

San Clemente, California
February 15, 1984

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, February 15, 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; 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.

PUBLIC HEARINGS

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

IN RE: Continued 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 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 requested to be excused to eliminate any possible conflict of interest.

The Mayor opened the public hearing and Lee Riley, representing the applicant, stated their position remains the same; that Staff has done an outstanding and commendable job in researching prior permits on the subject property and none of the facts have changed that were presented at the last meeting; that their request for the proposed subdivision is legitimate and proper; that the proposed subdivision is consistent with all aspects of the general plan, zoning ordinance, subdivision map act, and consistent in regard to density, access, land use, and lot size configuration; that the application has been scrutinized carefully by all concerned; that if this application is denied Council should be on firm legal grounds and able to withstand a legal challenge.

L. A. Paris stated that Mariners Point was designed and approved as a luxury hilltop development of the city with sections for condominiums and single estates; that only fine residences are being built; that two large houses are now under construction and very unattractive and if this lot split is approved additional homes will be built; reiterated seven objections for the lot split by Dr. Stambuk; that use permit was approved conditionally in that the use would not be detrimental to the health, safety, comfort, and general welfare of the city, and that he feels splitting this lot would be detrimental to the City's welfare as this application definitely violates the spirit and intent of the conditional approval given the developer.

Walter Beeson took exception to Mr. Riley's comment with regard to Staff's dilligent review of the subject, that Councilman Limberg uncovered data from 1971 city files which the City Staff had not uncovered when the Planning Commission made its decision; and suggested that the City should go ahead and provide some set of ground rules covering lot splits in the entire city.

Sharon Beeson inquired as to the letter from Security-Pacific Finance. Nell Stein stated they live in award winning homes; that this property will be directly in front of her home; that this is a beautiful area and wants to keep it that way.

In rebuttal, Lee Riley advised that Security-Pacific Finance was properly notified; that they were aware of the continuation of the matter to this date; and that no comments brought forth tonight warrant a further response.

There being no one else wishing to be heard, the public hearing was closed and in regard to the letter from Security-Pacific Finance, the Mayor read in part the reaction of Security-Pacific Finance: "...the diminishment of market value considered inherent with the subdivision proposed are of significant concern to the Security-Pacific Finance Corp. and we are requesting that Council deny this subdivision request."

Councilman Limberg stated that the Planning Commission did not have the benefit of the new information he had uncovered about conditions imposed upon the 1971 use permit when it recommended approval of the lot split; that he has studied the Staff report and found nothing that would compel him to have a different viewpoint; that he was comfortable with the legal grounds for rejecting the request; and suggested that the applicant ask for an amendment to the original conditional use permit if he wants to proceed with the lot split.

IT WAS THEN MOVED BY MAYOR DIEHL, SECONDED BY COUNCILMAN MECHAM to deny the lot split.

Following further comments that the configuration of the lot, and slopes would create special problems the Mayor called for the QUESTION WHICH CARRIED UNANIMOUSLY.

Councilman Carr then returned to the rostrum.

Subject: 117 - Zoning Amendment No. 83-05, and Zoning Amendment No. 83-06 -
John D. Lusk & Son.

IN RE: Public hearing to consider Zoning Amendment 83-05 and 83-06, being a proposal of John D. Lusk & Son to revise Master Plan 79-1 for the Marblehead Inland Development and revise the Specific Plan 79-1 for Area 4 of the development.

The Mayor opened the public hearing, and Don Staffensen, Vice President of John D. Lusk & Son, stated there as a 12-minute slide presentation available if Council wished to review it; that they were proposing an amendment to the Master Plan for the inland portion of Marblehead and requesting approval of the Specific Plan for Area 4 to develop 225 units versus the 308 that is currently approved; that the market has changed and the ability to develop 525 single family homes is not a reasonable way to develop this property; that they need to look at a product that meets the current market demand and have come up with a single family detached home in Area 4 that will range in size from 1,000 to 1,600 square feet which will be developed as a condominium; that maintaining the exterior of the unit such as painting, fences, private streets, landscape areas, and slopes will be a part of the community association; that this will provide housing that more people can afford and maintain integrity of the development over the years; and that if this proposal is approved, they will submit individual Specific Plans for Areas 2, 3, and 5 in the future.

