

San Clemente, California
September 17, 1980

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, September 17, 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; 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

SPECIAL BUSINESS

Subject: 43 - Pedestrian Safety Citation by Automobile Club of Southern California.

IN RE: Presentation by Barbara E. Merrell, Laguna Service Officer Manager, Automobile Club of Southern California, of a Pedestrian Safety Citation recognizing the City of San Clemente for having no pedestrian fatalities in the last six years.

Barbara Merrell stated it was a great pleasure to be at the meeting on behalf of the Automobile Club to once again recognize the City of San Clemente for an outstanding traffic accident record; and presented the 1979 Pedestrian Safety Citation Award to Police Chief Brown for the sixth consecutive year. Chief Brown expressed his appreciation, commended the citizens of the City who made the award possible, and in turn presented the plaque award to Mayor Koester.

PUBLIC HEARINGS

Subject: 57 - General Plan Amendment No. 37.

IN RE: Continued 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.

IN RE: Further communication from Building Industry Association regarding the proposed inclusionary component of the City's Housing Element.

The Mayor opened the public hearing and Councilman Lane noted that previous testimony had been heard to a point where a motion was in order and suggested Council proceed from that point; however, Councilman Limberg felt that any new data should be presented; and Councilman O'Keefe suggested that in order to comply with the time limitations each side of the issue select a spokesperson.

Jeanette Humphrey, representing the League of Women Voters, presented their local position statement that housing should be available for local employees of businesses and industries within each community; that early completion should be sought for amendment of the Housing Elements of the General Plans of Orange County, San Clemente, and San Juan Capistrano in compliance with governmental requirements; and that maximum action should be instituted so the governmental units meet specific objectives to provide a varied stock of affordable housing with a mechanism to keep low and moderate housing affordable upon resale.

Art Palmer, President San Clemente Seniors and also member of the Orange County Citizens Advisory Council to the Board of Supervisors and Chairman of the Housing Committee, stated that the 15% affordable housing called for in San Clemente should be no problem since the Coastal Commission requirements are for 25% affordable housing; that the element should be adopted as it is and not separate for inclusionary housing program; and that the matter should be brought up for a final vote after the impending Council election when all permanent members are seated. Following further remarks Mr. Palmer concluded by noting the depletion of rental units by condominium conversions and time sharing plans.

Philip Bettencourt, Orange County Chapter of the Building Industry Association referred to his further letter of 9-12-80 and expressed certain concerns noting that the approach being adopted by the City could force builders to set the sales price of an "affordable" home at less than \$30,000 which is preposterous and makes the sales price totally unrealistic based on the percentage of family income which will be allowed to be devoted to provide housing. Following further remarks, Mr. Bettencourt urged the Council to maintain the social objectives, quotas, and goals defined in the housing element, but utilize the County definition of affordability and their inclusionary component standards.

In rebuttal, Mary Erickson reviewed the Board of Supervisors action in adopting an affordable housing program, noting that the County's first definition of affordability is the one being proposed for San Clemente.

There being no one else desiring to be heard, the Mayor closed the public hearing and following Council discussion IT WAS MOVED BY COUNCILMAN LANE to adopt the housing element as amended by William C. Lawrence, and with deletion of the inclusionary housing portion of the element. THE MOTION DIED FOR LACK OF A SECOND.

IT WAS THEN MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, to adopt the element as it stands and as presented to the Council.

During Council deliberation, Councilman O'Keefe expressed various remarks and concluded that a voluntary affordable housing program based on density bonuses and incentives for builders to reduce housing costs through various innovations would be preferable rather than through artificial mandates; that San Diego County uses this approach and requested that Staff obtain a copy of the San Diego County Ordinance for Council review.

Councilman Mecham stated that while the building industry officials have raised some good arguments the City should move ahead with the element as proposed and if it proves unworkable, then it can be re-examined.

Councilman Limberg noted that the building industry is a responsive industry and will be able to adapt to San Clemente's requirements; that this may prod the developers to proceed with innovative building techniques in a shorter amount of time.

