

CITY OF SAN CLEMENTECITY COUNCIL MINUTESREGULAR MEETING - OCTOBER 15, 1986

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 Mecham at 7:00 p.m.

INVOCATION AND THE PLEDGE OF ALLEGIANCE were conducted by Mayor Mecham.

PRESENT Council Members - CARR, DIEHL, KOESTER, LIMBERG, MAYOR MECHAM

ABSENT Council Members - None

ALSO PRESENT James B. Hendrickson, City Manager; Myrna Erway, City Clerk; Phil Kohn, Deputy City Attorney; Greg Hulsizer, Acting Community Development Director; Fritz Zapf, Acting City Engineer/Building Official; Joanne Baade, Deputy City Clerk; and certain other staff members present in the audience.

1. SPECIAL PRESENTATION

None

2. MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR, CARRIED 5-0, to waive reading in full of all Resolutions and Ordinances.

3. PUBLIC HEARINGS

A. SB 201 - DEVELOPER FEE INCREASE - File No. 105

Public hearing to consider a request by the Capistrano Unified School District to increase SB 201 Developer Fees.

The public hearing was opened and closed, there being no one desiring to speak on this issue.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR, CARRIED 5-0, to table this agenda item in compliance with the request of the Capistrano Unified School District.

4. CONSENT CALENDAR

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR, CARRIED 5-0, to approve the Consent Calendar with the removal of items E, F, and K.

A. MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR, CARRIED 4-0-1 (COUNCILMAN LIMBERG ABSTAINING), to approve the City Council minutes of October 1, 1986.

B. MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR, CARRIED 5-0, to receive and file the following minutes/report:

(1) Planning Commission minutes of September 23 and September 30, 1986.

(2) Departmental Activities Report - September, 1986.

(3) Residential Development Evaluation Board minutes of September 30, 1986.

C. EQUIPMENT PURCHASE - TRAFFIC PAINT LINE REMOVING MACHINE - File No. 90

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR, CARRIED 5-0, to approve the purchase of a GLC-15 Roadline Eraser Machine, by sole source purchase, through transfer of funds in the amount of \$6,590.00 from Account #001-614-43470 (Maintenance of Other Facilities) to Capital Outlay Account #001-614-45500.

D. SB 821 BICYCLE AND PEDESTRIAN FACILITIES GRANT PROGRAM - File No. 106

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR, CARRIED 5-0, to adopt Resolution No. 86-109, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, APPROVING THE APPLICATION FOR PEDESTRIAN FUNDS UNDER SB 821.

G. CONTRACT RENEWAL - SAN DIEGO AMBULANCE SERVICE CONTRACT - File No. 52

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR, CARRIED 5-0, to approve and authorize the Mayor to execute a renewed contract with San Diego County for City's provision of ambulance services covering the medically indigent in that portion of San Diego County north of Las Pulgas on Interstate 5, Old Coast Highway and San Onofre State Beach.

H. ACCEPTANCE OF WORK - MUNICIPAL GOLF COURSE CURB AND GUTTER IMPROVEMENT - File No. 58

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR, CARRIED 5-0, to:

1. Accept the work from Sully-Miller Contracting Company and authorize the City Clerk to file a Notice of Completion for the Municipal Golf Course Curb and Gutter Improvement project.
2. Authorize additional expenditure of \$13,330.40 from the Golf Course Non-Operating Program to cover the additional construction costs.

I. FINAL MAP APPROVAL - TRACT 12253 - MARBLEHEAD, AREA III, PHASE II - File No. 105

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR, CARRIED 5-0, to 1) approve the final map of Tract 12253, 2) authorize the City Clerk to sign and record said map, and 3) authorize execution of the Subdivision Agreement by the Mayor and City Clerk.

J. FINAL MAP APPROVAL - TRACT 12167 - MARBLEHEAD, AREA III - PHASE II - File No. 105

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR, CARRIED 5-0, to 1) approve the final map of Tract 12167, 2) authorize the City Clerk to sign and record said map, and 3) authorize execution of the Subdivision Agreement by the Mayor and City Clerk.

- L. CLAIM FOR DAMAGES - FILED BY ARLENE COLE - File No. 42.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR, CARRIED 5-0, to deny the claim for damages filed by Arlene Cole in the amount of \$30,263.00, based on insurance adjuster's recommendation.

