

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, April 2, 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 Councilman Ahlman.

ROLL CALL

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

Also Present: George A. Caravalho, 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

PUBLIC HEARINGS

Subject: 115 - Annual Weed Abatement Program.

IN RE: Public Hearing to consider protests or objections to lot cleaning charges and acceptance or rejection of said charges in connection with the abatement of weeds, rubbish, etc., on or in front of parcels of land within the City.

The Mayor opened the public hearing and there being no one wishing to be heard it was closed and IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILMAN HURLBUT, AND UNANIMOUSLY CARRIED to proceed with the weed abatement program.

CONSENT CALENDAR

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

Planning Commission Minutes

Minutes of 3-18-80. -- Received and filed.

Traffic and Parking Commission Minutes

Minutes of 3-20-80. -- Received and filed.

Parks and Recreation Commission Minutes

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

General Plan Review Committee Minutes

Minutes of 3-10-80. -- Received and filed.

Design Review Committee Minutes

Minutes of 3-18-80. -- Received and filed.

Citizens Advisory Committee Minutes

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

Zoning Administrator Minutes

Minutes of 3-25-80. -- Received and filed.

Subject: 42 - Claim for Damages Filed by Renee Gonzales.

IN RE: Claim for damages filed by Renee Gonzales in the amount of \$15,000 for personal injuries in a trip and fall accident which occurred on a City sidewalk.-- Based on insurance adjuster's recommendation, the claim was denied.

Subject: 42 - Claim for Damages Filed by David Alan Wysopal.

IN RE: Claim for damages filed by David Alan Wysopal in an undetermined amount alleging negligence and certain intentional acts by certain members of the San Clemente Police Department. -- Based on the City Attorney's recommendation, denied the claim.

Subject: 42 - Claim for Damages filed by Dale and Nancy Rather.

IN RE: Claim for damages filed by Dale and Nancy Rather in the amount of \$177.39 when car parked in front of residence was backed into by a City police unit. -- Approved payment of claim in the amount of \$177.39.

Subject: 73 - San Clemente Square-Dancing Ambassadors.

IN RE: Communication from Dorothy Fuller, requesting recognition and official designation of a group known as Los Cuadrados Square Dancers as "San Clemente's Square-Dancing Ambassadors". -- Approved the request.

Subject: 41 - Resolution No. 34-80 Rescinding Resolution No. 1607 Relating to the Position of City Treasurer.

IN RE: Report from Finance Director and City Manager recommending rescission of Resolution No. 1607 adopted in 1964 which established the Office of the City Treasurer as a full-time function. -- Introduced, passed, and adopted RESOLUTION NO. 34-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RESCINDING RESOLUTION NO. 1607 RELATING TO THE POSITION OF CITY TREASURER.

CONSENT CALENDAR (Items removed for separate action)

Subject: 42 - Claim for Damages Filed by Chloe Bethel et al.

IN RE: Claim for damages filed by Chloe Bethel, et al for damages when sewer backed up into claimant's residence.

The City Attorney responded to questions from Councilwoman Koester as to when public agencies may be liable for such damages.

IT WAS THEN MOVED BY COUNCILWOMAN KOESTER, SECONDED BY MAYOR HAMM, AND UNANIMOUSLY CARRIED to approve payment of claim settlement in the amount of \$159.00 to Chloe Bethel and \$252.00 to Frances Slater.

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 COUNCILMAN AHLMAN, AND UNANIMOUSLY CARRIED that Warrants No. 59052, 59092 through No. 59111, and No. 639 through No. 856, as audited by the Council be paid.

Total demands approved for payment for period ending
April 1, 1980 \$281,584.72

Ratification of Payroll Warrant No. 59099 for
period March 3, 1980 through March 16, 1980 \$106,416.93

TOTAL WARRANT REGISTER \$387,001.65

VERBAL COMMUNICATIONS

Subject: 49 - Request for Ordinance Providing for Calling of Special Elections to Fill Council Vacancies.

