

Adjourned meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Monday, June 23, 1980, at 7:00 P.M., Mayor Karoline Koester presiding.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

PRESENT: Council Members - LIMBERG, MECHAM, O'KEEFE, AND KOESTER
ABSENT: Council Members - LANE

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

The City Clerk noted for the record that newly appointed Council member B. Patrick Lane had been sworn in early in the day but due to a prior commitment was unable to be in attendance for this meeting.

UNFINISHED BUSINESS

Subject: 51 - Data Processing Services Agreement By and Between Science Dynamics Corporation and Municipal Data Systems.

IN RE: Consideration of data processing services agreement between Science Dynamics Corporation and Municipal Data Systems relating to transfer of the data processing functions for San Clemente and other participating cities.

The City Clerk advised that the City Attorney had reviewed the contract document and approved same as to form.

During a question and answer period, Mayor Koester advised that the 12-City Joint Powers decided to end the MDS service agreement and after much deliberation it was agreed to participate with Science Dynamics Corporation of Torrance; that even though this company was new in the municipal field they have worked with hospitals and were thoroughly reviewed by the 12-City team; and that the City has the option of withdrawing from the contract during the first year.

Mayor Koester further explained that the main reason for withdrawing from the present contract was due to the amount of down time of the computers which created a hardship in receiving monthly and year-end fiscal reports.

The City Manager reviewed some of the problems that have been encountered since the System 3 computer system was removed and noted the whole issue requires a great deal of study and will be one of the priorities for the coming year.

IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN O'KEEFE, AND UNANIMOUSLY CARRIED to approve the contract.

Subject: 92 - Request for Block Party on West Escalones.

IN RE: Report from Police Chief and City Manager regarding the request of Victor Amato of 150 W. Escalones #2 for a block party on July 4, 1980, from 2:00 P.M. to 10:00 P.M., and that the 100 block of W. Escalones be closed to vehicular traffic from El Camino Real to Calle Puente during that time.

It was noted that the Council had approved this request, subject to approval of City Staff, at their meeting of 6-18-80; however, Staff notes that there are 57 structures in the block, yet only occupants of 7 buildings are listed on the petition; that the City would be accepting a major liability by allowing the closure; that the request for closure is on a holiday with no additional personnel to handle this situation; that the applicant has prematurely distributed numerous flyers advertising the event with a live band, which the applicant did not mention in his original request and which requires Council approval of a sound amplification permit. In addition, the Fire Department listed four conditions that should be required.

The Council expressed concern that what was requested as a simple block party which is intended only for residents of the street now appears to be an invitation to all as indicated in the distributed flyers.

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

ITEMS FROM CITY MANAGER

Subject: 77 - Resolution No. 44-80 Approving Application for Land and Water Conservation Funds - Trafalgar Lane Overpass Project; and Related Actions.

IN RE: Report from Assistant to the City Manager and City Manager advising that a resolution is required by the California Department of Parks and Recreation allowing the City to apply for Land and Water Conservation Funds for the demolition and reconstruction of the Trafalgar Lane Overpass Project.

The City Manager and Assistant to the City Manager explained the proposed manner of funding through certain grants, and Upon motion of Councilman Mecham, seconded by Mayor Koester, and unanimously carried, RESOLUTION NO. 44-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE APPLICATION FOR LAND AND WATER CONSERVATION FUNDS - TRAFALGAR LANE OVERPASS PROJECT, was regularly introduced, passed, and adopted.

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to authorize the Mayor to sign the list of assurances for the project.

Referring to certain assurances needed by the State Coastal Conservancy, IT WAS THEN MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to confirm the City's commitment to fund the additional \$116,500.00 needed for the project.

Subject: 77 - Beach Club and Pool Renovation Bids.

IN RE: Report from Building and Planning Director advising that the Rosetti Construction bid for the beach club approved 6-18-80 did not include the 6" concrete lip as part of the gutter system; that the approval of an addendum for this work in the amount of \$3,795 increases the beach club building to \$362,167; that the low bid for the swimming pool remains the same at \$114,129, for a total bid package of \$476,296.

Following discussion concerning the funds for this project, IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to modify the Council action of 6-18-80 to include additional funds in the amount of \$3,795 to be taken from the remaining contingency of \$5,011, and direct the City Attorney to prepare a Resolution of contract award, only if determined necessary.

Subject: 77 (119) - PUC Decision Regarding Application to Abolish an Existing Pedestrian Underpass and Obtain an At-Grade Railway Crossing.

IN RE: Status report by the City Manager concerning PUC decision on the pier bowl at-grade crossing.

