

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, May 16, 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 Rev. Carl Stone, First Christian Church.

At the request of the Mayor, Rev. Stone, one of the four pastors participating in the police chaplain program, gave a report on the program and noted they were provided with 16 hours of training; that more time is being devoted to the program than was originally anticipated; and that the citizens who have utilized their services have been very complimentary.

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

IN RE: Continued 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 Mayor opened the public hearing which is summarized as follows: Michelle D'Arlin, Ponderosa Shores, corrected a statement made at the last meeting in that they did have a sign up at the model complex which was not part of the use permit and it has been removed; that they have applied for a sign to direct future buyers into the model complex and the sign is 4' x 6' so as to be in conformance; that the required deposit for sign removal has been submitted to the Community Development Director; that they intend to install the sign on their property and not interfere with City right of way; and that they agree with the three conditions listed in the May 16, 1984 administrative report.

During discussion, Councilman Mecham noted that there has been such a checkered history of this use permit and suggested that we should ask the applicant to resubmit a new request to allow us to go through and make a judgment on what is desirable and what is not; to leave what is in place now until such time as Council can review the request for a new use permit and then make decision as to what the Council may wish to permit.

Following discussion between Council and the City Attorney as to the best procedure to follow, IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILWOMAN KOESTER to continue the public hearing on Use Permit 83-24 to the meeting of 6-20-84, and to send the new request back to the Planning Commission.

In response to query as to whether the applicant would have to pay a new filing fee, Staff advised that the initial deposit was refunded and there would be the question of whether they would agree to pay for additional Staff time required to process the new use permit.

The Mayor then called for the QUESTION WHICH CARRIED UNANIMOUSLY.

Subject: 112 - Use Permit 84-03 - Forster Ranch Development.

IN RE: Public hearing to consider 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, said matter called up for review by the City Council.

The Mayor opened the public hearing and Philip Stearns, developer, stated he was available to answer any questions and that they concurred with the 13 conditions recommended by the Planning Commission. There being no one else wishing to be heard the public hearing was closed and IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to concur with the Planning Commission's recommendation and approve Use Permit 84-03.

Councilman Mecham noted that home developments want signage and Council needs to think about what they want to see happen in those cases; that Council should be thinking about setting some precedent and to review the ordinances to be sure they reflect what the Council wants to see happen.

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

IN RE: Public hearing to consider 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 x 40' long wall sign to exceed the 64 square foot maximum per face by 176 square feet, located at 35 Calle de Industrias; legal description being Parcel 6, Parcel Map 122-36, said matter called up for review by the City Council.

The Mayor opened the public hearing and the main points discussed are summarized as follows: Fred Boyles of Hub Sign and Store Front Co. stated that in granting this exception it will not be contrary to the intent of the sign ordinance or to the public health, safety and welfare in that the sign will be placed against a 14' high retaining wall which will not impact the scenic skyline or disrupt the visual amenities of the community and will be sufficiently screened with landscape materials to prevent excessive light and glare from projecting into adjacent residential areas; that due to the special conditions and exceptional characteristics of the property and its location behind a shopping center that strict application of the sign ordinance would deprive the subject property of privileges enjoyed by other properties in the vicinity under identical restrictions in that a conforming sign would not be sufficiently visible to adjacent freeway traffic; that most of the inn's customers will use Avenida Pico and Calle Industrias and it is necessary that they be reached in that specific location; that it is especially bad at night when the inn does most of its business as an inn without identification could appear to be anything from a hospital to condos; that Staff, the Design Review Committee, and Planning Commission have reviewed and approved the sign and that they have worked to cooperate with what the City wants as well as what Ramada Inn needs.

In opposition All Shillman stated it was the first time he has heard a reason given for the variance; that ordinances are given considerable thought and investigation before becoming law; that 2½ times larger than existing sign ordinance requirements would lead to variances in other ordinances; that there is no reason for the sign to exceed the ordinance and that it is impossible not to see that particular building; and that with a legal size sign on the building and directional signs at Avenida Pico such is sufficient. Richard De Spain stated he resided on the hillside northwest of the building and inquired where the sign will be located as he was concerned about the lighting impact.

