

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting - February 6, 1991

A Regular Meeting of the San Clemente City Council was called to order on February 6, 1991 at 6:00 p.m. in the Council Chambers, 100 Avenida Presidio, San Clemente, California by Mayor Diehl.

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

*Arrived at 7:00 p.m.

ABSENT NONE

STAFF PRESENT Michael Parness, City Manager; Jeff Oderman, City Attorney; Myrna Erway, City Clerk; James Holloway, Community Development Director; William Cameron, City Engineer; Joanne Baade, Deputy City Clerk.

Interview/Selection of Individuals to Fill Vacancies on Human Resources Committee

City Clerk Erway announced that Harry Carlson has indicated that he is unable to attend the interview for the Human Resources Committee, but still wishes to be considered.

Council interviewed the following Human Resources Committee candidates:

Ralphe Vawter
Jan Sener
Lupe Marino
Shirley Freers

Councilmembers cast written ballots to fill two vacancies on the Human Resources Committee as follows:

ANDERSON: Freers, Marino
BENEDICT: Freers, Marino
LORCH: Freers, Marino
MAYOR DIEHL: Freers, Marino

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 4-0, to appoint Shirley Freers and Lupe Marino to the Human Resources Committee, to fill unexpired terms to expire on June 30, 1991.

MEETING RECESSED

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

INVOCATION

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

PLEDGE OF ALLEGIANCE

Mayor Diehl led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

None.

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. **Zoning Amendment 90-98 - Parking Requirements for Historical Structures**

Continued Public Hearing to consider amending the Zoning Code of the City of San Clemente as it relates to parking requirements for historically designated structures in the R-3 and R-4 Zoning Districts.

Principal Planner Goldin reviewed the contents of the Administrative Report, noting that the proposed request is intended to accommodate the renovation and preservation of certain historically designated structures within the City; noted the Planning Commission, Community Design Commission and Staff support Zoning Amendment 90-98.

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

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

1. Approve the Negative Declaration for Zoning Amendment 90-98.
2. Introduce Ordinance No. 1040 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTIONS 4.3, 4.5 AND 5.41 OF APPENDIX "A" OF THE CODE OF THE CITY OF SAN CLEMENTE RELATING TO PARKING REQUIREMENTS IN CERTAIN ZONES.

B. Sign Exception 90-28 - Unocal Service Station

Public Hearing to consider a request for a sign exception to allow three signs at a remodeled service station located at 1209 South El Camino Real.

Principal Planner Goldin reviewed the contents of the Administrative Report, noting that Sign Exception 90-28 was called up for review by the City Council on January 16, 1991 to investigate the reasons the existing freeway sign for Unocal cannot be removed; explained the City is limited in its ability to require modifications, reductions or deletions of existing signage absent a change of use; noted in this case, only a change of ownership is taking place; advised that Unocal has agreed to 1) remove all on-site signage, with the exception of the freeway sign, a cashier's sign, and a monument sign on El Camino Real, 2) install a wood sand-blasted monument sign on El Camino Real within two years of the approval of the Sign Exception, and 3) slightly reduce the size of the freeway sign.

Mayor Diehl opened the Public Hearing.

Howard Sillardorf, 1810 State Street, San Diego, counsel for the Union Oil Company, dba Unocal, offered to answer Council inquiries concerning the Sign Exception.

In answer to Council inquiry, City Attorney Oderman recollected that the City's Municipal Code was amended last year to delete the City's authority to require signs to become conforming when the only change in the sign involves the faceplate; noted that State Law was changed in 1982 to prohibit cities from using a change in the faceplate as a basis for requiring an entire sign structure to be brought into conformity with codes that did not exist at the time the sign was originally constructed; stated that the City's Municipal Code would be overridden by State Law in the event an inconsistency were to exist in this area.

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

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON to adopt Resolution No. 91-09 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING SIGN EXCEPTION 90-28 SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL.

MOTION TO AMEND BY COUNCILMEMBER LORCH to add a condition of approval to allow the City to review the signage on this project in two years to determine if any way has been found to obtain conformance to the Sign Ordinance. The Motion to Amend died for lack of a second.

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

C. Tentative Tract Map 13943 - Lusk (Planning Area 2)

Public Hearing to consider a request to subdivide Lots 1-8, 20, 51-53, and portions of Lots 9, 10, 15-18, 47-50 of Tract 10880 within Planning Area 2 of the Marblehead Inland Master Plan.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to continue the Public Hearing on Tentative Tract Map 13943 to the Council meeting of February 20, 1991.

