

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, March 5, 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 Bill Childress, Chaplain, United States Marine Corps, Camp Pendleton.

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 negotiations are a little closer to a settlement; however, we have not been given authorization to disperse funds or record easements, and he is recommending continuation one more time.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR HAMM, AND UNANIMOUSLY CARRIED to continue the public hearing to 3-19-80.

Subject: 31 - Ordinance No. 776 Amending Chapter 24 of the Code of the City, as Adopted by Ordinance No. 766.

IN RE: Public Hearing to consider the adoption of Ordinance No. 776 amending Chapter 24 of the Code of the City of San Clemente, as adopted by Ordinance No. 766, by adding thereto certain sections relating to the Uniform Building Code which were inadvertently deleted from said Ordinance No. 766 when it was adopted.

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

Upon motion of Councilman Ahlman, seconded by Mayor Hamm, and unanimously carried, ORDINANCE NO. 776 BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 24 OF THE CODE OF THE CITY OF SAN CLEMENTE, AS ADOPTED BY ORDINANCE NO. 766, BY ADDING THERETO CERTAIN SECTIONS RELATING TO THE UNIFORM BUILDING CODE WHICH WERE INADVERTENTLY DELETED FROM SAID ORDINANCE NO. 766 WHEN IT WAS ADOPTED, 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: 117 - Ordinance No. 778 Amending the Zoning Ordinance by Permitting "Cleaners and Laundries, Retail" in the C-D (Commercial Design) District-Zoning Amendment No. 80-1.

IN RE: Public Hearing to consider Zoning Amendment No. 80-1, being a request to amend Section 4.24.4 of Ordinance No. 397, to add "cleaners and laundries, retail" as a permitted use in the C-D (Commercial Design) District.

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

Upon motion of Councilman Ahlman, seconded by Councilman Hurlbut, and unanimously carried, ORDINANCE NO. 778, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 4.24.4 OF ORDINANCE NO. 397, KNOWN AS THE "SAN CLEMENTE CITY ZONING ORDINANCE," BY ADDING "CLEANERS AND LAUNDRIES, RETAIL" AS A PERMITTED USE IN THE C-D (COMMERCIAL DESIGN) DISTRICT, was regularly introduced by title only, and the reading in full thereof waived.

#### CONSENT CALENDAR

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

#### City Council Minutes

Minutes of 2-18-80 (special) and 2-20-80 (regular). -- Approved as presented and reading in full thereof waived.

#### Planning Commission Minutes

Minutes of 2-19-80. -- Received and filed.

#### Traffic and Parking Commission Minutes

Minutes of 2-21-80. -- Received and filed.

#### Parks and Recreation Commission Minutes

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

#### Golf Course Committee Minutes

Minutes of 2-21-80. -- Received and filed.

#### Design Review Committee Minutes

Minutes of 2-5-80, 2-11-80, and 2-19-80. -- Received and filed.

#### Zoning Administrator Minutes

Minutes of 2-26-80. -- Received and filed.

Subject: 42 - Claim for Damages Filed by Robert Och.

IN RE: Claim for damages filed by Robert Och in the amount of \$25.00 for loss of shoes during arrest and booking in City jail. -- Approved payment of claim in the amount of \$25.00.

Subject: 58 - Purchase of Small Pickup for Golf Course.

IN RE: Memorandum from Acting Public Works Director-City Engineer advising that Unit 208 was badly damaged in a collision with a palm tree on 2-14-80 and requesting permission to purchase a small pickup for Golf Course maintenance as soon as possible. -- Waived formal bid procedure pursuant to Municipal Code Section 5-6(h) and authorized the obtaining of three quotes.

Subject: 113 - Purchase of Chain and Flights for the Water Reclamation Plant - Project No. 3-80.

IN RE: Memorandum from Acting Public Works Director-City Engineer advising that specifications have been prepared for primary and secondary sedimentation tanks at the Water Reclamation Plant. -- Approved specifications and authorized advertising for bids.

Subject: 113 - Approval of Specifications for Painting Interior of Reservoirs #2, 4, and 6 - Project No. 10-79.

