

San Clemente, California
May 1, 1968

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, Wednesday, May 1, 1968, 7:30 P.M., Mayor Wade Lower presiding.

PLEDGE OF ALLEGIANCE AND INVOCATION

Pledge of Allegiance to the Flag of the United States of America was led by the Mayor. Invocation was given by Councilman Northrup.

ROLL CALL

PRESENT: Councilmen - CHILTON, EVANS, NORTHRUP, O'KEEFE, AND LOWER
ABSENT: Councilmen - NONE

Also Present: Kenneth E. Carr, City Manager; Max L. Berg, City Clerk;
and Carl S. Kegley, City Attorney.

APPROVAL OF THE MINUTES

The Clerk drew attention to the following minute corrections: meeting of April 16, 1968, a typographical error at the bottom of Page 2, the word Resolution should be Resolutions; and the meeting of April 17, 1968, Page 8, Ordinance No. 514, should read "the reading in full waived by a 4/5ths vote."

Councilman Evans questioned the last sentence in paragraph 3 under "27 - Improvement of Existing Undedicated De La Grulla Alley by '1911 Improvement Act'" on Page 3 of the meeting of April 17, 1968, and the Council concurred to strike out the entire sentence.

Minutes of the adjourned regular meeting of April 16, 1968 and the regular meeting of April 17, 1968, having been previously presented to the members of Council, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN O'KEEFE, AND UNANIMOUSLY CARRIED that said minutes be approved as corrected, and the reading in full thereof waived.

PUBLIC HEARINGS

27 - Proposed Formation of Improvement District No. 1-68 (Los Obreros Lane).

The Clerk announced that the hour of 7:30 P.M. having arrived, this was the time and place fixed by the City Council for the hearing on the Debt Report pursuant to Division 4 of the Streets and Highways Code as well as the time and place fixed by the City Council for the hearing of protests or objections to the proposed construction of certain improvements in Improvement District No. 1-68 (Los Obreros Lane) as set forth in Resolution of Intention No. 18-68, this being a combined hearing.

The Clerk reported that Notices required under Division 4 & 7 of the Streets and Highways Code were mailed more than thirty (30) days prior to the date of hearing that the Resolution of Intention had been published and Notices posted and mailed as required, and that the following Affidavits are on file in the office of the Clerk: (1) Affidavit of Publication; (2) Certificate of Mailing; (3) Certificate of Posting; and (4) Certificate of Filing Map.

The Clerk announced that prior to consideration of protests, the report filed and approved under Division 4 would be read to the Council as required by law. The report, except as to the map, plat, or diagram, and the assessed valuations, and true valuations of, and assessments and estimated assessments upon each parcel of land, was read by the City Engineer.

The Mayor called for written communications and the Clerk read a written protest letter signed by George Eyre (on behalf of Elks Club), Leonard J. Bonanno, Virginia Stier, Robert P. Beasley, Earl R. Shropshire, John F. Holman, Robert L. Anderson, William L. Smith, Edward E. Miller, and Dorothy S. Shank; and letters from Virginia Stier and Martha Barham. The Clerk noted that in a discussion with Special Legal Counsel Brown, the letter containing a number of signatures indicated no assessment numbers or property descriptions and it was difficult in some cases to determine if they were the legal owners.

The Mayor called for Oral Communications and George Forster spoke in protest questioning the need for any improvement; and Robert Beasley suggested that perhaps if a poll was taken prior to the engineering of a project it would save work and expense, and also protested the installing of double rolled curbs.

The City Engineer posted a map outlining the District and showing those lots which were assumed to be represented by written protests. General discussion ensued on the possibility of continuing the Hearing for two weeks to clarify the owners of record and establish the definite percentage of protest, or whether to accept the evident protests which appear to be in excess of 50% and abandon the District.

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED that based upon protest findings as shown on the map, it is determined that protests represent in excess of 50% of the land area proposed to be assessed, that the Hearing be closed, and that the Special Legal Counsel be directed to prepare a Resolution abandoning the proceedings to be presented at the next meeting.

UNFINISHED BUSINESS

27 - Request for Corrected Billing - Assessment District No. 2-67.

The Council advanced the order of business to accommodate Special Legal Counsel Brown in the rendering of his opinion as to the request of Herbert W. Mitton for a corrected billing on the improvements of Street Assessment No. 105A (Tract No. 900), Assessment District No. 2-67.

