

San Clemente, California  
July 17, 1968

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, Wednesday, July 17, 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 Manager. 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 Adjourned Regular Meeting of June 26, 1968, the Regular Meeting of July 3, 1968, and the Special Meeting of July 10, 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

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

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 continued hearing of protests or objections to all matters pertaining to street improvement and establishment of an underground utility district - Improvement District No. 4-68-U (Avenidas Montalvo & Lobeiro).

P. J. Dewes, Conversion Coordinator for the San Diego Gas & Electric Company, apprised the Council that every effort has been expended but to date there is one easement still needed for the right-of-way necessary to perform the conversion.

Advised of the possibility of acquiring the necessary easement yet this evening, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN EVANS, AND UNANIMOUSLY CARRIED that this matter be held over until later on the Agenda.

115 - Weed Abatement Program.

A certified copy of lot cleaning charges, and a report from the City Engineer setting forth the number of parcels cleaned together with the total cost for the abatement of weeds, etc., on and in front of parcels of land in the City, having been conspicuously posted at the entrance to the Council Chambers for three consecutive days in accordance with the law, the Clerk announced that this was the time and place set forth in said notice of hearing objections to said lot cleaning charges, and acceptance or rejection of said charges by the City Council. The Clerk read the City Engineer's report which stated that 1721 parcels had been cleaned at a total cost of \$16,980.25.

The Mayor declared said Hearing open and called for written and oral objections to the lot cleaning charges, as posted and filed.

There being no objections to specific lot cleaning charges, the Mayor declared the Hearing closed, and upon motion of Councilman O'Keefe, seconded by Councilman Northrup, RESOLUTION NO. 59-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE CITY ENGINEER'S REPORT ON LOT CLEANING PROGRAM AND SPECIAL ASSESSMENTS, 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

WRITTEN COMMUNICATIONS35 - Report of Expenditures by Chamber of Commerce Through Second Quarter of 1968.

Letter from the CHAMBER OF COMMERCE reporting the expenditures through the second quarter of 1968 from the grant provided to the Chamber of Commerce by the City.

IT WAS MOVED BY COUNCILMAN NORTHRUP, SECONDED BY COUNCILMAN EVANS, AND CARRIED that the letter report be received and filed. Councilman Chilton voted "NO."

Mayor Lower commended all persons involved in the City float participation in the Huntington Beach 4th of July Parade, for which San Clemente won Third Prize. Councilman O'Keefe discussed with Gilbert Essell, Executive Manager of the Chamber, the type of Welcome folders now in use and the response to newspaper and magazine advertising.

77 - Suggestions re Clean Beach Appearance.

Letter from MRS. C. D. HENSHAW offering suggestions for keeping the City beach appearance clean.

Following brief discussion, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY MAYOR LOWER, AND UNANIMOUSLY CARRIED that the letter be accepted with thanks, and the writer notified of the City's increase in the beach cleaning program with additional personnel.

35 - Request Permission to Hold Teenage Dance.

Letter from the SAN CLEMENTE JAYCEES requesting permission to hold a teenage dance at the San Clemente High School Cafetorium on July 27, 1968, between the hours of 8:00 P.M. to 12 Midnight, and advising of their intention to abide by all rules and regulations governing such a dance.

Following discussion as to the question of a license to conduct a public dance, and in view of the nonprofit status of the sponsoring organization, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN EVANS, AND UNANIMOUSLY CARRIED that an exempt license be issued, and the San Clemente Jaycees be congratulated on this project.

92 - Proposed Formulation of a "Statement of Contemporary Moral Standards" for the Community.

Letter from the SAN CLEMENTE UNITED PRESBYTERIAN CHURCH commending the Council for their efforts to sustain high moral standards for the residents of and visitors to San Clemente; suggesting that the Council take the leadership in giving groups and individuals an opportunity in formulating a "Statement of Contemporary Moral Standards" for the community; and referring to a September, 1967, "Reader's Digest" article wherein the City of Cincinnati was successful in their war on pornography.

