

CITY OF SAN CLEMENTECITY COUNCIL MINUTESREGULAR MEETING - FEBRUARY 3, 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 7:10 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

Pastor Carl Stone, First Christian Church, gave the invocation.

1. SPECIAL PRESENTATIONS

- A. Mayor Lorch read a proclamation commemorating the 60th anniversary of the incorporation of the City of San Clemente.
- B. The San Clemente High School Madrigals sang "Celebrate" in honor of the City's 60th anniversary. Mayor Lorch introduced and presented City pins to the Madrigal singers, their accompanist, Nancy Fine, and their Director Renee Lacouague.
- C. Mayor Lorch introduced, and presented City pins to, the San Clemente High School students who participated in Student Government Day on February 2, 1988.

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

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3. PUBLIC HEARINGS

A. Specific Plan 87-01/Tentative Tract Map No. 13056 and Specific Plan 87-02/Tentative Tract Map No. 13054 (The Lusk Company)

Continued Public Hearing to consider 1) a Planned Residential Development of 233 attached condominium units located on the east side of Avenida Faceta and Via Faisan in Planning Area 2 of Marblehead Inland Master Plan; and 2) a Planned Residential Development totaling 185 single family residential units located on the east side of Avenida Vista Hermosa at Via Turqueza in Planning Area 5 of Marblehead Inland Master Plan.

City Clerk Erway advised The Lusk Company submitted a letter to the City, dated February 3, 1988, requesting that Specific Plan 87-01/Tentative Tract Map No. 13056 and Specific Plan 87-02/Tentative Tract Map No. 13054 be continued.

Mayor Lorch opened the Public Hearing; however, no one desired to speak to this issue.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to continue the Public Hearing on Specific Plan 87-01/Tentative Tract Map No. 13056 and Specific Plan 87-02/Tentative Tract Map No. 13054 to the Council meeting of February 17, 1988 at 7:00 p.m.

B. Tentative Parcel Map No. 86-206, Emadi - Located at 164 Avenida La Paz

Public Hearing to consider a request to subdivide two lots and a portion of a contiguous lot into three lots.

Council received a letter from Ruth Marie Johnson, dated January 29, 1988, in support of the proposed subdivision.

Principal Planner Goldin reviewed the contents of the Administrative Report.

Hadi Emadi, Applicant, 645 Via Barracuda, reviewed specifics relating to the application; felt the proposal will be a positive addition to the area.

Bill Ayer, South Coast Engineering, on behalf of the

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Applicant, stated he is available to answer technical questions relating to the proposed subdivision.

Ed Kissell, 106 Avenida De La Paz, spoke in support of the project inasmuch as he felt it would improve the area.

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

In answer to questions posed by Council, Principal Planner Goldin 1) stated that Lot 150 would not become a legal non-conforming parcel if the proposal were to be approved; 2) confirmed that a portion of Lot 150 has already been recorded to Lot 149; and 3) stated the Security Pacific Bank, the owner of record, consents to the application.

During the ensuing discussion, Council noted that the traffic configuration at the corner of Avenida De La Paz and East El Oriente is unusual and voiced concern that the traffic impact from the proposal may aggravate the situation and jeopardize public safety, particularly in light of the close proximity of the Ole Hanson Elementary School; voiced concern the proposed subdivision would not be consistent with the character of the area; indicated concern with lot splits and access.

Councilmembers Limberg and Rice did not feel the proposed subdivision would be detrimental, particularly since the property is located in close proximity to the Freeway.

MOTION BY COUNCILMEMBER VEALE, SECOND BY COUNCILMEMBER MECHAM, to deny Tentative Parcel Map No. 86-206.

At the request of the Applicant, Mayor Lorch re-opened the Public Hearing.

Bill Ayer rebutted that the proposal is consistent with the character of the area; felt the density and lot sizes are similar to surrounding properties; advised the Applicant previously submitted an application to subdivide the lots into four parcels, but the request was denied because the parcels would have been less than 80' in width.

Council pointed out that the surrounding properties that are less than 80' in width were legally subdivided prior to March 1962, when the R-1-B-3 Zoning District was created.

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

SUBSTITUTE MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG to continue the Public Hearing on Tentative Parcel Map No. 86-206 to the Council meeting of March 2, 1988 to enable the City's Traffic Engineer to review the concerns expressed by Council and report back as to potential mitigation of those concerns.

In response to a question posed by City Attorney Oderman, Hadi Emadi, Applicant, concurred with the proposed continuance of Tentative Parcel Map 86-206.