Eva Riley stated she was surprised that this unusually large sign was even before the City Council; that sign after sign has been taken down because of size; that the applicant knew the access routes to the property; and that the sign exception should be denied.

In rebuttal Mr. Boyles noted that the California Hotel Association advises that 45% of their gross comes from impulse purchases and that a customer needs to know where a hotel is long before they reach the signs and that a sign must reach a certain distance and certain geographic format that it has to cover; that the sign ordinance addressed the fact that there is a unique need for hotels and restaurants that do 100% of their business off the freeway; and that pre 1981 freeway signs were allowed to stay because of this particular recognition.

Councilman Limberg commented that exceptions and variances are based upon hardship and that the 2,000 foot driveway behind the shopping center is a self-imposed hardship. Councilman Diehl inquired if the applicant has applied for directional signs and remarked how some car dealers in Mission Viejo have done their advertising in aesthetic plantings on the slopes. Upon request, Planning Commission Chairman Kweskin advised Council of the Commission's reasons for approval of the sign exception; that it was determined by the Planning Commission that this was indeed a freeway oriented business; that in order for the sign to be functional it must be large enough to be seen before the freeway off ramp at Pico; that the size of the sign was consistent with the proportion of the building and topography of the site; that Avenida Pico from the north is obscured by existing signage; that the Design Review Committee reviewed and approved the sign; that it is the intent of the sign ordinance to prevent billboards which block views and which by their nature bother neighbors and with the design of this sign the Commission concluded that this was a legitimate attempt by this commercial establishment and by the designer of the sign to mitigate any impact in terms of neighbors; and that this is the smallest sign which is practical for this particular location.

The Mayor closed the public hearing and Councilman Limberg noted he had listened carefully to the pros and cons in this matter; that he recognized the need of this structure to have freeway orientation and that a compromise might be in order, AND IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, that sign exception 84-01 be approved except that the total sign area be reduced to 128 square feet.

Following comments by Councilman Diehl that he would be willing to entertain the type of landscape signage used in Mission Viejo that is unique and in good taste, A SUBSTITUTE MOTION WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILWOMAN KOESTER to deny Sign Exception 84-01.

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

#### CONSENT CALENDAR

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

#### City Council Minutes

Minutes of 4-17-84 (adjourned) and 4-18-84 (regular). -- Approved as presented, and reading in full thereof waived.

#### Design Review Committee Minutes

Minutes of 5-1-84. -- Received and filed.

#### Traffic & Parking Commission Minutes

Minutes of 5-3-84. -- Received and filed.

#### Parks & Recreation Commission Minutes

Minutes of 3-27-84, 4-10-84, and 4-24-84. -- Received and filed.

#### Departmental Activities Report

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

Subject: 105 - Tentative Tract Map 12154, New Providence - Marblehead  
Inland Master Plan.

IN RE: Communication from Planning Commission recommending approval of Tentative Tract Map 12154, being the request of New Providence to subdivide approximately 48 acres into seven lots to accommodate 225 residential dwelling units, located within the Open Space-Planned Residential Development (O-S-PRD) Zoning District within the boundaries of the Marblehead Inland Master Plan; legal description being Lots 1 and 2 of Tract 10688. -- Set for public hearing on 6-6-84.

Subject: 105 - Tentative Parcel Map 84-827 - Church Site in Marblehead  
Inland Master Plan.

IN RE: Communication from Planning Commission recommending approval of Tentative Parcel Map 84-827, being a request to subdivide approximately ten acres into two lots which are located within the Marblehead Inland Master Plan area and designated as a church site; legal description being Lot 3 of Tract 10687. -- Set for public hearing on 6-6-84.

Subject: 42 - Claim for Damages Filed by Sandra Vittum.

IN RE: Claim for damages filed by Sandra Vittum in the amount of \$250,000 for alleged false arrest, detention and battery of claimant by officers and damage and destruction to personal property. -- Based on insurance adjuster's recommendation, the claim was denied.

Subject: 42 - Claim for Damages Filed by Anne T. Leiberg.