The City Engineer explained the circumstances of a lot sale which occurred after the March, 1967, assessment roll which is used for mailing notices to property owners, and even though more current information was obtained from the Tax Service of Orange County, it did not reflect correct ownership of a five foot portion of the lot, resulting in incorrect assessment spread to two parcels.

Special Legal Counsel apprised the Council that one of the purposes of the Hearing on the Confirmation of Assessments is so that any person upon receipt of their assessment notice can file objections to any act of the Engineer, or to the correctness of the assessment, or to the correctness of the diagram. Mr. Brown emphasized that this must be filed prior to the confirmation of the assessments and failure to object timely at the hearing causes any irregularity to be waived and the lien to stand. It was suggested that any adjustment now can only be between the buyer and seller of the parcel involved.

Councilman Chilton, with personal knowledge of the situation, stated that it was incumbent upon the Council to judiciously handle the request and IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED that the request be denied, and a letter of explanation be sent to Mr. Mitton regarding the reasons.

The Clerk inquired as to who would send the letter and Special Legal Counsel Brown indicated that he would be willing to do so.

WRITTEN COMMUNICATIONS

28 - Proposed Change in Maximum Annual Fee for Audit Services.

Letter and Agreement from DIEHL, EVANS AND COMPANY proposing a change in their maximum annual fee for audit services which will increase the previous maximum to \$2,500.00.

General discussion ensued relative to the requiring by law of such audits, and possible consideration of the selection of another auditing firm.

Upon question, the City Manager advised that from an administration standpoint the audits have been satisfactory, but there was sufficient time for the Council to consider the selection of a different firm for auditing, if it is the Council's wish to do so.

Following the naming of various qualified companies, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED to hold the

matter over for two weeks pending further study by the City Manager as to audit firms and their fees.

100 - Street Deterioration on Avenida De La Paz.

Letter from MR. & MRS. J. GORDON ROSS and MR. & MRS. WM. H. SCOTT requesting that the increasing problem of street deterioration on Avenida De La Paz due to water erosion be given priority.

Referring to a recent discussion with Street Superintendent Marks, the City Manager commented that it was felt the principal problem had been corrected, but he had been unable to contact the parties involved to verify if it was to their satisfaction.

Councilman Northrup stated that he felt their real concern was the amount of storm waters coming down the street and the resulting erosion which necessitates continual street maintenance.

The City Manager commented that the area referred to was a 20 foot alley which serves only two properties and should be abandoned; further, that Avenida De La Paz is in bad need of reconstruction and should be pursued under the 1911 Act following receipt of appropriate petition. Upon question, the City Engineer suggested that the only way to stop the water would be to put in a drain within the dedicated easement, perhaps followed by an abandonment of the alley.

Following further discussion, IT WAS MOVED BY COUNCILMAN LOWER, SECONDED BY COUNCILMAN O'KEEFE, AND UNANIMOUSLY CARRIED to hold the matter over for consideration during budget sessions.

44 - Request for Transfer of San Clemente Golf Course Restaurant and Bar Concession.

Letter from WILLIAM AND VIRGINIA FORD requesting transfer to Peter J. Berger, Edward E. Miller, and Harold H. Miller, a partnership, of all rights, interest, and obligations existing in the contract agreement with the City for the operation of the San Clemente Golf Course Restaurant and Bar concession.

General discussion between the Council and Peter Berger centered around the credit procedure to follow in requiring a \$2,500 faithful performance bond, waived in the case of Mr. Ford who had been a former concessionaire with the City, and/or the filing of an additional security agreement covering the chattels and operating equipment of the franchise, and/or submission of a financial statement.

Mr. Berger also explained that approval from the Council was necessary prior to their filing with the Alcoholic Beverage Control Board on May 6 as scheduled; and operation would then take effect ten days later, probably on May 15 or 16, and not on May 13 as stated in the letter.

Following further discussion, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON to require a security agreement covering the chattels in addition to the performance bond as set forth in the original agreement, as a condition for approval of the transfer; further, that said chattel security agreement could be waived upon receipt of a favorable financial statement satisfactory to the City Manager and City Attorney. The MOTION WAS CARRIED with Councilman Northrup voting "NO."

For clarification, the City Manager questioned the effective date of transfer and it was determined that it could be either May 15 or May 16 depending upon action by the ABC Board.

