

CITY OF SAN CLEMENTECITY COUNCIL MINUTESREGULAR MEETING - SEPTEMBER 3, 1986

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 Pro Tem Diehl at 7:00 p.m.

INVOCATION AND THE PLEDGE OF ALLEGIANCE were conducted by Mayor Pro Tem Diehl.

PRESENT Council Members - CARR, DIEHL, KOESTER AND LIMBERG

ABSENT Council Members - MECHAM

ALSO PRESENT: James B. Hendrickson, City Manager; Myrna Erway, City Clerk; Jeff Oderman, City Attorney; Harry Weinroth, Community Development Director; Steve Flint, City Planner; Ted Schade, Acting City Engineer; Joanne Baade, Deputy City Clerk; and certain other Staff members present in the audience.

1. SPECIAL PRESENTATIONS

Bud Jackley, President of the San Clemente Chamber of Commerce, appeared before the City Council and presented plaques of appreciation to the Public Services Department and Police Department and a trophy to the Fire Department for their contributions to the Fiesta and Block Party held on July 19, 1986. Additionally, Mr. Jackley presented a commemorative event poster to Mayor Pro Tem Diehl.

Mayor Pro Tem Diehl introduced James Krembas, the new Principal of San Clemente High School. Mr. Krembas briefly reviewed the renovation plans for the High School and introduced his administrative staff.

2. MOTION WAIVING READING - MOTION BY COUNCILMAN LIMBERG, SECOND BY COUNCILMAN CARR, CARRIED 4-0, TO WAIVE READING IN FULL OF ALL RESOLUTIONS AND ORDINANCES.

3. PUBLIC HEARINGS

A. FORSTER RANCH SPECIFIC PLAN

- (1) TRI-LOCK DRAINAGE SYSTEM STATUS REPORT.
- (2) CONTINUED PUBLIC HEARING TO CONSIDER EIR 84-01, SPECIFIC PLAN NO. 83-01, GENERAL PLAN AMENDMENT NO. 53, ZONING AMENDMENT 84-06 AND 84-07 RELATING TO PROPOSED DEVELOPMENT IN THE FORSTER RANCH SPECIFIC PLAN.

File No. 57

The public hearing was opened.

STEVE KINGSTON, 4011 Calle Abril, discussed his concern that a chemical is being injected into the ground to stabilize the soil for the Tri-Lock drainage system. Mr. Kingston felt that measures should be taken to assure that no toxic chemicals are used.

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MARY ERICKSON, 1901 South Ola Vista, on behalf of the League of Women Voters, discussed the League's concurrence with the Planning Commission's and staff's recommendation in relation to the provision of affordable housing.

DAN MILLINGTON, 245 Via Bellena, spoke in opposition to the proposed hotel, citing his concerns that 1) a hotel would be incompatible with the surrounding residential area, 2) Estrella Properties plans to develop the site for a hotel and then sell to a major hotel chain, 3) beaches and traffic would be negatively impacted due to the increased density caused by a 350 room hotel, and 4) his concern with the reputation of Estrella Properties.

GINGER PAIGE, 215 Via Bellena, stated that Estrella Properties' record in responding to problems associated with existing developments should be taken into consideration when future projects are being considered.

ALAN FISHMAN representing Tierra Planning and Design, referred to a letter, dated September 3, 1986, which summarizes Estrella Properties' position on City Council concerns identified to date, as well as staff-identified issues.

Council voiced concern about receiving Tierra Planning and Design's letter immediately prior to the meeting.

In response to Council inquiry, Ted Schade advised both the EPA and the Regional Water Quality Control Board approved the use of the subject chemical for the purpose for which it was being used.

DOUG CLEMONS, Madole and Associates, consulting engineers for Estrella Properties, stated that the original Channel project did receive Fish and Game, Corps of Engineers and Department of Water Quality approval. Mr. Clemons stated that the Department of Fish and Game deferred to the Regional Water Quality Control Board on the issue of possible toxicity of the chemical. The Tri-Lock Drainage System will be functional within 90-120 days from commencement of construction.

