

CITY OF SAN CLEMENTECITY COUNCIL MEETINGREGULAR MEETING - MAY 5, 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 by Mayor Lorch at 7:05 p.m.

PRESENT Council Members - LIMBERG, MECHAM, RICE, VEALE*,
MAYOR LORCH

*Arrived at 8:35 p.m.

ABSENT Council Members - NONE

ALSO PRESENT James Hendrickson, City Manager; Myrna Erway, City Clerk; Greg Hulsizer, Assistant City Manager; Jeff Oderman, 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

Mayor Lorch dedicated the invocation, which was delivered by Fr. Gary Erb, St. Clements Episcopal Church, to Detective Pete Goodwin who recently suffered a heart attack.

PLEDGE OF ALLEGIANCE

Mayor Lorch led the Pledge of Allegiance.

1. SPECIAL PRESENTATIONS

None.

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

3. PUBLIC HEARINGS

A. Nuisance Abatement - Vacant Lot at Avenida Floren-
cia and Calle Mirador

Public Hearing to consider whether a public nuisance exists at the vacant lot at Avenida Florencia and Calle Mirador.

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

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 4-0, to adopt Resolution No. 88-33 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DECLARING THE VACANT LOT AT AVENIDA FLORENCIA AND CALLE MIRADOR TO BE A PUBLIC NUISANCE AND ORDERING THE ABATEMENT OF SUCH.

B. Tentative Parcel Map 88-119, Sacher - Request to
subdivide two lots into four lots on Calle Recodo

Public hearing to consider a request to subdivide two existing lots totalling 1.54 acres into four lots within the Rancho San Clemente Business Park.

Mayor Lorch opened the Public Hearing.

Ken Sacher, Sacher Properties, Applicant, voiced concern with the first sentence of Condition No. 5 which requires that "Outside uncovered and unenclosed areas for storage of materials or equipment shall be prohibited unless specifically designated into the final development plan and provided for in the Covenants, Conditions and Restrictions"; urged that the words "into the final development plan" be deleted so as to leave open the possibility of an application being made in the future for enclosure or screening of the rear area behind the building.

In response to Council inquiry, City Attorney Oderman advised that the condition is adequate as presently worded since application can be made at a future time for an amendment to the plan.

Mayor Lorch closed the Public Hearing, there being no others desiring to speak to this issue.

In response to Council inquiry, Dave Christian, Project Manager, WSLA, advised that the project in question represents the first subdivision of a 4,000 square foot lot in Rancho San Clemente; advised the Rancho San

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Clemente Architectural Review Committee has approved the design of the project.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 4-0, to adopt Resolution No. 88-32 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND CONDITIONALLY APPROVING TENTATIVE PARCEL MAP NO. 88-119.

C. Tentative Parcel Map 87-473, Jenkins - Request to subdivide two lots into five lots at the northwest corner of Calle Recodo and Calle Amanecer

Public Hearing to consider a request to subdivide two existing lots totalling 1.82 acres into five lots within the Rancho San Clemente Business Park.

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

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 4-0, to adopt Resolution No. 88-31 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND APPROVING TENTATIVE PARCEL MAP 87-473, with the incorporation of an additional condition to read as follows:

"Concurrently with the recordation of the Final Map, a reciprocal access agreement shall be recorded guaranteeing access to each of the parcels."

D. Tentative Parcel Map 85-434, Handy - 143 Patero De Oro

Continued Public Hearing to consider a request to subdivide one lot into two lots for the purpose of constructing two single-family residences.

MOTION BY MAYOR LORCH, SECOND BY COUNCILMEMBER MECHAM, CARRIED 4-0, to continue the Public Hearing on Tentative Parcel Map 85-434 (Handy) to the Council meeting of May 18, 1988, at the request of the Applicant.

4. CONSENT CALENDAR

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 4-0, to approve the Consent Calendar with the removal of Items D and F.

A. MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 4-0, to approve the City

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Council minutes of April 20, 1988.

- B. MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 4-0, to receive and file:
- (1) Planning Commission minutes of March 22, 1988.
 - (2) Departmental Activities Report - March 1988.
- C. Marblehead/Lusk Company - Water Facilities Reimbursement Agreement

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 4-0, to:

1. Authorize the Mayor and City Clerk to execute a reimbursement agreement with the Lusk Company for Master Plan Water Facilities constructed in Marblehead. (City Contract #C88-066.)
 2. Authorize appropriation from the Water Acreage Fee Reserve Fund in the amount of \$768,653.49 to Account No. 052-467-45300, Improvements Other Than Buildings.
 3. Authorize the reimbursement of \$768,653.49 to the Lusk Company from the Water Acreage Fee Reserve Fund.
- E. Multiple Hearth Furnace Repair Project No. 07618

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 4-0, to accept the work completed by J.T. Thorpe, Inc. for repair to the multiple hearth furnace, Project No. 07618, and authorize the City Clerk to file a Notice of Completion with the County Recorder.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

- D. Reimbursement Agreement No. 2-84 Payment to WSLA for Construction of Segunda Deshecha Channel MO2)

At the request of staff, MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 4-0, to remove Reimbursement Agreement No. 2-84 from the agenda and to re-agendize for the Council meeting of May 18, 1988.

