

CITY OF SAN CLEMENTECITY COUNCIL MINUTESREGULAR MEETING - FEBRUARY 5, 1986

The 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 Robert D. Limberg.

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

PRESENT: Council Members - CARR, DIEHL, MECHAM, AND LIMBERG

ABSENT: Council Members - KOESTER

Staff Present: James B. Hendrickson, City Manager; Myrna Erway, City Clerk; Jeff Oderman, City Attorney; Harry Weinroth, Community Development Director; Edward T. Putz, City Engineer; and certain other Staff members present in the audience.

SPECIAL PRESENTATION

Mayor Limberg presented a commendation to Captain Richard Christie, United States Marine Corps, citing heroic action in his gallant rescue of two occupants from a burning vehicle.

MOTION WAIVING READING - MOTION BY MAYOR LIMBERG, SECOND BY COUNCILMAN DIEHL, CARRIED 4-0 to waive reading in full of all Resolutions and Ordinances.

PUBLIC HEARINGS

File No.: 115

Subject: 1985 Weed Abatement Program.

Public Hearing to consider accepting the 1985 weed abatement charges for removal of weeds and trash on private property in the City of San Clemente and authorize the Fire Department to bill the property owners accordingly.

Mayor Limberg opened the public hearing. There being no public testimony, Mayor Limberg closed public hearing.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR, CARRIED 4-0 to approve the lot cleaning program with charges and authorize the Fire Protection Director to submit bills to those owners of parcels that were approved during the public hearing.

File No.: 31

Subject: Resolution No. 86-14 Establishing Procedures for
Issuance of Permits for Construction of Fences
and Walls.

Public Hearing to consider authorizing the Building Division to plan check and inspect all walls and fences based upon the Uniform Building Code requirements and fees.

Mayor Limberg opened the public hearing. There being no public testimony, Mayor Limberg closed public hearing.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR, CARRIED 4-0 to adopt Resolution No. 86-14 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PURSUANT TO THE UNIFORM BUILDING CODE, ESTABLISHING A POLICY REQUIRING BUILDING PERMITS FOR THE CONSTRUCTION OF CERTAIN FENCES AND WALLS AND ESTABLISHING APPLICATION FEES THEREFOR as amended by the City Attorney, to reflect "...to determine the valuation..." in Section 2.

File No.: 89

Subject: Overhead Rate for Community Development
Department.

Public Hearing to consider amending the present overhead rate of the Community Development Department to reflect actual costs.

Mayor Limberg opened the public hearing. There being no public testimony, Mayor Limberg closed public hearing.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR, CARRIED 4-0 to approve conceptually a split rate method for the Community Development Department which would provide a 24.74% rate for the Building, Planning and Engineering Divisions and a 2.01% rate for the Water and Sewer Divisions. The resolution establishing this method will be adopted at the meeting of 2-19-86.

CONSENT CALENDAR

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR, CARRIED 4-0 to approve the following Consent Calendar items:

City Council Minutes

Minutes of 1-15-86. -- Approved as presented and reading in full thereof waived.

Planning Commission Minutes

Minutes of 1-7-86, 1-14-86, and 1-21-86.

Community Design Commission Minutes

Minutes of 1-14-86.

Parks & Recreation Commission Minutes

Minutes of 12-11-85.

File No.: 87

Subject: Resolution No. 86-13 Authorizing the City Clerk to accept Deeds or Grants Conveying Interests in Real Property.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR, CARRIED 4-0 to adopt Resolution No. 86-13 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE CITY CLERK TO ACCEPT DEEDS OR GRANTS CONVEYING INTERESTS IN REAL PROPERTY TO THE CITY.

File No.: 105

Subject: Tentative Tract Map 12198 - Ave. Santa Barbara.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR, CARRIED 4-0 to set a public hearing on 2-19-86 to consider Tentative Tract Map 12198 to subdivide approximately .193 acres for a six-unit condominium project located at 409-411 Avenida Santa Barbara in accordance with Section 4.5 of the Zoning Ordinance.

