

Adjourned meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Thursday, February 7, 1980, at 9:15 A.M., Mayor Roy Hamm presiding.

ROLL CALL

PRESENT: Council Members - AHLMAN, KALSCHED, KOESTER, AND HAMM  
ABSENT: Council Members - NONE

(Roy Hurlbut appointed by the City Council on 2-6-80 was not present as he had not as yet been sworn into office.)

Also Present: George Carvalho, 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 Attorney gave a status report as to the obtaining of the necessary easements, AND IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR HAMM, AND UNANIMOUSLY CARRIED to continue the public hearing to 2-20-80.

Subject: 31 - Ordinance No. 769 Adopting the 1978 Edition of the National Electrical Code, the 1979 Edition of the Uniform Plumbing Code, and the 1979 Edition of the Uniform Mechanical Code.

IN RE: Public Hearing to consider adoption of Ordinance No. 769, being an Ordinance adopting the National Electrical Code, 1978 Edition, Uniform Plumbing Code and Uniform Mechanical Code, 1979 Editions, with certain amendments and deletions thereto; and amending Chapters 25, 26, and 27 of the Code of the City of San Clemente.

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

Upon motion of Councilman Ahlman, seconded by Mayor Hamm, and unanimously carried ORDINANCE NO. 769, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING THE "NATIONAL ELECTRICAL CODE, 1978 EDITION", AS PUBLISHED BY THE NATIONAL FIRE PROTECTION ASSOCIATION, WITH CERTAIN AMENDMENTS AND DELETIONS; ADOPTING THE "UNIFORM PLUMBING CODE, 1979 EDITION" AND "UNIFORM MECHANICAL CODE, 1979 EDITION", AS PUBLISHED BY THE INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS, WITH CERTAIN AMENDMENTS AND DELETIONS; SAID CODES REGULATING THE INSTALLATION, ALTERATION OR REPAIR, AND THE USE OF ANY ELECTRICAL WIRING DEVICES, FIXTURES, APPLIANCES, OR EQUIPMENT IN THE CITY OF SAN CLEMENTE; REGULATING THE INSTALLATION, ALTERATION OR REPAIR AND THE USE OF ANY PLUMBING OR DRAINAGE SYSTEMS IN THE CITY OF SAN CLEMENTE; REGULATING THE INSTALLATION, ALTERATION OR REPAIR AND THE USE OF ANY HEATING, VENTILATING, REFRIGERATION OR AIR CONDITIONING FACILITIES IN THE CITY OF SAN CLEMENTE; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; AMENDING CHAPTERS 25, 26 and 27 OF THE CODE OF THE CITY, having been introduced by title only at the meeting of 12-19-79, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted.

24  
Subject: 52 - Ordinance No. 771 Adopting the 1979 Edition of the Uniform Fire Code.

IN RE: Public Hearing to consider adoption of Ordinance No. 771, being an Ordinance adopting the Uniform Fire Code 1979 Edition, and all appendices thereto except Appendix J, with certain amendments thereto; and amending Sections 20-1, 20-2(c), and 20-3 of the Code of the City of San Clemente.

Councilwoman Koester asked questions concerning this and the previously discussed Codes as they relate to low cost housing.

The Mayor opened the public hearing and there being no one wishing to be heard it was closed. Upon motion of Councilwoman Koester, seconded by Councilman Ahlman, and unanimously carried, 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, having been regularly introduced at the meeting of 1-3-80 was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted.

#### CONSENT CALENDAR

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

#### City Council Minutes

Minutes of 12-19-79 (regular), 1-2-80 (regular), 1-3-80 (adjourned), 1-16-80 (adjourned), and 1-16-80 (regular). -- Approved as presented, and reading in full thereof waived.

#### Planning Commission Minutes

Minutes of 1-2-80, 1-15-80, and 1-29-80. -- Received and filed.

#### Traffic and Parking Commission Minutes

Minutes of 12-20-79, 1-10-80, and 1-24-80. -- Received and filed.

#### Parks and Recreation Commission Minutes

Minutes of 12-26-79 and 1-8-80. -- Received and filed.

#### Architectural Design Review Committee Minutes

Minutes of 1-2-80. -- Received and filed.

#### General Plan Review Committee Minutes

Minutes of 12-13-79, 1-3-80, and 1-14-80. -- Received and filed.

#### Departmental Activities Report

Departmental Activities Report for month of December, 1979. -- Received and filed.

Subject: 113 - Acceptance of Work - Water Main in Via San Gorgonio.

IN RE: Memorandum from Acting Public Works Director-City Engineer advising that all work has been satisfactorily completed by the contractor, Hardy & Harper, Inc. on the San Gorgonio Water Line, Project No. 7-79. -- Accepted the work and authorized recordation of notice of completion.

Subject: 58 - Life Membership Card for Dick Hazard - Municipal Golf Course.

IN RE: Communication from City Manager advising that to maintain consistency with past Councils' action and to show appreciation for more than 25 years of dedicated service to the City, a municipal golf course life membership card, subject to all existing requirements, be awarded to Marine Safety Director Dick Hazard, who is retiring 2-11-80.-- Issued Golf Course life membership card to Dick Hazard.

Subject: 62 - Resolution No. 7-80 Relative to California Crime Watch.

IN RE: Communication from Assemblyman Allister McAlister, 25th Assembly District, requesting adoption of a proposed resolution relative to California Crime Watch. -- Introduced, passed, and adopted RESOLUTION NO. 7-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RELATIVE TO CALIFORNIA CRIME WATCH.

Subject: 115 - Weed Abatement Costs.

IN RE: Memorandum from Fire Protection Director advising that at the request of a Council member the Fire Department commenced hazard abatement of the hill adjoining the front parking lot of the City Hall for a total of approximately 190.5 man-hours in 17 days, at a cost of \$1,367.79, and requesting approval of the expense. -- Approved \$1,367.79 and authorized Finance Director to transfer the funds to Account No. 10-341-0111-1 from unappropriated reserves.

Subject: 52 - Transfer of Funds to Repair a Fire Engine.

IN RE: Memorandum from Fire Protection Director advising that the 1957 Crown's clutch and transmission requires major repair and requesting \$2,500 to bring this unit to serviceable condition. -- Authorized the Finance Director to transfer \$2,500 from the Public Safety Construction Fund #63-3659 to the Fleet Repair Account #82-226-3410.

