

San Clemente, California
August 7, 1968

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, Wednesday, August 7, 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 Councilman O'Keefe. 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 July 17, 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.

WRITTEN COMMUNICATIONS

23 - Proposed City Subsidy for Ambulance Service.

Letter from SOUTH COUNTIES AMBULANCE SERVICE requesting the opportunity of addressing the Council concerning City subsidy.

Letter from MR. & MRS. EARL H. MAYER with comments in favor of ambulance subsidy.

The Clerk advised of a late communication from JANINE McCUSTER also in support of said subsidy.

The Clerk commented that copies of a six-page proposal from the firm requesting a \$1,000 per month cash subsidy had been presented and discussed at the recent Council Study Session. Councilman O'Keefe suggested that the matter should be held over for Staff recommendation.

The City Manager commented that this matter should have been approached during the many Budget sessions and before the adoption of the Budget since the expenditure of \$12,000, not anticipated, could add 3¢ to the ad valorem tax rate and the Council should have the benefit of more detailed information on the firm's operation costs, calls, collections, delinquencies, etc.

Due consideration being give, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED that the matter be referred to the City Staff for study and if it appears necessary a Special Meeting could be called, otherwise to report back at the next regular meeting.

103 - Request for Approval of Intentions to De-annex from Capistrano Beach County Water District - Baycliff Village Area.

Letter from BAY CLIFF VILLAGE, BOARDS OF GOVERNORS, requesting City approval and support of their attempt to de-annex from the Capistrano Beach County Water District where they are paying taxes to said District, but receiving no service or benefits.

The City Manager noted that this request was not dissimilar to one received from the Harbor Estates Homeowners' Association at the meeting of 7-19-67, which was pursued to a successful conclusion.

John K. Strickley, Bay Cliff Village representative, addressed the Council stating their position and wishes for endorsement and support from the Council, and apprising of the petition containing signatures of 90% of the improved property owners to be submitted to the Local Agency Formation Commission.

Upon motion of Councilman O'Keefe, seconded by Councilman Chilton, RESOLUTION NO. 69-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, SUPPORTING AND ENDORSING THE PROPOSAL OF THE BAY CLIFF VILLAGE BOARDS OF GOVERNORS FOR DE-ANNEXATION OF THEIR AREA FROM THE CAPISTRANO BEACH COUNTY WATER DISTRICT, 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

Councilman Northrup remarked that the Local Agency Formation Commission is cognizant of such inequities existing throughout the County and had indicated that the County Assessor will be requested to furnish details of such situations, with the possibility of the Commission initiating de-annexation proceedings on their own motion.

77 - Request for Park or Playground to Block End of Via Manzana.

Memorandum from the PLANNING COMMISSION listing four reasons why the request from the Harbor Estates Homeowners' Association for a park or playground at the end of Via Manzana, as referred by the Council, is not recommended; and further recommending that the City of San Juan Capistrano be notified that the City would be opposed to any use other than single family residential for land adjacent to the aforementioned area, and if there is any request or action to rezone said area, that the City be notified.

Councilman Northrup questioned whether we had had any correspondence with the City of San Juan Capistrano and the City Manager advised that a letter was sent in this particular regard urging their cooperation and consideration, but to date no reply has been received as to what official action was taken.

Discussion ensued on the advisability of the strong wording that the City would be opposed to any use other than single family residential for said land, and the possibility of the adoption of the mechanics for a joint City study group to consider zoning of any area on the contiguous boundaries of the two cities now and in the future.

Following proposals by the Council that either a consulting body could be established consisting of two members from each City Council or Planning Commission, or that it be left between the two representative City Managers, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN EVANS, AND UNANIMOUSLY CARRIED that this matter be referred back to the City Manager for investigation as to whether such a study group would be acceptable by the City of San Juan Capistrano.

98 - Request for Waiver of Sidewalk Requirements.

Letter from DAVID O. WHITAKER requesting waiver of sidewalk requirements (Municipal Code Section 31-9) on 2 new homes under construction at 1806 Entrada Paraiso (Lot 4, Tract No. 4121) and 200 E. Ramona (Lot 13, Tract No. 4121).

