

## CITY OF SAN CLEMENTE

## CITY COUNCIL MINUTES

ADJOURNED REGULAR MEETING - JUNE 8, 1988

An Adjourned 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 6:05 p.m.

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

\*Arrived at 6:58 p.m.

ABSENT Council Members - NONE

STAFF 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; and certain other staff members present in the audience.

1. Continued Review of FY 1988-89 Budget

City Manager Hendrickson summarized the supplemental agenda materials entitled "General Fund Contingency Reserve FY 1983-84 through FY 1987-88" and "Summary of Additional Budget Considerations: FY 1988-89;" anticipated that Council adoption of the FY 1988-89 budget will occur on June 15, 1988.

GENERAL ADMINISTRATION

CITY CLERK

City Clerk Erway summarized the proposed budgets for the Council-Related, Business Licensing, and Elections divisions of the City Clerk Department budget.

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**FINANCE**

Finance Director Porter reviewed the proposed budget for the Finance Department for FY 1988-89. Discussion ensued re the merits of consultant versus in-house staff for the \$8500 computer program. See Page 11 of these minutes for continued discussion on the computer program.

**CITY TREASURER**

City Treasurer Morris advised the role of the City Treasurer is almost that of a volunteer official; opined the pay is not commensurate with the responsibilities and scope of the position; suggested the position be allotted medical benefits.

Council agreed to resume discussion of the 1988-89 FY budget following consideration of the RDEB Development Allocations. See Page 8 of these minutes for continued budget discussion.

Councilmember Mecham arrived at 6:58 p.m.

COUNCIL RECESSED AT 7:00 P.M. AND RECONVENED AT 7:10 P.M.

Pledge of Allegiance

Mayor Lorch led the Pledge of Allegiance.

1. Closed Session

Request for Closed Session to discuss matters of personnel.

Council agreed to defer the Closed Session until later in the meeting.

2. Minutes of Residential Development Evaluation Board

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve the minutes of the Residential Development Evaluation Board meetings of April 28, 1988, May 4, 1988, and May 10, 1988.

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3. 1988 Development Allocation Hearing

Public Hearing to consider the recommendations of the Residential Development Evaluation Board regarding the award of 1988 Development Allocations pursuant to Ordinance No. 922.

In response to Council inquiry, City Attorney Oderman explained the ramifications of passage of Measure E as it relates to the implementation of Ordinance No. 922; opined it would be inappropriate to delay action on the 1988 Development Allocations pending effectivity of Measure E; noted Measure E standards cannot be imposed on projects being considered for the allocation process, but will be applied to projects submitted from approximately July and thereafter.

Community Development Director Holloway reviewed the Residential Development Allocation Board's recommendations and the basis for said recommendations.

In response to Council inquiry, City Attorney Oderman explained it would be appropriate for Council to approve two plans, i.e., a Plan A which would, if desired, include allocations to Estrella Properties which would be implemented in the event the 2nd Amendment to the Settlement Development Agreement is consummated between the City and Estrella Properties, as well as a Plan B, which would exclude allocations to Estrella Properties to be implemented in the event the 2nd Amendment to the Settlement Development Agreement is not consummated.

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CLOSED SESSION

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to recess to Closed Session at 8:00 p.m. to discuss a matter of pending litigation (Marblehead v. City of San Clemente - Measure E lawsuit), pursuant to Government Code Section 54956.9(a). The City Manager, City Attorney, Attorney Daniel K. Spradlin and Attorney D. Dwight Worden were in attendance.

MEETING RECONVENED

Council reconvened at 9:20 p.m., with all members present.

Mayor Lorch opened the Public Hearing.

Karoline Koester, 604 Via Pavon, objected to allocations being granted to Estrella Properties due to the lack of progress in resolving the downstream drainage issue; noted Estrella Properties wasn't eligible for last year's RDEB process due to the same problem.

City Attorney Oderman explained that if Estrella Properties is granted allocations, the Resolution will specify that any allocations are contingent upon the resolution of drainage concerns.

Denis Cullumber, UDC Homes, presented a letter, dated June 7, 1988, which disagreed with staff's recommendation of partial allocation to all projects below first place; urged that Council be sensitive to project site plans in terms of allocation phasing; stated their project would need 93 or 99 unit allocations.

Dennis Ghan, Attorney for WSLA and McCoy Construction, opined that the project for Tract 12254 (Misty Ridge Phase II) qualifies for exemption from Measure B under Sections 2A and 2C of that Ordinance; felt the current criteria discriminates against custom lot projects; noted that a letter was previously submitted to the City which offered to revise the Tract's Covenants, Conditions and Restrictions in the event allocations are awarded.

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City Attorney Oderman responded that it is too late in the process to include the CC&R proposal; suggested that Council may wish to consider revising the criteria for next year's process.

Mr. Ghan stated that the CC&R concept was presented to the City prior to the RDEB closure; noted acceptable enforcement mechanisms can be established.

