

CITY OF SAN CLEMENTECITY COUNCIL MINUTESREGULAR MEETING - MARCH 2, 1988

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

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

*Councilmember Limberg left the meeting at 11:55 p.m.

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

Mayor Lorch gave the invocation.

PLEDGE OF ALLEGIANCE

Girl Scout Troop 1833 led the Pledge of Allegiance.

1. SPECIAL PRESENTATIONS

- A. Mayor Lorch presented a proclamation to Patty Farnsworth (Leader of Troop 1833) designating May 6-12, 1988 as "Girl Scout Week." Mayor Lorch presented City pins to the members of Troop 1833.
- B. Mayor Lorch recognized the following members of the City's "Celebrate 60" Committee and presented them with City tiles: Holly Veale, Dottie Prohaska, James Walshe, Mimi Collier, Candace Haggard, Roger Gentry, Don Kindred, Joe Engoglia, David Nydegger and Greg Hulsizer.

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- C. Mayor Lorch acknowledged receipt of a letter from President Reagan commemorating the City's 60th anniversary.
- D. Mayor Lorch presented a proclamation to Marvela Murray designating the month of March as "Red Cross Month."

REORGANIZATION OF AGENDA

Council reorganized the agenda order as follows: Consent Calendar, 5, 6-A, 7-A, 3-A, 3-B, 6-B, 6-C, Oral Communications, Reports, Resolutions/Ordinances, RDA. These minutes reflect the revised agenda order.

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

CLOSED SESSION

MOTION BY MAYOR LORCH, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to recess to Closed Session at 7:30 p.m. to discuss pending litigation (Measure B lawsuits) pursuant to Government Code Section 54956.9(a). The City Manager and City Attorney were in attendance.

MEETING RECONVENED

Council reconvened at 7:55 p.m., with all members present.

4. CONSENT CALENDAR

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to approve the Consent Calendar with the removal of Items 4-A, 4-C, and 4-D.

B. PLANNING COMMISSION MINUTES

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to receive and file the Planning Commission minutes of February 2, 1988.

E. WATER FACILITIES REIMBURSEMENT AGREEMENT - MARBLE-HEAD/LUSK COMPANY

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to authorize staff to negotiate a reimbursement agreement with The Lusk Company to cover the cost of already constructed and future construction of Master Plan

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Water Facilities within Marblehead. (Contract #C88-006).

F. FEMA AUTHORIZED REPRESENTATIVE

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to adopt Resolution No. 88-22 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE CITY MANAGER, CITY ENGINEER OR PUBLIC SERVICES DIRECTOR TO ACT AS THE CITY'S AGENT IN MATTERS PERTAINING TO FEDERAL DISASTER ASSISTANCE (DR 812).

G. AWARD OF BID - ONE HEAVY DUTY PICK-UP TRUCK

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to accept the bid of Allen GMC in the amount of \$13,368.00 for the purchase of one (1) new 1988 GMC heavy duty pick-up truck for use by the Maintenance Services Division, Street Maintenance and Repair Program.

H. AWARD OF BID - ONE COMPACT PASSENGER VAN

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to accept the bid of Courtesy Chevrolet in the amount of \$12,141.47 for the purchase of one (1) new 1988 Chevrolet compact passenger van for use by the Engineering Division.

I. PURCHASE AGREEMENT - FIRE STATION #3 (TEMPORARY SITE)

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to approve, and authorize the Mayor to execute, an "Agreement of Purchase and Sale and Escrow Instructions" with Ferguson Partners in the amount of \$670,050 for the purchase of real property and improvements at 1030 Calle Negocio.

J. 1988-89 STREET LIGHTING AND LANDSCAPING DISTRICT NO. 1 - ASSESSMENT ENGINEER

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to approve the proposal of Willdan Associates to act as the assessment engineer for the 1988-89 Street Lighting and Landscaping District No. 1, for an estimated cost of \$14,000.

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K. CLAIM FOR DAMAGES - ROBIN H. FAYER

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to deny the Claim for Damages filed by Robin H. Fayer in the amount of \$106.00, based on insurance adjuster's recommendation.

