

San Clemente, California  
October 3, 1984

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, October 3, 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 Dr. Joseph S. Stephens, Senior Pastor, San Clemente Presbyterian Church.

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: 112 - Variance No. 84-04, Brad Sheatz.

IN RE: Public hearing to consider an appeal to condition seven of the Planning Commission's approval of Variance 84-04, being a request of Brad Sheatz under Section 7.0 of the Zoning Ordinance to reduce the side and rear yard setback requirements and the distance between main and accessory buildings in order to allow construction of a two-car garage with a roof top deck located at 212 Calle Marina; legal description being Lot 10, Block 19, Tract 852; the applicant proposing to locate the garage six inches from the side property line, and providing two feet between the residential unit and garage; said condition seven providing that no deck shall be constructed over the garage.

The Mayor opened the public hearing, and the applicant, Brad Sheatz, spoke in support of his appeal and requested condition seven be waived to allow installation of a deck in conformance with the zoning ordinance requirements.

The City Planner clarified that the condition originally imposed was a restriction on the placement of a rooftop deck on a garage; that the original variance the applicant had applied for was a waiver of the standard side and rear yard setback requirements which would allow the garage to be placed directly on his property line--rear and side property lines; that the Planning Commission felt it would not be appropriate to allow a rooftop deck on the garage because of imposing views down into the backyards of other residences; that the Zoning Ordinance at the present time allows such decks provided that it meets all the setback requirements which are essentially a five foot setback on the side and rear; that it is Staff's feeling that Mr. Sheatz could comply with the ordinance requirements now and establish the setback on the roof through some design such as construction of a railing, roof materials, or something that would hold the decking back to the five foot setback area thus reducing the size of the decking on the garage and still being in compliance with the code requirements.

Mr. Sheatz added that he is asking for a legal deck subject to the property line setback requirements; that he was denied the deck on the grounds that it might be illegally extended at some future time and felt that it was not fair he should be penalized for fear that someone else may do something in the future and that there are other ways it can be handled.

The following spoke in opposition to the Variance: Jean Kawling spoke in support of her letter of protest, stating she was directly behind Mr. Sheatz' property and was concerned that the deck and garage were so close to the property line that it would encroach on her privacy and devalue her property. Arthur Galyean spoke in support of a letter of protest filed by him and his wife, stating that their property was immediately east of Mr. Sheatz and felt the deck would be an invasion of privacy and a deck of this nature is not in character with this particular neighborhood; and noted that the property immediately to the west would also have the deck looking down into that backyard.

In rebuttal, Mr. Sheatz noted that the deck is legal subject to the setback requirement and pointed out that if he was rebuilding his old house he could have a two-story house which would be legal and a lot more massive than the deck.

There being no one else wishing to be heard the public hearing was closed, AND IT WAS MOVED BY COUNCILMAN DIEHL to approve the appeal, requesting condition seven be waived to allow the installation of a deck in conformance with Zoning Ordinance requirements. THE MOTION DIED FOR LACK OF A SECOND.

Following Council comments relating to requirements for a two-car garage; to insure that design measures would meet code setback requirements for the deck; the fact that there was one deck in the neighborhood and the fact that the Planning Commission came to the conclusion that although the applicant would comply with the code setback requirements at this time, it might be expanded some time in the future, IT WAS THEN MOVED BY COUNCILMAN DIEHL, SECONDED BY MAYOR CARR to approve the appeal and that condition seven be waived to allow the installation of a deck in conformance with Zoning Ordinance requirements.

Councilman Diehl felt that the applicant is trying to work with the City in every way possible; that he is willing to meet the setback limitations that are presently in the code and will conform and stay in conformance; Councilwoman Koester concurred with the neighbors fear of invasion of privacy and questioned whether the deck would be in conformance with the aesthetics of the area; Councilman Limberg stated he concurred with the Planning Commission's recommendation; and Councilman Mecham felt the applicant is doing a good job, however, he felt that the project was not tied down and that he would like to have a much more detailed drawing of what the deck will look like so he can have a better idea of where it will be in the overall project.

