

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, December 5, 1984, at 7:00 P.M., Mayor Kenneth E. Carr presiding.

PLEDGE OF ALLEGIANCE AND INVOCATION

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

ROLL CALL

PRESENT: Council Members - DIEHL, KOESTER, LIMBERG, MECHAM, AND CARR  
ABSENT: Council Members - NONE

Also Present: James B. Hendrickson, City Manager; Max L. Berg, City Clerk; Jeff Oderman, City Attorney; Harry Weinroth, Community Development Director; Edward Putz, City Engineer; Marjorie L. Will, Deputy City Clerk; and certain other Staff members present in the audience.

SPECIAL BUSINESS

Mayor Carr presented service award plaques to the following outgoing members of Commissions, Boards, and Committees: William H. "Wil" Wilson for service from July 1980 to June 1982 on the Traffic & Parking Commission, and from July 1982 to June 1984 on the Planning Commission; Howard Dauer for service from November 1976 to June 1984 on the Traffic & Parking Commission; and Sid Bradshaw for service from July 1981 to June 1984 on Parks & Recreation Commission. Jay Durkin was unable to be present and Councilwoman Koester accepted his plaque for service from September 1977 to February 1979, and July 1982 to June 1984 on the Traffic & Parking Commission.

Larry Peltier, Traffic & Parking Commissioner from July 1983 to June 1984; Norman McAdoo, Design Review Committee member from October 1979 to August 1984; and Dave Stevens, Design Review Committee member from November 1981 to August 1984 were unable to be present to receive their plaques.

Mayor Carr noted that these persons have given freely of their time and talent in service to the City of San Clemente and the City Council is deeply appreciative of that fact.

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Later in the meeting Mayor Carr presented a plaque to Harry A. Saunders for his service from May 1980 to June 1984 on the Planning Commission.

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 11-21-84. -- Approved as presented, and reading in full thereof waived.

Community Design Commission Minutes

Minutes of 11-13-84. -- Received and filed.

Subject: 105 - Tentative Parcel Map 84-829, Craig Tackabery,  
235 West Escalones.

IN RE: Communication from Planning Commission recommending approval of Tentative Parcel Map 84-829, being the request of Craig Tackabery to subdivide 4,400 square feet to construct two condominium units with in-the-bank garages at 235 West Escalones; legal description being Lot 30, Block 20, Tract 793. -- Set for public hearing on 12-19-84.

Subject: 90 - Purchase of One Two and One-Half Ton Cab and Chassis.

IN RE: Report from Public Services Director and Interim City Manager reporting that eight companies were requested to bid for the purchase of one two and one-half ton cab and chassis with only one response. -- Accepted bid in the amount of \$24,455.26 submitted by G.M.C. Truck and Coach Corp. for the purchase of one two and one-half ton cab and chassis.

Subject: 113 - Roof Reconstruction Reservoir 1 - Project No. 8-84.

IN RE: Report from Community Development Director and Interim City Manager reporting on three bids received for removal and disposal of existing corrugated metal roof and structure and construction of new aluminum roof for Reservoir 1. -- Awarded contract to Smith-Vos Construction Company of Redlands in the amount of \$27,737.

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

IN RE: Report from Public Services Director and Interim City Manager advising that Morey Boogie Bodyboards has submitted a permit application for use of sound amplifying equipment to be used in connection with the bodyboard contest at Trafalgar Street from 7:00 A.M. to 1:00 P.M., Saturday, January 5, 1985. -- Approved issuance of sound amplification permit for purposes of holding a bodyboard contest at "T" Street Beach.

Subject: 77 - Architectural Services for the Pier Restroom and Bait/Tackle Shop.

IN RE: Report from Public Services Director and Interim City Manager reporting on six proposals received for architectural services for the pier restroom and bait/tackle shop. -- Accepted proposal from Communitas Associates for architectural services for a pier restroom and bait/tackle shop at a cost of \$5,000.

Subject: 42 - Claim for Damages Filed by Dale and Dorothy Ruse.

IN RE: Claim for damages filed by Dale and Dorothy Ruse in the amount of \$22,500 for property damage and bodily injury alleged to have resulted from lack of adequate warning regarding a traffic hazard. -- Based on insurance adjuster's recommendation, the claim was denied.

