

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting - May 15, 1996

A Regular Meeting of the San Clemente City Council was called to order on May 15, 1996 at 7:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

PRESENT AHLE, ANDERSON, DIEHL, MAYOR APODACA

ABSENT HAGGARD

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

Jody Downs, Pacific Coast Church Youth Ministry, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Apodaca led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Commendation - Chris Doolittle, Eagle Scout**

Mayor Apodaca presented a Commendation to Chris Doolittle, in recognition of achieving the prestigious rank of Eagle Scout.

B. **Certificate of Recognition - Lee Steelman and Dr. Don McCanne**

Mayor Apodaca presented Certificates of Recognition to Lee Steelman and Dr. Don McCanne in honor of their selection to the Wall of Recognition.

2. MOTION BY COUNCILMEMBER DIEHL, SECOND BY MAYOR PRO TEM AHLE, CARRIED 4-0, to waive reading in full of all Resolutions and Ordinances.

Announcement of Achievement - San Clemente High School Automotive Program

Mayor Apodaca congratulated Mike Downs and Brian Shoffer, of San Clemente High School, for placing fourth in the nation in the Greater New York Auto Dealers Automotive Technical Competition; noted that each boy collected over \$20,000 in scholarships. Additionally, Mayor Apodaca commended Robert McCarroll, San Clemente High School's Auto Shop Instructor, for being recognized as the Automotive Teacher of the Year by the Valvoline Motor Oil Company.

3. **PUBLIC HEARINGS**

- A. **Weed Abatement 1996 - Order to Abate**

Public Hearing to consider ordering Staff to abate nuisances by having weeds, rubbish, refuse and dirt removed from vacant properties within the City.

Beaches, Parks and Recreation Manager Reed reviewed the contents of the Administrative Report.

Mayor Apodaca opened and closed the Public Hearing, there being no one desiring to speak to this issue.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to adopt Resolution No. 96-35 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ORDERING THE DIRECTOR OF BEACHES, PARKS AND RECREATION TO ABATE THE NUISANCES BY HAVING THE WEEDS, RUBBISH, REFUSE AND DIRT REMOVED FROM VACANT PROPERTIES WITHIN THE CITY.

4. Consent Calendar

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to approve the Consent Calendar with the removal of Items D, E, F, and G.

A. City Council Minutes

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to approve the City Council minutes of April 3, 1996 and April 17, 1996.

B. MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to receive and file:

(1) Youth Advisory Committee minutes of February 14, 1996 and April 17, 1996.

(2) Planning Commission action minutes of April 30, 1996.

C. Warrant Register

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to approve Warrant Nos. 622280 through 622423 for the period 4-15-96 through 4-19-96 in the amount of \$2,046,798.52; approve Handwrite Nos. 622424 through 622425 and Warrant Nos. 622426 through 622586 for the period 4-22-96 through 4-26-96 in the amount of \$785,882.04; for a total Warrant Register of \$2,832,680.56.

Payroll Register

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to approve Warrant Nos. 214710 through 214805 (Automatic Deposit Advises 907734 through 907866) for the period 4-8-96 through 4-21-96 in the amount of \$205,941.69; for a total Payroll Register of \$205,941.69.

H. Appointment of Auditors to Audit City Financial Records, Single Audit of Federal Grants, Redevelopment Agency Audit, and Audit of Coastal Animal Services Authority

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to approve, and authorize the Mayor to execute, Contract No. C96-51 by and between the City of San Clemente and Conrad & Associates, providing for FY 1996-97 audit services for the City, Redevelopment Agency, and Coastal Animal Services Authority, in an amount not to exceed \$22,448.

I. Contract Award - Forster Ranch Community Park Design Services

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to approve, and authorize the Mayor to execute, Contract No. C96-52 by and between the City of San Clemente and EPT Landscape Architecture, providing for design services related to Forster Ranch Park, Phase I, in an amount not to exceed \$76,846.

