

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, March 19, 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 Father John Luongo, Our Lady of Fatima Catholic Church.

ROLL CALL

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

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

SPECIAL BUSINESS

Subject: 58 - Interview of Persons Interested in Filling the Vacancy on the
Golf Course Committee.

IN RE: Interview of persons interested in filling the vacancy on the Golf Course Committee.

The City Clerk noted that the Council had been transmitted copies of letters and/or resumes from the following persons interested in being appointed to the vacancy: Rodney J. Cornforth, Ford A. Dickerhoff, Norman O. Tallman, and Richard S. Veale.

The Council thereupon interviewed the applicants in alphabetical order, Richard Veale being absent, and following the interview process, each member of the Council announced their choice with Mayor Hamm voting for Rodney Cornforth, Councilman Hurlbut voting for Ford Dickerhoff, and Council members Ahlman and Koester voting for Norman O. Tallman.

Based on the results, IT WAS THEN MOVED BY COUNCILWOMAN KOESTER, SECONDED BY COUNCILMAN AHLMAN, AND UNANIMOUSLY CARRIED to appoint Norman Tallman to the vacancy on the Golf Course Advisory Committee.

PUBLIC HEARINGS

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

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

The City Attorney advised that the matter has been concluded and the easements have been negotiated and recorded; and IT WAS THEN MOVED BY MAYOR HAMM, SECONDED BY COUNCILMAN HURLBUT, AND UNANIMOUSLY CARRIED to receive and file the matter.

Subject: 73 - Item Price Marking.

IN RE: Public Hearing to consider the question of item price marking on packaged consumer commodities.

IN RE: Communication from San Clemente Seniors Board of Directors stating that at their February 20, 1980 meeting, the Board voted unanimously to support the petition for individual pricing of grocery store items, as opposed to the computer indexing.

The Mayor opened the public hearing and Alice Symanski, Orange County Consumer Coalition, presented extensive remarks setting forth their reasons for strongly favoring retention of individual pricing of retail goods. Also noted was the filing of a petition with over 529 signatures collected in the San Clemente area asking that item pricing be continued, with 150 of the signatures coming from the San Juan Capistrano senior citizens. She concluded by requesting that Council consider the needs and desires of their constituents by passing an ordinance to require continuation of item price marking.

Arthur Palmer, Chairman of the Citizens Advisory Committee, noted that the committee had considered the pros and cons of the issue and by a vote of five to one have taken a position against the Council adopting an ordinance to require item pricing.

Mr. Palmer, as President of the San Clemente Seniors, referred to the Board of Directors Minutes and noted that he was only aware of the Seniors granting Alice Symanski permission to circulate her petition on their premises.

Norman Ream presented various remarks against the adoption of any ordinance to require item price marking and noted that, as a national authority on the use of computers in industry, the electronic scanners will lead to higher productivity and lower costs.

Richard Jennings, representing the Alpha Beta Grocery chain and the Southern California Grocers Association, urged the City to let the issue be settled in the marketplace; and noted the benefits to be derived from the use of scanners.

During rebuttal comments, Alice Symanski questioned certain remarks by Mr. Palmer and noted that the Seniors have filed a letter with the Council noting Board approval of continuation of item pricing.

There being no one else wishing to be heard the public hearing was closed.

Following Council deliberation and discussion, IT WAS MOVED BY COUNCILMAN HURLBUT, SECONDED BY COUNCILWOMAN KOESTER, AND CARRIED that item pricing be left to the discretion of the retailers, and if in the future this becomes a problem for our citizens, that they be encouraged to bring the matter back to the City Council. Councilwoman Koester voted "NO".

CONSENT CALENDAR

UPON MOTION OF MAYOR HAMM, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED the following Consent Calendar items were approved, each as indicated below:

City Council Minutes

Minutes of 3-5-80. -- Approved as presented and reading in full thereof waived.

Planning Commission Minutes

Minutes of 3-4-80. -- Received and filed.

Traffic and Parking Commission Minutes

Minutes of 3-6-80. -- Received and filed.

Parks and Recreation Commission Minutes

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

Design Review Committee Minutes

Minutes of 3-4-80. -- Received and filed.

General Plan Review Committee Minutes

Minutes of 2-25-80. -- Received and filed.

Zoning Administrator Minutes

Minutes of 3-11-80. -- Received and filed.

Departmental Activities Report

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

Subject: 73 - Request for Use of Sound Amplifying Equipment.

IN RE: Application from American Legion Post #423 submitting a permit application for use of sound amplifying equipment to be used in connection with the Memorial Day Service at the Community Center on Monday, May 26, 1980 at 11:00 A.M. -- Approved the request.

