

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting - December 18, 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 Anderson at 6:30 p.m.

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

*Arrived at 6:35 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 6:30 p.m. to discuss 1) property negotiations concerning the property located at 700 Avenida Pico (San Clemente High School site), pursuant to GC Section 54956.8 (The Arvida Company - Negotiator); and 2) a matter of potential litigation, pursuant to GC Section 54956.9(b)1. The City Manager, Assistant City Manager, City Clerk, City Attorney and Community Development Director were in attendance.

MEETING RECESSED

Council recessed at 6:45 p.m. and reconvened at 7:00 p.m., with all members present.

INVOCATION

Pastor Tom Kakadelis, Marvista Church, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Anderson led the Pledge of Allegiance.

1. **SPECIAL PRESENTATION**

Holiday Serenade

Kindergarten and first grade students from Truman Benedict Elementary School, under the direction of Jerome Healy - Primary Music Teacher, provided a holiday serenade. (Tracey Vander Hayden - Principal)

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

3. **PUBLIC HEARINGS**

A. **Talega Valley Project - Modification of Conditions Pertaining to Fiscal Impact Mitigation Agreements**

Public Hearing to consider a request to modify Conditions of Approval for Tentative Tracts 13683, 13684, 13685, 13686 and 13935, located in Planning Areas 12, 18, 19, 20 and 50 of the Talega Valley Specific Plan Area, to allow the City and landowner additional time to enter into an agreement to mitigate potential negative fiscal impacts identified in the Talega Fiscal Impact Report.

City Attorney Oderman reviewed the contents of the Administrative Report; requested that an additional sentence be added to Section 4 of Resolution No. 91-150 to read as follows: "If agreement is not reached at any point in the process, the City has no obligation to return the fees collected pursuant to this agreement."

Mayor Anderson opened the Public Hearing.

Glen Allen, Vice President of Development for the Arvida Company (Applicant), concurred with Staff's recommendation.

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

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to adopt Resolution No. 91-150 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CONDITION OF APPROVAL NO. 75 OF RESOLUTION NO. 91-26 (TENTATIVE TRACT MAP NO. 13683); CONDITION OF APPROVAL NO. 76 OF RESOLUTION NO. 91-27 (TENTATIVE TRACT MAP NO. 13684); CONDITION OF APPROVAL NO. 54 OF RESOLUTION NO. 91-28 (TENTATIVE TRACT MAP NO. 13685); CONDITION OF APPROVAL NO. 78 OF RESOLUTION NO. 91-29 (TENTATIVE TRACT MAP NO. 13686); AND CONDITION OF APPROVAL NO. 76 OF RESOLUTION NO. 91-30 (TENTATIVE TRACT MAP NO. 13935), with the modification that an additional sentence be added to Section 4 to read as follows: "If agreement is not reached at any point in the process, the City has no obligation to return the fees collected pursuant to this agreement."

B. Zoning Amendment 91-101 - Architectural Review of Structures in Close Proximity to Designated Historical Properties

Public Hearing to consider revising Section 5.21 of the Municipal Code to require architectural design review for single-family residential and duplex developments of four or less units only when directly abutting a designated historical property. Other types of development, including commercial development, residential developments of five or more units and multi-family developments of four or less units within 300 feet of a designated historical property, would still be subject to architectural design review. This amendment also proposes to formally establish the waiver process and replace the "T-Zone" with the "Del Mar Commercial District and Extension Zone."

Assistant Planner Delcamp reviewed the contents of the Administrative Report.

In answer to Council inquiries, City Attorney Oderman explained as follows: 1) a Code amendment would be necessary to enable a citizens advisory committee to update the City's list of historical structures, only if Council grants authority to the Committee to actually change the list, inasmuch as the Code provides that the Community Design Commission shall make this determination; clarified that it would be permissible for a citizens committee to be formed to advise the Community Design Commission relative to the historic structure list absent a Code amendment; 2) recommended that Council continue ZA 91-101 to allow him to review and respond to the letter from the Spanish Village Heritage Group, dated December 17, 1991, which questions whether the action under consideration complies with the California Environmental Quality Act (CEQA).