File No.: 79

Subject: Resolution No. 86-15 Amending Classification and Compensation of Police Aide.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR, CARRIED 4-0 to adopt Resolution No. 86-15 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING RESOLUTION NO. 92-83 AND REVISING THE SALARY RANGE FOR THE CLASSIFICATION OF POLICE AIDE IN THE CITY SERVICE.

CONSENT CALENDAR (Items removed for separate action)

File No.: 105

Subject: Tract 12284 - Phase II Final Map Approval.

In response to request from applicant, MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 4-0 to continue the matter to the meeting of 2-19-86.

Rick Doremus submitted a letter from the developer requesting further clarification of the condition placed by the Planning Commission in regard to the permanent off-site signage.

The Community Development Director advised that no application has been received for the sign permit. Councilman Diehl suggested that Mr. Doremus meet with Staff and attempt to get the matter clarified.

MOTION BY MAYOR LIMBERG, SECOND BY COUNCILMAN CARR, CARRIED 4-0 to table the matter until the end of the meeting.

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 4-0 to continue the matter to the meeting of 2-19-86.

File No.: 105

Subject: Tract 12426 - Phase I Final Map Approval.

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 4-0 to continue the matter to the meeting of 2-19-86 at the request of the applicant.

PAYING OF THE BILLS

MOTION BY COUNCILMAN MECHAM, SECOND BY COUNCILMAN DIEHL, CARRIED 4-0 that Warrants No. 47333 through No. 47712 be paid.

Total demands approved for payment for period February 4, 1986	\$1,071,697.72
Ratification of Payroll Warrant No. 47336 for period December 30, 1985 through January 12, 1986	\$ 180,903.84
Ratification of Payroll Warrant No. 47359 for period January 13, 1986 through January 26, 1986	<u>\$ 181,739.38</u>
TOTAL WARRANT REGISTER	<u><u>\$1,434,340.94</u></u>

UNFINISHED BUSINESS

File No.: 20

Subject: 717 Columbo - Landslide Debris Removal.

Report from Community Development Director advising a petition was received from 39 property owners requesting abatement of a nuisance at 717 Columbo.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN MECHAM, CARRIED 4-0 to direct Staff to initiate nuisance abatement proceedings against 717 Columbo, and bring a Resolution of Notice of Intention to abate the nuisance at 717 Columbo to the City Council for consideration at their meeting of February 19, 1986.

File No.: 96

Subject: Wastewater Treatment Plant Expansion Project - Task Order No. 2.

Report from Community Development Director recommending authorizing John Carollo Engineers to proceed with Task Order No. 2 of their contract with the City, which provides for the Wastewater Treatment Plant Expansion.

The City Engineer noted that the City Council on 12-18-85, after reviewing the Value Engineering Report recommendations, authorized Staff to prepare the appropriate documents to allow John Carollo Engineers to proceed with the final design of the expansion of the Wastewater Treatment Plant.

Task Order No. 2 provides for all the design work contained in the final design report and will take approximately one year to complete at a total price not to exceed \$2.8 million. The contract also provides for temporarily stretching the capacity of the existing plant in case the current 4 MGD capacity is reached before expansion is complete. The addition of the interim capacity can be provided by installing chemical feed machinery, which can expand the plant's capacity by as much as 25 percent.

In response to query from Mayor Limberg, the City Engineer stated if interim capacity is needed the ranchers, pursuant to the agreement, have agreed to pay the additional operating costs for the interim facilities. All costs will be covered by the ranch developers under the terms of the sewer agreement and the Assessment District when formed.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN MECHAM to (1) approve and authorize the Mayor and City Clerk to execute Task Order No. 2 for final design services for the Wastewater Treatment Plant Expansion Project; and (2) approve the policy of making contract payments on a regular basis prior to receiving reimbursements from the Ranch developers within 30 days.