IN RE: Memorandum from Acting Public Works Director-City Engineer advising that specifications have been prepared for painting the interior of water Reservoirs #2, 4 and 6, and requesting authorization to advertise for bids.-- Approved specifications and authorized advertising for bids.

Subject: 113 - Change Order No. 1 - Transmission Main (Reservoir II-B).

IN RE: Memorandum from Acting Public Works Director-City Engineer advising that the design engineer, PRC Toups Corp., is recommending a change order for extra work for pump station tie-in to Via Blanco pump station line at an additional cost of \$2,318.57. -- Approved Change Order No. 1 to the contractor, G. R. McKerverey, Inc., and authorized budget appropriation for the additional cost of \$2,318.57 to be transferred from Account #70-468-7740-575 (Verbena Water Line) to the project Account #70-469-7740-302.

Subject: 113 - Additional Engineering Services for Presidential Heights Reservoir, Project No. 21-79.

IN RE: Memorandum from Acting Public Works Director-City Engineer advising that the plans and specifications for the Presidential Heights Reservoir, Project No. 21-79, have been completed by the design engineer, Berryman & Stephenson, Inc.; and recommending that BSI be authorized to perform additional engineering services necessary for the project which were not included in the reservoir design contract. -- Approved the plans and specifications and authorized advertising for bids; authorized entering into an agreement with Berryman & Stephenson, Inc., for contract administration and inspection per proposal at an estimated cost of \$12,500, and for design of landscaping and irrigation of the reservoir site per proposal at an estimated cost of \$7,000.

Subject: 113 - Request for Additional Budget Appropriation for Project No. 7-79.

IN RE: Memorandum from Acting Public Works Director-City Engineer advising that final costs for installation of a 6" ACP water main in Via San Gorgonio exceeded the budgeted amount due to extra work required to locate a 10" main, and that an additional budget appropriation of \$1,215.26 is needed. -- Approved an additional appropriation of \$1,215.26 to be transferred from Account #70-468-7740-575 (Verbena Water Line) to project Account #70-468-7740-573.

Subject: 64 - Purchase of Four Wheel Drive Truck.

IN RE: Memorandum from Marine Safety Director advising that the eleven year old four wheel drive beach maintenance truck is not in service, unsafe, and not worth replacement. -- Waived formal bid procedure pursuant to Municipal Code Section 5-6(h) and authorized purchase of 1979 (if immediately available) or 1980 four wheel drive 1/2 ton truck at an approximate cost of \$8,500.00.

Subject: 117 - Financial Assistance - Agins versus City of Tiburon.

IN RE: Memorandum from Building and Planning Director relating to communication from City of Tiburon outlining the case of Agins v. City of Tiburon which involves a zoning action whereby the property was downzoned to a lower residential density; that the California Supreme Court ruled in favor of the City; that the U. S. Supreme Court has agreed to hear the case; and the City of Tiburon is seeking financial support from cities, counties and other public agencies. -- Approved the City Manager's recommendation that the City of San Clemente support the City of Tiburon in their action by appropriating \$400 from the unappropriated reserves for legal defense fees.

Subject: 77 & 40 - Appraisal of Community Center for Parks and Recreation Fees.

IN RE: Memorandum from Leisure Services Coordinator advising that Joseph A. Mueller has submitted a proposal for the appraisal of the Community Center as part of the overall appraisal of park and recreation facilities at an additional cost of \$2,000 which will be completed along with the appraisals of the Pier Bowl properties and the Beach Club parking lot. -- Approved Joseph A. Mueller's proposal to appraise the Community Center site for a fee of \$2,000 and appropriated funds from the Parks Acquisition and Development Fund.

CONSENT CALENDAR (Items removed for separate action)

Subject: 105 - Request for Time Extension for Tentative Tract No. 10417 - Estrella Properties, Ltd.

IN RE: Memorandum from Acting Public Works Director-City Engineer advising that Estrella Properties, Ltd. has requested a one-year extension of Tentative Tract No. 10417 and that the Subdivision Committee has reviewed the request and recommends approval of the extension with modification of the conditions.

