

CITY OF SAN CLEMENTE

City Council Minutes

Special and Regular Meetings - November 21, 2006

A Special Meeting of the San Clemente City Council was called to order on November 21, 2006 at 5:30 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

PRESENT ANDERSON, DAHL, KNOBLOCK, RITSCHER, MAYOR
EGGLESTON

ABSENT NONE

STAFF PRESENT George Scarborough, City Manager; Jeff Oderman, City
Attorney; Joanne Baade, Deputy City Clerk

CLOSED SESSION

MOTION BY COUNCILMEMBER RITSCHER, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to recess to Closed Session to discuss the following:

A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation, pursuant to Government Code Section 54956.9(c): One Potential Case

B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, pursuant to Government Code Section 54957:

Title: City Manager

The City Council was in attendance. Closed Session Item A was not discussed. Closed Session Item B was discussed at this point in the meeting and was continued to later in the meeting. Please refer to Page 16 of these minutes for a continuation of this item.

CALL TO ORDER (REGULAR MEETING)

Mayor Eggleston called the Regular Meeting to order at 7:05 p.m., with all members present.

INVOCATION

Pastor Walter Reguerin, Iglesia El Camino, gave the invocation.

PLEDGE OF ALLEGIANCE

Councilmember Ritschel led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Presentation of Commendation - Jordan Heil, Eagle Scout**

Mayor Eggleston presented a commendation to Jordan Heil in recognition of achieving the prestigious rank of Eagle Scout.

B. **Presentation of Commendations - Laura Slye and Jeannie Egle of Base Line Services**

Mayor Eggleston presented Commendations to Laura Slye and Jeannie Egle, of Base Line Services, for outstanding service to the City as interim sports complex operator and concessionaire at Richard T. Steed Memorial Park.

2. MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM DAHL, CARRIED 5-0, to waive reading in full of all Resolutions and Ordinances.

3. **CONSIDERATION OF AGENDIZING ITEMS REQUIRING IMMEDIATE ACTION**

None.

4. **ORAL COMMUNICATIONS (PART ONE)**

League of Women Voters Meeting - Orange County Harbors, Beaches and Parks Strategic Plan

Diane Thomas, on behalf of the League of Women Voters, extended an invitation to attend a meeting on December 2, 2006, at which time Kevin Thomas, Department Chair of Orange County Harbors, Beaches and Parks, will present the new strategic plan that was developed in response to Grand Jury criticism.

5. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve the Consent Calendar with the removal of Items F, G and I.

A. **City Council Minutes**

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve the City Council minutes of November 6, 2006.

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

- (1) Zoning Administrator meeting minutes of October 30, 2006, November 8, 2006 and November 13, 2006.
- (2) Golf Course Committee meeting of August 3, 2006 and September 7, 2006.
- (3) Planning Commission minutes of November 8, 2006.

C. Warrant Register

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve Handwrite No. 780093, Wire Transfer No. 423 and Warrant Nos. 779915 through 780092 for the period 10-23-06 through 10-27-06 in the amount of \$1,101,409.28; approve Handwrite No. 780233 and Wire Transfers Nos. 424 and 425 and Warrant Nos. 780094 through 780232 for the period 10-30-06 through 11-3-06 in the amount of \$756,579.15; for a total Warrant Register of \$1,857,988.43.

Payroll Register

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve Warrant Nos. 318508 through 318546, and Automatic Deposit Advises 143476 through 143693, for the period 10-23-06 through 11-5-06 in the amount of \$353,643.32; for a total Payroll Register of \$353,643.32.

D. Contract Approval - Delivery and Supply of Chlor-Alkali Products to the Member Agencies of SOCWA

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

1. Approve, and authorize the Mayor to execute with the member agencies of South Orange County Wastewater Authority (SOCWA), Contract C06-53 by and between SOCWA Entities and Pioneer Chemical, Inc. relating to the delivery and supply of Chlor-Alkali products to the member agencies of SOCWA.
2. Approve, and authorize the Mayor to execute with the member agencies of South Orange County Wastewater Authority (SOCWA), Contract C06-54 by and between SOCWA Entities and Miles Chemical, Inc. relating to the delivery and supply of Chlor-Alkali products to the member agencies of SOCWA.

