

CITY OF SAN CLEMENTECITY COUNCIL MINUTESREGULAR MEETING - NOVEMBER 19, 1986

A regular meeting of the City Council of the City of San Clemente, California, conducted in the Council Chambers, Civic Center Building, 100 Avenida Presidio, was called to order by Mayor Mecham at 7:00 p.m.

INVOCATION AND THE PLEDGE OF ALLEGIANCE were conducted by Mayor Mecham.

PRESENT Council Members - CARR, DIEHL, KOESTER, LIMBERG,
MAYOR MECHAM

ABSENT Council Members - NONE

ALSO PRESENT James B. Hendrickson, City Manager; Myrna Erway, City Clerk; Jeff Oderman, City Attorney; Greg Hulsizer, Acting Community Development Director; Bill Cameron, City Engineer; Joanne Baade, Deputy City Clerk; and certain other staff members present in the audience.

1. COUNCIL REORGANIZATION

Report from the City Clerk regarding approval of the minutes, adoption of the resolution certifying the results of the general municipal election and the reorganization of the City Council.

A. Approval of Minutes

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 4-0-1 (COUNCILMEMBER CARR ABSTAINING), to approve the minutes of the Joint Council/Commissions/Committee Meeting of October 29, 1986.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 4-0-1 (COUNCILMEMBER KOESTER ABSTAINING), to approve the minutes of the City Council Meeting of November 5, 1986.

B. Results of General Municipal Election of November 4, 1986

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER DIEHL, CARRIED 5-0, to adopt Resolution No. 86-114, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD IN SAID CITY OF SAN CLEMENTE ON THE 4TH DAY OF NOVEMBER, 1986, DECLARING THE RESULT THEREOF AND SUCH OTHER MATTERS AS ARE PROVIDED BY LAW.

C. Special Presentations to Outgoing Councilmembers

Mayor Mecham presented plaques in honor of dedicated service to out-going Councilmembers Carr, Diehl and Koester.

Councilmember Koester expressed appreciation for the honor of serving the City in the capacity of Councilmember. She stated that she intends to continue to serve the community in other capacities.

Councilmember Carr stated that he is grateful to have had the opportunity to serve the City. He extended best wishes to the newly elected Council members and expressed gratitude to the current Councilmembers.

Councilmember Diehl stated that he will continue to serve the community, and stated that he is thankful for the accomplishments the Council has made in the past four years. Councilmember Diehl wished the new Council well in directing the City.

D. Oath of Office to Newly Elected Councilmembers

City Clerk, Myrna Erway, administered the Oath of Office and presented Certificates of Election to newly-elected Councilmembers Lorch, Rice and Veale.

E. Election of Mayor and Mayor Pro Tem

City Clerk, Myrna Erway, opened nominations for the office of Mayor.

Councilmember Rice nominated Councilmember Lorch for the office of Mayor. The nomination was voted on and failed by a 2-3 vote. (Council-

members Limberg, Mecham and Veale voting no.)

Councilmember Limberg nominated Councilmember Veale for the office of Mayor. Councilmember Mecham seconded the nomination. The nomination was voted on and carried by a 5-0 vote.

Mayor Veale requested nominations for the office of Mayor Pro Tem.

Councilmember Limberg nominated Councilmember Lorch for the office of Mayor Pro Tem. Councilmember Mecham moved that nominations be closed. The motion was voted on and carried by a 5-0 vote.

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

3. PUBLIC HEARINGS

- A. TENTATIVE TRACT MAP NO. 12864 AND SITE PLAN REVIEW 86-12 - DIVIDEND DEVELOPMENT (File No. 105.1)

Public hearing to consider a request to subdivide approximately 42 acres into 141 residential lots within Planning Area 21.

James Barnes, Planning staff, provided an overview of the proposal, advising that the Planning Commission and Development Management Team recommend approval of Tentative Tract Map No. 12864 and Site Plan Review 86-12 subject to the conditions contained in the Administrative Report. Mr. Barnes advised that Resolution No. 86-113 has been revised to include reference to the Site Plan Review.

Mayor Veale opened the Public Hearing.

Jim Omsberg, representing Dividend Development, advised this proposed project will be Dividend's second development in Rancho San Clemente; the price range of the homes will probably be in the \$195,000 to \$260,000 range with four or five floor plans being offered. He stated that there is no intent at this time to create a private gated community.