L. CLAIM FOR DAMAGES - AL MEICHLER

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to deny the Claim for Damages filed by Al Meichler in the amount of \$3,000.00, based on insurance adjuster's recommendation.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

- A. Following clarification, MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to approve the City Council minutes of February 17, 1988.

C. FORSTER RANCH NUISANCE ABATEMENT

Following clarification, MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve an appropriation transfer of \$22,000 from the General Fund Contingency Reserve to Account No. 001-433-43890 - Planning Division Current Planning Other Contractual Services, to pay for the cost of the nuisance abatement in Forster Ranch, which will be reimbursed by a lien on the property.

D. FINAL MAP APPROVAL - TRACT 11855 (SEA POINTE ESTATES)

Council received a petition signed by 105 people in opposition to the proposed condominium project.

City Attorney Oderman explained the Final Map Approval for Tract 11855 (Sea Pointe Estates) is listed on the Consent Calendar because it involves a ministerial action by Council; advised the Subdivision Map Act provides that if a subdivider has received a Tentative Tract Map approval and has complied with all conditions, he has a right to Council approval of the Final Map; stressed the Council possesses no discretionary authority for denial of the Final Map for Tract 11855; stated noticing of the project was conducted in accordance with law at the time the Tentative Tract Map was

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considered.

City Manager Hendrickson noted the project would be subject to review by the Residential Development Evaluation Board and is subject to the 500 unit per year limitation created by Measure B.

Jerry Simons, 45 Campanilla, stated the people who purchased homes in Sea Pointe Estates were told that no condominiums would be built; voiced concern the Sea Pointe Estates Homeowners Association was not informed of the project; requested a postponement of the Final Map for Tract 11855 to enable additional input.

John Harlon, 1815 Burrough, Oceanside (Owner of Lot 128 in Sea Pointe Estates,) stated the developer did not inform him that condominiums would be constructed; requested deferral of the Final Map for Tract 11855.

Councilmember Mecham reviewed that at the time the Tentative Tract Map was considered, the developer was the only party who owned land within a 300' radius of the project area and hence was the only party notified of the Public Hearing; reviewed the history of the project since 1981 as it relates to bankruptcy court rulings; stated the present condominium project evolved as a result of negotiations intended to prevent some of the less geologically stable lots from being developed.

In answer to Council inquiry, City Attorney Oderman explained that Council is required to take action on a Final Map Approval at the time it is presented, and that a failure to act would be deemed an approval.

Gary Nogle, representing Central Capital Development (developer of Sea Pointe Estates), rebutted that the condominium project was denoted on the project model displayed in the sales office and on sales material as a villa project; stated the developer intends to formally request that the City allow the project to be converted to an 11-lot single-family subdivision.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to table the Final Map Approval for Tract 11855 (Sea Pointe Estates).

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5. WARRANT REGISTER

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to approve Warrant Nos. 71208 through 71377 for period 2/8/88 through 2/12/88 (Voids 71206 and 71207) in the amount of \$1,191,639.95; Warrant Nos. 71381 through 71551 excluding Payroll Warrant for period 2/15/88 through 2/19/88 (Voids 71378-71380) in the amount of \$375,004.54; Payroll Warrant No. 71530 for period 2/8/88 through 2/21/88 in the amount of \$248,546.26; for a total Warrant Register of \$1,815,190.75.

6. UNFINISHED BUSINESS

A. LOCAL COASTAL PLAN

Report from the Community Development Director concerning the Land Use Element of the Coastal Plan, including the issue of public access in the southern end of the community.

Mayor Lorch announced that although Councilmember Veale was not present at the February 17, 1988 Public Hearing on the Local Coastal Plan, she has listened to the tape of that meeting and hence will participate in the discussion and vote this evening.

Associate Planner Willcocks reviewed the contents of the Administrative Report; stated the Director of the South Coast Regional Commission concurs with staff's recommendation and believes it will lead to Coastal Commission approval; provided estimated budgetary impact figures associated with approval of the present plan versus denial and resubmission, as contained in a memorandum to the Community Development Director, dated March 1, 1988, and on file in the City Clerk's Department.

Lee Riley, 125 Valencia, on behalf of the Cyprus Shore Community Association, voiced concern with the provision of beach access through the southern portion of the community; reiterated his comments of February 17, 1988 relating to the resolution of the access issue as it pertains to the Cotton Point, Cyprus Cove and Remington subdivisions; stated public beach access is provided through the Trestles; urged the Local Coastal Plan be submitted to the Coastal Commission sans the provision relating to public access through Cyprus Shore.

