



CITY OF SAN CLEMENTE

REGULAR CITY COUNCIL

MEETING AGENDA

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

December 2, 2014
5:00 p.m. - Closed Session
6:00 p.m. - Business Meeting

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

RULES FOR ADDRESSING COUNCIL

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

MISSION STATEMENT

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

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

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

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

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

CLOSED SESSION (5:00 P.M.)

None.

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION – Holland Davis, Senior Pastor, Calvary Chapel San Clemente

PLEDGE OF ALLEGIANCE

ROLL CALL

A. **APPROVAL OF MINUTES**

(1) **City Council Minutes**

[Approve the minutes of the Regular City Council Meeting of November 18, 2014.](#)

B. **ELECTION RESULTS, ADMINISTRATION OF OATH OF ALLEGIANCE, AND ELECTION OF MAYOR AND MAYOR PRO TEMPORE**

- (1) **[Results of the General Municipal Election Held on November 4, 2014](#)** Pages B-1-1 through B-1-12

Staff Recommendation

Adopt Resolution No. 14-58 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD NOVEMBER 4, 2014, DECLARING THE RESULTS AND SUCH OTHER MATTERS AS PROVIDED BY LAW.

- (2) **Oath of Allegiance - Newly-Elected Councilmembers**

Administration of the Oath of Allegiance to Councilmembers-Elect Tim Brown, Lori Donchak, and Kathy Ward.

- (3) **Election of Mayor and Mayor Pro Tempore**

The City Clerk will conduct the election for Mayor. The newly elected Mayor will then assume the Mayor's seat and will conduct the election for Mayor Pro Tempore.

1. **Special Presentations.**

- A. **Holiday Serenade - San Clemente High School Madrigals**

Holiday serenade by the San Clemente High School Madrigals, under the direction of Jeremy Wiggins.

- B. **Certificate of Recognition – Leslie Wells**

Presentation of Certificate of Recognition to Leslie Wells for 10 years of valuable service on the City's Investment Advisory Committee.

- C. **Certificate of Recognition - Battalion Chief Terry Scott**

Presentation of Certificate of Recognition to Terry Scott, Orange County Fire Authority Battalion Chief, in recognition of 35 years of distinguished service to the people 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**

[This agenda item will be considered immediately following Roll Call so that the 2014 City Council can approve the minutes from the November 18, 2014 meeting.](#)

 - B. Receive and file:
 - (1) [Coastal Advisory Committee Regular Meeting minutes of October 9, 2014.](#)

 - (2) [Zoning Administrator Regular Meeting minutes of November 19, 2014.](#)

- (3) [Planning Commission Regular Study Session Minutes of November 19, 2014.](#)
- (4) [Planning Commission Regular Meeting minutes of November 19, 2014.](#)
- (5) [Beaches, Parks and Recreation Commission Regular Meeting minutes of November 11, 2014.](#)

C. Warrant Register

[Approve Wire Transfers Nos. 1326 through 1329, paid on 11/14/14, and Warrant Nos. 520464 through 520609, paid on 11/14/14, in the amount of.....](#)\$1,558,862.59

[Approve Warrant Nos. 520610 through 520748, paid on 11/21/14, in the amount of.....](#)\$ 472,690.29

TOTAL WARRANT REGISTER.....\$2,031,552.88

Payroll Register

Approve Warrant Nos. 341 through 343 and Automatic Deposit Advises 19934 through 20235 for the period 10/27/14 through 11/9/14, paid on 11/14/14, in the amount of.....\$ 442,655.80

TOTAL PAYROLL REGISTER.....\$ 442,655.80

D. [City Investment Policy – 202-1](#) Pages 6-D-1 through 6-D-37

Staff Recommendation

Adopt Investment Policy 202-1, effective December 2, 2014.

E. [On-Call Building Plan Review Services](#) Pages 6-E-1 through 6-E-88

Staff Recommendation

- 1. Approve, and authorize the Mayor to execute, Contract C08-34, by and between the City of San Clemente and Scott Fazekas & Associates, Inc., providing for on-call building plan check services.
- 2. Approve, and authorize the Mayor to execute, Contract C10-37, by and between the City of San Clemente and VCA Code Group, providing for on-call building plan check services.

