

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, June 20, 1984, at 7:00 P.M., Mayor Kenneth E. Carr presiding.

PLEDGE OF ALLEGIANCE AND INVOCATION

Pledge of Allegiance to the Flag of the United States of America was led by Mayor Carr. Invocation was given by Dr. Joseph S. Stephens, San Clemente Presbyterian Church. In response to query from Mayor Carr, Dr. Stephens, as one of four ministers in the area that participate in the police chaplain program, stated that it is a new experience and very rewarding; that it has also been an opportunity to get acquainted with the department and the Police Officers; and that their main objective is to try to assist the officers, primarily in domestic quarrels, and suicides or attempted suicides. Mayor Carr stated that the Council appreciates very deeply what he and the others were doing and hopes that the program will continue to grow and be even more successful in the future.

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.

UNFINISHED BUSINESS

(The order of business was advanced to take up the following matter prior to the public hearings.)

Subject: 99 - Council Policy on Subdivision Signs.

IN RE: Report from Community Development Director and City Manager, per Council direction, submitting a policy which addresses signage and sales offices related to new development in the City.

Councilman Limberg suggested that it would be appropriate that this entire policy consideration be referred to the Planning Commission and Design Review Committee for their review and recommendation to the Council; while Councilman Mecham agreed it would be helpful to have their input although three or four pending items on tonight's agenda deal with this issue and that perhaps approval of these items might not be within the proposed new policy.

IT WAS THEN MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN DIEHL, AND CARRIED that the proposed Policy on Subdivision Signs be referred to the Planning Commission and Design Review Committee for their review and recommendation to Council. Council members Koester and Mecham voted "NO."

PUBLIC HEARINGS

Subject: 112 - Use Permit 84-14 Superceding 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.

Staff advised that the applicant has filed a new application, Use Permit 84-14, to supercede Use Permit 83-24; that they are replacing two 160 square foot signs with two reduced to 64 square feet in size and 15 feet in height, adding one more 24 square foot sign and flag banners; that the Planning Commission has approved the Use Permit subject to seven conditions and two additional conditions added by the Design Review Committee.

The public hearing was opened and the applicant, Michelle d'Arlin of Ponderosa Homes, stated they had received and do accept the nine conditions. There being no one else wishing to be heard the public hearing was closed.

IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN LIMBERG to concur with the Planning Commission's approval and approve Use Permit 84-14 subject to the nine conditions.

During discussion on the motion, Councilman Mecham stated this is setting a bad precedent; that establishment of these signs on the freeway is the very situation that he was hopeful of eliminating through changes in the ordinance; that he did not feel these signs are what the Council had in mind and do not think they are appropriate and what we want to see happen and that was the major reason he wanted to deal with the policy issue first; that to allow continuance and placement of these signs, even though down graded and down sized, is unacceptable and that he was not in favor of allowing these signs on the freeway. Councilwoman Koester stated she agreed with Councilman Mecham.

The Mayor then called for the QUESTION WHICH CARRIED with Council members Koester and Mecham voting "NO."

The City Attorney noted that the Use Permit would not become effective until July 6th when the appeal period expires.

Subject: 25 - Resolution No. 53-84 Making Findings and Ordering the Approval of Annexation No. 29; and Resolution No. 54-84 Initiating Proceedings for Detachment of Annexation No. 29 from Capistrano Bay Park & Recreation District.

IN RE: Public hearing to consider written protests or objections from any property owners within Annexation No. 29 (Prezone Amendment No. 82-09).

IN RE: Report from Community Development Director and City Manager concerning the need to initiate proceedings for detachment of Annexation No. 29 from the Capistrano Bay Park and Recreation District if the annexation is approved. (Not a public hearing matter.)

The City Clerk advised that one letter of protest had been received from Harry Falklam, one of the landowners within Annexation No. 29. The Mayor opened the public hearing and the City Attorney noted that in accordance with the law, and as noted on the agenda, this was a protest hearing to hear only from property owners within the proposed annexation; that it was within the Council's discretion if they wished to hear from others but it would not be relevant to the decision that the Council is required to make.

Harry Falklam addressed the Council noting that he was not informed during the annexation proceedings before LAFCO, that notices were apparently sent to an old address, and that it was just by chance that he received notice of this hearing; that according to the Executive Officer of LAFCO his property which is shown at 15% of the total assessed value is only because it is at the 1975 assessment level under Proposition 13 and the more proper valuation would be at four times that amount.

Persons other than property owners within the annexation were then allowed to speak. Barbara McCarthy, resident of Capistrano Beach, spoke in opposition to the annexation and suggested the matter be delayed until the ownership of a small lot within the boundaries of the annexation could be determined.

Staff later advised that the lot in question is a small portion of street right of way between 100 and 200 square feet adjacent to a corner radius, and that the County usually owns those pieces of land although the County does not appear to own this particular one.

Norman Ream expressed various comments against the annexation including the question of sewage service; that due to the questionable ownership of the lot the annexation has been misrepresented; that the annexation is an improper filing and that it may be an illegal filing; that in addition a hotel for transient guests will be placed right next to a church with juveniles and handicapped people; and further that you cannot have a bar right next to a school.

