

San Clemente, California
November 6, 1968

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, Wednesday, November 6, 1968, 7:30 P.M., Mayor Wade F. Lower presiding.

PLEDGE OF ALLEGIANCE AND INVOCATION

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

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 October 16, 1968, having been previously presented to the members of the Council, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN EVANS, AND UNANIMOUSLY CARRIED that said minutes be approved as presented, and the reading in full thereof waived.

SPECIAL BUSINESS

43 - Pedestrian Safety Award.

A Special Award, in the form of a plaque, was presented to the City by Stuart Wilkinson, Safety Consultant, Automobile Club of Southern California, for four years of pedestrian safety. Mr. Wilkinson commented that only three cities in Orange County received such awards, two for 1 year and San Clemente for four years. He commended the Police Department, Service Clubs, Schools, and Newspaper media for their safety programs. Mayor Lower accepted the plaque on behalf of the City. Councilman O'Keefe requested Mr. Wilkinson to stay at the meeting to obtain his views concerning a traffic engineering matter to be discussed later on the Agenda.

PUBLIC HEARINGS

27 - Public Hearing re Proposed Modification of Improvement in Lobeiro-Montalvo Underground Utility 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 Public Hearing to consider protests or objections to proposed changes and modifications to provide sidewalk installation on one side of the street in Improvement District No. 4-68-U (Avenidas Lobeiro and Montalvo).

The Clerk announced that Resolution No. 85-68, declaring the intention to order certain changes and modifications in the work, was duly and regularly published once at least ten (10) days prior to the date of this Hearing in the "Sun Post" all as prescribed by law.

The City Engineer posted a map and explained the scope of proposed changes which would provide for an 18" curbwalk transversing only along the outside perimeter of the two streets in the District due to the lack of sufficient right-of-way on Lobeiro to permit the construction of standard sidewalks.

The Mayor called for written protests and the Clerk read protest communications from Mrs. Ann Slingerland and Eugene J. Szatlocky. Communications favoring the modifications were then read from Mrs. Charles Coupe, Berniece W. Harris, Mrs. Van Fleming, and K. C. Hicks.

The Mayor called for oral communications and Mrs. Paul C. Roberts called attention to the meter boxes which protrude in the walking area. Discussion ensued and the City Engineer confirmed that due to limited right-of-way there would be certain obstructions, including street lights and fire hydrants in the walk way, but that investigation would be made to determine whether changes could be made to place any of them at the edge of the walk. Norman Wright, 255 Lobeiro, commented that the telephone stubs seem to be the only ones protruding and that it appeared to him they would be no problem to move. Although not a part of the public hearing communications, reference was also made to the original letter from several resident owners in the area requesting curbwalks and a change in the type of light standards.

There being no further communications, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN NORTHRUP, AND UNANIMOUSLY CARRIED to overrule and deny all protests.

Upon motion of Councilman O'Keefe, seconded by Councilman Evans, RESOLUTION NO. 87-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ORDERING CERTAIN CHANGES AND MODIFICATIONS IN THE WORK FOR IMPROVEMENT DISTRICT NO. 4-68-U (Avenida Montalvo and Avenida Lobeiro) AS DESCRIBED IN RESOLUTION OF INTENTION TO MODIFY NO. 85-68, 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 declared the Hearing closed.

Following further discussion concerning the elimination of obstructions in the curbside wherever possible, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN EVANS, AND UNANIMOUSLY CARRIED that the Superintendent of Streets be authorized to execute change orders with the contractor, to provide that, wherever reasonably possible, all above ground electrical connection boxes be located outside the curbside.

Street Lights.

Consideration was then given to the possible change of light standards from the type meeting the City's minimum lighting standards, already bid on by the contractor, to those of a lower, more decorative type as requested by certain of the residents. Comments were made by Mrs. Paul Roberts, Norman Wright, Aaron Banks, Leon Hyzen and Gilbert Vogel objecting to the high light standards and favoring the lower, more decorative type.

