



CITY OF SAN CLEMENTE

ADJOURNED REGULAR CITY COUNCIL MEETING AGENDA

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

May 7, 2013
5:00 p.m. - Closed Session
5:30 p.m. - FY 2014 Budget
Presentation
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.)

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

Property: 1731 N. El Camino Real, San Clemente. Parcel Number 057-191-60

Agency Negotiator: James S. Holloway, Community Development Director

Negotiating Parties: City of San Clemente and Mr. Kollias and Dr. Nasre

Under Negotiation: 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 Scott Melcher

Under Negotiation: Price and Terms of Payment

PRESENTATION OF PROPOSED FY 2014 PROPOSED CITY BUDGET (5:30 P.M.)

Presentation by City Manager Gudgeirsson of the proposed 2014 FY 2014 City budget.

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION - Jim Davis, Senior Chaplain - Orange County Sheriff Department

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations.

A. Certificate of Recognition - Mary Mulligan-Crapo

Presentation of a Certificate of Recognition to Mary Mulligan-Crapo in acknowledgment of her induction into the South California Interscholastic Basketball Coaches Association Hall of Fame.

B. Orange County Vector Control District Report

Report from Jared Dever, Director of Communications for the Orange County Vector Control District, concerning vector control services, public health risks from vector-borne disease, and services available to the public.

C. National Water Safety Month Proclamation

Presentation of a proclamation to Aquatics Recreation Coordinator Gant and Recreation Supervisor Lacayo declaring the month of May as National Water Safety Month.

D. Building Safety Month Proclamation

Presentation of a proclamation to Building Official Jorgensen declaring the month of May 2013 as Building Safety Month.

E. **National Bike Month Proclamation**

Presentation of a proclamation to Brenda Miller designating the month of May 2013 as National Bike Month.

F. **Water Awareness Month Proclamation**

Presentation of proclamation to Jim Leach, Director of External Affairs for Santa Margarita Water District, declaring the month of May 2013 as Water Awareness Month.

G. **Wildfire Awareness Week Proclamation**

Presentation of proclamation to Chief Wells, of the Orange County Fire Authority, declaring May 1-7, 2013 as Wildfire Awareness Week.

2. **Oral Communications (Part 1).** Members of the audience who wish to address Council on matters that are within the jurisdiction of the City of San Clemente, but not separately listed on the agenda, may do so during the Oral Communications portion of the meeting. A total time limitation of 30 minutes is allocated for Oral Communications Part 1, with each speaker being allotted 3 minutes in which to give his or her presentation. Speaker order is determined by the order in which speaker cards are provided to the City Clerk or Deputy City Clerk at the meeting. Speakers that cannot be accommodated during Oral Communications Part 1 will be invited to address Council during Oral Communications Part 2, which appears on this agenda as Item No. 10. When the Mayor calls your name, please step to the podium, state your name and the City in which you reside, and make your presentation. Subject to very limited exceptions, Council is not permitted to discuss or take action on items that do not appear on the agenda.
3. **Motion waiving reading in full of all Resolutions and Ordinances.**
4. **Consideration of agendizing items requiring immediate action.** Any items agendized will be considered under New Business, unless otherwise determined by a majority vote of the City Council.
5. **Closed Session Report - City Attorney.**

6. **Consent Calendar.** All items listed on the Consent Calendar are considered to be routine and will be enacted by one motion without discussion unless Council, Staff, or the public requests removal of an item for separate discussion and action.

A. **City Council Minutes**

Approve the minutes of the Regular Council Meeting of April 16, 2013.

B. Receive and file:

- (1) Zoning Administrator meeting minutes of April 17, 2013.
- (2) Planning Commission regular meeting minutes of April 17, 2013.
- (3) Planning Commission study session minutes of April 17, 2013.

