

CITY OF SAN CLEMENTE

CITY COUNCIL MINUTES

ADJOURNED REGULAR MEETING - JULY 1, 1987

An Adjourned Regular Meeting of the City Council of the City of San Clemente, conducted in the Council Chambers, Civic Center Building, 100 Avenida Presidio, was called to order by Mayor Veale at 6:05 p.m.

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

ABSENT Council Members - NONE

ALSO PRESENT James B. Hendrickson, City Manager; Myrna Erway, City Clerk; Jeff Oderman, City Attorney; Joanne Baade, Deputy City Clerk.

CLOSED SESSION

Council recessed to Closed Session at 6:10 p.m. to discuss matters of personnel and pending litigation (Healy Tibbetts v. City of San Clemente), pursuant to Government Code Section 54956.9(a).

MEETING RECONVENED

Council reconvened at 7:03 p.m., with all members present.

San Clemente Police Chief

Mayor Veale announced that Council met in Closed Session to discuss matters of personnel. City Manager Hendrickson advised that the City received a letter from former Police Chief Kelson McDaniel rescinding his resignation and requesting a hearing; advised that this is the first communication received from Mr. McDaniel since his resignation; stated he is willing to grant Mr. McDaniel's request for a hearing.

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San Clemente City Employees' Association Labor Agreement

Assistant City Manager Hulsizer reported the City and San Clemente City Employees' Association have reached a 2-year labor agreement; reviewed terms of the subject agreement and advised the SCCEA voted this date to ratify same.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to ratify the two-year labor agreement with the SCCEA as presented.

Wastewater Treatment Plant

In answer to Council inquiry as to whether Council can take action this evening relating to the potential for flows at the Wastewater Treatment Plant exceeding the design capacity of the Plant, City Attorney Oderman explained that recent revisions to the Brown Act prohibit Council from acting on items not listed on the agenda unless a majority of the Council determines that an emergency exists as defined in the Brown Act.

City Engineer Cameron referenced his memorandum, dated June 30, 1987, explaining that if the trend set in May and June continues, the flow rates will be at approximately 4.15 MGD during July and August; stated the Wastewater Treatment Plant Superintendent believes the Plant can meet the concentration limitations of the wastewater effluent even if flows exceed the 4 MGD design capacity of the Plant; felt the small number of occupancies projected to occur by September, when flows typically begin to decline, should not have a significant impact on the Plant; reviewed monitoring procedures associated with Plant operations and effluent quality levels.

George Williams, Plant Manager, stated the South Coast Water Quality Control Board has been informed of the situation at the Wastewater Treatment Plant, however, a response has not yet been received; stated the Orange County Health Department has visited the Plant and is not alarmed at the situation.

Council directed the City Engineer to prepare a status report on the situation with the Wastewater Treatment Plant which includes an analysis of flow projections, as well as the anticipated impact of future occupancy and building permits.

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ADJOURNMENT

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adjourn to Regular Session at 7:25 p.m. The next regular meeting, which was scheduled to commence at 7:00 p.m. on July 1, 1987, will begin immediately following this meeting.

Maryna Erway  
CITY CLERK of the City of  
San Clemente

Malley A. Udale  
MAYOR of the City of  
San Clemente

CITY OF SAN CLEMENTE

CITY COUNCIL MINUTES

REGULAR MEETING - JULY 1, 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 7:35 p.m.

INVOCATION

Pastor Denver Clark, of First Baptist Church, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Veale led the Pledge of Allegiance.

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

ABSENT Council Members - NONE

ALSO PRESENT James B. Hendrickson, City Manager; Myrna Erway, City Clerk; Jeff Oderman, City Attorney; Greg Hulszier, Assistant City Manager; 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 PRESENTATIONS

None.

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

Agenda Rearrangement

Council rearranged the agenda order as follows: Oral Communications (Part 1), 7-F, 3-A, 7-G, 4-A, 4-B, 4-C, 4-D, 4-E, 4-F, 4-G, 4-I, 4-J, 4-K, 4-L, 4-M, 4-N, 5, 6-A, 4-H, 7-A, 7-B, 7-C, 7-D, 7-E, Oral Communications (Part 2), 9-A, 10-A, 10-B, 9-C(1), 9-B(1), 9-B(2), 9-B(3), 9-D-1, 9-D-2, 9-D-3, and 9-D-4. These minutes reflect the original agenda order.

