

San Clemente, California
August 20, 1980

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, August 20, 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, AND KOESTER
ABSENT: Council Members - O'KEEFE (arrived at 7:50 P.M.)

Also Present: George A. Carvalho, City Manager; Max L. Berg, City Clerk; Nancy Eyler, Acting Deputy City Attorney; Edward Putz, Public Works Director-City Engineer; and Lawrence J. Lawson, Building and Planning Director

SPECIAL BUSINESS

Subject: 31 - Proposed Growth Management Plan.

IN RE: Transmittal of report requested by Council on Growth Management.

During discussion, the main comments are summarized as follows: Councilman Mecham commented that it was his feeling the City should move ahead on this issue as to where we stand with the present facilities; that it should be determined what direction should be taken to provide adequate facilities during the period of growth; noted that there will be a large amount of growth in another 2 years and that we need to know how long the City can provide services to the residents and new residents without overburdening the water and sewage facilities; and that the inventory of these facilities would begin the process.

The City Manager stressed that the City needs to have better planning from the management point of view; and that this process needs to be examined more fully to determine the implication of growth as to the environmental and fiscal impact.

Councilman Limberg stated that growth management must go far beyond placing artificial limits on permits; that the City needs to protect the soundness of its community infrastructure--City finances, traffic circulation, sewage facilities, water supply, police and fire protection, etc.; and that each housing tract application should be judged on its own merits.

Councilman Mecham agreed but felt that to approach a growth management plan an inventory of city facilities and capabilities is needed in order to gain the resources with which to correlate each tract application with how well the City is prepared to absorb it.

IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY MAYOR KOESTER to direct Staff to move ahead with the facilities plan as outlined in the memorandum from the City Manager.

Councilman Limberg noted that while the City sorely needs comprehensive planning he could not support the program as proposed which places arbitrary limits on building permits without addressing the underlying problem of comprehensive planning. Following discussion, the Mayor then called for the QUESTION WHICH FAILED TO CARRY FOR LACK OF MAJORITY VOTE with Councilmen Lane and Limberg voting "NO".

During further comments, Councilman Lane noted certain vagueness in the report, suggesting it be refined along the lines as noted by Councilman Limberg as to comprehensive planning, and IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY MAYOR KOESTER, AND UNANIMOUSLY CARRIED that the plan be returned for further refinements and submitted to Council at the meeting of 9-3-80.

Councilman Mecham added that every week the City gets deeper in the hole and that the time has come for the City to move ahead. Mayor Koester noted that the City does not want to shut the door on development, but developers must realize the City's resources are limited and we must proceed very carefully and have a sound growth management program.

PUBLIC HEARINGS

Subject: 24 - Possibility of Animal Control Program for San Clemente.

IN RE: Public Hearing to consider whether or not there should be a facility closer to San Clemente for the sheltering of animals.

IN RE: Report from Fire Protection Director and City Manager recommending that the public hearing be held over to allow the completion of a departmental staff report.

The Mayor opened the public hearing and upon motion of COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED the public hearing was continued to 10-1-80 pending further studies and recommendations by the Citizens Advisory Committee and Staff.

Subject: 35 - Proposed Business Improvement Area.

IN RE: Public Hearing to consider the formation of a business improvement area to be known as "Business Improvement Area A of the City of San Clemente".

The lengthy hearing is summarized as follows: The City Clerk noted that the notice of hearing has been published as required by law and also mailed to all licensed business and professional persons in the proposed improvement area; and that no written protests were received.

Councilman Lane stated it would be unfair for professionals to pay for promotions such as sidewalk sales, dollar days, etc. as it would be of no benefit to them; that if this is the type of thing the merchants in the area wish they should have it but it is an impractical charge upon professional people and there should be provision that they be excluded from being in the district and should be consulted if they desire to participate.

Alex Goodman advised that about 20 cities in California have formed this kind of promotion district taking advantage of State enabling legislation and that it has proven very successful elsewhere.

Councilman O'Keefe arrived at this point in the meeting at 7:50 P.M.

Bertha Henry Taylor stated she was neither for or against the district; that she was at the meeting on behalf of her tenants who needed additional information; inquired whether a beautification program is included in the levy on the merchants; whether the levy would be held by the City or turned over to the Chamber of Commerce; and whether any of the other cities that are in the program have a beautification program in connection with these funds.

