

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, August 15, 1984, at 7:00 P.M., Mayor Kenneth E. Carr presiding.

PLEDGE OF ALLEGIANCE AND INVOCATION

Pledge of Allegiance to the Flag of the United States of America was led by Mayor Carr. Invocation was given by Jim Schultz of the Vineyard Christian Fellowship of San Clemente.

In response to query from Mayor Carr regarding his participation in the police chaplain program, Rev. Schultz stated that this has been a wonderful experience; that he has been excited to see the way the chaplains can act as an aid to the police officers in the field to assist people who are in need of counseling during a crisis situation; that he has very much enjoyed some of the training with other police departments in the area and enjoyed the fellowship with other chaplains and meeting and getting to know the police officers. Mayor Carr noted the City's appreciation for what he and the other chaplains are doing for and on behalf of the citizens.

ROLL CALL

PRESENT: Council Members - DIEHL, KOESTER, LIMBERG, MECHAM, AND CARR

ABSENT: Council Members - NONE

Also Present: Gary E. Brown, Interim City Manager; Max L. Berg, City Clerk; Jeff Oderman, City Attorney; Harry Weinroth, Community Development Director; Edward Putz, City Engineer; Marjorie L. Will, Deputy City Clerk; and certain other Staff members present in the audience.

PUBLIC HEARINGS

Subject: 99 - Sign Exception 84-03, Union 76/George Hillyard - 606 Camino de los Mares.

IN RE: Public hearing to consider Sign Exception 84-03, being a request of Union 76/George W. Hillyard, for an exception from Section 28-6 of Ordinance No. 797, the San Clemente City Sign Ordinance, to allow a proposed sign to exceed the 15 foot pole sign height limit by 17 feet; located at 606 Camino de los Mares; legal description being Lot 7, Tract 1127; said matter called up for review by the City Council.

Mayor Carr noted that he had no legal conflict of interest in this matter, but strictly on moral grounds was going to disqualify himself from any consideration and passed the gavel to Mayor pro tem Mecham.

The public hearing was opened and Ed Scott, Maintenance Construction Engineer for Union Oil Co., noted the reason for a variance in the height of the sign is that this is the only service station with freeway access location that does not have such a sign; referred to an analysis of a survey by the Planning Division of 43 businesses adjacent to the freeway and that of the 19 service stations included this is the only station that does not have a pole sign over 15 feet in height; that they lease the facility to the operator who is an independent dealer with 11 employees; that the operation is only selling 10% to freeway traffic; that if he could sell to freeway traffic he could lower his price and be more competitive in the community; that their other freeway oriented service station in San Clemente does 50% freeway business; that the request is for a variance to exceed the height, not to exceed square footage of the sign. In conclusion, Mr. Scott displayed photographs of existing signs in relation to other signs in the area, and requested Council to approve the sign.

Byron Marshall, President of Chamber of Commerce, also urged approval of the sign noting the sign would increase business and be a positive economic move.

Mark Carr, spokesman for Ocean Hills Community Association, read their letter in opposition and noted that it is their contention this application fails to meet the requirements of the code for a variance and is contrary to the intent of the sign ordinance; that no finding of unnecessary hardship has been established; that there has been no evidence presented to support their claim of loss of sales and business due to lack of a non-conforming sign; and that other options for increased sales could be additional hours of operation and reduced prices.

Lucy Case referred to the photographs noting that they were unfair and taken from a lower part of the area, and with all the increasing activity on the street felt the business should increase.

In rebuttal, Mr. Scott stated that they feel they do meet the intent of the law in that the service station has suffered and is suffering economic hardship based on the fact it is the only freeway oriented service station in San Clemente which is forced to compete without a sign; that the other service station does 50% freeway business and this station could do just as much; stressed that our dealers are independent businessmen and that we do not control their prices.

In rebuttal Mr. Carr felt that approving the variance might open the door for other businesses; that the variance should be denied as it is contrary to the intent of the City sign ordinance; that approval would create an undesirable precedent; that the applicant already has a station in the City with a tall pole sign; that they have not established unnecessary hardship; that approval would negate work being done by City code enforcement officers; and that economic justification is unproven.

The public hearing was closed and Councilman Limberg commented that this exception has not been justified and it is contrary to the intent and philosophy of the existing sign ordinance. Councilwoman Koester noted that when the sign ordinance was being considered there was complete public involvement and felt that a precedent would be set if the variance was approved. Councilman Diehl countered that the sign ordinance was geared to be fair to all businesses and noted that if denied the applicant would not be allowed to have access to the same clientele as the competitor across the freeway; that each case is considered on its own merits and felt that singling out one gas station in town is being arbitrary.

