

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, October 17, 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, LIMBERG, AND CARR

ABSENT: Council Members - KOESTER AND MECHAM (arrived at 9:25 P.M.)

Also Present: Gary E. Brown, Interim City Manager; Max L. Berg, City Clerk; Kathryn Tobin, Deputy 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

The Mayor invited James R. Henderson, Principal of Shorecliffs Junior High School, to come forward who in turn introduced Ronald D. Dempsey, Vice Principal, noting that it was a pleasure for them to be at the meeting. Kathryn Moros, A.S.B. Advisor, was also introduced and noted that the student body leaders were interested in studying and observing the affairs of municipal government and then introduced Piper Barnum, A.S.B. Vice President, who in turn introduced the following students: Francine Levy, A.S.B. Vice President; Janai Pitts, Secretary; Amy Farrier, Treasurer; Aaron Korsen, Activities Commissioner; Lana Linden, Historian; Cameron Brown and Shinah Cole, 8th Grade Representatives; Joy Kriskey and Julie Fuller, 7th Grade Representatives; and their student Council members.

Mayor Carr presented a framed resolution 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. Mayor Carr commented on the hundreds of thousands of participants and spectators who through the years have enjoyed the efforts of the Association's work. Mr. Wohlfarth accepted the Resolution with appreciation on behalf of the Association and noted that this was a community effort with support from the Chamber of Commerce, merchants and business associations, and in response to query from the Mayor also noted the many, many hours of volunteer time spent by others on the planning of the event.

PUBLIC HEARINGS

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

IN RE: Continued public hearing to consider an appeal to condition seven of the Planning Commission's approval of Variance 84-04, being the 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 City Planner advised that the applicant has submitted a revised version of the deck with a hipped roof with matching tile to insure the deck cannot be expanded in the future without a real substantial effort; that the balcony on the main structure is five feet from the side lot line; and that the Planning Commission, per Council direction considered the matter at their 10-16-84 meeting and recommended that condition seven be deleted and added three new conditions.

In response to query from Mayor Carr, Brad Sheatz, the applicant, stated he agreed with the Planning Commission action; noted that according to the setbacks this is a legal deck; and that there are two-story homes in the neighborhood built according to the same setback requirements.

Sandy Taylor also spoke in support of the appeal to condition seven, noting that the concerns of the neighbors that the deck could illegally be extended in the future has been answered by the precautions being taken and that she concurs that the applicant should be allowed to construct the deck.

There being no one else wishing to be heard, the public hearing was closed, AND IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to concur with the Planning Commission's recommendation and delete condition seven and add three new conditions.

Subject 35 - Ordinance No. 898 Establishing "Business Improvement Area No. 1 of the City of San Clemente."

IN RE: Public hearing to consider the formation of a business improvement area to be known as "Business Improvement Area No. 1 of the City of San Clemente" (Pico Plaza Shopping Center).

Communication was noted from James D. Hewitt, Del Taco franchisee, suggesting a change in the wording of the Resolution of intention which was mailed to all businesses in the area, and proposing that those institutions within the area that are exempt from having to pay a local business license should agree to a levy based on what their business license would be if they were not exempt.

The Mayor opened the public hearing, and Alex Goodman, Executive Manager of the Chamber of Commerce, noted that although not all the merchants in the proposed business improvement area signed the petition, none had expressed any opposition to its formation. Mr. Goodman advised that they recommended the Advisory Board consist of the following merchants from the area: Peter Linnenbach, Chairman, Anneliese Frey, Maxine Oberhansly, Roma Doherty, and Don Angier.

Don Angier, Ralphs Market, also spoke in support of the proposed business improvement area.

In regard to changing the Resolution wording that was requested by Mr. Hewitt it was explained that if such were changed it would require renoticing, mailing, and setting of another hearing date and there would not be time to have the proceedings completed and the ordinance to become effective by the beginning of the calendar year, which is when the business license renewals are due.