Following discussion, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN O'KEEFE, AND CARRIED that the letter be received and filed with thanks, and that the City Staff obtain a copy of the Reader's Digest article and circulate it through the Council's mail basket. Councilman Chilton "ABSTAINED" as a member of the Presbyterian Church.

64 - Resolution No. 60-68 Opposing Reduction in County Subsidy for Lifeguard Services.

Letter and Resolution from the CITY OF NEWPORT BEACH expressing opposition to a reduction in the County's subsidy for lifeguarding services, urging the County to approve a budget as originally recommended by the Orange County Harbor District, and that a review with coastal communities involved be made of the existing formula prior to next year's budgetary process.

Referring to his recent attendance at a Budget Session of the Board of Supervisors to appeal the formula used in their Budget geared back to 1967-68 figures, the City Manager advised that it appeared the Board intends to take action which would result in a grant approximately \$5,000 below what the City has budgeted. Mr. Carr advised that final Board action is scheduled for Friday, July 19, 1968.

General discussion ensued and upon motion of Councilman O'Keefe, seconded by Councilman Chilton, RESOLUTION NO. 60-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, EXPRESSING ITS OPPOSITION TO A REDUCTION IN THE COUNTY SUBSIDY FOR LIFEGUARDING SERVICES, 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

It was suggested that in the event the City Manager was able to be in attendance at the Friday meeting of the Board of Supervisors, the above adopted Resolution be presented in person.

73 - Request to Suspend Banner for Annual Art-Craft Fair.

Letter from the SAN CLEMENTE ARTS AND CRAFTS CLUB requesting permission to display a banner near El Camino Real and Avenida Del Mar announcing the Art-Craft Fair, August 17 and 18.

The City Manager advised that while not stated in the letter, they had verbally requested City assistance in the erection and removal of the banner, and would like it installed at least one week in advance of the event.

IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY COUNCILMAN EVANS, AND UNANIMOUSLY CARRIED that the request be granted.

ORAL COMMUNICATIONS

77 - Proposed Charge for Use of City Beaches.

Clifton Myers, 1205 Calle Toledo, addressed the Council suggesting consideration of the adoption of an Ordinance requiring a charge for use of the City beaches with the necessary portion of said funds to be used for maintenance and improvement of the beaches and the remaining portion to be returned to the local citizens, possibly in the form of tax relief or through the issuance of an annual beach pass similar to annual ticket sales at the golf course. Mr. Myers explained the reasoning being that in order to maintain property values and the reputation of San Clemente as a clean law-abiding city, such a beach usage charge would be one way of discouraging the undesirable element.

General discussion ensued on the legal ramifications and feasibility of having the question of a beach charge on the ballot for the November Election as an initiative measure or whether it could be submitted as an advisory measure, along with various other questions, at a special local election.

Mayor Lower asked the City Attorney to investigate which would be the proper procedure to follow in the event the Council wished to submit the question to the voters.

UNFINISHED BUSINESS

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

Consideration was again given to the petitions containing 1,196 signatures presented by William Walker urging the revocation of Business License No. 19052, issued to Virginia Colwell, owner, Cyndi Wild, manager, for the gift boutique shop called the "Mind Garden."

Pursuant to the action of the Council at the meeting of 7-3-68 referring the evidence in the case to the District Attorney for an opinion as to possible legal action, Police Chief Murray apprised the Council that every effort has been made but to date no opinion has been received from the District Attorney and requested an extension of time until said opinion is available.

General discussion ensued between the Council and City Attorney. Councilman Chilton cautioned against any delay in solving the problem and suggested consideration of legislation in the area of pornography and obscenity, particularly in regard to procedures for issuance of business licenses. Following comment by the City Attorney relative to legislative action taken in a similar situation in West Alice, Wisconsin, Councilman O'Keefe urged that in the event the District Attorney fails to take action that the City take steps to prosecute.

Councilmen Evans and Northrup questioned why the matter could not be set for hearing to show cause why the license should not be revoked, thus putting the burden of proof upon the owner and manager of said shop.

