

CITY OF SAN CLEMENTECITY COUNCIL MINUTESREGULAR MEETING - SEPTEMBER 2, 1987

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 Veale at 6:10 p.m.

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

ABSENT Council Members - NONE

ALSO PRESENT James Hendrickson, City Manager; Greg Hulsizer, Assistant City Manager; Myrna Erway, City Clerk; Phil Kohn, Acting 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.

1. SPECIAL PRESENTATION

Mayor Veale presented a City Tile to Jeanne Yeilding, in recognition of her service on the Parks and Recreation Commission.

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

3. PUBLIC HEARINGS

A. Marblehead Coastal Land Use Plan and Coastal Element

Continued Public Hearing to consider the Marblehead Coastal Land Use and Coastal Element.

Community Development Director Holloway highlighted revisions made to Resolutions Nos. 87-68, 87-69, 87-70 and 87-71 as a result of Council direction of August 26, 1987; advised the Land Use Plan should be retitled within the Resolutions to delete reference to "Planning Commission Proposal"; recommended the Resolutions be amended to replace

the words "Cut and Fill Map" with the words "Conceptual Grading Plan"; reviewed the Land Use Plan, Open Space Plan and Conceptual Grading Plan which are included as Resolution exhibits; advised there is still a significant amount of design work yet to be done, noting design flexibility for both the developer and the City is preserved.

Don Steffensen, Executive Vice President of the Lusk Company, voiced concern with the reappearance of Item 3-B on Resolution No. 87-70; requested the words "Cut and Fill Map" on Resolution No. 87-70 be replaced with the words "Conceptual Grading Plan"; requested Page 17 of Resolution 87-70 be revised to delete reference to the Chapman Institute, explaining that although the Lusk Company does not have a problem with the Chapman Institute, there is no agreement at this time for it to be situated on the site; advised in the event the Chapman Institute is not placed on the site, the property will be allotted to the Nixon Presidential Archives; requested two additional subparagraphs be added to Item 18 of Resolution 87-70 as follows: 1) Inclusion of Precise Site Plans and 2) Review and Approval of Tentative Maps.

Mayor Veale opened the Continued Public Hearing.

Hal Brice, 1880 N. El Camino Real, voiced concern with the magnitude of the project; stated there is no barrier planned to protect the mobile homes on Pacific Coast Highway from Vista Hermosa traffic; voiced concern that a storm drain is proposed to empty into the Pacific Ocean rather than tying into the Dana Point Sewer Line.

Joni Heil, 1880 N. El Camino Real, spoke in opposition to the Marblehead Coastal development, citing particular concern that a storm drain is proposed to go through the mobile home park site.

Elliott Whitton, 381 Camino San Clemente, stated only a small patio will separate his home from the Marblehead Coastal development; urged that a greenbelt be incorporated to buffer Colony Cove from the project; urged that Camino San Clemente not be extended to Vista Hermosa.

Jan Norwood, 407 Camino San Clemente, indicated concern with the scope of the Marblehead Coastal plan and the resulting traffic impact; suggested possibility of situating a mall on the Commercial property and for creating a man-made lake within the project.

Karlin Marsh, P.O. Box 404, Silverado, stated the success record for transplanting rare plants in Southern California is poor; urged that 1) as much of the Dudleva Blochmana remain in its natural location as possible and 2) that significant soil be transferred with the Dudleva Blochmana to aid in the transplant effort. Mayor Veale requested that the remaining concerns and recommendations be submitted to the City Manager.

Connie Clevenger, 233 Avenida Montalvo, representing the Chamber of Commerce, noted the fiscal benefits of the Marblehead Coastal project; spoke in support of the Nixon Presidential Archives.

Don Steffensen stated the Lusk Company has previously voiced opposition to the following Conditions of Resolution 87-70: 1) Condition No. 1 which requires an additional four net acres for the Public Facilities site; 2) Condition No. 2 which requires the Applicant to fully improve the bluff top park site; and 3) Condition No. 3b which requires that the Applicant guarantee that a minimum of 8.6 net acres of flat park area be dedicated to the City; offered a compromise that the City choose between the additional Civic Center acreage or the improved bluff top park, adding that the Lusk Company cannot offer both since such action would jeopardize the viability of the project.