In response to further Council inquiry, City Planner Barnes clarified that the proposed Ordinance addresses the issue of proximity to historic structures, while the proposed Resolution relates to the process of defining a method of review which may result in a future Code amendment. Specifically, the issues addressed in the Resolution include the formation of committees to 1) evaluate the impact that development in proximity to historic properties would have on the historic property, and 2) update the list of historic properties.

In view of the clarification provided by City Planner Barnes, City Attorney Oderman explained that the City Council could, if desired, act upon the proposed Resolution this evening since the directions contained therein are in the form of planning studies and do not require environmental review; recommended, however, that the Ordinance be deferred in light of the questions that have been raised by the Spanish Village Heritage Group relative to CEQA compliance.

During the course of discussion, it was agreed that the portion of Ordinance No. 1068 which relates to Waivers (i.e., Section 2.1.(b)) will be modified to provide that the Community Design Commission shall review all developments that abut historic structures to determine whether such development will substantially impact the historically significant property. (Note: Ordinance No. 1068 as currently drafted provides that the City Planner, or his designee, or the Community Design Commission shall make such determination.)

In response to Council inquiry, Staff advised that Ordinance No. 1068 proposes that Municipal Code Section 5.21, Subsection F2 entitled "Definitions" be amended by deleting the definition for "Adjacent Property" to avoid redundancy since Adjacent Property is defined elsewhere in the Code. It was the consensus of Council that the definition of Adjacent Property is appropriately contained in the Definitions section and, therefore, should not be deleted.

Mayor Anderson opened the Public Hearing.

Jim Hill, 4115 Calle Mayo, opined that the desires of historic property owners should be factored into the criteria for historical property designations; urged Council to concur with the recommendations of the Planning Commission.

Kathy Brocklehurst, 304 Avenida Monterey, expressed her concurrence with the Planning Commission's recommendations relative to ZA 91-101.

Marilyn Coduti, on behalf of the Spanish Village Heritage Group, 137 Avenida Cadiz, opined that the proposed zoning amendment requires an Environmental Impact Report; stated CEQA requires that the conclusions of a Negative Declaration be supported by evidence and expressed disagreement that the project will not have a significant impact upon the environment; stated the proposal to modify the criteria to be used in evaluating adverse impacts on designated historically significant properties, coupled with the proposal to revise the list of historic structures, will have a greater cumulative impact on historic homes than the effect of the individual proposals; voiced concern that the Negative Declaration did not take the cumulative impact of the proposals into consideration; spoke in support of the proposed waiver system with the understanding that the Community Design Commission will make the discretionary decisions as opposed to Staff; opined the committee that is appointed to review the list of historic structures should include design professionals.

Mary Jo Doherty reviewed the work that the Community Design Commission has expended on updating the list of historic structures; voiced concern that the proposal for a committee to undertake this task would constitute a duplication of effort that is both time-consuming and costly; requested that Council allow the Community Design Commission more time to complete the update of the historic structure list, noting that the Municipal Code currently charges the Community Design Commission with this responsibility; voiced concern that the proposed Ordinance will dilute the Community Design Commission's function.

Ray Gummerman, 154 West Marquita, voiced concern with the establishment of a citizens committee that is hostile toward historic structures; suggested that although citizen input is appropriate, the committee that is charged with reviewing the historic structure list should include design professionals; suggested that the City Attorney be permitted time to review the legal issues raised in the letter from the Spanish Village Heritage Group, dated December 17, 1991, prior to a decision being reached by Council.

Robin Glickman, Member of the Spanish Village Heritage Group, 374 Calle Borrego, spoke in support of the preservation of historic structures; concurred with the issues raised by Marilyn Coduti and Ray Gummerman.

In answer to Council inquiry, City Attorney Oderman explained that the Municipal Code does not require a property owner to consent to his/her property being designated as historically significant.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER BENEDICT to continue the Public Hearing on Zoning Amendment 91-101 to the Council meeting of January 22, 1992.