Further, in regard to Mr. Hewitt's concern about raising the levy, it was pointed out that such could not be done without notification to the merchants and hearing before the Council.

There being no one else wishing to be heard, the public hearing was closed.

Upon motion of Councilman Diehl, seconded by Councilman Limberg, and unanimously carried, ORDINANCE NO. 898 BEING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE ESTABLISHING "BUSINESS IMPROVEMENT AREA NO. 1 OF THE CITY OF SAN CLEMENTE" was regularly introduced by title only, and the reading in full thereof unanimously waived.

Subject 105 - Resolution No. 99-84 Approving Tentative Parcel Map 84-828, Moh-Tal, Inc.

IN RE: Public hearing to consider 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; and consider the approval of a negative declaration prepared with respect to the project.

The Mayor opened the public hearing and Bill Ayer of South Coast Engineering Service, representing the applicant, stated he was available for any questions. There being no one wishing to be heard, the public hearing was closed.

Upon motion of Councilman Limberg, seconded by Councilman Diehl, and unanimously carried, RESOLUTION NO. 99-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CONDITIONALLY APPROVING TENTATIVE PARCEL MAP 84-828, was regularly introduced, passed, and adopted.

CONSENT CALENDAR

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

Community Design Commission Minutes

Minutes of 9-25-84. -- Received and filed.

Departmental Activities Report.

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

Subject: 96 - El Portal 8-inch Sewer Line - Project No. 11-84.

IN RE: Report from Community Development Director and Interim City Manager advising that plans and specifications have been prepared for the construction of an 8-inch ductile iron sewer pipe in the vicinity of West Portal and Buena Vista. -- Approved plans and specifications and authorized advertising for construction bids.

Subject: 105 - Easement Deeds - Marblehead/Lusk Zone IIB Water Transmission Main and Sewer Line, Lot 89, Tract 10685.

IN RE: Report from Community Development Director and Interim City Manager recommending accepting and recording two easement deeds from Marblehead/John D. Lusk & Son, granting (1) an easement for the Zone IIB Water Transmission Main, metes and bounds description, and (2) a sewer line easement across Lot 89, Tract 10685. -- Accepted easement deeds and authorized recordation.

Subject: 83 - Parking Citation Management Program.

IN RE: Report from Acting Police Chief and Interim City Manager requesting renewal of the contract with Provincial Data Systems, Inc. (PDSI) to process parking citations for the Police Department for an additional 12 months. -- Approved request and authorized execution of contract by the Interim City Manager and City Clerk.

Subject: 96 - Sewer Line Repair between Patero de Oro and Ave. de la Paz, Project No. 13-84.

IN RE: Report from Community Development Director and Interim City Manager requesting approval of Change Order No. 1 in the amount of \$1,500 for the sewer line repair between Patero de Oro and Avenida de la Paz by the contractor, Pandza Constructors. -- Accepted the work on the sewer line repair, Project 13-84 from the contractor, Pandza Constructors; approved Change Order No. 1 in the amount of \$1,500; and appropriated \$1,500 from the Sewer Fund Retained Earnings to project Account #54-4343-530.

Subject: 77 - Pool Blanket System.

IN RE: Report from Public Services Director and Interim City Manager reporting on the four bids received for the pool blanket system at Ole Hanson Beach Club. -- Accepted bid in the amount of \$9,563.58 from Knorr Pool Systems, Inc. for the purchase of Mac Ball Heat Saver pool blankets and stainless steel reels; appropriated an additional \$1,070.00 from the unappropriated Parks Acquisition and Development balances to cover the actual cost of this purchase above the budgeted amount of \$8,500 to Account #31-4539-550.

Subject: 100 - Slurry Seal Various City Streets - Project No. 15-84.

IN RE: Report from Public Services Director and Interim City Manager advising that specifications have been prepared for slurry sealing certain City streets -- Approved specifications and authorized advertising for bids.

