

San Clemente, California
October 15, 1980

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, October 15, 1980, at 7:00 P.M., Mayor Karoline Koester presiding.

PLEDGE OF ALLEGIANCE AND INVOCATION

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

ROLL CALL

PRESENT: Council Members - LANE, LIMBERG, MECHAM, AND KOESTER
ABSENT: Council Members - O'KEEFE (arrived at 8:25 P.M.)

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

PUBLIC HEARINGS

Subject: 24 - Proposed Animal Control Program for San Clemente.

IN RE: Continued Public Hearing to consider whether or not there should be a facility closer to San Clemente for the sheltering of animals.

The Mayor opened the public hearing and the Fire Protection Director reviewed the extensive administrative report noting that the "Animal Rescue Program" proposed consisted of an animal shelter at the City Maintenance Yard with two fulltime employees and a patrol truck and other accessory materials at a start up cost of approximately \$81,692 the first year which could be recouped through fees, fines and grants; and that it would take about 6 months to establish the program with a negative cash flow while the shelter is being set up.

During general discussion and a question and answer period, Councilman Limberg questioned the projected revenues and the City Manager also expressed his concern that the animal shelter program be self-sustaining if possible and that the program needs to be refined before the Council takes a final action.

Councilman Mecham commented that residents have been unhappy with the County service and there is a need for responsive humane service; Councilman Lane requested assurance that the animal control officers will vigorously enforce the leash law; and Mayor Koester added that the proposal is a definite step in the right direction.

Following further discussion and there being no one else desiring to be heard, the hearing was closed, and IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY MAYOR KOESTER AND UNANIMOUSLY CARRIED to consider cancellation of the current contract with Orange County Animal Control and establishment of an animal rescue program as a function of the City.

Subject: 99 - Proposed Revision to the Sign Ordinance.

IN RE: Continued Public Hearing to consider proposed revision to the Sign Ordinance, being amendments to Chapter 28, Signs and Advertising, of the San Clemente Municipal Code, and adding abatement, compliance and enforcement procedures and penalty provisions for violations.

IN RE: Communication from Boyd W. Ames, Jr., clarifying his remarks at the public hearing of 7-16-80 to the proposed sign ordinance revisions.

IN RE: Communication from Charles M. Mitchell expressing hope that the Council will design a sign ordinance that will improve the City without unfairly injuring present owners of non-conforming signs.

IN RE: Communication from Planning Commission recommending adoption of the Sign Ordinance.

The Mayor opened the public hearing and discussion is briefly summarized as follows: Tom Werner, Chairman of the Chamber of Commerce Sign Committee, urged adoption of the law with no further delay; that merchants were not entirely happy with the proposed ordinance but it was a compromise; that had the existing sign ordinance been properly enforced much of the sign problem would have been cleaned up; and that they still did not understand the aversion to freeway oriented signs.

Robert Keenan, Sign Users' Council of California, presented extensive comments noting that they were asked by the business community to help mediate the problem; and reviewed their objections to the abatement program that proposes to force down all existing signs not in conformance with the new standards, adding that it was unfair to burden merchants with removal of any sign the City has previously approved.

Leon Riley stated he was disturbed because it appeared his store's freeway pole sign would be the only freeway sign in town to be forced down by the ordinance and questioned if that was not a form of discrimination. The Building & Planning Director reviewed the criteria which would permit certain existing freeway signs to stay up and noted that a supermarket is not considered freeway-dependent.

There being no one else wishing to be heard the public hearing was closed and Councilman Mecham commented that freeway pole signs are inherently objectionable and felt that the Planning Commission should explore further alternatives instead of just letting existing pole signs stay up, noting that the intent of the new sign ordinance is to clean up the City and leaving pole signs would not meet that intent. Councilman Limberg commented that the joint effort of the Planning Commission and Chamber of Commerce developed some compromises with an exceptionally well prepared ordinance. Mayor Koester commended the Chairman of the Planning Commission and his associates for their study and restudying of the issues. Councilman Limberg also felt the section concerning freeway oriented signs needs further study noting that there are still alternatives not considered fully before the compromise was reached.

