issue, which needs thorough discourse, research and understanding before any decision can be made.

Commissioner Darden agreed that the issue deserves additional discussion, airing of points of view and research before a decision can be made. She noted the need for balance between two important issues, the residents' desire that the area remain as it is today and their desire that the area maintain its economic viability and job development. Balancing

the two issues is of vital importance; the wrong decision can result in unintended consequences. She is confident that a three-story mixed use building, which is only allowable with a CUP to address issues of massing, architecture, parking, and design standards, can be done with thoughtful design and careful guidance and still preserve the area's village character and avoid "canyonization." She submitted suggested language for insertion into the Introduction, Parking Policy, and Height Limitation sections. Proposed revisions were inserted as placeholders to be discussed at a future meeting.

Commissioner Brown believes the area has reached a natural equilibrium as a result of the lot area and dimension limits, parking limits, and overall economic climate. He felt this culminated in a vast majority of one- and two-story buildings. He agreed there are many things to discuss and address before a decision can be made. He pointed out that if the San Clemente Inn is converted from an apartment building back to a hotel, further parking shortages would result. Providing adequate parking for three-story uses will be of major consideration in the decision making process.

Commissioner Crandell believes it may be too impractical and difficult to design a viable mixed use, three-story building in light of current constraints. He expressed concern with the possibility the City might continue to allow three stories into the future, with no guarantees of capable staff, committees, and commissions in place to ensure careful and thoughtful planning, since this could result in unintended consequences. He agreed that additional research, especially with regard to legal issues, is necessary before a decision can be made.

No action was taken. The Commission included several text "placeholders" and suggested language additions/deletions and additional links to be included in the Commission's edited document for further review.

Residential Land Use Chart

The Commissioners debated the merits of requiring or encouraging a certain amount of usable outdoor space for single family lots, similar to open space requirements for multi-family lots, including addressing those lots with less usable space due to slopes and canyons. The Commissioners

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elected to leave a placeholder in this section to allow for future research and discussion before any action is taken. In addition, the term "sidewalks" was added to the "Access to Amenities" and "Maintenance of Neighborhood Character" Policies, and a "Water Conservation" link was added.

IT WAS MOVED BY CHAIR PRO TEM DARDEN, SECONDED BY VICE CHAIR AVERA, AND UNANIMOUSLY CARRIED TO CONTINUE CONSIDERATION OF GENERAL PLAN POLICIES TO THE MEETING OF APRIL 4, 2012.

[ACTION PENDING. PLANNING COMMISSION ITEM CONTINUED.]

5. MINUTES

A. Minutes from the Regular Planning Commission Meeting of March 7, 2012

IT WAS MOVED BY COMMISSIONER BROWN, SECONDED BY COMMISSIONER CRANDELL, AND UNANIMOUSLY CARRIED TO RECEIVE AND FILE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING OF MARCH 7, 2012, AS PRESENTED.

6. ORAL COMMUNICATIONS

Cheryl Moe, resident, opposed the 54 foot lighted entry tower approved for the new Ralph's on South El Camino Real. She commented that its height is detrimental to adjacent properties and that its uplighting was contradictory to dark skies philosophies. She added that the tower's height was outside the purpose and intent of the Zoning Code limitations and felt it set an unfortunate precedence. She suggested the Zoning Code be rewritten to specify a maximum, finite number for tower heights. She displayed the original rendering associated with the project and commented that the drawing included palm trees to obscure and mislead the public and Commission regarding the actual height of the tower.

Richard Boyer, resident, commented that the Ralph's project evidences two important issues: 1) the project was able to be designed using the City's existing Code, without need for exceptions or amendments, and 2) it stands as an example that the City must proceed carefully to ensure all projects remain true to the City's unique vision and do not start to resemble adjacent beach towns.

7. WRITTEN COMMUNICATIONS - None

8. CONSENT CALENDAR

9. PUBLIC HEARING

10. NEW BUSINESS

**A. Community Development Department Accomplishments 2011 (Pechous)
(continued from 03-07-12)**

A report from the City Planner on the Community Development Department 2011 work accomplishments.

Planner Pechous suggested the Commission table this item. It will be re-noticed for a future meeting with fewer items on its agenda.

IT WAS MOVED BY VICE CHAIR AVERA, SECONDED BY COMMISSIONER RUEHLIN, AND UNANIMOUSLY CARRIED TO TABLE COMMUNITY DEVELOPMENT DEPARTMENT ACCOMPLISHMENTS 2011.

11. OLD BUSINESS - None

12. REPORTS OF COMMISSIONERS/STAFF

Included in the Commissioners' packets for their review:

- A. Tentative Future Agenda
- B. Minutes from the Zoning Administrator meeting of March 7, 2012
- C. Staff Waiver 12-084, 516 Elena Lane

The Commissioners agreed to cancel the Study Session of April 4, 2012, and start the regular meeting at 6:00 p.m.

The Commissioners agreed to request staff arrange for the Commission to hear at a future Study Session the Climate Action Plan presentation previously given to the GPAC.

13. ADJOURNMENT


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IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY COMMISSIONER BROWN AND UNANIMOUSLY CARRIED TO ADJOURN AT 10:13 P.M. TO THE ADJOURNED REGULAR MEETING TO BE HELD AT 6:00 P.M. ON APRIL 4, 2012, IN COUNCIL CHAMBERS AT CITY HALL LOCATED AT 100 AVENIDA PRESIDIO, SAN CLEMENTE, CA.

Respectfully submitted,

Nesa Anderson, Chair

Attest:



Jim Pechous, City Planner

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04/03/12
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**MINUTES OF THE REGULAR STUDY SESSION
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
March 21, 2012 @ 6:00 p.m.
City Council Chambers
100 Avenida Presidio
San Clemente, CA 92672**

CALL TO ORDER

Chair Anderson called the Regular Study Session of the Planning Commission of the City of San Clemente to order at 6:06 p.m. in City Council Chambers, located at 100 Avenida Presidio, San Clemente, CA 92672.

ROLL CALL

Commissioners Present: Donald Brown, Barton Crandell, Michael Kaupp, Jim Ruehlin; Chair pro tem Julia Darden, Vice Chair Lew Avera and Chair Nesa Anderson

Commissioners Absent: None

Staff Present: Jim Pechous, City Planner
Jeff Hook, Principal Planner
Eileen White, Recording Secretary

AGENDA

A. New General Plan Overview (The Planning Center - Brian Judd)

Before the presentation, Vice Chair Avera noted that the draft General Plan is the culmination of many months of work by the General Plan Advisory Committee members. He encouraged the Commissioners to review the document's format for consistency and readability, as well as the document's content to ensure its completeness and attention to detail, and be mindful that any proposed changes and/or revisions will have repercussions throughout the document.

Brian Judd, the Planning Center, narrated a PowerPoint Presentation entitled "Spanish Village by the Sea, dated March 21, 2012." He described

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the benefits associated with having a web-based General Plan, distributed the brochure developed by the Planning Center for the City of Ontario; discussed format, tools, links, and site maintenance; addressed the State Office of Planning and Research (OPR) and California Roundtable’s remarks regarding web-based General Plans; described the City of Ontario’s General Plan goals, annual meeting review, and General Plan review process framework. In addition, he navigated the City of Ontario’s website and General Plan, reviewed the City’s goals for its General Plan update, and demonstrated a mock-up of the City’s site, including links to other documents, appropriate layering and links.

In response to questions from the Commissioners, he advised that Planning Center staff continues to work on hyperlinks for related documents, noted the Commission will have additional opportunities to review links and text, and requested the Commission review the draft document this evening and provide suggestions for substantive changes. He discussed security precautions in place to prevent hacking or site corruption, noted there will be a hardcopy of the final General Plan produced for backup purposes, and assured the Commissioners that certain details, such as the Urban Design Element, will be included in the General Plan document itself. He added the purpose of the Updated General Plan is to provide information in general, with links to appropriate documents for specific and/or detailed information.

DRAFT

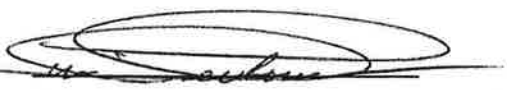
COMMISSION COMMENT: None

RECESS - Recess until 7:00 p.m.

Respectfully submitted,

Nesa Anderson, Chair

Attest:



Jim Pechous, City Planner

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DRAFT

**CITY OF SAN CLEMENTE
MINUTES OF THE
BEACHES, PARKS AND RECREATION COMMISSION
TUESDAY, MARCH 13, 2012, 6:00 P.M.**

A regular meeting of the Beaches, Parks and Recreation Commission of the City of San Clemente was called to order on Tuesday, March 13, 2012, at 6:03 p.m., in the Ole Hanson Fireside Room of the Community Center.

1. **PLEDGE OF ALLEGIANCE** was led by Landscape Architect Dick Fisher of Fisher and Associates.

2. **ROLL CALL**

Present: Dagmar Foy (arrived at 6:25 p.m.), Bill Osier, Steven Streger, Eric Swartz, William Thomas, Tom Wicks

Absent: Chris McCormack

Staff present: Sharon Heider, Beaches, Parks & Recreation Director
Pam Passow, Recreation Manager
Blake Anderson, Marine Safety Officer
Rita DeForrest, Administrative Assistant

Please note that agenda items are presented in the originally agendized format but were not necessarily heard in that order.

3. **PRESENTATIONS**

Chair Streger presented commendations to Landscape Architect Dick Fisher of Fisher and Associates for his contribution in making Courtney's SandCastle a remarkable play area for people of all physical capabilities, and to City of San Clemente Landscape Architect Tim Shaw for his management of Vista Hermosa Sports Park project.

Director Heider read aloud each commendation. Each recipient received a standing ovation for their contributions in making the Vista Hermosa Sports Park and San Clemente Aquatics Center and Courtney's SandCastle such a success.

4. **APPROVAL OF MINUTES**

A. **February 14, 2012**

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MOTION BY COMMISSIONER THOMAS, SECOND BY COMMISSIONER SWARTZ, CARRIED 4-0-1, to approve the Beaches, Parks and Recreation Commission minutes of February 14, 2012. Commissioner Wicks abstained.

5. CURRENT COMMUNITY ACTIVITIES AND EVENTS

A. Recreation Division – Verbal Report by Recreation Manager Pam Passow

Manager Passow reported: Vista Hermosa Sports Park and San Clemente Aquatics Center attracted an exceptionally large crowd for the grand opening on February 25th, since use of the pool was free. With the warm weather, staff estimates that at least 200 people each day have stopped at the park counter just to ask questions to find out what it is about, as well as others out using the park; next month, staff will begin to record the number of park visitors and the pool rescues; the public is being educated on pool safety; the number of pool rentals and pool passes have increased significantly that will show in next month's report; the number of lifeguards on duty depends on the level of activity.

B. Marine Safety Division – Verbal Report by Marine Safety Officer Blake Anderson

Officer Anderson reported: There were 67 applicants for the lifeguard tryouts; 12 have been invited to training from which five to six will be hired. Large crowds are expected at the beach for spring break; the lifeguard towers will be placed on the beach soon. Staff has contacted 1,200 students regarding the Neighborhood Beach Watch Program and delivered presentations to the Kiwanis and Rotary Clubs regarding the program. The Junior Lifeguard Program will start at 7:00 a.m. on May 5th; the minimum age for the program has been reduced to nine years old. Last Sunday, someone in a boat located off the end of the pier was shooting a hand gun; OC Sheriff's were alerted and found that four Marines were joy riding in the area. Two weeks ago, a possible suicide was reported; OC Sheriff's were summoned, located the person who was brought to safety. There was a boat rescue off Cotton Point. The water temperature was 58 degrees.

C. Park Planning – Verbal Report by Landscape Architect Tim Shaw

In the absence of Mr. Shaw, Director Heider reported that the Steed Park building was re-roofed; some Recreation staff members were relocated to Steed Park and other park locations; the resurfacing of the tennis courts at San Luis Rey Park was completed.

D. BP&R Activities Report – received and filed.

6. OLD BUSINESS

No old business.

7. NEW BUSINESS

(Please note: New Business items were discussed out of sequence; Item 7.B. was discussed before 7.A.)

A. Friends of BP&R Foundation Vending Machine Agreement

Director Heider reviewed the contents of the report on adding additional vending machine sites to the agreement with the Friends of the Beaches, Parks and Recreation

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Foundation and responded to Commission inquiries as follows: Staff is taking a proactive approach to prevent vandalism by selecting sites that are more visible. Staff is comfortable with the agreement, its flexibility, and satisfied with the product selection. Staff wants to expand the opportunity for more vending machines at different locations. Four machines are in place at the new park. Vending machine revenue generation benefits the Beaches, Parks and Recreation Department, and staff is supportive of the Foundation's efforts.

Commission Wicks, President of the Foundation, provided the following information with reference to the agreement: The vendor prefers keeping the machines un-caged, but the machines are caged to prevent vandalism. The vendor encourages public input and is willing to change vending machine content, when needed. It is a three-year agreement with a 60-day cancellation clause.

MOTION BY COMMISSIONER THOMAS, SECOND BY COMMISSIONER OSIER, CARRIED 6-0-0, to approve the list of additional vending machine sites in the Agreement for Installation of Vending Machines in Public Locations between the Foundation and Department.

B. Healthy Eating Active Living (HEAL) City Resolution

Recreation Manager Passow reviewed the contents of the report outlining grant funding for a city-wide focus on the prevention of obesity and obesity related illness and the draft resolution.

Chair Streger recognized, from the audience, Dolores Barrett of Community Action Partners HEAL OC.

Ms. Barrett provided her credentials and thanked the Commission for their support; commented that it was just another step toward a healthy community; thanked staff for moving the city in that direction and urged the Commission to recommend approval of the resolution.

Commissioner Foy arrived at 6:25 p.m.

Staff responded to Commission inquiries as follows: Staff is working to expand the city's Wellness Program. The city needs to offer incentives that work for the Wellness Program which does not provide cash incentives. The Program offers a monthly opportunity drawing for those who log their physical activities. The NuPac grant will provide clout and opportunities for more grant funds. Its goal is to encourage healthy eating, not a guideline for healthy eating.

MOTION BY COMMISSIONER WICKS, SECOND BY COMMISSIONER SWARTZ, the Beaches, Parks and Recreation Commission recommends that Council adopt a Resolution supporting the Healthy Eating Active Living (HEAL) Cities Campaign.

Further discussion ensued, and the motion was restated as follows:

MOTION BY COMMISSIONER WICKS, SECOND BY COMMISSIONER SWARTZ, CARRIED 6-0-0, the Beaches, Parks and Recreation Commission recommends that Council adopt the present Resolution, as written, supporting the Healthy Eating Active Living (HEAL) Cities Campaign.

C. Use of Beach for Holiday Photo Fundraiser

Director Heider reviewed the contents of the report on a request from the Friends of the Beaches, Parks and Recreation Foundation to waive fees to hold a two-day holiday photo fundraising event on a portion of the beach; explained that staff and the Foundation are working together for a community event to generate revenue, show off the city's facilities, and, perhaps, form a partnership.

The Commission commented and raised concerns as follows: This event may create more work for staff. There is the possibility that people would like a picture taken with their pets at the beach. The public needs to be aware that it is a Foundation fundraiser for the city. The event is more than a money maker but is more to promote friend building, and educating the public on the purpose of the Friends. People need to clearly understand the link between the Foundation and the city.

MOTION BY COMMISSIONER SWARTZ, SECOND BY COMMISSIONER OSIER, CARRIED 6-0-0, to recommend City Council approve use of a portion of the beach and waive fees, for the Friends of San Clemente Beaches, Parks and Recreation Foundation for a two-day holiday photo fundraising event.

8. PUBLIC INPUT

Fred Butler, resident and tennis advocate, thanked the Commission and staff for the resurfaced tennis courts and repairs to the fence at San Luis Rey Park; reported that the skate boarders have found the newly resurfaced courts and have made skid marks.

Erik and Lisa Klipfel, residents, reported that youngsters using scooters would like to utilize Ralphs Skate Court; advised there has been a dramatic increase in use of scooters; requested a future agenda item to discuss incorporating use of scooters in the rules at the skate court; submitted written statistics on the percentage of use by skateboarders, in-line skaters, and scooters at the court during a one-week period.

Director Heider advised that the current rules do not allow scooters; however, staff is aware of the evolution of the sport, and conducting research with other cities on their experience with scooters.

9. COMMUNICATIONS

No communications.

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10. ITEMS FROM COMMISSION

A. Sub-Committee Reports

- 1. Beach Trail and Park Use Policy - Commissioners Thomas, Wicks, and Osier (sunset date: March 2012) – Director Heider suggested extension of the sunset date; advised that Chief Humphreys will take the staff lead with the sub-committee on this topic.

MOTION BY COMMISSIONER WICKS, SECOND BY COMMISSIONER OSIER, CARRIED 6-0-0, to extend the Beach Trail and Park Use Policy Sub-Committee sunset date to March 2013.

B. Items from Commissioners

- 1. General Plan Advisory Committee (GPAC) – Commissioner Osier reported the GPAC Committee is scheduled to meet tomorrow, 3/14, to review the draft of safety element policies and draft climate action plan, the consultants are writing the General Plan, and additional meetings are scheduled on April 25 and May 14.
- 2. Coastal Advisory Committee (CAC) – Commissioner Foy attended the CAC meeting on 3/8 and reported: (1) there was a request to place a bench at the Mariposa ramp, and (2) George Gregory spoke to the CAC about attracting a new vendor for the North Beach snack bar by replacing the decking, benches, and adding new sand to the beach.
- 3. BP&R Foundation – Commissioner Wicks, Foundation president, advised that the Foundation is working to increase public awareness of its presence in the community; reviewed the Foundation’s planned fundraising events for the coming year; encouraged the Commission to partner with the Foundation as much as possible.

11. ADJOURNMENT

MOTION BY COMMISSIONER THOMAS, SECOND BY COMMISSIONER STREGER, CARRIED 6-0-0, to adjourn to the Beaches, Parks and Recreation Commission regular meeting on April 10, 2012, at 6:00 p.m., in the Ole Hanson Fireside Room of the Community Center, 100 North Calle Seville, San Clemente, CA.

Chairperson and Commissioner of the
Beaches, Parks & Recreation Commission

Beaches, Parks & Recreation Director

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CITY OF SAN CLEMENTE
CERTIFICATION OF WARRANTS

I HEREBY SUBMIT THE ATTACHED
WARRANT REGISTER FOR AUDIT
AND APPROVAL BY THE CITY
COUNCIL, CITY OF SAN CLEMENTE

APPROVED AND ORDERED PAID AT
THE MEETING OF THE CITY COUNCIL
HELD April 3, 2012
IN THE AMOUNT OF \$ 538,996.21

CITY MANAGER

MAYOR

ATTEST: _____
CITY CLERK

I HEREBY CERTIFY TO THE ACCURACY OF THE FOREGOING
DEMANDS AND THAT FUNDS ARE AVAILABLE FOR PAYMENT
THEREOF:

PAID BY WARRANTS SIGNED BY LEGALLY
DESIGNATED PERSONS IN ACCORDANCE
WITH THE STATE OF CALIFORNIA
GOVERNMENT CODE, SECTION-41003

ASSISTANT CITY MANAGER
JCR

CITY TREASURER

Bank : union UNION BANK OF CA

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
826145	3/16/2012	016621	4IMPRINT.COM	2330781	2/13/2012	GRAND OPENING MAGNETS	498.63	498.63
826146	3/16/2012	002108	AA EQUIP RENTALS CO INC	7924428	2/23/2012	BLADE	185.10	
				7924440	2/23/2012	NOZZLE, TIP	124.77	
				7924284	2/17/2012	WASHER, CHAIN LINK	18.31	328.18
826147	3/16/2012	006532	ACTION CHEMICAL CO	19321	3/1/2012	ACTION CHEM - NEGOCIO C	269.38	269.38
826148	3/16/2012	020113	ALBERT, SOPHI	030112	3/1/2012	CONTRACT INSTRUCTOR PA	850.50	850.50
826149	3/16/2012	000802	ALL AMERICAN ASPHALT	763743	2/22/2012	ALL AMERICAN - MAINT. SVC.	991.57	991.57
826150	3/16/2012	009876	ALL CITY MANAGEMENT SVC:	25947	2/10/2012	CONTR. C06-40/CROSSING C	5,517.60	
				25657	1/28/2012	CONTR. C06-40/CROSSING C	4,922.28	10,439.88
826151	3/16/2012	013806	AMERICAN SOCCER COMPAN	6146946	2/13/2012	A/C #445018 REC PROG. SUP	534.63	534.63
826152	3/16/2012	011331	AMERICAN TANK TESTING, IN	26053	3/2/2012	SERVICE AND REPAIR	638.00	638.00
826153	3/16/2012	002603	ANIMAL PEST MGMT SERVICE	91916	2/28/2012	LANDSCAPE RODENT CONTI	1,229.74	
				91924	2/28/2012	LANDSCAPE RODENT CONTI	500.00	
				91995	2/28/2012	LANDSCAPE RODENT CONTI	300.00	
				92057	2/28/2012	LANDSCAPE RODENT CONTI	65.00	2,094.74
826154	3/16/2012	021319	ANKROM, ROBIN	1113132	2/29/2012	REFUND OF CLASS / RENT	105.00	105.00
826155	3/16/2012	000257	ASSIST LEAGUE OF CAPIST	021412	2/14/2012	ASSIST LEAGUE OF CAPIST	465.00	465.00
826156	3/16/2012	019069	AT&T	000003169052	2/27/2012	PHONE / TELEMETRY LINES	2,791.24	2,791.24
826157	3/16/2012	020729	ATOM ENGINEERING CONST	PP1	3/7/2012	PN 11301/ MAX BERG PARK C	82,316.17	82,316.17
826158	3/16/2012	017337	BACKER & ASSOCIATES	P12-353	2/29/2012	CASH REGISTER ROLLS	82.97	82.97
826159	3/16/2012	021343	BACKMAN, LHONDA	Ref002346435	3/13/2012	UB Refund Cst #069912	77.96	77.96
826160	3/16/2012	009406	BAKER, SHANNON	1113586	2/29/2012	REFUND OF CLASS / RENT	105.00	105.00
826161	3/16/2012	009038	BAKERCORP	1201149-051	2/24/2012	TANK RENTAL	1,456.00	1,456.00
826162	3/16/2012	021348	BARNES, CRAIG	Ref002346440	3/13/2012	UB Refund Cst #077207	31.65	31.65
826163	3/16/2012	007922	BEE BUSTERS	01-0033454	3/2/2012	SWARM ABATEMENT	125.00	
				01-0033348	2/22/2012	REMOVAL OF COLONY BEES	125.00	
				01-0033459	3/2/2012	REMOVAL OF COLONY BEES	125.00	375.00
826164	3/16/2012	021366	BELL, JOHN	Ref002346459	3/13/2012	UB Refund Cst #079379	14.42	14.42
826165	3/16/2012	021341	BLUTH, CINDY	Ref002346433	3/13/2012	UB Refund Cst #067588	66.94	66.94
826166	3/16/2012	021301	BREWER, LYNDA	1113001	2/28/2012	REFUND OF CLASS / RENT	210.00	210.00
826167	3/16/2012	021351	BROWN, RICK	Ref002346443	3/13/2012	UB Refund Cst #077963	65.81	65.81
826168	3/16/2012	021261	CALIF DEPT OF FISH & GAME	1600-2012-0036	3/6/2012	APPLICATION FEES FOR REC	482.75	482.75
826169	3/16/2012	003654	CARBONARA TRATTORIA ITAL	706928	2/26/2012	JAN / FEB RSVP LUNCHEON I	840.00	840.00
826170	3/16/2012	021321	CARDINALE, BARBARA	SC411406	10/19/2011	PARTIAL REFUND	308.00	308.00

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
826171	3/16/2012	001464	CARQUEST AUTO PARTS #777457-148058	3/2/2012	MISC AUTO PARTS	46.50	
			7457-147918	2/29/2012	MISC AUTO PARTS	28.43	
			7457-147789	2/27/2012	MISC AUTO PARTS	24.67	
			7457-148029	3/1/2012	MISC AUTO PARTS	14.21	
			7457-147662	2/24/2012	MISC AUTO PARTS	8.11	
			7457-147675	2/24/2012	MISC AUTO PARTS	6.96	128.88
826172	3/16/2012	019519	CINTAS CORPORATION	3/8/2012	RENTAL AND CLEANING OF U	221.67	
			640550538	3/1/2012	RENTAL AND CLEANING OF U	166.08	
			640550539	3/1/2012	RENTAL AND CLEANING OF U	160.25	
			640553925	3/8/2012	RENTAL AND CLEANING OF U	140.73	
			640553923	3/8/2012	CINTAS - MAINT. SVCS. DIV. -	93.53	
			640550536	3/1/2012	CINTAS - MAINT. SVCS. DIV. -	93.53	
			640543687	2/16/2012	UNIFORM RENTAL / SHOP TC	52.66	
			640547099	2/23/2012	UNIFORM RENTAL / SHOP TC	52.66	
			640550517	3/1/2012	UNIFORM RENTAL / SHOP TC	52.66	1,033.77
826173	3/16/2012	001158	COASTAL BLUE CORP.	3/1/2012	PRINTING & DELIVERY SVCS	27.58	27.58
826174	3/16/2012	021347	COBB, MATHEW	3/13/2012	UB Refund Cst #077016	50.14	50.14
826175	3/16/2012	001417	CONSOLIDATED ELECTRIC DI	2/29/2012	MATERIALS	365.65	
			551410	2/29/2012	MATERIALS	198.26	
			551434	3/1/2012	MATERIALS	162.78	726.69
826176	3/16/2012	001394	COOK PGA GOLF SHOP INC, I	3/13/2012	03/05/12-03/11/12 WEEKLY PA	14,607.47	14,607.47
826177	3/16/2012	021322	COPENHAVER, PAUL	11/26/2011	REFUND	58.00	58.00
826178	3/16/2012	010204	CORRPRO COMPANIES	2/24/2012	SURVEY OF PIER CATHODIC	2,500.00	2,500.00
826179	3/16/2012	017544	COURSE TRENDS INC	3/1/2012	WEBSITE	495.00	495.00
826180	3/16/2012	006090	COX COMMUNICATIONS	2/28/2012	A/C 001 7601 050931701	6,337.46	
			022512	2/25/2012	A/C 001 7601 051400401	40.81	6,378.27
826181	3/16/2012	006090	COX COMMUNICATIONS	3/3/2012	MONTHLY COX SCADA COMM	1,142.25	1,142.25
826182	3/16/2012	006090	COX COMMUNICATIONS	2/28/2012	A/C 001 7601 048750601	69.00	69.00
826183	3/16/2012	001018	CROWN FENCE COMPANY	2/1/2012	FURNISH, INSTALL CHAIN LIN	2,553.00	2,553.00
826184	3/16/2012	007472	CSMFO - OC CHAPTER	3/7/2012	MONTHLY LUNCH MEETING -	40.00	40.00
826185	3/16/2012	004426	CUMMINGS III, CHARLES C	12/13/2011	REFUND OF PREPAID ASSES	3,487.89	3,487.89
826186	3/16/2012	021365	DAVIDSON, JENNIFER	3/13/2012	UB Refund Cst #079349	26.16	26.16
826187	3/16/2012	015994	DE LAGE LANDEN FINANCIAL	3/2/2012	LEASE OF MULTI-FUNCTION/	3,322.49	3,322.49

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826188	3/16/2012	005410	DEIST-BINSFIELD, INC	1175	3/5/2012	PROJECT MGT - PO FOR FY ;	2,517.50	
				1182	3/5/2012	PROJECT MGT - PO FOR FY ;	2,422.50	
				1178	3/5/2012	PROJECT MGT - PO FOR FY ;	2,375.00	
				1179	3/5/2012	PROJECT MGT - PO FOR FY ;	1,140.00	
				1183	3/5/2012	PROJECT MGT - PO FOR FY ;	1,045.00	
				1177	3/5/2012	PROJECT MGT - PO FOR FY ;	855.00	
				1176	3/5/2012	PROJECT MGT - PO FOR FY ;	665.00	
				1181	3/5/2012	PROJECT MGT - PO FOR FY ;	475.00	
				1180	3/5/2012	PROJECT MGT - PO FOR FY ;	285.00	11,780.00

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
826189	3/16/2012	002647	DENAULT'S HARDWARE, INC	418515	2/23/2012	SUPPLIES FOR ALL CITY DEF	303.42	
				418236	2/14/2012	SUPPLIES FOR ALL CITY DEF	244.61	
				418712	3/1/2012	SUPPLIES FOR ALL CITY DEF	193.48	
				417249	1/10/2012	SUPPLIES FOR ALL CITY DEF	102.31	
				418526	2/24/2012	SUPPLIES FOR ALL CITY DEF	96.96	
				418766	3/3/2012	SUPPLIES FOR ALL CITY DEF	84.94	
				418645	2/29/2012	SUPPLIES FOR ALL CITY DEF	78.20	
				418863	3/7/2012	SUPPLIES FOR ALL CITY DEF	75.67	
				418460	2/22/2012	SUPPLIES FOR ALL CITY DEF	74.93	
				418646	2/29/2012	SUPPLIES FOR ALL CITY DEF	63.00	
				418725	3/2/2012	SUPPLIES FOR ALL CITY DEF	57.66	
				418878	3/7/2012	SUPPLIES FOR ALL CITY DEF	56.86	
				418862	3/7/2012	SUPPLIES FOR ALL CITY DEF	56.50	
				418519	2/24/2012	SUPPLIES FOR ALL CITY DEF	50.34	
				418813	3/5/2012	SUPPLIES FOR ALL CITY DEF	49.41	
				418767	3/3/2012	SUPPLIES FOR ALL CITY DEF	35.53	
				416809	12/21/2011	SUPPLIES FOR ALL CITY DEF	34.92	
				418711	3/1/2012	SUPPLIES FOR ALL CITY DEF	29.08	
				418548	2/24/2012	SUPPLIES FOR ALL CITY DEF	29.06	
				418831	3/6/2012	SUPPLIES FOR ALL CITY DEF	22.28	
				418496	2/23/2012	SUPPLIES FOR ALL CITY DEF	20.35	
				418532	2/24/2012	SUPPLIES FOR ALL CITY DEF	18.65	
				418867	3/7/2012	SUPPLIES FOR ALL CITY DEF	13.90	
				418676	2/29/2012	SUPPLIES FOR ALL CITY DEF	13.07	
				418840	3/6/2012	SUPPLIES FOR ALL CITY DEF	12.91	
				418714	3/1/2012	SUPPLIES FOR ALL CITY DEF	9.68	
				418835	3/6/2012	SUPPLIES FOR ALL CITY DEF	7.75	
				418612	2/28/2012	SUPPLIES FOR ALL CITY DEF	6.77	
826190	3/16/2012	007924	DOCTOR'S AMBULANCE SER	003052012-D	3/5/2012	BACK-UP AMBULANCE TRAN	3,250.00	1,842.24
826191	3/16/2012	004462	DOHENY PLUMBING	30380	2/29/2012	BEACHES & PARKS MAINTEN	3,755.87	3,250.00
				30651	2/28/2012	BEACHES & PARKS MAINTEN	2,504.13	6,260.00
826192	3/16/2012	021376	DONAWA, STEFAN	Ref002346469	3/13/2012	UB Refund Cst #080094	48.74	48.74
826193	3/16/2012	021367	DOWNER, PAUL	Ref002346460	3/13/2012	UB Refund Cst #079502	97.61	97.61

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826194	3/16/2012	004575	DWINNELL, RONALD E	92120	2/23/2012 SAND	92.66	
				92114	2/23/2012 SAND	92.66	
				92141	2/24/2012 SAND	92.66	
				92185	2/27/2012 SAND	92.66	
				92207	2/28/2012 SAND	92.66	
				92080	2/22/2012 BUILDING MATERIALS	46.33	509.63
826195	3/16/2012	004177	E STEWART & ASSOC INC	1413	3/1/2012 WEED ABATEMENT CONTRA	17,120.00	
				10873	2/16/2012 LUMBER	3,838.77	
				1394	2/16/2012 WEED ABATEMENT CONTRA	2,900.00	
				1401	2/27/2012 GRAFFITI ABATEMENT 2012	2,131.25	
				1402	2/27/2012 GRAFFITI ABATEMENT 2012	2,000.00	
				1410	3/1/2012 WEED ABATEMENT CONTRA	1,035.00	
				1403	2/27/2012 GRAFFITI REMOVAL	770.00	
				1407	3/1/2012 STEED PARK MAINTENANCE	640.00	
				1417	3/6/2012 WEED ABATEMENT CONTRA	301.50	
				1408	3/1/2012 WEED ABATEMENT CONTRA	37.50	30,774.02
826196	3/16/2012	021317	EDWARDSON, JAY	1113239	2/29/2012 REFUND OF CLASS / RENT	105.00	105.00
826197	3/16/2012	021372	EISENDRATH TEAM INC	Ref002346465	3/13/2012 UB Refund Cst #079935	111.64	111.64
826198	3/16/2012	001059	ENVIRONMENTAL SYST	RSRC92460232	2/29/2012 QUOTE-T & M FOR WTR.DIST	4,284.00	4,284.00
826199	3/16/2012	011576	EQUIFAX INFORMATION SER	6960948	3/7/2012 CREDIT SCORING - FY 2012	206.82	206.82
826200	3/16/2012	004030	EWLES MATERIALS	176479	2/27/2012 STREET SUPPLIES	91.96	91.96
826201	3/16/2012	019345	FDE&S INC	34968	2/29/2012 AQUATICS UNIFORMS	2,147.35	
				34961	2/29/2012 STAFF UNIFORMS	732.70	
				34964	2/29/2012 MONITOR UNIFORMS & HATS	367.00	
				34966	2/29/2012 LEADER HATS	283.38	3,530.43
826202	3/16/2012	019616	FIDELITY & DEPOSIT CO OF M	19A	3/6/2012 DOWNTOWN FIRE STATION	12,437.50	12,437.50
826203	3/16/2012	021362	FIELD ASSET SERVICES INC	Ref002346455	3/13/2012 UB Refund Cst #079211	70.34	70.34
826204	3/16/2012	006232	FIRST BANKCARD CENTER	030512	3/5/2012 #5477-2593-7247-5744	89.30	89.30
826205	3/16/2012	007885	FITZPATRICK CONSTRUCTION	022912	2/29/2012 TENANT IMPVMT 1030 NEGO	11,890.00	11,890.00
826206	3/16/2012	000785	FOX VALLEY SYSTEMS, INC	10039956	2/23/2012 WHITE PAINT	96.86	96.86
826207	3/16/2012	021336	FRANCIS, NOELLE	Ref002346425	3/13/2012 UB Refund Cst #007147	200.00	200.00
826208	3/16/2012	007657	GARDA	178-331112	3/1/2012 Armored Transport Services	1,086.29	1,086.29
826209	3/16/2012	013320	GCS, INC	40835	2/29/2012 GCS - JANITORIAL - MAINT. S	8,297.00	8,297.00
826210	3/16/2012	000208	GENERAL PETROLEUM CORP	4743991	2/15/2012 DIESEL & GASOLINE	959.16	959.16
826211	3/16/2012	005936	GENTEMANN, BETH J.	030512	3/5/2012 INSTRUCTOR PAYMENT	7,093.20	7,093.20

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826212	3/16/2012	001937	GIERLICH-MITCHELL, INC	GC13162	2/24/2012	REHAB PRIMARY SEDIMENT/	7,997.56	7,997.56
826213	3/16/2012	014194	GOLF SCORECARDS INC	33649	2/27/2012	SCORECARDS	1,840.61	1,840.61
826214	3/16/2012	001887	GONG ENTERPRISES, INC	6820	2/27/2012	PLAN CHECK	3,280.00	
			6815	2/26/2012	PLAN CHECK	1,440.00		
			6819	2/27/2012	PLAN CHECK	980.00		
			6818	2/26/2012	PLAN CHECK	865.00		
			6816	2/26/2012	PLAN CHECK	750.00		
			6821	2/27/2012	PLAN CHECK	730.00		
			6822	2/27/2012	PLAN CHECK	730.00		
			6812	2/26/2012	PLAN CHECK	405.00		
			6813	2/26/2012	PLAN CHECK	405.00		
			6814	2/26/2012	PLAN CHECK	405.00		
			6817	2/26/2012	PLAN CHECK	405.00		
			6823	2/27/2012	PLAN CHECK	347.50		
			6824	2/27/2012	PLAN CHECK	347.50		
			6825	2/27/2012	PLAN CHECK	347.50	11,437.50	
826215	3/16/2012	001926	GRAINGER, INC, W.W.	9764536067	2/27/2012	MISC. SUPPLIES	291.08	291.08
826216	3/16/2012	021371	GREENWOOD, EMILY	Ref002346464	3/13/2012	UB Refund Cst #079828	90.35	90.35
826217	3/16/2012	021379	GS WHISPERING WINDS LLC	Ref002346472	3/13/2012	UB Refund Cst #080321	75.53	75.53
826218	3/16/2012	021380	GS WHISPERING WINDS LLC	Ref002346473	3/13/2012	UB Refund Cst #080344	58.43	58.43
826219	3/16/2012	021381	GS WHISPERING WINDS LLC	Ref002346474	3/13/2012	UB Refund Cst #080457	50.13	50.13
826220	3/16/2012	002311	HAAKER EQUIPMENT CO., INC	C86251	3/1/2012	MISC. PARTS	237.19	237.19
826221	3/16/2012	001140	HACH COMPANY	7648772	3/2/2012	LAB SUPPLIES	605.36	605.36
826222	3/16/2012	021352	HADA, MELISSA	Ref002346444	3/13/2012	UB Refund Cst #078122	48.99	48.99
826223	3/16/2012	021300	HANNAH, STEPHANIE	1112713	2/28/2012	REFUND OF CLASS / RENT	105.00	105.00
826224	3/16/2012	007177	HARDY DIAGNOSTICS	1106238-0	2/28/2012	LAB SUPPLIES	82.48	82.48
826225	3/16/2012	021305	HAYWARD, JANE	B11-0997	6/30/2011	REFUND OF WMP FEE	250.00	250.00
826226	3/16/2012	003389	HDS WHITE CAP CONST SUP	5134741	2/7/2012	SUPPLIES FOR ALL CITY DEF	550.36	550.36
826227	3/16/2012	021350	HERTZLER, JOHN	Ref002346442	3/13/2012	UB Refund Cst #077923	3.87	3.87
826228	3/16/2012	021315	HOFFMEISTER, CAROL	1113721	2/29/2012	REFUND OF CLASS / RENT	211.00	211.00
826229	3/16/2012	012759	HOSE GUYS, INC., THE	058042	2/24/2012	HARDWARE	92.23	
				057899	2/10/2012	RETURN	-66.03	26.20
826230	3/16/2012	003490	HUMPHREYS, BILL	040412-040512/	3/12/2012	TRAVEL ADVANCE - CSLSA @	167.51	
				030112	3/1/2012	MILEAGE REIMBURSEMENT I	160.11	327.62

