

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting - July 17, 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 6:35 p.m.

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

*Arrived at 6:43 p.m.

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.

Police Department Situation Target Proposal (STP)

Captain Powers gave an introduction/overview of the Police Department STP Action Plan, which is on file in the City Clerk's Department; presented the Police Department's Mission Statement.

Community Services Officer Sener reviewed the first Vital Few priority, Teamwork and Partnership, focusing on enhancing communications, building recognition and building consistency.

Lt. Bernardi reviewed the second Vital Few priority, Vision and Values.

Lt. Falk reviewed the third Vital Few priority, Enhancing Service.

Chief Ehlow advised the purpose of the STP process, and the meeting with Eric Allenbaugh, Facilitator, was to formulate a positive atmosphere; reviewed accomplishments thus far, i.e., major facets of the STP Action Plan; noted the next step is to tie the STP process and organizational study into a strategic plan; stated department members currently wear "Core Value" pins and requested authority to display decals on vehicles.

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY MAYOR DIEHL to endorse the program and approve the expenditure of \$350 for decals subject to Council review of vehicle placement at a later date.

SUBSTITUTE MOTION BY COUNCILMEMBER LORCH to continue the item until a cost estimate for the program and agreement on the content of the program is established. The Substitute Motion died for lack of a second.

THE ORIGINAL MOTION CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE).

MEETING RECESSED

Council recessed at 7:20 p.m. and reconvened at 7:30 p.m., with all members present.

INVOCATION

Pastor Tom Kakadelis, Mar Vista Community Church, gave the invocation.

1. SPECIAL PRESENTATIONS

Certificate of Appreciation - Major Mark Thiffault

Mayor Diehl presented a Certificate of Appreciation to Major Mark Thiffault, in recognition of his efforts in connection with the "Day to Be Proud" on June 8, 1991.

Commendation - Lt. Col. John R. Lasher

Mayor Diehl presented a Commendation to Lt. Col. John R. Lasher, Jr. in recognition of his contributions to the City during his tenure with the USMC.

2. WAIVER OF READING IN FULL OF RESOLUTIONS AND ORDINANCES

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

3. PUBLIC HEARINGS

A. Proposed Foothill Transportation Corridor/Draft Supplemental Environmental Impact Report

Public Hearing to review the Foothill Transportation Corridor, south proposal, including Modified Route Alignment C and Draft Supplemental Environmental Impact Report, as proposed by the Transportation Corridor Agencies.

Senior Planner O'Hara reviewed the contents of the Administrative Report; stated the Planning Commission, at its meeting of July 16, 1991, recommended that Council approve the letter of comment to the Transportation Corridor Agency as drafted by Staff with five additions, as specifically contained in a memorandum from Senior Planner O'Hara, dated July 17, 1991, and on file in the City Clerk's Department; advised that Staff concurs with the Planning Commission's first four modifications, but believes the TCA has responded to Item 5.

William Woollett, Executive Director of the TCA, narrated a slide presentation concerning the objectives of the corridor. (A summary of the TCA's presentation is contained in a written document entitled "Presentation to the San Clemente City Council - Foothill Transportation Corridor, Southern Segment", dated July 17, 1991, and on file in the City Clerk's Department.)

Greg Henk, Deputy Director of Design and Construction, provided an overview of the project and alignment alternatives.

Wally Kreutzen, Deputy Director of Finance and Administration, reviewed the financing plan for the corridor, noting that 48% of funding will come from development impact fees and 52% from toll revenues; noted that although the Agency could legally form a Mello-Roos District or an assessment district, it is not the intent of the TCA to do so.

Steve Letterly, Manager of Environmental Services, reviewed environmental issues associated with the corridor.

William Woollett, Executive Director, thanked the City for its input which contributed to the Modified C alignment.

Mayor Diehl opened the Public Hearing.