William Wyss, 1048 Calle De Cerro, stated public access would be made available for injured persons or other

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emergency situations; voiced concern the provision of public access would devalue the properties in Cyprus Shore; objected to the conversion of a private community to a non-private community.

MOTION BY COUNCILMEMBER VEALE, SECOND BY MAYOR LORCH to adopt Resolution No. 88-11 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA APPROVING GPA 88-01, NO. 58, THE SUGGESTED MODIFICATIONS TO THE SAN CLEMENTE COASTAL ELEMENT LAND USE PLAN. (Note: This Resolution includes the provision of public access through Cyprus Shore.)

SUBSTITUTE MOTION BY MAYOR LORCH to amend the next to the last paragraph of Section C-5 of the exhibit to Resolution No. 88-11 to read as follows:

"The development setback shall be established depending on site characteristics, to use the criteria most protective of the coastal canyon and habitat."

The Substitute Motion died for lack of a second.

THE ORIGINAL MOTION CARRIED 4-1 (COUNCILMEMBER LIMBERG VOTING NOE.)

COUNCIL RECESSED AT 9:00 P.M. AND RECONVENED AT 9:15 P.M., WITH ALL MEMBERS PRESENT.

7. NEW BUSINESS

A. CITIZENS' SENSIBLE GROWTH AND TRAFFIC CONTROL INITIATIVE

Report from the City Clerk concerning an ordinance for sensible growth and traffic control which was submitted by the citizens through the Initiative process.

City Clerk Erway announced the Citizens' Sensible Growth and Traffic Control Initiative qualified since 15% of the City's registered voters signed the Initiative and those signatures have been verified by the Orange County Registrar of Voters; reviewed the contents of the Administrative Report, focusing on options available to Council and the costs attendant to each option; noted that a new law, effective January 1988, enables Council

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to call a 45-day review to assess the impact of the Initiative on the City.

Staff provided Council with a Comparison/Contrast Sheet Between Measure B and the Citizens' Sensible Growth and Traffic Control Amendment and Ordinance.

City Attorney Oderman opined the provisions of the Citizens' Sensible Growth and Traffic Control Ordinance would supercede Measure B, wherever conflicts exist, since the Citizens' Sensible Growth and Traffic Control Ordinance is the more recent Initiative.

Tom Dunn, Proponent of the Initiative, 2246 Avenida Salvador, stated the Initiative seeks to preserve the quality of life for San Clemente residents; urged that Council adopt the Ordinance to save the cost of an election.

C.L. Snider, Proponent of the Initiative, 303 Calle Rica, requested the ballot language contained in Resolutions Nos. 88-16 and 88-17 be modified to read as follows: "Shall the ordinance adopting the San Clemente Citizens' Sensible Growth and Traffic Control Initiative be adopted?"; urged that the issue be placed on the June ballot.

Norman Elethorp, representing the Rancho San Clemente Business Park, requested clarification as to the fiscal impact of the proposal on the Rancho San Clemente Business Park and questioned if a study has been done re the fiscal impact to the City; urged that the measure be submitted to the electorate.

Jim Hill, 4011 Calle Mayo, requested that the Ordinance be adopted by Councilmanic vote.

Joe Anderson, 1804 Avenida Salvador, Economic Development Committee Chairman, spoke in support of placing the measure on the June ballot; stated that limiting residential development will increase home prices and force people to live outside Orange County and commute, thus increasing freeway traffic.

Dan Curtin, McCutchin, Doyle, Brown & Enersen, P.O. Box V, Walnut Creek 94596, recommended the proposed Ordinance be submitted to the electorate in June; spoke in support of including the City Attorney's analysis in the Voter's Pamphlet.

Tom Davis, 207 West Alessandro, representing the Chamber of Commerce, opined the Ordinance would negatively impact the economic well-being of the City;

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felt the citizens should be advised of the fiscal impact of the Ordinance; felt a measure should be placed on the ballot that creates a funding mechanism for the Ordinance's implementation; presented the City Clerk with a ballot argument from the Chamber of Commerce.

