

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, February 20, 1980, at 7:00 P.M., Mayor Roy Hamm presiding.

PLEDGE OF ALLEGIANCE AND INVOCATION

Pledge of Allegiance to the Flag of the United States of America was led by Mayor Hamm. Invocation was given by Councilwoman Koester.

ROLL CALL

PRESENT: Council Members - AHLMAN, HURLBUT, KALSCHED, KOESTER, AND HAMM

ABSENT: Council Members - NONE

Also Present: George A. Carvalho, City Manager; Max L. Berg, City Clerk; Michael J. Bartlett, City Attorney; Edward Putz, Acting Public Works Director-City Engineer; Lawrence J. Lawson, Building and Planning Director

PUBLIC HEARINGS

Subject: 105 - Proposed Resolution of Necessity to Acquire by Eminent Domain an Easement Interest in Real Property.

IN RE: Continued Public Hearing to consider the adoption of a resolution of necessity to acquire by eminent domain an easement interest in real property (certain storm drain, water line, and sewer line easements) in the vicinity of and across certain portions of the Estrella Golf Course; said easements necessary to meet City requirements in connection with the development of Tract No. 10014, being a development of 70 single family homes located on approximately 21 acres.

The City Attorney advised that the necessary easement agreements have been prepared; that all parties have agreed; and that the final portions of the transaction should be completed by the next meeting.

IT WAS MOVED BY COUNCILWOMAN KOESTER, SECONDED BY COUNCILMAN KALSCHED, AND UNANIMOUSLY CARRIED to continue the public hearing to 3-5-80.

Subject: 117 - Ordinance No. 777 Amending the Zoning Ordinance by Permitting Mini-Warehouses and Equipment Rental Yards in the M-2 (Industrial) District.

IN RE: Public Hearing to consider Zoning Amendment No. 79-1 to allow mini-warehouses and equipment rental yards in the (M-2) Industrial District subject to a conditional use permit.

The Mayor opened the public hearing and there being no one wishing to be heard it was closed.

Upon motion of Councilman Hurlbut, seconded by Councilwoman Koester, and unanimously carried, ORDINANCE NO. 777, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 4.14 OF ORDINANCE NO. 397, KNOWN AS THE "SAN CLEMENTE CITY ZONING ORDINANCE," BY ADDING MINI-WAREHOUSES AND EQUIPMENT RENTAL YARDS TO THE LIST OF USES PERMITTED IN THE M-2 (INDUSTRIAL) DISTRICT SUBJECT TO THE OBTAINING OF A CONDITIONAL USE PERMIT, was regularly introduced by title only, and the reading in full thereof waived.

Subject: 112 - Appeal of Variance No. 334-78 - Les and Mary Cardiff.

IN RE: Public Hearing to consider an appeal by Les and Mary Cardiff to the Planning Commission's denial of Variance No. 334-78, being a request to vary from Section 4.3 to allow two additional dwelling units at 309 Ave. Victoria which was constructed and approved as three units; presently being operated as five units.

The Mayor opened the public hearing and during lengthy discussion the main points covered by Attorney Gerald Gibbs, representing the appellant, are summarized as follows: Inquired whether Council had a chance to look at this property since the matter was last considered and noting there was certain new evidence to present; that the property itself was developed in late 1958 as a single family dwelling; that the second lot was cleared and 4 units were constructed by Mr. Massie who applied and received a permit; however, the permit shows duplex and they feel a clerical error was made which indicated a duplex to be constructed rather than the four units which were actually built; that Mr. Massie has filed a declaration concerning the matter; that with the exception of the word "duplex"

on the permit the addition of the 4-plex to the single family dwelling was legal as there was sufficient footage required for a 4-plex; that permits were issued for four sets of bathroom fixtures; that 4 electrical meters were installed; and the owners have paid taxes and business license on the property as four units.

In regard to the question of whether there was a parking space for the single family dwelling, Mr. Gibbs advised that his clients have now taken down a certain fence in question so there is room on the property to provide the parking space.

Councilman Ahlman referred to the four open parking spaces and the fact that additional doorways are often added during conversions at a later date, and noted this was why an ordinance had been proposed which requires inspection of property when it changes hands so these things can be prevented.

Councilwoman Koester expressed concern about the discrepancy between the permit and actual buildout and felt if this were allowed then other applicants will try the same.

Councilman Kalsched inquired whether Staff found additional information upon further investigation, and Mr. Lawson replied that they did not and the fact that the permit showed the number of families as "two" correlates with the number of units shown as "duplex".

There being no one else wishing to be heard, the public hearing was closed and IT WAS MOVED BY COUNCILWOMAN KOESTER, SECONDED BY COUNCILMAN KALSCHED, AND UNANIMOUSLY CARRIED to deny the appeal and concur with the Planning Commission's denial.

The City Attorney advised he would bring back a formal resolution at the next Council meeting.

CONSENT CALENDAR

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

City Council Minutes

Minutes of 2-6-80 (adjourned); 2-6-80 (regular); and 2-7-80 (adjourned). -- Approved as presented and reading in full thereof waived.

Planning Commission Minutes

Minutes of 2-5-80. -- Received and filed.

Traffic and Parking Commission Minutes

Minutes of 2-7-80. -- Received and filed.

Parks and Recreation Commission Minutes

Minutes of 1-22-80. -- Received and filed.

Zoning Administrator Minutes

Minutes of 2-12-80. -- Received and filed.