A SUBSTITUTE MOTION WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED that the public hearing be reopened and continued to the meeting of 10-17-84; and that the matter be referred back to the Planning Commission for their 10-16-84 meeting for further consideration of a design which might be more compatible with the zoning ordinance and requirements.

The applicant agreed that he would be amendable to providing a detailed design of the deck.

#### CONSENT CALENDAR

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

#### City Council Minutes

Minutes of 9-15-84 (adjourned), and 9-19-84 (regular). -- Approved as presented, and reading in full thereof waived.

#### Planning Commission Minutes

Minutes of 9-18-84. -- Received and filed.

#### Community Design Commission Minutes

Minutes of 9-11-84. -- Received and filed.

Subject. 105 - Tentative Parcel Map 84-828, Moh-Tal, Inc.

IN RE: Communication from Planning Commission recommending approval of Tentative Parcel Map 84-828, being the request of Moh-Tal, Inc. to subdivide .216 acres and construct three units in the R-3 zone at 215-219 West Escalones; legal description being Lots 38-40, Block 20, Tract 793. -- Set for public hearing on 10-17-84.

Subject 35 - Citywide Sidewalk Sale - October 20 and 21, 1984.

IN RE: Communication from Alex W. Goodman, Executive Manager of the Chamber of Commerce, advising that the Board of Directors of the Chamber are requesting City permission to hold a citywide "Sidewalk Sale" all day Saturday and all day Sunday, October 20 and 21, 1984. -- Approved the request.

Subject: 92 - Request for Issuance of Permit for Use of Sound  
Amplifying Equipment.

IN RE: Request from Assured Thrift & Loan Association for issuance of a permit for use of sound amplifying equipment to be used in connection with the grand opening of the San Clemente Branch of Assured Thrift & Loan Association at 209 Avenida Del Mar, on Saturday, October 20, from 10:00 A.M. to 3:00 P.M. -- Approved issuance of sound amplification permit.

Subject: 20 (48) - Verde Canyon Nuisance Abatement.

IN RE: Report from Community Development Director and Interim City Manager advising that the contractor, Steve Pandza Constructors, has completed the abatement work on the three houses which were destroyed by the Verde Canyon landslide on December 31, 1983. -- Accepted the abatement work by Steve Pandza Constructors as complete.

Subject: 64 - Resolution No. 93-84 Commending the San Clemente Ocean  
Festival Association.

IN RE: Report from Public Services Director and Interim City Manager requesting approval of resolution commending the San Clemente Ocean Festival Association for hosting this year's Ocean Festival activities. -- Introduced, passed, and adopted RESOLUTION NO. 93-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, EXPRESSING COMMENDATION AND APPRECIATION TO THE SAN CLEMENTE OCEAN FESTIVAL ASSOCIATION AND ITS PRESIDENT, LARRY WOHLFARTH, FOR EXEMPLARY SERVICE IN HOSTING THE 1984 NATIONAL JUNIOR LIFEGUARD CHAMPIONSHIPS, UNITED STATES LIFESAVING ASSOCIATION CHAMPIONSHIPS, AND THE SURF AND SAND FAMILY OLYMPICS.

Subject: 99 - Resolution No. 94-84 Denying Sign Exception 84-03.

IN RE: Resolution denying Sign Exception 84-03.

Upon motion of Councilman Mecham, seconded by Councilman Limberg, and carried, RESOLUTION NO. 94-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DENYING SIGN EXCEPTION 84-03, was regularly introduced, passed, and adopted. Councilman Diehl voted "NO," and Mayor Carr "ABSTAINED."

Subject: 112 - Resolution No. 95-84 Denying Variance 84-02.

IN RE: Resolution denying Variance 84-02.

Upon motion of Councilman Diehl, seconded by Councilman Mecham, and unanimously carried, RESOLUTION NO. 95-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DENYING VARIANCE NO. 84-02, was regularly introduced, passed, and adopted.

Subject: 112 - Resolution No. 96-84 Approving Use Permit 84-17.

IN RE: Resolution approving Use Permit 84-17.

