

City of San Clemente

City Council Minutes Regular Meeting - October 5, 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 7:05 p.m. by Mayor Lorch.

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

*Arrived at 7:10 p.m.

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.

INVOCATION

Fr. Robert Boyer, of St. Clement's Episcopal Church, gave the invocation.

SPECIAL PRESENTATIONS

A. **Red Ribbon Week**

Mayor Lorch presented a proclamation to Community Services Officers, Jan Sener and Janet Dunford, in recognition of Red Ribbon Week.

CITY COUNCIL MINUTES
OCTOBER 5, 1988
PAGE 2

B. Yoll Vom Siegerhaus - Retired Police Canine

Mayor Lorch presented plaques to Canine Handler, Officer Sergio Cerne, and Retired Police Canine, Yoll Vom Siegerhaus, in recognition of Yoll's five years of service to the City of San Clemente.

C. Community Pride Week

Larry Wohlfarth, representing the Chamber of Commerce Spirit Committee, presented an award to Fran Thompson, President of the San Clemente Garden Club, in recognition of the Garden Club's efforts in connection with Community Pride Week.

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. TENTATIVE TRACT MAP 13530 - WSLA (SUBDIVISION REQUEST - RANCHO SAN CLEMENTE)

Public Hearing to consider a request to subdivide five lots into 54 lots for business park uses in Planning Area 1 of Rancho San Clemente.

Community Development Director Holloway explained that proposed Resolution 88-104 should reference Ordinance No. 972, rather than Ordinance No. 963.

Mayor Lorch opened the Public Hearing.

Dave Christian, WSLA, stressed the application before Council is a subdivision request, as opposed to a zoning or use issue; with respect to the administrative report's notation that the subdivision is inconsistent with the adopted Rancho San Clemente Specific Plan for Planning Area 1 due to encroachment into the required open space, Mr. Christian stated for the record that 1,058 acres are currently designated for open space in the Rancho San Clemente Specific Plan, although Rancho San Clemente currently accommodates 1,114 acres of open space; stated the proposed subdivision would accommodate both large and small users; suggested

CITY COUNCIL MINUTES

OCTOBER 5, 1988

PAGE 3

that Council impose a condition to require WSLA to adjust the boundaries of the subdivision to conform with the Specific Plan and its 10% adjustable rule; opined the project complies with Measure E; stated WSLA has never proposed Planning Area 1 as a Town Center or other use; indicated willingness to accept a condition which requires participation in the funding of Fire Station No. 3 operation costs at the rate of \$.15 per square foot as per the agreement proposed in Agenda Item 8-A on this evening's agenda.

Greg Weiler, Palmieri, Tyler, Wiener, Wilhelm & Waldron, (WSLA's legal counsel) presented a letter, dated October 5, 1988; opined that Government Code Section 66474.2 provides that inconsistencies with SPA 87-01 cannot be used as grounds to deny the proposal since it is not presently in effect; stated the Town Center and mixed use concepts can work with the proposed subdivision; disputed staff's allegation that the applicant has failed to show conformance with Measure E and Ordinance No. 962, and opined that requiring WSLA to prove compliance is unconstitutional; felt staff's opinion relative to the production of inadequate tax revenue is not a valid reason to deny the petition; stated open space is a non-issue, since the situation can be remedied by conditioning the map on an open space easement; stated no lawful grounds exist for denial of the tract map and disputed the validity of the Findings contained within the proposed resolution.