There being no one else wishing to be heard, the public hearing was closed and in response to query from Councilman Mecham, Mr. Steffensen stated that at this time they are revising the current Master Plan and the Specific Plan for Area 4 (New Providence); that they are not approving overall usages for Areas 2, 3, and 5; and that approval is conceptual in terms of product but not specific as to location or usages of land.

Councilman Limberg inquired as to the recreation element of this overall specific plan and how it relates to other parts of the Lusk property such as the proposed site for the library. Staff advised that the park site has been dedicated to the City, and Staff is looking into the possibility of whether or not another park site can be found. Mr. Steffensen noted that technically all requirements for a park site have been met, however, if Council wishes another site, they are not opposed to doing that as part of their ongoing specific plan, and that they will come back with additional projects as each of the areas require a lot more detailed planning.

In response to query from Councilwoman Koester as to the density, Mr. Steffensen advised that Marblehead Inland is proposed to include 1,335 total dwelling units based on an overall density of 1.5 dwelling units per acre for a total project area of 762 acres; and that the 192 affordable housing units which were required by the City as a density bonus is included in the total unit count but not in the density calculation.

IT WAS MOVED BY COUNCILMAN CARR, SECONDED BY MAYOR DIEHL, AND CARRIED to direct the City Attorney to finalize preparation of the two ordinances. Councilwoman Koester "ABSTAINED" stating that she needed more time to delve into the Marblehead housing question.

Subject: 117 - Ordinance No. 885 Approving Zoning Amendment 84-01.

IN RE: Public hearing to consider Zoning Amendment 84-01, being the request of the City of San Clemente under Section 9.2 to allow an amendment to Sections 4.31 and 4.7 of the San Clemente Zoning Ordinance to revise existing development standards of the Senior Housing Overlay District and Residential Hotels for the Elderly as allowed with a use permit in the C-1 District, and consideration of a Negative Declaration proposed with respect to the matter.

The Mayor opened the public hearing and there being no one wishing to be heard it was closed, and IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to approve the Negative Declaration.

Upon motion of Councilman Limberg, seconded by Councilman Mecham, and unanimously carried, ORDINANCE NO. 885, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING ZONING ORDINANCE NO. 794 OF THE CITY OF SAN CLEMENTE BY AMENDING THE EXISTING DEVELOPMENT STANDARDS OF THE SENIOR HOUSING OVERLAY DISTRICT AND RESIDENTIAL HOTELS FOR THE ELDERLY AS ALLOWED WITH A USE PERMIT IN THE C-1 DISTRICT, was regularly introduced by title only and the reading in full thereof unanimously waived.

Subject: 112 - Use Permit 83-27, American Youth Hostel - 233 Avenida Granada.

IN RE: Public hearing to consider Use Permit 83-27, being the request of American Youth Hostel under Section 4.3 of the San Clemente Zoning Ordinance to permit the operation of a youth hostel in the Multiple Family Residential (R-3) zone, located at 233 Ave. Granada; legal description being Lots 15, 16, 17, Block 18, Tract 779, said matter called up for review by the City Council.

The Mayor opened the public hearing and Aileen Elliott, Executive Director of American Youth Hostel Council of San Diego, advised that they hope to bring a marvelous opportunity to San Clemente for visitors from all over the world to come and stay at the youth hostel; that the hostel is a prime overnight spot between Los Angeles and San Diego for people traveling under "their own steam" and they encourage this mode of transportation.

Tony Di Giovanni, speaking in opposition, stated he was not against the hostel but the location which is in an older part of town where cars are parked all over the place; that if this application is approved, this area will be impacted due to the increase in the number of hitchhikers; that people traveling by that mode generally stay next to a park; that he is not against the hostel but urges Council to consider the impact on the residents and properties in the proposed site area.

In rebuttal, Ms. Elliott stated they looked at a variety of other possible sites in San Clemente but decided the old library building was perfect for a hostel and met numerous criteria AYH seeks in a hostel site; that they anticipate spending between \$50,000-\$70,000 to remodel the building bringing it up to a superior class hostel; that during Planning Commission hearings the impact and density of the area was discussed, however, most persons using the hostel arrive by public transportation or ride bikes and filter in after 4:30 P.M. and depart between 7:30 A.M. and 9:00 A.M. the next morning; that a 45-bed hostel is located in the same type of neighborhood in San Diego and has operated smoothly, imposing no impacts on neighbors.

In response to query from Councilman Limberg, Ms. Elliott advised that there is a full manager on the site at all times; that there are strict rules and regulations; and that a fee of \$6 per night is assessed.

