

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, June 4, 1980, at 7:00 P.M., Mayor Karoline Koester presiding.

PLEDGE OF ALLEGIANCE AND INVOCATION

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

Mayor Koester commented that the recall is now over and the citizens had voted for her to continue as their representative; that she was very honored and privileged to continue as Mayor; and promised that this will be an open government at all times to the people of San Clemente.

ROLL CALL

PRESENT: Council Members - LIMBERG, MECHAM, AND KOESTER  
ABSENT: Council Members - O'KEEFE

PUBLIC HEARINGS

Subject: 30 - Proposed Budget for Fiscal Year 1980-81

IN RE: Public Hearing to consider and determine the proposed budget for fiscal year 1980-81, including the proposed use and expenditure of Federal Revenue Sharing Funds.

Following Council comments, the Mayor opened the public hearing and Bernard Beckerlegge requested that if any revenue sharing funds are received, a portion be used to buy "bus" benches. Boyd Ames questioned whether funds will be available for the proposed Tourist & Visitors Bureau, and the San Clemente Ocean Festival. The City Manager advised that these items will be discussed at the budget study session scheduled for June 10 wherein Community Promotion will be heard; and further advised that he has recommended that \$5,000 be budgeted for the Ocean Festival.

The City Manager further noted that the total proposed City budget is \$16.7 million with \$5.6 million in the capital improvement budget; that he is available to answer any questions concerning the budget; and that Staff is also available to appear before any groups that request an explanation of the budget.

Mayor Koester commented on the importance of the budget document, and urged citizen attendance and input at the budget sessions.

The City Manager noted that since it appears Congress will approve federal revenue sharing funds for the next fiscal year, he recommended that these funds be earmarked for construction of Phase II of the Corporation Yard.

There being no one else wishing to be heard, the Mayor declared the public hearing closed AND IT WAS MOVED BY COUNCILMAN MECHAM to continue the hearing to 6-18-80.

Noting the need to reopen the hearing in order to continue same, A SUBSTITUTE MOTION WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to reopen the public hearing.

IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to continue the public hearing on the 1980-81 budget to 6-18-80.

IN RE: Public Hearing to consider General Plan Amendment No. 36, being the proposed adoption of a new Park and Recreation Element to the General Plan of the City of San Clemente pursuant to Government Code Section 65303(a), as prepared by Iwanaga Associates.

The Mayor opened the public hearing and lengthy discussion is summarized as follows: A.L. Wulfeck stated that the document submitted to the City is incomplete, inaccurate, with many discrepancies; is inconsistent and draws no conclusions; that it is in conflict with Ordinance No. 718 which states 3.5 people per household while this document shows 2.3 people; that the final document should have a public hearing; and questioned what this document does that is not already provided for in the existing element; and questioned the financial impact if a negative declaration was in fact issued on the project.

The Building and Planning Director noted that the General Plan calls for nine mandatory elements; that the parks and recreation element is a permissive element which can be combined with other elements of similar nature--such as open space or conservation--; that Ordinance No. 718 is premised on the City having a recreation element in the General Plan; that the 1960 parks and recreation element adopted for the City has been amended several times and is not adequate for what we are trying to accomplish in Ordinance No. 718, i.e., development of ranch areas; and noted that the new element will provide for implementation measures and definitive recommendations for parks and recreation goals.

Following further comments by Mr. Wulfeck, Boyd Ames, Jr., representing Lusk, Estrella Properties and Nu-West Development Co. expressed concern as to the accuracy of the graphics and questioned the location, type, and approved uses in the element.

Mr. Iwanaga whose firm prepared the draft element, noted that the final element will provide the City with information and direction in the years ahead; that one of the main purposes and reasons for the element is the growth of the City which they have projected to the year 1991; as to the accuracy of the draft element that some of the plans are not exactly as developers have shown in their design but that the information they included was accurate and current at the time given; that the preliminary draft indicates recreation goals and objectives, improved opportunity for active and passive recreational facilities for the City, and development and maintenance standards.

