

# CITY OF SAN CLEMENTE

## City Council Minutes

### Regular Meeting - July 3, 1991

A Regular Meeting of the City Council of the City of San Clemente, conducted in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, was called to order by Mayor Diehl at 7:00 p.m.

**PRESENT**                    ANDERSON, BENEDICT, HAGGARD, LORCH, MAYOR DIEHL

**ABSENT**                    NONE

**STAFF PRESENT**    Michael Parness, City Manager; Jeff Oderman, City Attorney; Myrna Erway, City Clerk; Jim Holloway, Community Development Director; Bill Cameron, City Engineer; Joanne Baade, Deputy City Clerk.

### **INVOCATION**

Dr. James Farley, San Clemente Presbyterian Church, gave the invocation.

### **PLEDGE OF ALLEGIANCE**

Mayor Diehl led the Pledge of Allegiance.

1.    **MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to waive reading in full of all Resolutions and Ordinances.**

2.    **SPECIAL PRESENTATIONS**

The San Clemente Warblers Barbershop Quartet, consisting of Dane Bullock, Dick Dickey, Jack Pruitt and Don Thomas, provided a birthday serenade to Mayor Diehl and sang a patriotic medley in celebration of the 4th of July.

3. PUBLIC HEARINGS

A. Sewer Service Charge Increase

Public Hearing to consider increasing the sewer service charge.

Finance Director Porter reviewed the contents of the Administrative Report.

Mayor Diehl opened the Public Hearing.

Low Elia noted San Clemente's need for approximately \$6 million to repair streets, drainage system, sewers and water lines; suggested that each household pledge \$600 over the next two years to fund the capital improvements in lieu of a utility users tax; presented a check for \$300, and a pledge card for an additional \$300 for next year, toward this effort.

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

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER BENEDICT, to introduce Ordinance No. 1058 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.

In response to Council inquiry, Staff agreed to investigate the possibility of allowing exemptions for individuals with extraordinary needs or very low incomes, similar to the exemptions provided by various utility companies.

THE MOTION CARRIED 5-0.

**B. Refuse Collection Rates Increase**

Public Hearing to consider increasing refuse collection rates.

Finance Director Porter reviewed the contents of the Administrative Report.

Mayor Diehl opened the Public Hearing.

Kathy Brocklehurst, 304 Avenida Monterey, opined the proposed refuse rates increase represents a tax on refuse users in order to pay San Clemente Commercial's 5% franchise fee; stated refuse users will be paying for a monopoly in this area.

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

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to adopt Urgency Ordinance No. 1059 entitled AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 22-20 AND 22-22 OF THE CODE OF THE CITY OF SAN CLEMENTE REFERRING TO REFUSE COLLECTION FEES AND REPEALING RESOLUTION NO. 90-91.

**C. Transient Occupancy Tax Increase**

Public Hearing to consider increasing the Transient Occupancy Tax.

Finance Director Porter reviewed the contents of the Administrative Report.

Mayor Diehl opened the Public Hearing.

The following persons spoke in opposition to the proposed Transient Occupancy Tax increase due to concerns that room rentals will be inhibited:

Naren Bhakta, San Clemente Motor Lodge, 2222 S. El Camino Real

Janusz Bryezinski, Villa Del Mar Inn, 612 Avenida Victoria

Jack Pastorok, 509 Monterey Lane

Najeeb Abujudeh, Seashore Suites, 630 Avenida Victoria

Prakash Pancholi, Carmelo Motel, 3619 S. El Camino Real

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

MOTION BY COUNCILMEMBER LORCH, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to introduce Ordinance No. 1060 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 7-2 OF THE SAN CLEMENTE CITY CODE AND INCREASING THE AMOUNT OF THE TRANSIENT OCCUPANCY TAX.

Council noted the \$25,000 designated for tourism promotion will be released upon Council approval of a tourism promotion proposal prepared by the Chamber of Commerce and Economic Development Committee.

**D. San Clemente Street Lighting and Landscaping District No. 1 - FY 1991-92**

Public Hearing to consider confirming the diagram and the assessment for FY 1990-91 Lighting and Landscaping District No. 1 and providing for an annual assessment levy as set forth in the Engineer's Report.