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILWOMAN KOESTER that Sign Exception 84-03 be denied.

A SUBSTITUTE MOTION WAS MOVED BY COUNCILMAN DIEHL that this Sign Exception request be accepted with condition that when we get cluster signage that this sign would come down within six months. THE MOTION DIED FOR LACK OF SECOND.

Following comments by Mayor pro tem Mecham he called for the ORIGINAL QUESTION WHICH CARRIED with Councilman Diehl voting "NO." Mayor Carr being absent from the rostrum for this item did not vote.

The City Attorney advised he would bring back a resolution for the next meeting.

Mayor Carr returned to the rostrum.

Subject: 112 - Variance 84-02, Santo Chiodo - 155 El Levante.

IN RE: Public hearing to consider Variance 84-02, being a request of Santo Chiodo to vary from Section 5.11B of Ordinance No. 794, which requires a fence not to exceed 42 inches in height along the front yard, a side yard which faces a street, or a rear lot line which abuts the side lot line of an adjacent lot, said project proposes construction of a 6-foot high fence along a portion of the front yard located at 155 El Levante; said matter called up for review by the City Council.

The Mayor opened the public hearing and Douglas Vickery, representing the applicant, noted the property was at the end of a cul-de-sac resulting in an odd shaped lot; that the house sets at the crest of a knoll and the land slopes downward; that the primary concern was for privacy and security as without a fence of sufficient height you could look into the property or walk onto it; that there are similar fences in the neighborhood; that installation of this fence will not prejudice other homeowners; that granting the variance will not constitute a special privilege not enjoyed by other properties in the vicinity under identical zoning classification.

Steve Michalec, speaking in opposition, stated he was representing Robert Stiles, who resides at 147 El Levante, who was objecting to a 72" fence of solid wall which will obstruct some of his view in a northerly direction; and feels the applicant should conform to the required 42" fence.

In rebuttal, Mr. Vickery noted he surveyed the homeowners in the area who felt the fence was attractive, and felt that no other views would be impaired.

The public hearing was closed and following Council discussion that there was not sufficient grounds for a variance, IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED that Variance 84-02 be denied.

The City Attorney advised he would bring back a resolution at the next meeting.

CONSENT CALENDAR

UPON MOTION OF COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED, the following Consent Calendar items were approved, each as indicated below.

City Council Minutes

Minutes of 7-25-84 (adjourned) and 8-1-84 (regular). -- Approved as presented, and reading in full thereof waived.

Cultural Heritage Board Minutes

Minutes of 7-27-84 (special). -- Received and filed.

Golf Course Committee Minutes

Minutes of 7-9-84. -- Received and filed.

Departmental Activities Report

Departmental Activities Report for month of July, 1984. -- Received and filed.

Subject: 105 - Tentative Parcel Map 83-837 - 229 Marquita.

IN RE: Communication from Planning Commission recommending approval of Tentative Parcel Map 83-837, being the request of John Penner to allow a two-unit condominium project in the Multiple Family Residential District (R-3) located at 229 West Marquita; the proposed condominium site is 0.14 acres and is approximately 95% complete. -- Set for public hearing on 9-5-84.

Subject: 42 - Claim for Damages Filed by James P. Christensen.

IN RE: Application to file a late claim by James P. Christensen in an unknown amount for injuries sustained in motorcycle crash allegedly caused by potholes in street. -- Based on insurance adjuster's recommendation, the request to file an application for leave to present a late claim was denied.

Subject: 42 - Claim for Damages Filed by Mary Jo Roth, Dennis Roth, Dustin Brady.

IN RE: Claim for damages filed by Mary Jo Roth, Dennis Roth, and Dustin Lee Brady in the amount of \$50,000 alleging that claimant Dustin Lee Brady was unlawfully removed from the custody of claimant Mary Jo Roth. -- Based on insurance adjuster's recommendation, the claim was denied.

Subject: 42 - Claim for Damages Filed by Peter Joseph Miller

IN RE: Claim for damages filed by Peter Joseph Miller in the amount of \$200,000 for alleged false arrest by City lifeguard. -- Based on insurance adjuster's recommendation, the claim was denied.

Subject: 77 - Purchase of National Mower.

IN RE: Report from Acting Public Services Director and Interim City Manager reporting on bid received for purchase of one (1) National Triplex Mower. -- Approved the purchase of one (1) National Triplex Mower from B. Hayman and Co. and authorized issuance of purchase order in the amount of \$5,558.64.

