

# CITY OF SAN CLEMENTE

## City Council Minutes

### Regular Meeting - March 5, 1997

A Regular Meeting of the San Clemente City Council was called to order on March 5, 1997 at 7:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

**PRESENT**                      ANDERSON, APODACA, BERG, DAHL, MAYOR AHLE

**ABSENT**                        NONE

**STAFF PRESENT**              Michael Parness, City Manager; Jeff Oderman, City Attorney;  
Myrna Erway, City Clerk; Joanne Baade, Deputy City Clerk.

### **INVOCATION**

Rev. Cornel Melia, San Clemente Presbyterian Church, gave the invocation.

### **PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Dahl led the Pledge of Allegiance.

#### 1.     **SPECIAL PRESENTATIONS**

None.

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

#### 3.     **PUBLIC HEARINGS**

None.

4. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to approve the Consent Calendar with the removal of Item 4-I.

A. **City Council Minutes**

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to approve the City Council minutes of February 19, 1997.

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

(1) Zoning Administrator Action Minutes of February 25, 1997.

C. **Warrant Register**

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to approve Warrant Nos. 701792 through 701932 for the period 2-3-97 through 2-7-97 in the amount of \$255,472.38; approve Warrant Nos. 701933 through 702037 for the period 2-10-97 through 2-14-97 in the amount of \$414,999.91; for a total Warrant Register of \$670,472.29.

**Payroll Register**

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to approve Warrant Nos. 300518 through 300582 (Automatic Deposit Advises 100952 through 101090) for the period 1-27-97 through 2-9-97 in the amount of \$193,336.61; for a total Payroll Register of \$193,336.61.

D. **Authorization to Solicit Bids - Furnishing and Installing of a Containment Liner and Reinstallation of Valving for Reservoir No. 1**

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to approve advertising and accepting of bids for Project No. 17505, Furnishing and Installing of a Containment Liner and Reinstallation of Valving for Reservoir No. 1.

E. Notice of Completion - Acceptance of San Pablo Storm Drain Improvements at Avenida Acapulco

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to:

1. Accept the San Pablo Storm Drain at Avenida Acapulco, City Project No. 17310, from the contractor, David T. Wasden, Inc. (Contract #C96-93)
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for City Project No. 17310.

F. Notice of Completion - Erosion Control at 1310 Cadena

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to:

1. Accept the 1310 Cadena Erosion Control, City Project No. 05406 from the contractor, Sanders Hydroseeding, Inc. (Contract #C97-12)
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for City Project No. 05406.

G. Contract Amendment - Avenida Monterey/Rosa Storm Drain Replacement - El Camino Real to Avenida Algodon

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to approve, and authorize the Mayor to execute, Amendment No. 1 to Contract No. C95-73, by and between the City of San Clemente and Norris-Repke, providing for design of the Avenida Monterey/Rosa Storm Drain Replacement, from El Camino Real to Avenida Algodon, Project No. 17304, for an additional fee not to exceed \$26,500.

H. Authorization to Solicit Bids - Annual Slurry Sealing Program

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to:

1. Approve the specification documents for the Annual Slurry Sealing Program.
2. Authorize Staff to advertise the project for competitive bidding.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

I. Biosolids Management Project

Following clarification, MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER APODACA, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract No. C97-14 by and between the Aliso Water Management Agency/South East Regional Reclamation Authority, Los Alisos Water District, Santa Margarita Water District, and the City of San Clemente, providing for the transportation and beneficial reuse of wastewater biosolids for AWMA, SERRA and member agency treatment facilities.

5. ORAL COMMUNICATIONS

Casa Romantica Open House

Wayne Eggleston, President of the San Clemente Historical Society, invited the public to attend the Casa Romantica in recognition of "Heritage Day" on Sunday, March 16, 1997 from 11:00 a.m. to 4:00 p.m.; explained that guided tours, which are being provided free of charge, will take place every hour on the hour.

