

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting - February 20, 1991

A Regular Meeting of the San Clemente City Council was called to order on February 20, 1991 at 7:00 p.m. in the Council Chambers, 100 Avenida Presidio, San Clemente, California by Mayor Diehl.

PRESENT ANDERSON, BENEDICT, HAGGARD, LORCH, MAYOR DIEHL

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.

INVOCATION

Tim Eba, Police Chaplain, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Diehl led the Pledge of Allegiance.

SPECIAL PRESENTATIONS

A. Commendation - Honoring the Memory of Marine Corporal Stephen Bentzlin

Mayor Diehl presented a commendation to Carol Bentzlin, honoring the memory of Marine Corporal Stephen Bentzlin, who was killed in action in the Persian Gulf conflict.

B. Proclamation - National PTA Month

Mayor Diehl presented proclamations designating February as National PTA Month to the following local PTA officers:

Joy Hops, PTA President, Truman Benedict Elementary
Joleen Manring, PTA President, Concordia Elementary
Shannon Luciani and Kathleen Russell, Presidents, Ole Hanson Elementary
Barbara Galyean, Treasurer, San Clemente High School PTSA

*Gloria Sinclair, PTA President of Las Palmas Elementary; Linda Flint, PTA President of Shorecliffs Junior High; and Pam Laster and Joyce Yarbrough, PTSA Presidents of San Clemente High School, were unable to be present.

C. Capistrano Unified School District - Gang Prevention Curriculum

Rich Johnson, Coordinator of Public Services for the Capistrano Unified School District, with the assistance of Alan Hix, Community Liaison Officer, reviewed the newly developed gang prevention curriculum, which is a component of the Capistrano Drug, Alcohol and Tobacco Education Program; spoke on the importance of an inter-agency approach to address prevention, intervention and suppression of gang activity; presented a video which described the gang prevention curriculum.

D. City's Gang Prevention Program

City Manager Parness explained that in addition to the City's aggressive gang enforcement/intervention program, the City has contracted with Community Services Programs to develop a gang education and counseling program.

Margo Carlson, Executive Director of Community Services Programs, reviewed the background of CSP and the methods utilized to address gang problems.

Bill Aulenbach, Coordinator of the City's gang prevention program, reviewed his background and qualifications; stated he looks forward to working with the City, Capistrano Unified School District, Probation Department and other agencies in suppressing gang activity.

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

3. **PUBLIC HEARINGS**

Council considered the Public Hearings in the following order: 3-D, 3-A, 3-B, and 3-C.

D. **Amendments to Water Conservation Ordinance and Water Rate Ordinance**

Public Hearing to consider amending the City's Water Conservation Ordinance and Water Rate Ordinance to accommodate Metropolitan Water District mandates and continuing drought conditions.

Utilities Manager Morehead reviewed the contents of the Administrative Report, focusing on the sources of San Clemente's water supply and the conditions that prompted the proposed amendments to the Water Conservation Ordinance and Water Rate Ordinance; reviewed the five-stage Incremental Interruption and Conservation Plan which has been introduced by the Metropolitan Water District; stated the MWD has instituted Stage III of the IICP as of February 1, 1991, which calls for a 10% reduction in water allocation based upon the previous year's usage; reviewed the incentives and disincentives associated with the IICP, noting that purchases above the allocation will result in a penalty of \$394 per acre foot, while purchases below the allocated amount will result in a discount of \$99 per acre foot; explained the proposed modifications to the City's Water Conservation and Water Rate Ordinances, focusing on the surcharges that would be levied for water use in excess of appropriate levels.

In answer to Council inquiry, City Attorney Oderman indicated that Council could adopt the proposed Code amendments as Urgency Ordinances by a four-fifths vote; noted an Urgency Ordinance must specify the facts that constitute the crisis situation.

Mayor Diehl opened the Public Hearing.

Karoline Koester, 604 Via Pavon, relayed the information presented at last night's meeting of the South Coast Water District relative to the need to conserve and restrict water usage; summarized the water shortages associated with water sources that service Southern California.

Kathy Brockhurst, 304 Avenida Monterey, noted that the Metropolitan Water District plans to determine water allocations based upon a percentage of the water utilized during the previous year; questioned whether San Clemente disadvantaged itself by conserving water in 1990; stated she owns property on a coastal canyon and voiced concern that a lack of irrigation would produce a fire hazard for surrounding properties; opined that new development should not be allowed as a result of the conservation efforts of the present population.

