

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting - June 19, 1991

A Regular Meeting of the San Clemente City Council was called to order on June 19, 1991 at 7:05 p.m. in the Council Chambers, 100 Avenida Presidio, San Clemente, California by Mayor Diehl.

PRESENT ANDERSON, BENEDICT, HAGGARD, LORCH, MAYOR DIEHL

ABSENT NONE

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

INVOCATION

Mayor Diehl gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Diehl led the Pledge of Allegiance.

SPECIAL PRESENTATIONS

Mayor Diehl presented a commendation to Dick Whitton, in recognition of his efforts in connection with the South Orange County Parade/Beach Party, which was held on June 8, 1991 in celebration of the return of our armed forces from the Persian Gulf; presented Certificates of Appreciation to the following individuals for their contributions in conjunction with this event:

Lynn Hughes - City Liaison/Coordinator
 Paul Falk - Police Liaison/Coordinator
 Char Bailey - Service Club Coordinator
 Jim Cobb - Rotary Club President
 Mimi Collier - Chamber of Commerce
 Dave Nydegger - Beach Party Co-Chairperson
 Rick Anderson - Beach Party Co-Chairperson
 Tom Larimore - Parade Chairperson

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

3. **PUBLIC HEARINGS**

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

Continued 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.

Community Development Director Holloway advised that the Applicant has submitted a letter to the City requesting that TTM 14423 be tabled.

MOTION BY COUNCILMEMBER BENEDICT, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to table TTM 14423 (Bongolan).

- B. **SPR 91-11/CUP 91-12/VAR 91-26 - San Clemente Shores Bed and Breakfast - 604 Avenida Victoria**

Public Hearing to consider an appeal of the Planning Commission-imposed conditions of approval for the San Clemente Shores Bed and Breakfast Inn and to consider approving the purchase of in-lieu parking certificates.

Principal Planner Goldin reviewed the contents of the Administrative Report; answered Council inquiries relative to front and rear-yard setback encroachments, setback encroachments associated with surrounding properties, parking requirements for this development as they compare to other properties in the area, and parking space allocations attendant to San Clemente Cove.

Mayor Diehl opened the Public Hearing.

Michael Luna, Project Designer, reviewed the history of the petition, noting that Staff suggested the following plan modifications to make the project conform to City goals: 1) That commercial space be provided on the first floor; 2) That parking for the project be provided on-site or within 300' of the project; 3) That the building could utilize parking in-lieu certificates for the commercial space; 4) That the building be designed with four stories rather than five stories; 5) That the building's architecture be altered to provide a more Spanish design, particularly on the Victoria elevation; and 6) That the

building be recessed from Avenida Victoria to prevent a large vertical face along that pedestrian-oriented elevation; stated the Applicant has complied with the recommendations of Staff with the exception of redesigning the project to include only four stories; noted the fifth story has been modified to incorporate only one-third of the lot area; reviewed the project renderings, focusing on the architecture of the project; opined the City's parking requirements already include employee parking and hence additional in-lieu spaces should not be required; answered Council inquiries concerning the logistics associated with transporting patrons to and from the establishment, noting that one of the metered parking spaces in front of the project would be converted to a loading zone and an additional in-lieu parking space would be purchased to compensate for the loss of that metered space.

Gerald Gibbs, 110 E. Avenida Palizada, Suite 201, on behalf of the Applicant, requested that the map be removed from the project prior to the issuance of building permits, hence enabling a request to be made to allow the bottom floor of the structure to be utilized as a commercial condominium. Principal Planner Goldin noted that Condition No. 9 of proposed Resolution No. 91-76 would accomplish the Applicant's recommendation. Condition No. 9 reads as follows: "Prior to the issuance of building permits, the owner or his/her designee shall apply for and obtain the approval of the Planning Commission and the City Council for a Tentative Parcel Map, and shall have recorded the final map in the County of Orange, which reverts the project site to acreage." For the record, Mr. Gibbs concurred with Condition No. 9 as written.

