

San Clemente, California
November 5, 1980

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, November 5, 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, 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

PUBLIC HEARINGS

Subject: 105 - Question of Reversion to Acreage - Tract No. 8575.

IN RE: Continued Public Hearing to consider the question of whether the real property included within Tract No. 8575 shall be reverted to acreage pursuant to Government Code Section 66499.11, et seq., said tract being that particular piece of property consisting of approximately 189.6 acres lying northwesterly of Camino de los Mares and southwesterly of Calle Agua.

The Clerk noted communications from Keith E. McWilliams submitting answers to questions posed by Council at the meeting of 8-6-80; from W.G. Miller, et al, Floyd R. Loew, and a listing of parties and representatives requesting extension of the tract.

Main points of discussion during the two-hour public hearing are briefly summarized as follows:

Attorney Tim Cohelan, one of the attorneys representing the majority of the property owners who have paid money in and outside of escrow to purchase lots, reviewed the previous expressed concerns of the Council and stated that the geological questions raised by the City-employed geologists have been satisfactorily answered and urged extension of the subdivision agreement. He further noted that the title to the property has been cleared; that questions raised have been analyzed and responded to such as slope stability, ground water, site suitability, etc.,; that such are not major considerations and the technical aspects can be dealt with prior to issuing building permits; and that they are confident that there is no serious legal impediment to proceeding with the tract development.

Councilman O'Keefe referred to the fact that certain viewpoints are still on the master plan and should be preserved; that the developer should not stick to a rigid position on the nature of the tract plan, but should be receptive to compromise; that it is important to the City that these viewpoints be preserved so that they may be enjoyed by the public.

Mr. Cohelan and James Crosby, civil engineer for the project, responded to the matter and explained the reasons why it would not be feasible to provide public vehicular access to the highest point in the project but that a pedestrian trail might be provided for from a certain point; and further noting that parking would be a problem at the viewsites.

Paul Davis, representing the geologists and soil engineers for the project, also responded to concerns of the Council as follows: (1) As to the landslide potential mainly in the southeasterly portion of the tract, investigation has shown there is no slide there and such has been discussed with the City's consultant; (2) recommendations have been made in their report as to the stability of cut slopes; (3) recommendations have been made concerning treatment of natural slopes; and (4) ground water has also been considered in the report over a long term period and that they have answered all concerns and have reviewed the report in detail with the City's geologists and they generally agree with their approach.

Councilman Mecham commented that he has not seen the report and would ask the City's geologists to verify the findings of the developers' geologists; Councilman Limberg added he wanted City Staff input not only on the geology, but on design features of the project.

Mr. Cohelan suggested that the issues be narrowed so that discussion could be in terms of any geological problems. Councilman Lane commented that all issues should remain viable, not just the geology.

Councilman O'Keefe reviewed the prior motion of the Council, noting that the view sites issue has not been addressed, nor the white paper issue; that there has been no attempt to modify the plans in any way; and no access has been provided to "hang glider" hill. The Building & Planning Director commented that it may not be possible with the present tract design to meet the concerns of the Council.

Attorney Donald McGrath, also representing certain of the property owners, expressed various comments and questioned the right of the Council to change a final map, noting that persons had purchased on the basis of a "guarded gate" development.

Keith E. McWilliams, attorney representing the debtor, reviewed the proceedings in bankruptcy; pointed out that a prior Council had approved the project as a gated, private community and it is a property right which he felt cannot be taken away; that there is more legal action that can be taken but they do not wish to do so as only the lawyers make money from litigation.

Floyd Loew, one of the lot purchasers, reminded Council that the developers who took over the project were local people who have done everything the Council has asked and urged extension of the subdivision agreement once geological questions have been answered, and that it was an approved final map when the property owners put their money down.

John Anderson, as a potential lot purchaser and one of the purchasers of the project through Federal bankruptcy Court, expressed great concern for those involved and advised that they have agreed to honor the financial interests of 54 people who bought lots from the former developer; that Council should not dash the hopes of all these people who will lose so much; and that it was not fair for Council to change the rules in the middle of the game, such as redesign and public access to scenic viewpoints.

