

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting - March 6, 1991

A Regular Meeting of the San Clemente City Council was called to order on March 6, 1991 at 6:35 p.m. in the Council Chambers, 100 Avenida Presidio, San Clemente, California by Mayor Diehl.

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

*Arrived at 6:41 p.m.

**Arrived at 6:38 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.

CLOSED SESSION

Council recessed to Closed Session at 6:30 p.m. to discuss a matter of pending litigation, Marblehead v. City of San Clemente (Measure B lawsuit), pursuant to GC Section 54956.9(a). The City Manager, City Attorney, Community Development Director and City Clerk were in attendance.

MEETING RECONVENED

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

Interim Settlement Agreement Between the City of San Clemente and The Lusk Company

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to approve, and authorize the Mayor to execute, an Interim Settlement Agreement between the City of San Clemente and The Lusk Company relative to the lawsuit entitled Marblehead v. City of San Clemente (Measure B lawsuit).

INVOCATION

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by San Clemente representatives of the Girl Scouts of the USA: Mikyla Hendrickson, Fuchsia Hendrickson, Kristin Karn, Jennifer Loge, Corey Meyer, Marissa Murphy, Amber Smith and Caroline White.

1. **SPECIAL PRESENTATIONS**

A. **Girl Scout Week Proclamation**

Mayor Diehl read a proclamation declaring March 10-16, 1991 as Girl Scout Week and presented the proclamation to the following Girl Scout representatives: Mikyla Hendrickson, Fuchsia Hendrickson, Kristin Karn, Jennifer Loge, Corey Meyer, Marissa Murphy, Amber Smith and Caroline White.

B. **Red Cross Month Proclamation**

Mayor Diehl read a proclamation declaring the month of March as Red Cross Month and presented the proclamation to Nancy Palmer.

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

3. **PUBLIC HEARINGS**

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.

Community Development Director Holloway reviewed the background of TTM 13943, noting that this item was continued from the Council meeting of February 20, 1991 to allow Staff to resolve a proposed condition of approval with The Lusk Company relating to the phasing of traffic improvements; advised the issue has been clarified to the satisfaction of Staff and the petitioner.

Mayor Diehl opened the Public Hearing.

Don Steffensen, The Lusk Company, confirmed that the issue relating to the phasing of traffic improvements has been resolved to the satisfaction of The Lusk Company.

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

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT to adopt Resolution No. 91-13 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND APPROVING TENTATIVE TRACT MAP 13943 TO SUBDIVIDE A PORTION OF TRACT 10880 INTO 16 NUMBERED LOTS AND 3 LETTERED LOTS.

In response to Council inquiry, City Attorney Oderman noted that the Subdivision Map Act allows the Subdivider to file multiple Final Maps if he so elects; noted, however, that it is unlikely that the petitioner would file multiple maps on a 16-lot subdivision.

Don Steffensen, The Lusk Company, clarified that TTM 13943 will be recorded as one Final Map. In response to further Council inquiry, Mr. Steffensen advised that the CC&R's would preclude parking on the 20' easement (driveway).

THE MOTION CARRIED 5-0.

B. Municipal Code Amendment - RDEB Criteria and Methodology

Public Hearing to consider amending Chapters 38-6 and 38-7 of the Municipal Code (Ordinance No. 922 - Measure B) and Resolution No. 86-93 to incorporate the revised RDEB criteria.

Principal Planner Goldin reviewed the contents of the Administrative Report; recommended that the proposed modifications be approved and be utilized in connection with the 1991 RDEB allocation sequence.

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

1. Adopt Resolution No. 91-16 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING THE IMPLEMENTATION PROGRAM FOR CHAPTER 38 OF THE CODE OF THE CITY OF SAN CLEMENTE ENTITLED "RESIDENTIAL DEVELOPMENT CONTROL," AND RESCINDING RESOLUTION NOS. 86-93, 88-97 AND 89-14, with the direction that the criteria concerning Trails and Greenbelts be modified to 1) reference equestrian and other facilities in the minimum standard; and 2) provide additional points for higher quality bicycle paths that are situated off the street.
2. Introduce Ordinance No. 1045 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND AMENDING SECTIONS 38-6 AND 38-7 OF THE CODE OF THE CITY OF SAN CLEMENTE RELATING TO RESIDENTIAL DEVELOPMENT CONTROL.

