

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, December 19, 1984, at 7:00 P.M., Mayor Kenneth E. Carr presiding.

PLEDGE OF ALLEGIANCE AND INVOCATION

Pledge of Allegiance to the Flag of the United States of America was led by Mayor Carr. Invocation was given by Rev. M. S. Egge, Pastor, Lutheran Church of our Savior.

ROLL CALL

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

Also Present: James B. Hendrickson, 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.

RESOLUTIONS

Subject 43 - Resolution No. 114-84 Commending Gary Brown for His Exemplary Services as Interim City Manager.

IN RE: Resolution of commendation for Gary Brown for his exemplary services as Interim City Manager.

Following comments of appreciation by Mayor Carr, and upon motion of Councilman Diehl, seconded by Councilman Mecham, and unanimously carried, RESOLUTION NO. 114-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, COMMENDING GARY BROWN FOR HIS EXEMPLARY SERVICES AS INTERIM CITY MANAGER, was regularly introduced, passed, and adopted.

Subject 43 - Resolution No. 115-84 Commending Fire Protection Director Ron Coleman.

IN RE: Resolution commending Fire Protection Director Ron Coleman who has accepted a position with the City of Fullerton.

Upon motion of Councilman Diehl, seconded by Councilman Mecham, and unanimously carried, RESOLUTION NO. 115-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, COMMENDING RON COLEMAN FOR HIS NEARLY TWELVE YEARS OF OUTSTANDING SERVICE AS FIRE PROTECTION DIRECTOR OF THE CITY, was regularly introduced, passed, and adopted.

Mayor Carr then presented a framed copy of the Resolution and expressed the City Council's highest commendation and appreciation to Ron Coleman for his outstanding leadership and dedicated services to this City and its citizens and extending sincere good wishes and success in his new position.

Councilman Mecham stated Fullerton is getting a great deal of talent; Councilman Diehl wished him the very best in his career and the best of luck; Councilwoman Koester also commended him on his outstanding achievements; and Councilman Limberg noted his involvement in the City was "across the board" and wished him the best of luck in his new endeavors.

PUBLIC HEARINGS

Subject 99 - Resolution No. 116-84 Approving Sign Exception 84-04 Subject to Five Conditions.

IN RE: Public hearing to consider Sign Exception 84-04, being the request of the City of San Clemente 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 located at 150 East Magdalena; legal description being Lots B & C, Tract 938, said matter called up for review by the City Council.

Staff advised that it had been a desire for some time to obtain this type of informational signs for the course but vandalism and initial cost have made an in-house approach questionable; that this proposal eliminates these concerns and relieves the City from any maintenance costs in years to come. A sample sign with the advertising plaque affixed thereto was then displayed for Council review and it was further noted that two companies have expressed interest in performing this kind of service.

The Mayor opened the public hearing and there being no one wishing to be heard it was closed, AND IT WAS THEN MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILWOMAN KOESTER to concur with the Planning Commission and approve Sign Exception 84-04 subject to the three conditions contained in the Staff report.

In response to query from Councilwoman Koester, the City Attorney advised that there is no legal problem with advertising on public property. Councilman Limberg commented that he had certain reservations about advertising being affixed to the sign and also noted there was no condition limiting the size of the sign. Staff advised that the City will have final approval as to colors, materials, copy and size of each sign, and that competitive proposals have been received from two firms, and if the Council approves the concept tonight proposals will then be solicited for further review by the Council.

Councilman Limberg requested that a fourth condition be added that the overall sign size not exceed 2' x 4' in size, and the condition was accepted as part of the motion by the motion makers.

Councilman Mecham expressed his opposition, noting that he did not like advertising on the signs, and that the Golf Course has the financial ability to buy and maintain this type of signage without advertising.

Mayor Carr requested that a fifth condition be added that the concept be approved on a one-year trial basis with review by the Planning Commission and Community Design Commission at that time, and the condition was accepted by the motion makers.

The Mayor then called for THE QUESTION WITH THE TWO ADDED CONDITIONS WHICH CARRIED with Councilmembers Limberg and Mecham voting "NO."

Upon motion of Councilman Diehl, seconded by Councilwoman Koester, and carried, RESOLUTION NO. 116-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING SIGN EXCEPTION 84-04 SUBJECT TO FIVE CONDITIONS, was regularly introduced, passed, and adopted. Council members Limberg and Mecham voted "NO."