Dave Wilcox of Economic Research Associates voiced various comments and reviewed the economics of the element; explained the reasons for the 2.3 persons per household figure; noted that a parks and recreation element becomes a guideline for the City and provides the City a way in which to negotiate in the public's and city's best interest with the development community; reviewed statistics on the number of visitors using City beaches and recreational facilities and the need to determine how the City will continue to serve the demand for parks and recreation which are the types of matters dealt with in the element.

Dee Hedborg, Parks and Recreation Commissioner, advised that many, many months of work have gone into this report; that the Commission recommended adoption of this element, and feels that the money is well spent on this project.

Councilman Limberg noted for the record that the Planning Commission minutes of 3-18-80 state that a Negative Declaration was granted for the project on 2-29-80 in compliance with CEQA: that he feels we are going in a circle as many comments heard tonight have been presented at Commission meetings, and questioned why such have not been included in the element as we are still waiting for a refined document incorporating all the changes.

The Leisure Services Coordinator reviewed the provisions of the contract and the manner in which the matter has been processed through the Commissions to this point of Council hearing on the draft element.

In response to Councilman Limberg the Building and Planning Director pointed out that the word "comments" was being used but the consultant and Staff would need to know if the intent was to change specific wording or recommendations; and whether "generalized comments" are to be treated as narrative in the document or whether we are to attempt to interpret them and make a definitive change in the document.

The City Manager suggested that a review of all comments that were collected be made; that they be presented at a future Council meeting where the Council could indicate point by point which items the consultant should address or change. Councilman Limberg suggested that a compilation of all the comments be taken back through the Commission.

Following further discussion, IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY MAYOR KOESTER, AND UNANIMOUSLY CARRIED that this matter be referred back to Staff to coordinate with the consultant the comments that have elicited at the various meetings; that these consolidated comments be referred to the Planning Commission and City Council for adoption into a final draft document; and that the final draft document be provided prior to final printing so that the final form can be reviewed and approved; and that the public hearing be continued to 7-2-80.

Subject: 77 - Consideration of Park Dedication Fee to be Established  
Based on Median Value of Parks.

IN RE: Public Hearing to consider the amount of a park dedication fee to be established based on the median value of parks in San Clemente pursuant to Section 7 of Ordinance 718 which provides that "Where a fee is required to be paid in lieu of land dedication, such fee shall be equal to an amount for each acre which would otherwise have been required to be dedicated pursuant to Section 7 hereof, which amount is the median fair market value per acre of land in all neighborhood public parks within the City, if such land were not used for park and recreational purposes." Said park dedication fee is recommended to be set at \$114,532 an acre as of 8-1-79 with proposed quarterly adjustments based on the Consumer Price Index, resulting in a proposed current park fee in the amount of \$122,687 per acre.

IN RE: Communication from A.L. Wulfeck requesting that since there will not be a full Council at the meeting of 6-4-80, that the public hearing regarding park fees be continued until such time as a full and informed Council is seated.

Following discussion on the request by A.L. Wulfeck and Boyd W. Ames, Jr. that the hearing be continued, the Council determined to open the public hearing for audience and Council comments.

During lengthy discussion the main points discussed were: Mr. Wulfeck reiterated that the information is not complete; that he plans to have legal counsel on this matter; that he was requesting a complete transcript of this agenda item; questioned how did the City determine 11 parks for the first appraisal; what criteria was used to add six more in the second appraisal; why does the City budget refer to ten parks; how it was determined that the Brown property and Bank of America property were two separate properties; why doesn't the General Plan and City's Concise Plan conform; and that parking lots were part of the appraisal in certain areas and not at other parks.

Boyd Ames, Jr. reiterated that there was not adequate time to review the appraisal, that there was an inconsistency in the method of the appraisal in one specific area; and also noted a discrepancy in the parking lot figures.

The City Attorney responded that he recommended certain parcels be combined where a unity of ownership or use was determined; and noted that without parking lots to serve contiguous facilities you do not have recreation use.

Following further discussion and additional objections voiced by Mr. Wulfeck, IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to continue the hearing to 6-18-80.

Councilman Mecham requested that Mr. Wulfeck and Mr. Ames follow the guidelines of the City Council in submitting material for Council agendas.

CONSENT CALENDAR

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

City Council Minutes

Minutes of 5-7-80 (adjourned), 5-7-80 (regular), 5-14-80 (adjourned), and 5-21-80 (adjourned). -- Approved as presented and reading in full thereof waived.