City Attorney Oderman responded that Council possesses the discretion to deny Tentative Tract Map 13530; suggested the imposition of an additional Finding to read, in part, as follows: "That the subdivision is inconsistent with the adopted Rancho San Clemente Specific Plan for Planning Area 1 due to encroachment into the required open space..."; stated Government Code Section 66474.2 is ambiguous and no judicial interpretations have been rendered, hence it would be necessary for a court to determine the meaning of the section; requested that Finding No. 2 be expanded to read as follows: "That there is no evidence at this time this subdivision will comply with provisions of Ordinance 972 which requires adequate fire and paramedic response for new development"; clarified the proposed agreements to participate in financing operating costs of Fire Station No. 3 (which appears as Agenda Item 8-A on this evening's agenda) applies only to projects that are subject to Ordinance 962, but exempt from Measure E; disputed the allegations made by WSLA's legal counsel that 1) it is unconstitutional to require a property owner to prove compliance with the law, and 2) the City cannot utilize the determinations of the Fiscal Impact Report that was prepared for the Specific Plan Amendment since WSLA withdrew the application for SPA 87-01.

CITY COUNCIL MINUTES
OCTOBER 5, 1988
PAGE 4

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

Mr. Weiler expressed objection that he cannot respond to the City Attorney's comments and the new Finding being recommended.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to adopt Resolution No. 88-104 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE ADOPTING A NEGATIVE DECLARATION AND DENYING TENTATIVE TRACT MAP 13530, PA #1, WSLA, with modifications as follows:

1. All references to Ordinance No. 963 within the text of Resolution No. 88-104 shall be changed to Ordinance No. 972.
2. Finding No. 2 shall be altered to read as follows: "That there is no evidence at this time that this subdivision will comply with provisions of Ordinance No. 972 which requires adequate fire and paramedic response for new development."
3. A new Finding No. 7 shall be included to read as follows: "That the subdivision is inconsistent with the adopted Rancho San Clemente Specific Plan for Planning Area 1 due to encroachment into the required open space. The existing Specific Plan allows a maximum of approximately 55.75 acres of development and the subdivision proposed shows approximately 68.43 acres of development."
4. The original Finding No. 7 shall be renumbered as Finding No. 8.

CITY COUNCIL MINUTES
OCTOBER 5, 1988
PAGE 5

B. TENTATIVE PARCEL MAP 88-255 - BY-THE-SEA ASSOCIATION CONDOMINIUM CONVERSION REQUEST - 269 AVENIDA LOBEIRO

Public Hearing to consider a request to allow the conversion of four existing apartments to condominiums at 269 Avenida Lobeiro in the R-3 (Multiple-Family) Zoning District.

Mayor Lorch opened the Public Hearing.

Ken Kline, 269 Avenida Lobeiro, Applicant, concurred with the contents of the Administrative Report.

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 adopt Resolution No. 88-55 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP NO. 88-255 FOR CONDOMINIUM CONVERSION.

4. ORAL COMMUNICATIONS

Coastal Viewpoint - Southern Portion of La Rambla

Lee Strother, 309 La Rambla, presented Council with a letter addressed to the Coastal Commission, dated June 3, 1987, which requested that the coastal viewpoint located at the southern portion of La Rambla, be left undeveloped.

Council directed staff to investigate the ownership of the subject property and report back to Council re the feasibility of Mr. Strother's suggestion.

CITY COUNCIL MINUTES
OCTOBER 5, 1988
PAGE 6

5. CONSENT CALENDAR

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to approve the Consent Calendar with the removal of Item 5-H.

A. CITY COUNCIL MINUTES

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to approve the City Council minutes of August 25, 1988, September 20, 1988 and September 21, 1988.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 4-0-1 (MAYOR LORCH ABSTAINING) to approve the City Council minutes of September 8, 1988 and September 14, 1988.

B. DEPARTMENTAL ACTIVITIES REPORT

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to receive and file the Departmental Activities Report for August, 1988.

C. AWARD OF BID - ONE FULL SIZE, HEAVY DUTY, FIVE YARD DUMP TRUCK

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to accept the bid of Reynolds Buick - GMC in the amount of \$38,712.26 for the purchase of one new 1989 full size, heavy duty, five yard dump truck.

D. AWARD OF BID - TWO FULL SIZE 1/2 TON PICK-UP TRUCKS

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to accept the bid of Courtesy Chevrolet in the amount of \$23,750.04 for the purchase of two new 1989 full size 1/2 ton pick-up trucks.

