

CITY OF SAN CLEMENTECITY COUNCIL MINUTESREGULAR MEETING - APRIL 2, 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 MAYOR LIMBERG

ABSENT : Council Members - NONE

Also Present: James B. Hendrickson, City Manager;
Myrna Erway City Clerk; Jeff Oderman,
City Attorney; Harry Weinroth, Community
Development Director; 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.: 27

Subject: Resolution No. 86-30 Confirming the Assessment
in Assessment District No. 85-1; and Ordinance
No. 925 Providing for a Contribution of Certain
Funds Re Sewer Plant Improvements to be Made
and Constructed Pursuant to Assessment District
No. 1.

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 advised a public hearing was originally conducted on February 19 and was then continued to March 5 and April 2 to allow time for staff to review the affect of Measure B on the proposed Assessment District.

The Community Development Director outlined the items to be considered for action and reviewed the funding for the plant expansion.

The City Attorney advised three major questions have been raised regarding the project: (1) whether the plant expansion complies with a 1984 voter mandate; (2) whether the proposed spread of assessments between the existing city and backcountry ranches has been properly calculated; and (3) whether a defaulting of the bonds by backcountry developers would leave the existing residents with the burden of paying for the sewer plant expansion. Recommended filing a validation action with Superior Court to alleviate concerns raised regarding the project; explained the purpose of the procedure and action required.

The City Clerk stated no objections have been filed on this matter.

Mayor Limberg opened the public hearing. Norman J. Ream questioned why City yard property is included for the plant expansion, what the \$5 million dollar costs are for, and how the ownership would exist if the bondholders take over the plant for payment in case of default. Felt the City Attorney and bond counsel have a conflict of interest; recommended they withdraw and that legal opinions be given by another firm.

Robert Flynn recommended not proceeding with the assessment district since the city has no assurance the backcountry development will proceed at a fast enough pace to meet assessment district payment obligations.

Chuck Mitchell stated he would attempt to lead a recall movement against those who vote in favor of the assessment district because he thinks it is irresponsible.

The Mayor closed public hearing. The City Attorney announced there is no conflict of interest in this matter since he is not representing any other client adverse to the City.

In response to Council query, William Stookey advised the \$5.8 million land contribution is only a paper figure; the assessment district has the right to use the land, but has no title on property ownership.

Stan Wolcott, bond counsel, stated if a default were to occur, those paying the assessments would be responsible, not the City; the bondholders would never gain ownership of the property; the developers do not hold title to the land. Mr. Wolcott advised all public notices have been posted, published and mailed as legally required and legal requirements have been exceeded.

Councilman Carr questioned whether the feasibility of meeting the debt service of the bonds had been examined since the passage of Measure B. Mr. Wolcott advised the ranchers would have filed a protest if any doubts existed.

Lawrence Rolapp, financial consultant, stated the developers have verbally reconfirmed they want to proceed with the assessment district. The underwriters were contacted and have indicated the assessment district remains marketable; the appraisers have advised the appraisals are still valid.

John Donahue, MAI appraiser, stated he was very conservative on the appraisals and felt they would still hold.

MOTION BY COUNCILMAN MECHAM, SECOND BY COUNCILMAN DIEHL, CARRIED 4-1 to adopt Resolution No. 86-30 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE CONFIRMING THE ASSESSMENT IN ASSESSMENT DISTRICT NO. 85-1, ORDERING THE PROPOSED IMPROVEMENTS TO BE MADE, AND DESIGNATING THE FINANCE DIRECTOR TO COLLECT AND RECEIVE MONEY. Councilwoman Koester voted NOE.

MOTION BY COUNCILMAN MECHAM, SECOND BY COUNCILMAN DIEHL, CARRIED 4-1 to introduce Ordinance No. 925 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE PROVIDING FOR A CONTRIBUTION OF CERTAIN FUNDS TOWARD THE COST OF SEWER PLANT IMPROVEMENTS TO BE MADE AND CONSTRUCTED PURSUANT TO ASSESSMENT DISTRICT NO. 85-1. Councilwoman Koester voted NOE.