General Plan Review Committee Minutes

Minutes of 1-21-80 and 1-29-80. -- Received and filed.

Departmental Activities Report

Departmental Activities Report for month of January, 1980. -- Received and filed.

Subject: 42 - Claim for Damages Filed by Pacific Telephone.

IN RE: Claim for damages filed by Pacific Telephone in the amount of \$523.94 when buried facilities were struck and damaged by a backhoe being operated by a City employee. -- Approved payment of claim in the amount of \$523.94.

Subject: 42 - Claim for Damages Filed by Edwin J. Basile.

IN RE: Claim for damages filed by Edwin J. Basile in the amount of \$200.00 for personal damages related to a police investigation. -- Based on insurance adjuster's recommendation, the claim was rejected.

Subject: 35 - 27th Annual Fiesta La Cristianita Observance - July 18, 19, and 20, 1980.

IN RE: Communication from Chamber of Commerce requesting use of Plaza Park on July 18, 19, and 20, 1980, for the 27th Annual Fiesta La Cristianita observance; use of certain City streets as necessary for Fiesta Parade on July 19, and temporary "No Parking" restrictions in the staging area to be worked out with the Police Department; permission to install 10 overhead fiesta street banners at various stated locations to be installed prior to July 4 and removed July 21; use of sound amplification equipment at three designated locations along the parade route on July 19, and at Plaza Park for three days; and to allow vending by adults from electric golf carts of food items, soft drinks, and miscellaneous items along the parade route. -- Approved request subject to conditions of City Departments.

Subject: 45 - Agreement with James R. Evans for Geotechnical Services.

IN RE: Memorandum from Acting Public Works Director-City Engineer requesting approval of agreement with James R. Evans for geotechnical services on an "as-needed" basis in order to increase the number of qualified consultants to whom we could farm out City work so as to allow more flexibility in scheduling and response time. -- Approved agreement with James R. Evans and authorized execution by Mayor and City Clerk.

Subject: 108 - Resolution No. 15-80 Requesting Additions to the Federal-Aid Urban System.

IN RE: Memorandum from Acting Public Works Director-City Engineer requesting inclusion in the FAU system of Avenida Vaquero (from Camino Capistrano to Camino de los Mares) and a portion of Camino Capistrano (from Avenida Vaquero to El Camino Real) in order to qualify for inclusion in the FAU system and submittal through the Orange County Transportation Commission. -- Introduced, passed, and adopted RESOLUTION NO. 15-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING ADDITIONS TO THE FEDERAL-AID URBAN SYSTEM.

Subject: 113 - Extra Work for 14" ACP Water Main in Alley, Project No. 18-78, Summit Underground, Inc.

IN RE: Memorandum from Acting Public Works Director-City Engineer advising that extra work was required over and above the contract items for the 14" ACP Water Main in Alley, Project No. 18-78, due to many problems that developed during the course of construction; that Summit Underground, Inc. has submitted a payment request for the extra work totaling almost \$28,000 which was rejected; however, after much review it was agreed that there was \$11,396.14 of extra work performed which Summit Underground, Inc. has agreed to; and \$1,445 in contract items due to final quantity of asphaltic concrete paving. -- Accepted the work on Project No. 18-78 and authorized filing of Notice of Completion; approved payment of \$11,396.14 for the extra work and \$2,445.00 for additional contract quantity; and authorized budget appropriation for said amounts (total: \$13,841.14) from the Verbena Water Line Account No. 70-468-7740-545 to the project Account No. 70-468-7740-578.

Subject: 55 - Freeway Agreements No. 2268 & 2330 - Caballeros & Concordia Overcrossing.

IN RE: Memorandum from Acting Public Works Director-City Engineer advising that CALTRANS has submitted an invoice for two Agreements for City-requested improvements to be constructed by the State in conjunction with freeway widening for realignment of Los Caballeros/El Monte and Concordia Pedestrian Overcrossing which must be paid before the improvements may proceed. -- Approved a budget appropriation in the total amount of \$20,800 for the original construction: deposits due per Agreement No. 2268 (Caballeros - \$9,600) and Agreement No. 2330 (Concordia POC - \$11,200), from the General Fund to Account No. 22-448-7800-673 (freeway widening improvements).

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Subject: 117 - Zoning Amendment No. 80-1 (Watt Commercial Properties).

IN RE: Communication from Planning Commission recommending approval of Zoning Amendment No. 80-1 to amend Section 4.24.4 of Ordinance No. 397 to add "cleaners and laundries, retail" as a permitted use in the Commercial Design District. -- Set public hearing for 3-5-80.

Subject: 111 - Abandonment No. 80-1 (Four Seasons Investment Company).

IN RE: Communication from Planning Commission recommending approval of Abandonment No. 80-1, subject to the retention of public utility easements, being the request of Four Seasons Investment Co. for the abandonment of the public alley located between Lots 1 through 5 and Lots 6 and 7 of Tract No. 900, adjacent to 3801 through 3819 S. El Camino Real. -- Concurred with the Planning Commission's recommendation and referred to City Attorney for preparation of a resolution of intention to consider the abandonment.

Subject: 73 - Request for Pro Am Invitational Surfing Contest.

IN RE: Memorandum from Director of Marine Safety and communications from Surfing Magazine relating to request for a surfing area at "T" Street beach on May 31 and June 1, 1980 from 7:00 A.M. to approximately 2:00 P.M. for a Pro Am Invitational surfing contest. -- Approved the request for the surf contest as requested, including the utilization of three 4'x10' palm huts (provided by the organizers) at the contest area, and that the City and its Department of Parks and Recreation sanction this surf contest as an amateur event.

