

San Clemente, California  
May 2, 1984

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, May 2, 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 Mayor Carr.

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; Harry Weinroth, Community Development Director; Marjorie L. Will, Deputy City Clerk; and certain other Staff members present in the audience.

PUBLIC HEARINGS

Subject: 117 - Ordinance No. 895 Providing for Certain Reductions in the Amount of Off-Street Parking Required for Senior Citizen Housing.

IN RE: Public hearing to consider Zone Amendment 84-04, being the request of the City of San Clemente under Section 9.2 to allow an amendment to Section 4.31-6(a) of the San Clemente Zoning Ordinance which would allow certain reductions in the amount of off-street parking required for elderly housing, and to also consider the approval of a Negative Declaration proposed with respect to the matter.

Mayor Carr noted he would disqualify himself from voting on the matter and relinquished the gavel to Mayor pro tem Mecham who opened the public hearing and there being no one wishing to be heard it was closed.

Upon motion of Councilman Diehl, seconded by Councilman Limberg, and carried, ORDINANCE NO. 895, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 4.31-6(a) OF ORDINANCE NO. 794 PROVIDING FOR CERTAIN REDUCTIONS IN THE AMOUNT OF OFF-STREET PARKING REQUIRED FOR SENIOR CITIZEN HOUSING, was regularly introduced by title only, the reading in full thereof unani- mously waived. Mayor Carr "ABSTAINED."

Subject: 99 - Sign Exception 84-02, Estrella Properties, Ltd. & Stearns Development.

IN RE: Public Hearing to consider Sign Exception 84-02, being the request of Forster Ranch, Estrella Properties, for an exception from Section 28-6 of the Sign Ordinance to allow an entry monument sign to exceed the 64 square foot maximum per face by 96 square feet; said proposed sign to be placed at the Forster Ranch entrance and located at the southeast corner of the intersection of Calle Nuevo and Camino de los Mares; legal description being a portion of Tract 10764; said matter called up for review by the City Council.

The public hearing was opened and is summarized as follows: Keith French, representing the applicant, displayed photographs and renderings of the proposed sign; advised that at the time of construction they intend to install material landscape; that the sign face is located approximately 100' from the northerly curb of Calle Nuevo and 70' from the easterly curb face of Camino de los Mares; that the nearest house is approximately 170' from the sign face; that the sign is placed within a future greenbelt area of approximately 3.25 acres of land which will be purchased by Estrella Properties from San Diego Gas & Electric; that the sign is placed upon a wall in this location which wall will serve two purposes--one to provide a background for the entry monumentation and for protection relating to the adjacent drainage system; that the entry zone is much more than the sign alone since it consists of extensive landscape material and a fully automatic irrigation system; that the purpose of the sign, the landscape, and the special paving material is to provide a sense of place for this project which is approximately 3/4 mile from the freeway; that this will be the only sign to be placed at this entry point to the project as the next opportunity for an entry sign to the Forster Ranch will be when the Pico access is constructed. Mr. French then described the background which is tile and the sign letters are all metal painted green, with the painted logo sandblasted

on the face of the tile; that the sign will be on one side of the wall only; and that strict application of the ordinance in this case would result in impractical difficulties and unnecessary hardship to the developer; and that the Forster Ranch will continue to develop for many years and this will be the only opportunity to identify the project. Mr. French gave concluding reasons why the sign will not be in conflict with the public health, safety and welfare, and then responded to Council questions and comments.

There being no one else wishing to be heard the public hearing was closed. Following discussion, Councilman Limberg stated he had problems with the application and that he felt the sign was out of proportion; that the applicant has not demonstrated a hardship; and that if the door is opened and a precedent set it will be hard to enforce.

IT WAS THEN MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILWOMAN KOESTER that Sign Exception 84-02 be denied.

In discussing the motion, Councilman Mecham stated that the problem arises since this has been passed along due to some past exceptions that have gotten by the Council; that if this sign is to be denied the Council should at the same time send a message to the Planning Commission and Design Review Committee that this is the direction the Council wants to go with strict adherence to the sign ordinance.

Following additional comments by Council members, the Mayor then called for the QUESTION WHICH CARRIED with Mayor Carr voting "NO".

The City Attorney noted he would bring back a Resolution denying the Sign Exception at the next meeting.

