



CITY OF SAN CLEMENTE

REGULAR CITY COUNCIL

MEETING AGENDA

*REVISED MEETING AGENDA #2

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

September 16, 2014
5:00 P.M. – Closed Session
6:00 P.M. – Business Meeting

**This revised agenda replaces the agenda for the September 16, 2014 City Council meeting that was posted on September 9, 2014 and also replaces the revised agenda that was posted on September 11, 2014. The changes from the original agenda include the following: 1) Agenda Item 9-B (Metropolitan Water District OC-88 Meter Billing Refund) has been deleted from the agenda; 2) Special Presentation Item E has been expanded to include an award to be presented to Brenda Miller; and 3) a new Item 9-B (contract award for purchase of electricity) has been added.*

RULES FOR ADDRESSING COUNCIL

- Members of the public may address the City Council on matters within the jurisdiction of the City of San Clemente.
- If you wish to address Council, please complete one of the blue speaker cards located at the entrance to the Council Chambers and submit it to the City Clerk or Deputy City Clerk.
- Persons wishing to address Council concerning an **agendized** item will be invited to address Council during the time that Council is considering that particular agenda item. Persons wishing to address Council concerning a **non-agendized** issue will be invited to address Council during the "Oral Communications" portion of the meeting.
- When the Mayor calls your name, please step to the podium, state your name and your city of residence, and then give your presentation. Please limit your presentation to three minutes.

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

MISSION STATEMENT

The City of San Clemente, in partnership with the community we serve, will foster a tradition dedicated to:

Maintaining a safe, healthy atmosphere in which to live, work and play;

Guiding development to ensure responsible growth while preserving and enhancing our village character, unique environment and natural amenities;

Providing for the City's long-term stability through promotion of economic vitality and diversity...

Resulting in a balanced community committed to protecting what is valued today while meeting tomorrow's needs.

5:00 P.M. CLOSED SESSION

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

Property: 1030 Calle Negocio, San Clemente

Agency Negotiator: Erik Sund, Assistant City Manager

Negotiating Parties: City of San Clemente and Family Assistance Ministries (FAM)

Under Negotiation: Both Price and Terms of Payment

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

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

Agency Negotiator: Pall Gudgeirsson, City Manager

Negotiating Parties: City of San Clemente and Surf N' Turf Paradiso, LLC

Under Negotiation: Price and terms of payment

- C. Capistrano Shores, Inc. v. City of San Clemente:

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

Capistrano Shores Inc. v. City of San Clemente (OCSC No. 30-2014-00708545-CU-WM-CXC)

Closed Session items continued on next page

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

Capistrano Shores Inc. v. City of San Clemente (OCSC No. 30-2014-00709987-CU-EI-CXC)
3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, pursuant to Government Code Section 54956.9(a):

Capistrano Shores Inc. v. City of San Clemente (OCSC No. 30-2014-00726889)
- D. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION, pursuant to Government Code Section 54956.9(b):

One potential case.
- E. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, pursuant to Government Code Section 54956.9(a)

Daniel Walker, as Trustee for the 1997 Walker Family Trust v. City of San Clemente, Orange County Superior Court Case No. 30-2012-00591239-CU-WM-CJC

6:00 P.M. BUSINESS MEETING

CALL TO ORDER

INVOCATION – Chris Smith, Southcoast Church International

PLEDGE OF ALLEGIANCE

ROLL CALL

SPECIAL PRESENTATIONS

A. Presentation of Commendation – Fire Captain Paul Holaday

Presentation of a Commendation to Fire Captain Paul Holaday for rescuing and reviving a drowning victim while vacationing in Palm Desert.

B. Fire Prevention Week Proclamation

Presentation of a Proclamation to Chief Wells, Orange County Fire Authority (OCFA) Division Chief, proclaiming October 5, 2014 through October 11, 2014 as Fire Prevention Week.

C. Certificate of Recognition – American Association of University Women, San Clemente – Capistrano Beach Branch

Presentation of a Certificate of Recognition to Sheila Melen, Ruth Rosen, and Debbie Mecklenburg, representing American Association of University Women, San Clemente – Capistrano Beach Branch, on their 50-year anniversary.

D. Certificate of Recognition - Condor Squadron

Presentation of a Certificate of Recognition to Chris Rushing, on behalf of the Condor Squadron, in appreciation of the Condor Squadron's 4th of July flyover of Orange County Coastal Cities.

E. Award of Merit – American Planning Association

Presentation of an Award of Merit to Associate Planner Cliff Jones (on behalf of the City of San Clemente) from the California Chapter of the American Planning Association in the category of Transportation Planning for the Bicycle and Pedestrian Master Plan.

Presentation of an Award of Merit to Brenda Miller from the California Chapter of the American Planning Association in the Planning Advocate Category, for her continued transportation planning efforts, involvement in the preparation of the Centennial General Plan - Mobility and Complete Streets Element, and the Bicycle and Pedestrian Master Plan

F. Presentation of Commendation – City Manager Pall Gudgeirsson

Presentation of a Commendation to City Manager Gudgeirsson for 22 years of exemplary service to the citizens of San Clemente and congratulating him on his retirement from the City of San Clemente.