Randal Seech, 1012 N. Estrella, opined the corridor will facilitate development; voiced concern with the loss of wildlife; spoke in support of a No Project alternative.

Bob Noon, Chairman of the South Orange County Management Association, 235 Avenida Lobeiro, spoke in support of car pools and mass transit; stated the corridor is necessary.

Jim Hill, 4115 Calle Mayo, urged that the Draft SEIR should be endorsed and the corridor commenced.

Beth Leeds, 490 Diamond Street, Laguna Beach, voiced concern with cumulative impacts; suggested the corridor would be growth-inducing; spoke in support of a No Project alternative.

Glenn Roy, 111 Avenida Granada, questioned the criteria for the No Project alternative; stated that any impact on Trestles Beach will be litigated.

Kathy Brocklehurst, 304 Avenida Monterey, voiced concern with the opportunity for the lease of air space in the vicinity of the I-5; questioned whether animals use man-made undercrossings.

Kevin Canning, 438 Plaza Estival, encouraged Council to forward a recommendation to the TCA concerning the environmental document and not focus on the particular alignment at this time.

Andy Horn, 124 San Fernando, voiced concern with the destruction of wilderness; urged that a No Project alternative be implemented.

Wayne Hines, 128 San Fernando, voiced concern with the impact on Trestles Beach and opined that notices relating to the potential alignment should be posted in that area; spoke in support of a No Project alternative.

Byron Marshal, 341 Avenida Adobe, spoke in support of the corridor as an alternative to widening the I-5; noted that an additional egress from San Clemente is needed.

Church Kurtz, 25841 La Cuesta, San Clemente Chamber of Commerce, noted the Chamber supports the Modified C alignment; opined the No Project alternative would reduce the quality of life in San Clemente.

Don Kindred, President of Chamber of Commerce, 160 Cabrillo, relayed the Chamber's unanimous support for the Modified C alignment.

Don Kunze, 107 Avenida San Diego, spoke in opposition to the connection of the corridor to the I-5; opined the corridor issue should be referred to the electorate.

David Kimes, 122 Avenida Santa Margarita, spoke in opposition to the corridor due to environmental concerns; opined that only developers would benefit from the corridor.

Lucile Taylor, 202 Avenida Santa Margarita, voiced concern with the merger of three tollroads to the I-5; opined that San Diego-bound traffic will cause gridlock in San Diego County which will backup into San Clemente; spoke in support of mass transit and a No Project alternative.

Audrey Germer, 1807 Calle Mayita, questioned whether Camp Pendleton has approved the Modified C alternative and whether the original C alignment would be implemented if Camp Pendleton does not agree to the Modified C alignment.

Karoline Koester, 604 Via Pavon, stated the original DEIR and the supplemental document inadequately address the possibility of a No Project alternative.

Sachiko Fukuman, 116 E. Mariposa, South Coast Audobon Member, voiced concern that endangered birds could be affected since they are not easily relocated.

Phil Feyerabend, 120 Santa Margarita, opined the corridor will impact arterial roads.

John Fitzsimmons, 107 Via Toluca, commented on the TCA's plan for grading and the associated destruction of rolling terrain.

Herman Hagemann, 308 Avenida Santa Margarita, suggested the corridor will soon become crowded; voiced concern with the impact of the proposal on San Mateo Creek.

Katia Oliver, 420 Cazador, opined the corridor would be airport-producing; disagreed with the proposal to merge the corridor with the I-5 and recommended that the issue be referred to the electorate.

Celia Kutcher, 34681 Calle los Robles, Capistrano Beach, read a segment of *World Watch Magazine* which indicated that no aspect of modern life has generated more environmental damage than the car-dependent transportation system.

Gloria Powell suggested that a freeway that parallels the I-5 would be preferable; opined a merger of the corridor with the I-5 will cause a bottleneck; spoke in support of mass transit.

Steve Apodaca, 2152 Espada, commended Council for negotiating a superior C alignment.