Subject: 73 - Request for Newspaper Recycling Bins at Senior Center.

IN RE: Memorandum from Assistant to the City Manager advising that the San Clemente Seniors would like to have a newspaper recycling unit placed on the driveway at 239 Avenida Del Mar and that D and J Recycling Co. will take responsibility for placing two four foot, kelly green cubes and emptying them a minimum of twice a week. -- Approved placement of bins at the rear of the Senior Center with the provision that failure to police the area satisfactorily will result in the City's request for removal of the bins.

Subject: 42 - Claim for Towing and Storage Charges Filed by Robert Hurlbut.

IN RE: Claim of Robert Hurlbut for towing and storage charges relating to removal of vehicle to allow slurry sealing of street. -- Approved payment of the claim in the amount of \$94.00 and it was noted for the record that the claimant was no relation to Councilman Hurlbut.

Subject: 42 - Claim for Water Damage Filed by Esther Manush.

IN RE: Claim of Esther Manush for water damage in connection with broken City water main. -- Approved payment of the claim in the amount of \$70.00.

PAYING OF THE BILLS

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED that Warrants No. 59031 through No. 59048 and No. 1 through No. 77, as audited by the Council be paid.

Total demands approved for payment for period ending February 19, 1980	\$ 362,526.55
Ratification of Payroll Warrant No. 59031 for period January 21, 1980 through February 3, 1980.	\$ 113,043.68
TOTAL WARRANT REGISTER	<u>\$ 475,570.23</u>

VERBAL COMMUNICATIONS

Subject: 35 - Request for Continuation of Sidewalk Sale.

IN RE: Request of Alex Goodman, Chamber of Commerce, that due to the heavy rains last week-end, the merchants would like to have an additional Friday and Saturday for their sidewalk sale.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to grant the request for a sidewalk sale for Friday and Saturday, February 22 and 23, 1980.

Subject: 88 - Complaint of Incomplete Construction Work on Slope Above 125 Avenida Trieste.

IN RE: Communication from Planning Commission concerning Larry Hanes complaint regarding the slope problem created by construction activity on property fronting Entrada Paraiso, situated above 125 Avenida Trieste.

Discussion is briefly summarized as follows: Mr. Hanes advised that repeated requests of Mr. Rule to correct the situation have resulted in very little progress; that the project is damaging streets and homes in the area; that half of his yard is gone and the curbs are ready to go; that every time it rains City crews spend two hours clearing out the intersection of Junipero and El Camino Real.

Councilman Ahlman remarked that the lag in the contractor's schedule is somewhat out of the City's control; that the City hold bonds but there is nothing that requires he be on schedule.

The Building and Planning Director advised that occupancy permits would not be issued until all conditions have been met and any problems remedied.

It was determined that the Building and Planning Director and Acting Public Works Director should meet with the developer and Mr. Hanes to assess any potential damage from the project. Mr. Hanes was requested to get in touch with Staff regarding the meeting.

Subject: ⁴⁸~~28~~ - Possible Formation of a Geological Hazard Abatement District.

IN RE: Request of Gerald Gibbs to investigate new legislation regarding formation of geological hazard abatement districts.

Gerald Gibbs addressed the Council commenting on the very severe problems the City is facing concerning slope slippage around the City, and noting that there is a recent addition to the Public Resources Code which provides for formation of a geological hazard abatement district; that these districts can be organized either by a single district or a district for the entire City to solve some of the problems without the entire burden being placed upon a few individual homeowners; and would also allow the City to take certain remedial steps without the danger of liability in cases where an immediate danger to property exists.

The City Attorney advised this provision became law effective January 1 of this year and that he had prepared a report to the Council on the subject.

IT WAS THEN MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR HAMM, AND UNANIMOUSLY CARRIED that the City Attorney discuss the matter with the Building and Planning Director and Acting Public Works Director, following which the City Attorney prepare a report and recommendation to the City Council for the next meeting outlining some concrete steps that could be taken.

With regard to certain storm related problems, particularly the Calle Nina-Avenida Teresa area, Boyd Ames, Jr., stated that representatives from Nu-West Development Corp. inspected the site this morning and at the dead end of Avenida Salvador the extent of the grading for the road leading to the water tank appears to have caused a certain amount of water to accumulate and sluff over the edge of the dead end of Salvador and flow down the westerly face of the hill, and that they would be sandbagging that location to prevent this from happening again.

Subject: 88 - Storm Damage Complaints by Broadmoor Homeowners Association.

IN RE: Comments by Alan Korsen, President of Broadmoor Homeowners Association, relating to erosion and slope failures in the Broadmoor tract.

Mr. Korsen made extensive remarks to the Council which are briefly summarized as follows: He advised that the torrential rains have severely damaged slopes in the Broadmoor subdivision; that for the past three days residents have been applying visquine and sand bags in an attempt to keep the slopes from collapsing and washing down into the homes; that two years ago 50 families were affected by slippage, now there are 20 additional families; that Broadmoor accepted the responsibility for the original slippage but have refused to help with repair to the additional slopes stating that they have done everything according to law.

Mr. Korsen added that developers should have a responsibility to the citizens and not be able to come in and build homes and then leave without any obligation after they have left.

