

CITY OF SAN CLEMENTECITY COUNCIL MINUTESADJOURNED REGULAR MEETING - JULY 15, 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 6:20 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.

CLOSED SESSION

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to recess to Closed Session at 6:20 p.m. for purposes of discussing 1) pending litigation (Healy Tibbetts v. City of San Clemente), pursuant to Government Code Section 54956.9(a); and 2) real property negotiations (James Hendrickson, Negotiator) pursuant to Government Code Section 54956.8.

MEETING RECONVENED

Council reconvened at 7:00 p.m., with all members present.

ADJOURNMENT

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

Myrna Erway
CITY CLERK of the City
of San Clemente

Stacy A. Veale
MAYOR of the City of
San Clemente

CITY OF SAN CLEMENTECITY COUNCIL MINUTESREGULAR MEETING - JULY 15, 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 7:00 p.m.

INVOCATION

Pastor Alan Morse, Victory 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 Hulsizer, 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

Mayor Veale presented City pins to Lee Steelman and Eleanor Yutzi, and provided pins for the following South Orange County Community Services Council volunteers: Mabel Engebrecht, Mary Elia, Barbara Estes, Bernie Knoke, Dee Leif, Sandra Malone, Helen Pritchard, Pam Richards, and Norma Westby.

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: 3-A, 3-B, 3-C, Consent Calendar, 5, Oral Communications (Part 1), 7-A, 6-A, 7-B, 7-C, 9, Oral Communications (Part 2), 10. These minutes reflect the original agenda order.

3. PUBLIC HEARINGS

A. "No Smoking" Section in Restaurants with Seating of 50 or More Persons

Public Hearing to consider the establishment of regulations requiring restaurants with seating of 50 or more persons to have a designated "no smoking" section.

Mayor Veale opened the Public Hearing.

Robert Beasley, 277 Trafalgar Lane, reviewed the Surgeon General's finding that negative health effects are not limited to smokers but can extend to individuals who inhale second-hand tobacco smoke; spoke in support of restricting smoking in public meeting spaces; questioned why the restaurant smoking restrictions would be applicable to only those restaurants with a seating capacity of 50 or more.

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

Councilmember Rice advised that eight cities in Orange County have smoking ordinances; distributed copies of the City of Huntington Beach's smoking ordinance.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to direct staff to draft an Ordinance which bans smoking in restaurants unless a separate room can be provided for smokers, and imposing smoking restrictions on hospitals, health care facilities, meeting rooms, public buildings, and the workplace. Council directed that staff use the Huntington Beach Ordinance as a guide and that the proposed Ordinance be scheduled for Public Hearing when available.

B. Request to Permit a Second Dwelling Unit on R-1 Lot (Use Permit 86-33 - Robert Battin).

Public Hearing to consider a request to allow a second residential unit on an R-1 lot located at 137 Sierra.

Principal Planner Goldin advised that at the May 19, 1987 Planning Commission meeting the applicant refused to construct three covered parking stalls as required by the Zoning Ordinance; stated the Planning Commission voted to approve the application with conditions since they felt the applicant's refusal to provide the necessary parking to be a zoning enforcement issue; indicated that subsequent to the Planning Commission's action, the City's legal counsel opined that a more appropriate action in a case where an applicant refuses to comply with conditions would have been to deny the request.

City Attorney Oderman advised that the City's legal counsel views the subject application as a potential enforcement concern and in light of the applicant's defiance of the Planning Commission's authority and announced intention not to agree to the conditions imposed by the Planning Commission, it was felt that rather than placing upon the City the burden of judicial enforcement, it would be preferable for the burden to be placed on the applicant. Therefore, Mr. Oderman recommended that the application be denied unless the applicant consents to all conditions this evening.

City Attorney Oderman suggested that if Council desires to approve Use Permit 86-33 that the following additional condition be imposed:

"The permit that is granted shall be of no force and effect unless applicant shall submit to City, within 30 days from the date the permit is issued, a document stating he consents to all Conditions of Approval."

