

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting - April 1, 1998

A Regular Meeting of the San Clemente City Council was called to order on April 1, 1998 at 7:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

PRESENT AHLE, ANDERSON, APODACA, BERG, MAYOR DAHL

ABSENT NONE

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

INVOCATION

Pastor Dan Denton, South County Community Church, gave the invocation.

PLEDGE OF ALLEGIANCE

Councilmember Apodaca led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Proclamation - Four-Way Test Week**

Mayor Dahl presented proclamations to Patrick Griffin, President of the San Clemente Sunrise Rotary Club, and Tony Struthers, President of the San Clemente Rotary Club, declaring April 13, 1998 through April 17, 1998 as Four-Way Test Week in San Clemente.

B. WalMart - Update on Plans to Locate in San Clemente

Cynthia Lin, Director of Community Affairs for WalMart's Western Region, provided an update on WalMart's plans to open a store in San Clemente, focusing on WalMart's commitment and desire to serve the community; explained that delays experienced to date have been primarily due to previous transitions on the project team; stated that plans are moving forward and expressed hope that WalMart will close escrow by the end of the month and commence construction in June.

Jim Costanzo, Principal with Pacific Development Group, explained that documents are currently being finalized and estimated that the construction phase of the WalMart store will take approximately six to seven months.

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

3. **PUBLIC HEARINGS**

None.

4. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER AHLE, SECOND BY COUNCILMEMBER APODACA, CARRIED 5-0, to approve the Consent Calendar with the removal of Items 4-E and 4-H.

A. **City Council Minutes**

MOTION BY COUNCILMEMBER AHLE, SECOND BY COUNCILMEMBER APODACA, CARRIED 5-0, to approve the City Council minutes of March 18, 1998.

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

- (1) Human Affairs Committee minutes of December 10, 1997 and February 11, 1998.
- (2) Planning Commission action minutes of March 17, 1998.

C. Warrant Register

MOTION BY COUNCILMEMBER AHLE, SECOND BY COUNCILMEMBER APODACA, CARRIED 5-0, to approve Warrant Nos. 709212 through 709323 for the period 3-2-98 through 3-6-98 in the amount of \$320,405.34; approve Warrant Nos. 709325 through 709476 for the period 3-9-98 through 3-13-98 in the amount of \$939,194.14; for a total Warrant Register of \$1,259,599.48.

Payroll Register

MOTION BY COUNCILMEMBER AHLE, SECOND BY COUNCILMEMBER APODACA, CARRIED 5-0, to approve Warrant Nos. 302605 through 302667 (Automatic Deposit Advises 104621 through 104751) for the period 2-23-98 through 3-8-98 in the amount of \$184,153.07; for a total Payroll Register of \$184,153.07.

D. Wall of Recognition 1998

MOTION BY COUNCILMEMBER AHLE, SECOND BY COUNCILMEMBER APODACA, CARRIED 5-0, to ratify the Wall of Recognition Committee's selection of Jan Sener as the 1998 recipient to be honored on the Wall of Recognition. The official recognition will be agendized for a future Council meeting.

F. Parking Prohibitions on Calle Aguila and Avenida Vaquero

MOTION BY COUNCILMEMBER AHLE, SECOND BY COUNCILMEMBER APODACA, CARRIED 5-0, to adopt Resolution No. 98-18 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING "NO PARKING" REGULATIONS ON CALLE AGUILA AND AVENIDA VAQUERO.

G. Substitution of Landscape Improvement Bonds for Tract 15558, Formerly Lot 26 of Tract 11781

MOTION BY COUNCILMEMBER AHLE, SECOND BY COUNCILMEMBER APODACA, CARRIED 5-0, to authorize the City Clerk to accept the new Landscape Improvement Bonds for Tract 15558 which are of equal quality and value as replacement bonds and to exonerate the existing bonds, as outlined in the Administrative Report, dated April 1, 1998, which is on file with the City Clerk.

I. Contract Award - Design Survey for the Bonita Canyon/Calle Valle Storm Drain Improvements

MOTION BY COUNCILMEMBER AHLE, SECOND BY COUNCILMEMBER APODACA, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C98-15 by and between the City of San Clemente and J. L. Surveying, providing for a design survey for the Bonita Canyon/Calle Valle Storm Drain Improvements, in an amount not to exceed \$19,560.

J. Notice of Completion - Replacement of Overflow Pipe, Reservoir No. 7

MOTION BY COUNCILMEMBER AHLE, SECOND BY COUNCILMEMBER APODACA, CARRIED 5-0, to:

1. Accept the Replacement of Overflow Pipe, Reservoir No. 7, Project No. 18506, from the contractor, S.S. Mechanical Corporation.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for City Project No. 18506. (Contract #C98-02)
3. Approve a transfer of \$1,000 from Account 052-466-45300-000-18505 to Account 052-466-45300-000-18506.

K. Contract Award - Avenida Magdalena and Avenida Santa Margarita Street, Water and Storm Drain Improvements

MOTION BY COUNCILMEMBER AHLE, SECOND BY COUNCILMEMBER APODACA, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C98-16 by and between the City of San Clemente and Damon Construction Company, providing for street, water and storm drain improvements on Avenida Magdalena and Avenida Santa Margarita, Project Nos. 17120 and 17121, in the amount of \$482,174.80.

