

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting - January 3, 1996

A Regular Meeting of the San Clemente City Council was called to order on January 3, 1996 at 7:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

PRESENT AHLE, ANDERSON, DIEHL, HAGGARD, MAYOR APODACA

ABSENT NONE

STAFF PRESENT Michael Parness, City Manager; Jeff Oderman, City Attorney; Myrna Erway, City Clerk; Jim Holloway, Community Development Director; Bill Cameron, City Engineer; Joanne Baade, Deputy City Clerk.

INVOCATION

Roscoe Dabney III, Police Chaplain, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Apodaca led the Pledge of Allegiance.

1. **SPECIAL PRESENTATION**

A. **Introduction - Michele Stearns**

Mayor Apodaca introduced Michele Stearns, General Manager of the South Orange County Animal Services Authority.

2. **MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to waive reading in full of all Resolutions and Ordinances.**

3. **PUBLIC HEARINGS**

A. **Encroachment Permit 95-72 - 108 Avenida Del Reposo**

Public Hearing to consider a request to allow the footings of a proposed retaining wall to encroach a maximum of four (4) feet into the public right-of-way at 108 Avenida Del Reposo.

City Engineer Cameron reviewed the contents of the Administrative Report.

Mayor Apodaca opened the Public Hearing.

Charles Gullett, San Clemente, stated he lives across the street from the subject residence and relayed his support for the proposed encroachment since it would provide a buffer between his property and any geological incident that may occur at the subject site; noted that the retaining wall would encroach onto public property and questioned who would assume liability in the event the wall were to fail.

There being no others desiring to speak to this issue, the Public Hearing was closed.

Staff explained that the property owner would be responsible for repairing the retaining wall in the event of failure. Additionally, one of the Conditions of Approval requires that the property owner maintain liability insurance covering the encroachment area in the amount of \$1 million for personal injury and \$500,000 for property damage.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to adopt Resolution No. 96-01 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING ENCROACHMENT PERMIT NO. 95-72.

4. CONSENT CALENDAR

MOTION BY MAYOR PRO TEM AHLE, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to approve the Consent Calendar with the removal of Items 4-B(2), E and H.

A. City Council Minutes

MOTION BY MAYOR PRO TEM AHLE, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to approve the City Council minutes of December 6, 1995.

B. MOTION BY MAYOR PRO TEM AHLE, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to receive and file:

(1) Parks and Recreation Commission minutes of November 14, 1995.

C. Warrant Register

None.

D. Contract Award - San Clemente Animal Care and Adoption Center Project No. 14080

MOTION BY MAYOR PRO TEM AHLE, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to approve, and authorize the Mayor to execute, the following contracts relating to construction of the San Clemente Animal Care and Adoption Center Project No. 14080. A listing of the subcontractors together with the types of work and costs are listed in Attachment 1 of the Administrative Report.

- . Contract No. C96-01 by and between the City of San Clemente and Kuno's Crawler & Backhoe Service.
- . Contract No. C96-02 by and between the City of San Clemente and Ben's Asphalt & Seal Coating, Inc.
- . Contract No. C96-03 by and between the City of San Clemente and Paul M. Wolff Co.
- . Contract No. C96-04 by and between the City of San Clemente and Diddonna's Masonry.

- . Contract No. C96-05 by and between the City of San Clemente and Burge Corporation.
- . Contract No. C96-06 by and between the City of San Clemente and H. L. Miller.
- . Contract No. C96-07 by and between the City of San Clemente and Steve Hreha Plastering.
- . Contract No. C96-08 by and between the City of San Clemente and Patterson Painting.
- . Contract No. C96-09 by and between the City of San Clemente and Commercial Fence Inc.

F. Notice of Completion - San Luis Rey Park Lawn Bowling Facility Renovation

MOTION BY MAYOR PRO TEM AHLE, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to:

1. Accept the San Luis Rey Park Lawn Bowling Facility Renovation, City Project No. 05402 from the contractor, Micon Engineering, Inc. Contract C95-37
2. Accept Warranty Bond No. TPI 3892201-00132 and authorize the City Clerk to release Faithful Performance Bond No. TPI 389-2201 in the amount of \$318,872.
3. Authorize the Mayor to execute and the City Clerk to record a Notice of Completion for City Project No. 05402 with the County Recorder.

