

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, January 4, 1984, at 7:00 P.M., Mayor G. Scott Diehl presiding.

PLEDGE OF ALLEGIANCE AND INVOCATION

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

ROLL CALL

PRESENT: Council Members - CARR, LIMBERG, MECHAM, AND DIEHL  
ABSENT: Council Members - KOESTER

Also Present: George A. Carvalho, City Manager; Max L. Berg, City Clerk; Jeff Oderman, City Attorney; Harry Weinroth, Community Development Director; Edward Putz, City Engineer; Marjorie L. Will, Deputy City Clerk; and certain other Staff members present in the audience.

SPECIAL BUSINESS

Subject: 43 - Resolution from American Red Cross.

IN RE: Resolution from American Red Cross.

Joyce Harvey, representing the American Red Cross, Orange County Chapter, presented a framed resolution to the Mayor and City Council, enacted by the Board of Directors, thanking the City for its support of the commitment of the Red Cross to protect life and health and respond in times of need to their neighbors in Orange County. Mayor Diehl accepted the resolution and thanked the Red Cross for their support during the recent landslide.

PUBLIC HEARINGS

Subject: 105 - Resolution No. 1-84 Conditionally Approving Tentative Tract Map 10578, Rancho San Clemente.

IN RE: Public hearing to consider Tentative Tract Map 10578, being the request of Rancho San Clemente to subdivide existing vacant property in order to create forty-four (44) parcels, 12 open space lots and 7 public streets. The property is approximately 1,944 acres in the Development District and the site is located at Avenida Pico north of Avenida Presidio.

The Mayor opened the public hearing, and Steve Maloney, representing the applicant, stated they have reviewed all the conditions of approval and concur, but would like modification of the last sentence in condition #3 to read: "The applicant shall extend and upgrade the San Pablo water line to Reservoir 5A during the development phase approved by the City Engineer", and modification of Condition #12 to read: "All manhole reaches shall be approved by City Engineer".

The City Engineer stated he agreed with the modifications following which the public hearing was closed and the Council also concurred with the modifications.

Upon motion of Councilman Carr, seconded by Councilman Mecham, and unanimously carried, RESOLUTION NO. 1-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CONDITIONALLY APPROVING TENTATIVE TRACT MAP 10578, was regularly introduced, passed, and adopted.

ITEMS FROM CITY MANAGER

Subject: 48 - Verde Canyon Landslide.

IN RE: Proclamation confirming existence of a local emergency relating to the Verde Canyon landslide.

The information presented is briefly summarized as follows: The City Manager reported on the landslide and destruction of the three homes at the cul de sacs of Via Catalina and Via La Jolla which occurred at approximately 6:00 P.M., Friday, December 30, 1983, and for which he, as Director of Emergency Services, declared and proclaimed the existence of a local emergency. He then gave an overview of the incident and explained the various emergency actions which took place including an initial evacuation of approximately 100 residents from the area; the use of a Marine air rescue helicopter in removing a resident from one of the collapsed homes who was flown to Mission Community Hospital, treated and released uninjured; the shutting off of utility services; activation of the Emergency Operations Center; contact with Red Cross and setting up of an emergency shelter at the Community Center; use of the City of Costa Mesa helicopter to floodlight the area and for preliminary assessment, visual observation and photographing of the slide area; and various related actions.

Mr. Carvalho noted that the three homes located at the cul de sacs of Via Catalina and Via La Jolla (1213 and 1215 Via Catalina and 1219 Via La Jolla) slid into Verde Canyon; that seven homes (1215 and 1217 Via La Jolla; 1209 and 1211 Via Catalina; 1205, 1206, and 1207 Via La Mesa) adjacent to the affected slope remain evacuated due to the possibility of continued slope failure and that all other homeowners originally evacuated have been allowed to return to their homes; that it is anticipated the 7 residences will remain unoccupied for a minimum of three weeks until the results of the geological studies are available.

