

CITY OF SAN CLEMENTECITY COUNCIL MINUTESREGULAR MEETING - AUGUST 17, 1988

A regular meeting of the City Council of the City of San Clemente, conducted in the Council Chambers, Civic Center Building, 100 Avenida Presidio, was called to order at 6:05 p.m. by Mayor Lorch.

PRESENT Council Members - LIMBERG, MECHAM, RICE,
VEALE, MAYOR LORCH

ABSENT Council Members - NONE

ALSO PRESENT James Hendrickson, City Manager; Myrna Erway, City Clerk; Greg Hulsizer, Assistant City Manager; Jeff Oderman, City Attorney; Jim Holloway, Community Development Director; Joanne Baade, Deputy City Clerk; and certain other staff members present in the audience.

Consideration of Appointments to the Human Resources Committee and Golf Course Committee.

Golf Course Committee

Council interviewed the following candidates to fill one vacancy on the Golf Course Committee:

Charles G. Brent
George Key
Jerry Gahan
Thomas Padberg

The following applicants were not present for interviews:

George Arnold
Charles P. Fox
Richard R. Reid
Richard Shockcor

CITY COUNCIL MINUTES
 AUGUST 17, 1988
 PAGE 2

Councilmembers cast written ballots as follows:

LIMBERG:	George Key
MECHAM:	Jerry Gahan
RICE:	Thomas Padberg
VEALE:	Jerry Gahan
MAYOR LORCH:	Thomas Padberg

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to appoint Jerry Gahan to the Golf Course Committee for a term to expire June 30, 1990.

Human Resources Committee

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 4-1 (MAYOR LORCH VOTING NOE), to appoint five members to the Human Resources Committee.

Council interviewed the following candidates to fill vacancies on the Human Resources Committee:

Linda Kinkade
 John H. Ahl
 Doris Schwartz
 Richard Handy
 Lee Steelman
 Esther Harris
 Dorothy M. Fuller
 Faith Thorne
 Robert Matthews
 Linda J. Blinn
 D. Joyce Gahan
 Nampet Panichpant-M
 Joyce Harvey

The following applicants were not present for interviews:

Donna Coff
 William Geisler
 Carol K. Jahan
 Joseph Patrick

MOTION BY COUNCILMEMBER VEALE, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to appoint nine members to the Human Resources Committee.

CITY COUNCIL MINUTES
 AUGUST 17, 1988
 PAGE 3

Council cast written ballots as follows:

LIMBERG: Ahl, Fuller, Gahan, Handy, Harris,
 Panichpant-M, Steelman, Thorne, Schwartz

MECHAM: Ahl, Blinn, Gahan, Handy, Harris, Harvey,
 Panichpant-M, Steelman, Schwartz

RICE: Ahl, Fuller, Handy, Harris, Harvey,
 Matthews, Panichpant-M, Steelman,
 Schwartz

VEALE: Ahl, Gahan, Harris, Harvey, Kinkade,
 Panichpant-M, Steelman, Thorne, Schwartz

MAYOR LORCH: Ahl, Blinn, Gahan, Handy, Harris,
 Kinkade, Panichpant-M, Steelman, Schwartz

On the basis of receiving five votes, MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to appoint the following individuals to the Human Resources Committee for terms to expire June 30, 1991:

John H. Ahl
 Nampet Panichpant-M
 Lee Steelman
 Doris Schwartz
 Esther Harris.

Council, by consensus, appointed the following individuals to the Human Resources Committee for terms to expire June 30, 1990:

Richard Handy (4 votes)
 D. Joyce Gahan (4 votes)
 Joyce Harvey (3 votes).

Council voted again by written ballot to fill the remaining vacancy on the Human Resources Committee, as follows:

LIMBERG: Fuller
 MECHAM: Fuller
 RICE: Kinkade
 VEALE: Thorne
 MAYOR LORCH: Kinkade

CITY COUNCIL MINUTES
 AUGUST 17, 1988
 PAGE 4

MOTION BY COUNCILMEMBER VEALE, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to appoint Linda Kinkade to the Human Resources Committee for a term to expire June 30, 1990.