There being no one else wishing to be heard, the public hearing was closed and Councilman Mecham noted that a further condition should be added that the fencing surrounding the property be raised to a maximum level of 6 feet with Ms. Elliott agreeing to the condition.

Councilwoman Koester voiced concerns that the permit may yet have to be called up for review if problems are generated in the long established, tightly knit Avenida Granada neighborhood. She stated she was all for a hostel but felt it should be in a different location.

In response to query from Councilman Carr, Steve Davis, architect for the project, stated that the funds for the hostel project came from the San Clemente Inn timeshare resort which was required by a coastal commission mandate to provide a 40 to 50 bed hostel either on or offsite when the inn was converted from a motel into a timeshare; that the reason they opted to remodel the old library site instead of using the State Park was that a lot of time and money is needed to develop a hostel in the state park; that they would prefer owning the structure outright rather than leasing from the State as the State would own the building and the operation would be under the American Youth Hostel.

Councilman Carr further questioned whether requiring seven off-street parking spaces at the site will be enough; that it is conceivable on a given night all 40 beds might be filled by people who arrive in cars, and questioned whether the use permit would be subject to review at any time by the City Council or Planning Commission. The City Attorney replied that once an applicant is granted a use permit and made a substantial investment they have vested rights to continue that use unless they violate a condition of approval.

Councilwoman Koester further noted that San Clemente Inn was required to furnish a 50-bed hostel, not 40 and that this site is in an area away from the beach and nestled in a residential section.

IT WAS MOVED BY MAYOR DIEHL, SECONDED BY COUNCILMAN MECHAM to concur with the Planning Commission's recommendation and approve Use Permit 83-27, subject to the six conditions, plus two additional conditions (#7) that the height of the wall be constructed to six feet and acceptable to the Planning Division, and (#8) that the use permit be subject to review after 12 months.

Mayor Diehl made an analogy between the hostel and San Clemente's bus depot noting that neighbors of the bus depot site feared dire impacts that never materialized because the facility is well run and because parking needs were not as great as feared; that this organization has a very good reputation for well run facilities and he felt the problems we are concerned that might occur will not occur.

The Mayor then called for the QUESTION WHICH CARRIED UNANIMOUSLY.

CONSENT CALENDAR

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

Planning Commission Minutes

Minutes of 1-31-84. -- Received and filed.

Design Review Committee Minutes

Minutes of 1-17-84 and 2-7-84. -- Received and filed.

Traffic & Parking Commission Minutes

Minutes of 2-2-84. -- Received and filed.

Golf Course Committee Minutes

Minutes of 1-9-84. -- Received and filed.

Departmental Activities Report

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

Subject. 42 - Claim for Damages Filed by Michael A. Atchley.

IN RE: Claim for damages filed by Michael A. Atchley in the amount of \$450,000 for injuries received due to alleged dangerous and defective public property. -- Based on insurance adjuster's recommendation, the claim was denied.

Subject: 42 - Application for Leave to Present a Late Claim - Elizabeth Simon.

IN RE: Application for leave to present a late claim filed by Elizabeth Simon for indemnity as the result of an action filed by the Baumgartners involving a landslide. -- Based on insurance adjuster's recommendation, claimant's application for leave to present a late claim was rejected.

Subject: 115 - Resolution No. 14-84 Setting Public Hearing and Directing the Abatement of Public Nuisance.

IN RE: Report from Fire Protection Director and City Manager relating to initiation of proceedings for annual Weed Abatement Program. -- Introduced, passed, and adopted RESOLUTION NO. 14-84 BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DIRECTING THE ABATEMENT OF PUBLIC NUISANCE UNDER CHAPTERS 39561 AND 39562.1 OF THE GOVERNMENT CODES, AND AMENDMENTS THERETO, AND PROVIDING FOR THE DECLARATION OF WEEDS, RUBBISH, REFUSE AND DIRT UPON STREETS, SIDEWALKS, PARKWAYS, OR PRIVATE PROPERTY TO BE A PUBLIC NUISANCE.

Subject: 97 - Acceptance of Temporary Storm Drain Easement at End of Via Avilia.

IN RE: Report from Community Development Director and City Manager recommending accepting a temporary storm drain easement granted by Chevson B. Kuo when Mr. Kuo gave the City his verbal permission to construct a temporary drain pipe on his property. -- Accepted temporary storm drain easement granted by Chevson B. Kuo.