Subject: 42 - Appropriation of Relocation Expenses.

IN RE: Memorandum from Finance Director requesting appropriation of necessary funds for the payment of Bruce M. Ewing's relocation expenses in the amount of \$4,108.82 as approved on 12-19-79. -- Appropriated \$4,108.82 from the unappropriated reserve and placed in account #39-679-7100-867 (Acquisition of Del Mar Library Site).

Subject: 113 - Water Meter Box Cleanup Program.

IN RE: Memorandum from Finance Director advising that meter reading operation is greatly delayed by inaccessible meter boxes and requesting that the City adopt an ordinance which will allow the City to notify citizens when their meter boxes are obstructed by grass or shrubbery and give them 30 days to correct the situation, and if not, that the City clean the meter boxes and charge the citizens a nominal \$5.00 on their next water bill. -- Authorized the establishment of a meter box cleanup program; directed the City Attorney to prepare an Ordinance to implement the program; and that annually the Finance Director recommend rate changes so as to assure full cost recovery of the program costs.

Subject: 117 - Zoning Amendment No. 79-1.

IN RE: Memorandum from Building and Planning Director advising that the Planning Commission recommended approval of Zoning Amendment No. 79-1, amending Section 4.14 of Ordinance No. 397 to allow mini-warehouses and equipment rental yards in the M-2 (Industrial) District subject to a conditional use permit. -- Set for public hearing on 2-20-80.

20  
Subject: 64 - County Lifeguard Services Budget Proposal.

IN RE: Approval of County Lifeguard Services bid. -- Approved bid for submittal to County.

Zoning Administrator Minutes

Minutes of 1-22-80. -- Received and filed.

Subject: 42 - Claim for Damages Filed by David Gaynor.

IN RE: Claim for damages filed by David Gaynor in the amount of \$500,000 for alleged damages relating to an arrest. -- Based on insurance adjuster's recommendation, the claim was rejected.

Subject: 42 - Claim for Damages Filed by M. J. Nielsen.

IN RE: Claim for damages filed by M. J. Nielsen in the amount of \$171.00 plus any unknown future medical costs for trip and fall accident over a tree branch on City sidewalk. -- Based on insurance adjuster's recommendation, the claim was rejected.

Subject: 32 - Request to Hold Two Public Dances at the Boys' Club and Community Center Each Month.

IN RE: Communication from Sherbondy Productions advising they are planning to hold two public dances per month at the Boys' Club and the Community Center and requesting approval. -- Approved request subject to requirements of Police and Fire Departments, payment of the required \$20.00 per dance business license fee; and each dance subject to review and revocation if any problems develop.

Subject: 100 - Acceptance of Work - Project No. 20-79 - Resurface of Streets.

IN RE: Memorandum from Acting Public Works Director-City Engineer advising that all work has been satisfactorily completed by the contractor, Sully-Miller Contracting Company on Resurface of Streets in the Select Street System, Project No. 20-79. -- Accepted the work and authorized recordation of Notice of Completion.

Subject: 115 - Resolution No. 8-80 Directing Initiation of the Weed Abatement Program for 1980.

IN RE: Memorandum from Fire Protection Director relating to initiation of proceedings for annual Weed Abatement Program. -- Introduced, passed, and adopted RESOLUTION NO. 8-80 BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DIRECTING THE ABATEMENT OF PUBLIC NUISANCES UNDER STATUTES OF 1915, PAGE 841, AND AMENDMENTS THERETO, AND PROVIDING FOR THE DECLARATION OF WEEDS, RUBBISH, REFUSE AND DIRT UPON STREETS, SIDEWALKS, PARKWAYS OR PRIVATE PROPERTY TO BE A PUBLIC NUISANCE.

Subject: 42 - Claim for Damages Filed by Andy Durbin.

IN RE: Claim for damages filed by Andy Durbin in the amount of \$500,000 for alleged damages relating to an arrest. -- Based on insurance adjuster's recommendation, the claim was rejected.

Subject: 73 - Senior Day Contribution.

IN RE: Memorandum from Assistant to the City Manager advising that Marilyn Ditty, San Clemente Seniors' Program Director, is requesting a \$25 contribution from the City which will go toward sponsoring a Senior Day on March 12, 1980, and recommending that \$25 be allocated from the Personnel Department's travel and training budget. -- Approved request.

Subject: 42 - Claim for Damages Filed by Dennis J. Wehr.

IN RE: Claim for damages filed by Dennis J. Wehr in the amount of \$52.00 when bike was stored for investigation of discrepancy between VIN on bike and registration. -- Approved payment of claim in the amount of \$52.00.

CONSENT CALENDAR (Items removed for separate action)

Subject: 42 - Claim for Damages Filed by Frederick W. & M. Patricia Sturges.

IN RE: Claim for damages filed by Frederick W. & M. Patricia Sturges, with the amount to be determined later, for damage caused by raw sewage backup in their residence at 201 Calle Conchita.

The City Attorney noted that liability might rest with the San Diego Gas and Electric Company (grounding rod driven through City sewer main), AND IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to deny the claim, but that Staff be directed to assist the claimant in securing payment from San Diego Gas and Electric Company.

Subject: 105 - Bond Reduction Tracts 9763 and 9764 - Craig Development Corp.

IN RE: Memorandum from Acting Public Works Director-City Engineer advising that Craig Development Corp. has requested reduction of the grading bond posted for Tracts 9763 and 9764 since the only grading work remaining to be done is the fine grading after the homes are completed, and recommending reduction of 50%.

Staff responded to questions from Councilwoman Koester who also commended Staff for bringing matters such as these to the Council's attention.

IT WAS THEN MOVED BY COUNCILWOMAN KOESTER, SECONDED BY COUNCILMAN AHLMAN, AND UNANIMOUSLY CARRIED to approve reduction of the grading bond covering Tracts 9763 and 9764 by 50%, i.e., from \$283,020.00 to \$141,510.00.

Subject: 113 - Reimbursement of Costs of Water Facility Construction.

IN RE: Memorandum from Acting Public Works Director-City Engineer advising that the City's masterplan of water facilities shows a connection to the Tri-Cities Aqueduct at Ave. Vista Hermosa in order to feed the area east of the freeway with water; that budgetary restraints have caused the City to delete the project at the present time and Lusk & Son have asked if they could install the pipeline casing prior to 2-14-80 in order to keep up with Caltrans schedule, and asking that the City verify that this pipeline casing as well as its connections into the Tri-Cities and Calle Frontera pipelines are reimbursable items.