J. Contract Renewal - Custodial/Janitorial Services Contract (Advanced Building Maintenance Company)

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to:

1. Approve, and authorize the Mayor to execute, Contract No. C86-534 by and between the City of San Clemente and Advanced Building Maintenance Company, providing for the continuance of custodial/janitorial services to the City's facilities, for the period of July 1, 1996 through June 30, 1998, in the amount of \$43,260 per year.
2. Authorize that the contract be extended one year or more at a time, based on satisfactory performance.
3. Authorize Staff to re-bid the contract every five years, using July 1, 1995 as the base date, unless canceled sooner based on less-than-satisfactory performance.

K. **Renewal of Orange County Health Care Agreement**

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to approve, and authorize the Mayor to execute, Contract No. C86-521 by and between the City of San Clemente and the County of Orange Health Care Agency providing an extension of Health Officer and Staff services until June 30, 2001.

L. **Bond Release - Tract 13182, Vilamoura (UDC Homes)**

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to adopt Resolution No. 96-37 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RELEASING BONDS TO UDC HOMES, INC. ON TRACT 13182, VILAMOURA, IN RANCHO SAN CLEMENTE.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

D. Engineer's Report - San Clemente Street Lighting and Landscaping District No. 1

In response to Council inquiry, Staff explained that \$125,000 in revenue would be generated from a 7.8% increase in the Lighting and Landscaping District.

MOTION BY MAYOR PRO TEM AHLE, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to:

1. Approve the Engineer's Report.
2. Adopt Resolution No. 96-36 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE ENGINEER'S REPORT, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR CERTAIN MAINTENANCE WITHIN CITY OF SAN CLEMENTE STREET LIGHTING AND LANDSCAPING DISTRICT NO. 1 PURSUANT TO THE LANDSCAPE AND LIGHTING ACT OF 1972, AND SETTING A TIME AND PLACE FOR A PUBLIC MEETING AND PUBLIC HEARING.
3. Set a Public Meeting for June 5, 1996 and a Public Hearing for July 3, 1996.
4. Request that Staff provide a minimum of three alternatives to decrease the proposed assessment increase to 6% instead of 7.8%.
5. Request that Staff provide a minimum of two alternatives to decrease the proposed assessment increase to 4%.

E. Final Map and Subdivision Improvement Agreement for Tract 15057 (Quality Associates, Inc.)

Phillip Schwartz presented the following letters to Council:

1) Letter from himself to the Manager of the Rancho San Clemente Business Park Association, dated April 19, 1996, acknowledging that one of the Conditions of Approval for Tract 15057 is the annexation of the subject property into the Rancho San Clemente Business Park Association. This letter requested that the Association notify the City by April 23, 1996 of the mutual agreements regarding annexation. 2) Letter from the Manager of the Rancho San Clemente Business Park Association to the City relaying the Association's understanding that the property owners have agreed to the annexation as required by the City of San Clemente as a condition of final approval. The letter further explained that the Association is in the process of amending its CC&R's that will allow them to annex the property and that once the amendment is approved, they will proceed with obtaining the Declaration of Annexation to include the parcel and owner as a part of the RSC Business Park Association. Lastly, the letter stated that in the interim period, the Association will continue to maintain the Association's common area adjacent to Mr. Kiley's property.

Mr. Schwartz noted that the owners have asked to be annexed since January of 1996 and the matter is presently in the hands of the Association; noted that the owners have continued to show good faith and the Association has continued to maintain the slope; spoke on the importance of receiving approval of the Final Map, noting that the church is scheduled to close escrow on June 15, 1996, with the day care center and warehouse scheduled to close escrow shortly thereafter.

