

CITY OF SAN CLEMENTECITY COUNCIL MINUTESREGULAR MEETING - APRIL 6, 1988

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 Lorch at 7:05 p.m.

PRESENT Council Members - LIMBERG, MECHAM, RICE, VEALE,
MAYOR LORCH

ABSENT Council Members - NONE

ALSO PRESENT James Hendrickson, City Manager; Greg Hulsizer, Assistant City Manager; Myrna Erway, City Clerk; Jeff Oderman, City Attorney; Jim Holloway, Community Development Director; Bill Cameron, City Engineer; Joanne Baade, Deputy City Clerk; and certain other staff members present in the audience.

INVOCATION

Rev. Hugh Counts gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Lorch led the Pledge of Allegiance.

1. SPECIAL PRESENTATIONS

Mayor Lorch presented a proclamation to Mary La Husen, of the League of Women Voters, advocating "You've Got the Power - Register and Vote Week."

Council indicated a desire to attempt to adjourn the meeting by 12:00 a.m. It was agreed that, after the recess, the City Manager will advise Council of agenda items that require action by Council this evening.

2. MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to waive reading in full of all Resolutions and Ordinances.

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3. PUBLIC HEARINGS

A. TENTATIVE TRACT MAP 13182 AND SITE PLAN REVIEW 87-15 - 206 CONDOMINIUM UNITS WITHIN RANCHO SAN CLEMENTE PLANNING AREA 20

Public Hearing to consider a request to construct 206 condominium units on approximately 25.7 vacant acres within Rancho San Clemente Planning Area 20.

Mayor Lorch opened the Public Hearing.

Dennis Cullumber, UDC Homes, 119 N. Maple, Corona, the Applicant, expressed concurrence with the proposed conditions but indicated concern that the Planning Commission reduced the number of allowable units from 211 to 206; noted the significant effort which was involved in the preparation of the site plan and stated the proposed density decrease will be reflected on the cost of the project and homeowners association rates.

Tom Davis, Tierra Planning and Design, representing UDC Homes, stated there was a miscalculation or misinterpretation relating to the density calculation for PA 20 and outlined the sequence of events pertaining to the density transfer, as contained in his memorandum dated March 30, 1988 and on file in the City Clerk's Department; noted the proposed density transfer will not result in an increase of units within the Specific Plan as a whole; stated the applicant has proceeded in good faith with the Rancho San Clemente Specific Plan Amendment but is currently faced with a landlocked parcel; urged that Council approve the project for 206 units since a reduction of 8 units would have no affect on the quality of the development; explained that PA 20 is a "receiver site" which makes it eligible to receive density transfers both between and within Planning Areas.

City Planner Barnes explained the allowable density was calculated as follows: 25.7 acres times 7 (allowable density for the low-medium density residential land use category) equals 179.9 dwelling units. Adding to this figure the 10% figure (total percentage of units that can be transferred to a receiver site), a total allowable density of 198 units is determined.

Karoline Koester, 604 Via Pavon, felt the developer has already been given latitude by virtue of the fact that 7 units per acre are permitted along with the possibility that an additional 10% in density may be transferred to the subject site; urged that the project not exceed 198

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units.

There being no others desiring to speak to this issue, the Public Hearing was closed.

Councilmembers held a lengthy discussion relating to the following: 1) Whether Council should act on the Rancho San Clemente Specific Plan Amendment prior to considering applications for PA 20 or PA 14; 2) importance of ranch-wide issues proceeding in a manner acceptable to Council (i.e., Backcountry Trails Study, beach parking study, Avenida Vista Hermosa interchange and construction of Avenida La Pata between the City limits and Ortega Highway); 3) adequacy of open space within the project; 4) adequacy of parking and road width; 5) traffic impact; 6) adequacy of 10' side yard setbacks; 7) whether the Wastewater Treatment Plant can accommodate the anticipated wastewater output of the project; 8) whether the project could impact traffic so as to preclude industrial development; 9) compliance with the Hillside Development Ordinance; 10) existence of curvilinear streets and daylighting areas; 11) sufficiency of recreational facilities; and 12) importance of assuring that Rancho San Clemente does not become unaffordable.

City Attorney Oderman explained that Council's concerns pertaining to ranch-wide issues can be addressed within the Conditions of Approval to give Council the ability to control content of the various studies and require the improvements to be phased in accordance with Council discretion.

