

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting - October 2, 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 6:30 p.m.

PRESENT ANDERSON, BENEDICT, HAGGARD, LORCH, MAYOR DIEHL

ABSENT NONE

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

CLOSED SESSION

Council recessed to Closed Session at 6:30 p.m. to discuss 1) matters of pending litigation, Summerfield v. City of San Clemente, McGarry v. City of San Clemente, Cray v. City of San Clemente, and Mallory v. City of San Clemente, pursuant to Government Code Section 54956.9(a); and 2) real property negotiations concerning the property located in the Talega Valley Specific Plan area north of Avenida Pico and east of Avenida La Pata (Kevin Canning, Arvida Company - Negotiator), pursuant to GC Section 54956.8. The City Manager, Assistant City Manager, City Attorney, Community Development Director and Deputy City Clerk were in attendance.

MEETING RECONVENED

Council reconvened at 7:05 p.m., with all members present.

INVOCATION

Pastor Hodel, Faith Lutheran Church, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Diehl led the Pledge of Allegiance.

1. **SPECIAL PRESENTATION**

A. **Fire Prevention Week Proclamation**

Mayor Diehl presented a proclamation to Fire Chief Knight declaring October 6-12, 1991 as Fire Prevention Week.

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

3. **PUBLIC HEARINGS**

A. **Rancho San Clemente Specific Plan Amendment 91-68 - Parking on Avenida Vista Montana**

Public Hearing to consider a request to allow parking on the west side of Avenida Vista Montana between the Rancho San Clemente Tennis Club and Calle Aguila for overflow from the tennis club, subject to certain restrictions relating to hours.

Principal Planner Goldin reviewed the contents of the Administrative Report.

Traffic Engineer Hindiyeh reviewed the proposed street striping plan.

Mayor Diehl opened the Public Hearing.

Thomas Bovich, 606 Calle Chayote, Member of the Rancho San Clemente Tennis Club, urged that parking on Avenida Vista Montana be allowed due to the need that exists.

Don Kindred, 160 Avenida Cabrillo, President of the Chamber of Commerce, relayed the Chamber's support of Specific Plan Amendment 91-68; noted the Rancho San Clemente Tennis Club is an asset to the City.

Mike Poppe, 59 Via Zaragoza, President of the Pacific Shores Homeowners Association, relayed the Association's opposition to SPA 91-68; noted that Vista Montana represents the only entrance to Pacific Shores; suggested that parking on Vista Montana may create a dangerous situation for bicyclists; stated that individuals leaving the Club will likely make a U-turn on Vista Montana, thereby creating a hazardous situation since those vehicles may not be visible from west-bound traffic due to the curvature of the road.

Craig Delahooke, 61 Via Zaragoza, voiced concern with the existence of on-street parking along Vista Montana; stated the entire length of Vista Montana represents a blind curve; stated an elementary school will be constructed at Vista Montana and Calle Aguila and voiced concern that the proposal could cause a dangerous situation since children may cross the road through the parked cars.

Dan Millington, 3917 Calle Andalucia, spoke in support of the City allowing overflow parking on Vista Montana; stated the need for overflow parking has occurred only six times during the Club's five-year existence.

Dan O'Keefe, 34 Paseo Alba, opined that the proposal will create a dangerous situation for bicyclists, joggers and school children; voiced concern with the aesthetics associated with parking along Vista Montana; expressed opposition to the Rancho San Clemente Tennis Club becoming a regional facility.

John Lore, 38 Paseo Alba, spoke in opposition to parking along Vista Montana for reasons expressed by previous speakers.

Ingrid Farber, 68 Via Santa Maria, noted Vista Montana is heavily travelled and consists of curves and a steep grade; stated that striping Vista Montana for parking will reduce the width of the road; opined that U-turns on Vista Montana will add to the danger potential of the street.

A. E. Hancock, 730 Camino de los Mares, spoke in support of the Rancho San Clemente Tennis Club; opined the parking proposal will not pose a danger and noted that no residences are situated along Vista Montana.

Diane Ginn, Richmond Pointe resident, opined that occasional parking along Vista Montana is preferable to an additional paved parking area.

Robert Beaulieu, 1206 Las Pasas, spoke in support of the Rancho San Clemente Tennis Club; recommended that Council support businesses in the City.

John Anderson, 7 Via Chapala, recommended that the parking proposal be approved to enable the Rancho San Clemente Tennis Club to operate a full youth program.

