

San Clemente, California
September 19, 1984

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, September 19, 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 David Taylor, Calvary Chapel of Dana Point.

In response to query from Mayor Carr regarding his participation in the police chaplain program, Rev. Taylor noted that the program started in January and in March they began riding with the officers; that his first call was to a surviving person of a suicide as the officer had other responsibilities to fulfill and was caught up in the details of trying to keep others away from the scene and did not have time to comfort the woman who was left behind; that the officers in the field are unable to become involved as their duties require them to be on other tasks; that the program is very rewarding and beneficial and that everyone he has had a chance to administer to and talk with has been thankful.

Mayor Carr expressed appreciation for the assistance that the ministers give to the Police Department under this program.

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.

SPECIAL BUSINESS

Subject: 99 - Donation to the City for Construction of a New Entry Structure.

IN RE: Donation to the City for construction of a new entry structure.

Mayor Carr advised of a "Special Business" item with a presentation to be made by Don Kindred, Chairman of Chili Challenge '84 Committee. Mr. Kindred reported that they raised over \$6,000 with their 5th annual Chili Challenge; that they have donated half the proceeds to the Orange County Special Olympics; that with the other half being donated to the City for construction of a new entry structure at the North Beach area on El Camino Real to replace the old one; that such construction and design be consistent with the aesthetics outlined in Plan 2000, i.e., a simple monument structure much like the ones in front of the Ole Hanson Beach Club surrounded by low maintenance ground cover or flowers.

Mr. Kindred then presented a check to the City in the amount of \$3,000 and Mayor Carr expressed appreciation on behalf of the Council and citizens.

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 8-29-84 (joint), 9-5-84 (regular), and 9-7-84 (adjourned). -- Approved as presented, and reading in full thereof waived.

Design Review Committee Minutes

Minutes of 8-21-84. -- Received and filed.

Golf Course Committee Minutes

Minutes of 8-13-84. -- Received and filed.

Departmental Activities Report

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

Subject: 96 - Replacement of Water Reclamation Plant Vehicle #215.

IN RE: Report from Public Services Director and Interim City Manager requesting replacement of Vehicle #215. -- Approved supplemental appropriation in the amount of \$9,200 to Automotive Equipment Account #65-4821-560 to cover replacement of Vehicle #215.

Subject: 68 - Resolution No. 90-84 Approving City's Participation in the Housing and Community Development Block Grant Program with the County of Orange.

IN RE: Report from Community Development Director and Interim City Manager recommending approval of the three year Cooperation Agreement between the City of San Clemente and the County of Orange for fiscal years 1985, 1986, and 1987, to provide funding for eligible housing and community development projects. -- Approved Cooperation Agreement and authorized execution by Mayor and City Clerk, and introduced, passed, and adopted RESOLUTION NO. 90-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE CITY'S PARTICIPATION IN THE HOUSING AND COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM WITH THE COUNTY OF ORANGE.

Subject: 89 - Resolution No. 91-84 Adopting the Standard Specifications and Drawings for Water and Sewer Line Installations.

IN RE: Report from Community Development Director and Interim City Manager requesting approval of a resolution adopting a new set of standard specifications and drawings for water and sewer installation. -- Introduced, passed, and adopted RESOLUTION NO. 91-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING THE STANDARD SPECIFICATIONS AND DRAWINGS FOR WATER AND SEWER LINE INSTALLATIONS.

Subject: 77 - Resolution No. 92-84 Amending Application Procedures and Regulations for Recreation Facilities as Established by Resolution No. 64-84.

IN RE: Report from Public Services Director and Interim City Manager recommending adoption of Resolution amending application procedures and regulations for recreation facilities as established by Resolution No. 64-84; and request for authorization to refund \$50 facility rental rate reduction to Mrs. Dorthea Flynn because she did not receive notice of a scheduled rate increase. -- Authorized a \$50 facility rental rate reduction to Mrs. Dorthea Flynn; authorized, subject to the approval of the Public Services Director, rental rate reductions to any other facility user that was similarly affected; and introduced, passed, and adopted RESOLUTION NO. 92-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING APPLICATION PROCEDURES AND REGULATIONS, FOR RECREATION FACILITIES AS ESTABLISHED BY #64-84.

CONSENT CALENDAR (items removed for separate action)

Subject: 117 - TV Dish Satellite Antennas.

