

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, April 16, 1980, at 7:00 P.M., Mayor Karoline Koester presiding.

PLEDGE OF ALLEGIANCE AND INVOCATION

Pledge of Allegiance to the Flag of the United States of America was led by Mayor Koester. Invocation was given by Lawrence J. Lawson.

ROLL CALL

PRESENT: Council Members - HURLBUT, LIMBERG, MECHAM, AND KOESTER.

ABSENT: Council Members - NONE

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

IN RE: Presentation of Resolution of commendation to California Conservation Corps.

Mayor Koester read and presented a framed Resolution to Sam Duran, California Conservation Corps Center Director, commending the Corps for their outstanding assistance following storm damage to the beaches. Mr. Duran in turn introduced the workers who performed all the hard work.

PUBLIC HEARINGS

Subject: 49 - Ordinance No. 780 Providing for the Calling of Special Elections to Fill Council Vacancies.

IN RE: Public Hearing to consider the manner of filling vacancies on the City Council which occur due to resignation or death.

Mayor Koester remarked that it was a great pleasure to receive public and Council input on filling the vacancy created by Mayor Hamm's resignation, and opened the public hearing.

Paul Henley stated the vacancy should be filled by appointment on a permanent basis and, if not, then with an interim appointment until the next scheduled election; that it is important that the Council be at full membership at all times; that special elections are expensive; and Council should continue their long standing custom of filling vacancies caused by resignation or death by appointment.

Arthur Palmer, Chairman of the Citizens Advisory Committee, advised that seven members agreed that the vacancy on the Council should be decided by election.

Larry Herzog suggested that the Council appoint a member to fill the unexpired term until the next general election in November.

Robert Flynn urged that the Council adopt an Ordinance pursuant to Government Code Section 36512.1 which provides for interim appointments and calling of special elections to fill vacancies on the City Council, which special elections may be held on the next regularly scheduled election at a cost of less than \$5,000.

Lang Cantrell suggested appointment of an interim member until the next election at which the matter could be placed on the ballot.

James Ashbrook commented that the filling of a vacancy should be accomplished at the discretion of the other four Council members, either by special election or appointment; and if by appointment he would favor filling the vacancy by appointment of Bernard Allen, the candidate who received the third highest number of votes in the April election.

A. L. Wulfeck suggested an interim appointment until the next special or general election, whichever occurs first, and that Council appoint a person who agrees not to run for election.

Bernard Allen remarked that he had lost, but not by much, and if an interim appointment is made, he felt he should be appointed as he had stood the test, ran as an independent, and felt that he could do a good job.

Ricardo Luna commented that \$16,000 for a special election is very little, as he is concerned that the wrong person could be appointed to the Council.

There being no one else wishing to be heard, the public hearing was closed AND IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG to adopt an urgency ordinance which requires the calling of a special election whenever a vacancy occurs, and allows for the appointment of a person to fill the vacancy until the date of the special election.

Councilman Hurlbut requested an AMENDMENT TO THE MOTION that if an interim appointment is to be made between now and November, that the vote of the Council be unanimous on whomever is chosen. The AMENDMENT WAS NOT ACCEPTED by the maker of the motion.

A SUBSTITUTE MOTION WAS MADE BY COUNCILMAN HURLBUT that Bernard Allen, first runner up who missed by 281 votes, be appointed to fill the full remaining term of office vacated by Roy Hamm. THE MOTION DIED FOR LACK OF SECOND.

Following further discussion, THE ORIGINAL MOTION WAS CALLED AND CARRIED. Councilman Hurlbut voted "NO."

(Later in the Meeting)

As directed by Council, the City Attorney presented the draft of an urgency Ordinance concerning filling of Council vacancies, and upon motion of Councilman Limberg, seconded by Councilman Mecham, and unanimously carried, ORDINANCE NO. 780, BEING AN URGENCY ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PROVIDING FOR THE CALLING OF SPECIAL ELECTIONS TO FILL COUNCIL VACANCIES: AND PROVIDING THAT PERSONS APPOINTED TO FILL VACANCIES ON THE CITY COUNCIL SHALL HOLD OFFICE ONLY UNTIL THE DATE OF A SPECIAL ELECTION, was regularly introduced, passed, and adopted as an urgency ordinance and the reading in full thereof unanimously waived.