Subject: 77 - Grading Plans for San Gorgonio Park Phase II.

IN RE: Report from Acting Public Services Director and Interim City Manager advising that grading plans and specifications have been prepared for San Gorgonio Park Phase II. -- Approved the grading plans and specifications for San Gorgonio Park Phase II and authorized advertising for construction bids.

Subject: 105 - Resolution No. 81-84 Accepting the Works of Improvement in Tract 11888, and Providing for Release of Bonds.

IN RE: Report from Community Development Director and Interim City Manager advising that the developer, Cyprus West Company, has offered the works of improvement in Tract 11888 for acceptance and requested release of bonds. -- Introduced, passed, and adopted RESOLUTION NO. 81-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ACCEPTING WORKS OF IMPROVEMENT FOR TRACT NO. 11888, AND PROVIDING FOR RELEASE OF BONDS.

Subject: 77 - Pier Reconstruction, Phase III, Project No. 1-84.

IN RE: Report from Community Development Director and Interim City Manager advising that plans and specifications have been prepared by Moffatt and Nichol, Engineers, for the reconstruction of San Clemente Municipal Pier, Phase III, Project No. 1-84. -- Approved plans and specifications and authorized advertising for construction bids.

Subject: 58 - Pump Control Panels for Golf Course Irrigation System, Project No. 5-84a.

IN RE: Report from Community Development Director and Interim City Manager reporting on four bids received for the pump control panels for Golf Course Irrigation System, Project No. 5-84a. -- Awarded contract for providing pump control panels for Golf Course Irrigation System to the low bidder, Saddleback Wholesale Electric, Inc. of Laguna Niguel, at the bid price of \$27,271.68; and approved transfer of \$60,625.00 from Sewer Fund Depreciation Reserve account to Account #54-4346-530 (P.I.N. 33404), Sewer Fund - Depreciation Improvements Other than Buildings.

CONSENT CALENDAR (Items removed for separate action)

Subject: 112 - Use Permit No. 84-17, Peter Limon.

IN RE: Use Permit No. 84-17, being a request of Peter Limon to modify the previously approved Use Permit 82-45 of a two-unit time-share condominium project to a two-unit residential condominium project located at 608 Avenida Victoria; legal description being Lot 7, Block 12, Tract 785.

IT WAS MOVED BY COUNCILWOMAN KOESTER, SECONDED BY MAYOR CARR, AND UNANIMOUSLY CARRIED that Use Permit No. 84-17 be called up for review at the meeting of 9-5-84.

IT WAS THEN MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that the Planning Commission Minutes of 7-31-84 be received and filed.

Subject: 110- S.D.G.&E. Street Lighting Contract.

IN RE: Report from Community Development Director and Interim City Manager recommending approval of contract and supplement for street light services by San Diego Gas & Electric Co.

IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND CARRIED to approve the contract and authorize execution by Mayor and City Clerk. Mayor Carr "ABSTAINED."

Subject: 77 - Beach Club Roof Rehabilitation.

IN RE: Report from Public Services Director and Interim City Manager reporting on bid received for Beach Club Roof Rehabilitation.

Staff responded to questions from Councilwoman Koester, and comments from Norman Ream relating to previous appropriation of \$10,500 for corrective action, following which IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND CARRIED to award the bid for Beach Club roof rehabilitation to Frank Ultimo, General Building Contractor, in the amount of \$48,123; and appropriate an additional \$5,000 in Parks Acquisition & Development Funds for completion of this project to Account #31-4539-530. Councilwoman Koester voted "NO."

Subject: 83 - Purchase of Police Patrol Vehicles.

IN RE: Report from Acting Public Services Director and Interim City Manager reporting on bid received for three 4-door police package sedans.

Staff responded to questions from Norman Ream noting that local dealers are being invited to bid on such equipment. Councilman Mecham emphasized that the Council has been very sensitive to this issue and even adopted an ordinance giving credit relating to the local 1% sales tax.

IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to accept the bid in the amount of \$36,479.55 submitted by M. J. Sopp and Son for the purchase of three 4-door police package sedans.

Subject: 52 - Purchase of Ambulance.

IN RE: Report from Acting Public Services Director and Interim City Manager reporting on one bid received for the purchase of an ambulance.

Staff responded to questions from Norman Ream noting that there are no dealers in Orange County that supply this type of ambulance, following which IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to accept the bid in the amount of \$31,304.81 submitted by Superior Trans-Med for the purchase of one (1) Type II Super Van Ambulance.

