

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, June 6, 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; Harry Weinroth, Community Development Director; Edward Putz, City Engineer; Marjorie L. Will, Deputy City Clerk; and certain other Staff members present in the audience.

SPECIAL BUSINESS

Subject: 43 - Resolution No. 45-84 Extending Congratulations to
Heidi Isch.

IN RE: Presentation of resolution of commendation to Heidi Isch for receiving the Young American Award of the Boy Scouts of America and being selected as a torch bearer for the 1984 Olympics.

Mayor Carr presented a Resolution to Heidi Isch stating that the City Council of the City of San Clemente extends its heartiest congratulations to her for receiving this Junior American Award and being selected as an official torch carrier for the 1984 Olympics.

Upon motion of Councilman Mecham, seconded by Councilwoman Koester, and unanimously carried, RESOLUTION NO. 45-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, EXTENDING CONGRATULATIONS TO HEIDI ISCH FOR BEING A RECIPIENT OF THE YOUNG AMERICAN AWARD; AND BEING DESIGNATED AS AN OFFICIAL TORCH CARRIER OF THE 1984 OLYMPICS, was regularly introduced, passed, and adopted.

Miss Isch expressed her appreciation and then explained the program and the selection process.

PUBLIC HEARINGS

Subject: 30 (35) - Proposed 1984-85 Budget.

IN RE: Public Hearing to consider and determine the proposed budget for fiscal year 1984-85, including the proposed use and expenditure of Federal Revenue Sharing funds.

IN RE: Communication from Alex W. Goodman, Executive Manager, San Clemente Chamber of Commerce, submitting per Council direction, a cost breakdown of the first phase for the proposed Visitor and Convention Bureau of the San Clemente Chamber of Commerce; and requesting Council establish a policy that after each project has been approved by the City Council that a purchase order number be issued and the City pay the vendor directly when the project is completed.

IN RE: Communication from Marilyn L. Ditty, Executive Director of San Clemente Seniors, requesting a yearly budgetary commitment of matching funds somewhere between \$5,000 and \$10,000 to cover the meal program for the San Clemente area.

The City Manager gave an overview of the 1984-85 budget which the Council has been reviewing in budget sessions, noting that due to reinstatement of certain State subventions, improvement in the general economy, and new development activity in the City, there are a number of additional personnel and programs proposed for the coming year; that the proposed personnel additions will bring the staffing level to 216 full-time and 106 part-time positions which is about the number of employees we had in 1980; that the total general fund budget is \$9,805,010 or 5.5% over the adjusted budget for 1983-84; that among the proposals the risk management function is being transferred from the City Clerk's office and the Finance Department to the Personnel Department. Mr. Carvalho also reviewed proposed additions and changes in personnel in certain departments; noted a proposed \$2.00 increase in fees in the animal control program; that the water meter cleaning program presently under CARES

is being shifted to the Water Division; increased building and public works inspection and expansion of engineering and administrative analysis is proposed under Community Development; noted a number of projects in drainage, streets, and parks; 14.7% increase in the sewer budget including \$60,000 for removal of the old sewer outfall line; increase in the water fund by 8.5%; increase in the golf fund by 11%; and also reviewed proposed use of Federal Revenue Sharing funds.

The Mayor opened the public hearing and Norman Ream stated that serious consideration should be given prior to approving removal of the outfall, and that until the whole sewer plant issue is finally settled the outfall should remain in place as a possible alternative in event of a breakdown of the line along Coast Highway. Referring to the Chamber of Commerce Tourist and Convention project, he questioned the total amount requested which was clarified as being \$20,000; questioned whether it was legal for City Council to pay directly on purchase orders that are contracted for by some group not a formal part of the City structure; questioned whether any outside firm has the right to contract in the name of the City and requested that be changed or referred to the City Attorney for determination; and questioned an expenditure for someone to go to Las Vegas to promote their City.

Alex Goodman, Executive Manager of the Chamber of Commerce, responded to Mr. Ream's questions; advised that the City will sign the purchase orders; and that they are not proposing to send anyone from San Clemente to Las Vegas but are putting together a display to be taken to Las Vegas.

Marilyn Ditty spoke in support of the request for the seniors' meal program and stated the Board of Directors has requested \$10,000; that she was not authorized to indicate a range of \$5-\$10,000; and requested Council give every consideration to the full amount.

There being no one else wishing to be heard the public hearing was closed, and in response to query from Councilman Limberg the City Engineer advised that the outfall was not connected nor operational and was undoubtedly encrusted with marine growth and sand thereby limiting its fluid carrying capacity.

Following discussion that all points made would be individually considered at the next budget study session, IT WAS MOVED BY COUNCILWOMAN KOESTER, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to continue the budget study session to June 13 following interviews of candidates for the various commission vacancies.

Subject: 65 - Resolution No. 46-84 Confirming a Diagram and Assessment and Providing for Annual Assessment Levy.

IN RE: Public hearing to consider protests or objections in reference to the annual levy of assessments, to the extent of the maintenance, and to any other matters in re City of San Clemente Street Lighting and Landscaping District No. 1.