IN RE: Councilman Mecham's referral to an item in the Planning Commission minutes relating to a petition protesting a 10-foot dish satellite antenna mounted on the roof of a new two-story house.

Councilman Mecham inquired as to the status of the proposed zoning amendment to regulate dish satellite antennas and Staff advised that they were in the process of preparing the recommended changes.

IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED to receive and file the Planning Commission minutes of 9-4-84

Subject: 114 - Tri-Cities Municipal Water District - Water Advisory Committee.

IN RE: Report from Community Development Director and Interim City Manager advising that Tri-Cities Municipal Water District has proposed a working committee be set up with representatives from all members of Tri-Cities Municipal Water District to coordinate operation and maintenance and facilitate long and short term planning between the member agencies in order to better serve the district's and members' constituents.

Staff advised that the purpose of the committee was water management for the area and responded to questions from Council members Koester and Limberg, following which IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to appoint the Community Development Director as a member and the City Engineer as alternate member to the proposed Tri-Cities Municipal Water District Water Advisory Committee.

Subject: 31 - Building Plan Checking Services.

IN RE: Report from Community Development Director and Interim City Manager requesting authorization for the Community Development Director to contract for plan checking services for the remainder of the fiscal year since the City's building plan checker will be retiring at the end of September.

In response to query from Councilwoman Koester, Staff advised that it is not intended to send every item out for plan check, only those items which are of structural nature that need the services of a structural engineer or that may have some soil problems; that those items that are building code checks will still be done in-house; that at the present time one plan checker is sufficient and it is planned to fill this vacancy as soon as possible.

Following other Council comments, IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to authorize Staff to solicit proposals to contract for plan checking services for the remainder of the fiscal year and return to Council to make the final determination at their meeting of 10-3-84.

It was noted that this was not intended to hold up any necessary plan check process during that 3-day period between the plan checker's leaving and the Council's final action on 10-3-84.

Subject: 39 - City Council Chamber Voting Lights.

IN RE: Report from Public Services Director and Interim City Manager recommending approval of the installation of City Council Chamber voting lights to be designed and installed by City personnel.

Councilman Diehl felt that the expenditure by the City for this purpose was not justified; and Staff responded to questions from Mayor Carr as to the change in the voting procedure with a new format and lighting system.

IT WAS THEN MOVED BY COUNCILMAN LIMBERG to approve the proposal and authorize expenditure of \$2,500 from the adopted City budget for the construction of a voting light system. THE MOTION DIED FOR LACK OF A SECOND.

IT WAS THEN MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND CARRIED to receive and file the report. Councilman Limberg voted "NO."

Subject: 77 - Municipal Pier Reconstruction, Phase III Project No. 1-84, Award of Contract.

IN RE: Report from Community Development Director and Interim City Manager reporting on six bids received to reconstruct the Municipal Pier, Phase III, Project No. 1-84.

Councilman Mecham noted that he was pleased that the City was to award the contract to reconstruct the Municipal Pier, Phase III at the cost within the budgeted amount, and IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED to award the contract to Healy Tibbitts Construction Company of Long Beach, in the amount of \$724,534.

Subject: 96 - John Carollo Engineers.

IN RE: Report from Community Development Director and Interim City Manager requesting formal appropriation of \$50,000 from the Sewer Fund Retained Earnings to Account #54-4341-353, for treatment plant preliminary design study pursuant to City Council action of 5-2-84.

Staff responded to questions from Councilwoman Koester, following which IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND CARRIED to approve the request and appropriate \$50,000 from the Sewer Fund Retained Earnings to Account #54-4341-353 for treatment plant preliminary design study as prepared by John Carollo Engineers. Mayor Carr voted "NO."

Subject: 96 - Replacement Pumps for the Rosa and Los Molinos Lift Stations.

IN RE: Report from Community Development Director and Interim City Manager requesting purchase of a replacement pump and other fittings for the Rosa Lift Station, and purchase of a replacement pump for the Los Molinos Lift Station.

Staff responded to questions from Councilwoman Koester relating to need for the pumps, difference in size, and whether they could be repaired, following which IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND CARRIED to appropriate \$3,500 from the Sewer Depreciation Reserve account to #54-4346-550; and \$7,860 from the Sewer Fund Retained Earnings account to #54-4343-550 for the purchase of a replacement pump and other fittings for the Rosa Lift Station; and appropriated \$1,920 from the Sewer Depreciation Reserve account to #54-4346-550; and \$2,710 from the Sewer Fund Retained Earnings account to #54-4343-550, for the purchase of a replacement pump for the Los Molinos Lift Station. Councilwoman Koester voted "NO."