MOTION BY COUNCILMAN MECHAM, SECOND BY COUNCILMAN DIEHL, CARRIED 4-1 to authorize the City Clerk, City Engineer and Finance Director to perform those duties required to properly continue processing Assessment District No. 85-1, as set forth by law. Councilwoman Koester voted NOE.

MOTION BY COUNCILMAN MECHAM, SECOND BY COUNCILMAN DIEHL, CARRIED 4-1 to direct the City Attorney to file a validation action with the court. Councilwoman Koester voted NOE. Councilman Carr requested that the City Attorney provide the validation action to Council for review before it is filed to make sure all concerns are addressed.

File No.: 115

Subject: 1986 Weed Abatement Program.

Public Hearing to consider protests or objections to the abatement of weeds, rubbish, refuse, and dirt as described in Resolution No. 86-19.

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

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN MECHAM, CARRIED 5-0 to authorize the Fire Protection Director to commence weed abatement in accordance with the adopted schedule.

File No.: 105

Subject: Tentative Tract Map 11891 - Victoria Shores.

Public Hearing to consider Tentative Tract Map 11891, a request to construct seven time-share condominium units at 604 Avenida Victoria, east of Avenida Victoria across from the City Municipal Pier. The legal description is Lot 9, Block 12, Tract 785. Consideration of negative declaration prepared for the project.

Mayor Limberg opened public hearing. P. Bart Abrate the applicant, stated he concurred with the Staff report.

Fred Winnen owner of a condominium across the street from the project, requested additional parking and larger units.

Larry Warner, condominium owner, requested requiring more parking and that the timeshare units be larger than proposed.

Mayor Limberg closed public hearing. Staff advised six of the timeshare units are 1,100 square feet and the seventh is 1,800 square feet. Eight of the 11 required parking spaces are provided; the other parking spaces will be provided in a nearby project; building permits for the project will be subject to Measure B.

MOTION BY COUNCILMAN MECHAM, SECOND BY COUNCILMAN DIEHL to adopt Resolution No. 86-31.

Councilman Carr stated he is uncertain whether the previous conflict of interest relating to this project has been satisfied.

SUBSTITUTE MOTION BY COUNCILMAN MECHAM, SECOND BY COUNCILWOMAN KOESTER, CARRIED 5-0 to continue the matter to April 16, 1986.

The applicant agreed to the continuance. Staff is to have the parking layout for the Victoria Landing project available at the next meeting.

File No.: 112

Subject: Use Permit 85-44 - Conditions Appeal.

Public Hearing to consider an appeal of the San Clemente General Hospital, filed by Rochlin & Baran Associates, Inc., relative to conditions #11, 12, and 18 of Use Permit 85-44. Consideration of negative declaration prepared for the project.

Mayor Limberg opened public hearing. Arthur E. Border, architect for the project, summarized the reasons for appealing Condition Nos. 11, 12, and 18, as outlined in the Administrative Report.

Tom McClintock, hospital administrator, stated the hospital does not plan to increase the number of beds and does not think the project will increase traffic. If required to provide improvements, the costs will be passed on to the users of the hospital.

The Mayor closed public hearing.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN MECHAM, CARRIED 5-0 to deny the appeal to Use Permit 85-44.

Recessed at 8:50 P.M. and reconvened at 9:00 P.M. with all present.

CONSENT CALENDAR

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

City Council Minutes

Minutes of 3-5-86 (regular), 3-12-86 (adjourned), 3-19-86 (regular), and 3-25-86 (adjourned).

Planning Commission Minutes

Minutes of 3-11-86.

Community Design Commission Minutes

Minutes of 3-11-86.

CONSENT CALENDAR (Items removed for separate action)

File No.: 112

Subject: Use Permit 85-46 - 2749 N. El Camino Real.

