

CITY OF SAN CLEMENTECITY COUNCIL MINUTESADJOURNED REGULAR MEETING - MARCH 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 6:00 p.m.

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

*COUNCILMEMBER MECHAM ARRIVED AT 6:05 P.M.

ABSENT Council Members - NONE

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

CLOSED SESSION

MOTION BY COUNCILMEMBER RICE, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0 (COUNCILMEMBER MECHAM ABSENT), to recess to Closed Session at 6:04 p.m. to discuss a matter of potential litigation (Cascadita Canyon Slope Failure), pursuant to Government Code Section 54956.9(b)(1), and to decide whether to initiate litigation, pursuant to Government Code Section 54956.9(c). The City Manager, Assistant City Manager, City Attorney, Community Development Director, City Engineer, and Attorney Margaret Sohagi were in attendance.

RECONVENE

Council reconvened at 6:59 p.m., with all members present.

CITY COUNCIL MINUTES
MARCH 18, 1987 ADJOURNED REGULAR MEETING
PAGE 2

ADJOURN

The meeting adjourned at 6:59 p.m. The next regular meeting will be held Wednesday, March 18, 1987 at 7:00 p.m.

Maryna Erway
CITY CLERK of the City of
San Clemente

Stacy A. Veale
MAYOR of the City of
San Clemente

CITY OF SAN CLEMENTECITY COUNCIL MINUTESREGULAR MEETING - MARCH 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 7:00 p.m.

INVOCATION

Pastor Brian Burnette, of Calvary Chapel, 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 PRESENTATIONS

- A. Iris Swanson, member of the Board of Trustees of Saddleback College, reviewed the operations and achievements of Saddleback Community College; introduced Constance Carroll, President; Dr. Ann McFarlin, Acting Vice Chancellor; and Richard Sneed, Chancellor of the College.
- B. Mayor Veale presented a proclamation to Margaret Hoffman and Ann Goad, of the American Association of University Women, declaring the month of March, 1987 as "Women's History Month." Ms. Hoffman presented a film demonstrating the advancement of women.

2. MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER

RICE, CARRIED 4-0 (COUNCILMEMBER LORCH ABSENT) to waive reading in full of all Resolutions and Ordinances.

3. PUBLIC HEARINGS

A. Tentative Tract Map No. 12883, Site Plan Review 86-07, Remington Properties

Public Hearing to consider a request for a 213 lot subdivision creating 207 residential lots and six common lots within Planning Area 18 of the Rancho San Clemente Specific Plan.

Gil Martinez, of Florian Martinez Associates, reviewed the background of the application; narrated a slide presentation illustrating the project; felt the project complies with the Hillside Grading Ordinance.

Mayor Veale opened the Public Hearing.

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

Mr. Martinez answered Council inquiries relating to the proposed elevations, topography of the property, size of the lot and side yards, and CC&R restrictions as they relate to recreational vehicle parking.

During the course of discussion, Councilmembers raised concerns as follows:

- 1) Monotonous repetition of the architectural design.
- 2) Lack of daylighting or break in contour along edge of slope between "C" Street and Calle Pastadero.
- 3) Interruption of the paseo on the westerly side of "A" and "E" Streets at southerly end of the development.
- 4) Proposed 7' setback of homes.
- 5) Project layout as it relates to the intent of the Hillside Grading Ordinance.

Senior Planner Goldin responded to Council inquiries as follows:

- 1) With respect to Council concern that there is no break in contour along the lower row of homes, Mr. Goldin advised that the Planning Commission and Community Design Commission addressed this issue and felt it was not visible from designated view points within the City; also felt that a view corridor from the inside of the project looking outside was not essential due to the variations in elevations.

- 2) Relative to Council concern pertaining to the repetition of design, Mr. Goldin advised that the impact would be alleviated because of the variation in setbacks and curvilinear streets.
- 3) Relating to Council concern with the proposed break in the paseo, Mr. Goldin indicated that the Planning Commission and Community Design Commission indicated a preference for the paseo in its present location; stated it would not be feasible from an engineering perspective to offset the paseo through the slope areas due to the steep grade of the slope.

Police Chief McDaniel responded to Council inquiry, stating the Police Department would not object to the placement of pathways through the greenbelts; stated he is concerned with the proposal for 7' driveways inasmuch as cars parked on the driveways would encroach onto the sidewalk.

Dave Christian, Project Manager for Rancho San Clemente, stated there are sidewalks on one side of Calle Pastadero and Calle Montana; stated that school busses do not drive on private streets and hence will stop at development entrances at Calle Pastadero and Calle Montana; agreed to coordinate with the School District to resolve concerns relative to bus stop locations.