CITY COUNCIL MINUTES
OCTOBER 5, 1988
PAGE 7

E. SAN JOAQUIN HILLS AND FOOTHILL/EASTERN TRANSPORTATION
CORRIDORS

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to approve, and authorize the Mayor to execute, the proposed amendments to the "Joint Exercise Powers Agreement Creating San Joaquin Hills and Foothill/Eastern Transportation Corridor Agencies" and to the "Major Thoroughfares and Bridge Fee Program for San Joaquin Hills Transportation Corridor and Foothill/Eastern Transportation Corridor", as contained in the Administrative Report, dated September 26, 1988, and on file in the City Clerk's Department.

F. PLANS AND SPECIFICATIONS - MAIN PUMP STATION FUEL TANK
REMOVAL AND INSTALLATION, PROJECT NO. 4-88

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

1. Approve the plans and specifications for Project No. 4-88 Main Station Fuel Tank Removal and Installation and authorize the City Engineer to advertise the project for competitive bidding.
2. Authorize the allocation of funds from the Sewer Depreciation Reserve Fund Account for construction upon award of the contract by the City Council to the low bidder.

G. CITY CO-SPONSORSHIP OF SAN CLEMENTE GARDEN CLUB SHOW

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

1. Authorize the Parks and Recreation Division to co-sponsor the Garden Club Flower Show (to be held April 14, 15, and 16, 1988) with the San Clemente Garden Club.
2. Authorize the reduction of the Community Center facility rental fee to a total of \$400.

CITY COUNCIL MINUTES
OCTOBER 5, 1988
PAGE 8

I. AWARD OF CONTRACT - SIDEWALK AND STREET RECONSTRUCTION PROJECT

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to award the bid for the construction of sidewalk and street projects (consisting of wheelchair ramps at El Camino Real, Los Obreros street reconstruction, El Portal sidewalk and West Canada street reconstruction) to Excalibur Contracting, Inc., in the bid amount of \$230,258.77. (City Contract No. C88-036).

J. UPGRADE OF PART-TIME COMMUNITY SERVICES OFFICER POSITION TO FULL-TIME - DRUG ASSET FORFEITURE PROGRAM

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

1. Amend the FY 1988-89 budget to establish the position of Community Services Officer (Property/Evidence) as a full-time position in the Police Department.
2. Delete the equivalent of a part-time (24 hours per week) Community Services Officer employee from the adopted Table of Operation.
3. Authorize the transfer of \$13,060 from Account No. 001-000-21540 to the appropriate Police Department Salary and Benefits accounts for the purpose of funding this upgrade.

K. SALE OF RETIRED POLICE CANINE, YOLL VOM SIEGERHAUS, TO HANDLER OFFICER SERGIO CERNE

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to approve, and authorize the City Manager to execute, an agreement with Officer Sergio Cerne for the sale of Police Canine Yoll Vom Siegerhaus to his handler, Officer Cerne, for \$1.00. (City Contract No. C88-035).

CITY COUNCIL MINUTES
OCTOBER 5, 1988
PAGE 9

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

H. PLANS AND SPECIFICATIONS - SAN GORONIO PARK - PHASE III

Councilmember Limberg expressed concern that renovation of the sewer line is specified as an alternate on the plans and specifications for the San Gorgonio Park improvement (Phase III); indicated preference for the sewer line to be renovated inasmuch as the provision of restrooms is an essential element of the park.

Parks and Recreation Manager Wegner responded that staff does not intend to delete the sewer line renovation from the project unless necessary due to cost.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to approve the plans and specifications for the San Gorgonio Park improvement (Phase III) and authorize staff to advertise the project for competitive bidding.

6. WARRANT REGISTER

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to approve Warrant Nos. 76711 through 76898 excluding Payroll Warrant for period 9-17-88 through 9-23-88 (Voids 76709 - 76710) in the amount of \$650,170.40; Warrant Nos. 76899 through 77120 excluding Payroll Warrant for period 9-24-88 through 9-30-88 (Voids 76900 - 76906) in the amount of \$326,009.04; Payroll Warrant No. 76737 for period 9-5-88 through 9-18-88 in the amount of \$425,374.14; for a total Warrant Register of \$1,401,553.58.

