

CITY OF SAN CLEMENTECITY COUNCIL MINUTESREGULAR MEETING - MARCH 16, 1988

A regular meeting of the City Council of the City of San Clemente, conducted in the Council Chambers, Civic Center Building, 100 Avenida Presidio, was called to order by Mayor Lorch at 7:10 p.m.

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

ABSENT Council Members - NONE

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

INVOCATION

Pastor Doug Baker, Evangelical Free Church, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Lorch led the Pledge of Allegiance.

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

3. PUBLIC HEARINGSA. BILLING PROPERTY OWNERS FOR 1987 WEED ABATEMENT COSTS

Public Hearing to consider acceptance of the 1987 weed abatement charges for removal of weeds and trash on private property in the City of San Clemente.

Fire Marshal Begnell reviewed the contents of the Administrative Report.

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

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to confirm the 1987 Weed Abatement Report and authorize the Fire Department to bill the property owners for the amounts indicated in that report.

B. ABANDONMENT 87-02 - ABANDONMENT OF CITY RIGHT-OF-WAY AT SOUTHEASTERLY HALF OF AVENIDA CORDOBA BETWEEN SOUTH EL CAMINO REAL AND SAN DIEGO FREEWAY

Public Hearing to consider a request for abandonment of a public street right-of-way at the southeasterly half of Avenida Cordoba between South El Camino Real and the San Diego Freeway.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to continue the Public Hearing on Abandonment 87-02 to the Council meeting of April 6, 1988.

C. SETTLEMENT/DEVELOPMENT AGREEMENT

Continued Public Hearing to determine whether Estrella Properties, Ltd. has complied in good faith with the provisions of the First Amendment to the Settlement/Development Agreement.

CLOSED SESSION

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to recess to Closed Session at 7:15 p.m. to discuss pending litigation (Estrella Properties, Ltd. v. City of San Clemente). The City Manager, City Attorney, Community Development Director and City Engineer were in attendance.

MEETING RECONVENED

Council reconvened at 7:40 p.m. with all members present.

City Attorney Oderman reported staff has met with representatives from Estrella Properties to attempt to resolve outstanding issues relating to the Settlement/Development Agreement (particularly the drainage channel); stressed the Settlement/Development Agreement does not pertain to Forster Ranch or Cascadita Canyon; stated the City believes it has the basis for agreement on the Settlement/Development Agreement issue;

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emphasized the Agreement is conceptual and would be subject to Planning Commission and City Council Public Hearings and outlined the major terms of the second Agreement amendment as follows:

1. An enclosed box culvert will be constructed through the Shorecliffs Golf Course from the freeway to the end of the golf course where it would then tie into a similar Orange County Flood Control District facility.
2. Estrella Properties would construct a rip-rap channel through the portion of the drainage channel upstream from the freeway through the golf course.
3. Estrella Properties has agreed to extend its obligation to keep the golf course open until two years after the entire drainage facility through the golf course is completed.
4. The Agreement amendment would be contingent upon approval of the zoning for the hotel site at the golf course and approval of Tract 12895.
5. Estrella Properties has agreed to dismiss three lawsuits currently pending against the City.

City Manager Hendrickson clarified there are issues that remain outstanding in the Forster Ranch area that are not included in the Agreement; stated the City Engineer and he have met with representatives of Estrella Properties concerning public and private improvements in Forster Ranch; stated Engineering is preparing a punch list and plan to be forwarded within the next week to the City Attorney for consideration of action to assure the improvements are completed.

Paul Hass, representing the Board of Directors of the Forster Ranch Association, 3002 Annabella, feels the Settlement/Development Agreement is linked to Forster Ranch by virtue of the 397-unit proposed development in Tract 12895; urged that additional projects not be approved until pending issues are resolved.

Richard Dickey, President of the Association of Shorecliffs Residents, voiced concern with the suitability of rip-rap; felt a heavy storm could move the rocks and block the box channel.