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F. Proposed Parking Restrictions/Additional Signage on Avenida Del Mar

Joan Gibbons, President of the Downtown Business Association, 153 Avenida Del Mar, spoke on the need for two-hour parking limitations on Del Mar and urged that "2 Hour Parking" signs be installed to enable enforcement thereof.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 4-0, to approve the installation of sixteen "2-Hour Parking" signs on the street light poles in the 100 and 200 blocks of Avenida Del Mar.

5. WARRANT REGISTER

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 4-0, to approve Warrant Nos. 72810 through 72990 excluding Payroll Warrant for period 4-11-88 through 4-15-88 (Voids 72807-72809) in the amount of \$557,614.90; Warrant No. 72991 (handwrite) and Warrant Nos. 72997 through 73206 excluding Payroll Warrant for period 4-18-88 through 4-22-88 (Voids 72992-72996) in the amount of \$214,427.88; Payroll Warrant No. 72965 for period 4-4-88 through 4-17-88 in the amount of \$238,553.93; for a total Warrant Register of \$1,010,596.71.

6. UNFINISHED BUSINESS

None.

7. NEW BUSINESS

A(1) Wastewater Treatment Plant Expansion Project

CLOSED SESSION

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 4-0, to recess to Closed Session at 7:55 p.m. to discuss a matter of pending litigation (Marblehead v. City of San Clemente) pursuant to Government Code Section 54956.9(a). The City Manager, City Attorney, City Treasurer and Community Development Director were in attendance.

MEETING RECONVENED

Council reconvened at 8:15 p.m., with all members present, except Councilmember Veale.

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MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 3-1 (MAYOR LORCH VOTING NOE), to defer consideration of the Wastewater Treatment Plant Expansion Project (Agenda Item 7-A) until Councilmember Veale arrives at the meeting. (See Page 7 of these Minutes for a continuation of this agenda item.)

B. Proposed Vehicle Code Enforcement Policy

Report from the Community Development Director concerning adoption of a Vehicle Code Enforcement Policy to establish guidelines for declaring certain streets in the City subject to the California Vehicle Code and the San Clemente Municipal Code.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM to adopt the proposed Vehicle Code Enforcement Policy to be used as a guideline for declaring certain streets within the city subject to the California Vehicle Code and the San Clemente Municipal Code. The Vehicle Code Enforcement Policy is contained in the Administrative Report, dated April 28, 1988, and on file in the City Clerk's Department.

SUBSTITUTE MOTION BY MAYOR LORCH to amend the Vehicle Code Enforcement Policy to exclude gated private roads that are not open for public use. The Substitute Motion died for lack of a second.

THE ORIGINAL MOTION CARRIED 4-0.

C. California Vehicle Code and City of San Clemente Municipal Code Enforcement in the Rancho San Clemente Development

Report from the Community Development Director concerning enactment of legislation to permit the enforcement of the provisions of the California Vehicle Code and the City of San Clemente Municipal Code in the Rancho San Clemente development prior to acceptance of improvements of public streets.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 4-0, to set a Public Hearing for June 1, 1988 to consider declaring certain streets in the Rancho San Clemente development subject to the provisions of the California Vehicle Code and the City of San Clemente Municipal Code.

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D. Economic Development - Goals and Objectives

Report from the Community Development Director concerning establishment of goals and objectives for the economic development of the City of San Clemente.

Councilmember Veale arrived at 8:35 p.m.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM to adopt Resolution No. 88-42 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING GOALS AND OBJECTIVES FOR THE ECONOMIC DEVELOPMENT OF THE CITY.

Councilmember Limberg noted that some cities implement requirements (e.g., child care) in their Specific Plans; suggested that the Economic Development Committee consider issues that may be applicable to Specific Plans.

THE MOTION CARRIED 5-0.

A. Wastewater Treatment Plant Expansion Project

(1) Wastewater Treatment Plant Expansion - Contingent Award of Contract C-2

City Manager provided an overview of the proposed Wastewater Treatment Plant Expansion C-2 Contract and Series B Bond Issue and summarized the six elements of Agenda Item 7-A which pertain thereto; noted the proposed expansion of the Wastewater Treatment Plant is the most significant public works project undertaken by the City to date; noted staff's recommendation for deletion from the project of the design and construction of an incinerator leaves open the possibility of utilizing co-generation in the future.