MEETING RECESSED

Council recessed at 7:30 p.m. and reconvened at 7:45 p.m., with all members present.

R E G U L A R S E S S I O N

INVOCATION

Councilmember Mecham gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Lorch led the Pledge of Allegiance.

2. MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to waive reading in full of all Resolutions and Ordinances.

3. PUBLIC HEARINGS

A. Measure E Implementation/Moratorium

Continued Public Hearing to consider extending the current moratorium on processing of new development petitions until the completion of the necessary Development and Traffic Monitoring Reports and General Plan Amendments as required by Measure E to implement the review procedures.

AND

EXEMPTION OF INDUSTRIAL PROJECTS FROM URGENCY ORDINANCE NO. 976

Report from the Community Development Director concerning amending Urgency Ordinance No. 976 to exempt industrial projects containing over 100,000 square feet in building structure from the moratorium.

CITY COUNCIL MINUTES
AUGUST 17, 1988
PAGE 5

Council received a letter from Phillips Brandt Reddick, dated August 17, 1988, requesting that the extension of the moratorium not prohibit Talega Valley Partnership from applying for RDEB applications.

Mayor Lorch opened the Public Hearing.

Gary Nogle, 1430 Union Street, San Diego (representing Central Capital Development Company), distributed a letter, dated August 17, 1988, relating to Tentative Tract Map 11855 (Revised); explained his company revised the land use plans for their parcel in Seapointe Estates from 22 condominium units to an 11 lot custom home subdivision in response to community concern, and as a result are now subject to Measure E; explained that all criteria of Measure E, with the exception of paramedic response time, can be met, and opined that suitable evidence can be presented to demonstrate mitigation of the paramedic response issue; requested either 1) exemption from the paramedic standard or 2) waiver from the September 2, 1988 deadline to submit documentation indicating compliance with Measure E.

City Planner Barnes indicated willingness to work with Mr. Nogle in establishing another deadline.

Brad Ewing, 15 Madrigal, President of Seapointe Estates Homeowners Association, indicated the Association is appreciative of Central Capital's willingness to change the use of the land from 22 condominium units to 11 custom home sites; urged that Council support Central Capital Development Company in its request.

There being no others desiring to speak to this issue, the Public Hearing was closed.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to consider Agenda Item 7-A (Exemption of Industrial Projects from Urgency Ordinance No. 976) concurrently with Agenda Item 3-A (Measure E Implementation/Moratorium) since proposed Urgency Ordinance No. 981 provides that industrial projects shall not be exempt from the moratorium.

CITY COUNCIL MINUTES
AUGUST 17, 1988
PAGE 6

Community Development Director Holloway explained staff's rationale in recommending that industrial projects not be exempt from the moratorium, as specifically contained in the Administrative Report, dated July 21, 1988, and on file in the City Clerk's Department.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG to 1) adopt Ordinance No. 981 entitled AN URGENCY INTERIM ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, EXTENDING ORDINANCE NO. 976 REGARDING THE PROCESSING AND APPROVAL OF APPLICATIONS FOR DEVELOPMENT APPROVALS SUBJECT TO MEASURE E PENDING THE COMPLETION AND ADOPTION OF THE TRAFFIC AND DEVELOPMENT MONITORING REPORT (Note: Ordinance No. 981 shall remain in effect until January 4, 1989); and 2) determine action on Agenda Item 7-A (Exemption of Industrial Projects from Urgency Ordinance No. 976) to be moot by virtue of the adoption of Ordinance No. 981.

AMENDED MOTION BY MAYOR LORCH, SECOND BY COUNCILMEMBER RICE to revise Ordinance No. 981 to allow it to remain in effect for 45 days, at which time it will be re-submitted to Council.

City Attorney Oderman recommended that Council extend the moratorium to January 4, 1989, rather than potentially extend the moratorium again in 45 days, since such action would be contrary to the applicable provisions of the Government Code; noted that Council possesses the authority to terminate the moratorium at such time as the need for same expires.