Glenn Roy, 111 Granada, urged the proposed Ordinance be submitted to the voters.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adopt Resolution No. 88-16 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION ON TUESDAY, JUNE 7, 1988 FOR THE SUBMISSION TO THE QUALIFIED VOTERS A PROPOSED ORDINANCE, with the understanding that the ballot language contained therein be modified to read as follows:

"Shall the ordinance adopting the San Clemente Citizens' Sensible Growth and Traffic Control Initiative be adopted?"

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adopt Resolution No. 88-17 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 SPECIAL MUNICIPAL ELECTION TO BE HELD ON JUNE 7, 1988, WITH THE STATEWIDE PRIMARY ELECTION TO BE HELD ON THE DATE PURSUANT TO SECTION 23302 OF THE ELECTIONS CODE, with the understanding that the ballot language contained therein be modified to read as follows:

"Shall the ordinance adopting the San Clemente Citizens' Sensible Growth and Traffic Control Initiative be adopted?"

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to adopt Resolution No. 88-18 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS REGARDING A PROPOSED ORDINANCE, with the understanding that Section 1 would be deleted and the remaining Sections renumbered accordingly. (Note: Council elected not to authorize certain of its members to file a written argument regarding the proposed Ordinance.)

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adopt Resolution No. 88-19 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PROVIDING FOR THE FILING OF

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REBUTTAL ARGUMENTS FOR CITY MEASURES SUBMITTED AT
 MUNICIPAL ELECTIONS.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to approve an appropriation transfer of \$10,250 from the General Fund Contingency Reserve to Account No. 001- 133-44510.

3. PUBLIC HEARING

3-A. SPECIFIC PLAN 87-01/TENTATIVE TRACT MAP NO. 13056 AND SPECIFIC PLAN 87-02/TENTATIVE TRACT MAP NO. 13054 (THE LUSK COMPANY)

Continued Public Hearing to consider 1) a Planned Residential Development of 233 attached condominium units located on the east side of Avenida Faceta and Via Faisan in Planning Area 2 of Marblehead Inland Master Plan; and 2) a Planned Residential Development totaling 185 single family residential units located on the east side of Avenida Vista Hermosa at Via Turqueza in Planning Area 5 of Marblehead Inland Master Plan.

Principal Planner Goldin narrated a slide presentation of Planning Areas 2 and 5, focusing on view impacts identified by staff; stated grading is proposed along the ridgeline of Area 2; requested that Resolutions Nos. 88-01 and 88-03 be revised to reflect that the formula for determining cost sharing, method and timing of payments of the proposed improvements will be completed by September 7, 1988, rather than August 4, 1988; reviewed the contents of the Administrative Report.

Mayor Lorch opened the Public Hearing.

Rob Johnson, The Lusk Company (representing Marblehead), concurred with the Conditions of Approval, including the proposed date change pertaining to cost sharing.

Karoline Koester, 4011 Via Pajaro, requested and received information as to the effect of the proposed development on the Wastewater Treatment Plant.

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

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 4-1 (MAYOR LORCH VOTING NOE), to approve Planning Area 5, with the understanding that the formula for determining cost sharing, method, and timing of payments of the proposed improvements will be

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completed by September 7, 1988.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 4-1 (MAYOR LORCH VOTING NOE), to adopt Resolution No. 88-01 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA ADOPTING A NEGATIVE DECLARATION AND APPROVING SPECIFIC PLAN 87-02 AND TENTATIVE TRACT MAP NO. 13054, with the understanding that Condition No. 32 will be revised to reflect that the formula for determining cost sharing, method, and timing of payments of the proposed improvements will be completed by September 7, 1988.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG to approve Planning Area 2, with the understanding that the formula for determining cost sharing, method, and timing of payments of the proposed improvements will be completed by September 7, 1988.

Community Development Director Holloway explained that staff believes the grading for Planning Area 2 will not be contained behind the ridge, but rather will extend over the ridge.

Mike Burke, Robert Bein, William Frost & Associates (Engineers for Marblehead), explained the perimeter grading will be re-naturalized in areas where the current topography represents a 2:1 slope -- in areas where the current topography represents a 3:1 slope, the slope would be replaced in a manner as close as possible to the existing terrain.

