

# CITY OF SAN CLEMENTE

## City Council Minutes

### Regular Meeting - October 23, 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 Pro Tem Anderson at 6:35 p.m.

**PRESENT** BENEDICT, HAGGARD, LORCH\*, MAYOR PRO TEM ANDERSON

\*Arrived at 6:45 p.m.

**ABSENT** MAYOR DIEHL

**STAFF PRESENT** Michael Parness, City Manager; Myrna Erway, City Clerk; 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 an item of pending litigation, WCAB Case Nos. 90 ANA 0235488 and 91 ANA 0244013. The City Manager, Assistant City Manager, Personnel/Risk Manager and City Clerk were in attendance.

### **MEETING RECONVENED**

Council reconvened at 7:10 p.m., with all members present.

### **INVOCATION**

The Reverend Robert M. Boyer, St. Clement's by the Sea Episcopal Church, gave the invocation.

### **PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Anderson led the Pledge of Allegiance.

1. **SPECIAL PRESENTATION**

Tony Adame, United Way Representative, provided an overview of the 1991/92 United Way campaign.

2. MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0, to waive reading in full of all Resolutions and Ordinances.

3. **PUBLIC HEARINGS**

A. **New Recreation and Aquatic Programs Fee Structure**

Public Hearing to consider establishing a new recreation and aquatic programs fee structure for the Beaches, Parks and Recreation Department.

Recreation Supervisor Martinez reviewed the contents of the Administrative Report.

Mayor Pro Tem Anderson opened the Public Hearing.

Mary Glendinning, 123 Avenida Dolores, Member of the Pool Partnership Committee, recommended that Council pursue the Committee's long-term funding proposals to ensure the availability of sufficient pool revenue; urged Council to authorize proration of the yearly swim pass fee for those swimmers whose current pass will not expire until after January 1, 1992.

Margo Beauchamp, 137 Avenida Santa Margarita, Member of the Pool Partnership Committee, relayed that the Committee has accepted the concept of increased fees to support the year-round operation of the Ole Hanson Beach Club; voiced concern that Staff has been unable to devise a method of diverting the fees into a specific pool account; suggested that the condition of the pool could be improved by 1) posting job descriptions and responsibilities, 2) posting a regular maintenance schedule and check list, 3) ensuring that the dressing rooms, shower areas and pool are inspected bi-weekly, 4) cleaning the pool tiles on a regular basis, 5) frequent vacuuming, and 6) retainment of an outside pool vendor (or full-time staff member) to oversee operations.

Dorothea Flynn, 323 Calle Familia, suggested that the parking fee for recreation and aquatic classes be deferred until after the City has had an opportunity to determine the amount of revenue which will be received from the new pool programs.

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

In answer to Council inquiry, City Manager Parness explained that Staff can document the amount of pool revenue that is received; opined the establishment of an Enterprise Fund would probably be ill-advised, noting the unlikelihood that the pool will ever become self-supporting.

**MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT to:**

1. Adopt Resolution No. 91-121 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING FEE SCHEDULES FOR RECREATION AND AQUATIC PROGRAMS AND SERVICES PROVIDED BY THE CITY.
2. Adopt a fee schedule, identical to the schedules contained in Exhibits A and B of the Administrative Report, with the exception that the parking pass fee for recreation and aquatic classes be deleted. The parking fee for renters of the facility is to remain.
3. Direct Staff to devise an equitable method of prorating swim passes that will expire after January 1, 1992.

**MOTION TO AMEND BY COUNCILMEMBER LORCH to :**

1. Adopt the fee schedule contained in Exhibit B of the Administrative Report, with the modification that the fee for an Event Parking Pass be established at \$.50 per car with a \$50 maximum.
2. Direct Staff to devise an equitable method of prorating swim passes that will expire after January 1, 1992.

The Motion to Amend died for lack of a second.

**THE ORIGINAL MOTION CARRIED 3-1 (COUNCILMEMBER LORCH VOTING NOE).**

B. Time Extension for Use Permit 86-17 - San Clemente Retail Plaza - 665 Camino de los Mares

Continued Public Hearing to consider a request to extend Use Permit 86-17 (San Clemente Retail Plaza) for a one-year period.

Principal Planner Goldin reviewed the contents of the Administrative Report.

Mayor Pro Tem Anderson opened the Public Hearing.

