

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, April 18, 1984, at 7:00 P.M., Mayor Kenneth E. Carr, presiding.

PLEDGE OF ALLEGIANCE AND INVOCATION

Pledge of Allegiance to the Flag of the United States of America was led by Mayor Carr. Invocation was given by Dr. Joseph S. Stephens, San Clemente Presbyterian Church.

ROLL CALL

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

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

CONSENT CALENDAR

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

Design Review Committee Minutes

Minutes of 4-3-84. -- Received and filed.

Traffic & Parking Commission Minutes

Minutes of 4-5-84. -- Received and filed.

Golf Course Committee Minutes

Minutes of 3-12-84. -- Received and filed.

Departmental Activities Report

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

Subject: 27 - Resolution No. 31-84 Accepting Public Works of Improvement Constructed in a Special Assessment District.

IN RE: Report from Community Development Director and City Manager advising that all work has been satisfactorily completed by the contractor, Griffith Company, on Pier Improvement District No. 11-83, and Avenidas Del Mar & Victoria Street Reconstruction Project No. 13-83. -- Introduced, passed, and adopted RESOLUTION NO. 31-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ACCEPTING PUBLIC WORKS OF IMPROVEMENT CONSTRUCTED IN A SPECIAL ASSESSMENT DISTRICT.

Subject: 96 - Repair of Sewer Manholes, Project No. 17-83.

IN RE: Report from Community Development Director and City Manager reporting on bids received for Project No. 17-83 Repair of Sewer Manholes. -- Accepted the bid submitted by Sancon Engineering for Project No. 17-83 Repair of Sewer Manholes and authorized entering into a contract agreement with Sancon Engineering to complete the work in the amount of \$41,975.36.

Subject: 52 - Resolution No. 32-84 Approving In Concept, the Shared Cost Formula for Proposed Fire 800 MHZ Trunked Radio System.

IN RE: Report from Fire Protection Director and City Manager recommending adoption of resolution to approve in concept the shared cost formula for the proposed 800 MHZ fire services radio system and to approve the recommendation that our department will participate with the County of Orange and other Fire Departments in the implementation of the system. -- Introduced, passed, and adopted RESOLUTION NO. 32-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING IN CONCEPT, THE SHARED COST FORMULA FOR THE PROPOSED FIRE 800 MHZ TRUNKED RADIO SYSTEM AS PROPOSED BY THE COUNTY OF ORANGE GENERAL SERVICES AGENCY.

CONSENT CALENDAR (items removed for separate action)

Subject: 112 - Use Permit 83-24, Ponderosa Shores - 2953 Calle Frontera.

IN RE: Use Permit 83-24 being the request of Ponderosa Shores to allow temporary signs and sales office for the Ponderosa Shores Development at 2953 Calle Frontera.

In regard to the signage, IT WAS MOVED BY COUNCILWOMAN KOESTER, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that Use Permit 83-24 be called up for review at the meeting of 5-2-84.

Subject: 99 - Sign Exception 84-02, Forster Ranch.

IN RE: Sign Exception 84-02, being the request of Estrella Properties for exception to Sign Ordinance to allow an entry monument sign to exceed the 64 square foot maximum per face by 96 square feet at the southeast corner of the intersection of Calle Nuevo and Camino de los Mares.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED that Sign Exception 84-02 be called up for review at the meeting of 5-2-84.

IT WAS THEN MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to receive and file the Planning Commission minutes of 4-4-84.

Subject: 42 - Claims Relating to Verde Canyon Landslide.