IN RE: Claim for damages filed by Anne T. Leiberg in the amount of \$250,000 for alleged false arrest, detention and battery of claimant by officers and damage and destruction to personal property. -- Based on insurance adjuster's recommendation, the claim was denied.

Subject: 42 - Claim for Damages Filed by USF&G/Milton Bailey.

IN RE: Claim for damages filed by USF&G/Milton Bailey in the amount of \$850.57+ for alleged damage to auto caused by a broken tree limb. -- Based on insurance adjuster's recommendation, the claim was denied.

Subject: 42 - Claim for Damages Filed by Holly Marie Zell.

IN RE: Claim for damages filed by Holly Marie Zell in the amount of \$100,600 plus unknown medical expenses for injuries from a bicycle accident allegedly caused by an uneven roadway. -- Based on insurance adjuster's recommendation, the claim was denied.

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

IN RE: Request from Robert Clarke for issuance of permit for use of sound amplifying equipment for June 2 and 3, 1984 for purposes of conducting a surfing contest at Trafalgar Street Beach. -- Approved sound amplification permit.

Subject: 77 - North Beach Facilities Update/Request for Demolition Funds.

IN RE: Report from Public Services Director and City Manager requesting appropriation for demolition and removal of the North Beach concession and restroom buildings. -- Approved expenditure of \$4,500 from Parks Acquisition & Development Fund for demolition and removal of the North Beach concession and restroom buildings.

Subject: 68 - Emergency Jobs Bill Project - Replacement of Sewer Line.

IN RE: Report from Community Development Director and City Manager advising that the City has received the final portion of Community Development Block Grant Funds in the amount of \$50,000 to be used in the replacement of the sewer line located along El Portal. -- Approved the contract and authorized execution by Mayor and City Clerk.

Subject: 58 - Golf Course Irrigation System - Portion of Project No. 5-84.

IN RE: Report from Community Development Director and City Manager advising that specifications have been prepared for supplying the pumps for the Golf Course Effluent Pump Station. -- Approved specifications and authorized advertising for bids for supplying the pumps for the Golf Course Effluent Pump Station.

CONSENT CALENDAR (Items removed for separate action)

Subject: 112 - Use Permit 84-05 - Rancho San Clemente Development Corporation.

IN RE: Use Permit 84-05 being the request of Rancho San Clemente Corporation to allow one temporary sales sign approximately 160 square feet in area located at the northeast corner of the intersection of Avenida Pico and Del Cerro (Lot J, Tract 12124).

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that Use Permit 84-05 be called up for review at the meeting of 6-6-84.

Subject: 112 - Use Permit 84-06 - Marblehead Inland Master Plan.

IN RE: Use Permit 84-06 being the request of Marblehead Inland Master Plan to allow two temporary sales signs, each approximately 98 square feet in area located west of Calle Frontera, east of Interstate 5 and north of Avenida Hermosa in the Lanesboro and Faire Harbour planning areas of the Marblehead Inland Master Plan (Lot 1, Tract 10686 and Lot 1, Tract 10687).

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that Use Permit 84-06 be called up for review at the meeting of 6-6-84.

IT WAS THEN MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED to receive and file the Planning Commission minutes of 5-1-84.

Subject: 112 - Margarita's Village - 1814 N. El Camino Real.

IN RE: Report from Community Development Director and City Manager submitting information, per Council direction, regarding the status of Margarita's Village as a non-conforming use.

Councilwoman Koester commended the Community Development Director, City Planner, and Business License Inspector for pursuing this matter, following which IT WAS MOVED BY COUNCILWOMAN KOESTER, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to receive and file the report.

PAYING OF THE BILLS

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED that Warrants No. 23901 through No. 23928, No. 24294 through No. 24300, and No. 11861 through No. 12101 as audited be paid. Councilwoman Koester commended the Finance Staff for making sure all expenses and revenues are accurate.

Total demands approved for payment for period ending	
May 15, 1984 . . . . .	\$ 502,118.50
Ratification of Payroll Warrant No. 23922 for period	
April 23, 1984 through May 6, 1984 . . . . .	\$ 159,679.96
TOTAL WARRANT REGISTER	<u>\$ 661,798.46</u>

UNFINISHED BUSINESS

Subject: 105 - Proposed Issuance of Grading Permit to Stearns Development  
Prior to Approval of Final Maps.