Subject: 53 - 21st Annual Independence Day Pyrotechnic Fireworks Show on the City Pier.

IN RE: Communication from San Clemente Veterans' Fireworks Committee requesting permission to hold their 21st Annual Independence Day Pyrotechnic Fireworks show on July 4, 1980 on the City Pier; that the City provide a truckload of sand and fifty sand bags to be delivered to the firing site; and that adequate police and fire protection be available. -- Approved the request, the City Manager having noted that the City has budgeted \$6,000 for this purpose.

Subject: 83 - Entitlement Jurisdiction Contract, OCCJC.

IN RE: Memorandum from Police Chief recommending that the Entitlement Jurisdiction contract as submitted by the Orange County Criminal Justice Council be approved. -- Approved contract and authorized execution by Mayor and City Clerk.

Subject: 105 - Resolution No. 31-80 Accepting Works of Improvement on Tract No. 8495.

IN RE: Memorandum from Acting Public Works Director-City Engineer advising that all works of improvement and required corrections have now been satisfactorily completed and approved on Tract No. 8495, and Charles T. Smith & Associates, developer, is requesting release of bonds. -- Introduced, passed, and adopted RESOLUTION NO. 31-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ACCEPTING WORKS OF IMPROVEMENT FOR TRACT NO. 8495 AND PROVIDING FOR RELEASE OF BONDS UPON CERTAIN CONDITIONS, and granted a quitclaim deed to Charles T. Smith & Associates on the unused drainage easement over a portion of Lots 3 and 5 of Tract No. 8495 and authorized execution by Mayor and City Clerk; and accepted the grant deed for a new drainage easement and authorized its recordation after recordation of quitclaim deed.

Subject: 87 - Refurbishing City Hall Office Furniture.

IN RE: Memorandum from Administrative Intern reporting on two bids received for refurbishing City Hall that would do "on site" electrostatic painting, retopping, and reupholstery work. -- Waived formal bid procedure pursuant to Municipal Code Section 5-6(h) and awarded the contract to Wilson and Hampton in the amount of \$8,545.00.

Subject: 35 - Request for Street Closing - 9:00 A.M. to 3:00 P.M. on Saturday, May 10, 1980.

IN RE: Communication from San Clemente Chamber of Commerce requesting closure of Ola Vista between Del Mar and Granada from 9:00 A.M. to 3:00 P.M. on Saturday, May 10, 1980 in connection with Armed Forces Day program. -- Approved the request.

Consent Calendar (Items removed for separate action)

Subject: 113 - Change Orders No. 7 and 8 - Booster Pump Stations (Reservoir II-B).

IN RE: Memorandum from Acting Public Works Director-City Engineer advising that two additional change orders are necessary in construction of the Booster Pump Stations at Reservoir II-B.

Councilwoman Koester asked that the record show that there are too many change orders on this project, and inquired if Staff anticipated further change orders. Mr. Putz replied that there will be a few more but at this time did not know the amount. Councilwoman Koester then requested a further report as to the additional cost, even though it would be an estimated figure.

IT WAS THEN MOVED BY COUNCILWOMAN KOESTER, SECONDED BY MAYOR HAMM, AND UNANIMOUSLY CARRIED to approve Change Order No. 7 in the amount of \$6,495 and Change Order No. 8 in the amount of \$710 to the contractor, Equinox-Malibu; authorize budget appropriation for the additional costs; and that the total of \$7,205 be transferred from Account #70-468-7740-575 (Verbena Water Line) to Account #70-469-7740-302 (Res. II-B Project).

PAYING OF THE BILLS

Councilwoman Koester noted that the warrants were audited by members of the Council, AND IT WAS MOVED BY COUNCILWOMAN KOESTER, SECONDED BY MAYOR HAMM, AND UNANIMOUSLY CARRIED that Warrants No. 59049, 59050, 59051, and 59053, and Warrants No. 382 through No. 638, as audited by the Council be paid.

Total demands approved for payment for period ending March 18, 1980	\$335,872.96
Ratification of Payroll Warrant No. 59096 for period February 18, 1980 through March 2, 1980.	\$115,014.96
TOTAL WARRANT REGISTER	<u>\$450,887.92</u>

VERBAL COMMUNICATIONS

Subject: 48 - Geological Hazard Abatement District, and Related Problems.

IN RE: Geological Hazard Abatement District and related slope slippage problems.