Following discussion as to an interim appointment to the Council, IT WAS AGAIN MOVED BY COUNCILMAN HURLBUT that Bernard Allen be appointed to fill the Council vacancy. THE MOTION DIED FOR LACK OF A SECOND.

Councilman Limberg noted that the Council is faced with a unique situation in that there are three freshman, one sophomore, and no juniors or seniors on the Council to guide us; that we need an individual to fill the spot who will provide the experience badly needed, AND IT WAS THEN MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM that Thomas J. O'Keefe be appointed to the vacancy until a Special Election to be held with the General Election in November.

Following discussion, the Mayor then called for the QUESTION WHICH CARRIED with Councilman Hurlbut voting "NO."

CONSENT CALENDAR

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

City Council Minutes

Minutes of 3-19-80 and 4-2-80. -- Received and filed with Council members Limberg and Mecham "ABSTAINING".

Planning Commission Minutes

Minutes of 4-1-80. -- Received and filed.

Traffic and Parking Commission Minutes

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

Parks and Recreation Commission Minutes

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

Zoning Administrator Minutes

Minutes of 4-8-80. -- Received and filed.

Design Review Committee Minutes

Minutes of 4-1-80. -- Received and filed.

Golf Course Committee

Minutes of 3-26-80. -- Received and filed.

General Plan Review Committee Minutes

Minutes of 3-24-80. -- Received and filed.

Departmental Activities Report

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

Subject: 109 - Storm Damage Cleanup - Camino de Los Mares

IN RE: Report from Public Works Director-City Engineer and City Manager advising that in order to provide prompt emergency cleanup of mud following the February flooding, Guy F. Atkinson Company, contractor of the freeway widening project, was authorized to clean the mud from Camino de Los Mares since they had the necessary heavy equipment and operators in the area. -- Appropriated funds for payment to the contractor, Guy F. Atkinson Co., in the amount of \$1,154.70 for clearing mud from Camino de Los Mares on February 21-22, 1980.

Subject: 96 - Purchase of Chain and Flights - Project No. 3-80

IN RE: Report from Public Works Director-City Engineer advising that two bids were received for chain and fiberglass flights for the primary and secondary sedimentation tanks at the Water Reclamation Plant. -- Awarded contract to the low bidder, IPS Industries, in the amount of \$29,985.20 and charged to Account #72-476-7700-790.

Subject: 117 - Zoning Amendment No. 80-2 (Cyprus West.)

IN RE: Communication from Planning Commission recommending approval of Zoning Amendment No. 80-2. -- Set for public hearing on 5-7-80.

Subject: 57 - General Plan Amendment No. 35 (Cyprus West.)

IN RE: Communication from Planning Commission recommending approval of General Plan Amendment No. 35. -- Set for public hearing on 5-7-80.

Subject: 68 - Housing Rehabilitation Cooperative Agreement with the County of Orange

IN RE: Report from Assistant to the City Manager and City Manager advising that the Board of Supervisors have now approved the \$25,000 for fiscal 1980-81 in Housing and Community Development funds and recommending approval of a cooperative agreement between the City and County which will permit the County to manage and staff the City's housing rehabilitation program. -- Approved the agreement and authorized execution thereof by Mayor and City Clerk.

Subject: 100 - Additional Appropriation for Street Materials.

IN RE: Report from Public Works Director-City Engineer and City Manager advising that since 7-1-79 there has been a 41% increase in the cost of asphaltic paving material, depleting the 1979-80 budgeted funds for street materials by 1980, and noting that an additional appropriation is necessary in order to continue regular street maintenance and repairs for the balance of this fiscal year. -- Approved a budget transfer of \$20,000 to the Street Materials Account #10-452-2385 from Special Gas Tax 2107 Fund #22-298-9810.

Subject: 90 - Emergency Purchase of Replacement of Fire Department Vehicle.

IN RE: Report from Fire Protection Director and City Manager advising that during recent flooding emergency on Camino de Los Mares, the Fire Department station wagon (unit 563) was caught in rising mud and water and damaged to the extent that this vehicle was a total loss. -- Authorized Finance Director to make a mid-year transfer of monies from the General Fund to the Fleet Account; and waived formal bid procedure pursuant to Municipal Code Section 5-6(h) in order to expedite emergency purchase and to take advantage of the attendant cost savings.

