

# CITY OF SAN CLEMENTE

## City Council Minutes

Regular Meeting - November 6, 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 6:40 p.m.

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

\*Arrived at 6:45 p.m.

**ABSENT** MAYOR PRO TEM ANDERSON

**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 6:40 p.m. to discuss 1) a matter of real property negotiations concerning the property located at the northeast corner of Avenida Presidio and El Camino Real (Unocal property) - B. L. Scaparro, Negotiator, pursuant to GC Section 54956.8; and 2) matters of personnel. The City Manager, Assistant City Manager, City Attorney, Personnel/Risk Manager and City Clerk were in attendance.

### **MEETING RECONVENED**

Council reconvened at 7:05 p.m., with all members present except Mayor Pro Tem Anderson.

### **Unocal Property at Avenida Presidio and El Camino Real**

MOTION BY COUNCILMEMBER BENEDICT, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0, to authorize an appraisal and survey costs of the Unocal property at Avenida Presidio and El Camino Real.

**Invocation**

Monsignor McGowan, Our Lady of Fatima Catholic Church, gave the invocation.

**Pledge of Allegiance**

Mayor Diehl led the Pledge of Allegiance.

**1. SPECIAL PRESENTATIONS****A. Recognition of Out-Going Commission/Committee Members**

Mayor Diehl presented a City Tile or Certificate of Appreciation (dependent upon the length of service) to the following out-going Commissioners and Committee members:

Lorna Henricks - Golf Course Committee  
Howard Revie - Planning Commission  
Robert Hamilton - Planning Commission

The following out-going Commission/Committee members were not present:

Tom Padberg - Golf Course Committee  
Robert Magnuson - Parks and Recreation Commission

**B. Introduction of "McGruff", the Crime Dog**

Community Services Officers Janet Dunford and Jan Sener introduced "McGruff", the Crime Dog; thanked the benefactors who made McGruff a reality for San Clemente.

McGruff spoke on the importance of saying "no" to drugs.

**C. Red Ribbon Week Essay Contest**

The following First Place winners of the Red Ribbon Week Essay Contest read their essays entitled "Neighbors - Drug Free and Proud":

7th Grade - Maureen Moore, Our Lady of Fatima

8th Grade - Melanie Hamilton, Shorecliffs Junior High.

D. Buddy Poppy Days Proclamation

Mayor Diehl presented a proclamation, declaring November 8, 1991 through November 10, 1991 as "Buddy Poppy Days," to Robert Christofk, Commander, VFW Post 7142 and George Key, Buddy Poppy Chairman.

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. Marblehead Coastal Bluffs Grading Permit (Phases I and II), Conceptual Landscape Design and EIR 90-01

Public Hearing to consider approving a permanent grading permit and conceptual landscape plan for the Phase I - Grading Program, a proposed grading plan and landscape plan for the Phase II - Grading Program, and certifying Environmental Impact Report 90-01 for the Marblehead Coastal Bluffs. The subject property is located in Marblehead Coastal along the westerly boundary of the property adjacent to North El Camino Real, Atchison, Topeka and Santa Fe Railway Right-of-Way, the Capistrano Shores Mobile Home Park and the Coast.

Associate Planner Pechous reviewed the contents of the Administrative Report; relayed that The Lusk Company disagrees with Condition #8 which requires a replanting program for Blochman's Dudleya, and Condition #11 which requires that The Lusk Company install, maintain, and accept the liability for the elevated public walkway; noted that the Planning Commission modified Condition No. 8 to eliminate the open-ended nature of the mitigation requirements and added that Staff concurs with that modification; advised the Planning Commission has proposed a modification to Condition No. 11 to require the City to maintain the public walkway; noted that Staff does not concur with the Planning Commission's modification of Condition No. 11.

Mayor Diehl opened the Public Hearing.

Karoline Koester, 604 Via Pavon, spoke on the need to open all lanes of North El Camino Real; concurred with The Lusk Company's position concerning Conditions Nos. 8 and 11; voiced concern that the Blochman's Dudleya may not grow if it is transported back to its former habitat; questioned, and received clarification, relative to the length and location of the walkway; questioned the need for the walkway, inasmuch as sufficient view points will be provided with future developments.

John Tengdin, 2859 Calle Heraldo, on behalf of the Planning Commission, explained that the Planning Commission modified Condition #8, relating to the replanting program for the Blochman's Dudleya, to require a best-effort program as opposed to requiring success; stated the Planning Commission feels that the City should maintain the public walkway, since the walkway is similar to the City-maintained public hiking trail along the ridgeline in Rancho San Clemente.

