



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

September 17, 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...

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.

None.

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION - Pastor Dave David Keehn / OCFA Chaplain (Battalion 6)

PLEDGE OF ALLEGIANCE

ROLL CALL

1. **Special Presentations.**

A. **Certificates of Recognition – El Bajío Cultural and Intergenerational Project**

Presentation of Certificates of Recognition to Edgar Medina, Parent Leadership Institute Coordinator, Orange County Human Relations (OCHR), and Frank Marmolejo, OCHR Board Member, acknowledging them for the El Bajío Cultural and Intergenerational Project.

B. **Update – Marblehead Coastal Development**

Presentation by Lisa Gordon, on behalf of Lehman Brothers, concerning progress items and completion schedules for the Marblehead Coastal Development project.

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

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

D. **Casa Romantica – Programs and Events**

Presentation by Berenika Schmitz, Executive Director of Casa Romantica, concerning Casa Romantica's programs and events for the coming year.

E. **Bonito Canyon Park – Tennis Court Rehabilitation**

Presentation by Beaches, Parks, and Recreation Director Heider, concerning the newly-resurfaced tennis courts at Bonito Canyon Park.

F. **Continual Improvement Program – Development Services**

Presentation by Community Development Director Holloway concerning the Customer Service Continual Improvement Program for development services.

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 and September 3, 2013.

 - B. Receive and file:
 - (1) Human Affairs Committee Regular Meeting Minutes of August 14, 2013.

 - (2) Zoning Administrator Regular Meeting Minutes of September 4, 2013.

 - (3) Planning Commission Regular Meeting Minutes of September 4, 2013 and Regular Study Session Minutes of September 4, 2013.

C. **Warrant Register**

Approve Wire Transfer Nos. 1165 through 1166 and Warrant Nos. 510695 through 510870 paid on 08/30/2013 in the amount of \$4,088,012.16

Approve Wire Transfer Nos. 1167 through 1171 and Warrant Nos. 510871 through 510982 paid on 09/06/2013 in the amount of \$2,801,056.78

TOTAL WARRANT REGISTER \$6,889,068.94

Payroll Register

Approve Warrant Nos. 246 through 247 and Automatic Deposit Advises 10283 through 10595 for the period of 08/19/2013 through 09/01/2013 in the amount of \$432,785.97

TOTAL PAYROLL REGISTER \$432,785.97

D. **Solar Permit Fee Waiver Program** (Pages 6D-1 through 6D-8)

Staff Recommendation

1. Retain the current Solar Permit Fee Waiver Program.
2. Continue to waive the portion of the fees that exceeds \$300 for residential solar electric and solar water heating permits issued.
3. Provide a \$300 fee credit and waive any fees that exceed the maximum fee allowed by SB 1222 for commercial solar electric and solar water heating permits issued.
4. Reevaluate the Solar Permit Fee Waiver Program in three years.

E. **Contract Review and Amendment – Richard T. Steed Memorial Park Food and Beverage Concession** (Pages 6E-1 through 6E-5)

Staff Recommendation

1. Approve the second three-year lease extension option to Gary and Meg Greenberg for the concession at Richard T. Steed Memorial Park, to expire in October 2016.
2. Approve, and authorize the Mayor to execute, the Second Amendment to Contract No. C07-47, the Lease Agreement for Richard T. Steed Memorial Park Food and Beverage Concession, by and between the City of San Clemente and Meg and Gary Greenberg.

- F. **Funding Agreement – Courtney’s Sandcastle Phase II** (6F-1 through 6F-4)

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract No. C13-41, by and between the City of San Clemente and Courtney’s Sandcastle Charitable Foundation, providing for funding associated with Courtney’s Sandcastle Phase II.

- G. **Notice of Completion and Declaration of Surplus Property – Max Berg Plaza Park Playground Equipment** (Pages 6G-1 through 6G-3)

Staff Recommendation

1. Accept the construction of the Max Berg Plaza Park Play Equipment Replacement, Project No. 12724, from the contractor, GameTime c/o Great Western Park and Playground.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Max Berg Plaza Park Play Equipment Replacement, Project No. 12724.
3. Authorize the City Clerk to release the Payment Bond and balance of retention 35 days from the recordation of the Notice of Completion upon verification with the Beaches, Parks, and Recreation Department that no liens have been levied against GameTime c/o Great Western Park and Playground.
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.

- H. **Contract Approval – Purchase of Electricity** (Pages 6H-1 through 6H-2)

Staff Recommendation

Approve, and authorize the City Manager to execute, a one or two-year contract for the purchase of electricity, by and between the City of San Clemente and Noble Americas, in an amount not to exceed \$48.00 per kilowatt-hour (kWh).

- I. **Contract Award – Assessment of Public Works and Beaches, Parks, and Recreation Maintenance Services Divisions** (Pages 6I-1 through 6I-2)

Staff Recommendation

1. Approve, and authorize the Mayor to execute, Contract No. C13-42, by and between the City of San Clemente and Matrix Consulting Group, providing for an assessment of the Public Works and Beaches, Parks, and Recreation Maintenance Divisions, in the amount of \$47,500.
2. Approve a budget transfer of \$47,500 from Street Maintenance Division, Account 001-614-41010-000-000, to Public Works Administration, Account 001-480-43690-000-00000.

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. **Community Development Block Grant (CDBG) Funds – 2013-2017 Consolidated Plan and 2012-2013 Consolidated Annual Performance Evaluation Report (CAPER)** (Pages 7A-1 through 7A-40)

Public Hearing to consider approving the Consolidated Annual Performance Evaluation Report for 2012-2013, 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, and adopting the CDBG Consolidated Plan Report, which delineates the City's priority housing and community development needs.

Staff Recommendation

1. Approve and adopt the 2013-2017 Consolidated Plan Report to plan for use of Community Development Block Grant (CDBG) Funds.
2. Approve and adopt the 2012-13 Consolidated Annual Performance Evaluation Report (CAPER) for submittal to the Department of Housing and Urban Development.

8. **Unfinished Business.**

A. **Bicycle Regulations on the Beach Trail South of the Pier During Summer Months** (8A-1 through 8A-5)

Report from the Beaches, Parks, and Recreation Director concerning the possibility of modifying the Code of the City of San Clemente, relating to bicycle regulations on the beach trail.

Beaches, Parks, and Recreation Commission Recommendation

Make no change to the current policy for bicycle riding on the beach trail.

Staff Recommendation

Direct Staff to prepare an ordinance that would modify the Code of the City of San Clemente to allow bicycle riding on the beach trail, south of the wooden bridge at Trafalgar Canyon, except on holidays and major special events from June 15 to Labor Day, unless otherwise restricted, and return to the Council for adoption.

9. **New Business.**

None.

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) **Coastal Animal Services Authority (CASA) Report**

Report from Councilmember Hamm, City representative to the Coastal Animal Services Authority (CASA), relative to CASA matters.

(2) **San Joaquin Hills Transportation Corridor Agency (SJHTCA) Report**

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

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

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

12. **Resolutions/Ordinances.**

A. **Ordinance No. 1570 (Second Reading) – Municipal Parks and Trails, Hours of Operation of Park Semper Fi** (Pages 12A-1 through 12A-2)

Staff Recommendation

Adopt 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.

13. **Adjournment.**

Adjourn in memory of Nick Pasquale and Dwayne Berger to an Adjourned Regular Council Meeting to be held on September 24, 2013 at 4:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, for the purpose of considering the Centennial General Plan.

The next Regular Council Meeting will be held on October 1, 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. 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.