

San Clemente, California
December 4, 1968

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, Wednesday, December 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 Councilman Chilton. Invocation was given by Councilman O'Keefe.

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 20, 1968, having been previously presented to the members of the Council, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN NORTHRUP, AND UNANIMOUSLY CARRIED that said minutes be approved as presented, and the reading in full thereof waived.

WRITTEN COMMUNICATIONS

77 - (1) Proposed Fishing Barge Operation; (2) Suggested Placement of Teenager on Parks & Recreation Commission; and (3) Shorecliffs' Play Lot.

Memorandum from the PARKS & RECREATION COMMISSION with recommendations concerning (1) Proposed fishing barge operation from San Clemente Pier; (2) Resolution from the City of Placentia re the placement of a teenager on Parks and Recreation Commission; and (3) Shorecliffs' Play Lot.

Consideration was given first to the recommendation from the Commission that the particular lot in question in the Shorecliffs' area not be purchased nor developed into a play lot for the following reasons: (1) the Commission will formulate future needs of parks in the City which would best serve the community; (2) said lot would only serve small children in the immediate area for a specific type of play; and (3) said lot was not a wise choice because of the location and cost of lot and improvements before it would be useable. It was also recommended that the play equipment proposed to be donated by certain organizations be used at one of the present parks.

Councilman O'Keefe commented that the play equipment which has already been offered should be utilized and suggested possibility of a play lot site above San Gorgonio on excess freeway property.

Mrs. James Kilpatrick addressed the Council also suggesting another site in the vicinity of Calle Miguel and Calle Rica, Lot 50, Tract No. 5655, on the boundary of the Hillcrest and Margarita Tracts which has been designated as a proposed park site in the Capital Improvement Program.

Councilman Chilton contended that any testimony forthcoming should be given to the recently appointed Parks and Recreation Commission as it is within their realm to hear such testimony and make recommendation.

Mrs. Kilpatrick took exception to the statement by the Commission in their communication that future needs would be formulated by them and said lot or all other lots would not top the priority list of parks, countering that so many citizens and organizations are behind this project that it should not now be turned down by the Commission as it had already been incorporated in the proposed Capital Improvement Program.

Mrs. David Robinson, Vice-President of the San Clemente Junior Woman's Club and Mrs. Malcolm Field of the San Clemente Woman's Club addressed the Council stating that their organizations have supported the playscape equipment project financially and morally and strongly urge the project be completed.

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN NORTHRUP, to instruct the City Manager to negotiate for a lease or other acquisition of State right-of-way property above San Gorgonio for park purposes.

Following debate and comments by Councilman Chilton that hereafter such matters should be referred to the Parks and Recreation Commission, the MOTION was called and UNANIMOUSLY CARRIED.

IT WAS THEN MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN O'KEEFE, AND UNANIMOUSLY CARRIED to request the Parks & Recreation Commission to survey the sites that have been recommended and return with recommendations to the Council as to the area most suitable for this type of play equipment.

Parks and Recreation Commission Chairman Ian Kennedy addressed the Council defending their recommendations, advising of their studies and deliberations to date, and that they are considering all aspects of playgrounds, play areas and recreational facilities separately, in joint with, or parts of any existing facilities.

Regarding (1) the proposed fishing barge operation from the San Clemente Pier and the Commission's desire to withhold any recommendation until more information can be obtained from other beach cities now operating such barges; and (2) the Commission's recommendation that the possible placement of a teenager on the Commission be filed for future consideration, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN NORTHRUP, AND UNANIMOUSLY CARRIED that Items 1 & 2 be filed.

98 - Request for Waiver of Sidewalk Requirements.

Letter from EDWARD M. ALKIRE requesting waiver of sidewalk requirements (Municipal Code Section 31-9) for Lot 105, Tract No. 2964, 2305 Calle Monte Cristo.

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

22 - Resolution from Board of Supervisors re Functions of Airport Land Use Commission.

Resolution from the BOARD OF SUPERVISORS OF ORANGE COUNTY requesting the cities of Orange County to form ad hoc committees to formulate clear statements of the functions of the Airport Land Use Commission to be submitted to governing bodies of said cities for their determinations, and thereafter to advise the Board of the results of such determinations.

Councilman Northrup commented that this was a matter which should be considered by the Orange County Division of the League of California Cities and IT WAS MOVED BY COUNCILMAN NORTHRUP, SECONDED BY COUNCILMAN CHILTON AND UNANIMOUSLY CARRIED that the Resolution be filed.

110 - 1969 Budget & Policy Change for Underground Conversion.