The City Clerk advised that no written protests have been received. The Mayor then opened the public hearing and Lucile Taylor's remarks are briefly summarized as follows: That residential owners of 4,000 to 7,000 square foot lots in Zone A are subsidizing Zone B owners of identical size lots; that Zone A landowners pay from 4% to 85% larger assessments; that Proposition 4--Gann Initiative--requires cities to analyze their fee and revenue structure to make sure that persons who use certain types of City services pay for those services rather than the whole City subsidizing those services; that they believe no landowner should subsidize another landowner as Zone A residents are doing; that they believe in order to fairly distribute the net amount among all assessable lots or parcels, all lots and parcels in all zones must be assessed at a per acre rate; that 1981-82 included maintenance of three medians; in 1982-83 another median was added; in 1983-84 parkway trees throughout the City were added; and now in the 1984-85 assessment five medians and two parkway areas are to be added. She then reviewed the City's contribution and expenditures for 1982-83 noting that there was a surplus of \$278,396 and that they would like to see a tighter budget and that this matter be held over in order to publish a more detailed budget for everyone to review. She further noted that they believe all assessments in all zones except Zone B are based on an arbitrary assessment unit and not on actual measurement of land area; that the code requires that dimensions and areas of all lots within the district be shown on the diagram, and that they would like to see changes made in the assessment formula.

There being no one else wishing to be heard the public hearing was closed and following comment by Councilwoman Koester that she concurred with Mrs. Taylor's position, William Stookey, Willdan Associates, described the method of assessment noting that the City's contribution affected the assessment as follows: District total \$548,430, City's contribution \$338,430, with the balance of \$210,000 distributed proportionately between all assessment activities and that no specific amount was assigned to street lights or parkway trees; that Zone A includes all residential single family parcels in the City; Zone B includes essentially industrial and commercial properties within the City; that Zone A is assessed one dwelling unit irrespective of size of particular lot while Zone B is assessed six dwelling units per acre.

During Council discussion and questions, it was noted that both the Hillcrest and Shorecliffs areas do not have parkway trees and that some areas do not have street lights but are still assessed.

In response to query from Councilman Diehl, Mr. Stookey advised this was the same method of distribution as used in previous years, that there is a reduction because of the City's contribution as last year Zone A with parkway trees was assessed \$21.83 compared to \$19.21 this year.

Following further comments by Councilwoman Koester as to need for further investigation, IT WAS MOVED BY COUNCILWOMAN KOESTER, SECONDED BY MAYOR CARR to continue the matter for two weeks.

Council members Diehl and Limberg expressed comments and question was raised as to how adjustments would be made if it was discovered after administrative investigation that certain areas do not have parkway trees but that the assessment unit spread was made on that basis. John Harper, legal counsel, noted that Council is not formally adopting the assessment per parcel at this time; and that the method of spread and assessment per parcel does not need to be submitted to the County Assessor until the third week in August.

The Mayor then called for the QUESTION WHICH FAILED TO CARRY with Council members Diehl, Limberg, and Mecham voting "NO."

During further discussion, Councilman Mecham noted that the district has operated without any major protests and that there is no great amount of controversy in the community; that there is no place else in the budget to raise the funds and the district serves the community; and that the program should continue.

Upon motion of Councilman Mecham, seconded by Councilman Diehl, and carried, RESOLUTION NO. 46-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE CONFIRMING A DIAGRAM AND ASSESSMENT AND PROVIDING FOR ANNUAL ASSESSMENT LEVY, was regularly introduced, passed, and adopted. Councilwoman Koester and Mayor Carr voted "NO."

Subject: 104 - Resolution No. 47-84 Granting Certificate of Public Convenience and Necessity to G & G White Cab.

IN RE: Public hearing to consider the request of G & G White Cab for Certificate of Public Convenience and Necessity to operate three taxicabs in the City of San Clemente.

The Mayor opened the public hearing and Gary Tews, applicant, stated he submitted the application in order to improve cab service in San Clemente and South Orange County; and that he wants to license his entire fleet of 14 cabs and be admitted into the city. He further noted that their corporate office is in Costa Mesa; that an 800 toll free number has been installed for South Orange County; that they have invested over \$30,000 in a radio system to communicate with drivers within a radius of 150 miles; that he would stagger the drivers changing at four in the afternoon to seven in the evening so at no time would the City be without cab service; that he is requesting restrictions be lifted and that he will pay permit fees for all cabs; that he wishes to run white cabs and not with a yellow stripe as recommended.

The Police Chief responded to various questions concerning his Department's recommendation. In response to query, Mr. Tews stated that he would give the city 24-hour service, seven days per week with clean cabs and drivers available in the area with a 15 minute response time. The City Clerk reminded the Council of an existing policy motion that the issuance of certificates to operate taxicabs shall not exceed six cabs per company.

The Mayor closed the public hearing, AND IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED to issue a certificate of public convenience and necessity to G & G White Cab Co. under the following conditions: (1) That a certificate of insurance be on file with the City before G & G White Cab opens for business; (2) that the cabs be permitted the white color scheme; (3) that a minimum of three cabs be based in San Clemente with a maximum of six cabs at any one time in San Clemente but that all 14 cabs can be registered (issued certificates) in the City and used so long as the applicant meets the other conditions; (4) that fees be paid and cabs inspected by the Police Department prior to opening for business; and (5) that the certificate of convenience and necessity be brought up for review in six months.

Upon motion of Councilman Mecham, seconded by Councilman Diehl, and unanimously carried, RESOLUTION NO. 47-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, GRANTING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO G & G WHITE CAB, was regularly introduced, passed, and adopted.