Subject: 87 - Sale of 1979 Ford Station Wagon

IN RE: Report from Public Works Director-City Engineer and City Manager advising that during the last storm, Unit 563 was caught in the flood waters on Camino de Los Mares and was almost completely submerged for six hours damaging every moving part of the engine. -- Approved the selling of Unit 563 for the highest price available.

Subject: 42 - Claim for Damages Filed by Southern California Gas Co.

IN RE: Claim for damages filed by Southern California Gas Company in the amount of \$327.11 when City employee accidentally ran into gas line with trencher, damaging the line. -- Approved settlement in the amount of \$327.11.

CONSENT CALENDAR (Items removed for separate action)

Subject: ¹¹³~~86~~ - Painting of Interior of Reservoirs #2, #4, and #6 - Project No. 10-79

IN RE: Report from Public Works Director-City Engineer and City Manager advising that two bids were received for painting of interior of Reservoirs #2, #4, and #6.

Councilman Limberg requested that the matter be held over for two weeks as he had been talking to a corrosion specialist who did not see the necessity for painting at this time.

Councilman Mecham questioned the substantial difference between the two bids and whether Staff had an opportunity to check on the reliability of the low bidder and whether they would be able to perform the work required.

Following Staff response, the City Manager suggested that the matter be continued to the April 30th adjourned meeting which would enable Staff to present further information on the issue, AND IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN HURLBUT, AND UNANIMOUSLY CARRIED to continue the matter to the adjourned meeting on 4-30-80

Subject: 96 - Cyprus Shores Sewer Lift Station

IN RE: Report from Public Works Director-City Engineer and City Manager advising that since the sewer lift station in Cyprus Shores is obsolete and unreliable Cyprus West on the Elmore Ranch (Tract 10225) agreed to design and construct a new replacement station as a condition of developing, and is now requesting that the City reimburse Cyprus West one-half the bid price, \$42,500.

Staff responded to various questions by Councilman Limberg and A. L. Wulfeck gave further explanation of the mutual benefits to be derived by the City and the developer.

Following discussion, IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to approve reimbursement up to \$42,500 to Cyprus West for one half of the cost of construction of Cyprus Shores sewer lift station and authorize execution of an appropriate reimbursement agreement to be approved by the City Attorney.

PAYING OF THE BILLS

Mayor Koester noted that the warrants were audited by certain members of the Council. Councilman Mecham reported that due to his working schedule it was difficult to review the warrant register and therefore he would abstain on paying of the bills. IT WAS THEN MOVED BY COUNCILMAN HURLBUT, SECONDED BY COUNCILMAN LIMBERG, AND CARRIED that Warrants No. 59112 through No. 59137, and No. 857 through No. 1041, as audited by the Council be paid. Councilman Mecham "ABSTAINED".

Total demands approved for payment for period ending April 15, 1980	\$340,816.86
Ratification of Payroll Warrant No. 59118 for period March 17, 1980 through March 30, 1980.	\$109,088.16
Ratification of Payroll Warrant No. 59135 for retroactive pay for period January 1, 1980 through February 17, 1980	<u>\$ 20,580.96</u>

TOTAL WARRANT REGISTER	<u>\$470,485.98</u>
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VERBAL COMMUNICATIONS

Subject: 97 - Sewer Line Easement Through State Park.

IN RE: A. L. Wulfeck's request that a new sewer line easement through the State Park be approved and accepted.

Mr. Wulfeck advised that the City has an existing easement across the State Park for a sewer line which is obsolete, however, a new easement has been negotiated with the State which will provide easy maintenance and allow the new line to be constructed by Cyprus West; that the work should be completed by May 30; and that the only stipulation is that the State has the right to hook into the line. Mr. Wulfeck concluded by requesting that the City approve the easements with the State so that Cyprus West can proceed to put the sewer line through the park and replace the sewer line along Calafia before the end of May.

(Later in the Meeting)

The City Manager referred back to the sewer easement matter raised by Mr. Wulfeck earlier in the meeting, and the Public Works Director advised that he had reviewed the easement; that the State has requested the City pay \$14,225 for the easement which the developer has agreed to pay and has deposited a check in that amount with the City; that work will need to be done before May 30 or not until after September 15; that he was concerned about the stipulation which states that the State shall have the right to connect without charge to the sewer line and to discharge State sewage originated on the State park site, which means they can connect future State facilities to the lines without charge and also they would not be subject to a monthly service charge. He added that it might be possible to work out an amendment which would be acceptable to both parties by telephone.

