

CITY OF SAN CLEMENTECITY COUNCIL MINUTESREGULAR MEETING - DECEMBER 17, 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 Lorch at 7:05 p.m.

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

ABSENT Council Members - NONE

STAFF 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

Monsignor Anthony McGowan, of Our Lady of Fatima 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 RICE, CARRIED 5-0, to waive reading in full of all Resolutions and Ordinances.

CITY COUNCIL MINUTES  
DECEMBER 17, 1987  
PAGE 2

3. PUBLIC HEARINGS

A. Tentative Parcel Map No. 87-337, 350 Paseo de Cristobal

Public Hearing to consider a request to subdivide one lot into two lots at 350 Paseo de Cristobal.

Principal Planner Goldin reviewed the contents of the Administrative Report, focusing on the history of the project; advised that at the Planning Commission meeting of September 15, 1987 a motion for project approval was made, but failed to carry by a vote of 2 to 3; on November 3, 1987, however, the Planning Commission unanimously recommended approval of the project since adequate findings for denial could not be made; stated staff recommends approval of the project subject to conditions.

Mayor Lorch opened the Public Hearing.

John Kain, Applicant, 350 Cristobal, stated all immediate neighbors support the subdivision; stated the northerly portion of the lot will take access from Vista Marina while the southerly portion will take access from Cristobal; stated the project meets all necessary requirements and is compatible with surrounding properties.

Dorothy Prohaska, 411 Cazador Lane #A, spoke on the rights of an individual to develop their property in a responsible manner.

Jeff Klein, 203 Calle Conchita, spoke in opposition to the proposal, citing the negative impact on traffic and neighborhood safety; voiced concern with the entrance to Esplanade, trash truck access, and the possibility that Lot 31 may be subdivided into three lots in the future.

Douglas Candler, 411 Cazador Lane, representing nine residents, felt the disposition of Lot 31 should be determined prior to acting on the subject subdivision request; stated Vista Marina is too narrow to accommodate more than four residences.

Michael Kain, 47 Canyon Ridge, Irvine, the applicant's son, felt the processing of the Lot 28 subdivision should not be linked to Lot 31; felt Vista Marina is safe since parking is prohibited; stated staff has examined the proposal thoroughly and is recommending approval.

There being no others desiring to speak to this issue,

CITY COUNCIL MINUTES  
DECEMBER 17, 1987  
PAGE 3

the Public Hearing was closed.

In answer to Council inquiry, Fire Marshall Begnell explained that the southerly lot will contain a 20-foot emergency easement to the northerly lot; hence emergency access to the northerly lot will be made via Cristobal rather than Vista Marina.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM to deny Tentative Parcel Map No. 87-337.

Council discussed the project and noted: 1) the southerly lot will take access off of Cristobal and Cristobal can adequately handle the traffic needs for an additional residence; 2) an urban character currently exists in the T-Street area and the size of the parcel is adequate to accommodate the proposed subdivision; 3) the project could contribute to the existing traffic and parking problems in the area; 4) Vista Marina is a legally non conforming street and the proposed subdivision could aggravate the situation; and 5) approval of the subdivision may set a precedent.

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

The City Attorney is to prepare a Resolution denying Tentative Parcel Map No. 87-337 for Council consideration at its meeting of January 6, 1988.

B. Nuisance Abatement - 1803 Arriba Linda

Public Hearing to consider declaring the property located at 1803 Arriba Linda to be a public nuisance and ordering the abatement of such.

Mayor Lorch opened the Public Hearing.

Grady Dahlstrom, 1803 Arriba Linda, stated most of the problem has been corrected, adding that to date only two vehicles remain on the property; stated he uses one of the vehicles for business and advised he has encountered difficulty removing the other vehicle.

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

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adopt Resolution No. 87-99 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DECLARING 1803 ARRIBA LINDA TO BE A PUBLIC NUISANCE AND ORDERING THE ABATEMENT OF SUCH.

CITY COUNCIL MINUTES  
DECEMBER 17, 1987  
PAGE 4

C. Community Development Block Grant Funds - 14th Year

Public Hearing to consider approving the City's application for 14th Year CDBG funds, including the projects and funding levels recommended.

Principal Planner Goldin reviewed the contents of the Administrative Report.

Mayor Lorch opened the Public Hearing.

Ellen Ferguson, 435 Avenida Arlena, on behalf of Anchor House, urged that Council approve staff's recommendation for the Anchor House Expanded Program; spoke on the need for shelters for homeless people.