Hunter Wilson, Owner, 112 Grand Canal, Balboa Island, stated the problems relative to the condition of the property have been resolved and that the property will now be kept clear of trespassing vehicles and debris; opined that he should not be required to contribute toward median and traffic signal costs that are remote from the plaza and do not benefit the project.

Jerry Klein, The Klein Group, 33161 Camino Capistrano, San Juan Capistrano, suggested that Condition No. 2a, relating to improvements on Los Mares beyond the vicinity of the project, was imposed because of the potential for overflow parking from the theatre; opined that overflow parking from the theatre will only occur on rare occasion; reiterated concern that the project should not be required to pay 75% of the cost of the traffic signal at the entrance of the Medical Center offices and Samaritan Hospital; referenced Condition 6a and opined that it is unnecessary to bond for on-site grading and landscaping; suggested that Conditions 10, 11 and 12 could be eliminated since the City could assess water availability, sewage capacity and street capacity at this point in time.

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

**MOTION BY COUNCILMEMBER BENEDICT, SECOND BY COUNCILMEMBER LORCH to adopt Resolution No. 91-122 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING A ONE-YEAR TIME EXTENSION FOR USE PERMIT 86-17, SAN CLEMENTE RETAIL PLAZA, FROM THE DATE OF THIS ACTION BY THE CITY COUNCIL.**

MOTION TO AMEND BY COUNCILMEMBER LORCH to add a Condition of Approval to require the Applicant to submit an implementation plan and schedule to the Economic Development Committee and that the Economic Development Committee report to Council in six months relative to the progress of the project. The Motion to Amend died for lack of a second.

THE ORIGINAL MOTION CARRIED 4-0.

C. **Interpretation 91-59 - Determination on Section 5.17 of the Zoning Ordinance of the City of San Clemente, Relating to Front-Yard Setback Averaging**

Public Hearing to interpret Section 5.17 of the Zoning Ordinance that measurements for front-yard setback averages shall be made to the nearest line of the main building, or an accessory building (garage or carport) which would normally be required to meet the minimum front setback within any given Zoning District.

Assistant Planner Delcamp reviewed the contents of the Administrative Report.

Mayor Pro Tem Anderson opened the Public Hearing.

Jim Sigafos, 310 La Rambla, spoke in support of the project proposed by Mr. and Mrs. Steele; stated that all but one residence on Paseo de Cristobal encroaches within the average setback, and that the one house that does not encroach has a carport that intrudes into the setback; opined the residence proposed by the Steeles will benefit the neighborhood.

Lee Riley, 125 Valencia, recommended that properties that are set back farther than the mandatory 20' setback in an R-1 District should be recorded as a 20' setback for purposes of averaging; recommended that the first sentence of Section 5.17 of the Zoning Ordinance be modified to read as follows: "In residential districts, where four (4) or more lots in a block have been improved with buildings, pursuant to authority granted by the Planning Commission and/or City Council, the minimum required front setback shall be the average of *all* the improved lots." Mr. Riley distributed a communication which identifies the objectives of his recommended modification to the Zoning Code, which is on file in the City Clerk's Department.

Kirk Steele, Applicant, 268 Avenida Montalvo, Villa #4, relayed his desire to build a home that will improve, and fits the character of, the neighborhood; opined that the interpretation of Section 5.17 of the Zoning Ordinance, as recommended by the Planning Commission, is fair and proper.

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 adopt Resolution No. 91-123 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ISSUING INTERPRETATION 91-59, DETERMINING THAT A PROPOSED RESIDENTIAL REMODELING PROJECT AT 331 PASEO DE CRISTOBAL COMPLIES WITH SECTION 5.17 OF THE CITY OF SAN CLEMENTE ZONING ORDINANCE.**

**SUBSTITUTE MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER BENEDICT to approve the remodeling project at 331 Paseo de Cristobal as a variance, direct the City Attorney to prepare findings, and to authorize a waiver of variance fees.**

City Attorney Oderman advised that Council cannot approve the project as a variance at this point in time, and explained that the Applicant would be required to file a new application and go through a Public Hearing before the Planning Commission; noted the Planning Commission's action on the variance would be available for appeal to the City Council.

Councilmember Benedict withdrew his second to the Substitute Motion and the Substitute Motion consequently died.