Council noted the Conditions for each of the ranch-wide issues provide that "The formula for determining cost sharing, method, timing of payments for the proposed plans, and timing of construction improvements shall be approved by the City Council by September 7, 1988, otherwise the Tract Map and Site Plan approval shall be of no force and effect."

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 3-2 (MAYOR LORCH AND COUNCILMEMBER RICE VOTING NOE), to adopt Resolution No. 88-15 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND CONDITIONALLY APPROVING TENTATIVE TRACT 13182 AND SITE PLAN REVIEW NO. 87-15, to allow 198 dwelling units, with revisions to the Conditions in Exhibit "A" as follows: (Note: The wording of the Conditions listed below is not intended to be complete as only the amended verbiage is specified. Refer to Resolution No. 88-15 for the complete Conditions.)

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Condition #28 shall be revised to place the applicant on notice that, through approval of the Tentative Tract Map, the City reserves the right to establish reasonable priorities for traffic and sewer capacity.

Condition #29 shall be revised to provide that prior to approval of the final tract map, the applicant shall execute an agreement with the City of San Clemente to fund a proportionate share of any amendments to the ongoing contracts for the preparation of environmental and preliminary engineering studies being conducted for the Avenida Vista Hermosa Interchange project.

Condition #30 shall be revised to provide that prior to approval of the final tract map, the applicant shall execute an agreement with the City of San Clemente to fund a proportionate share of the cost of constructing Avenida La Pata between the City limits and Ortega Highway, should the County of Orange and the City of San Clemente enter into an agreement (either before or after said date) to construct the road.

Condition #31 shall be revised to provide that prior to approval of the final tract map, the City shall have approved a study analyzing the impacts of Backcountry development on beach parking and to specify that the Applicant shall participate in the funding of the study.

Condition #32 shall be revised to provide that prior to approval of the final tract map, the City shall have approved a Backcountry Trails Study which will evaluate and establish requirements for the location and phasing of trail improvements within the Master Plan and Specific Plan areas. The applicant shall participate in the funding of the study.

Condition #18 shall be amended to provide that the CC&R's shall prohibit the parking of any vehicle in a driveway if the vehicle extends across a sidewalk or into a street.

Condition #26 shall be revised to place the applicant on notice that, through approval of the Tentative Tract Map, the City reserves the right to establish reasonable priorities for traffic and sewer capacity.

Condition #27 shall be revised to provide that prior to approval of the final tract map, the applicant shall execute an agreement with the City of San Clemente to fund a proportionate share of any amendments to the ongoing contracts for the preparation of environmental and preliminary engineering studies being conducted for the Avenida Vista Hermosa Interchange project.

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Condition #32 shall be revised to provide that prior to approval of the final tract map, the City shall have approved a Backcountry Trails Study which will evaluate and establish requirements for the location and phasing of trail improvements within the Master Plan and Specific Plan areas.

Mayor Lorch stated his Noe vote was due to concern for sideyard setbacks, driveways, lot widths, and grading aspects on the berm.

COUNCIL RECESSED AT 9:50 P.M., AND RECONVENED AT 10:00 P.M.
WITH ALL MEMBERS PRESENT.

C. ABANDONMENT 87-02 - ABANDONMENT OF CITY RIGHT-OF-WAY AT SOUTHEASTERLY HALF OF AVENIDA CORDOBA BETWEEN SOUTH EL CAMINO REAL AND SAN DIEGO FREEWAY

Continued Public Hearing to consider a request for abandonment of a public street right-of-way at the southeasterly half of Avenida Cordoba between South El Camino Real and the San Diego Freeway.

Mayor Lorch opened the Public Hearing.

Ray Toal, on behalf of the Applicant, stated the Applicant accepts the Conditions set forth in the proposed resolution.

Mayor Lorch closed the Public Hearing, there being no others desiring to speak to this issue.

MOTION BY COUNCILMEMBER RICE, SECOND BY MAYOR LORCH, to adopt Resolution No. 88-08 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING ABANDONMENT 87-02 SUBJECT TO TWO FINDINGS AND FOUR CONDITIONS, with the understanding that an appraisal will be obtained to determine the fair market value of the public street right-of-way in question, with the cost of said appraisal to be borne by the Applicant.

