

CITY OF SAN CLEMENTECITY COUNCIL MINUTESREGULAR MEETING - JULY 16, 1986

The regular meeting of the City Council of the City of San Clemente conducted in the Council Chambers, Civic Center Building, 100 Avenida Presidio, was called to order by Mayor William C. Mecham.

INVOCATION AND THE PLEDGE OF ALLEGIANCE were conducted by Mayor Mecham.

PRESENT: Council Members - CARR, DIEHL, KOESTER, LIMBERG AND MECHAM

ABSENT: Council Members - NONE

Also Present: James B. Hendrickson, City Manager; Myrna Erway, City Clerk; Jeff Oderman, City Attorney; Steve Flint, City Planner; Ted Schade, Acting City Engineer; and certain other Staff members present in the audience.

1. SPECIAL PRESENTATIONS

None

2. MOTION WAIVING READING - MOTION BY COUNCILMAN LIMBERG, SECOND BY COUNCILMAN DIEHL, CARRIED 5-0 to waive reading in full of all Resolutions and Ordinances.

3. PUBLIC HEARINGS:

A. Forster Ranch Specific Plan
File No.: 57

Continued Public Hearing to consider EIR 84-01, Specific Plan No. 83-01, General Plan Amendment No. 3, Zoning Amendment 84-06 and 84-07 relating to proposed development in the Forster Ranch Specific Plan.

The City Manager outlined the series of public hearings planned for this project, stating the public hearing on August 6 will be a presentation on the fiscal impact report and August 20 will be for general comments and an overall review of the entire project.

James Barnes, Senior Planner, described the EIR process and gave a presentation on the Forster Ranch EIR; reviewed the Planning Commission process and advised the Planning Commission recommended certification of the EIR.

Bill Mayer, Larry Seaman and Associates, gave a more detailed description of the EIR, and reviewed the revised plan and the addendum mitigating the impact.

Mayor Mecham opened the Public Hearing.

Alan Fishman, Tierra Planning and Design, the applicant, indicated he had no further comments, but was available to answer questions.

Floyd Cate, President of the Shorecliffs Homeowners Association, advised the Association supported the restoration of the golf course and construction of the hotel.

Salvador Lardiere, 3124 Calle Grande Vista, voiced concern about the height of the hotel and asked that the height of 60 feet be maintained in perpetuity. He also indicated that outside lighting and the number of rooms were critical issues; requested a limitation be put on the number of rooms.

Dan Millington, opposed the project being located in a residential area; thought the combination of hotel, golf course and shopping center would cause serious problems, due to the noise and light levels of the hotel and their affect on residences in the area.

Mayor Mecham explained that the purpose for tonight's public hearing was to hear the presentation and public testimony on the EIR prepared for the Forster Ranch Specific Plan, and requested that all comments and concerns be addressed specifically to the EIR.

Steve Kingston, 4011 Calle Abril, spoke in favor of the project.

Councilman Limberg and Councilwoman Koester questioned the rationale for considering the hotel jointly with the Specific Plan phase of the project. The City Attorney advised they could be considered separately.

Mayor Mecham requested a memorandum from the City Attorney outlining the major issues binding upon the City in the settlement agreement with Estrella Properties and their relationship with the Specific Plan for Forster Ranch.

Councilman Carr expressed concern for the impact the hotel would possibly have on the private beaches in the Shorecliffs area, and requested staff to address this issue at a future Public Hearing on the matter.

Councilman Limberg requested an in-depth traffic study for the streets of Vaquero, Camino Capistrano and Camino de Los Mares. Councilwoman Koester asked that the study also include the placement of traffic signals on Vaquero.

Mayor Mecham continued the Public Hearing to August 6, 1986 at 7:00 p.m.

B. Rancho San Clemente Specific Plan Amendment
No. 85-01
 File No.: 57

Public Hearing to consider Rancho San Clemente Specific Plan Amendment No. 85-01.

Bob Goldin, Assistant Planner, gave a brief overview of the Specific Plan Amendment.

Councilman Diehl indicated he was not in favor of the one acre commercial site as proposed in the Specific Plan.

Mayor Mecham opened Public Hearing.

David Christian, representing WSLA, the applicant, gave a brief presentation and outlined his concerns about Condition No. 5 regarding the degree of their participation in a beach impact study, and No. 7 regarding the location of a neighborhood commercial site shown in Exhibit A of the report. He requested consideration of relocating the one acre commercial area to a proposed site on La Pata and Del Cerro, and increasing the size from one acre to five acres. He also indicated that Condition No. 5 was not acceptable to WSLA as presently worded and suggested the following alternative:

Condition No. 5: The developer shall participate up to his/her "fair share" in the funding of a study to analyze the local and regional development impacts on beach parking. The study shall be funded through equal assessment of all active backcountry developments and the City. The Community Development Department will be responsible for hiring a consultant to prepare the study and will determine the scope of work and level of detail with the cooperation of the study participants'

recommendations. Recommendations of the study will be subject to the approval of the Community Development Department. The developer will be bound by the recommendations adopted by the City Council as a result of the study.