James Barnes responded to Council inquiry, stating that at the time the City considered the Development Allocation sequence, it was decided that Tentative Tract Map and Site Plan approvals would

be a prerequisite to the development allocations. He advised that the project is in substantial conformance with the Hillside Grading Ordinance.

Mr. Omsberg advised that the development's CC&R's will prohibit landscaping which would block the views from the homes. Councilmember Mecham voiced concern that the landscaping limitation will make it difficult to conceal the stair-step grading.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, to continue the public hearing on this matter to the City Council meeting of December 3, 1986, with the understanding that Council will be provided with an exhibit which demonstrates the proposed topography of the site.

Mr. Omsberg consented to the continuance of the public hearing.

THE MOTION CARRIED 5-0.

B. ABANDONMENT 86-02 AND USE PERMIT 86-12 - PICO AUTO CENTER, 530 CALLE INDUSTRIAS (File No. 111/112)

Public hearing to consider a request to construct an automotive repair and service center and to abandon a portion of Calle de Industrias.

Bob Goldin, Planning staff, discussed the background of the application, advising that the Planning Commission has recommended approval of the project.

Mayor Veale opened the public hearing.

Larry Robbins, Architect for the project, addressed Council on behalf of the Applicant, and expressed appreciation to staff for their assistance with the project.

The public hearing was closed, there being no others desiring to speak on this item.

Councilmember Limberg recommended negotiating a sales price for the 944 square feet of right-of-way proposed for abandonment, as opposed to obtaining an appraisal.

The City Attorney responded that it would be appropriate for the City to negotiate a sales price, considering the minimal size of the area that is proposed to be abandoned; adding that an

appraisal would be difficult with a remnant piece of property because there is no market for that type of parcel on its own.

Bob Goldin pointed out on the site plan the Applicant's updated plan for placement of trash receptacles, commenting that staff has not yet had an opportunity to review same; advised that the City's Traffic Engineer reviewed the abandonment and use permit request and determined that the request wouldn't have an adverse affect on Pico Plaza, the chinese restaurant or traffic coming into that area; stated that one of the proposed parking lots will be designated for employee parking.

Councilmember Mecham stated that he has reservations concerning 1) the abandonment concept; 2) the plan for two separate parking lots and driveways; 3) the proposed "Contemporary Spanish" design of the structure; and 4) the view from the Freeway being proposed to be a blank wall and fence. Councilmember Mecham suggested that if the project is approved, that the handicapped parking space designated for the end of the first building be moved to a more visible and viable location.

Larry Robbins stated that the Applicant is also concerned about the view of the structure from the Freeway, and suggested possible mitigation measures, which included: 1) revising the back wall so it's more in keeping with the desires of the City; 2) offsetting the building; and 3) planting foliage and large trees.

Ned Jacobs, representing Midas Muffler, stated that the hours of operation of the business will be from 8:30 a.m. to 5:30 p.m. Monday through Saturday; adding that automobiles will be repaired during the day only and not left overnight.

Councilmember Mecham suggested imposing an additional condition which would provide that all overnight storage be done indoors, noting that the two other tenants in the building may not have the same standards as Midas Muffler with respect to overnight storage.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to adopt Resolutions No. 86-117 and 86-118, with the following amended and added conditions:

- 1) That Condition No. 2 of Abandonment No. 86-02 be revised to read as follows:

"The property shall be sold based upon the fair-market value as determined by the City Manager after consulting with local real estate brokers."

- 2) That a 9th condition be added to Use Permit 86-12 to read as follows:

"Hours of operation shall be limited to Monday through Saturday from 8:30 a.m. to 5:30 p.m. and no overnight storage of vehicles shall be allowed outside the auto service structure."

- 3) That a 10th condition be added to Use Permit 86-12 to read as follows:

"The landscaping and architectural issues shall be referred to the City Council for review following Community Design Commission review."

Bob Goldin advised that staff will attempt to resolve concerns relating to the location of the handicapped parking space and will also investigate the possibility of including a handicapped parking space in the other parking lot.

C. ZONING AMENDMENT NO. 84-06 (File No. 117)

Public hearing to consider a proposed amendment to the Zoning Ordinance establishing "Resort Hotel" as permitted use in the O-A (Open Space and Recreational) District and adding a definition for "Resort Hotel."

The City Manager reviewed the background of the Forster Ranch Specific Plan.

James Barnes, Planning staff, outlined the proposal, focusing on the contents of the Settlement Development Agreement, and the options available to Council, as outlined in the Administrative Report.

