

CITY OF SAN CLEMENTE

City Council Minutes Regular Meeting - December 21, 1988

A regular meeting of the City Council of the City of San Clemente, conducted at the Community Center, Ole Hanson Room, 100 N. Seville, San Clemente, was called to order at 6:10 p.m. by Mayor Rice.

PRESENT Council Members - DIEHL, HAGGARD, LORCH, VEALE, MAYOR RICE

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.

SELECTION OF COMMISSION MEMBERS FOR PLANNING COMMISSION AND PARKS AND RECREATION COMMISSION

Planning Commission

Council interviewed the following Planning Commission applicants:

Don Caresio
Michael J. Foegelle
Lynne M. Geysler
George E. Key
E. Dorothy Prohaska.

(Marie Swami previously withdrew her candidacy.)

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Council cast written ballots as follows:

DIEHL:	Prohaska
HAGGARD:	Geyser
LORCH:	Key
VEALE:	Geyser
MAYOR RICE:	Key

Council voted again by written ballot as follows:

DIEHL:	Key
LORCH:	Key
HAGGARD:	Geyser
VEALE:	Geyser
MAYOR RICE:	Key

MOTION BY COUNCILMEMBER VEALE, SECOND BY COUNCILMEMBER DIEHL, CARRIED 5-0, to appoint George Key to the Planning Commission for a term to expire June 30, 1990.

Parks and Recreation Commission

Council interviewed the following Parks and Recreation Commission applicant:

Mary Anna Anderson.

The following individuals were not present for interviews:

Richard Reid
 Richard Shockcor.

(George Key withdrew his candidacy due to his appointment to the Planning Commission.)

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to appoint Mary Anna Anderson to the Parks and Recreation Commission for a term to expire June 30, 1990.

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COUNCIL RECESSED AT 7:14 P.M. AND RECONVENED AT 7:25 P.M., WITH ALL MEMBERS PRESENT.

1. SPECIAL PRESENTATIONS

- A. Lieutenant Bernardi presented a City Tile to retiring School Crossing Guard Alfred Davis, in recognition of 13 years of dedicated service.
- B. Councilmember Lorch recognized Dan Graasman, Game Room Director for the Boys and Girls Club, Theresa Fincham, Pat Lindberg and Lori Jarneaz for serving as chaperons for the San Clemente children who attended "Fun Day" at Disneyland; also recognized Kent Campbell, Boys and Girls Club Executive Director and presented City pins to those present; presented a Disneyland sign to the Public Services Department and commended Bonnie Martinez for organizing the trip.

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

3. PUBLIC HEARINGS

A. COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS - 15TH YEAR APPLICATION

Public Hearing to review requests for CDBG funds from City Departments and private non-profit agencies for Fifteenth Year Community Development Block Grant Funds.

MOTION BY COUNCILMEMBER VEALE, SECOND BY COUNCILMEMBER DIEHL, CARRIED 5-0, to continue the Public Hearing to January 4, 1989.

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B. CONCURRENT SALE OF ALCOHOLIC BEVERAGES AND GASOLINE - AMENDMENT TO ORDINANCE NO. 924

Public Hearing to consider adopting an ordinance amendment regulating the concurrent sale of alcoholic beverages and gasoline.

Mayor Rice opened the Public Hearing and there being no one desiring to speak to this item, the Public Hearing was closed.

MOTION BY COUNCILMEMBER VEALE, SECOND BY COUNCILMEMBER DIEHL, CARRIED 5-0, to introduce Ordinance No. 990 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTIONS 4.7, 4.8, 4.9, 4.10, 4.11, 5.54, AND 7.2 OF APPENDIX 'A' RELATING TO THE CONCURRENT SALE OF ALCOHOLIC BEVERAGES AND MOTOR VEHICLE FUEL, with the modification that an 11th sentence be added to the Requirements of Operation to read as follows: "Participation in a public educational program against drinking and driving."