AMENDED MOTION BY MAYOR LORCH to direct staff to report back to Council in 60 days with any new information that may allow projects in process to proceed outside the moratorium. The motion died for lack of a second.

THE ORIGINAL MOTION CARRIED 4-1 (MAYOR LORCH VOTING NOE).

CITY COUNCIL MINUTES
AUGUST 17, 1988
PAGE 7

Council clarified that no action was necessary on Agenda Item 7-A because Section Ciii of Urgency Ordinance No. 981 specifically provides that industrial projects shall not be exempt from the moratorium. Council expressed desire to consider the potential of City co-sponsorship of industrial projects on a case-by-case basis and thereby enable a moratorium exemption since City-initiated/City-sponsored projects are listed in Ordinance No. 981 as allowable exemptions. Council will consider the possibility of declaring the Munson project as a City-sponsored project at its meeting of September 7, 1988.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to approve the "Measure E Implementation Process" as contained in the Administrative Report, dated July 22, 1988, and on file in the City Clerk's Department.

B. Appeal Regarding Planning Commission's Interpretation as to when the Need Exists to Extend Use Permits

Public Hearing to consider an appeal of the Planning Commission interpretation that a use permit must be extended until such time that a building permit is issued for the project.

Mayor Lorch opened the Public Hearing.

Frank Montesinos, 205 Trafalgar, voiced concern with the length of time the Patreny Hotel project was in Plan Check; felt use permits should be extended as long as projects proceed at a continual pace; recommended that Council refer the project back to the Planning Commission.

CITY COUNCIL MINUTES
AUGUST 17, 1988
PAGE 8

Ralph Patreny, Applicant, stated the delay in processing was due to the Plan Check process; stated they were ready to pull their building permit as soon as authorized by the Building Division; voiced concern he was not notified in advance that the use permit would expire.

There being no others desiring to speak to this issue, the Public Hearing was closed.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to continue consideration of "Appeal Regarding Planning Commission's Interpretation as to when the Need Exists to Extend Use Permits" to the Council meeting of September 7, 1988 to enable staff to respond to the allegation that Plan Check was responsible for the delay in processing UP 84-13 (the 76-unit Patreny Hotel).

4. ORAL COMMUNICATIONS

Norman Ream, 511 East San Juan, presented a letter, dated August 15, 1988, which alleged Council violations of the Brown Act due to: 1) two councilmembers meeting with individual Planning Commissioners; and 2) action taken by Council on August 10, 1988 to direct staff not to enforce a section of Measure E, since the item did not appear on the agenda.

Simon Zervos, 3025 Calle Juarez, spoke in support of Measure E; stated a defeated party cannot renegotiate the will of the people.

Steve Kingston, 4011 Calle Abril, questioned whether a plan exists to place the reclaimed water from the Wastewater Treatment Plant into a holding facility and then at peak hours mix same with the discharge of the plant, thereby meeting the outfall standards through blending; spoke in support of installation of a map in the Council Chambers that includes color-coded intersections.

CITY COUNCIL MINUTES
AUGUST 17, 1988
PAGE 9

5. CONSENT CALENDAR

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve the Consent Calendar with the removal of Items 5-F and 5-H.

A. MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve City Council minutes of July 14, 1988, July 19, 1988, July 26, 1988 and August 3, 1988.

B. MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to receive and file:

(1) Planning Commission minutes of July 19, 1988.

(2) Community Design Commission Minutes of July 26, 1988.

(3) Parks and Recreation Commission Minutes of July 26, 1988.

C. Amendment to City's Classification and Compensation Plan - Economic Development Director

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adopt Resolution No. 88-80 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING RESOLUTIONS NOS. 73-83 AND 87-85 TO INCLUDE THE CLASSIFICATION AND SALARY RANGE FOR THE POSITION OF ECONOMIC DEVELOPMENT DIRECTOR IN THE CITY'S SERVICE.

