

San Clemente, California
December 3, 1980

Adjourned meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, December 3, 1980, at 6:00 P.M., Mayor Karoline Koester presiding.

ROLL CALL

PRESENT: Council Members - KORSEN, LIMBERG, AND KOESTER

ABSENT: Council Members - LANE AND MECHAM (arrived during Executive Session)

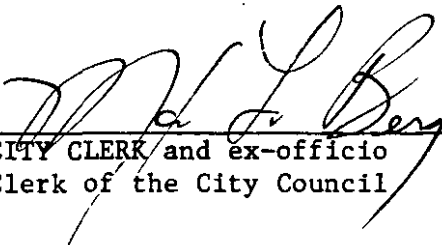
Also Present: George A. Carvalho, City Manager; and Max L. Berg, City Clerk

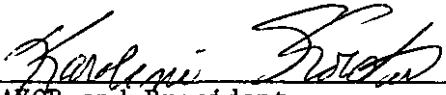
SPECIAL BUSINESS

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN KORSEN, AND UNANIMOUSLY CARRIED to adjourn to an Executive Session to discuss a personnel matter.

MEETING RECONVENED AND ADJOURNMENT

The meeting was reconvened at 7:00 P.M., AND IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN KORSEN, AND UNANIMOUSLY CARRIED that the meeting be adjourned.


CITY CLERK and ex-officio
Clerk of the City Council


MAYOR and President
of the City Council

San Clemente, California
December 3, 1980

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, December 3, 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 - KORSSEN, LANE, LIMBERG, MECHAM, AND KOESTER
ABSENT: Council Members - NONE

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

Mayor Koester introduced Roger Grable of the firm of Rutan and Tucker as the new City Attorney and welcomed him to the Staff.

PUBLIC HEARINGS

Subject: 117 - Ordinance No. 794 Adopting New Zoning Ordinance

IN RE: Public Hearing to consider Zoning Amendment No. 80-6 being a proposal to update and amend the format of San Clemente Zoning Ordinance (No. 397) incorporating all amendments to date.

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

Councilman Lane questioned the parking requirements and felt that they were not adequate noting that there will be a greater impact on parking as the City grows.

The Building & Planning Director reviewed the background of the zoning ordinance advising that Staff tried to put the existing ordinance in an acceptable format even though they are not satisfied with some of the zones; that they plan to submit a series of amendments and suggestions in the future and reviewing the parking requirements is one of the goals. Councilman Mecham noted he was also dissatisfied with two or three of the zones and felt they needed review.

Upon motion of Councilman Limberg, seconded by Mayor Koester, and unanimously carried, ORDINANCE NO. 794, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING REGULATIONS PERTAINING TO USES OF LAND AND USES, LOCATION, HEIGHT, BULK, SIZE AND TYPE OF BUILDING AND OPEN SPACES AROUND BUILDINGS IN CERTAIN DISTRICTS OF THE CITY, SPECIFYING SAID DISTRICTS; PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF SUCH REGULATIONS AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF; AND REPEALING ORDINANCES IN CONFLICT HERewith, was regularly introduced by title only, and the reading in full thereof waived.

'CONSENT CALENDAR

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

City Council Minutes

Minutes of 10-15-80. -- Approved as presented and reading in full thereof waived.

Planning Commission Minutes

Minutes of 11-18-80. -- Received and filed.

Traffic and Parking Commission Minutes

Minutes of 11-20-80. -- Received and filed.

Parks and Recreation Commission Minutes

Minutes of 11-11-80. -- Received and filed.

Zoning Administrator Minutes

Minutes of 11-25-80. -- Received and filed.

Design Review Committee Minutes

Minutes of 11-18-80. -- Received and filed.

Subject: 83 - Letter of Appreciation.

IN RE: Communication from Mona M. Dailey, Realty World, advising that she recently had the need for the services of the San Clemente Police Department to assist her in handling some bad checks and received prompt assistance and professionalism in which the matter was handled. -- Received and filed with appreciation.

Subject: 100 - Acceptance of Work - Camino San Clemente Street Reconstruction.

IN RE: Report from Public Works Director-City Engineer and City Manager advising that all work has been satisfactorily completed by the contractor, Holmes and Trott, on the Camino San Clemente street reconstruction. -- Accepted the work and authorized filing of a Notice of Completion.