Nancy Harline, 7 Puerto Caravaca, stated her husband is the manager of the Rancho San Clemente Tennis Club; stressed that parking along Vista Montana would only be necessary on certain occasions; read a letter from Tom Davis, dated September 30, 1991, which relayed his support for SPA 91-68. (Mr. Davis' letter is on file in the City Clerk's Department.)

Gina Borchers, 27 Cartagena, stated that SPA 91-68 would cause little impact on the surrounding neighborhood; urged that Council demonstrate its continued support for business in San Clemente.

Ray Campbell, 1209 Via La Jolla, emphasized that the Rancho San Clemente Tennis Club is well managed and represents an asset to the community; opined that individuals will not park along Vista Montana unless necessary; urged that SPA 91-68 be approved.

Ed Kweskin, 118 W. Avenida Valencia, distributed a letter, dated October 2, 1991, which is on file in the City Clerk's Department; acknowledged the contributions of the Rancho San Clemente Tennis Club to the community; urged that SPA 91-68 be approved.

Bradley Stephenson, 551 Avenida Buenos Aires, relayed his support for SPA 91-68 for reasons expressed by previous speakers; noted the benefit of the Rancho San Clemente Tennis Club to community youth.

Lloyd Harline Jr., 7 Puerto Caravaca, Applicant, explained the need for overflow parking on Vista Montana; reviewed the history of the proposal; stated that even though Staff indicated that Vista Montana is wide enough to accommodate parking on both sides of the road, he is only requesting that parking be permitted on the western side; stated the proposal has been submitted to the Rancho San Clemente Master Association and the eleven sub-associations; stated the Master Association and nine of the sub-associations do not oppose the proposal, the Pacific Shores Homeowners Association has indicated opposition, and the Bella Vista Homeowners Association did not respond; noted that parking along Vista Montana would be limited to six hours and that overnight parking would be prohibited; stressed that the cost of restriping will be borne by the Rancho San Clemente Tennis Club; stated that parking along Vista Montana will only be necessary on occasion.

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

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER HAGGARD to introduce Ordinance No. 1063 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CERTIFYING A NEGATIVE DECLARATION AND AMENDING SECTION B.8.A OF THE RANCHO SAN CLEMENTE SPECIFIC PLAN TO ALLOW LIMITED PARKING ON AVENIDA VISTA MONTANA.

SUBSTITUTE MOTION BY COUNCILMEMBER LORCH to deny the introduction of Ordinance No. 1063, and that the Rancho San Clemente Tennis Club pursue on-site or adjacent off-street parking spaces to accommodate its overflow parking needs. The Substitute Motion died for lack of a second.

In answer to Council inquiry, Lloyd Harline, Jr. consented to the expansion of Condition No. 5 to specify that Staff will report to Council in six months as to whether any problems have developed as a result of Specific Plan Amendment 91-68.

MAYOR PRO TEM ANDERSON AND COUNCILMEMBER HAGGARD agreed to modify the motion on the floor to provide that Condition No. 5 shall be expanded to read: "Six (6) months after the Ordinance becomes effective, the City Engineer or his/her designee shall provide the City Council with a written update on the parking program."

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

MEETING RECESSED

Council recessed at 8:20 p.m. and reconvened at 8:25 p.m., with all members present.

B. Talega Valley Specific Plan - Modification to Conditions of Approval Pertaining to Fiscal Impact Mitigation Agreements

Public Hearing to consider amending conditions of approval contained in the Resolutions approving Tentative Tracts 13683, 13684, 13685, 13686 and 13935, located in Planning Areas 12, 18, 19, 20 and 50 of the Talega Valley Specific Plan, pertaining to City's authority to require mitigation of potential negative fiscal impact of Arvida's Talega projects.

Senior Contract Planner McKenna reviewed the contents of the Administrative Report; relayed that the Planning Commission, at its meeting of October 1, 1991, supported Staff's recommendation to allow the City and the Arvida Company more time to enter into an agreement to mitigate the potential negative fiscal impact of Arvida's Talega projects.

Mayor Diehl opened the Public Hearing.

Kevin Canning, The Arvida Company, 438 Plaza Estival, stated the Arvida Company is attempting to protect two years of effort relating to the subject Tentative Tracts; stressed that the issue in question is not indicative of an unwillingness to reach a fiscal impact mitigation agreement; stated Staff is currently reviewing an Arvida Company agreement at this time.