- F. [Contract Amendment – 3rd Floor Office Lease at 910 Calle Negocio](#)
Pages 6-F-1 through 6-F-6

Staff Recommendation

1. Approve, and authorize the Mayor to execute, the First Amendment to Contract C10-03, the Standard Industrial/Commercial Single-Tenant Lease – Gross Agreement, by and between the City of San Clemente and American Justice Solutions (dba Corrective Solutions), providing for the lease of 12,000 square feet on the 3rd floor of 910 Calle Negocio. (Contract C10-03)
2. Approve a supplemental appropriation of \$39,300 to Account 006-803-43605 (Broker Commissions) for the payment of the broker commission from the Negocio Debt Service Fund balance.

- G. [Contract Award - Recycled Water Meter Services](#) Pages 6-G-1 through 6-G-4

Staff Recommendation

1. Approve the plans and specifications for the City of San Clemente Recycled Water Meter Services, Project No. 18201.
2. Approve, and authorize the Mayor to execute, Contract C14-51, by and between the City of San Clemente and GRFCO, Inc., providing for Recycled Water Meter Services, in the amount of \$63,000.

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. [Historic Property Preservation Agreement 14-378, Carrillo Residence - 704 Calle Puente](#) Pages 7-A-1 through 7-A-27

Public Hearing to consider approving Historic Property Preservation Agreement 14-378, for the historic residence located at 704 Calle Puente.

Staff Recommendation

Adopt Resolution No. 14-59 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 14-378 FOR THE PROPERTY LOCATED AT 704 CALLE PUENTE.

B. [Sidewalk Repair Program – Assessment of Costs to Property Owners for Defective Sidewalk Repairs](#) Pages 7-B-1 through 7-B-8

Continued Public Hearing to consider authorizing the Finance Division to invoice property owners for their share of the cost to repair defective sidewalks under the Fiscal Years 2013 and 2014 Sidewalk Repair Program.

Staff Recommendation

Adopt Resolution No. 14-55 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE PROPERTY OWNER SHARE OF COSTS FOR REPAIRS PERFORMED IN THE FISCAL YEARS 2013 & 2014 SIDEWALK REPAIR PROGRAM, PROJECT NO. 19317 AND AUTHORIZING THE FINANCE DIVISION TO INVOICE THOSE COSTS.

C. [2013-2014 Annual Action Plan: Ole Hanson Beach Club Americans With Disabilities Act \(ADA\) Improvements](#) Page 7-C-1

Public Hearing to consider a substantial amendment to the Fiscal Year 2014 Annual Action Plan (Ole Hanson Beach Club Americans with Disabilities Act Improvements).

Staff Recommendation

Continue the Public Hearing to the City Council meeting of December 16, 2014.

8. **Unfinished Business.**

None.

9. **New Business.**

- A. [Consideration of Name Change for Previously Designated Sunset Park on the Marblehead Coastal Development](#) Pages 9-A-1 through 9-A-26

Report from the Beaches, Parks, and Recreation Director concerning the possibility of changing the name of the previously designated Sunset Park in the Marblehead Coastal Development.

Beaches, Parks and Recreation Commission Recommendation

Select a name for "Lot G" in the Marblehead Coastal Development, that was previously designated "Sunset Park", from the following options: 1) Ocean View Park, 2) Playa Vista Park, or 3) Mar Vista Park.

- B. [Aquatics Partnership Policy](#) Pages 9-B-1 through 9-B-6

Report from the Beaches, Parks and Recreation Director concerning the possibility of adopting a new Aquatics Partnership Policy and Purpose.

Beaches, Parks and Recreation Commission Recommendation

Adopt the Aquatics Partnership Policy and Purpose as contained in the Administrative Report, dated December 2, 2014, which is on file in the City Clerk Department.

- C. [Contract Award – Ole Hanson Beach Club](#) Pages 9-C-1 through 9-C-5

Report from the Beaches, Parks and Recreation Director concerning a Contract Award for the Ole Hanson Beach Club Rehabilitation, Project No. 12559.

Staff Recommendation

1. Approve the plans and specifications for the Ole Hanson Beach Club Rehabilitation, Project No. 12559.
2. Approve, and authorize the Mayor to execute, Contract C14-52, by and between the City of San Clemente and Newman Midland Corporation, providing for the rehabilitation of the Ole Hanson Beach Club, in the amount of \$3,162,400.
3. Approve, and authorize the Mayor to execute, Contract C14-53, by and between the City of San Clemente and Dudek, providing for construction management of the Ole Hanson Beach Club Rehabilitation project, in the amount of \$142,500.