C. Municipal Code Amendment - Citations for Water Code Violations

Public Hearing to consider amending Section 1-7 of the Municipal Code to establish certain water violations as infractions and establishing penalties for those violations.

Utilities Manager Morehead 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 LORCH, SECOND BY COUNCILMEMBER HAGGARD to introduce Ordinance No. 1046 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 TO ADD PENALTIES FOR THE VIOLATION OF THE CITY'S WATER ORDINANCE, with the modification that a warning be issued the first time an individual is cited for wasting water and that fines be imposed on second and subsequent infractions.

City Attorney Oderman voiced concern that the proposed modification to Ordinance No. 1046 would necessitate that the City prove that an individual received a warning prior to imposing a fine; opined the Ordinance would be easier to administer if discretion were left to the enforcing official.

COUNCILMEMBERS LORCH AND HAGGARD withdrew the motion on the floor.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE), to introduce Ordinance No. 1046 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 TO ADD PENALTIES FOR THE VIOLATION OF THE CITY'S WATER ORDINANCE.

D. **GPA 123 - Addition of a Growth Element to the General Plan**

Public Hearing to consider amending the City's 1982 General Plan to add a growth element.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to continue the Public Hearing on GPA 123 to the Council meeting of March 20, 1991.

E. **California Vehicle Code and San Clemente Municipal Code Enforcement in Tracts 13914 and 12895 (Flora Vista Homeowners Association)**

Public Hearing to consider a request by the Flora Vista Homeowners Association for the enforcement of the California Vehicle Code (CVC) and the San Clemente Municipal Code (SCMC) on specific streets in Tracts 13914 and 12895. This request, if adopted, would give the San Clemente Police Department the right and power, but not the obligation, to enforce the CVC and SCMC on the specified streets.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to continue the Public Hearing to the Council meeting of March 20, 1991.

F. **Draft San Joaquin Hills Transportation Corridor Environmental Impact Report**

Public Hearing to receive community input on the Draft San Joaquin Hills Transportation Corridor Environmental Impact Report.

Mayor Diehl declared a conflict of interest concerning Agenda Item 4-F, inasmuch as he owns less than 3% of the South Orange County Emergency Animal Clinic which would be taken by either Alignment 1 or 2 of the San Joaquin Hills Transportation Corridor. Mayor Diehl left the Council Chambers at 8:05 p.m. Mayor Pro Tem Anderson assumed the duties of the Chair.

Mayor Pro Tem Anderson advised that the official Public Hearings for the Draft San Joaquin Hills Transportation Corridor Environmental Impact Report have taken place in Santa Ana; noted the purpose of this evening's Public Hearing is to provide an opportunity for the Transportation Corridor Agencies to make a presentation on the proposal and to give the public and representatives of affected agencies the opportunity to speak.

Mayor Pro Tem Anderson opened the Public Hearing.

Bill Woollett, Executive Director of the Transportation Corridor Agencies, stated that the primary objective of the San Joaquin Hills Transportation Corridor is to alleviate existing and projected peak-period traffic congestion on the regional circulation system and to minimize regional through-traffic use of arterial highways; noted the corridor is included in the General Plans of the County of Orange and Cities of Irvine, Newport Beach, Laguna Beach, Laguna Niguel, Mission Viejo and San Juan Capistrano; stated the corridor is a vital link in alleviating the present congestion problems in South Orange County; reviewed future traffic projections and associated travel times with and without the corridor; stated the corridor is a critical component of the regional air quality management plan; reviewed the objectives of the corridor.

Greg Hank, Assistant Director for Design and Construction of the Transportation Corridor Agencies, reviewed the history of the San Joaquin Hills Transportation Corridor; summarized the pros and cons associated with the two options for the southern confluence, i.e., Alignments 1 and 2, noting that the TCA favors Alternative #2; stated the cost of the project is estimated at \$680 million; explained that Alternative #1 would cost \$82 million less than Alignment #2, which is significant in terms of the overall feasibility of the project; reviewed the ramifications of a "No Project" alternative; stated the County and South Orange County cities have based land use approvals on construction of the San Joaquin Hills Transportation Corridor for the past 15 years.