During closing discussion, Councilman O'Keefe commented that he does not want to see anybody lose money in the project; reiterated that the original plan included viewpoints; that City Ordinances and the master plan must be complied with; that the geology concerns are important; noted that the subdivision agreement approved was based on the premise that the tract would be built by a certain date and the deadline was never met; that the Council is looking out for the interests of those persons buying lots and the interest of the City as a whole and some middle ground accommodation should be reached by the people on both sides.

Councilman Limberg noted that a recent landslide lawsuit against the City has made the Council acutely aware of the necessity to thoroughly examine features of this tract and that more information is needed. Councilman Mecham emphasized that it is important to understand that the City cannot move ahead without first having all available information submitted to the City; and that the lot purchasers should desire that such information be thoroughly reviewed by the City geologists.

Mayor Koester closed the hearing, and IT WAS THEN MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to continue the matter to the meeting of 11-19-80.

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

IN RE: Public Hearing to consider 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.

The City Clerk advised that the applicant has advised that the block wall has now been removed.

The Mayor then opened the public hearing and there being no one wishing to be heard it was closed, and IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN LANE, AND UNANIMOUSLY CARRIED to concur with the Planning Commission's recommendation denying Encroachment No. 80-2.

Mayor Koester commended Mr. & Mrs. Shirey for removing the wall.

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

IN RE: Public Hearing to consider 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.

The Mayor opened the public hearing and there being no one wishing to be heard it was closed AND IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to concur with the Planning Commission's recommendation denying Encroachment No. 80-3.

Subject: 117 - Ordinance No. 791 Rezoning Certain Property - Zoning Amendment No. 80-3 (Ray Campbell).

IN RE: Public Hearing to consider 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 modified by the Planning Commission to C-2 (General Commercial) District.

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

Upon motion of Councilman Limberg, seconded by Councilman Mecham, and unanimously carried ORDINANCE NO. 791, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING ORDINANCE NO. 397, KNOWN AS "THE SAN CLEMENTE CITY ZONING ORDINANCE", CHANGING THE ZONING OF CERTAIN PROPERTY IN SAID CITY (ZONING AMENDMENT NO. 80-3), was regularly introduced by title only, and the reading in full thereof unanimously waived.

Subject: 52 - Ordinance No. 789 Amending Chapter 20 of the Municipal Code Relating to Fire Protection.

IN RE: Public Hearing to consider the adoption of Ordinance No. 789, being an Ordinance amendment which requires installation of approved separate locking devices on certain property where locking devices are used in order that City fire, police and emergency medical personnel can rapidly gain entry to such property in the performance of their duties.

Staff responded to questions and Councilman O'Keefe recommended that sub-section(f) be changed to "Inspection may periodically be made by the fire department to determine compliance with this section."

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

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Upon motion of Councilman Limberg, seconded by Mayor Koester, and unanimously carried, sub-section (f) was changed as recommended by Councilman O'Keefe and ORDINANCE NO. 789, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 20, SECTION 20-3 OF THE MUNICIPAL CODE RELATING TO FIRE PROTECTION, having been regularly introduced at the meeting of 10-1-80 was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted as amended.

Subject: 96 - Resolution No. 80-80 Finding and Determining Necessity to Require Acquisition by Eminent Domain of Certain Real Property.

IN RE: Public Hearing to consider the adoption of a Resolution of necessity to acquire by eminent domain certain easements across real property owned by Atchison, Topeka, and Santa Fe Railway Company, for a permanent easement for sanitary sewer line purposes and temporary construction easement for sewer line purposes.

The Mayor opened the public hearing and Benjamin Salvaty, attorney representing the Santa Fe Railway, displayed a drawing with a suggested modification for the sewer line, stating that the Railway did not oppose the City's sewer line project, only that the sewer line be put in another location nearby. The Railway wishes to reserve the right of way inasmuch as they would like to use the same space to put in a second track which would be a siding where freight trains could stop to let the AMTRAK passenger trains go by.