Dan Millington, 3917 Calle Andalucia, spoke in opposition to the proposed drainage plan; stated a direct connection exists between the proposed amendment to the Settlement/Development Agreement and the problems

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existing in Cascadita Canyon and Forster Ranch.

City Attorney Oderman advised that three problems exist, i.e., drainage, Forster Ranch improvements and Cascadita Canyon slope problems; stated the decision has been made that if the City attempted to resolve all issues at the same time, none of the issues would be resolved; noted staff is working diligently to try to resolve problems of non performance in Forster Ranch; stated the liability for slope problems in Cascadita Canyon is unclear and the City cannot declare Estrella Properties to be the guilty party when their responsibility hasn't been ascertained.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to continue the Public Hearing on the Settlement/Development Agreement to the Council meeting of May 18, 1988.

4. CONSENT CALENDAR

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

A. MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to approve the City Council minutes of March 2, 1988.

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

(1) Planning Commission minutes of February 23, 1988 and February 25, 1988.

(2) Community Design Commission minutes of February 9, 1988.

(3) Parks and Recreation Commission minutes of February 9, 1988.

C. ESTABLISHMENT OF 1988 WEED ABATEMENT PROGRAM

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

1. Adopt Resolution No. 88-23 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PURSUANT TO SECTION 39561 AND 39562.1 OF THE CALIFORNIA GOVERNMENT CODE, DECLARING WEEDS, RUBBISH, REFUSE AND DIRT UPON STREET, SIDEWALKS, PARKWAYS OR

PRIVATE PROPERTY TO BE PUBLIC NUISANCES AND PROVIDING FOR THE ABATEMENT THEREOF.

2. Authorize the Director of Fire Protection to renew the contract with Apple Tractor for "Weed and Rubbish Abatement" as provided in the bid specification of April 24, 1987. (City Contract No. 87-027).

E. CLAIM FOR DAMAGES - CHARLES RAHIL

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to deny the Claim for Damages filed by Charles Rahil in the amount of \$50,000, based on insurance adjuster's recommendation.

G. CLAIM FOR DAMAGES - THOMAS LUCKWOLDT

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to deny the Claim for Damages filed by Thomas Luckwoldt for an undetermined amount, based on insurance adjuster's recommendation.

H. CLAIM FOR DAMAGES - PROPERTY MORTGAGE COMPANY

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to deny the Claim for Damages filed by Property Mortgage Company in the amount of \$300,000, based on insurance adjuster's recommendation.

I. CLAIM FOR DAMAGES - SANDRA METTEN

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to deny the Claim for Damages filed by Sandra Metten in the amount of \$750,000, based on insurance adjuster's recommendation.

J. CLAIM FOR DAMAGES - FRANK DALE MCCRAY

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to deny the Claim for Damages filed by Frank Dale McCray in the amount of \$500,000, based on insurance adjuster's recommendation.

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K. CLAIM FOR DAMAGES - MR. AND MRS. RICHARD DOESBURG

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to deny the Claim for Damages filed by Mr. and Mrs. Richard Doesburg in the amount of \$3,500.00, based on insurance adjuster's recommendation.

L. CLAIM FOR DAMAGES - BORG-WARNER CORPORATION

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to deny the Claim for Damages filed by the Borg-Warner Corporation for an undetermined amount, based on the City Attorney's recommendation.

M. CLAIM FOR DAMAGES - ESTRELLA PROPERTIES, LTD.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to deny the Claim for Damages filed by Estrella Properties, Ltd. for an unknown sum, based on City Attorney's recommendation.

N. CLAIM FOR DAMAGES - SHORECLIFFS GOLF COURSE

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to deny the Claim for Damages filed by the Shorecliffs Golf Course for an unknown sum, based on City Attorney's recommendation.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

D. EMPLOYMENT OF APPRAISERS - WASTEWATER TREATMENT PLANT EXPANSION PROJECT - SERIES B BONDS

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 3-2 (MAYOR LORCH AND COUNCILMEMBER RICE VOTING NOE), to approve and authorize the Mayor to execute a contract with Donahue & Company, Inc. for appraisal services and a valuation letter for the purpose of facilitating the issuance of Series B Bonds for the Wastewater Treatment Plant Expansion Project, for an amount not to exceed \$60,000. (City Contract No. C88-010).

