

San Clemente, California  
July 3, 1968

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, Wednesday, July 3, 1968, 7:30 P.M., Mayor Wade F. Lower presiding.

PLEDGE OF ALLEGIANCE AND INVOCATION

Pledge of Allegiance to the Flag of the United States of America was led by the City Clerk. Invocation was given by Councilman O'Keefe.

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 June 19, 1968, having been previously presented to the members of the Council, IT WAS MOVED BY COUNCILMAN NORTHRUP, SECONDED BY COUNCILMAN O'KEEFE, AND UNANIMOUSLY CARRIED that said minutes be approved as presented, and the reading in full thereof waived.

PUBLIC HEARINGS

27 - Improvement District No. 4-68-U.

The Clerk announced that this was the time for presentation and consideration of the construction bids received for Improvement District No. 4-68-U (Avenida Montalvo and Avenida Lobeiro).

The City Manager announced that the following construction bids were received and opened in his office on June 26, 1968, in connection with the above improvement:

<u>BIDDER</u>	<u>AMOUNT</u>
Muralt Company	\$86,803.80
Griffith Company	\$87,511.08
Sully-Miller	\$91,019.40

Mr. Carr recommended that the Muralt Company be recognized as the lowest responsible bidder.

The Clerk announced that this was the time for presentation and consideration of the Street Improvement Bond Bids received for the above improvement, and the City Manager announced the following Bids were received and opened in his office on June 26, 1968:

<u>BIDDER</u>	<u>PURCHASE PRICE</u>	<u>INTEREST RATE</u>
First California Co.	99.13%	6%
Bender Co.	96.20%	5.75%
J. Barth and Co.	95.78%	6%
LaBandera Apartment Co.	88.00%	6%

Mr. Carr recommended that the bid of First California Company be recognized as the best responsible bid.

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 of protests or objections to the Debt Report, the improvement, or the extent of the Assessment District, the proposed grades, Resolution of Intention No. 35-68, or to the proposed assessment, or to the establishment of an underground utility district, or to any or all other matters contained in the "Report" for the improvement all pursuant to the provisions of Division 4 and 12 of the Streets and Highways Code of the State of California, and that this was a combined hearing.

The Clerk announced that Notice of hearing under Division 4 was given by mail as provided for in said Division and that Notices were mailed more than thirty (30) days prior to the date fixed for hearing. That due notice of this hearing pursuant to the provisions of the "Municipal Improvement Act of 1913" has been

given in the manner and form prescribed by law and that affidavits showing such compliance are on file in his office. That Notice for the receipt of bids for construction and the sale of the Improvement Bonds has also been given in the manner and form prescribed and that Affidavits showing such compliance are on file in his office. Also that notice has been given as prescribed for the establishment of an underground utility district.

The Clerk announced that prior to consideration of protests, the Debt Report would be read to the Council as required by law. The Report, except as to the map and assessed and true valuations, explanation of the formula and method of spread was read to the Council by the City Engineer.

The Mayor inquired of the Clerk if any written protests or objections had been received and the Clerk read a protest from Judy Hunter (Asses. #6)

The Mayor then inquired if anyone present wished to address the Council in support of a written protest or to orally speak for or against the improvements or Assessment District. Carl Gustafson (Asses. #48) addressed the Council in protest and inquired what of the other protests on file from the previous meetings. Special Legal Counsel Brown advised that said protests were for the separate proceedings for street improvements only under the 1911 Improvement Act whereas this hearing concerns street and undergrounding initiated under the Improvement Act of 1913. The City Engineer advised that the protests from Mrs. Hunter and Mr. Gustafson represented approximately 0.2% of the total district.

P. J. Dewes, Conversion Coordinator for the San Diego Gas & Electric Company, apprised the Council that while it appears the majority are in favor of the District, less than 50% of the necessary rights-of-way have been granted by property owners. Mr. Dewes asked the Council's indulgence in continuing the matter for two weeks in order to further pursue the needed rights-of-way, explaining that if they are not secured, the cost of conversion would be measurably increased. Mr. Dewes then submitted a letter to that effect as a matter of record.