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

Council, City Staff and the TCA Staff responded to questions raised during the Public hearing.

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER HAGGARD, to:

1. Approve, and authorize the Mayor to execute, a letter of comment to the Transportation Corridor Agencies, as contained in the Administrative Report, dated July 17, 1991, and on file in the City Clerk's Department, with the modification that the letter be expanded to include the Planning Commission's recommendations, with the exception of Recommendation No. 5. (The Planning Commission's recommendations are contained in a memorandum from Senior Planner O'Hara, dated July 17, 1991, and on file in the City Clerk's Department.)
2. Direct the TCA Council representative (Scott Diehl) and Staff to continue working with the TCA to resolve any outstanding concerns related to the potential impacts of the Modified C alignment.

SUBSTITUTE MOTION BY COUNCILMEMBER LORCH to include in the letter of comment that the alignment selected today is not superior to the No Project alternative and for connection to widen Ortega Highway and/or other roadway or take off as needed to connect I-15, 78, etc. The Substitute Motion died for lack of a second.

MOTION TO AMEND BY COUNCILMEMBER LORCH that the City incorporate in its letter of comment that if the JPA/TCA approves the DEIR that a condition of approval be included that Level of Service C on links and Level of Service D at intersections be maintained and that if these levels of service are reduced below those levels that this would be a trigger point to initiate mass transit or other transportation projects to be constructed to maintain the Level of Service C on links and Level of Service D at intersections and that if the Levels of Service decline below C and D, that development entitlements be withheld until those service levels are brought back up and maintained. The Motion to Amend died for lack of a second.

THE ORIGINAL MOTION CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE).

Council noted that the Coastal Commission voted on a mitigation package for the San Onofre Nuclear Generating Station, which included a requirement for 150 acres of wetland mitigation to be situated either north or south of the plant; noted the possibility of the San Mateo Creek wetlands being considered for some of the mitigation. Council requested Staff to advise whether this possibility would be included in a supplementary letter to the TCA.

MEETING RECESSED

Council recessed at 10:10 p.m. and reconvened at 10:20 p.m., with all members present.

B. Tentative Parcel Map 90-190 - Monarch Condominiums

Public Hearing to consider a request for a one lot subdivision for Lot 12, Block 5 of Tract 794, located at 237 Avenida Aragon, to convert two existing multiple-family units to residential condominiums.

Principal Planner Goldin reviewed the contents of the Administrative Report.

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

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE) to adopt Resolution No. 91-91 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 90-190, MONARCH CONDOMINIUMS, A ONE LOT SUBDIVISION FOR THE PURPOSE OF CONVERTING TWO EXISTING RESIDENTIAL APARTMENT UNITS TO CONDOMINIUMS.

C. SPR 91-08, CUP 91-09, TTM 14486 - The Gallery

Public Hearing to consider a request to allow 27 timeshare units and approximately 10,000 square feet of commercial space at the northeast corner of El Camino Real and Avenida Pico.

Associate Planner Main reviewed the contents of the Administrative Report; narrated a slide presentation and video which demonstrated the project's visual impact from Avenida Pico.

Mayor Diehl opened the Public Hearing.

Bruce Jordan, 712 Calle Monserrat, on behalf of the Applicant, reviewed the history of the project; explained the project renderings, focusing on the proposed fourth floor element and public viewing areas from the project.

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

During the ensuing discussion, Council encouraged that unoccupied units be made available for single-night rentals. Staff is to ensure that no wording exists in Resolutions No. 91-92, 91-93 or 91-94 that would preclude single-night rentals and to add a condition supporting such use if deemed desirable.

Council noted that Condition No. 4 of Resolution No. 91-92 provides that this project shall be subject to the City's Transient Occupancy Tax. City Attorney Oderman expressed his belief that renters, but not time-share owners, would be subject to the Transient Occupancy Tax, but agreed to investigate the situation.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, to:

1. Adopt Resolution No. 91-92 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING SITE PLAN REVIEW 91-08, THE GALLERY PROJECT, with modifications as follows:
 - a. Condition No. 24 is to be expanded to include height.
 - b. A condition of approval is to be added to specify that public parking accessibility shall be provided.

