

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting - March 20, 1991

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

PRESENT BENEDICT, HAGGARD, LORCH, MAYOR DIEHL

ABSENT ANDERSON

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

INVOCATION

Pastor Tom Kakadelis, of Marvista Church, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Diehl led the Pledge of Allegiance.

SPECIAL PRESENTATIONS

None.

2. MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0, to waive reading in full of all Resolutions and Ordinances.

3. PUBLIC HEARINGS**A. GPA 123 - Addition of a Growth Management Element to the General Plan**

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

Principal Planner Goldin reviewed the contents of the Administrative Report; referenced The Lusk Company's letter of March 20, 1991, which expressed that the Marblehead Coastal property is unique in nature and should be planned without preconceived determinations; suggested four alternatives to mitigate The Lusk Company's concerns as follows: 1) Revise the first paragraph of Open Space Programs and Standards for Planning Area 7 to read in its entirety as follows: "Through the specific plan process, the City shall require the developer to provide the designation of at least 30% of the site to be open space."; 2) Direct Staff to modify the entire section on Open Space Programs and Standards for Planning Area 7 to provide direction to process the specific plan; 3) Delete the entire section on Open Space Programs and Standards for Planning Area 7, as per The Lusk Company's request, and refrain from providing policy direction other than indicating that the open space issue will be determined through the specific plan process; or 4) Retain the existing wording for Open Space Programs and Standards for Planning Area 7, with the clarification that the open space issue will be determined through the specific plan process.

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

Council reviewed the proposed Growth Management Element categories of Open Space, Schools, Sewer, Traffic and Water.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 4-0, to adopt Resolution No. 91-18 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING THE CITY'S GENERAL PLAN TO INCORPORATE A GROWTH MANAGEMENT ELEMENT (GPA NO. 90-123) FOR THE CATEGORIES OF SCHOOLS, SEWER, TRAFFIC AND WATER.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 3-1 (COUNCILMEMBER LORCH VOTING NOE), to adopt Resolution No. 91-25 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING THE CITY'S GENERAL PLAN TO INCORPORATE A GROWTH MANAGEMENT ELEMENT (GPA NO. 91-123) FOR THE CATEGORY OF OPEN SPACE, with the modification that the first paragraph of Implementation Programs and Standards for Planning Area 7 shall be modified to read in its entirety as follows: "Through the specific plan process, the City shall require the developer to provide the designation of at least 30% of the site to be open space."

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

Continued 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.

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 LORCH, CARRIED 4-0, to adopt Resolution No. 91-19 entitled A RESOLUTION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPLYING THE PROVISIONS OF THE CALIFORNIA VEHICLE CODE AND THE CITY OF SAN CLEMENTE MUNICIPAL CODE TO CERTAIN PRIVATE ROADS OPEN FOR PUBLIC USE (FLORA VISTA DEVELOPMENT), TRACTS 13914 AND 12895.

C. Tentative Tract Maps 13683, 13684, 13685, 13686 and 13935; Site Plan Reviews 90-50, 90-51, 90-52, 90-54 and 90-133, Talega Champion Hills Specific Plan

Public Hearing to consider a request by the Arvida Company to develop 338 single family homes and three holes of a golf course in the City portion of Talega Valley.

Associate Planner Pechous reviewed the contents of the Administrative Report; relayed that the Planning Commission is recommending that the project be approved; stated Staff supports the Planning Commission's recommendation, but believes the following tract modifications would enhance the visual appearance of the project:

- > Enlargement of some of the smaller lots to a minimum of 6,000 sq. ft.
- > Reconfiguration of the lots along Vista Hermosa in Planning Area 19 to provide a setback greater than the current proposal of 27'.
- > Elimination of the two single-loaded streets in Planning Area 18 and provision of one double-loaded street to increase the landscape area and lessen the utility resources needed to service the tract.
- > Modification of the design of Planning Area 20 to improve the visual appearance from distant areas -- especially from the intersection of Avenida La Pata and Camino Del Cerro. Staff relayed concern that the terraced slopes that provide a vertical separation between streets are uniformly stairstepped and range from 16 to 30', i.e., the same height as the proposed homes; voiced concern the project as proposed would project a massive appearance.

Mayor Diehl opened the Public Hearing.

