

CITY OF SAN CLEMENTECITY COUNCIL MINUTESADJOURNED REGULAR MEETING - FEBRUARY 18, 1987

An Adjourned 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 Veale at 6:08 p.m.

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

ABSENT Council Members - NONE

ALSO PRESENT James B. Hendrickson, City Manager; Myrna Erway, City Clerk; Jeff Oderman, City Attorney; Jim Holloway, Community Development Director; Greg Hulsizer, Assistant City Manager; Bill Cameron, City Engineer; Joanne Baade, Deputy City Clerk.

CLOSED SESSION

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to recess to Closed Session at 6:08 p.m. for the purpose of discussing 1) potential litigation, pursuant to Government Code Section 54956.9(c); pending Real Property Negotiations, pursuant to Government Code Section 54956.8 (potential acquisition of City Hall site on Marblehead Property - James Hendrickson, Negotiator); 3) threatened litigation against the City, pursuant to Government Code Section 54956.9(b)(1).

MEETING RECONVENED

The meeting was reconvened at 7:10 p.m., with all members present.

ADJOURNMENT

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adjourn at 7:10 p.m. The next regular meeting will be held Wednesday, February 18, 1987 at 7:10 p.m.

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Shelley A. Veale
MAYOR of the City of
San Clemente

Maryna Eraway
CITY CLERK of the City of
San Clemente

CITY OF SAN CLEMENTECITY COUNCIL MINUTESREGULAR MEETING - FEBRUARY 18, 1987

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 Veale at 7:10 p.m.

INVOCATION

Dr. James Farley, San Clemente Presbyterian Church, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Veale led the Pledge of Allegiance.

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

ABSENT Council Members - NONE

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

1. SPECIAL PRESENTATION

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to appoint Sharron Gill as the City's representative to the State of California Bicentennial Commission on the United States Constitution.

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

3. PUBLIC HEARINGS

A. Use Permit 86-29 - Villa Rosa (Appeal of Planning Commission Decision - File No. 112

Public Hearing to consider an appeal of the Planning Commission's denial to allow the construction of an 11-unit senior citizen apartment project on two lots in a C-1 District.

Gary Wiggle, Applicant, provided an overview of the proposal; stated the project meets the requirements of the Zoning Ordinance since 60 dwelling units are planned, while the Ordinance allows a maximum of 62 dwelling units; advised that 7 of the units would be market rate units, with the remaining 4 units being affordable units.

Bob Goldin, Senior Planner, responded to Council inquiries relating to the affordable housing requirement, and reviewed the Planning Commission's reasoning for denying the project.

Mayor Veale opened the Public Hearing.

C. L. Snider, 303 Calle Rica, stated parking is at a premium, resulting in cars being parked on the streets.

Frank Denison, 504 Monterey Lane, relayed his concerns pertaining to density and parking; felt that businesses should be situated in the subject area; voiced concern that the height measurement of the structure should not be determined from the top of fill dirt; felt the application would actually result in a 40' high structure; stated the proposal should not be constructed in a C-1 zone.

Annetta Miller, 235 Victoria, spoke in support of the proposal; felt the residents of the development would patronize the surrounding small businesses.

Ray Campbell, 1209 La Jolla, spoke in support of the project; felt the proposal would upgrade the area; stated that 40 of 50 businesses on Del Mar signed his petition endorsing the use of the subject location for senior citizen housing; felt the proposal would be economically beneficial to businesses on Del Mar.

Charles Kintner, general partner for J.I.C.K. Investments, owner of the property, stated that in the event Council denies the project, he may decide not to construct senior housing on the site; stated he would be

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receptive to guidelines relating to the term of the affordable housing requirement; stated the project conforms to all specifications; felt the project would be a credit to the downtown area.

The public hearing was closed, there being no others desiring to speak on this item.

In discussion, Council concerns and suggestions noted were: 1) reconsideration of the Senior Housing overlay; 2) possibility of rezoning the area or mixed use; 3) reducing the density of the project; and 4) deferring consideration of further applications until Council establishes appropriate guidelines.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, to adopt Resolution No. 87-11 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND DENYING USE PERMIT NO. 86-29.

SUBSTITUTE MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER MECHAM, FAILED 2-3 (COUNCILMEMBERS LIMBERG, RICE, AND MAYOR VEALE VOTING NOE), to refer Use Permit No. 86-29 back to the Planning Commission to determine if the issues of density, parking, traffic, and ground level measurement can be resolved.

THE ORIGINAL MOTION CARRIED 3-2 (COUNCILMEMBERS LORCH AND MECHAM VOTING NOE.)

