

Adjourned meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, September 10, 1980, at 7:00 P.M., Mayor Karoline Koester presiding.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

PRESENT: Council Members - LANE, LIMBERG, MECHAM, AND KOESTER  
ABSENT: Council Members - O'KEEFE (Arrived at 7:20 P.M.)

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

VERBAL COMMUNICATIONS

The Mayor called for verbal communications and there was none.

UNFINISHED BUSINESS

Subject: 105 - Grading of Reeves Ranch Property.

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

The City Clerk read a communication from Donald D. Steffensen of John D. Lusk & Son stating that due to a conflicting hearing in another City, they would be unable to be present this evening to respond to any questions regarding this item, and if Council wished to discuss the item with them, requesting that the matter be continued to the meeting of 9-17-80.

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

Councilman Mecham noted that there is a great deal of interest and sentiment in the community concerning development of the Reeves Ranch and other ranch properties and that Council should take a strong position concerning future decisions.

Subject: 29 - Report on Boards and Commissions.

IN RE: Further consideration of report on Committees and Commissions.

Councilman Limberg commented that the report was very well prepared; that the City does have an excessive number of committees and IT WAS THEN MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN LANE that the Pier Bowl Beautification Committee, South Access Committee, Committee for Controlling Illegal Units, Committee for Industrial Development, Legislative Action Committee, Curb Cut Committee, and Citizens Advisory Committee be abolished; that the Traffic and Parking Commission should be expanded and operate in the same manner as the Planning Commission with limited authority to make certain decisions, and with the understanding that all matters will be reviewed by the Council.

THE QUESTION WAS CALLED AND CARRIED with Mayor Koester voting "NO" and stating she was against abolishing the Citizens Advisory Committee as she felt it was important in enhancing citizen input to the Council.

IT WAS THEN MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that the comment on page 13 of the report be referred to the Golf Committee for a report back to Council as to the desirability of combining the Golf Committee with the Parks and Recreation Commission in the interest of streamlining operations.

Subject: 96 - Analysis of the Sewer Fund.

IN RE: Further consideration of report on analysis of sewer fund.

IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED (1) that the City Council schedule a study session for Wednesday, September 24, 1980, at 7:00 P.M. to discuss the contents of Mr. O'Sullivan's and Mr. Porter's memos; (2) that the City Council recognize that a significant cost (\$3,500) has been incurred in preparing these reports; (3) that the City Council request that any further questions which have not been raised and/or documented in these reports be presented and documented to the City Manager before Wednesday, September 17, 1980, at 5:00 P.M.; and (4) that the City Council determine that subsequent to September 24 any questions relating to activities in the Sewer and Water Enterprise Funds for any years ending prior to and including June 30, 1979, be directed to the City Manager who shall either refer the questions to Staff or request an allocation of funds from the City Council to retain an independent CPA to answer the questions.

Councilman O'Keefe arrived.

Subject: 31 - Comprehensive Planning and Public Services Management Program.

IN RE: Report from City Manager with recommendations relating to comprehensive planning and public services management program.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY MAYOR KOESTER to determine that a comprehensive plan and public services ~~management~~ program is the primary goal of the City; and direct the City Manager to prepare a scope of work and budget for such a program.

The City Manager reported that in order for the City to gain an upper hand in planning we need to provide the leadership necessary to plan, organize, staff, direct, coordinate, report, and budget properly to achieve results and through a comprehensive planning and public services management program we will be able to more effectively manage the planning function and anticipate the impact of development on the City, further, that if Council approves this concept, he will present specific plans for a comprehensive planning program, complete with recommended staffing and budget.

Council comments are briefly summarized as follows: Mayor Koester and Councilman Mecham urged that the City Manager be allowed to go ahead and propose a specific program that Council can later scrutinize so the work can get underway immediately. Councilman Lane and O'Keefe argued against a complete new level of bureaucracy noting that planning efforts could be accomplished in-house, without the City hiring outside consultants; that numerous consultant studies have been prepared at great expense and are merely taking up space in filing cabinets; that the past EIR reports which were prepared for housing developments were unfortunately prepared by developer-hired consulting firms; and that whenever consultants are needed to deal with growth related issues in the future, the City should charge developers the costs and do the hiring to insure an objective report. Councilman Lane also noted that minutes are sketchy and when future Councils review this matter it is important the minutes reflect that this is a study, which he envisions as an in house program with nothing to be done outside without specific Council approval. Councilman Mecham noted what has happened to the City in the past several years with inadequate planning and that we must immediately and effectively deal with these problems. Councilman Limberg commented that City Planning Staff has been burdened by processing day to day applications and needs to act now to get a handle on future planning.