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

IN RE: Public Hearing to consider Use Permit 84-05, being the request of Rancho San Clemente Development Corp. under Section 5.6 of the San Clemente Zoning Ordinance to allow one temporary sales sign approximately 160 square feet in area, located within the Rancho San Clemente Specific plan designated as permanent open space; legal description being Lot J of Tract 12124, said matter called up for review by the City Council.

The Mayor opened the public hearing, and Steve Maloney, representing the applicant, stated he felt this matter was called up more as a policy investigation as to exceeding the 64 square foot limit on temporary sales signs; that this is a unique situation in that the size of their project for which the sign is proposed is just short of 2,000 acres which is roughly the size of 50% of the existing city today; that it was their feeling the requested sign is appropriate for the scale of the project. He then displayed photographs of where the intended sign will be placed along Avenida Pico and 1.3 miles beyond Presidio; that the sign is of an appropriate scale for a project of this magnitude giving them temporary ability to identify the future project until they have a sales office or permanent signage.

Glenn Roy addressed the Council from the audience commenting that if the Council makes an exception to the sign ordinance then they will have to make an exception for all backcountry development.

In response to query from Councilman Mecham as to how many different developers will be building in this project, Mr. Maloney stated about six and when the project is broken up into smaller pieces an entryway monument will be built to replace temporary signage.

The Mayor then closed the public hearing and Councilman Mecham referred to the previous request that Staff take a look at the signage issue and come back with recommendation to Council. Staff advised that they were working on the issue.

IT WAS THEN MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN DIEHL to approve Use Permit 84-05 subject to four conditions modifying condition #2 to state "the size and location of the temporary sales sign for Rancho San Clemente Development shall conform with that shown on the plan marked Exhibit "B", and adding condition #5 stating "the area of the sign shall not exceed 64 square feet."

Councilman Mecham felt the matter should be continued for two weeks to allow Staff time to complete their analysis and recommendation and then Council can consider these requests under the new conditions; that there should be a policy as to what type of signage is appropriate for the entryways so subsequent developers know what types of signs are available to them to advertise their projects and then also be able to use the directional signage which is already available.

Following further discussion, A SUBSTITUTE MOTION WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILWOMAN KOESTER, AND CARRIED to continue the matter for two weeks. Councilmembers Diehl and Limberg voted "NO."

Subject: 112 - Use Permit 84-06, Marblehead Inland (Lanesboro/Faire Harbour.

IN RE: Public Hearing to consider Use Permit 84-06, being the modified request of John D. Lusk & Son under Section 5.6 of the San Clemente Zoning Ordinance to allow two temporary sales signs, each approximately 64 square feet in area, located in the Lanesboro and Faire Harbour Planning areas of the Marblehead Inland Master Plan within the Open Space - Planned Residential Development (O-PRD) Zoning District; legal description being Lot 1 of Tract 10686 and Lot 1 of Tract 10687, said matter called up for review by the City Council.

The Mayor opened the public hearing and Don Steffensen, representing the applicant, stated they are not asking for anything larger than which is currently in the ordinance; that they are proposing to replace two temporary banners with permanent structures and not asking for exceptions as far as size is concerned; and if the matter is continued will they be able to have the temporary banners until the matter is resolved.

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 to concur with the Planning Commission and approve Use Permit 84-06.

Councilman Mecham felt this issue of putting signs along the freeway needs to be addressed by Council; that Staff should address an overall program as to what kind of things developers need to attract customers and what is best and least offensive to the community.

Following further discussion, A SUBSTITUTE MOTION WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILWOMAN KOESTER, AND CARRIED to continue the matter for two weeks in order to receive Staff input. Council members Diehl and Limberg voted "NO."

Subject: 105 - Resolution No. 48-84 Approving Tentative Tract Map 12154, Marblehead.

IN RE: Public hearing to consider Tentative Tract Map 12154, being the request of John D. Lusk & Son 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 Marblehead Inland Master Plan; legal description being Lots 1 & 2 of Tract 10688.

The Mayor opened the public hearing and questions raised by Councilwoman Koester concerning park site, requirement for CC&R's, adequate capacity at the sewer plant, and density were responded to by Don Steffensen and the Community Development Director.

Upon motion of Councilman Mecham, seconded by Councilman Diehl, and unanimously carried, RESOLUTION NO. 48-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING TENTATIVE TRACT MAP 12154 was regularly introduced, passed, and adopted.

Subject: 105 - Tentative Parcel Map 84-827.

IN RE: Public Hearing to consider Tentative Parcel Map 84-827, being the request of John D. Lusk & Son 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. At such time and place the City Council will also consider the approval of a Negative Declaration proposed with respect to the matter.

The Mayor opened the public hearing and there being no one wishing to be heard it was closed AND IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN LIMBERG to approve Tentative Parcel Map 84-827 subject to 12 conditions.

The City Manager advised of certain discussions concerning a possible park site; that the Master Plan designates the whole site as a church site; that a change in configuration and creating a lot line would change the use but that we do not have a definition for the two lots; that he has not seen any material on it and cannot make any determination as to definite plans for the site.

A SUBSTITUTE MOTION WAS THEN MOVED BY COUNCILWOMAN KOESTER, SECONDED BY COUNCILMAN DIEHL to continue the matter for two weeks until a definition has been applied to the two lots.