MOTION TO AMEND BY MAYOR LORCH, SECOND BY COUNCILMEMBER RICE to provide that the funds derived from the sale of the right-of-way be deposited into the Parks and Recreation Fund for Parks Improvement, in lieu of the General Fund.

During the ensuing discussion, Council indicated a preference to consider the Parks and Recreation Fund in context with the 1988/89 fiscal year budget.

Mayor Lorch and Councilmember Rice WITHDREW THE MOTION TO AMEND.

THE ORIGINAL MOTION CARRIED 5-0.

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B. TENTATIVE TRACT MAP 12892, SITE PLAN REVIEW 87-14 - 87
SINGLE-FAMILY DWELLING UNITS WITHIN RANCHO SAN CLEMENTE
PLANNING AREA 14.

Public Hearing to consider a request to allow an 87-unit single-family residential project on a 21.26 acre site in Rancho San Clemente Planning Area 14.

Council received letters from James and Marilyn Dunger and Ron and Janne Klingelhofer indicating support for the project.

Mayor Lorch opened the Public Hearing.

Scott Stowell, Applicant, 1565 West MacArthur Boulevard, Costa Mesa, Project Manager for Standard Pacific, stated the project complies with the Hillside Development Ordinance, is compatible with the environment, and provides characteristic diversity; stated Standard Pacific is proposing an 87-unit development while the current zoning allows a 114-unit townhome project; reviewed specifics relating to the application and outlined the proposed circulation plan as well as the architecture of the project; stated an attempt was made to minimize grading on the ridgeline and to avoid stairstepping of the pads; stated the homeowners to the west of the project are concerned with the development's effect on the slope and discussed plan revisions made in an attempt to mitigate those concerns, i.e., 1) the units shall be situated as far away from the westerly property line as possible, 2) the development pads shall be raised by 2-1/2', and 3) a 2-1/2' berm shall be constructed along the slope adjacent to the Bella Vista development; stated the topography of the site precludes the ridgeline from serving as a backdrop to the development.

Al Seed, 1112 Calle Venezia, stated the homes within the 1100 block of Calle Venezia are located immediately adjacent to the proposed development; voiced concern with the leveling of the hillside; presented a letter, dated April 1, 1988 signed by owners of 10 of the 11 homes located within the 1100 block of Calle Venezia, opposing the proposed project.

Paul McAfee, 926 Calle Venezia, President of the Bella Vista Homeowners Association, felt the mitigation measures offered by the developer will improve the views for the homeowners on the 1100 block of Calle Venezia; opined the proposed development will enhance the value of the Bella Vista homes; stated 70% to 75% of the Bella

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Vista residents support the plan. In response to a request by Mr. McAfee, approximately 40 people stood to indicate support of the proposed development.

Charles Dahlton, President of the Montego Homeowners Association, relayed the Association's support for the project.

David Timmons, 1114 Calle Venezia, stated the hillside was a factor in purchasing his home and that the developer of his project informed him the hillside would not be changed. In response to a request by Mr. Timmons, 7 individuals stood to indicate opposition to the proposed development; suggested one-story homes could be constructed along the most westerly portion of the project.

Dan Marchetti, 921 Camino Ibiza, opined it is unrealistic to expect the development to not have any impact.

Mr. Stowell, Applicant, rebutted that the residents of the 1100 block of Calle Venezia would see only the roofs of the development, noting that in all instances at least 20' exists from Bella Vista's development pads to the top of the berm elevation; stated landscaping is proposed for the hillside which will mitigate the view impact; noted the development cannot proceed without homeowners' association approval; stated they will provide maintenance in all the flat areas.

Mayor Lorch closed the Public Hearing, there being no others desiring to speak to this issue.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 4-1 (MAYOR LORCH VOTING NOE), to adopt Resolution No. 88-20 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE ADOPTING A NEGATIVE DECLARATION AND CONDITIONALLY APPROVING TENTATIVE TRACT 12892 AND SITE PLAN REVIEW NO. 87-14, with the incorporation of the following revised and added conditions. (Note: The wording of the Conditions listed below is not intended to be complete as only the amended verbiage is specified. Refer to Resolution No. 88-20 for the complete Conditions.)

Condition #36 - A 2-1/2' berm shall be constructed along the slope adjacent to the Bella Vista development.

Condition #37 - The development pads shall be increased by 2-1/2' from the approved site plan and tract map elevations.

