

CITY OF SAN CLEMENTE

CITY COUNCIL MINUTES

REGULAR MEETING - OCTOBER 1, 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, KOESTER, MAYOR MECHAM

ABSENT Council Members - LIMBERG

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 PRESENTATION

Mayor Mecham presented Rod Duffield, President of the Orange County Chapter, National Federation of the Blind of California, with a proclamation advocating "White Cane Safety Day."

2. MOTION BY COUNCILMAN CARR, 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.

Continued Public Hearing to consider EIR 84-01, Specific Plan No. 83-01, General Plan Amendment No. 53, Zoning Amendment 86-06 and 84-07 relating to proposed development in the Forster Ranch Specific Plan.

James Barnes, Senior Planner, reported that the Planning Commission, at its meeting of September 30, 1986, considered 1) the applicant's proposal to designate a 25-acre site for senior affordable housing; and 2) the applicant's proposal to re-designate Planning Area 15 from Central Commercial to Mixed Use Development. Mr. Barnes stated that the Planning Commission recommended approval of both requests.

Mr. Barnes recommended that in the event Council elects to separate the hotel from the Specific Plan in terms of processing, that Council delete staff's recommendation that a traffic signal be installed at the intersection of Avenida Vaquero and Camino Capistrano. This recommendation was based on the fact that the signal relates directly to the construction of the hotel. Additionally, Mr. Barnes indicated that Zoning Amendment 86-06 pertains to the hotel and hence should be deferred if the Council chooses to postpone the hotel application.

Mr. Barnes referred to Condition No. 40.2(b), advising that the Planning Commission has recommended that the condition be revised to read, "The first 25% of building permits issued in the "Planning Area" shall include a minimum of 25% of the total affordable housing units required within the "Planning Area." Council concurred with the revised wording.

Mayor Mecham referred to Recommended Condition No. 5 which states that prior to approval of a Tentative Tract Map and/or Site Plan, the developer shall present precise grading elevations, sections, and structural height design and exhibits to the Community Development Department demonstrating that no building or structure will interrupt the primary ridgeline as viewed from viewpoints to be determined by the Community Development Department. Mayor Mecham requested that this condition be implemented early in the process and that Council be given the opportunity for review.

In answer to Council inquiries, Mr. Barnes advised as follows: 1) a 46-acre combined park and school site is proposed in connection with the project (21.9 acres of parkland, and 24.1 acres for the school site); and 2) the proposal calls for a maximum of 250 senior affordable units.

In answer to Council inquiry, James Hendrickson, City Manager, advised that Ultra Research's report estimated the total project impact on the City to be an \$18.409 million surplus; without the hotel and health resort, an

approximate \$2 million surplus is expected.

Mayor Mecham opened the Continued Public Hearing.

Alan Fishman, Tierra Planning & Design, representing Estrella Properties, concurred with the Administrative Report and recommended Conditions.

In answer to a question posed by Jeff Oderman, City Attorney, Alan Fishman stated that the Applicant would consent to a 30 to 45-day continuance of the hotel application.

Art Palmer, Chairman of the San Clemente Seniors Housing Board, referenced the need for senior housing and spoke in support of the provision of senior affordable housing in Forster Ranch.

Paula Moss spoke in support of the senior housing proposal, commenting on the possibility of State funding.

In answer to Council inquiry, Alan Fishman stated that the Applicant would prefer to provide the remainder of the affordable housing in the Back Country, but is willing to accept the Planning Commission recommendation which would require that the first 25% of building permits issued in the "Planning Area" shall include a minimum of 25% of the total affordable housing units required within the Planning Area.

Councilman Diehl stated that he is concerned with interspersing affordable housing with market-rate housing throughout the planned area.

Mayor Mecham closed the Continued Public Hearing.

In answer to Council inquiry, Alan Fishman agreed to a continuance of the hotel application to the City Council meeting of November 19, 1986.

MOTION BY MAYOR MECHAM, SECOND BY COUNCILMAN DIEHL, CARRIED 4-0, to direct staff to take all necessary steps to assure the separation of the hotel from the Specific Plan, including the removal of Condition 36, and to continue the hotel application to the City Council meeting of November 19, 1986.