David Christian, WSLA, questioned the schedule of payments necessary to proceed with the preparation of design plans for the treatment plant and whether the ranchers are responsible. Staff stated the City's position, as contained in the agreement with the ranchers, is that no city funds will be used for the preparation of plans and that the City will not advance funds for the preparation of plans. Mr. Christian further noted that WSLA will pay their fair share of all advance formation costs as stated in the contractual agreement; voiced concern that large expenditures could be made in the next four months with the assessment district possibly not yet being formed; recommended creating a budget.

Gail Lynch, John Carollo Engineers, noted they would prepare a schedule of payments for the first six months of plan preparation.

Following further discussion, SUBSTITUTE MOTION BY MAYOR LIMBERG, SECOND BY COUNCILMAN DIEHL, CARRIED 4-0 to continue the matter to the meeting of 2-19-86.

File No.: 119

Subject: Proposed Expansion of Existing Redevelopment Project Area - Reduction in Size.

Report from Community Development Director requesting approval of the proposed reduced boundaries for a possible expansion of the San Clemente Redevelopment Project Area to include only the Del Mar business area.

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 4-0 to approve the policy statement and direct Staff to begin the Redevelopment Expansion Plan process with the Planning Commission at the earliest possible date.

File No.: 77

Subject: Master Plan of Parks & Recreation Facilities.

Report from Public Services Director recommending award of contract to BSI to develop a Master Plan of Parks and Recreation facilities.

Staff responded to questions from Council following which MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 4-0 to approve and authorize the Mayor to execute a contract with BSI Consultants in the amount of \$19,800 to develop a Master Plan of Parks and Recreation facilities.

NEW BUSINESS

File No.: 100

Subject: Del Mar Street Reconstruction - Opening Alley Entrances.

Report from Community Development Director advising some businesses on Del Mar have raised concerns about truck deliveries and the accessibility of the parking lots if the alley entrances from Del Mar are closed.

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 4-0 to approve the opening of the alley entrances from Del Mar and authorize Staff to redesign the alley entrances, as well as the Del Mar entrance to prevent any loss of parking, and to negotiate a change order with the contractor for approval by the City Council.

Recessed at 7:55 P.M. and reconvened at 8:10 P.M. with all present.

ITEMS FROM CITY MANAGER

The City Manager requested a Closed Session to discuss property acquisition for a Softball Complex in the Rancho San Clemente development.

MOTION BY COUNCILMAN MECHAM, SECOND BY COUNCILMAN DIEHL, CARRIED 4-0 to set an adjourned meeting for March 12, 1986 at 7:00 P.M. to discuss budget policy issue papers.

File No.: 52

Subject: Ambulance Subscription Program.

Report from Fire Protection Director relating to the City of Orange and the League of California Cities' proposed change to Section 1349 et. seq. (Knox-Mills Health Plan Act) of the Health and Safety Code of California.

G. P. Wilson advised Council that he supported continuing the program.

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 4-0 to authorize the City Manager to contact State Senator Bergeson and Assemblyman Frazee to enlist their support in backing the proposed emergency legislation; and that the City's representative to the Orange County Division of the League of California Cities be authorized to support the emergency legislation and actively pursue all means available through the League to gain its passage.

File No.: 75

Subject: City Parking Lot - Avenida Cabrillo.

Report from Community Development Director recommending removal of the two-hour parking restrictions on one of the City lots on Avenida Cabrillo, which is behind the Baptist Church School.

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 4-0 to approve removing the two-hour parking restriction for the City lot on Avenida Cabrillo located behind the Baptist Church School.

The City Manager introduced Bill Phillips, PBR, representing Santa Margarita Development Company. Mr. Phillips advised the Talega Valley Project Specific Plan is being restructured in accordance with the data base information that has been provided to ensure more conformance with the City's General Plan, needs, and desires. More focus will be given to housing, recreation, circulation, and reserve areas.

ITEMS FROM CITY ATTORNEY

The City Attorney advised that at the hearing on the Verde Canyon landslide litigation a motion was granted by the Superior Court to file a cross complaint against some of the property owners and that he will be proceeding with the preliminary trial case.

