

CITY OF SAN CLEMENTECITY COUNCIL MINUTESREGULAR MEETING - FEBRUARY 19, 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 pro tem William C. Mecham.

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

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

ABSENT: Council Members - LIMBERG

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

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

PUBLIC HEARINGS

File No.: 105

Subject: Resolution No. 86-17 Conditionally Approving Tentative Tract Map 12198.

Public Hearing 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. The legal description is Lots 7 and 9, Block 6, Tract 785. Consideration of a negative declaration prepared for the project.

Mayor pro tem Mecham opened the public hearing. The applicant, Ron Ritner, noted he was available for questions. There being no public testimony, Mayor pro tem Mecham closed public hearing.

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 4-0 to adopt Resolution 86-17 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND CONDITIONALLY APPROVING TENTATIVE TRACT MAP 12198 BASED UPON THE FINDINGS AND CONDITIONS OF APPROVAL CONTAINED IN PLANNING COMMISSION RESOLUTION NO. 86-01.

File No.: 27

Subject: Proposed Assessment District No. 85-1  
Wastewater Treatment Plant Expansion.

Public Hearing to receive written and verbal protests relating to the construction of certain improvements in proposed Assessment District No. 85-1 (Wastewater Treatment Plant Expansion).

Mayor Pro tem Mecham opened public hearing and closed public hearing, there being no public testimony.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR, CARRIED 4-0 to continue the public hearing to the meeting of 3-5-86 and publish additional legal notices informing the public of the continued hearing date.

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 2-5-86. -- Approved as presented and reading in full thereof waived.

Planning Commission Minutes

Minutes of 2-4-86.

Community Design Commission Minutes

Minutes of 1-28-86.

Parks & Recreation Commission Minutes

Minutes of 1-14-86.

Golf Course Committee Minutes

Minutes of 1-13-86.

Departmental Activities Report

Departmental Activities Report for month of January, 1986.

File No.: 68

Subject: Resolution No. 86-18 Authorizing Participation  
in Orange County Cooperative Purchasing Program.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR,  
CARRIED 4-0 to adopt Resolution No. 86-18 - A RESOLUTION OF  
THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA,  
AUTHORIZING THE PURCHASE OF VARIOUS SUPPLIES AND SERVICES  
THROUGH THE ORANGE COUNTY PURCHASING AGENT.

File No.: 115

Subject: Resolution No. 86-19 Declaring Weed Abatement  
Program for the Year 1986.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR,  
CARRIED 4-0 to adopt Resolution No. 86-19 - A RESOLUTION OF  
THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA,  
PURSUANT TO SECTIONS 39561 AND 39562.1 OF THE GOVERNMENT CODE  
DECLARING WEEDS, RUBBISH, REFUSE AND DIRT UPON STREETS, SIDE-  
WALKS, PARKWAYS, OR PRIVATE PROPERTY TO BE PUBLIC NUISANCES,  
AND PROVIDING FOR THE ABATEMENT THEREOF; AUTHORIZE THE MAYOR TO EXECUTE  
A CONTRACT FOR WEED ABATEMENT WITH APPLE TRACTOR SERVICES FOR \$35,331.52.

File No.: 52

Subject: Paramedic Internship.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR,  
CARRIED 4-0 to approve the participation of the San Clemente  
Fire Department in the Orange County Internship Program and  
authorize the Mayor to execute agreement between the City of  
San Clemente and Daniel Freeman Hospital/Orange County  
Paramedic Training Division.

File No.: 100

Subject: Avenida Del Mar Street Reconstruction -  
Proposed Change Order No. 1.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR,  
CARRIED 4-0 to approve Change Order No. 1 to Contract No.  
492, Avenida Del Mar Street Reconstruction, which will delete  
construction bid item No. 72 (8-inch water line) and result  
in savings to the City of \$11,000.

File No.: 105

Subject: Parcel Map 85-379 - Rancho San Clemente  
Business Park.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR,  
CARRIED 4-0 to approve final Parcel Map 85-379 for the  
Business Park section of Rancho San Clemente and authorize  
the City Engineer to sign and file the map for recordation.

File No.: 105

Subject: Tract 12426 - Phase I - Final Map Approval.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR, CARRIED 4-0 to approve the final tract map of Tract 12426, approve the CC&R's, enter into a subdivision agreement with the developer, Gfeller Development Company, accept final fees and securities, and authorize the City Clerk to sign and file the map for recordation.

File No.: 55

Subject: Resolution No. 86-21 Requesting Establishment of A Service Authority for Freeway Emergencies.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR, CARRIED 4-0 to adopt Resolution No. 86-21 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING ESTABLISHMENT OF A SERVICE AUTHORITY FOR FREEWAY EMERGENCIES (SAFE) and appointing the Orange County Transportation Commission as the Service Authority for Freeway Emergencies in the County of Orange.