City Engineer Cameron advised the bids for Contract C-2 were opened on April 6, 1988 and that five bids were received; stated the low bid exceeded the engineer's estimate by 8%; advised the bids were close and competitive; opined there would be no advantage to re-bid the project; recommended Council approve a contingent award of the C-2 Contract to the M. A. Mortenson Company.

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MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, to:

1. Approve a contingent award of Contract C-2 to M.A. Mortenson Company for \$30,593,600, including the Base Bid and Bid Alternatives D, F, G, H, and I. The award is contingent upon the City receiving a SCAQMD construction permit and bond proceeds. City Contract #C88-015.
2. Adopt Resolution No. 88-37 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE AWARDING CONSTRUCTION CONTRACT FOR ASSESSMENT DISTRICT NO. 85-1 IMPROVEMENTS.
3. Delete the design and construction of an incinerator from the project.

In response to Council inquiry, City Attorney Oderman advised that Council has the option of selecting the lowest responsible bidder or rejecting all bids; noted there has been no facts of irresponsibility raised in relation to the low bidder in question; opined the dispute concerning substitution of sub-contractors is not germane to the subject bid award; stated if Council were to award the bid to M. A. Mortenson Company, the dispute between the general contractor and competing subcontractors would require resolution by Council following a Public Hearing; noted the contractor would be bound by the figure quote contained in the bid document.

During the course of discussion, Staff reviewed the costs attendant to sludge incineration versus anaerobic digestion.

In response to Council inquiry as to the factors that caused the bids to exceed the engineer's estimate, Gail Lynch, representing John Carollo Engineers, advised of situations encountered which resulted in a delay in bidding and awarding the project; felt the engineer's estimate was reasonably close and that good bids were received.

Mayor Lorch stated he will oppose the motion on the floor due to concern associated with sole source design and the excessive cost for the degree of additional capacity.

THE MOTION CARRIED 3-2 (MAYOR LORCH AND COUNCILMEMBER RICE VOTING NOE.)

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2. Wastewater Treatment Plant Expansion Assessment District
85-1 Series B Bond Issue

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER
LIMBERG to:

1. Adopt Resolution No. 88-38 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE DETERMINING UNPAID ASSESSMENTS IN ASSESSMENT DISTRICT NO. 85-1 AND THE MANNER OF PAYMENT THEREOF AND LISTING BONDS OF SERIES B ISSUED ON THE SECURITY THEREOF; with the understanding that the date of the bonds shall be changed to May 25, 1988, rather than May 17, 1988.
2. Adopt Resolution No. 88-39 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE AWARDING THE SALE OF ASSESSMENT DISTRICT NO. 85-1 LIMITED OBLIGATION IMPROVEMENT BONDS, SERIES B.
3. Adopt Resolution No. 88-40 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE ISSUING LIMITED OBLIGATION IMPROVEMENT BONDS OF SERIES B UNDER THE IMPROVEMENT BOND ACT OF 1915 FOR ASSESSMENT DISTRICT NO. 85-1, with the understanding that the date of the bonds shall be changed to May 25, 1988, rather than May 17, 1988.
4. Adopt Resolution No. 88-41 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE COVENANTING DILIGENT PROSECUTION OF FORECLOSURE OF DELINQUENT ASSESSMENTS WITHIN ASSESSMENT DISTRICT NO. 85-1 LIMITED OBLIGATION IMPROVEMENT BONDS, SERIES B.

In response to Council inquiry, Stan Wolcott, Rutan and Tucker, stated the subject Limited Obligation Bonds provide that the City need not advance any funds beyond the reserve fund in the event property owners in the Assessment District should cease paying their assessments and the bond issue were to go into default.

THE MOTION CARRIED 5-0.

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3. Establishment of Special Bank Account for Series B Bond Proceeds and Related Assessments for District 85-1

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to authorize the City Treasurer to open a new separate interest-bearing account with the San Clemente branch of Security Pacific National Bank for use in connection with Series B Bonds in Assessment District 85-1, utilizing the same check signatories as Council has directed for use in all other City bank accounts.

4. Circularize Bids for Investment of Funds

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve and authorize the City Treasurer to solicit proposals from highly rated financial institutions for investment of improvement funds and reserve funds relating to Series "B" Bonds of Assessment District 85-1, and to enter into a contract with the bidder whose offer provides the highest interest rate, with deposits collateralized at 110 percent of deposits in accordance with the provisions of the California Municipal Government Code Sections 53652 et seq.