Considerable discussion ensued between Mr. Korsen and certain members of the Council as to what measures should be taken to prevent such occurrences, including the question of slope angle, type of landscaping and maintenance thereof, warranties to assure developer responsibility for slope repairs, etc.

Following debate as to whether the Broadmoor tract had been built exactly to specifications, it was suggested the matter be further discussed at some other time at which time the Council might possibly come up with some conclusions.

UNFINISHED BUSINESS

Subject: 111 - Request for Abandonment of Via Mimosa.

IN RE: Further consideration of memorandum from Acting Public Works Director-City Engineer relating to the proposed abandonment of Via Mimosa.

The City Attorney advised that the applicants have certain problems with the Title Insurance Company to be resolved and requested that no action be taken at this time until they contact us further.

IT WAS MOVED BY COUNCILWOMAN KOESTER, SECONDED BY COUNCILMAN AHLMAN, AND UNANIMOUSLY CARRIED to table the matter.

Subject: 44 - Review of Trap and Skeet Range.

IN RE: Memorandum from Leisure Services Coordinator reviewing the 5-year lease with the Elks Club and capital outlay concerns relating to the Skeet and Trap Range.

The City Manager advised that there had not been time to set up a meeting with the key people involved to discuss the matter and therefore recommended continuance, AND IT WAS MOVED BY COUNCILMAN KALSCHED, SECONDED BY MAYOR HAMM, AND UNANIMOUSLY CARRIED to continue the matter to the meeting of 3-5-80.

Subject: ⁹⁷ ~~113~~ - SERRA Project Committee to Meet Needs of Projected SCAG Population Growth.

IN RE: Further consideration of memorandum from Acting Public Works Director-City Engineer advising that it is necessary that the SERRA member agencies wishing to participate in the Project Committee to be formed to evaluate how best to meet the needs of the SERRA basin in accordance with the projected SCAG population growth forecasts, ratify the proposed project budget of \$50,000.

The City Manager stated that Staff has considered whether the City should participate, and he was recommending that the City not participate in the project.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED not to participate in this SERRA Project Committee.

Subject: 77 - Award of Contract for Construction of San Gorgonio Park, Phase I.

IN RE: Memorandum from Leisure Services Coordinator reporting on the fourteen bids received for the construction of San Gorgonio Park, Phase I.

The City Attorney advised that the City must reject the lowest bidder, who called the day after the bid opening to inform the City that the bid submitted was incorrect, as a firm may not legally revise a bid after a public bid opening, and that the City would not be involved in any legal suit.

IT WAS THEN MOVED BY MAYOR HAMM, SECONDED BY COUNCILMAN AHLMAN, AND UNANIMOUSLY CARRIED to reject the low bid of Valley Crest Landscape, Inc. which was adjusted to \$598,024 and award the contract to the second low bidder, Hondo Company, Inc. in the amount of \$602,794; and appropriate \$205,447.00 from the unappropriated reserves of the Park Acquisition and Development Fund.

Subject: 42 - Request for Legal Defense by Former Councilman Howard F. Mushett.

IN RE: Further consideration of a report from the City Attorney regarding request of Howard Mushett for certain legal defense.

IT WAS MOVED BY COUNCILMAN KALSCHED, SECONDED BY MAYOR HAMM, AND CARRIED to receive and file the communication. Councilwoman Koester voted "NO".

Subject: 113 - Report on Water Rates and Capital Expenditures.

IN RE: Memorandum from Finance Director reporting on water rates and capital expenditures.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR HAMM that the water rates be retained, as adjusted by the Finance Director effective 9-1-79; that Staff report back by 3-19-80 on the feasibility and legal constraints of requiring certain developers to construct water facilities and be reimbursed by the City up to the amount of their Water Acreage Fees, and by future acreage fees collected from other developers in the service areas; and that the City Council authorize the Engineering Department to seek proposals on a Water Master Plan for the City in order to determine the cost of upgrading the water system.

Councilwoman Koester asked for clarification of additional information and the Finance Director responded to various questions and reviewed his recommendations as outlined in the staff report.

Following discussion, A SUBSTITUTE MOTION WAS MADE BY COUNCILWOMAN KOESTER, SECONDED BY COUNCILMAN AHLMAN to delay this matter for two weeks to allow for the Finance Director to submit additional information and figures so as to make a determination as to whether or not a reduction of water rates is possible.

The City Manager stated he had some concerns about priorities in terms of expenditure of the Finance Director's time; suggested accommodating both sides by having the entire matter deferred to 3-19-80 for a complete discussion on the water program at that time; and noting that he and the Finance Director will soon be very involved in budget preparation.

Following further discussion, the SUBSTITUTE MOTION was reworded to the effect that the entire matter be deferred to the meeting of 3-19-80; that the Finance Director prepare additional information so that a final determination may be made as the possibility of reduction of water rates; that Staff report back on the feasibility and legal constraints of requiring certain developers to construct water facilities and be reimbursed by the City up to the amount of their Water Acreage Fees, and by future acreage fees collected from other developers in the service areas; and that the City Council authorize the Engineering Department to seek proposals on a Water Master Plan for the City in order to determine the cost of upgrading the water system.

The Mayor then called for the QUESTION ON THE SUBSTITUTE MOTION WHICH CARRIED UNANIMOUSLY.

WRITTEN COMMUNICATIONS

Subject: 58 - Resignation from Golf Course Committee.