Discussion is summarized as follows: Howard Mushett stated that the new conditions should be given a public hearing as they differ from the original conditions which were placed on the Tract and Use Permit and Variance, and that his comments also applied to the next Agenda item (Tract No. 8818 extension).

The Building and Planning Director advised that these new conditions were developed by the Subdivision Committee in conjunction with the developer and interested parties; that the revised conditions are much more stringent and meaningful than the original conditions; and that such are felt to be in the interest of the City as well as the developer.

Staff then reviewed the conditions and Councilwoman Koester noted she checked the original conditions; that there have been many changes and deletions; and that a further review should be made by the Planning Commission.

Leo Fitzsimon, representing Estrella Properties, requested that the map be extended with the conditions as originally approved.

Following discussion on various conditions, IT WAS MOVED BY COUNCILWOMAN KOESTER, SECONDED BY MAYOR HAMM, AND UNANIMOUSLY CARRIED that the original conditions shall stand and that a time extension of one year to 3-12-81 for Tentative Tract No. 10417 be approved.

Subject: 105 - Request for Time Extension for Tentative Tract No. 8818 (Marblehead)

IN RE: Memorandum from Acting Public Works Director-City Engineer advising that John D. Lusk & Son, by letter dated 2-15-80, has requested a one-year extension of Tentative Tract No. 8818 for finalization of Phase III; and that the Subdivision Committee has reviewed the request and recommends approval with modification of conditions.

IT WAS MOVED BY MAYOR HAMM, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED that the original conditions shall stand and that a time extension of one year to 3-6-81 for Tentative Tract No. 8818 be approved.

Subject: 105 - Procedure for Dealing with Tract Extensions in the Future.

IN RE: City Manager's inquiry as to what procedure should be followed for dealing with tract extensions in the future.

Following discussion and suggestion by the City Manager IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED that whenever there are major modifications in such tracts the developers be required to submit their requests for such tract extensions and/or modifications in adequate time so that proper review can be made by the Subdivision Committee, Planning Commission and City Council; and further, that both the old and any modified conditions appear on the recommendation.

Subject: 77 - Assessment Engineer Contract - Downtown Parking District.

IN RE: Memorandum from Acting Public Works Director-City Engineer advising that Walter E. Hamilton formerly of Ronald Martin & Associates is now with Willdan Associates; that RMA has suggested that Mr. Hamilton be maintained as the City's assessment engineer on the Downtown parking District due to the nature of the project, the knowledge required, and the extensive amount of time expended by Mr. Hamilton; and that the original contract amount of \$10,600 is insufficient for completion of the work.

Staff responded to questions by Councilwoman Koester as to the reason for the extra appropriation, AND IT WAS THEN MOVED BY COUNCILWOMAN KOESTER, SECONDED BY COUNCILMAN AHLMAN, AND UNANIMOUSLY CARRIED to approve transfer of agreement to Willdan Associates and approve additional budget appropriation in the amount of \$2,000 from General Fund unappropriated reserves to Account #10-455-7800-579.

PAYING OF THE BILLS

The Finance Director explained that there were five pre-Council warrants that have been issued; however, they were inadvertently omitted and therefore do not appear on this listing, but will appear on the next Agenda.

Councilwoman Koester noted that the warrants were audited by members of the Council and commended the Finance Department in getting these warrants out based on the amount of down time of the computers.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED that Warrants No. 59054 through No. 59072 and No. 178 through No. 381, as audited by the Council be paid.

Total demands approved for payment for period ending	
March 4, 1980 . . . . .	\$ 356,233.23
Ratification of Payroll Warrant No. 59056 for	
period February 4, 1980 through February 17, 1980 . . . . .	\$ 100,643.73
	TOTAL WARRANT REGISTER
	<u>\$ 456,876.96</u>

VERBAL COMMUNICATIONS

Subject: 32 - Request for Public Dance at the Elks Club, March 21, 1980.

IN RE: Communication from Delores J. Scanlon requesting permission to hold a public ballroom type dance at the Elks Lodge on March 21, 1980 from 8:30 P.M. until 12:30 A.M.

