

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, March 21, 1984, at 7:00 P.M., Mayor G. Scott Diehl presiding.

PLEDGE OF ALLEGIANCE AND INVOCATION

Pledge of Allegiance to the Flag of the United States of America was led by Mayor Diehl. Invocation was given by Mayor Diehl.

ROLL CALL

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

Also Present: George A. Carvalho, City Manager; Max L. Berg, City Clerk; Jeff Oderman, City Attorney; Harry Weinroth, Community Development Director; Marjorie L. Will, Deputy City Clerk; and certain other Staff members present in the audience.

PUBLIC HEARINGS

Subject: 117 - Zone Amendment No. 84-02, Casa De Seniors.

IN RE: Public hearing to consider Zone Amendment 84-02, being a request under Section 4.12 of the San Clemente Zoning Ordinance to combine a portion of the (C-E) Commercial Executive Zoning District with Senior Housing Overlay District for Casa De Seniors at 105 Avenida Presidio; legal description being portion of Lot 180, Tract 895. At such time and place the City Council will also consider the approval of a Negative Declaration proposed with respect to the matter.

The City Clerk announced that it had been brought to his attention by a Council member that the mailing list of property owners used for the Planning Commission public hearing, and subsequently the Council hearing, did not contain all property owners within the 300 foot radius, and upon advice of the City Attorney, IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN CARR, AND UNANIMOUSLY CARRIED to refer the matter back to the Planning Commission for a properly noticed hearing.

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Later in the meeting, IT WAS MOVED BY MAYOR DIEHL, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED that Zone Amendment 84-02 be rescheduled for hearing before the Planning Commission on 4-3-84 and before the City Council on 4-4-84.

CONSENT CALENDAR

UPON MOTION OF COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED, the following Consent Calendar items were approved, each as indicated below.

City Council Minutes

Minutes of 2-29-84 (joint) and 3-7-84 (regular). -- Approved as presented, and reading in full thereof waived.

Planning Commission Minutes

Minutes of 3-6-84. -- Received and filed.

Traffic & Parking Commission Minutes

Minutes of 3-1-84. -- Received and filed.

Design Review Committee Minutes

Minutes of 3-6-84. -- Received and filed.

Golf Course Committee Minutes

Minutes of 2-13-84. -- Received and filed.

Parks & Recreation Commission Minutes

Minutes of 1-10-84. -- Received and filed.

Departmental Activities Report

Departmental Activities Report for month of February, 1984, -- Received and filed.

Subject: 49 - Request for Increase in Election Expense.

IN RE: Report from City Clerk and City Manager requesting an increase in election expense by \$881 due to unanticipated expense incurred in verifying signatures on Avenida Pico Waste Water Facility initiative petition. -- Approved increase in election expense budget by \$881 from the General Fund Contingency Reserve to Account #01-4133-451.

Subject: 77 - Sheet Piling Reconstruction Project No. 3-84 - Marine Safety Headquarters.

IN RE: Report from Community Development Director and City Manager advising that plans and specifications have been prepared for sheet piling reconstruction at Marine Safety Headquarters, Project No. 3-84. -- Approved plans and specifications and authorized advertising for bids.

Subject: 65 - San Clemente Street Lighting & Landscaping District No. 1 - F.Y. 1984-85.

IN RE: Report from Community Development Director and City Manager recommending accepting the proposal of Willdan Associates for assessment engineering services for the Street Lighting & Landscaping District No. 1 for fiscal year 1984-85 at a cost of \$11,400. -- Accepted proposal of Willdan Associates at a cost of \$11,400 and authorized Staff to enter into an agreement. Council members Carr and Koester voted "NO".

Subject: 89 - Resolution No. 24-84 Adopting the 1983 Edition of Orange County Environmental Management Agency "Standard Plans."

IN RE: Report from Community Development Director and City Manager recommending adoption of resolution adopting the 1983 edition of Orange County Environmental Agency (OCEMA) Standard Plans for public works projects to supplement the City's minimum design standards for public works. -- Introduced, passed, and adopted RESOLUTION NO. 24-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING THE 1983 EDITION OF ORANGE COUNTY ENVIRONMENTAL MANAGEMENT AGENCY "STANDARD PLANS."