Councilwoman Koester suggested that the developer should pay the bill and that the City could then subtract this amount from the total water acreages fees they are required to pay.

Following explanation and discussion, IT WAS THEN MOVED BY COUNCILWOMAN KOESTER, SECONDED BY COUNCILMAN AHLMAN, AND UNANIMOUSLY CARRIED to approve the concept of reimbursement for water masterplan facilities from developer water fees.

Subject: 111 - Request for Abandonment of Via Mimosa.

IN RE: Memorandum from Acting Public Works Director-City Engineer relating to the proposed abandonment of Via Mimosa, and recommending proceeding with abandonment proceedings reserving necessary easement for public utility and cable television purposes.

At the request of the applicant, IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to continue the matter to the meeting of 2-20-80.

Subject: 105 - Resolution No. 9-80 Accepting Works of Improvement for Parcel Map No. 805-77 (Pico Plaza).

IN RE: Memorandum from Acting Public Works Director-City Engineer advising that Watt Commercial Properties, Inc., developer of Parcel Map No. 805-77 (Pico Plaza), by letter of 12-5-79 has requested release of the bonds covering public street and utility improvements and grading of Pico Plaza.

In response to Council questions, Staff advised that all the requirements for public improvements have been met; however, the crash gate on the access road has not been installed, AND IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED that the crash gate be provided or a cash deposit be placed for installation before the release of bonds.

Upon motion of Councilman Ahlman, seconded by Councilwoman Koester, and unanimously carried, RESOLUTION NO. 9-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ACCEPTING WORKS OF IMPROVEMENT FOR PARCEL MAP NO. 805-77 AND PROVIDING FOR RELEASE OF BONDS UPON CERTAIN CONDITIONS, was regularly introduced, passed, and adopted.

Upon question, Staff further advised that the retaining wall will be installed when the plans for the restaurant and model have been approved, and before any building permits are issued.

Councilman Ahlman requested that Staff inform Council of such items as the crash gate as the release of bonds was almost approved without the gate being provided for.

PAYING OF THE BILLS

Councilwoman Koester noted that the warrants had been audited by Council.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED that Warrants No. 58643 through No. 59030, as audited by the Council be paid.

|  |                      |
|--|----------------------|
| Total demands approved for payment for period ending January 16, 1980 . . . . .                          | \$ 405,081.70        |
| Ratification of Payroll Warrant No. 58663 for period December 24, 1979 through January 6, 1980 . . . . . | \$ 105,103.88        |
| TOTAL WARRANT REGISTER   | <u>\$ 510,185.58</u> |
| Total demands approved for payment for period ending February 6, 1980 . . . . .                          | \$ 453,177.80        |
| Ratification of Payroll Warrant No. 58837 for period January 7, 1980 through January 20, 1980. . . . .   | \$ 102,481.99        |
| TOTAL WARRANT REGISTER   | <u>\$ 555,659.79</u> |

VERBAL COMMUNICATIONS

The Mayor called for verbal communications and there was none.

UNFINISHED BUSINESS

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

IN RE: Memorandum from Finance Director advising that after reviewing the contract between the City of San Clemente and Storer Cable TV, Inc., it has been determined that all the requirements for a rate increase have been met.

IN RE: Communication from Gary Massaglia, Director of Operations, Storer Cable TV, Inc., advising that due to the fact that their notification to the subscribers was not sent until January and that their Service Agreement calls for 60 days notification, the rate increase has been delayed until April 1, 1980; and noting they are unable to provide a financial statement for operations in San Clemente due to the large area covered by their system.

Councilwoman Koester commented on the fact that they were unable to provide the financial statement requested by Council, AND IT WAS MOVED BY MAYOR HAMM, SECONDED BY COUNCILMAN KALSCHED, AND UNANIMOUSLY CARRIED to receive and file the communications.

Subject: 87 - Land Exchange in Vicinity of Linda Lane Park.

IN RE: Exchange of deeds between Ralph L. Bauer and City relating to exchange of certain small parcels of land in the vicinity of Linda Lane Park as previously approved at the meeting of 10-17-79.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to accept the deed from Ralph Bauer and authorize recordation thereof; and authorize execution of the deed to Ralph Bauer by the Mayor and City Clerk.

Subject: 105 - Payment of Park Fees for Elmore Ranch.

IN RE: Further consideration as to the question of when park fees for Elmore Ranch development shall be paid.

Council inquired whether it would be appropriate to apply an interim fee since the City is losing interest on this money, and the City Attorney advised that we did have an interim fee for some time, and that it could be reinstated at any time if the Council desires.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILMAN KALSCHED, that an interim fee of \$90,000 per acre be set, and that the fee be adjusted after the final appraisal has been determined and the fee selected by Council.

Dr. Eugene Atherton reviewed the provisions of the park fee ordinance which he initiated and advised that the determination for the fees is based on the cost of homes and felt that the fee should be between \$140,000 to \$160,000 per acre.

Howard Mushett remarked that the City should have been collecting these fees for over a year and one-half, and suggested that the interest rate should be retroactive to the time the fees should have been paid by the developers.

The Mayor then called for the QUESTION WHICH CARRIED UNANIMOUSLY.

#### WRITTEN COMMUNICATIONS

Subject: 85 - Preservation of Coastal Bluffs and Historical Sites.

IN RE: Communication from Dr. Gene Atherton requesting an opportunity to make a 5-minute presentation on the "Preservation of Coastal Bluffs and Historical Sites".

Dr. Atherton's comments are briefly summarized as follows: He submitted a copy of the Preservation Ordinance adopted last year by the City of Newport Beach; urged the addition of this kind of ordinance to the local park initiative ordinance which favors the La Jolla type of park development and recommended such action for the City of San Clemente before any development of the Reeves Ranch bluff area. He suggested a local park along the edge of the bluffs anywhere from 75' to 100' in width and that guidelines be set up regarding the cutting of the bluffs and excessive irrigation.

He further recommended adoption of provisions of the Bluff Preservation Ordinance in Laguna Beach which also covers historical sites; further, to adopt an ordinance provision which would set up a 9-member Commission to study and identify historical sites.

