

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, November 21, 1984, at 7:00 P.M., Mayor Kenneth E. Carr presiding.

PLEDGE OF ALLEGIANCE AND INVOCATION

Pledge of Allegiance to the Flag of the United States of America was led by Mayor Carr. Invocation was given by Mayor Carr.

ROLL CALL

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

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

PUBLIC HEARINGS

Subject: 105 - Resolution No. 106-84 Approving Tentative Parcel
Map 84-830.

IN RE: Public hearing to consider Tentative Parcel Map No. 84-830, being the request of Kenneth McMurray to subdivide .147 acres to construct a three-unit residential condominium at 210 West Escalones located on the north side of West Escalones approximately 150 feet from its intersection with Calle Puente; legal description being Lot 24, Block 1, Tract 794; and to consider the approval of a negative declaration with respect to the project.

The Mayor opened the public hearing and there being no one wishing to be heard it was closed. During Council discussion, Councilwoman Koester stated that she agreed with the Planning Commission as to their concern of lack of turning radius on the current plans; requested that Staff be sure that the plans are adjusted so that the cars will not back out into the street and that there will be extra space provided for a turning radius.

Staff displayed a map noting that there would be no problem for two of the units; that the owner of the other unit should be encouraged by the manager to do whatever he can to enter the street on a forward motion; that this is an odd shaped lot and not an ideal situation, however, Staff will work with the applicant to adjust the plans.

Upon motion of Councilman Diehl, seconded by Councilman Mecham, and unanimously carried, RESOLUTION NO. 106-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE NEGATIVE DECLARATION AND CONDITIONALLY APPROVING TENTATIVE PARCEL MAP NO. 84-830, was regularly introduced, passed, and adopted.

Subject: 105 - Resolution No. 107-84 Approving Tentative Parcel
Map No. 84-831.

IN RE: Public hearing to consider Tentative Parcel Map 84-831, being the request of San Diego Gas & Electric to subdivide approximately 6.29 acres into three parcels for commercial purposes located at 674 Camino de Los Mares; the General Plan Use Element designates the site as Highway Commercial and is zoned C-2; legal description being Record of Survey 4-15.

The Interim City Manager referred to a letter received from W. S. Webb, District Director of San Diego Gas & Electric, advising of the actions taken by San Diego Gas & Electric to keep noise levels to a necessary minimum as a result of a petition signed by residents on Calle Canasta and Camino de Los Mares.

The Mayor opened the public hearing and there being no one wishing to be heard it was closed, and upon motion of Councilman Diehl, seconded by Councilman Mecham, and unanimously carried RESOLUTION NO. 107-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP NO. 84-831, was regularly introduced, passed, and adopted.

Subject: 31 - Ordinance No. 899 Adopting by Reference the 1982 Editions of the Uniform Building Code and Related Codes; and Ordinance No. 900 Adopting by Reference the 1984 Edition of the National Electrical Code, the 1982 Editions of the Uniform Plumbing Code and Uniform Mechanical Code.

IN RE: Public hearing to consider adoption of Ordinance No. 899 which will adopt by reference the 1982 editions of the "Uniform Building Code" and related codes; and to consider adoption of Ordinance No. 900 which will adopt by reference the 1984 edition of the "National Electrical Code," and the 1982 editions of the "Uniform Plumbing Code" and "Uniform Mechanical Code."

Staff responded to questions from Councilwoman Koester noting there were no significant changes from the previous codes; and that this was merely an update which occurs every three years.

The Mayor opened the public hearing and there being no one wishing to be heard it was closed.

Upon motion of Councilman Mecham, seconded by Councilman Diehl, 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, having been regularly introduced at the meeting of 10-17-84, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted.

Upon motion of Councilman Mecham, seconded by Councilman Diehl, 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 THEREFORE; AMENDING CHAPTERS 25, 26 AND 27 OF THE CODE OF THE CITY, having been regularly introduced at the meeting of 10-17-84, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted.

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 10-24-84 (joint), 11-7-84 (regular), and 11-13-84 (adjourned). -- Approved as presented, and reading in full thereof waived.

Community Design Commission Minutes

Minutes of 10-23-84. -- Received and filed.

Golf Course Committee Minutes

Minutes of 10-8-84. -- Received and filed.

Departmental Activities Report

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

Subject: 35 - Request for Chamber of Commerce to Use Lawn Area of Community Center on December 5, 1984.

IN RE: Communication from Alex W. Goodman, Executive Manager, requesting the Chamber of Commerce be permitted to use the lawn area of the Community Center on December 5, 1984, for the annual Christmas Tree Lighting Ceremony. -- Approved request subject to requirements of City Departments.

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

IN RE: Report from Public Services Director and Interim City Manager reporting on three bids received for slurry sealing various City streets, Project No. 15-84. -- Accepted low bid of the Slurry Mix Co., Inc. for slurry sealing various City streets, Project No. 15-84, at the bid price of \$24,776.44.

Subject: 42 - Claim for Damages Filed by Fred J. & Carolyn Scheid.

IN RE: Claim for damages filed by Fred J. & Carolyn Scheid in the amount of \$2,813.60 for failure to stub out sewer line to property line at 209 East San Gabriel. -- Based on insurance adjuster's recommendation, the claim was denied.

