

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, September 5, 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 Mayor Carr.

ROLL CALL

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

ABSENT: Council Members - MECHAM (arrived at 7:10 p.m.)

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: 112 - Appeal of Planning Commission Denial of Use Permit
84-19, Arco.

IN RE: Public hearing to consider an appeal of the Planning Commission's denial of Use Permit 84-19, being a request of W. Kalinak (Atlantic Richfield Company) under Section 4.8 of the Zoning Ordinance for an accessory use to convert an existing service garage to an AM/PM Mini-Market, to allow the operation of a small retail food store located at 2749 North El Camino Real; legal description being a Portion of Lot 48, Tract 1128, and a Portion of Lot 1, Tract 4577, appeal filed by Attorney C. Samuel Blick on behalf of The Atlantic Richfield Company.

The Mayor opened the public hearing, and Attorney Blick representing Atlantic Richfield Company and the applicant who applied for the use permit, advised they are requesting withdrawal of the Use Permit. He further noted that when plans were presented to City staff every condition that was required by the City code was met; that they also thought the concerns of the neighborhood had been satisfied; that at the Planning Commission meeting there was no one there protesting and Staff had not received any protest letters; that Staff recommended approval and still is; then at the hearing some of the Planning Commissioners indicated they had received communications that there were some problems; that they then met with some of the neighbors and it was not quite certain what the difficulties were and they thought any concerns had been resolved; but they learned last week there was a strong amount of opposition in the area.

(Councilman Mecham arrived at this point of the meeting at 7:10 P.M.)

Attorney Blick further stated that he felt there was a design and concept problem of the project; that the corner is one of the gateways to the City and on that basis they are proposing to hire a local design architect to redesign the structure so that it will not be as was originally proposed; that they will take the new design and present it to groups in the area who are concerned and have meetings and try to answer their questions, and on that basis they are therefore withdrawing the application for the conditional Use Permit; and that they hope to be back again when they have the support of the community and Staff.

There being no one else wishing to be heard, the public hearing was closed, and Councilwoman Koester inquired whether Staff had anything in writing requesting the withdrawal, and Attorney Blick stated he has the authority to withdraw the application and was doing so on the record.

IT WAS THEN MOVED BY MAYOR CARR, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED that the applicant's request for withdrawal of the Use Permit be approved.

Subject: 103 - Transient Occupancy Tax Appeal by Kent A. Koepsell.

IN RE: Public hearing to consider an appeal filed by Kent A. Koepsell relating to the decision of the Finance Director, in accordance with Section 7-8 of the Municipal Code, with respect to collection of estimated unpaid transient occupancy tax in the amount of \$1,629.24 for the period 2-24-82 to 3-31-84.

The Mayor opened the public hearing and Kent Koepsell, owner of Kent Realty, spoke in support of his appeal and commented that he felt the retroactive penalty is unfair and unjust because the real estate industry is being penalized by an Ordinance that is now and has been in the past difficult to enforce and collect; that the real estate industry is not a tax collecting industry but that they are not trying to shun their duties as businessmen and avoid the tax. Referring to the Staff recommendation of three years retroactive in penalties and fees for a full three-year period, he proposed a fourth option to go forward from the notification letter dated August 30, 1982 and that he would be willing to pay the penalty tax for 1983 of \$814.62. In closing he stressed that they would rather work with the City instead of reacting to what the City is doing and as President of the South Orange County Board of Realtors he pledged his personal support to make sure that all members affected by this decision tonight will be made aware of and comply with the ordinance and wishes of the City.

Fred Jenner, Executive Officer of the South Orange County Board of Realtors, advised that from surveying the membership it was felt that the statement that the City's revenues would be reduced by approximately \$12,000 to \$15,000 for the current year was unrealistic. Following further comments he questioned who would be responsible for the tax, and the City Attorney advised that the City Code provides that either the owner or agent are jointly responsible.

There being no one else wishing to be heard the public hearing was closed and main Council comments are as follows: Councilwoman Koester inquired whether the realtors were aware of a program started about three years ago wherein a Finance Department Staff member was deployed by the Finance Director to start a search for clearing up "bed tax" problems, and Councilman Limberg inquired whether the City has a policy covering the program.