Following further discussion and the fact that the applicant concurred in the continuance the Mayor then called for the QUESTION WHICH UNANIMOUSLY CARRIED.

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 5-2-84 and 5-16-84. -- Approved as presented, and reading in full thereof waived.

Planning Commission Minutes

Minutes of 5-15-84. -- Received and filed.

Design Review Committee Minutes

Minutes of 5-15-84. -- Received and filed.

Golf Course Committee Minutes

Minutes of 4-9-84. -- Received and filed.

Cultural Heritage Board Minutes

Minutes of 5-8-84. -- Received and filed.

Subject: 42 - Claim for Damages Filed by Anne Gallagher.

IN RE: Claim for damages filed by Anne Gallagher in the amount of \$250,000 for allegedly negligently designed storm grate causing injury to the bicyclist. -- Based on insurance adjuster's recommendation, the claim was denied.

Subject: 77 - Beach Club Roof Repair, Project #16683.

IN RE: Report from Public Services Director and City Manager advising that plans and specifications have been prepared for repairing the Ole Hanson Beach Club. -- Approved plans and specifications and authorized advertising for bids.

Subject: 100 - Alley Reconstruction, Project No. 6-84.

IN RE: Report from Community Development Director and City Manager advising that plans and specifications have been prepared for alley reconstruction, Project No. 6-84. -- Approved plans and specifications and authorized advertising for bids.

Subject: 53 - Fireworks Stands.

IN RE: Report from Fire Protection Director and City Manager advising that 13 organizations have obtained the necessary State Fire Marshal permits and are requesting permits for fireworks stands which will allow the organizations to sell safe and sane fireworks between 9:00 A.M. July 1, 1984 through 10:00 P.M. July 4, 1984. -- Authorized the Fire Protection Director to issue fireworks stand permits to the 13 organizations.

Subject: 115 - Resolution No. 49-84 Instructing O.C. Auditor-Controller to Add Certain Unpaid Weed Abatement Assessments to Orange County Tax Rolls.

IN RE: Report from Fire Protection Director and City Manager recommending adoption of Resolution instructing the Orange County Auditor-Controller to add the unpaid weed abatement assessments to the 1984-85 tax rolls. -- Introduced, passed, and adopted RESOLUTION NO. 49-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE ORANGE COUNTY AUDITOR-CONTROLLER TO ADD CERTAIN UNPAID WEED ABATEMENT ASSESSMENTS TO THE ORANGE COUNTY TAX ROLLS.

Subject: 100 - Acceptance of Work - Vaquero Street Reconstruction, Project No. 12-83.

IN RE: Report from Community Development Director and City Manager advising that work on the Vaquero Street Reconstruction has been satisfactorily completed by the contractor, Griffith Company. -- Accepted the work from the contractor, Griffith Company, and authorized recordation of notice of completion.

Subject: 87 - Surplus Vehicles and Equipment.

IN RE: Report from Public Services Director and City Manager requesting authorization of an auction by Ken Porter Auction Company of surplus vehicles and equipment no longer safe to drive or economically feasible to maintain. -- Authorized Ken Porter Auction Company to auction surplus vehicles to the highest bidder.

Subject: 54 - Increase in Rates of Times Mirror Cable Television.

IN RE: Report from City Clerk and City Manager concerning communication from Times Mirror Cable Television advising of rate increases to become effective July 1, 1984 in accordance with provisions of franchise Resolution No. 117-76. -- Received and filed.

CONSENT CALENDAR (Items removed for separate action)

Subject: 106 - Use Permit 83-03 (Greyhound Bus Station).

IN RE: Proposed addition of a post office box service area to house some 120 post offices boxes at 510 Avenida de la Estrella.

Staff responded to questions from Councilman Limberg following which IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN DIEHL AND UNANIMOUSLY CARRIED to receive and file the Traffic & Parking Commission minutes of 5-17-84.

PAYING OF THE BILLS

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED that Warrants No. 23929 through No. 23949, and No. 12102 through No. 12403 as audited be paid.

Total demands approved for payment for period ending June 5, 1984	\$ 909,740.68
Ratification of Payroll Warrant No. 23940 for period May 7, 1984 through May 20, 1984	\$ 151,156.44
TOTAL WARRANT REGISTER	<u>\$1,060,897.12</u>

UNFINISHED BUSINESS

Subject: 105 - Grading on Rancho San Clemente.

IN RE: Report from Community Development Director and City Manager responding to question by Councilwoman Koester regarding the extent of grading taking place within designated open areas along Avenida Pico within Rancho San Clemente, all of which is consistent with approved plans.

Following comments by Councilwoman Koester, IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED to receive and file the report.

WRITTEN COMMUNICATIONS

Subject: 77 - Proposed Ballot Measure Concerning Trees and Shrubs
Obstructing Views.

IN RE: Communication from C. L. Snider transmitting ordinances from Sausalito and Belvedere prohibiting trees, shrubs, or other vegetation from obstructing views; submitting 200 signatures of San Clemente residents who would like some legislation to protect their views; and requesting that the matter of obstructing a neighbor's view be placed on the November 6 ballot.

C. L. Snider proposed the following ordinance for consideration: "It shall be unlawful for trees, shrubs, or bushes located on private property to grow above the roof-line of the building located on that property, or fifteen (15) feet above ground level, whichever is greater, that would obstruct a neighbor's ocean or ridge-line view."