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

In response to Council inquiry, Principal Planner Goldin noted that the City's parking standards were adopted in 1960 and it is unclear as to whether that standard was intended to incorporate employee parking. Council discussion ensued relative to the suitability of requiring additional parking spaces to address employee parking when additional spaces were not required for other establishments in the area.

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, FAILED 2-3 (MAYOR PRO TEM ANDERSON, COUNCILMEMBER BENEDICT AND MAYOR DIEHL VOTING NOE), to add a requirement for in-lieu certificates for employee parking to Condition No. 12 of Resolution No. 91-76, with a maximum of 26 spaces for restaurant use and 15 spaces for retail use.

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER BENEDICT to:

1. **Adopt Resolution No. 91-76 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CONCURRING WITH THE PLANNING COMMISSION AND APPROVING SPR 91-11/CUP 91-12/VAR 91-26, SAN CLEMENTE SHORES, APPROVING THE APPEAL OF CONDITION #12 AND DENYING THE APPEAL OF OTHER CONDITIONS OF APPROVAL FOR THE PROJECT, with modifications as follows:**
 - a. **Condition No. 12 shall be modified to read as follows: "Prior to the issuance of building permits, the owner or his/her designee shall execute an agreement with the City of San Clemente which specifies the method of payment for the in-lieu parking spaces for the commercial use. The number of parking spaces purchased shall be based on either the maximum seating provided for any restaurant use, or on the required one space for each 300 feet of square footage for any permitted retail use, on the ground floor of the subject property. The maximum number of in-lieu certificates to be sold shall be 16, 15 for the commercial space which would allow a maximum of 60 seats for a restaurant use, unless otherwise approved by the City, and one to compensate for the loss of the parking space on Avenida Victoria as a result of its designation as a loading zone space."**
 - b. **Finding No. 2B shall be modified to read as follows: "The development standards for the C-A Zoning District which apply well to a 6,000 square foot lot, including a 10'0" front setback and a 5'0" rear setback, make development infeasible when applied to a 3,630 square foot lot."**
 - c. **The last paragraph of Condition No. 2 shall be modified to read as follows: "Fast Food Establishment shall mean any food service use, with the exception of a delicatessen, that provides a limited menu of low priced pre-prepared or quickly prepared foods that customers may consume on the premises or take with them. A delicatessen use for the subject site shall include sit-down table seating with no more than 60 seats."**

- d. The third sentence of Condition No. 3 shall be modified to read as follows: "The owner or his/her designee shall submit for review and obtain the approval of the City any amendment to this agreement a minimum of 90 days in advance of its effective date."
- e. Condition No. 25 shall be modified to read as follows: "The owner or his/her designee shall submit for review and obtain the approval of the City Attorney, a restrictive covenant (which, if the property is subdivided, may take the form of Covenants, Conditions and Restrictions (CC&R's)) for the bed and breakfast inn which shall limit the use of the property in accordance with the provisions contained in the City Zoning Ordinance. Prior to the issuance of a City Business License for the bed and breakfast inn, the owner or his/her designee shall have the submitted and approved restrictive covenant recorded in the County of Orange, and shall provide copies of the recorded document to the City Clerk and the Planning Division."
- f. Condition No. 39 shall be modified to read as follows: "State of the art equipment shall be provided to prevent vent noises, food odors and smoke."

In response to Staff inquiry, Michael Luna concurred with Condition No. 39 as modified; stated the Applicant will secure the best available mechanical hood vent with filtering capabilities.

2. Adopt Resolution No. 91-77 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE SALE OF IN-LIEU PARKING CERTIFICATES FOR SPR 91-11/CUP 91-12/VAR 91-26, SAN CLEMENTE SHORES BED AND BREAKFAST INN LOCATED AT 604 AVENIDA VICTORIA, with the modification that Condition No. 1 be modified to read as follows:

"Prior to the issuance of building permits, the owner or his/her designee shall execute an agreement with the City of San Clemente which specifies the method of payment for the in-lieu parking spaces for the commercial use. The number of parking spaces purchased shall be based on either the maximum seating provided for any restaurant use, or on the required one space for each 300 feet of square footage for any permitted retail use, on the ground floor of the subject property. The maximum number of in-lieu certificates to be sold shall be 16, 15 for the commercial space which would allow a maximum of 60 seats for a restaurant use, unless otherwise approved by the City, and one to compensate for the loss of the parking space on Avenida Victoria as a result of its designation as a loading zone space."