D. ZA 90-150 - Delegation of Authority and Elimination of the Office of Zoning Administrator

Public Hearing to consider a request for amendments to the Municipal Code to 1) eliminate the office of the Zoning Administrator and 2) allow the authority of administrative adjustments to be delegated.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, to continue the Public Hearing on ZA 90-150 (Delegation of Authority and Elimination of the Office of Zoning Administrator) to the Council meeting of February 20, 1991.

SUBSTITUTE MOTION BY COUNCILMEMBER LORCH to deny ZA 90-150. The Substitute Motion died for lack of a second.

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

4. CONSENT CALENDAR

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve the Consent Calendar with the removal of Items 4-E and 4-0.

A. City Council Minutes

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve the City Council minutes of January 16, 1991.

B. MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to receive and file:

- (1) Community Design Commission minutes of December 11, 1990.
- (2) Parks and Recreation Commission minutes of December 11, 1990.
- (3) Planning Commission minutes of January 8, 1991.

C. Warrant Register

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve Warrant Nos. 98610 through 98742 (Handwrite 98607) (Voids 98608-98609) for the period 1-7-91 through 1-11-91 in the amount of \$1,595,283.40; Warrant Nos. 98745 through 98922 (Voids 98743-98744) for the period 1-14-91 through 1-18-91 in the amount of \$768,466.52; Warrant Nos. 98925 through 99019 (Voids 98923-98924) for the period 1-21-91 through 1-25-91 in the amount of \$60,895.06; for a total Warrant Register of \$2,424,644.98.

Payroll Register

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve Payroll Warrant Nos. 61542 through 61919 (Voids 61531-61541) for the period 1-7-91 through 1-20-91 in the amount of \$300,145.45; for a total Payroll Register of \$300,145.45.

D. Comprehensive Annual Financial Report for Fiscal Year 1989-90

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to accept the Comprehensive Annual Financial Report, dated June 30, 1990, and the auditors' management letter for FY 1989-90, dated October 12, 1990.

F. California Vehicle Code and San Clemente Municipal Code Enforcement in the Flora Vista Development

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to set a Public Hearing for March 6, 1991 to consider declaring certain streets in the Flora Vista Development subject to the provisions of the California Vehicle Code (CVC) and the San Clemente Municipal Code (SCMC).

G. Notice of Completion - Camino de Estrella Street Reconstruction Project No. 2-89

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

1. Accept the Camino de Estrella Reconstruction Paving Project No. 2-89 from the contractor, Excalibur Contracting, Inc. (City Contract #C90-46)
2. Authorize the City Clerk to file a Notice of Completion with the County Recorder.

H. Notice of Completion - Parking Lot Improvements at 122 Avenida Granada, Project No. 12-90

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

1. Accept the parking lot improvements at 122 Avenida Granada, Project No. 12-90, from the contractor, Excalibur Contracting, Inc. (City Contract #C90-49)
2. Authorize the City Clerk to file a Notice of Completion with the County Recorder.

I. **Request to Solicit Bids - Sewer Sliplining from Via Del Tesoro to Camino de los Mares, Project No. 1-91**

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

1. Approve the plans and specifications for the Sewer Sliplining from Via del Tesoro to Camino de los Mares, Project No. 1-91.
2. Authorize staff to advertise the project for competitive bidding.

J. **Final Parcel Map 89-438, Gaudesi Property (907 Buena Vista)**

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

1. Approve Final Parcel Map 89-438 (Gaudesi) for the property located at 907 Buena Vista (Lot 8, Block 7, Tract 794).
2. Authorize the City Engineer and City Clerk to execute Final Parcel Map 89-438.

K. **Cost of Nuisance Abatement - 1209 and 1211 Via Catalina**

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

1. Adopt Resolution No. 91-11 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CONFIRMING CERTAIN COSTS INCURRED IN ABATING THE PUBLIC NUISANCE AT 1209 VIA CATALINA.
2. Adopt Resolution No. 91-12 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CONFIRMING CERTAIN COSTS INCURRED IN ABATING THE PUBLIC NUISANCE AT 1211 VIA CATALINA.

L. Equipment Purchase - One New 1991 Full-Size Cargo Van

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to accept the bid of Colonial Ford for the purchase of one full-size cargo van to replace Water Division Unit #611, in the amount of \$12,704.39. °

M. Equipment Purchase - One New 1991 Two-Ton Payload Stakebed Dump Truck

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to accept the bid of City Chevrolet for the purchase of one two-ton payload stakebed dump truck to replace Parks Division Unit #249, in the amount of \$18,289.64.