File No.: 41

Subject: Statement of Investment Policy.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR, CARRIED 4-0 to approve the Statement of Investment Policy as presented with no modifications from the previous policy.

CONSENT CALENDAR (Items removed for separate action)

File No.: 41

Subject: Resolution No. 86-22 Providing Authorization to Execute Checks Drawn on City Bank Accounts.

In response to questions from Councilwoman Koester, the City Treasurer explained the reason for the proposed action and advised the Mayor, City Treasurer, and Finance Director are authorized to execute checks.

In response to query from Councilman Carr, Staff advised this procedure will not affect the previously approved statement of investment policy.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR, CARRIED 4-0 to adopt Resolution No. 86-22 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PROVIDING AUTHORIZATION TO CERTAIN CITY OFFICIALS AND AGENTS TO EXECUTE CHECKS DRAWN ON CITY BANK ACCOUNTS.

File No.: 42

Subject: Claim for Damages Filed by John & Rosemarie DeBonis.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR, CARRIED 4-0 to continue the matter for two weeks to allow time to confer with Staff.

(NOTE: Subsequent to the Council meeting, Staff determined that the claim should be paid.)

PAYING OF THE BILLS

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR, CARRIED 4-0 that Warrants No. 47713 through No. 47975 be paid.

Total demands approved for payment for period ending February 18, 1986 . . . . . \$ 925,313.05

Ratification of Payroll Warrant No. 47726 for period January 27, 1986 through February 9, 1986 . . . . . \$ 184,980.08

TOTAL WARRANT REGISTER \$1,110,293.13

UNFINISHED BUSINESS

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 final design services for the Wastewater Treatment Plant.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN MECHAM, CARRIED 2-1-1 to 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. Councilman Carr ABSTAINED, and Councilwoman Koester voted NOE.

File No.: 20

Subject: Resolution No. 86-20 Setting a Time and Place  
for Public Hearing - Nuisance Abatement  
717 Avenida Columbo.

Report from Community Development Director recommending a public hearing to determine whether a public nuisance exists at 717 Avenida Columbo.

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 4-0 to adopt Resolution No. 86-20 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DECLARING ITS INTENTION TO DETERMINE WHETHER A PUBLIC NUISANCE EXISTS AT 717 AVENIDA COLUMBO AND SETTING A TIME AND PLACE FOR PUBLIC HEARING THEREOF. Set public hearing for 3-19-86.

NEW BUSINESS

File No.: 100

Subject: Del Mar Street Reconstruction.

Report from Community Development Director advising of the receipt of a petition signed by 44 Del Mar property owners requesting that the City participate in reconstructing the 18-inch strip of existing sidewalk in conjunction with the installation of a new sidewalk on their private property.

The City Manager advised Staff has recommended that the City expand the sidewalk on public property from 8-1/2 to 10 feet for those property owners on Avenida Del Mar who plan to install new sidewalk on their private property. Stated there has been discussion and a letter from Lincoln Rosay and the property owners requesting deletion of the header in front of the shops; indicated Keith French would address how removal of the header will impact the project.

Keith French, architect for the project, showed slides and explained the rationale for constructing the sidewalks only 8-1/2 feet wide is the variation of distances between the shops and the street, individual drainage and grade elevation problems. The purpose of installing 8-1/2 foot sidewalks with a header separation is to provide a uniform sidewalk and allowing the merchants to individualize their entrances.

Bertha Henry Taylor stated 45 of the 55 Del Mar business property owners have indicated they will upgrade their private property if the city will increase the sidewalk from 8-1/2 feet to 10 feet.

Lincoln Rosay stated he prefers continuous paving with no header; the paving contractor indicates he can do a better job with better drainage without the header. The property owners have generally agreed to install new pavers on their property to provide a smooth flow from the curb to the shop entrances; requested removal of the header that has been installed.

Ray Swanson spoke in support of the project and the contract and felt any deletions should be considered carefully; recommended coordinating options with individual owners. Commended Council for the project.

James M. Holbert suggested the sidewalk expansion for all properties for a uniform appearance.

Kit Catlin recommended expanding sidewalk for all properties for a uniform appearance and that the decision of the header be determined by professionals; thanked Council for the project and commended Staff for coordination with the property owners.

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL to (1) adopt a policy to cooperate with any Del Mar property owner who chooses to install new sidewalk on their own property by having the City install enhanced sidewalk on City property that adjoins their property; and (2) that the RDA authorize the use of RDA funds to pay for the cost of such sidewalk installation at the meeting of March 5, 1986.

Joe Ferraro recommended disguising header if needed--dislikes concrete.

Mary Colby recommended following architects' plan as proposed; indicated the petitions were signed predominantly by business owners, not property owners.

