

Adjourned meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, May 14, 1980, at 7:00 P.M., Mayor Karoline Koester presiding.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag of the United States was led by Mayor Koester.

ROLL CALL

PRESENT: Council Members - HURLBUT, LIMBERG, MECHAM, O'KEEFE, 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

CONSENT CALENDAR (Items removed for separate action)

Traffic and Parking Commission Minutes of 4-17-80.

This item having been held over at the request of Councilman Hurlbut, he commented that he would bring the item up under "Items from Council Members" AND IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to receive and file the minutes of 4-17-80.

Subject: 29-- Resignation from Citizens Advisory Committee.

IN RE: Communication from Farrell E. Smith submitting his resignation from the Citizens Advisory Committee for various reasons.

In general discussion as to the role of advisory committees, the main Council comments were that they should be well directed for specific purposes as a broad charter can be detrimental; that such committees may become quasi City Councils without adequate direction; that there has been a tendency for a proliferation of citizen committees; and that such committees often require a considerable amount of Staff time.

The City Clerk noted receipt of a letter received too late for the Agenda from the Citizens Advisory Committee responding in part to comments in Mr. Smith's letter and also reviewing matters that have been considered by the Committee. It was stated that the letter would be routed through the Council mail baskets.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN HURLBUT, AND UNANIMOUSLY CARRIED to accept the resignation with regrets and appreciation for services rendered.

Following further discussion, IT WAS THEN MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN MECHAM, AND CARRIED to have the City Manager submit a report within 30 days after the budget proceedings, with recommendation as to the roles and necessity of the various Committees and Commissions. Councilman Hurlbut voted "NO".

UNFINISHED BUSINESS

Subject: 39 - Report on Various City Councils' Procedures as to Allowing the Public to Address Scheduled Agenda Items.

IN RE: Report from the Assistant to the City Manager and the City Manager reporting on various City Councils' procedures in regard to allowing public comment on agenda items.

IT WAS MOVED BY COUNCILMAN HURLBUT that interested people be required to fill out a card at the beginning of the meeting (noting the agenda item) and file it with the City Clerk; and only then would they be allowed to be heard if the item pertains to them directly. THE MOTION DIED FOR LACK OF A SECOND.

Following lengthy discussion, including audience comments from Al Wulfbeck and Boyd Ames, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN MECHAM, AND CARRIED to request Staff to come back with a specific procedure for handling the agenda incorporating some or all of the following concepts: (1) Submission of card with name, address, and the issue or agenda item, if any, submitted by anyone who wishes to speak, and also including whether the person is for or against the issue, and which is to be submitted at any time prior to the item coming up on the agenda; (2) a time limitation procedure for each item on the agenda and for each speaker together with a procedure for waiving that time limitation when the matter seems of such importance or complication that a waiver of the normal time limitation would be appropriate; (3) change of oral communications from item 6 to item 9 on the agenda; and (4) time for public input be immediately after the Staff recommendation and after any written communications. Councilman Hurlbut voted "NO".

Subject: 100 - Pot Hole and Pavement Repair, Project 3-79A.

IN RE: Report from Public Works Director-City Engineer and City Manager reporting on Project 3-79A for pot hole and pavement repair of City streets; that additional purchase orders to Imperial Paving for subsequent pot hole repairs has brought the total net costs to approximately \$154,000; and that the street material account will not have sufficient funds to complete the year-end.

Following Staff response to questions, IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to approve a budget transfer in the amount of \$150,000 to Account #10-452-4330 from the General Fund to the street patching account.

Subject: 105 - Resolution No. 39-80 Amending Resolution No. 1-80 re Bond Release for Tract No. 9066.

IN RE: Report from Public Works Director-City Engineer and City Manager advising of need to amend Resolution No. 1-80 re Faithful Performance bond release for Tract No. 9066.