The City Manager advised that these funds will be administered by a Council appointed Advisory Committee composed of persons licensed in the Business Improvement Area. The City Clerk then read the State law regarding how the funds could be expended. Christina Wertin noted that beautification is not parking lots; Tom Werner noted that the proposed funding for the promotional district would not generate enough money for beautification and that this money is needed in order for the merchants to compete with the malls, that the stores have closed for lack of business, and urged that the district be passed tonight.

Sergio Puente advised that 90% of the merchants were in favor of forming the district; Boyd Ames commented in favor of the proposal and felt that a business promotion district will be good for the community in general; Joseph Battaglia also spoke in support.

Chris Thompson opposed the district suggesting it is intrusion of government into the role of private enterprise; that he personally spends more than \$5,000 per year for advertising; has spent money to beautify his building; that he is in favor of parking but against the promotional district. Wilma Bloom stated that the merchants on Del Mar need help but suggested a business association of the merchants who could work for improvements.

Eugene Borowicz stated he prides himself on service; that this is a small step in the right direction in getting merchants to work together collectively. Dorothy Ludvigson, President of the San Clemente Chamber of Commerce, supported the formation of a promotion district noting it is the first step in unifying the business community on Del Mar. Mrs. Taylor then noted she was glad to see that the members on the Advisory Committee would be drawn from the business district, and stated she was not against the business district but in favor of it and hopefully some beautification can be included.

Councilman Lane noted that attorneys rely mostly on referrals and do not rely on walk-in traffic; that the average fee paid by businesses on Del Mar is \$52 with the professionals paying over twice that amount annually; that it is not appropriate to impose this type of burden upon professionals who will not realize any benefits from sales promotions. He further suggested the deletion of item 6-B.

Councilman Mecham noted he was in favor of the district and realizes there are some flaws that need to be ironed out. Councilman O'Keefe suggested that if professionals are to be included they should be represented on the district's governing board to help decide how the funds are to be spent; and that beautification might make the district more palatable to the professionals.

Following further discussion, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN MECHAM to refer the resolution back to Staff for the purpose of amending Section 5 to more specifically include the installation of permanent street and public decorations such as planters and trees, lighting fixtures, and revising Section 8 with respect to final expenditure of funds.

Noting that the Resolution was mainly for due process purposes to bring the matter to hearing it was suggested that the hearing be continued so that Staff can consult with the City Attorney as to procedures in revising the purposes of the district.

Councilman O'Keefe withdrew his motion, AND IT WAS THEN MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN MECHAM, AND CARRIED to continue the public hearing until the next meeting. Councilman Lane voted "NO".

Subject: 20 - Resolution No. 62-80 Declaring the Maintenance of Certain Property to be a Public Nuisance.

IN RE: Public Hearing regarding Tract 8575 and Tentative Tract 10596 to determine the existence of a public nuisance and to abate in whole or in part.

The Mayor opened the public hearing and in response to questions from Boyd Ames as to the responsibility of each tract, Staff advised that Tract 8575 would be responsible to repair or replace broken and inoperable slope drains and terrace drains; and that Estrella Properties, Tract 10596, would be responsible to construct desilting basin in canyon mouth adjacent to Camino de Los Mares.

The Public Works Director displayed a map showing where these improvements are needed and that in addition to the canyon desilting basin, the City wants to enlarge the two catch basins along Los Mares as they are designed as an outlet for rainwater but have become clogged by debris when the street is flooded. The City may pay for expansion of the catch basins but it is hoped for financial cooperation from owners of the property where much of the flow originates. It was also noted that the Calle Nuevo storm drain has proven inadequate with the City doing repair work to make the drain functional in time for the winter rains, but the drain will still need to be enlarged.

Mr. Ames inquired as to how the improvements will be made, and Staff advised that the owner has 30 days to correct the work, and if not completely abated by the City is authorized and directed to abate the same by City forces or private contract and bill the owner. Mr. Ames then advised that they will proceed with the work and hopes at the Sept. 3 study session some of the problems can be discussed.

Jack Thompson, resident on Camino de Los Mares, noted that there is a large break in the canyon; that his property is getting water from both ends of the street and hill.

The Project Manager for Crosby Engineers, Tract No. 8575, stated that they concurred with the findings, and the owners will agree to repair damage before rainy season.

There being no one else wishing to be heard, the public hearing was closed, and upon motion of Councilman Mecham, seconded by Councilman Limberg, and unanimously carried, RESOLUTION NO. 62-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DECLARING THE MAINTENANCE OF CERTAIN PROPERTY TO BE A PUBLIC NUISANCE PURSUANT TO MUNICIPAL CODE SECTION 16A-8 AND REQUIRING THE ABATEMENT THEREOF, was regularly introduced, passed, and adopted.