CITY COUNCIL MINUTES
OCTOBER 5, 1988
PAGE 10

7. UNFINISHED BUSINESS

A. PROPOSAL FOR STRENGTHENING AND IMPLEMENTING MEASURE E

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

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 4-1 (MAYOR LORCH VOTING NOE), to continue the Proposal for Strengthening and Implementing Measure E to the Council Meeting of October 19, 1988, pending the court ruling on the case of Marblehead v. City of San Clemente.

Councilmember Limberg presented a draft resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE ESTABLISHING AN AD HOC ADVISORY COMMITTEE AND TAKING OTHER RELATED ACTIONS REGARDING POSSIBLE AMENDMENTS TO STRENGTHEN AND IMPLEMENT MEASURE E" and requested that it be included as an alternate resolution for Council consideration on October 19, 1988.

8. NEW BUSINESS

A. AGREEMENTS TO PARTICIPATE IN FINANCING OPERATING COSTS OF FIRE STATION NO. 3

Report from the City Manager concerning the payment of fire and emergency medical services response fee and compliance of new development with Fire and EMS Standards.

Scott Stowell, representing Standard Pacific (Owner of Planning Area 14 in Rancho San Clemente), endorsed in principle the establishment of a Mello-Roos district to provide funds for the maintenance and operation of Fire Station #3; urged that the district be formed diligently to preclude future homeowners from voting against the district; spoke in support of establishment of an agreement to enable Standard Pacific to pay on a lot-by-lot basis and then transfer the obligation to homeowners as the units are sold; questioned and received clarification relative to specifics of the

CITY COUNCIL MINUTES

OCTOBER 5, 1988

PAGE 11

Mello-Roos District as it pertains to petition filing, term and formation of the district, and the timing of Mello-Roos payments.

James Norton, Richmond American, concurred with the formation of a Mello-Roos District; questioned and received clarification as to the effect on the Mello-Roos district in the event Richmond American's 299 units failed to be included in the district.

Denis Cullumber, UDC Homes, spoke in support of the formation of a Mello-Roos District prior to the sale of his company's homes.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to endorse, in principle, the Agreements for Payment of Fire and Medical Response Fee and authorize the City Manager to enter into such agreement with any business property owner or residential property owner who wishes to do so, subject to Ordinance No. 962.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to adopt Ordinance No. 969 entitled AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE AMENDING CHAPTER 39 OF THE CODE OF THE CITY OF SAN CLEMENTE CONCERNING NEW DEVELOPMENT STANDARDS FOR THE PROVISION OF FIRE AND EMERGENCY MEDICAL SERVICES.

In response to Council inquiry, City Attorney Oderman explained there is no legal problem created by the variation in fees required of business park development and residential development; acknowledged the Mello-Roos District will require annual hearings to establish the fees and that majority protest would discontinue the district.

City Manager Hendrickson interjected that if a majority of residents were unwilling to pay the Mello-Roos assessments, Fire Station #3 would be closed and fire service to the area would be discontinued.

CITY COUNCIL MINUTES
OCTOBER 5, 1988
PAGE 12

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to introduce Ordinance No. 985 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE AMENDING CHAPTER 39 OF THE CODE OF THE CITY OF SAN CLEMENTE CONCERNING NEW DEVELOPMENT STANDARDS FOR THE PROVISION OF FIRE AND EMERGENCY MEDICAL SERVICES.

B. REMOVAL OF CITY-OWNED STRUCTURES LOCATED AT 122 AVENIDA GRANADA; CONSIDERATION OF JOINT PARKING FACILITY PROPOSAL BY ROD ROJAS

Report from the Community Development Director concerning institution of demolition permit procedures, as provided in Ordinance No. 773, to remove the structures located on the City's property at 122 Avenida Granada and consideration of a joint parking facility proposal for 122 and 128 Avenida Granada.