Following discussion relative to possible remedies, Mr. Schwartz suggested that Condition No. 34 be amended to read as follows: "Applicant shall cause to be recorded an agreement approved by the City Attorney that Tract 15057 will maintain Lot 'A' in the event the Master Association fails to maintain it or until such time as the area is annexed into the Rancho San Clemente Business Park Association and will provide evidence of the same to the City Engineer." Lastly, Mr. Schwartz recommended that the City Attorney expedite work on this issue and offered to pay the City Attorney's fee if the legal work is completed in a timely fashion.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to:

1. Approve Final Map 15057 as it conforms to the requirements as set forth in the Subdivision Map Act and the previously approved Tentative Map.
2. Authorize the City Engineer and the City Clerk to sign and file the Final Map for recordation.
3. Authorize the Mayor to execute the Subdivision Improvement Agreement and accept the bonds as surety from the developer.
4. Authorize the City Clerk to execute acceptance and record the Quitclaim Deed for water rights.
5. Modify Condition No. 34 to read as follows: "The Applicant shall exercise best efforts to cause Tract 15057 to be annexed into the Master Association at the earliest possible date. Prior to approval of the Final Map, the owner will annex all the map into the Association. In the alternative, prior to approval of the Final Map, the Applicant shall cause to be recorded an agreement approved by the City Attorney that Tract 15057 will maintain Lot "A" in the event the Master Association fails to maintain it or until such time as Tract 15057 is annexed into the Rancho San Clemente Business Park Association and proper evidence of the same is presented to the City Engineer."
6. Require that the developer comply with Tentative Map Conditions of Approval #34 and #35 prior to recordation of Final Map.

F. Contract Award - Trafalgar Lane Sewer Replacement

In response to a question posed by Karoline Koester, San Clemente, City Engineer Cameron explained that the contract cost for the Trafalgar Lane Sewer Replacement project is \$13,986 and that the \$21,300 figure cited in the Administrative Report includes a 20% construction contingency as well as inspection, design, surveying and soils testing costs. Additionally, City Engineer Cameron responded to Council inquiries relative to the criteria used to develop the Engineer's estimate of \$60,000 as well as the reasoning for the large disparity between bids.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to:

1. Approve the plans and specifications for the Trafalgar Lane Sewer Replacement, Project No. 16614.
2. Approve, and authorize the Mayor to execute, Contract No. C96-50 by and between the City of San Clemente and Brongo Construction, providing for the Trafalgar Lane Sewer Replacement, Project No. 16614, in the amount of \$13,986.

G. Change Orders - Pacific Coast Highway/Colony Cove Slope Stabilization

Karoline Koester, San Clemente, questioned and received clarification that the City decided to assume responsibility for any extra costs incurred by the contractor in the event any bluff failures were to occur during the first three weeks of excavation; staff further explained that the proposed Change Orders, which total \$33,488.69 and represent approximately 1% of the contract cost, will reimburse the contractor for restoring the areas that failed; noted that some of the cost may be reimbursable through FHWA.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to:

1. Approve Change Orders No. 4, 5, 6 and 7 for J. C. Baldwin Construction Co. for Pacific Coast Highway/Colony Cove Slope Stabilization, Project No. 13172, Federal ER-2458 (002) in the amount of \$33,488.69. Contract No. C95-63
2. Authorize the City Engineer to approve a Change Order, if needed, for removal and recompaction of unsuitable materials at a cost not to exceed \$40,000 for J. C. Baldwin Construction Co. for the PCH/Colony Cove Slope Stabilization, Project No. 13172.

5. ORAL COMMUNICATIONS

Cinco de Mayo Fiesta

Ben Villa, San Clemente, Chairperson of the 1996 Cinco de Mayo Fiesta, expressed thanks to the Fiesta Committee members, Orange County Sheriff's Department, CSP, Police Explorers, South Coast YMCA, Council, City Staff and others who helped make the event possible.

Cable Television/Tri-Cities Water Board

Karoline Koester, San Clemente, thanked Myrna Erway, City Clerk, for correcting problems she was experiencing with cable television; commended Ray Benedictus for standing by the community relative to the issue of consolidation.

