

San Clemente, California
September 18, 1968

Regular meeting of the City Council of the City of San Clemente was held in the Council Chambers, Civic Center Building, 100 Avenida Presidio, San Clemente, California, on Wednesday, September 18, 1968, at 7:30 P.M., Mayor pro tem Stanley C. Northrup presiding.

PLEDGE OF ALLEGIANCE AND INVOCATION

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

ROLL CALL

PRESENT: Councilmen - CHILTON, EVANS, O'KEEFE, AND NORTHRUP
ABSENT: Councilmen - LOWER

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 September 4, 1968, having been previously presented to the members of the Council, IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY COUNCILMAN EVANS, AND UNANIMOUSLY CARRIED that said minutes be approved as presented, and the reading in full thereof waived.

WRITTEN COMMUNICATIONS

77 - Renewal of Agreement for Swimming Pool Use (San Clemente Aquatic Assoc.)

Letter from the SAN CLEMENTE AQUATIC ASSOCIATION requesting continued use of the San Clemente Municipal Pool for the 1968-1969 swimming season and renewal of annual Agreement.

The City Manager referred to Agreement forms as prepared, suggesting that if the Council determined to renew the Agreement that it be for the customary period from October 1, 1968 to January 31, 1969.

The Council concurred and IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY COUNCILMAN O'KEEFE, AND UNANIMOUSLY CARRIED that the request be granted, and the Mayor pro tem and City Clerk be authorized to execute the Agreement on behalf of the City. THE MOTION WAS UNANIMOUSLY CARRIED upon the following stated vote, to wit:

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

68 - Request for Opposition to Proposal that County Build and Equip Fire Stations for Municipalities in Orange County.

Letter and Resolution from the CITY OF BUENA PARK expressing opposition to the proposal that the County of Orange build and equip a fire station for any municipality in the County of Orange from the County of Orange General Fund, as has been proposed for the cities of Cypress, Los Alamitos, and La Palma.

Mayor pro tem Northrup stated that he felt the Council should concur in the opposition as such expense would materially increase the tax rate and, furthermore, it was only proper that communities or County Service Areas build such facilities themselves.

Councilman O'Keefe countered that more should be known than what has been presented since it might be feasible that such a procedure could build a station between San Juan Capistrano and San Clemente to service all adjacent areas under one department.

Following further debate between Council members, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN EVANS to direct the City Staff to find out precisely what sort of agreement is proposed between the cities of Cypress, Los Alamitos and La Palma and bring back for report at the next regular meeting. The MOTION FAILED TO CARRY with Councilman Chilton and Mayor pro tem Northrup voting "NO".

IT WAS THEN MOVED BY MAYOR PRO TEM NORTHRUP, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED to hold the matter over to the next meeting.

In view of previous discussion, the City Manager commented that if there was no objection he would obtain more particulars.

106 - Suggested Painting of Speed Limit on Palizada to Control Fast Traffic

Letter from ELLEN D. WILDSCHUT registering a complaint re fast traffic conditions on Palizada and requesting the speed limit of 25 mph also be painted on the street.

During discussion it was pointed out that 25 mph signs are posted designating the legal speed limit in the residential area, but that perhaps also painting speed limit markings on the street would be a good trial to see if such would help the situation. IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY MAYOR PRO TEM NORTHROP, AND UNANIMOUSLY CARRIED that the request be granted.

58 - Opposition Expressed to Increase in Junior Golf Fee

Letter from MRS. GERALD RAFKIN expressing opposition to the increase in the Junior Golf Fee from 25¢ to 50¢ and requesting reconsideration of the recent decision.

Upon question regarding how much difference in revenue the City realized in the increase, the City Manager advised that it was difficult to conclude from the experience of only one month, but quoted certain figures showing that rounds played had considerably decreased in July, 1968 as compared to the same month in 1967, even though the 25¢ rate applied to both months.

Discussion ensued relative to exploring the establishing of an Annual Junior Golf Ticket at approximately \$40 a year, limited to after hours, that would allow those interested players an opportunity to play more often.

IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN O'KEEFE, AND UNANIMOUSLY CARRIED to hold the matter over to the next meeting pending report from the City Manager.