He also commented that the local parks initiative ordinance clearly states that the City cannot apply money from developers to areas as neighborhood parks that are within a certain perimeter of the City; that the City should adopt a master plan identifying community parks and neighborhood parks in order to prevent any legal action; and suggested a meeting between the Parks and Recreation Commission, developers, and himself to resolve the matter.

IT WAS THEN MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED that this subject matter be directed to Staff, primarily the City Manager, Planning, Engineering, Parks and Recreation, and other involved departments, for a report back within 6 weeks.

Subject: 29 - Resignation of Boyd W. Ames, Jr. from CAC.

IN RE: Communication from Boyd W. Ames, Jr. submitting his resignation from the San Clemente Citizens Advisory Committee due to an increasing workload in his professional responsibilities.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILMAN KALSCHED, AND UNANIMOUSLY CARRIED to accept the resignation with regrets and appreciation for his services.

Subject: 87 - Extension of Chamber of Commerce Lease.

IN RE: Communication from Alex W. Goodman, Executive Manager of the Chamber of Commerce, advising that the lease with the City for the land on which the Chamber building is located has 8 years remaining, and requesting an extension of this lease to 25 years in order to consider expansion of their facilities.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER to extend the lease subject to approval of City Attorney.

Councilwoman Koester stated she felt that the rent should be increased upward for the premises.

Howard Mushett commented from the audience that this constituted a gift of public funds to a private sector since the Chamber of Commerce has advertised political ads and that giving them rent below the market value would be a violation of the California Code.

Upon question Alex Goodman advised that the Chamber does not take any position on candidates, only on the issues, and that the IRS audited the Chamber last year and they retained their tax exempt status and are not a political organization.

The Mayor then called for THE QUESTION WHICH CARRIED with Councilwoman Koester voting "NO".

Subject: 50 - Request for Exempt Business License.

IN RE: Communication from Doris J. Rondeau, Director, requesting an exempt business license for "The Spirit of Divine Love", a metaphysical organization.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILMAN KALSCHED, AND UNANIMOUSLY CARRIED to refer to the City Attorney for opinion relating to question of religious status, and appropriate business license fee to be applied.



Subject: 31 - Further Report of Unsafe Retaining Wall.

IN RE: Communication from Mervin W. Colter, Ph.D., referring to grading operations by a developer which have endangered the structure at 108 del Reposo, the streets, the properties on the other side of del Reposo, and requesting that these items be restored to their previous state of stability.

It was noted in a memorandum dated 1-29-80 from the Building and Planning Director that occupancy permits would not be issued for the project in question until the Building Department is satisfied that sufficient backfilling and grading have been completed to comply with the Uniform Building Code and the City Engineer is satisfied that the project complies with Chapter 70, Excavation and Grading of the Uniform Building Code.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR HAMM, AND UNANIMOUSLY CARRIED to receive and file the communication.

COMMUNICATIONS FROM COMMISSIONS AND COMMITTEES

Subject: 111 - Communication from Francisco Montesinos for Dr. B. L. Holder Requesting Reopening of an Alley.

IN RE: Communication from Planning Commission advising they have reviewed the request of Francisco Montesinos for Dr. B. L. Holder for the reopening of the alley which was abandoned in 1959, and determined that no justification exists that would warrant the City initiating procedures for the reopening of said alley at this time.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR HAMM to receive and file the communication.

Francisco Montesinos, representing the applicant, stated that Dr. Holder has been paying taxes on this parcel and half of the former alley and is anxious to have the matter resolved so he can start building.

During discussion, it was pointed out that when the freeway was constructed 20 years ago the physical layout of these lots was completely changed and unacceptable for any type development; that Dr. Holder was fully aware of the land-locked conditions of the property when he purchased it from the State at a reduced price and was taking a chance as to development; and that an alternate solution would be to negotiate with the adjacent property owner.

The Mayor then called for the QUESTION WHICH CARRIED UNANIMOUSLY.

Subject: 39 - Proposal for a More Representative City Government for San Clemente.

IN RE: Communication from Citizens Advisory Committee reporting on the proposal for a more Representative City Government as suggested by Lawrence Carpenter, and recommending that the City Council not accept this proposal.

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

Subject: 106 - Resolution No. 10-80 Establishing Certain "No Parking" Regulations on Camino Mira Costa and West Avenida Marquita.

IN RE: Communication from Traffic and Parking Commission recommending prohibiting parking on the north side of Camino Mira Costa from the northeast Plaza Estival curb return in an easterly direction for a distance of 40 feet; and on the north side of Camino Mira Costa at the northwest Plaza Estival curb return in a westerly direction for a distance of 40 feet to improve sight distance.

IT WAS MOVED BY MAYOR HAMM, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to concur with the Traffic and Parking Commission's recommendation.

IN RE: Communication from Traffic and Parking Commission recommending prohibiting parking on the north side of West Avenida Marquita from the southeast driveway curb return at 250 West Avenida Marquita in a southeasterly direction for a distance of 120 feet to improve sight distance.

IT WAS MOVED BY MAYOR HAMM, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to concur with the Traffic and Parking Commission's recommendation.

Upon motion of Councilman Ahlman, seconded by Mayor Hamm, and unanimously carried, RESOLUTION NO. 10-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846 ESTABLISHING CERTAIN "NO PARKING" REGULATIONS ON PORTION OF CAMINO MIRA COSTA AND PORTION OF WEST AVENIDA MARQUITA, was regularly introduced, passed, and adopted.

Subject: 55 - Multimodal Transportation Study.

IN RE: . Communication from Traffic and Parking Commission recommending that Council urgently request Orange County Transportation Commission to develop plans for the continuation of the foothills corridor to tie into the San Diego Freeway at approximately the Cristianitos Interchange, in view of the impending development of the "back country", more particularly the O'Neil Ranch.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED that the City Attorney prepare a resolution concurring with the Traffic and Parking Commission's recommendation.

Councilwoman Koester requested a report as to whether the County has included this revision in the NEOCCS and SECCS plans.

ITEMS FROM CITY MANAGER

Subject: 77 - Security for Beach Club Building.

IN RE: City Manager's request for funds to provide security for the beach club building.

The City Manager advised that he was requesting \$1200 to provide for security of the Beach Club Building until such time as work commences on the renovation, AND IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILMAN KALSCHED, AND UNANIMOUSLY CARRIED to approve the request, and if at all possible, that the funds come from the Parks Acquisition account.

