

San Clemente, California
August 6, 1980

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, August 6, 1980, at 7:00 P.M., Mayor Karoline Koester presiding.

PLEDGE OF ALLEGIANCE AND INVOCATION

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

ROLL CALL

PRESENT: Council Members - LANE, LIMBERG, MECHAM, O'KEEFE, AND KOESTER
ABSENT: Council Members - NONE

Also Present: George A. Carvalho, City Manager; Marjorie L. Will, Deputy City Clerk; Michael J. Bartlett, City Attorney; Edward Putz, Public Works Director-City Engineer; and Lawrence J. Lawson, Building and Planning Director

SPECIAL BUSINESS

Subject: 43 - Presentation of Service Plaques.

IN RE: Presentation of service plaques to certain former Commission members.

Mayor Koester presented City service plaques to the following:

William H. Kendall for service on the Parks and Recreation Commission January 1979 - June 1980; Dorothy D. Ludvigson for service on the Traffic & Parking Commission April 1979 - June 1980; Edward W. Lyon for service on the Traffic & Parking Commission October 1976 - June 1980; A.L. Wulfeck for service on the Planning Commission April 1977 - May 1978 and August 1979 - June 1980; Melford C. Morgan for service on the Planning Commission August 1963 - June 1967, May 1972 - June 1979, and August 1979 - June 1980; and Jack Berges for service on the Planning Commission from February 1962 - July 1968 and the Parks and Recreation Commission August 1968 - June 1980.

PUBLIC HEARINGS

Subject: 57 - General Plan Amendment No. 36 (Parks and Recreation Element).

IN RE: Continued Public Hearing to consider General Plan Amendment No. 36, being the proposed adoption of a new Park and Recreation Element to the General Plan of the City of San Clemente pursuant to Government Code Section 65303(a).

The Mayor opened the public hearing and there being no one wishing to be heard, it was closed, Councilman Limberg noted that comments solicited from the various Commissions had been considered by the Planning Commission for inclusion into the final document and that he concurred with all these comments. Councilman O'Keefe questioned the use of the 2.3 and 2.5 persons per household noting that if the 2.3 figure was used the City would have smaller park areas. The consultant advised that the element was prepared in conjunction with an economic consultant and could not respond to the question. Mayor Koester expressed concern about the difference in figures and Staff advised that the two concerns of the City in the element at this time are immigration and natural increase population in the City.

Councilman O'Keefe referred to sheet #3 of the listed comments regarding State Parks and stated that Prima Deschecha Beach is used by local residents, AND IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to include Prima Deschecha Beach as within the inventory encompassed by the General Plan with an objective that it ultimately be annexed to the City.

Following discussion as to whether an additional draft would be returned for Council approval, it was noted that all the comments would be incorporated into the draft element in order that the consultant could proceed with preparing the final document. Even though there is a discrepancy between the 2.3 and 2.5 density figure and the fact that the draft is not consistent with Ordinance No. 718, Staff advised that the 1980 census figures would negate any of the figures now available, and further that the facts and figures can be adjusted on a yearly basis or when needed.

IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED that the comments as recommended by the Planning Commission be forwarded to the consultant for his inclusion in the final document, including the motion on the Prima Deschecha Beach.

Subject: 112 - Variance No. 80-8 (William H. Robinson).

IN RE: Public Hearing to consider an appeal to the Planning Commission's denial of Variance No. 80-8, being a request to vary from Section 4.1 of Ordinance No. 397, known as the "San Clemente City Zoning Ordinance", to permit: (1) an encroachment of 24 to 26 feet into an approximately 33-foot wide rear yard canyon setback with a single family residence; and (2) an encroachment of 10 feet into a required 20-foot front yard setback with an attached two-car garage on this same single family residence. Legal description being a Portion of Lot 2, Block 10, Tract 822, also known as being Parcel 1 of Parcel Map No. 79-841; more commonly known as 610 South Ola Vista. Appeal submitted by Richard H. Dodd on behalf of his clients, Mr. and Mrs. William H. Robinson.