Subject 117 - Ordinance No. 902 Approving Zoning Amendment 84-08,
Satellite Dish Antennas.

IN RE: Public hearing to consider Zoning Amendment 84-08, being a proposed text amendment to Ordinance 794, the San Clemente City Zoning Ordinance, adding a new Subsection 5.8.1 to Section 5., General Provisions, Conditions, and Exceptions; said amendment establishing new regulations pertaining to the location, design and placement of Satellite Dish Antennas in the City; and to consider the approval of a negative declaration with respect to the proposal.

Staff advised that this is a proposed amendment to the zoning ordinance to regulate satellite dish antennas and establish regulations for their installation and provide certain provisions as to how and where they may be located; that in the Planning Commission's recommendation to the City Council they did not accept the Staff recommendation that the area covered by a satellite dish antenna should be considered as part of the total lot coverage but Staff is of the opinion that a satellite dish should be considered as occupying a portion of a lot.

The Mayor opened the public hearing and Glenn Roy spoke in favor of the amendment. Bruce Warrington stated he was in opposition and expressed a concern about discriminating between ham radio antennas and satellite dish antennas, suggesting that height limits should be the same for both.

There being no one else wishing to be heard the public hearing was closed, AND IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND CARRIED to approve Zoning Amendment 84-08 and adopt the negative declaration. Council members Diehl and Koester voted "NO."

IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to waive the reading in full of Ordinance No. 902.

Upon motion of Councilman Mecham, seconded by Councilman Limberg, and carried, ORDINANCE NO. 902, BEING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, ADDING A NEW SUBSECTION 5.8.1 TO ZONING ORDINANCE NO. 794 ESTABLISHING REGULATIONS RELATING TO SATELLITE DISH ANTENNAS, was regularly introduced by title only, the reading in full thereof having been unanimously waived. Council members Diehl and Koester voted "NO."

subject: 117 - Ordinance No. 903 Approving Zoning Amendment 84-09.

IN RE: Public hearing to consider Zoning Amendment 84-09, being the request of the City of San Clemente to change the zoning district designation of (C-A) Commercial Apartment to (C-2) General Commercial along the east side of South El Camino Real between Avenida San Gabriel to the north and Avenida Magdalena to the south; and to consider the approval of a negative declaration with respect to the proposal.

Staff advised that this proposed amendment was generated by a request for reopening of a restaurant that was in the C-A district and because it had not been in operation for a one-year period it could not be operated as a legally non-conforming use; that the serving of alcoholic beverages is prohibited in the C-A district; that Staff reviewed the matter and it is their opinion that rather than amending the C-A district it would be more appropriate to rezone the area to C-2; and that at a later date Staff will present to Council proposed revisions to the C-A District, however, in order to accommodate the development in the area it was felt this was the appropriate way to handle the proposed project.

The Mayor opened the public hearing and Audrey Germer spoke in opposition to the proposal noting that she is the owner of a building in the proposed zone change area with an apartment on the second floor and with a laundromat business being installed on the first floor, and inquired what this change would do to her property. Staff advised that the apartment is presently classified as legally non-conforming and that the zoning change would not affect its status, and that the property would continue to enjoy this privilege unless that use was abandoned for a period of one year or more.

In response to query, the City Attorney advised that Section 6.4 of the Zoning Ordinance states "that if any use is wholly discontinued for any reason for a period of one year, it is presumed abandoned within the meaning of this ordinance, and all future uses shall comply with the regulations of the particular district in which the land or building is located."

There being no one else wishing to be heard, the public hearing was closed and Councilman Limberg questioned the need to rezone the entire length of the block when only four lots were involved. Staff advised that the City is attempting to eliminate the C-A district in that area which covers other restaurants that might have the same problem, and the zone change will also cover other uses and it was felt appropriate to take this action at this time.

Councilwoman Koester noted Commissioner Kveskin's request that Staff address vertical mixed zoning in all commercial zones.

IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND CARRIED to approve Zoning Amendment 84-09, and adopt a negative declaration. Council members Koester and Limberg voted "NO."

IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED to waive the reading in full of Ordinance No. 903.