The City Manager referred to the original approval of Tracts Nos. 4199, 4120, and 4121, which apparently provided that no sidewalks would be required to be installed and IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY COUNCILMAN EVANS, AND UNANIMOUSLY CARRIED that the request be granted.

76 - Request for Solution to All-Day Parking by Marines on Streets in Tract No. 900.

Letter from CLARENCE J. LARSON, 124 Santa Margarita, requesting Council consideration of instituting arrangements with the Commandant at Camp Pendleton to provide parking, either on the Base or near the gate for those vehicles not allowed to park on the Base, in order to eliminate the crowded conditions on the surrounding streets which hampers normal servicing to the residents.

John Adkins, 121 Santa Margarita, addressed the Council reiterating the fact that vehicles are being parked in increasing numbers by military personnel, and advising that residents have been told by the Police that they were unable to enforce the posted two-hour parking zones.

Discussion ensued whether to write a formal letter request on the subject or

to discuss the matter at the next Military Affairs Meeting at Camp Pendleton on August 24. Comments were expressed regarding the excellent cooperation the City has always received from the Military, and IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN EVANS, AND UNANIMOUSLY CARRIED that the matter be referred to the City Staff to be taken up with the liaison officer at Camp Pendleton, and that the Traffic Engineer (Police Chief) be instructed to make a complete study of all of Tract No. 900.

ORAL COMMUNICATIONS

88 - Complaint of R. L. Gardiner re Parking Zone Violations and Noisy Vehicles.

Richard Gardiner, Sea Shore Motel, spoke from the audience expressing dissatisfaction in the lack of enforcement of parking zone violations and noisy vehicles in the "Bowl" area, further advising that his business has suffered. During extensive comments, Mr. Gardiner stated that there has been some improvement since his last complaint, but that it was hardly noticeable.

The City Manager commented that it can be supported in fact that there is no other place in San Clemente which receives the degree of selective enforcement as that of the "Bowl" area. Councilman Northrup commented that certain of the business people were catering to the element about whom they were complaining.

Councilman O'Keefe remarked and Ian Kennedy, "Bowl" area resident and business man, confirmed that he had recently stated that conditions in the last year are substantially better.

Mayor Lower advised Mr. Gardiner that the recently hired Traffic Control Officer will soon be on the job.

77 - Complaint of A. J. Yetso re Alleged Land Slippage in Connection with the Linda Lane Project.

A. J. Yetso, 410 Arenoso Lane, addressed the Council advising them of earth movement and seepage of water that afternoon due to the grading work at the Linda Lane project, and that he had been previously told by the City Engineer that there would be enough dirt to fill the entire canyon. Mr. Yetso submitted photographs of the area indicating the reported location of earth movement.

It was pointed out that complete filling of the canyon had never been contemplated and that such a fill could not be accomplished due to the area involved and the time it would take to acquire the amount of dirt that would be required. Mr. Carr stated that competent soil engineers are on the job, but that he would give the matter his attention first thing in the morning.

97 - Question of Exchange of Easements and Building Over a Storm Drain (Mrs. Olga Tafe).

Richard Fast, Building Designer, appearing on behalf of Mrs. Olga Tafe, circulated and explained a plot plan of the La Ladera Tract No. 4947, with particular reference to Lot 29. Mr. Fast proposed that an existing storm drain easement on Lot 29 be exchanged for an easement along the side of said lot, explaining that there is a storm drain running down the center of the property from a depth of ten to forty feet making it impractical to build on the site because of the City's position in not allowing construction over the easement. Mr. Fast also submitted a letter from Waldron and Bryant, Attorneys in Santa Ana representing Mrs. Tafe, further explaining the proposal.

Discussion ensued on the advisability of permitting building over the storm drain and whether the matter should be held over until the City Engineer returns from his vacation for the benefit of his thinking and recommendation.

Councilman Evans stated that the City allowed the area to be subdivided with no indication that building over the easement would be restricted, but his MOTION to approve the exchange of easements DIED FOR LACK OF A SECOND.

IT WAS THEN MOVED BY COUNCILMAN NORTHRUP, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED that the item be held over until the next regular meeting and the Staff be requested to come forth with a recommendation.

Gilbert Essell, Chamber of Commerce, presented the trophy won by the City float at the 4th of July Parade in Huntington Beach.