The City Manager commented on the favorable construction and bond bids received and pointed out if the project fails because of lack of utility easements, the opportunity might be lost forever to this area for such a cost savings, and urged interested persons to enlist the cooperation of property owners in the District to provide the necessary easements.

Following further discussion, IT WAS MOVED BY COUNCILMAN NORTHRUP, SECONDED BY COUNCILMAN EVANS, AND UNANIMOUSLY CARRIED to continue the Hearing for two weeks.

#### WRITTEN COMMUNICATIONS

##### 73 - Request to Suspend Banner for Forthcoming Production.

Letter from COMMUNITY THEATRE requesting that a banner, erected and removed by City forces, be suspended at the upper part of the first block of Avenida Del Mar for four weeks beginning July 5.

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN NORTHRUP, AND UNANIMOUSLY CARRIED that the request be granted.

##### 73 - Request to Suspend Banner for Fiesta Pancake Breakfast.

Letter from SAN CLEMENTE KIWANIS CLUB requesting permission to display a "Fiesta Pancake Breakfast" banner across North El Camino Real at Mariposa.

The Clerk advised that while not specified in the letter, they had verbally requested banner erection and removal by City forces, and to be displayed from July 8 through July 21, 1968.

IT WAS MOVED BY COUNCILMAN NORTHRUP, SECONDED BY COUNCILMAN O'KEEFE, AND CARRIED that the request be granted. Councilman Evans "Abstained."

##### 105 - Request for Discussion on Current City Policy re Utilities, Fees, Density, and Land Use.

Letter from J. CARSON RASMUSSEN and EUGENE H. AYER, representatives of owners of certain acreage, requesting a Study Session with the Council for the purpose

of discussing current City policy pertaining to utilities, fees, density, and land use as it pertains to said acreage.

The Council concurred and the Mayor set a Study Session for July 31, 1968, at 7:30 P.M., and extended an invitation to the Planning Commissioners to attend.

77 - Suggestions for Cleaning and Maintaining City Beach, and Enforcing Anti-Litter Ordinance.

Letter from MR. & MRS. H. B. MARKS urging action without further study or delay for cleaning and maintaining the City beach, and enforcing the Anti-Litter Ordinance; and offering three suggestions for consideration on ways of accomplishing same.

The City Manager advised that in accordance with anticipated approval of the Budget, one additional Beach Maintenance Man will be appointed; and further, four large trash bins have been placed at strategic locations on the beach by the San Clemente Commercial Company along with more City trash cans, which it is hoped the people will use. Regarding the suggestion that the anti-litter laws be enforced by deputizing the Lifeguards, Mr. Carr explained that no one can enforce the law unless they are 21 years of age or older and only about six of the Lifeguards would qualify.

Upon question by Councilman O'Keefe, Mr. Carr advised that he had received no answer to date from his inquiry to the Federal Government regarding eligibility of the City under the Youth Opportunity Program to employ young people in a clean-up program for the City.

Following further general discussion, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN EVANS, AND UNANIMOUSLY CARRIED that the letter from Mr. & Mrs. H. B. Marks be received and filed with thanks and explanation that the beach maintenance staff is being increased.

67 - Recommendation to Adopt Rules and Regulations Covering Operation of Privately-Owned Mobile X-ray Units.

Letter and Resolution from the ORANGE COUNTY GRAND JURY recommending the Cities and County of Orange adopt rules and regulations governing the operation of privately-owned mobile X-ray units operating within Orange County.

It was pointed out that a business license would be required for such an operation and it was suggested that until the matter is resolved by the Orange County Health Department and the initiation of an Ordinance by the County, the Council take no action.

