

CITY OF SAN CLEMENTECITY COUNCIL MINUTESREGULAR MEETING - SEPTEMBER 16, 1987

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 Veale at 6:10 p.m.

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

ABSENT Council Members - NONE

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

1. SPECIAL PRESENTATIONS

A. Commemoration of Constitution Day

Dr. John Osborne reviewed the history of the United States, focusing on the principles of the Constitution.

Council recessed at 6:45 p.m. and reconvened at 7:10 p.m. with all members present.

INVOCATION

Father McGowan, of Our Lady of Fatima Church, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Veale led the Pledge of Allegiance.

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B. United States Constitution Day

Mayor Veale read, and presented to Mr. Pollock of the Elk's Club, a proclamation declaring September 17, 1987 as United States Constitution Day.

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

3. PUBLIC HEARINGS

None.

4. CONSENT CALENDAR

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve the Consent Calendar with the removal of Items 4-B(2), E, H, and J.

- A. MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve the City Council minutes of September 2, 1987.

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

- (1) Planning Commission minutes of August 11, 1987 and August 18, 1987.
- (3) Parks and Recreation Commission Minutes of August 11, 1987.
- (4) Golf Committee Minutes of August 4, 1987 and August 25, 1987.

C. Bid Award - One Multi-Purpose (4-Way) Loader Bucket

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to accept the bid of Eberhard Equipment in the amount of \$7,687.12 for the purchase of one new multi-purpose bucket (4-Way) with teeth and third function hydraulics.

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D. Parks Watch Program

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to:

1. Approve the concept of a Parks Watch Program as recommended by the Parks and Recreation Commission and specifically set forth in the Administrative Report, dated September 4, 1987 and on file in the City Clerk's Department.
2. Authorize the Parks and Recreation Commission to investigate avenues to implement the program.

F. Claim for Damages - Donald Elder

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to deny the Claim for Damages filed by Donald Elder in the amount of \$1,500,000.00, based on insurance adjuster's recommendation.

G. Reader/Printer - Micro-Filmed Records

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve the purchase of the microfilm reader/printer from Bell and Howell in the amount of \$9,473.00 for the Police Department.

I. Easement Agreement and Covenant - Tree Maintenance Tract 12284 - EPAC Villagio II, Inc.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to:

1. Accept, and authorize the Mayor to execute, the Easement Agreement and Covenant to Maintain Trees granted by EPAC Villagio II, Inc. dated August 13, 1987, providing for tree planting and maintenance within Tract 12284, and authorize the City Clerk to record the document with the County Recorder.
2. Approve quitclaim of previous incorrect easement granted by EPAC and recorded June 4, 1987, Document No. 87-315066, and authorize the City Clerk to record the document with the County Recorder.

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K. Acceptance of Work and Release of Bonds - Tracts 11415 and 11880

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adopt Resolution No. 87-74 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ACCEPTING FROM 888 DEVELOPMENT COMPANY ALL WORKS OF IMPROVEMENT FOR TRACTS NO. 11415 AND 11880 AND PROVIDING FOR RELEASE OF BONDS AS PROVIDED BY LAW.

L. Time Extension for Tentative Tract Map 11855 and Use Permit 82-42 - Seapointe Estates

Council received a letter, dated September 14, 1987, from Ray Sparling of Central Capital Development Company, agreeing to a new condition of approval relating to funding street improvements.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to grant a one year time extension for Tract Map 11855 and Use Permit 82-42, with the following additional condition of approval:

"At the time of recordation of the Final Tract Map for 11855, the applicant shall submit a letter of credit for funding street improvements along Camino De Los Mares between Avenida Vaquero and Marbella. The improvements and required funding shall be determined by the City Engineer."

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

B(2) Community Design Commission Minutes of August 11, 1987

Councilmember Mecham referenced the portion of the Community Design Commission minutes of August 11, 1987 that addresses CDC 87-44 (Shellbran Corporate Office); voiced concern that the last two paragraphs of this agenda item imply that a problem exists with the south end of the City.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to refer the Community Design Commission minutes of August 11, 1987 back to the Commission for clarification.

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E. Municipal Report and Recreation Program Agreement

Councilmember Rice felt that more Parks and Recreation Commission input, as well as possible Council input, should be provided prior to Municipal Report and Recreation Brochure publication; suggested that the amount of advertising be limited.

Councilmember Lorch questioned why 30,000 copies of the brochure are made when there are 17,000 households in the City; suggested a possible reassemblage of material within the document.