**Proposed Traffic Modification on El Camino Real Between Presidio and Palizada**

Ricardo Nicol, San Clemente, relayed his support for revitalizing El Camino Real; opined that the biggest obstacle to creating a pedestrian-friendly environment along ECR is the inability for persons to safely egress their vehicles when parked along the street; suggested that the travel lanes on El Camino Real be reduced to two lanes, with the center lane reserved for emergencies and left-turns, thereby creating parking space with a 5' safety zone on both sides of the street; noted that the proposal could be implemented inexpensively since it would only entail re-striping; suggested that the proposal would promote the economic health of the City.

Pat Trachta, Three Centuries Antique Gallery, concurred with Mr. Nicol's suggestion because her customers have commented on their fear to park in front of her business at 408 N. El Camino Real; presented a petition containing 46 signatures from persons operating businesses along the street who believe that the street should be made more pedestrian friendly.

Wayne Eggleston, San Clemente, stated that a survey undertaken last year revealed that many people choose not to shop along the subject segment of El Camino Real because it is dangerous to open their car doors and walk across the street; opined that one of the best ways to revitalize an area is to make it pedestrian friendly, and further commented that one of the most effective ways to make an area pedestrian friendly is to slow the traffic.

Council referred the traffic suggestion to the Planning Commission for analysis.

Tom Padberg, San Clemente, recommended that consideration also be given to making El Camino Real a one-way street (possibly traveling north), with Avenida de la Estrella being made a one-way street that travels in the opposite direction.

**Green Fees - Municipal Golf Course**

Tom Byrd, San Clemente, stated that he viewed the February 26, 1997 Council meeting on cable television and heard Mayor Ahle indicate that Mr. Byrd was supportive of a \$2.00 increase in green fees; clarified that he supports a green fee increase for non-residents only; relayed that he intends to support the Utility Users Tax and urged Council to place the matter on the ballot; relayed that golfers believe that too much money is taken from the golf course to support the General Fund.

Mayor Ahle stated that he reviewed the tape of the January 28, 1997 Joint Meeting and cited the remarks which led him to interpret that Mr. Byrd was supportive of a \$2.00 increase in green fees; stated that he appreciates Mr. Byrd's clarification and noted that he stands corrected.

**Albertson's Market - Relocation**

Lew Elia, San Clemente, voiced concern that Albertson's is planning to leave San Clemente, thereby leaving residents on the ocean side of the freeway with only one grocery outlet.

Council responded that the City is aggressively looking into possible options and clarified rumors as follows: 1) Albertson's is not leaving San Clemente because the City would not allow it to remodel; 2) The City did not disallow Albertson's from relocating to the El Dorado Bank building; and 3) Albertson's had not acquired the WalMart site in Plaza Pacifica with plans to relocate to that site.

City Manager Parness explained that Albertson's has confirmed that its reason for leaving is due to the small size of the facility (i.e., 17,000 square feet) combined with lot circumstances that make expansion extremely expensive, if not impossible; noted that the size of the facility makes it difficult to compete with other markets; explained that the store is very old and it is no longer economical to operate that facility; stated that Albertson's is presently looking at other sites in San Clemente.

6. **UNFINISHED BUSINESS**

A. **Request for Direction and Approval of Amendment No. 2 - Professional Engineering Design Services for Trafalgar Lane Stabilization**

Report from the City Engineer concerning a possible change in the design concept, and approval for the additional design fee, for the Trafalgar Lane stabilization project.

City Engineer Cameron reviewed the contents of the Administrative Report.

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to:

1. Direct Staff to revise the design of the Trafalgar Lane Stabilization, Project No. 13178, to exclude the need to obtain agreements from the property owners located at 245 and 243 Avenida Madrid and 241 and 239 Avenida Monterey, and if an agreement cannot be obtained from 229 Avenida Monterey.
2. Approve, and authorize the Mayor to execute, Amendment No. 2 to Contract No. C94-73, by and between the City of San Clemente and Norris-Repke, Inc., to revise the final design plans and re-permitting for the Trafalgar Lane Stabilization (Project No. 13178) in the amount of \$39,500.
3. Direct Staff to continue to pursue FHWA participation for 50% of the additional design/permitting cost.

