

# CITY OF SAN CLEMENTE

## City Council Minutes Regular Meeting - November 2, 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 7:08 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.

### INVOCATION

Pastor Jack Shimasaki, Victory Baptist Church, gave the invocation.

### PLEDGE OF ALLEGIANCE

Mayor Lorch led the Pledge of Allegiance.

#### 1. SPECIAL PRESENTATIONS

None.

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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. **PURCHASE OF CASA ROMANTICA**

Report from the Executive Director concerning the purchase of the Casa Romantica, located at 415 Avenida Granada.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to recess to a meeting of the Redevelopment Agency at 7:10 p.m.

Executive Director Hendrickson reviewed the history of the Casa Romantica, focusing on the financial aspects of the purchase, the terms of purchase, and possible uses for the Casa, as contained in the Administrative Report, dated October 28, 1988, and on file in the City Clerk's Department; recommended purchase of the Casa at the negotiated price of \$2.5 million.

Senior Planner Willcocks summarized the City's Pier Bowl Master Plan as it relates to the Casa Romantica, focusing on the range of possibilities for expanding public, commercial and scenic/recreation opportunities in the Pier Bowl area through acquisition of the Casa Romantica property; reported on the results of the Pier Bowl Redevelopment Workshops.

City Attorney Oderman suggested that if Council elects to approve the Agreement for Purchase of the Casa Romantica, that Council authorize the City Attorney's Office to revise the document as follows:

1. The escrow closing date shall be changed from December 23, 1988 to the first week in January, 1989.
2. The interest payments for the first two years shall be made monthly rather than semi-annually.

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3. The Welsh Family shall be given the first right of refusal to re-purchase the Casa Romantica property in the event the City were to propose construction of condominiums on the site and demolition of the Casa.
4. The Agreement shall be expanded to specify the source of revenue that the RDA will apply toward re-payment of the loan.
5. Other minor technical and clarifying changes.

Chairman Lorch opened the Public Hearing.

Charles Hayes, 4032 Calle Louisa, suggested that the Casa Romantica property be declared an historic site; opposed City purchase of the Casa Romantica property inasmuch as he believes the proposed revenue projections are inaccurate and that a negative cash flow would be realized.

Jim Hill, 4115 Calle Mayo, commended staff on the development of a creative financing plan for the Casa; questioned whether a plan has been developed to sell the land not occupied by the Casa and related parking lot; felt the City should seek to make a profit; spoke on the need to increase the City's contingency reserve so that funds will be available in the event the Pier is again damaged; questioned the need to take action on the purchase of the Casa this evening and recommended deferral of a decision until the new Council is seated.

George Key, 2010 Calle La Serna, questioned the effect on the Pier Bowl parking situation in the event the Casa Romantica is successful; recommended Council take precautions to protect the City in the event the Casa is not a success and a budgetary shortfall occurs.

Roger Gentry, 115 West Avenida Lobos Marinos, spoke in support of City purchase of the Casa Romantica to preserve it for future residents.

Charlie Ashbaugh, 2501 South El Camino Real, representing the San Clemente Historical Society, urged City purchase of the Casa Romantica; requested that space in the Casa be allocated to the San Clemente Historical Society for use as an historical museum.

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Frank Nauretz, 17 West Cornelio, spoke in opposition to the City's purchase of the Casa Romantica; voiced concern that it will be necessary for patrons to traverse residential areas in order to get to the Casa.

Tom Padberg, 617 Calle Hidalgo, spoke in opposition to the City's purchase of Casa Romantica; questioned whether the proposed escrow agreement contains a provision for liquidated damages; felt a decision on the Casa Romantica purchase should be deferred pending the seating of the new Councilmembers.

Maureen Capielo, 415 Avenida Granada, spoke in support of the City's purchase of Casa Romantica.

Dorothy Fuller spoke in support of purchasing the Casa, noting that other cities have preserved the homes of their respective founders.

Alison MacLeod, 373 Calle Guaynas, spoke in support of the purchase of the Casa Romantica; noted if revenue from the Casa proves to be deficient, the property can be sold.

Dorothy Prohaska, 411 Cazador Lane, urged City purchase of the Casa Romantica.

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

City Attorney Oderman explained there is no provision for liquidated damages in the Escrow Agreement; noted such a provision provides a seller's remedy in the event the buyer does not follow through, and hence is not a provision that would be proposed by the City.

