

CITY OF SAN CLEMENTECITY COUNCIL MINUTESREGULAR MEETING - SEPTEMBER 17, 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 Mecham at 7:00 p.m.

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

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

ABSENT Council Members - KOESTER

ALSO PRESENT: James B. Hendrickson, City Manager; Myrna Erway, City Clerk; Jeff Oderman, City Attorney; Greg Hulsizer, Acting Community Development Director; Fritz Zapf, Acting City Engineer/Building Official; Joanne Baade, Deputy City Clerk; and certain other staff members present in the audience.

1. SPECIAL PRESENTATIONS

Mayor Mecham announced that the City of San Clemente joined with other coastal cities in designating the month of September as "Coastal Clean-Up Month" and Saturday, September 20, 1986 as "Clean-Up Day."

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

3. PUBLIC HEARINGS

A. FORSTER RANCH SPECIFIC PLAN - File No. 57/58

(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.

Marilyn Ditty, Executive Director for San Clemente Seniors, Inc., stated that 1) Estrella Properties is willing to provide senior housing on the Old Church Site as a means of meeting their affordable housing requirement; 2) the Board of Directors of the San Clemente Seniors supports this proposal; 3) discussed San Clemente Seniors' proposed initiative to exempt senior housing from Proposition "B"; and 4) estimated that approximately 180 to 250 units could be built on the Old Church site.

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Alan Fishman, Tierra Planning and Design, representing Forster Ranch and Estrella Properties, indicated that they would be interested in pursuing senior housing at the Old Church Site as a means of fulfilling their affordable housing requirement, and indicated desire to amend the specific plan accordingly.

In answer to Council inquiry, Jeff Oderman, City Attorney, advised that to exempt senior housing from Ordinance 922 would require voter approval at either a general or special election.

Steve Flint, City Planner, advised that the Planning Commission has not considered the proposed change to the plan.

Jeff Oderman, City Attorney, recommended that the City Council determine whether this change is minor or significant; if deemed to be significant, Mr. Oderman recommended that the proposed revision be referred to the Planning Commission.

Alan Fishman stated that the Planning Commission requested the provision of some affordable housing and advised that the senior housing proposal would not result in an increase in units, but merely a reallocation of units.

Councilman Diehl advised that he favors the concept of senior housing, and stated that he feels the proposal is a major change to the plan and hence should be submitted to the Planning Commission.

City Manager, James Hendrickson, advised that staff has requested the EIR Consultants to prepare additional traffic analysis, in compliance with City Council direction of September 3, 1986. This data will be available for the City Council meeting of October 1, 1986.

Mayor Mecham opened the Continued Public Hearing.

Alan Fishman referenced Tierra Planning & Design's letter of September 10, 1986, which summarized Estrella Properties' position on Council concerns identified to date, staff identified issues outlined in the August 12 Administrative Report and Conditions contained in the July 28 Administrative Report; advised the items were reviewed by the Planning Commission.

The City Council then reviewed the areas of concern specified in Tierra Planning & Design's letter, with results as follows:

Avenida Vista Hermosa Bikeway - Retain the Condition, with the proviso that the issue will be reviewed at the time of grading.

Location of Commercial Sites in the "Planning" Area
Delete the requirement for three small commercial centers in the "Planning" area.

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Commercial vs. Industrial Use in Planning Area 15 -
 Re-designate Area 15 for "mixed use" non-
 residential development. (Councilman Limberg
 opposed.)

Other Institutional Uses on Old Church Site -
 Council indicated only the proposed change to the
 Specific Plan will be referred to the Planning
 Commission.

Phasing of Commercial and Affordable Housing - In
 response to Mayor Mecham's desire that Commercial
 development be phased earlier in the project for
 purposes of job generation, Alan Fishman stated
 that it would be difficult to develop prior to the
 population base being in place; noted there could be
 more flexibility in developing Industrial uses,
 assuming a demand currently exists.