Mayor Veale opened the Public Hearing.

Harvey Bauer, 140 Avenida Sierra, read a petition (dated July 7, 1987), which was signed by 13 residents who are opposed to the legalization of the illegal dwelling unit at 137 Sierra; voiced concern that legalization of the unit would 1) detract from the single family character of the neighborhood, 2) result in continued noise disturbances, 3) cause parking

problems, and 4) reduce the value of adjacent properties; stated that some neighbors believe there are at least three units in each of the two residences; presented photographs of the subject property.

Robert Battin, Applicant, questioned the legal basis for an additional hearing on his application; stated he has not at any time refused to comply with the lawful action of the City; stated he disagrees with the City's interpretation of Government Code Section 65852.2; stated that since City did not adopt a second-unit Ordinance within 120 days as provided in Section (a) of that Government Code Section, he had the right to have his application considered under Section (b) of Government Code Section 65852.2 and that parking standards are not specifically mentioned in that particular Code section; stated he only objects to the condition which requires the construction of three covered parking stalls.

Jennifer Pearson, 132 Avenida Sierra, questioned the number of units and residents that exist on Mr. Battin's property.

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

In response to City Attorney inquiry, Mr. Battin stated that two units exist on the property.

City Attorney Oderman advised as follows:

1. Section 7.45 of the Zoning Ordinance gives Council the right to call up for review a use permit decision by the Planning Commission. This was the procedure that was followed in this case.
2. Subdivision (b) of California Government Code Section 65852.2 provides that any zoning requirements that apply in the zone will apply to the new unit. Hence it is the City's legal counsel's position that parking is one of the items which Council is permitted to consider.

Council received into the record the petition which was signed by 13 area residents who oppose the use permit application (dated July 7, 1987), as well as the photographs of the property which were presented by Mr. Bauer.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, to adopt Resolution No. 87-60 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN

CLEMENTE, CALIFORNIA, ADOPTING A NOTICE OF EXEMPTION AND DENYING USE PERMIT NO. 86-33.

Discussion ensued relative to the criteria used to determine which unit on the property constitutes the primary residence and which unit constitutes the secondary residence; as well as clarification relating to the "Granny Flat" legislation.

THE MOTION CARRIED 5-0.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to direct staff to draft a second-unit Ordinance and that staff investigate as much as possible the legislative intent of this particular law.

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

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

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to continue the Public Hearing concerning Sign Ordinance Amendment 87-01 to the City Council meeting of August 12, 1987.

4. CONSENT CALENDAR

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to approve the Consent Calendar with the removal of the following items: 4-A (Minutes of City Council Adjourned Regular Meeting of June 15, 1987 and Minutes of June 17, 1987 Joint City Council/Planning Commission meeting); B-1 (Planning Commission Minutes of Special Meeting held June 11, 1987); E, H, and J.

A. MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to approve the City Council minutes of June 23, 1987 Adjourned Regular Meeting; July 1, 1987 Adjourned Regular Meeting; and July 1, 1987 Regular Meeting.

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

(1) Minutes of June 16, 1987 Regular Planning Commission meeting and June 16, 1987 Special Planning Commission meeting.

(2) Golf Course Committee Minutes of June 2, 1987.

(3) Departmental Activities Report - June, 1987.

C. Claim for Damages - Xuan T. Le and Hahn B. Hoang

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to deny the Claim for Damages filed by Xuan T. Le and Hahn B. Hoang for an unknown amount, based on insurance adjuster's recommendation.

D. Funding Reappropriation - Records Management Program

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to authorize the reappropriation of \$6,830 from the FY 1986-87 fund balance of the General Fund to Account No. 001-131-43890, Other Contractual Services.

F. Fund Reappropriation - City-Wide Land Use Survey

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to authorize the reappropriation of \$2,735 in unexpended funds from the FY 86-87 budget to the FY 87-88 budget for a city-wide Land Use Survey, as follows: 1) Reappropriate \$1,100 to Account No. 001-431-41020; \$1,150 to Account No. 001-432-41020; and \$485 to Account No. 001-433-41020.