6. UNFINISHED BUSINESS

None.

7. NEW BUSINESS

A. Rancho Mission Viejo Land Conservancy - Duck-A-Thon

Report from the Director of Beaches, Parks and Recreation concerning the annual Duck-A-Thon fundraiser being conducted by the Rancho Mission Viejo Land Conservancy.

Beaches, Parks and Recreation Director Wegner reviewed the contents of the Administrative Report; relayed that the Parks and Recreation Commission, at its meeting of May 14, 1996, voted unanimously to approve the donation of an Ole Hanson Beach Club swimming pass; stated that the golf donation request was not submitted to the Golf Course Committee since the Committee has reviewed, and objected to, other requests for golf play donations.

Lois Berg, San Clemente, spoke in opposition to the proposed donation for a foursome of golf at the San Clemente Municipal Golf Course; voiced concern that continued requests could result in the loss of \$2,000 of golf fees this year; stated that parameters relating to donations have not been established and suggested that the issue has not been sufficiently studied.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to approve the donation of the following to the Rancho Mission Viejo Land Conservancy for use in its annual 4th of July Duck-A-Thon:

- 1) A foursome of golf at the San Clemente Municipal Golf Course (\$108). The pass shall be valid Monday through Thursday and six months from the date of issuance.
- 2) An annual parking pass (\$55).
- 3) An annual Ole Hanson Beach Club swimming pass (\$150).

B. Orange County Operations Area for Emergency Management

Report from the Public Works Director concerning the possibility of the City joining the newly created Orange County Operations Area for Emergency Management.

Public Works Director Sorg reviewed the contents of the Administrative Report.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to:

1. Adopt Resolution No. 96-38 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING AN AGREEMENT BETWEEN THE CITY OF SAN CLEMENTE, COUNTY OF ORANGE, AND ALL OTHER POLITICAL SUBDIVISIONS IN ORANGE COUNTY TO FORM AN EMERGENCY MANAGEMENT OPERATIONAL AREA IN COMPLIANCE WITH TITLE 19 CALIFORNIA CODE OF REGULATIONS SECTION 2400 ET SEQ. AND GOVERNMENT CODE SECTION 8500 ET SEQ.
2. Approve, and authorize the Mayor to execute, the Orange County Operational Area Agreement of the County of Orange and political subdivisions. Contract No. C96-53
3. Select the Mayor to serve as the City's representative on the Operational Area Council and the Mayor Pro Tem to serve as the alternate.

C. Council of Governments (JPA)

Report from the City Manager concerning the possibility of the City approving the formation of a Council of Governments through the adoption of the JPA Agreement.

City Manager Parness reviewed the contents of the Administrative Report.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to approve the formation of a Council of Governments through the adoption of the JPA Agreement.

8. REPORTS

A. Commissions and Committees

None.

B. City Manager

- (1) City Manager Parness requested a Closed Session to discuss the following:

CONFERENCE WITH LABOR NEGOTIATOR, pursuant to GC Section 54957.6.

Agency Negotiator: Paul Gudgeirsson, Director of Finance and Administrative Services.

Employee Organization: San Clemente City Employees Association.

C. City Attorney

- (1) City Attorney Oderman requested a Closed Session to discuss the following:

**CONFERENCE WITH LEGAL COUNSEL -
ANTICIPATED LITIGATION**

Initiation of litigation pursuant to Section 54956.9c: One Potential Case.

D. Council Members

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

Councilmember Diehl reported that Randy Bressett, Mayor of Laguna Hills, was appointed to LAFCO and Tom Harman, Councilmember of Huntington Beach, was appointed as the LAFCO alternate.

- (2) Legislative Issues

None.

- (3) Orange County Fire Authority Status Update

Mayor Pro Tem Ahle relayed that the Ad Hoc Budget Committee will meet on May 16, 1996 at 7:00 a.m.

