



# 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)

September 3, 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 LEGAL COUNSEL – EXISTING LITIGATION, pursuant to Government Code Section 54956.9(a):

BNSF Railway Co. v. PUC (City of San Clemente RPI), Case No. C072746

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

**CALL TO ORDER**

**INVOCATION - Roger Gales, Heritage Christian Fellowship**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

1. **Special Presentations.**

- A. **Presentation of Proclamation - Constitution Week**

Presentation of a Proclamation to Bertie Lloyd and Jane Davis, representing the Daughters of the American Revolution (DAR), declaring September 17-23, 2013 as "Constitution Week" in San Clemente.

B. **Max Berg Plaza Park – New Playground Equipment**

Presentation by Beaches, Parks, and Recreation Director Heider concerning the newly installed playground at Max Berg Plaza Park.

C. **Update on Recycled Water Expansion Project, Project No. 18201 BEF**

Report from Assistant City Engineer Rebensdorf concerning an update on the Recycled Water Expansion Project, Project No. 18201 BEF.

D. **Presentation of Commendation – Thomas Ahola**

Presentation of a Commendation to Thomas Ahola in recognition of achieving the rank of Eagle Scout.

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 Regular Meeting Minutes of August 20, 2013.

B. Receive and file:

(1) Beaches, Parks, and Recreation Commission Regular Meeting Minutes of August 13, 2013.

(2) Planning Commission Adjourned Regular Meeting Minutes of August 21, 2013.

(3) Zoning Administrator Regular Meeting Minutes of August 21, 2013.

C. **Warrant Register**

Approve Warrant Nos. 510357 through 510500  
paid on 08/16/2013 in the amount of ..... \$907,852.89

Approve Wire Transfer Nos. 1161 through 1164  
and Warrant Nos. 510501 through 510694 paid  
on 08/23/2013 in the amount of ..... \$2,020,460.29

TOTAL WARRANT REGISTER ..... \$2,928,313.18

**Payroll Register**

Approve Warrant Nos. 244 through 245 and  
Automatic Deposit Advises 9945 through  
10282 for the period of 08/05/2013 through  
08/18/2013 in the amount of ..... \$447,667.16

TOTAL PAYROLL REGISTER ..... \$447,667.16

- D. **Assignment and Assumption Agreement and Consent to Assignment – Communications Site (721 Avenida Salvador, Building D)** (Pages 6D1 through 6D-4)

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract No. C12-10, the Assignment and Assumption Agreement and Consent to Assignment, by and between the City of San Clemente, Fleettalk Management Services, and Fisher Wireless Services, Inc., providing for the transfer of a Communications Site lease for the property located at 721 Avenida Salvador.

- E. **Contract Award – City Uniforms, Carpet Mats, and Laundry Service** (Pages 6E-1 through 6E-2)

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract No. C09-27, by and between the City of San Clemente and Cintas Corporation, providing for Rental Work Uniforms, Carpet Mats, and Laundry Services, in the amount of \$53,562.

- F. **Notice of Completion – Los Molinos Pump Station Rehabilitation, Project Nos. 10202 & 19204** (Pages 6F-1 through 6F-4)

Staff Recommendation

1. Accept Los Molinos Pump Station Rehabilitation, Project Nos. 10202 and 19204.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Los Molinos Pump Station Rehabilitation, Project Nos. 10202 and 19204. (Contract No. C12-02)
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 NEWest Construction Company, 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.

G. **Final Parcel Map 2007-219 – Lamas Condominium Conversion – 209 West Avenida Palizada** (Pages 6G-1 through 6G-3)

Staff Recommendation

1. Accept on behalf of the City of San Clemente the water rights as dedicated on the Final Parcel Map.
2. Approve Final Parcel Map 2007-219 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.

H. **Contract Award – Street Rehabilitation for Calle Hidalgo and Via Hidalgo, Project No. 14333, and Fiscal Year 2014 Major Street Maintenance for Calle Gaucho, Calle Cheuca, Via Cheuca, Calle Luego, Calle Juarez and 1406 Jinette, Project No. 24301** (Pages 6H-1 through 6H-14)

Staff Recommendation

1. Approve the specifications for the Street Rehabilitation for Calle Hidalgo and Via Hidalgo, Project No. 14333 and Fiscal Year (FY) 2014 Major Street Maintenance for Calle Gaucho, Calle Cheuca, Via Cheuca, Calle Luego, Calle Juarez and 1406 Jinette, Project No. 24301.
2. Approve, and authorize the Mayor to execute, Contract No. C13-39, by and between the City of San Clemente and R.J. Noble Company, providing for Street Rehabilitation for Calle Hidalgo and Via Hidalgo, Project No. 14333 and FY 2014 Major Street Maintenance for Calle Gaucho, Calle Cheuca, Via Cheuca, Calle Luego, Calle Juarez and 1406 Jinette, Project No. 24301, in the amount of \$537,834.50.

