

San Clemente, California
June 5, 1968

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, Wednesday, June 5, 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 Mayor Lower.

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

Minutes of the regular meeting of May 15, 1968 and the Special called meeting of May 29, 1968, having been previously presented to the members of the Council, IT WAS MOVED BY COUNCILMAN NORTHRUP, SECONDED BY COUNCILMAN EVANS, AND UNANIMOUSLY CARRIED that said minutes be approved as presented, and the reading in full thereof waived.

PUBLIC HEARINGS

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

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 Public Hearing to consider adoption by reference of Orange County Ordinance No. 2159 relating to animal control, welfare, license and health requirements, with certain amendments thereto.

The Clerk announced that notice of Hearing had been published as required by law and affidavits showing such compliance are on file in the Clerk's office.

The Clerk read a letter from Dr. Robert Haight, Director of Veterinary Public Health Division of Orange County, reiterating his previous position that in the interest of public health and in order to provide the highest level of service, the County Ordinance should be adopted without any amendments.

There being no further written communications, the Mayor called for oral communications.

There ensued one hour of discussion and debate which is briefly summarized as follows: Comments from the audience were made by Flora Rutledge, Earl Smith, Dr. Mary E. Madden, Robert Rutledge, and Holly Keith regarding dogs that are allowed to run free and to roam any time of the day or night destroying private property and annoying other dogs on leash and passers-by.

Debate ensued between Councilmen Chilton and O'Keefe, and Lt. Robert Wohrman and Doctor Haight concerning the control of dogs on private property. The Councilmen also queried Lt. Wohrman on procedures followed by their officers when a complaint was made and if provisions of the existing City Code on animal control were enforced or enforceable. Lt. Wohrman replied that their officers are not empowered to enforce any other law but those as stated in the County Ordinance; and to the best of his knowledge, therefore, only warnings have been issued during the time they have been servicing the City.

Following further discussion, the Mayor declared the Hearing closed.

In rebuttal to comments by Councilmen Evans and Northrup relative to adopting the County Ordinance with no amendment, Councilman Chilton stated that he was not willing to put aside his principles and abdicate local authority and responsibility. Councilman O'Keefe expressed comment that the proposed amendment would make it an enforceable ordinance and objected to the City being forced into accepting the County Ordinance by their refusal to enforce the existing City Code.

Further debate ensued concerning the collection of license fees by the County and local rabies control problems, if any. The Ordinance was then presented without any amendments to the County Ordinance and upon motion of Councilman Northrup, seconded by Councilman Evans, ORDINANCE NO. 517, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING BY REFERENCE ORANGE COUNTY ORDINANCE NO. 2159 AND AMENDMENTS THERETO, WHICH RELATE TO ANIMAL CONTROL, WELFARE, LICENSE AND HEALTH REQUIREMENTS; PROVIDING A FEE SCHEDULE FOR SERVICES AT ORANGE COUNTY ANIMAL SHELTER; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AND AMENDING CHAPTER 17 OF THE CODE OF THE CITY OF SAN CLEMENTE, was regularly introduced, read in full, passed and adopted as an urgency measure,* upon the following stated vote, to wit:

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

(* Note: See ruling later in the meeting that it could not be adopted as an urgency measure.)

Councilman Northrup questioned whether an Ordinance with an emergency clause for immediate adoption, as in the case of Ordinance No. 517, did not need a 4/5ths vote for passage. The City Attorney stated if such were the case, then the Ordinance would not go into effect until 30 days after passage. It was directed that amendments (b), (c), & (d) as contained in the original Ordinance draft be adopted in a separate Ordinance to be brought back at the next meeting. In conjunction with the adoption of the County Ordinance a required Resolution was also presented and upon motion of Mayor Lower, seconded by Councilman Evans, RESOLUTION NO. 45-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ACCEPTING AND APPROVING CERTAIN RESOLUTIONS OF THE ORANGE COUNTY BOARD OF SUPERVISORS RELATING TO ANIMAL CONTROL RULES, REGULATIONS, AND FEE SCHEDULES, was regularly introduced, passed, and adopted upon the following stated vote, to wit:

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

30 - Budget for Fiscal Year 1968-1969.