THE SUBSTITUTE MOTION CARRIED BY A 5-0 VOTE.

C. Tentative Tract Map 11014, Final Tract Map No. 11014 - 104 South Alameda Lane

Public Hearing to consider a request for a one lot subdivision for 35 timeshare/condo units located at 104 S. Alameda Lane and approval of the Final Map for Tract No. 11014.

Principal Planner Goldin reviewed the contents of the Administrative Report.

Mayor Lorch opened the Public Hearing.

Howard Mecham, Applicant, Director of Development - Winner's Circle, 16624 Martin Court, Poway, stated he was unaware that the Tentative Tract Map had expired until he requested that the project be scheduled for Final Map approval; stated the project has been constructed in compliance with all conditions of the Tentative Tract Map.

Rick Anderson, 601 Avenida Victoria, stated the majority of the 600 block of Victoria supports the immediate opening of the time-share development; spoke on the need to revitalize the area.

Bill Ayer, South Coast Engineering, stated he prepared the Tentative Parcel Map and is available to answer questions.

Richard S. Kirkendall, 405 Avenida Granada #216, on behalf of the Del Mar Homeowners Association, read a statement, dated February 3, 1988, which urged that Council require the project to comply with the provisions of the Zoning Code; spoke in opposition to the height of the structure; voiced concern that an Environmental Impact Report was never prepared; felt the

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project could set an undesirable precedent.

David Cassano, Cassano's Pizza, 626 Avenida Victoria, spoke in support of the project inasmuch as he felt it would be an attractive addition to the area.

Frank Denison, 504 Monterey Lane, objected to the height of the structure.

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

Principal Planner Goldin reviewed the methodology used to compute the height of the structure at the time the Tentative Tract Map was approved; noted a more sophisticated methodology is utilized at present to determine height on slope lots; stated the structure was built in accordance with the regulations in effect at the time the project was approved in 1983.

City Attorney Oderman explained that most of the factors that enter into a Tract Map decision are irrelevant at this point since the building is virtually completed; noted the only relevant question pertaining to Tentative Tract Map 11014 pertains to the form of ownership, i.e., common ownership versus subdivided ownership; clarified that the issues of height and blockage of views are not concerns that Council can effect at this point in the process, nor were they issues that Council could have considered in April 1987 at the time Mr. Kirkendall originally addressed Council to express concern with the height of the structure.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adopt Resolution No. 88-09 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA ADOPTING A NEGATIVE DECLARATION AND CONDITIONALLY APPROVING TENTATIVE TRACT MAP NO. 11014 SUBJECT TO THE SEVEN FINDINGS AND SEVEN CONDITIONS.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to approve the final map for Tract 11014.

4. CONSENT CALENDAR

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to approve the Consent Calendar with the removal of Items 4-B(1), 4-C, and 4-D.

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A. City Council Minutes

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to approve the City Council minutes of January 20, 1988 Regular Meeting, January 27, 1988 Joint Council/Planning Commission Meeting, and January 13, 1988 Joint Council/Commissions/Committee Meeting.

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

(2) Parks and Recreation Commission Minutes of January 12, 1988.

E. Notice of Completion - Salvador and San Juan Pressure Reducing Stations

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to accept the work on the Salvador and San Juan Pressure Reducing Stations from HPL Mechanical Contractors and authorize recordation of a Notice of Completion for the construction of the pressure reducing stations at San Juan and Salvador. (Contract #C87-041).

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

4-B(1) Planning Commission Minutes of January 5, 1988

Mayor Lorch noted that the Planning Commission passed a motion declaring its opinion that the amount of commercial zoning in the central part of the City seems to be disproportional with the actual needs of the City, and directing that Planning staff institute a study of commercial zoning in the core area; felt that directions to staff relating to study preparation should be made by Council.

MOTION BY MAYOR LORCH, SECOND BY COUNCILMEMBER RICE to call up for review the Planning Commission's direction to staff to institute a study pertaining to commercial zoning.

Following discussion, Council directed staff to keep projects in perspective as to their degree of urgency and to not become overcommitted.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to receive and file the Planning Commission minutes of January 5, 1988.

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C. Acceptance of Equipment - Emergency Services Pumper

Following clarification, MOTION BY MAYOR LORCH, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve acceptance of an Office of Emergency Services pumper and authorize the Mayor to execute the agreement for temporary transfer of vehicular equipment with the Office of Emergency Services. (Contract #C88-002).