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

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, to recess to Closed Session to discuss real property negotiations (Public Facilities Site on the Marblehead Coastal property - James Hendrickson, Negotiator), pursuant to Government Code Section 54956.8.

Councilmember Lorch narrated a slide presentation, explaining his view that the project is fairly intense; stated his support for the Nixon Presidential Archives and provision of tourist commercial uses; indicated support for grading those areas in need of stabilization, but felt that natural swales should be retained where feasible; voiced concern for the high density portion of the development and freeway/arterial traffic, and recommended retaining the North Canyon.

Doris Hill, Magdalena Street resident, questioned why the storm drain is proposed to empty into the Pacific Ocean; felt the only benefit of the project to the City to be the revenue that would be generated.

City Engineer Cameron explained it is an unusual practice to connect a storm drain to a sanitary sewer line, noting that both the Environmental Protection Agency and the Regional Water Quality Control Board oppose such action; noted it is not economical to combine sewage flows.

#### CLOSED SESSION

THE MOTION TO RECESS TO CLOSED SESSION CARRIED 5-0. Council entered Closed Session at 7:35 p.m. The City Manager, Assistant City Manager, Community Development Director and Attorney Phil Kohn were in attendance.

#### RECONVENE

Council reconvened at 8:25 p.m. with all members present. Mayor Veale stated the City's Negotiator is currently meeting with the Lusk Company's Negotiator, and hence discussion of the Marblehead Coastal Plan was deferred to later in the meeting.

(COUNCIL RESUMED DELIBERATION ON OTHER AGENDA ITEMS. DISCUSSION OF THE MARBLEHEAD COASTAL PLAN RESUMED AT 10:25 P.M. AS FOLLOWS.)

#### CLOSED SESSION

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to recess to Closed Session at 10:25 p.m. to discuss Real Property Negotiations (Public Facilities Site on the Marblehead Coastal property - James Hendrickson, Negotiator). The City Manager, Assistant City Manager, Community Development Director and Attorney Phil Kohn were in attendance.

#### RECONVENE

Council reconvened at 11:00 p.m., with all members present.

Council discussed the Resolutions pertaining to the Marblehead Coastal Plan and took action as follows:

Resolution No. 87-68

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to adopt Resolution No. 87-68, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CERTIFYING EIR NO. 84-03 AS ADEQUATE AND COMPLETE, with the understanding that staff will correct the last phrase of Page 2, Paragraph 7 to read "...as set forth in the Statement of Overriding Considerations."

Resolution No. 87-69

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to redefine "Highway Commercial" to delete auto centers within Resolutions Nos. 87-68, 87-69, 87-70 and 87-71.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to delete Section II on Page 4 of Resolution No. 87-69.

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER RICE, FAILED 1-4 (COUNCILMEMBER LORCH VOTING AYE), to modify Item 2 of Section 2 on Page 3 under "Circulation Element" to delete the words "between Avenida Puesta del Sol and Calle Frontera."

MOTION BY COUNCILMEMBER LORCH to identify beach access points from the project on Figure 6.1 of Resolution No. 87-69. THE MOTION DIED FOR LACK OF A SECOND.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to adopt Resolution No. 87-69 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA ADOPTING GENERAL PLAN AMENDMENT NO. 54 (87-02), as heretofore amended.

Resolution No. 87-70

City Manager Hendrickson suggested that Resolution No. 87-70 be revised as follows; noted the Lusk Company concurs with the proposed revisions:

1. Condition No. 1 is to remain as written.
2. Revise Condition No. 2 to read as follows:

"2. As a condition of the recordation of the first final map for Area 1A or any portion thereof, the applicant shall provide to the City a bond or other security instrument, in a form approved by the City Attorney, whereby the applicant obligates itself to pay to the City the sum of \$600,000 toward the City's improvement of the Coastal Bluff Park. This sum may be expended for that stated purpose only and shall be due and payable to the City at the time the City Council awards a bid for the construction of park improvements in substantial conformity with the July 28, 1987 preliminary cost estimate prepared by the City Parks and Recreation Manager, a copy of which is shown as Attachment 5."

