

An adjourned meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Thursday, January 3, 1980, at 7:00 P.M., Mayor pro tem Myrtis Wagner presiding.

PLEDGE OF ALLEGIANCE AND INVOCATION

PRESENT: Council Members - AHLMAN, KOESTER, AND WAGNER

ABSENT: Council Members - KALSCHED, AND HAMM

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

PUBLIC HEARINGS

Subject: 105 - Proposed Resolution of Necessity to Acquire by Eminent Domain an Easement Interest in Real Property.

IN RE: Continued Public Hearing to consider the adoption of a resolution of necessity to acquire by eminent domain an easement interest in real property (certain storm drain, water line, and sewer line easements) in the vicinity of and across certain portions of the Estrella Golf Course; said easements necessary to meet City requirements in connection with the development of Tract No. 10014, being a development of 70 single family homes located on approximately 21 acres.

The City Clerk advised that the applicant and parties involved have again requested a continuance for two weeks, AND IT WAS THEN MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to continue the public hearing to 1-16-80.

Subject: 83 - Ordinance No. 770 Requiring Security Devices in Certain Buildings as Burglary Prevention Measures.

IN RE: Public Hearing to consider the adoption of a Burglary Prevention Ordinance which requires installation of security devices in certain buildings as burglary prevention measures and providing for the enforcement thereof by the Building Department.

Police Chief Brown and Patti Leitch, Community Services Officer, reviewed the Ordinance and noted that burglary continues to be one of the major concerns to police and law enforcement in general; presented statistics as to the number of burglaries occurring in San Clemente last year with the majority occurring in private residences; explained that the Ordinance concentrates primarily on new residential and commercial developments; and pointed out that with the implementation of these regulations it will prevent and deter many potential burglaries.

Councilwoman Koester commended the Police Department for a very comprehensive report.

The Mayor pro tem opened the public hearing, and Anne Cooper related certain events concerning building security which had occurred when she was living in an apartment and enthusiastically endorsed this Ordinance. There being no one else wishing to be heard the public hearing was closed.

Upon motion of Councilman Ahlman, seconded by Councilwoman Koester, and unanimously carried, ORDINANCE NO. 770 BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADDING CHAPTER 29A TO THE MUNICIPAL CODE, REQUIRING SECURITY DEVICES IN CERTAIN BUILDINGS AS BURGLARY PREVENTION MEASURES was regularly introduced by title only, and the reading in full thereof unanimously waived.

CONSENT CALENDAR

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

City Council Minutes

Minutes of 11-21-79, 12-5-79, 12-11-79 (adjourned), 12-12-79 (adjourned), 12-13-79 (adjourned) and 12-17-79 (adjourned). -- Received and filed.

Planning Commission Minutes

Minutes of 12-18-79. -- Received and filed.

Zoning Administrator Minutes

Minutes of 12-26-79. -- Received and filed.

Parks and Recreation Commission Minutes

Minutes of 12-11-79. -- Received and filed.

Golf Course Committee Minutes

Minutes of 12-6-79. -- Received and filed.

Subject: 52 - Ordinance No. 771 Adopting the 1979 Edition of the Uniform Fire Code.

IN RE: Memorandum from Fire Protection Director recommending adoption of the proposed Ordinance adopting the 1979 Uniform Fire Code. -- Set the matter for public hearing for 2-6-80, and ORDINANCE NO. 771, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING THE UNIFORM FIRE CODE, 1979 EDITION, AND ALL APPENDICES THERETO EXCEPT APPENDIX J, WITH CERTAIN AMENDMENTS THERETO, PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION; AND AMENDING SECTIONS 20-1, 20-2(c), AND 20-3 OF THE CODE OF THE CITY OF SAN CLEMENTE, was regularly introduced by title only, and the reading in full thereof waived.

Subject: 113 - Change Order No. 3 - Presidio Booster Pump Station at Reservoir 4.

