

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, February 1, 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, KOESTER, LIMBERG, MECHAM, AND DIEHL  
ABSENT: Council Members - NONE

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.

UNFINISHED BUSINESS

Subject: 48 - Status Report Regarding Verde Canyon Landslide;  
Geologic Hazard Abatement District.

IN RE: Status report regarding Verde Canyon Landslide.

IN RE: Report from City Manager submitting information relating to possible formation of a Geologic Hazard Abatement District.

Beach Leighton, Lawrence Cann, and Iraj Poormand of Leighton and Associates gave an extensive verbal and slide presentation summarizing their Preliminary Geotechnical Report of the December 30, 1983, Verde Canyon Landslide. The comprehensive report set forth the landslide parameters, the results of their investigation, geotechnical findings, and their preliminary conclusions and recommendations.

A concluding summary statement from the report was as follows: "Seven residences remain on the 'Not to be Occupied' list as a result of our preliminary investigation of the Verde Canyon Landslide which was completed on January 27, 1984.

The area affected had not suffered a historical slide before, but has been discovered to have a history of prehistoric landsliding. The homes in the area were completed in 1966, a year before the City of San Clemente adopted a more modern building code. Before 1967 no geologic reports were required by the City.

The basic causal factors of the landslide were related to the inherent earth weaknesses of the steep northern slope of Verde Canyon, namely, montmorillonitic-rich clay seams sandwiched between unsupported siltstone and sandstone bedrock units of the Capistrano Formation.

The recent events and processes that brought this intrinsically unstable mass to the breaking point were chiefly related to the changes in water regimen and other physical and chemical changes in reducing the shear strength of the potential rupture surfaces that were of a more long-term nature. Breakage of the water main, as well as the other destruction in the landslide area were an effect of the landslide rather than its cause. Based on back-calculations, the slide was already at the brink of failure with the existing regional ground water gradient which slopes toward the canyon from far behind the landslide scarp. The measured ground water table levels do not correlate with a potential source of water at the location of the water main break.

An Emergency Control Plan is proposed to protect the homes threatened by the slide and reduce the potential for reactivation of the slide. This plan would consist of demolition and salvage of the destroyed residences, grading to minimize the hazards of open fissures and cliffs formed by the landslide, construction of temporary drainage swales, lining portions of the slide area with plastic sheeting to inhibit the infiltration of water, dewatering of the crown area above the slide, and instrumental monitoring of the slide.

Permanent stabilization design schemes are outlined to achieve two different levels of stability:

1. Toe and head buttresses to mitigate the slide and prevent it from blocking the canyon and advancing headward into the area of nearby residences.
2. A major gravity buttress to achieve an acceptable safety factor for residential construction of the slide area."

Following the presentation, lengthy discussion is summarized as follows: The Leighton and Associates representatives responded to various questions from the Council. Some of the main points of discussion concerned a query from Councilman Limberg as to when any of the seven residences might be able to again be occupied. Mr. Poormand advised that two (Lots 17 and 20) of the four homes on La Mesa would be in a safe enough condition to reoccupy if the water table can be brought down but that the other two homes are too close to the edge of the scarp and even the dewatering process may not be sufficient; and that in a matter of one week the effect of dewatering could be assessed. In response to query from Mayor Diehl as to future protection against rains, Mr. Poormand responded that they discussed in the report establishing a dewatering program and maintaining it; that the source of water is above and migrates down slope from higher up; that they are pumping water and it keeps recharging; and that pumping action should continue periodically and maintained continually until some permanent design is made.

In response to query from Councilman Mecham, Mr. Poormand reiterated that the report concludes that the water main that was observed to be broken on the morning of December 30 was a result of the landslide and not vice versa; and that several lines of evidence point to that and are explained in the report.