E. **Contract Award - Columbo and San Gabriel Pump Station Rehabilitation**

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

1. Approve the plans and specifications for Columbo Pump Station Rehabilitation (Project 25204) and San Gabriel Pump Station Rehabilitation (Project 14202).
2. Approve, and authorize the Mayor to execute, Contract C06-55 by and between the City of San Clemente and NEWest Construction Co., Inc., providing for the rehabilitation of the Columbo Pump Station (Project 25204) and the rehabilitation of the San Gabriel Pump Station (Project 14202), in the amount of \$394,275.

H. **Contract Award - Camino de Estrella and Camino Mira Costa Rehabilitation, Project No. 16328, Federal Project No. STPL-5274 (020)**

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

1. Approve the plans and specifications for contract award for Street Improvement Project No. 16328, Federal Project No. STPL-5274 (020).
2. Approve a supplemental appropriation of \$700,000 to Account 012-861-45300-000-16328, Improvements Other Than Buildings, in the Gas Tax Fund for the Camino de Estrella and Camino Mira Costa rehabilitation.
3. Approve, and authorize the Mayor to execute, Contract C06-57 by and between the City of San Clemente and All American Asphalt, relating to Street Improvement Project No. 16328, Federal Project No. STPL-5274 (020), in the amount of \$1,207,109.

J. **Establishment of New Job Classifications in the Beaches, Parks and Recreation Department**

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

1. Approve the elimination of the part-time Facilities Maintenance Specialist positions, establish a Building Monitor classification at Range 31 and approve the job description.
2. Approve the elimination of a regular part-time (30 hours per week) Facilities Maintenance Specialist position and authorize the establishment of a regular part-time (30 hours per week) Recreation Facilities Specialist position at Range 48, and approve the job description.
3. Approve the elimination of the full-time Recreation Facilities Maintenance Specialist position, establish a Recreation Facilities Coordinator classification, authorize a full-time Recreation Facilities Coordinator position, and approve the job description.
4. Adopt Resolution No. 06-77 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING RESOLUTION NO. 97-09, ADOPTING A REVISED SALARY SCHEDULE.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

F. **Contract Amendment - Survey of Nixon Wall and Additional Meetings Associated with the Update to the City's Historic Resource Survey**

Deputy City Clerk Baade announced that Staff is recommending that the \$8,000 transfer be taken from the Council Contingency Account, as opposed to the General Fund Undesignated Fund Balance as was indicated in the Administrative Report.

In response to Council inquiry relative to the amount of the original Nixon Wall that remains intact, John MacDowell, legal counsel for the Cotton Point Homeowners Association, stated that 14 lots back up to the Nixon wall; explained that the wall has been substantially removed from one of the 14 lots, approximately six to ten feet of the wall has been removed from one other lot, and the wall remains intact on the remaining lots; stated that he does not know the linear footage that remains of the original wall that was built in 1968.

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER RITSCHER, CARRIED 5-0, to:

1. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C06-13 by and between the City of San Clemente and Historic Resources Group, to include evaluation of the historic significance of the Nixon Wall and two additional meetings for the completion of the update to the Historic Resources Survey. This amendment increases the contract cost from \$26,000 to \$34,000.
2. Approve a transfer of \$8,000 from the Council Contingency Account to Comprehensive Planning Account 001-431-43690 for the update and completion of the Historic Resources Survey.

G. **Contract Award - Camino Vera Cruz Rehabilitation, Project No. 17311, Federal Project No. STPL-5274 (022)**

Deputy City Clerk Baade announced that Staff is recommending that Council award the Camino Vera Cruz rehabilitation contract to R. J. Noble, as opposed to All American Asphalt as was indicated in the Administrative Report; clarified that the amount of the contract remains the same and that reference to All American Asphalt in the initial staff recommendation was a clerical error.

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

1. Approve the plans and specifications for contract award for Street Improvement Project No. 17311, Federal Project No. STPL-5274 (022).
2. Approve a supplemental appropriation of \$250,000 to Account 012-861-45300-000-17311, Improvements Other Than Buildings, in the Gas Tax Fund for the Camino Vera Cruz Rehabilitation.
3. Approve, and authorize the Mayor to execute, Contract C06-56 by and between the City of San Clemente and R. J. Noble, relating to Street Improvement Project No. 17311, Federal Project No. STPL-5274 (022), in the amount of \$843,649.50.