SUBSTITUTE MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, FAILED 2-3 (COUNCILMEMBER BENEDICT, COUNCILMEMBER DIEHL AND MAYOR ANDERSON VOTING NOE), to 1) deny ZA 91-101, 2) direct Staff to modify Section 2 of Resolution No. 91-152 to a) reference **consideration** of modifying the list of historic structures, and b) reference that the Citizens Advisory Committee shall consist solely of members of the Community Design Commission and Staff (as opposed to members of the Community Design Commission, Staff, public, City Council and Planning Commission), and 3) that the waiver procedure be referred back to Council for action in the appropriate format.

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

C. SPR 91-114, DA 91-85 - Conversion of Tract Home Lots into Custom Lots (The Summit at Highland Light)

Public Hearing to consider a request to convert 16 approved tract home lots, located in Planning Area 2 (The Summit at Highland Light), into 16 custom lots and concur with the RDEB on the point allocations and reallocate 16 awards from DA 91-29 (16 production homes) to DA 91-85 (16 custom homes).

Assistant Planner Ambrose reviewed the contents of the Administrative Report.

Mayor Anderson opened the Public Hearing.

Don Steffensen, The Lusk Company (Applicant), stated the plans for the custom homes will be reviewed by Lusk Company design professionals, as well as the community association's architectural committee, to ensure compatibility with the existing development in Marblehead; stated The Lusk Company intends to complete all subdivision improvements prior to the close of escrow on the first lot.

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

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER HAGGARD, to:

1. Adopt Resolution No. 91-153 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING SITE PLAN REVIEW 91-114, AN AMENDMENT OF SITE PLAN REVIEW 90-66 TO CONVERT 16 PRODUCTION HOME LOTS INTO 16 CUSTOM HOME LOTS WITHIN PLANNING AREA 2 (TRACT 13943) OF THE MARBLEHEAD INLAND SPECIFIC PLAN.
2. Adopt Resolution No. 91-154 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA APPROVING DA-85, AN AMENDMENT OF DA-29 FOR RECERTIFICATION OF POINT ASSIGNMENTS AND PERFORMANCE RANKINGS FOR 16 CUSTOM SINGLE-FAMILY LOTS WITHIN PLANNING AREA 2 (TRACT 13943) OF THE MARBLEHEAD INLAND SPECIFIC PLAN.

MOTION TO AMEND BY COUNCILMEMBER LORCH to require front-yard setbacks to be a minimum of 20' and to further require that the custom homes be equipped with roll-up garage doors. The Motion to Amend died for lack of a second.

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

D. Parking Fine Increase

Public Hearing to consider amending the Municipal Code to increase parking fines as a result of recent legislation that institutes a surcharge on parking fines.

Lieutenant Falk 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 introduce Ordinance No. 1069 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA AMENDING SECTION 1-7 OF THE CODE OF THE CITY OF SAN CLEMENTE REGARDING PARKING FINES AND FEES.

4. CONSENT CALENDAR

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER DIEHL, CARRIED 5-0, to approve the Consent Calendar, with the removal of Items 4-A (December 2, 1991 and December 4, 1991 City Council minutes), 4-B(1), 4-E, 4-G, 4-H, and 4-M.

A. City Council Minutes

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER DIEHL, CARRIED 5-0, to approve the City Council minutes of November 20, 1991.

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

(2) Parks and Recreation Commission minutes of November 12, 1991.

(3) Community Design Commission minutes of November 26, 1991.

C. Warrant Register

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER DIEHL, CARRIED 5-0, to approve Warrant Nos. 106576 through 106668 (Voids 106560-106575) for the period 11-25-91 through 11-29-91 in the amount of \$231,842.83; Handwrite No. 106414 and Warrant Nos. 106674 through 106907 (Voids 106413, 106669-106673) for the period 12-2-91 through 12-6-91 in the amount of \$1,422,686.98; for a total Warrant Register of \$1,654,529.81.

Payroll Register

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER DIEHL, CARRIED 5-0, to approve Handwrite Nos. 70560, 70562, and 70563, and Warrant Nos. 70568 through 71026 (Voids 70561, 70564-70567) for the period 11-25-91 through 12-8-91 in the amount of \$469,655.94; for a total Payroll Register of \$469,655.94.