IT WAS THEN MOVED BY COUNCILMAN NORTHRUP, SECONDED BY COUNCILMAN EVANS, AND UNANIMOUSLY CARRIED that no business license be issued to this type of operation until such time as an appropriate Ordinance has been adopted by the City of San Clemente.

111 - Request for Abandonment of Portion of Right-of-Way on West Junipero.

Memorandum from the PLANNING COMMISSION recommending that in re the request for abandonment of portion of right-of-way on West Junipero, the City take action to initiate abandonment so there is no infringement by existing buildings on City property, and that the property owners in exchange initiate an improvement district to install sidewalks at their expense.

Pros and cons were discussed regarding whether or not the City should initiate proceedings under the 1911 Improvement Act for the installation of sidewalks in the absence of a petition by the property owners. It was suggested that the persons who brought the request to the City be contacted to circulate necessary petition forms and IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN EVANS, AND UNANIMOUSLY CARRIED to hold the matter over until receipt of a petition from the property owners of the area for installation of sidewalks under the 1911 Improvement Act.

ORAL COMMUNICATIONS

77 - Lights for Bonito Canyon Ball Park.

Gerald Clausen addressed the Council objecting to the sixty foot height of the light standards now being installed at Bonito Canyon Ball Park and questioned the regulations governing such an installation.

The City Manager commented that the lights are of a height for proper field illumination as engineered by the San Diego Gas & Electric Company.

During discussion, Tom Henry from the audience also protested the lights in general as being detrimental to his property. Following Council discussion, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED to refer this item to the City Engineering Staff for an estimate or recommendation as to the cost of lowering or shielding the lights and to find out if it is economically feasible; and instruct the City Manager to withhold installation of the other four poles.

77 - Proposed Ordinance Concerning Sleeping on Beaches, in Vehicles, etc.

Gilbert Essell spoke from the audience suggesting that the City adopt an Ordinance as is being done in Laguna Beach, establishing a "sleeping ban" on beaches, in vehicles, etc.

Due consideration being given, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY MAYOR LOWER, AND UNANIMOUSLY CARRIED that a copy of the Ordinance be obtained and referred to the City Attorney for study and recommendation.

UNFINISHED BUSINESS

32 - Petition for revocation of the Business License for "The Mind Garden."

Further consideration was given to the petition containing 720 signatures presented by William Walker at the meeting of 6-19-68, urging the revocation of Business License No. 19052, issued to Virginia Colwell, owner, and Cyndi Wild, manager, for the gift boutique shop called "The Mind Garden."

The Mayor reviewed the actions of the meeting of 6-19-68 and stated at the outset that this meeting was not a Public Hearing and accordingly no evidence should or would be received at this time.

Mayor Lower outlined four possible actions: (1) further investigation; (2) set a Public Hearing to consider license revocation; (3) drop the matter completely; or (4) as requested by a letter from the Chamber of Commerce that they be given the opportunity at their meeting of 7-9-68 to obtain more knowledge of the matter and to have in attendance persons who could give expert advice on the question.

Upon question, the City Attorney voiced his opinions and findings; presented an extensive presentation of Court decisions; commented that the matter of pornography and obscenity is a confused area of judicial opinion which includes the question of "contemporary community standards" and whether such standards are defined to mean on a national or local level. Mr. Kegley cited sections of the State Penal Code dealing with a possible "cause to revoke" for knowingly selling or giving obscene matter to a minor which is alleged to have occurred in this case, and the fact that the manager of said shop is also a minor. He also commented that the question of obscenity and pornography has been preempted by the State and that the City cannot go beyond the law, but suggested that the evidence in this case be submitted to the District Attorney for an opinion as to legal action.

Following lengthy discussion and various questions by the Council, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN NORTHRUP, AND UNANIMOUSLY CARRIED that the information be referred to the District Attorney for an opinion as to possible legal action, and that the matter be held over until the next meeting.

At the close of the subject item, William Walker presented an additional petition containing 476 signatures, making a total of 1,196 signatures to date requesting revocation of the business license in question.