Subject: ⁸⁵ 31 - Resolution No. 15-84 Approving Application and Project Agreement for Historic Preservation Grants-In-Aid Funds.

IN RE: Report from Community Development Director and City Manager recommending approval of resolution authorizing the filing of a grant application to the Office of Historic Preservation for \$15,000 to conduct an inventory of historically and architecturally significant structures. -- Introduced, passed, and adopted RESOLUTION NO. 15-84 BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE APPROVING THE APPLICATION AND THE PROJECT AGREEMENT FOR HISTORIC PRESERVATION GRANTS-IN-AID FUNDS FOR CONDUCTING AN INVENTORY OF HISTORIC STRUCTURES WITHIN THE CITY OF SAN CLEMENTE, CALIFORNIA.

Subject: 64 - Lifeguard Financial Assistance Agreement.

IN RE: Report from Public Service Director and City Manager recommending approval of a five-year agreement between the Orange County Harbors, Beaches and Parks District and the City of San Clemente for lifeguard financial assistance. -- Approved agreement and authorized execution by Mayor and City Clerk.

Subject: 92 - Request for Issuance of Permit for Use of Sound Amplifying Equipment.

IN RE: Request from Dean Reynolds for issuance of permit for use of sound amplifying equipment for purposes of conducting a surfing contest at Trafalgar Street Beach on March 3 and 4, and 10 and 11, 1984. -- Approved issuance of sound amplification permit.

CONSENT CALENDAR (Items removed for separate action)

Subject: 100 - Truck Traffic on Avenidas Presidio and San Juan and Bonding for Street Repair; and Proposed Ordinance Amendment re Truck-Trailer Parking.
(106)

IN RE: Further consideration of report from Community Development Director and City Manager with information and recommendation relating to the matter of Avenida Presidio and Avenida San Juan truck traffic and bonding for street repair, the Avenida San Juan matter having been raised by Norman Ream in his letter dated 12-12-83; and related report from Police Chief and City Manager addressing the issue raised in Mr. Ream's further letter of 2-1-84 concerning improper parking of truck-trailer on Avenida San Juan.

In response to Norman Ream's request that the words "non-motorized" vehicles be added to the ordinance amendment, Staff advised that this is covered in the Uniform Traffic Ordinance.

IT WAS THEN MOVED BY MAYOR DIEHL, SECONDED BY COUNCILMAN MECHAM, AND CARRIED to receive and file the item relating to the matter of Avenidas Presidio and San Juan truck traffic; and direct the City Attorney to modify the existing ordinance to require drivers to physically block the wheels of a parked vehicle if, due to its construction, it's not possible to turn the wheels against the curb. Councilwoman Koester voted "NO."

PAYING OF THE BILLS

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHM, AND UNANIMOUSLY CARRIED that Warrants No. 24195 through No. 24215, and No. 9349 through No. 9639 be paid.

Total demands approved for payment for period ending February 14, 1984	\$457,913.39
Ratification of Payroll Warrant No. 24175 for period January 2, 1984 through January 15, 1984.	\$148,813.51
TOTAL WARRANT REGISTER	<u>\$606,726.90</u>

UNFINISHED BUSINESS

Subject. 20 - Abatement Proceedings at 2809 South El Camino Real.

IN RE: Further consideration of implementing abatement of public nuisance at 2809 South El Camino Real as authorized by Resolution No. 112-83 adopted August 3, 1983.

The Community Development Director reported that the Building Division advised that construction has started on the site; as of Tuesday no inspection has been made, however, they intend to make inspections, and it was his suggestion that this matter be continued to 3-21-84 with a progress report from Staff at that time.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY MAYOR DIEHL to continue the abatement proceedings at 2809 South El Camino Real to the meeting of 3-21-84.

Following comments by Gary Mamian as to work that has been done on the site to date, the Mayor called for the QUESTION WHICH CARRIED UNANIMOUSLY.

Subject. 105 - Final Tract Approvals - Tracts 10764, 10765, 10766, 11939, 11940, 11957, 11958, 11959, 11983 & 10417 (All of Tentative Tract 10417) Estrella Properties, Ltd.

IN RE: Report from Community Development Director and City Manager recommending approval of final maps in Tentative Tract 10417, Estrella Properties, Ltd.

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM to approve the final maps of the following Estrella Properties, Ltd. tracts, being all final tracts in Tentative Tract 10417: Tract 10764, 10765, 10766, 11939, 11940, 11957, 11958, 11959, 11983 and 10417.