The Mayor then called for the QUESTION WHICH CARRIED with Councilmen Lane and O'Keefe voting "NO".

Subject: 68 - Resolution No. 70-80 Allocating Community Development Funds.

IN RE: Public Hearing to consider allocation of funds relating to the City of San Clemente's Housing and Community Development Grant Application with the County of Orange.

The Mayor opened the public hearing and there being no one wishing to be heard it was closed and following questions concerning staffing, upon motion of Councilman Mecham, seconded by Councilman Limberg, and unanimously carried, RESOLUTION NO. 70-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, APPROVING THE CITY'S APPLICATION FOR HOUSING AND COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS WITH THE COUNTY OF ORANGE, was regularly introduced, passed, and adopted.

Subject: 117 (88) - Zoning Amendment No. 80-4 (City Yard Restaurant & Lounge/Michael Clayton).

IN RE: Public Hearing to consider Zoning Amendment No. 80-4, being the request of City Yard Restaurant and Lounge/Michael Clayton to amend Section 4.7 of the City of San Clemente Zoning Ordinance to allow "bars, cocktail lounges, or restaurants, including dancing and entertainment", in the C-1 (Central Commercial) District subject to a use permit.

IN RE: Petition containing 56 signatures opposing any change in the City Zoning Ordinances, or amendments, or to special use permits granted.

The Mayor opened the public hearing and Attorney Robert Jameson, representing the applicant, noted that the real issue was whether or not to have some flexibility in zoning; that five businesses in this particular category are in the C-1 zone; that all businesses will have to apply for a use permit and go through the normal procedures to be accepted; that the issues will be taken up at the use permit hearing and allow the City to be selective in the future.

Michael Clayton, owner of the City Yard Restaurant, stated he bought the restaurant in good faith and has tried to cooperate to minimize noise in response to complaints; and that problems existed before he purchased the restaurant.

Donald Bramlette reviewed the business license records and history of the City Yard Restaurant; noted that the dancing area was nonconforming to the plan submitted to the City with no record of having been inspected; that he has signed three complaints charging excessive noise; that it was not his intention to try and put the City Yard out of business, only to eliminate the loud music noise; and noted that one of the petition signers stated they had to move because of the noise.

In rebuttal, Attorney Jameson referred to the three citations filed and read the statements of the police officers indicating they did not feel the music was excessively loud.

There being no one else desiring to be heard, the Mayor closed the public hearing and following Council deliberation, IT WAS MOVED BY COUNCILMAN O'KEEFE to adopt the Planning Commission's recommendation to allow dancing and entertainment in the C-1 zone subject to use permit procedures, and then each application can be studied on a one by one basis to determine where they should be allowed and where they should not. THE MOTION DIED FOR LACK OF A SECOND.

Staff then reviewed the use permit procedure and following further Council discussion, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN MECHAM to amend the Zoning Ordinance to adopt the use permit procedure so the Council can at least consider allowing live entertainment and dancing in C-1 zones, and consider each application upon its own merits.

Mayor Koester explained that she was for strict adherence to City ordinances and did not feel the City should change its laws to accommodate a business in violation. Councilman Lane noted he was abstaining as he represents prior owners in litigation over the sale of the business which ultimately may involve the applicant.

The Mayor then CALLED FOR THE QUESTION WHICH CARRIED with Mayor Koester voting "NO" and Councilman Lane "ABSTAINING".

Subject: 39 - City Council Agenda Procedure.

IN RE: Observance of time limitations on Agenda items.

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED that the City Manager be appointed as the time keeper for agenda proceedings and to call when the time has expired on an agenda item so that the Council can determine whether to continue or proceed with a vote.

Subject: 48 - Abatement of Public Nuisance Related to La Esperanza/
Calle Patricia Landslide.

IN RE: Public Hearing regarding the La Esperanza/Calle Patricia landslide, and subsequent placement of dirt in public street, to determine the existence of a public nuisance and the abatement thereof.