3. PUBLIC HEARINGS

A. Encroachment 87-01, Harbor House Cafe - 2016 S. El Camino Real

Continued Public Hearing to consider a request to allow a planter retaining wall to encroach 5' into the public right-of-way.

City Planner Barnes reported that Encroachment 87-01 was continued from the City Council meeting of June 3, 1987; reviewed concerns raised by Council at that initial public hearing.

Mayor Veale opened the Continued Public Hearing.

Gary Wiggle, of Keisker and Wiggle Architects, stated the planter wall was proposed to address the steepness of the bank, drainage run-off, and to improve aesthetics; concurred with the recommended conditions of approval.

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

In answer to Council inquiry, City Planner Barnes reviewed the disposition of encroachment requests since 1984, noting that in the past the Council has discouraged similar types of encroachment.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 4-1 (COUNCILMEMBER MECHAM VOTING NOE), to deny Encroachment 87-01 (Harbor House Cafe).

Councilmember Rice requested a follow-up report in six months to assure that drainage does not become a problem.

COUNCIL RECESSED AT 8:50 P.M. AND RECONVENED AT 9:05 P.M.

4. CONSENT CALENDAR

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve the Consent Calendar with the removal of Items 4-A, 4-G, 4-H, 4-I, 4-J, and 4-M.

A. MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve the City Council minutes of Adjourned Regular Meeting of June 3, 1987; Adjourned Regular Meeting of June 9, 1987; and Regular Meeting of June 17, 1987.

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

- (1) Community Design Commission Minutes of June 9, 1987.
- (2) Parks and Recreation Commission Minutes of June 9, 1987.
- (3) Departmental Activities Report - May 1987.

C. Amendment to Agreement with San Diego County for Emergency Medical Services

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve, and authorize the Mayor to execute, an Amendment to Agreement Between the County of San Diego and City of San Clemente (City Contract No. C87-045; County Contract #24518E), for advanced life support services along Interstate 5 Corridor north of Pulgas Road to the San Diego County line, to expire June 30, 1988.

D. Water Rate Increase

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adopt Resolution No. 87-58 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REPEALING RESOLUTION NO. 86-68 AND OTHER RESOLUTIONS IN CONFLICT HEREWITH; AND ESTABLISHING RATES AND CHARGES FOR WATER CONSUMPTION.

E. Sewer Rate Decrease

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to introduce Ordinance No. 944 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 30-19 OF THE CITY CODE AND ADJUSTING THE SEWER SERVICE RATE.

F. Bid Award - City Hall Remodel

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve, and authorize the Mayor to execute, a contract with Interior Woodcraft, the low bidder, to construct cabinets and counter tops as part of the City Hall remodel, in the amount of \$6,625.00 (City Contract No. C87-044).

K. Final Map Approval - P.M. 86-330, Rancho San Clemente

City Clerk Erway advised that the City received a letter from WSLA Development Corporation, dated June 30, 1987, which requested that Final Map Approval for P.M. 86-330 be held in abeyance until such time as WSLA provides the City with a written notice to agendize the issue again.

Council concurred with WSLA's request and removed the Final Map Approval for P.M. 86-330 from the agenda.

L. Bid Request - SB 821 Funds (Bicycle and Pedestrian Facilities)

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve the project and authorize staff to advertise for bids for the construction of sidewalks underneath I-5 at locations as outlined in the Administrative Report, dated June 25, 1987, and on file in the City Clerk's Department.

N. Equipment Purchase - Cherrington Beach Cleaner

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve the purchase of a Cherrington Beach Cleaner II, as a sole source purchase, from the Cherrington Corporation in the amount of \$47,133.64 from the maintenance fund-replacement reserve account #065 619-45600.

CONSENT CALENDAR ITEMS REMOVED FOR DISCUSSION

A. MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER RICE, CARRIED 3-2 (COUNCILMEMBERS LIMBERG AND MECHAM VOTING NOE) to direct staff to expand the minutes of the Joint City Council/Planning Commission meeting of June 17, 1987.