IT WAS THEN MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM to approve option three of the Staff recommendation (waive any taxes, interest and penalties applicable to the period prior to August 31, 1982 "the date all real estate operators were notified of the requirements of Chapter 7" and uphold the assessment of all taxes, interest and penalties from that date forward); and that such procedure be City policy.

Following discussion on the motion, the Mayor called for the QUESTION WHICH CARRIED with Councilwoman Koester voting "NO."

Subject: 112 - Use Permit 84-17, Limon - 608 Avenida Victoria.

IN RE: Public Hearing to consider Use Permit 84-17, being the 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 (approximately 300' east of the intersection of Avenida Del Mar and Victoria); legal description being Lot 7, Block 12, Tract 785; said matter called up for review by the City Council.

IN RE: Communication from Peter Limon dated August 30 withdrawing his request for Use Permit 84-17 in view of the fact that the Coastal Commission will not accept an application for an amendment to his Coastal Development Permit.

IN RE: Communication from Peter Limon rescinding request of August 30 to withdraw Use Permit 82-45.

The Mayor opened the public hearing, and Patty Barsumian, representing the applicant, read for the record a letter from Mr. Limon instructing them to seek approval from the City Council of modification of the previously approved Use Permit 82-45, even though the Coastal Commission has denied his request for this modification approval. She further noted that after 12 months of marketing the project, per Coastal requirement, of time share condominiums, they were unable to sell the units; that they were contacted to see if they could help sell as residential condos, and at this time the applicant is requesting approval to change the modification back to residential condos originally approved by the City; that there is not a market as time share for the units which are 2400 to 2700 square feet; that Mr. Limon has spent a lot of time, paperwork, and money in trying to market as time share condos without success; and that there are two buyers now willing to purchase if the units are changed back to residential condos. She further noted that they need to make a new formal application to the Coastal Commission requesting residential condos and they are seeking City approval and support.

Sharon Barsumian, also representing Mr. Limon, noted he has been through a lot of bureaucratic red tape, a lot of heartache and economic loss; that he has greatly improved the area; and that it is not economically feasible for owners of the area to go time share; and that Plan 2000 and the LCP are not consistent for that area and determination of required use for that area is needed for future planning.

Speaking in opposition, Frank Denison noted that the parking is not adequate for the project; that parking is inadequate in the entire pier bowl area; and requested that the project be in compliance with the City's ordinances.

In rebuttal Patty Barsumian noted they are fully aware of the parking problems in the pier bowl area; that whether they are time share or residential there will be the same problem; that there will be a greater amount of people as far as guests on a time share basis as compared to residential condos; and that a solution to the parking problem and revenue benefit to the City would be reconsideration of the one time proposed two-story parking structure on the City-owned parking lot.

Jean Seager, noted she had a qualified buyer for one of the units; that the problem is not parking, and that the project is a beautiful building.

There being no one else wishing to be heard, the public hearing was closed and IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN DIEHL to approve Use Permit 84-17.

Councilwoman Koester questioned the parking requirements; Councilman Mecham noted that Mr. Limon's project was under construction prior to the time share ruling by the Coastal Commission; Mayor Carr expressed deep concern about requirements imposed upon private property owners by the State; that the Coastal Commission goes well beyond what the people intended when they voted approval of Coastal Zone Protection Act; that they did not intend to give the appointed body authority to designate and direct that a private property owner must build time share units; that the Coastal Commission has mandated a land use requirement on property owners when that particular land use requirement may not necessarily be consistent with the City's zoning laws; and that it is wrong on the part of the Coastal Commission to deny to property owners basic inherent rights which they have.

Councilwoman Koester noted that the time share condos construction allows certain property owners to build on substandard lots; and Councilman Limberg noted for the record that the Council has never imposed a use on any applicant; and that Council responds to applications from applicants.

The City Attorney recommended that the motion be amended to allow the applicant to go either time share or residential condominiums, and Patty Barsumian advised the applicant would agree.