Upon motion of Councilman Diehl, seconded by Mayor Carr, and carried, RESOLUTION NO. 96-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND APPROVING USE PERMIT 84-17, was regularly introduced, passed, and adopted. Councilwoman Koester voted "NO."

Subject 31 - Resolution No. 97-84 Authorizing a Grant Application to the Coastal Commission.

IN RE: Report from Community Development Director and Interim City Manager recommending approval of resolution authorizing the filing of a grant application to the California Coastal Commission in the amount of \$7,198.00 for Phase IV work. -- Introduced, passed, and adopted RESOLUTION NO. 97-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING A GRANT APPLICATION TO THE COASTAL COMMISSION.

CONSENT CALENDAR (Items removed for separate action)

Subject: 35 - Resolution No. 98-84 Declaring Intention to Form Improvement Area No. 1 of the City of San Clemente.

IN RE: Resolution declaring its intention to form a Business Improvement Area to be known as "Business Improvement Area No. 1 of the City of San Clemente"; fixing time and place for hearing; and giving notice thereof.

Staff responded to questions from Councilwoman Koester, and Alex Goodman of the Chamber of Commerce also advised that although not all of the merchants signed the petition there was no negative response.

Upon motion of Councilman Mecham, seconded by Councilman Diehl, and unanimously carried, RESOLUTION NO. 98-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DECLARING ITS INTENTION TO FORM A BUSINESS IMPROVEMENT AREA TO BE KNOWN AS "BUSINESS IMPROVEMENT AREA NO. 1 OF THE CITY OF SAN CLEMENTE"; FIXING TIME AND PLACE FOR HEARING; AND GIVING NOTICE THEREOF, was regularly introduced, passed, and adopted.

Subject: 117 - Proposed Amendment to City Zoning Ordinance - Satellite Dish Antennas.

IN RE: Report from Community Development Director and Interim City Manager relating to request from Council that Staff initiate an amendment to the Zoning Ordinance and add regulations for satellite dish antennas.

Councilman Limberg felt that the intent of the Council was for the Planning Commission to determine if there was even a need for such an ordinance.

With the understanding that the basic consideration was for the need as well as any ordinance that might result, IT WAS THEN MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED to direct the Planning Commission to work with the Community Design Commission and Planning Staff in amending the City Zoning Ordinance to include provisions for satellite dish antennas.

PAYING OF THE BILLS

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED that Warrants No. 24065 through No. 24088, and No. 14460 through No. 14715, as audited be paid.

Total demands approved for payment for period ending October 2, 1984 . . . . . \$ 654,845.66

Ratification of Payroll Warrant No. 24078 for period September 10, 1984 through September 23, 1984 . . . . . \$ 175,787.91

TOTAL WARRANT REGISTER \$ 830,633.57

UNFINISHED BUSINESS

Subject: 96 - Agreement for Construction of Wastewater Treatment Plant Facility.

IN RE: Report from Community Development Director and Interim City Manager recommending approval of agreement with Ranch Land owners for construction of wastewater treatment facilities.

Some of the main comments during an approximate three hours of deliberation and discussion on the agreement for construction of a wastewater treatment plant facility and the question of expansion or plant relocation are briefly summarized as follows: The Interim City Manager highlighted the agreement noting that Staff has been working with the four back country ranches for several months to get a formal agreement for construction of a wastewater treatment plant at either the existing plant site or the middle Pico site; that copies of the agreement which were signed by the four ranch owners were submitted at the last Council meeting for review and that it is Staff's recommendation to approve the agreement and authorize execution by the Mayor and City Clerk; that the size of the plant will vary depending whether or not the Talega Valley project becomes a partner; that Staff and the ranchland owners recognize that the designation of the site will depend upon the outcome of the November 6 election with direction so that we can proceed with construction at either site; that the approximate cost for upgrading the present plant is \$30 million and the proposed estimated cost for the middle pico site is \$36 million; and in either case the City's share is \$5.5 million; that \$3 million will be paid at the time of construction and \$2.5 million at the end of construction; that the ranchland owners have also indicated they will pick up the remaining amount on the general obligation bonds on the existing plant which today is approximately \$1.5 million; that the city will have approximately 50 percent capacity (4 MGD) at either plant and our share of the costs would be less than 15 percent.