**SUBSTITUTE MOTION BY COUNCILMEMBER LORCH to direct that the remodeling project at 331 Paseo de Cristobal be re-submitted as a variance, that the application be referred directly to the Council as soon as possible (bypassing the Planning Commission and other reviews) and that the fees normally attendant to a variance be waived. The Substitute Motion died for lack of a second.**

**MOTION TO AMEND BY COUNCILMEMBER LORCH to add that the usage of the accessory building, as defined as a garage or carport, are only those that would meet the 20' setback requirement. The Motion to Amend died for lack of a second.**

**MOTION TO AMEND BY COUNCILMEMBER LORCH that this interpretation only apply to the R-1 zone. The Motion to Amend died for lack of a second.**

**THE ORIGINAL MOTION CARRIED 3-1 (COUNCILMEMBER LORCH VOTING NOE).**

**MEETING RECESSED**

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

**4. CONSENT CALENDAR**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 4-0, to approve the Consent Calendar with the removal of Items 4-A (City Council minutes of August 26, 1991 and October 9, 1991), D, E, F, G, K, N, O, P, Q and R.

**A. City Council Minutes**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 4-0, to approve the City Council minutes of August 28, 1991, September 11, 1991 and October 2, 1991.

**B. MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 4-0, to receive and file:**

- (1) Parks and Recreation Commission minutes of September 10, 1991.
- (2) Planning Commission minutes of September 17, 1991.

**C. Warrant Register**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 4-0, to approve Warrant Nos. 105071 through 105184 (Handwrite 105068) (Voids 105069-105070) for the period 9-23-91 through 9-27-91 in the amount of \$1,004,485.24; approve Warrant Nos. 105189 through 105279 (Voids 105185-105188) for the period 9-30-91 through 10-4-91 in the amount of \$126,391.26; approve Warrant Nos. 105282 through 105547 (Voids 105280-105281) for the period 10-7-91 through 10-11-91 in the amount of \$1,433,701.64; for a total Warrant Register of \$2,564,578.14.

**Payroll Register**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 4-0, to approve Payroll Warrant Nos. 68673 through 69045 (Handwrites 68666-68668) (Voids 68669-68672 and 69046) for the period 9-16-91 through 9-29-91 in the amount of \$347,682.68; approve Payroll Warrant Nos. 69051 through 69423 (Voids 69048-69050) for the period 9-30-91 through 10-13-91 in the amount of \$352,025.21; for a total Payroll Register of \$699,707.89.

**H. Pier Pile Repair Project #12-91**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 4-0, to:

1. Approve the plans and specifications for Pier Repair Project #12-91.
2. Authorize Staff to advertise Project #12-91 for competitive bidding.

**I. Supplemental Appropriation - Preparation of New Police Patrol Units**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 4-0, to approve a supplemental appropriation of \$9,800.00 to Account #065-824-45600, Automotive Equipment, in the Fleet Maintenance Fund.

**J. Equipment Purchase - Street Sweeper on a 1991 Ford Cabover Truck**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 4-0, to approve the sole source purchase of one 1991 factory demonstrator Elgin Crosswind, "G" Regenerative Air Street Sweeper (Serial Number G-415-D) mounted on a 1991 model year Ford C.F.7000 cabover truck chassis from the Factory Dealer/Haaker Equipment Co. with all warranties and options listed in their proposal, and with "right of refusal", at time of delivery, for a total cost of \$94,820.00 including tax and delivery within 30 days of notice of approval to purchase from the City.



L. Closure of Weed Abatement 1991

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 4-0, to confirm the Weed Abatement Report and authorize the Fire Department to bill the owners for the amounts indicated in the 1991 Weed Abatement Report.

M. Bid Award - 1992 Mid-Size Extended Cab Pickup Truck

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 4-0, to accept the bid of Capitol Ford in the amount of \$11,770.61 for the purchase of one 1992 model mid-size Ford Ranger super-cab pickup for use by the Solid Waste Management Coordinator.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

A. City Council Minutes of August 26, 1991

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 3-0-1 (COUNCILMEMBER LORCH ABSTAINING), to approve the City Council minutes of August 26, 1991.

City Council Minutes of October 9, 1991

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 3-1 (COUNCILMEMBER LORCH VOTING NOE), to approve the City Council minutes of October 9, 1991.

D. "SCPD" Decals for Police Vehicles

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 3-1 (COUNCILMEMBER LORCH VOTING NOE), to approve the design and locations of SCPD (Service Compassion Protection Dedication) decals on Police vehicles, as described in the Administrative Report which is on file in the City Clerk's Department.

E. **Rancho San Clemente Median Landscaping**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 3-1 (COUNCILMEMBER LORCH VOTING NOE), to accept the landscape improvements within the Rancho San Clemente medians, designated in Exhibit "A" of the Administrative Report which is on file in the City Clerk's Department, subject to receiving a letter satisfactory to the City Engineer from the developer warranting the work for one year after acceptance.