MOTION BY MAYOR LIMBERG, SECOND BY COUNCILWOMAN KOESTER, CARRIED 5-0 that Use Permit 85-46, a request under Section 4.8 of the Zoning Ordinance to permit the operation of a small retail food store, AM/PM Mini Market within the premises of an existing ARCO Service Station, be called up for review and set for public hearing on April 16, 1986.

File No.: 99

Subject: Sign Exception 86-01, Texaco - 530 Ave. Pico.

MOTION BY MAYOR LIMBERG, SECOND BY COUNCILMAN DIEHL, CARRIED 5-0 that Sign Exception 86-01, a request under the provisions of Chapter 28 of the City Code, Signs and Advertising, to vary from the maximum amount and height of signage allowed, be called up for review and set for public hearing on April 16, 1986.

MOTION BY MAYOR LIMBERG, SECOND BY COUNCILMAN CARR, CARRIED 5-0 to approve the balance of the Planning Commission Minutes of 3-18-86.

WARRANT REGISTER

MOTION BY COUNCILMAN MECHAM, SECOND BY COUNCILMAN DIEHL, CARRIED 5-0 to approve: Warrant No.s 48444 through 48630 for March 21, 1986 in the amount of \$292,652.16; Warrant No.s 48631 through 48819 for March 28, 1986 in the amount of \$511,242.27; Payroll Warrant No. 48444 for 2-24-86 through 3-9-86 in the amount of \$195,295.70; and Payroll Warrant No. 48648 for 3-10-86 through 3-23-86 in the amount of \$191,030.56, for a total warrant register of \$1,190,220.69.

UNFINISHED BUSINESS

File No.: 58

Subject: Public-Private Partnership for Development of Second Municipal Golf Course.

Further consideration of report from City Manager requesting authorization to undertake negotiations with Western Savings and Loan Association for a partnership venture to develop and operate a second municipal golf course.

The City Manager reviewed the Administrative Report outlining the background and proposal for a second municipal golf course.

Tom Dunn, Golf Course Committee Chairman, stated the proposal is a good idea, since a second golf course is needed, but recommended the Camp Pendleton site be given first priority; advised this site is still part of the State Parks Department's master plan for developing San Onofre State Park. Noted the Camp Pendleton site is advantageous because it could share common facilities with the existing courses, water would be no problem, less employees would be required. Stated the intended purpose of the enterprise fund was for a second golf course at Camp Pendleton, or alternatively a new clubhouse and banquet facilities at the existing course. Recommended not committing the enterprise fund until a final determination has been made regarding the Camp Pendleton site.

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILWOMAN KOESTER, CARRIED 4-1 that the proposal from WSLA be referred to the Golf Course Committee for their recommendation to be presented at the April 16, 1986 City Council meeting.

Tom Lorch recommended studying the feasibility prior to making a commitment for a second golf course.

File No.: 77

Subject: BEACH Joint Powers Agreement and Bylaws.

Further consideration of the report from Public Services Director requesting reconsideration of the proposed Beach Erosion Committee (BEACH) Joint Powers Agreement and Bylaws, and determination of the extent of the City's involvement with the organization.

Mayor Limberg noted concern that the JPA Agreement and Bylaws authorizes entering into contracts with a majority vote.

Dr. John MacDonald, Deputy Mayor, City of Oceanside, stated if an Executive Director is employed, a majority vote would be recommended; in the case of any major construction project or any commitment of any kind, a unanimous vote would be required and a representative from Council would have the right to veto; noted if the City feels it cannot accept anything except a unanimous vote, he would submit that recommendation to the other cities for consideration.

The City Manager stated a representative from Supervisor Riley's office has advised the Board of Supervisors will not participate as an active member.

Mayor Limberg advised Assemblyman Frazee is supportive of the project and has requested the City to carefully calculate the benefits offered by the program.

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILWOMAN KOESTER, CARRIED 5-0 to refer this matter to the Parks and Recreation Commission for their recommendation.

File No.: 106

Subject: Parking Vehicles on City Streets for Purpose of Advertising.

Report from Police Chief addressing the legality of vehicles parking on City streets for the purpose of advertising for sale.

