

CITY OF SAN CLEMENTE

CITY COUNCIL MINUTES

REGULAR MEETING - AUGUST 3, 1988

A regular meeting of the City Council of the City of San Clemente, conducted in the Council Chambers, Civic Center Building, 100 Avenida Presidio, was called to order at 7:10 p.m.

PRESENT Council Members - LIMBERG, RICE, MAYOR LORCH

ABSENT Council Members - MECHAM, VEALE

ALSO PRESENT James Hendrickson, City Manager; Myrna Erway, City Clerk; Greg Hulsizer, Assistant City Manager; Phil Kohn, Acting City Attorney; Jim Holloway, Community Development Director; Bill Cameron, City Engineer; Joanne Baade, Deputy City Clerk; and certain other staff members present in the audience.

INVOCATION

Pastor Denver Clark, First Baptist Church, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Lorch led the Pledge of Allegiance.

1. SPECIAL PRESENTATIONS

None.

2. MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 3-0, to waive reading in full of all Resolutions and Ordinances.

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3. PUBLIC HEARINGS

A. ORDINANCE PROHIBITING SALE AND USE OF FIREWORKS
WITHIN THE CITY LIMITS

Public Hearing to consider prohibiting the sale and use of fireworks within the City limits.

Mayor Lorch opened the Public Hearing.

The following individuals addressed Council and urged that the issue of a potential fireworks ban be submitted to the electorate:

Steve Wittman, 101 West Broadway #510, San Diego 92101 (representing the fireworks industry).

Jerry Farley, 1852 Dawns Way, Fullerton 92131 (representing Magic Dragon Fireworks Company).

Pam Zanelli, representing Red Devil Fireworks.

Frank Denison, 504 Monterey Lane, San Clemente.

Karoline Koester, Via Pavon, San Clemente.

The following individual spoke in support of the prohibition of the sale and use of fireworks within the City limits:

Norman Ream, 511 East San Juan, San Clemente.

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

In response to Council inquiry, Fire Chief Dailey explained that although the City has not experienced many fires due to fireworks, injuries and citizen complaints pertaining to the mis-use of fireworks have been experienced.

In response to Council inquiry, Steve Wittman stated that fireworks are prohibited in San Diego County; felt that Safe and Sane fireworks are a sensible alternative to illegal dangerous fireworks.

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MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 2-1 (MAYOR LORCH VOTING NOE), to introduce Ordinance No. 980 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE AMENDING SECTION 20-3(q) OF THE SAN CLEMENTE MUNICIPAL CODE PROHIBITING THE SALE AND USE OF FIREWORKS WITHIN THE CITY.

B. MEASURE E IMPLEMENTATION/MORATORIUM

Public Hearing to consider extending the current moratorium on processing of new development petitions until the completion of the necessary Development and Traffic Monitoring Reports and General Plan Amendments as required by Measure E to implement the review procedures.

Community Development Director Holloway reviewed the proposed Measure E Implementation Process, focusing on the tasks which must be completed in order to form a data base for the implementation of Measure E. Said tasks are specifically contained in Attachment A of the Administrative Report, dated July 22, 1988, and on file in the City Clerk's Department.

Mayor Lorch opened the Public Hearing.

Lorraine Brouillette, 518 Calle Baranda, spoke in support of Measure E as approved by the electorate.

Frank Denison, 504 Monterey Lane, indicated concern that the City does not presently utilize a Traffic Model; spoke on the importance of pre-planning.

Mary Lou Casey, 12451 Lee Lane, Garden Grove, stated she is the owner of a 5-acre industrial project in Rancho San Clemente; opined that obstacles should not be placed in the way of progress; felt that less than six months should be sufficient time to complete the necessary Measure E studies.

Mayor Lorch requested an analysis and implementation schedule of the projects in process and suggested a workshop on this matter.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 3-0, to continue the Public Hearing on Measure E Implementation/Moratorium to the Council meeting of August 17, 1988.

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C. USE PERMIT 88-03 AND SITE PLAN REVIEW 88-08, YOUNG BUILDING

Continued Public Hearing to consider a request for a high-rise overlay and construction of an office and retail building located on the west side of the intersection of Camino Capistrano and Avenida Vaquero.