Councilwoman Koester for the record inquired as to the total density and how it divides down to density per gross acre. Staff advised that it is within the terms of the settlement agreement. Mayor Diehl suggested to Councilwoman Koester that it would be helpful to ask these questions of Staff ahead of time so they could be prepared to respond.

The Mayor then called for the QUESTION WHICH CARRIED with Councilwoman Koester voting "NO."

Subject: 31 - Proposed Penalty Fees for Issuance of Late Permits.

IN RE: Report from Community Development Director and City Manager regarding a City policy, per Council direction, relative to requiring the payment of penalties when development work is undertaken without the required permit being received and paid for.

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY MAYOR DIEHL to direct Staff to prepare ordinance amendments to provide for double fee penalties for violations of grading and encroachment permits.

Councilman Limberg inquired about sign violations and Staff advised they are covered in the building code. Councilman Mecham reiterated his request that there should be something in the City Code whereby the City could take action against the companies who come in and erect signs without permits, such as a penalty fee or revocation of business license.

The Mayor then called for the QUESTION WHICH CARRIED UNANIMOUSLY.

Mayor Diehl suggested that Staff be more aggressive in developing a penalty system so that the sign industry realizes the City means business when it comes to erecting illegal signs. Councilman Mecham suggested that Staff determine any areas that need to be clarified, changed, modified, or strengthened and return to Council with their recommendations.

Subject: 77 - Construction Plans, Specifications, and Estimates; and Construction Supervision Services for San Gorgonio Park/Phase II.

IN RE: Report from Public Services Director and City Manager recommending approval of contract with Berryman & Stephenson, Inc. for the preparation of construction plans, specifications, and estimates; and construction supervision services for San Gorgonio Park/Phase II.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY MAYOR DIEHL, AND UNANIMOUSLY CARRIED to approve contract with the firm of Berryman & Stephenson, Inc. for the preparation of construction plans, specifications, and estimates; and construction supervision services for San Gorgonio Park/Phase II.

WRITTEN COMMUNICATIONS

Subject: 106 - Request to Amend Ordinance to Allow Alley Parking between Avenida Princesa and West Avenida de los Lobos Marinos.

IN RE: Communication from Gail D. Geddes appealing Traffic & Parking Commission's decision at their meeting of 1-19-84 to continue the ordinance which prohibits parking in alleys, and as it relates to the request of certain property owners to allow parking in the alley between Avenida Princesa and West Avenida de los Lobos Marinos.

At the request of the applicant, IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY MAYOR DIEHL, AND UNANIMOUSLY CARRIED to continue the matter to the meeting of 3-7-84.

COMMUNICATIONS FROM COMMISSIONS, BOARDS, AND COMMITTEES

Subject: 74 - Parking Meter Time Limit Uniformity.

IN RE: Communication from Traffic & Parking Commission recommending approval of Engineering Staff's report dated 1-19-84 to: (1) amend the hours of operation of all North Beach parking meters to 9:00 A.M. to 6:00 P.M. year-round; (2) postpone final consideration of adding parking meters on "T" Street pending further input from adjacent property owners; (3) approve the appropriation of \$20,000 for the installation of 100 parking meters at Linda Lane Park; (4) approve the installation of parking meters at Calafia Beach with the location and cost of meters to be determined in conjunction with cooperative development plans for the area; and (5) take no action toward establishing a separate parking fund, but with the Commission continuing to provide recommendations for necessary improvements.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY MAYOR DIEHL, AND UNANIMOUSLY CARRIED to concur with the Traffic & Parking Commission's recommendation; appropriate \$20,000 from parking in lieu fund unappropriated balance to Account #32-4329-550 to purchase 100 parking meters at Linda Lane Park; and refer to City Attorney to prepare Ordinance amendment.

URGENT MATTERS

The Mayor called for urgent matters and there was none.

ITEMS FROM CITY MANAGER

Subject. 48 - Verde Canyon Landslide; Possible Formation of Geologic Hazard Abatement District; Establishment of Appeals Board.

IN RE: Continuance of local emergency re Verde Canyon Landslide.

IN RE: Possible formation of a Geologic Hazard Abatement District.

IN RE: Establishment of an appeals board re Verde Canyon landslide homes that have been declared unsafe.