Attorney Patrick Catalano, representing five of the homeowners that were evacuated, two of the homeowners of the three homes that went down the hill, and several other homeowners in the area had the following questions: What will the cost of the winterization be? What is the cost of the permanent proposed repairs? Isn't it true that the water main that is alleged by Mr. Poormand not to be a cause of this incident was repaired prior to the slide occurring? If in fact the slide was the cause of the water main rupturing wouldn't it be true that the homes would have gone down at the same time? Isn't it a fact that if the slide caused the water main to rupture, there would have been significant movement that would have been felt at the time the water main ruptured? What is the boundary of the proposed assessment district? How is the proposed assessment district to be financed--bonds, assessments or some other type of financing?

In responding to certain of the questions, Mr. Poormand advised that the cost of winterization was estimated between \$50,000-\$70,000, and a very rough estimate of two-thirds of a million dollars for semi-permanent repairs and \$1.5 million for permanent repairs. Mr. Poormand also amplified on their findings as to the slope movement over a long period of time and the evidence which indicated the slide caused the water main to rupture.

The City Manager then reviewed the administrative report setting forth the procedures for the formation of a geologic hazard abatement district, alternatives for payment of costs, establishing boundaries, and formula for billing. Mr. Carvalho felt that the issue was whether the property owners were interested in this concept, and if in fact they are willing to consider this approach, the City will work with them and follow the necessary procedures. In response to query from Mayor Diehl, the City Attorney recommended that Staff develop the information, talk to the property owners and educate them as to what the possibilities are and solicit their interest; that the concept be further explored and before detailed engineering work is performed to obtain an indication from the property owners if they would support such a district.

Following further comments and discussion, IT WAS MOVED BY COUNCILMAN CARR, SECONDED BY MAYOR DIEHL, AND UNANIMOUSLY CARRIED that the concept of a Geologic Hazard Abatement District be further explored by Staff within the general vicinity of Tracts 3515, 3980, and 3981.

Councilman Mecham suggested that the methods of notifying residents be reported back, and Councilman Limberg suggested that the area of such a district should not necessarily be limited to those tracts and that Staff should work with the geotechnical consultant in establishing the boundaries. Councilwoman Koester noted that such a district was first discussed in 1980 and that there were basic guidelines to draw from.

Upon recommendation of the City Manager, IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that the Preliminary Geotechnical Report on Verde Canyon Landslide submitted by Leighton & Associates be referred to the City Engineer for review and comment; that the report be made available to the public with copies of the report placed in the Library and with the City Clerk available on a loan basis for interested persons.

Attorney Catalano then made extensive remarks concerning the question of winterization of the slope; requesting an opportunity to question Mr. Poormand and challenging certain of Mr. Poormand's remarks relating to the water main break; disagreeing with the scenario of what happened during his earlier discussions with City representatives and the geotechnical consultant; responding to comments made by Mayor Diehl at the previous meeting; and noting that the City wanted his clients to pay for the total cost of removing the destroyed homes from the hill and for winterization; and also requested hold harmless agreements be given to the City. During further remarks he requested the Council to vote to have the emergency stabilization done, the cost to be borne by the City or through its insurance carrier.

Mayor Diehl inquired of the City Attorney if he had relayed the City's offer to Mr. Catalano concerning the hold harmless and the winterization process; and that because he would not give us a hold harmless we have no one on a contract basis who is willing to do the winterization. The City Attorney replied in the affirmative; noting that Mr. Catalano's response was that the release would not be forthcoming and the City should undertake to do the work on its own; that the City had an absolute responsibility to do so and should find a contractor willing to obtain insurance for the City to cover any concerns.

During further comments, Mr. Catalano inquired if the City's proposal is that it will pay for the full winterization of the slope if his clients sign a limited form of hold harmless solely dealing with any efforts that would happen if there were problems with that slope when it was winterized. In view of threatened litigation the City Attorney requested the Mayor not respond to the question until the Council has had an opportunity to discuss the matter in Closed Session and IT WAS THEN MOVED BY MAYOR DIEHL, SECONDED BY COUNCILMAN LIMBERG to adjourn to a Closed Session.

During further comments, including outbursts from the audience, Attorney Catalano noted he had previously advised the City Attorney that if his clients gave a hold harmless agreement without their insurance companies' approval they could impair their insurance company from protecting them in the event anything would happen, leaving them to be sued personally; and had suggested that the City employ a contractor and allow him to obtain insurance to protect him from this type of thing. THE MAYOR THEN CALLED FOR THE MOTION TO ADJOURN TO CLOSED SESSION WHICH CARRIED UNANIMOUSLY.

