

# CITY OF SAN CLEMENTE

## City Council Minutes

### Regular Meeting - June 5, 1991

A Regular Meeting of the San Clemente City Council was called to order on June 5, 1991 at 6:40 p.m. in the Council Chambers, 100 Avenida Presidio, San Clemente, California by Mayor Diehl.

**PRESENT**                    ANDERSON, BENEDICT\*, HAGGARD, LORCH, MAYOR DIEHL

\*Arrived at 6:48 p.m.

**ABSENT**                    NONE

**STAFF PRESENT**    Michael Parness, City Manager; Jeff Oderman, City Attorney; Myrna Erway, City Clerk; James Holloway, Community Development Director; William Cameron, City Engineer; Joanne Baade, Deputy City Clerk.

### **Budget Presentation**

City Manager Parness reviewed the proposed City budget for FY 1991-92, focusing on revenues and expenditures, monthly rate increases for the average single-family residence, utility rates as compared with nearby cities, staffing and net adjustments by department/division, impact of staffing adjustments, capital projects, means by which the budget was balanced, capital improvement expenditures, available General Fund balance, general liability insurance, workers' compensation insurance, and issues that will need to be addressed. Copies of the visual aids that were utilized during the presentation are on file in the City Clerk's Department.

**MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to conduct the budget workshops (scheduled for June 15, 1991 and June 17, 1991) in the City Council Chambers, in lieu of the Community Development Department Conference Room. (Note: The Public Hearing on the proposed FY 1991-92 budget will take place on June 19, 1991 as part of the Regular Council Meeting and the adoption of the budget is scheduled to occur on July 3, 1991 as part of the Regular Council Meeting.)**

**MOTION BY COUNCILMEMBER LORCH, SECOND BY MAYOR DIEHL, CARRIED 5-0, to direct that the budget workshops be televised.**

**MEETING RECESSED**

Council recessed at 7:38 p.m. and reconvened at 7:45 p.m., with all members present.

**INVOCATION**

Pastor Thom Jones, of Cristianitos Community Church, gave the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Diehl led the Pledge of Allegiance.

**1. SPECIAL PRESENTATIONS**

None.

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

**3. PUBLIC HEARINGS****A. Avenida de la Estrella Underground Utility District No. 8-91**

Public Hearing to consider establishing an Underground Utility District within the Avenida de la Estrella area.

AND

**B. Rehabilitation of Avenida de la Estrella from Avenida Palizada to Avenida Presidio - Implementation of Parkway Construction Program**

Public Hearing to consider ordering the construction of improvements on the northerly and southerly sides of Avenida de la Estrella between Avenida Palizada and Avenida Presidio, giving the property owner sixty (60) days to have the work constructed or guaranteed by cash deposit.

Agenda Items 3-A and 3-B were considered concurrently because of their relationship.

City Engineer Cameron reviewed the contents of the Administrative Reports; narrated a slide presentation which demonstrated existing conditions; summarized proposed improvements, completion schedules, funding sources and financing; answered Council inquiries relative to sidewalk widths and costs, as well as electrical connection costs.

Mayor Diehl opened the Public Hearing.

Karoline Koester, 604 Via Pavon, questioned and received clarification that 2080 funds cannot be used to assist property owners, since such use would be inconsistent with the criteria established by the Public Utilities Commission.

Dwight Hamro, 215 Via Montego, noted the proposal represents an outstanding opportunity to upgrade the area.

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

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

1. Adopt Resolution No. 91-63 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING AN UNDERGROUND UTILITY DISTRICT, TO BE KNOWN AS THE AVENIDA DE LA ESTRELLA UNDERGROUND UTILITY DISTRICT NO. 8-91.
2. Order the construction of the proposed sidewalk, drive approach and retaining wall improvements on both sides of Avenida de la Estrella from Avenida Palizada to Avenida Presidio, giving the property owner sixty (60) days to have the work constructed or guaranteed by cash deposit.

**C. Tentative Parcel Map 90-266 - Shorecliffs Mobile Home Park**

Public Hearing to consider amending Condition of Approval No. 6 for TPM 90-266, the Shorecliffs Mobile Home Park, to add provisions for landscaping adjacent to the recreational vehicle storage area.

Mayor Diehl opened the Public Hearing.