IN RE: Memorandum from Acting Public Works Director-City Engineer advising that a change is recommended in the construction of the Presidio Booster Pump Station at Reservoir 4 for the addition of telemetry 0-5 volt d.c. analog output at a cost of \$360.00. -- Approved Change Order No. 3 to the contractor, Equinox-Malibu, and authorized a budget transfer for the additional cost of \$360.00 from Account No. 70-468-7740-572 (San Andreas water line) to the Presidio Booster Pump Station No. 70-468-7740-082.

Subject: 113 - Change Order No. 4 - Booster Pump Stations (Reservoir II-B).

IN RE: Memorandum from Acting Public Works Director-City Engineer advising that the design engineer, Toups Corporation, has recommended deletion of driveway construction at the Via Blanco Pump Station amounting to a credit of \$482.00. -- Approved Change Order No. 4 to the contractor, Equinox-Malibu.

Subject: 113 - Change Order No. 2 - Reservoir II-B.

IN RE: Memorandum from Acting Public Works Director-City Engineer advising that the design engineer, Toups Corp. is recommending Change Order No. 2 for installation of additional reinforcing steel in roof slab at an additional cost of \$1,197.00 -- Approved Change Order No. 2 to the contractor, W. F. Maxwell, Inc., and authorized budget transfer for this additional cost in the amount of \$1,197.00 from Account No. 70-468-7740-572 (San Andreas water line) to the Reservoir II-B Account No. 70-469-7740-302.

Subject: 105 - AT&SF Pipeline License Agreement for Storm Drain Tract No. 10225 (Cyprus West).

IN RE: Memorandum from Acting Public Works Director-City Engineer advising that a License Agreement is needed with AT&SF Railway to allow installation of a 36" RCP storm drain structure by the developer (Cyprus West) of Tract No. 10225; and that the City will be the license holder as the drainage structure will be dedicated to the City and the developer will pay all costs and provide the required insurance. -- Approved the License Agreement with AT&SF and authorized execution by the Mayor and City Clerk.

CONSENT CALENDAR (Items removed for separate action)

Subject: 113 - Review of Water Rates.

IN RE: Report from the Finance Director on the water rates that became effective September 1, 1979.

IN RE: Communication from Harold & Lucile Taylor recapping the events leading up to the water rate increase on 9-1-79, questioning the increased rate being applied for the first 37 days on the billing period prior to 9-1-79, and also noting a computation as to how the per acre foot charge to the consumer is determined.

Councilwoman Koester commended Mrs. Taylor on her report and stated she was also very concerned about the rate increases and how the per acre foot is charged to the consumer.

The Finance Director responded to numerous questions concerning the billing and rate charges for the water rates.

Councilwoman Koester then read a memorandum wherein she proposed that the back country ranch developers pay 75% of estimated water service costs in advance with the remaining 25% to be paid at the completion of the project; and that this proposal would ensure that the City would not be required to make up any difference between the payment for service and the actual cost at the project's completion due to inflation.

IT WAS THEN MOVED BY MAYOR PRO TEM WAGNER, SECONDED BY COUNCILMAN AHLMAN to refer the proposal to the City Attorney to develop an Ordinance for Council's consideration.

Following further discussion, A SUBSTITUTE MOTION WAS MADE BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to request the Finance Director and Acting Public Works Director to review Councilwoman Koester's memorandum and report, and report back to Council at their earliest convenience.

Councilwoman Koester also asked the Finance Director to review the revenue structure in the water fund for the last two years, how much has been spent for capitalization each year, and how many items are carried over in next year's budget.

Subject: 105 - Resolution No. 1-80 Relating to Acceptance of Work of Improvement & Release of Bonds, Tract No. 9066 (Daon Corp.).

IN RE: Memorandum from Acting Public Works Director-City Engineer advising that all work on Tract No. 9066 (75 lots) has been satisfactorily completed, and that Daon Corp. has requested acceptance of the works of improvement and release of bonds, and has submitted a one-year Maintenance Bond in the prescribed amount of \$125,000.

Mayor pro tem Wagner inquired whether the bond included maintenance of landscaping and Staff advised that the bonds cover public improvements, that as the tract is completed the development comes under the jurisdiction of a homeowners association to insure that the landscaping is maintained.