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

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, to:

1. Approve the following projects for the 14th Year CDBG applications: 1) Anchor House Expanded Program in the amount of \$15,000.00 (Contract No. C87-078); 2) Acebo Lane Street Reconstruction in the amount of \$128,000.00 (Contract No. C87-079); 3) Granada/Corto/Cabrillo Storm Drain Reconstruction in the amount of \$52,000.00 (Contract No. C87-080); and 4) Avenida Serra Street Reconstruction in the amount of \$122,940.40 (Contract No. C87-081).
2. Authorize the City Manager and/or the Community Development Director to execute the City's application for 14th Year CDBG funds and the grantee certification form.

Councilmember Mecham suggested that the Anchor House II project be included in the project list in lieu of one of the street reconstruction projects.

Assistant Planner Frater stated the Anchor House has not yet chosen the site nor established a budget for the Anchor House II project; stated the County has indicated that more detail is needed and hence suggested that the project be deferred to next year's application.

THE MOTION CARRIED 5-0.

CITY COUNCIL MINUTES  
DECEMBER 17, 1987  
PAGE 5

D. Settlement Development Agreement

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

Mayor Lorch opened the Public Hearing.

John Kottke, Menke, Fahrney and Carroll, 650 Town Center Drive, Costa Mesa, stated that Darrel Spence of Estrella Properties has attempted to initiate discussions with the City; stated Estrella Properties concurs with staff's recommendation to continue the Public Hearing on the Settlement Development Agreement to the Council meeting of January 20, 1988.

Dan Millington, 3917 Calle Andalucia, requested assurance that the Public Hearing would be continued to January 20, 1988.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to continue the Public Hearing on the Settlement Development Agreement to the Council meeting of January 20, 1988.

E. Local Coastal Plan

Continued Public Hearing to consider the Land Use Element of the Coastal Plan, including the issue of public access in the southern end of the community.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to continue the Public Hearing to the City Council meeting of February 17, 1988.

F. Fees for Development Procedures and Services Provided by the Planning Division

Continued Public Hearing to consider the establishment of new fees for development procedures and services provided by the Planning Division.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to continue the Public Hearing to the City Council meeting of January 6, 1988.

CITY COUNCIL MINUTES  
DECEMBER 17, 1987  
PAGE 6

4. CONSENT CALENDAR

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve the Consent Calendar with the removal of Item 4-F.

A. City Council Minutes

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve the City Council minutes of Adjourned Regular Meeting of November 24, 1987 and Regular Meeting of December 2, 1987.

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

- (1) Planning Commission minutes of November 17, 1987.
- (2) Community Design Commission Minutes of Regular Meeting of November 10, 1987, Special Meeting of November 10, 1987, Regular Meeting of November 24, 1987 and Special Meeting of November 24, 1987.
- (3) Parks and Recreation Commission Minutes of November 10, 1987.
- (4) Golf Committee Minutes of November 3, 1987.
- (5) Departmental Activities Report - November 1987.

C. Amendment to City Classification and Compensation Resolution to include Information Systems Specialist

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adopt Resolution No. 87-76 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA AMENDING RESOLUTIONS NO. 73-83 AND 87-85 TO INCLUDE THE CLASSIFICATION AND SALARY RANGE FOR THE POSITION OF INFORMATION SYSTEMS SPECIALIST IN THE CITY SERVICE.

CITY COUNCIL MINUTES  
DECEMBER 17, 1987  
PAGE 7

D. Award of Bid - Variable Pump Drive, Project 15-87

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

1. Accept the bid of The Eaton Corporation for the Eddy Current Variable Torque Pump Drive in the amount of \$27,626.10 (Contract No. C87-077).
2. Authorize the supplemental appropriation of \$27,630 from Sewer Fund Depreciation Reserve Account No. 054-476-45500.

E. Equipment Purchase - One New Copy Machine

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to accept the bid of Ultra Graphics Copier in the amount of \$8,204.40 for the purchase of one (1) new copy machine for use by Sewer and Water Administration.

G. Claim for Damages - Marilyn Stevenson

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to deny the Claim for Damages filed by Marilyn Stevenson for an amount in excess of \$585, based on insurance adjuster's recommendation.

H. Claim for Damages - James A. Sadler

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to deny the Claim for Damages filed by James A. Sadler in the amount of \$100,034.03, based on insurance adjuster's recommendation.

