

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting - November 20, 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; 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 items of potential litigation, pursuant to GC Section 54956.9(b)(1). The City Manager, Assistant City Manager of Operations, City Attorney, Community Development Director, City Engineer, Marine Safety Captain Hughes, Project Engineer Cirit and the City Clerk were in attendance.

MEETING RECONVENED

Council reconvened at 7:02 p.m., with all members present.

INVOCATION

Tim Early, of Christians United in Global Outreach, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Diehl led the Pledge of Allegiance.

SPECIAL PRESENTATIONS**A. Recognition of Emergency Services Exhibition Sponsors**

Mayor Diehl presented Certificates of Appreciation to the following sponsors of the Fire Department's Emergency Services Exhibition on October 12, 1991:

Dan Crawford, Capistrano Unified School District
Jim Miranda and Cherie Hartman - Coldwell Banker
Ken Bellis - Southern California Edison
David Adams - McDonalds
Stan Manning - Daily Sun Post
Mike Wagner
B&M Towing (No Representative Present)

B. Presentation re Status of Shorecliffs Drainage Facility

Community Development Director Holloway provided a status report on the drainage improvements, known as the MO1 box channel through the Shorecliffs Golf Course, as contained in the Administrative Report; explained that Centex Development Corporation purchased the property from Estrella Properties, and agreed to construct a box channel the entire length of the Shorecliffs Golf Course utilizing a box culvert design; explained the permitting process, which involves the Army Corps of Engineers and other resource agencies; explained the most plausible options available to accomplish the improvements, as specifically described as Options 1 and 2 of the Administrative Report; noted the newly proposed design (which involves a closed box channel and open channel combination) was discussed with the Army Corps of Engineers and the Fish and Wildlife Agency and it appears that the application may be successful; estimated that it would take approximately six months to obtain a permit and commence construction if Option 1 were pursued.

Frank Butsko, 622 Calle Vicente, on behalf of 300+ homeowners and residents along the Shorecliffs Golf Course, expressed dissatisfaction with the slow progress associated with the implementation of the drainage improvements; voiced concern that additional development in Forster Ranch will cause run-off and consequently compound drainage problems to the area downstream; opined that Centex Development should be required to construct the storm drain prior to proceeding with further development; recommended that the Council 1) establish the Shorecliffs drainage facility as a priority project, 2) direct Staff to provide Council and area residents with monthly progress reports, 3) impose a moratorium on the construction of additional homes by Centex Development until satisfactory progress has been

made with regard to the drainage facility, and 4) encourage political leaders to expedite the permitting process.

Paul Heselius, 846 Camino de los Mares, stated that 12' of embankment below his property line has eroded to less than 1'; voiced concern that his deck may be lost with continued erosion.

Richard Folmer, 113 Avenida Mesita, voiced concern that no incentive exists for Centex to construct the drainage facility.

Al Beaubier, 104 Avenida Mesita, requested that Centex not be allowed to proceed with further development until construction begins on the enclosed box culvert storm drain for the full length of the golf course; opined the ditch could not support additional run-off without destruction of surrounding property; opined the ditch represents a public safety hazard inasmuch as it harbors mosquitos and rats.

Calvin Zeboray, 608 Calle Vicente, opined that a lack of action on the part of the City with regard to the drainage facility would be contrary to the City's Mission Statement.

Forrest "Woody" Austin, 2908 Grande Vista, reiterated concern with the slow progress in constructing the enclosed box channel; explained that water has threatened and/or entered his home on four occasions; noted the agreement between the City and Centex requires that Centex construct a re-enforced concrete box culvert storm drain.

Alvin White, 1702 Charco, commented on his research with respect to the Shorecliffs Golf Course drainage facility; noted the importance of all parties working together to remedy the drainage problem.

In answer to the suggestion by some speakers that Centex Development's right to build additional residences should be curtailed, City Attorney Oderman advised that in the event Council determines that development of the Forster Ranch property is posing a threat to the public health and safety, Council could require adequate mitigation, or if adequate mitigation cannot be provided, Council could direct that permit activity be stopped; explained that this option is not available to Council at this meeting since the item is not listed on the agenda and reasonable notice of the issue has not been provided; commented he would want to notify Council of the legal implications associated with such an action.

Ron Brent, on behalf of Centex Development, relayed his understanding that if the 401 permit (Nationwide 26) is granted, it will take 20 days to obtain the actual permit; noted a meeting is scheduled to be held on November 22, 1991 to determine the engineering feasibility of the proposed design of the facility; reviewed the permitting process; acknowledged the obligation of Centex Development to construct the box culvert as well as the obligation of the golf course to maintain the channel at the present time.