IN RE: Claims filed by the following persons relating to Verde Canyon landslide: Ben C. & Jo Ann Edmondson & Family, John & Peggy Hook, Robert M. & Renee M. Strong & Family, Mr. & Mrs. William K. Hall, Jr. & Family, Alvin & Catherine Krupsaw & Family, Joseph W. & Lorraine Y. Cacia & Family, John L. Vitale (two claims), Mr. & Mrs. Richard M. Johnson & Family, B. George & Mary Lynn Hartman & Family, Chengsan B. Kuo on behalf of Kuo's brothers, a partnership and his sister Kuo Mei-Chi Chow, Helen M. Aalbersberg & Family, Sam Brame & Family, Brian & Linda Day & Family, Edwin H. & Ethel M. Dow & Family, Raymond & Mary Jo Garcia & Family, James E. & Verna L. Gesner & Family, John G. & Jeanne Goldman & Family, Dale A. & Laurie Harcourt & Family, Mr. & Mrs. Joseph Hsi & Family, Charles Mann & Family, William M. & Martha J. Miller & Family, Melvin E. & Rachael G. Mitchell & Family, Manuel E. & Elsie Munoz & Family, Brian W. & Karen L. Pepper & Family, Frank P. & Patricia A. Pica & Family, Ethel M. Ratley & Family, Atanas A. & Marie M. Todorov & Family, Robert J. Waldsmith & Family, Coast Federal Savings, Yujiro & Fien Yamamoto & Family, Jo Ann Gately & Family, Alex I. & Carolyn J. Haynes & Family, Karl E. Kramer & Family, Bill Thomas Mounce, Jr., Eunice Adelle Mounce & Family, James Craig Lusk, Sr., Marjorie Donna Lusk & Family, Dale Wilson & Helen K. Wilson & Family, F. Alden Tippet & Family, Charles E. Bender, Linda K. Bender & Family, Wallace C. Kvilvang & Joyce Kvilvang, Rodney & Betty Jo Atnip & Family, Robert Beasley & Family, John O. & Elizabeth F. Black & Family, Suzanne S. Case & Family, James & Pauline Jordan & Family, Stuart S. & Judith Phillips & Family, Forrest & Jean Reynard & Family, Lewis E. & Joan Z. Walton & Family, Frank Teskey, Kate S. Teskey & Family, Norman J. & Eileen M. Ream & Family, Stephen T. Chisam, Jr. & Patricia Chisam & Family, Thomas C. & Gladys M. McFarlane & Family, Fire Insurance Exchange, Farmers Insurance Exchange and Mid-Century Insurance Company. Said claims are in the amount of \$49,941,700 plus unspecified or unknown amounts.

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to defer this agenda item until consultation with the City Attorney.

Later in the meeting in response to query from Councilman Limberg as to whether there were allegation charges or just blanket claims for money, the City Attorney advised that the vast majority of the claims just list the names and addresses; that they are uninformative as to the actual basis of the action; that they state generally that the City is responsible; that as far as the validity of the claims there is nothing legally required that the claimants would have to elaborate any further; that the claims were timely filed with the City.

If the claims are denied, the procedure would be that a notice be sent individually to each of the claimants and they would then have six months from time notice is sent in which to file litigation.

IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY MAYOR DIEHL, AND UNANIMOUSLY CARRIED that the claims be denied.

Subject: 77 - Municipal Pier Reconstruction, Phase II-B, Project 18-83.

IN RE: Report from Community Development Director and City Manager advising that all work has been satisfactorily completed on the Municipal Pier Reconstruction, Phase II-B, Project 18-83 by the contractor, Red Cannan Engineering.

Staff responded to questions from Councilwoman Koester following which, IT WAS MOVED BY COUNCILWOMAN KOESTER, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to accept the work and authorize filing of Notice of Completion.

Subject: 48 - Geotechnical Report - Verde Canyon Landslide.

IN RE: Report from City Manager requesting approval of Preliminary Geotechnical Report prepared by Leighton & Associates on the Verde Canyon Landslide in the amount of \$72,173.61.

The City Manager responded to questions from Councilwoman Koester as to whether there were any duplications in the costs borne by the City noting that Staff has reviewed and discussed the items of concern with the firm, following which IT WAS MOVED BY COUNCILWOMAN KOESTER, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to approve the request and appropriate \$72,173.61 from the General Fund unappropriated fund balance (annexation fee account) to Account #01-4411-389, Engineering Contractual Services.

PAYING OF THE BILLS

IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that Warrants No. 24270 through No. 24286, and No. 11273 through No. 11515 be paid.