Subject: 42 - Claim for Damages Filed by Westec Services, Inc.

IN RE: Claim for damages filed by Westec Services, Inc. for alleged monetary losses associated with the EIR for the Talega Valley Specific Plan. -- Based on the insurance adjuster's recommendation, the claim was denied.

Subject: 105 - Acceptance of Dedication of Avenida Vista Hermosa and San Diego Freeway Interchange - Tract 10687.

IN RE: Report from Community Development Director and Interim City Manager advising that the rights of way for Avenida Hermosa and the freeway interchange were not dedicated during the recordation of Tract 10687 due to the preliminary nature of its location. -- Accepted the dedication of parcels 1 through 3 of portions of Lots 1 and 2 of Tract No. 10687 for the proposed Avenida Vista Hermosa and San Diego Freeway Interchange from Lanesboro Associates, record owner of Tract 10687; and authorized recordation of the grant deed.

Subject: 35 - Appointment of Advisory Board Relating to Business Improvement Area No. 1.

IN RE: Report from City Clerk and Interim City Manager relating to the appointment of an Advisory Board for "Business Improvement Area No. 1" which will make recommendations to the Council for expenditure of revenues for business promotional purposes, said revenues derived from the additional business license tax levy to be collected commencing 1-1-85. -- As recommended by the Chamber of Commerce appointed an Advisory Board for "Business Improvement Area No. 1" comprised of Peter Linnenbach, Chairman, Anneliese Frey, Maxine Oberhansly, Roma Doherty, and Don Angier.

Subject: 110 - Proposed North Beach Underground Utility District.

IN RE: Report from Community Development Director and Interim City Manager reporting on the feasibility of undergrounding the overhead utilities in the vicinity of the Ole Hanson Beach Club and that San Diego Gas & Electric Co. has made a preliminary review of the project and estimates that the cost will be approximately \$500,000. -- Set for public hearing January 2, 1985, to consider the formation of an underground utility district within the designated North Beach Area.

Subject: 20(48) - Status Report Relating to Property at 717 Avenida Columbo.

IN RE: Question of possible nuisance abatement proceedings concerning property and slide debris at 717 Avenida Columbo. -- Continued to the meeting of 12-5-84 to allow Staff an opportunity to evaluate work that has been accomplished to date.

Subject: 106 - Speed Zone Updates.

IN RE: Further consideration of communication from Planning Commission recommending that the Uniform Traffic Ordinance be amended adopting speed limits on certain San Clemente streets as shown on Exhibit "A". -- Continued to the meeting of 12-5-84 to allow Staff an opportunity to discuss the matter with interested parties in the Shorecliffs area.

Subject: 42 - Claim for Damages Filed by John M. Mountain.

IN RE: Claim for damages filed by John M. Mountain in the amount of \$3 million punitive damages, \$500,000 for loss of income, and \$200,000 medical for alleged false arrest. -- Based on insurance adjuster's recommendation, the claim was denied.

Subject: 42 - Claim for Damages Filed by Donna L. Ray (AKA) Mountain.

IN RE: Claim for damages filed by Donna L. Ray (AKA) Mountain in the amount of \$5 million punitive damages, \$500,000 medical, and \$5,000 loss of wages for alleged false arrest. -- Based on insurance adjuster's recommendation, the claim was denied.

Subject: 99 - Political Advertising.

IN RE: Report from Fire Protection Director and Interim City Manager referring to political advertising during campaigns and a recent Supreme Court decision that cities have the right to control visual pollution. -- Authorized City Attorney to review the sign ordinance relative to restrictions on political signs and prepare any necessary amendments.

Subject: 33 - Coastal Commission Recommendation to the State Parks & Recreation Commission.

IN RE: Report from Community Development Director and Interim City Manager advising that on 10-24-84 the California Coastal Commission adopted a revised recommendation affecting the San Clemente State Beach which has been forwarded to the State Parks & Recreation Commission. -- That the Mayor be directed to send a letter to the State Parks & Recreation Commission clarifying the City's position relative to the Coastal Commission priority recommendation affecting the City of San Clemente.

CONSENT CALENDAR (Items removed for separate action)

Subject: 99 - Sign Exception 84-04, City of San Clemente Municipal Golf Course.

IN RE: Referral to Planning Commission minutes of 11-6-84 and Sign Exception No. 84-04, being a request for an exception from Section 28.14(g) of the Sign Ordinance to allow off-site advertising to be placed on new tee signs at the Municipal Golf Course.

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that Sign Exception No. 84-04 be called up for review and set for public hearing on 12-19-84.

IT WAS THEN MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED to receive and file the Planning Commission minutes of 11-6-84.

Subject: 77 - Negotiating Agreement for Championship Softball Complex.

IN RE: Report from Public Services Director and Interim City Manager recommending that Staff develop an exclusive negotiating agreement between the City and South Coast Sports Complexes (SCSC) designed to lead to the development of a championship softball complex within the Rancho San Clemente development area.

