

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting - October 4, 2005

A Regular Meeting of the San Clemente City Council was called to order on October 4, 2005 at 6:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

MEETING RECESSED – LACK OF CLOSED SESSION

There being no Closed Sessions to be conducted, City Clerk Erway recessed the meeting to 7:00 p.m.

MEETING CONVENED

Council convened at 7:00 p.m., with all members present.

PRESENT DAHL, EGGLESTON, RITSCHER, MAYOR ANDERSON

ABSENT NONE

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

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INVOCATION

Marie Toland, Family Assistance Ministries, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Eggleston led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Commendation - Kade Boisseranc**

Mayor Anderson presented a commendation to Kade Boisseranc, City Lifeguard, for outstanding emergency response to Cathy Domenichini who suffered a broken neck and spinal damage while taking a surfing class.

Marine Safety Chief Humphreys, Cathy Domenichini, Jill Brouard and Mike Brouard commended Kade Boisseranc for his heroic actions.

B. **Proclamation - "Character Counts Week"**

Mayor Anderson presented a proclamation to Leslie Haight, Crime Prevention Officer, proclaiming the week of October 16-22, 2005 as "Character Counts Week".

C. **Commendation - Pet Project Foundation**

Mayor Anderson presented a commendation to Valerie Treaster, Chairwoman of the Pet Project Foundation (PPF), recognizing PPF for its exceptional support of the San Clemente-Dana Point Animal Shelter as well as the Camp Pendleton Animal Shelter.

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

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

None.

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

None.

5. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 4-0, to approve the Consent Calendar with the removal of Items E, F and M.

A. **City Council Minutes**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 4-0, to approve the City Council minutes of September 6, 2005.

B. MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 4-0, to receive and file:

- (1) Parks and Recreation Commission minutes of August 9, 2005.
- (2) Zoning Administrator minutes of September 21, 2005.
- (3) Planning Commission minutes of September 21, 2005.

C. **Warrant Register**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 4-0, to approve Wire Transfers 346 and 347 and Warrant Nos. 769779 through 769938 for the period 9-5-05 through 9-9-05 in the amount of \$1,594,247.90; approve Warrant Nos. 769939 through 770152 for the period 9-12-05 through 9-16-05 in the amount of \$1,919,009.35; for a total Warrant Register of \$3,513,257.25.

Payroll Register

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 4-0, to approve Warrant Nos. 316759 through 316837, Automatic Deposit Advises 136911 through 137113, for the period 8-29-05 through 9-11-05 in the amount of \$348,116.69; for a total Payroll Register of \$348,116.69.

D. **Supplemental Appropriation - Advance Funding to South County Senior Services, Inc. for New Senior Center Capital Campaign**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 4-0, to:

1. Approve a supplemental appropriation of \$100,000 from the Developers Improvement Fund to Account 037-867-43690-000-15503.
2. Authorize the City Manager to execute the Memorandum of Understanding between the City of San Clemente and South County Senior Services, Inc. for reimbursement of capital campaign expenditures incurred by SCSS.

G. **Contract Award - Delivery and Supply of Chlor-Alkali Products to the Member Agencies of SOCWA**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 4-0, to approve, and authorize the Mayor to co-sign with the member agencies of the South Orange County Wastewater Authority (SOCWA), the Contract Service Agreement between SOCWA and JCI for the delivery and supply of Chlor-Alkali products to the member agencies of SOCWA. (Contract C05-04)

H. **Equipment Purchase - New Utility Bed Truck for the Maintenance Services Division/Electrical Section**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 4-0, to:

1. Approve the transfer of \$5,320 from the Fleet Replacement Fund, Account 065-824-47010, to General Fund Account 001-000-39290.
2. Increase the Maintenance Services Division's Traffic Signals operating budget, Account 001-611-45600, by \$5,320 to \$38,820.
3. Authorize the Purchasing/Budget Officer to issue and execute a purchase order to Santa Margarita Ford, in the amount of \$38,814.89, for the purchase of one new 2005 Ford F350 Utility Bed Truck.

I. **Parking Prohibitions on West Escalones**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 4-0, to adopt Resolution No. 05-77 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING "NO PARKING AREAS" ON WEST ESCALONES.

J. **Parking Prohibitions on Avenida Pico**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 4-0, to adopt Resolution No. 05-78 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING "NO PARKING AREAS" ON AVENIDA PICO.

K. **Elimination of Parking Prohibitions on Camino Capistrano**

MOTION BY COUNCILMEMBER DAIIL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 4-0, to adopt Resolution No. 05-79 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING "NO PARKING AREAS" ON CAMINO CAPISTRANO.