Jim Hill, 4115 Calle Mayo, stated he and his wife commenced a water conservation program in March 1989, which resulted in a reduction of their water consumption from approximately 700 gallons per day to 148 gallons per day; opined the Ordinances under consideration should impose more substantial monetary penalties for misuse of water.

Steve Apodaca, 2152 Avenida Espada, on behalf of the Northeast San Clemente Council of Homeowners Associations, stated that most irrigators in the City are homeowner associations which are comprised of individual homeowners; noted the residential surcharge totals 50%, while the surcharge for irrigation users totals 150%; suggested that the surcharges for residential and irrigation users should be equal.

Phil Feyerabend, 120 Santa Margarita, opined it is inappropriate to allocate additional water for large lots while not allocating additional water for large families.

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

Staff responded to questions raised during the Public Hearing as follows:

1. San Clemente's water allocations will be based upon 1989/90 usage in recognition of San Clemente's water conservation efforts in 1990.
2. The allowances for irrigation at 1" application is sufficient to sustain vegetation in a healthy manner; noted, however, that irrigation at 1" in some areas results in a deterioration of sod; explained the problem of sod deterioration could be rectified by either modifying the soil or irrigation system to meet appropriate design standards; explained that slope irrigation in a potential fire hazard situation would be taken into consideration in determining the water allocation for the lot.

3. The Metropolitan Water District has instituted a policy whereby the addition of new meters results in additional allocations; explained, therefore, that conservation efforts by the existing populace of the metropolitan area results in a growth subsidy and the ability to add new meters. San Clemente, however, has implemented an allocation system which ensures that available water is allotted in an equitable manner to the four types of land use, i.e., residential, commercial, parks and open space.
4. Staff has attempted to refrain from making the water allocation program a punitive system, but it is necessary to forcefully relay the message on the need to conserve; noted that irrigation users typically waste water and opined the surcharge would be effective in reducing overuse since individual homeowners would likely complain to their respective associations as their homeowner dues increase.
5. With respect to the question concerning the value judgment between water allocations for large families and large lots, Staff noted that the issue was discussed at length at the Staff level; explained the difficulty of documenting the size of families and the consequent inability to incorporate this factor into the allocation equation; noted that all households are charged the same rate for sewage and trash, even though large families generate more sewage and trash than smaller families; opined the lot size consideration appeared to be a valid issue, which Staff was able to address in the allocation formula.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, to adopt:

1. Urgency Ordinance No. 1043 entitled **AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING REGULATIONS, RESTRICTIONS AND PRIORITIES ON THE DELIVERY, CONSUMPTION AND USE OF WATER WITHIN THE WATER SERVICE AREA OF THE CITY OF SAN CLEMENTE**, with the incorporation of a sixth section to read as follows: "Section 6. This ordinance is an urgency ordinance for the immediate preservation of the public health, safety and welfare. The facts constituting the urgency are: the severe on-going drought in the State of California, the lack of adequate water supplies to service the needs of Southern California and San Clemente citizens, and the necessity to undertake conservation measures and implement a water rate structure that will encourage greater conservation and prevention of excessive water usage."

2. Urgency Ordinance No. 1044 entitled AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 32-24 OF THE CODE OF THE CITY OF SAN CLEMENTE BY ESTABLISHING RATES AND SURCHARGES FOR WATER CONSUMPTION WITHIN THE WATER SERVICE AREA OF THE CITY, with the following modification and addition:

- a. Section b. on Page 2 of the Ordinance shall be amended to read in its entirety as follows:

"b. Surcharge.

"Commencing with the bi-monthly water bills delivered on and after April 5, 1991, there shall be imposed a San Clemente water surcharge for excess water usage. The applicable surcharge shall be added to the base rate for that water used in excess of allocation units per billing period.

"1. Residential Allocation and Surcharge.