Following further discussion, IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND CARRIED to refer the ordinance back to the Planning Commission for a re-examination of the freeway oriented sign section to be returned to Council with a recommendation within a period of two months. Mayor Koester voted "NO", adding that the ordinance had been studied and re-studied with ample opportunity for public input.

Councilman Mecham clarified that as one member of the Council and in making the motion he would like to see an Ordinance that would allow the City to cause removal of the pole signs while still giving some type of signage to freeway oriented businesses.

Subject: 115 - Resolution No. 76-80 Approving the Report of Lot Cleaning Program and Special Assessment.

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 or land within the City.

The Mayor opened the public hearing and there being no one wishing to be heard, it was then closed.

Upon motion of Councilman Lane, seconded by Councilman Limberg, and unanimously carried, RESOLUTION NO. 76-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, APPROVING THE REPORT OF LOT CLEANING PROGRAM AND SPECIAL ASSESSMENT, was regularly introduced, passed, and adopted.

Subject: 110 - Resolution No. 77-80 Forming an Underground Utility District known as the "La Cuesta Underground Utility District."

IN RE: Public Hearing to consider forming an underground utility district for conversion of existing overhead utilities to underground in the area generally known as the "La Cuesta Area".

The public hearing was opened and discussion is summarized as follows: Staff responded to various questions by Council and noted that by using 100% SDG&E 8209 funds for construction would require that the property owners be responsible only for the conversion of their overhead utility services to underground from the property line to their service panels at an estimated cost of \$1,000; that all conversion work within the public right-of-way would be performed and paid for by the utility companies involved; and that the work could start in about three or four months with completion anticipated in January or February of 1982. A representative of SDG&E also responded to questions.

The following persons spoke in favor of the district: Don Harvey noted that the existing poles create a hazard on the street and with their undergrounding it would be a much safer area; Jack Parle inquired as to whether this included street lighting and the Public Works Director reviewed the options and recommended SDG&E installation and ownership; Larry Barrett commented that it would enhance the neighborhood and increase the value of the property. Lance McCabe inquired as to what was required of the homeowners.

Persons opposed to the district were: Lucile Taylor who noted that property owners in all prior districts have been paying an assessment in addition to their own hookup; and that this will deplete the funds and take twice as long to underground the rest of the City; Lynn Hicks felt the undergrounding program should remain as it has in the past; Harold Taylor also expressed comments against changing the assessment formula that has been in existence; that the City should not rush into this; that he paid a \$1200 underground assessment and if the City is going to give the money away he would like some of his \$1200 back.

(Councilman O'Keefe arrived at 8:25 P.M.)

There being no one else desiring to be heard the hearing was closed and the Council then discussed City installation and ownership of the street lights in the District as opposed to SDG&E ownership. The City Manager reviewed a current problem of decreased revenue to our existing Lighting District due to Proposition 13, and that adequate funds are not presently available to pay for existing lighting.

IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN MECHAM, AND CARRIED to proceed with the district with the proviso that street lights will be installed by the City with determination as to the matter of funding to be made later, and that RESOLUTION NO. 77-80 BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING AN UNDERGROUND UTILITY DISTRICT TO BE KNOWN AS THE LA CUESTA UNDERGROUND DISTRICT be regularly introduced, passed, and adopted. Mayor Koester voted "NO".

CONSENT CALENDAR

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

City Council Minutes

Minutes of 8-20-80. -- Approved as presented and reading in full thereof waived.

Planning Commission Minutes

Minutes of 9-30-80. -- Received and filed.

Traffic and Parking Commission Minutes

Minutes of 10-2-80. -- Received and filed.

Parks and Recreation Commission Minutes

Minutes of 9-23-80 and 9-26-80. -- Received and filed.