G. Bid Award - Palizada Pump Station and Reservoir No. 2 Removal

MOTION BY MAYOR PRO TEM AHLE, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract No. C96-10 by and between the City of San Clemente and ARA Engineering Contractors, providing for the construction of the Palizada Pump Station and Reservoir No. 2 Removal, Project No. 10536, in the amount of \$319,104.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

B(2). Planning Commission Action Minutes of December 19, 1995

MOTION BY MAYOR PRO TEM AHLE, SECOND BY COUNCILMEMBER DIEHL, CARRIED 5-0, to call up for review Sign Exception 95-75/CDC 95-61 (Carl's Jr./Green Burrito).

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER DIEHL, CARRIED 5-0, to receive and file the balance of the Planning Commission action minutes of December 19, 1995.

E. Authorization to Solicit Bids - Golf Course Maintenance Facility

Jack Dusek, San Clemente, opined that a \$500,000 expenditure for a golf course maintenance facility is excessive and suggested that the funds could be better spent to upgrade the clubhouse and dining facilities.

Tom Byrd, San Clemente, speaking as an individual member of the Golf Course Committee, relayed objection to the expenditure of \$533,000 to fund a structure to cover maintenance equipment; voiced concern that one-half of the cost of the project would be paid from the Capital Improvement Fund as opposed to being fully funded from the Depreciation Reserve; noted that the Capital Improvement Fund was established to fund a second golf course and opined that the continual use of the fund to pay miscellaneous expenses will result in increased green fees.

Karoline Koester, San Clemente, summarized her discussion with Staff relative to use of the Depreciation Fund and Capital Improvement Fund to pay for the proposed maintenance facility and opined that the Golf Fund is weak in accounting methods; voiced concern with the continual use of the Capital Improvement Fund for expenses unrelated to a new golf course.

Lois Berg, San Clemente, member of the Golf Course Committee, noted that the original cost estimate for the project was \$300,000 and voiced concern that the estimated cost has escalated to \$533,000; requested clarification concerning the exact use, content and size of the structure as well as demolition costs; noted that the architect's letter that contains projected construction costs was dated September 19, 1995 and questioned why it was not provided to the Golf Course Committee until the last week in December.

Tom Lynch, San Clemente, voiced objection to the expenditure of one-half million dollars on a maintenance facility and office for the Golf Course Manager; opined that the money would be better spent on upgrades to the golf course or clubhouse; opined that the current trailer is adequate for Staff offices and that a concrete slab and steel building would sufficiently protect the equipment.

Stewart Heinz, San Clemente, referenced the Orange County bankruptcy and prior City financial problems and suggested that the City should be conservative about authorizing large expenditures; objected to the expenditure of \$533,000 to fund a structure for maintenance equipment.

During the ensuing discussion, Staff reported as follows: 1) The proposed structure would house approximately \$700,000 worth of equipment, noting that the equipment is presently open to vandalism since the current structure is not secure; 2) The proposed structure would also contain Golf Course Administrative Offices, an employee lounge, and male and female restroom facilities; 3) The proposed structure represents a pre-engineered steel frame building; 4) Rationale for utilizing both the Depreciation Reserve and Capital Improvement Reserve Fund for the proposed structure; 5) The original cost estimate of \$300,000 was based on structures installed on virgin land for new golf courses that were privately funded, while the subject building requires demolition of the existing building, preparation of the site for the new structure, as well as compliance with ADA requirements and prevailing wage laws required by the Davis-Bacon Act; 6) The proposed facility would be 7,000 sq. ft. in size, with approximately 4,500 sq. ft. of that space devoted to equipment storage; 7) Some of the finish work will be done in-house to save money; and 8) Specific expenses that are typically defined by contractors as "Overhead" costs.

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER DIEHL, CARRIED 4-1 (MAYOR PRO TEM AHLE VOTING NOE), to:

1. Approve the plans and specifications for the replacement of the Golf Course Maintenance Facility Project No. 05705.
2. Authorize Staff to advertise the project for competitive public bidding for its construction.

H. Contract Award - Document Imaging System

Council discussed the fact that Staff is recommending that a downpayment of \$17,000 be made on the proposed Document Imaging System at this time with the understanding that the purchase will be completed in July of FY 1996/97; noted that if the City were to pay cash at this time, a 5% discount (\$1,950) would be realized on the total purchase price which equates to nearly 10% less than the balance due.

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER DIEHL, CARRIED 5-0, to:

1. Approve, and authorize the Mayor to execute, Contract #C96-11 by and between the City of San Clemente and Creative Synergy, a division of Sierra Cybernetics, providing for a Document Imaging System, in an amount not to exceed \$37,050.
2. Approve a transfer of \$20,050 from Contingency Fund Account 001-203-44900 to Account 063-241-45450.