Mr. Carvalho continued that during the period since the slide occurred the City has been working with the Red Cross to provide temporary housing and a local real estate firm is also working with the affected residents to provide temporary housing; that the firm of Leighton & Associates, geotechnical consultants hired by the City, will be conducting subsurface investigations to determine the stability of the hillside, the possibility of further slippage, and the possible cause of the slide. Additionally, the City will be working with adjacent owners to address potential drainage problems in the canyon in order to mitigate any further damage which might be caused as a result of winter rains; that due to slope instability and potential for further structural collapse, the three homes involved in the slide remain fenced off and posted as off limits to everyone except authorized individuals; that a temporary dirt road was constructed up Verde Canyon to the destroyed homes in order to provide access for geotechnical work and to allow the homeowners to salvage their personal belongings; that the City crews were working to repair a drain at the bottom of Via Avila which ruptured during the slide and that a temporary system is being installed. Mr. Carvalho commented on the difficulty and time involved in responding to the many inquiries from the news media and requested their cooperation in working with the City so that timely information can be provided. It was noted that a meeting will be held with the ten homeowners to open the lines of communication and advise them of what the City has been doing, what is planned to be done, and to allow them to ask questions and express their concerns. In closing the City Manager reviewed the role of the City in this state of local emergency in providing public safety as it relates to property and the welfare of the citizens; and that it should be clearly understood that the role of the City is related to the emergency responsibility; that much of what has occurred is on private property and the City is trying to communicate and keep the private property owners informed of their responsibility; that based upon discussions with the City they may wish to initiate certain activity on their own with the City facilitating.

Beach Leighton of Leighton and Associates reviewed his firm's background and experience in landslide matters and then introduced their geotechnical engineer, Iraj Poormand, and their chief geologist, Larry Cann, who by use of a model explained the type of slide that occurred as a Rock Block Slide in rock materials considered to be the Capistrano formation consisting of tilted layers of siltstone and sandstone.

Mr. Poormand then presented a preliminary geotechnical assessment of the Verde Canyon landslide noting the objectives were: (1) provide a preliminary assessment of the stability of the perimeter area upslope of the landslide, including recommendations for evacuation; (2) assess drainage conditions in the canyon bottom of the toe of the landslide and provide recommendations regarding maintenance of existing natural drainage; and (3) provide geotechnical recommendations for follow-on investigative steps. He further outlined the geotechnical steps completed as follows: (1) geotechnical review of the initial emergency area; (2) assessment of emergency evacuation; (3) study of sequential stereoscopic aerial photographs; (4) review of published and unpublished literature and reports, (5) mapping of the slide area, (6) periodic inspections of the slide area, (7) City emergency and planning meetings since the landslide occurred and provide technical input, and (8) preparation of a report summarizing their preliminary assessment through January 1, 1984. He then showed slides of the preliminary landslide parameters, noting that the Rock Block Slide was 500+ feet in length, 700+ feet in width, covered 4+ acres, maximum thickness 60+ feet, and contained over 1/3 million cubic yards. Mr. Poormand continued by explaining the procedure of geotechnical borings being conducted to test the depth and size of the slide and what can be expected in the next few weeks; that a lot depends on whether it rains, and if that happens more sliding could occur into the canyon bottom, either causing a flow down stream through the canyon or damming up the canyon and creating a pond behind the dam; that the bedrock continues to slough off, little by little, seeking to reduce its sharpness of slope and assume a more stable angle. Larry Cann warned that the brittle undermined edges of Via La Jolla and Via Catalina are treacherous and that unauthorized persons should keep out of the fenced and posted area.

Following the extensive presentation, a question and answer period followed and it was noted that a complete report will be submitted to the City for the meeting of 2-1-84.

IT WAS THEN MOVED BY COUNCILMAN CARR, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to ratify and confirm the proclamation of the existence of a local emergency as issued by the Director of Emergency Services.

It was noted that the state of emergency would continue to exist until its termination is proclaimed by the City Council.

Members of the Council commended the City personnel for their prompt and efficient actions during the emergency.

CONSENT CALENDAR

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

Planning Commission Minutes

Minutes of 12-20-83. -- Received and filed.

Traffic & Parking Commission Minutes

Minutes of 12-15-83. -- Received and filed.

Design Review Committee Minutes

Minutes of 12-20-83. -- Received and filed.

Subject: 105 - Tentative Parcel Map 83-839 (San Clemente Medical Plaza Phase 4).

IN RE: Communication from Planning Commission recommending approval of Tentative Parcel Map No. 83-839, being the request of San Clemente Medical Plaza Phase 4 to subdivide an existing commercial lot in order to create two lots for a 19-suite Medical Center. The lot area is 1.1143 acres in the C-2 General Commercial Zone; legal description being Lot 11, Tract 5951. -- Set for public hearing on 1-18-84.

Subject: 105(113) Reimbursement Agreement for Master Plan Water Facility on Avenida Pico.

IN RE: Report from Community Development Director and City Manager recommending approval of reimbursement agreement with Western Savings for Master Plan Water Facility. -- Approved reimbursement agreement and authorized execution by Mayor and City Clerk.