30 - Adoption of the 1968-1969 Budget.

Upon presentation of the final Budget document including all revisions, IT WAS MOVED BY COUNCILMAN NORTHRUP, SECONDED BY COUNCILMAN EVANS to approve the Budget for 1968-1969 as presented. The MOTION WAS CARRIED upon the following stated vote, to wit:

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

7-3-68

REPORTS AND MISCELLANEOUS ITEMS

106

99 - Suggested Stop Sign on Via de Frente at Intersection with Calafia.

It was suggested by Councilman Northrup that a stop sign be installed on Via de Frente at the intersection of Calafia, and requested a check of the situation by the Traffic Engineer.

The City Manager commented it was his recollection that, pursuant to a previous Council action, when the building permit for the planned service station at said corner is issued, four-way stop signs will be installed, but that the matter will be researched to be sure this is correct.

106 - Interpretation of Section 10.5 of the Uniform Traffic Ordinance.

Referring to a letter received from a visitor in the City who was given a citation for having a "For Sale" sign in the window of her automobile parked on a public street, Councilman Evans commented that he felt it would have been better to give a warning in such instance.

The City Clerk read Section 10.5 of the Traffic Ordinance covering such a violation and it was suggested by Councilman Northrup that since the Section states that such a sign is unlawful if the vehicle is parked for the "principle purpose" of advertising or displaying it for sale, that it be enforced on that basis only.

106

99 - Suggested Stop Sign on Montego at Intersection with Montecito.

Concurrent with the consideration of the neighborhood park in the Shorecliffs area at Montecito, Councilman O'Keefe suggested that a stop sign on Montego at its intersection with Montecito be installed because of the steep hill at the intersection, and also possible installation of a "children at play" sign.

Due consideration being given, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED to refer the suggestion to the Traffic Engineer for investigation.

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Councilman O'Keefe reported that the pavement on Via Verbena is in need of repair.

43 - Resolution No. 54-68 Expressing Sorrow at the Passing of Roy R. Divel, Sr.

Mayor Lower commented on the passing of Roy R. Divel, Sr., a pioneer of the City of San Clemente, and upon motion of Mayor Lower, seconded by Councilman Evans, RESOLUTION NO. 54-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, EXPRESSING SORROW AT THE PASSING OF ROY R. DIVEL, SR., AND EXPRESSING APPRECIATION FOR HIS PAST SERVICES AS A COUNCILMAN, PLANNING COMMISSIONER, SCHOOL BOARD MEMBER, AND BUSINESS AND CIVIC LEADER, 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

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The Mayor expressed appreciation to Addie Bell Hunt and Bertha Henry for their recent efforts in the clean-up and beautification program for the City; and IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN EVANS, AND UNANIMOUSLY CARRIED that a letter be sent to that effect.

73 - SCAG

Mayor Lower advised the Council of a bulletin from SCAG for their perusal, one of the items being a request from the State Bureau of Land Management to SCAG for help in reclassifying over 8 million acres of Federal land in Southern California.

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Mayor Lower commented on the need for more enforcement of the speed limit on El Camino Real (Highway 101) at the north end of the City.

77 - Question of Condemnation of Railway Right-of-Way re Linda Lane Development.

Referring to whether the City could condemn that portion of right-of-way from the AT&SF required for a parking area in the Linda Lane development in lieu of leasing said property, the City Attorney reported that based upon his findings the City can initiate condemnation proceedings before the Public Utilities Commission. Upon question whether the City would have to pay the cost of condemnation, the City Attorney advised that he would investigate further.

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

The City Attorney advised that regarding the license tax case - City vs. Boggs, Bloomfield, and Hoyos - our licensing ordinance is valid as a revenue measure in so far as it refers to employers, but the ordinance will probably be declared invalid unless it be shown that similar licensing requirements are imposed on all employees in the City. Trial has been set for July 12, 1968, at 2:30 P.M.

105 - Tract No. 5654.