Gerald Gibbs, 110 East Avenida Palizada, Suite 201, on behalf of the residents of the Shorecliffs Mobile Home Park, requested that Resolutions Nos. 91-51 and 91-52, which were adopted by the City Council on May 1, 1991, be corrected as follows:

- a) Resolutions Nos. 91-51 and 91-52 should reflect that 201 spaces exist in the Shorecliffs Mobile Home Park.
- b) Resolutions Nos. 91-51 and 91-52 should reflect that the address of the park is 3000 Calle Nuevo.
- c) Condition No. 8 of Resolution No. 91-51 should reflect that Lots 105-114 are to be deleted from the condominium map.
- d) Condition No. 6-d of Resolution No. 91-51 should read as follows: "Parcel 3 shall merge with Parcel 1 in the event the owner(s) of Parcel 1 acquire title to Parcel 3."

With respect to landscaping, Mr. Gibbs noted that the dirt on the Shorecliffs Mobile Home Park's side of the fence is nominal and suggested the possibility of allowing the landscaping to be installed on the adjacent property owners' side of the fence; noted that such action would benefit the adjacent property owners since it would 1) conceal the fence, and 2) enable them to control the height of the landscaping; noted that proposed Resolution No. 91-64 does not include Section "d" of Condition No. 6, as adopted by Council on May 1, 1991, which provides that "Parcel 3 shall merge with Parcel 1 in the event the owner(s) of Parcel 1 acquire title to Parcel 3".

Linda Martin, 2816 Via Amapola, voiced concern with the suggestion that landscaping for the Shorecliffs Mobile Home Park be installed on the side of the fence that belongs to the adjacent property owners, since 1) she may elect to install a block wall at a future date and may not wish to have the wall hidden by landscaping; and 2) the property owners would be burdened with landscape maintenance responsibility.

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

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to adopt Resolution No. 91-64 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AN AMENDMENT TO CONDITION OF APPROVAL NO. 6 OF TENTATIVE PARCEL MAP 90-266, SHORECLIFFS MOBILE HOME PARK, RELATED TO SCREENING OF THE RECREATIONAL VEHICLE STORAGE AREA FROM ADJACENT RESIDENTIAL DEVELOPMENT, with the modification that sub-section "D" of Section 2 be expanded to read as follows: "If all of the adjoining property owners in Tract 9763 agree, the landscaping may be installed on their side of the fence."

Council acknowledged that the technical corrections to Resolutions Nos. 91-51, 91-52 and 91-64 that were cited by Mr. Gibbs would be incorporated into those resolutions.

D. **TTM 14423 (Bongolan) - 102 Avenida Lucia and 3600 S. El Camino Real**

Public Hearing to consider a request for a two-lot subdivision for the purposes of developing six residential condominiums at 102 Avenida Lucia and 3600 S. El Camino Real.

City Clerk Erway announced that the City received a letter from the Applicant today requesting that TTM 14423 be continued to the Council meeting of June 19, 1991; explained that Staff concurs with the Applicant's request.

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to continue the Public Hearing on TTM 14423 (Bongolan) to the Council meeting of June 19, 1991.

E. Modification of Community Development Fee Rates

Public Hearing to consider modifying Community Development Fee Rates and authorizing the City Planner, or his designee, the discretion to choose between use of fee or a deposit fee for applications.

Senior Administrative Analyst Armington reviewed the contents of the Administrative Report.

Mayor Diehl opened the Public Hearing.

Zain Simonson, 3903 Calle Andalucia, on behalf of the First Baptist Church of San Clemente, requested that Council consider creating an additional fee category for non-profit organizations.

Mark Salter, on behalf of the Arvida Company, 21622 Marguerita Parkway, Mission Viejo, noted that staff has done an outstanding job in justifying the fee increases; spoke in support of a card program, whereby a deposit would be filed and charges deducted from that deposit; concurred with Resolution No. 91-66 as proposed.

Tom Daly, Director of Government Affairs for the Building Industry Association of Orange County, 2001 East 4th Street, Santa Ana, stated the Administrative Report that was prepared by Staff is thorough and well-documented; spoke in support of a record-keeping system that would enable applicants to be provided with itemized statements that specify the amount of services and/or staff time provided for each project.

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

In response to Council inquiry, Senior Administrative Analyst Armington noted that the process does not differ for various types of applicants and, hence, the creation of lower fees for non-profit organizations would result, in effect, in the City subsidizing a portion of the cost for that particular type of applicant.

**MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to adopt Resolution No. 91-66 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA MODIFYING ENTITLEMENT FEES FOR SERVICES PROVIDED BY CITY DIVISIONS, AND AUTHORIZING THE CITY PLANNER, OR HIS DESIGNEE, THE DISCRETION TO USE EITHER A FEE FROM THE AMENDED FEE SCHEDULE OR A DEPOSIT FEE AGAINST WHICH WOULD BE CHARGED TIME AND MATERIALS.**

F. Weed Abatement 1991 - Order to Abate

Public Hearing to consider objections and protests to the 1991 Weed Abatement Program.

Fire Marshal Meyer reviewed the contents of the Administrative Report.

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

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to order the Director of Fire Protection to abate the nuisances by having the weeds, rubbish, refuse and dirt removed from vacant properties within the City.

G. Abandonment of Marblehead Inland Park Site

Public Hearing to consider the abandonment of a park site within Tract 10880, Planning Area 5 of Marblehead Inland.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to continue the Public Hearing to the Council Meeting of July 3, 1991.

4. CONSENT CALENDAR

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve the Consent Calendar with the removal of Items A, B(1), D, E, F, L, M, O, T, and V.

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

- (2) Parks and Recreation Commission minutes of April 9, 1991.
- (3) Departmental Activities Report for April 1991.
- (4) Planning Commission minutes of April 30, 1991.
- (5) Golf Course Committee minutes of March 12, 1991 and April 9, 1991.
- (6) Community Design Commission minutes of April 23, 1991 and May 15, 1991.

C. Warrant Register

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve Warrant Nos. 101516 through 101676 (Voids 101511-101515) for the period 5-6-91 through 5-10-91 in the amount of \$752,482.38; approve Warrant Nos. 101680 through 101865 (Handwrite 101677) (Voids 101678-101679) for the period 5-13-91 through 5-17-91 in the amount of \$1,101,656.47; approve Warrant Nos. 101868 through 102006 (Voids 101866-101867) for the period 5-20-91 through 5-24-91 in the amount of \$831,684.38; for a total Warrant Register in the amount of \$2,685,823.23.

Payroll Warrant

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve Payroll Warrant Nos. 64600 through 64998 (Voids 64598-64599) for the period 4-29-91 through 5-12-91 in the amount of \$349,608.55; approve Payroll Warrant Nos. 65005 through 65385 (Voids 65001-65004) for the period 5-13-91 through 5-26-91 in the amount of \$338,419.30; for a total Payroll Warrant of \$688,027.85.

G. Fee Schedule Modification - Miscellaneous City Services

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to adopt Resolution No. 91-69 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING FEE SCHEDULES FOR CERTAIN SERVICES PROVIDED BY THE CITY AND RESCINDING RESOLUTION NO. 87-53.

H. Appropriation of Reimbursable Funds for Nuclear Emergency Plan

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve a supplemental appropriation to Account 001-225-43890 (Other Contractual Services) in the amount of \$28,400 and increase the revenue estimates for Account 001-000-33440 SONGS Grant, in the same account.

HE  
MS



I. **Contract Award - Preparation of Emission Inventory Plan for the Water Reclamation Plant**

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

1. Approve, and authorize the Mayor to execute, City Contract #C91-13 by and between the City of San Clemente and Acurex Corporation/Environmental Systems Division to provide engineering services to prepare an emission inventory plan for the Water Reclamation Plant, to comply with Assembly Bill 2588, at a cost of \$10,000.
2. Direct Staff to incorporate an appropriation of \$10,000 to Account 054-472-43530, Sewer Fund - Treatment Program - Engineering Services Account, in the FY 1991-92 budget.

J. **Contract Award - Camino de Estrella/I-5 Interchange and Camino de los Mares Improvement Projects (Project No. 13-89)**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve, and authorize the Mayor to execute, City Contract #C91-14 by and between the City of San Clemente and Excel Paving Company, for the construction of the Camino de Estrella Interchange and Camino de los Mares Improvement Projects, Project No. 13-89, with bid alternatives per Option No. 4, at the bid price of \$1,681,308.

K. **SB 300 - Funding for El Camino Real Construction Between Avenida Serra and Avenida Mateo**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to reject the State's SB-300 El Camino Real Cycle 2 Project, as required by the State.

N. **Prohibited Parking on Camino de los Mares Frontage Road**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to adopt Resolution No. 91-71 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING TRAFFIC RESOLUTION NO. 1846 AND ESTABLISHING "NO PARKING" REGULATIONS.