Discussion ensued with the City Engineer explaining the additional cost involved as quoted by the contractor, and the possible need of added lights to provide proper illumination if the low standards were used. Mrs. Lynn Hicks addressed the Council and presented a brochure showing prices and various light standards of the type desired by the residents. Also discussed was the amount of surplus funds in the District and how much would be available for light standard changes in view of the approximately \$7000 which would be used in the curbside construction.

IT WAS THEN MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED that the proceedings, report, and contract in regard to the light standards be modified as follows: to authorize the City Engineer to change the light standards to those recommended by the petitioners or of equal, low and decorative quality, and request that a special session be called if the cost becomes too excessive.

ORDINANCES

106 - Proposed Ordinance revising El Camino Real Speed Limits

In order to accommodate Stuart Wilkinson, Automobile Club of Southern California, who had agreed to stay to that portion of the meeting which would deal with the revision of the speed limits on El Camino Real, the order of business was advanced.

Councilman O'Keefe reiterated his position that the method of setting a speed limit should be based on the recognized standard that such limit be set according to the rate of speed that 85% of the traffic is normally traveling; and that speed laws should be set reasonably and then strictly enforced in order to gain respect for the law.

Mr. Wilkinson commented that he was not a Traffic Engineer but it was his understanding that the 85% figure is usually used on the assumption that these motorists use a safe and reasonable speed; further, that it is difficult to enforce a low speed as many courts rule in favor of the motorist abiding by the prima facie law which provides that you can exceed the speed limit if it is within safe limits. Mr. Wilkinson advised on the availability of Traffic Engineers in their Club to assist Cities in traffic surveys and studies, rendering opinions as disinterested persons, and suggested that one of their Traffic Engineers could contact the City's Traffic Engineer (Police Chief) and possibly be able to give some unbiased suggestions.

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN EVANS, AND UNANIMOUSLY CARRIED to postpone the matter until the next regular meeting to provide such an opportunity.

UNFINISHED BUSINESS

27 - Improvement of Existing Undedicated De La Grulla Alley .

In order to obtain the benefit of the opinion of Special Legal Counsel Brown regarding the possibility of quiet title or other action for acquiring the Avenida de la Grulla alley, the order of business was advanced.

Regarding quiet title action, Mr. Brown explained that since the property owners have declined to sign a declaration that said alley has been in use as a public alley for 5 years, it would be for the City to determine through certain procedures whether the alley was used consistently by the public and then to be followed by initiation of 1911 Act proceedings. He cautioned, however, that the costs for quiet title action cannot be included in the incidental expenses of a 1911 Act District, but that if condemnation proceedings are first followed, all costs, including acquisition, are charged to the District.

Following discussion it was determined that no costs would be incurred in just declaring the intention and IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN NORTHRUP to order the preparation of a Resolution of Intention setting the time and place of Public Hearing to make a determination as to whether the alley is a public alley. The MOTION FAILED TO CARRY with Councilmen Chilton and Evans, and Mayor Lower voting "NO".

IT WAS THEN MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN O'KEEFE to hold the matter over to the next meeting. The MOTION FAILED TO CARRY WITH Councilmen Chilton and Northrup, and Mayor Lower voting "NO".

IT WAS MOVED BY COUNCILMAN NORTHRUP, SECONDED BY COUNCILMAN CHILTON to abandon further proceedings. The MOTION WAS CARRIED with Councilmen Evans and O'Keefe voting "NO".

WRITTEN COMMUNICATIONS

103 - Expression of Appreciation to the Council (Bay Cliff Village) .

Letter from LANDOWNERS OF TRACT NO. 3958 - Bay Cliff Village, expressing their thanks for the favorable action by the City Council and assistance by the Staff concerning their request before the Local Agency Formation Commission for de-annexation from the Capistrano Beach County Water District.