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

IN RE: Public Hearing to consider Use Permit 83-24, being the request of Ponderosa Shores, under Section 5.6 of the San Clemente Zoning Ordinance to allow temporary signs and sales office for the Ponderosa Shores Development; legal description being Lot 422, Tract 9272, and Lot F and Lot J, Tract 9272; said matter called up for review by the City Council.

The Fire Marshal reviewed the history of the project, including certain violations, and explained current confusion whereby the use permit shows two signs and a sales office, however, attachments show the sales office plus a sign and 2 other signs.

The Mayor opened the public hearing and Mike Pack, representative of Harvey & Company, apologized for the series of mistakes made on their part and by Ponderosa Homes and that it was due in part to their being located in San Diego; that they have projects in many cities and counties and made certain assumptions in this case and went about it the wrong way; that they never intended to violate any ordinance; that they did not properly research the City codes, but once advised of the ordinance came back and applied for permits for banners and removed the improperly installed signs and banners.

Michelle d'Arlin, representing Ponderosa Homes, also apologized stating that it was not their intention to cause enforcement problems and violate the ordinance; that their current understanding is that they are not in violation; that they have a banner and temporary permit approving the banner; that they have two signs as part of the use permit and signs and flags in the sales office facility which are also part of the use permit; that it is their understanding that the sign at the sales office is covered in the use permit, and if not, they will correct it.

The Mayor closed the public hearing and during Council questions and discussion Councilman Mecham noted that his intent when this was called up was the question as to whether or not there was a temporary sign permit; whether or not that temporary sign permit of 30 days can be renewed and be a permanent temporary sign; that his understanding of the sign ordinance is that temporary should be a one time only situation and should not be on a continuous basis and in discussions today with a representative from Ponderosa Homes they had different information from the Planning Department and there needs to be a clarification of that issue; that if this particular sign is permitted it still is in violation of the spirit of what they were told to do by the Planning Commission in terms of the design of the sign; that the use permit that has been put on this is reviewable on an annual basis and that the freeway signs are entirely legal; that he feels while those signs are legal when the one year period is up they should be reconsidered and make sure that those signs do come down on the freeway; that the City Attorney should look at the other signs and come back in two weeks advising us whether or not it is a legal sign both in the fact that it is there and also in its design in relationship to what the Planning Commission determined as to the way the sign is built.

Following further discussion with Staff, IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED that the City Attorney will interpret for the Council what was specifically permitted by the use permit and what was not permitted by the use permit, with report back after he has met with representatives of the company.

Councilman Mecham further commented that it was his interpretation that the temporary sign should come down after 30 days.

WRITTEN COMMUNICATIONS

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

IN RE: Communication from Suzanne Case, Avenida San Juan Homeowners, concerning a petition regarding hillside development below existing homes.

The main points of a lengthy presentation and resulting discussion are summarized as follows: Teddi Lorch, representing the Avenida San Juan Homeowners, stated that they are not proposing a moratorium of any kind; that this petition containing 200 signatures of citizens that live in the surrounding, adjacent, or nearby vicinity of the subject property concerns the open hillside flank at 404 Avenida San Juan; that in the past this subject property was declared unstable and unsuitable for development; that residents in this area are extremely alarmed and more resolved in resisting this development now than four years ago; that the City claims it has no choice but to grant approval; that we are at a stalemate and suggest the issue be put to a vote of the people. She then read their petition requesting the City to (1) remove its conditional approval of the Avenida San Juan Partnership Tract, (2) reject the project, (3) rezone this hillside flank as open area to protect public safety; and requesting that homes not be built on this hillside flank unless the City is willing to accept fully, itself, the "state-of-the-art" geology reports it reviews by waiving its immunity and accepting the liability for future slope problems on this hill.

During resultant discussion, Councilwoman Koester reiterated that she did not believe this project should be developed; that it is too bad when a group of citizens can't plead their case and have the City be more attentive to it based on technical expertise from geologists not hired by the City who have come forth with viable responses to the City's overall assessment of the project; and not to at least sit down and be willing to discuss this with a third party geologist for an additional two or three weeks; and further that the original statement made by Staff was that they disapproved of the project and then they turned around, without reasons enough, to cause the Council to understand and rely on the Staffs' judgement.