G. Personnel Reclassification - Plan Check Engineer to Building Official

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to approve the request for redesignation of the present position of Plan Check Engineer to Building Official in the FY 1987 88 budget and provide for a 4% increase in base salary over the current Plan Check Engineer salary range.

I. Claim for Damages - Tarbell and Agents Lipa, Southland

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to deny the Claim for Damages filed by Tarbell and Agents Lipa, Southerland for an unknown amount.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

4.A. Minutes of City Council Meeting of June 15, 1987

City Clerk Erway requested that consideration of the minutes of the City Council meeting of June 15, 1987 be deferred to the City Council Adjourned Regular Meeting of August 12, 1987.

Minutes of June 17, 1987 Joint City Council/Planning Commission Meeting

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve the minutes of the June 17, 1987 Joint City Council/Planning Commission meeting with the revision that Page 2, Paragraph 5 be revised to read as follows:

"Planning Commissioner Joseph concurred with Councilmember Limberg and recommended a re-review of the Blue Ribbon Committee Report."

4B1. Planning Commission Minutes of Special Meeting of June 11, 1987

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to call up for review the Planning Commission decision relating to the time extension for Tentative Tract 11855/Use Permit 82-42, Sea Pointe Estates.

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to approve the balance of the minutes of the Special Planning Commission Meeting of June 11, 1987.

E. Selection of Golf Course Architect - Master Plan of Improvements to Golf Course

Following clarification relating to Section 7.1 of the Agreement relating to document ownership and Exhibit B pertaining to schedule of work,
MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to:

1. Approve the selection of Killian Design Group, Inc. as the project architect for the preparation of a long term Master Plan of Improvements to the Municipal Golf Course.
2. Approve, and authorize the Mayor to execute,

the agreement between Killian Design Group, Inc. and City of San Clemente for the preparation of a long term Master Plan of Improvements to the Municipal Golf Course, at a cost of \$43,500. (City contract No. C87-046).

H. Nuisance Abatement - Mamian Building (2809 S. El Camino Real

Gary Mamian, 5825 Sunset Boulevard #207, Los Angeles, stated the bushes have been cleared and the fence repaired at the Mamian Hotel; presented photographs of the property which were taken on July 3, 1987; stated the hotel was used as collateral for a loan by Canadian Commercial Bank; stated the Bank went bankrupt in 1985; advised he filed Chapter 11 bankruptcy in 1987; indicated he would like to finish the project.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, to adopt Resolution No. 87-61 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DECLARING ITS INTENTION TO DETERMINE WHETHER A PUBLIC NUISANCE EXISTS AT 2809 S. EL CAMINO REAL, LEGAL DESCRIPTION BEING LOTS 2, 3, 4, 5, BLOCK 1, TRACT 900 AND SETTING A TIME AND PLACE FOR PUBLIC HEARING THEREON.

City Attorney Oderman explained there is an exception in the Bankruptcy Code which allows local authorities to enforce nuisance abatements against bankrupt parties.

THE MOTION CARRIED 5-0.

Community Development Director Holloway suggested that Council schedule the nuisance abatement hearing for September 2, 1987 to allow time for the necessary technical inspections to occur.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to amend Resolution No. 87-61 to provide that the Public Hearing on the Mamian Building Nuisance Abatement will take place on September 2, 1987.

J. Wastewater Treatment Plant Expansion Contract C-1 - Change Order No. 7

Jim Hill, 4115 Calle Mayo, urged that Council reject 35% of the cost of Change Order #7 and that said sum be charged to Carollo Engineers, to

compensate for Carollo Engineers' error; expressed his belief that Change Orders will eventually total \$118,000, i.e., the amount of the C-1 Contract contingency.

City Engineer Cameron reported on the expansive soils being encountered on the project and the resulting justification for Change Order #7; opined that the City is obligated to pay for the additional work.