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F. CLAIM FOR DAMAGES - FRANK AND LINDA CAMPANELLI

Frank Campanelli, Claimant, 525 Avenida Del Verdor, reviewed damages to his home as specifically described in his Notice of Claim; questioned what criteria constitutes a proper building inspection by City and suggested that the inspection on his home was improperly conducted; stated he requested, but did not receive, help from the City concerning this matter.

City Manager Hendrickson requested that the Community Development Director investigate the situation to determine if anything can be done by the City.

City Attorney Oderman clarified that the primary responsibility lies with the home's developer and the developer's sub-contractors; explained the City's role in conducting inspections is to assure the development complies with existing codes; stated that due to the limited role that cities play in the process, the California Legislature has taken the position that cities are not responsible for problems created as a result of inspections, irrespective of whether or not the inspection was properly performed.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to deny the Claim for Damages filed by Frank and Linda Campanelli in the amount of \$750,000, based on insurance adjuster's recommendation.

5. WARRANT REGISTER

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to approve Warrant Nos. 71554 through 71691 for period 2/22/88 through 2/26/88 (Voids 71552-71553) in the amount of \$779,623.67; Warrant Nos. 71694 through 71867 excluding Payroll Warrant for period 2/29/88 through 3/4/88 (Voids 71692 and 71693) in the amount of \$343,864.39; and Payroll Warrant No. 71840 for period 2/22/88 through 3/6/88 in the amount of \$242,080.52; for a total Warrant Register of \$1,365,568.58.

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6. UNFINISHED BUSINESS

A. ENCROACHMENT PERMIT 88-01 - SUBDIVISION SIGN STRUCTURES WITHIN THE CITY RIGHT-OF-WAY

Report from the Community Development Director concerning a request to allow sign structures within the City right-of-way.

City Planner Barnes reviewed the contents of the Administrative Report, focusing on changes made to the plan in accordance with Council direction of February 17, 1988; advised the number of signs has been reduced from 45 to 14 and the dimensions and height of the signs have been lessened; stated the Planning Commission recommends that public service panels be included on the signs, however, staff disagrees with said recommendation.

John Withers, Applicant, representing the Building Industry Association, 2001 E. 4th Street, Suite 224, Santa Ana, reviewed the background of the subdivision sign program; compared the original proposal to the current proposal; stated willingness to accommodate institutional panels, if desired, but expressed a preference for the signs to be limited to use as a directory for subdivisions; felt the proposed program will reduce the number of illegal signs and indicated willingness to participate in the enforcement of illegal signs; stated he would urge developers to eliminate signs that exist on County territory that are visible from the City limits; stated the signs would be maintained by Advertising Graphics and will be removed when approximately 96% of the housing units are sold.

James Murphy, Advertising Graphics, 1887 Eileen Drive, Anaheim, and Jerry De Beau, Advertising Graphics, 1546 N. Embassy, Anaheim, stated they are available to answer questions.

Jack Hagblom, 2801 Bellow Panorama, questioned and received clarification as to the intent of the subdivision sign structures.

MOTION BY COUNCILMEMBER VEALE, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adopt Resolution No. 88-12 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING ENCROACHMENT PERMIT NO. 88-01, with the understanding that 14 signs would be constructed and will include, where space is available, identification for City and public facilities.

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COUNCIL RECESSED AT 9:05 P.M. AND RECONVENED AT 9:20 P.M.,
WITH ALL MEMBERS PRESENT.

7. NEW BUSINESS

A. TENTATIVE TRACT 12254 (MISTY RIDGE II) - RANCHO SAN CLEMENTE

Report from the Director of Community Development concerning the Final Map for Tract 12254 and the Applicant's request for a time extension on the Tentative Map for Tract 12254.

