



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

November 27, 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 LEGAL COUNSEL - ANTICIPATED LITIGATION

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

B. 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

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

Sadeghi v. City of San Clemente, et al. Orange County Superior Court Case No. 30-2011 00465408-CU-WM-CJC

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

Sadeghi v. City of San Clemente, Fourth District Court of Appeal Case No. G047139

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

**CALL TO ORDER**

**INVOCATION - Fr. Michael P. Hanifin, Our Lady of Fatima Catholic Church**

**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. Fiscal State of the City, Presentation of Quarterly Financial Reports, and Introduction of the 2013 Issue Papers and Objectives**

Presentation by Assistant City Manager/City Treasurer concerning the Fiscal State of the City, quarterly financial reports for the 4<sup>th</sup> Quarter of Fiscal Year 2012 and the 1st Quarter of Fiscal Year 2013, and introduction of the 2013 Issue Papers and Objectives.

**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 Regular Meeting of October 16, 2012 and the Joint City Council/Commissions/Committees Meeting of October 23, 2012.

B. Receive and file:

- (1) Design Review Subcommittee Meeting minutes of September 26, 2012, October 10, 2012, and October 24, 2012.
- (2) Planning Commission Adjourned Regular Meeting minutes of October 30, 2012 and November 7, 2012.
- (3) Zoning Administrator Regular Meeting minutes of November 7, 2012.
- (4) Beaches, Parks, and Recreation Commission Regular Meeting minutes of November 13, 2012.
- (5) Golf Course Committee Regular Meeting Minutes of November 1, 2012.

C. **Warrant Register**

Approve Wire Transfer No. 1061  
and Warrant Nos. 503885 through 504043,  
for the period 10-15-12 through 10-19-12,  
in the amount of ..... \$ 1,979,547.33

Approve Wire Transfer Nos. 1062 through 1065  
and Warrant Nos. 504044 through 504177,  
for the period 10-22-12 through 10-26-12,  
in the amount of ..... \$ 886,974.91

Approve Warrant Nos. 504178 through 504331,  
for the period 10-29-12 through 11-02-12,  
in the amount of .....\$ 1,400,026.37

Approve Wire Transfer Nos. 1066 through 1069  
and Warrant Nos. 504332 through 504522,  
for the period 11-05-12 through 11-09-12,  
in the amount of .....\$ 1,164,102.28

TOTAL WARRANT REGISTER..... \$ 5,430,650.89

**Payroll Register**

Approve Warrant Nos. 131 through 138, and  
Automatic Deposit Advises 3804 through 4088,  
for the period 10-15-12 through 10-28-12,  
in the amount of ..... \$ 419,832.19

Approve Warrant Nos. 139 through 145, and  
Automatic Deposit Advises 4089 through 4367,  
for the period 10-29-12 through 11-11-12,  
in the amount of ..... \$ 410,905.75

TOTAL PAYROLL REGISTER..... \$ 830,737.94

D. **Drainage and Maintenance Easement for the Downtown Fire Station and Senior Center** - Pages 6-D-1 through 6-D-8

Accept, and authorize the Mayor to execute, the Drainage and Maintenance Access Easement, by and between the City of San Clemente and Presidio Building, LLC, relating to drainage and maintenance associated with the Downtown Fire Station and Senior Center. (Deed 459)

E. **Notice of Completion - Water Reclamation Plant SCADA Fiber Optic Network** -  
Pages 6-E-1 through 6-E-4

1. Accept the Water Reclamation Plant SCADA Fiber Optic Network, Project No. 12605, from the contractor, Intelinet, Inc.
2. Authorize the Mayor to execute, and City Clerk to record, the Notice of Completion for the Water Reclamation Plant SCADA Fiber Optic Network, Project No. 12605. (Contract C12-11)
3. 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 Intelinet, Inc.
4. 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. **Notice of Completion - Traffic Signal Cabinets and Electrical Services Upgrades** -  
Pages 6-F-1 through 6-F-4

1. Accept the Traffic Signal Cabinets and Electrical Services Upgrades, Project No. 10811, from the contractor, JFL Electric, Inc.
2. Authorize the Mayor to execute, and City Clerk to record, the Notice of Completion for the Traffic Signal Cabinets and Electrical Services Upgrades, Project No. 10811. (Contract C11-52)
3. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

G. **Metrolink Holiday Train Event at North Beach** - Page 6-G-1

Authorize the transfer of an appropriation in the amount of \$1,000 for the Metrolink Holiday Train event at North Beach from Council Contingency Fund (Account 001-204-44900) to Recreation Meetings and Events (Account 001-624-44420).