Subject: 42 - Claim for Damages Filed by Rachel Southerland, et al.

IN RE: Claim for damages filed by Rachel Southerland, et al, in an unknown amount for failure to remedy and eliminate a problem of aggressive animals existing within the City resulting in daughter being mauled by a coyote. -- Based on insurance adjuster's recommendation, the claim was denied.

Subject: 77 - Park Maintenance Mower.

IN RE: Report from Public Services Director and City Manager reporting on the three bids received for one commercial rider mower 23 h.p. with center mounted vacuum. -- Accepted bid in the amount of \$7,286.44 submitted by B. Hayman Co. for the purchase of one commercial rider mower.

Subject: 77 - Pier Reconstruction, Phase IIB, Project 18-82, Change Order No. 1.

IN RE: Report from Community Development Director and City Manager advising that during construction, the Engineering Staff has assessed a need to attach 40 additional piles to the pile cap which will greatly improve the integrity of the structure. -- Approved Change Order No. 1 in the amount of \$5,560.00 to the contractor, Red Cannan Engineering.

Subject: 105 - Final Tract Approval - Tract 12073 (El Camino Ltd.).

IN RE: Report from Community Development Director and City Manager advising that El Camino Ltd. has submitted the required items for final approval of Tract 12073, being a 10-unit condominium at 2711-2717 South El Camino Real. -- Approved final map of Tract 12073.

PAYING OF THE BILLS

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that Warrants No. 10394 through No. 10400, No. 24101 through No. 24144, and No. 8759 through No. 8936 be paid.

Total demands approved for payment for period ending January 3, 1984 . . . . .	\$344,645.27
Ratification of Payroll Warrant No. 10396 for period December 5, 1983 through December 18, 1983. . . . .	\$153,535.47
TOTAL WARRANT REGISTER	<u>\$498,180.74</u>

UNFINISHED BUSINESS

Subject: 77 - Regulation of Tree Heights on Private Property.

IN RE: Further consideration of request that City enact legislation regulating tree heights on private property.

IN RE: Communications from Mrs. Marie Yeats, E. J. Taylor, and Mr. & Mrs. Allan Houston favoring some type of tree height control.

C. L. Snider referred to suggested wording which had been submitted and reiterated that a hillside San Clemente resident who says his neighbor's trees have robbed him of an ocean view he paid for is a problem that affects everybody and that enforcement of a tree ordinance need not be cumbersome as it could be done on a complaint-only basis with a \$25 filing fee to cover the cost of paperwork. Floyd Cate, advised that the "arts jury" of the Association of Shorecliff Residents recommended that people remove any trees that block neighbors' views of the ocean or a ridgeline. Larry Peltier felt that such an ordinance would be impossible to enforce; and noted that virtually every palm tree in the City along El Camino Real would have to be eliminated. Councilman Limberg added that it would be an "administrative nightmare" if the City tried to enforce a tree height ordinance.

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY MAYOR DIEHL to concur with the recommendation of the Parks & Recreation Commission that the City not be involved in the regulation of tree heights on private property, and deny the request.

Mayor Diehl advised that public opinion he has heard was 3 to 1 against tree height legislation and that unless the Council could see more widespread public support for a ballot measure he could not justify placing the measure before the voters; and suggested the proponents consider the initiative petition process for a ballot measure which could be placed on either the June or November, 1984, ballot.

The Mayor then called for the QUESTION WHICH CARRIED with Councilman Carr voting "NO."

Subject: 77 - Uniform Policy on Park Closure.

IN RE: Question of establishment of a uniform policy as to closure of City parks at a certain hour.

The City Manager advised that all parties have agreed to the recommendation that the City parks contiguous to the beach (Parque Del Mar, "T" Street Park, Leslie Park, and Linda Lane Park) be closed at 12 midnight, and that a 10:00 P.M. curfew be established for all inland parks (Mira Costa Park, Plaza Park, San Gorgonio Park, San Luis Rey Park, Verde Park, and Vista Bahia Park) except for Bonito Canyon Park remain the same at 11:00 P.M.

IT WAS MOVED BY COUNCILMAN CARR, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that the City Attorney prepare an ordinance incorporating the Staff recommendation.

Council members Limberg and Mecham expressed certain concerns and Councilman Mecham suggested that a one-year trial period be added so that it could be determined whether or not the uniform policy of closing all City parks was acceptable.