I. City Co-Sponsorship of San Clemente Garden Show

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

1. Approve City co-sponsorship of the San Clemente Garden Club Flower Show to be held on April 15, 16, and 17, 1988 at the Community Center.
2. Authorize the reduction of the Community Center rental fee for this event to a total of \$400.

CITY COUNCIL MINUTES  
 DECEMBER 17, 1987  
 PAGE 8

J. Award of Bid - One New 1988 Mid-Size Pick-Up Truck

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to accept the bid of Allen GMC Truck in the amount of \$9,328.00 for the purchase of one (1) new 1988 GMC S-15 mid-size pick-up truck for the Water Division.

K. Award of Bid - One New 1988 Compact Van

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to accept the bid of Pacific Ford Inc. in the amount of \$12,511.37 for the purchase of one new 1988 Ford Compact Van for the Water Division.

L. Boundary Adjustment - Assessment District 85-1 (Wastewater Treatment Facility)

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve a boundary adjustment for Marblehead properties as shown on map designated Amendment No. 13 to Assessment Diagram, Assessment District No. 85-1.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

F. Revised Schedule for the 1988 Development Allocation Program

Tom Davis, Tierra Planning and Design, on behalf of several development allocation applicants, requested that the deadline to submit revisions to development allocations be extended from January 4, 1988 to January 6, 1988 in view of the upcoming holidays.

MOTION BY COUNCILMEMBER MECHAM to adopt Resolution No. 87-94, with the revision that the deadline to submit revisions to development allocations be extended to January 5, 1988. The motion died for lack of a second.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to adopt Resolution No. 87-94 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A REVISED SCHEDULE FOR THE 1988 DEVELOPMENT ALLOCATION PROGRAM AND RESCINDING RESOLUTION NO. 87-83, with the revision that the deadline to submit revisions to development allocations be extended to January 6, 1988.



CITY COUNCIL MINUTES  
 DECEMBER 17, 1987  
 PAGE 9

5. WARRANT REGISTER

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve Warrant Nos. 69633 through 69744 excluding Payroll Warrant for period 11-23-87 through 11-27-87 (Voids 69631-69632) in the amount of \$264,686.65; Warrant Nos. 69749 through 69828 for period 11-30-87 through 12-4-87 (Voids 69745-69748, 69752, and 69772) in the amount of \$160,236.50; Payroll Warrant No. 69719 for period 11-16-87 through 11-29-87 in the amount of \$275,095.09; for a total Warrant Register in the amount of \$700,018.24.

COUNCIL RECESSED AT 8:55 P.M. AND RECONVENED AT 9:15 P.M. WITH ALL MEMBERS PRESENT.

9. REPORTS - (Note: Agenda Items 9-C(2) and 9-D(1) were taken out of order and discussed at this point in the meeting.)

C. City Attorney

(2) Request for Closed Session

COUNCIL RECESSED

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to recess to Closed Session at 9:16 p.m. for purposes of discussing pending litigation (Measure B lawsuits) pursuant to Government Code Section 54956.9(a). The City Manager, City Attorney, and Attorney Robert Bower, of Rutan and Tucker, were in attendance.

MEETING RECONVENED

Council reconvened at 9:35 p.m. with all members present.

Mayor Lorch advised that the attorneys from Burke, Williams and Sorensen who have been representing the City in the Measure B litigation, are leaving the firm to start a new law firm; stated the new law firm would have a potential conflict of interest if it were to represent the City in the Measure B litigation.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to authorize the City Manager to retain the firm of Rutan and Tucker to represent the City in the Measure B litigation. The lead counsel

CITY COUNCIL MINUTES  
 DECEMBER 17, 1987  
 PAGE 10

will be Robert Bower.

In response to Councilmember Limberg's inquiry, City Manager Hendrickson stated the litigation costs incurred by the City to date to defend Measure B are as follows: For the first year of the litigation, Fiscal Year ending June 30, 1987, the City spent approximately \$210,000.00 to Burke, Williams and Sorensen. For the first five months of Fiscal Year 1987-88, the City spent \$104,692.00.

D. City Manager

(1) Status report on Estrella Properties, Ltd. Nuisance Abatement

City Manager Hendrickson reviewed a memorandum from the Code Compliance Officer to the Community Development Director, dated December 16, 1987, which provided a status report on the public improvements and the nuisance abatement in the Forster Ranch development; advised that although some clean-up of the trash and debris has occurred on the tracts which were declared a public nuisance, several pieces of abandoned construction equipment and vehicles remain on the property; advised the specifications for implementing the abatement will be submitted for publication on December 18, 1987.