Public Improvements - Condition 7 - City Council
 directed staff to work with the Applicant in
 resolving this issue, for Council consideration on
 October 1, 1986.

Public Trails and Scenic Easements - Condition 12
 is to remain.

Beach Parking Study - Condition 35 - Directed
 staff to prepare wording, for City Council
 consideration at its meeting on October 1, 1986,
 that indicates that the City recognizes that there
 are both regional and local impacts, and indicating
 that the City would want at least the local impacts
 to be mitigated.

In answer to a question by Mayor Mecham, Alan
 Fishman stated that Estrella Properties would favor
 the Specific Plan receiving immediate attention and
 deferring the hotel application. Additionally, Mr.
 Fishman stated that other than those areas of
 concern discussed, the applicant has no objections
 to the Planning Commission recommendations.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN
 CARR, CARRIED 4-0, TO REFER TO THE PLANNING
 COMMISSION, FOR CONSIDERATION AT ITS MEETING OF
 SEPTEMBER 30, 1986, THE PROPOSED SPECIFIC PLAN
 REVISION TO PROVIDE SENIOR HOUSING ON THE OLD
 CHURCH SITE.

Mary Erickson, 1901 South Ola Vista, representing
 the League of Women Voters and Senior Housing
 Board, discussed the need for phased senior citizen
 development.

In answer to Council inquiry, Alan Fishman
 consented to continuing the Public Hearing on the
 Forster Ranch Specific Plan to the City Council
 meeting of October 1, 1986.

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN
 LIMBERG, CARRIED 4-0, TO CONTINUE THE PUBLIC
 HEARING ON THE FORSTER RANCH SPECIFIC PLAN TO THE
 CITY COUNCIL MEETING OF OCTOBER 1, 1986.

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B. USE PERMIT 84-40 - FISHERMAN'S RESTAURANT.
- File No. 44.2

Public hearing to consider amending Condition No. 5 of Use Permit 84-40 to increase the seating capacity of the the Fisherman's Restaurant from 358 to 419 seats.

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN LIMBERG, CARRIED 4-0, TO CONTINUE THE PUBLIC HEARING ON USE PERMIT 84-40 (FISHERMAN'S RESTAURANT) TO THE CITY COUNCIL MEETING OF OCTOBER 1, 1986.

C. ENCROACHMENT 86-02 - FINOCCHIARO DECK EXTENSION - 873 AVENIDA ACAPULCO - File No. 78

Public hearing to consider Encroachment 86-02, a request to allow an existing deck to encroach 4'3" into a City open space easement.

Councilman Carr indicated that he conferred with the City Attorney and there are still unanswered questions regarding his ability to deliberate on this agenda item.

Councilman Limberg stated that he will abstain from deliberation on this agenda item due to a possible conflict of interest.

Sal Finocchiaro, Applicant, consented to continuing the Public Hearing on this item.

MOTION BY MAYOR MECHAM, SECOND BY COUNCILMAN DIEHL, CARRIED 3-1 (COUNCILMAN LIMBERG ABSTAINING), TO CONTINUE THE PUBLIC HEARING ON ENCROACHMENT 86-02 (FINOCCHIARO DECK EXTENSION) TO THE CITY COUNCIL MEETING OF OCTOBER 1, 1986.

D. SB 201 - DEVELOPER FEE INCREASE - File No. 62

Public hearing to consider a request by the Capistrano Unified School District to increase SB 201 Developer Fees.

The City Manager recommended continuing this item since the Planning Commission continued this matter to its September 30, 1986 meeting.

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN LIMBERG, CARRIED 4-0, TO CONTINUE THE PUBLIC HEARING ON SB 201 (DEVELOPER FEE INCREASE) TO THE CITY COUNCIL MEETING OF OCTOBER 15, 1986.