The meeting reconvened at 8:50 P.M.

For the benefit of the public the City Attorney explained the Closed Session process, noting that when we first met Mr. Catalano one of the first things he said was that he was going to sue the City, that we could "bet on it" and we accepted that statement at face value; that the City Council just as any homeowner is entitled to confidentiality when talking to an attorney; that the City has tried to cooperate in providing information to Mr. Catalano and to his clients in the form of geotechnical work that has been prepared; that we have not received a corresponding promise or assurance that any geotechnical work on the other side would be made available to the City; that it is not appropriate for negotiations to be conducted under the threat of litigation for potentially millions of dollars and to be ongoing in a City Council meeting between an attorney and the Mayor of the City, and for that reason I have advised the Council and they confirm that in this instance any further negotiations regarding this matter between Mr. Catalano and the City will be conducted through the attorneys; that the City has already notified its insurance carrier regarding the claims that are expected to be filed against it, and it is undertaking to represent itself in a legal posture because that is the posture Mr. Catalano and his clients have placed this matter in.

The City Attorney further added he will be attempting to meet with Mr. Catalano to discuss his clients concerns in regard to winterization and any other matters; that he will make himself available to him tomorrow and try to work out some kind of equitable agreement that will be acceptable.

IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED that any further discussions on this issue with the attorney representing the homeowners be done strictly through the City Attorney.

Norman Ream presented comments against the formation of any abatement district relieving the City of liability; that these matters can be conducted by the City and that we do not need separate districts all over the City to handle these types of matters. Mayor Diehl commented that until we have a full report from Staff explaining the pros and cons of an abatement district the public hasn't had a chance to make up its own mind and to consider avenues to protect their property; and that Mr. Ream's comments would be more appropriate at a public hearing which would have to be held on such a district. In further remarks, Mr. Ream felt that the City had the responsibility to remove the debris in the slide area since the City has already established how the land shall be used.

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(Later in the Meeting)

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to continue the state of local emergency to the Council meeting of 2-15-84.

#### PUBLIC HEARINGS

Subject: 57 (117) - Ordinance No. 883 Approving Zoning Amendment 83-03 and Resolution No. 12-84 Adopting General Plan Amendment No. 50 - Zagwolski - 512-514 Ave. de la Estrella.

IN RE: Continued public hearing to consider General Plan Amendment No. 50 and Zoning Amendment 83-03, being the request of John Zagwolski under Section 9.2 of the San Clemente Zoning Ordinance to allow a General Plan Amendment and Zone Change from R-3 to C-A (Commercial Apartment) or C-2 (General Commercial), located at 512-514 Ave. de la Estrella; legal description being Lots 25 and 26, Block 1, Tract 793, and consideration of a Negative Declaration proposed with respect to the matter.

The hearing was opened and the applicant stated he was present to answer any questions.

IT WAS MOVED BY COUNCILMAN CARR, SECONDED BY COUNCILMAN MECHAM, to concur with Planning Staff's recommendation to approve General Plan Amendment No. 50, and Zoning change from existing R-3 to C-A.

During discussion of concerns expressed by Council members Limberg and Mecham, Staff advised that the C-A zone is intended primarily to be a transition type of district and that the C-A zone provides a greater margin of protection to the neighborhood in the types of uses that would be allowed.

Following discussion, A SUBSTITUTE MOTION WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY MAYOR DIEHL that this application be denied without prejudice and Staff be requested to return to the Planning Commission with amendments or adjustments to the Zoning Ordinance which would address the concerns expressed tonight regarding C-A zoning.

Following further comments by the applicant, Staff, and Council, COUNCILMAN LIMBERG AMENDED HIS MOTION, SECONDED BY MAYOR DIEHL to continue the public hearing to May 2, 1984 while the C-A Zoning is being reviewed. THE MOTION FAILED TO CARRY with Council members Carr, Koester, Mecham, and Mayor Diehl voting "NO."