The Mayor opened the public hearing and Marlene Fox, representing the applicant, noted that the topography of the lot does not match the rest of the neighborhood; that the proposed single family dwelling unit will comprise about 50% of the lot; that they feel this is not a canyon lot but a level lot; and that there is not one unit on the street that has a 20' setback in the front yard.

Discussion followed regarding setbacks, canyon requirements, how the lot came into being; whether the lot was filled and flattened and grading work performed over the years; and that a lot split would create two minimum lots of 6,000 square feet each.

Richard Dodd, architect, noted that if there was a lot split the applicant would stick to a 15' height limitation, however, with only one buildable lot a building could be constructed to 25'; that the house placed on the lot will not block anyone's view; and requested a possible compromise of a 25' canyon setback with the approval of the variance for the front yard setback.

The Zoning Administrator then reviewed the front yard setbacks on Trafalgar and Cazador Lanes and how they came about.

The public hearing was closed and it was determined that the applicant failed to show any special circumstances applicable to the subject property which would deprive the property of privileges enjoyed by other properties in the vicinity under identical zoning ordinances; that the property is a canyon lot which is subject to the 30% setback requirements which is to protect and preserve the canyons and canyon vistas, and that no hardship has been shown.

IT WAS THEN MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to concur with the Planning Commission's denial of Variance request No. 80-8.

The City Attorney advised he would bring a resolution to the next meeting covering the findings for denial of the variance.

Subject: 105 - Question of Reversion to Acreage - Tract No. 8575.

IN RE: Public Hearing to consider the question of whether the real property included within Tract No. 8575 shall be reverted to acreage pursuant to Government Code Section 66499.11, et seq., said tract being that particular piece of property consisting of approximately 188.6 acres lying northwesterly of Camino de los Mares and southwesterly of Calle Agua.

Notice of hearing has been posted and published as required by law, and also mailed to known property owners within the tract and known property owners within 300' of the tract. For the record it was noted that among the 34 pages of backup material the Council has received the following written communications from Attorneys and property owners within the tract with various comments and urging the Council to extend the tract Subdivision Agreement: Bankruptcy Attorney Keith E. McWilliams outlining the proceedings in the United States Bankruptcy Court, Attorney Benjamin E. King representing the City National Bank, holder of first deed of trust on the subject property; Attorneys at Law Thompson, Sullivan, McGrath & McDonald, Thomas E. Swarthout, Giovanni Lengua, Charles C. Aufhammer, James E. Boston/Frances E. Boston, Mrs. Kathleen Carter, Hubert J. Phluse, John R. Gramont, Jr., Don Newman, Glenda Razor/Joyce Conyers, Bruce Bendiksen, W.S. Nielsen, Mr. & Mrs. Thomas M. Jay, Dr. James Hines, Mr. & Mrs. Melvin P. Curry, R.G. & Margaret A. Mathis, Ben Hopkin, Carl E. Nelson, Alan Robert Block, Timothy Cohelan, James E. Crosby, S.C. Medall, and Floyd Loew.

The City Attorney reviewed the project and noted that a Federal Bankruptcy Judge in San Diego has issued a temporary restraining order barring the City from taking action to dissolve the San Clemente Estates tract; that he did allow this hearing to take place; and that another hearing to further consider the fate of the restraining order is extended for 10 days.

Harry Lawrence, the City's geologist and Dr. James Miller, Engineer, advised of the four basic concerns they have about the proposed tract: (1) At least 2 or 3 areas of the hilly tract are suspected of sitting atop large bedrock slide planes; (2) the stability of several proposed cut slopes in the tract is questionable; (3) some homes are proposed for construction on slopes 60 degrees steep in a geological area known as the Capistrano Formation where environmental creep and shallow slide activity are often corrected in such hillsides causing homeowners to place their homes in footings drilled deep into the bedrock for stability; and (4) possible irrigation demands to be placed upon an extensive proposed greenbelt in the tract equivalent to 52 inches of rain each year which might affect the stability of the underlying slopes. In conclusion it was recommended that more thorough studies are needed to probe potential problems and possible solutions.

Attorney Timothy Cohelan, representing all of the lot purchasers, noted that it would be a substantial hardship for these people; requested that consideration be given to extending the agreement with conditions imposed as to technical matters and the need for a comprehensive report; and that their geologist is prepared to proceed to determine a solution to the problem relating to erosion control.

