

# CITY OF SAN CLEMENTE

## City Council Minutes

### Regular Meeting - April 16, 1997

A Regular Meeting of the San Clemente City Council was called to order on April 16, 1997 at 7:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

**PRESENT**                      ANDERSON, APODACA, BERG, MAYOR PRO TEM  
DAHL

**ABSENT**                      MAYOR AHLE

**STAFF PRESENT**              Paul Gudgeirsson, Director of Finance and Administrative  
Services; Myrna Erway, City Clerk; Jeff Oderman, City  
Attorney; Joanne Baade, Deputy City Clerk.

### **INVOCATION**

Rev. Bruce Warner, Palisades United Methodist Church, gave the invocation.

### **PLEDGE OF ALLEGIANCE**

Councilmember Apodaca led the Pledge of Allegiance.

#### 1.     **SPECIAL PRESENTATIONS**

##### A.     **Fire Service Recognition Day**

Mayor Pro Tem Dahl presented a proclamation to Gregg Lusher, Battalion Chief, declaring May 10, 1997 as Fire Service Recognition Day.

##### B.     **"Hire a Veteran Week"**

Mayor Pro Tem Dahl presented a proclamation to Don Salkowitz, Local Veterans Representative, declaring May 4-10, 1997 as "Hire a Veteran Week."

C. Teachers of the Month

Mayor Pro Tem Dahl presented Certificates of Recognition to the following Teachers of the Month:

Dottie Prohaska, Social Science Teacher - San Clemente High School

Mary Ann Warner, Home Economics Teacher - Shorecliffs Middle School.

2. MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to waive reading in full of all Resolutions and Ordinances.

3. PUBLIC HEARINGS

- A. Specific Plan 96-01/General Plan Amendment 96-05/Zoning Amendment 96-56, Local Coastal Program Amendment 97-07, West Pico Corridor Specific Plan

Public Hearing to consider the following:

Specific Plan 96-01 - A City initiated Specific Plan for the areas known as the Pico Community Commercial area, Los Molinos Industrial area, and the City Corporate Yard/Water Reclamation Plant. The area extends from the I-5 freeway to the southerly boundary of the City's Corporation Yard and to the 1600 Block of N. El Camino Real.

General Plan Amendment 96-05 - To change the General Plan map for that portion of the Los Molinos area presently designated "I1" (Light Industrial) to "I2" (Light Industrial). This change would increase the maximum floor area ratio from .35 to .50 and the maximum number of stories from two to three. Also, to change the Coastal Element of the General Plan by adding references to the West Pico Corridor Specific Plan as appropriate.

Zoning Amendment 96-56 - To change the present zoning in the area to "SP" (West Pico Corridor Specific Plan) and to remove one lot from the specific plan boundaries and zone it "RL-CZ" (Low Density Residential-Coastal Zone), and to make changes to the Zoning Code related to adoption of the specific plan.

Local Coastal Program Amendment 97-07 - To amend the City's Local Coastal Program (LCP) by adding the land use designations and other relevant provisions contained in the West Pico Corridor Specific Plan.

Larry Lawrence, City's consultant for the West Pico Corridor Specific Plan, reviewed the contents of the Administrative Report.

Council discussion ensued relative to the following: 1) Proposal to increase the story level from two to three and the associated increase in people and traffic; and 2) Differentiation between I-1 (Light Industrial) and I-2 (Light Industrial).

Public Works/Economic Development Director Lund reviewed the recent history of the Los Molinos area, noting that Staff worked with the Los Molinos Business Advisory Committee to successfully forge a plan that gives property owners assurance as to what they can and cannot do and, more importantly, serves as a stimulus for future investment in their property.

Mayor Pro Tem Dahl opened the Public Hearing.

Tom Lorch, San Clemente, stated that a zoning amendment to increase height and floor area ratios is irrevocable since a reduction in same at a later date would constitute downsizing and expose the City to lawsuits; voiced concern that increasing the allowable height could set a precedent for future development to also extend to 30' in height or more; questioned the existing setback requirement in the area as well as the percentage increase in square footage that the proposed changes would allow; cited concern that parking waivers may be granted in the future; stated he is not opposed to the project or proposed changes.