Public Services Director Sorg explained that 36% of recreation programming comes from the surrounding community, which results in approximately \$15,000 in revenue; advised that additional copies of the brochure don't add a significant amount to the cost; stated a draft document is made available for review by the Parks and Recreation Commissioners.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG to approve, and authorize the Mayor to execute, an agreement with Community Publications Network to publish the San Clemente Municipal Report and Recreation Program Quarterly Brochure, with the revision that the notification date within the Agreement be changed to July 1 and that the Term section of the Agreement contain a 60-day back-off to coincide with the City budget consideration.

Don Kindred, representing Community Publications Network, stated the City has been provided with financial figures related to publication costs; stated he has photographed the brochure cover free of charge; stated Community Publications Network places emphasis on the City material with the ads being situated in less obtrusive locations.

THE MOTION CARRIED 5-0.

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H. Avenida Del Mar - Parking Restrictions/Additional Signage

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to continue consideration of the parking situation on Avenida Del Mar to a future meeting to allow time for the Chamber of Commerce and the Downtown Business Association to provide input on the possibility of eliminating parking restrictions on Avenida Del Mar for a six-month trial period.

J. Final Map Approval - Tract 12356 - Remington-Oakwood

Councilmember Lorch relayed his understanding that the park in Tract 12356 was to be dedicated to the City and maintained by the homeowners' association.

Public Services Director Sorg explained that staff did not feel the land was set up well for a regulation park due to its size and location, but felt it would be a suitable landscaped parking area for surfers; stated the property owner was originally receptive to this idea, but withdrew the offer later.

Parks and Recreation Manager Wegner explained the difficulty in requiring a homeowners' association to maintain a park that is used by the public; advised the property owner requested the park be private and staff felt that would be acceptable since private parks help to offset use of public parks.

Simon Whitmey, Remington Properties, stated the park is accessible to the public; stated a condition of the Tentative Map requires that the site be landscaped and the CC&R's require it to be maintained by the homeowners' association.

Council deferred consideration of the Final Map of Tract 12356 to later in the meeting to allow time for the Community Development Director to check the Conditions of the Tentative Map to see if there is a Condition that requires the dedication of the park to the City. Council resumed discussion of this agenda item at 8:05 p.m. as follows:

Community Development Director Holloway explained the Tentative Map does not include a provision for a dedicated public park.

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MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to approve the final tract map of Tract 12356 as submitted by Oakwood Remington Joint Venture, H. R. Remington Properties, General Partner, and authorize execution of the Subdivision Agreement by the Mayor and City Clerk.

MOTION BY COUNCILMEMBER LORCH that staff explore possible dedication of the park site in Tract 12356 to the City for possible use as a small park or possible future transportation drop point. The motion died for lack of a second.

5. WARRANT REGISTER

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve Warrant Nos. 67524 and 67528 through 67665 for period 8-24-87 through 8-28-87 (Voids 67525 through 67527) in the amount of \$119,072.64; Warrant Nos. 67666 and 67670 through 67838 excluding Payroll Warrant for period 8/31/87 through 9/4/87 (Voids 67667-67669) in the amount of \$592,415.68; Payroll Warrant No. 67811 for period 8/24/87 through 9/6/87 in the amount of \$237,100.13; for a total Warrant Register of \$948,588.45.

6. UNFINISHED BUSINESS

None.

7. NEW BUSINESS

A. Sphere of Influence

Report from the Community Development Director concerning initiation of a Sphere of Influence update through LAFCO.

Cheri Phelps, of PBR (representing the Talega Valley project) indicated her desire to participate in the Sphere of Influence update.

Karoline Koester, 401 Via Pajaro, commented on the necessity for participation by all parties to enable a mutually satisfactory conclusion; felt the ultimate City decision should rest with the balance between expenditures and revenue.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to direct staff to initiate a Sphere of Influence update and prepare a map showing the

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area to be included within the boundaries as well as a plan for services. This Sphere of Influence will incorporate the Talega Valley site as well as other property currently under Orange County jurisdiction along the northeastern City limit boundary.

B. Street Name Signage Program

Report from the Community Development Director concerning institution of a new street name signage specification and replacement program.

Maintenance Services Manager Somerville and Traffic Engineer Hindiyeh narrated a slide presentation, explaining the engineering benefits of quality street name signage; discussed visibility problems associated with current signage, particularly at night; felt a street name sign modernization program should include nine steps as specifically set forth in the Administrative Report, dated July 9, 1987, and on file in the City Clerk's Office.

