

CITY OF SAN CLEMENTE

City Council Minutes

Regular Council Meeting - August 21, 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 6:33 p.m.

PRESENT ANDERSON, BENEDICT, HAGGARD, LORCH, MAYOR DIEHL

ABSENT NONE

STAFF PRESENT Michael Parness, City Manager; Myrna Erway, City Clerk; Jim Holloway, Community Development Director; Bill Cameron, City Engineer.

City Organizational Study Report

John Heiss, of Hughes, Heiss and Associates, reviewed the results of the Organizational Study, focusing on Phase I which addressed the City's organizational structure, Phase II which addressed detailed management audits of each department, and Phase III which addressed City Commissions and Committees; summarized the recommendations as contained in the Organizational Plan and Management Study, Summary of Management Audit and the Management Review of Commissions and Committees. These reports are on file in the City Clerk's Department.

Lee Steelman, 144 Avenida de la Paz, on behalf of the Human Resources Committee, questioned when final approval of the Organizational Study is anticipated; noted the Committee would like the opportunity to present its achievements to Council.

Jim Kempton, 243 La Cuesta, stated the Community Design Commission operates effectively; noted the City's mission to maintain a village character would be difficult to achieve without a Community Design Commission; stated the Commission has been effective in preserving historical structures.

Kathy Brocklehurst, 304 Avenida Monterey, spoke in support of retaining the Community Design Commission but restricting its focus.

Marilyn Coduti read a letter from Jill West, 429 Calle Gomez, concerning the successful resolution of an issue concerning her Ole Hanson home due to the intervention of the Community Design Commission; spoke in support of preserving early structures.

Marilyn Coduti, 137 Avenida Cadiz, spoke in support of retaining Community Design Commission authority to protect historical structures.

Jay Gummerman, 154 West Marquita, stated the Community Design Commission made positive suggestions relative to his historic structure.

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

1. Accept the Organizational Study, as prepared by Hughes, Heiss and Associates, as complete and direct the consultant to prepare the final document.
2. Authorize Staff to bring back an implementation process for Council to set policies as needed.
3. Set Phase III Process Schedule for Commissions/Committees.

SUBSTITUTE MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER BENEDICT, FAILED 1-4 (COUNCILMEMBERS BENEDICT, HAGGARD, MAYOR PRO TEM ANDERSON AND MAYOR DIEHL VOTING NOE), to accept the Organizational Study, as prepared by Hughes, Heiss and Associates, as complete.

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

MEETING RECESSED

COUNCIL RECESSED AT 7:50 P.M. AND RECONVENED AT 8:00 P.M., WITH ALL MEMBERS PRESENT.

1. **SPECIAL PRESENTATIONS**

A. **Mary Anna Anderson - Ocean Festival Committee**

Mayor Diehl presented a commendation to Mary Anna Anderson in recognition of her exemplary service on the Ocean Festival Committee.

B. **Truman Benedict - 1990 Citizen of the Year**

Mayor Diehl presented a commendation to Truman Benedict in recognition of being named the 1990 Citizen of the Year by the Chamber of Commerce.

2. 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. **TPM 89-272, Ellis Condominiums (150 W. Avenida Palizada and 109 Loma Lane)**

Public Hearing to consider a request for a one-lot subdivision to develop four residential condominiums at 150 W. Avenida Palizada and 109 Loma Lane.

Assistant Planner Delcamp 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 BENEDICT, to adopt Resolution No. 91-89 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 89-272, ELLIS CONDOMINIUMS, A REQUEST FOR A ONE-LOT SUBDIVISION FOR THE PURPOSE OF DEVELOPING FOUR RESIDENTIAL CONDOMINIUMS.

SUBSTITUTE MOTION BY COUNCILMEMBER LORCH to include a condition that the setback area behind the garages be available for on-site parking.

In answer to Council inquiry, Dan Ellis, Applicant, noted the project is essentially complete; stated that parking on the setback area behind the garages would violate the landscaping requirements imposed by the Community Design Commission; stated his dwelling provides more parking than any other property on the block.