In consideration of the need for a "Consent to Assignment," IT WAS THEN MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON that upon satisfaction of the conditions as set forth in the prior motion, the City Attorney be instructed to prepare for execution by the Mayor and City Clerk, a "Consent to Assignment" for transfer of the San Clemente Golf Course Restaurant and Bar concession to the Applicant. The MOTION WAS CARRIED with Councilman Northrup voting "NO."

90 - Request Waiver of Sidewalk Requirements.

Letter from JOHN F. ROBERTS requesting waiver of sidewalk requirements (Municipal Code Section 31-9) for property located at 111 Avenida Princesa (Lot 68, Block 2, Tract No. 852).

Upon recommendation of the City Manager, IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY COUNCILMAN O'KEEFE, AND UNANIMOUSLY CARRIED that the request be granted.

76 - Request for Loading Zone and No Parking Markings Fronting Church Property.

Letter from the FIRST CHURCH OF CHRIST, SCIENTIST requesting consideration of a loading and unloading zone on a 25 foot curb area fronting the cement walk to the Church; and legal no parking markings on three driveways to the Church property.

IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY COUNCILMAN O'KEEFE, AND UNANIMOUSLY CARRIED to refer the request to the Traffic Engineer for recommendation and report back to the Council at the next regular meeting.

79 - Retirement of Dewey N. Hoople.

Letter from DEWEY N. HOOPLE expressing his thoughts and feelings upon his retirement and completion of over 30 years of service to the City.

Subsequent to the reading of the letter from Mr. Hoople, Mayor Lower presented him with a "Certificate of Service" in recognition of his faithful public service rendered to the citizens of San Clemente and as a token of appreciation of thirty-one and one-half years of efficient and loyal service.

Dewey received an ovation from those present and commented on his future plans. Upon motion of Councilman O'Keefe, seconded by Councilman Chilton, RESOLUTION NO. 28-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, EXPRESSING APPRECIATION TO DEWEY N. HOOPLE FOR HIS THIRTY-ONE AND ONE-HALF YEARS OF DEDICATED SERVICE TO THE CITY OF SAN CLEMENTE, was regularly introduced, read in full, passed, and adopted upon the following stated vote, to wit:

AYES: Councilmen - CHILTON, EVANS, NORTHRUP, O'KEEFE, AND LOWER
 NOES: Councilmen - NONE
 ABSENT: Councilmen - NONE

53 - Request to Operate Fireworks Stand (Job's Daughters).

Letter from JOB'S DAUGHTERS OF SAN CLEMENTE requesting permission to operate a fireworks stand in the parking lot at Market Basket from noon, June 28, 1968 until the evening of July 4, 1968.

Councilman Chilton spoke in support of the request contingent upon their following the established procedures for approval set forth by the local Fire Chief and the office of the State Fire Marshall. Mrs. A. M. Oliphant, Director of Ethics for Job's Daughters, outlined their plans for the operation of the requested fireworks stand.

Councilman Evans questioned the granting of said request when the Key Club was turned down last year after being informed that sale of fireworks has been granted for many years only to the local Veteran's organizations; and if there was any written policy to that effect.

General discussion ensued regarding the fact that the American Legion and V.F.W. have the manpower and capabilities and are instrumental in providing the fireworks for the public display on July 4; further, that granting of permits for many organizations would not be profitable for any of them. Councilman Chilton commented that donations are solicited for the fireworks display and he felt that the Council would be remiss if other qualified organizations were denied such approval just because the Veteran's organizations have "preempted the field" for a period of time in the past.

Following a motion by Councilman Chilton to grant the request which DIED FOR LACK OF A SECOND, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN O'KEEFE, AND CARRIED that the request be denied. Councilman Chilton voted "NO."

During further discussion, Councilman Evans suggested passage of a Resolution setting forth an established policy for the granting of permits for fireworks stands to avoid this question coming up each year. Mayor Lower suggested to Mr. Evans that he could present such a Resolution at the next meeting if he wished.

33 - Statewide Bicentennial Celebration.

Letter from LIEUTENANT GOVERNOR ROBERT H. FINCH, Chairman of the California Bicentennial Celebration Commission, requesting notification of all activities planned or contemplated which will have a direct or indirect relationship to the Bicentennial celebration.

Following brief comment, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN NORTHRUP, AND UNANIMOUSLY CARRIED that the letter be filed, with copies referred to the Chamber of Commerce and San Clemente Coordinating Council.

