

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting - June 21, 2000

A Regular Meeting of the San Clemente City Council was called to order on June 21, 2000 at 6:03 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

PRESENT BERG, DAHL, DIEHL, EGGLESTON*, MAYOR
RITSCHEL

*Arrived at 6:05 p.m.

ABSENT NONE

STAFF PRESENT Mike Parness, City Manager; Jeff Oderman, City Attorney;
Myrna Erway, City Clerk; Joanne Baade, Deputy City Clerk.

CALL TO ORDER OF THE REDEVELOPMENT AGENCY

The San Clemente Redevelopment Agency convened at 6:03 p.m. to meet in joint session with the City Council. The following members of the Redevelopment Agency Board of Directors were in attendance:

PRESENT BERG, DAHL, DIEHL, EGGLESTON*, CHAIRPERSON
RITSCHEL

*Arrived at 6:05 p.m.

ABSENT NONE

CLOSED SESSION

MOTION BY COUNCILMEMBER/RDA DIRECTOR DIEHL, SECOND BY COUNCILMEMBER/RDA DIRECTOR DAHL, CARRIED 4-0, to recess to Closed Session at 6:04 p.m. to discuss the following:

A. City Council Item

CONFERENCE WITH REAL PROPERTY NEGOTIATOR, pursuant to Government Code Section 54956.8.

Property: Southwest quadrant of undeveloped City-owned land at the proposed intersection of Avenida Vista Hermosa and Avenida La Pata.

Negotiating Parties: Sherri Butterfield, President - Festival of Arts and David Lund, Public Works/Economic Development Director.

Under Negotiation: Price and terms of payment.

B. Redevelopment Agency Item

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation, pursuant to Government Code Section 54956.9(c): One potential case.

The City Council, City Manager, Community Development Director, Human Resources/Risk Manager and the City Clerk were present during Closed Session Item A. Although an additional Closed Session was included on the Council agenda relating to one potential case of anticipated litigation, that Closed Session was not conducted.

The Redevelopment Agency Board of Directors, Executive Director, Agency Counsel, Community Development Director, Human Resources/Risk Manager and Agency Secretary were present during Closed Session Item B.

REDEVELOPMENT AGENCY RECONVENED

The Redevelopment Agency reconvened at 7:02 p.m. and immediately recessed. See Page 13 of these minutes for a continuation of the Redevelopment Agency meeting.

COUNCIL MEETING RECONVENED

Council reconvened at 7:02 p.m., with all members present.

INVOCATION

Pastor Mark Andrews, Our Savior's Lutheran Church, gave the invocation.

PLEDGE OF ALLEGIANCE

Councilmember Diehl led the Pledge of Allegiance.

A. **Festival of Arts/Pageant of the Masters - Outline of Business Terms and Exclusive Negotiating Agreement**

Consideration of approving an Outline of Business Terms and Exclusive Negotiating Agreement Between the City and the Festival of Arts/Pageant of the Masters.

City Clerk Erway announced that the City has received forty-one letters in support of the relocation of the Festival of Arts to San Clemente.

Mayor Ritschel announced that this issue was discussed during Closed Session; however, action was deferred until the public portion of the meeting.

City Manager Parness narrated a powerpoint presentation, entitled "Festival of Arts - Outline of Business Terms and Extension of Exclusive Negotiations". A hard copy of this presentation, dated June 21, 2000, is on file with the City Clerk.

Sheri Butterfield, President of the Festival of Arts, stated the Festival Board did not take action on this item because their attorney received the documents too late to conduct a review and answer the Board's questions; praised Staff for their hard work in connection with this issue.

John Tengdin, San Clemente, commented on the economic benefit that would be associated with a relocation of the Festival of Arts to San Clemente and urged Council approval.

Lew Elia, San Clemente, noted that the Festival Board has clearly stated that the Festival has outgrown its existing facilities and has declared the necessity to relocate -- possibly even outside of Orange County; noted that San Clemente meets the Festival's needs and opined that the San Clemente City Council had an obligation to explore the opportunity of the Festival locating in San Clemente.