THE MOTION WAS RESTATED to approve Use Permit 84-17 and that the applicant be allowed to go either time share or residential condominiums.

The Mayor then called for the QUESTION WHICH CARRIED with Councilwoman Koester voting "NO".

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

Subject: 105 - Resolution No. 84-84 Approving Tentative Parcel Map No. 83-837.

IN RE: Public hearing to consider Tentative Parcel Map No. 83-837, being the request of John Penner to allow a two-unit condominium project in the Multiple Family Residential (R-3) Zoning District located at 229 West Marquita; legal description being Lot 12-B, Block 17, Tract 793.

The Mayor opened the public hearing and there being no one wishing to be heard it was closed and upon query from Councilman Diehl the applicant stated he concurred with the twelve conditions.

Upon motion of Councilman Diehl, seconded by Councilman Mecham, and unanimously carried, RESOLUTION NO. 84-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CONDITIONALLY APPROVING TENTATIVE PARCEL MAP NO. 83-837 was regularly introduced, passed, and adopted.

CONSENT CALENDAR

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

City Council Minutes

Minutes of 8-15-84 (regular) and 8-21-84 (adjourned). -- Approved as presented, and reading in full thereof waived. Councilman Limberg "ABSTAINED" on the 8-21-84 minutes.

Planning Commission Minutes

Minutes of 8-14-84. -- Received and filed.

Parks & Recreation Commission Minutes

Minutes of 7-24-84 and 8-14-84. -- Received and filed.

Subject: 75 - Amendment to Parking Requirement Covenant between City and Carlo and Marie Bocci, Tract 779, Block 17, Lots 12, 13, 43, and 44.

IN RE: Report from Community Development Director and Interim City Manager recommending approval of amendment to a parking requirement covenant running with the land between the City and Carlo and Marie Bocci, Tract 779, Block 17, Lots 12, 13, 43, and 44. -- Approved amendment and authorized execution by City Clerk on behalf of the City.

Subject: 79 - Resolution No. 85-84 Amending Resolution No. 92-83.

IN RE: Report from Assistant to the City Manager and Interim City Manager recommending approval of amendments to Resolution No. 92-83 amending the City compensation resolution to reflect a revised salary range for the position of Records Supervisor, and to correct typographical errors in the listed salary ranges for the positions of Water Quality Chemist, Water Supervisor, and Wastewater Supervisor. -- Introduced, passed, and adopted, RESOLUTION NO. 85-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING RESOLUTION NO. 92-83 AND ASSIGNING A SALARY RANGE FOR THE POSITION OF POLICE RECORDS SUPERVISOR AND CORRECTING TYPOGRAPHICAL ERRORS REFLECTED IN THE ASSIGNED SALARY RANGES FOR THE POSITIONS OF WATER QUALITY CHEMIST, WATER SUPERVISOR, AND WASTEWATER SUPERVISOR.

Subject: 106 - Resolution No. 86-84 Establishing "No Parking" Regulations on Avenida Magdalena from Avenida Crespi to the Boundary of Presidential Heights.

IN RE: Report from Community Development Director and Interim City Manager recommending amending Section 23 of the Uniform Traffic Ordinance requiring red curb on Avenida Magdalena from Avenida Crespi to the boundary of Presidential Heights. -- Introduced, passed, and adopted RESOLUTION NO. 86-84 BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING CERTAIN "NO PARKING" REGULATIONS ON AVENIDA MAGDALENA FROM AVENIDA CRESPI TO THE BOUNDARY OF PRESIDENTIAL HEIGHTS.

Subject: 53 - Fireworks Display, September 9, 1984.

IN RE: Report from Fire Protection Director and Interim City Manager recommending approval of request by Pyro Spectacular for Casa Pacifica to hold a private fireworks display on September 9 to honor the organizing officials of the 1984 Olympics. -- Approved request subject to payment of fees and permits.

Subject: 77 - Ole Hanson Beach Club Landscaping Project No. 16-82.

