

CITY OF SAN CLEMENTECITY COUNCIL MINUTESREGULAR COUNCIL MEETING - SEPTEMBER 7, 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 by Mayor Pro Tem Rice at 7:05 p.m.

PRESENT Council Members - LIMBERG, MECHAM, RICE, VEALE

ABSENT Council Members - MAYOR LORCH

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

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Rice led the Pledge of Allegiance.

INVOCATION

Pastor Tom Kakodelis, of Marvista Church, gave the invocation.

1. SPECIAL PRESENTATION

A. Mayor Pro Tem Rice presented a proclamation to Dottie Ludvigson, of the Chamber of Commerce, declaring the week of September 24, 1988 to October 2, 1988 as "San Clemente Community Pride Week."

2. MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 4-0, to waive reading in full of all Resolutions and Ordinances.

CITY COUNCIL MINUTES
SEPTEMBER 7, 1988
PAGE 2

3. PUBLIC HEARINGS

A. TENTATIVE TRACT MAP 13177 - RANCHO SAN CLEMENTE

Report from the Community Development Director recommending approval of Tentative Tract Map 13177 for 10 lots zoned for open space uses on 31 acres in Planning Area No. 7 in Rancho San Clemente.

Community Development Director Holloway relayed that the Chairman of the Planning Commission has expressed concern that staff has presented a different viewpoint from the Planning Commission; stated it is appropriate to have two varying opinions that are both valid; noted that staff is recommending denial of the petition, while the Planning Commission is recommending approval.

Principal Planner Goldin stated that staff does not concur with the Planning Commission's recommendation that the project should be approved and that the project is exempt from Measure E, and explained the rationale therefor; recommended that Council deny Tentative Tract Map 13177.

Mayor Pro Tem Rice opened the Public Hearing.

Dave Christian, WSLA, reviewed the physical characteristics of the site, noting that the intent is to provide both active and passive recreational uses; opined the open space uses constitute an exemption under Measure E; responded to issues raised in the administrative report; stated WSLA has concurred with staff's request to provide a permanent sewer connection to the existing Wastewater Treatment Plant (See Condition No. 15); concurred with the conditions of approval recommended by the Planning Commission.

Greg Weiler, Attorney for WSLA, opined the administrative report is incomplete; noted the Planning Commission found the application to be consistent with the General Plan, Specific Plan, Subdivision Map Act and all implementing Ordinances, and further found the project to be exempt from the mandates of Measure E; opined that no lawful grounds exist for denial of the application.

CITY COUNCIL MINUTES
SEPTEMBER 7, 1988
PAGE 3

Karoline Koester, 604 Via Pavon, spoke in opposition to the petition; opined TTM 13177 should be considered in context with the Rancho San Clemente Specific Plan.

Hal Joseph, Chairman of the Planning Commission, stated he is not authorized to speak for the Commission; reiterated his concern that the Planning Commission's recommendation should be the predominant recommendation relayed to Council.

City Manager Hendrickson responded that the City's professional planning staff has an obligation to relay its opinion to Council when that opinion significantly differs from the recommendation of the Planning Commission; noted the Planning Commission's reasoning in recommending approval is summarized within the Administrative Report.

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

City Attorney Oderman spoke in support of staff's recommendation, adding that he can find no legal grounds on which to approve the application; opined the application represents an industrial subdivision, rather than an open space subdivision; noted a letter from Ronald D. Chapman, of Church Engineering, dated October 8, 1987, states in part as follows: "The purpose of the tentative tract will be to divide a parcel of land into eight lots that are to be zoned M-2 manufacturing". In response to Council inquiry, Mr. Oderman stated that Council action is required on TTM 13177 this evening, unless the Applicant agrees to a continuance.

Council recommended continuing TTM 13177 for consideration in conjunction with the use map; indicated a desire for early submittal of an industrial application.

Dave Christian stated that WSLA never proposed the area to be anything other than an open space subdivision. In response to Council inquiries, Mr. Christian stated that WSLA will not agree to a continuance.

CITY COUNCIL MINUTES
SEPTEMBER 7, 1988
PAGE 4

Greg Weiler noted that five members of the Planning Commission believe that the petition represents an open space subdivision; stated no facts are contained within the administrative report to support a denial of the application.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER VEALE, CARRIED 3-1 (COUNCILMEMBER MECHAM VOTING NOE), to adopt Resolution No. 88-91 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DENYING TENTATIVE TRACT MAP NO. 13177.