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Mr. Wulfeck pointed out that the State Park is now dumping sewage into the City's sewer system; that the City already has an easement across the State Park; that it is his concern to continue to provide adequate sewer facilities and to bring all in conformance with the code; that they will replace the line going into the system and do it as quickly as possible to alleviate any problems.

Following considerable discussion, IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY MAYOR KOESTER to approve the easement as presented with exception of the paragraph related to sewer tie-in and waiver of the fees.

Following further discussion, IT WAS THEN MOVED BY MAYOR KOESTER, SECONDED BY COUNCILMAN LIMBERG, AND CARRIED to hold the matter over to the next Council meeting for further information. Councilman Hurlbut voted "NO."

Subject: 49 - Parks Ordinance Amendment - Ballot Measure.

IN RE: Ballot measure concerning proposed Parks Ordinance amendment.

Attorney Herbert Licker, representing Dr. Gene Atherton, requested that Council withdraw a ballot proposal that would allow park fees to be used for maintenance of parks and recreation facilities; that a motion has been filed in Orange County Superior Court that could lead to a temporary restraining order against the City; that the ballot measure is illegal as stated in the law and interpreted in State Supreme Court rulings and that a better approach might be to go slower and seek an amendment through the legislature. Dr. Atherton added that efforts to persuade the City to remove the measure from the ballot and preparation of court documents has been very disruptive and caused him much physical hardships.

The City Attorney reported on his understanding of the request for a temporary restraining order.

A. L. Wulfeck commented that he does not support Dr. Atherton, however, he does not like the provisions of Ordinance No. 718.

UNFINISHED BUSINESS

Subject: 77 - North Beach Clubhouse Renovation Plans and Specifications

IN RE: Report from Building and Planning Director and City Manager advising that the plans and specifications for the Beach Club have been completed.

IT WAS THEN MOVED BY COUNCILMAN HURLBUT, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to approve the plans and specifications and authorize advertising for bids.

Subject: 115 - 1979-80 Weed Abatement Program.

IN RE: Report from Fire Protection Director and City Manager recommending that the City Council accept Apple's Tractor Service bid of \$35,968.25 to contract for abatement of weeds and rubbish.

IT WAS MOVED BY COUNCILMAN HURLBUT, SECONDED BY COUNCILMAN LIMBERG to award the contract to Apple's Tractor Service in the amount of \$35,968.25 and authorize execution thereof by the Mayor and City Clerk.

Councilman Mecham stated he was again concerned about having only one bid and the Fire Protection Director responded that a different type of program has been proposed, however, due to budget restraints the program has been shelved at this time; that in contacting other communities many have discontinued the weed abatement program; that this is very seasonal work and although five persons took out bid documents only one bid was received; and added that this bid does include handwork.

The Mayor then called for THE QUESTION WHICH CARRIED UNANIMOUSLY.

WRITTEN COMMUNICATIONS

Subject: 58 - Request to Extend Date for Pro-Rata Refunds on Golf Cards or Issue Free Play Tickets

IN RE: Communication from Lawrence Corb advising there was not sufficient legal notice for the Senior Citizens who are holders of special rate cards purchased in 1979 to apply for refunds as recently approved by the Council.

IN RE: Communication from Golf Course Committee recommending that the request of Lawrence Corb be denied.

Following discussion, IT WAS MOVED BY COUNCILMAN HURLBUT, SECONDED BY MAYOR KOESTER, AND CARRIED to concur with the Golf Course Committee's recommendation. Councilman Mecham voted "NO."

Subject: 105 - Request from Nu-West Corp. for a Stay Relating to Tentative Tract Maps No. 10578 and 10579.

IN RE: Communication from Nu-West Development Corp. requesting that Tentative maps for Tract No. 10578 and No. 10579 be granted a stay of the running of the 18-month validity period, pursuant to provisions of Government Code Sec. 66452.6.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG to deny the request since these tract maps are not close to the expiration date of 3-15-81 and consider a request for an extension of time to process the final maps at a future date.

Jack Schwellenbach, Project Director, stated that since Nu-West and the City are being sued by a third party that this is not an extension, only a request for stay pending outcome of the lawsuit.

Following brief discussion, the Mayor then called for the QUESTION WHICH CARRIED with Councilman Hurlbut voting "NO."

Subject: 89 - Block Wall @ 1520 Ave. de la Estrella.