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY MAYOR LOWER, AND UNANIMOUSLY CARRIED that the letter be received and filed.

The Mayor publicly credited the City Manager, City Clerk and Councilman Northrup for their assistance in this matter.

73 - Request to Suspend Banner Promoting "Operation Thanksgiving".

Letter from INTERFAITH SERVICEMEN'S CENTER requesting permission to place a banner, with City assistance, over Avenida Del Mar from November 23 through November 28 to promote "Operation Thanksgiving" for dinner invitations to Servicemen.

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

77 - Advising of Program Appointing Teenager to Parks & Recreation Commission .

Letter and Resolution from the CITY OF PLACENTIA advising of their program whereby an outstanding teenage citizen is appointed as a member of their Recreation and Parks Commission and urging a similar program in other cities.

Following discussion, IT WAS MOVED BY COUNCILMAN NORTHRUP, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED to refer the information to the Parks and Recreation Commission for recommendation.

62 - Request for Support in Proposed Legislation Re Crossing of California-Mexican Border by Unaccompanied Minors .

Letter and Resolution from the CITY OF CORONA requesting support in their fight to control the use of narcotics, as supported by the League of California

Cities, to close the California-Mexican border to minors unless said minors are accompanied by a parent or other responsible adult.

Following discussion regarding the advisability of setting a blanket restriction, and the fact of the proposed increase in border personnel by the newly elected Federal administration in Washington, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED that the information be received and filed.

35- Request Permission to Hold Second Annual Christmas Parade and Use of Fire Engine on December 6, 1968.

Letter from the CHAMBER OF COMMERCE requesting permission to hold the Second Annual Christmas Parade over a prescribed route and also requesting the use of a Fire Engine for the purpose of transporting Santa Claus from the City Hall to downtown on Friday evening, December 6, 1968.

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

Mayor Lower also advised that the Chamber requested that the Council Members also ride in the Parade.

35 - Request Parking Meters be Covered During the Month of December.

Letter from the CHAMBER OF COMMERCE requesting that the parking meters be covered from December 1, 1968 to January 1, 1969.

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN EVANS that the request be granted. Following discussion IT WAS THEN MOVED BY COUNCILMAN EVANS, SECONDED BY MAYOR LOWER to amend the motion to provide that the Parking Control Officer enforce the two hour parking time limit, with the meter covers to indicate two hours free parking.

The MOTION TO AMEND WAS CALLED AND UNANIMOUSLY CARRIED. The ORIGINAL MOTION AS AMENDED WAS THEN CALLED AND WAS UNANIMOUSLY CARRIED.

112 - Appeal to Denial of Use Permit No. 15-68 (South Coast Broadcasting Company).

Memorandum from the PLANNING COMMISSION recommending to the City Council that Use Permit No. 15-68, being the request of South Coast Broadcasting Company to permit the installation of a 240 foot steel tower and a 10' x 10' transmitter building for FM broadcasting at City Reservoir No. 5 be denied, said Use Permit having been referred back to the Planning Commission due to certain facts not available to the Commission at the time of their first hearing. Also presented were: (1) Letter from JOSEPHINE GRAF supporting the proposed FM Station by South Coast Broadcasting Company; (2) Letter from ROY W. WORTH supporting the idea of a local FM Station; (3) Letter from PAUL PRESLEY in favor of an FM Station and suggesting that every effort should be made to encourage any successful applicant who will be given a permit by the F.C.C.; (4) Letter from K. N. EDWARDS supporting the proposed FM Station by South Coast Broadcasting Company; and (5) Letter from ANNA M. COOPER, SAN CLEMENTE BRANCH LIBRARIAN, supporting the idea of a local FM Station as an aid in dissemination of information and cultural services at all age levels.

