

CITY OF SAN CLEMENTE

CITY COUNCIL MEETING

REGULAR MEETING - JULY 6, 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 7:07 p.m.

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

*Left the meeting at 12:56 a.m.

ABSENT Council Members - NONE

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

INVOCATION

Pastor Alan Morse, of Victory Bible Church, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Lorch led the Pledge of Allegiance.

1. SPECIAL PRESENTATIONS

None.

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

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3. PUBLIC HEARINGS

A. TENTATIVE TRACT MAP 13467, PLANNING AREA 4-
SUBDIVISION REQUEST

Public Hearing to consider a request to subdivide approximately 40 acres into 25 numbered lots and 1 lettered lot on approximately 40 acres in Planning Area 4 of the Rancho San Clemente Business Park.

Principal Planner Goldin recommended that the Conditions of Approval be modified to 1) require an increased landscape area along Avenida La Pata and Calle Del Cerro; 2) prohibit further lot splits of 10,000 square feet or less within Tract 13467, and 3) require participation in the funding and phasing of the backcountry circulation system; recommended approval of Tentative Tract Map 13467 with the modified conditions.

Mayor Lorch opened the Public Hearing.

Dave Christian, Applicant, representing WSLA, noted the positive economic effect of the proposal; objected to the 90-day implementation proviso associated with the landscape setback adjacent to Calle Del Cerro and Avenida La Pata (Condition No. 11); voiced concern with Condition No. 22 (pertaining to the Regional Circulation Financing and Phasing Program) since it doesn't allow room for movement and does not specify a deadline or participating parties; felt that Condition No. 28, which requires that the final map specify that further lot splits of less than 10,000 square feet will be prohibited, is unnecessary in light of the fact that Council possesses discretionary review of all lot split requests.

Lonny Jenkins, 31891 Via Quebrada, San Juan Capistrano, stated he is the owner of two parcels in the Rancho San Clemente Business Park; voiced concern that Ordinance No. 962 provides that no building permit shall be issued on or after June 1, 1988 for any new development unless the Director of Fire Protection determines that the development will meet established fire and emergency medical response standards; felt the response issue should have been considered at the time the business park was approved and the infrastructure established.

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City Manager Hendrickson stated that representatives of Rancho San Clemente will provide the City with a proposal on how they intend to fund the manning cost for Fire Station No. 3; noted Condition No. 6 of Tentative Tract Map 13467 requires compliance with the adopted City Fire/EMS response standard for new development.

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

In response to Council inquiry, City Attorney Oderman opined that it is not necessary to obtain Applicant concurrence with all Conditions of Approval; noted Condition No. 30 requires the Applicant to submit written consent to the City of the imposed Conditions within 30 days after approval of the Resolution; noted that failure of the Applicant to submit said written consent will result in the nullification of the Resolution.

In response to staff's concern pertaining to the wording of Condition No. 11 (relating to the installation of landscaping), City Attorney Oderman suggested that the last sentence of the Condition be expanded to provide that all landscaping shall be installed by the Master Developer within a specific period (to be determined by Council) after final map approval and prior to the issuance of the first building permit. The Applicant concurred with this verbiage.

MOTION BY COUNCILMEMBER RICE, SECOND BY COUNCILMEMBER VEALE to defer consideration of Tentative Tract Map 13467 until the City Council and Planning Commission have conducted a joint study of the issue of lot splits within the Rancho San Clemente Business Park, and to refer the project to the Economic Development Committee for input.

During the ensuing discussion, Council agreed to schedule a Joint City Council/Planning Commission meeting on July 14, 1988 at 6:00 p.m. for the purpose of studying the issue of lot splits within the Rancho San Clemente Business Park. An Adjourned Regular Meeting of the City Council will immediately follow the joint session.

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SUBSTITUTE MOTION BY COUNCILMEMBER RICE, SECOND BY COUNCILMEMBER VEALE to continue Tentative Tract Map 13467 to the Adjourned Regular Meeting of the City Council on July 14, 1988.

In response to an inquiry posed by City Attorney Oderman, Principal Planner Goldin advised that WSLA has waived the timeframe obligation for processing the subject application. Mr. Christian interjected that WSLA granted the waiver in light of staff's workload and stated that he does not consent to the proposed continuance.

