

San Clemente, California  
December 18, 1968

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, Wednesday, December 18, 1968, 7:30 PM, 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. Following a minute of silent prayer in memory of Frederick M. Schlegel, the Invocation was given by Mayor Lower.

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

PUBLIC HEARINGS

111 - Public Hearing re Proposed Abandonment of Public Alley  
(Abandonment No. 01-68, Ray Campbell).

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 the proposed abandonment of a public alley, described as Lot 16, Block K, Tract No. 851 (Abandonment No. 01-68, Ray Campbell).

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

There being no written or oral communications for or against the abandonment, the Mayor declared the hearing closed, and upon motion of Councilman Chilton, seconded by Councilman Evans, RESOLUTION NO. 91-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ORDERING VACATION AND ABANDONMENT OF 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, LOWER, NORTHRUP, AND LOWER  
NOES: Councilmen - NONE  
ABSENT: Councilmen - NONE

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

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 the proposed rezoning of Lots 30 and 31, Block 15, Tract No. 779, from R-3 (Multiple Family Residential) District to C-1 (Central Commercial) District, Zoning Amendment No. 04-68, Amy Nelson.

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

The Clerk read the memorandum from the Planning Commission dated November 27, 1968, recommending approval of said Zoning Amendment No. 04-68. The Mayor called for oral communications and there being no further written or oral communications, declared the Hearing closed.

Councilman Northrup questioned the wisdom of rezoning lot by lot in this area and commented that there is already a lot of C-1 zoning in the upper block. Following brief discussion IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY COUNCILMAN EVANS to approve Amendment No. 04-68 and instruct the City Attorney to prepare the necessary Rezoning Ordinance to be brought back to the next meeting. The MOTION WAS CARRIED with Councilman Northrup voting "NO".

WRITTEN COMMUNICATIONS24 - Declaration of Orange County as Rabies Area until December 2, 1969.

Letter and enclosure from the DEPARTMENT OF PUBLIC HEALTH, STATE OF CALIFORNIA, advising that Orange County is one of seven counties declared as a rabies area, effective December 2, 1968, for a 12-month period, with instructions to complete "Statement of Enforcement" form, submit to county health officer for endorsement and forwarded to said Department on or before January 2, 1969.

It was reported that the Police Chief has checked into the matter and since the City contracts with the Orange County Division of Veterinary Public Health for animal control services, that the "Statement of Enforcement" form be forwarded to them for completion.

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON that the letter be received and filed. The MOTION FAILED TO CARRY with Councilmen Evans and Northrup, and Mayor Lower voting "NO".

IT WAS THEN MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN EVANS to acknowledge receipt of the letter and forward the "Statement of Enforcement" form to the Orange County Health Department, Division of Veterinary Public Health, for completion of said form. The MOTION CARRIED with Councilman Chilton voting "NO".

102 - Proposed Re-establishment of Permanent Access to Palisades Reservoir.

Letter from ALEXANDER POWIE, ATTORNEY FOR TRI-CITIES MUNICIPAL WATER DISTRICT, advising of the necessity to re-establish a permanent means of access to the Tri-Cities Palisades Reservoir and inquiring whether the City would be interested in pursuing the construction of a dedicated public street at no cost to the City.

The City Manager reviewed the past history of the area in relation to tentative Tract No. 5951 and previous correspondence to the District from the City Engineer indicating that the City requested said District to defer construction of the road due to the contemplated development in the immediate and surrounding vicinity of the Tri-Cities Reservoir.

The Council concurred that the District has the prerogative to build the road in any event and the question is whether the City wished to accept it as a dedicated public street and maintain same.

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED that the letter from Attorney Alexander Bowie be referred to the City Manager for investigation and report back to the Council if necessary.

87 - Assignment of Antenna Site Lease - City Reservoir #5.

Letter from SAN CLEMENTE CABLE TELEVISION COMPANY requesting the City Council to approve assignment to the Times Mirror Company of the antenna site lease at the City Reservoir #5 in accordance with terms and conditions of said lease.

