

CITY OF SAN CLEMENTECITY COUNCIL MINUTESREGULAR MEETING - MAY 21, 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;
Marjorie L. Will, Deputy City Clerk;
Jeff Oderman, City Attorney; Harry
Weinroth, Community Development Director;
Edward T. Putz, City Engineer; and certain
other Staff members present in the audience.

SPECIAL PRESENTATIONS

Mayor Mecham presented City pins to the following members of the Blue Ribbon Facilities Study Committee: Joe Anderson, Floyd Cate, Bud Jackley, Mary Jo Doherty, Harold Joseph, Charles Ryan, Lee Steelman, and Kenneth Kline.

Mayor Mecham presented a Certificate of Commendation to Marie Baida, outstanding Block Captain of the San Clemente Neighborhood Watch Association for 1986.

Mayor Mecham advised that First Lady Nancy Reagan will kick off her educational campaign to cut drug demand among high school students on May 22, 1986, and read a proclamation designating May 22, 1986 as "SAY NO TO DRUGS DAY."

Mayor Mecham introduced four members of the cast of Evita which is playing to standing room only at the San Clemente High School, under the direction of Bill Gekas, and encouraged attendance.

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

PUBLIC HEARINGS

File No.: 117

Subject: Zoning Amendment 85-09/Use Permit 85-29 -
San Clemente Retail Plaza.

Public Hearing to consider Zoning Amendment No. 85-09 and Use Permit 85-29, a request to establish a Combining High Rise District for 641 Camino de Los Mares and to allow joint use parking facilities for a multi-use development with nine theaters, three restaurants, retail space, office space and multi-level parking garage. The legal description is Lot 7 of Tract 5951. Consideration of negative declaration prepared for the project.

Mayor Mecham opened public hearing. Architect Gary Noble gave a slide presentation of the proposed project, including elevation drawings indicating no ocean views will be obstructed; of the 628 parking spaces required, there are 317 on-site spaces, with a total of 563 spaces provided within 300 feet, based on reciprocal parking agreements obtained from contiguous parcels, as authorized by the Municipal Code. Mr. Noble noted the project is high quality with accessibility, which will provide amenities not currently available to the City.

Peter Cohen, representing Mann Theaters, stated the parking projections are more than adequate and based upon a worst case scenario of full capacity; stated the nine theaters would never be fully occupied, with 75-80% occupancy projected. Kent Koespell supported the project to provide activities for the local community and children.

Joe Anderson, Chamber of Commerce Economic Development Chairman, felt the building heights would not block ocean views, tile roofs are more attractive than the usual flat roof on commercial buildings, and supported the local revenue the project would provide. Betty Bruce voiced concern for traffic problems and disagreed with allowing the shopping center's towers to rise as high as 65 feet; agreed the City needs more revenue but questioned if all the tax base must come from 2.4 acres.

Council questioned the developer on the anticipated movie patronage and type of movies to be shown, clarification of the joint parking use agreement, and whether the Bank would have a drive-thru facility. Mr. Cohen stated 1100-1200 people per day during the summer is anticipated for the whole complex, X-rated pictures are not currently shown in their theater chains.

Mayor Mecham closed public hearing. The Traffic Engineer responded to questions and concerns from Councilman Limberg on the parking requirements for the complex and adjacent buildings. Councilman Carr stated his main concern was the widening of Los Mares and whether or not the designation would be changed from a primary arterial to a major highway since the proposed 4 travel lanes would be increased to six lanes; concurred with the signalization, modification of the median strip wherever necessary, and the elimination or reconstruction of driveways, but recommended further consideration of the conversion from 4 travel lanes to 6 travel lanes. Councilman Limberg questioned locating three signals within 700 feet and how they would be controlled.

MOTION BY COUNCILMAN DIEHL, SECOND BY MAYOR MECHAM to adopt Resolution No. 86-34 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA APPROVING USE PERMIT 85-29, SAN CLEMENTE RETAIL PLAZA, adding a condition prohibiting X-rated movies to be shown in any of the theaters on that site. The applicant concurred with the added condition.

Councilman Diehl thought the project was well-designed and that the parking problem could be controlled since the medical buildings are not occupied on week-ends; noted the unique use with theaters and restaurants; the opportunity to get improvements on Los Mares, and other buildings in the area which exceed the height limit.