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 4-0, to adopt Resolution No. 86-99 entitled, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CERTIFYING EIR NO. 84-01 AS BEING ADEQUATE AND COMPLETE.

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 4-0, to adopt Resolution No. 86-100 entitled, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING GENERAL PLAN AMENDMENT NO. 53.

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 4-0, to introduce Ordinance No. 933 entitled, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING ZONING AMENDMENT NO. 84-07.

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, to adopt Resolution No. 86-101 entitled, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SPECIFIC PLANS 80-3 AND 80-7 AND APPROVING SPECIFIC PLAN 83-1 (FORSTER RANCH).

SUBSTITUTE MOTION BY COUNCILMAN DIEHL to amend the motion on the floor to delete the provision that requires that the affordable housing units shall not constitute more than 30% of any residential planning area. The Substitute Motion died for lack of a second.

THE ORIGINAL MOTION CARRIED 4-0.

B. USE PERMIT 84-40 - FISHERMAN'S RESTAURANT

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

Mayor Mecham opened the Public Hearing.

Hal Griffith discussed the background of the Fisherman's Restaurant and reviewed the costs associated with its operation. Mr. Griffith stated that the restaurant is in critical need of additional storage and kitchen space, and indicated that he would like to be able to accommodate the current public demand on the restaurant.

Mayor Mechan closed the Public Hearing.

MOTION BY COUNCILMAN DIEHL, SECOND BY MAYOR MECHAM, CARRIED 3-1 (COUNCILWOMAN KOESTER VOTING NOE) to adopt Resolution No. 86-105 entitled, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND CONDITIONALLY APPROVING AMENDED USE PERMIT 84-40.

Councilwoman Koester opposed the motion, stating her belief that the restaurant should be required to abide by the same standards required of the private sector.

C. ENCROACHMENT 86-02 - FINOCCHIARO DECK EXTENSION - 873 AVENIDA ACAPULCO

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 abstained from deliberation on this agenda item and left the Council Chambers at 8:07 p.m.

Mayor Mecham opened the Public Hearing.

Sal Finocchiaro, 873 Avenida Acapulco, reviewed the background of the deck issue, commenting that a representative of the City Planning staff had informed him that a permit would not be required for the deck and fence. Mr. Finocchiaro spoke in support of Encroachment Permit No. 86-02.

In answer to Council inquiry, Steve Flint, City Planner, relayed staff's position that Mr. Finocchiaro was advised at the onset that permits would be necessary.

Mayor Mecham closed the Public Hearing.

MOTION BY COUNCILMAN DIEHL, SECOND BY MAYOR MECHAM, CARRIED 3-0 (COUNCILMAN CARR ABSTAINING), to adopt Resolution No. 86-97 entitled, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, ADOPTING A NEGATIVE DECLARATION AND DENYING ENCROACHMENT PERMIT NO. 86-02.

Councilman Carr returned to the Council dais at 8:18 p.m.

4. CONSENT CALENDAR

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 4-0, to approve the Consent Calendar with the removal of Items F and G:

A. MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 4-0, to approve the City Council minutes of September 17, 1986.

B. MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 4-0, to receive and file the following minutes:

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- (1) Planning Commission minutes of September 16, 1986.
- (2) Community Design Commission minutes of September 10, 1986.
- (3) Parks and Recreation Commission minutes of July 22, 1986 and August 26, 1986.

C. AMENDMENT TO ORANGE COUNTY CITIES' RISK MANAGEMENT AUTHORITY BYLAWS

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 4-0, to approve and authorize the Mayor to execute an amendment to the Orange County Cities' Risk Management Authority Bylaws to provide for a risk sharing insurance pool as an alternative to the current arrangement of purchasing insurance on a non risk sharing basis.

