

# CITY OF SAN CLEMENTE

## City Council Minutes

Regular Meeting - January 16, 1991

A Regular Meeting of the San Clemente City Council was called to order on January 16, 1991 at 7:00 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 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.

### **INVOCATION**

Fr. Anthony, St. Clement's By the Sea Episcopal Church, gave the invocation.

### **PLEDGE OF ALLEGIANCE**

Mayor Diehl led the Pledge of Allegiance.

### 1.    **SPECIAL PRESENTATIONS**

#### A.    **Viewing of Video Produced by the California State Senate Rules Committee entitled "It's No Surprise! Political Boundaries are Changing"**

This item was deferred to the latter portion of the meeting. See Page 13 of these minutes.

### 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. **Fee Schedule - Transportation Permit Applications**

Public Hearing to consider establishing a Fee Schedule for processing Transportation Permit Applications.

City Engineer Cameron reviewed the contents of the Administrative Report.

Mayor Diehl opened the Public Hearing and there being no one 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 adopt Resolution No. 91-04 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING A FEE SCHEDULE FOR PROCESSING SPECIAL TRANSPORTATION PERMIT APPLICATIONS.

B. **Urban Water Management Plan Update**

Public Hearing to consider adopting the Urban Water Management Plan Update, as required by Assembly Bill #797, which proposes the implementation of five new water-conservation programs.

Community Development Director Holloway reviewed the contents of the Administrative Report.

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

MOTION BY COUNCILMEMBER LORCH, SECOND BY MAYOR PROTEM ANDERSON, CARRIED 5-0, to:

1. Direct staff to consider the following possible modifications to the Urban Water Management Plan Update and incorporate those revisions deemed appropriate into the document, prior to its submission to the California Department of Water Resources:
  - A. Possibility of modifying Page 7, Paragraph 3 (Summary and Discussion of Water Management Programs to Implement in the Next Five Years) so as to not specify a limit on the increased use of reclaimed water.
  - B. Possibility of expanding the verbiage on Page 7, Paragraph 5 (Commercial/Industrial Water Audit) to indicate that water conservation emphasis will be placed on commercial and industrial users.
  - C. Possibility of expanding Page 7, Paragraph 6 (Landscape Standards for all New Non-Residential Landscape Construction) to include retrofitting for residential uses as well as existing landscaping.
  - D. Possibility of acknowledging within the document any conservation suggestions that are raised by the Growth Management Committee and/or General Plan Update Advisory Committee and ultimately adopted by the City Council.
  - E. Possibility of acknowledging the City's Master Water Plan within the document.
  - F. Council noted that the chart on Page 26, under the heading "Water Supply - Acre-Feet/Year" indicates a figure of 9,243 for 1990, then rises to 30,000 for 1995 and stays constant at that figure through 2010. Staff is to investigate the accuracy of the projection figures and correct the chart if warranted.
2. Adopt Resolution No. 91-05 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING THE URBAN WATER MANAGEMENT PLAN UPDATE AND AUTHORIZING THE IMPLEMENTATION OF THE WATER CONSERVATION PROGRAMS DETAILED IN THE URBAN WATER MANAGEMENT PLAN UPDATE.

C. Municipal Code Revision - Cross-Connection and Backflow Protection

Public Hearing to 1) consider revising the portion of the San Clemente Municipal Code that addresses "Cross-Connection and Backflow Protection" to shift the actual backflow assembly testing from the City to the private sector and 2) to consider establishing fees for the implementation of the San Clemente Backflow Prevention Program.

Community Development Director Holloway reviewed the contents of the Administrative Report.

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

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

1. Introduce Ordinance No. 1039 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA AMENDING SECTION 32-36 OF THE CODE OF THE CITY OF SAN CLEMENTE RELATING TO CROSS-CONNECTION AND BACKFLOW PROTECTION OF THE CITY'S WATER SUPPLY.
2. Adopt Resolution No. 91-06 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING FEES FOR THE IMPLEMENTATION OF THE SAN CLEMENTE BACKFLOW PREVENTION PROGRAM, to become effective March 10, 1991.

D. Zoning Amendment 90-98 - Parking Requirements for Historical Structures

Public Hearing to consider a request by the City of San Clemente to amend the City of San Clemente Zoning Code as it relates to parking requirements for historically designated structures in the R-3 and R-4 Zoning Districts.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to continue the Public Hearing on Zoning Amendment 90-98 (Parking Requirements for Historical Structures) to the Council meeting of February 6, 1991.