Upon motion of Councilman Mecham, seconded by Councilman Diehl, and carried, ORDINANCE NO. 903, BEING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, APPROVING ZONING AMENDMENT NO. 84-09, was regularly introduced by title only, the reading in full thereof having been unanimously waived. Council members Koester and Limberg voted "NO."

Subject 105 - Resolution No. 117-84 Approving Tentative Parcel Map 84-829 and Adopting Negative Declaration.

IN RE: Public hearing to consider Tentative Parcel Map 84-829, being the request of Craig Tackabery to subdivide 4,400 square feet to construct two condominium units with in-the-bank garages at 235 West Escalones (located on the south side of West Escalones approximately 200 feet from its intersection with West Canada); legal description being Lot 30, Block 20, Tract 793; and to consider the approval of a negative declaration with respect to the project.

Staff noted that the parcel map is development of a two-family condominium unit on a substandard parcel; that recently the City Council reviewed and concurred with the Planning Commission's interpretation of tandem parking which would allow tandem parking on substandard lots, and that based on that action the Planning Commission recommended approval of Parcel Map 84-829 subject to eight findings and 21 conditions. It was noted that the applicant has submitted a letter raising questions concerning conditions (8) park fees, (15) need to install street light, and (21) tandem parking arrangement. It was explained that the tandem parking encroaches into the City right-of-way and Staff recommends redesign of the project so that there is no encroachment.

The Mayor opened the public hearing and the applicant reviewed his comments on the validity of conditions 8, 15, 21 and his reasons for objecting.

There being no one else wishing to be heard, the public hearing was closed and the Council concurred that the conditions should stand as recommended.

Upon motion of Councilman Mecham, seconded by Councilman Limberg, and unanimously carried, RESOLUTION NO. 117-84, 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. 84-829, was regularly introduced, passed, and adopted.

CONSENT CALENDAR

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

City Council Minutes

Minutes of 12-5-84. -- Approved as presented, and reading in full thereof waived.

Community Design Commission Minutes

Minutes of 11-27-84. -- Received and filed.

Departmental Activities Report

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

Golf Course Committee Minutes

Minutes of 11-12-84. -- Received and filed.

Subject 42 - Claim for Damages Filed by Barry Hermanson.

IN RE: Claim for damages filed by Barry Hermanson in an unknown amount for personal injuries and other losses associated with a stolen vehicle pursuit involving Border Patrol and other law enforcement agencies. -- Based on insurance adjuster's recommendation, the claim was denied.

Subject: 42 - Claim for Damages Filed by Melody A. Jones.

IN RE: Claim for damages filed by Melody A. Jones in the total amount of \$1 million for emotional distress, plus unknown attorney's fees and past and future wage differential resulting from alleged discriminatory treatment during her employment with the City of San Clemente; and application for leave to present late claim. -- Based on City Attorney's recommendation, the claim was denied, and application for leave to present late claim was denied.

Subject: 87 - Title Search - Caltrans Property.

IN RE: Report from Police Chief and City Manager requesting approval for a title search for the excess freeway right-of-way property across from City Hall. -- Authorized the Police Chief to order a title search for the excess freeway right-of-way property across from City Hall; and authorized the expenditure of \$6,500 from the Public Safety Construction Fund to pay for the report.

Subject: 51 - Reappropriation of Prior Year Encumbrances.

IN RE: Report from Finance Director and City Manager requesting that the encumbrances outstanding as of June 30, 1984, be reappropriated to the various accounts as indicated on list attached to Administrative Report dated 11-26-84. -- Approved request.

Subject: 105 - Utility Easement, Tract 11987, Bird Development.

IN RE: Report from Community Development Director and City Manager recommending acceptance of easement deed from Bird Development Corporation for sewer, water, storm drain and public utility purposes in Tract 11987 (Casa Blanca). -- Accepted easement deed and authorized recordation of said deed by the City Clerk.

Subject: 105 - Resolution No. 118-84 Accepting Works of Improvement in Tract 10687.

IN RE: Report from Community Development Director and City Manager recommending adoption of resolution accepting the works of improvement in Tract 10687 from John D. Lusk & Son and providing for release of bonds as provided by law. -- Introduced, passed, and adopted RESOLUTION NO. 118-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ACCEPTING WORKS OF IMPROVEMENT FOR TRACT NO. 10687, AND PROVIDING FOR RELEASE OF BONDS.

Subject: 119 - Redevelopment Agency Annual Report 1984-85.

