

San Clemente, California
October 22, 1980

Adjourned meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, October 22, 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 - LIMBERG, MECHAM, O'KEEFE AND KOESTER
ABSENT: Council Members - LANE (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 & Planning Director

COMMUNICATIONS FROM COMMISSIONS, BOARDS, AND COMMITTEES

Subject: 105 - Tentative Parcel Map No. 80-841 (Bart M. Hackley).

IN RE: Communication from Planning Commission recommending approval of Tentative Parcel Map No. 80-841, being the request of Bart M. Hackley for a one-lot subdivision to construct a 4-unit condominium complex at 511 Avenida Del Mar, legal description being lots 1 and 2, Block 9, Tract No. 785, said approval subject to 7 conditions of the Subdivision Committee and an additional condition added by the Planning Commission.

Frank Montesinos, representing the applicant, noted that approval has also been received from the Traffic and Parking Commission and the Design Review Committee for this project, and IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to concur with the Planning Commission's recommendation, noting that a Categorical Exemption was granted on 8-15-80 in compliance with CEQA.

Subject: 29 - Relocation of Historically Significant Home Located at 130 Avenida Rosa.

IN RE: Communication from Cultural Heritage Board recommending relocation of the historically significant home located at 130 Avenida Rosa to 143 Trafalgar Lane requesting waiver of all fees unrelated to actual building code fees; and suggesting there is a need for a new building code to meet the intent of protecting the public health and safety but retaining enough flexibility to allow restoration of a historic feature while still retaining its historic integrity.

In response to what fees would be waived, the Building & Planning Director advised approximately \$2500 in various fees not including building, plumbing and electrical permit fees. He further noted that the house does have a foundation and it can be picked up and moved; and that it was constructed in the early 1940's and has approximately 900 to 1,000 square feet.

The City Attorney advised this action will require an amendment to the Cultural Heritage Board Ordinance by inserting a provision which allows the Council, upon recommendation of the Cultural Heritage Board on certain conditions, to waive specific fees or a portion of such fees; and that the amendment would be brought back at the next meeting as an Urgency Ordinance.

IT WAS THEN MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to approve the recommended action in concept and instruct the City Attorney to prepare the necessary ordinance to implement authority for the Council to waive fees in such cases, upon specific application and recommendation of the Cultural Heritage Board.

Subject: 29 - Ordinance Amending Ordinance No. 773 Setting Forth
Certain Restrictions for Historically Significant
Property.

IN RE: Communication from Cultural Heritage Board recommending certain amendment of Ordinance No. 773 relating to establishment of the Cultural Heritage Board and setting forth certain restrictions for historically significant property and property adjacent thereto.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG to concur with the Cultural Heritage Board's recommendation.

A question and answer period followed between the Council and Cultural Heritage Board member, Blythe Welton, relative to the provisions contained in the proposed amendment.

Councilman Lane arrived at 7:20 P.M.

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

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

IN RE: Blythe Welton's request that Council action of 8-20-80 concerning the property at 410 Cazador Lane be reconsidered.

Following discussion, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN MECHAM, AND CARRIED to remove the item from the table and place the matter on the next agenda. Councilman Lane "ABSTAINED".

URGENT MATTERS

The Mayor called for urgent matters and there was none.

ITEMS FROM CITY MANAGER

Subject: 31 - Status Report on Comprehensive Planning.

IN RE: Report from City Manager submitting a status report as to the development of a Comprehensive Planning Program.

The City Manager noted that he would answer any questions concerning the report. Referring to the recommendation to authorize an expenditure of up to \$20,000 to prepare a cost revenue impact analysis, Councilman O'Keefe stated he did not think it wise to authorize a blanket expenditure of sums; that usually the Council requires specific proposals to be submitted. Councilman Limberg concurred with the proposed program but inquired as to what would be the nature of the results of a study of this sort and what information would be furnished to Council.

A lengthy question and answer period ensued during which explanation was made as to the proposed computer program which will analyze and determine the fiscal impact of proposed development and what it should cost the City to maintain city services as growth occurs and the City fully develops.

