

San Clemente, California
November 19, 1980

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Wednesday, November 19, 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

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

DECLARATION OF ELECTION RESULTS

Subject: 49 - Resolution No. 83-80 Declaring Results of November 4, 1980, Special Municipal Election.

IN RE: Report from City Clerk as to the official results from the County Registrar of Voters of the Special Municipal Election consolidated with the statewide November 4, 1980, General Election.

Upon motion of Councilman Mecham, seconded by Councilman Limberg, and unanimously carried, RESOLUTION NO. 83-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECITING THE FACT OF THE SPECIAL MUNICIPAL ELECTION HELD IN SAID CITY OF SAN CLEMENTE ON THE 4TH DAY OF NOVEMBER, 1980, CONSOLIDATED WITH THE STATEWIDE GENERAL ELECTION; DECLARING THE RESULT THEREOF AND SUCH OTHER MATTERS AS ARE PROVIDED BY LAW, was regularly introduced, passed and adopted.

RESOLUTION NO. 83-80

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA RECITING THE FACT OF THE SPECIAL MUNICIPAL ELECTION HELD IN SAID CITY OF SAN CLEMENTE ON THE 4TH DAY OF NOVEMBER, 1980, CONSOLIDATED WITH THE STATEWIDE GENERAL ELECTION; DECLARING THE RESULT THEREOF AND SUCH OTHER MATTERS AS ARE PROVIDED BY LAW

WHEREAS, a Special Municipal Election consolidated with the Statewide General Election was held and conducted in the City of San Clemente, County of Orange, State of California, on Tuesday, November 4, 1980, as required by law; and

WHEREAS, notice of said election was duly and regularly given in time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects said election was held and conducted and the votes cast thereat, received and canvassed and the returns made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in cities; and

WHEREAS, pursuant to Resolution No. 51-80, adopted the 28th day of July, 1980, the Registrar of Voters of the County of Orange canvassed the returns of said election and has certified the results to this City Council, said results are recieved, attached and made a part hereof as "Exhibit A."

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DOES RESOLVE AS FOLLOWS:

SECTION L. That there were 31 voting precincts established for the purpose of holding said election.

SECTION 2. That said Special Municipal Election was held for the purpose of electing two Members of the City Council for unexpired terms ending April, 1982.

SECTION 3. That the whole number of votes cast in said City (except absent voter ballots) was 11,808.

That the whole number of absent voter ballots cast in said City was 818, making a total of 12,626 votes cast in said City.

SECTION 4. That the names of persons voted for at said election for Member of the City Council of said City are as follows:

(NAMES OF NOMINEES)

Alan Korsen	Ray Maddocks
Bill Wagner	Melanie H. Vansell
A.L. Wulfeck	Stephen E. Rackleff
Edward Beyer	Robert Chester Rusin
Bob Brennan	Jay Durkin
B. Patrick Lane	Thomas J. O'Keefe
Gary G. Fuller	

That the number of votes given at each precinct and the number of votes given in the City to each of such persons above named for the respective offices for which said persons were candidates were as listed in Exhibit "A" attached, being the certification of the County Registrar of Voters.

SECTION 5. The City Council does declare and determine that;

ALAN KORSEN was elected as Member of the City Council of said City for the unexpired term ending April, 1982.

B. PATRICK LANE was elected as Member of the City Council of said City for the unexpired term ending April, 1982.

SECTION 6. The City Clerk shall enter on the records of the City Council of said City a statement of the result of said election, as certified by the County Registrar of Voters, showing:

- (1) The whole number of votes cast in the city;
- (2) The names of the persons voted for;
- (3) For what office each person was voted for;
- (4) The number of votes given at each precinct to each person;
- (5) The total number of votes given in the city to each person.

SECTION 7. That the City Clerk shall immediately make and deliver to each of such persons so elected a Certificate of Election signed by the City Clerk and duly authenticated; that the City Clerk shall also administer to each person elected the Oath of Office prescribed in the State Constitution of the State of California and shall have them subscribe thereto and file the same in the office of the City Clerk. Whereupon, each and all of said persons so elected shall be inducted into the respective office to which they have been elected.

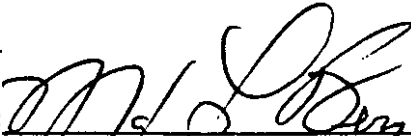
SECTION 8. That the City Clerk shall certify to the passage and adoption of this Resolution; shall enter the same in the book of original Resolutions of said City; and shall make a minute of passage and adoption thereof in the records of the proceedings of the City Council of said City, in the minutes of the meeting at which the same is passed and adopted.

ADOPTED, SIGNED, and APPROVED this 19th day of November, 1980.