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON that in the event the District Attorney fails for any reason to take legal action, then the matter be presented for Court adjudication and the City Attorney be instructed to file criminal charges. The MOTION FAILED TO CARRY with Councilmen Evans and Northrup, and Mayor Lower voting "NO."

IT WAS THEN MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN NORTHRUP, AND UNANIMOUSLY CARRIED that a special meeting be held and announced as soon as a decision is reached by the District Attorney and we receive word of it.

#### REPORTS AND MISCELLANEOUS ITEMS

##### 32 - Suggested Improvement of Procedures for Issuance of Business Licenses.

Councilman Northrup questioned whether types of operation such as the "Mind Garden" could be controlled through zoning and also requiring business license approval by the City Council. Councilman Northrup also spoke of certain problems in the pier area concerning "hippies, motorcycles, and some military involvement, and suggested that the Marine Corps might be requested to declare certain rental areas off-limits to Marine Corps personnel.

Councilman Evans suggested the possibility of issuing a temporary license to be followed by a check of the type of business activity before a permanent license is issued.

Upon suggestion by the City Manager for the need to improve business license procedures, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED to instruct the City Manager with the assistance of the City Attorney to review the Chapter on Business License procedure pertaining to issuance, without regard to fee structure, and report back at the next regular meeting on recommended changes for improvement of procedures.

Councilman O'Keefe questioned if there were regulations regarding multiple occupancy of dwellings and Police Chief Murray reviewed the provisions of the Health & Safety Code which regulates, on the basis of cubic feet of air space, the number of persons that can occupy dwellings, which regulations are enforced in this City.

##### 77 - Proposed Parks & Recreation Commission.

Councilman Evans suggested that more thought should be given to recreation for youth in San Clemente and suggested the possibility of using the Community Clubhouse for teen dances. The City Manager advised that deed restrictions would not prohibit the City through its Parks and Recreation Department to undertake the direct sponsorship of such dances.

Councilman Evans suggested more involvement of the Parks and Recreation Department in the recreation field and possible establishment of a Parks and Recreation Commission. Councilman Northrup commented that San Clemente per capita is probably paying more for recreation than any inland city in the County, and cautioned against skyrocketing budget costs if a Parks and Recreation Commission was formed to develop programs and activities which would tend to eliminate participation by parents and groups in the City.

Following further discussion, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN EVANS that a Resolution be drafted by the Staff to form such a Parks and Recreation Commission consisting of five members; that the membership be honorary and nonpaying; and that each Council member come back at the next regular meeting with a recommendation as to an appointee.

Comments were made from the audience by Dorothy Hardcastle relative to the success of teen dances at the youth center in Corona Del Mar, and Ian Kennedy suggested a cooperative effort asking the business community to take part in this, utilizing City employees and property. For Council information the Clerk advised that the Chamber of Commerce submitted a proposal in 1962 for the establishment of a Parks and Recreation Commission which was filed without action, and that there is an extensive file on the subject available for Council perusal.

The ORIGINAL MOTION WAS THEN CALLED AND WAS CARRIED. Councilman Northrup voted "NO."

35 - Chamber of Commerce Parking Study Committee

Upon request from the Chamber of Commerce for one member of the Council to serve on the Parking Study Committee, Mayor Lower appointed Councilman Northrup to said Committee.

106 - Traffic Regulations.

Mayor Lower drew attention to the sign on Avenida Victoria reading "Slow" which needs to be reversed.

88 - Complaints re Low Flying Helicopters.

Mayor Lower advised of complaints received of Helicopters flying low over the City and Police Chief Murray stated that he would contact the proper authorities to correct the situation.

Mayor Lower requested that when the Council adjourns the meeting it be adjourned in memory of Robert Hancock, former publisher of the Sun-Post.

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

As previously directed, the City Attorney advised that the Ordinance recently adopted in Laguna Beach establishing a "sleeping ban" on beaches, in vehicles, etc., was adequate, but the proposed Ordinance as drawn by Police Chief Murray encompasses those areas of local concern, primarily sleeping in private vehicles on vacant lots.