Floyd Cate stated that Bob Young, of the Orange County Flood Control District, submitted a letter to the City in October 1990 requesting to be notified if and when the criteria of the District can be met; opined an excessive period of time has elapsed without submittal of a superior plan.

Denise Folmer, 113 Avenida Mesita, voiced concern that downstream drainage from further development in Forster Ranch will cause damage to the properties in the vicinity of the Shorecliffs Golf Course.

Joseph Clark, 740 Camino de los Mares, requested that the issue of the drainage channel through the Shorecliffs Golf Course be listed as a standing item on all Council agendas until the problem is resolved; questioned what recourse is available to property owners in the event property damage is experienced.

City Attorney Oderman explained that he cannot provide legal advice that could be contrary to the interests of the City; suggested that private legal counsel should be consulted, adding that a number of legal theories could apply.

MOTION BY COUNCILMEMBER BENEDICT, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to continue consideration of the drainage facility through the Shorecliffs Golf Course to the Council meeting of December 18, 1991. The conceptual plan is to be presented at that meeting, the appropriate resource agencies and political leaders are to be invited to comment, and a report is to be presented which addresses the following: 1) hydrology and engineering considerations, 2) mitigation measures, 3) identification of construction scheduled to occur in the Forster Ranch area, and 4) the possible impact of additional development.

MEETING RECESSED

Council recessed at 9:15 p.m. and reconvened at 9:30 p.m., with all members present.

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

3. **PUBLIC HEARINGS**

A. **Precise Zoning Plan Update 91-106**

Public Hearing to consider adopting the updated City of San Clemente zoning maps otherwise referred to by Ordinance No. 794 as the "Precise Zoning Plan." The Precise Zoning Plan contains the following information: land use designations as of February 1981, the coastal zone boundary, coastal canyons, historically significant properties and/or structures, and addresses.

City Clerk Erway explained that if Council desires to adopt Precise Zoning Plan Update 91-106, it should be accomplished through the adoption of an ordinance rather than a resolution as listed on the agenda.

City Planner Barnes reviewed the contents of the Administrative Report.

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

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to introduce Ordinance No. 1067 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING PRECISE ZONING PLAN UPDATE 91-106, UPDATING THE CITY OF SAN CLEMENTE ZONING MAPS.

B. **Year 18 Community Development Block Grant Application**

Public Hearing to determine the CDBG applications submitted by City Departments and private applicants to be forwarded to the County Housing and Community Development Department for funding.

Housing Planner Davis reviewed the contents of the Administrative Report.

Mayor Diehl opened the Public Hearing.

Sandy Condello, Assistant Director to Human Options, 42 Via Santa Maria, advised Human Options is embarking on second-stage housing in 1992/93, with \$250,000 being raised thus far; opined the project will qualify for \$400,000 in HUD monies.

Lawrence Rosenberg, on behalf of Coast Ballet Theatre, spoke in support of funding to facilitate public performances and scholarships for low-income students.

Susan Gattis, Coordinator of Senior Shared Housing for San Clemente Seniors, 2021 Calle Frontera and 242 Avenida Del Mar, reviewed the advantages of shared housing; noted the Orange County Housing Authority is no longer involved in rental assistance for senior citizens.

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

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

1. Approve the submittal of a grant application to the County of Orange to include the listing of projects as recommended by the Planning Commission, with the addition of \$4,000 for Coast Ballet Theatre and \$3,000 for the Center for Creative Alternatives.
2. Adopt the CDBG Grantee Certification.
3. Authorize the City Manager to sign the City's application for 18th year CDBG funds.
4. Authorize the City Manager to sign the contracts for HUD-approved 18th Year projects. (Contract #C91-43)

C. Source Reduction and Recycling Element (SRRE) and the Household Hazardous Waste Element (HHWE)

Public Hearing to consider adopting the Source Reduction and Recycling Element, Household Hazardous Waste Element and Negative Declarations Nos. 91-108 and 91-109, to comply with AB 939.

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

Zahid Kahn, R. W. Beck & Associates, Regional Solid Waste Management Consultant, reviewed the history of the Source Reduction and Recycling Element and the Household Hazardous Waste Element; explained the County will integrate the plans of the individual Orange County cities into a County plan; reviewed the rationale for establishing a Joint Powers Authority to prepare a multi-jurisdictional SRRE and HHWE.