Don Steffensen, The Lusk Company, stated the Company's letter to the Planning Commission, dated October 15, 1991, relays The Lusk Company's position concerning this issue; stated that Condition #11, as proposed by the Planning Commission, is acceptable to the Company; opined that Condition #8, which requires a replanting program for the Blochman's Dudleya, is an inappropriate condition and added that The Lusk Company does not believe that any condition relating to Dudleya mitigation is acceptable or appropriate.

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

Council discussion ensued relative to the elevated walkway and the associated liability issue, as well as the proposed "impact wall".

**MOTION BY COUNCILMEMBER BENEDICT, SECOND BY MAYOR DIEHL**  
to:

1. Adopt Resolution No. 91-126 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CERTIFYING FINAL EIR NO. 90-01 AS ADEQUATE AND COMPLETE.
2. Adopt Resolution No. 91-127 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE GRADING PROGRAM FOR THE MARBLEHEAD COASTAL BLUFFS, with the incorporation of Condition No. 8 as recommended by the Planning Commission and Condition No. 11 as recommended by Staff.

In answer to Council inquiry, City Planner Barnes relayed Staff's position that the project does not violate the City's General Plan.

SUBSTITUTE MOTION BY COUNCILMEMBER LORCH to deny certification of the Environmental Impact Report. The Substitute Motion died for lack of a second.

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

B. Draft Design Guidelines for San Clemente

Public Hearing to consider certifying Negative Declaration 91-60 and adopting the Design Guidelines for San Clemente.

Senior Planner O'Hara reviewed the contents of the Administrative Report; explained that the Guidelines are inherently flexible and are not intended to dictate good design.

Mayor Diehl opened the Public Hearing.

John Tengdin, 2859 Calle Heraldo, stated the Planning Commission concurs with Staff's recommendation; urged that Council initiate an amendment to the Zoning Ordinance to delete the architectural guidelines that are therein contained, so as to avoid conflicting guidelines.

Ray Campbell, 1209 Via La Jolla, Member of the Urban Design Review Committee, voiced concern that the guideline that provides that planted perimeter areas should be 10 feet deep along public streets and 5 feet deep along interior property lines (Page 21), is excessive and discourages redevelopment; disagreed with the guideline which states that the area of solid building wall should be greater than the total area of door and window openings in the wall, except at shopfront locations (Page 14).

Mary Jo Doherty, on behalf of the Community Design Commission, relayed the Commission's rationale in recommending that the "shoulds" in the Guidelines be replaced with "shalls"; spoke in support of retaining the requirement that current historic structures, especially major structures, be replaced with structures consisting of true Spanish Colonial Revival architecture.

Mayor Diehl acknowledged that Council has received a letter from Phil DeProtine, dated November 4, 1991, which expressed his concern that the Design Guidelines encourage the overuse of palm trees.

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

MOTION BY COUNCILMEMBER BENEDICT, SECOND BY COUNCILMEMBER HAGGARD to:

1. Adopt Resolution No. 91-128 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING NEGATIVE DECLARATION NO. 91-60 AND ADOPTING THE DESIGN GUIDELINES FOR SAN CLEMENTE, with amendments listed in Exhibits A and B of the resolution.
2. Authorize a supplemental appropriation in the amount of \$3,000.00 to Account No. 091-910-43540 (Consultant Services) and a supplemental appropriation in the amount of \$1,500 to Account No. 091-910-43050 (Printing) for reformatting and reprographic costs for the Design Guidelines document.

Senior Planner O'Hara relayed Staff's opinion that a conflict does not exist between the Design Guidelines and the Zoning Ordinance.

MOTION TO AMEND BY COUNCILMEMBER LORCH to incorporate the Community Design Commission's recommendations, which include the incorporation of the word "shall" in various locations in lieu of the word "should." The Motion to Amend died for lack of a second.

MOTION TO AMEND BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD to direct that a limited number of Urban Design Guidelines be printed at this time, with the understanding that Council will review the document again in three to six months and will thereupon make a determination relative to additional publication.

Following clarification relative to the fact that Staff is proposing to publish only 200 copies of the Design Guidelines at this time, COUNCILMEMBER HAGGARD WITHDREW HER SECOND AND THE MOTION TO AMEND CONSEQUENTLY DIED.

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

**MEETING RECESSED**

Council recessed at 9:15 p.m. and reconvened at 9:27 p.m., with all members present except Mayor Pro Tem Anderson.

C. Tentative Tract Map 14441- Florencia Condominiums

Public Hearing to consider a request to combine two legal lots of record for the purpose of developing eight residential condominiums at 133 and 135 Avenida Florencia.

Assistant Planner Delcamp summarized the contents of the Administrative Report.