James Crosby, tract engineer; expressed confidence that all the items of concern can be thoroughly addressed in forthcoming studies and the results will verify that there is no reason the housing development should not proceed; and requested a 60 or 90 day extension in order to do further investigation and analysis.

Paul Davis, tract geologist, stated he fully plans to resolve all questions raised and is certain the 18-acre project will be a proper, stable, and safe project, as he will stake his name and professional backing onto it.

Floyd Loew thanked the Council for their concerns in protecting future homeowners of the tract and urged that Council insure ongoing inspections while grading is being performed; that the lot purchasers have suffered at the hands of the former developer and reiterated that the City be firm with the new developer.

Myron Sukut, construction firm owner, assured that his firm specializes in the type of construction the Council is concerned with; that he is involved in rebuilding homes in the recent Laguna Beach slide and noted there is nothing in the San Clemente Estates project that cannot be handled.

Jack Thompson requested that the repairs to the flooding problems coming from the undeveloped property be made prior to the rainy season as the Los Mares homeowners cannot wait another two years for correction of the flooding problems.

Attorney Donald McGrath, noted that the adjacent property owners will benefit from development of this tract; that the City will benefit and that the lot purchasers will be paying taxes in the City.

Tom Anderson spoke in opposition to the development; commenting that nothing specifically in the development has been nailed down; that the dirt movers want to start early and that they should be nailed down to the specifics of the tract; that an extension should be granted so that the developer can perform the required studies.

The main points of concern are summarized as follows: do not want to make any decision on extension of map and then in the future have the map returned to correct errors; do not allow private streets without having any public access; that in good fire planning it is necessary to have a ridge top road; poor planning to have single point of ingress and egress; guarantee that it is an absolute safe development and that none of the homes will move in the future; that the viewpoints that were originally set forth on the master plan be retained with public access available; that flood mitigation measures be corrected; that 22 of the proposed 225 lots have been identified as being on an exceedingly steep slopes and would the developer go ahead with the project if a cutback of 10% was required; that a further study be made by the engineers as to whether the top ridge road can be connected with the existing reservoir; and if problems not resolved to satisfaction of the City Staff that the subdivision agreement be terminated and the City would proceed to revert to raw acreage; and if extension granted that the experts come back with all conditions necessary to make the subdivision safe; and investigate the situation pertaining to possible withdrawal of real estate "white" paper.

Following discussion as to a time frame for completing the necessary work on the tract, Mr. Crosby noted that a complete redesign of the subdivision is infeasible, however, an analysis can be done, and noted San Juan Capistrano did not want to cooperate concerning the top ridge road.

IT WAS THEN MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN LANE, AND UNANIMOUSLY CARRIED that the public hearing be continued for 90 days to allow the engineers and geologists to complete their studies and report back on what will be necessary to assure complete geologic stability of each homesite proposed; that the tract must be in compliance with the City ordinances including the hillside grading ordinance; and with the provision of a ridge top road connector with existing reservoir if at all possible; and public access to original master plan viewsites; and further, to investigate the situation pertaining to possible withdrawal of real estate "white" paper of the subdivision report.

MEETING RECESSED

The City Council meeting was recessed to convene a meeting of the San Clemente Redevelopment Agency.

MEETING RECONVENED

The Mayor reconvened the City Council meeting at 11:05 P.M.

PUBLIC HEARINGS (Continued)

Subject: 111 - Resolution No. 54-80 Ordering Vacation and Abandonment of Via Mimosa.

IN RE: Public Hearing to consider the proposed abandonment of Via Mimosa.

The Mayor opened the public hearing and there being no one wishing to be heard it was closed.

Upon motion of Councilman Mecham, seconded by Councilman Limberg, and unanimously carried, RESOLUTION NO. 54-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ORDERING VACATION AND ABANDONMENT OF VIA MIMOSA, was regularly introduced, passed, and adopted.

Subject: 111 - Resolution No. 55-80 Ordering Vacation and Abandonment of Public Alley Lying Between Avenidas Pala and Santa Margarita.