2. Adopt Resolution No. 91-93 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING USE PERMIT 91-09, THE GALLERY, TO ALLOW 27 TIME-SHARE UNITS, TO ALLOW BEER AND WINE TO BE SERVED IN THE PROJECT'S RESTAURANTS, AND TO ALLOW THE PROPOSED PROJECT TO EXCEED THE 30 FOOT HEIGHT LIMIT UP TO 45 FEET IN THE C-2 ZONE, THE GALLERY PROJECT.
3. Adopt Resolution No. 91-94 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND APPROVING TENTATIVE TRACT MAP 14486, A ONE LOT SUBDIVISION FOR THE PURPOSE OF DEVELOPING TWENTY-SEVEN (27) TIMESHARE UNITS, THE GALLERY PROJECT, with the modification that Condition No. 10 shall be modified to reference eight weeks, rather than three weeks.

MOTIONS TO AMEND BY COUNCILMEMBER LORCH to: 1) amend Condition No. 1-a of Resolution No. 91-92 to delete the sentence which reads "Grades greater than 10% shall be approved by the City Engineer"; 2) delete the words "Planner or his/her designee" from those portions of Resolution No. 91-92 which relate to approval of plan modifications, thereby requiring plan revisions to be authorized by the City Council; 3) to require that all parking spaces be full-size; 4) modify Condition 16-b of Resolution No. 91-92 to provide that the minimum sidewalk width shall be 10 feet; 5) require the building structure elements to be set back 5 feet from the sidewalk; 6) direct that the architectural treatment in the corners of the structure be softened and redone with stepping and setbacks; and 7) rather than specifying a 30' to 45' height limit, limit the project to three floors and that architectural treatments, parapets etc. be excepted. Each Motion to Amend died for lack of a second.

THE ORIGINAL MOTION CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE).

D. **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.

Principal Planner Goldin reviewed the contents of the Administrative Report.

Mayor Diehl opened the Public Hearing.

Don Steffensen, The Lusk Company, stated Bill Dawson, of the Capistrano Unified School District, is satisfied with the park design.

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

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to adopt Resolution No. 91-95 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ABANDONING A DEDICATED PARK SITE, LOT 54 OF TRACT 10882, WITHIN PLANNING AREA 5 OF MARBLEHEAD INLAND AND AUTHORIZING THE RECONVEYANCE OF THE PARK SITE TO MARBLEHEAD.

E. **Park Acquisition and Development Fee**

Public Hearing to consider extending the interim authorization for increasing the land value figure used in calculating the City's Park Acquisition and Development Fee.

Parks and Recreation Manager Wegner reviewed the contents of the Administrative Report.

Mayor Diehl opened the Public Hearing.

Lee Riley, 125 Valencia, opined that Final Parcel Map 89-246 (Kimbell), which appears on this evening's agenda, should only be assessed for two units since one house was demolished to accommodate the three-unit project.

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

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 4-1 (COUNCILMEMBER BENEDICT VOTING NOE), to adopt Resolution No. 91-96 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, INCREASING THE LAND VALUATION FIGURE USED IN CALCULATING THE CITY'S PARK ACQUISITION AND DEVELOPMENT FEE TO CORRESPOND WITH CURRENT LAND VALUES.

Council agreed to consider, at a later date, establishing a policy concerning the method that will be utilized in calculating the park acquisition and development fee assessments in cases where units are demolished and the property rebuilt at a greater density.

CONSENT CALENDAR

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to approve the Consent Calendar with the removal of Items 4-G, 4-I, 4-J, 4-K and 4-L.

A. City Council Minutes

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to approve the minutes of the City Council meeting of June 19, 1991.