N. Bid Award - Pier Repair Project No. 17-90

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to accept the bid of Diversified Repair Systems, Inc. to repair the pier (Project No. 17-90) in the amount of \$18,000. (City Contract #C91-04)

P. Fund Appropriation - Drainage Repair in Tract 11781, Tocayo Canyon - Forster Ranch

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to authorize the appropriation of \$1,500 from Account 037-000-23418, Reserve for Forster Ranch Improvements, to Account 037-868-43890, Other Contractual Services, in the Developer's Improvement Fund.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**E. Conversion of Streets to One-Way in the Pier Bowl Area - Portions of Capistrano Lane, Santa Ana Lane, and South Alameda Lane**

Traffic Engineer Hindiyeh reviewed the contents of the Administrative Report; spoke in support of establishing one-way streets as follows: 1) Capistrano Lane, from Santa Ana Lane in a northerly direction to Avenida Del Mar; 2) Santa Ana Lane, from Avenida Del Mar in a southerly direction to Monterey Lane; and 3) Alameda Lane, from Monterey Lane in a northerly direction to Avenida Del Mar; opined the proposed traffic modifications will improve the traffic flow of the Pier Bowl area.

Rick Anderson, 610 Avenida Victoria, on behalf of the Pier Bowl Merchants and specifically The Cove, voiced concern with the proposed direction of traffic flow on Alameda Lane inasmuch as it would impede access to The Cove; noted the economic benefit that individuals staying at The Cove bring to the Pier Bowl area; relayed the merchants would support a reversal of the one-way direction of Capistrano Lane, with a conversion of the lower portion of Monterey Lane to two-way traffic.

Jack Pastorok, 509 Monterey Lane, noted the Pier Bowl consists primarily of apartments and vacation rentals; spoke on the importance of adequate circulation to accommodate tourists in order to maintain the economic vitality of the area; opined that Monterey Lane should be converted to two-way traffic if the proposed one-way conversions take place.

Jack Graham, 104 Alameda Lane, on behalf of The Cove, spoke in support of a southerly traffic flow on Alameda Lane to facilitate access to The Cove.

Gary Button, 107 Capistrano Lane, commented on the parking problem in the Pier Bowl area; opined the conversion of Monterey Lane to a partially one-way and partially two-way street would create confusion; urged Council to concur with the traffic modifications as recommended by the Planning Commission.

R. B. Storm, 109 Capistrano Lane, urged that traffic modifications take place in the Pier Bowl Area so as to accommodate emergency vehicle access.

MOTION BY COUNCILMEMBER LORCH, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to authorize the conversion of Capistrano Lane to one-way from Santa Ana Lane in a northerly direction to Avenida Del Mar.

MOTION BY MAYOR DIEHL, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to 1) maintain Santa Ana Lane and Alameda Lane as two-way streets, 2) maintain Coronado Lane as a one-way street flowing from Avenida del Mar towards Monterey, 3) maintain Monterey Lane as a one-way street flowing towards Avenida Victoria, and 4) authorize the conversion of Capistrano Lane to a one-way street flowing from Santa Ana Lane to Avenida Del Mar, **provided** such modification is deemed workable by Staff in terms of public safety access. If Staff determines that the traffic flow, as suggested, is feasible, the action will be placed on a future Council agenda to enable Council to adopt a resolution authorizing the implementation of the traffic modifications. If Staff determines that the traffic flow, as suggested, is infeasible, the matter will be re-agendized for further Council consideration.

O. **Public Auction - Disposal of Surplus Vehicles and Equipment**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to 1) acknowledge that the mileage for Vehicle 651 (1984 Chevrolet Pick-up Truck) should have been listed as 82,115 in the Administrative Report; and 2) approve and authorize United Auctions Inc., commercial auctioneers, to conduct a public auction of City of San Clemente surplus vehicles and equipment as contained in the Administrative Report, dated January 28, 1991, and on file in the City Clerk's Department.

5. **ORAL COMMUNICATIONS**

None.

6. **UNFINISHED BUSINESS**

None.

7. NEW BUSINESS

None.

8. REPORTSA. Commissions and Committees

None.

B. City Manager(1) Neighborhood Pride Program

Administrative Intern Davis reported on the City's Neighborhood Pride Program and the success of Neighborhood Pride Clean-Up Day which took place on January 26, 1991.