7. **NEW BUSINESS**

A. **Special Municipal Election - June 3, 1997**

Report from the City Clerk concerning the possible placement of a tax measure on the June 3, 1997 ballot.

City Clerk Erway reviewed the contents of the Administrative Report; responded, along with the City Attorney, to Council inquiries concerning Election Code provisions pertaining to the priority ranking of persons/groups submitting arguments, possibility of Council joining with members of the public in creating/signing an argument, as well as the possibility of the signatories on the initial argument differing from the signatories on the corresponding rebuttal.

Mayor Ahle proposed changes to Page 12 of the Ordinance establishing a Utility Users Tax as follows:

Section 3.22.190, Review of Tax by City Council - Subsection A, to read in full as follows: "No later than October 31, 1998, the City Council shall hold a public meeting to review the Utility Users Tax."

Section 3.22.190, Review of Tax by City Council - Subsection B, to read in full as follows: "No later than July 1, 2002, the Utility Users Tax imposed herein shall be reduced to one and one half (1.5) percent of the cost of the utility services used by the Service User."

City Attorney Oderman recommended changes to the proposed Resolutions, Ordinance and ballot wording to make it clear that the Utility Users Tax would have a maximum rate of 2.5% until June 30, 2002, a maximum rate of 1.5% from July 1, 2002 to June 30, 2007, and an outside termination date of July 1, 2007.

City Clerk Erway acknowledged the receipt of a letter from Joanne Borawski-Grisaffi requesting Council's unanimous support for the placement of a tax measure on the ballot.

Christel Beard, San Clemente, requested that Council vote unanimously to place the tax measure on the ballot so the electorate will have the opportunity to vote on the issue.



Council clarified that if Council votes unanimously to place the tax measure on the ballot, it will appear on the ballot as a general tax proposal; noted, however, that a provision will be included within the Ordinance that specifies that if the measure is passed by greater than two-thirds, the fund will be restricted to beach, park and recreation purposes. Council further clarified that if Council does not vote unanimously this evening to place the tax measure on the ballot, the Utility Users Tax could only be imposed if passed by a two-thirds majority.

Mark Stucky, Cox Communications, voiced concern with the Ordinance as presently written because cable television is not a utility; pointed out that cable television does not have the characteristics of a utility, inasmuch as cable companies are not guaranteed a rate of return, cable television is not a necessity, and cable television is subject to market competition; pointed out that Cox customers pay a 5% franchise fee to the City, while its direct competitors do not; opined that the Utility Users Tax will unfairly increase this competitive disadvantage and urged that the subject inequity be remedied within the Ordinance.

Mark Gaughan, San Diego Gas and Electric, referenced Section 3.22.010 of the proposed ordinance, noting that Section D attempts to define "Service Supplier" as all-inclusive, while Section G states that "electrical corporation" shall be construed to include any municipality or franchised agency engaged in the selling or supplying of electrical power to a Service User; pointed out that with the passage of AB 1819 last year, the foregoing definition may, or may not, be all inclusive; suggested that the first sentence of Section 3.22.040 (Section C) be expanded to read as follows: "The tax imposed by this section shall be collected from the Service User by the Person supplying such energy, *or their agent.*"

City Attorney Oderman suggested that the Ordinance be modified to address Mr. Gaughan's concerns as follows:

Section 3.22.040 (Section C), sentence 1, was modified as follows: "The tax imposed by this section shall be collected from the Service User by the Person supplying such energy, *or such person's agent.*"

Section 3.22.010 (Section G), was modified as follows: "Telephone corporation," "electrical corporation," "gas corporation," "water corporation," and "cable television corporation" shall have the same meaning as defined in Section 234, 218, 222, 241, and 215-5, respectively, of the Public Utilities Code of the State of California, as said section existed on January 1, 1997, "electrical corporation" shall

be construed to include any municipality or franchised agency or Person engaged in the selling or supplying of electrical power to a Service User."