Byron Marshall, on behalf of the Legislative Action Committee of the San Clemente Chamber of Commerce, conveyed support for the relocation of the Festival to San Clemente and congratulated Council for pursuing the project; presented a letter, dated June 21, 2000, which is on file with the City Clerk.

Alex Haynes, President of the San Clemente Chamber of Commerce, read a letter from the Board of Directors which conveyed support for entering into a Letter of Intent pertaining to the relocation of the Festival of Arts/Pageant of the Masters to San Clemente. A hard copy of Mr. Haynes' letter, dated June 21, 2000, is on file with the City Clerk. Additionally, Mr. Haynes related his personal support for bringing a world-class event to San Clemente.

Jim Holbert, San Clemente, stated that he welcomes the Festival of Arts and applauded Council and Staff for their efforts.

Dianne Reardon, Vice President of the Committee to keep the Festival of Arts in Laguna Beach, questioned and received clarification that if approved, copies of the Outline of Business Terms and Exclusive Negotiating Agreement will be available from the City Clerk's Office tomorrow morning. Additionally, Ms. Reardon received responses to inquiries pertaining to financial responsibility associated with various aspects of the proposal, fact that the project is in the site-planning stage and no architectural plans currently exist, parking revenue assumptions, term of the lease, and the fact that the 2002 Festival of Arts/Pageant of the Masters would need to be held at an alternative site since the San Clemente facility would not be ready until 2003.

Mary McMenamin, San Clemente, opined that the Festival of Arts represents an opportunity to expand the City's cultural and artistic horizons while also providing a boon to the local economy.

Jerry Lehman, San Clemente, expressed appreciation to Council and Staff for their hard work and cooperation.

John Campbell, member of the Committee to keep the Festival of Arts in Laguna Beach, commended the City Manager for his presentation; stated that many persons in Laguna Beach oppose a relocation of the Festival of Arts; commented that the current Festival Board of Directors represents only seven people out of a membership of approximately 7,000; related that the current Festival grounds are unique and are located in close proximity to excellent hotels, restaurants and beaches.

Don Beres, Laguna Beach, requested that San Clemente consider the affect that a "cultural theft" will have on its reputation.

Following discussion, MOTION BY COUNCILMEMBER DIEHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C00-46, Outline of Business Terms and Exclusive Negotiating Agreement Between the City of San Clemente ("City") and the Festival of Art, a Nonprofit Public Benefit Corporation ("Festival").

1. **SPECIAL PRESENTATIONS**

None.

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

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

None.

4. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve the Consent Calendar with the removal of Items A, K and O.

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

- (1) Planning Commission minutes of June 6, 2000.
- (2) Parks and Recreation Commission minutes of May 9, 2000.
- (3) Zoning Administrator minutes of June 13, 2000.

C. **Warrant Register**

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve Handwrite Nos. 724589 and 724696, Wire Transfers Nos. 60200 and 6022000, and Warrant Nos. 724590 through 724695 for the period 5-22-00 through 5-26-00 in the amount of \$418,867.27; approve Warrant Nos. 724697 through 724802 for the period 5-29-00 through 6-2-00 in the amount of \$253,173.97; approve Handwrite No. 724953 and Wire Transfers Nos. 61600 and 6162000 and Warrant Nos. 724803 through 724952 for the period 6-5-00 through 6-9-00 in the amount of \$1,026,448.73; for a total Warrant Register of \$1,698,489.97.

Payroll Register

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve Warrant Nos. 306151 through 306223 (Automatic Deposit Advises 112722 through 112868) for the period 5-15-00 through 5-28-00 in the amount of \$203,635.54; approve Warrant Nos. 306224 through 306293 (Automatic Deposit Advises 112869 through 113016) for the period 5-29-00 through 6-11-00 in the amount of \$211,656.26; for a total Payroll Register of \$415,291.80.

D. FY 2000-01 Police Services Contract

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to:

1. Approve, and authorize the Mayor to execute, Contract C96-16 by and between the City of San Clemente and the County of Orange, providing for police services for FY 2000-01, in the amount of \$6,612,360.
2. Approve, and authorize the City Manager to execute, the Operations Agreement Between the Sheriff-Coroner and the City of San Clemente.
3. Increase the General Fund budget by \$12,210.