<u>LOT SIZE PER DWELLING UNIT</u>	<u>WATER ALLOCATED PER BILLING PERIOD</u>	<u>SURCHARGE PER UNIT IN EXCESS OF WATER ALLOCATED</u>
0 to 7,000 sq. ft.	36 units	1.0 times base rate
7,001-9,000 sq. ft.	59 units	1.0 times base rate
9,001 sq. ft. or more	69 units	1.0 times base rate

"The standard single family residential unit water allocation per billing period shall be 36 units. The standard multiple residential unit water allocation per billing period shall be 24 units per residential unit. A higher billing period allocation may be obtained from the City of San Clemente Utility Department by submitting proof, in a form acceptable to the City's Utility Manager, that the applicant's lot size exceeds seven thousand (7,000) square feet per residential unit. The amount of allocation increase granted shall be based on the applicant's lot size as

contained in the above chart. Applications must be accompanied by a ten (10) dollar processing fee. For the purpose of this section, acceptable proof of lot size shall include, but not be limited to, a copy of the most recent county assessor's tax bill.

"In addition to the foregoing, a water user with a lot size larger than 14,000 square feet per dwelling unit shall be entitled to a water allocation for each billing period equal to the greater of (i) the 69 units set forth above, or (ii) the sum of 24 units plus .714 units per 100 square feet of irrigated landscaping, if such water user submits proof, in a form acceptable to the City's Utility Manager, of the square footage of the irrigated landscaping area on the lot."

2. A fifth section shall be added to read as follows: "Section 5. This ordinance is an urgency ordinance for the immediate preservation of the public health, safety, and welfare. The facts constituting the urgency are: the severe on-going drought in the State of California, the lack of adequate water supplies to service the needs of Southern California and San Clemente citizens, and the necessity to undertake conservation measures and implement a water rate structure that will encourage greater conservation and prevention of excessive water usage."
3. Any surcharge imposed on a water user is to be indicated on the customer's water bill as a separate entry item, if possible.

MOTION TO AMEND BY COUNCILMEMBER LORCH to amend Section 32-63(f) of Ordinance No. 1043 to provide that the landscape installation date shall remain at December 1st rather than being extended to May 15th. The Motion to Amend died for lack of a second.

THE ORIGINAL MOTION CARRIED 5-0.

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

Continued Public Hearing to consider a request to subdivide Lots 1-8, 19, 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 for the purpose of creating 16 lots for the development of single-family residences and three common lots.

City Planner Barnes reviewed the contents of the Administrative Report; recommended that Condition No. 14 be expanded to include a paragraph "g" and "h" as follows:

- "g. The CC&R's shall require that the storm drain system shall be maintained by the master homeowners association.
- "h. The CC&R's shall require that the 20' wide access easement serving Lots 9, 10 and 11 shall be maintained by the homeowners association."

Mayor Diehl opened the Public Hearing.

Don Steffensen, The Lusk Company, representing Marblehead, referenced Condition No. 14, which requires that the Covenants, Conditions and Restrictions shall meet specific criteria, noting that the CC&R's for the master homeowners association can probably not be amended at this point in time; requested that Condition No. 14(g) be modified to provide that the storm drain system shall be maintained by the Summit at Highland Light Association, rather than the master homeowners association; distributed a letter, dated February 20, 1991, which requested that Conditions Nos. 4, 5 and 6, which relate to the construction of Avenida Vista Hermosa from its existing terminus to the Marblehead Inland Master Plan boundary at the Rancho San Clemente boundary, be deleted and replaced with a new condition to read as follows: "Tract Map 13943 shall be subject to the requirements of the Regional Circulation Financing and Phasing Program."

City Attorney Oderman voiced concern with the removal of Conditions 4, 5 and 6 from TTM 13943; opined that a condition that simply references the RCFPP is inadequate, since the RCFPP leaves numerous details to be filled in by implementation, particularly in regard to the timing of construction of critical on-site improvements.

Don Steffensen requested that TTM 13943 be continued to the Council Meeting of March 6, 1991 to allow Staff the opportunity to clarify the intent of Conditions Nos. 4, 5, and 6 (which relate to the phasing of the Avenida Vista Hermosa extension) in terms of timing and obligations.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT to continue the Public Hearing on Tentative Tract Map 13943 to the Council Meeting of March 6, 1991.

For the record, Don Steffensen concurred with a two-week continuance of TTM 13943.

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

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

Continued 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.

City Planner Barnes reviewed the contents of the Administrative Report.

Mayor Diehl opened the Public Hearing.

Karoline Koester, 604 Via Pavon, spoke in support of the proposed Code amendments.