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

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to set a workshop during the summer to discuss setting a goal for establishing a plan to develop parking in the Pier Bowl and beach parking in general, which addresses the issues of the impact of in-lieu parking certificates on beach parking, the collection of fees for the in-lieu certificates, employee parking standards and the method of payment of in-lieu certificates.

Planning Staff agreed to provide Council with a tentative work program and schedule.

MOTION BY COUNCILMEMBER LORCH to require that any unpaid in-lieu certificate payments associated with the project accrue interest at a 12% rate. The Motion died for lack of a second.

C. Park Acquisition and Development Code Land Value Cost Modifications

Public Hearing to consider modifying the Park Acquisition and Development Fee pursuant to Section 35-26(g) of the Municipal Code.

Parks and Recreation Manager Wegner reviewed the contents of the Administrative Report; stated the Parks and Recreation Commission reviewed this issue on June 17, 1991 and requested a continuance to allow further review. In response to Council inquiry, Parks and Recreation Manager Wegner clarified that the Park Acquisition and Development Fee represents an in-lieu fee, and developers would be required to provide the City with land, fees, or a combination of land and fees, to be determined by the City; confirmed that only the land value is proposed to be modified and the method utilized to compute the fee per dwelling unit is not being revised.

Mayor Diehl opened the Public Hearing.

Mike Lennon, Director of Public Affairs for the Building Industry Association, 21 Prosa, Irvine, voiced concern that the Administrative Report, and the consultant's analysis, were not made available until June 14, 1991; stated the Parks and Recreation Commission voted unanimously to not support the proposed increase due to insufficient time to review the Administrative Report and lack of answers on some of their questions; urged that the issue be postponed and that an ad hoc committee, consisting of representatives from Staff, the Parks and Recreation Commission, and affected members of the building industry, be formulated to evaluate the park system needs in the City and report back to Council with an equitable financial plan.

Don Steffensen, The Lusk Company, on behalf of Marblehead, referenced two letters that he delivered to the City this morning, i.e., 1) a letter from Pettis, Tester, Kruse & Krinsky, dated June 19, 1991; and 2) a letter from The Lusk Company, dated June 18, 1991; voiced concern that he did not become informed of the proposal until June 13, 1991 and did not receive a copy of the Administrative Report until June 14, 1991; suggested that the urgency of the issue is in reference to the two maps that The Lusk Company has been attempting to record; relayed The Lusk Company's position that the fees it is obligated to pay are those which were in effect at the time the tentative map was approved; stated that any fees that exceed those fees that were in effect at the time the tentative map was approved would be paid under protest, development of the project commenced, and the issue resolved at a later date; urged that the issue be continued to allow questions to be answered and to

enable The Lusk Company to examine the means by which the fees would be applied.

Louis Cappuccio, Realtor in San Clemente, voiced concern that a Market Data Survey was conducted in lieu of an appraisal; suggested that a continuance and further analyses are warranted.

Mo Tidemanis, on behalf of the Arvida Company, 18 Calle Pastadero, referenced a letter from the Arvida Company, dated June 19, 1991, that was delivered to the City; voiced concern that he became aware of the proposed increase on June 14, 1991; stated the Arvida Company would like to meet with Staff to understand the methodology of the report and the appraisal techniques that were utilized; recommended a continuance.

Bruce Peter, 254 Del Gado, voiced concern that fee increases hinder independent builders; suggested that additional study is needed.

