

San Clemente, California  
November 12, 1980

Adjourned meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, November 12, 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 - LANE, LIMBERG, MECHAM, AND KOESTER  
ABSENT: Council Members - O'KEEFE

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

WRITTEN COMMUNICATIONS

Subject: 99 - Request for Enforcement of Sign Ordinance.

IN RE: Communication from Alex W. Goodman, Executive Manager of Chamber of Commerce, advising that the Board of Directors of the Chamber strongly urges that the City enforce the current sign ordinance and any other sign ordinance that might be adopted in the near future.

Mayor Koester and Councilman Limberg concurred that this was a step in the right direction, AND IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that the communication be received and filed.

Subject: <sup>77</sup>92 - Request for Refund of School and Park Fees.

IN RE: Communication from James and Catherine Meaglia requesting that pursuant to the Attorney General's opinion they be refunded \$400 in park fees and the \$1200 (SB 201) fees paid to Capistrano Unified School District.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to deny the request for refund of \$400 park fees and refer the letter to CUSD for review by the County Counsel with reference to the SB 201 fees.

Subject: 105 - Request for Study Session Involving Rancho San Clemente Litigation Matter.

IN RE: Communications from representative of Nu-West Development and Seaborg, Inc., requesting that a study session be set regarding the litigation matter between Nu-West Arizona, Inc., the City of San Clemente, and Seaborg, Inc.

The City Clerk stated a further letter had just been received from Nu-West wherein they advised that in light of the last minute apparent success in resolving the litigation between Nu-West Arizona, Inc., Seaborg, Inc. and the City of San Clemente, they were withdrawing their request for a study session of the City Council.

IT WAS THEN MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to take the matter off calendar.

322  
**Subject:** 100 - Request as to Scheduling of Road Repairs in Commercial Areas.

IN RE: Communication from Alex W. Goodman, Executive Manager of the Chamber of Commerce, advising that the Board of Directors requests that the City schedule any road repairs in the commercial areas so that they will not interfere with the summer tourist traffic.

IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to refer the matter to the Public Works Director.

**Subject:** 35 - Appointment of an Additional Member to the Advisory Committee of the Parking and Business Improvement Area "A".

IN RE: Communication from Alex Goodman, Executive Manager of the Chamber of Commerce, advising that the Downtown Business Association Committee has recommended Dr. David Wright, a chiropractor, to be on the Advisory Committee of the recently formed Parking and Business Improvement Area, and that Joe Delucia has also indicated a willingness to serve on the committee.

Noting that the Ordinance only allowed six members, IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND CARRIED that Dr. David Wright, a chiropractor, be appointed to the Advisory Committee of the recently formed Parking and Business Improvement Area.

Councilman Lane did not vote on the motion stating that he did not care.

COMMUNICATIONS FROM COMMISSIONS, BOARDS, AND COMMITTEES

**Subject:** 29 - Consideration of Merging Parks & Recreation Commission and Golf Course Committee.

IN RE: Communications from Parks and Recreation Commission and Golf Course Committee outlining reasons for opposing any merger of the Golf Course Committee with the Parks and Recreation Commission.

IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to concur with the recommendation of the Parks and Recreation Commission and Golf Course Committee; and that there be no merger.

**Subject:** 77 - Proposed Resolution Supporting Proposition 1.

IN RE: Communication from Parks and Recreation Commission advising of their adoption of a resolution supporting Proposition 1 which placed before the voters of California a bond measure to provide funding for acquisition and development of parks and recreation programs.

Noting it was too late for the Council to adopt a similar Resolution, IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to remove the item from the agenda.

**Subject:** 106 - Resolution No. 81-80 Establishing Stop Sign on Avenida Salvador at East Avenida San Pablo.

IN RE: Communication from Traffic and Parking Commission recommending approval of the installation of a stop sign on Avenida Salvador at East Avenida San Pablo, and that the City Engineer direct the Street Department to install center lane striping on East San Pablo from its northerly terminus to East San Gabriel, as well as a "CURVE AHEAD" sign on upper San Pablo.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LANE, AND UNANIMOUSLY CARRIED to concur with the Traffic and Parking Commission's recommendation.