G. Establishment of Required RDA Findings/Adoption of RDA Agreement for Fiscal Year 1987/88

Following clarification, MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to adopt Resolution No. 87-59 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE APPROVING AN AGREEMENT WITH THE SAN CLEMENTE REDEVELOPMENT AGENCY RELATING TO THE AGENCY'S 1987/88 CAPITAL IMPROVEMENT PROGRAM BUDGET.

H. Wastewater Treatment Plant Expansion Contract C-1 -  
Approval of Change Orders

(This agenda item was considered following Agenda Item No. 6, i.e., the Wastewater Treatment Plant Expansion Proposed Change Order Policy.)

City Engineer Cameron reported that since Council authorized staff to approve Change Orders under \$10,000, Council need only act on Change Orders Nos. 3, 4, and 5.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve the following Change Orders to the Wastewater Treatment Plant expansion Contract C-1 (No. 537 - Steve Rados, Inc.): Change Order No. 3 for granting a 30 calendar day time extension; Change Order No. 4 for modifications to belt filter press structure at \$26,088; and ratify Change Order No. 5 to remove unsuitable material beyond contract work limit of elevation 44.00 and backfill with suitable material for Public Services Building foundation.

I. Wastewater Treatment Plant Expansion - Value  
Engineering Team No. 2 Report

Jim Hill, 4115 Calle Mayo, requested that Council reassess the Wastewater Treatment Plant funding to determine if \$38 million will be sufficient; suggested that Council implement only those Value Engineering Change Orders that would result in a cost decrease.

Following clarification, MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to accept the staff's recommended action on the Value Engineering Report Summary Table for the second Value Engineering team's recommendations and suggestions, as contained in the Administrative Report, dated June 22, 1987, and on file in the City Clerk's Department.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to direct staff to negotiate a change of scope for additional design required to implement the recommended design changes.



J. Orange County Transportation Super Committee -  
Transportation Project List

Following clarification relating to funding for the Vista Hermosa interchange, MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to approve and endorse the transportation project list as contained in the Administrative Report, dated June 22, 1987, and on file in the City Clerk's Department, with the understanding that the project list will be revised to reflect that El Camino Real may be widened, rather than stating it will be widened.

M. Bid Request - Fire Station No. 2

Following clarification relating to the status of the proposed encroachment into the existing 12' San Diego Gas and Electric utility easement, MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to approve plans and specifications for Fire Station No. 2 and authorize staff to advertise for bids.

5. WARRANT REGISTER

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to approve Warrant Nos. 65705 through 65852 excluding Payroll Warrant for period 6-8-87 through 6-12-87 (Voids 65702 through 65704) in the amount of \$702,359.01; Warrant Nos. 65857 through 66066 for period 6-15-87 through 6-19-87 (Voids 65853 through 65856) in the amount of \$376,770.76; Payroll Warrant No. 65830 for period 6-1-87 through 6-14-87 in the amount of \$222,747.53; for a total Warrant Register of \$1,301,877.30.

Councilmember Lorch stated he supports the Payroll Warrants, but opposes the Invoice Warrants which include Warrants relating to the Wastewater Treatment Plant expansion.

6. UNFINISHED BUSINESS

A. Wastewater Treatment Plant Expansion - Proposed Change Order Policy

Report from the Community Development Director concerning adoption of a Change Order Policy granting staff the authority to authorize changes in work and contract amounts for the Wastewater Treatment Plant Expansion project.

City Engineer Cameron reviewed the contents of the Administrative Report; stated the cost of the Wastewater Treatment Plant expansion is projected to be \$38 million and that 2% of that amount is projected to be in the form of Change Orders.

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

1. Adopt the proposed Change Order Policy for the Wastewater Treatment Plant expansion project as contained in the Administrative Report, dated June 22, 1987, and on file in the City Clerk's Department.
2. Authorize staff to approve Change Orders with an aggregate limit of \$100,000.

Jim Hill, 4115 Calle Mayo, spoke in opposition to the proposed Change Order Policy inasmuch as he feels the authority to approve Change Orders should continue to be a Council function; opined that the charge of \$6,400 for Change Order No. 1 is excessive.

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER RICE, to amend the main motion to establish a Change Order Policy as for the C-1 Contract as follows: 1) Eliminate Item #2 covering Change Orders from \$10,000 to \$25,000; 2) incorporate into Item #3 that Change Orders from \$10,000 to \$249,999 would require prior approval by the City Council; and 3) that the \$100,000 aggregate limit be added to Item 5.