Rob Thornton, Legal Counsel for the Transportation Corridor Agencies, provided an overview of the Draft Environmental Impact Report, focusing on the key environmental issues associated with the proposed corridor; noted the purpose of the environmental process is to identify the consequences of the project and to analyze the mitigation measures and alternatives that are available; opined the DEIR, which is presently before the Board of the Transportation Corridor Agencies, adequately fulfills the goals of the environmental process; reviewed the public hearings that have taken place to date as well as the noticing efforts that occurred; stated that additional analyses of air quality issues, as well as modifications to various mitigation programs and project design, were prompted in response to comments by federal, state and local agencies, public interest groups, homeowners associations and the general public; stated the corridor is a component of a regional strategy to address air quality and transportation needs.

Pauline Clark, Manager of Finance and Administration for the Transportation Corridor Agencies, provided an overview of the financing plan for the San Joaquin Hills Transportation Corridor; reviewed the results of the feasibility analysis; stressed that taxes will not increase if development fees and toll revenues are not sufficient to pay the bonds, adding that the risk will be borne solely by the entities holding the bonds.

William Woollett, Executive Director of the Transportation Corridor Agencies, concluded the TCA's presentation by reiterating the primary benefits of the project.

Ken Friess, Mayor of the City of San Juan Capistrano, spoke in support of Alignment #2 for the following reasons: 1) is environmentally superior over Alignment #1; 2) would create a lesser visual impact; 3) solves several serious circulation problems; and 4) would be situated farther away from the surrounding residential areas.

Tim Casey, City Manager of the City of Laguna Niguel, stated that both Alignments would have adverse impacts on the City of Laguna Niguel; stated Laguna Niguel can tolerate the impacts of Alignment #1; stated Alignment #2 will result in the loss of 19 businesses, thereby severely damaging the City's tax base, undermining the City's financial stability, and impairing the ability of the City to provide services to its residents.

Col. Jack Wagner, Chief of Staff for the USMC Western Area, stated that one major divided highway between Costa Mesa and San Clemente is inadequate; opined the SJHTC will reduce congestion throughout the region.

Lisa Mills, Assistant Director of Planning for the Orange County Transportation Commission, stated that on February 11, 1991 the OCTC voted to reaffirm its support for the SJHTC and further voted to encourage the TCA to certify the environmental document; urged that the City of San Clemente support the position of the OCTC.

Chip Crether, Deputy Chief of the Orange County Fire Department, spoke in support of the SJHTC inasmuch as the absence of the corridor would adversely impair emergency response times.

Jeff Vasquez, Councilmember of the City of San Juan Capistrano, read a page from the Environmental Protection Agency document which relays the Agency's position that the Federal Highway Administration has not met its requirements under the National Environmental Protection Act because the Draft Environmental Impact Study does not provide adequate information for the FHA to make a sound decision regarding the SJHTC; opined the DEIR is seriously flawed and should not be certified.

John Fitzsimmons, 107 Via Toluca, opined the DEIR for the SJHTC is flawed and does not merit certification.

Glenn Roy, 111 Avenida Granada, on behalf of a group that is forming in Laguna Beach and San Clemente entitled "Coalition Against the Corridors", spoke in support of a "No Project" alternative; opined that mass transit represents the only solution to the transportation problems of the area; stated the Coalition intends to obtain a temporary restraining order in federal court and a permanent injunction to halt corridor construction.

Roger Hudson, 2907 Calle Frontera, urged that a light rail system be developed in lieu of construction of more freeways.

Margo Beauchamp, 137 Avenida Santa Margarita, voiced concern with the construction of the proposed tollroads during the current drought in Southern California; spoke in support of mass transit and, specifically, creation of a light rail system; read and presented a letter from Phil Feyerabend, dated March 4, 1991, which disputed the TCA's claim that the SJHTC will reduce carbon monoxide emissions by 14.7%.

Kathy Brocklehurst spoke in opposition to the development of tollroads and in support of creative options, such as development of a light rail system.

Karoline Koester, 604 Via Pavon, opined the proposed corridors will benefit developers rather than citizens.

Robert Noon, 235 Avenida Lobeiro, commented on the need for an integrated and regional approach to solving transportation problems; spoke in support of transportation alternatives, i.e., car pools, public transportation and commuter rail services.

Gina Rose Ybarra, 2177 Via Teca, spoke in opposition to Alignment #2 for the following reasons: 1) will result in the loss of over 400 jobs; 2) will cost an additional \$82 million; and 3) represents a deviation from the alignment that was approved ten years ago; urged that Alignment #1 be selected.