Gerald Gibbs, representing residents of Calle Nina, referred to a recent conversation with the City Clerk and inquired as to the procedure for getting matters on the Council agenda; and more specifically the status of the geological hazard abatement district and their request and letter to discuss related problems. Noting an apparent misunderstanding, the City Clerk then cited the procedure and policy of the City Council for placing items on the agenda, said policy having been adopted September 6, 1972.

Subject: 105 - Request that April 2 Agenda Contain Request for Extension of Subdivision Agreements for Tracts No. 10533, 10595, and 10596.

IN RE: Leo Fitzsimon's request that consideration of the extension of Subdivision Agreements for Tract Nos. 10533, 10595, and 10596 be placed on the April 2 Agenda.

IT WAS MOVED BY MAYOR HAMM, SECONDED BY COUNCILMAN AHLMAN to set the item for the April 2 agenda.

During discussion, Councilwoman Koester referred to the recent procedure set by Council for consideration of Tract extensions, and expressed her disagreement with any modifications to the policy procedure.

The Mayor then called for THE QUESTION WHICH CARRIED with Councilwoman Koester voting "NO".

Subject: 77 - Further Reference to Measure Relating to Proposed Amendment to Parks Initiative Ordinance No. 718.

IN RE: Dr. Eugene Atherton submitted additional material relating to the Council's action of 3-5-80 proposing an amendment to Parks Initiative Ordinance No. 718.

Dr. Atherton stated that this action was in direct violation of the Government Code and cited various sections which he felt the City should be made aware of.

Following discussion, IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR HAMM, AND UNANIMOUSLY CARRIED to refer the matter to the City Attorney for a report at the next meeting.

UNFINISHED BUSINESS

Subject: 113 - Water Fund Analysis Follow up.

IN RE: Follow up report from Finance Director on water rates and capital expenditures.

Councilwoman Koester commended the Department Heads and City Manager for the additional information as requested; however, commenting that there is great controversy over this fund inasmuch as the figures do not agree; that the main basis to justify a roll back of the rates is that there are cash reserves to cover the one year in the "red" as compared to many years this fund has been operating in the black.

IT WAS MOVED BY COUNCILWOMAN KOESTER that the water rates be rolled back to the previous rates. THE MOTION DIED FOR LACK OF SECOND.

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

WRITTEN COMMUNICATIONS

Subject: 73 - Request for Rental Free Use of Community Center by La Cristianita Pageant Association.

IN RE: Communication from La Cristianita Pageant Association requesting rental free use of the multi-purpose room of the Community Center for May 27, 28, and 29 from 7:00 P.M. to 8:30 P.M. in order to try out candidates for actors in "The Cross and The Arrow".

IT WAS MOVED BY MAYOR HAMM, SECONDED BY COUNCILMAN HURLBUT, AND UNANIMOUSLY CARRIED to approve the request.

Subject: 64 - Western Regional Championships Being Held in San Clemente.

IN RE: Communication from San Clemente Ocean Festival advising that San Clemente will be hosting the annual competition of the Western Regional Championships and requesting consideration of the City providing the 1980 Ocean Festival \$5,000 from bed tax funds.

Boyd Ames, President Elect of the San Clemente Ocean Festival, presented remarks in support of their proposal and concluded by requesting \$5,000 with \$3,000 being for promotion and \$2,000 to be held in a floating account to be transferred, if necessary, to the Marine Safety Department's budget in the event there is an increased need for Marine Safety personnel during the festival.

Upon question, the City Manager advised that philosophically there is no problem in spending such funds for this purpose, but requested that we consider this as part of the budget process in the total budget consideration; and until we have the overall financial picture no commitments should be made as the City may be facing a difficult budget year.

Councilman Ahlman stated he also wanted some assurances that the City would at least break even and that the additional sales tax generated would cover the cost of the event.

Mayor Hamm expressed comments in favor of the proposal and IT WAS MOVED BY MAYOR HAMM, SECONDED BY COUNCILMAN HURLBUT to approve the Ocean Festival's request of \$5,000.

Following further discussion, A SUBSTITUTE MOTION WAS MADE BY COUNCILMAN AHLMAN, SECONDED BY MAYOR HAMM, AND CARRIED to approve the Ocean Festival's request in the amount of \$2,000, and that the \$3,000 remainder be considered during the budget process with a further letter to be submitted. Councilwoman Koester voted "NO".

Subject: 105 - Vista Points in Marblehead Tracts.

IN RE: Communication from Robert Bein, William Frost & Associates submitting information and costs regarding John D. Lusk & Son's proposal to install four public vista points in the Marblehead tracts.

