

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting - January 2, 1991

A Regular Meeting of the San Clemente City Council was called to order on January 2, 1991 at 7:00 p.m. in the Council Chambers, 100 Avenida Presidio, San Clemente, California by Mayor Diehl.

PRESENT ANDERSON, BENEDICT, HAGGARD, LORCH, MAYOR DIEHL

ABSENT NONE

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

INVOCATION

Pastor Margaret Duttera, of Christ Lutheran Church, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Diehl led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

None.

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

3. **PUBLIC HEARINGS**

None.

4. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to approve the Consent Calendar with the removal of Items 4-A (December 17, 1990 minutes), 4-C, 4-D, and 4-F.

A. MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to approve the City Council minutes of December 18, 1990 and December 19, 1990.

B. MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to receive and file:

(1) Planning Commission minutes of November 20, 1990 and December 4, 1990.

(2) Community Design Commission minutes of November 27, 1990.

(3) Human Resources Committee minutes of November 19, 1990.

E. **Parking Prohibition - Between Two Driveways at 310 Avenida Del Mar**

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to adopt Resolution No. 91-01 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING "NO PARKING" REGULATIONS.

G. **Emergency Sink Hole Repair - Tract 11781 (Forster Ranch)**

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to authorize the appropriation of \$2,750 from Account No. 037-000-23418 (Reserve for Forster Ranch Improvements) to Account No. 037-868-43890 (Developers Improvement Fund).

H. Change Order Policy for Water Reclamation Plant Expansion (Contract C-2)

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to:

1. Modify the Change Order Policy for the Water Reclamation Plant Expansion Contract C-2 to allow staff to approve a change order not to exceed \$47,000 for the direct cost for the additions to the Operations and Maintenance Building.
2. Direct staff to continue negotiations with the contractor, M.A. Mortenson Company, on their claim of \$40,162 for indirect cost and seven (7) calendar days' time extension for Operations and Maintenance Building additions. Staff will present a report to the City Council upon completion of negotiations with the contractor on indirect cost and time extension claim. (Contract #C88-15)

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**A. City Council Minutes**

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 4-0-1 (COUNCILMEMBER HAGGARD ABSTAINING) to approve the City Council minutes of December 17, 1990.

C. Warrant Register

City Clerk Erway announced that the Payroll Warrant for the period 12-10-90 through 12-23-90 totals \$323,790.32, rather than \$322,790.32 as indicated on the agenda.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to approve Warrant Nos. 97926 through 98092 (Voids 97924-97925) for the period 12-10-90 through 12-14-90 in the amount of \$432,899.87; Warrant Nos. 98098 through 98246 (Voids 98093-98097) for the period 12-17-90 through 12-21-90 in the amount of \$1,373,578.69; for a total Warrant Register of \$1,806,478.56.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to approve Payroll Warrant Nos. 60799 through 61167 (Voids 60795-60798) for the period 12-10-90 through 12-23-90 in the amount of \$323,790.32; for a total Payroll Register of \$323,790.32.

D. Gang Prevention Program - Contract with CSP, Inc.

Captain Powers advised that the City Attorney has suggested two minor modifications to the proposed CSP contract; reviewed the subject revisions as specifically contained in her memorandum, dated January 2, 1991, and on file in the City Clerk's Department.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to approve, and authorize the Mayor to execute, City Contract #C91-01 by and between the City of San Clemente and Community Service Programs, Inc. for the provision of police enhancement consultant services, with the following modifications as recommended by the City Attorney:

- 1) Paragraph 7.2.A shall be deleted.
- 2) Section 8.1 shall be expanded to include the following sentence: "The above notwithstanding, client files and their contents shall remain confidential and the sole property of Consultant."

F. **Parking Prohibition/Limitation - Between Portions of Avenida Navarro and Calle de los Molinos**

Traffic Engineer Hindiyeh recommended that Section 2 of proposed Resolution No. 91-02 be modified to provide that 1) parking shall be prohibited on the northeast side of Avenida Navarro from 174 Avenida Navarro to 424 Calle de los Molinos on Fridays between the hours of 4:00 a.m. and 7:00 a.m. to accommodate street sweeping; and 2) parking shall be prohibited on the southwest side of Avenida Navarro from 174 Avenida Navarro to 424 Calle de los Molinos on Thursdays between the hours of 4:00 a.m. and 7:00 a.m. to accommodate street sweeping.

Larry Vasquez, 161 Avenida Navarro, stated he owns two lots on Navarro, one of which is occupied by his residence and the other lot occupied by his plumbing business; objected to the proposal to replace the yellow loading zone with red curbing in the area between his residence driveway and his business; cited the need for the loading zone.