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

In response to comments raised, City Attorney Oderman opined as follows:

1. If the fee increase is approved as an urgency measure prior to approval of The Lusk Company's Final Map, the increased fee would apply; noted, however, that this position is disputed by Marblehead.
2. Another approach to the valuation assignment would have been to determine an average value for the City's existing parks (which are currently located in the coastal zone and on the beach), hence resulting in a higher land valuation than the City-wide average land value.
3. An appraisal is not a requirement of the Quimby Act; the Market Data Survey that was conducted is substantial and sufficient to justify a Council decision.
4. If Council desires to accommodate the request for a discussion process while still requiring development approved beyond this evening to pay the new fee, Council could consider setting the land value at this time, subject to the possibility of lowering the figure at a subsequent date and refunding any excess fees paid in the interim period.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-1 (COUNCILMEMBER BENEDICT VOTING NOE), to adopt Resolution No. 91-84 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, INCREASING THE PARK ACQUISITION AND DEVELOPMENT FEE TO CORRESPOND WITH CURRENT LAND VALUES.

MEETING RECESSED

Council recessed at 9:30 p.m. and reconvened at 9:40 p.m., with all members present.

MOTION BY COUNCILMEMBER BENEDICT, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to direct Staff to draft a policy which would effect an update of fee schedules on a periodic basis, preferably every two years but no more than every three years.

D. **FY 1991-92 City and Redevelopment Agency Budgets**

Joint City Council and Redevelopment Agency Public Hearing to consider adopting the proposed City and Redevelopment Agency budgets for FY 1991-92.

The City Council and Redevelopment Agency convened in joint session at 9:42 p.m.

Mayor Diehl opened the Public Hearing.

The following individuals spoke in support of retaining the reserve fire program:

Frank Denison, Jr., 502 Calle De Soto

Matthew Denison, 111 East Mariposa

Don Philippbar, 2326 Via Chalupa

The following individuals spoke in support of City donations to support their respective organizations:

Boetta Saunders, South County Community Clinic

Marilyn Ditty, San Clemente Seniors

Hope Luedeke, Master Chorale of Orange County

The following individuals discussed revenue options to aid in funding year-round operation of the Ole Hanson Beach Club swimming pool:

Richard Eggleton, 506 Avenida La Costa
Dorothea Flynn, 323 Calle Familia (Chairperson of SPLASH, i.e., San Clemente Pool Active Swimmers for Health)
Mary Glendinning, 123 Avenida Dolores
Margot Beauchamp, 137 Avenida Santa Margarita
Steve Haubert, 132 Berkeley, Irvine
Jeff McDermott, 521 W. Lobos Marinos
Chris Backstrand, 227 West Canada #1
Vickie Mierau, 2828 Via Amapola

The following individuals urged that greens fees not be increased at the Municipal Golf Course:

Tom Padberg, 617 Calle Hidalgo
Dan O'Keefe

Don Kindred, President of the Chamber of Commerce, requested that 1% of the proposed 2% Transient Occupancy Tax increase be designated for the purpose of marketing the City as a destination resort.

Karoline Koester, 604 Via Pavon, urged that individual City departments be charged for their use of City Attorney services to facilitate an actual accounting of that service.

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

Council directed that partnership meetings take place to ensure instructor and user input on the formation of a draft policy relative to the Ole Hanson Beach Club swimming pool. This draft policy, which is to be reviewed by the Parks and Recreation Commission prior to submittal to the City Council, is to address possible facility enhancements, feasibility of program expansion, and means of offsetting pool operation costs.

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER BENEDICT, FAILED 1-4 (COUNCILMEMBERS BENEDICT, HAGGARD, MAYOR PRO TEM ANDERSON AND MAYOR DIEHL VOTING NOE), to retain the City's fire reserve program.

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to direct Staff to apportion \$25,000 for the Visitors and Conventions Bureau if the Transient Occupancy Tax is increased from 8% to 10% to facilitate promoting the City as a destination resort. Council is to approve the program before the money is submitted to the Visitors and Convention Bureau.

MOTION BY COUNCILMEMBER LORCH to establish inter-departmental charges for the use of City Attorney services. The Motion died for lack of a second.