IN RE: Report from Community Development Director and City Manager advising that the State law requires that the Redevelopment Agency annually submit to the City Council an annual report including four sections: independent financial audit report, a fiscal year work program, a report on the previous year's accomplishments in relation to the work program, and recommendations needed for legislation. -- Accepted Independent Financial Audit Report, and approved Agency Annual Report.

Subject: 83 - Intoxilyzer Machine.

IN RE: Report from Police Chief and City Manager requesting authorization to obtain bids for a new intoxilyzer machine (breathalyzer for DUI cases) at an estimated replacement cost of \$5,600 to replace the present one which no longer functions properly. -- Approved request to obtain bids for replacement of intoxilyzer machine.

Subject: 111 - Resolution No. 119-84 Declaring Intention to Consider
Abandonment No. 84-02.

IN RE: Communication from Planning Commission recommending approval of Abandonment No. 84-02, being the request of Edward J. Terrell, et al, for the City to abandon a 20-foot wide by 590 foot long emergency access easement along the rear yards of Lots 1, 3, 4, and 6, Tract No. 9723, said abandonment subject to certain conditions and retention of easements for public utility and cable television purposes and easement for the State of California. -- Introduced, passed, and adopted RESOLUTION NO. 119-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DECLARING ITS INTENTION TO CONSIDER ABANDONMENT NO. 84-02 BEING A REQUEST FOR THE ABANDONMENT OF AN EMERGENCY ACCESS EASEMENT ALONG THE REAR YARDS OF LOTS 1, 3, 4, AND 6, TRACT NO. 9723; AND SETTING A PUBLIC HEARING THEREON.

CONSENT CALENDAR (Items removed for separate action)

Subject: 117 - Planning Commission's Interpretation of Bed &
Breakfast Inns.

IN RE: Report from Community Development Director and City Manager clarifying that the Planning Commission's interpretation of Bed & Breakfast Inns is intended to be city-wide and is not restricted to the property at 805 South Ola Vista.

Mayor Carr stated he might have a possible conflict of interest and left the rostrum, turning the gavel over to Mayor pro tem Mecham.

Staff advised that there was some confusion in the Planning Commission interpretation of the Bed & Breakfast use in that it is similar to a guest house which provides that no compensation in any form is received or paid, and that Staff is of the opinion and recommends an ordinance amendment on Bed & Breakfast Inns which would establish criteria such as required parking, number of units allowed, licensing procedures, signage, manager or owner on the premises, facade decorations, and the serving of meals.

Rich Anderson reviewed his request for an interpretation from the Planning Commission, noting that the objective was to find a way to approve this type of use for Bed & Breakfast and that a use permit and the possibility of certain fees were considered as part of the requirement and the Planning Commission made an interpretation that a Bed & Breakfast unit is a use similar to a guest house.

Following discussion, IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILWOMAN KOESTER, AND CARRIED to direct Staff and the Planning Commission to implement a revision to the City Zoning Ordinance which addresses Bed & Breakfast Inns, and not approve the Planning Commission interpretation that a Bed & Breakfast Inn is similar to a guest house and is allowed in the R-1 Zoning District. The motion carried 4-0 with 1 abstension.

Mayor Carr returned to the rostrum, AND IT WAS THEN MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED to receive and file the Planning Commission Minutes of 12-4-84.

Subject: 96 - Contractual Services - Sewer Treatment Plant Expansion
Implementation.

IN RE: Report from Community Development Director and City Manager recommending approval of certain contractual services in order to implement the reconstruction and expansion of the Sewer Treatment Plant per the agreement with the ranch developers.

Lengthy discussion and main comments are briefly noted as follows: Norman J. Ream, President of San Clemente Taxpayers Association, stated that two weeks ago he requested competitive bidding on these contracts and again reiterated this request; advised that the Executive Committee of the Taxpayers Association have reviewed the contracts and noted these concerns: (1) that contracts were prepared by the firms involved and that the contracts are open ended and no specific dollar amounts are set forth; (2) that plans of Carollo Engineers call for reconstruction of the sewer plant and that they will re-examine the costs of the plant to determine those costs that are generally to be assumed by the City and the costs that would be charged to the assessment district--that this is different than has been discussed previously; that it was pointed out during the election that most of the costs of the Carollo plan are not expansion costs but reconstruction and therefore in theory are a benefit to City and chargeable to all property owners.

