



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

September 18, 2012
4:30 p.m. - Interview/Appointment of Talega HOA
Representative to the Friends of the Reserve Commission
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.

TALEGA HOMEOWNERS ASSOCIATION REPRESENTATIVE TO THE FRIENDS OF THE RESERVE COMMISSION INTERVIEWS AND APPOINTMENT (4:30 P.M.)

1. **Talega Homeowners Association Representative to the Friends of the Reserve Commission**

Staff Recommendation

Interview applicants and appoint an individual to serve as the Talega Homeowners Association representative to the Friends of the Reserve Commission.

CLOSED SESSION (5:00 P.M.) If there are no Closed Session items, the City Clerk will recess the meeting to 6:00 p.m.

A. CONFERENCE WITH 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

B. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

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

(Closed Session items continued on next page)

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

Property: Municipal Golf Course Restaurant, located at 150 East Avenida Magdalena, San Clemente

City Negotiator: George Scarborough, City Manager

Negotiating Parties: City of San Clemente and Z Golf Food & Beverage Service

Under Negotiation: Long Term Lease - Both Price and Terms of Payment.

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION - Craig Puckett, Church of Jesus Christ of Latter-day Saints, San Clemente Stake

PLEDGE OF ALLEGIANCE

ROLL CALL

1. **Special Presentations.**

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

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

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 minutes of the City Council Special and Regular Meeting of August 21, 2012.
 - B. Receive and file:
 - (1) Design Review Subcommittee Meeting minutes of August 15, 2012.
 - (2) Coastal Advisory Committee Regular Meeting minutes of August 9, 2012.
 - (3) Zoning Administrator Regular Meeting minutes of September 5, 2012.
 - (4) Planning Commission Adjourned Regular and Regular Meetings minutes of August 29, 2012 and September 5, 2012.
 - (5) Planning Commission Regular Study Session minutes of September 5, 2012.
 - (6) Human Affairs Committee Regular Meeting minutes of August 8, 2012.

C. **Warrant Register**

Approve Wire Transfer Nos. 1039 through 1040,
and Warrant Nos. 502608 through 502788,
for the period 08-20-12 through 08-24-12,
in the amount of \$ 2,629,063.63

Approve Wire Transfer Nos. 1041 through 1045,
and Warrant Nos. 502789 through 502941,
for the period 08-27-12 through 08-31-12,
in the amount of \$ 1,072,728.22

TOTAL WARRANT REGISTER..... \$ 3,701,791.85

Payroll Register

Approve Warrant Nos. 92 through 102, and
Automatic Deposit Advises 2640 through 2954,
for the period 08-20-12 through 09-02-12,
in the amount of \$ 463,491.00

TOTAL PAYROLL REGISTER..... \$ 463,491.00

D. **Waiver of Police and City Service Costs for Carnival Colossus 2012** - Pages 6-D-1 through 6-D-5

1. Direct that the City of San Clemente assume the financial cost of providing Sheriff support for the Carnival Colossus and Expo.
2. Approve a transfer of \$9,000 from Account 001-203-44900 (Council Contingency Reserve) to Account 001-218-43625 (Police Contract Services).

E. **Initiation of Amendments to Title 17.84 of the Code of the City of San Clemente Related to Directional Signs** - Pages 6-E-1 through 6-E-3

Initiate amendments to the San Clemente Municipal Code, for purposes of providing requirements for directional signs.

- F. **Code Amendment - Violations of Land Use Permits (To Allow Misdemeanor Citations, Rather Than Revocation of Permits as a Means of Gaining Compliance with Conditions of Approval)** - Page 6-F-1

Initiate amendments to the San Clemente Municipal Code Section 8.52.030 to include violations of land use permits as Nuisances.

- G. **Code Amendment - Removal of Business-Generated Litter and Cleaning of Public Ways** - Pages 6-G-1 through 6-G-41

Initiate an amendment to Chapter 8.40 of the San Clemente Municipal Code to require businesses/property owners to be responsible for removal of any accumulation of litter that may appear in the neighborhood from their operation.

- H. **Contract Award - Avenida Columbo Storm Drain Extension** - Pages 6-H-1 through 6-H-2

Approve, and authorize the Mayor to execute, Contract C12-38, by and between the City of San Clemente and UltraSystems, providing environmental and permitting services for the Avenida Columbo Storm Drain Extension, Project No. 18005, in the amount of \$53,271.