Following discussion and expression of certain concerns by Councilwoman Koester and Mayor Carr, IT WAS MOVED BY COUNCILWOMAN KOESTER, SECONDED BY MAYOR CARR to refer the matter back to the Parks & Recreation Commission for further delineation.

The City Attorney noted that the recommended procedure was not a commitment on the City's part; that it was only an opportunity to sit down for a period of 90-120 days to attempt to work out an agreement; that the only commitment the City would make in that process would be not to negotiate with anyone else while negotiating with the developer; and that there is no commitment of City funds.

Following comments by Dee Hedborg, Parks & Recreation Commissioner, that the Commission approved of the concept and wanted to pursue the matter further, A SUBSTITUTE MOTION WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL to authorize the Public Services Director and City Attorney to develop an exclusive negotiating agreement between the City and South Coast Sports Complexes (SCSC).

Mayor Carr noted that he would support the substitute motion with the understanding and expectation that when the matter comes back to the Council that the Parks & Recreation Commission will have had an opportunity to take some action on the 11-7-84 Council's referral of the market and financial analysis to the Commission for their review and input.

The Mayor then called for the QUESTION WHICH CARRIED with Councilwoman Koester voting "NO" stating that there should be more guidelines and more basic information with which to approach this company in order for them to get a better idea of the realities.

PAYING OF THE BILLS

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED that Warrants No. 23734 through No. 23749, and No. 15343 through No. 15629 be paid.

Total demands approved for payment for period ending	
November 20, 1984	\$ 818,742.05
Ratification of Payroll Warrant No. 23736 for period	
October 22, 1984 through November 4, 1984	\$ 164,397.78
TOTAL WARRANT REGISTER	<u>\$ 983,139.83</u>

Subject: 51 - Report on Status of Computer System.

IN RE: Councilwoman Koester's comments that the warrant register arrived too late for her to audit; and that there has been considerable down time on the system.

IT WAS MOVED BY COUNCILWOMAN KOESTER, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED to direct Staff to prepare a report for the meeting of 12-19-84 advising Council as to how we are doing in terms of our contract with the present computer system and how we are doing in the area of coming on line with the City's own computer system.

UNFINISHED BUSINESS

Subject: ⁵⁵~~68~~ - The Orange County Major Thoroughfare and Bridge Fee Program.

IN RE: Further consideration of report from Community Development Director and Interim City Manager advising that the Board of Supervisors and Orange County Transportation Commission have adopted three basic policy statements regarding the major thoroughfare and bridge fee program and have requested that these policy statements be similarly adopted by the Councils of the corridor cities.

Following comments by Council members, IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL to adopt policy statement as set forth in Administrative Report dated 10-31-84, and authorize Staff to work with the County to finalize concepts of boundary adjustments and inclusion of Vista Hermosa Interchange into the fee program.

Following further discussion relating to growth, funding, change in boundaries, need to get involved in the formation of the program; and the fact that the developers have indicated that if there is such a program they would prefer that those fees go forward to the Foothill Corridor and not the San Joaquin Corridor, the Mayor called for the QUESTION WHICH CARRIED with Councilwoman Koester voting "NO."

IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to appoint Councilman Diehl as the City Council representative to this particular body (representing the City at meetings concerning the fee program).

Subject: 96 - Reconstruction & Expansion of the Existing Water Reclamation Plant.

IN RE: Report from Community Development Director and Interim City Manager advising that in order to provide expanded reclamation plant capacity in accordance with the requirements of the agreement between the City and ranch owners, the City must begin expansion of the existing plant and form an assessment district (covering the ranch properties only) to pay for the costs of the plant expansion.

The main points of a lengthy discussion, question and answer period are briefly summarized as follows: Councilwoman Koester noted for the record that anything she approves in regard to the expansion will not be because of the agreement with the ranch owners since she feels it is not a valid contract.

The following members of the audience spoke and their main comments are briefly noted as follows: Bernard Beckerlegge suggested that the developers build a plant to take care of their own requirements; that the plant could be built according to City specifications and that the cost be kept separate and that the City not get involved. Norman J. Ream alleged that the contract agreement entered into by the City and the developers is illegal; that at this time the City is going to make available a plant that has a net value of \$9 million with the land valued at \$400,000; that the contract in addition calls for the City to provide \$5.5 million; that the contract should be aborted and the City rewrite a contract that is favorable to the City and all parties concerned; that in regard to the firms recommended by Staff under State Code public contracts must go to open bid and suggested that the City go to open bid and allow firms such as Engineering Science to have an opportunity to perform the design work for plant expansion. Walter Webb presented extensive comments and questioned how much the design of the plant will cost the citizens of San Clemente; and submitted a petition containing 25 signatures stating that the awarding of a contract without competitive bids is not in the best interest of the people and might be illegal. Joseph Barton stated that the Board of Directors of the San Clemente Homeowners Association does not understand the contract with the ranch owners; that the waiving of hookup fees was not properly explained to the citizens; inquired as to who is going to pay interest on letters of credit; and why the ranchers/developers have all options to terminate the contract at several stages whereas the City has none; and that as a pure sense of economics all contracts should go out to bid.