During discussion, Councilman Limberg stated he appreciated the work Mr. Snider has done on this proposal; that he found it interesting in that of all of California's incorporated cities only two--both in the bay area--had found it necessary to impose tree height ordinances; that based on his investigation the Sausalito ordinance allows the City to force the owner of a tree to prune it back to preserve a view, but only after a long legal process; that the primary function of their ordinance is to protect trees and most of the ordinance enforcement power lies in preventing a homeowner from indiscriminately chopping off large branches; that Belvedere set up its tree ordinance with the intent of correcting fire hazards and obstructions and the City can go into arbitration to correct a view problem; and that he feels this is a matter which belongs in the CC&R's.

IT WAS THEN MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN DIEHL to receive and file the material.

Councilman Diehl commented that if Mr. Snider wishes to pursue his proposal the initiative process is available. Councilwoman Koester stated she had no problem with the ballot measure. Mayor Carr added that if the City places any other issues on the November 6 ballot that this should be included, but he did not feel it necessary to have this solely placed on the ballot by the Council.

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

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

IN RE: Communication from Stearns Development Company requesting reconsideration of their request, as expressed in their letter of 5-17-84, for issuance of a grading permit on Tentative Tracts 11781, 11867, 11868, and 11882.

Philip Stearns thanked Council for reconsidering this issue; clarified that Stearns Development is not any part of Estrella--that they are purchasers of land from Estrella and are the supervising general contractor for earth work on the ranch not owned by them but contiguous thereto such as park and school sites; also as consultants working with other consultants on the Specific Plan on easterly boundary known as the planning area; and regarding the letter referred to at the last meeting, they have met with Staff and amended all their plans to comply with the Specific Plan.

Norman Ream expressed comments and noted that this letter referred to "Pre-Application Discussion of Conceptual Lot Layout for Tentative Tract No. 11781" wherein the Planning Division commented that the conceptual lot layout was a substantial change to the approved Specific Plan 80-7 and this change would necessitate the processing of an amended Specific Plan document and environmental review prior to the filing of a tentative tract map. Mr. Ream concluded that a tentative tract map is required before a grading permit is issued and questioned if that requirement has been fulfilled; and that if the Council is going to continue to waive grading permits he suggested a motion that any action on this be withheld and substitute a different code for the City that will permit waivers permanently, and then the issue could be taken to the voters to initiate a law that a waiver cannot be made.

Doug Clemens displayed a map showing the areas and tracts for which grading permits are being requested; that recordation is two months away on all these tracts as they are going through final grading and soils and geology reports for the whole area; that reference in DMT letter to "Tentative" Tract 11781 was incorrect since it is only one of 10 tracts in overall Tentative Tract 10596.

Jerry Nicoll, civil engineer, stated the areas outlined on the map would be difficult to grade on individual tract basis due to the fact that there are corrective grading matters involving slope stability and required surcharging in that one tract has to be balanced with another in terms of earth work; that subdrains need to be accomplished so that the mass grading can be done in order to install the permanent drainage facilities in order to connect them to the main storm drain. In addition to the large amount of earth work that is taking place it is necessary to stabilize some areas as well as put in canyon fills to take care of shallow landslides which could be a subject to shallow landsliding and flooding.

In response to query, Mr. Clemens noted that they want to get started on this grading before the rainy season approaches, and that all tracts in the development area have an absolute deadline of October 1 for recordation.

The City Engineer noted that it is felt there are sufficient safeguards for the City to allow grading to go forward; that the grading would not be in violation of the City code and the only thing Council would be doing is waiving a policy of not issuing grading permits prior to recordation; that there is nothing in the law that prohibits this action and it is a benefit to the City in getting this project started prior to the rainy season; and that if we waited until recordation of the maps, it would be more costly for the developer and more difficult for us to work with in terms of inspection and in trying to keep up with the project as interim grading situations are not as easy to control.

In response to query as to legal ramifications the City Attorney advised there were no legal ramifications, and that it was a matter of Council discretion. Councilwoman Koester questioned the City Attorney's opinion and then reviewed her discussions with the Associate Planner regarding Tentative Tract 11781 and the uses of different parcels, and if they were allowed to go ahead and grade without definite uses for the whole area the Council might be subject to questions later on.

Councilman Diehl stated we hire a City Attorney to give us his opinions and if his opinions are not agreed with its time to get another City Attorney; that this developer has done everything we require to safeguard the City and reiterated that we are making him "jump through the hoop" when not necessary.

IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, to approve issuance of grading permit prior to final map approvals, subject to compliance with all other City regulations.

Following further comments and reference to the signed development agreement on this property, Mayor Carr noted that he has been subsequently convinced to his own satisfaction to support the motion and then called for the QUESTION WHICH CARRIED with Councilwoman Koester voting "NO."

URGENT MATTERS

Subject: 112 - Use Permit 84-08, Bombay Cafe - Ramada Inn.

IN RE: Request under Sec. 5.22 of the San Clemente Zoning Ordinance to allow entertainment and the sale of liquor in the Commercial Design (C-D) Zoning District within 200 feet of an R-1 Residential Zoning District; legal description being Parcel 6 of Parcel Map 122-36.