Subject: 42 - Claim for Damages Filed by Donna Ferris.

IN RE: Claim for damages filed by Donna Ferris in the amount of \$1,403.70 for damage to vehicle alleged to have been caused by pothole in City street. -- Based on insurance adjuster's recommendation, the claim was denied.

PAYING OF THE BILLS

IT WAS MOVED BY COUNCILMAN CARR, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that Warrants No. 24235 through No. 24247, and No. 9925 through No. 10206 be paid.

Total demands approved for payment for period ending March 20, 1984 . . . . .	\$468,892.80
Ratification of Payroll Warrant No. 24235 for period February 13, 1984 through February 26, 1984 . . . . .	\$152,413.61
Ratification of Payroll Warrant No. 24246 for period February 27, 1984 through March 11, 1984 . . . . .	<u>\$155,178.48</u>
TOTAL WARRANT REGISTER	\$776,484.89

UNFINISHED BUSINESS

Subject: 20 - Abatement Proceedings at 2809 South El Camino Real.

IN RE: Further consideration of implementing abatement of public nuisance at 2809 South El Camino Real as authorized by Resolution No. 112-83 adopted 8-3-83.

The Community Development Director advised that work on the project is progressing adequately, and IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN CARR, AND UNANIMOUSLY CARRIED to continue the abatement proceedings at 2809 South El Camino Real to the meeting of 4-18-84.

Gary Mamian commented that it was a hardship for him to drive from Los Angeles to the Council meeting each continuance to report on the progress, and requested that Council consider continuing the abatement proceedings for a longer period of time. Mayor Diehl suggested that the motion stand and at the 4-18-84 meeting a longer continuance could be considered.

WRITTEN COMMUNICATIONS

Subject: 105 - Geological Information re Tentative Parcel Map 82-832.

IN RE: Communication from Pauline Jordan, San Clemente Homeowners, advising that they would like to present a report of their geological information completed by Converse Consultants concerning Tentative Parcel Map 82-832.

Mayor Diehl inquired whether Staff has received the report and was advised in the negative.

Pauline Jordan then made a lengthy verbal presentation and the main points are briefly summarized as follows: That as residents they found it necessary to hire their own geologist at their own expense to investigate a soils report submitted by the developer because they continue to be frightened and perplexed; that their contention is that this is a special parcel of land-- it is not flat and isolated but on a flank of steep hillside above homes; that the geology on this land is crucial; that there is no access to this site with deep cuts remaining at the toe of the slope to the road with retaining walls up to 35 feet; that the road will not be up to City standards with a 12% grade which will make trash pickup questionable and will not accommodate a full size fire vehicle; that the parcel remains a special problem situated across the canyon from the recent Verde Canyon landslide; that the City Attorney stated in January that the Verde Canyon slide has no relation to their concerns but they are presenting new evidence tonight. Mrs. Jordan then presented a three-page written statement based on a soils report by Converse Consultants.

Betty Jo Atnip then made a lengthy verbal presentation and the main points are briefly summarized as follows: That they have been fighting for four years trying to get the City to have some concern for their protection; that they have found inconsistency in attorney rulings, conflicts of interests, and refusal to let them be heard; that due to developer pressure City codes and ordinances were not being upheld; that the City government has the power to protect citizens; quoted from the General Plan re geological hazards; that residents in their area have advised the City that the adjoining lots and adjacent homes of this proposed tract are not of graded compact soil; that the hill is natural in state and that the nature of the land underneath is unknown; that they have pleaded to the City that this hillside development is an unstable area; that they were told the developers have certain rights, however, the City Council has the duty and obligation according to every code to protect the homeowners in the community; that the first geological report indicated that this development would be a long term maintenance problem; that they were promised that development in the City would be consistent with City codes and ordinances and nothing would happen to their slope; and that tentative tract approval was given before all questions on geological safety have been satisfactorily answered.