Karoline Koester, 401 Via Pajaro, urged that staff be cognizant of Change Order control.

THE MOTION TO AMEND THE MAIN MOTION CARRIED 3-2 (COUNCILMEMBERS LIMBERG AND MECHAM VOTING NOE.)

THE MAIN MOTION, AS AMENDED, CARRIED 5-0.

7. NEW BUSINESSA. Preparations for July 4, 1987

Informational Report from the Police Department concerning preparations for July 4, 1987.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to receive and file the informational report from the Police Department concerning preparation for July 4, 1987. The subject report is dated June 23, 1987 and is on file in the City Clerk's Department.

B. CDC 87-19, Patel Hotel

Report from the Community Development Director concerning architectural review of a previously approved hotel.

Frank Montesinos, Architectural Masters, provided an overview of the project, stating it was redesigned pursuant to the conditions of the original use permit; stated the new concept is at least 9' away from the property line; answered Council inquiries relating to parking and traffic access.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to approve CDC-19 as submitted.

Councilmember Limberg requested to be apprised of building review procedures relating to additions to a structure height (such as rooftop mechanical equipment) that are beyond the zone limits and not included in the application.

Mayor Veale felt that height limits should be measured from the top of walls rather than from the top of roofs.

C. Mission Valley Bank

Report from the Community Development Director concerning architectural review of a proposed bank building.

Frank Montesinos, Architectural Masters, reviewed the background of the application and presented the project renderings; provided a general overview of the proposal.

Principal Planner Goldin responded to Council inquiries pertaining to parking, street improvements and setbacks.

Glen Roy, 111 Granada, questioned and was advised there is handicapped access to the building.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to concur with the action of the Planning Commission and approve CDC 87-15 as submitted.

D. Urgency Ordinance No. 945 - Municipal Code Amendment - (Relating to the Discharge of "Safe and Sane Fireworks")

Report from the Acting Police Chief relating to a Municipal Code Amendment pertaining to the discharge of "Safe and Sane Fireworks."

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to adopt Ordinance No. 945 entitled AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE AMENDING AND CLARIFYING SECTION 20-3(q) OF THE CITY CODE RELATING TO THE DISCHARGE OF SAFE AND SANE FIREWORKS.

E. Use Permit 86-04, The Wen Motel

Report from the Community Development Director concerning a one-year time extension for Use Permit 86-04, The Wen Motel.

Frank Montesinos, Architectural Masters, provided an overview of the project, advising that the applicant applied for a Use Permit time extension to cover the possibility of their not receiving funding; stated the project funding has now been received.

Mr. Montesinos and staff responded to Council inquiries relating to the location of mechanical equipment, traffic, signalization, setbacks, building height, and the impact on the project of widening El Camino Real. During the course of discussion, Mr. Montesinos advised that the project plans have been submitted and plan check completed.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE) to concur with the Planning Commission and approve a one-year time extension (to expire July 1, 1988) for Use Permit 86-04, The

Wen Motel.

It was the consensus of Council that the window panes of the project should not match the color and texture of the Tecate Grill. Mr. Montesinos advised that the plans will be altered accordingly.

F. Zoning Amendment 86-05 (Pico Pavilion) - Reconsideration Request

Report from the Director of Community Development concerning initiating reconsideration of Council's denial of Zoning Amendment 86-05, for property located at northwest corner of Avenida Pico and Calle Los Molinas.

City Planner Barnes reviewed the contents of the Administrative Report, focusing on the background of the issue; reviewed that Council denied Zoning Amendment 86-05 on February 18, 1987; stated the Community Design Commission feels commercial development would be more appropriate than industrial development on the subject site; reviewed options available to Council in the event it wishes to pursue a zoning amendment.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM that the applicant be requested to reinitiate his application for commercial development on this site in the most expeditious fashion possible and that staff concurrently initiate the General Plan and zoning change requirements that would be necessary to accompany this application.

Ray Giacomini, 116 Rincon Ct., felt the M-2 zone should not be changed until there are other industrial locations available to accommodate the relocation of the M-2 uses; spoke in support of a traffic study.

Greg Stuart, Vice President/Partner of Benco, stated they would like to construct a shopping center at the subject location; felt the project would be an asset to the community; commented on the significant dollars being spent on interest on the property; indicated he would support maintaining the M-2 zoning if same can be amended to allow a commercial shopping center.