B. Tri-Lock Channel through the Shorecliffs Golf Course - Declaring the Prima Deshecha Canada Watercourse a Public Nuisance - File No. 58

Public Hearing to consider whether a public nuisance exists in the area of the Shorecliffs Golf Course.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to continue the Public Hearing on the Tri-Lock Channel through the Shorecliffs Golf Course to the City Council meeting of March 4, 1987.

Dan Millington, 3917 Calle Andalucia, addressed the urgency associated with the Tri-Lock and Cascadita Drainage Channels; referred to photographs showing erosion associated with the Cascadita Drainage Channel.

Council requested to be provided with copies of Mr. Millington's photographs of the Cascadita Drainage Channel at its meeting of March 4, 1987.

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C. Zoning Amendment 86-05, Pico Pavilion - File No. 117.

Public Hearing to consider a request to rezone a 3-acre site located on the corner of Avenida Pico and Calle de los Molinos from Industrial (M-2) to Heavy Commercial (C-3), to enable the construction of a retail shopping center and drive-through restaurant on the site.

Harry Weinroth, representing Benco Ltd., stated the Planning Commission has recommended the subject property be re-zoned to C-3, which would also allow C-1 and C-2 uses; felt that rezoning the property to C-3 would be in accordance with the General Plan and Plan 2000; felt the project would generate jobs and would increase the tax base; urged concurrence with Planning Commission recommendation.

Associate Planner Willcocks presented Council with copies of revised Planning Commission Resolution No. 87-10; reviewed contents of the Administrative Report; stated staff supports C-D zoning, rather than C-3 zoning.

Mayor Veale opened the Public Hearing.

Phil Peter, 128 San Diego, stated he is a property owner in the Industrial area; advised that no provision has been made for M-1 and M-2 zoning in the backcountry; felt the proposed zone change would result in the loss of one-half of the City's M-2 zoning.

Ray Giacamine, disagreed with staff finding re no environmental impact; stated the proposal will adversely affect his and many other small businesses; requested that M-2 zoning be designated elsewhere to allow the businesses to relocate as cited by the City when Plan 2000 was approved.

Lawrence Vasquez, 161 Avenida Navarro, stated he has a plumbing business and residence in the area; noted the project will impact traffic and parking.

Tom Vasquez, 161 Avenida Navarro, spoke in opposition to the project, citing the parking shortage in the area; felt the proposal would increase traffic; stated the surrounding streets are designed for residential use.

Brenda Teter, 208 Calle Marina, prospective proprietor, stated the project would bring revenue to the city.

Ray Campbell, owner of M-2 property, felt that the proposal would replace an unsightly rubber plant.

Karoline Koester, 401 Via Pajaro, referenced prior Council action re Industrial zoning in the backcountry; voiced concern that the surrounding area is proposed to be re-zoned.

The Public Hearing was closed, there being no others desiring to speak on this issue.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to adopt Resolution No. 87-07 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA DENYING ZONING AMENDMENT 86-05.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to direct staff to investigate and report back to Council on alternative areas for M-2 zoning, which would provide relocation areas for existing Industrial businesses.

In discussion, Council recommended that staff study the overall traffic projections on Pico, proceed with a General Plan Amendment and re-zoning to C-D, and that there be no piecemeal zoning; noted a desire not to discourage the applicant.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to recess at 9:05 p.m. Council reconvened at 9:25 p.m., with all members present.

4. CONSENT CALENDAR

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to approve the Consent Calendar with the removal of Items A, C, E, F, and G.

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

- (1) Planning Commission minutes of January 20, 1987.
- (2) Community Design Commission Minutes of January 27, 1987.
- (3) Parks and Recreation Commission Minutes of January 27, 1987.

- D. Upper City Hall Parking Lot Resurfacing, Project No. 2-87 - File No. 40.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to 1) reject the bid of McGrew Construction Company; 2) authorize staff to take informal bids to remove the tree roots, remove and replace damaged curbs, and remove damaged pavement sections; and 3) authorize City forces to replace the pavement and restripe the parking lot.

ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION

- A. City Council Minutes of February 4, 1987.

Following clarification, MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve the City Council minutes of February 4, 1987.

- C. Bank Account Signature Authorizations - File No. 41.

Councilmember Lorch questioned whether the City officials and agents who are designated to sign checks drawn on the City's bank accounts are bonded. Staff will advise Council re bonding of signatories.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adopt Resolution No. 87-08 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PROVIDING AUTHORIZATION TO CERTAIN CITY OFFICIALS AND AGENTS TO EXECUTE CHECKS DRAWN ON CITY BANK ACCOUNTS.

- E. Bid Award - City Hall Remodeling, Project No. 1-87 - File No. 40.2.

City Manager Hendrickson advised that \$40,000 has been budgeted for the City Hall remodeling project, rather than \$50,000 as was indicated in the Administrative Report.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to award the contract for the remodeling of City Hall to the lowest bidder, Brklacich Construction Company, at the bid price of \$23,830.