Alan Fishman, Tierra Planning and Design, on behalf of Estrella Properties, noted that Estrella Properties received no allocations last year; expressed hope that the 2nd Amendment to the Settlement Development Agreement can be consummated to enable resolution of the drainage issue; spoke in support of a minimum allocation of 148 units.

Jerry Nardini, Nardini Architects, on behalf of Bird Development, urged that their project be granted 40 units instead of 37 units, since the models would need to be included with the 37 units and they would need to stay intact until the next phase.

In responding to a question posed by Denis Cullumber of UDC Homes, City Attorney Oderman explained that it won't be known until approximately the end of July or early August whether Plan A (i.e., development allocations including Estrella Properties' project) or Plan B (development allocations excluding Estrella Properties' project) will be implemented.

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

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MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, to authorize development allocations as follows, contingent upon consummation of the 2nd Amendment to the Settlement Development Agreement between the City of San Clemente and Estrella Properties, Ltd:

1.	DA 88-04 (Standard Pacific)	87 Single-Family Units
2.	DA 88-07 (Estrella Properties)	200 Single-Family Units
3.	DA 88-05 (UDC Homes)	72 Single-Family Units
4.	DA 88-10 (St. John)	14 Condominium Units (Infill)
5.	DA 88-06 (McCoy)	23 Single Family Custom Home Units
6.	DA 88-02 (Lusk)	63 Single Family Units
	TOTAL:	459 Units

MOTION BY MAYOR LORCH, SECOND BY COUNCILMEMBER RICE, CARRIED 4-1 (COUNCILMEMBER LIMBERG VOTING NOE), to amend the main motion to include 10 apartment units for DA 88-11 (Lee) and to reduce the units for DA-07 (Estrella Properties) from 200 to 190 units.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 4-1 (COUNCILMEMBER LIMBERG VOTING NOE), to amend the main motion to increase DA 88-05 (UDC) from 72 to 87 units, increase DA 88-02 (Lusk) from 63 to 83 units, and to reduce DA 88-07 (Estrella Properties) from 190 to 155 units.

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THE MAIN MOTION, AS AMENDED, CARRIED 5-0. The 1988 Development Allocations were thereby established as follows, contingent upon the City and Estrella Properties entering into the Second Amendment to the Settlement Development Agreement:

DA 88-04 (Standard Pacific)	87 Single-Family Units
DA 88-05 (UDC Homes)	87 Single-Family Units
DA 88-07 (Estrella)	155 Single-Family Units
DA 88-10 (St. John)	14 Condominium Units
DA 88-02 (Lusk)	83 Single-Family Units
DA 88-11 (Lee)	10 Apartment Units
DA 88-06 (McCoy)	23 Single-Family Units
TOTAL:	459 Units

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve the following alternate development allocations to become effective in the event the City and Estrella Properties do not enter into the Second Amendment to the Settlement Development Agreement:

DA 88-02 (Lusk)	104 Single-Family Units
DA 88-04 (Standard Pacific)	87 Single-Family Units
DA 88-05 (UDC Homes)	171 Single-Family Units
DA 88-06 (McCoy)	23 Single-Family Units
DA 88-07 (Estrella)	0 Units
88-08 (Pontefino)	50 Condominium Units
88-10 (St. John)	14 Condominium Units (Infill)
DA 88-11 (Lee)	10 Apartment Units
TOTAL:	459 Units

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City Attorney Oderman advised he will prepare a Resolution for Council adoption on June 15, 1988 which will contain Council action on the 1988 Development Allocations.

CLOSED SESSION

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to recess to Closed Session at 10:20 p.m. for purpose of discussing pending litigation (Marblehead v. City of San Clemente - Measure E lawsuits) 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.

Continued Review of FY 1988-89 Budget

Assistant City Manager Hulsizer summarized the City Council, City Attorney, and City Manager portions of the FY 1988-89 proposed budget.

During the course of discussion, Council took action as follows:

**Council Aides**

MOTION BY MAYOR LORCH to establish Council Aide positions to be paid at an hourly, part-time rate of \$5 to \$7/hour up to a maximum of \$5,000/year, with the proviso that Councilmembers utilizing this option will forfeit their monthly expense reimbursements. The motion died for lack of a second.

**Legal Costs**

Council requested that the City Manager establish five or six major categories which typically require legal assistance and to report back to Council on a quarterly basis on the amount of legal costs incurred within those established categories.



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#### Measures B and E

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, to establish a program account to include litigation and Community Development Department staff implementation costs associated with Measures B and E.

SUBSTITUTE MOTION BY COUNCILMEMBER MECHAM to establish a program account to include legal costs attendant to Measures B and E. The motion died for lack of a second.

THE MAIN MOTION FAILED 2-3 (COUNCILMEMBERS VEALE, RICE AND MAYOR LORCH VOTING NOE.)

