

CITY OF SAN CLEMENTECITY COUNCIL MINUTESREGULAR MEETING - SEPTEMBER 21, 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 7:10 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.

SPECIAL PRESENTATIONS

None.

1. COUNCIL REORGANIZATION

Mayor Lorch read a press release, dated September 21, 1988, and on file in the City Clerk's Department, which expressed that his physician has indicated that he may resume his mayoral responsibilities; indicated intention to continue serving as Mayor until his term expires in November, 1988 and to continue to support the programs authorized by the people of San Clemente.

In answer to Council inquiry, City Attorney Oderman advised that the California Attorney General's Office has previously taken the position that since there is no precise term of office for a Mayor in a General Law City and the Mayor is appointed by the Council, that a Mayor serves at the pleasure of the Council and hence Council

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possesses the authority to appoint a new Mayor at any time.

In response to Council inquiry, Mayor Lorch reviewed his health situation, reiterating that his physicians have indicated that he is able to return to his mayoral activities; stated he will advise Council and the City Manager in the event restrictions are recommended by his physicians in the future.

The following individuals addressed Council in opposition to a Council reorganization.

Norman Ream, 511 East San Juan, San Clemente.
William J. Walsh, 133 West San Antonio, San Clemente.
Dan Millington, 3917 Calle Andalucia, San Clemente.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to table consideration of a Council reorganization.

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

3. PUBLIC HEARINGS

- A. GPA 87-01/EIR 84-01, ZA 87-01/EIR 84-01-SHORECLIFFS HOTEL

Report from the Community Development Director concerning an application for a resort hotel on the site of the existing Shorecliffs Golf Course clubhouse and driving range.

Community Development Director Holloway advised that the certification of EIR 84-01, as well as the approval of General Plan Amendment 87-01, may be accomplished by Resolution, rather than Ordinance as indicated in the Administrative Report.

Assistant Planner Frater requested that Finding No. 4 of Ordinance No. 984 (which would approve Zoning Amendment 87-01) be modified to read as follows: "There is currently no designation in the Zoning Ordinance which permits development of a resort hotel in conjunction with a golf course."

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In response to Council inquiry relative to the prudence of requiring a resort hotel to contain a minimum of 250 rooms, City Attorney Oderman responded that the Applicant may object to the deletion of this provision due to concern that the City may insist upon fewer than 250 rooms; noted staff may also have a concern with the deletion of this provision since resort hotels typically have greater than 250 rooms, and fewer rooms may result in a lessened quality of development; noted the Settlement/Development Agreement does not obligate the City to approve a certain number of hotel rooms, but rather specifies that the zoning shall be amended to accommodate a resort hotel, so as to enable Estrella Properties to apply for a resort hotel.

Mayor Lorch opened the Public Hearing.

Dan Millington, 4011 Calle Andalucia, spoke in opposition to development of a hotel on the site of the existing Shorecliffs Golf Course; opined the hotel will not be successful.

Kirk Brantley, 3120 Calle Grande Vista, voiced concern with the requirement that a resort hotel contain a minimum of 250 rooms; recommended the allowable height of the hotel be lowered to 38' so as not to impact the view from the scenic route; voiced concern that Estrella Properties will not be required to commence construction on the drainage channel until the building permit is issued for the hotel.

City Attorney Oderman clarified that construction of the drainage channel must commence prior to the issuance of the building permit for Estrella Properties 155-unit residential development (TTM 12895).

Alan Fishman, Tierra Planning and Design, representing Estrella Properties, indicated concurrence with staff's recommendation; stated for the record that Estrella Properties would prefer that the proviso requiring a minimum of 250 rooms for a resort hotel be retained, noting the R-H zoning district requirements would apply City-wide.

Staff clarified that the subject property represents the only R-H zoning district in the City.

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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 adopt Resolution No. 88-102 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CERTIFYING THAT ENVIRONMENTAL IMPACT REPORT 84-01 IS COMPLETE AND ADEQUATE FOR THE PROPOSED GENERAL PLAN AMENDMENT 87-01 AND ZONE AMENDMENT 87-01 CREATING A RESORT HOTEL DISTRICT.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to adopt Resolution No. 88-103 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT 87-01.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to introduce Ordinance No. 984 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING ZONING AMENDMENT 87-01.

