

San Clemente, California
September 4, 1968

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, Wednesday, September 4, 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 Evans.

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 August 21, 1968, having been previously presented to the members of the Council, IT WAS MOVED BY COUNCILMAN NORTHRUP, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED that said minutes be approved as presented, and the reading in full thereof waived.

WRITTEN COMMUNICATIONS

99 - Request for Directional Signs (Faith Lutheran Church).

Letter from the FAITH LUTHERAN CHURCH, Capistrano Beach, requesting permission to install two 20" x 30" church directional signs on City right-of-way opposite the Camino de Estrella off-ramp southbound and at the intersection of Portola and Camino de Estrella.

Upon question, the City Manager commented that he was already on record as opposing the use of dedicated public right-of-way for private purposes, especially when said church is not located within the City limits.

Discussion ensued on the location, zoning of surrounding property, and the request for two signs. IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY COUNCILMAN NORTHRUP, AND CARRIED that the request be denied. Councilman O'Keefe voted "NO".

103 - "Watson Initiative" Imposing Property Tax Limitations (Proposition No. 9).

Letter and Minute excerpts from the CITY OF COSTA MESA urging active opposition to the "Watson Initiative".

Letter and Resolution from the CITY OF WESTMINSTER also opposing the Initiative.

Discussion and debate ensued for 30 minutes between the Council, with comments from the audience by Ray Campbell, on the pros and cons of said Initiative; i.e. the need for a change in the taxing structure to bring relief to property owners through a user's tax instead of an ad valorem tax, the high cost of County welfare under existing taxing methods, and the detrimental effect of the bonding limitation which would prohibit cities and school districts from financing needed capital improvements through bond issues.

IT WAS THEN MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN NORTHRUP, AND UNANIMOUSLY CARRIED that the letters be received and filed.

22 - Report Entitled "Phase I, Master Plan of Air Transportation for Orange County."

Letter and Resolution from the CITY OF NEWPORT BEACH concerning the report entitled "Phase I, Master Plan of Air Transportation for Orange County", and urging Board of Supervisors to act favorably on certain recommendations contained therein.

Councilman O'Keefe suggested that the Council take no position at this time, but direct a communication to the Board of Supervisors urging that before they

give any further consideration of the proposed regional airport on Camp Pendleton that an extensive study be undertaken as to the effect of the sound and atmospheric conditions of such an airport adjacent to the City of San Clemente. Councilman Northrup countered that contact should be made first with the Navy and Camp Pendleton to obtain their thinking which he judged would not be favorable to such a facility.

Ian Kennedy addressed the Council stating that he was against any survey or airport because such a facility could only be a burden as the need is for more land for recreational purposes.

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON that such a letter be directed to the County Board of Supervisors. The MOTION FAILED TO CARRY with Councilmen Evans and Northrup, and Mayor Lower voting "NO".

Following further discussion and comments by Mayor Lower that SCAG is presently making an extensive study for the future projection of airport facilities and has reported that by 1973, 50% of the noise factor would be removed, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN O'KEEFE, AND UNANIMOUSLY CARRIED to table the matter to the next meeting.

ORAL COMMUNICATIONS

The Mayor called for Oral Communications and there were none.

UNFINISHED BUSINESS

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

Further consideration was given to the proposed exchange of easements from Mrs. Olga Tafe, property owner, on Lot 29, Tract No. 4947, said matter held over pending offer of a complete easement which would tie back into the existing easement. Richard Fast, Building Designer, posted and explained the revised plot plan which delineated the present easement and the proposed easement which would connect back into the existing drain.

Upon question, the City Engineer still contended that the drainage structure should not be built over, but admitted that any failure of the existing concrete pipe is remote and in this instance there may be mitigating circumstances.

Discussion and debate continued between the Council, City Engineer, City Attorney, Mrs. Tafe, and Mr. Fast relative to the City accepting the new easement and also retaining the old easement, whether the City can deny the right of a property owner to build on their own land, and the legal ramifications involved.

IT WAS THEN MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN EVANS, AND CARRIED to instruct the City Attorney to draw up an agreement to the satisfaction of the City which will allow the property owner to build upon this property, yet reserving proper safeguards for the City in connection with the alternate easement proposed. Councilman Chilton voted "NO".

Councilman Chilton commented that a definite policy prohibiting building over easements should be established for the future that would not be waived and brief discussion ensued if such would be feasible and might in some instances constitute inverse condemnation.

REPORTS AND MISCELLANEOUS ITEMS

Councilman Northrup commented on the complaints he has received on the dishwasher and sinks recently installed at the Community Clubhouse which were said to be small in size and capacity.