In reference to pending litigation involving Tract No. 5654, the City Attorney apprised the Council that a representative from Lincoln Savings & Loan, mortgage holders, suggested a conference with the City would be helpful and that this will be submitted in letter form. Mr. Kegley further stated that it was relayed to him that they were greatly interested in what the City is doing and they are willing to guarantee all of the works of improvement, but they expect the bonding companies to fulfill bond requirements.

96 - Expanded Sewage Treatment Facilities.

Further consideration was given to expanding sewage treatment facilities and the action taken at the meeting of 6-19-68, to obtain a firm proposal from Brigham Young University regarding an exchange of land to establish said facilities, and further work out with Engineering-Science, Inc. the next course of action.

Mr. Carr posted a map showing the existing sewer plant acreage and a parcel of equal value land owned by B.Y.U. lying westerly of Los Molinos, southerly of the projected westerly prolongation of Avenida Pico and northerly of the Segunda Deshecha Canada drainage channel, explaining that said property has been examined by Engineering-Science and the Engineering Department and found to be most suitable for a new and enlarged sewage treatment facility and also sufficient area for a City corporation and equipment yard.

In answering various questions of the Council, Robert White, consultant from Engineering-Science, Inc., advised that the estimated cost of enlarging the present plant to 4 mgd would be approximately \$1,530,000, as against \$2,260,000 for the construction of a new 4 mgd plant with the latest technical and design features.

General discussion ensued relative to the paying off of the bond indebtedness for the present plant by B.Y.U.; the question of the cost of demolition of the present plant; possible need for additional personnel; and possible maintenance and operational savings.

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN EVANS to instruct the City Manager to proceed further with negotiations for the land exchange and instruct Engineering-Science, Inc. to proceed with the preparation of a cost estimate and renderings based upon the proposed 4 mgd plant on the proposed new site. 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

The City Manager proposed to have representatives of Bartle Wells in attendance at the next meeting to give a current appraisal of the bond market in relation to impending sale of sewer bonds.

96 - Sewer Connection Fees.

Alan L. Wulfack addressed the Council requesting consideration regarding the increasing costs of improving property, including the burden of sewer connection fees, which he felt should only pertain to new developments.

Discussion ensued on the recommendations in the Bartle Wells report and the resulting sewer connection fees as adopted in Ordinance No. 472. The Mayor advised that this subject would be included in the scheduled Study Session for July 31, 1968.

77 - Bids for Project No. PR5-68 - Linda Lane Beach Access Road and Beach Parking Area; and Consideration of Suggested Tri-level Parking by Eric Boucher and Ian Kennedy.

Further consideration was given to the development of the Linda Lane Access Road and Beach Parking area in Marquita Canyon. The City Manager posted a map of the area and advised that further contact with the AT&SF has resulted only in a negative interest regarding the selling of the right-of-way to the City, and per the previous ruling of the City Attorney, it would be the prerogative of the Council whether to consider condemnation of said property.

Referring to the suggested multiple parking deck approach as submitted at the previous meeting by Ian Kennedy, with a rendering by Eric Boucher, the City Engineer submitted data and cost information on deck parking. General discussion followed regarding the range of cost from \$1025 to \$3500 per space for multiple deck parking as opposed to the \$350 per space as per the adopted plan, but taking into account that multiple deck parking would not require parking on the Railway right-of-way thus eliminating the cost of leasing, fencing, and improvement of the property. Ian Kennedy spoke from the audience stating that the rendering submitted was an idea as to what could be done to make better use of the property. No action was taken on their suggestion.

Following Council discussion concerning deletion of the improvement work upon railway right-of-way, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON, AND CARRIED to authorize renegotiation with the Bidder (D.C. Muralt) for deletion of the indicated excess of the work (on railway property); and to renegotiate with the AT&SF for the private crossing agreement. Councilman Evans voted "NO."