Mayor Diehl opened the Public Hearing.

Frank Montesinos, on behalf of the Owner, concurred with the conditions of approval recommended by Staff.

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

MOTION BY COUNCILMEMBER BENEDICT, SECOND BY COUNCILMEMBER HAGGARD to adopt Resolution No. 91-129 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND APPROVING TENTATIVE TRACT MAP 14441, FLORENCIA CONDOMINIUMS, A REQUEST TO COMBINE TWO LEGAL LOTS OF RECORD FOR A ONE LOT SUBDIVISION FOR THE PURPOSE OF DEVELOPING EIGHT (8) RESIDENTIAL CONDOMINIUMS.

MOTION TO AMEND BY COUNCILMEMBER LORCH to require that two additional guest parking spaces be required, for a total of four guest parking spaces. The Motion to Amend died for lack of a second.

In response to Council comment relative to the importance of updating parking standards, City Planner Barnes noted that Staff is currently drafting revisions to the Residential Development Standards, which will include parking requirements.

Community Development Director Holloway agreed to provide Council with a listing of proposed Code amendments, as prioritized by Staff, so as to enable Council the opportunity to re-prioritize those amendments if desired.

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

4. CONSENT CALENDAR

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0, to approve the Consent Calendar with the removal of Items D, F, H, J, K, and M.

A. City Council Minutes

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 3-0-1 (MAYOR DIEHL ABSTAINING), to approve the City Council minutes of October 23, 1991.

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

- (1) Planning Commission minutes of October 1, 1991.
- (2) Human Resources Committee minutes of August 18, 1991 and September 5, 1991.
- (3) Community Design Commission minutes of August 15, 1991, September 10, 1991, September 24, 1991 and October 8, 1991.

C. Warrant Register

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0, to approve Warrant Nos. 105551 through 105684 (Handwrite 105548) (Voids 105549-105550) for the period 10-14-91 through 10-18-91 in the amount of \$482,291.03; approve Warrant Nos. 105691 through 105825 (Handwrites 105685-105686) (Voids 105687-105690) for the period 10-21-91 through 10-25-91 in the amount of \$1,494,489.19; for a total Warrant Register of \$1,976,780.22.

Payroll Register

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0, to approve Warrant Nos. 69434 through 69802 (Handwrites 69047, 69424-69428, 69430-69431) (Voids 69432-69433 and 69803-69804) for the period 10-14-91 through 10-27-91 in the amount of \$351,177.86; for a total Payroll Register of \$351,177.86.



E. Acceptance of Improvements and Release of Bonds - Tract 12864, Dividend Development

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0, to adopt Resolution No. 91-130 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ACCEPTING FROM DIVIDEND DEVELOPMENT THE WATER SYSTEM AND SEWER SYSTEM IMPROVEMENTS FOR TRACT 12864, PACIFIC SHORES, AND RELEASING BONDS AS PROVIDED BY LAW.

G. Establishment of Avenida Salvador as a Through Street

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0, to adopt Resolution No. 91-131 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING "THROUGH STREET" REGULATIONS.

I. Parking Prohibition for 20' on the East Side of Avenida de la Estrella from the Point of Curb Return North of Avenida Presidio

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0, to adopt Resolution No. 91-133 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING "NO PARKING" REGULATIONS. This action prohibits parking for twenty feet on the east side of Avenida de la Estrella from the point of curb return north of Avenida Presidio.

L. Surety Release - Parcel Map 89-438 (Ciro Gaudesi)

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0, to adopt Resolution No. 91-135 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RELEASING SURETY FROM CIRO J. GAUDESİ FOR STREET REPAIR AND LANDSCAPING FOR PARCEL MAP NO. 89-438 AS PROVIDED BY LAW.

N. **CVC and SCMC Enforcement in the Villamoura Developments**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0, to set a Public Hearing for December 4, 1991 to declare certain streets in the Villamoura Development subject to the provisions of the California Vehicle Code (CVC) and the San Clemente Municipal Code (SCMC).

O. **CVC and SCMC Enforcement in the Del Cabo Developments**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0, to set a Public Hearing for December 4, 1991 to declare certain streets in the Del Cabo Development subject to the provisions of the California Vehicle Code (CVC) and the San Clemente Municipal Code (SCMC).

P. **Cable Television Technical Standards**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0, to authorize the Mayor to execute a letter to the FCC submitting comments supporting the Technical Standards Agreement.

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

D. **Fifth Amendment to Solid Waste Collection Agreement**

At the request of Staff, this item was deferred to the Council Meeting of November 20, 1991.