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D. TENTATIVE PARCEL MAP 85-434, HANDY - 143 PATERO DE ORO

Continued Public Hearing to consider a request to subdivide one lot into two lots for the purpose of constructing two single family residences at 143 Patero De Oro.

In response to Council inquiry, Rich Handy (Applicant) stated concurrence with the continuance of Tentative Parcel Map 85-434 to the Council meeting of April 20, 1988.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to continue the Public Hearing on Tentative Parcel Map 85-434 to the Council meeting of April 20, 1988 and direct staff to re-notice the Public Hearing.

4. CONSENT CALENDAR

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve the Consent Calendar with the removal of Items A, H, P, and R.

B. MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to receive and file:

- (1) Planning Commission minutes of February 16, 1988, February 23, 1988, February 25, 1988, March 1, 1988, and March 15, 1988.
- (2) Community Design Commission Minutes of February 23, 1988 and March 8, 1988.
- (3) Parks and Recreation Commission Minutes of March 8, 1988.
- (4) Golf Committee Minutes of February 2, 1988.

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C. NUISANCE ABATEMENT - VACANT LOT AT AVENIDA FLORENCIA AND CALLE MIRADOR

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adopt Resolution No. 88-24 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DECLARING ITS INTENTION TO DETERMINE WHETHER A PUBLIC NUISANCE EXISTS ON THE VACANT LOT AT AVENIDA FLORENCIA AND CALLE MIRADOR, AND SETTING A PUBLIC HEARING FOR THE CITY COUNCIL MEETING OF MAY 4, 1988.

D. NOTICE OF COMPLETION - CALLE MIRADOR STREET RECONSTRUCTION

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to accept the Calle Mirador Street Reconstruction Project No. 11-85 85 from Sully-Miller Contracting Company, and authorize staff to file a Notice of Completion with the County Recorder. (City Contract No. C87-073).

E. NOTICE OF COMPLETION - TRAFALGAR CANYON BEACH SEWER TRUNK RECONSTRUCTION, PROJECT 4-86

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to accept the Trafalgar Canyon Beach Trunk Sewer Reconstruction Project No. 4-86 from Wilson's Equipment Rentals, Inc., and authorize staff to file a Notice of Completion with the County Recorder. (City Contract No. C88-003).

F. NOTICE OF COMPLETION - NORTH BEACH REPLACEMENT FACILITY, PROJECT NO. 5016

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to accept the North Beach Replacement Facility Project No. 5016 from Construction "R" Us, and authorize staff to file a Notice of Completion with the County Recorder. (City Contract No. C86-515).

G. PROPOSED CHANGE ORDER POLICY FOR CONSTRUCTION PROJECTS

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve the "Change Order Policy for Construction Projects", dated April, 1988, and on file in the City Clerk's Department, allowing staff to approve Change Orders

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with maximum limits on individual Change Orders and cumulative total of Change Orders.

I. LEGISLATION H.R. 3988 - WATER CONSERVATION

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adopt Resolution No. 88-25 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, SUPPORTING PROPOSED LEGISLATION FOR CONGRESSIONAL AUTHORIZATION TO LINE PORTIONS OF THE ALL AMERICAN CANAL AND THE COACHELLA BRANCH.

J. FEDERALLY MANDATED GAS TAX COLLECTION

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to:

1. Take a position in opposition to federally mandated gas tax collection regulations.
2. Authorize the Mayor to submit letters to Senators and Congressmen requesting their support of S.2062 pertaining to federally mandated gas tax collection.

K. STATE ASSEMBLY BILL 2802 (HILL) - POSSESSORY INTEREST TAXES/CABLE TELEVISION COMPANIES

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to authorize the Mayor to submit letters to the members of the State Assembly Utilities and Commerce Committee, as well as our State Senator and Assemblyman, in opposition to AB 2802 (Hill), which would require a city to credit against its cable franchise fee the amount of the possessory interest tax charged because of the cable operator's possessory rights in city streets.

L. TRACTS 11957 AND 10417 (FORSTER RANCH) - PUBLIC UTILITY EASEMENT ACCEPTANCE

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to accept the easements for public utility purposes over the private property listed below and authorize the City Clerk to record said deeds:

Lot 18 of Tract 11957
 Lot 19 of Tract 11957
 Lot 22 of Tract 11957
 Lot 29 of Tract 10417

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M. WATERLINE EASEMENT QUITCLAIM - TRACT 12356, REMINGTON PROPERTIES

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to:

1. Approve the granting of a quitclaim to Remington Properties of a portion of the original easement as dedicated on the final map for Tract 12356; and
2. Authorize execution of the quitclaim by the Mayor and authorize the City Clerk to file the quitclaim with the County Recorder.