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

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to:

1. Adopt Resolution No. 97-17 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND APPROVING GENERAL PLAN AMENDMENT NO. 96-05 AMENDING THE GENERAL PLAN LAND USE ELEMENT AND COASTAL ELEMENT IN CONJUNCTION WITH THE WEST PICO CORRIDOR SPECIFIC PLAN.
2. Adopt Resolution No. 97-18 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND APPROVING THE WEST PICO CORRIDOR SPECIFIC PLAN (SP 96-01).
3. Introduce Ordinance No. 1185 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND APPROVING A ZONING AMENDMENT FOR THE WEST PICO CORRIDOR SPECIFIC PLAN (ZA 96-56).

B. Code Amendment - Industrial Waste Control/Enforcement Response Plan

Public Hearing concerning the possibility of amending the City's Industrial Waste Control Ordinance and Enforcement Response Plan.

Utilities Manager Bressan reviewed the contents of the Administrative Report.

Mayor Pro Tem Dahl opened and closed the Public Hearing, there being no one desiring to speak to this issue.

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to:

1. Introduce Ordinance No. 1186 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 13.28 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO INDUSTRIAL WASTE CONTROL.
2. Adopt Resolution No. 97-19 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING THE WASTEWATER DISCHARGE ENFORCEMENT RESPONSE PLAN.

C. Fee Increases - Metered Parking, Parking Permits and Fines for Municipal Code Parking Violations

Public Hearing to consider increasing metered parking fees from \$0.75 per hour to \$1.00 per hour; increasing parking permit fees for residents and non-residents by \$10.00 (present fees of \$40 and \$55 per calendar year would be increased to \$50 and \$65, respectively); and increasing Municipal Code fines for parking violations by \$4.00 (present fines of \$28 would be increased to \$32).

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to continue the Public Hearing to the Council Meeting of May 7, 1997.

4. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to approve the Consent Calendar with the removal of Items 4-A, 4-B(2) and 4-J.

B. MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to receive and file:

- (1) Parks and Recreation Commission minutes of March 11, 1997.
- (3) Golf Course Committee minutes of March 11, 1997.

C. **Warrant Register**

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to approve Warrant Nos. 702545 through 702683 for the period 3-17-97 through 3-21-97 in the amount of \$2,332,547.49; approve Warrant Nos. 702684 through 702795 for the period 3-24-97 through 3-28-97 in the amount of \$156,356.43; for a total Warrant Register of \$2,488,903.92.

**Payroll Register**

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to approve Warrant Nos. 300736 through 300816 (Automatic Deposit Advises 101350 through 101482) for the period 3-10-97 through 3-23-97 in the amount of \$195,274.40; for a total Payroll Register of \$195,274.40.

D. **Contract Award - 112 Calle Bella Loma Storm Drain Repair**

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to:

1. Approve the plans and specifications for Project No. 17502, 112 Bella Loma Storm Drain Replacement.
2. Approve, and authorize the Mayor to execute, Contract No. C97-28, by and between the City of San Clemente and Brongo Construction, Inc., providing for storm drain replacement at 112 Bella Loma, in the amount of \$20,338.
3. Approve a supplemental appropriation of \$6,300 to Account 052-466-45300-000-17502, Water Fund Depreciation Reserve, Capital Improvements Other Than Buildings in the Water Fund.

E. **Fund Appropriation/Reimbursement Approval - Construction and Installation of Water Master Plan Facilities - Tract 13054 (Marblehead Inland)**

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to:

1. Approve a supplemental appropriation of \$226,700 from Account 052-467-45300-000-17508, Water Acreage Fee Reserve, Improvements Other Than Buildings.
2. Authorize Staff to reimburse Marblehead, L.P., for the reimbursable expenses to install and construct the water master plan facilities.

F. **Contract Award - Annual Street Slurry Sealing Program**

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to approve, and authorize the Mayor to execute, Contract No. C97-29 by and between the City of San Clemente and Roy Allan Slurry Seal, Inc., providing for the annual street slurry sealing program, in the amount of \$66,142.45.