In response to query from Mayor Carr, Staff advised that if Council approves of negotiations with John Carollo Engineers a recommended contract for preparation of final design report will be brought back for Council approval. Mayor Carr suggested that Engineering Science should be included together with John Carollo Engineers as a consortium inasmuch as they were the designers of the original plant which included expansion capabilities. Councilman Mecham commented that he feels Engineering Science is at fault with the present sewer plant problems.

Upon query from Councilman Mecham, the City Attorney reiterated that the City has no legal responsibility for competitive bidding for professional services as this type of work does not require competitive bidding under State law; and that there is no question in his mind as to the validity of the contract agreement with the ranch owners and that it is legal and enforceable.

In response to query from Councilman Limberg, Staff advised that John Carollo Engineers is recommended as the design engineer based on their familiarity with the existing plant; studies they have made; reputation of the engineering firm; and that they are familiar with the objectives of the City and the assessment district process.

In response to Mr. Beckerlegge's suggestion, the City Attorney advised that would be inconsistent with the initiative Proposition and ordinance adopted by the voters in April 1984, which requires that any expansion of sewer treatment capabilities within the City must occur at the existing site and would not permit separation--whether privately or publicly owned; and that if that option were to be explored it would require another ballot measure placed before the voters.

Councilwoman Koester suggested taking another look on the advisability of bidding on the design work; that the John Carollo 1984 report is not consistent with the recommendations in the 1981 report; and that perhaps an investigation into the design and construction of the present plant might be feasible.

Following further discussion and comments, IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG to authorize Staff to negotiate contracts for reconstruction and expansion of the existing Water Reclamation Plant with the following firms: John Carollo Engineers, design engineer; Rutan and Tucker, bond attorney; Fieldman, Rolapp and Associates, financial consultants; Willdan Associates, assessment district engineers.

During discussion on the motion, Councilman Mecham noted that we know what kind of firms these are; that they have had experience and he feels comfortable with them; that we need to get the process moving and expand the sewer capacity as we do not have a choice. Councilman Limberg agreed that he was also comfortable with the firms and the time had come to stop debating and get moving; that the community was offered an alternative which they elected not to accept and we should proceed without any further delay. Councilwoman Koester referred to the six alternatives in the 1981 Carollo report; that competitive bidding is necessary; that she did not believe in the assessment district process; and does not believe in waiving sewer hookup fees for one developer while in other instances requiring that the ordinances must be adhered to. For the record Councilman Mecham reviewed the costs which will be borne by the back country developers under the terms of the agreement for expansion of plant facilities; that letters of credit in the amount of \$4 million are on file with the City which can be used to pay the fees of the consultants. Mayor Carr commented that although it was no reflection on the ability of John Carollo Engineers, he felt that in the best interest of all parties to be served in the preparation of the design report, the original design engineers should be included along with John Carollo Engineers as a consortium.

Following further Council comments, the Mayor called for the QUESTION WHICH CARRIED with Councilwoman Koester and Mayor Carr voting "NO".

Subject: 96 - Water Reclamation Plant EIR 84-04.

IN RE: Report from Community Development Director and Interim City Manager requesting approval of BCL Associates, Inc. for the preparation of the EIR for the proposed reconstruction and expansion of the Water Reclamation Plant.

Norman J. Ream referred to the agreement signed with the developers and stressed that Council make sure that any EIR contract approved is only for the existing plant site. For clarification, the City Attorney noted that under the California Environmental Quality Act the EIR will be identifying the expansion of the existing plant as the project, however, the EIR will be required to consider reasonable alternatives to the project and the law would require that some identification of potential alternative sites be examined; and that the middle Pico site will be one of the comparisons that the EIR will address as well as possible other alternatives such as going to SERRA or sites that the Council or voters have rejected in the past.

Glenn Roy noted some problems at the plant that need attention--one being the toxic fumes that are generated by flash combustion of the sludge, and also the situation of landscaping; and requested that the EIR look into the aspects of air and visual pollution.

Following Council comments, IT WAS THEN MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND CARRIED to authorize the Community Development Director to execute a contract with the firm of BCL Associates, Inc. for the preparation of an Environmental Impact Report assessing the proposed expansion of the City's Water Reclamation Plant. Councilwoman Koester voted "NO."

URGENT MATTERS

Subject: ⁷⁵116 - Planning Commission Interpretation of Zoning Ordinance
Relating to Allowance of Tandem Parking.

IN RE: Planning Commission interpretation of Zoning Ordinance that special development standards pertaining to substandard lots and parcels allow tandem parking.

James Provost, representing the owners of a lot scheduled for development at 214 Avenida Marquita advised that in developing this lot they are required to have four parking spaces subject to a 15-foot setback area and that they cannot be in the side yard and cannot be tandem; that there is no way to squeeze four parking spaces onto a 40' lot; that at the Planning Commission meeting last night the requirements were changed so that this type of development would be allowed tandem parking consistent with the interpretation not to encroach into the right-of-way.