Jerry Cox, Co-Chair of the South Orange County Association of Realtors' Governmental Affairs Committee and resident of San Clemente, expressed support for the proposed Utility Users Tax and pledged the support of 3,500 realtors.

Keith Trezek, San Clemente, spoke in support of Council placing the tax measure on the ballot by unanimous vote to facilitate the democratic process.

Bill Roberts, San Clemente, recommended that Council reaffirm the unanimous vote it took last week; commented on the importance of retaining San Clemente's outstanding amenities and relayed hope that 66% of the voters will favor the tax measure.

Paul Berghoff, Steed Park Manager, stated that Steed Park represents a source of pride for the City; presented a petition, signed by 150 persons, who support a special election to help Steed Park.

Tom Padberg, San Clemente, stated there is more than a \$1.5 million disparity between costs incurred and revenue collected within Beaches, Parks and Recreation Divisions and suggested that a reduction in this disparity would eliminate the need for the tax; suggested that funds collected by the Utility Users Tax that are in excess of the projected shortfall should be impounded to eliminate the possibility of being used.

Morris Belkin, San Clemente, relayed pride in the City's leadership and expressed support for the proposed Utility Users Tax.

Daniel Botello, San Clemente, expressed hope that the loss of experienced employees will not degrade the efficiency of the City; urged Council to vote unanimously for the ballot measure.

Jeane McPhee, San Clemente, relayed support for programs offered by the Beaches, Parks and Recreation Department; stressed the importance of providing programs for youth and urged Council to place the issue on the ballot.

Gerry Gibbs, San Clemente, stated he has received hundreds of calls from persons wishing to help promote the Utility Users Tax effort; urged that Council place the issue on the ballot.

David Nydegger, Executive Director of the Chamber of Commerce, referenced the letter sent by the Chamber to the City last week; recommended a unanimous vote to place the Utility Users Tax on the ballot.

Tom Lorch, San Clemente, spoke in opposition to the proposed Utility Users Tax and suggested that the City's Land Use and General Plans should be modified to facilitate the creation of 5,000 new jobs in San Clemente.

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to:

1. Adopt Resolution No. 97-10 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION ON TUESDAY, JUNE 3, 1997 FOR THE SUBMISSION TO THE QUALIFIED VOTERS A PROPOSED ORDINANCE ESTABLISHING A UTILITY USERS TAX WITH A MAXIMUM RATE OF 2.5% UNTIL JUNE 30, 2002, A MAXIMUM RATE OF 1.5% FROM JULY 1, 2002 TO JUNE 30, 2007 AND AN OUTSIDE TERMINATION DATE OF JULY 1, 2007, with modifications as follows:
  - a) The first "Whereas" of Resolution No. 97-10 was modified to read in full as follows: "WHEREAS, the City Council of the City of San Clemente, California desires to submit to the voters at a Special Municipal Election a proposed ordinance relating to establishing a Utility Users Tax with a maximum rate of 2.5% until June 30, 2002, a maximum rate of 1.5% from July 1, 2002 to June 30, 2007, and an outside termination date of July 1, 2007".
  - b) The proposed ordinance, which is contained as an attachment to Resolution No. 97-10, was accepted in the form as presented this evening with the following changes:
    - 1) Section 3.22.190, Review of Tax by City Council - Subsection A, was modified to read in full as follows: "No later than October 31, 1998, the City Council shall hold a public meeting to review the Utility Users Tax."