D. Acceptance of Work and Release of Bonds - Tracts 11931 and 11932 - 888 Development, Forster Ranch

Councilmember Limberg disagreed with releasing bonds prior to 100% completion of the landscaping requirements; stated early bond release places the burden for completion on the City rather than the developer; recommended establishment of a policy regarding bonds.

MOTION BY COUNCILMEMBER VEALE, SECOND BY COUNCILMEMBER MECHAM, CARRIED 3-2 (MAYOR LORCH AND COUNCILMEMBER LIMBERG VOTING NOE) to adopt Resolution No. 88-10 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ACCEPTING FROM 888 DEVELOPMENT COMPANY ALL WORKS OF IMPROVEMENT FOR TRACTS NO. 11931 AND 11932 AND PROVIDING FOR RELEASE OF BONDS AS PROVIDED BY LAW, with the understanding that the \$11,000 cash deposit to secure grow-in of all landscaping shall be increased to \$20,000.

Council requested that staff draft a policy addressing bonding for Council review as soon as possible.

5. WARRANT REGISTER

MOTION BY COUNCILMEMBER MECHAM, SECOND BY MAYOR LORCH, CARRIED 5-0, to approve Warrant Nos. 70540 and 70544 through 70752 excluding Payroll Warrant for period 1-11-88 through 1-15-88 (Voids 70541-70543) in the amount of \$784,131.21; Warrant Nos. 70755 through 70911 excluding Payroll Warrant for period 1-18-88 through 1-22-88 (Voids 70753 and 70754) in the amount of \$361,814.26; Payroll Warrant No. 70886 for period 1-11-88 through 1-24-88 in the amount of \$250,163.68; for a total Warrant Register of \$1,396,109.15.

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6. UNFINISHED BUSINESS

None.

7. Landscape Plan Check Services - Request for Proposal

- A. Report from the Community Development Director concerning a Request for Proposal (RFP) to retain the services of a licensed Landscape Architect to review landscape and irrigation plans submitted for approval to the City.

City Planner Barnes summarized the contents of the Administrative Report.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to direct staff to circulate the Request for Proposal to Provide Landscape and Irrigation Plan Check Services to the City of San Clemente, as contained in the Administrative Report dated January 26, 1988, and on file in the City Clerk's Department.

8. ORAL COMMUNICATIONS

Steve Kingston, 4011 Calle Abril, requested implementation of the Code enforcement program utilizing citations. Staff will review this program for additional Council consideration, due to the staff time required to appear in court.

9. REPORTS

A. Commissions and Committees

None.

B. City Manager

(1) Senior Citizen Meals Program - Request for Supplemental Appropriation

City Manager Hendrickson provided an overview of the request of San Clemente Seniors for a supplemental appropriation from the City budget to assist in funding meal programs for San Clemente senior citizens served by San Clemente Seniors, Inc.; reviewed the effect of such an appropriation on the City budget.

Roy Garbarine, 4205 Calle Juno, spoke in support of the request of San Clemente Seniors; reviewed efforts taken by San Clemente Seniors to reduce the

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proposed \$18,345 budgetary shortfall for FY 1987/88; reviewed the need for the Senior Citizen Meals Program and summarized the operations thereof.

In response to Council inquiry, Marilyn Ditty, Executive Director of San Clemente Seniors, Inc. explained that home-delivered meals are delivered only to those seniors who meet rigid criteria.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE to approve the transfer of \$18,345 from the General Fund Contingency Reserve (Account #001-124-44900) to the City Council Community Promotions budget (Account #001-112-44730) to provide a one-time supplemental appropriation for the Senior Citizen Meals Program, with the understanding that the funds be spent on meals served within the City of San Clemente.

Council directed that staff maintain contact with San Clemente Seniors, Inc. and keep Council apprised of the financial status of the Senior Citizen Meals Program.

THE MOTION CARRIED 5-0.

- (2) City Manager Hendrickson advised the ground-breaking ceremony for Fire Station #2 will be held on February 13, 1988.
- (3) City Manager Hendrickson requested a Closed Session to discuss matters of personnel.

C. City Attorney

None.

D. Councilmembers

- (1) City Policy Re: Parking on the Beach

Councilmember Rice 1) voiced concern that cars are being parked on the railroad side of the beach. Council directed staff to investigate the situation and report back; 2) voiced his desire for the interim concession and restroom to be re-opened as soon as possible. Staff explained that a water line needs to be replaced before the facilities can be re-opened.

Councilmember Limberg 1) advised that a group of San Clemente citizens are initiating a drive to purchase

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another police dog; spoke on the importance of encouraging this effort; 2) requested that fiscal impact and fund balance be included at the end of all Administrative Reports; 3) requested that staff consider methods of enforcing the prohibition of using garages for storage or illegal conversion to apartments.