E. Revision to Multi-Hazard Emergency Plan, Annex-D (Storm/Flood/Tsunami Plan)

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to:

1. Adopt, and authorize the Mayor and City Manager to execute, the City of San Clemente Multi-Hazard Emergency Plan, Annex-D (Storm/Flood/Tsunami Plan).
2. Authorize the City Manager, or his designee, to make administrative changes to the Annex as necessary, to keep up with staffing and operational changes in the City.

F. Establishment of Appropriations Limit for Fiscal Year 2000-01

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to:

1. Approve selection of the following annual adjustment factors:
 - a. Population increase for the City of San Clemente.
 - b. Increase in California per-capita personal income.
2. Adopt Resolution No. 00-36 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING AN APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA CONSTITUTION.

G. Establishment of Required RDA Findings and Adoption of City Agreement for FY 2000-01

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to adopt Resolution No. 00-37 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AN AGREEMENT WITH THE SAN CLEMENTE REDEVELOPMENT AGENCY RELATING TO THE AGENCY'S 2000-01 CAPITAL IMPROVEMENT PROGRAM BUDGET.

H. Grant of Open Space Easements - Tracts 14228, 15947 and 15948

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to:

1. Accept the Grant of Open Space Easements for Tracts 14228, 15947 and 15948 from Talega Associates, LLC.
2. Authorize the City Clerk to forward the Grant of Open Space Easement documents to the Orange County Recorder's Office for recordation. Deed #382

I. **Equipment Purchase - Sludge Handling Pumps**

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to:

1. Authorize the purchase of two sludge handling pumps from Schwing America, Inc. in the amount of \$92,746.
2. Approve an appropriation of \$110,000 from the Water Reclamation Plant Expansion Assessment District 85-1, Spread Series B - Improvement Fund to Account 175-843-45300-10605.

J. **Salary Plan, Revised Salary Schedules and Creation/Amendment of Various Job Classifications**

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to adopt Resolution No. 00-38 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING RESOLUTION NO. 97-09, ADOPTING REVISED SALARY SCHEDULES AND CREATING/AMENDING JOB SPECIFICATIONS FOR ELECTRICIAN'S ASSISTANT, PERMIT DEVELOPMENT SPECIALIST, HUMAN RESOURCES TECHNICIAN, INFORMATION SYSTEMS TECHNICIAN, INFORMATION SYSTEMS SPECIALIST, AND SENIOR ACCOUNTING SPECIALIST.

L. **Contract Amendment - Avenida Pico at I-5 Improvements**

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve, and authorize the City Manager to execute, Amendment No. 2 to Contract C98-72, by and between the City of San Clemente and UMA Engineering, Inc., relating to design and right-of-way acquisition associated with the Avenida Pico at I-5 Improvements, in the amount of \$49,300.

M. Measure M Annual Funding Eligibility - FY 2000-01

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to:

1. Approve Measure M Seven-Year Capital Improvement Program.
2. Adopt Resolution No. 00-39 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DECLARING THE CITY'S CIRCULATION ELEMENT IN CONFORMANCE WITH THE MASTER PLAN OF ARTERIAL HIGHWAYS.
3. Authorize Staff to submit Measure M funding eligibility requirements on behalf of the City of San Clemente in order to continue to receive Measure M funds.

N. Contract Award - Avenida de la Paz Rehabilitation

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to:

1. Approve the plans and specifications for the Avenida de la Paz Rehabilitation, Project No. 10901.
2. Approve, and authorize the Mayor to execute, Contract C00-47 by and between the City of San Clemente and B. R. Day Construction, Inc., providing for the rehabilitation of Avenida de la Paz in the amount of \$43,100.

P. Right-of-Way Acquisition from United States Postal Service - Avenida Pico and I-5 Street Widening Project

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to:

1. Approve, and authorize the Mayor to execute, an Acquisition of Real Property Agreement (Contract C00-48) between the City of San Clemente and the United States Postal Service.
2. Authorize the City Engineer to enter into escrow with the United States Postal Service in accordance with the Agreement.