Delores Scanlon addressed the Council concerning her request and noting she would also like to conduct future dances.

IT WAS MOVED BY MAYOR HAMM, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to approve the request subject to requirements of the Police and Fire Departments, payment of the required \$20.00 per dance business license fee; and each dance subject to review and revocation if any problems develop.

UNFINISHED BUSINESS

Subject: 37 - Budget Adjustment for the City Attorney.

IN RE: Memorandum from City Manager advising that due to the excessive number of unanticipated lawsuits filed against the City, the City Attorney anticipates the need for an additional \$30,000 to be drawn from the City Attorney's Special Services account and noting that the City should expect payments of \$15,000 in legal fees from developers for various lawsuits and legal actions.

IT WAS MOVED BY COUNCILMAN KALSCHED, SECONDED BY MAYOR HAMM, AND CARRIED to approve transfer of funds in the amount of \$30,000 from the unappropriated reserve to the City Attorney's Special Services Account #10-116-4520. Councilwoman Koester "ABSTAINED".

Subject: 44 - Reimbursement of Certain Expenses Incurred by Municipal Pier Concessionaires.

IN RE: Memorandum from Finance Director advising that in response to Council action of 12-19-79, Mr. & Mrs. Claude Wilkin, lessee of the Pier Restaurant, submitted a claim for reimbursement of losses due to the closing of the pier, and noting two options available for reimbursement.

IT WAS MOVED BY COUNCILWOMAN KOESTER, SECONDED BY COUNCILMAN HURLBUT, AND UNANIMOUSLY CARRIED to approve Option II and pay the Wilkins' a total of \$1,394.69 for losses incurred as a result of the City's closure of the pier.

Subject: 44 - Review of Trap and Skeet Range.

IN RE: Further consideration of 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.

IT WAS MOVED BY COUNCILMAN KALSCHED, SECONDED BY MAYOR HAMM, AND UNANIMOUSLY CARRIED to table the matter for further consideration in light of receipt of a letter from State Parks and Recreation Department expressing concerns of firing into their property.

WRITTEN COMMUNICATIONS

Subject: 39 - Agenda Procedure for Council and Commission Meetings.

IN RE: Communication from San Clemente Homeowners Association, Inc. suggesting that the procedure for addressing an agenda item for all City Council and Commission public meetings be incorporated as part of the City Code with agendas to set forth the procedure and time for citizens or groups to address the public bodies on agenda items.

Councilman Ahlman remarked that it was imperative that we do have adequate participation by the citizens at appropriate times, AND IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR HAMM, AND UNANIMOUSLY CARRIED that Staff be requested to research the policy of other cities and report back at some future date as to their findings.

COMMUNICATIONS FROM COMMISSIONS AND COMMITTEES

Subject: 77 - Resolution No. 20-80 Proposing Ballot Language to Use Park Funds.

IN RE: Communication from Parks and Recreation Commission expressing concern as to the financial status of the Parks Department; whether anticipated revenue will be sufficient to maintain existing and planned parks; requesting a study be made by the City of population growth, assessed valuation, and projection of income for development and maintenance; and if the study is for parks and recreation only, that it be financed out of park acquisition funds.

IT WAS MOVED BY MAYOR HAMM, SECONDED BY COUNCILWOMAN KOESTER to receive and submit the Commission's recommendation to the City Manager for consideration.

067

The City Attorney advised that at the request of Councilman Ahlman he had drafted a proposed ballot measure for the June 3rd ballot amending Section 5(b) of initiative Ordinance No. 718 to allow the City to use park fees not only to improve park lands but to also maintain such lands and amending Section 5(c) of said Ordinance No. 718 to provide that the terms park, local park and neighborhood public park as used in the ordinance have the same meaning.

Following discussion, a SUBSTITUTE MOTION WAS MADE BY COUNCILWOMAN KOESTER, SECONDED BY COUNCILMAN HURLBUT, AND UNANIMOUSLY CARRIED to delay action on the proposal until after recess.