PAYING OF THE BILLS

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED that Warrants No. 24050 through No. 24064, and No. 14204 through No. 14459 be paid.

Total demands approved for payment for period ending September 18, 1984	\$490,622.91
Ratification of Payroll Warrant No. 24054 for period August 27, 1984 through September 9, 1984.	<u>\$176,588.08</u>
TOTAL WARRANT REGISTER	<u>\$667,210.99</u>

UNFINISHED BUSINESS

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: Further consideration of 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.

Based on a written request of the applicant, IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILWOMAN KOESTER, AND CARRIED to continue the matter to the meeting of 10-17-84. Councilman Diehl voted "NO" and Mayor Carr "ABSTAINED."

WRITTEN COMMUNICATIONS

Subject: 68 - Rancho San Clemente Apartments - Area 10A.

IN RE: Communication from R & B Executive Investments-San Clemente Associates requesting approval of a Cooperative Agreement between the City and County of Orange regarding Tax-Exempt Mortgage Revenue Bonds to provide financing for their proposed Rancho San Clemente Apartments.

Harry J. Kamel, Vice President of R & B Development Company, noted that they are proposing to construct 250 dwelling units on approximately 11 acres of Planning Area 10 that has been approved for the site. During ensuing discussion between the applicant, Staff, and Council an explanation was made as to how the tax-exempt revenue bond program works as a type of financing mechanism available for Rancho San Clemente to maintain 20% of their units as affordable rentals to low and moderate income tenants.

IT WAS THEN MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to authorize the Mayor and City Clerk to execute a cooperative agreement between the City of San Clemente and the County of Orange for the issuance of tax-exempt mortgage revenue bonds by the County for development of affordable housing within Rancho San Clemente.

COMMUNICATIONS FROM COMMISSIONS AND COMMITTEES

Subject: 58 - Decorative Tee Signs.

IN RE: Communication from Golf Course Committee recommending the acceptance of a contract to install decorative tee signs on the golf course by Fairways Marketing Corporation.

IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to refer the matter to the Community Design Commission and Planning Commission for appropriate action.

Subject: 77 - Mr. & Mrs. James Gatacre's Letter Relative to Problems at Plaza Park.

IN RE: Communication from Parks & Recreation Commission, in response to Council referral, advising that after consideration of Mr. and Mrs. Gatacre's letter relative to problems at Plaza Park it was the consensus of the Commission that the park was appropriately used and there were no extraordinary problems, and the communication was received and filed.

The City Clerk advised that the applicant was apparently out of town and could not be reached, and IT WAS THEN MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to continue the matter to the meeting of 10-17-84.

URGENT MATTERS

The Mayor called for urgent matters and there was none.

ITEMS FROM CITY MANAGER

Subject: 96 - Final 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 City Attorney distributed for Council review copies of the final form of the agreement as signed by all four of the ranch land owners and briefly explained the basic terms of the agreement with the main points summarized as follows: that one issue not addressed in the agreement is the location of the facilities to be constructed; that it provides alternatives--one being the existing treatment plant site, another the middle Pico site, and even provides for the possibility that some other site may be identified in the EIR process which is to be conducted later, but that two specific sites are identified; that the agreement recognizes that the existing City ordinance does not permit relocating the plant without voter approval and that the agreement simply provides options which the voters will be able to take into consideration when casting their votes in November on Proposition "P". The City Attorney also reviewed the cost sharing item and noted that the total cost of the treatment plant facility including both direct construction costs and all of the "soft" costs is estimated at between \$36 and \$50 million; that the City would be required to contribute only \$5.5 million regardless of which location the treatment plant facilities are located; that the City would obtain over four million gallons of capacity in a plant of seven to eight MGD while paying only 10-15% of the cost; that the agreement provides for an orderly planning process--the first thing required being an EIR for both locations; that the agreement also provides for finalization of the preliminary design reports, preparation of plans and specifications for formation of assessment district, sale of assessment district bonds, award of contract, construction period, and upon completion the acceptance of the facilities for operation.

It was further noted that the ranch owners in addition to paying the major portion of treatment plant facilities will also pay off the balance of the City's general obligation bonds for the existing plant for any payments which become due after the plant is completed.

Following Council comments and a question and answer period, IT WAS MOVED BY MAYOR CARR, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED, to continue the matter to the meeting of 10-3-84.