D. Equipment Purchase - Copy Machine

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER DIEHL, CARRIED 5-0, to authorize a supplemental appropriation in the amount of \$60,000 to Account 004-215-45500, General Machinery and Equipment, within the Asset Forfeiture Fund, to accommodate the purchase of a Xerox 1090 copy machine.

F. Storm Drain Reconstruction Projects - 1) South El Camino Real and West San Antonio, 2) Paseo de Cristobal and Esplanade, 3) West Avenida de los Lobos Marinos (Project No. 18-90)

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

1. Accept Storm Drain Reconstruction Project No. 18-90, from Carney Brothers, Inc., as complete.
2. Authorize the City Clerk to file a Notice of Completion with the County Recorder. (City Contract #C91-16)

I. **Quitclaim Deed - Water Rights of Tract 13943 (Marblehead)**

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

1. Accept the Quitclaim Deed from The Lusk Company (Marblehead) for water rights in Tract 13943.
2. Authorize the City Clerk to file the Quitclaim Deed with the County Recorder. (Deed D-300)

J. **Public Works Financing Agreement - Del Cabo Properties, Tract 10596**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER DIEHL, CARRIED 5-0, to approve, and authorize the Mayor to execute, City Contract C91-44 by and between the City of San Clemente and Del Cabo Properties, Inc., providing for Del Cabo Properties' funding participation of two traffic signals, one at the intersection of Portico del Sur and Camino de los Mares and the other at Portico del Norte and Camino de los Mares.

K. **Request to Solicit Bids - Resurfacing of Tennis Courts at Bonito Canyon Park and Verde Park**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER DIEHL, CARRIED 5-0, to authorize Staff to solicit bids for the resurfacing of the tennis courts at Bonito Canyon Park and Verde Park.

L. **Equipment Purchase - Irrigation Supplies**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER DIEHL, CARRIED 5-0, to award the bid for the purchase of various irrigation supplies, to Pacific Irrigation Supply, Inc., at the bid amount of \$18,349.39.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**A. City Council Minutes****December 2, 1991 City Council Minutes**

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to approve the City Council minutes of December 2, 1991 with the amendment that Page 5, Paragraph 2 under the heading "Announcement of Merit Increase/City Manager" be modified to read as follows: "Mayor Diehl announced that during the Closed Session, the Council majority (Councilmember Lorch voting noe) awarded City Manager Parness with a 5% merit increase. The effective date and method of compensation (i.e., salary or benefit adjustment) were not established."

December 4, 1991 City Council Minutes

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to approve the City Council minutes of December 4, 1991 with the amendment that the last paragraph on Page 18 be modified to read as follows: "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."

B. Planning Commission Minutes of November 19, 1991

MOTION BY COUNCILMEMBER LORCH to call up for review Conditional Use Permit 91-97 (Ragamuffin's Live Entertainment). The Motion died for lack of a second.

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER DIEHL to call up for review the Time Extension for Site Plan Review 90-112 and Conditional Use Permit 90-114 (Del Cabo). Following discussion, Councilmember Diehl withdrew his second and the Motion consequently died.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to receive and file the Planning Commission minutes of November 19, 1991.

E. Painting of Library/Senior Center, Community Center and Ole Hanson Beach Club - Project No. 9-91

Michelle Merzi, Merzi Painting and Construction, 2534 Oceanside Boulevard, Oceanside, opined the contract for the painting of the Library/Senior Center, Community Center and Ole Hanson Beach Club should be awarded to the low bidder, Merzi Painting and Construction; stated an addendum to the bid specifications was never mailed and Merzi Painting and Construction responded to the written specifications; stated a public bid opening was held and a Stop Notice was never issued; suggested that Merzi Painting and Construction could not be competitive in a re-bid situation inasmuch as their bid price has been made public.

City Engineer Cameron acknowledged that a bid addendum was never mailed; explained that concerns were expressed by potential bidders at the mandatory pre-bid meeting that the specifications were not appropriate due to problems of which City Staff was not aware; noted it was decided at the pre-bid conference that the specifications would be revised; explained that Staff, therefore, did not anticipate receiving any bids for the project; noted that the City Clerk's Department was not notified that the bid opening had been postponed and, subsequently, the bids were opened as originally scheduled.