N. ASSIGNMENT OF PIER BAIT/TACKLE SHOP LEASE

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve, and authorize the Mayor to execute, the "Assignment and Assumption of Lease, As Amended, and Consent to Assignment of Lease", between Harlo Gene Burke, Donald H. Stanley, Shirley J. Stanley, and the City of San Clemente for the Pier Bait/Tackle Shop Lease. (City Contract No. C87-072).

O. JUNIOR LIFEGUARD AND INSTRUCTIONAL SURFING PROGRAMS

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adopt Resolution No. 88-26 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING FEE RATES FOR THE CITY'S JUNIOR LIFEGUARD AND INSTRUCTIONAL SURFING PROGRAMS AND RESCINDING RESOLUTION NO. 87-35.

Q. AUTHORIZATION TO SOLICIT BIDS - 1988 FIREWORKS SHOW

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to authorize a public fireworks display to take place at the pier on the Fourth of July and direct the Director of Fire Protection to solicit proposals for the 1988 fireworks show.

S. TIME EXTENSION FOR TENTATIVE PARCEL MAP 84-829 (SCHINDLER) - CONDOMINIUM DEVELOPMENT - 235 WEST ESCALONES

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adopt Resolution No. 88-27 entitled A RESOLUTION OF THE

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CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING A ONE-YEAR TIME EXTENSION FROM DECEMBER 19, 1987 TO DECEMBER 19, 1988 FOR TENTATIVE PARCEL MAP NO. 84-829.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

A. CITY COUNCIL MINUTES

Following clarification, MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve the City Council minutes of March 16, 1988 and February 24, 1988.

H. AWARD OF CONTRACT - CAMINO CAPISTRANO STORM DRAIN, PROJECT 13-85

Thomas O'Keefe cited the current drainage channel is located immediately adjacent to his property; spoke in opposition to the proposed storm drain since the drainage channel creates an atmosphere similar to a park that is frequented by small animals and birds; stated maintenance of the drainage channel is not an issue inasmuch as no money has been spent on maintenance of the drainage course since 1972; stated the subterranean drains on his property are designed to feed into the drainage channel; voiced concern that construction of the storm drain could cause the drainage from his property to percolate into the hillside and hence cause weakening of the bluff.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY MAYOR LORCH, CARRIED 5-0, to continue consideration of the Camino Capistrano Storm Drain to the Council meeting of April 20, 1988 to 1) enable staff to respond to the points raised by Mr. O'Keefe, and 2) respond to the degree of maintenance currently required to maintain the present drainage channel.

P. ADDITIONAL WORK AUTHORIZATION - ASSESSMENT ENGINEERS FOR WASTEWATER TREATMENT PLANT EXPANSION PROJECT - SERIES B BONDS

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 3-2 (MAYOR LORCH AND COUNCILMEMBER RICE VOTING NOE), to approve, and authorize the Mayor to execute, an amendment to Agreement No. C84-449 with Willdan Associates to increase the maximum fee authorized under the Agreement with the City, dated December 19, 1984, from \$200,000.00 to \$250,000.00 for services in connection with the Wastewater Treatment Plant

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Expansion Project and the related Assessment District 85-1.

R. REDEVELOPMENT AGENCY ANNUAL REPORT FOR FY 87-88/INDEPENDENT FINANCIAL AUDIT FOR FY 86-87

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 4-0-1 (MAYOR LORCH ABSTAINING), to approve the Proposed Redevelopment Agency Annual Report for FY 87-88 and accept the Independent Financial Audit Report for FY 1986-87, as contained in the Administrative Report, dated March 24, 1988, and on file in the City Clerk's Department.