The Clerk announced that this was the time and place set for Public Hearing to consider the preliminary Budget for Fiscal Year 1968-1969, and that Notice of Hearing was duly published as required by law.

The Clerk read a communication from Russel B. Henschman, President, Harbor Estates Homeowner's Association requesting the City to appropriate funds to develop a park or playground near Calle Bienvenido and Via Manzana to block the end of Via Manzana and prevent street access to a planned apartment complex adjacent to the City. The Clerk also reminded the Council of the following communications received at an earlier date but which relate to Budget requests: (1) James McCone for funds to correct drainage problems in Trafalgar Canyon, (2) Mr. & Mrs. J. Gordon Ross and Mr. & Mrs. William H. Scott for control of erosion and improvement of De La Paz, (3) Elks Lodge for additional skeet range, (4) Edwin Chaffee for rejuvenation of Community Clubhouse, (5) Petition containing 54 signatures requesting additional tennis facilities and improvements, and (6) Referral of the five-year Capital Improvement Program to the 1968-1969 Budget; and in connection therewith the recommendations of the San Clemente Coordinating Council concerning the Capital Improvement Program.

There being no further written communications, the Mayor called for oral communications. Mrs. James Kilpatrick, San Clemente Coordinating Council, referring to the proposed Capital Improvements Program, presented their recommendations for priority items of pier entrance beautification and Beach Master Planning, and street beautification in connection with California's Bicentennial celebration. Mrs. Kilpatrick; Mr. James Kilpatrick, San Clemente Jaycees; and Mrs. Robert Jenkins, San Clemente Junior Woman's Club, also presented plans for proposed playgrounds to be located in the Shorecliffs, Rancho Margarita, and Harbor Estates area. They advised of their fund drive now being conducted for playground equipment and of contributions received to date from certain organizations. Councilman O'Keefe also presented his personal check to add to the contributions. Along with the three proposed locations for parks, Mr. Kilpatrick recommended that the City designate the lot adjacent to the tennis courts at the Community Clubhouse as a pilot playground project and

then to budget for other lots as the City can acquire them. There being no further written or oral communications concerning the Budget, the Mayor declared the Hearing closed.

For the purpose of further studying the proposals as submitted, the Mayor set a Study Session for Wednesday, June 12, 1968, at 7:00 P.M.

117 - Zoning Ordinance Amendment No. 02-68.

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 Public Hearing to consider protests or objections to Zoning Ordinance Amendment No. 02-68, to allow single family and duplex residential in R-3-G (Garden Apartment) District and to change minimum lot size from 6000 to 7500 square feet; and amending Section 5.16 (B) to change fence heights around swimming pools from six to five feet.

The Clerk announced that Notice of Hearing had been posted and published as required by law and affidavits showing such compliance are on file in the Clerk's office.

The Clerk read the Planning Commission memorandum of May 8, 1968, recommending approval of said Zoning Ordinance Amendment No. 02-68. There being no further written or oral communications, the Mayor declared the Hearing closed.

IT WAS MOVED BY COUNCILMAN NORTHRUP, SECONDED BY COUNCILMAN EVANS, AND UNANIMOUSLY CARRIED that the Amendment be approved and the City Attorney be instructed to prepare an Ordinance to be brought back at the next meeting.

WRITTEN COMMUNICATIONS

96 - Petition for Reduction of Rate of Sewer Charge
on All Commercial Properties.

Letter and Petition containing 20 signatures from MARK G. ANCEL, et al, petitioning the City for a reduction of the rate of sewer charge on all commercial properties in the City.

It was noted that during discussion at a recent Study Session it was proposed that when the sewer charge has been in effect for one year, there would then be sufficient information as to revenue and other factors from which the Council could determine if any inequities do exist. IT WAS MOVED BY COUNCILMAN NORTHRUP, SECONDED BY COUNCILMAN O'KEEFE, AND UNANIMOUSLY CARRIED to file the letter at this time.

