

Adjourned meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, February 6, 1980, at 6:30 P.M., Mayor Roy Hamm presiding.

ROLL CALL

PRESENT: Council Members - AHLMAN, KALSCHED, KOESTER, AND HAMM
ABSENT: Council Members - NONE

Also Present: Max L. Berg, City Clerk

NEW BUSINESS

Subject: 81 - Interview of Applicants and Appointment of Person to Fill Planning Commission Vacancy.

IN RE: Interview of persons who filed for consideration to be appointed to the Planning Commission vacancy.

The Clerk noted that there were 4 applicants and the Council then interviewed all present in alphabetical order as follows: Dwayne H. Berger, Joseph R. (Jay) Durkin, Harry A. Saunders, and Farrell Smith.


Following the interview process, the Council members cast their vote as follows:


<u>AHLMAN</u>	<u>KALSCHED</u>	<u>KOESTER</u>	<u>HAMM</u>
Berger	Berger	Saunders	Durkin

Dwayne Berger having received the most votes, IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR HAMM, AND CARRIED to confirm the appointment of Dwayne Berger to the Planning Commission for the unexpired term ending 6-30-81. Councilwoman Koester voted "NO".

ADJOURNMENT

IT WAS MOVED BY COUNCILMAN KALSCHED, SECONDED BY COUNCILMAN AHLMAN, AND UNANIMOUSLY CARRIED that the meeting be adjourned at 6:45 P.M.


CITY CLERK and ex-officio
Clerk of the City Council


MAYOR and President
of the City Council

Regular meeting of the City Council of the City of San Clemente,, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, February 6, 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 Lawrence Tyler Wayman, Minister, St. Andrews By The Sea United Methodist Church.

ROLL CALL

PRESENT: Council Members - AHLMAN, 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

SPECIAL BUSINESS

Subject: 39 - Question of Filling Council Vacancy Due to the Death of Former Council Member Wagner.

IN RE: Communication from Citizens Advisory Committee recommending that the vacant seat on the Council be filled by election.

IN RE: Communication from Joseph D. Barton, President, San Clemente Homeowners Association, Inc., recommending the appointment of Bill Wagner, to serve the balance of Myrtis Wagner's term of office; or that the vacancy be filled by public election in the Primary Election of June, 1980.

IN RE: Communication from Robert M. Flynn, attaching a petition signed by 1081 citizens requesting that the Council vacancy be filled by election as provided under California Government Code 36512 and without additional cost by placing candidates on the June ballot.

Mayor Hamm opened the meeting and reiterated the rules pertaining to Council meetings and the fact that a motion should be on the floor before any discussion commences; that the Council has the largest Agenda in the history of the City and public input will be eliminated unless it is a public hearing; and that the time limitations as noted on the Agenda will be adhered to.

Councilman Ahlman stated that he wanted to commend all the organizations and persons that submitted letters and the petition to the Council; that he had evaluated all the material very carefully; appreciated the amount of thinking and general philosophy behind each of the communications; and IT WAS THEN MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILMAN KALSCHED, to receive and file the communications listed as items (a), (b), and (c).

Following comments by Councilwoman Koester that she felt the communicants should be heard and the communications read by them, the Mayor CALLED FOR THE QUESTION WHICH CARRIED with Councilwoman Koester voting "NO".

IT WAS THEN MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR HAMM, AND CARRIED that the three communications be read by the City Clerk. Councilwoman Koester voted "NO" on the basis that she felt the communications should be read by the persons who wrote them.

The Clerk thereupon read the three communications during which Councilman Ahlman questioned Farrell Smith, Chairman of the Citizens Advisory Committee, as to how his committee arrived at the decision for an election, how many of the members were present, and why the alternate member was not present in view of vacancies on the committee.

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Councilwoman Koester then requested that Robert Flynn be heard. Mr. Flynn who had earlier presented petitions containing an additional 1,119 signatures expressed comments that it is the right of every eligible citizen to seek an elective office; that the Council was voted into office to represent their constituents, but not without voice; that tonight they clearly speak out; and that when the Council takes positive action on their request to allow an election they will truly represent the voters.

IT WAS THEN MOVED BY COUNCILWOMAN KOESTER to replace Mrs. Wagner's seat by an election. THE MOTION DIED FOR LACK OF A SECOND.

IT WAS THEN MOVED BY COUNCILMAN KALSCHED, SECONDED BY COUNCILMAN AHLMAN that inasmuch as Section 36512 of the Government Code directs the City Council to fill any vacancy occurring in an elected office either by appointment or the calling of a Special Election; and inasmuch as previous City Councils from the founding of the City in 1928 have chosen to fill such vacancies by appointment; and further in view of the fact that Mr. Roy Hurlbut received the greatest number of votes in the recent Council election, short of the three Council members elected at that time, Mr. Roy Hurlbut be appointed to fill the Council vacancy for the unexpired term of the former incumbent.

Councilwoman Koester then left the dias and was not present for the vote.

While attempting to call for the question the audience booed and shouted disrespectful remarks to the Council. The Mayor then CALLED FOR THE QUESTION WHICH CARRIED.