G. **Informational Report on Historic Preservation Incentives**

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to receive and file the informational report on available historic preservation incentives, dated April 16, 1997.

H. **Contract Award - Update of the City's Fiscal Impact Analysis Model**

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to approve, and authorize the Mayor to execute, Contract No. C94-59 by and between the City of San Clemente and The Natelson Company, providing for an update of the City's Fiscal Impact Analysis Model, in an amount not to exceed \$13,000.

I. **Contract Awards - Processing Services for the Marblehead Coastal and the Forster Ranch Specific Plans**

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to:

1. Approve, and authorize the Mayor to execute, Contract No. C97-30 by and between the City of San Clemente and Civic Solutions, providing for project processing of the Marblehead Coastal Specific Plan.
2. Approve, and authorize the Mayor to execute, Contract No. C97-31 by and between the City of San Clemente and Lawrence Associates, providing for project processing of the Forster Ranch Specific Plan.



**ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**

A. **City Council Minutes**

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to approve the City Council minutes of March 19, 1997 and April 2, 1997.

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 3-0-1 (COUNCILMEMBER APODACA ABSTAINING) to approve the City Council minutes of March 26, 1997.

B(2). **Planning Commission Action Minutes of April 1, 1997**

Tom Lorch, San Clemente, referenced the portion of the Planning Commission minutes of April 1, 1997 which pertained to Tentative Parcel Map (Schlosberg); questioned whether the proposed change from a lettered lot to a two-numbered lot represents a lot split; questioned how many similar requests have been made over the last ten years and how many have been approved; suggested that Council adopt a policy relating to lot splits.

Council requested that Staff prepare a tray memo that addresses Mr. Lorch's questions and speaks to the advisability of developing a policy on lot splits, with the understanding that a copy of the memorandum would be provided to Mr. Lorch.

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to receive and file the Planning Commission minutes of April 1, 1997.

J. Wall of Recognition 1997

Tom Lorch, San Clemente, stated he coordinated the effort to nominate Karoline Koester to be honored on the Wall of Recognition; stated he does not object to the person being recommended as this year's recipient, but voiced concern that the qualifications of only one person were included in the Administrative Report; recommended that Council consider all eight nominees and suggested the possibility of honoring more than one person on the Wall of Recognition this year.

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to ratify the selection of Dorothy Fuller as the 1997 recipient to be honored on the Wall of Recognition.

5. ORAL COMMUNICATIONS

Contract City Attorney Versus In-House City Attorney

Tom Padberg, San Clemente, referenced Mayor Ahle's article in the Sun Post News, dated April 4, 1997, which states that San Clemente incurs lower rates with a contract attorney than it would if it retained an in-house City Attorney; commented that the article indicated that the six Orange County cities that have in-house City Attorneys incur higher costs than San Clemente incurs for its contract City Attorney; pointed out that all six cities cited have populations larger than San Clemente and opined that the average legal cost per citizen in those cities is lower than the per-citizen legal costs currently experienced in San Clemente.

Expression of Appreciation to Council

Steve Haubert noted that the Trestles Community Association spoke at the last Council meeting relative to its efforts to ensure a safe community; expressed appreciation to Council for that opportunity and presented Council with cookies as an expression of appreciation.

**Enforcement of Parking Ordinances**

Steve Kingston, San Clemente, suggested that a policy be prepared that addresses how parking ordinances (particularly the parkway ordinance) are enforced; requested that the proposed policy be agendized for a future Council meeting and that back-up material be included in the Council packet.

**Parkway Ordinance/Legal Invoices**

John Koch, San Clemente, expressed appreciation to Council for directing at the last Council meeting that the City's parkway ordinance be enforced on Canada; read portions of the City's parkway ordinance and stated that the parkway is a sidewalk, whether improved or unimproved; requested to be provided, under the Federal Freedom of Information Act, a copy of every invoice from legal firms directed at the City; questioned and received clarification that the refuse container placement ordinance will not be re-submitted to Council until an enforcement program has been developed.