Q. Contract Amendments - OCTA Master Funding Agreement

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to:

1. Approve, and authorize the Mayor to execute, Amendment No. 1 to Cooperative Agreement No. C-95-988 (City Contract #C95-39) between the City of San Clemente and Orange County Transportation Authority.
2. Approve, and authorize the Mayor to execute, Amendment No. 2 to Cooperative Agreement No. C-95-988 (City Contract #C95-39) between the City of San Clemente and the Orange County Transportation Authority.

R. Contract Amendment - On-Call Inspection Services

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve, and authorize the Mayor to execute, Amendment No. 2 to Contract C98-42 by and between the City of San Clemente and Transtech relating to on-call inspection services, in the amount of \$350,000.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

A. City Council Minutes

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 4-0-1 (COUNCILMEMBER DIEHL ABSTAINING) to approve the City Council minutes of May 31, 2000 and June 7, 2000.

K. Contract Amendment - Pilot Program for Senior Transportation

City Clerk Erway noted that a revised Staff Recommendation has been placed on the dais.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to:

1. Approve, and authorize the Mayor to execute, Amendment No. 3 to Contract C98-59 by and between the City of San Clemente and OCTA relating to senior transportation services in FY 2000-01.
2. Approve, and authorize the Mayor to execute, Amendment No. 2 to Contract C98-60 by and between the City of San Clemente and South County Senior Services, Inc. relating to transportation services for the San Clemente Senior Meal and Grocery Program for FY 2000-01.

O. Engineering Division Furniture and Equipment Purchase - Transfer of Engineering Budget Line Item Funds

City Clerk Erway noted that a revised Staff Recommendation has been placed on the dais.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve appropriation transfers from the General Fund accounts listed in the Administrative Report to Account 001-411-45400, Office Furniture and Equipment, in the total amount of \$3,750.

5. **PUBLIC HEARINGS**

MOTION BY COUNCILMEMBER/RDA DIRECTOR DIEHL, SECOND BY COUNCILMEMBER/RDA DIRECTOR DAHL, CARRIED 5-0, to reconvene the Redevelopment Agency Board of Directors at 7:58 p.m. to meet in joint session with the City Council.

A. **FY 2000/01 City and Redevelopment Agency Budgets**

Public Hearing to receive public input on the proposed City and Redevelopment Agency budgets for FY 2000-01.

Finance and Administrative Services Director Gudgeirsson reviewed the contents of the Administrative Report; reported that the following changes have been incorporated into the FY 2000-01 budget as a result of the budget workshops that were conducted on June 19 and June 20, 2000:

- \$1,000 has been allocated from Social Service Contingencies to the Grad Night program.
- \$75,000 has been placed into Council Contingency for a Helicopter Monitoring Program. This issue is to receive further study and will be brought back to Council at a later date.
- \$1.25 million has been transferred from the General Fund fund balance for the golf course clubhouse.
- \$85,000 has been set aside for a water conservation position.
- \$12,210 has been allocated to pay for the Police Contract adjustments described in Agenda Item 4-D of this evening's agenda.

Mayor Ritschel opened the Public Hearing.

John Tengdin, San Clemente, thanked Council for including a water conservation position in the FY 2000-01 City budget; stated that urban runoff can be witnessed daily at the Prima Deshecha channel as it passes under Avenida Pico near the beach as well as where the channel passes under Avenida Vaquero near Camino Capistrano; suggested that these locations be established as baselines and that efforts be commenced to reduce the amount of urban runoff.

There being no others desiring to speak to this issue, the Public Hearing was closed.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER BERG, CARRIED 5-0, to adopt Resolution No. 00-40 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING AND APPROVING THE BUDGET FOR THE CITY OF SAN CLEMENTE FOR THE 2000-01 FISCAL YEAR, with the incorporation of the budget modifications described by Director of Finance and Administrative Services Gudgeirsson.

MOTION BY DIRECTOR DIEHL, SECOND BY DIRECTOR BERG, CARRIED 5-0, to adopt Resolution No. RDA-00-01 entitled A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING AND APPROVING THE BUDGET FOR THE SAN CLEMENTE REDEVELOPMENT AGENCY FOR THE 2000-01 FISCAL YEAR.