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
826231	3/16/2012	007033	IMPERIAL SPRINKLER SUPPL	1395279-02	2/23/2012	MISC SUPPLIES & PARTS FO	824.94
				1403875-00	2/22/2012	MISC SUPPLIES & PARTS FO	531.64
				1402950-00	2/21/2012	MISC SUPPLIES & PARTS FO	418.97
				1409549-00	3/2/2012	MISC SUPPLIES & PARTS FO	395.66
				1403403-00	2/22/2012	MISC SUPPLIES & PARTS FO	343.13
				1409045-00	3/2/2012	MISC SUPPLIES & PARTS FO	294.28
				1404670-00	2/24/2012	MISC SUPPLIES & PARTS FO	210.90
				1402960-00	2/21/2012	MISC SUPPLIES & PARTS FO	152.00
				1401954-00	2/28/2012	MISC SUPPLIES & PARTS FO	63.19
							3,234.71
826232	3/16/2012	012787	INFOSEND, INC.	57233	3/2/2012	INFOSEND MONTHLY MAILIN	431.59
826233	3/16/2012	019001	IPS GROUP, INC	8255	2/29/2012	IPS - PKG MTR BANK MERCH	1,001.94
826234	3/16/2012	000498	J & S STRIPING CO, INC	8216	2/28/2012	STRIPING/MARKING	606.75
				8221	2/28/2012	PAINTING OF PARKING STALI	184.27
							791.02
826235	3/16/2012	018531	JACQUES, NADIA	030412	3/4/2012	MILEAGE REIMBURSEMENT	78.25
826236	3/16/2012	021345	JANISSE, DANIELLE	Ref002346437	3/13/2012	UB Refund Cst #073566	50.00
826237	3/16/2012	019464	JAYNES CORPORATION OF C.	73355	6/23/2010	REFUND DEPOSIT HYDR ME	720.72
826238	3/16/2012	021369	JOHNSTON, AL	Ref002346462	3/13/2012	UB Refund Cst #079637	118.70
826239	3/16/2012	006381	JTB SUPPLY COMPANY, INC	94288	3/5/2012	JTB - TRAF SIG MNT SUPPLIE	1,993.38
				94289	3/5/2012	JTB - TRAF SIG MNT SUPPLIE	598.01
							2,591.39
826240	3/16/2012	021331	J-TREND SYSTEMS INC	JTPI20120303	3/3/2012	GREEN N PACK BAGS & DISP	3,150.00
826241	3/16/2012	018756	KECK, CARRIE	1113237	2/29/2012	REFUND OF CLASS / RENT	105.00
826242	3/16/2012	019480	KIEFFER, BECKI	1113415	2/29/2012	REFUND OF CLASS / RENT	290.00
826243	3/16/2012	021360	KRYWENKO, ALEX	Ref002346453	3/13/2012	UB Refund Cst #079130	78.50
826244	3/16/2012	001527	LAB SAFETY SUPPLY, INC	1018593062	3/1/2012	OPERATING SUPPLIES	581.96
826245	3/16/2012	021368	LANDRY, JOHN	Ref002346461	3/13/2012	UB Refund Cst #079548	56.34
826246	3/16/2012	006159	LAW TECH PUBLISHING CO,	L52893	2/24/2012	REFERENCE MATERIAL	114.39
826247	3/16/2012	021342	LAWRENCE, LISA	Ref002346434	3/13/2012	UB Refund Cst #069423	103.47
826248	3/16/2012	021323	LELEND, JEREMIAH L	SC412909	11/28/2011	REFUND	43.00
826249	3/16/2012	021299	LERDAHL, SHERI	1111929	2/27/2012	REFUND OF CLASS	105.00
826250	3/16/2012	009078	LINCOLN EQUIPMENT INC	SI181429	3/1/2012	POOL EQUIPMENT	173.93
				SI181438	3/1/2012	POOL EQUIPMENT	118.86
							292.79
826251	3/16/2012	006643	LIPPERT BUILDING COMPANY	347	3/9/2012	MISC. REPAIRS/CONSTRUCT	1,100.00
				345	3/8/2012	MISC. REPAIRS/CONSTRUCT	900.00
				346	3/9/2012	MISC. REPAIRS/CONSTRUCT	900.00
				348	3/9/2012	MISC. REPAIRS/CONSTRUCT	450.00
							3,350.00

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826252	3/16/2012	021363	LITALIEN, TIPHANIE	Ref002346456	3/13/2012	UB Refund Cst #079221	120.00	120.00
826253	3/16/2012	007564	LOWE'S COMPANIES, INC.	11533	2/28/2012	SUPPLIES FOR ALL CITY DEI	465.66	
				22560	2/23/2012	SUPPLIES FOR ALL CITY DEI	205.61	
				23843	3/8/2012	SUPPLIES FOR ALL CITY DEI	158.18	
				25917	3/6/2012	SUPPLIES FOR ALL CITY DEI	94.78	
				12527	2/25/2012	SUPPLIES FOR ALL CITY DEI	75.68	
				03916	3/5/2012	SUPPLIES FOR ALL CITY DEI	55.17	
				10407	2/23/2012	SUPPLIES FOR ALL CITY DEI	42.23	
				21760	2/27/2012	SUPPLIES FOR ALL CITY DEI	41.96	
				12128	2/27/2012	SUPPLIES FOR ALL CITY DEI	40.92	
				09666	2/24/2012	SUPPLIES FOR ALL CITY DEI	22.51	
				25042	3/1/2012	SUPPLIES FOR ALL CITY DEI	20.34	1,223.04
826254	3/16/2012	021378	LPS FIELD SERVICES	Ref002346471	3/13/2012	UB Refund Cst #080192	64.33	64.33
826255	3/16/2012	021355	LUKE, JENNIE	Ref002346448	3/13/2012	UB Refund Cst #078633	39.85	39.85
826256	3/16/2012	021313	LYNCH, DONNA	1113238	2/29/2012	REFUND OF CLASS / RENT	108.00	108.00
826257	3/16/2012	020829	MADISON, JESSE	Ref002346447	3/13/2012	UB Refund Cst #078269	253.47	253.47
826258	3/16/2012	021324	MANNION, FRED P	SC410377	10/1/2011	PARTIAL REFUND	15.00	15.00
826259	3/16/2012	010938	MARIS IMAGING SOLUTIONS,	2011-3088	3/5/2012	IMAGING	2,570.98	
				2011-3090	3/5/2012	IMAGING	2,015.61	
				2011-3092	3/5/2012	IMAGING	855.37	
				2011-3086	3/1/2012	ON SITE TEMPORARY STAFF	462.00	
				2011-3085	2/29/2012	IMAGING	75.75	
				2011-3093	3/6/2012	IMAGING	64.52	6,044.23
826260	3/16/2012	007651	MARLOWE & COMPANY	12-220-03	3/2/2012	C08-04/PN 19907/CORPS OF I	3,750.00	3,750.00
826261	3/16/2012	021333	MCCALL, TOM	PLN11-498	11/10/2011	REFUND	472.72	472.72
826262	3/16/2012	021359	MCCARTNEY, BRITTNEY	Ref002346452	3/13/2012	UB Refund Cst #079087	65.79	65.79
826263	3/16/2012	013946	MCCROSKEY, MATT	1113241	2/29/2012	REFUND OF CLASS / RENT	106.00	106.00
826264	3/16/2012	021377	MCGEE, LINDA	Ref002346470	3/13/2012	UB Refund Cst #080114	75.32	75.32
826265	3/16/2012	000502	MCMaster-CARR SUPPLY C	19138569	2/27/2012	EQUIPMENT & TOOLS	43.56	43.56
826266	3/16/2012	021320	MIRZA, CARRIE	1108672	2/22/2012	REFUND OF CLASS / RENT	97.00	97.00
826267	3/16/2012	021357	MORGAN, ASHLEY	Ref002346450	3/13/2012	UB Refund Cst #078763	77.63	77.63
826268	3/16/2012	021340	MOSELEY, MALCOLM	Ref002346432	3/13/2012	UB Refund Cst #067399	58.44	58.44
826269	3/16/2012	021298	MULFORD, MIM	1112712	2/28/2012	REFUND OF CLASS / RENT	105.00	105.00
826270	3/16/2012	021329	MURRI, SARA	030812	3/8/2012	REFUND PARKING PERMIT #	50.00	50.00
826271	3/16/2012	004185	MUTUAL LIQUID GAS & EQUIP	74853	2/24/2012	FLEET PROPANE PURCHASE	1,052.45	1,052.45

Bank : union UNION BANK OF CA (Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
826272	3/16/2012	021334	NAKAMARU, ERIC	Ref002346423	3/13/2012	UB Refund Cst #005245	39.29	39.29
826273	3/16/2012	003762	NATIONAL CONST RENTALS,	13353641	1/16/2012	TEMPORARY FENCE	288.56	
				3378396	2/27/2012	RENTAL FEE - FENCING	16.20	
				3361849	1/30/2012	RENTAL FEE - FENCING	16.20	320.96
826274	3/16/2012	021328	NICKCO HOSPITALITY GROU	F030812	3/8/2012	REFUND	1,788.93	1,788.93
826275	3/16/2012	020020	NOBLE AMERICAS ENERGY S	1206900022091	3/9/2012	ELECTRICITY A/C #281219	7,461.91	
				1206900022088	3/9/2012	ELECTRICITY A/C #281212	5,854.52	
				1206900022089	3/9/2012	ELECTRICITY A/C #281215	1,798.90	
				1206900022089	3/9/2012	ELECTRICITY A/C #281217	624.90	
				1206900022088	3/9/2012	ELECTRICITY A/C #281211	291.25	
				1206900022088	3/9/2012	ELECTRICITY A/C #281213	139.79	
				1206900022089	3/9/2012	ELECTRICITY A/C #281216	133.40	16,304.67
826276	3/16/2012	013048	OBRERO, DENISE	030612	3/6/2012	POST RDA MEETING ON MAF	45.27	45.27
826277	3/16/2012	021325	OCALLAGHAN, ROBERT J	SC412104	11/11/2011	PARTIAL REFUND	308.00	308.00
826278	3/16/2012	001207	OFFICE DEPOT	600076573001	2/29/2012	OFFICE SUPPLIES FOR ALL C	141.61	
				599405554001	2/23/2012	OFFICE SUPPLIES FOR ALL C	139.51	
				599377819001	2/23/2012	COPY AND PRINTER PAPER F	105.55	
				599361346001	2/23/2012	OFFICE SUPPLIES FOR ALL C	62.56	
				599643599001	2/27/2012	OFFICE SUPPLIES FOR ALL C	53.31	
				599174955001	2/22/2012	OFFICE SUPPLIES FOR ALL C	31.56	
				599643704001	2/27/2012	OFFICE SUPPLIES FOR ALL C	16.92	
				599853860001	2/28/2012	OFFICE SUPPLIES FOR ALL C	9.97	
				599175071001	2/22/2012	OFFICE SUPPLIES FOR ALL C	9.29	
				599853668001	2/28/2012	OFFICE SUPPLIES FOR ALL C	4.22	574.50
826279	3/16/2012	016987	OFFICE SOLUTIONS BUSINESS	SI-00316826	3/8/2012	COFFEE SUPPLIES	42.89	42.89
826280	3/16/2012	011510	OFSI	1767778	2/27/2012	POLICE SERVICES COPIER L	449.73	449.73
826281	3/16/2012	018235	O'KEEFE, EVA	1113240	2/29/2012	REFUND OF CLASS / RENT	106.00	106.00
826282	3/16/2012	021304	OMALLEY CONSTRUCTION, J	B11-1061	7/5/2011	REFUND OF WMP FEE	250.00	250.00
826283	3/16/2012	001098	ORANGE COUNTY AUDITOR (W	1203065257	3/6/2012	BIOSOLIDS DISPOSAL AT OC	3,744.13	3,744.13
826284	3/16/2012	003198	ORANGE COUNTY TRANSP AIA	R134069	1/26/2012	TRI CITY TROLLEY/ GO LOCA	415.68	415.68
826285	3/16/2012	021212	PACHUCKI, CZESLAW	B10-1086	2/7/2011	REFUND OF WMP FEE	750.00	750.00
826286	3/16/2012	020153	PACIFIC ADVANCED CIVIL EN	G93308	1/31/2012	C11-3/PN 10204/WTR RECL P	24,511.90	24,511.90
826287	3/16/2012	016405	PACIFIC DIVERSIFIED LLC	Ref002346426	3/13/2012	UB Refund Cst #015403	82.91	82.91
826288	3/16/2012	018266	PACIFIC DIVERSIFIED LLC	Ref002346428	3/13/2012	UB Refund Cst #015409	82.91	82.91
826289	3/16/2012	019781	PACIFIC DIVERSIFIED LLC	Ref002346427	3/13/2012	UB Refund Cst #015407	71.03	71.03

Bank : union UNION BANK OF CA (Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
826290	3/16/2012	010698	PARTSMAS	20550032	2/15/2012	GLOVES	86.77	86.77
826291	3/16/2012	014936	PATTILLO, CANDACE	1111457	2/27/2012	REFUND OF CLASS	25.00	25.00
826292	3/16/2012	008505	PEARPOINT INC	CD160033	3/7/2012	SERVICE AND PARTS	4,345.13	
				CD160034	3/7/2012	SERVICE AND PARTS	907.69	5,252.82
826293	3/16/2012	021306	PEEK GENERAL CONTRACTOR	B11-1290	10/5/2011	REFUND OF WMP FEE	500.00	500.00
826294	3/16/2012	011361	PERFORMANCE MOTORS	SP0F4252669	10/18/2011	SERVICE / REPAIR VIN 00191	189.47	189.47
826295	3/16/2012	004449	PERKINS, DENISE	030112	3/1/2012	INSTRUCTOR PAYMENT	313.60	313.60
826296	3/16/2012	021374	PICARIELLO, GERARD	Ref002346467	3/13/2012	UB Refund Cst #080036	41.59	41.59
826297	3/16/2012	015501	PLUMBMASTER INC	IN-00712397	2/28/2012	HAWS PEDESTAL DRINKING	7,705.69	
				IN-00708943	2/16/2012	CUST#8C702484	257.61	
				ADJ15229	3/6/2012	CREDIT FOR FREIGHT IN-007	-167.50	7,795.80
826298	3/16/2012	008613	POLYDYNE, INC	712316	2/28/2012	CLARIFLOC POLYMER & ALU	5,551.28	5,551.28
826299	3/16/2012	021307	PRATT, DAVID	430431	2/28/2012	REFUND FOR WITHDRAWN F	1,967.00	
				PLN12-019	2/24/2012	REFUND FOR WITHDRAWN F	378.00	2,345.00
826300	3/16/2012	021375	PROVIDENCE 1520 EL CAMINO	Ref002346468	3/13/2012	UB Refund Cst #080058	82.53	82.53
826301	3/16/2012	021344	PUBLIC TELEPHONE	Ref002346436	3/13/2012	UB Refund Cst #070676	178.70	178.70
826302	3/16/2012	003798	R & R PRODUCTS, INC	CD1529495	2/24/2012	TINE	331.10	331.10
826303	3/16/2012	021346	RAMA, MARISOL	Ref002346438	3/13/2012	UB Refund Cst #076405	59.66	59.66
826304	3/16/2012	021326	REEVES, CATHERINE OR JOHNSON	SC412387	11/16/2011	PARTIAL REFUND	308.00	308.00
826305	3/16/2012	004049	REGISTER, INC	0091344002	2/29/2012	A/C #0091344002	934.52	934.52
826306	3/16/2012	021330	RHODA, KELLEN	1	3/1/2012	ADULT SOCCER OFFICIAL	60.00	60.00
826307	3/16/2012	000067	RINCON TRUCK PARTS & REPAIR	239206	2/29/2012	MAXIMUM PERFORMANCE, F	78.82	
				239206	2/24/2012	SWITCH	12.29	91.11
826308	3/16/2012	000207	RODRIGUEZ, RICHARD R	120-629-12	3/7/2012	TREE MAINTENANCE CONTR	1,507.50	
				120-624-12	2/29/2012	TREE WORK	850.00	
				120-627-12	3/7/2012	TREE MAINTENANCE CONTR	250.00	2,607.50
826309	3/16/2012	004166	ROHAN & SONS INC	68943	2/28/2012	CITY MGR A/C UNIT REPLCM	4,390.00	4,390.00
826310	3/16/2012	021332	SAN CLEMENTE HOA	B11-1729	10/27/2011	REFUND BUILDING PLAN CHI	551.43	551.43
826311	3/16/2012	002921	SAN CLEMENTE PAINTS	505477	3/1/2012	MISC. PAINT SUPPLIES	382.40	
				505540	3/6/2012	MISC. PAINT SUPPLIES	317.32	
				505563	3/7/2012	MISC. PAINT SUPPLIES	179.40	879.12
826312	3/16/2012	004928	SAN CLEMENTE RENTALS	81803	2/29/2012	RENTAL OF PLATE COMPACT	100.94	100.94
826313	3/16/2012	008656	SAN CLEMENTE, CITY OF	B07-3095	9/9/2010	REFUND BUILDING PLAN CHI	3,898.77	3,898.77
826314	3/16/2012	002585	SAN CLM POLICE SERV	PETT030712	3/7/2012	REPLENISH PETTY CASH	345.93	345.93

Bank : union UNION BANK OF CA (Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
826315	3/16/2012	001174	SAN DIEGO GAS & ELECTRIC	030212	3/2/2012 00046178238 ELECTRIC CHAI	7,500.43	
				030112	3/1/2012 02166944878 ELECTRIC CHAI	7,047.33	
				030712	3/7/2012 94699105846 ELECTRIC CHAI	415.22	
				031212	3/12/2012 64212151940 ELECTRIC CHAI	117.64	
				030512	3/5/2012 17228764239 ELECTRIC CHAI	107.26	
				022912	2/29/2012 35467212181 ELECTRIC CHAI	36.41	15,224.29
826316	3/16/2012	018340	SANCHEZ, SOPHIE	1113418	2/29/2012 REFUND OF CLASS / RENT	109.00	109.00
826317	3/16/2012	014307	SC TIMES	14069	2/16/2012 AD 1/4 PAGE COLOR	250.00	250.00
826318	3/16/2012	021358	SCHOEN, CARY	Ref002346451	3/13/2012 UB Refund Cst #079083	61.14	61.14
826319	3/16/2012	002406	SCHS GRAD NITE	022912	2/29/2012 GRAD NITE GRANT	1,000.00	1,000.00
826320	3/16/2012	008726	SCMAF-OC	1130	2/13/2012 OFFICIALS CERTIFICATION	80.00	80.00
826321	3/16/2012	016187	SEGI, NUUULI	030712	3/8/2012 EXP REIMB. -FACILITY SERVI	119.14	119.14
826322	3/16/2012	018514	SERVICE ROOFING CO	B12-0197	2/7/2012 REFUND OF WMP FEE	250.00	250.00
826323	3/16/2012	021349	SHAW, MARCUS	Ref002346441	3/13/2012 UB Refund Cst #077460	99.75	99.75
826324	3/16/2012	021327	SHIVELY, DAVID	SC412101	11/9/2011 REFUND	43.00	43.00
826325	3/16/2012	002196	SIERRA ANALYTICAL LABS, IN	2C01010-COSC	3/1/2012 Water Quality Analysis by Contr	210.00	
				2C01007-COSC	3/1/2012 LAB TESTS	25.00	
				2C01003-COSC	3/1/2012 LAB TESTS	25.00	
				2B22010-COSC	2/22/2012 LAB TESTS	25.00	
				2B22005-COSC	2/22/2012 LAB TESTS	25.00	310.00
826326	3/16/2012	006836	SIMS-ORANGE WELDING SUF	00242234	2/29/2012 ACETYLENE, OXYGEN	19.37	19.37
826327	3/16/2012	002431	SMART & FINAL IRIS, INC.	149814	3/6/2012 ACCT #60124600010399088	59.96	
				139494	2/24/2012 ACCT #60124600010399088	36.03	
				139406	2/24/2012 ACCT #60124600010399088	32.67	128.66
826328	3/16/2012	021244	SOLAR, RANDY	030212	3/2/2012 MILEAGE REIMBURSEMENT	65.82	65.82
826329	3/16/2012	020437	SOLARIO, JODY DAYLE	1	2/29/2012 SOFTBALL OFFICIAL	30.00	30.00
826330	3/16/2012	015733	SONITROL GOLD COAST	097396	3/1/2012 MONTHLY MONITORING ALAI	197.81	197.81
826331	3/16/2012	000311	SOUTH COAST AIR QUALITY I	030812	3/8/2012 PERMIT APPLICATION FEE - 3	3,185.88	3,185.88
826332	3/16/2012	000311	SOUTH COAST AIR QUALITY I	030812A	3/8/2012 PERMIT APPLICATION FEE - 3	3,185.88	3,185.88
826333	3/16/2012	012397	SOUTH COAST ANSWERING S	120200768101	2/28/2012 PHONE ANSWERING SERVIC	345.11	
				120200794101	2/28/2012 SO. COAST ANS. SVC - MAIN	90.95	436.06
826334	3/16/2012	002755	SOUTH COAST DISTRIBUTINC	156236	3/6/2012 SUPPLIES	55.92	
				155934	2/28/2012 SUPPLIES	49.46	
				155709	2/22/2012 SUPPLIES	10.67	116.05

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
826335	3/16/2012	000170	SOUTH COAST WATER DISTR07377164	3/5/2012	WATER USAGE FOR MEDIAN	1,159.66	
			07377404	3/5/2012	WATER USAGE FOR MEDIAN	71.51	
			07180461	3/5/2012	WATER USAGE FOR MEDIAN	49.27	
			08518708	3/5/2012	WATER USAGE FOR MEDIAN	21.47	1,301.91
826336	3/16/2012	003204	SOUTHERN CALIF GAS CO, IN022912	2/29/2012	04010755892 GAS SERVICES	2,927.66	
			030212	3/2/2012	09680756005 GAS SERVICES	2,427.31	
			030512	3/5/2012	09050726000 GAS SERVICES	83.53	5,438.50
826337	3/16/2012	004193	SPORT SUPPLY GROUP, INC 94514516	2/23/2012	BACKSTOP NETTING FOR PA	1,177.49	
			94248638	10/5/2011	RECREATION PROGRAM SUF	420.29	
			94451810	1/23/2012	RECREATION PROGRAM SUF	313.17	1,910.95
826338	3/16/2012	001969	STAPLES ADVANTAGE 112524815	2/22/2012	OFFICE SUPPLIES FOR ALL C	126.39	
			112379984	2/10/2012	OFFICE SUPPLIES FOR ALL C	122.87	
			112524832	2/22/2012	OFFICE SUPPLIES FOR ALL C	90.55	
			112541359	2/23/2012	OFFICE SUPPLIES FOR ALL C	22.46	362.27
826339	3/16/2012	003615	STAPLES CREDIT PLAN 71732	3/2/2012	A/C 6035517820753365	381.45	
			72336	3/5/2012	A/C 6035517820753365	241.47	
			17551	2/24/2012	A/C 6035517820753365	93.89	
			69690	2/23/2012	A/C 6035517820753365	14.00	730.81
826340	3/16/2012	001753	SUMMERS/MURPHY & PARTN11-353	7/31/2011	LANDSCAPE ORDINANCE AN	5,900.00	
			12-69	2/29/2012	LAN 11-008 LANDSCAPE PLA	550.00	
			12-70	2/29/2012	LAN 12-008 LANDSCAPE PLA	230.00	
			12-71	2/29/2012	LAN 12-008 LANDSCAPE PLA	200.00	6,880.00
826341	3/16/2012	021354	SUNWEST BANK Ref002346446	3/13/2012	UB Refund Cst #078262	195.97	195.97
826342	3/16/2012	021335	THE TERMITE GUY Ref002346424	3/13/2012	UB Refund Cst #006725	65.41	65.41
826343	3/16/2012	018515	THURN, DEBRA 030112	3/1/2012	CONTRACT INSTRUCTOR PA	488.60	488.60
826344	3/16/2012	003436	TONY'S LOCKSMITH 3156	2/24/2012	RE-KEYS/ SUB KEYS	347.00	
			2143	2/29/2012	KEYS	53.34	400.34
826345	3/16/2012	016531	TRANSYSTEMS CORPORATICINV-0002202632	12/9/2011	PSA/PN 20302 TRAFALG. PEC	3,400.00	3,400.00

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
826346	3/16/2012	001239	TRUGREEN LANDCARE COMI7265769	2/29/2012	PARKS MAINTENANCE CONT	57,910.00		
			7265768	2/29/2012	STREETSCAPE MAINTENANC	12,883.60		
			7265766	2/29/2012	BEACH MAINTENANCE CONT	7,921.00		
			7265767	2/29/2012	RESTROOM MAINTENANCE (7,346.00		
			7272328	2/24/2012	PARKS MAINTENANCE CONT	2,925.00		
			7272327	2/24/2012	STREETSCAPE MAINTENANC	1,170.00		
			7272209	2/24/2012	BEACH MAINTENANCE CONT	1,080.00		
			7272211	2/24/2012	PARKS MAINTENANCE CONT	1,050.00		
			7272210	2/24/2012	STREETSCAPE MAINTENANC	1,000.00		
			7272335	2/24/2012	STREETSCAPE MAINTENANC	750.00		
			7265771	2/29/2012	NEGOCIO LANDSCAPE MAIN	344.40	94,380.00	
826347	3/16/2012	007027	TURF STAR, INC	6744575-00	3/5/2012	DUST SCOOP	199.96	
				6744575-01	3/5/2012	CARTRIDGE FILTER, NUT	156.22	356.18
826348	3/16/2012	001088	UNDERGROUND SERVICE AL220120559	3/1/2012	UNDERGROUND SERVICE FC	121.50	121.50	
826349	3/16/2012	007874	USA MOBILITY WIRELESS INCV7887273C	3/1/2012	PAGER SERVICE	50.83	50.83	
826350	3/16/2012	017047	VA CONSULTING INC	30129	2/14/2012	PSA/ PN 18005 AVE COLUMB	935.37	935.37
826351	3/16/2012	021356	VALERIANO, MIKE	Ref002346449	3/13/2012	UB Refund Cst #078743	33.62	33.62
826352	3/16/2012	021364	VAN ETEN, BAILEY	Ref002346457	3/13/2012	UB Refund Cst #079310	64.11	64.11
826353	3/16/2012	021353	VANWINGERDEN, VANESSA	Ref002346445	3/13/2012	UB Refund Cst #078176	20.59	20.59
826354	3/16/2012	013109	VERIZON	1060891924	2/25/2012	A/C#361144577-00002	126.84	
				1060891923	2/25/2012	A/C#361144577-00001	64.09	190.93
826355	3/16/2012	021361	VICTOR, DAVID	Ref002346454	3/13/2012	UB Refund Cst #079179	75.56	75.56
826356	3/16/2012	021338	VIGIL, PHIL	Ref002346430	3/13/2012	UB Refund Cst #022815	31.32	31.32
826357	3/16/2012	003374	VULCAN MATERIALS COMPAN	674297	2/27/2012	STREET MATERIALS - VULCA	1,696.07	
				672527	2/24/2012	COLD MIX	1,349.67	
				667661	2/17/2012	STREET MATERIALS - VULCA	735.94	
				675767	2/28/2012	STREET MATERIALS - VULCA	152.71	
				678507	2/29/2012	STREET MATERIALS - VULCA	149.04	
				672898	2/24/2012	STREET MATERIALS - VULCA	148.30	4,231.73
826358	3/16/2012	019929	WAIBEL, BILL	030112	3/1/2012	REIMBURSE TRAINING	50.00	50.00
826359	3/16/2012	008950	WAIZINGER, JOHN	MAINT.MAR-201	3/7/2012	PACIFIC SVCS - MAINT SVCS	218.59	218.59
826360	3/16/2012	020976	WATKINS, CHRIS	022912	2/29/2012	MILEAGE REIMBURSEMENT -	98.79	98.79
826361	3/16/2012	021373	WHELAN, LON	Ref002346466	3/13/2012	UB Refund Cst #080025	79.22	79.22
826362	3/16/2012	001131	WHITE, EILEEN BERNADETTE	PC-2-2012	2/26/2012	RECORDING SECRETARY FC	1,170.00	1,170.00
826363	3/16/2012	021339	WHITMARSH, ARLENE	Ref002346431	3/13/2012	UB Refund Cst #024102	29.40	29.40

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
826364	3/16/2012	018214 WILKS, DON B	SC412469	11/22/2011	REFUND	48.00	48.00
826365	3/16/2012	021297 WITTREICH, ROSE	1112547	2/28/2012	REFUND OF CLASS / RENT	105.00	105.00
826366	3/16/2012	021370 WOCH, AGNIESZKA	Ref002346463	3/13/2012	UB Refund Cst #079755	83.29	83.29
826367	3/16/2012	000566 ZUMAR INDUSTRIES, INC	0136455	2/24/2012	STRT./TRAFFIC SIGNS - ZUM.	122.40	
			0136538	2/29/2012	STRT./TRAFFIC SIGNS - ZUM.	6.12	128.52
Sub total for UNION BANK OF CA:							538,996.21

223 checks in this report.

Grand Total All Checks: 538,996.21

CITY OF SAN CLEMENTE
CERTIFICATION OF WARRANTS

I HEREBY SUBMIT THE ATTACHED
WARRANT REGISTER FOR AUDIT
AND APPROVAL BY THE CITY
COUNCIL, CITY OF SAN CLEMENTE

APPROVED AND ORDERED PAID AT
THE MEETING OF THE CITY COUNCIL
HELD April 3, 2012
IN THE AMOUNT OF \$ 1,606,711.57

CITY MANAGER

MAYOR

ATTEST: _____
CITY CLERK

I HEREBY CERTIFY TO THE ACCURACY OF THE FOREGOING
DEMANDS AND THAT FUNDS ARE AVAILABLE FOR PAYMENT
THEREOF:

PAID BY WARRANTS SIGNED BY LEGALLY
DESIGNATED PERSONS IN ACCORDANCE
WITH THE STATE OF CALIFORNIA
GOVERNMENT CODE, SECTION-41003

ASSISTANT CITY MANAGER
JLR

CITY TREASURER

Bank : union UNION BANK OF CA

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
923	3/23/2012	004156	CALIF, STATE OF, EMPLOYME	Ben2346692	3/23/2012	STATE TAX: Payment	22,013.32	22,013.32
924	3/23/2012	000010	CALIF, STATE OF, EMPLOYME	Ben2346694	3/23/2012	SDI INS: Payment	5,303.02	5,303.02
925	3/23/2012	014754	STATE DISBURSMENT UNIT	Ben2346716	3/23/2012	CHILD SUPPORT: Payment	1,604.75	
				Ben2346710	3/23/2012	SPOUSAL SUPPORT: Paymen	461.53	2,066.28
926	3/23/2012	001819	UNION BANK FEDERAL WITH	(Ben2346714	3/23/2012	FEDERAL TAX: Payment	139,273.81	139,273.81
826368	3/23/2012	010213	AFLAC	Ben2346706	3/23/2012	AFLAC INSURANCE: Payment	367.36	367.36
826369	3/23/2012	014160	AGRICULTURAL SUPPLY	324114	3/5/2012	IRON MAX, MANGANESE	4,628.83	4,628.83
826370	3/23/2012	015621	ALEXANDER'S CONTRACT SV	201202290014	2/29/2012	MONTHLY METER READING :	14,428.11	14,428.11
826371	3/23/2012	000802	ALL AMERICAN ASPHALT	764417	3/1/2012	ALL AMERICAN - MAINT. SVC.	1,105.72	1,105.72
826372	3/23/2012	001469	AMERINATIONAL COMMUNITY	FS-1855	3/8/2012	PIRT POLICY FOR M. MENDE	164.00	164.00
826373	3/23/2012	000946	ANTIMITE TERMITE & PEST C	1008376	3/2/2012	MONTHLY SERVICE	650.00	650.00
826374	3/23/2012	007922	BEE BUSTERS	01-0033596	3/9/2012	REMOVAL OF COLONY BEES	125.00	125.00
826375	3/23/2012	004461	BOISSERANC, KADE	030212	3/2/2012	SURVEY	24.00	24.00
826376	3/23/2012	002474	CA PUB EMPLOY RETIREMEN	PP#05/12	3/4/2012	PAYROLL DEDUCTIONS	6,482.47	6,482.47
826377	3/23/2012	021392	CALIF PLANNING & DEV REP	C030712	3/7/2012	ONE YEAR REPORT FEE	99.00	99.00
826378	3/23/2012	001182	CALIF, STATE OF, FRANCHISE	Ben2346708	3/23/2012	STATE TAX LEVY: Payment	749.00	749.00
826379	3/23/2012	016446	CALIFORNIA BANK & TRUST	EP19	3/13/2012	ESCROW IN LIEU OF RETEN	15,196.78	15,196.78
826380	3/23/2012	017166	CANNON PACIFIC SERVICES,	609367	2/29/2012	ST SWPG SVCS - CANNON P	33,308.32	33,308.32
826381	3/23/2012	003654	CARBONARA TRATTORIA ITAL	706927	2/26/2012	ORAL BOARD LUNCHES 1/19	127.15	127.15
826382	3/23/2012	021393	CARPENTER, KATIE	031412	3/14/2012	MILEAGE REIMBURSEMENT	82.69	
				011012	1/10/2012	MEETING REFRESHMENTS	8.49	
				121411	12/14/2011	REIMB. FOR CERT. FRAME	7.00	
				021612	2/16/2012	CASE OF BOTTLE WATER	5.19	103.37
826383	3/23/2012	009040	CDW GOVERNMENT, INC.	G184380	2/22/2012	DIGITAL SIGN (AQUATIC CEN	1,311.24	
				G682606	3/5/2012	LTO 4 WORM TAPE	1,149.85	
				G804785	3/7/2012	146GB HARD DRIVES (SCAD/	1,109.44	
				G525057	2/29/2012	ANDROID PAD	665.16	
				G321677	2/24/2012	3' PATCH CABLE (AQUATIC C	266.39	
				G747046	3/6/2012	REPLACEMENT BULB	264.22	
				G763624	3/6/2012	APC PDU	174.62	
				SDN2285	3/24/2010	CREDIT	-59.23	
				ZZT9656	10/14/2011	CREDIT	-108.12	
				JTZ84009	6/7/2010	CREDIT	-222.97	4,550.60
826384	3/23/2012	015477	CELL BUSINESS EQUIPMENT IN	1426837	3/5/2012	CANON COPIER MAINTENAN	1,099.23	1,099.23

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826385	3/23/2012	019519	CINTAS CORPORATION	640554792	3/9/2012	CINTAS - MAINT. SVCS. DIV. -	91.84
				640553904	3/8/2012	UNIFORM RENTAL / SHOP TC	52.66
826386	3/23/2012	021318	CLIFFORD, ROBERT	1114259	3/1/2012	REFUND OF CLASS	106.00
826387	3/23/2012	001241	COLONIAL LIFE & ACCIDENT	Ben2346704	3/23/2012	ACCIDENT INSURANCE: Payr	147.61
826388	3/23/2012	001296	COMMUNITY SERVICES NETV80780		3/13/2012	QUARTERLY RECREATION M	6,455.05
826389	3/23/2012	002002	COMPUTER SERVICE COMPA3845-04018		1/31/2012	CONFLICT MONITOR TESTIN	4,928.00
826390	3/23/2012	001417	CONSOLIDATED ELECTRIC DI547774		3/6/2012	MATERIALS	63.26
826391	3/23/2012	001394	COOK PGA GOLF SHOP INC, I032012		3/20/2012	03/12/12-03/18/12 WEEKLY PA	9,875.03
826392	3/23/2012	006090	COX COMMUNICATIONS	030712	3/7/2012	A/C 001 7601 050935601	365.08
				030612	3/6/2012	A/C 001 7601 050935701	86.18
826393	3/23/2012	006090	COX COMMUNICATIONS	50176010487506	2/28/2012	A/C 501 7601 048750601	191.03
				50176010487506	1/30/2012	A/C 501 7601 048750601	147.68
826394	3/23/2012	006090	COX COMMUNICATIONS	050934302	3/6/2012	A/C 001 7601 050934302	134.00
826395	3/23/2012	000168	CWEA - TCP	3784	3/13/2012	MEMBERSHIP RENEWAL - R.	132.00
				1373	3/13/2012	MEMBERSHIP RENEWAL - R.	132.00
				29848	8/17/2011	MEMBERSHIP RENEWAL - J.	132.00
826396	3/23/2012	017717	D & H WATER SYSTEMS INC	2012-24	2/2/2012	REPLACE SHB POLYMER PUI	5,111.76
826397	3/23/2012	013345	DEERE CO, JOHN	111560024	2/10/2012	BUNKER RAKE AND SPRAY R	50,164.97
826398	3/23/2012	002749	DELTA DENTAL PLAN OF CALI	BE000288175	2/29/2012	DELTA DENTAL PPO CLAIMS	21,828.48
826399	3/23/2012	015290	DELTACARE USA	4583543	3/1/2012	DELTACARE USA PREMIUMS	1,978.26
				4583544	3/1/2012	DELTACARE USA PREMIUMS	15.93
826400	3/23/2012	002647	DENAULT'S HARDWARE, INC	418865	3/7/2012	SUPPLIES FOR ALL CITY DEF	70.60
				419087	3/13/2012	SUPPLIES FOR ALL CITY DEF	54.25
				419072	3/13/2012	SUPPLIES FOR ALL CITY DEF	54.22
				419026	3/12/2012	SUPPLIES FOR ALL CITY DEF	50.38
				419057	3/13/2012	SUPPLIES FOR ALL CITY DEF	34.67
				418898	3/8/2012	SUPPLIES FOR ALL CITY DEF	33.51
				418877	3/7/2012	SUPPLIES FOR ALL CITY DEF	32.95
				419063	3/13/2012	SUPPLIES FOR ALL CITY DEF	30.02
				419029	3/12/2012	SUPPLIES FOR ALL CITY DEF	22.83
				419089	3/13/2012	SUPPLIES FOR ALL CITY DEF	22.28
				418906	3/8/2012	SUPPLIES FOR ALL CITY DEF	15.01
				419003	3/11/2012	SUPPLIES FOR ALL CITY DEF	13.55
				419086	3/13/2012	SUPPLIES FOR ALL CITY DEF	12.60
826401	3/23/2012	021232	DIGITAL NETWORKS GROUP	6174	2/29/2012	COUNCIL CHAMBERS AUDIO	348.83