(SEAL)


MAYOR of the City of San Clemente,
California

ATTEST:


CITY CLERK of the City of
San Clemente, California

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

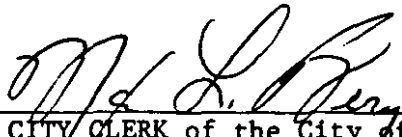
I, MAX L. BERG, Clerk of the City of San Clemente, California, hereby certify that the foregoing is a true and correct copy of a Resolution of the City Council of said City numbered 83-80, adopted by the City Council of said City on the 19th day of November, 1980, and was so passed and adopted by the following stated vote, to wit:

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

and was thereafter on said day signed and approved by the Mayor of said City.

(SEAL)

ATTEST:


 CITY CLERK of the City of
 San Clemente, California

CERTIFICATE OF REGISTRAR OF VOTERS OF RESULT
 OF THE CANVASS OF THE GENERAL ELECTION RETURNS

EXHIBIT "A"

STATE OF CALIFORNIA)
 COUNTY OF ORANGE) } ss.

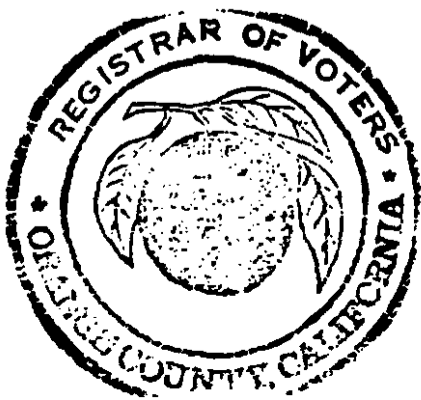
I, A. E. Olson, Registrar of Voters of Orange County, do hereby certify the following to be a full, true and correct Statement of the Vote of the election listed below, consolidated with the General Election held on November 4, 1980.


SAN CLEMENTE CITY COUNCIL ELECTION

Alan Korsen	4,371
Bill Wagner	2,250
A. L. Wulfeck	683
Edward Beyer	800
Bob Brennan	503
B. Patrick Lane	4,231
Gary G. Fuller	704
Ray Maddocks	758
Melanie H. Vansell	1,226
Stephen E. Rackleff	413
Robert Chester Rusin	354
Jay Durkin	1,922
Thomas J. O'Keefe	3,855

TOTAL VOTES CAST 12,626

WITNESS my hand and Official Seal this 18th day of November, 1980.




 REGISTRAR OF VOTERS
 Orange County

STATEMENT OF VOTES CAST - GENERAL ELECTION - NOVEMBER 4, 1980

ORANGE COUNTY		MEMBER, SAN CLEMENTE CITY COUNCIL - UNEXPIRED TERM ENDING APRIL 1982												
ELECTION PRECINCTS		Alan Korsen	Bill Wagner	A.L. Whitford	Edward Bayer	Bob Brennan	B. Patrick Lane	Gary O. Peltier	Ray M. Matthews	Michael H. Venable	Stephen E. Poulakoff	Robert Chester Nash	Jay Durkin	Thomas J. O'Leary
		48-140-1	105811	167	76	24	36	15	136	27	24	26	20	14
48-141-1	105822	101	68	25	19	7	132	32	11	28	12	4	45	118
48-142-1	104811	139	77	17	34	11	119	20	12	32	8	8	67	83
48-143-1	105141	84	72	21	18	18	103	14	12	33	9	15	25	108
48-144-1	105311	148	61	22	24	17	121	9	24	42	10	10	86	104
48-145-1	10659	122	68	24	35	12	139	27	28	37	17	7	117	170
48-146-1	10480	137	65	8	16	8	162	11	16	31	16	8	80	132
48-147-1	10539	112	64	23	22	14	104	18	16	33	12	16	68	165
48-148-1	10638	208	109	21	28	11	163	22	8	42	14	9	81	152
48-149-1	10546	149	74	22	13	12	100	25	22	44	12	12	92	75
48-150-1	10558	108	81	21	17	12	122	20	14	36	12	16	42	104
48-151-1	10496	134	71	10	23	13	178	16	19	27	23	12	83	124
48-152-1	10668	143	77	20	31	21	138	21	19	33	16	21	95	136
48-153-1	10447	82	47	10	18	12	103	22	21	33	17	12	32	96
48-154-1	10540	101	93	28	17	22	138	16	23	30	28	8	38	144
48-160-1	10477	204	84	48	54	52	195	43	46	74	12	16	104	198
48-236-1	10271	82	44	12	9	8	64	6	8	24	3	3	34	82
48-237-1	10505	123	70	16	23	8	104	24	26	27	14	24	78	97
48-239-1	10419	127	58	10	20	10	102	11	17	33	7	15	53	74
48-240-1	10509	118	67	26	25	18	172	19	24	29	6	6	32	132
48-241-1	10482	129	68	16	19	12	88	16	14	32	8	15	49	78
48-242-1	10612	127	78	22	22	18	107	30	17	61	14	13	59	81
48-243-1	10436	143	82	22	22	13	112	22	15	49	16	12	41	83
48-244-1	10528	128	28	32	18	24	140	28	23	36	6	8	68	161
48-248-1	10434	103	39	12	18	12	79	27	21	34	10	12	30	62
48-249-1	10526	79	46	11	16	15	113	29	14	44	16	18	24	82
48-250-1	10337	112	61	7	7	10	92	7	16	17	4	4	49	101
48-251-1	10275	112	67	12	18	8	97	8	24	29	5	6	37	72
48-252-1	10617	161	84	22	22	22	128	40	22	48	22	2	47	107
48-253-1	10673	202	78	30	28	13	178	26	30	34	12	12	66	170
48-254-1	10425	124	60	21	28	12	148	17	20	27	12	8	32	129
COUNTY TOTAL		4167	2071	632	728	470	2922	646	691	1190	262	348	1822	3364
ABSENTEE TOTAL		210	179	94	61	31	274	39	67	70	31	6	99	271
GRAND TOTAL		4377	2250	726	789	501	3196	785	758	1260	293	41	1921	3635