NOTE: CONSIDERATION OF RESOLUTION NO. 88-91 RESUMED AT 12:20 A.M. AS FOLLOWS:

City Attorney Oderman suggested modifications to the verbiage of Resolution No. 88-91 and provided Council with copies of the proposed revisions.

MOTION BY COUNCILMEMBER VEALE, SECOND BY COUNCILMEMBER RICE, CARRIED 4-0, to reconsider Resolution No. 88-91.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER VEALE, CARRIED 4-0, to adopt Resolution No. 88-91 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DENYING TENTATIVE TRACT MAP NO. 13177, as modified by the City Attorney.

B. REVISIONS TO IMPLEMENTATION PROCEDURES - ORDINANCE NO. 922

Public Hearing to consider proposed revisions to the implementation procedures for Ordinance No. 922, an ordinance to manage growth of the City of San Clemente.

MOTION BY COUNCILMEMBER VEALE, SECOND BY COUNCILMEMBER RICE, CARRIED 4-0, to continue the Public Hearing to the Council meeting of September 21, 1988 at 7:00 p.m.

CITY COUNCIL MINUTES
SEPTEMBER 7, 1988
PAGE 5

4. ORAL COMMUNICATIONS

Funding of Fire Station #3 Personnel - Rancho San Clemente

Peggy Dickey, 34 Calle Negocio, stated six buildings in Rancho San Clemente are not subject to Measure E but are subject to Ordinance No. 962 (which establishes a response standard for the provision of fire and emergency medical services to new development); voiced concern that the most recent proposal would involve significant monetary contributions by the owners of the six buildings; expressed concern with the delay in effecting a solution to this situation.

City Manager Hendrickson noted that Council has authorized him to meet with Richmond American, WSLA and the Rancho San Clemente business owners to try to forge resolution to the issue of manning Fire Station #3; stated a meeting was held on September 1, 1988 at which time the City presented a proposal and the business owner representatives agreed to respond; noted that when a mutually agreeable proposal has been reached, it will be referred to Council for endorsement.

Karen Miller, 24901 Camino Villa, El Toro, owner of property in the Rancho San Clemente Business Park, voiced concern she cannot pull building permits until the financing of personnel for Fire Station #3 has been resolved.

William Miller, 24901 Camino Villa, El Toro, noted the City will benefit from the construction of his building in Rancho San Clemente in terms of property tax and sales tax revenue; opined staff has not been negotiating in good faith.

Steve Kingston, 4011 Calle Abril, suggested that the City investigate the possibility of contracting with San Juan Capistrano and Dana Point to provide their animal shelter services; urged Council to investigate the possibility of purchasing the golf course in Talega Valley.

CITY COUNCIL MINUTES
SEPTEMBER 7, 1988
PAGE 6

5. CONSENT CALENDAR

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 4-0, to approve the Consent Calendar.

A. MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 4-0, to approve the City Council minutes of August 10, 1988 and August 17, 1988.

B. MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 4-0, to receive and file:

- (1) Planning Commission minutes of August 2, 1988.
- (2) Community Design Commission minutes of August 9, 1988.
- (3) Parks and Recreation Commission minutes of August 9, 1988.
- (4) Departmental Activities Report - July 1988.

C. PURCHASE OF A FAX MACHINE

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 4-0, to authorize the Police Department to purchase a FAX machine from drug asset forfeiture monies.

D. SANTA FE RAILWAY LEASE

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 4-0, to approve and authorize the Mayor to execute:

1. Commercial Land Lease with the Atchison, Topeka and Santa Fe Railway Company; and
2. Consent to Sublease with Richard B. Cropley and Ann T. Cropley. (Contract No. C87-068)

CITY COUNCIL MINUTES
SEPTEMBER 7, 1988
PAGE 7

E. COMMUNICATIONS AGREEMENT WITH THE COUNTY OF ORANGE

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 4-0, to approve and authorize the Mayor to execute a Communications Agreement with Orange County to provide installation, removal, maintenance and repair services on City equipment. (Contract No. C88-033)

F. SAN JOAQUIN HILLS TRANSPORTATION CORRIDOR EIR

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 4-0, to authorize the City Manager to transmit a letter to the County of Orange regarding the San Joaquin Hills Transportation Corridor EIR.

G. TRAFFIC MODIFICATIONS - CALLE AGUA

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 4-0, to adopt Resolution No. 88-92, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING 'NO PARKING' REGULATIONS AT VARIOUS LOCATIONS ON CALLE AGUA.