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826402	3/23/2012	004462	DOHENY PLUMBING	30552	3/5/2012	BEACHES & PARKS MAINTEN	295.00	295.00
826403	3/23/2012	004177	E STEWART & ASSOC INC	1427	3/12/2012	STEED PARK MAINTENANCE	6,900.00	
				1428	3/12/2012	COASTAL TRAIL MAINTENAN	3,854.00	
				1421	3/6/2012	TRAIL MAINTENANCE CONF	2,200.00	
				1426	3/12/2012	STEED PARK MAINTENANCE	1,140.00	
				73643	3/8/2012	REFUND DEPOSIT HYDR ME	812.81	
				1429	3/12/2012	TRAIL MAINTENANCE CONF	439.92	
				1430	3/12/2012	TRAIL MAINTENANCE CONF	250.00	15,596.73
826404	3/23/2012	020435	ECO FRIENDLY LAWNS	105	2/28/2012	TANK LEASE W/ ORGANIC FE	465.00	465.00
826405	3/23/2012	004630	EHLERS, DONNA	031412	3/14/2012	INSTRUCTOR PAYMENT	8,621.55	8,621.55
826406	3/23/2012	009238	ELKINS, TINA	031212	3/12/2012	INSTRUCTOR PAYMENT	611.24	611.24
826407	3/23/2012	006374	ENVIRONMENTAL RESOURCE	642717	3/5/2012	CERTIFICATION	523.87	523.87
826408	3/23/2012	006787	EXCEL PAVING COMPANY	PP#3	2/29/2012	C11-35/PN 22302/MAJ. STR. M	5,175.00	5,175.00
826409	3/23/2012	021398	FAMILIES FORWARD	030612	3/6/2012	HOMELESS PREVENTION PR	2,668.17	2,668.17
826410	3/23/2012	019345	FDE&S INC	35080	3/9/2012	RECREATION STAFF APPARE	756.33	756.33
826411	3/23/2012	000026	FEDERAL EXPRESS CORP	7-816-93672	3/9/2012	SHIPPING CHARGES	71.76	71.76
826412	3/23/2012	019775	FIRST CITIZENS BANK	EP19	3/13/2012	ESCROW #001050189643, AG	25,753.02	25,753.02
826413	3/23/2012	000785	FOX VALLEY SYSTEMS, INC	10040117	3/6/2012	SUPER STRIPER	111.89	111.89
826414	3/23/2012	014065	G & F CONSULTING ENGINEE	13	3/12/2012	C10-20/PN 11301 MAX BERG I	1,750.00	1,750.00
826415	3/23/2012	021384	GALOARDO, SUSAN	1120582	3/8/2012	REFUND OF CLASS	163.00	
				1120584	3/8/2012	REFUND OF CLASS	163.00	326.00
826416	3/23/2012	002662	GANAHL LUMBER CO	B722817	3/6/2012	SUPPLIES	170.54	170.54
826417	3/23/2012	013320	GCS, INC	40834	2/29/2012	JANITORIAL SERVICE FOR U	970.00	970.00
826418	3/23/2012	000208	GENERAL PETROLEUM CORP	4751082	3/2/2012	FLEET FUEL PURCHASES	18,923.62	18,923.62
826419	3/23/2012	021385	GIACOMARA, TABITHA	1120411	3/7/2012	REFUND OF CLASS	105.00	105.00
826420	3/23/2012	011484	GOODIN, MACBRIDE, SQUER	152407	3/2/2012	QUIET ZONE GOVT. RELATEI	5,888.63	
				52186	2/6/2012	QUIET ZONE GOVT. RELATEI	4,309.50	10,198.13
826421	3/23/2012	021316	GUERRIERO, BRIAN	1114154	3/1/2012	REFUND OF CLASS	160.00	160.00
826422	3/23/2012	001140	HACH COMPANY	7652949	3/6/2012	LAB SUPPLIES	122.57	122.57
826423	3/23/2012	003297	HAROLD'S J & H APPLIANCE	59601	3/1/2012	SERVICE OF GAS RANGE	85.00	85.00
826424	3/23/2012	002577	HARTE-HANKS SHOPPER INC	11046453*1	2/22/2012	RECRUITMENT ADVERTISINC	148.56	148.56
826425	3/23/2012	016954	HSBC CARD SERVICES	066190	2/22/2012	A/C #7003-7331-0000-9867	95.84	95.84
826426	3/23/2012	015089	HUGHES, SHARON	031412	3/14/2012	INSTRUCTOR PAYMENT	283.50	283.50
826427	3/23/2012	003619	ICMA RETIREMENT TRUST #3	Ben2346696	3/23/2012	DEFFERRED COMP ICMA: Pa	42,394.30	42,394.30
826428	3/23/2012	007033	IMPERIAL SPRINKLER SUPPL	1319770-00	11/17/2011	MISC SUPPLIES & PARTS FOI	288.35	288.35

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826429	3/23/2012	019630	INTELINET, INC	53660	3/9/2012	SERVICE FOR THE ANIMAL S	530.65	530.65
826430	3/23/2012	003640	INTERACTIVE DATA PRICING	05713022	2/28/2012	Monthly usage of Sympro Repo	100.17	100.17
826431	3/23/2012	015129	IRON MOUNTAIN OFF SITE D/A	103511712	2/29/2012	IRON MOUNTAIN OFFSITE D/A	406.33	406.33
826432	3/23/2012	007978	IRS/AUTOMATED COLLECTIO	Ben2346712	3/23/2012	IRS TAX LEVY: Payment	547.38	547.38
826433	3/23/2012	019464	JAYNES CORPORATION OF C.	PP19	2/14/2012	PUBLIC WORKS CONTRACT	288,738.78	288,738.78
826434	3/23/2012	020021	JENSEN, JENNIFER JANE	031312	3/13/2012	CONTRACT INSTRUCTOR PA	60.90	60.90
826435	3/23/2012	000621	L G SUPPLY COMPANY	7218	2/22/2012	MISC PARTS, SUPPLIES & TC	1,532.74	1,532.74
826436	3/23/2012	021314	LAUTERBACH, RHONDA	1114404	3/1/2012	REFUND OF CLASS	100.00	100.00
826437	3/23/2012	019816	LGC GEOTECHNICAL INC	01-2137	12/31/2011	PROFESSIONAL SERVCIE AG	4,190.00	4,190.00
826438	3/23/2012	006643	LIPPERT BUILDING COMPANY	350	3/12/2012	PLAYGROUND MAINTENANC	800.00	
				351	3/12/2012	MISC. REPAIRS/CONSTRUCT	600.00	
				349	3/12/2012	PLAYGROUND MAINTENANC	500.00	
				353	3/13/2012	PLAYGROUND MAINTENANC	500.00	
				354	3/14/2012	PLAYGROUND MAINTENANC	450.00	
				352	3/12/2012	MISC. REPAIRS/CONSTRUCT	375.00	3,225.00
826439	3/23/2012	015966	LLOYD PEST CONTROL	3314218	2/25/2012	LLOYD PEST CTRL - 910 NEG	80.00	80.00
826440	3/23/2012	021394	LOGIXSERVICE DBAAMTEK	330586	2/7/2012	REFUND OVERPAYMENT - AL	40.00	40.00
826441	3/23/2012	007564	LOWE'S COMPANIES, INC.	25085	3/7/2012	SUPPLIES FOR ALL CITY DE	128.10	
				24723	3/7/2012	SUPPLIES FOR ALL CITY DE	46.11	
				10141	3/5/2012	SUPPLIES FOR ALL CITY DE	42.94	
				16899	2/29/2012	SUPPLIES FOR ALL CITY DE	24.29	
				25274	3/8/2012	SUPPLIES FOR ALL CITY DE	16.36	257.80
826442	3/23/2012	002552	LUCY, KAREN A MATHEWS	031312	3/13/2012	INSTRUCTOR PAYMENT	189.00	189.00
826443	3/23/2012	021382	MASLER, STEVE	031312	3/13/2012	PARKING METER REFUND	1.25	1.25
826444	3/23/2012	018132	MBO, INC.	1001085	2/1/2012	BUILDING COMMISSIONING \$	4,200.00	
				1001015	1/2/2012	BUILDING COMMISSIONING \$	2,800.00	
				1001002	12/1/2011	BUILDING COMMISSIONING \$	2,550.00	
				1001244	3/1/2012	BUILDING COMMISSIONING \$	2,000.00	11,550.00
826445	3/23/2012	003646	MCCALL'S METERS, INC.	22110	3/1/2012	METER TESTING	56.32	56.32
826446	3/23/2012	000502	MCMASTER-CARR SUPPLY C	19812507	3/5/2012	EQUIPMENT & TOOLS	95.88	95.88
826447	3/23/2012	017431	MERZ, ERIN	1120054	3/7/2012	REFUND OF CLASS	48.00	48.00
826448	3/23/2012	004185	MUTUAL LIQUID GAS & EQU	IF75691	3/2/2012	FLEET PROPANE PURCHASE	807.57	807.57
826449	3/23/2012	021312	NAU, HEIDI	1118640	3/6/2012	REFUND OF CLASS	82.00	82.00
826450	3/23/2012	015031	NAVARRO, RON	030712	3/8/2012	EXP REIMB. - SVC REPAIR	34.00	34.00
826451	3/23/2012	008735	NCL OF WISCONSIN INC	300812	3/5/2012	SUPPLIES	21.47	21.47

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826452	3/23/2012	020020	NOBLE AMERICAS ENERGY S1207600022243	3/16/2012	ELECTRICITY A/C #281218	39,788.46	
			12076000222396	3/16/2012	ELECTRICITY A/C #271426	8,041.00	47,829.46
826453	3/23/2012	001207	OFFICE DEPOT	600788413001	3/6/2012	OFFICE SUPPLIES FOR ALL C	576.03
				1448433230	3/2/2012	OFFICE SUPPLIES FOR ALL C	196.49
				600282262001	3/1/2012	COPY AND PRINTER PAPER F	114.82
				600254634001	3/1/2012	OFFICE SUPPLIES FOR ALL C	112.28
				1445853515	2/23/2012	OFFICE SUPPLIES FOR ALL C	71.05
				1445853488	2/23/2012	OFFICE SUPPLIES FOR ALL C	67.85
				1448741665	3/3/2012	OFFICE SUPPLIES FOR ALL C	56.69
				599402862001	2/23/2012	OFFICE SUPPLIES FOR ALL C	46.91
				1448741698	3/3/2012	OFFICE SUPPLIES FOR ALL C	39.19
				60105733501	3/7/2012	OFFICE SUPPLIES FOR ALL C	37.56
				1447089764	2/27/2012	OFFICE SUPPLIES FOR ALL C	23.91
				600254698001	3/1/2012	OFFICE SUPPLIES FOR ALL C	23.36
				600149559001	3/1/2012	OFFICE SUPPLIES FOR ALL C	20.35
				600225527001	3/1/2012	OFFICE SUPPLIES FOR ALL C	19.10
				1448433231	3/2/2012	OFFICE SUPPLIES FOR ALL C	14.84
				600494051001	3/2/2012	OFFICE SUPPLIES FOR ALL C	9.86
				600282576001	3/1/2012	OFFICE SUPPLIES FOR ALL C	5.08
826454	3/23/2012	016911	ORANGE COUNTY DANCE PR031212	3/12/2012	INSTRUCTOR PAYMENT	4,398.53	4,398.53
826455	3/23/2012	000511	ORANGE COUNTY HUMAN RE031212	3/12/2012	AWARD 3 TICKETS	300.00	300.00
826456	3/23/2012	001086	ORANGE COUNTY TREAS/TA\FEB2012	2/29/2012	PARKING CITATION FEE ADM	17,003.00	17,003.00
826457	3/23/2012	000642	ORCHARD TRUST COMPANY Ben2346700	3/23/2012	PENSION BUYBACK: Payment	115,411.49	115,411.49
826458	3/23/2012	021389	PADILLA, ALEXIS	1119801	3/7/2012	REFUND OF CLASS	95.00
826459	3/23/2012	015190	PAYFLEX SYSTEMS, USA	Ben2346698	3/23/2012	SEC 125 MEDICAL: Payment	5,286.85
826460	3/23/2012	021256	PERCY, BARBARA	1117063	3/5/2012	REFUND OF CLASS	50.00
826461	3/23/2012	002670	PETTY CASH	031512	3/15/2012	REPLENISH PETTY CASH	81.45
826462	3/23/2012	002728	PETTY CASH	031412ADV	3/14/2012	CASH ADVANCE FOR SENSAT	1,000.00
826463	3/23/2012	002728	PETTY CASH	031412	3/14/2012	REPLENISH PETTY CASH	281.33
				030812	3/8/2012	REPLENISH PETTY CASH	114.80
826464	3/23/2012	000937	PRAXAIR DISTRIBUTION, INC 42257102	3/5/2012	CHEMICALS	242.16	242.16
826465	3/23/2012	021311	PRESTON, KRISTI	1114289	3/1/2012	REFUND OF CLASS	105.00
826466	3/23/2012	020645	RAFTELIS FINANCIAL CONSU CECA1108-06	3/6/2012	WATER & WASTEWATER RAT	9,661.00	9,661.00
826467	3/23/2012	021390	RAIL, ANDRA	1120113	3/7/2012	REFUND OF CLASS	48.00

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826468	3/23/2012	004641	RBF CONSULTING	11090916	10/28/2011	CONSTRUCTION MANAGEME	53,769.20
				11060884	7/29/2011	CONSTRUCTION MANAGEME	48,721.35
				11120841	1/27/2012	CONSTRUCTION MANAGEME	36,779.62
				11110875	12/23/2011	CONSTRUCTION MANAGEME	33,418.04
826469	3/23/2012	006950	RBF CONSULTING	11060882	7/29/2011	PIER BOWL LIGHTING	11,907.00
				12010101	2/24/2012	PROFESSIONAL SERVICES	2,131.24
				11110504	12/24/2011	PROFESSIONAL SERVICES	532.52
826470	3/23/2012	000308	REFRIGERATION SUPPLIES	D50106221-00	3/7/2012	HVAC FILTER & BELTS FOR F	878.22
826471	3/23/2012	004049	REGISTER, INC	0084032001	2/29/2012	A/C #0084032001	540.00
826472	3/23/2012	004049	REGISTER, INC	0481838000	2/29/2012	A/C #0481838000	291.14
826473	3/23/2012	000067	RINCON TRUCK PARTS & REF	239518	3/8/2012	HVAC FAN BELTS	57.22
826474	3/23/2012	014574	ROTORK CONTROLS INC	CI04625	2/15/2012	REPLACE WRP SECONDARY	5,788.84
826475	3/23/2012	004180	S & S WORLDWIDE	7236942	2/23/2012	PRIZES FOR SPRINGTACULA	292.47
826476	3/23/2012	014164	SAFETYLINE	21532	3/8/2012	RAIN GEAR	212.29
826477	3/23/2012	000635	SAN CLEMENTE CITY EMPLO	Ben2346702	3/23/2012	DUES - SCCEA: Payment	1,428.00
826478	3/23/2012	000768	SAN CLEMENTE CITY WATER	102646-05	3/8/2012	WATER SERVICE	208.77
826479	3/23/2012	001174	SAN DIEGO GAS & ELECTRIC	030812	3/8/2012	ELECTRIC CHARGES	95,511.62
				030612	3/6/2012	79897912341 ELECTRIC CHAI	974.51
826480	3/23/2012	014307	SC TIMES	14192	3/5/2012	SC TIMES WATER CONSERVA	1,250.40
826481	3/23/2012	011083	SCARBOROUGH, GEORGE	030912	3/9/2012	EXP REIMB - ORAL BOARD - (81.88
826482	3/23/2012	015962	SDA SECURITY SYSTEMS INC	558536	3/9/2012	FIRE MONITORING	330.00
826483	3/23/2012	021310	SECURITIES AMERICA	1115364	3/3/2012	SECURITY DEPOSIT REFUNC	500.00
826484	3/23/2012	012043	SECURTEC DISTRICT PATROI	0212-03P	2/28/2012	SECURTEC - ST.SWPG.PKG.I	1,920.00
826485	3/23/2012	021309	SHROVE, WENDY	1119209	3/6/2012	REFUND OF CLASS	95.00
826486	3/23/2012	002196	SIERRA ANALYTICAL LABS, IN	2C08002-COSC	3/8/2012	LAB TESTS	400.00
				2C05021-COSC	3/5/2012	LAB TESTS	25.00
				2C05025-COSC	3/5/2012	LAB TESTS	25.00
826487	3/23/2012	008357	SIMPLOT PARTNERS	205001506	3/1/2012	SAND	4,531.91
826488	3/23/2012	007646	SNAP- ON TOOLS	181787	3/8/2012	SUPPLIES	42.72
826489	3/23/2012	002755	SOUTH COAST DISTRIBUTINC	156353	3/8/2012	SUPPLIES	1,172.80
				156318	3/8/2012	SUPPLIES	715.78
				155772	2/23/2012	SUPPLIES	526.90
				156339	3/8/2012	SUPPLIES	153.71
826490	3/23/2012	012848	SOUTH COAST PRINTERCARI	112660	3/12/2012	CD PRINTER REPAIR	192.87
826491	3/23/2012	003204	SOUTHERN CALIF GAS CO, IN	030212A	3/2/2012	09880741005 GAS SERVICES	269.46

Bank : union UNION BANK OF CA (Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
826492	3/23/2012	011672	SPARKLETTS	6243099030312	3/3/2012	BOTTLED WATER FOR BP IN:	59.28	59.28
826493	3/23/2012	016127	SPORTS FIELD SPECIALTIES	87	3/7/2012	MISC SUPPLY PURCHASES	1,205.10	1,205.10
826494	3/23/2012	001969	STAPLES ADVANTAGE	112541437	2/23/2012	OFFICE SUPPLIES FOR ALL C	515.93	
				112524912	2/22/2012	OFFICE SUPPLIES FOR ALL C	136.73	
				112614482	2/29/2012	OFFICE SUPPLIES FOR ALL C	94.39	
				111972102	1/13/2012	OFFICE SUPPLIES FOR ALL C	92.46	
				112577841	2/25/2012	OFFICE SUPPLIES FOR ALL C	59.67	
				112675619	3/3/2012	OFFICE SUPPLIES FOR ALL C	30.95	
				112595131	2/28/2012	OFFICE SUPPLIES FOR ALL C	18.81	
				112541894	2/23/2012	OFFICE SUPPLIES FOR ALL C	8.77	
				112558735	2/24/2012	OFFICE SUPPLIES FOR ALL C	2.07	
				258629319	3/15/2012	OFFICE SUPPLIES FOR ALL C	-30.92	928.86
826495	3/23/2012	008759	STOVALL DESIGN CO	021412	2/14/2012	TILE MURAL OF CSC LOGO	3,400.00	
				2-14-2012	2/14/2012	TILE MURALS	2,500.00	5,900.00
826496	3/23/2012	001753	SUMMERS/MURPHY & PARTN	12-16	1/16/2012	LAN 11-007 LANDSCAPE PLAI	150.00	150.00
826497	3/23/2012	006485	SYNAGRO SOUTHWEST	49989	3/6/2012	BIOSOLIDS TRANSPORT ANC	20,831.70	20,831.70
826498	3/23/2012	015963	TAYLOR TENNIS COURTS INC	7444	3/14/2012	SAN LUIS REY TENNIS COUR	16,180.00	16,180.00
826499	3/23/2012	019220	THE ADVANTAGE GROUP	69748	2/29/2012	COBRA ADMINISTRATION	182.40	182.40
826500	3/23/2012	003436	TONY'S LOCKSMITH	3181	3/2/2012	CHANGE LOCK FUNCTION	125.00	
				09885	3/7/2012	KEYS	58.19	183.19
826501	3/23/2012	014025	TORO NSN	030212	3/2/2012	SERVICE AGREEMENT IRRIG	184.00	184.00
826502	3/23/2012	021383	TOWERS, LORRAINE	031312	3/13/2012	PARKING METER REFUND	4.00	4.00
826503	3/23/2012	003155	TOYO LANDSCAPING CO	6195E	3/7/2012	CORP YARD LAND MAINTEN/	369.96	369.96
826504	3/23/2012	017219	TUCKER, JENNIE	030312	3/3/2012	REIMB. FOR CERT DRILL - DC	50.80	50.80
826505	3/23/2012	007027	TURF STAR, INC	6746418-00	3/12/2012	DUST SCOOP	199.96	199.96
826506	3/23/2012	019463	VALLEYCREST LANDSCAPE	PP19	2/14/2012	PUBLIC WORKS CONTRACT	231,777.16	231,777.16
826507	3/23/2012	016334	VISION SERVICE PLAN (CA)	300053940001	2/20/2012	VISION SERVICE PLAN (VSP)	4,419.72	
				300053940002	2/20/2012	VISION SERVICE PLAN (VSP)	290.92	4,710.64
826508	3/23/2012	003374	VULCAN MATERIALS COMPAN	681312	3/7/2012	STREET MATERIALS - VULCA	149.04	149.04
826509	3/23/2012	021308	WATERS, GARRETT	1114559	3/1/2012	REFUND OF CLASS	40.00	40.00
826510	3/23/2012	018746	WEST COAST DESIGN GROU	1948	12/20/2011	REVISION TO ELECTRICAL PI	1,500.00	1,500.00
826511	3/23/2012	013892	WESTERN OIL SPREADING S'	44724	2/27/2012	EMULSION	238.40	238.40
826512	3/23/2012	020525	WHEN TO WORK, INC	60172334-100-1	3/13/2012	STAFF SCHEDULING SOFTW.	440.00	440.00
826513	3/23/2012	013424	WIELAND ACOUSTICS INC	3690	2/29/2012	CONSULTING SERVICES	640.25	640.25
826514	3/23/2012	000870	WITTMAN ENTERPRISES, LLC	120223	3/16/2012	AMBULANCE BILLING SERVIC	3,702.81	3,702.81

Bank : union UNION BANK OF CA (Continued)

<u>Check #</u>	<u>Date</u>	<u>Vendor</u>	<u>Invoice</u>	<u>Inv Date</u>	<u>Description</u>	<u>Amount Paid</u>	<u>Check Total</u>
826515	3/23/2012	017286 ZACKER, DAVID	030712	3/9/2012	MILEAGE REIMB FOR CONF.	64.00	64.00
Sub total for UNION BANK OF CA:							1,602,876.57

152 checks in this report.

Grand Total All Checks: 1,602,876.57

Bank : union UNION BANK OF CA

<u>Check #</u>	<u>Date</u>	<u>Vendor</u>	<u>Invoice</u>	<u>Inv Date</u>	<u>Description</u>	<u>Amount Paid</u>	<u>Check Total</u>	
826516	3/23/2012	015008	HADLAND, NICHOLAS B	032312	3/23/2012	ADV FOR PAYCHECK 3/23/12	1,170.00	1,170.00
826517	3/23/2012	021417	MORENO, VANESSA	032312	3/23/2012	ADV FOR PAYCHECK 3/23/12	840.00	840.00
826518	3/23/2012	021418	REGUERIN, TIMOTHY	032312	3/23/2012	ADV FOR PAYCHECK 3/23/12	840.00	840.00
826519	3/23/2012	021419	WINGARD, ERICAA	032312	3/23/2012	ADV FOR PAYCHECK 03/23/12	985.00	985.00
Sub total for UNION BANK OF CA:							3,835.00	

4 checks in this report.

Grand Total All Checks: 3,835.00



AGENDA REPORT
SAN CLEMENTE CITY COUNCIL MEETING
 Meeting Date: April 3, 2012

Agenda Item 6D
 Approvals: [Signature]
 City Manager [Signature]
 Dept. Head [Signature]
 Attorney _____
 Finance _____

Department: Public Works / Engineering [Signature]
Prepared By: Tom Frank, Transportation Engineering Manager

Subject: ***APPROVE PROFESSIONAL SERVICES AGREEMENT AND SUPPLEMENTAL APPROPRIATION FOR TRAFFIC MODELING ASSOCIATED WITH THE GENERAL PLAN UPDATE.***

Summary: Staff is coordinating with the General Plan consulting team led by the Planning Center to update the traffic circulation element of the General Plan. The Planning Center's contract includes developing the traffic circulation element and coordinating with the City's traffic modeling consultant who will be responsible for updating and running the different General Plan traffic modeling scenarios.

Austin-Foust created the City's traffic model and has maintained it since 1993. Within the last year, Austin-Foust was acquired by Stantec Consulting Services Inc. (Stantec) and employs the engineers experienced with the City's traffic model. Staff believes it is important to conduct the needed General Plan traffic modeling by the people who have the expertise with the City's traffic model. Thus, staff requested and received a proposal from Stantec for the anticipated traffic modeling. The anticipated scope of services includes evaluating traffic forecast data from existing conditions and comparing against future forecasts given different land use and road network scenarios. As an example, scenarios will include evaluating the current General Plan model against the proposed General Plan with or without the SR241 (toll road) extension to I-5. The proposed scope also includes addressing proposed changes to planned land use or the City's road network for up to four additional scenarios that may be requested during the development of the General Plan.

The proposed cost for General Plan traffic modeling is \$52,000. Staff reviewed the consultant's scope and fee against past traffic modeling assignments and negotiated a fee that is reasonable for the scope of the project and favorable to the City primarily due to the Project Manager's extensive knowledge of the City's Traffic Model. There is \$42,400 available in the current approved Traffic Engineering budget for traffic modeling, therefore a supplemental appropriation of \$9,600 from the General Fund is needed.

Recommended

Action: STAFF RECOMMENDS that the City Council:

1. Approve a Supplemental Appropriation of \$9,600 from the General Fund to Account No. 001-413-43890-000-00000; and

2. Authorize the Mayor to execute a contract with Stantec Consulting Services Inc. with a not to exceed contract amount of \$52,000.

Fiscal Impact: Yes. This supplemental appropriation will reduce the undesignated General Fund balance by \$9,600.

Attachments: None. The proposed Professional Services Agreement with Stantec is available for review at the City Clerk's office.

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6D-2



AGENDA REPORT
SAN CLEMENTE CITY COUNCIL MEETING

Meeting Date: April 3, 2012

Agenda Item 6E
Approvals: _____
City Manager _____
Dept. Head _____
Attorney _____
Finance _____

Department: Public Works / Engineering
Prepared By: Tom Bonigut, Assistant City Engineer *TB*

Subject: **TERMINATION OF PROFESSIONAL SERVICES AGREEMENT WITH FEHR & PEERS TRANSPORTATION CONSULTANTS AND APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH DKS ASSOCIATES FOR COMPLETION OF THE AVENIDA PICO BICYCLE PATH STUDY, PROJECT NO. 30803.**

Summary: In April 2010 the City Council approved an agreement with Fehr & Peers Transportation Consultants for a study to identify and evaluate potential options to improve cyclist's use of Avenida Pico (from El Camino Real approximately 2 miles east to Camino Vera Cruz). Fehr & Peers analyzed opportunities and constraints for several alternatives, facilitated coordination with PEDal¹, and prepared preliminary concept layout drawings for preferred on-street and separated path alternatives. However, Fehr & Peers' project manager, Mr. Jeff Healds, left the firm, as did his subsequent replacement. Due to Mr. Healds' experience and involvement on this project, including coordination with PEDal members, staff believes it would be best to engage Mr. Healds and his new firm, DKS Associates, to complete the remaining work on this project, which includes finalizing the preferred alternatives and developing preliminary cost estimates.

Per Article 6 of the agreement with Fehr & Peers, the City may terminate the agreement for any reason, with or without cause, upon written notice to the consultant. Fehr & Peers has delivered files of all completed work and work in progress to the City, and also confirmed in writing that there are no further costs owed to Fehr & Peers. The contract with Fehr & Peers was \$64,300, and there is \$13,500 remaining in the approved project budget.

Staff recommends executing a Professional Services Agreement with DKS Associates since Mr. Healds' experience and continued involvement are important for completing this project. Mr. Healds has confirmed that his team will be able to complete the study with the remaining project budget. The City Attorney confirmed that it is permissible to pursue an agreement with DKS Associates to complete the Avenida Pico Bicycle Path Study, and that it is not necessary to proceed through another Request for Proposals process for the remainder of the project.

¹ PEDal is a local independent group whose mission is to advocate for a more bicycle and pedestrian friendly town, and to encourage efficient and safe travel by non-motorized means.

Recommended

Action: STAFF RECOMMENDS THAT the City Council:

1. Approve termination of Contract C10-12, by and between the City of San Clemente and Fehr & Peers Transportation Consultants, relative to the Avenida Pico Bicycle Path Study, project No. 30803;
2. Authorize Staff to submit written notice to Fehr & Peers Transportation Consultants advising that the City is terminating the agreement (Contract C10-12); and
3. Approve, and authorize the Mayor to execute, Contract C____, by and between the City of San Clemente and DKS Associates, providing for the completion of the Avenida Pico Bicycle Path Study, project No. 30803, in the amount of \$13,500.

Fiscal Impact: None.

Attachments: None. The proposed Professional Services Agreement with DKS Associates is available for review in the City Clerk's office.

Notification: None.

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6 E-2



AGENDA REPORT
SAN CLEMENTE CITY COUNCIL MEETING
 Meeting Date: April 3, 2012

Agenda Item 6F
 Approvals: [Signature]
 City Manager [Signature]
 Dept. Head [Signature]
 Attorney _____
 Finance _____

Department: Public Works / Engineering Division 013
Prepared By: Sandy Norman, Senior Engineering Technician

Subject: **APPROVE FINAL MAP 17347, PUERTA DEL SOL CONDOMINIUM CONVERSION, 1181 PUERTA DEL SOL.**

Summary: Tentative Map 17347 was approved by the Planning Commission on October 6, 2010, and by the City Council on November 16, 2010. Talega Partners LLC, the Subdivider of Final Map 17347, has submitted the Final Map for City Council approval. Final Map 17347 contains five commercial condominium units on one 9,191 square-foot lot. The CC&Rs for the project have been reviewed and approved by the City Attorney. The Subdivider has paid the development fees and satisfied all Conditions of Approval that are required prior to Final Map approval.

Recommended Action: STAFF RECOMMENDS THAT the City Council:

1. Approve the Final Map 17347 as it conforms to the requirements set forth in the Subdivision Map Act and the previously approved Tentative Map;
2. Authorize the Public Works Director / City Engineer to sign the Final Map; and
3. Authorize the City Clerk to sign and submit the Final Map for recordation with the County of Orange Recorder's Office.

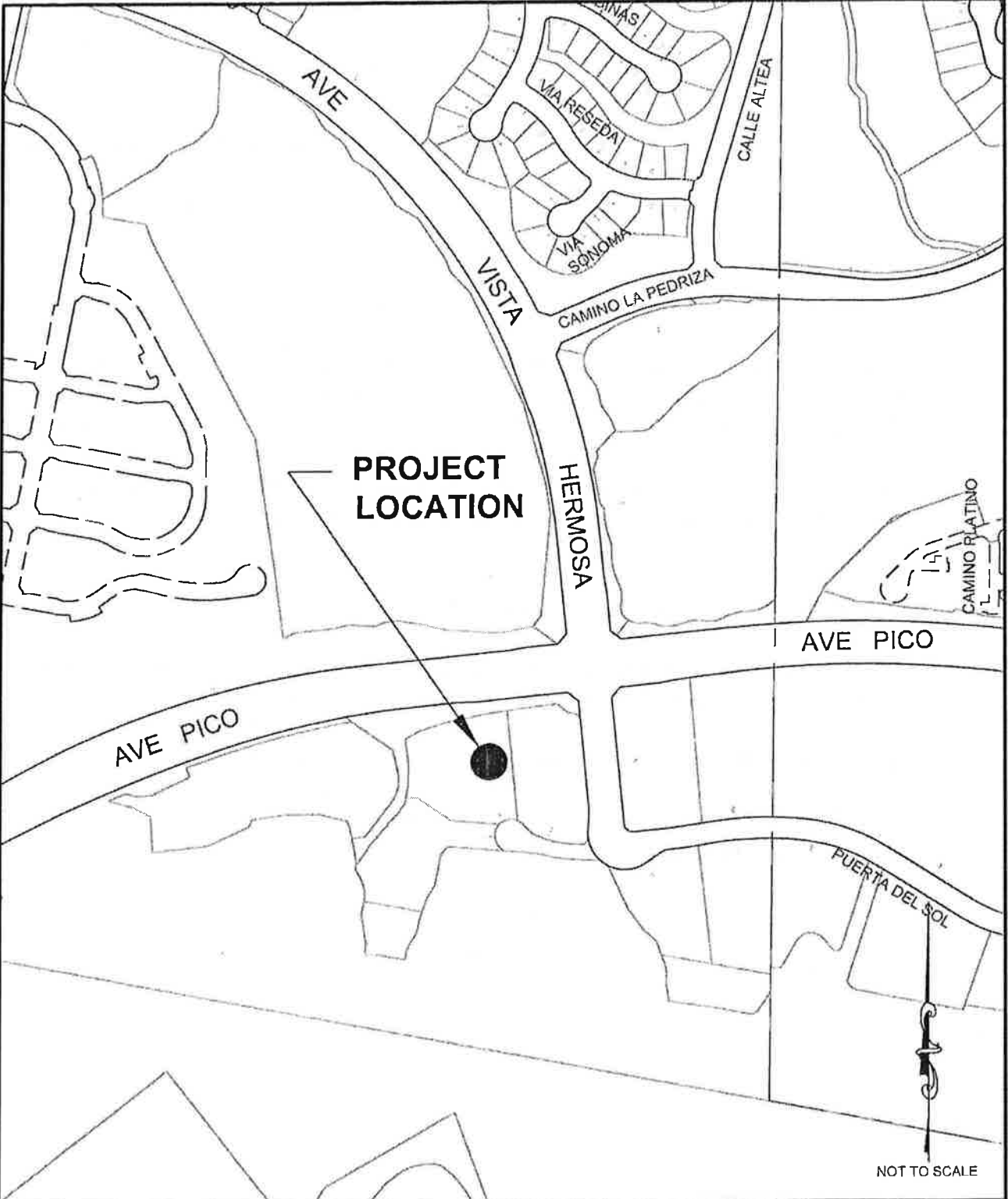
Fiscal Impact: None.

Attachments: Location Map

Notification: None.

i:\engineering\admin\2012 admins\04-03-2012\04-03-12-3r.docx

\\CD\Graphics_CAD\AutoCAD Engr Drawings\Location Maps\CAD\Location Plan (Admin Report).dwg Tuesday, May 17, 2011 9:43:10 AM



NOT TO SCALE



City of San Clemente
 910 Calle Negocio, Suite 100
 San Clemente, CA 92673
 Tel (949) 361-6100
 Fax (949) 361-8318

LOCATION MAP
TRACT MAP No. 17347

6 F-2



AGENDA REPORT
SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: April 3, 2012

Agenda Item 66
Approvals: [Signature]
City Manager [Signature]
Dept. Head
Attorney
Finance

Department: Code Compliance
Prepared By: Brent Panas, Code Compliance Officer

Subject: ESTABLISHMENT OF WEED ABATEMENT PROGRAM FOR 2012.

Summary: In early spring of each year the City Council adopts a Resolution (Attachment #1) pursuant to the Government Code, Section 39561, which finds and declares weeds and trash on specific parcels of property to be a seasonal, recurrent nuisance, and in need of abatement. These properties are specified in the Resolution. This Resolution sets a public hearing (in accordance with Section 39568 of the Government Code) to consider all objections to the proposed abatement. Each listed property owner will be notified of the public hearing/abatement process as required by Section 39567.1 of the Government Code.

The City of San Clemente Code Compliance Division administers the City's Weed Abatement Program. In early March, the City's Weed Abatement Contractor compiles a list of all vacant properties using the County Assessors' database. Council is then requested to adopt a resolution that opens the weed abatement process for the year. It will set a Public Hearing for the first Council Meeting in May to hear objections to the weed abatement process. Attached to the Resolution is the list of properties to be included in the program.

Following the adopted resolution, a letter of notification is then mailed to vacant property owners on or about April 4, 2012. This letter gives the owners until May 15, 2012 to clear their properties. The letter notifies owners of these vacant properties of the need for the removal of weeds, trash and debris, and the requirement to maintain their properties in this manner for the remainder of the calendar year. The intent of this procedure is to reduce the possibility of weed and debris fires in San Clemente. The public hearing held at the first Council meeting in May results in the "Order to Abate" by resolution, after which time the vacant properties can be cleared by the City's Weed Abatement Contractor. After this Council approval, the City Weed Abatement Contractor will clean the properties not cleared by their owners by May 15th.

On March 6, 2007 the Professional Services Agreement for Weed Abatement Services was approved by City Council. The agreement continued the practice of charging an Administration Fee of \$200 per property for non-compliant property owners. Historically, the City Council has waived the City's notification costs for postage, paper and staff for the compliant property owners.

Recommended**Action:**

STAFF RECOMMENDS THAT the City Council initiate the process and weed abatement program for 2012 by adopting Resolution No. ____ 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.

Fiscal Impact:

There is an initial budget impact. The City pays the Weed Abatement Contractor the costs to clear City owned lots. After May 15th, privately owned lots not cleared by the property owners (non-compliant) are cleared by the Weed Abatement Contractor with those costs paid by the City. The City then assesses an administrative fee of \$200 per lot to the non-compliant property owners. The City then bills the non-compliant property owners the cost to clear their lots plus the \$200 administrative fee, to recover the cost for clearing the lots. Unpaid bills are sent to the County for placement of liens to recover these costs. The City's notification costs (postage, paper and staff) to the vacant lots and vacant structured property owners that have complied with the abatement orders have been waived by Council. Last year, the cost waived totaled \$1,962.44. In the last three (3) years, the cost of abatement has been: (2009) \$134,207.00, (2010) \$123,088.20 and (2011) \$100,996.77. The cost to clear City owned lots in 2011 was \$88,079.49. Money has been budgeted for these expenses.

Attachments:

- (1) Resolution No. ____
- (2) APN Listings- On file with the City Clerk

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PURSUANT TO SECTIONS 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.

THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE HEREBY RESOLVES AS FOLLOWS:

SECTION 1. Pursuant to the provision of California Government Code Sections 39561 and 39562, the City Council of the City of San Clemente determines and declares the following to be public nuisances:

- (a) All weeds as defined in Government Code Section 39561.5 which are growing upon the streets, sidewalks, or private property in the City, and;
- (b) All rubbish, refuse, and dirt upon parkways, sidewalks, or private property in the City.

SECTION 2. The properties upon which or in front of which the nuisances described in Section 1 exist are identified in Exhibit "A" to this Resolution listed by owner, street address, and Assessor's parcel number.

SECTION 3. Notice is hereby given that Tuesday, May 1, 2012 at 6:00 o'clock p.m., at the Council Chambers, Civic Center, 100 Avenida Presidio, San Clemente, California, hereby is fixed as the time and place for the City Council to hear and consider all objections or protests, if any, to the proposed abatement of weeds growing upon or in front of the properties identified in Section 2 and the abatement of all rubbish, refuse, and dirt upon or in front of the said properties.

SECTION 4. The City Clerk of the City of San Clemente is hereby instructed to prepare and cause to be mailed written notice of the proposed abatement to all persons owning property described in Section 2. The Clerk shall cause such written notice to be mailed to each person to whom such property is assessed as shown on the equalized assessment roll available on the date of this resolution. Said mailings shall comply with Government Code Section 39567.1 and the notice shall be substantially in the form provided by Section 39566, except that it shall be signed by the City Clerk and the heading need not comply with Section 39565.