Kevin Canning, The Arvida Company, reviewed the history of the project and modifications made from the original proposal; noted the project's density is 100+ units below the density permitted by the Specific Plan and 90 units below The Arvida Company's original proposal; highlighted the design benefits of the various tracts; stated a minimum 28' setback is proposed between the Vista Hermosa right-of-way and the property lines of the homes along that street, in addition to a minimum 15' rear yard setback; explained Planning Area 20 was redesigned to conform to the Hillside Development Ordinance and opined that a reduction of the elevational difference between two of the pads would be contrary to the provisions of the Hillside Development Ordinance; stated 8' sidewalks are proposed in areas where a

Class I bike trail is planned (i.e., Avenida Pico and Vista Hermosa) and 5' sidewalks are proposed in areas where a Class II bike trail, or street bike trail, is proposed.

Kathy Brocklehurst, 304 Avenida Monterey, questioned and received clarification relative to emergency access requirements and circulation as it relates to the subject project.

During the ensuing discussion, Councilmember(s) indicated as follows:

1. Directed Staff to consider modifying the Talega Valley Specific Plan to require affordable housing to be provided in the early phases of development, rather than after 50% of a development is complete.
2. Voiced concern with proceeding with the project until outstanding ranch-wide issues are resolved; noted the need for a complete fiscal impact report to determine the financial viability of the project.
3. Requested to be provided with additional view analyses, i.e., 1) aesthetics of the property after grading, 2) the manner by which the project fits the overall topography; and 3) project aesthetics from key vantage points.
4. Requested data relating to the proposed treatment of the drainage channel, as well as the usability of the open space area surrounding the channel.
5. Requested a status report on its August, 1989 direction for Staff to meet with The Arvida Company concerning a possible reduction or transfer of density on hillsides within the Talega Valley Specific Plan.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 4-0, to continue the Public Hearing on Tentative Tract Maps 13683, 13684, 13685, 13686 and 13935 and Site Plan Reviews 90-50, 90-51, 90-52, 90-54 and 90-133 (Talega Champion Hills Specific Plan) to the Council meeting of April 3, 1991.

Councilmember Lorch left the Council Chambers at 8:53 p.m.

D. Weed Abatement - 1990 Closure

Public Hearing concerning the closure of the Weed Abatement program for 1990.

Director of Fire Protection Knight 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 HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 3-0, to confirm the 1990 Weed Abatement Report as contained in the Administrative Report on file in the City Clerk's Department, and authorize the Fire Department to bill the appropriate parcel owners to recover the cost of the abatement.

Councilmember Lorch returned to the dais at 8:56 p.m.

4. CONSENT CALENDAR

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0, to approve the Consent Calendar with the removal of Items 4-B(3), 4-D, 4-M, 4-N, 4-R, and 4-S.

A. MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0, to approve the City Council minutes of February 20, 1991, February 27, 1991 and March 4, 1991.

B. MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0, to receive and file:

- (1) Community Design Commission minutes of February 12, 1991.
- (2) Parks and Recreation Commission minutes of February 12, 1991 and February 26, 1991.

C. Warrant Register

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0, to approve Warrant Nos. 99724 through 99936 (Voids 99722-99723, Handwrite 99721) for the period 2-25-91 through 3-1-91 in the amount of \$2,372,105.15; and approve Warrant Nos. 99942 through 100089 (Voids 99937-99941) for the period 3-4-91 through 3-8-91 in the amount of \$215,051.87; for a total Warrant Register of \$2,587,157.02.

Payroll Warrant

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0, to approve Payroll Warrant Nos. 62692 through 63066 (Voids 62687-62691) for the period 2-18-91 through 3-3-91 in the amount of \$350,588.13; for a total Payroll Register of \$350,588.13.

E. Equipment Purchase - Four New 1991 Full-Size Patrol Cars

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0, to accept the bid of Courtesy Chevrolet, in the amount of \$51,669.54, for the purchase of four (4) full-size police patrol cars to replace Units #781, #782, #783 and #784.

F. Equipment Purchase - One New Turf Tractor

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0, to accept the bid of Eberhard Equipment, in the amount of \$17,862.75, for the purchase of one general purpose turf tractor to replace Unit #277.

G. Equipment Purchase - One New 1991 Dump Truck

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0, to accept the bid of Clippinger Chevrolet, in the amount of \$31,059.81, for the purchase of one 5-yard stakebed dump truck with a manual crank-up bed cover, to replace Unit #528.

H. Community Rating System, FEMA National Flood Insurance Program

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0, to refrain from participating in the Community Rating System at this time.