City Attorney Oderman advised that the Subdivision Map Act provides that Council has until July 15, 1988 to act on the subject tract map application barring the Applicant's consent for a timeframe waiver; noted that the possibility of Measure E's applicability to this project is created by continuing the application to July 14, 1988 since Measure E becomes effective on July 9, 1988; advised the City Attorney's Office is currently researching whether Tentative Tract Map applications, which were accepted as complete prior to the time Measure E was placed on the ballot, have a right to proceed.

THE SUBSTITUTE MOTION CARRIED 5-0.

B. TENTATIVE TRACT MAP 13563, SITE PLAN REVIEW 88-03 AND USE PERMIT 88-05 - AMANECER INDUSTRIAL COMPLEX-SHAW/NELSON

Public Hearing to consider a request for a 13 lot tentative tract map, site plan review for a 21.75 acre business complex and an inclusive use permit to allow light manufacturing in the Rancho San Clemente Business Park.

Mayor Lorch opened the Public Hearing.

Larry Nelson, Applicant, 3151 Airway Avenue, Suite L-1, Costa Mesa, described the proposed project; requested deletion of Condition No. 21 of Resolution No. 88-75 and Condition No. 19 of Resolution No. 88-76, which require the applicant to make a fair share contribution to the City for certain street improvements, noting that the Planning Commission determined that said Conditions

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should not be imposed; requested Council direction pertaining to the screening of the roof equipment (i.e., screening treatment versus parapet wall); objected to industrial projects being required to pay school fees.

Council clarified that the screening of the roof equipment should be consistent with the architectural character of the buildings and should effectively screen the equipment from view from any angle.

George Seitz, Project Architect, highlighted the architectural features of the project; commented on the view impact of the project from Talega Valley and summarized the mitigation measures associated therewith; provided an overview of the landscape plans.

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

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adopt Resolution No. 88-74 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA ADOPTING A NEGATIVE DECLARATION AND USE PERMIT NO. 88-05.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adopt Resolution No. 88-75 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING SITE PLAN 88-03.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER VEALE, CARRIED 4-1 (MAYOR LORCH VOTING NOE), to adopt Resolution No. 88-76 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND CONDITIONALLY APPROVING TENTATIVE TRACT MAP NO. 13563 SUBJECT TO THE FINDINGS AND CONDITIONS. (NOTE: The Resolution adopted included the revised Conditions of Approval distributed by staff at the July 6, 1988 meeting.

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C. USE PERMIT 88-01 - COMBINATION SERVICE STATION AND
CONVENIENCE STORE - CIRCLE K

Public Hearing to consider a request for a use permit to allow a combination service station and convenience store use, located on the southwest corner of the intersection of El Camino Real and Avenida Santiago.

Mayor Lorch opened the Public Hearing.

Bill Fancher, Applicant, Tait and Associates, 800 Eckhoff, Orange, representing Circle K, stated the only issue that exists with the project is the overconcentration of convenience stores in the area; stated the site is currently in a state of disrepair; contended a combined use of the property, i.e., service station and convenience store, is necessary to assure the economic viability of the property; stated the petition meets all City requirements.

Steven Jamieson, Attorney representing Circle K, 429 Culver Boulevard, Playa del Rey, reiterated that the economic viability of the property is dependent on whether a combined use is permitted; stated the proposal will refurbish the property and hence be beneficial to the community.

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

In response to Council inquiry, City Attorney Oderman explained that Council possesses discretionary review in all legitimate planning issues relating to the proposed use in the proposed location; advised that Council may consider the issue of whether a proliferation of a single type of use exists in the area as a factor in its decision, but stressed that Council could not utilize this finding as the sole justification for denial of the application.

In response to Council inquiry, Bill Fancher stated the design of the building is merely a proposal and indicated willingness to work with the Community Design Commission to achieve a compatible design; indicated willingness to install public restrooms.

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It was the consensus of Council that the proposed use is not the best use for the subject location.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, to continue the Public Hearing on Use Permit 88-01 to the Council meeting of September 21, 1988 to enable staff to analyze and report back to Council on issues raised during the meeting, i.e., the traffic situation (particularly the possibility of installing a left-turn lane on El Camino Real), the anticipated noise impact and the affect of the height of the structure on the neighboring community.