**Agenda Publication (Timeline)/Beach Trail Lighting**

Tom Lorch, San Clemente, stated that the City of San Juan Capistrano publishes its agendas and back-up materials one and one-half weeks prior to Council meetings; suggested that San Clemente's agendas should be prepared more in advance of meetings to allow the public a greater opportunity to review data; stated that the trail along the creek in San Juan Capistrano is not lit and consequently usage at night is rare; suggested that consideration be given to the issue of whether or not San Clemente's beach trail should be lit to determine which alternative would be more conducive to safety.

Council requested that Staff explore the feasibility of scanning Council meeting back-up material onto the Internet.

6. **UNFINISHED BUSINESS**

None.

7. NEW BUSINESS

A. Code Amendment - Skateboards

Report from the Police Services Captain concerning the possibility of amending the Code of the City of San Clemente to prohibit skateboarding at all schools within the City, and upon the property of privately owned businesses, where appropriate signage has been displayed.

Police Services Captain Davis reviewed the contents of the Administrative Report.

Todd Anderson, Leader of Boy Scout Troop 797, voiced concern that the proposed Code amendment could result in an increase in the number of children who skateboard on the streets; suggested that children be allowed to skateboard in uncrowded parking lots provided no complaints are received until such time as a skate park is built; stated that skateboarding does not damage property and opined that skateboarding does not lead to vandalism.

Adam Alt, member of Boy Scout Troop 797, explained that skateboarders should not be stereotyped as persons who vandalize property.

Audrey Germer, San Clemente, stated she owns two parking lots and opposes skateboarding because of the danger associated with cars entering and exiting the lot; voiced concern with the liability attendant with skateboarding activity on her property and opined that property owners should not be required to post signs that state that skateboarding is prohibited.

Keith Trezek, San Clemente, urged that a skateboard facility be developed and spoke in support of Measure A to fund recreation activities.

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to introduce Ordinance No. 1187 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 10.64 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO SKATEBOARDING ON SCHOOL AND PRIVATE PROPERTY.

8. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

(1) **CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATOR**

Finance and Administrative Services Director Gudgeirsson stated that the agendaized Closed Session for a conference with the City's labor negotiator, is unnecessary.

C. **City Attorney**

City Attorney Oderman requested a Closed Session to discuss the following:

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

Name of Case: City of Irvine, et al. v. Federal Communications Commission, et al., Case #96-70058

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

Name of Case: Schwartz v. City of San Clemente, OCSC 722688

D. **Councilmembers**

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

None.

(2) **Legislative Issues**

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER APODACA, CARRIED 4-0, to support the following legislation, submit letters of support, and take other measures as appropriate to support the legislation:

1. SB 1310 (Johnson) - Sales Tax Shift to Local Government
2. AB 95 (Sweeney) - Property Tax
3. AB 1 (Aguiar) - Property Tax
4. ACA 4 (Aguiar) - Property Tax
5. SB 880 (Craven) - Return of Property Taxes, Local Agencies
6. AB 323 (Baca) - Group Homes
7. AB 1288 (Woods) - Group Homes
8. AB 756 (Kuykendall) - Group Homes

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

None.

9. **RESOLUTIONS/ORDINANCES**

None.

**CLOSED SESSION**

Council recessed to Closed Session at 8:40 p.m. to discuss the following:

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

Name of Case: City of Irvine, et al. v. Federal Communications Commission, et al., Case #96-70058

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

Name of Case: Schwartz v. City of San Clemente, OCSC 722688.

The Director of Finance and Administrative Services, City Attorney and City Clerk were in attendance.

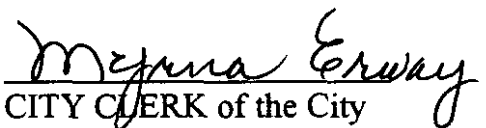
**MEETING RECONVENED**

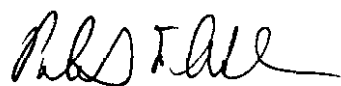
Council reconvened at 8:57 p.m., with all members present except Mayor Ahle.

**ADJOURNMENT**

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER APODACA, CARRIED 4-0, to adjourn at 8:58 p.m.

The next Regular Meeting will be held on May 7, 1997 at 7:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

  
CITY CLERK of the City  
of San Clemente, California

  
MAYOR of the City of  
San Clemente, California