



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

August 20, 2013
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...

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: 1100 N. El Camino Real, San Clemente

Agency Negotiator: Pall Gudgeirsson, City Manager

Negotiating Parties: Lynn Wood, CEO, San Clemente Chamber of Commerce

Under Negotiation: Price and terms of payment

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

Property: Located on the northwest corner of El Camino Real and Avenida Pico, Parcel No. 057-191-60

Agency Negotiators: Tim Brown, Mayor Pro Tem, Pall Gudgeirsson, City Manager, Jim Holloway, Community Development Director

Negotiating Parties: Harry and Linda Kollias

Under Negotiation: Price and terms of payment

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

Walker et al. v. City of San Clemente, OCSC No. 30-2012 00591239

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION – Don Kappauf, Capo Beach Church

PLEDGE OF ALLEGIANCE

ROLL CALL

- 1. **Special Presentations.**

- A. **2013 Summer Readiness Program**

Presentation by Duane Cave, External Relations Manager, San Diego Gas and Electric Company, concerning the 2013 Summer Readiness Program.

- B. **Commendation – Jay Elston (Retired Utilities Operations Supervisor)**

Presentation of a commendation to Jay Elston, retired Utilities Operations Supervisor, recognizing him for 35 years of exceptional service to the City and wishing him continued happiness and prosperity in his retirement years.

- C. **Certificate of Recognition – Donation of Defibrillators**

Presentation of a Certificate of Recognition to Marian Lepore, EMS Safety Services, and Matthew Baker, HeartSine Technologies, in gratitude for donating five public access defibrillators (PAD) to the City of San Clemente Marine Safety Division, for use in its four-wheel drive rescue vehicles.

D. **Recognition of Outgoing Commission and Committee Members**

Presentation of City tiles to the City's outgoing Commission and Committee members: Lew Avera, Planning Commission; Nesa Anderson, Planning Commission; Robert Jordan, Coastal Advisory Committee; Mark Taylor, Investment Advisory Committee; John Tengdin, City Representative to the Downtown Business Association; Eric Swartz, Beaches, Parks, and Recreation Commission; Bill Thomas, Beaches, Parks, and Recreation Commission; Joan Thompson, Human Affairs Committee.

E. **HMLA 469 Warrior Day and Family Day Barbeque**

Presentation by Wayne Eggleston concerning the HMLA 469 Warrior Day and Family Day Barbeque.

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 City Council Adjourned Regular Meeting Minutes of July 2, 2013, and Regular Meeting Minutes of July 16, 2013.

B. Receive and file:

(1) Design Review Subcommittee Meeting Minutes of March 27, 2013, June 12, 2013, and June 26, 2013.

(2) Planning Commission Adjourned Regular Meeting Minutes of July 10, 2013, July 17, 2013, July 24, 2013, and August 7, 2013.

(3) Beaches, Parks, and Recreation Commission Regular Meeting Minutes of July 9, 2013.

(4) Coastal Advisory Committee Regular Meeting Minutes of March 14, 2013, and Adjourned Regular Meeting Minutes of April 18, 2013, May 18, 2013, and June 13, 2013.

(5) Zoning Administrator Regular Meeting Minutes of July 17, 2013 and August 7, 2013.

(6) Golf Course Committee Regular Meeting Minutes of July 11, 2013.

C. **Warrant Register**

Approve Wire Transfers Nos. 1148 through 1151 and Warrant Nos. 509508 through 509654 paid on 07/12/2013 in the amount of..... \$1,379,859.92

Approve Warrant Nos. 509655 through 509834 paid on 07/19/2013 in the amount of \$1,298,173.41

Approve Wire Transfer Nos. 1152 through 1156 and Warrant Nos. 509835 through 510026 paid on 07/26/2013 in the amount of..... \$3,122,281.87

Approve Warrant Nos. 510027 through 510174 paid on 08/02/2013 in the amount of..... \$921,676.60