Mayor Lorch opened the Public Hearing.

Robin Young, Applicant, 416 North Coast Highway, Laguna Beach, stated his project does not meet the City's fire and emergency medical response standards and hence does not comply with Measure E; presented a letter, dated August 3, 1988, which proposes a reimbursement agreement for the construction of a traffic signal at the intersection of Avenida Vaquero and Camino Capistrano; concurred with staff's recommendation that the project be tabled.

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

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY MAYOR LORCH, CARRIED 3-0, to table Use Permit 88-03 and Site Plan Review 88-08 until such time as the Measure E reports are submitted by the applicant, reviewed and approved by City staff, and a new hearing date is established and rennoticed.

D. EIR 84-02, TALEGA VALLEY ENVIRONMENTAL IMPACT REPORT; GPA 88-02, TALEGA VALLEY GENERAL PLAN AMENDMENT; AND SP 84-02, TALEGA VALLEY SPECIFIC PLAN

Continued Public Hearing to consider certification of an Environmental Impact Report as adequate and complete, and approval of a General Plan Amendment and approval of the Talega Valley Specific Plan.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 3-0, to continue the Public Hearing on EIR 84-02 (Talega Valley Environmental Impact Report), GPA 88-02 (Talega Valley General Plan Amendment), and SP 84-02 (Talega Valley Specific Plan), to the Adjourned Regular Council Meeting of August 10, 1988.

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4. ORAL COMMUNICATIONS

A. MEASURE E

Norman Ream, 511 East San Juan, presented a letter to Council, dated August 3, 1988, which alleged that Council's direction of July 20, 1988 (relating to the possible retainment of an independent lawfirm for the purpose of analyzing and suggesting modifications to more clearly define Measure E) was in violation of the Brown Act since it was not agendized.

The following individuals addressed Council to oppose modification of Measure E:

Lorraine Brouillette, 518 Calle Barranda

Lou Elia, 163 West San Antonio

Mildred McEnroe, 218 Avenida Cordoba

Peter Bunge, 102 Calle Balboa

Jim Hill, 4115 Calle Mayo

C.L. Snider, 303 Calle Rica

Joe Barton, 620 Calle Vicente

Karoline Koester, 604 Via Pavon (read and presented a letter from Lucile M. Taylor, dated August 3, 1988)

Tom Padberg, 617 Calle Hidalgo

Rick Anderson, 610 Avenida Victoria, opined staff is doing a good job with respect to implementation of Measure E.

Council directed that the issue of retainment of an independent lawfirm for the purpose of analyzing and suggesting modifications to more clearly define Measure E be agendized for the Council Meeting of August 17, 1988 and that the City Attorney be directed to respond to the allegation that Council's motion of July 20, 1988 constituted an illegal action.

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B. CITIZENS FOR SILENCE ON DEL CERRO

The following individuals, representing "Citizens for Silence on Del Cerro", addressed Council in opposition to the noise caused by construction traffic utilizing Calle Del Cerro; urged that construction traffic be re-routed onto La Pata:

Peter Jeanseau, 1 Cartagena
Marianne Sullivan, 600 Via Espiritu
Robert Smith, 3 Cartagena
Al Seed, 112 Calle Venezia

(Note: A petition, signed by residents representing 55 households, was filed in the City Clerk's Department on August 2, 1988. The petition opposed the utilization of Calle Del Cerro for construction traffic and urged a re-route of same onto La Pata.)

City Engineer Cameron advised that staff will attempt to effect a re-route of construction traffic via signage, imposition of speed restrictions, and preparation of an Ordinance for Council consideration which would impose weight limitations on City streets.

C. FUNDING OF FIRE STATION #3/IMPLEMENTATION OF ORDINANCE NO. 962

Peggy Dickey, 934-E Calle Negocio, voiced concern that she cannot develop her property in the Rancho San Clemente Business Park due to the fact the City and WSLA have not yet reached agreement with respect to the funding of Fire Station #3.

Alan Dibartolomeu, 323 Alvarado, Newport Beach, representing Don Wilson Development (owner of 12 acres in the Rancho San Clemente Business Park) spoke in support of the creation of a Mello-Roos District to fund a paramedic unit and fire station.