City Attorney Oderman stated that in the event the bid was awarded, a stronger argument of prejudice could be made by those who did not submit bids based upon the understanding that was reached at the pre-bid conference.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY MAYOR ANDERSON, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to reject all bids for painting of the Library/Senior Center, Community Center and Ole Hanson Beach Club, Project No. 9-91, and authorize Staff to readvertise the project for competitive bidding.

G. Equipment Purchase - Hydro Sewer/Storm Drain Rodder

Karoline Koester, 604 Via Pavon, questioned and received clarification that the bulk of the \$175,569.00 purchase cost of the Hydro Sewer/Storm Drain Rodder will be funded from the Fleet Replacement Fund (which monies were contributed by the Sewer Operating Fund); questioned and received clarification that the proposed supplemental appropriations will be transferred from the Sewer Fund, with no impact on the General Fund.

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

1. Accept the bid of Inland Empire White/GMC in the amount of \$175,569.00 as the lowest qualified bidder for the purchase of one (1) 1992 Vactor Model 2110 High Velocity Hydro Sewer/Storm Drain Rodder mounted on a 1992 White GMC Model WG64 truck to replace Unit #623, a 1982 Sewer Rodder truck.
2. Approve a supplemental appropriation of \$10,570.00 to Account 065-824-45600, Vehicles and Equipment, in the Fleet Maintenance Fund.
3. Approve an offsetting estimated revenue of \$10,570.00 to Account 065-000-39290, Transfers from Other Funds, in the Fleet Maintenance Fund.
4. Approve a supplemental appropriation of \$10,570.00 to Account 054-473-47130, Interfund Transfers, in the Sewer Fund.

H. Redevelopment Agency Annual Report for FY 1990-91 and Independent Financial Audit for FY 1990-91

Karoline Koester, 604 Via Pavon, noted that Page 2 of the Administrative Report indicates that the Redevelopment Agency has generated \$1,006,117 in revenues and \$183,313 in advances from the City of San Clemente; questioned the origin of the \$183,313 figure.

Council noted that Page 4 of the RDA report indicates a total expenditure of \$183,313 for capital projects and further indicates that this sum was advanced from the City of San Clemente. City Manager Parness agreed to investigate and advise Ms. Koester of the specific source of the advance.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY MAYOR ANDERSON, CARRIED 5-0, to approve the Redevelopment Agency Annual Report for FY 1990-91 and Independent Financial Audit for FY 1990-91.

M. Resolution Approving the City's 1992-93 Application for Community Development Block Grant Funds

Kathy Brocklehurst, 304 Monterey, noted that since the Public Hearing on the City's 1992-93 application for CDBG funds, streets have been added to the Neighborhood Pride Program target area; questioned whether the Neighborhood Pride Program will be funded by CDBG funding.

City Planner Barnes explained that only one improvement in the Neighborhood Pride area is proposed for funding with CDBG funds, i.e., landscaping adjacent to Las Palmas Elementary School.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to adopt Resolution No. 91-151 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA APPROVING THE CITY'S 1992-1993 APPLICATION FOR YEAR 18 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS AND AUTHORIZING SUBMISSION OF SUCH APPLICATION TO THE COUNTY OF ORANGE.

MEETING RECESSED

Council recessed at 9:10 p.m. and reconvened at 9:20 p.m., with all members present.

5. ORAL COMMUNICATIONS

None.

6. UNFINISHED BUSINESSA. MO1 Channel Through Shorecliffs Golf Course - Progress Report

Report from the Community Development Director concerning a progress report relating to the MO1 Channel through the Shorecliffs Golf Course.

Community Development Director Holloway reviewed the contents of the Administrative Report; explained Staff's recommendation that a box culvert with on-site resource ponds be pursued, as depicted in the drawings that were on display at the meeting; relayed optimism that this approach will result in permits being issued by the Army Corps of Engineers; explained that although total consensus has not been achieved, Staff believes that enough agreement has been reached to enable a permit application to be submitted to the Army Corps; recommended that Council direct Staff to continue to work with the County in an attempt to facilitate County maintenance of the box channel and other improvements depicted in the plan; explained that Staff is not optimistic that the County will assume maintenance responsibility and, therefore, recommended that as a parallel course, that Council direct Staff to work with neighborhood groups and the golf course ownership to develop a memorandum of understanding pertaining to maintenance.