A. L. Wulfeck addressed the Council regarding the realignment of certain curbs on Avenida Granada and the City Manager advised that the matter could be handled administratively.

Ian Kennedy inquired as to the status of the Pier beautification plans and the City Manager advised that the necessary information required to file for the grade crossing is being prepared, but in accordance with Council instructions the plans will be brought back before being submitted to the Public Utility Commission, possibly by the second Council meeting in September.

UNFINISHED BUSINESS

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

Regarding the petitions urging the revocation of Business License No. 19052, for the gift boutique called the "Mind Garden" and in view of events of the past two weeks, IT WAS MOVED BY MAYOR LOWER, SECONDED BY COUNCILMAN NORTHRUP, AND UNANIMOUSLY CARRIED that the matter be tabled.

87 - Payoff of Lease Purchase Agreement with Bank of America National Trust & Savings Association for Certain Beach Property, and Acceptance of Deeds.

Referring to the authorized payoff of the amount of \$102,943.65, plus accrued interest to close of Escrow and escrow charges (final total \$103,493.73), for certain beach property under Lease Purchase Agreement between the City and the Bank of America National Trust & Savings Association, the City Manager presented a Grant Deed covering two of the parcels and a Quit Claim Deed covering four other parcels.

Acknowledging that said Deeds were in accordance with Lease Purchase Agreement provisions, IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY COUNCILMAN O'KEEFE, to authorize deposit into escrow of the required funds and acceptance and recordation of the Quit Claim Deed and Grant Deed from the Bank of America National Trust & Savings Association covering six parcels as described in that certain Lease Purchase Agreement dated 9-7-61. 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

IT WAS THEN MOVED BY COUNCILMAN CHILTON, SECONDED BY COUNCILMAN EVANS to approve for appropriation into the Budget for Fiscal Year 1968-1969, the sum of \$103,500.00 from the General Fund Unappropriated Surplus. 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

77 - Establishment of a Parks & Recreation Commission - Resolution No. 70-68.

Further consideration was given to the establishing of a Parks & Recreation Commission as outlined in the proposed Resolution and submitted to the Council as per instructions from the meeting of 7-17-68.

The Council debated the pros and cons of forming such a Commission and following lengthy discussion, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN EVANS to adopt the proposed Resolution with the following changes: (1) under "C" change to read "assist in the planning of parks and coordinate recreation programs," and (2) under Section 2 that members of the Commission will be appointed one member by each of the Councilmen; further, that formation of the Commission be for an initial one-year-trial period beginning with the adoption of said Resolution. The MOTION WAS CARRIED with Councilmen Chilton and Northrup voting "NO."

Upon motion of Councilman Evans, seconded by Mayor Lower, RESOLUTION NO. 70-68,

BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING A PARKS AND RECREATION COMMISSION, 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

REPORTS AND MISCELLANEOUS ITEMS

48 - Cleanup of Debris on Coast Highway (Colony Cove Area).

Councilman Northrup suggested that when the City clears away dirt from the slide area on the Coast Highway in the vicinity of Colony Cove, that they do not cut so far back into the slide area as it has been reported to him that this seems to trigger further slides.

The City Manager advised that he will take the matter up with the City Engineer upon his return to the City.

93 - Inquiry as to Possible Saturday Street Sweeping on Avenida Del Mar.

Councilman Evans questioned whether there could be sweeper service on Avenida Del Mar on Saturday after the trash pickup as there always remains certain debris which is unsightly.

The City Manager advised that financially no overtime is provided to expand the level of service and perhaps the problem could be solved through cooperation with the merchants to provide more suitable containers to better control any overflow of trash. Councilman Evans advised that he would better examine the situation.

88 - Complaint re Unattended Signs Left by California Highway Patrol.

Councilman Chilton commented that he has noticed that when the California Highway Patrol conducts their vehicle safety check, usually on the Coast Highway below the bluffs in the vicinity of Colony Cove, they leave their signs and traffic cones unattended during the lunch hour and it causes congestion as well as being a hazard; concluding that he would like to see some remedial action either through the Chief of Police or by correspondence with the State.

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 Councilman O'Keefe, member of the Legislative Committee, advised the Council that re assessing governmental buildings built under lease-purchase agreement, Assessor Hinshaw has abandoned his attempts to tax said buildings in view of recent legislation, and there is, therefore, no need for further concern regarding taxes on the Civic Center.