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City Manager Hendrickson reviewed the chronology of events relating to funding of Fire Station #3 and the implementation of Ordinance No. 962 (which established a response standard for the provision of fire and emergency medical services to new development). The chronology of events is on file in the City Clerk's Department. Mr. Hendrickson invited property owners in the Rancho San Clemente Business Park to participate in discussions relating to funding of Fire Station #3.

Mary Lou Casey, 12451 Lee Lane, Garden Grove (owner of five acres in the Rancho San Clemente Business Park) stated she received information that an agreement with WSLA has already been reached and requested that the agreement be made public.

Larry Nelson, 3151 Airway Avenue, Suite L-1, Costa Mesa, opined that insufficient notice was given that Ordinance No. 962 would be taking effect; stated he would like to be included in discussions between the City and WSLA.

D. APPEARANCE OF FORSTER RANCH

Lonny Curtis, 3126 Estampida, voiced concern with the appearance of Forster Ranch; suggested that developers should be required to landscape graded areas in cases where development will not be commenced in the near future; voiced concern his water meter is leaking despite complaints to the City.

COUNCIL RECESSED AT 10:07 P.M. AND RECONVENED AT 10:22 P.M., WITH ALL MEMBERS PRESENT, EXCEPT COUNCILMEMBERS MECHAM AND VEALE.

5. CONSENT CALENDAR

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 3-0, to approve the Consent Calendar with the removal of Item 5-A (July 20, 1988 Council minutes.)

A. City Council Minutes

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 3-0, to approve the City Council minutes of July 6, 1988.

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B. Commission/Committee Minutes

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 3-0, to receive and file:

- (1) Planning Commission minutes of June 14, 1988 and July 5, 1988.
- (2) Community Design Commission Minutes of July 12, 1988.
- (3) Parks and Recreation Commission Minutes of June 28, 1988 and July 12, 1988.

C. ACCEPTANCE OF WATER RECLAMATION PLANT CONTRACT C-1 FROM STEVE P. RADOS, INC.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 3-0, to:

1. Accept the Water Reclamation Plant Contract C-1 Schedules A, B and C from Steve P. Rados, Inc. with the exception of the current monitoring relay installation for Los Molinos Pump Station; and
2. Authorize City Clerk to file a Notice of Completion with the County Recorder.
3. Authorize City staff to accept the current monitoring relay and file a notice of completion for the relay installation upon settlement of the dispute with the contractor.

D. AWARD OF BID - ONE NEW 1989 MID-SIZE BLAZER

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 3-0, to accept the bid of Royal Chevrolet in the amount of \$15,202.72 for the purchase of one (1) new 1989 Chevrolet Mid-Size Blazer.

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E. Purchase of Golf Course Maintenance Vehicle - 3
Wheeled Scooter

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 3-0, to accept the bid of Pacific Equipment and Irrigation Co. to supply the City of San Clemente with one new turf maintenance vehicle for the bid price of \$8,966.54.

F. Purchase of Golf Course Maintenance Equipment-
Triplex Mower

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 3-0, to accept the bid of Pacific Equipment and Irrigation Co. to supply the City of San Clemente with one new triplex greens mower for the bid price of \$13,886.00.

G. Sole Source Lease Purchase of a Truck Mounted
"Patchmaster" Asphalt Pavement Maintenance Machine

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 3-0, to approve the sole-source lease/purchase of a new truck mounted "Patchmaster" asphalt pavement maintenance machine from Griffith Company for \$128,538.44 and the five (5) year financing of this unit by First Municipal Leasing Corporation at 8.75% A.P.R. with quarterly payments, in arrears, of \$8,002.03.

H. Purchase of Golf Course Maintenance Equipment-
Aerial Lift

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 3-0, to accept the bid of Promark Products Inc. to supply the City of San Clemente with one new trailer mounted aerial lift for the bid price of \$14,588.28.

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ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

A. CITY COUNCIL MINUTES OF JULY 20, 1988

Karoline Koester, 604 Via Pavon, referenced the portion of the July 20, 1988 minutes relating to Council's motion to agendaize for the August 3, 1988 meeting the possible retention of an independent lawfirm for the purpose of analyzing and suggesting modifications to more clearly define Measure E; stated said direction does not coincide with the City Manager's action to retain the services of legal counsel.