Preston O'Brion, 2911 Arreos, representing the Forster Ranch Homeowners Association, spoke in support of implementing the abatement; urged that a barricade be erected on Camino De Los Mares to prohibit additional debris from being deposited in the area.

Council requested to be kept apprised of the status of the abatement.

6. UNFINISHED BUSINESS

A. Bid Award - Microcomputer Network

Report from the Finance Director concerning installation of a microcomputer network.

Finance Director Porter reviewed the contents of the Administrative Report, focusing on the desirability of color monitors and laser printers; advised that staff has revised the proposal to

CITY COUNCIL MINUTES  
 DECEMBER 17, 1987  
 PAGE 11

delete the desk top publishing work station, adding that staff feels this feature would be cost effective and worth consideration at a future time.

Robert Crump, 104 Avenida Lucia, opined that 80286 microprocessors are not needed, since less advanced technology could accommodate the City's word processing needs.

Glenn Roy, 111 Granada, felt that Apple-Macintosh computers are more user-friendly than IBM and utilize superior software.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 4-1 (COUNCILMEMBER LIMBERG VOTING NOE), to:

1. Accept the Innovative Micro, Inc. proposal to furnish and install a complete network of microcomputer work stations in accordance with the RFP specifications, minus the desk top publishing work station, at a total cost of \$160,081.
2. Adopt Resolution No. 87-95 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE EXECUTION AND DELIVERY OF AN EQUIPMENT LEASE/PURCHASE AGREEMENT WITH MARYLAND NATIONAL LEASING CORPORATION AND RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.
3. Authorize supplemental appropriations in the enterprise funds, as set forth in the Administrative Report, dated December 10, 1987, and on file in the City Clerk's Department.

7. NEW BUSINESS

A. Public Input on Proposed Advisory Ballot Measures: Alternative Transportation Strategies to Improve Air Quality and Reduce Traffic Congestion

Report from the Community Development Director concerning City comment on a potential county-wide advisory ballot measure regarding transportation strategies to reduce traffic congestion and improve air quality.

Community Development Director Holloway reviewed the contents of the Administrative Report; distributed a chart delineating areas of anticipated population/employment growth, as well

CITY COUNCIL MINUTES  
 DECEMBER 17, 1987  
 PAGE 12

as a brochure entitled "Facts About Growth;" opined the primary deficiency in the approach is the fact that land use policy is not addressed.

Councilmember Mecham voiced concern that transportation strategies and air quality measures would not be considered on a regional scale.

Councilmember Veale indicated concern that the proposed ballot initiative is a delay technique; felt a more positive action should be taken.

Jim Hill, 4115 Calle Mayo, disagreed with staff's recommendation; spoke in support of the normal initiative process.

Joe Barton, 620 Calle Vincente, concurred with the comments made by Jim Hill; felt the Board of Supervisors is trying to circumvent the intent of the initiative; urged that the City not participate in this effort.

C. L. Snider, 303 Calle Rica, stated that traffic congestion is a major smog generator; felt the proposal is an attempt to circumvent the initiative.

MOTION BY MAYOR LORCH, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to recommend that the Board of Supervisors: 1) gather additional information via a questionnaire; and 2) take into consideration some of the items identified by staff, including the issues of regionality and land use.

B. Site Plan Review 87-06 - Multi-Tenant Office/Manufacturing Building within Rancho San Clemente Business Park (Ferguson Patners)

Report from the Community Development Director concerning a request for a multi-tenant office/manufacturing facility in the Rancho San Clemente Business Park.

Principal Planner Goldin reviewed the contents of the Administrative Report as well as the landscape plan.

Councilmembers Limberg and Veale stated the project needs additional and more creative landscaping, noting that the project is a viewshed from Talega Valley.

Dave Christian, President - Rancho San Clemente Business Park Association, voiced concern with the imposition of additional conditions, noting the applicant has followed all City guidelines.

CITY COUNCIL MINUTES  
DECEMBER 17, 1987  
PAGE 13

George Seitz, Project Architect, stated the applicant has complied with all City criteria; advised the Planning Commission unanimously approved the project; reviewed the landscape plan, adding that the applicant has no objection to providing more landscaping.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adopt Resolution No. 87-97 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND APPROVING SITE PLAN 87-06, with the understanding that staff will work with the applicant to resolve Council concerns relating to landscaping.