F. Consultant Services Agreement - PMW Associates

MOTION BY COUNCILMEMBER BENEDICT, SECOND BY COUNCILMEMBER HAGGARD to approve, and authorize the Mayor to execute, a Consultant Services Agreement by and between the City of San Clemente and PMW Associates, Inc., providing for staffing for the City's Economic Development Program. (City Contract #C91-41)

SUBSTITUTE MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER BENEDICT, FAILED 2-2 (COUNCILMEMBER HAGGARD AND MAYOR DIEHL VOTING NOE), to downsize the request to the first step or first two steps that need to be accomplished, that the consultant develop a plan and bid on those initial steps, and that Council approve those tasks before authorizing the expenditure of funds.

MOTION BY COUNCILMEMBER BENEDICT, SECOND BY MAYOR DIEHL, CARRIED 3-1 (COUNCILMEMBER LORCH VOTING NOE), to reconsider the issue of the Consultant Services Agreement.

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

H. Parking Prohibition - Between Two Driveways at 123 and 127 Avenida San Pablo

In response to Council inquiry, City Engineer Cameron agreed to provide Council with a tray memo identifying the installation and maintenance costs associated with red-curbing streets as a public safety measure versus red-curbing installed at the request of private property owners to alleviate parking problems. The memorandum is also to address the possibility of requiring private property owners to reimburse the City for costs when red-curbing is installed as a convenience to the property owner.

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 4-0, to adopt Resolution No. 91-132 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING "NO PARKING" REGULATIONS. This action will prohibit parking between the two driveways at 123 and 127 Avenida San Pablo.

J. **Pacific Golf Club Social Membership**

Following discussion, MOTION BY COUNCILMEMBER BENEDICT, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 3-1 (COUNCILMEMBER LORCH VOTING NOE), to approve the complimentary social membership at Pacific Golf Club designating the Mayor, City Manager and two Assistant City Managers as members.

K. **Bond Release - Traffic Signals at Avenida Pico/Frontera**

MOTION BY COUNCILMEMBER LORCH to reduce the amount of the bond to a level sufficient for the Marblehead development to pay its prorata share of a left-turn signal off of Avenida Frontera. The motion died for lack of a second.

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 3-1 (COUNCILMEMBER BENEDICT VOTING NOE), to continue the Bond Release for the Traffic Signals at Avenida Pico/Frontera to the Council meeting of November 20, 1991 to allow Staff to review the conditions of approval for Tract 8818, Marblehead, to determine whether a left-turn signal off Avenida Frontera could be imposed.

M. **Amendment to City's Classification Plan for Executive and General Positions**

MOTION BY COUNCILMEMBER BENEDICT, SECOND BY COUNCILMEMBER HAGGARD to adopt Resolution No. 91-136 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING RESOLUTIONS #89-117 AND #91-34 TO INCLUDE THE CLASSIFICATIONS AND SALARY RANGES OF BEACHES, PARKS AND RECREATION DIRECTOR, PUBLIC WORKS DIRECTOR, COMMUNITY DEVELOPMENT DIRECTOR, LABORATORY TECHNICIAN II AND ADMINISTRATIVE ASSISTANT IN THE CITY'S SERVICE.

Following discussion, THE MOTION CARRIED 3-1 (COUNCILMEMBER LORCH VOTING NOE).

5. ORAL COMMUNICATIONS

None.

6. UNFINISHED BUSINESSA. Award of Construction Contract - Flood Control Channel Liner (Project No. 10-91)

Report from the Community Development Director concerning the award of a construction contract for the flood control channel liner (Project No. 10-91).

City Engineer Cameron reviewed the results of the bid opening for the flood control channel liner, which took place on November 4, 1991. This information is contained in a supplemental memorandum, dated November 6, 1991, which is on file in the City Clerk's Department.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0, to approve, and authorize the Mayor to execute, a contract with Wakeham-Baker, Inc. for the construction of Project No. 10-91, Flood Control Channel Repair, at a total cost of \$24,698. (City Contract #C91-42)

**B. Interim Office Space Plan**

Report from the Assistant City Manager relative to the adoption of the first increment of a five-year interim office space plan.

Assistant City Manager Sorg summarized the contents of the Administrative Report.

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

1. Approve Option No. 2 allowing lease of a portable trailer unit for use by the Personnel Department as described in the Administrative Report, dated November 1, 1991, and on file in the City Clerk's Department.
2. Authorize other short-term adjustments as described in the Administrative Report, dated November 1, 1991, and on file in the City Clerk's Department.
3. Authorize the City Manager to negotiate a right of first refusal for the remainder of the first floor of the Negocio Building. This space is not to be secured without Council review and approval.