There was no public testimony given on this matter.

Mayor Mecham continued the Public Hearing to August 6, 1986, at 7:00 p.m.

C. Tentative Tract Map No. 12766, Rancho San Clemente Specific Plan, Planning Area 2
File No.: 105

Public Hearing to consider a request by Davidson and Ferguson to allow the resubdivision of eight existing parcels into twelve new parcels, located in the Rancho San Clemente Business Park. The legal description is Lots 5 12, Tract 12402.

Mayor Mecham opened the Public Hearing and asked the applicant to give comments.

Mike Eby, representing Church Engineering, stated he had no comments, but was available to answer questions.

There was no public testimony. Mayor Mecham closed the public hearing.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN LIMBERG, CARRIED 5-0 to adopt Resolution No. 86-73 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, RECOMMENDING THE ADOPTION OF A NEGATIVE DECLARATION AND APPROVAL OF TENTATIVE TRACT MAP NO. 12766 subject to eight findings and seven conditions.

D. Proposed Abandonment of Alley - 696-698 Camino de Los Mares
File No.: 111

Public Hearing to consider authorizing the Mayor to execute an agreement between the City and Marlon Ltd. for the abandonment of the alley located on 696-698 Camino de Los Mares in exchange for construction of a wall on the top of slope on said property.

Mayor Mecham opened public hearing.

Mike McLain, 642 Calle Vicente, spoke in favor of the abandonment and requested clarification on the wall to be built by Marlon Ltd.

There being no further public testimony, Mayor Mecham closed the Public Hearing.

MOTION BY COUNCILMAN LIMBERG, SECOND BY COUNCILMAN DIEHL, CARRIED 5-0 to authorize the Mayor to execute the written Agreement between the City and Marlon Ltd. providing the City will abandon the alley easement and the water lateral at 696-698 Camino de Los Mares in exchange for the construction of a wall running along the top of the slope and alley pavement improvements pending presentation of the Resolution 86-74 at the Council meeting of August 6, 1986.

4. CONSENT CALENDAR:

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR, CARRIED 5-0 to approve the Consent Calendar with the removal of Items H and J.

- A. Approve City Council minutes of July 2 and 9, 1986.
- B. Receive and File:
1. Community Design Commission minutes of June 24, 1986.
 2. Parks & Recreation Commission minutes of June 24, 1986.
 3. Departmental Activities Report for the month of June 1986.
- C. Bid Award - Purchase of Four 1986 Small Pickups
File No.: 90
- Award the bid of \$29,312.60 submitted by Allen GMC Trucks for the purchase of four (4) small pickups, 1986 model year.
- D. Bid Award - Purchase of Five Police Cars
File No.: 83
- Award the bid in the amount of \$64,192.70 to M.J. Sopp and Son Chevrolet to purchase five Chevrolet police patrol units, 1986 model.
- E. Bid Rejection - Two Mid-Size 1986 Model Pickups
File No.: 90
- Reject the two (2) bids received as being unacceptable and readvertise for two 1987 model mid-size pickups.
- F. Escuelita Pump Station Acceptance
File No.: 113
1. Accept and authorize recordation by City Clerk:
 - a. An easement for water line purposes on Lot 116, Tract 9764, from Marlborough Development Corporation.
 - b. An easement for waterline purposes on Lot 51, Tract 19959, from Pamela A. Swearingen
 - c. A grant deed for Lot 7, Tract 12252, for water booster pump station purposes from The Lusk Company.
 2. Accept the works of improvement for the water booster pump station on Lot 7, Tract 12252, known as the Escuelita Pump Station, including associated cross country water transmission main.
- G. Tract 12314 - Granting Sewer Easement
File No.: 96
- Accept and authorize recordation of the grant of easement for a public sewer line across Lot 6, Tract 12314 from Bryant Financial Corporation.
- I. Restriction of Parking on Avenida de La Estrella, North El Camino Real, Calle Valle, and Los Molinos
File No.: 106.1
- Adopt Resolution No. 86-75 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING "LIMITED PARKING" AND "NO PARKING" REGULATIONS AT VARIOUS LOCATIONS.

K. Irrigation Control Equipment
File No.: 58

Authorize staff to purchase and install irrigation control equipment in the amount of \$24,153.00 from Solar Wind Systems and Coast Turf and Equipment Company to be used to upgrade the system 30 irrigation computer at the Municipal Golf Course.