Following discussion concerning the capability of existing City utilities, public safety departments and public facilities structures, A SUBSTITUTE MOTION WAS MADE BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to direct the City Manager to prepare scope of work and budget for a program to assure that the City has distinctive competency in maintenance and operation, both as to its present operations and to the extent as may be required for future growth.

The Council also discussed the subject further following the motion.

COMMUNICATIONS FROM COMMISSIONS, BOARDS, AND COMMITTEES

**Subject:** 106 - Resolution No. 66-80 Establishing Certain "No Parking" Zone on Camino de Estrella; and Modifying Distance of "Loading" Zone Fronting Las Palmas School.

IN RE: Communication from Traffic and Parking Commission recommending prohibiting parking on the east side of Camino de Estrella (at the 390 address) from the southeast driveway curb return in a southerly direction for a distance of 40 feet to improve sight distance for vehicles entering Camino de Estrella from the Security Federal egress driveway.

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

IN RE: Communication from Traffic and Parking Commission recommending certain traffic measures in the vicinity of Las Palmas School to be undertaken by Staff, and also recommending that Council reduce the existing yellow curb on the west side of Calle Puente fronting the School to two spaces only, a total of 40 feet.

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

Upon motion of Councilman Lane, seconded by Councilman Mecham, and unanimously carried, RESOLUTION NO. 66-80, 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 CAMINO DE ESTRELLA IN THE VICINITY OF THE SECURITY FEDERAL BUILDING; AND REDUCING THE DISTANCE OF THE YELLOW "LOADING" ZONE ON CALLE PUENTE FRONTING LAS PALMAS SCHOOL, was regularly introduced, passed, and adopted.

ITEMS FROM CITY MANAGER

**Subject:** 48 - Further Report on La Esperanza/Calle Patricia Landslide.

IN RE: City Manager's progress report on La Esperanza/Calle Patricia landslide.

The City Manager reported on a meeting with the homeowners who intend to submit a plan for winterizing the slope. The City Attorney also noted that an attempt has been made to secure from the property owners affected a hold harmless agreement to do the necessary work for winterizing the slopes although there is some reservation about proceeding under the provisions of Chapter 16A.

Councilman Lane noted that at the last meeting he had not voiced his vote on the matter of proceeding with the geotechnical investigation (although the motion was declared unanimously carried) and MOVED that the matter be reconsidered so that he could register his "NO" vote. THE MOTION WAS SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED.

The matter of proceeding with the geotechnical investigation again being before the Council the question was called and CARRIED with Councilman Lane voting "NO" and Councilman O'Keefe "ABSTAINING".

Following discussion, it was agreed to proceed with the public hearing on 9-17-80 to determine whether a public nuisance exists.

**Subject:** 108 - Support of SB 512.

IN RE: City Manager's report that the Orange County Transportation Commission is requesting support of SB 512 which requires that Orange County receive an equitable share of the highway and guideway funds available to District 7.

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to endorse the proposal and lend our support.

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ITEMS FROM CITY ATTORNEY

**Subject:** 112 - Resolution No. 67-80 Denying Variance Request No. 80-8.

IN RE: Resolution formally denying Variance No. 80-8.'

Upon motion of Councilman Limberg, seconded by Councilman Lane, and unanimously carried, RESOLUTION NO. 67-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA DENYING VARIANCE REQUEST NO. 80-8, was regularly introduced, passed, and adopted.

**Subject:** 49 - Special Legal Counsel to Handle Sale of Wastewater Revenue Bonds.

IN RE: Selection of special legal counsel to handle the proposed sale of Wastewater Revenue Bonds and to replace O'Melveny and Myers.

Following explanation by the City Attorney, IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN O'KEEFE, AND UNANIMOUSLY CARRIED that Attorney F. Mackenzie Brown be appointed as special legal counsel to handle the sale of Wastewater Revenue Bonds.