Subject: 106 - Traffic Study for Avenidas San Pablo and San Gabriel.

IN RE: Report from Public Works Director-City Engineer and City Manager recommending that the Traffic Study for Avenidas San Pablo and San Gabriel, as prepared by New Horizons Planning Consultants, Inc., be referred to the Traffic and Parking Commission for review and comment. -- Referred to Traffic and Parking Commission for review and comment.

Subject: 33 - Nomination of San Clemente Beach Club to the National Register of Historic Places.

IN RE: Report from Building and Planning Director and City Manager advising that the San Clemente Beach Club nomination to the National Register of Historic Places was approved by the State Historical Resources Commission and will be forwarded to the National Register of Historic Places pending a revision to certain portions of the text of the application. -- Received and filed.

CONSENT CALENDAR (Items removed for separate action)

Subject: 97 - Acceptance of Work - Lobos Marinos to Alessandro, Flood Control Channel Lining Repair adj. to Camino Capistrano, and Camino de los Mares Catch Basin Expansions.

IN RE: Report from Public Works Director-City Engineer and City Manager advising that all work has been satisfactorily completed by the contractor, Donald F. Dresselhaus, on the bridge repairs, flood channel lining repair, and catch basin expansions.

Mayor Koester stated she had been contacted by a resident in the area that children were playing on the bridge and inquired whether it would be possible to put up some type of fencing. Staff advised they would contact the resident and investigate the matter.

IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to accept the work and authorize filing of a Notice of Completion.

Subject: 113 - Acceptance of Work - Reservoir II-B.

IN RE: Report from Public Works Director-City Engineer and City Manager advising that all work has been satisfactorily completed on construction of Reservoir II-B by the contractor, W.F. Maxwell, Inc.

Mayor Koester inquired as to the total cost of this project, and IT WAS THEN MOVED BY MAYOR KOESTER, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to accept the work and authorize filing of a Notice of Completion.

PAYING OF THE BILLS

IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED that Warrants No. 9984 through No. 10012, and No. 4483 through No. 4626, as audited by the Council be paid.

Total demands approved for payment for period ending
December 2, 1980 \$831,914.21

Ratification of Payroll Warrant No. 10003 for period
November 10, 1980 through November 23, 1980. \$116,836.64

TOTAL WARRANT REGISTER \$948,750.85

UNFINISHED BUSINESS

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 City Attorney advised that Dennis Menke, attorney representing Estrella Properties, wanted the record to show that continuance of this matter was over his objection, AND IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED that the record so reflect his objection.

IT WAS THEN MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to continue the matter to 12-17-80 to permit Staff to continue negotiations as to possible agreement involving Estrella Properties.

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

IN RE: Further consideration of 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.

Robert Mickelson, reviewed the development plan noting that the three partners who bought the 20-acre estate could develop a much larger subdivision than the low-key, high-quality development, and would impose much lesser impacts and service demands on the City, however the primary concern was the question of the proposed beach access noting that it is 1835' in length, that it is 85' above the railroad which has to be crossed to get to the beach, and felt that the City would incur liability problems.

Mr. Mickelson, then submitted the following suggested condition #19 for Tentative Tract 10909:

- "19. That an irrevocable offer of dedication for an easement 15' wide along the eastern boundary of the tract be made to the City of San Clemente to provide for possible future access to the beach with the following stipulations:

- 100
- a) The offer shall be valid until the year 2021 at which time it shall expire if not executed by the City.
 - b) The City agrees not to execute the offer until:
 - 1) It has obtained additional easements to provide continuous access from a public street to the north end of this easement and from the beach to the south end of this easement; and
 - 2) The existing public access to the beach across the San Mateo Point Coast Guard property immediately adjacent and south of the subject property is no longer available to the public.
 - c) Upon execution of the offer, the City will, at it's expense, construct a solid masonry wall along the entire west line of this easement.
 - d) In the event the City elects to accept the dedication, subject to the conditions heretofore set forth, such dedication shall be made in fee and the City shall concurrently agree to indemnify and hold the dedicating persons, entities and its successors harmless from any and all liabilities arising out of the construction or the maintenance of the easement."