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OATH OF ALLEGIANCE

The City Clerk administered the Oath of Allegiance in unison to Councilman-elect Alan Korsen and Councilman-elect B. Patrick Lane. The Clerk then presented them with their "Certificates of Election" and offered congratulations.

The newly elected Council members were seated and the Mayor extended the privilege of the floor to Council members Lane and Korsen.

Councilman Lane commented it was humbling to be re-elected in 1980 considering politics nationwide; extended heartfelt thanks to all who showed confidence in him, noting that he was on the Council from 1974-1978 and appointed under somewhat controversial circumstances in 1980, and that he hopes he can fulfill that which his supporters believe him to be capable of, and that he will certainly try.

Councilman Korsen thanked those who expressed their confidence in his ability to also hold this office and that he hoped they cast their vote on the issues he expressed in his campaign; that he fully intends to address the issues at hand to the best of his ability during his term of office using his campaign pledges as a guide and not just as campaign rhetoric. He stated he was proud to be a part of this Council and looks forward with enthusiasm to serve on it, and that the Council is a group of individual talents with independent approaches to solve a wide variety of complex problems. He further added that one consistent concern of the voters during his campaign was for a desire for harmony to return to the Council.

Mayor Koester then welcomed the new Council and pledged that they will all work very hard to satisfy the needs, requirements, and wishes of the majority of the people of the City.

ROLL CALL OF NEWLY CONSTITUTED COUNCIL

PRESENT: Council Members - KORSEN, LANE, LIMBERG, MECHAM, AND KOESTER
 ABSENT: Council Members - NONE

SPECIAL BUSINESS

Subject: 77 - Final Report on Ocean Festival '80.

IN RE: Communication from San Clemente Ocean Festival submitting a final report on Ocean Festival '80, and presentation of Video Tape which was used by the Ocean Festival Committee in distributing a more graphic representation of the recreational aspects of the community.

Boyd W. Ames, Jr., President of San Clemente Ocean Festival, noted that the success of the festival was due to local participation and commented on the contributions of the City departments of Marine Safety, Police, Fire, and Street and the bed tax revenues provided by the City Council. Mr. Ames then showed two video tape films which were made relating to the festival -- one to provide TV motivation of interest on the subject, and a 90-second teaser film to be used for public service announcements spots.

Following the presentation, Councilman Limberg noted that the report was very comprehensive; that this event is extremely important to the citizens of San Clemente; that the City appreciates what has been done, and extending the very best of luck in the future.

CONSENT CALENDAR

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

City Council Minutes

Minutes of 9-17-80 and 10-1-80. -- Approved as presented and reading in full thereof waived.

Planning Commission Minutes

Minutes of 11-4-80. -- Received and filed.

Traffic and Parking Commission Minutes

Minutes of 11-6-80. -- Received and filed.

Parks and Recreation Commission Minutes

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

Zoning Administrator Minutes

Minutes of 11-11-80. -- Received and filed.

Design Review Committee Minutes

Minutes of 11-4-80. -- Received and filed.

General Plan Review Committee Minutes

Minutes of 10-27-80. -- Received and filed.

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Golf Course Committee Minutes

Minutes of 10-27-80. -- Received and filed.

Cultural Heritage Board Minutes

Minutes of 10-7-80. -- Received and filed.