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

MOTION BY COUNCILMEMBER LORCH, SECOND BY MAYOR PRO TEM ANDERSON, to introduce Ordinance No. 1041 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING APPENDIX "A" OF THE CODE OF THE CITY OF SAN CLEMENTE RELATING TO THE OFFICE OF THE ZONING ADMINISTRATOR, with the modification that 1) the title of the Zoning Administrator shall remain within the Municipal Code, and 2) the definition of "Zoning Administrator" shall include the Community Development Director or his designee of either the City Planner or the Principal Planner. Following discussion, COUNCILMEMBER LORCH withdrew the motion on the floor.

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD to continue ZA 90-150 to the Council Meeting of March 6, 1991.

SUBSTITUTE MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE) to:

1. Introduce Ordinance No. 1041 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING APPENDIX "A" OF THE CODE OF THE CITY OF SAN CLEMENTE RELATING TO THE OFFICE OF THE ZONING ADMINISTRATOR.
2. Introduce Ordinance No. 1042 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTIONS 5.7.5, 5.7.6, 5.9, 7.10, 7.10.4 AND 8.9 OF APPENDIX "A" OF THE CODE OF THE CITY OF SAN CLEMENTE RELATING TO DELEGATION OF AUTHORITY OF THE DIRECTOR OF COMMUNITY DEVELOPMENT ON MATTERS OF HOME OCCUPATION PERMITS AND ADMINISTRATIVE ADJUSTMENTS.

C. Cost of Living Adjustment - Refuse Collection Rates

Public Hearing to consider increasing residential and commercial refuse collection rates, to become effective with water, trash and sewer bills rendered on or after March 1, 1991.

Finance Director Porter reviewed the contents of the Administrative Report.

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

MOTION BY COUNCILMEMBER BENEDICT, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to adopt Resolution No. 91-14 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING RATES FOR THE COLLECTION OF GARBAGE AND TRASH, AND REPEALING RESOLUTION NO. 90-91.

4. CONSENT CALENDAR

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to approve the Consent Calendar with the removal of Items 4-B(4), 4-D, and 4-F.

A. City Council Minutes

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to approve Joint Council/Commissions/Committees meeting minutes of January 30, 1991 and Regular Council Meeting minutes of February 6, 1991.

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

- (1) Departmental Activities Report - December 1990.
- (2) Community Design Commission minutes of January 15, 1991.
- (3) Human Resources Committee minutes of December 17, 1990.
- (5) Golf Course Committee minutes of December 13, 1990 and January 8, 1991.
- (6) Parks and Recreation Commission minutes of January 22, 1991 and January 8, 1991.

C. Warrant Register

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to approve Warrant Nos. 99022 through 99273 (Voids 99020-99021) for the period 1-28-91 through 2-1-91 in the amount of \$918,537.13; Warrant Nos. 99281 through 99381 (Voids 99274-99280) for the period 2-4-91 through 2-8-91 in the amount of \$67,965.06; for a total Warrant Register of \$986,502.19.

Payroll Register

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to approve Payroll Warrant Nos. 61929 through 62300 (Voids 61926-61928) for the period 1-21-91 through 2-3-91 in the amount of \$325,125.95; for a total Payroll Register of \$325,125.95.

E. Community Center - Renovation of the Lower Multi-Purpose Room

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

1. Approve the plans and specifications for the remodeling of the Community Center Lower Multi-Purpose Room.
2. Authorize staff to advertise the project for competitive bidding.

G. Amendment No. 4 to Task Order No. 4 - Engineering and Construction Management Services for Avenida Pico Reclaimed Water Pump Station

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to approve, and authorize the Mayor to execute, Amendment No. 4 to Task Order No. 4 with John Carollo Engineers to provide design and construction management services for the Avenida Pico reclaimed water pump station at a cost not to exceed \$39,809. (City Contract #C88-17)

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**B(4). Planning Commission Minutes of January 22, 1991**

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to approve the Planning Commission minutes of January 22, 1991, with the modification that the word "local" on Page 6, Line 9, be replaced with the word "logical."