Joe Barton, speaking on behalf of San Clemente Homeowners Association, stated they endorse Mr. Ream's findings; that at the time of the signing of the agreement with the ranchers they objected to the generosity on the part of the City as to escape clauses; that the City Attorney was given no directions or instructions to negotiate the contract which was rubber stamped by the Council; and that even though the Council may not legally be required to seek bids it was good business to do so.

Councilwoman Koester reiterated her statement that the agreement with the developers was conceived in secret and that it was not made available for review by the public; and that this agreement is contrary to City Ordinances 472, 663, and 892.

IT WAS MOVED BY COUNCILMAN MECHAM to approve contracts with Fieldman, Rolapp and Associates, financial consultants; John Carollo Engineers, design engineer; Rutan and Tucker, bond attorney; and Willdan Associates, assessment engineers. THE MOTION DIED FOR LACK OF A SECOND.

Considerable discussion and a question and answer period followed between Council and representatives of certain of the firms relating to compensation, expenses re travel, role of Regional Water Quality Control Board, and explanation that the developers will be billed for monthly costs incurred and when assessment district bonds are sold part of the proceeds will reimburse the ranch owners for advances they have made and ultimately the assessment district will be paying the costs.

The City Attorney advised that the legal services of Rutan & Tucker in connection with the proposed sewer plant assessment district will terminate when the bonds are sold; that the engineering services of John Carollo Engineers will carry all the way through the construction; that the assessment engineering and related services of Willdan Associates will take the district from beginning to end.

Mr. Ream pointed out that there continues to be a misunderstanding as to who is paying the bills; that the developers are advancing monies and these are borrowed funds you may use to pay bills; that the contract also calls out that when the bonds are sold all such monies that have been advanced by the developer will be paid back by the assessment district; that this is entirely wrong as the owners of the property will pay for this; that if there are general improvements to the plant that do not apply totally to the assessment district then there will be the problem of determining how much of those costs should be paid by the City.

IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND CARRIED to approve contracts with Fieldman, Rolapp and Associates, financial consultants; Rutan and Tucker, bond attorney; and Willdan Associates, assessment engineers. Councilwoman Koester voted "NO."

IT WAS FURTHER MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND CARRIED to approve contract with John Carollo Engineers, design engineer. Councilwoman Koester and Mayor Carr voted "NO."

Subject: 51 - Status of Conversion to In-House Computer.

IN RE: Report from Finance Director and City Manager submitting a status report on the conversion to in-house computer.

In response to query from Councilwoman Koester, the City Manager advised that the administrative report contained the current status of the conversion project and that the revised completion date has been moved forward to April, 1985.

Councilwoman Koester stated she wanted to commend the Finance Director for his hard work and diligence in getting the City out of the present system; that the Finance Director foresaw the problems with the present system and has worked diligently to provide for the in-house computer equipment and software programs for the equipment.

IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED to receive and file the report.

PAYING OF THE BILLS

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED that Warrants No. 23762 through No. 23780, and No. 15817 through No. 16109 be paid.

Total demands approved for payment for period ending December 18, 1984	\$ 565,519.27
Ratification of Payroll Warrant No. 23769 for period November 19, 1984 through December 2, 1984.	\$ 176,407.56
Special Payroll Warrant No. 23777	<u>\$ 27,783.55</u>
TOTAL WARRANT REGISTER	\$ 769,810.38

UNFINISHED BUSINESS

Subject: 100 - Avenida Del Mar Beautification and Reconstruction Project.

IN RE: Report from Community Development Director and City Manager requesting authorization to seek bids for Phase I of the Avenida Del Mar beautification and reconstruction project.

The City Manager gave a brief status report noting the cooperation of the Downtown Business Association and the Chamber of Commerce and what was originally a limited reconstruction project has now been expanded to a beautification project to enhance this business area of the City; that a consultant was hired to prepare the design plans and that Phase I will cost approximately \$800,000.

