

CITY OF SAN CLEMENTECITY COUNCIL MINUTESREGULAR MEETING - DECEMBER 2, 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 Lorch at 6:05 p.m.

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

ABSENT Council Members - NONE

STAFF PRESENT James Hendrickson, City Manager; 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.

Appointment of Members to the Housing Element Citizens Advisory Committee

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to appoint Mary Erickson, Richard Handy, Marilyn La Husen, Linda Lockwood, Bill Maloney, Ed Kveskin and Mayor Lorch to the Housing Element Citizens Advisory Committee.

CLOSED SESSION

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to recess to Closed Session at 6:15 p.m. for purposes of discussing pending litigation (Measure B lawsuits) pursuant to Government Code Section 54956.9(a). The City Manager and City Attorney were in attendance.

MEETING RECONVENED

Council reconvened at 7:10 p.m., with all members present.

INVOCATION

Doug Baker, Evangelical Free Church of San Clemente, gave the invocation.

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PLEDGE OF ALLEGIANCE

Mayor Lorch led the Pledge of Allegiance.

1. SPECIAL PRESENTATIONS

None.

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

3. PUBLIC HEARINGS

- A. Use Permit 87-25 and Tentative Tract Map 12909 - 206-208 Avenida Montalvo

Public Hearing to consider a request to allow fourteen condominiums on .652 acres located at 206-208 Avenida Montalvo.

City Planner Barnes reviewed the contents of the Administrative Report; advised the Planning Commission unanimously recommends approval of the project; noted the project will require a coastal permit.

Mayor Lorch opened the Public Hearing.

Dudley St. John, 34469 Camino El Molino, Capistrano Beach, stated the setbacks, height and density of the project meet zoning requirements; felt the project would have a minimal impact on traffic; reviewed the project renderings, focusing on the revised facade of the structure; advised storage areas will be provided for residents.

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

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

1. Adopt Resolution No. 87-92 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA ADOPTING A NEGATIVE DECLARATION AND CONDITIONALLY APPROVING TENTATIVE TRACT MAP NO. 12909 SUBJECT TO THE EIGHT FINDINGS AND NINE CONDITIONS.
2. Adopt Resolution No. 87-93 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA ADOPTING A NEGATIVE DECLARATION AND CONDITIONALLY APPROVING USE PERMIT 87-25 SUBJECT TO FOUR FINDINGS AND 19 CONDITIONS OF APPROVAL.

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B. Standards for the Establishment of Recycling Facilities

Public Hearing to consider amending Appendix A of the Code of the City of San Clemente (the Zoning Ordinance) to incorporate standards for the establishment of recycling facilities.

Associate Planner Philbrick advised of the requirements of the California Beverage Container Recycling and Litter Reduction Act; opined that only reverse vending machines and small collection facilities will be installed in the City as a result of this legislation; noted the Ordinance as presently drafted would require small collection facilities to go through a site plan review process which could take two months; suggested, therefore, that Council either 1) revise the ordinance to eliminate the necessity for site plan review for small collection facilities in commercial and industrial zones, or 2) authorize the issuance of temporary use permits during the processing of the Site Plan Review.

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

Councilmember Mecham noted the City of Irvine allocates specific days for the collection of recyclable containers; suggested staff investigate the feasibility of implementing a similar program in San Clemente.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to introduce Ordinance No. 959 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING APPENDIX A OF THE CODE OF THE CITY OF SAN CLEMENTE TO SET OUT CONDITIONS AND PROCEDURES FOR PERMITTING RECYCLING FACILITIES.

City Attorney Oderman advised the Ordinance requires minor clerical changes; stated he will incorporate those revisions prior to the second reading of the Ordinance.

C. Fees for Development Procedures and Services Provided by the Planning Division

Public Hearing to consider the establishment of new fees for development procedures and services provided by the Planning Division.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to continue the Public Hearing to the City Council meeting of December 17, 1987.

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D. Proposed Revisions - Measure B Implementation and Ordinance No. 922

Continued Public Hearing to consider amending Chapter 38 of the Code of the City of San Clemente and the RDEB point and criteria standards used to implement Chapter 38.

CLOSED SESSION

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to recess to Closed Session at 7:50 p.m. for purposes of discussing pending litigation (Measure B lawsuits) pursuant to Government Code Section 54956.9(a). The City Manager, City Attorney, and Community Development Director were in attendance.

MEETING RECONVENED

Council reconvened at 8:18 p.m., with all members present.