5. ORAL COMMUNICATIONS

Street Overlay and Replacement District/800 MHz Communications System

Karoline Koester, San Clemente, cited problems she has encountered in obtaining information from Willdan Associates relative to the Street Overlay and Replacement District; relayed hope that the City Managers in Orange County cities will continue to refuse to pay additional monies for the 800 MHz communications system which the County maintains is necessary because of the bankruptcy.

6. UNFINISHED BUSINESS

None.

7. **NEW BUSINESS**

A. **Restricted Parking in Municipal Parking Lots**

Report from the Beaches, Parks and Recreation Director concerning amending the Code of the City of San Clemente to authorize the City's Traffic Engineer to establish restricted parking in municipal parking lots.

Beaches, Parks and Recreation Director Wegner reviewed the contents of the Administrative Report.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to introduce Ordinance No. 1171 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADDING A NEW SECTION 15-40.5 TO THE CODE OF THE CITY OF SAN CLEMENTE RELATING TO RESTRICTED PARKING SPACES IN MUNICIPAL LOTS.

8. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. **City Attorney**

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to agendize the following Closed Session since the need to take action arose subsequent to the posting of the agenda:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of Case: Brown v. City of San Clemente, et al. pursuant to GC Section 54956.9(a).

D. Council Members

(1) Orange County Division - California League of Cities Issues

Councilmember Diehl reported that appointments will be made to fill various vacancies at the January 11, 1996 meeting of the Orange County Division, including the Air Quality Management District position that is presently filled by Councilmember Haggard.

(2) Consideration of Council Position on Legislative Issues

None.

(3) Orange County Fire Authority - Status Update

None.

(4) Appointment of City Representative to the Orange County Vector Control Board of Trustees

Glenn Roy reported on current issues before the Orange County Vector Control Board and relayed his interest in serving on the Board of Trustees for an additional term.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to reappoint Glenn Roy as the City representative to the Orange County Vector Control Board of Trustees for a term to expire December 31, 1997.

(5) Establishment of Dates for Council to Meet with the City's Commissions and Committees

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to schedule Adjourned Regular Meetings as follows:

January 24, 1996 at 6:00 p.m. in the Multi-Purpose Room of the Senior Center

January 31, 1996 at 6:00 p.m. in the Ole Hanson Room of the Community Center.

Council requested that the Planning Commission and Parks and Recreation Commission not be scheduled for the same evening since they will likely require more time than the Human Affairs Committee and Golf Course Committee.

9. RESOLUTIONS/ORDINANCES

A. Ordinance No. 1170 (Second Reading) - Metrolink Parking Program

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to adopt Ordinance No. 1170 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 15-77 OF THE CODE OF THE CITY OF SAN CLEMENTE RELATING TO METROLINK COMMUTER RAIL STATION PARKING AND REPEALING SUB-SECTION (B)(3) OF SECTION 15-85 OF THE CODE OF THE CITY OF SAN CLEMENTE.

Meeting Recessed

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to recess to a meeting of the Redevelopment Agency at 8:20 p.m.

Meeting Reconvened

Council reconvened at 8:21 p.m., with all members present.

CLOSED SESSION

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to recess to Closed Session at 8:22 p.m. to discuss the following:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of Case: Brown v. City of San Clemente, et al., pursuant to GC Section 54956.9(a).

The City Manager, City Attorney, Director of Administrative Services, Human Resources/Risk Manager and the City Clerk were in attendance.

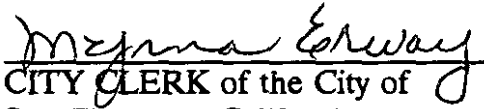
MEETING RECONVENED

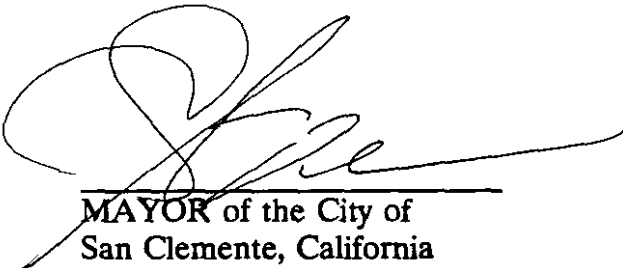
Council reconvened at 8:30 p.m., with all members present.

ADJOURNMENT

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to adjourn at 8:30 p.m.

The next Regular Meeting will be held on January 17, 1996 at 7:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.


CITY CLERK of the City of
San Clemente, California


MAYOR of the City of
San Clemente, California