Jeff Fenner of Rapp & French displayed drawings depicting Phase I and Phase II with Phase I including reconstruction of the entire Del Mar street pavement within the curb and gutter areas from the T at El Camino Real to Calle Seville; new crosswalk areas and intersection centers would be constructed with 10-inch asphalt lift; that the alley running from Cabrillo to Del Mar and Granada to Del Mar would not be open for normal vehicular access or deliveries from Del Mar; that one of the primary concerns had been possible loss of parking spaces but the final plan shows 183 spaces--one more than presently existing. Phase II which is proposed to be undertaken in September/October 1985 would include construction only within the sidewalk and bulb-out areas and would include installation of pavers over a 4-inch concrete sub-base, street trees, street lighting and street furniture.

Staff then reviewed the construction costs noting the total estimated project cost, including all aspects of construction and planning, is estimated at \$1,466,391 and staff is recommending two phases--the first phase of \$800,000 and Phase II funding of \$683,349.

In response to query from Councilwoman Koester regarding development funding, the City Attorney noted that the community development law, authorizes the RDA with approval of the City Council to expend redevelopment funds outside the project area for public improvements if both the RDA and City Council make findings that those improvement are of benefit to the project area.

The Mayor acknowledged those persons wishing to speak on the matter and Bart Abrate, speaking as private citizen, complimented the Council in taking this affirmative step forward which is an encouragement for the business community; that two to three years ago money was collected door to door to buy trees that are already on the street; and that he personally would rather see more visible phasing of the project, such as sidewalks completed before the street reconstruction.

Joe Anderson, representing the Chamber of Commerce submitted a petition containing 80% of the business owners, requesting the City Council establish a new redevelopment project for the Del Mar business area. He further added that the Economic Development Committee of the Chamber endorsed and recommended the project and supported the petition.

Rich Handy, Downtown Business Association, urged Council to use the RDA because many local businesses are "hanging by a thread" and cannot afford assessment district costs on Del Mar; and that they want to work together for the common good of the community and recommend for Phase I the establishment of the RDA project or extension of the existing RDA project. In response to query from Councilwoman Koester as to whether the merchants would be willing to help out with the funding in any way, Mr. Handy replied that they will help in any way they can and are looking to the City for leadership.

Walter Webb argued against the RDA approach for this proposal; suggested that the improvement of Del Mar is long overdue and has been neglected due to rezoning of lands; that there are many streets in San Clemente in desperate need of repair; that this is not a central located shopping area and is difficult getting in and out of and is not a flat area; and that the Del Mar plan is good but we cannot afford it as we have other obligations to take care of.

Councilwoman Koester commended the City Manager on his diligence in finding other sources of funding; commented that our first duty is to the 30,000 other citizens who would like to see their streets repaired; that some of the funding is proper for the area, however, using \$15,000 to furnish architectural services for merchants on Del Mar could be using public funds for private purposes.

Councilman Limberg noted the existing trees were in response to a voluntary community effort and should be salvaged. Mr. Fenner said the cost to store and replant the existing trees would probably outweigh the price of planting new ones on the street; that the work will include an irrigation system for the trees and a drainage project to further tree survival, however, he would meet with City Staff to discuss possible ways of saving the existing trees.

In response to query from Councilman Limberg, the City Attorney explained the general procedure for setting up a redevelopment agency project.

Following lengthy discussion, IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN LIMBERG to authorize Staff to proceed with Phase I on Avenida Del Mar and appropriate funds as set forth in the report. (Redevelopment Agency \$350,000--\$280,000 currently budgeted, and \$70,000 additional appropriation; Lighting and Landscaping District #1 \$40,000 (reallocation of monies from a currently budgeted capital project); 2106 Gas Tax Funds \$120,000--\$70,000 currently budgeted, and \$50,000 additional appropriation; Storm Drains (CDB G) \$15,000 currently budgeted; Water Fund \$15,000; Annexation Fees \$260,000 for a total of \$800,000.)

Following further discussion as to construction so as not to interrupt businesses during summer months and the aspect of the RDA funding for the 100 block, the Mayor called for the QUESTION WHICH CARRIED with Councilwoman Koester voting "NO."

IT WAS THEN MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to direct Staff to begin to pursue the redevelopment agency to study what areas would be benefitted by this, and make sure that it conforms to the requirements of the State law--to look at both an extension of the existing RDA area or a new RDA project area, all pursuant to the citizens will.

Subject: 20(48) - Question of Possible Nuisance Abatement Proceedings Concerning Property and Slide Debris at 717 Avenida Columbo, and Related Request for Waiver of Fees.