L. Irrevocable Offer of Dedication to the City of San Clemente by Laing Forster Ranch, LLC - Approximately 300 Acres on East Side of the Forster Ranch Specific Plan

MOTION BY COUNCILMEMBER AHLE, SECOND BY COUNCILMEMBER APODACA, CARRIED 5-0, to grant a 30-day extension to the performance requirements concerning the Offer of Dedication contained in the Laing Forster Ranch Development Agreement.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

E. Second Amendment to Subdivision Improvement Agreement for Final Map of Tract 13713 (412 Arenoso Lane) - Time Extension

Council referenced the history of the Subdivision Improvement Agreement for Final Map of Tract 13713 and questioned the likelihood that future time extensions will be requested.

Roy Lindorf, San Clemente, clarified that the Subdivision Improvement Agreement has been amended only once since he purchased the property; stated he is requesting an amendment at this time because he has been unsuccessful during the last four years in finding a developer that could create an aesthetically pleasing structure; commented that he has now engaged his own architect and is seeking to bring the property to entitlement; stated that he intends to develop the property and reside on the top floor.

MOTION BY MAYOR PRO TEM BERG, SECOND BY COUNCILMEMBER APODACA, CARRIED 5-0, to approve, and authorize the Mayor to execute, the Second Amendment to Subdivision Improvement Agreement regarding Tract 13713 by and between the City of San Clemente and Roy K. Lindorf, Trustee and Ron Lindorf R.E.I. Limited Partnership, providing for a time extension to April 6, 2000.

H. **Modifications on Calle Redondel Vehicular Traffic Direction**

In response to Council inquiry, Traffic Engineer HindiyeH explained that Staff is recommending that the one-way vehicular travel direction on Calle Redondel be modified from a northwesterly direction to a southwesterly direction; commented that the proposal will enhance safety by improving the sight distance at the intersection of Calle Redondel and Avenida De La Estrella; noted that residents in the area concur with the proposal.

MOTION BY MAYOR PRO TEM BERG, SECOND BY COUNCILMEMBER APODACA, CARRIED 5-0, to adopt Resolution No. 98-19 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, MODIFYING THE ONE-WAY VEHICULAR TRAVEL DIRECTION ON CALLE REDONDEL.

5. **ORAL COMMUNICATIONS**

Parking Citation - Parking on Driveway while Encroaching onto the Roadway

Mark Mayville, San Clemente, voiced concern that he received a \$25 parking citation for parking in his driveway; commented that his driveway is shorter than the length of his car which necessitates a portion of his car encroaching onto the roadway; stated that his car does not fit in his garage and materials that are stored in the garage further preclude it from being used to store his automobile; commented that a sidewalk does not exist on his property and opined that it would be preferable for him to park on his driveway and encroach a small amount onto the street than to park totally on the street.

Casa Romantica - Request for Survey or Election Concerning Use

Wayne Eggleston, Friends of Casa Romantica, stated that he addressed Council on March 18, 1998 to request that Council either conduct an independent survey with regard to adaptive re-use of the Casa Romantica or place the issue on the November ballot; reiterated his request that Council take one of the actions cited; stated that the Friends of Casa Romantica, Heritage Foundation and he have written letters to the City Manager and Mayor over a period of three months concerning the Casa Romantica and yet have not received a response to any of the letters. City Manager Parness responded that the letters were referred to the Community Development Director and explained that a response to the subject letters has been prepared.

6. **UNFINISHED BUSINESS**

None.

7. **NEW BUSINESS**

None.

8. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

(1) **Status Report - Local Storm Emergency**

City Manager Parness provided a status report concerning the local storm emergency, as contained in a memorandum from Public Works/Economic Development Director Lund, dated March 30, 1998.

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to approve the continuation of the State of Local Emergency, which was declared on February 10, 1998.

C. City Attorney

(1) Closed Session - Doesburg v. City of San Clemente (New Agenda Item)

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER APODACA, CARRIED 5-0, to agendize a Closed Session to discuss the following since the need to take action arose subsequent to the posting of the agenda:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, pursuant to GC Section 54956.9(a):

Name of Case: Doesburg v. City of San Clemente, OCSC
766864

D. Council Members

(1) Orange County Division - California League of Cities Issues

Councilmember Apodaca relayed that the State League Policy Committees, and the League Board of Directors, met to discuss pending legislation; stated that each Councilmember will receive a copy of a memorandum from the League of Cities indicating the actions and recommendations that were taken with respect to the various bills; referenced, in particular, the following actions that were taken:

- The State League Policy Committees, and League Board of Directors, voted to oppose AB 2012 (Public Records Act - Expansion of Local Government Duties).
- The State League Policy Committees, and League Board of Directors, voted to oppose AB 2191 (Smoking and Tobacco Control Measure).

MOTION BY COUNCILMEMBER AHLE, SECOND BY COUNCILMEMBER APODACA, CARRIED 5-0, to support AB 2457 which was sponsored by the City of Lake Forest. The subject legislation relates to the placement of maximum security facilities on federal land that was previously utilized as a military base (specifically, El Toro) unless it is a part of a complete Master Plan.