Following further discussion, the Mayor then called for the ORIGINAL MOTION WHICH CARRIED with Councilman Limberg voting "NO."

IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to direct Staff that in looking at the C-A zone to establish a zone which is a true buffer between residential and commercial.

IT WAS MOVED BY COUNCILMAN CARR, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to waive the reading in full of Ordinance No. 883.

Upon motion of Councilman Carr, seconded by Councilman Mecham, and carried, ORDINANCE NO. 883, BEING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING ZONING AMENDMENT NO. 83-03, was regularly introduced by title only, the reading in full thereof having been unanimously waived. Councilman Limberg voted "NO."

Upon motion of Councilman Carr, seconded by Mayor Diehl, and carried RESOLUTION NO. 12-84 BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING GENERAL PLAN AMENDMENT NO. 50, was regularly introduced, passed, and adopted. Councilman Limberg voted "NO."

Subject: 105 - Tentative Parcel Map 83-840, 120 Via Mimosa - Abrate.

IN RE: Public Hearing to consider Tentative Parcel Map 83-840, being the request of P. Bart Abrate to subdivide an existing single family lot in order to create three lots for single family dwelling units. The lot is approximately two acres in the open (O-S) District, located at 120 Via Mimosa; legal description being Lot 13, Tract 8191, and consideration of a negative declaration proposed with respect to the matter.

Councilman Carr noted that he would have to ABSTAIN on the matter due to a conflict of interest and left the rostrum. The Mayor opened the public hearing and Lee Riley, representing the applicant, reviewed the procedures followed before the Planning Commission and various City Departments; noting that the open space will remain exactly as it is; that development will only occur in the buildable areas not reserved as open space; and that the project complies with all City codes.

Dr. Berigoj K. Stambuk submitted a petition in opposition containing 42 signatures and read a letter objecting to the lot split. Walter Beeson, referred to the previously approved lot split in the area; noted that no notification of hearing was received by the owner (Security Pacific Finance) of six adjacent properties on Via Mimosa; and that there will be a conflict concerning private streets such as traffic. Douglas Hoover, Vice President of Security Pacific Finance, owners of Lots 11, 12, 29, 30, 31 and 32 stated their primary purpose and interest in the issue is that they would like to have an opportunity to study the proposal; that notification was sent to their old address; that they have visited the site and would like to study the impact of the project.

Lee Riley in rebuttal noted that there were no conditions imposed on Tract 8191 which prohibits further subdivision; that approving the lot split will not change zoning as it will be exactly as it is today; pointed out that two Planning Commissioners excused themselves from the rostrum to prevent conflict of interest; and verified that notification to property owners within 300 feet went through proper procedures.

IT WAS MOVED BY COUNCILMAN MECHAM for a 30-day continuance as requested by the owners on Via Mimosa. THE MOTION DIED FOR LACK OF A SECOND.

IT WAS THEN MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILWOMAN KOESTER to deny the application.

Councilman Limberg referred to information he had retrieved from the files and stated that Douglass Pacific was granted a conditional use permit in 1971 that included a "master land development plan" and that this lot split would be in violation of that plan. Staff advised that they would like time to review the Use Permit and conditions that were applied and analyze this new material.

A SUBSTITUTE MOTION WAS MADE BY COUNCILMAN MECHAM, SECONDED BY MAYOR DIEHL to continue the matter to the meeting of 2-15-84 for purposes of Staff analyzing this new material.

Councilwoman Koester commended Mr. Limberg for digging out the information.

The Mayor then called for the QUESTION WHICH FAILED TO CARRY FOR LACK OF MAJORITY VOTE with Council members Koester and Limberg voting "NO."

The City Attorney stated he would also like to review the new information submitted and recommended that the public hearing be reopened and continued to the meeting of 2-15-84, with the concurrence of the applicant who agreed.