3. Delete Condition 3(b) and substitute with Condition 3(a).

Council concurred with the revisions suggested by Mr. Hendrickson.

Council directed staff to replace references to the "Cut/Fill Map" with "Conceptual Grading Plan."

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to delete all references to the Chapman Institute within the document.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to revise Condition No. 16 to replace the words "Community Development Department" with "City of San Clemente" and to delete the word "above."

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to delete the word "pad" from the legend on Attachment 2 of Resolution No. 87-70.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to add a 10th subparagraph under Condition No. 18 as follows:

"10. Inclusion of precise Site Plans."

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to add an 11th subparagraph under Condition No. 18 as follows:

"11. Review and approval of Tentative Maps."

MOTION BY COUNCILMEMBER LORCH to add a 12th subparagraph under Condition 18 to read as follows:

"Grading in Area 1-E will be done to achieve natural contouring in the areas where slopes and contours originally existed."

During the ensuing discussion, it was noted that the intent of the motion would be accomplished by Council's adoption of Subparagraphs 10 and 11 of Condition 18.

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER LIMBERG to add the following verbiage to the end of Condition 10 of Resolution No. 87-70:

"...and immediately adjacent off-site impacted areas."

SUBSTITUTE MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to add a 12th subparagraph under Condition 18 to read as follows:

"Off-site intersection improvements necessary as a result of this development will be detailed."

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve Resolution No. 87-70 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A LAND USE PLAN FOR THE MARBLEHEAD COASTAL SITE, as heretofore amended.

Resolution No. 87-71

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG to approve Resolution No. 87 71 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA APPROVING THE MARBLEHEAD COASTAL ELEMENT PHASE I.

Following discussion, THE MOTION CARRIED 5-0.

B. Nuisance Abatement - 2809 S. El Camino Real - Mamian Building

- Public Hearing to consider an alleged public nuisance at 2809 S. El Camino Real.

Council received a petition signed by 15 persons requesting the demolition of the building at 2809 S. El Camino Real.

Mayor Veale opened the Public Hearing.

Anita Barber, 102 Santa Inez, relayed concerns relating to the safety of the building, particularly in the event of an earthquake, and commented the structure is infested with rodents.

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

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to adopt Resolution No. 87-72 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DECLARING 2809 S. EL CAMINO REAL TO BE A PUBLIC NUISANCE AND ORDERING ABATEMENT OF SUCH.

C. Zoning Amendment 87-02 - Site Plan Review Process

Public Hearing to consider an amendment to the Zoning Ordinance to adopt a Site Plan Review (SPR) process for the Commercial and Industrial Zoning Districts.

Councilmember Limberg questioned and Attorney Phil Kohn confirmed the interpretation that Section 7.5 of the Ordinance provides that a majority of the Council may set for Public Hearing a Site Plan Review decision by the Planning Commission and hence a single member of the City Council may not initiate such review.

Principal Planner Goldin advised the Ordinance contains a two-year sunset clause.

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

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to introduce Ordinance No. 950 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CERTAIN SECTIONS OF THE SAN CLEMENTE ZONING ORDINANCE WITHIN THE CITY MUNICIPAL CODE RELATING TO SITE PLAN REVIEW PROCESS.



D. Zoning Amendment 87-02 - Amending Certain Permitted Uses

- Public Hearing to consider requiring that certain permitted uses be subject to the approval of a Conditional Use Permit process.

Principal Planner Goldin distributed a revised Exhibit 1 to Ordinance No. 951.

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

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to introduce Ordinance No. 951 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CERTAIN SECTIONS OF THE SAN CLEMENTE ZONING ORDINANCE WITHIN THE CITY MUNICIPAL CODE RELATING TO CERTAIN PERMITTED USES.