The City Engineer stated that without the easement location as proposed it would add about \$400,000 to the cost of the project. Councilman Lane noted that the side track would block off access to the beach and that the railway should make other arrangements for a second track.

There being no one else wishing to be heard the public hearing was closed, and upon motion of Councilman Lane, seconded by Councilman Limberg, and unanimously carried, RESOLUTION NO. 80-80 BEING A RESOLUTION OF THE CITY OF SAN CLEMENTE FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION was regularly introduced, passed, and adopted.

IT WAS THEN MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to increase appropriation for the Pump Station, Account #72-471-7700 by \$44,500 to cover estimated costs of condemnation; and authorize issuance of warrant from said account in the amount of \$18,366.00 being the appraised value of the property, for deposit with the Court.

Subject: 96 - Main Wastewater Pump Station, Project 79-2.

IN RE: Report from Public Works Director-City Engineer and City Manager advising that as reported at the 10-15-80 meeting, eight bids were received for the Main Wastewater Pump Station, Project No. 79-2.

Following discussion IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that contingent upon acquisition by the City's Special Legal Counsel of an order of immediate possession within the next two weeks, award the contract for construction of the Main Wastewater Pump Station, Alternate "A", to Allsup Mechanical for the low bid of \$1,235,746.50; authorize Staff to enter into an agreement with Alderman Swift and Lewis Consulting Engineers to provide construction engineering services for said project, and increase the appropriation for the Main Wastewater Pump Station, Account #72-471-7700 by \$515,970.

CONSENT CALENDAR

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

City Council Minutes

Minutes of 9-3-80 (regular) and 9-10-80 (adjourned). -- Approved as presented and reading in full thereof waived.

Traffic and Parking Commission Minutes

Minutes of 10-16-80. -- Received and filed.

Zoning Administrator Minutes

Minutes of 10-14-80 and 10-28-80. -- Received and filed.

General Plan Review Committee Minutes

Minutes of 10-13-80. -- Received and filed.

Golf Course Committee Minutes

Minutes of 8-27-80 and 9-29-80. -- Received and filed.

Subject: 113 - Acceptance of Work - Water Main & Street Reconstruction, Project 6-80.

IN RE: Report from Public Works Director-City Engineer and City Manager advising that all work has been satisfactorily completed by the contractor, Hardy & Harper, Inc., on the Water Main and Street Reconstruction Project 6-80 in Ola Vista between Palizada and Granada. -- Accepted the work and authorized filing of a Notice of Completion.

Subject: 99 - Request for Sign Locations - Presidio Pointe.

IN RE: Report from Building and Planning Director and City Manager advising that A.R. Builders is requesting four directional signs in order to direct people to the Presidio Pointe development. -- Approved request subject to five conditions imposed by the Building and Planning Department.

Subject: 42 - Claims for Damages Filed by Mark L. Kendall and Lance L. Kendall.

IN RE: Claims for damages filed by Mark L. Kendall in the amount of \$50,000+ and Lance L. Kendall in the amount of \$150,000+ when claimants suffered personal injuries while riding on a motorcycle which ran into and struck a metal chain near a fire access road. -- Based on insurance adjuster's recommendation, accepted the late claim filing and denied the claims.

Subject: 97 - Cazador Lane Slope Reconstruction and Storm Drain Replacement, Project 20-80.

IN RE: Report from Public Works Director-City Engineer and City Manager advising that plans and specifications have been prepared for Cazador Lane Slope Reconstruction and Storm Drain Replacement, Project No. 20-80. -- Approved plans and specifications and authorized advertising for bids.

CONSENT CALENDAR (Items removed for separate action)

Subject: 105 (81) - Planning Commission Minutes of 10-14-80 and Item Relating to Waiver of Separate Water Meters at 903 Buena Vista.