73 - Request to Erect Banner Advertising "Elks-A-Poppin" Variety Show

Letter from the SAN CLEMENTE LODGE, NO. 2068, B.P.O.ELKS, requesting permission to erect a banner, with City assistance, at either of two named locations between October 14 and November 4, for the purpose of advertising performances of "Elks-A-Poppin" variety show on October 31, November 1 and 2.

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

35 - Chamber of Commerce Beautification Program

Letter from the CHAMBER OF COMMERCE requesting that Mr. Leon Hyzen, Beautification Committee Chairman, be given the opportunity to present the beautification program.

Mr. Hyzen addressed the Council apprising them of planned continuation of cleanup of the North Beach area and presented a rendering of a proposed revised welcome sign structure incorporating the Mission Bell and plaques of local service club organizations in the City. Mr. Hyzen explained that the structure would be permanent in nature and set in a garden setting which would create a more orderly appearance to those entering the City. It was suggested that service clubs might contribute in part to provide for the arrangement.

The City Manager commented that the idea was outstanding and upon his suggestion, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY MAYOR PRO TEM NORTHROP, AND UNANIMOUSLY CARRIED to instruct the City Manager to extend the assistance of City Departments to further the project of the Chamber of Commerce Beautification Committee as outlined by Mr. Hyzen.

78 - Encroachment No. 01-68 (Noah Cheatum Construction Company)

Memorandum from the PLANNING COMMISSION recommending to the Council that Encroachment No. 01-68 be granted to allow an encroachment on City parkway fronting Lot 2, Block 2, Tract No. 779, 432 - 434 North El Camino Real to a point in line with the existing building on adjacent Lot 3, with the applicant Noah Cheatum Construction Company, to provide actual footage measurement of the encroachment.

Plot plan was distributed indicating surplus right-of-way width in this area, and the fact that the actual property line of lots in this block is approximately 10 feet back of the sidewalk, but that other buildings on the block have built to the sidewalk line.

Brief discussion ensued relative to similar encroachment permits granted in the 500 block, and a Resolution, as approved by the City Attorney was presented for Council consideration.

Upon motion of Councilman O'Keefe, seconded by Councilman Chilton, RESOLUTION NO. 79-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING ISSUANCE OF AN ENCROACHMENT PERMIT WITH CONDITIONS UPON PUBLIC RIGHT OF WAY FRONTING LOT 2, BLOCK 2, TRACT NO. 779, was regularly introduced, passed and adopted upon the following stated vote, to wit:

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

73 - Designation of Voting and Alternate Voting Representative to Annual League of California Cities Conference

Letter from the LEAGUE OF CALIFORNIA CITIES requesting that the City Council designate a voting delegate and an alternate voting delegate to the Annual League Conference in Los Angeles, October 13-16.

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON AND UNANIMOUSLY CARRIED that Mayor Lower be designated as the voting delegate and Mayor pro tem Northrup as the alternate voting delegate.

ORAL COMMUNICATIONS

The Mayor pro tem called for Oral Communications and there were none.

UNFINISHED BUSINESS

22 - Request from Newport Beach Urging Board of Supervisors to Approve Certain Recommendations in the Report - "Phase I, Master Plan of Air Transportation for Orange County."

Further consideration was given to the letter and Resolution from the City of Newport Beach urging the Board of Supervisors to act favorably on certain recommendations contained in the report entitled "Phase I, Master Plan of Air Transportation for Orange County".

Councilman O'Keefe noted that the City of Huntington Beach went on record opposing the Bolsa Chica area as a possible airport site and have since obtained a statement that one would not be put there. He further recommended that the City find out what effect such an airport in our adjacent area, as proposed on Camp Pendleton, would have before favoring or opposing the request.

Following discussion, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN O'KEEFE, AND UNANIMOUSLY CARRIED to file the letter and Resolution from Newport Beach, and further study the airport report.

IT WAS THEN MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON that in regard to the report "Phase I, Master Plan of Air Transportation for Orange County", the City Staff obtain some initial information regarding the minimum distance an airport would cease to be a nuisance to the City. The MOTION FAILED TO CARRY with Councilman Evans and Mayor pro tem Northrup voting "NO".