IT WAS THEN MOVED BY MAYOR DIEHL, SECONDED BY COUNCILMAN MECHAM, AND CARRIED to continue the public hearing to the meeting of 2-15-84 to allow Staff, the proponents and opponents an opportunity to review the new information submitted by Councilman Limberg. Councilwoman Koester voted "NO."

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.

City Council Minutes

Minutes of 1-11-84 (adjourned) and 1-18-84 (regular). -- Approved as presented, and reading in full thereof waived.

Traffic & Parking Commission Minutes

Minutes of 1-19-84. -- Received and filed.

Subject: 79 - Self-Funded Health Insurance Plan - Proposed Modifications to Memoranda of Understanding.

IN RE: Report from Personnel Officer and City Manager outlining proposed changes in language to the Memoranda of Understanding with the City's three employee bargaining groups regarding medical insurance benefits. -- Approved the proposed amendments to the MOU's between the City and recognized bargaining groups.

Subject: 96 - Approval of Sewer Manhole Repair Specifications.

IN RE: Report from Community Development Director and City Manager advising that plans, specifications and special provisions have been prepared to repair thirty sewer manholes. -- Approved specifications and plans for the repair of sewer manholes and authorized advertising for bids. Councilman Carr voted "NO."

Subject: 105 - Final Tract Approval - Tract 11516 - Cazador Partnership.

IN RE: Report from Community Development Director and City Manager advising that Cazador Partnership (Ray L. McCaslin, Gen. Partner) has submitted all required items for final approval of Tract 11516, being a one-lot eight-unit subdivision for condominium purposes located at 410 Cazador Lane. -- Approved the final map of Tract 11516 and authorized execution of the subdivision agreement by the Mayor and City Clerk.

Subject: 113 - Avenida Vaquero Water Service Installation, Project No. 23-83.

IN RE: Report from Community Development Director and City Manager advising that extra work was deemed necessary on the Avenida Vaquero Water Service Installation, Project No. 23-83 and due to the urgency to complete this project prior to the start of the Vaquero Street Reconstruction project it was necessary to allow the contractor to do the extra work at a cost of \$10,441.98 rather than have City forces do the work. -- Accepted the works of improvement and filed Notice of Completion; approved Change Order Nos. 1, 1A, and 2 thru 25, and appropriated \$11,901.98 from Water Depreciation Reserve Account to Account #52-4337-530, Improvements Other Than Buildings.

CONSENT CALENDAR (Items removed for separate action)

Subject: 112 - Use Permit 83-27, American Youth Hostel - 223 Ave. Granada.

IN RE: Use Permit 83-27 being the request of American Youth Hostel for operation of a youth hostel in the Multiple Family Residential (R-3) zone at 223 Avenida Granada.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY MAYOR DIEHL, AND UNANIMOUSLY CARRIED that Use Permit 83-27 be called up for review at the meeting of 2-15-84.

IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY MAYOR DIEHL, AND UNANIMOUSLY CARRIED to receive and file the Planning Commission Minutes of 1-17-84.

Subject: 105 - Avenida San Juan Partnership (Tentative Parcel Map 82-832).

IN RE: Report from City Engineer and City Manager submitting a review of a meeting with Converse Consultants and the concerned homeowners to discuss any possible new geotechnical evidence which might influence the City Council to reconsider its action of approving Tentative Parcel Map 82-832.

Norman Ream requested that he be notified when and if the City Engineer is going to hold further discussions with the Avenida San Juan Partnership re geological requirements for development of the parcel, and that he be allowed to sit in on the discussions relative to type of borings, depth, etc.

The City Engineer responded that when the Avenida San Juan Partnership anticipates developing, the City would require further soils investigation which could occur at any time during the next two years; that when this investigation is completed by the applicant it would be submitted to the City for review; that upon review the City would either approve it or not approve it and ask for additional information; that when the report is submitted it is public information and available to any interested persons. Mr. Putz also noted that the geologist for Avenida San Juan Partnership indicated at the recent meeting that the homeowners and their geologist, Converse Consultants, could look at the borings and any of the work while it was going on.

Mr. Reem was advised that he would be notified when the report and information is available, and IT WAS THEN MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to receive and file the administrative report.