H. **Notice of Completion - San Gabriel Force Main Rehabilitation** - Pages 6-H-1 through 6-H-5

1. Approve a supplemental appropriation in the amount of \$22,160 from the Sewer Fund Depreciation Reserve to Account 054-476-45300-000-13201 and authorize the City Engineer to approve a contract change order revising the total contract amount to \$477,157.
2. Accept the rehabilitation of the San Gabriel Force Main, Project No. 13201, from the contractor, GCI Construction.
3. Authorize the Mayor to execute, and City Clerk to record, the Notice of Completion for the rehabilitation of the San Gabriel Force Main, Project No. 13201. (Contract C12-33)
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 GCI Construction.
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.

I. **Relocation of La Cristianita Monument to Casa Romantica Site** - 6-I-1 through 6-I-4

1. Authorize a \$3,000 budget from the City Council Contingency Account to Community Development Administration Contractual Services Account 001-441-43890.
2. Approve the placement of the monument and plaque per the recommendation of the Casa Romantica Board and in conformance with the Zoning Administrator approval and per authorization by the State Office of Historic Preservation.

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.

None.

**8. Unfinished Business.**

- A. **Ole Hanson Beach Club Rehabilitation Concept Plans** - Pages 8-A-1 through 8-A-5

Report from the Beaches, Parks and Recreation Director concerning the rehabilitation concept plans for the Ole Hanson Beach Club.

**Staff Recommendation**

Approve the Preliminary Design Report and direct Architectural Group Resources, Inc. (ARG), to proceed with the final design and preparation of the construction documents based on Option 1, as summarized in the Administrative Report, dated November 27, 2012, that is on file with the City Clerk.

- B. **Audible Warning System Update and Budget Request** - Pages 8-B-1 through 8-B-27

1. Authorize a supplemental appropriation in the amount of \$86,500 to Quiet Zone Account 001-441-45900-37802 from the General Fund unassigned fund balance.
2. Approve, and authorize the Mayor to execute, the First Amendment to Contract C12-07, by and between the City of San Clemente and Goodin, MacBride, Squeri, Day and Lamprey, LLC, providing for professional services related to establishing a Safety/Quiet Zone. This amendment increases the contract cost from \$58,000 to \$134,500 (an increase of \$76,500).

**9. New Business.**

- A. **Request for Proposal for San Clemente Bus Circulator Study** - Pages 9-A-1 through 9-A-12

Report from the Public Works Director/City Engineer concerning the possibility of issuing a request for proposals for a comprehensive evaluation on the viability of a local bus circulator.

**Staff Recommendation**

Approve and authorize Staff to issue a Request for Proposals for a Transit Planning Consultant to provide a comprehensive evaluation and recommendations on the viability of a local bus circulator.



- B. **Supplemental Appropriation for the Bonito Canyon Tennis Court Rehabilitation** - Pages 9-B-1 through 9-B-4

Report from the Public Works Director/City Engineer and Beaches, Parks and Recreation Director concerning the rehabilitation of the Bonito Canyon Tennis Court.

Staff Recommendation

Direct Staff to proceed with Option 3, which will install post-tension tennis courts with new sports lighting, and request input from the Beaches, Parks and Recreation Commission during final design. A summary of the options are outlined in the Administrative Report, dated November 27, 2012, that is on file with the City Clerk.

- C. **Caltrans Request for Encroachment Permit Electrical Service for Changeable Message Sign on Northbound I-5 Near Avenida Dolores** - Pages 9-C-1 through 9-C-10

Report from the Public Works Director/City Engineer concerning a request from Caltrans for an encroachment permit for electrical service for a Changeable Message Sign on Northbound I-5 near Avenida Dolores.

Staff Recommendation

Provide direction to Staff as to whether to issue an encroachment permit to Caltrans, or its contractor, that will allow extension of electrical service to the Caltrans Changeable Message Sign on Northbound I-5 near Avenida Dolores.

- D. **Max Berg Plaza Park Playground Equipment Replacement and Option for Universally Accessible Playground Upgrades** - Pages 9-D-1 through 9-D-5

Report from the Beaches, Parks and Recreation Director concerning Max Berg Plaza Park playground equipment replacement and the possibility of upgrading to universally accessible playground equipment.

Staff Recommendation

Provide direction to Staff, as appropriate.

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 Lori Donchak, City Representative to the California Joint Powers Insurance Authority, concerning a summary of the CJPIA Conference

12. **Resolutions/Ordinances.**

A. Ordinance No. 1561 (Second Reading) - Zoning Amendment 12-285, Zoning Ordinance Clean Up - Pages 12-A-1 through 12-A-24

Adopt Ordinance No. 1561 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING TITLE 17 OF THE CITY OF SAN CLEMENTE MUNICIPAL CODE TO CLEAN UP ZONING ORDINANCE INCONSISTENCIES AND ERRORS.

13. **Adjournment.**

The next Regular Council Meeting will be held on Tuesday, December 4, 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](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.