IN RE: Report from Community Development Director and City Manager advising that Stearns Development Company has requested issuance of a grading permit on Tentative Tract 11781, Lot 24, Forster Ranch prior to the final recordation of said tract.

Lengthy discussion is summarized as follows: Doug Clemens, Madole & Associates, noted they were the engineers for the entire Forster Ranch and representing Stearns Development Company on this particular project; that the entire ranch is comprised of 20 tracts 13 of which are recorded; that the subject parcel is a portion of Tentative Tract 11781 and the grading proposed is an integral part of two tracts which have already been recorded--Tract 11415 and 11880 and the cut materials from 11880 will be used as fill on 11781 as the slope between the high ground on the tract and low ground in the valley requires buttressing and it has been determined by the geologists that the fill proposed will also serve to stabilize the slope between the two tracts; that this portion of Tract 11781 has approved soils and geology reports and the tract is two months away from recordation as they are in the process of going through plan checks.

Norman Ream referred to a letter dated April 24, 1984 from Staff to Mr. Clemens concerning a study made by the DMT on pre-application review of conceptual design for development within Tract 11781 noting 21 comments which were of such substantial nature that Staff recommended a redesign of the project prior to any formal submittal; that inasmuch as a tentative tract map has not been filed if Council approves the grading they would be in violation of City codes; and therefore requested that this request be denied at this time until all 21 items in the City letter are answered. He further suggested that a copy of this letter be made available to each Council member.

The City Engineer advised that the letter quoted by Mr. Ream had to do with an application to vary from the approved specific plan and a number of problems were noted; that any grading permit issued would be for the approved specific plan, and if the specific plan was changed, a new grading plan would be required for Staff review.

Mr. Clemens made further comments explaining the need and desirability of allowing the grading permit issuance.

During Council discussion, Councilwoman Koester expressed concerns about grading prior to final map recordation. Councilman Limberg stated he had an uncomfortable feeling about granting the request, with Mayor Carr noting that allowing this grading permit could set a dangerous policy in the City. In response to query from Councilman Mecham that if this request was approved would the Council be violating any City laws or ordinances, or State laws, the City Attorney advised in the negative. Councilman Diehl added that the work in the area where the developer wants to put the dirt has already been done; that City Staff has noted that the developer has conformed to all requirements and that we are making him "jump through the hoop" when not necessary. Philip Stearns stated it was his understanding that they are in conformance with the specific plan and he wanted to go on record as saying they will conform to the specific plan as approved.

Following further comments, IT WAS MOVED BY COUNCILWOMAN KOESTER, SECONDED BY COUNCILMAN LIMBERG, AND CARRIED to deny the issuance of grading permit prior to final map approvals. Council members Diehl and Mecham voted "NO."

WRITTEN COMMUNICATIONS

Subject: 106 - Communication from San Clemente R.V. Owners Assoc.

IN RE: Communication from San Clemente R.V. Owners Association requesting establishment of a six-member committee, three citizen members appointed by S.C.R.V.O.A. and three City Staff members appointed by the City Manager, to develop proposed changes and/or additions to existing ordinances dealing with on and off street parking of recreational vehicles in the City.

James Moss noted that members of the San Clemente R.V. Owners Association would like to work directly with the City in hopes of resolving presently existing problems dealing with the parking of RV's within the City; that they are willing to recognize that some RV parking problems can arise if indiscriminate parking of such vehicles is allowed but that some method of resolving these problems can be achieved without creating widespread general hardship to all owners of RV's in the City; that their goal, through the proposed committee, is to explore the possibility that ordinance changes can be designed to the satisfaction of City Council, City Staff and the recreational vehicle owners in the City. He further requested that the current moratorium on enforcement of present City regulations respective to recreational vehicle parking be extended for an additional six months.

Following comments by Council, IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM to refer the proposal to Staff for review and report back in 30 days and in reviewing it to determine what Staff's capability is to perform the tasks outlined in the proposal and what benefit would be gained; with recommendations to be made at that time.