JIM BARNES summarized the Conditions of Approval recommended by the Planning Commission and reviewed staff's findings relative to the issues previously raised by Council as outlined in the Administrative Report.

Mayor Pro Tem Diehl, referencing Issue No. 7, questioned the viability of creating three small commercial areas that would not hold a major tenant and questioned the prudence of interrupting three residential areas with commercial development.

In response to Council inquiry, City Attorney Oderman explained the terms of the Agreement as they relate to possible consequences to the City if it chooses to not permit a hotel with a minimum of 250 rooms.

Councilman Limberg stated the EIR, as it pertains to traffic impacts, deals only with optimum conditions; requested additional data relating to the potential traffic impacts, which would take into consideration varying scenarios.

In response to a request by Councilwoman Koester, DAN

MILLINGTON returned to the podium and answered questions relating to his experience with Estrella Properties, his concern with situating a resort hotel in close proximity to residences, and the Tri-Lock drainage channel.

In response to Council inquiry, ALAN FISHMAN, representing the Applicant, consented to continuing the Public Hearing to September 17, 1986.

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN LIMBERG, CARRIED 4-0, TO CONTINUE THE PUBLIC HEARING ON THE FORSTER RANCH SPECIFIC PLAN TO SEPTEMBER 17, 1986.

Councilman Carr requested an updated Administrative Report which addresses the testimony received thus far, and that Estrella Properties provide a report addressing the twelve issues in the same order as outlined by staff well in advance of the meeting.

B. RANCHO SAN CLEMENTE SPECIFIC PLAN - AMENDMENT NO. B5-01.

File No. 57

City Manager Hendrickson, referencing a letter received this date from Tierra Planning and Design which significantly revises their proposal, recommended that the revised plan be referred back to the Planning Commission for public hearing and staff analysis.

The public hearing was opened.

AL WULFECK, 922 Avenida Presidio, stated he would address his concerns in writing since he will be out of town.

ROBERT FLYNN, 323 Calle Familia, stated that the developer should proceed with its original plan; thought the developer should pay staff costs for changes proposed.

TOM LORCH, 819 Avenida Salvadore, suggested that staff 1) address incentives for senior housing in the back country, 2) that parks uses and amenities be identified, and 3) that staff address increasing density and decreasing open space.

The public hearing was closed.

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN LIMBERG, CARRIED 4-0, TO REFER THE APPLICANT'S REVISED PLAN ON THE RANCHO SAN CLEMENTE SPECIFIC PLAN BACK TO THE PLANNING COMMISSION.

Council requested the Planning Commission to address the following issues:

1. Ridgelines
2. Density
3. Manufactured Slopes for Open Space Credits
4. Open Space for Area 27
5. One-acre neighborhood/commercial site on Del Cerro and Montana (Planning Area 16).
6. Secondary ridgeline in relation to geo-technical problems.

* * *

RECESSED AT 8:35 P.M. AND RECONVENED AT 8:45 P.M. WITH ALL PRESENT EXCEPT MAYOR MECHAM.

* * *

C. ORDINANCE 922 MODIFICATION - RESIDENTIAL DEVELOPMENT EVALUATION BOARD PROCEDURES

File No. 57

City Manager Hendrickson advised that Phillips Brandt Reddick submitted a letter today at 4:45 p.m. regarding the Ordinance modifications.

Mike Philbrick reviewed the background of the Managed Growth Ordinance, advising that the ordinances for the Cities of Camarillo and Thousand Oaks were used as a general guide. Mr. Philbrick summarized the proposed ordinance revisions, noting they will not affect the intent of the Ordinance.

The public hearing was opened.

STEVE KINGSTON, 4011 Calle Abril, questioned whether the Planning Commission decided to include criteria to show the financial maintenance cost for each park or proposed park to make it part of the point system.