Council discussed options for the subject property, as follows:

1. Amending O-A zone to allow a hotel to exist on the site.
2. Including the Shorecliffs Golf Course as part of the Forster Ranch Specific Plan.
3. Including only the hotel site within the D-D

- District.
4. Re-zoning the site separately with a zone that would allow development of a hotel and no other usage.
 5. Redefining "resort hotel" to require that a golf course be included as part of the hotel.
 6. Reviewing the entire Specific Plan at one time.

Mayor Veale opened the Public Hearing.

Alan Fishman, representing Tierra Planning and Design and Estrella Properties, discussed the issues of architecture, beach parking, building height, and traffic, which were of concern to the Planning Commission; he then reviewed the Conditions which were recommended by the Commission to resolve those concerns. Mr. Fishman referred to the concern about use of the Shorecliffs Beach Club, and stated that the Applicant would agree to a Condition requiring that the use of the hotel does not imply use of the private beach club. Mr. Fishman recommended approval of Alternative 1 as set forth in the Administrative Report.

Dennis Menke, Attorney representing the Applicant, 650 Town Center Drive, Suite 650, Costa Mesa, stated that if the City acquired the golf course, it would have to pay \$500,000, including the land cost of approximately \$2 million; suggested the possibility of the City having an obligation to pay for the improvements made to the golf course; and voiced doubt that the Applicant would want to go back through the Specific Plan process.

Ginger Page, 215 Via Ballena, expressed her belief that the City should assure that the developer responds to pending issues such as the slope failure.

Berdell Mathais, 2919 Via Gorgonio, spoke in support of the proposed hotel, citing his belief that the hotel will enhance the value of his property and be a source of City revenue.

Dan Millington, 243 Via Ballena, expressed concerns relating to situating a hotel within a residential area, the traffic impact, access to the hotel, noise pollution, light pollution, and overcrowding of the local beaches. Mr. Millington urged that the Settlement Development Agreement be renegotiated.

Leon Aldrich, 40 Mira Las Olas, commented that the

golf course was predicated on the existence of a resort hotel, and that several economic analyses revealed that the golf course would not be economically viable without the hotel.

Steve Kingston, 4011 Calle Abrillo, discussed the flood problem associated with the area and urged that the Tri-Lock situation be solved.

Bob McAllister, 719 Vallarta, Director of Golf Operations for Estrella Properties, stated that the Tri-Lock is presently being cleaned.

S. G. Lardiere, 3124 Calle Grande Vista, spoke in opposition to the proposed hotel, citing his concerns with the anticipated noise pollution, light pollution and traffic; opined that it would be illegal for the City to permit a resort hotel in the Open Space and Recreational District; and suggested that the City renegotiate the Settlement Development Agreement.

Eugene Leoni, 302 Presidio, spoke in support of the proposed hotel, stating that it would be in the best interest of the hotel to correct the drainage situation. Mr. Leoni felt that the hotel would be a quality project, which would not substantially impact the beaches.

Bud Jackley, 100 Calle Patricia, President of the Chamber of Commerce, referenced his letter to the City Council, dated November 19, 1986, which discussed the Chamber's support for the proposed hotel and golf course.

Floyd Cate, on behalf of the Associated Shorecliffs Residents, read a prepared statement and a letter, dated November 19, 1986, which expressed the Association's support of the proposed hotel.

Sue Distefino, 416 Vista Torito, voiced concern that the hotel would result in the loss of a "window to the sea" on Pico; discussed her concern with amending an O-A zone; questioned the possibility of such an action setting a precedent; and questioned why there is no requirement for bonds for completion of major projects on private property.

Karoline Koester, 401 Via Pajaro, suggested that the hotel application be considered as part of the entire Specific Plan; opined that the application is interlocked with other conditions that Estrella

Properties has not met; and recommended that the agreement be rescinded, and a new agreement established which would require placement of the hotel on another site.

The public hearing was closed, there being no others desiring to speak on this issue.

In response to Council inquiry, the City Attorney provided legal opinions in response to questions raised during the course of discussion as follows:

1. Changing a Use Within a Zoning Designation

The City has the right to change a use within a zone designation; the City Council has the authority to enact zoning ordinances and to define the uses permitted in particular zones.

2. Timing in Terms of Referring Issue back to Planning Commission if Council decided to take the Approach of a Specific Plan Amendment

The City Attorney voiced concern with such action unless the applicant's consent is obtained, noting the established time requirements for processing applications.