General Plan Review Committee Minutes

Minutes of 9-22-80. -- Received and filed.

Departmental Activities Report

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

Subject: 92 - Request for Use of Sound Amplifying Equipment on Sunday, October 26, 1980.

IN RE: Request for use of sound amplifying equipment by Dottie Griffith, Del Mar Realty & Investments, Inc., for Sunday, October 26, 1980, from 2:00 to 4:00 P.M. in the Broadmoor area in connection with distributing pumpkins and broadcasting Halloween sounds. -- Approved the request provided there is no broadcasting of commercial advertising and subject to any requirements of the Police Department.

Subject: 78 - Encroachment No. 80-2 (Wallace & June Shirey).

IN RE: Communication from Planning Commission recommending denial of Encroachment No. 80-2, being the request of Wallace & June Shirey to allow a 42-inch high block wall to encroach 5.5 feet into the City right-of-way along the south side of Calle Frontera at the southeast corner of Calle Frontera and Calle Amigo. -- Set for public hearing on 11-5-80.

Subject: 78 - Encroachment No. 80-3 (Stanley R. Sax).

IN RE: Communication from Planning Commission recommending denial of Encroachment No. 80-3, being the request of Stanley R. Sax to allow a 6-foot high wall to encroach 2 feet into the future City right-of-way along the west side of Avenida del Presidente at 3204 Avenida del Presidente. -- Set for public hearing on 11-5-80.

Subject: 117 - Zoning Amendment No. 80-3 (Ray Campbell).

IN RE: Communication from Planning Commission recommending approval of Zoning Amendment No. 80-3, being the request of Ray Campbell to rezone a 25,134 square foot parcel of property located at 84 Calle Industrias from M-2 (Industrial) District to the C-3 (Heavy Commercial) District. -- Set for public hearing on 11-5-80.

Subject: 42 - Claim for Damages Filed by Vincent & Ruth Ekstrum.

IN RE: Claim for damages filed by Vincent & Ruth Ekstrum in an unknown amount relating to the sale of certain real property as five dwelling units which is legally useable for only three units. -- Based on insurance adjuster's recommendation, the claim was denied.

Subject: 53 - Fireworks Permit.

IN RE: Report from Fire Protection Director and City Manager advising that Capistrano Unified School District has submitted the necessary application for a fireworks display on 11-5-80 at the San Clemente High School. -- Approved request subject to applicant obtaining a Fire Department permit in the amount of \$25.00.

Subject: 97 - Extension of 18" Storm Drain Pipe in Tracts No. 8188 and No. 8190.

IN RE: Report from Public Works Director-City Engineer and City Manager advising that a severe erosion problem exists in a canyon adjacent to Tracts No. 8188 and No. 8190 which can be corrected by extending the present 18" storm drain pipe to the bottom of the canyon. -- Approved and transferred \$1,800 from the Local Drainage Planned Facilities Fund to Catch Basin and Storm Drain Account #10-450-2210.

Subject: 73 - Letter of Appreciation from Boys' & Girls' Club of the Southcoast Area.

IN RE: Communication from Boys' & Girls' Club of the Southcoast Area extending a heartfelt expression of appreciation for the Council's assistance in the form of a grant-loan. -- Received and filed.

Cultural Heritage Board Minutes

Minutes of 9-9-80. -- Received and filed.

CONSENT CALENDAR (Items removed for separate action)

Subject: 117 - Design Review Committee Minutes of 10-7-80 and Review of Item D.R.C. 80-61.

IN RE: Mayor Koester's request that Design Review Committee Item No. 80-61, Tiny Naylors sign at 1409 S. El Camino Real, be called up for review.

IT WAS MOVED BY MAYOR KOESTER, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that this matter be called up for review, and that the minutes of 10-7-80 be received and filed.

PAYING OF THE BILLS

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN O'KEEFE, AND UNANIMOUSLY CARRIED that Warrants No. 9883 through No. 9909, and No. 3765 through 3992, as audited by the Council be paid.