Councilman O'Keefe and Mayor Koester thanked the respective property owners for their cooperation in proceeding with the work.

Subject: 57 - General Plan Amendment No. 37.

IN RE: Public Hearing to consider General Plan Amendment No. 37 being a new, revised Housing Element to the General Plan of the City of San Clemente.

The Mayor opened the public hearing and upon motion of COUNCILMAN LANE, SECONDED BY COUNCILMAN O'KEEFE, AND UNANIMOUSLY CARRIED the public hearing was continued to 9-3-80 due to notice of public hearing not having been published in sufficient time.

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.

Parks and Recreation Commission Minutes

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

Traffic and Parking Commission Minutes

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

Zoning Administrator Minutes

Minutes of 8-12-80. -- Received and filed.

Design Review Committee Minutes

Minutes of 8-5-80. -- Received and filed.

General Plan Review Committee Minutes

Minutes of 7-28-80. -- Received and filed.

Cultural Heritage Board Minutes

Minutes of 6-10-80, and 7-8-80. -- Received and filed.

Departmental Activities Report

Departmental Activities Report for month of July, 1980. -- Received and filed.

Subject: 42 - Claim Filed by Eric Boucher & Associates.

IN RE: Claim filed by Eric Boucher & Associates in the amount of \$7,000 for services rendered for the proposed City Library and Senior Citizen Multipurpose Facility as per City of San Clemente solicitation dated 5-14-80.-- Based on City Attorney's recommendation, the claim was denied.

Subject: 42 - Claim for Damages Filed by San Diego Gas & Electric Co.

IN RE: Claim for damages filed by San Diego Gas & Electric Co. in the amount of \$363.02 when City backhoe struck an underground line damaging the line and adjacent transformer. -- Approved settlement in the amount of \$363.02.

Subject: 35 - Proposed Sidewalk Sale.

IN RE: Report from Building and Planning Director and City Manager advising that the Chamber of Commerce has requested a two-day Citywide sidewalk sale within the retail community on October 3 and 4, 1980.-- Approved the request.

Subject: 117 - Zoning Amendment No. 80-5.

IN RE: Zoning Amendment No. 80-5 to consider amending Section 6.5 of Ordinance No. 397 to increase the valuation of maintenance, repairs, or replacement of non-conforming uses from 25% to 100% of the building's assessed valuation. -- Set for public hearing on 9-3-80.

Subject: 68 - Orange County Risk Management Authority Buffer Fund.

IN RE: Report from Finance Director and City Manager advising that as a condition to our participation in the Risk Management Authority it was agreed that the City contribute 1% of our 1977-78 operating budget to the Authority's Buffer Fund. -- Transferred \$69,923 from the General Fund contingency reserve to Account #10-121-6585 to cover the City's contribution to the Authority's Buffer fund for fiscal years 1979-80 and 1980-81.

Subject: 83 - Police Range Repair.

IN RE: Report from Police Chief and City Manager advising that the electrical wiring at the Police Range has deteriorated to the point that it could be a fire hazard, and that repairs in the amount of \$2,895.00 by City work force is requested. -- Approved the request and transferred \$3,000 from the General Fund Contingency Reserve to budget account #10-340-3310.

Subject: 100 - Agreement with County of Orange re Reconstruction of Camino El Molino.

IN RE: Report from Public Works Director-City Engineer and City Manager requesting approval of Agreement No. D80-032 with the County of Orange providing for the City's participation in the reconstruction of Camino El Molino at an estimated cost of \$12,500. -- Approved the agreement and authorized execution by Mayor and City Clerk; and appropriated \$1,500 for engineering and inspection costs by transfer from Account #10-121-3500 (Contingency Reserve) to the project Account #10-452-7800-001.

Subject: 113 - Acceptance of Work - Water Line Realignment Ave. Pico, Alcazar & Esperanza, Project 4-79.

IN RE: Report from Public Works Director-City Engineer and City Manager advising that the work for construction of 10" and 6" ACP water mains in Avenida Pico, Alcazar and Esperanza, Project No. 4-79, has been satisfactorily completed by the contractor, Edmond J. Vadnais. -- Accepted works of improvement and authorized filing of Notice of Completion.

Subject: 99 - Quitclaim of Easement for Proposed Entry Display and Visitor Information Center.

IN RE: Report from Public Works Director-City Engineer and City Manager advising that a quitclaim easement was granted to the City by Carl Karcher Inc. for possible installation of an entry display and visitor information center located at 3929 So. El Camino Real, and that if the City did not construct the visitor center within 2 years the easement would be extinguished. -- Approved quitclaim of easement and authorized execution by the Mayor and City Clerk.