Upon motion of Councilman Mecham, seconded by Councilman Lane, and unanimously carried, RESOLUTION NO. 81-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846 ESTABLISHING A STOP SIGN ON AVENIDA SALVADOR AT EAST AVENIDA SAN PABLO, was regularly introduced, passed, and adopted.

**Subject:** 106 - Installation of "Bots Dots" on Portion of Avenida de la Estrella.

IN RE: Communication from Traffic and Parking Commission recommending approval of installation of "bots dots" along the centerline of Avenida de la Estrella for a distance of 600 feet, between Calle Redondel and approximately 1315 Avenida de la Estrella, for a total cost of \$1,500.

IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to concur with the Traffic and Parking Commission's recommendation, and transfer \$1,500 from the General Fund to Account #10-451-3526.

#### URGENT MATTERS

The Mayor called for urgent matters and there was none.

#### ITEMS FROM CITY MANAGER

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

**Subject:** 31 (119) - Redevelopment Agency Report.

IN RE: Report from City Manager referring to the report from John O'Sullivan on analysis of the Redevelopment Agency.

Mayor Koester stated she felt that the suggested study session for this date should be scheduled for another time so that the citizens of San Clemente may be present, and expressed concern that some persons may have gone to the Golf Course Clubhouse since the recommendation on the carry over agenda was for the study session to be held there.

Councilman Mecham stated he did not feel the matter of comprehensive planning should be put off; that we should get as much information and input as soon as possible; and that he was prepared and fully aware that the matter was proposed for tonight.

Councilman Lane said he was willing to move ahead tonight, however, the Council might be subject to criticism if it proceeded tonight.

The City Manager suggested that he could make his presentation relative to the relationships of the various planning items we are dealing with and detailed discussion could be deferred, however his presentation was intended to review the number of things occurring in the area of comprehensive planning of which the RDA proposal will be a part of the study.

Following further discussion, IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND CARRIED to proceed with the study session following the Council meeting for the purpose of discussing the Redevelopment Agency and comprehensive planning. Mayor Koester voted "NO".

Subject: 48 - La Esperanza/Calle Patricia Landslide Progress Report.

IN RE: Progress report from City Manager on La Esperanza/Calle Patricia Landslide.

Mike McCoy, one of the affected property owners, requested a copy of the City Manager's report to the Council dated 10-30-80. He further stated that there was a tremendous lack of communication between the City, the City Attorney, their attorney, and the homeowners; and they feel they have been the losers as far as having a reputation of lack of willingness to participate. He noted that when the City Council formally declared a public nuisance they were under the assumption as indicated by the proposal presented to them that they were supposed to sign and that the City was going to winterize the slope and bill them, which was not acceptable due to the fact that no cost estimates were involved. He concluded that the delays and lack of communication made it appear that there was no interest on our part when in fact they have a great concern about the problem, and that there was no lack of interest on the part of the property owners - only a lack of funds.

Subject: 39 - Proposed Change of Deadline for Receipt of Communications from the General Public for the Next Agenda.

IN RE: Report from City Manager recommending a change in the deadline for receipt of communications from the general public for the next City Council agenda.

IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to rescind Council action of 5-5-76 and establish a new policy that the deadline for receipt of communications from Staff and the General Public shall be 5:00 P.M., Tuesday, the week preceding the next Council meeting.

ITEMS FROM CITY ATTORNEY

Subject: 57 - Resolution No. 82-80 Adopting the Revised Housing Element.

IN RE: Resolution adopting General Plan Amendment No. 37, known as the Revised Housing Element.

Upon motion of Councilman Mecham, seconded by Councilman Limberg, and carried, RESOLUTION NO. 82-80 BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING GENERAL PLAN AMENDMENT NO. 37, KNOWN AS THE REVISED HOUSING ELEMENT was regularly introduced, passed, and adopted. Councilman Lane voted "NO".

Subject: 29 - Ordinance No. 792 Providing for the Waiver or Reduction of Certain Fees Relating to Historically Significant Property.

IN RE: Ordinance waiving non-public safety related fees for relocation of historically significant homes including the structure at 130 Avenida Rosa as approved in concept at the meeting of 10-22-80.