Total demands approved for payment for period ending October 14, 1980 \$6,633,038.06

Ratification of Payroll Warrant No. 9887 for period September 15, 1980 through September 28, 1980. \$ 115,933.49

TOTAL WARRANT REGISTER \$6,748,971.55

UNFINISHED BUSINESS

Subject: 105 - Estrella Properties, Tracts 10417, 10533, and 10595.

IN RE: Further consideration by Council as to whether or not the Planning Commission and City Council had considered the Hillside Grading Ordinance on these tracts when they first came before the City for approval; and whether or not these tracts do in fact comply with the Hillside Grading Ordinance.

IN RE: Communication from Capistrano Unified School District advising that school sites are not presently included for approval in Phase I of Estrella properties; that postponing the sites to Phase II would allow the arrival of 1,000 school children prior to the time appropriate school sites could be available; and requesting the addition of school sites to the development agreement for Phase I of Estrella Properties.

IN RE: Memorandum and exhibits submitted by Estrella Properties to demonstrate to the present City Council what information was presented to the Planning Commission and City Council which originally approved the subject tracts.

There ensued lengthy discussion and presentation on the matter with the main points of discussion capsulized as follows: Referring to the Staff administrative report, Senior Planner Michael Thiele, advised that after review of City records, Staff has determined that the previous Planning Commission and City Council did not make specific findings relative to compliance with the Hillside Grading Ordinance for the three subject tracts, and he then expanded on the Staff's research into the matter.

At this point, Dennis Menke, attorney representing Estrella Properties, stated he understood that the question of compliance would only come up if in fact the Council had found that there had not been consideration of the Hillside Grading Ordinance.

The City Attorney advised that he felt the Staff should make a complete presentation at this time. Mr. Thiele made further remarks and concluded that in reviewing the information provided by Estrella Properties, it was Staff determination that they in fact do not comply with the Hillside Grading Ordinance in that it basically involves a mass grading operation with significant alterations to the natural topographic features of the land. Mr. Thiele then mentioned the matters of annexation fees and drainage facilities to which Mr. Menke objected on the grounds that neither he nor his client had received notification that these items were to be considered. The City Attorney noted that Mr. Menke had been furnished a copy of the Staff report; however, Mr. Menke stated that such had been received the previous afternoon which he felt was not adequate notice.

Following discussion, IT WAS THEN MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN LIMBERG to limit the hearing at this time to the issue of whether or not there was consideration and/or findings as to compliance with the Hillside Grading Ordinance for the tracts enumerated. THE MOTION FAILED TO CARRY with Councilmen Lane, Limberg, Mecham and Mayor Koester voting "NO".

Following further discussion, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN LANE, AND CARRIED to limit the hearing at this point to eliminate consideration at the present time of the issues of drainage facilities and annexation fees, and that we proceed with the hearing on the question of submission and/or findings of the project's compliance with the Hillside Grading Ordinance, and that either party that wants to can present information for background purposes as to what has been submitted dealing with compliance, but that any formal finding on compliance will be reserved to a future meeting after the applicant has had an opportunity to prepare and make a presentation. Councilman Mecham voted "NO".

The Senior Planner and Public Works Director then reviewed the submittals made by the applicant when the tracts were submitted, noting that certain of the required submittals were missing, but this did not necessarily mean that they had not been filed. Considerable debate ensued as to procedures and whether or not cross examination of Staff was proper.

Following further comments and discussion as to the extent of Mr. Thiele's review of the records and his opinion as to compliance, he then responded to various questions posed by Attorney Menke.

During further deliberation, Attorney Menke then produced affidavits signed by former Council members Walker, Wilkinson and Hamm declaring that they did consider the Hillside Grading Ordinance when they voted to approve the Estrella plans. Also similar affidavits were obtained from former Planning Commissioners Greenwall, Petersen and Carlson which were submitted as evidence.