Due consideration being given, IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY COUNCILMAN O'KEEFE to approve the "Consent to Assignment of Lease" 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

114 - (59) Proposed Annexation of Certain Territories into Coastal, Tri-Cities, and Metropolitan Water District.

Letter and enclosures from TRI-CITIES MUNICIPAL WATER DISTRICT, relative to proposed annexation of certain territories into Coastal, Tri-Cities, and Metropolitan Water District, and requesting that the City ascertain whether the proposed terms and conditions and other established policies are acceptable to owners of said property.

Discussion ensued regarding action taken at the meeting of 8-21-68 relating to the request submitted to Tri-Cities Municipal Water District of terms and conditions necessary for annexation into the Water District of the area

comprising "Annexation No. 11" because of the proposed South Coast Satellite Hospital to be constructed within said annexed area on land to be donated by the O'Neill family.

The City Manager explained the posted map advising of two additional areas proposed to be added to the water districts annexation in order to eliminate what was referred to as "window areas", said property owners being Rancho Mission Viejo for one area and Brigham Young University and Forster property for the other area. The Council concurred that the addition of the two "window areas" seemed to be logical boundaries and it was established that the next consideration would be whether said owners are interested in the annexation and the obligations involved, either as a whole or only the original property owners.

Discussion then centered around the City Engineer's memorandum of 9-17-68 in which it was indicated that it would cost approximately \$819,714 to provide sewage and water facilities to the proposed hospital site. Councilman O'Keefe suggested the possibility of a 1911 Act to provide the needed facilities.

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED to refer the matter to the City Manager for study and consultation with the property owners and report back to the Council.

99 - Gateway Markers for Harbor Estates.

Letter and enclosure from HARBOR ESTATES HOME OWNERS ASSOCIATION requesting approval for the installation of a gateway marker as shown in an attached drawing, upon City parkway fronting Lot 91, Tract No. 4469.

Discussion ensued relative to whether the placement of such a marker on dedicated public right-of-way involves the applicant securing an encroachment permit or if it could be handled as an improvement and classified as a sign or advertisement.

Russell Henschman, representing the Association, spoke from the audience explaining the purpose of the marker was to improve and beautify the entrances to Harbor Estates; and also requested approval by the Council for a second marker, mentioned in the letter, to be placed at the corner of Calle Real and Calle Abril as soon as additional funds are available. In closing, Mr. Henschman acknowledged that if the City wished, the markers would become City property, but maintained by the Association.

Councilman Chilton remarked that this project was an example of community pride and should be encouraged as long as legal ramifications can be worked out.

Due consideration being given, IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY COUNCILMAN NORTHRUP, AND UNANIMOUSLY CARRIED that the request for 2 gateway markers be granted with the condition that they could be removed and demolished upon thirty days notice, and that said markers be dedicated to the City and maintained by the Harbor Estates Home Owners Association.

105 - Minor Subdivision No. 03-68.

Letter from LESLIE TRIGG with extensive comments and request for clarification of conditions relating to recently approved Minor Subdivision No. 03-68. Also presented for Council information was a letter from Leslie Trigg to the City Clerk and Associate Planner with numerous questions regarding the above mentioned Minor Subdivision.

The Clerk advised that Mr. Trigg was unable to be present and requested that the matter be deferred until the next meeting, but that in the interim he would like a reply to his second letter. Mayor Lower commented that some of the questions in the second letter were more of a legal nature and if the letter is to be replied to it should more properly be answered by the City Attorney. Mr. Kegley questioned the need for him to reply to the letter since in a recent telephone conversation with Mr. Trigg, he had already informed him of his interpretation of the conditions as set forth by the Commission and as approved by the Council.

Following discussion the Council concluded that if Mr. Trigg wished to appeal one of the conditions the matter should be referred back to the Planning Commission. IT WAS THEN MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN EVANS, AND UNANIMOUSLY CARRIED to refer both letters to the Planning Commission, and the City Staff invite Mr. Trigg to present his problem to the Commission if he so desires.

101 - Name of Camino Mira Costa for Proposed Secondary Highway.

Memorandum from PLANNING COMMISSION referring to correspondence from the Orange County Street Naming Committee and recommending approval of the name of Camino Mira Costa for the proposed secondary highway which will connect Camino de Estrella and Camino Capistrano.