Subject: 106 - Recreational Vehicles, Campers, Trailers, and Boat Parking.

IN RE: Further consideration of report from Fire Marshal and City Manager relating to recommendations of the Ad Hoc Recreational Vehicle Committee regarding on-street and off-street parking of recreational vehicles in residential areas.

In response to query from the Council, the Police Chief advised that the five-hour parking was expanded from the original two-hour parking; that by expanding the hours beyond five--up to eight--might be convenient for loading and unloading but also might encourage out-of-towners to park their RV's on City streets to sleep for the night which would then require the police to start knocking on RV doors at night to see if someone is inside sleeping; that if the Council selected a parking limit higher than eight hours--such as 12--it would go beyond a police officer's normal tour of duty and could create additional administrative workload between shifts; and adopting an RV parking permit system for loading and unloading of vehicles would also greatly increase the administrative workload.

Council members Carr and Limberg suggested the City needs to include language in the five-hour ordinance that makes it clear the five-hour parking is intended for loading or unloading of RV's, and perhaps lengthened with it clearly specified that the allowance is only for loading and unloading.

IT WAS MOVED BY COUNCILMAN CARR, SECONDED BY MAYOR DIEHL, AND UNANIMOUSLY CARRIED to direct the Community Development Director to prepare a zoning amendment allowing recreational vehicle storage facilities in C-2 and C-3 zones with a use permit; and express sincere appreciation to the members of the Ad Hoc Committee for their time, effort, and hard work in addressing a difficult issue.

IT WAS THEN MOVED BY COUNCILMAN CARR, SECONDED BY MAYOR DIEHL, AND UNANIMOUSLY CARRIED to continue the Staff recommendations relating to on-street and off-street parking to the meeting of 1-18-84.

Councilman Mecham suggested that Staff prepare an addendum as to how residents would be notified if the existing ordinance is to be enforced.

Subject: 113 - Award of Contract - Ave. Vaquero Water Service Installation,  
Project No. 23-83.

IN RE: Report from Community Development Director and City Manager reporting on bids received for Ave. Vaquero Water Service Installation.

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to award the contract for Avenida Vaquero Water Service Installation, Project No. 23-83, to Pandza Constructors for \$16,610.00 and appropriate \$16,610.00 from the Water Depreciation Reserve Account to Account #52-4337-530, Improvements Other Than Buildings.

Subject: 77 - San Gorgonio Park Phase II.

IN RE: Further consideration of Phase II development of San Gorgonio Park.

At the request of the City Manager, IT WAS MOVED BY COUNCILMAN CARR, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that the matter be continued to the meeting of 1-18-84.

Councilman Limberg expressed amazement at the high estimated cost for two tennis courts. Councilman Carr questioned selection of a consultant without any competitive bids and noted a recent case in this regard.

Subject: 100 - Report of Damage to Avenida San Juan by Heavy Construction  
Equipment.

IN RE: Memorandum from City Engineer and City Manager concerning Norman Ream's letter reporting damage to Avenida San Juan by construction equipment and inquiring as to bonding to cover damages.

Staff responded to comments from Mr. Ream relating to the damage that has been reportedly caused by heavy equipment on Avenida East San Juan, noting that no haul route has been designated for a project and that City Staff has not been able to detect movement of any heavy vehicles nor have they received any complaints except for Mr. Ream's letter; that City personnel have been monitoring the situation; that it is known there is construction in the area, however, heavy earth moving equipment and machinery are using Presidio to Salvador.

Councilman Mecham suggested that when anyone sees a truck on the street to call either the City Engineer or the Police Department so we can respond on a case by case basis. Staff further noted that the City is able to work and resolve and develop a haul route with large developments, but that smaller development can create problems. Mayor Diehl encouraged Mr. Ream to contact the City Engineer or Police Department and let the City use this approach.

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that Staff amplify on Mr. Ream's letter and include any consideration for design standards of East Avenida San Juan and the desirability and necessity to posting of weight limit for the street with a report for the meeting of 2-1-84.

Councilman Carr inquired whether the City did collect a bond, and if not why not, for use of the 100-300 blocks of Avenida Presidio to Salvador for any prospective damage which may have resulted. The City Engineer advised that it is difficult to collect on such bonds, and that usually an agreement is required.

Subject: 100 Reconstruction of Avenida Vaquero.

IN RE: Consideration of Councilman Limberg's comments regarding need to limit access for heavy equipment during the Estrella Golf Course restoration project.

