

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting - December 4, 1991

A Regular Meeting of the City Council of the City of San Clemente, conducted in the Council Chambers, 100 Avenida Presidio, San Clemente, California, was called to order by Mayor Diehl at 6:35 p.m.

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

*Arrived at 6:38 p.m.

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 6:35 p.m. to discuss 1) real property negotiations concerning the property located at 700 Avenida Pico, San Clemente, pursuant to GC Section 54956.8 (Glen Allen, Arvida Company and Dr. James Fleming, Capistrano Unified School District -Negotiators), and 2) a matter of potential litigation, pursuant to GC Section 54956.9(b)1. The City Manager, Assistant City Manager, City Attorney, Community Development Director and City Clerk were in attendance.

MEETING RECONVENED

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

INVOCATION

Pastor Doug Baker, San Clemente Evangelical Free Church, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Diehl led the Pledge of Allegiance.

1. SPECIAL PRESENTATIONSA. Holiday Serenade - San Clemente High School Madrigals

The San Clemente High School Madrigals, under the direction of Julie Barron, provided a holiday serenade.

B. Ole Hanson Day Proclamation

Mayor Diehl presented two City pins to Charlie Ashbaugh of the San Clemente Historical Society, with the request that the pins be given to Bernice Ayer, City Matriarch and Don Divel, City Patriarch.

Mayor Diehl presented a proclamation to Charlie Ashbaugh declaring December 6, 1991 as Ole Hanson Day.

C. Neighborhood Pride Program

Housing Planner Davis provided a status report on the Neighborhood Pride Program; narrated a slide presentation which demonstrated the condition of the property in a five-block area of West Escalones, West Canada and the second block of Del Poniente prior to implementation of the Neighborhood Pride Program; narrated a video presentation which demonstrated the improved condition of the subject properties subsequent to the three-stage Neighborhood Pride Program, which included public information, clean up and enforcement; summarized the accomplishments of the Neighborhood Pride Program during the period of November 1990 to October 1991 as well as on-going related projects; noted the Cities of Santa Ana and Dana Point have adopted overcrowding ordinances, however, neither ordinance is being enforced at this time since Santa Ana's ordinance is being appealed to a higher court and Dana Point has yet to determine the method of enforcement; compared the City of Santa Ana's occupancy limits, as mandated by its overcrowding ordinance, to the occupancy limits established by the Uniform Housing Code; recommended that Council approve Phase II of the Neighborhood Pride Program to be expanded to three target areas.

The following individuals voiced concern with the condition of some neighborhoods in the City. The concerns of the "Stop Neighborhood Slumming Committee" are specifically contained in a letter from the Committee, dated November 6, 1991, which is on file in the City Clerk's Department. Among the suggestions made to remedy the situation were the following: 1) adoption of an occupancy ordinance with aggressive enforcement of overcrowded units; 2) active nuisance abatement; 3) aggressive Code enforcement; 4) installation of sidewalks to preclude the encroachment of vehicles onto the public street, facilitate pedestrian safety, encourage parking in garages, and accommodate emergency vehicle access; 5) aggressive law enforcement, and modification of the Parking Code where necessary, to eliminate nuisances associated with abandoned vehicles, vehicle repairs on public streets, on-street parking during street-sweeping hours, and inappropriate parking of recreational vehicles; 6) modification of the Parking Code to prohibit overnight on-street parking (with the issuance of parking permits to accommodate residents and visiting guests of citizens who must park on the street); 7) encourage businesses to locate in San Clemente to improve the employment base; 8) encourage out-of-town landlords to monitor their properties to ensure adequate conditions; and 9) discourage individuals from feeding pigeons at the San Clemente Pier.

Dick Mackaig, 23821 Salvador Bay, Dana Point

Werner Spitzfaden, 109 W. Canada

John Koch, 247 Aragon

Steven Kingston, 4011 Calle Abril

William McGulligan, 1107 Buena Vista

Irene Chrislip, 1519 Calle Sacramento

Gail Burke, 217 W. Marquita

Susan Clark, 138 Avenida Cadiz

J. Molnar, 1202 Buena Vista

Ann MacKellar, 401 South Ola Vista

J. W. Stevens, 276 Avenida Aragon

Andre Horasanian, 32 Vista Del Ponto

Rick Lambros, Apartment Association of Orange County, 12900 Garden Grove Boulevard, Suite 120, Garden Grove, California

Todd Snider, 404 W. Lobos Marinos

City Clerk Erway advised that Council has received letters from the following:

Mr. and Mrs. James Plourman, 228 Avenida Aragon, Apartment B, expressing concern with the reference of their neighborhood as a "slum" area.