D. North Beach Concession

MOTION BY COUNCILMEMBER LORCH to deny the sub-assignment of the North Beach concession leasehold interest. The motion died for lack of a second.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to approve, and authorize the Mayor to execute, the Assignment and Assumption Agreement and Consent to Assignment to transfer the North Beach concession leasehold interest to George and Daria Schroer. (City Contract #C87-51)

F. Retainment of Consultant - Lawn Bowling Facility Renovation at San Luis Rey Park

In response to concerns voiced by Councilmember Benedict, Bob Magnuson, on behalf of the Parks and Recreation Commission, urged Council to adhere to its previous decision to renovate the lawn bowling facility, utilizing the Parks Acquisition and Development Fund, with the understanding that the fund will be reimbursed when six unusable City lots are sold; recommended that the renovation project take place at this time since the cost to complete the project is continuing to escalate.

Jim Neville, 110 Via Grande, San Clemente, advised that Ed Quo, President of the American Lawn Bowling Association, has offered to evaluate the lawn bowling situation in San Clemente; advised that funds may be available through the National Lawn Bowling Association to assist in the subject refurbishment project; stated he could receive an evaluation from Mr. Quo within two weeks.

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to continue consideration of retaining a consultant to provide professional consultant services for the lawn bowling facility at San Luis Rey Park to the Council meeting of March 20, 1991.

5. **ORAL COMMUNICATIONS**

Senior Adult Day Health Care Center

Dr. Marilyn Ditty, San Clemente Seniors, noted that several revisions were made to the Senior Adult Day Health Care Center for cost-saving purposes; advised that at its meeting of February 12, 1991, the Community Design Commission denied the revision to the roof tile; noted a cost savings of \$38,000 would be realized as a result of the roof tile revision.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to call up the Community Design Commission's decision relative to the Senior Adult Day Health Care Center to the Planning Commission for review at its March 5, 1991 meeting. The Senior Adult Day Health Care Center will also be agendized for the Council meeting of March 6, 1991.

San Joaquin Hills Transportation Corridor

Gina Rose Ybarra, 2177 Via Teca, voiced concern that 400 jobs could be adversely affected if Alignment #2 of the San Joaquin Hills Transportation Corridor were constructed; noted it would cost an additional \$82 million to construct Alignment #2 rather than Alignment #1; commented that Alignment #1 would involve the shortest completion time, thereby alleviating the noise impact, air pollution and inconvenience to citizens.

Tom Padberg, 617 Calle Hidalgo, read a portion of an editorial that appeared in the January 14, 1991 issue of the Los Angeles Times, which voiced concern with the lack of local public debate concerning the tollroads.

Herman Hagemann, 308 Avenida Santa Margarita, voiced concern that the transportation corridor issue is being discussed in Closed Sessions; spoke in support of open discussions to facilitate a logical and fair solution to the transportation issue.

Phil Feyerabend, 120 Santa Margarita, representing San Clemente Citizens Against the Tollway, questioned and received clarification that Council will conduct a Public Hearing on the tollway issue after the negotiation process is completed; voiced concern that newspaper articles have quoted TCA staff as saying that the tollroads will be built irrespective of the results of the Public Hearings.

Karoline Koester, 604 Via Pavon, requested and received clarification that a Public Hearing will take place prior to a Memorandum of Understanding being executed.

MEETING RECESSED

Council recessed at 10:30 p.m. and reconvened at 10:40 p.m., with all members present.

6. UNFINISHED BUSINESS

None.

7. NEW BUSINESS

None.

8. REPORTS

A. Commissions and Committees

None.

B. City Manager

- (1) City Manager Parness requested a Closed Session to discuss a matter of personnel.

- (2) **City Financial Report** (This item appeared on the agenda as Item 8-B(3))

City Manager Parness reviewed the contents of his memorandum, dated February 19, 1991, and on file in the City Clerk's Department; reviewed proposed budget amendments and operational measures intended to address a \$1 million revenue shortfall.

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to approve the budget amendments and operational measures as contained in the City Manager's memorandum of February 19, 1991 and on file in the City Clerk's Department.

- (3) **Conversion of Capistrano Lane to One-Way in the Pier Bowl Area** (This item appeared on the agenda as Item 8-B(2))

MOTION BY COUNCILMEMBER LORCH, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to adopt Resolution No. 91-10 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING CAPISTRANO LANE AS A ONE-WAY STREET.

C. **City Attorney**

- (1) City Attorney Oderman requested a Closed Session to discuss a matter of pending litigation, **Marblehead v. City of San Clemente (Measure B lawsuit)**, pursuant to GC Section 54956.9(a).