MOTION BY DIRECTOR DIEHL, SECOND BY DIRECTOR DAHL, CARRIED 5-0, to recess the Redevelopment Agency at 8:05 p.m.

B. Encroachment Permit 00-22, Avenida Talega - Golf Course Tunnels

Public Hearing to consider a request by Talega Associates, LLC for approval of an Encroachment Permit for a golf cart undercrossing of Avenida Talega for the Talega Golf Course. The encroachment would be located approximately 80 feet south of Avenida Vista Hermosa within the Talega development.

Garth Nagel, Planning Consultant, reviewed the contents of the Administrative Report.

Mayor Ritschel opened the Public Hearing.

Adrian Peters, Talega Associates, stated that the existing tunnels are well designed, built and lighted and indicated that the proposed golf cart undercrossing will be essentially the same.

There being no others desiring to speak to this issue, the Public Hearing was closed.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to:

1. Find that the previous environmental documentation prepared for the Talega Specific Plan sufficiently addresses the proposed project.
2. Adopt Resolution No. 00-41 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING ENCROACHMENT PERMIT 00-22 FOR AN UNDERCROSSING OF AVENIDA TALEGA AT STATION 12+61.40.

C. Initiation of Efforts to Amend General Plan and Zoning Ordinance Standards - Mixed Use Area (MU3) in Downtown San Clemente

Public Hearing to consider initiating efforts to amend standards contained in the City's General Plan and Zoning Ordinance for the mixed use area (MU3) in Downtown San Clemente.

Associate Planner Main reviewed the contents of the Administrative Report.

Mayor Ritschel opened the Public Hearing.

John Tengdin, former Chair of the Downtown 2000 Revitalization Committee, stated that the Committee considered this issue as a part of its deliberations; commented that an example of development difficulty is the fact that a single residential unit cannot be built above a store in the mixed use zone; urged Council to allow work to proceed to amend standards relating to the mixed use areas.

Steve Leonard, San Clemente, stated he owns several parcels in the downtown historic area currently zoned MU3; commented that he cannot build to current MU3 specifications due to several technical mathematical errors in the specifications themselves; stated the only alternative would be to develop commercial which would preclude him from residing in the historic area of the City; expressed hope that the technical difficulties can be corrected.

There being no others desiring to speak to this issue, the Public Hearing was closed.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to initiate an amendment to the City's General Plan and Zoning Ordinance to address development difficulties for mixed-use projects in the MU3 area of "Downtown San Clemente."

6. **ORAL COMMUNICATIONS**

Parking on Public Right-of-Way

Steve Kingston, San Clemente, stated that citizens should not be required to use their three-minute speaker limitation to expand or correct Staff's presentations; referenced Unfinished Business Item 7-A and stated that the Administrative Report fails to inform Council that the term "Continuous Sidewalk" is not a legal term defined in the California Vehicle Code; ~~stated that Council has never approved Staff's definition of "Continuous Sidewalk", adding that the only action taken by Council was to direct Staff to conduct a survey of City streets.~~

Right-Hand Turn Lanes onto the I-5 from Camino de Estrella

John Tengdin, San Clemente, stated that on June 19, 2000, Caltrans restriped Camino de Estrella to provide for two right-turn lanes onto the I-5; related that City Staff promptly installed associated signage.

City Budget - Police and Fire Service

John Koch, San Clemente, requested that City Manager Parness correct a statement made at the Council Meeting of June 20, 2000. Specifically, Mr. Koch indicated that Mr. Parness stated that in excess of 50% of the City budget is earmarked for police and fire services, whereas in actuality only 32% of the budget is allocated for public safety purposes; opined that police and fire service are the City operations which most warrant enhancement.

MEETING RECESSED

Council recessed at 8:25 p.m. and reconvened at 8:40 p.m., with all members present.

7. **UNFINISHED BUSINESS**

A. **Parking Enforcement Policy - Parking on Public Right-of-Way**

Report from the Police Services Chief concerning the possibility of adopting a Parking Enforcement Policy to be followed by San Clemente Police Services in addressing parking enforcement issues pertinent to short driveways located within the City of San Clemente.