Council members Mecham and Koester expressed concern that only one bid had been received on purchases of several different types of equipment for the City.

Subject: 57 - Request for Proposal (RFP) for an Environmental Assessment and Feasibility Study for the Pico/North Beach Area.

IN RE: Report from Community Development Director and Interim City Manager advising that the due date for proposals for an environmental assessment and feasibility study for the Pico/North Beach Area has been extended in order to give the consultants adequate time to prepare their proposals and that a report on the cost of the study will be presented at the 9-5-84 meeting.

Following comments by Norman Ream and Councilwoman Koester in regard to consultant costs relating to the Plan 2000, and suggestion that the citizens should be made aware of the reasons for the study, IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND CARRIED to direct Staff to continue processing the Requests for Proposals for an Environmental Assessment & Feasibility Study for the Pico/North Beach Area. Councilwoman Koester voted "NO."

Subject: 105 - Final Tract Approvals - Tracts 11781, 11931, 11932, 11867, 11868 & 10596 (Tentative Tract 10596 Estrella Properties, Ltd.)

IN RE: Report from Community Development Director and Interim City Manager recommending final tract approval of Tracts 11781, 11931, 11932, 11867, 11868 and 10596 being the final remaining tracts in Tentative Tract 10596 in the Forster Ranch Development Area.

Mayor Carr inquired whether this matter has any impact or bearing whatsoever on the proposed pageant site, and the City Attorney replied that these are two separate items, and that the pageant site ownership is not a condition of the map and is being processed and will be resolved.

Councilman Limberg noted that the pageant association has expressed some concern as to whether the grading scheduled for next year would be a problem.

Doug Clemens, Madole & Associates, noted they have had some discussion with representatives of the pageant association and that some fill will be required in the pageant site area to stabilize the slopes; that at the present time the depth of that fill is subject to some revision and it is not certain at this time as to the final configuration; and that it is quite feasible that the grading of the pageant site can occur starting early next spring and can be completed in ample time for next year's pageant. Tom Davis, representing Estrella Properties, noted that Estrella and the pageant association are working together with full cooperation and are in basic general agreement on all items with a few small details to be resolved.

IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND CARRIED to approve final maps and authorize execution of Subdivision Agreements by the Mayor and City Clerk. Councilwoman Koester voted "NO."

PAYING OF THE BILLS

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED that Warrants No. 24009 through No. 24021, and No. 13630 through No. 13890, be paid.

Total demands approved for payment for period ending August 14, 1984	\$ 419,745.22
Ratification of Payroll Warrant No. 24012 for period July 16, 1984 through July 29, 1984	\$ 182,172.21
TOTAL WARRANT REGISTER	<u>\$ 601,917.34</u>

UNFINISHED BUSINESS

Subject: 29 - DRC 84-08 - Casa de Seniors.

IN RE: Further consideration of DRC 84-08, being a request for final DRC approval on design package prepared for Casa de Seniors housing project, as required under Use Permit 84-01, said matter having been called up for review by the City Council.

The Mayor turned the meeting over to Mayor pro tem Mecham and left the rostrum. In response to query from Councilman Limberg, Staff was asked to provide renderings and sketches of the project.

(Later in the meeting)

Staff advised that the architect, Blurock Corporation, has submitted a set of plans this week which they intend to process; and displayed plot plans and elevations of the project.

Jim Breske, representing the architectural firm, stated the Design Review Committee approved two to one the original drawings, however, they were challenged to come up with more of a Spanish motif with the addition of tile to the inner section of the building, slightly recessing the windows, recessing sections of the entire building and adding a promenade throughout the grounds, conceal or hide equipment on roof, and at this time the roof is very clean and unoffensive. He then reviewed the elevations and described the project in detail; noted that the Design Review Committee wanted to delineate some of the wall treatment and now the majority of the Design Review Committee has accepted the fact that they have met the challenges; that they have attempted to introduce texture and color with the addition of wall tiles, paving tiles and Mission stucco; that a very nice lobby has been created with character and exposed beams; that in regard to screening the equipment on the roof it is not known at this time whether ventilation is required for the equipment on the roof.

Councilman Limberg commented that he realizes the design of the project is under the constraints of HUD, however, he suggested that the comments of the Design Review Committee be incorporated into the final design of the project.