Councilwoman Koester stated that she shares the concerns of the two speakers; that there should be more attention paid to areas such as this; that the problem of dip sloping has been brought out and that the City should take another look at the entire project, noting that no borings have been done on the property and that other irregularities in the soil were discovered by shallow trenching.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG that the presentation by Mrs. Jordan be referred to the City Manager and City Engineer for their review with report back to the City Council on 4-18-84; and that until such report is brought back to the Council that no activity shall take place on this particular property.

Councilman Limberg noted that inasmuch as new issues and new information has been presented this evening that it is appropriate City Staff have a chance to review and comment, with Councilman Mecham noting that in view of the allegations and charges made Staff should have an opportunity to respond. The City Attorney responded to query from Councilman Limberg as to what constitutes vested rights; that if violations of the City ordinances were revealed the City Council, upon proper notice to the developer or applicant could halt development if there is a public safety problem as the Council has the authority to protect public safety and welfare; that before grading and building permits can be issued the Engineering Division will require further geotechnical information, and if safety cannot be assured, the City has the right to prevent development occurring on the property. Councilman Mecham urged that all members of Staff be involved in reviewing the report, including the City Attorney, to be sure Council has a complete picture, and that this report be made available to the public prior to the meeting.

A SUBSTITUTE MOTION WAS MOVED BY COUNCILWOMAN KOESTER, SECONDED BY COUNCILMAN CARR that the report be returned to Council in two weeks.

Following comments by the City Manager as to budget preparation and other matters, the Mayor called for the QUESTION ON THE SUBSTITUTE MOTION WHICH FAILED TO CARRY with Council members Limberg, Mecham, and Mayor Diehl voting "NO."

The Mayor then called for the ORIGINAL MOTION WHICH CARRIED with Councilwoman Koester voting "NO" based on her previous denial of the project.

COMMUNICATIONS FROM COMMISSIONS, BOARDS, AND COMMITTEES

Subject: 106 - Resolution No. 25-84 Approving No Parking Regulations at Calle Seville and Avenida Granada/Acebo Lane.

IN RE: Communication from Traffic & Parking Commission recommending prohibition of parking at the following locations: (1) on the west side of Calle Seville north of Avenida Granada for a distance of 32 feet; and (2) on the west side of Calle Seville south of Acebo Lane for a distance of 21 feet.

Upon motion of Councilman Limberg, seconded by Councilman Mecham, and unanimously carried, RESOLUTION NO. 25-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING CERTAIN "NO PARKING" REGULATIONS ON SOUTH CALLE SEVILLE IN THE VICINITY OF AVENIDA GRANADA AND ACEBO LANE, was regularly introduced, passed, and adopted.

Subject: 75. - Handicapped Parking Space Signage.

IN RE: Communication from Traffic & Parking Commission recommending adoption of local ordinance which would require handicapped signage designation as well as pavement legend; and recommending transmittal of a letter to Sacramento to encourage same on a Statewide basis.

IT WAS MOVED BY COUNCILMAN CARR, SECONDED BY MAYOR DIEHL to adopt a local ordinance which would require handicapped signage designation as well as pavement legend; that a letter be sent to Sacramento to encourage same on a statewide basis; and to direct the City Attorney prepare an appropriate ordinance for presentation to the Council.

Following comments by George Gearn that this signage is badly needed, the Mayor called for the QUESTION WHICH CARRIED UNANIMOUSLY.

Subject: 77 - San Clemente Garden Club Request for Fee Waiver for Rental of the Community Center.

IN RE: Communication from Parks & Recreation Commission recommending waiver of fees for rental of the Community Center by the San Clemente Garden Club for their Thirty-Third Annual Flower Show on April 28, 1984, and accept the flat fee of \$350 for use of the Community Center on the above dates.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to concur with the Parks & Recreation Commission's recommendation.

URGENT MATTERS

Subject: 48 - Tentative Parcel Map 82-832.

IN RE: Comments by Norman Ream relating to Tentative Parcel Map 82-832.