Subject: 77 - Vehicle Storage for Recreation Excursion Program.

IN RE: Report from Public Services Director and Interim City Manager requesting approval of a contract between the City and Travel With "R.J." which provides for mini-bus parking in the City Corporation Yard facility for \$38.00 per month. -- Approved request and authorized City Attorney to prepare contract for City Council approval.

Subject: 106 - Reconstruction of Traffic Signal at North El Camino Real and Camino Capistrano.

IN RE: Report from Community Development Director and Interim City Manager requesting authorization to advertise for bids for the reconstruction of Traffic Signal at North El Camino Real and Camino Capistrano. -- Authorized Staff to advertise for bids.

Subject: 105 - Specific Plan No. 84-01 - Marblehead Inland Area 3.

IN RE: Communication from Planning Commission recommending approval of Specific Plan No. 84-01, being a request of Marblehead Inland Area 3 under Section 4.27 of the Zoning Ordinance (Planned Residential District) for a specific plan of land use located within the Open Space - Planned Residential Development (O-S-PRD) zoning district and within the boundaries of the Marblehead Inland Master Plan; legal description being a portion of Final Tracts No. 10881 and No. 10882. -- Set for public hearing on 11-7-84.

Subject: 105 - Tentative Tract Map No. 12167 - Marblehead Inland Area 3.

IN RE: Communication from Planning Commission recommending approval of Tentative Tract Map No. 12167, being a request of Marblehead Inland to subdivide approximately 65.5 acres into 16 lots to accommodate 258 residential dwelling units per acre located within the Open Space - Planned Residential Development (O-S-PRD) Zoning District and within the boundaries of Marblehead Inland Master Plan; legal description being a portion of Final Tracts No. 10881 and 10882. - Set for public hearing on 11-7-84.

CONSENT CALENDAR (Items removed for separate action)

Subject: 112 - Use Permit 84-18 - Wendy's Restaurant, 918 South El Camino Real.

IN RE: Use Permit 84-18, being the request of Wendy's Restaurant to allow a Wendy's drive-thru restaurant in the C-2 zone at 918 South El Camino Real.

IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED that Use Permit 84-18 be called up for review at the meeting of 11-7-84.

In response to query, Staff advised that this action will not hold up the building permits for the construction of the project.

Subject: 112- Use Permit 83-16 and Variance 83-06, Soto Kafetzopoulos, 1601 N. El Camino Real.

IN RE: Request of Soto Kafetzopoulos for a one-year time extension of previously approved Use Permit 83-16 and Variance 83-06 to allow a 50-room hotel, and to exceed 45 feet in height, located at 1601 N. El Camino Real.

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED that Use Permit 83-16 and Variance 83-06 be called up for review for the meeting of 11-7-84

Subject 112 - Use Permit No. 84-28, P. Bart Abrate.

IN RE: Use Permit No. 84-28, being the request of P. Bart Abrate to move and relocate a residential structure from 104 Alameda Lane to 121 Avenida Del Mar under the provisions of Section 24-2(1) of the City Code.

IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN LIMBERG, AND CARRIED that Use Permit 84-28 be called up for review at the meeting of 11-7-84. Mayor Carr "ABSTAINED."

IT WAS THEN MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to receive and file the Planning Commission Minutes of 10-2-84.

Subject 77 - Comments by Commissioner Arrowsmith at 9-11-84 Meeting.

IN RE: Councilman Diehl's referral to the Parks & Recreation Commission minutes of 9-11-84 and to a comment that Commissioner Arrowsmith made that the water tower located in Sea Pointe overflows at least twice a week.

Staff advised that they were aware of the situation; that there was a problem a number of months ago and that the Public Services Director has advised that the problem was over-irrigation by the homeowners association and not a leak at the reservoir.

Councilman Diehl inquired whether there was any mechanism for evaluating over water usage which can cause landslides and was advised in the negative.

IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN LIMBERG, that the question of an ordinance to control water be agendized for the next regular meeting so the full Council can discuss whether we need that type of ordinance. THE MOTION DIED FOLLOWING WITHDRAWAL OF THE SECOND.

IT WAS THEN MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to receive and file the Parks & Recreation Commission minutes of 9-11-84.

PAYING OF THE BILLS

IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED that Warrants No. 23701 through No. 23702, No. 24089 through No. 24100, and No. 14716 through No. 14992 be paid.

Total demands approved for payment for period ending October 16, 1984	\$ 474,634.08
Ratification of Payroll Warrant No. 24095 for period September 24, 1984 through October 7, 1984	\$ <u>166,580.95</u>
TOTAL WARRANT REGISTER	\$ <u>641,215.03</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.

A late communication was presented from Security Pacific Finance Corp. formally withdrawing their request to have Via Mimosa re-dedicated as a public street.

In view of withdrawal of the request, IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN LIMBERG, AND CARRIED to receive and file the matter. Mayor Carr "ABSTAINED."

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

IN RE: Further consideration of communication from Parks & Recreation Commission in response to Council referral, advising that after consideration of Mr. & Mrs. James 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.

Mr. Gatacre presented extensive remarks to the Council and reviewed the incidents of groups of people coming to the park who make loud noises and cause disturbance to the neighborhood, the constant state of disruption, and the frustration of coping with the situation. He also noted the exclusion of City-owned parks from the noise ordinance under Municipal Code Section 16-22.5 and requested lifting of this exemption so that enforcement could be accomplished. Mr. Gatacre further spoke of gang related problems in the area, the increase of grafitti in the restrooms, and noted a recent incident of a six-year old girl being near the restrooms in broad daylight and an approximate 15-year old youth calling her a foul name, pulling a switchblade knife on her, and performing an indecent exposure.

In response to query from Councilman Limberg, Acting Police Chief McDonell advised that approximately 18 out of 20 complaints concerning the park are received from Mr. Gatacre. Councilman Limberg added that he had talked to three of his neighbors and that they did not have any problems with the noise.

Following further discussion and noting the absence of two Council members, IT WAS MOVED BY MAYOR CARR, SECONDED BY COUNCILMAN DIEHL, to continue the matter to the meeting of 11-7-84.

During further discussion it was requested that Staff prepare an administrative report commenting on the exemption of public parks from the noise provisions, police involvement, parks master plan, and the issues commented on tonight.

With reference to play equipment located just across the street from residences, the Public Services Director advised that he expected to receive proposals for park planning in a few weeks with a new parks master plan developed by approximately February.

The Mayor then CALLED THE QUESTION ON THE MOTION WHICH WAS UNANIMOUSLY CARRIED.

Mr. Gatacre submitted photos depicting certain of the problems in the park area.

Subject 105 - Authorization to Select Consultant Services for
Preparation of EIR Report.

IN RE: Report from Community Development Director and Interim City Manager advising that five proposals were received for preparation of Talega Valley Specific Plan EIR.

The Community Development Director presented an explanation, responded to questions, and recommended that a contract be awarded to EDAW, Inc. in the amount of \$35,590 to prepare the EIR for the Talega Valley Specific Plan. Following discussion and at the request of Council, the item was continued until after consideration of agenda item 11-a.

Later in the meeting IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to approve a contract to EDAW, Inc. in the amount of \$35,590.

It was further noted that the developer pays the entire cost with the City receiving 25% of the contract price for administrative processing costs.

WRITTEN COMMUNICATIONS

Subject 117 - Request for Zone Change.

IN RE: Communication from Francisco P. Montesinos on behalf of his client Andrew Lui, who is buying the property at 2371 South El Camino Real (formerly the Casa Colina restaurant) with intention to open a Chinese Restaurant with a liquor license, and requesting a change of zoning to permit liquor sales.