Community Development Director Holloway summarized the revisions made to the RDEB criteria as a result of Council instructions of November 24, 1987. These amendments are specifically contained in the Administrative Report, dated December 1, 1987, and on file in the City Clerk's Department; advised that Page 1 of Section 6A of the Ordinance under "Wastewater" should be corrected to change the figure "9.76 MGD" to "6.976 MGD".

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

MOTION BY COUNCILMEMBER RICE, SECOND BY COUNCILMEMBER VEALE, CARRIED 4-1 (COUNCILMEMBER LIMBERG VOTING NOE) to:

1. Adopt a Negative Declaration and introduce Ordinance No. 953 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE DELETING SECTION 6b(15) (AGRICULTURAL IMPACT) OF CHAPTER 38 OF THE CODE OF THE CITY OF SAN CLEMENTE, with the understanding that Page 1 of Section 6A of the Ordinance under "Wastewater" will be corrected to read "The project will pay all applicable wastewater assessments/fees and wastewater service can be accommodated without expansion of the sewage treatment plant beyond 6.976 MGD."

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2. Adopt Resolution No. 87-81 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE AMENDING THE IMPLEMENTATION PROGRAM FOR CHAPTER 38 OF THE CODE OF THE CITY OF SAN CLEMENTE.
4. CONSENT CALENDAR

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve the Consent Calendar with the removal of of Item 4B(1) (Planning Commission Minutes of November 3, 1987).

A. MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve the City Council minutes of the Adjourned Regular Meeting of November 18, 1987, and the Regular Meeting of November 18, 1987.

B. MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to receive and file the Residential Development Evaluation Board minutes of the October 12, 1987 Special Meeting.

C. Assessment District 85-1 (Wastewater Treatment Plant Expansion) - Modifications to Assessments

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adopt Resolution No. 87-45 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ORDERING CHANGES AND MODIFICATIONS IN SPECIAL ASSESSMENT DISTRICT NO. 85-1 PURSUANT TO THE MUNICIPAL IMPROVEMENT ACT OF 1913.

D. Final Map Approval - Tract 12864 - Dividend Development Corporation

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve the final tract map of Tract 12864 as submitted by Dividend Development Corporation, and authorize execution of the Subdivision Agreement by the Mayor and City Clerk.

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E. Authorization for SERRA to Hire Consultant for Ocean Outfall Master Plan and Authorization of Expenditure for City's Share

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

1. Approve the hiring of NBS/Lowry and Associates to prepare a SERRA Ocean Outfall Master Plan for SERRA.
2. Authorize payment of San Clemente's share of \$6,575 from funds budgeted for that purpose in Assessment District 85-1.

F. Notice of Completion - Sidewalk Construction at Freeway Underpasses (Presidio and El Camino Real)

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to accept the project from Bruce Paving Company, Inc., for sidewalk construction at freeway underpasses (Presidio and El Camino Real) and authorize the City Clerk to file a Notice of Completion with the County Recorder. (Contract No. C87-055)

G. Award of Contract - Reconstruction of Well No. 6, Project No. 9-87

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve and authorize the Mayor to execute Contract No. C87-074 for reconstruction of Well No. 6, Project No. 9-87, to the low bidder, McCalla Brothers, in the amount of \$20,278.

H. Claim for Damages - State of California

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to deny the Claim for Damages filed by the State of California for an unspecified amount, based on the insurance adjuster's recommendation.

I. Withdrawal of Bid/Re-Awarding of Bid, Five 1988 Police Patrol Vehicles

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to accept the withdrawal of Hacienda Ford's bid and accept the bid of Courtesy Chevrolet in the amount of \$71,008.13 for the purchase of five (5) 1988 "9C1" Chevrolet Police Patrol cars.

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J. CDBG Cooperation Agreement

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

1. Approve Resolution No. 87-96 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE APPROVING THE CITY'S PARTICIPATION IN THE HOUSING AND COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM WITH THE COUNTY OF ORANGE.
2. Approve and authorize the Mayor to execute the Cooperation Agreement between the City of San Clemente and the County of Orange. (City Contract No. C87-075).

ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION

B. Planning Commission Minutes of November 3, 1987

MOTION BY COUNCILMEMBER VEALE, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to call up for review Site Plan Review 87-06 (Rancho San Clemente) and to direct staff to address the issue of hillside landscaping as a screening device.

MOTION BY COUNCILMEMBER VEALE, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to approve the balance of the Planning Commission minutes of November 3, 1987.