PASSED AND ADOPTED this _____ day of _____, _____.

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of
San Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) §
CITY OF SAN CLEMENTE)

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. _____ was adopted at a regular meeting of the City Council of the City of San Clemente held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this _____ day of _____, _____.

CITY CLERK of the City of
San Clemente, California

Approved as to form:

City Attorney



AGENDA REPORT
SAN CLEMENTE CITY COUNCIL MEETING
 Meeting Date: April 3, 2012

Agenda Item 60H
Approvals:
 City Manager [Signature]
 Dept. Head [Signature]
 Attorney [Signature]
 Finance _____

Department: Community Development
Prepared By: James Holloway, Community Development Director

Subject: ***PARKING PROGRAM PROPOSAL FOR CASINO WHEN COMMUNITY RELATED NON-PROFIT ORGANIZATIONS USE THE FACILITY FOR COMMUNITY FUNDRAISING PURPOSES.***

Summary: Discussion

Several times a year, the revitalized and restored Casino is hosting community based non-profit organizations which use the facility to raise funds for their operations. Recently, a request has been made by the Exchange Club, which is hosting a program at the Casino to benefit the Boys & Girls Club. The event is scheduled for May 6, 2012 with the scheduled time to be between 2pm and 5pm. The Exchange Club has requested an accommodation so that attendees to this charity fund raising event would not have to pay for parking meters, which would be operational at that time of day.

Councilman Jim Dahl has requested, and the City Manager has directed, that staff bring this issue to the Council for consideration. Should Council wish to make accommodations for local community serving non-profit events being hosted at the Casino, the following best management practices is recommended.

Step 1: Prior to the event the leadership of the non-profit organization should approach the Beaches, Parks & Recreation (BP&R) Department to determine if there would be a conflict with any major activities that are being planned for the Ole Hansen Beach Club.

Step2: If no significant conflicts are determined to be existing, the BP&R Department would issue free parking mirror hangers permits. Mirror hangers would specify the activity, time of day and date that the event is occurring. The mirror hanger management technique is already employed by the BP&R Department and the BP&R staff is trained to provide those mirror hangers. The Sherriff's Department Parking Enforcement Officers are also familiar with the mirror hanger permits.

Step 3: The Event sponsor can either mail out the mirror hangers to event participants or hand the mirror hangers out the day of the event.

Guidelines: The mirror hangers would only be distributed to recognize community serving non-profit organizations that are hosting benefit functions for local community non-profit organizations such as the Boys & Girls Club or the Historic Society.

Recommended

Action: STAFF RECOMMENDS THAT the City Council direct staff to implement the best management practices outlined in this report, according to the guidelines discussed in this report.

Fiscal Impact: Some loss of parking revenue.

Attachments: Email correspondence from Bob Lloyd, Exchange Club Representative.

Notification: Bob Lloyd

6H.2

Holloway, Jim

From: Holloway, Jim
Sent: Wednesday, February 22, 2012 4:28 PM
To: Holloway, Jim
Subject: Casino Parking

Follow Up Flag: Follow up
Flag Status: Flagged

From: Bob Lloyd <2bandb@cox.net>
Date: February 16, 2012 2:12:29 PM PST
To: Dahl Jim <dahlj@san-clemente.org>
Subject: Casino Parking

Hi Jim,
This is to confirm our conversation today about parking at the Casino.

On Sunday, May 6th, The Exchange Club is hosting a program at the Casino to benefit the Boys and Girls Club. The scheduled time for the event is between 2PM and 5PM, but some guests will arrive a little early and some will leave late.

We need the City to help us with the parking since the meters will be operational in that timeframe.

My proposal is that we will equip the attendees with some kind of pass that they can stick in the front window. That will leave the lot open for all the locals and visitors heading for the beach, as only event folks will have a pass. Without that City approval the guests will do a lot of bitching and it could seriously hurt the program for future tendance.

My proposal is only one way it might work... and maybe the City has a better remedy to accomplish the same goal. Thanks for being our point-man on this situation. Many in Exchange believe it will be a serious setback if we cannot prevail.

The cause we support is worthy indeed.

Thanks for helping.

Best,
Bob Lloyd - Project Chairman

James S. Holloway
Community Development Director
City of San Clemente
910 Calle Negocio
San Clemente, CA 92672
949 361-6105



AGENDA REPORT
SAN CLEMENTE CITY COUNCIL MEETING
 Meeting Date: April 3, 2012

Agenda Item 6I
 Approvals: _____
 City Manager _____
 Dept. Head WEL
 Attorney _____
 Finance _____

Department: Public Works / Engineering Division
Prepared By: AM Mike Fakhar, Civil Engineer MBF

Subject: **CONSTRUCTION CONTRACT AWARD TO INTELINET INC. FOR THE WATER RECLAMATION PLANT SCADA FIBER OPTIC NETWORK, PROJECT NO. 12605.**

Summary: The City's Water Reclamation Plant (WRP) SCADA Fiber Optic Network project will implement communication upgrades to current industry standards at the WRP. The work will provide a communication network or primary backbone communication system to improve the monitoring and control of the treatment plant process facilities. The existing data received from various facilities at the WRP is limited to a few inputs and outputs connected via copper wire. This configuration lacks data logging capability and limits monitoring and control for WRP processes planned to be rehabilitated in the future. The WRP SCADA Fiber Optic Network project consists of fiber optic cable installation between the WRP Control Center in Building "J" and ten other facility buildings throughout the plant. In addition to installation of fiber optic cables, network switches and patch panels will be installed at each building to facilitate the connection of each building into the fiber optic network at the plant.

Plans and specifications were prepared by Tetra Tech and advertised for public bidding. The City received four bids, the bid results are presented in the attached Bidder's Listing. The lowest bid of \$101,507 was submitted by Intelinet, Inc. Based on the low bid, total estimated project costs are as follows:

Design	\$ 27,855
Administration/Construction Mgmt./Inspection	10,000
Construction	101,507
Contingency (15%)	<u>15,226</u>
Total Project	\$154,588

The project budget is part of the Treatment Plant SCADA Upgrade that is included in the Sewer System SCADA Implementation Project budgeted for \$2,060,450 from the Sewer Fund Depreciation Reserve. The approved budget is sufficient to construct the WRP SCADA Fiber Optic Network. The remaining budget will fund the final phase of sewer SCADA upgrades at the City's WRP currently under design.

Recommended

Action: STAFF RECOMMENDS THAT the City Council:

1. Approve the plans and specifications for the Water Reclamation Plant SCADA Fiber Optic Network, Project No. 12605; and
2. Approve and authorize the Mayor to execute a contract with Intelinet, Inc. in the amount of \$101,507.00 for the Water Reclamation Plant SCADA Fiber Optic Network, Project No. 12605.

Fiscal Impact: None.

Attachments: Location Map
Bidder's Listing

Notification: None.

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BIDDER'S LISTING

BID OPEN TIME: 2:00 p.m.

BID OPEN DATE: 3-12-12

PRESENT:

Michael Fakhar

Water Reclamation Plant SCADA Fiber-optic Network
Project No. 12605 / Mike Fakhar

Subject:

No. of Bids: 4

Company Information	Bid Bond, Etc.	Addendum No. 1	Addendum No. 2	Amount
SECC Corporation 183 Business Center Drive Corona, CA 92880-1757	✓	✓	✓	\$134,987. ⁵⁰
Intelinet, Inc. 501 N. Smith Ave., Suite 111 Corona, CA 92880	✓	✓	✓	\$101,507. ⁰⁰
Floyd Auten Elect. 403 W. Fleetwood Pl. Glendora, CA 91740	✓	✓	✓	\$117,813. ⁰⁰
VCI Construction, Inc. 1921 W. 11 th St. Upland, CA 91786	✓	✓	✓	\$240,620. ⁰⁰



AGENDA REPORT
SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: April 3, 2012

Agenda Item 6J
Approvals: [Signature]
City Manager [Signature]
Dept. Head _____
Attorney _____
Finance _____

Department: Finance and Administrative Services
Prepared By: Thomas Rendina, Municipal Services Manager

Subject: COMMUNICATIONS SITE LEASE AGREEMENT.

Summary: The City of San Clemente and T-Mobile West Corporation have been involved in negotiations for the installation of a communications site at 3895 Calle Andalucia (the "Andalucia Communications Site") for the purpose of transmission of cellular communications and for the provision of mobile/wireless communications services.

The equipment will be installed on a new eucalyptus tree Monopole at a height of 30' within the City's existing fencing and compound.

City Council previously approved a Lease Agreement on January 17, 2012 for an initial period of five (5) years. Section 2.1 erroneously indicated in that Lease that the City of San Clemente would issue building permits, where in fact, building permits for the Andalucia Site will be issued by the City of San Juan Capistrano, given the site location is within the City limits of San Juan Capistrano.

The project was reviewed by San Clemente Planning staff, who presented their findings to the City's Design Review Subcommittee which recommended that the City Manager approve the project. The City Manager concurred with staff's analysis and found the proposed project compatible with the City's Wireless Master Plan. Based upon those approvals, San Juan Capistrano subsequently approved the CUP.

Per the City's Attorney's direction, staff updated the Lease to reflect the changes noted above for approval by City Council.

Recommended

Action: STAFF RECOMMENDS THAT the City Council approve and authorize the Mayor to execute the Communications Site Lease Agreement, by and between the City of San Clemente and T-Mobile West Corporation and authorize the City Manager to approve future amendments provided that the City Manager shall not have the authority to approve a decrease in the rental rate without prior approval of the City Council.

Fiscal Impact: \$25,530 increase in annual rental income.

Attachments: Communications Site Lease Agreement

Exhibit "A1", "A2", "A3" and "A4" – Site Plans
Exhibits "T1" through "T8" – Title Sheet, General notes & specifications
Exhibit "LS-1" – Topography Survey
Exhibit "S-1", Structural Details
Exhibits "E-1", "E-2", "E-3", and "E-4" – Electrical Notes

Notification: None

6/1/2



**CITY OF SAN CLEMENTE
COMMUNICATIONS SITE FACILITY LEASE**

This Communications Site Facility Lease (the "Lease") is made and entered into this 3rd day of April, 2012 by and between the **CITY OF SAN CLEMENTE**, a California Municipal Corporation, (herein "**LESSOR**"), and **T-MOBILE WEST CORPORATION**, a Delaware corporation, (herein "**LESSEE**") (hereinafter collectively referred to as "Parties").

RECITALS

WHEREAS, LESSEE wishes to construct a communications facility (number LA33479C) consisting of a 35' by 25' equipment platform, a 35' Monopole, and equipment cabinets on a portion of that certain property commonly known as the Andalucia Site ("LESSOR's Property"), located at 27351-CS Paseo Peregrino in San Juan Capistrano, California. The LESSEE, will install a Monopole with twelve panel antennas and one GPS antenna on the Monopole, which Monopole will be conveyed to the City. The City will have the right to install additional antennae on the Monopole if space permits.

WHEREAS, the Property is owned by the LESSOR; and

WHEREAS, LESSEE wishes to lease the Facility once constructed, from said LESSOR on the terms and conditions herein for the transmission of cellular communications and for the provision of mobile/wireless communications services; and

NOW THEREFORE, in consideration of the foregoing recitals and the mutual covenants, conditions, and agreements contained herein, the receipt and sufficiency of which is hereby acknowledged, the parties to this Lease do hereby agree as follows:

1. DEMISE AND DESCRIPTION:

- 1.1 **DEMISE:** LESSOR agrees to lease a portion of that certain property described as the Andalucia Site, hereinafter known as the "Premises" and more specifically described in Exhibit "A" which is attached hereto and incorporated by reference herein. Access to the Premises shall be provided by the LESSOR. LESSOR shall provide LESSEE, LESSEE'S employees, agents, and subcontractors access over the Property to the Premises twenty-four (24) hours a day, seven (7) days a week without notice to LESSOR, at no charge to the LESSEE.

- 1.2 **DESCRIPTION:** The "Facility" to be constructed on the premises of the Andalusia site shall consist of a 35' x 25' equipment platform, containing six equipment cabinets, and a 35' Monopole and more specifically described in Exhibit "B". The Facility may be used by LESSEE for any lawful activity in connection with the provision of mobile/wireless communications services, including without limitation, the transmission and the reception of cellular communications facilities including the upgrade, repair or replacement of such equipment and facilities; and environmental and other testing.

2. **LEASE TERM:**

- 2.1 **INITIAL TERM:** The initial term of this Lease shall commence on the date the LESSEE obtains all permits necessary from the City of San Juan Capistrano to construct the Facility (the "Commencement Date") or six (6) months following approval of the Lease Agreement by City Council, whichever occurs first and shall continue for five (5) years from that date ("Initial Term") unless terminated earlier pursuant to Section 6.0 below.
- 2.2 **RENEWAL TERM:** LESSOR grants LESSEE an option to renew this Lease for an additional fifteen (15) years, with a renewal in three five (5) year increments, commencing on the "Commencement Date" or six (6) months following approval of the Lease Agreement by City Council, and shall continue for five (5) years from that date unless terminated earlier. To exercise such renewal options, LESSEE shall provide written notice of such intention to LESSOR no sooner than ninety (90) days nor later than thirty (30) days prior to the expiration of the then current Lease Term. For the purpose of this Lease, the "then current Lease Term" shall mean either the Initial Term or the Renewal Term, whichever is in effect at the relevant time.

3. **PAYMENT OF RENT:** LESSEE agrees to pay to LESSOR, as rental for said premises, each month in advance, on the first of each month during the term of this Lease payable to the City of San Clemente, 100 Avenida Presidio, San Clemente, CA 92672, Attn. Accounts Receivable, Accounting Division. In addition, LESSEE agrees to do and perform all other covenants and agreements in this Lease contained.

- 3.1 **BASE RENTAL PAYMENT:** The Base Rental Payment under this Agreement shall be TWO THOUSAND AND FORTY-FOUR DOLLARS AND FOUR CENTS (\$2,044.04) per month. If the Commencement Date is a date other than the first day of each month, the Base Rental for the first calendar month shall be prorated on the basis of the number of actual days in such partial month.
- 3.2 **COST OF LIVING ADJUSTMENT:** The Base Rental Payment as set forth

in Section 3.1 above shall be adjusted annually, commencing on the first anniversary of the execution of this Agreement, by the same percentage as the increase or decrease in the Consumer Price Index ("CPI") as reflected in the "Consumer Price Index-Los Angeles-Anaheim-Riverside-All Urban Consumers, 1982-84 = One Hundred" as published by the United States Department of Labor, Bureau of Labor Statistics. The change in the CPI shall be determined by comparing the "Base Period Index" with the "Index" for the same month in the subsequent year. For the purpose of this Lease, the "Base Period Index" shall be the CPI for the calendar months which is three (3) months prior to either the date that this Lease commences or the annual anniversary of that date, whichever is applicable. By way of example, if the Lease commences on January 1, 2000, the "Base Period Index" would be the CPI for October 1999. The first Rental Payment adjustment would occur on January 1, 2002. The first Rental Payment would be adjusted by determining the change between the October 1999 CPI (the "Base Period Index") and the October 2000 CPI (the subsequent year's index). Therefore, if the October 1999 CPI equals 162.2, and the October 2000 CPI equals 167.2, the yearly increase would be 5, and the CPI will have increased by three-hundredths (3.08) percentage points. The new Rental Payment for the period January 1, 2001 through December 31, 2001 would therefore, be \$1,546.20 ($\$1,500.00$ [Base Rental] \times 3.08% [CPI increase] = \$46.20 (increase)). The new "Base Price Index" for the January 2001 adjustment would be the October 2000 Index, which as previously stated, equals 167.2. In no event shall any annual CPI adjustment be less than three percent (3%) nor more than six percent (6%) over the prior year's Base Rent.

Should the Bureau of Labor Standards discontinue the publication for the above Index, or publish the same less frequently, or alter the same in some other manner, LESSOR shall adopt a substitute Index or substitute procedure which reasonably reflects and monitors changes in consumer prices.

- 3.3 **BASE RENTAL PAYMENT ADJUSTMENT IN YEAR FIVE:** The applicable Base Rental Payment under this Lease shall be reestablished by the Parties on the fifth anniversary of the Commencement Date of this Lease if LESSEE exercises its first option to renew under Section 2.2 of this Lease. The fair rental value shall be determined by the rent charged for comparable leased premises at comparable properties in or around Orange County, California. If LESSOR and LESSEE cannot agree on the fair rental value, the parties shall mutually select and hire an appraiser who is familiar with the comparable properties in or around Orange County, California. Said Rental adjustment shall not cause the Rental Payment to increase by more than 10% above the most recent Rental Payment or to decrease below the most recent Base Rental. The Base

Rental thereafter during any Renewal Term shall be annually increased pursuant to Section 3.2 above.

- 3.4 **LATE CHARGE:** LESSEE acknowledges that late payment by LESSEE to LESSOR of rent will cause LESSOR to incur costs not contemplated by this Lease, the exact amount of such costs being extremely difficult and impracticable to fix. Such costs include, without limitation, processing and accounting charges. Therefore, if any installment of rent due from LESSEE is not received by LESSOR within ten (10) days after the same becomes due; LESSEE shall pay to LESSOR an additional sum of five percent (5%) of the overdue rent as a late charge. The parties agree that this late charge represents a fair and reasonable estimate of the costs that LESSOR will incur by reason of late payment by LESSEE. Acceptance of any late charge shall not constitute a waiver of any right of termination as contained in Section 10 below with respect to the overdue amount, or prevent LESSOR from exercising any of the other rights and remedies available to LESSOR.

4. **LESSEE'S OBLIGATION:** LESSEE recognizes and understands that this Lease may create a possessory interest subject to property taxation and that LESSEE may be subject to the payment of property taxes levied on such interest. LESSEE shall timely pay all property taxes and assessments directly attributable to LESSEE's possessory interest.

5. **CONSTRUCTION OF IMPROVEMENTS:**

- 5.1 **LESSEE'S CONSTRUCTION:** The purpose of this Lease is to provide LESSEE a site for the placement and use of the Facility, and for no other use whatsoever. LESSEE shall have the right, during the Lease Term, to develop, construct, alter, remove, demolish, restore and remodel the following improvements on the Premises and be allowed to operate the Facility as follows:
- (a) Antenna Structure: Described in Exhibit A
 - (b) Communications Facilities: Described in Exhibit A
 - (c) Site Equipment: LESSEE shall provide all Site Equipment required for the installation and operation of the Facility. The Site Equipment is and shall remain the sole property of LESSEE, shall not be deemed fixtures, and may be removed from the Premises by LESSEE at any time.
 - (d) Frequency/s: 1710 - 2155 MHz

- (e) Access to Site: LESSEE's employees, agents and subcontractors shall have access over the Property to the Premises twenty-four (24) hours a day, seven (7) days a week without notice to LESSOR or charge to LESSEE.
- (f) Construction of Improvements: All improvements made to the Premises by LESSEE shall be developed, constructed, altered, restored, and/or remodeled in a good and workmanlike manner, at LESSEE's expense, in accordance with the requirements of all laws, ordinances, and regulations applicable thereto, including zoning requirements and building code requirements of the City of San Clemente (including compliance with the CUP process prescribed by the City of San Clemente Ordinance No. 1129, if applicable), the County of Orange, and any municipal or other governmental agency having jurisdiction over the Premises at the time the improvements are constructed. LESSOR agrees to cooperate with LESSEE and execute all documents reasonably required in connection with applying for any municipal permits, zoning variances, or conditional use permits in connection with the construction of the aforementioned improvements. It is understood and agreed that such cooperation and execution of documents shall not be implied to include any expenditures of funds on the part of LESSOR or any implied promise or warranty that such permits, discretionary, or otherwise, will be issued to LESSEE. Notwithstanding anything in this Lease to the contrary, prior to commencement of construction LESSEE, as its expense, shall submit a location and installation plan to LESSOR for review and approval by LESSOR's Utilities Manager. If LESSOR's Utilities Manager (or his/her designee) does not respond in writing to LESSEE within ten (10) days following LESSEE's request for approval, such request will be deemed to have been approved by LESSOR. Once commenced, any and all improvements to be made by LESSEE with respect to the installation of the Facility and the Premises shall be diligently pursued to completion.
- 5.2. **MECHANIC'S LIENS**: LESSEE shall not suffer or permit to be enforced against the Premises, or any part thereof, and shall defend, indemnify, and hold LESSOR harmless from any mechanic's, material suppliers', contractors', tax, or subcontractors' liens arising from any claim for damage, or growing out of the work of any construction, repair, restoration, replacement, or improvement made by or alleged to have been made by or on behalf of LESSEE. LESSEE shall pay or cause to be paid all of such liens, claims, or demands before any action is brought to enforce the same against the Premises. If LESSEE shall in good faith contest the validity of any such lien, claim, or demand, then LESSEE shall, at its expense, defend itself and LESSOR against same and shall

pay and satisfy any settlement or adverse judgment that may be entered thereupon prior to the execution thereof. In the event of any such contest, LESSEE shall provide LESSOR with a security bond in a form and amount LESSOR deems sufficient to allow the lien of record to be discharged as a matter of law.

- 5.3. **CARE DURING CONSTRUCTION:** LESSEE shall exercise great care during construction of the Improvements. Any and all damage to improvements, including landscaping and vegetation located on or about the property, shall be repaired and/or replaced with like size and various types of plant materials. All applicable City standards and specifications shall be followed. LESSOR shall approve all work prior to commencement.

6. **TERMINATION:**

- 6.1 **LESSOR'S RIGHT TO TERMINATE:** LESSOR may pursue any remedies available to it under applicable law, including, but not limited to, the right to terminate this Lease, upon the earliest of any of the following events: (a) LESSEE's failure to pay rent within fifteen (15) days following notice of nonpayment; (b) LESSEE's failure to comply with any term, covenant, or condition of this Lease after LESSEE has been given notice of the violation and has had thirty (30) days to cure same or, if such default is not curable within such thirty (30) day period, has not proceeded to commence such cure within such thirty (30) day period and diligently proceeds to completion; (c) interference by LESSEE's Site Equipment with other electrical or radio frequency equipment installed on or around the Property prior to the Commencement Date, which interference is not cured by LESSEE within ten (10) days following notice thereof; or (d) interference by LESSEE's Site Equipment with hydrological equipment installed on or around the Property prior to the Commencement Date, which interference is not cured by LESSEE within ten (10) days following notice thereof. Likewise, LESSOR will not permit or suffer the installation of any future equipment which (i) results in technical interference problems with LESSEE'S then existing equipment or (ii) encroaches onto the Premises.
- 6.2 **LESSEE'S RIGHT TO TERMINATE:** LESSEE may terminate this Lease without further liability for any reason whatsoever upon ninety (90) days written notice to LESSOR. Upon termination, all prepaid rent will be retained by LESSOR unless such termination is due to LESSOR's failure of proper ownership or authority, or such termination is a result of LESSOR's default hereunder. In the event LESSEE terminates the lease prior to commencement of construction of the improvements, LESSEE's obligation to construct the Improvements shall terminate without further liability.

6.3 **OWNERSHIP OF IMPROVEMENTS UPON TERMINATION:** Upon termination of this Lease for any reason whatsoever, LESSEE shall transfer to LESSOR title to all real property improvements constructed by LESSEE (i.e., communication building and monopole) but not communication equipment constructed upon the Premises) free, clear and unencumbered of any monetary encumbrance or other restriction or title exception of any kind or nature created by LESSEE other than as permitted by LESSOR in writing. LESSEE shall indemnify, defend and hold LESSOR free and harmless from and against any claims, losses, damages, or expenses, including without limitation attorney's fees and costs, arising out of any controversy involving title to the improvements. LESSEE must remove all communication equipment within ninety (90) days of the termination of this Lease.

7. **INTERFERENCE:**

7.1 **LESSEE'S OBLIGATIONS:** Prior to occupancy and operation of communication equipment by LESSEE or its agents, assigns or lessees within LESSOR's portion of the Building or Tower, LESSEE agrees to:

- (a) Submit to LESSOR within 45 days prior to operation, proposed plans designating equipment locations in the Building, antenna type, size and locations on the Tower, heights above ground on LESSOR's existing towers, along with operating frequencies, effective radiated power, and other necessary on-air technical data at LESSOR's discretion for LESSOR's review and approval.
- (b) Install or cause to be installed, all equipment according to generally accepted standard engineering practices and in a good and workmanlike manner.
- (c) Use reasonable efforts to mitigate any interference on existing radio frequency equipment of LESSEE within 10 days of written notification or interference.
- (d) Shall include in all Leases between LESSOR and future lessees on the Property a covenant that the LESSEE shall not interfere with other electrical or radio frequency equipment previously installed on or around the Property and that if the LESSEE is not able to mitigate the interference, the Lease shall provide for termination thereof.

7.2 **LESSOR'S OBLIGATION:** LESSOR shall include in all leases between

LESSOR and future LESSEE's on the Property a covenant that the LESSEE shall not interfere with other electrical or radio frequency equipment previously installed on or around the Property and that if the LESSEE is not able to mitigate the interference, the lease shall provide for termination thereof. Likewise, LESSOR will not permit or suffer the installation of any future equipment which (i) results in technical interference problems with LESSEE's then existing equipment or (ii) encroaches onto the Premises.

- 7.3 **NON-INTERFERENCE:** The communication equipment and the use thereof shall not interfere with the use of any other communication or similar equipment of any kind and nature owned or operated by LESSOR or other occupants of the Property existing as of the Commencement Date, except as may be permitted by applicable laws; provided; however that subsequent to the installation by LESSEE of the Facility, LESSOR agrees not to install and to exercise commercially reasonable effort to not allow installation of new equipment on the Premises if such equipment causes interference with LESSEE's operations. All interference rules and regulations promulgated by the Federal Communications Commission.

8.0 **CO-LOCATION:**

- 8.1 **RIGHT TO LEASE TO THIRD PARTY:** LESSOR, in LESSOR'S sole and absolute discretion and in compliance with the terms of this Lease, may elect to enter into a similar Lease with another carrier ("Potential Carrier") to place an antenna and/or necessary improvements on the Property. LESSEE hereby agrees that LESSOR may elect to place any such antenna either upon the Pole constructed by LESSEE pursuant to this Agreement or upon a second pole located upon the Property constructed by the Potential Carrier pursuant to the terms of this Section 8.
- 8.2 **CO-LOCATION AGREEMENT:** In the event LESSOR elects to enter into a Lease with a Potential Carrier, LESSEE and any Potential Carrier shall enter into a separate written co-location agreement ("Co-location Agreement") subject to the reasonable approval of the City Manager of the City of San Clemente or its designee in a form substantially similar to Exhibit "C-1" attached hereto or Exhibit "C-2" attached hereto (as may be applicable) delineating proper placement of any Potential Carrier's antenna so as to comply at all times with all non-interference rules of the Federal Communications Commission ("FCC"). In the event an antenna is placed upon the Pole, the Co-location Agreement shall also set forth the maintenance, utility, indemnification and other obligations of the parties as to the Pole and shall provide that LESSEE may recover from any Potential Carrier the Potential Carrier's pro rata share of the cost of the Pole construction.

Any Lease entered into between LESSOR and a Potential Carrier shall reference the obligation to enter into a Co-location Agreement and the obligation of the Potential Carrier to comply with the applicable FCC non-interference rules. LESSEE hereby covenants to exercise good faith and use its best efforts to enter into a Co-location Agreement acceptable to all parties. In the event that LESSEE and a Potential Carrier are unable to agree as to the terms of the Co-location Agreement, LESSEE and the Potential Carrier, hire a qualified engineer mutually acceptable to both parties to determine the placement of the antenna so as to comply with FCC regulations. Should LESSEE and the Potential Carrier fail to agree upon a qualified engineer within thirty (30) days of execution of the Potential Carriers Lease with LESSOR, the dispute shall be resolved in accordance with FCC procedures as amended from time-to-time. LESSEE'S failure to comply with the provisions of this Section shall be deemed a material default, and LESSOR shall have the right to terminate this Lease in accordance with Section 6.1 above.

- 8.3 **RELEASE OF LESSOR:** LESSEE hereby releases LESSOR, its officers, and employees from any responsibility or liability occurring by reason of or arising out of interference with LESSEE's communication configurations, equipment and/or frequency caused by the location of any Potential Carrier upon the Pole, the Premises, or the Property in conformity with the provisions of this Lease, or by pre-existing communications operating upon the commencement of this Lease.

9. **REPAIRS AND MAINTENANCE:**

- 9.1 **NO OBLIGATION OF LESSOR:** LESSEE agrees that LESSOR shall be under no obligation to repair, rebuild or replace the Premises or the Right-of-Way area or any Improvements located thereon during the term of this Lease, except LESSOR may be liable to LESSEE for any damage arising out of the negligence or willful misconduct of LESSOR or its agents.
- 9.2 **LESSEE'S OBLIGATION:** Notwithstanding the provisions of paragraph 5.1, LESSEE shall, at LESSEE's sole expense and cost, keep and maintain that portion of the Premises and Improvements located thereon not transferred to LESSOR, and any and all facilities appurtenant under LESSEE's control thereto, including any landscaping, in a good and safe order and repair and in a clean and orderly condition. Not by way of limitation of the foregoing, LESSEE shall promptly remove any accumulation of trash, weeds, debris, and graffiti on the Premises. LESSEE shall make any and all additions, alterations, repairs or improvements in and about the Premises which may be required by law, and shall otherwise observe and comply with all public laws, ordinances and regulations which are from time to time made applicable to the Premises. LESSEE shall indemnify, defend and hold LESSOR harmless

against all actions, claims and damages (including without limitation, reasonable attorney's fees) by reason of LESSEE's failure to comply with or perform the provisions of this Section. LESSEE is aware of and waives the provisions of California Civil Code Sections 1941 and 1942 with respect to any obligation LESSOR may have during the term of this Lease regarding the tenantability of the Premises and LESSEE's right to make repairs and deduct the expenses of such repairs from rent.

10. **UTILITIES AND PROVISION OF SERVICE:** LESSEE shall determine the availability of and shall, at its sole cost and expense, cause to be installed in, on, and about the Premises all facilities necessary to supply thereto all water, sewage, gas, electricity, telephone, and other similar services required to service the Premises. LESSOR shall allow LESSEE to have its own electrical metering equipment installed. LESSEE shall obtain all necessary approvals for the installation of the meter. An electrical plan shall be submitted to the LESSOR and approved prior to commencement of such work. LESSOR agrees to cooperate with LESSEE in its efforts to obtain such utility service. During the Lease term, LESSEE agrees to pay when due all charges for water, sewage, gas, electricity, and all other utility services of every kind and nature supplied to and used by LESSEE on the Premises. LESSOR shall be responsible for its own electrical and other utility service and for the regular payment of electrical and other utility charges attributable to the Facility other than the Premises.
11. **DAMAGE OR DESTRUCTION OF IMPROVEMENTS TO PREMISES:**
- 11.1 **LESSOR'S OBLIGATION:** LESSOR shall have no duty or obligation to rebuild the Facility or the improvements thereon if such Facility or improvements are substantially damaged during the Lease Term, in whole or in part by any casualty. LESSOR will give LESSEE (a) notice of such casualty within thirty (30) days after the date of the casualty and (b) the right to terminate in sixty (60) days from said casualty date. In the event LESSOR chooses not to rebuild the Facility or improvements thereon, LESSEE shall be entitled to build a new equipment shelter and tower for its own use on the leased Premises.
- 11.2 **WAIVER OF CIVIL CODE SECTIONS:** LESSEE is aware of and, by entering into this Lease, waives the provisions of Civil Code Sections 1932(2) and 1933(4) with respect to any damage or destruction of the Premises.
- 11.3 **CONDEMNATION:** In the event of condemnation of the Premises, unless LESSEE is allowed by the condemning authority to continue its operations on the Premises, this Lease shall terminate as of the date title to the Premises vests in the condemning authority or LESSEE is required to cease its operations, whichever is earlier. LESSEE shall be entitled to share in the proceeds of any condemnation, and LESSEE's share shall include the value of any improvements, which are transferred to the

condemning authority, moving expenses, and prepaid rent and business dislocation expenses. LESSEE shall not be allowed to recover for the value of its leasehold interest.

12. **ASSIGNMENT AND SUBLEASING:**

12.1 **ASSIGNMENT:** LESSEE shall not voluntarily assign or transfer its interest under this Lease or in the Premises without first obtaining the prior written consent of LESSOR, which consent shall be not unreasonably withheld, delayed or conditioned. The transfer of the rights and obligations of LESSEE to a parent, subsidiary, or other affiliate of LESSEE, or to any successor in interest or entity acquiring fifty-one (51%) or more of LESSEE's membership interests or assets, shall not be deemed an assignment and LESSOR's consent shall not be required for such transfer. Any assignment without LESSOR's consent (when such consent is required) shall be voidable and, at LESSOR's election, shall constitute cause for exercise of LESSOR's remedies under applicable law, including termination of the Lease. No consent to any assignment shall constitute a further waiver of the provisions of this Section. Notwithstanding the foregoing, it is understood that LESSEE shall not be released from liability hereunder by virtue of any assignment. As a condition precedent to any such assignment which requires LESSOR's consent, LESSEE agrees to provide written notice to LESSOR of its intention to assign at least thirty (30) days before the proposed effective date of any such proposed assignment which notice shall include the identity of the proposed assignee, copies of the proposed assignment documentation and current financial statements of the proposed assignee. As a further condition precedent to any assignment, the assignee must assume, in writing, all of LESSEE's obligations under this Lease.

12.2 **SUBLEASING:** LESSEE shall not sublease any portion of the Premises except as expressly provided herein. LESSEE shall be permitted to sublease portions of the Premises to a wholly-owned subsidiary of LESSEE, provided LESSEE provides LESSOR with express written notice of such sublease.

13. **RENEWAL/HOLDING OVER:** Upon the expiration or termination of this Lease, LESSEE shall surrender the Premises to LESSOR. If LESSEE shall remain in possession of the Premises after the expiration or termination of the Lease, with the consent of LESSOR, either express or implied, such holding over shall be construed to create a tenancy from month to month subject to all the covenants, conditions, and obligations hereof, and LESSEE hereby agrees to pay LESSOR, as monthly rental, an amount equal to one hundred twenty-five percent (125%) of the most recent monthly rental price. Nothing above shall be construed to give LESSEE any rights to so hold over and to continue in possession of the Premises after the expiration of the Lease Term without the express consent of LESSOR.

14. **MISCELLANEOUS:**
- 14.1 **INSPECTION:** LESSOR reserves the right for itself and its employees, agents, and representatives to enter upon the Premises at any reasonable time and after reasonable notice to LESSEE for the purpose of attending to LESSOR's obligations under this Lease, provided that LESSOR and its employees, agents, and representatives shall make best efforts not to disturb, disrupt, damage, move, alter, turn off, adjust or otherwise adversely affect LESSEE's operations or Site Equipment.
- 14.2 **NO WAIVER:** No covenant, term, or condition thereof shall be deemed waived, except by written consent of the Party against whom the waiver is claimed. Any waiver or the breach of any covenant, term or condition shall not be deemed to be a waiver of any preceding or succeeding breach of the same or any other covenant, term, or condition. Acceptance by LESSOR of performance other than full performance by LESSEE after the time the performance shall have become due shall not constitute a waiver by LESSOR of the breach or default or default of any covenant, term, or condition unless otherwise expressly agreed to by LESSOR in writing.
- 14.3 **ATTORNEY'S FEES AND COSTS:** If either Party hereto shall bring any action for any relief against the other, declaratory or otherwise, arising out of this Lease, including any suit by LESSOR for the recovery of rent or possession of the Premises, the prevailing Party shall be entitled to have and recover from the other Party the prevailing Party's reasonable fees and costs (including attorneys' fees), which shall be deemed to have accrued on the commencement of such action and shall be paid whether or not such action is prosecuted to a judgment.
- 14.4 **INTERPRETATION:** The parties hereto agree that all provisions hereof are to be construed as both covenants and conditions as though the words imparting such covenants and conditions were used in each separate paragraph hereof. The captions of the articles and paragraphs of this Lease are for convenience only and shall not be deemed to be relevant in resolving any questions of interpretation or construction.
- 14.5 **INTEGRATION AND GOVERNING LAW:** This Lease represents the entire understanding of LESSOR and LESSEE as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters covered by this Lease. This Lease shall be governed by the laws of the State of California and construed as if drafted by both LESSOR and LESSEE. This Lease may not be modified, altered, or amended except in writing signed by both LESSOR and LESSEE.

- 14.6 **LEASE BINDING ON HEIR AND ASSIGNS:** Each of the terms, covenants, and conditions of this Lease shall extend to, be binding upon, and inure to the benefit of not only LESSOR and LESSEE, but each of their respective heirs, representatives, administrators and assigns. Whenever in this Lease reference is made to either LESSOR or LESSEE, the reference shall be deemed to include, whenever applicable, the heirs, legal representatives, and assigns of each of the parties, the same as if in every case expressed.
- 14.7 **CORPORATE AUTHORITY:** Each party executing this Lease on behalf of a corporation represents and warrants that he or she is duly authorized to execute and deliver this Lease on behalf of said corporation, in accordance with a duly adopted resolution of the Board of Directors of said corporation and that this Lease is binding upon said corporation in accordance with its terms.
- 14.8 **NOTICES:** Any written notices required pursuant to this Lease shall be made by certified or registered mail, return receipt requested, or reliable overnight courier and delivered to the following address:

To LESSOR: City of San Clemente
100 Avenida Presidio
San Clemente, CA 92672
Attn: Communications Dept.
(949) 361-8258

With a Copy to: Rutan & Tucker, LLP
611 Anton Boulevard, Suite 1400
Costa Mesa, CA 92626
Attn: Jeffrey M. Oderman, Esq., City Attorney
Phone: (714) 641-5100

To LESSEE: T-Mobile USA, Inc.
12920 SE 38th Street
Bellevue, WA 98006
Attn: PCS Lease Administrator/LA33479C

With a Copy to: T-Mobile West Corporation
2008 McGaw Avenue
Irvine, CA 92614
Attn: Lease Administration Manager/LA33479C

- 14.9 **PROPERTY:** LESSOR warrants that: (i) LESSOR owns the Property in fee simple and has rights of access thereto; (ii) LESSOR has full right to make this Agreement; and (iii) LESSOR covenants and agrees with LESSEE that upon LESSEE paying the Rent and observing and performing all the terms, covenants, and conditions on LESSEE's part to be observed and performed, LESSEE may peacefully and quietly enjoy the Premises, subject, nevertheless, to the terms and conditions of this Agreement. LESSOR warrants that the making of this Agreement and the performance thereof will not violate the provision of any mortgage, lease, or other agreements under which LESSOR is bound and which restricts the LESSOR in any way with respect to the use or disposition of the Property.
15. **AMENDMENTS:** The City Council assigns the City Manager signature authority to execute future Lease Amendments and extensions for periods not more than five (5) years each and provided that the City Manager shall not have the authority to approve a decrease in the rental rate without the prior approval of the City Council.