F. **Subdivision Improvement Agreement - Lot 25, Tract 11781, Forster Ranch**

MOTION BY COUNCILMEMBER LORCH to continue consideration of the Subdivision Improvement Agreement for Lot 25 of Tract 11781 to allow an opportunity for copies of the agreement to be provided to Councilmembers for review. The motion died for lack of a second.

Staff noted that the subject Subdivision Improvement Agreement is identical to other Subdivision Improvement Agreements in terms of format; noted Subdivision Improvement Agreements vary only with regard to the reference to the works of improvement that the subdivider is required to construct and the security bonds that are required to be posted.

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 4-0, to approve, and authorize the Mayor to execute, the Subdivision Improvement Agreement by and between the City of San Clemente and Hill Williams Investment Partners, for Lot 25, Tract 11781, Forster Ranch.

G. **Regional Facilities Stormdrain in Talega/Champion Hills**

MOTION BY COUNCILMEMBER BENEDICT, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 3-1 (COUNCILMEMBER LORCH VOTING NOE), to approve, and authorize the Mayor to execute, an Agreement by and between the City of San Clemente, Orange County Flood Control District and Arvida/JMB Partners to allow construction and identify maintenance responsibilities of Regional Facilities Stormdrain MO2-SO2 and MO2-BO1 in Talega/Champion Hills. (City Contract #C91-36)

**K. Bid Award - 1992 Mid-Size 4x2 Chevrolet Blazer**

Following discussion, MOTION BY COUNCILMEMBER BENEDICT, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0, to:

1. Accept the \$16,419.44 bid of C&M Chevrolet for the purchase of a 1992 mid-size 4x2 Chevrolet Blazer for use in connection with the Fire Prevention Program.
2. Approve a supplemental appropriation of \$15,000 to Account 001-223-45600, Automotive Equipment, in the General Fund.
3. Approve an appropriation transfer of \$1,420 from Account 001-223-43890, Other Contractual Services, to Account 001-223-45600, Automotive Equipment, in the Fire Prevention Program of the Fire Department.

**N. Christmas Tree Sales at Lower North Beach Parking Lot**

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 4-0, to:

1. Approve a request by Mr. Charles Kent for the use of the lower North Beach Parking Lot for a Christmas tree selling lot from November 29, 1991 through December 23, 1991.
2. Charge a fee of \$2,500 for the use of the lot, \$250 for utilities and \$500 as a cleaning deposit.
3. Direct that Staff consider escalating the rental fee in the event a request is made to utilize the lot next year.

O. **Parking Code Amendments to Accommodate Outdoor Cafe Seating and Historic Commercial Structures**

Following discussion, MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 4-0, to direct Staff to work with the Planning Commission to develop appropriate Code amendments which would encourage outdoor seating for cafes and restaurants and would promote renovation, redevelopment, and reuse of historic structures by relaxing parking standards for those uses.

P. **Authorization to Solicit Bids - Segunda Deshecha Flood Control Channel Repair**

Following discussion, MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 4-0, to authorize Staff to advertise for bids to repair the County of Orange Segunda Deshecha Flood Control Channel at the Water Reclamation Plant.

Q. **Resolution Increasing Taxicab Fares**

MOTION BY COUNCILMEMBER LORCH, SECOND BY MAYOR PRO TEM ANDERSON to adopt Resolution No. 91-124 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, INCREASING THE RATE OF FARE FOR TAXICABS OPERATING WITHIN THE CITY OF SAN CLEMENTE.

SUBSTITUTE MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH to continue consideration of adopting a resolution to increase taxicab fares to the Council Meeting of November 20, 1991 to enable the full Council to be present.

SUBSTITUTE MOTION BY COUNCILMEMBER BENEDICT, SECOND BY COUNCILMEMBER LORCH to amend Resolution No. 91-124 to approve half of the fare increase requested by Kelly Cabs, with the understanding that Council will reconsider the request after a six-month period if Kelly Cabs' performance so warrants.

City Attorney Oderman noted that Council approved the fare increase at the Council Meeting of October 2, 1991 with the understanding that the Applicant would immediately commence charging the increased fare; noted that since a resolution was not available at the last meeting, a resolution was subsequently prepared and is before Council this evening; stated it would be incumbent upon a Councilmember that voted with the majority at the last meeting to initiate a reconsideration of Council's action of October 2, 1991.