PAYING OF THE BILLS

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY MAYOR DIEHL, AND UNANIMOUSLY CARRIED that Warrants No. 24170 through No. 24194, and No. 9134 through No. 9348 be paid.

Total demands approved for payment for period ending January 31, 1984 . . . . .	\$ 504,083.33
Ratification of Payroll Warrant No. 24175 for period January 2, 1984 through January 15, 1984 . . . . .	<u>\$ 153,654.80</u>
TOTAL WARRANT REGISTER	<u>\$ 657,738.13</u>

UNFINISHED BUSINESS (continued)

Subject: 58 - San Onofre State Beach Revised General Plan and Draft EIR (11/83).

IN RE: Reports from Community Development Director, Public Services Director and City Manager in regard to certain material submitted by Glenn Roy concerning the State Department of Parks and Recreation's proposed San Onofre State Beach Park Revised General Plan.

Discussion and comments are briefly summarized as follows: Glenn Roy noted he had received the Public Services Director's reply to his letter of December 1 and rebutted certain comments contained therein. Mr. Roy particularly pointed out that eutrophication had previously occurred in San Mateo Creek and he expressed his concerns about the negative impacts an 18 hole golf course would have on the creek and wetland area; that such a course would put more phosphates and nitrates into the stream regardless of what water management techniques were used since you cannot control fertilizer enriched run-off when it rains. In concluding remarks, Mr. Roy expressed other environmental concerns and noted the further information in opposition to the golf course proposal as contained in his later letter of February 1.

Sherman Burke, representing the Golf Course Sub-committee which has been working on the proposal commented that most of Mr. Roy's objections were environmental and, as he has done, have been properly submitted to the State which is doing the EIR on the total park development; that many things can be done to enhance the environment; that an alternative to the golf course such as more campground facilities developed along San Clemente's border would not be as aesthetic as a golf course which would include trees and landscaping; and that a separate EIR would have to be prepared for the golf course.

John Little, President of the Orange County Chapter of the California Native Plant Society, stated that they have not had an opportunity to review the EIR on this project but that the Society is generally opposed to actions which result in biological degradation of remaining natural habitat; that the San Mateo Creek is one of the last remaining natural or semi-natural riparian areas along the coast and quite valuable biologically; that if the proposed development would cause any degradation he would hope the Council would not support such actions and at a minimum would explore all viable alternatives and mitigation measures.

Celia Kutcher, a biologist/botanist, stated the coastal sage scrub is disappearing in Southern California due to urbanization, and would much prefer to see the San Mateo Creek site remain natural than to become a golf course.

IT WAS MOVED BY COUNCILMAN CARR, SECONDED BY MAYOR DIEHL to accept Mr. Roy's input for future consideration at the time of City involvement in the State Park.

In response to query, Staff advised that should the City proceed with the golf course they would be responsible for preparing a separate EIR. Councilman Limberg stated that the State EIR indicates that the City would have to pursue and obtain all permits, design the golf course, build it, operate and maintain it while sharing revenues with the State and the Marine Corps and requested that Staff not confine their review just to the EIR but also to the best practical management and business aspects of the project.

The Mayor then called for THE QUESTION WHICH CARRIED with Councilwoman Koester "ABSTAINING."

Subject 106 - Notification Procedures for Off-Street Parking of RV's, Boats, and Trailers.

IN RE: Report from Fire Protection Director and City Manager reporting on procedure that the Fire Department recommends for carrying out the enforcement of off-street parking of RV's, boats, and trailers.

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND CARRIED to approve procedure listed in Administrative Report of 1-25-84 for noticing all owners of RV's, boats, and trailers parked within the setbacks of their property in violation of the zoning laws; and authorize a budget transfer of \$975 from the Community Development Budget #01-4421-101 to the Fire Department Accounts as follows: \$725.00 to Account #01-4224-102, \$50.00 to Account #01-4224-201, and \$200.00 to Account #01-4224-605. Mayor Diehl voted "NO."

Subject 77 - San Gorgonio Park Phase II.