C. San Clemente Sphere of Influence

Report from the Community Development Director concerning updating the San Clemente Sphere of Influence by expanding the boundary northeast of the existing City limit lines.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to adopt Resolution No. 87-75 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THAT THE ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION UPDATE THE SAN CLEMENTE SPHERE OF INFLUENCE BY EXPANDING THE BOUNDARY NORTHEAST OF THE EXISTING CITY LIMIT LINES.

D. Sewer Connection Fee Escalation

Report from the Community Development Director concerning deletion of the automatic ten percent annual escalation of the special sewer connection fee imposed on areas not previously subdivided prior to adoption of Ordinance No. 663.

City Manager Hendrickson distributed a revised Ordinance which clarifies that the rate established by Sec. 32A-1.1 shall remain at the rate effective as of January 1, 1987.

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

1. Introduce Ordinance No. 961 entitled AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 32A, SECTION 32A-5.1 OF THE CODE OF THE CITY OF SAN CLEMENTE RELATING TO SEWER CONNECTION CHARGES.

CITY COUNCIL MINUTES  
DECEMBER 17, 1987  
PAGE 14

2. Authorize staff not to collect an increased rate for "special sewer connection fee" (Sec. 32A-1.1) in the interim between January 1, 1988, and the effective date of said ordinance, in compliance with the provision and intent of the ordinance (Section 1, paragraph 2) that the fee rate established for said "special sewer connection fee" remain at the 1987 rate.

E. Building Codes Adoption

Report from the Community Development Director concerning the adoption of building regulations and amending the Municipal Code relative to the Uniform Building Code, the Uniform Plumbing Code, and the National Electrical Code.

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

1. Adopt Resolution No. 87-100 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE SETTING FORTH FINDINGS WITH RESPECT TO LOCAL CONDITIONS WITHIN THE CITY OF SAN CLEMENTE WHICH MAKE CERTAIN MODIFICATIONS AND CHANGES TO THE UNIFORM BUILDING CODE, THE UNIFORM PLUMBING CODE, AND THE NATIONAL ELECTRICAL CODE REASONABLY NECESSARY FOR HOUSING OCCUPANCIES.
2. Introduce Ordinance No. 960 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE AMENDING SPECIFIED SECTIONS OF CHAPTERS 24, 25, 26, AND 27 OF THE MUNICIPAL CODE OF THE CITY OF SAN CLEMENTE ADOPTING BUILDING REGULATIONS FOR THE CITY OF SAN CLEMENTE.

F. Land Acquisition - Fire Station 3 (Permanent Site)

Report from the Director of Fire Protection concerning the acquisition of land for Fire Station 3 (permanent site).

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, to:

1. Approve, and authorize the Mayor to execute, the Fire Station Site Acquisition and Reimbursement Agreement. (Deed No. 189)
2. Authorize the City Manager to complete all necessary transactions with Western Savings and Loan Association for the acquisition of land by means of Public Safety Construction Fund credits for the purpose of providing a future permanent fire station site in Rancho San Clemente.

Dave Christian, WSLA, stated the area for the regional training facility in Rancho San Clemente is in an open space area; stated WSLA has no intention to develop that area at this point in time unless an arrangement can be reached with the City; stated Engineering has been provided with a grading plan and added the pad would remain vacant until the site is properly zoned for a training facility; stated the cost would be prohibitive to build the facility at a later date.

THE MOTION CARRIED 5-0.

8. ORAL COMMUNICATIONS

Glenn Roy voiced concern that the City's Winter Brochures indicate the previous year's Mayor; suggested that the publication of the brochure be deferred until the Council reorganization has taken place.

9. REPORTS

A. Commission and Committee

None.

B. City Manager

City Manager Hendrickson announced the appointment of Al Ehlow to the position of Police Chief. Council expressed congratulations to Police Chief Ehlow.

CITY COUNCIL MINUTES  
DECEMBER 17, 1987  
PAGE 16

- (1) Countywide Committees and Commissions and consideration of appointment to Orange County Vector Control District

MOTION BY COUNCILMEMBER MECHAM, SECOND BY MAYOR LORCH, CARRIED 5-0, to re-appoint Ken Carr as the City's representative to the Orange County Vector Control District for a two-year term to expire December 31, 1989.