Following further discussion that this would also allow time for Staff to receive further input, the Mayor called for the QUESTION WHICH CARRIED with Councilwoman Koester voting "NO."

Subject: 105 - Request to Modify Condition #34 of Tract Map 11373.

IN RE: Communication from Soto Kafetzopoulos, General Partner, Granada Ltd. requesting a modification to condition #34 of Tract Map 11373, being an application for a 24-unit condominium conversion at 411 Avenida Granada.

Mark Wasser, attorney representing Mr. Kafetzopoulos, stated that the proposal in modifying the condition would not affect the tenant's rights to remain in the building; that they are not objecting to the agreement allowing the two senior tenants to remain in the apartment units for the remainder of their lives; that from their standpoint the agreement as written up is quite burdensome and less fair than was originally agreed to; that they have no objection for the tenants to remain in the building but that the condition freezes the rents at a rate substantially below the market and does not afford Mr. Kafetzopoulos a fair return; that this is the only project in the City where the rents have been frozen and questioned whether this was the intent of the City as it does not afford a fair return, does not recognize capital improvements, and does not recognize maintenance and repair expense; and, further, that the owner is subsidizing approximately half of the rent for these two tenants.

He further noted that all they are asking for is that the Council recognize it is not necessary to protect those tenants by guaranteeing the frozen rents they presently enjoy; and are suggesting that the Council either recognize the owner's rights and that he be allowed to adjust the rents at the market rate, or refer the matter to Staff to meet with Mr. Kafetzopoulos and discuss what would be appropriate.

IT WAS MOVED BY MAYOR CARR, SECONDED BY COUNCILWOMAN KOESTER that the matter be referred back to the Planning Commission for reconsideration.

Following further comments and discussion A SUBSTITUTE MOTION WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to concur with the Planning Commission's recommendation to deny the request to modify Condition #34 of Tract Map 11373.

COMMUNICATIONS FROM COMMISSIONS, BOARDS, AND COMMITTEES

Subject: 105 - Request for a One Year Extension of Time for Tentative Parcel Map 81-839, Moh-Tal, Inc.

IN RE: Communication from Planning Commission recommending approval of a one year time extension from June 2, 1984 to June 2, 1985 for Tentative Parcel Map 81-839, being a proposal to construct a four unit condominium project at 215-217 West Escalones, subject to the original 18 conditions.

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to concur with the Planning Commission's recommendation and approve one year time extension to June 2, 1985.

URGENT MATTERS

G. P. Wilson referred to the agenda item on recreational vehicles; noted that a year and one-half ago this matter was discussed at the Traffic & Parking Commission and that a recommendation sent to the Planning Commission was subsequently misplaced; and that in view of his past experience, should the Council so desire, he would like to volunteer his services to serve on the proposed new committee.

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

IN RE: Daniel Gorman's request for issuance of permit for use of sound amplifying equipment.

Daniel D. Gorman, Jr., 627 Calle Miguel, requested issuance of permit for use of sound amplifying equipment for May 19, 1984 between the hours of 7-10 p.m. to be used for live entertainment.

Mr. Gorman responded to questions from Council members following which IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to approve the request and issuance of sound amplification permit subject to approval of Staff and the Police Chief, and that the City Manager has sole discretion in granting this permit.

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 Public Services Director gave a status report regarding application with FEMA in regard to the Verde Canyon Landslide, and noting that the declared state of emergency can be discontinued. Councilwoman Koester inquired whether the City had anything in writing on this and the Public Services Director advised in the negative.

IT WAS THEN MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND CARRIED to discontinue the state of local emergency re Verde Canyon Landslide. Councilwoman Koester voted "NO."

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The City Manager gave a status report concerning the fact that he is being considered for the City Manager position in Bakersfield.

Subject: 62 - Opposition to Pending State Legislation.

IN RE: Report from Personnel Officer and City Manager recommending that the Mayor send letters to members of the Senate Finance Committee opposing SB 1440 (Torres) and SB 1509 (Greene).

