

San Clemente, California
November 20, 1968

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, Wednesday, November 20, 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 Northrup. 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 November 6, 1968, having been previously presented to the members of the Council, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED that said minutes be approved as presented, and the reading in full thereof waived.

PUBLIC HEARINGS

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

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 Zoning Amendment No. 03-68, and the Planning Commission recommendation thereon, 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, on property more commonly known as "Cross Hill" located on El Levante and Avenida Pizarro.

The Clerk announced that notice of Hearing had been published and posted as required by law and affidavits showing such compliance are on file in the Clerk's office.

The Mayor called for written communications and the Clerk read the memorandum report from the Planning Commission recommending approval of Zoning Amendment No. 03-68.

The Clerk advised of communications from P. J. Derkson opposing the rezoning introduced at previous hearings on the matter, copies of which were transmitted to the Council, and the Clerk was then instructed to read only the latest communication from Mr. Derkson as there was also no objection from the audience. A final communication objecting to the rezoning was read from Mr. & Mrs. Leonard L. Chew.

The Mayor then called for oral communications and Eugene Ayer, representing the property owners within the area requesting rezoning, addressed the Council stating that under present zoning the property is in a situation where it cannot be developed in a manner advantageous to the City or the owners. He continued that their original intent was for a Planned Development, but it is required that this be combined with a residential district which regulates height area coverage, setbacks, etc.

Charles Birkett, residing at 136 El Levante, questioned Mr. Ayer pertaining to parking requirements, the possible closing of El Levante, the effect of the increased traffic from the large number of proposed apartments, and the height of the proposed structures. Mr. Ayer answered that they would fulfill all the requirements in said zone which requires 2 parking spaces for each apartment, that they are not now proposing to close El Levante and that the height level will also conform to the 35 foot or three stories which in all probability with the leveling of the grade, the roof heights would not exceed the present height of the hill, thus possibly affording a view that many do not have now.

Following Council debate regarding the concern of the present property owners in the area above as to possible obstruction of their view, William Ayer addressed the Council commenting that he felt discussion of any previous hearing is not appropriate at this hearing and the only determination to be made is whether to rezone the property; and that precise plans will be submitted upon application for a Use Permit. Discussion continued regarding the stipulations set forth under the Zoning Ordinance for approval of a Use Permit and the right of the Planning Commission or City Council to impose certain conditions. The City Attorney maintained that no one has a vested right to retain their view.

The Mayor then declared the Hearing closed.

Due consideration being given, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED to approve Zoning Amendment No. 03-68, and the City Attorney be instructed to prepare the necessary rezoning Ordinance to be brought back at the next meeting.

WRITTEN COMMUNICATIONS

55 - Proposed Resolution Opposing Cutbacks in Highway Trust Funds.

Letter and Resolution from the CITY OF COSTA MESA urging consideration of a like Resolution opposing the proposed cutback in the use of Highway Trust Funds for highway projects and suggesting that the cutbacks be made in other areas of Federal spending.

Following comments by Councilman O'Keefe regarding the practice of calling for cutbacks in certain funds at the expense of another, IT WAS MOVED BY COUNCILMAN NORTHRUP, SECONDED BY COUNCILMAN O'KEEFE, AND UNANIMOUSLY CARRIED that the communication be received and filed.

73 - Request to Suspend Banner Advertising "The Kiwanis Basketball Tournament".

Letter from the KIWANIS CLUB OF SAN CLEMENTE requesting permission to suspend a banner across El Camino Real advertising "The Kiwanis Basketball Tournament" on December 18-20, 1968.

The City Manager reminded the Council that this time of year all cables across El Camino Real and Avenida Del Mar are used for Christmas decorations.

Councilman Evans, a Kiwanis member, clarified the request by informing the Council that City assistance was requested in suspending and removing said banner, and suggesting that the banner might be suspended at the alley on Avenida Del Mar.

Councilman Northrup suggested that perhaps the City should establish a policy not to suspend any banners during the Christmas Season, since the banners might tend to downgrade and detract from the Christmas decorations. It was then suggested that the banner be allowed on a trial basis to see if it would detract from the Christmas decorations, and IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED to approve the banner on a trial basis, with City assistance in suspending and removing said banner at a location as determined by the City Manager; and after the banner is up the Council to review it and determine whether a policy should be established regarding suspending of banners during the Christmas Season.