I. Street Lighting and Landscaping District No. 1 - FY 1991-92 Assessment Engineering Services

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0, to approve the proposal submitted by Willdan Associates to act as assessment engineer for FY 1991-92 for a lump sum of \$13,500.

J. Parking Prohibition - Between Driveways at 224 and 226 Avenida Serra

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0, to adopt Resolution No. 91-20 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING TRAFFIC RESOLUTION NO. 1846, ESTABLISHING "NO PARKING" REGULATIONS.

K. Traffic Improvement - Intersection of Calle Juanita and Calle Real

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0, to:

1. Deny the City of Dana Point's request for the installation of four-way stop signs at the intersection of Calle Juanita and Calle Real.
2. Direct Staff to coordinate with the City of Dana Point to restripe the intersection of Calle Juanita and Calle Real to enhance both the visibility and traffic operation at the subject intersection.

L. Contract Award - Sewer Sliplining from Via Del Tesoro to Camino de los Mares (Project No. 1-91)

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0, to approve, and authorize the Mayor to execute, the contract for the Sewer Sliplining from Via Del Tesoro to Camino de los Mares, Project No. 1-91, to the lowest responsible bidder, National Plant Services, Inc., at the bid price of \$25,958.00 (Contract No. C91-06).

O. Year 16 Community Development Block Grant Contracts (CDBG) - Supplemental Budget Appropriation

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0, to approve Year 16 CDBG estimated revenues totaling \$50,000, and supplemental appropriations totaling \$50,000, to the accounts contained in the Administrative Report, dated March 20, 1991, and on file in the City Clerk's Department.

P. Request for Sole Source Purchase - Radio Telemetry Equipment

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0, to authorize the sole source purchase of five remote telemetry units, in the amount of \$29,000, from Digital Telemetry Systems.

Q. SB 198 Implementation - Consultant Retainment

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0, to approve the transfer of \$9,000 from the Contingency Reserve of the General Fund to Account No. 001-122-43890 to retain a Safety Consultant.

T. Bid Request - Construction of Avenida Pico Reclaimed Water Permanent Pump Station

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0, to authorize Staff to advertise for bids for the construction of the Avenida Pico Reclaimed Water Permanent Pump Station.

U. Change Order No. 64 to Water Reclamation Plant Contract - Repairs to Existing Secondary Clarifier Troughs

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0, to:

1. Approve, and authorize the Mayor to execute, Change Order No. 64 in the amount of \$18,626, for the Water Reclamation Plant Expansion Contract C-2 Contractor, M.A. Mortenson Company, to repair the secondary clarifier troughs (Contract C88-15).
2. Authorize a supplemental appropriation in the amount of \$18,624 to Account No. 054-476-45300-10627, Improvements Other Than Buildings, from the Sewer Depreciation Reserve.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

B(3) Planning Commission Minutes of February 19, 1991

Gateway Village Plaza

Jamie Lewis, 50 Finca, opined the Rancho San Clemente Homeowners Association has not informed its members of the details of Gateway Village Plaza; requested that Council call up the project for review from the Planning Commission minutes of February 19, 1991.

Sandy DonRussello, 59 Maracay, stated she is not opposed to the Gateway Village Plaza, but opined the site is ill-suited for placement of the largest Lucky market in Orange County; voiced concern that she was not informed of any Public Hearings to date; requested that the project be scheduled for Public Hearing.

Steve Apodaca, 2152 Avenida Espada, on behalf of the Northeast San Clemente Council of Homeowners Associations, stated the City is facing a potential deficit and this project will provide needed neighborhood services and sales tax revenue; commented the Planning Commission has held numerous Public Hearings over the past thirteen months; stated NSCCHA has also held public meetings and included progress reports on the project in its last two newsletters.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0, to call up the Gateway Village Plaza (CUP 89-139/SPR 89-140/VAR 90-24) from the Planning Commission minutes of February 19, 1991 for Public Hearing on April 3, 1991.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0, to receive and file the balance of the February 19, 1991 Planning Commission minutes.

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

W. R. Coughlin, 2902 Riachuelo, requested continuance of the subject Agreement to a future Council meeting to allow time to resolve issues relating to the maintenance of common area slopes; stated a definition of "common area" has not yet been developed.