IN RE: Councilman Mecham's referral to the request of Buena Vista Associates for a waiver of the requirement calling for separate water meters at 903 Buena Vista.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to call the matter up for review at the 11-19-80 meeting.

The Planning Commission Minutes of 10-14-80 were received and filed.

Subject: 77 - Parks & Recreation Commission Minutes of 10-14-80.

IN RE: Mayor Koester's comment that page 2 of the Parks & Recreation Commission Minutes of 10-14-80 was missing.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY MAYOR KOESTER, AND UNANIMOUSLY CARRIED that the Parks & Recreation Commission Minutes of 10-14-80 be brought back at the 11-19-80 meeting in complete form.

Subject: 90 - Approval of Purchase of Raw Sewage Pump for Linda Lane Pump Station.

IN RE: Report from Public Works Director-City Engineer and City Manager advising that the stator in the main pump at the Linda Lane Sewer Lift Station has burned out; that the lag pump was not capable of handling peak flow conditions and requesting purchase of a new pump.

Mayor Koester noted that SERRA has adopted a policy of repairing pumps instead of purchasing new ones as a means of economy and inquired whether this would be possible in this particular case. Staff replied that the City also has a policy and that it has been possible in some cases to repair the pumps.

IT WAS THEN MOVED BY MAYOR KOESTER, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to approve purchase of a raw sewage pump for Linda Lane Pump Station in the amount of \$5,640.26 from the Wastewater Utility Account #72-470-3430-4.

PAYING OF THE BILLS

IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that Warrants No. 9910 through No. 9945 and No. 3993 through No. 4249, as audited by the Council be paid. Mayor Koester referred to the recent investment of \$6 million and commended the City Treasurer for being so active in investing the City's money to take advantage of the higher interest rates.

Total demands approved for payment for period ending November 4, 1980 \$ 440,440.77

Ratification of Payroll Warrant No. 9916 for period September 29, 1980 through October 12, 1980 . . . \$ 110,881.22

Ratification of Payroll Warrant No. 9944 for period October 13, 1980 through October 26, 1980 \$ 111,102.89

TOTAL WARRANT REGISTER \$ 662,424.88

UNFINISHED BUSINESS

Subject: 105 - Tentative Tract No. 10909 (Title Insurance & Trust Company).

IN RE: Further consideration of communication from Planning Commission recommending approval of Tentative Tract No. 10909, being the request of Title Insurance & Trust Company to create 16 R-1-B-1 lots south of Calle Ariana on property commonly known as the Nixon Estate (Cotton Point), said approval subject to 18 conditions of the Subdivision Committee.

IN RE: Communication from Parks and Recreation Commission recommending that a 15 foot easement be required at Cotton Point for a future beach access.

Lengthy discussion is summarized as follows: Dee Hedborg, Parks & Recreation Commissioner, spoke in support of the Commission's recommendation.

During general Council discussion and comments, Robert Mickelson, representing the applicant, reviewed the concerns set forth in the City Manager's memo of 10-30-80 relating to termination of such an easement at a high bluff, need for an access across the railroad tracts, liabilities that would be incurred by the City, etc., and emphasized there already exists a public access at nearby Trestles beach.

Councilman Limberg inquired whether there were any plans for sale of the adjacent Coast Guard property by the Federal Government, and if such property might ultimately be developed by private industry. He further explained the procedure for disposition of excess Federal property which is first offered to public entities prior to any offer to the private sector.

Councilman Lane suggested that in addition to the beach access easement the developers should provide public access to the grounds outside Casa Pacifica by providing a pathway for pedestrians and bicyclists so people can view the exterior of the historically significant home. Mr. Mickelson commented that public access into the proposed private gated community would impose security problems on the person who plans to live in the former Nixon home as already there have been problems with vandals and souvenir-hunters on the property.

A.L. Wulfbeck, developer of Cyprus West, reminded Council that the Cotton Point property is isolated from Avenida Del Presidente and since the City required no beach access easement through Cyprus West they would be opposed to providing any link for a beach access from Avenida Del Presidente. He further stated that parking facilities are lacking on Avenida Del Presidente.