D. Council Members(1) California League of Cities - Endorsement of Orange County Transportation Authority and Regional Advisory and Planning Council Candidates

Mayor Diehl advised that the City Selection Committee will make appointments to the Orange County Transportation Authority and Regional Advisory and Planning Council at its meeting of February 21, 1991; reviewed the qualifications of the candidates for the OCTA and RAPA.

During the ensuing discussion, Council concurred with the candidates favored by Mayor Diehl and recommended that he support those candidates, as listed below, at the February 21, 1991 City Selection Committee meeting:

Orange County Transportation Authority

1st District:	Richard B. Edgar, Mayor - Tustin
2nd District:	Robert Wahlstrom, Council Member - Los Alamitos
3rd District:	Gene Wisner, Council Member - Yorba Linda (or William Mahoney, Council Member - La Habra, if a representative from a small City is needed)
4th District:	Donald Bone, Council Member - Buena Park
5th District:	Gary Hausdorfer, Council Member - San Juan Capistrano
At Large:	Dan Young, Mayor - Santa Ana

Regional Advisory and Planning Council

1st District:	Pat McGuigan, Council Member - Santa Ana (sole candidate)
2nd District:	Grace Winchell, Council Member - Huntington Beach (sole candidate)
3rd District:	Irwin Fried, Mayor Pro Tem - Yorba Linda (sole candidate)
4th District:	Tom Daly, Council Member - Anaheim
5th District:	Phil Sansone, Council Member - Newport Beach (sole candidate)

(2) **Senate Bills 136 and 139 - Strengthening Laws Against Marijuana Growers and Users**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to endorse Senate Bill 136 and Senate Bill 139, which would strengthen California's laws against marijuana growers and users. (Note: Council referenced Section (i) of SB 139 which provides that any moneys, negotiable instruments or other cash equivalents seized shall be handled in accordance with Subdivision (b) of Section 11488. Council requested that Staff verify that Section 11488(b) of the Health and Safety Code will result in drug asset forfeiture moneys, which result from seizures made by the City of San Clemente, being returned to the City. If Staff discovers that this section deviates from Council's understanding, SB 139 will be resubmitted to Council for reconsideration.)

(3) **Senate Bill 32 - Strengthening Laws Against Methamphetamine, Amphetamine, and Phencyclindes (PCP)**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to endorse Senate Bill 32, which would strengthen California's laws against methamphetamine, amphetamine, and phencyclindes (PCP).

(4) **Mobile Source Air Pollution Ordinance**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to direct the City Attorney to prepare a mobile source air pollution reduction ordinance for Council consideration utilizing the draft ordinance which was prepared by the South Coast Air Quality Management District as a guide. The City's ordinance shall include a 10th section to read as follows: "Cities that fail to adopt an ordinance pursuant to this section of the Health and Safety Code shall have the fee revenues which would have been distributed to that city distributed instead to other cities and counties within the district which have adopted such an ordinance."

(5) **Consideration of Draft Response to SCAG's Proposal Concerning Regional Governance**

Interim Assistant City Manager Sorg advised that SCAG has decided not to pursue the regional governance proposal at this time; reviewed Senator Bergeson's draft proposal which would give local agencies incentives to work together, as opposed to creating a regional board.

MOTION BY COUNCILMEMBER LORCH, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to table consideration of a draft response to SCAG's proposal concerning regional governance.

(6) **Draft San Joaquin Hills Transportation Corridor Environmental Impact Report (DEIR) - Public Hearing**

Mark B. Clancey, P.O. Box 639, San Juan Capistrano, stated the City of San Juan Capistrano has opposed certification of the DEIR for the San Joaquin Hills Transportation Corridor; stated neither potential alignment of the corridor is supported by San Juan Capistrano; urged Council to receive public input on the corridor at a scheduled Public Hearing.

Phil Feyerabend, 120 Santa Margarita, urged Council to conduct a Public Hearing on the San Joaquin Hills Transportation Corridor since San Clemente would be affected by the corridor; opined that other cities should also receive public input on both corridors.

Council noted that only the TCA has the authority to certify, or not certify, the DEIR, although the City of San Clemente may take a position on the issue.

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER BENEDICT to schedule the San Joaquin Hills Transportation Corridor Draft Environmental Impact Report for a City Council Public Hearing on March 6, 1991. During the ensuing discussion, Council clarified that the advice offered to the JPA representative as a result of the Council's Public Hearing on the San Joaquin Hills Transportation Corridor will only serve as a recommendation, and the City's representative may elect to vote differently if the testimony given at the TCA Public Hearing warrants an alternative action.