Subject: 42 - Claim for Damages Filed by Monica Koberne.

IN RE: Claim for damages filed by Monica Koberne in the amount of \$2 million for personal injuries alleged to have resulted from excessive force during arrest by San Clemente Police personnel while assisting Laguna Beach Police Department. -- Based on insurance adjuster's recommendation, the claim was denied.

Subject: 90 - Purchase of Spin Grinder Reel Sharpener.

IN RE: Report from Public Services Director and Interim City Manager reporting on four bids received for purchase of one spin grinder reel sharpener. -- Approved the purchase of one spin grinder reel sharpener from O.T.S. Distributing Inc. in the amount of \$8,215 and authorized issuance of purchase order for same.

Subject: 68 - 10th Year Community Development Block Grant Contracts.

IN RE: Report from Community Development Director and Interim City Manager recommending approval of six Community Development Block Grant contracts as set forth in Administrative Report dated 11-28-84. -- Approved contracts and authorized execution by Mayor and City Clerk.

Subject: 51 - Police Computer Lease-Purchase Agreement.

IN RE: Report from Acting Police Chief and Interim City Manager recommending approval of lease-purchase agreement for the Police Department's Microdata Reality Computer. -- Approved lease-purchase agreement with First Interstate Leasing Inc. for the Police Department's Microdata Reality Computer and authorized execution by the Mayor and City Clerk.

CONSENT CALENDAR (Items removed for separate action)

Subject: 75 - Planning Commission Minutes of 11-20-84 and Commission Interpretation of Tandem Parking.

IN RE: Report from Community Development Director and City Manager submitting a report to clarify that the Planning Commission's interpretation of tandem parking as determined at their meeting of 11-20-84 is intended to be city-wide and not restricted to the recommendation on Tentative Parcel Map 84-829.

The Rev. Robert M. Boyer and James F. Provost spoke in support of the Planning Commission's interpretation of tandem parking to be applied city-wide.

Staff responded to questions from Council and following discussion as to whether the Zoning Ordinance should be amended to make tandem parking more legally binding, IT WAS MOVED BY COUNCILWOMAN KOESTER, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to direct Staff to come back with recommendations as to how to best handle this situation and to be reviewed by the Planning Commission.

IT WAS THEN MOVED BY COUNCILWOMAN KOESTER, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to receive and file the Planning Commission minutes of 11-20-84.

Subject: 44 - North Beach Concession Lease Agreement.

IN RE: Report from Public Services Director and Interim City Manager recommending renegotiation of a new lease agreement for the North Beach concession with Mr. & Mrs. Fred Gregori who operated the food concession at North Beach under a 10-year lease agreement from 1972 to 1982.

In response to query from Councilman Limberg as to why this project was not going out to bid, Staff advised that the historical approach has been when a concessionaire has requested an extension that it be given; that the loss of the five-year contract extension after one year was due to storm damage; and their willingness to donate \$15,000 to the reconstruction cost with no remuneration; and that it would be beneficial to the City and the selected concessionaire if the design of the facility and the equipment to be provided by the concessionaire could be effectively coordinated with the architectural designer.

Following further comments by Councilman Limberg, IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILWOMAN KOESTER that the North Beach concession be opened to public bid.

In response to query from Councilwoman Koester, the City Attorney advised that an act of nature does not automatically terminate the contract; that there is a provision in the lease which permits either party--the City or the concessionaire to terminate the agreement in the event of a catastrophe; that the procedure provided in the lease provides that notice be sent to the other side indicating a desire to exercise that right; that no formal notice has been sent and since nothing has been performed under the agreement and if it is the City's intention to treat the agreement as having been terminated, a notice should be sent. He further noted that the City is not legally required to go out to bid for this type of project although it would be in order to have interested parties submit proposals within certain guidelines of Staff.

Councilman Limberg then amended the motion to allow Staff time to return to the meeting of 12-19-84 with proposed specifications as described by the City Attorney.

Following comments by Council members Mecham and Diehl, the Mayor called FOR THE QUESTION WHICH FAILED TO CARRY with Council members Diehl, Mecham, and Mayor Carr voting "NO."

IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND CARRIED to direct the Public Services Department Staff and City Attorney to negotiate a new lease agreement for the North Beach concession with Mr. & Mrs. Fred Gregori, subject to final approval by the City Council. Council members Koester and Limberg voted "NO."

Subject: 106 - Enforcement of Parking Time Limits on Avenida Del Mar.

IN RE: Report from Acting Police Chief and Interim City Manager reporting on issue of enforcement of 2-hour parking limitation on Avenida Del Mar.

Staff responded to questions from Councilman Diehl, following which IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to continue enforcement of the parking time limit on Avenida Del Mar to insure compliance with the 2-hour parking limitation.

Subject: 106 - Resolution No. 113-84 Approving Change of Speed Limit on Certain Streets and Directing Preparation of Ordinance Amendment.

IN RE: Further consideration of communication from Planning Commission recommending that the Uniform Traffic Ordinance be amended adopting speed limits on certain San Clemente streets as shown on Exhibit "A".

Communications were noted from Douglas P. Blankenship, owner of Shorecliffs Shopping Center; Shirley Waterman, Manager of the Shorecliffs Golf Course; Jeanne C. Wilson, Secretary of the Association of Shorecliffs Residents; and Geri Dendel, President of the Shorecliffs Junior High PTA; all protesting the proposed increased speed limit on Avenida Vaquero.

A petition containing 42 signatures was also noted protesting the proposed increased speed limit on Avenida Del Presidente.

Stephanie Fleeman cited various reasons for opposing the proposed increased speed limits on Avenida Del Presidente, including the fact that many children ride their bikes on this street to school. Mayor Carr stated he also felt Avenida Del Presidente should remain zoned at 25 MPH since it is predominately a residential neighborhood, AND IT WAS THEN MOVED BY MAYOR CARR, SECONDED BY COUNCILMAN LIMBERG to accept the Planning Commission's recommendation with the exception that Avenida Del Presidente and Avenida Vaquero shall remain as currently zoned.

Following further comments that both of these streets are predominately residential and that citizens from both areas were concerned about the increase in speed limits the Mayor called for the QUESTION WHICH CARRIED UNANIMOUSLY.

Upon motion of Councilman Mecham, seconded by Councilman Diehl, and unanimously carried RESOLUTION NO. 113-84, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CHANGE OF SPEED LIMITS ON CERTAIN STREETS AND DIRECTING STAFF TO PREPARE THE REQUIRED ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 15, "MOTOR VEHICLES AND TRAFFIC" OF THE CODE OF THE CITY OF SAN CLEMENTE, was regularly introduced, passed, and adopted.

#### ITEMS FROM COUNCIL MEMBERS

For the benefit of the audience Mayor Carr introduced Jim Hendrickson, who joined the Staff Monday morning as the new City Manager. Mr. Hendrickson then thanked the Mayor and members of the Council noting that he was very happy to be here; that he was told it never rained in San Clemente and on his first day it did nothing but rain; that on the second day the Police Chief arranged a "special reception and event" in the downtown area (bank robbery/hostage situation); that another event occurred today; and he wondered what was in store for tomorrow. Mr. Hendrickson added that he has enjoyed his first few days, that he has received excellent coaching from Staff and that he is excited to be here and looks forward to serving and working with the Council.

PAYING OF THE BILLS

IT WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that Warrants No. 23750 through No. 23761, and No. 15630 through No. 15816 as audited by Council be paid.

Total demands approved for payment for period ending December 4, 1984 . . . . .	\$ 259,954.55
Ratification of Payroll Warrant No. 23751 for period November 5, 1984 through November 18, 1984 . . . . .	<u>\$ 161,762.24</u>
TOTAL WARRANT REGISTER	<u>\$ 421,716.79</u>

Councilwoman Koester reiterated her previous remarks commending the Finance Director for being so diligent in getting out of a very poor computer contract and pursuing the new computer system.

UNFINISHED BUSINESS

Subject: 20(48) - Status Report Relating to Property at 717 Avenida Columbo.

IN RE: Question of possible nuisance abatement proceedings concerning property and slide debris at 717 Avenida Columbo.