Councilman Limberg clarified that when restoration of the Estrella Golf Course occurs he is concerned about the heavy equipment using the newly rebuilt Avenida Vaquero. Councilman Mecham also noted the need for this type of control.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to continue the matter to the meeting of 2-1-84.

URGENT MATTERS

Subject: 105 - Parcel Map No. 82-832 (Avenida San Juan Partnership).

IN RE: Comments by certain residents living on the other side of Verde Canyon expressing concern for their homes when the Avenida San Juan Partnership four-lot subdivision is developed (Parcel Map No. 82-832).

Main comments are summarized as follows: Stuart Phillips asked Council to reappraise the East Avenida San Juan project and halt development until a further geological investigation can be done. Norman Ream stated that the Council went against the City's Hillside Grading Ordinance when it approved the Avenida San Juan project; that if it proceeds and destruction occurs, the courts will be tied up with lawsuits; and requested the Council take action to stop any development of that project until it has been fully established that the soil there is not the same type of soil where the recent landslide occurred.

In response to query from the Mayor, the Community Development Director replied that the project did not violate the Hillside Grading Ordinance.

Mayor Diehl noted that no expert testimony was submitted last summer by residents to contradict the soils reports and expert testimony of the project's geologist, and that the City's own hired geologist also reviewed the soils information.

Councilman Mecham reminded the audience that last summer the Council had asked its legal staff what options were available in light of the geological testimony and was advised that the City Council had no legal grounds to deny approval of the subdivision.

Betty Jo Atnip asked the City to work with the residents in regard to their homes which were built many years ago where they do not know what conditions are underneath, and perhaps tighten the City's criteria for hillside development in light of the hillside slippage San Clemente has experienced; that maybe the criteria is a bit too loose; and that it is a problem of major proportions and since it is a problem in San Clemente it seems the City should help the property owners.

Mayor Diehl noted that the City has competent Staff and competent geological consultants, that if the residents have a competent person to challenge the geological studies of the Avenida San Juan project they can pursue it.

Joan Walton suggested the City hire the same highly reputable firm it has hired to investigate the 1980 slide damage and the latest landslide to take a close look at the Avenida San Juan property.

8  
Upon question, the City Attorney reviewed the sequence of events and consideration given to the project and the basis for its approval, noting that the Council had no alternative to deny the proposal on the basis of the geological information. He continued that if it is determined at a future date that the property is not developable because of some information that was not provided to the City previously; then the City Council would have some discretion to further review.

Subject: 75 - Parking Enforcement Problem Related to Teacher's Parking Lot at San Clemente High School.

IN RE: Report of parking enforcement problem in the teacher's parking lot at San Clemente High School.

Steve Svoboda, local student, noted that the parking enforcement unit of the Police Department tickets student cars that are parked in the teacher's parking lot which are parked there because the student lot is full. He further noted that he has received two tickets and gone to court and been successful in having them cancelled, and requested that the Police Department make exception to student cars parked in the teacher's lot when the student parking lot is full. Councilman Mecham suggested he get in touch with Chief Brown, and that if he has no satisfaction over the next two weeks, come back to Council.

ITEMS FROM CITY MANAGER (continued)

The City Manager requested a Closed Session to bring the Council up to date on the progress of the Self Funded Health Insurance Plan meetings.

Subject: 54 - Audio Over-Ride of TV Cable.

IN RE: Request from Fire Protection Director for audio over-ride of TV cable.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to approve the request to contract with TM Cablevision for audio over-ride of TV cable not to exceed \$10,000.

ITEMS FROM CITY ATTORNEY

Subject: 37 - Resolution No. 2-84 Appointing Legal Representatives of the City.

IN RE: Resolution amending Resolution No. 123-82 appointing Eric R. Newman as an additional Deputy City Attorney.

Upon motion of Councilman Mecham, seconded by Councilman Limberg, and unanimously carried RESOLUTION NO. 2-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING RESOLUTION NO. 123-82 APPOINTING LEGAL REPRESENTATIVES OF THE CITY, was regularly introduced, passed, and adopted.

ITEMS FROM COUNCIL MEMBERS

Subject: 49 - Possible Ballot Measures for April 10, 1984 General Municipal Election.

IN RE: Possible ballot measure for April 10, 1984 General Municipal Election.