P. **Contract Award - Storm Drain Projects at South El Camino Real and West San Antonio, Paseo de Cristobal and Esplanade, and 521 West Avenida de los Lobos Marinos - Project No. 18-90**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve, and authorize the Mayor to execute, City Contract #C91-16 by and between the City of San Clemente and Carney Brothers, Inc., for the three storm drain projects at (1) South El Camino Real and West San Antonio, (2) Paseo de Cristobal and Esplanade, and (3) 521 West Avenida de los Lobos Marinos, at the bid price of \$129,877.00.

Q. **Compliance with the Orange County Arterial Highway Financing Program (AHFP)**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to adopt Resolution No. 91-73 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AFFIRMING COMPLIANCE WITH AHFP POLICY REQUIREMENTS AND REQUESTING THAT THE CITY BE DECLARED QUALIFIED FOR THE ORANGE COUNTY ARTERIAL HIGHWAY FINANCING PROGRAM FOR THE 1992-93 FISCAL YEAR.

R. **Notice of Completion - Asbestos Removal from Water Treatment Plant Incinerator**

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

1. Approve the asbestos abatement project associated with the Water Reclamation Plant incinerator that was completed by P. W. Stephens Contractors, Inc. (City Contract #C91-11)
2. Authorize the City Clerk to file a Notice of Completion with the County Recorder.

S. San Clemente Street Lighting and Landscaping District No. 1 - 1991-1992 Assessments

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to adopt Resolution No. 91-74 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ORDERING THE PREPARATION OF PLANS, SPECIFICATIONS, COST ESTIMATES, DIAGRAMS, ASSESSMENTS AND A REPORT PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2 OF THE STREET AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, FOR PROCEEDINGS FOR ANNUAL ASSESSMENT LEVY AFTER FORMATION OF A DISTRICT.

U. Extension of Orange County Health Care Agreement

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve, and authorize the Mayor to execute, City Contract #C86-521 by and between the City of San Clemente and the County of Orange to extend the enforcement of the rules, regulations and provisions of the Health and Safety Code from June 30, 1991 to June 30, 1996.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

A. City Council Minutes

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to approve the City Council minutes of May 1, 1991 with modifications as follows: 1) The ninth line of the last paragraph on Page 3 shall be modified to provide that the geological study has resulted in Units 107-112 (currently unoccupied) being deleted from the condo plan; 2) The first sentence of Section 1-A of Page 5 shall be modified to provide that lots 105, 106, 107, 108, 109, 110, 111, 112, 113, and 114 shall be deleted from the condominium map; and 3) Section 1-B of Page 5 shall be modified to provide that Condition No. 6 shall be expanded to provide that Parcel 3 shall merge with Parcel 1 in the event the owner(s) of Parcel 1 acquire title to Parcel 3.

**B(1). Human Resources Committee Minutes of April 15, 1991**

Council referenced Page 2 of the Human Resources Committee minutes of April 15, 1991 which states the Committee's intention to submit a letter to Caltrans in opposition to the construction of a perpendicular barrier fence on the I-5 at the San Onofre Check Point. It was the consensus of Council that policy issues should be determined at the Council level.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to agendize consideration of establishing a policy that requires proposed City position letters to be approved by Council.

Council requested that the Human Resources Committee submit a report on the barrier fence issue that identifies the pros and cons associated with the proposal.

MOTION BY MAYOR DIEHL, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to receive and file the Human Resources Committee minutes of April 15, 1991, with the exception of Item 6-B, i.e., Caltrans Proposed Barrier Fence on I-5 at San Onofre Check Point.

**D. Reappointment of Auditors for FY 1990-91**

MOTION BY COUNCILMEMBER BENEDICT, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to reappoint KPMG Peat Marwick to provide auditing services for the City and the San Clemente Redevelopment Agency for the year ending June 30, 1991 for a maximum fee of \$19,000, with the understanding that a public report of the audit results will be prepared and agendized for Council consideration.

**E. City Compensation Plan - Part-Time Salaries**

MOTION BY MAYOR DIEHL, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to adopt Resolution No. 91-67 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING NEW SALARY RANGES FOR PART-TIME HOURLY EMPLOYEES, AND RESCINDING RESOLUTION NO. 90-79, A PORTION OF THE CITY'S COMPENSATION PLAN.