Following lengthy discussion, IT WAS THEN MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND CARRIED that the City Manager be authorized to spend up to \$20,000 from the Contingency Reserve in hiring Ultra Systems to prepare a cost revenue impact analysis of San Clemente and the development proposed for the four major ranches; and that the work of Ultra Systems be reviewed from time to time. Councilman O'Keefe voted "NO".

Councilman O'Keefe noted that he was not opposed to the concept of developing a cost revenue impact analysis, however, he feels the Council should review the analysis to see what we are getting for \$20,000 by looking at the San Juan Capistrano report and also at least considering the possibility of alternate methodologies or consultants in preparation of that study; and not to avoid the normal public bidding procedure on any major expenditure of funds. Mayor Koester stated she agreed as to having certain reservations about waiving the City's normal procedures.

The City Manager commented the material can be obtained from San Juan Capistrano that might be of help, and as the matter progresses we can infuse other people into the process so that there is a better understanding by developers as well as the public.

Councilman O'Keefe stated he would like to see a copy of the San Juan Capistrano report.

Subject: 48 - Status Report Relating to La Esperanza/Calle Patricia Landslide.

IN RE: Report from City Manager as to status of proposed agreement in relation to the La Esperanza/Calle Patricia Landslide.

The City Manager briefly reported that it has been difficult getting the property owners to agree to the proposed agreement; and that we have been trying to contact their attorney and other parties on a daily basis and will continue working on it.

The City Manager requested an Executive Session to discuss a personnel matter.

ITEMS FROM CITY ATTORNEY

Subject: 48 - Resolution No. 79-80 Declaring Public Nuisance of Certain Property in the Vicinity of the La Esperanza/Calle Patricia Landslide.

IN RE: Adoption of resolution formally declaring public nuisance in relation to the La Esperanza/Calle Patricia landslide.

Councilman Lane referred to a letter from Attorney Wesley L. Davis questioning the Council's action declaring the La Esperanza slide a public nuisance and raising certain issues.

The City Attorney advised he intended to respond to Mr. Davis and that he disagrees completely with his legal position.

IT WAS THEN MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN LANE, AND UNANIMOUSLY CARRIED to vote on the issue after an Executive Session.

Subject: 110 - Report on Extended Dialing Request.

IN RE: City Attorney report on question of Extended Dialing area.

The City Attorney reported that the City will have to go through PUC hearings to justify its case; that this would be a minor problem if the telephone company were to agree voluntarily to expand the dialing area, however, he has doubts that this will happen and the City should be prepared for a series of hearings; that at this point he does not know how long it may take or what it may cost in legal fees as this type of litigation can be quite complicated.

Following discussion, IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED that the City proceed with the filing of a petition requesting PUC approval for an extended toll-free dialing area.

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

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ITEMS FROM COUNCIL MEMBERS

Subject: 57 - Proposed Energy Element to the City's General Plan.

IN RE: Councilman Lane suggested the preparation and adoption of an energy and resource conservation element into the City's General Plan.

Councilman Lane noted that with the large amount of homes projected to be built in San Clemente in the back country within the next 5 to 10 years, housing developers should be required to use solar heating, utilizing innovative ways to orient homes to the sun, various types of insulation, and other types of conservation measures in all new homes to be built which could save substantial amounts of gas, electricity and water resources.

Councilman Limberg suggested that water-saving measures such as flow regulators be included in the element and Councilman Mecham suggested the element could require conservation measures in new homes while also encouraging owners of already built houses to convert to energy-saving devices. He also referred to a document outlining programs other cities have used to bring about energy conservation in newly built homes.

Following further discussion and comment that with energy rates spiraling the City should not proceed further with back country development until the energy savings question is addressed, IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN O'KEEFE, AND UNANIMOUSLY CARRIED to refer the matter to the Planning Commission to initiate preparation of an energy and resource conservation element for adoption into the City's General Plan.

Subject: 108 - Request for Bus Stop for the Baycliff Village Neighborhood.

IN RE: Councilman Lane's comment that many of the residents of Baycliff Village are elderly, and the lack of a bus stop creates a great deal of difficulty for them.