Prior to discussion, the Mayor acknowledged that there is no doubt that all agree that San Clemente would greatly benefit from an FM Station, but the only decision to be made at this meeting is if Use Permit No. 15-68, which includes use of City reservoir property, should be granted or that the recommendation from the Planning Commission for denial be upheld.

Lengthy discussion on the matter is summarized as follows: Charles Jobbins, partner and engineer, reiterated previous statements regarding the favorable location and the engineering feasibility that with correct installation no difficulty in the transmission by San Clemente Cable TV should develop. He cited instances, including the City of Newport Beach, where CATV and FM facilities exist in close proximity, and in the case of Newport Beach the installation is on City property under a long term lease.

Mr. Jobbins called attention to the minutes of the Planning Commission and the question was raised whether certain statements were incorrectly reported or whether the statements themselves were incorrect. Mayor Lower commented on his attendance at the meeting and that the minutes were not in error.

Mr. Jobbins reviewed the time table of certain site amendment requests by

El Camino Broadcasting Corporation before the F.C.C. Referring to the importance of the site to their own application, Mr. Jobbins read a letter from their Attorneys indicating that F.C.C. would not give recognition of any amendment to a new site, and in the event both applicants fail it is conceivable that some other community may end up with the channel.

Lee Westendorf, Station Manager, addressed the Council advising of their development of programming plans including considerable public service.

Leon Hyzen, Partner, proposed for consideration: (1) That a reasonable assurance be granted South Coast Broadcasting Company, or any other applicant, the use of City owned land on the site of Reservoir #5, subject to a limited time lease of 5 years; that if in the event the development and growth of the surrounding area is hindered by the antenna, the City will not renew the lease and the antenna will be removed; and (2) if the community services furnished by the station, at no cost to the City, do not provide benefits, the Council need not renew the lease and the antenna will be removed.

Russell Henschman, San Clemente resident, spoke in support of the appeal and the importance of an FM station to the area, also stating that the proposed tower would not be seen by 90% of the residents.

Vern Gill, San Clemente Cable TV, emphasized that they were also in favor of an FM station for San Clemente but expressed their concern regarding technical problems, reflections, etc., which they felt would jeopardize their CATV transmission if the reservoir site is approved.

Kirk Monroe, El Camino Broadcasting Corporation, clarified certain statements as reported in the Planning Commission minutes; advised that the assigned frequency will stay in San Clemente; and reviewed their own application to the Planning Commission for a Use Permit for the reservoir site which was denied by the Commission, and which they did not appeal to the Council.

Mayor Lower inquired of Mr. Frank Domenichini, El Camino Broadcasting Corp., if he wished to address the Council at this time and he indicated in the negative.

Mr. Jobbins requested an opportunity to rebut Mr. Monroe's comment concerning channel assignment, and stated that F.C.C. rules provide it can be assigned within 25 miles of the City's post office; further that El Camino Broadcasting Corporation has twice tried to amend their site with F.C.C. In reference to a comment by Mr. Jobbins that Mr. Hyzen had originally contacted four Councilmen who indicated a positive attitude as to use of the reservoir site, Mayor Lower pointed out that nothing was said about this being a 240 foot tower.

In response to a statement by Mr. Jobbins concerning possibility of El Camino Broadcasting Corporation re-applying for the reservoir site, Mr. Monroe stated that they have no intention of ever filing again for a site at Reservoir No. 5.

IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN NORTHRUP that the Council give reasonable assurance to any applicant receiving a license from the F.C.C. that this site is available subject to the conditions of the Use Permit, and an acceptable five year lease with cancellation provisions as suggested by Mr. Hyzen.

During Council discussion on the motion, Frank Domenichini, El Camino Broadcasting Corporation, addressed the Council with information concerning their proposed antenna site near the Pacific Telephone tower, and commented that he felt the Council's motion was not in order in light of all the technical problems mentioned by Mr. Gill concerning the effect to San Clemente Cable TV facilities and transmission.