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

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

1. Adopt Resolution No. 91-139 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TO ADOPT THE FINAL DRAFT OF THE SOURCE REDUCTION AND RECYCLING ELEMENT AND ADOPT NEGATIVE DECLARATION NO. 91-108.
2. Adopt Resolution No. 91-140 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TO ADOPT THE FINAL DRAFT OF THE HOUSEHOLD HAZARDOUS WASTE ELEMENT AND ADOPT NEGATIVE DECLARATION NO. 91-109.

4. CONSENT CALENDAR

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to approve the Consent Calendar with the removal of Items A, B, H, I and J.

C. Warrant Register

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to approve Warrant Nos. 105860 through 105997 (Voids 105829-105859) for the period 10-28-91 through 11-1-91, in the amount of \$230,911.67, plus Handwrites 105826-105828, in the amount of \$16,229.20; approve Warrant Nos. 106006 through 106293 (Voids 106002-106005) for the period 11-4-91 through 11-8-91, in the amount of \$951,314.44, plus Handwrites 105998-106001, in the amount of \$26,922.94; for a total Warrant Register of \$1,225,378.25.

Payroll Register

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to approve Payroll Warrant Nos. 69809 through 70183 (Voids 69805-69808 and 69056) (Handwrite 69424) for the period 10-28-91 through 11-10-91 (Checks 69961-69967 - System Restart) in the amount of \$359,535.80; for a total Payroll Register of \$359,535.80.

D. Custodial Services Contract

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

1. Approve, and authorize the Mayor to execute, a contract by and between the City of San Clemente and Advanced Building Maintenance Company for the continuance of custodial services for City facilities, for the period of July 1, 1991 through June 30, 1992, in the total amount of \$62,716.08. (Contract #C86-534)
2. Authorize that the contract be extended one year at a time, based on satisfactory performance.
3. Direct that the contract be re-bid every five (5) years.

E. Solid Waste Collection Agreement - 5th Amendment

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to approve, and authorize the Mayor to execute, the 5th Amendment to the Solid Waste Collection Agreement, by and between the City of San Clemente and San Clemente Commercial, Inc. This amendment inserts definitions of "Recyclable Material" and "Recycling Agent" into the Agreement, and extends the date which the City may present written notice to San Clemente Commercial, Inc. to terminate the automatic one-year renewal provision from December 1, 1991 to June 1, 1992. (City Contract #C87-062)

F. Environmental Enhancement and Mitigation Program AB 471 - Grant Application

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to adopt Resolution No. 91-141 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE APPLICATION FOR ENVIRONMENTAL AND ENHANCEMENT PROGRAM FUNDS UNDER AB 471.

G. Final Map 13943 (Marblehead Inland) - The Lusk Company

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

1. Approve the Final Map for Tract 13943 as it conforms to the requirements set forth in the Subdivision Map Act and the previously approved tentative tract map conditions.
2. Authorize the City Engineer and the City Clerk to sign and file said map for recordation.
3. Authorize the Mayor to execute the Subdivision Improvement Agreement and accept the bonds.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**A. City Council Minutes****October 30, 1991**

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 4-0-1 (MAYOR DIEHL ABSTAINED) to approve the minutes of the Council meeting of October 30, 1991 with the notation that the motion on Page 5, which authorizes expenditures for the Tourism Marketing Plan to be accountable on a pro-rata basis, is intended to apply to all City and Economic Development Fund contributions.

November 6, 1991

MOTION BY COUNCILMEMBER LORCH to refer the City Council minutes of November 6, 1991 back to Staff for re-write to include Councilmember comments and concerns. The Motion died for lack of a second.

MOTION BY COUNCILMEMBER LORCH, SECOND BY MAYOR DIEHL, CARRIED 5-0, to agendize the topic of Council minutes for determination relative to the extent of content.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 3-1-1 (COUNCILMEMBER LORCH VOTING NOE AND MAYOR PRO TEM ANDERSON ABSTAINING), to approve the City Council minutes of November 6, 1991.

B. Planning Commission Minutes of October 15, 1991

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 4-1 (MAYOR PRO TEM ANDERSON VOTING NOE), to call up UP 90-145 (Villa Esplanada Hotel) from the Planning Commission minutes of October 15, 1991 for review.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to approve the balance of the Planning Commission minutes of October 15, 1991.