Mrs. Joan Higbee expressing concern for the condition of certain properties in the Pier Bowl area.

In response to Council inquiry, City Attorney Oderman explained that all cities in the State are required to adopt the Uniform Housing Code which sets an occupancy limit, adding that a question exists as to whether the City has the right to vary from that limit; explained the Orange County Superior Court determined that the Uniform Housing Code's occupancy limit was unconstitutional and, on that ground, allowed Santa Ana to adopt its own occupancy restriction; explained the subject decision is now on appeal and the Court of Appeals has enjoined Santa Ana from enforcing its ordinance pending a final determination of the appeal.

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to authorize the City Attorney to inquire re the City filing a Friend of the Court Brief in support of Santa Ana's overcrowding ordinance.

Following discussion, **MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0,** to approve Phase II of the Neighborhood Pride Program as described in the Administrative Report, which is on file in the City Clerk's Department, to include the following: 1) Revising the Parking Ordinance as a priority project to prohibit vehicle repairs on public streets; 2) enhanced Code enforcement; 3) hiring of an additional Code Enforcement Officer as soon as possible; 4) streamlining the nuisance abatement procedures; 5) investigation of illegal units; 6) direct Staff to meet with representatives of the City of Monrovia relative to their successful neighborhood improvement program and to use the elements of that program - (Note: Monrovia's program utilizes a task force approach whereby City departments work in tandem to resolve undesirable neighborhood conditions); 6) direct Staff to report on the feasibility of licensing rental units; and 7) direct Staff to report on the feasibility of restricting parking to one side of the street on the 52 target roads referenced in Phase II of the Neighborhood Pride Program.

In response to Council suggestion, City Manager Parness advised that the City's Quarterly Report will address those Codes that are most frequently violated. Additionally, Staff will encourage members of the community to inform the City of Code violations.

MEETING RECESSED

Council recessed at 9:50 p.m. and reconvened at 10:00 p.m., with all members present.

CITY COUNCIL REORGANIZATION**1. Election of Mayor**

City Clerk Erway requested nominations for the office of Mayor.

COUNCILMEMBER HAGGARD nominated Joe Anderson for the office of Mayor. COUNCILMEMBER DIEHL seconded the nomination. MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER DIEHL, CARRIED 5-0, to close nominations.

Mayor Anderson assumed the duties of the Chair.

Election of Mayor Pro Tem

Mayor Anderson requested nominations for the office of Mayor Pro Tem.

COUNCILMEMBER LORCH nominated Truman Benedict for the office of Mayor Pro Tem. COUNCILMEMBER HAGGARD seconded the nomination. MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to close nominations.

Recognition of Former Mayor Diehl

Mayor Anderson presented a plaque to former Mayor Scott Diehl in recognition of outstanding service during his 1990-91 mayoral term.

Councilmember Diehl reflected on the events and accomplishments of the last year; commended the Council, City Manager and Staff for their efforts; expressed appreciation to Council for allowing him to serve as Mayor during 1990-91.

Announcement of Mayor's Hours

Mayor Anderson advised that he will conduct Mayor's Hours on the Monday preceding a Regular Council Meeting from 7:00 a.m. to 9:00 a.m., by appointment, in the Mayor's Conference Room.

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

3. **PUBLIC HEARINGS**

- A. **Tentative Parcel Map 91-240 - Friedman Condominiums**

Public Hearing to consider a request for a one-lot subdivision for the purpose of converting two existing residential apartment units, located at 238 Avenida Lobeiro, to condominiums.

City Planner Barnes reviewed the contents of the Administrative Report; recommended approval of TPM 91-240, with the modification that Condition No. 6 be revised to delete the requirement for a separate water meter for the common areas.

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

MOTION BY COUNCILMEMBER DIEHL, SECOND BY MAYOR PRO TEM BENEDICT, CARRIED 5-0, to adopt Resolution No. 91-138 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 91-240, FRIEDMAN CONDOMINIUMS, A REQUEST FOR A ONE-LOT SUBDIVISION FOR THE PURPOSE OF CONVERTING TWO EXISTING RESIDENTIAL APARTMENT UNITS TO CONDOMINIUMS, with the modification that Condition No. 6 be revised to delete the requirement for a separate water meter for the common areas.

B. **Fee to Recover Costs - Review of Covenants, Conditions and Restrictions**

Public Hearing to consider amending the City fee schedules to include a new fee to cover the cost of City review of Covenants, Conditions and Restrictions (CC&R's).

City Planner Barnes reviewed the contents of the Administrative Report.