Ron Miller, representing Daon, stated that the ongoing maintenance of the slopes is performed by a management company hired by the homeowners association to guarantee installation of landscaping and maintenance of slopes.

Upon motion of Councilman Ahlman, seconded by Mayor pro tem Wagner, and unanimously carried, RESOLUTION NO. 1-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ACCEPTING FROM DAON CORP. ALL WORKS OF IMPROVEMENT FOR TRACT NO. 9066 AND PROVIDING FOR RELEASE OF BONDS AS PROVIDED BY LAW, was regularly introduced, passed, and adopted.

PAYING OF THE BILLS

Councilwoman Koester referred to the warrant for Envista in the amount of \$364.00 which was deleted from the last warrant register, and Staff advised that they were still awaiting clarification on the contract from Envista.

IT WAS THEN MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED that Warrants No. 58519 through No. 58642, as audited by the Council be paid.

Total demands approved for payment for the period
December 19, 1979 through January 2, 1980 \$244,670.31

Ratification of Payroll Warrant No. 58522 for
period December 10, 1979 through December 23, 1979. \$101,226.34

TOTAL WARRANT REGISTER \$345,896.65

VERBAL COMMUNICATIONS

The Mayor called for verbal communications and there was none.

UNFINISHED BUSINESS

Subject: 96 - Outerskate Sewer Connection.

IN RE: Memorandum from Acting Public Works Director-City Engineer regarding the status and resolution of the problem of sewer connection for the Outerskate facility.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR PRO TEM WAGNER, AND UNANIMOUSLY CARRIED to receive and file the memorandum.

Subject: 55 - Ultra Systems Contract for El Camino Real Widening EIR.

IN RE: Memorandum from Acting Public Works Director-City Engineer requesting that in order to fund the EIR for El Camino Real Widening, \$11,000 should be appropriated from the unappropriated gas tax fund for this project.

IT WAS MOVED BY MAYOR PRO TEM WAGNER, SECONDED BY COUNCILWOMAN KOESTER to disapprove the budget appropriation in the amount of \$11,000 from Gas Tax unappropriated funds.

Councilman Ahlman stated he felt all research and material should be available for the public and that the EIR process is the best method of collecting the data. Staff advised that a draft EIR would be available at the end of March; that a public hearing could be held at that time; that the normal hearing process of 45 days to obtain comments from other agencies would not be available, however, the document could be considered as a "draft document" for review only.

Following further discussion the Mayor pro tem called for THE QUESTION WHICH CARRIED UNANIMOUSLY.

Councilman Ahlman requested that in the preparation of the material for the ballot the pros and cons be made available for the voter's use in considering the widening of El Camino Real.

WRITTEN COMMUNICATIONS

Subject: 54 - Request for Rate Increase by Storer Cable TV, Inc.

IN RE: Communication from Gary Massaglia, Director of Operations for Storer Cable TV, Inc. advising that in accordance with Resolution No. 33-77, Section 4(c), it is their intention to increase the subscriber rates effective 3-1-80 to \$8.00 for each primary outlet and \$2.50 for each additional outlet.

The City Attorney advised that he had not had an opportunity to review the figures and felt the CPI, etc. should be checked by Staff.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to refer the matter to Staff for a report at the next meeting regarding a review of the CPI as it pertains to the franchise.

Councilwoman Koester inquired if it might be possible to obtain a financial statement from the company, and the City Attorney advised that they were not required to furnish the statement; however, they could be asked to provide such a statement.

Subject: 29 - Resignation from CAC.

IN RE: Communication from Phil Mancini, submitting his resignation from the San Clemente Citizens Advisory Committee.

Councilwoman Koester stated that Mr. Mancini was one of the original proponents in forming this Committee, and that she personally regretted that he was submitting his resignation.

IT WAS THEN MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to accept Mr. Mancini's resignation with regrets and appreciation for his services.

Subject: 73 - Request for Sound Amplifying Equipment.