THE MOTION CARRIED 5-0.

Graffiti

Councilmember Lorch advised that a contractor on a development project has been unwilling to promptly remove the graffiti on his wall; noted that the City's Municipal Code requires the prompt removal of graffiti and urged the public to cooperate in this matter.

Air Quality Management Plan Update

Councilmember Haggard noted that Public Hearings on the 1991 update of the Air Quality Management Plan will be held as follows:

March 27, 1991 from 9:30 a.m. to 2:30 p.m. - Public testimony will be received at the Anaheim Grand in Anaheim.

March 28, 1991 from 4:00 p.m. to 7:00 p.m. - Testimony from representatives of local government will be received at the Anaheim Grand in Anaheim.

Water Conservation

Mayor Diehl advised that Councilmember Benedict and he participated in a retreat with the Tri-Cities Water Board and two representatives from the Capistrano Beach County Water District; advised that the meeting focused on goal setting, communication parameters, functions of the water wholesaler and deliverer, and means of coordinating efforts to encourage water conservation.

9. RESOLUTIONS/ORDINANCES**A. Ordinance No. 1040 - Second Reading (Parking Requirements for Historically Designated Structures in the R-3 and R-4 Zoning Districts)**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 5-0, to adopt 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. **Resolution No. 91-15 - Supporting Base Revenue Limit Equalization Among all California School Districts**

MOTION BY COUNCILMEMBER BENEDICT, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to adopt Resolution No. 91-15 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, SUPPORTING BASE REVENUE LIMIT EQUALIZATION AMONG ALL THE SCHOOL DISTRICTS IN CALIFORNIA.

CLOSED SESSION

Council recessed to Closed Session at 11:55 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 personnel. The City Council, City Manager, City Attorney, Interim Assistant City Manager, Personnel/Risk Manager, Dave Larsen (legal counsel) and the City Clerk were in attendance.

MEETING RECONVENED

Council reconvened at 12:07 a.m. with all members present.

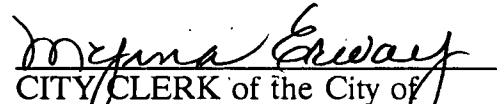
Negotiated Settlement - SCCEA


MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE) to approve the negotiated settlement of the City of San Clemente and the San Clemente City Employees Association for the period commencing January 1, 1991 and ending on June 30, 1992. The Memorandum of Understanding between the City and the SCCEA will appear on a future Council agenda for ratification.

Adjournment

Council adjourned to an Adjourned Regular Meeting to be held on Wednesday, February 27, 1991 at 6:30 p.m. at the Community Development Department Conference Room, 910 Calle Negocio, San Clemente, California for the purpose of receiving a presentation by The Arvida Company concerning the Talega Valley project.

The next Regular Council Meeting will be held on Wednesday, March 6, 1991 at 7:00 p.m. in the Council Chambers.


CITY CLERK of the City of
San Clemente, California


MAYOR of the City of
San Clemente, California

CITY OF SAN CLEMENTE
AFFIDAVIT OF POSTING ORDER
OF ADJOURNMENT OF MEETING

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS.
CITY OF SAN CLEMENTE)

I, MYRNA ERWAY, declare as follows:

That I am the City Clerk of the City of San Clemente; that at a Regular City Council meeting held on February 20, 1991 said meeting was adjourned to the time and place specified in the ORDER OF ADJOURNMENT attached hereto; and that on February 21, 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 February 21, 1991 at San Clemente, California.



MYRNA ERWAY
City Clerk

NOTICE OF ADJOURNMENT
EXCERPT FROM THE MINUTES OF THE
CITY COUNCIL
MEETING OF FEBRUARY 20, 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 February 20, 1991.

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

ABSENT: NONE

ADJOURNMENT

Council adjourned at 12:10 a.m. to an Adjourned Regular Meeting to be held on Wednesday, February 27, 1991 at 6:30 p.m. at the Community Development Department Conference Room, 910 Calle Negocio, San Clemente, California for the purpose of receiving a presentation by The Arvida Company concerning the Talega Valley project.


MYRNA ERWAY
CITY CLERK