Traffic and Parking Commission Minutes

Minutes of 5-15-80. -- Received and filed.

Parks and Recreation Commission Minutes

Minutes of 5-14-80. -- Received and filed.

Zoning Administrator Minutes

Minutes of 5-27-80. -- Received and filed.

General Plan Review Committee Minutes

Minutes of 5-12-80. -- Received and filed.

Subject: 51 - Request for Fee for all Returned Checks.

IN RE: Report from Finance Director and City Manager advising that on occasion the City receives bad checks which causes a great deal of administrative problems and time and recommending that in order to alleviate the problem and to offset the cost of bad checks, the City institute a \$5.00 fee for bad checks. -- Referred to City Attorney for preparation of an ordinance authorizing a \$5.00 fee for all returned checks.

Subject: 83 - Clearance Rates of Criminal Cases.

IN RE: Report from Police Chief and City Manager reporting, as Council directed, on information as to the reasons for a decline in major criminal cases cleared by the Police Department in 1979 over 1978. -- Received and filed.

Subject: 87 - Declaration of Surplus Property.

IN RE: Report from Fire Protection Director and City Manager declaring list of materials as surplus property so that they may be sold at auction or donated to Santa Ana College Fire Academy. -- Approved list as surplus property.

Subject: 87 - Surplus Vehicles and Equipment.

IN RE: Report from Public Works Director-City Engineer and City Manager requesting authorization to auction vehicles and equipment that are no longer safe to drive or economically feasible to maintain. -- Authorized Ken Porter Auction Co. to auction surplus vehicles and equipment for the best price available.

Subject: 96 - Award of Contract for Linda Lane Lift Station Replacement.

IN RE: Report from Public Works Director-City Engineer and City Manager advising that five bids were received for the Linda Lane Lift Station Replacement, Project No. 12-79. -- Awarded contract to the low bidder, C. K. Pump & Dewatering Corp. of Long Beach, at the bid price of \$187,921.00 and appropriated additional funds in the amount of \$105,700 by transfer from unappropriated sewer reserves to Account #72-7877-4090 to cover the amount of bid plus a construction contingency.

CONSENT CALENDAR (Items removed for separate action)

Subject: 105 - Grading Plans for Camino de los Mares (Estrella Properties).

IN RE: Councilman Limberg's referral to the Planning Commission Minutes of 5-20-80 and the item concerning the grading plans for Camino de los Mares (Estrella Properties).

IT WAS THEN MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that the grading plans for Camino de los Mares be called up for review by the Council at the meeting of 6-18-80.

The Commission's Minutes were received and filed.

PAYING OF THE BILLS

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY MAYOR KOESTER, AND UNANIMOUSLY CARRIED that Warrants No. 59197 through No. 59224, and No. 1554 through No. 1748 as audited by the Council be paid.

Total demands approved for payment for period ending June 3, 1980 . . . . .	\$ 530,334.28
Ratification of Payroll Warrant No. 59210 for period May 12, 1980 through May 25, 1980. . . . .	\$ 107,779.69
TOTAL WARRANT REGISTER	<u>\$ 638,113.97</u>

VERBAL COMMUNICATIONS

Subject: 116-(88)- Question of Zoning Violation and Complaint of Noise at City Yard Bar.

IN RE: Complaint by Donald Bramlette concerning noise from City Yard bar.

Donald Bramlette noted he had received the Council action of May 7 regarding his complaint; however, that the noise continues and he has called the Police Department on several occasions and they have responded; referred again to certain zoning violations; and reiterated that he is not against the restaurant but just wants to eliminate the loud music at the bar.

The City Manager advised that the City is in the process of investigating the matter and will have a report for Council at the next meeting; that we are trying to work out an equitable solution; that we will meet with the property owner tomorrow and make it clear that they are in violation but with the hope that the problem can be resolved to the satisfaction of both parties.

Mike Nielsen, addressed the Council stating that he had worked for the City for 3-1/2 years; that he would like to be City Manager with the provision that he receive 90% of everything he can save the City and the taxpayers, and that this money be deposited in his name at a Laguna Federal Savings & Loan.