The City Attorney reported that he appeared in court today on the motion of the Ream vs. San Clemente case for a preliminary injunction to prevent the City Council from, among other things, considering action on this agreement; that the motion was denied by the Judge indicating that she did not find that there was any evidence that the Council was violating any city ordinances or was doing anything improper, and the motion was denied on that ground.

In response to query from Mayor Carr, the City Attorney advised that Attorney Stan Walcott of his firm is the assessment district attorney and is available for any questions from Council.

Mayor Carr referred to two examples he had placed on the board; Example A shows a principal sum of \$30 million plus 10% rate of interest over 15 years of \$45 million for a total of \$75 million; and Example B shows the principal sum of \$36 million, plus 10% rate of interest for 15 years of \$54 million, for a total of \$90 million and inquired whether this was a fair representation of actual total cost for retirement of the assessment district bonds and Mr. Walcott felt that was a fair statement and also noted that by law interest cannot exceed 12% and that the longest term for this type of bond that he is aware of has been 20-22 years.

Mayor Carr then had several questions which are as follows: That there has been some question about the City's intent to waive sewer connection fees under the provisions of the agreement and the City Attorney replied the assessment district would be in lieu of sewer connection fees which can only be used for sewer facilities. The Mayor also noted that the agreement calls for 18-acre middle pico site and inquired as to the use of the seven additional acres, and Staff advised there has been some discussion as to moving the Corporation Yard to the site and that the majority of the excess acreage will probably be used in slopes for grading out a flat pad which would be maintained as part of the plant property. Mayor Carr referred to the comment made in a court case that under provisions of the assessment district act that subsequent purchasers were being assessed disproportionately to benefits received, such as in our case the existing city vs. the new community. The Assessment District attorney replied that ordinarily

an assessment if it is to be challenged, it is challenged within 30 days after assessment confirmation, and that he was not aware of any situation where the validity of the assessment has been challenged beyond the 30-day statute of limitations. The Mayor further noted that it has been mentioned by both Carollo Engineers and Staff that there would be additional energy costs namely in the form of electricity as a result of pumping sewage to a higher elevation and Staff confirmed that this was true and there has been no attempt by the City to deny this statement. Mayor Carr inquired if during the course of negotiations, have audited financial statements from the four back country developers, including their general partners and the corporations, been received and reviewed. The City Attorney advised there was no reason to require such as the agreement provides financing for this project from two sources--that the ranch owners are backed up by security in forms of letters of credit which have to be submitted to the City, and if not, the agreement terminates; that the letters of credit will carry through the time the assessment district bonds are sold, and that financial statements have no bearing or relationship to the agreement. The Mayor inquired whether the provisions of this agreement intend to either amend or repeal sewer connection fees contained in Ordinance 663; and that in some circles it was mentioned that this agreement could likely result in financial enrichment to the four back country developers. The City Attorney replied in the negative and noted the agreement provides for an alternative method of funding, but that the assessment district is the preferable way from the developer property owners point of view in making that payment as they do not have to advance the money up front in cash and borrow to get that money at conventional interest rates.

Upon question as to any further changes made in the document, the City Attorney noted that on page 33 the word "not" should be entered so that the sentence reads as follows: "In the event that the City does not make its \$2,500,000 contribution within six (6) months after City acceptance of the completed FACILITIES, the ranch owners shall be required at that time to assume only that percentage of the City's liability for such future bond payments equal to the following:"

Mayor Carr also noted that Carollo Engineers has been misspelled and should be corrected.

Councilwoman Koester inquired as to the details of the court case mentioned earlier which Attorney Wolcott explained.

Councilwoman Koester and Councilman Limberg had various hypothetical questions and how such might be treated in view of the court case in Sacramento. Several other miscellaneous questions were posed by members of the Council during review of the agreement provisions.