David Peter gave a report as to the work that has been accomplished to date on the building and clean-up of the premises; that they have made provision for a loader/dozer to clean up the remaining debris, however, this is dependent upon their obtaining easements to enter the property at 717 Columbo from the rear and upon assurance from the owners of 715 Avenida Columbo that they will not file suit due to clean-up work; requesting waiver of fees and that the City cause any plan checks or soil checks to be done by qualified City staff and that any further charges for plan check, grading, and soils be done at no cost to them; and further requesting an itemized accounting be furnished regarding the original \$200 they have paid for plan check.

Inasmuch as Council had just received the letter, IT WAS MOVED BY MAYOR CARR, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED that this matter be continued to the meeting of 12-19-84 and the letter of 12-5-84 be referred to Staff for response.

Mayor Carr suggested that if at all possible the applicant make contact with the appropriate parties and ascertain if permission can be obtained to have a loader/dozer clean up the remaining debris, and if additional information is available to provide it to Council in advance.

Subject: 100 - El Camino Real Widening - Followup Report.

IN RE: Report from Community Development Director and Interim City Manager submitting a followup report on those areas that Staff felt were most important relating to the question of widening El Camino Real.

Mayor Carr noted that he did not have an opportunity to go out and examine the specific locations and areas noted by Staff, AND IT WAS THEN MOVED BY MAYOR CARR, SECONDED BY COUNCILMAN MECHAM to continue the matter to the meeting of 12-19-84.

In response to query from the City Manager as to additional information needed, Mayor Carr noted he found lacking a total justification for the recommendations that have been made; and suggested that Staff in their examination of the question of widening consider whether or not some of the objectives such as left turn pockets at various intersections could not be accomplished in another manner.

Following comments by Councilwoman Koester and Councilman Mecham, A SUBSTITUTE MOTION WAS MOVED BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MECHAM, AND CARRIED to authorize the planning for the widening of El Camino Real in the vicinity of San Pablo-San Gabriel be accomplished as part of the planning for the reconstruction of El Camino Real. Councilwoman Koester and Mayor Carr voted "NO."

IT WAS THEN MOVED BY COUNCILMAN DIEHL, SECONDED BY MAYOR CARR, AND CARRIED to continue consideration of the rest of the locations to the meeting of 12-19-84. Councilwoman Koester voted "NO."

Norman J. Ream stated he was speaking for the membership of the San Clemente Taxpayers Association who are totally opposed to the widening of El Camino Real, that such widening would create severe safety hazards for pedestrians; that studies have been made by the City concerning the possibility of using Estrella and El Camino Real between Palizada and Presidio as one-way streets and recommending that the City Council and Staff take a good look at this possibility.

#### URGENT MATTERS

The Mayor called for urgent matters and there was none

#### ITEMS FROM CITY MANAGER

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

Subject 60 - General Liability Excess Insurance.

IN RE: Report from Assistant to the City Manager and City Manager reviewing the City's General Liability Excess Insurance program as a member of the Orange County Cities Risk Management Authority.

The City Manager highlighted the major changes in coverage and cost which included information that self insured retention was being mandatorily increased from \$100,000 to \$250,000 per occurrence; elimination of coverage for accidental pollution; elimination of inverse condemnation coverage, except for associated defense costs; elimination of coverage for failure to supply water; elimination of combined Liability and Worker's Compensation self insured retention on claims involving both funds; discrimination coverage limited to racial, religious, sex, or age; reduction in multiple City coverage for losses associated with the same claim; and increase in premium from \$224,144, to \$1,050,548 (369% increase) for OCCRMA cities as a group. He further noted that the City's annual premium will increase from \$25,056 to \$94,424 for 11 million dollars of coverage; and approximately \$4,000 for an additional 15 million dollar layer of coverage for a total annual premium of approximately \$98,424.

IT WAS MOVED BY MAYOR CARR, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to approve continued City participation in the Orange County Cities Risk Management Authority (OCCRMA) for the purchase of municipal liability excess insurance; and approve the transfer of \$50,000 from Account #01-4124-490 (General Fund Contingency Reserve) to Account #68-4853-408 (Excess Insurance Premiums, Self Funded Liability Insurance Program) for the purchase of excess insurance coverage for the period of December 12, 1984 through December 12, 1985.