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 Mayor Lower commented on recent attendance at the South Coast Hospital Board Meeting and that he will keep the Council informed of any developments.

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 Mayor Lower remarked on comments he has received regarding how clean the beach has been on weekends.

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 Upon request from Mayor Lower to be absent from the State, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED that permission be granted

77 - Proposed Charge for Use of City Beaches.

Regarding proper procedure to follow if the Council wished to submit the question of a beach usage charge to the voters, the City Attorney advised that as an initiative measure it could be placed on the ballot in November if there is sufficient time to do so.

Following comments by Councilmen Chilton and Northrup, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED to table the matter indefinitely.

105 - Test Case re Dedication of Land for Park Purposes Within Subdivisions.

Referring to the test case on the validity of Section 11546 of the Business and Professions Code in the action of the Associated Home Builders of the Greater East Bay against the City of Walnut Creek, the City Attorney advised that he has received a copy of the opinion that upheld the Section of said Code permitting as a requirement the dedication of land or fees for park purposes within a Subdivision; however, an appeal as to its constitutionality will undoubtedly be filed.

96 - Land Exchange for Expanded Sewage Treatment Facilities and Authorization for General Obligation Bond Sale.

Further consideration was given to the most recent negotiations concluded with Brigham Young University concerning the proposed land exchange with the City.

The City Manager posted a map of the area involved and apprised the Council of the willingness of B.Y.U. to accept the opinion in value of the City's appraiser regarding the exchange of 18.4 acres, where the existing sewer plant is located, for 17.25 acres of land owned by B.Y.U. equal in dollar value, for the construction of a new 4 mgd sewage treatment plant and City corporation and equipment yard.

Mr. Carr, referring to the Agreement submitted by B.Y.U., advised that it also included the provision whereby B.Y.U. will accept financial responsibility for the redemption of the outstanding principal and interest on the 1949 and 1957 sewer bonds of approximately \$500,000.

Following perusal of the Agreement and due consideration being given, IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY COUNCILMAN NORTHRUP that the City Council approve the Agreement in principle subject to its further review and analysis by the City Attorney and City Manager, 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

Referring to the need for authorization for the General Obligation Bond sale, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN CHILTON to instruct the preparation of a Resolution to be presented at the meeting of 8-21-68 offering \$2,200,000 of General Obligation Bonds for sale. 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 firm of O'Melveny & Myers having been previously retained for Bond Election and Bond sale services, IT WAS THEN MOVED BY COUNCILMAN EVANS, SECONDED BY MAYOR LOWER, AND UNANIMOUSLY CARRIED that the matter be referred to the firm of O'Melveny & Myers and the City Attorney.

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

Referring to street and underground utility Improvement District No. 4-68-U, the City Manager presented the Contract Agreement for conversion of communication facilities between the City and Pacific Telephone and Telegraph Company.

It was reported that said Agreement was in hand approved by Special Legal Counsel F. Mackenzie Brown on the night of the continued Public Hearing on 7-17-68.

IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN CHILTON to approve the Agreement between the City and Pacific Telephone and Telegraph Company for conversion of communication facilities, 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

IT WAS THEN MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED to order the work all as set forth in the previously approved and executed Agreement.

Consolidated Annual Departmental Activities Report.

The City Manager drew attention to the Annual Departmental Activities Report and the Council concurred that it was very comprehensive. Councilman Evans questioned the substantial increase over previous years of the miscellaneous calls in the Lifeguard Department and the City Manager stated that he would check the figure.

77 - Acceptance of Storm Drain Easement for Project PR5-68 (Linda Lane).

The City Manager presented a further storm drain Easement required in connection with the Linda Lane project, said Easement from Astrid E. Olsen over a portion of Lot 17, Block 17, Tract No. 783.

IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY COUNCILMAN EVANS that the easement 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

32 - Business License Procedural Amendment - Ordinance No. 521.

The City Manager referred to a proposed Ordinance prepared by the City Clerk, amending certain business license application procedures. The City Attorney requested time to check the legality and due process provisions and the Council concurred to introduce the Ordinance which, if amended, could be again introduced at the next meeting.