Executive Director Hendrickson responded to public inquiry, noting that the City has been actively pursuing purchase of the Casa Romantica since February, 1988; summarized the history of the negotiations with the Welsh Family, noting that the Welsh family negotiated in good faith; recommended that Council make a decision on the purchase of Casa Romantica this evening.

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MOTION BY DIRECTOR MECHAM, SECOND BY DIRECTOR LIMBERG, to authorize the Executive Director of the Redevelopment Agency to execute the Agreement for Purchase of the Casa Romantica from the Welsh Family Partnership for \$2.5 million, and to authorize the City Attorney to amend the Agreement as follows:

1. The escrow closing date shall be changed from December 23, 1988 to the first week in January, 1989.
2. The interest payments for the first two years shall be made monthly rather than semi-annually.
3. The Welsh Family shall be given the first right of refusal to re-purchase the Casa Romantica property in the event the City were to propose construction of condominiums on the site and demolition of the Casa.
4. The Agreement shall be expanded to specify the source of revenue that the RDA will apply toward repayment of the loan.
5. Other minor technical and clarifying changes.

In response to a question posed by Chairman Lorch relative to the possibility of amending the Agreement to Purchase to allow the City to make additional loan principal pre-payments, City Attorney Oderman clarified that the Agreement to Purchase, as presently written, enables the City to make additional loan principal pre-payments.

Director Mecham commended the City Manager regarding the negotiations process.

THE MOTION CARRIED 5-0.

MOTION BY DIRECTOR LIMBERG, SECOND BY DIRECTOR MECHAM, CARRIED 5-0, to authorize the Executive Director of the Redevelopment Agency to execute a Loan Agreement, whereby the City agrees to loan to the Redevelopment Agency the sum of \$1 million.

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MOTION BY DIRECTOR MECHAM, SECOND BY DIRECTOR LIMBERG, CARRIED 5-0, to recess the Redevelopment Agency at 8:40 p.m.

The City Council reconvened at 8:40 p.m., with all members present.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to authorize the Mayor to execute a Loan Agreement, whereby the City agrees to loan to the Redevelopment Agency the sum of \$1 million.

COUNCIL RECESSED AT 8:45 P.M. AND RECONVENED AT 8:55 P.M. WITH ALL MEMBERS PRESENT.

**B. USE PERMIT 88-11 - 610 AVENIDA VICTORIA**

Report from the Community Development Director concerning a request to allow the sale of alcoholic beverages in a proposed restaurant, located at 610 Avenida Victoria, and to allow the sale of parking in-lieu certificates to meet the parking requirement for the restaurant.

Councilmember Limberg expressed his belief that the Whisenand report assumptions (which pertain to the bed and breakfast transit tax and the restaurant sales tax) are invalid, and hence opined that the proposal is faulty.

Mayor Lorch opened the Public hearing.

Rick Anderson, 610 Avenida Victoria, requested conceptual Council approval of the proposal at this point in time, noting the specific terms can be referred to Council at a later date; stated the plan will provide approximately \$200,000 for parking improvements in the Pier Bowl area; stated staff recommended that his plan for a parking structure be changed to a commercial use due to staff's belief that a parking structure would set an undesirable precedent for the 600 block of Victoria; felt the in-lieu parking certificate funds collected in the Pier Bowl area should be allocated for expenditure in the Pier Bowl.

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Jim Webb, representing R. W. Smith & Company (restaurant designer) stated the restaurant will have a tropical/whimsical theme and will be oriented toward both resident and tourist trade.

Leeayn Chapman, 320 Boca Del Canon, spoke in support of the subject restaurant; opined the restaurant will not affect the parking situation in the Pier Bowl area.

Tom Davis, on behalf of the Chamber of Commerce and member of the Economic Development Committee, stated the proposed project fulfills the goals and objectives of the Economic Development Committee and Chamber of Commerce; urged that Council endorse the subject project.

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

In response to Council inquiry, Community Development Director Holloway clarified that staff encouraged the Applicant to provide pedestrian-oriented tourist and resident-serving uses on the ground floor of the structure; noted, however, that the subject proposal represents Mr. Anderson's petition.

MOTION BY COUNCILMEMBER VEALE, SECOND BY COUNCILMEMBER MECHAM, to adopt Resolution No. 88-77 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND CONDITIONALLY APPROVING USE PERMIT 88-11 SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL AND APPROVING THE SALE OF PARKING IN-LIEU CERTIFICATES, with the following modifications to Exhibit "A" of the Resolution:

1. Condition No. 14 shall be amended to delete reference to the Whisenand proposal. (Hence the subject Resolution authorizes the sale of in-lieu parking certificates as specified in the Municipal Code.)
2. Condition No. 13 shall be modified to provide that in the event parking at Winner's Circle is lost, the City can review alternate parking plans and revoke Use Permit 88-11 if a solution acceptable to the City is not approved by the City Council.