Departmental Activities Report

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

Subject: 96 - SDG&E Electrical Easement for Main Wastewater Pump Station.

IN RE: Report from Public Works Director-City Engineer and City Manager advising of the need to grant to SDG&E an easement for underground utilities for power source to the Main Wastewater Pump Station. -- Approved the granting of an easement to San Deigo Gas & Electric for underground service from the existing pole to the pump station facility, and authorized the Mayor and City Clerk to execute.

Subject: 106 - Traffic Signal at Pico and North El Camino Real.

IN RE: Report from Public Works Director-City Engineer and City Manager advising that the flashing operation at the traffic signal at Pico and North El Camino Real is inadequate to handle all the traffic demands; and that a request has been received from Sebastian's Playhouse and a petition containing 362 signatures requesting the signal be returned to normal operations. -- Returned subject signal to normal operation.

Subject: 116 - Appropriation for Local Coastal Plan.

IN RE: Report from Finance Director and City Manager advising that the preparation of the City's Local Coastal Plan in the amount of \$25,000 should have been included in the current budget, along with the offsetting revenue from an approved California Coastal Commission Grant to cover the project; however, both were inadvertently omitted from the budget. -- Appropriated \$25,000 to Account #10-117-4941 to cover the payments to Beland/Associates, Inc. for their completion of the Local Coastal Plan for the City, said amount being reimbursable from State Coastal Commission grant.

Subject: 64 - Resolution No. 84-80 Requesting Certain Financial Assistance in Regard to Lifeguard Services.

IN RE: Report from Marine Safety & Recreation Director and City Manager recommending adoption of a resolution requesting lifeguard financial assistance (\$34,821) for fiscal year 1980-81 from the County of Orange.-- Introduced, passed, and adopted RESOLUTION NO. 84-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING CERTAIN FINANCIAL ASSISTANCE FROM THE COUNTY OF ORANGE IN REGARD TO LIFEGUARD SERVICES.

Subject: 113 - Approval of Water Meter Specifications.

IN RE: Report from Public Works Director-City Engineer and City Manager advising that specifications have been completed for the purchase of 900 water meters. -- Approved specifications for purchase of 900 one-inch water meters and authorized advertising for bids.

Subject: 117 - Zoning Amendment No. 80-6 (City of San Clemente).

IN RE: Communication from Planning Commission recommending approval of Zoning Amendment No. 80-6, being a proposal to update and amend the format of San Clemente Zoning Ordinance No. 397 incorporating all amendments to date. -- Set for public hearing on 12-3-80.

Subject: 20 - Abandonment No. 80-3 (Fred Yeilding).

IN RE: Communication from Planning Commission recommending approval of Abandonment No. 80-3, being the request of Fred Yeilding to abandon approximately 480 square feet of City-owned property located at the northeast corner of Calle Alcazar and Avenida Valencia, at 1501 Calle Alcazar, subject to the retention of public utility easements as required. -- Referred to City Attorney for preparation of resolution of intention to consider the abandonment and setting date of public hearing.

Subject: 77 - Increased Insurance Premium to Cover Increase in Contract Price for Beach Club Project.

IN RE: Report from Building and Planning Director and City Manager advising that the extra work authorized for the Beach Club renovation has increased the bond premium by \$414.00. -- Approved \$414.00 insurance premium invoice from McElvany Insurance and authorized increase in the appropriation to Account #60-782-7200-281 in the Parks & Recreation Acquisition & Development Fund.

Subject: 90 - Purchase of Five Police Package Sedans.

IN RE: Report from Public Works Director-City Engineer and City Manager reporting on the two bids received for five police package compact sedans and advising that Hal Greene Chevrolet was the only bidder to meet the specifications. -- Awarded the bid for five police package compact sedans to Hal Greene Chevrolet in the amount of \$48,636.52

Subject: 113 - Acceptance of Work - Presidio Booster Pump Station, Project No. 1-77.

IN RE: Report from Public Works Director-City Engineer and City Manager advising that the contractor, Equinox-Malibu has completed all work on the water pump station; noting that the final payment will be withheld pending settlement of liquidated damage claims against the contractor. -- Accepted the work and authorized filing of a Notice of Completion on the Presidio Booster Pump Station, Project No. 1-77.

Subject: 105 - Replacement of Agreement and Bonds - Tracts No. 9763 and No. 9764.

IN RE: Report from Public Works Director-City Engineer and City Manager advising that due to a change of ownership of Tract No. 9763 a new subdivision agreement and bonds are required to ensure completion of the improvements by the new owner. -- Approved new subdivision agreement and authorized execution by Mayor and City Clerk and accepted new improvement bonds for Tract No. 9763 as submitted by Warmington Entities, the new owner; released subdivision agreement and letters of credit previously posted by Craig Development; and accepted new grading bonds by Craig Development Corp. for Tract No. 9764.