Upon motion of Councilman Chilton, seconded by Councilman Evans, ORDINANCE NO. 521, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTIONS 8-1, 8-2, 8-4, 8-15 (c) AND (d), AND 8-16 (b) OF CHAPTER 8 "LICENSES," OF THE CODE OF THE CITY OF SAN CLEMENTE, 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

79 - Proposed Personnel System Ordinance.

Brief explanation was given of the proposed Ordinance establishing a new Personnel System and replacing Personnel Resolution No. 1084, adopted in 1959. Reference was made to Government Code Section 45000, et seq, which is the enabling legislation governing the establishment of said System by ordinance.

Concurring that there was no urgency and time should be taken for study, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED to set the matter over to the next Study Session, whenever it may be.

The City Clerk advised that a Resolution adopting Rules and Regulations which is part of the procedure will possibly be completed by the next meeting.

103 - 1968-1969 Tax Rate Levy.

In considering the proposed tax levy for fiscal year 1968-1969, the City Manager reviewed the discussion on anticipated revenue prior to the adoption of the Budget, recalling that they were largely guided by the action taken in January when the Transient Occupancy Tax was increased from 4% to 5%, thereby proposing in the Budget that the tax rate be set at \$1.38 per \$100 assessed valuation, a reduction of 1¢ from the previous year. Mr. Carr also noted that the Lighting District tax was proposed to be reduced from 42½¢ to 40¢.

The City Manager further advised that the adopted Budget was predicated upon the basis of estimated property valuation, but that final assessed valuation figures were \$1,644,180 above the estimated figures used in the Budget, which would make available approximately \$20,000 for expenditures not allocated.

Mr. Carr recommended consideration of allowing this additional sum to be used for the employment of 2 additional sworn personnel, viz, 1 Detective and 1 Police Patrolman.

Comments were made by the Mayor that a reduction of 1¢ does not represent much of an actual savings; and by Councilman Evans that it gives the false impression the tax bill will be reduced when in essence the increase in property valuation increases the tax bill. IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON that the tax rate be set with a reduction of 1¢ from last year's tax rate, and instruct the preparation of the necessary Ordinance. The MOTION WAS CARRIED with Councilman Evans voting "NO," objecting to the wording in the motion concerning "reduction."

79 - Authorization for Additional Police Personnel

In view of additional funds available due to the increased assessed valuation over anticipated figures and upon recommendation of the City Manager, IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY COUNCILMAN EVANS, AND UNANIMOUSLY CARRIED to authorize an increase in the Police Department complement from the current 30 to 32 with the addition of 1 Detective and 1 Police Patrolman.

28 - Audit Services Report - Retention of Diehl, Evans, & Company.

In regard to the pending matter concerning the selection of a City Auditor, the City Manager referred to a memorandum from the Finance Director with extensive comments concerning services, fees, and recognized factors in selecting qualified auditors.

Following brief discussion, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN EVANS, AND UNANIMOUSLY CARRIED to accept the findings of the Finance Director, and to retain the firm of Diehl, Evans, & Company for audit services.

64 - Lifeguard Agreement with County of Orange.

The City Manager presented and explained the Lifeguard Agreement with the County of Orange and acknowledged that the amount of the grant is \$5,000 below what the City had anticipated in the Budget due to the fact that the formula used by the County is geared back to the 1967-1968 figures.

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN EVANS to approve the Lifeguard Agreement with the County of Orange for the Fiscal Year ending June 30, 1969. 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

113 - Resolution No. 71-68 - Amendment to Water Rate Resolution No. 1821.

Referring to his memorandum of 7-16-68 regarding amending Water Rate Resolution No. 1821, adopted 12-1-65, which established the current rate charged for water consumption, the City Manager explained the increase in costs of well production, treatment plant operation, and also in the purchase of water. Mr. Carr recommended a change in the escalation clause in Section 2 of Resolution No. 1821, to change the net cost upon which the water rates are determined from \$39.00 to \$50.00; therefore, avoiding any consumer rate increase at this time even though the net costs of water have increased.

Due consideration being given and upon motion of Councilman Evans, seconded by Councilman Lower, RESOLUTION NO. 71-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 2 OF RESOLUTION NO. 1821 RELATING TO WATER RATE COMMODITY ESCALATOR CLAUSE, 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

79 - Class Specifications for Plant Operator Leadman and Engineering Aide.