IN WITNESS WHEREOF, the parties hereto caused this Lease to be executed by their duly authorized officers.

CITY OF SAN CLEMENTE

Dated: _____

By: _____

Its: _____

Dated: _____, 20__

TAX I.D. #: 95-6000775

ATTEST:

CITY CLERK of the City of
San Clemente, California

LESSEE
T-Mobile West Corporation
a Delaware corporation

Approved as to form:

By: _____

City Attorney: _____

Title: _____

Dated: _____

TAX I.D. #: _____

6/21/17

EXHIBIT "A"

DESCRIPTION OF PREMISES

This exhibit is attached to and incorporated into certain Communications Site Lease ("Lease") dated April 3rd, 2012 by and between the CITY OF SAN CLEMENTE, a California Municipal Corporation, as Lessor and T-MOBILE WEST CORPORATION ("Lessee") and reference the location and/or legal description of the property subject to the Lease.

The approximately 679 square feet of lease area more specifically described in Exhibits "A-1" and "A-2" situated in the City of San Juan Capistrano, County of Orange, State of California is described as follows;

27351-CS Paseo Peregrino, San Juan Capistrano, California 92675

Also know as Assessor's Parcel number 675-321-03

6 Ji-18



AGENDA REPORT
SAN CLEMENTE CITY COUNCIL MEETING
 Meeting Date: April 3, 2012

Agenda Item 60K
 Approvals: [Signature]
 City Manager [Signature]
 Dept. Head _____
 Attorney JAT
 Finance _____

Department: City Manager
Prepared By: [Signature] Laura Ferguson, Assistant to the City Manager/Public Information Officer
Subject: RESOLUTION SUPPORTING ASSEMBLY BILL 1455 "HIGH-SPEED RAIL LEMON LAW"

Summary: Assemblywoman Diane Harkey has authored Assembly Bill 1455, the "High-Speed Rail Lemon Law" which would stop state debt funding on California's High-Speed Rail project. The proposed bill would remove the remaining balance under the \$9 billion segment for the high-speed rail project to an amount contracted as of January 2013. The bill, as amended February 9, 2012, would however, allow the local transit portion of \$950 million to remain available to local municipalities for rail transit uses. The high-speed rail project has become increasingly unpopular because of rising costs, inflated ridership numbers, millions spent on public relations and lack of progress. Unlike other major transportation infrastructure projects that have had dedicated funding streams, the high-speed rail has no money. Even the State Auditor's office released a second report in two years, which states that the high-speed rail project relies on uncertain funding sources and that "the program's overall financial situation has become increasingly risky."

Project Costs Have Tripled

Citizen and government entities have raised serious questions about project funding and costs which now range from \$98.5 to \$117 billion for Phase I between San Francisco and Los Angeles-Anaheim. This represents a tripling of the costs, initially projected at \$33.5 billion (paid for with a combination of 1/3 state funds, 1/3 federal funds and 1/3 private funds). Voters passed Proposition 1A "The High Speed Rail Act of 2008", which limited the investment from California taxpayers to \$9.95 billion in general obligation bonds to fund the first stage of a high-speed rail link between Los Angeles and San Francisco (with extensions to San Diego and Sacramento). Voters were assured there would be no state subsidy, and that the riders would pay for the system. According to the Legislative Analysts, operating costs, estimated at over \$1 billion per year, may need to be absorbed by taxpayers. Also obscured was the fact that construction costs would be in the hundreds of billions and require private investment, future government funding, and local funding. In reality, the project lacks sufficient private, public or debt funding to complete even a requisite operating segment, as required under Proposition 1A.

Poll Shows Voters Want A Second Chance

Recent data from Field Poll, a public opinion research organization, suggested that a vast majority of voters would like a second chance to revote on California's proposed high-speed railroad whose projected costs are rising. In fact 64% of Californians surveyed want the opportunity for a revote. Furthermore, 59% of those voters say that they would repeal the \$9.95 billion bond, if they could vote on it again. The poll was conducted from November 15-27, 2011 among a random sample of 1,000 registered voters in California. A revote requires obtaining 2/3 vote of the Legislature or accumulating funding to gather signatures and campaign. Senator Doug LaMalfa (Richvale) also introduced SB 22, a bill that would authorize a revote on whether the project should be funded.

California Supreme Court Ruling

The California Supreme Court ruled that the ballot language for Proposition 1A was not only misleading, but the California High Speed Rail Authority, the agency responsible for the state's high-speed train project, admitted to using government funds to lobby Congress and the State Legislature. Congress has since withdrawn any future funds from the project; the Legislative Analyst Office has called into question the legality of the financing for the proposed first leg of construction; and, the California High-Speed Rail Peer Review Group created by the Legislature to analyze the feasibility of the proposed high-speed rail system concluded it "represents immense financial risk" because there is no identifiable source of reliable funding.

Project Increases State Debt Service

The high-speed rail project has the potential to double the state debt, and use valuable resources that could otherwise be applied to local transportation needs. State debt service is now at 8% of General Fund Revenues and expected to increase to over 10% in the near future. California has one of the worst credit ratings in the nation and what occurs at the state level impacts local government. The state continues to struggle with cash flow shortages, infrastructure decay, and education cuts, and looks to local municipalities to foot the bill. High-speed rail also counts on local transportation dollars to augment the system.

Recommended

- Action:** STAFF RECOMMENDS THAT the City Council: Adopt the Resolution in support of Assembly Bill 1455 which would remove the remaining available balance of the \$9 billion in state debt funding for the high speed rail project, while allowing for the \$950 million segment allowed for local transportation to remain available for future funding.
- Fiscal Impact:** N/A
- Attachments:** Resolution, AB 1455 Bill Text and Project Location Map
- Notification:** Governor Jerry Brown, Assemblywoman Diane Harkey, Congressman Ken Calvert
Senator Mark Wyland, California High-Speed Rail Authority and League of California Cities

6K-2

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE,
CALIFORNIA, SUPPORTING AB 1455 (HARKEY) HIGH SPEED RAIL LEMON
LAW

WHEREAS, voters approved Proposition 1A in November 2008 providing for a \$9.95 billion bond, of which \$9 billion was approved to fund high speed rail from San Francisco to San Diego in California; and

WHEREAS, the California High Speed Rail Authority (CHSRA) business plan is not in keeping with what voters approved in 2008, nearly tripling the original cost, now estimated at \$98.5 to \$117 billion for construction costs for Phase I only (San Francisco to Los Angels-Anaheim) which does not include maintenance and operating costs; and

WHEREAS, the CHSRA ridership, revenue and job estimates have been inflated in order to continue to move the project forward; and

WHEREAS, the CHSRA has \$3.3 billion in federal funding awarded to construct high speed rail in the Central Valley with future funding sources unknown; and

WHEREAS, the proposed CHSRA business plan has suffered criticism and legal challenges from many communities that oppose the proposed route and the state's use of the power of Eminent Domain to destroy prime agricultural land, neighborhoods and existing business centers; and

WHEREAS, the Legislative Analyst's Office (LAO) identified a number of serious deficiencies with the CHSRA business plan related to compliance with the voter approved bond, Proposition 1A, funding, ridership, route, and overall viability of the project; and

WHEREAS, the California High Speed Rail Peer Review Group recommend that the legislature not approve the appropriation of the voter approved bond proceeds for the project; and

WHEREAS, the California State Auditor report released on January 24, 2012 states the high-speed rail network's overall financial situation has become "increasingly risky;" and

WHEREAS, any existing rail monies would be better used on the extension and expansion of existing regional and commuter passenger rail systems, and their maintenance; and

WHEREAS, AB 1455 would remove the remaining available balance of the \$9 billion in state debt funding for the high speed rail project, while allowing for the \$950 million segment allowed for local transportation to remain available for future funding.

NOW, THEREFORE, The City Council of the City of San Clemente does hereby resolve as follows:

Section 1. To support Assembly Bill 1455.

Section 2. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED this _____ day of _____, _____.

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of
San Clemente, California

6K-4

STATE OF CALIFORNIA)
 COUNTY OF ORANGE) §
 CITY OF SAN CLEMENTE)

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. _____ was adopted at a regular meeting of the City Council of the City of San Clemente held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this _____ day of _____, _____.

 CITY CLERK of the City of
 San Clemente, California

Approved as to form:

 City Attorney

6K-5

AMENDED IN ASSEMBLY FEBRUARY 9, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1455

Introduced by Assembly Member Harkey
(Principal coauthor ~~coauthors~~: Assembly Member Members Garrick and Valadao)

(Principal coauthor: Senator La Malfa)
(Coauthors: Assembly Members Achadjian, Bill Berryhill, Donnelly, Grove, Hagman, Jeffries, Jones, Logue, Mansoor, Nielsen, Silva, and Wagner)

January 9, 2012

An act to add Section 2704.30 to the Streets and Highways Code, relating to high-speed rail.

LEGISLATIVE COUNSEL'S DIGEST

AB 1455, as amended, Harkey. High-speed rail.

Existing law, the California High-Speed Rail Act, creates the High-Speed Rail Authority to develop and implement a high-speed rail system in the state, with specified powers and duties. Existing law, pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, approved by the voters as Proposition 1A at the November 4, 2008, general election, provides for the issuance of ~~\$9.95~~ \$9 billion in general obligation bonds for high-speed rail purposes and \$950 million for other related rail purposes. Article XVI of the California Constitution authorizes the Legislature, at any time after the approval of a general obligation bond act by the people, to reduce the amount of the indebtedness authorized by the act to an amount not less than the amount contracted at the time of the reduction or to repeal the act if no debt has been contracted.

This bill would reduce the amount of general obligation debt authorized for *high-speed rail purposes* pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century to the amount contracted as of January 1, 2013.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2704.30 is added to the Streets and
 2 Highways Code, to read:
 3 2704.30. Pursuant to Section 1 of Article XVI of the California
 4 Constitution, the amount of indebtedness authorized by Chapter
 5 ~~20 (commencing with Section 2704)~~ *this chapter for high-speed*
 6 *rail purposes pursuant to Section 2704.06* is hereby reduced to
 7 the amount contracted as of January 1, 2013, notwithstanding
 8 anything in that ~~this~~ chapter to the contrary. *This section does not*
 9 *apply to the amount of indebtedness authorized by this chapter for*
 10 *other rail purposes pursuant to Section 2704.095.*

O

6K-7

California High Speed Rail

Separating the Myth from the Reality



Article XVI of the California Constitution authorizes the Legislature, at any time after the approval of a general obligation bond act by the people, to reduce the amount of the indebtedness authorized by the act to an amount not less than the amount contracted at the time of the reduction or to repeal the act if no debt has been contracted.
AB 1455 – Harkey (Valadao/LaMalfa)

Prepared by: Gregson Porteous for the Assembly Republican Caucus January 2012

Edited by: Diane Harkey, Assemblymember 73rd AD

67-8



AGENDA REPORT
SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: April 3, 2012

Agenda Item 6L
Approvals: _____
City Manager _____
Dept. Head _____
Attorney _____
Finance _____

Department: Beaches, Parks, and Recreation
Prepared By: Sharon Heider, Beaches Parks & Rec Director

Subject: *USE OF BEACH FOR HOLIDAY PHOTO FUNDRAISER BY FRIENDS OF SAN CLEMENTE BEACHES, PARKS & RECREATION FOUNDATION.*

Summary: The Friends of San Clemente Beaches, Parks & Recreation Foundation (Foundation) is a not for profit working to provide additional funding to support the City's Beaches, Parks & Recreation programs and facilities. In its ten-year history, the Foundation has raised monies to support the construction of the Vista Hermosa Sports Park and San Clemente Aquatic Center, the Surf and Skate Tournament, Beach Concerts, Holly Jolly Hoopla, provided scholarship funds for youth to attend programs, as well as providing the Cyber Café and Carnival which provide city wide benefit.

In an effort to increase their fundraising capability, the Department and Foundation have been working together to develop opportunities to both showcase the City's varied facilities as well as recognize the unique relationship between the Foundation and the City. The Foundation is requesting permission to use a small portion of the beach to place a Holiday setting with Sleigh for photographs. The Foundation will provide a photographer to take portraits in the Holiday setting with the Beach/Pier as a backdrop for a fee. Only because the Foundation is raising funds for the direct benefit of the Department does staff recommend that special access be granted to allow a two-day fundraising event on the beach.

At its March 13, 2012 meeting, the Beaches, Parks and Recreation Commission unanimously recommended Council approve the Foundation's request to use a portion of the beach and waive fees for a two-day holiday photo fundraising event.

Staff will work with the Foundation to determine the exact location near the pier, and dates in either November or December, which will provide the least impact to the public. Staff believes there would be little to no impact to beach use or Marine Safety operations.

Recommended Action: STAFF RECOMMENDS THAT Council approve the Foundation's request to use a portion of the beach and waive fees for a two-day holiday photo fundraising event.

Fiscal Impact: The \$40 Special event would be waived.

Attachments: Special Event Application.

Notification: Tom Wicks, President Friends of San Clemente Beaches, Parks & Recreation Foundation
Fisherman's Restaurant (Bob Novello)
Pier Bowl Merchant Association (Rick Anderson)

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City of San Clemente
 Beaches, Parks and Recreation Department
 100 N. Calle Seville, San Clemente, California. 92672
 Phone: (949) 361-8264 Fax: (949) 361-8280

SPECIAL EVENT APPLICATION

PLEASE SUBMIT COMPLETED APPLICATION AT LEAST 60 DAYS IN ADVANCE OF EVENT

We are happy to hear you are planning a special event in San Clemente. Special events build community spirit, promote worthy causes and celebrate important accomplishments. Planning a successful event involves cooperation and participation from many people, including City of San Clemente employees. City staff will begin reviewing your application once it is submitted to the Recreation Division. You can help speed the process along by completing your application in full before submitting it for review. Your application will be circulated to affected department and division heads who may contact you for clarification or additional information. Event organizers recognize the benefits of planning ahead and keeping everyone informed. This special event application will help you identify equipment, services and activities early in the planning stages to help minimize last minute surprises that could be a problem for you or your organization.

Applicant Information			
Contact Person:	Tom Wicks	Phone:	(949) 677-4554
Organization:	Friends of BP&R Foundation	Email:	wicksl@aol.com
Business Lic #		Address:	255 Vista Marina
Non-Profit ID#		City/Zip:	San Clemente, CA 92672

Event Information			
Event Name:	Holiday Photos at the Beach	Event Time:	noon to sunset (TBD by staff)
Event Type:	2-day photos taken at the beach for the holidays	Set-up Time:	1 hr.
Location:	a small section of the beach (TBD by staff)	Tear-Down Time:	1 hr
Event Date:	Nov./Dec. (TBD)	Attendance:	unknown
Sponsors:	BP&R Foundation and BP&R Dept.	#Staff/Volunteers:	5

YES	NO	TYPE OF ACTIVITY	YES	NO	SERVICES
<input type="checkbox"/>	<input type="checkbox"/>	Merchandise Retail Sales/Vendors	<input type="checkbox"/>	<input type="checkbox"/>	Temporary Structures/Stage
<input type="checkbox"/>	<input type="checkbox"/>	Trade/Craft Show	<input type="checkbox"/>	<input type="checkbox"/>	Tents/Canopies
<input type="checkbox"/>	<input type="checkbox"/>	Car Show	<input type="checkbox"/>	<input type="checkbox"/>	Portable Restrooms
<input type="checkbox"/>	<input type="checkbox"/>	Race TYPE:	<input type="checkbox"/>	<input type="checkbox"/>	Portable Fencing/Barricades
<input type="checkbox"/>	<input type="checkbox"/>	Athletic Competition TYPE:	<input type="checkbox"/>	<input type="checkbox"/>	Posting of Signs/Banners
<input type="checkbox"/>	<input type="checkbox"/>	Carnival/Mechanical Rides	<input type="checkbox"/>	<input type="checkbox"/>	Street Closure
<input type="checkbox"/>	<input type="checkbox"/>	Inflatable Rides/Bounce Houses	<input type="checkbox"/>	<input type="checkbox"/>	Traffic Control
<input type="checkbox"/>	<input type="checkbox"/>	Live Performance	<input type="checkbox"/>	<input type="checkbox"/>	Dumpsters
<input type="checkbox"/>	<input type="checkbox"/>	Live Animals	<input type="checkbox"/>	<input type="checkbox"/>	Portable Lighting
<input type="checkbox"/>	<input type="checkbox"/>	Parade on Street or Right-Of-Way	<input type="checkbox"/>	<input type="checkbox"/>	Security: <input type="checkbox"/> Police <input type="checkbox"/> Private Security
<input type="checkbox"/>	<input type="checkbox"/>	Alcohol Service/Sales	<input type="checkbox"/>	<input type="checkbox"/>	Electrical: <input type="checkbox"/> Generator <input type="checkbox"/> City
<input type="checkbox"/>	<input type="checkbox"/>	Food Service/Sales	<input type="checkbox"/>	<input type="checkbox"/>	Water: <input type="checkbox"/> Private Source <input type="checkbox"/> City
<input type="checkbox"/>	<input type="checkbox"/>	Amplified Sound/Music	<input type="checkbox"/>	<input type="checkbox"/>	Other:

A City representative will be responsible for processing your application through other potentially affected departments for their comments/requirements. The representative will approve, conditionally approve or deny your event application. Please communicate directly with the lead department's representative on all matters pertaining to your event, unless directed to do otherwise. Application should be submitted to the City of San Clemente Recreation Division, or electronically to Recreation@san-clemente.org. If you have any questions, feel free to contact the Division at (949) 361-8264.

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EVENT SITE PLAN AND EQUIPMENT LAYOUT

- An outline of the event site including names of streets or areas surrounding the event. If the event involves a moving route (such as a parade or race), indicate a direction of travel.
- Any street closures and/or parking tow zones.
- Location of fencing, barriers or barricades.
- Location of all stages, platforms, tents, booths, event activities/attractions, etc.
- Cooking area configuration including flammable gases and barbecue grills
- Location of trash receptacles and recycling bins
- Location of portable toilets/restroom facilities
- Location of first-aid facilities
- Generator locations and/or source of electricity
- Placement of vehicles or trailers used for the event
- Anticipated parking locations (staff and attendees)
- Placement of promotional signs or banners

Scaffolding, bleachers, or other structures that might collapse and cause an injury will require a building permit from the City Building Department (949-361-6100). Flammable materials (e.g. tent) or cooking equipment will require the approval of the City Fire Department. Vehicles at beach/pier related events will be limited to those vehicles that need to transport heavy materials.

WHAT IS A SPECIAL EVENT?

A special event is any organized activity within the City that lasts for either 45 consecutive days or less, or 14 non-consecutive days or less in a year. Special events include, but are not limited to, amusement attractions, athletic events, parades, surfing contests, block parties, and carnivals. It does not include construction projects, funerals or activities that do not at least partially occur in or impact the public right-of-way, nor attract more than 20 people during any given 24-hour period.

BUSINESS LICENSE INFORMATION

All event applicants must have a business license to hold an event. If you have a license that will be current during the time(s) of the event, please provide your business license number on your application. If you are a non-profit organization, a business license is still required. Business Licensing Department: (949)361-6166.

FOOD & BEVERAGE SALES/SERVICE

The City does not issue permits for the sale of food, as related to the requirements of the Orange County Health Care Agency. **HEALTH CARE AGENCY NOTICE: All Orange County Health Department requirements must be adhered to for any food/beverage service at the event.** Events that involve the sales of and/or consumption of alcoholic beverages will require all individuals selling and/or serving alcoholic beverages to attend a Responsible Beverage Service Training Class. Orange County Health Department: (714)667-3600.

ENVIRONMENTAL REQUIREMENTS

San Clemente is dedicated to protecting the environmental integrity of our beaches, neighborhoods, and open spaces. All special events must take adequate measures to comply with the following recycling and surface water quality protection requirements. Failure to abide by these requirements will result in the immediate revocation of the current special event permit and the denial of future special event applications.

Recycling- A site map showing placement of the recycling & trash receptacles must be approved by the City's recycling coordinator prior to obtaining a permit. The event applicant must provide the appropriate number of bins/receptacles, based on anticipated attendance and/or prior history. It is also mandatory to provide adequate containment for cardboard recycling for all vendors participating in the event. The applicant shall verify that all the vendors are notified of cardboard recycling prior to the event. Trash (only) containers should be left opened, weather permitting, during the event and closed and stored properly in the evenings. Please be advised that CR&R, the City's trash & recycling hauler, does not collect on Sundays. For assistance with recycling, please contact the City's Recycling Coordinator (949-498-9436).

Expandable Polystyrene Foam (aka Styrofoam)- Please be advised that the utilization and/or distribution of expandable polystyrene, commonly referred to by the tradename *Styrofoam*, food service products at any City-permitted event is strictly prohibited.

Surface Water Quality- The applicant is responsible for cleaning the permit area. Clean-up activities must be in compliance with all pertinent City codes, including the Storm Water Runoff Control Ordinance, Municipal Code Section 13.040. Trash, debris, food residue and other wastes must be removed at the conclusion of each day of the event. Any water used for cleaning purposes must be collected and disposed of appropriately. Please call the Utilities Department (949-366-1553) in advance for guidance. At no time shall waste or wastewater enter the City's storm drain system, which includes gutters and catch basins.

Please describe any street closures or requested variances or waivers from normal traffic, parking, laws, codes, etc. on your site plan. A City ordinance prohibits sound amplification before 7:00am or after 7:00pm in certain areas of the community.

INSURANCE REQUIREMENTS

Please be prepared to provide insurance as described below. We suggest that you send a copy of this to your insurance agent to make sure he/she clearly understand our insurance requirements. Please send insurance certificate and endorsement for review directly to City of San Clemente, Recreation Division along with the name and phone number of a contact person. The certificate and endorsement may require 6 to 8 weeks to obtain, so plan accordingly.

Requirement: Comprehensive General Liability, personal injury and property damage liability, with minimum combined liability limits of One Million Dollars (\$1,000,000) per occurrence, and a maximum deductible of One Thousand Dollars (\$1,000) per occurrence. Each such policy of insurance shall:

- 1) Be issued by companies that hold a current policy holder's alphabetic and financial size category rating of not less than A-VII, according to the current Best's Key Rating Guide or a company of equal financial stability that is approved by City's Risk Manager for all coverage's.
- 2) Name and list as additional insured City, City's officers, employees, and agents and, if the City's Risk Manager so requires, the City of San Clemente Redevelopment Agency. An endorsement shall accompany the insurance certificate naming such additional insured.
- 3) Specify it acts as primary insurance and that no insurance held or owned by City (and, if applicable, the Redevelopment Agency) shall be called upon to cover a loss under said policy;
- 4) Contain a clause substantially in the following words: "it is hereby understood and agreed that this policy may not be canceled or materially changed except upon 30 days prior written notice to City of such cancellation or material change as evidenced by a return receipt for a registered letter;"
- 5) Cover the operations of applicant pursuant to the terms of this Agreement; and
- 6) Be written on an occurrence and not a claims made basis.

EVENT FEE SCHEDULE

BLOCK PARTY: \$100.00 per day

BEACH EVENTS:

- 1) Exclusive rights for events utilizing more than 250 feet of water and/or event activities that are different than what is normally permitted under the City's surfing ordinance, with lifeguard assistance for profit and non profit organizations. (Lifeguard assistance is generally desired for larger events to assure the area is kept safe and clear of all non-participants).
Fee: \$400 first day, \$250 second day, and \$150 each day thereafter
- 2) Exclusive rights, without lifeguard assistance limited to 250 feet or less of water.
Fee: \$150 first day, and \$100 each day thereafter
Non-Profit Organization Fee: \$30 first day, \$10 per day thereafter

PARK EVENTS: Park/Ball field rental fees will be charged when applicable.

ADDITIONAL SERVICES: Any additional services required by the City to facilitate a special event will be determined and billed to applicant as part of the approval process.

CHANGES TO APPLICATION

Please make a copy of the application for yourself prior to submitting it to Recreation Division.

Should there be any substantive change to the event after submittal of the original application, please submit a written request for the change. This may be done by making the change on your copy of the application and submitting it after making another copy for yourself.

PARTICIPANT'S RELEASE FROM LIABILITY AND INDEMNIFICATION

The City's Risk Manager may require participants in the event, and their parents/legal guardian, if they are under the age of 18, to sign the "Participant's Release from Liability and Indemnification" below. You may add other "persons, groups and entities" to the list on the lines provided prior to obtaining the applicant and parents' signatures. Should you wish to use your own form, you must submit a form that lists the City of San Clemente, and City of San Clemente Redevelopment Agency (if the event is in the pier redevelopment area) for approval by the City's Risk Manager. We recommend that you use the City's form since many of the applicant's forms are found to be unacceptable.

Special Event Packet 4

62-6

APPLICANT'S INDEMNIFICATION/WAIVER

I agree, on behalf of myself as an individual and _____ ("Organization"), to indemnify, defend, and hold free and harmless the City of San Clemente, the Redevelopment Agency of the City of San Clemente and all of their respective agents, officers, and employees (collectively hereinafter referred to as the "City") from and against any and all loss or liability for claims or judgments against the City, including attorneys fees and costs, that may occur or arise as a result of the planning, preparation, or operation of the Special Event. However, neither I nor the Organization shall be obligated to defend, indemnify and hold free and harmless the City from any claim that may arise as a result of the City's sole gross negligence or willful misconduct. Furthermore, on behalf of myself and the Organization, I agree to waive any and all claims, costs, liabilities, expenses, or judgments against the City, including attorney fees and court costs, which may accrue to myself or the Organization as a result of the planning, preparation, or operation of the Special Event. Furthermore, I agree, on behalf of myself as an individual and on behalf of the Organization, as a condition of holding the Special Event within the City of San Clemente, to pay to the City the costs of any damage, injury, or loss of any public property which directly or proximately results from the occurrence of the Special Event. The payment for all such damage, injury, or loss shall be submitted the City within ten (10) days of receiving an invoice from the City listing the costs of such damage, injury, or loss to public property. I understand that this obligation is both an obligation of the Organization sponsoring the event as well as a personal obligation which I freely accept. I certify under penalty of perjury that I have the authority to bind the Organization sponsoring this Special Event to pay any and all such costs associated with the damage, injury, or loss of public property which directly or proximately results from the occurrence of the special event. I CERTIFY THAT I HAVE READ AND UNDERSTAND THE ABOVE INDEMNIFICATION/WAIVER.

As an individual and on behalf (must be at least 18 years of age)
of _____
(name of organization)

PARTICIPANT'S RELEASE FROM LIABILITY AND INDEMNIFICATION

I agree to waive and release the below listed persons, groups, and entities (hereinafter "Indemnities") from and against any and all claims, costs, liabilities, expenses, or judgments, including attorneys' fees and court costs arising out of my or my child's participation in the _____ (hereinafter "Event") or any illness or injury resulting therefrom, and hereby agree to indemnify and hold harmless the persons from and against any and all such claims whether caused by my negligence or otherwise, except for illness and injury resulting directly from the gross negligence or willful misconduct on the part of those Indemnities. I understand and agree that by signing this waiver I am freeing the Indemnities from any liability resulting from my or my child's participation in this Event. I recognize and have considered all the potential dangers that may attend my participation in the Event and, after careful consideration, have decided to accept those potential dangers. I understand that if I, or my child, is injured, this waiver will be used against me and anyone else claiming damages because of my or my child's injury in a legal action. I enter into this waiver on behalf of myself, my heirs, and executors. I also understand that no employee or agent is authorized to modify this waiver. I represent that I am familiar with the nature of the activities in which I or my child will participate and that I, or my child, am in good physical health and that I do not have physical or emotional conditions, past or present, of which I am aware, which would in any way affect my ability to participate in the Event. I CERTIFY THAT I HAVE READ AND UNDERSTAND THIS WAIVER AND RELEASE.

City of San Clemente
City of San Clemente Redevelopment Agency

Date _____
Signature of Participant
Date _____

Parent of Legal Guardian must sign above, in addition to the participant, if the participant is under 18 years of age

42-7



AGENDA REPORT
SAN CLEMENTE CITY COUNCIL MEETING
 Meeting Date: April 3, 2012

Agenda Item _____
 Approvals: _____
 Dept. Head _____
 Manager _____
 Admin. Asst. _____
 Finance _____

Department: Beaches, Parks and Recreation

Prepared By: Pamela Passow, Recreation Manager

Subject: *HEALTHY EATING ACTIVE LIVING (HEAL) CITY RESOLUTION*

Background: The City of San Clemente was awarded a grant from the Nutrition and Physical Activity Collaborative (NuPAC) in 2010. The goal of this project was to align the City of San Clemente with the County of Orange Obesity Prevention Plan and establish a City-wide focus on the prevention of obesity and obesity related illnesses. The intent was for funding to go toward policy development that would build upon San Clemente’s assets and design a vision and city-wide plan for obesity prevention through increased opportunities for physical activity. The grant helped fund the Bike & Pedestrian Master Plan and a Community Forum on Obesity Prevention in 2011. As part of the NuPAC grant, the City is required to become a Healthy City.

Summary: Cities and their residents face increased health care costs and diminished quality of life due to the epidemic of obesity. City leaders across California are addressing the crisis by implementing land use and employee policies which encourage physical activity and nutritious eating. The League of California Cities led the way with a resolution in 2004 which encouraged cities to embrace policies that promote healthier lifestyles and communities. Two years later, the League adopted a resolution to work together with the Institute for Local Government, and the Cities Counties and Schools Partnership (CCS Partnership) to develop a clearinghouse of information that cities can use to promote wellness policies and healthier cities. In response to this League resolution, the League, the CCS Partnership, and the California Center for Public Health Advocacy have launched the “Healthy Eating Active Living Cities Campaign” (HEAL Cities).

NuPAC supports communities becoming HEAL Cities. This will also satisfy the requirement of the City of San Clemente becoming a Healthy City for the NuPAC grant received in 2010. The attached resolution builds on the model provided by HEAL Cities and includes modifications based on local conditions, existing policy and programs, and is aligned with the City’s General Plan currently in development. The resolution recognizes that while individual lifestyle changes are necessary, individual effort alone is insufficient to combat obesity’s rising tide. Significant societal and environmental changes are needed to support individual efforts to make healthier choices. The resolution makes recommendations in the areas of built environment, employee wellness, and healthy food access.

At the March 13, 2012 Beaches, Parks and Recreation Commission meeting, the Commission voted unanimously to support the adoption of the HEAL resolution.

Recommended

Action: BEACHES, PARKS AND RECREATION COMMISSION AND STAFF RECOMMENDS THAT the City Council adopt a Resolution supporting the Healthy Eating Active Living (HEAL) Cities Campaign.

Fiscal Impact: None

Attachments: Resolution supporting the Healthy Eating Active Living (HEAL) Cities Campaign.

Notification: NuPAC

i:\reports\2012 city council reports\4-3-12 cc-healthy eating active living (heal) city resolution.docx

6 M-2

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DECLARING THAT SAN CLEMENTE IS A HEALTHY EATING ACTIVE LIVING (HEAL) CITY

WHEREAS, in 2004, the League of California Cities adopted an Annual Conference resolution to encourage cities to embrace policies that facilitate activities to promote healthier lifestyles and communities, including healthy diet and nutrition and adoption of city design and planning principles that enable citizens of all ages and abilities to undertake exercise; and

WHEREAS, the League of California Cities has a strategic goal to promote and develop safe and healthy cities; and

WHEREAS, more than half of California's adults are overweight or obese and therefore at risk for many chronic conditions including diabetes, heart disease, cancer, arthritis, stroke, and, hypertension; and

WHEREAS, one in four youth between the ages of 9 and 16 in California is overweight and 16.2% of San Clemente youth are overweight.

WHEREAS, more children are being diagnosed with diseases linked to overweight and obesity previously seen only in adults, such as Type 2 diabetes and heart disease; and

WHEREAS, the current generation of children are expected to have shorter lives than their parents due to the consequences of obesity; and

WHEREAS, obesity takes a tremendous toll on the health, productivity of all Californians;

WHEREAS, the annual cost to California—in medical bills, workers compensation and lost productivity— for overweight, obesity, and physical inactivity exceeds \$41 billion;

WHEREAS, teens and adults who consume one or more sodas or sugar sweetened beverages per day are more likely to be overweight or obese;

WHEREAS, California Senate Bill 375 and Assembly Bill 32 call on cities to adopt plans to reduce greenhouse emissions which include reducing vehicular miles traveled; and

WHEREAS, local land use policy governs development of the built environment in which individuals make personal nutrition and physical activity choices; and

WHEREAS, by supporting the health of residents and the local workforce would decrease chronic disease and health care costs and increase productivity; and

6M-3

NOW, THEREFORE, LET IT BE RESOLVED that the City Council hereby recognized that obesity is a serious public health threat to the health and wellbeing of adults, children and families in the City of San Clemente. While individual lifestyle changes are necessary, individual effort alone is insufficient to combat obesity's rising tide. Significant societal and environmental changes are needed to support individual efforts to make healthier choices. To that end, the City of San Clemente adopts this Healthy Eating Active Living resolution:

I. Built Environment

BE IT FURTHER RESOLVED that the City of San Clemente staff responsible for the design and construction of parks, neighborhoods, streets, and business areas, should make every effort to:

- Plan and construct a built environment that encourages walking, biking and other forms of physical activity;
- Address walking and biking connectivity between residential neighborhoods and schools, parks, recreational resources, and retail;
- Facilitate the citing of new grocery stores, community gardens and farmers markets in underserved communities to increase access to healthy food, including fresh fruits and vegetables;
- Expand community access to indoor and outdoor public facilities through joint use agreements with schools and/or other partners;
- Include health goals and policies related to physical activity and access to healthy food in the general plan update;

II. Employee Wellness

BE IT FURTHER RESOLVED that in order to promote wellness within the City of San Clemente, and to set an example for other businesses, the City of San Clemente pledges to adopt and implement an employee wellness policy that will:

- Offer employee health incentives for healthy eating and physical activity ;
- Encourage healthy eating at employee meetings and luncheons;
- Accommodate breastfeeding employees upon their return to work;
- Encourage walking meetings and use of stairways.

III. Healthy Food Access

BE IT FURTHER RESOLVED to provide healthy vending machines located in City parks and facilities;

4 M-4

BE IT FURTHER RESOLVED to encourage healthy food offerings at City events, City sponsored meetings, and City programs.

IV. Implementation

BE IT FURTHER RESOLVED that the City of San Clemente will endeavor to incorporate the recommendations contained in this resolution into policies and actions and as appropriate report to the City Council and the community the implementation of such policies and actions.

PASSED AND ADOPTED this _____ day of _____, _____.

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of
San Clemente, California

6 M-5

STATE OF CALIFORNIA)
 COUNTY OF ORANGE) §
 CITY OF SAN CLEMENTE)

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. _____ was adopted at a regular meeting of the City Council of the City of San Clemente held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this _____ day of _____, _____.

 CITY CLERK of the City of
 San Clemente, California

Approved as to form:

 City Attorney

6 M-6



AGENDA REPORT
SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: April 3, 2012

Agenda Item 6N
Approvals: [Signature]
City Manager [Signature]
Dept. Head _____
Attorney _____
Finance _____

Department: City Manager
Prepared By: Joanne Baade, City Clerk [Signature]

Subject: *APPOINTMENT OF CITY ATTORNEY AND ASSISTANT CITY ATTORNEY*

Summary: The City of San Clemente currently contracts with the law firm of Rutan & Tucker for legal services. The City's contract with Rutan & Tucker provides that the positions of City Attorney and Assistant City Attorney shall be determined by the City Council via adoption of a resolution. The contract goes on to state that Rutan & Tucker shall not replace the designated City Attorney or Assistant City Attorney without Council's prior approval.

The San Clemente City Council appointed Jeff Oderman, of Rutan & Tucker, to the position of Assistant City Attorney on November 25, 1980 and promoted him to the position of City Attorney on September 16, 1981. After 31 years of service with the City, Mr. Oderman has announced his intention to retire from his position as City Attorney. Mr. Oderman intends to remain with Rutan & Tucker, however, and has expressed willingness to continue to assist the City on any necessary matters, including the City's former redevelopment agency and its successor agency.

Mr. Oderman is recommending that the City Attorney position be filled by Jeff Goldfarb, of Rutan & Tucker, who has served as San Clemente's Assistant City Attorney for the past 25 years. During his tenure as Assistant City Attorney, Mr. Goldfarb served as the City's primary legal counsel to the Planning Commission and Planning Staff and also served as the City Attorney when Mr. Oderman was unavailable. A copy of Mr. Goldfarb's resume, which describes his educational background and professional experience, is attached as Exhibit A.

Mr. Oderman further recommends that Ajit Thind, who has been employed by Rutan & Tucker since 2009, be appointed to fill the Assistant City Attorney position if Council promotes Mr. Goldfarb to the City Attorney position. Mr. Thind has 2 years of experience in municipal law, having served as a Deputy City Attorney for the Cities of Laguna Beach and Irvine. A copy of Mr. Thind's resume, which describes his educational background and professional experience, is attached as Exhibit B.

No staffing change is proposed for the City's Deputy City Attorney position that is currently filled by Allison LeMoine-Bui.

In the event that Council determines to accept the staffing modifications, Staff recommends that Council do so by adopting the resolution that is attached as Exhibit C. The appointees would assume office immediately upon adoption of the resolution.

Recommended

Action:

1. Accept the resignation of Jeff Oderman from the position of City Attorney, with regret.
2. Adopt a Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPOINTING A CITY ATTORNEY AND ASSISTANT CITY ATTORNEY.

Fiscal Impact:

None

Attachments:

1. Resume of Jeff Goldfarb
2. Resume of Ajit Thind
3. Draft Resolution

Notification:

Jeff Oderman, Rutan & Tucker
Jeff Goldfarb, Rutan & Tucker
Ajit Thind, Rutan & Tucker

40-2

RUTAN

RUTAN & TUCKER, LLP



Jeffrey A. Goldfarb
Partner

T: (714) 641-3488

JGoldfarb@rutan.com

www.rutan.com

Orange County

Mr. Goldfarb has been practicing law at the law firm of Rutan & Tucker, LLP since graduating *cum laude* from the University of California, Hastings College of the Law, in 1986. Jeff became a partner in the Government & Regulatory Law Section in 1994.

Mr. Goldfarb has served as the Assistant City Attorney for the City of San Clemente since 1987. He was the Assistant City Attorney for the City of Irvine from 1990-2004. In his capacity as the Assistant City Attorney for the City of San Clemente, Mr. Goldfarb is the assistant director of that City's legal department and advises the City on all issues of municipal law. Mr. Goldfarb also has primary responsibility for advising the City's Planning Commission and is an expert in the Federal Fair Housing Act, Fair Political Practices Act, the Brown Act, the California Environmental Quality Act, the Planning and Zoning Act, the Subdivision Map Act, and the regulation of both group homes and adult-oriented businesses. In addition to sitting as the legal advisor with San Clemente's Planning Commission, Mr. Goldfarb fills in for the City Attorney when he is unavailable.