Lt. Lisanti reviewed the contents of the Administrative Report. In response to the comments offered by Steve Kingston during the Oral Communications portion of this meeting, Lt. Lisanti stated that Council in January 2000 determined that Staff's definition of "Continuous Sidewalk" would be used; acknowledged that "Continuous Sidewalk" is not a legal term.

Richard Henderson, San Clemente, stated the residents of Avenida Victoria favor Option 1, i.e., retain the status quo, adding that the neighbors' secondary choice is Option 5; presented a letter from Robert Henderson, Peter Rock and himself which states their willingness to pledge 50% of the \$70,000 cost to install the sidewalk.

Steve Kingston, San Clemente, related his belief that the law should be enforced; stated that the definition of "Sidewalk" under Section 555 of the California Vehicle Code is "that portion of the highway, other than a roadway, set apart by curbs, barriers, markings and other delineation for pedestrian travel"; stressed that there is no mention of "approved surface" or "continuous" in the law; commented that the Appellate Courts in 1943 determined that pedestrians have a right to travel anywhere upon a public highway in a residential district; stated that a driveway approach is not part of a driveway; opined that landlords should only rent to households with one vehicle.

John Koch, San Clemente, remarked that the City's Municipal Code states that "No person shall stop, stand or park a vehicle within any parkway", adding that "Parkway" is defined as "that area from the back of the curb to the edge of the right-of-way" and "Sidewalk" is defined as "any improved or unimproved pedestrian walkway within the right-of-way adjacent to the street"; stated that the Code also indicates that "Sidewalks will remain at all times in a non-dangerous condition to persons using the sidewalk and in a condition which will not interfere with the public convenience in the use of the sidewalk"; urged that the letter of the law be enforced; voiced concern

that the proposed policy will allow vehicles to extend 8' onto the street (i.e., the width of a parallel-parked car); urged that the City lobby the State to change the Universal Housing Code so as to reduce the number of persons permitted to occupy dwellings; opined that the exemption of Avenida Victoria from established parking standards will set a precedent.

Dave Cassano, Avenida Victoria property owner, renter and business operator, relayed his primary preference for Option 1 and secondary preference for Option 5; commented on the importance of retaining parking spaces in the Pier Bowl area.

Ken Nielson, San Clemente, questioned why the law is not being enforced in San Clemente; stated the Municipal Code defines "Sidewalk" as the public right-of-way, improved or unimproved; displayed a photograph depicting an improved sidewalk interrupted by a landscaped area and questioned why parking enforcement cannot occur in this area.

~~Kevin Waggoner, San Clemente, stated that the City has an opportunity to improve neighborhoods and suggested that enforcement will provide an incentive for persons to use their garages.~~

In response to Council inquiries, City Attorney Oderman stated as follows:

- The California Vehicle Code definition of "Sidewalk" is irrelevant to the Council's consideration, explaining that Staff's proposed definition of "Continuous Sidewalk" would be used to determine San Clemente's parking enforcement policy.
- With regard to the letter from Mark L. Bradbury (Richard Henderson's attorney), dated June 19, 2000, which maintains that the City's parking policy could not be enforced, Mr. Oderman opined that Mr. Bradbury's position lacks merit; stated that he has no problem with Staff's recommendation.
- The City would need to obtain a Search Warrant if there is probable cause to believe that garages are being used for purposes not allowed by Code.
- From a legal perspective, Council has the authority to adopt an Ordinance that would either prohibit parking on short driveways or prohibit cars parked on driveways from extending beyond the curb.

Following a lengthy discussion, MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY COUNCILMEMBER DIEHL to:

1. Approve, and authorize the Mayor to execute, Policy and Procedure No. 401-1 entitled "Parking Enforcement."
2. Encourage property owners/tenants (especially those on Avenida Victoria) to purchase the City's annual parking permits.

Council indicated a desire to review the effectiveness of the City-wide Policy and Procedure in one year.

Council agreed with Lt. Lisanti's suggestion that parking violators be issued warnings for a two-week period.

THE MOTION CARRIED 5-0.

8. **NEW BUSINESS**

None.

9. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. **City Attorney**

(1) **Friend-of-the-Court Brief - County of Sonoma v. California Department of Finance, et al. (ERAF Litigation)**

Consideration of adding San Clemente's name to a Friend-of-the-Court Brief to be filed in the case of *County of Sonoma v. California Department of Finance, et al.*, Case #1 Civ. No. A089524 (ERAF litigation).

MOTION BY COUNCILMEMBER DIEHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 5-0, to authorize the City of San Clemente's name to be added to a Friend-of-the-Court Brief being filed on behalf of the County of Sonoma in the case of *County of Sonoma v. California Department of Finance, et al.*, Case #1 Civ. No. AO89524 (ERAF litigation).

D. **Council Members**

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

None.

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

None.

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

Mayor Ritschel reported that the Board of the Orange County Fire Authority will meet on June 22, 2000; stated she will report on the results of that meeting at the Council meeting of July 5, 2000.

Mayor Ritschel announced with sadness that Kelly Ahumada, Fire Engineer, recently passed away; requested that this evening's meeting be adjourned in Mr. Ahumada's memory.

(4) **Coastal Animal Services Authority Status Update.**

Councilmember Dahl thanked the CASA volunteers and urged individuals who are interested in adopting a pet to visit the shelter.

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

None.

(6) **Consideration of Canceling the Regular Council Meeting of August 16, 2000. (Councilmember Diehl)**

MOTION BY COUNCILMEMBER DIEHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 5-0, to cancel the Regular Council Meeting of August 16, 2000.

(7) **Councilmember Items.**

None.

10. RESOLUTIONS/ORDINANCES

A. Ordinance No. 1242 (Second Reading) - Disestablishment of Business Improvement Area No. 1 (Pico Plaza Shopping Center)

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to adopt Ordinance No. 1242 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DISESTABLISHING PURSUANT TO STREETS AND HIGHWAYS CODE SECTIONS 36550 ET SEQ. BUSINESS IMPROVEMENT ASSESSMENT AREA NO. 1 ESTABLISHED UNDER ORDINANCE 898.

B. Ordinance No. 1243 (Second Reading) - Use of Roller Skates, In-Line Skates and Skateboards

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to adopt Ordinance No. 1243 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 10.64 OF THE CODE OF THE CITY OF SAN CLEMENTE REGARDING THE USE OF ROLLER SKATES AND IN-LINE SKATES, AND SKATEBOARDS, AND PROVIDING A PROCEDURE FOR DESIGNATING SKATE COURT AREAS.

C. Ordinance No. 1244 (Second Reading) - Water Service and Sewer Service Systems

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to adopt Ordinance No. 1244 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTERS 13.04 AND 13.24 OF THE SAN CLEMENTE MUNICIPAL CODE CONCERNING WATER SERVICE AND SEWER SERVICE SYSTEMS.

MEETING RECESSED

MOTION BY COUNCILMEMBER DIEHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 5-0, to recess at 10:25 p.m. to a meeting of the Redevelopment Agency.

MEETING RECONVENED

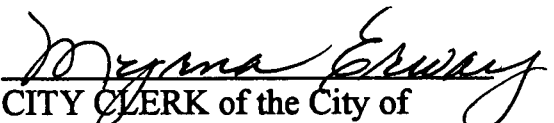
Council reconvened at 10:27 p.m., with all members present.

11. **ADJOURNMENT**

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to adjourn at 10:30 p.m. in memory of Kelly Ahumada to an Adjourned Regular Meeting to be held on Monday, June 26, 2000 at 6:30 p.m. in the Council Chambers for the purpose of interviewing and making appointments to fill vacancies on various City Commissions and Committees.

A subsequent Adjourned Regular Meeting will be held on Tuesday, June 27, 2000 at 6:30 p.m. in the Council Chambers for the purpose of interviewing and making appointments to fill vacancies on various City Commissions and Committees.

The next Regular Meeting will be held on July 5, 2000 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.


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 Council Meeting held on June 21, 2000, said meeting was adjourned to the time and place specified in the Notice of Adjournment attached hereto; and that on June 22, 2000 at the hour of 9:00 a.m., a copy of said order was posted at a conspicuous place near the door at which said meeting was held.

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

Executed on June 22, 2000 at San Clemente, California.


MYRNA ERWAY
City Clerk