During general discussion, Councilman Lane stated he would retract his earlier demand for public access inside the private neighborhood and agreed that it would be impractical to allow bicycle and pedestrian access into a gated private community to afford people a view of the exterior of the former Nixon home; that this type of development should be encouraged to preserve the integrity of such a development. He further noted that the alternative proposal to dedicate the easement only if the City ever loses an existing access to the nearby Beach was objectionable and that he wanted to guarantee a public access along the south boundary of the property, with a cul de sac turnaround at the end of the bluff.

George Argyros, developer, noted that the City would have to acquire a right-of-way over the Santa Fe and the railroad tracks in order to reach the beach.

Following further discussion, IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY MAYOR KOESTER that Tentative Tract No. 10909 be approved subject to the following conditions:

- No. 19 - that a 15' easement along the southerly property line with a standard 40' cul-de-sac for beach access be granted.
- No. 20 - that affordable housing be provided off the site in accordance with the Housing Element of the City's General Plan.
- No. 21 - That the City Attorney prepare a resolution encompassing the findings.
- No. 22 - Certify that the EIR is adequate with respect to the project.

Councilman Mecham questioned whether there would be any legal problems in accepting the offer of dedication; Councilman Lane stated that if there is a problem with the easement being granted, that the problem rests with the benefit-side (the City) and if the City cannot get to the beach it is a problem for the City to resolve.

Mr. Argyros, expressing unhappiness with the motion, noted that he would defer to the City Attorney to research the matter and come up with a reasonable solution; that they want to work it out in a fair and equitable way, but expressed concern that the proposed turn-around is located on property which has the best view in the tract.

A SUBSTITUTE MOTION WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM that subject to the applicant's agreement, the matter be continued to 12-17-80. Mr. Argyros so agreed.

Staff advised that there is always the condemnation procedure to acquire access to the beach.

The Mayor then called for the QUESTION WHICH CARRIED with Councilman Lane voting "NO".

Subject: 106 - Agreement for Circulation Study - County of Orange/San Juan Capistrano/San Clemente.

IN RE: Report from Public Works Director-City Engineer and City Manager recommending approval of an amended agreement with the County of Orange and City of San Juan Capistrano for a circulation study, replacing the agreement previously approved.

IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY MAYOR KOESTER to approve amended agreement and authorize execution by Mayor and City Clerk; and authorize a total budget expenditure of \$5,800 for the City's cash contribution to the study from Account #10-446-4380 (Contractual Services).

Councilman Limberg had various questions concerning the study and its value to the City. Staff replied that at the present time there are deficiencies within the Master Plan of Arterial Highways and that this plan is attempting to bring all facts together and further enable the City to continue to receive highway funds.

Steve Hogan, EMA described the study and stated that there will be an additional study covering the southern part of the City.

The Mayor then called for the QUESTION WHICH CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM COMMISSIONS, BOARDS, AND COMMITTEES

Subject: 105 - Tentative Tract No. 11300 (Assured Development Co.).

IN RE: Communication from Planning Commission recommending approval of Tentative Tract No. 11300, being the request of James Glover, Assured Development Co., for a one-lot subdivision to convert a 6-unit apartment building presently under construction at 212 Avenida Montalvo to a 6-unit condominium complex, legal description being Lot 25, Tract 961, said approval subject to 7 conditions of the Subdivision Committee.

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN LANE to approve Tentative Tract No. 11300 in accordance with the Planning Commission's recommendation, and noting that a categorical exemption was granted on 10-23-80 in compliance with CEQA.

Inquiry was made as to whether there were separate water meters for the units, and if affordable housing requirements had been met. Lee Riley, representing the applicant, noted there were individual meters for gas and electricity, but only one meter for the water.

Following further discussion the Mayor called for the QUESTION WHICH CARRIED with Councilman Mecham and Mayor Koester voting "NO".

The City Attorney advised that a formal resolution of approval is required incorporating the findings which he would bring back at the next Council meeting.

IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY MAYOR KOESTER that individual meters be required on this project. THE MOTION FAILED TO CARRY with Councilmen Korsen, Lane, and Limberg voting "NO".

Councilman Mecham noted that he felt the City's ordinance was being subverted when a development starts out as an apartment and then is converted to condominiums and that this should not be allowed. The Building and Planning Director reviewed some of the reasons why projects are often submitted as apartments and later converted to condominiums.