A map of the area was posted and discussion ensued. Upon motion of Councilman Evans, seconded by Councilman Chilton, RESOLUTION NO. 92-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE NAME OF CAMINO MIRA COSTA FOR THE PROPOSED SECONDARY HIGHWAY, A PORTION OF WHICH WILL LIE WITHIN THE CITY AND WHICH WILL CONNECT CAMINO DE ESTRELLA AND CAMINO CAPISTRANO, 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

112 - Denial of Use Permit No. 17-68 (Ryan Outdoor Advertising, Inc.).

Memorandum from PLANNING COMMISSION recommending denial of Use Permit No. 17-68, being a request by Ryan Outdoor Advertising, Inc., for use of an existing billboard on Lot 4, Block 1, Tract No. 820 (1440 North El Camino Real), for which the original permit has expired, for outdoor advertising.

Hart Jensen of Ryan Outdoor Advertising Company questioned the Commission's denial of their request while granting another, and explained that all they were asking was for continued use of a billboard which has been in existence for twenty years and which advertises a business in San Clemente.

It was explained that the other request concerned billboards which are located upon the premises of the business being advertised. Due consideration being given, IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY COUNCILMAN O'KEEFE, AND UNANIMOUSLY CARRIED that the recommendation of the Planning Commission be upheld and that Use Permit No. 17-68 be denied.

112 - Use Permit No. 18-68 (John Sepe).

Memorandum from PLANNING COMMISSION recommending approval of Use Permit No. 18-68, being a request from John Sepe to use three existing billboards to advertise the Shorecliffs Country Club and Golf Motel, (billboards previously used to advertise the Shorecliffs subdivision and for which original use permit has expired); said approval to be for a period of one year or until ordered down by the State or Federal Government, and that a bond be posted to ensure removal.

Following the posting of a map showing the three existing billboards on Golf Course property, Associate Planner Schulte advised that said signs are part of several signs under bond originally approved for the Vista Baya Corporation, all of which have been ordered removed by the second week in January, 1969, since the original permit has expired.

Discussion ensued relative to the recent restrictions imposed by the State and Federal Government in a beautification program regarding signs along the freeway and its effect on the requested signs.

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED to approve the recommendation of the Planning Commission and grant Use Permit No. 18-68, subject to the conditions specified therein.

ORAL COMMUNICATIONS97 - Agreement Concerning Exchange of Easements on Lot 29, Tract No. 4947 (Olga Tafe).

Mrs. Theodore Tafe addressed the Council expressing dissatisfaction and alleging delay by the City Attorney in the finalizing of the agreement concerning the exchange of easements on Lot 29, Tract No. 4947, stating that her attorney advised against signing the agreement because of a certain clause which would make her property useless and unless the issue is resolved she would have no other recourse than to take legal action.

The City Attorney explained that the hold harmless clause was included to protect the City in the area of drainage and he was under the impression that her attorney concurred in this provision.

Following further discussion between Mrs. Tafe and the Council, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY MAYOR LOWER to instruct the City Attorney to come back with an agreement for the approval of the Council at the meeting of 1-2-69 that is acceptable to all parties. The MOTION WAS CARRIED with Councilman Chilton voting "NO".

77 - Recommendation from Parks & Recreation Commission re Area Suitable for Playscape Equipment.

Ian Kennedy, Chairman of the Parks & Recreation Commission, presented a memorandum report on the action taken at their meeting of December 16, 1968, which referred the Council to their past action recommending that lots not be purchased for playscape equipment and that the Commission's recommendation for an area best suited for this type of equipment would be to add to the facilities of the existing four parks, i.e., San Luis Rey, Bonito Canyon, Plaza Park, and Linda Lane.

Mrs. James Farrand, President of the Junior Woman's Club, commented that the equipment donated by a combined group of organizations was valued at \$800 and the only stipulation was that it be placed where there is a recognized need for neighborhood parks.