The Applicant concurred with the proposed continuance.

THE MOTION ON THE FLOOR CARRIED 5-0.

D. FEE INCREASES - FY 1988-89 BUDGET

Public Hearing to consider an adjustment in parking fees and fines.

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

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to introduce Ordinance No. 973 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE AMENDING VARIOUS PROVISIONS OF THE CODE OF THE CITY OF SAN CLEMENTE REGARDING PARKING FEES AND FINES.

E. ZONING AMENDMENT 88-01 - ADDITION OF CONGREGATE CARE AS NEW USE IN CERTAIN ZONING DISTRICTS

Continued Public Hearing to consider adding congregate care in certain residential and commercial zoning districts, subject to a conditional use permit.

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

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MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to table Zoning Amendment 88-01, Congregate Care, to allow staff adequate time to respond to the concerns regarding the development standards of density, parking and setbacks for congregate care facilities within the City.

4. ORAL COMMUNICATIONS

Frank Denison, 504 Monterey Lane, felt the City should obtain a bid from the County to provide fire and police protection for the City.

PARKING RESTRICTION ON SOUTH EL CAMINO REAL NEAR THE INTERSECTION OF AVENIDA PRESIDIO

Mike Craig, 219 South El Camino Real, voiced concern that the area in front of his business (Danielle Kennedy Productions) on South El Camino Real was recently red-curbed; voiced concern the elimination of two parking spaces in front of his business devalues his property and negatively impacts his business operations.

Eric Smith, 217 South El Camino Real, spoke in support of the elimination of the red-curbing on South El Camino Real near the intersection of Avenida Presidio; stated the property owners in the area were not notified of the proposal to prohibit parking.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to agendaize the issue of red-curbing on South El Camino Real near the intersection of Avenida Presidio for the Adjourned Council Meeting of July 14, 1988.

Roger Gentry, 115 De Los Lobos Marinos, representing SCRAM (Save Casa Romantica and Miramar Theatre); urged that the Casa Romantica be included as part of the Pier Bowl plan; spoke in support of the construction of a three-level parking area adjacent to the Casa.

Lonny Jenkins, 31891 Via Quebrada, San Juan Capistrano, stated he is unable to obtain building permits for his two lots in Rancho San Clemente due to the City's fire and emergency medical response standards.

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City Manager Hendrickson responded that staff is awaiting a proposal from WSLA, the master developer, relating to the financing of Fire Station #3 ; suggested that Mr. Jenkins contact the Director of Fire Protection to obtain an update on the issue of fire and emergency response in Rancho San Clemente.

COUNCIL RECESSED AT 9:17 P.M. AND RECONVENED AT 9:40 P.M.,
 WITH ALL MEMBERS PRESENT.

5. CONSENT CALENDAR

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve the Consent Calendar with the deletion of Item 5-G.

A. MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve the City Council minutes of June 15 and 16, 1988 and June 8, 1988.

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

1. Planning Commission minutes of April 5, 1988, May 3, 1988, May 17, 1988, May 31, 1988, and June 2, 1988.
2. Community Design Commission minutes of June 7, 1988.
3. Parks and Recreation Commission minutes of May 31, 1988 and June 14, 1988.
4. Departmental Activities Report - May 1987.

C. WATER RATE INCREASE

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adopt Resolution No. 88-78 entitled RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REPEALING RESOLUTION NO. 87-58 AND OTHER RESOLUTIONS IN CONFLICT THEREWITH; AND ESTABLISHING RATES AND CHARGES FOR WATER CONSUMPTION.

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D. PUBLIC AUCTION - DISPOSAL OF SURPLUS VEHICLES AND EQUIPMENT

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to authorize Nationwide Southwest, Commercial Auctioneers, to conduct a public auction of the surplus City vehicles and equipment listed in the Administrative Report, dated June 24, 1988, and on file in the City Clerk's Department.

E. ACCEPTANCE OF WORK AND RELEASE OF BONDS - LOT 17, TRACT 12125 (WHISPERING WINDS)

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adopt Resolution No. 88-79 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ACCEPTING FROM LINCOLN PROPERTY COMPANY ALL WORKS OF IMPROVEMENT FOR TRACT 12125, LOT 17, AND PROVIDING FOR RELEASE OF BONDS AS REQUIRED BY LAW.