Kit Catlin requested reconsideration of the motion and doing the 10 foot sidewalk on all properties for uniformity; felt most property owners will then also complete their work.

Lincoln Rosay stated a competitive bid from Tremack Company is a possibility for the 18 inches; stated the header is inappropriate for the design.

James Holbert stated Tremack quoted a lower estimate than the contractor, McGrew Construction.

The intent of the motion was clarified indicating the header is to remain and the City will add the 18 inches behind the header for those property owners who choose to install new sidewalk on their own property.

It was noted that removal of the header would add 7 days to the contract.

Recessed at 8:55 P.M. and reconvened at 9:12 P.M. with all present except Mayor Limberg.

Councilman Carr, with Councilwoman Koester concurring, withdrew the motion on the floor.

MOTION BY COUNCILMAN DIEHL, SECOND BY MAYOR PRO TEM to commit \$35,000 for the 18-inch sidewalk improvement. Council clarified the intent of the motion is that the header is to remain, the 18-inch improvement will be done whether or not the property owner does anything, and the work can be done under a separate contract.

The Assistant City Attorney advised the Government Code prohibits breaking up a contract to avoid the bidding process. Mayor pro tem Meham requested Staff to find the best method of achieving the end result as indicated in the motion.

Lincoln Rosay stated a 7-day delay would be agreeable if the header is deleted.

Councilman Carr advised the proposed action is conceptual and will appear on the March 5 City Council agenda.

The Motion carried 3-1 with Councilwoman Koester voting NOE.

#### SPECIAL PRESENTATION

Mayor pro tem Meham presented a commendation to Lieutenant Bob McDonell for outstanding service to the City from 2-20-79 to 3-2-86. Lt. McDonell will be assuming the position of Chief of Police for the City of Woodland.

File No.: 51

Subject: Proposed Change to Weekly Payment of Vendor Invoices.

Report from Finance Director as to whether the City Council should approve the routine payment of vendor invoices and other accounts payable disbursements prior to City Council review and approval.

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 3-1 to approve the proposed payment of vendor claims and other disbursements prior to Council approval, with the register of such payments being submitted to the City Council for ratification and approval at its next regular meeting. Councilwoman Koester voted NOE, referencing a letter from the Assistant City Attorney dated March 6, 1986 on this matter.



File No.: 35

Subject: Semiannual Report of Tourist & Convention Bureau.

Report from Finance Director submitting a semi-annual report on the activities and accomplishments of the San Clemente Tourist and Convention Bureau.

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 4-0 to continue the matter to the meeting of 3-5-86 to allow time for review.

ORAL COMMUNICATIONS

Alex Haynes, President, Dewey's TV & Appliances, Inc. submitted a letter stating the relocation of the crosswalk and center island in the 200 block of Del Mar to the front of his store will severely limit accessibility for deliveries, customer parking, and visibility of his business.

Mayor pro tem Mecham suggested that Mr. Haynes contact Staff to discuss the problem and to agendize the matter for a future meeting if the problem is not resolved.

Councilman Carr left the meeting at 9:40 P.M.

ITEMS FROM CITY MANAGER

The City Manager requested a Closed Session to discuss personnel and litigation matters.

File No.: 30

Subject: Midyear Budget Review.

Report from City Manager providing an overview of the City's budget prior to consideration of FY 1986-87 Budget.

The City Manager reviewed the report which provides Council an overview of the City's budget prior to consideration of the FY 1986-87 Budget; noted a special meeting has been scheduled for March 12, 1986 to consider budget policy issue papers.

MOTION BY COUNCILMAN MECHAM, SECOND BY COUNCILMAN DIEHL, CARRIED 3-0 to receive and file the Midyear Budget Review.

File No.: 62

Subject: SBl694 (Bergeson) - City Support of  
Lobbying Efforts.

Report from Assistant to the City Manager recommending the City participate with other Orange County coastal cities in jointly hiring a lobbyist to work toward the passage of SBl694 (Bergeson) which would protect public entities from being successfully sued for injuries which occur on unimproved public property.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN MECHAM, CARRIED 3-0 to approve San Clemente joining with other Orange County coastal cities in funding a lobbyist for the purpose of supporting the passage of SBl694 and authorizing the transfer of \$5,000 from the General Fund Contingency Reserve to Account No. 001-124-43890.

File No.: 77

Subject: Summary of Sand Erosion and Scheduled  
Protective Work.

Report from Public Services Director summarizing report from the Marine Safety Captain relating to a dangerous situation of sand erosion and emergency protective work recommended to protect the restrooms south of "T" Street Beach; advised the City Attorney considers this procurement approach as acceptable.

MOTION BY MAYOR PRO TEM MECHAM, SECOND BY COUNCILMAN DIEHL, CARRIED 3-0 to approve a contract in the amount of \$8,920 for Cannon-Bart Inc. to complete the required emergency protective work to protect the restrooms south of "T" Street Beach.