Total demands approved for payment for period ending	
April 17, 1984	\$486,339.15
Ratification of Payroll Warrant No. 24282 for	
period March 26, 1984 through April 8, 1984	\$149,713.54
TOTAL WARRANT REGISTER	<u>\$636,052.69</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 8-3-83.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL to continue the matter for 60 days.

Following comments by Gary Mamian and the City Manager, A SUBSTITUTE MOTION WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to continue the matter for 90 days, and at that time if progress is continuing to stop the abatement procedure.

Subject: 105 - Geotechnical Information re Tentative Parcel Map 82-832.

IN RE: Administrative report and Staff response to presentation by Pauline Jordan, et al, San Clemente Homeowners, relative to geological information completed by Converse Consultants concerning Tentative Parcel Map 82-832.

Some of the main points made during the one and one-half hour discussion by Pauline Jordan and Betty Jo Atnip, representing the homeowners; Harry Lawrence, Engineering Geologist, and Hannes H. Richter, Civil Engineer, the City's consultants; and James F. Knowlton, Principal Geologist, Owen Geotechnical, the developer's geologist; and certain City Council members and Staff; are summarized as follows: Pauline Jordan and Betty Jo Atnip presented lengthy remarks during which reference was made to various sections of the Owen Geotechnical Report and certain discrepancies and inconsistencies contained therein as noted by their geologist, Converse Consultants, retained by the homeowners; that they have presented evidence by a reputable geologist that has been ignored by the City; that it is clear the attitude of the City Engineer is that no amount of evidence will change the decision and that these four homes will be built regardless of whether it is safe or not; that the City is no longer on their side and the City Staff is defending the developer against the homeowners; voiced a question of alleged collusion; commented that the City is no longer capable of making intelligent, objective decisions regarding the property in question; charged negligence by the City and cited an example in that certain aerial photographs in the soils report approved by the City are not current as required by the Subdivision Code; questioned why any discussion as to dip components has been omitted by the developer's geologist; that the statement in the Knowlton report that ground water was not felt to be a critical factor in the stability of the site was a ludicrous statement in view of the Verde Canyon slide; noted that a fire hydrant had been leaking for nine years above the property in question; made comments as to what they found to be several inaccuracies in the City Engineer's Administrative Report; that the adverse conditions concerning the slope in question have never been addressed; that the City Engineer had misunderstood and misinterpreted certain statements by Mark Bryant of Converse Consultants; that geology is not an exact science and is subject to interpretation; questioned why their geologist is accused of giving opinions and the developer's geologist is not; noted certain inconsistencies that the homeowners have encountered and cited a contradiction by the City's consultant concerning the question of requiring borings; requested that the City Council finally take a stand; that this tract has been unsuitable from the beginning and more dangers become apparent the further we progress; that the true nature of this slope will never be agreed upon, even by the experts; that they call upon the Council to act in the best interests of the residents who live on the hill and ask withdrawal of tentative approval of this map and to declare this property open area.

In response to certain of the comments, the City Engineer noted that the quotes given during the foregoing presentation were selected and out of context many times; that there was a lot of evidence that was not presented to Council in the presentation and requested that Council read the reports very closely which were written in a different vein than was presented tonight; that some of the facts were twisted by innuendo or other means; and recommended that the City's consultant and the developer's consultant be allowed to present their views.

Harry Lawrence, the City's engineering geologist, stated that he felt these technical matters are best treated in a form other than what we have tonight; that much can be gained by having all consultants using language and terms which we jointly agree upon to discuss matters like this. In regard to the comment concerning borings, the slump feature was addressed by trenching which did not reveal an upslope extension of the slump and it was not felt that placing borings beyond the limit of the slump was productive and that he is still of the same opinion; that this site is somewhat unique as hillside properties in San Clemente go as there is a very substantial section of bedrock exposed in the road cuts and in some of the cuts of the adjacent properties which allowed them to see the thickness of the strata and character of the rock in ways which you cannot see in borings. Mr. Lawrence reviewed and explained various technical information and procedures utilized in assessing slope stability and then addressed and responded to eight points raised in the Converse report.