Council responded to funding requests from various organizations as follows:

San Clemente Seniors, Inc.		
Seniors Transportation Subsidy	-	\$18,300 Funded
South County Community Clinic	-	\$12,000 Funded
Master Chorale of Orange County	-	No Funding
Orange County Social Services Agency	-	No Funding
Downtown Business Association (Tree Lighting)	-	No Funding
South Orange County Patriots	-	No Funding
Community Service Programs (CSP) Youth Shelter	-	\$3,800 Funded

MOTION BY MAYOR DIEHL, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to authorize an additional \$1,000 contribution to Community Service Programs (CSP Youth Shelter) if this contribution can be funded from the Asset Forfeiture Fund.

South Orange County Community Services Council	-	\$3,600 Funded
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MOTION BY COUNCILMEMBER BENEDICT, SECOND BY COUNCILMEMBER HAGGARD, to fund San Clemente High School's Grad Nite at \$1,000.

SUBSTITUTE MOTION BY COUNCILMEMBER LORCH, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to fund San Clemente High School's Grad Nite at \$1,000 and include a \$2,000 reserve in the budget for possible future community donations.

San Clemente Historical Society - \$1,600 Funded

REDEVELOPMENT AGENCY ADJOURNED

The Redevelopment Agency adjourned at 11:30 p.m.

MEETING RECESSED

Council recessed at 11:30 p.m. and reconvened at 11:40 p.m., with all members present.

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to direct Staff to address revenue availability in the City's Quarterly Reports to enable Council to assess the opportunity to possibly increase the reserves in both the City's Workers' Compensation and General Liability insurance programs.

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER BENEDICT to add to the Police Department's performance goals the objective of a five-minute response to Priority 1 calls.

SUBSTITUTE MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to agendize the Police Department's performance goals, including the possibility of a five-minute response time.

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 E, F, G, H, J, L, S, T, V and X.

A. MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve the City Council minutes of May 15, 1991.

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

(1) Planning Commission minutes of May 14, 1991.

(2) Parks and Recreation Commission minutes of May 14, 1991.

C. **Warrant Register**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve Warrant Nos. 102013 through 102141 (Voids 102007-102012) for the period 5-27-91 through 6-1-91 in the amount of \$273,179.63; approve Warrant Nos. 102148 through 102324 (Handwrite 102142) (Voids 102143-102147) for the period 6-3-91 through 6-7-91 in the amount of \$1,336,692.84; for a total Warrant Register of \$1,609,872.47.

Payroll Register

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve Payroll Warrant Nos. 65393 through 65760 (Handwrites 65386-65387) (Voids 65388-65392 and 65761-65765) for the period 5-27-91 through 6-9-91 in the amount of \$326,154.72; for a total Payroll Register of \$326,154.72.

D. **Mandatory Social Security for Part-Time, Seasonal and Temporary Employees**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to authorize the City Manager to take the necessary actions to explore alternative retirement plans in lieu of mandatory Social Security coverage for part-time, seasonal and temporary employees.

I. **Bid Award - 230 New Mechanical Parking Meter Timer Mechanisms**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to accept the bid from Duncan Industries for the purchase of 230 new mechanical parking meter timer mechanisms, in the amount of \$19,742.97.

K. **Acceptance of Reclaimed Water Transmission Facilities and Release of Funds to Arvida/JMB Partners**

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

1. Accept the reclaimed water transmission facilities. (City Contract #C90-10)
2. Authorize release of \$750,000 (less the escrow fees which shall be taken from such deposit) from an escrow account to Arvida/JMB Partners.

M. **Camino de Estrella Interchange and Camino de los Mares Improvement Project No. 13-89 - Engineering Services Contract Amendments 1 and 2**

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

1. Approve, and authorize the Mayor to execute, Amendment #2 to City Contract #C89-47 (Camino de Estrella/I-5 Interchange engineering services contract), by and between the City of San Clemente and Norris Repke, Inc. providing for construction surveying services in the amount of \$7,400.
2. Approve, and authorize the Mayor to execute, Amendment #1 to City Contract #C89-55 (Camino de los Mares widening from the I-5 Freeway to Vaquero engineering services contract), by and between the City of San Clemente and Toal Engineering, providing for extra work and construction assistance in the amount of \$4,835.