Due consideration being given, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED to direct the City Attorney to prepare the necessary Ordinance in final form to be brought back at the next regular meeting as an emergency measure.

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

Referring to the question raised at the last meeting whether the City would have to pay the costs for condemnation of public utility property, in the event of abandonment of proceedings, the City Attorney advised that the City would have to pay such costs before the Public Utilities Commission the same as in other condemnation procedures.

Mr. Carr advised that the City is proceeding with the appraisal of said property.

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

The City Attorney advised that regarding the license tax case - City vs. Boggs, Bloomfield, and Hoyos - the defendants appeared before Judge Hamilton, Municipal Court, and Elmer Boggs, Contractor, pleaded guilty and paid the license fee with no fine imposed. With regard to employees Dick Bloomfield and Simon Hoyos similarly charged, it was determined that they were not required to be licensed since it could not be established that similar licensing requirements were imposed on all employees in the City and their cases were therefore dismissed.

The City Clerk emphasized that the City was not seeking a license from each of the defendants, only the contractor, but that all parties had been named in the complaint upon advice of the Deputy District Attorney and in accordance with the provisions of Municipal Code Section 8.2.

Discussion ensued between the Council on the possible method of requiring a listing in the Building Department of all contractors and subcontractors engaged in building in the City, and the City Manager advised that the matter will be part of the planned license procedure review.

105 - Tract No. 5654.

In reference to pending litigation involving Tract No. 5654, the City Attorney

advised of the receipt of the letter from Lincoln Savings & Loan mentioned at the previous meeting re their tentative proposal for completion of the required offsite improvements and underwriting of the Attorneys' fees, all expenses incurred by the City, and court costs in prosecuting action on the Bonds for the Tract. Mr. Kegley further stated that a meeting will be held Friday, July 26, to work out a draft of procedure.

CONTINUED PUBLIC HEARING

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

Consideration was again given to Improvement District No. 4-68-U. Mr. Dewes announced success in obtaining the one remaining necessary right-of-way easement and extended congratulations to the residents of the area and the City for the significant success of this first underground utility district.

Mr. Dewes presented their contract agreements and IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN O'KEEFE to authorize approval of the Agreement between the City and San Diego Gas & Electric Company for the construction of electrical facilities, and authorize the Mayor and City Clerk 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

The Mayor inquired if there were any further written or oral protests and there being none, the City Engineer reiterated the percentage of protests received at the last meeting and corrected the figure to 1.94% protest of the total district. IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN O'KEEFE, AND UNANIMOUSLY CARRIED to deny all protests upon the finding that all protests were made by less than one-half of the area of property to be assessed.

The Clerk read a memorandum from the City Engineer for recommended modifications to said District which are summarized as follows: the street improvement contract cost will remain at \$86,803.80; conversion by San Diego Gas & Electric Company from overhead to underground facilities will increase from \$20,955 to a net of \$21,997; conversion of the Pacific Telephone Company will remain at \$8,700 net; and it was recommended that the total amount to be assessed - \$135,715.34 - be spread upon the same basis as originally spread and filed.

Upon motion of Councilman Chilton, seconded by Councilman Evans, RESOLUTION NO. 61-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ORDERING CERTAIN CHANGES AND MODIFICATIONS IN THE ASSESSMENT AND PROCEEDINGS FOR IMPROVEMENT DISTRICT NO. 4-68-U (AVENIDA MONTALVO AND AVENIDA LOBEIRO) IN SAID CITY, 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

Upon motion of Councilman Evans, seconded by Councilman Chilton, RESOLUTION NO. 62-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, FINDING AND DETERMINING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY REQUIRE THE IMPROVEMENT IN IMPROVEMENT DISTRICT NO. 4-68-U (AVENIDA MONTALVO AND AVENIDA LOBEIRO) SUBSTANTIALLY AS SET FORTH IN THE REPORT FILED PURSUANT TO THE SPECIAL ASSESSMENT INVESTIGATION, LIMITATION AND MAJORITY PROTEST ACT OF 1931, AND THAT THE PROJECT IS FEASIBLE AND THAT THE LANDS WILL BE ABLE TO CARRY THE BURDEN OF THE PROPOSED ASSESSMENT, 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