Alex Goodman, speaking in support, stated that on June 5th the Planning Commission approved Use Permit 84-08 based on the Staff analysis and three conditions and since the restaurant wants to open July 1 and it takes three weeks to secure the liquor license from ABC, it is requested that Council approve the Use Permit in order for Ramada Inn to start processing the liquor license.

IT WAS MOVED BY MAYOR CARR, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to concur with the Planning Commission and approve Use Permit 84-08, subject to three conditions.

It was pointed out that the Use Permit does not become effective until the expiration of the appeal period at 5:00 P.M. on June 21, 1984.

Glenn Roy noted that Prop 18 passed which means there will be funding available for construction of the golf course at San Onofre and inquired what assurance will there be that the existing public recreational facilities will not be sold off; and that there is rumor that when the golf course is built at San Onofre State Park the City government will consider doing away with the existing municipal golf course. Mr. Roy was assured that this was rumor only, and it was also noted that the present golf course property is deed restricted to be used for that purpose only.

ITEMS FROM CITY MANAGER

Subject: 62 - Resolution No. 50-84 Supporting Constitutional Amendment for Permanent Distribution of Vehicle License Fees.

IN RE: Report from City Manager advising that SCA 23 provides a permanent revenue source for cities and counties as part of a constitutional provision.

Upon motion of Councilman Diehl, seconded by Councilman Mecham, and unanimously carried, RESOLUTION NO. 50-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA SUPPORTING CONSTITUTIONAL AMENDMENT FOR PERMANENT DISTRIBUTION OF VEHICLE LICENSE FEES, was regularly introduced, passed, and adopted.

Subject: 89 - Request of Tiny Solomon Enterprises, Inc.

IN RE: Report from Community Development Director and City Manager requesting authorization for the Mayor to send a letter in response to two letters from Tiny Solomon Enterprises, Inc. concerning development of certain properties, one for a destination resort hotel and one for an auto park.

The Council reviewed a draft of the proposed letter to be sent and Council members Limberg and Mecham expressed differing viewpoints concerning deletion of certain wording in the letter. Following other Council comments, the City Manager suggested that since it appeared the Council might have a different posture on one issue vs. the other, it might indicate its strong interest in the destination resort hotel since it relates to Plan 2000 and more of a "wait and see" attitude on the auto park until the Council can look at the proposal more definitively.

IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that two letters be sent to Tiny Solomon Enterprises, Inc., one indicating that the Council is very interested in the hotel, and the other letter indicating that there seems to be some indecisiveness on the part of the Council concerning the auto park.

ITEMS FROM CITY ATTORNEY

The City Attorney requested a Closed Session to discuss pending litigation.

ITEMS FROM COUNCIL MEMBERS

Councilman Diehl reported that one of the police service dogs, Baron, did a real fine job this week during an arrest; that a suspect had a loaded firearm and the dog stopped all action at that point and possibly saved an officer's life.

Councilwoman Koester stated that she had some confusion as to what is happening at the San Clemente Inn regarding additional units and the prescribed parking, and was advised that this matter will be before the Planning Commission at the next meeting. She requested that Staff refer the matter to the Traffic & Parking Commission also for their input and recommendation.

Councilman Mecham commended Staff for the new plantings on South El Camino Real and noted that they were doing an outstanding job and that the area looks very nice, and that it is very much appreciated.

Councilman Limberg inquired whether there has been any progress on the deed restriction with Estrella Golf Course and the City Attorney advised in the negative.

Mayor Carr advised that as per Council's action of the last meeting, he will be in Sacramento the first part of next week attending the California Cities Legislative Conference. In addition he has meetings scheduled with Assemblyman Frazee, and State Senator candidate Marian Bergeson.

Councilman Diehl noted that the Mayor's prayer breakfast will be held June 14 at 7:30 a.m. in Anaheim. Since neither the Mayor or Councilman Diehl will be able to attend, Councilman Mecham stated he would check his schedule to see if he might be able to attend the breakfast.

Subject: 29 - Proposed Consolidation of Design Review Committee and Cultural Heritage Board.

IN RE: Proposed consolidation of Design Review Committee and Cultural Heritage Board.

Mayor Carr stated that he had the feeling as a result of the recent joint study session that some consolidation of boards and commissions would be in the best interest and more efficient and economical operation of the City government; and that his feeling was reinforced when it became apparent that there was not a strong interest as evidenced by the small number of people to apply for the vacancies on the various committees and boards and that now would be the time to consider the consolidation.

Councilwoman Koester noted that the Planning Commission went on record recommending retaining the separation between the Cultural Heritage Board and Design Review Committee. Councilman Limberg felt that there was an overlap of the two bodies in certain instances. Councilman Mecham suggested one committee of seven for a two-year period, and then at that time reduce to five members.

IT WAS MOVED BY MAYOR CARR, SECONDED BY COUNCILMAN LIMBERG, AND CARRIED that the Council express its feeling in favor of consolidation of the Cultural Heritage Board and Design Review Committee with a membership of seven. Councilwoman Koester voted "NO."

IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND CARRIED to direct Staff to prepare the necessary ordinance for the consolidation of the two bodies. Councilwoman Koester voted "NO."

Subject: 81 (75) - Proposed Consolidation of Duties of Traffic & Parking Commission with Planning Commission.

IN RE: Proposed consolidation of duties of Traffic & Parking Commission with Planning Commission.