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

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to adopt Resolution No. 91-118 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CONDITION OF APPROVAL NO. 75 OF RESOLUTION NO. 91-26 (TENTATIVE TRACT 13683), CONDITION OF APPROVAL NO. 76 OF RESOLUTION NO. 91-27 (TENTATIVE TRACT 13684), CONDITION OF APPROVAL NO. 54 OF RESOLUTION NO. 91-28 (TENTATIVE TRACT 13685), CONDITION OF APPROVAL NO. 78 OF RESOLUTION NO. 91-29 (TENTATIVE TRACT 13686), AND CONDITION OF APPROVAL NO. 76 OF RESOLUTION NO. 91-30 (TENTATIVE TRACT 13935).

C. Time Extension for Conditional Use Permit 86-17, San Clemente Retail Plaza

Public Hearing to consider a request for a one-year time extension for the San Clemente Retail Plaza, a 76,000 square foot retail theater development located at 641 Camino de los Mares.

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to continue the Time Extension for Conditional Use Permit 86-17 (San Clemente Retail Plaza) to the Council meeting of October 23, 1991 to enable Staff time to comply with the legal notification requirements.

4. CONSENT CALENDAR

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to approve the Consent Calendar with the removal of Items D, J, K, M and N.

A. City Council Minutes

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to approve the City Council minutes of September 4, 1991 and September 18, 1991.

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

- (1) Human Resources Committee minutes of June 17, 1991 and July 15, 1991.
- (2) Planning Commission minutes of September 3, 1991.

C. Warrant Register

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to approve Warrant Nos. 104663 through 104874 (Voids 104661-104662) for the period 9-9-91 through 9-13-91 in the amount of \$1,118,230.19; approve Warrant Nos. 104877 through 105067 (Voids 104875-104876) for the period 9-16-91 through 9-20-91 in the amount of \$477,219.88; for a total Warrant Register of \$1,595,450.07.

Payroll Register

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to approve Payroll Warrants Nos. 68272 through 68665 (Voids 68269-68271) for the period 9-2-91 through 9-15-91 in the amount of \$362,223.42; for a total Payroll Register of \$362,223.42.

E. **Bid Award - One 1992 Two-Ton Payload Utility Bed Dump Truck**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to accept the bid of C&M Chevrolet, in the amount of \$23,165.17, for the purchase of one 1992 Chevrolet two-ton payload utility bed dump truck to replace Unit #272, a 1970 two-ton payload flat bed truck.

F. **Bid Award - One Office Copy Machine**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to accept the bid of Ultragraphics, in the amount of \$6,852.90, for the purchase of one new office copy machine, Mita Model No. 4585, with the upgraded sorter as a replacement for the existing machine.

G. **Painting of the Library/Senior Center, Community Center and Ole Hanson Beach Club (Project No. 9-91)**

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

1. Approve plans and specifications for Project No. 9-91 (Painting of the Library/Senior Center, Community Center and Ole Hanson Beach Club).
2. Authorize Staff to advertise the project for competitive bids.

H. **Notice of Completion - Annual Street Slurry Sealing Program (Project No. 6-91)**

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

1. Accept the Annual Street Slurry Sealing Program, Project No. 6-91, from the contractor, Doug Martin Contracting Company.
2. Authorize the City Clerk to file a Notice of Completion with the County Recorder. (City Contract #C91-22)

I. **Parking on the North Side of Via Blanco Cul-de-Sac**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to deny the request to prohibit parking on the north side of Via Blanco between Calle Heraldo and 2948-1/2 Via Blanco.

L. **Initiation of Code Amendments - Temporary Banner Signs**

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

1. Establish criteria for temporary banners signs as follows:
 - > Temporary banner signs shall be limited in size to a maximum of 64 square feet, the location to be flush against the business structure, with the colors of the banners to be consistent with the City's Sign Ordinance and Design Guidelines.
 - > Temporary banner signs shall be limited to one (1) per business per calendar year for a maximum of 30 days unless extended by the City Planner or his/her designee in lieu of permanent signage.
 - > Temporary banners shall be limited to commercial districts.
2. Direct the Planning Division to utilize the above criteria in issuing and enforcing temporary banner signs until the appropriate amendments to the City Code are processed.

NOTE: This item was reconsidered later in the meeting. See Page 12 of these minutes for the modified action.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**D. Ambulance Invoicing by Independent Agency**

In response to Council inquiry, Al Gonzales of Advanced Billing Concepts, verified that the data utilized by Advanced Billing Concepts will be held in confidence.

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to approve, and authorize the Mayor to execute, City Contract #C91-29 by and between the City of San Clemente and Advanced Billing Concepts relating to the provision of consultant services to perform ambulance billing for the City of San Clemente.