**7. NEW BUSINESS**

None.

8. REPORTSA. Commissioners and Committees(1) Youth Advisory Committee Appointments

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0, to confirm the Parks and Recreation Commission's appointments to the Youth Advisory Committee as follows:

Neil Anderson  
Monica Grzegorzcyk  
Monique Huey  
Danielle Lilleux  
Alyssa H. Sebastian  
Jessalyn Shuey  
Matt Smith

B. City Manager(1) Selection Process for the Assistant City Manager

City Manager Parness reviewed the contents of a supplemental report, dated November 6, 1991, concerning the management selection/recruitment process.

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 4-0, to retain Paul Whisenand, at a cost of \$17,650, for the provision of consultant services in connection with the Assistant City Manager, Police Chief and Community Development Director recruitments.

C. City Attorney

None.

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

Mayor Diehl reported that an OCTA Alternate will be selected at the meeting of November 14, 1991; relayed that Dick Edgar from Tustin (Area 1 representative) will not be able to retain that position because of boundary changes and has applied to fill the Alternate position. It was noted that Eileen Krause may have also applied for this position. Council agreed to caucus concerning this appointment at the League meeting.

Mayor Diehl further reported that the City of Irvine has requested a waiver of the 30-day rule concerning an issue of the Orange County Airport Coalition; noted that the City of Newport Beach is lobbying for an alternative resolution.

**(2) Telecommunications Software and Equipment**

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 4-0, to adopt Resolution No. 91-137 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TO SUPPORT CONGRESSIONAL LEGISLATION TO PERMIT LOCAL TELEPHONE COMPANIES TO DESIGN, DEVELOP, AND MANUFACTURE TELECOMMUNICATIONS SOFTWARE AND EQUIPMENT.

**(3) Wastewater Treatment Plant - Noise**

Councilmember Haggard requested that Staff investigate the loud noise that emanates from the Wastewater Treatment Plant and report to Council via a tray memo.



(4) Annual Election of Mayor and Mayor Pro Tem

MOTION BY MAYOR DIEHL, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 3-1 (COUNCILMEMBER LORCH VOTING NOE), to authorize Staff to prepare a Resolution, for Council adoption on November 20, 1991, changing the date of the annual election of the Mayor and Mayor Pro Tem to the first meeting in December.

9. RESOLUTIONS/ORDINANCES

A. Ordinance No. 1064 (Second Reading) - Housing Vacancy Rate Source

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 4-0, to adopt 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. Ordinance No. 1066 (Second Reading) - Grace Period for Business License Renewals

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

RECESS TO RDA

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 4-0, to recess to a meeting of the Redevelopment Agency at 11:05 p.m.

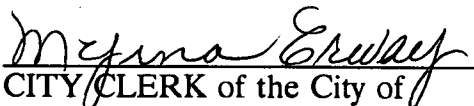
MEETING RECONVENED

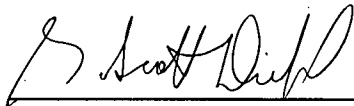
Council reconvened at 11:06 p.m., with all members present except Mayor Pro Tem Anderson.

10. ADJOURNMENT

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0, to adjourn at 11:06 p.m. to Friday, November 15, 1991 at 8:00 a.m. in the Community Center, Ole Hanson Room, 100 N. Seville, San Clemente, for purposes of meeting with Senator Bergeson.

The next Regular Meeting will be held on November 20, 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 November 6, 1991 said meeting was adjourned to the time and place specified in the ORDER OF ADJOURNMENT attached hereto; and that on November 7, 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 November 7, 1991 at San Clemente, California.

  
MYRNA ERWAY  
City Clerk

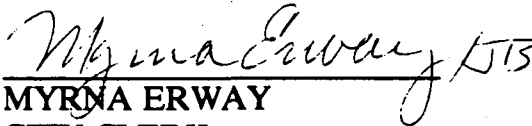
NOTICE OF ADJOURNMENT  
EXCERPT FROM THE MINUTES OF THE  
CITY COUNCIL  
MEETING OF NOVEMBER 6, 1991

A regular meeting of the San Clemente City Council was held in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California on November 6, 1991.

ROLL CALL:       PRESENT: BENEDICT, HAGGARD, LORCH, MAYOR DIEHL  
                  ABSENT:   MAYOR PRO TEM ANDERSON

ADJOURNMENT

Council adjourned to Friday, November 15, 1991 at 8:00 a.m. in the Community Center, Ole Hanson Room, 100 N. Seville, San Clemente, for purposes of meeting with Senator Bergeson.

  
MYRNA ERWAY  
CITY CLERK