William Walker, former Mayor and Council member, explained the previous Council's rationale for approving the Estrella plans under provisions of the grading ordinance, noting that the previous Council thoroughly understood the implications of the grading ordinance at the time Estrella's plans came up for approval. He traced the history of San Clemente's zoning laws concluding that it was never anyone's intention that development be entirely banned in the back country, and if the City's subjective Hillside Grading Ordinance had been strictly interpreted by the former Commission and Council that is exactly what would have happened. He noted that the City zoned the back country to allow up to 1½ units per acre, with an allowance that the homes could be built in clusters so that most of the steep hillside areas could be left unscarred by grading; then the hillside grading ordinance was passed and if strictly enforced could have totally barred any homes from being built on the approximate 6,000 acres of land.

Mr. Walker also noted that when the Estrella plans came up for approval, the City Council had to look at the grading ordinance and zoning approved by a prior City Council for the back country and reconcile the two; that it was known that the intention was that somebody was going to build and that it was the Council's rationale to carefully consider the impact of back country developments and in so doing placed 40 to 50 conditions on each tentative tract map. In response to a question as to the Council's granting of variance to permit grading on slopes steeper than 30 percent he advised that most of these variances were necessary just so streets could be built.

Gerald Nicoll, Estrella's geologist, commented that the feasibility of developing the San Clemente back country requires at least a minimal amount of massive grading for stabilization; that much of the back country consists of ancient landslide sites and when Estrella presented its development plan it spelled out to the City just what kind of stabilization grading would be necessary.

Leo Fitzsimon advised that detailed plans including cross sections of the most severe portion of the project to be graded were submitted to the Council. Councilman Lane referred to a comment by Mr. Fitzsimon that a Forster Ranch tract being processed at the time would not have a stair-stepped appearance but that the tract was subsequently built and has that appearance. Mr. Fitzsimon replied that all the lots had been rounded off as promised and that you have to do the best you can with the topography.

Following the lengthy presentation, discussion, and debate on the question of compliance it was suggested that in view of threatened litigation the matter should be discussed in Executive Session. Attorney Menke expressed comment that any handling of this matter in Executive Session is an improper action, and that it was unconscionable for the Council to try to hold back the development plans at this point since it has been established that the previous City Councils and Planning Commissions had considered the discretionary grading law in a reasonable manner.

In view of the threat of litigation, IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to take this matter under submission and consider the various aspects in Executive Session.

IT WAS FURTHER MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to take the request from the Capistrano Unified School District under consideration.

Councilman Mecham commented that he felt the School District didn't have a proper understanding of the matter.

Subject: 105 - Final Tract Approval - Tract No. 10955 (Cyprus West).

IN RE: Report from Public Works Director-City Engineer and City Manager advising that the developer, Cyprus West, has submitted the required items for finalization of Tract No. 10955, being a resubdivision of nine lots within Tract 10225 to four R-1 lots and one R-4 lot.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND CARRIED to approve the final map of Tract No. 10955. Councilman Lane "ABSTAINED".

Subject: 77 - Cost Estimate to Add Two Lanes to the Beach Club Swimming Pool.

IN RE: Report from Building and Planning Director and City Manager submitting cost estimates to expand the North Beach pool to eight lanes and enlarge the pool enclosure.

Staff responded to concerns and questions posed by Councilman O'Keefe.

Holly Veale, Parks & Recreation Commission Chairwoman, stated that the Commission feels the extra expenditure of \$100,000 would not be worth it as the City will not benefit in terms of revenue.

Trey Hunt, head coach for SCAT, stated that the pool should be made deeper at one end and changed to more lanes to attract higher quality swim meets; suggested a number of possible alternatives and noted several items that the City had failed to consider when drawing up the plans for a competitive pool.

Ethel Unmacht, representing the sponsoring group for SCAT, added that a good quality swim program could be conducted in a 6-lane pool; however, the City should think in terms of 30 years into the future as once the pool is built its design cannot be undone and in 10 years the City will have a much higher population.