62 - Senate Bill 425 Concerning Preemption.

Letter and Resolution from CITY OF NEWPORT BEACH expressing support for Senate Bill 425 concerning preemption.

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON to adopt a Resolution similar to the one submitted by the City of Newport Beach.

Discussion ensued on the advisability of further study of the proposed Bill and IT WAS MOVED BY COUNCILMAN NORTHRUP, SECONDED BY COUNCILMAN EVANS, AND UNANIMOUSLY CARRIED to table the Motion to the next meeting.

44 - Proposal for Lease of Shore Colony Building (Richard B. Cropley).

Letter from RICHARD B. CROPLEY submitting a proposal for lease of the Shore Colony Building for use as locker rentals for the public, and retail sales of certain items; proposed rental to be 5% of the gross for the first year, with a 10% rental on any items moved from the present concession (Surfer No. 1) to the new location.

General discussion centered around the method of accounting, the establishing of a one-year trial period (5-1-68 to 4-30-69) to measure the operation for future negotiation, and the advisability of making this a separate agreement from Surfer No. 1.

The Council concurred and IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN CHILTON to lease the Shore Colony Building to Richard B. Cropley under the stated conditions and instruct the City Attorney to prepare said Lease. The MOTION WAS CARRIED upon the following stated vote, to wit:

AYES: Councilmen - CHILTON, EVANS, NORTHRUP, O'KEEFE, AND LOWER
 NOES: Councilmen - NONE
 ABSENT: Councilmen - NONE

ORAL COMMUNICATIONS

100 - Request for Additional Maintenance of Streets in "Bowl" Area.

Ian Kennedy, resident of the "Bowl" area, spoke from the audience advising the Council that the four cross streets in the "Bowl" area are in dire need of attention other than an occasional patching. He further stated that he realized that when the utility lines are put underground in the future, the streets will be reconstructed, but that attention is essential now.

FURTHER UNFINISHED BUSINESS

77 - Consideration of Various Proposals and Suggestions for Pier Entrance Beautification.

Consideration was given to the various proposals and suggestions for pier entrance beautification. Mayor Lower called attention to the posted plans and the three additional letters (Robert Rusche, Jr., J. H. Weston, A. J. Berand) reported at the recent Study Session, which suggest the direct approach over the railroad tracks with a signalized grade crossing, subject to approval of the P.U.C. and the Railroad.

Considerable discussion ensued between members of the audience, the Council, and City Engineer regarding the safety factor involved when an automatically controlled gate is used in such a location. It was determined that the P.U.C. would put many safety restrictions upon any approval and it would be wise to obtain their views and safety recommendations while also considering the other plans

and proposals from an engineering as well as an economical standpoint.

IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN NORTHRUP, AND UNANIMOUSLY CARRIED to authorize the City Manager to pursue this matter in whatever fashion he sees fit for an "at grade crossing" at the Pier entrance.

Further suggestions and questions were posed concerning possibility of a grade crossing with retention of a modified underpass, what effect a grade crossing would have on the Del Mar crossing to the Lifeguard Headquarters, need for cost estimates by the Engineering Department, and information as to train schedules.

24 - Animal Control Regulations and Licensing
Pursuant to Agreement with County of Orange.

Further consideration was given to the proposed Ordinance adopting the County Ordinance on uniform animal control, welfare, and license requirements; and a Resolution accepting and approving County animal control rules, regulations, and fee schedules.

Dr. Robert R. Haight, Director of Veterinary Public Health Division of Orange County, addressed the Council commenting that in accordance with a ruling by the County Counsel, it is necessary for Cities contracting for animal control with the County to adopt by reference the County Ordinance with no amendments, and recommended against any such amendments as are proposed in the City's Ordinance.

Following lengthy discussion and debate between the Council and Dr. Haight which mainly centered around the control of dogs on private property, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN NORTHRUP, AND UNANIMOUSLY CARRIED to hold the matter over to the next regular meeting.

REPORTS AND MISCELLANEOUS ITEMS

93 - Temporary Storage Site for Street Sweepings.

Councilman Evans brought to the attention of the Council the condition reported to him of scattered debris from the dumping by the City of street sweepings in the upper part of Bonito Canyon behind the Boy's Club and also in the vicinity of the 18th Tee at the opposite end of the City. In regard to a proposed budget item of \$1,200 to construct a storage bin at Yard 2, he further stated that he felt this was of sufficient urgency that it shouldn't wait until after next year's budget.