IN RE: Communication from Mel Jones requesting that the City provide a retaining wall along the sidewalk at 1520 Ave. de la Estrella to retain the dirt that was cut away when City sidewalk was installed, and noting that he will pay to have the wall straightened and recompacted and put back in safe condition.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN HURLBUT, AND UNANIMOUSLY CARRIED to deny the request.

It was requested that the Building Department inspect the wall as it could be hazardous and Staff advised that they would do so.

COMMUNICATIONS FROM COMMISSIONS AND COMMITTEES

Subject: 105 - Tentative Parcel Map No. 80-835 (The Buena Vista Project c/o Bart Hackley Accounting Corporation.)

IN RE: Communication from Planning Commission recommending approval of Tentative Parcel Map No. 80-835, being the request of the Buena Vista Project to construct a 3-unit condominium on Lot 5, Block 7, Tract 794, more commonly known as 807 Buena Vista, said approval subject to the 8 recommended conditions of the Subdivision Committee plus two additional conditions.

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN HURLBUT, AND UNANIMOUSLY CARRIED to concur with the Planning Commission's recommendation noting that a Negative Declaration was granted on 3-4-80 in compliance with CEQA.

Subject: 77 - Request of Arts & Crafts Club to Change Opening Time for their Exhibitions.

IN RE: Communication from Parks and Recreation Commission referring to request from San Clemente Arts and Crafts Club and recommending that the opening time of their exhibitions on Sunday, May 18, and Sunday, November 16, 1980, be changed from 12:00 Noon to 11:00 A.M. for these two dates only.

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

Subject: 77 - Agreement Between City of San Clemente and Capistrano Unified School District.

IN RE: Communication from Parks and Recreation Commission recommending approval of the agreement between the City of San Clemente and the Capistrano Unified School District for use of the swimming pool and gymnasium at San Clemente High School for the summer of 1980.

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

ITEMS FROM CITY MANAGER

Subject: 39 - Study Session for City Council.

IN RE: Reminder of Study Session set for 7:00 P.M., 4-30-80 in the Ole Hanson Room at the Community Center.

The City Manager advised that he will send an agenda covering subjects such as overview on the budget situation; economic conditions relative to impact on the budget; discussion of the sale of sewer revenue bonds; and an update on the library/senior center plans and agreement with the County.

The City Manager requested an Executive Session to discuss a personnel matter.

ITEMS FROM CITY ATTORNEY

Subject: 42 - Claim for Damages from Daon Corp.

IN RE: Claim for damages filed by Daon Corp. in the amount of \$19,606.28.

Upon recommendation of the City Attorney, IT WAS MOVED BY COUNCILMAN HURLBUT, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to reject the claim as untimely as to those portions which are related to Daon's previous claim, and which occurred more than 100 days prior to the filing of the claim; and deny the claim as to the remaining portion.

Subject: 87 - Extension of Chamber of Commerce Lease.

IN RE: Lease extension for Chamber of Commerce.

The proposed lease having been presented to Council, IT WAS MOVED BY COUNCILMAN HURLBUT, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to approve the lease and authorize execution thereof by the Mayor and City Clerk.

The City Attorney made further brief comments relating to the Temporary Restraining Order on the Parks Ordinance Amendment ballot measure. He also requested a brief Executive Session to discuss a matter of litigation.

ITEMS FROM COUNCIL MEMBERS

Councilman Limberg expressed concern regarding items that come up under verbal communications, such as the sewer easement item just discussed and items recently added on to a Planning Commission Agenda, and inquired why they cannot be better anticipated; that Staff does not have an opportunity to confirm the uncertainties and do adequate research; and felt that the policy for verbal communications should be studied so that the meetings can be conducted in an orderly manner.

Councilman Mecham concurred and stated that he would not make any motions without proper backup material unless it was of a true emergency nature.

Mayor Koester remarked she was interested and concerned about the project on the pier and requested an update. The Building and Planning Director advised that the drawings for the restaurant and separate pier and tackle facility have been submitted, and that he has also met with the present concessionaire of the bait and tackle shop and they have reviewed the sketch making comments on the configuration of the plan, location, etc.

NEW BUSINESS

Subject: 68 - Request for Letter of Intention.

IN RE: Request from TCR Construction for a Letter of Intention from the City of San Clemente for construction of a two-level parking lot and a low-cost housing project for the elderly and handicapped to be constructed on City-owned property located at 125 through 143 Avenida Cabrillo.