3. Requirement for Bonds for Completion of Major Projects on Private Property

The City does not have the authority to require private projects to be bonded.

Dennis Menke stated that he can't foreclose the possibility that Estrella would consider another site for the hotel, but added that the hotel is necessary to make the golf course feasible.

The City Attorney responded to Council inquiry by explaining the legal effect of a negative vote on the subject application, as follows:

1. If the Council turned down the application without prejudice to consider it at a time the Specific Plan proposal was considered, the City Attorney stated that he didn't believe such action would constitute a refusal by the City and the City would still be entitled to the benefit of Option 3, provided that at the time the use permit were brought back to Council, the Council proceeded with approval of the use permit and zone change. The City Attorney noted, however, that this

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interpretation is subject to the possibility of a dispute with the Applicant.

2. If the Council denied the application for a minimum 250-room hotel, the City Attorney opined that the City would revert to Option 1 which would involve City acquisition of the property, without having to pay \$2 million or holding costs. He added that the City would have to pay Estrella \$500,000 for completion of the restoration of the golf course and the City would assume responsibility for operating the golf course.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to direct the City Attorney to draft an ordinance for the December 3, 1986 meeting of such specificity that the subject site is the only location in an O-A zone where a hotel can be built and to delete the reference to the number of rooms.

The City Manager will provide Council with an update on the Tri-Lock drainage channel.

Council recessed at 9:48 p.m. and reconvened at 10:00 p.m. with all members present.

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-2, D and G.

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

1. Planning Commission minutes of October 14, 1986.
3. Golf Committee minutes of October 7, 1986.
4. Departmental Activities Report for the month of October, 1986.

B. Request for Waiver of Green Fees from Southern California Golf Association - File No. 58.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve the request for waiver of green fees for a golf tournament to be held on July 13, 1987.

C. Street Closure - 1986 Christmas Lighting Ceremony -
File No. 35

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

1. Approve the request of the San Clemente Chamber of Commerce to close the 100 block of Del Mar to accommodate the 1986 Christmas Lighting Ceremony on December 5, 1986, subject to the conditions contained in the Administrative Report; and
2. Direct the Chamber of Commerce to work closely with the Police Department to ensure compliance with the conditions of approval.

E. Purchase of New Phone System--101 West El Portal - File No. 40.3

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to authorize the purchase of the MITEL SX-20 from Phone-By Co. in the amount of \$18,695, for the City-leased facility located at 101 W. El Portal.

F. Lease/Purchase for New Copier - 101 W. El Portal - File No. 40.3

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve the lease/purchase of a Sharp 9550 copier from the low bidder, Edgemont, in the amount of \$7,976 for the City-leased facility located at 101 W. El Portal.

H. Award of Bid - One Small Pick-Up Truck - File No. 90.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to accept the bid of San Juan Dodge, Inc. in the amount of \$7,500.73 for one 1987 Dodge D-50 small pick-up (fleet replacement for Fire Department Unit #590).

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

- 4-A. MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to call up CDC 86-63, Kehoe project, for the City Council meeting of December 3, 1986 and to approve the balance of the Community Design Commission minutes, dated September 23, 1986, October 14, 1986 and October 28, 1986.

Gerald Gibbs, 110 E. Avenida Palizada, on behalf of the applicant of the Kehoe project, spoke in opposition to the project being called up for Council review, citing that the project was legitimately reviewed and approved by the Community Design Commission.

THE MOTION CARRIED 5-0.

D. Acceptance of Certain Improvements - Tract No. 12426 - (Gfeller Development Co.) - File No. 105.1

Following clarification, MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adopt Resolution No. 86-115, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ACCEPTING FROM GFELLER DEVELOPMENT COMPANY CERTAIN WORKS OF IMPROVEMENT IN TRACT 12426 AND PROVIDING FOR RELEASE OR REDUCTION OF CERTAIN BONDS AS PROVIDED BY LAW.