-----

Following recess, upon motion of Councilman Ahlman, seconded by Mayor Hamm, and unanimously carried, RESOLUTION NO. 20-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD IN SAID CITY ON TUESDAY, THE 3RD DAY OF JUNE, 1980, FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF SAID CITY OF A CERTAIN MEASURE RELATING TO A PROPOSED AMENDMENT TO PARKS INITIATIVE ORDINANCE NO. 718 BY PROVIDING THAT PARK FEES MAY BE USED NOT ONLY TO IMPROVE PARK LANDS BUT TO ALSO MAINTAIN SUCH LANDS, AND PROVIDING THAT THE TERMS PARK, LOCAL PARK AND NEIGHBORHOOD PUBLIC PARK AS USED IN THE ORDINANCE HAVE THE SAME MEANING; AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE THE SPECIAL MUNICIPAL ELECTION OF SAID CITY WITH THE STATEWIDE ELECTION TO BE HELD ON THE SAME DAY PURSUANT TO SECTION 23302 OF THE ELECTIONS CODE, was regularly introduced, passed, and adopted.

Subject: 105 - Tentative Parcel Map No. 80-828 (Hall & Bonanno).

IN RE: Communication from Planning Commission recommending approval of Tentative Parcel Map No. 80-828, being the request of Hall & Bonanno to construct a two-unit condominium on Lot 44, Block 4, Tract No. 821, more commonly known as 117 Boca de la Playa, said approval subject to the Subdivision Committee's conditions plus three additional conditions added by the Planning Commission.

IT WAS MOVED BY COUNCILMAN HURLBUT, SECONDED BY MAYOR HAMM, AND UNANIMOUSLY CARRIED to concur with the Planning Commission's recommendation, noting that a Negative Declaration was granted on 1-18-80 in compliance with CEQA.

Subject: 105 - Tentative Parcel Map No. 80-829 (Schriver & Lopez).

IN RE: Communication from Planning Commission recommending approval of Tentative Parcel Map No. 80-829, being the request of Schriver & Lopez to create two C-D (Commercial Design) parcels on Lot 6 on Parcel Map No. 805-77 at 35 Calle Industrias, said proposal would separate motel development from a restaurant facility.

IT WAS MOVED BY MAYOR HAMM, SECONDED BY COUNCILMAN AHLMAN to concur with Planning Commission's recommendation provided that all the conditions applied to the original parcel shall apply to this parcel map; and noting that Negative Declaration was granted on 2-4-80 in compliance with CEQA.

Council discussed the status of the installation of certain crash gates; the traffic impact in the shopping center area; and the matter of public safety services to this facility. Councilwoman Koester expressed concern regarding the limited access and traffic impact, and suggested there needed to be mitigating measures.

Following discussion the Mayor called for the QUESTION WHICH CARRIED. Councilwoman Koester voted "NO".

Subject: 105 - Tentative Parcel Map No. 80-830 (Holloway & DeWitt).

IN RE: Communication from Planning Commission recommending approval of Tentative Parcel Map No. 80-830, being the request of Holloway and DeWitt to convert a duplex presently under construction to a 2-unit condominium on Lot 18, Block 3, Tract No. 820, more commonly known as 138 Avenida del Reposo, said approval subject to the Subdivision Committee's conditions plus 3 conditions added by the Planning Commission.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILMAN HURLBUT, AND UNANIMOUSLY CARRIED to concur with the Planning Commission's recommendation, noting that a Categorical Exemption was granted on 1-24-80 in compliance with CEQA.

Subject: 105 - Tentative Tract No. 10953 (Acebo Associates).

IN RE: Communication from Planning Commission recommending approval of Tract No. 10953, being the request of Acebo Associates to convert an existing 9-unit apartment building into a 9-unit condominium complex on Lots 12 and 13, Block 7, Tract No. 785, more commonly known as 315 Acebo Lane, said approval subject to the conditions of the Subdivision Committee with a modification to condition #2 and #6.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILMAN HURLBUT, AND UNANIMOUSLY CARRIED to concur with the Planning Commission's recommendation, noting that a Categorical Exemption was granted on 1-24-80 in compliance with CEQA.

Subject: 26 - San Clemente Sphere of Influence.