Discussion ensued on other suitable temporary locations which would not require more man hours or equipment and the following dumping sites were mentioned: (1) Vicinity of San Clemente Wrecking Yard, (2) Sewer Plant site, and (3) Brigham Young ranch property.

IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN CHILTON to stop dumping the street sweepings in Bonito Canyon and find a better location. The MOTION FAILED TO CARRY with Councilmen Northrup, O'Keefe, and Mayor Lower voting "NO."

The Mayor suggested that the matter should be left to the administration until Budget time and then consider their recommendation.

96 - Sewer Service Charge.

Councilman Chilton advised the Council of inquiries made to him by certain businessmen relative to the sewer service charge of an additional 50% of the water bill, and suggesting that the Council take a closer look into the matter at the coming budget session with regard to the actual amount of money raised to defray expenses as opposed to the average home owner and what he is paying.

26 - Local Agency Formation Commission.

Mayor Lower announced that Councilman Northrup was elected Alternate Delegate to the Local Agency Formation Commission of Orange County at the meeting of the Orange County League of Cities on April 25, 1968.

Mayor Lower commented briefly on a recent meeting with the Chamber of Commerce members of Escondido and their interesting tour of the wire factory.

32 - Legal Opinion Concerning License Tax Case.

Upon recommendation of the City Attorney, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED to postpone any further discussion with regard to the legal opinion concerning the license tax case - City vs. Poggis, Bloomfield, and Hoyos - until an Executive Session later in the meeting.

96 - Agreement with Capistrano Beach Sanitary District.

Consideration was given to the formal Agreement between the City and Capistrano Beach Sanitary District for sewer system connection to said District. Discussion ensued relative to suggestions by the City Manager that the last sentence of Section 3 be changed to reflect that neither the District or City shall be required to pay sewage measurement costs more than once in any four months' period; Section 7 to provide that any termination shall be by mutual consent and may be obtained not sooner than two years after execution of this Agreement by giving 90 or 180 days (as may be negotiated) advance written notice to the other party.

It was suggested that the Agreement be submitted to the District with these changes and IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY COUNCILMAN NORTHRUP to authorize execution of the Agreement by the Mayor and City Clerk pending acceptance by the District of the amendments.

The MOTION WAS UNANIMOUSLY CARRIED upon the following stated vote, to wit:

AYES: Councilmen - CHILTON, EVANS, NORTHRUP, O'KEEFE, AND LOWER
 NOES: Councilmen - NONE
 ABSENT: Councilmen - NONE

37 - Extra Legal Services Payments to City Attorney.

Pursuant to the request by Councilman Northrup at the meeting of 4-17-68, the City Manager presented a memorandum listing sums paid to the City Attorney under the category of "extra legal services" for the period of 1-1-66 to 5-1-68 inclusive. Councilman Northrup commented that he was interested in all legal fees, not only by the City Attorney, but by Special Legal Counsel and attendance at conferences for fiscal years 1966-1967 and 1967-1968.

93 - Abatement of "Public Nuisance."

Referring to the inquiry at the last meeting as to whether the condition of debris and stagnant water now existing in the Marquita Canyon could be abated under the public nuisance provision of the Municipal Code, the City Manager commented on his memorandum to the Council wherein he cited the case of the City of Fountain Valley vs. a property owner on a nuisance complaint in which the Court ruled against the City on the basis that prosecution must be under the State Penal Code. The City Attorney suggested that the matter await any determination until the outcome of an Appeal is known, if such is filed.

ADJOURNMENT TO EXECUTIVE SESSION

IT WAS MOVED BY COUNCILMAN NORTHRUP, SECONDED BY COUNCILMAN O'KEEFE, AND UNANIMOUSLY CARRIED that as requested by the City Attorney, the Council adjourn to Executive Session at 10:35 P.M., for the purpose of discussing pending litigation.

MEETING RECONVENED

The Mayor reconvened the meeting at 10:55 P.M.

REPORTS AND MISCELLANEOUS ITEMS (Continued)

100 - SCR68 Street Deficiency Study.

The City Engineer presented and explained a street deficiency study and report (SCR68) required to be submitted to the State each four years; said report containing information as to the City's progress in the construction or improvement of its street system, an estimate of its street needs for the next five years, and a projected estimate of its street needs for the next ten years.