Traffic Engineer Hindiyeh stated the City has received complaints from neighbors due to vehicles being parked in the subject loading zone for long periods of time, despite the City's enforcement efforts; described the narrowness of Avenida Navarro (i.e., 25' wide) and the shortage of sidewalks in the vicinity; opined that parking should be prohibited at the beginning and end of the curve for safety purposes.

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to adopt Resolution No. 91-02 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING "RESTRICTED PARKING AREAS" AND "NO PARKING" REGULATIONS AT VARIOUS LOCATIONS, with the following modifications:

1. Section 1 shall be modified to provide that an appropriate additional amount of red curbing shall be provided on the northeast side of Avenida Navarro along the curve (i.e., directly across the street from 161 Avenida Navarro) to provide sufficient clearance to enable the loading zone between the driveways of 151 and 161 Avenida Navarro to remain.
2. Section 2 shall be modified to provide that parking shall be prohibited on the northeast side of Avenida Navarro from 174 Avenida Navarro to 424 Calle de los Molinos on Fridays between the hours of 4:00 a.m. and 7:00 a.m. to accommodate street sweeping.
3. Section 2 shall be modified to provide that parking shall be prohibited on the southwest side of Avenida Navarro from 174 Avenida Navarro to 424 Calle de los Molinos on Thursdays between the hours of 4:00 a.m. and 7:00 a.m. to accommodate street sweeping.

5. **ORAL COMMUNICATIONS**

Gang Prevention/Suppression

Gordon Harrison, 1509 S. Ola Vista, stated he is a captain with the Los Angeles Police Department and represents a group of homeowners; disagreed with the City's decision to utilize counseling services as a means of addressing the gang situation; opined the most effective means of controlling the problem would be through additional enforcement.

Captain Powers responded that the City has been heavily involved in an enforcement effort and has also been working closely with schools and the Probation Department; stated the City's efforts to date have been effective, however, it was felt that a prevention program was also needed to curb the problem in the future; explained the counseling program will be geared toward discouraging elementary school children from becoming involved in gang activity, while also being open to existing gang members who wish to receive counseling; noted the program will strongly emphasize community involvement; reviewed the City's program for discouraging the placement of graffiti in the City.

6. **UNFINISHED BUSINESS**

None.

7. **NEW BUSINESS**

A. **Abandonment 90-142, Tapia - Open Space Easement at 2950 Via Blanco**

Report from the Community Development Director concerning the abandonment of an open space easement at 2950 Via Blanco (Lot 93 of Tract 9764).

Principal Planner Goldin reviewed the contents of the Administrative Report; noted the purpose of the abandonment would be to allow for the potential subdivision of the property into four lots; relayed that the Planning Commission, at its meeting of December 4, 1990, voted 3-0 to recommend denial of the abandonment since it was believed that the proposal would: 1) encroach into the scenic resources of the City; 2) reduce the amount of designated open space in Tract 9764; and 3) set a precedent for similar requests; noted the City has received three letters of protest to Abandonment 90-142 which are attached to the Administrative Report; recommended that Council concur with the Planning Commission and deny Abandonment 90-142.

Samuel Tapia, Applicant, 2950 Via Blanco, stated that after filing, and paying corresponding fees, for a Zoning Amendment, Tentative Parcel Map, Specific Plan Amendment, General Plan Amendment, Grading Plan and Site Plan, he was informed that he must apply for City abandonment of the open space easement; spoke in support of the abandonment for the following reasons: 1) Tract 9764 currently has an excess of open space; 2) the proposed development would be compatible with the surrounding area; 3) the proposed project conforms to the General Plan; 3) the proposed development would alleviate the existing fire hazard; 4) only 13% of the total lot area would be used for the building pad; and 5) the project does not violate any of the provisions of the property's CC&R's.

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to adopt Resolution No. 91-03 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DENYING ABANDONMENT 90-142, TAPIA, ABANDONMENT OF AN OPEN SPACE EASEMENT DEDICATED TO THE CITY OF SAN CLEMENTE ON LOT 93 OF TRACT 9764.

*Note: During the Council Members portion of this meeting, Principal Planner Goldin clarified that Mr. Tapia's applications were processed under the City's previous deposit system; explained that if Mr. Tapia does not wish to continue to have his applications processed, he will receive a refund for those application fees that exceed the amount of staff time actually devoted to the applications; relayed Staff's position that the processing of the applications took place in appropriate sequence. See Page 10 of these minutes.

8. REPORTS

A. Commissions and Committees

(1) Human Resources Committee - Resignation of Gerri Macintyre

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to accept the resignation of Gerri Macintyre from the Human Resources Committee with regret.