Mayor Lower commented that the letter refers to the revenue from the sewer service charge as being used for reconstruction of lines when in fact it is designated and used for maintenance and operation costs only.

73 - Request for Additional Baseball Fields in Capital Improvements Plan.

Letter and Petition containing 83 signatures from the SAN CLEMENTE LITTLE LEAGUE, INC., requesting that the long range plan for capital improvements include additional baseball fields in the City.

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN EVANS, AND UNANIMOUSLY CARRIED that the communication be referred to the Study Session scheduled for Wednesday, June 12, in connection with consideration of acquisition and development of future park sites within the City.

98 - Request for Waiver of Sidewalk Requirements.

Letter from GEORGE BLOSSOM, General Contractor, requesting waiver of sidewalk requirements (Municipal Code Section 31-9) at 214 W. San Antonio, (Lot 7, Block 13, Tract No. 852).

Concurring in the recommendation of the City Manager, IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY COUNCILMAN NORTHRUP, AND UNANIMOUSLY CARRIED that the request be granted.

62 - Assembly Bill 1203.

Letter and enclosure from the CALIFORNIA PEACE OFFICER STANDARDS AND TRAINING COMMISSION urging support of AB 1203 which would increase the penalty assessment

on designated traffic offenses from \$3 to \$5 for each \$20 of fine imposed or bail forfeited or for suspended jail sentence, said monies to be returned to local governmental agencies.

Following general discussion, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN NORTHRUP, AND UNANIMOUSLY CARRIED that the communication be received and filed.

62 - Assembly Bills 2017 through 2023, inclusive.

Letter and enclosures from the CITY OF IRWINDALE urging opposition to Assembly Bills Nos. 2017 through No. 2023, inclusive, said Bills constituting a direct unqualified threat to the continued existence of smaller cities in California; would allow the disincorporation and/or consolidation of a city without a meaningful vote of said residents; and would restrict the imposing of taxes and expenditure of funds.

Discussion ensued on the merits of opposing such legislation and upon motion of Councilman O'Keefe, seconded by Councilman Chilton, RESOLUTION NO. 46-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, EXPRESSING ITS OPPOSITION TO ASSEMBLY BILLS NOS. 2017 THROUGH 2023, INCLUSIVE, was regularly introduced, 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

92 - Request for Use of Las Palmas Park.

Letter from AL MANFREDI requesting permission to use Las Palmas Park on Friday, June 7, 1968, 7:00 P.M. to 11:00 P.M., for the purpose of presenting a musical talent show, free of charge.

Al Manfredi addressed the Council in support of his request and upon question stated that there would be two or three musical groups using amplified equipment, and at this time no other location has been considered.

Consideration was given to the fact that the hours requested could create problems in view of the 10:00 P.M. curfew. The City Manager advised that it was the feeling of the City Staff that this was not the type of use which would be harmonious with the public peace, health, and welfare of the residents in the area; further, that such use would be setting a precedent that would not be in the best interest of the citizenry.

Following further comments by Al Manfredi, Councilman Evans advised that he felt he knew of a solution that would be of benefit to all concerned as it could be sponsored on certain private property completely away from residences, and invited Mr. Manfredi to meet with him in the morning. IT WAS THEN MOVED BY COUNCILMAN NORTHRUP, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED that the request be denied.

22 - Proposed Operation of a Skybus Air Commuter Shuttle Schedule.

Letter from SKYBUS, INC., requesting an expression of interest and support in regard to their application for a certificate of public convenience and necessity from the California Public Utilities Commission to operate a Skybus air commuter shuttle schedule between Los Angeles International and Orange County airports.

Councilman O'Keefe commented that he felt this matter was outside the jurisdiction of the Council and IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED that the communication be filed.

105 - Request for Relief from Storm Drain Installation (Walter R. Steyer).

Letter and enclosures from WALTER R. STEYER submitting an alternate proposal to his letter of May 15, 1968, concerning the matter of storm drain condition on Lot 5, Block 10, Tract No. 822.

The City Manager advised that the Staff sees no reason why the condition of storm drain installation as set forth in 1960 at the time of the requested

lot split by Dan Russie, should not be required.