Mr. Carvalho advised that the decision order by the PUC dated June 3 becomes effective in 30 days--July 3; that in discussions with Attorney Knapp it was agreed that application should be made to stay the order for a 30-day period. He further advised that Frank Haymond, PUC Engineer, had visited the site and discussed the concerns of the City; that he would like to meet with Staff and City Council to have a better understanding of the concerns that the City has; noting that he has set up a meeting for Mr. Haymond to be in the City on July 16 to meet with Staff during the day and appear before Council that evening to ascertain some sense of direction. In the meantime Staff will work on the most desirable solution in terms of the spirit of the Judge's order and recommend to Council one or two viable approaches that might be satisfactory to the City as well as to PUC.

Following discussion, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN LIMBERG AND UNANIMOUSLY CARRIED to approve the preliminary steps being taken by the City Manager, and the matter be set on the agenda as requested.

Subject: 105 - Further Report on Request for Subdivision Agreement Extension Tract No. 8575.

IN RE: City Manager's report that the Anderson-Olsen group, purchasers of Tract No. 8575, are very much concerned with the Council's action setting a public hearing on this tract for 8-6-80.

The City Manager noted that this was a very complex matter; that the Anderson-Olsen group would like an opportunity to meet with Staff and City Council in a Study Session for a full exchange of information and to review the project and to allay the City's concerns; that they are totally agreeable to work with the City to get the project to be acceptable to the City; that 75 people initially involved placed \$400,000 in escrow of which 20 live in San Clemente and the others in the local area; that 1/3 have had their money released from escrow which represents \$450,000 that could be lost; that since the recent action 20 of the 75 people want their money back and the other 54 would like their money back but wish to continue to pursue acquisition of their lot and to build on the property.

Mr. Carvalho further commented that the Anderson-Olsen group intends to pay all the outstanding debts; that they are concerned that if the City goes through with the proceedings of reversion to raw acreage it would be faced with refund of fees and significant lawsuits from parties involved as well as debtors, engineers, etc.; that remedial grading needs to be done soon to prevent flooding; and they have asked for the Study Session as an opportunity to open the line of communications and to obtain a better understanding of the objections and concerns of the Council and others.

Following considerable Council discussion it was the consensus that Staff should investigate all aspects of the project, meet with the developers if necessary, and that the hearing should go forth with all information and input made at that time.

102
ITEMS FROM COUNCIL MEMBERS

Councilman Limberg inquired as to the status of the geological investigation concerning the landslide and the City Manager gave a brief progress report.

Councilman Limberg noted that opening night for the La Cristianita Pageant is July 26; that there is a great deal of interest on the part of the association to have a "City Night" on the 26th for City personnel; that there will be a catered dinner followed by a performance of the Cross and The Arrow; and encouraging and urging not only City employees but Council members, Commissioners and Committee members to attend. The City Manager also reported on a meeting with Wil Clark on this same issue and what has and will be done to circulate the information and encourage attendance.

Subject: 105 - Park Fee Question Related to Tract No. 10225.

IN RE: Park Fee Question Related to Tract No. 10225.

Councilman Mecham noted that Council had set the park fees at the last meeting; that in connection with the Cyprus West presentation in opposition, Al Wulfeck disputed the payment of park fees or dedication of land under Ordinance 718 for Tract No. 10225; that there is no provision for a park within that tract; that Cyprus West is proceeding to grade the property; that he was concerned that with the possible litigation and in the event the ordinance did not hold up there could be some legal technicalities which would prevent dedication of some type of park land for the tract, and questioned whether some action is needed to stop further development on this tract until the issue is clarified.

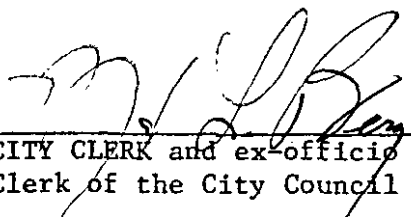
Discussion followed as to progress of the tract; the possibility of withholding building permits; question of vested rights; and related matters. It was suggested that Staff investigate the circumstances of this Tract and report back.

Councilman O'Keefe commented that there were two double lines on the Coast Highway which was very confusing to the motorists and recommended that one set of double lines be sandblasted with restriping as soon as possible. Councilman Mecham also noted that some people are still crossing the highway fronting Palm Beach Mobilehome Park to get to the beach.

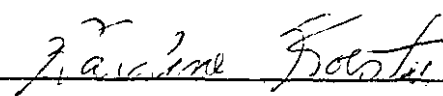
Mayor Koester noted she had received a letter from a resident in Shorecliffs who is adjacent to the San Gorgonio Park expressing concern about possible slippage of the bluffs bordering the park during construction of the park. Upon question the City Manager advised he has not had an opportunity to review the letter but would raise the issue at the next Staff meeting and would report back to the Mayor.

ADJOURNMENT

IT WAS MOVED BY MAYOR KOESTER, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that the meeting be adjourned at 8:30 P.M.



CITY CLERK and ex-officio
Clerk of the City Council



MAYOR and President
of the City Council