359
Subject: 77 - Resolution No. 85-80 Establishing Ballfield Regulations and Fee Schedule for San Gorgonio, Bonito Canyon and Vista Bahia Parks.

IN RE: Communication from Parks and Recreation Commission recommending acceptance of the proposed ballfield fee structure and regulations.

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

Upon motion of Councilman Lane, seconded by Councilman Limberg, and unanimously carried, RESOLUTION NO. 85-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING BALL FIELD REGULATIONS AND FEE SCHEDULE FOR THE USE OF BALL FIELDS AT SAN GORGONIO, BONITO CANYON AND VISTA BAHIA PARKS, was regularly introduced, passed, and adopted.

Subject: 77 - Waiver of Fees for Use of any City Recreation Facility that is Available to the Vantage Foundation for the Developmentally Disabled in the Area.

IN RE: Communication from Parks and Recreation Commission recommending that the mentally handicapped under the Vantage Foundation program be allowed free use of any City recreational facility that is available at the discretion of City Staff.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to concur with the Parks and Recreation Commission's recommendation.

Subject: 29 - Request for Approval of Board Member to Replace Jim Lawson.

IN RE: Communication from Cultural Heritage Board recommending James Kempton as the new board member to replace Jim Lawson.

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

URGENT MATTERS

Subject: 105 - Request for Modification of Street Lighting Standards - Tract No. 10225 (Cyprus West).

IN RE: Fred Clark's request for a waiver of the street lighting standards in Tract No. 10225.

Mr. Clark advised that Cyprus West was asking for a waiver of the street lighting standards as required by the City and for installation of an alternate street lighting system; that the request was approved by the Planning Commission and requested the Council consider the matter so that they could proceed as they might encounter timing problems due to the weather.

Following discussion, IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY MAYOR KOESTER, AND CARRIED that the request be heard in a routine manner. Councilman Lane "ABSTAINED."

Subject: 105 - Street Lighting in Daon Tract.

IN RE: Charles Honsberger, Coast Homeowners Association, stated that they submitted a petition requesting action on the street lights in their area and although there has been some increase in the number of working street lights, it still is not adequate.

The City Manager advised that the matter has been referred to the Public Works Department and hopefully the matter will be resolved soon. The City Engineer advised that final acceptance of this tract is still pending; that lighting in the tract was on the basis of occupancy and that there is a shortage of funds in the lighting district with the possibility that lighting may be curtailed throughout the City.

Subject: 105 - Lot Line Adjustment No. 80-2 (Robert Powell & The Housing Group.)

IN RE: Robert Powell's request for adjustment of rear lot lines on Tract 9272 so that they conform to the graded pad areas for said lots 149, 163 & 164, property address 609 Calle Ganadero and 2908 & 2910 Via Hidalgo.

Staff advised that the subject tract was recorded prior to completion of final grading which, when completed, created pad areas that did not necessarily conform to the lot lines; that the tract developers created easements to make the lot lines conform to the graded pad areas; that the City did not recognize those easements and would not issue permits on the basis of those easements; and that the applicant has filed the application in order to remedy the situation.

Following discussion IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN KORSEN, AND UNANIMOUSLY CARRIED to approve Lot Line Adjustment No. 80-2 as recommended by the Planning Commission.

IT WAS FURTHER MOVED BY COUNCILMAN MECHAM, SECONDED BY MAYOR KOESTER, AND UNANIMOUSLY CARRIED to direct the Building & Planning Department to curtail issuance of buildings permits to the Daon Corp. or any other developer where this condition exists until they comply with the previous request for lot line adjustment to correct this situation; and further that the subdivider erect a monument sign on the corners so field inspectors can verify the setbacks of the property lines.

Subject: 105 - Request for Extension of Tentative Tract No. 10478.

IN RE: Request for extension of Tentative Tract No. 10478.

Roxie Lucarelli noted that on November 20, 1980 he requested an extension for filing of Tentative Tract No. 10478; that the map expires on 12-6-80; that additional time is needed to straighten out the financial problems so that he may proceed with the orderly completion of the project.

Staff advised that the extension request was filed within the 15-day requirement period.

