

CITY OF SAN CLEMENTECITY COUNCIL MINUTESREGULAR MEETING - FEBRUARY 4, 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 7:05 p.m.

INVOCATION

Rev. Alan Morse, Victory Baptist Church, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Veale led the Pledge of Allegiance.

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

ABSENT Council Members - None

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

CLOSED SESSION

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0 to recess to Closed Session at 7:10 p.m. to discuss a matter of potential litigation, pursuant to Government Code Section 54956.1(b). The City Manager and City Attorney were in attendance.

MEETING RECONVENED

Council reconvened at 7:25 p.m., with all members present.

1. SPECIAL PRESENTATIONS

- A. Appointment of Sharron Gill as City's representative to the State of California Bi-Centennial Commission on the United States Constitution.

Council deferred consideration of the appointment

of Sharron Gill to the meeting of February 18, 1987 to enable Ms. Gill the opportunity to make a presentation to Council.

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 Item G.

- A. MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve City Council minutes of January 14, 1987 and January 21, 1987.

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

- (1) Planning Commission minutes of January 6, 1987.
- (2) Community Design Commission minutes of January 13, 1987.
- (3) Parks and Recreation Commission minutes of January 13, 1987.

- C. Bid Award - Multi-Channel Communications Recording System - File No. 90

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to authorize the purchase of the Multi-Channel Communications Recording System from Dictaphone Corporation in the amount of \$25,935.02.

- D. Chamber of Commerce Request for City Wide "Sidewalk Sale" - File No. 35.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve the Chamber of Commerce request for a city wide "Sidewalk Sale" subject to the conditions of the temporary use permit as set forth in the Administrative Report.

- E. Contract Award - Architectural Engineering Services Contract for Phase III Development of San Gorgonio Park - File No. 77.10

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve and authorize the Mayor to execute a contract with Cardoza-DiLallo-Harrington for architectural and engineering services for the Phase III development of San Gorgonio Park in the amount of \$26,100.

- F. Amendment to City PERS Agreement - Sworn Fire Personnel - File No. 79.2

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

Adopt Resolution No. 87-05, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE STATING ITS INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE.

Adopt Ordinance No. 935, entitled AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

- H. Refuse Collection Rates - Cost of Living Adjustment File No. 93

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adopt Resolution No. 87-06 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING RATES FOR THE COLLECTION OF GARBAGE AND TRASH, AND REPEALING RESOLUTION NO. 113-83.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

- G. San Clemente Garden Club Show - City Co-Sponsorship File No. 77

Councilmember Lorch advised that the City will be preparing a formalized policy relating to facility rental charges for various group users; advised that he supports the staff recommendation in this matter, but advised that the procedure may be adjusted.

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

1. Co-sponsor the thirty-sixth Annual San Clemente Garden Club Flower Show.
2. Approve a flat fee rental charge of \$400 for the use of the Community Center.

5. WARRANT REGISTER

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LORCH, to approve the Warrant Register.

Councilmember Lorch requested that payments relating to the Assessment District be included in a separate register listing; questioned whether the Warrant Register in question includes any Assessment District payments.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to defer consideration of the Warrant Register until later in the meeting to give the Finance Director an opportunity to determine whether the Warrant Register includes any Assessment District payments.

Discussion of the Warrant Register resumed following deliberation on Agenda Item #6 as follows:

Finance Director Porter advised that the subject Warrant Register includes one payment that is connected with the sewer plant expansion, i.e., a \$30.00 payment to Carollo Engineers.

MOTION BY COUNCILMEMBER MECHAM, SECONDED BY COUNCILMEMBER LORCH FOR DISCUSSION, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to approve Warrant Nos. 62340 through 62470 for period 1-12-87 through 1-16-87 (Voids 62335 through 62339) in the amount of \$634,411.82; Warrant Nos. 62477 through 62624 excluding Payroll Warrant for period 1-19-87 through 1-23-87 (Voids 62471 through 62476) in the amount of \$243,054.40; Payroll Warrant No. 62598 for period 1-12-87 through 1-25-87 in the amount of \$211,798.64; for a total Warrant Register of \$1,089,264.86.

Councilmember Lorch requested that bills relating to the Assessment District be contained in a separate register.

Council agreed that Councilmember Lorch will meet with the City Manager and Finance Director and report on a

possible solution at the February 18, 1987 meeting.

6. UNFINISHED BUSINESS

A. Alternate Site for New Base of Pier Concession and Improvements to Fisherman's Restaurant - File No. 44.2

Report from the Director of Public Services concerning an alternative site for the base of the pier concession and improvements to the Fisherman's Restaurant.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to continue consideration of the Alternate Site for New Base of Pier Concession and Improvements to Fisherman's Restaurant to the meeting of February 18, 1987.