IN RE: Robert Flynn's presentation and request that Council adopt an ordinance which provides for the calling of special elections to fill Council vacancies.

Following Mr. Flynn's presentation, IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILMAN KALSCHED to set a public hearing for April 16, 1980, to consider the manner of filling vacancies on the City Council.

Mayor Hamm philosophized that he felt Council was giving away their right to decide how to replace City Council members; that it is a very important part of their legislative power; that each situation is different; that they should consider the cost of special elections; that this could result in a long time to go with only a four-member City Council; and important City business could be delayed when a majority agreement cannot be reached.

Following further comments, the Mayor then called for the QUESTION WHICH CARRIED UNANIMOUSLY.

Marilyn Ditty, Senior Citizens Coordinator, expressed her gratitude to the City Council and Staff for diligently securing the \$200,000 in HCD funds for construction of a neighborhood community center in conjunction with the library; that the Board of Supervisors also approved \$110,000 for the purchase of land for the eventual construction of affordable housing for the elderly and handicapped, and \$25,000 for a housing rehabilitation program for San Clemente citizens. Mrs. Ditty emphasized that because of the direct funding primary emphasis must be on services to seniors and urged that construction of the project proceed as rapidly as possible.

Lee Steelman, representing the South Orange County Community Services Council, made a presentation and request for space in the multi-purpose Library facility, noting that the services should not be divided according to age and that there should be space in the building for all ages and to serve other community needs.

UNFINISHED BUSINESS

Subject: 77 - Beach Cleaning Equipment

IN RE: Report from Interim Marine Safety Director and City Manager recommending purchase of a Beach Queen sanitizer from the Beach Queen Corporation in the amount of \$26,273 and a model 2840 John Deere tractor from Escondido Machinery Company in the amount of \$22,790.

Councilman Ahlman requested certain clarification as to the quotation on the tractor which Staff responded to, following which IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILMAN HURLBUT, AND UNANIMOUSLY CARRIED to waive formal bid procedure pursuant to Municipal Code Section 5-6(h); approve the purchase of the Beach Queen sanitizer from Beach Queen Corporation (\$26,273) and a model 2840 John Deere tractor from Escondido Machinery Company (\$22,790) for a total price of \$49,063; and appropriate necessary funds from unappropriated reserve.

Councilwoman Koester commended the Interim Marine Safety Director for securing a better price than originally presented, and in regard to this purchase, inquired if the City Manager anticipated any budget problems in view of the large capital expenditure. Mr. Carvalho replied that he has not had an opportunity to review the entire budget, however, he is supportive of the purchase and in order to maintain the beaches at the proper level, the equipment should be purchased.

The Mayor then called for THE QUESTION WHICH CARRIED UNANIMOUSLY.

Subject: 64 - Report from Ocean Festival Committee.

IN RE: Communication from Ocean Festival submitting further information and expressing appreciation for the \$2,000 commitment of funds toward the promotion of the Ocean Festival 1980, and submitting an explanation and request for an additional \$3,000 to be used for promotion, advertising and related expenses for said festival.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILMAN HURLBUT, AND UNANIMOUSLY CARRIED to refer the matter to the budget study sessions.

Subject: 105 - Request for Extension of Time on Tentative Tract Nos. 10533, 10595 and 10596.

IN RE: Memorandum from Subdivision Committee Chairman referring to the request from Estrella Properties, Ltd. for an 18-month extension for Tentative Tract Nos. 10533, 10595, and 10596; and noting that Council previously granted an 18-month extension for Tentative Tract No. 10417.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILMAN KALSCHED to approve the recommended modifications and refinements of conditions as recommended by the Subdivision Committee and pursuant to that action grant the 18-month extension for Tentative Tract Nos. 10533, 10595, and 10596; and subject to further modifications as follows:

Condition #8, second paragraph - "That streets in the equestrian estates area be constructed pursuant to standards as to width, curbs, street lighting, structures, walks, trails, etc., which shall be developed as a part of the equestrian estate management plan, as required in condition #27. All other streets shall be as per code;" Condition #12 - "Street grades shall not be less than 2% minimum, except Camino de los Mares;" Condition #14 - "Approval of the green-belt/water course along Camino de los Mares is contingent upon the filing of a final tract map and, at that time, approval of drainage structures as required to meet Orange County Flood Control District criteria for protection against a 100-year storm, and to the satisfaction of the City Engineer. All costs for improvements for drainage facilities and structures on-site shall be borne by the developer. Drainage fees may be used for down-stream improvement purposes as necessary. Additionally, the developer shall notify Cal-Trans, in writing of the need to enlarge the drainage duct under I-5, if necessary, to accommodate anticipated acceleration of run-off generated by up-stream development. The on-site channel shall be lined with a non-erodible liner to accommodate low-flow water (5-year storm basis), or as otherwise approved by the City Engineer for green belt protection and preservation. The City and the developer shall work together to obtain funds for down-stream improvements."

Councilwoman Koester requested that the applicant be heard, and Mayor Hamm stated his reason for being against these modifications.

A SUBSTITUTE MOTION WAS MADE BY MAYOR HAMM, SECONDED BY COUNCILWOMAN KOESTER, to grant an 18-month extension on Tentative Tract Nos. 10533, 10595, and 10596 with the previously approved conditions.

Comments by Leo Fitzsimon, representing Estrella Properties, are briefly noted as follows: That they do not disagree with the conditions as it is a large project; that they are not adverse to discussing the conditions but prefer to the retention of the original conditions; that the City always has the right to raise fees; and that a hydro analysis should be done on the down-stream channel all the way to the ocean, and that they would be willing to undertake this study.

Mayor Hamm reiterated that he objected to the whole idea of trying to put any additional conditions on this tract; that after many, many hours of deliberation the original conditions were satisfactory with the Planning Commission and City Council and he can see no reason to belabor the point as the developers have paid their way.

Following further discussion, the Mayor called for the SUBSTITUTE MOTION WHICH FAILED TO CARRY with Councilmembers Ahlman, Hurlbut, Kalsched, and Koester voting "NO."

The Mayor then called for the ORIGINAL MOTION WHICH CARRIED with Mayor Hamm voting "NO."

Subject: 73 - Request for Support from City for Equipment and Personnel to Present La Cristianita Pageant.

IN RE: Communication from La Cristianita Pageant Association requesting support from the City in the form of equipment and personnel to help present the La Cristianita Pageant and outlining areas where aid is requested.

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

ITEMS FROM CITY MANAGER

Subject: 109 - Termination of State of Local Emergency.

IN RE: Report from Fire Protection Director and City Manager recommending that the State of local emergency be terminated.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to terminate the state of local emergency.

Subject: 63 - Proposed Library/Senior Citizen Facility.

IN RE: Progress report on the library construction.

The City Manager reported that Staff is working diligently to see that the project is constructed; that at this point there is no new information to report; that we are awaiting to hear from the architect who designed the Seal Beach Library with his suggestion as to a cost estimate; and that the City Attorney, Finance Director and he are in the process of opening an escrow account; that \$1 million is committed for the entire project and these funds are adequate for developing the entire facility. He further advised, that he has been communicating with the Library Committee, composed of Council members Ahlman and Hurlbut, and others and inquired whether Council wishes him to continue to try and work out some arrangement with the architect of the Seal Beach Library.

IT WAS THEN MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR HAMM for the City Manager and Staff he is working with to proceed along the same lines, and commending them for the good work that has been done.

Councilwoman Koester requested firm figures be obtained from the County, plus square footage of building and the cost per square foot; and Councilman Ahlman reiterated this is why we must proceed expeditiously due to the ever increasing costs.

The City Manager suggested that since there is a substantial interest in the community in this project, an Ad Hoc Committee be formed for the next several months whereby they could meet with the various groups to receive their input and help resolve any differences that might exist.