Lengthy discussion is briefly summarized as follows: Councilwoman Koester stated that the City should remain as unencumbered as possible; that she would like to see the vista points as indicated but strongly urged that maintenance be provided by the developers. Councilman Ahlman noted the vista points were shown as part of the general plan, and suggested as an alternate to off-street parking at the vista points there be on-street parking, and the possibility of a low-level type of landscaping.

Don Steffensen, representing the applicant, reviewed the history of the vista points and stated they have no objection to installing the vista points and the landscaping but felt that since they will be public property they should be maintained by the City just as are park sites.

Following further discussion, IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to send the matter back to Staff suggesting that appropriate sidewalks be installed adjacent to the curb locations at the four proposed vista points, and that no landscaping be involved other than that which would be normally taken care of by the homeowners association.

COMMUNICATIONS FROM COMMISSIONS AND COMMITTEES

Subject: 58 - Request for Relief of Holders of Registration Cards Beginning January 1, 1980.

IN RE: Communication from Golf Course Committee, in response to Council referral, recommending that a pro rata refund be given to holders of registration cards beginning January 1, 1980, and further providing that said application for refund must be filed by March 30, 1980, or until such time as the Council designates.

IT WAS MOVED BY MAYOR HAMM, SECONDED BY COUNCILMAN AHLMAN, AND UNANIMOUSLY CARRIED to concur with the Golf Course Committee's recommendation.

Subject: 105 - Tentative Parcel Map No. 80-831 (Jeffery Quiggle).

IN RE: Communication from Planning Commission recommending denial for Tentative Parcel Map No. 80-831, being the request of Jeffery J. Quiggle to create two R-1-B-1 parcels on Lot 122, Tract No. 898, more commonly known as 203 Avenida La Cuesta.

Following discussion, IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to concur with Planning Commission's recommendation for denial of Tentative Parcel Map No. 80-831.

Subject: 105 - Tentative Parcel Map No. 80-832 RAJO (Rich Walker).

IN RE: Communication from Planning Commission recommending approval of Tentative Parcel Map No. 80-832, being the request of RAJO (Rich Walker), to construct a two-unit condominium on Lot 12, Block 2, Tract No. 794, more commonly known as 247 West Avenida Canada, said approval subject to the conditions of the Subdivision Committee.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR HAMM, AND UNANIMOUSLY CARRIED to concur with the Planning Commission's recommendation noting that a Negative Declaration was granted on 2-15-80 in compliance with CEQA.

Subject: 105 - Tentative Parcel Map No. 80-833 RAJO (Rich Walker).

IN RE: Communication from Planning Commission recommending approval of Tentative Parcel Map No. 80-833, being the request of RAJO (Rich Walker) to construct a two-unit condominium on a portion of Lot 5, Block 18, Tract No. 793, more commonly known as 214 West Avenida Marquita, said approval subject to the conditions of the Subdivision Committee.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR HAMM, AND UNANIMOUSLY CARRIED to concur with the Planning Commission's recommendation noting that a Negative Declaration was granted on 2-15-80 in compliance with CEQA.

Subject: 105 - Tentative Tract No. 9904 (Tallas Margrave).

IN RE: Communication from Planning Commission recommending denial of Tentative Tract No. 9904, being the request of Tallas Margrave to convert a 5-unit apartment building to a 5-unit condominium complex on Lot 1, Block 3, Tract 794, more commonly known as 326 Encino Lane.

Lengthy discussion is summarized as follows: Tallas Margrave, applicant, reviewed the history of the tract through Planning Commission and City Council approval and a later Coastal Commission denial based on a low cost housing issue; followed by an appeal and subsequent new recommendation by the Coastal Commission; a current problem concerning a moratorium on issuance of in-lieu parking certificates; and noting that there are six existing parking spaces and he is recommending that one be restricted as common area for guest parking leaving one parking space for each unit.

Following discussion regarding parking impact, Mayor Hamm stated he felt that condominiums have less impact on the parking than apartments as they are permanent residents and not subject to four or five cars as is often the case of apartments occupied by several persons.

IT WAS THEN MOVED BY MAYOR HAMM, SECONDED BY COUNCILWOMAN KOESTER to approve the condominium conversion with the stipulation that the applicant pay the in-lieu parking certificates.

Councilman Ahlman felt that the City is slowly depleting the low and moderate income housing stock, and advised that the Coastal Commission will probably require that one of the units be designated for this purpose, and reiterated his request that Staff continue to look into the modification of the condominium conversion Ordinance.

The Mayor then called for the QUESTION WHICH CARRIED with Councilwoman Koester voting "NO".

Subject: 78 - Encroachment No. 80-1 (San Clemente Presbyterian Church).