F. CAMINO CAPISTRANO STORM DRAIN, PROJECT NO. 13-85

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to accept the Camino Capistrano Storm Drain Project No. 13-85 from Wilson's Equipment Rentals, Inc., and authorize staff to file a Notice of Completion with the County Recorder. (City Contract No. C88-012)

G. NUISANCE ABATEMENT - 525 N. EL CAMINO REAL

City Clerk Erway announced that the nuisance at 525 N. El Camino Real has been resolved and, therefore, recommended that the item be removed from the agenda.

Council removed the Nuisance Abatement - 525 N. El Camino Real from the agenda as requested.

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6. WARRANT REGISTER

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to approve Warrant Nos. 74174 through 74341 excluding Payroll Warrant for period 6-6-88 through 6-10-88 (Voids 74168-74170) in the amount of \$351,242.22; Payroll Warrant No. 74324 for period 5-30-88 through 6-12-88 in the amount of \$257,090.17; Warrant Nos. 74344 through 74520 for period 6-13-88 through 6-17-88 (Voids 74342 and 74343) in the amount of \$240,147.24; Warrant Nos. 74525 through 74708 excluding Payroll Warrant for period 6-20-88 through 6-24-88 (Voids 74521-74524) in the amount of \$579,419.43; Payroll Warrant No. 74679 for period 6-13-88 through 6-26-88 in the amount of \$275,161.37; for a total Warrant Register of \$1,703,060.43.

7. UNFINISHED BUSINESS

None.

8. NEW BUSINESS

A. MEASURE E IMPLEMENTATION

Report from the Community Development Director concerning contracting for the preparation of a baseline Development and Traffic Monitoring Report and approval of an urgency ordinance declaring a six-month moratorium for project applications filed on or after June 8, 1988.

Community Development Director Holloway reported on the intent of the Development and Traffic Monitoring Report and reviewed the utilization of the report as it relates to the implementation of Measure E; explained the rationale associated with the proposed six-month moratorium; discussed standards mandated by Measure E, the affect of Measure E on Measure B, and explained Measure E's affect on development; recommended that Council authorize appropriate funding and authorize staff to contract for the preparation of a baseline Development and Traffic Monitoring Report, and adopt an urgency ordinance regarding the processing and approval of applications for development approvals subject to

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Measure E, pending the completion and adoption of the Traffic and Development Monitoring Report.

Councilmember Rice spoke in support of the establishment of a Mello-Roos District to fund an additional paramedic unit.

Gary Wiggle, Keisker and Wiggle Architects, stated he is the applicant for a 214,000 sq. ft. shopping center on Camino de los Mares between the Lucky Shopping Center and the Freeway; commented on the positive financial impact of the shopping center to the City; stated he submitted a comprehensive traffic report to the Council; urged Council to concur with staff and adopt the Ordinance which exempts projects which exceed 100,000 square feet from the provisions of the Urgency Ordinance.

Jeff Dahlstrom, 638 Camino de los Mares, spoke in support of the proposed Urgency Ordinance with the exemptions recommended by staff.

Rick Anderson, 610 Avenida Victoria, stated he has been attempting to build a bed and breakfast facility at the Pier Bowl since 1984; voiced concern Measure E does not allow for discretionary powers; felt consideration should be given to projects that have been pending for two or three years.

Joe Anderson, 1804 Avenida Salvador, speaking on behalf of the Executive Board of the Chamber of Commerce, concurred with staff's position that permits currently in progress should be allowed to proceed; spoke in support of expeditious completion of the Development and Traffic Monitoring Report; recommended that Council require periodic updates on the status of the Development and Traffic Monitoring Report and recommended that any extensions for the Report's completion be limited to not more than 30 days.

Cheri Phelps, Phillips, Brandt, Reddick, representing Talega Valley Partnership, concurred that the six-month timeline is a reasonable period in which to implement Measure E criteria, adding that any time beyond the six-month period would jeopardize progress made to date with respect to backcountry roads; stated PBR is not willing to fund studies for portions of the City which would not be impacted by their project, but is willing to fund

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studies for areas which will be impacted by their project; presented a letter, dated July 6, 1988, which specifies PBR's position with respect to the implementation of Measure E.