Subject: 46 - Proposal for Services.

IN RE: Proposal for certain professional services by John J. O'Sullivan. -- Approved contract to perform work on Redevelopment Agency study, fees and charges study, personnel rules, retirement plan, street lighting district, and street repair assessment district.

CONSENT CALENDAR (Items removed for separate action)

Subject: 112 - Use Permit No. 80-23 (California Golden State Towing).

IN RE: Councilman Lane's referral to Use Permit No. 80-23 as set forth in the Planning Commission minutes of 8-5-80, and questioning the six conditions which were not shown.

IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED that Use Permit No. 80-23 be called up for review at the meeting of 9-3-80.

The Planning Commission minutes of 8-5-80 were received and filed.

Subject: 98 - Request to Paint House Numbers on Curbs.

IN RE: Communication from Buff Oliver requesting permission to paint black numbers on a white background on the curbs for a nominal fee of \$3.00 for residents desiring the service. -- Approved request, subject to the type of paint and size and style of letters to be approved by the Street Superintendent.

Councilman Lane noted previous problems involving painting of house numbers and inquired if the homeowners would be contacted first prior to any numbering and was advised in the affirmative.

Subject: 90 - Purchase of Vehicles and Equipment.

IN RE: Report from Public Works Director-City Engineer and City Manager reporting on bids received for vehicles and equipment.

The Public Works Director reported on a revised bid recommendation due to the fact that it was determined one of the bidders did not meet the specifications, AND IT WAS THEN MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to award bids as follows: one backhoe to Milo Equipment @ \$25,426.22, Account #82-226-7610-004; two air compressors to The Suppliers @ \$21,774.52, Account #82-226-7610-002; one engine performance analyzer to FMC Corporation @ \$7,238.48, Account #82-226-7610-008; and one van to Hal Greene Chevrolet @ \$6,179.80, Account #82-7610-012.

PAYING OF THE BILLS

IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that Warrants No. 9794 through No. 9812 and No. 2779 through No. 2996, as audited by the Council be paid.

Total demands approved for payment for period ending August 19, 1980	\$744,534.40
Ratification of Payroll Warrant No. 9795 for period July 21, 1980 through August 3, 1980.	<u>\$132,152.62</u>
TOTAL WARRANT REGISTER .	<u>\$876,687.02</u>

VERBAL COMMUNICATIONS

Subject: 112 - Request for Variance by Christina Wertin.

IN RE: Request to allow a 6 foot high wall in the front yard setback area of a double frontage lot.

Christina Wertin, 209 Calle Dorado, requested special consideration for emergency action to obtain a variance to build a 6' retaining wall to prevent further slope failure; that she has not been able to start work due to delay of SBA action.

Mrs. Wertin noted that the property would be in jeopardy if the wall were not built; that the proposed retaining wall would serve to reduce the slope and thus protect it from further slippage.

Staff advised that the ordinance will allow a 6' wall within the setback area and her only relief is to apply for a variance to exceed the height limitation; that site visibility could be a problem when backing out into the street; however, it was brought out that it is a corner lot on a cul-de-sac.

It was recommended that Mrs. Wertin apply for a Variance which could be placed on the Zoning Administrator's next agenda. It was further noted that the action of the Zoning Administrator is final unless called up for review by the Planning Commission, City Council or if an appeal is filed. Following discussion it was recommended that Mrs. Wertin follow the regular procedure and the matter be scheduled for the 8-26-80 Zoning Administrator agenda.

Subject: 99 - Proposed Revision to the Sign Ordinance.

IN RE: Planning Commissioner Saunder's request for extension of time to review the proposed Sign Ordinance.

Commissioner Saunders, speaking for the Planning Commission, advised that the Commission had one study session regarding the sign ordinance; that they have resolved some items but they are not ready to be presented to Council as they are awaiting some legal determination, and are also checking more specifics from Caltrans as to logo type signs.

Following brief discussion as to the good work the Commission was doing in the matter, IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to continue the public hearing on the sign ordinance to 10-15-80 in order that the Planning Commission may complete their study.

Subject: 105 - Request for Water Service to Homes on Calle Vallarta (Tract No. 9272).

IN RE: Request for temporary water service to two homes on Calle Vallarta.

Larry Davis, Director of Operations for the Housing Group stated that the Water Department is unable to advise when water will be available to two homes that have been sold on Calle Vallarta with the owners planning to move in tomorrow.