G. 13th Year Community Development Block Grant Program - File No. 68

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

1. Approve the following projects for the 13th Year Community Development Block Grant application:

West Canada Street Reconstruction	\$98,500
Avenida Serra Street Reconstruction	\$86,000
Installation of Avenida Granada Storm Drain	\$10,000
El Portal Beach Access Improvements	\$20,000
Housing Rehabilitation	\$20,000
Street Overlay around Max Berg Park	\$101,000
TOTAL GRANT REQUEST:	\$335,500

2. Direct staff to file an application with the Orange County Housing and Community Development Program Office.

5. WARRANT REGISTER

MOTION BY COUNCILMAN MECHAM, SECOND BY COUNCILMAN LORCH, CARRIED 5-0, to approve Warrant Nos. 60791 through 60946, excluding Payroll Warrant for period 11-1-86 through 11-7-86 (Voids #60785 through 60790) in the amount of \$323,496.22; Warrant Nos. 60956 through 61068 for period 11-8-86 through 11-14-86 (Voids #60947 through 60955) in the amount of \$1,244,867.53; Payroll Warrant No. 60295 for period 10-20-86 through 11-6-86 in the amount of \$197,679.67; for a total Warrant Register in the amount of \$1,766,043.42.

6. UNFINISHED BUSINESS

A. Proposed Traffic Flow Modification - Calle Vallarta and Avenida Mesita - (File 106.1)

Report from the Acting Community Development Director concerning applicant's request for installation of stop signs on Calle Vallarta at Avenida Mesita.

Akram HindiyeH, Engineering staff, reviewed the background of the request, and reiterated the results of the speed survey which indicated that stop signs are not warranted at the subject location. Mr. HindiyeH advised that advisory speed signs were installed and that the installation of unwarranted stop signs often results in an increase in rear-end collisions.

In response to Council inquiry, City Attorney Oderman advised that installation of an unwarranted stop sign could be construed that the City created a dangerous situation.

Larry Wohlfarth, 103 Calle Seguro, commented that a stop sign is not needed at the subject location and suggested the installation of Bots Dots to slow traffic speed.

Karoline Koester, 401 Via Pajaro, stated the speed problem could be compounded when the backcountry is developed and voiced her opinion that the curve was not correctly engineered at the onset.

Steve Kingston, 4011 Calle Abril, spoke on the need to find a solution to the problem and urged that the item not be continued.

David Donan stated the City has a liability regardless of whether it installs the stop sign; discussed his concern that the curve is unsafe and stated that traffic is exceeding the posted speed limit, which makes it difficult for him to exit his driveway.

MOTION BY COUNCILMEMBER MECHAM to deny the applicant's request for the installation of stop signs on Calle Vallarta at Avenida Mesita. Motion died for lack of a second.

MOTION BY COUNCILMEMBER RICE, SECOND BY COUNCILMEMBER MECHAM, to authorize the installation of stop signs on Calle Vallarta at Avenida Mesita, with the proviso that Council will review the impact of said action in six months.

Police Chief McDaniel stated that the 15 MPH speed limit sign is not enforceable; the enforceable

speed is 25 MPH; commented that drivers tend to ignore unwarranted stop signs.

SUBSTITUTE MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to proceed with the installation of additional signage on the street into the curve that would either slow or caution a driver traveling around the curve as further emphasis to the danger. Additionally that another traffic study be completed in three or four weeks after the signage is installed and the results are to be referred to Council for information.

B. Bids for Contract C-1 (Wastewater Treatment Plant Expansion) - (File 96)

Report from the Acting Community Development Director concerning the possibility of the City Council rejecting the bids for the Wastewater Treatment Plant Expansion, Phase I, Contract C-1, and to authorize readvertisement.

The City Manager summarized the Administrative Report and advised that Council received a communication from Steve P. Rados, Inc. which urged that Council award the bid to that firm, as the lowest bidder. Mr. Hendrickson explained that the lowest bid was 16.6% above the engineer's estimate.

Gail Lynch, Project Engineer with John Carollo Engineers, stated his firm felt that the bids received were high in the areas of electrical, heating, ventilating, and air conditioning; indicated there is no guarantee that a re-bid of the project will result in a lower bid.

Steve Rados, of Steve P. Rados, Inc., urged that the contract be awarded to his firm; stated that after the contract is awarded, the City can submit a change order to delete certain areas of work as deemed appropriate; commented that there were ten prospective bidders who were notified of this project. Mr. Rados stated that his firm has given a very competitive bid and spent considerable money and effort in preparing the bid.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to award the bid for the Wastewater Treatment Plant Expansion (Contract C-1) in the amount of \$4,090,000 to the low bidder, Steve P. Rados, Inc.

7. NEW BUSINESS

A. Resignation of Holly Veale from the Planning Commission - (File No. 51)

Report from the City Clerk relative to whether the City Council should accept Councilwoman-Elect Holly Veale's resignation from the Planning Commission and initiate the process to fill the vacancy.