F. Storm Drain Easement - Tract 11932 (Forster Ranch)
- File No. 97.

Following clarification, MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to:

1. Accept the easement deed from 888 Development Company for the revised storm drain alignment within Tract 11932; and authorize its recordation by the City Clerk.
2. Approve granting a quitclaim to 888 Development Company of a portion of the original easement as dedicated on final map for Tract 11932; and authorize execution of the quitclaim deed by the Mayor and recordation by the City Clerk.

G. Grading Manual Amendment, Appendix F, "Slope Stability Analysis - File No. 31.

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER MECHAM, to direct staff to incorporate language revisions into the Grading Manual to allow exemptions for relaxed grading in specific areas to be approved by Council.

SUBSTITUTE MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to adopt Resolution No. 87-12 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING THE CITY OF SAN CLEMENTE GRADING MANUAL, subject to staff incorporating language revisions into the Grading Manual to allow exemptions for relaxed grading in specific areas to be approved by Council.

Council consideration of the proposed exemption from the Grading Manual for the golf course in Rancho San Clemente was deferred to the meeting of March 4, 1987.

5. WARRANT REGISTER

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LORCH, to approve Warrant Nos. 062812 through 062994 excluding Payroll Warrant for the period 2-2-87 through 2-6-87 (Voids 62807 through 62811) in the amount of \$574,567.26; Warrant Nos. 62631 through 62806 for period 1-26-87 through 1-30-87 (Voids 62825 through 62630) in

the amount of \$173,134.41; Payroll Warrant No. 062962 for period 1-26-87 through 2-8-87 in the amount of \$212,352.42; for a total Warrant Register in the amount of \$960,054.09.

In response to query from Councilmember Lorch, City Manager Hendrickson stated that six warrants relate to expansion of the Wastewater Treatment Plant.

Councilmember Lorch noted that the six warrants total \$189,923.

THE MOTION CARRIED 3-2 (COUNCILMEMBERS LORCH AND RICE VOTING NOE.)

6. UNFINISHED BUSINESS

A. Base of Pier Concessionaire Selection - File No. 44.8

Report from the Director of Public Services concerning selection of an interim base of pier concessionaire until a new facility is built.

Director of Public Services Sorg reviewed the contents of the Administrative Report; responded to Council inquiries relating to the proposal.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to direct staff to negotiate a lease for the existing base of the pier concession with Mr. Hal Griffith for a two-year period or until a new facility is built, with the lease being returned to the City Council for approval.

B. Alternative Site for New Base of Pier Concession and Improvements to Fisherman's Restaurant - File No. 44.2.

Report from the Director of Public Services concerning an alternative site for the base of the pier concession and improvements to the Fisherman's Restaurant.

City Attorney Oderman advised that at the January 7, 1987 Council meeting, Hal Griffith questioned whether the City had authority to solicit Requests for Proposal for the new base of the pier concession based on his Agreement with the City. Mr. Oderman opined that the new base of the pier concession could be leased to a third party and would not interfere with Mr. Griffith's first right

of refusal, provided the concession is limited to fast food, remains no larger than 800 sq. ft. in size, and does not interfere with the operation of the Fisherman's Restaurant.

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER RICE, CARRIED 3-2 (COUNCILMEMBERS LIMBERG AND MECHAM VOTING NOE), to declare the following action of the City Council, taken on November 6, 1985, null and void inasmuch as neither lease was negotiated:

"MOTION BY COUNCILMAN MECHAM, SECOND BY COUNCILMAN DIEHL, CARRIED 4-1 to authorize the Public Services Director and City Attorney to negotiate the terms of a lease agreement with H.E.G. Enterprises for a new concession based upon the proposed design; and to negotiate a license agreement with the Santa Fe Railroad Company to permit construction of the concession with both negotiated agreements to be brought back to Council for approval. Councilwoman Koester voted NOE."

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, to accept the proposal in line with 1400 sq. ft. that Mr. Griffith has proposed.

Douglas Bourg, 307 Avenida San Carlos, spoke in support of Mr. Griffith's project, commenting that Mr. Griffith has upgraded the area.

Maurice Sherrill, 610-E Avenida San Juan, representing the bait and tackle concessionaire, advised that their former concerns have been resolved; stated he supports the proposal and feels it will enhance service to the public.

Brad Wright, 317 Avenida Del Mar, spoke in support of the project as he felt it would be a quality addition to the area.

Mr. Farmen reviewed the history of the concession and discussed improvements made to the concession.

C. L. Snider, 303 Calle Rica, felt that allowing one individual to bid on a 1400 sq. ft. facility, while the other bidders are not allowed to do so, is unfair; felt a fish market would not be suitable in this location.