D. ROSA/SAN GABRIEL PUMP STATION RECONSTRUCTION - CHANGE ORDER NO. 4 AND NOTICE OF COMPLETION

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 4-0, to:

1. Approve Change Order No. 4 in the amount of \$51,973.87 in conjunction with Project No. 185, Rosa/San Gabriel Pump Station Reconstruction. (Contract No. 481).
2. Authorize the City Clerk to file a Notice of Completion with the County Recorder for Project No. 1-85. (Contract No. 481).
3. Approve a supplementary appropriation of \$51,973.87 from the Depreciation Reserve Sewer Fund to the Rosa/San Gabriel Pump Station Reconstruction, Account No. 054-476-45300, Project Nos. 05613 and 05614.

E. AWARD OF CONTRACT - DEL MAR BEAUTIFICATION, PHASE II PROJECT NO. 6-86

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 4-0, to approve and authorize the Mayor to execute a contract for the Del Mar Beautification, Phase II, Project No. 6-86, to Artistic Landscape at the bid price of \$152,163.22, as it is determined to be the most favorable bid submitted.

CONSENT CALENDAR ITEMS REMOVED FOR DISCUSSION:

F. ACCEPTANCE OF WORK AND FILING OF NOTICE OF COMPLETION - AVENIDA DEL MAR BEAUTIFICATION AND RECONSTRUCTION, PHASE I

In answer to Council inquiry, Fritz Zapf, Acting City Engineer/Building Official, stated that the project will be ready for acceptance as soon as the light pole is delivered. Mr. Zapf advised that the project has been reasonably complied with according to the specifications.

MOTION BY COUNCILMAN DIEHL, SECOND BY MAYOR MECHAM, CARRIED 3-1 (COUNCILWOMAN KOESTER VOTING NOE), to accept the work on Avenida Del Mar Street Reconstruction, Phase I, Project No. 4-84 from the Contractor, McGrew Construction, Inc., and to authorize City Clerk to record Notice of Completion.

G. BID AWARD - WASTEWATER TREATMENT PLANT EXPANSION - PURCHASE OF BELT PRESSES FOR SLUDGE DEWATERING.

Councilwoman Koester indicated that she would oppose the subject bid award.

MOTION BY MAYOR MECHAM, SECOND BY COUNCILMAN DIEHL, to authorize the purchase of two belt presses from the low qualified bidder Arus Andritz of Arlington, Texas in the amount of \$349,816.00.

Councilman Carr stated that he would oppose the motion in light of his concern with the design characteristics of the project.

James Hendrickson, City Manager, advised that a 2-2 vote would constitute a rejection of the bids and

would necessitate readvertisement.

SUBSTITUTE MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 4-0, to continue this agenda item to the City Council meeting of October 15, 1986.

5. WARRANT REGISTER

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 4-0 to approve Warrant Nos. 053001 through 053118 for September 16, 1986 in the amount of \$220,723.00; Warrant Nos. 053122 through 053382 for September 24, 1986 in the amount of \$946,894.72; Payroll Warrant No. 053122 for the period September 8, 1986 through September 21, 1986 in the amount of \$207,194.13; for a total Warrant Register of \$1,374,811.85.

6. UNFINISHED BUSINESS

A. PROPOSED TRAFFIC FLOW MODIFICATIONS - CALLE VALLARTA AND AVENIDA MESITA

James Hendrickson, City Manager, stated that the only issue of disagreement between staff's recommendation and Mr. Donan's request is the issue of the two stop signs on Calle Vallarta.

David Donan spoke in support of the installation of stop signs at Calle Vallarta and Avenida Mesita, citing the dangerous condition currently associated with the subject area due to the blind curve and the high speed of traffic.

Akram Hindiye, Civil Engineering Associate, advised that warning devices and 15 MPH speed limit signs have been installed near the curve; and discussed the results of the City's traffic study which indicate that vehicles are now traveling at a safe rate of speed.

MOTION BY MAYOR MECHAM, SECOND BY COUNCILMAN DIEHL, CARRIED 4-0, to:

1. Prohibit parking on the south side of Calle Vallarta between the driveways at 716-726 for a distance of 154 feet as indicated on Exhibit "A" of the Administrative Report. Adopt Resolution No. 86-106, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC

RESOLUTION NO. 1846, ESTABLISHING 'NO PARKING'
REGULATIONS AT VARIOUS LOCATIONS.