IN RE: Public Hearing to consider the proposed abandonment of the public alley lying between Avenidas Pala and Santa Margarita.

The Mayor opened the public hearing and John Atkins stated he was concerned about abandonment of the alley noting that there are three separate actions concerning the area which will change the neighborhood; that he has no objection to this action but feels the petitioner should present the City with the entire plans for the neighborhood.

Staff advised that another abandonment proceeding is in process and that there might be sufficient concerns that could be addressed in the environmental assessment as to the overall impact on the area.

Councilman Mecham noted that the area is in need of upgrading, however, he felt that it will be better served by having a larger picture of the situation.

Patrick Ward noted he concurred with the previous speaker, that it was a good idea, but he would like to have assurance that the buses would not be left in the parking area for an extended length of time.

Staff responded to questions concerning the requirements and permits needed to develop the area.

Howard Massie, representing Four Seasons Development, advised that they do not plan to build anything in the alley--only repave and that the easements for all utilities will remain in place. They would at some time like to develop a plan which would benefit San Clemente but at this point they have no specific plan. He further added that they have withdrawn the request for abandonment of Avenida Pala.

There being no one else wishing to be heard, the hearing was closed, and upon motion of Councilman Limberg, seconded by Councilman Mecham, and carried, RESOLUTION NO. 55-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ORDERING VACATION AND ABANDONMENT OF PUBLIC ALLEY LYING BETWEEN AVENIDAS PALA AND SANTA MARGARITA, was regularly introduced, passed, and adopted. Councilman Lane "ABSTAINED".

Subject: 98 - Resolutions No. 56-80 and No. 57-80 Confirming Sidewalk Repairs Fronting 317, 313 and 321 North El Camino Real.

IN RE: Public Hearing to consider and pass upon a report by the Superintendent of Streets, and to consider protests and objections, if any, to the confirmation of the report and assessment of the costs of repair of sidewalk fronting Lot 80, Tract No. 789, and Lots 79 and 81, Tract No. 789.

The Mayor opened the public hearing and there being no one wishing to be heard it was closed and Staff responded to questions as to financing of these improvements.

Upon motion of Councilman Mecham, seconded by Councilman O'Keefe, and unanimously carried, RESOLUTION NO. 56-80 BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CONFIRMING REPORT ON THE SUPERINTENDENT OF STREETS IN THE MATTER OF REPAIR OF SIDEWALK FRONTING LOT 80, TRACT NO. 789, AND CONFIRMING ASSESSMENT AND APPROVING PAYMENT FOR SIDEWALK REPAIRS IN ANNUAL INSTALLMENTS, was regularly introduced, passed, and adopted.

Upon motion of Councilman Mecham, seconded by Councilman O'Keefe, and unanimously carried, RESOLUTION NO. 57-80 BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CONFIRMING REPORT OF THE SUPERINTENDENT OF STREETS IN THE MATTER OF REPAIR OF SIDEWALK FRONTING LOTS 79 & 81, TRACT NO. 789, AND CONFIRMING ASSESSMENT AND APPROVING PAYMENT FOR SIDEWALK REPAIRS IN ANNUAL INSTALLMENTS, was regularly introduced, passed, and adopted.

CONSENT CALENDAR

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

City Council Minutes

Minutes of 6-23-80. -- Received and filed.

Planning Commission Minutes

Minutes of 7-15-80. -- Received and filed.

Parks and Recreation Commission Minutes

Minutes of 7-22-80. -- Received and filed.

Traffic and Parking Commission Minutes

Minutes of 7-17-80. -- Received and filed.

Zoning Administrator Minutes

Minutes of 7-22-80. -- Received and filed.

General Plan Review Committee Minutes

Minutes of 7-14-80. -- Received and filed.

Citizens Advisory Committee Minutes

Minutes of 7-8-80 and 7-22-80. -- Received and filed.

Subject: 23 - Business License for Medix Ambulance Service.

IN RE: Application for business license from Medix Ambulance Service, Tustin, to operate in the City of San Clemente when called by the Hospital to pick up patients. -- Approved business license subject to Fire Department conditions.

Subject: 42 - Claim for Damages Filed by Stephanie Butler, et al.