In response to query as to the urgency of this matter, Mr. Provost advised that due to some of the delays with this particular property if they do not build within the next 45 days it goes into foreclosure and requested Council approve the Planning Commission's interpretation of the zoning ordinance to allow tandem parking. The City Attorney noted that the ordinance allows the Planning Commission to make that type of determination; that there is no appeal period or procedure except if the City Council directs the Planning Commission to adopt a different interpretation. Mayor Carr noted that unless the Council takes some action on the interpretation the Planning Commission decision is final and that the applicant could proceed at his own risk.

ITEMS FROM CITY MANAGER

Subject: 64 - Timber Piles for Storm Drain Construction Southeast
of Marine Safety Headquarters.

IN RE: Report from Public Services Director and Interim City Manager reporting on two bids received for driving six (6) timber piles on the beach southeast of Marine Safety Headquarters, Project No. 18-84.

IT WAS MOVED BY MAYOR CARR, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED to accept the low bid of Healy Tibitts Construction Co. for driving six (6) timber piles on the beach southeast of Marine Safety Headquarters, Project No. 18-84, at the bid price of \$6,540.00.

Subject: 100 - Avenida Del Mar Reconstruction Project.

IN RE: Avenida Del Mar Reconstruction Project.

For Council information the Interim City Manager referred to a memorandum from the Senior Planner noting that at their 11-20-84 meeting the Planning Commission adopted a motion requesting the City Council to consider incorporating into the Avenida Del Mar improvement program requirements that the north/south alleys which connect Del Mar with City parking lots off Cabrillo and Granada be designed for pedestrian use only on the basis that these alleys are hazardous, are necessary to access the parking lots, pedestrian access to the parking lots is needed, and proper design could create a decorative, inviting, human scale access to the parking lots; and require that bicycle racks be installed within proposed pedestrian nodes on Del Mar.

The Interim City Manager noted that the Fire Protection Director Ron Coleman has accepted a position with the City of Fullerton; that he has made a major contribution to the City of San Clemente and that we wish him every success in his career and endeavors; that he has briefed Mr. Hendrickson and will be discussing with him the matter of appointing an Interim Fire Chief until a replacement is found.

Since this was his last meeting as Interim City Manager Gary Brown thanked the City Council and City Staff for their support over the last five months.

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

ITEMS FROM CITY ATTORNEY

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

ITEMS FROM COUNCIL MEMBERS

Subject: 106 - Discussion Relating to Results of Advisory Vote on Proposition "O".

IN RE: Discussion relating to results of advisory vote on Proposition "O" concerning the maintaining of existing standards which prohibit the parking of boats, trailers, and recreational vehicles on private property within the applicable setback areas of the lot.

The Fire Marshal advised that they were in the process of preparing a notice that will be sent to the residents that are in violation of the existing City ordinance, stating when the enforcement will take place, and hopefully advising where they can find parking. Phyllis Trigg made comments and had questions concerning the size and dimension of recreational vehicles that can be parked on the street and Mayor Carr suggested she pursue the matter further with the Police Department.

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND CARRIED to direct Staff to proceed with the plans as outlined to Council by the Fire Marshal tonight. Councilman Diehl voted "NO."

Noting there may be need to make certain clarifying changes in current ordinances, IT WAS THEN MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that the City Attorney review the existing ordinance sections that pertain to this subject.

Subject: 96 - Discussion Relating to Results of Proposition "P".

IN RE: Discussion relating to results of Proposition "P" concerning relocating the water reclamation plant facilities to the site commonly referred to as "middle Pico."

IN RE: Request for Council discussion and direction regarding revision of the General Plan based on the plant remaining at the existing site.

Following discussion, IT WAS MOVED BY MAYOR CARR, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that Staff prepare and submit a formal application to the Coastal Commission for the expansion of the existing water reclamation plant.

The Interim City Manager advised that expansion of the plant is in conflict with the General Plan since Plan 2000 indicated that the plant should be moved; that the multi-modal transportation will not take place; that realignment of El Camino Real will not take place; and that the Council may want to consider other areas, such as Vista Hermosa as the possible gateway to the northern part of the City.

Following discussion, a motion by Councilman Mecham, seconded by Councilwoman Koester was withdrawn AND IT WAS THEN MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED that the matter be referred to the Planning Commission with a recommendation back to the City Council.

Subject: 26 - Possible Legislation re Cross County Annexations by Cities.

IN RE: Discussion concerning subject of possible legislation re cross county annexations by cities.

Following comments by Mayor Carr, IT WAS MOVED BY MAYOR CARR, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED that the City Council go on record in favor of legislation permitting cross county annexations.

Mayor Carr further added that he will personally do everything possible to make sure that all interested parties are made aware of the City's action on this matter, including Senator Milton Marks, Chairman of the Senate Committee on local government.

Mayor Carr wished everyone a happy Thanksgiving.

Subject: 43 - Proposed Resolution Commending Ron Coleman for his Outstanding Service.

IN RE: Proposed Resolution commending Ron Coleman for his outstanding service as Fire Protection Director in the City of San Clemente.

Noting that Fire Protection Director Ron Coleman has accepted a position with the City of Fullerton, IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that a resolution be prepared commending Ron Coleman for his outstanding service to the City.

Subject: 43 - Proposed Resolution Commending Alex Goodman for His Services as Executive Director of the Chamber of Commerce.