Lengthy debate and discussion ensued between Mrs. Farrand, Ian Kennedy, Tony Asaro, and the Council relative to the intent of the donors; the recommendation already made on the location of the playscape equipment which was done before the Parks & Recreation Commission was formed; and the responsibilities and obligations of the Commission.

Since the City is awaiting a reply from the State as to the possible availability of excess freeway property above San Geronio which might be utilized for a neighborhood park, IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY MAYOR LOWER, AND UNANIMOUSLY CARRIED that the memorandum be received and filed.

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Tony Asaro again addressed the Council with comment concerning the Council's hesitancy and reluctance at the last meeting leading to their Resolution of commendation for Dr. S. I. Hayakawa.

REPORTS AND MISCELLANEOUS ITEMS

Pursuant to new legislation which allows the Local Agency Formation Commission to initiate annexation of unincorporated "islands", Councilman Northrup advised that he felt this was good legislation and he would vote in favor of such annexations if the Council had no objections.

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Councilman Evans took the opportunity to wish everyone a Merry Christmas and a Happy New Year.

47 - Suggested Crosswalk in Vicinity of Canada or Escalones on El Camino Real.

Councilman Chilton commented on the increase in pedestrians crossing in the vicinity of Canada and Escalones on El Camino Real and suggested that the Traffic Engineer investigate the situation and make recommendation as to a crosswalk at one of the two intersections.

64 - Proposed Burglar Alarm System for Lifeguard Headquarters.

Taking into consideration the three burglaries which have occurred at the new Lifeguard Headquarters Building, Councilman Chilton suggested that thought should be given to the installation of a burglar alarm system.

83 (52) & (23) - Emergency Telephone Number System.

Councilman O'Keefe proposed that the City Staff investigate the establishing of an emergency telephone number system for Police, Fire, and Ambulance services similar to the system adopted by various areas, and as reported in a recent article in Reader's Digest.

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Mayor Lower announced that funeral services will be held for Frederick M. Schlegel at Pacific View Mortuary in Corona del Mar on Friday, December 13, 1968, at 11:00 A.M.

30 - Capital Improvement Program.

Mayor Lower apprised the Council that for the first time in the history of San Clemente the City has on hand a sizable surplus and the Council should make a determination as to what Capital Improvement projects to commence. He continued that consideration should be given to the following projects: land acquisition, repaving of El Camino Real and Ola Vista, paying off City Hall, new restrooms at the Golf Course, Pier entrance, and metered parking at Linda Lane.

22 - Land Expansion Needs of San Juan Capistrano Airport.

As previously directed, the City Attorney presented a Resolution concerning the land expansion needs of the San Juan Capistrano Airport and upon motion of Councilman Evans, seconded by Councilman Chilton, RESOLUTION NO. 93-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RELATIVE TO THE LAND EXPANSION NEEDS OF THE SAN JUAN CAPISTRANO AIRPORT AND URGING THE ORANGE COUNTY BOARD OF SUPERVISORS TO TAKE ALL STEPS NECESSARY FOR THE MAINTENANCE OF THE AIRPORT AND GENERAL AVIATION IN THE AREA, 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

114 - Resolution No. 94-68 Re Elimination of Duplicate Services in Areas Where City and Water Districts or Other Districts Overlap.

As previously directed, the City Attorney presented a proposed Resolution concerning elimination of duplicate services and upon motion of Councilman O'Keefe, seconded by Councilman Chilton, RESOLUTION NO. 94-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, IN REGARD TO AREAS WHERE CITY AND WATER DISTRICTS OR OTHER DISTRICTS OVERLAP, AND STATING ITS POSITION AND POLICY TO COOPERATE IN AN EFFORT TO ELIMINATE DUPLICATION OF SERVICES, 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

77 - Acceptance of Easement from Mr. & Mrs. William Karl Lowe - Calle De Los Alamos Beach Access.

Referring to a long pending matter, the City Attorney presented and recommended acceptance of a Deed of Easement from William Karl Lowe and Irene Yvonne Lowe, said Easement for public purposes 10 feet wide across Lot 40, Tract No. 897, and which was ordered given to the City following litigation (Judgement No. 146217). Said easement extends southwesterly from the existing 10 foot easement between Lots 30 and 31, Tract No. 897, which is commonly referred to as the Calle De Los Alamos Beach Access easement.