TOM LORCH, 819 Avenida Salvadore, voiced concern that the issue of contiguous development projects was not included in the criteria; also voiced concern that the evaluation should include specific senior projects, and the lack of circulation, density and agriculture in the criteria. Mr. Lorch also voiced concern that the Parks and Recreation Commission was not given the opportunity to give input into the criteria pertaining to parks.

TOM DAVIS, Tierra Planning and Design, representing Forster Ranch and Rancho San Clemente, urged Council to implement the subject Ordinance as soon as possible; indicated concern that the Ordinance does not specifically address in detail allowances for custom home development.

MIKE BURKE, representing Lusk Development, stated the purpose of the Ordinance was to regulate the impact on municipal services and infrastructure. In view of this intent, Mr. Burke felt that hotels, motels, time share units, etc. should not be exempted from the provisions of the Ordinance. Mr. Burke also voiced concern with the definition of "Developer."

RICK DEREMAS, representing EPAC Development, concurred with the staff recommendation.

BILL PHILLIPS, of PBR Planners, relayed his concerns regarding definitions included in the Appendix and use of the term "Project." Mr. Phillips' concerns are set forth in detail in his letter to the City Council, dated September 3, 1986.

Mayor Pro Tem Diehl read into the record a communication from San Clemente Seniors, dated September 3, 1986, that states the Senior Citizens Organization will proceed at some future date to obtain signatures requesting an initiative proposition to exempt all senior housing from the Proposition "B" Ordinance.

There being no further testimony, the public hearing was closed.

Mike Philbrick and Steve Flint, Planning staff, were commended by Council, the City Manager, the public and the developers for their staff work on the implementation procedures and for the Administrative Report.

MOTION BY COUNCILMAN CARR, SECOND BY MAYOR PRO TEM

DIEHL, CARRIED 4-0, TO ADOPT A NEGATIVE DECLARATION AND INTRODUCE ORDINANCE NO. 931 AMENDING ORDINANCE 922.

In answer to Council inquiry, City Attorney Oderman expressed his opinion that it would be consistent with the Ordinance to have a percentage, or preferably a numerical, limit on the number of allotments for each developer, even if less than 500 units were applied for in a given year.

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN LIMBERG, CARRIED 4-0, TO CONTINUE RESOLUTION NO. 86-93 TO THE MEETING OF SEPTEMBER 17, 1986.

Council requested that staff prepare a new Administrative Report for the September 17, 1986 meeting, which encompasses the testimony received thus far, both oral and written.

D. ORDINANCE AMENDMENT - VESTING TENTATIVE MAPS

File No. 105

The public hearing was opened and closed, there being no one desiring to speak on this issue.

MOTION BY COUNCILMAN CARR, SECOND BY MAYOR PRO TEM DIEHL, CARRIED 4-0, TO ADOPT A NEGATIVE DECLARATION AND INTRODUCE ORDINANCE NO. 932 AMENDING CHAPTER 35 OF THE SUBDIVISION CODE OF THE CITY OF SAN CLEMENTE RELATING TO VESTING TENTATIVE MAPS.

4. CONSENT CALENDAR

ITEMS 4-B-1, 4-C, 4-F, 4-G, 4-H, 4-I, 4-J, and 4-K WERE REMOVED FROM THE CONSENT CALENDAR.

MOTION BY COUNCILMAN LIMBERG, SECOND BY COUNCILMAN CARR, CARRIED 4-0, TO APPROVE THE FOLLOWING CONSENT CALENDAR ITEMS:

A. Approve City Council minutes of August 20, 1986 and August 23, 1986.

B. Receive and File:

2. Community Design Commission minutes of August

12, 1986.