E. Zoning Amendment 87-03 - Amending M-2 District

- Public Hearing to consider amending the M-2 District to allow Commercial Retail Centers as a permitted use.

Associate Planner Philbrick summarized the background of the issue; stated the development standards are contained in Exhibit B, rather than Exhibit A as indicated in the "Alternatives" section of the Administrative Report; recommended Council approval of Alternative 2.

Community Development Director Holloway advised that due to Council's recent introduction of Zoning Amendment 87-02 (Site Plan Review Process), both the Planning Commission's recommended action and the action recommended by staff would be affected in that the applicant would be required to go through a Site Plan Review process.

Mayor Veale opened the Public Hearing.

Harry Weinroth, Consultant representing Benco Development Group, stated both the City and Benco would prefer a shopping center over an industrial center; spoke in opposition to a Conditional Use Permit inasmuch as he felt same to be redundant; questioned whether the subject application would be exempt from the Site Plan Review Process since the project was initiated prior to the Ordinance being introduced; stated staff estimates that it would take 4-6 months to process the application and commented on the hardship this timeframe would cause

the applicant; noted the Planning Commission approved an 8' front yard setback and voiced concern that a 10' front yard setback along Avenida Pico as proposed by staff would result in a 19% decrease in parking spaces; relayed the importance of allowing tenant identification on a monument sign with a minimum height of 7' and 4-6 names of major tenants.

Acting City Attorney Kohn, responding to Mr. Weinroth's question, stated the fact that an application for a site plan was previously submitted would not prevent the City from applying subsequent regulations or requirements on the project, provided the applicant has not obtained a vested right in the interim; explained it would be within the discretion of Council to modify the effective date of new regulations as it may apply to projects in progress.

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

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER LIMBERG to:

- 1) Approve staff's recommendation as contained in Alternative #2 of the Administrative Report, dated August 26, 1987, and on file in the City Clerk's Department, as follows:

"Allow Commercial Retail Centers in the M-2 District with a Conditional Use Permit and with a minimum front yard setback of ten (10) feet (landscaped, with no parking overhang), a minimum side yard setback of zero (0) feet (interior lot) and five (5) feet minimum/six (6) feet average (corner lot) and with only one monument sign for project identification limited to 10' in height. All other development standards are as proposed in the report text and Exhibit B of Ordinance 952."

- 2) Introduce Ordinance No. 952 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING ORDINANCE NO. 794, THE SAN CLEMENTE ZONING ORDINANCE, RELATING TO COMMERCIAL RETAIL CENTERS IN THE M-2 DISTRICT (ZONING AMENDMENT 87-03).

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to amend the main motion to allow tenant identification as delineated in the administrative report, dated August 26, 1987 and on file in the City Clerk's Department, provided the tenant identification is readable and of high quality; the

number of tenants that can be listed on the monument sign shall be limited to those that can effectively meet this criteria.

Frank Bennett, President of Benco Development Group, questioned and was advised the project would be required to go through the Conditional Use Permit process which could take three months; stated they would be unable to do the project under those time limitations.

Greg Stuart, Vice President and Partner of Benco, stated staff has reviewed the site plan, which addresses Community Design Commission concerns; indicated willingness to cooperate with staff to expedite the review process.

THE MAIN MOTION, AS AMENDED, CARRIED 3-2 (MAYOR VEALE AND COUNCILMEMBER RICE VOTING NOE.)

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, that the Benco application be required to go through Community Design Commission review with automatic City Council review as the only Site Plan Review process in this case, thus waiving the Conditional Use Permit.

F. Sign Ordinance Amendment 87-01 - Revisions to the Overhead Banner Sign Policy

Continued Public Hearing to consider an amendment to Section 28-5 and 28-6 of the Sign Ordinance.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to continue the Public Hearing on Sign Ordinance Amendment 87-01 to October 21, 1987.

COUNCIL RECESSED AT 9:55 P.M. AND RECONVENED AT 10:10 P.M., WITH ALL MEMBERS PRESENT.