Upon Motion of Councilman O'Keefe, seconded by Councilman Mecham, and unanimously carried, RESOLUTION NO. 39-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING PARAGRAPH 7 OF RESOLUTION NO. 1-80 BY PROVIDING THAT THE FAITHFUL PERFORMANCE BOND IN THE AMOUNT OF \$464,673.27 SHALL BE CONSIDERED AS AUTOMATICALLY RELEASED FOLLOWING RECEIPT BY THE CITY OF A WARRANTY BOND IN THE AMOUNT OF \$125,000 GUARANTEEING THE WORKS OF IMPROVEMENT FOR A PERIOD OF ONE YEAR AGAINST DEFECTIVE WORK OR MATERIALS, was regularly introduced, passed, and adopted.

Subject: 77 - Median Value of Park Land within the City of San Clemente.

IN RE: Report from Leisure Services Coordinator and City Manager submitting recommendation relating to the recently completed appraisal report on the median value of park lands.

Following discussion, including audience comments from Al Wulfbeck and Gene Atherton, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to set a public hearing on the matter for 6-4-80.

Subject: 39 - Travel and Training Allowances for City Council Members.

IN RE: Report from Finance Director and City Manager reporting on a survey of ten Orange County cities regarding current travel and training reimbursements for City Council, Commissions, Boards, and agencies.

The Finance Director reviewed the background covering the recommendations, and during Council discussion comment was made that the flat rate for accommodations might create a problem in some instances, since in certain cities the room rates might be higher while in other cities the rate could be considerably lower.

Following further discussion IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that the City Attorney be directed to prepare a Resolution modifying section 3 of Resolution No. 54-78 to impose a limit on travel expenses of \$25.00 per diem for meals; that the City Manager be allowed to make arrangements for conferences at the most reasonable rate for accommodations; that 100% of travel reimbursement be allowed at most reasonable rate; and that exceptions to the foregoing shall be by Council action.

Subject: 113 - Award of Contract for Presidential Heights Reservoir, Project No. 21-79.

IN RE: Report from Public Works Director-City Engineer and City Manager reporting on the five bids received for the Presidential Heights Reservoir, Project No. 21-79.

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to award the contract to the low bidder, Trusco Tank, Inc., of San Luis Obispo, at the bid price of \$480,971.00 and approve budget appropriation to cover the total anticipated project costs in the total additional amount of \$351,014 to be transferred to the project Account #70-468-7740-083.

Subject: 92 - Miscellaneous Problems and Suggestions for Correction.

IN RE: Communication from Stanley A. Griswold reporting on various problems throughout the City and recommending certain changes.

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY MAYOR KOESTER, AND UNANIMOUSLY CARRIED to refer the matter to appropriate Staff for review, response, and/or appropriate corrections if deemed necessary.

Subject: 42 - Request by Michael S. Bobko for Payment of the Frank Benjamin Appraisal Report.

IN RE: Report from Leisure Services Coordinator and City Manager advising that Michael S. Bobko is requesting payment for the Frank Benjamin appraisal report, and recommending that the request be denied.

IT WAS MOVED BY COUNCILMAN HURLBUT, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to deny request for payment.

COMMUNICATIONS FROM COMMISSIONS AND COMMITTEES

Subject: 105 - Tentative Parcel Map No. 80-834 (Cooper/Bates)

IN RE: Communication from Planning Commission recommending approval of Tentative Parcel Map No. 80-834, being the request of Cooper/Conlisk/Rasner to construct a 3-unit condominium on Lot 4, Block 4, Tract No. 821, more commonly known as 1501 Buena Vista, said approval subject to the 8 recommended conditions of the Subdivision Committee plus an additional condition.

IT WAS MOVED BY COUNCILMAN HURLBUT, SECONDED BY MAYOR KOESTER, AND UNANIMOUSLY CARRIED to concur with the Planning Commission's recommendation, noting that a Negative Declaration was granted on 2-22-80 in compliance with CEQA.

Subject: 87 - Disposal of City-owned Property at 250 West Avenida Palizada.

IN RE: Communication from Planning Commission finding that the disposal of City-owned property described as Lot 39, Block 1, Tract 784, more commonly known as 250 West Avenida Palizada, is in conformance with the San Clemente General Plan; recommending approval for the sale of said property; and that consideration be given to utilizing the funds generated by this property sale for the purchase of property in a more appropriate location to supply much needed beach parking facilities.