Paul McCluer, property owner who had given the City an easement for said project, addressed the Council stating that with regard to the 30 day termination clause in railway agreements, the City could take certain punitive measures against the Railroad; and therefore, the City should pay the lease rental and go ahead with the complete project. Mr. McCluer also commented that with the defoliation of the banks on his property, it was his hope that the drainage facility would be constructed before the rains come in the fall. It was noted that a request has also been submitted to the County requesting extension of the drainage facility all the way up the canyon.

IT WAS THEN MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON, AND CARRIED that the Council authorize the procurement of an appraisal of the AT&SF property described in the plans for the proposed lease. Councilman Evans voted "NO."

74 - Request for Time Change for Two Parking Meters - 610 Avenida Victoria.

The City Manager advised that regarding the request at the meeting of 6-26-68 for a time change from two hours to 24 minutes on two parking meters located in front of Kennedy's Snack Bar, 610 Avenida Victoria, the Traffic Engineer after examination of the request found that no one would benefit but the petitioner, but there was no objection or recommendation except that it could establish a precedent which could generate additional requests of like nature.

Following discussion on other areas of the City with limited parking of similar nature on Avenida Del Mar and El Camino Real, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED that the request be denied, and a survey made of the existing ones to be sure they are all necessary.

106  
99 - Request for Stop Signs at Intersection of El Levante and San Carlos.

Reference was made to a request for a stop sign at the intersection of El Levante and San Carlos and it was the recommendation of the Traffic Engineer that since the primary problem is visibility, that stop signs be installed on both street corners.

Comments were made from the audience questioning whether both stop signs were necessary and it was determined to include both signs in the Resolution, and if one was found unnecessary, it could be deleted. IT WAS THEN MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON, AND CARRIED to instruct that a

Resolution be drawn to be brought back at the next meeting. Councilman Northrup voted "NO."

1564

76 - No Parking on Pala from El Camino Real to Santa Margarita.

The City Manager advised that regarding a request for 'no parking' on Avenida Pala between El Camino Real and Santa Margarita, the Traffic Engineer recommended that due to the fact the street is extremely narrow and both sides are normally occupied by parked vehicles, both sides be posted 'No Parking at Any Time.'

Discussion ensued and Councilman Evans suggested the matter be studied further with the possibility of making Pala a one-way street with parking only on one side. IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN NORTHRUP, AND UNANIMOUSLY CARRIED to send the matter back for further study and recommendation as to the possibility of a one-way street with parking on one side.

30 - Capital Improvement Program.

Referring to the Capital Improvement Program report and subsequent recommendations from the Planning Commission for the future development of the City, the City Manager commented that he realized that sufficient time has not been available to allow complete perusal, but questioned whether the Council wished to pursue such studies which would require updating each year so as to always encompass a five-year period.

It was determined that such information and study was advisable for the advancement of the City, and the Mayor set the subject for study during the Study Session scheduled July 31, 1968.

58 - Golf Course Greens Fee Revision.

Consideration was given to the matter of increasing Golf Course Greens Fees on annual and monthly golf tickets and following discussion, it was determined to hold the matter over for further study to be brought back at the next meeting.

87 - Proposed Pay-Off of Lease Purchase Agreement with Bank of America for Certain Beach Property

The City Manager apprised the Council of the increase in assessed valuation on certain beach property under Lease Purchase Agreement between the City and the Bank of America from \$5,160 for the year 1967-1968 to \$79,860 for the year 1968-1969 which will result in a tax bill to the City increasing from \$480.07 last year to approximately \$7,432.17 for the next tax year.

Discussion ensued relative to paying off the amount owed on the property thus putting it in a classification of tax exempt property, and IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED that the City Manager explore with the Bank of America the paying off of this property from Unappropriated Surplus.

24 - Complaint of Skunks Infesting the Neighborhood.

With reference to the complaint from Arthur B. Ruff at the meeting of 6-26-68 regarding the problem of skunks infesting the neighborhood, the City Manager apprised the Council that trapping operations are under way and the County Animal Control Officers are extending their fullest cooperation.