THE MOTION CARRIED 3-2 (COUNCILMEMBERS LIMBERG AND RICE VOTING NOE).

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MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 3-2 (COUNCILMEMBERS LIMBERG AND RICE VOTING NOE), to endorse the initiation of an amendment to the Zoning Ordinance to allow bed and breakfast establishments to provide parking off-site.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 3-2 (COUNCILMEMBERS LIMBERG AND RICE VOTING NOE), to approve the sale of in-lieu parking certificates to satisfy the parking requirements for the restaurant as specified in the Municipal Code.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to consider Agenda Item 3-D (Use Permit 86-27 - Taj Development Corporation) at this point in the meeting.

**D. USE PERMIT 86-27 - TAJ DEVELOPMENT CORPORATION**

Report from the Community Development Director concerning adoption of a Relocation Assistance Program as a condition of approval in association with the development of a 60-unit hotel at the 3700 block of South El Camino Real.

City Planner Barnes explained that a Writ of Mandate was issued by the court compelling the City to retract its denial of Use Permit 86-27, adding that the City has filed an appeal to this order; stated the court determined that it is reasonable for the City to address the issue of relocation assistance for the tenants who occupy the 11-unit apartment complex on the site; recommended adoption of the Relocation Assistance Program as contained in the Administrative Report.

Mayor Lorch opened the Public Hearing.

David Kimes, 122 Avenida Santa Margarita, questioned and received clarification that 1) staff and the Applicant are attempting to come to resolution on the outstanding issues pertaining to design and architecture, and 2) the project will be subject to Community Design Commission approval.



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Antonio Degrado, on behalf of the residents at 104 Avenida Carmelo, presented two petitions, signed by 22 and 17 individuals respectively. Said petitions urged that 1) a decision on the relocation proposal be postponed for 60 days to allow time for appeal of the court's ruling; 2) that tenants be relocated within the City of San Clemente, preferably within the same school district; and 3) that the City provide low-cost public housing.

City Attorney Oderman explained that an appeal has already been filed; stated the filing of the appeal stays the effect of the court's order and hence the Council is not compelled to act this evening; advised the developer has the right to trigger the 90-day eviction notice according to the timing of development; suggested the possibility of imposing a condition to provide that a relocation report be submitted and approved by the Council prior to mailing of the 90-day eviction notice.

M. Stephen Coontz, 3222 Camino Capistrano, San Juan Capistrano (attorney for the Applicant), opined a rental assistance payment of \$750 per unit is appropriate and that a moving allowance of \$250 per unit is reasonable; noted the tenants do not have leases and rent on a month-to-month basis; voiced concern that Condition No. 2 requires the Applicant to verify the gross income of the tenants and to provide a list of suitable housing that would not cost more than 33% of the tenants' gross income; noted the difficulty in verifying gross income; suggested that Condition No. 2 be modified to require the Applicant to provide the tenants with a listing of available housing in the area for a certain rental amount or less.

Margo Beauchamp, 137 Avenida Santa Margarita, suggested the list of housing be submitted to Council for monitoring and/or approval.

CLOSED SESSION

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to recess to Closed Session at 10:30 p.m. to discuss pending litigation (El Camino Investments v. City of San Clemente), pursuant to Government Code Section 54956.9(a). The City Manager and City Attorney were in attendance.

MEETING RECONVENED

Council reconvened at 10:45 p.m., with all members present.

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MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to continue the Public Hearing on Use Permit 86-27 to the City Council meeting of November 16, 1988 and to authorize Councilmember Mecham to confer with staff and the Applicant relative to pending issues.

C. COST OF NUISANCE ABATEMENT IN THE FORSTER RANCH DEVELOPMENT

Report from the Community Development Director concerning confirmation of certain costs incurred by the City in abating the public nuisance in the Forster Ranch development.

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

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to adopt Resolution No. 88-84 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CONFIRMING CERTAIN COSTS INCURRED IN ABATING THE PUBLIC NUISANCE IN THE FORSTER RANCH DEVELOPMENT.