B. USE PERMIT 87-31 AND TENTATIVE TRACT MAP 88-13713-ARENOSO LANE CONDOMINIUMS

Public Hearing to consider a request to allow a 30-unit condominium complex on a coastal blufftop lot on Arenoso Lane.

Assistant Planner Pechous distributed a modified version of Resolution No. 88-96; requested that Condition No. 2 of Resolution No. 88-96 be revised to read as follows: "A final map shall be prepared by a registered civil engineer subject to all pertinent requirements of the State of California Subdivision Map Act and the final design of the map shall exhibit substantial conformance with the approved tentative tract map and grading plan, including right-of-way improvements and red-curbing on Arenoso Lane."

*Bold type indicates suggested added verbiage.

Mayor Lorch opened the Public Hearing.

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Bruce Jordan, representing the Applicant, summarized the modifications made to the project since the Council's review of the original plan in June, 1988; noted a substantial effort was made to adequately address concerns previously raised by Council; reviewed the modified plans, focusing on view cones from surrounding properties; noted the application complies with all zoning requirements; answered Council inquiries pertaining to landscaping.

Curt Mettling, 423 Avenida Granada, voiced concern the proposed structure will block the view of residents of Sunset Shores to Dana Point.

Edward Peterson, representing Mr. and Mrs. Lindorf, 410 Corto Lane, (owners of the Sunset Shores unit situated closest to the proposed project) requested that Council impose a condition that requires that a survey be completed, prior to construction of the structure, to assure there is no encroachment of improvements onto the setback or viewscape; urged Council to require a landscape plan which includes low-profile landscaping.

With respect to landscaping, City Attorney Oderman noted that Council may, if desired, impose a condition to allow for revocation of a use permit in the event landscaping is subsequently added that does not appear on the approved landscape plan, to ensure control over view obstructions.

Ken Mullen, 410-M Corto Lane, (President of the Sunset Shores Homeowners Association), voiced concerns with the project in terms of 1) view obstruction, 2) accuracy of the plans before Council, 3) traffic, 4) adequacy of visitor parking and 5) lack of uniformity between floors.

Bruce Jordan clarified that each floor will be recessed 6' from the floor immediately below; indicated willingness to accept a condition to this effect.

Lois Mullen, 410-M Corto Lane, urged that the stringline concept be utilized to determine the location of the building; noted the City Attorney opined on June 15, 1988 that it is appropriate for Council to consider public and private views since the property is situated within the Coastal Zone.

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Julius Scherzer, 409 Arenoso Lane, Unit #1, presented a petition, signed by 32 individuals, which indicated opposition to the project; requested that the plans be either denied or modified so as to preserve at least some of the views for most properties on Arenoso Lane; further requested that a view corridor of no less than 30' wide be required and that the view corridor not be obstructed by landscaping, shades, temporary walls, etc.

James Ellerman, 2175 Via Teca, spoke in support of the project; opined a need exists for developments similar to the project in question.

Tim McCandless, 781 Calle Vallarta, spoke in support of the proposal; felt the project has already been reduced as much as possible.

In rebuttal, Bruce Jordan stated that 1) it would constitute a taking and condemning of property to require the developer to further recess the building on the property; 2) stated the Barrington is 57' in height and opined it is unfair to require the developer to go to excessive lengths to protect those views; 3) noted Condition No. 1 requires that development be in conformance with the drawings on display this evening; 4) stated the Applicant has gone to significant lengths to reduce the mass of the building to protect views; 5) opposed the utilization of the stringline concept; 6) noted the project's density is currently proposed to be 50% of that allowed; and 7) relayed it would not be economically viable for the Applicant to make further adjustments to the plans.

Curt Mettling, 423 Granada, stated the Sunset Shores development was required to be relocated by 55' to allow a view corridor for residents of Corto Lane.