- M. CLAIM FOR DAMAGES - FILED BY GENERAL ACCIDENT INSURANCE COMPANY - File No. 42

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR, CARRIED 5-0, to deny the claim for damages filed by General Accident Insurance Company, based on insurance adjuster's recommendation.

- N. CLAIM FOR DAMAGES - FILED BY ALBURTO ALBERTY - File No. 42.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR, CARRIED 5-0, to deny the claim for damages filed by Alburto Alberty in the amount of \$500,000.00, based on insurance adjuster's recommendation.

- O. CLAIM FOR DAMAGES - FILED BY PATRICIA J. EVERHARDT - File No. 42

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR, CARRIED 5-0, to deny the claim for damages filed by Patricia J. Everhardt in the amount of \$10,400.00, based on insurance adjuster's recommendation.

- P. CLAIM FOR DAMAGES - FILED BY PAUL ARONS - File No. 42.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR, CARRIED 5-0, to deny the claim for damages filed by Paul Arons in the amount of \$400.00, based on insurance adjuster's recommendation.

CONSENT CALENDAR ITEMS REMOVED FOR DISCUSSION

- E. CITY COMPENSATION RESOLUTION - AMENDMENT - File No 79

Councilwoman Koester advised that she will oppose the proposed amendment to the City Compensation Resolution inasmuch as she feels further investigation is needed.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN LIMBERG, CARRIED 4-1 (COUNCILWOMAN KOESTER VOTING NOE) to adopt Resolution No. 86-110, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, AMENDING RESOLUTION NO. 92-83 AND REVISING THE SALARY RANGE FOR THE POSITION OF CITY ENGINEER IN THE CITY SERVICE.

- F. BID AWARD - WASTEWATER TREATMENT PLANT EXPANSION - PURCHASE OF BELT PRESSES FOR SLUDGE DEWATERING - File No. 96

Councilwoman Koester advised that she will oppose the subject bid award due to her concern with the expansion of the Wastewater Treatment Plant.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN LIMBERG, CARRIED 3-2 (COUNCILMEMBERS CARR AND KOESTER VOTING NOE), to authorize the purchase of two belt presses from the low qualified bidder Arus Andritz of Arlington, Texas in the amount of \$349,816.00.

- K. REQUEST FOR WAIVER OF FEE - ETERNAL LIGHT CHURCH OF RELIGIOUS SCIENCE - File No. 112

Reverend Carol Nickson, 2340 South El Camino Real, representing the Eternal Light Church of Religious Science, urged that Council waive the \$750 fee associated with the Church's Conditional Use Permit. Reverend Nickson relayed her concern with the cost of the Use Permit and pointed out that the church is a non-profit organization and community service organization.

Council responded that the City has denied similar requests in the past, and explained that approval of the subject request could set an undesirable precedent.

MOTION BY COUNCILMAN LIMBERG, SECOND BY COUNCILMAN DIEHL, CARRIED 5-0, to deny the request for waiver of the \$750 Use Permit Fee for the Eternal Light Church of Religious Science Conditional Use Permit.

5. WARRANT REGISTER

MOTION BY COUNCILMAN LIMBERG, SECOND BY COUNCILMAN DIEHL, CARRIED 5-0, to approve Warrant Nos. 60001 through 60136 excluding Payroll Warrant for the period 9/27/86 through 10/3/86 in the amount of \$426,141.27; Warrant Nos. 60137 through 60321 for period 10/4/86

through 10/10/86 in the amount of \$425,711.73; Payroll Warrant No. 60294 for period 9/22/86 through 10/5/86 in the amount of \$198,947.47; for a total Warrant Register of \$1,050,800.47.

6. UNFINISHED BUSINESS

A. SOUTH OLA VISTA RECONSTRUCTION PROJECT -
REPLACEMENT OF EUCALYPTUS TREES - File No. 77.14

Report from the Acting Community Development Director concerning the possible removal and replacement of three eucalyptus trees located on the east side of South Ola Vista between Madrid and Trafalgar as part of the South Ola Vista Reconstruction Project.

Mayor Mecham spoke in support of retaining the subject eucalyptus trees, citing the community's sentiment for the trees.