3. Parks and Recreation Commission minutes of August 12, 1986.

D. CABLE TELEVISION FRANCHISE RENEWAL

File No. 54.1

- (1) Approve and authorize the Mayor to execute an agreement with Times Mirror Cable Television of Orange County relating to payment of expenses for processing the renewal application.
- (2) Authorize a supplemental appropriation of \$24,000 to Account No. 001-124-43690, Other Professional Services, in the City General Program of the General Fund, and a corresponding increase in the anticipated revenue for Account No. 001-000-36780, Other Donations.

E. Janitorial Service for the City of San Clemente -
 File No. 46

Authorize termination of the contract with AMS Building Maintenance Inc. and advertising bids to provide janitorial service for the City of San Clemente under new contract language and specifications.

L. 1986-87 Tax Levy for Debt Service
 File No. 103

Adopt Resolution No. 86-96 authorizing the proposed tax levy.

M. Claim for Damages Filed by Bank of America
 File No. 42

Based on insurance adjuster's recommendation, deny the claim for damages filed by Bank of America in the amount of \$50,000.

N. Claim for Damages Filed by Wanda M. Penn
 File No. 42

Based on insurance adjuster's recommendation, deny the claim for damages filed by Wanda M. Penn.

O. Claim for Damages Filed by Christopher Lacey
 File No. 42

Based on insurance adjuster's recommendation, deny the claim for damages filed by Christopher Lacey.

CONSENT CALENDAR ITEMS REMOVED FOR DISCUSSION

B-1 Planning Commission Minutes of August 19, 1986

The August 19, 1986 Planning Commission Minutes were continued to the City Council meeting of September 17, 1986.

MOTION BY MAYOR PRO TEM DIEHL, SECOND BY COUNCILMAN CARR, CARRIED 4-0, TO CALL UP USE PERMIT 86-18 (SHORE-CLIFF'S PARKING LOT) FOR REVIEW.

C. Award of Contract - North Beach Facilities

File No. 44.4

MOTION BY COUNCILWOMAN KOESTER, SECOND BY COUNCILMAN CARR, CARRIED 4-0, TO AWARD AND AUTHORIZE MAYOR TO EXECUTE A CONTRACT TO BUILD THE NORTH BEACH FACILITIES PROJECT □05016 TO CONSTRUCTION "R" US IN THE AMOUNT OF \$271,000 AND APPROVE A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$29,500 TO ACCOUNT NO. 031-862-45299 - BUILDING IN THE PARKS ACQUISITION AND DEVELOPMENT FUND.

F. Bid Award - 1986 S-10 Chevrolet Small Pickup

File No. 90

AND

G. Bid Award - Purchase of Two Mid-Size Chevrolets

File No. 90

AND

H. Bid Award - 1986 Mid-Size Blazer Tahoe

File No. 90

AND

I. Bid Award - Two Mid-Size Pickup Trucks

File No. 90

The bid awards itemized above were discussed concurrently.

Councilman Carr voiced concern that only one bid was received and recommended that the bids be rejected and the issue re-agendized with the specifications modified to indicate that the City will consider either 1986 or 1987 new vehicles.

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILWOMAN KOESTER, TO REJECT THE SUBJECT BIDS AND TO RE-ADVERTISE.

City Manager Hendrickson stated all procedures were followed and the bids received were lower than budgeted.

SUBSTITUTE MOTION BY MAYOR PRO TEM DIEHL, SECOND BY COUNCILMAN LIMBERG, TO TABLE THE SUBJECT BIDS. FAILED 2-2, WITH MAYOR PRO TEM DIEHL AND COUNCILMAN LIMBERG VOTING AYE AND COUNCILMAN CARR AND COUNCILWOMAN KOESTER VOTING NOE.

THE ORIGINAL MOTION FAILED 2-2, WITH COUNCILMAN CARR AND COUNCILWOMAN KOESTER VOTING AYE AND MAYOR PRO TEM DIEHL AND COUNCILMAN LIMBERG VOTING NOE.