THE MOTION CARRIED 5-0.

B. TPM 91-165, Hassett/Germick Condominiums (235 Avenida Montalvo)

Public Hearing to consider a request for a one-lot subdivision for the development of three residential condominiums at 235 Avenida Montalvo.

Principal Planner Goldin 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 BENEDICT, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to adopt Resolution No. 91-100 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 91-165, A ONE (1) LOT SUBDIVISION FOR THE PURPOSE OF DEVELOPING THREE (3) RESIDENTIAL CONDOMINIUMS.

C. TPM 91-189, Janis/Gomez Condominiums (121-123 La Ronda)

Public Hearing to consider a request to combine two legal lots of record for a one-lot subdivision to convert four existing multiple-family units at 121-123 La Ronda to residential condominiums.

Assistant Planner Delcamp reviewed the contents of the Administrative Report.

Joe Janis, Applicant, stated that one water meter serves each of the two buildings; noted there are two units in each of the buildings and that separate lines run from each unit to the meter to enable the usage from the individual units to be monitored.

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 adopt Resolution No. 91-101 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 91-189, JANIS/GOMEZ CONDOMINIUMS, A REQUEST TO COMBINE TWO LEGAL LOTS OF RECORD FOR A ONE-LOT SUBDIVISION FOR THE PURPOSE OF CONVERTING FOUR EXISTING RESIDENTIAL APARTMENT UNITS TO CONDOMINIUMS.

D. 1991 Residential Development Evaluation Board Allocations

Public Hearing to consider certifying the project point assignments and rankings made by the Residential Development Evaluation Board (RDEB) and awarding 481 allocations to the seven eligible projects.

Principal Planner Goldin reviewed the contents of the Administrative Report.

Council requested to be kept apprised, via tray memos, relative to the fiscal impacts of the Talega projects, including possible acquisition of the San Clemente High School site and establishment of Community Facility Districts.

City Attorney Oderman agreed to review, and advise Council, of the possibility of including fiscal impact as one of the Measure B criteria.

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 BENEDICT, CARRIED 5-0, to adopt Resolution No. 91-102 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CERTIFYING THE PROJECT POINT ASSIGNMENTS AND PROJECT PERFORMANCE RANKINGS AND AWARDDING DEVELOPMENT ALLOCATIONS FOR 1991.

E. **Modification of Park Acquisition and Development Fee**

Public Hearing to consider modifying the Park Acquisition and Development Fee, pursuant to Section 35-26(g) of the Municipal Code.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to continue the Public Hearing on the Park Acquisition and Development Fee to the Council meeting of September 18, 1991. *Note: This action was modified later in the meeting. See Page 19 of these minutes.

F. **Source Reduction and Recycling Element (SRRE) and the Household Hazardous Waste Element (HHWE) Preliminary Drafts**

Public Hearing to receive public input on the Source Reduction and Recycling Element (SRRE) and the Household Hazardous Waste Element (HHWE) Preliminary Drafts, as required by the State of California to comply with AB 939.

Interim Solid Waste Management Coordinator Morgan reviewed the contents of the Administrative Report.

Zahid Kahn, Office Manager of R. W. Beck & Associates, reported on the preparation of the Source Reduction and Recycling Element (SRRE), noting that the document meets all requirements of the California Waste Management Board; explained the document must be adopted by January 2, 1992 to meet County and State requirements; noted the document represents a joint effort between San Clemente, San Juan Capistrano and Dana Point.

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 BENEDICT, CARRIED 5-0, to set November 20, 1991 as the date for the second Public Hearing on the Source Reduction and Recycling Element (SRRE) and the Household Hazardous Waste Element (HHWE).

MOTION BY COUNCILMEMBER LORCH, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to consider Item 7-B (Shorecliffs Mobilehome Park) at this point in the meeting.