Referring to the allegation that there is some sort of collusion between City Staff, City Consultants and the developer, Mr. Lawrence, speaking for himself, gave assurance that there is no collusion and that they have the responsibility to provide information to the City and to provide for a safe development for all the citizens in San Clemente; that they report their findings but could care less if the tract ever gets built; that their reviews have tried to address conditions as presented; that based on their earlier criticisms certain additional work was undertaken and the conditions have been addressed in a fashion suitable for tentative tract approval. He

concluded by reviewing their conclusions as set forth in their letter of April 17, and suggested that if this matter is to be continued, it be addressed in a different form so that those involved in producing letters and reports can sit down and discuss these matters and then draw the conclusions.

Mr. Lawrence and Hannes Richter, geotechnical consultant to the City, then responded to various questions by the City Council.

James Knowlton, the developer's geologist, reviewed their findings and then referred to the dip slope component shown in a cross section presented in the Converse report and which was based on a cursory site reconnaissance; that contrary to what Converse Consultants has indicated they do not believe there is a dip slope component; that the normal progression of investigation for any site begins in a series of steps which gathers more data; that they began with a feasibility report which takes a look at the site including review of plans, maps, aerial photographs, etc., at which time you determine if there are any gross features or any major problems which would preclude development of that site; that the feasibility report did not indicate any problems such as landsliding; that they then proceeded to perform a preliminary investigation which does include subsurface investigation; that due to difficult access to the site for a drilling rig and due to the abundant cut slope exposures around the site it was felt trenching would be sufficient for that stage of the investigation; and that the trenching did not indicate any major stability problems. Mr. Knowlton concluded by reviewing the tests and analysis they conducted on the cross section in the Converse report and even using conservative values never came up with a value of less than 1.66.

Mr. Knowlton then responded to various questions by the Council relating to borings to be conducted for the grading plans and the difficulty in getting a drill rig on the site. Mr. Knowlton also noted that a recent court case mandates that if they found adverse conditions on that site they would have to present knowledge of that adverse condition to the developers and to the City and that the developers would have to mitigate that condition because of danger to upslope homeowners.

Council concern was expressed that if some type of road was cut it might be detrimental to the whole process. The City Engineer advised that if the developer feels they can put a road up there safely, they would come to the City and show us a plan and the City would have to be assured that it can be done safely, and if it cannot be done that way they would have to take the rig up piece by piece and reassemble. Mr. Knowlton pointed out that drilling of borings is excluded as a requirement of the grading ordinance, however, they will present all information relating to any road and proposed borings.

A general question and answer period continued with various questions, comments, and viewpoints expressed by members of the City Council. In response to query as to vested interest, the City Attorney advised that a tentative tract map does not create in the eyes of the law vested rights to proceed with the project but when a final tract map is issued that might be different; that for this particular project the grading plans have to be approved prior to issuance of final tract map; that if facts became known which would indicate that further development created a health and safety hazard the City would have authority to halt development or require that it be mitigated.

The Mayor then inquired whether a representative of Converse Consultants was present and was advised in the negative.

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

Following further Council comments and in response to query if further geological studies will be brought back to Council for review or approval, the City Engineer advised this was an administrative function before issuance of grading permits, noting that condition #12 on the tract map requires grading plans be approved prior to final tract map approval which must meet all technical guidelines.

The City Engineer was asked if he finds the existing City codes and grading ordinance and geological investigation provides the authority needed to fully examine this to any degree necessary, with Mr. Putz advising in the affirmative.

The Mayor then called for the QUESTION ON THE MOTION TO RECEIVE AND FILE WHICH CARRIED with Councilwoman Koester voting "NO."

IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED that Staff be directed to inform the Council of any pending actions prior to those actions taking place on this particular property, and bring back for Council review anything which would disturb the surface of the subject property.

Discussion ensued as to how the Council might be a party to the on-going geotechnical investigation which precedes the grading permit issuance, and IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to request Staff to report back at the next meeting with recommendation as to how the intent of the Council can be implemented in this case.