- 2) Section 3.22.190, Review of Tax by City Council - Subsection B, was modified to read in full as follows: "No later than July 1, 2002, the Utility Users Tax imposed herein shall be reduced to one and one half (1.5) percent of the cost of the utility services used by the Service User."
  - 3) Section 3.22.040 (Section C), sentence 1, was modified as follows: "The tax imposed by this section shall be collected from the Service User by the Person supplying such energy, *or such person's agent.*"
  - 4) Section 3.22.010 (Section G), was modified as follows: "Telephone corporation," "electrical corporation," "gas corporation," "water corporation," and "cable television corporation" shall have the same meaning as defined in Section 234, 218, 222, 241, and 215-5, respectively, of the Public Utilities Code of the State of California, as said section existed on January 1, 1997, "electrical corporation" shall be construed to include any municipality ~~or~~, franchised agency *or Person* engaged in the selling or supplying of electrical power to a Service User."
2. Adopt Resolution No. 97-11 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE AUTHORIZE THE ELECTION DEPARTMENT OF THE COUNTY OF ORANGE TO CONDUCT A SPECIAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF SAN CLEMENTE ON JUNE 3, 1997, AND TO CONSOLIDATE THAT ELECTION WITH ANY OTHER AGENCY ELECTIONS BEING HELD ON THAT DATE, with modifications as follows:
- a. The first "Whereas" was modified to read in full as follows: "WHEREAS, the City Council of the City of San Clemente called a Special Municipal Election to be held on June 3, 1997, for the purpose of submitting to the voters the question of whether an ordinance establishing a Utility Users Tax with a maximum rate of 2.5% until June 30, 2002, a maximum rate of 1.5% from July 1, 2002 to June 30, 2007, and an outside termination date of July 1, 2007 shall be adopted; and"

- b. The measure wording, contained in Section 2 of the Resolution, was modified to read as follows:

“SHALL AN ORDINANCE BE ADOPTED TO APPROVE A UTILITY USERS TAX WITH A MAXIMUM RATE OF 2.5% UNTIL JUNE 30, 2002, A MAXIMUM RATE OF 1.5% FROM JULY 1, 2002 TO JUNE 30, 2007 AND AN OUTSIDE TERMINATION DATE OF JULY 1, 2007 IN ORDER TO MAINTAIN PUBLIC SERVICES WITHIN THE CITY AND PROTECT THE HEALTH, SAFETY AND WELFARE OF ITS RESIDENTS?”

YES \_\_\_  
NO \_\_\_

- 3. Adopt Resolution No. 97-12 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS REGARDING A CITY MEASURE RELATING TO A PROPOSED ORDINANCE ESTABLISHING A UTILITY USERS TAX WITH A MAXIMUM RATE OF 2.5% UNTIL JUNE 30, 2002, A MAXIMUM RATE OF 1.5% FROM JULY 1, 2002 TO JUNE 30, 2007, AND AN OUTSIDE TERMINATION DATE OF JULY 1, 2007 IN ORDER TO MAINTAIN PUBLIC SERVICES WITHIN THE CITY AND PROTECT THE HEALTH, SAFETY AND WELFARE OF ITS RESIDENTS, with the modification that the ballot measure wording be modified to coincide with the ballot measure wording contained in Resolution No. 97-11.

Further consideration of the Special Municipal Election was deferred until following the recess.

**MEETING RECESSED**

Council recessed at 8:55 p.m. and reconvened at 9:02 p.m., with all members present.

**Special Municipal Election - June 3, 1997 (Continued)**

In response to earlier Council inquiry, City Attorney Oderman explained as follows:

- 1) In the event Council fails to submit a ballot argument, the City Clerk would be required to select a ballot argument from submitters in the order of priority as contained in the Elections Code (i.e., the next order of priority would be the sponsors of the measure, the second priority would be an association of citizens, and the final priority would be individual citizens.) In the event that more than one argument is submitted from a group/individual within a given priority category, the City Clerk must determine which argument to use on some random basis. The City Clerk interjected that she would select the first argument submitted in the event such a situation were to develop.
- 2) Council could not designate individual Councilmembers to join with non-Councilmembers in submitting a ballot argument.
- 3) If Council elects not to write a ballot argument in favor, and a citizens group comes forward to write a ballot argument, the Mayor (as an example) could be included as a signatory. However, because this argument would be submitted by a citizens group, it would not receive the highest level of priority that is afforded a legislative body.