IN RE: Claim for damages filed by Stephanie Butler, a minor, by her guardian, Peggy Butler, et al, in the amount of \$1 million alleging negligence, carelessness and recklessness on the part of City Police Department due to their participation in the pursuit of a hit and run suspect who crashed into another vehicle driven by claimant's father who was killed. -- Based on insurance adjuster's recommendation, denied the claim.

Subject: 42 - Claim for Damages Filed by Mr. & Mrs. W.D. Lanier.

IN RE: Claim for damages filed by Mr. & Mrs. W.D. Lanier in the amount of \$275,000 due to slippage of land on the northwest slope of real property located at 235 La Esperanza. -- Based on insurance adjuster's recommendation, denied the claim.

Subject: 42 - Claim for Damages Filed by James E. Valentine, Jr.

IN RE: Claim for damages filed by James E. Valentine, Jr. in an unknown amount when claimant stepped from curb and stepped in hole in street. -- Based on insurance adjuster's recommendation, denied the claim.

Subject: 105 - Release of Bonds for Segunda Deshecha Channel Improvements Marblehead - Tract No. 8818.

IN RE: Report from Public Works Director-City Engineer and City Manager recommending release of Performance and Labor and Material Bonds posted by Marblehead Tract No. 8818 for the Segunda Deshecha Flood Control Channel District. -- Approved release of bonds.

Subject: 96 - Calafia Sewer and Street Repairs - Project No. 8-80.

IN RE: Report from Public Works Director-City Engineer and City Manager advising that all work has been satisfactorily completed by the contractor on the Calafia storm damage repair. -- Accepted the work on the subject project from the contractor, A & A Construction, and authorized filing of a Notice of Completion.

Subject: 100 - Camino San Clemente Reconstruction - Project No. 16-80.

IN RE: Report from Public Works Director-City Engineer and City Manager advising of completion of plans and specifications for reconstruction of Camino San Clemente. -- Approved plans and specifications and authorized advertising for bids.

Subject: 100 - Avenida de la Paz Street Reconstruction - Project No. 17-80.

IN RE: Report from Public Works Director-City Engineer and City Manager advising of completion of plans and specifications for reconstruction of a portion of Avenida de la Paz. -- Approved plans and specifications and authorized advertising for bids.

Subject: 58 - Bids for Certain Golf Course Maintenance Equipment.

IN RE: Report from Director of Golf and Parks and City Manager advising of receipt of bids for certain golf course maintenance equipment. -- Awarded bids on item #1 - 7 Gang Hydraulic Mower to West Point Industries @ \$14,621.05; item #2 - Triplex Mower to B. Hayman Co. @ \$6,585.30; Item #3 - Maintenance Vehicle to Cushman Motor Sales @ \$7,534.48; Item #4 - Maintenance Vehicle to Cushman Motor Sales @ \$5,986.00; Total - #34,726.83; to be funded from Depreciation Reserve Fund Account 75-1106.

Subject: 96 - Main Wastewater Pump Station - Project No. 2-79.

IN RE: Report from Public Works Director-City Engineer and City Manager advising of completion of plans and specifications for construction of a new main wastewater pump station. -- Approved plans and specifications and authorized advertising for bids.

Subject: 79 - Resolution No. 59-80 Adopting a Deferred Compensation Program.

IN RE: Report from Assistant to the City Manager and City Manager recommending approval of a deferred compensation program for City employees between the City and California Federal Savings. -- Introduced, passed, and adopted RESOLUTION NO. 59-80 BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF SAN CLEMENTE AND CALIFORNIA FEDERAL SAVINGS TO PROVIDE A DEFERRED COMPENSATION PROGRAM FOR THE CITY.

Subject: 96 - SERRA 1980-81 General Fund Budget Assessment.

IN RE: Report from Public Works Director-City Engineer and City Manager regarding SERRA 1980-81 General Fund Budget Assessment. -- Authorized payment in the amount of \$4,666.66 for the City's portion of the SERRA 1980-81 General Fund Budget, to be paid from Account #72-476-7740-117.

CONSENT CALENDAR (Items removed for separate action)

Subject: 44 - Item 80-50 of Design Review Committee Minutes of 7-15-80 re Pier Restaurant and Tackle Shop.