Upon motion of Councilman Evans, seconded by Councilman O'Keefe, RESOLUTION NO. 63-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING AN UNDERGROUND UTILITY DISTRICT ENTITLED "IMPROVEMENT DISTRICT NO. 4-68-U (AVENIDA MONTALVO AND AVENIDA LOBEIRO)" IN SAID CITY, was regularly introduced, passed, and adopted upon the following stated vote, to wit:

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

Upon motion of Councilman Evans, seconded by Councilman Chilton, RESOLUTION NO. 64-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CONFIRMING THE ASSESSMENT AS MODIFIED ORDERING THE IMPROVEMENTS MADE IN THE MATTER OF IMPROVEMENT DISTRICT NO. 4-68-U (AVENIDA MONTALVO AND AVENIDA LOBEIRO) IN SAID CITY, 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

Upon motion of Councilman O'Keefe, seconded by Councilman Chilton, RESOLUTION NO. 65-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AWARDED THE CONTRACT FOR THE CONSTRUCTION OF CERTAIN IMPROVEMENTS IN IMPROVEMENT DISTRICT NO. 4-68-U (AVENIDA MONTALVO AND AVENIDA LOBEIRO) IN SAID CITY AS DESCRIBED IN RESOLUTION OF INTENTION NO. 35-68, 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

Upon motion of Councilman Evans, seconded by Councilman Chilton, RESOLUTION NO. 66-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ACCEPTING BID FOR THE SALE OF BONDS, AND PROVIDING FOR THE ESTABLISHMENT OF A REDEMPTION FUND FOR THE PAYMENT OF SAID BONDS IN THE MATTER OF THE CONSTRUCTION OF CERTAIN IMPROVEMENTS IN IMPROVEMENT DISTRICT NO. 4-68-U (AVENIDA MONTALVO AND AVENIDA LOBEIRO) IN SAID CITY AS CONTEMPLATED BY RESOLUTION OF INTENTION NO. 35-68, 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

The Mayor then declared the Hearing closed.

The City Manager then took the opportunity to compliment the workers and staff of the San Diego Gas & Electric Company for all their efforts expended and his personal note of appreciation through Manager William Webb to the other Company officials. Councilman O'Keefe also extended commendation to the City Engineer and Special Legal Counsel Brown.

Upon question by property owner Dale McCloud, Mr. Dewes answered that the property owners will be notified when they are to be ready to receive underground connection to their electric service entrance.

#### FURTHER REPORTS AND MISCELLANEOUS ITEMS

##### Departmental Activities Report.

The City Manager drew attention to the monthly departmental activities report for June, 1968, and the attempt to comply with the suggestion from Councilman O'Keefe at the meeting of 6-26-68, for year-to-date figures for comparison. Councilman O'Keefe commented that perhaps a year-to-date this year and last year wherever possible would also be more meaningful. Mr. Carr noted that a consolidated report is prepared each year.

##### 51 - Fourth Quarter 1967-68 Report of Revenues, Expenditures, & Capital Outlays.

The City Manager, noting that the Quarterly Statement of Revenues, Expenditures, and Outlays was distributed just before the meeting and there was not sufficient opportunity to review, suggested that if there are any questions the Council members can contact him or questions can be raised at the next meeting. There followed a brief discussion period with questions by Councilman O'Keefe.

##### 35 - Renewal of Chamber of Commerce Agreement.

The City Manager presented the 1968-1969 Agreement with the Chamber of Commerce which was identical to the previous year with the exception of the change in the budgetary appropriation to \$10,500.

7-17-68

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN EVANS to accept the Agreement and authorize the Mayor and City Clerk to execute same on behalf of the City.

Following comments by Councilman Chilton that this was an expenditure of public funds with no control by the City with the exception of a very small part of it and his efforts to AMEND THE MOTION which DIED FOR LACK OF A SECOND, the question was called and 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

77 - Award of Contract for Project No. PR5-68 (Linda Lane).