Discussion then centered around the comment by Russell Henschman that the 240 foot tower would not be seen by 90% of the residents in San Clemente. Councilman O'Keefe recalled the objections posed by the Harbor Estates residents when an 80 foot TV tower was proposed in their area. Mr. Henschman answered that the objections were overemphasized before the residents were aware of the complete facts.

The MOTION by Councilman Evans concerning site availability was then called and FAILED TO CARRY with Councilmen Chilton and O'Keefe, and Mayor Lower voting "No".

Due consideration being given, IT WAS THEN MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON to uphold the recommendation of the Planning Commission and deny the Appeal. The MOTION WAS CARRIED with Councilmen Evans and Northrup voting "No".

117 - Zoning Amendment No. 03-68 (Cross Hill).

Memorandum from the PLANNING COMMISSION recommending to the City Council that Zoning Amendment No. 03-68, being a request to rezone Lots 57 through 64, inclusive; Lots 40 through 51, inclusive, and Lot 38 of Tract No. 898 from an R-1-B-3 (Single Family Residential with Combined Lot Size) District to an R-3-G P-R-D (Garden Apartment, Planned Residential) District, commonly known as "Cross Hill", be approved.

IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY MAYOR LOWER, AND UNANIMOUSLY CARRIED to set Zoning Amendment No. 03-68 for Public Hearing on Wednesday, November 20, 1968, at 7:30 P.M.

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~~76~~ - Abandonment No. 01-68 (Ray Campbell).

Memorandum from the PLANNING COMMISSION recommending approval of abandonment No. 01-68, being a request from Ray Campbell to abandon Lot 16, Block K, Tract No. 851.

IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY COUNCILMAN EVANS, AND UNANIMOUSLY CARRIED to refer the matter to the City Attorney for preparation of abandonment proceedings and subsequent public hearing.

Ray Campbell addressed the Council advising that he will be out of the City for the next Council meeting, but that someone would be there to represent him. The City Clerk stated that in order to meet all the necessary legal requirements, the Public Hearing could probably not be set before the meeting of December 18, 1968.

77 - Park Proposal by Harbor Estates Homeowners' Association; and Neighborhood Parks and Play Areas .

Memorandum from the PARKS & RECREATION COMMISSION advising that in regard to a referral from the Council, they do not recommend the purchase of the corner lot at Via Manzana and Calle Bienvenido for use as a City-owned neighborhood park for the reason that the property is not centrally located within the Harbor Estates Development; it would not provide maximum utilization by those residents; and that children living in the prospective multi-family residential development in bordering San Juan Capistrano would derive the greatest benefit.

It was also recommended in the memorandum that acquisition of the play area in Shorecliffs and other proposed lots be deferred until after Council Study Session (held 10-30-68) and until an overall City plan of park sites and needs is completed.

Due consideration being given, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN O'KEEFE, AND UNANIMOUSLY CARRIED that the memorandum be received and filed.

FURTHER UNFINISHED BUSINESS

75 - Interim Report of Joint Parking Committee .

Further consideration was given to the interim report of the Joint Parking Committee. Referring to that portion of the report suggesting that business license fees be increased with a portion allocated for parking purposes, Councilman Northrup commented on previous Council discussion as to the need of revising the business license code. The Clerk advised that his office was compiling a comparative survey of business license taxes within Orange County which might be of some help to the Council in their consideration of this matter.

Discussion ensued relative to the Committee submitting more detailed information of their intended plans. Ian Kennedy, member of the Committee, addressed the Council commenting on the sincerity and diligence of the Committee in desiring to prepare for the growth of the City and whether or not the Council felt the Committee was proceeding along the proper lines.

A MOTION BY COUNCILMAN O'KEEFE favoring allocation of parking meter revenue and an increase in business license fees to be used for parking purposes DIED when the SECOND BY COUNCILMAN EVANS was withdrawn.

Following determination that the matter should be held over for further study, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED that the Council concurs that the Parking Committee is proceeding in the right direction and would like more information.