J. Parking on Calle Escuela, Calle Sandia and Calle Salida

Richard Butera, 313 Calle Escuela, stated that students frequently park in the vicinity of Calle Escuela, Calle Sandia and Calle Salida; voiced concern with the presence of individuals who do not reside in the neighborhood; stated that speeding, congestion, crime and trash problems have increased in severity as a result of the parking situation; noted that at the time Council voted to restrict parking on Calle Juego, the homeowners association requested that parking restrictions also be established on Calle Escuela, Calle Sandia and Calle Salida to avoid a transfer of the problem.

MOTION BY COUNCILMEMBER BENEDICT, SECOND BY MAYOR PRO TEM ANDERSON to not take action concerning the parking situation on Calle Escuela, Calle Sandia and Calle Salida at this time, but direct that another study of the area take place in March 1992 to ascertain whether the situation has worsened. Further, that Council reconsider the issue following completion of that study.

John Stanford, 303 Calle Escuela, stated that students often park on both sides of Calle Escuela which precludes his guests from finding a parking space; opined the situation worsens as the school season progresses; opined the parking problem will be transferred to another location on Calle Escuela if parking restrictions are only imposed in the vicinity of the curve.

SUBSTITUTE MOTION BY COUNCILMEMBER LORCH, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 4-1 (COUNCILMEMBER BENEDICT VOTING NOE), adopt Resolution No. 91-119 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING "RESTRICTED PARKING" REGULATIONS ON CALLE ESCUELA. This Resolution limits parking on both sides of Calle Escuela from Calle Salida to Calle Sandia to two hours from 7:00 a.m. to 3:00 p.m. Monday through Friday, and prohibits parking on both sides of Calle Escuela from Calle Salida to Calle Sandia between the hours of 7:30 a.m. and 10:30 a.m. on Fridays to accommodate street sweeping. (Note: Council did not impose parking restrictions on Calle Salida or Calle Sandia.)

K. Bonito Canyon Park - Boys' and Girls' Club Expansion

MOTION BY COUNCILMEMBER LORCH to not approve a supplemental appropriation for the Boys' and Girls' Club expansion. The motion died for lack of a second.

MOTION BY COUNCILMEMBER BENEDICT, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to approve a supplemental appropriation in the amount of \$8,820 to Account No. 031-862-45300-000-11443, Bonito Canyon Park - Boys' and Girls' Club expansion, in the Parks Acquisition and Development Fund.

L. Initiation of Code Amendments - Temporary Banner Signs

MOTION BY COUNCILMEMBER LORCH that the aggregate sign area of temporary banner signs not exceed the total sign area permitted for permanent signage (i.e., one and one half square feet of sign area for each one foot of length of the building or business) up to a maximum of 64 square feet. The motion died for lack of a second.

In discussing the motion, Council noted that the criteria adopted this evening will be superseded by the revised Sign Ordinance.

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

1. Amend Council's action of earlier this evening to establish criteria for temporary banner signs as follows:
 - > Temporary banner signs shall be limited in size to a maximum of 64 square feet, the location to be flush against the business structure, with the colors of the banners to be consistent with the City's Sign Ordinance and Design Guidelines.
 - > Temporary banner signs shall be limited to one (1) per business per calendar year for a maximum of 30 days unless extended by the City Planner or his/her designee in lieu of permanent signage. Extensions in lieu of permanent signage may only be granted in cases where a complete permanent signage application has been filed with the City.
 - > Temporary banners shall be limited to commercial districts.
2. Direct the Planning Division to utilize the above criteria in issuing and enforcing temporary banner signs until the appropriate amendments to the City Code are processed.

M. **Bid Award - One New 1992 Full-Size 3/4 Ton Pickup Truck**

Council directed Staff to report on possible alternatives to the current formal bidding system to facilitate cost savings on the purchase of vehicles.

MOTION BY COUNCILMEMBER BENEDICT, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to accept the bid of Pearson Ford, in the amount of \$15,481.60 for the purchase of one 1992 Ford Model F-250 3/4 ton pickup truck.

N. **Bid Award - Two New 1992 Mid-Size Extended Cab Pickup Trucks**

MOTION BY COUNCILMEMBER BENEDICT, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to accept the bid of Sunset Ford, in the amount of \$23,140.40, for the purchase of two 1992 Ford Ranger Supercab mid-size pickup trucks, to include Alternate Item #2 for sliding rear windows.