I. La Pata/Vista Hermosa Community Park Fundraiser Budget

Assistant to the City Manager Ferguson noted that her Administrative Report indicated that the cost-share percentage for the October 27, 2006 fundraiser launch for the La Pata/Vista Hermosa Community Park would be announced at this meeting; explained, however, that the Beaches, Parks and Recreation Foundation has not yet voted on the cost-share arrangement; requested that Council transfer the full cost of \$7,284.12, with the understanding that the Foundation will reimburse the City for a portion of that cost; pointed out that the two members of the Foundation who also serve on the fundraising committee are recommending that the Foundation share the cost equally with the City.

In response to Council inquiry, Bill Thomas, member of the Parks and Recreation Foundation Board, noted that the Board represents various segments of the community and identified the Board's membership; explained that 100% of all contributions are used for Park improvements and no percentage is utilized for administrative costs.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM DAHL, CARRIED 5-0, to approve a transfer of \$7,284.12 from Council Contingency Account 001-203-44900 to Account 001-203-44752 to accommodate expenses associated with the La Pata/Vista Hermosa Community Park fundraiser launch and ongoing fundraising efforts.

6. PUBLIC HEARINGS

None.

7. **UNFINISHED BUSINESS**

A. **San Clemente Downtown Business Association - Review of City Funding Support**

Report from the Public Works/Economic Development Director concerning City funding support to the San Clemente Downtown Business Association.

Public Works/Economic Development Director Lund reviewed the contents of the Administrative Report and responded to Council inquiries.

Jim Eckel, Member of the Downtown Business Association, stated that an effective Main Street program requires an effective and efficient committee structure, a balanced work schedule and community involvement; explained that implementation of the Main Street methodology requires a four-point approach that includes organization, economic restructuring, promotion and design; stated that the DBA successfully commenced implementation of the Main Street methodology in 2003, but encountered problems in 2005; reported that the DBA has rechanneled its efforts and is again implementing the four-point methodology; reviewed events planned for 2007 and thanked Council for its past and future support.

In response to Council inquiry, Mr. Eckel offered to 1) research and report back to Council as to whether or not an application has been submitted for acceptance into the Main Street Program, and 2) provide Councilmembers with copies of the most-recent 501(c)(3) disclosure statement that was filed with the State.

Michael Kaupp, Board Member of the Downtown Business Association, stated that the PBID (Property-Based Business Improvement District) is currently on hold; advised that the Board made a decision in June 2006 to endeavor to get the Main Street methodology back on track; stated that owners of 25% of the affected properties have signed the PBID petition to date, noting that another 25% plus one is needed; explained that the number of signatures has not changed over the past five months because the process has been placed on hold; stressed the importance of focusing on long-term sustainability; suggested that balanced leadership in the coming year will enable the DBA to work diligently on the PBID; suggested that Council request updates, including a timeline with benchmarking, relative to the PBID process; expressed confidence that the requisite number of PBID signatures will be obtained.

During the ensuing discussion, Council urged that the DBA focus on the PBID in the coming year.

Council requested that the Downtown Business Association (DBA) provide a plan, including timelines and interim benchmarks, relative to the Main Street program and PBID program. Additionally, Council requested that the DBA provide a progress report and map that depicts properties that support the PBID. Council requested that the DBA provide the subject information by January 2007.

8. **NEW BUSINESS**

A. **Marblehead Coastal Community Facilities District (CFD)**

Report from the Public Works/Economic Development Director and Assistant City Manager/City Treasurer concerning the possibility of adopting resolutions declaring the City's intention to establish Community Facilities District (CFD) 2006-1 and authorize the levy of special taxes, and incur bonded indebtedness for the proposed CFD 2006-1.

Public Works/Economic Development Director Lund reviewed the contents of the Administrative Report and responded to Council inquiries.

Larry Rolapp, Fieldman, Rolapp and Associates, explained that the City, as part of the financing team, retained Empire Economics, an absorption consultant, to conduct a price point analysis to determine the adequate tax burdens for the Marblehead Coastal properties; advised that Empire Economics determined that the maximum special tax should be \$15,000 irrespective of the price of the homes; stated that a tiered tax chart, that was based on home square footages, has been developed.