N. Notice of Completion - Acceptance of OCUTT Traffic Signal Project #8-90

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

1. Accept the traffic signals at Camino Capistrano and Avenida Vaquero; Avenida Pico and Avenida de los Molinos; Avenida Palizada and Avenida de la Estrella; Avenida Palizada and North El Camino Real; and South El Camino Real and Calle Mendocino, Project No. 8-90, which was completed by Steiny and Company. (City Contract C90-31)
2. Authorize the City Clerk to file a Notice of Completion with the County Recorder.

O. Notice of Completion - Sewer Sliplining from Via del Tesoro to Camino de los Mares (Project No. 1-91)

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

1. Accept the Sewer Sliplining Project No. 1-91 from Via del Tesoro to Camino de los Mares which was performed by National Plant Services. (City Contract #C91-06)
2. Authorize the City Clerk to file a Notice of Completion with the County Recorder.

P. Funding Application for Realignment of Avenida Presidio with Avenida Victoria

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to adopt Resolution No. 91-79 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA REQUESTING THE DEPARTMENT OF TRANSPORTATION, STATE OF CALIFORNIA, TO INCLUDE WITHIN THE STATE LOCAL TRANSPORTATION PARTNERSHIP PROGRAM CONSTRUCTION STAGE THE REALIGNMENT OF AVENIDA PRESIDIO WITH AVENIDA VICTORIA BETWEEN AVENIDA DE LA ESTRELLA AND EL CAMINO REAL.

Q. Traffic Improvements on Avenida Vaquero

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to adopt Resolution No. 91-80 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846 AND ESTABLISHING "NO PARKING" REGULATIONS.

R. Contract Award - Painting and Cathodic Protection, Reservoir #6 (Project No. 4-91)

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve, and authorize the Mayor to execute, City Contract #C91-23 by and between the City of San Clemente and W. E. Walters and Sons, for completion of the Reservoir #6 Painting and Cathodic Protection Project (Project No. 4-91) at the bid price of \$27,648.00.

U. Bid Award - Purchase of One New 1991 Computerized Engine Analyzer

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to accept the bid of Allen Test Products for the purchase of one computerized engine analyzer, in the amount of \$13,894.26.

W. Bid Award - One New 1991 Full-Size Cargo Van

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to accept the bid of Colonial Ford for the purchase of one full-size cargo van to replace Unit #554, which is utilized by the Engineering Division, in the amount of \$14,187.93.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

E. Bid Award - One New 1991 Mid-Size Passenger Van

MOTION BY MAYOR DIEHL, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to accept the bid of Colonial Ford for the purchase of one mid-size van for use by the Fire Inspector in the amount of \$14,196.45.

F. Streetscape Maintenance Contract - Lighting and Landscape District

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER BENEDICT, FAILED 1-4 (COUNCILMEMBERS BENEDICT, HAGGARD, MAYOR PRO TEM ANDERSON AND MAYOR DIEHL VOTING NOE), to solicit competitive bids for the maintenance of streetscape in the City.

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 #C88-20 by and between the City of San Clemente and Toyo Landscape of Garden Grove, providing for the maintenance of streetscape in the City, in the amount of \$198,000, for a period of one-year with an option for renewal for one-year increments based on satisfactory performance.

G. Bid Award - One New 1991 Mid-Size Pick-Up Truck

This item was deleted from the agenda.

H. PacTel Cellular Antenna and Vault - San Gorgonio Park

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER HAGGARD, to:

1. Approve, and authorize the Mayor to execute, City Contract #C91-21 (Cellular Antenna Site Ground Lease), by and between the City of San Clemente, and Los Angeles SMSA Limited Partnership, providing for the placement of a PacTel Cellular Antenna and vault at San Gorgonio Park.
2. Approve, and authorize the Mayor to execute, the associated Memorandum of Lease Agreement.

MOTION TO AMEND BY COUNCILMEMBER LORCH to eliminate reference to two five-year options in the agreement, thereby limiting the term of the agreement to ten years. The Motion to Amend died for lack of a second.