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

1. Accept the resignation of Holly Veale from the Planning Commission effective November 19, 1986.
2. Authorize staff to advertise the Planning Commission vacancy and accept applications during the period of November 20 through December 5.
3. Adjourn the December 3 Council Meeting to an adjourned regular meeting to be held at 7:00 p.m. on Wednesday, December 10 for the purpose of interviewing applicants and appointing a Planning Commissioner to complete the unexpired term which expires June 30, 1988.

B. San Joaquin Hills and Foothill/Eastern Transportation Corridors - City Representative

Report from the Acting Community Development Director concerning the possibility of the City appointing a Councilmember(s) to serve on the Joint Powers Agencies for the San Joaquin Hills and Foothill/Eastern Transportation Corridors.

Councilmember Limberg recommended that Councilmember Lorch be appointed to serve on the Joint Powers Agencies for the San Joaquin Hills and Foothill/Eastern Transportation Corridors.

Councilmember Lorch requested time to review the background material and discuss the subject issue with staff.

Council deferred this matter to its meeting of December 3, 1986.

C. Reconfiguration of Building Division Personnel

Report from the Acting Community Development Director concerning the possibility of the Council authorizing the hiring of a Plan Check Engineer and Typist Clerk in the Community Development Department.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adopt Resolution No. 86-119, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, AMENDING RESOLUTION NO. 92-83 AND ESTABLISHING THE SALARY RANGE FOR THE POSITION OF PLAN CHECK ENGINEER IN THE CITY SERVICE.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adopt Resolution No. 86-120, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, AMENDING RESOLUTION NO. 73-83 TO INCLUDE THE CLASSIFICATION OF PLAN CHECK ENGINEER AS PART OF THE CITY POSITION CLASSIFICATION PLAN.

D. Deferred Compensation Program - Change in Investor Institution

Report from the City Treasurer concerning the possibility of the City Council authorizing the administration of its Deferred Compensation Plan to be changed from California Federal Savings to ICMA

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(International City Managers Association) through their affiliate, ICMA Retirement Corporation.

In response to Council inquiry, Acting Community Development Director, Greg Hulsizer, advised that the proposed change has been reviewed with the City's employee associations.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to adopt Resolution No. 86-122 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, ESTABLISHING A DEFERRED COMPENSATION PLAN TO BE ADMINISTERED BY THE ICMA RETIREMENT CORPORATION.

8. ORAL COMMUNICATIONS

None.

9. REPORTS

A. Commission and Committee

None.

B. City Manager

The City Manager advised that the Orange County Board of Supervisors has adopted staff's recommendation with respect to the disposition of its \$2.2 million entitlement grant. Hence, \$1.2 million will be allocated for Califia State Beach; and \$64,000 will be earmarked for a joint project to complete an analysis of Lease Sale 95.

C. City Attorney

The City Attorney requested a Closed Session concerning pending litigation pursuant to Government Code Section 54956.9(a) and potential litigation pursuant to Government Code Section 549569(b).

D. Council Members

None.

Closed Session

Council recessed to Closed Session at 11:30 p.m. to discuss pending litigation, pursuant to Government Code Section 54956.9(a). The City Manager, City Attorney, Acting Community Development Director and City Engineer were in attendance. Attending the Closed Session to discuss

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potential litigation pursuant to Government Code Section 54956.9(b) were the City Manager, City Attorney, Attorney Margaret Sohagi, Attorney Katherine Stone, and Acting Community Development Director.

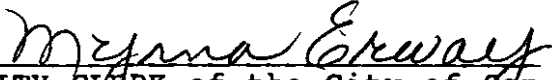
Reconvene

Council reconvened at 12:30 a.m. with all Councilmembers present.

MOTION BY COUNCILMEMBER RICE, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to authorize the City Engineer to issue a temporary grading permit to allow for stabilization of the slope adjacent to the properties which suffered landslide damage in the Via Alegre slide. The permit is to be issued to Estrella Properties. The permit is to contain a condition that would limit the time period of the permit. The applicant is to submit for approval, prior to expiration, a permanent grading solution which would fully comply with the City's Grading Ordinance and requires the applicant to agree to implement that permanent grading solution on a timely basis.

ADJOURNMENT

Council adjourned at 12:45 a.m. The next regularly scheduled meeting will take place at 7:00 p.m. on Wednesday, December 3, 1986.


CITY CLERK of the City of San
Clemente, California


MAYOR of the City of San
Clemente, California