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

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MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to adopt Resolution No. 88-95 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND CONDITIONALLY APPROVING USE PERMIT 87-31 SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL, with the understanding that the Conditions of Approval shall be modified as follows:

1. A Condition of Approval shall be added to require that guest parking be located exterior of the security gate.
2. To allow continued view preservation, a Condition of Approval shall be incorporated to allow for revocation of the use permit in the event landscaping or hardscape improvements are added which do not appear on the approved plans.
3. Condition No. 13, which requires beach access, shall be deleted, since the walkway to the beach induces an illegal crossing of the railroad tracks.
4. An additional condition shall be incorporated to require appropriate documentation from a licensed civil engineer or licensed surveyor verifying to the satisfaction of the Community Development Department that the building setbacks and elevations preserve the views from adjoining properties to the extent represented in the documents referenced in Condition No. 1.

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MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adopt Resolution No. 88-96 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING TENTATIVE TRACT MAP 13713, with the incorporation of the revisions specified for Resolution No. 88-95 (See previous motion), as well as the modification of Condition No. 2 to read as follows:

"A final map shall be prepared by a registered civil engineer subject to all pertinent requirements of the State of California Subdivision Map Act and the final design of the map shall exhibit substantial conformance with the approved tentative tract map and grading plan, including the right-of-way improvements and red-curbing on Arenoso Lane."

* * *

CITY COUNCIL RECESSED AT 9:20 P.M. AND RECONVENED AT 9:45 P.M., WITH ALL MEMBERS PRESENT.

* * *

C. REVISIONS TO IMPLEMENTATION PROCEDURES - ORDINANCE NO. 922

Continued 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.

In response to Council inquiry, staff clarified the park standard provisions of Measure E as they relate to the Quimby Act, and relayed their methodology in recommending that the Architectural Design Quality criteria not be considered applicable to applications involving custom lots.

Mayor Lorch opened and closed the Public Hearing, there being no one desiring to speak to this issue.

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MOTION BY COUNCILMEMBER VEALE, SECOND BY MAYOR LORCH, CARRIED 5-0, to adopt Resolution No. 88-97 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING THE IMPLEMENTATION PROCEDURES FOR ORDINANCE NO. 922, with the understanding that Exhibit "A" of the Resolution will be modified to delete Section 6-C (Project Completion).

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to continue consideration of Ordinance No. 983 to the Council Meeting of October 5, 1988 to enable staff to amend the draft Ordinance to delete reference to project seniority.

D. USE PERMIT 88-01 - COMBINATION SERVICE STATION AND CONVENIENCE STORE - CIRCLE K

Continued Public Hearing to consider a request for a use permit to allow a combination service station and convenience store use, located on the southwest corner of the intersection of El Camino Real and Avenida Santiago.

MOTION BY COUNCILMEMBER VEALE, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to continue the Public Hearing to the Council Meeting of October 19, 1988.

4. ORAL COMMUNICATIONS

Lucile Taylor, 202 Avenida Santa Margarita, addressed Council relative to the accrual and disbursement of Redevelopment Agency Funds; voiced concern that voters cannot limit the power of the RDA nor decide the use of RDA funds; felt that RDA funds should be used for schools and necessary public services.

Steve Kingston, 4011 Calle Abril, requested information relative to the amount of budget surplus in the City for the past ten years. Council advised that said information can be obtained from the City's Audit and Financial Report, which is on file at City Hall and the San Clemente Library.

Karoline Koester, 604 Via Pavon, stated Finance Statements are not as detailed as they were in the early 1970's; suggested Mr. Kingston review day-to-day transactions sheets.

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Glenn Roy, 111 Avenida Granada, urged Council to adopt a resolution requiring future appointments to City and County Commissions to be agendized for public testimony; reiterated opposition to individuals holding more than one public office.

Jay Salsburg, 111 Avenida Granada, stated the City's Code Enforcement Officer needs assistance; questioned whether code enforcement complaints are logged; voiced concern developers are not provided with a guide to the permit process; stated better planning is needed for dumpsters; spoke in support of a traffic signal in back of Goody's; opposes the sale of cigarettes at new establishments.