Fire Chief Dailey advised the Fire Department is satisfied with the project from a fire safety aspect.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to direct the developer to redesign the northwesterly corner of "E" and "F" Streets near the intersection to allow the continuation of the paseo along the entire length of "E" Street.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to direct the developer to work with staff to devise an architectural method to provide daylighting/view corridors for the houses between Calle Pastadero and "F" Street in at least two different places and where there will be fencing as opposed to block wall.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to direct the developer to work with staff to provide access points and pathways through the greenbelt areas, if feasible.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, FAILED 2-3 (COUNCILMEMBERS RICE, LORCH, AND MAYOR VEALE VOTING NOE) to approve Tentative Tract Map No. 12883 and Site Plan Review 86-07, subject to the conditions and findings recommended by the Planning Commission, with the addition of conditions relating to Council action relative to continuation of the paseo, provision of view corridors within houses that border Calle Pastadero, and provision of access points and pathways through the greenbelt areas.

Note: The following motion occurred under the "Reports" section of the agenda.

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to deny Tentative Tract Map No. 12883 and Site Plan Review 86-07, without prejudice, and direct the City Attorney to prepare a Resolution citing the findings for denial for Council consideration at its meeting of April 1, 1987.

4. CONSENT CALENDAR

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to approve the Consent Calendar with the removal of Items B-1, I, K, N, and Q.

A. MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to approve City Council minutes of March 4, 1987, and the Regular Adjourned Meeting of March 11, 1987.

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

(2) Community Design Commission Minutes of February 10, 1987.

(3) Parks and Recreation Commission Minutes of February 24, 1987.

(4) Golf Committee Minutes of January 7, 1987 and February 3, 1987.

(5) Departmental Activities Report - February 1987.

C. Claim for Damages - Filed by Via Alegre Property Owners

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to deny the following

Claims for Damages, based on the insurance adjuster's recommendation:

- (1) Claim of Don and Patricia Habig in the amount of \$500,000.00.
- (2) Claim of Dorothy, Bruce and Diane Sissell in the amount of \$500,00.00.
- (3) Claim of Donald and Laurel Cray in the amount of \$500,000.00.
- (4) Claim of Nicholas, Danica and Miles Mallory in the amount of \$500,000.00.
- (5) Claim of Lee and Lu Hambleton in the amount of \$500,000.00.
- (6) Claim of Betal Parrish, Dina Potter, and Sara Ransberger in the amount of \$500,000.00.

D. Claim for Damages - Estrella Properties

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to deny the claim for damages filed by Estrella Properties for an unknown amount, based on the insurance adjuster's recommendation.

E. Claim for Damages - Filed by Eugene and Delphine Slaby

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to deny the claim for damages filed by Eugene and Delphine Slaby in the amount of \$3,000,000.00, based on insurance adjuster's recommendation.

F. Claim for Damages - Filed by Edward Ledesma

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to deny the claim for damages filed by Edward Ledesma for an unknown amount, based on the insurance adjuster's recommendation.

G. Claim for Damages - Filed by Gil and Veneta Morena

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to deny the claim for damages filed by Gil and Veneta Morena in the amount of \$500,000.00, based on the insurance adjuster's recommendation.

H. Statement of Investment Policy

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to approve the continuation of the existing Statement of Investment Policy, as set forth in the Administrative Report.

J. Private Fireworks Display - Allergan Pharmaceutical Company

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to authorize the Director of Fire Protection to issue a fireworks display permit, private type, and charge the customary \$400 plus the costs of the engine company standby and the Fire Prevention Bureau Inspector.

L. 1987-88 Street Lighting and Landscaping, District No. 1 - Assessment Engineer

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to approve the proposal of Willdan Associates to act as the assessment engineer for the 1987-88 Street Lighting and Landscaping District No. 1. The cost adjustments will be determined by the annual CPI as of March 31, 1987, and a payment of \$1.50 for each parcel added since the last assessment update. The total cost is anticipated to be less than \$15,000.

M. Bid Award - One (1) New Asphalt Roller and Trailer

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to accept the bid of Case Power and Equipment in the amount of \$19,761.58 for the purchase of one (1) new 1987 2 1/2 ton double drum, articulated vibratory compactor and one (1) 1987 tilt bed trailer.

O. Bank Account--Health and Medical Insurance Program

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

1. Authorize the City Treasurer to open an account with Lincoln National Bank and Trust Company of Fort Wayne, Indiana to be used solely to administer the insurance program of the City and its insurers, Lincoln National Life Insurance Company.

2. Authorize the City Manager, Director of Finance and City Treasurer to sign agreements to facilitate the City's contractual relationship with the bank.

P. Amendment to PERS Agreement - Sworn Fire Personnel

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to introduce Ordinance No. 937, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND RESCIND ORDINANCE #935.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

B(1) Planning Commission Minutes of February 9, 1987 and February 17, 1987.