City Attorney Oderman advised Council action on the Final Tract Map is limited to determining whether or not the subdivider has complied with the conditions of the Tentative Tract Map; stated the determination of compliance with the Hillside Development Ordinance that is made at the time of the Tentative Map approval, if and to the extent that determination is made, is final and cannot be re-evaluated at the Final Tract Map stage; noted there is a condition on the subject Tentative Map relating to the Hillside Development Ordinance which is, to the extent set forth in that Condition, appropriate for Council review. With respect to the Applicant's request for a time extension of the Tentative Tract Map, City Attorney Oderman explained the item is only relevant if the Final Tract Map is denied; stated Council possesses broad discretion with respect to a time extension on the Tentative Map.

City Planner Barnes reviewed the contents of the Administrative Report; stated the Applicant has not complied with the conditions which were imposed as part of the original Tentative Tract Map approval; stated the primary issue of concern is whether the project would obstruct views into a primary ridgeline; stated staff's recommendation for denial is based upon the inconsistencies between the original conditions and the Final Map submittal.

Dave Christian, representing WSLA (landowner) and McCoy Construction (Applicant), requested that Council approve the Final Tract Map; disagreed with staff's contention that the Applicant has not satisfied the Conditions of the Tentative Tract Map; offered rebuttal to staff's claims of non-compliance with specific conditions as contained in a letter from Dennis Ghan, of Palmieri,

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Tyler, Wiener, Wilhelm & Waldron, dated March 16, 1988; presented an exhibit demonstrating a comparison of building mass.

Dennis Ghan, Attorney representing WSLA and McCoy Construction, 4000 MacArthur Boulevard, Suite 1000, Newport Beach, presented a letter, dated March 16, 1988, which set forth reasons for his clients' disagreement with the conclusions and recommendations of staff; protested that his clients did not receive notice of staff's recommendation until March 14, 1988; stated the subject tract is unique and should not be subject to Measure B; stated staff's analysis is inconsistent with the prior Council's determinations; stated he is reserving the right to respond to other conditions that staff may identify in the future; stated staff's recommendation would constitute an unconstitutional taking of his client's property without due compensation.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY MAYOR LORCH to continue consideration of Tentative Tract Map 12254 and Final Map 12254 to the Council meeting of April 6, 1988, subject to concurrence by the Applicant.

In answer to questions raised by Mr. Ghan, City Attorney Oderman stipulated that 1) the continuance would not surpass the 60 day review period; and 2) staff will attempt in good faith to inform the Applicant of staff's recommendation and any additional concerns identified as soon as possible.

Following discussion, Mr. Ghan consented to the continuance of Tentative Tract Map 12254 and Final Map 12254 to the Council meeting of April 6, 1988 without condition.

THE MOTION CARRIED 5-0.

B. PACIFIC GOLF CLUB AGREEMENT

Report from the City Attorney concerning a Pacific Golf Club Agreement re construction of reclaimed water line and payment of Water Acreage Assessment fees.

Dave Christian, WSLA, expressed concurrence with the proposed Agreement; presented a draft "Irrevocable Letter of Credit Securing Faithful Performance of Reclaimed Water Improvements" from Western Savings, dated March 14, 1988, for review by the City Attorney.

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MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to approve, and authorize the Mayor to execute, an Agreement with Pacific Golf Club for the construction of reclaimed water line, payment of water acreage assessment fees and provision of reclaimed water to the Pacific Golf Club. (City Contract No. C88-011).

8. ORAL COMMUNICATIONS

FORSTER RANCH - PUBLIC AND PRIVATE IMPROVEMENTS

Karen Conley, 3011 Rosalinda, voiced concern that the public and private improvements in Forster Ranch are still not complete; questioned and received clarification relating to the punch list which was prepared by the City's Engineering Division; felt the City should defer approval of Tract 12895 until the improvements have been completed.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, to direct staff to cash the bonds and complete the improvements in Forster Ranch. (This motion was not voted upon.)

City Attorney Oderman explained that a lawsuit has to be filed before the bonds can be cashed; stated it is necessary to make demand on the bonding company before going to court; stated Council has already authorized staff to make demand for payment on the bonding company.