Don Steffensen, The Lusk Company, stated Planning Area 2 cannot be developed without some visual impact; requested that Council either approve or deny Planning Area 2, but not direct the Applicant to redesign the project.

THE MOTION ON THE FLOOR FAILED 2-3 (MAYOR LORCH, COUNCILMEMBER RICE, AND COUNCILMEMBER VEALE VOTING NOE.)

MOTION BY MAYOR LORCH, SECOND BY COUNCILMEMBER VEALE, CARRIED 3-2 (COUNCILMEMBERS LIMBERG AND MECHAM VOTING NOE), to direct the City Attorney to prepare a Resolution for denial of Planning Area 2 for presentation to Council at its March 16, 1988 meeting.

In explaining their reasons for denial of Planning Area 2, Mayor Lorch, Councilmember Rice and Councilmember Veale cited the following: 1) Preference for the units to be receded from the ridgeline and/or for the height of the units to be reduced; 2) Preference for a reduced impact on the view sheds; 3) Possibility of replacing

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the homes closest to the ridgeline with one-story dwellings; 4) Concern with the canyon effect of the project; 5) Concern with the encroachment of the project into open space areas.

CLOSED SESSION

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to recess to Closed Session at 11:05 p.m. to discuss pending litigation (Estrella Properties vs. City of San Clemente), pursuant to Government Code Section 54956.9(a) as well as a matter of personnel. The City Manager and Assistant City Manager were in attendance.

MEETING RECONVENED

COUNCIL RECONVENED AT 11:55 P.M., WITH ALL MEMBERS PRESENT.

*COUNCILMEMBER LIMBERG LEFT THE MEETING AT 11:56 P.M.

3. PUBLIC HEARING

3-A. TENTATIVE PARCEL MAP 85-434, HANDY - 143 PATERO DE ORO

Public Hearing to consider a request to subdivide one lot into two lots for the purpose of constructing two single family residences at 143 Patero De Oro.

Assistant Planner Pechous summarized the contents of the Administrative Report.

Mayor Lorch opened the Public Hearing.

Rich Handy, Applicant, presented Council with letters of support from John Smart, John Marklein and Philip Hodge; reviewed the background of the project; stated the proposal will not change the character of the tract; noted that no variances are necessary.

Dave Koch, 152 Avenida De La Paz, stated he is speaking on behalf of Mr. and Mrs. Lund, Ed Kissell, Evelyn Brownell and Mary Cadwell; stated Tract 898 is the only area in San Clemente with estate-size lots; spoke in opposition to the proposed lot split inasmuch as he felt it would reduce the values of surrounding properties and generate additional traffic; presented Council with a copy of a petition signed by 23 people who oppose the proposed subdivision.

Bill Ayre, South Coast Engineering, stated the project

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complies with all zoning requirements for the R-1 B-3 zone; stated only five other lots in the area can be subdivided without variances.

Steve Kingston, 4011 Calle Abril, spoke in opposition to lot splits, noting the Orange County Board of Supervisors prohibits lot splits in Capistrano Beach.

Rich Handy reiterated the project would not change the character of the area and is consistent with zoning and General Plan requirements; opined denial would be discriminatory.

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

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE to adopt Urgency Ordinance No. 963 entitled AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE RESTRICTING THE SUBDIVISION OF LOTS WITHIN TRACT 898 PENDING COMPLETION OF CONTEMPLATED ZONING PROPOSALS CURRENTLY UNDER STUDY BY THE CITY OF SAN CLEMENTE.

City Attorney Oderman explained the provisions of California Government Code Section 65858 which establishes criteria to justify an Urgency Ordinance; noted an Urgency Ordinance must be adopted by 4/5 of the Council and will be in effect for 45 days unless extended by Council.

Rich Handy stated the proposed Urgency Ordinance would create an economic hardship for which he should be compensated.

Bill Ayre opined it is inequitable to implement an Urgency Ordinance when the Applicant has already submitted a project in compliance with law.

THE MOTION CARRIED 4-0.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY MAYOR LORCH, CARRIED 4-0, to continue the Public Hearing on Tentative Parcel Map 85-434 (Handy) and consideration of Tentative Parcel Map No. 86-206 (Emadi) to the Council meeting of April 6, 1988.