Lengthy discussion is summarized as follows: The City Manager advised he met with the applicant who is very interested in the project; that parking is a problem; and that there are concerns where such a project is located. The Building and Planning Director noted that it was a worthy concept but that technical aspects will need to be addressed such as the project is in a commercial area which will require zone change and General Plan Amendment, variance to parking standards, that an EIR is needed which requires a minimum of 120 days, and that all State and local ordinances and codes have to be dealt with. The Fire Protection Director advised this project falls under Title 19 of the State Code, that it has limited access, and a very poor water supply.

The Assistant to the City Manager noted that the letter of intent will allow the California Housing Financial Assistance to retain the 48 housing units for Southern Orange County; and allows us then to come back at a later time with concrete proposal and allow developer to obtain low financing interest loan.

Anna Phillips, County Housing representative, advised that there were two applicants for these funds and that they were on a first-come first-served basis; that the State is pressing for a commitment and that there are no other funds available for the next two years for this type of project.

Joe DeLucia, applicant, advised that the proposed project also includes private property in connection with city owned property; that the letter of intent will allow them to obtain site approval; that they propose building units and parking with private investor funds; that they have the letter of intent from the two private property owners, and requesting that the City Attorney work with their attorney to negotiate the proposed letter of intent.

Following further discussion, IT WAS MOVED BY COUNCILMAN HURLBUT, SECONDED BY COUNCILMAN LIMBERG that a letter of intent be sent to CHFA.

Following discussion as to private financing, number of parking spaces, and site location, the Mayor then called for the QUESTION WHICH CARRIED unanimously.

Subject: 96 - Calafia Street and Sewer Repairs - Project No. 8-80

IN RE: Report from Public Works Director-City Engineer and City Manager advising that plans and specifications have been completed for the Calafia Street and Sewer Repairs and requesting authorization to advertise for bids.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to approve plans and specifications and authorize advertising for bids.

Subject: 96 - Linda Lane Lift Station Replacement - Project No. 12-79.

IN RE: Report from Public Works Director-City Engineer and City Manager advising that plans and specifications for replacement of the Linda Lane Sewer Lift Station have been completed and requesting authorization to advertise for bids.

IT WAS MOVED BY MAYOR KOESTER, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to approve the plans and specifications and authorize advertising for bids.

Subject: 90 - Grading of San Gorgonio Fire Station.

IN RE: Report from Fire Protection Director and City Manager advising that Barrett Construction Co. will be finished with the grading of San Gorgonio Park in about 3 weeks; that they will be available to do the grading for the fire station immediately realizing a \$3,000 to \$5,000 savings in the form of mobilization costs.

IT WAS MOVED BY COUNCILMAN HURLBUT, SECONDED BY MAYOR KOESTER to waive formal bid procedure pursuant to Municipal Code Section 5-6(h) and award contract for the grading of San Gorgonio Fire Station site to Barrett Construction Co. at an approximate cost of \$17,238.00.

Councilman Limberg had questions concerning the grading to which the City Manager and Staff responded.

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

Subject: 90 - Sole Source for Blue Diamond Material.

IN RE: Report from Finance Director and City Manager advising that the City currently purchases approximately \$60,000 worth of asphalt; that bids in excess of \$5,000 require a formal bid process; that upon investigation Blue Diamond Company generally has the best price in the area, and requesting approval of a sole source for the purchase of asphalt from Blue Diamond Company.

IT WAS MOVED BY COUNCILMAN HURLBUT, SECONDED BY MAYOR KOESTER to approve a sole source designation for the purchase of asphalt from Blue Diamond Company pursuant to Municipal Code Section 5-6(h).

Following discussion, IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED that the motion be amended that approval be for the balance of this fiscal year.

THE ORIGINAL MOTION, AS AMENDED, WAS THEN CALLED AND UNANIMOUSLY CARRIED.

IN RE: Notification from City Clerk as to expiring terms on June 30, 1980 of certain Commission members.

The City Clerk advised of the Commissioner terms expiring June 30, 1980, as follows: Planning Commission - Melford C. Morgan, A. L. Wulfeck, and vacancy created by Robert D. Limberg; Parks and Recreation Commission - Jack Berges, William H. Kendall and Holly A. Veale; and Traffic and Parking Commission - Dorothy D. Ludvigson, and Edward W. Lyon.

