

CITY OF SAN CLEMENTECITY COUNCIL MINUTESREGULAR MEETING - MARCH 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, KOESTER, MECHAM,
AND LIMBERG

ABSENT: Council Members - NONE

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.

MOTION WAIVING READING - MOTION BY MAYOR LIMBERG, SECOND BY COUNCILMAN DIEHL, CARRIED 5-0 to waive reading in full of all Resolutions and Ordinances.

PUBLIC HEARINGS

File No.: 117

Subject: Ordinance No. 924 Prohibiting Concurrent Sale of Alcohol and Gasoline.

Public Hearing to consider amending the Zoning Ordinance by adding Section 5.54 to prohibit the concurrent sale of alcoholic beverages and gasoline in all zoning districts.

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

MOTION BY COUNCILMAN MECHAM, SECOND BY COUNCILMAN DIEHL, CARRIED 5-0 to introduce Ordinance No. 924 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING THE PROVISIONS OF THE CITY'S ZONING ORDINANCE TO PROHIBIT THE CONCURRENT SALE OF ALCOHOLIC BEVERAGES AND GASOLINE. (Zoning Ordinance Amendment 86-01).

File No.: 27

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

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

The City Manager recommended continuing the public hearing to allow time to consider the ramifications and any potential financial affects due to the passage of Measure B.

Mayor Limberg opened public hearing to hear testimony from anyone unable to appear at a later date.

Norman J. Ream referenced the Assessment Engineer's report calling for transferring to the Assessment District 18+ acres of land which would include the City yard but which has nothing to do with the sewer plant. Suggested that Council withdraw the contract with Carollo until the feasibility of financing the plant is determined. Staff advised the contract is being paid from funds provided by the ranchers.

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN MECHAM, CARRIED 5-0 to continue the public hearing to 4-2-86. Mayor Limberg requested that Staff be prepared to discuss any potential liability the City may have regarding this matter.

CONSENT CALENDAR

Nuisance Abatement - 1500 Ave. Hacienda. This item was deleted from the agenda as the nuisance was abated.

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 5-0 to approve the following Consent Calendar items:

Planning Commission Minutes

Minutes of 2-11-86 and 2-18-86.

Community Design Commission Minutes

Minutes of 2-11-86.

Parks & Recreation Commission Minutes

Minutes of 2-11-86.

File No.: 44.5

Subject: Pier Bait/Tackle Shop Lease.

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 5-0 to direct City Attorney and Public Services Department Staff to negotiate a new agreement or amendment to the existing lease of the bait, tackle and snack shop to include the terms and modifications as requested by Gene Burke, lessee.

File No.: 96

Subject: Rosa/San Gabriel Pump Station Reconstruction, Change Order No. 1 (Changed Conditions Claim).

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 5-0 to: (1) Approve the issuance of Change Order No. 1 for an amount of \$6,715 to the City's contract with J.W. Electric for Project No. 1-85, Rosa/San Gabriel Pump Stations Reconstruction in accordance with the agreement and with the applicable portions of the "Standard Specifications for Public Works Construction". (2) Approve a supplementary appropriation of \$6,715 from the Sewer Funds Depreciation Reserve to the Rosa and San Gabriel Pump Station Reconstruction Account No. 054-476-45300, Project Nos. 05613 and 05614. (Contract No. 481).

CONSENT CALENDAR (Items removed for separate action)

File No.: 65.1

Subject: Selection of Assessment Engineer - 1986-87 Street Lighting & Landscaping District No. 1.

MOTION BY MAYOR LIMBERG, SECOND BY COUNCILMAN DIEHL, CARRIED 3-2 to approve the proposal of Willdan Associates to act as the assessment engineer for the 1986-87 Street Lighting and Landscaping District No. 1. Council members Carr and Koester voted NOE.

File No.: 77.10

Subject: Notice of Completion - San Gorgonio Park/Phase II.

MOTION BY COUNCILMAN MECHAM, SECOND BY COUNCILMAN DIEHL, CARRIED 4-1 to authorize execution and recordation of Notice of Completion for the San Gorgonio Park/Phase II Project by Sunrise Landscape Company, Inc. (Contract No. 489). Councilwoman Koester voted NOE.