7. NEW BUSINESS

B. Shorecliffs Mobile Home Park

Report from the City Attorney concerning the possibility of the City becoming a co-applicant with the Shorecliffs Mobilehome Park Association under two financing programs to enable the residents to purchase the park.

City Attorney Oderman reviewed the contents of the Administrative Report; noted that Attorney Gerald Gibbs has provided him with an agreement that will indemnify the City from any liabilities arising out of the City's participation in the program; explained the indemnification agreement is satisfactory to him.

Gerald Gibbs, 110 E. Avenida Palizada, Suite 201, reviewed the Mobilehome Park Resident Ownership Program (MPROP) and the California Homeownership Assistance Program (CHAP); relayed that the loan origination obligations will be borne by the people in the natural course of the escrow; recommended that the City pay the administrative and legal costs since funds are available in the RDA set-aside fund and such payment will aid the City in fulfilling its low-income housing requirements; stated the Cities of San Juan Capistrano and Irvine have waived administrative and legal costs for similar projects.

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

1. Adopt Resolution No. 91-106 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF A LOAN APPLICATION, THE EXECUTION OF A STANDARD AGREEMENT AND ANY AMENDMENTS THERETO, AND ANY RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE MOBILEHOME PARK RESIDENT OWNERSHIP PROGRAM AND SECURE A COMMITMENT OF FUNDS FROM THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.

2. Adopt Resolution No. 91-107 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF A LOAN APPLICATION, THE EXECUTION OF A STANDARD AGREEMENT AND ANY AMENDMENTS THERETO, AND ANY RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE CALIFORNIA HOMEOWNERSHIP ASSISTANCE PROGRAM AND SECURE A COMMITMENT OF FUNDS FROM THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.
3. Direct that the following be accomplished prior to the City's entering into the "Standard Agreement" with HCD:
 - a. The Association entering into an agreement in favor of the City, in a form approved by the City Attorney, to indemnify, defend, and hold harmless the City from any claims, losses, liabilities, or damages arising out of the City's acts or omissions in performing its obligations with respect to the MPROP and CHAP financing programs, including the Standard Agreement, excepting only those claims, losses, liabilities, or damages arising out of the sole active negligence or willful misconduct of the City.
 - b. The Association providing to the City a satisfactory contract with a third party acceptable to the City and HCD which provides for the third party to perform the City's loan origination obligations under the Standard Agreement.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to authorize a maximum \$10,000 payment by the City for administrative/legal costs and to direct Staff to ascertain the cost associated with similar programs in San Juan Capistrano and Irvine.

MEETING RECESSED

Council recessed at 9:45 p.m. and reconvened at 9:55 p.m., with all members present.

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 4-B(1) (July 16, 1991 Planning Commission minutes), F, G, J, K, L, and M.

A. MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve the City Council minutes of May 29, 1991 (Joint Meeting), June 15, 1991, June 17, 1991, July 3, 1991, July 17, 1991, and July 31, 1991 (Joint Meeting).

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

- (1) Planning Commission minutes of July 2, 1991.
- (2) Community Design Commission minutes of July 9, 1991.
- (3) Human Resources Committee minutes of May 20, 1991.
- (4) Parks and Recreation Commission minutes of July 9, 1991.

C. Warrant Register

FY 1990-91

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve Warrant Nos. 103020 through 103175 (Voids 103018-103019) for the period 7-8-91 through 7-12-91 in the amount of \$585,555.53; Warrant Nos. 103219 through 103326 (Voids 103217-103218) for the period 7-15-91 through 7-19-91 in the amount of \$572,987.42; Warrant Nos. 103462 through 103483 (Voids 103460-103461) for the period 7-22-91 through 7-26-91 in the amount of \$184,514.85; Warrant Nos. 103644 through 103658 (Voids 103639-103643) for the period 7-29-91 through 8-2-91 in the amount of \$48,373.41; Warrant Nos. 103799 through 103822 (Voids 103795-103798) for the period 8-5-91 through 8-9-91 in the amount of \$124,576.90; for a total Warrant Register (FY 1990-91) of \$1,516,008.11.