The Mayor then called for THE QUESTION WHICH CARRIED UNANIMOUSLY.

Subject: 85 - Preservation of Coastal Bluffs and Historic Sites.

IN RE: Report concerning problems of bluff erosion and Dr. Atherton's concerns of historical preservation.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR HAMM, AND UNANIMOUSLY CARRIED to receive and file the report.

Subject: 39 - Study Session for City Council.

IN RE: Recommendation of the City Manager for a Council Study Session.

The City Manager advised that this Study Session would be an opportune time to discuss with Council the present budget while still in the process of preparing next year's budget; an opportunity to discuss the sewer bond issue; plus other issues; and suggested that the meeting be held at the Community Center.

IT WAS THEN MOVED BY MAYOR HAMM, SECONDED BY COUNCILMAN AHLMAN, AND UNANIMOUSLY CARRIED that a Study Session be set for 7:00 P.M., April 30, 1980, in the Community Center.

ITEMS FROM CITY ATTORNEY

Subject: 30 - Resolution No. 32-80 Adopting Certain Regulations Regarding Budget Transfers, Contracts, Purchase Orders, and a Check Issuance System.

IN RE: Resolution adopting certain regulations regarding budget transfers, execution of contracts up to \$5,000, purchase orders, and a check issuance system.

Upon motion of Councilman Ahlman, seconded by Councilman Hurlbut, and unanimously carried, RESOLUTION NO. 32-80 BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA ADOPTING CERTAIN REGULATIONS REGARDING BUDGET TRANSFERS; THE EXECUTION OF CONTRACTS UP TO FIVE THOUSAND DOLLARS BY THE CITY MANAGER; PURCHASE ORDERS AND A CHECK ISSUANCE SYSTEM was regularly introduced, passed, and adopted.

Subject: 67 - Ordinance No. 779 Amending Municipal Code Relating to Public Bidding and Emergency Purchases.

IN RE: Ordinance amending sections 5-4, 5-6 and 5-7 of the Municipal Code relating to bid limitations and emergency purchases.

Upon motion of Mayor Hamm, seconded by Councilwoman Koester, and unanimously carried, ORDINANCE NO. 779 BEING AN URGENCY ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTIONS 5-4, 5-6 AND 5-7 OF THE MUNICIPAL CODE RELATING TO PUBLIC BIDDING AND EMERGENCY PURCHASES, was regularly introduced, passed, and adopted as an urgency ordinance and the reading in full thereof unanimously waived.

Subject: 105 - Resolution No. 33-80 Denying Tentative Parcel Map No. 80-831.

IN RE: Resolution formally denying Tentative Parcel Map No. 80-831 (Jeffery Quiggle).

Upon motion of Councilman Ahlman, seconded by Councilwoman Koester, and unanimously carried RESOLUTION NO. 33-80 BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DENYING TENTATIVE PARCEL MAP NO. 80-831 was regularly introduced, passed, and adopted.

ITEMS FROM COUNCIL MEMBERS

Subject: 39 - Review of Resolution No. 54-78

IN RE: Councilman Ahlman's suggestion that Resolution No. 54-78, which governs expenses incurred by Council and Commission members on official City business, be reviewed.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED that the Resolution be studied by staff for updating to be more compatible with current costs.

Councilwoman Koester inquired as to the status of the plans for the North Beach Clubhouse, and the City Manager advised that the plans submitted to the Planning Department are being reviewed by Staff; that they are working with the architect to have completed plans in order to ascertain an estimated building cost; and it is hoped the entire project can be presented to Council at the next meeting.

Councilwoman Koester thanked the members of the current Council, noting that unfortunately there have been some unhappy occurrences, but not here on the dias; that the policies voted on have worked well; that the Council has done a good job, and expressed a special thanks to the Mayor for his conduct of the meetings.

Subject: 55 - Concordia School Overpass.

IN RE: Communication from Corene A. Barr, Principal, Concordia School relating to the newly constructed Concordia overpass.