In answer to Council inquiry, City Attorney Oderman clarified that the only issues before Council are a Subdivision Improvement Agreement and substitution of the security instrument; explained the proposed action does not concern the maintenance of common area slopes within the subdivision; opined, therefore, that the ministerial action before Council should not be deferred.

City Engineer Cameron explained that Exhibit A of the Subdivision Improvement Agreement, relating to works of improvement, mentions a 90-day maintenance period; clarified that the subject provision does not relate to the City accepting the improvements at the 80% coverage requirement, and the 90-day period applies only to improvement installation.

City Attorney Oderman explained the Forster Ranch Master Homeowners Association CC&R's provide for the master association to maintain the common area slopes within the subdivision; noted the master association desires to transfer maintenance responsibility to the sub-association; stated the CC&R's for the sub-association have been approved pursuant to the original conditions imposed on the tract by the Council and have apparently been recorded.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY MAYOR DIEHL, CARRIED 4-0, to:

1. Approve, and authorize the Mayor to execute, the Subdivision Improvement Agreement by and between SC Equestrian Lots, Ltd. and the City of San Clemente for Lots 1-5, 7-19 and 21-~~23~~ of Tract 11781 (Forster Ranch), and accept the bonds from SC Equestrian Lots, Ltd., as outlined in the Administrative Report, dated March 6, 1991, and on file in the City Clerk's Department.
2. Direct Staff to provide a synopsis of the positions of the Forster Ranch Master Homeowners Association and the sub-association pertaining to maintenance of the common area slopes. Additionally, Staff is to report on the propriety of City intervention to facilitate a resolution to the issues of disagreement between the Forster Ranch Master Homeowners Association and the sub-association.

M. Agreement for Financing Traffic Improvements - Centex Development Company

In response to Council inquiry, City Attorney Oderman explained that the Agreement for Financing Traffic Improvements represents a negotiated effort between City Staff and Centex Development; noted the impetus for the agreement came from the City since it was the City's desire to implement the RCFPP and provide a mechanism for ensuring the timely completion of the on-site improvements that are the property owner's responsibility.

Following clarification relating to various provisions of the agreement, **MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 4-0, to approve, and authorize the City Manager to execute, an agreement by and between the City of San Clemente and Centex Development Company, to guarantee timing, rights-of-way, and improvement costs for \$17 million worth of improvements committed by Centex Development (Contract No. 91-07).**

N. **Notice of Intent to Abandon AB 88-02 (Townsend)**

Following discussion, MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 3-1 (COUNCILMEMBER LORCH VOTING NOE), to adopt Resolution No. 91-21 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DECLARING ITS INTENTION TO CONSIDER THE ABANDONMENT OF PUBLIC STREET RIGHTS OF WAY WHICH WERE DEDICATED AS PART OF TRACT 898, LOCATED ON THE UNDEVELOPED SITE AT AVENIDA PRESIDIO, LA ESPERANZA, AND THE NORTHBOUND RAMP ON I-5.

R. **City Compensation Plan - General Employees**

Following discussion, MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 3-1 (COUNCILMEMBER LORCH VOTING NOE), to adopt Resolution No. 91-22 entitled A RESOLUTION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ASSIGNING NEW COMPENSATION SCHEDULES FOR ALL GENERAL CLASSES OF EMPLOYMENT IN THE CITY SERVICE AND AMENDING THOSE SECTIONS OF RESOLUTION NO. 89-137 AND ANY OTHER RESOLUTIONS IN CONFLICT THEREWITH OF THE CITY'S COMPENSATION PLAN THAT PERTAINS TO THE GENERAL EMPLOYEE COMPENSATION SCHEDULES.

S. **Amendments to General Employees Pension Program**

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 3-1 (COUNCILMEMBER LORCH VOTING NOE), to adopt Resolution No. 91-23 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTIONS 1.1, 1.2, 1.18, 3.4 OF THE CITY OF SAN CLEMENTE RESTATED EMPLOYEE RETIREMENT PLAN FOR NON-SAFETY EMPLOYEES RELATING TO CREDITED SERVICE, PARTICIPATION DATES, AND CALCULATION OF BASIC PENSION BENEFITS.

MEETING RECESSED

Council recessed at 9:55 p.m. and reconvened at 10:05 p.m., with all members present except Mayor Pro Tem Anderson.