H. Amendment No. 1 to Water and Reclaimed Water Master Plan Agreement

Alvin White, 1202 Charco, stated an agreement between Estrella Properties and the City, dated October 1983, provided for the construction of a water recycling center. City Engineer Cameron pointed out that a later agreement, which provided for the construction of the Wastewater Treatment Plant, relieved the developer's obligation to construct reclaimed water facilities absent the construction of golf courses or open space areas in excess of 100 acres.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to approve, and authorize the Mayor to execute, Amendment No. 1 to AKM Consulting Engineers' Water and Reclaimed Water Master Plan Agreement, for the design of a water take-out structure at Calle Amanecer and pressure-reducing station in Rancho San Clemente, in the amount of \$17,500. (City Contract #C91-02)

I. Admission of the City of Lake Forest to Foothill/Eastern Transportation Corridor Agency

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to adopt Resolution No. 91-143 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AMENDMENT NO. 1 TO THE FIRST AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT CREATING THE FOOTHILL/EASTERN TRANSPORTATION CORRIDOR AGENCY RELATING TO THE ADMISSION OF THE CITY OF LAKE FOREST INTO THE AGENCY. (City Contract #C88-37)

J. Admission of the City of Laguna Hills to San Joaquin Hills Transportation Corridor Agency

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to adopt Resolution No. 91-144 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AMENDMENT NO. 3 TO THE FIRST AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT CREATING THE SAN JOAQUIN HILLS TRANSPORTATION CORRIDOR AGENCY RELATING TO THE ADMISSION OF THE CITY OF LAGUNA HILLS INTO THE AGENCY. (City Contract #C88-37)

5. ORAL COMMUNICATIONS

None.

6. UNFINISHED BUSINESSA. Taxicab Rate Increase

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

City Clerk Erway reviewed the contents of the Administrative Report.

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

B. Bond Release - Traffic Signals at Avenida Pico/Frontera

Report from the City Engineer concerning the release of a bond to The Lusk Company for the traffic signals at Avenida Pico/Frontera.

MOTION BY COUNCILMEMBER BENEDICT, SECOND BY COUNCILMEMBER HAGGARD to adopt Resolution No. 91-134 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, FOR THE RELEASE OF A BOND TO THE LUSK COMPANY, MARBLEHEAD, FOR TRAFFIC SIGNALS AT AVENIDA PICO/FRONTERA AS PROVIDED BY LAW.

MOTION TO AMEND BY COUNCILMEMBER LORCH to direct that the appropriate amounts for the left-turn signalization at Avenida Pico/Frontera be placed on a new bond to be released either when building permits are issued for Gateway Plaza or a date certain of January 19, 1993. The Motion to Amend died for lack of a second.

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

7. NEW BUSINESS

A. Appointment of Council Representative - Inter-Jurisdictional Forums

Report from the Community Development Director concerning appointment of a City Council representative to participate in the required inter-jurisdictional forums between San Juan Capistrano, Dana Point, Orange County and San Clemente to fulfill the Measure M obligations.

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to appoint Mayor Diehl as Council's representative on the inter-jurisdictional forums between San Juan Capistrano, Dana Point, Orange County and San Clemente to fulfill the Measure M obligations.

B. City Attorney Services

Report from the Assistant City Manager of Operations concerning a contract for City Attorney services and improved accountability of legal services.

Assistant City Manager of Operations Sorg reviewed the contents of the Administrative Report.

Alvin White, 1202 Charco, noted the need for attorneys and the importance of making decisions for the people.

Karoline Koester, 604 Via Pavon, distributed a paper, dated November 20, 1991, which identified City Attorney costs since July 3, 1991; voiced concern that legal costs have increased substantially in FY 1991/92 compared to the identical billing periods in FY 1990/91; opined that attorneys should be changed periodically and urged Council to consider retaining an in-house attorney.

City Manager Parness stated that attorney billings cannot be accurately compared to the quarters of previous years, noting that 43% of the total cost of legal services is due to litigation; stated the utilization of attorney services will be tracked by City departments.

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to approve, and authorize the Mayor to execute, a contract by and between the City of San Clemente and Rutan and Tucker, providing for City Attorney services. (City Contract #C91-41)

MOTION BY COUNCILMEMBER BENEDICT, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to endorse the policy and procedure for administering the City Attorney contract as contained in the Administrative Report, dated November 11, 1991, and on file in the City Clerk's Department. Additionally, Council directed the City Manager to report on Council's concern that City Attorney efforts are being expended on issues that may not have Council support.

C. Max Berg Plaza Park Contract Change Order (Added to Agenda)

MOTION BY COUNCILMEMBER BENEDICT, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to agendize a Change Order for Max Berg Plaza Park.

Interim Director of Beaches, Parks and Recreation Wegner reviewed the contents of the Administrative Report.

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to approve Change Order #3 for Project 11-90 (Max Berg Plaza Park) for a not-to-exceed amount of \$22,300.