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**

None.

B. **Receive and file:**

- (1) [Planning Commission Regular Meeting minutes of September 3, 2014.](#)
- (2) [Planning Commission Regular Study Session minutes of September 3, 2014.](#)
- (3) [Zoning Administrator Regular Meeting minutes of September 3, 2014.](#)
- (4) [Golf Course Committee Regular Meeting minutes of July 3, 2014.](#)

C. **Warrant Register**

[Wire Transfer Nos. 1296 through 1297, and Warrant Nos. 518751 through 518918, paid on 8/29/14, in the amount of.....](#)\$2,794,612.44

[Approve Wire Transfers Nos. 1298 through 1303, paid on 9/5/14, and Warrant Nos. 518919 through 519023, paid on 9/5/14, in the amount of.....](#)\$3,801,055.09

TOTAL WARRANT REGISTER.....\$6,595,667.53

Payroll Register

Approve Warrant Nos. 332 and Automatic
Deposit Advises 18302 through 18627
for the period 8/18/14 through 8/31/14,
paid on 9/5/14, in the amount of.....\$ 432,609.34

TOTAL PAYROLL REGISTER.....\$ 432,609.34

- D. **Contract Award – Base of Pier Restroom Rehabilitation** Pages 6-D-1 through 6-D-21

Staff Recommendation

- 1. Approve, and authorize the Mayor to execute, Contract C14-38 by and between the City of San Clemente and Jasper Construction, providing for the rehabilitation of the Base of Pier Restroom, for an amount not to exceed \$317,950.
- 2. Approve a supplemental appropriation of \$7,500 from the General Fund Unassigned Fund Balance to Project Account 001-636-45300-000-12560.

- E. **Notice of Completion - FY 2013 Sidewalk Construction Program** Pages 6-E-1 through 6-E-6

Staff Recommendation

- 1. Authorize the transfer of an appropriation in the amount of \$10,000 for funding the curb extension at Esplanade and West Paseo de Cristobal from the Council Contingency Fund 001-203-44900 to the FY 2013 Sidewalk Construction Program Account 001-416-45300-000-13316.
- 2. Accept the FY 2013 Sidewalk Construction Program, Phase 2, Project No. 13316, from the contractor, NOBEST, INCORPORATED.
- 3. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the FY 2013 Sidewalk Construction Program, Phase 2, Project No. 13316. (Contract C13-58)
- 4. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Engineering Division that no liens have been levied against NOBEST, INCORPORATED.
- 5. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

- F. [Grant Submittal – Orange County Transportation Authority \(OCTA\) Measure M2 Regional Traffic Signal Synchronization Program \(Project P\)](#) Pages 6-F-1 through 6-F-6

Staff Recommendation

1. Authorize the submittal of Measure M2 (Project P) grant applications to OCTA for signal synchronization on the Camino Vera Cruz and Avenida La Pata corridors.
2. Adopt Resolution No. 14-39 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE SUBMITTAL OF “PROJECT P” IMPROVEMENT PROJECTS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMPETITIVE MEASURE M2 REGIONAL TRANSPORTATION SIGNAL SYNCHRONIZATION PROGRAM.

- G. [Contract Award – Street Rehabilitation for Avenida Vaquero](#) Pages 6-G-1 through 6-G-14

Staff Recommendation

1. Approve the plans and specifications for the Street Rehabilitation for Avenida Vaquero, Project Nos. 11302 and 13311.
2. Approve, and authorize the Mayor to execute, Contract C14-37, by and between the City of San Clemente and R. J. Noble Company, providing for the rehabilitation of Avenida Vaquero, in the amount of \$1,581,805.
3. Approve a supplemental appropriation of \$421,000 from the unassigned fund balance in the Gas Tax Fund to Account 012-861-45300-000-11302.

- H. [Records Destruction](#) Pages 6-H-1 through 6-H-8

Staff Recommendation

Adopt Resolution No 14-40 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA AUTHORIZING THE DESTRUCTION OF CERTAIN CITY RECORDS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

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. [Rate and Method of Apportionment of the Special Taxes for Marblehead Coastal Community Facilities District \(CFD\) No. 2006-1](#)
Page 7-A-1

Continued Public Hearing to consider altering the rate and method of apportionment of the Special Taxes for Marblehead Coastal Community Facilities District (CFD) No. 2006-1.

Staff Recommendation

Continue the Public Hearing to the Council meeting of November 18, 2014.

- B. [AT&T Telecommunications Facility at Costero Risco Water Tank - Conditional Use Permit 14-259](#) Pages 7-B-1 through 7-B-72

Public Hearing to consider allowing the construction of a telecommunications facility at 4159½ Costero Risco.

Staff Recommendation

Adopt Resolution No. 14-41 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 13-259, AT&T AT COSTERO RISCO WATER TANK, ALLOWING THE CONSTRUCTION OF A CELLULAR COMMUNICATIONS FACILITY ON A SITE LOCATED AT 4159½ COSTERO RISCO.