Subject: 90 - Purchase of Furniture for City Manager's Office.

IN RE: City Manager's request for expenditure to purchase a table, chairs, and blackboard for the City Manager's office.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to approve the request of \$1,000 to purchase the items for the City Manager's office.

ITEMS FROM CITY ATTORNEY

Subject: 29 - Ordinance No. 773 Establishing Cultural Heritage Board and Setting Forth Certain Restrictions.

IN RE: Ordinance establishing Cultural Heritage Board and setting forth certain restrictions.

Upon motion of Councilman Ahlman, seconded by Councilwoman Koester, and unanimously carried, ORDINANCE NO. 773, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING THE CULTURAL HERITAGE BOARD AND SETTING FORTH CERTAIN RESTRICTIONS FOR HISTORICALLY SIGNIFICANT PROPERTY AND PROPERTY ADJACENT THERETO, was regularly introduced by title only, and the reading in full unanimously waived.

Subject: 58 - Legal Questions Re Resolution No. 91-79.

IN RE: Request of George Fox, et al, for clarification as to legal questions re Resolution No. 91-79.

Following a presentation by Mr. Fox, IT WAS MOVED BY COUNCILMAN KALSCHED, SECONDED BY COUNCILMAN AHLMAN, AND UNANIMOUSLY CARRIED to refer the matter to the Golf Course Committee for review and recommendation, and suggesting the Committee look favorably on option #2 which is to accept a pro-rata refund from the City on the unused portion, beginning January 1, 1980.

Subject: 42 - Claim by Daon Corporation for Damages.

IN RE: Report and recommendation relating to the claim for monetary damages in the amount of \$43,961.33 filed by Daon Corp. alleging that the City's delay in providing water service to the Daon tracts necessitated design and installation of an alternative water supply system.

The City Attorney advised that the claim was not filed within the 100-day period as required by the Government Code, AND IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILMAN KALSCHED, AND UNANIMOUSLY CARRIED to reject the claim.

Subject: 42 - Claim of Diamond Air Conditioning Corporation for Damages.

IN RE: Report and recommendation relating to the claim of Diamond Air Conditioning Corp. in the amount of \$20,961 relating to non-acceptance of their low bid for the Civic Center air conditioning system, Project No. 11-79.

Based on recommendation by the City Attorney, IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILMAN KALSCHED, AND UNANIMOUSLY CARRIED to deny the claim.

Subject: 49 - Status of Office of City Treasurer as Related to April 8, 1980, Ballot Question.

IN RE: Report from City Attorney relating to the appointive City Treasurer ballot measure and its effect if passed, upon any persons running for City Treasurer office.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR HAMM, AND UNANIMOUSLY CARRIED to receive and file the report.

Subject: 115 - Ordinance No. 774 Amending Chapter 16A of the Municipal Code.

IN RE: Memorandum regarding amendment to Municipal Code Chapter 16A to allow summary weed and rubbish abatement.

Upon motion of Councilman Ahlman, seconded by Mayor Hamm, and unanimously carried, ORDINANCE NO. 774 BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 16A OF THE MUNICIPAL CODE, was regularly introduced by title only, and the reading in full unanimously waived.

Subject: 85 - Agency Conflict of Interest Code for Designated Employees.

IN RE: Memorandum from City Attorney regarding need to adopt an agency conflict of interest code for designated employees by June 1, 1980.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILMAN KALSCHED, AND UNANIMOUSLY CARRIED to authorize preparation of the conflict of interest code.

34  
Subject: 44 - Contract with Richardson-Chase Associates Relating to Design Work for Pier Concession Buildings.

IN RE: Contract with Richardson-Chase Associates for design of concession buildings on San Clemente Municipal Pier.

Responding to questions by Councilwoman Koester, Councilman Ahlman noted that the City was pressed for time on the design of these buildings so therefore the reason for obtaining verbal bids but agreed that written proposals should be requested in the future. IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR HAMM, AND UNANIMOUSLY CARRIED to approve the contract and authorize execution by the Mayor and City Clerk.

Subject: 31 - Brochure Outlining Qualifications of Wayne Penny, Jr. Architect.

IN RE: Wayne Penny's request that Staff have on file his qualifications as an architect and the opportunity of being of service to the City in the future.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to receive and file the brochure.

Subject: 113 - Agreement and Loan Receipt to Repair Pump No. 1.

IN RE: Agreement with Davis Water & Waste Industries, Inc. to repair pump number 1 from San Gabriel Pump Station without cost.

The City Attorney advised that the EMU submersible pump is in Florida being repaired; that there may be liabilities of certain other firms for repair of the pump; that this agreement allows the City to get the pump returned by paying one half the cost of the repair now, and later if it is determined that the City is liable to pay for the repairs, then the City will be obligated to pay the additional sum.

Councilwoman Koester requested that the City withhold any funds until the obligations are taken care of. IT WAS MOVED BY MAYOR HAMM, SECONDED BY COUNCILMAN KALSCHED, AND CARRIED to approve the agreement and authorize execution. Councilwoman Koester voted "NO".

Subject: 42 - Request for Legal Defense by Former Councilman Howard F. Mushett.

IN RE: Report from City Attorney regarding request of former Councilman Howard Mushett for legal defense.

It was noted in the City Attorney's report that Jefferson Insurance Company is reluctant to simply deny legal defense to Mr. Mushett and former Councilwoman Wilkinson and is seeking a declaration from the court as to what its obligations are, if any, with respect to providing defense or paying attorneys' fees in another lawsuit filed by William Walker and Donna Wilkinson against Howard Mushett and others.

IT WAS THEN MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to continue the matter to the 2-20-80 meeting.

Subject: 67 - Ordinance No. 775 Relating to the Regulation of Mobile Food Preparation Vehicles.

IN RE: Ordinance relating to the regulation of mobile food preparation vehicles.

Upon motion of Mayor Hamm, seconded by Councilman Ahlman, and unanimously carried, ORDINANCE NO. 775, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTIONS 21-1 AND 21-2 AND ADDING SECTIONS 21-14 AND 21-15 TO CHAPTER 21 OF THE MUNICIPAL CODE, RELATING TO THE REGULATION OF MOBILE FOOD PREPARATION VEHICLES, was regularly introduced by title only, and the reading in full unanimously waived.