IN RE: Further consideration of question of possible nuisance abatement proceedings concerning property and slide debris at 717 Avenida Columbo, and consideration of letter filed by Peter & Associates at the meeting of 12-5-84 requesting waiver of certain fees.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL that as to request for waiver of fees, deny the request as there is no basis for granting waiver; and continue to monitor the situation since abatement appears to be under way voluntarily.

Following comments that Staff has not had an opportunity to respond to the further letter from Peter & Associates dated 12-18-84, and that there has been no "feedback" as to Council's concerns and questions expressed at the meeting of 12-5-84, IT WAS MOVED BY MAYOR CARR, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to continue the matter to the meeting of 1-2-85.

Subject 100 - El Camino Real Widening.

IN RE: Further consideration of report from Community Development Director and City Manager submitting a followup report on those areas that Staff felt were most important relating to the question of widening El Camino Real.

Walter Webb presented comments in opposition, stating that the widening of El Camino Real was brought up years ago and the citizens voted against it as it meant the elimination of many palm trees; that on certain portions of the street sidewalks would be reduced to four feet; and that he was speaking for many citizens opposed to the widening of El Camino Real.

Mayor Carr noted that he voted to hold the matter over for two weeks and that based on his own personal observations he is even less convinced than he was two weeks ago that the street widening is necessary to accomplish needed improvements such as the intersections at Palizada and El Portal.

IT WAS THEN MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM to adopt the policy that widening of El Camino Real and related improvements shall be required at designated locations as shown on the map attached to the administrative report; that additions and deletions to the widening map may be made at any time subject to City Council approval; and that all proposed widenings and related improvements are intended to occur as part of new construction and/or addition to existing facilities and shall be a cost of such development.

Following further comments relating to congested intersections and recommended modifications, the Mayor called for the QUESTION WHICH CARRIED with Councilwoman Koester and Mayor Carr voting "NO."

Subject 77 - Exclusive Negotiating Agreement for Softball Complex.

IN RE: Report from Public Services Director and City Manager requesting approval of Exclusive Negotiating Agreement for Softball Complex.

IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND CARRIED to approve the agreement and authorize execution by the Mayor and City Clerk. Councilwoman Koester voted "NO."

WRITTEN COMMUNICATIONS

Subject: 35 - Update of Expenditures and Program of Visitor and
Convention Bureau.

IN RE: Communication from Alex W. Goodman, Executive Manager of Chamber of Commerce, requesting permission to present an update of the expenditures and program of the Visitor and Convention Bureau.

Byron Marshall, President of the San Clemente Chamber of Commerce, reported that the City budgeted \$20,300 to operate the Visitor and Convention Bureau this fiscal year; that to date they have expended \$4,850 for the video cassette depicting San Clemente as the "Best Kept Secret"; that in addition they have spent \$2,726 for the tourist brochures, with a balance of \$12,724 remaining. He further noted that a detailed program for the remaining funds will be put together by the new Chamber of Commerce Manager who will be arriving some time in February; further, that the Bureau has sponsored a familiarization tour for ten meeting planners which should generate between \$50,000 to \$100,000.

COMMUNICATIONS FROM COMMISSIONS AND COMMITTEES

Subject: 75 - Actions of the Planning Commission from Meetings of
November 6 and 20, 1984.

IN RE: Communications from the Planning Commission with certain recommendations relating to in-lieu parking certificates, parking space mix, and bicycle rack requirements.

IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to concur with the Planning Commission's recommendation to the Council directing Staff to prepare revisions to the parking requirements of the City Zoning Ordinance, including provisions for bike racks, percentage of compact spaces allowed, and in-lieu parking certificates.

URGENT MATTERS

Glenn Roy referred to the placement of oleander bushes in a public place noting that it is a toxic plant; that these plants are not native; and that there are a number of native California plants that could be used which are non-poisonous.

ITEMS FROM COUNCIL MEMBERS

Subject: 108 - Request for City Designee Re Matters of Rail
Transportation.

IN RE: Communication from Councilmember Walter A. Gilbert, City of Ocean-side, requesting designation of an interested San Clemente Councilperson to represent the City in matters of rail transportation.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED to continue the matter to the meeting of 1-2-85.