#### ITEMS FROM COUNCIL MEMBERS

Councilwoman Koester requested a status report on the FY 1984-85 audit and the reason for the delay.

#### RESOLUTIONS

For Resolution No. 86-17 see under "Public Hearings" on page 1.  
For Resolution No. 86-18 see under "Consent Calendar" on page 3.  
For Resolution No. 86-19 see under "Consent Calendar" on page 3.  
For Resolution No. 86-20 see under "Unfinished Business" on page 6.  
For Resolution No. 86-21 see under "Consent Calendar" on page 4.  
For Resolution No. 86-22 see under "Consent Calendar" on page 4.

File No.: 89

Subject: Resolution No. 86-23 Establishing a Revised Overhead Rate for Community Development Department.

MOTION BY MAYOR PRO TEM MECHAM, SECOND BY COUNCILMAN DIEHL, CARRIED 2-1 to adopt Resolution No. 86-23 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING A REVISED OVERHEAD RATE FOR A DETERMINATION OF CERTAIN PLANNING AND BUILDING APPLICATION FEES. Councilwoman Koester voted NOE.

ADJOURNMENT TO CLOSED SESSION

MOTION BY COUNCILMAN DIEHL, SECOND BY MAYOR PRO TEM MECHAM, CARRIED 3-0 to adjourn to Closed Session at 9:45 P.M. to confer with the City Manager with Council members Diehl, Koester, Mayor pro tem Mecham, Assistant to the City Manager and Assistant City Attorney present.


MEETING RECONVENED

Following a Closed Session, the Assistant City Attorney announced that the City Council ratified the agreement between the City and San Clemente Peace Officers' Association, and authorized the City Manager to sign the agreement on the City's behalf.

ADJOURNMENT

MOTION BY MAYOR PRO TEM MECHAM, SECOND BY COUNCILMAN DIEHL, CARRIED 3-0 that the Council meeting be adjourned at 9:55 P.M. to March 4, 1986 at 6:30 P.M.

  
CITY CLERK and ex-officio  
Clerk of the City Council

  
MAYOR and President  
of the City Council

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

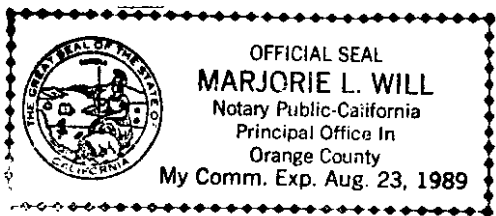
AFFIDAVIT OF POSTING  
ORDER OF ADJOURNMENT  
OF MEETING

I, MYRNA ERWAY, being first duly sworn deposes and says:  
that I am the duly chosen, qualified and ex-officio Clerk  
of the City Council of the City of San Clemente; that at the  
regular meeting of the City Council of the City of San Clemente,  
held February 19, 1986 , said meeting was ordered adjourned to the  
time and place specified in the Order of Adjournment ATTACHED  
HERETO: that on February 20, 1986 , at the hour of 9:00 AM ,  
I posted a copy of said Order of Adjournment at the conspicuous  
place on or near the door of the place at which said meeting of  
February 19, 1986 , was held.

*Myrna Erway*  
\_\_\_\_\_  
CITY CLERK and ex-officio  
Clerk of the City Council  
City of San Clemente

Subscribed and sworn to before  
me this 20th day of February, 1986

*Marjorie L. Will*  
\_\_\_\_\_



ORDER OF ADJOURNMENT

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, February 19, 1986, Mayor pro tem William C. Mecham presiding.

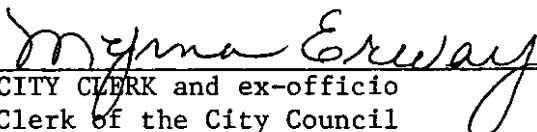
ROLL CALL

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


Also Present: James B. Hendrickson, City Manager; Kathryn Tobin, Assistant City Attorney; and Myrna Erway, City Clerk

ADJOURNMENT

IT WAS MOVED BY MAYOR PRO TEM MECHAM, SECOND BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED that the Council Meeting be adjourned at 9:55 P.M. to March 4, 1986 at 6:30 P.M.

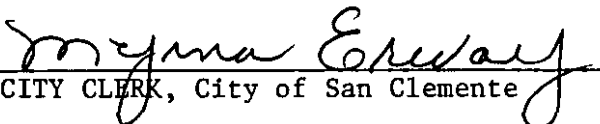
  
CITY CLERK and ex-officio  
Clerk of the City Council

/s/ William C. Mecham

  
MAYOR and President  
of the City Council

Certified to be a true and correct  
copy of excerpts from the Feb. 19,  
1986 Council Minutes

Dated this 20th day of February, 1986

  
CITY CLERK, City of San Clemente