Charles Freeman, 204 W. Marquita, spoke in opposition to Alignment #2 because 1) his job would be affected by that alignment and, 2) Alignment #2 would cost \$82 million more than Alignment #1.

Byron Marshall, 341 Avenida Adobe, spoke in support of the SJHTC; noted that alternative routes are necessary to relieve traffic congestion and to ensure an evacuation route in the event of an obstruction on the I-5.

Dorothy Ludvigson, 111 W. Avenida Santiago, opined that growth is inevitable and acknowledged the need to adequately prepare for the future.

Sharon Jansen, 4015 Calle Mayo, President of the Chamber of Commerce, explained that the Chamber voted unanimously to approve the concept of the SJHTC seven years ago; stated the Chamber is not endorsing a specific alignment but is encouraging the adoption of the corridor concept to relieve traffic congestion.

Sally Jeisy, 1211 Calle Toledo, spoke in support of the SJHTC to relieve traffic congestion and facilitate efficient circulation.

Tom Padberg, 617 Calle Hidalgo, spoke in opposition to the proposed corridors; voiced concern that the TCA has the power to levy assessments against all property owners within specific areas to cover funding shortfalls associated with the project.

Audrey Germer voiced concern that businesses along El Camino Real from Valencia to Camp Pendleton could be taken to widen the I-5; opined the public received insufficient notification concerning the exact alignment of the tollroad.

Lucile Taylor spoke in opposition to the three proposed corridors inasmuch as they will result in 1) a deterioration of air quality and the environment in general, 2) traffic congestion along San Clemente's interior streets; and 3) additional growth, including an airport in south Orange County.

Herman Hagemann opined that the freeways in Los Angeles facilitated additional traffic and pollution; urged that Orange County learn from the mistakes made by Los Angeles.

Frank Russick spoke in support of a double-decker highway or rail service in lieu of the proposed tollroad; opined the southern confluence will result in a need to widen the I-5 through San Clemente.

Dave Linzey, 25092 Shaver Lake Circle, Lake Forest, spoke in opposition to Alignment #2 for the following reasons: 1) the Orange County Board of Supervisors approved Alignment #1 over 10 years ago; 2) Alignment #2 will cost \$82 million more than Alignment #1; and 3) Alignment #2 will result in the loss of over 400 jobs.

Frank J. Sindoni, 29982 Saddleridge Drive, San Juan Capistrano, urged that the EIR address the possibility of the SJHTC traversing over the I-5 and following Avery into the open country.

Michael Phillips, 118-1/2 Cedar Way, Laguna Beach, questioned the financial status of the TCA and the possibility of local taxpayers being assessed for any funding shortfalls associated with the corridor.

Dave Knappen, 24752 El Manzano Place, Laguna Niguel, spoke in support of Alignment #1.

Sandy Lucas, 20401 Sun Valley Drive, Laguna Beach, President of the Laguna Canyon Property Owners Association, stated that all cities belonging to the TCA will share equal liability in the event the proposed corridor causes, or contributes to, a flood in Laguna Canyon.

Janie Cowlin, 675 Lombardy Lane, Laguna Beach, opined that the DEIR for the SJHTC fails to adequately address environmental issues; stated the proposed mitigation measures are inadequate.

Jim Davison, 2945 Dork Court, Laguna Beach, stated the SJHTC will adversely impact air quality.

Carolyn Wood, 2755 Temple Hills, Laguna Beach, spoke in opposition to the SJHTC.

Mark Clancey, P.O. Box 1645, San Juan Capistrano, on behalf of Friends of Historic San Juan, noted the SJHTC will have profound environmental impacts on cities situated to the north of San Clemente.

Russell Burkett, Executive Director of Orange County Tomorrow, opined the DEIR for the SJHTC should not be certified.

Jean Jenks, 301 San Nicholas Court, Laguna Beach, stated the double funnel design of the SJHTC will not result in free-flowing traffic as the TCA has claimed; commented that carbon monoxide levels could reach dangerous levels in cities situated along the corridor route; opined the project is fiscally unsound.

Nancy King, 29422 Spotted Bull Way, San Juan Capistrano, spoke in opposition to certification of the DEIR.