Forrest "Woody" Austin, 2908 Grande Vista, on behalf of the 300+ individuals who signed the petition concerning the Shorecliffs drainage facility, expressed appreciation for progress made to date in effecting a solution; expressed hope that Staff will keep the citizens informed of the progress of the project; opined that the resource ponds should be designed in a manner that will allow the water to flow; spoke on the need for regular maintenance of the resource ponds.

Frank Butsko, 622 Calle Vicente, expressed appreciation to Council and Staff with regard to the progress on the channel construction; reiterated the homeowners' concern that the project be accomplished expeditiously and correctly; requested that Council continue to facilitate completion of the project; relayed concern with the short- and long-term maintenance of the channel as well as liability responsibility.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER BENEDICT to approve expeditious implementation of Option No. 3 of the Administrative Report, i.e., installation of a box culvert with resource ponds on-site, as depicted in drawings on display at the City Council meeting. Council directed that Staff keep all parties apprised of the project's progress.

MOTION TO AMEND BY COUNCILMEMBER LORCH to include that the City will not be involved in any ownership or maintenance of the MO1 Channel and that before final approval, a signed agreement shall be obtained from the golf course owner accepting the ownership, liability and maintenance of the facility in perpetuity, if no other agency accepts this responsibility. The Motion to Amend died for lack of a second.

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

7. NEW BUSINESS**A. Determination of Breach of Contract for Tract 12254 - Sea Ridge Estates**

Report from the Community Development Director concerning a determination as to whether the Anden Group has completed improvements for Tract 12254 - Sea Ridge Estates as required by a Subdivision Agreement and the Subdivision Improvement Agreement for East Avenida San Gabriel/San Pablo street and traffic signal improvements.

City Engineer Cameron reviewed the contents of the Administrative Report; noted the Anden Group has made significant progress in the last few weeks in obtaining better commitments from their lending institution and contractors (except from the traffic signal contractor); reviewed the contents of the supplemental report, dated December 17, 1991, focusing on the modified Staff recommendation.

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

1. Accept the Anden Group's proposal to complete the improvements as stated on their projected construction schedule dated December 12, 1991.
2. Authorize the release of certificates of occupancy for the residences under construction.
3. Authorize issuance of building permits and certificates of occupancy for Lots 30, 14, 45, 29 and 11 of Tract 12254.
4. Reserve water capacity for Lots 30, 14, 45, 29 and 11 of Tract 12254.
5. Waive provisions of the Water Conservation Ordinance that do not authorize Anden to landscape slopes and open space areas after May 15th.
6. Continue the Determination of Breach of Contract for Tract 12254 - Sea Ridge Estates to the February 19, 1992 City Council meeting.

7. Require all property owners/builders receiving building permits or certificates of occupancy to sign a statement prepared by the City that they understand improvements are not completed and may not be completed for an extended time.
8. Require the Anden Group to reimburse the City for all staff time spent on this project, starting November 1, 1991.

Warren Stitt, 779 Avenida Salvador, on behalf of Sea Ridge Estates, reviewed the history of the project, noting that the current situation is aesthetically displeasing to the entire area; voiced concern with the lack of progress over the past three years; opined the situation is contrary to the portion of the City's Mission Statement that ensures the preservation and enhancement of the City's unique environment and natural amenities; expressed support for Staff's recommendation with strong management and the imposition of deadlines.

Steve Steele, Robert Theel & Company, 6 Puerto Morant, stated he concurs with the revised recommendation presented by Staff; presented letters from Mr. Sangveraphunsiri (dated December 17, 1991), James L. Glover (dated December 18, 1991), and Steven G. Stipe (dated December 18, 1991) which are on file in the City Clerk's Department.