Council directed staff to prepare a program for Council consideration on April 6, 1988 that will bring to a conclusion the issue of lack of public and private improvements in Forster Ranch.

Bruce Fickling, 2914 Obrajero, urged Council to make demand on the bonds; stated the faulty design of the catch basins create a life-threatening situation.

Preston O'Brien, 2911 Arreos, voiced concern the greenbelt located along Los Mares is not being maintained. Staff responded there is some question pertaining to the ownership of the greenbelt and agreed to investigate the issue and report to Council at its April 6, 1988 meeting.

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SAN DIEGO GAS AND ELECTRIC SUBSTATION

Analee Swanson, 2840 Amapola, voiced concern with the SDG&E substation that is proposed to be constructed adjacent to her property; felt the substation and associated overhead wiring and power poles will devalue her property.

Council urged Ms. Swanson to communicate with SDG&E and to advise the Department of Real Estate; expressed willingness to help reach an amicable solution.

TRI-LOCK DRAINAGE CHANNEL

Ginger Paige, 215 Via Ballena, presented photographs depicting damage to the Freeway underpass caused by the tri-lock drainage channel; suggested that developers' licenses should be revoked by the Real Estate Commission if they operate in bad faith.

CASCADITA CANYON/FORSTER RANCH IMPROVEMENTS

Dan Millington, 3917 Andalucia, urged that Tract 12895 not be approved until Estrella Properties offers assurance they will correct problems in Forster Ranch and Cascadita Canyon.

9. REPORTS

A. Commissions/Committee

Blythe Welton, Community Design Commissioner, requested that parking requirements be waived for historic commercial buildings when a use change is requested so as to encourage historic preservation.

Council noted that expedient action is warranted in connection with the Miramar Theatre since that facility will soon enter escrow; requested that the Community Development Department investigate the scope of the request and report back to Council.

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B. City Manager

(1) Agenda Items for the March 30, 1988 Joint Council/Commissions/Committee meeting.

Council agreed that the first hour of the Joint Meeting on March 30, 1988 will be unstructured to allow an interchange of ideas between the Council and Planning Commission. The following agenda items are to be discussed: signage, lot splits and ridge-line/viewshed policy issues. The remaining time will be devoted to a roundtable discussion with Commission/Committee members.

(2) Planning Area 14

City Manager Hendrickson relayed that Tom Davis has requested a meeting with Council concerning Tentative Tract 13892/Site Plan Review 87-02 (Planning Area 14) prior to the April 6, 1988 Public Hearing. City Attorney Oderman expressed concern with any Council meeting taking place outside the duly noticed Public Hearing. No action was taken.

C. City Attorney

City Attorney Oderman requested a Closed Session to discuss 1) pending litigation (Marblehead v. City of San Clemente) pursuant to Government Code Section 54956.9(a); 2) pending litigation (Aalsbersberg v. City of San Clemente) pursuant to Government Code Section 54956.9(a); 3) significant exposure to litigation pursuant to Government Code Section 54956.9(b)1; and 4) to decide whether or not to initiate litigation pursuant to Government Code Section 54956.9(c).

D. Council Members

1. CITY MEMBERSHIP IN THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG)

Council discussed the possibility of joining the Southern California Association of Governments (SCAG). It was the consensus of Council that the issue should be tabled at this time since Orange County may form a similar regional organization. Council requested that staff obtain SCAG's publication list at this point in time.

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MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to table consideration of City membership in the Southern California Association of Governments (SCAG).

At the suggestion of Councilmember Veale, Council directed staff to send letters to the viable Presidential candidates asking their position on California off-shore oil drilling. Councilmember Veale requested that the City Clerk invite the League of Women Voters to the April 6, 1988 Council meeting to register voters and accept the City's "Register to Vote Week" proclamation.

Mayor Lorch stated that a meeting will be held concerning the Council Chambers Remodel on March 17, 1988 at 8:00 a.m.; distributed Orange County Centennial Flags and questioned and was advised that Bonnie Elliott, of the Parks and Recreation Department, is the City's representative for the Orange County Centennial celebration; advised April 18-22 has been proclaimed as "Child Abuse Prevention Week." City Clerk Erway will provide Council with copies of the subject proclamation.