Councilwoman Koester voiced concern for the density and parking; and questioned whether the project is appropriate for the area with increased traffic to the developments in the backcountry.

Councilman Limberg concurred the project is high quality, well-designed, and a distinct advantage for the City but thought the site is over-impacted and questioned the dependence on adjacent properties for parking.

Councilman Carr concurred the project was attractive but thinks a modification of the project would be acceptable.

Mayor Mecham stated the city currently does not produce sufficient revenue to provide needed services; this type of development could be beneficial, providing services that citizens leave the city to find, that the complex could draw people into the community to shop, and denial would be a major loss to the community.

The MOTION FAILED 2-3, with Councilmembers Carr, Koester, and Limberg voting NOE.

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILWOMAN KOESTER, CARRIED 5-0 to deny Use Permit 85-29 without prejudice, and to offer the applicant the opportunity to resubmit a use permit application with the required fees waived.

The City Attorney advised the necessary resolution will be presented at the next meeting.

Recess was called at 8:40 and reconvened at 8:55 with all present.

MOTION BY MAYOR MECHAM, SECOND BY COUNCILMAN DIEHL, CARRIED 5-0 to deny Zoning Amendment No. 85-09.

CONSENT CALENDAR

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN LIMBERG, CARRIED 5-0 to approve the following Consent Calendar items:

City Council Minutes

Minutes of 4-30-86 and 5-7-86.

Community Design Commission Minutes

Minutes of 4-22-86.

Parks & Recreation Commission Minutes

Minutes of 4-22-86.

Golf Course Committee Minutes

Minutes of 4-14-86.

Departmental Activities Report

Departmental Activities Report for month of April, 1986.

File No.: 77 44

Subject: North Beach Mobile Concession Proposals.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN LIMBERG, CARRIED 5-0 to approve the selection of Canale Foods, Inc. to operate a mobile concession at North Beach, approve agreement and authorize execution by the Mayor and City Clerk.

File No.: 42

Subject: Claim for Damages Filed by Harriet Rudy.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN LIMBERG, CARRIED 5-0 that based on insurance adjuster's recommendation, deny the claim for damages filed by Harriet Rudy in the amount of \$187.59.

File No.: 87

Subject: Surplus Vehicles and Equipment.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN LIMBERG, CARRIED 5-0 to authorize auction by the Ken Porter Auction Co. of surplus vehicles and equipment no longer safe to drive or economically feasible to maintain.

File No.: 60

Subject: Bylaws Amendment - Orange County Cities Risk Management Authority (OCCRMA) Premium Allocation Formula.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN LIMBERG, CARRIED 5-0 that based upon the current volatile insurance market, and the need for flexibility within the OCCRMA group for assigning annual premiums in such a market, approve Amendment to the Bylaws of the Orange County Cities Risk Management Authority and authorize execution by the Mayor and City Clerk.

File No.: 118

Subject: City Support of Assembly Bill 4044 (FARR).

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN LIMBERG, CARRIED 5-0 that based upon the fact that AB 4044 would provide additional protection to communities in regard to damages from offshore oil exploration and development activities and based upon the fact that the City Council has consistently supported protection legislation regarding these matters in the past, endorse AB 4044 (Farr), and authorize the Mayor to send letters of support to Assemblyman Frazee, Senator Bergeson, and other appropriate State representatives.

CONSENT CALENDAR (Items removed for separate action)

Planning Commission Minutes

MOTION BY MAYOR MECHAM, SECOND BY COUNCILMAN DIEHL, CARRIED 5-0 to call up for review request for interpretation regarding the Intent of a Hotel and to approve the balance of the Planning Commission Minutes of 5-6-86.

File No.: 113

Subject: Water Master Plan Update.

Staff responded to query from Councilwoman Koester. MOTION BY COUNCILWOMAN KOESTER, SECOND BY MAYOR MECHAM, CARRIED 5-0 to approve Lowry and Associates' proposal to update the Water Master Plan at a cost of \$19,100; and authorize Mayor to execute an appropriate agreement approved by the City Council.

File No.: 87

Subject: Lease of City Land at end of Calle Valle Alley By Messrs. Homan and Mason.