Council agreed to advise City Attorney Oderman, in writing, of any other issues they feel should be addressed in the subject Ordinance.

C. ORDINANCE LIFTING NEW DEVELOPMENT MORATORIUM

Report from the Community Development Director regarding rescinding Urgency Ordinance Nos. 981 and 976 and lifting new development moratorium effective January 4, 1989.

Community Development Director Holloway reviewed the standards addressed in Measure E as compared to current City standards, as contained in the attachment to the Administrative Report, dated December 16, 1988, and on file in the City Clerk's Department.

Mayor Rice opened the Public Hearing.

Joyce Roy, 115 Avenida San Fernando, urged Council to pursue the intent of Measure E and to document appropriate regulations.

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Norman Ream, 511 E. San Juan, voiced concern with staff's proposal; stated standards should be explained clearly and made available to the public; advised Gregory Hile has filed an appeal of Judge Woolley's decision re Measure E and hence opined that action to lift the moratorium is premature; requested that City Attorney Oderman refrain from discussion on this agenda item due to a conflict of interest with Measure E.

In response to Council inquiry, City Attorney Oderman clarified that although he has a conflict of interest with respect to Measure E, he does not have a conflict concerning the moratorium; opined that Council possesses the discretion to determine whether or not the moratorium should be lifted at this time.

Frank Denison, Jr., 504 Monterey Lane, expressed his belief that the catch basins on Del Mar are inadequate; felt staff should determine the City's future parks and drainage requirements.

Gregory Hile, representing San Clementeans for Sensible Growth and Traffic Control, stated an appeal was filed by the intervenors of the case of Marblehead v. City of San Clemente; opined there is no basis for lifting the moratorium at this time inasmuch as the filing of the appeal stays the effect of Measure E.

There being no others desiring to appear and be heard, the Public Hearing was closed.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER VEALE to adopt Urgency Ordinance No. 987 entitled AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REPEALING AND RESCINDING ORDINANCE NOS. 976 AND 981 REGARDING THE PROCESSING AND APPROVAL OF APPLICATIONS FOR DEVELOPMENT APPROVALS SUBJECT TO MEASURE E.

AMENDED MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER RICE, FAILED 2-3 (COUNCILMEMBERS DIEHL, HAGGARD AND VEALE VOTING NOE) to add language to Ordinance No. 987 to provide that conditions of approval may be added to impose requirements or fees as a result of the Traffic Model findings.

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THE ORIGINAL MOTION WAS VOTED ON AND FAILED 3-2 (COUNCILMEMBER LORCH AND MAYOR RICE VOTING NOE.) (Adoption of an Urgency Ordinance requires 4/5 vote.)

MOTION BY MAYOR RICE, SECOND BY COUNCILMEMBER DIEHL, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE) to reconsider Urgency Ordinance No. 987.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER VEALE, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE) to adopt Urgency Ordinance No. 987 entitled AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REPEALING AND RESCINDING ORDINANCE NOS. 976 AND 981 REGARDING THE PROCESSING AND APPROVAL OF APPLICATIONS FOR DEVELOPMENT APPROVALS SUBJECT TO MEASURE E.

4. ORAL COMMUNICATIONS

USE OF MARBLEHEAD COASTAL PROPERTY

Tom Padberg, 617 Calle Hidalgo, urged that the use of the Marblehead Coastal property be determined through study, public hearings and coordination with The Lusk Company; suggested that a high-calibre resort hotel, with a championship golf course, may be appropriate for the Marblehead Coastal property.

OCEAN VIEW PLAZA DEVELOPMENT CORPORATION

Jeff Dahlstrom, Ocean View Plaza Development Corporation, stated the Planning Commission approved the Ocean View Plaza project on December 20, 1988; advised he wishes to appeal two conditions and requested that Council schedule the appeal for Public Hearing on January 4, 1989 in order to expedite the project. City Manager Hendrickson explained the appeal process, as set forth in the Municipal Code, and advised the Public Hearing will be scheduled for an appropriate meeting upon receipt of Mr. Dahlstrom's official appeal letter:

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**FULL-TIME CITY ATTORNEY/CONTRACTING WITH COUNTY OF ORANGE
FOR PUBLIC SAFETY PROTECTION**

Frank Denison, 504 Monterey Lane, spoke in support of the retainment of a full-time City Attorney; requested that Council obtain a comparison of the cost of the City providing fire and police protection versus contracting with the County of Orange.