Following discussion and the answering of questions posed by the Council, IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY COUNCILMAN EVANS, AND UNANIMOUSLY CARRIED that the report be transmitted to the proper State agency.

90 - Bid for Industrial Tractor with Skiploader and Backhoe Attachments.

The City Manager reported that the following Bids were received and publicly opened on April 29, 1968, at 11:00 A.M. for furnishing a 1968 Model Industrial Wheel Tractor with Skiploader and Backhoe attachment in accordance with published Notice inviting bids and specifications:

| <u>BIDDER</u> | <u>MAKE</u> | <u>AMOUNT</u> |
|----------------------------|-------------------------|---------------|
| Milo Equipment Corporation | John Deere 300 | \$ 5,150.00 |
| International Harvester | International Harvester | \$ 5,250.00 |
| T & H Equipment | Massey Ferguson 2135 | \$ 5,400.00 |
| McCoy Motors | Ford 34011 E No. 1 | \$ 5,480.00 |
| McCoy Motors | Ford 34011 C or G No. 2 | \$ 5,690.00 |
| Palomar Tractor | Allis-Chalmers I-600D | \$ 5,646.43 |

The Council concurred with the recommendation of the City Manager and IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY COUNCILMAN EVANS to accept as the lowest responsible bidder, the bid of Milo Equipment Corporation, in the amount of \$5,150.00. The MOTION WAS CARRIED upon the following stated vote, to wit:

AYES: Councilmen - CHILTON, EVANS NORTHROP, AND LOWER
 NOES: Councilmen - NONE
 ABSENT: Councilmen - NONE
 ABSTAINED: Councilmen - O'KEEFE (A client is a member of the firm of Milo Equipment Corporation.)

62 - Position of Opposition or Support to Various Legislative Bills.

The City Manager as a member of the Legislative Committee also consisting of Councilman O'Keefe and the City Attorney, brought to the Council's attention the need to take a position on various pending Legislative Bills. Following explanation and discussion, it was recommended that the Council support (1) AB 684, cigarette tax allocation based half on taxable sales and half on population; (2) SB 513, which eliminates present requirement of expensive and repetitious publication of prevailing wage rates in calling for bids for public works projects; and that the Council oppose (1) SB 456, which would prohibit cities from franchising or licensing CATV; (2) AB 202 and SB 717, which extends the Brown Act to all committees or subcommittees of the Council even though composed of only one or two members; and, further, that the Council defer until the next meeting consideration of SB 117 which exempts from property taxation all personal effects and household furnishings.

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED that the Council go on record in support of AB 684 and SB 513; in opposition to SB 456, AB 202, and SB 717; and to defer consideration of SB 117 until the next meeting.

93 - Abatement of "Public Nuisance."

Again referring to the debris and stagnant water condition in Marquita Canyon, the City Manager advised that contrary to a previous statement, the City Engineer has discovered that the City does have a ten foot drainage easement within the Canyon although the existing water course does not necessarily fall within the dedicated easement. Mr. Carr continued that efforts will be made through the County Flood Control District to obtain an extension of the drainage structure and it is hoped that in due course the reported problem will be resolved.

88 - Protest to Possible Construction of High-Rise Buildings in Area Adjacent to the City.

As previously directed, the City Manager advised of a meeting with E. A. Thompson, City Administrator of San Juan Capistrano, regarding the rumored building of high-rise apartments on property adjacent to the City in the Eastridge area. Information was received that three buildings of eight units each are in the planning stages, but the zoning will have to be changed from R-1 to R-3; and water service will undoubtedly be requested from the City. Mr. Carr further advised that Mr. Thompson had indicated

that the City of San Juan Capistrano desires the utmost rapport and cooperation between the two cities and fully intends to transmit plans, when received, for the Council's comments and recommendations.

It was suggested that a letter be sent to the City Council of San Juan Capistrano urging in the interest of trying to present the most harmonious relationship that each City have the opportunity to solicit for comments and recommendation for any development contiguous to the common City boundaries. IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED that the City Manager be instructed to write such a letter.

77 - Nerve Gas Antidote Containers Discovered on Beach.

As previously directed, the City Manager apprised the Council that preliminary investigation has shown that the 81 capsules of nerve gas antidote capsules recovered on the local beach were manufactured by E. R. Squibb & Sons under Control Number 5A85945, and it has been twenty years since this was a supply item judging by the Control Number. Mr. Carr advised that further contact has been made with the Military authorities at Camp Pendleton to establish the origin of these particular items and any additional information will be reported to the Council.