File No.: 77.10

Subject: Notice of Completion - San Gorgonio Park/Phase II.

MOTION BY COUNCILMAN MECHAM, SECOND BY COUNCILMAN DIEHL, CARRIED 4-1 to authorize execution and recordation of Notice of Completion for the San Gorgonio Park/Phase II Project by Hondo Company, Inc. (Contract No. 490). Councilwoman Koester voted NOE.

File No.: 77.10

Subject: Notice of Completion - San Gorgonio Park/Phase II.

MOTION BY MAYOR LIMBERG, SECOND BY COUNCILMAN DIEHL, CARRIED 4-1 to authorize execution and recordation of Notice of Completion for the San Gorgonio Park/Phase II Project by General Procurement and Construction Company, Inc. (Contract No. 483). Councilwoman Koester voted NOE.

File No.: 42

Subject: Claim for Damages Filed by John Mathes.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR, CARRIED 5-0 that based on the insurance adjuster's recommendation, finding no responsibility on the part of the City, deny the claim for damages filed by John Mathes in the amount of \$5,000.

PAYING OF THE BILLS

MOTION BY MAYOR LIMBERG, SECOND BY COUNCILMAN DIEHL, CARRIED 5-0 that Warrants No. 47976 through No. 48234 be paid.

Total demands approved for payment for period ending March 4, 1986 \$ 755,912.80

Ratification of Payroll Warrant No. 47987 for period February 2, 1986 through February 23, 1986 \$ 188,495.74

TOTAL WARRANT REGISTER \$ 944,408.54

UNFINISHED BUSINESS

File No.: 77

Subject: Max Berg Plaza Park Master Plan.

Report from Public Services Director outlining the proposed masterplan of the Max Berg Plaza Park.

The Public Services Director reviewed the background which led to the master planning process for Max Berg Plaza Park citing problems with the restrooms, graffiti, speeding, irrigation system, playground equipment and noise. Noted input was requested through community meetings, Las Palmas School, various civic organizations, and the Sun Post. Ann Christoph and Robert J. Borthwick, architects, explained the manner in which they had incorporated suggestions and ideas from the Commission and the public into the final rendering.

Brenda Scott, representing Las Palmas PTA voiced concern about the double parking in front of the school; suggested crosswalks and a crossing guard; concerned that a narrow street would only increase the double parking problem.

Charles Ashbaugh, representing the San Clemente Historical Society, requested that the park remain in the original historical size and shape as designed by Ole Hanson.

Paul Miller, spokesman for the 563 citizens who signed a petition requesting that the City Council leave Max Berg Plaza Park in its original/historical size and shape as designed by Ole Hanson. Advised the residents do not favor narrow streets; feel speeding is a very minor problem; concur with the redesign of the interior portion of the park.

John Campbell, noted that all drainage goes down El Portal, and that with the narrowing of the streets and the change in the configuration of the park, storm drains might be needed.

Floyd Cate, suggested formation of an Ad Hoc Committee composed of local residents who live in the vicinity of the park. Recommended the committee be called "Friends of Max Berg Plaza Park."

Marilyn Wigglesworth, representing Las Palmas PTA, stated they have requested the City to monitor the traffic in front of the school; disagreed with the Traffic Engineer's statement that narrow streets will stop double parking.

Eva Riley, stated she had attended the Parks & Recreation Commission meetings and felt the suggestions of the residents were not incorporated into the redesign of the park; thought the restroom building could be remodeled, and that the present concrete slab does not need replacing. Recommended additional lighting, better maintenance, and a stop sign erected at every corner.

Council members Diehl and Mecham recommended consideration be given to eliminating the problem areas but maintaining the original design.

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILWOMAN KOESTER that the matter be referred back to the Parks & Recreation Commission for further consideration.

Mayor Limberg inquired whether Dee Hedborg would be willing to accept the job of chairman, and she agreed.