Discussion ensued on what constituted a nuisance now and what would prevail 20 years in the future when noise might not be such a factor. Gil Essell, Chamber of Commerce, apprised the Council that William Pereira would make a complete presentation on the subject report to the Orange Coast Association on Thursday, September 19, 7:30 P.M., at the Balboa Bay Club. Upon ascertaining that Mr. Essell and the City Attorney would be at the meeting, Councilman O'Keefe requested that they inquire at said meeting what effect such an airport as proposed on Camp Pendleton would have on the City.

IT WAS MOVED BY MAYOR PRO TEM NORTHRUP, SECONDED BY COUNCILMAN EVANS, AND UNANIMOUSLY CARRIED to hold the matter over to the next meeting.

REPORTS AND MISCELLANEOUS ITEMS

106 - Proposed Alternate One-Way Traffic for Alley between El Portal and Avenida Mateo

Councilman Evans suggested that a study be made as to designating the alley between El Portal and Avenida Mateo for alternate one-way traffic, with the exception of that portion behind Albertsons Market which should remain two-way traffic. Following discussion, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED that the matter be referred to the Traffic Engineer for study.

76 - Proposed Change in Parking Zones on Monterey Lane

Councilman Evans proposed that the "No Parking" zone on Monterey Lane from the Panorama Apartments to Avenida Victoria be changed from the southerly side to the northerly side which should increase the number of parking spaces.

Discussion ensued and IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED that the proposal be referred to the Traffic Engineer for study.

Referring to the amount of hot mix patch installed in August as indicated in the monthly activities report, Councilman O'Keefe again suggested that a more meaningful comparison can be made when figures are on a year to year basis. The City Manager replied that such information does not lend itself easily for comparison purposes, and that perhaps the answer would be to put the information in chart form rather than the present narrative form. Councilman Evans commented that any year-to-date figures are not easy to arrive at and creates a lot of unnecessary work.

97 - Agreement Concerning Exchange of Easements on Lot 29, Tract No. 4947 (Olga Tafe).

Further consideration was given to the exchange of easements from Mrs. Olga Tafe on Lot 29, Tract No. 4947. As previously directed, the City Attorney presented and summarized provisions of the Agreement which allows the property owner to build upon the property and includes proper safeguards for the City regarding the alternate easement of similar width.

Upon question by Councilman Chilton, the City Engineer again stated that he did not recommend building over any easement.

Due consideration being given, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN O'KEEFE that permission be granted to construct a building over the existing easement upon execution by Mrs. Tafe of the documents as presented by the City Attorney. The MOTION WAS CARRIED upon the following stated vote, to wit:

AYES: Councilmen - EVANS, O'KEEFE, AND NORTHRUP
NOES: Councilmen - CHILTON
ABSENT: Councilmen - LOWER

It was determined that the Resolution prepared by the City Attorney authorizing the execution of the Agreement between the City and Mrs. Tafe be held over until the Memorandum of Agreement is executed and returned by Mrs. Tafe.

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 of his legal services and court appearances in the case and that he had successfully obtained a dismissal of the suit.

The City Manager commented that Mr. Kegley's bill for legal services had not reached the City in time for inclusion in the warrant register for this meeting.

Departmental Activities Report

The City Manager drew attention to the monthly departmental activities report for the month of August, 1968. Councilman Chilton commented that the report was very comprehensive.

103 - Possible Formation of County Service Area or Financial Assistance under G. C. Sec. 25551 in re Beach Maintenance and Acquisition

As previously directed regarding the establishment of a County Service Area for the purpose of supporting the City beaches utilized by many County residents, the City Manager referred to his memorandum to the Council dated 9-17-68, summarizing Government Code procedures for forming such County Service Areas. The memorandum also contained information concerning Government Code Section 25551 whereby cities may seek financial assistance from the County for maintenance and acquisition of beaches, etc. used by large numbers of County residents.

Discussion ensued on the pros and cons of each method and IT WAS MOVED BY

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COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN EVANS, AND UNANIMOUSLY CARRIED to instruct the Staff to prepare a recommended request under Section 25551 of the Government Code and report back to the Council.

Further discussion ensued as to method of developing comparisons of beach usage by residents as to non-residents, etc.