5. ORAL COMMUNICATIONSSan Joaquin Hills Transportation Corridor

Glenn Roy, 111 Avenida Granada, voiced concern that the City of San Clemente did not take a position in opposition to the San Joaquin Hills Transportation Corridor; opined the City's endorsement of the DEIR could make the City liable for damages sustained as a result of the corridor; stated a coalition to oppose the corridor is in the formation stages and may elect to legally challenge the EIR.

In response to Council inquiry, City Attorney Oderman explained the Transportation Corridor Agency is a separate public agency and, although it is a joint powers authority, California law precludes individual member cities from being liable for the obligations of the TCA.

Subdivision Improvement Agreement - SC Equestrian Lots, Ltd. (Tract 11781 - Forster Ranch) (See Page 11 of these minutes for a summary of the earlier discussion on this item.)

Robert Morey, 10672 Providence, Villa Park, (President of Mission Hills Development which is a partner with SC Equestrian Lots) opined the "common area" within Tract 11781 of Forster Ranch is well defined; stated he understands the burden of the Forster Ranch Master Homeowners Association and is continuing to work with the master association to reduce the burden and eliminate some of the costs; stated the sole function of the sub-association is to maintain the private streets.

6. UNFINISHED BUSINESS

A. Dimension Cable - Expansion of Local and Regional News Coverage

Report from the City Clerk concerning expansion of Dimension Cable's programming to include local and regional news coverage.

Dick Waterman, on behalf of Dimension Cable, stated Dimension Cable desires to provide expanded local news coverage and is currently investigating various options; relayed Dimension Cable's concurrence with the resolution before Council this evening; stated Dimension Cable will keep the City apprised of its progress.

Kenneth Tiven, Vice President and General Manager of the Orange County News Channel, stated that 300,000 of the approximate 470,000 homes in Orange County that subscribe to cable service receive the Orange County News Channel; stated the major part of the County that does not receive OCN is the South County area that is serviced by Dimension; stated OCN met with Dimension Cable one year ago to begin negotiations and the issue remaining relates to whether there is sufficient interest in the service; suggested that Dimension Cable carry OCN for a three-month trial period at OCN's expense; suggested the possibility of carrying OCN on the Government Access Channel to test public interest.

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 4-0, to adopt Resolution No. 91-24 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA RECOMMENDING THAT DIMENSION CABLE CONSIDER EXPANDING ITS PROGRAMMING TO INCLUDE LOCAL AND REGIONAL NEWS COVERAGE, with the understanding that the paragraph commencing with "NOW THEREFORE BE IT RESOLVED", be modified to replace the word "providing" with the word "carrying."

Council requested that Staff report back to Council in one month relative to the feasibility of using the Government Access Channel to broadcast OCN on a temporary basis.

7. NEW BUSINESSA. Concession Operation - Richard T. Steed Memorial Park Softball Complex

Report from the Parks and Recreation Manager concerning operation of the Richard T. Steed Memorial Park Softball Complex.

Parks and Recreation Manager Wegner reviewed the contents of the Administrative Report.

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

1. Accept the selection of San Clemente Sportspark, Ltd., as the primary candidate for the concession operation of the Richard T. Steed Memorial Park Softball Complex (Contract C90-33).
2. Reaffirm Council's decision of July 19, 1989 to allow the sale of beer and wine at the softball complex.
3. Authorize the City Manager to negotiate an agreement for the operation, maintenance and expansion of the park, for final City Council approval.

MOTION TO AMEND BY COUNCILMEMBER LORCH to not allow the sale of beer and wine at the softball complex. The Motion to Amend died for lack of a second.

THE ORIGINAL MOTION CARRIED 3-1 (COUNCILMEMBER LORCH VOTING NOE).

Curt Mettling, 423 Granada #48, spoke in opposition to the sale of beer and wine at the Richard T. Steed Memorial Park Softball Complex.

8. REPORTSA. Commissions and Committees

None.

B. City Manager

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

C. City Attorney

- (1) City Attorney Oderman requested a Closed Session to discuss matters of pending litigation, 1) Forster Ranch Master Association I v. Madole and Associates, and Does 1-100, inclusive, (OCSC Case #627735), and 2) Don Cray, et al. v. City of San Clemente (OCSC Case #535412), pursuant to GC Section 54956.9(a).

D. City Council

City Council members expressed sorrow at the passing of Eric Boucher and Eleanor Paddock; acknowledged the many contributions made by both individuals on behalf of the City of San Clemente.