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN HURLBUT, AND UNANIMOUSLY CARRIED to concur with the Planning Commission's recommendation and authorize the City Manager to obtain an appraisal of the lot preparatory to proposed public sale.

Subject: 105 - Tentative Parcel Map No. 80-837 (Robert Hill).

IN RE: Communication from Planning Commission recommending approval of Tentative Parcel Map No. 80-837, being the request of Robert Hill for a one-lot subdivision for the purpose of constructing a 3-unit condominium on Lot 20, Block 4, Tract No. 820, more commonly known as 161 Avenida Florencia, said approval subject to recommended conditions of the Subdivision Committee, changing condition #8, and adding an additional condition.

IT WAS MOVED BY MAYOR KOESTER, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to concur with the Planning Commission's recommendation noting that a Negative Declaration was granted on 3-14-80 in compliance with CEQA.

ITEMS FROM CITY MANAGER

Subject: 63 (87) - Request by Dan Yielding to Obtain the Rights to the Building at 242 Avenida Del Mar.

IN RE: Communication from Dan W. Yielding, Manager of Century 21, at 242 Avenida Del Mar, requesting that he be allowed to obtain the building which they occupy at 242 Avenida Del Mar and which the City is proposing to tear down preparatory to the new library construction.

Mr. Yielding advised he proposed to relocate the structure on another lot in accordance with City building codes.

During discussion, Councilman O'Keefe inquired whether this building, which was acquired by condemnation, should go through the public bidding procedure.

Later in the meeting, the City Attorney reviewed provisions of Municipal Code Section 5-10, concerning sale of surplus property.

IT WAS THEN MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED that the City Manager be instructed to advertise the building in accordance with the procedure for disposal of surplus property and accept bids which shall include removal of the slab and the lot left in a bare condition.

Subject: 63 - Library Plans

IN RE: Communication from Candy Haggard, Senior Administrative Librarian, outlining problems relating to a plan submitted by Eric Boucher as to suggested design of the future library.

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to receive and file the communication.

Subject: 63 - Request for Use of Library Building by San Clemente Arts and Crafts Club.

IN RE: Communication from San Clemente Arts and Crafts Club requesting that consideration be given to provide additional space in the future library for various cultural groups, including their Club, as well as the Senior Citizens.

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to refer the matter to Staff as part of the processing in dealing with the library and senior facility.

Subject: 77 - Transfer of Funds for San Gorgonio Park.

IN RE: Report from Finance Director and City Manager advising that in order to issue a purchase order for the construction of the entire San Gorgonio Park project, certain transfer of funds will be required.

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to approve transfer of \$115,976 from the Park Acquisition and Development Fund to the San Gorgonio Park Construction Fund, Account #66-782-7300-270.

Subject: 109 - Seminar on Nuclear Power Impact on Local and Regional Governments.

IN RE: City Manager's report on a Seminar on Nuclear Power Impact on Local and Regional Governments in Atlantic City, New Jersey, on June 5-7, 1980.

The City Manager recommended that the City consider sending the Fire Protection Director and one Council member to the 3-day seminar which will deal directly with the role of governmental agencies in the planning and function of nearby nuclear power facilities.

Fire Protection Director Coleman stated that a portion of the funds needed to attend the seminar may be refundable under a State law that requires utilities to assist in the payment of costs associated with emergency planning.

Councilman Mecham stated all information and input available on nuclear plants would be most valuable to the City and added he was extremely interested in the subject.

IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN HURLBUT, AND UNANIMOUSLY CARRIED to appropriate funds to send the Fire Protection Director and Councilman Mecham to the seminar.

ITEMS FROM CITY ATTORNEY

Subject: 68 - Contract with Orange County District Attorney for Prosecution of Criminal Violations.

IN RE: Proposed contract with Orange County District Attorney for prosecution of Criminal Violations.

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY MAYOR KOESTER, AND UNANIMOUSLY CARRIED to approve the agreement and authorize execution by the Mayor and City Clerk.

The City Attorney requested an Executive Session to discuss a matter of litigation.