In answer to Council inquiry, Fritz Zapf, Acting City Engineer, advised that the center tree currently leans into the traffic lanes, thereby creating a traffic hazard. He added that the grade will be raised 2'6" when the street is reconstructed, thereby causing the other trees to lean and further compound the hazardous situation.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN LIMBERG, to:

1. Authorize the removal of the three eucalyptus trees located on the east side of South Ola Vista between Madrid and Trafalgar as called for in the South Ola Vista Reconstruction Plans.
2. Authorize the replacement of those trees with six fifteen-gallon eucalyptus ficifolia red flowering gum trees.

SUBSTITUTE MOTION BY MAYOR MECHAM to amend the motion on the floor to provide that the replacement trees be 24-inch-box-size eucalyptus ficifolia. The Substitute Motion died for lack of a second.

THE ORIGINAL MOTION CARRIED 4-1 (MAYOR MECHAM VOTING NOE.)

B. PROPERTY PURCHASE - 129-131 AVENIDA CABRILLO

Report from the Acting Community Development Director concerning the possibility of the City Council appropriating \$72,000 from the Municipal Parking In-Lieu Fee Fund for the purchase of the property located at 129-131 Avenida Cabrillo.

Greg Hulsizer, Acting Community Development Director, provided a budget impact update, advising that as of June 30, 1986, there was \$91,797.00 in the Municipal Parking In-Lieu Fee Fund. He added that the appropriation of \$72,500 from the In-Lieu Fee Fund would leave a balance of \$19,297.00.

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 5-0, to:

1. Approve the purchase offer of \$72,000 for the property located at 129-131 Avenida Cabrillo.
2. Appropriate \$72,500 (\$72,000 for purchase and \$500 maximum for closing costs) from the Municipal Parking In-Lieu Fund for the property located at 129-131 Avenida Cabrillo.

7. NEW BUSINESS

A. WASTEWATER TREATMENT PLANT EXPANSION PROJECT VALUE ENGINEERING ANALYSIS, PHASE II - File No. 96

Report from the Acting Community Development Director concerning the second phase of the Value Engineering Analysis of the Wastewater Treatment Plant Expansion project.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR, to:

1. Authorize that a Value Engineering Panel be convened to examine the design progress now at the 50% completion stage.
2. Appoint to the panel Robert Russell, Civil/Construction Engineer, as Project Manager; Nicholas L. Presecan, Civil/Sanitary Engineer, as Process Engineer; George M. Wesner, Ph.D. Sanitary Engineer as Team Coordinator; Robert L. Hench, Architect, as Architectural Reviewer; Herbert A. Johnson, Grade V Certified Operator, as Operations

Specialist; the City Engineer as ex-officio and Liaison Engineer for the City, and a Cost Estimator from Parsons Engineering to be appointed later.

3. Approve the proposal by NBS/Lowry to perform the second phase of the Value Engineering Analysis, at a cost not to exceed \$41,342.

Councilman Diehl voiced his support of the subject proposal, commenting that he was pleased with the last effort and feels that it is important to proceed in a similar fashion.

Councilwoman Koester advised that she would oppose the motion inasmuch as she 1) questions the need for the proposal, and 2) opposes funding the proposal from the Assessment District.

THE MOTION CARRIED 4-1 (COUNCILWOMAN KOESTER VOTING NOE).

8. ORAL COMMUNICATIONS

Dan Millington, 243 Via Ballena, questioned the Council as to whether the City intends to become involved in the Via Alegre slope failure issue.

Mayor Mecham responded that the slope failure issue is a property owner vs. property owner situation, and hence not a matter for City involvement.

9. REPORTS

A. Commission and Committee

None

B. City Manager

James Hendrickson, City Manager, requested a Closed Session to discuss pending litigation, pursuant to Government Code Section 54956.9(a).

C. City Attorney

None

D. Council Members

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 5-0, to adopt Resolution No. 86-111, entitled A RESOLUTION OF THE CITY COUNCIL OF THE

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CITY OF SAN CLEMENTE, CALIFORNIA EXPRESSING ITS APPRECIATION AND COMMENDATION TO WILLIAM S. "BILL" WEBB FOR HIS OUTSTANDING SERVICES TO COMMUNITY AND CIVIC AFFAIRS AND EXTENDING GOOD WISHES UPON HIS RETIREMENT FROM SAN DIEGO GAS AND ELECTRIC COMPANY.