In a closing comment, Councilman Mecham noted the need for cities to take an active role in having the joint and several liability "deep pocket" laws overturned.

#### ITEMS FROM COUNCIL MEMBERS

Subject 43 - Commendation to Police Chief Gary Brown.

IN RE: Commendation to Police Chief Gary Brown for his services as Interim City Manager.

Following comments by Council members as to the outstanding job Gary Brown performed as Interim City Manager for the past five months, IT WAS MOVED BY MAYOR CARR, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED that a resolution be prepared commending Gary Brown as Interim City Manager for the past five months.

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 Councilman Mecham commended the Police Chief and his Staff for the excellent job they did in handling the bank robbery/hostage crisis on Tuesday; that the officers exhibited patience and control and conveyed total professionalism; and in addition they did an extraordinary job in handling the press as well.

Subject: 44 - Petition Complaining of Noise Level at Trap and Skeet Shooting Range.

IN RE: Petition complaining of noise level at trap and skeet shooting range.

Mayor Carr submitted a petition signed by 73 residents noting that the trap and skeet shooting range, located on City property off Calle Bahia, generates an intolerably excessive level of noise and requesting that the City take immediate steps to abate this condition.

IT WAS MOVED BY MAYOR CARR, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED that the petition be directed to the Parks & Recreation Commission for consideration at their meeting of 1-8-85.

Subject: 43 - Extended Calling Area Implemented by Telephone Company and Certificates of Appreciation for Extended Dialing Committee Members.

IN RE: Mayor Carr's comments on the implementation by the telephone company of the extended calling area for San Clemente subscribers.

During discussion, the City Clerk noted the outstanding work performed by the Council appointed ad-hoc citizens Extended Dialing Committee in helping to obtain a larger toll free calling area for San Clemente residents and suggested they be issued "Certificates of Appreciation."

IT WAS MOVED BY MAYOR CARR, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that the City Clerk prepare "Certificates of Appreciation" for the Extended Dialing Committee members.

#### RESOLUTIONS

For Resolution No. 113-84 see under "CONSENT CALENDAR" (items removed for separate action) on page 4.

#### ORDINANCES

Subject: 77 - Ordinance No. 901 Amending the Municipal Code Relating to Motor Vehicle Use on Public Beach and Pier.

IN RE: Report from Public Services Director and Interim City Manager recommending adopting of ordinance relating to motor vehicle use on public beach and pier.

Upon motion of Councilman Diehl, seconded by Councilman Mecham, and unanimously carried, ORDINANCE NO. 901, BEING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE AMENDING SECTION 18-15 AND DELETING SECTION 15-16 OF THE CODE OF THE CITY OF SAN CLEMENTE RELATING TO MOTOR VEHICLE USE ON PUBLIC BEACH AND PIER, was regularly introduced by title only and the reading in full thereof unanimously waived.

#### MEETING RECESSED

The Mayor recessed the City Council meeting to convene a meeting of the Redevelopment Agency.

#### 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.

MEETING RECONVENED AND ITEMS FROM CITY MANAGER (continued)


Subject: 79 - City Manager Empowered to Arrange for a Holiday  
for All City Employees.

IN RE: Granting of holiday for all employees.

Pursuant to Closed Session discussion, IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED that the City Manager be empowered to arrange with the various departments of the City so that all of the employees of the City may have either Monday, December 24 or Monday, December 31 as a holiday, with half-staff each day as per their own arrangements in order that City offices may remain open.

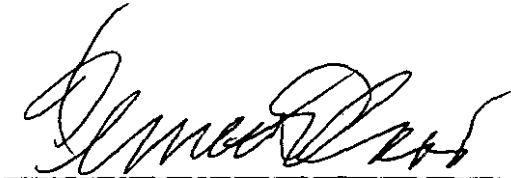
ADJOURNMENT

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN DIEHL, AND UNANIMOUSLY CARRIED that the Council meeting be adjourned at 9:12 P.M.




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CITY CLERK and ex-officio  
Clerk of the City Council




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MAYOR and President  
of the City Council