4. CONSENT CALENDAR

MOTION BY COUNCILMEMBER BENEDICT, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to approve the Consent Calendar with the removal of Items 4-B(3), 4-D, 4-E and 4-I.

A. MOTION BY COUNCILMEMBER BENEDICT, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to approve the City Council minutes of January 2, 1991 as written.

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

(1) Departmental Activities Report - November 1990.

(2) Residential Development Evaluation Board minutes of November 27, 1990.

C. Warrant Register

MOTION BY COUNCILMEMBER BENEDICT, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to approve Warrant Nos. 98375 through 98606 (Handwrites 98371-98372) (Voids 98373-98374) for the period 12-31-90 through 1-4-91 in the amount of \$1,074,646.98; approve Warrant Nos. 98250 through 98370 (Handwrite 98247) (Voids 98248-98249) for the period 12-24-90 through 12-28-90 in the amount of \$153,779.32; for a total Warrant Register of \$1,228,426.30.

MOTION BY COUNCILMEMBER BENEDICT, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to approve Payroll Warrant Nos. 61176 through 61526 (Voids 61173-61175) for the period 12-24-90 through 1-9-91 in the amount of \$342,978.95; for a total Payroll Register of \$342,978.95.

F. **Waiver of Plan Check and Permit Fees - Improvements to Linda Lane Park in Connection with Development of a Private 4-Unit Development at 243/245 West Marquita**

MOTION BY COUNCILMEMBER BENEDICT, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to determine that it is premature to consider waiving plan check and permit fees for improvements to Linda Lane Park in connection with development of a private four-unit development at 243/245 West Marquita until the outcome of the project is determined through the public hearing process.

G. **Establishment of Eligibility Deadline for 1991 RDEB Allocation Sequence**

MOTION BY COUNCILMEMBER BENEDICT, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to establish April 3, 1991 as the deadline for applicants to obtain Council approval of their tentative tract maps/site plan reviews in order to be considered eligible for the 1991 RDEB Allocation Sequence.

H. **Installation of Storm Drain Grates on Inclinado and Cadena (Forster Ranch) - Change Order No. 1**

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

1. Approve Change Order No. 1 for installation of storm drain grates on Inclinado and Cadena in the amount of \$2,500.00.
2. Authorize a supplemental appropriation to the Development Improvement Fund, Account No. 037-868-45300, in the amount of \$2,500.00.

**ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION****B(3) Planning Commission Minutes of December 18, 1990**

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to call up for review Sign Exception 90-28 (Unocal).

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to receive and file the balance of the Planning Commission minutes of December 18, 1990.

**D. Lease Extension - Trap and Skeet Range**

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract No. C87-66 by and between the City of San Clemente and San Clemente Elks Club Lodge No. 2068, to provide a five-year renewal of the Elks Club's lease under the same provisions as the expired lease. The City Attorney is to ascertain whether Section 7 of the former lease was inadvertently omitted from the new lease. If the deletion of Section 7 was unintentional, that verbiage is to be incorporated into the new lease. (Note: Section 7 provides that the lessee shall keep the premises in a clean and sanitary condition and the fixtures and equipment in good repair.)

**E. Benefit Trap and Skeet Shoot - Christopher Carter**

MOTION BY COUNCILMEMBER LORCH to authorize use of the Trap and Skeet Range facility for the Benefit Trap and Skeet Shoot, but deny the donation of public fees that are collected in conjunction with the event. The motion died for lack of a second.

MOTION BY COUNCILMEMBER BENEDICT, SECOND BY MAYOR DIEHL, CARRIED 5-0, that the City Council and City Manager personally donate \$10 each to help offset medical expenses for Christopher Carter.

**I. Consultant Agreement for Water and Reclaimed Water Master Plan Study**

Following clarification, MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to:

1. Approve, and authorize the Mayor to execute, an agreement with AKM Consulting Engineers to provide a Water and Reclaimed Water Master Plan Study at a cost not to exceed \$117,645. (City Contract #C91-02)
2. Approve a supplemental appropriation for the Water Master Plan to Water Fund Administration Engineering Services Account No. 052-461-43530 from the Water Fund Balance for \$20,000 and from the Water Fund Acreage Reserve Fee Balance for \$64,650.
3. Approve a supplemental appropriation for the Reclaimed Water Master Plan to Sewer Fund Reclaimed Water Engineering Services Account No. 054-475-43530 from the Sewer Fund Balance for \$15,000.