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6. UNFINISHED BUSINESS

B. TENTATIVE PARCEL MAP NO. 86-206, EMADI - LOCATED AT
 164 AVENIDA LA PAZ

Report from the Community Development Director concerning a request to subdivide two lots and a portion of a contiguous lot into three lots.

Earlier in this meeting, Council adopted an Urgency Ordinance which affects Tentative Parcel Map No. 86-206 since it is located in Tract 898. (See discussion of Agenda Item 3-B - Tentative Parcel Map 85-434 (Handy.) The motion which adopted this Urgency Ordinance is as follows:

"MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 4-0, to adopt Urgency Ordinance No. 963 entitled AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE RESTRICTING THE SUBDIVISION OF LOTS WITHIN TRACT 898 PENDING COMPLETION OF CONTEMPLATED ZONING PROPOSALS CURRENTLY UNDER STUDY BY THE CITY OF SAN CLEMENTE."

MOTION BY COUNCILMEMBER MECHAM, SECOND BY MAYOR LORCH, CARRIED 4-0, to continue consideration of Tentative Parcel Map No. 86-206, Emadi, to the Council meeting of April 6, 1988.

C. PARKING AT THE BEACH

Report from the Director of Public Services concerning whether the Marine Safety administrative staff and concessionaire manager/owners should be allowed to park on the beach.

MOTION BY COUNCILMEMBER MECHAM to continue consideration of the Parking at the Beach issue to the Council meeting of March 16, 1988. The motion died for lack of a second.

Steve Kingston, 4011 Calle Abril, voiced concern with the aesthetics and liability associated with the parking of vehicles on the beach.

Bob Novello, Fisherman's Restaurant, reviewed the importance of vehicular access to the Fisherman's Restaurant.

MOTION BY COUNCILMEMBER RICE, SECOND BY COUNCILMEMBER MECHAM, CARRIED 4-0, to allow the General Manager of the

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Fisherman's Restaurant, the bookkeeper, and four Marine Safety administrative staff members to utilize the parking lot behind the Marine Safety Headquarters (two vehicles to be parked in the garage.)

8. ORAL COMMUNICATIONS

Steve Kingston, 4011 Calle Abril, urged Council to adopt a policy prohibiting lot splits.

9. REPORTS

A. Commissions and Committees

None.

B. City Manager

(1) City Membership in the Southern California Association of Governments (SCAG)

Council deferred consideration of City membership in the Southern California Association of Governments (SCAG) to the Council meeting of March 16, 1988.

City Manager Hendrickson advised that a doctors' group meeting will be held on March 3, 1988 re possible purchase of San Clemente Hospital. Mayor Lorch will attend.

C. City Attorney

None.

D. Council Members

None.

10. RESOLUTIONS/ORDINANCES

A. ORDINANCE NO. 956 - SECOND READING

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 4-0, to adopt Ordinance No. 956 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TEMPORARILY REPEALING SECTION 20-3(q) OF THE CODE OF THE CITY OF SAN CLEMENTE PERTAINING TO THE SALE AND USE OF FIREWORKS.

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B. RESOLUTION NO. 88-21 - CITY LEGAL REPRESENTATION

MOTION BY COUNCILMEMBER MECHAM, SECOND BY MAYOR LORCH, CARRIED 4-0, to adopt Resolution No. 88-21 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE RESCINDING RESOLUTION NO. 87-46 AND APPOINTING NEW LEGAL REPRESENTATIVES OF THE CITY.

MEETING RECESSED

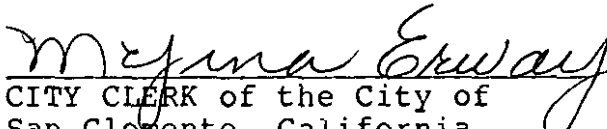
MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 4-0, to recess to a meeting of the Redevelopment Agency at 1:08 a.m.


MEETING RECONVENED

Council reconvened at 1:19 a.m., with all members present, except Councilmember Limberg.

ADJOURNMENT

Council adjourned at 1:20 a.m. The next regular meeting will be held on March 16, 1988 at 7:00 p.m.


CITY CLERK of the City of
San Clemente, California


MAYOR of the City of
San Clemente, California