The City Manager advised that during the last meeting Staff presented a report on possible formation of a Geologic Hazard Abatement District; that Council requested Staff explore the concept which we are in the process of reviewing but not to a point where we can provide specific recommendations or information; that we received a copy of the assessment district report prepared by the City of San Juan Capistrano reporting on their experience, problems encountered and ultimate failure; and that Staff would like more time to analyze this material and prepare a report.

Mr. Carvalho continued that we are also in the process of talking with the Office of Emergency Management Agency about the possibility of obtaining assistance from the Federal Government; that the only avenue available is that there is some relationship with previous disasters which allowed assistance from the Small Business Administration relative to the disaster that was declared under Executive Order by the President. Inasmuch as the report prepared by Leighton & Associates indicates that for a period of time that might be a possibility, we are in the process of exploring that aspect; that we have some information about the possibility of some loans and we need to correspond with those agencies that have requested specific information, i.e., damage assessment, etc.

The City Manager also noted that it has been suggested we contact qualified people who have knowledge and experience in the process of a Geologic Hazard Abatement District and to meet with the homeowners and advise them of the opportunities and ascertain if there is any interest on their part; that a comprehensive report in relation to terms of dealing with other agencies will be forthcoming, and if not available for the next meeting, an additional progress report will be provided.

Upon recommendation of the City Manager, IT WAS MOVED BY COUNCILMAN CARR, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to continue the local emergency to 3-7-84.

The City Manager advised that formal notices ordering residents out of the seven endangered homes were mailed out this week noting that their homes are unsafe and that the City is ordering them out until the homes are declared safe again; that the homeowners have a right to appeal and the Council should establish an appeals board.

Councilman Carr suggested the appeals board be comprised of the City Manager, City Attorney, and Community Development Director. The City Attorney advised that the code requires that the appeals board consist of five people who are not employed by the City which also eliminates Council and Commissions. Councilman Carr then suggested that three professional people in the community be selected--perhaps an architect, an engineer and a geologist.

IT WAS THEN MOVED BY COUNCILMAN CARR, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that the matter of the appeals board be agendaized for the meeting of 3-7-84.

ITEMS FROM CITY ATTORNEY

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

ITEMS FROM COUNCIL MEMBERS

Councilman Carr stated that if the hour was not late, he would like to take an hour explaining the condition of the City's records prior to 1975.

Subject: 105 - Settlement/Development Agreement Estrella Properties, Ltd. and City of San Clemente.

IN RE: Councilman Limberg's inquiry as to the status of a restrictive covenant against the golf course property for purposes of installing the storm drain.

The City Attorney advised he would report to Council at the next meeting on this matter.

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Councilwoman Koester inquired if the City has heard from the State or County as to whether they might help in the Verde Canyon landslide, and the City Manager replied that in the beginning they stated they would not help, however, as a result of the Leighton report which presented new information, they have asked for more detailed information such as cost figures and are willing to review the material.

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Councilwoman Koester noted that a newly reconstructed street was dug up again due to problems with the water line leading from the main to the meter, and the City Engineer advised that the problem was a broken water line on Monterey and that Staff is looking at the problem to see if it is more extensive than the one line; and that he will be meeting with the contractor, our consultant, and an inspector to get the problem solved.

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Councilwoman Koester stated she presented a formal protest to the Regional Water Quality Control Board in San Diego and SERRA two days ago as a result of the odors experienced while driving to Dana Point; that this is not a new situation and has been going on for years; that there has been one excuse after another as to why not to improve certain functions of SERRA; that the Regional Water Quality Control Board stated they would send an investigator who found the odors principally in the vicinity of the park next to the plant. She further added that she attended the Capistrano Beach Sanitary District Board meeting and complained about the odors and they indicated they would support her feeling and would send a letter to SERRA with all expediency asking them to try to improve the situation.

Subject: 106 - Truck Parking on South El Camino Real.

IN RE: Councilman Mecham's referral to large trucks parked on South El Camino Real making it impossible to pass without going into the other lane.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN CARR, AND UNANIMOUSLY CARRIED to direct the Traffic & Parking Commission to look at the parking on the easterly side of South El Camino Real in the vicinity of four blocks south from where the freeway passes over El Camino Real, and bring back a recommendation as to how the problem can be remedied.

Subject: 55 - Logo Signs on Freeway.

IN RE: Logo signs on freeway.

Mayor Diehl stated that he has talked with freeway oriented businesses, and an oil company in particular, regarding logo signs on the freeway and they have indicated that they would be willing to help the cities lobby for that type of law change that would allow communities such as San Clemente to have logo signs on the freeway.