F. Creation of City Position - Information Systems Specialist

MOTION BY COUNCILMEMBER LORCH to continue consideration of creating an Information Systems Specialist position to enable Staff to modify the job description to include additional skill requirements and a better definition of the computer system's hardware and software. THE MOTION DIED FOR LACK OF A SECOND.

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to adopt Resolution No. 91-68 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING RESOLUTIONS 89-117 AND 91-34 TO INCLUDE THE CLASSIFICATION OF INFORMATION SYSTEMS SPECIALIST IN THE CITY'S SERVICE.

L. Contract Award - Ole Hanson School Sidewalk from Avenida Palizada to Avenida de la Paz, Project No. 3-91

MOTION BY COUNCILMEMBER BENEDICT, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve, and authorize the Mayor to execute, City Contract #C91-15 by and between the City of San Clemente and Schaefer Construction, for the construction of the Ole Hanson School sidewalk from Avenida Palizada to Avenida de la Paz, Project No. 3-91, at the bid amount of \$16,752.

M. Measure "M" Master Plan of Arterial Highways (MPAH) Consistency Requirement

Following clarification, MOTION BY COUNCILMEMBER LORCH, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to adopt Resolution No. 91-70 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ENDORSING THE REGIONAL FUNDING PROGRAM CONSISTENCY AND ELIGIBILITY CRITERIA AS THE DEFINITION OF AND PROCESS FOR DETERMINING CONSISTENCY OF THE CITY OF SAN CLEMENTE'S TRAFFIC CIRCULATION PLAN WITH THE MASTER PLAN OF ARTERIAL HIGHWAYS.

O. **Removal of Parking Restrictions on Plaza a la Playa and Avenida la Costa**

City Clerk Erway read a letter from A. Kathleen Brocklehurst, dated June 5, 1991, which 1) voiced concern that the removal of parking restrictions on Plaza a la Playa could restrict beach access, and 2) requested that the item be deferred to a future Council meeting for public comment.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to adopt Resolution No. 91-72 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING TRAFFIC RESOLUTION NO. 1846 TO REMOVE A "RESTRICTED PARKING AREA".

T. **Regional Solid Waste Management Activities**

Following clarification, MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to approve, and authorize the Mayor to execute, the Memorandum of Understanding between the Cities of Dana Point, Laguna Niguel, San Clemente and San Juan Capistrano for the planning and implementation of solid waste management activities on a regional basis. (City Contract #C91-17)

V. **Contract Award - Weed Abatement 1991**

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to approve, and authorize the Mayor to execute, City Contract #C87-27, by and between the City of San Clemente and Apple Tractor for the implementation of the 1991 Weed Abatement program.

**MEETING RECESSED**

MOTION BY COUNCILMEMBER BENEDICT, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to recess at 9:35 p.m.

**MEETING RECONVENED**

Council reconvened at 9:45 p.m., with all members present.

5. ORAL COMMUNICATIONS

Advisory Petition to Congress -- Interest-Free Loans for Voter-Approved Capital Projects

Allan Herridge, 5369 Balboa Avenue, San Diego, stated Congress has the power to create money and place it in the United States Treasury; urged Council to support an advisory petition urging Congress to offer interest-free loans to tax-supported bodies to fund voter-approved capital projects.

Expression of Appreciation for City's Support of Desert Storm Troops

Kip and Rob Carpenter, 119 East Avenida Junipero, expressed appreciation to Council for its support of the Desert Storm troops and their families; presented Mayor Diehl, Councilmembers and City Manager Parness with sand from the liberated beaches of Kuwait.

Occupancy Standards

Richard Mackaig, 155 W. Escalones, urged Council to adopt an ordinance establishing occupancy standards for residential units; voiced concern with the condition of the properties at 140-152 and 157 W. Escalones.

Cheryl Hopper, 119 W. Canada, expressed support for the Neighborhood Pride Program; described problems with property conditions, debris and safety on Canada.

**Recycling Facility at Animal Shelter**

Eva Riley, 121 W. Lobos Marinos, voiced concern with overfilled recycling bins at the Animal Shelter.

Council requested that Staff attempt to resolve the situation.

**6. UNFINISHED BUSINESS****A. Richard T. Steed Memorial Park - Interim Concession Operating Agreement**

Report from the Parks and Recreation Manager concerning an Interim Agreement for the concession operation at the Richard T. Steed Memorial Park.

Parks and Recreation Manager Wegner reviewed the contents of the Administrative Report.