FY 1991-92

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve Warrant Nos. 103179 through 103216 (Handwrite 103176) (Voids 103177-10318) for the period 7-8-91 through 7-12-91 in the amount of \$70,552.95; Warrant Nos. 103329 through 103459 (Voids 103327-103328) for the period 7-15-91 through 7-19-91 in the amount of \$735,120.37; Warrant Nos. 103486 through 103638 (Voids 103484-103485) for the period 7-22-91 through 7-26-91 in the amount of \$204,954.84; Warrant Nos. 103662 through 103793 (Voids 103659-103661) for the period 7-29-91 through 8-2-91 in the amount of \$880,260.32; Warrant Nos. 103826 through 103954 (Handwrite 103794) (Voids 103823-103825) for the period 8-5-91 through 8-9-91 in the amount of \$123,718.79; for a total Warrant Register (FY 1991-02) of \$2,014,607.27.

Payroll Register

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve Payroll Warrants Nos. 66622 through 67052 (Voids 66619-66621, 66667-66682, 66906-66920) for the period 7-8-91 through 7-21-91 in the amount of \$369,677.53; Payroll Warrants Nos. 67061-67448 (Handwrite 67053-67054) (Voids 67055-67060) for the period 7-22-91 through 8-4-91 in the amount of \$350,745.22; for a total Payroll Register of \$720,422.75.

D. Establishment of 1992 RDEB Deadlines

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to adopt Resolution No. 91-104 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE ESTABLISHING THE DEADLINE FOR 1992 RDEB APPROVALS AND THE PERIOD FOR RDEB APPLICATION SUBMITTALS.

E. Notices of Completion - Well Construction and Water Treatment Plant Improvements

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

1. Approve the Well construction contract executed by McCalla Brothers and authorize the City Clerk to file a Notice of Completion with the County Recorder. (City Contract #C90-01)
2. Approve the Water Treatment Plant construction project executed by Vista Murrieta, Inc. and authorize the City Clerk to file a Notice of Completion with the County Recorder. (City Contract #C90-25)
3. Authorize payment to McCalla Brothers in the amount of \$24,872, upon certification of filing with Orange County.
4. Authorize payment to Vista Murrieta in the amount of \$23,181, upon determination of the Stop Payment Notice.

H. Final Parcel Map 90-190, Monarch - 237 Avenida Aragon

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve Final Parcel Map 90-190 (Monarch) and authorize the City Engineer and City Clerk to execute the map for recordation.

I. Bid Results - Automatic Bed Knife Grinder (Golf Course Maintenance Equipment)

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

1. Reject the bid from Western Turf and Commercial since it did not meet specifications.
2. Authorize Staff to negotiate the purchase of an automatic bed knife grinder from the best source available.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**B(1). Planning Commission Minutes of July 16, 1991**

MOTION BY COUNCILMEMBER LORCH, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to call up the Time Extension request for UP 86-17 (San Clemente Retail Plaza) for Council review.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to approve the balance of the Planning Commission minutes of July 16, 1991.

F. Amendment No. 2 - SERRA Agreement on Behalf of Project Committee No. 5 Regarding Outfall Modifications

Following clarification, MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to approve, and authorize the Mayor to execute, Amendment No. 2 to Agreement for Acquisition of Capacity, Construction, Use, Operation and Maintenance of Outfall Facilities for South East Regional Reclamation Authority on Behalf of Project Committee No. 5 Regarding Outfall Modification. (City Contract #C70-200)

G. Contract Award - Max Berg Plaza Park Rehabilitation, Project No. 11-90

Following discussion relative to project cost and use of the Park Acquisition and Development Fund, MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER BENEDICT, to:

1. Award the contract for the rehabilitation of Max Berg Plaza Park, Project No. 11-90, with bid alternatives per Option No. III, to the lowest responsible bidder, Micon Engineering, Inc./Shea Business Properties, joint venture, at the bid price of \$576,929. (City Contract #C91-27)
2. Approve a supplemental appropriation in the amount of \$314,100 to Account No. 031-862-45300-000-08426 in the Parks Acquisition and Development Fund.