D. Final Tract Map - Tentative Tract Map 12752 (Dolphin Cove Villas - 210 Montalvo, San Clemente)

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to:

1. Approve Final Tract Map 12752.

2. Authorize the City Engineer and the City Clerk to sign and file said map for recordation.

CITY COUNCIL MINUTES
AUGUST 17, 1988
PAGE 10

E. Acceptance of Work - Tract 10478, Southridge Homes

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adopt Resolution No. 88-88 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE ACCEPTING FROM SOUTHRIDGE HOMES WORKS OF IMPROVEMENT FOR TRACT 10478 AND PROVIDING FOR RELEASE OF BONDS AS PROVIDED BY LAW.

G. Lease/Purchase of One Monroe RL-940 DX Copier

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve the lease/purchase of one new Monroe RL-940 DX Copier and three year full service maintenance contract from Monroe Systems for Business in the amount of \$11,535.60. (Contract #C88-026).

I. Final Parcel Map 86-206 - Emadi

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to:

1. Approve Final Parcel Map 86-206.
2. Authorize the City Engineer and City Clerk to sign the map for recordation.

J. Contract Agreement - Landscape Plan Check Services

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to:

1. Approve, and authorize the Mayor to execute, a contract agreement with Ann Christoph, a licensed landscape architect, for ongoing landscape plan checking services for the City's Community Development Department. (Contract #C88-027).
2. Adopt Resolution No. 88-89 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING FEES FOR LANDSCAPE PLAN CHECKING SERVICES PROVIDED BY THE PLANNING DIVISION.

CITY COUNCIL MINUTES
 AUGUST 17, 1988
 PAGE 11

K. League of Women Voters Public Forums

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to:

1. Approve the Parks and Recreation Division co-sponsorship of the League of Women Voters Public Forums on October 6 and October 12, 1988; and
2. Waive the facility rental fee of \$37.81.

L. Amendment to the Fiscal Year 1988-89 San Diego County EMS Agreement

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve, and authorize the Mayor to execute, the 3rd Amendment to Agreement Between the County of San Diego and City of San Clemente, for advanced life support services along Interstate 5 Corridor North of Las Pulgas Road to the San Diego County line. (City Contract No. C87-045)

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

F. Update on Los Angeles - San Diego Rail Corridor; Commuter Service Implementation Study

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to endorse the Orange County Transportation Commission's preparation of an implementation program for commuter rail service between South Orange County and Los Angeles, with comments as follows:

1. The City of San Clemente opposes an increase in train speed over 45 MPH.
2. The City of San Clemente opposes double-tracking through the City.
3. The City of San Clemente desires assurance that a tunneling effect will not occur.
4. The City of San Clemente supports a relocation of the track from the beach.

CITY COUNCIL MINUTES
AUGUST 17, 1988
PAGE 12

H. 1989 RDEB Proposed Schedule and Revisions

Following clarification, MOTION BY COUNCILMEMBER RICE, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to adopt Resolution No. 88-90 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A SCHEDULE FOR THE 1989 DEVELOPMENT ALLOCATION PROGRAM AND REVISIONS TO THE RDEB CRITERIA: 1) ESTABLISHING THE STANDARDS REQUIRED BY THE PASSAGE OF MEASURE E AND 2) CUSTOM LOTS AND 3) PHASED PROJECTS.

Councilmember Mecham left the meeting at 9:25 p.m.

6. WARRANT REGISTER

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 4-0, to approve Warrant Nos. 75542 through 75726 for period 7-25-88 through 7-29-88 (Voids 75539-75541) in the amount of \$524,713.38; Warrant Nos. 75732 through 75913 excluding Payroll Warrant for period 8-1-88 through 8-5-88 (Voids 75727-75731 and 75832-75835) in the amount of \$676,016.73; Payroll Warrant No. 75820 for period 7-25-88 through 8-7-88 in the amount of \$269,207.72; for a total Warrant Register of \$1,469,937.83.

Councilmember Mecham returned to the dais at 9:30 p.m.