Mr. Lawrence suggested that in order to avoid some of the problems we have had to date, that at the time the borings are placed and opened an invitation be extended to the property owners adjacent to the site to have their geotechnical consultants review the borings, if they wish to do so.

URGENT MATTERS

Subject: 112 - Use Permit 84-03, Forster Ranch - Estrella Properties, Ltd., and Stearns Development, Inc.

IN RE: Ratification of Planning Commission action concerning Use Permit 84-03, Forster Ranch - Estrella Properties, Ltd., and Stearns Development, Inc.

Phil Stearns, Stearns Development, Inc., referred to certain problems and violations concerning their sales office complex and apologized to Council for the representations that were made in his absence by a consultant who is no longer employed by him; that they have never had this problem and want to go on record and assure the Council that it will never happen again. He also apologized to the reference and incorrect statements made concerning the City Attorney and then requested Council ratify the Planning Commission's action of 4-17-84 relating to Use Permit 84-03.

The City Manager advised that this became a problem several weeks ago; that Staff took action to shut down the operation which was an inconvenience to the developer; that the problem has been corrected and the Planning Commission approved the Use Permit last night for the sales office; however, the sign issue has not been resolved.

Upon recommendation of the City Manager, IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to ratify the Planning Commission's approval of Use Permit 84-03.

ITEMS FROM CITY MANAGER

Subject: 48 - Consideration of Continuance/Termination of Local Emergency re Verde Canyon Landslide.

IN RE: Consideration of continuance/termination of local emergency re Verde Canyon Landslide.

The City Manager recommended continuance of the local emergency since we are still trying to pursue thru FEMA their recognition of the slide as being related to a local disaster a few years ago, AND IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to continue the local emergency re Verde Canyon Landslide to the meeting of 5-2-84.

Subject: 96 - Sewage Treatment Plant Location and Construction.

IN RE: Discussion of options available to the City re sewage treatment plant location and construction.

The City Manager noted that pursuant to action by the voters it is necessary to (a) perform preliminary design of rehabilitating and expanding the existing plant including geological work; and (b) perform financial study to determine financing alternatives for the project, as we need a better understanding and additional information as to the amount of work and cost and how to pay for it.

During discussion it was noted that pursuing such options in no way terminates discussion with the back country developers as to the possibility of moving the plant to the back country.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED that the City Manager pursue options (a) and (b) with a report back to Council in 30 days with more specific information as to what it would cost to expand the present sewage treatment plant.

ITEMS FROM CITY ATTORNEY

The City Attorney requested a Closed Session to discuss a possible litigation matter.

ITEMS FROM COUNCIL MEMBERS

Subject: 108 - Review of Various Assembly and Senate Bills Relating to the Proposed Bullet Train.

IN RE: Communication from Robert C. Frazee, Assemblyman 74th District requesting review of bills impacting the proposed Bullet Train, AB 2413, AB 3440, SB 1517, SB 1809, and SB 2079.

IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED for the Mayor to send a letter of support of these bills to the appropriate representatives in Sacramento.

Subject: 60 - Review of SB 575 (Foran) - Joint and Several Liability.

IN RE: Report from City Manager relating to SB 575 (Foran) Joint and Several Liability.

IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to direct the Mayor to send a letter and also pursue other alternatives to try and speed this bill along.

Subject: 74 - Parking Meter Fees.

IN RE: Councilman Diehl's referral to time difference of various parking meters throughout the City.

IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN CARR, AND CARRIED to direct the Traffic & Parking Commission to review the policy of a uniform time for all meters in the City. Councilman Limberg voted "NO."

The City Manager suggested that the Public Services Director be allowed to prepare a report and present to the Commission regarding contractual agreements with certain businesses in the City that use City-owned metered parking lots.

Councilman Mecham inquired as to the present status of enforcing parking of recreational vehicles on the street and the City Manager advised that the 12-hour street parking is being enforced as per Council direction and that the off-street parking has been delayed for six months. Two Council members noted they had received calls that only the 72 hour street parking of RV's was being enforced, and the Police Department was requested to check into this matter and advise Council by a note in their mail boxes.