MEASURE E - MORATORIUM

Gregory Hile stated that Measure E was approved by the electorate and hence can only be amended by the electorate; stated that although Council adopted an Ordinance to lift the moratorium, the City must implement Measure E since the filing of the appeal to Judge Woolley's decision stays the effect of Measure E.

5. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER VEALE, SECOND BY COUNCILMEMBER DIEHL, CARRIED 5-0, to approve the Consent Calendar with the removal of Items A, B, D, I, and K.

C. **BID REQUEST - ACEBO LANE, CORTO LANE & WEST AVENIDA SAN ANTONIO STORM DRAIN RECONSTRUCTION, PROJECT NO. 19-87**

MOTION BY COUNCILMEMBER VEALE, SECOND BY COUNCILMEMBER DIEHL, CARRIED 5-0, to approve plans and specifications for the storm drain reconstruction Project No. 19-87, located at Acebo Lane, Corto Lane and West Avenida San Antonio and authorize staff to advertise the project for competitive bidding.

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E. **LOS ALAMOS STORM DRAIN - EASEMENT DEDICATION**

MOTION BY COUNCILMEMBER VEALE, SECOND BY COUNCILMEMBER DIEHL, CARRIED 5-0, to accept an easement for storm drain purposes from Cornelius and Jean Bahan, Tract 897, Lot 20 and authorize the City Clerk to record deed.

F. **OLE HANSON BEACH CLUB SWIMMING POOL DECK REPAIRS AND IMPROVEMENTS**

MOTION BY COUNCILMEMBER VEALE, SECOND BY COUNCILMEMBER DIEHL, CARRIED 5-0, to authorize staff to solicit cost proposals and the City Manager to execute the necessary contract(s), not to exceed \$38,000, for the repairs and improvements of the Ole Hanson Beach Club swimming pool deck.

G. **CALIFORNIA WILDLIFE, COASTAL AND PARK LAND CONSERVATION BOND ACT OF 1988 APPLICATIONS**

MOTION BY COUNCILMEMBER VEALE, SECOND BY COUNCILMEMBER DIEHL, CARRIED 5-0, to adopt Resolution No. 88-118 entitled A RESOLUTION OF THE CITY OF SAN CLEMENTE APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE PER CAPITA GRANT PROGRAM UNDER THE CALIFORNIA WILDLIFE, COASTAL, AND PARK LAND CONSERVATION ACT OF 1988.

H. **COMMUNITY CENTER REMODELING PROJECT**

MOTION BY COUNCILMEMBER VEALE, SECOND BY COUNCILMEMBER DIEHL, CARRIED 5-0, to receive and file report from the Director of Public Services dated December 13, 1988.

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J. **PROFESSIONAL DESIGN SERVICES - MAX BERG PLAZA PARK AND LOS MARES, ESPLANADE AND VALENCIA MEDIAN PROJECTS**

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

- (1) Approve the hiring of Meyer and Associates of Laguna Hills for a not-to-exceed fee of \$70,580 for the Master Planning, Construction Documents and Construction Observation of Los Mares, Esplanade and Valencia Medians and the Construction Documents and Construction Observation of Max Berg Plaza Park; and
- (2) Authorize the City Manager to enter into an agreement with Meyer and Associates to provide said services.