Ray Campbell spoke in opposition to changing the surrounding M-2 uses; stated he would support amending the M 2 zone to allow commercial uses.

AMENDED MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM to direct City staff to initiate a zone change on the property to allow for commercial use on site in a manner they feel to be appropriate.

During the ensuing discussion, Council clarified its intent, advising that it desires staff to expedite the necessary procedures to amend the M-2 zone to allow for C-3 uses until such time as Rancho San Clemente can accommodate alternative industrial locations for businesses currently located in the M-2 zone. Staff is to initiate a General Plan Amendment and zone change to Commercial that will track along with the Specific Plan Amendments to Rancho San Clemente.

THE AMENDED MOTION CARRIED 5-0.

G. Request for City Participation in "National Constitution Banner Day"

Report from the City's representative to the California State Commission on the Bicentennial of the United States concerning the sale of banners to commemorate "National Constitution Banner Day."

Sharron Gill, 2211 Via Gavilan, spoke in support of "National Constitution Banner Day" to be held September 17, 1987; requested Council authorization to promote the sale of commemorative banners to residents and businesses.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to authorize the City's participation in "National Constitution Banner Day" by: 1) authorizing the sale of banners to residents and businesses for display; 2) having the City and churches ring their bells at 1:00 p.m. on September 17, 1987; and 3) authorizing the Mayor to sign a replica of the Constitution at a "signing ceremony."

It was the consensus of Council that profits from the banner sale should be used only for the citizens, such as funding public celebrations honoring the 200th anniversary of the United States Constitution.

8. ORAL COMMUNICATIONS

San Clemente Police Chief

Maj. Gen. Eugene Hudson, 1808 Avenida Salvador, Chairman for the Committee to Reinstate Kelson McDaniel as Chief of Police, representing approximately 30 residents present in the audience, read a letter, dated July 1, 1987, from the Committee which requested Kelson McDaniel's reinstatement as Police Chief and further requested he be granted due process; presented a petition signed by 1249 residents urging Mr. McDaniel's reinstatement; requested notification in writing by July 10, 1987 of the Council's action regarding the petition.

In response to questions posed by Maj. Gen. Hudson, Council/staff advised as follows:

1. The City intends to grant Mr. McDaniel's request for a hearing to be conducted by an impartial officer and Mr. McDaniel will be afforded the option of deciding whether that hearing is to be public or private. Mr. McDaniel will be sent a letter outlining the reasons that substantiated what occurred, as well as relevant back-up material.
2. A hearing was not scheduled earlier inasmuch as the City received the rescission letter only a few days ago. Prior to that time, there was no reason to grant a hearing to an employee who had resigned. The City believes Mr. McDaniel's resignation was an informed one and that he was aware of his alternative right to a hearing.
3. Details relating to the matter cannot be revealed due to Mr. McDaniel's right to privacy and confidentiality. It was further noted that the Government Code provides that personnel matters can be held in Closed Session. City believes it would be inappropriate to respond to Maj. Gen. Hudson's question relating to the possibility of reinstatement inasmuch as a hearing will be taking place.

Council advised that information relating to the hearing will be made public as soon as possible.

Ray Campbell, 1209 La Jolla Street, indicated his opposition to Council requiring arbitrary amounts of setback on property.

Frank Denison, 504 Monterey Lane, urged that Council 1) consider hiring veterans under a Federally-sponsored program whereby the Federal Government will pay veterans' salaries over and above the minimum wage until they are hireable on a full-time basis; 2) expressed his opposition to the City's trash service not returning receptacles to their original location on the curb.

Glen Roy, 111 Granada, requested that weeds on vacant lots be mowed earlier in the year, particularly in light of the 4th of July holiday.

COUNCIL RECESSED AT 11:55 P.M. AND RECONVENED AT 12:05 A.M., WITH COUNCILMEMBER MECHAM ABSENT. (COUNCILMEMBER MECHAM RETURNED TO THE COUNCIL CHAMBERS AT 12:15 A.M.)

9. REPORTS

A. Commission and Committee

(1) Resignation of Donna Baker, Community Design Commissioner

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY MAYOR VEALE, CARRIED 4-0 (COUNCILMEMBER MECHAM ABSENT), to accept with regret the resignation of Donna Baker from the Community Design Commission.