C. **Warrant Register**

Approve Warrant Nos. 507310 through 507482 for the period 4-1-13 through 4-5-13 in the amount of.....\$1,768,111.89

Approve Handwrite No. 507670, Wire Transfer Nos. 1120 through 1123, and Warrant Nos. 507483 through 507669 for the period 4-8-13 through 4-12-13 in the amount of.....\$ 838,344.09

Approve Wire Transfer No. 1124 and Warrant Nos. 507671 through 507847 for the period 4-15-13 through 4-19-13.....\$2,333,371.62

TOTAL WARRANT REGISTER.....\$4,939,827.60

Payroll Register

Approve Replacement Check Nos. 196 through 198 and Warrant Nos. 199 through 203, and Automatic Deposit Advises 7078 through 7365 for the period 4-1-13 through 4-14-13 in the amount of.....\$ 406,268.31

TOTAL PAYROLL REGISTER.....\$ 406,268.31

D. **Designation of City Patriarch** Pages 6-D-1 through 6-D-5

Adopt Resolution No. 13-12 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DESIGNATING JACK LASHBROOK AS PATRIARCH OF THE CITY OF SAN CLEMENTE.

E. **Contract Award - Progressive Cavity Pump Replacement** Pages 6-E-1 through 6-E-11

Approve, and authorize the Mayor to execute, Contract C13-12 by and between the City of San Clemente and Pacific Advanced Civil Engineering, providing for replacement of the Progressive Cavity Pump, Project No. 23202, in the amount of \$70,193.

F. **Final Parcel Map 2010-116, La Paloma Condominiums - 240 La Paloma** Pages 6-F-1 through 6-F-3

1. Accept on behalf of the City of San Clemente the sidewalk easement and water rights as dedicated.
2. Approve Final Parcel Map 2010-116 as it conforms to the requirements set forth in the Subdivision Map Act and the previously approved Tentative Parcel Map.
3. Authorize the Public Works Director/City Engineer to execute the Final Parcel Map.
4. Authorize the City Clerk to execute and submit the Final Parcel Map to the County of Orange Recorder's Office for recordation.

G. **Caltrans Freeway Maintenance and Electrical Cost Sharing Agreements for Interstate 5 within the City of San Clemente** Pages 6-G-1 through 6-G-17

1. Approve, and authorize the Mayor to execute, the Freeway Maintenance Agreement for maintenance of selected portions of Interstate 5 facilities within the City of San Clemente. (C91-40)
2. Approve an update to the existing Electrical Facilities Cost Sharing Agreement, dated October 1, 1991, which replaces Exhibit A in its entirety to reflect changes to the freeway system.

H. **2013 Wall of Recognition Honoree** Pages 6-H-1 through 6-H-6

Approve the Wall of Recognition Committee's selection for the 2013 recipient to be honored on the Wall of Recognition.

I. **Lease Amendment - San Clemente Municipal Golf Course Clubhouse Restaurant** Pages 6-I-1 through 6-I-8

Approve Amendment No. 1 to Contract C12-50, a lease agreement by and between the City of San Clemente and Fallbrook F&B Operations, Inc., for the San Clemente Municipal Golf Course Clubhouse Restaurant.

J. **Reorganization of Recreation Division Staffing** Pages 6-J-1 through 6-J-2

Approve the elimination of one Customer Service Specialist position; approve the reclassification of the full-time Recreation Specialist position to Recreation Coordinator; and approve changing two half-time Recreation Specialists to two three-quarter Recreation Specialists.

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. **313 N. El Camino Real – Historic Property Preservation Agreement 12-407 - Dahabreh Residence** Pages 7-A-1 through 7-A-36

Public Hearing to consider a request to consider a Historic Property Preservation Agreement (Mills Act) for a historic property in the Mixed Use zoning district within central business and Architectural Overlays (MU3-CB-A) located at 313 North El Camino Real. The legal description is Lot 79 of Tract 789, Assessor's Parcel Number 057-133-13.

Cultural Heritage Subcommittee Recommendation

Adopt Resolution No. 13-13 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 12-407 FOR THE PROPERTY LOCATED AT 313 NORTH EL CAMINO REAL.

B. **234 Avenida Victoria – Historic Property Preservation Agreement 12-416 - Zimmerman Residence** Pages 7-B-1 through 7-B-26

Public Hearing to consider a request to consider a Historic Property Preservation Agreement (Mills Act) for a historic property within the Residential Medium (RM) zoning district located at 234 Avenida Victoria. The legal description is Lot 55, Block 18 of Tract 779, Assessor's Parcel Number 058-113-74.

Cultural Heritage Subcommittee Recommendation

Adopt Resolution No. 13-14 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 12-416 FOR THE PROPERTY LOCATED AT 234 AVENIDA VICTORIA.