Following clarification, MOTION BY COUNCILMEMBER RICE, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to receive and file the Planning Commission minutes of February 9, 1987 and February 17, 1987.

I. Request to Reprogram Housing and Community Development Block Grant Funds

City Manager Hendrickson advised that this item has been pulled from the agenda and will be reagendaized for the City Council meeting of April 1, 1987.

K. Prima Deschecha Storm Drain Improvements, OCEMA-MO1 - Partial Funding and Quitclaim Easement

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

1. Authorize payment of \$6,000 to the Orange County Environmental Management Agency (OCEMA) to cover the incremental cost of the extra high retaining wall.
2. Approve a supplemental appropriation from the fund balance of the Local Drainage Facilities Fund to Account No. 033-841-45300, Improvements Other than Buildings in the amount of \$6,000.
3. Authorize the City Engineer to formally declare the intent to quitclaim all easement

rights, as dedicated on the final map for Tract No. 5764, to the County of Orange.

4. Direct staff to complete the Agreement with the property owner for the removal of 2' of the overhanging parking structure.

N. Perimeter Barrier for Golf Course

The following individuals spoke in opposition to the proposed guard rail, citing concerns for graffiti, safety, aesthetics, maintenance and maintaining open space:

Charlene Bailey, 405 Avenida Ortega
Clifford Gates, 119 Santa Inez
Karoline Koester, 401 Via Pajaro.

Scott Sabins, 330 Avenida Santa Margarita, presented a petition, signed by 90 residents, opposing the barrier based on concerns relating to aesthetics and safety.

Golf Course Manager Linden responded to Council query, stating the most significant problem associated with the golf course concerns the existence of unauthorized vehicles; summarized damage caused by the six incidents that occurred in the last three months.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to reject the request to install the proposed barrier around the golf course.

Q. Traffic Control Device Inventory

Councilmember Lorch expressed concern with staff's proposal to retain a consultant in connection with the Traffic Control Device Inventory Program.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to authorize staff to apply for a \$48,000 grant from the Office of Traffic Safety to establish a Traffic Control Device Inventory Program.

5. WARRANT REGISTER

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG to approve Warrant Nos. 63240 through 63427 for period 2-23-87 through 2-27-87 (Voids 63236 through 63239) in the amount of \$375,240.44; Warrant Nos. 63434

through 63636 excluding Payroll Warrant for period 3-2 87 through 3-6-87 (Voids 63429 through 63433) in the amount of \$356,982.83; Payroll Warrant No. 63428 for period 2-23-87 through 3-9-87 in the amount of \$212,844.59; for a total Warrant Register of \$945,067.86.

Councilmember Lorch noted that \$198,479.31 in the subject Warrant Register relates to the Assessment District for the Wastewater Treatment Plant expansion and stated, therefore, that he will oppose the motion on the floor; stated he supports the Payroll Warrant.

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

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 4-1 (COUNCILMEMBER MECHAM VOTING NOE), to recess at 9:20 p.m. Council reconvened at 9:30 p.m., with all members present.

6. UNFINISHED BUSINESS

None.

7. NEW BUSINESS

A. Site Plan Review 86-09 - Lincoln Properties

Report from the Community Development Director concerning a request for a 368 unit apartment complex within Planning Area 22.

Barbara Johnson, of Lincoln Properties, provided an overview of the proposal.

Scott Adams, representing Lincoln Properties, reviewed the site plan; narrated a slide presentation demonstrating the proposed layout, architecture and landscaping for the project; answered Council inquiries relating to the size of the tot lot, barbeque areas, provision of affordable housing, and pedestrian access between the upper and lower pads.

Council discussion ensued relative to 1) the fact that only one pedestrian linkage is proposed between the upper and lower pads and the proximity of the stairway to the recreation area, 2) architecture of the carports, 3) proposed tar and stone roof treatment of the carports, 4) concern for centralization of too many affordable units in one planning area, 5) feasibility of integrating the drainage areas with walkways, and 6)

preference for meandering walkways.

Steve Kingston, 4011 Calle Abril, spoke in support of the proposal, citing his concurrence with the parking ratio and existence of carports as opposed to garages.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to adopt Resolution No. 87-17 entitled, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING SITE PLAN REVIEW NO. 86-09 AND PROVIDING FOR EXEMPTION FROM FURTHER ENVIRONMENTAL REVIEW AS PROVIDED IN SECTION 15182 OF CEQA, with the proviso that an additional condition be added to require that a second pedestrian linkage be provided between the upper and lower pads in a manner acceptable to staff.

B. Skateboard Ordinance

Report from the Police Chief concerning adoption of an ordinance describing regulations, restrictions and guidelines for skateboard riders.

Robert Bonanno, member of the San Clemente High School Student Council and Chairman of the Skateboard Ordinance Committee, outlined the Committee's process to formulate the Ordinance; recommended approval of the Ordinance and investigation into the feasibility of a skateboard park.