Councilman Carr again suggested consideration of a measure pursuant to provisions of Proposition 13 for an ad valorem property tax increase to be used for general citywide street reconstruction and half could be offered as a city contribution whenever residential property owners petition the City to rebuild their street and are willing to help pay the costs.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN CARR, AND UNANIMOUSLY CARRIED to direct the City Attorney to prepare a legal ballot measure for the April election for a property tax override to provide funds for street reconstruction, with said matter to be considered at an adjourned meeting on 1-11-84.



Subject: 99 - Use Permit 83-24, Ponderosa Shores.

IN RE: Councilman Mecham's referral to Council approval of Planning Commission Minutes of 12-6-83 and Use Permit 83-24, Ponderosa Shores signage.

Councilman Mecham stated had he been fully aware of the matter he would not have voted for approval of the minutes containing this Use Permit to allow temporary signs and sales office for the Ponderosa Shores Development; that this would be setting a precedence and he would not want to see it happen again; and noted that the directional signs are for this purpose with the various real estate developments using that type of signage.

Subject: 100 - Bonding for Street Reconstruction.

IN RE: Councilman Mecham's referral to bonding of developers to protect and cover road repairs.

Councilman Mecham noted that in the past the City has had problems collecting on the bonds, and suggested that the City might want to consider in the future instead of bonding to require either a letter of credit or cash deposits.

#### NEW BUSINESS

Subject: 49 - Initiative Petition re Water Reclamation Plant.

IN RE: Report from City Clerk as to sufficiency of the initiative petition to adopt an ordinance or submit to the voters the question of maintaining the "Avenida Pico Waste Water Facility" (Water Reclamation Plant) at its present location.

IN RE: Report from City Attorney as to the legality of the initiative petition.

The City Clerk advised that it was necessary to contract with the Registrar of Voters of the County of Orange who has examined the initiative petition and certified that from said examination determined the following facts regarding this petition: Number of signatures to verify - 2,236; number of signatures found "sufficient" - 1,973 (needed 1,549 to qualify), number of signatures found "not sufficient" - 226; and number of signatures found "not sufficient" because of being duplicate signatures - 37.

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM AND UNANIMOUSLY CARRIED to receive and file the City Attorney's report, and as required by Elections Code Section 4011 submit the initiative measure to the voters at the April 10, 1984, General Municipal Election.

Subject: 49 - Miscellaneous Items Relating to April 10, 1984 General Municipal Election.

IN RE: Report from City Clerk as to adoption of miscellaneous actions and Resolutions relating to the April 10, 1984 General Municipal Election.

The Clerk presented and explained various items relating to the election which required Council determination, following which IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that there be no filing fee for candidates; that for those persons desiring to file a candidate's statement the 200-word limitation apply; that candidates who desire to file a candidate's statement be required to pay for the cost of printing and handling of said statement; and that candidates who wish to have their candidates' statements also mailed in the Spanish language shall pay for the costs of printing.

Upon motion of Councilman Mecham, seconded by Mayor Diehl, and unanimously carried, RESOLUTION NO. 3-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY ON TUESDAY, APRIL 10, 1984, was regularly introduced, passed, and adopted.

Upon motion of Councilman Limberg, seconded by Councilman Mecham, and unanimously carried, RESOLUTION NO. 4-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY ON TUESDAY, APRIL 10, 1984, FOR THE ELECTION OF CERTAIN OFFICERS OF THE CITY AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES; AND FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF AN INITIATIVE MEASURE RELATING TO THE WATER RECLAMATION PLANT, was regularly introduced, passed, and adopted.

Upon motion of Councilman Mecham, seconded by Mayor Diehl, and unanimously carried, RESOLUTION NO. 5-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO MATERIALS SUBMITTED TO THE ELECTORATE AND THE COSTS OF THE CANDIDATES STATEMENT FOR THE GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY ON TUESDAY, APRIL 10, 1984, was regularly introduced, passed, and adopted.

Upon motion of Mayor Diehl, seconded by Councilman Mecham, and unanimously carried, RESOLUTION NO. 6-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING CERTAIN OF ITS MEMBERS TO FILE A WRITTEN ARGUMENT REGARDING AN INITIATIVE MEASURE, AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS, was regularly introduced, passed, and adopted.

Upon motion of Mayor Diehl, seconded by Councilman Mecham, and unanimously carried, RESOLUTION NO. 7-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES SUBMITTED AT MUNICIPAL ELECTIONS, was regularly introduced, passed, and adopted.

Upon motion of Mayor Diehl, seconded by Councilman Mecham, and unanimously carried, RESOLUTION NO. 8-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ORDERING THE CANVASS OF THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, APRIL 10, 1984, TO BE MADE BY THE CITY CLERK, was regularly introduced, passed, and adopted.