IT WAS MOVED BY MAYOR DIEHL, SECONDED BY COUNCILMAN CARR, AND UNANIMOUSLY CARRIED to direct Staff to begin to prepare recommendations for the League of California Cities Committee, to see if we can develop an alliance between ourselves and some of the other freeway oriented businesses and communities that share San Clemente's visibility problem to lobby with State legislators.

Subject: 26 - Amran Annexation No. 29.

IN RE: Amran Annexation No. 29.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY MAYOR DIEHL, AND CARRIED to direct the Mayor and City Manager to contact Supervisor Riley's office to discuss the misunderstanding relative to Amran Annexation No. 29. Councilwoman Koester voted "NO" stating she did not approve of the annexation.

Councilman Carr noted that the City of San Clemente has annexed no unincorporated territory over the objection of the landowner; that each and every annexation to the City that has taken place for the last 20 years in the adjacent unincorporated area has been at the request of the landowner.

Mayor Diehl advised that he would be out of town for the period February 19 through 26, and that Councilman Limberg will be acting Mayor.

Mayor Diehl reported that a march on the Capitol is scheduled for Tuesday, February 28; that we were very successful in dealing with economic issues during the march in September; that it can be a very valuable method of making sure that the City's interests are represented; and inquired whether any member of Council wished to participate. Councilman Carr stated he was opposed to this approach as he felt it was not dignified conduct by Council members, with Councilwoman Koester concurring. The City Manager advised that it is important for cities to deal with our legislators direct as there are currently three major issues which will affect cities dramatically; SB 575 which is a bill limiting joint liability; AB 2468 which is a long-term local government financing proposal; and SB 778 the compulsory and binding arbitration bill which is officially dead for the 1984 season, however, public safety organizations expect to reintroduce legislation on this subject for consideration later in the session. Councilman Mecham stated he might be in the area at that time and Mayor Diehl requested that he represent the City.

Mayor Diehl reminded Council of the joint meeting which will be held February 29 at the Beach Club.

NEW BUSINESS

Subject: 26 - Proposed LAFCO Conditions of Annexations.

IN RE: Report from Community Development Director and City Manager advising that in December, 1983, the Orange County Board of Supervisors adopted a recommendation that LAFCO require the assessment of a transportation corridor fee for the proposed San Joaquin Hills and Foothill/Eastern Transportation Corridors whenever unincorporated areas were annexed to a City.

IT WAS MOVED BY COUNCILMAN CARR, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to advise the Orange County Division of the League of California Cities that the City is opposed to the County's request that LAFCO condition annexations with the requirements of a transportation corridor fee program, since this would be establishing a precedent.

Mayor Diehl advised that at the League meeting it was unanimously agreed to adopt a Resolution opposing the fee program.

Subject: 26 - Sphere of Influence.

IN RE: City's Sphere of Influence.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY MAYOR DIEHL, AND UNANIMOUSLY CARRIED that Staff talk with LAFCO regarding the City's Sphere of Influence with a report back to Council.

RESOLUTIONS

Subject 103 - Proposed Resolution Opposing Howard Jarvis Sponsored
Constitutional Amendment Initiative.

IN RE: Proposed Resolution opposing the Howard Jarvis sponsored constitutional amendment initiative to Article XIII-A of the California Constitution relating to property taxation.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY MAYOR DIEHL to adopt the resolution.

Following comments, A SUBSTITUTE MOTION WAS MOVED BY COUNCILMAN CARR, SECONDED BY COUNCILWOMAN KOESTER to continue the matter to the meeting of 5-2-84.

Councilman Carr stated that if the initiative qualifies for the June ballot this will provide Council with 30 days advance notice of the language of the initiative with time to adopt a resolution if needed. Councilman Mecham noted that this delay might curtail some of the options available to the City and might not be in the best interest of the City. The Mayor then called for the QUESTION WHICH CARRIED with Councilman Mecham voting "NO."

It was further noted that when pertinent information is obtained relating to the initiative, the item could be agendized for an earlier meeting.

For Resolution No. 14-84 see under "CONSENT CALENDAR" on page 5.
For Resolution No. 15-84 see under "CONSENT CALENDAR" on page 5.

ORDINANCES

Subject 117 - Ordinance No. 883 Approving Zoning Amendment 83-03 -
Zagwolski.