IN RE: Communication from Leo D. Roach advising that after February 10 he will no longer be a resident of San Clemente and is therefore resigning as a member of the Golf Course Committee.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR HAMM, AND UNANIMOUSLY CARRIED to accept the resignation with regrets and appreciation for his services; that 5:00 P.M. on March 14, 1980, be set as the deadline to receive letters and/or resumes from persons interested in filling the vacancy on the Committee; and that the applicants be interviewed at 7:00 P.M. on March 19, 1980.

Subject: 73 - Item Price Marking.

IN RE: Communication from Orange County Consumer Coalition submitting material relating to item price marking on packaged consumer commodities.

IN RE: Communication from Orange County Division League of California Cities concerning grocery item pricing.

IN RE: Communication from Ralphs Grocery Co. submitting materials and information relating to mandatory item pricing.

IT WAS MOVED BY COUNCILMAN HURLBUT, SECONDED BY COUNCILMAN AHLMAN, AND UNANIMOUSLY CARRIED to direct the City Attorney to prepare an Ordinance similar to the one adopted by San Francisco for Council consideration; to set this matter for public hearing on 3-19-80; and to also refer this item to the Citizens Advisory Committee for their input at the public hearing.

Subject: 96 - Request to Discuss Water Problems.

IN RE: Communication from Charles G. Brent requesting an opportunity for a 10-minute presentation to discuss water problems in Southern California.

Mr. Brent's presentation is summarized as follows: He commented that the potential water shortages in Southern California and projected cost of drinking water in the very near future is real; that in 1983 and 1985 MWD pumping power contracts run out and the cost of supplying water may increase ten fold; loss of about one-half of our Colorado River entitlement to Arizona in 1985 adds to the problem; that presently 6 water agencies with Federal, State, and Regional Planning Agencies are conducting the Orange and Los Angeles Counties Water Reuse Study with the basic purpose being to find ways to reuse water every way possible, short of drinking reclaimed water.

Mr. Brent then referred to his previous comments that it was a criminal waste to treat about 3 million gallons of water daily and then dump it into the ocean; that in November, 1978, the voters approved issuance of Sewer Revenue Bonds in the amount of \$4.2 million for improvements and extensions of the treatment and waste disposal system; that with a total of Federal and State grant funds amounting to \$15.5 million it would provide facilities to treat, distribute and sell reclaimed water for irrigation purposes in various parts of the City; with ultimately 6 million gallons of reclaimed water available each day--turning a present cost item into a profit for the City and at the same time saving an equal amount of valuable drinking water for the public, and reiterating his complaint that the bond issue sale had been delayed due to a threatened lawsuit.

Mr. Brent then inquired if Staff could advise on the current status of the sale and what might be done to expedite it, and the City Attorney advised of a meeting with Staff, representatives of the Regional Water Quality Control Board, and engineering consultants concerning acquisition of a permit to use reclaimed water; at the present time Bartle Wells, the City's financial consultant, is prepared to proceed again and prepare a new prospectus and go forward with the bond sale, but we do not have a permit; that Staff has been working on this problem for some time and that a study is being prepared which will help the City to acquire a permit to utilize reclaimed water in the manner proposed.

Councilwoman Koester referred to a meeting with Eric Blais, manager of the Metropolitan Water District, who reiterated the problems with the loss of water over the next few years; that she was concerned about the City's projected growth of 51% and the fact that we will have 50% less water; and feels this is a serious problem that everybody should be aware of.

Mayor Hamm inquired whether Mrs. Koester was in favor of the sewer revenue bond issue at this time, and she replied that she was in favor of reclaimed water but how we get it is the question. Councilman Ahlman then thanked Mr. Brent for his comments.

COMMUNICATIONS FROM COMMISSIONS AND COMMITTEES

Subject: 106 - 200 Block of West Escalones.

IN RE: Communication from Traffic and Parking Commission, in response to Council referral, advising that Mr. J. L. Ballard has failed to respond to several invitations to appear before the Commission concerning his request for certain regulatory signs on West Escalones.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to receive and file the communication.

Subject: 105 - Tentative Parcel Map No. 80-827 (T.D.M. Enterprise).

IN RE: Communication from Planning Commission recommending approval of Tentative Parcel Map No. 80-827, being a request of T.D.M. Enterprises for a one-lot subdivision for condominium purposes to construct a triplex on Lot 29, Block 27, Tract No. 783, more commonly known as 257 La Paloma, said approval subject to conditions of the Subdivision Committee, and an additional condition.

IT WAS MOVED BY MAYOR HAMM, SECONDED BY COUNCILMAN AHLMAN, AND UNANIMOUSLY CARRIED to concur with the Planning Commission's recommendation noting that a Negative Declaration was granted for this project on 1-11-80 in compliance with CEQA.

Subject: 105 - Tentative Parcel Map No. 80-826 (William Manclark).

IN RE: Communication from Planning Commission recommending approval of Tentative Parcel Map No. 80-826, being the request of William Manclark to convert a duplex under construction to a 2-unit condominium on a Portion of Lot 4, Tract No. 1314, more commonly known as 231 Avenida Lobeiro, said approval subject to conditions of the Subdivision Committee.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR HAMM, AND UNANIMOUSLY CARRIED to concur with the Planning Commission's recommendation noting that a Categorical Exemption was granted on 1-10-80 in compliance with CEQA.

Subject: 105 - Tentative Tract No. 10955 (Cyprus West).

IN RE: Communication from Planning Commission recommending approval of Tentative Tract No. 10955, being the request of Cyprus West to create five R-1-B-1 lots through the consolidation and resubdivision of 9 existing R-1-B-1 lots and Lot F, a private street, at 3825 and 3827 Calle Tiburon and 200 through 207 Calle Arena, said approval subject to the conditions of the Subdivision Committee.