IN RE: Proposed Resolution commending Alex Goodman for his services as Executive Director of the San Clemente Chamber of Commerce.

Noting that Alex Goodman will be leaving his Chamber of Commerce position, IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that a resolution be prepared commending Alex Goodman for an outstanding job and expressing best wishes of the Council.

Subject: 106 - Further Comments on Proposition "O".

IN RE: Further comments relating to Proposition "O".

Councilwoman Koester referred to the results of Proposition "O" and suggested that a portion of the City's public parking lots be made available to the owners of recreational vehicles until some sort of arrangement can be worked out with the back country developers for storage facilities.

IT WAS THEN MOVED BY COUNCILWOMAN KOESTER, SECONDED BY COUNCILMAN DIEHL that the matter be agendized for the meeting of 12-5-84.

Following expressions of concern by certain Council members the MOTION WAS WITHDRAWN.

NEW BUSINESS

Subject: 106 - Pier Bowl Crosswalks and Stop Signs.

IN RE: Report from Community Development Director and Interim City Manager submitting for review several options relating to certain problems concerning the pier bowl crosswalks and stop signs.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILWOMAN KOESTER to direct Staff to prepare plans and specifications for a pedestrian-actuated traffic signal at the Pier Bowl crosswalk; and appropriate \$45,000 for engineering and construction from Redevelopment Agency Fund to Account #01-4611-530, Traffic Signals Program.

Staff responded to query from Councilman Limberg as to the difference in recommendations of the Traffic & Parking Commission, Police Department and Engineering Staff, following which A SUBSTITUTE MOTION WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILWOMAN KOESTER to remove the stop signs and place the more appropriate pedestrian warning sign and pavement legend package at an estimated cost of between \$100 and \$200.

Councilman Mecham noted the high number of accidents which occur at intersections after stop signs are removed; and the Interim City Manager noted the liability exposure would be far greater than installing the signals if an accident occurred, and that was the reasoning behind the recommendation as noted on the agenda.

The Mayor then called for the SUBSTITUTE MOTION WHICH CARRIED with Councilman Mecham and Mayor Carr voting "NO."

Subject: 77 - Extension of Swim Program to Early Spring.

IN RE: Report from Public Services Director and Interim City Manager requesting extension of the Beach Club Aquatics Program.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED to approve an early Spring Aquatics Program; and appropriate \$21,648 from the General Fund Contingency Reserve Account to the Beach Club Aquatics Program.

RESOLUTIONS

For Resolution No. 106-84 see under "PUBLIC HEARINGS" on page 1.
For Resolution No. 107-84 see under "PUBLIC HEARINGS" on page 1.

Subject: 112 - Resolution No. 108-84 Conditionally Approving Variance No. 84-04.

IN RE: Resolution conditionally approving Variance 84-04 (Brad Sheatz - 212 Calle Marina).

Upon motion of Mayor Carr, seconded by Councilman Diehl, and unanimously carried, RESOLUTION NO. 108-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING NEGATIVE DECLARATION AND CONDITIONALLY APPROVING VARIANCE NO. 84-04, was regularly introduced, passed, and adopted.

Subject: 112 - Resolution No. 109-84 Approving Use Permit 84-18.

IN RE: Resolution approving Use Permit 84-18, Wendy's Restaurant, 918 South El Camino Real.

Upon motion of Councilman Diehl, seconded by Councilman Mecham, and unanimously carried, RESOLUTION NO. 109-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING NEGATIVE DECLARATION, AND APPROVING USE PERMIT 84-18, was regularly introduced, passed, and adopted.

Subject: 112 - Resolution No. 110-84 Approving a One-Year Time Extension of Use Permit 83-16 and Variance 83-06.

IN RE: Resolution approving a one-year time extension of Use Permit 83-16 and Variance 83-06.

Upon motion of Councilman Diehl, seconded by Councilman Mecham, and unanimously carried, RESOLUTION NO. 110-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING A ONE-YEAR TIME EXTENSION OF USE PERMIT 83-16 AND VARIANCE 83-06, was regularly introduced, passed, and adopted.

Subject: 49 - Resolution No. 111-84 Declaring the Results of Special Municipal Election Held on November 6, 1984.

IN RE: Certification of the statement of the vote and a copy of the abstract for the election held in San Clemente on November 6, 1984.

The City Clerk advised that he had received the certification of the statement of the vote on the three advisory measures from the Registrar of Voters and noted that a total of 14,516 ballots were cast which represented a turnout of 79.5% in San Clemente.