Further consideration was given to the Award of Contract for Project No. PR5-68, Linda Lane Beach Access Road and Beach Parking Area. The City Manager reviewed previous actions of the Council since the Bids were first received on May 13, the subsequent extension of time of the D. C. Muralt Bid proposal, and the renegotiation of the Bid for the deletion of the indicated excess of the work on railway property.

The City Engineer explained the negotiations which have transpired due to the modifications and commented that he felt it was an equitable adjustment and recommended that D. C. Muralt be awarded the Contract from the original Bid of \$90,955.00 to the revised amount of \$78,753.60, resulting in a net cost to the City of \$51,903.60 after participation by the County Flood Control District.

IT WAS MOVED BY COUNCILMAN NORTHRUP, SECONDED BY COUNCILMAN CHILTON that the Contract be awarded as per adjusted figures and adjustments, and the Mayor and City Clerk authorized to execute the Contract on behalf of the City. 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

Eleanor Wild, 239 West Marquita, spoke from the audience commenting on the lack of information adjacent property owners have received and questioning why provisions have not been made for sanitary facilities or the installation of sidewalks on and the widening of Marquita which is the main access street to the Linda Lane area.

77 - Acceptance of Storm Drain and Slope Easements for Project PR5-68 (Linda Lane) - continued.

Relating to the Linda Lane Project, the City Manager then presented Easements from Paul McCluer (over Lot 13, Block 17, Tract No. 793) and L. Phillip Holt (over Lots 21 and 22, Block 17, Tract No. 793) for storm drain purposes, and an Easement for slope purposes (over Lot 20, Block 17, Tract No. 793) from Stephen Michalec. IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY COUNCILMAN O'KEEFE that the three Easements be accepted and the Clerk authorized to record same 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

The City Manager further advised the Council of allocation in the Orange County Flood Control District Budget in the amount of \$40,000 for fiscal year 1968-1969, in addition to the \$30,000 budgeted in 1967-1968, which is intended to provide for the complete installation of the required drainage structure for the entire floor of the Marquita drainage channel up to Calle Puente.

77 - Budgetary Appropriation for Project No. PR5-68 (Linda Lane).

In view of Award of Contract for Project No. PR5-68 and upon recommendation of the City Manager, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN CHILTON to appropriate into the Budget for fiscal year 1968-1969 the amount of \$52,000 from the Unbudgeted Reserve Account to Account No. 10-6396.01,



Linda Lane Project. 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

96 - Expanded Sewage Treatment Facilities.

Further consideration was given to the matter of expanded sewage facilities to be placed on the parcel of land proposed in the exchange of land with Brigham Young University.

Robert White, consultant from Engineering-Science, Inc., presented to the Council for their perusal an architectural rendering showing a suggested layout for the proposed treatment facility and City corporation and equipment yard. General discussion ensued relative to the available area for future enlargement, additional cost of 10% to 15% for aesthetic features, and the financial feasibility of undergrounding certain of the facilities and the maintenance problems involved if such were done.

The City Manager commented that the aesthetic features of the proposed facility are of great concern to Brigham Young University. It was determined that this information would be presented to B.Y.U. before the next meeting so they would be aware of what the City was contemplating and in return receive their views on the matter.

Mr. Carr also announced that a representative of Bartle Wells will be in attendance at the scheduled Study Session on July 31 to present the current appraisal of the bond market in relation to impending sale of sewer bonds instead of at this meeting as originally planned.

87 - Payoff of Lease Purchase Agreement with Bank of America Trust for Certain Beach Property.

In accordance with Council instruction of 7-3-68 to negotiate terms of a payoff of certain beach property under Lease Purchase Agreement with the Bank of America Trust, the City Manager reviewed his memorandum of 7-16-68 and posted a map indicating the subject parcels involved.

Following discussion regarding the high taxes which will occur on and after July 1 as a result of the increased assessed valuation applied by the County Assessor, it was recommended that payoff of the Agreement be authorized in the amount of \$102,943.65 plus accrued interest.

IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY COUNCILMAN O'KEEFE to authorize immediate payoff of the subject Agreement in the amount of \$102,943.65 plus accrued interest. 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

58 - Resolution No. 67-68 - Golf Course Revenue Revisions.

Consideration was given to the memorandum from the City Manager relative to Golf Course income and play analysis as a basis for proposed increasing of fees and tickets in order to balance projected revenue with estimated expenditures.

Lengthy discussion and debate ensued on whether to establish an increase of 10% across the board, the possibility of eliminating joint annual tickets, the suggested increase of private cart rates and declaring a moratorium on new issuances, and various other matters relative to fees and regulations. IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY COUNCILMAN NORTHRUP that Resolution No. 1910 be amended to reflect that the youth special rate be increased to 50¢; monthly ticket rate to remain the same; single-limited play and joint-limited play annual rate be increased 10% to the nearest dollar; and the annual, monthly, and daily private cart rental rate be increased 10% to the nearest dollar.

IT WAS THEN MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN EVANS TO AMEND THE MOTION to increase the annual single-limited play tickets to \$120.00; annual joint limited-play tickets to \$180.00; annual private cart rental to \$125.00, monthly private cart rental to \$15.00, and daily private cart rental to \$2.00.

Following further discussion, the MOTION TO AMEND WAS CALLED AND CARRIED upon the following stated vote, to wit:

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

The ORIGINAL MOTION AS AMENDED WAS THEN CALLED AND CARRIED upon the following stated vote, to wit:

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

A majority of the Council concurring to amend Resolution No. 1910 to include all the aforementioned revisions, and with an effective date of August 1, 1968, upon motion of Councilman O'Keefe, seconded by Councilman Evans, RESOLUTION NO. 67-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING CERTAIN REGULATIONS AND FEES FOR PLAY UPON THE MUNICIPAL GOLF COURSE, AMENDING RESOLUTION NO. 1910, was regularly introduced, passed, and adopted upon the following stated vote, to wit:

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

Referring again to the City Manager's memorandum, a consensus of the Council was taken on various items and IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN O'KEEFE to (1) change the daily rate to 18-hole rate; (2) one-half rate be changed from after 2:00 P.M. to after 3:00 P.M.; (3) add "and coaches" to Section 8, Paragraph D. after the word "Members," with said play card valid weekdays only during spring school semester; and (4) increasing rate for non-residents to \$150.00 for annual single-limited play tickets and \$210.00 for annual joint-limited play tickets, said changes to be incorporated in the amending Resolution. 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

The Council next reviewed the present policy adopted 9-17-52 and amended 4-15-53, respecting special play privileges at the Municipal Golf Course and following discussion, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN O'KEEFE, AND UNANIMOUSLY CARRIED that the revised policy with respect to "free play" privileges at the Municipal Golf Course shall be as follows: (1) active members of the Professional Golfer's Association; (2) City Councilmen, past and present, and the City Clerk; (3) City employees may utilize facilities of the Municipal Golf Course in accordance with rates and procedures established by the City Manager, provided such utilization does not interfere with payers of daily green fees or other established charges for play; and (4) Life passes as previously awarded to Dan Evans and Eugene Ayer.

#### 79 - Class Specifications for Fireman & Parking Control Officer.

The City Manager presented recommended class specifications for the newly established positions of Fireman and Parking Control Officer, said specifications to be incorporated into the Classification Plan of the City. IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY COUNCILMAN EVANS, AND UNANIMOUSLY CARRIED to approve the class specifications for Fireman and Parking Control Officer.

#### 106 - Traffic Engineering Recommendations - Resolution No. 68-68.

The City Manager presented certain traffic engineering recommendations and following explanation by the Traffic Engineer (Police Chief Murray) and comments from the audience, a majority of the Council concurred to approve a stop sign on San Carlos stopping traffic entering El Levante and a stop sign on El Lavante stopping southwesterly traffic entering the intersection at San Carlos; a stop sign on Presidio stopping traffic entering Pico; a stop sign on Pico stopping traffic entering Los Molinos; no parking on both sides of Pala; and to accept the recommendation that the traffic count is not sufficient at this time to warrant stop signs at Montego and Montecito.