In response to query from Councilman Mecham regarding the request to withdraw approval of the tentative tract map and deny the project, the City Attorney stated there are two situations in which Council would have authority to revoke tentative tract map approval once granted; (1) if it was later discovered that the City approved a tentative tract map in violation of its own ordinances, and (2) if it is shown that the applicant provided false information which was material upon which the Council's approval was based. The City Attorney continued that from evidence he has seen neither of those situations are present in this case; that the map was approved in compliance with all City codes that he has reviewed; that there are some questions of interpretations and differences of opinions, but there is no evidence that there has been any false information provided; and in his opinion the Council would not have the authority to withdraw approval.

In response to query from Councilman Mecham as to what we could anticipate from the developer if tract approval was withdrawn the City Attorney noted one remedy they would have would be to bring a lawsuit to overturn the City Council decision and reinstate the tentative tract map; and in regard to query as to question of putting the issue on the ballot, the City Attorney advised that the issue would not be a proper subject of the initiative process which can only be utilized for legislative type decisions and under California Law approval of tentative tract maps is not a legislative type decision, that it is a quasi-judicial type of decision; however, rezoning of the property would be a legislative type of decision; further, that if the property were rezoned to a use which permitted no development or no economic use, the City would have the potential problem of an inverse condemnation suit with the City taxpayers paying for the purchase of the property.

Councilwoman Koester suggested a possible moratorium and also stated that there were conflicting statements by an engineer, by the developer's geologist, and City Staff regarding what is to be done to make the tract map feasible and amenable for development.

Betty Jo Atnip made comments and stated that they were looking for a possible solution and a way to work with the City; that the guidelines do not fit the configuration of their homes and even with all the borings and tests on the Avenida San Juan tract you will never know what is under the existing homes.

Mayor Carr acknowledged the great concern in this matter; commented on the uniqueness of the subject property and the problem it has caused; and personally noted that when he voted on this matter several months ago it was the most difficult decision he has faced as a member of the City Council.

The City Manager, in response to comments by citizens at this meeting and other meetings, noted that the City Staff has expressed an interest in working with the homeowners on a number of occasions but he has sensed a reluctance on their part to work with Staff. He pointed out that if you come to City Hall and malign or discredit Staff it is very difficult for them to be responsive; that one of the things that can help is for the Avenida San Juan homeowners to understand constraints under which the City operates; that we are a government of laws, and when people comply with laws they have certain property rights which the City Attorney has mentioned in explaining the City's legal position; that City Staff would be willing to meet with the homeowners and try to explain some of the constraints that the City has; that we must look from the subject property owners' point of view as well as the area homeowners' point of view and once a property owner complies with the law there is nothing much the City can do, but we might be able to offer some alternatives for you to proceed and make this offer to the homeowners. Mr. Carvalho also noted that on several occasions, Councilwoman Koester has made a point that Staff has changed their position on this issue but this should be clarified inasmuch as the developer was responsive to a request made by Staff in terms of complying with the law, and once the developer complied with the law then the recommendation and comments made by Staff necessarily changed by advising the Council that the developer has complied with the laws of the City; that the Staff must work within the law but if a majority of the Council doesn't like the law then consideration should be given to changing the law and Staff will make recommendations based upon that.

During further remarks, Councilman Limberg felt that there was no basis for a moratorium as suggested by Councilwoman Koester; that he feels confident that the new grading ordinance with all the attached geological requirements provides full authority for the City to demand whatever is needed in regard to investigating the Avenida San Juan site. He also commented on the ramifications of the suggested initiative which in effect would have the citizens rezone and purchase the property, and that further advice was needed from the City Attorney on what this would entail.

IT WAS THEN MOVED BY COUNCILMAN CARR, SECONDED BY COUNCILMAN MECHAM, AND CARRIED that the matter as presented to the Council this evening be agendized for the meeting of 5-16-84 for a report from the City Attorney. Council members Diehl and 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 3-21-84 and 4-4-84. -- Approved as presented, and reading in full thereof waived.

Design Review Committee Minutes

Minutes of 4-17-84. -- Received and filed.

Traffic & Parking Commission Minutes

Minutes of 4-19-84. -- Received and filed.

Cultural Heritage Board Minutes

Minutes of 4-10-84 and 4-24-84. -- Received and filed.

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 May 5 and 6, 1984, for purposes of conducting a surfing contest at Trafalgar Street Beach and the surfing area north of the pier. -- Approved the request and issuance of sound amplification permit.

Subject: 64 - Award of Contract - Sheet Piling Reconstruction at Marine Safety Headquarters, Project 3-84.