IN RE: Communication from Planning Commission recommending that since the City now provides water, sewer, police and fire protection to the State Parks land and part of Camp Pendleton, better known as the Coast Guard Station, that the City expand its sphere of influence to include these lands.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILMAN KALSCHED, AND UNANIMOUSLY CARRIED to refer the matter to Staff for a history of previous attempts to annex and a recommendation as to further procedure, if any, on this matter.

Subject: 81 - Planning Commission Secretary.

IN RE: Communication from Planning Commission recommending that the position of Recording Secretary to the Commission be upgraded.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR HAMM, AND UNANIMOUSLY CARRIED to refer the matter to the Personnel Officer.

#### ITEMS FROM CITY MANAGER

The City Manager gave a summary and report relative to the recent storm damage to public property noting that the general overall public works damage is estimated at \$250,000; that overtime cost for public safety, public works and parks personnel is estimated at \$11,500; that coast highway cleanup and repair is estimated at \$100,000; with repairs to the pier estimated at \$32,000.

The Fire Protection Director then showed slides depicting the storm damages to private and public property.

The City Manager noted that during the month of February public safety, public works, and parks personnel devoted a lot of time and effort, much of which was beyond the call of duty, to handling the problems, and commended them for their efforts.



Subject: 109 - Resolution No. 21-80 Designating Local Agent to Execute and File Application for Federal Financial Assistance.

IN RE: Resolution designating City Manager to execute and file application for obtaining certain Federal financial assistance.

A resolution relating to application for Federal financial assistance was presented and explained by the City Manager, and upon motion of Mayor Hamm, seconded by Councilwoman Koester, and unanimously carried, RESOLUTION NO. 21-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DESIGNATING LOCAL AGENT AUTHORIZED TO EXECUTE AND FILE APPLICATION FOR PURPOSE OF OBTAINING CERTAIN FEDERAL FINANCIAL ASSISTANCE UNDER THE DISASTER RELIEF ACT, was regularly introduced, passed, and adopted.

Subject: 63 - Status Report Concerning Library.

IN RE: Status report concerning Library.

The City Manager presented a status report on the proposed Library, noting that the Committee is working on the library as well as development of a contiguous Senior Citizens Center; that he had hoped to present the lease agreement tonight; however, there are certain matters to be discussed further with the County.

Councilman Ahlman advised that the Committee also visited the Library in Seal Beach which has a Senior Citizen's Center in conjunction therewith and is parallel to what we wish in our community; that the contract is close to being finalized and whatever we can do to expeditiously proceed in acquiring the \$800,000 for the 10,000 square foot library is warranted.

Following discussion, IT WAS THEN MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILMAN HURLBUT, AND UNANIMOUSLY CARRIED to empower the City Manager and City Attorney to enter the matter into escrow.

The City Manager requested a short executive session to discuss a personnel matter.

ITEMS FROM CITY ATTORNEY

Subject: 112 - Resolution No. 22-80 Formally Denying Approval of Variance No. 334-78.

IN RE: Resolution formally denying appeal for Variance No. 334-78 (Les and Mary Cardiff).

Upon motion of Mayor Hamm, seconded by Councilwoman Koester, and unanimously carried, RESOLUTION NO. 22-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DENYING APPROVAL OF VARIANCE NO. 334-78, was regularly introduced, passed, and adopted.

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

IN RE: Supplemental report relating to question of religious status, and appropriate business license fee to be applied for "The Spirit of Divine Love" proposed to be operated at 433 Avenida Arlena.

The City Attorney advised that he met with the applicants, Mr. and Mrs. Rondeau, to discuss in detail the kind of activity they plan to conduct and was advised that the counseling services they intend to provide are religious in nature and are not similar to fortune telling, clairvoyance, or kindred practices; that he does not feel they are entitled to an exempt permit; and that the applicants should be treated in a manner similar to that of a previously approved spiritual reading business.

IT WAS THEN MOVED BY MAYOR HAMM, SECONDED BY COUNCILMAN KALSCHED, AND UNANIMOUSLY CARRIED that the applicants not be given exemption; and that issuance of a business license be permitted based on the fee schedule set forth in Section 8-38 of the Municipal Code provided the applicants apply for and receive a home occupation permit.