Commenting as to a reluctance in approving, IT WAS THEN MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN LIMBERG, AND CARRIED to concur with the action of the Design Review Committee and approve DRC 84-08, subject to conditions (a), (b), and (c) in Exhibit "A" attached to Administrative Report dated 7-25-84. Mayor Carr was absent from the rostrum and did not vote.

Subject: 20(48)-Petition to Remove Destroyed House and Debris -
717 Avenida Columbo.

IN RE: Report from Community Development Director and Interim City Manager relating to letters from R. R. Thrasher and Brad Hansen, and a petition containing 17 signatures from Doug Kessler, et al, requesting the formation of a Nuisance Abatement Plan to remove debris and remains of the property at 717 Avenida Columbo.

Chuck Mitchell stated he would like to point out the difference between the Columbo and Verde Canyon slides in that the Verde Canyon slide affects saleability of real estate in San Clemente and the other does not.

Doug Kessler, resident who submitted petition containing 17 signatures, reiterated that the vast majority of the neighborhood considers the slide a detriment to the area; that the slide area is dangerous to children and they feel it is the responsibility of the City to take care of that nuisance. He then submitted self-explanatory photographs showing the area as it appears today; noted that evidence has been submitted whereby a continual erosion or danger has been created; that shortly after the last slide occurred, Phil Peter of Peter and Associates conducted an investigative geological study for Home Federal Savings to evaluate the situation at 717 and 719 Avenida Columbo, and that it was concluded in the report that the properties were in jeopardy and that repair would not be economically feasible nor could it be guaranteed that further problems would not occur; and regarding specifically 717 Avenida Columbo he indicated to rebuild or reconstruct the home would be inadvisable due to the hazard unless the whole slide area was repaired.

Phil Peter noted that the report he conducted for Home Federal Savings was to provide information to them so that they could make a logical decision regarding the two properties; that subsequently they inquired whether he would be interested in the properties inasmuch as properties with geological hazards were valueless to the bank; that their report did not recommend reconstruction but recommended salvaging of the units; that immediately after the slide the owners left the properties; that the bank gave a quit claim deed to himself and his son on 719; that the bank turned over the first note on 717 which they hold; that today they are owners of 719 and the first note holder on 717; that his intent is to present plans for rehabilitation; that such were submitted and noted to be incomplete and grading plans are needed to go with them; that he still argues whether they need another geological plan; that they are in a position as holders of the note to protect their investment which involves salvaging the unit and reconstructing; that if the City wishes to exercise its authority and clean up debris that has fallen down into the canyon he would hope they would do so bearing in mind there is a salvageable portion of that property; that if cleaned up and boarded up it could be made safe; and also pointed out that part of the debris exists on 715.

Mr. Peter further noted that when he feels comfortable that he will not be sued for going in and cleaning up that area he is willing to proceed, provided that they are not in a sense harassed by the City by requiring unnecessary further geological consultant's comments; that their plans be given the same treatment as any other plans would be given and that they could then proceed to rectify the situation; that it is his professional opinion that much of that unit can be saved; that if the City should go in to make restitution regarding the nuisance he would suggest that they do so by cutting off only that portion that overhangs and clean up that portion of the canyon slope and board up the unit; that he agrees with the Police Chief that since there is a solid wall around the front of the unit the property has not presented itself as an attractive nuisance or police problem; that it will not be his intent to make any cleanup as he is not the owner; that he will pay for that portion which may be on the lot at 719; and suggested the City confine the nuisance problem only to those areas that are overhanging and may cause some sort of problem or aesthetic nuisance problem in the canyon.

Following comments by Council members, and upon query Staff advised that the plans lack a grading plan and it appears that some type of geological technical report should be submitted; and that certain other departments are reviewing the plans and have not as yet submitted their recommendation.

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED to request the property owner and/or his representative to voluntarily clean up the debris and continue processing plans through the City for reconstruction of the house; that if debris cleanup is not accomplished or plan approval received within 90 days then begin nuisance abatement proceedings with City costs liened against the property.

Subject: 105 - Final Map Approval - Tract 12124 (Phase I, Tentative Tract 10578 - Rancho San Clemente).

IN RE: Report from Community Development Director and Interim City Manager advising that all required items, with the exception of reclaimed water plans, have been submitted by WSLA Development Corporation for Tract 12124, which is Phase I of Tentative Tract 10578, Rancho San Clemente.

IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM to approve Reimbursement Agreement for Tract 12124 (Phase I of Tentative Tract 10578 - Rancho San Clemente) and authorize execution by the Mayor and City Clerk; modify conditions of approval No. 10 and 11 (Tentative Tract 10578) to allow approval of the final map prior to approval of reclaimed water plans; and approve the final map of Tract 12124 and authorize execution of the Subdivision Agreement by the Mayor and City Clerk.