IN RE: Communication from Military Dependents and Friends requesting a permit for use of sound amplifying equipment in connection with a Freedom Rally for the 50 hostages being held in Iran, at Plaza Park on 1-12-80 from 12:00 P.M. to 3:30 P.M.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to approve the request.

Subject: 93 - Request for Reconsideration Concerning Rate Increase for San Clemente Commercial, Inc.

IN RE: Communication from Thomas Trulis, San Clemente Commercial, Inc., requesting reconsideration of their request of 12-6-79 that an adjustment be made in compensation paid according to Article XXVI of the Refuse Agreement.

Thomas Trulis made a presentation in support of their request citing their minimal profit margin and the tremendous increases in gas prices.

Following discussion concerning the CPI and the suggestion that the Finance Director again review the company's financial statement, IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to accept option #1 of the Finance Director's memorandum, i.e. "to consider the 1978 resolution as the base year with the percentage change of 12.53 which would make trash charges for a single family residence \$2.64, multiple residence 1st unit \$2.64 with each additional unit \$2.12".

COMMUNICATIONS FROM COMMISSIONS AND COMMITTEES

Subject: 105 - Tentative Parcel Map No. 79-841 (Freedom Development Co.)

IN RE: Communication from Planning Commission recommending approval of Parcel Map No. 79-841, being the request of Freedom Development Co. to create two R-1 lots on the southwest corner of Ola Vista and Trafalgar Lane, legal description being a portion of Lot 2, Block 10, Tract No. 822, said approval subject to recommended conditions of the Subdivision Committee plus an additional condition that prior to recordation of the final map, a soils report be prepared for the subject property and approved by the Public Works Department.

Following discussion concerning a traffic problem related to the parcel, IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER to concur with the Planning Commission's recommendation, noting that a Negative Declaration was granted for this project on 11-2-79 in compliance with CEQA; and that prior to issuance of a building permit for parcel one, that the plan be submitted to the Traffic and Parking Commission for their consideration and recommendation.

The Mayor pro tem called for the QUESTION WHICH CARRIED UNANIMOUSLY.

Upon question, Traffic and Parking Commission Chairman Lyon noted that none of the parcel maps on this Agenda were referred to the Commission. Building and Planning Director Lawson responded as to why such maps were not sent for review.

MEETING RECESSED

The City Council meeting was recessed to convene a meeting of the San Clemente Redevelopment Agency.

MEETING RECONVENED

The Mayor reconvened the City Council meeting at 9:15 P.M.

COMMUNICATIONS FROM COMMISSIONS AND COMMITTEES (continued)

Subject: 105 - Tentative Parcel Map No. 79-842 (Bade, Owen & Owen).

IN RE: Communication from Planning Commission recommending approval of Tentative Parcel Map No. 79-842, being the request of Bade, Owen & Owen for a one-lot subdivision to convert a 4-unit apartment building under construction to a 4-unit condominium at 412 Pasadena Court, legal description Lot 56, Block 1, Tract No. 785, said approval subject to Subdivision Committee's conditions of 12-5-79.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to concur with the Planning Commission's recommendation.

Subject: 105 - Tentative Parcel Map No. 79-843 (Jarmilla Lipa).

IN RE: Communication from Planning Commission recommending approval of Tentative Parcel Map No. 79-843 being the request of Jarmilla Lipa for a one-lot subdivision to convert a 3-unit apartment building to a 3-unit condominium at 2605 Calle Del Comercio, legal description Lot 173, Tract No. 938, said approval subject to the Subdivision Committee's conditions of 12-5-79.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR PRO TEM WAGNER, AND UNANIMOUSLY CARRIED to concur with the Planning Commission's recommendation.

Subject: 105 - Tentative Parcel Map No. 79-844 (Assured Development Company).

IN RE: Communication from Planning Commission recommending approval of Tentative Parcel Map No. 79-844, being the request of Assured Development Co. for a one-lot subdivision to convert a 3-unit apartment building under construction to a 3-unit condominium at 121 Avenida Del Reposo, legal description Lot 22, Block 4, Tract No. 820, said approval subject to Subdivision Committee's conditions of 12-5-79.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR PRO TEM WAGNER to concur with the Planning Commission's recommendation.