Councilman Limberg inquired as to the status of the recordation of the deed restriction on Estrella Golf Course, and the City Attorney advised that he has a meeting scheduled to further pursue this matter.

Councilwoman Koester referred to a restaurant at the north end of the City that is apparently operating without the City business license having yet been cleared for issuance. The City Manager advised that he has had discussions with Staff regarding the matter and that an investigation is in progress and a report will be given to Councilwoman Koester as soon as all information is available.

Mayor Carr indicated he had been impressed with former Mayor Diehl's phrase "Yes We Can" during his term as Mayor and that along those same lines for the next 12 months he was proposing the theme "Bring Us Together"; that he would like to see if we can improve communications with our citizens of the City; that we could do a better job of being sure the City's position is being communicated to the people; that as Mayor he would like more opportunity to receive input and suggestions from the citizenry; that he will make himself available at any time; and that he can be contacted at his office 492-5434 most any time, and will also welcome calls at home at 498-6592. He further noted that he does not plan on setting Mayor's hours as his predecessors had done.

Mayor Carr advised that he will be absent from the City on April 25, 26, and 27 as a result of a prearranged commitment.

Mayor Carr requested that Council members give serious thought to the quarterly dinner meetings that are held jointly with the various Commissions, Boards, and Committees and suggested they be semi-annual meetings, skipping the summer month and the month closest to the holidays. It was agreed that the matter would be discussed at the next Council meeting.

NEW BUSINESS

Subject 62 - Resolution No. 33-84 Supporting Assembly Bill 3707.

IN RE: Report from Public Services Director and City Manager recommending approval of resolution supporting Assembly Bill 3707 which would prohibit the use of gill and trammel nets within one mile of the coast and the coastal islands for a period of five years.

Upon motion of Councilman Diehl, seconded by Councilman Mecham, and unanimously carried, RESOLUTION NO. 33-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, EXPRESSING SUPPORT FOR ASSEMBLY BILL 3707 TO ESTABLISH A MARINE CONSERVATION ZONE FROM POINT CONCEPTION TO THE MEXICAN BORDER FOR A PERIOD OF FIVE YEARS, AND WOULD PROHIBIT THE USE OF GILL AND TRAMMEL NETS WITHIN ONE MILE OF THE COAST AND THE COASTAL ISLANDS, was regularly introduced, passed, and adopted.

Subject 52 - Replacement Communications Van.

IN RE: Report from Fire Protection Director and City Manager requesting approval of purchase of mobile communications center van in the amount of \$10,000.

IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND CARRIED to approve the request for purchase of a mobile communications center van and authorize supplemental appropriation of \$10,000 to Account #65-4821-560, Automotive Equipment in the Fleet Maintenance Fund. Councilwoman Koester voted "NO."

Subject 70 - County of Orange Agreement No. D83-133 M02 Segunda Deshecha Canada Storm Drain, and Reimbursement Agreement for Master Plan Storm Drain Facility, M02 Channel.

IN RE: Report from Community Development Director and City Manager recommending approval of County of Orange Agreement No. D83-133 and Reimbursement Agreement for M02 Channel.

Staff responded to questions from Councilwoman Koester and Mayor Carr, following which IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to approve the agreements and authorize execution by Mayor and City Clerk.

RESOLUTIONS

For Resolution No. 31-84 see under "CONSENT CALENDAR" on page 1.
For Resolution No. 32-84 see under "CONSENT CALENDAR" on page 1.
For Resolution No. 33-84 see under "NEW BUSINFSS" on page 8.

ORDINANCES

Subject: 117 - Ordinance No. 889 Approving Zone Amendment 84-02,
Casa De Seniors, 105 Ave. Presidio.

IN RE: Ordinance No. 889 approving Zone Amendment 84-02, Casa De Seniors.

Upon motion of Councilman Diehl, seconded by Councilman Mecham, and carried, ORDINANCE NO. 889, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING ZONING AMENDMENT NO. 84-02, having been regularly introduced at the meeting of 4-4-84, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted. Mayor Carr "ABSTAINED".