7. UNFINISHED BUSINESS

A. Exemption of Industrial Projects from Urgency Ordinance No. 976

Report from the Community Development Director concerning amending Urgency Ordinance No. 976 to exempt industrial projects containing over 100,000 square feet in building structure from the moratorium.

This agenda item was considered concurrently with Agenda Item 3-A (Measure E Implementation/Moratorium) because of their relationship. See Page 4 of these minutes for a summary of the discussion and action on Agenda Items 3-A and 7-A.

CITY COUNCIL MINUTES
AUGUST 17, 1988
PAGE 13

B. Parking Review of the San Clemente Medical Plaza,
665 Camino de los Mares

Report from the Community Development Director concerning additional parking allowances for the San Clemente Medical Plaza, located at 665 Camino de los Mares, San Clemente.

Dr. Art Fontanes, 300 Arlena, voiced concern with the parking problem that exists in the area of 665 Camino de los Mares (San Clemente Medical Plaza); suggested the following methods of creating more parking spaces within the parking lot: 1) replace the trash receptacle area with parking spaces; 2) convert a portion of the landscape area to parking spaces; and 3) diagonally stripe the lot.

Council indicated concern that the current minimum parking standards for medical plazas are inadequate; indicated desire to reexamine the parking standards for medical plazas, as well as the issue of stall size (i.e., standard versus compact spaces). Staff noted the parking standards are minimum standards and that Council may, on a case-by-case basis, impose stricter requirements.

MOTION BY COUNCILMEMBER VEALE, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to 1) find the project located at 665 Camino de los Mares (San Clemente Medical Plaza) to be in conformance and compliance with all applicable codes and standards; and 2) direct staff to submit a letter to the building owner requesting that they cooperate as much as possible to relieve the parking situation.

C. Council Chambers Refurbishment

Report from the City Clerk requesting authorization to solicit cost proposals, since no bids were received, for the refurbishment of the Council Chambers.

MOTION BY COUNCILMEMBER VEALE, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to authorize staff to solicit cost proposals and the City Manager to execute the necessary contract(s) not to exceed \$26,050 for the Council Chambers refurbishment.

CITY COUNCIL MINUTES
AUGUST 17, 1988
PAGE 14

MOTION BY COUNCILMEMBER RICE, SECOND BY MAYOR LORCH, CARRIED 5-0, to approve the relocation of the City Council, Planning Commission and Community Design Commission meetings for September as outlined in Attachment (1) of the Administrative Report, dated August 15, 1988 and on file in the City Clerk's Department, and direct the City Clerk to publicize the relocations. (Note: The City Clerk advised that it is likely that construction will not commence in September as originally planned. Council gave the City Clerk the discretion to revise the period during which relocation of meetings is necessary and gave the City Clerk latitude relative to relocating those meetings.)

MOTION BY COUNCILMEMBER RICE, SECOND BY MAYOR LORCH, CARRIED 5-0, to approve the reappropriation in the FY 1988-89 budget of \$27,360 (\$26,050 for the refurbishment project and \$1,310 for the plans and specifications and contract administration) to Account No. 001-124-44890, Other Operating Expenses, for the Council Chambers refurbishment.

D. Measure E - Retainer of Legal Counsel

1. Opinion from the City Attorney concerning allegation of Brown Act violation.
2. Report from the Assistant City Manager concerning the possible retainer of an independent law firm for the purpose of analyzing and suggesting modifications to more clearly define Measure E.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to receive and file the City Attorney's memorandum of August 15, 1988 relating to compliance with the Brown Act with regard to the retention of an outside law firm to analyze and suggest modifications to Measure E.

Councilmember Limberg advised that the Board of Supervisors recently adopted standards (that essentially address the same issues as outlined in the County's Measure A and the City's Measure E in the June Primary Election), which were developed by a task force; requested to be provided with the criteria that were adopted.