Diane Neville, 632 Vista Valinda, opined the electorate was not adequately informed of the ramifications of Measure E, adding that data relating to the Measure's fiscal impact was not provided; spoke in support of placing the Measure on the November General Election ballot to enable the electorate to be apprised of all facets of the Measure.

Ed Kveskin, 118 West Avenida Valencia, speaking on behalf of Planning Commissioner Bob Burleson and himself, voiced concern that opportunities for commercial development could be lost if development is arbitrarily impaired.

MOTION BY MAYOR LORCH, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to adopt Urgency Ordinance No. 976 entitled AN URGENCY INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA REGARDING THE PROCESSING AND APPROVAL OF APPLICATIONS FOR DEVELOPMENT APPROVALS SUBJECT TO MEASURE E PENDING THE COMPLETION AND ADOPTION OF THE TRAFFIC AND DEVELOPMENT MONITORING REPORT. (Note: Urgency Ordinance No. 976 was revised later in the meeting to allow the exemption of City-initiated projects. See Page 14 of these minutes to reference the Council motion which amended Urgency Ordinance No. 976.)

MOTION BY MAYOR LORCH, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to authorize staff to contract for the preparation of a baseline Development and Traffic Monitoring Report. Contract costs will approximate \$60,000 for the traffic portion of the report and \$40,000 for the storm drain portion of the project.

MOTION BY MAYOR LORCH, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to authorize the appropriation of \$60,000 from the Contingency Reserve to Contractual Services (Acct. #43000) to pay for the Development and Traffic Monitoring Report (traffic portion).

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MOTION BY MAYOR LORCH, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to authorize the appropriation of \$40,000 from the Local Drainage Facility Fund (#033-841) to Contractual Services (Acct. #43000) to pay for the Development and Traffic Monitoring Report (drainage portion).

DISCUSSION OF URGENCY ORDINANCE NO. 976 RESUMED FOLLOWING AGENDA ITEM 10-D(5) AS FOLLOWS:

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 4-1 (MAYOR LORCH VOTING NOE) to reconsider Urgency Ordinance No. 976 to allow the exemption of City-initiated projects.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 4-1 (MAYOR LORCH VOTING NOE), to add a fifth exemption under Section C to read as follows: "(v) City-Initiated Projects."

B. ESTABLISHMENT OF A DEADLINE FOR 1989 RDEB ALLOCATION SUBMITTALS

Report from the Community Development Director concerning establishment of a deadline for development allocation submittals for the 1989 RDEB allocation process.

MOTION BY MAYOR LORCH, SECOND BY COUNCILMEMBER RICE, CARRIED 4-1 (COUNCILMEMBER MECHAM VOTING NOE), to adopt Resolution No. 88-81 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING DEADLINES FOR THE 1989 DEVELOPMENT ALLOCATION PROGRAM.

C. GENERAL MUNICIPAL ELECTION - NOVEMBER 8, 1988

Report from the City Clerk concerning required and optional resolutions calling the General Municipal Election for November 8, 1988.

Council noted that the temporary fireworks ban proved to be successful and that public and staff feedback was positive; discussed the possibility of holding a Public Hearing to consider adoption of an ordinance which bans fireworks, as opposed to submitting the proposition to the electorate.

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MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to schedule a Public Hearing on a potential ban on the sale and use of fireworks for the Council Meeting of August 3, 1988.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 4-1 (MAYOR LORCH VOTING NOE), to adopt Resolution No. 88-54 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE TO SUBMIT TO THE VOTERS OF THE CITY OF SAN CLEMENTE A PROPOSITION CHANGING THE CITY CLERK AND CITY TREASURER TO APPOINTED POSITIONS.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 4-1 (MAYOR LORCH VOTING NOE), to adopt Resolution No. 88-66 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 1988, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES AND FOR THE SUBMISSION TO THE VOTERS QUESTIONS RELATING TO THE POSITIONS OF THE CITY CLERK AND THE CITY TREASURER BEING APPOINTIVE AND ONSHORE OIL SUPPORT FACILITIES. (NOTE: Resolution No. 88-66 will be revised to delete all reference to the prohibition of the sale and use of fireworks.)