Lee Riley, representing the owners, clarified that the Coastal Commission has not yet considered this tract. He questioned the policing and maintenance of the suggested 1800 foot long easement and what purpose is to be served by police and fire vehicles traversing the easement to a point where the bluff drops off 75 feet. In regard to the affordable housing requirement he noted that this requirement has been addressed beyond the normal requirements and that plans are underway to provide an off-site affordable housing project elsewhere in the City.

Following further discussion, IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN LIMBERG to approve the tract with three additional conditions: (1) that an irrevocable offer of dedication of a 15 foot beach access easement with emergency services turn around be provided along the southerly boundary of the tract; (2) that a pedestrian and bicycle access be provided to Casa Pacifica; and (3) that the affordable housing element requirement should be provided off-site at the option of the developer.

Attorney Paul Higness, representing Title Insurance Trust Co., expressed concern about the emergency turn around on one of the most significant landmarks in the City, and concern about public pedestrian and bicycle access which may create insurmountable problems.

George Argyrous, one of the three principals and beneficiaries of the trust, reviewed the history of the property and their plans for developing an unusual living environment for their own homes which will tie in with the existing historical aspect of Cotton Point. He noted that they would be willing to give an irrevocable offer of dedication for a 15' easement although they don't feel it is well advised and they don't want the liability; that the affordable housing requirement has been met; however, as far as the public access to the residence it is very unreasonable to ask them to do that.

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Councilman Limberg suggested there might be alternatives such as allowing public access on specified days of the month or building a decorative wall where people could view the residence from a distance through a grilled opening.

The applicant rejected the condition relating to the public pedestrian and bicycle access and following further discussion, A SUBSTITUTE MOTION WAS MADE BY COUNCILMAN LANE, SECONDED BY MAYOR KOESTER that the tract be denied without prejudice.

During further discussion, Councilman O'Keefe and Mecham expressed certain concerns about the public access to the residence, and following the applicant's agreement to the additional extension while alternatives are explored, the first substitute motion was withdrawn and a NEW SUBSTITUTE MOTION WAS THEN MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to continue the matter to 11-19-80.

Subject: 117 - Review of the Tiny Naylor's Sign at 1409 S. El Camino Real.

IN RE: Consideration of D.R.C. 80-61, Tiny Naylor's sign at 1409 S. El Camino Real called up for review by the Council.

Mayor Koester advised that her questions concerning the Tiny Naylor's sign have been answered to her satisfaction, AND IT WAS MOVED BY MAYOR KOESTER, SECONDED BY COUNCILMAN LIMBERG, AND CARRIED TO sustain the approval action of the Design Review Committee. Councilman Mecham voted "NO".

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.

The City Attorney advised that he felt neither the first draft nor the second draft of the agreement prepared by Estrella's attorneys was acceptable enough to present to the Council.

In the interim Estrella has agreed that this matter be continued, AND IT WAS THEN MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to continue the matter to the meeting of 11-19-80.

Subject: 30 - Final Audit of State "Bailout" Monies.

IN RE: Report from Finance Director and City Manager reporting that the City has been advised by the State Controller's Office that their audit of San Clemente's general fund reserve indicated that State "bailout" monies had been overpaid to the City by \$218,690.45; that a lengthy report was submitted to the State Controller's Office taking exception to the State's findings and as a result of the report the State reduced its claim by almost \$50,000 to \$170,657.45.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY MAYOR KOESTER, AND UNANIMOUSLY CARRIED that \$170,657.45 be accepted as the amount of State "bailout" money which was overpaid to the City; and that the State Controller's Office be advised to offset this amount against future subventions, in lieu of refunding the overpayment to the State.

Subject: 63 - Funding for Design Costs - Library/Senior Citizen Center.