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. **2011-12 Consolidated Annual Performance Evaluation Report (CAPER) for Expenditure of Community Development Block Grant Funds** - Pages 7-A-1 through 7-A-26

Public Hearing to consider approving the Consolidated Annual Performance Evaluation Report for 2011-12, which summarizes last year's program accomplishments funded under the U.S. Department of Housing and Urban Development (HUD), Community Development Block Grant (CDBG) Program.

Staff Recommendation

Approve and adopt the 2011-12 Consolidated Annual Performance Evaluation Report (CAPER) for submittal to the U.S. Department of Housing and Urban Development.

B. **711 North El Camino Real (Conditional Use Permit 12-143) - Bikram Yoga San Clemente** - Pages 7-B-1 through 7-B-46

Public Hearing to consider an appeal by the City Council to consider a Conditional Use Permit for a group instruction yoga studio. The project site is within the Neighborhood Commercial zoning district (NC2) located at 711 North El Camino Real. The legal description is Lot 4, Block 4 of Tract 793, Assessor's Parcel Number 057-156-17.

Planning Commission Recommendation

Adopt Resolution No. 12-52 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 12-143, BIKRAM YOGA SAN CLEMENTE, A REQUEST TO ALLOW A GROUP INSTRUCTION YOGA STUDIO LOCATED AT 711 NORTH EL CAMINO REAL.

C. **2110 South El Camino Real (Sign Exception Permit 12-123) - Montgomery Motorcycle Signage** - Pages 7-C-1 through 7-C-27

Public Hearing to consider an appeal by the City Council to consider a Sign Exception Permit for a sign that exceeds the allowed square footage and width for a business within the Neighborhood Commercial (NC3) zoning district located at 2110 South El Camino Real. The legal description is Lots 3/4, Block 8 of Tract 852, Assessor's Parcel Number 690-444-02.

Planning Commission Recommendation

Adopt Resolution No. 12-53 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING SIGN EXCEPTION PERMIT 12-123, MONTGOMERY MOTORCYCLE SIGNAGE, A REQUEST TO ALLOW SIGNAGE THAT EXCEEDS THE ALLOWED SQUARE FOOTAGE AND WIDTH ALLOWED FOR A BUSINESS LOCATED AT 2110 SOUTH EL CAMINO REAL.

8. **Unfinished Business.**

None.

9. **New Business.**A. **Options for Replacement of City Christmas Tree** - Pages 9-A-1 through 9-A-5

Report from the Beaches, Parks and Recreation Director concerning options for replacing the City Christmas tree.

Staff Recommendation

Direct Staff as appropriate.

B. **Policy Decisions for Use of the Beach Parking Fund** - Pages 9-B-1 through 9-B-19

Report from the Community Development Director concerning policy decisions for use of the Beach Parking Fund.

Staff Recommendation

Direct Staff to:

1. North Beach: El Camino Real Lot - Add the El Camino Real (ECR) lot to the Capital Improvement Projects list. Design and construct a surface parking lot at the ECR site. Design should be sensitive to the "gateway" location of the lot.
2. North Beach: Gallery - Develop preliminary cost and design information for the design options contained in the Administrative Report, dated September 18, 2012, that is on file with the City Clerk. Report back to City Council for further direction. Negotiate with the lease holder of the Gallery site use rights (including lease or purchase) for the options discussed. Evaluate and determine to the extent possible use rights cost for the surf shop lot and MO2 Channel. Report this cost information to the City Council, and receive further direction.
3. Pier Bowl: Community Center/Shuttle - Develop a design and cost estimates for construction and operation of the Community Center/Shuttle project. Return to City Council for further direction.
4. Beach Parking Fund: Direct Staff to return any unused funds to property owners of record whose property paid into the Beach Parking Fund, when final designs and cost estimates have been determined.

C. **Transfer of Beach Parking Impact Reserve Project Expenditures to General Fund** - Page 9-C-1

Report from the Assistant City Manager/City Treasurer concerning the possibility of transferring Beach Parking Impact Reserve project expenditures to the General Fund.

Staff Recommendation

Approve the transfer of \$629,650 from the General Fund to the Beach Parking Reserve.

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) **Metrolink Holiday Toy Express** - Page 11-D(1)-1

(2) **Consideration of Rescheduling the First Council Meeting in January 2013 (Which is Scheduled to Fall on January 1, 2013)**

(3) **Consideration of Scheduling a Joint City Council/General Plan Advisory Committee Meeting (Tuesday, November 13, 2012 is Suggested).**

12. **Resolutions/Ordinances.**

- A. **Ordinance No. 1559 (Second Reading) - Conflict of Interest Code - Biennial Update** - Pages 12-A-1 through 12-A-14

Staff Recommendation

Adopt Ordinance No. 1559 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 Tuesday, October 2, 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.