Councilman Ahlman stated he was concerned about noise control for these units, AND IT WAS THEN MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR HAMM to concur with the Planning Commission's recommendation noting that a Negative Declaration was granted for this project on 2-4-80 in compliance with CEQA, plus the condition that appropriate noise control be embodied in the construction of the units in this location.

Councilwoman Koester advised she had a communication from a member of the General Plan Review Committee concerning the project and felt that the matter should be delayed until such time as the housing element has been defined and approved.

A. L. Wulfeck advised that the State has mandated that a portion of the Elmore Ranch be deeded for a park and also to provide certain land for affordable housing; and he agrees that there should be sound control in these units.

Mary Erickson asked for clarification of the statement that the parcel was dedicated to the State and Mr. Wulfeck replied that they must prepare the land suitable for dedication to the State for 55 to 57 units; and further they must cause to be prepared renderings of the type of units and the cost breakdown; and that the parcel cannot be used for anything else but affordable housing.

The Mayor then called for the QUESTION WHICH CARRIED UNANIMOUSLY.

Subject: 106 - Resolution No. 16-80 Establishing Certain "No Parking" Regulations on the West Side of Avenida Costanso.

IN RE: Communication from Traffic and Parking Commission recommending prohibiting parking on the west side of Avenida Costanso, across from the 310 address, from the existing red curb in a northerly direction for a distance of 95 feet, to improve sight distance.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR HAMM, AND UNANIMOUSLY CARRIED to concur with the Traffic and Parking Commission's recommendation.

Upon motion of Councilman, Ahlman, seconded by Mayor Hamm, and unanimously carried RESOLUTION NO. 16-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING CERTAIN "NO PARKING" REGULATIONS ON AVENIDA COSTANSO, was regularly introduced, passed, and adopted.

Subject: 105 - Consideration of Traffic and Parking Aspects for Tract Nos. 10880, 10881, 10882 and 10916 (Marblehead).

IN RE: Communication from Traffic and Parking Commission recommending approval of Tract Nos. 10880, 10881, 10882 and 10916 (Phase II Marblehead), with the provision that, if vista points are adopted, the developer be responsible for the installation of satisfactory lighting of said vista points and further that adequate parking be provided in the vista point areas, pending receipt of precise plans.

IT WAS MOVED BY MAYOR HAMM, SECONDED BY COUNCILMAN KALSCHED, to concur with the Traffic and Parking Commission's recommendation.

Councilwoman Koester questioned if the final tract map shows vista points; and Staff responded that the vista points will be addressed in the precise plan; that when approving the tentative map vista points were discussed; and that it will be up to Council at some future date to decide if the vista points are accepted, constructed, lighting installed, and whether they will be dedicated to the City or maintained by a homeowners association.

The Mayor then CALLED FOR THE QUESTION WHICH CARRIED UNANIMOUSLY.

Subject: 105 - Final Tract Approval Tracts No. 10880, 10881, 10882 and 10916 (Phase II Marblehead), Tentative Tract No. 8818.

IN RE: Memorandum from Acting Public Works Director-City Engineer and Building and Planning Director advising that the developer, John D. Lusk & Son, has submitted the required items for final approval of Tracts 10880, 10881, 10882, and 10916, portions of Tentative Tract No. 8818 (Marblehead Phase II) and recommending approval of the final maps.

Councilwoman Koester expressed concern about use of City utilities--water and sewer-- with the approval of these tracts, and the Acting Public Works Director-City Engineer advised that the total number of units in Phase I and II would be 835 and using 2.8 people per D/U times 100 gallons per day, amounts to 232,800 gallons of estimated sewage per day. Mr. Putz also reported on plant capacity.

IT WAS MOVED BY MAYOR HAMM, SECONDED BY COUNCILMAN KALSCHED, AND UNANIMOUSLY CARRIED to approve the final maps; approve the subdivision agreements; and authorize execution by the Mayor and City Clerk.

ITEMS FROM CITY MANAGER

The City Manager requested a 10-minute Executive Session to discuss a personnel matter and potential litigation.

ITEMS FROM CITY ATTORNEY

Subject: 32 - Religious Status and Appropriate License Fee for Business Known as "The Spirit of Divine Love".

IN RE: Report relating to question of religious status, and appropriate business license fee to be applied for "The Spirit of Divine Love".

Based on the information provided IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR HAMM to deny the request.

Comments are briefly summarized as follows: Doris Rondeau, the applicant, objected to the characterization that they may be involved in "fortune telling, numerology, astrology, etc." that their organization is a metaphysical one dedicated to the purpose of helping people learn how to cope and how to deal with things; that the main purpose is to help in overcoming, and they are dedicated to the purpose of helping individuals.

The City Attorney advised that his report was based on the information furnished to him and in view of the comments tonight he would be willing to meet with the applicant for discussion and further information.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR HAMM, AND UNANIMOUSLY CARRIED to continue the item to 3-5-80 in order for the City Attorney to have an opportunity to meet with the applicant.

Subject: 24 - Extension Agreement to Contract with County of Orange for Animal Control Services.

IN RE: Extension Agreement with County of Orange Veterinary Public Health for complete animal control services.

IT WAS MOVED BY MAYOR HAMM, SECONDED BY COUNCILMAN AHLMAN, AND UNANIMOUSLY CARRIED to approve the extension agreement and authorize execution by the Mayor and City Clerk.