Following further discussion, SUBSTITUTE MOTION BY COUNCILMAN MECHAM, SECOND BY COUNCILMAN DIEHL to include specific direction that the Max Berg Plaza Park remain in its present configuration and direct the Parks & Recreation Commission to provide a plan which accomplishes that. THE SUBSTITUTE MOTION FAILED 2-3, with Council members Carr, Koester, and Mayor Limberg voting NOE.

The Mayor then called for the main motion which carried 5-0.

Meeting recessed at 8:10 P.M. and reconvened at 20 P.M. with all Council members present.

File No.: 35

Subject: Semiannual Report of Tourist and 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 DIEHL, SECOND BY COUNCILMAN MECHAM, CARRIED 5-0 to continue the City's financial support to the end of the current fiscal year, June 30, 1986.

Councilman Carr suggested that when reports are submitted for Council review they be signed; and that directional signs be placed on the freeway noting where to find a Tourist Information Office.

File No.: 100

Subject: Del Mar Street Reconstruction - City Sidewalk Construction Coordination with Property Owners.

Report from Community Development Director relating to whether the City Staff when working with individual property owners should negotiate separate contracts for the installation of the 18 inches of enhanced sidewalk adjacent to private property on a property-by-property basis.

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 5-0 to authorize Staff to negotiate contracts for the installation of the 18 inches of City sidewalks on a property-by-property basis.

ITEMS FROM CITY MANAGER

File No.: 40

Subject: Final Report from Blue Ribbon Facilities Study Committee.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR, CARRIED 5-0 that a Study Session be held in the Ole Hanson Room of the Community Center from 5:30 to 7:00 P.M. on March 25, 1986 to discuss the final report from the Blue Ribbon Facilities Study Committee.

File No.: 100

Subject: Ad Hoc Committee for Del Mar Beautification.

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 5-0 to appoint the following individuals to the Ad Hoc Committee for Del Mar Beautification: Link Rosay and Chuck Church, Downtown Business Association; Mimi Collier and Sergio Puente, Chamber of Commerce; Jim Holbert, Tenant; and Bertha Henry, as Interim Chairman of the Committee.

File No.: 6830

Subject: Request by San Clemente Seniors for Additional Appropriation of Funds.

MOTION BY COUNCILMAN MECHAM, SECOND BY MAYOR LIMBERG, CARRIED 5-0 to reject a request from the San Clemente Seniors for an additional appropriation of funds, due to the unavailability of funding.

File No.: 28

Subject: Status of FY 1984-85 Audit.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN MECHAM, to receive and file the report on the Status of the FY 1984-85 Audit.

Responding to Councilwoman Koester, the Finance Director advised the audit is to be completed by May; the computer program is satisfactory.

The Motion CARRIED 4-1, with Councilwoman Koester voting NOE.

ITEMS FROM CITY ATTORNEY

- (1) Requested a Closed Session pursuant to Government Code Section 54956.9(a) to discuss four related pending litigation matters regarding the La Esperanza Landslide Cote, McCoy, Linnenbach & Baumgartner.
- (2) Advised he would prepare a memorandum to the City Council regarding some of the more significant legal questions that have arisen regarding the interpretation of Ordinance No. 922 (Managed Growth).
- (3) Announced Assistant City Attorney Kathy Tobin and legal representative to the Planning Commission, died last week from a sudden illness; noted she was highly respected and the City of San Clemente was very well served by her expertise.

ITEMS FROM COUNCIL MEMBERS

Councilman Mecham inquired and was advised the South El Camino Real reconstruction project is to be completed in April.

Councilman Carr : (1) Questioned and was advised that Mayor Limberg will testify on offshore oil drilling at a meeting at Newport Beach City Hall on Thursday, March 6.

(2) Referenced a proliferation of cars with "For Sale" signs that park on Camino de Estrella adjacent to K-Mart and questioned the legality.

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN MECHAM, CARRIED 5-0 for Staff to prepare a report and recommendation regarding the legality of parking cars on the street with "For Sale" signs.

ORDINANCES

For Ordinance No. 924 see under "Public Hearings" on page 1.

MEETING RECESSED

MOTION BY MAYOR LIMBERG, SECOND BY COUNCILMAN DIEHL, CARRIED 5-0 to recess the City Council meeting and to convene a meeting of the Redevelopment Agency at 9:05 P.M.