4. CONSENT CALENDAR

MOTION BY COUNCILMAN LIMBERG, SECOND BY COUNCILMAN CARR, CARRIED 4-0, TO APPROVE THE CONSENT CALENDAR WITH THE REMOVAL OF ITEM B-1 (PLANNING COMMISSION MINUTES OF AUGUST 19, 1986) AND WITH A CORRECTION TO THE CITY COUNCIL MINUTES OF SEPTEMBER 3, 1986 TO REFLECT THAT ROBERT FLYNN, 323 CALLE FAMILIA, ADDRESSED THE COUNCIL ON ITEM 3-B.

A. Approve City Council minutes of September 3, 1986 as corrected above.

B. Receive and file:

- (1) Planning Commission minutes of September 2, 1986.
- (2) Community Design Commission Minutes of August 26, 1986.
- (3) Golf Committee Minutes of September 2, 1986.
- (4) Residential Development Evaluation Board Minutes of August 19, 1986 and September 2, 1986.
- (5) Departmental Activities Report for August, 1986.

C. Joint Agreement for Operation of County-Wide Cal-ID System - File No. 83

Approve and authorize the Mayor to execute a Joint Agreement with the County of Orange for the operation of the Cal-ID System (Automated Fingerprint Identification System.)

D. Grant Applications for San Gorgonio and Max Berg Plaza Park - File No. 77/77.10

- (1) Adopt a negative declaration and Resolution No. 86-94 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE APPROVING THE APPLICATION FOR GRANT FUNDS UNDER THE REGIONAL COMPETITIVE PROGRAM OF THE CALIFORNIA PARK AND RECREATIONAL FACILITIES ACT OF 1984 FOR SAN GORGONIO PARK.
- (2) Adopt a negative declaration and Resolution No. 86-95 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE APPROVING THE APPLICATION FOR GRANT FUNDS UNDER THE REGIONAL COMPETITIVE PROGRAM OF THE CALIFORNIA PARK AND RECREATIONAL FACILITIES ACT OF 1984 FOR MAX BERG PLAZA PARK.

E. Bid Award - South Ola Vista Street Reconstruction - File No. 100

Approve and authorize the Mayor to execute a contract with McGrew Construction Company, Inc., the lowest responsible bidder, at the cost of \$1,167,720.61 for the reconstruction of South Ola Vista Street Reconstruction, Project No. 20-83.

F. Traffic Items for Review - File No. 106

Receive and file the process for reviewing traffic items as outlined in the Administrative Report dated September 8, 1986.

CONSENT CALENDAR ITEMS REMOVED FOR DISCUSSION

B(1) Planning Commission Minutes of August 19, 1986

MOTION BY MAYOR MECHAM, SECOND BY COUNCILMAN LIMBERG, CARRIED 4-0, TO APPROVE THE PLANNING COMMISSION MINUTES OF AUGUST 19, 1986.

5. WARRANT REGISTER

MOTION BY MAYOR MECHAM, SECOND BY COUNCILMAN LIMBERG, CARRIED 4-0, TO APPROVE WARRANT NOS. 052689 THROUGH 052856 FOR SEPTEMBER 4, 1986 IN THE AMOUNT OF \$293,321.97; WARRANT NOS. 052857 THROUGH 052996 FOR SEPTEMBER 11, 1986 IN THE AMOUNT OF \$220,447.86; PAYROLL WARRANT NO. 052872 FOR THE PERIOD AUGUST 25, 1986 THROUGH SEPTEMBER 7, 1986 IN THE AMOUNT OF \$216,601.68, FOR A TOTAL WARRANT REGISTER OF \$730,371.51.

6. UNFINISHED BUSINESS

(A) WASTEWATER TREATMENT PLANT EXPANSION - File No. 96

Report from the Community Development Director concerning Phase I of the Wastewater Treatment Plant Expansion project (Contract C-1).