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

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to adopt Resolution No. 91-145 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CITY COUNCIL RESOLUTION NO. 91-66 BY ESTABLISHING A FEE FOR SERVICES PROVIDED BY THE CITY FOR THE REVIEW OF CC&R'S.

C. **California Vehicle Code and San Clemente Municipal Code Enforcement on Via Presa (Vilamoura Development)**

Public Hearing to consider a request by the Vilamoura Homeowners Association for the enforcement of the California Vehicle Code (CVC) and the San Clemente Municipal Code (SCMC) on Via Presa. This request, if adopted, would give the San Clemente Police Department the right and power, but not the obligation, to enforce the CVC and SCMC on Via Presa.

City Engineer Cameron reviewed the contents of the Administrative Report.

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

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to adopt Resolution No. 91-146 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPLYING THE PROVISIONS OF THE CALIFORNIA VEHICLE CODE AND THE CODE OF THE CITY OF SAN CLEMENTE TO VIA PRESA IN THE VILAMOURA DEVELOPMENT, TRACT 13182.

D. California Vehicle Code and San Clemente Municipal Code Enforcement on Del Cabo, Arista and Terramar (Del Cabo Development)

Public Hearing to consider a request by Del Cabo Properties, Inc. for the enforcement of the California Vehicle Code (CVC) and the San Clemente Municipal Code (SCMC) on Del Cabo, Arista and Terramar. This request, if adopted, would give the San Clemente Police Department the right and power, but not the obligation, to enforce the CVC and SCMC on said streets.

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

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to adopt Resolution No. 91-147 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPLYING THE PROVISIONS OF THE CALIFORNIA VEHICLE CODE AND THE CODE OF THE CITY OF SAN CLEMENTE TO DEL CABO, TERRAMAR AND ARISTA IN DEL CABO DEVELOPMENT, TRACT 10596.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY MAYOR PRO TEM BENEDICT, CARRIED 5-0, to direct Staff to agendize the possibility of requiring future requests for California Vehicle Code and San Clemente Municipal Code enforcements to be submitted to the City in the form of a resolution by the Board of Directors of the respective homeowners association.

4. CONSENT CALENDAR

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to approve the Consent Calendar with the removal of Items A, B(2), B(3), G, I, and K.

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

(1) Parks and Recreation Commission minutes of October 8, 1991.

C. Warrant Register

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to approve Warrant Nos. 106297 through 106412 (Voids 106294-106296) for the period 11-11-91 through 11-15-91 in the amount of \$775,664.38; approve Warrant Nos. 106420 through 106559 (Voids 106415-106419) for the period 11-18-91 through 11-22-91 in the amount of \$1,209,316.88; for a total Warrant Register of \$1,984,981.26.

Payroll Register

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to approve Payroll Warrant Nos. 70189 through 70559 (Handwrite No. 70184) (Voids 70185-70188) for the period 11-11-91 through 11-24-91 in the amount of \$351,922.80; for a total Payroll Register of \$351,922.80.

D. Laboratory Technician II Classification - Salary Correction

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to adopt Resolution No. 91-148 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING RESOLUTION NO. 91-136 TO CORRECT THE SALARY RANGE FOR THE POSITION OF LABORATORY TECHNICIAN II IN THE CITY'S SERVICE.

E. Donated Space Agreement - San Clemente Senior Center

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to approve, and authorize the Mayor to execute, a Donated Space Agreement by and between San Clemente Seniors, Inc. and the County of Orange to provide an Elder Health Care Program at the San Clemente Senior Center. (Contract #C79-245)

F. State-Local Entity Master Agreement for the State-Local Transportation Partnership Program (SB 140)

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to adopt Resolution No. 91-149 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING STATE-LOCAL ENTITY MASTER AGREEMENT FOR STATE-LOCAL TRANSPORTATION PARTNERSHIP PROGRAM.

H. Pier Tackle Lease Extension

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to approve, and authorize the Mayor to execute, the Second Amendment to Lease by and between the City of San Clemente and Donald H. and Shirley J. Stanley. (Contract #C87-72)

J. Reappropriation of Prior Year Encumbrances

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to reappropriate the encumbrances outstanding at June 30, 1991 in the total amount of \$1,464,230, and the commitments not formally encumbered in the total amount of \$372,320, as indicated in the Administrative Report which is on file in the City Clerk's Department.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**A. City Council Minutes**

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0-1 (COUNCILMEMBER HAGGARD ABSTAINING), to approve the City Council minutes of November 15, 1991.

B(2). Planning Commission Minutes of November 5, 1991

MOTION BY COUNCILMEMBER LORCH to call up Time Extension - CUP 87-38 (Brisa Pacifica) for Council review. The Motion died for lack of a second.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY MAYOR PRO TEM BENEDICT, CARRIED 5-0, to receive and file the Planning Commission minutes of November 5, 1991.