B. City Manager

(1) Permanent Base of the Pier Concession

Mayor Veale appointed Councilmembers Lorch and Mecham to serve on a Negotiating Committee for the Permanent Base of the Pier Concession.

(2) Presidential Recognition Awards for Community Service

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to nominate Lee Steelman, Kent Campbell and Leo Fessenden for Presidential Recognition Awards for Community Service.

(3) Cancellation of August 19, 1987 Council Meeting

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to cancel the regularly scheduled Council meeting of



August 19, 1987.

C. City Attorney

- (1) Status Report re review of County-wide Growth Control Initiative

City Attorney Oderman provided Council with a preliminary analysis of the County-wide Growth Initiative that was prepared by Roger Grable, City Attorney of City of Irvine.

City Attorney Oderman requested a Closed Session to discuss pending litigation, Healy Tibbetts v. City of San Clemente, pursuant to Government Code Section 54956.9(a).

D. Council Members

- (1) Letter from Orange County Grand Jury, dated June 17, 1987, regarding Fireworks Ban.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to place the issue of a possible fireworks ban on the next municipal election ballot (November, 1988).

- (2) Re-establishment of Traffic Commission/Committee

Councilmember Lorch discussed the possibility of the City re-establishing a Traffic Commission/Committee. Council agreed the issue of a possible Traffic Commission/Committee will be agendized for the Council meeting of August 5, 1987. Councilmember Lorch agreed to provide information to Council as to what he expects the Commission/Committee to accomplish.

- (3) "No Smoking" Section for Restaurants (Over 50 Seats)

MOTION BY COUNCILMEMBER RICE, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to schedule a Public Hearing on the possibility of requiring "No Smoking" sections in restaurants for the City Council meeting of July 15, 1987.

(4) Freeway-Oriented Signs (Councilmembers Mecham and Rice)

This agenda item was deferred to the Council meeting of August 5, 1987.

10. RESOLUTIONS/ORDINANCES

A. Ordinance No. 942 - Second Reading

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY MAYOR VEALE, CARRIED 5-0 (COUNCILMEMBER MECHAM ABSENT), to adopt Ordinance No. 942 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE AMENDING VARIOUS PROVISIONS OF THE SAN CLEMENTE CITY CODE REGULATING THE PENALTY FOR VIOLATIONS OF THE CODE.

B. Ordinance No. 943 - Second Reading

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adopt Ordinance No. 943 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE REPEALING SECTIONS 18-6, 18-7, 18-8, 18-10, 18-11, 18-12, AND 18-14, AMENDING SECTION 18-13, AND ADDING A NEW SECTION 18-23 TO CHAPTER 18 OF THE CODE OF THE CITY OF SAN CLEMENTE REGULATING BEACHES AND PIERS.

MEETING RECESSED

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to recess to a meeting of the Re-development Agency at 12:50 a.m.

MEETING RECONVENED

Council reconvened at 12:52 a.m., with all members present.

MEETING RECESSED

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to recess to Closed Session at 12:55 a.m. to discuss matters of personnel and pending litigation, Healy Tibbetts v. City of San Clemente, pursuant to Government Code Section 54956.9(a).

MEETING RECONVENED

Council reconvened at 1:30 a.m., with all members present.

ADJOURNMENT

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to adjourn at 1:30 p.m. to 7:00 p.m. on Tuesday, July 7, 1987 at the Ole Hanson Room, Community Center, located at 100 Seville, San Clemente, for purposes of holding a Joint Meeting with the City Commissions and Committee.

The next regular meeting will be held July 15, 1987 at 7:00 p.m.

*Maryna Erway*  
CITY CLERK of the City of  
San Clemente

*Maley A. Veale*  
MAYOR of the City of  
San Clemente

AFFIDAVIT OF POSTING ORDER  
OF ADJOURNMENT OF MEETING

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

I, MYRNA ERWAY, declare as follows:

That I am the City Clerk of the City of San Clemente; that at the regular adjourned meeting of the City Council held on July 1, 1987 said meeting was adjourned to the time and place specified in the ORDER OF ADJOURNMENT attached hereto; and that on July 2, 1987 at the hour of 8:45 a.m. a copy of said order was posted at a conspicuous place near the door at which said meeting was held.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 2, 1987 at San Clemente, California.