Following extensive review of the proposed agreement by the Council, with the Attorneys and Staff responding to questions, the Mayor then opened the meeting up to public comment and the following persons spoke on the issue of the agreement and the related question of plant expansion or relocation: Brian Day protested the City waiving sewer connection fees for homes to be built in the back country suggesting that over a 12-year buildout this would approximate an amount of \$117 million; that he feels the developers will try to delay any principal payments for as long as possible thereby putting a high burden on new homes, and by paying interest only the yearly amount will be around \$640,000 or less. Robert Flynn expressed various comments in opposition and also felt there were potential dangers at the proposed middle Pico site as the land serves as a natural runoff point and will suffer severe damage from water runoff. Mayor Carr responded that before any new plant site is finalized an EIR will address the concerns expressed by Mr. Flynn.

Tom Lorch also had various comments and questions including inquiry whether the City had a document available that outlined goals, guidelines, requirements, and objectives during negotiations for the agreement. The Interim City Manager replied in the negative but noted that the City considered it in terms of revenue, what the future needs were, and to be in compliance with City, Federal and State requirements. Mr. Lorch had several additional questions and concluded that the sewer tour was very informative, and that the plant appears to be very well run.

Byron Marshall, stated that the Chamber of Commerce backed Proposition P because the proposition will create economic benefits in town.

Norman Ream presented extensive comments on the issue including concern that the City does not know who the general partners are or their financial condition; that the City Attorney has not protected the City well; that according to EPA estimates the City's needs could be accomplished for as little as \$10 million; and that by not looking at other design reports and relying only on the John Carollo Engineers report, the City was not getting the best available plan. He noted that the City is seeking a waiver through SERRA concerning treatment standards that would double the existing plant's capacity; that he opposed the waiver of hookup fees; that reported costs appear to be about \$5 million for 1 MGD while EPA surveys indicate an average cost of \$3.25 million for 1 MGD making plant costs about \$26+ million if a new one is built and questioned where the \$14 million is going; that on an existing plant EPA indicates a cost of \$1.5 million to add 1 MGD; that to increase to 8.5 MGD costs would amount to about \$3.75 million; and that the plant could be brought up to the standards and capacity for approximately \$10 million as opposed to the figures in the Carollo report. Following further comments, Mr. Ream concluded by commenting that he felt the agreement was a very poor agreement. Mayor Carr and Mr. Ream then discussed certain costs as outlined in the Carollo and Engineering Science reports.

C. L. Snider stated he was upset by the figures as outlined on the board and felt that instead of moving to the middle Pico site possibly it could be put back by TRW if it is not costing the existing citizens any money.

James Kempton stated he had been to several different places in town tonight and that there are many persons of the silent majority who are in support of the City Council.

Don Steffensen, representing John D. Lusk & Son, stated it was the intent of the ranches in working with Staff primarily to reach some resolution that would allow the City to proceed with expanding the capacity of the plant, however appropriate, for the least amount of cost; that they tried to keep the cost to the City at a minimum; that the City Attorney worked to provide a representative and appropriate way to finance through the assessment district process at low interest rate and a benefit to the ultimate user; that compromises were made on both sides in order to move forward and provide the additional needed capacity. In response to query from Mayor Carr, Mr. Steffensen advised that they do not have financial statements since they are a privately owned company, however, appropriate records would be available for City Staff to review. In response to query from Councilman Limberg regarding the spine system for reclaimed water, Mr. Steffensen noted that this system is very expensive since two lines are required and until reclaimed water can be used next to residential housing it does not make financial sense.

Mayor Carr noted that in regard to retirement of the 1968 sewer bonds, an agreement beneficial to both parties might be provided whereby the developers turn over to the City that sum of money which is equal to the outstanding debt, and then the City in turn would be responsible for the interest.

Councilman Diehl felt that the agreement accomplishes the goal set by Council; that all considerations necessary have been incorporated whichever way the vote goes in November and commended Staff for work well done.

Councilwoman Koester commented on Mayor Carr's suggestion that the developers pay the principal and added that the bond schedule is available for review.