Wes Landen, 613 Calle del Cerrito, spoke in support of Council considering negative bids in an attempt to save the historic building located at 122 Avenida Granada; noted his proposal would save the City the cost of demolition and would offset the cost of relocating the structure.

Rod Rojas, clarified his parking proposal, focusing on the issue of access; noted the parking stalls that exist on the various properties would belong to the respective property owners.

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

1. Authorize staff to apply for a demolition permit and process the permit application under requirements of Ordinance No. 773 and to authorize the demolition funding of \$8,600.
2. Approve the optional proposal by Mr. Rojas for the cooperative construction of curb, gutter and sidewalk, at a projected cost of \$2,750. Said proposal is contained within the Administrative Report, dated September 7, 1988, and on file in the City Clerk's Department.

CITY COUNCIL MINUTES
OCTOBER 5, 1988
PAGE 13

3. Interested individuals shall be provided the opportunity to bid on a negative basis for the structure at 122 Avenida Granada. A maximum 60-day timeframe shall be established for the bid process and a maximum of 30 days shall be allowed for removal of the structure.
4. Staff shall investigate the feasibility of burning the building as a training exercise.
5. The parties shall enter into a reciprocal easement agreement.
6. A \$4,000 loan shall be made to the Parking Lot In-Lieu Fund to enable the parking lot to be constructed at this time.

C. HIRING OF THREE POLICE OFFICERS OVER AUTHORIZED STRENGTH

Report from the Chief of Police requesting authorization to hire three sworn Police Officers over the Police Department's authorized allocation.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to authorize the Police Department to fill up to thirty-six sworn police officer positions, or three officers above the Department's authorized strength of thirty-three shown in the FY 1988-89 budget. The salary savings experienced from vacant positions will adequately cover the costs of the additional positions.

D. PROPOSED ATCHISON, TOPEKA AND SANTA FE RAILWAY CO. AT-GRADE CROSSING AGREEMENT FOR CALAFIA BEACH

Report from the City Attorney concerning a License Agreement regarding the At-Grade Crossing at Calafia Beach.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to approve, and authorize the Mayor to execute, a License Agreement by and among the Atchison, Topeka and Santa Fe Railway Co., the City of San Clemente and the County of Orange for an at-grade private pedestrian crossing at Calafia Beach. (City Contract #C88-038).

CITY COUNCIL MINUTES
OCTOBER 5, 1988
PAGE 14

9. ORAL COMMUNICATIONS

None.

10. REPORTS

A. Commissions and Committee

None.

B. City Manager

City Manager Hendrickson requested a Closed Session to 1) discuss matters of personnel; and 2) discuss negotiations to acquire property located at 415 Avenida Granada, pursuant to Government Code Section 54956.8 (James Hendrickson, Negotiator.)

Community Design Commission Interviews

Council agreed to interview Community Design Commission candidates on October 19, 1988 at 6:00 p.m.

C. City Attorney

City Attorney Oderman requested a Closed Session to discuss pending litigation (Kuo's Brothers v. City of San Clemente), pursuant to Government Code Section 54956.9(a).

D. City Council

Councilmember Rice reported on the results of his conversations with Border Patrol representatives relative to relocation of the Border Patrol station five miles south of its current location. Council directed that staff agendaize the Border Patrol issue for October 19, 1988 and to provide suggestions on means of reiterating the City's concerns re border patrol pursuits through the City of San Clemente.

CITY COUNCIL MINUTES
OCTOBER 5, 1988
PAGE 15

Mayor Lorch advised that Disneyland has invited up to twenty disadvantaged children of San Clemente to visit Disneyland on November 18, 1988. Council referred the issue to the Human Resources Committee to determine which children will be invited. Mayor Lorch noted that the Rotary Club Triathlon is scheduled for August 20, 1989; staff responded that a triathlon route is presently being coordinated through the Police and Fire Departments, and that the proposal will be referred to the Parks and Recreation Commission and City Council at a later date.