- (4) Scholarships - Cox Communications

Mayor Pro Tem Ahle explained that he was involved in the selection of recipients for \$1,000 scholarships from Cox Communications; explained the selection process and noted that Allison Woolley, from San Clemente High School, is one of the scholarship recipients.

9. RESOLUTIONS/ORDINANCES

None.

CLOSED SESSION

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to recess to Closed Session at 8:30 p.m. to discuss the following:

1. **CONFERENCE WITH LABOR NEGOTIATOR**, pursuant to GC Section 54957.6.

Agency Negotiator: Paul Gudgeirsson, Director of Finance and Administrative Services.

Employee Organization: San Clemente City Employees Association.

2. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Initiation of litigation pursuant to Section 54956.9c: One Potential Case.

The City Manager, City Attorney, Director of Finance and Administrative Services, and City Clerk were in attendance.

MEETING RECONVENED

Council reconvened at 9:00 p.m., with all members present except Councilmember Haggard.

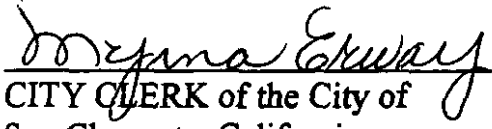
Judicial Foreclosure Action Against Properties Delinquent in Paying Assessments for the Sewer Treatment Plant (Assessment District No. 85-1)

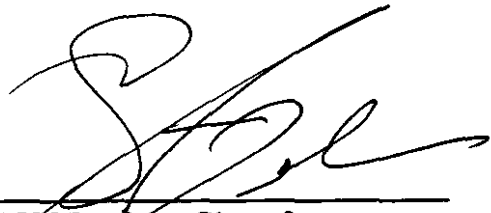
MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to adopt Resolution No. 96-34 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ORDERING JUDICIAL FORECLOSURE OF DELINQUENT ASSESSMENT INSTALLMENTS PURSUANT TO THE IMPROVEMENT BOND ACT OF 1915, AND ORDERING THAT THE TAX COLLECTOR BE CREDITED WITH THOSE INSTALLMENTS (ASSESSMENT DISTRICT NO. 85-1 - WASTEWATER TREATMENT FACILITY).

Adjournment

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to adjourn at 9:01 p.m. to a Joint Council/Commissions/Committees meeting to be held on May 29, 1996 at 7:00 p.m. in the Ole Hanson Room of the Community Center, located at 100 N. Seville, San Clemente, California.

The next Regular Meeting will be held on June 5, 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

CITY OF SAN CLEMENTE
AFFIDAVIT OF POSTING ORDER
OF ADJOURNMENT OF MEETING

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS.
CITY OF SAN CLEMENTE)

I, MYRNA ERWAY, declare as follows:

That I am the City Clerk of the City of San Clemente; that at a Regular City Council meeting held on May 15, 1996, the meeting was adjourned to the time and place specified in the ORDER OF ADJOURNMENT attached hereto; and that on May 16, 1996 at the hour of 9:00 a.m. a copy of said order was posted at a conspicuous place near the door of the City Council Chambers.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 16, 1996 at San Clemente, California.


MYRNA ERWAY
City Clerk

NOTICE OF ADJOURNMENT
EXCERPT FROM THE MINUTES OF THE CITY COUNCIL
MEETING OF MAY 15, 1996

A Regular City Council meeting was held in the City Council Chambers, located at 100 Avenida Presidio, San Clemente, California on May 15, 1996.

ROLL CALL: PRESENT: AHLE, ANDERSON, DIEHL, MAYOR APODACA

ABSENT: HAGGARD

ADJOURNMENT

Council adjourned to a Joint Council/Commissions/Committees meeting to be held on May 29, 1996 at 7:00 p.m. in the Ole Hanson Room of the Community Center, located at 100 N. Seville, San Clemente, California.


MYRNA ERWAY
City Clerk