- (2) City Manager Hendrickson requested a Closed Session to discuss matters of personnel.

C. City Attorney

- (1) Application of Measure B to Tract 12254 (Rancho San Clemente)

Gregory Weiler, Palmieri, Tyler, Wiener, Wilhelm & Waldron, 4000 MacArthur Boulevard #1000, Newport Beach, referenced their letters of October 9, 1987 and November 25, 1987 which set forth their position on Tract 12254 in relation to Measure B; urged that Council adopt an interpretation to allow custom lot purchasers to qualify as an exemption from the development allocation process under Section 2.A of Ordinance No. 922.

Dave Christian, WSLA, stated it has always been the intent of WSLA to build-out Tract 12254 in the same fashion as was done in Misty Ridge; stated it takes 18 months from the time an allocation is awarded until the time a building permit is issued; stated six months is insufficient time to sell the lots.

City Attorney Oderman voiced concern that a potential for abuse would be created if custom lot purchasers were allowed to qualify as a 2.A exemption; noted a custom lot sale program would probably not be the type of program that would be marketed on a mass basis; noted Council may wish to amend Ordinance 922 to extend the time period that allocations would remain effective for a custom lot program, noting it would still meet the intent of the Ordinance.



CITY COUNCIL MINUTES  
 DECEMBER 17, 1987  
 PAGE 17

MOTION BY MAYOR LORCH, SECOND BY COUNCILMEMBER RICE, to find and determine that residential custom lot sale programs are not exempt from the development allocation process under Section 2.A of Ordinance No. 922 (Measure B).

SUBSTITUTE MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to continue consideration of the application of Measure B to Tract 12254 (Rancho San Clemente) to January 6, 1988 and to direct the City Attorney to meet with the applicant to discuss the potential for a different timeframe or other available options.

- (2) City Attorney Oderman requested a Closed Session to discuss pending litigation (Estrella Properties, Ltd. v. City of San Clemente and Stearns Development v. City of San Clemente), pursuant to Government Code Section 54956.9(a).

D. Council Members

- (1) Status report on Estrella Properties, Ltd. Nuisance Abatement

See Page 10 of these minutes for a summarization of Council's discussion relating to this agenda item.

- (2) Provision of Keys to City Hall to Councilmembers.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY MAYOR LORCH, CARRIED 5-0, to authorize that keys to City Hall be issued to Councilmembers.

Councilmember Limberg requested to be provided with data relating to the cost of Measure B to the City thus far, i.e., staff time and legal defense. Councilmember Limberg requested to receive this information by the January 6, 1988 Council meeting if possible.

Councilmember Mecham voiced concern that the rear area of Alpha Beta has not been kept clean and that the dumpsters have not been kept within their enclosures; requested that the City reinforce its desire that the area be kept clean and orderly.

Mayor Lorch read and distributed copies of his "Year-End Message from the Mayor."

CITY COUNCIL MINUTES  
DECEMBER 17, 1987  
PAGE 18

10. RESOLUTIONS/ORDINANCES

A. Ordinance No. 959 - Second Reading

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to adopt Ordinance No. 959 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING APPENDIX A OF THE CODE OF THE CITY OF SAN CLEMENTE TO SET OUT CONDITIONS AND PROCEDURES FOR PERMITTING RECYCLING FACILITIES.

B. Ordinance No. 953 - Second Reading

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 4-1 (COUNCILMEMBER LIMBERG VOTING NOE), to adopt Ordinance No. 953 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE DELETING SECTION 6b(15) (AGRICULTURAL IMPACT) OF CHAPTER 38 OF THE CODE OF THE CITY OF SAN CLEMENTE.

CLOSED SESSION

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER VEALE, CARRIED 5-0, to recess to Closed Session at 12:35 a.m. for purposes of discussing 1) matters of personnel, and 2) matters of pending litigation (Estrella Properties, Ltd. v. City of San Clemente and Stearns Development v. City of San Clemente), pursuant to Government Code Section 54956.9(a). The City Manager, City Attorney, Assistant City Manager, and Police Chief were in attendance.


Councilmember Rice left the meeting at 12:35 a.m.


MEETING RECONVENED

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

ADJOURNMENT

Council adjourned at 1:20 a.m. The next Regular Meeting will be held on January 6, 1988 at 7:00 p.m.

  
MAYOR of the City of  
San Clemente

  
CITY CLERK of the City of  
San Clemente