Staff advised that in conferring with the City Attorney there was some concern about the reimbursement agreement for the Fire Station, however, this will be resolved prior to issuance of any building permits. The City Attorney advised that it is only a matter of finalizing the wording on the agreement and that Mr. Maloney has indicated that he has no problem.

In response to query from Councilman Diehl, Steve Maloney stated for the record that he concurred.

In response to query from Councilwoman Koester as to how many lots are proposed in the project, Mr. Maloney advised 14 or 15; that this is a parcelization map only and does not propose any construction in terms of structures; that there are five residential lots and each would allow one structure; and that the developer will have to present full site plan approval as well as subdivision approval for their intended use.

In response to query from Councilwoman Koester re reclaimed water plans, Mr. Maloney replied that it will have to be decided as to the potential demand for water reclamation, where it will come from and whether the new City treatment plant would have water reclamation; that the issue will have to be resolved and the pipelines would have to be installed prior to street construction.

The City Attorney commented that the City Council will make the final decision on what they are going to allow, what will or will not be required, and that the door had been left open as to a final decision.

The Mayor then called for the QUESTION WHICH CARRIED UNANIMOUSLY.

URGENT MATTERS

The Mayor called for urgent matters and there was none.

ITEMS FROM CITY MANAGER

Subject: 52 - Fire Station 2.

IN RE: Report from Fire Protection Director and City Manager requesting authorization for the Fire Protection Director to solicit bids for plans and specifications for the construction of a permanent Fire Station 2 located adjacent to the SDG&E operations center on Camino De Los Mares.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED to authorize the Fire Protection Director to solicit bids for plans and specifications for the construction of a permanent Fire Station 2 located adjacent to the SDG&E operations center on Camino De Los Mares.

Subject: 103 - Appeal Filed by Kent A. Koepsell Realting to Estimated Transient Occupancy Tax.

IN RE: Communication from Kent A. Koepsell requesting that a public hearing be set for 9-5-84 relating to estimated transient occupancy tax for period 4-1-81 to 3-31-84.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED to set a public hearing on the matter for the meeting of 9-5-84.

Subject: 77 - Engineering Design Services for North Beach Concession/ Restroom Facility.

IN RE: Report from Public Services Director and Interim City Manager requesting expenditure of \$21,895 from the Disaster Relief Fund for complete architectural, engineering, soils, and design services as detailed in proposal from Mel Green for North Beach Concession/Restroom facility.

IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to authorize the expenditure of \$21,895 from the Disaster Relief Fund for complete architectural, engineering, soils, and design services as detailed in proposal from Melvyn Green & Associates Inc. dated 8-13-84.

ITEMS FROM COUNCIL MEMBERS

Subject: 63 - Nixon Presidential Library.

IN RE: Status of the architecture for the Nixon Presidential Library.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED that Staff give a report as to the status of the architecture for the Nixon Library, and show if any changes have been made from previous renderings at the meeting of 9-5-84.

Subject: 43 - Resolution No. 82-84 Commending George A. Carvalho For His Years of Service to the Citizens of San Clemente.

IN RE: Resolution commending George A. Carvalho for his years of service to the citizens of San Clemente.

Upon motion of Councilman Mecham, seconded by Councilman Diehl, and carried, RESOLUTION NO. 82-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, COMMENDING GEORGE A. CARVALHO FOR HIS YEARS OF SERVICE TO THE CITIZENS OF SAN CLEMENTE, was regularly introduced, passed, and adopted. Councilwoman Koester "ABSTAINED."

Subject: 99 - Sign at Godfather's Pizza - 610 Los Mares.

IN RE: Councilman Diehl's report that Godfather's Pizza was no longer in business.

IT WAS THEN MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that Staff be directed to have the sign removed.

Subject: 96 - Proposed Committee to Review the Two Reports Prepared by John Carollo Engineers.

IN RE: Councilman Diehl's request that a review be made of the two reports prepared by John Carollo Engineers relating to the existing Water Reclamation Plant and the possible Water Reclamation Plant Relocation.

Following Council discussion and comments from Steve Maloney, IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to direct Staff to prepare a list of potential candidates for a committee to review both reports prepared by John Carollo Engineers and come back at the 8-21-84 meeting with a proposed format for such a committee.