Upon motion of Councilman Evans, seconded by Councilman Chilton, RESOLUTION NO. 68-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846 BY ADDING THERETO NEW SECTIONS ESTABLISHING STOP SIGNS AT THE INTERSECTIONS OF EL LEVANTE AND AVENIDA SAN CARLOS, ON AVENIDA PRESIDIO AT ITS INTERSECTION WITH AVENIDA PICO, AND ON AVENIDA PICO AT ITS INTERSECTION WITH CALLE DE LOS MOLINOS; AND ESTABLISHING "NO PARKING" REGULATIONS ON BOTH SIDES OF AVENIDA PALA, was regularly introduced, passed, and adopted upon the following stated vote, to wit:

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

The City Manager announced that the San Clemente Little League All Stars won their opening baseball game in the District play-offs with a score of 6-0, and spoke of the fine pitching and hitting of Joe Poncino.

24 - Complaint of Skunks Infesting the Neighborhood.

Referring 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 advised that to date the County Animal Control Officers have trapped approximately 30 skunks not including the 10 found dead.

90 - Purchase of Three-Wheel Scooters.

The City Manager requested favorable consideration for the purchase of two 3-Wheel scooters not included in the Budget, but which could be purchased from Revolving Fleet Replacement Reserve, and explained that one would be used by the recently approved Parking Control Officer and the other by the Meter Reader.

Due consideration being given, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN NORTHRUP to authorize the purchase of two 3-wheel scooters to be used by the Parking Control Officer and the Meter Reader. 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

The City Manager advised if there were no objections, he planned to take a week's vacation starting July 22.

PAYING OF THE BILLS

IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN NORTHRUP that Warrants No. 10833 through No. 10933, as audited by the Council, be paid, including ratification of Payroll Warrant No. 10837. 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

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|--|---------------------|
| Total Demands approved for payment for the period of July 4 through July 17, 1968. . . . . | \$ 50,262.33        |
| Ratification of Payroll Warrant, for period of June 24 through July 7, 1968. . . . .       | <u>\$ 35,733.31</u> |
| TOTAL WARRANT REGISTER. . . . .  | <u>\$ 85,995.64</u> |

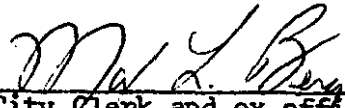
RESOLUTIONS

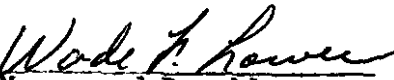
For Resolution No. 59-68 see under "PUBLIC HEARINGS" on Page 1.  
 For Resolution No. 60-68 see under "WRITTEN COMMUNICATIONS" on Page 3.  
 For Resolution No. 61-68 see under "CONTINUED PUBLIC HEARINGS" on Page 6.  
 For Resolution No. 62-68 see under "CONTINUED PUBLIC HEARINGS" on Page 6.  
 For Resolution No. 63-68 see under "CONTINUED PUBLIC HEARINGS" on Page 6.  
 For Resolution No. 64-68 see under "CONTINUED PUBLIC HEARINGS" on Page 7.  
 For Resolution No. 65-68 see under "CONTINUED PUBLIC HEARINGS" on Page 7.  
 For Resolution No. 66-68 see under "CONTINUED PUBLIC HEARINGS" on Page 7.  
 For Resolution No. 67-68 see under "REPORTS AND MISCELLANEOUS ITEMS" on Page 10.  
 For Resolution No. 68-68 see under "REPORTS AND MISCELLANEOUS ITEMS" on Page 11.

ADJOURNMENT

There being no further business, IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY COUNCILMAN EVANS, AND UNANIMOUSLY CARRIED that the Council meeting be adjourned in memory of Robert Hancock.

The meeting was adjourned at 12:17 A.M., Thursday, July 18, 1968.

  
 \_\_\_\_\_  
 City Clerk and ex officio  
 Clerk of the City Council

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