IN RE: Communication from Planning Commission recommending approval of Encroachment No. 80-1, being the request of San Clemente Presbyterian Church for a roof overhang to encroach into the City right-of-way along the east side of Avenida de la Estrella at 119 Avenida de la Estrella.

IT WAS MOVED BY MAYOR HAMM, SECONDED BY COUNCILMAN AHLMAN, AND UNANIMOUSLY CARRIED to concur with the Planning Commission's recommendation for approval of Encroachment No. 80-1.

Subject: 77 - Community Center Fee Schedule.

IN RE: Communication from Parks and Recreation Commission recommending that the non-refundable \$100 charge for use of alcohol and/or tobacco under group III of Exhibit "A" of Resolution No. 46-78 be waived in the case of rental by a City employee.

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

Subject: 77 - Request from Exchange Club for Extension of Closing Hour at Community Center on March 21, 1980.

IN RE: Communication from Parks and Recreation Commission recommending approval of the request of the Exchange Club for extension of the closing hour at the Community Center from 11:00 P.M. to midnight on March 21, 1980, for their St. Patrick's Day Dance.

IT WAS MOVED BY MAYOR HAMM, SECONDED BY COUNCILWOMAN KOESTER to concur with the Parks and Recreation Commission's recommendation.

Staff responded to questions concerning overtime for the custodian and Councilman Ahlman advised that the Club would be willing to pay whatever would be appropriate in overtime. The City Manager concurred that any cost incurred beyond the normal closing hour should be borne by the user.

The Mayor then called for THE QUESTION WHICH CARRIED UNANIMOUSLY.

Subject: 77 - Request form Sherbondy Products for an Extension of the Closing Hour at the Community Center on 3-29-80.

IN RE: Communication from Parks and Recreation Commission recommending approval of the request of Sherbondy Productions for extension of the closing hour at the Community Center from 11:00 P.M. to midnight on March 29, 1980 for the teenagers dance for this date only.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to concur with the Parks and Recreation Commission, with the group being required to pay for the overtime of the custodian.

Subject: 106 - Resolution No. 24-80 Establishing 2-Hour Parking in Cabrillo Parking Lot.

IN RE: Communication from Traffic and Parking Commission recommending approval of installing the 2-hour parking limit in the parking lot in the 100 block of Avenida Cabrillo on a permanent basis, due to the fact that the 90-day trial period has elapsed and no objections have been received.

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

Upon motion of Mayor Hamm, seconded by Councilman Hurlbut, and unanimously carried, RESOLUTION NO. 24-80 BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REESTABLISHING THE 2-HOUR PARKING RESTRICTONS IN THE CABRILLO PARKING LOT; AMENDING RESOLUTION NO. 60-79 AND REPEALING RESOLUTION NO. 94-79, was regularly introduced, passed, and adopted.

ITEMS FROM CITY MANAGER

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Subject: 77 - "T" Street Beach Pedestrian Overcrossing and Beach Access.

IN RE: Memorandum from Public Works Director-City Engineer advising that it has been recommended by the City's structural engineering consultant that the 29-year old pedestrian overcrossing at "T" Street Beach be replaced as soon as practicable, and that temporary repairs be made immediately to brace and reinforce the structure to resist lateral loading by wind or earthquake.

The City Manager advised that he and the City Attorney are currently investigating the possibility of obtaining funds from CALTRANS for replacement of the structure which is estimated at this time to cost up to \$350,000.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR HAMM, AND UNANIMOUSLY CARRIED to authorize emergency repair work at the estimated cost of \$3,660 and appropriate the necessary funds from General Fund Reserves.

Subject: 55 - Status Report on Work Being Performed Within Coast Highway Right-of-Way.

IN RE: City Manager's report on the pipeline being installed within Coast Highway right-of-way.

Mr. Carvalho reported that the contractor will not be able to complete the pipeline by March 25; that he is requesting an additional 10-day extension to April 5 allowing continued closure of the highway, and that in exchange for the extension he is willing to repair the large hole near Camino Capistrano.

Councilman Ahlman inquired whether it would be possible to open one lane to traffic in order to relieve the residents and merchants, and Staff advised that due to the amount of dirt and heavy equipment this would not be feasible.

IT WAS THEN MOVED BY MAYOR HAMM, SECONDED BY COUNCILMAN HURLBUT, AND UNANIMOUSLY CARRIED to grant an extension for closure of the highway to April 5 to allow for installation of the pipeline in Coast Highway.

Subject: 109 - Extension of State of Emergency.

IN RE: City Manager's request that the State of Emergency which was passed by the City Council on February 18 be extended to the next meeting.