MOTION BY MAYOR LORCH, SECOND BY COUNCILMEMBER RICE, CARRIED 3-0, to approve the minutes of the Council meeting of July 20, 1988.

6. WARRANT REGISTER

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 3-0, to approve Warrant Nos. 75094 through 75190 for period 7-11-88 through 7-15-88 (Voids 75092-75093) FY 1987-88 in the amount of \$1,345,352.79; Warrant Nos. 75195 through 75280 for period 7-11-88 through 7-15-88 (FY 1988-89) in the amount of \$91,851.91; Warrant Nos. 75286 through 75382 for period 7-18-88 through 7-22-88 (Voids 75281-75285) in the amount of \$119,168.69; Warrant Nos. 75388 through 75538 excluding Payroll Warrant for period 7-18-88 through 7-22-88 (Voids 75383-75387) in the amount of \$311,711.69; Payroll Warrant No. 75089 for period 7-11-88 through 7-24-88 in the amount of \$281,418.30; for a total Warrant Register of \$2,149,503.38.

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7. UNFINISHED BUSINESS

A. USE PERMIT 88-11 (ANDERSON) - REQUEST FOR EXEMPTION FROM MEASURE E COMPLIANCE

Report from the Community Development Director concerning exemption of use permits, including Rick Anderson's project, from Measure E due to the ambiguities in wording in Measure E.

Council received a letter from R. B. Storm, 109 Capistrano Lane, dated August 2, 1988, in opposition to exempting Mr. Anderson's project from the mandates of Measure E.

MOTION BY COUNCILMEMBER RICE, SECOND BY MAYOR LORCH, CARRIED 3-0, to not exempt Use Permit 88-11, Casa Tropicana (Anderson) from Measure E.

Rick Anderson, 610 Avenida Victoria, opined his project should only be subject to the traffic provisions of Measure E since that is the only area that would be affected by his development.

B. EXEMPTION OF INDUSTRIAL PROJECTS FROM URGENCY ORDINANCE NO. 976

Report from the Community Development Director concerning amending Urgency Ordinance No. 976 to exempt industrial projects containing over 100,000 square feet in building structure from the moratorium.

City Clerk Erway advised that a letter from Robert R. Crowther of Munson Properties, dated August 3, 1988, has been received which requests continuance of this agenda item.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 2-1 (MAYOR LORCH VOTING NOE), to continue consideration of amending Urgency Ordinance No. 976 to exempt industrial projects containing over 100,000 square feet in building structure from the moratorium to the Council meeting of August 17, 1988.

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8. NEW BUSINESS

A. TRAFFIC CIRCULATION MODEL

Report from the Community Development Director concerning development and implementation of a city-wide Traffic Circulation Model.

MOTION BY COUNCILMEMBER RICE, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 3-0, to approve, and authorize the Mayor to execute, the contract for the development and implementation of a city-wide Traffic Circulation Model to Austin-Foust Associates, Inc. for a lump sum of \$60,000.

MOTION BY COUNCILMEMBER RICE, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 3-0, to transfer \$5,000 from the Contingency Reserve in the General Fund to Account No 001-413-43890, Other Contractual Services in the Traffic Engineering Program.

B. CONSIDERATION OF MELLO-ROOS DISTRICT TO FINANCE ADDITIONAL PARAMEDIC SERVICE

Report from the City Manager concerning establishment of a Mello-Roos Community Facilities District (among other options) to finance the costs of additional paramedic service mandated by Measure E.

MOTION BY COUNCILMEMBER RICE, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 3-0, to table consideration of a Mello-Roos District to finance additional paramedic service, and direct staff to ascertain additional data and then re-agendize.

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C. ACCEPTANCE OF IMPROVEMENTS AND GRANTING OCCUPANCY IN DEVELOPMENTS

Report from the Community Development Director concerning modifying City procedures for allowing issuance of occupancy permits in developments in connection with acceptance of public grading, landscaping or other public improvements.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 3-0, to continue consideration of Acceptance of Improvements and Granting Occupancy in Developments to the Council meeting of September 7, 1988.