Approve Wire Transfer Nos. 1157 through 1160 and Warrant Nos. 510175 through 510356 paid on 08/09/2013 in the amount of..... \$2,042,990.77

TOTAL WARRANT REGISTER..... \$8,764,982.57

Payroll Register

Approve Warrant Nos. 233 through 236 and Automatic Deposit Advises 8924 through 9256 for the period 06/24/2013 through 07/07/2013 in the amount of..... \$457,140.33

Approve Warrant Nos. 237 through 241 and Automatic Deposit Advises 9257 through 9604 for the period 07/08/2013 through 07/21/2013 in the amount of \$522,318.34

Approve Warrant Nos. 242 through 243 and Automatic Deposit Advises 9605 through 9944 for the period of 07/22/2013 through 08/04/2013 in the amount of..... \$457,206.66

TOTAL PAYROLL REGISTER\$1,436,665.33

D. **Contract Amendment – OCTA Master Funding Agreement for M2 Comprehensive Transportation Funding Programs, Contract No. C-1-2781** (Pages 6D-1 through 6D-3)

Staff Recommendation

Approve, and authorize the Mayor to execute, the Third Amendment to Contract No. C11-30, the Master Funding Agreement No. C-1-2781, by and between the City of San Clemente and the Orange County Transportation Authority (OCTA), providing for M2 Comprehensive Transportation Funding Programs.

E. **Records Destruction** (Pages 6E-1 through 6E-5)

Staff Recommendation

Adopt Resolution No. 13-33, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE DESTRUCTION OF CERTAIN CITY RECORDS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

F. **Revised Freeway Maintenance Agreement** (Pages 6F-1 through 6F-9)**Staff Recommendation**

Approve, and authorize the Mayor to execute, the Freeway Maintenance Agreement, Contract No. C91-40, by and between the City of San Clemente and the State Department of Transportation (Caltrans), providing for maintenance of selected portions of Interstate 5 facilities within the City of San Clemente.

G. **Contract Amendment – Ole Hanson Beach Club Rehabilitation, Project No. 12559** (Pages 6G-1 through 6G-9)**Staff Recommendation**

Approve, and authorize the Mayor to execute, the Second Amendment to Contract No. C11-43, by and between the City of San Clemente and Architectural Resources Group, Inc. (ARG), providing for additional design and construction support services for the Ole Hanson Beach Club Rehabilitation project. This Second Amendment increases the contract amount from \$251,602 to \$418,710 (an increase of \$167,108).

H. **Contract Award – Ferric Chloride Delivery** (Pages 6H-1 through 6H-13)**Staff Recommendation**

Approve, and authorize the Mayor to execute, Contract No. C13-32, by and between the City of San Clemente, South Orange County Wastewater Authority (SOCWA), Santa Margarita Water District, and Miles Chemical, providing for delivery and supply of ferric chloride to the member agencies of SOCWA.

I. **Contract Award – Fiscal Year 2014 Annual Slurry Seal Program, Project No. 27304** (Pages 6I-1 through 6I-13)**Staff Recommendation**

1. Approve the plans and specifications for the Fiscal Year (FY) 2014 Slurry Seal Program, Project No. 27304.
2. Approve, and authorize the Mayor to execute, Contract No. C13-33, by and between the City of San Clemente and VSS International Inc., providing for the FY 2014 Slurry Seal Program, Project No. 27304, in the amount of \$179,500.
3. Authorize staff to negotiate and execute a change order for additional slurry seal areas to the extent surplus contingency funds permit, while staying within the project budget.