4. ORAL COMMUNICATIONS

SPRINKLER REQUIREMENTS - 156 AVENIDA SERRA

Tom Williams requested that his property at 156 Avenida Serra be redesignated from Commercial to Residential and that residential sprinkler requirements be imposed.

Council requested that Mr. Williams submit his request in writing to allow staff to review the matter.

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POLITICAL SIGNS

Roger Hudson, 2907 Calle Frontera, voiced concern that a political sign which was placed on his property was removed by the Police Department without notice.

Tom Padberg, 617 Calle Hidalgo, voiced concern that the City removes political signs from private property when placed within eight feet from the curb, despite the fact that some City easements are less than eight feet from the curb; opined that political signs should not be removed from City easements inasmuch as an easement represents a right of access, and not a right of ownership.

City Attorney Oderman noted that City easements represent a public right-of-way and the City's Sign Ordinance prohibits the placement of signs within the public right-of-way; opined the ordinance is valid and constitutional.

Nancy Padberg, 617 Calle Hidalgo, stated none of her political signs were illegally placed; opined the political sign regulations are selectively enforced.

Council requested that the Sign Ordinance be agendized for a future Council meeting to enable Council to refine the Ordinance and to impose penalties for violation.

ENVIRONMENTAL CONCERNS

Jay Salsburg, 111 Avenida Granada, inquired and received clarification relative to the status of cable television coverage of Council meetings; felt employees in food stores should be prohibited from smoking.

MOTION BY MAYOR LORCH to consider Agenda Item 10-B(1) (Report re growth Management Plan Alternative to Measure "E") at this point in the meeting. The motion died for lack of a second.

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5. CONSENT CALENDAR

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

A. MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to approve the City Council minutes of October 19, 1988.

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

(1) Departmental Activities Report - September, 1988.

(2) Community Design Commission minutes of September 13, 1988.

C. NUISANCE ABATEMENT - 134 AVENIDA DE LA PAZ

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to adopt Resolution No. 88-101 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DECLARING ITS INTENTION TO DETERMINE WHETHER A PUBLIC NUISANCE EXISTS AT 134 AVENIDA DE LA PAZ, AND SETTING A PUBLIC HEARING FOR THE CITY COUNCIL MEETING OF DECEMBER 7, 1988.

E. NOTICE OF COMPLETION - FIRE STATION NO. 2, PROJECT 7-87

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to accept the Fire Station No. 2 construction project #7-87, from Camco Construction Company, Inc. and authorize staff to file a Notice of Completion with the County Recorder.

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F. AWARD OF BID - FOUR FULL-SIZE 3/4 TON UTILITY TRUCKS

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to accept the bid of Allen Olds-GMC Inc. in the amount of \$59,529.60 for the purchase of four (4) new 1989 model full size 3/4 ton utility trucks.

H. EQUIPMENT PURCHASE - CUSTOM CLASS A FIRE PUMPER

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to authorize the Fire Chief to execute a Letter of Understanding with Emergency One, Inc., the low bidder, for the purchase of one Custom Class A Fire Pumper in the amount of \$193,421.38.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

D. NEW SUBDIVISION AGREEMENT AND NEW LETTERS OF CREDIT - TRACT 11793 - SEA POINTE ESTATES

City Clerk Erway advised that in the event Council elects to accept the new Subdivision Agreement and new letters of credit for Tract 11793, it should be accomplished through the adoption of Resolution No. 88-107.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to adopt Resolution No. 88-107 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ACCEPTING A NEW SUBDIVISION AGREEMENT AND NEW LETTERS OF CREDIT ON TRACT 11793, SEA POINTE ESTATES, CITY OF SAN CLEMENTE.

G. AWARD OF BID - ONE NEW 1989 MID-SIZE BLAZER

Following clarification, MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to accept the bid of Courtesy Chevrolet in the amount of \$12,779.77 for the purchase of one new 1989 model mid-size Chevrolet Blazer.

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6. WARRANT REGISTER

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to approve Warrant Nos. 77539 through 77691 excluding Payroll Warrant for period 10-15-88 through 10-21-88 (Voids 77541, 77542, and 77543) in the amount of \$249,716.57; Warrant Nos. 77692 through 77874 for period 10-22-88 through 10-28-88 (Voids 77694, 77695 and 77696) in the amount of \$318,709.05; and Payroll Warrant No. 77561 for period 10-3-88 through 10-16-88 in the amount of \$411,213.57; for a total Warrant Register of \$979,639.19.