In response to Council inquiry, City Clerk Erway explained that the Elections Code is silent on the issue of whether signatories on rebuttal arguments can vary from the signatories on the corresponding initial argument; explained, therefore, that a legal opinion would need to be obtained.

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to adopt Resolution No. 97-13 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, SETTING PRIORITIES FOR FILING A WRITTEN ARGUMENT REGARDING A CITY MEASURE, with the assumption that all five Councilmembers will sign the argument. Additionally, the ballot measure wording contained within the Resolution was modified to coincide with the ballot measure wording contained in Resolution No. 97-11.

City Attorney Oderman agreed to investigate the possibility of allowing the signatories on a rebuttal argument to vary from the signatories on an initial argument in cases where more than five (possibly ten) people submitted the initial argument. Under this scenario, five of the people who submitted the argument would sign the argument and the other five would sign the rebuttal.

Following further discussion, Council determined not to provide for the filing of rebuttal arguments.

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER APODACA, CARRIED 5-0, to designate the Mayor to write Council's argument in favor of the ballot measure. Mayor Ahle stated that he will prepare the argument and then provide it to the Councilmembers for comment and/or modification.

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER APODACA, CARRIED 5-0, to approve an appropriation in the amount of \$50,000 from Account 001-203-44900, Council Contingency Reserve, in the General Fund.

8. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

(1) **Joint Meetings between the City Council and Senator Craven and Assemblyman Morrow**

Council requested that Staff schedule separate meetings with Senator Craven and Assemblyman Morrow on March 26, 1997 in late afternoon with the meetings to be scheduled back-to-back, if possible.

C. City Attorney

City Attorney Oderman requested Closed Sessions to discuss the following items of pending litigation, pursuant to GC Section 54956.9(a):

- (1) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of Case: City of San Clemente v. Griffith, OCSC 751487.

- (2) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of Case: Schwartz v. City of San Clemente, OCSC 722688

- (3) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of Case: Doesburg v. City of San Clemente, OCSC 766864

D. Council Members

- (1) Orange County Division - California League of Cities Issues

Councilmember Apodaca advised that the next League meeting will be held on March 13, 1997; stated a reception will be held prior to the meeting for Ron Bates, Mayor Pro Tem of Los Alamitos, in recognition of his recent election as President of the California League of Cities.

- (2) Legislative Issues

None.



(3) **Orange County Fire Authority Status Update**

Mayor Ahle reported on his attendance at an off-site meeting of the Orange County Fire Authority on March 1, 1997; noted that the Board decided to conduct General Board meetings every other month for a six-month trial period, and invest more authority into the Executive Committee.

(4) **Orange County Library Task Force**

Councilmember Berg reported that she attended a meeting of the Orange County Library Task Force at the Heritage Library in Irvine, noting that a President was elected.

9. **RESOLUTIONS/ORDINANCES**

None.

**MEETING RECESSED**

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to recess to a meeting of the Redevelopment Agency at 9:37 p.m.

**MEETING RECONVENED**

Council reconvened at 9:38 p.m., with all members present.

**CLOSED SESSION**

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to recess to Closed Session at 9:38 p.m. to discuss the following, pursuant to GC Section 54956.9(a):

- (1) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of Case: City of San Clemente v. Griffith, OCSC 751487

- (2) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of Case: Schwartz v. City of San Clemente, OCSC 722688

- (3) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of Case: Doesburg v. City of San Clemente, OCSC 766864

The City Manager, City Attorney and City Clerk were in attendance.

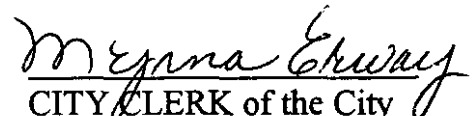
**MEETING RECONVENED**


Council reconvened at 10:06 p.m., with all members present.

**ADJOURNMENT**

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to adjourn at 10:07 p.m.

The next Regular Meeting will be held on March 19, 1997 at 7:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

  
CITY CLERK of the City  
of San Clemente, California

  
MAYOR of the City of  
San Clemente, California