Police Chief McDaniel outlined the enforcement penalties associated with the Ordinance.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to introduce Ordinance No. 938, entitled AN ORDINANCE OF THE CITY OF SAN CLEMENTE ADDING CHAPTER 14A TO THE SAN CLEMENTE CITY CODE REGULATING THE USE AND OPERATION OF SKATEBOARDS WITHIN THE CITY.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to instruct the Parks and Recreation Commission to research the feasibility of the City to provide a skateboard park.

C. Final Map Approval - Tract 12284 - Epac Development, Rancho San Clemente

Report from the Community Development Director concerning approval of the final map of Tract 12284 (Epac Development) in Phase II of Rancho San Clemente.

City Manager Hendrickson advised that Final Map Approval - Tract 12284 (Epac Development) has been removed from

the agenda at the request of the applicant.

8. ORAL COMMUNICATIONS

Dan Millington, 3917 Calle Andalucia, urged Council to set a public hearing to consider declaring the Cascadita Drainage Channel and Cascadita slopes a public nuisance.

Ginger Page, 215 Via Ballena, stated there are four or five potential slide areas in the Cascadita Canyon area; urged Council to declare the Cascadita Canyon a public nuisance.

Council requested that staff and the City Attorney prepare a report for the April 1, 1987 meeting which addresses the issues of City liability, possibility of setting a precedent, and pros and cons for taking action with respect to the Cascadita area.

9. REPORTS

A. Commission and Committee

None.

B. City Manager

City Manager Hendrickson stated that Save Our Shores is attempting to form a Southern California Coalition to oppose off-shore oil drilling; a meeting will take place on March 21, 1987 at 10:30 a.m. in the Newport Beach Council Chambers to organize said Coalition. Mayor Veale and Councilmember Lorch indicated they will attend.

C. City Attorney

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to deny Tentative Tract Map 12883 and Site Plan Review 86-07, without prejudice, and to direct the City Attorney to prepare a Resolution citing the findings for denial for Council consideration on April 1, 1987.

City Attorney Oderman requested a Closed Session to discuss a matter of potential litigation, pursuant to Government Code Section 54956.9(c).

CLOSED SESSION

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to recess to Closed Session at 11:05 p.m. to discuss a matter of potential litigation, pursuant to

Government Code Section 54956.9(c).

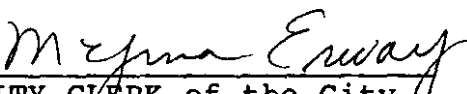
MEETING RECONVENED

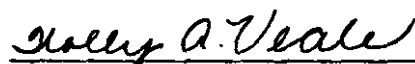
Council reconvened at 12:10 a.m., with all members present except Councilmember Lorch.

ADJOURNMENT

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 4-0 (COUNCILMEMBER LORCH ABSENT), to adjourn to an Adjourned Regular Meeting to be held at 6:00 p.m. on April 1, 1987 in the Council Chambers, 100 Avenida Presidio, for purposes of holding a Closed Session.

The next Regular Council Meeting will be conducted at 7:00 p.m. on April 1, 1987.


CITY CLERK of the City
of San Clemente


MAYOR of the City of
San Clemente

AFFIDAVIT OF POSTING ORDER
OF ADJOURNMENT OF MEETING

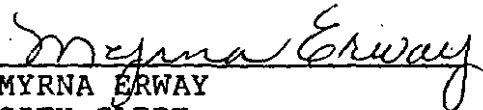
STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS.
CITY OF SAN CLEMENTE)

I, MYRNA ERWAY, declare as follows:

That I am the City Clerk of the City of San Clemente; that at the regular meeting of the City Council held on March 18, 1987 said meeting was adjourned to the time and place specified in the ORDER OF ADJOURNMENT attached hereto; and that on March 19, 1987 at the hour of 9:15 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 March 19, 1987 at San Clemente, California.


MYRNA ERWAY
CITY CLERK

NOTICE OF ADJOURNMENT

EXCERPT FROM THE MINUTES OF THE CITY COUNCIL

MINUTES OF March 18, 1987

A regular meeting of the San Clemente City Council was held in the Council Chambers on March 18, 1987 and was called to order at 7:00 p.m.

ROLL CALL: PRESENT: LIMBERG, LORCH, MECHAM, RICE, VEALE

 ABSENT: NONE

ADJOURNMENT

MOTION BY COUNCILMEMBER Limberg, SECOND BY COUNCILMEMBER Rice, CARRIED 4-0 (COUNCILMEMBER LORCH ABSENT), to adjourn to an adjourned regular meeting to be held at 6:00 p.m. on April 1, 1987 in the Council Chambers, 100 Avenida Presidio, for purposes of holding a Closed Session.



MYRNA ERWAY
City Clerk