L. M. Richards, Director of the Capistrano Beach Sanitary District, referred to an unofficial statement that the City intends to service the area for sanitary requirements; that their concern is that as a sanitary district they are attempting to plan for an expanded plant and if the City eventually intends to service roughly 25% of the area the District now services then it should be stated publicly so they can take appropriate action thereto; that their Board is looking into the legalities of such a detachment; and that they are very much concerned as it will reflect upon the economics of their situation.

There being no one else wishing to be heard the public hearing was closed, and the City Attorney noted a correction in paragraph 2 of the resolution to read: "...conclusion of the hearing is \$193,777 of a total assessed valuation of \$1,287,599, or approximately 15.0%".

In response to query from Councilman Limberg, the City Attorney advised that the law requires protests to be valued on the basis of assessed valuation, and that the Council does not have the authority to judge the fair market value of a piece of land.

Upon motion of Councilman Diehl, seconded by Councilman Mecham, and carried, RESOLUTION NO. 53-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, MAKING FINDINGS AND ORDERING THE APPROVAL OF ANNEXATION NO. 29 (PREZONE AMENDMENT NO. 82-09), as amended by the City Attorney was regularly introduced, passed, and adopted. Councilwoman Koester voted "NO."

Mayor Carr noted that of a number of previous annexations to the City, this was the first time Capistrano Beach property has been brought in over the objection of one of the property owners therein.

Although not a public hearing matter the Council then took up the related question of detachment of Annexation 29 from the Capistrano Bay Park and Recreation District.

David Lewis, Capistrano Bay Park & Recreation District, stated that at the present time they maintain two medians on Camino de Estrella and the City maintains the other two medians; that they will lose area and tax base as a result of the detachment; and requested that the Council consider assuming certain additional median maintenance responsibilities in that area.

IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED that City Staff at the direction of City Manager be in contact with these people to discuss their problem and see if any amicable resolution is available.

Upon motion of Councilman Mecham, seconded by Councilman Diehl, and carried, RESOLUTION NO. 54-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, INITIATING PROCEEDINGS FOR DETACHMENT OF CERTAIN TERRITORY FROM THE CAPISTRANO BAY PARK AND RECREATION DISTRICT PURSUANT TO GOVERNMENT CODE SECTION 56195, was regularly introduced, passed, and adopted. Councilwoman Koester voted "NO."

UNFINISHED BUSINESS (continued)

Subject: 106 - Ad Hoc Committee on R.V.s as Proposed by the San Clemente R.V. Owners Association.

IN RE: Report from Fire Protection Director and City Manager submitting a status report on meeting held with members of the San Clemente Recreational Vehicle Owners' Association.

The City Manager reported that as per Council direction, Staff met with the RV owners' association to clarify their request and any suggestions they had; that they also met with members of the former committee who were of opposite viewpoints and based upon that Staff felt it would be less than productive to have another committee, and that it was a policy issue for Council determination.

Kent Koepsell, President South Orange County Board of Realtors, submitted and reviewed their letter to Council dated December 1, 1983 supporting an ordinance limiting RV parking to 24 hours; that they feel they can support any ordinance the Council might work out with the RV owners but also feel it is necessary that the City should take the initiative to find a place for the RV owners to park and that the City should work with the back country developers to provide an area for RV storage and try to find solution to the problem.

Councilman Limberg noted that in approval of the Rancho San Clemente Specific Plan there was a requirement to provide five acres for this purpose within their industrial park area; and that the area is now being graded and should be available in the short term future.

Jim Moss, President Pro-Tem of the San Clemente R.V. Owners Association, expressed concern with the Staff report and expressed several comments, his main points being that he had thought some inroads were made with City Staff

and that they understood the Association's position; that one point which was extremely antagonistic was the judgment made by City Staff regarding the impact of another committee on Staff time and budget; that the Association could be productive and constructive to Staff; that few people are in disagreement with their rights to use their property; that a great majority of this community does not seem to care one way or the other on the RV issue but the great majority of those people do have an opinion upon the individual property rights and would feel that RV owner's rights are being violated; and noting that the previous Ad Hoc committee suggested the matter be put on the ballot.

Following due consideration, IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILWOMAN KOESTER that we put an advisory measure on the November ballot asking the voters of San Clemente if the City should allow, through a permit process, encroachment in the front and sideyard setbacks for recreational vehicles in the City of San Clemente.

Following further discussion, A SUBSTITUTE MOTION WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED that Staff be directed to bring back to Council within a timely period proposed language for an advisory ballot measure dealing with the issue of recreational vehicle parking on private property.

Jim Moss noted that he and his committee would be glad to work with City Staff in any way they can.

IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED that the issue of enforcement of the zoning ordinance dealing with parking of recreational vehicles on private property be continued to be held in abeyance until January 1, 1985.

ITEMS FROM COUNCIL MEMBERS

Subject. 43 - Presentation of City Plaque to George A. Carvalho.