Letter from SAN DIEGO GAS & ELECTRIC COMPANY informing of their 1969 Budget for conversion projects in the City of San Clemente in the amount of \$30,770; and advising of a policy change to allow credits to underground conversion projects done pursuant to Rule 31.A and undertaken simultaneously with street improvements that would require the moving of overhead lines.

Upon question, the City Manager advised that the entire allocation for the Lobeiro-Montalvo conversion, Assessment District No. 4-68-U, will be used for said project. Mr. Carr also remarked that it is a credit to this combined street and underground pilot conversion project that the San Diego Gas & Electric Company will increase the total amount of funds available for use in San Clemente during 1969 by nearly 50% over that of this year and he would like to think that maybe their action was stimulated by their experiences in said conversion.

Discussion ensued on the policy change with comments by Keith Hutchins, S.D.G. & E. Co., on its effects on future projects and also the wise decision of establishing an early priority list as approved at the meeting of 12-20-67.

Mr. Carr advised that a meeting of Hillcrest property owners, next area on the priority list, has taken place and they have been apprised of the next steps to be taken by them. Referring to the "Bowl" area, third on the priority list, he acknowledged that the announced change in policy would be more directly applicable to said area because it has been anticipated to also be a combined street improvement and undergrounding project while in the Hillcrest area no street improvements are contemplated in the foreseeable future.

Due consideration being given, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN NORTHRUP, AND UNANIMOUSLY CARRIED to receive and file the letter from San Diego Gas & Electric Company with appreciation, and also that the City Manager report back to the Council at the next meeting with recommendations as to the implementation of next year's program for the Hillcrest Tract.

117 - Zoning Amendment No. 04-68 (Amy Nelson) .

Memorandum from the PLANNING COMMISSION recommending approval of Amendment No. 04-68, being a request from Amy Nelson to rezone Lots 30 & 31, Block 15, Tract No. 779 from R-3 (Multiple Family Residential) to C-1 (Central Commercial) District.

IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN NORTHRUP AND UNANIMOUSLY CARRIED that public hearing on Zoning Amendment No. 04-68 be set for December 18, 1968.

Anthony Asaro, 4017 Via Manzana, inquired if apartments could be constructed in a C-1 zone and was advised in the negative.

105 - Minor Subdivision No. 03-68 (Leslie J. Trigg).

Memorandum from the PLANNING COMMISSION recommending approval of Minor Subdivision No. 03-68, being a request from Leslie J. Trigg to adjust a rear lot line and drainage easement and straighten out a drainage channel with the new parcel proposed to become a portion of Lot 22, Tract No. 961, said approval subject to the following conditions: (1) that the owner of Lot 44, Tract 2312, Mrs. Prescott, deed to the city an easement as per the alignment of the new easement shown on the parcel map; (2) this easement to be accepted by the City prior to abandonment proceedings on the existing easement; (3) the applicant to pay all costs of proceedings; and (4) the parcel map shall not be recorded with the County until conditions 1 through 3 are completed.

The Clerk noted the posted map of the area and read a late communication from Harriett C. Prescott, owner of Lot 44, Tract No. 2312, confirming that she would grant to the City an easement for drainage purposes as required by condition No. 1.

Following comments by the City Attorney and due consideration being given, IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY COUNCILMAN O'KEEFE, AND UNANIMOUSLY CARRIED to concur in the recommendation from the Planning Commission and approve Minor Subdivision No. 03-68, subject to the four conditions.

32 - Request for Exempt License for Coffee House for Youth.

Letter from REV. MAX RAPAPORT AND REV. J. H. FROEMMLING of "Youth Challenge" requesting an exempt license to open a coffee house for youth at 1314 North El Camino Real.

The Clerk advised that the Council has a motion on the books which permits the License Collector to issue exempt licenses to recognized non profit organizations, etc., but since this is a new and different type of request it was felt the Council should consider and act upon the matter.

Rev. Max Rapaport spoke from the audience explaining the nature and purpose of the intended endeavor and answered questions posed by the Council.

Following discussion and comments by Councilman Chilton that he would be opposed to granting such license without further information, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY MAYOR LOWER AND CARRIED that the exempt license be granted. Councilman Chilton voted "NO".

ORAL COMMUNICATIONS

The Mayor called for Oral Communications and there were none.

UNFINISHED BUSINESS

58 - Lease of Parking Lot for Golf Course.

The Council further considered the question of the City continuing the lease of the parking lot adjacent to the Municipal Golf Course, the present Golf Course concessionaires having requested cancellation of the lease for which they have each paid \$25 per month to the City under a sub-lease arrangement.