The City Manager advised that since the last meeting Staff met last Tuesday with the homeowners, their attorney and geologist, and that during the meeting various options were discussed as to winterizing the slope area and removing the dirt from Calle Patricia and La Esperanza; that no agreement was reached and upon conclusion of the meeting the homeowners were requested to get together to see if they could come up with some resolutions acceptable to all private parties which they could then present to the City; however, to date we have not heard from the homeowners or their representative as to what they suggest in dealing with this issue.

The Mayor opened the public hearing and discussion is summarized as follows: The Public Works Director noted that dirt was placed on the street after the slide and covers 1/2 the width of the street constituting a traffic hazard; that the City has received complaints from residents in the area; and that there is a potential hazard in that when the rains begin a very slick, muddy situation will develop which could result in property damage.

Iraj Poormand, geologist for Leighton & Associates, concurred that this was a nuisance to traffic and with rain the problem could exaggerate with more of the street in jeopardy, not only from the dirt buttress in the street but possibly from a flow of mud from the slide area, and recognizing the time element the area should be stabilized and some type of winterizing performed which will protect the streets and prevent damage to homes.

Ed Williams, representing certain residents on Calle Patricia, commented that the situation on the streets should be taken care of as it is an existing traffic hazard and the one lane traffic has created a blind passage situation; that there is serious danger to residents in backing out of their driveways; that children and bicycles are very vulnerable to the one-lane traffic; that there are no hazard warnings or signs noting slow down on Calle Patricia; that the existing condition restricts public parking; that children are climbing on top of the slide area and buttresses and removing and playing with traffic cones; and concluded that the residents would like to have their street back.

Wesley Davis, attorney representing the homeowners, stated that the issue was to utilize a method of removing the dirt from the street but retaining any buttressing effect even though the existing buttressing may be minimal; that when winter rains occur there is the potential of damage to the street and further slope movement; that he was under the impression that the homeowners were to proceed with obtaining a proposal as to how to winterize that slope as well as remove the dirt from the street in order to minimize the total liability to all parties for the upcoming rainy season, which entails moving part of the slope to reduce the amount of forces on the slope itself as well as spreading visquine and breaking down the scarface of the slope; that the homeowners have not been able to accomplish this endeavor but have obtained a proposal from Gerry Nicoll as to what it would cost to prepare a plan to remove the dirt and winterize the slope which is very expensive. He also spoke of the homeowners potential liability if something is done with the slopes without insurance companies approval; that he is trying to coordinate with the insurance companies to see what is necessary to afford the protection to each homeowner as to their rights during this period of time; and that it is important to prepare a comprehensive plan to abate the total nuisance as the homeowners do not want the City to just remove the dirt from the street without having a comprehensive plan.

Peter Linnenbach questioned the extent of liability that would be required of the homeowners; and whether each homeowner would be encumbered equally and share the financial burdens even though some of them are somewhat removed from the major portion of the problem.

There being no one else desiring to be heard, the public hearing was closed and the City Attorney suggested that to the extent possible the Public Works Director or Mr. Poormand try to make a determination based on some fact as to what harm can be attributable from the existing situation to each of the individual parcels and what is the benefit to each parcel.

Mr. Putz described where the dirt came from which was placed on the street to primarily protect the Baumgartner residence; that the Linnenbach, Simon and McCoy residences are on the edges of the slide and appear to be in no immediate danger; that the dirt berm was placed on the street to provide a platform access to perform tests of the slide which were conducted to get more information on the slide, as well as some stabilization effect.

Iraj Poormand reviewed the history of the slide and the reasons for the measures that were taken; and noted that the Boosing slopes were the best protected, best planted and cared for slopes in the neighborhood.

Certain options placed on the board were then reviewed by the City Manager and following lengthy deliberation and discussion, IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN MECHAM to go along with option 1; that the hearing be reopened and continued to 10-1-80; and that this not include sharing of expenses by the City.