Karoline Koester, 604 Via Pavon, questioned and received clarification that Requests for Proposals were solicited by the City for the operation of the interim concession.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to approve, and authorize the Mayor to execute, City Contract #C90-33 by and between the City of San Clemente and Sportspark of America, Inc. for the concession operation of the Richard T. Steed Memorial Park Softball Complex, with the understanding that the first sentence of Section 2.1.8.5 of the agreement shall be amended to read as follows: "Provide and maintain \$1,000,000 in liability insurance through the U.S.S.A. naming the City of San Clemente and the City of San Clemente Redevelopment Agency as additionally insured."



B. Completion of the Local Coastal Plan in Lieu of Reinitiation of the Pier Bowl Specific Plan

Report from the Community Development Director concerning the processing order of the Local Coastal Plan and Pier Bowl Specific Plan.

Associate Planner Pechous reviewed the contents of the Administrative Report.

Charlie Ashbaugh, 2501 S. El Camino Real #312, spoke in support of establishing a cultural center within the Casa Romantica, which would include an Ole Hanson Museum and a Richard M. Nixon museum; urged that the City donate at least \$2,000 to the Historical Society to aid them in overcoming their financial problems; requested that the Historical Society be allowed to store their memorabilia at the Casa.

John Tengdin, on behalf of the Planning Commission, offered to answer Council inquiries.

Dorothy Fuller stated the Historical Society is seeking the support of other cultural organizations in the community in the formation of an association that would, with the City's permission, make the Casa Romantica a cultural center; opined that grants and endowments could be obtained to facilitate this effort.

**MOTION BY COUNCILMEMBER LORCH to direct that Staff adhere to the Pier Bowl Master Plan Schedule as set forth in Attachment A to the Administrative Report, which is on file in the City Clerk's Department, with the modification that the schedule dates for the City Council meeting requesting fund appropriations for the Pier Bowl Master Plan consultants, and the complete scope of work for 30th Street and Natelson, be combined and brought back to Council simultaneously. THE MOTION DIED FOR LACK OF A SECOND.**

**MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD to 1) approve a supplementary appropriation of \$74,000 to Account No. 086-865-43690, Other Professional Services, in the Redevelopment Agency Project Fund, to pay for the consulting services necessary for the completion of the Pier Bowl Master Plan/Specific Plan; and 2) authorize the City Manager to amend the existing contracts with 30th Street Architects and the Natelson Company for development of a Master Plan/Specific Plan for the Pier Bowl, and to hire an environmental consultant to prepare the requisite environmental impact report.**

SUBSTITUTE MOTION BY MAYOR DIEHL to direct Staff to complete the Local Coastal Plan prior to beginning the Pier Bowl Master Plan/Specific Plan. THE SUBSTITUTE MOTION DIED FOR LACK OF A SECOND.

SUBSTITUTE MOTION BY COUNCILMEMBER LORCH to direct Staff to 1) complete the scope of work for consulting services associated with the completion of the Pier Bowl Master Plan, 2) finish the timeline for the Pier Bowl Master Plan, and 3) bring back the scope of work and timeline for Council approval and subsequent preparation of a Request for Proposal. THE SUBSTITUTE MOTION DIED FOR LACK OF A SECOND.

SUBSTITUTE MOTION BY MAYOR DIEHL, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to direct Staff to prepare a report identifying available alternatives related to completion of the Pier Bowl Specific Plan as well as accomplishments that would be made with those alternatives.

7. **NEW BUSINESS**

A. **Fire Department Fee Schedule/Municipal Code Amendment Concerning Collection of False Alarm Fees**

Report from the Director of Fire Protection concerning increasing the fees charged by the Fire Department and modifying the Municipal Code relative to the collection of false alarm fees.

Operations Chief Bundy reviewed the contents of the Administrative Report.

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to:

1. Adopt Resolution No. 91-75 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING CERTAIN FEE SCHEDULES FOR THE CITY FIRE DEPARTMENT AND REPEALING RESOLUTIONS 41-83 AND 87-53.1.
2. Introduce Ordinance No. 1054 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 20A-37 OF THE CODE OF THE CITY OF SAN CLEMENTE REGARDING PUBLIC SAFETY ALARM SYSTEMS.

**B. Business License Fee Modifications**

Report from the City Clerk concerning adjusting business license fees.