IN RE: Report from Community Development Director and Interim City Manager advising that Pandza Constructors has satisfactorily repaired the slope at the Ole Hanson Beach Club and that all work is now complete. -- Accepted as complete the repaired slope at the Ole Hanson Beach Club and released the retention payment of \$14,194.24; and appropriated \$7,500 from the Parks Acquisition and Development Fund to Account #31-4539-530, Project No. 53102.

CONSENT CALENDAR (Items removed for separate action)

Subject: 90 - Acquisition of Our Leased Telephone Instruments.

IN RE: Report from Fire Protection Director and Interim City Manager requesting authorization to purchase certain leased telephone instruments from AT&T for a sum of \$14,571.52.

Staff responded to questions from Councilwoman Koester following which IT WAS MOVED BY COUNCILWOMAN KOESTER, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to approve request that the Fire Protection Director be authorized to purchase certain leased telephone instruments from AT&T for a sum of \$14,571.52, and that an appropriation of \$14,580.00 be transferred from Account #64-4831-331 to Account #64-4831-550.

Subject: 24 - Resolution No. 87-84 Requesting Assistance from the U.S. Fish & Wildlife Service to Deal with the Coyote Population in the Rural Urban Interface.

IN RE: Report from Acting Police Chief/Fire Protection Director and Interim City Manager reporting on the coyote problem.

In response to query, Staff advised that one solution in dealing with the coyote problem is trapping which costs about \$600 per coyote; that the U.S. Fish & Wildlife Service is the only agency that has funds that can be expended for this purpose but it must be on a County wide basis, and that the request must therefore come from the County in order to be placed on the priority list which can give the City specific and financial assistance.

Following further discussion relating to the operation of the City's shooting team when such is determined necessary, IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to authorize the Police Chief and Fire Protection Director to take action to eliminate coyotes that are penetrating an urbanized area in the City.

Upon motion of Councilman Mecham, seconded by Councilman Limberg, and unanimously carried, RESOLUTION NO. 87-84 BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE ORANGE COUNTY BOARD OF SUPERVISORS TO ADOPT A RESOLUTION REQUESTING ASSISTANCE OF THE UNITED STATES FISH AND WILDLIFE SERVICE TO DEAL WITH THE COYOTE POPULATION IN THE RURAL URBAN INTERFACE, was regularly introduced, passed, and adopted.

Subject: 77 - Contract to Conduct City Sponsored Exursions.

IN RE: Communication from Parks and Recreation Commission and report from Public Services Director and Interim City Manager recommending approval of a two-year contract with "Travel With R.J." for conducting the City sponsored recreation excursions.

Staff responded to questions from Councilwoman Koester following which IT WAS MOVED BY COUNCILWOMAN KOESTER, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to approve the contract and authorize execution by Mayor and City Clerk.

Subject: 96 - Tour of Sewage Treatment Plant.

IN RE: Report from Community Development Director and Interim City Manager recommending scheduled tours of the Sewage Treatment Plant facilities and suggesting groups to be invited.

Staff responded to questions from Councilwoman Koester following which IT WAS MOVED BY COUNCILWOMAN KOESTER, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to approve scheduled tour dates and groups to be invited, and direct Staff to mark boundaries of proposed "middle Pico" site so that they are visible to the public.

PAYING OF THE BILLS

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED that Warrants No. 24022 through No. 24049, and No. 13891 through No. 14203, as audited be paid.

Total demands approved for payment for period ending September 4, 1984	\$ 790,765.02
Ratification of Payroll Warrant No. 24026 for period July 30, 1984 through August 12, 1984	\$ 169,229.92
Ratification of Payroll Warrant No. 24041 for period August 13, 1984 through August 26, 1984	<u>\$ 180,631.75</u>
TOTAL WARRANT REGISTER	<u>\$1,140,626.69</u>

Subject: 51 - Paying of the Bills - Warrant Register.

IN RE: Clarification of account numbers of certain invoices.

Councilwoman Koester noted that in reviewing the warrants there was a series of invoices from John Carollo Engineers and noted some confusion in the code account numbers; that on one invoice there was no account number as specified on the warrant; that in other cases there is an account number but there is in one year no budget for it at all, and in the other year just \$1,000 budgeted. She requested a clarifying report which the Interim City Manager advised would be prepared.