IN RE: Presentation of City Plaque to outgoing City Manager George A. Carvalho.

Councilman Mecham noted that tonight is the last night that Mr. Carvalho will be sitting in session with this City Council; that it is appropriate for this Council to make some type of public statements about his leaving; that the City of San Clemente has been very fortunate over the past four and a half years to have had this man working with and for the citizenry of San Clemente and there is not much more we can say beyond "thank you"; that in recognizing some of the accomplishments there was Plan 2000 which came into fruition, the fiscal things such as Parque Del Mar, Beach Club, the nontangible things such as the vastly improved employee morale and the fact that employee contracts were settled in record time; that there seems to be a real feeling of loyalty in the City which was not present before his arrival; that the other thing Mr. Carvalho has brought to the City which is difficult to replace is the word "vision": Mr. Carvalho has had visions as to what this City should be and where it is going in the future; that the vision displayed before us has given us all the opportunity to take those ideas we had within us and bring them forth to discuss them and cast aside those that were not valid and take those that were good ones and move forward for the community; that he is happy for Mr. Carvalho and the City is a much richer place for his having been here; that Bakersfield's gain is definitely our loss; and that it will be hard to find anybody to come in and fill Mr. Carvalho's shoes.

Councilman Limberg stated that he echoed Councilman Mecham's feelings; that he came to the Council about the same time as Mr. Carvalho came to the City; that we have grown together in this whole thing and "it has been a very fruitful experience for me personally and that it has been a definite benefit to the City to have had a City Manager such as you."

Councilman Diehl noted that he came on the Council part way thru Mr. Carvalho's term; that as one "rookie member" on the Council he would like to thank the City Manager for bringing him "up to speed" as rapidly as he did; that he appreciated his vision and candor and thought they had an excellent relationship from the beginning; that Mr. Carvalho really helped him a lot in making tough decisions through his candid approach which he appreciated; and that he feels some day he will be back.

Councilwoman Koester noted that she is the only one on the present Council that was involved in hiring Mr. Carvalho; that she empathized with him at his first Council meeting; that she expresses "bon voyage" and that she wishes him nothing but the best in his new job.

Marilyn Ditty advised Council that on behalf of the Senior Citizens they have nominated Mr. Carvalho for an outstanding award, and that on July 13 he will be receiving the award from Supervisor Riley on behalf of the County from the Senior Citizens. She further referred to the ability of the City Manager to start the Library construction and that we are indebted to his leadership and appreciate it.

Mayor Carr stated that on behalf of the City Council and the Citizens of San Clemente it was a great deal of pleasure to present him with a City Plaque as a small token of appreciation for his services as City Manager from January 1980 to July 1984; that he wanted to echo the sentiments already expressed by his colleagues and add his personal best wishes as he goes on to bigger and better things; and "that like myself you will find your way back to San Clemente but let's hope that point and time does not occur until you have satisfied your personal professional goals."

Mr. Carvalho thanked Council for the plaque noting that he was deeply honored; that it is a real honor to have been the City Manager of San Clemente; that it is a great town and indeed great challenge to me; that there were frustrating moments but overall it has been a wonderful experience; that he was happy to see Bill and Bob reelected in order to retain a continuity and stability on the Council; that he grew on the job like the Council members; that the difficult issues he took head on, however, since then has become wiser and will benefit from that experience in his next job; that with the heavy agenda tonight he appreciates the time Council has taken to make these very fine comments; "that unfortunately my wife is not here to hear them as she has spent many lonely nights; and finally that we really have enjoyed San Clemente and that I intend to retain my home here and you may be right, I may be back."

CONSENT CALENDAR

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

City Council Minutes

Minutes of 5-23-84 (adjourned), 5-29-84 (adjourned), and 5-30-84 (Joint). -- Approved as presented, and reading in full thereof waived.

Design Review Committee Minutes

Minutes of 6-5-84. -- Received and filed.

Traffic & Parking Commission Minutes

Minutes of 6-7-84. -- Received and filed.

Golf Course Committee Minutes

Minutes of 5-14-84. -- Received and filed.

Cultural Heritage Board and Design Review Committee Minutes

Joint minutes of 5-29-84. -- Received and filed.

Departmental Activities Report

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

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

IN RE: Application for leave to present a late claim filed by Imogene Carter in the amount of \$7,376.59, plus future medical expenses of \$1,000, and general damages of \$50,000 for slip and fall on City owned alley resulting in a fractured wrist. -- Based on insurance adjuster's recommendation, the application for leave to present a late claim was denied.

Subject: 51 - Resolution No. 55-84 Establishing Appropriations Limit Pursuant to Article XIII B of the California Constitution.

IN RE: Report from Finance Director and City Manager requesting approval of resolution establishing the appropriations limit for fiscal year 1984-85 pursuant to Article XIII B of the State Constitution. -- Introduced, passed, and adopted RESOLUTION NO. 55-84 BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE ESTABLISHING APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA CONSTITUTION.