Mayor Carr reiterated his feeling and observations of the recent joint study session about consolidation of commissions and later confirmed by the lack of the number of applicants for these vacancies, and therefore proposed consolidation of the duties of Traffic & Parking Commission with the Planning Commission. Councilman Limberg also noted that the Traffic & Parking Commission is a technical type function and that many of the decisions they are required to make are ones that can be made by technical Staff.

IT WAS THEN MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND CARRIED to pursue the dissolution of the Traffic & Parking Commission with the necessary functions assigned to the Planning Commission. Councilwoman Koester voted "NO."

IT WAS THEN MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND CARRIED to direct Staff to take appropriate measures to merge the two bodies. Councilwoman Koester voted "NO."

It was agreed that the three members of the Traffic & Parking Commission whose terms do not expire this year be contacted and encouraged to apply for other Commission vacancies.

Subject: 77 (58) - Possible Consolidation of Parks & Recreation Commission and Golf Course Committee.

IN RE: Possible consolidation of Parks & Recreation Commission and Golf Course Committee.

Mayor Carr suggested possible consolidation of the Parks & Recreation Commission and the Golf Course Committee; with Councilman Mecham noting that since this issue was not discussed at the joint meeting he feels that the issue should be discussed by the two bodies for their input and that Council also have an open discussion on the matter later on.

IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG AND UNANIMOUSLY CARRIED that Staff be directed to contact members of the Parks & Recreation Commission and Golf Course Committee and express the Council's concerns, and report back to Council with their reaction and input.

NEW BUSINESS

Subject: 29 - Changing the Design Review Committee Meeting Time.

IN RE: Report from Community Development Director and City Manager advising that the Design Review Committee has requested amendment to Section 5.21.3 of the Zoning Ordinance to move the DRC meeting time to the 1st & 3rd Monday at 7:00 P.M.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND CARRIED to table the matter until such time as the Committee is constituted according to new regulations. Councilwoman Koester "ABSTAINED."

Subject: 79 - Compensation of Elected Officials.

IN RE: Report from City Manager relating to compensation for elected officials which has not been adjusted for many years.

Following comments and discussion, IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM that the monthly salary for City Council members be increased by \$75 effective November, 1986. THE MOTION FAILED TO CARRY with Councilwoman Koester and Mayor Carr voting "NO" and Councilman Limberg "ABSTAINING."

Subject: 77 - "T" Street Pedestrian Overpass Steps' Repair.

IN RE: Report from Public Services Director and City Manager advising that during the past several months the non-skid metal foot pads on the 3-year old "T" Street Pedestrian Overpass are separating from the concrete steps.

The City Attorney responded to questions from Councilwoman Koester following which, IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to approve the appropriation and expenditure of \$4,650 from the Contingency Reserve Fund to repair the "T" Street pedestrian overpass steps.

Subject: 44 - Special 4th of July Party at the Fisherman's Restaurant and Resolution No. 51-84 Permitting Sale and Consumption of Alcoholic Beverage.

IN RE: Report from Public Services Director and City Manager recommending approval of necessary permits with delineated conditions in order for the Fisherman's Restaurant to have a 4th of July party in conjunction with the fireworks display.

IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM to grant the following items in conjunction with the City's fireworks display: (1) A temporary permit to use the pier area between the two restaurant buildings from a point at the base of the pier to a location designated by the Fire Protection Director; (2) a temporary dance permit for purposes of having an outside dance floor to be located in a spot designated by the Fire Protection Director; and (3) a permit for use of sound amplification equipment on the pier.

Hal Griffith stated that the restaurant has been open now for 15 months; that the restaurant has been on National TV with a tape travelogue showing the pier and restaurant and is at the restaurant if anyone wishes to see it; that they are featured on Elmer Dills this month; that the decision to do something with the pier and approve a restaurant was very good and has done a lot for the community; that over the past 15 months they have served hundreds of thousands of people and done in excess of \$2 million in sales; that they have paid the City over \$130,000 in rent and the check for the month of May is \$10,318; that restaurants as a rule are not very successful the first year but to date they have had a 48% increase in sales, and that they are proud to be part of the City.

In response to query from Council he then described the plans for the restaurant during the day and evening hours on the 4th of July noting that the music will stop at the beginning of the fireworks which means at the end of the fireworks show the special party will end.

The Mayor then called for THE QUESTION WHICH CARRIED with Councilwoman Koester voting "NO" for the reason that she did not believe in closing public property to the public and requiring that they pay a fee.

Upon motion of Councilman Mecham, seconded by Councilman Diehl, and carried, RESOLUTION NO. 51-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE PERMITTING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES ON A PORTION OF THE MUNICIPAL PIER ON JULY 4, 1984, was regularly introduced, passed, and adopted. Councilwoman Koester voted "NO."

Subject: 77 - Pier Reconstruction, Phase III Steel Piles.

IN RE: Report from Community Development Director and City Manager requesting authorization for the Community Development Department to purchase 86 pieces of steel precoated anti-corrosion piles for use in Phase III reconstruction of the Municipal Pier at a cost of \$213,467, based on findings pursuant to Section 5-4 of the City Code.

IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM to approve the request and expenditure of \$213,467.00 from Account #86-4119-530 based on the findings that (1) improvements are beneficial to the RDA project area, and (2) that no other source of funding is currently available to the City.