Following comments by the City Attorney that the suit against Russie, et al, has not been dropped and that the matter of litigation in the City vs. Portwood case has no similarity, discussion continued on Mr. Steyer's contention that his deed did not show the condition and that the City probably put in the old drain for which there is no easement of record. Mr. Steyer further stated that he was willing to supply corrugated pipe if the City would supply the necessary labor and supplementary materials to relocate the drain.

Councilman Northrup commented that the City does not recognize that the lot split has been consummated since the conditions thereto have never been performed, and suggested that the only recourse for Mr. Steyer was through the Real Estate Commission against Dan Russie for his failure to disclose the condition at the time of the sale.

IT WAS THEN MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED that the letters from Mr. Steyer be received and filed.

98 - Request for Waiver of Sidewalk Requirements.

Letter from J. W. WIECHOWSKI requesting waiver of sidewalk requirements (Municipal Code Section 31-9) at 420 Avenida Salvador (Lot 48, Tract No. 4941).

The City Manager presented and explained the Staff's recommendation for denial of the request. Tom Tullius, general contractor, spoke in support of the waiver request explaining certain topographic problems and utility obstructions within the sidewalk area. Mr. Wiechowski questioned whether such sidewalk installation was for an aesthetic or practical purpose with the Mayor answering that both are hoped for.

It was pointed out that a similar request for waiver of sidewalk installation at 405 Avenida Salvador had been denied at the previous meeting as the initial step towards sidewalks along the entire westerly side of the 400 block. Further discussion ensued between the Council, City Engineer, City Attorney, and applicants with the final suggestion that the Council take a second look at the situation.

Following withdrawal of the previous motion, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN NORTHRUP, AND CARRIED to hold the request over to the next meeting, and that a cash bond be posted in the amount of \$200 to cover such sidewalk installation so utilities can be turned on upon building completion. Councilman Chilton voted "NO."

56 - Master Plan of Arterial Highways - Amendment No. 107.

Letter from ORANGE COUNTY PLANNING DEPARTMENT submitting Amendment No. 107 to the Master Plan of Arterial Highways and requesting early review and comments.

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED that the matter be referred to the Planning Commission.

ORAL COMMUNICATIONS

The Mayor called for Oral Communications and there were none.

REPORTS AND MISCELLANEOUS ITEMS

100 - Need for Street Repairs in 100 Block of Avenida Del Mar.

Councilman Northrup commented on the need for street repairs in the 100 block of Avenida Del Mar.

96 - Sewage Facilities.

Councilman Northrup inquired how the sewage facilities have been holding up, particularly over the holidays and the City Manager replied that certain measures taken the past year have helped considerably. Mr. Carr commented on the related agenda item concerning award of contract for the Shorecliffs Sewer Interceptor line and connection to the Capistrano Beach Sanitary District; and also advised that he intended that the next agenda include a discussion with the City's Consultant on sewage facilities.

93 - Abatement of Public Nuisance in Marquita Canyon.

Councilman Northrup inquired if anything further had been done in regard to the complaints concerning debris and stagnant water conditions in Marquita Canyon. Mr. Carr replied that the Flood Control District has been requested to consider extension of the drainage structure up to Calle Puente which would take care of the conditions; or the Council might wish to pass a new Resolution and post the private property for the abatement of weeds, refuse, etc., under regular weed abatement procedures.

Referring to the American Flag decals now being sold by the Kiwanis Club for \$1.00 per pair to demonstrate respect for law and order and patriotism, Councilman Evans proposed that if the City would purchase the decals for all City vehicles at the wholesale cost of 70¢ per pair, he would make up the 30¢ on each set.

During discussion Councilman Northrup questioned if this was something for which City funds should be expended, and Councilman Chilton suggested that there might be organizations willing to donate such decals to the City. A MOTION for purchase of fifty sets by the City was withdrawn and it was suggested that donations be made by the Councilmen.

43 - Commendation to South Coast Choral Society.