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 5-0 to approve and authorize the Mayor to execute Amendment No. 1 to Lease No. 17 with Messrs. Homan and Mason for property abutting the Segunda Deshecha flood control channel extending the expiration date to 12-31-86.

File No.: 77

Subject: Softball Complex Lease Extension.

MOTION BY MAYOR MECHAM, SECOND BY COUNCILMAN DIEHL, CARRIED 4-1 to approve and authorize the Mayor to execute Lease Amendment No. 1 to Lease No. 22 dated 6-5-85 by and between the City and South Coast Sports Complexes to extend the expiration date to June 1, 1987. Councilwoman Koester voted NOE.

WARRANT REGISTER

MOTION BY MAYOR MECHAM, SECOND BY COUNCILMAN DIEHL, CARRIED 5-0 to approve: Warrant No.s 49652 through 49779 for May 9, 1986 in the amount of \$798,552.89; Warrant No.s 49780 through 49929 for May 16, 1986 in the amount of \$301,770.39; and Payroll Warrant No. 49669 for 4-21-86 through 5-4-86 in the amount of \$187,747.21, for a total warrant register of \$1,288,070.49.

UNFINISHED BUSINESS

File No.: 105

Subject: Time Extension - Tentative Tract Map 11855
(Sea Pointe Estates).

Report from Community Development Director recommending granting a one-year time extension from March 2, 1986 to March 2, 1987 for Tentative Tract Map 11855 (Sea Pointe Estates).

Responding to Councilman Carr's concern for the impact this project would have in relation to widening Los Mares, the City Attorney advised that if the applicant is unwilling to agree to a condition to improve Los Mares, Council could not unilaterally impose that condition at this time; Council could deny the extension, then the applicant would have the right to reapply for a tentative tract map which would have to be evaluated on its merits.

In response to query from Councilman Diehl, Staff advised that the applicant was notified of the May 7 and 21 meetings.

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 5-0 to continue the matter to the meeting of June 4, 1986 and that Staff advise the applicant of the importance of attending the meeting.

File No.: 105

Subject: Tentative Tract Map 10478 - Southridge Homes.

Report from Community Development Director recommending approval of Tentative Tract Map 10478 to subdivide approximately 1.96 acres into a single condominium lot in order to construct 20 residential dwelling units within the R-2 Zoning District. The legal description is Portions of Lots 70, 71, 72, and 73, Tract 1127. Consideration of negative declaration prepared for the project.

Staff responded to Council questions regarding the drainage problems in the area. Richard W. Fitz requested clarification on the type of wall to be constructed and the number of parking spaces for the project. Staff advised a masonry wall has been recommended by the Planning Commission, that each unit will have a 2-car garage, and that 13 additional spaces are available. Beverly Cooper voiced concern for the density in the area with only one ingress and egress available; stated the surrounding property owners want the vacant lots developed, but prefer 9 units. In response to query on park dedication, the City Manager advised the developer would pay a park fee to the City which would be placed in a separate fund to be used only for park purposes throughout the City. Tom Lorch referenced a requirement of Ordinance No. 922 and the City Manager advised a previous report stated that prior to obtaining building permits, the proposed development shall be reviewed by the Development Evaluation Board, which will present its list of evaluations and recommendations to the City Council for awarding development allotments. Mayor Mecham emphasized that all projects will be reviewed by the Development Evaluation Board prior to issuing building permits.

The Community Development Director noted that all maps approved prior to adoption of Ordinance No. 922 have not received written notices; however, when building permits are requested for a project, it will be reviewed, subject to the requirements of the Ordinance.

MOTION BY COUNCILMAN DIEHL to approve Tentative Tract Map 10478, DIED FOR LACK OF SECOND.

MOTION BY COUNCILMAN DIEHL to approve Tentative Tract Map 10478 subject to two additional conditions: (1) that a masonry block wall be constructed around the entire perimeter of the property; and (2) the Del Gado street improvements are to be the full width of the street within the City of San Clemente. MOTION DIED FOR LACK OF SECOND.

MOTION BY COUNCILMAN LIMBERG, SECOND BY COUNCILWOMAN KOESTER that the application be denied.

SUBSTITUTE MOTION BY MAYOR MECHAM, SECOND BY COUNCILMAN DIEHL to approve the project for 19 units, with a masonry wall to be constructed around the entire perimeter of the property, and Del Gado street improvements to be the full width of the street.