IN RE: Report from Community Development Director and City Manager reporting on two bids received for sheet piling reconstruction at Marine Safety Headquarters, Project 3-84. -- Awarded contract for the project to the lowest bidder, Canan-Bart, Inc., at the bid price of \$12,340.00.

Subject: 119 - Redevelopment Agency Annual Report 1983-84.

IN RE: Report from Community Development Director and City Manager advising that according to State Law, the Redevelopment Agency Annual Report shall be submitted annually to the City Council and include four sections. -- Accepted Independent Financial Audit Report; and approved Agency Annual Report.

Subject: 78 - Easement to SDG&E - Lot A, Tract 4938/Vista Torito.

IN RE: Report from Community Development Director and City Manager advising that an easement is required by SDG&E for a new transformer and underground lines on Vista Torito adjacent to San Gorgonio Park to upgrade the electrical system serving the Shorecliffs area. -- Granted an easement to SDG&E for installation of underground electric facilities and appurtenances in Lot A, Tract 4938, subject to approval as to form by City Attorney, and authorized execution of easement by Mayor and City Clerk.

CONSENT CALENDAR (Items removed for separate action)

Subject: 99 - Sign Exception 84-01, Ramada Inn.

IN RE: Sign Exception 84-01, being the request of Ramada Inn for an exception from Section 28-6 of the Sign Ordinance to allow a 6' high by 40' long wall sign to exceed the 64 square foot maximum per face by 176 square feet, located at 35 Calle de Industrias.

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED that Sign Exception 84-01 be called up for review at the meeting of 5-16-84.

Subject: 112 - Use Permit 84-03, Estrella Properties, Stearns Development.

IN RE: Use Permit 84-03, being the request of Forster Ranch Development under Section 5.6 of the San Clemente Zoning Ordinance to allow three temporary construction and sales trailers along with four temporary banner signs and one temporary sales sign in the (O-S) Open Space District Zone; legal description being Lot 40 of Tract 10417.

Councilman Mecham explained his purpose in calling the Use Permit up for review, and IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED that Use Permit 84-03 be called up for review at the meeting of 5-16-84.

IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to receive and file the Planning Commission minutes of 4-17-84.

Subject: 105 - Resolution No. 34-84 Accepting Works of Improvement for Tract 10579.

IN RE: Report from Community Development Director and City Manager advising that the developer, WSLA Development Corporation/Rancho San Clemente, has completed all works of improvement in Tract 10579 and has requested release of security (letters of credit) as provided by law.

Staff responded to questions from Councilman Limberg, following which upon motion of Councilman Limberg, seconded by Councilman Mecham, and unanimously carried RESOLUTION NO. 34-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ACCEPTING FROM WSLA DEVELOPMENT CORPORATION, dba RANCHO SAN CLEMENTE, ALL WORKS OF IMPROVEMENT FOR TRACT 10579 AND PROVIDING FOR RELEASE OF SECURITY AS PROVIDED BY LAW, was regularly introduced, passed, and adopted.

PAYING OF THE BILLS

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED that Warrants No. 24287 through No. 24293, and No. 11516 through No. 11860 as audited be paid.

Total demands approved for payment for period ending	
May 1, 1984 . . . . .	\$ 596,004.51
Ratification of Payroll Warrant No. 24293 for	
period April 9, 1984 through April 22, 1984 . . . . .	\$ 150,726.80
TOTAL WARRANT REGISTER	\$ 746,731.31

UNFINISHED BUSINESS

Subject: 51 - Reappropriation of Prior Year Encumbrances.

IN RE: Report from Finance Director and City Manager requesting that the encumbrances outstanding as of June 30, 1983, be reappropriated to the various accounts as indicated on an attached list.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED to approve the request.

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

IN RE: Further consideration of 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 COUNCILWOMAN KOESTER, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to direct Staff to report back with an analysis and recommendation on the Howard Jarvis Initiative on or before the second meeting in July, 1984.

Subject: 105 - Information Request re Parcel Map 82-832, Avenida  
San Juan Partnership.

IN RE: Report from Community Development Director and City Manager, per Council direction, submitting a suggested policy regarding information updates on Parcel Map 82-832.

IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN LIMBERG to approve policy regarding information updates on Parcel Map 82-832.

Following considerable discussion as to the Council wanting to be aware of any activity occurring on the property, the City Attorney suggested that Council might want to amend the Code so that in particular circumstances no grading permit shall be issued until the City Council has been notified.

