

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting - September 21, 2004

A Regular Meeting of the San Clemente City Council was called to order on September 21, 2004 at 6:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Deputy City Clerk Baade.

CLOSED SESSION

The agendized Closed Session, which related to a Public Employee Performance Evaluation for the City Manager, pursuant to Government Code Section 54957, was deferred to the Council meeting of October 5, 2004. Consequently, Deputy City Clerk Baade recessed the meeting to 7:00 p.m.

PRESENT

ANDERSON, DAHL, DOREY, EGGLESTON, MAYOR
RITSCHER

ABSENT

NONE

STAFF PRESENT

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

* * *

INVOCATION

Pastor Roger Gales, Heritage Christian Fellowship, gave the invocation.

PLEDGE OF ALLEGIANCE

Councilmember Eggleston led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

None.

2. MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM ANDERSON, 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)**

Entertainment Sound Levels (Restriction that Sound Not be Audible More than 25' Outside the Building Structure)

Gordon James, owner and operator of Gordon James Grill, stated that on September 10, 2004 his business was cited by the Orange County Sheriff's Department because their music filtered 25' outside the boundaries of their building; commented that the windows and doors were closed, and that a manager was on the premises, as required by their Conditional Use Permit; asserted that the noise levels were not excessive and pointed out that no complaints were received; requested that Council agendize the issue of the 25' noise restriction for a future meeting.

Dave Donaldson, owner of Beach Fire Restaurant and President of the Downtown San Clemente Restaurant Association, stated that the Beach Fire also received a noise citation on September 10, 2004; opined that the 25' sound restriction is unworkable; commented that the downtown restaurants are thriving and meeting a community need; suggested that a task force be established to analyze the 25' sound restriction and that the issue be agendized for Council consideration.

Council requested that the 25' sound limitation be agendized for the Council meeting of October 19, 2004.

5. CONSENT CALENDAR

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve the Consent Calendar with the removal of Items E, F, I and J.

A. City Council Minutes

None.

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

(1) Parks and Recreation Commission minutes of August 10, 2004.

(2) Zoning Administrator meeting minutes of September 9, 2004.

(3) Planning Commission minutes of September 8, 2004.

C. Warrant Register

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve Warrant Nos. 760318 through 760481 for the period 8-16-04 through 8-20-04 in the amount of \$1,568,078.85; approve Wire Transfers Nos. 278 through 282 and Warrant Nos. 760482 through 760687 for the period 8-23-04 through 8-27-04 in the amount of \$5,859,288.34; for a total Warrant Register of \$7,427,367.19.

Payroll Register

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve Warrant Nos. 314604 through 314682 and Automatic Deposit Advises 131662 through 131845 for the period 8-16-04 through 8-29-04 in the amount of \$321,277.03; for a total Payroll Register of \$321,277.03.

D. **Contract Amendments - Building Plan Check Services**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to:

1. Approve, and authorize the Mayor to execute, the First Amendment to Contract AC-205, by and between the City of San Clemente and Charles Abbott Associates, relating to building plan check services, to increase the cap on total payments to \$25,000.
2. Approve, and authorize the Mayor to execute, the First Amendment to Contract AC-203, by and between the City of San Clemente and Harris & Associates, relating to building plan check services, to increase the cap on total payments to \$25,000.

G. **Authorization to Solicit Bids - Golf Course Clubhouse Project**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to:

1. Approve the additive alternatives/omissions package for the golf course clubhouse that was developed by the clubhouse architect.
2. Authorize Staff to proceed to public bid.

H. **Community Center Kitchen Cabinet Replacement**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C04-45 by and between the City of San Clemente and Sorenson Cabinets, providing for the fabrication and installation of kitchen cabinets at the Community Center, in the amount of \$19,620.

K. **Communications Site Lease Extension - Medix Ambulance Service**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve, and authorize the Mayor to execute, the Third Amendment to the Communications Site Lease, by and between the City of San Clemente and Medix Ambulance Service (Contract C94-66), to extend the lease for an additional two years, increase the monthly rental rate from \$425 to \$450 per month, and authorize the City Manager to approve future amendments.

L. **Community Development Block Grant Administrative Services**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C04-46 by and between the City of San Clemente and Michelle R. Alves, relating to Community Development Block Grant Administrative Services, for a cost not to exceed \$22,000.