Council was concerned with condition #21 which reads that prior to the recordation of the final map, the applicant shall obtain a 20-foot wide reciprocal access easement over 7 lots in order to provide legal access from the existing paved alley to Avenida De la Grulla, said easement to be recorded prior to the recordation of the final map.

Lee Riley, representing the applicant, advised that they felt they would be able to comply with this condition, following which the Mayor pro tem called for the QUESTION WHICH CARRIED UNANIMOUSLY.

Subject: 105 - Tentative Parcel Map No. 79-845 (Eugene S. Leszt).

IN RE: Communication from Planning Commission recommending approval of Tentative Parcel Map No. 79-845, being the request of Eugene S. Leszt for a one-lot subdivision for construction of a 4-unit condominium at 102-104 Capistrano Lane, legal description being Lots 1 and 2, Block 9, Tract No. 785, said approval subject to Subdivision Committee's conditions of 12-5-79.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to concur with Planning Commission's recommendation.

Subject: 105 - Tentative Parcel Map No. 79-839 (Reynolds & Julia Cairncross).

IN RE: Further consideration of communication from Planning Commission recommending approval of Tentative Parcel Map No. 79-839, being the request of Reynolds & Julia Cairncross for a one lot subdivision for condominium purposes on Lot 9, Block 7, Tract No. 794, more commonly known as 915 Buena Vista, said approval subject to conditions of the Subdivision Committee.

The Director of Building and Planning advised that necessary permits have been taken out for the conversion of the fourth unit; that the landscaping has been started and is underway; and it is felt the problems have been solved.

IT WAS THEN MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER to concur with Planning Commission's recommendation noting that a Categorical Exemption was granted on 9-20-79 pursuant to the requirements of the California Environmental Quality Act.

Mayor pro tem Wagner felt that this was a deliberate attempt to deceive the City as it had been planned from the beginning to construct four units. The QUESTION WAS THEN CALLED AND CARRIED with Mayor pro tem Wagner voting "NO".

ITEMS FROM CITY ATTORNEY

Subject: 77 - Agreement for Preparation of Plans and Specifications for Renovation of the San Clemente Beach Club.

IN RE: Contract with Peter/Boucher & Associates for architectural plans and specifications for the North Beach Clubhouse.

IT WAS MOVED BY MAYOR PRO TEM WAGNER, SECONDED BY COUNCILMAN AHLMAN, AND UNANIMOUSLY CARRIED to approve the contract and authorize execution thereof by Mayor and City Clerk.

IT WAS FURTHER MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR PRO TEM WAGNER, AND UNANIMOUSLY CARRIED that monies for payment of the contract be appropriated from the Parks Fund.

Subject: 105 - Request of Cyprus West for Park Fee Credit Pursuant to AB 1151.

IN RE: Memorandum regarding request of Cyprus West for park fee credit pursuant to AB 1151.

IN RE: Communication from A. L. Wulfack requesting credit for fees since Cyprus West is in the process of deeding land to the State for development of affordable housing.

Following discussion, IT WAS MOVED BY COUNCILWOMAN KOESTER, SECONDED BY MAYOR PRO TEM WAGNER, AND UNANIMOUSLY CARRIED that Staff make a determination of what is going to be done in the project area, and if it appears that the plan will qualify under Assembly Bill No. 1151, then make a determination as to what incentives would be appropriate and in the best interests of the City.

Mayor pro tem Wagner requested that Staff contact Mr. Jack Stowe of State Department of Parks and Recreation regarding the project.

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The City Attorney advised that the City had received a claim from Daon Corp. in the amount of \$45,000; that he would send them a notice of insufficiency which would be brought back to Council on a future agenda.

ITEMS FROM COUNCIL MEMBERS

Subject: 44 - Replacement of Restaurant and Bait and Tackle Facilities on San Clemente Pier.

IN RE: Councilman Ahlman's report on replacement of certain facilities on the Municipal Pier.