Subject: 117 - Ordinance No. 890 Approving Zone Amendment 84-03,
City of San Clemente, Open Space District.

IN RE: Ordinance No. 890 approving Zone Amendment 84-03, City of San Clemente, Open Space District.

Mayor Carr stated he would disqualify himself from voting on this issue.

Upon motion of Councilman Diehl, seconded by Councilman Mecham, and unanimously carried, ORDINANCE NO. 890 BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING THE ZONING ORDINANCE (NO. 794) OF THE CITY OF SAN CLEMENTE BY AMENDING THE DEVELOPMENT STANDARDS FOR THE O-S DISTRICT AND BY AMENDING THE CRITERIA FOR DEVELOPMENT OCCURRING UNDER THE PLANNED RESIDENTIAL DEVELOPMENT STANDARDS, having been regularly introduced at the meeting of 4-4-84, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted. Mayor Carr "ABSTAINED".

Subject: 117 - Ordinance No. 891 Approving Zoning Amendment 83-05.

IN RE: Ordinance No. 891 approving zoning amendment 83-05 (revised Master Plan for Marblehead Inland Development).

Upon motion of Councilman Diehl, seconded by Councilman Mecham, and unanimously carried, ORDINANCE NO. 891, BEING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING ZONING AMENDMENT 83-05, having been regularly introduced at the meeting of 4-4-84, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted.

ORDINANCE NO. 892 - (Clerk's Note: Ordinance No. 892 was assigned to the initiative ordinance adopted by the voters relating to the sewage treatment plant -- no Council action required).

Subject: 74 - Ordinance No. 893 Amending the Hours During which a Parking Meter Fee shall be charged in the North Beach Parking Lot.
Parking Lot.

IN RE: Ordinance changing the hours during which parking meter fees are charged in the North Beach Parking Lot.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED to waive the reading in full of Ordinance No. 893.

Upon motion of Councilman Mecham, seconded by Councilman Diehl, and carried, ORDINANCE NO. 893, BEING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE AMENDING THE HOURS DURING WHICH A PARKING METER FEE SHALL BE CHARGED IN THE NORTH BEACH PARKING LOT, was regularly introduced by title only, the reading in full thereof having been unanimously waived. Councilwoman Koester voted "NO."

Subject: 75 - Ordinance No. 894 Establishing Requirements for the
Designation of Offstreet Parking Spaces Reserved for
the Physically Handicapped.

IN RE: Ordinance establishing requirements for the designation of offstreet parking spaces reserved for the physically handicapped.

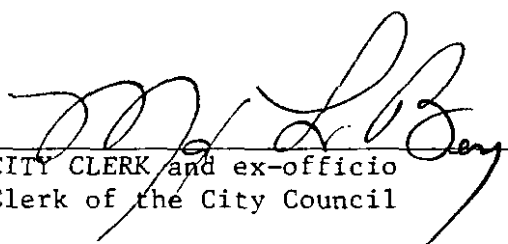
Upon motion of Councilman Diehl, seconded by Councilman Mecham, and unanimously carried, ORDINANCE NO. 894, BEING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE ESTABLISHING REQUIREMENTS FOR THE DESIGNATION OF OFFSTREET PARKING SPACES RESERVED FOR THE PHYSICALLY HANDICAPPED, was regularly introduced by title only, and the reading in full thereof unanimously waived.

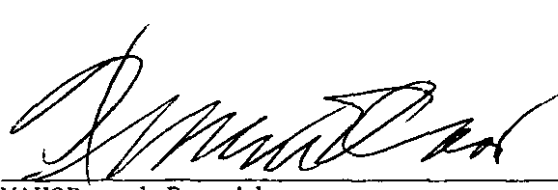
ADJOURNMENT TO CLOSED SESSION

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to adjourn to a Closed Session to discuss a possible litigation matter.

MEETING RECONVENED AND ADJOURNMENT

The Mayor reconvened the meeting and IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED that the Council meeting be adjourned at 10:28 P.M.


CITY CLERK and ex-officio
Clerk of the City Council


MAYOR and President
of the City Council