5. **ORAL COMMUNICATIONS**

Foothill Transportation Corridor, Southern Segment

Wayne Hines, 128 San Fernando, spoke in opposition to the Foothill Transportation Corridor; stated the corridor will result in the loss of a State park and 650 acres of land.

Roger Hudson, 2907 Calle Frontera, stated all freeways eventually become congested and facilitate development; encouraged Council to support mass transit; voiced concern that the corridor will generate noise and air pollution.

Karoline Koester, 604 Via Pavon, referenced the Response to Comments of the Supplemental Environmental Impact Report; stated a large number of people are dissatisfied with the information provided by the Transportation Corridor Agencies; stated the growth-inducing aspect of the corridor has not been answered; voiced concern that citizens will ultimately be taxed to repay the bonds; questioned the legality of extending the corridor over the Orange County boundary, since the JPA's jurisdiction is limited to the confines of Orange County.

Don Kunze, 107 Avenida San Diego, voiced opposition to the tollroad.

Andy Horn, 124 San Fernando, opined the issue of the corridor should be submitted to the electorate.

Bret Johnson, 103 Avenida Buena Ventura, spoke in opposition to the Foothill Transportation Corridor.

Alvin White, 1202 Charco, commented on the sanctity of land as it relates to the City's Indian heritage.

Leila Endersby, 108 San Dimas, opined that the corridor will not solve traffic problems; spoke in support of mass transit.

Audrey Germer, 1807 Calle Mayita, opined the corridor will be routed through the City if Camp Pendleton does not permit encroachment.

Jim Hill, 4115 Calle Mayo, opined the citizens of San Clemente will experience less noise and air pollution if the Transportation Foothill Corridor is constructed, since usage of the I-5 will be reduced and pollution resulting from the corridor will revert inland due to prevailing winds; urged that Council not modify its action of July 17, 1991.

6. UNFINISHED BUSINESS**A. Taxicab Operations****(1) Taxicab Ordinance**

Report from the Police Chief concerning amending the City's taxicab ordinance to provide a process for taking action against the owner(s) of taxicab companies when laws are violated.

(2) Taxicab Rate Increase Request

Report from the City Clerk concerning a request to increase taxicab fares in the City.

Lt. Rivera reviewed the contents of the Administrative Report.

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to authorize the City Attorney to review and amend the City's Taxicab Ordinance, providing procedures to enable Staff, in the interest of public safety, to revoke or suspend taxi driver permits and taxi company Certificates of Public Convenience and Necessity, upon certain findings, pending final disposition by Council.

MOTION BY COUNCILMEMBER LORCH, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 3-2 (COUNCILMEMBERS BENEDICT AND HAGGARD VOTING NOE) to grant an increase in taxicab fares as requested by Kelly Cabs, i.e., \$2.00 flagdrop and 20 cents for each additional 1/10 mile, plus 20 cents for each 60-second waiting time or traffic delay.

Sunny Patel, Kelly Cabs, stated that most of the charges against him have been dismissed by the court.

MEETING RECESSED

Council recessed at 9:45 p.m. and reconvened at 9:50 p.m., with all members present.

7. NEW BUSINESS

None.

8. **REPORTS**A. **Commissions and Committees**(1) **Commission Vacancies**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to accept the resignations of Robert Hamilton from the Planning Commission, Robert Magnuson from the Parks and Recreation Commission and Jane Mertens from the Community Design Commission, with regret and appreciation for their services. Council will interview to fill the subject unexpired terms, which were scheduled to terminate in June 1992, at an Adjourned Regular Meeting on October 9, 1991. *Note: *This action was modified by the next motion.*

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

1. Accept the resignations of Robert Hamilton from the Planning Commission and Robert Magnuson from the Parks and Recreation Commission, with regret and appreciation for their services.
2. Decline to accept the resignation of Jane Mertens from the Community Design Commission at this time, with the hope that she will agree to remain active until the Commission's scope of responsibility is finalized.

B. **City Manager**

None.

C. **City Attorney****Cray v. City of San Clemente**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to approve, and authorize the Mayor to execute, a settlement agreement for the case entitled Cray v. City of San Clemente. This settlement agreement provides that the City shall pay \$40,000 to each of the five sets of plaintiffs in this case, for a total payment of \$200,000.

Mallory v. City of San Clemente

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to authorize settlement of the case entitled Mallory v. City of San Clemente. The settlement agreement for this case shall be prepared in a form identical to the settlement agreement for the case entitled Cray v. City of San Clemente, with the exception that the City's insurance carrier has agreed to pay a portion of the settlement. The City-funded portion of the settlement will be approximately \$21,000 to \$22,000.