The original motion was withdrawn and IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM that within the next two weeks City Staff contact the applicant and see if they can get something in writing agreeing to this condition; and that the policy be modified along the lines the City Attorney suggested so that the standards of procedure are consistent with all hillside developments.

In clarifying the motion it was stated that the intent is to direct City Staff to contact the Avenida San Juan Partnership and try to get an agreement so that we can have the type of reporting that we want as an added condition; and to direct Staff to look at changing the ordinances so that we can have this type of review process on these types of projects in the future.

The Mayor then called for the QUESTION WHICH CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM COMMISSIONS, BOARDS, AND COMMITTEES

Subject: 106 - Resolution No. 35-84 Establishing Certain Traffic Regulations.

IN RE: Communication from Traffic & Parking Commission recommending the installation of a stop sign on southbound Avenida Ramona at its intersection with Entrada Paraiso.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED to concur with the Traffic & Parking Commission's recommendation.

IN RE: Communication from Traffic & Parking Commission recommending prohibition of parking on the south side of La Esperanza at Vista Del Ponto for a distance of 50 feet east and 40 feet west, and at Vista Encanta for a distance of 40 feet west to improve sight distance.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED to concur with the Traffic & Parking Commission's recommendation.

IN RE: Communication from Traffic & Parking Commission recommending prohibition of parking on the north side of La Esperanza for a distance of 80 feet east of the City Hall driveway curb return; and on the north side of La Esperanza for a distance of 92 feet west of the City Hall driveway curb return.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED to concur with the Traffic & Parking Commission's recommendation.

Upon motion of Councilman Mecham, seconded by Councilman Diehl, and unanimously carried, RESOLUTION NO. 35-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846 ESTABLISHING A STOP SIGN AT AVENIDA RAMONDA AND ENTRADA PARAISO, AND "NO PARKING" REGULATIONS ON LA ESPERANZA AT CERTAIN LOCATIONS, was regularly introduced, passed, and adopted.

#### URGENT MATTERS

**Subject:** 92 - Request for Permission to Block off Calle Madeira Cul-de-sac in the Riviera District for Annual Potluck.

IN RE: Communication from Jon Auguston requesting permission to block off the Calle Madiera cul-de-sac in the Riviera District for a Homeowners Association annual potluck on Sunday, May 6 from 2:00 P.M. through 7:00 P.M.

IT WAS MOVED BY MAYOR CARR, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED to approve the request subject to approval of the public safety or any other City departments.

#### 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.

Staff advised that they are awaiting further word from FEMA and that Staff is in the process of submitting appropriate paperwork.

IT WAS MOVED BY MAYOR CARR, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to continue the local emergency re Verde Canyon Landslide to the meeting of 5-16-84.

#### NEW BUSINESS

**Subject:** 57 - Plan 2000 Implementation.  
96 - Preliminary Report re Sewage Treatment Plant Expansion.

IN RE: Report from Community Development Director and City Manager relating to implementation of Plan 2000.

IN RE: Communication from Alex W. Goodman, advising that one of the primary goals of the San Clemente Chamber of Commerce is to enhance the economy of the City and feel this can be done by establishing a Car Park on a freeway location.

Lengthy discussion is summarized as follows: Byron Marshall, President of the Chamber of Commerce, referred to certain information which indicated that the annual sales tax revenue to the City of San Clemente from a car park would be \$1.2 million per year; that the Chamber of Commerce is in favor of investigating all possibilities of a car park; and requesting that Council direct Staff to investigate the means of financing such an enterprise.

Norman Ream referred to the Administrative Report as to a probable expansion of the Redevelopment Agency; that he felt the current agency should probably be considered for dissolution; noted that project 2 calls for expansion of the current agency and challenged whether that can legally be done; commented that expansion of the agency has never been brought forth to the general public and that no action should be taken on those matters; that no reference is made to the sewage treatment plant and in view of the voter initiative requested that no plans go forward.

M. T. Sherreitt expressed concern that Plan 2000 which involves the Pico Area and treatment plant is in direct opposition to Prop A; that as a resident in the current redevelopment area he was not sure that he would like to have that agency expanded, and would prefer to see it either remain as it is or be dissolved; and further suggested that the matter of Plan 2000 should be set as a public hearing.



C. L. Snider also referred to the recent election and the vote concerning the sewage treatment plant and that this should be put on the ballot and let people have their say.