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CONSENT CALENDAR (Items removed for separate action)

Subject: 77 - Pier Piling Replacement & Building Demolition, Project No. 24-80.

IN RE: Report from Public Works Director-City Engineer and City Manager advising that plans and specifications have been prepared for replacement of existing pier pilings and appurtenant work on the Municipal Pier.

Gene Burke, proprietor of the Bait & Tackle Shop, inquired as to the plans for his concession until the new building is constructed.

The Building & Planning Director responded as to plans for construction, noting however, that the State Department of Fish and Game and the Wildlife Conservation Board are contesting any construction proposal which would result in cutting down on railing space available to fishermen. It was noted that severe winter storms could further damage the pier to a point where major reconstruction would be needed if the City did not proceed with the replacement of the 13 pilings as soon as possible.

Mr. Burke advised he was concerned that he would have no place to store his equipment and also whether his month to month lease could be changed. Mr. Lawson advised that there had been some concern about temporary quarters, such as a trailer, in order for the bait and tackle shop to continue, however, it does not seem to be a viable alternative at this time.

In response to Councilman Limberg's question whether it would be feasible to continue the matter, the City Manager stated he informed the operators of the bait and tackle shop approximately 3 months ago about trying to have a smooth transition from the current facility to a new facility; that the intent was for the City to construct a new Bait and Tackle Shop so that the Council could consider the option of a new lease as others have expressed interest in competing for the lease. However, in light of the problem with the State and Federal agencies if we do not replace the pilings now, additional damage might occur this winter.

Following further discussion, IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LANE, AND UNANIMOUSLY CARRIED to approve plans and specifications and authorize advertising for bids for demolition and removal of existing buildings and replacement of existing pier pilings and appurtenant work on the Municipal Pier; refer the matter to the Redevelopment Agency agenda for consideration; that nothing take place in removing the buildings until the pilings have been obtained and ready for replacement; and that Staff investigate alternatives which will assure continuance of the bait and tackle shop as long as possible.

Subject: 108 - Presidio Freeway Offramp Mural.

IN RE: Report from City Manager advising that CALTRANS has indicated to Janet Radford, Aesthetic Advisor to CALTRANS San Clemente, that there will be space available on the Presidio Freeway Offramp which would be ideal for a mural.

Councilman Lane questioned the size and color of such a mural and noted that there is always the risk of the idea spreading to other areas, and felt that the natural landscaping would be the best way to go.

Following discussion, IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY MAYOR KOESTER, AND CARRIED to refer the matter to the Cultural Heritage Board for review and comments as to subject matter; and to the Design Review Committee for review of composition and color. Councilman Lane voted "NO".

Councilman Korsen noted that CALTRANS has indicated the freeway widening should be finished by November, 1982, but that the actual landscaping would begin in May 1983. He suggested that it might be possible to commence the landscaping on the completed portions and not wait until the entire project is finished.

Subject: 96 - Agreement with Bond Consultant (Sewer Bond Sale).

IN RE: Report from City Manager advising that the City has been working for some time now towards the sale of sewer revenue bonds to perform necessary improvements in sewer facilities; with the intended sale of the bonds to be on January 21, 1981; and recommending approval of agreement with Bartle Wells Associates to perform bond sale services.

Inquiry was made whether there would be any additional costs incurred if the market and interest rate were unrealistic at the particular time of sale.

The City Attorney advised that the bond sale will not proceed if the market were unrealistic; that the City has the option of rejecting all the bids; that a public report including a disclosure statement is prepared with current and accurate data and distributed prior to the sale; that if there is more than 30-60 days from the projected sale to the ultimate sale the public report would need to be revised and that is what is being done with the current report; that the estimated cost for the bond consultant services is about the same as a year ago except for an inflation increase of approximately 15-20%.

IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LANE, AND UNANIMOUSLY CARRIED to authorize execution of an agreement with Bartle Wells Associates, Municipal Financing Consultant, to perform a full range of bond sale services in connection with the sale of 4.2 million dollars of revenue bonds.

Subject: 105 - Final Approval of Tract No. 10399 (George Gearn).

IN RE: Report from Public Works Director-City Engineer and City Manager advising that the required items have been submitted by George Gearn for final approval of Tract No. 10399, being an 8-unit condominium conversion of an existing apartment building at 1405 Buena Vista.

Referring to the original condition No. 3 on said Tract, IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that the final map of Tract No. 10399 be approved subject to the condition that the trash container enclosure be located on the northerly side of the building.

PAYING OF THE BILLS

IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN KORSEN, AND UNANIMOUSLY CARRIED that Warrants No. 9946 through No. 9983, and No. 4250 through No. 4482, as audited by the Council be paid.