IN RE: Ordinance No. 883 approving the rezoning of Lots 25 and 26, Block 1, Tract 793 from R-3 to C-A (Commercial Apartment) District.

Upon motion of Councilman Carr, seconded by Councilman Mecham, and unanimously carried, ORDINANCE NO. 883, BEING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING ZONING AMENDMENT NO. 83-03, having been regularly introduced at the meeting of 2-1-84 was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted.

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 No. 884 amending Section 15-2 of the Municipal Code relating to parking time of recreational vehicles, etc. on City streets.

IT WAS MOVED BY COUNCILMAN CARR, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to waive the reading in full of Ordinance No. 884.

Upon motion of Councilman Carr, seconded by Councilman Limberg, and 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, having been regularly introduced at the meeting of 2-1-84, was again introduced, the reading in full thereof having been unanimously waived, and duly passed and adopted. Councilwoman Koester voted "NO."

For Ordinance No. 885 see under "PUBLIC HEARINGS" on page 3.

ADJOURNMENT TO CLOSED SESSION

IT WAS MOVED BY COUNCILMAN CARR, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to adjourn to a Closed Session to discuss matters of litigation.

MEETING RECONVENED AND ITEMS FROM CITY ATTORNEY

Subject 99 - Potential Settlement of Sign Litigation Involving Alpha Beta Stores.

IN RE: Proposed settlement of sign litigation involving Alpha Beta stores.

The City Attorney reported that Alpha Beta's attorneys have proposed the following: (1) Alpha Beta will remove its two illegal signs within 60 days, and replace them with signs that conform to the City's sign ordinance; and (2) all pending litigation between Alpha Beta and the City would be dropped including the City's criminal enforcement action and Alpha Beta's Civil action to enjoin the City from proceeding with the City's criminal case.

Subject 118 - OCS Lease Sale 68 Litigation.

IN RE: OCS Lease Sale 68 Litigation.

The City Attorney gave a report on the OCS Lease Sale 68 litigation State of California, et al v. James G. Watt, et al, noting that the actions sought to prevent lease sales, the opening of bids or the awarding of leases for 164 tracts; further sought to require the Department of Interior to conduct a consistency review pursuant to the Coastal Zone Management Act and to prepare an adequate environmental impact statement; that the Supreme Court concluded the lease sale was not an activity "directly affecting" the coastal zone and did not necessitate a consistency review; that the Department of Justice has contacted us regarding a proposed settlement of instant litigation which settlement would entail a stipulation by the Department of Interior to refrain from proceedings with any further sales pursuant to Lease Sale 68 with the City waiving the ability or right to participate in and/or challenge the pertinent proceedings.

He advised that the City Council has authorized the City Attorney's office to settle the litigation in accordance with terms and conditions outlined in the report.

ADJOURNMENT

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LINBERG, AND UNANIMOUSLY CARRIED that the Council Meeting be adjourned at 9:50 P.M. to February 29, 1984 at the Ole Hanson Beach Club at 7:00 P.M.

Max L. Berg

CITY CLERK and ex-officio Clerk
of the City Council

By: Marjorie L. Will
Marjorie L. Will, Deputy City Clerk

D. Scott Dick, DVM
MAYOR and President
of the City Council

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

SS

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 February 15, 1984 ,
said meeting was ordered adjourned to the time and place specified in the
Order of Adjournment ATTACHED HERETO; that on February 16, 1984 , at the
hour of 9:00 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
February 15, 1984 , was held.

MAX L. BERG

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

BY: Marjorie L. Will
Marjorie L. Will, Deputy City Clerk

Subscribed and sworn to before
me this 16th day of February, 1984

Marjorie L. Will



ORDER OF ADJOURNMENT

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, February 15, 1984, Mayor G. Scott Diehl presiding.

ROLL CALL

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

Also Present: George A. Carvalho, City Manager; Marjorie L. Will, Deputy City Clerk, and Jeff Oderman, City Attorney

ADJOURNMENT

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MAX L. BERG

CITY CLERK and ex-officio
Clerk of the City Council

BY: Marjorie L. Will
Marjorie L. Will, Deputy City Clerk

G. Scott Diehl, DVM

MAYOR and President
of the City Council

Certified to be a true and correct
copy of excerpts from the Feb. 15,
1984 Council Minutes

Dated this 16th day of February, 1984

MAX L. BERG

CITY CLERK, City of San Clemente

BY: Marjorie L. Will
Marjorie L. Will, Deputy City Clerk