**5. ORAL COMMUNICATIONS****FY 1991-92 Budget**

Al Cullin, 2701 Via Vistosa, read a statement, dated January 16, 1991, which requests that the following be incorporated into the budget for FY 1991-92: 1) a 3, 5, and 7 year plan pertaining to infrastructure improvements; and 2) deployment or redirection of resources currently being expended in the development area by City staff and Council. Mr. Cullin's statement is on file in the City Clerk's Department.

**Town Hall Meeting with Congressman Packard**

Steve Apodaca, 2152 Avenida Espada, on behalf of the Northeast San Clemente Council of Homeowners Associations, invited Council and citizens to attend a town hall meeting on January 17, 1991 at San Clemente High School; noted that Congressman Packard will attend the subject meeting to brief the community on the status of current issues.



6. **UNFINISHED BUSINESS**

None.

7. **NEW BUSINESS**

A. **Solid Waste Facilities Approval/Siting**

Report from the Public Services Director concerning the process for approving and siting solid waste facilities in Orange County.

Interim Solid Waste Management Coordinator Morgan provided an overview of the Administrative Report.

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

1. Adopt Resolution No. 91-07 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, SPECIFYING THE PROCESS FOR APPROVING AND SITING IN ORANGE COUNTY SOLID WASTE FACILITIES REUSING OR RECYCLING LESS THAN 15% OF MATERIAL RECEIVED AND SERVING ONLY ONE JURISDICTION.
2. Adopt Resolution No. 91-08 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, SPECIFYING THE PROCESS FOR APPROVING AND SITING IN ORANGE COUNTY SOLID WASTE FACILITIES REUSING OR RECYCLING LESS THAN 15% OF MATERIAL RECEIVED AND SERVING MORE THAN ONE JURISDICTION.

**8. REPORTS****A. Commissions and Committees****(1) General Plan Update Advisory Committee - Filling of Vacancies**

Report from the Community Development Director concerning the method of filling current and future vacancies on the General Plan Update Advisory Committee.

City Planner Barnes reviewed the contents of the Administrative Report; noted that Staff Recommendation #5 provides that no new members be appointed to the General Plan Update Advisory Committee after 60 days from January 16, 1991, except to fill a City Council or Planning Commission vacancy, or unless the Committee membership falls below fifteen members; relayed that the General Plan Update Advisory Committee recommends that no new citizen-at-large appointments be made after a date certain, i.e., March 6, 1991.

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

1. Fill the General Plan Update Advisory Committee vacancy created by Phil DeProtine with the candidate identified at the Council meeting of December 19, 1990, i.e., Wes Landen.
2. Do not appoint alternates to the General Plan Update Advisory Committee.
3. Authorize that future citizen-at-large vacancies be filled from the current "candidate list."
4. Authorize that future City Council, or Standing Commission or Committee, vacancies be filled through appointment of new representatives by the respective body.
5. Do not appoint any new members to the General Plan Update Advisory Committee after March 6, 1991, except to fill a City Council or standing Commission/Committee vacancy, or unless the Committee membership falls below fifteen members.

6. Accept the resignation of Robert Magnuson, Parks and Recreation Commission representative on the General Plan Update Advisory Committee, with regret.

B. City Manager

- (1) City Manager Parness requested a Closed Session to discuss a matter of labor negotiations.

- (2) Budget Process and Criteria

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to authorize that a fiscal budget for FY 1991-92 be prepared at this time, in lieu of a two-year budget, and approve the process, timelines, format and criteria for decision making as contained in the City Manager's memorandum to the City Council, dated January 14, 1991, and on file in the City Clerk's Department.

- (3) Airport Update - Distribution of Report

City Manager Parness distributed a memorandum from Interim Assistant City Manager Sorg, dated January 18, 1991, concerning the draft report entitled, "Cristianitos Canyon Airport Site Presentation for Orange County Cities Airport Authority."

- (4) Neighborhood Pride Clean-Up Day

City Manager Parness noted that the Neighborhood Pride Clean-Up Day will take place on January 26, 1991.

C. City Attorney

- (1) Request for Closed Sessions

City Attorney Oderman requested Closed Sessions to discuss 1) a matter of pending litigation, Baumgartner v. City of San Clemente, pursuant to GC Section 54956.9(a); 2) a matter of potential litigation, pursuant to GC Section 54956.9(c); 3) a matter of threatened litigation, pursuant to GC Section 54956.9(b)(1); 4) a matter of pending litigation, Marblehead v. City of San Clemente (Measure B Lawsuit), pursuant to GC Section 54956.9(a); and 5) a matter of pending litigation, City of Fullerton v. County of Orange, pursuant to GC Section 54956.9(a).