Subject: 77 - Marine Corps Volunteer Assistance Project.

IN RE: Report from Public Services Director and City Manager advising that the Marine Corps has contacted the City with an offer to volunteer the services of approximately 120 Marines of Bravo Company for public service projects in San Clemente during the second week of January, 1984.

IT WAS MOVED BY COUNCILMAN CARR, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to appropriate \$3,550 from the General Fund Contingency Reserve in support of volunteer labor being provided by the United States Marine Corps (Bravo Company, 1st Battalion, 1st Marines) during the week of January 9 through 13, said funds will provide bus transportation, small tools and supplies, and an appreciation luncheon for the 120 Marines expected to be involved in the project.

Subject: 51 - Purchase of Computer.

IN RE: Report from Finance Director and City Manager reporting on the proposals received for furnishing computer hardware, computer applications software, and word processing software.

The Finance Director gave a brief overview of the project noting that for months the City Staff has been assessing the City Hall's computer needs; that in October the City Council hired a computer specialist, Software Support Services of Woodland Hills, to analyze each department's purported needs and help the City select the most suitable computer system available; that 16 computer firms responded to requests for proposals and the list of competing firms was whittled down to three finalists; that after the initial outlay for hardware, software and conversion, annual maintenance costs would run about \$38,000; and that along with a better accounting system the locally located computer could save City Hall tremendous clerical expenses due to the word processing capability.

David Millican, representing Infocomp Systems, Inc., one of the finalists in the selection process, requested that the City Council defer action and allow Infocomp and Hewlett-Packard an opportunity to submit additional information concerning selection of a vendor; that the City needed to consider additional references, the lower cost of the Hewlett-Packard/Infocomp Systems proposal and to place more emphasis on software analysis and compatibility; and that the City had failed to personally inspect the Hewlett-Packard/Infocomp system being used in another City as they did with the Microdata vendor.

Norman Ream reviewed his professional background in the computer field and raised several questions about conversion and maintenance costs; and suggested a citizens' panel be appointed to help the City make a choice among computer systems as the selection of a computer system can have far-reaching impacts at City Hall and needs close scrutiny.

The Finance Director responded to questions from Council following which, IT WAS MOVED BY COUNCILMAN CARR, SECONDED BY MAYOR DIEHL, AND CARRIED to continue the matter to the meeting of 1-18-84. Councilman Mecham voted "NO" stating that he felt if the City Staff, which will use the computer systems, feels more comfortable with the Microdata System, then the City Council should select the system the City Staff wants.

Subject: 79 - Additional Temporary Part-Time Help for Business  
License Inspector.

IN RE: Report from City Clerk and City Manager requesting part-time help for a three-month trial period to assist the License Inspector in performing license renewal and field enforcement duties.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY MAYOR DIEHL, AND UNANIMOUSLY CARRIED to authorize employment of a part-time person approximately 20 hours per week for a three-month trial period to assist the License Inspector in performing license renewal and field enforcement duties; and approve budgetary transfer of \$1750 from Account #01-4124-490 Contingency Reserve to Account #01-4132-102 Salaries, part time.

#### RESOLUTIONS

For Resolution No. 1-84 see under "PUBLIC HEARINGS" on page 1.  
For Resolution No. 2-84 see under "ITEMS FROM CITY ATTORNEY" on page 8.  
For Resolution No. 3-84 see under "NEW BUSINESS" on page 9.  
For Resolution No. 4-84 see under "NEW BUSINESS" on page 10.  
For Resolution No. 5-84 see under "NEW BUSINESS" on page 10.  
For Resolution No. 6-84 see under "NEW BUSINESS" on page 10.  
For Resolution No. 7-84 see under "NEW BUSINESS" on page 10.  
For Resolution No. 8-84 see under "NEW BUSINESS" on page 10.

#### ORDINANCES

Subject: 105 - Ordinance No. 882 Providing for Parcel Map Waiver  
Procedure.

IN RE: Ordinance No. 882 providing for parcel map waiver procedures.

Upon motion of Councilman Carr, seconded by Councilman Mecham, and unanimously carried, ORDINANCE NO. 882 BEING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTIONS 35-13 AND 35-14 OF THE CODE OF THE CITY OF SAN CLEMENTE RELATING TO EXCEPTIONS TO THE FILING REQUIREMENTS FOR TENTATIVE TRACT AND PARCEL MAPS, having been regularly introduced at the meeting of 12-21-83 was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted.