Subject: 100 - Construction Drawing Proposals for the Reconstruction and Beautification of Avenida Del Mar.

IN RE: Report from Community Development Director and Interim City Manager reporting on construction drawing proposals for the reconstruction and beautification of Avenida Del Mar.

Inasmuch as Council members had received the proposals today and did not have time to review them in depth, IT WAS MOVED BY MAYOR CARR, SECONDED BY COUNCILWOMAN KOESTER to continue the matter to the meeting of 10-3-84.

Councilman Limberg commented that he was concerned about the inconsistency in the scope of work that the three contractors submitted bids upon; that there was a great variance in bid proposal price and felt that it might be a misunderstanding on the part of the three bidders; that the POD proposal almost goes back to square one and in a sense ignores the fact that there was a Plan 2000 wherein an extensive amount of design and theme philosophy has already been developed while the other two proposals did not take that approach; and inquired whether the other two bidders had an adequate understanding as to what has gone on before and therefore were able to bid the project on an equal basis.

Following further comments by Staff and Council the Mayor called for the QUESTION WHICH CARRIED UNANIMOUSLY.

ITEMS FROM CITY ATTORNEY

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

Subject: 58 (73) - Agreements for Restrictive Covenants for Shorecliffs Golf Course/Hotel Site and La Cristianita Pageant Site.

IN RE: Agreements for restrictive covenants covering the Shorecliffs Golf Course/Hotel Site and La Cristianita Pageant site.

During City Attorney's explanation of an amendment to the restrictive covenant relating to the "Golf/Hotel Parcel," including audience comments from Ben Heatherington, it was agreed that a sentence in the first paragraph be changed to read "a public golf course, drainage, and other uses permitted in the City's O-A zone."

Following further comments by Council members, IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND CARRIED to approve the two restrictive covenants subject to insertion and City Engineer approval of the legal description of the hotel site in the golf course/hotel restrictive covenant, as amended by the City Attorney; and authorize execution of the agreements by the Mayor and City Clerk. Councilwoman Koester voted "NO."

ITEMS FROM COUNCIL MEMBERS

Subject: 55 - Logo Signs on Freeway.

IN RE: Councilman Diehl's referral to Resolution No. 80-84 to the League of California Cities Policy Committee recommending amendments to the Outdoor Advertising Act.

He noted that he and the City Planner went to Sacramento to appear before the appropriate League Committee on this matter; however, League Staff had referred it to the wrong committee and they were unable to pursue the matter; that now due to different interpretations of the signage question we may be able to accomplish our purpose legally without going through the League of Cities and that we have asked that the resolution be withdrawn from Committee consideration; and that Staff will pursue the matter further and it is hoped we can accomplish "cluster signage" with laws as they are presently written.

Subject: 35 - Miss San Clemente Contest Sponsored by Chamber of Commerce.

IN RE: Miss San Clemente Contest sponsored by Chamber of Commerce.

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that the City Council sponsor a contestant for the Miss San Clemente contest which is sponsored by the Chamber of Commerce, and that the Mayor make arrangements on behalf of the City Council.

It was further noted that there would be a fee of \$100.00.

Subject: 83 - Request for Status Report on Child Abuse Cases.

IN RE: Councilman Mecham's inquiry as to whether the Police Department had any statistics re child abuse cases in the City.

The Acting Police Chief advised that the city does not have a lot of child abuse cases; that most cases are referred directly to Social Services who conduct the investigations, however, the department works in conjunction with the investigations; that where a child is sent to the hospital doctors are required to report the incident; and that when referrals are received back from Social Services the department is required to see if allegations are sustained with a report back to them.

Councilman Mecham requested a report in terms of what the City's procedures are and how this type of incident is being handled.

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Mayor Carr advised that he has been contacted by the City of Laguna Beach to attend a meeting at noon next Monday at the Hilton Hotel in Anaheim for the California Cities opposed to offshore oil lease sale #80; that due to a previous commitment he will be unable to attend. Councilman Mecham noted he would attempt to attend, however, since he was not positive he recommended that if a member of the Council is unable to attend, that a member of Staff should attend the luncheon meeting.

RESOLUTIONS

- For Resolution No. 90-84 see under "CONSENT CALENDAR" on page 2.
- For Resolution No. 91-84 see under "CONSENT CALENDAR" on page 2.
- For Resolution No. 92-84 see under "CONSENT CALENDAR" on page 2.