ITEMS FROM COUNCIL MEMBERS

Subject: 55 - Appointment to the South Road Access Committee.

IN RE: Councilman Limberg's inquiry as to the membership of the South Road Access Committee (previously known as the Cristianitos Road Access Committee.)

Councilman Limberg volunteered to replace Councilman Ahlman on the committee, AND IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN O'KEEFE, AND UNANIMOUSLY CARRIED that Councilman Limberg be appointed to the South Road Access Committee.

IT WAS FURTHER MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN O'KEEFE, AND UNANIMOUSLY CARRIED that the City Manager also be appointed to the Committee.

It was noted that the Planning Commission should also appoint a member since Councilman Limberg had filled the Committee appointment while he was a Planning Commissioner.

Subject: 31 - Hillside Grading Ordinance; and Grading Standards

IN RE: Councilman Limberg's comments and expression of concern relating to the existing Hillside Grading Ordinance.

Following Council discussion and comments by the Building and Planning Director, IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that Staff submit a report within 30 days regarding more effective implementation of the Hillside Grading Ordinance as well as remarks addressing the effectiveness experienced in the past.

Councilman Limberg noted that at a later date he intends to introduce discussion regarding grading standards; that the City should not ignore what we have witnessed within the past several months; and that it is incumbent upon the City to examine where we are with our existing grading standards to help assure that we can at least minimize some of the problems we have seen this last year.

Councilman Hurlbut referred to the item in the Traffic and Parking Commission minutes regarding bus benches, and the City Clerk advised that this item will be on the next Council Agenda.

Councilman Mecham reported on his attendance at the League of California Cities and felt that the experience was very positive, and that the League had presented an excellent conference.

Councilman Mecham noted he had intended to request a report from the Fire Protection Director concerning evacuation plans related to the nuclear plant but would defer that until after attendance at the conference back east.

Councilman Mecham spoke of bluff erosion problems and urged that as soon as possible the City look at how we are going to approach protection of the remaining bluff areas.

Councilman O'Keefe requested that some sort of screening be installed in the Men's public rest room near the Engineering wing, and the City Manager advised this would be taken care of.

Councilman O'Keefe noted that there was a substantial decrease from last year in rapes and burglaries, and commended the Police Department in this regard but questioned why the number of clearances appears relatively small and suggested a report back as to State or National averages.

Councilman O'Keefe referred to the appearance of the north entrance to the City, and advised that the County has recently landscaped the center median on Camino Estrella, however, the City area is a crop of weeds; that he hopes something could be done, and maybe park dedication fees could be used for improvement of the median.

Mayor Koester remarked that the Finance Director was leaving the City to take a position at Irvine, and that she wished him well in his new endeavors.

Subject: 48 - Status of Slide Debris on City Streets from Storm Damage.

IN RE: Councilman Limberg's comments that there still exists certain mounds of dirt on the public streets caused from storms, and inquiring as to the City's responsibility and possible liability.

During discussion, the Public Works Director advised that at certain locations moving the dirt before it is dried out might aggravate the slides further; that the Daon slide repair work will start next week; that it is the responsibility of a property owner to remove the dirt but, in some instances, they do not have the resources to remove the dirt or repair the slide; and that we try to remove the dirt without overburdening the City forces.

IT WAS THEN MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that Staff prepare a report and listing of all the slides; stating whether or not the property owner has been contacted; if they are going to act or if the City is going to act subject to a grant application; and whether or not some sort of procedure to abate a public nuisance should be commenced to put the City in a posture of doing something.

NEW BUSINESS

Subject: 77 - Beach Fencing Installation and Repairs.

IN RE: Report from Interim Marine Safety Director and City Manager with recommendation for installation of North Beach fencing and repairs to existing fencing.

Staff responded to questions, following which IT WAS MOVED BY COUNCILMAN HURLBUT, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to waive formal bid procedure pursuant to Municipal Code section 5-6(h), and authorize the City Manager to award a contract to the lowest qualified quote for installation of North Beach fencing and repairs to existing fencing.

Subject: 97 (100) Calafia Sewer and Street Repairs - Project No. 8-80.

