



# 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](http://www.san-clemente.org)

October 16, 2012  
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.)** If there are no Closed Session items, the City Clerk will recess the meeting to 6:00 p.m.

- A. 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.

- B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, pursuant to Government Code Section 54957:

Title: City Manager

**BUSINESS MEETING (6:00 P.M.)**

**CALL TO ORDER**

**INVOCATION - Jim Davis, Senior Chaplain of the Orange County Sheriff Department**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**1. Special Presentations.**

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

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

**B. San Clemente General Plan - Status Report**

Report from Bill Hart, General Plan Advisory Committee representative, concerning the status of the San Clemente General Plan.

**C. Presentation of Proclamation - Family Assistance Ministries (FAM) Hunger Walk Day**

Presentation of a Proclamation to Mary Purdue, Family Assistance Ministries, declaring October 21, 2012 as FAM Hunger Walk Day.

**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 City Council Adjourned Regular Meeting of September 18, 2012.

B. Receive and file:

(1) Planning Commission Adjourned Regular Meeting minutes of September 25, 2012 and October 3, 2012.

(2) Zoning Administrator Regular Meeting minutes of October 3, 2012.

C. **Warrant Register**

Approve Handwrite No. 503224,  
Wire Transfer Nos. 1050 through 1051,  
and Warrant Nos. 503225 through 503385,  
for the period 09-24-12 through 09-28-12,  
in the amount of ..... \$ 2,850,417.53

Approve Wire Transfer Nos. 1052 through 1055,  
and Warrant Nos. 503386 through 503385,  
for the period 09-17-12 through 09-21-12,  
in the amount of ..... \$ 1,361,670.36

TOTAL WARRANT REGISTER..... \$ 4,212,087.89

**Payroll Register**

Approve Warrant Nos. 113 through 122, and  
Automatic Deposit Advises 3245 through 3526,  
for the period 09-17-12 through 09-30-12,  
in the amount of ..... \$ 429,159.96

TOTAL PAYROLL REGISTER..... \$ 429,159.96

D. **Street Art - Utility Box Art Program** - Pages 6-D-1 through 6-D-8

1. Approve the Utility Box Public Art Program, *Street Art* for another year in cooperation with the San Clemente Art Association.
2. Transfer \$5,500 from Council Contingency Reserve Account 001-203-44900-000-0000 to Account 001-441-45900-000-32802 to fund the Utility Box Public Art Program, *Street Art*.

E. **Contract Award - Bus Stop Improvements** - Pages 6-E-1 through 6-E-6

1. Approve the plans and specifications for the Bus Stop Improvements. Project No. 13317.
2. Approve, and authorize the Mayor to execute, Contract C12-41, by and between the City of San Clemente and Carvajal Trucking & Tractor, Inc., providing for improvements to bus stops, in the amount of \$30,861.
3. Approve a supplemental appropriation of \$44,500 from the General Fund undesignated fund balance to Account 001-416-45300-000-13317, Improvements Other than Buildings, for the Bus Stop Improvements, Project No. 13317.

F. **Contract Award - Avenida Granada Trash Enclosure** - Pages 6-F-1 through 6-F-4

1. Approve the plans and specifications for the Avenida Granada Trash Enclosure, Project No. 12346.
2. Approve, and authorize the Mayor to execute, Contract C12-42, by and between the City of San Clemente and Eltiste Company, providing for the Avenida Granada Trash Enclosure, in the amount of \$26,800.
3. Approve a supplemental appropriation of \$17,000 from the Solid Waste Fund balance to Account 058-518-45300-000-12346 for the Avenida Granada Trash Enclosure, Project No. 12346.

- G. **State Water Resources Control Board Finance Agreement for State Revolving Fund Loan for City's Recycled Water System Expansion Project** - Pages 6-G-1 through 6-G-54

Adopt Resolution No. 12-57 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE AGREEMENT DESIGNATING CITY MANAGER AS THE AUTHORIZED REPRESENTATIVE AND AUTHORIZING THE CITY MANAGER TO APPROVE THE AMENDMENT TO THE AGREEMENT AFTER THE STATE WATER RESOURCES CONTROL BOARD'S APPROVAL OF AWARD FOR THE CITY'S RECYCLED WATER SYSTEM EXPANSION.