J. **Contract Award – Camino De Los Mares Street Rehabilitation, Project No. 13306, and Camino De Los Mares Frontage Road Street Rehabilitation, Project No. 13312** (Pages 6J-1 through 6J-13)

Staff Recommendation

1. Approve the plans and specifications for the Camino De Los Mares Street Rehabilitation, Project No. 13306, and Camino De Los Mares Frontage Road Rehabilitation, Project No. 13312.
2. Approve, and authorize the Mayor to execute, Contract No. C13-34, by and between the City of San Clemente and PALP, Inc. (dba Excel Paving Company), providing for the Camino De Los Mares Street Rehabilitation, Project No. 13306, and Camino De Los Mares Frontage Road, Project No. 13312, in the amount of \$1,449,793.

K. **Contract Award – FY 2013 Traffic Signal Equipment Upgrades, Project Nos. 10811, 12334, and 12335** (Pages 6K-1 through 6K-13)

Staff Recommendation

1. Approve the plans and specifications for the Fiscal Year (FY) 2013 Traffic Signal Equipment Upgrades: Traffic Signal Cabinet and Electrical Services, Project No. 10811, Battery Backup System, Project No. 12334, and LED Traffic Light Replacement, Project No. 12335.
2. Approve, and authorize the Mayor to execute, Contract No. C13-35, by and between the City of San Clemente and KDC Inc. (dba Dynalectric), providing for the FY 2013 Traffic Signal Equipment Upgrades: Traffic Signal Cabinet and Electrical Services, Project No. 10811, Battery Backup System, Project No. 12334, and LED Traffic Light Replacement, Project No. 12335, in the amount of \$337,410.

L. **Contract Award – El Portal Beach Access Rehabilitation Design Services, Project No. 23101** (Pages 6L-1 through 6L-3)

Staff Recommendation

1. Approve, and authorize the Mayor to execute, Contract No. C13-36, by and between the City of San Clemente and Noble Consultants, Inc., providing for the El Portal Beach Access Rehabilitation Design Services, Project No. 23101, in the amount of \$177,834.
2. Approve a supplemental appropriation of \$50,000 from the General Fund undesignated fund balance to Account 001-636-45700-000-23101, for the El Portal Beach Access and Approach Path Rehabilitation Design.

- M. **Reorganization of Recreation Division Staffing** (Pages 6M-1 through 6M-10)

Staff Recommendation

Adopt Resolution No. 13-34, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A REVISED SALARY SCHEDULE AND NEW CLASSIFICATIONS AND AMENDING RESOLUTION NO. 13-28 AND ANY OTHER RESOLUTIONS IN CONFLICT THEREWITH.

- N. **Contract Award – North Beach/El Camino Real Beach Parking Lot Design Services, Project No. 13813** (Pages 6N-1 through 6N-3)

Staff Recommendation

1. Approve, and authorize the Mayor to execute, Contract No. C13-37, by and between the City of San Clemente and Gable Engineering, Inc., providing for design services for the North Beach/El Camino Real Beach Parking Lot, Project No. 13813, in the amount of \$89,260.
2. Approve an appropriation of \$150,000 from the Public Facilities Construction Fee Fund undesignated fund balance to Account 030-818-45300-000-13813 for the North Beach/El Camino Real Beach Parking Lot, Project No. 13813.

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. **De La Estrella Plaza (Valero) – 504 N. Avenida De La Estrella** (Page 7A-1)

Continued Public Hearing to consider Conditional Use Permit (CUP) 11-507, Sign Exception Permit (SEP) 11-508, Discretionary Sign Permit (DSP) 11-509, Minor Conditional Use Permit (MCUP) 11-510, Architectural Permit (AP) 11-511, and Site Plan Permit (SPP) 11-512, for the De La Estrella Plaza (Valero) project, located at 504 N. De La Estrella.

Staff Recommendation

Table the item and direct staff to re-notice the Public Hearing for the project once the applicant has determined the project for which it desires to move forward.

8. **Unfinished Business.**A. **Consideration of a Pharmaceutical Drop Box at the City Hall Sheriff Station** (Pages 8A-1 through 8A-5)

Report from the Public Works Director/City Engineer concerning possible implementation of a pharmaceutical drop box at the City Hall Sheriff Station.