Karoline Koester, 401 Via Pajaro, questioned and received clarification as to why the original contract did not provide that virgin material would be taken to the project.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve Change Order No. 7 for the Wastewater Treatment Plant expansion, Contract C-1, in the amount of \$14,015 (City Contract No. 537 - Steve P. Rados, Inc.).

Council requested that staff notify the City Manager immediately re any Change Orders exceeding \$10,000 that could cause delays in the Wastewater Treatment Plant expansion project.

5. WARRANT REGISTER

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve Warrant Nos. 66070 through 66206 excluding Payroll Warrant for period 6-22-87 through 6-26-87 (Voids 66067 through 66069) in the amount of \$208,536.31; Warrant Nos. 66212 through 66335 for period 6/29/87 through 7/3/87 (FY 1986/87) (Voids 66207 through 66211) in the amount of \$185,259.32; Warrant Nos. 66339 through 66350 for period 6/29/87 through 7/3/87 (FY 1987/88) (Voids 66336 through 66338) in the amount of \$120,073.19; Payroll Warrant No. 66182 for period 6-15-87 through 6-28-87 in the amount of \$233,555.88; for a total Warrant Register of \$747,424.70.

6. UNFINISHED BUSINESS

A. Wastewater Treatment Plant - Status of Capacity

Report from the Director of Community Development concerning methods of assuring that the quality of treated wastewater does not violate the effluent discharge permit limitations.

City Engineer Cameron reviewed the contents of the

Administrative Report; advised the Plant is currently averaging 4.014 MGD, which is approximately 10,000 gallons per day above the Plant's design capacity; provided a projection of future flow rates; stated that during the 4th of July weekend, which is the peak use period, flow rates reached 4.56 MGD and was treated to a much higher standard than the Plant's permit requires.

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

1. Continue to allow issuance of Certificates of Occupancy and building permits.
- 2 Direct staff to set up a monitoring system of development approval and building permit activities to make certain that the interim treatment plant capacity and capability to safely treat City sewage is not exceeded.

7. NEW BUSINESS

A. Ranch Wide Issues Related to the Rancho San Clemente Specific Plan

Report from the Community Development Director concerning approval of an agreement resolving certain ranch wide issues related to the Rancho San Clemente Specific Plan.

Community Development Director Holloway presented photographs which depict a view analysis of the reconstructed secondary ridgeline; and staff advised that staff and WSLA have amended the proposed agreement to provide that 15% of the total units within Rancho San Clemente be affordable, rather than stating that 440 affordable units shall be constructed (Paragraph 5, Page 4).

Councilmember Limberg voiced concern with the section of the Agreement pertaining to the Vista Hermosa Interchange, relative to the definition of "proportionate share"; felt the current wording may make one Ranch dependent upon another Ranch as far as development opportunities are concerned; recommended modifying the language to provide for a monitoring program.

Ray Giacomini, 116 Rincon Ct., supported M-2 zoning in Rancho San Clemente; advised that some businesses will need M-2 property with retail traffic; requested consideration of the small businesses.

Ben Melloni, 127 Los Molinos, stated some builders are reluctant to allow body shops; needs a location which provides exposure and allows people to find his business quickly; indicated he would prefer to stay in his current location.

Barry Vick, 1520 Camino de Estrella, questioned where the City plans to relocate the auto body repair industry. Staff responded that the City will involve the affected businesses in preparation of a plan.

Following clarification relating to the scope of the Agreement, MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to approve and authorize the Mayor to execute an Agreement, dated July 10, 1987, with WSLA for the resolution of ranchwide issues, with the amendment that the next to the last sentence of the first paragraph on Page 3 be altered to include the words "as appropriate" at the end of said sentence. (City Contract No. C87-050)

Representatives from WSLA concurred with the proposed amendment to the Agreement.

THE MOTION CARRIED 5-0.

B. Street Name Signage Program

Report from the Community Development Director concerning approval in concept of a new street name signage specification and replacement program.

Council deferred consideration of the Street Name Signage Program to a future Council meeting.