It was noted that Mr. Montesinos had requested withdrawal of his letter.

Staff responded to questions from Council, following which IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED to refer to the Planning Commission to consider applicant's request for a change from the C-A (Commercial Apartment) District.

Mayor Carr noted that it would be appropriate to encourage the proposed amendment change.

COMMUNICATIONS FROM COMMISSIONS AND COMMITTEES

Subject 106 - Resolution No. 100-84 Making Avenida Magdalena a One-Way Street from its Intersection with Ardilla Lane at Calle Gomez to Ardilla Lane near Calle Del Cerrito.

IN RE: Communication from Planning Commission recommending adoption of resolution amending the Uniform Traffic Ordinance to make Avenida Magdalena a one-way street from its intersection with Ardilla Lane at Calle Gomez to Ardilla Lane near Calle Del Cerrito.

Upon motion of Councilman Diehl, seconded by Councilman Limberg, and unanimously carried, RESOLUTION NO. 100-84 BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING A PORTION OF AVENIDA MAGDALENA AS A ONE-WAY STREET FROM ITS INTERSECTION WITH ARDILLA LANE AT CALLE GOMEZ TO ARDILLA LANE NEAR DEL CERRITO, was regularly introduced, passed, and adopted.

Subject 77 - Request for Fee Reduction - Vineyard Christian Fellowship.

IN RE: Communication from Parks & Recreation Commission recommending a fee reduction in Community Center rental rates for Vineyard Christian Fellowship of San Clemente to conduct a Thanksgiving dinner for disadvantaged persons at the Community Center.

IT WAS MOVED BY MAYOR CARR, SECONDED BY COUNCILMAN DIEHL to concur with the Parks & Recreation Commission's recommendation.

During discussion, Councilman Diehl expressed his philosophical concern in waiving the fee since there are many other non-profit groups that have been denied fee waiver, and that in order to resolve this matter at a recent Kiwanis Board meeting it was authorized that they would pay the fees to the City to allow this mission to go forward, and that a policy statement should be set by Council as to whether they want to waive fees for other groups.

A SUBSTITUTE MOTION WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to direct Staff to go ahead and determine what the fee would be for the nonprofit group, hopefully under \$250 which the Kiwanis Club is willing to pay, and that the Kiwanis Club will pay the facility fees to help this group in their endeavor to take care of the underprivileged at Thanksgiving time.

URGENT MATTERS

Subject 112 - Use Permit 84-12, Sea Canyon Project.

IN RE: Late communication from The Isaacs Group requesting that Use Permit 84-12, being the request under Section 5.6 of the Zoning Ordinance to allow two temporary signs (64 square feet and 16 square feet); two temporary sales offices (one trailer and one garage), three model homes and twenty pennants on flag poles at 732, 734 and 736 Calle Vallarta, Tract 9066 be approved by the City Council tonight.

David Isaacs advised that this application relates to the model complex and sales office of a subdivision wherein the first phase of construction has been completed and it is extremely important to have this sales area open and operating as soon as possible; and that the Planning Commission approved the Use Permit subject to five findings and 14 conditions at their meeting of October 16.

Following discussion and comments as to the legal constraints and appeal period, that there was not a full Council present to consider the request, and that one or both of the absent members might even want to call it up for review, IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to receive and file the request.

ITEMS FROM CITY MANAGER

Subject 52 - Acquisition of Site for Fire Station No. 2.

IN RE: Report on negotiations with San Diego Gas & Electric re acquisition of site for Fire Station No. 2.

The Interim City Manager noted that San Diego Gas & Electric has accepted the City's offer of \$250,000 cash for the purchase of a portion of their Orange County Operating Center property on Camino de los Mares.

Inasmuch as the sales agreement needs to be in their office no later than Monday, November 5, in order to be ready for their November 19th Board meeting, the agreement will be presented for authorization to execute at the October 24th Council meeting to be held jointly with the various Commissions and Committees.