UNFINISHED BUSINESS

Subject: 20(48)-Abatement of Public Nuisance in Verde Canyon Area.

IN RE: Report from Community Development Director and Interim City Manager reporting on informal bids received from contracting firms to remove the three destroyed houses and debris, as well as performing minimum clearing and rough grading in the Verde Canyon landslide area.

The Interim City Manager advised that some of the property owners still have some personal effects in their homes which they have not been able to recover, and requested that he be authorized an additional \$3,000 contingency in the event the project is delayed requiring the contractor's equipment to be tied up, to allow the property owners to obtain their personal effects.

Staff responded to questions from Councilwoman Koester relating to the wide range of bid submittals; and that the work performed by the contractor will be to remove all debris, some light grading to prevent any drainage problems, and to fill all crevices so the water will drain toward the canyon.

IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND CARRIED to award a contract to remove the destroyed houses and debris, as well as to undertake minimum clearing and grading in the Verde Canyon to Pandza Constructors in the amount of \$15,800.00; transfer an amount of \$15,800.00 from General Fund Contingency Reserve Account #01-4124-490 to Account #01-4124-389 (Other Contractual Services); and authorize the City Manager an additional contingency sum of up to \$3,000, if it is necessary to delay the project for the purpose of the residents being able to obtain their personal effects. Councilwoman Koester voted "NO."

Subject: 100 - Del Mar Street Reconstruction.

IN RE: Report from Community Development Director and Interim City Manager relating to the Del Mar street reconstruction, and a subsequent proposal to include certain sidewalk, landscape, and street amenities.

Staff responded to questions from Mayor Carr relating to sidewalk reconstruction; work to be included in Phase I and II; question as to who will pay for sidewalk reconstruction; and that basic decisions need to be made if the project is to be undertaken in January of 1985.

Councilwoman Koester questioned the funding of the project and was advised that \$360,000 was appropriated in the budget for street reconstruction; however, the Del Mar merchants, the Chamber of Commerce and the Cultural Heritage Board have recommended upgrading Del Mar along the lines of Plan 2000 which includes planting trees, installing decorative lights and benches, and related amenities to enhance the area and increase business.

Mayor Carr questioned expenditure of an extra \$25,000 to hire a firm to tell the city where trees should go when the basic need calls for street improvement. Councilman Mecham stated that a plan is needed so work can be concluded in an organized way. Councilman Limberg noted the whole area needs to be planned, not a piecemeal approach and the City should do all it can to minimize the phasing method. Councilwoman Koester stated she was opposed to any plan that used money from the Redevelopment Agency Fund and since 80 percent of the street work will come from the fund, she opposed the measure.

Rich Handy, Downtown Business Association, noted that the merchants would like to see the sidewalks constructed first along with the street reconstruction; that decorative crosswalks and trees could be added at a later date and they feel the improvements will expand business and the environment of the business area will be greatly improved; that it will give the rest of the merchants a chance to follow the City's lead in beautifying the downtown and with the City taking the lead and keeping the momentum going the downtown area will be something we all can be proud of.

Byron Marshall, President of Chamber of Commerce, agreed improvements need to be done in the area; that the Chamber supports either the RDA funding or an assessment district as it is important to the business community and urged Council support.

Councilwoman Koester stated she concurred with Mr. Handy's group but requested the City find other areas in the budget such as gas tax, etc. and submit a financial package to fund the project without RDA funding.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND CARRIED to authorize Staff to select a landscape architectural firm to provide a detailed landscape and street amenities plan to be incorporated into the City-prepared Pavement Reconstruction Drawings and Specifications. Councilwoman Koester voted "NO" and suggested that in the future Staff not send out a RFP before receiving Council approval.

Subject: 96 - Proposed Treatment Plant Community Advisory Committee.

IN RE: Further consideration of report from Community Development Director and Interim City Manager relating to proposed appointment of an ad-hoc Treatment Plant Advisory Committee.

IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that no further consideration be given to the appointment of a proposed Treatment Plant Community Advisory Committee.