Councilman O'Keefe spoke of the recent local production of "Oklahoma" and IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED that a minute action be adopted commending the South Coast Choral Society on their excellent presentation of "Oklahoma."

76 - Additional Parking Restrictions (Camino Capistrano & El Camino Real).

Councilman O'Keefe suggested that two more parking spaces be eliminated on Camino Capistrano near the intersection of El Camino Real as the traffic for a right turn is still backing-up, especially on weekends. It was determined that the suggestion would be studied and reported back to the Council with the necessary Resolution if found advisable.

The Mayor apprised the Council that the League of California Cities is preparing their Agenda for the fall meeting and advised that if there are items any of the Councilmen may wish presented, they should be mailed immediately.

The Mayor announced receipt of an invitation to attend the Gallery Tea of the Arts and Crafts Club on Sunday, June 9, 1968, 12:30 P.M. to 5:00 P.M., in the Community Clubhouse.

81 - Appointment of Two Planning Commissioners.

Mayor Lower called for an Executive Session following adjournment of the meeting for the purpose of considering candidates for the two Planning Commission positions to be filled by July 1, 1968.

59 - Donation of Acreage to South Coast Hospital.

Mayor Lower apprised the Council of an invitation for Monday, June 17, 1968, at 3:00 P.M., for a "ground accepting ceremony" for acreage donated by Mr. Richard O'Neill to the South Coast Hospital, said land located approximately 1½ miles beyond the San Clemente High School on Pico Road.

105 - Minor Subdivision No. 04-66.

Referring to the request for acceptance of works of improvement and exoneration of bonds for Minor Subdivision No. 04-66 as received at the meeting of 2-21-68, the City Attorney advised that clear title has been established as pertaining to the Deed of Easement and that all delinquent taxes on the property have been paid.

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN EVANS that the Deed of Easement for street purposes within Minor Subdivision No. 04-66 be accepted and the City Clerk directed to have said Deed of Easement recorded

with the County Recorder. 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

Upon motion of Councilman O'Keefe, seconded by Councilman Evans, RESOLUTION NO. 47-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ACCEPTING ALL WORKS OF IMPROVEMENT IN MINOR SUBDIVISION NO. 04-66 was regularly introduced, 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

32 - License Tax Case (Boggs, Bloomfield & Hoyos).

Regarding the license tax case - City vs. Boggs, Bloomfield, & Hoyos - the City Attorney reported that the matter has been set for hearing and the briefs are prepared.

37 - Resolution No. 48-68 Terminating Services of Milo Marchetti, Jr., as Assistant City Attorney.

The City Attorney advised that Milo Marchetti, Jr., will no longer be serving as Assistant City Attorney, and upon motion of Councilman Evans, seconded by Councilman Northrup, RESOLUTION NO. 48-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TERMINATING THE SERVICES OF MILO MARCHETTI, JR., AS ASSISTANT CITY ATTORNEY FOR SAID CITY, AND REPEALING RESOLUTION NO. 90-67, was regularly introduced, 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

77 - Bid for Project No. PR5-68 - Linda Lane Beach Access Road and Parking Area.

Referring to the awarding of a contract for necessary labor and materials to construct PR5-68, the Linda Lane Beach Access Road and Parking Area in Marquit Canyon, which was deferred to said meeting due to unresolved right-of-way agreement with the AT&SF Railway Company, the City Manager reported that the lease agreement has not yet been received.

Following subsequent deliberation relative to the possible purchase of the land involved and/or parking only on City land, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN O'KEEFE, AND UNANIMOUSLY CARRIED to hold the matter over to the next meeting.

96 - Bids for Project No. PR6-68 Shorecliffs Interceptor Sewer.