79 - Ordinance No. 526 - Personnel System Ordinance

Consideration was given to the proposed Personnel System Ordinance. Councilman Chilton suggested the possible inclusion of the two following points: (1) That any Section, Subsection, or Provision of the Ordinance may be waived by the majority of the Council present and voting and that such a waiver will not permanently effect or be changed by precedent in any way except for the singular instance waived; and (2) That the majority of the Council present and voting may review any action of the Personnel Board at the next regular meeting or special session of the Council following any decision of the Personnel Board, otherwise the decision of the Board is considered final. The Council discussed the fact that the Ordinance is drawn in such a manner that the Council is the Personnel Board unless such a Board is appointed by the Council.

During the discussion period it was determined to add the words "retainer or" between the words "under" and "contract" in Section 3-24 (c), and with this amendment, upon motion of Councilman Evans, seconded by Councilman O'Keefe, ORDINANCE NO. 526, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING THE CODE OF THE CITY OF SAN CLEMENTE BY ADDING ARTICLE IV TO CHAPTER 3 PROVIDING FOR THE ESTABLISHMENT OF A NEW PERSONNEL SYSTEM FOR SAID CITY, 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

REPORTS AND MISCELLANEOUS ITEMS

Councilman Evans inquired when the sewer charge report would be discussed and the City Manager advised that the Finance Director has been directed to make the information available at the earliest possible time upon completion of a full cycle of charges which have been run through the Data Processing System.

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Councilman O'Keefe called attention to the need for curbside receptacles in the general area of the Market Basket and business section at the north end of town.

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Mayor Lower expressed thanks to the Chamber of Commerce and the Dons for hosting the Military Affairs Association, and also made reference to certain recent publications made available from SCAG.

37 - Attendance of City Attorney at N.I.M.L.O. Convention .

The City Attorney apprised the Council of his willingness and desire to attend the National Institute of Municipal Law Officers Convention in Kansas City, Missouri, November 11, 12 & 13. Due consideration being given, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN EVANS to authorize the sum of \$50 towards expenditures of the City Attorney while attending the National Institute of Municipal Law Officers Convention. 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

51 - First Quarter 1968-1969 Revenue, Expenditure and Capital Outlay Report.

The City Manager presented the First Quarter 1968-1969 Revenue, Expenditure & Capital Outlay Report covering the period from July 1, 1968 to September 30, 1968. IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN NORTHRUP, AND UNANIMOUSLY CARRIED that the Report be received and filed.

70 - Joint Powers Agreement for Construction of Additional Portion of Marquita Storm Channel (MOOS07).

The City Manager presented, explained, and recommended approval of a proposed Joint Powers Agreement between the City and Orange County Flood Control District which provides for construction of an additional portion of the Marquita Storm Channel extending from the present terminus point upstream to Calle Puente, a distance of approximately 960 feet. Necessary funding in the amount of \$40,000 is included in the District's 1968-69 budget, with the City to provide all necessary temporary and permanent rights-of-way.

IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN CHILTON that the Joint Powers Agreement be accepted and approved 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

97 - Acceptance of Storm Drain Easements for Projects in Vicinity of Los Alamos - Serena and Corto Lane - Granada .

The City Manager presented and recommended acceptance of the following storm drain easements required for projects in the vicinity of Los Alamos-Serena and Corto Lane - Granada: (1) A permanent 4' easement over a portion of Lots 12 and 13, Tract No. 897 from Mr. & Mrs. Frank D. Rall; (2) A temporary 15' easement over a portion of Lot 25, Block 3, Tract No. 784 from Barbara B. Richards; and (3) A temporary 15' easement over a portion of Lot 25, Block 3, Tract No. 784 from Mr. & Mrs. Arlie Foor.

IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY COUNCILMAN EVANS that the Easements be accepted and the Clerk directed to record same in the office of 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

106 - Left Turn Lane at Intersection of Camino Capistrano & El Camino Real.