Discussion on this issue was deferred to later in the meeting. The discussion resumed at 10:00 p.m. as follows:

Councilman Limberg expressed his confidence in staff and urged that the bids be approved. Mayor Pro Tem Diehl voiced doubt that re-advertising would result in lower bids. City Attorney Oderman clarified that by virtue of the fact that no motion carried in connection with the bid items, the bids, in effect, are rejected.

J. Grant Applications for San Geronio and Max Berg Plaza Park

File No. 77

This agenda item was continued to the City Council meeting of September 17, 1986.

K. Bid Request - Wastewater Treatment Plant Expansion

File No. 96

MOTION BY COUNCILMAN LIMBERG, SECOND BY MAYOR PRO TEM DIEHL, TO APPROVE THE PLANS AND SPECIFICATIONS FOR PROJECT NO. 8-86 WASTEWATER TREATMENT PLANT EXPANSION PROJECT, CONTRACT C-1, AND AUTHORIZE THE ACTING CITY ENGINEER TO ADVERTISE THE PROJECT FOR BIDS. FAILED 2-2, WITH MAYOR PRO TEM DIEHL AND COUNCILMAN LIMBERG VOTING AYE AND COUNCILMAN CARR AND COUNCILWOMAN KOESTER VOTING NOE.

Councilman Carr opposed the motion because of his concern with the design specifications as proposed.

Councilwoman Koester opposed the motion inasmuch as she feels expansion is not in keeping with the desires of the citizenry.

MOTION BY COUNCILMAN CARR, SECOND BY MAYOR PRO TEM DIEHL, CARRIED 3-1 (COUNCILWOMAN KOESTER VOTING NOE) TO DEFER THE BID REQUEST FOR THE WASTEWATER TREATMENT PLANT EXPANSION TO THE COUNCIL MEETING OF SEPTEMBER 17, 1986.

5. WARRANT REGISTER

MOTION BY COUNCILMAN LIMBERG, SECOND BY MAYOR PRO TEM DIEHL, CARRIED 4-0, TO APPROVE THE WARRANT REGISTER AS FOLLOWS:

Warrant Nos. 052354 to 052507 for August 22, 1986.....	\$ 336,898.21
Warrant Nos. 052509 to 052688 for August 29, 1986.....	\$ 492,240.56
Payroll Warrant No. 052525 for period August 11, 1986 through August 24, 1986.....	\$ 212,979.47
TOTAL WARRANT REGISTER.....	
\$1,042,118.20	

6. UNFINISHED BUSINESS

NONE

7. NEW BUSINESS

NONE

8. ORAL COMMUNICATIONS

NONE

9. REPORTS

MOTION BY COUNCILMAN CARR, SECOND BY MAYOR PRO TEM DIEHL, CARRIED 4-0, TO CONTINUE THE CLOSED SESSION FOR THE CITY MANAGER AND CITY COUNCIL TO DISCUSS PERSONNEL MATTERS TO THE COUNCIL MEETING OF SEPTEMBER 17, 1986.


MOTION BY COUNCILMAN LIMBERG, SECOND BY MAYOR PRO TEM DIEHL, CARRIED 4-0, TO REFER THE HILLSIDE GRADING ORDINANCE TO THE PLANNING COMMISSION.

10. RESOLUTIONS/ORDINANCES

NONE

11. ADJOURN

MOTION BY MAYOR PRO TEM DIEHL, SECOND BY COUNCILMAN LIMBERG, CARRIED 4-0, TO ADJOURN AT 10:15 P.M. IN MEMORY OF JUNE ENGLUND OF C.A.R.E.S., AND DIRECT THAT AN APPROPRIATE RESOLUTION BE PREPARED AND SUBMITTED TO MS. ENGLUND'S FAMILY WITH A COPY TO C.A.R.E.S.



CITY CLERK OF THE CITY
OF SAN CLEMENTE



MAYOR OF THE CITY
OF SAN CLEMENTE