UNFINISHED BUSINESS

Subject: 40 - Air Conditioning of City Hall.

IN RE: Report from Public Works Director-City Engineer and City Manager advising that the existing electrical system in City Hall is inadequate to handle the new air conditioning units, and requesting funds for the required electrical work to complete the project.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, to appropriate \$12,100 from General Fund unappropriated reserves to Account #10-119-7300-680 for required electrical work to complete the project; and approve execution of an easement for right-of-way to San Diego Gas & Electric for underground conduit and transformer on City property adjacent to Avenida Presidio.

Staff responded to questions following which Councilman Limberg suggested that in administrative reports when there is a budget impact the remaining General Fund unappropriated reserves be shown. The City Manager advised that under the proposed contingency reserve format of the new budget the remaining reserves can be shown.

The Mayor then called for the QUESTION WHICH CARRIED UNANIMOUSLY.

Subject: 75 - (105) In-Lieu Parking Certificate Fee.

IN RE: Report from Building and Planning Director and City Manager advising that at Council direction, the in-lieu parking certificate fee has been recalculated based on land cost, the cost of improvements, and distribution of the total cost on a per parking space basis to more accurately reflect the cost of providing an improved parking space; and that this fee should be subject to a yearly consumer price index increase.

The Building and Planning Director reviewed the fee structure and policy of the in-lieu certificate program.

Boyd Ames, Jr., representing the developer of Tract No. 10399, advised that they would like to have a two-week period to review the staff report, and noting that the increase was 2-1/2 times the original amount.

Following discussion, IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to establish the in-lieu parking certificate fee at \$5,000.

The City Attorney advised that he would bring back a resolution for Council approval.

MEETING RECESSED

The City Council meeting was recessed to convene a meeting of the San Clemente Redevelopment Agency.

MEETING RECONVENED

The Mayor reconvened the City Council meeting at 9:50 P.M.

WRITTEN COMMUNICATIONS

Subject: 39 - Resignation from City Council.

IN RE: Communication from Roy L. Hurlbut submitting his resignation as Councilman and Mayor pro tem of the City of San Clemente effective May 22, 1980.

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to accept the resignation and receive and file.

Subject: 113 - Resignation from Citizens Committee - Reclaimed Water Use.

IN RE: Communication from Charles G. Brent, submitting his resignation as member and chairman of the Ad Hoc Committee on Reclaimed Water Use.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to accept the resignation and receive and file.

Subject: 58 - Request by George Fox for Reconsideration of Resolution No. 91-79.

IN RE: Communication from George Fox requesting reversal of the golf course rate increases to seniors as passed by the former Council pursuant to recommendation by the Golf Course Committee.

George Fox reviewed his request noting the rates charged for senior citizens and out-of-town residents.

Robert Flynn commented that the City is spending \$200,000 for a Senior Citizens Center and suggested this is a small request to accommodate the senior citizens who like to play golf.

Following expressions of opinion by each Council member, IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY MAYOR KOESTER to rescind the previous action and change the rate for senior citizens from \$2.00 to \$1.50.

Leo Fessenden, Chairman of the Golf Course Committee, advised they had numerous meetings and spent a great deal of time on the matter, and reiterated their feeling that the rate as adopted should be retained.

Following discussion as to the fiscal impact on the Golf Course, A SUBSTITUTE MOTION WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY MAYOR KOESTER, AND CARRIED to refer the matter to Staff for a report as to the fiscal impact of reducing the senior rates at the golf course and continue the matter to the next meeting. Councilman Limberg voted "NO".

Subject: 43 - Letter Expressing Gratitude to City Employees During Recent Flood Disaster.

IN RE: Communication from William H. Baker expressing the gratitude of most of the homeowners and/or tenants on Camino de los Mares for the City's outstanding and extraordinary efforts during the recent flood disaster; and noting that a number of City employees jeopardized their lives in rendering assistance to the residents of the area.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, to receive and file the letter with appreciation.

Councilman Limberg remarked that it was very gratifying to receive this type of letter from a citizen of the community; noted that several employees of the City are named in the letter, and requested that the City Manager send a copy of the letter to each individual employee listed.