L. **WASTEWATER TREATMENT PLANT EXPANSION, CONTRACT C-2 - PROPOSED CHANGE ORDER NO. 5**

MOTION BY COUNCILMEMBER VEALE, SECOND BY COUNCILMEMBER DIEHL, CARRIED 5-0, to approve Contract Change Order No. 5 to be done by force account with M. A. Mortenson Company in the amount of \$20,316.00.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

- A. MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER VEALE, CARRIED 3-0-2 (COUNCILMEMBERS HAGGARD AND LORCH ABSTAINING) to approve the City Council minutes of November 29, 1988 as written.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to approve the City Council minutes of December 7, 1988 as written.

B(1). **PLANNING COMMISSION MINUTES OF NOVEMBER 15, 1988.**

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to call up for review Use Permit 88-10/SPR 88-06 (GTP Construction) particularly as it relates to the issue of red-curbng.

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MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to call up for review Use Permit 88-15 and Site Plan Review 88-11 (Sea View Business Park) particularly as it pertains to participation in the RCFPP.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER DIEHL, CARRIED 5-0, to call up for review Site Plan Review 88-15 (Trospen Professional Building).

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to receive and file the balance of the Planning Commission minutes of November 15, 1988.

B(2),(3),and (4) GOLF COURSE COMMITTEE, COMMUNITY DESIGN COMMISSION, AND PARKS AND RECREATION COMMISSION MINUTES

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 4-0-1 (COUNCILMEMBER LORCH ABSTAINING) to receive and file the following minutes:

Golf Course Committee minutes of November 1, 1988 and November 16, 1988.

Community Design Commission minutes of October 25, 1988 and November 22, 1988.

Parks and Recreation Commission minutes of November 8, 1988 and November 29, 1988.

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D. REIMBURSEMENT AGREEMENT NO. 2-84 - PAYMENT TO WSLA FOR CONSTRUCTION OF SEGUNDA DESHECHA CHANNEL (MO2)

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to:

1. Authorize appropriation from the Segunda Deshecha Drainage Fund in the amount of \$404,570.21 to Account No. 033-841-45300, Improvements Other Than Buildings; and
2. Authorize the reimbursement to WSLA in the amount of \$404,570.21 from Account No. 033-841-45300.

I. RELOCATION ASSISTANCE AGREEMENT - TAJ DEVELOPMENT CORPORATION (USE PERMIT 86-27)

Assistant City Manager Hulsizer reviewed the modifications to the Relocation Assistance Agreement; noted the agreement meets the criteria discussed at the December 7, 1988 Council meeting and advised the principals from Taj Development Corporation and El Camino Investment Company have indicated they are prepared to sign the agreement as presented.

Councilmember Diehl stated for the record that he has listened to the tape recording of the Public Hearing of November 16, 1988 concerning the Relocation Assistance Agreement and hence will participate in the discussion and vote this evening.

Greg Galvan, 104 Carmelo Avenue, Apt. 5, stated he lived in one of the other apartments for seven years; voiced concern he is not proposed to receive relocation assistance.

Glenn Roy, 111 Avenida Granada, read a letter, dated December 21, 1988 which relayed concern that the individuals who are being displaced do not have legal representation; opined it is illegal to provide increased relocation assistance based on length of residency.

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City Attorney Oderman clarified that relocation is not required in this case under Federal or State guidelines, but rather is a situation where the City has voluntarily attempted to help individuals who are being adversely affected.

Stephen Coontz, Attorney representing the Applicant, advised the principals of El Camino Investment Company and Taj Development Corporation are prepared to sign the Relocation Agreement. In answer to Council inquiry, Mr. Coontz indicated willingness to provide Mr. Galvan \$1,000 in relocation assistance if desired by Council, but added that he does not believe there is justification for treating Mr. Galvan differently from other individuals who do not have rental agreements.

MOTION BY COUNCILMEMBER VEALE, SECOND BY COUNCILMEMBER RICE, CARRIED 4-0-1 (COUNCILMEMBER HAGGARD ABSTAINING) to approve, and authorize the City Manager to execute, a Relocation Assistance Agreement with Taj Development Corporation (Contract No. C88-039) as a condition of approval for Use Permit 86-27, with the stipulation that a \$1,000 relocation assistance payment be made to Greg Galvan.