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

J. San Clemente Street Lighting and Landscaping District No. 1 - FY 1991-92

MOTION BY COUNCILMEMBER BENEDICT, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to adopt Resolution No. 91-78 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE ENGINEERS REPORT, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR CERTAIN MAINTENANCE AND PROVIDING FOR THE ESTABLISHMENT OF A PARK DEVELOPMENT FUND IN SAID DISTRICT, PURSUANT TO THE LANDSCAPE AND LIGHTING ACT OF 1972, AND SETTING A TIME AND PLACE FOR PUBLIC HEARING THEREON.

L. Contract Award - Annual Street Slurry Sealing Program, Project No. 6-91

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD to allocate funds to enable Camino Mira Costa and a portion of Camino Capistrano to be included in the slurry seal contract.

SUBSTITUTE MOTION BY MAYOR DIEHL, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to:

1. Approve the reduction of street frontage quantities to be slurry sealed in the Annual Street Slurry Sealing Program, Project No. 6-91, by approximately 325,000 square feet.
2. Approve a transfer from the Maintenance of Other Facilities Account No. 001-614-43470 to the Slurry Seal Program Account No. 001-614-43490 in the amount of \$5,000.
3. Approve a supplemental appropriation of \$45,650 to Account No. 037-868-43490, Slurry Seal Program, within the Daon Tract reserves of the Developer's Improvement Fund.
4. Approve, and authorize the Mayor to execute, City Contract #C91-22 by and between the City of San Clemente and Doug Martin Contracting Company, for the Annual Street Slurry Sealing Program (Project No. 6-91), for the revised contract amount of \$100,221.30.

S. **Bid Award - Thermoplastic Pavement Marking Material**

Following clarification, MOTION BY COUNCILMEMBER BENEDICT, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to accept the bid of Pave-Mark Corporation for the purchase of 35,000 lbs. of thermoplastic pavement marking material and the loan/provision of a preheater kettle, applicator and trailer for use by the City of San Clemente Maintenance Services Division Traffic Maintenance section for installing said material, in the amount of \$39,885.25.

T. **Bid Award - Purchase of One New 1991 Mid-Size Pickup Truck**

City Clerk Erway advised that Hacienda Ford notified the City on June 18, 1991 that the Ford Motor Company cannot provide this vehicle since the company has reached build-out on its Ford Rangers for the current model year; relayed that Staff is now recommending that the bid of Courtesy Chevrolet be accepted in the amount of \$14,907.87.

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 3-2 (COUNCILMEMBERS BENEDICT AND LORCH VOTING NOE), to accept the bid of Courtesy Chevrolet for the purchase of one mid-size pickup truck, to be utilized by the Traffic Maintenance Supervisor, in the amount of \$14,907.87.

V. **Amendment No. 5 to Task Order No. 4 - Budget Increase for John Carollo Engineers Construction Period Services for the Water Reclamation Plant**

Following clarification, MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to approve, and authorize the Mayor to execute, Amendment No. 5 to Task Order No. 4 (City Contract #C88-17) for a budget increase of \$135,000 for John Carollo Engineers construction period services for the Water Reclamation Plant Contract C-2.

X. Green Fee Increase for the Municipal Golf Course

In response to Council inquiry, Golf Course Manager Linden described the deteriorating condition of the carpeting at the golf course clubhouse and reviewed the City's plans to remedy the situation.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to adopt Resolution No. 91-83 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING CERTAIN REGULATIONS AND FEES FOR PLAY UPON THE MUNICIPAL GOLF COURSE, AND REPEALING RESOLUTION NO. 89-55 AND ANY OTHER RESOLUTIONS IN CONFLICT HEREWITH.

5. ORAL COMMUNICATIONS

Conversion of City Fleet to Alternative Fuel Power

Glenn Roy, 111 Avenida Granada, requested that Council consider converting City vehicles to utilize propane or methanol fuel.

6. UNFINISHED BUSINESS

A. Business License Fee Modifications

Report from the City Clerk concerning the adjustment of business license fees.