IT WAS MOVED BY MAYOR CARR, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED to authorize the Mayor to send letters to members of the Senate Finance Committee opposing SB 1440 (Torres) and SB 1509 (Greene).

Subject: 25 - Annexation No. 29.

IN RE: Annexation No. 29.

Upon motion of Councilman Diehl, seconded by Mayor Carr, and unanimously carried, RESOLUTION NO. 38-84 BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, INITIATING PROCEEDINGS FOR ANNEXATION NO. 29 (PRE-ZONE AMENDMENT NO. 82-09), was regularly introduced, passed and adopted.



ITEMS FROM CITY ATTORNEY

Subject: 105 - Petition Submitted by East San Juan Homeowners Regarding Avenida San Juan Partnership.

IN RE: Report from City Attorney concerning petition submitted by Suzanne Case, et al, regarding hillside development below existing homes.

Following comments by Councilman Limberg, IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND CARRIED to decline to take any affirmative action on the Petition. Councilwoman Koester voted "NO."

ITEMS FROM COUNCIL MEMBERS

Subject 99 - Signage as It Relates to New Developments.

IN RE: Signage as it relates to new developments.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to direct the Planning Staff to prepare some type of proposed policy for the City Council dealing with signage as it pertains to the new home tract sales offices and the other types of signage related thereto.

Councilwoman Koester reiterated the request of Don Steffensen at the Planning Commission meeting regarding the inclusion of developers as a sub-committee to work with Staff on the signage question.

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Councilman Mecham inquired as to the plans for the 4th of July and the Fire Marshal advised that two personnel from the Fire Department have obtained a "Certificate of Pyrotechnics" and will be in charge of the show. In response to plans for the pier restaurant, the Public Services Director advised that Fisherman's Restaurant has submitted a request to have an event on the 4th and that Staff is in the process of evaluating their request. In response to query he further advised that the event is planned to end at 11:30 P.M.

Subject: 68 - San Clemente Seniors Meals Contract.

IN RE: San Clemente Seniors Meals Contract.

IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that the Mayor send a letter to the Board of Supervisors thanking them for supporting San Clemente Seniors in awarding a one-year contract to the San Clemente Seniors to provide 110,000 meals from Irvine to San Clemente.

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Councilman Limberg referred back to the City Attorney's report pertaining to the petition and proposal submitted by East San Juan Homeowners regarding the Avenida San Juan Partnership property, and noted that there might be possible areas where certain actions of the City could result in a gift of public property, depending on the matter and types of issues involved, and the possibility that this could come up at some time and to make sure Staff covers all bases.

Subject: 105 - Grading Operations - Rancho San Clemente.

IN RE: Councilwoman Koester's request that Staff check into the grading operations on Rancho San Clemente east of Calle Frontera and North of Avenida Pico with a report back to Council at the next meeting.

Councilwoman Koester noted that her request was based on the statement made by Planning Commissioner Saunders who questioned why such extensive grading and filling was going on in an area assigned by the Specific Plan to be Open Space.

Subject: 62 - League of California Cities Legislative Conference.

IN RE: League of California Cities Legislative Conference scheduled for June 11 and 12 in Sacramento.

Mayor Carr stated that an invitation was sent to Mayors, Council Members and City Managers advising of this meeting with the theme of the Conference being "A Final Lobbying Effort to Push Long Term Financing Legislation to the Governor's Desk."

The Mayor stated he would be available to attend AND IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY MAYOR MECHAM, AND UNANIMOUSLY CARRIED that Mayor Carr attend the Legislative Conference in Sacramento.

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Mayor Carr noted that he attended the seniors luncheon meeting to present a proclamation designating the month of May as "Older American's Month", and the feeling and mood of the group was of great jubilation over the outcome of the Board of Supervisors vote on the senior meals program.

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Mayor Carr noted that, thanks to Councilman Diehl, he had the good fortune last Wednesday to meet Carol Hallett, Assistant to the Secretary of the Interior, and former member of the State Legislature and unsuccessful candidate for Lt. Governor; that Mrs. Hallett was in Laguna Beach and along with the Mayor of Newport Beach, and the past Mayor of Laguna Beach they had an opportunity to make an interesting and informative short tour of some of the beach area relating to the offshore oil drilling proposed by the Federal Government and the effect and impact this would have on southern Orange County.