Subject 52 - Fireworks Display on October 26, 1984.

IN RE: Report from Fire Protection Director and Interim City Manager advising that Pyro Spectaculars has requested permission to conduct a fireworks display for the San Clemente High School Homecoming Football Game on October 26, 1984.

IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED that the request for a private fireworks display permit at the San Clemente High School for the Homecoming Football Game on October 26, 1984 be approved and that the Fire Protection Director be authorized to issue a fire permit; and that a condition be placed on this permit requiring that one (1) fire unit be present on-site during the entire display and to be paid for by the applicant at the time the permit is issued.

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The Interim City Manager referred to an editorial in the Daily Sun Post stating that Amtrak and Caltrans have a multimodal transportation center targeted for Capistrano Beach; that all stops would be eliminated in San Juan Capistrano and San Clemente even though the San Clemente stop generates the most ridership on the run; that Staff has been in contact with the County, OCTD and Caltrans who indicate no knowledge of this proposal; and that Staff will continue to keep abreast of the situation.

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The Interim City Manager requested a Closed Session to discuss a personnel matter.

ITEMS FROM COUNCIL MEMBERS

Councilman Diehl referred to the letter from Gerald L. Bourdages concerning a study he had made of the Del Mar business area and public opinion concerning parking, merchandise and prices; and noted the kind remarks about the cooperation received at the Planning and Engineering desk and from the Business License counter at City Hall.

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Councilman Diehl expressed appreciation for the letter from Howard Massie suggesting certain ideas for utilization of revenues generated from the eighteen acres of land if the sewer plant relocation is approved.

Subject: 68 - Proposed Resolution of O.C. Division, League of California Cities re Hazardous Waste Management.

IN RE: Proposed resolution of the Orange County Division, League of California Cities encouraging formation of an eight-county hazardous waste management implementing authority in Southern California.

Councilman Diehl requested the resolution be agendized and it was so ordered by the Mayor, that the proposed resolution be agendized for the meeting of 11-7-84.

Subject: 22 - Master Plan for John Wayne Airport.

IN RE: Proposed resolution of support for the upcoming master plan for John Wayne Airport.

Mayor Carr requested and the Council concurred to agendize for the 11-7-84 meeting a proposed resolution recommending general improvements at John Wayne Airport as outlined in the 1984 master plan.

Mayor Carr noted that he would be appearing on "Meet the Mayor's" which is a 30-minute program which will be shown on October 30 and November 3 on Channel 9 from 6 to 6:30 a.m.; and that as part of his presentation he will show the Chamber of Commerce film "California's Best Kept Secret".

NEW BUSINESS

Subject: 45 - Proposed Staff Execution of Certain Service Contracts.

IN RE: Report from Community Development Director and Interim City Manager requesting that the Community Development Director be authorized to enter into contracts without City Council approval with consultants for services related to the departmental functions which do not require City funds.

IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN LIMBERG to approve the request.

Norman J. Ream expressed his opposition to the proposal and expressed comments relating thereto, noting that this was highly questionable from normal management practices. He further noted that in the contract agreement (Wastewater Treatment Facilities) signed with the developers this week there is a provision which provides that only the Community Development Director can draw money on the four letters of credit of \$1 million each and that he opposes the City Council granting that capability to any individual member of the Staff.

Council members Limberg and Diehl expressed reasons why they felt this was a proper delegation of responsibility under these particular circumstances.

Following considerable discussion as to management practices and the need for a delegation system, IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY MAYOR CARR, AND UNANIMOUSLY CARRIED to approve in concept and that proper wording be brought back for full Council review in three weeks.

Subject: 105 - EIR for Marblehead (Coastal) Specific Plan.

IN RE: Report from Community Development Director advising that five firms responded with proposals to prepare the EIR for the Marblehead (Coastal) Specific Plan, with a range in price from \$13,500 to \$24,000.