106 - Left Turn Lane Plan at El Camino Real & Avenida Barcelona

The City Manager posted a plan for proposed left turn lanes at the intersection of Barcelona and South El Camino Real following study by the Traffic Engineer and City Engineering Department, and with the acquiescence of the adjacent property and business owners to proceed with said pilot project. Mr. Carr further advised that the estimated cost of said project for labor and material would be approximately \$350.00 and a Resolution amending Master Traffic Resolution No. 1846 designating certain "No Parking" areas on South El Camino Real would be necessary.

76 - Resolution No. 80-68 Establishing Certain "No Parking" Regulations on El Camino Real

Upon motion of Councilman Chilton, seconded by Councilman Evans, RESOLUTION NO. 80-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA AMENDING SECTION 23.e-6 AND ADDING SECTION 23.e-6 (a) TO MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING CERTAIN "NO PARKING" REGULATIONS ON EL CAMINO REAL, was regularly introduced, passed, and adopted upon the following stated vote, to wit:

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

106 - Three-Way Signal at Intersection of Avenida Del Mar and El Camino Real

For information only, the City Manager apprised the Council of a minor modification to convert the traffic signal at the intersection of Avenida Del Mar and El Camino Real, on a trial basis, to allow for a separate time segment for left turn traffic down Avenida Del Mar to see if it facilitates a faster flow of traffic off El Camino Real.

55 - Cooperative Agreement with State re Freeway Widening Affecting Avenida Vaquero and Camino de Estrella

Consideration was given to the Cooperative Agreement with the State Division of Highways in re Freeway widening affecting Avenida Vaquero and Camino de Estrella, as presented by the City Manager.

The City Engineer posted a map designating said areas and explained that in the area of Vaquero, the estimated cost to the City would be \$23,000 which would be recoverable from the Developers of Tract No. 5654, as the paving of that section of Vaquero was a condition of said Tract. Mr. Peter also presented a Deed from the Estate of Hugo Forster to provide certain additional right-of-way as requested by the State.

Regarding the Camino de Estrella area, Mr. Peter explained that the cost would be approximately \$2,000 and there is \$5,000 in reserve from the Gulf Oil Corporation to cover this project.

The City Attorney cautioned of certain legal ramifications due to the fact that there is pending litigation with the Developers of Tract No. 5654 and if the work was undertaken by the City whether this would hazard any release of liability of the developer, fee owner, and bonding company.

Discussion ensued and IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN CHILTON that the Easement Deed only be accepted from the Estate of Hugo Forster and the City Clerk authorized to have said Deed recorded with the County Recorder. The MOTION WAS UNANIMOUSLY CARRIED upon the following stated vote, to wit:

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

It was determined that the proposed Cooperative Agreement with the State would be brought back at some later date.

79 - Employees Pension Plan Report

The City Manager advised that payment of \$2,600 for services rendered by Peat, Marwick, Mitchell & Company was on the Warrant Register and Mr. Thomas Dant, representing said Company, was in the audience to discuss any portion of the Report.

Discussion followed on various methods of funding pension plans and the years of service factor in determining the amount of said pension. Mr. Dant was also questioned on the amount of their fees in the event of any further consultation with the Council during a future Study Session on the subject.

The City Manager commented that he was aware that the Council was awaiting recommendation and with the matter now reduced to possibly two alternatives the Pension Committee intends to report to the Council soon.

PAYING OF THE BILLS

IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN O'KEEFE that Warrants No. 11308 through No. 11471, as audited by the Council, be paid, including ratification of Payroll Warrant No. 11308. The MOTION WAS DECLARED CARRIED upon the following stated vote, to wit:

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

Total Demands approved for payment for the period of September 5 through September 18, 1968 \$ 76,135.56

Ratification of Payroll Warrant No. 11308, for period of August 19 through September 1, 1968 \$ 37,675.34

TOTAL WARRANT REGISTER \$ 113,810.90

RESOLUTIONS

For Resolution No. 79-68 see under "WRITTEN COMMUNICATIONS" on Page 3.
 For Resolution No. 80-68 see under "REPORTS & MISCELLANEOUS ITEMS" on Page 5.

73 - Resolution No. 81-68 Approving Certain Changes in the Agreement Establishing SCAG

The City Manager presented and explained a proposed Resolution approving certain changes in the Agreement establishing the Southern California Association of Governments, said changes required to comply with AB 1918 concerning deposit and handling of funds, etc.