C. Authorization to Bid - South Ola Vista Street Reconstruction Project No. 20-83 - Cross Gutters

Report from the Community Development Director concerning the redesign of South Ola Vista where new cross gutters have been constructed near intersections with Gaviota, Esplanade and Granada.

Mayor Veale noted the current cross gutters serve as a speed deterrent; opposed replacement of cross gutters at Granada.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 4-1 (MAYOR VEALE VOTING

NOE), to authorize staff to redesign and advertise for bids the intersections of Ola Vista with Esplanade and Granada to install catch basins and storm drain pipes that would improve the driveability of Ola Vista, at an estimated cost of \$84,000.

8. ORAL COMMUNICATIONS

A. San Clemente Police Chief

Marie Baida, 402 Ave. Crespi, stated that on July 1, 1987, Council was presented with a petition signed by 1,249 residents requesting that Kelson McDaniel be reinstated as Police Chief; questioned the status of that request.

Mayor Veale advised that an open hearing has been scheduled for August 10, 1987 at 9:30 a.m. in the City Council Chambers.

Daniel Kimmel, 1050 Calle Del Cerro, questioned and received clarification as to why the hearing was scheduled for a workday and how the hearing officer was selected.

Eugene Hudson, 1808 Ave. Salvador, stated the petition which he presented to Council on July 1, 1987 asked that Kelson McDaniel be reinstated as Police Chief and that a hearing follow that reinstatement; questioned whether the Council and City Manager will abide by Justice Rickles' ruling if in Kelson McDaniel's favor.

During the course of discussion, Council/staff advised as follows:

1. Council is not free to discuss specific details involved in this matter inasmuch as it is a personnel matter.
2. It would be inappropriate for Council to discuss what action it is going to take after the hearing officer has concluded his proceedings. The hearing officer's function under law is not to make a final decision, but rather to prepare a report and recommendation.

William Bunce, 2501 S. El Camino Real #111, stated there are lawsuits pending against the City in which Kelson McDaniel is a defendant; questioned whether a conflict of interest exists since Rutan and Tucker is defending Mr. McDaniel in those lawsuits while also defending the City in the subject personnel issue involving Mr. McDaniel.

City Attorney Oderman explained that Mr. Larsen, the City's legal counsel in the Kelson McDaniel personnel matter, is not involved in either of the two lawsuits pending against the City in which Kelson McDaniel is listed as a defendant; advised the matter has been investigated thoroughly and no conflict exists; stated Mr. McDaniel was named a defendant in the subject cases in his capacity as Police Chief and pursuant to the Government Code, the City is required to provide Mr. McDaniel with legal defense and pay any judgments entered against him.

Richard Lentz, 115 Capistrano Lane, posed questions relating to the report prepared by Mr. Mocalis and the reasoning behind placing Mr. Kelson on administrative leave.

Fred Ashley, 30131 Town Center Drive #270, Laguna Niguel, Attorney representing Kelson McDaniel, stated Mr. McDaniel is personally named in the lawsuits which were filed against the City; stated Mr. Larsen has met personally with Mr. McDaniel to discuss the facts of the subject lawsuits.

Dean Wood, 110 Calle Campo, spoke in support of the Police Department and the action taken by the City.

COUNCIL RECESSED AT 9:40 P.M. AND RECONVENED AT 10:00 P.M.
WITH ALL MEMBERS PRESENT.

B. Cascadita Canyon Slope Failure

Dan Millington, 3917 Calle Andalucia, reviewed the Via Alegre/Via Ballena problem and voiced concern that drainage fees are not being used in connection with Cascadita Canyon.

Assistant City Manager Pulsizer provided an update of the City's efforts to effect a solution to the Cascadita Canyon situation.

9. REPORTS

A. Commission and Committee

None.

B. City Manager

Council scheduled a Public Hearing on the Marblehead Coastal Project to be held on August 5, 1987. The Council business, which would normally have been

considered on August 5, 1987, will be considered on August 12, 1987.