Councilman Mecham commented that the recommended action would not in any way bind the City; that it is only directing Staff to go to the Planning Commission to begin developing the implementation of Plan 2000 and return to City Council for full public hearing and all other types of situations.

In a related matter, the City Manager advised of the need for a study by John Carollo Engineers, estimated to cost \$40,000-\$50,000, focusing on the existing site and to deal with the issues of preliminary design for reclamation, expanding the plant, plant reliability, and getting capacity to whatever is needed--6.8 or 8.3 mgd. The City Manager stated he could bring this back at the next agenda, but since time is of the essence he wanted Council to be aware of the costs and give direction as to whether Staff should move ahead. During discussion, Mayor Carr felt that Engineering Science, designer of the existing plant, should be considered to make the study, and the City Manager explained the reasons for favoring Carollo Engineers for the preliminary study.

IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN LIMBERG, AND CARRIED to direct Staff to go ahead with the study. Councilman Carr voted "NO."

IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND CARRIED to direct Staff to work with the Planning Commission to prepare the required work program and financial plan for the implementation of Plan 2000, including the request of the Chamber of Commerce to investigate the possibility of establishing a Car Park on a freeway location. Councilwoman Koester voted "NO."

ITEMS FROM CITY MANAGER (continued)

Subject: 30 - Presentation of 1984-85 Budget.

IN RE: Presentation of 1984-85 budget.

The City Manager distributed and gave an overview of the City of San Clemente and the San Clemente Redevelopment Agency proposed budget for the fiscal year 1984-85, noting the overall financial condition of the City is somewhat improved this fiscal year primarily because the State of California has initiated legislation to reinstate certain State subventions, and also because of the continued improvement in the general economy; that major efforts during the coming year will be in the development and redevelopment of our infrastructure, the initial implementation of Plan 2000, implementation of a City-wide word processing and computer system, employee negotiations, refurbishment of parks and completion of the pier reconstruction program; that the \$22,272,060 budget would increase the City's expenditures over last year by 14.3 percent with most of that increase coming from capital improvements; that the budget calls for an 11.7 percent increase in revenue for the general fund to a total of \$9,832,580; that other revenue will come from assessment districts, capital projects, enterprise funds and the City's redevelopment agency; that transient occupancy tax revenues are expected to increase by 66.6 percent from \$120,000 to \$200,000 making the most notable revenue increase which is attributed to the City's increase in the bed tax rate and a new hotel.

Following further explanation of the budget by the City Manager, IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to receive and refer the budget to Commissions, Boards, and Committees for review and comment back to City Council.

The City Manager noted that he will be available to meet with any groups and to meet with any of the Commissions for similar discussions.

IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED to set the following budget study sessions to be held in the Council Chambers: May 23, 1984 at 7:00 P.M., May 29, 1984 at 7:00 P.M.; public hearing June 6 at 7:00 P.M., and June 13, 1984 at 7:00 P.M. if necessary, with adoption of the budget on June 20, 1984.

ITEMS FROM COUNCIL MEMBERS

**Subject:** 29 - Joint Meeting with Commissions, Boards, and Committees.

IN RE: Discussion regarding number of joint Council, Commissions, Boards, and Committee meetings to be held per year.

During discussion, Mayor Carr felt that these meetings might be more effective if held semi-annually instead of quarterly omitting the summer month and holiday month meetings; Councilman Limberg felt that there should be more open discussion and communications with the various Commissions and that we should continue on a quarterly basis for another year to develop a definite format and try to get more participation from Commissions, Committees and Boards.

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that a joint meeting with Commissions, Boards, and Committees be held on May 30, 1984 at 7:00 P.M. at the Ole Hanson Beach Club.

It was further suggested that the Department Heads working with the various bodies solicit suggestions from them as to one main issue they would each like to have discussed at the joint meeting.

**Subject:** 112 - Use Permit - Margarita's Village.

IN RE: Councilwoman Koester's referral to a recent memorandum from the City Planner relating to Margarita's Village.

Councilman Koester stated she learned from the City Planner that Margarita's Village is not legally non-conforming at this point; that Staff has not been on the site to count the seats and that it is their feeling they are over the limited 119 seating capacity.

She inquired as to why the delay in making a determination and IT WAS THEN MOVED BY COUNCILWOMAN KOESTER, SECONDED BY MAYOR CARR that this matter be placed on the next agenda.

The Community Development Director advised that he was informed this evening by Mr. Flint, who has investigated the seating arrangement at Margarita's Village, that they have removed the access seating and that the capacity is 119 seats as of this evening.