City Clerk Erway reviewed the contents of the Administrative Report; explained the Chamber of Commerce has recommended that this item be continued to allow more time for the business community to be advised of the proposed fee adjustments.

**MOTION BY COUNCILMEMBER BENEDICT, SECOND BY MAYOR PRO TEM ANDERSON, to continue consideration of adjusting business license fees to the Council meeting of June 19, 1991.**

**SUBSTITUTE MOTION BY COUNCILMEMBER LORCH to introduce Ordinance No. 1055 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CERTAIN SECTIONS OF CHAPTER 8 OF THE CODE OF THE CITY OF SAN CLEMENTE RELATING TO BUSINESS LICENSES. The Substitute Motion died for lack of a second.**

**THE ORIGINAL MOTION CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE).**

**C. Green Fees for Municipal Golf Course**

Report from the Golf Course Manager concerning increasing the green fees at the Municipal Golf Course.

Golf Course Manager Linden reviewed the contents of the Administrative Report.

**MOTION BY COUNCILMEMBER LORCH, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 4-1 (MAYOR DIEHL VOTING NOE), to raise green fees sufficiently to generate an additional \$160,000 for the Capital Improvement Reserve. (A resolution that reflects this green fees increase will appear on the Consent Calendar portion of the Council agenda of June 19, 1991.)**

D. Urban Design Element and Guidelines

Report from the Community Development Director concerning the processing schedule for the Urban Design Element and Guidelines.

City Planner Barnes reviewed the contents of the Administrative Report.

John Tengdin stated the Planning Commission believes the Urban Design Guidelines should be available for use in the City as soon as possible; spoke on the need for the public review process; suggested that the processing schedule be modified to incorporate a review of the document by the Urban Design Citizens' Advisory Committee prior to the City Council/Planning Commission workshop on the draft document.

**MOTION BY COUNCILMEMBER LORCH, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0,** to direct Staff to process the Urban Design Guidelines at this time and to integrate the draft Element with the comprehensive update of all of the elements of the General Plan, with the modification that the processing schedule be revised to incorporate a review of the document by the Urban Design Citizens' Advisory Committee prior to the City Council/Planning Commission workshop on the draft document.

In response to Council request, City Planner Barnes agreed to reschedule the workshop on the Draft Urban Design Guidelines (which was originally slated to take place on June 18 or 19, 1991), in light of the fact that three Council meetings are already scheduled to occur that week.

**MOTION BY COUNCILMEMBER LORCH** that the Urban Design Element also be processed at this time. The Motion died for lack of a second.

**8. REPORTS****A. Commissions and Committees**

None.

**B. City Manager****(1) Request for Closed Session**

City Manager Parness requested a Closed Session to discuss a matter of real property negotiations (Pier Restaurant Lease - Hal Griffith, Negotiator), pursuant to GC Section 54956.8.

**C. City Attorney****(1) Request for Closed Session**

City Attorney Oderman requested Closed Sessions to discuss 1) an item of potential litigation, pursuant to GC Section 54956.9(b)1 and 54956.9(c), and 2) negotiations concerning the permanent concession for the Richard T. Steed Memorial Park (San Clemente Sports Park, Ltd., Negotiator), pursuant to GC Section 54956.8.

**D. Council Members****(1) Consideration of Council Position on Orange County Division - California League of Cities Issues**

Mayor Diehl stated that the nomination for a member of the California Coastal Commission appears on the June 13, 1991 League of California Cities - Orange County Division agenda; noted Mike Eggers has asked to be nominated for that position. Councilmember Lorch explained that he may also be interested in the position. Mayor Diehl stated he would nominate both Mike Eggers and Councilmember Lorch for the position if Councilmember Lorch determines that he wishes to be considered.

Mayor Diehl noted that the Division will also consider, at its June 13, 1991 meeting, waiving the 30-day rule for adoption of a proclamation declaring Grad Nite to be a sober night.

(2) **Confirmation that a Council Meeting will be Held on July 3, 1991**

Council confirmed that the Regular Council Meeting of July 3, 1991 will take place as scheduled.

(3) **Consideration of Canceling the Regular Council Meeting of August 21, 1991**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to cancel the Regular Council Meeting of August 7, 1991.

(4) **Request for Waiver of Peddler Fees**

Council noted that Dick Whitton, Chairperson of the South Orange County Military Celebration, has submitted a letter (dated June 4, 1991) requesting the waiver of peddler fees for commercial vendors who are working in cooperation with non-profit organizations in connection with the June 8, 1991 military celebration.