L. **Improvement Performance Bond Release - Tract 16366 in the Talega Development, Brookfield Homes**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 4-0, to adopt Resolution No. 05-80 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE RELEASE OF THE IMPROVEMENT PERFORMANCE BONDS, WITHOUT LIMITATION, FOR TRACT 16366 IN THE TALEGA DEVELOPMENT, BROOKFIELD HOMES.

N. **Position Reclassifications/Salary Range Revisions - Beaches, Parks and Recreation Department**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 4-0, to adopt Resolution No. 05-81 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING RESOLUTION NO. 97-09, ADOPTING A REVISED SALARY SCHEDULE FOR THE CLASSIFICATION OF SENIOR CUSTOMER SERVICES SPECIALIST AND APPROVING THE RECLASSIFICATION OF FIVE POSITIONS.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

E. **Contract Amendment - San Gorgonio Park Field, Fence and Lighting Upgrades II**

City Clerk Erway announced that a revised version of the proposed Contract Amendment has been placed on the dais, noting that the only change is that the title has been modified to correctly reflect that this is the "First Amendment" rather than "Second Amendment".

MOTION BY MAYOR PRO TEM EGGLESTON, SECOND BY COUNCILMEMBER DAHL, CARRIED 4-0, to:

1. Approve, and authorize the Mayor to execute, the First Amendment to Contract C03-15 by and between the City of San Clemente and Richard Fisher Associates (RFA), relating to design services for San Gorgonio Park Field, Fence and Lighting Upgrades II, Project No. 15103, for an additional project budget of \$44,300 (total budget of \$96,885).
2. Direct Staff to proceed with working drawings and bidding as soon as possible.

F. **Funding Appropriation - Callan v. City of San Clemente Settlement**

City Clerk Erway announced that a revised Administrative Report has been placed on the dais that includes modified account numbers.

MOTION BY MAYOR PRO TEM EGGLESTON, SECOND BY COUNCILMEMBER DAHL, CARRIED 4-0, to:

1. Approve an appropriation of \$6.4 million from the General Liability Self-Insurance Fund: \$5,940,000 to Claims Payable, Account 068-816-44050-000-16343 and \$460,000 to Improvements Other Than Buildings, Account 068-816-45300-000-16343, to settle the Callan v. City of San Clemente lawsuit.
2. Approve a transfer of \$3.4 million from the General Fund unrestricted fund balance to the General Liability Self-Insurance Fund.
3. Approve a loan of \$1.0 million from the Workers' Compensation Fund to the General Liability Self-Insurance Fund.
4. Appropriate \$2.0 million from unrestricted fund balance of the General Liability Self-Insurance Fund.

M. **Contract Award - Utility Rate Model Review and Depreciation and Maintenance Funding Review**

City Clerk Erway announced that Staff is recommending that the amount of the Bartle Wells Associates contract be increased from \$15,650 to an amount not to exceed \$18,000.

MOTION BY MAYOR PRO TEM EGGLESTON, SECOND BY COUNCILMEMBER DAHL, CARRIED 4-0, to:

1. Approve, and authorize the Mayor to execute, Contract C05-59 by and between the City of San Clemente and Bartle Wells Associates, providing for the conduct of a utility rate model review and depreciation and maintenance funding review, for an amount not to exceed \$18,000.
2. Increase the Water Administration Division's operating budget Account 052-461-43690 by \$7,825.
3. Increase the Sewer Administration Division's operating budget Account 054-471-43690 by \$7,825.

6. **PUBLIC HEARINGS**

A. **Tentative Parcel Map 2005-103, Arcangeli Condo Conversion - 114 Avenida Santa Margarita**

Public Hearing to consider a request to allow a one-lot subdivision for condominium conversion purposes of an existing duplex located at 114 Avenida Santa Margarita, the legal description being Lot 15 of Block 12 of Tract 900.

Associate Planner Tai presented the staff report.

Mayor Anderson opened and closed the Public Hearing.

MOTION BY COUNCILMEMBER RITSCHER, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 4-0, to adopt Resolution No. 05-82 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP (TPM) 2005-103, ARCANGELI CONDO CONVERSION, A REQUEST TO ALLOW A ONE-LOT SUBDIVISION FOR CONDOMINIUM CONVERSION PURPOSES FOR AN EXISTING DUPLEX LOCATED AT 114 AVENIDA SANTA MARGARITA.