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to adopt Resolution No. 88-67 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 1988, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO SECTION 233402 OF THE ELECTIONS CODE. (NOTE: Resolution No. 88-67 will be revised to delete all reference to the prohibition of the sale and use of fireworks.)

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to adopt Resolution No. 88-68 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 1988.

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MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to adopt Resolution No. 88-70 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENT(S) REGARDING CITY MEASURES AND DIRECTING THE CITY ATTORNEY TO PREPARE IMPARTIAL ANALYSES. (NOTE: Resolution No. 88-70 will be revised to delete all reference to the prohibition of the sale and use of fireworks.)

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to authorize any interested Councilmembers to author the argument in favor of appointment of the City Treasurer and City Clerk positions. Councilmember Limberg volunteered to coordinate the preparation of this argument.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to authorize any interested Councilmembers to author the argument in support of requiring a referendum approval for all development of onshore oil support facilities.

MOTION BY MAYOR LORCH to authorize the publication of the full texts of the Ordinances contained in the sample ballot. The motion died for lack of a second.

Councilmember Mecham left the meeting at 11:42 p.m.

MOTION BY COUNCILMEMBER VEALE, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 3-1 (MAYOR LORCH VOTING NOE) to authorize the publication of abbreviated Ordinances in the sample ballot, along with a notation that the full Ordinances are available for inspection in the City Clerk's Department.

Councilmember Mecham returned to the dais at 11:45 p.m.

MOTION BY MAYOR LORCH, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to adopt Resolution No. 88-71 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES SUBMITTED AT MUNICIPAL ELECTIONS.

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MOTION BY MAYOR LORCH, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to adopt Resolution No. 88-72 entitled A RESOLUTION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PROVIDING FOR THE CONDUCT OF A SPECIAL RUNOFF ELECTION FOR ELECTIVE OFFICES IN THE EVENT OF A TIE VOTE AT ANY MUNICIPAL ELECTION.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY MAYOR LORCH, CARRIED 5-0, to authorize the publication of a separate City sample ballot at a cost of \$16,175, and to approve an appropriation transfer of \$5,225 from the General Fund Contingency Reserve to Account No. 001-133-43890.

MOTION BY COUNCILMEMBER RICE, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to agendize for the Council Meeting of August 3, 1988, the possibility of placing on the November General Election ballot the proposition of establishing a Mello-Roos District to fund additional fire and paramedic service.

D. SPECIAL BEACH EVENTS POLICY

Report from the Public Services Director concerning adoption of a policy to handle special beach event requests.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adopt Resolution No. 88-87 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING A SPECIAL BEACH EVENTS POLICY.

E. PROFESSIONAL SURFING ASSOCIATION OF AMERICA SURFING CONTEST

Report from the Director of Public Services concerning a request by the Professional Surfing Association of America to hold a surfing contest on the north side of the pier on July 21-24, 1988.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to approve the request of the Professional Surfing Association to hold a surfing contest on the north side of the pier on July 21-24, 1988, subject to conditions as contained in the Administrative Report, dated June 28, 1988, and on file in the City Clerk's Department.

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F. REMOVAL OF CITY OWNED STRUCTURE LOCATED AT 122 AVENIDA GRANADA

Report from the Community Development Director concerning an offer to relocate the house located at 122 Avenida Granada to another site in the City.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG to accept the proposal of Jack Boatman and his agent Douglas Smith, as contained in the Administrative Report, dated June 20, 1988, and on file in the City Clerk's Department. Said proposal, in effect, would give the petitioner a 90-day option to purchase the house located at 122 Avenida Granada.

Rod Rojas, 402 Avenida La Costa, (owner of property adjacent to 122 Avenida Granada) stated an unsafe condition currently exists at 122 Avenida Granada.

Joan Gibbons, representing the Downtown Business Association, stated additional parking is needed on Avenida Del Mar; urged that a public restroom be constructed on Avenida Del Mar at the time the parking lot is constructed.