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

The City Attorney advised that he would have a full report at the next meeting regarding his budget which has been exceeded.

Subject: 72 - Appointment to Orange County Vector Control District.

IN RE: Consideration of appointment to fill vacancy of City representative to the Orange County Vector Control District due to the death of former Council member Wagner.

Councilman Ahlman reported that Dr. Wade Lower who had previously served on this District had been contacted and agreed to again serve.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR HAMM, AND UNANIMOUSLY CARRIED that Dr. Wade Lower be appointed to fill the vacancy as the City's representative to the Orange County Vector Control District.

NEW BUSINESS

Subject: 58 - Use of Golf Course Reserve Funds for Certain Expenditures.

IN RE: Memorandum from Golf Course Director requesting transfer of \$10,900 from the golf course reserve fund to be used for special projects which will cover the salary of two temporary employees, installation of approximately 7 sand traps and the fleet rental charges for aerial lift and wood chipper in trimming palm trees and giant eucalyptus trees.

IT WAS MOVED BY MAYOR HAMM, SECONDED BY COUNCILMAN AHLMAN, to appropriate \$10,900 from golf course reserve fund to fund these projects.

Councilwoman Koester remarked that the matter needed further study and inquired whether this was considered a capital expenditure; to which the City Manager responded in the negative. Councilman Kalsched remarked that the trees were in dire need of trimming; and Councilman Ahlman commented that the installation of the sand traps was imperative in adding to the quality of the course.

The Mayor then called for the QUESTION WHICH CARRIED with Councilwoman Koester voting "NO".

Subject: 73 - SCAG-78 Population Forecast.

IN RE: Communication from Jack Green, Southern California Association of Governments, requesting adoption of a resolution of concurrence with the SCAG-78 growth forecast policy.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR HAMM, AND UNANIMOUSLY CARRIED to refer to Staff for further consideration.

Subject: 100 (55) - Proposed Orange County EMA Cooperative Agreement - Camino El Molino.

IN RE: Memorandum from Acting Public Works Director-City Engineer advising that Orange County E.M.A. is proposing to reconstruct Camino El Molino in the County area of Capistrano Beach from Via Sacramento to the City/County line approximately 100' westerly of Camino de Estrella; and inquiring if the City wishes to participate in reconstruction of the portion of El Molino within the City, including curbs and gutters, approximately 100' at an estimated cost of \$11,000 which would be funded from gas tax funds.

Following response to questions as to funding of the project, IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR HAMM, AND UNANIMOUSLY CARRIED to approve participation with Orange County in the improvement of Camino El Molino and request inclusion of that portion within the City under a cooperative agreement.

39  
Subject: 115 - Proposal for Future Hazard Abatement Within the City of San Clemente,

IN RE: Memorandum from Fire Protection Director setting forth a proposal for the future handling of the City's hazard abatement program (weed abatement).

Councilman Ahlman commented that he felt the City should continue with the current weed abatement program for this year; and that the proposal for future handling be studied further during the ensuing year.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to hold the proposal for further study.

Subject: 93 - Annual City Cleanup.

IN RE: Memorandum from Leisure Services Coordinator recommending approval of San Clemente Commercial proposal and costs to perform the annual City Cleanup between February 11-15.

Councilman Ahlman commented that while this program is a worthwhile project it should be studied carefully and it might not be possible to include it in the budget for next year.

IT WAS MOVED BY MAYOR HAMM, SECONDED BY COUNCILMAN AHLMAN, AND UNANIMOUSLY CARRIED to retain San Clemente Commercial for this service at a cost not to exceed \$3,862 budgeted in Account #10-122-3502.

Subject: 44 - Review of Trap and Skeet Range.

IN RE: Memorandum from Leisure Services Coordinator reviewing the five-year lease and capital outlay concerns of the Skeet and Trap Range.

IT WAS MOVED BY MAYOR HAMM, SECONDED BY COUNCILWOMAN KOESTER to approve Staff recommendation.

Staff responded to various questions concerning the Skeet and Trap Range with the main question being who would pay for drainage corrections, following which A SUBSTITUTE MOTION WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to continue the matter to 2-20-80 in order to allow representatives of the Elks Club and Staff members to meet and come up with a better resovement to the problems.

Subject: 77 - Selection of a Consultant for Review of Landscape Plans for Major Developments.

IN RE: Memorandum from Leisure Services Coordinator advising that five bids were received for consultant services to review landscape plans for major developments.

IT WAS MOVED BY MAYOR HAMM, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to approve Genge Consultants and authorize execution of agreement by Mayor and City Clerk.

Subject: 51 - Dictating Equipment.

IN RE: Memorandum from Finance Director advising that the availability of a dictating machine would greatly enhance the productivity of the Department and make better utilization of the single Administrative Secretary.

IT WAS MOVED BY MAYOR HAMM, SECONDED BY COUNCILMAN AHLMAN, AND UNANIMOUSLY CARRIED to authorize mid-year purchase of dictation and transcribing unit for the Finance Department; and authorize transfer from the unappropriated reserve of \$751 to Account 10-113-7400.

Subject: 51 - Appropriation for Bond Purchase.

IN RE: Memorandum from Finance Director advising of five City of San Clemente 1962 Water Revenue Bonds with a face amount of \$1,000 each which were called for collection through a clerical banking error, and explaining the need to appropriate \$5,000 to cover Debt Service Funds due to the error in the redemption of the bonds.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR HAMM, AND UNANIMOUSLY CARRIED to appropriate \$5,000 from the unallocated reserve of the Water Fund to the Water Debt Services Account No. 70-467-5103.

Subject: 44 - New Restaurant and Bait & Tackle Shop on Municipal Pier.

IN RE: Communication from Eric Boucher & Associates with comments concerning the figure he submitted for the design work of the restaurant and bait and tackle shop on the pier; that he thought the figure he submitted was purely for study purposes for the building subcommittee; and requesting an opportunity to submit a competitive bid on a clearly spelled out scope of work.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR HAMM, AND UNANIMOUSLY CARRIED to receive and file the communication.

Subject: <sup>97</sup>~~73~~ - SERRA Project Committee to Meet Needs of Projected SCAG Population Growth.