COURSES TAUGHT

- ▶ Round Table Discussion - Land Use Entitlements: How to Pave the Way to Pave Your Property, The Global Retail Real Estate Convention (RECon), 2011
- ▶ Round Table Discussion - Application of Federal Fair Housing Act to Group Homes, Residential Recovery Facilities Conference, 2007
- ▶ Lecturer - So You Want Public Input? Improve the Hearing Process, League of California Cities, 2005
- ▶ Lecturer - What the Law Says About Closing Mobile Home Parks, MHET Trust Forum, 2004
- ▶ Lecturer - Current Issues in Land Valuation Seminar - Entitlements, Appraisal Institute Seminar, 2002
- ▶ Lecturer - RLUIPA (Religious Land Use and Institutionalized Persons Act) and the Fair Housing Act, Orange County Planning Directors Annual Meeting, 2001
- ▶ Lecturer - CEQA Issues: APA Orange County Seminar, 2000
- ▶ Lecturer - Keeper Findings, Nuts & Bolts Professional Development

RELATED SERVICES

**Affordable
Housing/Economic
Development**

**Government &
Regulatory Law**

**Land Use/Natural
Resources**

EDUCATION

University of California,
Hastings College of the
Law (J.D., 1986), *Cum
Laude*; Member Hastings
Law Journal, 1985; Note
Editor Hastings Law
Journal, 1986

University of California,
Berkeley (B.A., 1983),
Political Science; Phi
Beta Kappa; High Honors
in General Scholarship;
Author: "Rent Control in
Three Bay Area Cities;"
U.C. Berkeley Annual;
Undergraduate Political
Science Journal

BAR ADMISSIONS

California

6N-3

Series, American Planning Association, 1999

- ▶ Lecturer - Finders Keepers: How to Make Good Findings, California League of Cities Planners Institute, March 1997
- ▶ Lecturer - Everything a Planner Should Know About Sex (Housing, Developer Fees and CEQA, Too!), Cal Chapter American Planning Association Conference, 1996
- ▶ Lecturer - Regulating Sex-Oriented Businesses in Urban California, California Redevelopment Association, 1995
- ▶ Lecturer - Regulation of Adult Uses, Orange County City Attorneys Association, 1995
- ▶ Lecturer - Twilight Zoning: Recreation, Resort and Adult Entertainment, American Planning Association, 1994 Nuts and Bolts Conference
- ▶ Lecturer - Liability of Public Employees for Negligent Conduct Under State Law, California Building Officials Conference, November 1994
- ▶ Lecturer-Instructor, University of California Irvine extension course on Planning and Zoning Law

CASES SUCCESSFULLY LITIGATED (PARTIAL LIST)

- ▶ *Del Cerro Mobile Estates v. City of Placentia* (CEQA challenge to approval of multiple grade separations through Placentia and Anaheim)
- ▶ *Jauregui v. City of South Gate* (CEQA challenge to public works/private shopping center project)
- ▶ *Pleasant Hills Property v. Pleasant Hill Redevelopment Agency* (defense of CEQA challenge to shopping center approval)
- ▶ *City of Arcadia v. Taboo Gentleman's Club* (revocation of adult business regulatory permit)
- ▶ *Menifee Citizens for Smart Growth v. County of Riverside* (defense of EIR)
- ▶ *Boelts v. All Persons Interested* (validation action challenging amendment to Redevelopment Plan)
- ▶ *Tameny v. City of Costa Mesa* (defense of termination of recovery group home under FHAA)
- ▶ *Medieval Dinner & Tournament, Inc. v. City of Buena Park* (CEQA challenge)
- ▶ *Stevens v. City of Bakersfield* (writ of mandate/civil rights challenge)
- ▶ *Wilbur v. City of Costa Mesa* (Master Plan challenge)
- ▶ *Paff v. City of Costa Mesa* (CEQA challenge)
- ▶ *City of Costa Mesa v. Orange House* (Federal Fair Housing Act challenge to group home enforcement)
- ▶ *Lyburtus v. City of La Habra* (CEQA challenge)
- ▶ *Via Maria, Inc. v. City of Cypress* (First Amendment challenge to entertainment permit revocation)
- ▶ *City of Baldwin Park v. B&B Motel* (red light abatement action)

6N-4

- ▶ *City of Baldwin Park v. Lucky 7 Motel* (red light abatement action)
- ▶ *City of Newport Beach v. Tily B., Inc.* (adult oriented business litigation to obtain compliance of business with City's zoning and adult oriented business zoning ordinance)
- ▶ *Gammoh v. City of Anaheim* (same description as above)
- ▶ *People v. Johar* (criminal First Amendment/code enforcement action for City of Anaheim)
- ▶ *Mediavilla v. City of Lawndale* (challenge to City's adult oriented business ordinance)
- ▶ *People v. Williams* (code enforcement action terminating illegal residential use in commercial zone for City of San Clemente)
- ▶ *Serrano Irrigation District v. City of Orange* (challenge to adoption of specific plan)

PUBLICATIONS/SEMINARS

- ▶ *Avoiding the Five Deadly (Entitlement) Sins, Shopping Centers Today*, ICSC, May 2002
- ▶ Guest Speaker, Community Redevelopment Association, League of Cities City Attorney's Conference
- ▶ American Planning Association
- ▶ California City Clerk's Association
- ▶ Lecturer-Instructor, University of California Irvine extension course on Planning and Zoning Law
- ▶ *Oh What a Night – Night Sailing in a Santa Ana to and from Catalina Island*, *Seafaring Magazine*, November 2009

REFERENCES

- ▶ George Scarborough, City Manager, City of San Clemente 100 Avenida Presidio, San Clemente, CA 92672 | (949) 361-8321
- ▶ Michael W. Parness, City Manager, City of Napa 955 School Street, Napa, CA 94559 | (707) 257-9501
- ▶ Sheri Vander Dussen, Planning Director, City of Anaheim 200 S. Anaheim Blvd. | (714) 765-5139
- ▶ R. Scott Bell, President, ICI Development Co. 2222 E. 17th Street, Santa Ana, CA 92705 | (714) 541-1200
- ▶ Eric Nelson, Director of Entitlements, Red Mountain Retail Group, Inc. 1234 E. 17th Street, Santa Ana, CA 92701 | (714) 245-7405

MEMBERSHIPS & ASSOCIATIONS

- ▶ American Bar Association
- ▶ Orange County Bar Association
- ▶ Phi Beta Kappa National Honor Society
- ▶ League of California Cities Adult Oriented Business Task Force

6N-5

RUTAN

RUTAN & TUCKER, LLP

**Ajit Thind**
Associate

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AThind@rutan.com

www.rutan.com

Orange County

Mr. Thind is an Associate in the Firm's Government & Regulatory Law Section. His practice includes both litigation and transactional matters, on behalf of public agencies and private entities. Mr. Thind currently serves as the Deputy City Attorney for the City of San Clemente and the Deputy City Attorney for the City of Laguna Beach. He has advised a wide variety of public agency clients on issues relating to both federal and state laws concerning municipal government, land use, redevelopment, housing, water, environmental protection and labor/employment. His practice regularly involves advising clients on the Planning and Zoning Law, the California Environmental Quality Act, the Brown Act, the California Public Records Act, the Political Reform Act, California Community Redevelopment Law, and telecommunications laws.

Additionally, Ajit has represented city clients at city council meetings, planning commission meetings, and code enforcement proceedings. He has also assisted city clients by provided guidance concerning Civil Rights Laws and Constitutional matters. A sample of Ajit's recent work includes: successfully prosecuting a nuisance abatement action at an administrative hearing on behalf of a city client, successfully defended a local city in Section 1983 excessive force litigation, drafting a development agreement for a local public agency, assisting in the preparation of a housing element update for a city client, successfully defending a police department against a Pitchess motion, drafting a municipal ordinance related to mobile food vendors, and assisting in the settlement of complex telecommunications litigation against a city client.

Mr. Thind earned his Juris Doctor degree from the University of California, Los Angeles School of Law in 2009. While at UCLA School of Law, Mr. Thind was a member of the Journal of Environmental Law and Policy as well as the Public Interest Law Program Admissions Committee. He received his Bachelor of Arts in political science, with a minor in public policy, from the University of California, Berkeley in 2006. Mr. Thind is a member of the State Bar of California and the Federal District Court for the Central Court of California.

AREAS OF EXPERTISE

- ▶ Municipal and Government Agency Law
- ▶ Land Use and Development
- ▶ Civil Rights

RELATED SERVICES**Government &
Regulatory Law****EDUCATION**University of California
Los Angeles, School of
Law (J.D., 2009)University of California,
Berkeley (B.A., 2006)**BAR ADMISSIONS**

California

COURT ADMISSIONSU.S. District Court for the
Central District of
California

6/1/14

SEMINARS & COURSES

- ▶ A Decade of RLUIPA: What We've Learned About Religious Freedom and Land Use. Presented to Rutan & Tucker's Land Use and Natural Resources Practice Group, December 2011

COMMUNITY/AFFILIATIONS

- ▶ Member, Sikh Center of Orange County

MEMBERSHIPS & ASSOCIATIONS

- ▶ Orange County Bar Association
- ▶ State Bar of California
- ▶ North American South Asian Bar Association

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CPN-7

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPOINTING A CITY ATTORNEY AND ASSISTANT CITY ATTORNEY.

WHEREAS, the City of San Clemente contracts with the law firm of Rutan & Tucker for legal services; and

WHEREAS, Jeff Oderman, of Rutan & Tucker, currently serves as the City Attorney of the City of San Clemente; and

WHEREAS, Mr. Oderman has determined to retire from his position as City Attorney and has recommended that Jeff Goldfarb, of Rutan & Tucker, who has served as San Clemente's Assistant City Attorney since 1987, be appointed to fill the City Attorney post; and

WHEREAS, Mr. Oderman further recommends that Ajit Thind, of Rutan & Tucker, be appointed to fill the Assistant City Attorney position in the event that Council chooses to promote Mr. Goldfarb to the City Attorney position; and

WHEREAS, no change is proposed for the City's Deputy City Attorney position that is currently filled by Allison LeMoine-Bui; and

WHEREAS, the City Council desires to accept the modifications to the City's legal counsel as recommended by Mr. Oderman.

NOW, THEREFORE, the City Council of the City of San Clemente does hereby resolve as follows:

Section 1. That Jeff Goldfarb is appointed to the position of City Attorney; Ajit Thind is appointed to the position of Assistant City Attorney; and Allison LeMoine-Bui's prior appointment to the position of Deputy City Attorney is reconfirmed.

Section 2. That the modifications to the City's legal counsel shall become effective immediately upon adoption of this resolution.

Section 3. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED this _____ day of _____, _____.

6 N-8

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of San
Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) §
CITY OF SAN CLEMENTE)

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. _____ was adopted at a regular meeting of the City Council of the City of San Clemente held on the ____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this ____ day of _____, _____.

CITY CLERK of the City of
San Clemente, California

Approved as to form:

City Attorney

6N-9



AGENDA REPORT
SAN CLEMENTE CITY COUNCIL MEETING
 Meeting Date: April 3, 2012

Agenda Item 60
 Approvals: [Signature]
 City Manager [Signature]
 Dept. Head _____
 Attorney _____
 Finance _____

Department: City Manager
Prepared By: *Laura* Laura Ferguson, Assistant to the City Manager/Public Information Officer
Subject: **WELCOME HOME PARADE FOR SAN CLEMENTE'S ADOPTED MARINE UNIT**

Summary: The Heritage of San Clemente and the 2/4 Association seek City Council approval for a Welcome Home Parade for San Clemente's adopted 2nd Battalion 4th Marines (2/4) on Thursday, June 14th (Flag Day) from 10 to 11 a.m. to celebrate their return home from Afghanistan. The 2/4 Marines would be on foot marching, and be accompanied by 2/4 Association members riding in 10 classic cars, and will make their way down Avenida Del Mar to Park Semper Fi to participate in an awards ceremony and memorial service. The host groups anticipate having the 1st Marine Division Band lead the parade and perform at the ceremony at Park Semper Fi (confirmation pending).

The 2/4 Association would pay for a sound system and chairs and work with the Heritage of San Clemente Foundation to coordinate the ceremony. The 500 2/4 members would be at parade rest in the upper Pier Bowl parking lot during the ceremony. Following the ceremony, the invited guests of the 2/4 Association (150 people) will proceed to a barbeque on the beach. The 2/4 Association will coordinate catering with Fisherman's Restaurant and pay for the food. The host groups would ensure the trash is properly disposed of following the barbeque. The 2/4 Association is also paying for the costs normally associated with the Heritage of San Clemente Park Semper Fi Partnership events, including event-sound system, chairs, etc.

The 500 Marines and 150 2/4 Association members will be transported via 10 to 12 buses and discouraged from bringing their personal vehicles. For the ceremony portion of the event, the upper Pier Bowl parking lot will require closure. Police Services advised that police motors block traffic "leap frog style" and utilize barricades for effective traffic and pedestrian controls. Police Services will arrange for RSVP volunteers and Police Explorers to assist with traffic control along Ave. Del Mar and in the Pier Bowl.

The 2/4 Association and the Heritage of San Clemente Foundation have completed the City's special event applications which will be processed by the Recreation Department. Preliminary logistical input has been sought from San Clemente Police Services and Engineering regarding the temporary street closures.

PARADE ROUTE:

The parade starts at 10 a.m. and ends at 11:00 a.m. The route (Option 1 and 2) is represented by the RED DOTS on the attached map. The 2/4 will be staging their formation on Ave. Cabrillo between Ole Vista and North El Camino Real. The entire length of Marine buses would exit Ave. Presidio at 8:30 a.m. and precede to Ave. Cabrillo where they would drop-off the Marines and proceed down to the Pier Bowl area and park. The Marines would then stage their formation on Ave. Cabrillo (GREEN DOTS on map)

OPTION ONE: Marines would proceed to alley off Ave. Cabrillo and turn right onto Ave. Del Mar and proceed down to upper parking lot. Preceding the Marines would be the cars that are parked along North El Camino Real (even numbered side). 2/4 Association members would be in the cars.

OPTION TWO: Marines would proceed to North El Camino Real off of Ave. Cabrillo and turn right onto North El Camino Real and then turn right to Ave. Del Mar and proceed down to upper parking lot. Preceding the Marines would be the cars that are parked along North El Camino Real (even numbered side). The 2/4 Association members would be in the cars.

NOTE: *Marines are to determine if their marching formation can fit into the alley off Ave. Cabrillo and also if the 1st Marine Division Band (requested but not as yet granted) is able to formation march in the alley area, which is narrow. Therefore, we cannot at this time determine whether Option 1 or Option 2 will be preferred but we will know 4 weeks in advance of the parade.*

The 12 buses transporting the Marines will be exiting Ave. Presidio at 8:45 a.m. and making their way to Ave. Cabrillo letting the Marines off there. The buses will then exit this area and drive down to the Pier where they will park along the street from Ave. Granada to the street area by the Fisherman's Restaurant (YELLOW DOTS). There is also the case for the 1st Marine Division band bus except they will park on Alameda Lane (the second exit).

Cars that transport the 2/4 Association will be staging their cars along the 100 block of North El Camino on the even numbered side. These cars will then park along side Alameda lane (first entrance) after the parade.

2/4 CEREMONY PARK SEMPER FI: (BLUE DOTS on map) from 11:00 a.m. to 12:00 p.m.

2/4 ASSOCIATION BARBEQUE: (TRIPLE GREEN DOTS) 150 people at Noon.

PROPOSED STREET CLOSURES:

- Ave. Del Mar from North El Camino Real to Alameda Lane
- Ave. Cabrillo between Ole Vista and North El Camino Real
- 100 block of North El Camino Real (Option 2 only) until 10:45 a.m.
- Alameda Lane 9:00 a.m. to 1:30 p.m.

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PROPOSED NO PARKING ZONES:

- Cabrillo from Ole Vista to North El Camino Real
- Parking Lot that needs to be closed (Upper Pier Bowl parking lot)
- Ave. Del Mar 100 and 200 blocks and from Alameda Lane to Ave. Granada (ocean side)
- 100 block North El Camino (from Del Mar to Ave. Cabrillo) even address numbers (Option 1 and 2)
- Alameda Lane (surrounding the parking lots)
- Ave. Del Mar (metered street parking adjacent to upper and lower parking lots and one block from Alameda Lane to Ave. Granada for the Marine buses)

Recommended

Action:

STAFF RECOMMENDS THAT the City Council approve the staging, parade route and temporary street closures that best meets the logistical needs of the Marines; 2) temporary closure of the upper Pier Bowl parking lot; 3) allowing a section of the beach north of the Pier at the shade structure to be roped off for the 2/4 Association barbeque; and 4) waive police services costs associated with traffic control/safety.

Fiscal Impact:

City to absorb costs associated with Police Services.

Attachments:

Map of Parade Route

Notification:

Scott Kennedy, Sergeant, San Clemente Police Services
Wayne Eggleston, Heritage of San Clemente Foundation
Frank and Becky Valdez, 2/4 Association
Carol Gibson, Recreation Supervisor



AGENDA REPORT
SAN CLEMENTE CITY COUNCIL MEETING
 Meeting Date: April 3, 2012

Agenda Item 7A
Approvals:
 City Manager [Signature]
 Dept. Head [Signature]
 Attorney _____
 Finance _____

Department: Community Development
Prepared By: Sean Nicholas, Associate Planner

Subject: *AMENDMENT TO TENTATIVE PARCEL MAP 2006-287, LEE SUBDIVISION.*

Summary: On January 20, 2009, City Council approved the Lee Subdivision. While the applicant was preparing the Final Map, she had concern with the conditions of approval requiring Covenants, Conditions, and Restrictions (CC&Rs). The applicant is requesting removal of the conditions of approval for CC&Rs (attachment 3). The applicant's position is that the project is a simple subdivision of one lot into two lots. The applicant has agreed to deed restrictions preventing further subdivisions and for no development to occur on the top portion of the property. No changes are proposed to the attached approved Tentative Parcel Map.

Engineering staff has reviewed the request to remove the conditions of approval associated with CC&Rs, and determined that the required deed restrictions and reciprocal access agreement will satisfy City requirements. Engineering staff stated that the CC&R conditions were placed on the project under the assumption that the subdivision would have common area(s) necessitating the CC&Rs. In most cases, common area(s) are included and maintained through CC&Rs. Engineering staff, in reviewing the subdivision again, determined that the proposed reciprocal access easement between the two parcels for a common drive approach in conjunction with the various approved deed restrictions is sufficient to ensure compliance with the Tentative Parcel Map and City requirements. The required agreements and restrictions are included as conditions of approval to ensure the documents are recorded with the Final Map. With the updated conditions of approval, staff is still supportive of the proposed subdivision.

Recommended Action: STAFF RECOMMENDS THAT the City Council approve the attached Resolution with amended conditions of approval for Tentative Parcel Map 2006-287, Lee Subdivision.

Fiscal Impact: None.

- Attachments:**
- Attachment 1: Resolution
 - Exhibit 1: Conditions of Approval
 - Attachment 2: Location Map
 - Attachment 3: Letter from the Applicants Representative
 - Attachment 4: City Council Staff Report and Minutes from January 20, 2009
 - Tentative Parcel Map

Notification: In compliance with State and Municipal Code Requirements.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SAN CLEMENTE, CALIFORNIA, APPROVING AN AMENDMENT TO TENTATIVE PARCEL MAP
2006-287, LEE SUBDIVISION, A REQUEST FOR A SUBDIVISION OF AN EXISTING PARCEL LOCATED
AT 3812 VIA DEL CAMPO

WHEREAS, on August 28, 2007, an application was submitted, and on October 30, 2008, completed by Paul Douglas, 33863 Barcelona Place, Dana Point, CA, 92629, a request for a subdivision of an existing residential lot located at 3812 Via Del Campo, the legal description being Lot 22, of Tract 8495; and

WHEREAS, on September 20, 2007 and October 23, 2008, the City's Development Management Team reviewed the subject application and determined its compliance with the General Plan, Subdivision Map Act, Subdivision Code, Zoning Ordinance and other applicable City ordinances and codes; and

WHEREAS, the Planning Division processed and completed an initial environmental assessment for this project in accordance with the California Environmental Quality Act (CEQA). The Planning Division has determined that the project is categorically exempt from CEQA in accordance with CEQA Guidelines Section 15332 as a Class 32 exemption because it involves the division of an existing residential lot and is surrounded by similar residential development; and

WHEREAS, on November 19, 2008, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by the applicant, City staff, and other interested parties and voted to recommend approval of the request to the City Council; and

WHEREAS, on January 20, 2009, the City Council held a duly noticed public hearing on the subject application, and considered evidence presented by the applicant, City staff, and other interested parties, and approved the subdivision; and

WHEREAS, on January 24, 2012, an application was submitted, and on February 28, 2012 completed by Margaret Lee, 3812 Via Del Campo, a request for an amendment of and approved subdivision to remove the conditions of approval associated with Covenants, Conditions, and Restrictions (CC&Rs); and

WHEREAS, on February 2, 2012 and February 9, 2012, the City's Development Management Team reviewed the subject application and determined its compliance with the General Plan, Subdivision Map Act, Subdivision Code, Zoning Ordinance and other applicable City ordinances and codes; and

WHEREAS, the Planning Division processed and completed an initial environmental assessment for this project in accordance with the California Environmental Quality Act (CEQA). The Planning Division has determined that the project is categorically exempt from CEQA in accordance with CEQA Guidelines Section 15332 as a Class 32 exemption because it involves the division of an existing residential lot and is surrounded by similar residential development; and

WHEREAS, on April 3, 2012, the City Council held a duly noticed public hearing on the subject application, and considered evidence presented by the applicant, City staff, and other interested parties

NOW, THEREFORE, the City Council of the City of San Clemente hereby resolves as follows:

Section 1: The project is categorically exempt from the California Environmental Quality Act (CEQA) as a Class 32 exemption because:

- a) the subdivision is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations in that the proposed subdivision exceeds all of the minimum requirements for residential subdivisions located within the Residential Low Density (RL-17) Zoning District; and
- b) the proposed subdivision occurs within city limits on a parcel of no more than five (5) acres substantially surrounded by urban uses in that the existing parcel is less than five (5) acres and the subsequent subdivision will create a new lot of 1.74 acres. Also the surrounding area is completely developed with single family residences on large lots similar to the one proposed to be created; and
- c) the subject site has no value as habitat for endangered, rare or threatened species in that the existing parcel already has a large home existing on it and the site is not identified as being habitat for any endangered, rare or threatened species; and
- d) approval of the subdivision would not result in any significant effects relating to traffic, noise, air quality, or water quality in that any future development of the site will be a single family residence and will be meet the required standards of the Municipal Code and will be consistent with development of the surrounding neighborhood; and
- e) the site can be adequately served by all required utilities and public services in that the area has already been developed with a number of single family residence and the infrastructure is already existing to service the proposed new lot.

Section 2: The proposed map, together with the provisions for design and improvements as supplemented by the conditions attached hereto as Exhibit 1, are compatible with the objectives, policies, general land uses and programs specified in the General Plan of the City of San Clemente in that the project complies with the development standards outlined in the Zoning Ordinance, and the subdivision meets the required minimum lot sizes and street

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frontages as set forth in the Residential Low Density requirements section of the Municipal Code (17.32.040).

Section 3: The site is physically suitable for the proposed type of residential subdivision in that the new parcel exceeds the minimum requirements set forth in the Municipal Code for new lots, and the applicant has provided a site plan for a single family residential structure with access that complies with all required sections of the Municipal Code and would not require any Variances or Minor Exception Permits for approval.

Section 4: The site is physically suitable for the proposed density of the subdivision in that the newly created parcel has an allowed density of one and a half (1.5) units per acre. While no construction is proposed with the proposed subdivision, when development does occur the applicant will not be allowed to exceed this density. This will be consistent with the surrounding residential neighborhood.

Section 5: The subdivision will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the site is an in-fill site and does not contain any substantial wildlife or habitat.

Section 6: The design of the subdivision and the types of improvements are not likely to cause serious public health problems in that the subdivision is proposed in an area with similar residential structures and will be in character with the other lots with single family residences on large lots.

Section 7: The design of the subdivision and the type of improvements will not conflict with easements for use of the property within the proposed subdivision in that there are no existing easements and the applicant is proposing a new open space easement to run across the rear two hundred (200) linear feet of both the existing residential lot as well as the newly proposed lot that will be recorded with the parcel map.

Section 8: The proposed tentative parcel map is consistent with the Subdivision Map Act and the City of San Clemente Subdivision Ordinance and is within the maximum density permitted by the Residential Low Density Zoning District.

Section 9: The proposed parcel map is consistent with the Subdivision Map Act in that it has taken into consideration the housing needs of the region balanced with the need for public services.

Section 10: The City Council hereby approves the categorical exemption and Tentative Parcel Map 2006-287, a request for a subdivision of an existing parcel, subject to the above findings, and the Conditions of Approval attached hereto as Exhibit 1.

PASSED AND ADOPTED this _____ day of _____, _____.

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of
San Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) §
CITY OF SAN CLEMENTE)

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. _____ was adopted at a regular meeting of the City Council of the City of San Clemente held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this _____ day of _____, _____.

CITY CLERK of the City of
San Clemente, California

Approved as to form:

City Attorney

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EXHIBIT 1

CONDITIONS OF APPROVAL*
TENTATIVE PARCEL MAP 2006-287

1. Within two (3) years after the approval date of Tentative Parcel Map No. 2006-287, unless an extension is granted as provided in Section 35 of the Code of the City of San Clemente and Section 66452.6 of the Government Code of the State of California (Subdivision Map Act), the owner or designee shall file a substantially complete submittal for review and approval by the City for a final map or multiple final maps prepared by a registered civil engineer. The final map(s) shall be subject to all pertinent requirements of the Subdivision Map Act and shall conform to the approved tentative tract/parcel map, City standards, and all other applicable approved plans, codes, ordinances, statutes and regulations.
[Citation - Section 16.12.100.A of the SCMC] (PIng.)_____

2. The applicant or the property owner or other holder of the right to the development entitlement(s) or permit(s) approved by the City for the project, if different from the applicant (herein, collectively, the "Indemnitor") shall indemnify, defend, and hold harmless the City of San Clemente and its elected city council, its appointed boards, commissions, and committees, and its officials, employees, and agents (herein, collectively, the "Indemnitees") from and against any and all claims, liabilities, losses, fines, penalties, and expenses, including without limitation litigation expenses and attorney's fees, arising out of either (i) the City's approval of the project, including without limitation any judicial or administrative proceeding initiated or maintained by any person or entity challenging the validity or enforceability of any City permit or approval relating to the project, any condition of approval imposed by City on such permit or approval, and any finding or determination made and any other action taken by any of the Indemnitees in conjunction with such permit or approval, including without limitation any action taken pursuant to the California Environmental Quality Act ("CEQA"), or (ii) the acts, omissions, or operations of the Indemnitor and the directors, officers, members, partners, employees, agents, contractors, and subcontractors of each person or entity comprising the Indemnitor with respect to the ownership, planning, design, construction, and maintenance of the project and the property for which the project is being approved. The City shall notify the Indemnitor of any claim, lawsuit, or other judicial or administrative proceeding (herein, an "Action") within the scope of this indemnity obligation and request that the Indemnitor defend such Action with legal counsel reasonably satisfactory to the City. If the Indemnitor fails to so defend the Action, the City shall have the right but not the obligation to do so and, if it does, the Indemnitor shall promptly pay the City's full cost thereof. Notwithstanding the foregoing, the indemnity obligation under clause (ii) of the first sentence of this condition shall not apply to the extent the claim arises out of the willful misconduct or the sole active negligence of the City. *[Citation - City Attorney Legal Directive/City Council Approval June 1, 2010]* (PIng.)_____

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- 3. Prior to the final tract/parcel map approval, the owner or designee shall submit written consent to all of these imposed conditions to the Community Development Director or designee. The owner or designee understands that the resolution will be of no force or effect unless such written consent is submitted to the City. *[Citation – City Attorney Legal Directive/City Council Approval June 1, 2010]*

(PIng.) _____

- 4. To ensure neighborhood compatibility in the future, the applicant, as a component of the proposed subdivision, shall record a deed restriction preventing further subdivision of the lots and shall include the following language: The parcels, both existing and proposed, identified as legal description western 2.84 acres of Lot 22 in Tract 8495, as shown on a map recorded in book 416, pages 13-15 inclusive, of miscellaneous maps, records of said Orange County, California and the eastern 1.74 acres of Lot 22 in Tract 8495, as shown on a map recorded in book 416, pages 13-15 inclusive, of miscellaneous maps, records of said Orange County, California, shall not be subdivided in any way in the future.

■■ (PIng.) _____

- 5. Prior the approval of the final parcel map, the applicant shall have obtained City Council approval of an open space easement pursuant to Government Code Section 51070 et. seq. over the upper portion of the existing and proposed lots as shown on the tentative parcel map.

■■ (PIng.) _____

CONDITIONS PRIOR TO FINAL TRACT MAP APPROVAL

Fees

- 6. Prior to final parcel map approval, the owner or designee shall pay all applicable development and final map fees, which may include, but are not limited to, park acquisition and development, water and sewer connection, drainage, grading, traffic, soils and hydrology review, plan check deposit (minimum plan check deposit shall be \$5,000). *[Citation – Fee Resolution No. 08-81 and Section 16.32.010.B of the SCMC]*

(Eng.) _____

Reports - Soils and Geologic, Hydrology

- 7. Prior to final parcel map approval, the owner shall submit for review, and shall obtain the approval of the City Engineer for, a soils and geologic report prepared by a registered geologist or geotechnical engineer which conforms to City standards and all other applicable codes, ordinances and regulations. *[Citation - Section 16.12.050.B of the SCMC].*

(Eng.) _____

Final Map Requirements

8. Prior to final parcel map approval, the owner or designee shall indicate on the final map that all storm drains, and improvements within the interior of the subdivision are private and shall be maintained by the private owners of each parcel. [Citation – Section 16.32.010.G of the SCMC] ■(Eng.)_____

Easements

9. Prior to approval of the final parcel map, the applicant shall submit to the city, obtain the City's approval of and record a deed restriction creating a reciprocal access easement or reciprocal access rights in the manner shown on the parcel map. The deed restriction shall indicate that the City is a third party beneficiary of the deed restriction and that the deed restriction cannot be amended without City Council approval. [Citation - Section 16.28.030.A & B of the SCMC] ■ (Eng.)_____
10. Prior to final parcel map approval, the owner or designee shall indicate on the final map as applicable, the location of all easements for open space, storm drains, utilities, reciprocal access, slopes, and landscaping. All drainage easements shall be a minimum of 15 feet. No drainage facilities accepted for dedication or maintenance by the City shall be located within slopes. Improvements may not be constructed within any easements to be accepted by the City, without approval of an Encroachment Permit. A Hold Harmless agreement approved by the City Attorney shall be required for all encroachments into the ROW. [Citation - Section 16.28.030.B of the SCMC] (Eng.)_____
11. Prior to final parcel map approval, the owner or designee shall demonstrate to the satisfaction of the City Engineer or designee, that quitclaims in favor of the City have been obtained from all persons having any interest in existing rights of way for pipelines for the conveyance of water, and for all rights to all underground water. The owner or designee shall convey the right to all underground water, but without right of entry to the surface thereof, to the City. The owner or designee shall cause no easements to be granted nor recorded over any portion of the property shown on the submitted record map between the tentative map approval date by the Planning Commission and the recording date of the final or record map by the County Recorder. [Citation - Section 13.04.500.A, B & C of the SCMC] (Eng.)_____

Grading & Drainage Plans Required

12. Prior to final parcel map approval, the owner or designee shall submit for review, and shall obtain the conceptual approval of the City Engineer or designee for a conceptual grading and drainage plans, prepared by a registered civil engineer, which shows grading and drainage for the project. [Citation - Section 16.12.050.C, E, F, G, J & K of the

SCMC]

■ (Eng.)_____

Improvement Required

- 13. Prior to final parcel map approval the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee for Improvement Plans, prepared by a registered civil engineer, for all improvements as deemed necessary by the City Engineer or designee to provide adequate access, including but not limited to the following provisions: *[Citation – Section 16.28, Design Standards of the SCMC]*

■ (Eng.)_____

- A. Sidewalks, curbs, and gutter improvements. A minimum 4-foot wide sidewalk shall be constructed along the parcels frontage along Via Del Campo as determined by the City Engineer. All private and public improvements shall be designed and constructed in accordance with City standards. Any retaining walls that are necessary for the construction of the sidewalk shall be constructed on the private property and shall be privately maintained.
- B. Storm Drain Improvements. A storm drain and appurtenant structures shall be constructed to convey runoff from the existing concrete slope drains on Parcel 1 and discharge into Via Del Campo within the street frontage of Parcel 1.

- 14. Prior to final parcel map approval, the owner or designee shall provide dedicate an irrevocable offer to the City on the final map on Via Del Campo to provide for sidewalk easement as determined by the City Engineer. *[Citation – Section 16.28.010.B & 16.36.020 of the SCMC]*

■ (Eng.)_____

- 15. Prior to final parcel map approval, the owners or designee shall submit for review and approval Improvement Plans showing all grading, drainage devices, and parkway culverts as necessary to independently convey drainage on each parcel. Additionally, sidewalk along the frontage of Parcel 1 is to be included on the Improvement Plan. Improvement Plans must be submitted (along with a minimum \$5000.00 plan check deposit) for review and approval by the City Engineer. *[Citation – Fee Resolution No. 08-81 and Section 16.32.010.B of the SCMC]*

■ (Eng.)_____

- 16. Prior to final parcel map approval, the owner or designee shall enter into an agreement with the City to ensure that the improvements called for on the conditioned Improvement Plans, as referenced in condition of approval 15, are to be built within 2 years of recordation of the Final Map.

■ (Eng.)_____

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Drainage

- 17. Prior to final parcel map approval, the owner or designee shall clearly call out on the plans that all storm drain systems are private and are privately maintained. All storm water shall be conveyed directly to an approved storm drain system. No storm water from structures shall be allowed to sheet flow over the sidewalks or driveways approaches. *[Citation – Section 16.32.010.G of the SCMC]* (Eng.)_____

Financial Security

- 18. Prior to final parcel map approval, the owner or designee shall provide separate improvement bonds or irrevocable letters of credit, if applicable, as determined by the City Engineer, for 100% of each estimated improvement cost, as prepared by a registered civil engineer as required and approved by the City Attorney and the City Engineer or their designees, for each, but not limited to, the following: precise grading; sidewalks; signage; storm drains; erosion control; landscaping and appurtenant improvements. In addition, the owner or designee shall provide separate labor and material bonds or irrevocable letters of credit for 100%of the above estimated improvement costs, as determined by the City Engineer or designee. *[Citation – Section 16.32.020.D of the SCMC]* (Eng.)_____

CONDITIONS TO BE SATISFIED PRIOR TO RECORDATION

- 19. Prior to recordation of the final parcel map, the owner shall submit for review, and shall obtain the approval of the County Surveyor for, digitized tract map pursuant to Orange County Ordinance No. 3809 of January 28, 1991. The owner shall pay all costs of said digital submittals, including supplying digital copies to the City of the final County Surveyor-approved digital map in DXF format. *[Citation - Ordinance No. 3809 of the County of Orange]* (Eng.)_____

CONDITIONS TO BE SATISFIED PRIOR TO GRADING PERMITS

Grading

- 20. Prior to issuance of any grading permits, the City Engineer shall determine that development of the site shall conform to general recommendations presented in the geotechnical studies, including specifications for site preparation, landslide treatment, treatment of cut and fill, slope stability, soils engineering, and surface and subsurface drainage, and recommendations for further study. *[Citation – Section 15.36 of the SCMC]* (Eng.)_____

21. Prior to issuance of grading permits, the limits of grading shown on the tentative map must be verified by the soils engineer. The owner or designee shall not be allowed to go beyond the limits as shown on the tentative map, unless approved by the Director of Community Development. *[Citation – Section 15.36 of the SCMC]*
(Eng.)_____ (Plng.)_____
22. Prior to issuance of rough grading permits, rough grading plans shall be submitted to and approved by the City Engineer or designee. Said plans shall include provisions for: *[Citation – Section 15.36 of the SCMC]* (Eng.)_____
- A. Stockpiling of topsoil for placement on finished slopes.
 - B. Erosion and siltation control.
 - C. Dust control.
 - D. Planting of vegetation on all exposed slopes as required by the Grading Ordinance.
 - E. Temporary sedimentation basins and sandbagging if necessary
23. Prior to issuance of grading permits, the owner or designee shall submit for review, and obtain the approval of the City Engineer or designee, a precise grading plan as required by the City Grading Manual and Ordinance. *[Citation – Section 15.36 of the SCMC]*
(Eng.)_____

Water

24. Prior to final tract map approval and the installation of water, sewer and storm drain lines, the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee, for routing to the Utilities Manager or designee, 1"=200' plans prepared by a registered civil engineer showing all existing and proposed water services, sewer laterals and mains (including gate valves, pressure reducing stations, fire hydrants, manholes, pipe sizes, pipe types and any other related appurtenances). *[Citation – Sections 15.36 & 16.32.010.E of the SCMC]* (Eng.)_____

NPDES

25. Prior to issuance of grading permits, the owner or designee shall submit for review and shall obtain approval by the City Engineer or designee, plans for the regulation and control of pollutant run-off by using Best Management Practices (BMPs). The owner or designee shall demonstrate to the satisfaction of the City Engineer or designee that the project meets all requirements of the National Pollutant Discharge Elimination System (NPDES), Federal, State, San Diego Regional Water Quality Control Board, County and

City guidelines and regulations, in order to control pollutant run-off and shall provide evidence satisfactory to the City Engineer or his designee that the required NPDES permits has been obtained. [Citation – Section 13.40 of the SCMC] (Eng.)_____

26. Prior to issuance of grading permits, the owner or designee shall submit for review a project binder containing the following documents: [Citation – Section 13.40.055 of the SCMC] (Eng.)_____
- A. For projects greater than 1 acre, a Notice of Intent (NOI) for coverage under the General Construction Storm Water Permit must be filed with the State Water Resources Control Board (<http://www.waterboards.ca.gov/stormwtr/construction.html>) and a copy of the NOI, a WDID number and a copy of the Storm Water Pollution Prevention Plan (SWPPP) must be filed with the City.
 - B. If the site is determined to be a “Priority Project” (as defined by the Orange County Municipal Storm Water Permit available at <http://www.waterboards.ca.gov/sandiego/programs/ocstormwater.html>), a final Water Quality Management Plan (WQMP) must be recorded with the Orange County Recorder’s Office and filed with the City.
 - C. If a site is determined to be a “Non-Priority Project”, a final Non-Priority Project Checklist must be filed with the City.
 - D. Water Quality Management Plan containing Operational Best Management Practices (BMPs).
 - E. Copy of project Storm Water Pollution Prevention Plan (SWPPP).