  
\_\_\_\_\_  
MYRNA ERWAY  
CITY CLERK

NOTICE OF ADJOURNMENT  
EXCERPT FROM THE MINUTES OF THE CITY COUNCIL  
MEETING OF JULY 1, 1987

A regular meeting of the San Clemente City Council was held in the Council Chambers on July 1, 1987 and was called to order at 7:00 p.m.

ROLL CALL:           PRESENT:   LIMBERG, LORCH, MECHAM, RICE, VEALE

                  ABSENT:   NONE

ADJOURNMENT

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to adjourn to an adjourned regular meeting to be held at 7:00 p.m. on Tuesday, July 7, 1987 in the Ole Hanson Room, Community Center, located at 100 Seville, San Clemente, for purposes of holding a joint meeting with the City Commissions and Committee.

  
MYRNA ERWAY  
City Clerk

CITY OF SAN CLEMENTEJOINT CITY COUNCIL/COMMISSIONS/COMMITTEE MEETINGJULY 7, 1987

A Joint Meeting of the City Council, Planning Commission, Parks and Recreation Commission, Community Design Commission, and Golf Course Committee, conducted in the Community Center Ole Hanson Room, 100 Seville, was called to order by Mayor Veale at 7:00 p.m.

COUNCILMEMBERS PRESENT LIMBERG, LORCH, RICE, MAYOR VEALE

COUNCILMEMBERS ABSENT MECHAM

PLANNING COMMISSIONERS PRESENT HAMILTON, HAGGARD, JOSEPH, NEVILLE, CHAIRPERSON KWESKIN

PLANNING COMMISSIONERS ABSENT NONE

PARKS AND RECREATION COMMISSIONERS PRESENT BLAKE, FERNANDEZ, MITCHELL

PARKS AND RECREATION COMMISSIONERS ABSENT DOHERTY, WOHLFARTH

COMMUNITY DESIGN COMMISSIONERS PRESENT BEIERLE, LANDEN, MERTENS, NICOL, WELTON, CHAIRPERSON SWAMI

COMMUNITY DESIGN COMMISSIONERS ABSENT NONE

GOLF COURSE COMMITTEE MEMBERS PRESENT LYNCH, SADELL, SCHRECK, WALLACE

GOLF COURSE COMMITTEE MEMBERS ABSENT CRISPINO

SWEARING IN OF NEWLY APPOINTED COMMISSIONERS AND COMMITTEE MEMBERS

City Clerk Erway administered the Oath of Office and Mayor Veale presented City pins to the following newly appointed

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Commission/Committee members:

Jennifer Blake, Parks and Recreation Commissioner  
Evelyn Fernandez, Parks and Recreation Commissioner  
Tom Lynch, Golf Course Committee Member.

ROUNDTABLE DISCUSSION

Mayor Veale spoke in support of Effective Listening and Presentations Seminars for Commission/Committee Members.

Community Design Commission

Marie Swami, Chair of the Community Design Commission, outlined the primary objectives of the Commission as set forth in the Commission's enabling Ordinance (Section 5.21 of the City's Zoning Code); advised the Commission plans to develop work programs for presentation to Council in September. In a continuing effort to promote quality development and upgrade the image of the design review process, Chairperson Swami asked Council to direct the Community Design Commission to take a lead role in accomplishing the following tasks: 1) Establishing requirements and procedures for development proposals; 2) forming a Blue Ribbon Committee in charge of compiling and preparing for public distribution a design guideline package which, with budget allocations allowing, would signify retaining expert assistance, if possible; 3) preparing an historic preservation ordinance and information packet. Chairperson Swami distributed a letter to Council, dated July 7, 1987, which expresses most of the Community Design Commission's viewpoints.

Discussion ensued relative to the need for public input to aid the ultimate establishment of design guidelines; noted that the design guidelines should include clarification of such issues as architectural style, design and quality.

Suggestions were made during the discussion as follows:

- . The design guidelines should encourage varying roof treatments and clarification regarding where Spanish design is to be applied.
- . The design review process should occur earlier in the planning process.
- . City should proceed with the development of an historical preservation ordinance.

This item will be agendized in September.

Parks and Recreation Commission

Commissioner Mitchell advised that funding is needed to