**D. Council Members**

- (1) **Consideration of Scheduling a Workshop to Establish Goals and Objectives for the City and City Manager**

It was agreed that Mayor Diehl and City Manager Parness will arrange details associated with a goal-setting workshop and report back to Council at its meeting of February 6, 1991. It is anticipated that the workshop will be scheduled for late February.

- (2) **Chamber of Commerce/Capistrano Unified School District - Workshop Concerning Funding for CUSD**

It was agreed that Councilmember Benedict will represent the City at a Chamber of Commerce/Capistrano Unified School District Workshop on January 24, 1991. This workshop will address means of obtaining greater funding for the Capistrano Unified School District.

- (3) **Consideration of Rescheduling Second Council Meeting in October Due to League of Cities Annual Conference**

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to reschedule the Council meeting of October 16, 1991 to October 23, 1991 due to the League of Cities Annual Conference.

- (4) **United Way**

It was agreed that Councilmember Lorch will represent the City on the United Way Board.

- (5) **Establishment of Time to Interview/Select Individuals to Fill Two Vacancies on the Human Resources Committee**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to interview Human Resources Committee applicants on February 6, 1991 at 6:00 p.m.

**SPECIAL PRESENTATION**

A video entitled "It's No Surprise! Political Boundaries are Changing" was viewed by the public during Council's Closed Session. This video was produced by the California State Senate Rules Committee. The United States Constitution requires states to redraw their political boundaries every ten years after the census. This video explained the reapportionment and redistricting process which will be conducted during 1991.

**CLOSED SESSION**

Council recessed to Closed Session at 8:20 p.m. to discuss 1) a matter of labor negotiations; 2) a matter of pending litigation, Baumgartner v. City of San Clemente, pursuant to GC Section 54956.9(a); 3) a matter of potential litigation, pursuant to GC Section 54956.9(c); 4) a matter of threatened litigation, pursuant to GC Section 54956.9(b)(1); 5) a matter of pending litigation, Marblehead v. City of San Clemente (Measure B lawsuit), pursuant to GC Section 54956.9(a); and 6) a matter of pending litigation, City of Fullerton v. County of Orange, pursuant to GC Section 54956.9(a). The City Council, City Manager, City Attorney, Interim Assistant City Manager, and the City Clerk were in attendance.

**MEETING RECONVENED**

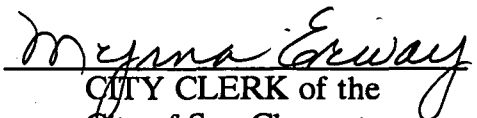
Council reconvened at 9:10 p.m., with all members present.

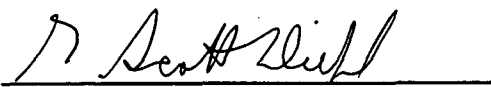
**Baumgartner v. City of San Clemente - Settlement of Lawsuit**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to authorize the expenditure of \$65,000 to settle the lawsuit entitled Baumgartner v. City of San Clemente.

**ADJOURNMENT**

Council adjourned at 9:12 p.m. to January 30, 1991 at 7:00 p.m. at the Community Center, 100 North Seville, San Clemente, for the purpose of conducting a Joint Council/Commissions/Committees meeting. Councilmembers expressed that their thoughts are with those individuals serving in the Persian Gulf.

  
CITY CLERK of the  
City of San Clemente

  
MAYOR of the City of  
San Clemente

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 January 16, 1991 said meeting was adjourned to the time and place specified in the ORDER OF ADJOURNMENT attached hereto; and that on January 17, 1991 at the hour of 2:00 p.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 January 17, 1991 at San Clemente, California

*Myrna Erway*  
 MYRNA ERWAY, CITY CLERK

NOTICE OF ADJOURNMENT  
EXCERPT FROM THE MINUTES OF THE  
CITY COUNCIL

MEETING OF JANUARY 16, 1991

A regular meeting of the San Clemente City Council was held in the Council Chambers, 100 Avenida Presidio, San Clemente, California on January 16, 1991.

ROLL CALL:       PRESENT: ANDERSON, BENEDICT, LORCH, HAGGARD,  
MAYOR DIEHL

ABSENT:       NONE

ADJOURNMENT

Council adjourned to Wednesday, January 30, 1991 at 7:00 p.m. at the Ole Hanson Room of the Community Center, 100 North Seville, San Clemente for the purpose of conducting a joint meeting with the City Council, Commissions and Committees.

  
MYRNA ERWAY, CITY CLERK