Staff and Coastal Advisory Committee Recommendation

Approve implementation of a household pharmaceutical drop box at the City Hall Sheriff Station for a cost not to exceed \$500.

B. **Lease Agreement – Vista Hermosa Sports Park** (Pages 8B-1 through 8B-60)

Report from the Beaches, Parks, and Recreation Director concerning a new lease agreement for the development of a miniature golf course, an interactive wave feature, and a food and beverage facility.

Staff Recommendation

1. Approve, and authorize the Mayor to execute, Contract No. C07-44, a Termination of Agreement to Lease, by and between the City of San Clemente and Scott Melcher.
2. Approve, and authorize the Mayor to execute, Contract No. C13-38, a Lease Agreement, by and between the City of San Clemente and Surf N' Turf Paradiso, LLC.

C. **Clean Ocean Fee Renewal** (Pages 8C-1 through 8C-5)

Report from the Public Works Director concerning possible continuation of the Clean Ocean Fee.

Staff Recommendation

1. Approve a proposed continuation of the Clean Ocean Fee consisting of a fixed fee for a 6.5-year term to expire June 30, 2020, with the fixed fee amounts per the fee rate schedule contained in the Administrative Report, dated August 20, 2013, that is on file with the City Clerk.
2. Direct staff to mail written notice of the proposed fee continuation to the record owners of each identified parcel upon which the fee is proposed as required by law, and establish a public hearing date of Tuesday, October 15, 2013 to consider continuing the Clean Ocean Fee.

D. **Acceptance of Donation – Development of Courtney’s Sandcastle Phase II** (Pages 8D-1 through 8D-4)

Report from the Beaches, Parks, and Recreation Director concerning acceptance of a donation from the Courtney’s SandCastle Foundation.

Staff Recommendation

1. Accept a \$340,000 donation from the Courtney’s SandCastle Foundation into revenue Account 031-000-36790-000-10143 in the Park Acquisition and Development Fund.
2. Approve a \$340,000 supplemental budget appropriation for Courtney’s SandCastle Phase II in Account 031-862-45300-000-10143 in the Park Acquisition and Development Fund.
3. Approve the use of the \$110,000 in matching funds previously appropriated and authorize staff to move forward with bidding the project.

9. **New Business.**

A. **Naming Contest for Highest Point in San Clemente** (Pages 9A-1 through 9A-4)

Report from the City Manager concerning a citizen naming contest for the highest point in San Clemente.

Staff Recommendation

- 1) Determine the items to be approved and funded from the Council Contingency Fund for the highest point naming contest.
- 2) Direct staff to have the site surveyed to determine ownership.
- 3) Direct staff to hold a citizen naming contest for the highest point.
- 4) Direct staff to commemorate the highest point with a survey monument.
- 5) Direct staff to integrate the name of the highest point into the City’s trail map when reprinted in the future.
- 6) Authorize the placement of directional signage leading walkers to the highest point on the Cristianitos Trail. This signage will also deflect walkers from the Richard and Donna O’Neill Conservancy located on The Reserve that borders San Clemente.

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) **Foothill Eastern Transportation Corridor Agency (FETCA) Report**

Report from Mayor Baker, City representative to the Foothill Eastern Transportation Corridor Agency (FETCA), relative to FETCA matters.

2) **Orange County Fire Authority (OCFA) Report**

Report from Mayor Baker, City representative to the Orange County Fire Authority (OCFA), relative to OCFA matters.

3) **San Joaquin Hills Transportation Corridor Agency (SJHTCA)**

Report from Councilmember Evert, City representative to the San Joaquin Hills Transportation Corridor Agency (SJHTCA), relative to SJHTCA matters.

12. **Resolutions/Ordinances.**

None.

13. **Adjournment.**

The next Regular Council Meeting will be held on September 3, 2013 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be discussed at 5:00 p.m. The public 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.

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.