5. WARRANT REGISTER

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve Warrant Nos. 69329 through 69481 excluding Payroll Warrant for period 11-9-87 through 11-13-87 (Voids 69327-69328) in the amount of \$324,602.26; Warrant No. 69482 and Nos. 69489 through 69630 for period 11-16-87 through 11-20-87 (Voids 69483-69488) in the amount of \$525,182.62; Payroll Warrant No. 69453 for period 11-2-87 through 11-15-87 in the amount of \$233,437.88; for a total Warrant Register of \$1,083,222.76.

6. UNFINISHED BUSINESS

None.

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7. NEW BUSINESS

A. Avenida Valencia - Traffic Mitigation Measures

Report from the Community Development Director concerning approval of traffic measures to improve safety conditions on Avenida Valencia.

Council received a petition signed by 28 residents of the 100 block of Avenida Valencia addressing the proposed traffic flow changes on Valencia.

City Engineer Cameron reviewed the contents of the Administrative Report; revised the staff recommendation contained in the Administrative Report to lessen the amount of red curbing that would be placed on Avenida Valencia to a total of 40'.

Lee Riley, 125 Valencia, on behalf of the residents in the 100 block, spoke in support of removing the "No U-Turn" signs; felt the amount of red-curbing should be minimized, if not eliminated, due to the parking shortage in the area; requested more frequent policing to help resolve the speed situation; felt a sign should be situated at the top of the hill advising of the 25 MPH speed limit.

Councilmember Mecham questioned whether the City would incur a potential liability if Council were to not adopt the recommendation of the City Engineer and an accident were to occur as a result of not having red-curbing. City Attorney Oderman responded that an individual could file a lawsuit claiming that a dangerous condition of public property exists regardless of the action taken by Council.

Laurie Bolles, 124 Valencia, felt that speed is the primary issue.

Duke Harrison, 223 Valencia, on behalf of the residents in the 200 block, stated he has never witnessed a problem with people trying to make U turns around the medians; stated he does not feel it is necessary to have red-curbing on Valencia.

Hilding Johnson, 223 Valencia, on behalf of the residents in the 200 block, spoke in support of removing the "No U-Turn" signs; voiced concern that the installation of red curbing would reduce property values on Valencia.



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MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, to authorize the removal of the "No U-Turn" signs and not install red curbing on the 100 and 200 blocks of Valencia.

Leo Vleisides, 131 Valencia, concurred the "No U-Turn" signs should be removed and that no red curbing should be installed; felt the two double-yellow lines at Ola Vista should be removed.

THE MOTION CARRIED 5-0.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, to direct staff to investigate means of facilitating U-turns at the corner of Valencia and Ola Vista.

SUBSTITUTE MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE to remove the two double-yellow lines at Ola Vista and Valencia and to replace them with a single double line.

Donna Ingles, 206 Valencia, questioned the proposed use for the pole that was recently installed in front of her home. Council requested that Ms. Ingles obtain this information from staff.

Steve Kingston, 4011 Calle Abril, suggested that in future considerations of this type that a large city map as well as a small detailed map of the subject area be on display to assist the public; felt the possibility of bots dots should be investigated as a possible speed deterrent on Valencia.

THE SUBSTITUTE MOTION CARRIED 5-0.

MOTION BY COUNCILMEMBER VEALE, SECOND BY COUNCILMEMBER MECHAM to direct staff to investigate, in conjunction with meetings with the neighbors, possible solutions to resolve the speed situation on Valencia and to report back to Council thereon.

Council requested that a concerted speed enforcement effort be made as an interim solution.

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Richard Patterson, 129 Valencia, suggested that the allowable speed on Valencia be reduced 7 or 8 MPH since the courts will not honor citations unless an individual exceeds the posted speed by that amount. Council responded that this action would not be possible since the State mandates that the speed limit on residential streets be 25 MPH.

THE MOTION CARRIED 5-0.

COUNCIL RECESSED AT 9:25 P.M. AND RECONVENED AT 9:35 P.M.  
WITH ALL MEMBERS PRESENT.

B. Bid Award - Microcomputer Network

Report from the Finance Director concerning installation of a complete microcomputer network.

Larry Moore, Marine Safety Lieutenant, reviewed the contents of the Administrative Report; stated the City's current word processing system cannot handle the present demands; summarized the advantages of microcomputers; advised the new system would be upgradable and would increase productivity.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, to accept the Innovative Micro, Inc. proposal to furnish and install a complete network of micro-computers in accordance with the RFP specifications at a total cost of \$169,475.

Councilmembers Limberg and Lorch indicated concern that the proposed system may be more sophisticated than necessary to handle the City's word processing needs.

Mark Liphardt, McAboy Yates, 901 Dove Street, Newport Beach, reviewed the capabilities of a personal computer; advised the system would enable the city to incrementally add various capabilities; stated that desk top publishing can provide typeset quality equivalent to the current quality of the Municipal Report.