98 - Waiver of Sidewalk Requirements.

Letter from H. M. Laff requesting waiver of sidewalk and gutter requirements (Municipal Code Section 31-9) for Lot 89, Tract No. 938, 525 Calle Del Rito.

The City Manager apprised the Council that it was the recommendation of the Staff that no waiver be granted with regard to curbs and gutters, but there is justification for waiver of sidewalk requirements.

During discussion, Councilman Evans commented on the height of the existing section of curb and what its status would be in the event an assessment district was formed. The City Engineer advised that for the most part, the curb would be extended at the 8 inch height and recommended in regard to the present request, the addition of a gutter to the existing curb with certain curb replacement where necessary.

IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY MAYOR LOWER to grant the request for waiver of sidewalks only and that curbs and gutters be put in as per specifications of the City Engineer. The MOTION WAS CARRIED with Councilman Evans voting "NO".

ORAL COMMUNICATIONS77 - Parks & Recreation Commission.

Ian Kennedy, Chairman of the Parks & Recreation Commission, apprised the Council that he would have no report as no business was transacted at their scheduled 11-18-68 meeting due to lack of a quorum, but that a Special Meeting has been called for Monday, November 25, 1968.

Ian Kennedy inquired as to the progress of the Linda Lane project and the City Manager replied that all the concrete work is completed and final phase of installing rock base and black top will be started next week. The City Engineer explained that the contractor discontinued his work to complete a certain phase of the Lobeiro-Montalvo undergrounding project, but this has allowed the cement to cure before heavy trucks are brought in to spread rock in the parking areas; and another two to three weeks should see this project completed. Upon question, Mr. Peter acknowledged that the project is 50 days behind, and provisions have been made for repair of any street damages that may have been caused by the contractor.

William Schaefer, 1505 Buena Vista, apprised the Council that he was considering the possibility of building a tiered condominium up the face of the bluffs fronting his property on Buena Vista, and questioned where the entrance should be and if the City has any plans for a roadway adjacent to the A.T.& S.F. Railroad right of way.

Discussion ensued on the various aspects involved and Mayor Lower advised Mr. Schaefer that if he would bring his plans and sketches to the Building and Engineering Departments, they would advise him accordingly.

REPORTS AND MISCELLANEOUS ITEMS102 - Proposed Further Extension of Avenida Pico.

Councilman Northrup broached the subject of the advantages of further continuing Pico Road through to the Ortega Highway. Due consideration being given, IT WAS MOVED BY COUNCILMAN NORTHRUP, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED that a letter be directed to the Board of Supervisors requesting that at their earliest opportunity they approve the extension of Avenida Pico to the Ortega Highway.

22 - San Juan Capistrano Airport Land Expansion Needs.

Councilman Evans expressed concern regarding the San Juan Capistrano Airport and the adjacent land which is controlled by the Flood Control District, stating that he would favor the County obtaining the land and leasing it to the Airport owners. During discussion it was noted that the Council has gone on record by Resolution No. 45-67 to the Board of Supervisors requesting their support on behalf of the Airport. No further determination was made.

48 - Request for Report on Possible Solution to Control Slippage from Bluffs on Coast Highway.

Regarding the debris from the slippage of the bluffs along the Coast Highway at the north end of the City, Councilman Chilton commented that this is becoming a serious problem because of the hazardous conditions it creates for motorists, and urged that a solution be found.

IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY COUNCILMAN EVANS, AND UNANIMOUSLY CARRIED to authorize the City Engineer and City Manager to come up with a report as soon as reasonably possible.

Councilman O'Keefe expressed appreciation for the curbside trash receptacles placed around the Shore Cliffs shopping center which he felt would greatly improve in lessening litter in the area.

68 - Demolishing of the Dana Point Bluffs.