Councilman Mecham stated he could not support any of the alternates suggested by Mr. Hunt if such would deepen the shallow end of the pool or do away with the wading pool; that the City could not afford such a change nor would those changes be in line with the basic goal of providing a recreation pool for the general public.

Following further discussion, IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND CARRIED that the pool construction proceed as originally proposed. Councilman Lane voted "NO".

Subject: 96 - Main Wastewater Pumping Station, Project No. 79-2.

IN RE: Report from Public Works Director-City Engineer and City Manager advising that eight bids were received for the Main Wastewater Pumping Station, Project No. 79-2.

IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN MECHAM, AND CARRIED to accept the low bid of \$1,235,746.50 from Allsup Mechanical for Alternate "A" for the construction of the Main Wastewater Pumping Station, to be awarded at the meeting of 11-5-80; and authorize the City Attorney to commence condemnation of an easement for sewer purposes within the AT&SF right-of-way with Attorney Robert Waldron to be retained to represent the City in the condemnation action. Mayor Koester voted "NO".

WRITTEN COMMUNICATIONS

Subject: 98 - Painting of House Numbers on Curbs.

IN RE: Communications from Al Jackman and the Towards College Students and Daniel Wessel requesting they be allowed to paint house numbers on curbs.

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN LANE, AND CARRIED to grant permission to Al Jackman and Dan Wessel with the condition that they receive permission from property owners prior to doing work and obtain business license. Councilman Limberg voted "NO".

Subject: 92 - Request for Use of Helicopter.

IN RE: Communication from A.L. Wulfreck requesting permission to use a helicopter for his personal use on an occasional basis with all operations in conformance with Federal and State rules and regulations; and conforming to City ordinances including noise and dust control.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG to deny the request and advise Mr. Wulfreck that the correct procedure is to apply for a Use Permit pursuant to Sections 5.3, 7.1 and 7.2 of the Zoning Ordinance.

Mr. Wulfreck stated he has never owned a helicopter in San Clemente; that he was not violating any City laws; that the Federal Aviation Administration has good guidelines for the City to follow; that he has used a helicopter at Cyprus West about four times over a 3-month period and has not burdened the neighbors with noise or dust; that when the City got a restraining order halting use of the helicopter he accepted it; that someone else then flew a helicopter off adjacent property but a contempt of court charge was filed against him; and that in order to resolve the matter he would voluntarily refrain from any further use of a helicopter if the City will drop the contempt charge; however, others have used helicopters in the City and he felt their usage should be encouraged.

Following further discussion, the Mayor called for the QUESTION WHICH CARRIED with Councilman Lane "ABSTAINING".

IT WAS THEN MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN LANE, AND UNANIMOUSLY CARRIED that Staff consider a policy under what circumstances and conditions it might be possible for a helicopter to land within a certain number of feet from a residence.

ITEMS FROM COUNCIL MEMBERS

Subject: 57 - General Plan Review Committee.

IN RE: Submittal by Councilman O'Keefe of one name for a person to fill a vacancy on the General Plan Review Committee.

Councilman O'Keefe submitted the name of Dr. John F. Debbs to fill a vacancy on the General Plan Review Committee.

URGENT MATTERS

Subject: 86 - Request for Proclamation.

IN RE: Request from Lynn Hicks for proclamation declaring Friday, October 24, 1980 as United Nations Day.

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that issuance of a United Nations Day proclamation by the Mayor be approved.

Mayor Koester then presented the proclamation to Mrs. Hicks and also appointed her as the United Nations Day representative for this City.

ITEMS FROM CITY MANAGER

Subject: 48 - La Esperanza/Calle Patricia Landslide.

IN RE: Report from City Manager relating to possible agreement for winterization work in relation to the La Esperanza/Calle Patricia landslide matter.