Total demands approved for payment for period ending November 18, 1980	\$2,051,747.63
Ratification of Payroll Warrant No. 9975 for period October 27, 1980 through November 9, 1980	\$ 112,215.33
TOTAL WARRANT REGISTER	<u>\$2,163,962.96</u>

UNFINISHED BUSINESS

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

IN RE: Further consideration as to 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 188.6 acres lying northwesterly of Camino de los Mares and southwesterly of Calle Agua.

The main points of the ensuing 3-1/2 hour discussion are summarized as follows: Tim Cohelan, attorney representing certain of the lot holders, stated they earnestly felt they can satisfy the concerns of the Council; requested extension of the Subdivision Agreement subject to minimum modifications relating to further geological testing on certain of the slopes; and noting that the applicants have extended every effort to accommodate the Council's wishes and that the City codes have been satisfied.

The City Manager advised he had met with Anderson-Olsen late today and they have some concerns as to whether or not the affordable housing provision is applicable, and questioned certain issues relative to a previous use permit. The City Attorney expressed opinion that the affordable housing would apply as a Subdivision Agreement is subject to all elements of the City's General Plan and in accordance with Ordinance No. 397 both variances and use permits are void if not used after one year.

Councilman Korsen expressed concern about the tract being in compliance with the Hillside Grading Ordinance and noted the massive grading features. The Building and Planning Director reviewed the different points of view regarding what constitutes compliance with the Hillside Grading Ordinance and what was the original intent of the Ordinance.

Councilman Limberg requested Staff to review the geologic and soils condition report submitted by the City's consultants, the Public Works Director-City Engineer advised that the report as of this date goes into specifics as to the geological conditions on each particular lot; that the overall tract is grossly stable; that the City was also concerned with surficial slides and that localized slides on the lots can be addressed with construction techniques. In addition some lots are sensitive to surface slides and no construction is recommended on those lots as the problems on a particular lot do not affect stability of the tract itself but could prove a safety hazard to a structure. He further stated that the access road to the reservoir needed to be widened, and noted that any major moving of the roads would change the configuration of the lots.

Dr. Jim Miller, one of the consulting geologists for the City, advised that the developer and consultant did additional research and on-site investigation work; that significant findings were made; that the original four main points of concern have been addressed in a manner which will provide gross stability to the site with certain additional work to be carried on; that there are 10 sites which lend serious concerns in terms of safety for any structure built therein; six sites as presented could jeopardize structures but certain modifications could be made which would make these sites buildable; that there are 51 lots which contain either very small or essentially no flat pad areas adjacent to descending graded slopes and it was their recommendation that the owners of these lots be made fully aware of these conditions. Dr. Miller thereupon responded to numerous questions raised by the Council relating to stability of the Tract.

Dr. Bing Yen, geotechnical engineer representing the developer, reviewed his findings concerning the tract; noted the very complete studies that have been conducted; discussed the different definition of soil creep; and concluded by noting the findings of the tract as being grossly stable.

Gordon Olsen questioned the ability of laymen to listen and really understand geologists and engineers; commented that he delivered their complete package on 10/30/80 which information has been in the hands of the City's consultants; and that none of these problems now raised were brought forward to their consultants so that they would have had a chance to study and refute the concerns.

Councilman Lane inquired whether the developer, Anderson-Olsen, would consent to a covenant running with the land releasing the City from any liability as to any failure of the slopes, and Mr. Olsen replied in the affirmative. Councilman Lane then suggested that an agreement with such a covenant running with the land be included for this project so that subsequent purchasers will be releasing the City from any liability for damages from slope failure.

ADJOURNMENT TO EXECUTIVE SESSION

Mayor Koester noted the need for an emergency Executive Session to discuss an urgent personnel matter, and IT WAS THEN MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN LIMBERG, AND UNANIMOUSLY CARRIED to adjourn to an Executive Session at 8:45 P.M.

MEETING RECONVENED

The Mayor reconvened the meeting at 9:15 P.M. and discussion resumed concerning Tract No. 8575. Councilman Lane referred to the letter from Attorney McWilliams noting that conditions could not be imposed on the tract without violating the Temporary Restraining Order. Attorney McWilliams then reviewed the bankruptcy proceedings relating to this tract.

James Crosby of Crosby Engineers stated that the developer has agreed to provide public access to the highest view site on the property during daylight hours, and reviewed the map showing the road configuration.

Attorney Cohelan expressed further remarks urging extension of the subdivision agreement.