Reiterating matters discussed in the Redevelopment Agency meeting, Councilman Ahlman advised that the bait and tackle operation could continue in the old structure while a new structure was being built; that a new facility containing approximately 1400 square feet could be built for the restaurant operation; and a new building containing approximately 300 square feet could be constructed for the bait and tackle concession on pile originally installed for a proposed marine laboratory.

IT WAS THEN MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR PRO TEM WAGNER, AND UNANIMOUSLY CARRIED to concur with the Subcommittee's recommendation for the demolition of the existing restaurant and bait and tackle shop on the Municipal Pier and construction of new facilities.

Councilwoman Koester commented that the recent Finance Study Session was very well done and very productive.

Mayor pro tem Wagner inquired as to the progress on obtaining a geologist for the City, and the Acting Public Works Director responded and advised that he would keep the Council posted as to what firms the City will be doing business with.

Councilwoman Koester inquired as to the placement of survey stakes to ascertain any movement of certain land during the widening of the freeway, and the Acting Public Works Director advised a purchase order had been issued but he would have to check as to the current status.

Mayor pro tem Wagner inquired as to when Monterey Lane would be made a one-way street, and the Acting Public Works Director advised that the delay has been due to lack of signs, however, this will be accomplished as soon as possible.

Councilman Ahlman inquired as to the Master Plan for the State Park; and also the question of our parks appraisal. The City Manager noted an initial discussion with a State Park official, and explained that the parks appraisal matter was awaiting a determination as to the zoning for the parcels.

NEW BUSINESS

Subject: 49 - Ballot Measure re Office of City Treasurer.

IN RE: Memorandum from Finance Director as to inclusion in the 4-8-80 ballot of a measure as to the office of City Treasurer being made appointive rather than elective.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR PRO TEM WAGNER to place the matter on the ballot.

Councilwoman Koester requested that a copy of the pros and cons on the ballot measure be available for review by the public; and Councilman Ahlman volunteered to be one of the Council members filing an argument for the measure.

The Mayor pro tem called for the QUESTION WHICH CARRIED UNANIMOUSLY.

Subject: 105 - Final Tract Approval Tracts 8601, 9877, and 10089.

IN RE: Memorandum from Acting Public Works Director-City Engineer advising that former owners of Tracts 8601, 9877, and 10089, due to difficulties in forming an assessment district for construction of Avenida Salvador extension have sold the property to the current owners, who will complete all three tracts under one ownership; and the new owners have requested that the bond and fee requirements be provided by letter of credit and construction loan draw, which requires recordation of the tract maps before release of funds.

Following discussion, IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to approve the three-party agreement securing bonds and fees; authorize the Mayor and City Clerk to execute said agreement and subdivision agreement for each tract; and approve the final tract maps of Tracts Nos. 8601, 9877, and 10089.

Subject: 49 - Miscellaneous Items Relating to April 8, 1980, General
Municipal Election.

IN RE: Report from City Clerk on miscellaneous items relating to the
April 8, 1980, General Municipal Election.

The Clerk presented and explained various items relating to the election which required Council determination, following which IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED that there be no filing fee for candidates; that for those persons desiring to file a candidate's statement the 200-word limitation apply; that there not be allowed inclusion of additional material by the candidates to be sent with the sample ballot and voters pamphlet; that candidates who desire to file a candidate's statement be required to pay for the cost of printing and handling of said statement; and that candidates who wish to have their candidates' statements also mailed in the Spanish language shall pay for the costs of printing.

Upon motion of Mayor pro tem Wagner, seconded by Councilwoman Koester, and unanimously carried, RESOLUTION NO. 2-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO RENDER SPECIFIED SERVICES TO SAID CITY RELATING TO THE CONDUCT OF A GENERAL MUNICIPAL ELECTION TO BE HELD IN SAID CITY ON TUESDAY, APRIL 8, 1980, was regularly introduced, passed, and adopted.