CONSENT CALENDAR

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve the Consent Calendar with the removal of Items 4-B(3) and 4-M for discussion and deletion of Item 4-I from the agenda.

A. City Council Minutes

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 4-0-1 (COUNCILMEMBER LIMBERG ABSTAINING), to approve the City Council minutes of the August 12, 1987 Adjourned Regular Meeting.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve the City Council minutes of the August 19, 1987 Adjourned Regular Meeting.

B. Commission Minutes

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

- (1) Planning Commission minutes of August 4, 1987.
- (2) Community Design Commission Minutes of July 28, 1987.
- (4) Departmental Activities Report - July 1987.

C. Fire Station No. 2 - Construction

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to reject all bids for the construction of Fire Station No. 2, direct staff to revise the plans and specifications, and rebid the project.

D. Budget Account Adjustment - 1987-88 Salary and Benefit Increases

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve appropriation transfers totaling \$375,000 within the General Fund and approve supplemental appropriations for other funds as contained in the Administrative Report, dated August 24, 1987, and on file in the City Clerk's Department.

E. 1987-88 Tax Levy for Debt Service

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adopt Resolution No. 87-73 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, FIXING AND LEVYING A PROPERTY TAX ON ALL PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF SAN CLEMENTE FOR THE FISCAL YEAR 1987-88.

F. Equipment Purchase - Golf Course Rake-O-Vac Turf Groomer

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to authorize the purchase of a Turf Vacuum and Sweeper from Toro Pacific Equipment Company in the amount of \$17,101.00 (bid amount without trade-in for the RAKE-O-VAC currently owned by the golf course.)

G. Claim for Damages - Royce and Esther Simkins

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to deny the Claim for Damages filed by Royce and Esther Simkins in the amount of \$210,000.00, based on insurance adjuster's recommendation.

H. Claim for Damages - Jeffrey SiFuentes

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to deny the Claim for Damages filed by Jeffrey SiFuentes in the amount of \$1,000,000.00, based on insurance adjuster's recommendation.

J. Agreement Extension - Pier Reconstruction Funding

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve, and authorize the Mayor to execute, a letter to the Orange County Board of Supervisors requesting a two year time extension on the County's pier reconstruction grant, to expire August 24, 1989. (Contract #C83-418).

K. Authorization to Bid - Calle Mirador Street Reconstruction Project No. 11-85

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve the plans and specifications for the reconstruction of Calle Mirador, and authorize staff to advertise for bids.

L. Notice of Completion - South Ola Vista Street Reconstruction Project No. 20-83

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to accept the South Ola Vista Street Reconstruction, Project No. 20-83, from McGrew Contruction and authorize the City Clerk to file a Notice of Completion with the County Recorder. (Contract #C86-518).

N. Acceptance of Water Facilities in Rancho San Clemente Pump Stations B-1, B-2 and B-3; Reservoirs B-2 and B-3)

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to accept from Western Properties Service Corporation/Rancho San Clemente Development Corporation the newly constructed pump stations and water reservoirs in Rancho San Clemente.

O. Traffic Signal - South El Camino Real at Avenida San Luis Rey, Project No. 6-87

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

1. Award, and authorize Mayor to execute, a contract for construction of the traffic signals at the intersection of South El Camino Real and San Luis Rey to the low bidder, Steiny and Company, Inc., of Fullerton, California, at the bid price of \$67,411.00 (\$69,911.00 minus \$2,500.00 for fire hydrant relocation).
2. Appropriate \$9,000 from the 2106 Gas Tax Fund balance to cover the administration cost and any contingency.

P. Award of Contract - Sidewalk Construction at Freeway Underpasses, Project No. 3-86

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

1. Award the bid for Sidewalk Construction at Freeway Underpasses, Project No. 3-86, to Bruce Paving in the amount of \$43,791.05 for the Basic Project plus Alternate No. 1, and authorize Mayor to execute contract.
2. Approve the partial funding of the project in the amount of \$6,000 from the Street Maintenance and Repair Program of the General Fund.