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Mayor Carr commented on the three destroyed dwellings in Verde Canyon, and it was suggested the matter be discussed in Closed Session due to pending litigation.

NEW BUSINESS

Subject: 65 - Adoption of Resolutions No. 39-84; No. 40-84, and No. 41-84 Relating to San Clemente Street Lighting & Landscaping District No. 1.

IN RE: Report from Community Development Director and City Manager advising that the Street Lighting and Landscaping Act of 1972 provides that the required levy be set every year, and that the consultant, Willdan Associates, has prepared the engineer's report containing the plans and specifications for the proposed district.

Staff presented a map showing the general boundaries of the area proposed to be assessed, and showing in general terms the works of improvement to be maintained.

Upon motion of Councilman Mecham, seconded by Councilman Diehl, and carried, RESOLUTION NO. 39-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE ORDERING THE PREPARATION OF PLANS, SPECIFICATIONS, COST ESTIMATE, DIAGRAM, ASSESSMENT AND REPORT PURSUANT TO THE PROVISIONS OF DIVISION 15 PART 2 OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, FOR PROCEEDINGS FOR ANNUAL ASSESSMENT LEVY AFTER FORMATION OF A DISTRICT, was regularly introduced, passed, and adopted. Councilwoman Koester and Mayor Carr voted "NO."

A report pursuant to the "Landscaping and Lighting Act of 1972," was presented to Council which consisted of (1) plans and specifications, (2) estimate of costs, (3) diagram of proposed District, and (4) assessment of costs.

Upon motion of Councilman Mecham, seconded by Councilman Diehl, and carried, RESOLUTION NO. 40-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE APPROVING THE ENGINEER'S "REPORT" FOR ANNUAL LEVY OF ASSESSMENT FOR FISCAL YEAR IN A DISTRICT WITHIN SAID CITY, was regularly introduced, passed, and adopted. Councilwoman Koester and Mayor Carr voted "NO."

Upon motion of Councilman Mecham, seconded by Councilman Diehl, and carried, RESOLUTION NO. 41-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR CERTAIN MAINTENANCE IN AN EXISTING DISTRICT, PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2 OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR PUBLIC HEARING THEREON, was regularly introduced, passed, and adopted. Councilwoman Koester and Mayor Carr voted "NO."

#### RESOLUTIONS

For Resolution No. 38-84 see under "ITEMS FROM CITY MANAGER" on page 9.  
 For Resolution No. 39-84 see under "NEW BUSINESS" on page 10.  
 For Resolution No. 40-84 see under "NEW BUSINESS" on page 10.  
 For Resolution No. 41-84 see under "NEW BUSINESS" on page 10.

Subject: 99 - Resolution No. 42-84 Denying Sign Exception No. 84-02.

IN RE: Resolution denying Sign Exception No. 84-02, Forster Ranch/Entry Monument Sign.

Upon motion from Councilman Mecham, seconded by Councilman Diehl, and carried, RESOLUTION NO. 42-84 BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DENYING SIGN EXCEPTION NO. 84-02, FORSTER RANCH/ENTRY MONUMENT SIGN, was regularly introduced, passed, and adopted. Mayor Carr voted "NO."

Subject: 63 - Resolution No. 43-84 Accepting as Adequate and Complete EIR 83-01; and Resolution No. 44-84 Conditionally Approving Specific Plan 83-02.

IN RE: Resolutions accepting as adequate and complete EIR 83-01 and conditionally approving Specific Plan 83-02 (Nixon Library/Chapman Institute).

Upon motion of Councilman Mecham, seconded by Councilman Diehl, and unanimously carried, RESOLUTION NO. 43-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ACCEPTING AS ADEQUATE AND COMPLETE ENVIRONMENTAL IMPACT REPORT (EIR) 83-01, was regularly introduced, passed, and adopted.

Upon motion of Councilman Mecham, seconded by Councilman Diehl, and unanimously carried, RESOLUTION NO. 44-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CONDITIONALLY APPROVING SPECIFIC PLAN 83-02, was regularly introduced, passed, and adopted.