5. WARRANT REGISTER

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve Warrant Nos. 71872 through 72027 for period 3-7-88 through 3-11-88 (Voids 71868-71871) in the amount of \$261,299.45; Warrant Nos. 72028 and 72033 through 72324 excluding Payroll Warrant for period 3-14-88 through 3-18-88 (Voids 72029-72032) in the amount of \$609,805.56; Payroll Warrant No. 72275 for period 3-7-88 through 3-20-88 in the amount of \$241,823.55; Warrant Nos. 72327 through 72508 for period 3-21-88 through 3-25-88 (Voids 72325-72326 and 72382) in the amount of \$434,059.55; for a total Warrant Register of \$1,546,988.11.

6. UNFINISHED BUSINESS

A. ANALYSIS OF TRACT 898 REGARDING ALTERNATIVES TO DEAL WITH SUBDIVISION REQUESTS WITHIN THE R-1-B-3 DISTRICT

Report from the Community Development Director concerning initiation of a rezone for Tract 898 or as an alternative, continuing to review each tract map application individually.

City Planner Barnes reviewed the contents of the Administrative Report, noting that historically the volume for lot split requests has been low and few opportunities remain for future lot splits within Tract 898; reviewed the alternatives available to Council and the implications attendant to those alternatives.

Community Development Director Holloway opined that any rezone of Tract 898 should be initiated by the residents of the neighborhood, rather than the City.

Rich Handy, 192 La Questa, stated that although 10 lots

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in Tract 898 are eligible for lot splits, only 2 or 3 lots are likely candidates for same; stated the current zoning has worked well since 1962.

John Kain, 350 Cristobal, relayed his belief that neighbors should not have input as to what an owner can do with his property; noted the Parcel Map Act is specific in setting forth requirements for lot splits.

City Attorney Oderman explained that Emergency Ordinance No. 963, which was adopted on March 2, 1988 and imposed a temporary restriction on the subdivision of lots within Tract 898, has no bearing on pending applications; stated the pending applications must be reviewed in context with the current zoning; noted Ordinance No. 963 will expire 45 days from March 2, 1988 unless extended by Council.

During the course of discussion, City Planner Barnes explained there are other areas in the City that would be affected if the R-1-B-3 zone's standards are revised; noted a change in standards could result in the creation of non-conforming lots.

Council agreed to consider the issue of City-wide lot splits at a future date. Council consideration of pending lot split applications in Lot 898 (i.e., Handy and Emadi applications) will be considered on April 20, 1988.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to continue to review each tract map application individually and then determine whether the parcel map applications meet the requirements of the Subdivision Map Act and Subdivision Code of the City of San Clemente for approval or denial of the application, with no direction to rezone Tract 898.

7. NEW BUSINESS

A. HUMAN SERVICES ADVISORY COMMITTEE

Report from the Director of Public Services concerning formation of a Human Relations/Human Services Advisory Committee.

Public Services Director Sorg reviewed the contents of the Administrative Report.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 4-0-1 (COUNCILMEMBER LIMBERG ABSTAINING) to establish an Ad Hoc Committee to 1) assess the City's need for a Human Services Advisory Committee and 2) make

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recommendations regarding the Committee's purpose and structure.

MOTION BY MAYOR LORCH, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to appoint Councilmembers Mecham and Rice to serve on the Ad Hoc Committee.

B. REFURBISHMENT OF CITY COUNCIL CHAMBERS

Report from the City Clerk concerning a remodeling project for the Council Chambers.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to:

1. Approve the modifications as outlined in Alternative 2 of the Administrative Report, dated March 29, 1988 and on file in the City Clerk's Department, with the understanding that an electronic voting system will be incorporated in the refurbishment plans.
2. Approve an appropriation of \$26,050.00 from the Annexation Fee Reserve to the General Fund, Account No. 001-124-44890, Other Operating Expenses.
3. Authorize the City Manager to approve a contract for the preparation of plans/specifications and administration of the contract, not to exceed 5% of the total project cost.

C. APPEAL OF REQUIREMENTS FOR FIRE SPRINKLERS IN REMODELS

Report from the Director of Fire Protection concerning the Fire Department's interpretation on the requirement of residential sprinkler systems for remodels which exceed an increase in area of 50% or 750 square feet, whichever is less.

Fire Marshal Begnell reviewed the contents of the Administrative Report.

MOTION BY COUNCILMEMBER RICE, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to appoint the Councilmembers to serve as the Board of Appeals for the Elia appeal.