M. **Change Order - Calle Agua Pump Station and Schlegel Pump Station, Project Nos. 12501 and 10503, for Water Reclamation Plant Monitoring Equipment**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to:

1. Approve the plans and specifications for Water Reclamation Plant CT Monitoring, Project No. 13606.
2. Approve, and authorize the Mayor to execute, Change Order No. 1 to Contract C04-24 by and between the City of San Clemente and Caliagua Engineering Contractors, relating to Water Reclamation Plant CT Monitoring, Project No. 13606, in the amount of \$182,005.
3. Approve, and authorize the City Engineer to execute, individual change orders up to \$30,000, but not to exceed the contingency allocated for Calle Agua Pump Station, Schlegel Pump Station, and the WRP monitoring equipment, Project Nos. 12501, 10503, and 13606.

Action continued on next page

4. Approve a supplemental appropriation of \$196,350 to Account 054-476-45300-000-13606, Improvements Other Than Buildings (WRP Monitoring Equipment), within the Sewer Fund, Depreciation Reserve.

N. **Notice of Completion - 248 West Avenida Palizada Storm Drain Improvements and Avenida Cabrillo Storm Drain Detention Basin**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to:

1. Accept the "248 West Avenida Palizada Storm Drain Improvements", Project No. 10805, and Avenida Cabrillo Storm Drain Detention Basin, Project No. 13804, from the contractor, David T. Wasden, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the 248 West Avenida Palizada Storm Drain Improvements, Project No. 10805, and Avenida Cabrillo Storm Drain Detention Basin, Project No. 13804. (Contract C03-34)
3. Approve a supplemental appropriation of \$23,340 to Account 059-533-45300-000-13804, Storm Drain Utility Fund, Improvements Other Than Buildings, for the Avenida Cabrillo Storm Drain Improvements, Project No. 13804.

O. **Bond Release - Tract 14224, Wm. Lyon Homes, Montellano, in the Talega Development**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to adopt Resolution No. 04-83 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE RELEASE OF THE BONDS FOR TRACT 14224, WM. LYON HOMES.

P. **Development Agreements - Annual Review to Determine Developer Compliance**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to find that the developers of the following development agreements are in compliance with their respective development agreement: Plaza Pacifica Development Agreement, Monarch Development Agreement, Laing Forster Ranch Development Agreement, Marblehead Coastal Development Agreement and Amended Talega Development Agreement. (Contracts C89-16, C98-61, C98-62, C98-84 and C95-64)

Q. **Leashed Dogs in Calafia Beach Park, Mira Costa Park and Verde Park**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to adopt Resolution No. 04-84 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DESIGNATING CITY PARKS WHERE DOGS ON LEASHES ARE PERMITTED, IN ACCORDANCE WITH SAN CLEMENTE MUNICIPAL CODE SECTION 6.08.020A. (This resolution would allow on-leash dogs in Calafia Beach Park, Mira Costa Park and Verde Park.)

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

E. Contract Amendment - Architectural and Engineering Designs of Talega Fire Station

Council noted that the Administrative Report inadvertently referred to Station No. 67, instead of Fire Station No. 59.

Council requested that the possibility of utilizing solar energy in future City facilities be agendized for Council discussion.

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

1. Approve supplemental appropriation of funding for the Talega Fire Station project from the Public Facilities Construction Fee Fund (030-818) in the amount of \$54,500 to provide for architectural and engineering services during construction.
2. Approve, and authorize the Mayor to execute, the First Amendment to Contract C02-64 by and between the City of San Clemente and RRM Design Group, relating to architectural and engineering designs of the Talega Fire Station, to include architectural and engineering services during construction, for an additional cost of \$54,500. This Amendment will increase the contract cost to an amount not to exceed \$278,665.47.

F. **Contract Award - Construction of New Fire Station No. 59**

Council noted that the Administrative Report inadvertently referred to Station No. 67, instead of Fire Station No. 59.

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

1. Approve a supplemental appropriation of funding for the Talega Fire Station project from the Public Facilities Construction Fee Fund (030-818) in the amount of \$932,000 into Account 030-818-45300-000-13002 to fully fund the construction of new Fire Station No. 59, City Project No. 13002.
2. Approve, and authorize the Mayor to execute, Contract C04-44 by and between the City of San Clemente and Burge Corporation, relating to the construction of the new Fire Station (replacement for Orange County Fire Authority Station No. 59), City Project No. 13002, in the amount of \$2,956,506.