Upon motion of Councilman Diehl, seconded by Councilman Mecham, and unanimously carried, RESOLUTION NO. 111-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECITING THE FACT OF THE SPECIAL MUNICIPAL ELECTION HELD IN SAID CITY OF SAN CLEMENTE ON THE 6TH DAY OF NOVEMBER, 1984, CONSOLIDATED WITH THE STATEWIDE GENERAL ELECTION; DECLARING THE RESULT THEREOF AND SUCH OTHER MATTERS AS ARE PROVIDED BY LAW, was regularly introduced, passed, and adopted.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA RECITING THE FACT OF THE SPECIAL MUNICIPAL ELECTION HELD IN SAID CITY OF SAN CLEMENTE ON THE 6TH DAY OF NOVEMBER, 1984, CONSOLIDATED WITH THE STATEWIDE GENERAL ELECTION; DECLARING THE RESULT THEREOF AND SUCH OTHER MATTERS AS ARE PROVIDED BY LAW

WHEREAS, a Special Municipal Election consolidated with the Statewide General Election was held and conducted in the City of San Clemente, County of Orange, State of California, on Tuesday, November 6, 1984, as required by law; and

WHEREAS, notice of said election was duly and regularly given in time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects said election was held and conducted and the votes cast thereat, received and canvassed and the returns made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in cities; and

WHEREAS, the Registrar of Voters of the County of Orange canvassed the returns of said election and has certified the results to this City Council, said results as received, attached and made a part hereof as Exhibit "A".

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DOES RESOLVE AS FOLLOWS:

SECTION 1. That there were 33 voting precincts established for the purpose of holding said election.

SECTION 2. That at said Special Municipal Election the following measures were submitted to the electors of said City:

PROPOSITION "N" (Advisory Vote Only)

Should the City Council of the City of San Clemente act to ban the sale, use and possession of "safe and sane" fireworks within the City of San Clemente?

PROPOSITION "O" (Advisory Vote Only)

Should the City of San Clemente maintain its present standards by prohibiting the parking of boats, trailers, and recreational vehicles (as defined in San Clemente's Uniform Traffic Ordinance) on private property within the applicable setback areas of the lot?

PROPOSITION "P" (Advisory Vote Only)

Shall an ordinance be adopted which authorizes the City Council to relocate the municipal sewer treatment facilities to the site commonly referred to as "middle Pico"?

SECTION 3. That the whole number of votes cast in said City was 14,516. That the number of votes given at each precinct and the number of votes given in the City for and against the measures were as listed in Exhibit "A" attached.

SECTION 4. That based on said election results it is hereby declared and certified that:

That as a result of said election, a majority of the qualified voters voting on said advisory measure relating to the question of banning the sale and use of "safe and sane" fireworks did vote against the measure, and that said advisory measure was defeated.

That as a result of said election, a majority of the qualified voters voting on said advisory measure relating to the question of maintaining present standards by prohibiting the parking of boats, trailers and recreational vehicles on private property within the applicable setback areas did vote in favor thereof, and that said advisory measure was carried.

That as a result of said election, a majority of the qualified voters voting on said measure relating to the question of authorizing the Council to relocate the municipal sewage treatment facilities did vote against the measure, and that said measure was defeated.

SECTION 5. The City Clerk shall enter on the records of the City Council of said City a statement of the result of said election, showing:

- (1) The whole number of votes cast in the City;
- (2) The number of votes given at each precinct for and against the measures.

SECTION 6. That the City Clerk shall certify to the passage and adoption of this Resolution; shall enter the same in the book of original Resolutions of said City; and shall make a minute of passage and adoption thereof in the records of the proceedings of the City Council of said City in the minutes of the meeting at which the same is passed and adopted.

APPROVED, ADOPTED, and SIGNED this 21st day of November, 1984.

S/ KENNETH E. CARR
 MAYOR of the City of San Clemente,
 California

(SEAL)

ATTEST: S/ MAX L. BERG
 CITY CLERK of the City of
 San Clemente, California

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

I, MAX L. BERG, Clerk of the City of San Clemente, California, hereby certify that the foregoing is a true and correct copy of a Resolution of the City Council of said City numbered 111-84, adopted by the City Council of said City on the 21st day of November, 1984, and was so passed and adopted by the following stated vote, to wit:

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

and was thereafter on said day signed and approved by the Mayor of said City.

ATTEST: S/ MAX L. BERG
 CITY CLERK of the City of
 San Clemente, California

CERTIFICATE OF REGISTRAR OF VOTERS TO RESULT
OF THE CANVASS OF THE GENERAL ELECTION RETURNS

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.

I, A. E. Olson, Registrar of Voters of Orange County, do hereby certify the following to be a full, true and correct Statement of the Vote of the election listed below, consolidated with the General Election held on November 6, 1984.

CITY OF SAN CLEMENTE

MEASURE "N"

YES	6,387
NO	7,449

MEASURE "O"

YES	7,959
NO	5,794

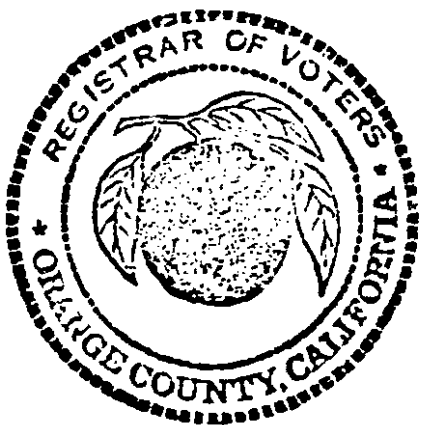
MEASURE "P"

YES	6,227
NO	7,468

PRECINCT BALLOTS CAST:	13,145
ABSENTEE BALLOTS CAST:	1,371
TOTAL BALLOTS CAST:	14,516

I hereby certify that the number of votes cast for and against each measure is as set forth above.