Norman Ream specifically requested that his comments be included in the minutes when prepared by the Clerk. No action was taken on this specific request. (Clerk's editorial note: Existing Council policy provides for brief "action" minutes with only actual motions required to be set forth in full in the minutes.)

Mr. Ream's comments are briefly summarized as follows: He then referred to the request of the citizens on East Avenida San Juan concerning the property under question (Tentative Parcel Map 82-832) wherein they requested that no action be taken on said property for some period until there is a full definition as to whether or not all requirements of the City Codes have been met; that the City Attorney had stated this could not be done; that he previously called attention to the City Attorney and City Council last December that the Council was acting under an emergency at this point in time and that under the State Code the Council had the right to take this action; that after the City Attorney had stated the Council could not take this action, he once again checked it out with a well-known City Attorney who suggested the City Attorney in San Clemente should go back and read that. Mr. Ream concluded by again requesting that under the Emergency Act the Council declare that no action be taken on the properties consisting of four acres on East Avenida San Juan until such time as the City emergency is no longer in existence.

IT WAS THEN MOVED BY COUNCILWOMAN KOESTER that we ask the developer to put a hold on doing anything on that property until the City Attorney can return with a verification of Mr. Ream's definition and request. THE MOTION DIED FOR LACK OF A SECOND.

Subject: 92 - Request for Use of Sound Amplifying Equipment.

IN RE: Brian McNulty's request for use of sound amplifying equipment in connection with surfing contest to be held on Sunday, April 1 between 7:00 A.M. and 2:00 P.M. on the north side of the pier.

IT WAS MOVED BY COUNCILMAN CARR, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to approve the request subject to concurrence by City Departments involved.

ITEMS FROM CITY MANAGER

Subject: 48 - Consideration of Continuance/Termination of Local Emergency re Verde Canyon Landslide.

IN RE: Consideration of continuance/termination of local emergency re Verde Canyon Landslide.

IT WAS MOVED BY COUNCILMAN CARR, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to continue the local emergency re Verde Canyon Landslide to the meeting of 4-4-84.

ITEMS FROM COUNCIL MEMBERS

Councilman Carr referred to an article in the L.A. Times stating that it was a State law to require a City to have a 10% General Fund Reserve by July 1. The City Manager advised that he was not aware of this law and that Proposition 13 discourages any substantial reserve. Councilman Carr asked for a clarification of the matter.

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Councilman Carr requested a Closed Session to discuss a personnel matter.

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Councilwoman Koester commended Ted Schade and the Engineering Staff on insisting that Rancho San Clemente comply with the City's grading standards and guidelines before issuing a grading permit on the project.

Subject: 62 - Resolution for Consideration at April General Meeting  
of O.C. League of California Cities.

IN RE: Resolution relating to campaign reform.

Mayor Diehl noted he had received a copy of a resolution relating to campaign reform legislation for consideration at the April 12 meeting of Orange County Division, League of California Cities.

IT WAS MOVED BY COUNCILMAN CARR, SECONDED BY MAYOR DIEHL, AND UNANIMOUSLY CARRIED that this resolution be considered at the 4-4-84 Council meeting.

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Mayor Diehl noted that there was a meeting in Irvine Thursday night on the San Joaquin Corridor; that due to previous commitment he would not be able to attend and inquired whether any Council member wished to go. Councilman Limberg noted that these meetings are not really meaningful to San Clemente as all discussions are centered around the effects on Irvine and Laguna Beach with no input or involvement from San Clemente. Mayor Diehl requested that Staff inform Irvine that we will not be able to attend, however, we would like a copy of the minutes of the meeting.

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Councilman Mecham commended the Public Services Director on the landscaping that is progressing in the south end of town along South El Camino Real.

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Councilman Mecham stated he would be attending a meeting in Sacramento on March 27 as he is Chairman of the Subcommittee of the League of California Cities Policy Committee on Employee Relations.

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Mayor Diehl noted that next Wednesday he, the City Manager and Community Development Director will be meeting separately with Supervisors Riley, Stanton and Nestande re Annexation No. 29.

NEW BUSINESS

Subject: 98 - Request for Variance from City Sidewalk Standards at  
2915 La Ventana.