Noise

27. Prior to the issuance of any grading permits, the owner or designee shall provide evidence acceptable to the City Engineer that: [Citation – Title 15, Section 15.36 (Excavations and Grading) of the SCMC] (Eng.)_____
- 1) All construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of a dwelling shall be equipped with operating and maintained mufflers.
 - 2) Stockpiling and/or vehicle-storage areas shall be located as far as practicable and out of view from dwellings.

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPANCY**Engineering**

28. Prior to issuance of Certificates of Occupancy and/or acceptance of improvements by the City Engineer or designee, the owner or designee shall submit "as-built" plans prepared by a registered civil engineer for streets, traffic signals, street lights, sewer, water, storm drains, street signs, striping, traffic markings, painted curbs and all other required improvements. [Citation – Section 15.36 & 16.28 of the SCMC] (Eng.)_____

CONDITIONS TO BE SATISFIED PRIOR TO RELEASE OF FINANCIAL SECURITY**Engineering**

29. Prior to release of financial security, if applicable, the owner or designee shall have completed the stenciling of all catch basins and/or storm drain inlets with labels 3" high in black letters, on either the top of the curb or the curb face adjacent to the inlet "NO DUMPING - DRAINS TO OCEAN". These markers shall be maintained in good condition by the Property Owners Association. Also, the owner shall insure that all catch basins have filter basket inserts. [Citation – Title 13.34 of the SCMC] (Eng.)_____
30. Prior to release of financial security, the owner or designee shall demonstrate to the satisfaction of the City Engineer that all survey monuments damaged or destroyed are restored. "Corner Records" shall be prepared for submission to the City Engineering Division and for filing with the County Surveyor's Office in compliance with AB 1414. All restorations of survey monuments shall be certified by the Registered Civil Engineer or Land Surveyor in accordance with Section 8771 of the Business and Professions Code. [Citation – State of California, Assembly Bill 1414 & Title 16 of the SCMC] (Eng.)_____
31. Prior to release of financial security, the owner or designee shall submit the following items, certified by a Registered Civil Engineer, to the Engineering Division: [Citation – Section 16.16 of the SCMC] (Eng.)_____
- A. Duplicate mylars of the recorded Final Map.
32. Prior to release of financial securities, the owner or designee shall submit to the City on 8 ½" x 11" sheet Centerline and Intersections Monument Ties signed and wet stamped by a Registered Engineer or Surveyor. [Citation – Section 16.16 of the SCMC] (Eng.)_____

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CONDITIONS TO BE SATISFIED PRIOR TO BUILDING PERMITS

Building

33. Prior to the issuance of building permits, the owner or designee shall pay all applicable development fees in effect at the time, which may include, but are not limited to, Regional Circulation Financing and Phasing Program (RCFPP), park acquisition and development, water and sewer connection, drainage, Public Facility Construction transportation corridor, Avenida La Pata Supplemental Road Fee and school fees, etc. [Citation - S.C.M.C. Title 15, Building and Construction, Sections 15.52, 15.56, 15.60, 15.64, 15.68, 15.72].

(Bldg.)_____

34. Prior to issuance of building permits, the owner or designee shall submit a copy of the City Engineer approved soils and geologic report, prepared by a registered geologist and/or soil engineer, which conforms to City standards and all other applicable codes, ordinances, statutes and regulations. The soils report shall accompany the building plans, engineering calculations, and reports. [Section 15.36.160 of the SCMC]

(Bldg.)_____

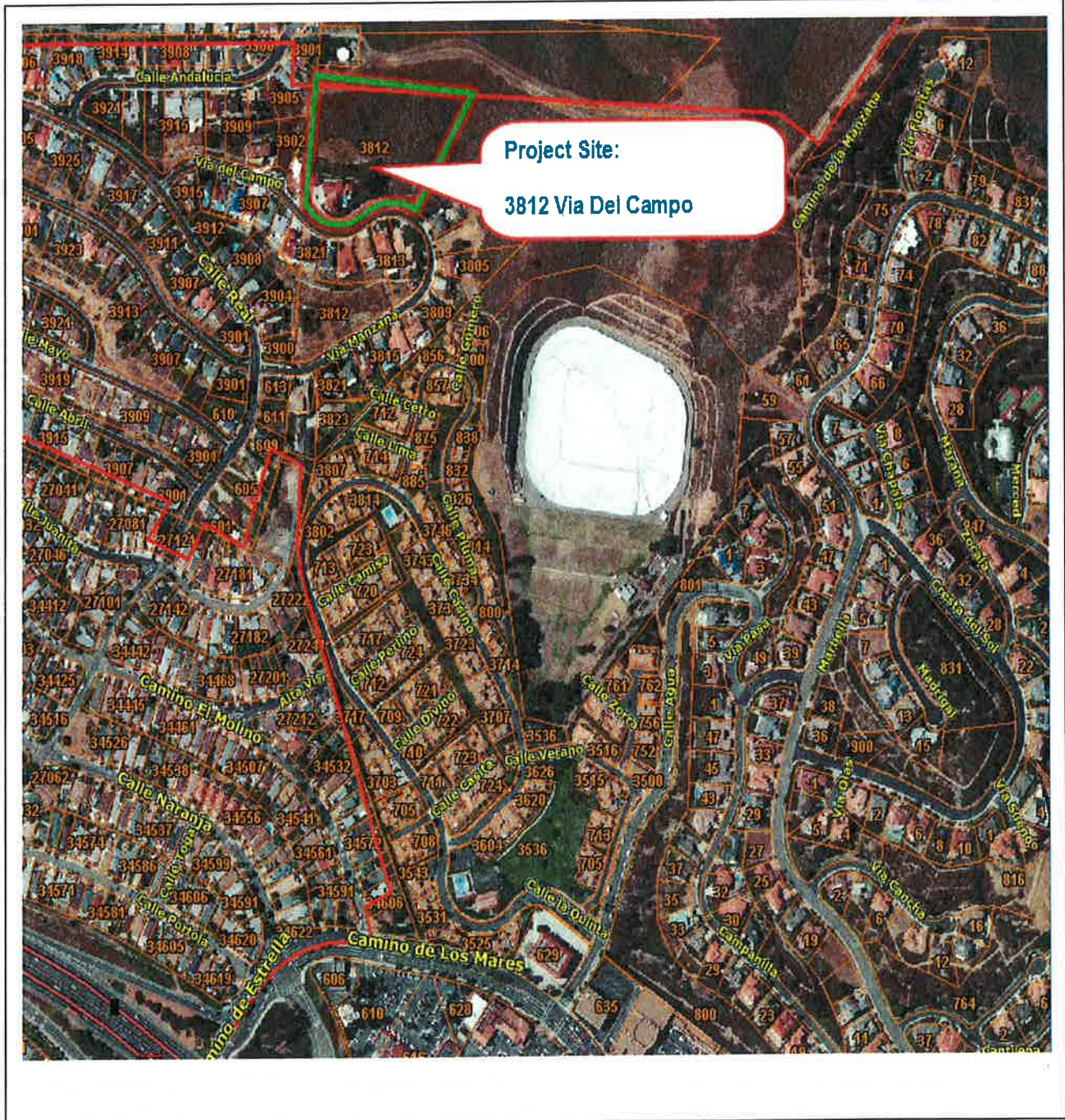
* All Conditions of Approval are standard, unless indicated as follows:

- Denotes modified standard Condition of Approval
- Denotes project specific Condition of Approval



LOCATION MAP

Amendment to Tentative Parcel Map 2006-287, Lee Subdivision
3812 Via Del Campo



Project Site:
3812 Via Del Campo

No scale

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TOAL ENGINEERING, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
139 Avenida Navarro, San Clemente, CA 92672
Tel: (949) 492-8586 • Fax: (949) 498-8625

RAYMOND R. TOAL, RCE 16889
OLAV S. MEUM, LS 4384
MICHAEL A. ROTH, LS 6211
CALEB O. RIOS, RCE 57587
ADAM L. TOAL, RCE 59275

August 29, 2011

City of San Clemente
910 Calle Negocio, Ste. 100
San Clemente, CA 92673
Attn: Zachary Ponsen, P.E.

Subject: Request to amend Conditions of Approval (Resolution No. 09-11)
Tentative Tract No. 2006-287 (Lot 22, Tract 8495)
3812 Via Del Campo, San Clemente, California

Dear Zachary,

Pursuant to our meeting of July 26, 2011, we request on behalf of Ms. Margaret Lee (Applicant) that the Conditions of Approval for the subject project be amended as described in the following bullet list. The Applicant requests the amendments because she intends to create the second parcel for future sale and does not intend to construct improvements to the newly created parcel at this time. In general, the intent of the proposed amendments is to eliminate the requirement for creation of an Association and to require City approval and financial security only for those items which are necessary to be constructed at this time.

The requested amendments to the Conditions of Approval are as follows:

- 1) Delete condition no. 6 requiring creation of a Master Association and/or Sub-Association and development of CC&Rs. The proposed project can be constructed such that the only common interest between the two parcels is access from Via Del Campo, which can be covered by a reciprocal access easement. Fire prevention provisions, including establishment of fuel modification areas, can be achieved without creation of an Association.
- 2) Delete condition no. 7 requiring payment of costs associated with City Attorney review of Project CC&Rs, etc., since such review would no longer be required.
- 3) Revise condition no. 14 to read: "Prior to final parcel map approval, the owner or designee shall submit for review, and shall obtain the conceptual approval of the City Engineer or designee, a conceptual grading and drainage plan, prepared by a registered civil engineer, showing grading and drainage for the project."
- 4) Relocate condition no. 16 to the section entitled "Conditions to be Satisfied Prior to Grading Permits."

7A17

- 5) Revise condition no. 17 to read as follows:

Prior to final parcel map approval the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee, for an Improvement Plan, prepared by a registered civil engineer, for all improvements as deemed necessary by the City Engineer or designee to provide adequate access, including, but not limited to, the following provisions:

- A. All sidewalks, curbs, and gutters. A minimum 4-foot wide sidewalk shall be constructed along the entire street frontage along Via Del Campo as determined by the City Engineer. All private and public improvements shall be designed and constructed in accordance with City standards. Any retaining walls that are necessary for the construction of the sidewalks shall be constructed on the private property and shall be privately maintained.
 - B. Storm drains. A storm drain and appurtenant structures shall be constructed to convey runoff from the existing concrete slope drains on Parcel 1 and discharge into Via Del Campo within the street frontage of Parcel 1.
- 6) Relocate condition no. 21 to the section entitled "Conditions to be Satisfied Prior to Grading Permits."
- 7) Revise condition no. 22 to read as follows:

Prior to final parcel map approval, the owner or designee shall provide separate improvement bonds or irrevocable letters of credit, if applicable, as determined by the City Engineer, for 100 percent of each estimated improvement cost, as prepared by a registered civil engineer as required and approved by the City Attorney and the City Engineer or their designees, for each, but not limited to, the following: the scope of work indicated on the Improvement Plan as described above in condition no. 17, including precise grading, sidewalks, curbs, gutters, signage, storm drains, erosion control, landscaping, and appurtenant improvements. In addition, the owner or designee shall provide separate labor and material bonds or irrevocable letters of credit for 100 percent of the above estimated improvement costs, as determined by the City Engineer or designee.

- 8) The Applicant would be amenable to a condition requiring that construction of the sidewalk, storm drains, and appurtenant improvements be completed within two years of Final Map approval.

If you have any questions, please call me at your convenience.

Sincerely,
Toal Engineering, Inc.

By: _____
Adam L. Toal, P.E.
Project Manager



AGENDA REPORT
SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: January 20, 2009

Dept. Head _____
Attorney _____
Finance _____

Department: Community Development Department
Prepared By: Sean Nicholas, Associate Planner

Subject: *TENTATIVE PARCEL MAP (TPM) 2006-287, LEE SUBDIVISION, 3812 VIA DEL CAMPO*

Summary: The applicant is proposing to subdivide the existing lot (4.58 acres) into two parcels. One parcel is proposed to be 2.84 acres (with the existing residence), and the other parcel is proposed to be 1.74 acres. At this time only a subdivision is proposed. To demonstrate the 1.74 acre parcel can feasibly be developed, the applicant provided a potential site plan for a single family residence that would be compatible with the surrounding neighborhood and meets all applicable development standards. Future development of a single family residence consistent with the zoning ordinance would not require discretionary review.

The applicant is also proposing two (2) deed restrictions associated with the proposed subdivision, the first being the continuation of an open space easement. The easement starts at the rear property line and would move towards the front property line for 200 feet. The 200 ft. wide open space easement spans the width of both properties.

The second deed restriction prevents further subdivision of the two lots. By doing this the applicant prevents the area from becoming over developed, as well as ensures zoning ordinance compliance, and lasting neighborhood compatibility.

On November 19, 2008, the Planning Commission considered the subdivision and voted unanimously to recommend that the City Council approve the request. A detailed project analysis is provided in the attached Planning Commission staff report (Attachment 3).

Recommended

Action: PLANNING COMMISSION RECOMMENDS THAT the City Council adopt a resolution approving TPM 2006-287, Lee Subdivision, subject to the proposed Conditions of Approval.

Fiscal Impact: None

7A-19

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting – January 20, 2009

A Regular Meeting of the San Clemente City Council was called to order on January 20, 2009 at 5:30 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

PRESENT: ANDERSON, BAKER, DAHL*, EGGLESTON, MAYOR DONCHAK

**Mayor Pro Tem Dahl arrived at 5:40 p.m.*

ABSENT: NONE

STAFF PRESENT: George Scarborough, City Manager; Jeff Goldfarb, Assistant City Attorney; Joanne Baade, City Clerk; Kristi Russell, Deputy City Clerk

* * *

CLOSED SESSION

Assistant City Attorney Goldfarb requested a Closed Session to discuss items appearing on the agenda; stated Item A relates to negotiations with Target Corporation for a 9-acre parcel of property located at the northwest corner of Avenida La Pata and Avenida Vista Hermosa, and Item B relates to one potential case of anticipated litigation.

Council recessed to Closed Session at 5:31 p.m. to discuss the following:

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

Property: 9-acre site located at the northwest corner of Avenida La Pata and Avenida Vista Hermosa.

Negotiating Parties: George Scarborough, City Manager and Molly McKee, Target Corporation.

7A-30

CONTINUATION OF MEETING PAST 11:00 P.M.

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to continue the meeting beyond 11:00 p.m.

B. **3812 Via Del Campo (Lee Subdivision) - Tentative Parcel Map 2006-287**

Public Hearing to consider the subdivision of an approximate 1-acre portion of an existing 4-acre Residential Low Density (RL-17) lot for a new single-family residential parcel located at 3812 Via Del Campo, the legal description being Lot 22 of Tract 8495, Assessors Parcel Number 675-062-15.

Assistant Planner Nicholas made himself available to respond to questions at Council's desire.

Mayor Donchak opened and closed the Public Hearing, there being no one desiring to speak to this issue.

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 5-0, to adopt Resolution No. 09-11 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 2006-287, LEE SUBDIVISION, A REQUEST FOR A SUBDIVISION OF AN EXISTING PARCEL LOCATED AT 3812 VIA DEL CAMPO.

7. **UNFINISHED BUSINESS**

A. **Update on Courtney's Sand Castle**

Report from the Beaches, Parks and Recreation Director concerning the status of the Courtney's Sand Castle Boundless Playground project.

Beaches, Parks and Recreation Director King reviewed the contents of the Administrative Report and responded to questions from Council.

Bill Thomas, Courtney's Sand Castle Subcommittee member, stated that La Pata/Vista Hermosa Community Park is the most appropriate location for Courtney's Sand Castle because no other park in the City has apparatus or a facility that is adaptable for children with special needs.

7A-21



AGENDA REPORT
SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: April 3, 2012

Agenda Item 7B
Approvals: [Signature]
City Manager [Signature]
Dept. Head _____
Attorney _____
Finance _____

Department: Community Development
Prepared By: Sean Nicholas, Associate Planner

Subject: *APPEAL OF A PORTION OF APPROVED MINOR ARCHITECTURAL PERMIT 11-219, U-HAUL COLOR CHANGE.*

Summary: On February 22, 2012, the Zoning Administrator approved a Minor Architectural Permit for façade improvements to the U-Haul building located at 310 Avenida Pico, but denied their request for an Orange Wave Line design element (attachment 3). The applicant is appealing the Zoning Administrator's denial of the Orange Wave Line element.

The wave line was denied because staff and the City Attorney determined that it meets the definition of a sign. The City defines a sign as that which, "...is used or intended to be used to attract attention to the subject matter for advertising, directional or informational purposes." There is already 420 square feet of signage located onsite (approved in 1981), and 420 square feet is permitted. The Orange Wave Line would add 239 square feet of signage and therefore is not allowed without a Sign Exception Permit. Further, from an aesthetic and design perspective, Design Review Subcommittee and staff were not supportive of the element as the bright orange color and shape is out of character with the building and not consistent with the Design Guidelines which requires earth tone colors and compatibility with Spanish Colonial Revival Architecture.

The applicant does not agree that the Wave Line is signage, but rather an architectural element, and therefore can be placed on the building. U-Haul's position is that the element is similar to the existing Straight Orange Line trim approved in 1981 as an architectural element. It should be noted that the Orange Straight Line painted on the building was approved prior to the Architectural Overlay in North Beach was established. U-Haul states that the Orange Wave Line is merely an update of the Straight Orange Line. U-Haul has selected the Orange Wave Line element because they believe that it mirrors the Ocean, strengthens its ties to the North Beach area, and that it breaks up the massing of the structure.

Design Review Subcommittee (DRSC) and staff reviewed the element and determined, even if the Orange Wave Line is considered an architectural element, it is still out of character with the building and not consistent with the Design Guidelines. It was the recommendation of DRSC and staff that the feature be removed. While the Design Guidelines support architectural relief to break up mass, a modern element such as the metal Orange Wave Line shape is not consistent with the architecture. Additionally, even if painted on the building the design and placement would be distinctly out of character with the City's architectural style.

Based on the analysis, staff's position is that the design, color, and placement of the Orange Wave Line element is signage, and substantial signage exists to identify the site as being a U-Haul facility. If the Orange Wave Line is an architectural feature, DRSC and staff remain unsupportive of the design as it is not consistent with the character of the building and not consistent with the City's Design Guidelines.

Recommended**Action:**

STAFF RECOMMENDS THAT the City Council uphold the Zoning Administrators approval of Minor Architectural Permit 11-219, U-Haul Color Change, which would result in multiple façade and site improvements being approved, but deny the Orange Wave Line element.

Fiscal Impact:

None.

Attachments:

Attachment 1: Resolution

Exhibit 1: Conditions of Approval

Attachment 2: Location Map

Attachment 3: Applicant's (U-Haul) Appeal Letter

Attachment 4: Zoning Administrator Staff Report and Minutes from February 22, 2012 (excerpted)

Attachment 5: Design Review Subcommittee Staff Report and Minutes from June 15, 2012 (excerpted)
Plans

Notification:

In compliance with State and Municipal Code requirements.

7B-2

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, UPHOLDING THE APPROVAL OF THE ZONING ADMINISTRATOR'S APPROVAL OF MINOR ARCHITECTURAL PERMIT 11-219, U-HAUL FAÇADE ENHANCEMENTS, A REQUEST FOR FAÇADE ENHANCEMENTS FOR THE U-HAUL FACILITY LOCATED AT 310 EAST AVENIDA PICO

WHEREAS, on May 18, 2011 an application was submitted, and on November 14, 2011 completed by Jim Lorimer, 2727 North Central Avenue 9-N, Phoenix, Arizona, 85004, for a Minor Cultural Heritage Permit for façade enhancements to the existing U-Haul facility located at 310 East Avenida Pico, Assessors Parcel Number 691-433-02; and

WHEREAS, the Planning Division completed an initial environmental assessment of the above matter in accordance with California Environmental Quality Act (CEQA) and recommends that the Zoning Administrator determine this project categorically exempt from CEQA as a Class 1 exemption pursuant to CEQA Guidelines Section 15301 because it involves a minor addition to an existing facility which will not have an adverse impact to the environment; and

WHEREAS, on June 16, 2011, the City's Design Review Subcommittee considered the proposed project and recommended design modifications to the applicant; and

WHEREAS, on December 7, 2011, the Zoning Administrator held a duly noticed public hearing on the subject application and considered evidence presented by the City staff, the applicant, and other interested parties, and continued the item to December 21, 2011; and

WHEREAS, on December 21, 2011, the Zoning Administrator held a duly noticed public hearing on the subject application and considered evidence presented by the City staff, the applicant, and other interested parties, and continued the item to January 18, 2012; and

WHEREAS, on January 18, 2012, the Zoning Administrator held a duly noticed public hearing on the subject application and considered evidence presented by the City staff, the applicant, and other interested parties, and tabled the item until the applicant presented a final proposal; and

WHEREAS, on February 22, 2012, the Zoning Administrator held a duly noticed public hearing on the subject application and considered evidence presented by the City staff, the applicant, and other interested parties, and approved the proposed façade and site improvements without the Orange Wave Line feature; and

WHEREAS, on March 1, 2012, the applicant appealed the approval without the Orange Wave Line feature to the City Council; and

WHEREAS, on April 3, 2012, the City Council held a duly noticed public hearing on the subject application and considered evidence presented by the City staff, the applicant, and other interested parties.

NOW, THEREFORE, the City Council of the City of San Clemente hereby resolves as follows:

Section 1: The project is categorically exempt from CEQA as a Class 1 exemption pursuant to CEQA Guidelines Section 15301 because it involves a minor addition to an existing structure which will not have an adverse impact to the environment.

Section 2: The architectural treatment of the project complies with the San Clemente General Plan, Zoning Ordinance, and Design Guidelines in areas including, but not limited to, height, setbacks, and color, in that the project is trying to improve the existing façade and enhance the landscaping for the project site. With the conditioned modifications to the project, the site will comply with the City's Design Guidelines. The Orange Wave Line element does not comply with the Zoning Ordinance as it signage and would therefore exceed the total permitted signage permitted for the property. Additionally, the Orange Wave Line element is not consistent with the Design Guidelines as it is a modern feature and not consistent with the architectural style required in that portion of the City.

Section 3: The general appearance of the proposal is in keeping with the character of the neighborhood and is not detrimental to the orderly and harmonious development of the City in that the area is adjacent to the City's Maintenance Yard and overlooks North Beach in general. The proposed improvements, with the modifications as conditioned, will comply with the City's Design Guidelines and will be consistent with the area. The Orange Wave Line element proposed by the applicant is not consistent with the Design Guidelines as it is a modern feature and not consistent with the architectural style required in that portion of the City.

Section 4: The proposal is not detrimental to the orderly and harmonious development of the City in that the modifications will continue the existing use with some site and façade improvements.

Section 5: The City Council hereby upholds the Zoning Administrator's approval of the categorical exemption and MAP 11-219, Pico U-Haul Façade Enhancements, subject to the above findings, and the Conditions of Approval attached hereto as Exhibit 1.

7B.4

PASSED AND ADOPTED this ____ day of _____, _____.

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of
San Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) §
CITY OF SAN CLEMENTE)

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. _____ was adopted at a regular meeting of the City Council of the City of San Clemente held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this ____ day of _____, _____.

CITY CLERK of the City of
San Clemente, California

Approved as to form:

City Attorney

7B-5

CONDITIONS OF APPROVAL
MAP 11-219, Pico U-Haul Façade Enhancements

1. The applicant or the property owner or other holder of the right to the development entitlement(s) or permit(s) approved by the City for the project, if different from the applicant (herein, collectively, the "Indemnitor") shall indemnify, defend, and hold harmless the City of San Clemente and its elected city council, its appointed boards, commissions, and committees, and its officials, employees, and agents (herein, collectively, the "Indemnitees") from and against any and all claims, liabilities, losses, fines, penalties, and expenses, including without limitation litigation expenses and attorney's fees, arising out of either (i) the City's approval of the project, including without limitation any judicial or administrative proceeding initiated or maintained by any person or entity challenging the validity or enforceability of any City permit or approval relating to the project, any condition of approval imposed by City on such permit or approval, and any finding or determination made and any other action taken by any of the Indemnitees in conjunction with such permit or approval, including without limitation any action taken pursuant to the California Environmental Quality Act ("CEQA"), or (ii) the acts, omissions, or operations of the Indemnitor and the directors, officers, members, partners, employees, agents, contractors, and subcontractors of each person or entity comprising the Indemnitor with respect to the ownership, planning, design, construction, and maintenance of the project and the property for which the project is being approved. The City shall notify the Indemnitor of any claim, lawsuit, or other judicial or administrative proceeding (herein, an "Action") within the scope of this indemnity obligation and request that the Indemnitor defend such Action with legal counsel reasonably satisfactory to the City. If the Indemnitor fails to so defend the Action, the City shall have the right but not the obligation to do so and, if it does, the Indemnitor shall promptly pay the City's full cost thereof. Notwithstanding the foregoing, the indemnity obligation under clause (ii) of the first sentence of this condition shall not apply to the extent the claim arises out of the willful misconduct or the sole active negligence of the City. *[Citation – City Attorney Legal Directive/City Council Approval June 1, 2010]* (PIng.)_____

2. Thirty (30) days after project approval, the owner or designee shall submit written consent to all of these imposed conditions of approval to the Community Development Director or designee. *[Citation – City Attorney Legal Directive/City Council Approval June 1, 2010]* (PIng.)_____

3. MAP 11-219 shall become null and void if the use is not commenced within three (3) years from the date of the approval thereof. Since the use requires the issuance of a building permit, the use shall not be deemed to have commenced until the date that the

building permit is issued for the development. *[Citation - Section 17.12.150.A.1 of the SCMC]* (PIng.)_____

A use shall be deemed to have lapsed, and MAP 11-219 shall be deemed to have expired, when a building permit has been issued and construction has not been completed and the building permit has expired in accordance with applicable sections of the California Building Code, as amended. *[Citation - Section 17.12.150.C.1 of the SCMC]*(PIng.)_____

4. The owner or designee shall have the right to request an extension of MAP 11-219 if said request is made and filed with the Planning Division prior to the expiration date as set forth herein. The request shall be subject to review and approval by the final decision making authority that ultimately approved or conditionally approved the original application. *[Citation - Section 17.12.160 of the SCMC]* (PIng.)_____

5. Prior to the issuance of building permits, the applicant or designee shall include within the first four pages of the working drawings a list of all conditions of approval imposed by the final approval for the project. *[Citation - City Quality Insurance Program]*

(PIng.)_____ (Bldg.)_____

6. Prior to issuance of certificate of occupancy, the project shall be develop in conformance with the site plan, floor plans, elevations, details, and any other applicable submittals approved by the City Council on April 3, 2012, subject to the Conditions of Approval.

Any deviation from the approved site plan, floor plans, elevations, details, or other approved submittal shall require that the owner or designee submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the City Planner or designee. If the City Planner or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain the approval of the Zoning Administrator.

[Citation - Section 17.12.180 of the SCMC]

(PIng.)_____

7. Remove the orange wave line from all elevations of the proposed façade enhancements. ■■ (PIng.)_____

8. The applicant shall maintain the landscaping and irrigation as approved on the final landscape plans in good condition. If landscaping dies and/or irrigation ceases operation, the applicant shall replace all dead landscaping with matching plant material and repair broken irrigation as necessary.

■■(PIng.)_____

All Conditions of Approval are standard, unless indicated as follows:

- Denotes modified standard Condition of Approval
- ■ Denotes a project specific Condition of Approval



LOCATION MAP

MAP 11-219, Pico U-Haul Façade Enhancements
310 Avenida Pico



AMERCO[®]

REAL ESTATE COMPANY

AMERCO REAL ESTATE COMPANY • 2727 N. CENTRAL AVE. • PHOENIX, AZ 85004
PHONE: (602) 263-6502 • FAX: (602) 277-1026

March 1, 2012

City of San Clemente
Planning Division
910 Calle Negocio, Suite 100
San Clemente, California 92672

RE: Appeal to City Council regarding Minor Architectural Permit 11-219

To whom it may concern,

Amerco Real Estate would like to appeal to the City Council of San Clemente regarding the Zoning Administration decision on the Minor Architectural Permit 11-219.

This is specifically in regard to classifying the wave element as a sign. Our stance is that this element is not a sign but an architectural enhancement that breaks up the existing plane.

Therefore we would like to be put on the next available City Council agenda.

Sincerely,



Jim Lorimer, Assoc. AIA, LEED AP
Amerco Real Estate / U-Haul - Construction
2727 N Central Avenue 9-N
Phoenix, AZ 85004
P: 602.263.6502 x615133
F: 602.277.1026
jim_lorimer@uhaul.com



STAFF REPORT

SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: February 22, 2012

PLANNER: Sean Nicholas, Associate Planner

SUBJECT: Minor Architectural Permit 11-219, Pico U-Haul Façade Enhancements, a request for a façade enhancement of the U-Haul facility.

LOCATION: 310 Avenida Pico

ZONING: Manufacturing Zoning District (M-2)

BACKGROUND:

- The project site is 9,710 square feet, with a 24,000 square foot two story storage facility and outdoor U-Haul truck storage established in 1981.
- The applicant is proposing several façade enhancements for this location including:
 - Repainting the primary building and towers-Paio de Baxio White (off-white color)
 - Accent color for the stucco inset arches-Serrada Taupe (tan color)
 - Smaller arch accent color for the towers-Serodio Smokehouse (dark brown)
 - Repaint existing signage (no modification to the signs other than color)
 - Addition of two blue awnings
 - New pin mounted metal orange wave line on parking lot elevation, and hand painted orange wave line along Pico elevation
 - New landscaping along Pico
- The project requires a Minor Architectural Permit consistent with Municipal Code Section 17.16.100(C), because the project site is a nonresidential building and the exterior modifications are significant enough that a Minor Architectural Permit is required.
- The project was reviewed by the Design Review Subcommittee (DRSC) on June 15, 2011. A copy of that staff report and minutes are provided under Attachment 3. The DRSC stated that they were in support of improvement of the facility, but had the following recommendations for the applicant and Zoning Administrator:

7B-11

- The orange wave line, while DRSC understood the importance of branding, seemed out of place on the building and either needed to be redesigned or removed.
- The awnings, as proposed, did not seem to add anything to the architecture, and the DRSC was unsure if it would actually provide protection from the rain.
- They stated that the building should be a true white as staff recommended.
- The towers should be white with the darker accent color used for the small arches.
- The color accents for the large stucco insets should be white to match the primary building color to not accent the non-Spanish style arches.
- The landscaping improvement is the most important thing to help the facilities appearance and a condition of approval should be added to require maintenance.
- This project has taken some time to get to a decision point due to the time the applicant has taken to finalize their plans. Originally the item was to be reviewed by the Zoning Administrator on December 7, 2011, but the applicant requested the project be continued as U-Haul again wanted to modify the façade improvements. The project was subsequently continued on multiple occasions at the request of U-Haul. On January 18, 2012, staff recommended tabling the item and renoticing the project once the applicant determined what they were going to propose.
- The applicant has now modified the project to respond to some of the DRSC comments by modifying the towers, upgraded their landscape plan, and reduced the width of the orange wave line to 15 inches.
- Staff has reviewed the plans submitted for Zoning Administrator review and is supportive of all proposed improvements, except for the orange wave line. Consistent with DRSC recommendation staff's position is that it should be removed from the proposed façade upgrades. The Municipal Code also classifies the wave line as signage. The wave line square footage with the existing signs square footage, would exceed permitted amounts as follows:
 - Allowed signage: 420 square feet
 - Existing signage (unmodified): 420 square feet
 - Orange wave line (new signage): 239 square feet
 - Total Signage if orange wave line is added: 659 square feet
 - 659 square feet >that 420 square feet= Not permitted
- Staff's position is with the proposed upgrades, and the removal of the orange wave line from the project, the façade enhancement would be consistent with the findings of a Minor Cultural Heritage Permit and consistent with the goals and policies of the City's Design Guidelines.

7B-12

- At the time of completion of this report, staff had not received any comments from the public.

RECOMMENDATION

STAFF RECOMMENDS THAT the Zoning Administrator approve MAP 11-219, Pico U-Haul Façade Enhancements, subject to the attached Resolution and Conditions of Approval.

**CITY OF SAN CLEMENTE
MINUTES OF THE REGULAR
ZONING ADMINISTRATOR MEETING
February 22, 2012**

Staff Present: James Holloway, Sean Nicholas, Adam Atamian and Kimberly Maune

2. MINUTES

Minutes of the Zoning Administrator meeting of January 18, 2012 received and filed.

3. ORAL AND WRITTEN COMMUNICATION

None

Agenda items are presented in the originally agendized format for the benefit of the minutes' reader, but were not necessarily heard in that order.

4. PUBLIC HEARINGS

A. 107 Via Pico Plaza – (Minor Conditional Use Permit 12-013) – Pho Thanh Binh Beer and Wine (Atamian)

A request to consider the sale of beer and wine only, with indoor and outdoor consumption, at an existing restaurant. The project site is located at 107 Via Pico Plaza, legal description being Assessor's Parcel Number 692-351-04.

Assistant Planner Adam Atamian summarized the staff report.

Applicant Lana Chung was present; she had no comments.

There were no members of the public present to address this item.

Mr. Holloway appreciates the analysis that staff did regarding the outdoor component of this beer and wine Minor Conditional Use Permit. The business is buffered by a lot of commercial development and it is a long distance away from the closest residence. This is not a unique case. There are a number of establishments around town that have outdoor service of beer and wine, and even hard alcohol. Fisherman's, Nick's, and Selma's, and many other restaurants around town, serve beer and wine outdoors. This is not extraordinary or exceptional in any way.

Permit is for outdoor amplified sound. Mr. Gregory appreciated the clarification.

Mr. Gregory stated he is surprised to hear the Casino is going to open a café. That means there will be more traffic at all times of the day. The neighborhood will be affected even more. He would like to see a plan for them to come up with their own parking so they do not have to affect the neighbors negatively.

Mr. Holloway stated the parking is a legitimate concern. What the City can regulate is their business operations, condition of approval number 21 is being added which will state that the valets cannot park in the residential zones. As a point of information if they do park in the public lots they are subject to the same fees and parking meter charges as anyone else. What Mr. Gregory experiences in his neighborhood is possibly common to the Casino but it is also common to all of the beachgoers. There will be people that will park in Mr. Gregory's neighborhood to avoid the parking meter fees and then walk to the beach; the City has never had any control over that. There are some management techniques that were discovered as a part of the North Beach Parking Master Plan, but that has not been implemented; it just hasn't gotten any traction. He understands the problem, the City will do what they can to regulate the business but the public is going to park where they want to until the City implements additional management techniques district wide.

Mr. Holloway directed staff to add condition number 21 as stated above. There was also a modification to condition number six which he accepts.

Mr. Holloway thanked Mr. Gregory for coming to the meeting and Mr. Nicholas for his work on this request. Mr. Gregory expressed thanks for being able to attend the meeting.

Action: The Zoning Administrator approved Special Activities Permit 12-028, Casino Special Activities Permit 2012, subject to Resolution ZA 12-003 with attached Conditions of Approval including the modification to condition number six and the addition of condition number 21.

ACTION SUBJECT TO APPEAL TO OR CALL-UP BY CITY COUNCIL.

C. 310 E. Avenida Pico – (Minor Architectural Permit 11-219) – U-Haul Façade Enhancements (Nicholas)

A request to consider changing the exterior colors of a commercial building located at 310 East Avenida Pico, within the Industrial (M2) zoning district; the Assessor's Parcel Number is 691-433-02.

7B-15

Associate Planner Sean Nicholas summarized the staff report.

Mr. Holloway stated per the staff report the Design Review Subcommittee (DRSC) recommendation is to paint the building true white; however, that is not what is depicted on the plans submitted by the applicant. Mr. Nicholas stated when staff and the applicant met after the DRSC meeting they went over all of the improvements. There was a discussion regarding true white buildings, staff felt true white should apply when there is a true Spanish style building. This building is in the character of Spanish Colonial but because of the character and design it is not full, true Spanish Colonial Revival; therefore, a slight offset from that standard and design would be appropriate and acceptable. Mr. Holloway asked if staff is recommending the colors depicted on the plans submitted by the applicant; Mr. Nicholas responded yes. Mr. Holloway agrees with staff's building color analysis. Mr. Nicholas stated that staff is supportive of everything except the orange wave line.

Jim Lorimer was present and stated he is representing the applicant, U-Haul International and Americo Realestate. He stated they have made some modifications to the elevations and the proposed renderings and schemes of paint. They have changed the paint of the towers and the arches. They have agreed to additional landscape and repairing the irrigation. They have lowered the awnings. They altered the orange wave based on discussions that it was too high and too wide, they lowered it and they made it as narrow as they can. A week and a half ago it became an issue that the orange wave is a sign; they do not agree with the interpretation that it is a sign. It is a painted object, it is not a brand, and it is not a trademark. It is there merely to break up the façade. It is a fairly large, flat building. They wanted to use the orange wave to break up the building and to create shadow lines. It would draw attention around to the actual front of the building because the front of the building isn't along Pico, it is facing a parking lot and it is difficult to see the entry. They thought the orange wave would be appropriate since it is mimicking the Spanish tiles with the arches of the wave. The current orange line on the building is dated, it was put on the building in the 1980s, it has ran its course and needs freshened up. They would like a more modern, retail look. He does not see the orange wave as a sign and he does not believe it should be counted as a sign.

There were no members of the public present to address this item.

Mr. Holloway stated this is an area somewhat subjective and definitely elicits differences of opinion. Between the DRSC, staff, himself, and the applicant, everyone has slightly different opinions. He will do his best as he renders his decision.

Mr. Holloway asked for clarification regarding referring to the approved colors as shown on the plans submitted by the applicant. Mr. Nicholas stated there is a standard condition of approval which stipulates the project has to meet the plans as approved by the Zoning Administrator at this hearing; condition of approval number six refers to the elevations in detail as approved by the Zoning Administrator at this hearing.

Mr. Holloway stated he likes the awning. The blue color seems a bit off. He asked the applicant if brown would be acceptable. Mr. Lorimer responded they generally use green or blue, their general policy is if they are near a lake or an ocean they use blue. Mr. Holloway asked if they object to brown. Mr. Lorimer responded yes, they use blue or green over their entrances, they use the color as wayfinding, they direct their customers to go under the blue awning because it is easy to find. Mr. Holloway asked staff if they have an opinion about the color of the awning. Mr. Nicholas responded the color was not an issue in discussions, the concern was functionality.

Mr. Holloway stated he likes the color scheme that the applicant has proposed and staff supports. He can accept the awning. He agrees with staff that the orange wave reads as additional signage. The applicant's testimony was that the orange wave draws attention to the building which is the purpose of signage. He understands Mr. Lorimer's concerns; however, per the resolution the orange wave will not be allowed.

Mr. Holloway thanked Mr. Lorimer for working with staff.