Steve Kingston, 4011 Calle Abril, voiced concern

at the length of time the issue has been pending.

THE MOTION CARRIED 3-2 (COUNCILMEMBERS LORCH AND RICE VOTING NOE.)

Public Services Director Sorg reviewed the background of the issue and provided an overview of Mr. Griffith's proposal.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 3-2 (COUNCILMEMBERS LORCH AND RICE VOTING NOE), to 1) approve the new concept for the concession; and 2) direct staff to return to Council with a proposed lease agreement, with provisos as follows:

- a) The lease would be subject to not being in conflict with the present bait and tackle shop operations.
- b) The lease shall be a separate lease and not an amendment of the existing Fisherman's lease.
- c) The lessee shall be responsible for all improvements to the site.

Council noted that it is not accepting Mr. Griffith's economic proposal at this point in time; and directed the staff members involved in negotiating the lease to consult with the Engineering staff to assure that the improvements are constructed on pilings.

Hal Griffith, stated that the Health Department wants the kitchen of the Fisherman's Restaurant to be expanded and reviewed the expansion plans.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to 1) approve the proposed improvements for the Fisherman's Restaurant as set forth in the Administrative Report; and 2) direct staff to report back on whether the expansion would require an amendment to the lease and whether a Use Permit revision is necessary.

7. NEW BUSINESS

- A. Response to Department of Interior Outer Continental Shelf Five-Year Lease Plan - File No. 118.

Report from the Assistant City Manager outlining City concerns regarding the California Component of

the Department of the Interior's Draft Five-Year Outer Continental Shelf (OCS) Lease Program.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adopt Resolution No. 87-13 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE IN RESPONSE TO THE FEBRUARY 2, 1987 "CALIFORNIA COMPONENT" OF THE PROPOSED 5-YEAR OCS LEASING PROGRAM FOR 1986-1991 pursuant TO P.L. 99-591.

8. ORAL COMMUNICATIONS

C.L. Snider, 303 Calle Rica, urged that Council form a citizens group to address issue of view blockages caused by trees and shrubs.

John Nichols, 2715 Via Arboleda, representing Associated Shorecliffs Residents, stated the organization will support the City's slope failure victims; stated that Estrella Properties agreed to maintain the tri-lock drainage channel in perpetuity and urged that the City hold Estrella Properties to that Agreement; reviewed his concerns with the Cascadita Drainage Channel.

9. REPORTS

A. Commission and Committee

None.

B. City Manager

Council determined that staff would respond to inquiries relating to the Wastewater Treatment Plant expansion in writing, in lieu of holding a Study Session on February 26, 1987.

City Manager Hendrickson voiced concern with the amount of staff time that has been devoted to reviewing past Council actions; estimated that it will take approximately 60 hours of staff time for written responses due to the complexity of the questions.

City Manager Hendrickson referred to a letter from the San Clemente Historical Society, dated February 9, 1987, requesting use of the Shuffle Board Court for a museum. Council referred the subject letter to the Parks and Recreation Commission.

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It was agreed that copies of similar requests received by the City Manager's Office will be provided to Council along with a note indicating the Manager's proposed action; if no objections are received by Councilmembers, the Manager will proceed as indicated.

City Attorney

City Attorney Oderman requested a Closed Session for the purpose of discussing 1) pending Real Property Negotiations, pursuant to Government Code Section 54956.8 (potential acquisition of City Hall site on Marblehead Property - James Hendrickson, Negotiator); and 2) pending litigation (Broadmoor Community Association vs. City of San Clemente), pursuant to Government Code Section 54956.9(a).

Council Members

Mayor Veale suggested the formation of sub-committees as follows: Urban Design; Traffic; Social Needs; Economic Development.

Due to the lateness of the hour, the remaining agenda items were deferred to the City Council meeting of March 4, 1987.

CLOSED SESSION

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to recess to Closed Session at 12:20 a.m. for the purpose of discussing 1) pending Real Property Negotiations, pursuant to Government Code Section 54956.8 (potential acquisition of City Hall site on Marblehead Property - James Hendrickson, Negotiator); and 2) pending litigation (Broadmoor Community Association vs. City of San Clemente), pursuant to Government Code Section 54956.9(a). The City Manager, City Attorney, Assistant City Manager, and Community Development Director were in attendance.

MEETING RECONVENED

The meeting reconvened at 12:40 a.m., with all members present.

ADJOURNMENT

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to adjourn at 12:40 a.m. The next Regular Meeting will be held Wednesday, March 4, 1987 at 7:00 p.m.

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Megna Erway
CITY CLERK of the City of
San Clemente

Sally A. Veale
MAYOR of the City of
San Clemente