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

Following comments by Council members Carr and Limberg, IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN CARR to adopt option #1 (development of two tennis courts at basketball court area at a net budget increase of \$34,500.00).

During considerable discussion, Richard Fisher of Berryman and Stephenson, responded to various questions from Council and explained that while it was felt option #1 would not result in reduction of the size of the multi-purpose field there has been recent discussions with Staff as to certain problems relating to the grading and degree of slope in the vicinity of the proposed tennis courts.

Following further comments, A SUBSTITUTE MOTION WAS MOVED BY MAYOR DIEHL, SECONDED BY COUNCILMAN MECHAM that option #2 be adopted (development of two tennis courts at the fire station site by developing one pad at an elevation halfway between parking lot and street grade, with access to courts only from the interior park side; with the basketball courts to remain at a net budget increase of \$121,100.00).



In response to query, John Mitchell and Holly Veale, members of the Parks & Recreation Commission, noted that the Commission had originally recommended against tennis courts but based on Council direction then recommended option #2. Commission Chairman Mitchell noted he had "ABSTAINED" from voting on the matter.

The Mayor then called for the SUBSTITUTE MOTION WHICH CARRIED with Council members Carr and Limberg voting "NO."

Subject: 100 - Avenida Vaquero - Routing for Construction Equipment and Bonding for Street Repair in Conjunction with Rebuilding of Estrella Golf Course.

IN RE: Report from Community Development Director and City Manager, in response to Council referral, providing further information and clarification concerning the bonding and haul route which will be required for work on drainage improvements on the Estrella Golf Course.

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

Subject: 100 - Avenida Presidio & Avenida San Juan Truck Traffic and Bonding for Street Repair - Tract 10579.

IN RE: Report from Community Development Director and City Manager, in response to Council referral, providing further information and clarification concerning truck traffic on Avenida Presidio and Avenida San Juan.

Norman Ream referred to his letter of 2-1-84 and submitted three photographs of a truck-trailer parked on a grade on Avenida San Juan without the wheels being turned in, noting that the Police Department had advised that they have no control over the parking of this type of trailer on hills or any other part of the City. Mr. Ream suggested adoption of an urgency ordinance to make trailers subject to the same hillside parking requirements as motor vehicles.

Following discussion as to procedure for adopting an urgency ordinance, IT WAS MOVED BY COUNCILMAN CARR, SECONDED BY COUNCILMAN MECHAM that Mr. Ream's letter of 2-1-84 be directed to Staff for report back at the next meeting.

Following further comments by Mr. Ream, A SUBSTITUTE MOTION WAS MOVED BY COUNCILWOMAN KOESTER, SECONDED BY COUNCILMAN CARR, to refer Mr. Ream's letter of 2-1-84 to Staff to review the issues and bring back a report which may include an ordinance to rectify this situation.

The City Manager advised that in discussing this matter with the Police Chief it appears that Section 10.10 of the Uniform Traffic Ordinance gives the Police Department the necessary authority to ticket this type of traffic violation.

THE QUESTION WAS THEN CALLED AND CARRIED with Councilman Meham voting "NO."

WRITTEN COMMUNICATIONS

Subject: 105 - Parcel Map 83-830, a Lot Split in Mariners Point - Lot 19 of Tract 8187.

IN RE: Communication from John C. Douglass, Jr. requesting a refund of water connection fees and park fees paid in conjunction with Parcel Map 83-830.

Following explanation and comments by John Douglass in support of his letter, IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY MAYOR DIEHL, AND CARRIED to deny the request. Councilman Carr voted "NO."

COMMUNICATIONS FROM COMMISSIONS, BOARDS, AND COMMITTEES

Subject: 106 - Resolution No. 13-84 Amending Master Traffic Resolution No. 1846, Establishing Certain "No Parking" Regulations on a Portion of South El Camino Real Southerly from its Intersection with East Avenida Cornelio.

IN RE: Communication from Traffic & Parking Commission recommending no parking on the east side of South El Camino Real for a distance of 65 feet south of the existing red curb at the southeast corner of East Avenida Cornelio; and approval of the relocation/removal of the palm tree at the southeast corner of South El Camino Real and East Avenida Cornelio.