The Building & Planning Director noted that the occupancy permits issued by the Building Department have been held up for lack of an approved water system; that 40# water pressure is required; that the developer was told water was available and now finds out differently; and that the City finds itself in this type of situation again in this particular tract. He further pointed out that people should not be allowed to move into the houses until all utilities are functioning according to code requirements.

In response to when normal service will be available, the City Engineer cited various problems that have occurred and at the present time remain unsolved; however, it is anticipated the situation will be cleared up within two weeks.

Mr. Davis then described an interim water hookup, and in response to Council's query, the City Engineer stated that the proposal would work but would not be reliable and with inadequate water pressure to fight a fire.

Councilman Lane felt the City was asking for trouble and should not sanction a temporary hookup; while Councilman O'Keefe felt that if the buyer was fully aware of all the facts noting some inconvenience, that a temporary occupancy permit should be granted.

Following further discussion, Mr. Lawson expressed opinion that the City should not issue additional building permits in the tract until we are sure of normal buildout for those permits and until necessary water and sewage facilities are where we can get reasonable assurance that those facilities will be available.

IT WAS THEN MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN LIMBERG, AND CARRIED to deny the request for the emergency hookup based upon the Staff position as stated by Mr. Lawson and Mr. Putz. Councilman O'Keefe voted "NO".

UNFINISHED BUSINESS

Subject: 77 - Boys' and Girls' Club Request for Funding.

IN RE: Report from Finance Director and City Manager reporting on the financial situation of the Boys' and Girls' Club.

Howard Massie stated that much of the club's financial constraints and problems were due to bookkeeping problems and failure of the club's former director to report expenditures to the Board of Directors; that the club has hired a new executive director and he feels confident the Board of Directors will be able to keep a closer tab on expenditures.

The Finance Director advised that he had received a letter from the Boys and Girls Club wherein they pledged to implement cost-cutting measures along with better accounting of funds, and increase fund raising events in the future.

Following discussion, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN LANE, AND CARRIED to authorize assistance for the San Clemente Boys' and Girls' Club and approve a grant in the amount of \$5,000 (to match the \$5,000 grant to the Club by the VFW) coupled with a no interest loan of \$16,245, that the loan be repaid over a 5-year period in equal monthly or annual payments as Staff and the Club might determine and if there is a problem with that the matter be returned to Council for further clarification; and further, that this is a one-time only offer. Mayor Koester voted "NO".

Subject: 106 - Crosswalk - Pacific Coast Highway.

IN RE: Further consideration of report from Public Works Director-City Engineer concerning the question of crosswalk at Pacific Coast Highway and Camino Capistrano.

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN LANE to extend the two lane traffic pattern, as marked in the County portion of Pacific Coast Highway, through the City of San Clemente from the intersection of PCH and Camino Capistrano to the intersection of PCH and Camino San Clemente which would provide for a bicycle trail and a safer access; and authorize hiring of a consultant to design a new traffic signal system for the intersection and to apply for AHFP funds from the County.

Councilman O'Keefe questioned having 2-lanes on Coast Highway, noting that very few people use the bike path; that Coast Highway is a major thoroughfare and should remain 4 lanes to handle traffic flow.

Councilman Limberg noted that the Shorecliffs Beachclub Homeowners Association plans to restore the underground walkway and that this is an interim measure only.

Councilman Mecham felt that the two-lane configuration should be made permanent noting that southbound traffic reaching Camino Capistrano from county territory tends to speed up when it hits San Clemente's 4 lanes.

The City Engineer described the interim measure noting that it would have the effect of decreasing the number of lanes in that area; that a 4' chainlink fence added along the edge of the striped safety zone would discourage people from crossing in the middle of the block. The Police Department concurred with this recommendation noting that this plan would provide access across the street and deter less agile persons from trying to cross in the middle of the block.

A SUBSTITUTE MOTION WAS MADE BY COUNCILMAN LANE, SECONDED BY COUNCILMAN LIMBERG, AND CARRIED to accept staff recommendation with deletion of the chainlink fence. Councilman Mecham voted "NO".

Subject: 29 - Request for Removal of Certain Property from List of Historically Significant Properties.

IN RE: Further consideration of request from Maxine C. Hoppe that pursuant to Section D of Ordinance No. 773 the property at 410 Cazador Lane be removed from the Cultural Heritage Board's list of historically significant properties.

The Building & Planning Director displayed a drawing showing the existing house extending on three of the lots; described the lot sizes noting they varied in depth; and described various development options available.