Mayor Hamm read a letter from Dr. Corene A. Barr, Principal, Concordia School, thanking the City Council, City officials, and community leaders for providing the Concordia pedestrian overpass and inviting said officials to a "thank you" ceremony on Monday, April 7 at 10:00 A.M.

Subject: 39 - Resignation of Mayor Roy Hamm

IN RE: Mayor Hamm's resignation.

Mayor Hamm presented and read his letter of resignation effective April 16, 1980, noting that the pressures of his business have increased to the point that he must give it top priority, and thanking City Staff and all for their support during his term as Mayor.

Subject: 26 - Election of Representative to LAFCO.

IN RE: Communication from Councilman Schwartz, San Juan Capistrano, advising that he would like to serve as an alternate member of LAFCO.

Mayor Hamm asked Councilman Ahlman if he would attend the April 10 meeting of the League of California Cities and vote in support of Mr. Schwartz's appointment to LAFCO.

NEW BUSINESS

Subject: 106 - Del Mar - Ola Vista Traffic Signalization - Project No. 4-80.

IN RE: Report from Public Works Director-City Engineer and City Manager advising that plans and specifications for the Del Mar - Ola Vista Traffic Signal System and Lighting Modifications, Project No. 4-80 have been completed.

Following response by the Finance Director to questions raised by Councilwoman Koester IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILMAN KALSCHED, AND UNANIMOUSLY CARRIED to approve plans, authorize advertising for bids, and approve an additional budget appropriation of approximately \$32,000 from unappropriated 2106 gas tax funds.

Subject: 73 - San Clemente Tourist and Visitor's Bureau.

IN RE: Communication from Bob Kiefer and Boyd W. Ames, Jr. submitting a 9-point proposal for the formation of a San Clemente Tourist and Visitor's Bureau with funding thereof to be paid by bed tax funds.

IN RE: Communication from Norman Paddock, President, La Cristianita Pageant Association, in support of the proposal for the establishment of a Tourist and Visitor's Bureau.

IN RE: Communication from Roy Fraser, President, San Clemente Inn, in support of the proposal for the establishment of a Tourist and Visitor's Bureau.

IN RE: Communication from Acting President Mike Madigan, The Apartment-Hotel-Motel Association, endorsing establishment of the Tourist and Visitor's Bureau.

Following discussion, IT WAS MOVED BY MAYOR HAMM, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to refer the matter to the budget study sessions.

RESOLUTIONS

For Resolution No. 32-80 see under "ITEMS FROM CITY ATTORNEY" on page 6.
For Resolution No. 33-80 see under "ITEMS FROM CITY ATTORNEY" on page 6.

ORDINANCES

For Ordinance No. 779 see under "ITEMS FROM CITY ATTORNEY" on page 6.

MEETING RECESSED

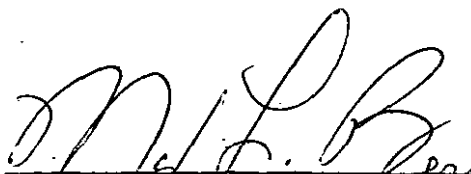
The City Council meeting was recessed to convene a meeting of the San Clemente Redevelopment Agency.


MEETING RECONVENED AND ADJOURNMENT TO EXECUTIVE SESSION

The Mayor reconvened the City Council meeting at 8:32 P.M., AND IT WAS MOVED BY MAYOR HAMM, SECONDED BY COUNCILMAN AHLMAN, AND UNANIMOUSLY CARRIED to adjourn to an Executive Session to discuss a personnel matter.

MEETING RECONVENED AND ADJOURNMENT

The Mayor reconvened the meeting at 9:12 P.M., and there being no further business IT WAS MOVED BY MAYOR HAMM, SECONDED BY COUNCILMAN KALSCHED, AND UNANIMOUSLY CARRIED that the meeting be adjourned at 9:13 P.M.


CITY CLERK and ex-officio
Clerk of the City Council


MAYOR and President
of the City Council