Upon motion of Councilman Carr, seconded by Mayor Diehl, and unanimously carried RESOLUTION NO. 13-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING CERTAIN "NO PARKING" REGULATIONS ON A PORTION OF SOUTH EL CAMINO REAL SOUTHERLY FROM ITS INTERSECTION WITH EAST AVENIDA CORNELIO, was regularly introduced, passed, and adopted.

IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY MAYOR DIEHL, AND UNANIMOUSLY CARRIED that Staff be authorized to find a place for relocation of the palm tree to be removed from the southeast corner of south El Camino Real and East Avenida Cornelio.

Subject: 39 - Request for Work Session with City Council.

IN RE: Communication from Cultural Heritage Board requesting a joint meeting with the City Council to discuss various issues of mutual concern.

IT WAS MOVED BY COUNCILMAN CARR, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that the issues be discussed during the Joint Council, Commission, Board, and Committee Meeting to be held on February 29, 1984, at the Beach Club.

URGENT MATTERS

Referring back to the matter of possible Golf Course development as proposed in the San Onofre State Beach Park Revised General Plan, Glenn Roy advised that the San Diego County Grand Jury has authorized samples of San Mateo Creek water testing by the San Diego Public Works Department; that eight sampling locations were made along San Mateo Creek, and that as soon as the results are available he would ask that they forward them directly to the City.

ITEMS FROM COUNCIL MEMBERS

Councilman Mecham referred to the paper bins that have been placed throughout the City and requested that Staff investigate the matter. The Fire Marshal advised that he has written a registered letter to the owner in San Diego advising that if they were not removed by Monday morning, the City would remove the bins.

NEW BUSINESS

Subject: 55 - South El Camino Real Freeway Wall Landscaping Project.

IN RE: Report from Public Services Director and City Manager submitting a proposal for the South El Camino Real Freeway Wall Landscaping Project.

IT WAS MOVED BY MAYOR DIEHL, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to approve the proposed project and appropriate \$15,000 from the General Fund Contingency Reserve to Capital Project Account #01-4631-530.

RESOLUTIONS

For Resolution No. 12-84 see under "PUBLIC HEARINGS" on page 4.  
For Resolution No. 13-84 see under "COMMUNICATIONS FROM COMMISSIONS, BOARDS, AND COMMITTEES" on page 10.

ORDINANCES

For Ordinance No. 883 see under "PUBLIC HEARINGS" on page 4.

Subject: 106 - Ordinance No. 884 Amending Section 15-2 of the Code of the City of San Clemente Relating to Parking Time for Recreational Vehicles.

IN RE: Ordinance amending subsection (w) of Section 15-2 of the Code of the City of San Clemente relating to parking of recreational vehicles, etc. on City Streets.

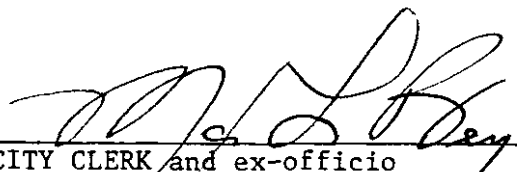
Upon motion of Councilman Carr, seconded by Councilman Limberg, and unanimously carried, ORDINANCE NO. 884 BEING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE AMENDING SECTION 15-2 OF THE CODE OF THE CITY OF SAN CLEMENTE RELATING TO PARKING TIME FOR RECREATIONAL VEHICLES, was regularly introduced by title only and the reading in full thereof unanimously waived.

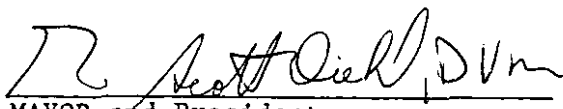
MEETING RECESSED

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

MEETING RECONVENED AND ADJOURNMENT

The Mayor reconvened the meeting and IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN CARR, AND UNANIMOUSLY CARRIED to adjourn at 11:20 P.M.

  
CITY CLERK and ex-officio  
Clerk of the City Council

  
MAYOR and President  
of the City Council