Council expressed appreciation to those individuals who participated in the City's Neighborhood Pride Program.

(2) Directional Signage to the City's Beaches, Pier and Public Parking

City Manager Parness reviewed the contents of the memorandum, dated February 5, 1991, that was prepared by Interim Assistant City Manager Sorg relative to directional signs to the City's beaches, pier and public parking.

Rick Anderson, 610 Avenida Victoria, on behalf of the Pier Bowl Merchants, spoke in support of the proposed directional signage; relayed appreciation for the partnership effort that is taking place between the area merchants and City representatives.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON to 1) approve the directional signage plan as described in the memorandum from Interim Assistant City Manager Sorg, dated February 5, 1991, and on file in the City Clerk's Department, and 2) authorize a \$3,000 budget transfer from the General Fund Contingency Reserve to Account 091-612-42570, Street Signs.

SUBSTITUTE MOTION BY COUNCILMEMBER LORCH to include the proposed directional signage plan as an addendum to the City's Gift Catalogue, in lieu of funding the signage from the General Fund Contingency Reserve. The Substitute Motion died for lack of a second.

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

C. City Attorney

- (1) City Attorney Oderman requested a Closed Session to discuss 1) a matter of pending litigation, Marblehead v. City of San Clemente (Measure B Lawsuit), pursuant to GC Section 54956.9(a); and 2) a matter of pending litigation, Simpkins v. Estrella Properties, Ltd. and Millington v. Estrella Properties, Ltd., pursuant to GC Section 54956.9(a).

D. Council Members

- (1) Orange County Division - California League of Cities Issues

Mayor Diehl advised that the next meeting of the Orange County Division of the California League of Cities will take place on February 21, 1991; noted he plans to attend the City Selection Special Meeting on February 15, 1991; advised that a number of individuals have applied for appointment to the Orange County Transportation Agency, adding that the membership will consist of one representative from each of the five supervisorial districts as well as one member at large. Mayor Pro Tem Anderson offered to attend the City Selection Special Meeting on February 15, 1991 in the event Mayor Diehl is unable to attend.

(2) **Consideration of supporting a revision of the tax structure to direct more funds to local jurisdictions and opposing regional governance legislation**

Mayor Diehl voiced concern with regional governance legislation proposed to date, inasmuch as such legislation could force cities to be responsible to SCAG or other super-agency, and consequently dilute the ability of cities to conduct business at the local level.

Council noted that SCAG has prepared a draft proposal relating to regional governance, dated January 15, 1991, and that the deadline for submitting written comments to SCAG's proposal is March 1, 1991.

Council directed that 1) a draft response to SCAG's proposal be prepared and agendized for Council consideration at its meeting of February 20, 1991, and 2) a draft resolution opposing regional governance be prepared for Council consideration.

(3) **Determination of Dates and Associated Matters for Future Council Meetings**

February 27, 1991 - Adjourned Regular Meeting

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

1. Schedule an Adjourned Regular Meeting to take place on February 27, 1991 to receive a presentation from The Arvida Company regarding the proposed Talega Valley project.
2. Authorize the City Manager to hire an independent financial consultant to advise Council regarding the Talega project for the purpose of evaluating the proposal.

March 4, 1991 - Adjourned Regular Meeting

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

1. Schedule an Adjourned Regular Meeting to take place on March 4, 1991 at 6:30 p.m. in the Community Development Department Conference Room to consider City goals and objectives.
2. Authorize the City Manager to hire Eric Allenbaugh as the meeting facilitator.

March 13, 1991 - Budget Orientation Workshop

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, to schedule a Budget Orientation Workshop to take place on March 13, 1991 at 1:00 p.m. in the Community Development Department Conference Room for the purpose of discussing the financial condition of the City and program priorities.

SUBSTITUTE MOTION BY COUNCILMEMBER LORCH to conduct the March 13, 1991 Budget Orientation Workshop in the Council Chambers. The Substitute Motion died for lack of a second.

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

March 19, 1991 - Dinner with Dana Point City Council

MOTION BY COUNCILMEMBER BENEDICT, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to schedule a dinner with the Dana Point City Council to take place on March 19, 1991.

(4) **Funding Equalization - Capistrano Unified School District**

Councilmember Benedict advised that the Capistrano Unified School District is a low-wealth district with a per-pupil expenditure of \$100 below the State average; advised the CUSD is joining with other low-wealth districts in the State of California in suing the State Superintendent of Public Instruction for a change in the distribution of State funds to schools.