SUBSTITUTE MOTION to take the base bid and delete play equipment and picnic tables. The Substitute Motion died for lack of a second.

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

J. **Contract Award - 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. Award the contract for the rehabilitation of Avenida de la Estrella (Project No. 1-90) to the lowest responsible bidder, Camino Viejo Paving, Inc., at the bid price of \$317,966. (City Contract #C91-28)
2. Adopt Resolution No. 91-105 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE REQUESTING THE ORANGE COUNTY TRANSPORTATION AUTHORITY TO ALLOCATE ORANGE COUNTY UNIFIED TRANSPORTATION TRUST (OCUTT) FUNDS FOR AVENIDA DE LA ESTRELLA REHABILITATION BETWEEN AVENIDA PRESIDIO AND AVENIDA PALIZADA.
3. Approve a supplemental appropriation of \$381,590 to Account #012-861-45300-000-11141, Improvements Other Than Buildings, in the 2106 Gas Tax Fund.
4. Approve a supplemental appropriation of \$38,130 to Account #052-466-45300-000-11141, Improvements Other Than Buildings, in the Water Depreciation Reserve.
5. Approve an estimated revenue in the amount of \$161,330 to Account #012-000-33740, OCUTT Grant, in the Gas Tax Fund.

K. **Bond Waiver - Community Center Lower Multi-Purpose Room Rehabilitation Project No. 2-91**

Following discussion, MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to waive the requirement for California Repair and Remodel to furnish a Faithful Performance Bond, in connection with the rehabilitation of the Community Center Lower Multi-Purpose Room, in the amount of 100% of the contract price and a Material Bond in the amount of 100% of the contract price. (City Contract #C91-18)

L. **Supplemental Appropriation - Advertising the Status of Water Conservation**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to approve a supplemental appropriation of \$10,910 to Account #052-464-43890 (Other Contractual Services) of the Water Operating Fund.

M. **Ambulance Invoicing by Independent Agency**

This agenda item was deferred to the Council Meeting of September 4, 1991.

5. **ORAL COMMUNICATIONS**

None.

6. **UNFINISHED BUSINESS**

A. **Pier Bowl/Casa Romantica Planning Process**

Report from the Community Development Director concerning initiation of a three-phased planning approach in the Pier Bowl.

Associate Planner Pechous reviewed the contents of the Administrative Report.

Following discussion, MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to direct Staff to 1) initiate a three-phased planning process for the Pier Bowl that includes Phase I (Concept Plan Development), Phase II (Creation of a Casa Romantica/Alameda development plan), and Phase III (Development of a Pier Bowl Specific Plan); 2) meet with the General Plan Advisory Committee to determine ability to increase workload; and 3) prepare work program timelines for Council review.

7. NEW BUSINESSA. Taxicab Rate Increase Request

Report from the City Clerk concerning a request by Kelly Cabs to increase taxicab fares.

City Clerk Erway reviewed the contents of the Administrative Report.

Jim Fozo, Kelly Cab Driver, opined that the approval or denial of the proposed taxicab fare increase should be based on current overhead costs as opposed to a survey of surrounding communities.

Sunny Patel, Kelly Cabs, 2408 Camino Bucanero, requested that this item be continued to enable Council the opportunity to review Kelly Cabs' operating costs.

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to continue the taxicab rate increase request to the Council meeting of September 18, 1991 to 1) enable the Applicant to provide the City with an analysis of Kelly Cabs' operating costs; and 2) to allow Staff to prepare a report concerning possible revisions to the Municipal Code as they relate to taxicab operations in the City.

B. Shorecliffs Mobilehome Park

This item was considered earlier in the meeting. See Page 7 of these minutes for a summary of that discussion.

8. REPORTSA. Commissions and Committees

None.