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

MEETING RECESSED

Council recessed at 10:50 p.m. and reconvened at 11:00 p.m., with all members present.

During the ensuing discussion, representatives of the TCA answered questions raised by Council and the public.

Councilmembers provided Mayor Pro Tem Anderson (the City's voting representative to the TCA) with their input and concerns as follows:

Councilmember Lorch stated that much of the Public Hearing this evening addressed the need to not certify the DEIR at this time; opined there are many impacts that are not proposed to be mitigated below a level of significance; spoke on the need for more emphasis on mass transit as well as a final solution to the traffic problem; indicated there is no stated mitigation that ties entitlements or phasing of development to achieving levels of service on the corridors; voiced concern that traffic data for San Clemente is not included in the DEIR; relayed his position that the cumulative impacts, and cross-coupling of impacts between the corridors, need to be identified and addressed on a singular basis; requested this issue be continued to the Adjourned Regular Council meeting of March 13, 1991 to allow new data to be considered.

MOTION BY COUNCILMEMBER LORCH to direct Mayor Pro Tem Anderson (the City's representative to the TCA) to vote against certification of the DEIR for the San Joaquin Hills Transportation Corridor, based on information provided to date. The motion died for lack of a second.

Councilmember Benedict spoke on the need for alternate routes to accommodate emergencies and convenient circulation; spoke in support of certification of the Draft EIR, noting that the appropriate environmental agencies will have an opportunity to comment; opined that Alignment #1 is superior to Alignment #2 due, in part, to the lesser cost; opined Council should refrain from giving voting direction to the City's TCA representative since situations could change.

Councilmember Haggard opined that Council should not give definitive direction to the City's TCA representative, since Council has not heard the testimony given at the TCA's Public Hearings.

Mayor Pro Tem Anderson relayed his belief that Council is not in a position to make a final judgment on this issue at this time; stated he will consider the views expressed by individual Councilmembers in deciding his vote at the TCA meeting of March 14, 1991.

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 4-0, to continue consideration of the Draft San Joaquin Hills Transportation Corridor Environmental Impact Report to the Adjourned Regular Council meeting of March 13, 1991 to allow an opportunity for Council to consider any new information which may arise.

City Attorney Oderman clarified that the TCA, of which Mayor Pro Tem Anderson is a member, is a separate public agency; stated the TCA is required to make its decision based upon the evidence presented to that body; opined it would be an abuse of discretion if the TCA members were bound by a vote of their respective city councils; stated a position on the DEIR by the City Council would serve only as a recommendation and could not be binding upon the City's TCA representative.

Mayor Diehl returned to the dais and resumed his mayoral duties at 11:50 p.m.

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 E and I.

A. **City Council Minutes**

None.

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

- (1) Departmental Activities Report - January 1991.
- (2) Community Design Commission minutes of January 29, 1991.
- (3) Planning Commission minutes of February 5, 1991.

C. **Warrant Register**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve Warrant Nos. 99387 through 99565 (Voids 99382 and 99384-99386) for the period 2-9-91 through 2-15-91 in the amount of \$2,426,497.23; approve Warrant Nos. 99568 through 99720 (Handwrite 99383) (Voids 99566-99567) for the period 2-18-91 through 2-22-91 in the amount of \$509,901.26; for a total Warrant Register of \$2,936,398.49.

Payroll Register

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve Payroll Warrant Nos. 62309 through 62684 (Voids 62304-62308) for the period 2-4-91 through 2-17-91 in the amount of \$323,004.44; for a total Payroll Register of \$323,004.44.

D. Statement of Investment Policy

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve the Statement of Investment Policy as contained in the Administrative Report, dated February 6, 1991, and on file in the City Clerk's Department.

F. California Vehicle Code and San Clemente Municipal Code Enforcement in the Casablanca, Bella Vista and Montego Developments

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to set a Public Hearing for April 3, 1991 to declare certain streets in the Casablanca, Bella Vista and Montego Developments subject to the provisions of the California Vehicle Code (CVC) and the San Clemente Municipal Code (SCMC).