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

- (1) Departmental Activities Reports - May 1991 and June 1991.
- (2) Golf Course Committee minutes of June 11, 1991.
- (3) Parks and Recreation Commission minutes of June 11, 1991 and June 17, 1991.
- (4) Community Design Commission minutes of June 11, 1991 and June 25, 1991.
- (5) Residential Development Evaluation Board minutes of June 18, 1991.
- (6) Planning Commission minutes of June 18, 1991.

C. Warrant Register**FY 1990-91**

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to approve Warrants Nos. 102659 through 102792 (Voids 102660-102669) (Handwrite 102659) for the period 6-24-91 through 6-28-91 in the amount of \$173,901.72; approve Warrant Nos. 102796 through 102946 (Voids 102794-102795) for the period 7-1-91 through 7-5-91 in the amount of \$210,336.78; for a total Warrant Register of \$384,238.50.

FY 1991-92

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to approve Warrant Nos. 102950 through 103017 (Handwrite 102947-102793) (Voids 102948-102949) for the period 7-1-91 through 7-5-91 in the amount of \$854,590.12; for a total Warrant Register of \$854,590.12.

Payroll Register

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to approve Payroll Warrant Nos. 66214 through 66608 (Voids 66210-66213) for the period 6-24-91 through 7-7-91 in the amount of \$354,837.51; for a total Payroll Register of \$354,837.51.

D. District Attorney Prosecution Services Contract Rate Adjustment

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to accept the rate adjustments for the District Attorney Prosecution Services Contract with the County of Orange as outlined in a letter from the Orange County District Attorney's Office, dated June 27, 1991, and on file in the City Clerk's Department. (Contract No. C87-48)

E. Authorization to Bid - Avenida de la Estrella (from Palizada to Presidio) Street Rehabilitation, Project No. 1-90

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

1. Approve the plans and specifications for the Avenida de la Estrella (from Palizada to Presidio) Street Rehabilitation Project No. 1-90.
2. Authorize Staff to advertise the project for competitive public bidding for its construction.

F. Final Parcel Map 89-246, Kimbell - A 3-Unit Condominium Project

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

1. Approve Final Parcel Map 89-246 and authorize the City Engineer and City Clerk to execute the map.
2. Approve, and authorize the Mayor to execute, the Subdivision Agreement.

H. 1989 Weed Abatement Assessments

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to adopt Resolution No. 91-97 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA REQUESTING THE ORANGE COUNTY AUDITOR-CONTROLLER TO ADD CERTAIN 1989 UNPAID WEED ABATEMENT ASSESSMENTS TO THE 1991 TAX ROLLS.

M. CDC 91-45 - Setting of Public Hearing to Consider Proposed Demolition of a Historically Significant Structure at 117 Santa Ana Lane

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to set a Public Hearing for September 4, 1991 to consider the proposed demolition of a historically significant structure at 117 Santa Ana Lane.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**G. Final Map Approval - Tracts 13054 and 13907 (Marblehead)**

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

1. Approve Final Tract Map 13054 and authorize the City Engineer and City Clerk to execute and file the map for recordation.
2. Approve Final Tract Map 13907 and authorize the City Engineer and City Clerk to execute and file the map for recordation.
3. Approve, and authorize the Mayor to execute, the following agreements:
 - a. Agreement by and between the City of San Clemente and Marblehead for the construction and installation of and reimbursement for water master plan facilities (Marblehead Inland), with the deletion of Construction Administration/Certification Services (\$10,000) on Exhibit D.
 - b. Agreement by and between the City of San Clemente and Marblehead for construction and dedication of and reimbursement for the Avenida Vista Hermosa extension.
 - c. Subdivision Agreement for Tract 13054.
 - d. Subdivision Agreement for Tract 13907.