The City Manager reported that one of the homeowners advised he would be willing to recommend to the other homeowners and their attorney that they provide the City with a hold harmless agreement and a contract of repayment for the winterization program, including a study which may take 3 weeks, estimated to cost approximately \$20,000.

IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED that the City enter into an agreement with the property owners along the La Esperanza slide area to provide "winterization" work, provided that the City is able to obtain an agreement of timely payment and a waiver of hold harmless for the work.

IT WAS FURTHER MOVED BY COUNCILMAN LIMBERG, SECONDED BY MAYOR KOESTER, AND UNANIMOUSLY CARRIED that if we do not get a hold harmless agreement and an agreement of timely payment from the affected property owners, the City will proceed to clear the streets and the agreement is off.

Subject: 48 - Resolution No. 78-80 Urging the Placement of San Juan Creek Sediment Sand on Doheny State Beach.

IN RE: Report from City Manager outlining the increased problem of beach erosion and supporting the State's position of replenishment of beach sand from the San Juan Creek on Doheny State Beach.

Upon motion of Councilman O'Keefe, seconded by Mayor Koester, and unanimously carried, RESOLUTION NO. 78-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, URGING THE PLACEMENT OF SAN JUAN CREEK SEDIMENT SAND ON DOHENY STATE BEACH was regularly introduced, passed, and adopted.

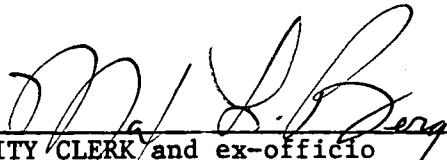
IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY MAYOR KOESTER, AND UNANIMOUSLY CARRIED to establish a policy on removal of sand from creeks and rivers that would have a detrimental effect on our delicate beach environment; further, that this matter is of statewide concern and the State should adopt a policy of economically supporting such projects.

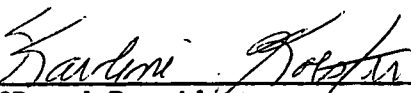
RESOLUTIONS

For Resolution No. 76-80 see under "PUBLIC HEARINGS" on page 2,
 For Resolution No. 77-80 see under "PUBLIC HEARINGS" on page 3.
 For Resolution No. 78-80 see under "ITEMS FROM CITY MANAGER" on page 10.

ADJOURNMENT

IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED that the meeting be adjourned at 12:05 A.M. to Wednesday, October 22, 1980, at 7:00 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

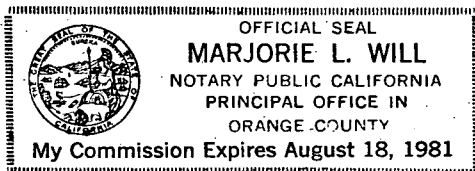
I, MAX L. BERG, being first duly sworn deposes and says:
that I am the duly chosen, qualified, and acting ex-officio Clerk of the
City Council of the City of San Clemente; that at the regular meeting of
the City Council of the City of San Clemente, held October 15, 1980 ,
said meeting was ordered adjourned to the time and place specified in the
Order of Adjournment ATTACHED HERETO; that on October 16, 1980 , at the
hour of 9:00 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
October 15, 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 16th day of Oct., 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,
October 15 1980, at 7:00 P.M., Mayor Karoline Koester presiding.

ROLL CALL

PRESENT: Council Members - LANE, 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

ADJOURNMENT

IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN LIMBERG,
AND UNANIMOUSLY CARRIED that the Council Meeting be adjourned at
12:15 A.M., to Wednesday, October 22, 1980 at 7:00 P.M.

Max L. Berg

CITY CLERK and ex-officio
Clerk of the City Council

Karoline Koester

MAYOR and President
of the City Council

Certified to be a true and correct
copy of excerpts from the Oct. 15
19 80 Council Minutes

Dated this 16th day of Oct. 1980

Max L. Berg

CITY CLERK, City of San Clemente