It was noted that the nearest bus stops are to the south at Shorecliffs and to the north at the corner of Camino Mira Costa and Camino Capistrano AND IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY MAYOR KOESTER, AND UNANIMOUSLY CARRIED that the City contact Orange County Transit District in regard to this concern and requesting that a bus stop be provided for the Baycliff Village neighborhood.

Mayor Koester pointed out that City officials have discussed this problem with OCTD before but the District has suggested dial-a-ride service.

Subject: ¹⁰⁰~~106~~ - Street Sweeping on Avenida San Fernando.

IN RE: Councilman Mecham's report on street sweeping of Avenida San Fernando.

Councilman Mecham noted that the street in front of his home has not been swept for 7 weeks, and further that less than 50% of his block is being swept because of parked cars.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LANE, AND UNANIMOUSLY CARRIED to refer the matter to the Traffic & parking Commission for some type of recommendation; that consideration of restricting overnight on-street parking in some neighborhoods be explored; and also to consider whether it might be worth doing on a total basis subject to permits where there is a third car or where there is no driveway for parking.

Subject: 55 - Request for Bike Path on Coast Highway to be Properly Maintained.

IN RE: Councilman O'Keefe noted that the bike path from Doheny State Park south is very overrun with rocks and cars are parking on the bike path instead of the dirt.

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN LANE, AND UNANIMOUSLY CARRIED that a communication be sent to the County requesting that the bike path from Doheny State Park south be swept and signed so that persons will park their cars in the dirt instead of utilizing the bike path.

Subject: 68 - Appointments to Orange County Cultural Arts Alliance.

IN RE: Mayor Koester's reference to a request for the City to appoint representatives to the Orange County Cultural Arts Alliance.

Mayor Koester reported on the establishment of an Orange County Cultural Arts Alliance and in this connection the City is requested to appoint two or more representatives, one being a member of the Planning Department, to encourage citizen participation. She noted she had contacted Janet Radford who expressed an interest to participate; and Councilman Mecham commented that if a third member could be appointed from Council he would be interested.

IT WAS THEN MOVED BY MAYOR KOESTER, SECONDED BY COUNCILMAN O'KEEFE, AND UNANIMOUSLY CARRIED to appoint a team of two representatives to the Orange County Cultural Arts Alliance, with Janet Radford as the community representative, a member of the Planning Department, and Councilman Mecham as a third member if possible.

Mayor Koester advised that she made further inquiry as to the \$6 million total on the last warrant register. The City Manager explained that the primary reason was that it was a withdrawal from the State Investment Fund of \$6 million for the City to invest in local banks; that the transfer is executed by way of check; that the City was receiving 10½% interest from the State fund whereas the City Treasurer was able to invest \$3 million cash in two separate banks at an interest rate of over 12%. Further the City Treasurer is requesting that banks bid for the various investments thus getting a better rate of return on the money.

Subject: 68 - Letter of Resignation from Esther Shillman - Orange County Housing Authority Advisory Committee.

IN RE: Mayor Koester noted a letter from Esther Shillman advising that it was necessary for her to resign as the City's representative to the Orange County Housing Authority Advisory Committee.

Councilman Lane nominated Howard Massie to serve on the Advisory Committee. Following discussion as to whether Mr. Massie would be willing to serve, A SUBSTITUTE MOTION WAS MADE BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to continue the matter to the meeting of 11-5-80.

RESOLUTIONS

For Resolution No. 79-80 see under "UNFINISHED BUSINESS" on page 6.

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ORDINANCES

Subject: 117 - Ordinance No. 787 Amending Zoning Ordinance Relating to Maintenance, Repairs or Replacements of Non-Conforming Structures.

IN RE: Ordinance No. 787 Amending Zoning Ordinance Relating to Maintenance, Repairs or Replacements of Non-Conforming Structures.

Councilman O'Keefe pointed out an error in the Ordinance as to certain missing wording which was corrected, and upon motion of Councilman Mecham, seconded by Mayor Koester, and unanimously carried, ORDINANCE NO. 787, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 6.5 OF ORDINANCE NO. 397, KNOWN AS THE CITY OF SAN CLEMENTE ZONING ORDINANCE RELATING TO MAINTENANCE, REPAIRS OR REPLACEMENT OF NON-CONFORMING STRUCTURES, having been regularly introduced at the meeting of 9-3-80, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted.