Mr. Carvalho advised that the justification for extending the State of Emergency is to allow an opportunity for the City to be reimbursed in the future for expenditure of public funds for repair of streets, pier, and other damaged facilities.

IT WAS THEN MOVED BY MAYOR HAMM, SECONDED BY COUNCILMAN AHLMAN, AND UNANIMOUSLY CARRIED to extend the State of Emergency to the April 2, 1980, Council meeting.

ITEMS FROM CITY ATTORNEY

Subject: 42 - Claim for Damages Filed by Pavement Coatings Company

IN RE: Report concerning claim for damages filed by Pavement Coatings Company in the amount of \$41,262.00 concerning a dispute as to the amount due for slurry sealing - Project No. 18-79.

The City Attorney advised that based on discussions with the City Engineer and other City Staff it was his recommendation that payment be made for 520.28 tons of slurry seal, based on 1500 square foot coverage, in the amount of \$31,112.82, which is the undisputed portion of the request, which he feels should be paid at this time, and that any additional amounts will have to be worked out between the City Attorney, City Engineer and Pavement Coatings Company.

Following questions by Attorney Clyde Greco, Jr., IT WAS THEN MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR HAMM, AND UNANIMOUSLY CARRIED to approve payment of \$31,112.82 to Pavement Coatings, being the undisputed portion of the claim.

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Subject: 42 - Application by Daon Corporation for Leave to Present a Late Claim.

IN RE: Report from City Attorney regarding application by Daon Corp. to file late claim.

IT WAS MOVED BY MAYOR HAMM, SECONDED BY COUNCILMAN AHLMAN, AND UNANIMOUSLY CARRIED to deny the request.

Subject: 113 - EMU Submersible Pumps

IN RE: City Attorney's report concerning certain on-going problems regarding EMU submersible pumps.

Mr. Bartlett advised that these particular pumps have been breaking down for various reasons; that he has had several meetings with representatives of the manufacturer and that in order to resolve the problems as far as they are concerned they have made an offer to the City, which he recommends accepting, to give the City \$1500 to be used for refurbishing of the pumps; that they agree to stand behind the warranty which came with the pumps which is a 50-50 warranty; and that Certain Teed Corp. will make \$5,000 available to cover the City's 50 percent of any warranty repairs necessary.

IT WAS THEN MOVED BY MAYOR HAMM, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to approve the proposed settlement as outlined by the City Attorney.

Subject: 77 - Clarification of Council Action regarding Parks Appraisal Fees.

IN RE: City Attorney's request for certain clarification relating to park fees recently passed by Council which set the interim appraisal value of the park land of the City at \$90,000.

Mr. Bartlett requested the following clarification: Does the application of this action mean those developers that have been granted a "stay" may now pay \$90,000; and does the action mean those developers who have paid the park fees at the former administratively established figure of \$250,000 per acre are now eligible for a refund?

Councilman Ahlman stated that he felt the fees already paid should be left intact and to wait until a final figure has been approved and then adjust. Councilwoman Koester concurred.

Councilman Ahlman stated he was concerned that "occupancy permits" not be issued until the proper fee is paid, and Staff pointed out that the "occupancy permit" merely indicates that the project has gone through plan check and procedure inspection on the building according to the building code and relates only to construction of the facility.

Following discussion, the City Manager suggested that persons requesting to pay their fee may do so at the \$90,000 rate; that the rest of the issue remain status quo; and that a reassessment be made when all the information has been received.

The City Attorney suggested that the persons could execute a recordable instrument which states that if additional fees are applied within the next six months and that if the amount of the final fee is greater than the fee already paid, a lien will be placed upon the property.

IT WAS THEN MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR HAMM, AND UNANIMOUSLY CARRIED that the City Manager, Finance Director, and City Attorney develop a method whereby the City can insure the added receipt of monies above the \$90,000 figure, and leave it up to their determination.

The City Attorney requested a brief Executive Session.

ITEMS FROM COUNCIL MEMBERS

Councilman Ahlman stated that he had a meeting with Richardson/Chase Associates relative to plans for the pier concession buildings; that the plans have been submitted to the Building and Planning Department for their review and hopefully sketches will be available for the April 2 Council meeting; and that there is a degree of urgency to proceed with Bait & Tackle Shop which might require this work be done by City forces.

Councilman Ahlman further reported that Nu-West submitted a report providing the City with an engineering feasibility study of the proposed extension of Rancho San Clemente Parkway, and that he will pass it on to the other members of the Cristianitos Road Study Committee for their review.