IN RE: Item 80-50 of Design Review Committee Minutes of 7-15-80 regarding expansion of existing pier restaurant and construction of new tackle shop.

The Director of Building and Planning noted that it was recommended by the Design Review Committee that the architect redesign the exterior of the pier restaurant and tackle shop building to reflect a Spanish character in keeping with the architectural guidelines established for the Pier Bowl Area which would require substantial changes in design.

Following discussion IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN LIMBERG, AND CARRIED to keep the design of the pier restaurant and tackle shop as is. Councilman Mecham and Mayor Koester voted "NO".

The Design Review Committee minutes of 7-15-80 were received and filed.

Subject: 79 - Resolution No. 58-80 Adjusting the Automobile Reimbursement Rate for Use of Employee's Private Automobile.

IN RE: Report from Assistant to the City Manager and City Manager recommending an increase from 15¢ to 20¢ per mile as the reimbursable rate for use of private automobiles by City employees on City business.

Staff responded to questions regarding mileage rates allowed for employees of State and Federal Government, following which upon motion of Councilman Mecham, seconded by Councilman Limberg, and unanimously carried, RESOLUTION NO. 58-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 18 OF RESOLUTION NO. 54-79, RELATING TO AUTOMOBILE MILEAGE ALLOWANCE, was regularly introduced, passed, and adopted.

Subject: 96 - Pipeline License Agreement with AT&SF For Main Wastewater Pump Station.

IN RE: Report from Public Works Director-City Engineer and City Manager advising of the need for a Pipeline Agreement with AT&SF Railway for main wastewater pump station.

Staff advised that information had just been received from the Santa Fe Railway which changes the City's position; that it was determined to contact the railroad to see whether a price reduction for the annual license fee of \$3,830 could be obtained; however, the railroad came back stating that they were not allowing any more easements in their right of way.

The City Attorney advised that Staff could analyze where the line be placed and how much it would cost, and balance that against authorization to proceed with condemnation action. A.L. Wulfeck advised that Cyprus West had received the same letter and coordination of efforts between these two easements should be considered.

IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN MECHAM to refer to the City Attorney to analyze the matter and to further take action to relocate the railroad.

Following further discussion the Mayor called for the QUESTION WHICH CARRIED UNANIMOUSLY.

PAYING OF THE BILLS

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN O'KEEFE that Warrants No. 59283 through No. 59299, No. 9786 through No. 9793, and No. 2501 through No. 2778 be paid.

Mayor Koester noted that she did not have a chance to review the warrants and inquired as to what procedure should be followed. Staff advised that any delay in signing the warrant register would mean that the vendors will not receive their checks until the early part of next week. The Mayor then called for the QUESTION WHICH CARRIED with Mayor Koester "ABSTAINING".

Total demands approved for payment for period ending August 5, 1980	\$627,382.16
Ratification of Payroll Warrant No. 59286 for period July 7, 1980 through July 20, 1980	<u>\$129,958.47</u>
TOTAL WARRANT REGISTER	<u>\$757,340.63</u>

UNFINISHED BUSINESS

Subject: 112 - Use Permit No. 80-19 - H & H Land Development Corp.

IN RE: Further consideration of Use Permit 80-19 being the request of H & H Land Development Corporation to permit the use of 1.920 acres of R-2 (Duplex Residential) District property to be developed into 18 condominium units with landscaping and private road located at 120 Del Gado Road, called up for review by Council.

IN RE: Report from City Attorney on the possible conflict of interest of Councilman Thomas J. O'Keefe with regard to Tentative Tract No. 10478 and Use Permit No. 80-19.

The City Attorney referred to his report noting that Councilman O'Keefe is not legally prohibited from participating in discussions and voting on the project in question, because the project will not have a foreseeable, material financial impact upon him within the meaning of Government Code § 87100 et seq. and 2 California Administrative Code § 18702 et seq.

Councilman O'Keefe noted that there has been too much building to maximum allowable density in the area and the density for this project was too high; Councilman Mecham pointed out that the project was wrapped around a Church; and Councilman Limberg referred to the condition on the Tentative Tract that the applicant improve Camino Capistrano to ultimate right-of-way in accordance with the requirements of the Engineering Department.