K. BID AWARD - POWER RESCUE TOOL

MOTION BY COUNCILMEMBER DIEHL, SECOND BY MAYOR RICE, CARRIED 5-0, to defer consideration of Agenda Item 5-K (Bid Award - Power Rescue Tool) until the City Attorney returns to the meeting.

Consideration of Agenda Item 5-K (Bid Award - Power Rescue Tool) resumed at 9:50 p.m. as follows:

Keith Adamson, President of Flameco, stated his company was the low bidder on the power rescue tool; spoke on the advantages of Flameco's product and offered to demonstrate their power rescue tool to City representatives.

MOTION BY COUNCILMEMBER VEALE, SECOND BY MAYOR RICE, CARRIED 5-0, to defer consideration of the Bid Award - Power Rescue Tool to the Council meeting of January 4, 1989 to enable the Fire Department to respond on the suitability of Flameco's power rescue tool for City use.

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6. WARRANT REGISTER

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to approve Warrant Nos. 78682 through 78833 (Voids 78686-78690) for period 11-28-88 through 12-2-88 in the amount of \$309,154.25; Warrant Nos. 78834 through 79060 (Voids 78837 and 78838) excluding Payroll Warrant for period 11-28-88 through 12-11-88 in the amount of \$777,038.10; Payroll Warrant No. 79027 for period 11-28-88 through 12-11-88 in the amount of \$306,722.71; for a total Warrant Register of \$1,392,915.06.

COUNCIL RECESSED AT 9:40 P.M. AND RECONVENED AT 9:50 P.M.

7. UNFINISHED BUSINESS

None.

8. NEW BUSINESS

A. BONITO CANYON BICENTENNIAL PARK MASTER PLAN REVISIONS

Report from the Public Services Director regarding revisions to the Bonito Canyon Bicentennial Park Master Plan to provide an expansion to the Boys and Girls Club.

Parks and Recreation Manager Wegner reviewed the original and revised Master Plans for Bonito Canyon; noted the Parks and Recreation Commission, as well as the Planning Commission, have endorsed the revised Master Plan; summarized an alternate plan, which has been proposed by adjacent residents, which proposes the relocation of the lighted outdoor basketball courts to the south side of the Boys and Girls Club building.

The following individuals addressed Council in support of the Revised Bonito Canyon Bicentennial Park Master Plan as recommended by staff:

Kent Campbell, Executive Director of Boys and Girls Club
Tom Davis, Board of Directors of Boys and Girls Club

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Rick Anderson, 610 Ave. Victoria, San Clemente

The following individuals addressed Council in opposition to the revised Bonito Canyon Bicentennial Park Master Plan due to concern with the proposed density, loss of open space, and encroachment into the canyon; recommended an alternate plan whereby the outdoor basketball courts would be situated to the south side of the Boys and Girls Club; felt the pavilion should be enclosed at night as a crime deterrent:

Randall Seech, 1012 N. Ave. Estrella, San Clemente

Jeff Erickson, 1010 N. Ave. Estrella, San Clemente

Luis Tirre, 207 E. El Portal, San Clemente

Evelyn Kodama, 1012 N. Ave. Estrella, San Clemente

Grace Maloney, 205 E. Portal, San Clemente

Susan L. Cook, 1412 Ave. De La Estrella, San Clemente

Evelyn Fernandez, Parks and Recreation Commissioner, 1307 Ave. De La Estrella, San Clemente

Sandra Hidey, 203 E. Portal, San Clemente

MOTION BY COUNCILMEMBER VEALE, SECOND BY COUNCILMEMBER DIEHL, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to approve the Revised Master Plan for Bonito Canyon Bicentennial Park, subject to the conditions contained in Exhibit "A" of Planning Commission Resolution No. PC88-105 with the deletion of Conditions 3, 4, and 5.