5. Wastewater Treatment Plant Expansion -- Amendment to Final Design Services for John Carollo Engineers

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 3-2 (MAYOR LORCH AND COUNCILMEMBER RICE VOTING NOE), to approve, and authorize the Mayor to execute, an Agreement to Furnish Engineering Services for Wastewater Treatment Plant Expansion Amendment No. 2 to Task Order No. 2 (Final Design Services), eliminate Incineration Design (Item No. 10) and direct John Carollo Engineers to submit a letter report on the cogeneration alternative (See Item No. 6) for further City consideration. (City Contract #C86-503)

6. Wastewater Treatment Plant Expansion -- Contract C-2 Task Order #4 with John Carollo Engineers

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 3-2 (MAYOR LORCH AND COUNCILMEMBER RICE VOTING NOE), to approve Task Order No. 4 - Construction period services for Water Reclamation Plant Contract C-2, with John Carollo Engineers at a cost ceiling of \$1,919,955, not to be exceeded without prior approval of the City Council. (City Contract #C88-017)

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8. ORAL COMMUNICATIONS

None.

9. REPORTS

A. Commissions and Committee

None.

B. City Manager

City Manager Hendrickson presented the FY 1988-89 budget; presented a proposed schedule for Council consideration of said budget. During the course of discussion, Councilmembers made suggestions as follows: 1) that budgets encompass more than one year at a time; 2) that Department Heads prioritize their budget items; 3) that a list of items that were cut from the proposed budget be provided to Council; and 4) that obvious budget savings (such as shutting off lights and equipment) be stressed in departments. Council agreed to hold a budget session on May 25, 1988, the time of which will be decided at the May 18, 1988 Council meeting.

C. City Attorney

(1) City Attorney Oderman requested a Closed Session to discuss a matter of potential litigation, pursuant to Government Code Section 54956.9(c).

(2) City Attorney Oderman advised that he will report to Council concerning the issue of lot splits in the City at the May 18, 1988 Council meeting.

D. Council Members

Council noted that the Board of Supervisors has deferred the Development Agreement issue for 90 days and has imposed various desirable conditions on the Talega Valley project; noted that LAFCO has agreed to place Talega Valley within the City's sphere of influence.

Councilmember Limberg voiced concern that the County Social Services Agency office in San Juan Capistrano, which services San Clemente, may be closed due to lack of funding. Council directed the City Clerk to agendize this matter for the

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Council meeting of May 18, 1988 to enable Council to consider taking action to endorse and support retention of the present facility. Councilmember Limberg urged that the term "backcountry" be discontinued and that the terms "Forster Ranch", "Marblehead," and "Rancho San Clemente" be used instead.

Councilmember Rice recommended placing Council agendas on Cable Television to increase public communication; urged that the City take appropriate action to emphasize the importance of water conservation (i.e., press releases, flyers, etc.); requested that the City Clerk prepare three complete Council packets for distribution in the future -- two of which are to remain on file in the City Clerk's Department for reference; spoke in support of Traffic Engineer attendance at Council meetings.

Mayor Lorch stated the County is currently processing 9 to 13 subdivision maps in hopes of vesting the projects prior to the June 7, 1988 election on the Citizens' Sensible Growth and Traffic Control Initiative; advised a General Membership Meeting of the League of Cities will take place on May 12, 1988.

MEETING RECESSED

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to recess to a meeting of the Redevelopment Agency at 10:40 p.m.

MEETING RECONVENED

Council reconvened at 10:41 p.m. with all members present.

CLOSED SESSION

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to recess to Closed Session at 10:41 p.m. to discuss a matter of potential litigation, pursuant to Government Code Section 54956.9(c). The City Manager, City Attorney and Community Development Director were in attendance.

MEETING RECONVENED

Council reconvened at 10:46 p.m.

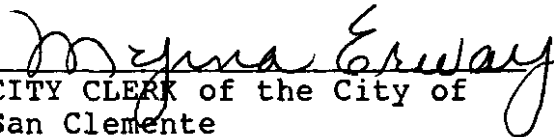
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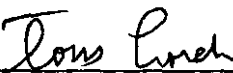
Lawsuit Against the County of Orange for Recovery of
Delinquent Property Taxes

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to authorize the City Attorney to add the City's name to the agencies which are suing the County of Orange for recovery of delinquent property taxes that have not been paid for the last three years.

ADJOURNMENT

Council adjourned at 10:46 p.m. The next Regular Meeting will be held on May 18, 1988 at 7:00 p.m.


CITY CLERK of the City of
San Clemente


MAYOR of the City of
San Clemente