THE ORIGINAL SUBSTITUTE MOTION CARRIED 4-0. (For purposes of clarification, this Substitute Motion was to continue consideration of adopting a resolution to increase taxicab fares to the Council Meeting of November 20, 1991 to enable the full Council to be present.)

R. **First Amendment - Joint Participation Agreement for Development and Utilization of Reclaimed Water**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 3-1 (COUNCILMEMBER LORCH VOTING NOE), to approve, and authorize the Mayor to execute, the First Amendment to Joint Participation Agreement for development and utilization of reclaimed water by and between the City of San Clemente, Metropolitan Water District of Southern California, Coastal Municipal Water District and Tri-Cities Municipal Water District. (City Contract #C90-23)

5. **ORAL COMMUNICATIONS**

None.

6. **UNFINISHED BUSINESS**

None.

7. NEW BUSINESSA. Code Amendment - Condominium and Time Share Use or Project Conversion - Alternative Housing Vacancy Rate Source

Report from the Community Development Director concerning a request to amend Section 35-30, Subsection (a) of the Code of the City of San Clemente, to reflect a new housing vacancy rate source and a revised "trigger factor."

Assistant Planner Delcamp reviewed the contents of the Administrative Report.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0, to introduce Ordinance No. 1064 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 35-30, SUBSECTION (A), OF THE CODE OF THE CITY OF SAN CLEMENTE, TO REFLECT A NEW HOUSING VACANCY RATE SOURCE AND A REVISED "TRIGGER FACTOR."

B. **One-Year Final Compensation and Post-Retirement Survivor Allowance for Local Lifeguards**

Report from the Personnel/Risk Manager concerning an amendment to the contract with the Public Employees' Retirement System (PERS) to provide Section 20024.2 (One-Year Final Compensation) and Sections 21263, 21263.1, and 21263.3 (Post-Retirement Survivor Allowance) for local lifeguards only.

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

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 3-1 (COUNCILMEMBER LORCH VOTING NOE), to:

1. Adopt Resolution No. 91-125 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DECLARING ITS INTENTION TO APPROVE AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE REGARDING THE SAN CLEMENTE LIFE-GUARDS.
2. Introduce Ordinance No. 1065 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM REGARDING THE SAN CLEMENTE LIFEGUARDS.

C. **Business License Renewal Grace Period Modification**

Report from the City Clerk concerning extension of the grace period for payment of business license renewals.

City Clerk Erway reviewed the contents of the Administrative Report.

MOTION BY COUNCILMEMBER BENEDICT, SECOND BY COUNCILMEMBER HAGGARD to introduce Ordinance No. 1066 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 8-13(D) OF THE CODE OF THE CITY OF SAN CLEMENTE EXTENDING THE GRACE PERIOD FOR BUSINESS LICENSE RENEWALS.

MOTION TO AMEND BY COUNCILMEMBER LORCH to restrict the grace period for business license renewals to those businesses that calculate their fee based upon gross receipts. The Motion to Amend died for lack of a second.

THE ORIGINAL MOTION CARRIED 3-1 (COUNCILMEMBER LORCH VOTING NOE).



D. **Subscription Agreement for Hazardous Materials Emergency Response**

Report from the Fire Chief concerning approval of a Subscription Agreement between the City and the Orange County-City Hazardous Materials Emergency Response Authority to obtain hazardous material emergency response services for the City of San Clemente.

Fire Chief Knight reviewed the contents of the Administrative Report.

Following discussion, MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 4-0, to:

1. Approve, and authorize the Mayor to execute, a Subscription Agreement by and between the City of San Clemente and Orange County-City Hazardous Materials Emergency Response Authority to obtain hazardous material emergency response services for the City of San Clemente. (City Contract #C91-37)
2. Direct the Fire Department staff to continue negotiations with San Onofre, Camp Pendleton and TRW for the purpose of developing an automatic aid agreement, allowing joint response to mitigating hazardous material emergencies.

8. **REPORTS**

A. **Commissioners and Committees**

(1) **Establishment of Parks and Recreation Commissioner Terms**

Report from the City Clerk concerning the length of terms of the Parks and Recreation Commissioners that were appointed on October 9, 1991.

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 4-0, to appoint Evelyn Fernandez and Jennifer Blake (i.e., re-appointed Commissioners) to fill terms to expire June 30, 1993, and to appoint Dorothy Prohaska (newly appointed Commissioner) to fill the unexpired term of Bob Magnuson which will expire June 30, 1992.