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

IN RE: Report from Kevin Billy (K. B. Entrepreneur Enterprizes) for use of sound amplifying equipment for July 14 and 15, 1984 for purposes of holding a surfing contest north of the San Clemente Pier. -- Approved the sound amplification permit.

Subject: 98-85 - Proposed Sidewalk Policy.

IN RE: Report from Community Development Director and City Manager requesting approval of the proposed sidewalk policy which will allow a variety of materials to be utilized in the construction of City sidewalks while ensuring the structural integrity of the materials as it relates to the public health, safety, and welfare. -- Approved policy to deal with requests for variations from standard City sidewalk as set forth in Administrative Report and attachment thereto dated 6-12-84.

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

IN RE: Report from Community Development Director and City Manager reporting on three bids received for the first phase of the Golf Course Irrigation System improvement project. -- Awarded contract for providing and installing six irrigation pumps at the City Golf Course to the low bidder, Stang Hydronics, Inc. of Orange, at the bid price of \$15,175.00.

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

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

CONSENT CALENDAR (Items removed for separate action)

Subject: 112 - Use Permit 84-07 - Casablanca-Bird Development.

IN RE: Use Permit 84-07, being the request of Casablanca-Bird Development, 1011 Camino de los Mares, under Section 5.6 of the San Clemente Zoning Ordinance to allow one temporary sales sign approximately 140 square feet in area; located within the Casablanca-Bird Development, in the Open Space (O-S) Zoning District; legal description being Lot 1 of Tract 11987.

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that Use Permit 84-07 be called up for review at the meeting of 7-5-84.

IT WAS THEN MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that the Planning Commission Minutes of 6-5-84 be received and filed.

Subject: 77 - Parks & Recreation Commission Minutes of 5-8-84.

IN RE: Parks & Recreation Commission Minutes of 5-8-84.

Councilman Diehl referred to Item E. under New Business and questioned the figure of \$4,500,000 in Park Acquisition & Development Fees to demolish the North Beach Restrooms. Staff advised this figure should be \$4,500.

IT WAS THEN MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to receive and file the Parks & Recreation Commission Minutes of 5-8-84 as amended.

PAYING OF THE BILLS

IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that Warrants No. 23950 through No. 23964, and No. 12404 through No. 12740 as audited be paid. Councilwoman Koester commended Finance Department personnel for completing an accounting of all the fixed assets, and that they are now ready for the auditors.

Total demands approved for payment for period ending June 19, 1984	\$ 564,402.64
Ratification of Payroll Warrant No. 23951 for period May 21, 1984 through June 3, 1984.	\$ 159,067.03
TOTAL WARRANT REGILTER	<u>\$ 723,469.67</u>

UNFINISHED BUSINESS (continued)

Subject: 30(35)- Adoption of 1984-85 Budget; Resolution No. 56-84 Amending City (79) Classification Plan; and Resolution No. 57-84 Amending Compensation Resolution.

IN RE: Consideration of the proposed budget for fiscal year 1984-85, including the proposed use and expenditure of Federal Revenue Sharing Funds.

IN RE: Further consideration of 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: Further consideration of 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; and further consideration of motion tabled from the meeting of 6-13-84 to appropriate \$5,000 to said program for one year only.

IN RE: Report from Personnel Officer and City Manager requesting adoption of resolution amending Resolution No. 73-83 to include the positions listed in Exhibit 1 in the City Position Classification Plan.

IN RE: Report from Personnel Officer and City Manager requesting adoption of resolution amending Resolution No. 92-83 to include salary ranges for the new classifications adopted as part of the fiscal year 1984-85 budget.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG to approve expenditure of up to \$10,000 to commence the Visitor and Convention promotion program for the first six months of the fiscal year, and reconsider the program after the November election.

In response to query from Councilwoman Koester, the City Manager replied that the City is not transferring any monies to the Chamber; that this is a joint venture and the City will pay for the costs which are directly submitted to the City for approval. Councilwoman Koester further suggested that this action be rescinded if Jarvis IV passes in November.

The Mayor then called for the QUESTION WHICH CARRIED UNANIMOUSLY.

IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL to approve a \$5,000 contribution for 1984-85 fiscal year for the senior meal program for the San Clemente area for one year only.

Rex Tyner noted the City funded this program \$10,000 last year; that the needs for the coming year have not been minimized and will be larger this year; that it is a very helpful program to the seniors and more and more each year are in need of this service; and urged that Council consider maintaining the \$10,000 level as it was last year as anything less is regressive. The Mayor then called for the QUESTION WHICH CARRIED UNANIMOUSLY.

Upon motion of Councilman Mecham, seconded by Councilman Limberg, and carried, RESOLUTION NO. 56-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING RESOLUTION NO. 73-83 TO INCLUDE VARIOUS NEWLY-DESIGNATED CLASSIFICATIONS AS PART OF THE CITY POSITION CLASSIFICATION PLAN 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. 57-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING RESOLUTION NO. 92-83 AND ASSIGNING SALARY RANGES FOR VARIOUS POSITIONS IN THE CITY SERVICE, was regularly introduced, passed, and adopted. Councilwoman Koester and Mayor Carr voted "NO."

IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL to approve the budget as modified in the attached report from the Finance Director, amendments by City Staff, and amendments by the City Council.

Councilman Mecham commended the City Manager and Staff for a smooth process; Councilman Diehl also commended Dean Porter who was able to put the budget in a format understood by Council; Councilman Limberg noted the fine report prepared by Police Chief Gary Brown re Jarvis IV and how this will impact the City of San Clemente if it passes; Councilwoman Koester commended Staff for balancing the General Fund budget; that she feels the budget is more than we should be going for now; that it is overextended as both water, sewer, and park acquisition funds show overages which she cannot agree to.

Mayor Carr noted he did not see any mention in the report about the reduction in sewer fund electricity and corresponding reduction in revenue to negate the 4% rate increase which had been proposed. The Finance Director noted that he will make this correction in the budget as it was overlooked in his notes. The motion maker stated he would accept this additional amendment.

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

Subject: 112 - Resolution No. 58-84 Approving Use Permit 84-05,
Rancho San Clemente.

IN RE: Further consideration of 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 having been called up for review by the City Council.

IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, to approve Use Permit 84-05 subject to five conditions modifying condition #2 to state "the composition including color and text of the temporary sales sign for the Rancho San Clemente Development, shall conform with that as shown on the plan marked Exhibit 'B' in accordance with the City Planner's recommendation"; and adding condition #5 stating, "the area of the sign shall not exceed 64 square feet".

In response to query from Mayor Carr, Steve Maloney, representing the applicant, stated he understood the modification but still feels the sign should be appropriate to the scale of the project.

The Mayor then called for the QUESTION WHICH CARRIED UNANIMOUSLY.

Upon motion of Councilman Mecham, seconded by Councilman Diehl, and unanimously carried, RESOLUTION NO. 58-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING USE PERMIT 84-05 RANCHO SAN CLEMENTE, was regularly introduced, passed, and adopted.

Subject: 112 - Resolution No. 59-84 Approving Use Permit 84-06,
Marblehead Inland (Lanesboro/Faire Harbour).

IN RE: Further consideration of 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-S-PRD) Zoning District; legal description being Lot 1 of Tract 10686 and Lot 1 of Tract 10687; said matter having been called up for review by the City Council.

IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to concur with the Planning Commission and approve Use Permit 84-06.

Upon motion of Councilman Diehl, seconded by Councilman Limberg, and unanimously carried, RESOLUTION NO. 59-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING USE PERMIT 84-06, MARBLEHEAD INLAND (LANESBORO/FAIRE HARBOUR), was regularly introduced, passed, and adopted.

Subject: 105 - Resolution No. 60-84 Conditionally Approving Tentative
Parcel Map 84-827.

IN RE: Further consideration of Tentative Parcel Map 84-827, being the request of John D. Lusk & Son to subdivide approximately 10 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.

In response to question the City Manager advised that at the time of the last meeting he did not have adequate information as to the use of the parcel; that the matter now has been cleared up and we have a rendition and a proposal for the 4.3 acres that could possibly be used for a tennis complex; and that Staff is reviewing the proposal and how it could possibly be financed.

Upon motion of Councilman Mecham, seconded by Councilman Diehl, and unanimously carried, RESOLUTION NO. 60-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CONDITIONALLY APPROVING TENTATIVE PARCEL MAP 84-827, was regularly introduced, passed, and adopted.

Subject: 77 - Extra Work - Consultant Services re Pier Reconstruction
Phase III Project 1-84.

IN RE: Report from Community Development Director and City Manager requesting approval of additional work by Moffatt and Nichol Engineers on Phase III of the pier reconstruction at a cost of \$9,400.

Staff responded to questions from Councilwoman Koester following which, IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND CARRIED to approve request for additional work and expenditures of \$9,400 from Account #86-4119-530 based on the 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."

Subject: 58 - Status Report Concerning Possible Development of a
Second Municipal Golf Course at San Onofre State Park.

IN RE: Report from Public Services Director and City Manager submitting a status report concerning possible development of a second municipal golf course at San Onofre State Park.

Following discussion concerning the complexities of the proposal, IT WAS MOVED BY COUNCILWOMAN KOESTER, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED that a study session (adjourned meeting) be set for 6:00 P.M. on July 18 to discuss possible development of a second municipal golf course at San Onofre State Park.

COMMUNICATIONS FROM COMMISSIONS, BOARDS, AND COMMITTEES

Subject: 106 - Resolution No. 61-84 Establishing Stop Signs on Capistrano Lane at Avenida Del Mar and on Avenida Estacion at North El Camino Real.

IN RE: Communication from Traffic & Parking Commission recommending installation of a stop sign on Capistrano Lane at Avenida Del Mar.

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

IN RE: Communication from Traffic & Parking Commission recommending replacement of the yield sign with a stop sign on Avenida Estacion at North El Camino Real.