Councilman Diehl reported on the first meeting with Supervisors Riley and Nestande last Friday concerning the San Joaquin Corridor; that all the different agencies involved have special projects with their own issues and problems; that he suggested to get away from that the fee program should be the same throughout Orange County instead of having separate small programs in each area and make the total freeway system all encompassing. He further asked Council if they had any feelings in this regard to let him know as on Friday there will be a meeting to discuss the Foothill and Eastern Corridors with the same group and that the north Orange County cities will be included.

Subject 73 - League of California Cities Director Candidate.

IN RE: Councilman Diehl's report that the Nominating Committee for the Orange County Division of the League of California Cities has nominated Norma Hertzog, Mayor of Costa Mesa, as Director Candidate for the State League and that the voting on this matter will be the first meeting in January.

IT WAS MOVED BY MAYOR CARR, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that the City's delegate be instructed to cast a ballot for Norma Hertzog.

Councilman Diehl then distributed Christmas poinsettia plants to each Council member and noted that 1984 has been a very fine year and that he appreciated working with all the members of the Council; that while we often disagree in philosophy and what we want to see in the community all of us represent interests from the bottom of our hearts, and that he wanted to thank all the members for making it a fine year for him.

Subject 68 - Potential Site for Orange County Jail Facility.

IN RE: Potential site for Orange County jail facility.

Councilman Mecham noted he had heard there was a report out regarding a site selection process for a new 6,000-bed jail for Orange County, and that one of the potential areas mentioned was the Prima Deshecha dump site.

He then requested Staff investigate and report back to Council whether or not this facility will be adjoining our community.

Councilwoman Koester wished a "Merry Christmas" to everyone.

Subject 86 - Proclamation Designating December 30th as Orange County Night with the L.A. Clippers.

IN RE: Proclamation designating December 30th as Orange County Night with the L.A. Clippers.

Following comments by Mayor Carr, IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to proclaim December 30th as Orange County Night with the L.A. Clippers for the City of San Clemente.

RESOLUTIONS

For Resolution No. 114-84 see under "RESOLUTIONS" on page 1.
 For Resolution No. 115-84 see under "RESOLUTIONS" on page 1.
 For Resolution No. 116-84 see under "PUBLIC HEARINGS" on page 2.
 For Resolution No. 117-84 see under "PUBLIC HEARINGS" on page 4.
 For Resolution No. 118-84 see under "CONSENT CALENDAR" on page 5.
 For Resolution No. 119-84 see under "CONSENT CALENDAR" on page 6.

ORDINANCES

Subject 77 - Ordinance No. 901 Amending the Municipal Code Relating to Motor Vehicle Use on Public Beach and Pier.

IN RE: Ordinance No. 901 amending the Municipal Code relating to motor vehicle use on public beach and pier.

Upon motion of Councilman Diehl, seconded by Councilman Mecham, and unanimously carried, ORDINANCE NO. 901, BEING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE AMENDING SECTION 18-15 AND DELETING SECTION 15-16 OF THE CODE OF THE CITY OF SAN CLEMENTE RELATING TO MOTOR VEHICLE USE ON PUBLIC BEACH AND PIER, having been regularly introduced at the meeting of 12-5-84, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted.

For Ordinance No. 902 see under "PUBLIC HEARINGS" on page 2.
 For Ordinance No. 903 see under "PUBLIC HEARINGS" on page 4.


Subject: 77 - Ordinance No. 904 Establishing a 10:00 P.M. Closing
 Hour at Leslie Park.

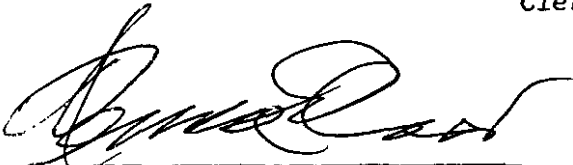
IN RE: Report from Public Services Director and City Manager recommending adoption of Ordinance establishing a 10:00 P.M. closing hour at Leslie Park.

Upon motion of Councilman Diehl, seconded by Councilman Mecham, and unanimously carried, ORDINANCE NO. 904, BEING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING A CURFEW FOR ALL MUNICIPAL PARKS, was regularly introduced by title only and the reading in full thereof unanimously waived.

ADJOURNMENT

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED that the Council meeting be adjourned at 11:30 P.M.


 CITY CLERK and ex-officio
 Clerk of the City Council


 MAYOR and President
 of the City Council