CONSENT CALENDAR ITEMS REMOVED FOR DISCUSSION

H. Junior Lifeguard Program
File No.: 64

Councilwoman Koester asked if this agenda item could have been accomplished at the time of adoption of the budget. The City Manager indicated the number of participants in the program were estimated and the program enrollment exceeded that estimate. He also indicated the program is totally self-supporting.

MOTION BY COUNCILWOMAN KOESTER, SECOND BY COUNCILMAN DIEHL, CARRIED 5-0 to approve an increase of \$4,930 in the amount budgeted for revenue account number 001-000 34232, Junior Lifeguard Services, and corresponding increases in the amounts appropriated to the following Marine Safety accounts: 001-642-41020, Salaries/Part Time, \$3,400; 001-642-42490, Other Operating Supplies, \$430; and 001-642-44890, Other Operating Expense, \$1,100.

J. Hydroseed Contract at San Gorgonio Park
File No.: 77.10

MOTION BY MAYOR MECHAM, SECOND BY COUNCILMAN DIEHL, CARRIED 3-2 (KOESTER AND LIMBERG - NOE) to authorize (1) a Change Order No. 1 to Contract No. 491 for a reduction in the amount of \$930 to the contracted price of \$25,547; (2) authorize the Mayor to execute and City Clerk to record a notice of completion on the finished area; and (3) reappropriate \$930 from the 1985-86 Parks Acquisition and Development Funds to pay for the remaining work.

Under Item 9D (Reports from Council Members) Councilman Limberg indicated he had not observed any progress from the hydroseeding done at San Gorgonio Park.

MOTION BY MAYOR MECHAM, SECOND BY COUNCILMAN DIEHL, CARRIED 5-0 to reconsider the original motion on the consent calendar.

MOTION BY MAYOR MECHAM, SECOND BY COUNCILMAN DIEHL, CARRIED 5-0 to have staff prepare a report on the hydroseed contract at San Gorgonio Park and to continue this matter to the next meeting.

5. WARRANT REGISTER

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR, CARRIED 5-0 to approve: Warrant No.s 51340 through 51442 for July 4, 1986 in the amount of \$405,901.53; Warrant No.s 51446 through 51580 for July 11, 1986 in the amount of \$208,073.36; and Payroll Warrant No. 051348 for period June 16 through June 29, 1986 in the amount of \$203,130.97 for a total warrant register of \$817,105.86.

6. UNFINISHED BUSINESS

- A. Use Permit 86-17 - San Clemente Retail Plaza
641 Camino de Los Mares
 File No.: 112

Further consideration of Use Permit 86-17 and approval of Resolution No. 86-77 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING NEGATIVE DECLARATION AND APPROVING USE PERMIT 86-17, SAN CLEMENTE RETAIL PLAZA, subject to the 22 Conditions of Approval.

The City Manager advised that the changes suggested at the two public hearings previously held on this item have been made and are reflected in Resolution No. 86-77 with the 22 Conditions of Approval. The City Attorney read the following added condition:

23. Prior to the issuance of building permits, the applicant shall receive Community Design Commission approval for all signage for the center.

David Hawkins, representing Nogle, Hawkins & Onufer, outlined his firm's concerns regarding the following conditions as proposed:

2. The date should read June 2, 1986 as modified instead of March 13, 1986.
8. This condition was not necessary because the building did not need approval from the State.
11. The applicant felt this condition was vague, but would agree with it.

Mr. Steve Chorak, owner of the historical Miramar Theater, voiced concern that this project would place his business in jeopardy and he would have to go out of business; noted the lack of parking.

Vince Caffery, 138 Cadiz, supported Mr. Chorak's testimony; felt the Council should consider the impact this project would have on the downtown businesses which are already struggling to stay in business.

Steve Kingston, 4011 Calle Abril, asked about the restaurant/bar facilities which were planned for the center.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN LIMBERG, to approve Resolution No. 86-77 with the following additions and/or changes to the conditions of approval as follows:

- 2A The proposed project shall be developed in substantial compliance with plans dated June 2, 1986 as modified and stamped Exhibit "C".
- 2B The plan shall include the architectural features and amenities such as a clay tile roof, exterior smooth stucco wall, plaza with decorative pavement design, the Plaza fountain, pedestrian arcades, landscaping and other details, as shown on the submitted plans, elevations and models.
8. Delete this condition completely.
20. A parking agreement shall be submitted for all required on-site and off-site parking for this project which shall be submitted for the review and approval of the City Council. This agreement shall run with the land in perpetuity and shall not be amended without City Council approval.

22. The developer shall participate in the cost of constructing a standard bus turnout on Camino de Los Mares, in a location determined by the City Engineer and the Orange County Transit District. The construction of the turnout shall be accomplished as part of the street widening project.
23. Prior to the issuance of building permits, the applicant shall receive Community Design Commission approval for all signage for the center.
24. The theater shall not be allowed to show x-rated movies.