Following further discussion and a brief recess, A SUBSTITUTE MOTION WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to find that there exists a public nuisance in case of the dirt berm in the street and the condition of the slope, and that the Council order the property owners to remove the dirt in the public street and winterize the slope by October 1, with the property owners to prepare and submit an abatement plan to the City Engineer by September 28, and if no abatement plan has been received by October 1 then the City is to consider preparation of a plan and ordering the work to be performed by City forces or contract if necessary; and reserving the question of apportionment of the costs for such work among property owners to be further considered on October 1.

Councilman Lane referred to an earlier comment that the streets may not be properly equipped with warning devices, and IT WAS THEN MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED that the Public Works Department be directed to look into that issue and properly warn the public through devices as to the hazards that are there to eliminate the possibility of injury.

Subject: 65 - Resolution No. 71-80 Requesting Distribution to Municipal Lighting Maintenance District No. 1 the Amount Available in the Special District Augmentation Fund.

IN RE: Public Hearing for the purpose of determining the distribution of \$23,538 available to special districts (lighting district) of San Clemente from the Special District Augmentation Fund of Orange County.

The Mayor opened the public hearing and there being no one wishing to be heard it was closed, and upon motion of Councilman Limberg, seconded by Councilman O'Keefe, and unanimously carried, RESOLUTION NO. 71-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THAT THE AUDITOR-CONTROLLER OF THE COUNTY OF ORANGE DISTRIBUTE TO MUNICIPAL LIGHTING MAINTENANCE DISTRICT NO. 1 THE AMOUNT AVAILABLE IN THE SPECIAL DISTRICT AUGMENTATION FUND, was regularly introduced, passed, and adopted.

CONSENT CALENDAR

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

City Council Minutes

Minutes of 7-16-80 (regular) and 7-28-80 (special). -- Approved as presented and reading in full thereof waived.

Planning Commission Minutes

Minutes of 9-2-80. -- Received and filed.

Traffic and Parking Commission Minutes

Minutes of 9-4-80. -- Received and filed.

Parks and Recreation Commission Minutes

Minutes of 8-26-80. -- Received and filed.

Zoning Administrator Minutes

Minutes of 9-10-80. -- Received and filed.

General Plan Review Committee Minutes

Minutes of 8-25-80, and 9-8-80. -- Received and filed.

Design Review Committee Minutes

Minutes of 9-2-80. -- Received and filed.

Neighborhood Preservation Committee Minutes

Minutes of 8-28-80. -- Received and filed.

Departmental Activities Report

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

Cultural Heritage Board Minutes

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

Subject: 115 - Slope and Drain Maintenance.

IN RE: Report from Fire Protection Director and City Manager concerning a trial program on weed removal and drain maintenance of the slopes in front of Calle Juno and a portion of Calle Mayo. -- Approved that the City continue its policy of non-involvement on slopes greater than 20% for weed removal.

Subject: 24 - Interim Report on Rodent Control.

IN RE: Report from Fire Protection Director and City Manager providing an interim report on controlling the ground squirrel problems in the City; and advising that a more comprehensive report on animal control, including rodent control, is being prepared. -- Received and filed pending receipt of further report.

Subject: 106 - Del Mar/Ola Vista Traffic Signals - Project No. 4-80.

IN RE: Report from Public Works Director-City Engineer and City Manager advising that all work has been satisfactorily completed by the contractor, William R. Hahn, on the Del Mar/Ola Vista traffic signals. -- Accepted the work and authorized filing of a Notice of Completion.

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

IN RE: Report from Public Works Director-City Engineer and City Manager advising that nine bids were received for Camino San Clemente Street Reconstruction, Project No. 16-80. -- Awarded contract to the low bidder, Holmes & Trott, at the bid price of \$90,636.00.

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 that seven bids were received for Avenida De La Paz Street Reconstruction, Project No. 17-80.-- Awarded contract to the low bidder, Griffith Company, at the bid price of \$18,974.00.