Councilwoman Koester returned to the dias and expressed her displeasure at the Council's action and comments as to the decline and fall of democratic government in San Clemente.

MEETING RECESSED

The shouts and remarks continued from the audience to the extent that the meeting could not continue and the Mayor declared a recess.

MEETING RECONVENED AND ADJOURNMENT TO EXECUTIVE SESSION


The meeting was reconvened and in view of the continued disruption by the audience the Council determined to take up a later matter on the Agenda, and IT WAS MOVED BY COUNCILMAN KALSCHED, SECONDED BY COUNCILMAN AHLMAN, AND UNANIMOUSLY CARRIED to adjourn to an Executive Session at 7:30 P.M. to discuss a personnel matter.

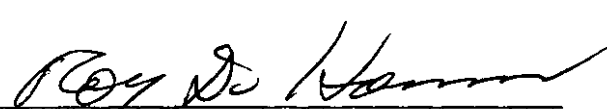
MEETING RECONVENED AND ADJOURNMENT

The Mayor reconvened the meeting and George Jenkins, who commented he represented no one, stated that the citizens wanted an election and "on the peril of losing your Councilmanic jobs don't put that man in office."

Audience disruption continued and Councilwoman Koester, who had been asked by the Mayor to quiet the crowd, requested the audience to permit the Council to continue with the rest of the Agenda. The audience continued shouting remarks and Mayor Hamm reviewed input he had received from the citizenry as to why the Council could not wait until June to have an election so that there would be a full Council body.

In view of the audience behaviour decorum could not be restored, and IT WAS THEN MOVED BY COUNCILMAN KALSCHED, SECONDED BY MAYOR HAMM, AND CARRIED that the meeting be adjourned at 7:50 P.M., to Thursday, February 7, 1980 at 9:00 A.M. Councilwoman Koester voted "NO".

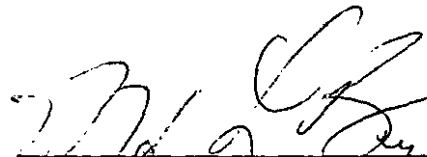

CITY CLERK and ex-officio
Clerk of the City Council


MAYOR and President
of the City Council

STATE OF CALIFORNIA)
)
COUNTY OF ORANGE) SS
)
CITY OF SAN CLEMENTE)

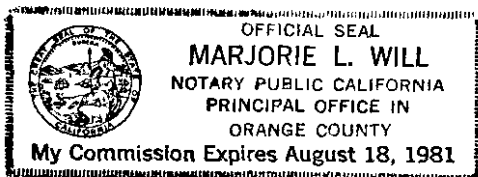
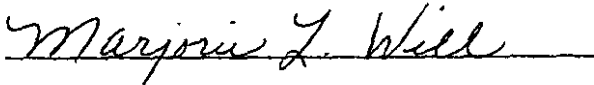
AFFIDAVIT OF POSTING
OF MEETING

I, MAX L. BERG, being first duly sworn deposes and says:
that I am the duly chosen, qualified, and acting ex-officio Clerk of the City Council of the City of San Clemente; that at the regular meeting of the City Council of the City of San Clemente, held February 6, 1980 , said meeting was ordered adjourned to the time and place specified in the Order of Adjournment ATTACHED HERETO; that on February 6, 1980 , at the hour of 8:00 P.M. , I posted a copy of said Order of Adjournment at the conspicuous place on or near the door of the place at which said meeting of February 6, 1980 , was held.



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

Subscribed and sworn to before
me this 7TH day of FEB. 1980



ORDER OF ADJOURNMENT

Regular meeting of the City Council of the City of San Clemente, California,
Council Chambers, Civic Center Building, 100 Avenida Presidio,
February 6 1980, at 7:00 P. M., Mayor Roy Hamm presiding.

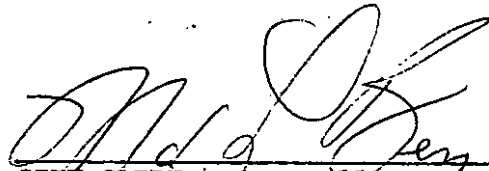
ROLL CALL

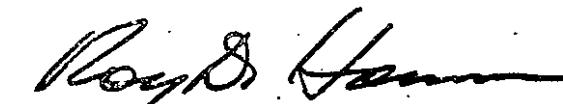
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ABSENT: Council Members - NONE

Also Present: Max L. Berg, City Clerk

ADJOURNMENT

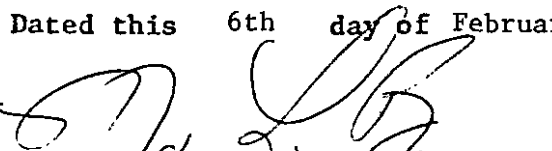
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AND UNANIMOUSLY CARRIED that the Council Meeting be adjourned at
7:50 P.M. to Thursday, February 7, 1980 at 9:00 A.M.


CITY CLERK and ex-officio
Clerk of the City Council


MAYOR and President
of the City Council

Certified to be a true and correct
copy of excerpts from the Feb. 6
1980, Council Minutes

Dated this 6th day of February, 1980


CITY CLERK, City of San Clemente