G. Avenida Vista Hermosa Interchange - Engineering Services Contract Addendum Nos. 6 and 7

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

1. Approve the Avenida Vista Hermosa Interchange engineering services Contract Addendum Nos. 6 and 7 totalling \$64,624.35 to provide for additional services to finalize and process the environmental document.
2. Approve, and authorize the Mayor to execute, Amendment No. 2 to Agreement No. C88-24 between the City of San Clemente and Robert Bein, William Frost and Associates (RBF) for the preparation of the environmental and preliminary engineering studies for the Avenida Vista Hermosa Interchange.

H. Final Tract 14257 (Wilson), 1000 Calle Cordillera

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

1. Approve, and authorize the City Engineer and City Clerk to execute, Final Tract Map 14257.
2. Approve, and authorize the Mayor to execute, the Subdivision Improvement Agreement by and between the City of San Clemente and Wells/Seaview Venture.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

E. Improvement Agreement - SC Equestrian Lots, Ltd. (Tract 11781 - Forster Ranch)

Councilmember Benedict advised that a member of the Forster Ranch Master Homeowners Association has expressed concern about the maintenance of the landscaped slopes which are situated between the individual lots.

City Engineer Cameron noted the City is concerned about the erosion potential associated with the subject property; explained the purpose of the petition before Council is to accept a bond from the new property owner for landscaping of the slopes and to approve an improvement agreement to bind the property owner to install the landscaping within one year; noted this issue is an outgrowth of the Settlement Agreement with Estrella Properties; stated the subject disagreement relates to which party will maintain the slopes, i.e., the Forster Ranch Master Homeowners Association or the sub-association.

Principal Planner Goldin explained that Staff has encouraged the Applicant to meet with the master association to ensure that both the master association and sub-association understand their obligations; stated the City Attorney has approved the CC&R's for the tract; relayed Staff's position that the maintenance obligations are adequately covered from the City's perspective.

City Attorney Oderman added that the City originally approved the tract with the provision that the master association would maintain the slopes; noted the master association now desires to shift that landscape maintenance responsibility to the sub-association; stated the responsibility for landscape maintenance was imposed upon the master association through the CC&R's which have been recorded; expressed uncertainty as to whether the CC&R's could be modified at this time to shift the economic burden in a manner that was not contemplated by the property owner.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-1 (COUNCILMEMBER BENEDICT VOTING NOE), to continue consideration of the Improvement Agreement with SC Equestrian Lots to the Council meeting of March 20, 1991 to allow time for Staff to further research the issue. Council requested that Staff meet with the Forster Ranch Master Homeowners Association to attempt to resolve the landscape maintenance issue. Council further requested that Staff report back on the status of the landscaping bond provided by Estrella Properties, as well as the potential of Council action on this issue eroding the position of either the Forster Ranch Master Homeowners Association or the new property owner in their on-going negotiations re maintenance of the slopes.

I. Stop Sign Installation - Intersection of Camino de Estrella and Camino Mira Costa

Following clarification, MOTION BY MAYOR DIEHL, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 5-0, to adopt Resolution No. 91-17 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING "THROUGH STREETS AND STOP INTERSECTIONS".

5. ORAL COMMUNICATIONS

Welcome Home/Support Our Troops Rally

Teri Todd, 209 Avenida del Mar, provided an overview of the Support Our Troops Rally that is planned for March 9, 1991 on Avenida del Mar at Ola Vista; stated the support rally has been planned for approximately three weeks and has evolved from a Support Our Troops rally to a Welcome-Home Rally; voiced concern that Staff has refused to support the rally unless the plans to reserve parking spaces in front of the businesses are discontinued.

City Manager Parness indicated that Staff will continue to address the subject issue administratively and will cooperate with the Applicant to the extent possible; stated Staff is supportive of this event provided it remains small, does not impact traffic, parking or circulation, and does not require additional security; noted that Staff is also working with Camp Pendleton to organize a rally or parade to celebrate the return of our service personnel from the Persian Gulf; opined the March 9th rally and the City's rally would be dissimilar events and hence not interfere with each other.

6. UNFINISHED BUSINESS

A. Adult Day Health Care Center

Principal Planner Goldin advised that the Planning Commission, at its meeting of March 5, 1991, voted unanimously to allow revisions to the tile for the Adult Day Health Care Center; noted the Planning Commission made it clear that its decision to allow the center to retain its existing tile does not constitute a blanket approval, since special circumstances existed with respect to this application.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE) to receive and file the Planning Commission's decision to allow revisions to the tile for the Adult Day Health Care Center.