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

Upon motion of Councilman Mecham, seconded by Councilman Diehl, and unanimously carried, RESOLUTION NO. 61-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846 ESTABLISHING STOP SIGNS ON CAPISTRANO LANE AT AVENIDA DEL MAR AND ON AVENIDA ESTACION AT NORTH EL CAMINO REAL, was regularly introduced, passed, and adopted.

Subject: 77 - Proposal to Develop a Municipally-Owned, Privately Operated Championship Softball Complex.

IN RE: Communication from Parks & Recreation Commission recommending approval of expenditure of Parks Acquisition and Development Funds as recommended by Staff for the services of Williams-Kuebelbeck & Associates to conduct an economic/financial feasibility study of a municipally-owned, privately operated World Class Softball Complex as proposed by South Coast Sports Complexes (SCS).

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL to concur with the Parks & Recreation Commission's recommendation and authorize the City Manager to execute a contract for an economic/financial study.

During discussion certain Council concerns were expressed as to procedures followed since the party submitting the sports complex proposal had also solicited proposals for an economic/financial feasibility study. Among the comments made, Councilman Limberg noted that he was not uncomfortable with the personalities or the corporations involved; but that it was the procedure that troubled him and that he probably would be hard pressed to support a similar event of this sort using this kind of procedure.

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

URGENT MATTERS

Subject: 64 - Requests Relating to Ocean Festival, August 16-19, 1984.

IN RE: Request for advice and approval concerning two separate situations relating to the Ocean Festival to be held August 16-19, 1984.

Larry Wohlfarth requested advice and if needed, Council approval to (1) sell beer and wine at the August 18 banquet to be held for all participants from the National Lifeguard Association at the Boys & Girls Club; and (2) permission for beer to be sold in the confines of the Fisherman's Restaurant by a service club. He noted that they are still looking for a major beer sponsor; that two or three beer companies would like to sponsor the event but need to be able to sell their beer, and since it is not allowed on the beach the Committee is in the process of negotiating with the Fisherman's Restaurant for a service club to sell the beer within the restaurant; that the Festival would receive \$7,500 cash contribution from the beer company; that \$2,500 would go to the service club to buy the beer and with whatever proceeds remain the club would donate towards construction of a train waiting station.

Staff advised a one-day liquor license should be obtained from the Alcoholic Beverage Control Board to allow beer and wine at the banquet; and that if they intend to serve outside contact the Public Services Director for making application for the required permit (Ordinance No. 875). It was further noted that since the restaurant already has the required ABC permits, there will be no problem in selling beer inside. Mr. Wohlfarth further added that they plan to hire private security guards so as not to burden the Police Department with extra duty during the festival.

Council commended Mr. Wohlfarth for bringing the matter to their attention and wished the Ocean Festival Committee success in this endeavor.

ITEMS FROM CITY MANAGER

The City Manager requested a Closed Session to discuss a personnel matter.

Subject: 113 - Reservoir I Roof Reconstruction, Project No. 8-84.

IN RE: Report from Community Development Director and City Manager advising that plans and specifications have been prepared for reconstruction of the roof covering Reservoir I.

IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to approve plans and specifications and authorize advertising for bids for reconstruction of the roof covering Reservoir I.

Subject: 113 - Columbo, Salvador and San Juan Pressure Reducing Stations, Project No. 10-84.

IN RE: Report from Community Development Director and City Manager advising that plans and specifications have been prepared for three pressure reducing stations--Columbo, Salvador and San Juan, Project No. 10-84.

IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to approve plans and specifications and authorize advertising for bids for three pressure reducing stations as recommended in the City Water Master Plan.

Subject: 51 - Computer Equipment Purchase.

IN RE: Report from Police Chief and City Manager advising that the City has an opportunity to save an additional \$7,530 in the Phase II purchase for a Microdata Reality 4700 system and equipment.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED to (1) make finding that circumstances exist which justify a "Sole Source" designation for Microdata Reality 4700 system and equipment; (2) authorize City Manager to sign sales agreements with Microdata Corporation for a Microdata Reality 4700 system and equipment totaling \$48,939; and direct Finance Director to prepare a deposit check to Microdata Corporation in the amount of \$5,195 to be transferred from the contingency reserve to Account #01-4213-540.

ITEMS FROM CITY ATTORNEY

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

Subject: 108 - Railroad Companies Suit re Taxes.

IN RE: Authorization for legal representation regarding the Railroad Companies Suit concerning taxes - Atchison, Topeka, & Santa Fe Railway Company, et al., v. Board of Equalization of the State of California, et al., No. C 82 6030.

The City Attorney advised that the City Council in Closed Session authorized his office to request the County Counsel's office of Orange County to defend the city in the litigation, provided that the defense can be provided without charge; and that if the County were to request that a charge be made there would be no participation without further Council action.

Subject: 81 - Resolution No. 62-84 Eliminating the Traffic & Parking Commission and Providing for Planning Commission to Assume Former Responsibilities.

IN RE: Resolution eliminating the Traffic & Parking Commission and providing for Planning Commission to assume former responsibilities.

The City Attorney advised that a section should be added to the resolution stating that it would be effective July 1, 1984.