**Subject:** 39 - Resolution No. 68-80 Amending Resolution No. 54-78 Increasing Per diem Rates for Official Business Expenses.

IN RE: Resolution amending Resolution No. 54-78 relating to rules and regulations governing expenses incurred through travel on official City business.

Upon motion of Councilman Lane, seconded by Councilman Limberg, and unanimously carried RESOLUTION NO. 68-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING RESOLUTION NO. 54-78 RELATING TO RULES AND REGULATIONS GOVERNING EXPENSES INCURRED THROUGH TRAVEL ON OFFICIAL CITY BUSINESS BY MEMBERS OF THE CITY COUNCIL, COMMISSIONS, BOARDS, AND AGENCIES OF THE CITY was regularly introduced, passed, and adopted.

**Subject:** 105 - Resolution No. 69-80 Denying Approval of Tentative Tract No. 10478.  
112 - Resolution No. 69-80 Denying Approval of Use Permit 80-19.

IN RE: Resolution formally denying Use Permit No. 80-19 and Tentative Tract No. 10478.

Upon motion of Councilman Limberg, seconded by Councilman Mecham, and carried RESOLUTION NO. 69-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DENYING APPROVAL OF TENTATIVE TRACT NO. 10478, AND DENYING APPROVAL OF USE PERMIT 80-19 was regularly introduced, passed, and adopted. Councilman Lane voted "NO".

Upon question as to why he voted in the negative, Councilman Lane stated he felt the street needed to be corrected which was one of the conditions of approval of the tract.

**Subject:** 105 - Estrella Properties, Tracts 10417, 10533, and 10595.

IN RE: Report from City Attorney as to a compromise proposal by Estrella Properties whereby they are willing to have the City Council reconsider its plans for approximately 60% of their development if the City will allow the remaining approximate 40% to be built as planned.

Discussion ensued and the City Attorney outlined on a map the two portions under discussion, noted that Estrella Properties has spent substantial amounts of money for a feasibility study; that they agreed to make substantial modifications to the plan proposing a compromise of allowing development of some 1200 homes in exchange for restudy of plans for the remaining 1500 homes. It was noted that three Council members had attended the Study Session at which this matter was discussed.

An overview of the proposal and the issues, including the question of whether there was compliance with the Hillside Grading Ordinance, were aired during the question and answer period with extensive comments from Dennis Menke, Attorney representing Estrella Properties, and from other representatives of Estrella Properties.

Following the lengthy discussion period it was determined that the matter should be placed on the next agenda, and the City Attorney requested that at the conclusion of the meeting an Executive Session be held on this subject and on other litigation.

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The City Attorney requested an Executive Session to discuss a matter of litigation.

ITEMS FROM COUNCIL MEMBERS

**Subject:** 33 - Possibility of an Additional Golf Course on Land Leased by State Park on Camp Pendleton.

IN RE: Councilman Lane's referral to a communication received from Paul Henley and Lang Cantrell, President San Clemente Men's Golf Club, as to the possibility of a golf course being developed on Camp Pendleton land which has been leased to the State Parks Department.

IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED that this matter be referred to Parks and Recreation Commissioner Dee Hedborg, liaison to State Park on behalf of the City, to investigate whether or not there is such a possibility, if there are conditions, etc., and to report back in due course; and that the report as mentioned by the City Manager that was scheduled for the next meeting be referred to Mrs. Hedborg to consider along with her investigation into the matter.

**Subject:** 108 - Bus Benches in Front of Baskin-Robbins.

IN RE: Councilman Lane noted offensive conduct by certain people who congregate at the bus bench on El Camino Real at Avenida Del Mar in front of Baskin-Robbins which is causing a problem to the business people in the area and that perhaps the bench could be moved to another location.

IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED that the matter be referred to Staff to consider the problem and submit a recommendation for solution.

**Subject:** 39 - Changes in City Council Agenda Format.

IN RE: Councilman Lane's suggested changes in reference to the agenda item entitled "Verbal Communications".

IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN LIMBERG, AND CARRIED that "Verbal Communications" be changed to "Urgent Matters" and changes in the wording to reflect "urgent and important matters", and that "persons must follow customary procedure"; further that this item be moved to a point on the Agenda between "Communications from Commissions, Boards, and Committees" and "Reports and Miscellaneous Items." Councilman Mecham and Mayor Koester voted "NO".