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 5-0 to authorize the Police Department to resume enforcement of Section 10.5 of Uniform Traffic Ordinance No. 470 as it is presently written.

Councilman Mecham recommended contacting Thrifty Drug regarding vehicles parking in their lot for the purpose of advertising for sale.

NEW BUSINESS

File No.: 39

Subject: Resolution No. 86-31 Setting the Dates for Election of Mayor and Mayor Pro Tempore.

Report from City Clerk presenting Resolution No. 86-31 for consideration entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA SETTING THE DATES FOR ELECTION OF THE MAYOR AND MAYOR PRO TEMPORE".

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN MECHAM, CARRIED 5-0 to adopt Resolution No. 86-31 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA SETTING THE DATES FOR ELECTION OF THE MAYOR AND MAYOR PRO TEMPORE. An election for Mayor and Mayor Pro Tempore will be conducted at the April 16, 1986 meeting.

File No.: 47

Subject: Proposed Crosswalk Policy.

Report from Community Development Director recommending a Marked Pedestrian Crosswalk Warrant policy to be used as a guideline for the installation of marked crosswalks on city streets.

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 5-0 to approve the Marked Pedestrian Crosswalk Warrant policy to be used as a guideline for the future installation of marked crosswalks, and the reevaluation of existing crosswalks.

ITEMS FROM CITY MANAGER

The City Manager requested a Closed Session to discuss a personnel matter.

ITEMS FROM COUNCIL MEMBERS

MOTION BY COUNCILMAN CARR, SECOND BY MAYOR LIMBERG to re-agendize for the April 16, 1986 Council meeting the subject of Eastern/Foothill Transportation Corridor Agency Administrative Costs. Following Council discussion and Councilman Diehl advising action is to be taken on this at the March 19 JPA meeting, no further action was taken.

Councilman Carr inquired and was advised the landscaping problem at Wendy's has been resolved.

Mayor Limberg noted that San Gorgonio Park/Phase II construction has not been on schedule; a meeting was held on the site regarding the problem; staff will prepare a schedule on corrective action. The Public Services Director described the events that led to the delay in completion of Phase II; advised bids are being solicited for weed abatement, the erosion will be repaired and the slopes will be hydroseeded with completion expected the end of May. Schedules will be provided to Council.

Mayor Limberg stated there has been some public interest regarding the impact the rain has had on the reconstruction schedule on Del Mar. The major portion of the underground work was on the south side; the north side should take less time to complete; completion is still scheduled for July 1.

RESOLUTIONS

For Resolution No. 86-30 see under "Public Hearings" on page 1.

For Resolution No. 86-31 see under "New Business" on page 8.

ORDINANCES

For Ordinance No. 925 see under "Public Hearings" on page 2.

MEETING RECESSED

MOTION BY COUNCILMAN MECHAM, SECOND BY COUNCILMAN CARR, CARRIED 5-0 to recess the City Council meeting and to convene a meeting of the Redevelopment Agency at 10:05 P.M.

MEETING RECONVENED

The City Council meeting reconvened from the Redevelopment Agency meeting at 10:06 P.M.

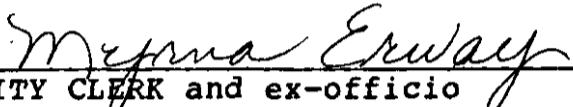
ADJOURNMENT TO CLOSED SESSION

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILWOMAN KOESTER, CARRIED 5-0 to adjourn to Closed Session at 10:07 P.M. to confer with the City Manager on a personnel matter. The City Manager and City Attorney were in attendance.

MEETING RECONVENED AND ADJOURNMENT

The regular meeting reconvened at 10:14 P.M.
MOTION BY COUNCILMAN CARR, SECOND BY COUNCILWOMAN KOESTER, CARRIED 5-0 to adjourn the City Council meeting at 10:15 P.M.

The next regular meeting will be held April 16, 1986 at 7:00 P.M.


CITY CLERK and ex-officio
Clerk of the City Council

MAYOR and President
of the City Council