H. TRAFFIC MODIFICATIONS - CAMINO DE LOS MARES

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 4-0, to adopt Resolution No. 88-93, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING 'NO PARKING' REGULATIONS AT VARIOUS LOCATIONS ON CAMINO DE LOS MARES.

I. BID REQUEST FOR HCD SIDEWALK/STREET RECONSTRUCTION

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 4-0, to approve plans and specifications and authorize advertising for bids for HCD sidewalk/street reconstruction projects.

CITY COUNCIL MINUTES
SEPTEMBER 7, 1988
PAGE 8

6. WARRANT REGISTER

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 4-0, to approve Warrant Nos. 75922 through 76089 for period 8-8-88 through 8-12-88 (Voids 75914-75921) in the amount of \$421,530.11; Warrant Nos. 76096 through 76267 excluding Payroll Warrant for period 8-20-88 through 8-26-88 (Voids 76090-76095) in the amount of \$2,317,233.16; Warrant Nos. 76276 through 76438 for period 8-27-88 through 9-2-88 (Voids 76268-76275) in the amount of \$292,336.45; Payroll Warrant No. 76238 for period 8-8-88 through 8-21-88 in the amount of \$273,186.08; for a total Warrant Register of \$3,304,285.80.

*Councilmember Limberg left the dais at 8:18 p.m.

10. REPORTS

B. City Manager

- (2) Request for Closed Session - Marblehead v. City of San Clemente

CLOSED SESSION

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 3-0, to recess to Closed Session at 8:20 p.m. to discuss pending litigation (Marblehead v. City of San Clemente - Measure E lawsuits) pursuant to Government Code Section 54956.9(a). The City Manager, Community Development Director, and D. Dwight Worden, Special Legal Counsel were in attendance. Councilmember Limberg entered the Closed Session at 8:25 p.m.

MEETING RECONVENED

Council reconvened at 9:10 p.m., with all members present, except Mayor Lorch.

CITY COUNCIL MINUTES
SEPTEMBER 7, 1988
PAGE 9

7. UNFINISHED BUSINESS

A. ACCEPTANCE OF IMPROVEMENTS AND GRANTING OCCUPANCY
IN DEVELOPMENTS

Report from the Community Development Director concerning modifying City procedures for allowing issuance of occupancy permits in developments in connection with acceptance of public grading, landscaping or other public improvements.

City Engineer Cameron stated The Lusk Company has expressed concern with Condition "G" which requires that the developer maintain landscaping for one year after acceptance by the City; stated it would be acceptable with staff if Council desires to amend the condition to provide that the developer shall be responsible for maintaining landscaping until such time as the landscaping is accepted by the City.

Don Steffensen, The Lusk Company, requested that Council adopt specific formulas in terms of cash deposit requirements; recommended that the term "landscaping" be clearly defined; estimated that the current landscaping proposal would add approximately \$5,000 to the cost of each unit in Highland Light; expressed willingness to work with staff in drafting an applicable ordinance; urged that the City not require that 100% of improvements be in place prior to occupancy, inasmuch as he felt such action would result in the recordation of small subdivisions; urged that Council adopt staff's recommendation.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 4-0, to direct staff to work with developers on the basic concept of requiring developers to meet more stringent requirements if they request certificates of occupancy prior to completion and acceptance of public, grading and landscaping improvements, and to report back to Council with a recommended policy.

CITY COUNCIL MINUTES
SEPTEMBER 7, 1988
PAGE 10

B. EXEMPTIONS OF INDUSTRIAL PROJECTS FROM URGENCY ORDINANCE NO. 976 AND CITY SPONSORSHIP OF THE MUNSON PROPERTIES PROJECT

Report from the Community Development Director regarding consideration of: 1) exempting industrial projects exceeding 100,000 square feet of building structure from the moratorium and amending Urgency Ordinance No. 976; and 2) City "sponsorship" of the Munson Properties application.

Principal Planner Goldin summarized the contents of the Administrative Report and relayed the City Attorney's concerns relative to City sponsorship of private applications, citing that the impacts and ramifications of such action is unknown at this point in time.