Harry Lawrence, consulting geologist for the City presented extensive remarks summarized as follows: That geology should not be a reason to shoot this tract down as they believe the principal concerns have been addressed by the developer's consultants with the exception of certain transition lots; that they have demonstrated at this stage of the investigation that there are probably no large landslides which photo interpretation indicated there might be; that other landslides that are on-site are going to be removed by grading or will be stabilized; that it was the job of the City's consultant to review the report not to go out and do the geology; and on the basis of their geology it does not appear to pose a substantial threat to the tract. He continued that the biggest single impact by man is probably the change of the ground water regime and considerable detailed discussion was held to assure that there will be adequate drainage in the fill slopes as well as the surcharge materials which are going to face the cut slopes; that it would be appropriate to include internal drainage measures which would assure that ground water pressure does not build up in these slopes so they have a better chance of staying in place; that the maintenance of the slopes could be done through a homeowners association program with some kind of funding by the developers to essentially get it started; or it could even be a special assessment district which would require regular inspections and requirements placed upon the homeowners.

Mr. Lawrence further stated he felt that the geologic conditions had been adequately addressed in this tract; however there are certain deficiencies in the plan which does not mean that the tract cannot be developed, but that there must be very careful engineering analysis and in some cases there are probably some lots that are totally inappropriate for construction. For example there are 8 lots, where the 2 to 1 slope literally comes to the curb line, there is no pad, it is a 2 to 1 slope that rises 100 feet, and then another 30 feet beyond that of undetermined characteristics which lots are difficult to protect against slope failure; that there are some other lots, called transition lots, which have pads and they can either transition to natural or they can transition to slopes--either up or down with only a few upslope transition lots, mostly downslope transition lots; that some transition lots would require special design; and that there are 73 lots where creep force is a major factor and would require different foundation system.

In conclusion, Mr. Lawrence stated that the developer's consultants did a reasonably decent job of addressing the four major points brought up in the original review; that as the City's consultants we have raised reasonable concerns; and that he wanted it to be clear that the tract should not be shot down through geology.

A question and answer period then ensued between the Council and Mr. Lawrence.

The Council and Building and Planning Director discussed with Attorney Cohelan one of the Council's concerns as to who bears the responsibility to see that any special foundation requirements are met and who is liable in the event of failure, with it being noted that the Building Department has the task of seeing that the foundation design is adequate.

The main concerns expressed by members of the Council were the magnitude of the requirements that might be necessary on the 73 lots which need special attention; that the matter of the 8 lots with severe problems needs to be addressed and a decision made if they will be allowed to be built upon; what type of foundation system will be required, such as caissons or post tension; that the developer should pay for the cost of insuring that the recommendations of the consultant are implemented; that a covenant run with the land for indemnification of the City to protect and hold the City harmless from lawsuits; that a cooperative effort between the developer and homeowners association be undertaken with the developer to be responsible for approving and supervising rear yard landscape designs, planting; maintenance, and drainage, and to assure that pads and slope areas are not overwatered; that certain responsibility be required for maintenance of common areas, and specifically the drainage structures which serve the entire project; that there be a system for funding this maintenance as well as funding for inspection on a periodic basis; that public access be provided to the hilltop view site, which is being cut down in excess of 100 feet; that the massive grading project and what is being done to certain prominent landmarks is not in conformance with the hillside grading ordinance; and that some type of conditional permit process be applied to each lot so that geological concerns can be addressed individually.

During further deliberation, Councilman Limberg recommended that a representative of the Council meet with Judge Katz of the bankruptcy court, along with representatives of the tract and lot owners, to expose first hand some of the concerns and considerations raised tonight and to review the history of development in this City and the philosophy of the present Council. Attorney McWilliams stated that such a procedure was totally inappropriate, and he then reviewed the large amount of time and expense incurred in the delays waiting for a decision in this matter.

Attorney Donald McGrath presented further arguments for extension of the tract map, with a provision that development be accomplished on a lot-by-lot basis, each lot being approved or rejected on its own merits.

Following further discussions, IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED to continue the matter to the meeting of 12-17-80 in order to address and attempt to reach agreement or resolution of the items expressed as comments or concerns by the Council members (i.e. that some type of conditional permit process be applied to each lot on its own merits so that geological concerns can be addressed individually; condition that a covenant run with the land releasing the City from any liability for slope failure; condition regarding maintenance of the slopes including planting and inspection for at least the first few years of the tract with the developer to be responsible for approving and supervising rear yard landscape designs, planting, maintenance, and drainage, and to assure that pad and slope areas are not overwatered; that public access be provided to the hilltop view site; consider the issue of affordable housing; question of allowing building on the 8 lots with severe problems; what type of foundation systems will be required; whether there is compliance with the hillside grading ordinance; that certain responsibility be required for maintenance of common areas, and specifically the drainage structures which serve the entire project; that there be a system for funding this maintenance as well as funding for inspection on a periodic basis; that the developer should pay for the cost of insuring that the recommendations of the consultant are implemented), and that the Council also forward their viewpoints to the City Manager so that they can be assembled for consideration with the developer.