B. Use Permit 86-12 - Pico Auto Plaza - File No. 112

Report from the Community Development Director concerning architectural and landscaping plans for Pico Auto Center.

Senior Planner Goldin reviewed the contents of the Administrative Report.

Larry Roberts, Architect, answered Council inquiries relating to the location/accessibility of the trash storage area and the size of the pole sign.

Paul Jordan, Landscape Architect, provided an overview of the proposed landscape plans.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to approve the architectural and landscaping plans subject to the Conditions of Approval contained in the Administrative Report, in addition to the following added conditions:

1. That the pole sign be no higher than 15 feet.
2. That coordination take place with San Clemente Commercial relating to location/accessibility and holding capacity of the trash storage area.
3. That ficus rippen be planted along the back wall of the project.

7. NEW BUSINESSA. Proposed Compliance Plan for Wastewater Treatment Plant - Response to California Regional Water Quality Control Board's Order for Issuance of a Time Schedule (Order No. 86-109) - File No. 96

Report from the Acting Community Development Director concerning a compliance plan in response to the California Regional Water Quality Control Board Order No. 86-109 to establish a time schedule for the City of San Clemente to complete and submit a plan to prevent flow rates at the Wastewater Treatment Plant from exceeding plant capacity.

City Engineer Cameron reviewed the contents of the Administrative Report.

Councilmember Lorch referred to the projected average flow figures that were used for single-family and multi-family residences, commenting that he believes the figures to be too low; felt the figures should be validated.

City Engineer Cameron advised that the figures came from the Sewer Master Plan that projected the flow for the piping system and sewer plant; stated that staff attempted to take a conservative approach; advised the figures have been used by the City in past studies; stated the figures appear to be reasonable.

Councilmember Mecham advised that if the City were ever in danger of exceeding the capabilities of the Wastewater Treatment Plant, the Council could vote to stop further structure occupancy until such time as the Plant can accommodate the added capacity.

Councilmember Rice felt that utilization of the current figures could place the City in jeopardy.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, to adopt and forward to the California Regional Water Quality Control Board the compliance plan and time schedule contained in the Administrative Report.

Following discussion, THE MOTION CARRIED 3-2 (COUNCILMEMBERS LORCH AND RICE VOTING NOE.)

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, to direct staff to further study

and verify the figures used for average projected flow, as well as any other pertinent figures.

Councilmember Lorch requested that the motion be amended to direct staff to also address the affect in the event the second bond issue is delayed.

The maker of the motion accepted Councilmember Lorch's suggested amendment. THE AMENDED MOTION CARRIED 5-0.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to schedule a workshop concerning the Wastewater Treatment Plant to be held on Thursday, February 26, 1987 at 7:00 p.m.

8. ORAL COMMUNICATIONS

Norman Ream, 511 East San Juan, voiced concern that the Chemical Treatment Facilities are temporary facilities and will not be part of the permanent structure of the plant; stated the contract between the City and developers, which was executed in October, 1984, contains a covenant which provides that interim capacity added to the Plant will be paid for by the developers; urged that Council determine the estimated cost of the Chemical Treatment Facility and bill that amount to the back-country developers who were participants to the contract.

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER RICE, to direct the City Attorney to address the comments made by Mr. Ream and if it is found to have validity, that staff evaluate the costs and report back to Council.

AMENDED MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER RICE, CARRIED 4-1 (COUNCILMEMBER MECHAM VOTING NOE) to add the question raised by Mr. Ream to the list of questions that staff will address pertaining to the Wastewater Treatment Plant.

Karoline Koester, 401 Via Pajaro, questioned whether the meter at the effluent end of the plant includes water going to the golf course; questioned whether there is a separate meter going to the golf course and requested to be told of its location; requested that these questions be included in the Wastewater Treatment Plant questions to which staff will respond.

9. REPORTSA. Commission and Committee

None.

B. City Manager

City Manager Hendrickson reviewed the proposed budget process for Fiscal Year 1987/88. Council agreed to hold a meeting on Wednesday, March 11, 1987 at 7:00 p.m. to discuss budget issue papers.

C. City Attorney

City Attorney Oderman requested a Closed Session to discuss 1) an item of potential litigation, pursuant to Government Code Section 54956.9(b)1; 2) an item of potential litigation, pursuant to Government Code Section 54956.9(c); 3) an item of pending litigation (Aalbersberg vs. City of San Clemente - Verde Canyon Landslide), pursuant to Government Code Section 54956.9(a).

D. Council Members

Councilmember Limberg provided an update on the Joint Powers Authority, advising that emphasis is being placed on the Central and Eastern portions of the Foothill Corridor; advised the next major event will be the selection of an EIR Consultant for the Foothill Corridor.

Councilmember Limberg advised the City Council is sponsoring Jackie Bower in the Miss San Clemente Pageant; the Pageant will be held on Monday, February 16, 1987.