 Councilwoman Koester referred to a report that is being prepared for the Board of Supervisors relating to the water supply for Orange County and felt that it was necessary that the City gain all information of the subject in order to determine if the City will be in a position to provide water and sewer services for all the new development or if there is need for a growth management plan, and requested the City Manager obtain a copy of the water supply plan from the Board of Supervisors.

 Councilman Limberg inquired as to the status of possible regulation of dish antennas, and the Community Development Director advised that they were in the process of studying various city ordinances and that the matter will be referred to the Planning Commission for review.

 Councilman Limberg inquired as to the status of certain deed restrictions for Estrella Properties, and the City Attorney advised that he had received draft documents and that they were in the process of being reviewed and revised.

Subject: 39 - Voting Lights.

IN RE: Councilman Limberg's inquiry as to the status of the installation of voting lights in the Council Chambers.

The Clerk advised that the Council had deferred the matter until a decision is made on the question of City Hall relocation or expansion.

IT WAS THEN MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that the matter be agendized for the meeting of 9-5-84.

Subject: 77 - Proposed National Fitness Academy.

IN RE: Proposed National Fitness Academy.

Mayor Carr referred to the proposed \$50 million national fitness academy which may be built in the Aliso greenbelt, AND IT WAS MOVED BY MAYOR CARR, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED that the matter be agendized for the meeting of 9-5-84.

 Mayor Carr advised that he would be absent from the City for the period August 18 through the 27th.

NEW BUSINESS

Subject: 118 - City Participation in the Outer Continental Shelf
Local Government Coordination Program.

IN RE: Report from Assistant to the City Manager and Interim City Manager regarding City participation in the Outer Continental Shelf Local Government Coordination Program.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED to authorize transfer of \$1,000 from the General Fund Contingency Reserve to Account #01-4124-389 (City General, Other Contractual Services) to fund the City's participation in the Outer Continental Shelf Local Government Coordination Program.

Subject: 83 - Proposal to Contract for Additional Police Services with
McCoy Construction Co.

IN RE: Report from Acting Police Chief and Interim City Manager submitting in concept, a proposal to contract with the McCoy Construction Company to provide additional police services at the Rancho San Clemente site throughout the duration, approximately three years, of the grading project.

Norman Ream commented that he believed in private enterprise; that there are sufficient firms in the area rendering security services; and felt this would create many problems; and Councilwoman Koester added she felt it would be too much of a burden for the City's policing operations.

IT WAS THEN MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND CARRIED to approve in concept, and direct Staff to negotiate the terms of an agreement with the McCoy Construction Company, subject to review by the City Attorney, and final ratification by the City Council. Councilwoman Koester voted "NO."

RESOLUTIONS

For Resolution No. 81-84 see under "CONSENT CALENDAR" on page 4.

For Resolution No. 82-84 see under "ITEMS FROM COUNCIL MEMBERS" on page 9.

Subject: 53 - Resolution No. 83-84 Extending Appreciation and
Congratulations to Persons Involved in the 4th of July
Fireworks Show.

IN RE: Proposed Resolution commending persons involved in 4th of July fireworks show.

Following comments by Councilwoman Koester concerning the one licensed pyrotechnician, upon motion of Councilman Diehl, seconded by Mayor Carr, and unanimously carried, RESOLUTION NO. 83-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, EXTENDING APPRECIATION AND CONGRATULATIONS TO INDIVIDUAL CITIZENS AND MEMBERS OF THE SAN CLEMENTE FIRE DEPARTMENT FOR THEIR PARTICIPATION IN THE 1984 FIREWORKS DISPLAY, was regularly introduced, passed, and adopted.

ORDINANCES

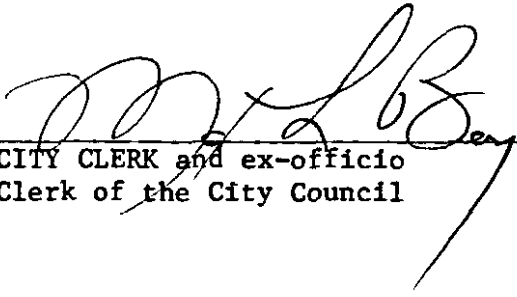
Subject: 79 - Ordinance No. 897 Authorizing Amendment to Contract
Between the City of San Clemente and the Board of
Administration of the California Public Employees'
Retirement System.