10. RESOLUTIONS/ORDINANCES

A. RESOLUTION NO. 88-03

MOTION BY COUNCILMEMBER VEALE, SECOND BY COUNCILMEMBER RICE, CARRIED 3-2 (COUNCILMEMBERS LIMBERG AND MECHAM VOTING NOE), to adopt Resolution No. 88-03 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DENYING SPECIFIC PLAN 87-01 AND TENTATIVE TRACT MAP NO. 13056.

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CLOSED SESSION

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to recess to Closed Session at 11:30 p.m. to discuss: 1) pending litigation (Marblehead v. City of San Clemente) pursuant to Government Code Section 54956.9(a); 2) pending litigation (Aalsbersberg v. City of San Clemente) pursuant to Government Code Section 54956.9(a); 3) significant exposure to litigation pursuant to Government Code Section 54956.9(b)1; and 4) to decide whether or not to initiate litigation pursuant to Government Code Section 54956.9(c). The City Manager, City Attorney and Community Development Director were in attendance.

RECONVENED

Council reconvened at 12:50 a.m., with all members present.

CITY CROSS-COMPLAINT - JOHN AND PEGGY HOOK

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to authorize approval of settlement of City cross-complaint against John and Peggy Hook in exchange for the payment of \$250,000 with full release from further liability as set forth in a memorandum, dated March 11, 1988, from the City Attorney.

MARBLEHEAD V. CITY OF SAN CLEMENTE

City Attorney Oderman disclosed for the record that his lawfirm (Rutan and Tucker) has a conflict of interest in the case of Marblehead v. City of San Clemente.


MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 3-2 (MAYOR LORCH AND COUNCILMEMBER RICE VOTING NOE) to stay neutral in the case of Marblehead v. City of San Clemente.

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ADJOURNMENT

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to adjourn at 12:52 a.m. to March 30, 1988 at 7:00 p.m. at the Community Center, 100 Seville, for purposes of holding a Joint Meeting with City Commissions/Committees.


CITY CLERK of the City of
San Clemente


MAYOR of the City of
San Clemente

AFFIDAVIT OF POSTING ORDER
OF ADJOURNMENT OF MEETING

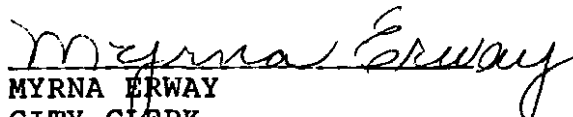
STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS.
CITY OF SAN CLEMENTE)

I, MYRNA ERWAY, declare as follows:

That I am the City Clerk of the City of San Clemente; that at a Regular City Council meeting held on March 16, 1988 said meeting was adjourned to the time and place specified in the ORDER OF ADJOURNMENT attached hereto; and that on March 17, 1988 at the hour of 10:15 a.m. a copy of said order was posted at a conspicuous place near the door at which said meeting was held.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 17, 1988 at San Clemente, California.


MYRNA ERWAY
CITY CLERK

NOTICE OF ADJOURNMENT
EXCERPT FROM THE MINUTES OF THE
CITY COUNCIL
MEETING OF March 16, 1988

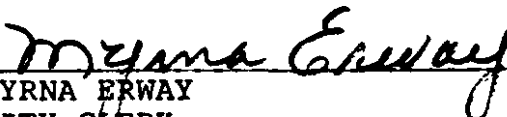
A Regular City Council Meeting was held in the City Council Chambers, 100 Avenida Presidio, San Clemente on March 16, 1988 and was called to order at 7:05 p.m.

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

ABSENT: NONE

ADJOURNMENT

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to adjourn at 12:52 to March 30, 1988 at 7:00 p.m. for purposes of holding a Joint Council/Commissions/Committee meeting at the Community Center, Del Mar and Seville.


MYRNA ERWAY
CITY CLERK