Following brief discussion, it was determined that at the adjourned meeting of 4-30-80, the City Manager would present a suggested closing date and interview date for filling the vacancies on the Parks and Recreation Commission and the Traffic and Parking Commission.

Council members Limberg and Mecham felt that the vacancy on the Planning Commission should be filled as soon as possible; that the interviews for the three vacancies be held and that all three persons be selected with one to be seated immediately to also fill the unexpired term of former Commissioner Limberg.

Following discussion, IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED that letters and/or resumes for the Planning Commission vacancies be submitted to the City Clerk's office by 5:00 P.M., Monday, May 5, and that the interviews be conducted at an adjourned meeting at 6:00 P.M., May 7.

ORDINANCES

For Ordinance No. 780 see under "PUBLIC HEARINGS" on page 2.

MEETING RECESSED

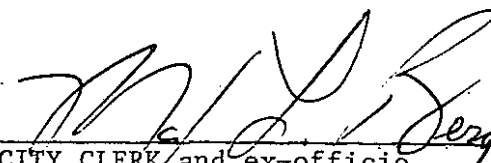
The City Council meeting was recessed to convene a meeting of the San Clemente Redevelopment Agency.

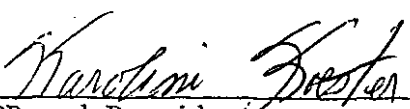
MEETING RECONVENED AND ADJOURNMENT TO EXECUTIVE SESSION

The Mayor reconvened the City Council meeting at 11:00 P.M., AND IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY MAYOR KOESTER, 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 11:15 PM., and there being no further business IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED that the meeting be adjourned to 7:00 P.M., April 30 at the Community Center.

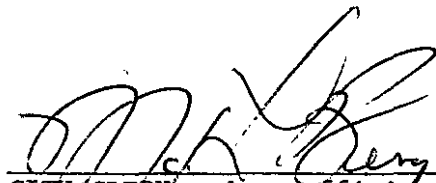

CITY CLERK and ex-officio
Clerk of the City Council


MAYOR and President
of the City Council

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

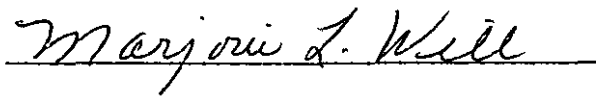
AFFIDAVIT OF POSTING
OF MEETING

I, MAX L. BERG, being first duly sworn deposes and says:
that I am the duly chosen, qualified, and acting ex-officio Clerk of the
City Council of the City of San Clemente; that at the regular meeting of
the City Council of the City of San Clemente, held April 16, 1980 ,
said meeting was ordered adjourned to the time and place specified in the
Order of Adjournment ATTACHED HERETO; that on April 17, 1980 , at the
hour of 1:00 P.M. , I posted a copy of said Order of Adjournment at the
conspicuous place on or near the door of the place at which said meeting of
April 16, 1980 , was held.



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

Subscribed and sworn to before
me this 17th day of APRIL, 1980



Marjorie L. Will

ORDER OF ADJOURNMENT

Regular meeting of the City Council of the City of San Clemente, California,
Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday,
April 16 1980, at 7:00 P.M., Mayor Koester presiding.


ROLL CALL

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

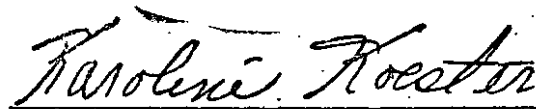
Also Present: George A. Carvalho, City Manager; Max L. Berg, City Clerk;
Michael J. Bartlett, City Attorney; Edward Putz, Public
Works Director-City Engineer; Lawrence J. Lawson, Building
and Planning Director

ADJOURNMENT

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG,
AND UNANIMOUSLY CARRIED that the Council Meeting be adjourned at
11:15 P.M. to 7:00 P.M., April 30 in the Community Center.



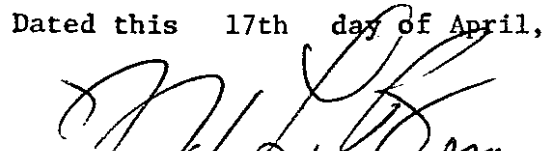
CITY CLERK and ex-officio
Clerk of the City Council



MAYOR and President
of the City Council

Certified to be a true and correct
copy of excerpts from the April 16,
1980, Council Minutes

Dated this 17th day of April, 1980



CITY CLERK, City of San Clemente