Lew Elia, 163 W. San Antonio, stated the law requiring fire sprinklers for residential remodels has been changed without benefit of a public hearing and approval by Council; presented a letter, dated April 6, 1988, setting forth the sequence of events leading to his

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appeal; spoke in opposition to the formation of a Board of Appeals that consists of non-resident members; objected he was not advised at the outset that he would be required to install fire sprinklers.

City Attorney Oderman advised that Council has discretion in this matter and noted that laws are often ambiguous.

City Manager Hendrickson advised the interpretation of the Code was changed in January 1987; stressed the standard has been applied consistently since that time and in no case has anyone been exempted from this requirement.

Council directed staff to clearly specify the requirement for residential sprinkler systems for remodels on the planning check list; stated the Planning Department should be clearly advising Applicants up front of Code requirements.

Fire Marshal Begnell stated the residential sprinkler system requirement will also be specified at the time Council adopts the 1985 Uniform Fire Code.

Council noted that the City's fire delivery system is based upon a sprinklered City and hence feels that more stringent standards should be developed to require more dwellings to provide sprinklers at the time of remodel, including changing requirements from 50% to 25% and to address tearing down load-bearing walls and remodels involving major interior reconstruction that do not increase the size of the structure. Fire Marshall Begnell agreed to draft an ordinance containing more stringent standards for City Attorney review.

MOTION BY COUNCILMEMBER RICE, SECOND BY MAYOR LORCH, CARRIED 3-2 (COUNCILMEMBERS LIMBERG AND MECHAM VOTING NOE), to exempt Mr. Elia from the interpretation which would require the installation of a residential sprinkler system at his home which is undergoing a remodel (163 West San Antonio).

Council clarified that because the fire sprinkler requirement will be explicitly contained on the planning check list, the City's interpretation will continue to be that residential sprinkler systems shall be required for remodels which exceed an increase in area of 50% or 750 square feet, whichever is less.

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D. CALAFIA BEACH CONCESSION OPERATION

Report from the Director of Public Services concerning the solicitation of proposals for a mobile food concession at Calafia Beach.

Roy Washington stated he has been the concessionaire at Calafia Beach since 1974; stated he has never indicated that he would not be interested in the new concession; advised he does not wish to extend the current lease due to cost expenses associated with health code requirements.

Roger Gentry stated the La Cristianita Pageant Association is willing to operate the concession at Calafia Beach during the interim period until the permanent concession is constructed; stated they will operate the mobile concession during any hours desired by the City; stated bid solicitation will result in a delay in commencing operation of the concession; noted the proceeds from sales will benefit the La Cristianita Pageant Association.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to authorize staff to negotiate an agreement with the La Cristianita Pageant Association to operate a mobile concession as an interim operation during the summer months while the permanent concession is constructed and to submit the agreement to Council at the earliest opportunity. Additionally, Council agreed to waive the requirement for a portion of the proceeds to go to the City, provided the concessionaire obtains liability insurance and holds the City harmless from any liability.

8. ORAL COMMUNICATIONS

A. OFFER OF CONVEYANCE OF REAL PROPERTY - LA CRISTIANITA PAGEANT SITE

Roger Gentry, 115 West Lobos Marinos, President of the La Cristianita Pageant Association, advised the Association's land is zoned as Open Space and experiences a high rate of vandalism. On behalf of the Board of Directors, Mr. Gentry offered the Pageant site to the City of San Clemente with the proviso that the City will continue to allow the Pageant to take place at this location or a substitute location; urged that City representatives meet with representatives of the Association to finalize specifics of the ownership transfer.

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Council requested that Mr. Gentry submit a written formal proposal to the City Manager. Staff will then analyze the proposal and report to Council.

B. FORSTER RANCH ISSUES

Karen Conley, 311 Rosalinda, voiced concern with the condition of the greenbelt along Los Mares; advised the ownership of the greenbelt has not yet been established; indicated she submitted copies of the punch list along with her petition containing 1,000 signatures to the Real Estate Board and State Contractors' Licensing Board; indicated opposition to Forster Ranch II until current issues are resolved; expressed concern with area drainage.

Staff responded that the City can take action to rectify the situation after the ownership is determined.

C. TENTATIVE PARCEL MAP NO. 87-337, 350 PASEO DE CRISTOBAL - JOHN KAIN

John Kain, 350 Paseo de Cristobal stated he has been the owner of two large lots on Cristobal since 1958; reviewed the history of the lot split application which was submitted to Council on December 17, 1987 but was denied; stated he was not permitted to speak at the Council meeting of January 6, 1988 at which time Resolution No. 87-98, which denied the application, was adopted; voiced concern the findings of denial are not clear; requested reconsideration of Tentative Parcel Map No. 87-337.