B. ONE-YEAR TIME EXTENSION FOR USE PERMIT 86-17, SAN CLEMENTE RETAIL PLAZA, LOCATED AT 641 CAMINO DE LOS MARES

Gary Nogle, 1430 Union Street, San Diego, stated he has encountered problems in obtaining financing for the San Clemente Retail Plaza project; stated the contractor has been retained and construction will commence in February, 1989; voiced concern that the additional burden of the RCFPP contribution would render the project infeasible; noted the economic benefit the project would provide to the City and questioned whether the money they are contributing toward Los Mares can be credited to the RCFPP.

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MOTION BY COUNCILMEMBER VEALE, SECOND BY COUNCILMEMBER DIEHL to request staff to develop a creative financing program whereby the San Clemente Retail Plaza can contribute its RCFPP contribution in part from sales tax revenue and part from the project's profits. (Council clarified that the motion on the floor would require the project to participate in the RCFPP, but would eliminate the necessity to provide the RCFPP contribution at the outset.)

Mr. Nogle concurred with a two-week continuance of this agenda item.

John Tengdin, 2859 Calle Heraldo, suggested that the project's landscape budget be reduced from \$500,000 to \$300,000 and that the savings be applied toward payment of the RCFPP.

SUBSTITUTE MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER VEALE, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to continue consideration of the one-year time extension for Use Permit 86-17 (San Clemente Retail Plaza) to the Council meeting of January 4, 1989 to enable further study of the issue.

C. TOM WILLIAMS' LETTER REGARDING PERMIT FOR 156 AVENIDA SERRA

Report from the Community Development Director regarding complaints discussed in a letter from Tom Williams concerning 156 Avenida Serra.

Tom Williams reiterated concerns with the fire sprinkler requirements for his building at 156 Avenida Serra, as contained in his letter of December 19, 1988.

MOTION BY COUNCILMEMBER VEALE, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to take no further action regarding this project except to direct staff to ensure that Mr. Williams meets all applicable commercial building standards for his building.

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D. **1989 SAN CLEMENTE BUD LIGHT U.S.T.S. TRIATHLON**

Report from the Chief of Police concerning request by Computer Race Management (CRM) and the Rotary Club for the City of San Clemente to host a triathlon on August 6, 1989.

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER DIEHL, CARRIED 5-0, to approve the City hosting the 1989 San Clemente Bud Light U.S.T.S. Triathlon on August 6, 1989, as outlined in the Administrative Report on file in the City Clerk's Department.

E. **VISTA BAHIA PARK - REHABILITATION OF SPORTS FIELD LIGHTING AT THE LITTLE LEAGUE FIELD**

Report from the Public Services Director regarding a five-year agreement for the lease/purchase of outdoor sports lighting equipment at Vista Bahia Park Little League Field.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to:

1. Approve, and authorize the Mayor to execute, a five (5) year agreement (Contract #C88-043) for the lease/purchase of outdoor sports lighting equipment for installation at Vista Bahia Little League Field; and
2. Waive the Little League's current outstanding field use fees of \$14,371.59.

9. **ORAL COMMUNICATIONS**

None.

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10. REPORTS

A. Commissions and Committees

None.

B. City Manager

Assistant City Manager Hulsizer requested a Closed Session to discuss a matter of personnel.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to schedule a workshop meeting on January 25, 1988 at 7:00 p.m. at the Community Center which will include the Capistrano Valley School District Board and staff, Council, Planning Commission, Parks and Recreation Commission and Planning staff.

C. City Attorney

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to approve and authorize the Mayor to execute, the Settlement Agreement and Release between B. George Hartman and Mary Lynn Hartman and the City of San Clemente; 2) approve, and authorize the Mayor to execute, the Settlement Agreement and Release between Ben Edmondson and Jo Ann Edmondson and the City of San Clemente; 3) authorize the City Clerk to execute the Certificate of Acceptance for the Temporary Easement and Right of Entry (Exhibit "D" to the Settlement Agreements) so that the document can be recorded; and 4) authorize the Mayor to execute the Stipulated Judgment in Inverse Condemnation.