I. **Fuel Modification License and Maintenance Agreement**

This item was removed from the agenda at the request of Staff.

J. **Lease Amendment No. 2 - San Clemente Chamber of Commerce**

Chris Miller, Capistrano Beach, voiced concern that the Chamber of Commerce facility lacks handicap access and urged that an access ramp be installed in conjunction with the lease renewal.

Jerry Lehman, Chamber of Commerce member, clarified that the Chamber facility has handicap access on the side of the building.

Lori Donchak, San Clemente resident and member of the Downtown Visioning Task Force, noted that the subject property is one of the catalytic sites of the downtown visioning project; asserted that a 10-year lease may be excessive given the possibility that the City may determine that an alternate use of the property is desirable.

Councilmember Dorey read a statement for the record that described her opposition to the proposed lease extension. A copy of Councilmember Dorey's position statement is on file with the City Clerk.

John Dorey, San Clemente, concurred with the comments read by Councilmember Dorey.

In response to Council inquiry, Pat Wolfram, Chairman of the Board for the Chamber of Commerce, explained that the Chamber utilized the City's \$40,000 contribution for such purposes as the banner program, maps for visitors, and the area dining guide; stated that the Chamber welcomes the opportunity to meet with the City within the next five years, instead of at the end of five years, to discuss possible relocation opportunities and consented to a lease modification to reflect that change.

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER DAHL, CARRIED 4-1 (COUNCILMEMBER DOREY VOTING NOE), to approve, and authorize the Mayor to execute, Lease Amendment No. 2 (Contract C92-08) by and between the City of San Clemente and the San Clemente Chamber of Commerce, relating to the City-owned property located at 1100 North El Camino Real, with the modification that the third sentence of the Term section of the agreement be modified to read as follows:

"In consideration of the Lessor granting the additional five-year lease option to Lessee, both parties agree to meet *no later than* June 2009 to discuss Lessor's current and near term land use planning issues for the leased premises and to discuss Lessee's project site location needs."

6. **PUBLIC HEARINGS**

A. **Site Plan Permit 03-188/Cultural Heritage Permit 03-189/Conditional Use Permit 03-190, Gutierrez Building**

Public Hearing to consider a request to allow a major remodel and a waiver of required parking spaces for an existing commercial building located within the Central Business/Architectural Overlay Districts at 209 Avenida Del Mar, the legal description being Lots 4, 5, 35 and 36 of Block 17 of Tract 779.

Deputy City Clerk Baade announced that the City received a letter this afternoon from David Gutierrez, the Applicant for this project, requesting that the Public Hearing be continued to the Council meeting of October 19, 2004; noted that copies of the letter, dated September 21, 2004, have been placed on the dais.

Mayor Ritschel opened the Public Hearing, however, no one desired to speak at this time.

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to continue the Public Hearing on Site Plan Permit 03-188/Cultural Heritage Permit 03-189/Conditional Use Permit 03-190, Gutierrez Building, to the Council meeting of October 19, 2004.

7. **UNFINISHED BUSINESS**

None.

8. **NEW BUSINESS**

None.

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

None.

10. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. **City Attorney**

None.

D. **Council Members**

(1) **Orange County Division, California League of Cities Issues.**

None.

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

1. **Proposition 1A (State Constitutional Amendment to Protect Local Government Dollars)**

MOTION BY COUNCILMEMBER DOREY, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to adopt Resolution No. 04-86 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE SUPPORTING PROPOSITION 1A.

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

Mayor Ritschel reported that the Orange County Fire Authority's "Flame Relay", which is a fundraiser for the firefighter's memorial, will travel through San Clemente on October 8 and 9, 2004.

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

Councilmember Dahl reported on animals available for adoption at the San Clemente-Dana Point Animal Shelter; thanked the volunteers, staff and veterinarians for their efforts.

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

None.

(6) **Integrated Waste Management District Report.**

None.

(7) **Councilmember Items.**

None.

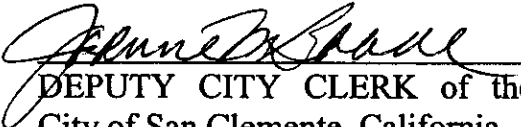
11. **RESOLUTIONS/ORDINANCES**


None.

12. ADJOURNMENT

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to adjourn at 7:55 p.m.

The next Regular Meeting will be held on October 5, 2004 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