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN LIMBERG, CARRIED 3-1 (COUNCILMAN CARR VOTING NOE), TO APPROVE THE PLANS AND SPECIFICATIONS FOR PROJECT NO. 886 WASTEWATER TREATMENT PLANT EXPANSION PROJECT, CONTRACT C-1, AND AUTHORIZE THE ACTING CITY ENGINEER TO ADVERTISE THE PROJECT FOR BIDS. (PHASE I).

(B) ORDINANCE 922 MODIFICATION - RESIDENTIAL DEVELOPMENT EVALUATION BOARD PROCEDURES - File No. 57

Report from the Community Development Director concerning the establishment of a program for the implementation of the Development Allocation Provisions of Ordinance No. 922.

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 4-0 TO ADOPT ORDINANCE NO. 931 ENTITLED, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING ORDINANCE NO. 922 (MANAGED GROWTH ORDINANCE).

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 4-0 TO ADOPT RESOLUTION NO. 93-93 ENTITLED, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING A PROGRAM FOR THE IMPLEMENTATION OF THE DEVELOPMENT ALLOCATION PROVISIONS OF ORDINANCE NO. 922.

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City Council requested that the issue of the \$750 Deposit Processing Fee be resubmitted to the City Council at its meeting of October 1, 1986 as a Resolution for adoption.

7. NEW BUSINESS

NONE

8. ORAL COMMUNICATIONS

Dan Millington, 243 Via Ballena, discussed the Via Allegra slope failure and urged Council to demand that Estrella Properties deal with their responsibilities in this matter.

Council responded that the City has retained a geologic firm that is currently reviewing the situation.

9. REPORTS

A. Commission and Committee

None

B. City Manager

- (1) Softball Complex - Disposition of Rental Income - File No. 77

Report from Finance Director relative to whether the rental revenue to be received from the softball complex in Rancho San Clemente should be directed to the Parks Acquisition and Development Fund.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN LIMBERG, CARRIED 4-0, THAT THE SOFTBALL COMPLEX RENTAL INCOME BE RETAINED AND ACCOUNTED FOR IN THE GENERAL FUND OF THE CITY. FURTHER, THAT THE ADMINISTRATIVE REPORT BE SHARED WITH THE PARKS AND RECREATION COMMISSION.

- (2) Requested a Closed Session to discuss personnel and the Via Allegra slope failure issue, pursuant to Government Code Section 54956.9(b).

C. City Attorney

Requested a Closed Session to discuss personnel and pending litigation pertaining to the case of O'Keefe vs. City of San Clemente, pursuant to Government Code Section 54956.9(b).

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10. RESOLUTIONS/ORDINANCES

A. MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR, CARRIED 3-1 (MAYOR MECHAM ABSTAINING), TO ADOPT ORDINANCE NO. 932, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 35 OF THE SUBDIVISION CODE OF THE CITY OF SAN CLEMENTE RELATING TO VESTING TENTATIVE MAPS.

For Resolution No. 86-94, see Page 6.

For Resolution No. 86-95, see Page 7.

For Resolution No. 86-93, see Page 8.

For Ordinance No. 931, see Page 8.

For Ordinance No. 932, see Page 9.

CLOSED SESSION

Council recessed to a Closed Session at 8:50 p.m. to discuss personnel and litigation matters as specified above, pursuant to Government Code Section 54956.(b). The City Manager, City Attorney, and Assistant City Manager were in attendance.

RECONVENED

Council reconvened at 9:14 p.m. with all members present except Councilwoman Koester.

ADDITIONAL BUSINESS

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 4-0, TO REFER PBR'S LETTER, DATED SEPTEMBER 15, 1986, CONCERNING THE MANAGED GROWTH ORDINANCE TO THE PLANNING COMMISSION.

11. ADJOURN

The City Council adjourned at 9:17 p.m. The next regular meeting will be held October 1, 1986 at 7:00 p.m.

Margaret E. Lewis
 CITY CLERK of the City
 of San Clemente

William C. Mecham
 MAYOR of the City of
 San Clemente