Councilmember Mecham requested enforcement of cars parked in such a manner as to block sidewalks.

Councilmember Veale 1) suggested, and Council concurred, that the City sanction a Bicentennial Committee to be headed by Dottie Prohaska (who also serves as head of the School District Bicentennial Committee), to focus on the Bicentennial Celebration for the coming year; 2) suggested the City contact the School District re the possibility of their distributing excess lunches either through ESA or San Clemente Seniors, Inc. City Manager Hendrickson agreed to contact the School District.

Mayor Lorch 1) voiced concern that for-sale signs for Cypress Cove were posted along Del Presidente; felt that enforcement of illegal signs should take place on weekends as well as weekdays; 2) relayed that Sharron Gill informed him that a Bicentennial Tree will be delivered in the near future and requested that staff give thought to an appropriate location therefor; noted that the City will have the opportunity to choose between two species of trees; 3) presented a possible alternative route for the SDG&E easement through the Marblehead tract; 4) spoke on the importance of stressing underground utilities; 4) voiced concern with the number of Code violations currently existing in the 100 block of Avenida Algodon; 5) requested that Council give staff direction re the mid-year budget; wants assurance City is accomplishing its goals and objectives.

10. RESOLUTIONS/ORDINANCES

A. Ordinance No. 962 - First Reading

City Manager Hendrickson reviewed the background of Ordinance No. 962; summarized the primary concerns that were raised at the January 20, 1988 meeting re the Fire/EMS Response Standards, as contained in the Administrative Report, dated January 29, 1988 and on file in the City Clerk's Department; advised a revised Ordinance has been prepared which provides that the Ordinance shall become effective on June 1, 1988.

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Director of Fire Protection Dailey advised The Lusk Company and Robert Bein, William Frost & Associates are in the process of conducting a time/distance study; reviewed possible solutions to the concerns which were expressed on January 20, 1988 relative to secondary response, as contained in the Administrative Report, dated January 29, 1988 and on file in the City Clerk's Department.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE to re-introduce Ordinance No. 962 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE ESTABLISHING A RESPONSE STANDARD FOR THE PROVISION OF FIRE AND EMERGENCY MEDICAL SERVICES TO NEW DEVELOPMENT, with the proviso that the Ordinance shall become effective on June 1, 1988.

Jim Omsberg, Dividend Development, 12555 High Bluff Drive, Suite 290, San Diego, stated he sent a letter to Council which explained Dividend Development's concerns; spoke in opposition to the Ordinance due to the manner in which it is proposed to be implemented; opined there is no need to restrict new development; suggested possible establishment of an Assessment District.

Rob Johnson, The Lusk Company, representing Marblehead, 17550 Gillette, Irvine, stated he will reserve his comments until the next meeting since he has not yet had an opportunity to review the revised Ordinance.

Larry Nelson, 3151 Airway Avenue, Suite L-1, stated he does not feel any substantive change has been made to the Ordinance, except for the revised effective date; questioned what caused the criteria to change and the specific criteria for a business park.

Dave Christian, WSLA, 535 Anton Boulevard, Costa Mesa, stated the business community is concerned with the proposed Ordinance; voiced concern with the suggestion that the developers could purchase a replacement pumper to replace the City's slowest pumper; felt the replacement pumper should be funded from City funds slated for public protection; questioned who will pay for staffing the fire station; noted the potential revenue from development of the business park and economic development.

THE MOTION CARRIED 4-1 (COUNCILMEMBER LIMBERG VOTING NOE.)

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MEETING RECESSED

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to recess to a meeting of the Redevelopment Agency at 11:12 p.m.

MEETING RECONVENED

Council reconvened at 11:15 p.m., with all members present.

CLOSED SESSION

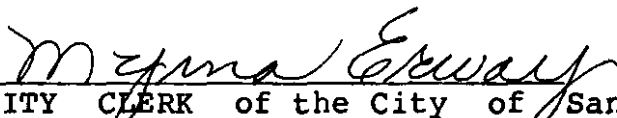
MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to recess to Closed Session at 11:15 p.m., to discuss matters of personnel. The City Manager and Assistant City Manager were in attendance.


MEETING RECONVENED

Council reconvened at 11:35 p.m., with all members present.

ADJOURNMENT

Council adjourned at 11:35 p.m. The next Council meeting will be held on February 17, 1988 at 7:00 p.m.


CITY CLERK of the City of San
Clemente


MAYOR of the City of
San Clemente