Consideration was again given to the following bids publicly received on Monday, May 13, 1968, for necessary labor and material to complete a connecti to the sewer trunk line of the Capistrano Beach Sanitary District in the vicinity of Camino Capistrano and Beach Road:

<u>BIDDER</u>	<u>AMOUNT</u>
J. L. Scott Company	\$ 11,110.00
Carlsbad Pipeline, Inc.	12,399.20
D. C. Muralt Company	16,845.00

Noting that formal approval of the Joint Powers Agreement between the Dana Po and Capistrano Beach Sanitary Districts would probably occur by June 12, 1968 and upon recommendation of the City Manager, IT WAS MOVED BY COUNCILMAN O'KEEFE SECONDED BY COUNCILMAN NORTHRUP that the City accept the low bid of J. L. Scott Company in the amount of \$11,110.00 and authorize execution of the contract by the Mayor and City Clerk contingent upon formal execution of the Agreement between the City of San Clemente and the Capistrano Beach Sanitary District.

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

Mr. Carr then apprised the Council that the subject of expanding sewage treatment facilities of the City will be one of his items for the Agenda of the next meeting.

55 - Right-of-Way Contract, Grant Deed, and Temporary Grading Easement for Freeway Widening, Vicinity of Palizada Reservoir.

The City Manager and City Engineer presented and explained a request by the State Division of Highways to purchase a 774 square foot parcel of City owned property in the vicinity of the Palizada reservoir for the sum of \$2235, said parcel required in the Freeway widening program. Also requested was execution of a Right-of-Way Contract and a temporary Grading Easement, which Easement would revert to the City following completion of the work.

Following discussion, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON to authorize execution of the Right-of-Way Contract, Grant Deed, and temporary Grading Easement by the Mayor and City Clerk on behalf of the City, subject to its approval by the City Attorney as to certain provisions in the Deed. 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

46 - Identi-Kit Agreement - Fiscal Year 1968-1969.

The City Manager presented and recommended approval and renewal of the Agreement with Orange County Peace Officers Association for rental of the Police Department's Identi-Kit for the fiscal year 1968-1969 at an approximate cost of \$156.00.

IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY COUNCILMAN O'KEEFE that the Agreement with Orange County Peace Officers Association for rental of the Identi-Kit from July 1, 1968 to June 30, 1969 be approved, and that the Mayor and City Clerk be authorized to execute said Agreement on behalf of the City. 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

40 - Possible redemption of Civic Center Bonds.

In regard to the pending question concerning the economical feasibility of redeeming the Civic Center Bonds in light of pending legislation which might result in assessing of possessory interest tax on the Civic Center building, the City Manager referred to a letter from Robert E. Schwesher Company of California, copies of which were distributed to the Councilmen, in which alternate proposals were listed and explained for retiring said Bonds. Mr. Carr recommended that the proposals be studied and considered at the next meeting.

IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED to defer consideration until the next regular meeting.

28 - Audit Services Progress Report.

The City Manager apprised the Council that no interest was shown by Price Waterhouse and Company or Ernst & Ernst to provide audit services for the City, but he had been contacted by two Orange County firms who have expressed interest. IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN O'KEEFE, AND UNANIMOUSLY CARRIED to hold the matter over to the next meeting.

64 - Lifeguard Services for Shorecliffs Community Association.

Approval of renewal of Agreement with the Shorecliffs Community Association for Lifeguard services, which is identical in form with like Agreements in the past, was requested by the City Manager. IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY MAYOR LOWER that the Agreement with Shorecliffs Community Association for Lifeguard services be renewed for one year, and the Mayor and City Clerk authorized to execute same on behalf of the City. The MOTION WAS CARRIED upon the following stated vote, to wit:

AYES: Councilmen - CHILTON, EVANS, NORTHRUP, AND LOWER
 NOES: Councilmen - NONE
 ABSENT: Councilmen - NONE
 ABSTAINED: Councilmen - O'KEEFE (Attorney for the Shorecliffs
 Community Association)

64 - Lifeguard Services for Laguna Niguel.

The City Manager requested approval of the Agreement with Laguna Niguel for Lifeguard services. IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY COUNCILMAN O'KEEFE that the Agreement with Laguna Niguel for Lifeguard services be approved, and the Mayor and City Clerk authorized to execute same on behalf of the City. 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

64 - Lifeguard Services for Monarch Bay Club.