IN RE: Report from Public Works Director-City Engineer and City Manager reporting on the three bids received for the Calafia Sewer and Street Repairs, Project No. 8-80.

The City Manager responded to questions regarding funding of this project and advised that the City's disaster application has been approved and that he has asked for an advance of 75% of the monies in order to proceed rapidly on this project.

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN HURLBUT, AND UNANIMOUSLY CARRIED to award contract to the low bidder, A & A Construction, in the amount of \$33,375.50; and approve budget appropriation in the amount of \$36,000 to Account #25-446-7800 from the General Fund to cover contract cost plus a contingency for possible increases in quantity if necessary during construction

Subject: 105 - Reservoir 5-A Reimbursement Agreement with Nu-West Development Corp.

IN RE: Report from Public Works Director-City Engineer and City Manager advising that in order for Nu-West to develop Tract No. 10579, Reservoir 5 must be expanded; and requesting a reimbursement agreement which would allow Nu-West to design, bid and construct a 850,000 gallon Reservoir 5-A to City standards, with City approval, and be reimbursed from the future water acreage fees collected from Nu-West and other tracts within the service area.

IT WAS MOVED BY COUNCILMAN HURLBUT, SECONDED BY COUNCILMAN O'KEEFE, AND CARRIED to approve the agreement and authorize execution by the Mayor and City Clerk. Councilman Mecham voted "NO."

Subject: 77 - Proposed Fee for Use of Ballfields.

IN RE: Report from Leisure Services Coordinator and City Manager concerning a Staff proposal, approved by the Parks and Recreation Commission, that a fee of \$6 per hour be charged any adult sports team using the Bonito Canyon and Vista Bahia ballfields after 6:00 P.M., and a charge of \$4 per hour be charged adult sports teams using the fields during the day, Monday through Sunday, with adult teams defined as participants 18 years or older.

IT WAS MOVED BY COUNCILMAN HURLBUT, SECONDED BY COUNCILMAN LIMBERG, to approve establishment of the proposed fees.

Boyd Ames, Jr., inquired as to possible deed restrictions on the Vista Bahia ballfield site which might preclude a fee and was advised there was none. Dr. Gene Atherton made various comments regarding source of income to maintain parks, costs per acre to maintain parks, and related comments concerning the June 3rd ballot measure.

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

Subject: 40 - Request from Sister City Association for City to Replace Broken Planter Bowl.

IN RE: Report from Assistant to the City Manager and City Manager concerning the request of the Sister City Association of San Clemente that the City replace the vandalized planter bowl in the Sister City Monument located at the Community Center at a cost of \$132.

IT WAS MOVED BY COUNCILMAN HURLBUT, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to appropriate \$132 from the General Fund to cover the cost of the bowl.

RESOLUTIONS

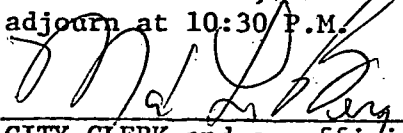
For Resolution No. 39-80 see under "UNFINISHED BUSINESS" on page 2.

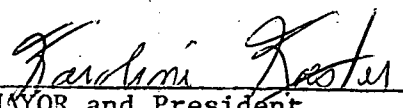
ADJOURNMENT TO EXECUTIVE SESSION

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN HURLBUT, AND UNANIMOUSLY CARRIED to adjourn at 9:40 P.M. to an Executive Session.

MEETING RECONVENED AND ADJOURNMENT

The Mayor reconvened the meeting at 10:30 P.M., and there being no further business IT WAS MOVED BY COUNCILMAN HURLBUT, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to adjourn at 10:30 P.M.


 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~~ adjourned
meeting of the City Council of the City of San Clemente, held May 14, 1980,
said meeting was ordered adjourned to the time and place specified in the
Order of Adjournment ATTACHED HERETO; that on May 15, 1980, at the
hour of 10:00 AM, 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
May 14, 1980, was held.

Max L. Berg
CITY CLERK and ex-officio
Clerk of the City Council
City of San Clemente

Subscribed and sworn to before
me this 15th day of MAY, 1980

Marjorie L. Will