THE MOTION ON THE FLOOR CARRIED 5-0. Council further directed that staff attempt to negotiate that Mr. Boatman will be responsible for cleaning the lot after removal of the structure. If such an agreement cannot be reached, Council requested that the matter be re-submitted to Council.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to consider Agenda Item 10-D(3) at this point in the meeting.

10. REPORTS

D. Councilmembers

(3) POLICY ON MURALS

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE to establish a policy which provides that all mural applications shall be reviewed individually and which prohibits advertising thereon.

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Eva Riley, 121 W. Lobos Marinos, opined that murals would constitute advertising and hence be contrary to the intent of the Municipal Code provision which defines advertising as any method that draws attention to a business in an unusual manner; urged prohibition of all murals in the City.

THE MOTION ON THE FLOOR CARRIED 3-2 (MAYOR LORCH AND COUNCILMEMBER LIMBERG VOTING NOE). The City Attorney is to prepare an Ordinance to reflect the City's policy on murals.

9. ORAL COMMUNICATIONS

Jay Salzburg, 111 Avenida Granada, voiced concern that the City's smoking ordinance contains ineffective penalty provisions; voiced concern with the overnight parking situation on Avenida Granada; spoke in support of landscape murals which are designed to hide buildings.

10. REPORTS

A. COMMISSIONS AND COMMITTEE

None.

B. CITY MANAGER

(1) Request for Closed Session

City Manager Hendrickson requested a Closed Session to discuss pending litigation (Mary Jane Coe v. City of San Clemente) pursuant to Government Code Section 54956.9(a).

(2) Request for Closed Session

City Manager Hendrickson requested a Closed Session to discuss matters of personnel.

(3) Interviews for City Treasurer Candidates

Council agreed to interview City Treasurer candidates on July 20, 1988 at 6:00 p.m.

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C. CITY ATTORNEY

- (1) City Attorney Oderman requested a Closed Session to discuss matters of pending litigation (i.e., McDaniel v. City of San Clemente and Estrella Properties, Ltd. v. City of San Clemente pursuant to Government Code Section 54956.9(a).
- (2) Update of City Codes to Conform to Measure E Requirements

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to allocate \$15,000 from Account No. 001-161-43070 to fund the City Attorney's update of City Codes to conform to Measure E requirements.

D. Council Members

1. ORDINANCE NO. 922 EXEMPTIONS

MOTION BY MAYOR LORCH, SECOND BY COUNCILMEMBER RICE, to authorize staff to prepare implementing resolutions (i.e., Camarillo) to provide that final maps approved prior to adoption of Ordinance No. 922, which have not been issued building permits by July 1, 1988, not be exempt from the provisions of said Ordinance.

SUBSTITUTE MOTION BY MAYOR LORCH, SECOND BY COUNCILMEMBER RICE, FAILED 2-3 (COUNCILMEMBERS LIMBERG, MECHAM AND VEALE VOTING NOE), to rescind the previous Council action which exempted from the provisions of Ordinance No. 922 final maps which were approved prior to adoption of Ordinance No. 922, but were not issued building permits by July 1, 1988.

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2. COST REVENUE AND FINANCING ANALYSIS - CASA ROMANTICA

MOTION BY MAYOR LORCH to authorize a cost/revenue and financing analysis in conjunction with a marketing study relative to the purchase of Casa Romantica. The motion died for lack of a second.

3. POLICY ON MURALS

Council considered the policy on murals earlier in the meeting. See Page 18 of these minutes for the Council action on this item.

4. PUBLIC SERVICES LOGO

Councilmember Rice voiced concern with the number of logos being used in the City; urged that only the original City logo be utilized.

MOTION BY COUNCILMEMBER RICE, SECOND BY MAYOR LORCH, FAILED 2-3 (COUNCILMEMBERS LIMBERG, MECHAM AND VEALE VOTING NOE), to utilize only the original City logo.

5. REQUEST FOR CLOSED SESSION

Council agreed to defer the Closed Session to discuss matters of personnel to an Adjourned Regular Meeting to be held during the week of July 25-29, 1988; the date of the Adjourned Regular Meeting will be finalized at a later date.