Upon motion of Councilman Ahlman, seconded by Councilwoman Koester, and unanimously carried, RESOLUTION NO. 3-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD IN SAID CITY ON TUESDAY, APRIL 8, 1980, FOR THE ELECTION OF CERTAIN OFFICERS OF SAID CITY AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES; AND FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF SAID CITY OF QUESTIONS RELATING TO THE WIDENING OF EL CAMINO REAL; WHETHER THE CITY OF SAN CLEMENTE SHALL BE DIVIDED INTO FIVE DISTRICTS, WITH ONE MEMBER OF THE CITY COUNCIL BEING ELECTED BY THE VOTERS OF EACH DISTRICT; AND WHETHER THE OFFICE OF CITY TREASURER SHALL BE MADE APPOINTIVE, was regularly introduced, passed, and adopted.

During discussion as to filing of arguments for or against the measures, it was agreed that Councilman Ahlman and any other members who wished be authorized to file an argument for the measure relating to the El Camino Real widening, and that Councilwoman Wagner and any other members who wished be authorized to file an argument against the measure.

The Council agreed not to take any position on the Council Districting measure; and that Councilman Ahlman and any other members who wished be authorized to file an argument for the office of City Treasurer being made an appointive position.

Upon motion of Mayor pro tem Wagner, seconded by Councilman Ahlman, and unanimously carried, RESOLUTION NO. 4-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING CERTAIN OF ITS MEMBERS TO FILE WRITTEN ARGUMENTS REGARDING CERTAIN CITY MEASURES, was regularly introduced, passed, and adopted.

The Council agreed not to adopt a Resolution providing for the filing of rebuttal arguments regarding the measures.

Upon motion of Mayor pro tem Wagner, seconded by Councilwoman Koester, and unanimously carried, RESOLUTION NO. 5-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO MATERIALS SUBMITTED TO THE ELECTORATE AND THE COSTS THEREOF FOR THE GENERAL MUNICIPAL ELECTION TO BE HELD IN SAID CITY ON TUESDAY, APRIL 8, 1980, was regularly introduced, passed, and adopted.

RESOLUTIONS

For Resolution No. 1-80 see under "CONSENT CALENDAR" on page 3.
 For Resolution No. 2-80 see under "NEW BUSINESS" on page 10.
 For Resolution No. 3-80 see under "NEW BUSINESS" on page 10.
 For Resolution No. 4-80 see under "NEW BUSINESS" on page 10.
 For Resolution No. 5-80 see under "NEW BUSINESS" on page 10.

Subject: 52 - Resolution No. 6-80 Establishing Certain Fee Schedules

IN RE: Resolution setting the Fire Department Plan Check Fee Schedule as authorized by Chapter 20, Article III, Section 20-14 of the City Code.

Upon motion of Councilman Ahlman, seconded by Councilwoman Koester, and unanimously carried, RESOLUTION NO. 6-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING CERTAIN FEE SCHEDULES PURSUANT TO THE PROVISIONS OF SECTION 20.14 OF ARTICLE III OF THE CODE OF THE CITY OF SAN CLEMENTE, SAID ARTICLE III AS ADOPTED BY ORDINANCE NO. 727 AND AMENDED BY ORDINANCE NO. 768, was regularly introduced, passed, and adopted.

ORDINANCES

Subject: 117 - Ordinance No. 765 Changing Meeting Time, Date and Place of Design Review Committee.

IN RE: Ordinance No. 765 Amending Ordinance No. 761, Changing the meeting time, date, and place of the Design Review Committee.

Upon motion of Councilman Ahlman, seconded by Councilwoman Koester, and unanimously carried, ORDINANCE NO. 765, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING ORDINANCE NO. 761, CHANGING THE MEETING TIME, DATE, AND PLACE OF THE DESIGN REVIEW COMMITTEE, having been regularly introduced at the meeting of 11-21-79, was again introduced by title only, the reading in full thereof unanimously waived, and duly passed and adopted as an urgency Ordinance.

For Ordinance No. 770 see under "PUBLIC HEARINGS" on page 1.
 For Ordinance No. 771 see under "CONSENT CALENDAR" on page 2.