MEETING RECONVENED

The City Council meeting reconvened from Redevelopment Agency meeting at 9:06 P.M.

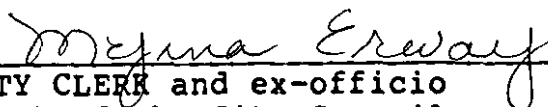
ADJOURNMENT TO CLOSED SESSION

MOTION BY MAYOR LIMBERG, SECOND BY COUNCILMAN DIEHL, CARRIED 5-0 to adjourn to Closed Session at 9:07 P.M. to confer with the City Attorney pursuant to Government Code Section 54956.9(a), with the City Manager, the Assistant to the City Manager, and Attorney Terry Sorensen in attendance.

MEETING RECONVENED AND ADJOURNMENT

The meeting reconvened at 9:20 P.M.

MOTION BY COUNCILMAN MECHAM, SECOND BY COUNCILMAN CARR, CARRIED 5-0 to adjourn the City Council meeting at 9:20 P.M. in memory of Richard Koester and Kathryn Tobin to an adjourned regular meeting to be held at 7:00 P.M. on March 12, 1986 to discuss budget policy issues.


 CITY CLERK and ex-officio
 Clerk of the City Council


 MAYOR and President
 of the City Council

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

AFFIDAVIT OF POSTING
ORDER OF ADJOURNMENT
OF MEETING

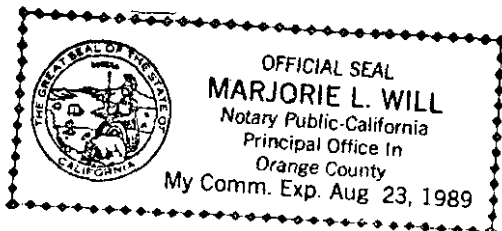
I, MYRNA ERWAY, being first duly sworn deposes and says:
that I am the duly chosen, qualified and ex-officio Clerk
of the City Council of the City of San Clemente; that at the
regular meeting of the City Council of the City of San Clemente,
held March 5, 1986, said meeting was ordered adjourned to the
time and place specified in the Order of Adjournment ATTACHED
HERETO: that on March 6, 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
March 5, 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 6th day of March, 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, March 5, 1986, Mayor Robert D. Limberg presiding.

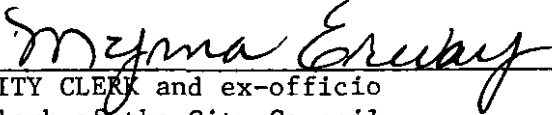
ROLL CALL

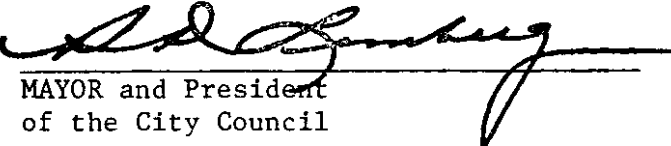
PRESENT: Council Members - CARR, DIEHL, KOESTER, MECHAM, AND LIMBERG
ABSENT: Council Members - NONE

Also Present: James B. Hendrickson, City Manager; Jeff Oderman, City Attorney;
and Myrna Erway, City Clerk

ADJOURNMENT

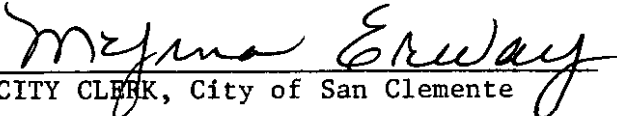
IT WAS MOVED BY COUNCILMAN MECHAM, SECOND BY COUNCILMAN CARR,
AND UNANIMOUSLY CARRIED that the Council Meeting be adjourned at 9:20 P.M.
to March 12, 1986 at 7:00 P.M.


CITY CLERK and ex-officio
Clerk of the City Council


MAYOR and President
of the City Council

Certified to be a true and correct
copy of excerpts from the March 5,
1986 Council Minutes

Dated this 6th day of March, 1986


CITY CLERK, City of San Clemente