2. Authorize the installation of a stop sign on Avenida Mesita at Calle Vallarta. Adopt Resolution No. 86-107 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING "THROUGH STREETS AND STOP INTERSECTIONS" AT VARIOUS LOCATIONS.
3. Continue consideration of the applicant's request for the installation of stop signs on Calle Vallarta and Avenida Mesita to the City Council meeting of November 5, 1986, to allow time for another traffic study to be completed to determine if the City's mitigation measures are proving effective.

7. NEW BUSINESS

A. PROPERTY LEASE - 101 W. EL PORTAL

Report from the Acting Community Development Director regarding the possible lease of the property located at 101 West El Portal for the purpose of relocating the City's Building, Planning and Engineering divisions.

MOTION BY COUNCILMAN DIEHL, SECOND BY MAYOR MECHAM, to approve and authorize the Mayor to execute a Lease Agreement between the City of San Clemente and Peter Hioureas to lease the property located at 101 West El Portal for the purpose of relocating the City's Building, Planning and Engineering divisions.

In response to concerns expressed by Councilman Carr, Council and staff discussed the lease as it pertains to the free-rent provision, the fact that the issue of land use has not been considered by the Planning Commission, and the proposed beginning date of the lease.

SUBSTITUTE MOTION BY COUNCILMAN CARR, SECOND BY COUNCILWOMAN KOESTER, to refer the land use issue to the Planning Commission, for consideration at its meeting of October 14, 1986; and that the subject be re-agendized for the City Council meeting of October 15, 1986.

In answer to Council inquiry, Jeff Oderman, City

Attorney, stated that a use permit would not be required for the proposed use.

THE SUBSTITUTE MOTION WAS THEN VOTED ON AND FAILED, 1 - 3, (COUNCILMEMBERS DIEHL, KOESTER AND MECHAM VOTING NOE).

THE ORIGINAL MOTION CARRIED, 4-0.

CITY COUNCIL RECESSED AT 9:15 P.M. AND RECONVENED AT 9:25 P.M. WITH ALL MEMBERS PRESENT, EXCEPT COUNCILMAN LIMBERG.

8. ORAL COMMUNICATIONS

1. Dan Millington, 243 Via Ballena, discussed the Via Alegre slope failure, commenting that the homeowners cannot obtain homeowners' insurance. Mr. Millington urged that the City speak with Estrella Properties relative to the issue.
2. Audrey Germer, 1909 Calle Mayita, advised of overgrown shrubbery which is encroaching on the sidewalk area along South El Camino Real.

Mayor Mecham requested that Ms. Germer put her comments in writing and submit same to the City Manager.

9. REPORTS

A. Commission and Committee

None

B. City Manager

OFFSHORE OIL REVENUE GRANT APPLICATION WITH COASTAL CITIES

Report from the City Manager regarding the possibility of the City of San Clemente joining with Laguna Beach, Newport Beach, and Huntington Beach to jointly submit an application for funding to conduct an analysis of the upcoming Lease Sale 95.

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 4-0, to:

1. Approve the submittal of an application to the

State of California to secure funding for an analysis of Lease Sale 95 on behalf of the four coastal cities -- Laguna Beach, Newport Beach, Huntington Beach, and San Clemente; and

2. Approve continued discussions with Orange County to secure an allocation of a portion of its \$2.2 million formula grant to evaluate Lease Sale 95.

C. City Attorney

Jeff Oderman, City Attorney, requested a Closed Session to discuss potential litigation, pursuant to Government Code Section 54956.(b).

D. Council Members

Councilwoman Koester concurred with Ms. Germer's comments concerning overgrown shrubbery on South El Camino Real and requested an update on pruning from Parks and Recreation.

Mayor Meham requested that the Police Department provide a report on the parking situation in the South El Camino Real area.