Mr. Sfreddo, the applicant, stated the reduction of one unit and the construction of a masonry wall around the perimeter of the project would increase costs, the project would be smaller, and all costs related to the project would be greater.

In response to Mr. Sfreddo's request to discuss the conditions of approval with his partner, MOTION BY MAYOR MECHAM, SECOND BY COUNCILMAN DIEHL, CARRIED 5-0 to continue the matter to the meeting of June 4, 1986.

NEW BUSINESS

File No.: 35.3

Subject: Fiesta Parade.

Report from Police Chief relative to the request by the San Clemente Chamber of Commerce to hold the annual Fiesta Parade on July 19, 1986 and a Fiesta Street Party scheduled to commence immediately following the parade.

Mimi Collier, Executive Manager, Chamber of Commerce gave an overview of the parade and the Fiesta Street Party; referred to the Community Parade Barbecue scheduled for May 31 at Shorecliff Golf Country Club.

MOTION BY COUNCILMAN CARR, SECOND BY COUNCILMAN DIEHL, CARRIED 5-0 to approve the Chamber of Commerce request subject to the conditions outlined in the Administrative Report and direct the Chamber of Commerce to work closely with the Police Department to ensure compliance with the conditions of approval.

File No.: 100

Subject: South Ola Vista Street Reconstruction.

Report from Community Development Director advising that the City has received funding through the County's OCUTT construction program and recommending 1.7 miles of street reconstruction for South Ola Vista from Calafia to Del Mar.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN LIMBERG, CARRIED 5-0 to direct Staff to: (1) prepare a bid package for the construction of the project based on Alternative A-1 which provides for construction to begin in August 1986 through late November 1986; and (2) prepare the necessary documents which allow for pre-ordering storm drain pipe to avoid possible delays in construction starting time.

File No.: 68

Subject: Appointment to Orange County Housing Authority
Advisory Committee.

Report from City Clerk advising that the Orange County Housing Authority is requesting appointment of a representative and alternate to represent the City on the Advisory Committee of the Orange County Housing Commission.

MOTION BY COUNCILMAN LIMBERG, SECOND BY COUNCILMAN DIEHL, CARRIED 5-0 to direct Staff to contact individuals and organizations within the City, including the San Clemente Seniors, to ascertain the names of qualified citizens who would be interested in serving on the Orange County Housing Authority Advisory Committee.

ORAL COMMUNICATIONS

Tom Lorch noted the City has 30 days to respond to two lawsuits filed against the City by the backcountry developers; recommended retaining special counsel with expertise in the defense of managed growth to provide the best possible defense; Mr. Lorch commented there might be a conflict of interest on the part of the City Attorney and his legal firm. Mayor Mecham advised the City Attorney serves at the request of the City Council and can provide competent legal counsel.

For the record, the City Attorney stated that it was his duty to provide legal advice and to enforce the laws of the City of San Clemente; that he will perform that duty to the utmost, regardless of whether Council retains him or his firm to defend the City against litigation that has been filed.

Glenn Roy stated he thought the impartial analysis prepared by the City Attorney on Measures A and B violated the State Bar Code of Ethics.

Gary Noble, architect for San Clemente Retail Plaza, questioned the next procedure for his project, and was advised to check with the City Planner.

COMMUNICATIONS FROM COMMISSIONS AND COMMITTEE

File No.: 29

Subject: Community Design Commission Resignation -
Leslie W. Davis.

Council commended Leslie Davis on her extremely fine service to the City as a member of the Community Design Commission.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN LIMBERG, CARRIED 5-0 to accept the resignation of Leslie Davis with regrets from the Community Design Commission effective June 30, 1986. Appoint an individual at the June 25 meeting to fill the unexpired term to expire June 30, 1987.

ITEMS FROM CITY ATTORNEY

The City Attorney requested a Closed Session to discuss: WSLA Superior Court Case No. 48-99-04; WSLA U.S. District Court Case No. CV-86-3201; Marblehead Superior Court Case No. 49-01-41; and Marblehead U.S. District Court Case No. CV-86-3266.