In response to statement by Mr. Ream, the City Engineer advised that the City could not double capacity through the SERRA waiver and would incur added costs by the change; that if the waiver which the City applied for is granted, the capacity could increase somewhat but not at the level Mr. Ream stated; that the plant would have to be revamped to alter its treatment process and the cost of revamping was less than expansion but the waiver is up for review every five years and if SERRA's decision is reversed it would be very costly to bring the plant back to its original form.

Following further discussion, IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL to authorize the Mayor and City Clerk to execute the agreement for construction of a wastewater facility as presented to Council between the City, Estrella Properties, Ltd., Marblehead, Santa Margarita Company, and Western Properties Service Corp.

During discussion on the motion, Councilman Mecham expressed opinion that the agreement served the good of the present and future City; that it makes financial sense to move the plant if the voters say so; and that there is the potential financial benefits of freeing up 18 acres of oceanview land if the plant is moved. Councilman Limberg expressed confidence in the facts and information from Carollo Engineers who have built approximately 100 plants. Councilwoman Koester felt the citizens have not had enough say on the entire plan and could not support the document because no figures are set in concrete and she would like the people to decide.

Mayor Carr again commented on Section 8.3 and possible agreement concerning bond payoff which would not be detrimental to the developers.

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

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

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

IT WAS MOVED BY MAYOR CARR, SECONDED BY COUNCILMAN MECHAM to receive and file the latest addendum to revised proposal for the subject project from Tierra Planning and Design; and authorize the Community Development Director to negotiate a contract with Rapp & French for design services for Del Mar Street Reconstruction and beautification.

Main Council comments are briefly noted as follows: Mayor Carr felt this firm should be awarded the contract as they are a local firm doing business in the City with the principals living in the city and contributing tax dollars. Councilman Mecham felt that it was a critically important project and the principals involved with the firm of Rapp & French also participated in the Plan 2000 with considerable input. Councilman Limberg inquired if the consultant is expected to provide finished engineering drawings which will be used in the bid set and Staff advised in the affirmative. Councilwoman Koester stated she had no problem with the bidders, but did not like the way the financial package was put together; that she does not believe in using RDA funds or spending 2106 restricted gas tax monies; and questioned applying funds for preliminary design work rather than for the community project itself. Councilman Diehl felt the POD presentation was better, however, he liked to see local people receive the project and added that he hopes their production surpasses their proposal.

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

Subject 31 - Building Plan Checking Services.

IN RE: Further consideration of 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.

Staff responded to questions from Council, following which IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to authorize the Community Development Director to engage the services of a professional plan checking firm to process building plans on an as needed basis.

#### URGENT MATTERS

The Mayor called for urgent matters and there was none.



ITEMS FROM CITY MANAGER

Subject: 35 - Promotional Film.

IN RE: Promotional film produced for the Chamber of Commerce.

Alex Goodman, Chamber of Commerce Executive Manager, presented introductory remarks concerning a film which has been produced to aid in attracting tourism to San Clemente.

A five minute film entitled "California's Best Kept Secret" was shown to the City Council by producers of the film, and was very well received by the Council and audience present.

Subject: 112 - Use Permit 83-16, Soto Kafetzopoulos - 1601 North El Camino Real.

IN RE: Request for a one-year time extension for Use Permit 83-16 for a hotel at 1601 North El Camino Real.

For the Council's general information, the Interim City Manager advised that the Planning Commission at their meeting last night approved a one-year time extension on Use Permit 83-16 adding certain conditions, including the condition that the buildings and structures on the property must be removed within 90 days.

Subject: 118 - Offshore Drilling.

IN RE: Request from Interim City Manager for policy direction regarding offshore drilling as it relates to definite stand regarding lease arrangement.