Frank Rotte, 137 West Avenida Alessandro (General Contractor - Kehoe Building) stated one of the conditions on the subject building is to red-curb the perimeter of the structure; stated that although the Kehoe Building contains sufficient on-site parking, the neighboring merchants may wish to have the on-street parking available.

City Engineer Cameron advised he has instructed the Traffic Engineer to check as to why the red curb was required. In the event the red curbing directive came from Council, staff will direct Mr. Rotte to proceed with the red-curbing; if the decision to red-curb was made by staff, the issue will be referred to Council and the adjacent property owners notified.

John Tengdin, 2859 Calle Herald, (President-Marlborough Seaview Estates Homeowners Association) requested that the Association be invited to attend the acceptance walk-through for slopes and streets in Tract 9764, since the Association will assume maintenance responsibility.

City Engineer Cameron responded that representatives of homeowners associations have been present at walk-throughs in the past and those walk-throughs were not necessarily productive; expressed a preference to conduct the walk-through with the developer and contractor; asked that homeowners relay their concerns to staff prior to the date of the walk-through.

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5. CONSENT CALENDAR

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to approve the Consent Calendar as presented. Mayor Lorch abstained from voting on the September 7, 1988 Council minutes as he was not present at that meeting.

A. MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 4-0-1 (MAYOR LORCH ABSTAINING), to approve the City Council minutes of September 7, 1988.

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

- (1) Planning Commission Minutes of August 16, 1988.
- (2) Community Design Commission Minutes of August 23, 1988.
- (3) Parks and Recreation Commission Minutes of August 23, 1988.

C. PURCHASE OF HARDWARE TO IMPLEMENT PARKING METER RATE CHANGE

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

1. Authorize the transfer of \$15,750.00 from the General Fund Contingency Reserve to the Parking Maintenance Program's Other Maintenance Supplies, Account No. 001-616-42590;
2. Authorize the transfer of \$6,890.00 from Account No. 001-616-45500, Parking Maintenance, General Machinery and Equipment to Account No. 001-616-42590, Other Maintenance Supplies; and
3. Authorize the transfer of \$3,120.00 from Account No. 001-614-43470 Street Maintenance

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and Repair, Maintenance of Other Facilities to Account No. 001-616-41020, Parking Maintenance Program; Salaries, Part-Time for the purpose of hiring a temporary employee to assist the parking meter repairman retrofit the mechanisms not being replaced.

D. BID AWARD - ONE NEW REEL TRIPLEX MOWER

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to accept the bid of Western Turf and Commercial in the amount of \$7,213.30 for the purchase of a new National Triplex mower.

E. BID AWARD - ONE NEW ROTARY RANGE WING MOWER

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to accept the bid of Western Turf and Commercial in the amount of \$15,007.48 for the purchase of one new Heckendorn Range Wing Rotary mower.

F. DRAINAGE MASTER PLAN UPDATE - ENGINEERING SERVICES AGREEMENT WITH NBS/LOWRY

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

1. Approve, and authorize the Mayor to execute, an engineering services agreement with NBS/Lowry to perform the Drainage Master Plan update at a cost of \$43,676.00 (Contract #C86-508)
2. Authorize a supplemental appropriation of \$43,680.00 to Account No. 033-841-43530, Engineering Services, in the Local Drainage Facilities Fund.

G. 1988 LOCAL COASTAL PLAN GRANT PROGRAM

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to adopt Resolution No. 88-98 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING COASTAL ZONE MANAGEMENT PLANNING ASSISTANCE.

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H. APPEAL OF 1988 REGIONAL HOUSING NEEDS ASSESSMENT AS PREPARED BY SCAG

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to direct the City Planner to send a letter to SCAG, appealing the 1988 Regional Housing Needs Assessment for future household growth in San Clemente.