Melissa Echelberger, on behalf of the San Clemente Junior Woman's Club, stated that Courtney's Sand Castle will be the first universally-accessible playground in Orange County; urged Council to support the CFD.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to adopt Resolution No. 06-78 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DECLARING ITS INTENTION TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 2006-1 OF THE CITY OF SAN CLEMENTE AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to adopt Resolution No. 06-79 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DECLARING ITS INTENTION TO INCUR BONDED INDEBTEDNESS FOR PROPOSED COMMUNITY FACILITIES DISTRICT NO. 2006-1 OF THE CITY OF SAN CLEMENTE.

9. **ORAL COMMUNICATIONS (PART TWO)**

None.

10. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

- (1) **Presentation of the FY 2005-06 4th Quarter Financial Report, FY 2006-07 First Quarter Report, and Fiscal State of the City Report.**

Purchasing/Budget Officer Elston narrated a PowerPoint presentation entitled "Fiscal State of the City, FY 2005-06 4th Quarter Report and FY 2006-07 1st Quarter Report". A hard copy of Ms. Elston's presentation is on file with the City Clerk.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER RITSCHER, CARRIED 5-0, to receive and file the Fiscal State of the City, FY 2005-06 4th Quarter Report and FY 2006-07 1st Quarter Report.

- (2) **Consideration of Scheduling a Joint Council, Commissions and Committees Meeting for January 30, 2007.**

Council scheduled a Joint Council, Commissions and Committees meeting for January 30, 2007.

C. **City Attorney**

None.

D. **Council Members**

- (1) **Council Position on Orange County Division, California League of Cities Issues.**

Councilmember Ritscher reported that the City Selection Committee appointed Paul Glaab, of Laguna Niguel, to fill the position that she is vacating on the OCTA Board.

(2) **Council Position on Legislative Issues.**

None.

(3) **Orange County Fire Authority Status Update.**

Councilmember Knoblock reported that the Orange County Fire Authority was presented with a request at its last meeting to form a new bargaining unit for the equipment mechanics group; explained that the request was denied following a lengthy discussion and debate.

Mayor Pro Tem Dahl advised that Fire Station 59 has received a new 75-foot aerial ladder truck.

(4) **San Clemente-Dana Point Animal Services Authority.**

Mayor Pro Tem Dahl expressed gratitude to the Shelter staff, volunteers and veterinarians; urged citizens to consider adopting a pet from the Shelter.

(5) **Transportation Corridor Agencies Status Report.**

None.

(6) **Consideration of Supporting Caltrans' New "Adopt an On-Ramp/Off-Ramp Litter Removal Program"**

Councilmember Ritschel explained that Caltrans is making a new program available in Orange County whereby cities and organizations can adopt an on-ramp or off-ramp for litter removal; stated that the Program, which was implemented in response to a suggestion by the City of San Clemente, will be managed in the same manner as the Adopt-a-Highway program.

It was agreed that information about the On-Ramp/Off-Ramp Litter Removal Program will be included on the City's website.

(7) **Councilmember Items.**

Councilmember Ritschel congratulated OCTA and the Orange County community on the success of Measure M, noting that the measure passed with nearly 70% of the vote; pointed out that San Clemente has benefited from a significant amount of roadway improvement funding from Measure M and expressed hope that “Go Local” funding will be available for the downtown trolley system.

Councilmember Anderson, the City’s Director on the California Joint Powers Insurance Authority, reported on his attendance at a training session last week in San Francisco that covered issues relating to insurance, liability and risk.

Councilmember Anderson distributed a letter from Marina Ranch Church which requested a waiver of fees associated with a Conditional Use Permit application to allow the church to conduct assemblies in Suite 130 of 657 Camino de los Mares. Council requested that this issue be agendized for January 2007.

Council requested that the traffic circulation study for San Clemente High School be agendized for January or February 2007.

11. **RESOLUTIONS/ORDINANCES**

None.

CLOSED SESSION

Council recessed to Closed Session at 8:45 p.m. to discuss the following:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION, pursuant to
Government Code Section 54957:

Title: City Manager

The City Council and City Manager Scarborough were in attendance.

MEETING RECONVENED

Council reconvened at 9:44 p.m., with all members present.

12. **ADJOURNMENT**

MOTION BY COUNCILMEMBER RITSCHER, SECOND BY
COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to adjourn at 9:45 p.m.

The next Regular Meeting will be held on December 5, 2006 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be discussed at 6:00 p.m. The General Session will begin at 7:00 p.m.

DEPUTY CITY CLERK of the
City of San Clemente, California

MAYOR of the City of
San Clemente, California