Robert Crowther, Munson Properties, stated their initial plan included only industrial buildings, but the plans were subsequently revised, at the suggestion of the business community, Chamber of Commerce and Economic Development Committee, to include automotive uses; noted the project would benefit the City in terms of 1) economics; 2) would provide an alternative to the Calle De Los Molinos industrial area; and 3) would benefit area users; urged exemption of the Munson Properties project from the building moratorium.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 3-1 (COUNCILMEMBER MECHAM VOTING NOE), to not amend Urgency Ordinance No. 976 to allow industrial projects to be exempt from the moratorium and to not consider sponsorship of the Munson Properties project.

CITY COUNCIL MINUTES
SEPTEMBER 7, 1988
PAGE 11

C. APPEAL REGARDING PLANNING COMMISSION'S INTERPRETATION AS TO WHEN THE NEED EXISTS TO EXTEND USE PERMITS

Report from the Community Development Director regarding 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.

Frank Montesinos, Architect for the Petreny Hotel project, stated he does not blame City Plan Checkers for the delay in processing the application; stated there were no intentional delays on the part of the Applicant; reviewed the history of the project, focusing on the timeframes associated therewith.

Gary Nogle, representing the San Clemente Retail Plaza, stated he overlooked the time duration of the use permit; advised they are ready to implement the project; stated the Resolution which approved the use permit did not include the date the use permit would expire.

MOTION BY COUNCILMEMBER VEALE, SECOND BY COUNCILMEMBER MECHAM, CARRIED 4-0, to direct the City Attorney to prepare an Ordinance which will reflect that a Use Permit need not be extended after a building permit is issued.

Council noted the Applicants for the Petreny Hotel and San Clemente Retail Plaza may apply for extensions of their respective use permits.

D. CREATIVE PROPOSAL TO ADDRESS COMMERCIAL PARKING AND LAND USE ISSUES IN THE PIER BOWL AREA

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 4-0, to table indefinitely the creative proposal to address commercial parking and land use issues in the Pier Bowl area.

Rick Anderson, 610 Avenida Victoria, recommended that the issues of Pier Bowl parking and land use not be tabled pending completion of the Pier Bowl Master Plan, inasmuch as the Master Plan document is in its infancy stage; voiced concern that his project cannot proceed since the restaurant issue has not yet been resolved.

CITY COUNCIL MINUTES
SEPTEMBER 7, 1988
PAGE 12

8. NEW BUSINESS

A. PROPOSAL FOR STRENGTHENING/IMPLEMENTING MEASURE E

Report from Special Counsel D. Dwight Worden regarding potential modifications to Measure E.

D. Dwight Worden, Special Counsel, recommended that Council appoint an ad hoc committee to develop an implementation plan for Measure E; stated his task will be to improve and better achieve the objectives of Measure E; advised he served as a city attorney for seven years and that he presently specializes in environmental and land use law; noted he has authored approximately twelve initiatives for citizens' groups who are proponents of growth control.

Jim Hill, 4115 Calle Mayo, opined that Mr. Worden did an excellent job in outlining his proposal for strengthening and implementing Measure E; urged Council to establish an ad hoc committee; indicated willingness to provide Council with a list of names of possible ad hoc committee participants.

Teddi Lorch, 819 Avenida Salvador, read a letter from the San Clementeans for Managed Growth, dated September 7, 1988, which expressed the Board of Directors' opinion that the implementation of Measure E belongs to staff, Planning Commission and the City Council; offered, however, to provide a list of names for Council consideration to serve on the ad hoc committee, if Council elects to form said committee.

Tom Davis, President of the San Clemente Chamber of Commerce, indicated support of Attorney Worden's recommendations and expressed willingness to participate on the ad hoc committee.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 4-0, to direct staff to prepare a charter, time schedule, appointment process and list of names of prospective ad hoc committee members for Council consideration at its meeting of September 21, 1988.

CITY COUNCIL MINUTES
SEPTEMBER 7, 1988
PAGE 13

Council urged that San Clementeans for Managed Growth, Jim Hill, Tom Davis (Chamber of Commerce), the County of Orange, and any other interested individuals, submit names of prospective ad hoc committee members to Council. It was the consensus of Council that no Councilmembers, Planning Commissioners, or Council candidates should be appointed to the ad hoc committee. Council further indicated that the membership of the ad hoc committee will not necessarily be limited to seven members.

B. COST SHARING FORMULAS/TIMING OF PAYMENTS/METHOD OF PAYMENT FOR VARIOUS RANCH OWNER OBLIGATIONS

Report from the Community Development Director re extending deadlines on conditions of approval for development within Rancho San Clemente, Marblehead Inland, and Forster Ranch to allow for the establishment of cost sharing formulas, payment timing deadline, and payment methods for various ranch owner obligations.