MOTION BY COUNCILMEMBER AHLE, SECOND BY COUNCILMEMBER APODACA, CARRIED 5-0, to support AB 2586 which would allow cities to govern their own emergency ambulance services.

(2) Council Position on Legislative Issues

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER AHLE, CARRIED 5-0, to support S1133 (federal legislation) which relates to school modernization, with the transmittal of the following recommendations: 1) That the legislation be broadened to include districts with high and rapid enrollment growth; 2) That if federal funds become available, that the funds be directly routed to districts without being distributed initially to the State Equalization Board; and 3) That a concern be noted that California schools will experience a disadvantage in securing federal support in comparison with its national counterparts because California is one of only a few states that requires a 2/3 majority vote for bond passage.

(3) Orange County Fire Authority Status Update

Councilmember Ahle advised that the Orange County Fire Authority recently celebrated its third anniversary, noting that the Authority is comprised of fine people who do a fine job.

(4) Councilmember Items

None.

9. RESOLUTIONS/ORDINANCES

A. Ordinance No. 1202 (Second Reading) - Parking of Commercial and Recreational Vehicles on City Streets and Alleys

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON to adopt Ordinance No. 1202 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 10.28.230(b) OF THE CODE OF THE CITY OF SAN CLEMENTE RELATING TO PARKING COMMERCIAL AND RECREATIONAL VEHICLES ON CITY STREETS AND ALLEYS.

Tom Lorch, San Clemente, stated that ordinances should be adopted to address only serious problems in the City; voiced concern that the Administrative Report that was submitted for the subject Ordinance at the March 18, 1998 Council meeting was only one page in length and did not include statistical data relating to the number of complaints that prompted the proposal; voiced concern that the Ordinance is totally restrictive and suggested that the Ordinance be modified to provide flexibility; opined it is incongruent to allow persons to park 20' dumpsters in front of their residences for lengthy periods but not allow small trailers to be parked in front of residences for a few days; distributed photographs which depicted the visual impact associated with parking dumpsters on public streets.

Lt. Lisanti explained that the Ordinance that was introduced at the March 18, 1998 Council meeting did not reflect that recreational vehicles may obtain an RV parking extension that would allow the vehicle to be parked on City streets and alleys for a 36-hour period; presented a revised Ordinance that was drafted by the City Attorney which references a distinction between trailers that are used for hauling cargo and trailers that are used to transport people; stated that trailers that are used for hauling cargo would be classified as a commercial vehicle and may park for a two-hour period while trailers that are used to transport people would be subject to the same criteria as recreational vehicles and may park for a maximum of 36 hours upon receipt of an RV parking extension.

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to introduce a modified version of Ordinance No. 1202 (See revisions as explained by Lt. Lisanti in the previous paragraph) entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 10.28.230(b) OF THE CODE OF THE CITY OF SAN CLEMENTE RELATING TO PARKING COMMERCIAL AND RECREATIONAL VEHICLES ON CITY STREETS AND ALLEYS.

MEETING RECESSED

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to recess to a meeting of the Redevelopment Agency at 7:50 p.m.

MEETING RECONVENED

Council reconvened at 8:10 p.m., with all members present.

CLOSED SESSION

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to recess to Closed Session at 8:10 p.m. to discuss the following:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, pursuant to GC Section 54956.9(a):

Name of Case: Doesburg v. City of San Clemente, OCSC 766864

The City Manager, City Attorney and City Clerk were in attendance.

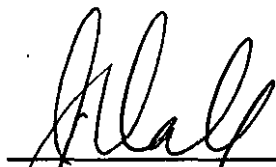
MEETING RECONVENED

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

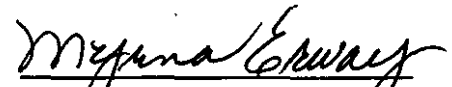
ADJOURNMENT

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to adjourn at 8:25 p.m.

The next Regular Council Meeting will be held on April 15, 1998 at 7:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.



MAYOR of the City of
San Clemente, California



CITY CLERK of the City
of San Clemente, California

NOTICE OF ADJOURNMENT

EXCERPT FROM THE MINUTES OF THE REDEVELOPMENT AGENCY

MEETING OF APRIL 1, 1998

A Regular Redevelopment Agency meeting was held in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California on April 1, 1998.

ROLL CALL PRESENT: AHLE, ANDERSON, APODACA, BERG, CHAIRMAN
DAHL

ROLL CALL ABSENT: NONE

Adjournment

The Redevelopment Agency adjourned to an Adjourned Regular Meeting to be held on Wednesday, April 15, 1998 at 7:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.


MYRNA ERWAY
Secretary

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 Secretary of the City of San Clemente Redevelopment Agency; that at the Regular Meeting of the Redevelopment Agency held on April 1, 1998, said meeting was adjourned to the time and place specified in the Notice of Adjournment attached hereto; and that on April 2, 1998, 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 April 2, 1998 at San Clemente, California.


MYRNA ERWAY
Secretary