Upon recommendation of the Community Development Director, IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to award the contract to Ultrasystems in the amount of \$19,610.

Staff advised that of the total amount to be paid by the developer \$4,902 or 25% will be retained by the City for administrative costs.

Subject 33 - Coastal Commission Priority Recommendations for New State Parks.

IN RE: Report from Community Development Director and Interim City Manager relative to City policy regarding Coastal Commission priority recommendations for new State Parks.

IT WAS MOVED BY MAYOR CARR, SECONDED BY COUNCILMAN DIEHL to recommend to the Coastal Commission that their priority recommendation for new State Parks be amended to delete from Priority Group 3 the additions and improvements to San Clemente State Beach which is for property north of Avenida Pico at Pacific Coast Highway; and in addition direct the Mayor to send a letter immediately to the Coastal Commission outlining in detail the City's reasons for deletion.

During discussion, members of the Council expressed their concern as to the Coastal Commission's action. Staff also responded to questions concerning the status of the local coastal plan.

It was advised that the Coastal Commission will be hearing the matter concerning parks acquisition on October 24 in Carmel and the Community Development Director will be attending the meeting, and it was suggested a member of Council also try to attend.

The Mayor then called for the QUESTION WHICH CARRIED UNANIMOUSLY.

RESOLUTIONS

For Resolution No. 99-84 see under "PUBLIC HEARINGS" on page 2.
For Resolution No. 100-84 see under "COMMUNICATIONS FROM COMMISSIONS AND COMMITTEES" on page 7.

Subject 33 - Resolution No. 101-84 Approving the Application and The Project Agreement for Historic Preservation Grants-In-Aid Funds.

IN RE: Report from Community Development Director and Interim City Manager requesting approval of resolution authorizing the filing of a grant application to the Office of Historic Preservation for \$15,000 to conduct an inventory of historically and architecturally significant structures.

Upon motion of Councilman Limberg, seconded by Councilman Diehl, and unanimously carried, RESOLUTION NO. 101-84, BEING A RESOLUTION OF THE CITY COUNCIL OF SAN CLEMENTE APPROVING THE APPLICATION AND THE PROJECT AGREEMENT FOR HISTORIC PRESERVATION GRANTS-IN-AID FUNDS FOR CONDUCTING AN INVENTORY OF HISTORIC STRUCTURES WITHIN THE CITY OF SAN CLEMENTE, CALIFORNIA, was regularly introduced, passed, and adopted.

ORDINANCES

For Ordinance No. 898 see under "PUBLIC HEARINGS" on page 2.

Subject 31 - Ordinance No. 899 Adopting the 1982 Editions of the Uniform Building Code and Related Codes; and Ordinance No. 900 Adopting The National Electrical Code, 1984 Edition; Uniform Plumbing Code, 1982 Edition; and Uniform Mechanical Code, 1982 Edition; and Certain Amendments Thereto.

IN RE: Proposed ordinances adopting updated Building, Plumbing, Electrical, Mechanical and related Codes.

Upon motion of Councilman Diehl, seconded by Councilman Limberg, and unanimously carried, ORDINANCE NO. 899, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING THE 1982 EDITIONS OF THE "UNIFORM BUILDING CODE"; THE "HOUSING CODE"; THE "UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS" INCLUDING THE APPENDICES THERETO, AND THE "UNIFORM BUILDING CODE STANDARDS", 1982 EDITION, AND THE WHOLE THEREOF AS PUBLISHED BY THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS, SAVE AND EXCEPT SUCH PORTIONS AS ARE HEREINAFTER DELETED, MODIFIED OR AMENDED; SAID CODES REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT AND USE, HEIGHT, AREA, AND MAINTENANCE OF ALL BUILDINGS OR STRUCTURES IN THE CITY OF SAN CLEMENTE; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; AND AMENDING CERTAIN SECTIONS OF CHAPTER 24 OF THE CODE OF THE CITY OF SAN CLEMENTE, was regularly introduced by title only and the reading in full thereof unanimously waived.