I. Final Map Approval - Tract 14000 (Centex Development Corporation)

Community Development Director Holloway confirmed that the agreements for the construction and reimbursement for the Forster Ranch water reservoir and related facilities and the agreement for construction of Forster Ranch traffic signals have been executed by Centex.

In answer to Council inquiry, Ron Brent, of Centex Development Corporation, consented to a seven-day delay in recording the final map to allow Council the opportunity to review the agreements.

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to take the following actions with the proviso that the final map not to be recorded until seven working days have elapsed to allow Council the opportunity to review the technical documents. If no Council concerns are expressed, the final map may be recorded at the conclusion of the seven-day period. If a Council concern is expressed, this item is to be agendized for the Joint Council/Commissions/Committees meeting of July 31, 1991:

1. Approve Final Tract Map 14000 and authorize the City Engineer and City Clerk to execute and file the map for recordation.
2. Approve, and authorize the Mayor to execute, an agreement by and between the City of San Clemente and Centex Development Corporation for the construction and reimbursement for Forster Ranch Water Reservoir and related facilities.
3. Approve, and authorize the Mayor to execute, an agreement by and between the City of San Clemente and Centex Development Corporation for the construction of Forster Ranch traffic signals.
4. Approve, and authorize the Mayor to execute, the Subdivision Improvement Agreement for Tract 14000.

J. Amendment to City's Classification Compensation Plan

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, to adopt Resolution No. 91-89 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING RESOLUTIONS 89-117 AND 91-34 TO INCLUDE THE CLASSIFICATIONS AND SALARY RANGES OF JAILER, PRINCIPAL CIVIL ENGINEER, SENIOR CIVIL ENGINEER, ELECTRICIAN'S ASSISTANT, RECREATION SPECIALIST, EMERGENCY TRANSPORT TECHNICIAN AND OCEAN LIFEGUARD SUPERVISOR IN THE CITY'S SERVICE.

MOTION TO AMEND BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER BENEDICT, FAILED 2-3 (MAYOR PRO TEM ANDERSON, COUNCILMEMBER HAGGARD, AND MAYOR DIEHL VOTING NOE), to utilize the City of Anaheim's salary schedule for the positions of Jailer and Electrician's Assistant.

MOTION TO AMEND BY COUNCILMEMBER LORCH to enable the Project Engineer position to remain in the Classification Plan in addition to creating a Senior Project Engineer position. The Motion to Amend died for lack of a second.

THE ORIGINAL MOTION CARRIED 3-2 (COUNCILMEMBERS BENEDICT AND LORCH VOTING NOE).

K. Contract for Parking Ticket Processing

Following clarification, MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to approve, and authorize the Mayor to execute, City Contract No. C91-26 by and between the City of San Clemente and Turbo Data Systems, Inc. relating to parking ticket processing.

L. City Co-Sponsorship of Chamber of Commerce Annual Fiesta Events (Street Festival, Clam Chowder Cook-Off and 5K Run/Stride/Walk)

Council requested that items that the City intends to co-sponsor be identified early in future budget processes.

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

1. Approve the City's co-sponsorship of the annual Chamber of Commerce Fiesta events (Street Festival, Clam Chowder Cook-Off and 5K Run/Stride/Walk).
2. Waive the costs associated with the City's involvement, estimated in the amount of \$3,068, except for Police Services.
3. Direct Staff to budget annually for required services for the Chamber events and all other City co-sponsored events.

ORAL COMMUNICATIONS

Foothill Transportation Corridor

Glenn Roy, 111 Granada, opined that a Mello-Roos District would be formulated if the Foothill Transportation Corridor experiences a funding shortfall.

Infrastructure Improvements

Jim Hill, 4115 Calle Mayo, presented a \$300 check plus a \$300 pledge for next fiscal year to fund infrastructure improvements, provided a legal opinion is issued that confirms that the contribution would be tax deductible, a definitive plan is established which addresses justification, cost and prioritization of proposed improvements, and a Public Hearing or workshop is held to allow citizens to voice their requests for infrastructure improvements and to present their checks.