Upon motion of Councilman Mecham, seconded by Councilman Limberg, and unanimously carried, ORDINANCE NO. 792, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 7C OF THE CODE OF THE CITY OF SAN CLEMENTE BY ADDING THERETO SECTION 7C-7 TO PROVIDE FOR THE WAIVER OR REDUCTION OF CERTAIN FEES RELATING TO HISTORICALLY SIGNIFICANT PROPERTY, was regularly introduced, the reading in full thereof unanimously waived, and duly passed and adopted as an urgency ordinance.

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

ITEMS FROM COUNCIL MEMBERS

Councilman Lane noted that the City directional signs are still advertising Seaview Townhouses and since this development has been sold for quite some time, the signs should be removed. The Building and Planning Director indicated they would handle the matter.

**Subject:** 77 - Consideration of Restaurant Relocation in Pier Area.

IN RE: Councilman Lane's comments in regard to the location of the restaurant on the pier.

Councilman Lane suggested that a restaurant located at the foot of the pier where the San Clemente Boat Club is currently situated would be more accessible to the public and more successful.

Staff advised that both the State Department of Fish & Game and the Wildlife Conservation Board have indicated that the restaurant cannot be relocated in any manner that would eliminate any of the pier railing used by fisherman.

Councilman Lane further added that a restaurant at the foot of the pier would not cut down on the fishing area nor would it impose the problem of how to replace worn out pier pilings underneath a restaurant at the end of the pier; adding that the bait and tackle shop could be kept at the end of the pier.

Staff further advised it will be necessary to research the City's pier funding agreement with the State agencies to see if it might preclude building the restaurant at the foot of the pier.

The City Manager noted that government officials have indicated that because we received grant monies for the pier renovation we should conform to their various requirements although in reviewing the lease there does not appear to be any mandatory requirements; further that since vandalism is a local issue we will do whatever possible to try and convince the various Federal and State Departments as to what is best for the City.

Following further discussion, IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY MAYOR KOESTER, AND CARRIED to refer the matter to the Parks & Recreation Commission to examine the possibility of relocating and building a new restaurant at the foot of the pier. Councilman Limberg voted "NO".

-----

Councilman Limberg noted that the freeway contractor, Guy F. Atkinson Co., received a Use Permit for their yard operation; that one of the conditions applied to the use permit was the fact that they were to use traffic control signs where the trucks entered Avenida Pico, and that this has not been done. The Building and Planning Director advised they would check into the matter.

-----

Mayor Koester noted that during the celebration of Veterans Day in the City there were no visible flags on Del Mar, and felt that it would be nice to see that day observed in the City.

-----

Mayor Koester noted that she had been receiving a number of calls from citizens requesting that the Animal Control program in the City commence; that she contacted Supervisor Riley's office and was advised that there was not current appropriation in the County budget for a Regional Animal Control Center, therefore, it appears the City will be required to do its own programing in this matter.

370

Subject: 68 - Appointment of Representative to Orange County Housing Authority Advisory Committee.

IN RE: Appointment of a replacement for Esther Shillman as the City's representative on the Orange County Housing Authority Advisory Committee.

Mayor Koester thanked Mrs. Shillman for her dedicated service to the City and that she has done an outstanding job, AND IT WAS THEN MOVED BY MAYOR KOESTER, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to accept Mrs. Shillman's resignation with regret and direct preparation of a "Certificate of Appreciation" for her services.

IT WAS THEN MOVED BY COUNCILMAN LANE, SECONDED BY MAYOR KOESTER that Howard Massie be appointed to replace Esther Shillman subject to his acceptance.

A SUBSTITUTE MOTION WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY MAYOR KOESTER AND CARRIED that the matter be put off until such time as we have a volunteer or volunteers. Councilman Lane voted "NO".

Subject: 69 - Mandatory Welfare Work Program.

IN RE: Press release from County Supervisor Philip L. Anthony advising that statistics from the first month of operation of the Welfare Work Pilot project showed a substantial drop in persons on General Relief welfare roles.