#### Fire Operation - 2nd Paramedic Unit

Council directed that staff investigate and report back on the feasibility of implementing an in-house ambulance service as an alternative to a second paramedic unit and to also investigate the possibility of contracting with a private ambulance company to provide service to the City while housing their ambulance in a City fire station.

#### Funding Requests

MOTION BY COUNCILMEMBER MECHAM, SECOND BY MAYOR LORCH, CARRIED 5-0, to approve a \$3,600 appropriation to the South Orange County Community Services Council.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY MAYOR LORCH, CARRIED 5-0, to defer consideration of the funding requests from Human Options and the South County Community Clinic until the Human Services Advisory Commission is established.

#### Southern California Association of Governments

MOTION BY MAYOR LORCH, SECOND BY COUNCILMEMBER MECHAM, CARRIED 4-1 (COUNCILMEMBER VEALE VOTING NOE), to authorize the City's membership in the Southern California Association of Governments for FY 1988-89, with the understanding that the City's membership will be re-evaluated in one year.

#### Golf Course Routing Changes

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MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to retain the golf course routing changes reserve of \$220,000 in the budget since it does not imply a commitment, with the understanding that Council will make a determination on the desired course of action following receipt and review of the Golf Course Master Plan.

**Marine Safety - Sand Mover**

MOTION BY COUNCILMEMBER VEALE, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to allocate an additional \$8,000 for the retainment of a large tractor to relocate sand at the beach, with the understanding that this issue will be re-evaluated in six months.

**Parks and Recreation - Human Resources Committee**

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to defer allotting funds for the Human Resources Committee pending formal formation of the Committee.

**Local Drainage Facilities Fund - Ola Vista and Esplanade Storm Drain**

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 3-2 (MAYOR LORCH AND COUNCILMEMBER RICE VOTING NOE,) to delete the \$110,000 budget allocation for the Ola Vista and Esplanade Storm Drain from the capital improvement program for FY 1988-89.

**Fire -- CARES (Repair to Facility)**

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to appropriate \$5,000 for the repair of cracks at the animal care facility, with the proviso that this expenditure will be made only in the event the City is unable to find a contractor who would donate these services

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**Community Development -- Planning (Economic Development)**

MOTION BY COUNCILMEMBER VEALE, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to direct staff to report back to Council on June 15, 1988 with a funding figure which would be required to establish an Economic Development Director position (i.e., consultant or City staff) and to prepare a job description for said position. Council indicated a desire to question the Chamber of Commerce as to its willingness to share in the funding of an Economic Development Director in the event the City decides to pursue this option.

**Finance -- Computer Program**

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY MAYOR LORCH, CARRIED 3-2 (COUNCILMEMBERS MECHAM AND VEALE VOTING NOE), to delete the \$8,500 slated for a computer program, with the understanding the program will be accomplished in-house.

JOINT POWERS AGENCY

It was the consensus of Council to support the City of Mission Viejo joining the Joint Powers Agency for the Transportation Authority.

CITY TREASURER RETIREMENT DINNER

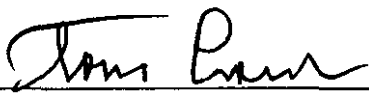
Council scheduled a retirement dinner to be held in honor of retiring City Treasurer Robert Morris on Friday, July 8, 1988 at the Ole Hanson Beach Club.

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ADJOURNMENT

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adjourn at 12:18 a.m. to 6:00 p.m. on June 15, 1988 for the purpose of making appointments to City Commissions and Committee.

  
\_\_\_\_\_  
MYRNA ERWAY  
City Clerk

  
\_\_\_\_\_  
TOM LORCH  
Mayor

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 June 8, 1988 said meeting was adjourned to the time and place specified in the ORDER OF ADJOURNMENT attached hereto; and that on June 9, 1988 at the hour of 11:00 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 June 9, 1988 at San Clemente, California.

  
MYRNA ERWAY  
CITY CLERK

NOTICE OF ADJOURNMENT  
EXCERPT FROM THE MINUTES OF THE  
CITY COUNCIL  
MEETING OF JUNE 8, 1988

An Adjourned Regular City Council Meeting was held in the City Council Chambers, 100 Avenida Presidio, San Clemente on June 8, 1988 and was called to order at 6:05 p.m.

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

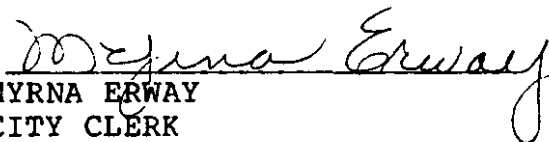
                          \*Arrived at 6:58 p.m.

                          ABSENT:   NONE

ADJOURNMENT

Council adjourned at 12:18 a.m. to 6:00 p.m. on Wednesday, June 15, 1988 for purposes of reviewing applications/making selections to City Commissions/Committees.

The Regular Meeting of June 15, 1988 will commence at 7:00 p.m.

  
MYRNA ERWAY  
CITY CLERK