6. UNFINISHED BUSINESS

A. Richard T. Steed Memorial Park - Long-Term Lease Agreement with San Clemente Sportspark, Ltd.

Report from the Parks and Recreation Manager concerning a long-term lease agreement with San Clemente Sportspark, Ltd. for the operation, maintenance and expansion of the Richard T. Steed Memorial Park.

Parks and Recreation Manager Wegner reviewed the contents of the Administrative Report.

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER BENEDICT to approve, and authorize the Mayor to execute, a Lease Agreement by and between the City of San Clemente and San Clemente Sportspark, Ltd., for the operation, maintenance and expansion of the Richard T. Steed Memorial Park Softball Complex. (City Contract No. C90-33)

MOTION TO AMEND BY COUNCILMEMBER LORCH to adjust the Lease Agreement to provide that the City (Lessor) will consider extending the agreement based upon certain considerations, including satisfactory performance. The Motion to Amend died for lack of a second.

THE ORIGINAL MOTION CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE).

B. Initiation of a Pier Bowl Specific Plan and/or Project for the Casa Romantica Site

Report from the Community Development Director concerning possible approaches in initiating a Pier Bowl Specific Plan or project for the Casa Romantica.

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

Rick Anderson, 610 Avenida Victoria, on behalf of the Pier Bowl Merchants, spoke in support of staff's recommendation.

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER BENEDICT to direct that a Specific Plan and a plan for the Casa Romantica/Alameda site be developed simultaneously, with the direction that the project be undertaken by Staff, in conjunction with the General Plan Advisory Committee, as opposed to utilizing 30th Street Architects. The plan is to indicate suitable uses and densities for the area which, following Council approval, would be submitted to interested developers for proposals.

SUBSTITUTE MOTION BY MAYOR DIEHL to direct Staff to prepare a report identifying the impact associated with Staff implementing the subject plan. The Substitute Motion died for lack of a second.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-1 (COUNCILMEMBER BENEDICT VOTING NOE), to continue the initiation of a Pier Bowl Specific Plan and/or project for the Casa Romantica site to the Council meeting of August 21, 1991.

Council requested that the August 21, 1991 Administrative Report include: 1) impact if work is done by staff versus consultants; 2) how money would be spent given Alternative #3; 3) timeline; and 4) available options/approaches.

C. Retirement Plan for Part-Time Employees

Report from the Personnel/Risk Manager concerning a retirement plan for part-time employees.

Personnel/Risk Manager Kulp reviewed the contents of the Administrative Report.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 3-2 (COUNCILMEMBERS BENEDICT AND LORCH VOTING NOE) to:

1. Adopt Resolution No. 91-99 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.
2. Determine that the minimum required contribution to the plan, as stated in the final IRS Regulations, be divided equally between the City and the employees.

7. NEW BUSINESS

None.

8. REPORTS**A. Commissions and Committees**

None.

B. City Manager**(1) Valet Parking at Casa Tropicana**

City Manager Parness reviewed the Casa Tropicana's valet parking proposal, as contained in Rick Anderson's letter, dated June 13, 1991, and on file in the City Clerk's Department.

Rick Anderson, 610 Avenida Victoria, reviewed the existing parking situation that he believes adversely affects business; summarized the proposal set forth in his letter of June 13, 1991.

MOTION BY COUNCILMEMBER BENEDICT, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to approve the Casa Tropicana's proposal in concept for a 90-day term at a rent of \$250 per month. Staff is to develop the specifics associated with this action.

(2) Chamber of Commerce Sign Code Standard Proposal

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to accept the sign code standard proposal as suggested by the Chamber of Commerce, with the recommendation that there be four representatives at large.

MOTION BY MAYOR DIEHL, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to appoint Tom Lorch as Council's representative to the Committee.

(3) Closed Session - Personnel

City Manager Parness requested a Closed Session to discuss an item of personnel.