IN RE: Report from Finance Director and City Manager advising that \$37,800 is needed to cover design costs for the Library/Senior Citizen Center; that \$7,560 for the Senior Citizen Center portion is available from Federal Revenue Sharing funds; and recommending an appropriation of \$30,240 from contingency reserve to cover design costs allocable to the library portion of the building.

IN RE: Report from Building and Planning Director and City Manager advising that plans for the Library/Senior Citizens Multi-Use Complex have been completed.

IN RE: Report from Fire Protection Director and City Manager requesting authorization for the demolition of the buildings located at 231, 240, and 242 Avenida Del Mar.

With reference to the design costs, IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG to appropriate \$30,240 from the contingency reserve of the General Fund to Account #64-782-7200-005.

The City Manager gave an overview of the library/senior center project and the complexities of the project due to the different sources of funding.

The Building & Planning Director advised that if bid advertisements are published in mid-December, a contract could be awarded in mid-January and that ground could be broken by February 1.

The Mayor then called for the QUESTION WHICH CARRIED UNANIMOUSLY.

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

With reference to demolition of the buildings, Marilyn Ditty, San Clemente Seniors Director, requested the City hold off until the last possible moment on demolition of the house they occupied on a temporary lease, and that even though they are moving across the street on November 14 they can still use the structure for classes and other activities.

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to authorize execution of actions listed in the Staff report concerning the demolition of the buildings, except that Staff hold off on the demolition of the seniors building so they may continue to use it for classes or other activities; and that the Fire Department give the seniors one week's notice before demolition so any furnishings may be removed.

Subject: 29 - Request for Reconsideration of Motion Relating to Removal of Certain Property from List of Historically Significant Properties (410 Cazador Lane).

IN RE: Further consideration of communication from Cultural Heritage Board requesting that the motion adopted by the Council on 8-20-80 concerning the property at 410 Cazador Lane be rescinded and a new motion be presented for approval.

Blythe Welton explained reasons for requesting the rescinding of the motion which relates to their concern about removal of any designated home from the cultural heritage list.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND CARRIED to reconsider the motion of 8-20-80. Councilman Lane "ABSTAINED".

IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND CARRIED to concur with the recommendation of the Cultural Heritage Board on condition the owners of the property attempt to find a buyer, who would remove the house to a different location, for at least 90 days, thereafter if those attempts were unsuccessful, with sufficient public notice, that the property owner would then be authorized to demolish the property (house). Councilman Lane "ABSTAINED".

Subject: 77 - Beach Sand Replenishment Policy & State Support of Sand Replenishment Projects.

IN RE: Report from City Manager submitting a recommended policy relating to beach sand replenishment.

IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN MECHAM to adopt a minute order establishing a policy that if river or creek bed sand is removed, which normally replenishes our delicate beach environment, such sand should be placed upon our beaches; further since the problem of beach erosion is a statewide concern it is recommended that the State adopt a policy of financially supporting such projects that preserves our beaches; and further, that the City adopt a policy of protection of beach sand replenishment by minimizing the concrete channelization of flood control channels throughout the City.

The Mayor then called for the QUESTION WHICH CARRIED with Councilman Limberg voting "NO".

Subject: 20 - Flood Hazard Nuisance Abatement - Camino de los Mares Area.

IN RE: Report from Public Works Director-City Engineer and City Manager advising that on 8-20-80 Council ordered correction of potential flood hazard conditions on property contiguous to Camino de los Mares within Tracts 8575 and 10579; that the specified time has elapsed and the required corrective work has not been done by the owners; that action has been commenced by Staff to accomplish the necessary work by private contract and quotations were received from two contractors.

IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY MAYOR KOESTER, AND UNANIMOUSLY CARRIED to authorize an appropriation of \$16,500 for construction of a desilting basin and slope drains within Tracts 8575 and 10579 by force account, pursuant to Resolution No. 62-80, said amount to be transferred from Drainage Fees to Account #10-450-7800-009 and to be reimbursed by the property owners; and authorize James W. Miller, contractor, to perform the work at the quoted price of \$13,846.