Councilman Lane noted that the general public should be made aware of this welfare work program noting that 220 able-bodied individuals applied for general relief welfare and were told that they would have to work to receive assistance; that 65 immediately chose not to take part in the program while another 100 individuals began the program and then withdrew, found regular jobs or were refused aid when they failed to seek permanent employment; and that this type of program should be encouraged and could be applied elsewhere.

#### NEW BUSINESS

Subject: ~~87~~<sup>33</sup> - Surplus State Property Fronting Avenida Lobeiro and Avenida Calafia.

IN RE: Report from Building and Planning Director and City Manager advising that the State Department of General Services is authorized to sell or exchange 0.42 acres of land located between 231 and 225 Avenida Lobeiro; that the State appraisal for the two lots is \$100,000; and recommending that the parcel be acquired by the City for purposes of a senior housing project.

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG to acquire the subject parcel for purposes of developing senior housing from HCD Block Grant Program for Land Acquisition funds.

Councilman Limberg noted that this property is not a suitable location for senior citizen housing due to lack of access to public services; however, it might be traded for another site not too close to the beach but probably larger and able to support a bigger senior citizen housing project which would be closer to public transportation and shopping areas.

The City Manager noted that the City might not even be able to obtain grant funds to subsidize a senior citizen housing project at this location because of its isolation from shopping and public transportation but it would be a desirable parcel for trade.

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

Subject: 113 - Ordinance No. 793 Relating to Cross Connection and Backflow Protection.

IN RE: Report from Public Works Director-City Engineer and City Manager advising that in order to comply with Title 17 of the California Administrative Code an on-going program of cross connection and backflow protection is required.

Staff responded to questions, and upon motion of Councilman Mecham, seconded by Councilman Lane, and unanimously carried, ORDINANCE NO. 793, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 32-36 OF CHAPTER 32 OF THE CODE OF THE CITY OF SAN CLEMENTE, RELATING TO CROSS CONNECTION AND BACKFLOW PROTECTION, was regularly introduced by title only and the reading in full thereof unanimously waived.

Subject: 29 - Request for Interim Appointment to the Cultural Heritage Board.

IN RE: Report from Building and Planning Director and City Manager advising that the Cultural Heritage Board is requesting that Katia Oliver, wife of Board Member Ed Oliver, be appointed as an interim board member during the temporary absence of Mr. Oliver.

IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that Katia Oliver, be appointed as an interim board member during the temporary absence of Mr. Oliver.

RESOLUTIONS

For Resolution No. 81-80 see under "COMMUNICATIONS FROM COMMISSIONS, BOARDS, AND COMMITTEES" on page 3.

For Resolution No. 82-80 see under "ITEMS FROM CITY ATTORNEY" on page 4.

ORDINANCES

For Ordinance No. 793 see under "NEW BUSINESS" on page 7.

ADJOURNMENT TO EXECUTIVE SESSION

IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to adjourn to an Executive Session at 9:30 P.M. to discuss a personnel matter and a matter of litigation.

MEETING RECONVENED

The Mayor reconvened the meeting at 9:45 P.M.

ITEMS FROM CITY ATTORNEY (continued)

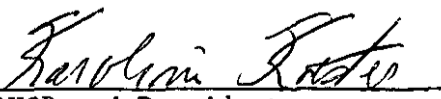
Subject: 42 - Lawsuit Filed by Xerox Corp., et al, vs. County of Orange and Cities in Orange County.

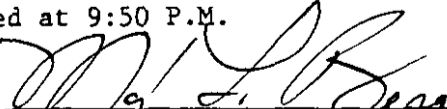
IN RE: Lawsuit filed by Xerox Corporation, Diablo Systems, Inc., and Versatec, Inc. against the County of Orange and the cities in Orange County alleging overpayment of property taxes.

Upon recommendation of the City Attorney, IT WAS MOVED BY COUNCILMAN LIMBERG, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to request the County Counsel to assume defense of the lawsuit on behalf of the City of San Clemente.

ADJOURNMENT

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY MAYOR KOESTER, AND UNANIMOUSLY CARRIED that the meeting be adjourned at 9:50 P.M.

  
MAYOR and President  
of the City Council

  
CITY CLERK and ex-officio  
Clerk of the City Council