Action: The Zoning Administrator approved Minor Architectural Permit 11-219, U-Haul Façade Enhancements, subject to Resolution ZA 11-045 with attached Conditions of Approval.

ACTION SUBJECT TO APPEAL TO OR CALL-UP BY CITY COUNCIL.

5. NEW BUSINESS

None

6. OLD BUSINESS

None

ADJOURNMENT

7B-17



Design Review Subcommittee (DRSC)

Meeting Date: June 15, 2011

PLANNER: Sean Nicholas, Associate Planner

SUBJECT: Minor Architectural Permit 11-219, Pico U-Haul Façade Enhancements, a request for a façade enhancement of the U-Haul facility located at 310 Avenida Pico.

BACKGROUND:

This project is a façade enhancement of the U-Haul facility located at 310 Avenida Pico. The building was approved and constructed in the early 1980s. There have been no façade or other exterior improvements since then.

DRSC review is required because the project involves façade enhancements to a nonresidential structure. The project is also located within the General Plan designated Architectural Overlay and is zoned Industrial (M-2), the 1986 Zoning Ordinance standards that apply to this site.

Project Description

The project includes re-painting, the addition of two awnings, and a new U-haul architectural accent band on the southwest and east parapets. Other than this, no other modifications are proposed for the other two elevations.

The building is two-story but appears to be one-story when viewed from Avenida Pico. The applicant proposes to re-paint the building white (Paio de Baixo White), with an earth tone accent color (Serranada Taupe) for the insets and the top portion of the turrets. The three faux windows on each turret will have a darker earth tone accent (Serodio Smokehouse). The applicant proposes removing the accent color and orange stripe on the parapets, and provide a new orange dimensional accent band. In keeping with U-Hauls corporate branding, the applicant is proposing an orange wavy line that is proposed to be added above the existing signage on the Southwest Elevation and below the signage on the East Elevation. The applicant has not provided material or dimensions for the feature. The applicant will be prepared to discuss the feature at the meeting. Blue canvas awnings are proposed on both the Southwest and East Elevations at the entrances. The applicant is proposing to modify existing signage by painting the non-illuminated signs black. Total sign area for the site is within allowed square footage. No additional square footage or other modifications are proposed.

7B-18

ANALYSIS

The building is a large industrial warehouse, which presents difficulties for applying Spanish Colonial Revival (SCR) architecture. The applicant proposes white for the building with earth tone color variations for the stucco insets as recommended by Design Guidelines Section III.C.3. The accent color proposed for the insets on the East Elevation helps break up the horizontal massing as suggested in Section III.C.3 of the Design Guidelines, but also draws attention to the non-Spanish design. For this reason, staff recommends to re-landscape the planters along Avenida Pico and provide new irrigation systems for the survival of the plants. Landscaping is discussed further under the recommendations section. Requiring enhanced landscaping is consistent with Design Guidelines Sections II.C and III.C.

The building has turrets at the corners visible from Avenida Pico. No modifications (massing or re-roofing) are proposed other than the two earth tone colors to accent the towers and the insets.

The building has bay doors adjacent to Avenida Pico which is contrary to the Design Guidelines (A3.1.b). Enhanced landscaping and potentially modified awnings will help draw focus away from the bay doors on this elevation.

RECOMMENDATIONS:

While not designed in a strict Spanish Colonial Revival Architecture, the project was built before the Design Guidelines were adopted in 1991. Nevertheless, the proposed improvements are somewhat consistent with the various design requirements associated with the project site. Staff has recommendations to enhance the project and seeks DRSC concurrence and additional recommendations.

Building Elevations

Overall Design

- 1. Remove Orange Wavy Line**-Staff's recommendation is to remove the orange wavy line. There may be other ways in which U-Haul branding can be incorporated into the building and be more integrated into the architectural style.
- 2. Blue Awnings**-As proposed, staff is not supportive of the awnings. If the design were to be modified to be similar in style to the standard awnings found throughout the community utilizing an earth tone color and placed more appropriately above the entrances, the feature could provide some relief to the elevations. Here are examples of awnings more consistent in the Architectural style (scale will need to be adjusted accordingly).



East Elevation

- 3. Use of Accent Color-**The accent color on the Southwest Elevation is acceptable to highlight the main entry into the facility, the use of the accent color on the East Elevation emphasizes an arch and inset that are not in keeping with SCR Architecture. Staff recommends de-emphasizing the inset by painting it white. Staff recommends additional landscaping which will better aid in breaking up the massing of the building and be more consistent with the Design Guidelines (Sections II.C and III.C)

Landscaping

Corridor Tree and Groundcover-To better accent the site and break-up the massing staff recommends re-landscaping and installation of new irrigation to the planters adjacent to

Avenida Pico. The goal is to be consistent with the City's adopted Master Landscape Plan for Scenic Corridors and with the approved landscape plan for Marblehead Coastal's street improvements. As a condition of approval, the applicant will be required to submit landscape plans and staff will review for consistency with those documents.

7B21

**CITY OF SAN CLEMENTE
MINUTES OF THE
DESIGN REVIEW SUBCOMMITTEE MEETING
JUNE 15, 2011**

Subcommittee Members Present: Michael Kaupp, Lew Avera and Julia Darden

Staff Present: Jim Pechous, Jeff Hook, Sean Nicholas, John Ciampa and Cliff Jones

I. MINUTES

Minutes of the May 25, 2011 meeting were approved as submitted.

II. ARCHITECTURAL REVIEW OF THE FOLLOWING ITEMS:

**A. Discretionary Sign Permit 10-439, Christ Lutheran Church Monument Sign
(Jones)**

A request to receive DRSC input on the revised Christ Lutheran Church Monument Sign project previously reviewed by DRSC at the March 23, 2011 meeting.

Associate Planner Cliff Jones advised that this item will be reviewed at the June 29, 2011 meeting.

B. Minor Cultural Heritage Permit 11-187, Corless Sidewalk (Ciampa)

A request to install public sidewalk, hardscape, seating wall and landscaping in the front yard area for a historic house located at 217 West Avenida San Antonio.

Assistant Planner John Ciampa summarized the report and presented the plans.

The Cultural Heritage Subcommittee (CHSC) was in support of the proposal.

Subcommittee member Darden felt that the "wishing well" did not need to be preserved because it is not clear if it was original or constructed later with the non-historic wall. Also after a closer inspection of the "wishing well", it did not appear to be in the time period of when the house was built.

Subcommittee members Avera and Kaupp both agreed with Subcommittee member Darden that the "wishing well" did not appear to be original, or if it was, it had been highly modified and did not need to be preserved.

Staff presented the proposed design of the patio fountain and the CHSC felt that the design was appropriate.

The CHSC supported the project as proposed and did not require the preservation of the "wishing well", and supported the proposed fountain design shown in the attached photos and recommended approval of the project to be forwarded to the Zoning Administrator.

C. Minor Architectural Permit 11-219, U-Haul (Nicholas)

A request for a façade enhancement of the U-Haul facility located at 310 Avenida Pico.

Associate Planner Sean Nicholas summarized the staff report and presented staff's recommendations for site and façade improvements.

The applicant, Jim Lorimer, representing corporate U-Haul, provided the DRSC with larger samples of the paint colors proposed.

Subcommittee member Darden asked about signage and whether they were within permitted sign area limits.

Staff indicated that they were.

Staff recommended that the orange feature, which is a branding element of U-Haul, was not appropriate for the building and that other options be considered.

The applicant stated that the orange wave is the new branding element as the straight orange line was in the late 70s and early 80s. The applicant stated they utilize this feature on all of their new projects.

Subcommittee member Avera asked how old the orange wavy line was in terms of branding.

The applicant stated they have utilized this element for over 10 years. The applicant felt the orange line with the waves was reminiscent of the ocean and would be in character with its location near North Beach. The applicant stated that he feels that it helps to break up the massing as it sets off the building and provides shadowlines.

Staff then discussed the blue awnings. Staff stated that as designed, the style of the awnings were not in keeping with the design of the structure.

Subcommittee Member Darden asked about the expanse of the awnings and what purposes they would serve where they're proposed.

Staff stated that the scale of the awning would need to be larger and presents unique challenges when trying to apply the architectural style of the community. Staff stated that if an awning is to be used that it should be done in a style consistent with the architecture. The applicant can explain the reasons for the awnings.

The applicant stated that the awnings would provide shade and help shield customers from the elements when it rains. He indicated they had problems with water and moisture getting into the building and they are hoping to keep it as dry as possible. It is meant as a customer service component.

Subcommittee Member Darden asked how far the awning extends outward from the building face.

The applicant stated it can extend out from 8 to 10 feet.

Staff recommends that the white used for the project should be more of a true white. Staff also recommends not utilizing the accent in the faux arches on the frontage along Pico as they are not true Spanish details.

The last recommendation staff had was about enhancing the landscaping along Avenida Pico to be consistent with both the master Landscape Plan for Scenic Corridors as well as to be consistent with the approved Marblehead Coastal Landscape Plan.

Subcommittee Member Kaupp stated that he agreed with the staff report and the challenges in enhancing the structure. He stated he feels the color palette is great, but not appropriate for the project's location. He also stated that he agreed with staff's concerns regarding the orange wavy line. He indicated that he understood the importance of branding, but that that element was out of character with the building and what they were trying to accomplish. He also commented that he agreed the building needed to be white and not draw attention to the non-spanish arches. He thought the accent tone for the upper components of the towers seemed appropriate, but had concerns about the proposed awning design and locations. He felt the most logical location to put awnings would be over the faux windows along Avenida Pico, but that would not meet U-Haul's goals for having the awnings.

Subcommittee Member Avera generally agreed with all of Subcommittee Member Kaupp's comments, and added that using a traditional awning would not be appropriate due to the building's scale. He is not opposed to the awnings

if they serve the purpose the applicant indicated they are for. He also has concerns about the orange wavy line. He stated that he is in favor of branding but feels the element is extremely out of character with the building. Landscaping is the most important component of the improvements, the signs need to be visible, but the landscaping needs to be enhanced. He reiterated that the awning is ok with him as designed if it serves the purpose indicated by the applicant. Mr. Avera stated that the orange wavy line is the element he would most like to see removed from the elevation.

Subcommittee Member Darden stated that staff's recommendations were good in terms of addressing how improvements could be made to the building. She stated the reason she wanted to see the paint chip is because the printed version can be deceptive and after seeing the actual chip, agreed with staff's comments that a true white needed to be used for the exterior. Subcommittee Member Darden stated that she had concerns about the use of the two-tone color as it draws attention to the non-Spanish arches. She stated she would prefer the whole building be white. Subcommittee Member stated that she is not sure the awnings will meet their intended use and also feels that the more traditional designed awnings would not be any better. If the goal was to break up the elevation, there might be other locations in which the awning would be better suited, but as the applicant has stated, that is not the goal of the awnings. Ms. Darden went onto state that she agrees with her colleagues regarding the wavy line and that it should be removed from the building. Subcommittee Member Darden stated that she understands the need for painting the signage black and has no issue with that. She then stated that she was most supportive of the need for additional landscaping along Avenida Pico. She stated that this is the most important component of the improvement. She stated that maintenance of the improvements is key and needs to be a condition of approval.

Staff stated that they would work with the applicant and see if there were other options on the branding instead of the wavy line.

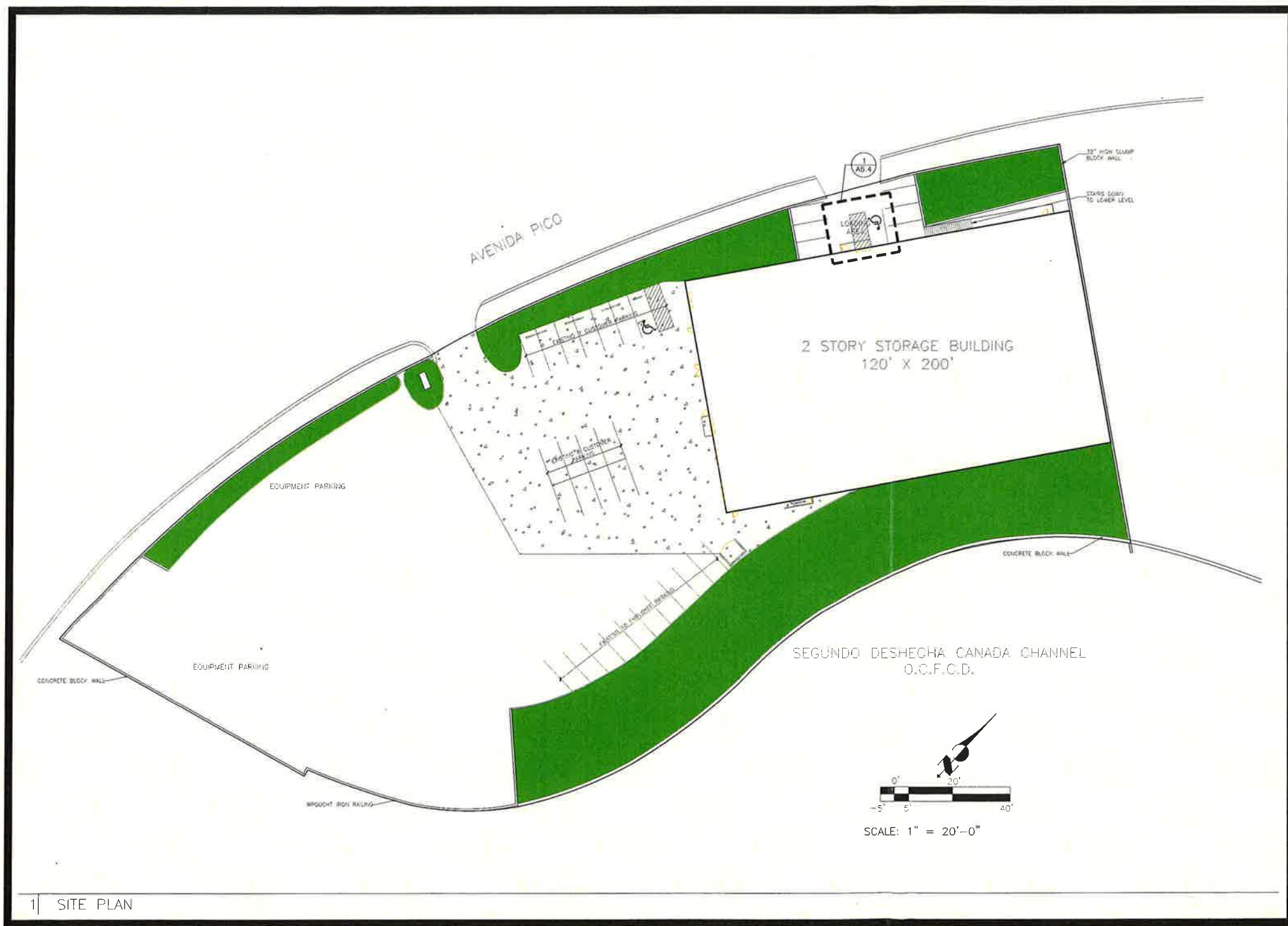
D. Architectural Permit 11-108/Site Plan Permit 11-109, McDonald's (Nicholas)

A request to remodel and update a McDonald's restaurant located at 650 Avenida Pico.

Associate Planner Sean Nicholas introduced the project and asked the applicant (Ross Pollard and Brian Hardy) to discuss the program that they have entered into with Corporate McDonald's.

The applicant stated the San Clemente facility has been successful and he saw this remodel as an opportunity to use McDonald's corporate funding assistance

Site Plan



KEY:	
	EXISTING LANDSCAPE
	EXISTING CONCRETE PAVING
	EXISTING A.C. PAVING
	EXISTING SIDEWALK
	EXISTING RETAINING WALL
	EXISTING CURB CUT
	EXISTING CONCRETE STAIRS

GENERAL NOTES:

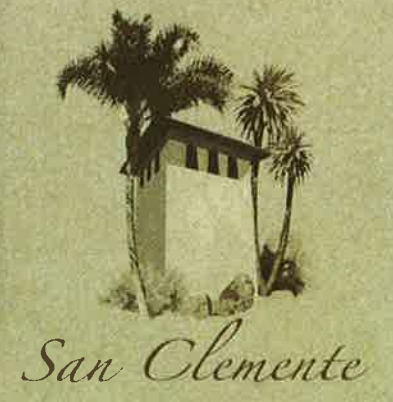


A&M ASSOCIATES, INC.
 2727 North Central Avenue
 North Tower, Suite 700
 Phoenix, AZ 85004
 602-760-4983 office

**U-HAUL CENTER #715025 OF
 SAN CLEMENTE, CALIFORNIA**
 310 AVENIDA PICO
 SAN CLEMENTE, CA 92672
 COUNTY: ORANGE

DRAWN:	A1
CHECKED:	
DATE: 4/7/11	

715025, SITEPLN-672031.ai



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East Avenida Pico View

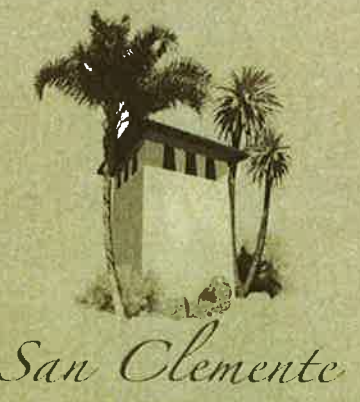


San Clemente

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Southwest Pacific Ocean View



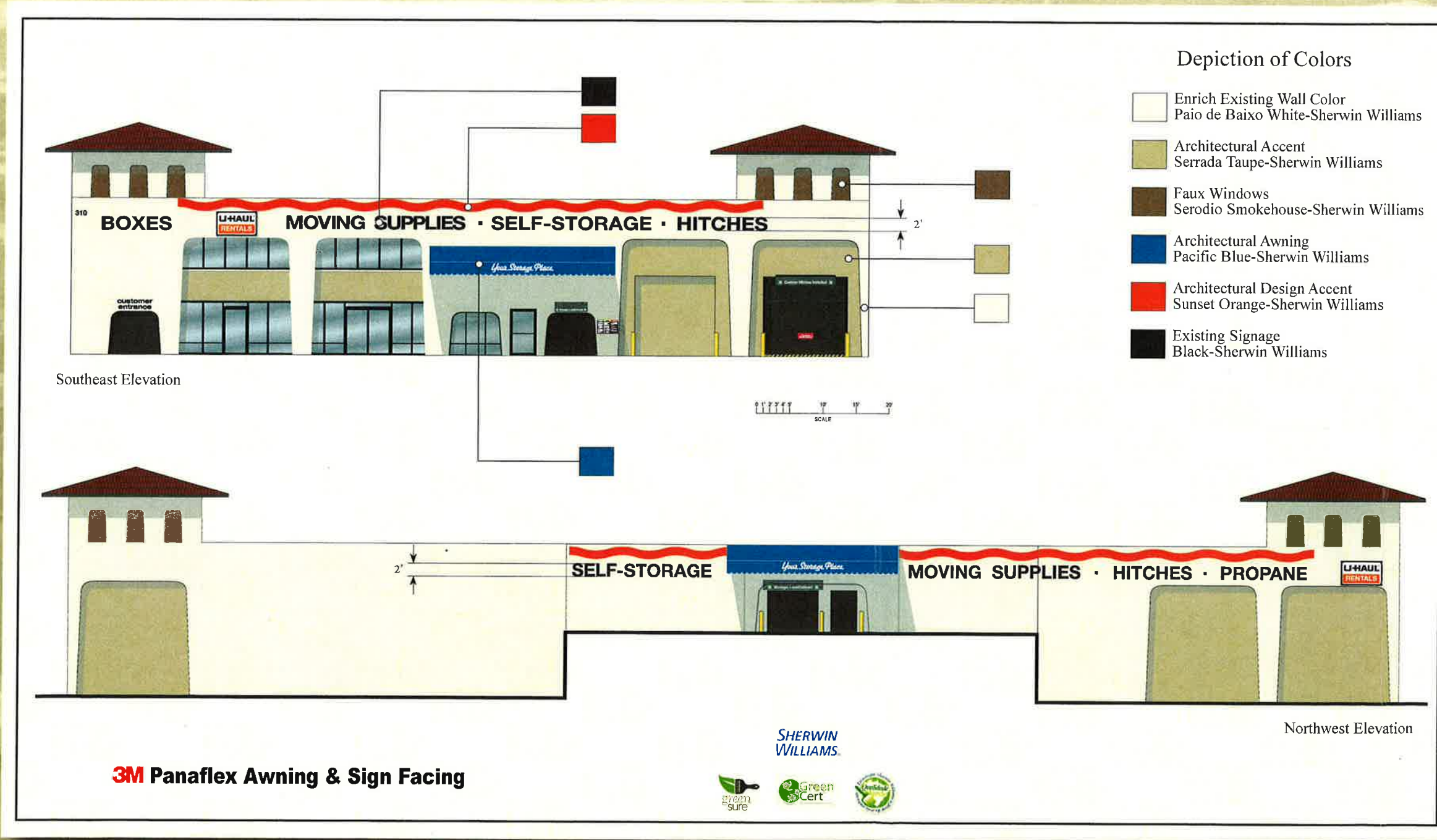
San Clemente

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Illustration Representation



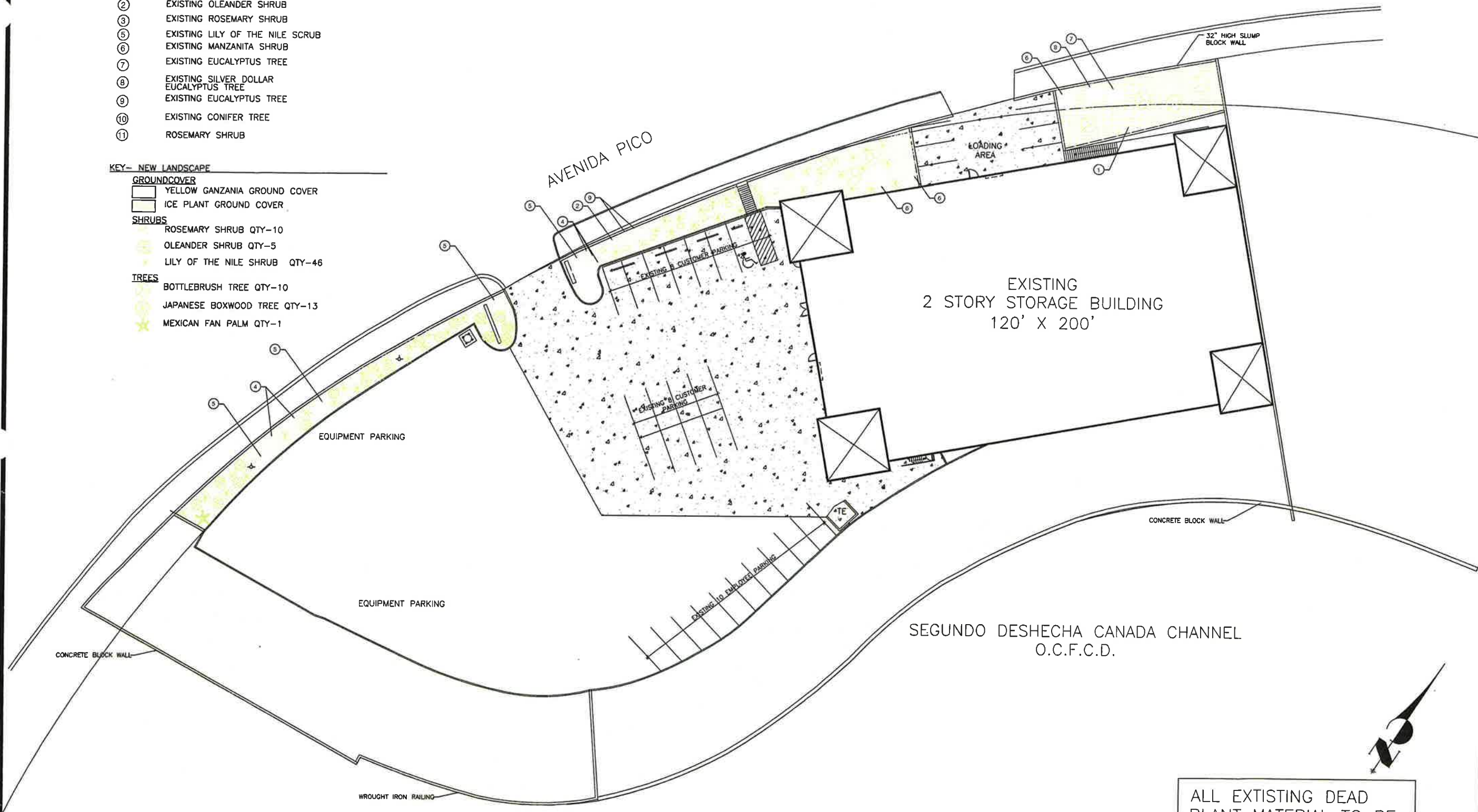
am Michael Shardy
Architectural Designer
ADVERTISING & MARKETING ASSOCIATES, INC.
2727 N. CENTRAL AVENUE • PHOENIX, ARIZONA 85004 • (602) 760-4963



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- KEY- EXISTING LANDSCAPE TO REMAIN**
- EXISTING LANDSCAPE
 - EXISTING CONCRETE PAVING
 - ① EXISTING ICE PLANT GROUND COVER
 - ② EXISTING OLEANDER SHRUB
 - ③ EXISTING ROSEMARY SHRUB
 - ⑤ EXISTING LILY OF THE NILE SCRUB
 - ⑥ EXISTING MANZANITA SHRUB
 - ⑦ EXISTING EUCALYPTUS TREE
 - ⑧ EXISTING SILVER DOLLAR EUCALYPTUS TREE
 - ⑨ EXISTING EUCALYPTUS TREE
 - ⑩ EXISTING CONIFER TREE
 - ⑪ ROSEMARY SHRUB

- KEY- NEW LANDSCAPE**
- GROUND COVER**
- YELLOW GANZANIA GROUND COVER
 - ICE PLANT GROUND COVER
- SHRUBS**
- ROSEMARY SHRUB QTY-10
 - OLEANDER SHRUB QTY-5
 - LILY OF THE NILE SHRUB QTY-46
- TREES**
- BOTTLEBRUSH TREE QTY-10
 - JAPANESE BOXWOOD TREE QTY-13
 - MEXICAN FAN PALM QTY-1



EXISTING
2 STORY STORAGE BUILDING
120' X 200'

SEGUNDO DESHECHA CANADA CHANNEL
O.C.F.C.D.

ALL EXISTING DEAD
PLANT MATERIAL TO BE
REMOVED

EXISTING IRRIGATION TO
BE REPAIRED & IN
WORKING CONDITION.

GENERAL NOTES:

REVISIONS:

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		

PROFESSIONAL SEAL:

ARCHITECT LOGO:

AMERCO
REAL ESTATE COMPANY

CONSTRUCTION DEPARTMENT
2727 NORTH CENTRAL AVENUE
PHOENIX, ARIZONA 85004
P: (602) 263-8502
F: (602) 277-1028

SITE ADDRESS:
UHAUL MOVING & STG
310 AVE PICO,
SAN CLEMENTE, CA 92672

SHEET CONTENTS:
PRELIMINARY
LANDSCAPE PLAN

715025

DRAWN: HBR
CHECKED: JL
DATE: 10/08/11
LP1

715025 Landscape.DWG

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B
30



Agenda Item 7C
 Approvals: [Signature]
 City Manager [Signature]
 Dept. Head _____
 Attorney _____
 Finance _____

AGENDA REPORT
SAN CLEMENTE CITY COUNCIL MEETING
 Meeting Date: April 3, 2012

Department: Finance & Administrative Services
Prepared By: Kumi Elston, Central Services Officer

Subject: *AMBULANCE TRANSPORT FEES*

Summary: Since 1994, ambulance transport services have been provided by the County of Orange/Orange County Fire Authority as a part of the fire services agreement. Basic life support (BLS) and advanced life support (ALS) transport services are provided by contract at a cost of \$455,000 for FY 2012. The City's ambulance billing service, Wittman Enterprises, invoices for ambulance transport services. Ambulance transport revenue for FY 2012 is projected at \$650,000.

The fee schedule, which is based on the actual cost to provide transport services, is developed by the Orange County Health Care Agency (HCA). Fees were last updated in 2008 after a review of the rate structure during the Long Term Financial Plan process. City Council adopted the HCA fee schedule for non-resident transports and provided a \$200 discount for resident transports. The fees adopted in 2008 are provided below:

2008 Fee Schedule	Basic Life Support (BLS)	Advanced Life Support (ALS)
Resident	\$471.75	\$827.50
Non-Resident	\$671.75	\$1,027.50

The Health Care Agency obtained Board of Supervisor approval, in December 2011, to increase the BLS and ALS transport rates for all private ambulance providers in Orange County. The Board also approved future increases to the rates, based on the Los Angeles-Riverside-Orange County "All Items" consumer price index (CPI), calculated from the last increase. The BLS rate increases by \$26.47 and ALS rate increases by \$40.49. The cost of actual supplies used during transport and mileage at \$16.11 per mile would also be charged.

Staff recommends that City Council adopt the HCA fee schedule approved by the Board of Supervisors in December 2011 and continue to provide a discount for residents. The proposed fee schedule for ambulance transports, with a \$200 discount for San Clemente residents, is provided below:

Proposed Fee Schedule	Basic Life Support (BLS)	Advanced Life Support (ALS)
Resident	\$498.22	\$867.99
Non-Resident	\$698.22	\$1,067.99

The cost of the non-resident fee is equal to or less than the cost of providing the service.

Staff also recommends automatic annual increases or decreases to the transport rates, based on CPI, effective July 1st of each year.

Recommended

Action: STAFF RECOMMENDS THAT the City Council:

1. Adopt a resolution of the City Council of the City of San Clemente, California, revising the ambulance transport fees and repealing Resolution No. 08-82, Exhibit "A" as it relates to ambulance transport fees.

Fiscal Impact: Estimated increase of \$15,000 in revenue to the General Fund.

Attachments: Resolution No.

Notification: Wittman Enterprises
Attention: Corinee Wittman-Wong
P.O. Box 269110
Sacramento, CA 95826-9110

M.C.J.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REVISING AMBULANCE TRANSPORT FEES, AND REPEALING RESOLUTION NO. 08-82, EXHIBIT "A" AS IT RELATES TO AMBULANCE TRANSPORT FEES

WHEREAS, the City Council desires to increase the City's ambulance transport and ambulance subscription fees authorized by Charter 8 of the Municipal Code; and

WHEREAS, transport fees are established by the Orange County Health Agency and are related to the cost of providing the corresponding services; and

WHEREAS, the Orange County Health Agency has received approval from the Board of Supervisors to increase basic life support, advanced life support and transportation reimbursement rates effective December 15, 2011; and

WHEREAS, the Board of Supervisors has approved annual adjustments to the basic life support, advanced life support and transportation reimbursement rates based on the Los Angeles-Riverside-Orange County "All Items" consumer price index;

NOW, THEREFORE, The City Council of the City of San Clemente does hereby resolve as follows:

Section 1. The fee schedule as set forth in Exhibit "A" attached hereto and incorporated herein by this reference represents or is less than the estimated cost of providing the service for which the fee or service charge is levied and are hereby approved and established.

Section 2. Resolution 08-82 and any other resolutions in conflict herewith are hereby repealed and of no further force or effect.

Section 3. The ambulance transport fees set forth in Exhibit "A" shall be adjusted on July 1 of each year after the date this resolution is adopted, by the same percentage increase or decrease in the Consumer Price Index ("CPI") as reflected in the "Consumer Price Index-Los Angeles-Riverside-Orange County "All Items" consumer price index, 1982-84 = One Hundred" as published by the United States Department of Labor, Bureau of Labor Statistics. The change in CPI shall be determined by comparing the "Base Period Index" with the "Index" for the same month in the subsequent year. For the purpose of this annual adjustment, the "Base Period Index" shall be the CPI for the calendar month April. A \$200.00 per transport discount will be applied to San Clemente residents on BLS and ALS transport fees

70.3

Section 4. The fee for reimbursement of mileage will be applied to all resident and non-resident transports. Mileage will be charged per patient mile or fraction thereof. The mileage fee set forth in Exhibit "A" shall be adjusted on July 1 of each year after the date this resolution is adopted, by by the same percentage increase or decrease in the Consumer Price Index ("CPI") as reflected in the "Consumer Price Index-Los Angeles-Riverside-Orange County "All Items" consumer price index, 1982-84 = One Hundred" as published by the United States Department of Labor, Bureau of Labor Statistics. The change in CPI shall be determined by comparing the "Base Period Index" with the "Index" for the same month in the subsequent year. For the purpose of this annual adjustment, the "Base Period Index" shall be the CPI for the calendar month April.

Section 5. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

7C-4

PASSED AND ADOPTED this _____ day of _____, _____.

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of
San Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) §
CITY OF SAN CLEMENTE)

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. _____ was adopted at a regular meeting of the City Council of the City of San Clemente held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this _____ day of _____, _____.

CITY CLERK of the City of
San Clemente, California

Approved as to form:

City Attorney

7-C-5

EXHIBIT "A"
PARAMEDIC/AMBULANCE FEES

Pursuant to the provisions of the indicated Sections of Chapter 20, of the Code of the City of San Clemente, the following fee schedules covering ambulance transport services provided by the Orange County Fire Authority, under contract with the City of San Clemente, are hereby approved and established as shown below:

Section 20-12(e) Paramedic/Ambulance Fees:

- (1) Paramedic Level of Service:
 - Resident of San Clemente..... \$867.99
 - Non-Resident \$1,067.99
- (2) EMT/Ambulance Level of Services:
 - Resident of San Clemente..... \$498.22
 - Non-Resident \$698.22

Mileage Fees:

- (1) Mileage (Per Patient mile or fraction thereof):
 - Resident of San Clemente..... \$16.11
 - Non-Resident \$16.11

7C-6



AGENDA REPORT
SAN CLEMENTE CITY COUNCIL MEETING
 Meeting Date: April 3, 2012

Agenda Item 9A
 Approvals: [Signature]
 City Manager [Signature]
 Dept. Head [Signature]
 Attorney _____
 Finance _____

Department: Finance & Administrative Services
Prepared By: Kumi Elston, Central Services Officer *KE*

Subject: ***MODIFICATION TO THE BUSINESS LICENSE TAX SCHEDULE FOR FORTUNE TELLING AND TATTOO ESTABLISHMENTS***

Summary: Section 5.08.040 specifically names businesses and occupations that pay the annual business license tax on a flat rate basis. During the Long Term Financial Plan meeting, City Council gave staff direction to change fortune telling and tattoo establishments from a flat rate of \$20 per day to the same tax schedule as other service related businesses. If the flat rate is not removed from the ordinance, these establishments could potentially pay a business license tax of \$7,300 if the establishment operated 365 days per year.

The attached ordinance removes "fortune telling, palmistry, clairvoyance, personality reading and kindred practice (per day) \$20.00" and "tattooing (per day) \$20.00" from Section 5.08.040 of the San Clemente Municipal Code.

Striking the flat rate tax for these establishments does not require voter approval under the provisions of Proposition 218. Voter approval only applies if a tax is added, extended or increased. The amount of business license taxes for fortune telling and tattoo establishments would be lower on the tax schedule for service related businesses.

Recommended Action: STAFF RECOMMENDS THAT the City Council introduce an ordinance of the City Council of the City of San Clemente, California, amending Chapter 5.08 relating to business licenses and regulations.

Fiscal Impact: None.

Attachments: Ordinance No. _____

Notification:

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 5.08 RELATING TO BUSINESS LICENSES AND REGULATIONS

WHEREAS, the California Legislature is empowered by the California Constitution to authorize local governments to impose taxes for local purposes; and

WHEREAS, Government Code section 37101 specifically empowers cities to license, for revenue and regulation, every kind of lawful business transacted in the city; and

WHEREAS, the City Council of the City of San Clemente ("City Council") previously added Chapter 5.08 to the City of San Clemente Municipal Code ("Municipal Code") to permit the City to license lawful business transacted in the City; and

WHEREAS, the City Council desires to amend and revise existing portions of Chapter 5.08 of the Municipal Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Section 5.08.040(a) is hereby amended to delete the named businesses "fortune telling, palmistry, clairvoyance, personality reading and kindred practice" and "tattooing" from the list of named businesses in the flat rate tax schedule.

SECTION 2. If any portion of this ordinance, or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this ordinance to the extent it can be given effect, of the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this ordinance are severable.

SECTION 3. This ordinance is exempt from compliance with the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

SECTION 4. The City Clerk shall certify that the passage of this ordinance and this ordinance shall take effect as provided by law.

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APPROVED AND ADOPTED this ____ day of _____, _____.

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of San
Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF SAN CLEMENTE)

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, hereby certify that Ordinance No. _____ having been regularly introduced at the meeting of _____, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the ____ day of _____, _____, and said ordinance was adopted by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this ____ day of _____, _____.

CITY CLERK of the City of
San Clemente, California

APPROVED AS TO FORM:

CITY ATTORNEY

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AGENDA REPORT
SAN CLEMENTE CITY COUNCIL MEETING
 Meeting Date: April 3, 2012

Agenda Item 9B
 Approvals: _____
 City Manager JH
 Dept. Head _____
 Attorney _____
 Finance _____

Department: City Clerk
Prepared By: Joanne Baade, City Clerk/Executive Analyst JMB

Subject: *POSSIBILITY OF RESCHEDULING THE JUNE 5, 2012 REGULAR CITY COUNCIL MEETING TO ENABLE CITY FACILITIES TO BE USED FOR THE JUNE 5, 2012 PRESIDENTIAL PRIMARY ELECTION*

Summary: California's Presidential Primary Election will be held on June 5, 2012. The Orange County Registrar of Voters has requested use of the City Council Chambers on this date for usage as a polling site. Additionally, the Registrar's Office has requested to use the City Hall parking lot during the evening of June 5, 2012 as a collection site for ballots from South Orange County's precincts. The San Clemente City Hall has served as a ballot collection site for over 20 years. While San Clemente does not have any municipal issues on the June 5, 2012 ballot, the Registrar of Voters has historically partnered with the City for the conduct of its regular and special elections.

A Regular City Council meeting is currently scheduled to take place on June 5, 2012. The purpose of this agenda item is to request Council direction as to whether it wishes to reschedule its first meeting in June 2012 to accommodate the Registrar's use of the City's facilities for the Presidential Primary Election. If Council is amenable to the Registrar's request, the Council Chambers is available for a City Council meeting on the following dates:

- Thursday, June 7, 2012
- Monday, June 11, 2012
- Tuesday, June 12, 2012.

Recommended

Action: STAFF RECOMMENDS THAT the City Council take action as follows:

1. Determine whether to reschedule the June 5, 2012 City Council meeting to enable the Orange County Registrar of Voters to use the Council Chambers and City Hall parking lot for the Presidential Primary Election.
2. If Council determines to grant the Registrar's request, select a revised date for the conduct of the first Regular Council Meeting in June 2012.

Fiscal Impact: None.

Attachments: None.

Notification: None.