Subject: 113 - License Agreement, AT&SF Railway - La Rambla Pump Station.

IN RE: Report from Public Works Director-City Engineer and City Manager recommending approval of a license agreement with Atchison, Topeka & Santa Fe Railway Co. to allow construction of a new pump station to replace the old La Rambla pump station and construction of a new pipeline. -- Approved license agreement and authorized execution by Mayor and City Clerk, with the fee of \$150.00 to be paid from Account #72-471-7700.

Subject: 106 - Agreement for Circulation Study with Orange County and City of San Juan Capistrano.

IN RE: Report from Public Works Director-City Engineer and City Manager recommending approval of agreement with the County of Orange and the City of San Juan Capistrano for a cooperative circulation study which has been proposed to determine the circulation system required by projected land users in the southeastern county area and to contract for preparation of an EIR. -- Approved agreement and authorized execution by Mayor and City Clerk, and authorized budget expenditure of \$1,500 from Account #10-446-4380.

Subject: 42 - Claim for Damages Filed by Pacific Telephone.

IN RE: Claim for damages filed by Pacific Telephone in the amount of \$300 when telephone cable was cut with backhoe by a contractor working for the City while relocating a water main. -- Based on insurance adjuster's recommendation, the claim was denied.

Subject: 42 - Claim for Damages Filed by Winston Clement.

IN RE: Claim for damages filed by Winston Clement in the amount of \$1,314,000, alleging wrongful death, emotional distress, erosion damages to claimant's property, and failure of City to make adjacent property owner take steps toward corrective action on an adjacent slope to prevent such damages. -- Based on insurance adjuster's recommendation, the claim was denied.

Subject: 42 - Claim for Damages Filed by Katherine Salvato.

IN RE: Claim for damages filed by Katherine Salvato in the amount of \$1,074.00 plus future medical expenses and general damages when claimant tripped and fell on City sidewalk in the 800 block of South El Camino Real alleging that sidewalk was full of pebbles and debris. -- Based on insurance adjuster's recommendation, the claim was denied.

CONSENT CALENDAR (Items removed for separate action)

Subject: 52 - PTI Contract Fire Station Location Study.

IN RE: Report from Fire Protection Director and City Manager recommending that the City maintain its current contract with Public Technology, Inc. noting the benefits the Fire Department has received over the years; noting possible applications that can be derived from the contract by other departments; and recommending utilization of their computerized fire station locator package.

Councilman Lane reiterated that he was against this expenditure as expressed during the budget study sessions following which IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND CARRIED that the City maintain its current contract with Public Technology, Inc. and transfer \$3,500 from contingency reserve to Account #10-340-7200 and \$1,700 from Fire Station #2 to Account #63-299-7300-852 to perform the fire station location study. Councilman Lane and Mayor Koester voted "NO".

Subject: 103 - Resolution No. 72-80 Fixing and Levying a Property Tax on all Property for the Fiscal Year 1980-81.

IN RE: Report from Finance Director and City Manager advising as to the amount of property tax rate to be levied for the purpose of paying the principal and interest on general obligation bonds; that the City currently has two outstanding bond issues--the 1962 Storm Drain Bonds and the 1964 Beach Acquisition Bonds which require payment of \$11,508 and \$59,709 respectively.

Staff responded to questions from Mayor Koester regarding the tax rate, and upon motion of Mayor Koester, seconded by Councilman Lane, and unanimously carried, RESOLUTION NO. 72-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, FIXING AND LEVYING A PROPERTY TAX ON ALL PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF SAN CLEMENTE FOR FISCAL YEAR 1980-81, was regularly introduced, passed, and adopted.

PAYING OF THE BILLS

IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that Warrants No. 9832 through No. 9852 and No. 3188 through No. 3389, as audited by the Council be paid.