CITY COUNCIL MINUTES
 AUGUST 17, 1988
 PAGE 15

Community Development Director Holloway agreed to supply Council with written material as well as to arrange for a representative of the County of Orange to speak to the Council on the subject standards.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 4-1 (MAYOR LORCH VOTING NOE), to ratify the hiring of the law firm of D. Dwight Worden for the purpose of analyzing and suggesting modifications to more clearly define Measure E, in accordance with the terms and conditions outlined in the Administrative Report, dated August 12, 1988, and on file in the City Clerk's Department.

8. NEW BUSINESS

A. Interpretations Regarding Measure E

Report from the Community Development Director concerning interpretations regarding certain sections of Measure E, Ordinance No. 963.

MOTION BY COUNCILMEMBER VEALE, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to determine that day care centers, minor revisions to site plans and conditions of approval, time extensions for tract maps and non-impacting projects and sign exceptions be considered exempt from Measure E.

B. Exemption Request - SPR 87-10 and TPM 87-473 (Jenkins) from Compliance with Ordinance No. 962, Emergency Response Standard)

Report from the Community Development Director concerning exempting Site Plan Review 87-10 and Tentative Parcel Map 87-473 from Ordinance 962, Emergency Response Standard.

Peggy Dickey, 934 Calle Negocio, voiced concern that although she has paid for site plan review and plan check service for a building she proposes to develop in Rancho San Clemente, she was not informed of the problem involving the funding of Fire Station #3; expressed concern she cannot pull building permits because her project does not meet emergency response standards.

CITY COUNCIL MINUTES
AUGUST 17, 1988
PAGE 16

Assistant City Manager Hulsizer stated the City received a letter from Dave Christian of WSLA today indicating a property owner negotiating team has been formulated and is ready to meet with the City on WSLA's proposal; advised Fire Chief Dailey and he will commence discussions early next week, and the City Manager will become involved in the process when he returns from vacation.

Mary Lou Casey, 12451 Lee Lane, Garden Grove, stated she is attempting to develop in Rancho San Clemente; urged Council to take steps to solve the problem of Fire Station #3; voiced concern her colored plans were lost by Plan Check; noted the City will derive business taxes, sales taxes, and property taxes when the property is developed.

Alan Dibartolomeo, 323 Alvarado, Newport Beach, indicated Plan Check misplaced his plans for one month; endorsed Council representation in the negotiation process.

MOTION BY COUNCILMEMBER RICE, SECOND BY COUNCILMEMBER MECHAM, CARRIED 4-1 (MAYOR LORCH VOTING NOE) to add to the August 17, 1988 agenda the possibility of appointing Councilmembers to serve on the negotiating team re Fire Station #3, based on the finding that consideration of this matter did not become apparent until receipt of the letter from WSLA on August 17, 1988 after the agenda was posted.

MOTION BY COUNCILMEMBER RICE, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to appoint two Councilmembers to serve on the negotiating team with the City Manager re Fire Station #3, if requested by the City Manager.

MOTION BY MAYOR LORCH, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to not exempt Tentative Parcel Map 87-473 and Site Plan Review 87-10, Lonnie Jenkins, from Ordinance No. 962.

CITY COUNCIL MINUTES
AUGUST 17, 1988
PAGE 17

Councilmember Rice left the dais at 10:44 p.m.

10. REPORTS

C. City Attorney

(1) Request for Closed Session

City Attorney Oderman requested a Closed Session to interview attorneys re pending litigation (i.e., 1) Campanelli v. Sanger, Orange County Superior Case #557569, and 2) Metten v. Stein-Brief Group, Inc. et al, Orange County Superior Case #559711, pursuant to Government Code Section 54956.9(a).

CLOSED SESSION

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 3-1 (MAYOR LORCH VOTING NOE AND COUNCILMEMBER RICE ABSENT), to recess to Closed Session at 10:45 p.m. to interview attorneys re pending litigation, i.e., 1) Campanelli v. Sanger, Orange County Superior Case #557569, and 2) Metten v. Stein-Brief Group, Inc., et al, Orange County Superior Case #559711, pursuant to Government Code Section 54956.9(a). The Assistant City Manager and City Attorney were in attendance. Councilmember Rice entered the Closed Session at 10:47 p.m.