WRITTEN COMMUNICATIONS

Subject: 20 - Request from Security Pacific Finance Corp. to Accept Dedication of Via Mimosa, a Private Street in Tract 8191, as a Public Street.

IN RE: Communication from Security Pacific Finance Corp. requesting that the City take back Via Mimosa, a private street in Tract 8191, for public ownership, maintenance and liability.

Mayor Carr noted that he had a legal conflict of interest in the matter and that the applicant has requested a continuation.

IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND CARRIED to continue the matter to the meeting of 9-19-84. Mayor Carr "ABSTAINED."

URGENT MATTERS

The Mayor called for urgent matters and there was none.

ITEMS FROM CITY MANAGER

Subject: 96 - Proposed Agreement with Ranch Land Developers re Sewer Treatment Plant Expansion or Relocation.

IN RE: Status report regarding proposed agreement with ranch land developers reference expansion of existing sewer treatment plant or relocation and construction of a new sewer plant.

The Interim City Manager reported that a draft agreement prepared by the City Attorney between the ranch land developers and the City for either expanding the existing site or relocation to the "middle Pico" site has been reviewed; that the developers' attorneys were requested to review and make comments which they have done and their responses have been received; that Staff met and went over their comments and a meeting was held today with the developers and their attorneys; and that progress is being made toward a completed agreement for Council review. The Mayor noted that the matter would be continued to the meeting of 9-19-84.

Subject: 103 - Resolution No. 88-84 Fixing and Levying a Property Tax on All Property within the Corporate Limits of the City of San Clemente for Fiscal Year 1984-85.

IN RE: Report from Finance Director and Interim City Manager recommending adoption of resolution levying a property tax rate of .00452 percent of full value in order to fund the 1984-85 principal and interest payments on the 1962 Storm Drain Bonds and the 1964 Beach Acquisition Bonds.

Upon motion of Mayor Carr, seconded by Councilman Diehl, and unanimously carried RESOLUTION NO. 88-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, FIXING AND LEVYING A PROPERTY TAX ON ALL PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF SAN CLEMENTE FOR THE FISCAL YEAR 1984-85 was regularly introduced, passed, and adopted.

Subject: 52 - Conceptual Council Approval to Commence Purchasing a Temporary Trailer.

IN RE: Report from Fire Protection Director and Interim City Manager requesting authorization for the Fire Protection Director to commence the process of obtaining, on a lease basis, a temporary trailer for the Fire Department.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED to authorize the Fire Protection Director to commence the process of obtaining on a lease basis, a temporary trailer for the Fire Department.

ITEMS FROM CITY ATTORNEY

The City Attorney requested a Closed Session to discuss three matters of pending litigation.

ITEMS FROM COUNCIL MEMBERS

Subject: 77 - Proposed National Fitness Academy.

IN RE: Communication from Parks & Recreation Commission recommending that the City Council express an interest in the location of the National Fitness Academy in San Clemente.

Following Council comments, IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY MAYOR CARR, AND UNANIMOUSLY CARRIED that the Mayor be directed to communicate with whatever officials necessary to indicate our support for Southern Orange County, and initiate the suggestion that the City of San Clemente could be helpful in locating such a facility in our City.

Subject: 39 - Voting Lights.

IN RE: Council inquiry as to the status of the installation of voting lights in the Council Chambers, said matter having been ordered agendized by the Council.

During discussion comments were made that the voting light system has merit; that there would be certain benefits to such a system; whether such should be installed now or incorporated into a future remodeling project; and whether there might be any volunteers who would be able to work on the project to cut costs.

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED to seriously consider the installation of voting lights in the Council Chambers, and that Staff bring back a specific proposal.

Councilman Diehl reminded Council that they were invited to the appreciation luncheon to be held at the Boys & Girls Club on Thursday, September 6, noting that the luncheon is in honor of all the various supporters of the club. Councilman Limberg commended Councilman Diehl and Gary Brown for their involvement as Directors of the Boys & Girls Club noting this is an important element of the community and a very constructive activity.