Total demands approved for payment for period ending September 16, 1980	\$534,446.06
Ratification of Payroll Warrant No. 9835 for period August 18, 1989 through August 31, 1980.	<u>\$126,834.07</u>
TOTAL WARRANT REGISTER	\$661,280.13

WRITTEN COMMUNICATIONS

Subject: 73 - Voting Representatives for League of California Cities Conference.

IN RE: Communication from League of California Cities requesting that the City designate a voting representative and an alternate to vote on issues at the forthcoming annual League of California Cities Conference.

IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to appoint the Mayor as voting delegate and Mayor pro tem as voting alternate.

Subject: 74 - Proposal for Use of Beach Parking Lot in Connection with Proposed Restaurant.

IN RE: Communication from Burke-Lester & Associates, Inc. advising of a proposal to turn the Casa Romantica property at 415 Avenida Granada into a first-class restaurant and inquiring as to the possibility of sharing the use of the beach parking lot.

IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY MAYOR KOESTER, AND UNANIMOUSLY CARRIED to refer the proposal to the Traffic and Parking Commission for consideration.

Subject: 32 - Request for Business License - The Spirit of Divine Love.

IN RE: Request from Rev. Wilfrid D. and Doris J. Rondeau for a business license to conduct spiritual counselling under the business name of "The Spirit of Divine Love" at 629 Camino de los Mares, said request being a modification of their request for license as acted upon at the meeting of 3-5-80.

Following brief discussion, IT WAS MOVED BY MAYOR KOESTER, SECONDED BY COUNCILMAN LIMBERG, AND CARRIED to permit issuance of a business license based on fee schedule Code 02 (professions and occupations) as set forth in Municipal Code Section 8-38 (b). Councilmen Lane and O'Keefe "ABSTAINED".

COMMUNICATIONS FROM COMMISSIONS, BOARDS, AND COMMITTEES

Subject: 105 - Tentative Tract No. 10909 (Title Insurance & Trust Company).

IN RE: Communication from Planning Commission recommending approval of Tentative Tract No. 10909, being the request of Title Insurance & Trust Company to create 16 R-1-B-1 lots south of Calle Ariana on property commonly known as the Nixon Estate (Cotton Point), said approval subject to 18 conditions of the Subdivision Committee.

Dee Hedborg, Parks and Recreation Commissioner, advised that in the conditions of approval by the Subdivision Committee on this tract a public beach access was not included; and further noted that this tract did not appear before the Parks and Recreation Commission for review.

Staff advised that the best way to have gained access would have been from Avenida Del Presidente through the Cyprus West Area II development but a suggested beach access had been deleted from that Tract, and now the only possible access would be an easement along the Orange County/San Diego line on the southeast property line.

Following discussion IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN MECHAM to refer the matter to the Parks and Recreation Commission to study a possible beach access and return to Council by 11-5-80 or earlier if possible.

Robert Mickelson, representing the applicant, noted that the beach access question had been discussed with Staff, and cited policing and litter problems which they felt would result in a long access bordering the County line. Following discussion as to the time requirements on the tract, he expressed their cooperative attitude, and agreed to the extension but requested it be considered as quickly as possible.

The Mayor then called for the QUESTION WHICH CARRIED UNANIMOUSLY.

Subject: 105 - Tentative Tract No. 11164 (Melbourne G. Alexander).

IN RE: Communication from Planning Commission recommending approval of Tentative Tract No. 11164, being the request of M.L. Alexander for a one-lot subdivision to convert an existing 7-unit apartment complex to a 7-unit condominium complex, legal description being a portion of Lots 10, 11, 12, 69, 70, 71, Block 2, Tract No. 852 more commonly known as 105 through 117 Avenida del Presidente, said approval subject to 17 conditions of the Subdivision Committee with modification by the Commission of condition #11 and adding an additional condition #18.

IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to concur with Planning Commission's recommendation, noting that a Categorical Exemption was granted on 7-7-80 in compliance with CEQA.

Subject: 29 - Request for Reconsideration of Motion Relating to Removal of Certain Property from List of Historically Significant Properties (410 Cazador Lane).