The Mayor then called for the QUESTION WHICH CARRIED UNANIMOUSLY.

Subject: 63 - Request for Space in the Library/Senior Citizens Multi-Purpose Facility.

IN RE: Communications from South Orange County Community Services Council and San Clemente Seniors relating to space in the Library/Senior Citizens Multi-Purpose Facility.

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to receive and file the communications.

COMMUNICATIONS FROM COMMISSIONS AND COMMITTEES

Subject: 105 - Tentative Parcel Map No. 80-838 (Craig Cooper).

IN RE: Communication from Planning Commission recommending approval of Tentative Parcel Map No. 80-838, being the request of Craig Cooper for a one-lot subdivision for the purpose of converting an existing duplex to a 2-unit condominium located on Lot 26, Block 4, Tract 794, more commonly known as 239 West El Portal, said approval subject to the recommended conditions of the Subdivision Committee.

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY MAYOR KOESTER, AND UNANIMOUSLY CARRIED to concur with the Planning Commission's recommendation, noting that a Categorical Exemption was granted on 4-11-80 in compliance with CEQA.

Subject: 105 - Tentative Parcel Map No. 80-839 (John Cooper).

IN RE: Communication from Planning Commission recommending approval of Tentative Parcel Map No. 80-839, being the request of John Cooper for a one-lot subdivision for the purpose of converting an existing duplex to a 2-unit condominium located on Lot 27, Block 4, Tract No. 794, more commonly known as 241 West El Portal, said approval subject to recommended conditions of the Subdivision Committee.

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to concur with the Planning Commission's recommendation, noting that a Categorical Exemption was granted on 4-11-80 in compliance with CEQA.

Councilman Mecham inquired as to the status of developing a policy on condo conversions, and the Building and Planning Director advised that they were working on a proposal and planned to have a rough draft of an Ordinance to the Planning Commission by the second meeting in July.

Subject: 105 - Tentative Tract No. 11011 (Cyprus West).

IN RE: Communication from Planning Commission recommending approval of Tentative Tract No. 11011, being the request of Cyprus West to create 49 R-1-B-1 lots at the southwest corner of Avenida del Presidente and Avenida de las Palmeras, said approval subject to condition Nos. 1, 3, 4, 6, and 7 of the Subdivision Committee and that condition #3 be modified.

The City Clerk advised that he had received a telephone request that the item be continued, AND IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to continue the matter to 6-18-80.



Subject: 77 - Renewal of Lease Agreement for Rental of Swimming Pool for Summer Recreation Swimming Program.

IN RE: Communication from Parks and Recreation Commission recommending approval of renewal of lease agreement with Michael and Sheila Parker for rental of swimming pool at 224 Calle Cortez for the summer recreation swimming program.

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to concur with the Parks and Recreation Commission's recommendation and authorize execution of the agreement by the Mayor and City Clerk.

Subject: 77 - Refund of Sons of Norway Rental Money

IN RE: Communication from Parks and Recreation Commission recommending that the Sons of Norway be refunded their money for rental of the Ole Hanson Room on 4-4-80 due to noise interference.

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to concur with the Parks and Recreation Commission's recommendation.

ITEMS FROM CITY MANAGER

The City Manager advised that in preparation of the fiscal year 1979-80 budget the City Council met with the City auditors; that there may be some pre-audit items the Council may wish to address; and following discussion it was agreed that the Council meet with the auditors before one of the budget study sessions.

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Mr. Carvalho requested an Executive Session to discuss labor relations and litigation.

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The City Manager introduced John O'Sullivan to the Council, stating that he joined the Staff this week as interim Finance Director until a replacement is chosen. He noted that Mr. O'Sullivan had served as Assistant City Manager in San Juan Capistrano, and more recently was Finance Director for the City of Walnut Creek; that we are happy to have him on the Staff; and that candidates will be interviewed soon with a permanent Director appointed in the near future.

ITEMS FROM CITY ATTORNEY

Subject: 62 - Ordinance No. 783 Adopting an Agency Conflict of Interest Code as Required by California Government Code.

IN RE: Proposed Ordinance adopting an Agency Conflict of Interest Code.