Councilwoman Koester then withdrew her motion and requested that a communication be placed in her mail box relating to this confirmation.

**Subject:** 77 - Status of Derelict Buildings on North Beach.

IN RE: Councilwoman Koester's inquiry as to the status of the derelict buildings on North Beach.

The Public Services Director advised of discussions with FEMA, and that Staff did an analysis and it basically showed the cost of rehabilitation of the concession building would be \$83,000 whereas a new building would cost \$67,500; rehabilitation of the restrooms would cost \$97,000 compared to new construction of \$84,000. On that basis we have requested that FEMA agree with the declaration that we look at reconstructing the buildings totally as opposed to rehabilitating the ones that are in place; and that based on a call with FEMA today they have not acted on our request but will try to get an answer to us next week. Mr. Duckworth further noted that in terms of a time frame that if we get the go ahead from FEMA it will be possible to have a new reconstructed facility at North Beach by next summer (1985) and that we further requested reconstruction of a single structure instead of two because it is cheaper to protect from wave action and also cheaper to construct.

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Councilwoman Koester noted that at the Planning Commission meeting Mr. Don Steffensen, Vice President of John D. Lusk & Son, requested a revival of the Developer Advisory Committee on signage; and would like to have the Planning Commission and City Council study the issue. Mayor Carr suggested this would be a good topic for the Joint Meeting to be held later in the month.

Subject: 117 - Possible Regulation of TV Dish Antennas.

IN RE: Possible regulation of TV dish antennas.

Councilman Limberg noted that one or more Orange County cities were examining the need or the desirability of establishing regulations for TV dish antennas, and IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to refer to the Planning Commission for consideration of establishing some type of regulations.

Subject: 39 - Possibility of a Monthly Report re City Accomplishments.

IN RE: Suggested possibility of a monthly report concerning City accomplishments.

Referring to the last election campaign, Councilman Limberg noted that a majority of the citizens did not understand what has been accomplished by the City.

As an example, he referred to the City's enforcement of grading laws in protection of hillsides, and that most of this enforcement is low-key. He inquired if it might be possible for an impersonal monthly report to Council as to what the City has been doing to effectively enforce the City's ordinances and to make this report known publicly as to what is being accomplished by City Staff and City Government, adding that the public is uninformed in this area.

The City Manager agreed this was a good idea and that Staff would come back to Council with some suggestions.

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Councilman Limberg requested a Closed Session to discuss personnel matters.

Subject: 26 - Annexation No. 29.

IN RE: Annexation No. 29 approval by LAFCO.

Councilman Diehl reported that Annexation No. 29 has come to a successful conclusion; that City and Chamber of Commerce officials attended the LAFCO hearing and that by a 3-2 vote the rehearing on Annexation No. 29 was voted down.

He further noted that it is important that City representatives go to Santa Ana on a regular basis whenever an issue is at hand; that considerable "backroom politics" were involved with a lot of pressure brought to bear on members of the Commission; and that it is important we attend as often as is necessary in order to plead our case.

Subject: 108 - San Joaquin Hills Corridor.

IN RE: Proposed San Joaquin Hills Corridor.

Councilman Diehl noted that we have received a copy of a letter from the City of San Juan Capistrano to the Chairman of the Board of Supervisors in which it was purported that San Clemente, Newport Beach, Irvine, Laguna Beach, and San Juan Capistrano, are in concurrence on the major problems relating to the San Joaquin Hills Corridor.

It was clarified that the City of San Clemente has not taken any position on the issue, and IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY MAYOR CARR, AND UNANIMOUSLY CARRIED that the Mayor send a letter to Chairman Harriett Wieder, copy to the cities involved, outlining what concerns the City may have based upon what we know; but that as far as the local issues are concerned we have not taken a position; and that the local concerns of those jurisdictions are not necessarily the concerns that we have taken a position on as a City.

Subject: 63 - Resolution No. 36-84 Expressing Appreciation to Former President Richard M. Nixon for Designating San Clemente as the Site for the Nixon Presidential Library.

IN RE: Resolution thanking former President Nixon for locating the Nixon Presidential Library in San Clemente.

Upon Motion of Councilman Limberg, seconded by Councilman Diehl, and unanimously carried, RESOLUTION NO. 36-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, EXPRESSING ITS APPRECIATION TO FORMER PRESIDENT RICHARD M. NIXON FOR DESIGNATING SAN CLEMENTE AS THE SITE FOR THE NIXON PRESIDENTIAL LIBRARY, was regularly introduced, passed, and adopted as amended.