The Attorney representing Mrs. Hoppe noted they have not reviewed the lot line adjustment but pointed out that time is of the essence as they are close to a deadline regarding the probate case; that it is necessary to sell the property to realize the appraised value of the property and to pay the taxes, etc; that they have an offer pending; that an application for a permit to demolish the home is also pending before the Cultural Heritage Board; and requesting removal of the property from the Cultural Heritage Board list.

Joanne Carr, representing prospective buyer, advised that the Coastal Commission states 8.75 units could be placed on the total property; that they are willing to work with the City as to various options on the property; that they do not want to see the house demolished; and that the Inheritance tax appraisal was \$439,000; and that a local appraiser indicated a value of \$400,000 with the house and \$450,000 without the house.

In response to query, Mr. Lawson advised that the house needs work; that it has lovely features and a lot of charm and character but that the slab and tiles have cracked and the floor should be replaced to bring it up to code standards; and that the house has undergone significant modifications and will take a substantial amount of money to remodel.

Blythe Welton spoke as to certain alternatives; noted that if the house is to be moved that a professional mover should be contacted for an opinion; that a time frame for relocation should be set; and that if the house is moved to another location, conditional use permit fees for relocation should be waived.

Councilman Limberg commented that when this ordinance was passed it was noted that circumstances such as these might arise and concern was expressed as to the effect on homeowners with limited assets to deal with such matters.

IT WAS THEN MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN O'KEEFE to refer this matter back to the Cultural Heritage Board to pursue alternatives of this sort and hopefully they could be resolved at that level.

Following further discussion A SUBSTITUTE MOTION WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN LIMBERG, AND CARRIED to concur with the recommendation of the Cultural Heritage Board on condition the owners of the property attempt to find a buyer, who would remove the house to a different location, for at least 90 days, thereafter if those attempts were unsuccessful, with sufficient public notice, that the property owner would then be authorized to demolish the property (house) and have it removed from the cultural heritage list. Councilman Lane "ABSTAINED".

Blythe Welton noted for the record that any new structures that are built on this property conform to the Cultural Heritage Board's guidelines to protect other owners in the area.

Subject: 77 - Architectural Theme of Pier Restaurant.

IN RE: Communication from Cultural Heritage Board requesting reconsideration of the architectural theme approved for the pier restaurant by the City Council.

IN RE: Communication from Janet Radford, member of the Design Review Committee, advising that they have tried to keep the structures in the pier bowl area within the Mediterranean style of architecture as outlined in the guidelines.

219
The Building & Planning Director gave a brief background of the project and displayed a rendering of the elevations; noted that a Use Permit is needed for the project; that the Bait & Tackle facility will be relocated adjacent to the new restaurant; that it is proposed to slide the restaurant to the back of the pier eliminating rear accessibility to the restaurant and reducing vandalism and allowing more space for an outdoor eating area; and that the architect would like to know where the building is to be placed on the pier.

Harry Saunders, Cultural Heritage Board member, commented that the Board is concerned with adjacent properties that affect cultural heritage buildings and noted that there are a number of buildings in the area at the base of the pier entrance; that the pier is a primary focal point and that this is an opportunity to develop the theme of the Spanish Village by the Sea, and requesting that the architect reconsider a more authentic Spanish or mediterranean theme.

Dee Hedborg, noted that the Parks & Recreation Commission agreed with the CHB and DRC.

Janet Radford added that the DRC insists that the developers in the pier bowl area conform to that theme and it is unfair if the City does not follow its own guidelines.

Councilman Mecham stated that after looking at the drawings he felt the New England theme was not the way to go; and Councilman O'Keefe added that a white adobe and Spanish red tile roof treatment would be out of place on a wooden pier. Blythe Welton suggested that the architect would be able to suggest a viable alternative design.

IT WAS THEN MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN LIMBERG that the Cultural Heritage Board meet with the architect to discuss the design of the restaurant.

Staff advised that the architect has completed the design drawings according to instructions given to him; that it might be necessary to appropriate additional funds for the time and materials expended necessary to redesign the building.

Councilman Limberg suggested that the Cultural Heritage Board submit ideas and samples to the architect as to what they think would be appropriate.

The Mayor then called for THE QUESTION WHICH CARRIED UNANIMOUSLY.

WRITTEN COMMUNICATIONS

Subject: 105 - Grading of Reeves Ranch Property.

IN RE: Communication from Mr. & Mrs. Gary Conner expressing concern about the grading of Reeves Ranch, and urging protection of ridge lines.

IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN LIMBERG to receive and file the communication.