9. REPORTS

A. Commissions and Committee

None.

B. City Manager

- (1) City Manager Hendrickson requested that Council schedule an Adjourned Regular Meeting to be held on April 11, 1988 for purposes of conducting a Closed Session to 1) discuss a matter of pending litigation (State Farm Insurance v. City of San Clemente) pursuant to Government Code Section 54956.9(a); and 2) to decide whether or not to initiate litigation pursuant to Government Code Section 54956.9(c).

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- (2) City Manager Hendrickson stated the San Juan Capistrano City Council is interested in working with San Clemente re Talega Valley; advised he submitted a letter to the San Juan Capistrano City Council; advised San Clemente staff will make a presentation to San Juan Capistrano representatives shortly after their election.

C. City Attorney

None.

D. Council Members

- (1) Consideration of re-establishing Traffic and Parking Commission/Committee. Mayor Lorch

This agenda item was tabled.

- (2) Consideration of supporting in principle the position of the Cities of Irvine and Laguna Beach in opposition to County of Orange Development Agreements. Mayor Lorch

Mayor Lorch requested that this agenda item be agendaized for the Council meeting of April 20, 1988.

Councilmember Limberg requested that the possibility of initiating a ballot measure for the November, 1988 election to enable appointment of the City Clerk and City Treasurer be agendaized for the April 20, 1988 Council meeting.

Councilmember Veale noted the Orange County Homeless Task Force will hold a meeting on April 12, 1988. City Manager Hendrickson will direct a staff member to attend.

10. RESOLUTIONS/ORDINANCES

A. ORDINANCE NO. 965 INTRODUCTION - FLOOD DAMAGE PREVENTION

Report from the Community Development Director concerning introduction of an ordinance amending Chapter 24A of the Municipal Code regarding flood damage prevention.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to introduce

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Ordinance No. 965 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE AMENDING SECTION 24.1 OF THE MUNICIPAL CODE OF THE CITY OF SAN CLEMENTE REGARDING FLOOD DAMAGE PREVENTION.

B. ORDINANCE NO. 964 INTRODUCTION - CABLE TELEVISION ACCESS

Report from the City Clerk concerning introduction of an ordinance providing for cable television access for subdivisions.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY MAYOR LORCH, CARRIED 5-0, to introduce Ordinance No. 964 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE AMENDING CHAPTER 35 REGARDING CABLE TELEVISION FOR SUBDIVISIONS.

MEETING RECESSED

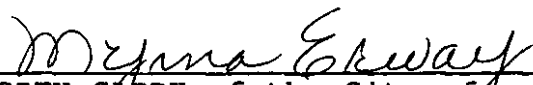
MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to recess to a meeting of the Re-development Agency at 12:50 a.m.


MEETING RECONVENED

Council reconvened at 12:51 a.m., with all members present.

ADJOURNMENT

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adjourn at 12:51 a.m. to April 11, 1988 at 7:00 p.m. for purposes of holding a Closed Session to 1) discuss a matter of pending litigation (State Farm Insurance v. City of San Clemente) pursuant to Government Code Section 54956.9(a); and 2) to decide whether or not to initiate litigation pursuant to Government Code Section 54956.9(c).


 CITY CLERK of the City of
 San Clemente


 MAYOR of the City of
 San Clemente

AFFIDAVIT OF POSTING ORDER
OF ADJOURNMENT OF MEETING

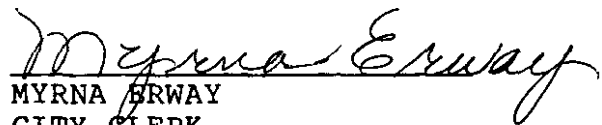
STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS.
CITY OF SAN CLEMENTE)

I, MYRNA ERWAY, declare as follows:

That I am the City Clerk of the City of San Clemente; that at a Regular City Council meeting held on April 6, 1988 said meeting was adjourned to the time and place specified in the ORDER OF ADJOURNMENT attached hereto; and that on April 7, 1988 at the hour of 9:30 a.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 April 7, 1988 at San Clemente, California.


MYRNA ERWAY
CITY CLERK