IN RE: Report from Community Development Director and City Manager advising that due to a substantial remodeling of a home at 2915 La Ventana, the owner must construct a four-foot sidewalk along the street curb on City right-of-way and has requested that he be allowed to vary from the standard City concrete sidewalk and be allowed to install red brick pavers which would match his proposed driveway and walkway.

IT WAS MOVED BY COUNCILMAN CARR, SECONDED BY MAYOR DIEHL, AND UNANIMOUSLY CARRIED to allow use of brick pavers in required sidewalk construction at 2915 La Ventana to be installed to the satisfaction of the City Engineer.

IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN CARR, AND UNANIMOUSLY CARRIED to direct Staff to examine sidewalk policy and report back within six weeks with a recommended policy.

RESOLUTIONS

For Resolution No. 24-84 see under "CONSENT CALENDAR" on page 2.  
 For Resolution No. 25-84 see under "COMMUNICATIONS FROM COMMISSIONS, BOARDS,  
 AND COMMITTEES" on page 4.

ORDINANCES

Subject: 100 - Ordinance No. 886 Relating to Blocking the Wheels of  
Vehicles Parked on Grades Exceeding Three Percent.

IN RE: Ordinance No. 886 modifying Section 10.10 of the Uniform Traffic Ordinance relating to blocking the wheels of vehicles parked on grades exceeding three percent.

Upon motion of Mayor Diehl, seconded by Councilman Carr, and unanimously carried, ORDINANCE NO. 886, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, MODIFYING SECTION 10.10 OF THE UNIFORM TRAFFIC ORDINANCE RELATING TO BLOCKING THE WHEELS OF VEHICLES PARKED ON GRADES EXCEEDING THREE PERCENT (3%), having been regularly introduced at the meeting of 3-7-84, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted.

Subject: 77 - Ordinance No. 887 Establishing Closure Hours for all  
Municipal Parks.

IN RE: Ordinance No. 887 establishing closure hours for all municipal parks.

Upon motion of Councilman Mecham, seconded by Councilman Carr, and unanimously carried, ORDINANCE NO. 887, BEING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING A CURFEW FOR ALL MUNICIPAL PARKS, having been regularly introduced at the meeting of 3-7-84, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted.

Subject: 24 - Ordinance No. 888 Amending Chapter 17 of the  
Municipal Code re Animal Services and Facilities.

IN RE: Ordinance amending Chapter 17 of the Municipal Code shortening the number of days required to keep pets at the Animal Center prior to adoption, and requiring all animals be licensed at age four months instead of six months in accordance with State law.

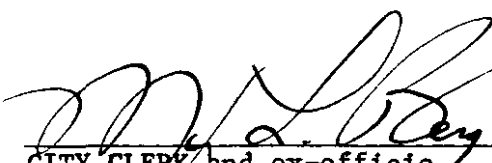
Upon motion of Councilman Mecham, seconded by Mayor Diehl, and unanimously carried, ORDINANCE NO. 888, BEING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE AMENDING CHAPTER 17, SECTIONS 17-1, 17-9, 17-10, 17-18, 17-37, AND 17-38 OF THE CODE OF THE CITY OF SAN CLEMENTE REGARDING ANIMAL SERVICES AND FACILITIES, was regularly introduced by title only and the reading in full thereof unanimously waived.

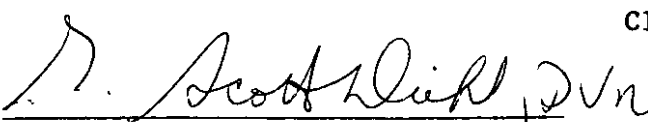
ADJOURNMENT TO CLOSED SESSION

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to adjourn to a Closed Session to discuss a personnel matter.

MEETING RECONVENED AND ADJOURNMENT

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN CARR, AND UNANIMOUSLY CARRIED that the Council meeting be adjourned at 8:45 P.M.

  
 CITY CLERK and ex-officio  
 Clerk of the City Council

  
 MAYOR and President  
 of the City Council