MEETING RECESSED

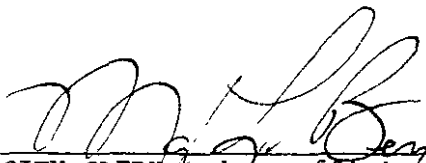
The Mayor recessed the City Council meeting to convene a meeting of the Redevelopment Agency.


MEETING RECONVENED AND ADJOURNMENT TO CLOSED SESSION

The Mayor reconvened the meeting and IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN CARR, AND UNANIMOUSLY CARRIED to adjourn to a Closed Session to discuss matters of personnel and potential litigation.

MEETING RECONVENED AND ADJOURNMENT

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY MAYOR DIEHL, AND UNANIMOUSLY CARRIED that the Council Meeting be adjourned at 11:58 P.M. to 7:00 P.M., January 11, 1984.

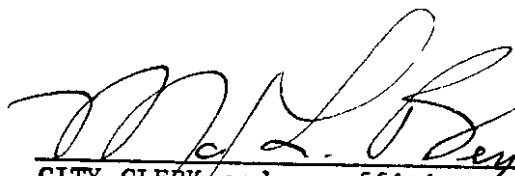
  
 CITY CLERK and ex-officio  
 Clerk of the City Council

  
 MAYOR and President  
 of the City Council

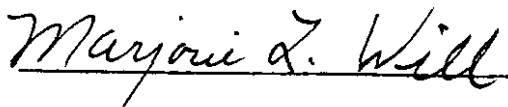
STATE OF CALIFORNIA )  
 )  
COUNTY OF ORANGE ) SS  
 )  
CITY OF SAN CLEMENTE )

AFFIDAVIT OF POSTING  
OF MEETING

I, MAX L. BERG, being first duly sworn deposes and says:  
that I am the duly chosen, qualified, and acting ex-officio Clerk of the  
City Council of the City of San Clemente; that at the regular meeting of  
the City Council of the City of San Clemente, held January 4, 1984 ,  
said meeting was ordered adjourned to the time and place specified in the  
Order of Adjournment ATTACHED HERETO; that on January 5, 1984 , at the  
hour of 11:00 AM , I posted a copy of said Order of Adjournment at the  
conspicuous place on or near the door of the place at which said meeting of  
January 4, 1984 , was held.

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

Subscribed and sworn to before  
me this 5th day of January, 1984

  
\_\_\_\_\_  
Marjorie Z. Will

ORDER OF ADJOURNMENT

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, January 4, 1984, Mayor G. Scott Diehl presiding.

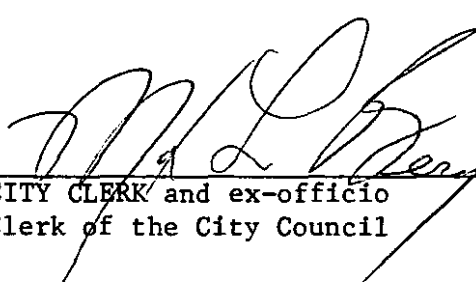
ROLL CALL

PRESENT: Council Members - CARR, LIMBERG, MECHAM, AND DIEHL  
ABSENT: Council Members - KOESTER

Also Present: George A. Carvalho, City Manager; Max L. Berg, City Clerk;  
and Jeff Oderman, City Attorney

ADJOURNMENT

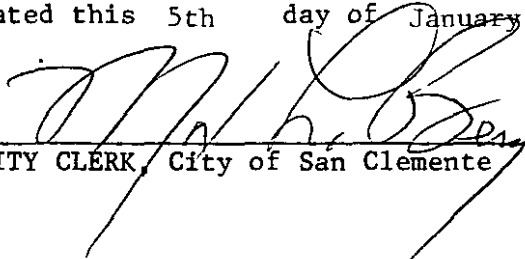
IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY MAYOR DIEHL,  
AND UNANIMOUSLY CARRIED that the Council Meeting be adjourned at 11:58 P.M.  
to 7:00 P.M., January 11, 1984.

  
\_\_\_\_\_  
CITY CLERK and ex-officio  
Clerk of the City Council

  
\_\_\_\_\_  
MAYOR and President  
of the City Council

Certified to be a true and correct  
copy of excerpts from the Jan. 4,  
1984 Council Minutes

Dated this 5th day of January, 1984

  
\_\_\_\_\_  
CITY CLERK, City of San Clemente