In response to a question posed by Councilman Carr, James Hendrickson, City Manager, provided an update on the lawsuits pending against the City pertaining to the Managed Growth Ordinance.

Councilman Diehl reported on a joint powers meeting concerning the San Joaquin and Eastern/Foothill Corridor, advising that 1) the Governor has signed a bill which will authorize a deduction to be taken from developer fees to compensate for the administrative costs associated with the Eastern/Foothill or San Joaquin Corridors; 2) the \$25,000 loan from the City to the JPA, which was used to cover on-going administrative costs, will be repaid in January or February, 1987; and 3) Irvine will be allowed to become a participant of the Corridor.

Mayor Mecham reported that he attended the Orange County Planning Commission meeting of October 15, 1986 and spoke in opposition to any alignment of the Foothill Transportation Corridor (with the exception of the Backcountry alignment) within the City of San Clemente. Mayor Mecham advised that the alignment which would terminate at Avenida Pico, and the La Pata alignment, are still under consideration and will be discussed by the Board of Supervisors at its meeting of November 5, 1986. Councilman Limberg suggested that a meeting between City representatives and Supervisor Riley may be appropriate.

MOTION BY MAYOR MECHAM, SECOND BY COUNCILMAN DIEHL, CARRIED 5-0, to hold a Joint City Council/Commission/Committee meeting on Wednesday, October 29, 1986, at the Ole Hanson Beach Club.

Mayor Mecham requested adherence and enforcement of the Political Sign Regulations.

10. RESOLUTIONS/ORDINANCES

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 4-0-1 (COUNCILMAN LIMBERG ABSTAINING) to adopt Ordinance No. 933, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA ADOPTING ZONING AMENDMENT NO.

84-07.

For Resolution No. 86-109, see Page 2.

For Resolution No. 86-110, see Page 5.

For Resolution No. 86-111, see Page 8.

CLOSED SESSION

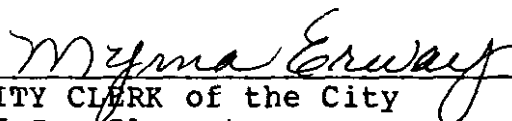
Council recessed to a Closed Session at 7:45 p.m. to discuss pending litigation, pursuant to Government Code Section 54956.9(a). The City Manager, Deputy City Attorney (Phil Kohn), Attorney Nancy Zeltzer, and Assistant City Manager were in attendance.

MEETING RECONVENED

Council reconvened at 7:55 p.m., with all members present.

11. ADJOURN

The City Council adjourned at 7:55 p.m. to a Joint Council/Commission/Committee meeting to be held October 29, 1986 at 7:00 p.m. at the Ole Hanson Beach Club.


CITY CLERK of the City
of San Clemente


MAYOR of the City of
San Clemente

NOTICE OF ADJOURNMENT

EXCERPT FROM THE MINUTES OF THE CITY COUNCIL
MEETING OF OCTOBER 15, 1986

A regular meeting of the San Clemente City Council was held in the City Council Chambers on Wednesday, October 15, 1986 and was called to order at 7:00 p.m.

ROLL CALL: PRESENT: CARR, DIEHL, KOESTER, LIMBERG, MAYOR
MECHAM

ABSENT: NONE

ADJOURNMENT

At 7:45 p.m., it was moved by Mayor Mecham, seconded by Councilman Diehl, carried 5-0, that the meeting be adjourned to Wednesday, October 29, 1986 at 7:00 p.m., at the Ole Hanson Beach Club, 105 Avenida Pico, San Clemente, California.



MYRA ERWAY
CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF SAN CLEMENTE)


AFFIDAVIT OF POSTING ORDER
OF ADJOURNMENT OF MEETING

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 October 15, 1986, said meeting was adjourned to the time and place specified in the ORDER OF ADJOURNMENT attached hereto; and that on October 16, 1986, at the hour of 3:30 p.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 October 16, 1986, at San Clemente, California.


MYRNA ERWAY
CITY CLERK