City Clerk Erway noted the receipt of a letter from Wilma Bloom, Ace Hardware, and a petition signed by 44 businesses opposing the equitability of the fee formula, and a letter from the Chamber of Commerce endorsing the fee increase.

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, 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.

7. **NEW BUSINESS**A. **Revision to Facilities Rules, Regulations and Fees at the Community Center, Ole Hanson Beach Club, Senior Center and Use of City Parks**

Report from the Parks and Recreation Manager concerning rules, regulations and fee modifications associated with the use of the Community Center, Ole Hanson Beach Club, Senior Center and use of City parks.

Parks and Recreation Supervisor Martinez reviewed the contents of the Administrative Report.

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER BENEDICT, to modify the rental rates for the Senior Center as follows:

	<u>Resident/ Non-Profit</u>	<u>Non-Resident Non-Profit</u>	<u>Resident Private</u>	<u>Non-Resident Private</u>
Multi-Purpose Room (#1 or #2)	\$10.00	\$15.00	\$20.00	\$30.00
Multi-Purpose Room (#1 and #2)	20.00	25.00	30.00	35.00
Crafts Room	5.00	10.00	15.00	20.00

SUBSTITUTE MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY MAYOR DIEHL, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to:

1. Adopt Resolution No. 91-81 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REVISING FACILITIES, RULES AND REGULATIONS AT THE COMMUNITY CENTER, OLE HANSON BEACH CLUB, SENIOR CENTER AND USE OF CITY PARKS AND RESCINDING RESOLUTIONS NOS. 86-60, 61-85.
2. Adopt Resolution No. 91-82 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING FEE SCHEDULES FOR CERTAIN SERVICES PROVIDED BY THE CITY, with the correction that the first category column on Exhibit "A" be labeled "Resident/Non-Profit" rather than "Resident/Non-Resident."

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

None.

B. **City Manager**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to conduct a Joint City Council/Planning Commission meeting on the Draft Urban Design Guidelines on August 28, 1991.

C. **City Attorney**

- (1) City Attorney Oderman requested a Closed Session to discuss an item of pending litigation, Summerfield v. City of San Clemente, OCSC Case #51 08 71, pursuant to GC Section 54956.9(a).

Jail Booking Fees

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR DIEHL, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to not join other cities in challenging the jail booking fees currently charged by the County.

D. **Council Members**

- (1) **SB 358 (Davis) - Highway Logo Sign Bill**

MOTION BY MAYOR DIEHL, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to defer consideration of SB 358 (Davis) to the Council meeting of July 3, 1991.

9. RESOLUTIONS/ORDINANCESA. Ordinance No. 1054 (Second Reading) - Public Safety Alarm Systems

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to adopt 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. Ordinance No. 1056 (First Reading) - Alcoholic Beverages at Richard T. Steed Memorial Park

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT to introduce Ordinance No. 1056 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 16-5 AND 18-19 REGARDING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES.

SUBSTITUTE MOTION BY COUNCILMEMBER LORCH to not introduce Ordinance No. 1056. The Substitute Motion died for lack of a second.

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

C. Urgency Ordinance No. 1057 - Contract Amendment between City Police Officers and the California Public Employees' Retirement System

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to adopt Urgency Ordinance No. 1057 entitled AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

CLOSED SESSION

Council recessed to Closed Session at 1:00 a.m. to discuss an item of pending litigation, Summerfield v. City of San Clemente, OCSC Case #51 08 71, pursuant to GC Section 54956.9(a). The Assistant City Manager, City Attorney and City Clerk were in attendance.

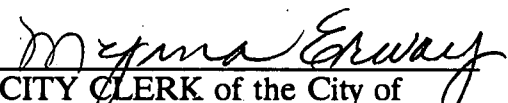
MEETING RECONVENED


Council reconvened at 1:01 a.m., with all members present.

ADJOURNMENT

There being no further business, Council adjourned at 1:02 a.m.

The next Regular Meeting will be held on July 3, 1991 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