City Engineer Cameron reviewed the contents of the Administrative Report.

Mayor Diehl opened and closed the Public Hearing, there being no one desiring to speak to this issue.

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to:

1. Receive the Engineer's Report.
2. Adopt Resolution No. 91-85 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CONFIRMING A DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE ANNUAL ASSESSMENT LEVY FOR THE 1991-92 FISCAL YEAR.

E. **Abandonment 91-40 - Dedicated Park Site Within Planning Area 5 of Marblehead Inland**

Continued Public Hearing to consider abandoning the previously dedicated park site within Lot 54, Tract 10882, to allow a newly dedicated park site within Lot G, Tract 13054 of Marblehead Inland Planning Area 5.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to continue Abandonment 91-40 (Dedicated Park Site Within Planning Area 5 of Marblehead Inland) to the Council Meeting of July 17, 1991.

F. **Marblehead Inland Planning Area 5 (Tentative Tract 13054) - Conditions of Approval Modification Request**

Public Hearing to consider a request to amend Conditions of Approval #7 and #30, relating to phasing and financial commitments to the Zone 1 Reservoir and Avenida Vista Hermosa.

Community Development Director Holloway reviewed the contents of the Administrative Report.

Mayor Diehl opened and closed the Public Hearing, there being no one desiring to speak to this issue.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to adopt Resolution No. 91-65 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CONDITIONS OF APPROVAL #7 AND #30, RELATED TO PUBLIC IMPROVEMENTS FOR TRACT 13054, PLANNING AREA 5 OF MARBLEHEAD INLAND.

**4. CONSENT CALENDAR**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve the Consent Calendar, with the removal of Items G, H, J, K, L, and M.

**A. City Council Minutes**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve the City Council minutes of June 5, 1991.

**B. MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to receive and file:**

- (1) Planning Commission minutes of June 4, 1991.
- (2) Community Design Commission minutes of May 21, 1991.

**C. Warrant Register**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve Warrant Nos. 102328 through 102509 (Handwrite 102325) (Voids 102326-102327) for the period 6-10-91 through 6-14-91 in the amount of \$548,381.39; Warrant Nos. 102514 through 102658 (Voids 102510-102513) for the period 6-17-91 through 6-21-91 in the amount of \$992,012.32; for a total Warrant Register of \$1,540,393.71.

**Payroll Register**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve Payroll Warrant Nos. 65784 through 66205 (Voids 65772-65783) (Handwrites 65766-65771) for the period 6-10-91 through 6-23-91 in the amount of \$367,292.22; for a total Payroll Register of \$367,292.22.

D. **Establishment of Required RDA Findings and Adoption of RDA Agreement for FY 1991-92**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to adopt Resolution No. 91-86 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 1991-92 CAPITAL IMPROVEMENT PROGRAM BUDGET.

E. **Appropriations Limit for FY 1991-92**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to:

1. Approve selection of the following annual adjustments factors:
  - a. Population increase for the City of San Clemente.
  - b. Increase in California per capita personal income.
2. Adopt Resolution No. 91-87 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING AN APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA CONSTITUTION.

F. **Notice of Completion - Installation of Steel Protection for Municipal Pier Project No. 17-90**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to:

1. Accept the installation of steel protection for Municipal Pier Project No. 17-90 from the contractor, Diversified Repair Services, Inc., City Contract No. C91-04.
2. Authorize the City Clerk to file a Notice of Completion.

I. **Draft Source Reduction and Recycling Element (SRRE) and Draft Household Hazardous Waste Element (HHWE)**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to adopt Resolution No. 91-90 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING STAFF TO CIRCULATE THE SOURCE REDUCTION AND RECYCLING ELEMENT AND THE HOUSEHOLD HAZARDOUS WASTE ELEMENT PRELIMINARY DRAFTS AND SETTING A PUBLIC HEARING DATE OF AUGUST 21, 1991, PURSUANT TO SECTIONS 18763 AND 18764 OF AB 939 REGULATIONS.

**ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**

G. **Carry Over of Personnel Services Funds for Retrofit Personnel**

Following clarification relative to options available for installing the retrofit kits, MOTION BY COUNCILMEMBER BENEDICT, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to:

1. Authorize a supplemental appropriation totaling \$12,380 in the Water Fund, Account No. 052-464-41030 (Salaries, Temporary).
2. Approve the extension of the laborer positions associated with the water retrofit program until the funds are expended or the program is complete, whichever comes first.



**H. 457 Plan Substitute for Social Security Requirement for Part-Time Employees**

In answer to Council inquiry, Personnel/Risk Manager Kulp opined that the 457 Plan represents the most cost-effective plan for both the City and the employees; noted that if an employee were to commence employment with another agency, the money from the 457 Plan can be transferred to a comparable 457 Plan; stated contributions into Social Security would be considerably higher and no guarantees exist that the benefits will be available at the time of the employees' retirement.

MOTION BY MAYOR DIEHL, SECOND BY COUNCILMEMBER HAGGARD, to adopt Resolution No. 91-89 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING A DEFERRED COMPENSATION PLAN FOR PART-TIME, TEMPORARY AND SEASONAL EMPLOYEES TO BE ADMINISTERED BY LINCOLN NATIONAL.

SUBSTITUTE MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 3-2 (COUNCILMEMBER HAGGARD AND MAYOR DIEHL VOTING NOE), to continue consideration of a retirement plan for part-time, temporary and seasonal employees to the Council meeting of July 17, 1991, to allow a more-detailed comparison of the 457 Plan and Social Security to be provided, as well as the option of implementing only a 457 Plan or both a 457 Plan and Social Security.

**J. Transfer of Funds - Personnel Services (Marine Safety)**

Following clarification, MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to authorize a FY 1990-91 appropriation transfer of \$4,000 from Account No. 001-121-41010 to Account No. 001-641-41020 for Marine Safety.

K. Notice of Intent to "Wheel" Water Agreement to Santa Margarita Water District

Bill Mecham, 2130 Via Aguila, member of the Tri-Cities Municipal Water District Board of Directors, stated the Board took action on the subject issue today but did not take action on the document because their attorneys felt the document is inadequate and does not provide adequate protection to the participants in ensuring technical problems are not encountered.

MOTION BY COUNCILMEMBER BENEDICT, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to approve, and authorize the Mayor to execute, City Contract C91-25, the Notice of Intent to "Wheel" Water Agreement, in concept, subject to the City Attorney and City Engineer being authorized to make clerical, clarifying or technical revisions that don't result in additional cost or liability to the City. Staff is to ensure that City costs are recouped.

L. Amendment No. 3 to Solid Waste Collection Agreement to Establish Franchise Fee

Following clarification, MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve, and authorize the Mayor to execute, Amendment No. 3 to City Contract C87-62 by and between the City of San Clemente and San Clemente Commercial establishing a franchise fee on refuse collection.

M. Agreement for Construction and Reimbursement for Forster Ranch Water Reservoir and Related Facilities; Agreement for Construction for Forster Ranch Traffic Signals and Final Map Approval for Tract 14000 by Centex Development

This item was deferred to the Council meeting of July 17, 1991.

MEETING RECESSED

Council recessed at 9:00 p.m. and reconvened at 9:15 p.m., with all members present.

**ORAL COMMUNICATIONS****Water Rates**

Bill Mecham, 2130 Via Aguila, member of the Tri-Cities Municipal Water District Board of Directors, stated the Board originally anticipated that the water rate would need to be raised to \$332 per acre foot which represents an approximate 75% increase; advised that this initial figure has now been reduced to \$312 per acre foot; explained this reduced water rate will result in an approximate \$200,000 savings to the citizens of San Clemente during the upcoming year.

**6. UNFINISHED BUSINESS****A. Adoption of City Budget for FY 1991-92**

Report from the Finance Director concerning adoption of the FY 1991-92 City budget.

Finance Director Porter reviewed the contents of the Administrative Report.