Councilman Ahlman commended the City Manager on his memorandum of March 5, 1980 relative to a "State of the City Report"; that it was an excellent paper and feels that the public should be advised of all the accomplishments that have transpired during the past year, and urged the press to publicize this report.

Councilwoman Koester announced that the plans for the North Beach Clubhouse are finished and ready to be brought before the Council on April 2.

Mayor Hamm congratulated Ed Putz on his appointment as the Public Works Director-City Engineer.

NEW BUSINESS

Subject: 104 - Rate Increase for Camino Yellow Cab/Checker Cab Co.

IN RE: Communication from Camino Yellow Cab/Checker Cab Co. advising that due to the cost of operating motor vehicles increasing dramatically, they are requesting an increase in rates of fare for taxicab operations to \$1.00 for the first 1/6 mile, or portion thereof; and 20¢ each additional 1/6 mile, with the \$9.00 waiting time to remain the same.

Based on Staff recommendation, IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR HAMM, AND UNANIMOUSLY CARRIED to approve the request.

Subject: 51 - Resolution No. 25-80 Authorizing Investment of City Monies in Local Agency Investment Fund.

IN RE: Memorandum from Finance Director outlining a proposal concerning investment of City funds.

Upon motion of Councilman Ahlman, seconded by Mayor Hamm, and unanimously carried, RESOLUTION NO. 25-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING INVESTMENT OF CITY MONIES IN LOCAL AGENCY INVESTMENT FUND was regularly introduced, passed, and adopted.

Subject: 51 - Proposed Policy Regulations.

IN RE: Memorandum from Finance Director outlining proposed policy regulations regarding budget transfers, purchase orders, and requests for check issuance.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILMAN HURLBUT AND UNANIMOUSLY CARRIED that the City Attorney prepare an Ordinance to modify the Municipal Code to increase formal bid limit to \$5,000 and to increase requirements for three quotes to \$400; adopt a policy that budget expenditures within departments be controlled by category which includes personnel services, materials and supplies, maintenance and operating expenses, interdepartmental charges and capital, provided that each capital item is listed in the budget; that the City Manager be authorized to approve transfers up to \$5,000 between categories within the Department; that the City Manager be authorized to execute contracts on behalf of the City up to \$5,000 and that the City Attorney prepare an amendment to the Municipal Code to enumerate those types of contracts which the City Council has delegated; and that the Finance Director be authorized to implement a "request for check" system.

RESOLUTIONS

For Resolution No. 24-80 see under "COMMUNICATIONS FROM COMMISSIONS AND COMMITTEES" on page 8.

For Resolution No. 25-80 see under "NEW BUSINESS" on page 11.

Subject: 43 - Resolution No. 26-80 Commending the California Conservation Corps.

IN RE: Resolution of commendation and appreciation to the California Conservation Corps and all the members thereof for their exemplary service to the City in helping to clear the storm deposited wood and debris from the public beaches, thereby providing the beach-going public with a safe and beautiful recreational area.

Upon motion of Mayor Hamm, seconded by Councilman Hurlbut, and unanimously carried, RESOLUTION NO. 26-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, EXPRESSING COMMENDATION AND APPRECIATION TO THE CALIFORNIA CONSERVATION CORPS AND ALL THE MEMBERS THEREOF FOR THEIR EXEMPLARY SERVICE TO THE CITY IN HELPING TO CLEAR THE STORM DEPOSITED WOOD AND DEBRIS FROM THE PUBLIC BEACHES, was regularly introduced, passed, and adopted.

Subject: 49 - Resolution No. 27-80 Commending City Personnel, Other Public Entities, et al, for Assistance During the Recent Catastrophic Storm and Flood Problems.

IN RE: Resolution of commendation and appreciation to City personnel, private businesses, various organizations, groups, volunteers and individuals for their outstanding services, help and assistance during the recent catastrophic storm and flood problems.

Upon motion of Councilman Hurlbut, seconded by Councilwoman Koester, and unanimously carried, RESOLUTION NO. 27-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, COMMENDING CITY PERSONNEL, OTHER PUBLIC ENTITIES, PRIVATE BUSINESSES, VARIOUS ORGANIZATIONS, GROUPS, VOLUNTEERS, AND INDIVIDUALS FOR THEIR OUTSTANDING SERVICES, HELP, AND ASSISTANCE DURING THE RECENT CATASTROPHIC STORM AND FLOOD PROBLEMS, was regularly introduced, passed, and adopted.

Subject: 49 - Resolution No. 28-80 Ordering the Canvass of the General Municipal Election.

IN RE: Resolution ordering the canvass of the General Municipal Election to be held on Tuesday, April 8, 1980 to be made by the City Clerk.