MEETING RECONVENED

Council reconvened at 11:00 p.m., with all members present.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to direct the City Manager to engage the services of Mower, Koeller & Nebeker to represent the City of San Clemente in the following cases: 1) Campanelli v. Sanger, Orange County Superior Case #557569, and 2) Metten v. Stein-Brief Group, Inc. et al., Orange County Superior Case #559711. The City Attorney noted for the record that the aforementioned cases pertain to subsidence litigation in which the City has been named as a defendant.

CITY COUNCIL MINUTES
AUGUST 17, 1988
PAGE 18

8. NEW BUSINESS (CONTINUED)

C. Pavement Management Program

Report from the Community Development Director concerning development and implementation of a city-wide Pavement Management Program.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to award the contract for the development and implementation of a city-wide Pavement Management Program to Pavement Management Systems (PMS) for a lump sum of \$78,000. (Contract #C88-031).

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to approve an appropriation transfer of \$50,000 from the 1988-89 Slurry Seal Program, Account No. 001-614-43490, to Other Contractual Services, Account No. 001-411-43890.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to approve the appropriation of \$28,000 to Other Contractual Services, Account No. 012-861-43890, in the 2106 Gas Tax Fund.

D. Creative Proposal to Address Commercial Parking and Land Use Issues in the Pier Bowl Area

Report from the Community Development Director concerning encouraging commercial vitality and public uses by using a creative and innovative approach to resolve commercial parking issues in the Pier Bowl area.

MOTION BY COUNCILMEMBER VEALE, SECOND BY MAYOR LORCH, CARRIED 5-0, to 1) continue consideration of "Creative Proposal to Address Commercial Parking and Land Use Issues in the Pier Bowl Area" to the Council meeting of September 7, 1988; and 2) direct staff to provide information on the feasibility and benefit (in terms of the number of additional parking spaces) of reconfiguration of the Pier Bowl parking lot at grade.

CITY COUNCIL MINUTES
AUGUST 17, 1988
PAGE 19

E. City Council Authorization for In-Lieu Parking Space for Rick Anderson, Casa Tropicana Bed and Breakfast

Report from the Community Development Director concerning allowing Rick Anderson to purchase two in-lieu parking spaces for his bed and breakfast project, located at 610 Avenida Victoria, to meet the City's required parking standards and meet the California Coastal Commission's condition of approval.

Rick Anderson, 610 Avenida Victoria, requested that Council authorize the sale of two in-lieu parking certificates.

Dale Wolfe, 618 Victoria, (owner of Beach Garden Cafe) stated Mr. Anderson and he have reached tentative agreement re the restaurant entity of Casa Tropicana; urged Council to approve the sale of two in-lieu parking certificates.

MOTION BY COUNCILMEMBER VEALE, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to authorize the sale of two in-lieu parking certificates for 610 Avenida Victoria, based on the provisions in Section 5.50 of the Zoning Ordinance.

9. ORAL COMMUNICATIONS

Jay Salsburg, 111 Granada, voiced concern that the area in the vicinity of Avenida Granada is deteriorating; requested assistance in improving the aesthetics of the subject area.

Glenn Roy, 111 Granada, reiterated concerns with the degeneration of the Avenida Granada area.

CITY COUNCIL MINUTES
 AUGUST 17, 1988
 PAGE 20

10. REPORTS

D. Council Members

(1) Consideration of San Clemente Lifeguard Association Parking Proposal

John McMains and James Popa, on behalf of the San Clemente Lifeguard Association, urged that Council reconsider allowing Marine Safety personnel to park on the lot behind the Marine Safety Headquarters; distributed a listing of mitigation measures which are intended to reduce the negative impacts associated with parking at the subject area; noted the San Clemente Lifeguard Association is willing to landscape the area at their own expense to create a visual barrier.

MOTION BY COUNCILMEMBER VEALE, SECOND BY COUNCILMEMBER MECHAM, CARRIED 4-1 (COUNCILMEMBER RICE VOTING NOE), to allow Marine Safety personnel to park behind the Marine Safety headquarters in the area shadowed by the building for one season, and to direct the Assistant City Manager to provide an implementation schedule to Council.