7. UNFINISHED BUSINESS

A. REGIONAL CIRCULATION FINANCING AND PHASING PROGRAM (RCFPP)

Report from the Community Development Director concerning adoption of a Regional Circulation Financing and Phasing Program to address traffic and circulation needs of the backcountry ranch areas.

Community Development Director Holloway provided introductory comments, focusing on the background of the Regional Circulation Financing and Phasing Program and the changes made to the program as a result of Council direction of October 19, 1988; advised that Centex Homes has submitted an alternate cost allocation plan, which redefines off-site improvements.

Bob Burleson, on behalf of the Planning Commission, complimented staff on the preparation of the RCFPP document; urged that Council seek Planning Commission input on programs such as the RCFPP; felt that yearly reassessments of costs should be conducted to address inflationary issues; voiced concern with the validity of cost estimates received to date and urged Council to validate the baseline cost estimates on which initial assessments will be based; opined future development should participate in all on-site and off-site costs since such development will benefit from the improvements.

Patrick Carroll, 650 Town Center Drive, Costa Mesa, representing Estrella Properties, referenced his letter dated October 24, 1988; opined the proposed program is unfair and unreasonable with respect to Estrella's property; noted the Forster Ranch will generate 22% of the traffic, yet the recommended assessment

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represents 51% of the total cost; stated the development of Estrella's property will be rendered infeasible if a \$38 million contribution is required; felt Estrella Properties is being assessed a disproportionate share of the costs and added that Estrella Properties will not agree to the financing program as proposed.

Ron Brendt, Centex Corporation, 597 Seger Street, Martinez, California, suggested an alternate plan which would require the cost of arterial highways to be shared on the same basis as off-site improvements; commended staff for their cooperation.

Cathy Higley stated differential fee structures are not utilized in other Orange County cities, adding that normally uniform fees are established according to land use; felt a uniform land use fee would facilitate market equitability.

Dave Christian, WSLA, spoke in support of staff's recommendation as it relates to off-site improvement participation; stated on-site improvements have been the responsibility of the developers and WSLA's on-site arterials have been built and bonded, with the exception of Vista Hermosa; stated WSLA is willing to dedicate land and bond for that linkage of Vista Hermosa that crosses Planning Area 1; urged that the Retail Sales Tax Reimbursement Program be extended to Zone 3 (Rancho San Clemente).

Scott Stowell, representing Standard Pacific, 1565 W. MacArthur, Costa Mesa, expressed support for staff's recommendation; urged that Council act this evening; disagreed with the Centex proposal.

Jim Norton, Richmond American Homes, 1 Park Plaza, Irvine, concurred with Mr. Stowell's comments; relayed support for staff's recommendation.

Larry Nelson, Shaw/Nelson Partnership, 3151 Airway Avenue, Suite L-1, Costa Mesa, stated some developers have already participated in the cost of infrastructure improvements; felt the fee structure should be analyzed in terms of trip ends for industrial, commercial and retail property; felt property owners that would benefit from the improvements should be notified of the November 16, 1988 Public Hearing relating to the cost sharing formula.

Alan Dibartolomeo, representing Don Wilson Development, 323 Alvarado Place, Newport Beach, stated their 8.5 acre site may not be able to proceed if the cost assessment for their project is too high; stated ranch owners have had more time to allow for the cost and are better able to accommodate same.

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Denis Cullumber, UDC Homes, 119 North Maple, Corona, urged Council to act on the financing plan tonight; urged that Council address the issues of beach parking and backcountry trails prior to November 30, 1988.

Bill Phillips, Phillips Brandt Reddick, disagreed with the Centex proposal, noting that Talega would be required to pay an additional \$15 million.

Jerry Gahan, representing the Tarnetzer Companies, stated his company is presently in escrow to purchase Planning Area 1 in Rancho San Clemente; urged Council to adopt a program tonight; felt the Retail Sales Tax Reimbursement Program should not be limited to three areas.

Don Steffensen, The Lusk Company, representing Marblehead, stated that although he is neutral between the City and Centex proposals, The Lusk Company would support redefining some of the ranch links as regional improvements; urged that Council require fair-share contributions that are consistent with the amount of traffic being generated; requested reassurance that processing of the Marblehead Coastal property will be able to proceed under the RCFPP, without additional circulation requirements being imposed in the future.

**MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 4-1 (MAYOR LORCH VOTING NOE), that the allocation of costs be based on a distribution among the ranches of existing and recognized off-site costs plus the on-site arterial links identified by staff, with the deletion of Vera Cruz, and that the allocation for costs of commercial be reduced to a figure of a maximum of \$1.50 per square foot, subject to staff review and perhaps modification as deemed appropriate, with the remaining costs allocated to the remaining residential.**

Community Development Director Holloway agreed to revise the RCFPP document to reflect Council direction and to agendize the issue for the Council meeting of December 7, 1988. Additionally, Community Development staff will submit to Council at its meeting of November 16, 1988 a list of all Tentative Tract Maps which require that a financing program be entered into by November 30, 1988 so that Council can amend the conditions to allow additional time for resolution of the financing program.



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City Attorney Oderman agreed to amend the appropriate Ordinances once the RCFPP is more finalized.

8. NEW BUSINESS

A. MASTER LANDSCAPE PLAN FOR SCENIC CORRIDORS

Report from the Community Development Director concerning approval of a Master Plan for landscaping scenic highways in the City's backcountry.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY MAYOR LORCH, CARRIED 5-0, to continue the Master Landscape Plan for Scenic Corridors to the Council meeting of November 16, 1988.

9. ORAL COMMUNICATIONS

None.

10. REPORTS

A. Commissions and Committee

None.

B. City Manager

(1) Report re Growth Management Plan Alternative to Measure "E"

City Manager Hendrickson stated staff intends to develop a comprehensive growth management element which will incorporate the best features of Measures B and E and reviewed the status of various Measure E related studies as follows: 1) the traffic study will be continued; 2) staff recommends that the drainage study be discontinued; 3) staff will report back to Council as to the latest modifications to the RDEB criteria in response to Measure E; and 4) the comprehensive planning and improvement programs have been discontinued.

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Gregory Heil, Attorney with Blacketer and Heil, recommended that the moratorium not be lifted at this time since Judge Woolley has not yet issued a final decision re Measure E.

MOTION BY COUNCILMEMBER RICE, SECOND BY MAYOR LORCH, CARRIED 4-1 (MAYOR LORCH VOTING NOE), to defer action on Ordinance No. 987 until the final decision is received from Judge Woolley. (Note: Ordinance No. 987 is entitled AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REPEALING AND RESCINDING ORDINANCE NOS. 987 AND 981 REGARDING THE PROCESSING AND APPROVAL OF APPLICATIONS FOR DEVELOPMENT APPROVALS SUBJECT TO MEASURE E.)

City Manager Hendrickson advised the Council Chambers will be open at 8:30 p.m. on Election Night (November 8, 1988); noted election results will also be available by telephone and will be reported periodically on Channel 10. City Manager Hendrickson further advised that the Council Chambers will be under construction from November 12, 1988 through the end of year, and hence all Council and Commission meetings will take place at the Community Center.

C. City Attorney

None.

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D. Council Members

- (1) CONSIDERATION OF AUTHORIZING THE EXPENDITURE OF \$5,100 TO FUND THE REFURBISHMENT OF THE AUDIENCE CHAIRS AS PART OF THE COUNCIL CHAMBERS REMODELING PROJECT.

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

1. Approve the addition of the audience chairs refurbishment to the approved Council Chambers modifications for a cost of \$5,100.
2. Approve an appropriation of \$5,100 from the Annexation Fee Reserve to the General Fund, Account No. 001-124-44890, Other Operating Expenses.

PARKING IN FIRE LANES

Mayor Lorch stated twelve people were ticketed at Shorecliffs Junior High School for parking in a fire lane. It was the consensus of Council that the community should be reminded of the importance of maintaining unobstructed fire lanes and that notice be given that enforcement will be forthcoming.

11. RESOLUTIONS/ORDINANCES

A. ORDINANCE NO. 986 - SECOND READING

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adopt Ordinance No. 986 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA ADOPTING A MITIGATED NEGATIVE DECLARATION AMENDING THE RANCHO SAN CLEMENTE SPECIFIC PLAN (SP 82-1) AS ADOPTED BY ORDINANCE NO. 876 AND SUBSEQUENTLY AMENDED BY RSC SPA 87-01.

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MEETING RECESSED

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to recess to the Redevelopment Agency at 1:45 a.m.

MEETING RECONVENED

Council reconvened at 1:47 a.m., with all members present.

ADJOURNMENT

Council adjourned at 1:47 a.m. The next regular meeting will be held on November 16, 1988 at 7:00 p.m.

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CITY CLERK of the City of  
San Clemente

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MAYOR of the City of  
San Clemente