The Assistant to the City Manager gave a brief report as to what has been happening regarding offshore drilling as follows: That tomorrow Councilman Diehl and he will be attending a meeting in Newport Beach with the elected officials of Laguna Beach and Newport Beach to discuss our concerns regarding offshore oil exploration and drilling with senior members of Senator Wilson's staff; that in the Department of Interior's 1984 fiscal year budget there was a moratorium on exploration and drilling activities from 3 to 20 miles offshore from Laguna Beach south to the Mexican border; that currently the moratorium is up for review as far as the fiscal year 1984-85 budget and should be acted upon within the next few days; that OCS #80 covers the area from Point Conception to the Mexican border; that we have been advised that the moratorium area from Laguna Beach south to the Mexican border from 3 to 20 miles offshore has been excluded by the Secretary of Interior for consideration as part of OCS #80 and we are very pleased about that. He continued that on October 17 Mayor Bradley will be hosting elected officials from the Southern California Coastal communities for a press conference prior to the releasing of bids; that it is anticipated that the elected officials of Laguna Beach, Newport Beach as well as support from Mayor Bradley's office will take a little more aggressive stand than the City Council has previously indicated in terms of the area of opposition; that up to now we have previously opposed exploration and drilling in tracts that were within 20 miles offshore in the moratorium area; at this time the group intends to approach the Presidents of the major oil companies as well as our elective legislators at the Federal level and ask for consideration of a moratorium for elimination of those tracts that would be anywhere between Catalina Island and the State boundary which is three miles offshore and which encompasses a larger area. Mr. Hulsizer also reported that the City of Laguna Beach intends to issue a press release on Monday or Tuesday and would like our City to participate which will involve sending letters to Presidents of the major oil firms covering that area and therefore when these sales come up on October 17 they will be provided with information that we are opposed to any tracts outside the moratorium area.

In discussing the need for the Council to take a more aggressive and vocal position, Councilman Mecham noted that this strategy should be more successful in that it gives us a better bargaining position; and that this particular area needs to have protection from offshore drilling. Councilman Diehl also expressed comments relating to drilling depths, effects of an oil spill, and related issues. Mr. Hulsizer was commended for his informative report and knowledge of the subject.

Based on the discussion, it was noted that no action was necessary as Staff understood the position of the Council and in what direction they wished to proceed.

ITEMS FROM COUNCIL MEMBERS

Mayor Carr announced that he would be on vacation for the period October 18 through 26 inclusive and will be out of the country.

Subject: 29 - Joint Meeting with the Commissions and Committee.

IN RE: Joint Council meeting with Commissions and Committee.

IT WAS MOVED BY MAYOR CARR, SECONDED BY COUNCILWOMAN KOESTER, AND CARRIED not to have a Joint Council meeting with Commissions and Committee on October 31. Council members Limberg and Mecham voted "NO."

IT WAS MOVED BY COUNCILMAN MECHAM to have a Joint Council meeting with Commissions and Committee on November 1. THE MOTION DIED FOR LACK OF A SECOND.

IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND CARRIED to have a Joint Council meeting with Commissions and Committee on October 24 at the Beach Club at 7:00 P.M. Councilwoman Koester voted "NO."

RESOLUTIONS

For Resolution No. 93-84 see under "CONSENT CALENDAR" on page 3.  
 For Resolution No. 94-84 see under "CONSENT CALENDAR" on page 3.  
 For Resolution No. 95-84 see under "CONSENT CALENDAR" on page 3.  
 For Resolution No. 96-84 see under "CONSENT CALENDAR" on page 3.  
 For Resolution No. 97-84 see under "CONSENT CALENDAR" on page 4.  
 For Resolution No. 98-84 see under "CONSENT CALENDAR" (items removed for separate action) on page 4.

MEETING RECESSED

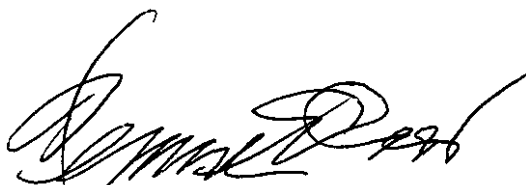
The Mayor recessed the City Council meeting to convene a meeting of the Redevelopment Agency.

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 personnel.

MEETING RECONVENED AND ADJOURNMENT

The meeting reconvened AND IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED that the Council meeting be adjourned at 11:50 P.M.



MAYOR and President  
of the City Council



CITY CLERK and ex-officio  
Clerk of the City Council