Summerfield v. City of San Clemente

City Attorney Oderman reviewed that the case of Summerfield v. City of San Clemente involved a wrongful death action filed against the City; noted the subject case was based upon the allegation that the Police Department and City paramedics had negligently handled an incident involving a criminal suspect who was killed by a private party; stated the presiding judge ruled in favor of the City on all counts and found that the City's actions were proper and that the City was not liable.

D. Council Members**(1) Workers' Compensation Reform for Stress-Related Injuries - (Mayor Pro Tem Anderson)**

MOTION BY MAYOR DIEHL, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to adopt Resolution No. 91-120 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE SUPPORTING WORKERS' COMPENSATION REFORM FOR STRESS-RELATED INJURIES.

(2) Off-Track Wagering (AB 948 - Maddy) - (Councilmember Lorch)

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to authorize two Councilmembers plus staff to attend an off-track wagering hearing in Sacramento concerning AB 948 (Maddy), and to authorize a \$1,000 expenditure for this purpose. It was agreed that Councilmember Lorch, along with either the Mayor or Mayor Pro Tem, shall represent the Council at this hearing.

- (3) **Consideration of providing direction to the City of San Clemente TCA representative regarding concerns, acceptance and/or direction relative to the Final EIR, mitigation and findings for the Foothill Transportation Corridor, Southern Segment. (Councilmember Lorch)**

MOTION BY COUNCILMEMBER LORCH to not certify the Environmental Impact Report for the modified "C" alignment at this time and to direct Mayor Diehl (the City's representative to the TCA) to make this motion at the TCA Board meeting of October 10, 1991, based on the Response to Comments. The Motion died for lack of a second.

MOTION BY COUNCILMEMBER LORCH to direct that this issue be re-agendized for the Adjourned Regular Meeting of October 9, 1991, to provide the opportunity for Staff comment and/or to facilitate motions that Council may wish to provide to Mayor Diehl (the City's representative to the TCA). The Motion died for lack of a second.

In response to Councilmember Lorch's suggestion that the issue of the Foothill Transportation Corridor be submitted to the electorate, City Attorney Oderman explained that the California Supreme Court has decided that the corridor issue is not an appropriate subject for the initiative process; explained that this finding arose as a result of the attempts of the Committee of 7,000 to withdraw the City of Irvine from the TCA.

South Orange County Leadership Conference

Mayor Pro Tem Anderson advised that the Fall session of the South Orange County Leadership Conference will be held on October 11, 1991 at Saddleback College.

Outdoor Seating at Dining Establishments

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to request that Staff investigate the possibility of proposing Code amendments to provide allowances for outdoor seating in dining establishments.

9. RESOLUTIONS/ORDINANCES

None.

MEETING RECESSED

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to recess to a meeting of the Redevelopment Agency at 10:45 p.m.

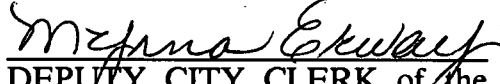
MEETING RECONVENED

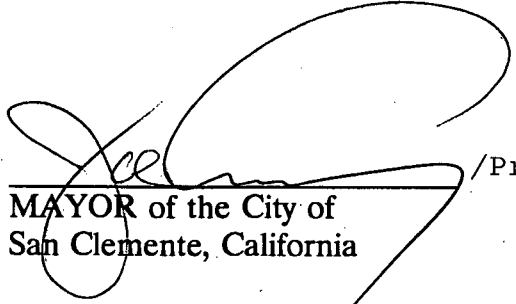
Council reconvened at 10:46 p.m., with all members present.

10. ADJOURNMENT

MOTION BY COUNCILMEMBER LORCH, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to adjourn at 10:46 p.m. to Wednesday, October 9, 1991 at 6:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, to interview and make selections to fill vacancies on the Planning Commission, Golf Course Committee and Parks and Recreation Commission.

The next Regular Meeting will be held on **Wednesday, October 23, 1991** at 7:00 p.m. in the Council Chambers. **(The City Council will not meet on October 16, 1991.)**


DEPUTY CITY CLERK of the
City of San Clemente, California


MAYOR of the City of
San Clemente, California

/Pro Tem



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 October 2, 1991 said meeting was adjourned to the time and place specified in the ORDER OF ADJOURNMENT attached hereto; and that on October 3, 1991 at the hour of 9:30 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 October 2, 1991 at San Clemente, California.


MYRNA ERWAY
City Clerk