9. ORAL COMMUNICATIONS

Rick Anderson, 610 Avenida Victoria, requested that the presentation of his petition to repeal Measure E be agendized for the August 10, 1988 meeting. City Manager Hendrickson advised that Councilmember Mecham has already requested that this item be agendized for August 10, 1988.

Jay Salsburg, 111 Granada, urged enforcement of the Smoking Ordinance; distributed a communication entitled "Control Codes."

10. REPORTS

A. Commissions and Committee

None.

B. City Manager

- (1) Consideration of cancellation of normally scheduled Boards and Commissions dinner meeting

MOTION BY COUNCILMEMBER RICE, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 2-1 (MAYOR LORCH VOTING NOE), to cancel the Boards and Commissions dinner meeting of August 31, 1988.

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- (2) Request for Closed Session to discuss matters of Personnel.

This item was removed from the agenda.

- (3) Request for Closed Session

City Manager Hendrickson requested a Closed Session to discuss negotiations pertaining to Fire Station #3, pursuant to Government Code Section 54956.8.

- (4) Joint Meeting with Senator Bergeson

Council agreed to meet with Senator Bergeson on September 8, 1988 at 3:00 or 4:00 p.m. (exact time to be determined).

- (5) Selection Procedure for Human Resources Committee and Golf Course Committee

Council agreed to consider appointments to the Human Resources Committee and Golf Course Committee at its meeting of August 17, 1988 at 6:00 p.m.

C. City Attorney

Acting City Attorney Kohn requested a Closed Session to discuss a matter of pending litigation (Aalsbersberg v. City of San Clemente), Orange County Superior Court Case No. 43 39 35, pursuant to Government Code Section 54956.9(a).

D. Council Members

Councilmember Rice requested and was advised the Mamian Building may be demolished in 30 days and construction of the softball complex is to begin in three weeks.

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11. RESOLUTIONS/ORDINANCES

A. Resolution No. 88-65

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY MAYOR LORCH, CARRIED 3-0, to adopt Resolution No. 88-65 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CERTAIN SECTIONS OF RESOLUTION NO. 87-85; THE CITY'S COMPENSATION PLAN.

MEETING RECESSED

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY MAYOR LORCH, CARRIED 3-0, to recess to a meeting of the Redevelopment Agency at 11:45 p.m. Council reconvened at 11:45 p.m., with all members present, except Councilmembers Mecham and Veale.

CLOSED SESSION

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY MAYOR LORCH, CARRIED 3-0, to recess to Closed Session at 11:46 p.m. to discuss 1) negotiations pertaining to Fire Station #3, pursuant to Government Code Section 54956.8 and 2) matter of pending litigation (Aalsbersberg v. City of San Clemente), Orange County Superior Court Case No. 43 39 35, pursuant to Government Code Section 54956.9(a). The City Manager, Phil Kohn, Acting City Attorney, Assistant City Manager and Fire Protection Director were in attendance.

MEETING RECONVENED

Council reconvened at 12:14 a.m., with all members present, except Councilmembers Mecham and Veale.

ADJOURNMENT

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 3-0, to adjourn at 12:15 a.m. to 7:45 p.m. on August 10, 1988.

Maryna Erway
CITY CLERK of the City
of San Clemente

Tom Loran
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 August 3, 1988 said meeting was adjourned to the time and place specified in the ORDER OF ADJOURNMENT attached hereto; and that on August 4, 1988 at the hour of 9:30 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 August 4, 1988 at San Clemente, California.

Myrna Erway

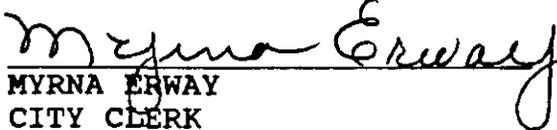
 MYRNA ERWAY
 City Clerk

NOTICE OF ADJOURNMENT
EXCERPT FROM THE MINUTES OF THE
CITY COUNCIL
MEETING OF AUGUST 3, 1988

ROLL CALL: PRESENT: LIMBERG, RICE, MAYOR LORCH
 ABSENT: MECHAM, VEALE

ADJOURNMENT

Council adjourned to Wednesday, August 10, 1988 at 7:45 p.m.
for the purpose of continuing the Public Hearing on the
Talega Valley Specific Plan and other items.


MYRNA ERWAY
CITY CLERK