Upon motion of Mayor Carr, seconded by Councilman Mecham, and carried RESOLUTION NO. 62-84 BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ELIMINATING THE TRAFFIC AND PARKING COMMISSION, PROVIDING FOR THE PLANNING COMMISSION TO ASSUME THE FORMER RESPONSIBILITIES OF THE TRAFFIC AND PARKING COMMISSION; AND REPEALING RESOLUTION NO. 108-74, was regularly introduced, passed, and adopted. Councilwoman Koester voted "NO."

Subject: 29 - Resolution No. 63-84 Amending Resolution No. 56-78.

IN RE: Resolution amending Resolution No. 56-78 so as to eliminate compensation for members of the Traffic and Parking Commission which has been abolished; and establishing compensation for members of the Community Design Commission, said compensation to become effective when the Ordinance establishing the new Commission becomes effective.

The City Attorney made explanation and upon motion of Councilman Diehl, seconded by Councilman Mecham, and carried, RESOLUTION NO. 63-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING RESOLUTION NO. 56-78 was regularly introduced, passed, and adopted. Councilwoman Koester "ABSTAINED" and Mayor Carr voted "NO."

Subject: 117 - Proposed Ordinance Consolidating Functions of Design Review Committee and Cultural Heritage Board.

IN RE: Proposed Ordinance consolidating functions of Design Review Committee and Cultural Heritage Board under a new commission to be called the Community Design Commission.

The City Attorney noted that under Section B-3 in the Ordinance draft Staff has recommended that the meeting dates be established by Resolution of the City Council.

This being a Zoning Ordinance amendment, IT WAS THEN MOVED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that the proposed Ordinance be referred to the Planning Commission for hearing and recommendation.

NEW BUSINESS

ITEMS FROM COUNCIL MEMBERS

Councilman Mecham noted that the State Legislature passed and the Governor has signed urgency legislation which reaffirms and specifically gives cities and counties of the State the right to ban the sale of safe and sane fireworks; that this is an issue he has discussed in the past and that the 4th of July celebration for this year is already scheduled; however, he would like Council to think about this and all the problems that were associated with past 4th of July celebrations.

Councilwoman Koester referred to an article in one of the local newspapers regarding projected water shortage in California; that there will be 55 to 60 percent less water coming to Southern California next year due to the Colorado River curtailment; and suggested that the City should ask the State for reclamation funds instead of requesting a waiver for secondary processes at treatment plants.

Councilwoman Koester reiterated her request that Staff try very hard in providing Council with all information relating to the Council meetings as far as possible in advance of the meeting.

Mayor Carr inquired of Staff if an organization which conducts day care operations on a regularly scheduled basis wants to use Plaza Park do they have to make application and pay a fee, and was advised in the negative.

NEW BUSINESS

Subject: 45 - Budget Appropriation - Geotechnical and Engineering Services.

IN RE: Report from Community Development Director and City Manager requesting approval to appropriate an additional \$88,600 to Account #01-4411-389, Other Contractual Services, for geotechnical and engineering consultant services based on revenues received.

IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to approve the request and appropriate an additional \$88,600 to Account #01-4411-389, Other Contractual Services, for geotechnical and engineering consultant services.

Subject: 96 - Request for Street Excavation Permit at 1702 Avenida Salvador.

IN RE: Report from Community Development Director and City Manager advising that Mr. & Mrs. Ernie Hoffman have requested approval to excavate into the street at 1702 Avenida Salvador in order to install a gravity sewer lateral at a lower elevation.

Mr. & Mrs. Hoffman spoke in support of their request and Staff responded to questions from Council, noting that the existing sewer lateral is about 10.5 feet deep at the curb with the applicant's lowest plumbing being 21 inches below the lateral; that the City's policy is not to allow excavation in new streets; and that it is felt the problem could be solved by using a pump.

IT WAS THEN MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN DIEHL, AND CARRIED to deny the request for an excavation permit at 1702 Avenida Salvador. Mayor Carr voted "NO."

Subject: 51(77)-Resolution No. 64-84 Establishing Procedures and Rental Rates and Fees for Recreation Facilities.

IN RE: Report from Public Services Director and City Manager recommending that the use fee structures be adjusted in various recreational cost center areas designated in the MSI report.

Staff responded to questions following which, upon motion of Councilman Mecham, seconded by Councilman Diehl, and unanimously carried, RESOLUTION NO. 64-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING APPLICATION PROCEDURES, REGULATIONS, RENTAL RATES AND FEES FOR RECREATION FACILITIES, BALLFIELDS AND AQUATICS PROGRAM, was regularly introduced, passed, and adopted.

Following discussion, IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that the permits issued for multiple uses be reviewed by Staff for conversion to a calendar year basis.

Subject: 77 - Cost of Living Increase - Rod's Tree Service.

IN RE: Report from Public Services Director and City Manager advising of a request from Rod's Tree Service for an adjustment based on a cost of living increase for his basic monthly fee.

Staff responded to questions from Councilwoman Koester following which, IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED to approve a cost of living increase for Rod's Tree Service, as permitted under the terms of the existing contract to \$4704 per month.