ADJOURNMENT TO EXECUTIVE SESSION

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to adjourn to an Executive Session at 8:30 P.M. to discuss a personnel matter and a matter of litigation.

MEETING RECONVENED

The Mayor reconvened the meeting at 11:00 P.M.

UNFINISHED BUSINESS (continued)

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

IN RE: Further consideration by Council 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.

The matter having been discussed in Executive Session due to possible litigation, the City Attorney noted that no action had been taken and IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that the matter be continued to the meeting of 11-5-80.

Attorney Dennis Menke asked that the record indicate his strenuous objection to the further continuance.

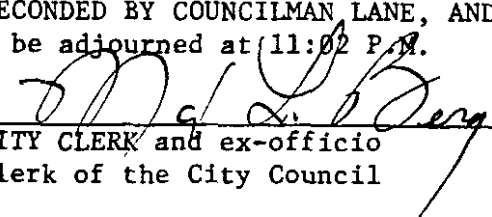
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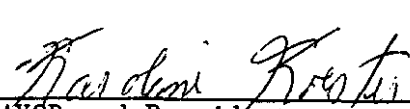
IN RE: Adoption of resolution formally declaring public nuisance in relation to the La Esperanza/Calle Patricia landslide.

The proposed resolution formally declaring public nuisance in relation to the La Esperanza/Calle Patricia landslide was again considered and upon motion of Councilman Mecham, seconded by Councilman Limberg, and unanimously carried, RESOLUTION NO. 79-80, 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 REQUIRING THE ABATEMENT THEREOF was regularly introduced, passed, and adopted.

ADJOURNMENT

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LANE, AND UNANIMOUSLY CARRIED that the meeting be adjourned at 11:02 P.M.


CITY CLERK and ex-officio
Clerk of the City Council

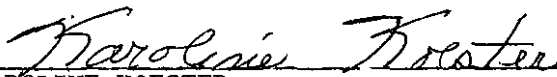

MAYOR and President
of the City Council

October 28, 1980

NOTICE OF SPECIAL MEETING OF THE CITY COUNCIL

TO: COUNCIL MEMBERS: B. PATRICK LANE
ROBERT D. LIMBERG
WILLIAM C. MECHAM
THOMAS J. O'KEEFE

You and each of you are hereby notified that a Special Meeting of the City Council of the City of San Clemente, California, has been called by the undersigned Mayor of the City, to be held in the Council Chambers, Civic Center Building, 100 Avenida Presidio, San Clemente, California, on Thursday, October 30, 1980, at 8:00 A.M., for the purpose of considering the adoption, as an urgency ~~measure~~, of an Ordinance amendment to Section 2-8, subsection (c) of the Municipal Code relating to the term of office of appointed members of the City Council.


KAROLINE KOESTER
MAYOR

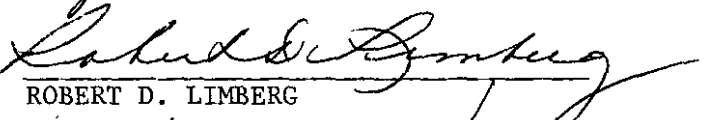
cc: Daily Sun Post
Daily Pilot
The Register
Los Angeles Times
KWAVE

October 28, 1980


RECEIPT OF NOTICE OF SPECIAL MEETING OF THE SAN CLEMENTE CITY COUNCIL

The undersigned, being all the members of the City Council of the City of San Clemente, California, do hereby acknowledge receipt of due and legal notice of a Special Meeting of the City Council of the City of San Clemente to be held in the Council Chambers Civic Center Building, 100 Avenida Presidio, San Clemente, California, on Thursday, October 30, 1980, at 8:00 A.M., for the purpose of considering the adoption, as an urgency measure, of an Ordinance amendment to Section 2-8, subsection (c) of the Municipal Code relating to the term of office of appointed members of the City Council.


B. PATRICK LANE


ROBERT D. LIMBERG


WILLIAM C. MECHAM


THOMAS J. O'KEEFE

Call for Special Meeting issued by


KAROLINE KOESTER, MAYOR