In response to query from Councilman Limberg, Staff advised that the manufacturer has indicated they would guarantee the steel precoated anti-corrosion piles for 40 years; that the steel is the same as American steel only the coating is different which has been tested by the Japanese and passed the same tests as required by the United States; that closed cell piles do not corrode, thus the precoating is on the outside only; that these piles have been used throughout Japan and four or five other Asian countries but never been used in Western Europe or the United States; that it has been developed by Nippon Steel and been in use for approximately three years in the Orient; and that they will send people from the steel factory to make sure the installation is done just right.

James Crumpley, Moffatt & Nichol Engineers, responded to questions from Council re the raised configuration of the pier extension.

Councilman Limberg noted that he would like to have some kind of formal agreement or understanding as to what the manufacturer is willing to stand behind, and further that the subsidies anticipated from the Federal and State Governments will not be affected by using this material.

The motion was restated and IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND CARRIED to authorize the Community Development Department to purchase 86 pieces of steel precoated anti-corrosion piles for use in Phase III reconstruction of the Municipal Pier at a cost of \$213,467 from Account #86-4119-530 subject to there being a formal guarantee and an understanding reached that the subsidies to be provided would not be affected; and based on findings pursuant to Section 5-4 of the Municipal Code, and further findings that (1) the improvements are beneficial to the RDA project area, and (2) that no other source of funding is currently available to the City. Mayor Carr voted "NO."

RESOLUTIONS

For Resolution No. 45-84 see under "SPECIAL BUSINESS" on page 1.
 For Resolution No. 46-84 see under "PUBLIC HEARINGS" on page 2.
 For Resolution No. 47-84 see under "PUBLIC HEARINGS" on page 3.
 For Resolution No. 48-84 see under "PUBLIC HEARINGS" on page 5.
 For Resolution No. 49-84 see under "CONSENT CALENDAR" on page 7.
 For Resolution No. 50-84 see under "ITEMS FROM CITY MANAGER" on page 10.
 For Resolution No. 51-84 see under "NEW BUSINESS" on page 13.

Subject: 43 - Resolution No. 52-84 Expressing Appreciation and Commendation to Major General Anthony Lukeman.

IN RE: Resolution expressing appreciation and commendation to Major General Anthony Lukeman for his cooperation and participation in military-community relationships during his tour of duty at Camp Pendleton.

Upon motion of Councilman Diehl, seconded by Councilman Mecham, and unanimously carried, RESOLUTION NO. 52-84 BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, EXPRESSING APPRECIATION AND COMMENDATION TO MAJOR GENERAL ANTHONY LUKEMAN FOR HIS COOPERATION AND PARTICIPATION IN MILITARY-COMMUNITY RELATIONSHIPS, was regularly introduced, 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

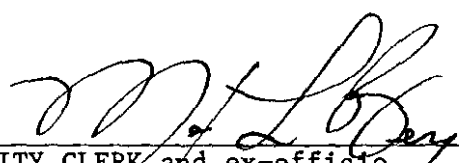
IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED to adjourn to a Closed Session to discuss matters of personnel and litigation.

MEETING RECONVENED AND ITEMS FROM CITY ATTORNEY

The Mayor reconvened the meeting and the City Attorney announced that the City Council has authorized the City Attorney's office to conclude a settlement of litigation that the City filed against the Daon Corp., the total amount of settlement being \$285,000, which would be sufficient to compensate the City for completing the improvements to the streets in the Coast development and some miscellaneous items that were never completed by Daon Corp.

ADJOURNMENT

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED that the Council Meeting be adjourned at 12 midnight to 6:00 P.M., June 13, 1984.



CITY CLERK and ex-officio
Clerk of the City Council



MAYOR and President
of the City Council

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, June 6, 1984 at 7:00 P.M., Mayor Kenneth E. Carr presiding.

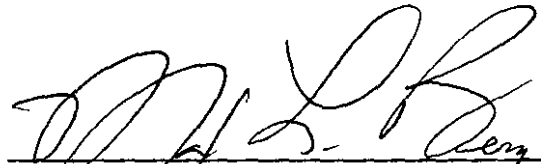
ROLL CALL

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 12 midnight
to 6:00 P.M. June 13, 1984.



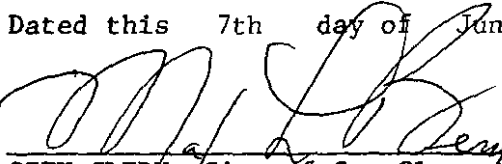
CITY CLERK and ex-officio
Clerk of the City Council



MAYOR and President
of the City Council

Certified to be a true and correct
copy of excerpts from the June 6,
1984 Council Minutes

Dated this 7th day of June, 1984

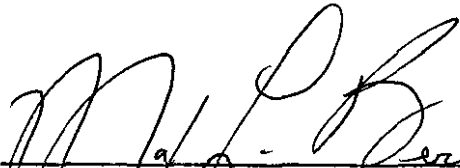


CITY CLERK, City of San Clemente

STATE OF CALIFORNIA)
)
COUNTY OF ORANGE) SS
)
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 June 6, 1984 ,
said meeting was ordered adjourned to the time and place specified in the
Order of Adjournment ATTACHED HERETO; that on June 7, 1984 , at the
hour of 10:00 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
June 6, 1984 , was held.



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

Subscribed and sworn to before
me this 7th day of June, 1984