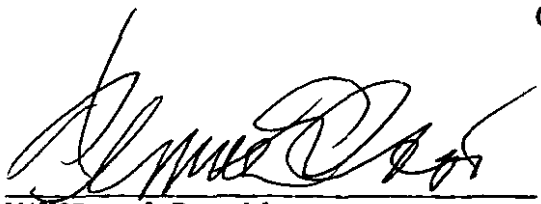
IN RE: Ordinance No. 897 authorizing an amendment to the contract between
the City of San Clemente and the Board of Administration of the California
Public Employees' Retirement System.

Upon motion of Councilman Mecham, seconded by Councilman Diehl, and unani-
mously carried, ORDINANCE NO. 897, BEING AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE
CONTRACT BETWEEN THE CITY OF SAN CLEMENTE AND THE BOARD OF ADMINISTRATION
OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM, having been regularly
introduced at the meeting of 8-1-84, was again introduced and the reading
in full thereof unanimously waived.

ADJOURNMENT

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND
UNANIMOUSLY CARRIED that the Council Meeting be adjourned at 10:30 P.M.
to August 21, 1984 at 7:00 P.M.

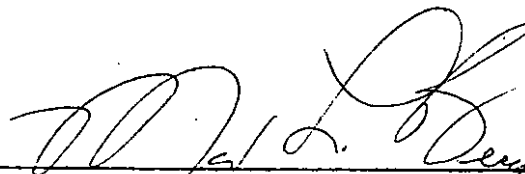

CITY CLERK and ex-officio
Clerk of the City Council


MAYOR and President
of the City Council

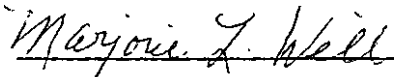
STATE OF CALIFORNIA)
)
COUNTY OF ORANGE) SS
)
CITY OF SAN CLEMENTE)

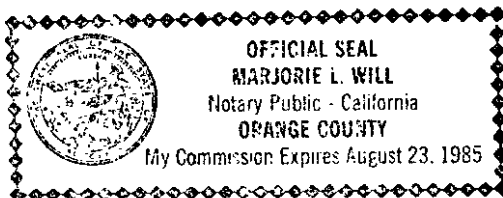
AFFIDAVIT OF POSTING
OF MEETING

I, MAX L. BERG, being first duly sworn deposes and says:
that I am the duly chosen, qualified, and acting ex-officio Clerk of the
City Council of the City of San Clemente; that at the regular meeting of
the City Council of the City of San Clemente, held August 15, 1984 ,
said meeting was ordered adjourned to the time and place specified in the
Order of Adjournment ATTACHED HERETO; that on August 16, 1984 , at the
hour of 9:00 AM , I posted a copy of said Order of Adjournment at the
conspicuous place on or near the door of the place at which said meeting of
August 15, 1984 , was held.


CITY CLERK and ex-officio
Clerk of the City Council
City of San Clemente

Subscribed and sworn to before
me this 16th day of August, 1984





ORDER OF ADJOURNMENT

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, August 15, 1984, at 7:00 P.M., Mayor Kenneth E. Carr presiding.

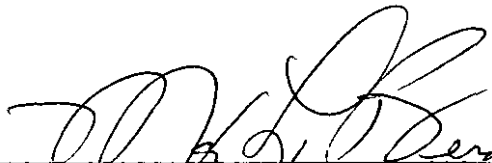
ROLL CALL

PRESENT: Council Members - DIEHL, KOESTER, LIMBERG, MECHAM, AND CARR
ABSENT: Council Members - NONE

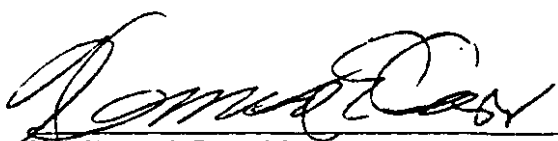
Also Present: Gary Brown, Interim City Manager; Max L. Berg, City Clerk;
and Jeff Oderman, City Attorney

ADJOURNMENT

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL,
AND UNANIMOUSLY CARRIED that the Council Meeting be adjourned at 10:30 P.M.
to August 21, 1984 at 7:00 P.M.



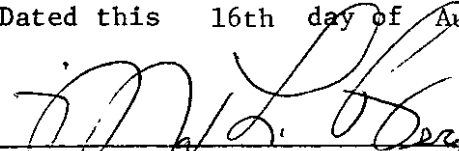
CITY CLERK and ex-officio
Clerk of the City Council



MAYOR and President
of the City Council

Certified to be a true and correct
copy of excerpts from the Aug. 15,
1984 Council Minutes

Dated this 16th day of August, 1984



CITY CLERK, City of San Clemente