It was noted that the owner of the premises had indicated he would not permit the type of business that has been proposed.

Subject: 103 - AT&SF Railway and IBM vs. County of Orange, et al.

IN RE: City Attorney's report that the City has been served with lawsuits from AT&SF Railway and IBM seeking to recover a portion of certain taxes paid to the County of Orange and several cities for the tax year 1978-79.

IT WAS MOVED BY MAYOR HAMM, SECONDED BY COUNCILMAN KALSCHED, AND UNANIMOUSLY CARRIED to request that the County Counsel for the County of Orange assume defense on the City's behalf in the case of AT&SF Railway and IBM v. County of Orange, et al.

ITEMS FROM COUNCIL MEMBERS

Subject: 39 - Selection of Mayor pro tem.

IN RE: Selection of a Mayor pro tem for the unexpired term ending April 15, 1980.

The Mayor called for nominations for Mayor pro tem and Councilman Ahlman placed in nomination the name of Councilman Kalsched. There being no further nominations, IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILMAN HURLBUT, AND UNANIMOUSLY CARRIED that nominations be closed and the City Clerk be instructed to cast the unanimous ballot of the Council for Councilman Kalsched as Mayor pro tempore for the unexpired term ending April 15, 1980.

-----  
Councilman Ahlman referred to the material that has washed down onto Camino de los Mares from the slopes and inquired as to possible construction of a debris basin. The Acting Public Works Director noted that a letter had been written to owners of the property advising that some type of safety measures are needed to prevent reoccurrence in the future. The City Manager advised that part of the reimbursement from the Federal Government requires the City to take mitigating measures to try and prevent such occurrences in the future. Councilman Ahlman further noted the deterioration of Calle Nuevo.

-----  
Councilman Ahlman requested that the Subdivision Committee continue to work on the condominium conversion ordinance in order to prevent future problems in the community.

-----  
Councilwoman Koester referred to the Office of Emergency Services meeting called today for the six counties to brief the applicants who wish to apply for assistance under the Federal Disaster Relief Act of 1974. She added she could not attend because of Council work but noted that the Federal Government is doing all it can in this regard.

-----  
Councilwoman Koester also thanked the Fire Department for giving her a driver and jeep so that she could tour the back country to view the broken fuel line. She also thanked the Fire Department of Huntington Beach for furnishing a helicopter to the City for an aerial view of the storm damage.

-----  
Councilwoman Koester referred to the coastal and bluff areas of the Reeves Ranch to be developed in the future, and noted the need for proper development to assure safe homes.

Subject: 77 - Level of Service-Beach Cleaning Equipment.

IN RE: Memorandum from Interim Marine Safety Director advising that the present tractor and sanitizer utilized for sifting debris from approximately 23 acres of City beach sand are no longer operable; reviewing various methods for cleaning beach sand; reporting on research by Los Angeles County as to the most economical, effective method of cleaning their 39 miles of County beaches; and recommending purchase of a new John Deere 4040 Tractor and Beach Queen sanitizer at a cost of \$69,276.30.

IT WAS MOVED BY COUNCILMAN HURLBUT, SECONDED BY MAYOR HAMM to wait until after the June election to determine whether or not park fees can be used for beach maintenance.

The Interim Marine Safety Director described the various methods for cleaning the beach and responded to questions from Council as to possible lease-purchase, rental, and/or deferred payment for the equipment.

The City Manager noted his ambivalence as to such an expenditure in light of the increasingly difficult financial picture since passage of Proposition 13 and the likelihood of Proposition 9 passage in June.

Following further discussion, A SUBSTITUTE MOTION WAS MADE BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to continue the matter for two weeks for further study.

Mayor Hamm appointed Councilmen Ahlman and Hurlbut to serve on a committee to study the matter.

Subject: 79 - Reclassification of (Bond) Investment Officer.