7. **UNFINISHED BUSINESS**

None.

8. **NEW BUSINESS**

A. **Development Agreement - Annual Review**

Report from the Community Development Director concerning the annual review of the City's Development Agreements to determine developers' compliance with the terms of their respective agreements.

Community Development Director Holloway narrated a PowerPoint presentation entitled "Development Agreement - Annual Review". A hard copy of Mr. Holloway's presentation, dated October 4, 2005, is on file with the City Clerk.

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 4-0, to find that Plaza Pacifica, Monarch, Laing Forster Ranch, Marblehead Coastal and Talega are in compliance with their respective development agreements. (Contracts C89-16, C95-64, C98-61, C98-62 and C98-84)

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

Removal of City Tree at 354 Avenida Cristobal

Jim Klatt, San Clemente, stated that he is doing the project at 354 Avenida Cristobal; explained that on October 1, 2005, he retained a tree contractor who removed a City tree; apologized and offered to deal with the situation.

City Manager Scarborough advised that Staff will be in contact with Mr. Klatt concerning this matter.

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.**

Mayor Anderson stated that resolutions proposed for passage at the upcoming League Convention will be provided to Council; requested that Councilmembers review the resolutions and advise him of any concerns prior to the Committee meetings on October 7, 2005.

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

None.

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

Chief Mark Hawkins reported on the OCFA's Urban Search and Rescue Task Force that was deployed to New Orleans.

Councilmember Dahl reported on the recent Fire Explorer Games, explaining that this year's event was attended by 100 Fire Explorers.

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

Mayor Dahl reported on animals available for adoption at the San Clemente-Dana Point Animal Shelter and expressed appreciation to the shelter staff, volunteers and veterinarians; reported that "A Tail of Two Cities - Paws in Paradise" will be held on November 5, 2005 at the El Niguel Country Club in Laguna Niguel.

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

Councilmember Dahl announced that the Public Hearing for the Foothill/South Transportation Corridor Draft E.I.R. will be held on November 2, 2005 at 9:00 a.m. at the Mission Viejo Council Chambers; stated that the TCA Board will meet the following week to decide the locally preferred alternative for the Foothill/South Transportation Corridor.

(6) **Councilmember Items.**

Rental Fees for City Facilities (Non-Profit Payment Category)

Councilmember Ritschel stated that a number of non-profit organizations have voiced concern with the new rental fees for City facilities.

Al King, Director of Beaches, Parks and Recreation, explained that Staff intends to revisit the fee issue and develop recommendations to be considered by the Parks and Recreation Commission and Council; expressed optimism that an alternative strategy can be developed.

Staff urged non-profit groups to proceed with reserving their event dates at this time. Because of the uncertainty of the rental fees that will apply to non-profit organizations, it was suggested that deposit fees paid by non-profits should be refundable until such time as the final fees are established. Staff will implement this procedure administratively if appropriate or, if necessary, will return to Council for authorization at a future meeting. Staff will notify local non-profit organizations that the fee issue is being reevaluated.

Request for Sales Tax Update

Mayor Pro Tem Eggleston requested a tray memo that specifies the amount of sales tax generated by various shopping centers and downtown businesses over the past calendar or fiscal year.

11. RESOLUTIONS/ORDINANCES

None.

MEETING RECESSED

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 4-0, to recess to a meeting of the Redevelopment Agency at 7:49 p.m.

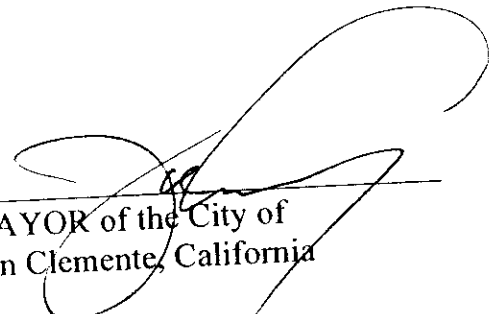
MEETING RECONVENED

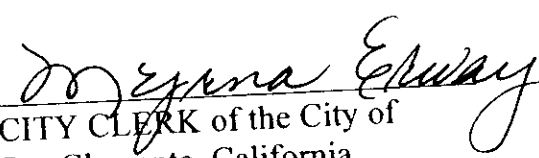
Council reconvened at 7:50 p.m., with all members present.

12. ADJOURNMENT

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 4-0, to adjourn at 7:50 p.m.

The next Regular Meeting will be held on October 18, 2005 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.


MAYOR of the City of
San Clemente, California


CITY CLERK of the City of
San Clemente, California