Following further discussion, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN MECHAM that the Use Permit be allowed subject to a 35% reduction in density and deletion of the condition for widening of Camino Capistrano, and if the applicant does not agree to reduction in density that the Use Permit application be denied.

Brian Berkhausen, representing the applicant, noted that a Use Permit was previously approved for a 2-story 18-unit condominium project for the site, however, the permit had expired; that new improved plans for a one-story project have been submitted; that there are other residential projects in the area with a higher density than the proposed condominium density; and that with a high number of units more affordable homes would be encouraged.

Following further discussion the Mayor then called for the QUESTION WHICH CARRIED with Councilman Lane voting "NO".

Subject: 105 - Tentative Tract No. 10478 (H & H Land Development Corp.)

IN RE: Further consideration of Communication from Planning Commission recommending approval of Tentative Tract No. 10478, being the request of H&H Land Development Corp. to create three R-2 (duplex residential) lots at 120 Del Gado Road; legal description being a portion of Lots 70, 71, 72 and 73 of Tract No. 1127, said approval subject to 12 conditions of the Subdivision Committee.

IN RE: Communication from Christ Lutheran Church, Gary Clampitt, Lori Renfro, and Kenneth Carpenter expressing various comments in support of the Tract No. 10478 condominium development.

IN RE: Communication from Vista Pacifica Association expressing certain concerns relating to Tract No. 10478 development and requesting that a previous condition be placed on the Use Permit to require minimum setback of 10' on the north side, and that the Council review the parking facilities for both the proposed development and the adjacent Christ Lutheran Church.

Hershel Hoopengartner, builder of the proposed development, stated he had a considerable amount of money in the project; that he builds award winning homes and has projects in the City; and objected to the conditions the City is imposing on this project which would make it impossible to proceed.

Following discussion that since the applicant will not agree to the reduction in density, IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN O'KEEFE, AND CARRIED to deny Tentative Tract No. 10478. Councilmen Lane & Limberg voted "NO".

The City Attorney advised he would bring back a resolution with the findings for denial noting that the site is not physically suitable for the proposed density of development and traffic problems which would occur.

Subject: 105 - Tentative Tract No. 11011 (Cyprus West).

IN RE: Further consideration of communication from Planning Commission recommending approval of Tentative Tract No. 11011, being the request of Cyprus West to create 49 R-1-B-1 lots at the southwest corner of Avenida del Presidente and Avenida de las Palmeras, said approval subject to condition Nos. 1, 3, 4, 6, and 7 of the Subdivision Committee and that condition #3 be modified.

IN RE: Further communication from Planning Commission relating to Tentative Tract No. 11011 and recommending sixth condition concerning the application of park fees to the tract.

IN RE: Communication from General Plan Review Committee recommending establishment of a beach access point at the southernmost boundary of the City to consist of (1) public parking to be developed on Tentative Tract No. 11011, and (2) a footpath from the Cotton Point (Tentative Tract No. 10909) property to provide a turnabout for emergency access vehicles to provide vertical access to the shoreline; and that the City accept responsibility of the parking lot and should receive fees for parking usage.

Mr. Wulfeck noted that he had no interest in either property and that he was representing the property owner; and further that he does not plan to sue the City on the basis of the park fee requirement for this tract.

Councilman Mecham inquired as to the condition recommended by the General Plan Review Committee of establishing a beach access point at the southernmost boundary of the City. Staff responded that the Planning Commission felt it was not a desirable condition and deleted the condition as recommended by Staff.

Following further discussion IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND CARRIED to concur with the Planning Commission's recommendation as to approval of the tract, noting that a Negative Declaration was granted on 5-16-80 in compliance with CEQA; and that condition #6 recommended by the Planning Commission on 6-3-80 concerning the park fee shall be amended to include the latest increase in CPI in accordance with City Council action of 6-18-80. Councilman Lane "ABSTAINED."

NEW BUSINESS

Subject: 52 - Proposed Purchase of a Class A Triple Combination Pumper.