Steve Haubert, 132 Berkeley, read and presented a letter, dated July 3, 1991, concerning the Ole Hanson Beach Club and Pool; commented on the recent partnership meeting between the various Ole Hanson users and staff members from the Parks and Recreation Division.

Councilmember Benedict voiced concern about the upcoming reorganization and phasing as well as the attendant \$300,000 expenditure; requested that performance objectives be prepared on the organizational study, the reorganization and revenue enhancement programs; voiced concern about storm drains and the lack of reserves in the City's insurance programs (liability and workmen's compensation).

Councilmember Lorch suggested that a compensation study, to include a review of job descriptions, be a priority for next fiscal year; recommended that compensation mechanisms be examined and evaluated against methods used by other agencies; opined the budget should be more-detailed, tied to schedules and spend plans, and program-driven rather than functionally driven; opined insufficient cost control exists in the budget and processes; stated it is an inappropriate time to add employees or administration costs; disagreed with some of the program modifications recommended in the organizational study.

Mayor Diehl commended Staff for their efforts during the budget process.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to adopt Resolution No. 91-88 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE ADOPTING AND APPROVING THE BUDGET FOR THE CITY OF SAN CLEMENTE FOR THE 1991-92 FISCAL YEAR.

MOTION BY COUNCILMEMBER LORCH to direct that a preliminary FY 92/93 budget be provided by April 1992. The Motion died for lack of a second.

City Manager Parness stated that Staff plans to revise the budget process and document next year; relayed that a revised budget schedule will be provided to Council early in the process.

**B. Orange County Newschannel Programming on Government Access Channel**

Report from the City Clerk concerning the possibility of carrying OCN (Orange County Newschannel) on the City's government access channel.

City Clerk Erway presented copies of a letter that was received on July 3, 1991 from Kenneth Tiven, Vice President and General Manager of the Orange County Newschannel; relayed that the letter indicates that OCN and Dimension Cable have agreed to resume negotiations relating to OCN programming on the Dimension Cable system.

Kenneth Tiven, Vice President and General Manager of Orange County Newschannel, relayed appreciation for Council's interest in utilizing the government access channel for programming the Orange County News (OCN); stated that Dimension Cable and OCN will meet on July 16, 1991 to attempt to resolve the issue.

Leo Brennan, Vice President and General Manager of Dimension Cable Services, opined it is inappropriate to utilize the government access channel for the carriage of OCN or any other commercial service; stated Dimension Cable and OCN will meet on July 16, 1991 to identify issues and come to a resolution; stated Council will be kept abreast of their progress.

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to continue the issue of Orange County Newschannel Programming on the Government Access Channel to September 4, 1991.

**7. NEW BUSINESS****A. Zoning Code Amendment - Appeal Period and Process for Approval of Planning Commission and Community Design Commission Minutes**

Report from the Community Development Director concerning the possibility of initiating amendments to the Zoning Ordinance to revise the appeal period and process for approval of the Planning Commission and Community Design Commission minutes.

Principal Planner Goldin reviewed the contents of the Administrative Report.

MOTION BY COUNCILMEMBER LORCH to table the proposed Zoning Code Amendment (relating to appeal period and process for approval of Planning Commission and Community Design Commission minutes) and leave the process as it currently exists. The Motion died for lack of a second.

SUBSTITUTE MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to direct Staff to initiate amendments to the Zoning Ordinance to revise the appeal period and process for approval of the Planning Commission and Community Design Commission minutes.

**B. Residential Zoning Standards for Height and Setbacks**

Report from the Community Development Director concerning the possibility of reinitiating the revisions to the Residential Zoning Standards for height and setbacks only and limiting the applicability of the setback revisions to the R-1, R-2, R-3 and R-4 Zoning Districts, with the flexibility to apply the revised methods of height calculations Citywide, should the Planning Commission deem this appropriate.

Principal Planner Goldin reviewed the contents of the Administrative Report.

Bob Hunt, 2930-B Camino Capistrano, spoke in opposition to the proposed revisions to the Residential Zoning Standards; questioned the accuracy of Staff's statement that massing and scale have been found to be inappropriate; presented a check in the amount of \$300 to aid in funding City capital projects.