(2) General Plan Update Advisory Committee - Resignation of Phil DeProtine

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to accept the resignation of Phil DeProtine from the General Plan Update Advisory Committee with regret.

B. City Manager

City Manager Parness requested a Closed Session to discuss a matter of personnel and labor negotiations.

C. City Attorney

City Attorney Oderman requested a Closed Session to discuss 1) a matter of pending litigation, Baumgartner v. City of San Clemente, pursuant to GC Section 54956.9(a); and 2) a matter of potential litigation, pursuant to GC Section 54956.9(c).

D. Council Members

(1) Orange County Division - California League of Cities

Mayor Diehl advised that the Orange County Division of the League of California Cities will consider appointments to the following Committees/Commission at its General Meeting of January 10, 1991: 1) Senior Citizens Advisory Committee; 2) Orange County Housing Commission; and 3) Arterial Highway Financing Program Advisory Committee. Mayor Diehl also advised that service opportunities are available on the following Authority/Commissions: 1) Orange County Transportation Authority; 2) Orange County Waste Management Commission - 2nd, 3rd and 5th Districts; and 3) Legal/Judicial Systems Committee; advised that Senator Bergeson will be the speaker at the General Meeting of January 10, 1991.

(2) Placement of "Drug Use is Life Abuse" Logo on City Letter-head/Envelopes

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, to authorize the expenditure of \$45 for the purchase of a print stamp containing the "Drug Use is Life Abuse" logo which would be attached to the City's postage meter and would print the DUILA logo on the outside of the City's outgoing mail envelopes.

SUBSTITUTE MOTION BY MAYOR DIEHL, SECOND BY COUNCILMEMBER BENEDICT, CARRIED .4-1 (COUNCILMEMBER LORCH VOTING NOE), to authorize the expenditure of \$150 to accommodate printing of the "Drug Use is Life Abuse" logo on the City's existing black-and-white letterhead and to also authorize the expenditure of \$45 for the purchase of a print stamp which would be attached to the City's postage meter and would print the DUILA logo on the outside of the City's outgoing mail envelopes.

(3) Establishment of Procedure for Filling Vacancies on the General Plan Update Advisory Committee

This agenda item was deferred to the Council meeting of January 16, 1991.

(4) Abandonment 90-142 (Tapia)

This item was originally discussed as Item 7-A on this evening's agenda. (See Page 7 of these minutes for a summary of that discussion.) During the Council Member portion of the meeting, however, Councilmember Lorch queried Staff concerning the disposition of the application fees paid by Mr. Tapia.

Principal Planner Goldin responded that Mr. Tapia's applications were processed under the City's previous deposit system; explained that if Mr. Tapia does not wish to continue to have his applications processed, he will receive a refund of those application fees that exceed the amount of staff time actually devoted to the applications; relayed Staff's position that the processing of the applications took place in appropriate sequence.

MEETING RECESSED

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to recess to a meeting of the Redevelopment Agency at 8:00 p.m.

MEETING RECONVENED

Council reconvened at 8:01 p.m., with all members present.

CLOSED SESSION

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to recess to Closed Session at 8:01 p.m. to discuss 1) a matter of personnel and labor negotiations; 2) a matter of pending litigation, Baumgartner v. City of San Clemente, pursuant to GC Section 54956.9(a); and 3) a matter of potential litigation, pursuant to GC Section 54956.9(c). The City Council, City Manager, City Attorney, Personnel/Risk Manager, Marine Safety Captain, and the City Clerk were in attendance.

MEETING RECONVENED

Council reconvened at 8:50 p.m., with all members present.

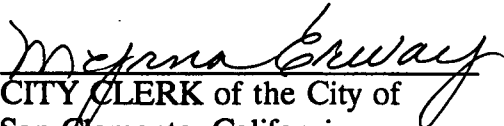
Health Insurance Benefits - Management/Confidential/General Employee Bargaining Units

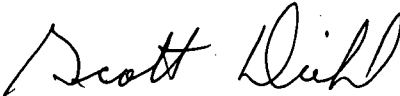
MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to authorize that the rate increase associated with the health insurance benefits for members of the Management, Confidential and General Employee bargaining units shall be assumed as follows, effective January 1, 1991:

- Plan I - City and the Management/Confidential/General Employee bargaining units will split the rate increase 50/50.
- Plan II - City and the Management/Confidential/General Employee bargaining units will split the rate increase 90/10.
- HMO - City will pay 100% of the cost of the plan.

ADJOURNMENT

There being no further business, Council adjourned at 8:52 p.m. The next Regular Meeting will be held on Wednesday, January 16, 1991 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