(4) Closed Session - Real Property Negotiations

City Manager Parness requested a Closed Session to discuss real property negotiations for the property bounded by Avenida Presidio, La Esperanza, and the northbound I-5 on-ramp, pursuant to GC Section 54956.8 (Michael Townsend, Negotiator).

C. City Attorney

(1) Settlement Agreement - City of Fullerton, et al. v. County of Orange

MOTION BY COUNCILMEMBER LORCH, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve, and authorize the Mayor to execute, a Settlement Agreement for the case entitled City of Fullerton, et al. v. County of Orange, OCSC Case No. 56 08 61 (Delinquent Property Tax Penalty Lawsuit).

D. Council Members

(1) Consideration of requiring submittal of information relating to agenda items 24 hours prior to meeting.

Council continued this agenda item to the meeting of August 21, 1991.

(2) Parking Violations in Los Molinos Area

Councilmember Benedict noted the parking situation in the Los Molinos area is still a problem.

(3) Traffic Shortcut - Truman Benedict Elementary School

Councilmember Benedict noted that the street below the Truman Benedict Elementary School is being used as a shortcut; voiced concern that this situation may pose a danger to young children. It was agreed that Councilmember Benedict will inform Staff of the name of the street that is being used as a shortcut.

9. RESOLUTIONS/ORDINANCES**A. Ordinance No. 1058 (Second Reading) - Sewer Service Charge Increase**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR DIEHL, CARRIED 5-0, to adopt Ordinance No. 1058 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 30-19 OF THE CODE OF THE CITY OF SAN CLEMENTE AND ADJUSTING THE SEWER SERVICE RATE.

B. Ordinance No. 1060 (Second Reading) - Transient Occupancy Tax Increase

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to adopt Ordinance No. 1060 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 7-2 OF THE CODE OF THE CITY OF SAN CLEMENTE AND INCREASING THE AMOUNT OF THE TRANSIENT OCCUPANCY TAX.

C. Ordinance No. 1061 (Second Reading) - Authorization to Hold Certain Components of Code Relating to Water in Abeyance

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to adopt 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.

CLOSED SESSION


MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to recess to Closed Session at 1:12 a.m. to discuss 1) a matter of personnel; 2) real property negotiations for the property bounded by Avenida Presidio, La Esperanza, and the northbound I-5 on-ramp, pursuant to GC Section 54956.8 (Michael Townsend, Negotiator). The City Manager, City Attorney, Assistant City Manager, Police Chief and City Clerk were in attendance.


MEETING RECONVENED

Council reconvened at 1:35 a.m., with all members present.

ADJOURNMENT

MOTION BY MAYOR DIEHL, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to adjourn at 1:35 a.m. to a Joint Council/Commissions/Committees meeting to be held on Wednesday, July 31, 1991 at 7:00 p.m. at the Community Center, located at 100 N. Seville, San Clemente, California.


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 17, 1991 said meeting was adjourned to the time and place specified in the ORDER OF ADJOURNMENT attached hereto; and that on July 18, 1991 at the hour of 11:00 a.m. a copy of said order was posted at a conspicuous place near the door at which said meeting was held.

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

Executed on July 18, 1991 at San Clemente, California.


MYRNA ERWAY
City Clerk

NOTICE OF ADJOURNMENT
EXCERPT FROM THE MINUTES OF THE
CITY COUNCIL
MEETING OF JULY 17, 1991

A regular meeting of the San Clemente City Council was held in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California on July 17, 1991.

ROLL CALL: PRESENT: ANDERSON, BENEDICT, HAGGARD, LORCH,
MAYOR DIEHL

ABSENT: NONE

ADJOURNMENT

Council adjourned to an Adjourned Regular Meeting to be held on July 31, 1991 at 7:00 p.m. at the Community Center, located at 100 N. Seville, San Clemente, California.


MYRNA ERWAY
CITY CLERK