RESOLUTIONS

For Resolution No. 53-84 see under "PUBLIC HEARINGS" on page 2.
 For Resolution No. 54-84 see under "PUBLIC HEARINGS" on page 2.
 For Resolution No. 55-84 see under "CONSENT CALENDAR" on page 6.
 For Resolution No. 56-84 see under "UNFINISHED BUSINESS" on page 7.
 For Resolution No. 57-84 see under "UNFINISHED BUSINESS" on page 7.
 For Resolution No. 58-84 see under "UNFINISHED BUSINESS" on page 8.
 For Resolution No. 59-84 see under "UNFINISHED BUSINESS" on page 9.
 For Resolution No. 60-84 see under "UNFINISHED BUSINESS" on page 9.
 For Resolution No. 61-84 see under "COMMUNICATIONS FROM COMMISSIONS, BOARDS,
 AND COMMITTEES" on page 10.
 For Resolution No. 62-84 see under "ITEMS FROM CITY ATTORNEY" on page 12.
 For Resolution No. 63-84 see under "ITEMS FROM CITY ATTORNEY" on page 12.
 For Resolution No. 64-84 see under "NEW BUSINESS" on page 13.

Subject: 77 - Resolution No. 65-84 Welcoming Martial Arts Competitors and
the World Champion Team from the Peoples Republic of China.

IN RE: Report from Public Services Director and City Manager requesting adoption of resolution welcoming the martial arts competitors and the World Champion Martial Arts "Beijing Wu-Shu Team" from the Peoples Republic of China.

Upon motion of Councilman Mecham, seconded by Councilman Diehl, and unanimously carried, RESOLUTION NO. 65-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, WELCOMING THE MARTIAL ARTS COMPETITORS AND THE MEMBERS OF THE WORLD CHAMPION MARTIAL ARTS "BEIJING WU-SHU TEAM" FROM THE PEOPLES REPUBLIC OF CHINA, was regularly introduced, passed, and adopted.

For Resolution No. 66-84 see under "ITEMS FROM COUNCIL MEMBERS" on page 15.

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

Subject: 42 - Claim - Butler vs. Hammer, et al.

IN RE: Butler vs. Hammer, et al case.

The City Attorney advised that the City Council in Closed Session authorized his office to convey to the attorney's representing the City in the case of Butler vs. Hammer, et al, that the City will offer the remainder of its self-retention limits on its insurance policy, tender those limits to the insurance carrier in the case and allow them to use that money in an effort to settle the litigation if they are able to do so. The case involves a police chase which occurred in May of 1980 which resulted in a death at the intersection of Del Obispo and Coast Highway, outside of the City.

Subject: 31 - Proposed Urgency Ordinance re Moratorium on Property
Located at North El Camino Real and Avenida Pico.

IN RE: Proposed urgency ordinance re moratorium on property located at North El Camino Real and Pico.

The City Attorney advised that the City Council in Closed Session directed the City Attorney's office to bring back for Council consideration at its next regularly scheduled meeting a draft of an urgency ordinance which would place a moratorium on processing and approval of development permits for property that is located in the vicinity of North El Camino Real and Avenida Pico to be assured that the property is not developed in conflict with Plan 2000 which was recently adopted as an element to the City's General Plan.

ITEMS FROM COUNCIL MEMBERS (continued)

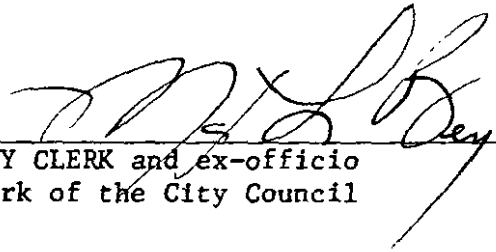
Subject: 43 - Resolution No. 66-84 Expressing Sorrow at the Passing of
Former City Employee and Department Head Richard A. Parker.

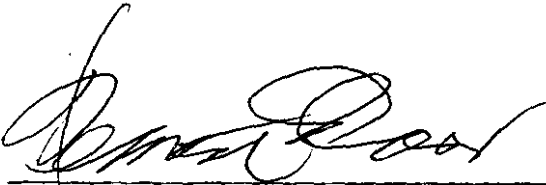
IN RE: Resolution expressing sorrow at the passing of former City employee
 and Department Head Richard A. Parker.

Upon motion of Mayor Carr, seconded by Councilman Diehl, and unanimously
 carried, RESOLUTION NO. 66-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE
 CITY OF SAN CLEMENTE, CALIFORNIA, EXPRESSING SORROW AT THE PASSING OF FORMER
 CITY EMPLOYEE AND DEPARTMENT HEAD RICHARD A. PARKER, was regularly introduced,
 passed, and adopted.

ADJOURNMENT

IT WAS MOVED BY MAYOR CARR, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY
 CARRIED that the meeting be adjourned in memory of former City Employee and
 Department Head Richard A. Parker at 11:50 P.M.


 CITY CLERK and ex-officio
 Clerk of the City Council


 MAYOR and President
 of the City Council