Upon motion of Councilman Limberg, seconded by Councilman Mecham, and unanimously carried, ORDINANCE NO. 783, BEING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE ADOPTING AN AGENCY CONFLICT OF INTEREST CODE AS REQUIRED BY SECTION 81000 ET SEQ. OF THE CALIFORNIA GOVERNMENT CODE, KNOWN FAMILIARLY AS THE POLITICAL REFORM ACT OF 1974, was regularly introduced by title only, and the reading in full thereof unanimously waived.

Subject: 111 - <sup>A</sup> Resolution No. 40-80 Relating to Proposed Abandonment No. 80-1 (Alley Between Avenidas Pala and Santa Margarita).

IN RE: Resolution of Intention to consider Abandonment No. 80-1, being the proposed abandonment of alley between Avenidas Pala and Santa Margarita.

Upon motion of Councilman Limberg, seconded by Councilman Mecham, and unanimously carried, RESOLUTION NO. 40-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DECLARING INTENTION TO CONSIDER THE ABANDONMENT OF THE PUBLIC ALLEY LYING BETWEEN AVENIDAS PALA AND SANTA MARGARITA: AND SETTING DATE OF HEARING, was regularly introduced, passed, and adopted.

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Subject: 20 - Resolution No. 41-80 Relating to Proposed Abandonment No. 79-1  
(Via Mimosa).

IN RE: Resolution of Intention to consider Abandonment No. 79-1, being the proposed abandonment of Via Mimosa.

Upon motion of Councilman Mecham, seconded by Councilman Limberg, and unanimously carried, RESOLUTION NO. 41-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DECLARING INTENTION TO CONSIDER THE ABANDONMENT OF VIA MIMOSA, AND SETTING DATE OF HEARING, was regularly introduced, passed, and adopted.

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The City Attorney requested an Executive Session to discuss a matter of litigation.

ITEMS FROM COUNCIL MEMBERS

Councilman Limberg inquired as to the status of certain language changes in the Library lease, and the City Attorney advised the one provision he had objected to was discussed with library officials but they were insistent that the provision remain in the contract and it has now been forwarded to the Board of Supervisors for approval.

Upon question by Councilman Limberg, the City Manager advised that the intent of the allocation of \$200,000 for Senior Citizens/Multi-Purpose Community Center facility is part of the 6-year grant application through HUD; that the application has been approved by the Board of Supervisors and is being submitted to HUD; that upon approval by HUD it will be sent back to the County; it is anticipated that at that point the Board of Supervisors will accept the funds and application and will contact the City to engage in a contract with the City for construction of the facility. It was also noted that in all discussions it has been indicated that the Senior Citizens will cooperate with all groups for use of the facility and that it is a facility to be used not exclusively by the Senior Citizens.

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Councilman Limberg requested that contact be made with Larry Vasquez who had started to speak earlier in the meeting but who had since left the meeting.

Subject: 39 - Appointment to Fill Council Vacancy Created by Resignation of Roy L. Hurlbut.

IN RE: Councilman Limberg's referral to Councilman O'Keefe's letter request that the appointment of a third member to the Council be deferred until his return.

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to continue the matter to the next meeting.

NEW BUSINESS

Subject: 27 - City Assessment - Improvement District No. 17-77.

IN RE: Report from Public Works Director-City Engineer and City Manager advising that the City has been billed in the amount of \$5,444.86 for a City parcel which is a portion of Bonita Canyon Park fronting on Avenida de la Estrella in connection with improvements in Improvement District No. 17-77.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to appropriate funds in the amount of \$5,444.86 from the General Fund to Account #10-121-4540 for payment of the assessment on city-owned property within Street Improvement District No. 17-77.

Subject: 67 - Proposed Ordinance re Urinating/Defecating in Public.

IN RE: Report from Police Chief and City Manager recommending adoption of an ordinance prohibiting persons from urinating/defecating in any area exposed to the public view; and further recommending that the Court impose a \$50.00 bail/fine for the offense.

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to refer the matter to the City Attorney for preparation of appropriate ordinance.

#### RESOLUTIONS

For Resolution No. 40-80 see under "ITEMS FROM CITY ATTORNEY" on page 9.  
For Resolution No. 41-80 see under "ITEMS FROM CITY ATTORNEY" on page 10.