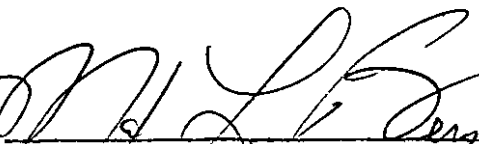
Subject: 25 - Ordinance No. 772 Amending Section 33-3 of the Code of the City relating to annexation fees.

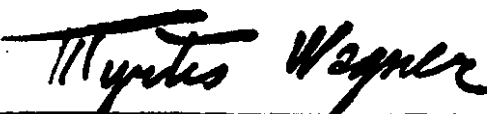
IN RE: Ordinance No. 772 amending Section 33-3 of the Code of the City relating to annexation fees.

Upon motion of Mayor pro tem Wagner, seconded by Councilman Ahlman, and unanimously carried, ORDINANCE NO. 772 BEING AN URGENCY ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 33-3 OF THE CODE OF THE CITY OF SAN CLEMENTE, RELATING TO ANNEXATION FEES, was regularly introduced, passed, and adopted as an urgency ordinance.

ADJOURNMENT

IT WAS MOVED BY MAYOR PRO TEM WAGNER, SECONDED BY COUNCILMAN AHLMAN, AND UNANIMOUSLY CARRIED that the Council meeting be adjourned at 10:10 P.M. to an adjourned meeting at 6:30 P.M., January 16, 1980.


 CITY CLERK and ex-officio
 Clerk of the City Council


 MAYOR and President
 of the City Council

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

AFFIDAVIT OF POSTING
OF MEETING

I, MAX L. BERG, being first duly sworn deposes and says:

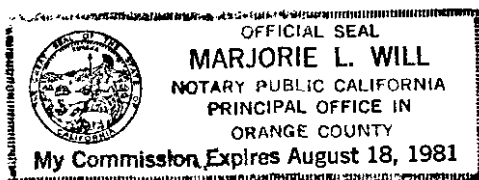
that I am the duly chosen, qualified, and acting ex-officio Clerk of the
City Council of the City of San Clemente; that at the ~~regular~~ ^{adjourned} meeting of
the City Council of the City of San Clemente, held Jan. 3, 1980 ,
said meeting was ordered adjourned to the time and place specified in the
Order of Adjournment ATTACHED HERETO; that on January 4, 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
January 3, 1980 , was held.

Max L. Berg

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

Subscribed and sworn to before
me this 4th day of January, 1980.

Marjorie L. Will



ORDER OF ADJOURNMENT

Regular meeting of the City Council of the City of San Clemente, California,
Council Chambers, Civic Center Building, 100 Avenida Presidio, Thursday,
January 3 1980, at 7:00 P. M., Mayor pro tem Myrtis Wagner presiding.

ROLL CALL

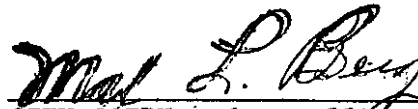
PRESENT: Council Members - AHLMAN, KOESTER, AND WAGNER

ABSENT: Council Members - KALSCHED AND HAMM

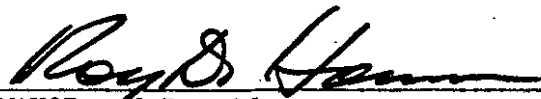
Also Present: Jerrold Gonce, City Manager; Max L. Berg, City Clerk;
Michael J. Bartlett, City Attorney

ADJOURNMENT

IT WAS MOVED BY MAYOR PRO TEM WAGNER, SECONDED BY COUNCILMAN AHLMAN
AND UNANIMOUSLY CARRIED that the Council Meeting be adjourned at
10:10 P.M. to an adjourned meeting at 6:30 P.M., January 16, 1980.



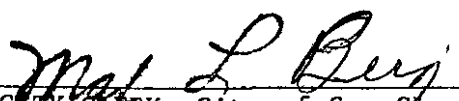
CITY CLERK and ex-officio *mw*
Clerk of the City Council



MAYOR and President
of the City Council

Certified to be a true and correct
copy of excerpts from the Jan. 3
1980, Council Minutes

Dated this 4th day of January, 1980.



CITY CLERK, City of San Clemente *mw*