Upon the request of Blythe Welton, A SUBSTITUTE MOTION WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY MAYOR KOESTER, AND CARRIED to continue the matter to the meeting of 9-3-80. Councilman Limberg voted "NO".

COMMUNICATIONS FROM COMMISSIONS, BOARDS, AND COMMITTEES

Subject: 105 - Tentative Parcel Map No. 80-840 (Raymond H. Dibley).

IN RE: Communication from Planning Commission recommending denial of Tentative Parcel Map No. 80-840, being a request of Raymond H. Dibley for a one lot subdivision for the purpose of converting an existing triplex into three condominium units at 124 West Avenida Canada, legal description Lot 16, Block 12, Tract No. 793 based, on four findings.

Due to the lateness of the hour and the request of the applicant, IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to continue the matter to 9-3-80.

Subject: 106 - Resolution No. 63-80 Prohibiting Parking on Certain Portions of South El Camino Real at East San Gabriel, and on North Alameda Lane, and Avenida Del Mar.

IN RE: Communication from Traffic and Parking Commission recommending prohibiting parking at the following locations for the purpose of providing a left turn pocket on South El Camino Real southbound at East Avenida San Gabriel: (a) the west side of South El Camino Real from the southwest West San Gabriel curb return in a southerly direction for a distance of 486 feet; (b) the east side of South El Camino Real from the southeast East San Gabriel curb return in a southerly direction for a distance of 236 feet; and (c) the east side of South El Camino Real from the northeast San Gabriel curb return in a northerly direction for a distance of 292 feet.

IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to concur with the Traffic & Parking Commission's recommendation.

IN RE: Communication from Traffic and Parking Commission recommending prohibiting parking at the following locations: (a) the west side of North Alameda Lane along the parking lot exit island for a distance of 26'2"; (b) the northwest curve of North Alameda Lane for a distance of 68'4"; (c) on the south side of North Alameda Lane from the southwest Avenida Del Mar curb return in a westerly direction for a distance of 21 feet; (d) the south side of North Alameda Lane along the two upper parking lot exit islands for a distance of 17'6" and 32' respectively; and (e) the west side of Avenida Del Mar, across from Coronado Lane for a distance of 294'7".

IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to concur with the Traffic & Parking Commission's recommendation.

Upon motion of Councilman Lane, seconded by Councilman Limberg, and unanimously carried, RESOLUTION NO. 63-80, 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 EL CAMINO REAL AT EAST AVENIDA SAN GABRIEL, AND ON CERTAIN PORTIONS OF NORTH ALAMEDA LANE AND AVENIDA DEL MAR, was regularly introduced, passed, and adopted.

ITEMS FROM CITY MANAGER

Subject: 29 - Report on Boards and Commissions, and Boards' and Commissions' Handbook.

IN RE: Report on Boards and Commissions, and Boards' and Commissions' handbook.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY MAYOR KOESTER to adopt the report and handbook on Boards and Commissions and direct that they be circulated to the various Boards and Commissions for implementation. THE MOTION FAILED TO CARRY FOR LACK OF MAJORITY VOTE with Councilman Lane and Limberg voting "NO."

Following discussion, A MOTION WAS THEN MADE BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to adopt the handbook and circulate to the various boards and commissions.

IT WAS FURTHER MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that the report on Boards and Commissions be discussed at the 9-3-80 Council meeting.

Subject: 96 - Analysis of the Sewer Fund.

IN RE: Report on analysis of sewer fund.

IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to receive and review for discussion at the meeting of 9-3-80.

Subject: 68 - Request for Commissioner to Serve on the Housing Authority Board of Commissioners.

IN RE: Communication from Orange County Housing Authority soliciting recommendations for Commissioner to serve on the Housing Authority Board of Commissioners for a four-year term.

The City Manager advised the representative will be required to attend two meetings per month from 1:30 to 5:00 P.M. and will receive \$10.00 per month. IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM that Esther Shillman be recommended for the appointment if she will accept. THE MOTION FAILED TO CARRY with Councilman Lane and Mayor Koester voting "NO".

Noting that Mrs. Shillman had recommended that the name of Mary Erickson be submitted, IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY MAYOR KOESTER to recommend Mary Erickson for the position. THE MOTION FAILED TO CARRY FOR LACK OF MAJORITY VOTE, with Councilmen Lane and Limberg voting "NO".

IT WAS FURTHER MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN LIMBERG to nominate Howard Massie. THE MOTION FAILED TO CARRY FOR LACK OF MAJORITY VOTE with Councilman Mecham and Mayor Koester voting "NO".