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

1. Endorse and approve the concept of a uniform street name signage program.
2. Provide guidelines and indicate areas of concern to the staff regarding the street name signage program and its implementation.
3. Endorse and approve the recommended phasing program for implementation upon adoption of new standards and specifications for the street name signs which would provide the following:
  - a. The developers of any new areas; i.e., back country, would be required to install street name signs in accordance with the new City standards and specifications.
  - b. City forces would replace, as the present budget allows, on an "as needed" basis; i.e., damage, vandalism, missing, etc., any street sign(s) according to the same new standards and specifications.
  - c. The remainder of the present type of street name signs would be replaced as could be fiscally budgeted over the next few years.
4. Refer the issue to the Community Design Commission



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for their input and recommendations regarding the design and color of the street name signs. The Community Design Commission is to be advised of the Council's preference for lower-case letters and abbreviated street prefixes.

Council directed that 1) the street names be mounted in the City Hall parking lot to aid in color selection; and 2) that developers be apprised of the impending change in street name signage standards.

Councilmember Mecham requested that staff investigate means of rectifying problems caused by similarity in street names.

Terry Lucarelli, 525 Calle del Rito, stated her street is adjacent to Calle del Cerrito which creates confusion since the two names are similar in sound; voiced particular concern with the delay such confusion creates for emergency services vehicles; requested public discussion and input on this issue.

8. ORAL COMMUNICATIONS

Ray Campbell, 1209 La Jolla, thanked Council for suggesting temporary use of his property (known as the old Bank of San Clemente Property) for use by Marina Chevrolet; advised said proposal has received a negative response by the Planning Department; commented on the difficulty involving in finding San Clemente streets on maps due to street prefixes.

9. REPORTS

A. Commission and Committee

None.

B. City Manager

City Manager Hendrickson requested a Closed Session to discuss matters of personnel.

C. City Attorney

City Attorney Oderman requested a Closed Session to discuss 1) threatened litigation, pursuant to Government Code Section 54956.9(b)1 and 2) pending litigation (Broadmoor San Clemente Community Association v. Broadmoor Inc., et al.), pursuant to Government Code Section 54956.9(a) - O.C. Case #414507.

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D. Councilmembers

Councilmember Limberg requested an update on the letter sent to the County of Orange re Talega processing. Community Development Director Holloway advised staff will meet with the County Planning Director on September 17, 1987. City Manager Hendrickson advised he will meet on September 17, 1987 with Supervisor Riley's aide.

Councilmember Limberg requested an update on San Gorgonio Park. Staff is to report back.

Councilmember Limberg advised he will meet with Supervisor Riley on September 26, 1987 regarding JPA issue.

Councilmember Rice advised he discussed the possibility of establishing a mini-bus in San Clemente with Mimi Collier of the Chamber of Commerce. Council requested staff pursue a presentation re this possibility. Councilmember Limberg suggested that Laguna Beach and Newport Beach be contacted relative to the success or lack of success of their shuttle systems.

Councilmember Rice requested the City Manager look into the possibility of additional part-time staffing for the City Clerk's Office or other means of rectifying workload situation.

Mayor Veale reported that Margaret Hoffman is interested in establishing a disposal system for household-type toxic waste.

Mayor Veale advised she attended a meeting of the La Cristianita Pageant Board; stated they are contacting various service organizations as to whether they wish to see the Pageant continue and, if so, whether they would volunteer one of their members to serve on the Pageant Board and volunteer funding and time. Council indicated desire to be represented on the Pageant Board.

Mayor Veale questioned whether Council wishes to establish different types of plaques/mementos for out-going Commissioners depending on their length of service. It was the consensus of Council to retain the current policy of giving the same plaque to all Commissioners.

Mayor Veale requested that the topic of remodeling the Council Chambers be agendized for the next

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Council meeting.

Mayor Veale distributed information regarding the American Water Works Association. Staff is to report back on whether it would be advantageous for the City to join.

Mayor Veale advised that Yorba Linda is still an active site for the Nixon Presidential Archives. Council directed that the Mayor and one Councilmember attempt to make contact with President Nixon to express deep concern of the City over the continuing use of the City site for the Nixon Presidential Archives. City Attorney Oderman requested that Council ratify this direction at its September 30, 1987 meeting. Council felt a memento gift (e.g., aerial photo of City) would be appropriate.