C. City Attorney

City Attorney Oderman requested a Closed Session for purposes of discussing pending litigation (Vitale v. City of San Clemente and Healy Tibbetts v. City of San Clemente); and combined personnel/threatened litigation.

D. Council Members

(1) Freeway-Oriented Signs

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to direct staff to develop an Ordinance that would allow for the removal of the freeway-oriented pole signs upon the change of use or change of ownership of a particular business and further direct staff to develop potential ballot language that would allow for the amortized removal of pole signs for the November, 1988 election.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to direct staff to research City-owned properties that could be useful for some kind of signage that City could put up and also the possibility of dealing with property owners, such as Lusk, as to potential purchase of their property at minimal cost which can be used for signage.

(2) Property Acquisition at 106 N. Alameda Lane

City Manager Hendrickson advised that 7/10's of an acre of land, located at 106 N. Alameda Lane, is currently available for sale; advised the cost to the City to purchase said property would be \$875,000; suggested the City may wish to consider purchasing the property for development of a parking structure and possibly basketball courts.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 4-0-1 (COUNCILMEMBER RICE ABSTAINED DUE TO A FINANCIAL INTEREST IN THE PROPERTY) to direct staff to bring the matter of possible purchase of the property at 106 N. Alameda Lane back to Council for review.

Councilmember Limberg: 1) commended staff on its code enforcement efforts involving Will's Auto and Rick's Trailer and 2) suggested the possibility of using effluent wastewater to water the backcountry golf course. Staff will research and report back to Council.

In response to concern voiced by Councilmember Lorch, Community Development Director Holloway agreed to speak with the applicant for the Travelodge project re the possibility of resolving the awning issue and to provide Council with a tray memo on this matter.

Councilmember Mecham: 1) requested that Traffic Engineering study the feasibility of banning parking of large rig trucks on South El Camino Real, particularly between Yum Yum Donuts and the Harbor House restaurant; 2) voiced concern for the length of time El Camino Real has been in disrepair due to the Mobile Station and Premier Inn reconstruction projects and requested that staff devise controls as to the length of time a roadway can be in a state of disrepair.

Councilmember Rice indicated a desire that more picnic tables vs. vehicles be situated at the Interim Pier Concession between the restrooms and the interim facility.

Mayor Veale stated that the Orange County Narcotics Officers' Association has named Al Ehlow as the "Supervisor of the Year" and Neil Murray as the "Officer of the Year." Council requested that recognition of Al Ehlow and Neil Murray be scheduled for a future Council meeting.

10. RESOLUTIONS/ORDINANCES

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

CLOSED SESSION

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to recess to Closed Session at 12:20 a.m. for purposes of discussing 1) pending litigation, Vitale v. City of San Clemente, pursuant to Government Code Section 54956.9(a); 2) pending litigation, Healy Tibbetts v. City of San Clemente, pursuant to Government Code Section 54956.9(a); and 3) combined personnel/threatened litigation, pursuant to Government Code Section 54956.9(b)1. The City Manager, Assistant City Manager and City Attorney were in attendance.

CITY COUNCIL MINUTES
JULY 15, 1987
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MEETING RECONVENED

Council reconvened at 1:10 a.m., with all members present.

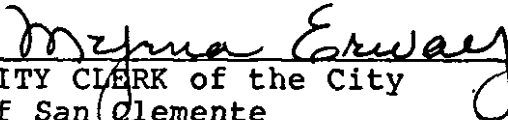
City Employee Compensation Adjustments

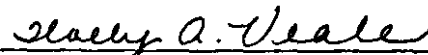
MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to approve compensation adjustments, effective July 1, 1987, for Executive Management, Administrative Management, Confidential, and Part-Time Employees, as outlined in the Administrative Report, dated July 10, 1987, and on file in the City Clerk's Office.

ADJOURNMENT

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adjourn at 1:10 a.m.

The next Regular Council Meeting will be held on August 5, 1987.


CITY CLERK of the City
of San Clemente


MAYOR of the City of
San Clemente