ITEMS FROM COUNCIL MEMBERS

Councilman Diehl advised he was appointed as Vice Chairman at the first meeting of the San Joaquin Hills Corridor JPA. The JPA is currently forming committees and has agreed to purchase property from Orange County in the Laguna Niguel area. Final applications for the Executive Director position are being processed by the Foothill Corridor; one director will be appointed to represent both corridors.

Mayor Mecham :

- (1) Requested a Closed Session to discuss personnel matters.
- (2) Advised he held the first Mayor's hours last Saturday from 8:00-10:00 A.M.; some of the problems discussed were neighborhood parking, enforcement of the city's pooper scooper law, an illegal addition to a home without a building permit, and the question of lap-swimming passes at the municipal pool.

ORDINANCES

File No.: 117

Subject: Ordinance No. 926 Approving Zoning Amendment No. 86-02 - Senior Citizens Housing Overlay District.

MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN LIMBERG, CARRIED 4-1 to adopt Ordinance No. 926 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING ORDINANCE NO. 794, THE SAN CLEMENTE ZONING ORDINANCE RELATING TO THE SENIOR CITIZENS HOUSING OVERLAY DISTRICT. Councilwoman Koester voted NOE.

ADJOURNMENT TO CLOSED SESSION

MOTION BY MAYOR MECHAM, SECOND BY COUNCILMAN DIEHL, CARRIED 5-0 to adjourn to Closed Session at 10:20 P.M. to confer with the City Manager, and City Attorney.

MEETING RECONVENED AND ADJOURNMENT

The regular meeting reconvened at 11:00 P.M.
MOTION BY COUNCILMAN CARR, SECOND BY MAYOR MECHAM, CARRIED 5-0 to adjourn the City Council meeting at 11:01 P.M. in memory of William C. Sneed to May 27 and May 28, 1986 at 7:00 P.M. for Budget Review.


Deputy City Clerk and ex-officio
Clerk of the City Council

MAYOR and President
of the City Council

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

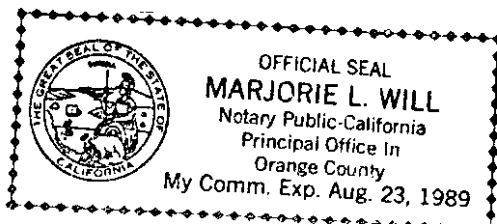
AFFIDAVIT OF POSTING
ORDER OF ADJOURNMENT
OF MEETING

I, MYRNA ERWAY, being first duly sworn deposes and says:
that I am the duly chosen, qualified and ex-officio Clerk
of the City Council of the City of San Clemente; that at the
regular meeting of the City Council of the City of San Clemente,
held May 21, 1986 , said meeting was ordered adjourned to the
time and place specified in the Order of Adjournment ATTACHED
HERETO: that on May 22, 1986 , at the hour of 8:30 AM ,
I posted a copy of said Order of Adjournment at the conspicuous
place on or near the door of the place at which said meeting of
May 21, 1986 , was held.

/s/ Myrna Erway
CITY CLERK and ex-officio
Clerk of the City Council
City of San Clemente

Subscribed and sworn to before
me this 22nd day of May, 1986

Marjorie L. Will



ORDER OF ADJOURNMENT

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, May 21, 1986 at 7:00 P.M., Mayor William C. Mecham presiding.

ROLL CALL

PRESENT: Council Members - CARR, DIEHL, KOESTER, LIMBERG, AND MECHAM
ABSENT: Council Members - NONE

Also Present: James B. Hendrickson, City Manager; Jeff Oderman, City Attorney, and Marjorie L. Will, Deputy City Clerk

ADJOURNMENT

IT WAS MOVED BY COUNCILMAN CARR, SECOND BY MAYOR MECHAM AND UNANIMOUSLY CARRIED that the Council Meeting be adjourned at 11:00 P.M. to May 27 and 28, 1986 at 7:00 P.M. for Budget Review.

/s/ Myrna Erway
CITY CLERK and ex-officio
Clerk of the City Council
By: Marjorie L. Will
Deputy City Clerk

William C. Mecham
MAYOR and President
of the City Council

Certified to be a true and correct copy of excerpts from the May 21, 1986 Council Minutes

Dated this 22nd day of May, 1986

Marjorie L. Will
Deputy
CITY CLERK, City of San Clemente