C. **Weed Abatement Program 2013 - Order to Abate** Pages 7-C-1 through 7-C-7

Public Hearing to consider all objections or protests, if any, to the proposed abatement of weeds, rubbish, refuse and dirt upon streets, sidewalks, parkways and private property within the City of San Clemente.

Staff Recommendation

Adopt Resolution No. 13-15 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ORDERING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO ABATE THE NUISANCES BY HAVING WEEDS, RUBBISH, REFUSE AND DIRT REMOVED FROM VACANT AND UNOCCUPIED STRUCTURED PROPERTIES WITHIN THE CITY.

D. **2013-14 Annual Action Plan for Expenditures of Community Development Block Grant Funds (CDBG)** Pages 7-D-1 through 7-D-39

Public Hearing concerning the 2013-14 Annual Action Plan for Expenditures of Community Development Block Grant Funds (CDBG).

Staff Recommendation

1. Approve and adopt the 2013-14 Annual Action Plan for use of Community Development Block Grant (CDBG) funds.
2. Authorize the City Manager to execute the HUD contract.
3. Authorize the City Manager and Community Development Director to execute contracts within the established spending policy.
4. Adopt Resolution No. 13-16 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE 2013-14 COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL ACTION PLAN.

8. **Unfinished Business.**

A. **Miramar Theatre and Bowling Alley** Pages 8-A-1 through 8-A-3

Report from the Community Development Director concerning the possibility of negotiating with the owners of the Miramar property with regard to possible incentives for the restoration and reuse of the Miramar Theatre and Bowling Alley.

Staff Recommendation

Authorize Staff to begin negotiations with the property owners of the Miramar Theatre and bowling alley.

B. **Consideration of Pursuing a Single-Use Plastic Bag Ban** Pages 8-B-1 through 8-B-10

Report from the Public Works Director/City Engineer concerning the possibility of pursuing a ban on single-use plastic bags.

Staff Recommendation

Consider the Coastal Advisory Committee's request to pursue a local ban on single-use plastic bags. If Council determines to direct staff to pursue a local ban, then staff additionally recommends that Council approve and authorize a supplemental appropriation of \$15,000 from the Solid Waste undesignated fund balance to Account 058-518-43640-000-00000 (Other Legal Services).

C. **City-Owned El Camino Real Lot for Beach Parking Use** Pages 8-C-1 through 8-C-34

Report from the Community Development Director seeking Council direction concerning the design of the proposed El Camino Real beach parking lot in North Beach.

Staff Recommendation

Direct staff to issue a Request for Proposal (RFP) for professional services for the production of construction documents for the Option "A" design of the City-owned El Camino Real lot for beach parking use.

Other alternatives are:

- 1) Direct Staff to proceed with the design of Option B.
- 2) Direct Staff to include in the RFP a task to present more options and return to Council for further direction. This alternative will increase the time and expense of the project. To save time and expense, if this option is chosen, Council should give direction regarding what additional design or process is to be considered.

9. **New Business.**

None.

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 Mayor Baker, City Representative to the Orange County Fire Authority (OCFA), relative to OCFA Matters

(2) Report from Councilmember Donchak, City Representative to the California Joint Powers Insurance Authority (CJPIA), relative to CJPIA Matters

12. **Resolutions/Ordinances.**

A. **Ordinance No. 1566 (Second Reading) - Excreta (Animal Waste) Nuisance Prohibited** Pages 12-A-1 through 12-A-2

Staff Recommendation

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

13. Adjournment.

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

The next Regular Council Meeting will be held on May 21, 2013 in the Council Chambers. Closed Session items will be considered at 5:00 p.m. The business meeting will commence at 6:00 p.m.

CITY COUNCIL MEETING PROCEDURES

PRESENTATION OF WRITTEN MATERIALS TO COUNCIL

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

MEETINGS RECORDED AND TELEVISED

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

USE OF ELECTRONIC VISUAL AIDS BY PUBLIC AT MEETINGS

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

LENGTH OF MEETINGS

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

AMERICANS WITH DISABILITIES ACT

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

COMMUNICATION DEVICES

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

MEETING SCHEDULE

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

AGENDAS, ADMINISTRATIVE REPORTS AND SUPPLEMENTAL WRITTEN MATERIALS

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

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