SUBSTITUTE MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, to continue the issue of the Microcomputer Network Bid Award to the Council meeting of December 17, 1987.

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Jay Salsburg, 111 Ave. Granada #3, voiced concern that the Administrative Report did not address all available technologies; spoke in opposition to the use of IBM technologies; urged that available alternatives be explored; stated he would like to participate in meetings concerning this matter.

THE SUBSTITUTE MOTION CARRIED 5-0.

8. ORAL COMMUNICATIONS

A. Barry Richards' request for reconsideration of the appeal of Use Permit 87-22 (Sea Coast Estates).

Ron Mehrens, 2924 Calle Guadalajara, requested Council reconsider Use Permit 87-22 based on material that was not submitted to Council, i.e., a petition, dated October 6, 1987, and a letter, dated October 12, 1987 from Barry Richards to the Coast Homeowners Association.

City Attorney Oderman stated the Council does not have the authority to reconsider Use Permit 87-22; advised the use permit was granted pursuant to the appropriate procedures under the City's Zoning Ordinance; stated a decision on a use permit needs to be based upon evidence and the courts have made it clear that petitions are not evidence.

Steve Kingston, 4011 Calle Abril, urged that the Oral Communication portion of the agenda be considered at the beginning.

Barry Richards, 619 Calle Reata, voiced concern with the processing of his appeal of Use Permit 87-22.

9. REPORTS

A. Commission and Committee

None.

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B. City Manager

City Manager Hendrickson suggested that if Councilmembers know possible nominees to serve as Members-at-Large to the Orange County Transportation Commission, that they ask the nominee to submit a resume to the OCTC.

City Manager Hendrickson reviewed the "Equity Amendment" to the Super Committee Report. Mayor Lorch is to represent the City at the December 3, 1987 meeting on this matter.

C. City Attorney

City Attorney Oderman requested a Closed Session to discuss 1) a matter of pending litigation (DiAngelis v. City of San Clemente) pursuant to Government Code Section 54956.9(a); and 2) a matter of potential litigation, pursuant to Government Code Section 54956.9(c), to decide whether or not to initiate litigation.

D. Council Members

MOTION BY COUNCILMEMBER MECHAM, SECOND BY MAYOR LORCH, CARRIED 5-0, to call up for review the temporary use permit for an outdoor art sale at Security Pacific Bank, and to direct that staff do everything possible to discontinue this use until Council has had an opportunity to hear the permit.

Councilmember Veale read a letter from John H. Taylor, Assistant to President Nixon, dated November 5, 1987 which indicated that the Nixon family wanted the Nixon Library to be situated in Yorba Linda from its inception.

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Councilmember Veale stated she is in the process of contacting Charter cities to obtain their responses about run-off elections.

10. RESOLUTIONS/ORDINANCES

A. Second Reading - Ordinance No. 955

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adopt Ordinance No. 955 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE AMENDING SECTION 21B-1 OF THE SAN CLEMENTE CITY CODE PERTAINING TO THE DISCLOSURE OF HAZARDOUS MATERIALS.

B. Second Reading - Ordinance No. 957

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adopt Ordinance No. 957 entitled AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REPEALING ORDINANCE NO. 475 AND ORDINANCE NO. 684, PROVIDING FOR THE GRANTING OF FRANCHISES FOR COMMUNITY ANTENNA TELEVISION SYSTEMS.

MEETING RECESSED

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to recess to Closed Session at 10:40 p.m. for the purposes of discussing 1) pending litigation (DiAngelis v. City of San Clemente), pursuant to Government Code Section 54956.9(a); and 2) potential litigation to decide whether or not to initiate litigation, pursuant to Government Code Section 54956.9(c). The City Manager and City Attorney were in attendance.

MEETING RECONVENED

Council reconvened at 11:55 p.m., with all members present.

MEETING RECESSED

Council recessed to a meeting of the Redevelopment Agency at 11:55 p.m.

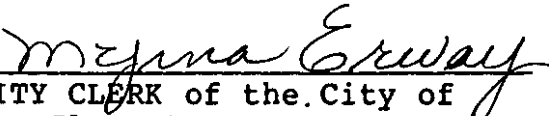
MEETING RECONVENED


Council reconvened at 11:56, with all members present.

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ADJOURN

Council adjourned at 11:55 p.m. The next Regular Council Meeting will be held on Thursday, December 17, 1987 at 7:00 p.m.

  
CITY CLERK of the City of  
San Clemente

  
MAYOR of the City of  
San Clemente