Councilwoman Koester requested that Staff inspect the sound system in the Council Chambers, noting that she has received complaints that in some parts of the auditorium it is almost impossible to hear.

Mayor Carr referred to the derelict building at Los Molinos and El Camino Real and inquired as to its status. The City Planner advised that the Use Permit for the project is scheduled to be heard by the Planning Commission on September 18 for extension. Councilman Mecham noted that Council might wish to consider holding a public hearing on nuisance abatement of the property.

As requested by the Mayor, the City Treasurer presented his investment report of inactive funds for the City as of August 31, 1984 and responded to numerous questions from Mayor Carr regarding the investment of funds in various institutions and respective interest rates available at the time of deposit. Councilman Limberg commended the City Treasurer for his work on behalf of the citizens of San Clemente.

NEW BUSINESS

Subject: 77 - Extension of the Beach Club Aquatics Program to Fall.

IN RE: Communication from Parks and Recreation Commission and report from Public Services Director and Interim City Manager recommending extension of the Beach Club Aquatics Program through November, 1984.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL to allocate \$8,525 from the General Fund Contingency Reserve to fund an extension of the Beach Club Aquatics Program; and noting that in view of the projected revenue of \$6,820 to be generated from this extension, the net General Fund impact will be \$1,705.

Councilman Mecham expressed pleasure in seeing this program moving forward; that he was hopeful to get enough interest for a year-round activity as the facility needs to be used in that way and hopes the community will be supportive. In response to query from Councilman Limberg, Staff advised that there has been a large increase in the adult participation and that another market area utilized this past summer was the pre-school children that were bussed in to use the facility.

The Mayor then called for the QUESTION WHICH CARRIED UNANIMOUSLY.

Subject: 35 - Proposed Formation of a Business Promotional District.

IN RE: Report from City Clerk and Interim City Manager relating to proposal from the Chamber of Commerce and petition from certain businesses wishing to form a Business Promotional District in the Pico Shopping Center area.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL to approve in concept and direct the City Attorney and Staff to prepare necessary Resolution of Intention, boundary map, etc., including date for public hearing.

Following a question and answer period, Rich Handy stated he supported the Chamber's request and felt it was a good idea, noting they would see what happens in this area and perhaps they might re-evaluate and see if it is a good idea to revise the Del Mar Promotional District.

The Mayor then called for the QUESTION WHICH CARRIED UNANIMOUSLY.

RESOLUTIONS

For Resolution No. 84-84 see under "PUBLIC HEARINGS" on page 4.
 For Resolution No. 85-84 see under "CONSENT CALENDAR" on page 4.
 For Resolution No. 86-84 see under "CONSENT CALENDAR" on page 4.
 For Resolution No. 87-84 see under "CONSENT CALENDAR" (items removed for separate action) on page 5.
 For Resolution No. 88-84 see under "ITEMS FROM CITY MANAGER" on page 8.

Subject: 29 - Resolution No. 89-84 Setting the Location, Dates, and Time of Meetings for the Community Design Commission.

IN RE: Resolution establishing the 2nd and 4th Tuesday at 7:00 P.M. as the meeting date and time for the Community Design Commission to be held in the Council Chambers, Civic Center Building.

Upon motion of Councilman Mecham, seconded by Councilman Diehl, and carried, RESOLUTION NO. 89-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, SETTING THE LOCATION, DATES, AND TIME OF MEETINGS OF THE COMMUNITY DESIGN COMMISSION was regularly introduced, passed, and adopted. Councilwoman Koester voted "NO."

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 unanimously 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 reintroduced at the meeting of 8-15-84, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted.

MEETING RECESSED

The Mayor recessed the City Council meeting to convene a meeting of the Redevelopment Agency.

MEETING RECONVENED AND ADJOURNMENT TO CLOSED SESSION

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED to adjourn to a Closed Session to discuss matters of pending litigation.

MEETING RECONVENED AND ITEMS FROM CITY ATTORNEY

Subject: 108 - Railroad Company Suit re Taxes.

IN RE: Atchison, Topeka, & Santa Fe Railway Company, et al, v. Board of Equalization of the State of California, et al., No. C 82 6030.