Subject: 58 - Possible Name Change of Estrella Golf Course.

IN RE: Mayor Carr's suggestion to change the name of Estrella Golf Course back to Shorecliffs Golf Course.

Councilman Mecham suggested that it might be appropriate to check with the residents in the area as to their desire to have the name changed and Mayor Carr noted that he had talked with a member of the ASR Association who stated he had talked with various members who concurred with the idea. During discussion it was suggested and the Council concurred that the Mayor should approach the owners of the golf course property and see if they would be willing to change the name back to Shorecliffs Golf Course.

NEW BUSINESS (continued)

Subject: 29-(81-77-106) - Termination of Various Commission/Committee/Board Terms.

IN RE: Report from City Clerk as to expiring terms on June 30, 1984, of certain Commission, Board, and Committee members.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED that the deadline to submit letters and/or resumes for any of the advisory bodies to the office of the City Clerk is 5:00 P.M. on May 31, 1984 with interviews to be held at 6:00 P.M. on June 13, 1984.

Subject: 49 - City Clerk's Certificate as to Results of Recount of Votes for Member of City Council.

IN RE: City Clerk's "Certificate as to Results of Recount of Votes for Member of City Council."

The City Clerk read the results of the requested manual recount of the votes cast for member of the City Council for the April 10, 1984 General Municipal Election which was conducted on April 30 and May 1, 1984 in accordance with the provisions of Article 3, Chapter 13, Division 12, of the State Elections Code.

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

RESOLUTIONS

For Resolution No. 34-84 see under "CONSENT CALENDAR" (items removed for separate action) on page 6.

For Resolution No. 35-84 see under "COMMUNICATIONS FROM COMMISSIONS, BOARDS, AND COMMITTEES" on page 7.

For Resolution No. 36-84 see under "ITEMS FROM COUNCIL MEMBERS" on page 12.

Subject: 77 - Resolution No. 37-84 In Support of California Park & Recreation Facilities Act of 1984.

IN RE: Report from Acting Public Services Director and City Manager recommending adoption of resolution in support of the California Park and Recreational Facilities Act of 1984, Proposition 18.

Upon motion of Councilman Mecham, seconded by Councilman Diehl, and unanimously carried, RESOLUTION NO. 37-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, IN SUPPORT OF THE CALIFORNIA PARK AND RECREATIONAL FACILITIES ACT OF 1984, PROPOSITION 18, was regularly introduced, passed, and adopted.

ORDINANCES

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

IN RE: Ordinance No. 893 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 LIMBERG, 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, having been regularly introduced at the meeting of 4-18-84, was again introduced, the reading in full thereof having been unanimously waived, and duly passed and adopted. 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 No. 894 establishing requirements for the designation of offstreet parking spaces reserved for the physically handicapped.

Upon motion of Councilman Mecham, seconded by Councilman Diehl, 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, having been regularly introduced at the meeting of 4-18-84, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted.

MEETING RECESSED

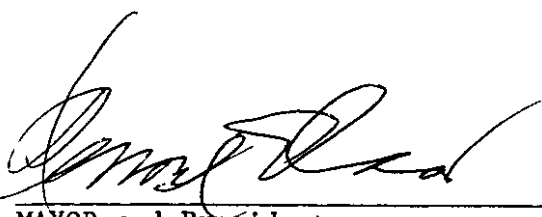
The Mayor recessed the City Council meeting to convene a meeting of the Redevelopment Agency.

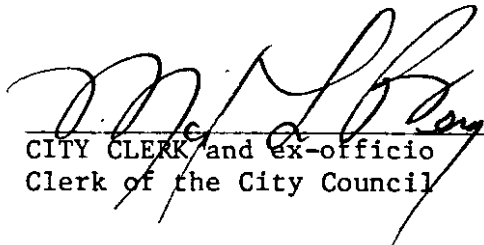
MEETING RECONVENED AND ADJOURNMENT TO CLOSED SESSION

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

MEETING RECONVENED AND ADJOURNMENT

The Mayor reconvened the meeting and IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED that the Council meeting be adjourned at 10:53 P.M.

  
MAYOR and President  
of the City Council

  
CITY CLERK and ex-officio  
Clerk of the City Council