IN RE: Memorandum from Finance Director recommending reclassification of the bond investment officer to accountant who will perform a wide variety of technical accounting work and fiscal clerk work and report directly to the Finance Director; that the City Treasurer's duties be separated from those that are finance related; and requesting that Mr. Mitchell remain on duty from April 15 to May 31 to assure a smooth transition to the new organization and to a newly elected Treasurer.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR HAMM, AND UNANIMOUSLY CARRIED to approve the request that the (bond) investment officer be reclassified to an accountant and report directly to the Finance Director; and to authorize hiring of Mr. Mitchell from April 15 until May 31, at his present salary on an "as needed" basis to provide guidance and training during the transition to a new treasurer and accountant.

Subject: 79 - Reorganization of the Finance Department.

IN RE: Memorandum from Finance Director outlining the staffing levels and duties of certain employees in the Finance Department and recommending certain reorganization of the Department.

IT WAS MOVED BY MAYOR HAMM, SECONDED BY COUNCILMAN KALSCHED, AND UNANIMOUSLY CARRIED to authorize additional position in the Finance Department of Senior Account Clerk; approve reclassification of the Key Punch/Computer Operator to Senior Account Clerk; and approve adoption of a career ladder and direct the Personnel Officer to prepare the necessary job descriptions.

RESOLUTIONS

For Resolution No. 20-80 see under "COMMUNICATIONS FROM COMMISSIONS AND COMMITTEES" on page 6.

For Resolution No. 21-80 see under "ITEMS FROM CITY MANAGER" on page 9.

For Resolution No. 22-80 see under "ITEMS FROM CITY ATTORNEY" on page 9.

Subject: 49 - Resolution No. 23-80 Establishing Voting Precincts and Appointing Election Officers for April 8, 1980 General Municipal Election.

IN RE: City Clerk's request that a resolution be adopted establishing voting precincts and appointing election officers for the General Municipal Election to be held on April 8, 1980.

Upon motion of Mayor Hamm, seconded by Councilman Kalsched, and unanimously carried, RESOLUTION NO. 23-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING VOTING PRECINCTS AND APPOINTING ELECTION OFFICERS FOR THE GENERAL MUNICIPAL ELECTION TO BE HELD IN SAID CITY ON TUESDAY, THE 8TH DAY OF APRIL, 1980, was regularly introduced, passed, and adopted.

ORDINANCES

For Ordinance No. 776 see under "PUBLIC HEARINGS" on page 1.

Subject: 117 - Ordinance No. 777 Amending the Zoning Ordinance by Permitting Mini-Warehouses and Equipment Rental Yards in the M-2 (Industrial) District - Zoning Amendment 79-1.

IN RE: Ordinance No. 777 amending the Zoning Ordinance by permitting mini-warehouses and equipment rental yards in the M-2 (Industrial) District - Zoning Amendment 79-1.

Upon motion of Councilman Ahlman, seconded by Councilman Kalsched, 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, AS OUTLINED BY SECTION 7, OF SAID ORDINANCE NO. 397, having been regularly introduced at the meeting of 2-20-80, was again introduced by title only, the reading in full thereof unanimously waived, and duly passed and adopted.

For Ordinance No. 778 see under "PUBLIC HEARINGS" on page 2.

MEETING RECESSED

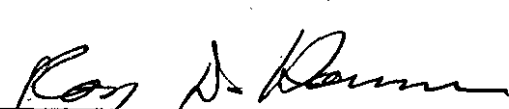
The City Council meeting was recessed to convene a meeting of the San Clemente Redevelopment Agency.


MEETING RECONVENED AND ADJOURNMENT TO EXECUTIVE SESSION

The Mayor reconvened the City Council meeting at 9:10 P.M. AND IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR HAMM, AND UNANIMOUSLY CARRIED to adjourn to an Executive Session to discuss a personnel matter and litigation.

MEETING RECONVENED AND ADJOURNMENT

The Mayor reconvened the meeting at 9:45 P.M., and there being no further business IT WAS MOVED BY COUNCILMAN KALSCHED, SECONDED BY MAYOR HAMM, AND UNANIMOUSLY CARRIED that the meeting be adjourned at 9:45 P.M.

  
MAYOR and President  
of the City Council

  
CITY CLERK and ex-officio  
Clerk of the City Council