Councilman O'Keefe expressed disappointment regarding a published report of the plans to demolish the natural beauty of the bluffs in the Dana Point area. He also commented on the removing of trees within Doheny Park and the Harbor's destruction of the surfing area; and recalled Council Resolution No. 53-68, urging preservation of the natural beauty of Dana Point Cove and Bluffs, which apparently had little effect.

Mayor Lower commented on the new improvements to the Community Clubhouse kitchen. He also reported on his attendance at the Interfaith Servicemen's Center where he witnessed awards to certain local citizens who have given many hours of service to the club and the 50,000 Servicemen who have visited the facility since it opened.

Mayor Lower reviewed the various completed projects and those in the process of being completed this year and referring to the proposed Capital Improvement Program, proposed that the Council members should present any suggestions they might have.

27 - Proposed Assessment District - Marquita, et al.

Consideration was again given to the formation of an improvement district under the 1911 Improvement Act to include Escalones, Marquita, Encino Lane, Arenoso Lane, and La Paloma. It was noted that a previous attempt of Assessment District No. 3-63 failed by a small majority, but that the engineering is available and there would be only minor adjustments in the area of property owners and costs.

Following discussion, IT WAS MOVED BY MAYOR LOWER, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED to refer the matter to the City Engineer and Special Legal Counsel for initiation of 1911 Act proceedings for the streets of Escalones, Marquita, Encino Lane, Arenoso Lane, and La Paloma.

The City Attorney reported that he was unable to attend the National Institute of Municipal Law Officers Convention in Kansas City, and also gave a brief progress report regarding Tracts Nos. 5654 and 5691.

Monthly Departmental Activities Report.

The City Manager drew attention to the monthly activities report for the month of October, 1968, and answered various questions posed by the Councilmen.

90 - Bids Received for Aerial Lift Truck.

Pursuant to action taken at the meeting of 11/6/68, the City Manager presented the following summary of bids received to furnish an Aerial Lift Truck (Budget Revolving Fleet Account Code No. 82-4092.43) which were received and publicly opened in his office on November 4, 1968 at 11:00 A.M.

<u>Bidder</u>	<u>Make</u>	<u>Amount</u>
Asplundh Equipment Sales & Service	Asplundh	\$ 16,260.00
El Monte Motor Co.	Pitman	\$ 16,563.00
Pitman Manufacturing Co.	Pitman	\$ 16,743.00
Calavar Corporation		\$ 21,619.71

Mr. Carr apprised the Council that his recommendation for award of contract to Pitman Manufacturing Company was based upon the performance of the equipment and service arrangements and the price was secondary.

Upon question by Councilman O'Keefe, Don Goodnall, Pitman Manufacturing representative, addressed the Council recommending that the bid of El Monte be accepted as there would be no difference in service between the two and their bid was less.

Mr. Carr commented that the previous comments were different than what had been related to the Staff during the demonstrations and in view of said

statement, he would change his recommendation to award the contract to El Monte Motor Co.

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN NORTHRUP to award the bid to furnish an Aerial Lift Truck to El Monte Motor Company in the amount of \$16,563.00. 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 - Swimming Pool Agreement with Capistrano Unified School District.

The City Manager presented an Agreement, for consideration and action, with the Capistrano Unified School District for use of the City's swimming pool for the period of 2-1-69 to 5-9-69, the terms and conditions thereof being identical to previous agreements with the District.

IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY COUNCILMAN EVANS that the agreement be approved and that the Mayor and City Clerk be authorized to execute said Agreement 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 - Approval of Plans and Specifications for Corto Lane Storm Drain (Project No. 3-68)

The City Manager presented and explained the plans and specifications for the construction of an 18" storm drain and appurtenances between the cul-de-sac on Corto Lane and the A.T. & S.F. Railroad right-of-way, "Project No. 3-68" with an estimated construction cost in the amount of \$4250.

IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN CHILTON AND UNANIMOUSLY CARRIED that the plans and specifications for "Project No. 3-68" be approved, and authorization granted to advertise for bids.

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

As previously directed, the City Manager presented a traffic engineering recommendation that following a complete study, the Traffic Engineer finds that there is no justification for one-way traffic for the alley between El Portal and Avenida Mateo. Due consideration being given, no action was taken and the report was ordered filed by the Mayor.