**B. City Manager****(1) Determination of agenda items for Council's meeting with Senator Bergeson on November 15, 1991**

Council expressed an interest in discussing the following topics with Senator Bergeson on November 15, 1991:

- a) Proposed Bergeson bill which would restrict the ability of cities relative to developer fees.
- b) AB 945 concerning off-track wagering.
- c) SB 434 pertaining to regional governance.

**(2) Determination of agenda items for the Joint Council/Commissions/Committees meeting on October 30, 1991**

Council directed that the following topics be agendized for the Joint Council/Commissions/Committees meeting on October 30, 1991:

- a) Chamber of Commerce presentation on tourism marketing plan and consideration of authorizing funding.
- b) Recognition of Design Review Committee.
- c) Administration of Oath of Office to new Commission and Committee members.

**C. City Attorney****(1) Report from the City Attorney re Public Easement Rights Across Sea Pointe Villas and Salem Property**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 4-0, to continue the City Attorney's report re public easement rights across the Sea Pointe Villas and Salem property to the Council meeting of November 20, 1991.

D. Council Members

City of Anaheim's Membership on the OCCAA

Mayor Pro Tem Anderson advised that he urged the Anaheim City Council to discontinue its membership on the Orange County Cities Airport Authority; distributed copies of his comments before the Anaheim City Council, which basically relayed San Clemente's position that the OCCAA does not adequately represent all the cities of Orange County; voiced concern that the OCCAA continues to support construction of an airport at Cristianitos Canyon.

Telecommunications Software and Equipment

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 4-0, to direct Staff to agendize a resolution relative to telecommunications software and equipment.

Consideration of Appointments/Membership on the General Plan Advisory Committee (GPAC) Relative to Commission/Committee Representation

Council noted that three Planning Commissioners currently serve on the General Plan Advisory Committee, i.e., Steve Apodaca, Lew Elia and George Key. It was the consensus of Council that the Planning Commission's representation should not exceed two members, and hence, directed that the Planning Commission reduce its representation by one member. Council indicated that Steve Apodaca should remain on the GPAC since he is the current Chairperson.

Off-Track Wagering - AB 945 (Maddy)

Councilmember Lorch reported on his attendance in Sacramento before the legislative committee dealing with off-track wagering (AB 945 - Maddy); noted the meeting was positive and summarized his testimony relative to San Clemente's suitability as a site for an off-track wagering facility.

**Conference re Regional Issues**

Councilmember Haggard noted that a conference will take place on October 25, 1991 at the Doubletree Hotel in Orange concerning regional matters, with an emphasis on environmental and growth management issues; urged Councilmembers and Staff to attend.

9. **RESOLUTIONS/ORDINANCES**

A. **Ordinance No. 1063 (Rancho San Clemente SPA 91-68) - Second Reading**

MOTION BY COUNCILMEMBER LORCH to defer the second reading of Ordinance No. 1063 to the Council meeting of November 20, 1991, pending review of the ownership of the property surrounding the Rancho San Clemente Tennis Club and assessment of the possibility of providing on-site parking. The Motion died for lack of a second.

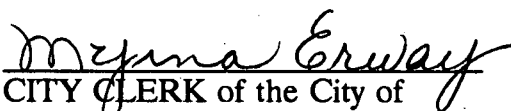
MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 3-1 (COUNCILMEMBER LORCH VOTING NOE), to adopt Ordinance No. 1063 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CERTIFYING A NEGATIVE DECLARATION AND AMENDING SECTION B.8.A OF THE RANCHO SAN CLEMENTE SPECIFIC PLAN TO ALLOW LIMITED PARKING ON AVENIDA VISTA MONTANA.


Council requested that Staff report on the feasibility of utilizing land around the Rancho San Clemente Tennis Club to accommodate additional parking.

10. ADJOURNMENT

MOTION BY COUNCILMEMBER BENEDICT, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0, to adjourn at 11:10 p.m. to October 30, 1991 at 7:00 p.m. in the Community Center, Ole Hanson Conference Room, 100 N. Seville, San Clemente, California for the purpose of participating in a Joint Council/Commissions/Committees meeting.

The next Regular Meeting will be held on November 6, 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 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 23, 1991, the meeting was adjourned to the time and place specified in the ORDER OF ADJOURNMENT attached hereto; and that on October 24, 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 24, 1991 at San Clemente, California.

  
MYRNA ERWAY  
City Clerk