MOTION BY COUNCILMEMBER BENEDICT, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to authorize the preparation of a Resolution supporting the Capistrano Unified School District's position that State funding to schools should be distributed in a manner that is consistent in terms of per-pupil expenditures.

(5) **Foothill/Eastern Transportation Corridor and San Joaquin Hills Transportation Corridor**

Councilmember Lorch requested that Council become informed of the impacts of the San Joaquin Hills Transportation Corridor and provide voting direction to the City's representative and/or alternate prior to any official vote; noted that at its meeting of December 6, 1989, the Council voted to approve an interim increase in development fees of the major thoroughfare and bridge fee programs for the San Joaquin Hills Transportation Corridor and the Foothill/Eastern Transportation Corridors, noting that last week the JPA voted on a finalization of fees without the approval of affected city councils. Mayor Diehl clarified that the joint powers agreement does not require fees to be referred back to city councils for approval.

In response to questions posed by Councilmember Lorch, Mayor Diehl explained that the joint powers agency, to his knowledge, cannot obligate cities to debts they may incur; noted, however, that a provision is written into the agreement which provides that if a fee increase takes place and a city chooses not to collect the full increase, that city would be liable for the difference.

Mayor Diehl agreed to arrange a field trip of the proposed corridor locations as soon as possible. Mayor Diehl explained that subsequent to the field trip, a memorandum of understanding will be developed between the City, United States Marine Corps, TCA and the State Department of Parks. This MOU will subsequently be scheduled for Public Hearing.

(5) **Purchase of Lapel Pins and Yellow Ribbons - Persian Gulf Conflict**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to confirm the expenditure of approximately \$300.00 from Account 001-124-42010, Supplies, to purchase lapel pins and yellow ribbons in recognition of the United States troops involved in the Persian Gulf conflict, with the understanding that any leftover pins or ribbons will be given to other agencies who may be able to use them.

(6) **City Policy for Flying City Hall Flag at Half-Mast**

Council noted that the City Hall flag has been flown at half-mast since learning of the passing of Corporal Bentzlin and discussed the possibility of establishing a policy whereby the flag will be flown at half-mast for three days for any San Clemente resident lost while serving in Operation Desert Storm. Following discussion, Council directed Staff to investigate official protocol concerning the flying of the United States flag at half-mast and report back to Council.

(7) **Request for Fee Waiver - Use of Community Center for Reception following Corporal Bentzlin's Memorial Service**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to agendize consideration of waiving fees for use of the Community Center for a reception following Corporal Bentzlin's memorial service on February 16, 1991, on the basis that the need to take action arose subsequent to the posting of the agenda.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to waive the Community Center rental fees associated with a post-memorial service reception for Corporal Stephen Bentzlin on February 16, 1991. (Note: Corporal Bentzlin, a San Clemente resident, was killed in the line of duty in the Persian Gulf conflict.)

9. RESOLUTIONS/ORDINANCES

A. Ordinance No. 1039 - Cross-Connection and Backflow Protection of City's Water Supply

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to adopt Ordinance No. 1039 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA AMENDING SECTION 32-36 OF THE CODE OF THE CITY OF SAN CLEMENTE RELATING TO CROSS-CONNECTION AND BACKFLOW PROTECTION OF THE CITY'S WATER SUPPLY.

MEETING RECESSED

Council recessed to a meeting of the Redevelopment Agency at 9:20 p.m.

MEETING RECONVENED

Council reconvened at 9:21 p.m., with all members present.

CLOSED SESSION

Council recessed to Closed Session at 9:21 p.m. to discuss 1) a matter of pending litigation, Marblehead v. City of San Clemente (Measure B Lawsuit), pursuant to GC Section 54956.9(a); and 2) a matter of pending litigation, Simpkins v. Estrella Properties, Ltd. and Millington v. Estrella Properties, Ltd., pursuant to GC Section 54956.9(a). The City Manager, City Attorney, Interim Assistant City Manager, Community Development Director and the City Clerk were in attendance.

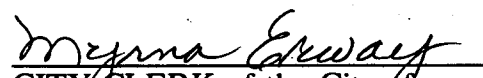
MEETING RECONVENED


Council reconvened at 9:45 p.m., with all members present.

ADJOURNMENT

Council adjourned at 9:45 p.m.

The next Regular Meeting will be held on Wednesday, February 20, 1991 at 7:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.


CITY CLERK of the City of
San Clemente, California


MAYOR of the City of
San Clemente, California