The Council discussed whether or not there was a need to retain usage of the lot, and the possibility of purchasing same. Councilman Northrup commented that while he did not necessarily feel the City absolutely had to have the lot, it was an asset to the overall operation of the restaurant, driving range, and the facilities in close proximity.

A MOTION by Councilman Evans, seconded by Councilman Chilton that the City maintain the lease on the parking lot until July when it could be given further consideration during budget sessions, was not voted upon when Councilman Evans withdrew the motion. Councilman Chilton did not withdraw his second and argued that, parliamentarily, a motion duly moved and seconded has to be voted upon because the maker of the motion cannot withdraw same without the permission of the second. The City Attorney ruled to the contrary.

IT WAS THEN MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN O'KEEFE AND CARRIED that the matter be held over to the next meeting, with the City Manager to investigate acquisition possibilities.

102 - A.H.F.P. Application for 1969-70.

The Council considered suggestions as to desired projects under the 1969-70 Arterial Highway Financing Program, applications for which must be made this month.

The City Manager proposed for consideration the extension of Avenida Pico from Calle De Los Molinos to North El Camino Real. Councilman O'Keefe mentioned the need for an access street to the future on/off freeway ramp in the Reeves Ranch or Shorecliffs area.

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN EVANS AND UNANIMOUSLY CARRIED that the City Manager be authorized to make application to the County of Orange during fiscal 1969-70, for an A.H.F.P. project for the extension of Avenida Pico from Calle De Los Molinos to North El Camino Real.

114 - Proposed Resolution re Water Service Responsibilities of City and Capistrano Beach County Water District.

The Council further considered the question of either an agreement or a Resolution of policy spelling out the water service responsibilities of the City and Capistrano Beach County Water District in areas where City and District boundaries overlap.

Following discussion, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN O'KEEFE AND UNANIMOUSLY CARRIED that a policy Resolution be prepared by the City Attorney, to be brought back at the next meeting.

111 - Abandonment Request No. 01-67 - Filed Without Action.

Referring to the long pending request of Frances Davies, represented by Attorney Gary Sodikoff, for the abandonment of East Avenida Cota (Abandonment No. 01-67), the Clerk advised that after two requests for deferrment by Mr. Sodikoff, the last action of the Council on 8-16-67 was that "Action be postponed until further acknowledgment from Mr. Sodikoff for the principals."

The Clerk further advised that a letter was sent to Mr. Sodikoff by certified mail on 11/19/68 advising that since over one year has now elapsed and nothing further has been heard from the applicant, it would be recommended to the Council at this meeting that the matter be filed.

IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN O'KEEFE AND UNANIMOUSLY CARRIED that the request for Abandonment No. 01-67 be filed.

105 - Minor Subdivision Request No. 05-67, Earl Miller - Filed without Action.

Referring to the long pending request of Earl Miller to divide a portion of Lot 33 and all of Lots 32 and 42, Block 13, Tract No. 852 into three parcels (Minor Subdivision No. 05-67), the Clerk advised the last action of the Council on 11-15-67 was that "the matter be held over until the next regular meeting with the applicant to submit new detailed plans and revised parcel map indicating storm drain improvements to the satisfaction of the City Engineer."

The Clerk further advised that a letter was sent to Mr. Miller by certified mail on 11-19-68 advising that since over one year has now elapsed and nothing further has been heard from the applicant, it would be recommended to the Council at this meeting that the matter be filed.

IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN CHILTON AND UNANIMOUSLY CARRIED that the request for Minor Subdivision No. 05-67 be filed.

REPORTS & MISCELLANEOUS ITEMS

68 - Use of County Funds to Build and Equip Fire Stations for Municipalities in Orange County.

Councilman Northrup apprised the Council of the approval of the proposal before the Local Agency Formation Commission from the cities of Cypress, Los Alamitos, and La Palma that a Fire District be formed which would receive funds allocated from the County of Orange General Fund to build and equip a fire station and that the matter will now go before the Board of Supervisors.

Upon question, Councilman Northrup advised that he was the only member of the Commission who voted against the requested District.

Councilman Evans commented on a large hole in the pavement on Palizada in the vicinity of the alley, following construction work performed by the Telephone Company.

Councilman Evans questioned why East Portal and a certain portion of Avenida de la Estrella had not been improved by an Assessment District and the City Manager advised that a 50% protest petition was received before the district's preliminary procedures began.

98 - Request for Review of Municipal Code Section 31-9 Regarding Sidewalks, Curbs, & Gutters.