Subject: 37 - Report Regarding City Attorney's Budget.

IN RE: Report regarding City Attorney's budget.

IT WAS MOVED BY COUNCILWOMAN KOESTER, SECONDED BY MAYOR HAMM, AND UNANIMOUSLY CARRIED to continue the matter to the meeting of 3-5-80.

ITEMS FROM COUNCIL MEMBERS

Councilman Kalsched advised that there is available through the National Flood Insurance Program insurance to cover landslide damages; and that information is available from the National Flood Insurance Program, P.O. Box 34294, Bethesda, Maryland 20034 (phone: 800-638-6620). It was noted that the City has already adopted an Ordinance on this subject.

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Councilwoman Koester commended the work of the City departments and personnel involved in the Camino de los Mares flood problem.

Councilman Ahlman commented that the City has received criticism concerning the erosion on the Estrella golf course, and felt that the public should be made aware of the fact that the golf course is private property and was developed as a golf course with the full knowledge that an open flood control channel traversed much of the course.

Subject: 63 - Status Report re Proposed New Library.

IN RE: Status report regarding proposed new City library.

Councilman Ahlman reported that the Library Committee met with the County Library representatives and that progress is being made; that the final draft of the lease between the County and City should be ready for Council review at the next regular meeting; that the Committee will then seek to formulate the basic concept of the 10,000 square foot library building and request design proposals; that the Committee will be visiting the new Seal Beach Library which is combined with the Senior Citizens Center; and they will also visit the Dana Niguel Library which in the opinion of the Library Staff has a very functional interior design which might be desirable to incorporate in this City's library.

Councilman Ahlman advised that the park development plans for the pier bowl area are being finalized; that specifications are being drawn up and that they should be ready for bid within the next two weeks.

Council members Ahlman and Kalsched inquired about the pilings that were lost at the end of the pier during the storm, and Staff reported as to the number lost and the locations.

Councilwoman Koester extended accolades to the Fire Protection Director and Staff for calling the Council together in an emergency Special Meeting in order to declare the City in a state of local emergency. In response as to when the state of emergency should be cancelled, the City Manager advised that when it is determined that the emergency no longer exists, such should be canceled.

Referring to a further item from the Council, the City Clerk requested that the Council be thinking about the selection of a Mayor pro tem for the unexpired term ending April 15, 1980, which item will be placed on the next Agenda.

NEW BUSINESS

Subject: 49 - Resolution No. 17-80 Requesting the City of San Clemente to be a Participating City in the June 3, 1980, Article 34 Referendum.

IN RE: Memorandum from Assistant to the City Manager advising that in 1976 the California Supreme Court held that the multi-unit senior and handicapped housing development, of the type to which the City has designated Housing and Community Development funds, is subject to the Local Referendum requirement of Article XXXIV; and that in order for the City of San Clemente to be eligible to appear on the June ballot with the County and other Orange County cities, a Resolution must be passed before 3-21-80 and filed with the County Registrar for processing.

Upon motion of Councilman Ahlman, seconded by Councilman Hurlbut, and unanimously carried, RESOLUTION NO. 17-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE CITY OF SAN CLEMENTE TO BE A PARTICIPATING CITY IN THE JUNE 3, 1980, ARTICLE 34 REFERENDUM, was regularly introduced, passed, and adopted.

Subject: 77 - Establishing a New Account for Miscellaneous Recreation Programs.

IN RE: Memorandum from Leisure Services Coordinator advising that there is a need to provide for more dynamic Recreation Programs and to maintain the program as self-supporting, and requesting an allocation of funds to provide for increased revenue sources.

The Leisure Services Coordinator responded to questions from Council, following which IT WAS MOVED BY MAYOR HAMM, SECONDED BY COUNCILMAN KALSCHED, AND CARRIED to establish a new account for Miscellaneous Recreation Programs in the amount of \$10,000 to be added to the Recreation Program Budget. Councilwoman Koester voted "NO".

Subject: 77 - Allocation of Funds for Genge Consultants.

IN RE: Memorandum from Leisure Services Coordinator requesting a budget allocation to provide payment to Genge Consultants who have been authorized to review the landscape plans of major developments for the City.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR HAMM, AND UNANIMOUSLY CARRIED to appropriate \$15,000 in the Parks Administration budget for landscape review and plan checks.

RESOLUTIONS

- For Resolution No. 15-80 see under "CONSENT CALENDAR" on page 3.
- For Resolution No. 16-80 see under "COMMUNICATIONS FROM COMMISSIONS AND COMMITTEES" on page 10.
- For Resolution No. 17-80 see under "NEW BUSINESS" on page 12.

Subject: 60 - Resolution No. 18-80 Establishing the City of San Clemente Self-Insurance Fund.

IN RE: Memorandum from Assistant to the City Manager outlining the City's liability insurance program; recommending transferring the City's liability insurance from Fred S. James to Orange County Cities Risk Management Authority, which is essentially an insurance purchasing pool, not a "shared risk" insurance authority.

Council members commended Staff for the outstanding job they did in gathering and submitting the material to Council for their review.

Upon motion of Councilman Ahlman, seconded by Councilman Hurlbut, and unanimously carried, RESOLUTION NO. 18-80 BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING THE CITY OF SAN CLEMENTE SELF-INSURANCE FUND, SETTING FORTH THE PURPOSE OF SAID FUND, PROVIDING APPROPRIATIONS THEREFORE AND MAKING CERTAIN OTHER DETERMINATIONS IN CONNECTION THEREWITH was regularly introduced, passed, and adopted.