Following discussion, upon motion of Councilman Evans, seconded by Councilman Chilton, RESOLUTION NO. 81-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AND AGREEING TO CERTAIN CHANGES IN THE AGREEMENT ESTABLISHING THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS was regularly introduced, passed and adopted upon the following stated vote, to wit:

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

ORDINANCES77 - (67) Ordinance No. 525 - Amending Municipal Code Sections 16-3 (12) and (13) as Recently Amended and Added by Ordinance No. 522

Referring to the recent adoption of Ordinance No. 522 which established a sleeping ban on beaches, in vehicles, etc., the City Manager presented and explained the reasons for a proposed Ordinance amendment which would make the following changes: (1) Paragraph 12, Line 1, the insertion of the word "unreasonably" between "otherwise" and "restrict"; (2) Insertion in Line 4 of the words "willfully and unnecessarily" between the words "to" and "obstruct"; and Paragraph (13) Line 4, the deletion of the word "private".

Due consideration being given, and upon motion of Councilman O'Keefe,

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seconded by Councilman Chilton, ORDINANCE NO. 525, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 16-3 (12) AND (13) OF THE CODE OF THE CITY OF SAN CLEMENTE AS RECENTLY AMENDED AND ADDED BY ORDINANCE NO. 522, was regularly introduced, the reading in full thereof unanimously waived, passed, and adopted as an urgency ordinance, upon the following stated vote, to wit:

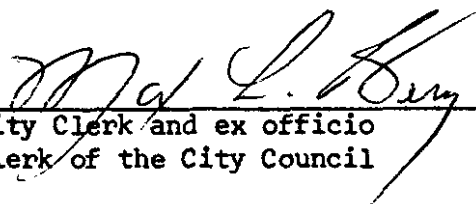
AYES: Councilmen - CHILTON, EVANS, O'KEEFE, AND NORTHRUP
 NOES: Councilmen - NONE
 ABSENT: Councilmen - LOWER

 Councilman O'Keefe briefly commented on opposition to the "Watson Amendment" as taken by a Taxpayer's Association.

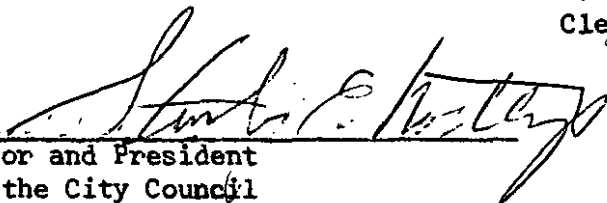
ADJOURNMENT

There being no further business, IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY MAYOR PRO TEM NORTHRUP, AND UNANIMOUSLY CARRIED that the meeting be adjourned to an Adjourned Regular Meeting to be held at 7:30 P.M., Wednesday, September 25, 1968, in the Conference Room, Civic Center Building, 100 Avenida Presidio, San Clemente, California.

The meeting was adjourned at 9:40 P.M.



 City Clerk and ex officio
 Clerk of the City Council




 Mayor and President
 of the City Council

9/18/68

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF SAN CLEMENTE)

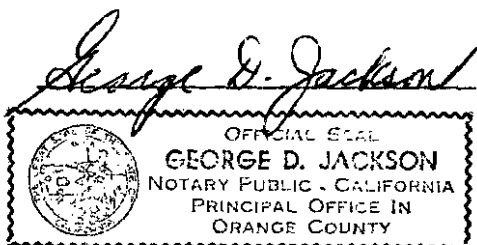
AFFIDAVIT OF POSTING
ORDER OF ADJOURNMENT
OF MEETING

I, MAX L. BERG, being first duly sworn deposes and says:
that I am the duly chosen, qualified and acting ex officio Clerk
of the City Council of the City of San Clemente; that at the
regular meeting of the City Council of the City of San Clemente
held September 18, 1968, said meeting was ordered adjourned to
the time and place specified in the Order of Adjournment ATTACHED
HERETO; that on September 19, 1968, at the hour of 10:00 A.M., I
posted a copy of said Order of Adjournment at a conspicuous place
on or near the door of the place at which said meeting of
September 18, 1968 was held.



City Clerk and ex officio Clerk
of the City Council, City of
San Clemente, California

Subscribed and sworn to
before me this 19th day
of September, 1968.



My Commission Expires Dec. 21, 1969