Recommendation continued on following page

4. Approve a supplemental appropriation in the amount of \$375,000 from the North Beach Improvement Reserve in the Developer Improvement Fund to Account 001-621-45300-000-12559.
 5. Approve a supplemental appropriation in the amount of \$864,000 from the General Fund's Unassigned Fund Balance to Account 001-621-45300-000-12559.
10. **Oral Communications (Part 2).** Members of the audience who wish to address Council on matters that are within the jurisdiction of the City of San Clemente, but not separately listed on the agenda, may do so during the Oral Communications portion of the meeting. When the Mayor calls your name, please step to the podium, state your name and the City in which you reside, and make a presentation not to exceed three minutes. Subject to very limited exceptions, Council is not permitted to discuss or take action on items that do not appear on the agenda.
11. **Reports.**
- A. **Commissions and Committees**
- (1) [2015 Update to Council Appointees to Regional Committees, Commissions and Boards](#) Pages 11-A-(1)-1 through 11-A-(1)-6
- Report from the City Clerk concerning the possibility of updating the Council Appointees to Regional Committees, Commissions and Boards for 2015.
- Staff Recommendation
1. Update Councilmember appointments to various regional Committees, Commissions and Boards.
 2. Determine the Councilmembers who will serve as the City's Representative and Alternate to the Orange County Fire Authority (OCFA) Board of Directors. After the OCFA appointees are determined, Staff recommends that Council adopt Resolution No. 14-60 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DESIGNATING AND APPOINTING ITS REPRESENTATIVE AND ALTERNATE TO THE ORANGE COUNTY FIRE AUTHORITY'S BOARD OF DIRECTORS, with the direction that the names of the City's Director and Alternate be inserted.

- (2) [Vacancies on the Planning Commission and Investment Advisory Committee](#) Pages 11A(2)-1 through 11A(2)-3

Report from the City Clerk concerning the possibility of filling vacancies on the Planning Commission and Investment Advisory Committee.

Staff Recommendation

Determine whether to fill the Planning Commission vacancy and/or Investment Advisory Committee vacancy at this time, or whether to defer filling the vacancies until the annual Commission/Committee selection process in June 2015. If Council desires to fill the positions at this time, Staff recommends that Council authorize the City Clerk to advertise to fill the vacancies, and that Council schedule a meeting date in January 2015 to interview candidates and make appointments.

B. **City Manager**

C. **City Attorney**

D. **Council Members**

- (1) [Resolution Opposing the Potential Closure of the Saddleback Memorial Care San Clemente Campus](#) Pages 11D(1)-1 through 11D(1)-3

Staff Recommendation

Consider adopting, modifying or rejecting Resolution No. 14-61 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, OPPOSING THE POTENTIAL CLOSURE OF THE SADDLEBACK MEMORIAL CARE SAN CLEMENTE CAMPUS.

- (2) [Resolution Opposing the I-405 Toll Lanes \(Councilmember Baker\)](#) Pages 11D(2)-1 through 11D(2)3

Staff Recommendation

Consider adopting, modifying or rejecting Resolution No. 14-62 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, OPPOSING THE IMPLEMENTATION OF TOLL LANES ON I-405 AND ALL OTHER ORANGE COUNTY FREEWAYS WITHOUT A VOTE OF THE ENTIRE ORANGE COUNTY ELECTORATE.

12. **Resolutions/Ordinances.**

- A. [Second Reading - Ordinance No. 1588 \(Community Facilities District 2006-1\)](#) Pages 12-A-1 through 12-A-19

Staff Recommendation

Adopt Ordinance No. 1588 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2006-1 OF THE CITY OF SAN CLEMENTE LEVYING SPECIAL TAXES PURSUANT TO THE AMENDED AND RESTATED RATE AND METHOD OF APPORTIONMENT.

- B. [Second Reading - Ordinance No. 1589 \(Approval of Designs\)](#) Pages 12-B-1 through 12-B-3

Staff Recommendation

Adopt Ordinance No. 1589 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING A NEW SECTION 2.20.040 OF THE MUNICIPAL CODE OF THE CITY OF SAN CLEMENTE RELATING TO APPROVAL OF DESIGNS.

- C. [Second Reading - Ordinance No. 1590 \(Regional Circulation, Financing and Phasing Program \(RCFPP\)\)](#) Pages 12-C-1 through 12-C-4

Staff Recommendation

Adopt Ordinance No. 1590 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING THE REGIONAL CIRCULATION, FINANCING AND PHASING PROGRAM (RCFPP).

13. **Adjournment.**

The next Regular Council Meeting will be held on Tuesday, December 16, 2014 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.

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.