Regarding the suggestion by Councilman O'Keefe at the meeting of 9/4/68 that the County be contacted relative to a possible left turn lane southbound at the intersection of Camino Capistrano and El Camino Real to facilitate a smoother flow of traffic, the City Manager advised of a communication received from the County of Orange Traffic Committee notifying the City that said left turn lane will be installed as soon as scheduling can be arranged.

Councilman O'Keefe suggested that the City Manager reply with a letter that this will be a great improvement and that their cooperation is greatly appreciated.

90 - Bids Received for Aerial Lift Truck .

The City Manager apprised the Council of bids received from Asplundh Equipment Sales & Service, El Monte Motor Company, Pitman Manufacturing Company, and Calavar Corporation to furnish an Aerial Lift Truck (Budget Revolving Fleet Account Code No. 82-4092.43) and recommended that no action be taken and the award of contract be held over for two weeks to allow time for a complete demonstration by each Company. IT WAS MOVED BY MAYOR LOWER, SECONDED BY COUNCILMAN NORTHRUP, AND UNANIMOUSLY CARRIED to hold the matter over for two weeks.

77 - Santa Fe Railway Company Area & Assessed Valuation.

As previously directed, the City Manager presented information that the Santa Fe Railway right-of-way within the City limits totals approximately two million square feet or 48 acres at an assessed valuation of \$452,460 or 20¢ per square foot with a probable market value of \$1,451,580 equivalent to 70¢ per square foot.

Discussion ensued on whether further negotiation with Santa Fe should be explored, and investigation with the appraiser as to possible condemnation procedures for either the approximately seven thousand square feet originally

proposed to be leased for Linda Lane Parking or all Sante Fe property within the City.

The City Manager also advised that the Pier entrance modification for a grade crossing filed before the P.U.C. on 9-19-68 will be set for Hearing within six months, and that a P.U.C. representative is due in the City tomorrow to discuss the matter.

PAYING OF THE BILLS

IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN O'KEEFE that Warrants No. 11723 through No. 11884, as audited by the Council, be paid, including ratification of Payroll Warrants Nos. 11723 & 11727. 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 October 17 through November 6, 1968 \$ 910,139.29

Ratification of Payroll Warrant No. 11723, for period of September 30 through October 13, 1968 . . . \$ 31,532.89

Ratification of Payroll Warrant No. 11727, for period of October 14 through October 27, 1968 \$ 31,245.03

TOTAL WARRANT REGISTER \$ 972,917.21

RESOLUTIONS

For Resolution No. 87-68 see under "PUBLIC HEARINGS" on Page 2.

54 - Resolution No. 88-68 Approving Transfer and Assignment of CATV Franchise from Co-Axial Systems Engineering Company to The Times Mirror Company.

A proposed Resolution was presented approving transfer and assignment of CATV Franchise from Co-Axial Systems Engineering Company to The Times Mirror Company with certain revisions by the City Attorney regarding insurance, indemnification clause, and attorney's fees.

Upon motion of Councilman Evans, seconded by Councilman Chilton, RESOLUTION NO. 88-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING ASSIGNMENT OF CATV FRANCHISE FROM SAN CLEMENTE CABLE TELEVISION COMPANY, A DIVISION OF CO-AXIAL SYSTEMS ENGINEERING COMPANY, A LIMITED PARTNERSHIP, TO THE TIMES MIRROR COMPANY, 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

ORDINANCES

For Ordinance No. 526 see under "UNFINISHED BUSINESS" on Page 7.

ADJOURNMENT

There being no further business, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY MAYOR LOWER, AND UNANIMOUSLY CARRIED that the Council meeting be adjourned at 11:30 P.M.

Wade A. Lower
Mayor and President
of the City Council

[Signature]
City Clerk and ex officio
Clerk of the City Council