ADJOURNMENT TO CLOSED SESSION

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to adjourn to a Closed Session to discuss matters of pending litigation, personnel, and property acquisition.

MEETING RECONVENED AND ITEMS FROM CITY ATTORNEY (continued)

Subject: 42 - Authorization of Funds for Claim Settlement - Vander Lind.

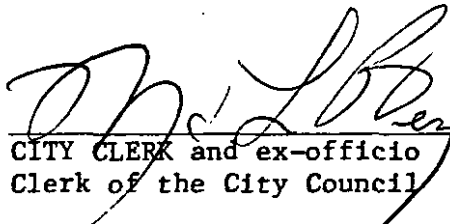
IN RE: Report from Assistant to City Manager and Interim City Manager recommending authorization of funds for claim settlement of the Vander Lind vs. Santa Fe Railway, City of San Clemente, et al claim.

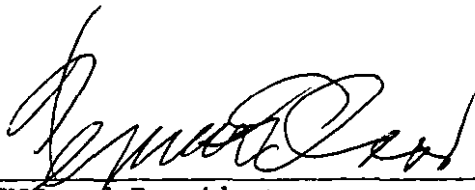
IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED to authorize the expenditure of an additional \$2,500 on behalf of the City of San Clemente toward the settlement of the Vander Lind vs. Santa Fe Railway, et al claim.

ADJOURNMENT

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED that the Council Meeting be adjourned at 9:40 P.M. to Sunday, September 23 at 7:00 P.M. at the Anaheim Convention Center for the purpose of going into Closed Session to discuss a personnel matter.

(CLERK'S NOTE: This meeting was not held since it was later determined that State Government Code Section 36808 prohibits Council meetings to be held outside the corporate limits of the City.)

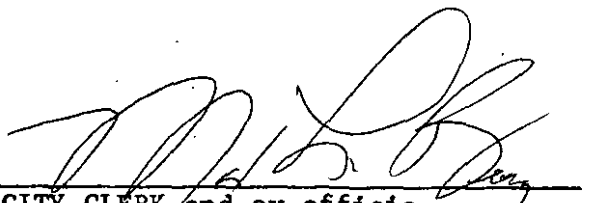

CITY CLERK and ex-officio
Clerk of the City Council


MAYOR and President
of the City Council

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

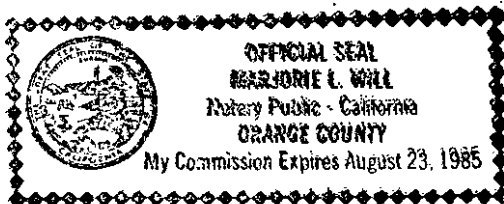
AFFIDAVIT OF POSTING
ORDER OF ADJOURNMENT
OF MEETING

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 Sept. 19, 1984 ,
said meeting was ordered adjourned to the time and place specified in the
Order of Adjournment ATTACHED HERETO; that on Sept. 20, 1984 , at the
hour of 10:00 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
Sept. 19, 1984 , was held.


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

Subscribed and sworn to before
me this 20th 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 19, 1984 at 7:00 P.M., Mayor Kenneth E. Carr presiding.

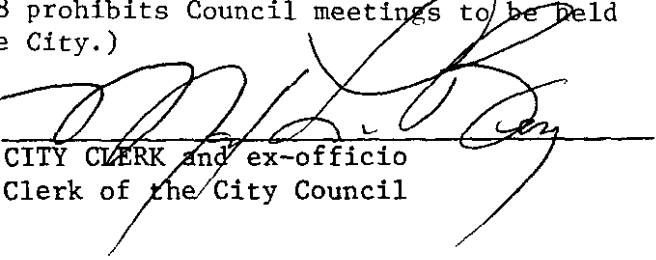
ROLL CALL


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;
and Jeff Oderman, City Attorney

ADJOURNMENT

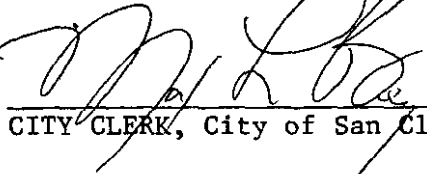
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CITY CLERK and ex-officio
Clerk of the City Council


MAYOR and President
of the City Council

Certified to be a true and correct
copy of excerpts from the
Council Minutes

Dated this 20th day of Sept., 1984


CITY CLERK, City of San Clemente