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D. Councilmembers

- (1) Consideration of Councilmember Veale's resignation from the Economic Development Committee.

MOTION BY COUNCILMEMBER LORCH to accept Councilmember Veale's resignation from the Economic Development Committee. The motion died for lack of a second.

It was the consensus of Council that the Mayor should serve as a member of the Economic Development Committee and that the other Council representative to this committee should serve a June-to-June term to ensure continuity. Therefore, Councilmember Veale will continue to serve on the Economic Development Committee until June, 1989.

Councilmembers are to report to Council re the status of their committees on a regular basis.

- (2) Foothill/Eastern and San Joaquin Hills Transportation Corridor - JPA status report.

Councilmember Veale provided a status report on the December 15, 1988 meeting of the Joint Powers Agency Board; noted the financing problems associated with the foothill corridor; noted she is a member of the Operations and Legal Committee; stated an amendment to the JPA bylaws has been proposed, and is currently being reviewed at the committee level, which would enable former elected representatives to serve on the Board of the JPA. Councilmember Diehl spoke in opposition to non-elected individuals serving on the JPA Board.

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(3) **Interim Ordinance Pending Completion of Managed Growth Element**

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER DIEHL, FAILED 1-4 (COUNCILMEMBERS DIEHL, HAGGARD, VEALE AND MAYOR RICE VOTING NOE), to consider an interim Ordinance which would be the intent of Measure E per voter mandate and community concerns but legally drafted and in effect until the new Managed Growth Element of the General Plan is completed.

(4) **Consideration of appeal of Writ of Mandate issued by Orange County Superior Court re Marblehead vs. City of San Clemente lawsuit.**

This agenda item was tabled by Councilmember Lorch.

(5) **Consideration of calling up for Council review Use Permit 87-38, Brisa Pacifica project.**

City Attorney Oderman explained that the appeal period for the Brisa Pacifica project has elapsed since Council has already approved the Planning Commission minutes of November 1, 1988.

Councilmember Lorch opined that the Brisa Pacifica site would be an ideal location for a retail project; suggested that the Economic Development Committee catalog desirable retail locations.

(6) **Review of Misty Ridge II Project**

Phil DeProtine, 776 Avenida Salvador, President of the Misty Ridge Homeowners Association, voiced concern with the magnitude of the terrain change associated with the Misty Ridge II project; voiced concerns as follows: 1) there is no plan to seed or irrigate the large earth-filled basin; 2) the manufactured slope and fill area will be dedded back to WSLA; 3) the plans show no drainage outlet for water in the Mariners Point development; 4) a lack of parking exists to accommodate the public access area that runs through the fill basin; 5) no landscaping is planned for the fill area; and 6) the level of the lots is being raised 20-25 feet without the property owners' knowledge.

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Warren Stitt, 779 Avenida Salvador, voiced concern that deep grading is occurring 6 feet from his property line and 10 feet from his home due to the existence of a fault line; urged Council to review the entire Misty Ridge II development.

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER DIEHL that Council review the Misty Ridge II development due to health, safety and welfare concerns associated with the intensive extent of grading.

Jim Norton, Richmond American, suggested a meeting between the City Engineer, Richmond American and adjacent homeowners to review the plans for Tract Map 12254 in an attempt to resolve concerns.

SUBSTITUTE MOTION BY COUNCILMEMBER LORCH, SECOND BY MAYOR RICE, CARRIED 5-0, to request staff to meet with involved parties and report back to Council at its meeting of January 4, 1989.

Council requested to be provided with information as to the appearance of the final development and further requested to be advised in the event problems are encountered during the grading process.

(7) Extension of Deadline for Purchase of Talega Valley Property for a Municipal Golf Course

Councilmember Lorch opined insufficient effort was involved in the possibility of the City purchasing property in Talega Valley for a municipal golf course.