Councilman Evans suggested that the City Manager and Staff review Municipal Code Section 31-9 re sidewalk, curb, and gutter construction to see if there is a more efficient way of handling the requests for waiver.

Following discussion concerning possible administrative handling of such requests with appeals only to come before the Council, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN O'KEEFE, AND UNANIMOUSLY CARRIED that the Staff review Municipal Code Section 31-9.

Councilman O'Keefe questioned possible future Capital Improvements to be undertaken and discussion centered around consideration of the water master plan and the possibility of obtaining the services of an outside consultant to review present plans.

The City Manager commented that he had intended later on the Agenda to propose a Study Session to discuss Public Works projects.

22 - San Juan Capistrano Airport.

Concern was again expressed by Councilman O'Keefe regarding the San Juan Capistrano Airport and their land expansion needs and he stated that in view of recent news articles that the continued existence of the Airport is in jeopardy, he felt it would be of help for the Council to go on record strongly urging that the County take all steps necessary to maintain the airport for general aviation in the area. Councilman Chilton concurred but suggested that a strongly worded formal Resolution be prepared.

Following further discussion and the withdrawing of a previous motion, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED that the City Attorney draft a Resolution to the effect of what has been said.

Mayor Lower announced an invitation extended to the Council to attend the Arts and Crafts Tea from 12:30 P.M. to 5:00 P.M. on Sunday, December 8, 1968.

105 - Tract No. 5654.

The City Attorney presented a progress report regarding the status of

litigation on Tract No. 5654 and that he should have something to submit at the next meeting.

43 - Resolution No. 90-68 Commending Dr. S. I. Hayakawa, Acting President of San Francisco State College.

The City Attorney called attention to the student disorder at San Francisco State College and whether it might not be appropriate for this body to go on record commending the efforts of Acting President S. I. Hayakawa to restore order to the campus.

Discussion ensued on whether this was an individual and not a Council matter. Councilman Chilton expressed his opinion that this is a nonpartisan matter, that this Council approves of law and order, that only a firm principle is involved with no political ramifications, and we should stand behind this man for his forthrightness.

Councilman O'Keefe suggested a Resolution to the effect that having viewed with alarm the increasing public disorder which has been allowed to grow in some public institutions, this Council wishes to commend the actions of Dr. Hayakawa in his efforts to stem this tide.

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON, AND CARRIED to send a Resolution in the form just outlined to Dr. Hayakawa, Governor Reagan, Board of Trustees of the California State Colleges, our representatives in the State Legislature, and the Superintendent of Public Education.

It was also suggested that copies of the Resolution be sent to all Orange County cities.

Upon motion of Councilman O'Keefe, seconded by Councilman Chilton, RESOLUTION NO. 90-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, COMMENDING DR. S. I. HAYAKAWA, ACTING PRESIDENT OF SAN FRANCISCO STATE COLLEGE, was regularly introduced, passed, and adopted upon the following stated vote, to wit:

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

97 - Bids Received for Project No. PR3-68 (Corto Lane Storm Drain).

The City Manager announced that the following bids were publicly received and opened Tuesday, December 3, 1968, at 10:00 A.M. for Project No. PR3-68 (Corto Lane Storm Drain):

<u>BIDDER</u>	<u>TOTAL</u>
D. C. Muralt Company	\$ 10,952.00
B. Q. Halloran, Inc.	11,450.00
M. L. Garten	11,010.00
City Engineer's estimate	4,047.00

The City Manager then recommended that in view of the discrepancy between the bids and the estimate by the City Engineer and the price variation for the pipe, that all bids be rejected and authorize installation by utilization of City forces as it is felt the City can do the work more economically. Following discussion and questioning of the City Engineer, IT WAS MOVED BY COUNCILMAN O'KEEFE SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED to reject all bids and authorize the work to be performed by Force Account.

79 - Annual Employees' Christmas Bonus.

The City Manager presented the question of the Council's customary practice of granting an Employees' Christmas Bonus of \$10.00 for all full-time employees, with the exception of Department Heads.

IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN CHILTON to approve the Employees' Christmas Bonus. Following comment by Councilman Chilton to increase said bonus because of the performance of the Employees, IT WAS THEN MOVED BY COUNCILMAN CHILTON, SECONDED BY COUNCILMAN NORTHRUP TO AMEND THE MOTION to double the amount of the Bonus. Due consideration being given, THE MOTION TO AMEND WAS CALLED AND CARRIED upon the following stated vote, to wit:

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

The ORIGINAL MOTION AS AMENDED WAS THEN CALLED AND WAS CARRIED upon the following stated vote to wit:

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

30 - Supplemental Budget Appropriation.