- I. **Final Tract Map 17049, Bellota Landslide Repair, Canyon Storm Drain Easements and Improvements – Canyon Storm Drain within 2880 Calle Guadalajara, 2860 Via Amapola, 2858 Via Amapola, and the Shorecliffs Golf Course** (Pages 6I-1 through 6I-6)

Staff Recommendation

1. Accept on behalf of the City of San Clemente the water rights, storm drain easement, off-site storm drain access easement, and emergency and public ingress and egress easement as dedicated on the Final Tract Map.
2. Adopt Resolution No. 13-35, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF CERTAIN CANYON STORM DRAIN EASEMENTS AND IMPROVEMENTS FOR THE BELLOTA LANDSLIDE REPAIR.
3. Approve Final Tract Map 17049 as it conforms to the requirements set forth in the Subdivision Map Act and the previously approved Tentative Tract Map.
4. Authorize the Public Works Director/City Engineer to execute the Final Tract Map.
5. Authorize the City Clerk to execute and submit the Final Tract Map and easements to the County of Orange Recorder's Office for recordation.

- J. **Updated 2013 South Orange County Integrated Regional Water Management Plan** (Pages 6J-1 through 6J-5)

Staff Recommendation

Adopt Resolution No. 13-36, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING THE 2013 SOUTH ORANGE COUNTY INTEGRATED REGIONAL WATER MANAGEMENT PLAN.

- K. **Contract Award – Sidewalk Repair Program, Project No. 19317** (Pages 6K-1 through 6K-8)

Staff Recommendation

1. Approve the plans and specifications for the Fiscal Year (FY) 2013 Sidewalk Repair Program.
2. Approve, and authorize the Mayor to execute, Contract No. C13-40, by and between the City of San Clemente and Carvajal Trucking & Tractor, Inc., providing for the FY 2013 Sidewalk Repair Program, in the amount of \$114,642.
3. Authorize staff to issue a change order for additional work in an amount not to exceed \$30,000.

- L. **Waiver of Police and City Service Costs for Carnival Colossus 2013** (Pages 6L-1 through 6L-4)

Staff Recommendation

1. Direct the City of San Clemente to 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).
3. Waive in-kind services provided by the City in the amount of \$9,000.

- M. **Ball Field Rental Restrictions and Policies** (Pages 6M-1 through 6M-11)

Staff Recommendation

Remove the ball field rental restriction at Bonito Canyon Park and allow the Ball Field Rental Policies to guide the permitting of all ball fields in a consistent manner.



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. **516 Elena Lane – Historic Property Preservation Agreement (HPPA) 13-136 – Porter/Gurney Residence** (Pages 7A-1 through 7A-30)

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 516 Elena Lane. The legal description is Lots 19 and 20, Block 3 of Tract 785, Assessor's Parcel Number 692-032-18.

Staff Recommendation

Adopt Resolution No. 13-37, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 13-136 FOR THE PROPERTY LOCATED AT 516 ELENA LANE.

B. **165 Calle Redondel – Historic Property Preservation Agreement (HPPA) 13-101 – Webber Residence** (Pages 7B-1 through 7B-26)

Public Hearing to consider a request to consider a Historic Property Preservation Agreement (Mills Act) for a historic property within the Residential Low (RL) Zoning District located at 165 Calle Redondel. The legal description is Lot 9, Block 7 of Tract 795, Assessor's Parcel Number 057-161-09.

Staff Recommendation

Adopt Resolution No. 13-38, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 13-101 FOR THE PROPERTY LOCATED AT 165 CALLE REDONDEL.

8. **Unfinished Business.**

None.

9. **New Business.**

A. **Code Amendment – Municipal Parks and Trails – Park Semper Fi**  
(Pages 9A-1 through 9A-4)

Report from the Beaches, Parks, and Recreation Director concerning the possibility of amending the Municipal Code of the City of San Clemente relating to the use of municipal parks and trails.

Staff and Beaches, Parks, and Recreation Commission Recommendation

Introduce Ordinance No. 1570, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SAN CLEMENTE MUNICIPAL CODE SECTION 9.12.06 RELATING TO THE USE OF MUNICIPAL PARKS AND TRAILS.

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) **Establishment of Meeting Dates and Times for Consideration of the General Plan**

C. **City Attorney**

**D. Council Members**

**(1) California Joint Powers Insurance Authority (CJPIA) Report**

Report from Councilmember Donchak, City representative to the California Joint Powers Insurance Authority (CJPIA), relative to CJPIA matters.

**12. Resolutions/Ordinances.**

None.

**13. Adjournment.**

The next Regular Council Meeting will be held on September 17, 2013 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. 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.

### **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.