ITEMS FROM CITY MANAGER

Subject: 31 - Comprehensive Planning Program.

IN RE: Further report related to the Comprehensive Planning Program.

Discussion is summarized as follows: Councilman Limberg questioned the recommendation which calls for a report to compare development fees in San Clemente to similar fees charged by other agencies; questioned the request for a project manager and the adding of administrative layers to a function that needs more technical support; and commented that he was opposed to any reference in the planning process that there is an "old" and "new" San Clemente as the City should be treated as a single entity.

Councilman Lane added that even though Mr. O'Sullivan has done a very good job for the City, he also felt that the project manager position should be deleted; that these funds should be utilized for technical personnel; and if at some future time if there is a need for an administrative individual, the matter could then be considered.

Councilman Mecham and Korsen strongly urged the hiring of a project manager on a short term basis to get the program moving, to coordinate all aspects of it and relieve the workload pressures that face the existing City Staff. He also noted that in the next 6 months to a year we will be determining what this City will be like in the year 2000 and the money will be well spent in the long run. Councilman Korsen concurred and added that this is a small sum to pay for getting the comprehensive planning program off the ground.

The City Manager noted that the plan will address the fiscal impacts, service demands and other anticipated needs to be brought about by future growth along with the needs of the established older part of the City; that there was never any intent of dividing the city, however, from a planning perspective it is necessary to look at different planning areas that have differing needs, like the south end of the City, the Del Mar area, the back country, and the pier bowl area for example. He felt that with Mr. O'Sullivan's financial expertise and experience in handling San Juan's growth management program he would be able to bring San Clemente's program together smoothly and efficiently so it could be assimilated next summer by the building and planning department.

Harry Saunders, Planning Commissioner, noted that the Planning Commission has felt the need a number of times for information that will be a result of Comprehensive Planning; and that the Commission supports the proposal.

IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN KORSEN to (1) authorize Staff to transfer \$80,000 from the contingency reserve to fund the Comprehensive Planning Program; (2) direct Staff to retain a Project Manager on a short term contract basis, a Senior Planner, Assistant Planner, and Senior Account Clerk (Permit Clerk); (3) direct Staff to prepare a report by January 7, 1981, which sets San Clemente's fees at a level sufficient to cover all costs related to processing development; and (4) authorize the City Manager to enter into a contract with John O'Sullivan to provide Project Manager services at a rate of \$23 per hour for the period December 3, 1980 to June 30, 1981.

Mayor Koester agreed that hiring technicians would be better than hiring an Administrator, suggested that it is possible the project manager would be hired and then leave San Clemente to accept a City Manager's position in some other city; and felt that Mr. Lawson is capable of overseeing the comprehensive planning program.

Following further discussion between the Council and City Manager, the Mayor called for the QUESTION WHICH FAILED TO CARRY with Councilmen Lane, Limberg, and Mayor Koester voting "NO".

IT WAS THEN MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN LANE to: (1) authorize Staff to transfer sufficient funds from the contingency reserve to fund the Comprehensive Planning Program; (2) direct Staff to hire a Senior Planner, two Assistant Planners, and a Senior Account Clerk (Permit Clerk); and (3) direct Staff to prepare a report by January 7, 1981, which sets San Clemente's fees at a level sufficient to cover all costs related to processing development.

The Mayor then called for the QUESTION WHICH CARRIED UNANIMOUSLY.

The City Manager noted that the entire program function will be delegated to the Building and Planning Director.

ITEMS FROM CITY ATTORNEY

Subject: 37 - Request for Authorization to Use Four Additional Attorneys.

IN RE: The City Attorney requested use of four additional attorneys within their firm to handle City business.

IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to authorize the City Manager to execute the necessary authorization.

ITEMS FROM COUNCIL MEMBERS

Councilman Limberg requested that all contracts for Council approval have a notation that the City Attorney has reviewed and approved the contracts.

Subject: 67 - Proposed Revision to Subdivision Ordinance.

IN RE: Councilman Limberg's comment that buildings are permitted to be constructed straddling lot lines; and also buildings are constructed yet the parking code requirements are on separate lots.

Councilman Limberg stated he felt some provision should be made to handle these discrepancies AND IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN LANE, AND UNANIMOUSLY CARRIED to refer the matter to Staff for study and incorporation in the Subdivision Ordinance.