Council reiterated its concern that the South Orange County Community Services Clinic in San Juan Capistrano is proposed for closure. Council referred the issue to the Human Resources Committee.

11. RESOLUTIONS/ORDINANCES

A. ORDINANCE NO. 984 - SECOND READING

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

B. ORDINANCE NO. 983 - FIRST READING

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to introduce Ordinance No. 983 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA AMENDING ORDINANCE NO. 922 BY MODIFYING SECTION 6 OF CHAPTER 38 OF THE CODE OF THE CITY OF SAN CLEMENTE TO ACCURATELY REFLECT AND CLARIFY THE PROCEDURES USED BY THE RESIDENTIAL DEVELOPMENT EVALUATION BOARD IN RATING DEVELOPMENT PROJECTS.

MEETING RECESSED

Council recessed to a meeting of the Redevelopment Agency at 9:30 p.m. and reconvened at 9:31 p.m., with all members present.

CITY COUNCIL MINUTES
OCTOBER 5, 1988
PAGE 16

CLOSED SESSION

Council recessed to Closed Session at 9:31 p.m. to discuss 1) matters of personnel; 2) real property negotiations (415 Avenida Granada), pursuant to Government Code Section 54956.8 (James Hendrickson, Negotiator); and 3) pending litigation (Kuo's Brothers v. City of San Clemente), pursuant to Government Code Section 54956.9(a). The City Manager, Assistant City Manager, City Attorney, and Community Development Director were in attendance.

MEETING RECONVENED

Council reconvened at 10:02 p.m., with all members present.

IMPLEMENTATION OF SAFETY SERIES RECOMMENDATIONS FOR SWORN FIRE PERSONNEL

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adopt Resolution No. 88-105 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CERTAIN SECTIONS OF RESOLUTION NO. 87-85; THE CITY'S COMPENSATION PLAN/FIRE SALARIES AND IMPLEMENTING OTHER AGREED TO ISSUES FROM THE NASH STUDY.

PENDING LITIGATION - KUO'S BROTHERS, ET AL., V. CITY OF SAN CLEMENTE

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to 1) approve settlement of the Kuo's Brothers v. City of San Clemente lawsuit and related cross complaints in Verde Canyon landslide litigation matters; 2) authorize the Mayor to execute the Agreement on behalf of the City; and 3) authorize the City Clerk to execute the Certificate of Acceptance for the Temporary Easement and Right of Entry (Exhibit "A" to the Settlement Agreement) so that the document can be recorded. The terms of the subject settlement are as follows:

1. The Canyon owners will dismiss their action against the City.
2. The City will dismiss its three Cross-Complaints against the Canyon owners.

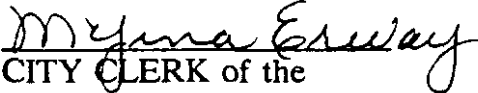
CITY COUNCIL MINUTES
OCTOBER 5, 1988
PAGE 17


3. The parties generally release each other from all liability.
4. The Canyon owners will pay the City and Mead Reinsurance \$100,000.
5. The Canyon owners will execute and allow the recordation of a Right of Entry on their property for repair purposes.
6. The Canyon owners will execute a Notice of Waiver of Claims which will be recorded and which will notify any future purchasers that the owners of the property have given up any rights they have against the City.

ADJOURNMENT

Council adjourned at 10:05 p.m. to 6:00 p.m. on October 19, 1988 for purposes of interviewing candidates to fill an unexpired term on the Community Design Commission.

The next Regular Meeting will be held on October 19, 1988 at 7:00 p.m.


CITY CLERK of the
City of San Clemente


MAYOR 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 October 5, 1988 said meeting was adjourned to the time and place specified in the ORDER OF ADJOURNMENT attached hereto; and that on October 6, 1988 at the hour of 10:00 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 October 6, 1988 at San Clemente, California.

Myrna Erway
 MYRNA ERWAY
 City Clerk