B(3). Community Design Commission Minutes of October 22, 1991

Following discussion relative to the proposed modification of the CDC Bylaws to add a Consent Calendar, MOTION BY COUNCILMEMBER DIEHL, SECOND BY MAYOR PRO TEM BENEDICT, CARRIED 5-0, to approve the Community Design Commission minutes of October 22, 1991.

G. Contract Award - Pier Pile Repair

Following clarification, MOTION BY COUNCILMEMBER DIEHL, SECOND BY MAYOR PRO TEM BENEDICT, CARRIED 5-0, to:

1. Award the contract for the Pier Pile Repair (Project No. 12-91) to the lowest responsible bidder, Cannan-Bart, Inc. at the bid price of \$67,908.00. (Contract #C91-45)
2. Authorize a supplemental appropriation in the amount of \$39,640 in the RDA Capital Projects fund to RDA Account No. 086-865-43420.

I. Bid Award - One 1992 Mid-Size Pickup Truck

Following clarification, MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to:

1. Award the bid for the purchase of one 1992 mid-size pickup truck (to be used as a parking control unit) from Courtesy Chevrolet in the amount of \$11,248.02.
2. Authorize a supplemental appropriation of \$12,500 to Account #001-211-45600, Vehicles, in the General Fund.

K. Change Order - Camino de Estrella/I-5 Interchange and Camino de los Mares Improvements

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER DIEHL, CARRIED 5-0, to authorize Staff to issue a Change Order to adjust quantities to add a leveling course for Project #13C-89 (Excel Paving - Contractor) at a cost not to exceed \$45,000. (Contract #C91-14)

Council requested that Staff investigate the feasibility of obtaining reimbursement from the parties responsible for the roadway damage.

5. ORAL COMMUNICATIONS

None.

6. UNFINISHED BUSINESS

None.

7. NEW BUSINESS

None.

8. **REPORTS**A. **Commissions and Committees**(1) **Human Resources Committee Work Program**

City Clerk Erway announced that Council received a letter from Human Resources Committee Member Molina, dated December 3, 1991, expressing suggestions for the reorganization of the Human Resources Committee. This letter is on file in the City Clerk's Department.

Chairperson Harris reviewed that Council directed the Human Resources Committee to prepare a work program; noted the City of Dana Point is in the process of appointing a Human Services Commission and the City of Laguna Niguel is also considering the establishment of a committee to address human needs.

Committee Member Freers reviewed the Human Resources Committee's reorganization proposal as contained in an outline that is on file in the City Clerk's Department.

Committee Member LaHusen described the proposed forum process.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER DIEHL, CARRIED 5-0, to approve, in concept, the Work Program as submitted by the Human Resources Committee. The Committee is to work with Staff to implement the program.

(2) **Resignation of Roxie Hillerts from the Human Resources Committee**

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to accept the resignation of Roxie Hillerts from the Human Resources Committee with regret and authorize the City Clerk to advertise the vacancy.

B. **City Manager**

None.

C. City Attorney

Weeda v. City of San Clemente

City Attorney Oderman advised that the City prevailed in the case entitled Weeda v. City of San Clemente, on a Summary Judgment basis prior to trial; advised the Judge ruled in favor of the City on all issues and determined that the City's action was reasonable and lawful.

Request for Closed Session

City Attorney Oderman requested a Closed Session to discuss real property negotiations for the property located at 700 Avenida Pico, San Clemente (San Clemente High School site), pursuant to GC Section 54956.8 - The Arvida Company, Negotiator.

D. Council Members

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

Councilmember Diehl advised that the Orange County Division of the California League of Cities will not meet in December; relayed that the City Selection Committee will appoint an Alternate Member to the Orange County Transportation Commission on January 9, 1992.

In response to Council inquiry, Councilmember Diehl agreed to investigate if the Air Quality Management position becomes vacant in January.

(2) Update of Council-Appointed Representatives to Committees/Commissions

Council updated the Council-Appointed Representatives to Committees/Commissions as follows:

<u>Committee/Commission</u>	<u>Representative</u>
Chamber of Commerce Sign Code Standards	Lorch
Economic Development	Mayor/Mayor Pro Tem
General Plan Update	Haggard
League of Cities	
- Orange County Monthly	All Council
- City Selection	Mayor
- Policy Committee	Haggard
Measure M Congestion Management	Diehl
Offshore Oil	Mayor/Mayor Pro Tem
Orange County Housing Authority	Lorch/Benedict
Orange County Rail Study	Lorch/Haggard
Orange County Vector Control	Ken Carr
SCAG Executive	Mayor/Mayor Pro Tem
SCAG Energy and Environment Policy	Haggard
Talega Valley Conservancy Board	Lorch

Committee/Commission (Continued)Representative

MOTION BY COUNCILMEMBER LORCH that the Mayor serve on either the Transportation Corridor JPA or the Transportation Corridor (Foothill) and that the Mayor Pro Tem serve on the other. The Motion died for lack of a second.