MOTION BY COUNCILMEMBER LORCH to extend the deadline for purchase of the Talega Valley property for a municipal golf course. The motion died for lack of a second.

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City Attorney Oderman explained that Council cannot unilaterally extend the subject condition; advised it would be necessary to ask the Applicant if they are amenable to such a revision.

Council authorized Councilmember Lorch to speak with Bill Phillips, of Talega Valley Partnership, about the possibility of extending the deadline for the City to purchase property in Talega Valley for a municipal golf course.

Councilmember Diehl requested and received clarification on the methods by which Councilmembers dispose of confidential material.

Mayor Rice 1) requested that the Traffic Engineer complete the 20-year report that Supervisor Riley requested; 2) requested that the issue of a Marblehead Coastal Task Force be agendaized for January 4, 1989; 3) requested that the Economic Development Committee prepare a marketability analysis for projects entering the City; and 4) voiced concern with the significant dip on Salvador at East San Juan.

11. RESOLUTIONS/ORDINANCES

A. ORDINANCE NO. 989 - SECOND READING

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to adopt Ordinance No. 989 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CERTAIN SECTIONS OF CHAPTER 15 OF THE MUNICIPAL CODE CONCERNING SPEED ZONES ON CERTAIN CITY STREETS.

CLOSED SESSION

MOTION BY COUNCILMEMBER VEALE, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to recess to Closed Session at 12:55 a.m. to discuss a matter of personnel. The Assistant City Manager was in attendance.

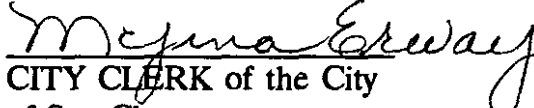
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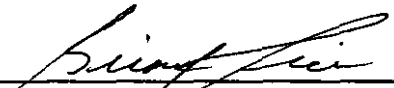
MEETING RECONVENED

Council reconvened at 1:33 a.m., with all members present.

ADJOURNMENT

MOTION BY COUNCILMEMBER HAGGARD SECOND BY COUNCILMEMBER DIEHL, CARRIED 5-0, to adjourn at 1:33 a.m. to January 4, 1989 at 5:00 p.m. at the Community Center, 100 N. Seville, San Clemente, to interview applicants for the Growth Management Committee. (Note: The 5:00 p.m. meeting on January 4, 1989 was adjourned for lack of a quorum to the Regular Meeting at 7:00 p.m. on January 4, 1989.)


CITY CLERK of the City
of San Clemente

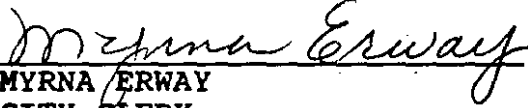

MAYOR of the City of
San Clemente

NOTICE OF ADJOURNMENT
EXCERPT FROM THE MINUTES OF THE
CITY COUNCIL
MEETING OF DECEMBER 21, 1988

ROLL CALL: PRESENT: DIEHL, HAGGARD, LORCH, VEALE, MAYOR RICE
ABSENT: NONE

ADJOURNMENT

Council adjourned to Wednesday, January 4, 1989 at 5:00 p.m. in the Ole Hanson Room of the Community Center, 100 N. Seville, for the purpose of interviewing Growth Management Committee applicants. The Regular Council Meeting will commence at 7:00 p.m.


MYRNA ERWAY
CITY CLERK

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

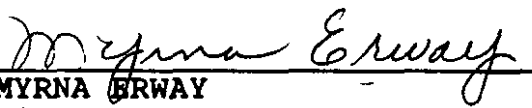
STATE OF CALIFORNIA)
 COUNTY OF ORANGE) SS.
 CITY OF SAN CLEMENTE)

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 December 21, 1988 said meeting was adjourned to the time and place specified in the ORDER OF ADJOURNMENT attached hereto; and that on December 22, 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 December 22, 1988 at San Clemente, California.


 MYRNA ERWAY
 City Clerk