In response to a question posed by Councilmember Lorch, Senior Planner Goldin summarized the street improvements which will occur as a result of the project at Presidio and El Camino Real. Councilmember Lorch requested that he be provided with a sketch.

Councilmember Lorch commended Lynn Hughes, Marine Safety Captain, for pursuing and obtaining \$70,000, plus \$93,000 required for the project, in North Beach Concession funding. Council concurred.

Councilmember Rice requested, and received, an update on the South Ola Vista Street Recon-

struction project. Staff will provide Council with the latest schedule for the completion of the subject project.

Councilmember Mecham voiced concern that cars at Will's Auto are left out of doors in a state of disrepair and the property to the rear is being used as a storage lot; urged that staff investigate the situation and to agendize the matter if there is cause for nuisance abatement.

Councilmember Mecham stated the fence at the miniature golf area does not remain in tact for more than 1-2 days; believes the situation creates a pending danger to community; urged staff investigate potential nuisance abatement and report back at the February 18, 1987 meeting.

Councilmember Mecham urged that Council continue its efforts and relationships with other coastal cities to prohibit offshore oil drilling.

Councilmember Mecham commended Chaplain Carl Stone and Officer Richard Hunt for their compassion and professionalism in helping his mother when she learned of her son's death on January 23, 1987.

Council agreed to discuss the issue of possibly purchasing new microphones in connection with the FY 1987/88 budget.

Mayor Veale referred to a letter from Governor Deukmejian concerning Medals for Bravery for citizens under 18 years of age who have performed acts of courage during the past calendar year. Councilmembers were urged to contact the City Manager if they wish to nominate a possible recipient for this award. It was agreed that the Boys Club would be contacted.

Mayor Veale stated she recently witnessed a border patrol chase exiting the Santa Ana Freeway onto Presidio; staff was requested to provide a report on this incident.

Mayor Veale reported there is interest on the part of Rancho San Clemente to provide a recreational vehicle storage lot in the area adjacent to the softball complex. Council indicated support for the proposal and spoke in support of increasing the size from 5 to 10 acres. City Manager Hendrickson reported that Fire Chief Dailey is currently pursuing this proposal.

Mayor Veale requested that the issue of establishing formal sub-committees of the Council be agendized for the February 18, 1987 meeting. Mayor Veale will forward a communication to Council, which was prepared by the Mayor of Camarillo, relating to sub-committees of the Camarillo City Council.

10. RESOLUTIONS/ORDINANCES

For Resolution No. 87-05, see Page 3.

For Resolution No. 87-06, see Page 3.

For Ordinance No. 935, see Page 3.

MEETING RECESSED

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to recess to a meeting of the Redevelopment Agency at 9:37 p.m.

MEETING RECONVENED

Council reconvened at 9:38 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 9:38 p.m. to discuss 1) an item of potential litigation, pursuant to Government Code Section 54956.9(b)1; 2) an item of potential litigation, pursuant to Government Code Section 54956.9(c); 3) an item of pending litigation (Aalbersberg vs. City of San Clemente - Verde Canyon Landslide), pursuant to Government Code Section 54956.9(a). The City Manager, City Attorney, Community Development Director, City Engineer, and Assistant City Manager were in attendance. Iraj Poormand was present during the Via Alegre portion of the Closed Session.

MEETING RECONVENED

The meeting reconvened at 11:40 p.m., with all members present.

ADJOURN

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to adjourn at 11:40 p.m. to an Adjourned Regular Meeting to be held at 6:00 p.m. on Wednesday, February 18, 1987 in the Council Chambers, 100 Avenida Presidio, for the

purpose of holding a Closed Session to discuss a matter of potential litigation to be filed by the City under Government Code Section 54956.9(c).

Maryna Erway
CITY CLERK of the City of
San Clemente

Wally O. Veale
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 the regular meeting of the City Council held on February 4, 1987 said meeting was adjourned to the time and place specified in the ORDER OF ADJOURNMENT attached hereto; and that on February 5, 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 February 5, 1987 at San Clemente, California.

Myrna Erway
MYRNA ERWAY
CITY CLERK

NOTICE OF ADJOURNMENT

EXCERPT FROM THE MINUTES OF THE CITY COUNCIL

MEETING OF FEBRUARY 4, 1987

An adjourned regular meeting of the San Clemente City Council was held in the Council Chambers on Wednesday, February 4, 1987 and was called to order at 7:00 p.m.

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

 ABSENT: None

ADJOURNMENT

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to adjourn to an adjourned regular meeting to be held at 6:00 p.m. on Wednesday, February 18, 1987 in the Council Chambers, 100 Avenida Presidio, for the purpose of holding a Closed Session to discuss a matter of potential litigation to be filed by the City under Government Code 54956.9(c).


MYRNA ERWAY
City Clerk