62 - Resolution No. 55-68 in Opposition to SB 921 Which Would Preempt City Licensing of Certain Coin Operated Machines.

The City Manager apprised the Council of SB 921 which would preempt City licensing of coin operated game and amusement machines, thereby causing a loss of City license revenue in the sum of \$1,520 per year.

Upon motion of Councilman Chilton, seconded by Councilman Evans, RESOLUTION NO. 55-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, IN OPPOSITION TO SENATE BILL 921, WHICH WOULD PREEMPT CITY LICENSING OF CERTAIN COIN OPERATED MACHINES, 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

7-3-68



PAYING OF THE BILLS

IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY MAYOR LOWER that Warrants No. 10701 through No. 10832, as audited by the Council, be paid, including ratification of Payroll Warrant No. 10702. The MOTION WAS DECLARED CARRIED upon the following stated vote, to wit:

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

Total Demands No. 10701 through No. 10822  
for period of June 20 through June 29, 1968. . . . . \$ 76,046.24

Ratification of Payroll Warrant, for  
period of June 10 through June 23, 1968. . . . . \$ 38,784.12

TOTAL WARRANT REGISTER . . . . . \$ 114,830.36

Total Demands No. 10823 through No. 10832  
for period of July 1 through July 3, 1968

TOTAL WARRANT REGISTER . . . . . \$ 7,167.33

RESOLUTIONS

For Resolution No. 54-68 see under "REPORTS AND MISCELLANEOUS ITEMS" on Page 5.  
For Resolution No. 55-68 see under "REPORTS AND MISCELLANEOUS ITEMS" on Page 8.

64 - Resolution No. 56-68 - Lifeguard Agreement With  
The Orange County Harbor District.

Upon motion of Councilman Chilton, seconded by Councilman Evans, RESOLUTION NO. 56-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING LIFEGUARD AGREEMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1969, BETWEEN THE ORANGE COUNTY HARBOR DISTRICT AND THE CITY OF SAN CLEMENTE, 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

64 - Lifeguard Agreement with the County.

Upon request from the City Manager for permission to represent the City before the Board of Supervisors to appeal the formula used in their Budget for the amount of the Lifeguard Grant to the Cities, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED to authorize the City Manager to represent the City in connection with Lifeguard funds.

37 - Resolution No. 57-68 Engaging City Attorney on Monthly Retainer Basis.

Upon motion of Councilman Evans, seconded by Councilman Chilton, RESOLUTION NO. 57-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING PARAGRAPH 1 OF SECTION 2 OF RESOLUTION NO. 1920, PROVIDING FOR A MONTHLY RETAINER FEE FOR THE SERVICES OF THE CITY ATTORNEY, 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

For clarification, the City Manager raised the question of whether or not the City Attorney would prosecute violations of the State law, as related to an earlier Agenda item, and the City Attorney responded in the negative on the basis of his present compensation.

54 - Resolution No. 58-68 Commending San Clemente Cable TV.

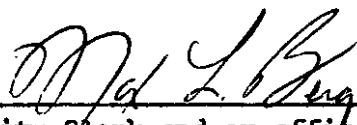
Upon motion of Councilman Evans, seconded by Councilman Chilton, RESOLUTION NO. 58-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, COMMENDING SAN CLEMENTE CABLE TV COMPANY FOR THEIR CIVIC MINDEDNESS IN VIDEO TAPING NEWS, ACTIVITIES, AND PROGRAMS SPECIFICALLY DESIGNED FOR LOCAL INTEREST FOR LATER PRESENTATION ON CHANNEL 3 TO CABLE SYSTEM SUBSCRIBERS, 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

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 in memory of Roy R. Divel, Sr.

The meeting was adjourned at 11:17 P.M.

  
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City Clerk and ex officio  
Clerk of the City Council

  
\_\_\_\_\_  
Mayor and President  
of the City Council