In response to Council inquiry, Stan Brown, Vice President of the Anden Group, stated that ten lots have closed escrow to date with three additional lots currently in escrow; stated that until the loan is in place that would supply the funds for the Letter of Credit, it is not possible to obtain a Letter of Credit; noted a letter from a senior officer at their financial institution has indicated that the loan will very likely be approved.

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

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

None.

B. City Manager

None.

C. City Attorney

None.

D. Council Members**(1) Procedure for Requesting California Vehicle Code and San Clemente Municipal Code Enforcement**

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to require future requests for California Vehicle Code and San Clemente Municipal Code enforcement to be submitted to the City in the form of a resolution passed by the Board of Directors of the homeowners association that makes the request.

(2) Adoption of City Manager's Recommendation to Decline Previously-Approved Pay Increase

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER BENEDICT to reluctantly accept the City Manager's offer to decline a previously-approved pay increase.

Gail Burke, 217 West Marquita, on behalf of Taxpayers' Action Network of Orange County (TAN), commended the City Manager for declining a pay increase at this time; voiced concern with the state of the economy and the loss of businesses within California; stated TAN will seek to ensure that Council meets its responsibility as the fiduciary of the taxpayers' money.

THE MOTION CARRIED 5-0.

(3) **Confirmation of Appointments and Scope of Work for Blue Ribbon Committee**

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to confirm a seven-member Blue Ribbon Committee and authorize Staff to complete the tasks outlined in the Administrative Report, dated December 11, 1991. The Blue Ribbon Committee shall consist of the following individuals:

Mimi Collier
Roy Garbarine
Bob Hayden
Jim Hill
Dick McArthy
Byron Marshall
Bob Morris.

(4) **Establishment of Separate Account - Costs Associated with Blue Ribbon Committee**

MOTION BY COUNCILMEMBER LORCH to establish a separate account to record all work and support costs associated with the Blue Ribbon Committee. The Motion died for lack of a second.

(5) **Water Line Replacement**

Councilmember Diehl announced that the Tri-Cities Municipal Water District will be replacing the water line that supplies the City's main water reservoir from January 12, 1992 through January 19, 1992; urged extra water conservation during this period.

(6) **Community Design Commission Vacancies**

Council directed that the City Clerk advertise the two vacancies on the Community Design Commission. It was agreed that Council will conduct interviews, and make appointments, on January 15, 1992 at 7:00 p.m. in the Council Chambers.

(7) Computer System Training

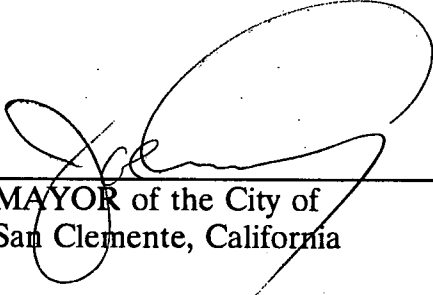
Councilmember Lorch requested that Council be notified when training on the new computer system has been scheduled.

9. RESOLUTIONS/ORDINANCES

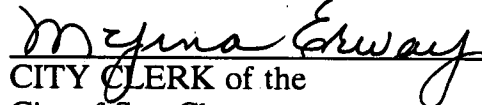
None.

10. ADJOURNMENT

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to adjourn at 10:40 p.m. to Wednesday, January 8, 1992 at 6:30 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



[Faint, illegible handwritten text]



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 18, 1991 said meeting was adjourned to the time and place specified in the ORDER OF ADJOURNMENT attached hereto; and that on December 19, 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 December 19, 1991 at San Clemente, California.


MYRNA ERWAY
City Clerk

NOTICE OF ADJOURNMENT
EXCERPT FROM THE MINUTES OF THE
CITY COUNCIL
MEETING OF DECEMBER 18, 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 December 18, 1991.

ROLL CALL: PRESENT: BENEDICT, DIEHL, HAGGARD, LORCH, MAYOR ANDERSON

ABSENT: NONE

ADJOURNMENT

Council adjourned to January 8, 1992 at 6:30 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. The Regular Meeting of January 8, 1992 will commence at 7:00 p.m. in the Council Chambers.

Myrna Erway / JTB

MYRNA ERWAY
CITY CLERK