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. **Mitigated Negative Declaration (MND) for the City of San Clemente Via Ballena Storm Drain Relocation** - Pages 7-A-1 through 7-A-23

Continued Public Hearing to consider a proposal to divert the street flow that was conveyed through the severed storm drain to a pipeline to be constructed within public streets, Via Ballena and Via Cascadita, to connect to the existing storm facility on Via Cascadita. The project will start at 249 Via Ballena and will include 1,032 linear feet of 42-inch diameter pipe and 1,430 linear feet of 24-inch diameter pipe to be constructed within the public street right-of-way.

**Staff Recommendation**

Adopt Resolution No. 12-58 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE MITIGATED NEGATIVE DECLARATION FOR THE VIA BALLENA STORM DRAIN RELOCATION, PROJECT NO. 13016.

8. **Unfinished Business.**

- A. **Code Amendment (Curb, Gutter and Sidewalk Construction and Repair and Maintenance of Public Property Abutting Private Property) - City Policy and Procedure No. 801-1 (Comprehensive Sidewalk Policy)** - Pages 8-A-1 through 8-A-15

Report from the Public Works Director concerning the possibility of establishing a City Policy for Comprehensive Sidewalks and amending the Code of the City of San Clemente related to curb, gutter, and sidewalk construction and maintenance and repair of public property abutting private property.

Staff Recommendation

1. Approve and adopt City Policy and Procedure No. 801-1 entitled "Comprehensive Sidewalk Policy", effective October 16, 2012.
2. Introduce Ordinance No. 1560 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TO AMEND MUNICIPAL CODE CHAPTERS 12.08 AND 12.24. This ordinance would modify the Code of the City of San Clemente related to curb, gutter, and sidewalk construction and maintenance and repair of public property abutting private property.

9. **New Business.**

- A. **Revised Design for Courtney's SandCastle and Request for Matching Funds** - Pages 9-A-1 through 9-A-4

Report from the Beaches, Parks and Recreation Director concerning the revised design for Courtney's SandCastle and a request from Courtney's SandCastle Foundation for matching funds.

Staff Recommendation

Approve the revised conceptual site plan for Courtney's SandCastle Phase 2, and determine whether additional funding should be allocated.

- B. **Lease Agreement for Operation of Municipal Golf Course Clubhouse Restaurant** - Pages 9-B-1 through 9-B-2

Report from the Assistant City Manager/Treasurer concerning the possibility of entering into a lease agreement for the operation of the Municipal Golf Course Clubhouse Restaurant.

Staff Recommendation

Approve, and authorize the Mayor to execute, the Lease Agreement by and between the City of San Clemente and Fallbrook F & B Operator, Inc., for the operation of the Golf Course Clubhouse Restaurant.

- 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**

- (1) **Consideration of Scheduling a Joint City Council/General Plan Advisory Committee (GPAC) Meeting for the Purpose of Recognizing GPAC Members (Tuesday, November 13, 2012 is Suggested)** - Page 11-B(1)-1

Recommended Action

Council discretion.

- C. **City Attorney**

- D. **Council Members**



12. **Resolutions/Ordinances.**

None.

13. **Adjournment.**

Adjourn to an Adjourned Regular Meeting to be held on October 23, 2012 at 6:00 p.m. in the San Clemente Municipal Golf Course restaurant, located at 150 Avenida Magdalena, San Clemente, California, for the purpose of meeting in Joint Session with the City Commissions and Committees.

A subsequent Adjourned Regular Council Meeting will be held on Thursday, November 8, 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.

*Note: The Regular Council Meeting of Tuesday, November 6, 2012 was previously rescheduled to Thursday, November 8, 2012 to enable the Council Chambers to be used as a polling site for the election.*

## **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](http://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](mailto:cityclerk@san-clemente.org) or call 949-361-8200.