Q. Seapointe Estates - Time Extension for Tentative Tract Map 11855 and Use Permit 82-42

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to concur with the applicant's request for a continuance to September 16, 1987 in order to resolve the commitment for improvements along Camino De Los Mares.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

4B(3) Parks and Recreation Commission Minutes

Following clarification, MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to receive and file the Parks and Recreation Commission minutes of July 28, 1987.

4-I Claim for Damages - Kyeli Beckmann

This item was removed from the agenda.

4-M Acceptance of Work and Release of Bonds - Tracts 11415 and 11880

MOTION BY COUNCILMEMBER LORCH, SECOND BY MAYOR VEALE, CARRIED 5-0, to call up for review on September 16, 1987 the Acceptance of Work and Release of Bonds for Tracts 11415 and 11880.

5. WARRANT REGISTER

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve Warrant Nos. 67017 and 67021 through 67178 excluding Payroll Warrant for period 8-3-87 through 8-7-87 (Voids 67019-67020) in the amount of \$518,248.61; Payroll Warrant No. 67018 and 67153 for period 7-27-87 through 8-9-87 in the amount of \$283,800.03; Warrant Nos. 67183 through 67357 for period 8-10-87 through 8-14-87 (Voids 67179-67182) in the amount of \$4,518,776.59; Warrant Nos. 67361 through 67523 excluding Payroll Warrant for period 8/17/87 through 8/21/87 (Voids 67358-67360) in the amount of \$289,242.97; Payroll Warrant No. 67499 for period 8-10-87 through 8-23-87 in the amount of \$249,971.26; for a total Warrant Register of \$5,860,039.46.

6. UNFINISHED BUSINESS

A. Lifeguard Subsidy Program Agreement

Report from the Director of Public Services concerning a lifeguard subsidy program agreement for a five-year period.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to approve, and authorize the Mayor to execute, a Lifeguard Subsidy Program Agreement (City Contract No. C87-054) with the Orange County Harbors, Beaches and Parks District to expire June 30, 1992.

7. NEW BUSINESS

A. Subdivision Directional Sign Program

Report from the Community Development Director concerning initiation of a citywide subdivision directional sign program.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to direct staff to initiate a subdivision directional sign program and develop a contract with the selected sign contractor for subsequent Council review and approval.

Mayor Veale noted concern about public facility directional signs. Councilmember Lorch recommended specifying a time limitation.

B. Wastewater Treatment Plant Expansion - Amendment No.1 to Engineering Services Task Order No. 2

Report from the Community Development Director concerning implementation of City staff recommended Value Engineering suggestions, new incineration design and telemetering for the Calafia Pump Station.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, to approve, and authorize the Mayor to execute, Amendment No. 1 to Task Order No. 2 (Contract #C86-503) (Final Design Services) for the Wastewater Treatment Plant expansion engineering services provided by John Carollo Engineers to implement City staff recommended value engineering suggestions, new incineration design and telemetering for the Calafia Pump Station.

Doris Heil felt the odor emanating from the sewer plant should be addressed.

City Engineer Cameron responded there will be significant odor scrubbing facilities included in the Plant expansion and the new incinerator will have to meet a higher standard for pollutant discharge.

THE MOTION CARRIED 3-2 (COUNCILMEMBERS LORCH AND RICE VOTING NOE.)

Council directed that the issue of the Capistrano Beach sewage facility be agendized as soon as possible.

8. ORAL COMMUNICATIONS

None.



9. REPORTS

A. Commission and Committee

None.

B. City Manager

None.

C. City Attorney

None.

D. Council Members

- (1) Consideration of agenda items for October 7, 1987 Joint Council/Commissions/Committee meeting.

Council directed that the agenda for the October 7, 1987 Joint Meeting contain the following items: 1) Restructuring of the Community Design Commission; and 2) Revision of allocation criteria.

- (2) Hiring of Efficiency Expert

City Manager Hendrickson will work with Councilmembers Rice and Lorch for a presentation at the September 16, 1987 meeting.