The San Clemente Lifeguard Association is to work with staff re specifics of the proposal (including plant location and type).

C. City Attorney

(2) Request for Closed Session to discuss matter of pending litigation (Aalsbersberg v. City of San Clemente), pursuant to Government Code Section 54956.9(a).

This item was removed from the agenda.

(3) Measure E: City Attorney opinion re enforceability of police response standards.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 4-1 (COUNCILMEMBER RICE VOTING NOE), to rescind Council's action of August 10, 1988 re police response standards of Measure E.

CITY COUNCIL MINUTES
AUGUST 17, 1988
PAGE 21

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 4-1 (MAYOR LORCH VOTING NOE), to direct staff not to institute implementation procedures in regard to police response time in Measure E.

(Note: See the City Council minutes of August 10, 1988 for a summary of the City Attorney's opinion relative to the difficulty of interpreting the police response provisions of Measure E in a manner that would make them constitutional and able to be applied.)

D. Council Members

(2) Consideration of Task Force/Workshop re Measure E Implementation

Mayor Lorch suggested formation of a task force and/or scheduling of a workshop relative to the implementation of Measure E.

Tom Davis, representing the Chamber of Commerce, relayed the Chamber's willingness to participate in a task force or workshop to clarify issues pertaining to Measure E.

MOTION BY MAYOR LORCH that Council take steps to collect information and ascertain whether members of the community would be interested in serving on a Measure E task force. The motion died for lack of a second.

11. RESOLUTIONS/ORDINANCES

A. Ordinance No. 980 - Fireworks

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG to adopt Ordinance No. 980 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE AMENDING SECTION 20-3(Q) OF THE SAN CLEMENTE MUNICIPAL CODE PROHIBITING THE SALE AND USE OF FIREWORKS WITHIN THE CITY.

CITY COUNCIL MINUTES
 AUGUST 17, 1988
 PAGE 22

Dorothea Flynn, 323 Calle Familia, reviewed the history of the fireworks issue; felt the fireworks issue should be submitted to the electorate.

Robert Flynn, 323 Calle Familia, voiced concern that Dorothea Flynn was not given adequate attention during her presentation.


THE MOTION CARRIED 3-2 (COUNCILMEMBER RICE AND MAYOR LORCH VOTING NOE).

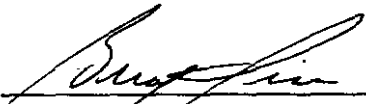
B. Ordinance No. 982 - Vehicle Weight Restrictions on Del Cerro

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to introduce Ordinance No. 982 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING THE CODE OF THE CITY OF SAN CLEMENTE BY ADDING SECTION 15-72.1 THERETO RELATING TO THE PROHIBITION OF VEHICLES WEIGHING OVER FOUR TONS ON CALLE DEL CERRO AND A PORTION OF AVENIDA VISTA MONTANA.

ADJOURNMENT

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to adjourn at 1:00 a.m. to 7:00 p.m. on Thursday, August 25, 1988 at 2308 Plaza a la Playa to discuss a matter of personnel.


 CITY CLERK of the City of
 San Clemente


 MAYOR PRO TEM of the City
 of San Clemente

CITY OF SAN CLEMENTE
 AFFIDAVIT OF POSTING ORDER
 OF ADJOURNMENT OF MEETING


STATE OF CALIFORNIA)
 COUNTY OF ORANGE) SS.
 CITY OF SAN CLEMENTE)

I, MYRNA ERWAY, declare as follows:

That I am the City Clerk of the City of San Clemente; that at a Regular City Council meeting held on August 17, 1988 said meeting was adjourned to the time and place specified in the ORDER OF ADJOURNMENT attached hereto; and that on August 18, 1988 at the hour of 3:00 p.m. a copy of said order was posted at a conspicuous place near the door at which said meeting was held.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 18, 1988 at San Clemente, California.


 MYRNA ERWAY
 City Clerk