Don Steffensen, The Lusk Company (representing Marblehead), opined that November 30, 1988 is not an adequate date at which to extend the timeline of trails, beach parking and traffic circulation studies; opined the ranch owners will not come to agreement and recommended that the City determine the cost sharing formula for the various ranch owner obligations.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG to direct staff to negotiate with the ranch owners relative to the cost sharing program. In the event agreement is not reached by October 15, 1988, staff is to establish a unilateral cost sharing formula, payment timing deadlines, and payment methods for various ranch owner obligations.

In response to Council inquiry, Community Development Director Holloway advised that although the proposed dates do not coincide with the County Agreement re Talega Properties, the County appears to be flexible with respect to the proposed time extension. Councilmember Limberg recommended that this understanding be documented with the County as a matter of record.

CITY COUNCIL MINUTES
SEPTEMBER 7, 1988
PAGE 14

THE MOTION CARRIED 4-0.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 4-0, to adopt Resolution No. 88-94 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CONDITIONS OF APPROVAL FOR DEVELOPMENT WITHIN RANCHO SAN CLEMENTE, MARBLEHEAD INLAND AND FORSTER RANCH EXTENDING THE DEADLINE FOR THE REGIONAL CIRCULATION FUNDING AND PHASING PROGRAM FROM SEPTEMBER 7, 1988 TO NOVEMBER 30, 1988.

Community Development Director Holloway advised that The Lusk Company and WSLA have stipulated, in writing, to extending the deadline for the Regional Circulation Funding and Phasing Program to November 30, 1988.

Alan Fishman, representing Estrella Properties, verbally consented to extending the deadline for the Regional Circulation Funding and Phasing Program to November 30, 1988.

9. ORAL COMMUNICATIONS

Norman Ream, 511 East San Juan, requested and received clarification that San Clementeans for Managed Growth were invited to submit names of prospective members of the Measure E Implementation Ad Hoc Committee.

Glenn Roy, 111 Avenida Granada, opined it is improper for Ken Carr to hold two appointive positions, i.e., City Treasurer and membership on the Orange County Vector Control Committee; recommended that Council schedule Public Hearings before making future appointments to County Commissions.

Jay Salsburg, 111 Avenida Granada, reiterated concern with the environmental degeneration of the vicinity of Avenida Granada.

CITY COUNCIL MINUTES
SEPTEMBER 7, 1988
PAGE 15

10. REPORTS

A. Commissions and Committee

None.

B. City Manager

(1) Closed Session - Real Property Negotiations

City Manager Hendrickson requested that Council convene on September 14, 1988 at 7:45 p.m. for purposes of holding a Closed Session to discuss potential negotiations to acquire property located at 415 Avenida Granada, pursuant to Government Code Section 54956.8. (James Hendrickson, Negotiator). Council concurred.

(2) Closed Session - Marblehead v. City of San Clemente - Measure E Lawsuits

The Closed Session relative to Marblehead v. City of San Clemente - Measure E Lawsuits occurred earlier in the meeting. See Page 8 of these minutes.

C. City Attorney

City Attorney Oderman requested a Closed Session to 1) consider approval of Settlement Agreement with Broadmoor San Clemente Community Association v. Broadmoor Homes, Inc., Orange County Superior Case #414507; and 2) discuss item of pending litigation (Aalsbersberg v. City of San Clemente) pursuant to Government Code Section 54956.9(a).

CITY COUNCIL MINUTES
 SEPTEMBER 7, 1988
 PAGE 16

D. Council Members

- (1) Consideration of establishing a policy precluding utilization of City Council meetings as a campaign forum.

Councilmember Veale suggested that a policy be established to preclude the utilization of City Council meetings as a campaign forum.

Simon Zervos, 3025 Calle Juarez, voiced objection to the proposed policy.

- (2) Reconsideration of Council Action to allow Marine Safety personnel to park behind the Marine Safety headquarters.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER VEALE, CARRIED 4-0, to reconsider the action taken on August 17, 1988 to allow Marine Safety personnel to park behind the Marine Safety Headquarters.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER VEALE, CARRIED 3-1 (COUNCILMEMBER MECHAM VOTING NOE), to rescind Council's action of August 17, 1988 to allow Marine Safety personnel to park behind the Marine Safety Headquarters.

- (3) Consideration of rotating Council Membership on Economic Development Committee.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 4-0, to appoint Councilmember Rice to replace Mayor Lorch on the Economic Development Committee.