ITEMS FROM CITY ATTORNEY

Subject: 105 - Mutual General Release - Seaborg, Inc.

IN RE: City Attorney's referral to a mutual general release form concerning Seaborg, Inc., Nu-West Development Corp., Management and Trust Co. International, and Family Home Builders, Inc., and the City of San Clemente entering into the agreement whereby all parties settle, release and discharge claims.

Following discussion and concurrence as to dismissal of claims with prejudice, IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to authorize the Mayor to execute the Mutual General Release.

RESOLUTIONS

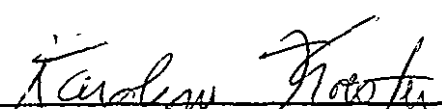
For Resolution No. 80-80 see under "PUBLIC HEARINGS" on page 4.

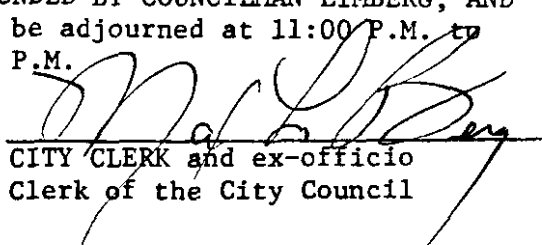
ORDINANCES

For Ordinance No. 789 see under "PUBLIC HEARINGS" on 3.
For Ordinance No. 791 see under "PUBLIC HEARINGS" on page 3.

ADJOURNMENT

IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED that the meeting be adjourned at 11:00 P.M. to Wednesday, November 12, 1980 at 7:00 P.M.

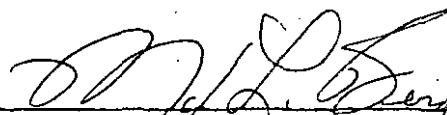

MAYOR and President
of the City Council


CITY CLERK and ex-officio
Clerk of the City Council

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

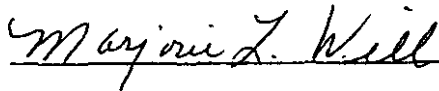
AFFIDAVIT OF POSTING
OF MEETING

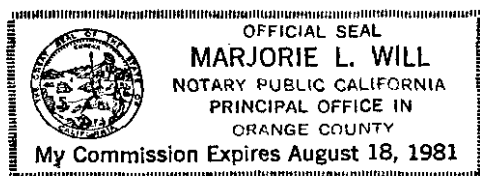
I, MAX L. BERG, being first duly sworn deposes and says:
that I am the duly chosen, qualified, and acting ex-officio Clerk of the
City Council of the City of San Clemente; that at the regular meeting of
the City Council of the City of San Clemente, held November 5, 1980 ,
said meeting was ordered adjourned to the time and place specified in the
Order of Adjournment ATTACHED HERETO; that on November 6, 1980 , at the
hour of 9:00 A.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
November 5, 1980 , was held.



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

Subscribed and sworn to before
me this 6th day of NOV. 1980





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,
November 5 1980, at 7:00 P.M., Mayor Karoline Koester presiding.

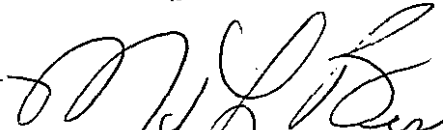
ROLL CALL

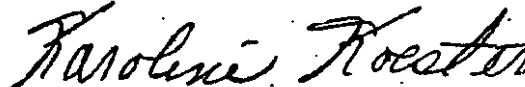
PRESENT: Council Members - LANE, LIMBERG, MECHAM, O'KEEFE, AND KOESTER
ABSENT: Council Members - NONE

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

ADJOURNMENT

IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN LIMBERG, AND
AND UNANIMOUSLY CARRIED that the Council Meeting be adjourned at 11:00 P.M.
to Wednesday, November 12, 1980 at 7:00 P.M.


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 Nov. 5
19⁸⁰, Council Minutes

Dated this 6th day of November, 1980


CITY CLERK, City of San Clemente