B. City Manager(1) Workshop Meeting - Potential Utility Users' Tax

Council established a workshop meeting for August 26, 1991 at 6:30 p.m. concerning a potential Utility Users' Tax.

(2) Economic Development Committee - Mission Statement and Goals

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to adopt the Economic Development Committee Mission Statement and Goals as modified to 1) remove the word "redevelopment" in connection with the Casa Romantica in Goal #4, and 2) add a fifth subcategory under Goal #6 to read "Employment Development."

C. City Attorney1. Silveri & LeBouef - Settlement Agreement

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to authorize the City Manager to execute a settlement agreement with Silveri & LeBouef to release the retention on that contract in the amount of \$9,314.10 plus accumulated interest and authorize the payment for extra work performed on the job in the amount of \$21,173.07. (Total payment \$32,153.61).

2. Request for Closed Session

City Attorney Oderman requested a Closed Session to discuss 1) a matter of potential litigation, pursuant to GC Section 54956.9(b)1 and 2) a matter of pending litigation, Cray v. City of San Clemente, Cascadita Slope Failure Litigation, pursuant to GC Section 54956.9(a).

D. CouncilmembersAgenda Statement - Submittal of Written Material

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to place a statement on agendas, and include a statement in letters noticing agenda items, requesting that written information concerning agenda items be submitted to Council 24 hours prior to the meeting.

Purchase of Paper that Facilitates Recycling

Councilmember Haggard requested that the City purchase only white writing pads since colored pads are not easily recycled.

Voting Delegate and Voting Alternate - 1991 League of California Cities Annual Conference

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to appoint Mayor Diehl as the City's Voting Delegate and Mayor Pro Tem Anderson as the City's Voting Alternate at the 1991 League of California Cities Annual Conference.

Water Availability Report/Encouragement of Major Recreational Events

Councilmember Lorch requested that Staff provide Council with a tray memo citing water availability on tract projects that have received allocations, prior to issuing permits; spoke in support of encouraging major recreational events in the City, such as surfing events.

Workshop Meetings - Phase III of Organizational Study

It was agreed that the City Manager will schedule workshops with City Commissions and Committees to discuss Phase III of the Organizational Study, as prepared by Hughes, Heiss & Associates. The first workshop, which will involve the Organizational Study recommendations concerning the Community Design Commission and Human Resources Committee, will be scheduled in September.

CLOSED SESSION

Council recessed to Closed Session at 11:50 p.m. to discuss 1) a matter of potential litigation, pursuant to GC Section 54956.9(b)1 and 2) a matter of pending litigation, Cray v. City of San Clemente, Cascadita Slope Failure Litigation, pursuant to GC Section 54956.9(a). The City Manager, City Attorney and City Clerk were in attendance.

MEETING RECONVENED

Council reconvened at 12:25 a.m., with all members present.

Modification of Park Acquisition and Development Fee

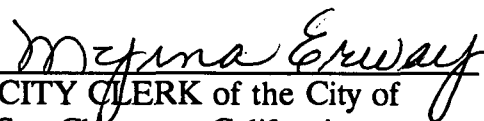
MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to reconsider Council's action of earlier in this meeting concerning the Park Acquisition and Development Fee.

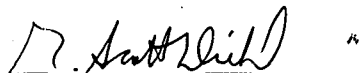
MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to continue the Public Hearing on the Park Acquisition and Development Fee to the Council meeting of September 4, 1991.

Adjournment

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to adjourn at 12:30 a.m. to 6:30 p.m. on Monday, August 26, 1991 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, to consider a potential Utility Users' Tax.

The next Regular Meeting will be held on September 4, 1991 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



CITY OF SAN CLEMENTE
AFFIDAVIT OF POSTING NOTICE
OF ADJOURNMENT

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 August 21, 1991, said meeting was adjourned to the time and place specified in the **NOTICE OF ADJOURNMENT** attached hereto; and that on August 22, 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 August 22, 1991 at San Clemente, California.


MYRNA ERWAY
City Clerk