WITNESS my hand and Official Seal this 19th day of November, 1984.



A. E. OLSON
REGISTRAR OF VOTERS
Orange County

STATEMENT OF VOTES CAST — GENERAL ELECTION — NOVEMBER 6, 1984

ORANGE COUNTY		N		O		P	
ELECTION PRECINCTS		City of San Clemente ADVISORY VOTE ONLY Ban Fireworks		City of San Clemente ADVISORY VOTE ONLY Prohibit RV Parking on Private Property		City of San Clemente Ordinance to relocate sewer treatment facilities to "middle Pico"	
		Yes	No	Yes	No	Yes	No
23							
39-354-1	(0596)						
39-355-1	(0554)						
39-356-1	(0265)						
39-357-1	(0498)						
39-358-1	(0551)						
39-359-1	(0662)						
39-360-1	(0570)						
39-361-1	(0811)						
39-362-1	(0216)						
39-364-1	(0614)						
39-366-1	(0592)						
39-369-1	(0428)						
39-371-1	(0472)						
39-372-1	(0461)						
39-373-1	(0617)						
39-374-1	(0496)						
39-375-1	(0608)						
39-376-1	(0519)						
39-377-1	(0335)						
39-378-1	(0757)						
48-140-1	(0624)	194	248	287	153	219	221
48-141-1	(0609)	199	219	251	166	221	188
48-142-1	(0477)	167	178	194	153	130	212
48-143-1	(0583)	124	249	162	210	200	166
48-144-1	(0555)	174	223	222	178	181	213
48-145-1	(0861)	338	297	424	201	332	302
48-146-1	(0485)	143	231	243	129	192	179
48-147-1	(0533)	209	180	222	166	233	150
48-148-1	(0644)	227	261	332	154	191	296
48-149-1	(0554)	119	256	137	233	156	216
48-150-1	(0625)	155	224	198	178	142	237
48-151-1	(0504)	140	214	183	170	123	230
48-152-1	(0692)	171	274	247	198	190	245
48-153-1	(0536)	139	212	172	175	192	154
48-159-1	(0530)	182	200	209	170	161	213
48-160-1	(0679)	295	193	326	159	233	244
48-161-1	(0413)	142	144	172	114	120	166
48-162-1	(0454)	201	132	227	105	166	163
48-236-1	(0302)	94	123	128	90	95	129
48-237-1	(0540)	180	203	180	203	128	252
48-239-1	(0421)	122	173	150	142	113	178
48-240-1	(0511)	142	231	192	177	173	200
48-241-1	(0484)	141	166	143	162	101	202
48-242-1	(0631)	160	241	175	220	163	236
48-243-1	(0665)	149	262	188	212	176	220
48-245-1	(0594)	191	224	270	139	199	219
48-248-1	(0506)	121	174	130	160	120	166
48-249-1	(0501)	120	191	141	171	121	187
48-250-1	(0308)	117	94	147	65	106	107
48-251-1	(0441)	147	150	179	116	135	159
48-252-1	(0618)	175	242	234	180	197	218
48-253-1	(0874)	290	318	438	172	291	313
48-254-1	(0476)	160	191	188	164	139	211
COUNTY TOTAL		5625	6914	7093	5385	5639	6792
ABSENTEE TOTAL		762	535	864	409	588	676
GRAND TOTAL		6387	7449	7957	5794	6227	7468

Subject: 105 - Resolution No. 112-84 Approving Specific Plan No. 84-01.

IN RE: Approval of Specific Plan No. 84-01.

It was noted that at the meeting of 11-7-84, Ordinance No. 901 had been introduced approving Specific Plan No. 84-01 and that such approval should have been by Resolution.

IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to rescind the motions of 11-7-84 which introduced Ordinance No. 901 by title only and waived reading in full.

Upon motion of Councilman Diehl, seconded by Councilman Mecham, and carried, RESOLUTION NO. 112-84 BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING SPECIFIC PLAN NO. 84-01, was regularly introduced, passed, and adopted. Councilwoman Koester voted "NO."

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 personnel and litigation.

MEETING RECONVENED AND ITEMS FROM CITY ATTORNEY

Subject: 42 - Claim for Damages - Caylor vs. City of San Clemente.

IN RE: Claim for damages - Caylor vs. City of San Clemente.

Pursuant to Closed Session discussion, the City Attorney requested the Council to confirm the vote taken in Closed Session at the last meeting regarding settlement of the Caylor vs. City of San Clemente case.

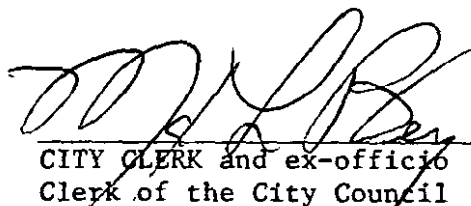
IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED to authorize settlement of the claim in the amount of \$50,000.

ADJOURNMENT

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED that the Council meeting be adjourned at 10:55 P.M. in memory of Kenneth Bloom.



MAYOR and President
of the City Council



CITY CLERK and ex-officio
Clerk of the City Council