Councilmember Lorch requested to be provided with a list of the top ten budget cost-drivers over the last five years; requested that an Adjourned Regular Council Meeting be scheduled to finish Council's discussion of March 4, 1991 relating to the City Manager's goals and objectives; spoke in support of the provision of City Hall work space and filing cabinets for Council use. It was agreed that City Manager Parness will investigate the possibility of providing one desk for joint Council use as well as one filing cabinet for each Councilmember.

Mayor Diehl stated the TCA tour has been scheduled for April 3, 1991 from 1:00 to 3:00 p.m.

9. RESOLUTIONS/ORDINANCES

A. Ordinance No. 1045 (Second Reading) - Residential Development Control

MOTION BY MAYOR DIEHL, SECOND BY COUNCILMEMBER HAGGARD, CARRIED 3-1 (COUNCILMEMBER LORCH VOTING NOE), to continue Ordinance No. 1045 to the Council meeting of April 3, 1991. Ordinance No. 1045 is 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.

B. Ordinance No. 1046 (Second Reading) - Penalties for Water Ordinance Violations

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 3-1 (COUNCILMEMBER LORCH VOTING NOE), to adopt 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.

CLOSED SESSION

Council recessed to Closed Session at 11:00 p.m. to discuss 1) a matter of personnel; 2) a matter of pending litigation, Forster Ranch Master Association I v. Madole and Associates, and Does 1-100, inclusive, (OCSC Case #X627735), pursuant to GC Section 54956.9(a), and 3) a matter of pending litigation, Don Cray, et al. v. City of San Clemente (OCSC Case #535412), pursuant to GC Section 54956.9(a). The City Council, City Manager, City Attorney and City Clerk were in attendance.

MEETING RECONVENED

Council reconvened at 11:30 p.m., with all members present.

Madole and Associates v. City of San Clemente - Settlement Agreement

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 4-0, to approve the settlement agreement for the case entitled Madole and Associates v. City of San Clemente.

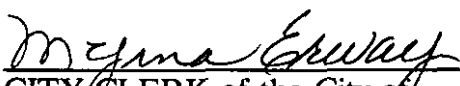
Compensation Agreement - Executive, Mid-Management and Confidential Bargaining Units


MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER BENEDICT, CARRIED 3-1 (COUNCILMEMBER LORCH VOTING NOE), to approve the compensation agreement with non-represented employee groups, i.e., Executive, Mid-Management and Confidential bargaining units.

ADJOURNMENT

MOTION BY COUNCILMEMBER HAGGARD, SECOND BY COUNCILMEMBER LORCH, CARRIED 4-0 to adjourn at 11:33 p.m. in memory of Eric Boucher and Eleanor Paddock.

The next Regular Council Meeting will be held on April 3, 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

**NOTICE AND CALL OF SPECIAL MEETING OF THE
CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA**

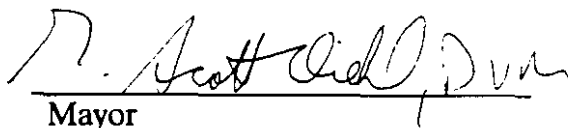
TO MEMBERS OF THE SAN CLEMENTE CITY COUNCIL:

NOTICE IS HEREBY GIVEN that a special meeting of the San Clemente City Council is hereby called to be held on Wednesday, March 27, 1991 at 6:30 p.m. in the Council Chambers, 100 Avenida Presidio, San Clemente, California.

Said special meeting shall be held to consider the following agenda item:

1. To consider authorizing the City Manager to award a contract, approve a Change Order, or take other appropriate action to abate asbestos-containing material in the incinerator at the Water Reclamation Plant.

DATED: March 25, 1991



Mayor

I acknowledge that I received a copy of the Notice and Call of Special Meeting for the March 27, 1991 Special Meeting of the San Clemente City Council on the date indicated below:

Scott Diehl
Mayor Diehl

3/26/91
Date

Mayor Pro Tem Anderson
James Benedict
Councilmember Benedict

Date
3/28/91
Date

Councilmember Haggard

Date

Councilmember Lorch

Date

I acknowledge that I received a copy of the Notice and Call of Special Meeting for the March 27, 1991 Special Meeting of the San Clemente City Council on the date indicated below:

Mayor Diehl

Date

Mary Anna Anderson

Mayor Pro Tem Anderson

3/26/91

Date

Councilmember Benedict

Date

Councilmember Haggard

Date

Councilmember Lorch

Date