Upon motion of Mayor Hamm, seconded by Councilwoman Koester, and unanimously carried RESOLUTION NO. 28-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ORDERING THE CANVASS OF THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, APRIL 8, 1980, TO BE MADE BY THE CITY CLERK, was regularly introduced, passed, and adopted.

Subject: 49 - Resolution No. 29-80 Calling and Giving Notice of Holding a Special Municipal Election on June 3, 1980 Relative to Article 34 of the California Constitution.

IN RE: Further report from City Clerk and Assistant to the City Manager regarding the City's participation on the June 3, 1980, ballot in the Article 34 Referendum relating to whether rental housing developments for elderly, handicapped, low or moderate income persons shall be developed, constructed, financed or acquired in the unincorporated area of the County and in those cities participating in the referendum measure.

With reference to Council action of February 20, 1980, adopting Resolution No. 17-80 calling for City participation in the Article 34 Referendum. the City Clerk and Assistant to the City Manager advised that misleading information had been received from the Orange County Housing Authority and certain other sources to the effect that the City needed only to adopt a simple resolution in order for the City to be a participating City with the County in the referendum. It has since been determined that the City Council is required to call a Special Municipal Election and request consolidation with the County; that the City Clerk is responsible for preparation and publication of various legal notices, provision for arguments for and against the measure, filing of campaign statements, if any, etc., which entails a considerable amount of extra work, staff time, and expense that was not anticipated.

Following discussion as to whether or not to proceed with the calling of the Special Municipal Election, the City Clerk advised he has already done considerable work in preparing required documents and is willing to accept the additional work which will be entailed.

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Upon motion of Mayor Hamm, seconded by Councilman Ahlman, and unanimously carried, RESOLUTION NO. 29-80- 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 WHETHER RENTAL HOUSING DEVELOPMENTS FOR ELDERLY, HANDICAPPED, LOW OR MODERATE INCOME PERSONS SHALL BE DEVELOPED, CONSTRUCTED, FINANCED OR ACQUIRED IN THE CITY OF SAN CLEMENTE; 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; AND REPEALING RESOLUTION NO. 17-80, was regularly introduced, passed, and adopted.

Subject: 49 - Resolution No. 30-80 Authorizing Certain City Council Members to File Written Argument Regarding a Certain City Measure.

IN RE: City Clerk's inquiry as to whether Council wishes to file arguments for or against certain City measures.

The Clerk inquired if the Council wished to authorize any of its members to file arguments regarding the two measures to be placed on the June 3, 1980, ballot regarding (1) amendments to parks initiative Ordinance No. 718 and (2) Article 34 housing referendum. It was determined to authorize Mayor Hamm and any other Council members who wished to file an argument in favor of the measure for amendments to the parks initiative Ordinance only.

Upon motion of Mayor Hamm, seconded by Councilman Hurlbut, and unanimously carried, RESOLUTION NO. 30-80 BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING CERTAIN OF ITS MEMBERS TO FILE WRITTEN ARGUMENT REGARDING A CERTAIN CITY MEASURE, was regularly introduced, passed, and adopted.

For Resolution No. 31-80 see under "CONSENT CALENDAR" on page 3.

ORDINANCES

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: Ordinance No. 778 amending 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.

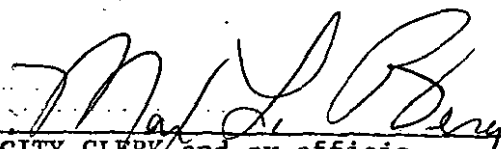
Upon motion of Councilman Ahlman, seconded by Mayor Hamm, and unanimously carried, ORDINANCE NO. 778, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 4.24.4 OF ORDINANCE NO. 397, KNOWN AS THE "SAN CLEMENTE CITY ZONING ORDINANCE," BY ADDING "CLEANERS AND LAUNDRIES, RETAIL" AS A PERMITTED USE IN THE C-D (COMMERCIAL DESIGN) DISTRICT, having been regularly introduced at the meeting of 3-5-80, was again introduced by title only, the reading in full thereof unanimously waived, and duly passed and adopted.


ADJOURNMENT

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED that the meeting be adjourned at 10:20 P.M. to an Executive Session to discuss litigation.

MEETING RECONVENED AND ADJOURNMENT

The Mayor reconvened the meeting at 10:38 P.M. and there being no further business IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILMAN HURLBUT, AND UNANIMOUSLY CARRIED that the meeting be adjourned at 10:39 P.M.


CITY CLERK and ex-officio
Clerk of the City Council


MAYOR and President
of the City Council