MOTION BY MAYOR DIEHL, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to agendaize consideration of waiving peddler fees for commercial vendors who are working in cooperation with non-profit organizations in connection with the June 8, 1991 military celebration.

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to waive peddler fees for commercial vendors who are working in cooperation with non-profit organizations in connection with the June 8, 1991 military celebration.

(5) **Real Property Negotiations - Pier Restaurant Lease**

Councilmember Lorch noted that a Closed Session is scheduled for later this evening relative to property negotiations concerning the pier restaurant lease; stated that a change to the site plan has been made and that Council typically agrees on site plans and associated parameters in open sessions.

City Manager Parness responded that Council has given Staff the authority to negotiate relative to the pier restaurant lease and that changes have occurred; agreed to provide Council with a status report on the negotiations; explained that Council may direct that a public review take place if it is felt that the changes are substantial and that a public meeting is warranted.

(6) **OCN Access Issue**

Councilmember Lorch questioned whether the City has received any indication that a potential for litigation exists with respect to the OCN access issue.

City Attorney Oderman explained that when conflicting legal opinions exist, it is sufficient to justify a Closed Session pursuant to GC Section 54956.9(b)1, i.e., threat of litigation; noted also that Council may discuss in Closed Session the possibility of the City initiating a lawsuit in the form of an action for declaratory relief; opined, therefore, that the OCN access issue is an appropriate subject for discussion in Closed Session.

(7) **Shorecliffs Golf Course - Drainage Situation**

Councilmember Lorch requested a status report on the drainage situation at the Shorecliffs Golf Course.

(8) **Richard T. Steed Memorial Park**

Councilmember Lorch spoke in opposition to the sale of alcoholic beverages at the Richard T. Steed Memorial Park concession.

**(9) Overcrowding of Residential Dwelling Units**

Councilmember Lorch spoke in support of the City taking a more proactive approach to addressing overcrowding within residential dwelling units.

City Attorney Oderman noted that the City of Santa Ana has adopted an ordinance establishing occupancy limits; relayed his understanding that a lawsuit has been filed which challenges that ordinance.

Council requested a status report on the City's Neighborhood Pride Program.

**9. RESOLUTIONS/ORDINANCES****A. Ordinance No. 1052 - Multi-Family Residential Rates - Second Reading**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to adopt Ordinance No. 1052 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REPEALING SUBSECTION (A)(1) OF SECTION 35-30 OF THE CODE OF THE CITY OF SAN CLEMENTE RELATING TO DETERMINING MULTI-FAMILY RESIDENTIAL VACANCY RATES.

**B. Ordinance No. 1053 - Commissions/Committees - Second Reading**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to adopt Ordinance No. 1053 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 2A OF THE CODE OF THE CITY OF SAN CLEMENTE RELATING TO CERTAIN COMMISSIONS AND COMMITTEES.

**MEETING RECESSED**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to recess to a meeting of the Redevelopment Agency at 12:10 a.m.

**MEETING RECONVENED**

Council reconvened at 12:12 a.m., with all members present.



**CLOSED SESSION**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to recess to Closed Session at 12:12 a.m. to discuss 1) a matter of real property negotiations (Pier Restaurant Lease - Hal Griffith, Negotiator), pursuant to GC Section 54956.8; 2) an item of potential litigation, pursuant to GC Section 54956.9(b)1 and 54956.9(c); and 3) negotiations concerning the permanent concession for the Richard T. Steed Memorial Park (San Clemente Sports Park, Ltd., Negotiator), pursuant to GC Section 54956.8.

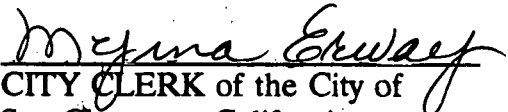
**MEETING RECONVENED**


Council reconvened at 1:07 a.m., with all members present.

**ADJOURNMENT**

Council adjourned at 1:08 a.m. to an Adjourned Regular Meeting to be held on June 15, 1991 at 8:00 a.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

The next Regular Meeting will be held on June 19, 1991 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 City Council meeting held on June 5, 1991 said meeting was adjourned to the time and place specified in the ORDER OF ADJOURNMENT attached hereto; and that on June 6, 1991 at the hour of 11:00 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 6, 1991 at San Clemente, California.

  
MYRNA ERWAY  
City Clerk