114 - Proposed Agreement with Capistrano Beach County Water District re Service Responsibilities.

The City Manager presented for study a draft of a proposed Agreement between the City and the Capistrano Beach County Water District spelling out the extent of service responsibilities. Discussion ensued between the Council on the advisability of having a formal binding agreement or a resolution establishing a general policy. It was determined to take no action at this time and the matter was held over for study until the next meeting.

56 - A.H.F.P. Application for 1969-1970.

Referring to the necessity of making application for Arterial Highway Financing Program funds by the end of December, 1968, the City Manager suggested that the Council bring back to the next meeting any suggestions as to desired projects.

58 - Lease of Golf Course Parking Lot.

The City Manager presented a communication from Pete Berger and Alan Cook, present operators of concession facilities at the Municipal Golf Course, requesting cancellation of the lease rental agreement for the parking lot located adjacent to the Clubhouse.

Following discussion, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN O'KEEFE, AND UNANIMOUSLY CARRIED to hold the matter over until the next meeting.

39 - Modernizing State & Local Government Conference.

The City Manager called attention to the League of California Cities bulletin notifying and requesting attendance of representatives from the cities to the Modernizing State and Local Government Conference in San Francisco on November 22, 1968.

During discussion it was noted that there has been a great deal more response from the private segment than from the governmental segment. IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN EVANS to authorize the City Manager or a member of the Council to attend the Modernizing State and Local Government Conference in San Francisco. The MOTION WAS CARRIED upon the following stated vote, to wit:

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

PAYING OF THE BILLS

IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN CHILTON that Warrants No. 11885 through No. 12086, as audited by the Council, be paid, including ratification of Payroll Warrant No. 11886. 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 November 7 through November 20, 1968 \$ 47,350.89

Ratification of Payroll Warrant No. 11886, for period of October 28 through November 10, 1968 \$ 31,045.93

TOTAL WARRANT REGISTER \$ 78,396.82

RESOLUTIONS

111 - Resolution No. 89-68 Declaring Intention to Abandon Lot 16, Block K, Tract No. 851 (Abandonment No. 01-68, Ray Campbell).

As previously directed, a Resolution was presented declaring intention to abandon Lot 16, Block K, Tract No. 851, said Resolution reserving requested easements for the San Diego Gas and Electric Company, Pacific Telephone and Telegraph Company, and San Clemente Cable TV Company, with public hearing on the matter set for 12-18-68.

Upon motion of Councilman Evans, seconded by Councilman O'Keefe, RESOLUTION NO. 89-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DECLARING INTENTION TO VACATE AND ABANDON A PUBLIC ALLEY, DESCRIBED AS LOT 16, BLOCK K, TRACT NO. 851, 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

79 - Ordinance No. 526 - Personnel System Ordinance.

Upon motion of Councilman Northrup, seconded by Councilman Evans, 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, having been regularly introduced at the meeting of 11-6-68, was again introduced, the reading in full thereof unanimously waived, duly passed, and adopted upon the following stated vote, to wit:

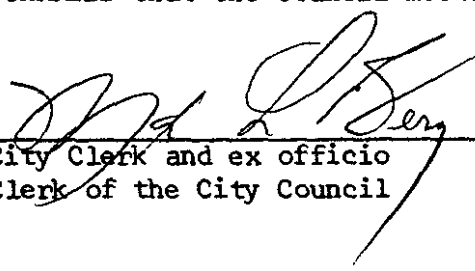
- AYES: Councilmen - CHILTON, EVANS, NORTHRUP, O'KEEFE, AND LOWER
- NOES: Councilmen - NONE
- ABSENT: Councilmen - NONE

106 - Proposed Ordinance Revising El Camino Real Speed Limits.


The proposed Ordinance revising the speed limits on El Camino Real was held over pending the Traffic Engineer's recommendations from the Automobile Club of Southern California as directed at the meeting of 11-6-68.

ADJOURNMENT

There being no further business, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN O'KEEFE, AND UNANIMOUSLY CARRIED that the Council meeting be adjourned at 9:50 P.M.



City Clerk and ex officio
Clerk of the City Council



Mayor and President
of the City Council