In response to Councilman Carr, James Hendrickson, City Manager, stated that Estrella Properties has offered to meet with the forty homeowners on Via Alegre and Via Ballena to begin discussion for an overall solution to the slope failure problem. Mr. Hendrickson further stated that Estrella Properties has retained a soils geologist and the City has offered to participate in the discussions. Council requested that Dan Millington be advised of this fact.

Councilman Diehl advised that he had previously called up Use Permit 86-18 (Shorecliffs Golf Course Parking Lot) for review, but added that his concern has been resolved.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR, CARRIED 4-0, to rescind scheduling Use Permit 86-18 (Shorecliffs Golf Course Parking Lot) for a public hearing.

Mayor Mecham reported that the Orange County Planning Commission will meet on October 15, 1986 for the purpose of making a recommendation to the Board of Supervisors and Joint Powers Authority concerning the final alignment of the Foothill Transportation Corridor. Mayor Mecham advised that he will attend said meeting, and will relay San Clemente's opposition to any alignment (with the exception of the Back Country alignment) within the City of San Clemente.

Responding to Mayor Mecham, Greg Hulsizer, Acting Community Development Director, explained that the Eucalyptus trees at Ola Vista/Trafalgar are proposed for removal due to 1) the realignment of the intersection and 2) the fact that they are too close to the street to allow the installation of curbs and gutters. He added that staff will recommend that the trees be replaced with new trees, situated in wells, that won't uproot the street. Staff will provide Council with a report at its October 15, 1986 meeting.

1. NATIONAL OCEANIC PARK BETWEEN THE ORANGE COUNTY COASTLINE AND CATALINA ISLAND

Letters from the Cities of Laguna Beach and Huntington Beach concerning the possible creation of a National Oceanic Park between the Orange County Coastline and Catalina Island.

MOTION BY MAYOR MECHAM, SECOND BY COUNCILMAN DIEHL, CARRIED 4-0, to adopt Resolution No. 86-102, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE SUPPORTING THE CREATION OF A NATIONAL OCEANIC PARK BETWEEN THE ORANGE COUNTY COASTLINE AND CATALINA ISLAND.

10. RESOLUTIONS/ORDINANCES

- A. MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 3-1 (COUNCILWOMAN KOESTER VOTING NOE), to adopt Resolution No. 86-103 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.

- B. MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 4-0, to adopt Resolution No. 86-104 entitled, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING "THROUGH STREETS AND STOP INTERSECTIONS."
- C. MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 4-0, to adopt Resolution No. 86-108 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING A \$750.00 DEPOSIT FEE FOR THE PROCESSING OF DEVELOPMENT APPLICATIONS PURSUANT TO CITY OF SAN CLEMENTE ORDINANCE NO. 922 AS AMENDED BY ORDINANCE NO. 931.

For Resolution No. 86-97, see Page 5.
For Resolution No. 86-99, see Page 3.
For Resolution No. 86-100, see Page 4.
For Resolution No. 86-101, see Page 4.
For Resolution No. 86-102, see Page 12.
For Resolution No. 86-103, see Page 12.
For Resolution No. 86-104, see Page 13.
For Resolution No. 86-105, see Page 4.
For Resolution No. 86-106, see Page 8.
For Resolution No. 86-107, see Page 8.
For Resolution No. 86-108, see Page 13.
For Ord. 933 (Introduction), see Page 4.

Meeting Recessed

Council recessed to a meeting of the Redevelopment Agency at 9:48 p.m.

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Meeting Reconvened

Council reconvened at 9:49 p.m., with all members present, except Councilman Limberg.

Closed Session

Council recessed to a Closed Session at 9:50 p.m. to discuss potential litigation, pursuant to Government Code Section 54956.9(b). The City Manager, City Attorney, and Assistant City Manager were in attendance.

Meeting Reconvened

Council reconvened at 10:15 p.m., with all members present, except Councilman Limberg.

11. ADJOURN

The City Council adjourned at 10:15 p.m. The next regular meeting will be held October 15, 1986 at 7:00 p.m.


MAYOR of the City of
San Clemente


CITY CLERK of the City
of San Clemente