Subject: 100 - Street Patching Following Excavation.

IN RE: Councilman Limberg's comment that when City Streets are cut into for various reasons, they are not brought back to City standards.

He noted that some cities require that the entire frontage of the property be sealed after cuts, AND IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN LANE, AND UNANIMOUSLY CARRIED to refer the matter to staff for study and implementation of this policy in San Clemente.

Subject: 93 - Enforcement of Trash Ordinance and Regulation of Dumpsters.

IN RE: Councilman Mecham referred to the dumpster problem and noted particularly bad areas on Presidente near the State Park and the alley running behind El Camino Real where the dumpsters are left on City property.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LANE, AND UNANIMOUSLY CARRIED to direct Staff to study the problem in terms of further expanding regulations for control of dumpsters, and also bring back recommendations as to total enforcement and possible signing in bad areas.

Councilman Korsen stated he had a call from a representative of Daon concerning the CC&R's for the homeowners association. He further noted that an Architectural Committee must approve major improvements including pools and other structures, and inquired as to what control the City has as to whether plans were approved by the Architectural Committee. Staff replied that they are not always aware of these Architectural Committees, that the City does not enforce CC&R's, however, where feasible they will require approval from the Committee before approving the plans.

Councilman Korsen inquired as to the status of bootleg apartments, and Staff responded that a committee was formed a few years ago, however, since has been disbanded. It was noted that the Building and Planning Department has been checking bootleg construction on an individual basis; that there are about 15 violations in various stages of enforcement--with some in litigation; that we are getting good response on a voluntary basis on some of the newer bootlegs; and that when an inspector finds such a violation it is documented so that it will be on record in the Building and Planning Department.

Mayor Koester congratulated Staff for following through in requiring that Tiny Naylor's sign be within the code; and further noted that she hopes other businesses will follow suit so that all signs comply with the present sign ordinance.

Mayor Koester referred to the local coastal plan noting that one area had been deleted--namely Estrella Golf Course; that this deletion might pertain to the sale of the golf course two years ago and potential plans of the new owners for a convention center, hotel, condos; and further that this area is one of the City's prime drainage channels. Staff noted that the Council will be holding public hearings on the Local Coastal Plan in February, and at that time adjustment may be made to include the Golf Course in the Local Coastal Plan.

NEW BUSINESS

Subject: 31 - Ordinance No. 795 Amending Section 409 (b) of the Uniform Plumbing Code.

IN RE: Report from Building and Planning Director and City Manager advising that Staff has received complaints of sewage backups where two or more units are sharing a common sewage drain line and recommending this could be prevented by installing backflow valves on the lines entering the ground floor units.

Upon motion of Councilman Lane, seconded by Councilman Mecham, and unanimously carried, ORDINANCE NO. 795 BEING AN URGENCY ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING "UNIFORM PLUMBING CODE, 1979 EDITION" AS PUBLISHED BY THE INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS REGULATING THE INSTALLATION, ALTERATION OR REPAIR AND THE USE OF PLUMBING AND DRAINAGE SYSTEMS IN THE CITY OF SAN CLEMENTE was regularly introduced, the reading in full thereof unanimously waived, and duly passed and adopted as an urgency ordinance.

It was further directed to set a public hearing on the matter for adoption of the amendment to the Uniform Plumbing Code in the normal manner.

Subject: 30 - Projects Carried Over to Current Fiscal Year.

IN RE: Report from Finance Director and City Manager listing valid projects which were originally budgeted in a prior year, and recommending carryover to current fiscal year.

Councilman Limberg inquired as to the validity of the dollar amounts due to inflation and whether they should be rebudgeted each fiscal year. The City Manager replied that some of the listed projects have recently been started, others are not yet in a committed status, and others which have already been funded.

IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LANE, AND UNANIMOUSLY CARRIED to affirm that the listed projects are still valid and approve related fundings for the projects to be carried over for expenditure in the current 1980-81 fiscal year.

Mayor Koester stated she had some questions about the projects and amounts and would meet with the Finance Director to discuss certain disparities.

Subject: 68 - Contract Between the City of San Clemente and the Orange County Environmental Management Agency for Housing & Community Development-Block Grant Funds.