I. SB 821 - APPLICATION FOR BICYCLE AND PEDESTRIAN FUNDS FOR FY 1988-89

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to adopt Resolution No. 88-99 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA APPROVING THE APPLICATION FOR BICYCLE AND PEDESTRIAN FUNDS UNDER SB 821 AND APPROVING THE ADOPTION OF ITS BICYCLE AND PEDESTRIAN PROGRAM.

J. P.O.S.T. STANDARDS FOR RECRUITMENT AND TRAINING OF PUBLIC SAFETY DISPATCHERS

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to adopt Resolution No. 88-100 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ACCEPTING THE PENAL CODE REQUIREMENTS RELATING TO THE SELECTION AND TRAINING STANDARDS OF PUBLIC DISPATCHERS.

6. WARRANT REGISTER

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to approve Warrant Nos. 76446 through 76594 excluding Payroll Warrant for period 9-3-88 through 9-8-88 (Voids 76439 through 76445) in the amount of \$852,999.65; Warrant Nos. 76607 through 76708 excluding Payroll Warrant for period 9-9-88 through 9-16-88 (Voids 76595 through 76606) in the amount of \$133,824.60; Payroll Warrant No. 76470 for period 8-22-88 through 9-4-88 in the amount of \$417,362.52; for a total Warrant Register of \$1,404,186.77.

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7. UNFINISHED BUSINESS

A. PROPOSAL FOR STRENGTHENING AND IMPLEMENTING MEASURE E

Report from the City Manager concerning strengthening and implementing Measure E.

Councilmember Limberg recommended continuing this matter pending the Court Decision relative to Measure E which is expected to be rendered in the near future.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to continue consideration of a proposal for strengthening and implementing Measure E to the Council meeting of October 5, 1988.

B. PARKS AND RECREATION MASTER PLAN

Report from the Director of Public Services concerning adoption of the Parks and Recreation Master Plan and the budget transfer of \$3,000 to provide for additional services rendered by BSI in the completion of the Master Plan.

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

1. Adopt the Parks and Recreation Master Plan.
2. Authorize the transfer of \$3,000 from the Park Acquisition and Development Fund (031-862-00000) to the Parks and Recreation Facilities Master Plan Account (031-862-45300) to provide for additional services rendered by BSI in the completion of said master plan.

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C. CALAFIA BEACH PARK OPERATING AGREEMENT

Report from the Director of Public Services concerning approval of an Operating Agreement with the County of Orange for the new Calafia Beach Park.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY MAYOR LORCH, CARRIED 5-0, to approve, and authorize the Mayor to execute, the Calafia Beach Park Operating Agreement, PR 81A-101(ml). (Contract #C88-034).

8. NEW BUSINESS

None.

9. ORAL COMMUNICATIONS

None.

*Councilmember Mecham left the dais at 11:05 p.m.

10. REPORTS

A. Commission and Committee

(1) RESIGNATION OF JACKIE NISHIMURA - COMMUNITY DESIGN COMMISSIONER

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER VEALE, CARRIED 4-0 (COUNCILMEMBER MECHAM ABSENT), to:

1. Accept the resignation of Jackie Nishimura from the Community Design Commission, with regret.
2. Direct the City Clerk to advertise the Community Design Commission vacancy.

*Councilmember Mecham returned to the dais at 11:07 p.m.

Councilmember Veale 1) suggested that possible use permit condition violations may exist due to the lack of maintenance of the parking area at Wendy's and the weeds that exist at the medical building; requested that staff investigate; 2) voiced concern with the aesthetics

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of the Ole Hanson Beach Club, noting the tables are in disrepair and the condition of the blinds; suggested refurbishment and upgrading the quality of the building, especially since it is a source of revenue.

Councilmember Limberg commented the City's Beach Maintenance Crew on the cleanliness of the City's beaches.

Mayor Lorch expressed appreciation to everyone who wished him a speedy recovery.

ADJOURNMENT

MOTION BY COUNCILMEMBER VEALE, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to adjourn at 11:12 p.m.

The next Regular Meeting will be held on October 5, 1988 at 7:00 p.m.

Mylene Eruay
CITY CLERK of the City of
San Clemente

Tom Lorch
MAYOR of the City of
San Clemente