IN RE: Memorandum from Acting Public Works Director-City Engineer advising that it is necessary that the SERRA member agencies wishing to participate in the Project Committee to be formed to evaluate how best to meet the needs of the SERRA basin in accordance with the projected SCAG population growth forecasts, ratify the proposed project budget of \$50,000.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY MAYOR HAMM to ratify proposed Project Committee budget and authorize San Clemente's share of budget appropriation of funds from undesignated sewer fund reserves in the amount of \$12,500.

Councilwoman Koester expressed reasons why she was against this expenditure and following Staff response to questions, A SUBSTITUTE MOTION WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to continue the matter to the meeting of 2-20-80.

Subject: 113 - Change Order No. 5 - Booster Pump Stations.

IN RE: Memorandum from Acting Public Works Director-City Engineer advising that two changes are necessary and recommended by the design engineer, PRC Toups Corp., on the Booster Pump Station (Reservoir II-B).

IT WAS MOVED BY MAYOR HAMM, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED to approve Change Order No. 5 to the contractor, Equinox-Malibu, in the total amount of \$1,935.00 and authorize a budget appropriation in said amount from Account No. 70-468-7740-545 (Verbena water line, which is not a high priority and could be done at a later date).

Subject: 113 - Change Order No. 6 - Booster Pump Stations.

IN RE: Memorandum from Acting Public Works Director-City Engineer advising that on 9-19-79 a change order was approved to Equinox-Malibu, contractor for the Booster Pump Stations (Reservoir II-B), in the amount of \$1,373.00, subsequently Staff has met with Equinox, reviewed the history of the extra work and now agrees that there was an additional \$2,500 worth of work and time involved in solving the soils problem.

IT WAS MOVED BY MAYOR HAMM, SECONDED BY COUNCILMAN KALSCHED, AND UNANIMOUSLY CARRIED to approve Change Order No. 6 to Equinox-Malibu in the amount of \$2,500 and authorize a budget appropriation in that amount from Account No. 70-468-7740-545 (Verbena Water line, which is not a high priority and could be done at a later date).

30  
Subject: 49 - Resolution No. 11-80 Calling a Special Municipal (Recall) Election on June 3, 1980; and Requesting Consolidation with the June 3rd Primary.

IN RE: Report from City Clerk submitting certificate of sufficiency as to recall petitions submitted for the recall of Councilwoman Koester.

The Clerk briefly reviewed his certificate of sufficiency, thus requiring a Special Election and upon motion of Councilman Ahlman, seconded by Mayor Hamm, and unanimously carried, RESOLUTION NO. 11-80 BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD IN SAID CITY ON TUESDAY, THE 3rd DAY OF JUNE, 1980, FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF SAID CITY THE QUESTION OF THE RECALL OF A CERTAIN OFFICER OF SAID CITY AND THE QUESTION OF FILLING THE VACANCY IF THE RECALL PREVAILS AS REQUIRED BY THE STATE OF CALIFORNIA PERTAINING TO CITIES; AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE THE SPECIAL MUNICIPAL ELECTION OF SAID CITY WITH THE STATEWIDE ELECTION TO BE HELD ON THE SAME DAY, was regularly introduced, passed, and adopted.

Subject: 27 - Resolution No. 12-80 Approving Annexation No. 27 (Marblehead Development)

IN RE: Proposed Resolution approving the annexation of certain uninhabited territory designated as Annexation No. 27 consisting of 158.495 acres (Marblehead development).

Upon motion of Mayor Hamm, seconded by Councilman Kalsched, and unanimously carried, RESOLUTION NO. 12-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE ANNEXATION OF CERTAIN UNINHABITED TERRITORY DESIGNATED AS ANNEXATION NO. 27 TO THE CITY OF SAN CLEMENTE, was regularly introduced, passed, and adopted.

Subject: 105 - Final Approval of Tracts No. 10685, 10686, 10687, 10688, and 10862 (Marblehead).

IN RE: Memorandum from Acting Public Works Director-City Engineer and the Building and Planning Director advising that the developer, John D. Lusk & Son, has submitted the required items for final approval of Tracts No. 10685, 10686, 10687, 10688, and 10862, portions of Tentative Tract No. 8818 (Marblehead) and recommending approval of the final maps.

IN RE: Memorandum from Building and Planning Director advising that the Subdivision Committee changed Condition No. 1.b. Sale Price of the affordable housing program to read: "Said sales prices to be based upon the average sales price for comparable homes sold; not offered for sale pursuant to an affordable housing program, as set forth in the current multiple listings book of the South Coast Board of Realtors."

IT WAS MOVED BY MAYOR HAMM, SECONDED BY COUNCILMAN KALSCHED to approve the final maps and required agreements, and authorize execution of documents by Mayor and City Clerk; accept the Irrevocable Offer of Dedication of 4.3 acres of Park Land; to approve the letter agreement; and (added later) that the Ad Hoc Committee report to Council as to the refinements of the affordable housing program as submitted by the developer.

Discussion is summarized as follows: Councilwoman Koester questioned whether the focused EIR was adequate, and Staff advised that the focused EIR addressed the issues directly relevant to the Specific Plan and subsequent changes to the General Plan and zoning in the area; and the Finance Director further advised that the developer's fees that have been submitted are correct.

Mary Erickson stated that condition #39 had not been satisfied and Staff advised this condition was put on the tentative tract map and it must be determined whether the developer has fully complied with this condition which eliminates not only the possibility of windfalls, but also subsequent windfalls if the units are resold.



Don Steffensen, representing John D. Lusk & Son, stated the program which was submitted does respond to the requirement of condition #39; that it is the first time any builder has agreed to build units at 50% of value of comparable units that have been sold; that these 110 units will be between \$40,000 to \$50,000 under their market value; that the initial sale is limited to no more than 120% of the Countywide median income of \$24,500; however, the City must amend the General Plan and change the zoning to allow for these units, noting that delays are very costly.

The City Attorney advised that he felt the developer has proposed a mechanism that is viable and can be used, and Councilman Ahlman remarked that the builder has done everything within their power to comply with condition #39, and have also agreed to meet with the City Staff to work out the refinements of the resale of affordable housing. Mayor Hamm also concurred that the developer has addressed condition #39 as well as it can be at this time.

Staff inquired as to the park fees being delayed by the developer, and the fact that Council had placed an interim fee of \$90,000 per acre, and it was agreed that by approving the letter agreement the question was settled.

Staff further inquired as to who would be in charge of the trust which establishes and is responsible for the maintenance of the open space lands, and it was agreed that the Homeowners Association would be the trustee.