Councilman Northrup questioned the specifications for the road base to the Lifeguard Headquarters building and the City Engineer explained that it was experimental in nature involving a new concept referred to as "thick Lift", this case consisting of 5" of asphalt on the naturally sandy base. Upon question as to why regular City standards were not required, the City Manager commented that this was a private crossing, not in the same category as a

public dedicated thoroughfare, and that the type of construction used was deemed adequate for the anticipated traffic.

Councilman Northrup acknowledged receipt of a memorandum of findings from the City Attorney regarding the location and placement of mail delivery boxes within the dedicated portion of street right-of-way, but stated it still did not answer his question. The City Attorney thereupon enlarged upon his memorandum by stating that such is within the jurisdiction of the Post Office Department and that the City has no control over location and placement of mail delivery boxes.

103 - Possible County Service District Tax.

Upon question by Councilman Northrup as to the status of the study re the establishment of a "County Service District", the City Manager advised that he has received certain information, and is awaiting more information from the Local Agency Formation Commission with a possible report back at the next meeting.

106 - Suggested Study for Left Turn Lanes at Appropriate Locations on El Camino Real.

Councilman Chilton advised of citizen inquiries as to the possibility of installing left turn lanes at appropriate locations along El Camino Real, and suggested that a study be made in this regard. Councilman O'Keefe also suggested that the County be contacted relative to a possible left turn lane southbound on El Camino Real at the intersection of Camino Capistrano to facilitate a smoother flow of traffic.

Councilman O'Keefe advised of the need of additional cleaning at North Beach in the vicinity of the foundation slab adjacent to the trailer park.

The Mayor announced an invitation extended to the Council to attend the Arts & Crafts Tea on Sunday, September 8, 1968, between the hours of 12:30 P.M. and 5:00 P.M.

73 - SCAG

Mayor Lower advised of the Fall Assembly of SCAG on September 26, 1968, which he will be unable to attend and suggested that if any other Council member wished to attend as an alternate, to advise the City Manager.

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

The Mayor commented on the recent Military Affairs Meeting at Camp Pendleton advising that Major General Donn J. Robertson was unaware that military personnel were creating a problem in parking on streets in Tract 900, and that possibly a solution will be forthcoming.

77 - Parks & Recreation Commission.

Mayor Lower informed the Council that at the recent organizational meeting of the Parks & Recreation Commission, Ian Kennedy was elected Chairman.

The Mayor also advised of complaints he has received on the poor condition of the microphone and sound system at the Community Clubhouse.

105 - Minor Subdivision No. 07-65 (Muriel Kaelber).

Regarding the suit filed by Muriel Kaelber against the City involving the City Council's denial of Minor Subdivision No. 07-65, the City Attorney advised that the case is scheduled for trial on September 13 and he is going ahead with its preparation, but there may be a conference prior to that date.

23 - Agreement for Emergency Ambulance Service.

The City Manager presented the proposed Agreement with Robert Mudge, DBA Marty's Ambulance Service, providing a \$200 per month subsidy for emergency ambulance service with one additional proposed change incorporating in Section 1, last sentence, the insertion of the words "upon City" between the words "levied" and "for"; and deleting the words "or prisoner trips".

Following discussion and reading in full of the Agreement as requested by Ian Kennedy, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON to approve the Agreement with Marty's Ambulance Service, and that the Mayor and City Clerk be 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

92 - Request for City Removal of Weeds and Approval to Plant and Maintain Geraniums by Applicant.

Referring to the request at the last meeting of Mr. and Mrs. Elmer Zimmer for permission to plant and maintain geraniums on property across from 917 through 923 Avenida Presidio following removal of weeds by the City, the City Manager advised that subsequent contact with the applicant has clarified the area as being a 5 foot strip between the curb and guard rail beyond which is planted ice plant which is not to be removed.

Following brief discussion, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY MAYOR LOWER, AND UNANIMOUSLY CARRIED that the City Manager have the weeds removed.

44 - Deletion of One Partner in Golf Course Restaurant Concession Agreement.

The City Manager presented an "Amended Certificate of Limited Partnership of the San Clemente Golf Course Cafe", deleting the partner Edward E. Miller and retaining as partners, Peter J. Berger and Harold H. Miller.

Following review and recommendation by the City Attorney as to form, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY MAYOR LOWER, AND CARRIED that the "Amended Certificate of Limited Partnership of the San Clemente Golf Course Cafe" be approved.

116 - Joint Cooperation with City of San Juan Capistrano Concerning Zoning and Other Matters in Areas Contiguous to Joint Boundaries.