Doug Meyer introduced Ross Oliver, who is the Risk Manager for OCCRMA.

IT WAS THEN MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILMAN HURLBUT, AND UNANIMOUSLY CARRIED to direct Staff to cancel the City's present liability insurance, effective March 1, 1980, and approve the Joint Exercise of Powers Agreement to Provide Risk Management for cities in the County of Orange, California, and further agree to the bylaws of the Orange County Cities Risk Management Authority; and further to authorize transfer of \$52,100 from the unappropriated reserve to Account 80-224-6540, General Liability, and authorize the expenditure of the \$52,100 from Account 80-224-6540 for purchase of liability insurance from OCCRMA and membership into OCCRMA; and to direct the refund of \$30,810 from the canceled Admiral and Midland Insurance Companies to be placed in the unappropriated reserve.

For Resolution No. 19-80 see under "ITEMS FROM CITY MANAGER" on page 15.

Subject: 60 - Property Insurance.

IN RE: Memorandum from Assistant to the City Manager recommending purchasing property insurance from the Fireman's Fund Insurance Company.

IT WAS MOVED BY MAYOR HAMM, SECONDED BY COUNCILMAN AHLMAN, AND UNANIMOUSLY CARRIED to authorize Staff to draw \$11,097 from Overhead Revolving Account 80-224-6550 for payment of a 12-month public property insurance policy from Fireman's Fund Insurance.

The City Manager advised as to the need for an updated appraisal of City facilities.

ORDINANCES

Subject: 29 - Ordinance No. 773 Establishing Cultural Heritage Board.

IN RE: Ordinance No. 773 establishing Cultural Heritage Board and setting forth certain restrictions for historically significant property.

Upon motion of Councilman Ahlman, seconded by Mayor Hamm, and unanimously carried, ORDINANCE NO. 773, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING THE CULTURAL HERITAGE BOARD AND SETTING FORTH CERTAIN RESTRICTIONS FOR HISTORICALLY SIGNIFICANT PROPERTY AND PROPERTY ADJACENT THERETO, having been regularly introduced at the meeting of 2-7-80, was again introduced by title only, the reading in full thereof unanimously waived, and duly passed and adopted.

Subject: 115 - Ordinance No. 774 Amending Chapter 16A of the Municipal Code.

IN RE: Ordinance No. 774 Amending Chapter 16A of the Municipal Code re Weed Abatement.

Upon motion of Mayor Hamm, seconded by Councilman Kalsched, and unanimously carried, ORDINANCE NO. 774, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 16A OF THE MUNICIPAL CODE, having been regularly introduced at the meeting of 2-7-80, was again introduced by title only, the reading in full thereof unanimously waived, and duly passed and adopted.

Subject: 67 - Ordinance No. 775 Relating to the Regulation of Mobile Food Preparation Vehicles.

IN RE: Ordinance No. 775 relating to the regulation of mobile food preparation vehicles.

Upon motion of Councilman Ahlman, seconded by Councilwoman Koester, and unanimously carried, ORDINANCE NO. 775, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTIONS 21-1 AND 21-2 AND ADDING SECTIONS 21-15 TO CHAPTER 21 OF THE MUNICIPAL CODE, RELATING TO THE REGULATION OF MOBILE FOOD PREPARATION VEHICLES, having been regularly introduced at the meeting of 2-7-80, was again introduced by title only, the reading in full thereof unanimously waived, and duly passed and adopted.

For Ordinance No. 777 see under "PUBLIC HEARINGS" on page 1.

ADJOURNMENT

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED that the meeting be adjourned at 9:30 P.M. to an Executive Session to discuss litigation and a personnel matter.

MEETING RECONVENED

The Mayor reconvened the meeting at 10:04 P.M.

ITEMS FROM CITY MANAGER (continued)

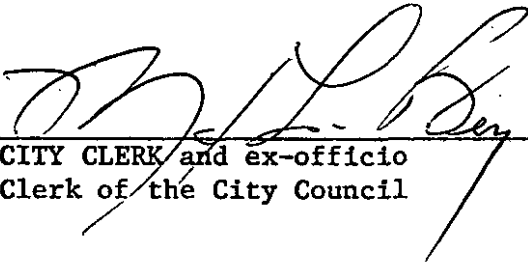
Subject: 79 - Resolution No. 19-80 Making the Provisions of Compensation Resolution No. 14-80 Retroactive to 1-1-80.


IN RE: Resolution establishing the effective date of the compensation schedules for all classes of employment in the City Service as adopted in Resolution No. 14-80.

Upon motion of Mayor Hamm, seconded by Councilman Ahlman, and unanimously carried, RESOLUTION NO. 19-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DECLARING THE CITY COUNCIL'S INTENT AS TO THE EFFECTIVE DATE OF THE COMPENSATION SCHEDULES AS ADOPTED BY RESOLUTION NO. 14-80; AND MAKING SAID SCHEDULES RETROACTIVE TO JANUARY 1, 1980, was regularly introduced, passed, and adopted.

ADJOURNMENT

There being no further business IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILMAN KALSCHED, AND UNANIMOUSLY CARRIED that the meeting be adjourned at 10:05 P.M.


 CITY CLERK and ex-officio
 Clerk of the City Council


 MAYOR and President
 of the City Council