Floyd Loew, one of the purchasers of a lot, stated the Council has been "pussyfooting around" for 8 months on this project and expressed various comments concerning the request for extension of the tract, and that they are not going to redesign the tract as they have a recorded map. IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY COUNCILMAN LIMBERG to require merger and resubdivision of the subdivided lands pursuant to Section 66499.20 of the State Subdivision Map Act as a condition to extending the subdivision agreement.

The City Attorney recommended that Council not vote on this motion since it would violate the restraining order, and THE MOTION WAS THEN WITHDRAWN.

IT WAS FURTHER MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that Councilman Limberg and the City Attorney be authorized to meet with Judge Katz in his chambers with representatives of the various interested groups.

RESOLUTIONS

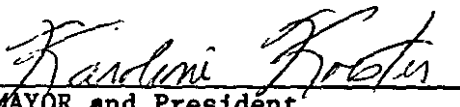
For Resolution No. 83-80 see under "DECLARATION OF ELECTION RESULTS" on page 1.
For Resolution No. 84-80 see under "CONSENT CALENDAR" on page 6.

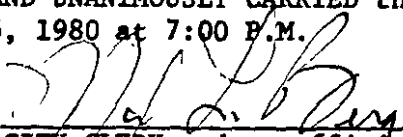
ADJOURNMENT TO EXECUTIVE SESSION

IT WAS MOVED BY COUNCILMAN LANE, SECONDED BY COUNCILMAN MECHAM, AND UNANIMOUSLY CARRIED that the meeting be adjourned at 11:15 P.M. to an Executive Session to discuss a personnel matter.

MEETING RECONVENED AND ADJOURNMENT

The meeting was reconvened at 12:30 A.M., AND IT WAS THEN MOVED BY COUNCILMAN MECHAM, SECONDED BY MAYOR KOESTER, AND UNANIMOUSLY CARRIED that the meeting be adjourned to Tuesday, November 25, 1980 at 7:00 P.M.

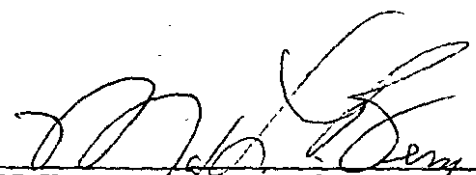

MAYOR and President
of the City Council


CITY CLERK and ex-officio
Clerk of the City Council

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

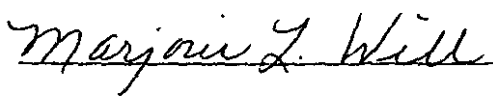
AFFIDAVIT OF POSTING
OF MEETING

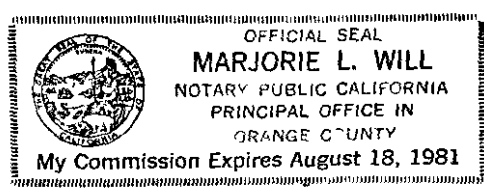
I, MAX L. BERG, being first duly sworn deposes and says:
that I am the duly chosen, qualified, and acting ex-officio Clerk of the
City Council of the City of San Clemente; that at the regular meeting of
the City Council of the City of San Clemente, held November 19, 1980 ,
said meeting was ordered adjourned to the time and place specified in the
Order of Adjournment ATTACHED HERETO; that on November 20, 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 19, 1980 , was held.



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

Subscribed and sworn to before
me this 20th 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 19, 1980, at 7:00 P.M., Mayor Karoline Koester presiding.

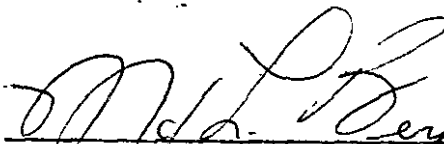
ROLL CALL

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

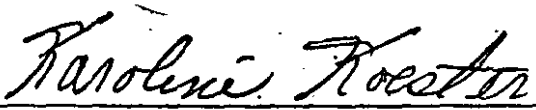
Also Present: George A. Carvalho, City Manager; Max L. Berg, City Clerk;
Michael J. Bartlett, City Attorney; Edward Putz, Public
Works Director-City Engineer; and Lawrence J. Lawson,
Building & Planning Director

ADJOURNMENT

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY MAYOR KOESTER,
AND UNANIMOUSLY CARRIED that the Council Meeting be adjourned at
12:30 A.M. to Tuesday, November 25, 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. 19,
1980, Council Minutes

Dated this 20th day of Nov., 1980



CITY CLERK, City of San Clemente