Upon motion of Councilman Diehl, seconded by Councilman Limberg, and unanimously carried, ORDINANCE NO. 900, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING THE "NATIONAL ELECTRICAL CODE, 1984 EDITION", AS PUBLISHED BY THE NATIONAL FIRE PROTECTION ASSOCIATION, WITH CERTAIN AMENDMENTS AND DELETIONS; ADOPTING THE "UNIFORM PLUMBING CODE, 1982 EDITION" AND "UNIFORM MECHANICAL CODE, 1982 EDITION", AS PUBLISHED BY THE INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS, WITH CERTAIN AMENDMENTS AND DELETIONS; SAID CODES REGULATING THE INSTALLATION, ALTERATION OR REPAIR, AND THE USE OF ANY ELECTRICAL WIRING DEVICES, FIXTURES, APPLIANCES, OR EQUIPMENT IN THE CITY OF SAN CLEMENTE; REGULATING THE INSTALLATION, ALTERATION OR REPAIR AND THE USE OF ANY PLUMBING OR DRAINAGE SYSTEMS IN THE CITY OF SAN CLEMENTE; REGULATING THE INSTALLATION, ALTERATION OR REPAIR AND THE USE OF ANY HEATING, VENTILATING, REFRIGERATION OR AIR CONDITIONING FACILITIES IN THE CITY OF SAN CLEMENTE; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; AMENDING CHAPTER 25, 26 AND 27 OF THE CODE OF THE CITY, was regularly introduced by title only and the reading in full thereof unanimously waived.

IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to set Ordinance No. 899 and Ordinance No. 900 for public hearing on 11-21-84.

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 personnel matters.

MEETING RECONVENED AND ADJOURNMENT

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED that the Council Meeting be adjourned at 10:35 P.M. to 7:00 P.M., October 24, 1984, at the Ole Hanson Beach Club.



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 October 17, 1984 ,
said meeting was ordered adjourned to the time and place specified in the
Order of Adjournment ATTACHED HERETO; that on October 18, 1984 , at the
hour of 8:00 A.M. , 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
October 17, 1984 , was held.

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

Subscribed and sworn to before
me this 18th day of October, 1984

Marjorie L. Will



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, October 17, 1984, at 7:00 P.M., Mayor Kenneth E. Carr presiding.

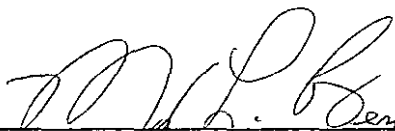
ROLL CALL

PRESENT: Council Members - DIEHL, LIMBERG, AND CARR
ABSENT: Council Members - KOESTER, AND MECHAM (arrived at 9:25 P.M.)

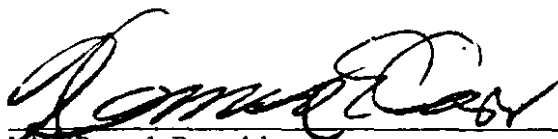
Also Present: Gary E. Brown, Interim City Manager; Max L. Berg, City Clerk; and Kathryn Tobin, Deputy City Attorney

ADJOURNMENT

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED that the Council Meeting be adjourned at 10:35 P.M. to 7:00 P.M., October 24, 1984, at the Ole Hanson Beach Club.



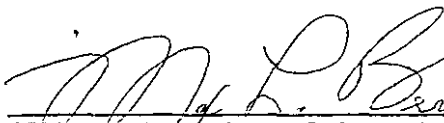
CITY CLERK and ex-officio
Clerk of the City Council



MAYOR and President
of the City Council

Certified to be a true and correct
copy of excerpts from the Oct. 17,
1984 Council Minutes

Dated this 18th day of October, 1984



CITY CLERK, City of San Clemente