IN RE: Report from Fire Protection Director and City Manager recommending purchase of a Class A pumper fire apparatus.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LANE, AND UNANIMOUSLY CARRIED to authorize the Fire Protection Director to negotiate the purchase price for the design and purchase of a Class A, triple combination pumper, based on requests for proposals received.

UNFINISHED BUSINESS (Continued)

Subject: 110 - SP Telephone Communications Services.

IN RE: Report from Fire Protection Director and City Manager advising of contact with SPC service to determine if the City could benefit in a reduction of its long distance billing expenses.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN O'KEEFE, AND UNANIMOUSLY CARRIED to purchase SPC sprint service for a period of 90 days at a cost of \$115 to do an analysis of the long distance billing costs.

ITEMS FROM CITY MANAGER

Subject: 63 - Appointment of City Representatives to Architectural Review Committee for Proposed City Library.

IN RE: Report from Building and Planning Director and City Manager requesting that three City representatives be appointed to the "Architectural Review Committee" as required in the agreement between the County and City for construction of the proposed City Library.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY MAYOR KOESTER, AND UNANIMOUSLY CARRIED to appoint Councilman Limberg, Building and Planning Director Lawson, and Planning Commission Chairman Gellatly as the City representatives to the Architectural Review Committee.

RESOLUTIONS

For Resolution No. 54-80 see under "PUBLIC HEARINGS" on page 4.
 For Resolution No. 55-80 see under "PUBLIC HEARINGS" on page 4.
 For Resolution No. 56-80 see under "PUBLIC HEARINGS" on page 5.
 For Resolution No. 57-80 see under "PUBLIC HEARINGS" on page 5.
 For Resolution No. 58-80 see under "ITEMS REMOVED FROM CONSENT CALENDAR" on page 8.
 For Resolution No. 59-80 see under "CONSENT CALENDAR" on page 7.

ADJOURNMENT

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN O'KEEFE, AND UNANIMOUSLY CARRIED that the Council Meeting be adjourned at 12:10 A.M., to Tuesday, August 12 at 7:00 P.M.

MAX L. BERG

CITY CLERK and ex-officio
 Clerk of the City Council

By:

Marjorie L. Will
 Deputy

Karolmi Koester
 MAYOR and President
 of the City Council

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

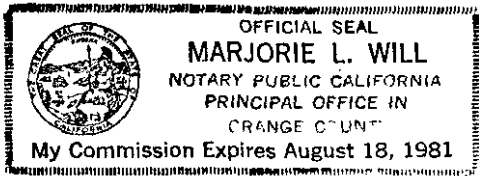
AFFIDAVIT OF POSTING
OF MEETING

I, MAX L. BERG, being first duly sworn deposes and says:
that I am the duly chosen, qualified, and acting 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 August 6, 1980 ,
said meeting was ordered adjourned to the time and place specified in the
Order of Adjournment ATTACHED HERETO; that on August 7, 1980 , at the
hour of 9:00 A.M. , 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
August 6, 1980 , was held.

Marjorie L. Will
Deputy CITY CLERK and ex-officio
Clerk of the City Council
City of San Clemente

Subscribed and sworn to before
me this 7th day of AUG. 1980

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, Wednesday, August 6 1980, at 7:00 P.M., Mayor Karoline Koester presiding.

ROLL CALL

PRESENT: Council Members - LANE, LIMBERG, MECHAM, O'KEEFE, AND KOESTER
ABSENT: Council Members - NONE

Also Present: George A. Carayalho, City Manager; Marjorie L. Will, Deputy City Clerk; Michael J. Bartlett, City Attorney; Edward Putz, Public Works Director-City Engineer; and Lawrence J. Lawson, Building & Planning Director

ADJOURNMENT

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN O'KEEFE AND UNANIMOUSLY CARRIED that the Council Meeting be adjourned at 12:30 A.M., to Tuesday, August 12 at 7:00 P.M.

Deputy

Marjorie L. Will
CITY CLERK and ex-officio
Clerk of the City Council

Karoline Koester

MAYOR and President
of the City Council

Certified to be a true and correct
copy of excerpts from the Aug. 6,
19 80, Council Minutes

Dated this 7TH day of AUG. 1980

Deputy

Marjorie L. Will
CITY CLERK, City of San Clemente