The applicant, responding to Mayor Mecham, indicated concurrence with the changes and additions as presented, including Condition No. 24.

The MOTION CARRIED 4-1 (KOESTER - NOE).

B. Selection of City's Principal Bank
File No.: 41

Report from the City Treasurer recommending selection of Security Pacific National Bank as the City's principal bank.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN LIMBERG, to:

- (1) Authorize the City Treasurer to execute a three-year agreement on behalf of the City of San Clemente (to be reviewed by the City Attorney) with Security Pacific National Bank to provide banking services to the City and to open the following accounts:
1. General Account
 2. Payroll Account
 3. Treasurer's Fiduciary Accounts
 1. 1911 Account
 2. Debt Service Account
- (2) Existing check and wire transfer authorities now provided by prior City Council resolutions for the City's banking transactions through the Bank of San Clemente be authorized for transactions through Security Pacific National Bank.

During discussion of this item, Councilman Limberg left the Council Chambers.

The MOTION CARRIED 4-0, with Councilman Limberg absent.

Councilman Limberg returned to the Council Chambers.

7. NEW BUSINESS

None

8. ORAL COMMUNICATIONS

A. Commissions and Committee

None

B. City Manager

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 5-0 to authorize the Mayor to send the proposed letter to Governor Deukemejian, requesting veto of AB 561 (Floyd), which would remove the sunset date on the current cancer presumption law passed a number of years ago covering firefighters.

The City Manager reviewed the status regarding offshore oil drilling and stated local representation is being requested to lobby in Washington, D.C. next week. Council indicated Mayor Mecham and Mayor Pro Tem Diehl will try to attend.

C. City Attorney

Requested a closed session to discuss two items: threatened litigation pursuant to 54956.9b; and pending litigation pursuant to Government Code 54946.8b regarding WSLA Superior Court Case No. 48-99-04; WSLA U.S. District Court Case No. CV-86-3266; Marblehead Superior Court Case No. 49-01-41; and Marblehead U.S. District Court Case No. CV-86 3266.

D. Council Members

Councilwoman Koester commented on the City's change to smaller cards being used for utility bills. Councilman Limberg requested a status report on the drainage project for the golf course.

Mayor Mecham requested that a proclamation be prepared for the August 6 meeting designating September 20 as "Beach Clean Up Day" and indicating San Clemente's participation.

Council discussed and took no action to place the Ballot Measures on the ballot for the November 4 election.

10. RESOLUTIONS/ORDINANCES

A. Adopt Ordinance No. 928

File No.: 96

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN LIMBERG, CARRIED 4-1 (COUNCILWOMAN KOESTER - NOE) to adopt Ordinance No. 928 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING A SEWER SERVICE RATE AND REPEALING RESOLUTION NO. 112-82 AND OTHER RESOLUTIONS IN CONFLICT HEREWITH (second reading).

B. Adopt Resolution No. 86-76

File No.: 100

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN LIMBERG, CARRIED 5-0 to adopt Resolution No. 86-76 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING A POLICY FOR THE FUTURE FUNDING OF STREET WIDENING IMPROVEMENTS ALONG A CERTAIN PORTION OF CAMINO DE LOS MARES.

RESOLUTIONS

For Resolution No. 86-73 see under "Public Hearing" on page 4.

For Resolution No. 86-74 see under "Public Hearing" on page 4.

For Resolution No. 86-75 see under "Consent Calendar" on page 6.

For Resolution No. 86-76 see under "Resolutions/Ordinances" on page 11.

For Resolution No. 86-77 see under "Unfinished Business" on page 7.

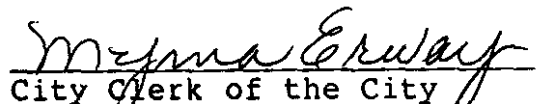
CLOSED SESSION

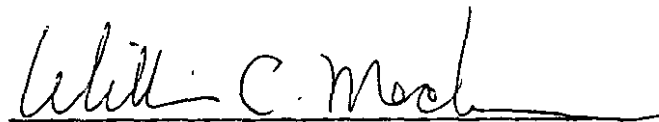
Council recessed to a Closed Session at 10:15 p.m. to confer with the City Attorney on threatened and pending litigation. The City Manager and City Attorney were in attendance.

11. ADJOURNED

The meeting was reconvened from Closed Session at 10:40 p.m. There was no action to report.

The meeting was adjourned at 10:41 p.m. The next meeting will be on Wednesday, August 6, 1986, at 7:00 p.m. in the Council Chambers at City Hall.


 City Clerk of the City
 of San Clemente


 Mayor of the City
 of San Clemente