As directed by the Council at the meeting of 8-7-68, to investigate formation of a study group with the City of San Juan Capistrano to consider zoning and other matters in areas contiguous to the boundaries of each city, the City Manager made reference to a letter dated 8-21-68 from City Administrator Ernest A. Thompson, San Juan Capistrano. It was stated in the letter that to date there has been no formal application or pursuit of any matters that would be of immediate concern to both cities; however, the City committed itself to work cooperatively with the City of San Clemente in all matters of mutual interest and concern.

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN EVANS, AND UNANIMOUSLY CARRIED to thank the City of San Juan Capistrano for their offer of cooperation and assuring them that they will have our cooperation in similar circumstances.

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

Related to the foregoing subject, consideration was given to the pending request from the Harbor Estates Homeowners Association for the City to develop a park or playground to block the end of Via Manzana because of a proposed apartment development within San Juan Capistrano City limits contiguous to said area.

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED to advise the Harbor Estates Homeowners Association of the agreement with the City of San Juan Capistrano pertaining to the point in question; and that the question of parks is under study by the new Parks and Recreation Commission.

77 - Appraisal Services re Santa Fe Railway Company Right-of-Way.

As previously directed, the City Manager apprised the Council that he had received a proposal from Frederic D. Unger, re the appraisal of a 60' x 600' strip portion of the Santa Fe right-of-way in the vicinity of the Linda Lane project, at an estimated fee based on \$200 per diem, not to exceed \$2,500.

Discussion ensued on the possibility of obtaining an opinion in value, short of a full scale appraisal, in that area and also the entire Santa Fe property throughout the City.

The City Manager suggested that a determination of the existing valuation could be obtained from the State Board of Equalization which would have a certain amount of validity.

Following further discussion, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED to hold the proposal from Frederic D. Unger and meanwhile obtain what information we can from the Board of Equalization.

77 - Pier Entrance Modification Application to P.U.C.

The City Manager apprised the Council that the application for pier entrance modification for a grade crossing will be filed with the Public Utilities Commission in approximately two weeks and inquired if there has been any change in instructions since the meeting of 5-1-68, where the decision was left to the City Manager.

The Mayor affirmed those instructions suggesting that only after P.U.C. consideration and action, would final approval be needed from the Council.

PAYING OF THE BILLS

IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN NORTHRUP that Warrants No. 11207 through No. 11307, as audited by the Council, be paid, including ratification of Payroll Warrant No. 11207. 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 approved for payment for the period of August 21 through September 4, 1968. \$ 42,860.08

Ratification of Payroll Warrant No. 11207, for period of August 5 through August 18, 1968 \$ 37,192.23

TOTAL WARRANT REGISTER . . . \$ 80,052.31

ORDINANCES

96 - Ordinance No. 524 - Issuance and Notice Inviting Bids for General Obligation Sewer Bonds in the Amount of \$2,200,000.

Upon motion of Councilman Northrup, seconded by Councilman Evans, ORDINANCE NO. 524, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION SEWER BONDS OF SAID CITY IN THE AMOUNT OF \$2,200,000, having been regularly introduced at the meeting of 8-21-68, was again introduced, the reading in full unanimously waived, duly passed, and adopted upon the following stated vote, to wit:

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

The City Manager advised that the bond proposals will be received and opened on September 25, 1968, at 11:00 A.M., and the bonds will be awarded at an adjourned regular meeting of the City Council that evening at 7:30 P.M.

RESOLUTIONS

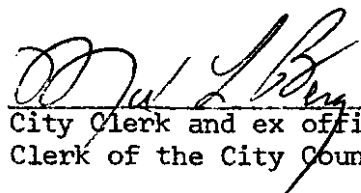
96 - Resolution No. 78-68 - Directing City Clerk to
Publish Notice Inviting Bids for Sewer Bonds.

A Resolution was then presented and upon motion of Councilman Northrup, seconded by Councilman Evans, RESOLUTION NO. 78-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DIRECTING THE CITY CLERK TO PUBLISH NOTICE INVITING SEALED PROPOSALS FOR BONDS OF SAID CITY OF SAN CLEMENTE, was regularly introduced, passed, and adopted upon the following stated vote, to wit:

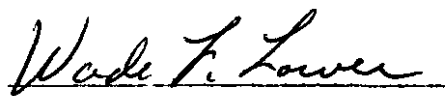
AYES: Councilmen - CHILTON, EVANS, NORTHRUP, O'KEEFE, AND LOWER
NOES: Councilmen - NONE
ABSENT: Councilmen - NONE

ADJOURNMENT

There being no further business, IT WAS MOVED BY COUNCILMAN NORTHRUP, SECONDED BY MAYOR LOWER, AND UNANIMOUSLY CARRIED that the Council meeting be adjourned at 9:40 P.M.



City Clerk and ex officio
Clerk of the City Council



Mayor and President
of the City Council