IN RE: Communication from Cultural Heritage Board requesting that the motion adopted by the Council on 8-20-80 concerning the property at 410 Cazador Lane be rescinded and a new motion be presented for approval.

The City Clerk advised that the attorney representing the applicant has requested the matter be continued until they have an opportunity to review the minutes of the Council's action at the meeting of 8-20-80.

IT WAS THEN MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND CARRIED to table the matter. Councilman Lane "ABSTAINED".

Subject: 106 - Bus Benches.

IN RE: Report from Bus Bench Committee appointed to study the matter of alternatives to the present bus bench program in the City.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to approve bus bench styles as recommended by the Bus Bench Committee and request the committee to study possible methods of funding the initial purchase and funding of the bus benches and future maintenance.

URGENT MATTERS

The Mayor called for urgent matters and there was none.

ITEMS FROM CITY MANAGER

Subject: 33 - Avenida Calafia-State Park Concerns.

IN RE: Report from City Manager regarding a meeting with representatives from the California Department of Parks and Recreation and the California Coastal Commission to discuss ongoing problems associated with the Calafia Beach area, and recommendation for closure of the street from 10:00 P.M. to 6:00 A.M.

Councilman O'Keefe commented that the residential use of the street is very light; does not feel there should be a change in uses of the beach unless there are severe problems to the City; and that the majority of the State voted for Prop #20 so the public can have free and open access to the beaches. Councilman Mecham inquired whether there has been a significant increase in violations and Staff responded there has been an increase in criminal activities, assaults, auto burglaries and thefts, vandalism, disturbance, drunk in public, and numerous complaints of noise. A State Park official advised that the State Park is closed at 10:00 P.M. and that the park rangers have difficulty in policing the area because of the physical terrain.

The City Manager advised that the State has indicated an interest in the City dedicating the street to them even though they have some reservation considering the deterioration of the street.

Following discussion IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY MAYOR KOESTER, AND UNANIMOUSLY CARRIED that the closing of Avenida Calafia, adjacent to the State Park entrance, be denied; and that the City Manager and Staff be directed to meet with State Park Officials to discuss possible improvements in the Calafia recreational area.

Subject: 77 - Status Report Library/Senior Citizens Center.

IN RE: City Manager's report on a matter relating to the Library/Senior Citizens Center.

Mr. Carvalho advised that the program is moving ahead, that the plans are nearly complete, and that the architect has submitted bills to the City in the amount of \$12,000. He noted that there is a provision in the County contract that the City is not to draw from the \$800,000 funding until 30 days after the construction contract is awarded; that there are two sources of funding--the Library with County funding and the Senior Citizens Center from HUD funds with the contract being prepared; and that the architect is getting pressure from his subcontractors for payment and is finding it difficult to proceed in completion of the drawings.

Following discussion, IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY MAYOR KOESTER, AND UNANIMOUSLY CARRIED that in light of having the lease agreement with the County, the City Manager be authorized to make payments from the City to allow the work to proceed as requested by the architect, and that at such time as the Council accepts the drawings, authorizes advertising for bids, and awards a contract, monies can then be drawn from the \$800,000 County funding; and that monies be advanced for both projects subject to having a proper mechanism set up for making such payments.

ITEMS FROM CITY ATTORNEY

Subject: 35 - Ordinance No. 788 Establishing Parking and Business Improvement Area "A".

IN RE: Ordinance establishing Parking and Business Improvement Area "A" of the City of San Clemente.

It was noted that five persons from the business community were appointed to the Advisory Board at the last meeting, and Councilman O'Keefe suggested there should be input from professionals as well as merchants, AND IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN MECHAM, AND CARRIED to modify the Ordinance and increase the board composition to six, with that person to be a professional. Councilman Lane "ABSTAINED".

Upon motion of Councilman Mecham, seconded by Councilman Limberg, and carried, ORDINANCE NO. 788 BEING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE ESTABLISHING PARKING AND BUSINESS IMPROVEMENT AREA "A", as modified, was regularly introduced by title only and the reading in full thereof unanimously waived. Councilman Lane "ABSTAINED".