IT WAS THEN MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED that the matter be held over until the full Council is present.

Subject: 79 - Establishment of Class Specification and Salary Schedule for Deputy City Clerk Position.

IN RE: Report from City Clerk and City Manager submitting a recommended class specification and salary range for the Deputy City Clerk position pursuant to Rule IV, Section 4 of the Personnel System Rules and Regulations Resolution No. 79-75.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to approve the class specification and salary schedule of \$1389 - \$1689 for the recently approved position of Deputy City Clerk.

Subject: 48 - Proposal for Geotechnical Services, Removal of Temporary Buttresses from Street Areas, La Esperanza Landslide.

IN RE: Proposal by Leighton & Associates for Geotechnical Services, removal of temporary buttresses from street areas, La Esperanza Landslide.

The City Manager advised that since the homeowners were having a meeting with their legal counsel they could not be present and suggested that the report be held for the next Council agenda, AND IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY MAYOR KOESTER, AND UNANIMOUSLY CARRIED to continue the matter to the meeting of 9-3-80.

ITEMS FROM CITY ATTORNEY

Subject: 57 - Resolution No. 64-80 Approving and Adopting General Plan Amendment No. 36.

IN RE: Resolution approving and adopting General Plan Amendment No. 36, being a new park and recreational element to the City's General Plan.

Upon motion of Councilman Mecham, seconded by Councilman Limberg, and unanimously carried, RESOLUTION NO. 64-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AND ADOPTING GENERAL PLAN AMENDMENT NO. 36, BEING A NEW PARK AND RECREATIONAL ELEMENT TO THE CITY'S GENERAL PLAN, was regularly introduced, passed, and adopted.

Subject: 112 - Proposed Resolution Denying Variance Request No. 80-8.

IN RE: Proposed Resolution denying variance request No. 80-8.

Councilman Lane questioned the wording in section 4 of the resolution following which IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to continue the matter to the meeting of 9-3-80.

Subject: 105 - Proposed Resolution Denying Approval of Tentative Tract No. 10478.
112 - Proposed Resolution Denying Approval of Use Permit 80-19.

IN RE: Proposed Resolution denying approval of Tentative Tract No. 10478, and denying approval of Use Permit 80-19.

IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to continue the matter to the meeting of 9-3-80.

ITEMS FROM COUNCIL MEMBERS

Councilman Lane inquired regarding the damaged Sister City Monument on the Community Center grounds, and was advised that the Council had approved expenditure of funds to repair the monument.

Councilman Lane inquired as to the status of the Local Coastal Plan, and Staff advised they would prepare an administrative report for Council.

Councilman Mecham inquired as to the status of street sweeping throughout the City noting that his street has not been swept in quite some time due to the cars parked overnight.

RESOLUTIONS

For Resolution No. 62-80 see under "PUBLIC HEARINGS" on page 3.
For Resolution No. 63-80 see under "COMMUNICATIONS FROM COMMISSIONS, BOARDS, AND COMMITTEES" on page 11.
For Resolution No. 64-80 see under "ITEMS FROM CITY ATTORNEY" on page 12.

ORDINANCES

Subject: 39 - Ordinance No. 786 Eliminating Requirements Concerning
Retention of Minutes of Executive Sessions of the City Council.

IN RE: An Ordinance repealing Municipal Code Section 2-7 eliminating the requirements concerning and retention of minutes of Executive Sessions of the City Council.

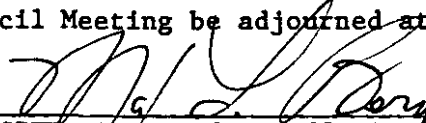
IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that the reading in full of Ordinance No. 786 be waived.

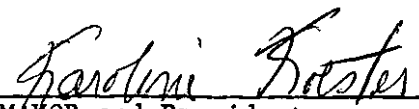
Upon motion of Councilman Lane, seconded by Councilman Mecham, and carried, ORDINANCE NO. 786, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REPEALING SECTION 2-7 OF THE CODE OF THE CITY OF SAN CLEMENTE RELATING TO MINUTES OF EXECUTIVE SESSIONS OF THE CITY COUNCIL, was passed and adopted as an urgency ordinance, the reading in full thereof having been unanimously waived. Mayor Koester voted "NO".

(It was determined after the meeting that the ordinance did not pass as an urgency ordinance requires a 4/5ths vote).

ADJOURNMENT

IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that the Council Meeting be adjourned at 11:45 P.M.


CITY CLERK and ex-officio
Clerk of the City Council


MAYOR and President
of the City Council