10. RESOLUTIONS/ORDINANCES

A. Ordinance No. 950 - Second Reading

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adopt Ordinance No. 950 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CERTAIN SECTIONS OF THE SAN CLEMENTE ZONING ORDINANCE WITHIN THE CITY MUNICIPAL CODE RELATING TO SITE PLAN REVIEW PROCESS.

B. Ordinance No. 951 - Second Reading

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to adopt Ordinance No. 951 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CERTAIN SECTIONS OF THE SAN CLEMENTE ZONING ORDINANCE WITHIN THE CITY MUNICIPAL CODE RELATING TO CERTAIN PERMITTED USES.

C. Ordinance No. 952 - Second Reading

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER RICE, to reconsider Ordinance No. 952 as it relates to the amount of front yard setback. City Attorney Oderman opined that the issue of the front yard setback can be considered a clerical correction and be revised, if desired, as part of the second reading of the Ordinance. Councilmembers Lorch and Rice withdrew the motion on the floor.

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MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER RICE, to change the front yard setback requirement from a 10' minimum to a 15' minimum.

Harry Weinroth, representing Benco Development Group, Box 1566, San Juan Capistrano, felt additional parking spaces would result in higher quality businesses; stated a preference for landscape islands within the parking lot as opposed to a 15' setback.

Frank Bennett, President of Benco Development Group, stated willingness to landscape 10% of the parking lot with a 10' front yard setback; felt additional parking spaces are needed more than 5' in additional setback; in response to a question posed by Councilmember Limberg, advised that Benco Development Group would be amenable to providing mature landscaping.

City Attorney Oderman advised that if a 10' minimum setback is specified, it would be possible to require a greater setback when the project goes through the site plan review process.

Council discussed the need for parking, the fact that this is a crucial project on Pico, and desire for interior landscaping within the parking area; discussed possibility of requiring a 10' front yard setback if 15% of the parking lot is landscaped, or requiring a 15' front yard setback if 10% of the parking lot is landscaped, to allow design flexibility.

SUBSTITUTE MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 3-2 (COUNCILMEMBERS LORCH AND RICE VOTING NOE), to require a 10' front yard setback if 15% of the parking lot is landscaped, or require a 15' front yard setback if 10% of the parking lot is landscaped.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 3-2 (COUNCILMEMBERS LORCH AND RICE VOTING NOE), to adopt Ordinance No. 952 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING ORDINANCE NO. 794, THE SAN CLEMENTE ZONING ORDINANCE, RELATING TO COMMERCIAL RETAIL CENTERS IN THE M-2 DISTRICT (ZONING AMENDMENT 87-03), as heretofore amended.

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CLOSED SESSION

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to recess to Closed Session at 10:00 p.m. to discuss 1) threatened litigation, pursuant to Government Code Section 54956.9(b)1; 2) pending litigation (Broadmoor San Clemente Community Association v. Broadmoor Inc., et. al), pursuant to Government Code Section 54956.9(a) - O.C. Case #414507; and 3) matters of personnel.

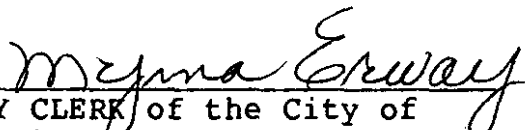
MEETING RECONVENED

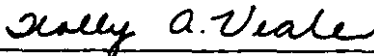
Council reconvened at 10:50 p.m., with all members present.

City Manager Hendrickson advised that a department head team-building seminar will be held on September 24, 1987 and September 25, 1987; invited Council to a dinner on September 24, 1987 and to engage in a discussion and presentation by Dr. Mathis. City Attorney Oderman summarized the provisions of the Brown Act and stated Council can attend the session provided no action is taken or direction given.

ADJOURNMENT

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to adjourn at 10:55 p.m. to September 20, 1987 at 9:30 a.m. at 2308 Plaza a La Playa for purpose of discussing matters of personnel.

  
 CITY CLERK of the City of  
 San Clemente

  
 MAYOR of the 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 an adjourned regular meeting of the City Council held on September 16, 1987 said meeting was adjourned to the time and place specified in the ORDER OF ADJOURNMENT attached hereto; and that on September 17, 1987 at the hour of 8:45 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 September 17, 1987 at San Clemente, California.

*Myrna Erway*  
MYRNA ERWAY  
CITY CLERK