Kathy Brocklehurst, 304 Avenida Monterey, urged that the opportunity for public input be provided in the event revisions to the Residential Zoning Standards are reinitiated; stated there are alternative ways to mitigate the massive effects of buildings other than those proposed by the consultants.

Lila Lieberthal, 26881 Del Gado, noted the poor state of the economy has affected income-property owners in the City; stated the current state of the economy facilitates property deterioration and abandonment; opined that overly-restrictive building standards will discourage renovation and in-fill development; urged Council to retain the existing residential building and zoning standards.

**MOTION BY COUNCILMEMBER LORCH, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 3-2 (COUNCILMEMBER BENEDICT AND MAYOR DIEHL VOTING NOE), to direct Staff to reinitiate revisions to the Residential Zoning Standards for height and setbacks only, limiting the applicability of these revisions for setbacks to the R-1, R-2, R-3 and R-4 Zoning Districts, and the flexibility to incorporate the revisions for calculating height on a Citywide basis, as deemed appropriate.**

Mayor Pro Tem Anderson, with Councilmember Haggard concurring, requested a fine-tuning process versus major revisions, with citizen input and no funding for consultants.

C. Municipal Code Amendment - Authorization to Hold Certain Components of Code Relating to Water in Abeyance

Report from the Community Development Director concerning the possibility of amending the Municipal Code to enable certain components relating to water use to be suspended when in the best interest of the City.

Community Development Director Holloway reviewed the contents of the Administrative Report.

Utilities Manager Morehead summarized the status of the City's water conservation program.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to introduce Ordinance No. 1061 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTIONS 32-63, 32-65, 32-66, AND 32-67 OF THE CODE OF THE CITY OF SAN CLEMENTE RELATING TO RESTRICTIONS ON THE USE AND CONSUMPTION OF WATER, with the modification that the City Council, rather than the City Manager, shall determine which restrictions shall be held in abeyance.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to agendize consideration of exempting City capital projects, that have already been approved by Council, from the provisions of Ordinance No. 1061 since the need arose subsequent to the posting of the agenda.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to begin following the provisions of Ordinance No. 1061 and exempt City capital projects, that are being contracted at the present time, from the 1,000 gallon-per-day construction water limit.

**D. Modification of Public Hearing Noticing Procedures**

Report from the City Clerk concerning the Public Hearing noticing procedures.

City Clerk Erway reviewed the contents of the Administrative Report.

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 4-1 (MAYOR PRO TEM ANDERSON VOTING NOE), to not change the public hearing noticing procedures, thereby retaining the requirement to post properties.

**8. REPORTS****A. Commissions and Committees****(1) Completion of Phase II of the Growth Management Element to Meet Measure M Eligibility Requirements**

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to direct Staff to reinstate the Growth Management Element (GME) to meet Measure M eligibility requirements.

**B. City Manager****(1) City Manager Parness requested a Closed Session to discuss a matter of personnel.****C. City Attorney****(1) City Attorney Oderman requested a Closed Session to discuss an item of potential litigation, pursuant to GC Section 54956.9(b)1.**



**D. Council Members****(1) Consideration of Council Position on Orange County Division - California League of Cities Issues**

Mayor Diehl stated that Irv Pickler, representative to the Orange County Transportation Authority, did not vote according to the will of the League of Cities; advised the City of Villa Park has requested a meeting of the City Selection Committee for the purpose of removing him from his position, however, the Chairman of the City Selection Committee has indicated that he will do so only if fifteen cities request such an action; advised the Steering Committee has sponsored a resolution of censure which will be reviewed at a special meeting of the Resolutions Committee in July and the Orange County Division of the League of Cities in August.

**(2) SB 358 (Davis) - Highway Logo Sign Bill**

Council reaffirmed its support for freeway logo signs. It was agreed that the Mayor of Agoura Hills will be advised of the City's support of SB 358 (Davis).

**(3) Rollerblade Safety**

Councilmember Haggard requested that rollerblade safety practices be incorporated into other programs (such as skateboards/bicycles) when appropriate.