Subject: 105 - Resolution No. 73-80 Denying Tentative Parcel Map No. 80-840.

IN RE: Resolution formally denying Tentative Parcel Map No. 80-840.

Upon motion of Councilman Mecham, seconded by Mayor Koester, and carried, RESOLUTION NO. 73-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DENYING TENTATIVE PARCEL MAP NO. 80-840, was regularly introduced, passed, and adopted. Councilman Lane "ABSTAINED".

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

IN RE: City Attorney's request that as a result of Council's decision, the Estrella Properties matter be placed on the 10-1-80 agenda.

The City Attorney advised that the matter of Tracts Nos. 10417, 10533, and 10595 as to whether or not the Planning Commission and City Council had considered the Hillside Grading Ordinance on these tracts when they first came before the City for approval; and whether or not these tracts do in fact comply with the Hillside Grading Ordinance should be considered on the next agenda.

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to place this matter on the 10-1-80 agenda.

The City Attorney requested an Executive Session to discuss a matter of litigation; and the City Manager noted he would also like to discuss a personnel matter during an Executive Session.

ITEMS FROM COUNCIL MEMBERS

Subject: 57 - General Plan Review Committee.

IN RE: Submittal by Mayor Koester and Council members Mecham and O'Keefe of one name each for persons to fill vacancies on the General Plan Review Committee.

Councilman Mecham submitted Ron Steelman and Mayor Koester submitted Peter Scharf to fill vacancies on the General Plan Review Committee. Councilman O'Keefe indicated he would make his selection at a later date.

Subject: 57 - San Diego County Ordinance re Affordable Housing Program.

IN RE: Councilman O'Keefe's comments that San Diego County uses a voluntary affordable housing program based on density bonuses.

Referring back to the Housing Element and the question as to its workability, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED that Staff obtain copies of the San Diego County Ordinance relative to affordable housing program and bring to Council with recommendations.

NEW BUSINESS

Subject: 48 - Drainage Channel Adjacent to 16th Fairway at Municipal Golf Course.

IN RE: Report from Public Works Director-City Engineer and City Manager referring to a request of certain property owners adjacent to the 16th fairway of the Municipal Golf Course, and advising that City crews are endeavoring to temporarily protect the slopes by clearing the drainage channel of overgrowth to permit unrestricted flow and installing rock rip-rap to attempt to stop the ongoing erosion; and schedule permanent drainage channel improvements in the 1981-82 budget at an estimated cost of \$170,000.

IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to approve interim corrective measures to improve channel flow, and schedule permanent drainage channel improvements in 1981-82 budget.

RESOLUTIONS

For Resolution No. 70-80 see under "PUBLIC HEARINGS" on page 2.
For Resolution No. 71-80 see under "PUBLIC HEARINGS" on page 5.
For Resolution No. 72-80 see under "CONSENT CALENDAR" on page 8.
For Resolution No. 73-80 see under "ITEMS FROM CITY ATTORNEY" on page 11.

ORDINANCES

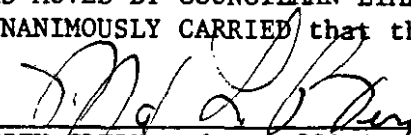
For Ordinance No. 788 see under "ITEMS FROM CITY ATTORNEY" on page

ADJOURNMENT TO EXECUTIVE SESSION

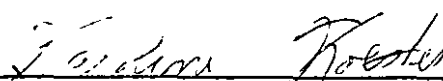
IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED that the Council Meeting be adjourned at 10:50 P.M. to an Executive Session to discuss a personnel matter and a matter of litigation.

MEETING RECONVENED AND ADJOURNMENT

The meeting was reconvened and IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that the Council Meeting be adjourned at 11:20 P.M.



CITY CLERK and ex-officio
Clerk of the City Council



MAYOR and President
of the City Council