Subject: 68 - Resolution No. 42-80 Indicating Intent to Implement Reasonably Available Control Measures from the South Coast Air Quality Management Plan.

IN RE: Report from Building and Planning Director and City Manager advising that six implementing measures noted in the air quality plan have been identified as measures which require some degree of local implementation and carried out by cities and counties before 12-31-82.

The Building and Planning Director responded to questions and advised of the requirement to implement six reasonably available control measures which are: employee ridesharing program, traffic signal synchronization, increased bicycle and pedestrian facilities, energy conservation street lighting, modified work schedules, and carpool preferential parking; noting that these are reasonable alternatives in terms of San Clemente.

Upon motion of Councilman Mecham, seconded by Councilman Limberg, and unanimously carried, RESOLUTION NO. 42-80 BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE OF THE COUNTY OF ORANGE, CALIFORNIA, INDICATING ITS INTENT TO IMPLEMENT PRIOR TO DECEMBER 31, 1982 HEREIN DEFINED "REASONABLY AVAILABLE CONTROL MEASURES" FROM THE SOUTH COAST AIR QUALITY MANAGEMENT PLAN, was regularly introduced, passed, and adopted.

It was suggested that Staff ascertain if possible grants could be made available to implement these measures.

#### ORDINANCES

Subject: 117 - Ordinance No. 781 Rezoning to R-4 (Multiple Residential) District a Certain Parcel of Property Adjacent to 3504 Avenida del Presidente (Lot 5 of Tentative Tract No. 10955 - (Cyprus West) - Zoning Amendment No. 80-2.

IN RE: Ordinance No. 781 Amending Section 9 of Ordinance No. 397 changing the zoning of certain property in said City (Zoning Amendment No. 80-2).

Upon motion of Councilman Mecham, seconded by Councilman Limberg, and unanimously carried, ORDINANCE NO. 781, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING ORDINANCE NO. 397 KNOWN AS "THE SAN CLEMENTE CITY ZONING ORDINANCE," CHANGING THE ZONING OF CERTAIN PROPERTY IN SAID CITY (ZONING AMENDMENT NO. 80-2), having been regularly introduced at the meeting of 5-7-80, was again introduced by title only, the reading in full thereof unanimously waived, and duly passed and adopted.

Subject: 52 - Ordinance No. 782 Amending Public Safety Funding.

IN RE: Ordinance No. 782 Amending Chapter 20 of Municipal Code regarding Public Safety Funding.

Upon motion of Councilman Limberg, seconded by Councilman Mecham, and unanimously carried, ORDINANCE NO. 782 BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 20, ARTICLE III, SECTIONS 20-13, 20-14, AND 20-16 OF THE CODE OF THE CITY OF SAN CLEMENTE, having been regularly introduced at the meeting of 5-21-80, was again introduced by title only, the reading in full thereof unanimously waived, and duly passed and adopted.

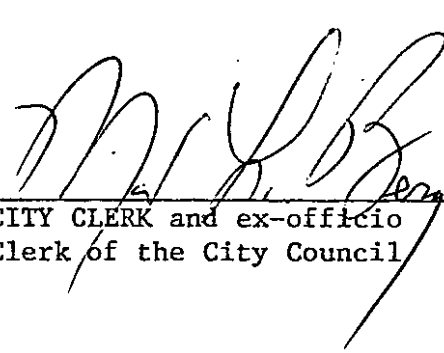
For Ordinance No. 783 see under "ITEMS FROM CITY ATTORNEY" on page 9.

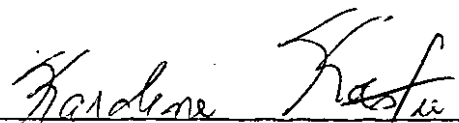
ADJOURNMENT TO EXECUTIVE SESSION

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to adjourn at 10:40 P.M. to an Executive Session.

MEETING RECONVENED AND ADJOURNMENT

The Mayor reconvened the meeting at 1:10 A.M. AND IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED that the Council meeting be adjourned at 1:10 A.M., Thursday, June 5, 1980.

  
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CITY CLERK and ex-officio  
Clerk of the City Council

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