**Satellite Dishes**

Councilmember Lorch spoke in support of establishing a permit process for satellite dishes to enable them to be monitored.

Community Development Director Holloway advised that Jeff Goldfarb, the Assistant City Attorney, believes the City Code provisions concerning satellite dishes can be improved upon in order to help enforcement; advised that Mr. Goldfarb will be preparing a memorandum concerning the amount of time, effort and cost that would be involved in amending the City Codes. It was agreed that Community Development Director Holloway will provide a tray memo to Council on this issue in August.

**Congregate Care Facilities in Residential Zones**

Councilmember Lorch requested a report concerning City/State authority relative to the placement of congregate care facilities in residential zones.

City Attorney Oderman responded that congregate care uses cannot be regulated in any residential zone provided the facilities are licensed and meet certain requirements prescribed by State Law, which include that the number of occupants not exceed six; stated the City is limited to verifying that congregate care facilities meet State requirements; advised that Staff will report back to Council in greater detail on this issue.

Councilmember Lorch requested that water conservation notices be included in the City's Quarterly Report and water bills in lieu of a separate mailer to minimize costs.

9. **RESOLUTIONS/ORDINANCES**

A. **Ordinance No. 1055 (Second Reading) - Business License Fee Modifications**

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to adopt Ordinance No. 1055 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CERTAIN SECTIONS OF CHAPTER 8 OF THE CODE OF THE CITY OF SAN CLEMENTE RELATING TO BUSINESS LICENSES.

B. **Ordinance No. 1056 (Second Reading) - Alcoholic Beverages at Richard T. Steed Memorial Park**

MOTION BY COUNCILMEMBER BENEDICT, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to adopt Ordinance No. 1056 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 16-5 AND 18-19 REGARDING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES.

**MEETING RECESSED**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to recess to a meeting of the Redevelopment Agency at 11:10 p.m.

**MEETING RECONVENED**

Council reconvened at 11:12 p.m., with all members present.

**CLOSED SESSION**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to recess to Closed Session at 11:12 p.m. to discuss 1) a matter of personnel; 2) an item of potential litigation, pursuant to GC Section 54956.9(b)1. The City Manager, City Attorney, City Engineer, Personnel/Risk Manager and City Clerk were in attendance.

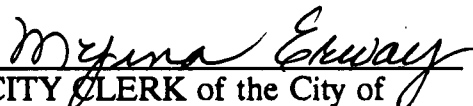
**MEETING RECONVENED**


Council reconvened at 11:30 p.m., with all members present.

**ADJOURNMENT**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to adjourn at 11:30 p.m. to July 17, 1991 at 6:30 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California to discuss the Police Department's Situation Target Proposal (STP).

The Regular Council Meeting of July 17, 1991 will commence at 7:00 p.m. in the Council Chambers.

  
CITY CLERK of the City of  
San Clemente, California

  
MAYOR of the City of  
San Clemente, California



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 a regular City Council meeting held on July 3, 1991, said meeting was adjourned to the time and place specified in the **ORDER OF ADJOURNMENT** attached hereto; and that on July 5, 1991 at the hour of 10:00 a.m. a copy of said order was posted on the City Bulletin Board located at 100 Avenida Presidio.

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

Executed on July 5, 1991 at San Clemente, California.

*Myrna Erway*  
MYRNA ERWAY  
City Clerk

## NOTICE OF ADJOURNMENT

EXCERPT FROM THE MINUTES OF THE CITY COUNCIL  
MEETING OF JULY 3, 1991

A regular meeting of the San Clemente City Council was held in the City Council Chambers on Wednesday, July 3, 1991 and was called to order at 7:00 p.m.

ROLL CALL:       PRESENT: Anderson, Benedict, Haggard, Lorch, Mayor Diehl

ABSENT:       None

ADJOURNMENT

Council adjourned to an Adjourned Regular Meeting to be held on July 17, 1991 at 6:30 p.m. in the City Council Chambers, located at 100 Avenida Presidio, San Clemente, California for the purpose of a presentation by the Police Department on the Situation Target Proposal (STP).

  
MYRNA ERWAY  
CITY CLERK