- (3) Discussion of Scheduling a Public Hearing Regarding Traffic and Public Services

Council requested that a Public Hearing be scheduled on the traffic initiative when the document is available.

- (4) Talega Valley Specific Plan Processing and Annexation Status

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to authorize Mayor Veale and staff to send a letter and to meet with Supervisor Riley to express concern with the PBR plan to process the County portion of the Talega Valley Specific Plan separately from the City portion.

10. RESOLUTIONS/ORDINANCES

A. Ordinance No. 941 - Second Reading

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adopt

Ordinance No. 941 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE AMENDING SECTION 16-20 OF THE SAN CLEMENTE CITY CODE PERTAINING TO THE DISCHARGE OF WEAPONS WITHIN THE CITY LIMITS.

B. Ordinance No. 946 - Second Reading

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adopt Ordinance No. 946 entitled AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PROVIDING FOR THE GRANTING AND REGULATION OF FRANCHISES FOR CABLE COMMUNICATIONS SYSTEMS.

C. Ordinance No. 947 - Second Reading

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to adopt Ordinance No. 947 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE AMENDING SECTION 1.7 OF THE CODE OF THE CITY OF SAN CLEMENTE REGARDING THE BAIL SCHEDULE FOR INFRACTIONS AND REPEALING SECTION 5.44.1(C) OF ORDINANCE 794 RELATING TO THE PENALTY FOR IMPROPERLY PARKING OVERSIZED VEHICLES.

D. Ordinance No. 948 - Second Reading

Mayor Veale acknowledged receipt of letters from Margaret Hoffman and Ruth Harvey opposing the proposed smoking ordinance.

MOTION BY COUNCILMEMBER RICE, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to adopt Ordinance No. 948 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADDING CHAPTER 22B TO THE SAN CLEMENTE CITY CODE REGULATING SMOKING IN PUBLIC PLACES AND WORKPLACES WITHIN THE CITY AND AMENDING SECTION 1-7 OF THE CODE RELATING TO THE PENALTY FOR VIOLATION OF SUCH REGULATIONS.

E. Ordinance No. 949 - Second Reading

Connie Clevenger, 233 Ave. Montalvo, voiced concern that the Ordinance provides that pole signs can be removed if a business enlarges or expands; provided a copy of Government Code Section 5412.1(c) which provides that a sign can only be removed if full compensation from City is met.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adopt Ordinance No. 949 entitled AN ORDINANCE OF THE CITY

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COUNCIL OF THE CITY OF SAN CLEMENTE AMENDING SECTION 28-13 AND 28-21 OF THE CODE OF THE CITY OF SAN CLEMENTE WITH RESPECT TO THE REMOVAL OR ABATEMENT OF NON-CONFORMING SIGNS AND WITH RESPECT TO THE FREEWAY ORIENTED BUSINESS SIGN DISTRICT.

ADJOURNMENT

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to adjourn at 12:45 a.m. to September 16, 1987 at 6:00 p.m. for purposes of commemorating "Constitution Day" which is September 17, 1987, prior to the regular meeting.

Maryna Ekway  
CITY CLERK of the City of  
San Clemente, California

Gregory A. Veale  
MAYOR of the City of  
San Clemente, California

AFFIDAVIT OF POSTING ORDER  
OF ADJOURNMENT OF MEETING

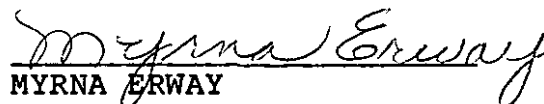
STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) SS.  
CITY OF SAN CLEMENTE )

I, MYRNA ERWAY, declare as follows:

That I am the City Clerk of the City of San Clemente; that at an adjourned regular meeting of the City Council held on September 2, 1987 said meeting was adjourned to the time and place specified in the ORDER OF ADJOURNMENT attached hereto; and that on September 3, 1987 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 September 3, 1987 at San Clemente, California.

  
MYRNA ERWAY  
CITY CLERK