The Mayor then called for the QUESTION WHICH CARRIED UNANIMOUSLY.

Subject: 77 - Approval of Appraisal Proposal from Joseph A. Mueller, M.A.I.

IN RE: Memorandum from Leisure Services Coordinator reporting on the proposal of Joseph Mueller, M.A.I., for the appraisal of five parcels of land that relate to the Pier Bowl and the parking lot of the Beach Club at a cost of \$9,000 to be completed in 90 days after notification to commence.

Following discussion, IT WAS MOVED BY MAYOR HAMM, SECONDED BY COUNCILMAN KALSCHED, AND UNANIMOUSLY CARRIED to approve the proposal and appropriate the \$9,000 from the Parks Acquisition Fund; and as recommended by the consultants from Iwanaga Associates the Community Center also be appraised and included in the overall Parks Appraisal.

It was noted a proposal would be obtained from Mr. Mueller as to the cost for appraising the Community Center and reported back to Council.

#### RESOLUTIONS

For Resolution No. 7-80 see under "CONSENT CALENDAR" on page 3.  
 For Resolution No. 8-80 see under "CONSENT CALENDAR" on page 4.  
 For Resolution No. 9-80 see under "CONSENT CALENDAR" on page 6.  
 For Resolution No. 10-80 see under "COMMUNICATIONS FROM COMMISSIONS AND COMMITTEES" on page 9.  
 For Resolution No. 11-80 see under "NEW BUSINESS" on page 16.  
 For Resolution No. 12-80 see under "NEW BUSINESS" on page 16.

Subject: 43 - Resolution No. 13-80 Expressing Sorrow at the Passing of Councilwoman Myrtis J. Wagner.

IN RE: Resolution expressing sorrow at the passing of Councilwoman Myrtis J. Wagner and extending condolences to her husband and family.

Upon motion of Councilman Ahlman, seconded by Councilwoman Koester, and unanimously carried, RESOLUTION NO. 13-80, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, EXPRESSING SORROW AT THE PASSING OF COUNCIL MEMBER MYRTIS J. WAGNER AND EXTENDING CONDOLENCES TO HER WIDOWER AND FAMILY, was regularly introduced, passed, and adopted.

ORDINANCES

For Ordinance No. 769 see under "PUBLIC HEARINGS" on 1.

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

IN RE: Ordinance No. 770 requiring security devices in certain buildings as burglary prevention measures.

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, having been regularly introduced at the meeting of 1-3-80, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted.

For Ordinance No. 771 see under "PUBLIC HEARINGS" on page 2.  
For Ordinance No. 773 see under "ITEMS FROM CITY ATTORNEY" on page 10.  
For Ordinance No. 774 see under "ITEMS FROM CITY ATTORNEY" on page 11.  
For Ordinance No. 775 see under "ITEMS FROM CITY ATTORNEY" on page 12.

Subject: 31 - Ordinance No. 776 Amending Chapter 24 of the Code of the City, as Adopted by Ordinance No. 766.

IN RE: An Ordinance amending Chapter 24 of the Code of the City of San Clemente as recently adopted by Ordinance No. 766, adding certain sections which were inadvertently deleted when said Ordinance No. 766 was adopted.

Upon motion of Councilman Ahlman, seconded by Mayor Hamm, and unanimously carried, the matter was set for public hearing on 3-5-80, and ORDINANCE NO. 776 BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 24 OF THE CODE OF THE CITY OF SAN CLEMENTE, AS ADOPTED BY ORDINANCE NO. 766, BY ADDING THERETO CERTAIN SECTIONS RELATING TO THE UNIFORM BUILDING WHICH WERE INADVERTENTLY DELETED FROM SAID ORDINANCE NO. 766 WHEN IT WAS ADOPTED, was regularly introduced by title only, and the reading in full thereof waived.

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 11:35 A.M.

ITEMS FROM COUNCIL MEMBERS (continued)

Subject: 113 - Liaison Committee Between Tri-Cities and City of San Clemente.

IN RE: Councilwoman Koester's request for a Liaison Committee between the Tri-Cities Municipal Water District and the City of San Clemente relating to future capital expenditures, on going maintenance and operation costs, and future projects relating to reservoirs, water lines, etc.

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILMAN KALSCHED, AND UNANIMOUSLY CARRIED to appoint a liaison committee to work with Tri-Cities Municipal Water District and that Councilwoman Koester be the Council representative and the City Manager be the Staff representative.

Mrs. Koester stated she would like to reserve the right to be relieved of the assignment if she finds it conflicting with her other assignments for the City.

ADJOURNMENT TO EXECUTIVE SESSION

IT WAS MOVED BY COUNCILWOMAN KOESTER, SECONDED BY COUNCILMAN AHLMAN, AND UNANIMOUSLY CARRIED to adjourn to an Executive Session to discuss litigation and personnel matters.

MEETING RECONVENED

The Mayor reconvened the meeting at 12 Noon.

RESOLUTIONS (continued)

041

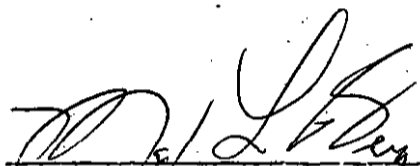
Subject: 79 - Resolution No. 14-80 Establishing a Compensation Plan; Assigning Compensation Schedules for all Classes of Employment in the City Service; Amending Resolution No. 54-79.

IN RE: Proposed Resolution establishing a compensation plan for all classes of employment in the City service.

The Executive Session having been completed, upon motion of Mayor Hamm, seconded by Councilman Kalsched, and unanimously carried, RESOLUTION NO. 14-80 BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING A COMPENSATION PLAN; ASSIGNING COMPENSATION SCHEDULES FOR ALL CLASSES OF EMPLOYMENT IN THE CITY SERVICE; AMENDING RESOLUTION NO. 54-79 was regularly introduced, passed, and adopted.

ADJOURNMENT

IT WAS MOVED BY COUNCILMAN AHLMAN, SECONDED BY COUNCILWOMAN KOESTER, AND UNANIMOUSLY CARRIED that the meeting be adjourned at 12:03 P.M. in memory of Myrtis J. Wagner.

  
CITY CLERK and ex-officio  
Clerk of the City Council

  
MAYOR and President  
of the City Council