APPOINTMENT OF AN ECONOMIC DEVELOPMENT DIRECTOR

MOTION BY COUNCILMEMBER RICE, SECOND BY COUNCILMEMBER MECHAM, CARRIED 4-1 (MAYOR LORCH VOTING NOE), to reconsider the appointment of an Economic Development Director. This issue will be agendized for the Council meeting of July 20, 1988

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11. RESOLUTIONS/ORDINANCES

A. SEWER SERVICE CHARGE DECREASE

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to introduce Ordinance No. 974 entitled ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 30-19 OF THE CITY CODE AND ADJUSTING THE SEWER SERVICE RATE.

B. USE OF CITY-OWNED PROPERTY AND SPECIAL EVENT INSURANCE REQUIREMENTS

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 4-1 (MAYOR LORCH VOTING NOE), to introduce Ordinance No. 975 entitled ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, DELETING CHAPTER 7C "CULTURAL HERITAGE BOARD" AND REPLACING IT WITH CHAPTER 7C "USE AND CONTROL OF CITY OWNED PROPERTY" AND REPEALING ORDINANCE NO. 967.

C. ORDINANCE NO. 970 - SECOND READING

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to adopt Ordinance No. 970 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 5.21 OF THE ZONING ORDINANCE OF THE CITY OF SAN CLEMENTE REGARDING DESIGN REVIEW.

D. ORDINANCE NO. 971 - SECOND READING

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to adopt Ordinance No. 971 entitled ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA AMENDING SECTION 20-3(i) OF THE CODE OF THE CITY OF SAN CLEMENTE PERTAINING TO AUTOMATIC FIRE SPRINKLER REQUIREMENTS.

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MEETING RECESSED

Council recessed to a meeting of the Redevelopment Agency at 12:55 a.m.

MEETING RECONVENED

Council reconvened at 12:56 a.m. with all members present.

*Councilmember Mecham left the meeting at 12:56 a.m.

CLOSED SESSION

Council recessed to Closed Session at 12:56 a.m. to discuss 1) matters of personnel; 2) pending litigation (McDaniel v. City of San Clemente, pursuant to Government Code Section 54956.9(a); and 3) pending litigation (Estrella Properties, Ltd. v. City of San Clemente, pursuant to Government Code Section 54956.9(a). The City Manager, City Attorney and Assistant City Manager were in attendance.

MEETING RECONVENED

Council reconvened at 1:20 a.m., with all members present, except Councilmember Mecham.

CITY COMPENSATION PLAN - PART-TIME SALARIES

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER VEALE, CARRIED 4-0, to adopt Resolution 88-82 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, AMENDING CERTAIN SECTIONS OF RESOLUTION NO. 87-85, THE CITY'S COMPENSATION PLAN.

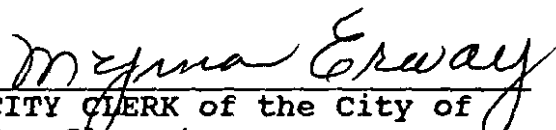
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PRO-RATED LEAVE BENEFITS FOR PERMANENT PART-TIME CLASSIFICATIONS

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER VEALE, CARRIED 4-0, to adopt Resolution No. 88-83 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING RESOLUTION 21-81 AS AMENDED BY RESOLUTIONS NOS. 36-83, 74-83, 100-83 AND REVISING RULE 9.2 OF THE CITY PERSONNEL RULES AND REGULATIONS.

ADJOURNMENT

Council adjourned at 1:22 a.m. to July 14, 1988 at 6:00 p.m.


CITY CLERK of the City of
San Clemente


MAYOR of the City of San
Clemente

AFFIDAVIT OF POSTING ORDER
OF ADJOURNMENT OF MEETING

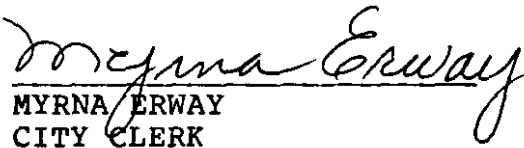
STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS.
CITY OF SAN CLEMENTE)

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 JULY 6, 1988 said meeting was adjourned to the time and place specified in the ORDER OF ADJOURNMENT attached hereto; and that on July 7, 1988 at the hour of 9:45 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 July 7, 1988 at San Clemente, California.


MYRNA ERWAY
CITY CLERK