The City Manager presented for consideration the following supplemental budget appropriations: (1) purchase of a Taylor Weatherscope for the Lifeguard Department in the amount of \$200; (2) appropriate for the Police Department the sum of \$3,400 from unappropriated surplus to cover purchase of video equipment together with an agreement with the Los Angeles County District Attorney for reception of transmitted law enforcement training films, and \$185 to purchase one additional desk and chair for use in the Detective Bureau; and (3) Deferment of part of the \$15,000 interfund loan payment (Golf Course Fund to General Fund pursuant to provisions of Resolution No. 1613) for the current fiscal year to undertake necessary extensive improvements in the irrigation system at the Golf Course in the amount of \$11,800. Mr. Carr further explained in detail the reasons for the requests and answered questions from the Council.

Due consideration being given, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN O'KEEFE to approve the recommendations as presented by the City Manager. 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

79 - Personnel System Rules and Regulations.

The City Manager presented a draft of a Resolution establishing Personnel System Rules and Regulations for Council study over the next two weeks to be placed again on the Agenda for action at the meeting of 12-18-68. Mr. Carr pointed out that the three major changes from the existing Personnel Resolution were: (1) to allow unlimited accrual of sick leave; (2) different method of the formation and appointment of Personnel Board; and (3) Provisions for grievance procedures not currently provided.

108 - Fence Encroachment License from A.T. & S.F. Railway Company.

The City Manager presented, explained, and recommended acceptance of a License from A.T. & S.F. Railway Company which would allow a fence encroachment of 30 feet into their right-of-way between the Pier and the Del Mar crossing, in lieu of the present 20 feet, for a one-time payment of \$50.

Following discussion, IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY MAYOR LOWER to recommend the acceptance of the fence encroachment License and authorize the Mayor and City Clerk to execute same on behalf of the City. The MOTION WAS UNANIMOUSLY CARRIED upon the following stated vote, to wit:

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

As requested by the City Manager, Mayor Lower set a Study Session for Wednesday, December 11, 1968, at 7:30 P.M., in the Conference Room for the purpose of discussing Public Works projects for street, water and flood control.

PAYING OF THE BILLS

IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY MAYOR LOWER that Warrants No. 12087 through No. 12191, as audited by the Council, be paid, including ratification of Payroll Warrant No. 12088. The MOTION WAS DECLARED CARRIED upon the following stated vote, to wit:

12/4/68

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 21, through December 4, 1968 \$ 62,228.76

Ratification of Payroll Warrant No. 12088, for
 period of November 11 through November 24, 1968 \$ 31,351.45

TOTAL WARRANT REGISTER . . . \$ 93,580.21

RESOLUTIONS

For Resolution No. 90-68 see under "REPORTS & MISCELLANEOUS ITEMS" on Page 6.

ORDINANCES

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 recommendation from the Automobile Club of Southern California as directed at the meeting of 11-6-68.

117 - Ordinance No. 527 - Rezoning Property in Vicinity of "Cross Hill" (Amendment No. 03-68).

As previously directed, a prepared Ordinance was presented rezoning Lots 57 through 64, inclusive; Lots 40 through 51, inclusive; and Lot 38, of Tract No. 898, from R-1-B-3 District to R-3-G P-R-D (Garden Apartment, Planned Residential Development) District.

Anthony Asaro addressed the Council questioning the density to be allowed if said Ordinance was adopted and commenting that he drives to work in Downey everyday because he likes the atmosphere in San Clemente and would like to go on record against allowing high density building and believed the majority of people in the City don't want it either.

It was pointed out that approval of a Use Permit would control what density would be allowed, and upon motion of Councilman Chilton, seconded by Councilman Northrup, ORDINANCE NO. 527, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING ORDINANCE NO. 397 KNOWN AS "THE SAN CLEMENTE CITY ZONING ORDINANCE", CHANGING THE ZONING OF CERTAIN PROPERTY IN SAID CITY, was regularly introduced by title only, the reading in full thereof unanimously waived, upon the following stated vote, to wit:

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

FURTHER REPORTS AND MISCELLANEOUS ITEMS.

Regarding a recent State Supreme court case involving obscenity, the City Attorney advised that the case was thrown out of court because of the failure to introduce expert opinion as to what constitutes contemporary community standards based on the State as a whole, thus reducing the whole State to the lowest common denominator and virtually eliminating any chance for convictions

ADJOURNMENT

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

Wade H. Lower
 Mayor and President of the
 City Council

Madeline Berg
 City Clerk and ex officio Clerk
 of the City Council