NEW BUSINESS

42 - Claims for False Arrest and False Imprisonment Damages.

The City Clerk presented claims for false arrest and false imprisonment damages as filed by Simon Hoyos, Dick Bloomfield, and Elmer L. Boggs, each in the amount of \$25,000.

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN EVANS, AND UNANIMOUSLY CARRIED to continue consideration of each of the claims until the next regular Council meeting.

32 - Proposed Amendment to Business License Tax Ordinance re Vending Machines.

The City Clerk presented for Council study a draft of an Ordinance amending Chapter 13 of the Code of the City of San Clemente relating to vending machines, and commented that in the field of licensing in general, our Ordinance is long overdue for review and revision, but that the model ordinance being developed by the League of Cities is not yet ready for distribution; further, that since the League ordinance is reported not to cover vending machines, perhaps a revision of Chapter 13 would be a starting point towards license tax revisions.

PAYING OF THE BILLS

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN LOWER that Warrants No. 10226 through No. 10343, as audited by the Council, be paid. The MOTION WAS DECLARED CARRIED upon the following stated vote, to wit:

- AYES: Councilmen - EVANS, O'KEEFE, AND LOWER
- NOES: Councilmen - CHILTON AND NORTHRUP
- ABSENT: Councilmen - NONE

| | |
|---|---------------------|
| Total demands approved for payment for the period of April 18 through May 1, 1968. | \$ 222,251.40 |
| Ratification of Payroll Warrant No. 10227 for period of April 1 through April 14, 1968. | <u>\$ 31,927.24</u> |
| TOTAL WARRANT REGISTER. . . | \$ 254,178.64 |

RESOLUTIONS

For Resolution No. 28-68 see under "WRITTEN COMMUNICATIONS" on Page 4.

ORDINANCES74 - Parking Permit Ordinance No. 514.

Upon motion of Councilman O'Keefe, seconded by Councilman Chilton, ORDINANCE NO. 514, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING THE "UNIFORM TRAFFIC ORDINANCE OF THE CITY OF SAN CLEMENTE," AS ADOPTED BY REFERENCE BY ORDINANCE NO. 470, BY REDESIGNATING PRESENT SECTION 14.12 AS SECTION 14.13, AND ADDING NEW SECTION 14.12 PROVIDING FOR THE ISSUANCE AND USE OF PARKING PERMITS, having been regularly introduced at the meeting of 4-17-68, was again introduced, read in full, duly passed and adopted upon the following stated vote, to wit:

AYES: Councilmen - CHILTON, NORTHRUP, AND O'KEEFE
 NOES: Councilmen - EVANS AND LOWER
 ABSENT: Councilmen - NONE

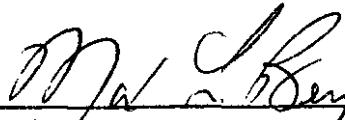
74 - Ordinance No. 515 Eliminating Parking Meters
in Portion of 200 Block of Avenida Del Mar.

Upon motion of Councilman Chilton, seconded by Councilman Evans, ORDINANCE NO. 515, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADDING TO AND AMENDING CERTAIN SECTIONS OF THE "UNIFORM TRAFFIC ORDINANCE OF THE CITY OF SAN CLEMENTE," AS ADOPTED BY REFERENCE BY ORDINANCE NO. 470, having been regularly introduced at the meeting of 4-17-68, was again introduced, the reading in full unanimously waived, duly passed and adopted upon the following stated vote, to wit:

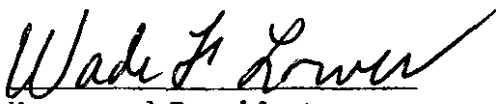
AYES: Councilmen - CHILTON, EVANS, NORTHRUP, O'KEEFE, AND LOWER
 NOES: Councilmen - NONE
 ABSENT: Councilmen - NONE

ADJOURNMENT

There being no further business, IT WAS MOVED BY COUNCILMAN NORTHRUP, SECONDED BY COUNCILMAN EVANS, AND UNANIMOUSLY CARRIED that the Council meeting be adjourned - at 11:32 P.M.



 City Clerk and ex officio
 Clerk of the City Council



 Mayor and President
 of the City Council