IN RE: Report from Building and Planning Director and City Manager recommending approval of a contract for the administration of the City's Housing & Community Development Program covering projects related to the acquisition of land for housing and any subject housing programs in the amount of \$15,000; and a second contract for housing cost reduction for the acquisition of real property to develop the Senior Citizen apartment complex in the amount of \$110,000 which is reimbursable.

Following discussion, IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY MAYOR KOESTER, AND CARRIED to approve the contracts and authorize execution by the Mayor and City Clerk; and appropriate \$15,000 to new Account #10-117-4942 and \$110,000 to new Account #10-117-7109-001. Councilman Lane voted "NO".

Subject: 73 - Shared Funding of Laguna Beach Youth Shelter.

IN RE: Report from Assistant to the City Manager and City Manager advising that the Laguna Beach Youth Shelter which serves youngsters throughout the beach communities has requested assistance since San Clemente youths are being served by the shelter.

The City Manager pointed out that the Council through the budget this year expended some \$5,700 for a program involving counseling sponsored by this agency, which is separate from the shelter in terms of funding; and that this amount of \$2,800 is new money that is requested thereby resulting in over \$8,000 devoted to this agency. Mr. Carvalho continued that as soon as the U.S. Senate passes legislation approving general revenue sharing funds a public hearing will be required before the Council and it is recommended that in the future such funding for this agency be specifically designated from General Revenue Sharing rather than the City General Fund.

Julia Pezzata described the program noting its main purpose is to provide counselling for runaway youths and youths in family crisis situations; that since the shelter opened in April 1980 they feel their work has been about 90% effective.

Following further discussion, IT WAS MOVED BY COUNCILMAN KORSEN, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to approve the request for financial assistance and transfer \$2,800 from Contingency Reserves to a new Account #10-122-3574.

Subject: 103 - Property Tax Apportionment on Annexed Areas.

IN RE: Report from Finance Director and City Manager recommending approval of the Master Property Tax Transfer Agreement between the City of San Clemente and Orange County which will provide a uniform and predictable method of exchanging property tax revenues when a City annexes an area previously unincorporated.

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN LANE, AND UNANIMOUSLY CARRIED to approve the agreement and authorize execution by the Mayor and City Clerk.

RESOLUTIONS

For Resolution No. 85-80 see under "COMMUNICATIONS FROM COMMISSIONS, BOARDS, AND COMMITTEES" on page 6.

Subject: 20 - Resolution No. 86-80 to Consider Abandonment No. 80-3.

IN RE: Resolution of Intention to consider Abandonment No. 80-3, being the request of Fred Yielding to abandon approximately 480 square feet of City-owned property located at the northeast corner of Calle Alcazar and Avenida Valencia, at 1501 Calle Alcazar, and setting date of hearing.

Upon motion of Councilman Mecham, seconded by Councilman Limberg, and unanimously carried, RESOLUTION NO. 86-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DECLARING INTENTION TO CONSIDER THE ABANDONMENT OF EXCESS PUBLIC RIGHT OF WAY BEING A PORTION OF LOT 6, BLOCK K, TRACT NO. 851, LOCATED AT THE NORTHEAST CORNER OF CALLE ALCAZAR AND AVENIDA VALENCIA, was regularly introduced, passed, and adopted.

ORDINANCES

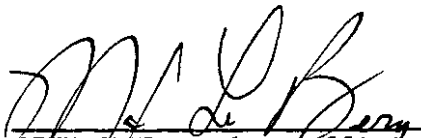
For Ordinance No. 794 see under "PUBLIC HEARINGS" on page 1.
For Ordinance No. 795 see under "NEW BUSINESS" on page 10.

MEETING RECESSED

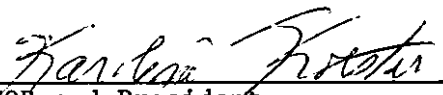
The City Council meeting was recessed to convene a meeting of the San Clemente Redevelopment Agency.

MEETING RECONVENED AND ADJOURNMENT TO EXECUTIVE SESSION

The Mayor reconvened the City Council meeting at 10:20 P.M., and IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to adjourn to an Executive Session.



CITY CLERK and ex-officio
Clerk of the City Council



MAYOR and President
of the City Council