The City Attorney noted that in the Rice-Lorch lawsuit filed against Measure A claiming that the measure was placed on the ballot illegally in violation of CEQA and the Government Code without first holding public hearings and environmental reviews, the Superior Court ruled that the voters should be allowed to vote on Measure A; that Measure A had the same right to go on the ballot as Measure B which itself went on the ballot without public hearings and environmental review. One of the reasons for the rejection by the Judge was because there is a well-established policy against pre-election judicial review of initiative measures; judges prefer to let the people vote and then adjudicate the validity of initiative measures only if they pass. The legal fees for defending the Rice-Lorch lawsuit amounted to \$6200.

Attorney Oderman further noted that Measure B could be subject to some very serious legal challenges if it passes regarding the validity of the issue. He then reviewed similar initiatives which passed in the cities of Camarillo and Monterey Park, the cost for defending the issue, and the status of each case at the present time.

ITEMS FROM COUNCIL MEMBERS

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 4-0 that the Parks & Recreation Commission explore with the Tri Cities Municipal Water District the possible acquisition of surplus properties owned by the district.

MOTION BY COUNCILMAN CARR, SECOND BY MAYOR LIMBERG, CARRIED 4-0 that the Parks & Recreation Commission look into the possibility of renaming San Gorgonio Park to Shorecliffs Park.

Councilman Mecham commended Lt. Bob McDonell for being selected as Police Chief of the City of Woodland, and expressed regret that he is leaving the City.

MOTION BY COUNCILMAN MECHAM, SECOND BY COUNCILMAN DIEHL, CARRIED 4-0 that a resolution of commendation from the Mayor and City Council be prepared and presented to Lt. McDonell at either the luncheon on February 14 or preferably at the City Council meeting of 2-19-86.

Councilman Diehl gave an update report on the Foothill/Eastern Corridor; the JPA has been finalized and seven of the ten members have been seated with Councilman Diehl serving as Vice Chairman; the organization is getting fine support from Supervisors Riley and Nestande; local issues as well as regional issues will be discussed.

Mayor Limberg stated he will support Phillip Schwartz, Mayor of the City of San Juan Capistrano, who is a candidate for the LAFCO vacancy. Mayor Limberg referencing the Foothill/Eastern Corridor, noted that it is vital that the City plan its own future and pursue an alignment which will be in the City's best interest; also stated that high level military personnel will attend all JPA meetings.

RESOLUTIONS

For Resolution No. 86-14 see under "Public Hearings" on page 2.
For Resolution No. 86-13 see under "Consent Calendar" on page 3.
For Resolution No. 86-15 see under "Consent Calendar" on page 3.

MEETING RECESSED

MOTION BY COUNCILMAN CARR, SECOND BY COUNCIL DIEHL, CARRIED 4-0 to recess the City Council meeting and to convene a meeting of the Redevelopment Agency at 8:55 P.M.

MEETING RECONVENED

City Council meeting reconvened from Redevelopment Agency meeting at 8:56 P.M.

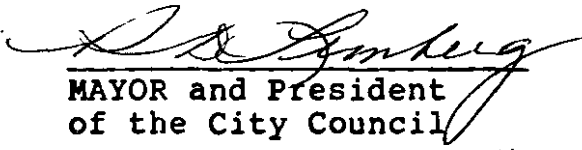
ADJOURNMENT TO CLOSED SESSION

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 4-0 to adjourn to Closed Session at 8:57 P.M. to confer with the City Manager to discuss property acquisition for a Softball Complex in the Rancho San Clemente development with Council members Carr, Diehl, Mecham, and Limberg, the City Attorney, the City Manager present.

MEETING RECONVENED AND ADJOURNMENT

MOTION BY COUNCILMAN MECHAM, SECOND BY COUNCILMAN DIEHL, CARRIED 4-0 to adjourn the City Council meeting at 9:10 P.M. in memory of former City Council member Howard Mushett.


 CITY CLERK and ex-officio
 Clerk of the City Council


 MAYOR and President
 of the City Council