The City Manager requested approval of the Agreement with Monarch Bay Club for Lifeguard services. IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY COUNCILMAN O'KEEFE that the Agreement with Monarch Bay Club for Lifeguard services be approved, and the Mayor and City Clerk authorized to execute same on behalf of the City. 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

33 - Application Before Public Utilities Commission -
 Community Enterprises, Inc. dba San Clemente Stage Lines.

As a matter of information only, the City Manager apprised the Council of receipt of a copy of an application filed by Community Enterprises, Inc. dba San Clemente Stage Lines for bus service from Camp Pendleton and San Clemente to Disneyland. There being no objection, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY MAYOR LOWER, AND UNANIMOUSLY CARRIED that the copy of the application be received and filed.

77 - Nerve Gas Antidote Containers Discovered on Beach.

Referring to the nerve gas antidote capsules recently washed up on the local beach, the City Manager reported that the latest information received in a letter from the Chief of Staff, 11th Naval District, advised that said capsules were issued to either the Navy or Marines during the Korean conflict and since the issue had been replaced long ago by reissued stock, it was presumed that the capsules were "surveyed" at sea. There being no objection, it was determined that this would close this pending item in the minutes.

NEW BUSINESS

42 - Claim for Damages (J. E. Wimer).

The Clerk presented a claim for damages in the amount of \$2,500 for alleged private property damages filed by J. E. Wimer, 115 Paseo de Serenata, San Clemente, California.

The City Manager explained that pursuant to his direction this was an attempt on the part of City forces to eliminate a reported public nuisance caused by two pools of water within a dedicated easement to the City, and that there was no intention to trespass nor to destroy any plants or frogs as alleged in the

claim. Mr. Carr extended the apology of the City to Mr. Wimer who was in the audience.

Mr. Wimer addressed the Council regarding the sequence of events which resulted in the Flood Control District only completing the drainage pipe through half of his property and leaving it open and under certain circumstances hazardous. Mr. Wimer concluded that he wished to withdraw the claim, but requested City assistance in urging the Flood Control District to complete the drainage pipe to the Freeway as soon as it is practical.

IT WAS MOVED BY COUNCILMAN NORTHRUP, SECONDED BY COUNCILMAN EVANS, AND UNANIMOUSLY CARRIED that in view of the stated withdrawal of the claim by the claimant, J. E. Wimer, that said withdrawal be accepted.

It was directed that a copy of the Council's action be sent to the City's insurance carrier for information purposes only.

42 - Claim for Damages (Gloria and Patrick McDowell).

The Clerk presented a claim for alleged false arrest, false imprisonment, and assault and battery damages filed by Patrick Shea McDowell in the amount of \$5,000; and for alleged infliction of mental distress filed by Gloria McDowell in the amount of \$3,000.

IT WAS MOVED BY COUNCILMAN NORTHRUP, SECONDED BY COUNCILMAN EVANS, AND UNANIMOUSLY CARRIED that the claim be denied and referred to the City's insurance carrier.

42 - Claim for Damages (Protective Association of Governmental Employees).

The Clerk presented a claim for alleged injury to reputation and ability to obtain members and donations to carry out purposes of claimant filed by Protective Association of Governmental Employees, 505 E. Commonwealth Avenue, Fullerton, in the amount of \$25,000 and for estimated prospective damages in the amount of \$25,000.

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED that the matter be held over to the next regular meeting.

42 - Claim for Damages (Donald P. Brown).

The Clerk presented a claim for alleged injury to reputation, loss of employment and ability to carry out the purposes of his business and loss of business filed by Donald P. Brown, P. O. Box 3939, Anaheim, in the amount of \$100,000 and for estimated prospective damages in the amount of \$200,000.

IT WAS MOVED BY COUNCILMAN NORTHRUP, SECONDED BY COUNCILMAN EVANS, AND UNANIMOUSLY CARRIED that the matter be held over to the next regular meeting.