Transportation Corridor JPA	Diehl/Anderson
Transportation Corridor (Foothill)	Diehl/Anderson
Joint Council/Tri-Cities Municipal Water District Board	Diehl/Benedict

MOTION BY MAYOR PRO TEM BENEDICT, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to update Council-appointed representatives to Committees/Commissions as indicated above.

(3) Consideration of City Council Minutes Format

MOTION BY COUNCILMEMBER LORCH to modify the Action Minutes resolution to include the guideline of one or two lines of minutes for every five minutes of Council discussion, or more if appropriate. The Motion died for lack of a second.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to reconfirm Council policy on the preparation of Action minutes as outlined in Resolution No. 47-79.

(4) Consideration of Rescheduling the January 1992 Council Meetings

MOTION BY COUNCILMEMBER DIEHL, SECOND BY MAYOR PRO TEM BENEDICT, CARRIED 5-0, to reschedule the January 1992 City Council meetings to the second and fourth Wednesdays.

(5) **Second F.M. Radio Station** (Added to Agenda)

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER DIEHL, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to agendize consideration of supporting a second radio station in San Clemente.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER DIEHL, CARRIED 5-0, to authorize the Mayor to send a letter to the Federal Communications Commission expressing interest in a second F.M. radio station in San Clemente, provided the Police and Fire Departments do not anticipate a frequency conflict with existing equipment.

(6) **Lawn Bowling Facility**

MOTION BY COUNCILMEMBER LORCH to agendize reconsideration of the lawn bowling facility subsequent to Parks and Recreation Commission review. The Motion died for lack of a second.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to direct Staff to provide a tray memo on the status of the lawn bowling facility.

(7) **Camino de los Mares Sidewalks - Landscape Encroachment**

Councilmember Lorch voiced concern that the 7' sidewalks along Camino de los Mares (from Lucky's Market to Avenida Vaquero) are reduced in usability to 4' every 20-30 feet due to landscape/tree encroachment; requested that future projects be submitted to Council for final design approval.

9. **RESOLUTIONS/ORDINANCES**

A. **Ordinance No. 1067 - Precise Zoning Plan Update 91-106**

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to adopt 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.

MEETING RECESSED

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to recess at 11:58 p.m. to a meeting of the Redevelopment Agency.

MEETING RECONVENED

Council reconvened at 12:00 a.m., with all members present.

CLOSED SESSION

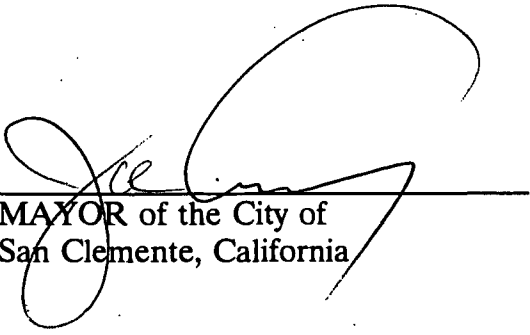
MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to recess to Closed Session at 12:00 a.m. to discuss a matter of real property negotiations for the property located at 700 Avenida Pico (San Clemente High School site), pursuant to GC Section 54956.8 - The Arvida Company, Negotiator. The City Manager, Assistant City Manager, City Attorney and City Clerk were in attendance.

MEETING RECONVENED

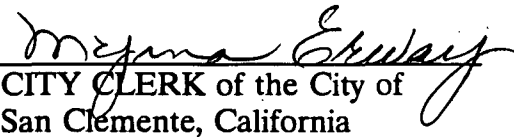
Council reconvened at 12:25 a.m., with all members present.

ADJOURNMENT

The Council majority (Councilmember Lorch voting noe) adjourned at 12:25 a.m. to an Adjourned Regular Meeting to be held on Wednesday, December 11, 1991 at 6:30 p.m. at the Wastewater Treatment Plant (Building N), located at 390 Avenida Pico, 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 December 4, 1991 said meeting was adjourned to the time and place specified in the ORDER OF ADJOURNMENT attached hereto; and that on December 5, 1991 at the hour of 11:30 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 December 5, 1991 at San Clemente, California.


MYRNA ERWAY
City Clerk