7. NEW BUSINESS

A. None.

8. REPORTSA. Commissions and Committees

None.

B. City Manager

None.

C. City Attorney

None.

D. Council Members(1) Orange County Division - League of California Cities

Mayor Diehl advised that the Orange County Division of the League of California Cities will consider two resolutions at the March 14, 1991 General Meeting, i.e., Resolution No. 1-91 which supports a repeal of County authorized jail booking fees and property tax administration, and Resolution No. 2-91 which reinstates support for the master property tax transfer agreement currently in effect between cities and the County of Orange.

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 4-1 (COUNCILMEMBER HAGGARD VOTING NOE), to endorse League of Cities Resolution No. 1-91 which supports SB 169 to repeal County authorized jail booking fees and property tax administration charges in SB 2557.

MOTION BY COUNCILMEMBER LORCH, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to endorse League of Cities Resolution No. 2-91 to reinstate the League's support for the master property tax transfer agreement currently in effect between the cities and the County of Orange.

(2) **Consideration of a Parade in Celebration of the End of the Persian Gulf Conflict**

Councilmember Haggard spoke in support of a coordinated approach in Orange County to celebrate the return of our service personnel from the Persian Gulf.

Mayor Pro Tem Anderson advised that the owners of the San Clemente Hotel have offered the outside patio area and foyer as a reception area for our returning service personnel; stated the San Clemente Hotel would be available Monday through Saturday from 3:00 p.m. to 6:00 p.m. and would be staffed by representatives from various service organizations; explained the receptions would continue for approximately three to four weeks, depending on the program's success and the availability of volunteers.

Council concurred that an event should be formulated to celebrate the return of our service personnel from the Persian Gulf and noted that the offer of the San Clemente Hotel could be incorporated into any plans that are developed.

9. **RESOLUTIONS/ORDINANCES**

A. **Ordinance No. 1041 (Office of Zoning Administrator) - Second Reading**

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

B. Ordinance No. 1042 (Delegation of Authority of Director of Community Development) - Second Reading

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

MEETING RECESSED

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 5-0, to recess to a meeting of the Redevelopment Agency at 12:35 a.m.

MEETING RECONVENED

Council reconvened at 12:36 a.m., with all members present.

ADJOURNMENT

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT to adjourn at 12:36 a.m. to an Adjourned Regular Meeting to be held on March 13, 1991 at 1:00 p.m. in the Community Development Department Conference Room, located at 901 Calle Negocio, San Clemente, California.

AMENDED MOTION BY COUNCILMEMBER LORCH to conduct the Adjourned Regular Council Meeting of March 13, 1991 in the Council Chambers. The Amended Motion died for lack of a second.

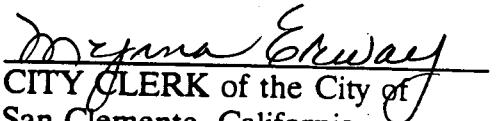
THE ORIGINAL MOTION CARRIED 4-1 (COUNCILMEMBER LORCH VOTING NOE).

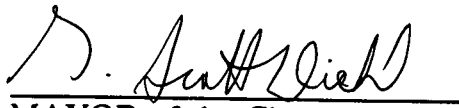
Regular City Council Meeting - March 6, 1991

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Remembrance of Tony DiGiovanni and John Saxby

Council closed its meeting of March 6, 1991 in memory of Tony DiGiovanni and John Saxby, who gave of themselves to make San Clemente a better community.


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 March 6, 1991 said meeting was adjourned to the time and place specified in the ORDER OF ADJOURNMENT attached hereto; and that on March 7, 1991 at the hour of 2:15 p.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 March 7, 1991 at San Clemente, California.


 MYRNA ERWAY
 City Clerk

NOTICE OF ADJOURNMENT
EXCERPT FROM THE MINUTES OF THE
CITY COUNCIL
MEETING OF MARCH 6, 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 March 6, 1991.

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

ABSENT: NONE

ADJOURNMENT

Council adjourned to March 13, 1991 at 1:00 p.m. in the Community Development Department Conference Room, located at 901 Calle Negocio, San Clemente for the purpose of 1) discussing the San Joaquin Hills Transportation Corridor, and 2) conducting a budget orientation workshop.

Myrna Erway / JB
MYRNA ERWAY
CITY CLERK