PAYING OF THE BILLS

The City Manager commented that due to a breakdown in IBM machinery, Warrants had just been delivered to the Council and he had not as yet had an opportunity to audit same. IT WAS MOVED BY COUNCILMAN NORTHRUP, SECONDED BY COUNCILMAN EVANS that Warrants No. 10447 through No. 10583, as audited by the Council and subject to final approval and audit by the City Manager, be paid, including ratification of Payroll Warrants No. 10447 & No. 10448. The MOTION WAS DECLARED CARRIED upon the following stated vote, to wit:

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

Total Demands approved for payment for
 the period of May 16 through June 5, 1968. \$ 65,264.87

Ratification of Payroll Warrant No. 10447,
 for period of April 29 through May 12, 1968. \$ 30,445.22

Ratification of Payroll Warrant No. 10448,
 for period of May 13 through May 26, 1968. \$ 31,036.05

TOTAL WARRANT REGISTER. . . \$ 126,746.14

RESOLUTIONS

For Resolution No. 45-68 see under "PUBLIC HEARINGS" on Page 2.
 For Resolution No. 46-68 see under "WRITTEN COMMUNICATIONS" on Page 4.
 For Resolution No. 47-68 see under "REPORTS & MISCELLANEOUS ITEMS" on Page 7.
 For Resolution No. 48-68 see under "REPORTS & MISCELLANEOUS ITEMS" on Page 7.

76 - Resolution Establishing Diagonal Parking Zone on Portion of Avenida Calafia.

In order to correct an oversight in the original adoption of the Master Traffic Resolution, a corrective Resolution was presented to confirm the established diagonal parking on Avenida Calafia.

Upon motion of Councilman O'Keefe, seconded by Councilman Chilton, RESOLUTION NO. 49-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846 BY ADDING THERETO A NEW SECTION ESTABLISHING A DIAGONAL PARKING ZONE ON A PORTION OF AVENIDA CALAFIA was regularly introduced, 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

ORDINANCES60 - Ordinance No. 516 Revising Public Official Bond Requirements.

In considering the adoption of the Ordinance providing for the bonding of the City Treasurer and Finance Director, there was some discussion as to possible bonding of other officers and employees who have occasion to handle City funds.

Upon motion of Mayor Lower, seconded by Councilman Evans, ORDINANCE NO. 516, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTIONS 3-1 AND 4-3 OF THE CODE OF THE CITY OF SAN CLEMENTE RELATING TO BONDS OF CITY OFFICERS, having been regularly introduced at the meeting of 5-15-68, 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

24 - Ordinance No. 517 - Animal Control Regulations and Licensing Pursuant to Agreement with County of Orange.

Referring back to adoption by reference of the County Animal Control Ordinance, legal procedure was checked and it was found that an Ordinance with an emergency clause does require a 4/5ths vote which Ordinance No. 517 did not receive. Following some motions to rescind and reintroduce said Ordinance in the regular manner, debate ensued on whether the matter could be reconsidered except by a 4/5ths vote. The City Attorney then ruled that the Ordinance having been introduced, it would now follow the regular procedures and should be brought back at the next meeting for passage with the emergency clause deleted.


36 - Ordinance No. 518 Relating to Appointment Powers of the City Manager.

Upon motion of Councilman Northrup, seconded by Councilman O'Keefe, ORDINANCE NO. 518, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 3-12 (b) OF THE CODE OF THE CITY OF SAN CLEMENTE RELATING TO APPOINTMENT POWERS OF THE CITY MANAGER, was regularly introduced, and the reading in full thereof waived, upon the following stated vote, to wit:

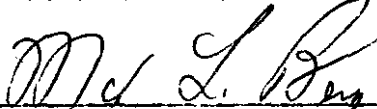
AYES: Councilmen - CHILTON, EVANS, NORTHRUP, O'KEEFE, AND LOWER
 NOES: Councilmen - NONE
 ABSENT: Councilmen - NONE

ADJOURNMENT

There being no further business, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN O'KEEFE, AND UNANIMOUSLY CARRIED that the Council meeting be adjourned to an Executive Session, as requested by Mayor Lower, for the purpose of considering candidates for the two Planning Commission positions to be filled by July 1, 1968. The meeting was adjourned at 11:25 P.M.



 Mayor and President
 of the City Council



 City Clerk and ex officio
 Clerk of the City Council