**Subject:** 106 - Traffic Problems on East Avenidas San Juan, San Gabriel, and San Pablo.

IN RE: Councilman Limberg's comments regarding the traffic problems facing the residents on East Avenidas San Juan, San Gabriel, and San Pablo.

Councilman Limberg noted early morning use of the streets and that the streets are getting torn up day by day due to use of heavy equipment going to and from housing construction sites; that some of the lower streets are old and were never designed to handle such weight; and suggested that the City should post the streets with a maximum weight limit.

The Public Works Director reported on a communication sent to the developers concerning the problem and the City Manager advised that the Police have issued traffic citations to the operators of early morning construction trucks and equipment, but the drivers say they will willingly pay the tickets and continue pursuing what they are doing. The Police Chief noted that the housing developers indicated they were unaware that the subcontractors had been ignoring the intent of the traffic citations.

Following further discussion, IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN LANE, AND UNANIMOUSLY CARRIED to refer the matter to Staff to have them return with some proposals to accommodate a correction of some sort of the situation that's developing in that area.

**Subject:** 39 - Guidelines Relating to Council Meeting Procedures.

IN RE: Councilman Limberg's request to reaffirm previously adopted guidelines relating to Council meeting procedures.

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM AND UNANIMOUSLY CARRIED to reaffirm previously adopted guidelines that no further items shall be taken up after 11:00 P.M. and that the Agenda time limitations on issues be adhered to unless the Council determines the need for an additional time period.

It was noted that the intent was not to restrict public input but only to expedite meetings and that the Mayor has the full support of the Council in wielding the gavel where necessary.

Mayor Koester confirmed that the Council has no intent of cutting off public input, but she urged citizens' cooperation to help keep meetings from dragging on.

Subject: 96 - Consideration of Appointment of General Manager to SERRA.

IN RE: Mayor Koester noted that SERRA was considering the appointment of a General Manager for SERRA.

Following Council and Staff discussion, IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LANE, AND UNANIMOUSLY CARRIED that the Public Works Director request that the matter not be finally considered at the next night's meeting but if the SERRA Board wants to take final action then he would vote "NO".

Subject: 57 - General Plan Review Committee.

IN RE: Submittal by four Council members of names of persons to fill vacancies on the General Plan Review Committee.

Councilman Lane submitted the name of Lee Riley to fill a vacancy on the General Plan Review Committee.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN O'KEEFE, AND UNANIMOUSLY CARRIED to hold the matter in abeyance until the next meeting.

RESOLUTIONS

- For Resolution No. 66-80 see under "COMMUNICATIONS FROM COMMISSIONS, BOARDS, AND COMMITTEES" on page 3.
- For Resolution No. 67-80 see under "ITEMS FROM CITY ATTORNEY" on page 4.
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ORDINANCES

Subject: 39 - Ordinance No. 786 repealing Municipal Code Section 2-7 Eliminating the Requirements Concerning Creation and Retention of Minutes of Executive Sessions of the City Council.

IN RE: Ordinance No. 786 repealing Municipal Code Section 2-7 eliminating the requirements concerning creation 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 thereof 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 regularly introduced, the reading in full having been unanimously waived, was duly passed and adopted as an urgency ordinance. Mayor Koester voted "NO".

MEETING RECESSED

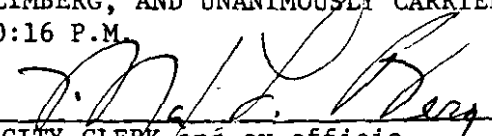
The City Council meeting was recessed to convene a meeting of the San Clemente Redevelopment Agency.

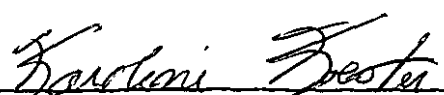
MEETING RECONVENED AND ADJOURNMENT TO EXECUTIVE SESSION

The Mayor reconvened the City Council meeting at 9:41 P.M., AND IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LANE, AND UNANIMOUSLY CARRIED to adjourn to an Executive Session.

ADJOURNMENT

The meeting was reconvened from Executive Session and IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED that the Council Meeting be adjourned at 10:16 P.M.

  
CITY CLERK and ex-officio  
Clerk of the City Council

  
MAYOR and President  
of the City Council