#### ORDINANCES

Subject: 117 - Ordinance No. 889 Approving Zone Change 84-02, Casa De Seniors.

IN RE: Ordinance No. 889 Approving Zone Change 84-02, Casa De Seniors.

The City Clerk reported that it would be necessary to readopt Ordinance No. 889 as it was not prepared in final form in sufficient time to meet the publication time limit.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED to waive the reading in full of Ordinance No. 889.

Upon motion of Councilman Mecham, seconded by Councilman Diehl, and carried, ORDINANCE NO. 889, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING ZONE CHANGE 84-02 RELATING TO THE PROPERTY LOCATED AT 105 AVENIDA PRESIDIO (CASA DE DENIORS), having been regularly introduced at the meetings of 4-4-84 and 4-18-84 was again introduced, the reading in full thereof having been unanimously waived, and duly passed and adopted. Mayor Carr voted "NO."

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

IN RE: Ordinance No. 895 providing for certain reductions in the amount of off-street parking required for Senior Citizen housing.


Upon motion of Councilman Mecham, seconded by Councilman Diehl, 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, having been regularly introduced at the meeting of 5-2-84, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted. Mayor Carr "ABSTAINED."

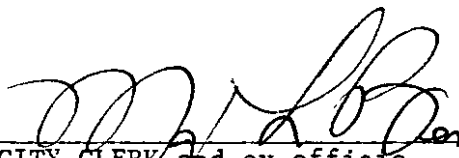
MEETING ADJOURNED TO CLOSED SESSION

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to adjourn to a Closed Session to discuss pending litigation.

MEETING RECONVENED AND ADJOURNMENT

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED that the Council Meeting be adjourned at 10:42 P.M. to May 23, 1984 at 7:00 P.M.

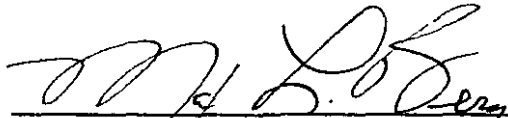
  
 \_\_\_\_\_  
 MAYOR and President  
 of the City Council

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

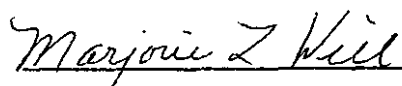
STATE OF CALIFORNIA )  
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COUNTY OF ORANGE ) SS  
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CITY OF SAN CLEMENTE )

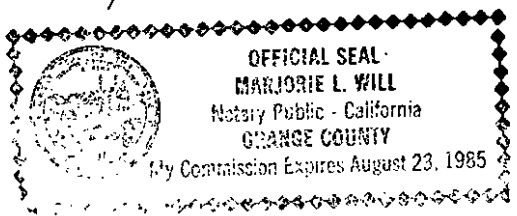
AFFIDAVIT OF POSTING  
OF MEETING

I, MAX L. BERG, being first duly sworn deposes and says:  
that I am the duly chosen, qualified, and acting ex-officio Clerk of the  
City Council of the City of San Clemente; that at the regular meeting of  
the City Council of the City of San Clemente, held May 16, 1984 ,  
said meeting was ordered adjourned to the time and place specified in the  
Order of Adjournment ATTACHED HERETO; that on May 17, 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  
May 16, 1984 , was held.

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

Subscribed and sworn to before  
me this 17th day of May, 1984





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, May 16, 1984, at 7:00 P.M., Mayor Kenneth E. Carr presiding.

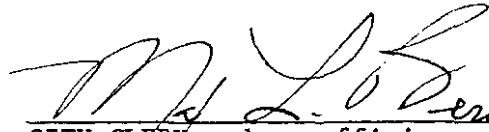
ROLL CALL


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;  
and Jeff Oderman, City Attorney

ADJOURNMENT


IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL,  
AND UNANIMOUSLY CARRIED that the Council Meeting be adjourned at 10:42 P.M.  
to May 23, 1984 at 7:00 P.M.

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

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

Certified to be a true and correct  
copy of excerpts from the May 16,  
1984 Council Minutes

Dated this 17th day of May, 1984

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