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

None.

B. **City Manager**(1) **Establishment of Meeting Date to Discuss Goals/Objectives/City Manager's Evaluation**

Council established December 2, 1991 at 6:30 p.m. at the Community Center to discuss goals/objectives/City Manager's evaluation.

(2) **Request for Closed Session**

City Manager Parness requested a Closed Session to discuss real property negotiations concerning the property located at 700 Avenida Pico, pursuant to GC Section 54956.8 (Ron Brent, Centex Corporation and Dr. James Fleming, Capistrano Unified School District - Negotiators).

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

City Attorney Oderman reviewed that at the Council meeting of September 18, 1991, Marine Safety Captain Hughes recommended that an easement that was dedicated across the Sea Pointe Villas property be abandoned due to liability and safety reasons; noted that at that meeting the Council requested that the City Attorney's Office investigate the issue of prescriptive rights; explained a confidential report was subsequently prepared by the City Attorney's Office and was discussed in Closed Session.

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to take no action, and in effect not approve, the abandonment requested by Staff and to direct Staff to develop a low-cost plan to improve the portion of the path that is of the greatest safety concern.

(2) Munson v. City of San Clemente

City Attorney Oderman provided a status report on the case entitled Munson v. City of San Clemente, noting the City was successful on a summary judgment motion in Federal Court and the case has been dismissed.

D. Council Members

(1) Appointment of Representative to the Board of Trustees of the Orange County Vector Control District

MOTION BY COUNCILMEMBER LORCH to readvertise the vacancy on the Board of Trustees of the Orange County Vector Control District. The Motion died for lack of a second.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE) to appoint Ken Carr as the City's representative to the Board of Trustees of the Orange County Vector Control District.

(2) Consideration of Cancelling/Rescheduling the Regular Council Meeting of January 1, 1992

MOTION BY MAYOR DIEHL, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to reschedule the City Council meeting of January 1, 1992 to January 8, 1992.

(3) Quincentenary of the Discovery of America

Councilmember Lorch noted that 1992 will mark the 500th anniversary of the discovery of America. Council requested that Staff investigate and report on the celebrations being planned by the County. Council will determine whether a City celebration will be organized early in 1992.

9. **RESOLUTIONS/ORDINANCES**

A. **Ordinance No. 1065 (Second Reading) - PERS**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to adopt 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.

B. **Resolution No. 91-142 - Setting Dates for Election of Mayor and Mayor Pro Tem**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to adopt Resolution No. 91-142 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, SETTING THE DATES FOR ELECTION OF THE MAYOR AND MAYOR PRO TEM AND REPEALING RESOLUTION NO. 86-31.

CLOSED SESSION

Council recessed to Closed Session at 11:45 p.m. to discuss real property negotiations for the property located at 700 Avenida Pico, pursuant to GC Section 54956.8 (Ron Brent, Centex Corporation and Dr. James Fleming, Capistrano Unified School District - Negotiators). The City Manager, City Attorney, Assistant City Manager of Operations, Community Development Director and City Clerk were in attendance.

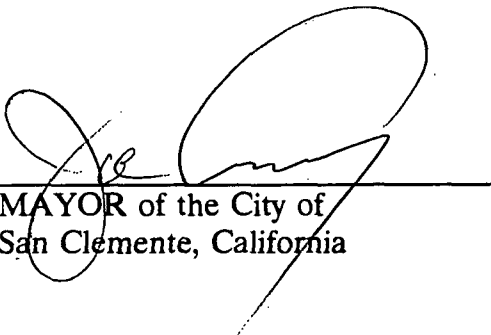
MEETING RECONVENED

Council reconvened at 12:20 a.m., with all members present.

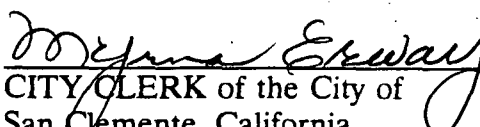
ADJOURNMENT

Council adjourned at 12:20 a.m. to December 2, 1991 at 6:30 p.m. at the Community Center, located at 100 N. Seville, San Clemente for the purpose of discussing goals/objectives/City Manager's evaluation.

The next Regular Council Meeting will be held on December 4, 1991 at 7:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.



MAYOR of the City of
San Clemente, California



CITY CLERK 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 20, 1991 said meeting was adjourned to the time and place specified in the ORDER OF ADJOURNMENT attached hereto; and that on November 21, 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 21, 1991 at San Clemente, California.


MYRNA ERWAY
City Clerk