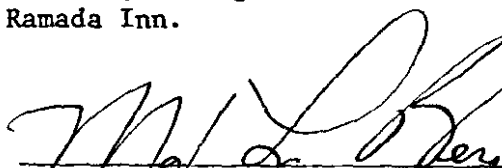
The City Attorney advised that in Closed Session the City Council has taken an action in regard to the AT&SF lawsuit wherein the City of San Clemente is one of 200 defendants; that the former action of the Council authorized the City Attorney to request that the Orange County Counsel's office defend the City of San Clemente provided that there be no charge; that at this time following up on an offer which was made by plaintiff's Counsel the City Council has authorized the City Attorney to enter into a stipulation on behalf of the City whereby the City of San Clemente would agree to be bound by any judgment or settlement of the lawsuit on terms no worse than those which are entered into by the County.

ADJOURNMENT

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED that the Council Meeting be adjourned at 10:40 P.M. to 7:45 A.M., September 7, 1984 at the Ramada Inn.



MAYOR and President
of the City Council

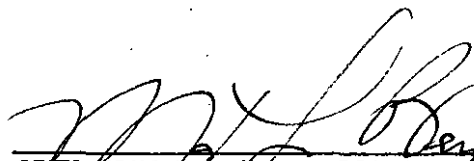


CITY CLERK and ex-officio
Clerk of the City Council

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

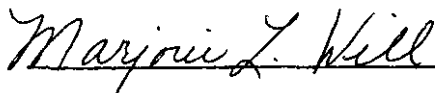
AFFIDAVIT OF POSTING
ORDER OF ADJOURNMENT
OF MEETING

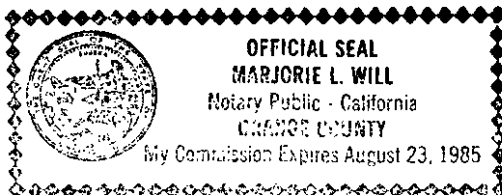
I, MAX L. BERG, being first duly sworn deposes and says:
that I am the duly chosen, qualified, and acting ex-officio Clerk of the
City Council of the City of San Clemente; that at the regular meeting of
the City Council of the City of San Clemente, held September 5, 1984 ,
said meeting was ordered adjourned to the time and place specified in the
Order of Adjournment ATTACHED HERETO; that on September 6, 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
Septmeber 5, 1984 , was held.



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

Subscribed and sworn to before
me this 6th day of Sept., 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, September 5, 1984, at 7:00 P.M., Mayor Kenneth E. Carr presiding.

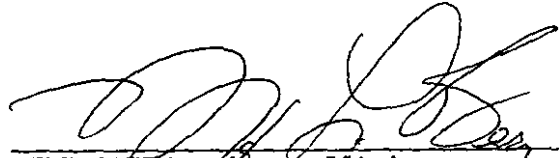
ROLL CALL

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

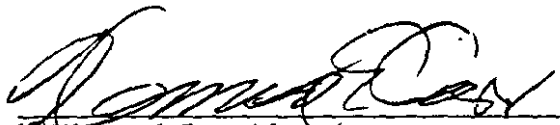
Also Present: Gary E. Brown, Interim City Manager; Max L. Berg, City Clerk;
Jeff Oderman, City Attorney

ADJOURNMENT

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED that the Council Meeting be adjourned at 10:40 p.m. to 7:45 A.M., September 7, 1984 at the Ramada Inn.



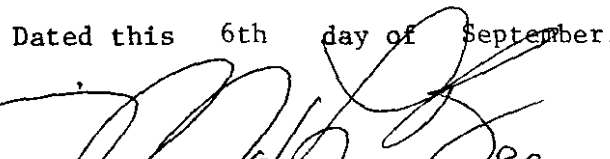
CITY CLERK and ex-officio
Clerk of the City Council



MAYOR and President
of the City Council

Certified to be a true and correct
copy of excerpts from the Sept. 5,
1984 Council Minutes

Dated this 6th day of September, 1984



CITY CLERK, City of San Clemente