The City Manager presented prepared class specifications for the positions of

Plant Operator Leadman and Engineering Aide and requested approval and incorporation of said positions into the Classification Plan of the City of San Clemente.

The Council concurred and IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY COUNCILMAN EVANS, AND UNANIMOUSLY CARRIED to approve and incorporate the positions and class specifications of Plant Operator Leadman and Engineering Aide into the Classification Plan of the City of San Clemente.

The City Manager requested a brief Executive Session following adjournment of the meeting for the purpose of discussing personnel.

NEW BUSINESS

42 - Claim for Damages (Dick Bloomfield).

The Clerk presented an amended claim for general damages in the amount of \$125,000 filed by Dick Bloomfield, Glendora, California.

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

42 - Claim for Damages (Simon Hoyos).

The Clerk presented an amended claim for general damages in the amount of \$125,000 filed by Simon Hoyos, Ontario, California.

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

PAYING OF THE BILLS

IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY MAYOR LOWER that Warrants No. 10934 through No. 11096, as audited by the Council, be paid, including ratification of Payroll Warrant No. 10937. 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 July 18 through August 7, 1968. \$ 263,448.53

Ratification of Payroll Warrant No. 10937, for period of July 8 through July 21, 1968. \$ 37,001.73

TOTAL WARRANT REGISTER. \$ 300,450.26

RESOLUTIONS

- For Resolution No. 69-68 see under "WRITTEN COMMUNICATIONS" on Page 2.
- For Resolution No. 70-68 see under "UNFINISHED BUSINESS" on Page 4.
- For Resolution No. 71-68 see under "REPORTS AND MISCELLANEOUS ITEMS" on Page 8.

27 - Resolution No. 72-68 - Abandoning Proceedings for Improvement District No. 4-67 (Avenida Montalvo and Avenida Lobeiro).

The Clerk advised the Council of the instructions from Special Legal Counsel F. Mackenzie Brown for a Resolution abandoning proceedings for street Improvement District No. 4-67 (Avenida Montalvo and Avenida Lobeiro), in view of the subsequent success in the establishment of Improvement District No. 4-68-U (street improvements and undergrounding of utilities in said area).

Upon motion of Councilman Evans, seconded by Mayor Lower, RESOLUTION NO. 72-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ABANDONING PROCEEDING PURSUANT TO THE "IMPROVEMENT ACT OF 1911" FOR IMPROVEMENT

DISTRICT NO. 4-67 (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

66 - Additions and Deletions to the Select Street System.

Consideration was given to the adoption of a Resolution recommending additions and deletions to the Select Street System as prepared by the City Engineer and explained by the City Manager on a posted map.

Question arose as to whether or not the City Engineer had first submitted this to the Planning Commission as required and IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN O'KEEFE, AND UNANIMOUSLY CARRIED to refer the proposed additions and deletions to the Select Street System to the Planning Commission for study and recommendation.

ORDINANCES

For Ordinance No. 521 see under "REPORTS AND MISCELLANEOUS ITEMS" on Page 7.

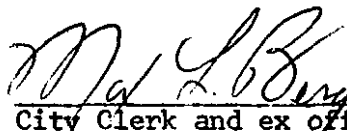
77 - (67) - Ordinance No. 522 - Establishing "Sleeping Ban" on Beaches, in Vehicles, etc.

As previously directed a proposed Ordinance was presented concerning sleeping on the beaches, in vehicles, etc. Upon motion of Councilman Evans, seconded by Councilman Northrup, ORDINANCE NO. 522, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 29-4 AND SECTION 16-3 (12) OF THE CODE OF THE CITY OF SAN CLEMENTE; AND ADDING A NEW SUBSECTION (13) TO SECTION 16-3 OF THE CODE OF THE CITY OF SAN CLEMENTE, was regularly introduced, read in full, passed and adopted as an urgency ordinance, 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 NORTHRUP, AND UNANIMOUSLY CARRIED that the Council meeting be adjourned to an Executive Session, as requested by the City Manager, for the purpose of discussing personnel. The meeting was adjourned at - 10:28 P.M.



 City Clerk and ex officio
 Clerk of the City Council



 Mayor and President
 of the City Council