8. **Unfinished Business.**

- A. [City Policy No. 301-2-1 "City Owned Trees: Protection and Administration" - Possible Amendment to Allow Relocation or Replacement of Public Trees](#) Pages 8-A-1 through 8-A-55

Report from the Beaches, Parks, and Recreation Director concerning the possibility of amending City Policy No. 301-2-1 "City Owned Trees: Protection and Administration" to allow relocation or replacement of public trees.

Staff Recommendation

Direct staff to include the topic of private view preservation and public landscaping in parks, beaches, golf course, residential streets, and utility sites for consideration when crafting the Tree Ordinance as part of the General Plan Strategic Implementation measure, and direct Staff to develop a timeline and budget to begin work as part of the Strategic Implementation.

9. **New Business.**

- A. [Southern Extension to the San Clemente Beach Trail - Grant Applications and Funding Appropriation](#) Pages 9-A-1 through 9-A-4

Report from Community Development Director Holloway concerning the possibility of applying for grant funding and appropriating funds for the southern extension of the San Clemente Beach Trail.

Staff Recommendation

1. Direct staff to pursue grant funding for the southern Beach Trail extension Phase I and Phase II.
2. Apply for a Coastal Conservancy Grant in the amount of \$100,000 in October 2014.
3. Appropriate \$100,000 from the Safety and Quiet Zone Capital Improvement project (001-203-45300-000-10812) to a new Coastal Rail Trails project (001-203-45300) to cover the gap funds needed to complete the trail design and processing work.

B. [Contract Award - Purchase of Electricity](#) Pages 9-B-1 and 9-B-2

Report from the Assistant City Manager concerning the possibility of entering into a contract for the purchase of electricity.

Staff Recommendation

Approve, and authorize the City Manager to execute, Contract C12-46, by and between the City of San Clemente and Noble Americas, providing for the purchase of electricity, for a period of one or two years, for an amount not to exceed \$49.00 per Kilo-watt hour.

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**

12. **Resolutions/Ordinances.**

- A. [Ordinance No. 1587 \(Second Reading\) – Conflict of Interest Code Update](#) Pages 12-A-1 through 12-A-14

Staff Recommendation

Adopt Ordinance No. 1587 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 2.24 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO THE CITY'S CONFLICT OF INTEREST CODE.

13. **Adjournment.**

The next Regular Council Meeting will be held on September 16, 2014 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be considered at 5:00 p.m. The Regular Business Meeting will commence at 6:00 p.m.

CITY COUNCIL MEETING PROCEDURES

PRESENTATION OF WRITTEN MATERIALS TO COUNCIL

In order to ensure that Councilmembers have adequate time to consider written materials concerning agenda items, it is strongly recommended that such materials be submitted to the City Clerk by noon the date preceding the Council meeting.

MEETINGS RECORDED AND TELEVISED

City Council meetings are broadcast live and are replayed periodically on Cox Communications Local Access Channel 30 (or Channel 854 for high-definition televisions). Meetings are also recorded via audio CD and DVD and retained as a City record in accordance with the City's records retention schedule.

USE OF ELECTRONIC VISUAL AIDS BY PUBLIC AT MEETINGS

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

LENGTH OF MEETINGS

At 11:00 p.m., the City Council will determine which of the remaining agenda items can be considered and acted upon at this meeting and will continue all other agenda items to a future meeting.

AMERICANS WITH DISABILITIES ACT

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification or accommodation from the City Clerk at (949) 361-8200. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

COMMUNICATION DEVICES

To minimize meeting distractions and sound system interference, please be sure all personal communication devices are turned off or on silent mode.

MEETING SCHEDULE

Regular Council Meetings are held on the first and third Tuesdays of each month in the Council Chambers, located at 100 Avenida Presidio, San Clemente. Closed Session items are considered at 5:00 p.m. and the Business Meeting begins at 6:00 p.m. Additional meetings of the City Council may be called as needed.

AGENDAS, ADMINISTRATIVE REPORTS AND SUPPLEMENTAL WRITTEN MATERIALS

Agendas and Administrative Reports are available for review and/or copying at the City Clerk's Department as soon as agendas are posted (a minimum of 72 hours prior to the meeting). Agendas and Administrative Reports can also be viewed at the San Clemente Library, located at 242 Avenida Del Mar, or by accessing the City's website at www.san-clemente.org. An "Inspection Copy" of agenda materials is also located at the entrance to the Council Chambers during meetings for public review. All written material distributed to a majority of the Council after the original agenda packet was distributed is available for public inspection in the City Clerk's Department, located at 100 Avenida Presidio, San Clemente, during normal business hours.

The City Clerk's Department also offers an agenda packet subscription service free of charge. If you wish to receive email copies of City Council agendas, which include hyperlinks to staff reports and other back-up material, please send an email to cityclerk@san-clemente.org or call 949-361-8200.

This agenda is subject to amendment up to 72 hours prior to the meeting.