Mayor Pro Tem Rice stated he will accept the appointment out of concern for Mayor Lorch's health.

Councilmember Limberg requested an update on the costs associated with the implementation and defense of Measures B and E. Council concurred.

CITY COUNCIL MINUTES
SEPTEMBER 7, 1988
PAGE 17

- (4) Designation of Voting Delegate and Voting Alternate for the Annual League of California Cities Conference October 16-19, 1988.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 4-0, to appoint Councilmember Rice as the Voting Delegate for the League of California Cities Annual Conference and to appoint Councilmember Limberg as the Voting Alternate.

Joint City Council/Planning Commission Meeting

Council scheduled a Joint City Council/Planning Commission meeting to be held on Tuesday, September 20, 1988 at 7:00 a.m. for the purpose of discussing policies and philosophies.

Councilmember Mecham voiced concern with violations of political sign regulations. Staff agreed to reiterate with Council candidates the rules for political signs.

11. RESOLUTIONS/ORDINANCES

A. ORDINANCE NO. 982 - SECOND READING

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 4-0, to adopt 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.

MEETING RECESSED

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 4-0, to recess to a meeting of the Redevelopment Agency at 12:12 a.m.

MEETING RECONVENED

Council reconvened at 12:13 a.m., with all members present, except Mayor Lorch.

CITY COUNCIL MINUTES
SEPTEMBER 7, 1988
PAGE 18

CLOSED SESSION

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 4-0, to recess to Closed Session at 12:13 a.m. to 1) consider approval of Settlement Agreement with Broadmoor San Clemente Community Association v. Broadmoor Homes, Inc., Orange County Superior Case #414507; and 2) discuss item of pending litigation (Aalsbersberg v. City of San Clemente) pursuant to Government Code Section 54956.9(a). The City Manager, Assistant City Manager and City Attorney were in attendance.

MEETING RECONVENED

Council reconvened at 12:20 a.m., with all members present, except Mayor Lorch.

RIGHT-OF-ENTRY - VERDE CANYON LANDSLIDE

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 4-0, to authorize filing and recordation of right-of-entry on the properties damaged by the Verde Canyon landslide, which were the subject of a lawsuit.

SETTLEMENT AGREEMENT - BROADMOOR SAN CLEMENTE COMMUNITY ASSOCIATION V. BROADMOOR HOMES, INC.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 4-0, to approve and authorize the Mayor to execute, the proposed Settlement Agreement re Broadmoor San Clemente Community Association v. Broadmoor Homes, Inc.

RESOLUTION NO. 88-91 - TENTATIVE TRACT MAP 13177 - RANCHO SAN CLEMENTE

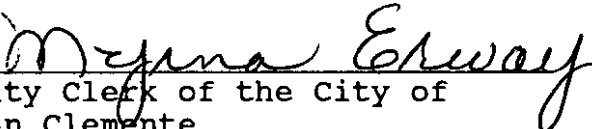
Council reconsidered Resolution No. 88-91 which pertains to Tentative Tract Map 13177 (Item 3-A on this evening's agenda.) See Page 4 of these minutes for a continuation of this item.

CITY COUNCIL MINUTES
SEPTEMBER 7, 1988
PAGE 19


ADJOURNMENT

Council adjourned at 12:25 a.m. to September 8, 1988 at 3:00 p.m. for purpose of meeting with Senator Bergeson at the Ole Hanson Beach Club.

The next Regular Meeting will be held on Wednesday, September 21, 1988 at 7:00 p.m.



City Clerk of the City of
San Clemente



MAYOR PRO TEM of the 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 an Adjourned Regular City Council meeting held on September 7, 1988 said meeting was adjourned to the time and place specified in the ORDER OF ADJOURNMENT attached hereto; and that on September 8, 1988 at 8:00 a.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 September 8, 1988 at San Clemente, California.



MYRNA ERWAY
City Clerk

NOTICE OF ADJOURNMENT
EXCERPT FROM THE MINUTES OF THE
CITY COUNCIL
MEETING OF SEPTEMBER 7, 1988

ROLL CALL: PRESENT: LIMBERG, MECHAM, RICE, VEALE,
 ABSENT: MAYOR LORCH

ADJOURNMENT

Council adjourned to September 8, 1988 at 3:00 p.m. at the
Ole Hanson Beach Club for a meeting with Senator Bergeson.


MYRNA ERWAY
CITY CLERK