IT WAS MOVED BY COUNCILMAN NORTHRUP, SECONDED BY COUNCILMAN CHILTON, that the Deed of Easement from William Karl Lowe and Irene Yvonne Lowe be accepted, and the City Clerk authorized to record same with 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

Monthly Departmental Activities Report.

The City Manager drew attention to the monthly activities report for the month of November, 1968.

97 - Project No. 1-69 (Dije Court-Florenxia Storm Drain).

The City Manager presented and explained plans and specifications for Project No. 1-69, Dije Court-Florenxia Storm Drain, estimated construction costs by the City Engineer in the amount of \$4,750.

Due consideration being given, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY MAYOR LOWER, AND UNANIMOUSLY CARRIED to approve the plans and specifications

for Project No. 1-69 as prepared by the City Engineer and authorize the advertisement of bids.

28 - Accountants' Report Covering Fiscal Year Ending June 30, 1968.

The City Manager presented the Accountants' Report for fiscal year ending June 30, 1968. Following comment by Councilman O'Keefe that in previous years there had been several reservations listed, the City Manager stated that the Accountants found nothing with which to take exception thus the lack of comments which is a compliment to Gerald Teachout, Finance Director.

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

Mr. Carr noted that a copy of said Report is on file in the office of the City Clerk for anyone who wishes to review it.

58 - Lease of Golf Course Parking Lot.

Further consideration was given to the question of the City continuing the lease of the parking lot adjacent to the Municipal Golf Course in view of the requested cancellation request by the present Golf Course concessionaires who were subleasing said lot.

As previously directed to check into acquisition possibilities, the City Manager advised that he had met with the owners and it was indicated the cost would be approximately \$3.00 per square foot for the 30,000 square foot parcel.

Following discussion by the Council, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN CHILTON to maintain the lease until July, 1969, and then bring it up again at that time during budget studies. IT WAS THEN MOVED BY MAYOR LOWER, SECONDED BY COUNCILMAN O'KEEFE TO AMEND THE MOTION to continue the lease on the present month to month basis to be further discussed at the Budget Session in July, 1969. The MOTION TO AMEND WAS CALLED AND UNANIMOUSLY CARRIED, the ORIGINAL MOTION AS AMENDED WAS THEN CALLED AND WAS UNANIMOUSLY CARRIED.

27 - Proposed Underground Utility District 2-68-U Pacesetter Hillcrest.

Referring to the priority list for underground utility districts which established the Pacesetter Hillcrest area as proposed District 2-68-U, consideration was given to the question raised at a previous meeting of whether the City Council could proceed on their own initiative to establish said District or must rely on a petition from property owners of the area.

The City Manager advised that Special Legal Counsel Brown in a formal opinion stated that the Council cannot act until there has been a petition previously presented, signed by not less than 20 owners of the assessable area and representing at least 50% of the assessable area.

Due consideration being given, the Council concurred that any further action is now up to the property owners of said area.

113 - Water System Improvements.

Consideration was given to improvements to the City water system which was the principal topic discussed at a recent Study Session. The City Manager reviewed the master plan for water distribution as outlined in the Currie Report and subsequently adopted into an approved element of the City Master Plan, and later studies developed by the Engineering Staff entitled "Master Plan for Ultimate Development of Existing Domestic Water Storage and Distribution System" which covers deficiencies and needs for the area comprising the original City boundaries and not included in the Currie Report.

Discussion ensued relative to reservoir and storage deficiencies, and the pros and cons of engaging an outside consultant to review and coordinate all studies to date and interject new innovations into the system.

Following a MOTION by Councilman O'Keefe to negotiate for the services of a qualified consultant which DIED FOR LACK OF A SECOND, discussion centered around proceeding with Stage 1 development of a one million gallon Reservoir in the vicinity of Avenida Verde at the estimated expenditure of \$250,000, as recommended in the Engineering Staff report. Upon question, the City Engineer also commented on the advantages, but the high cost of a complete geological study to aid in an analysis of the underground water system.

Due consideration being given, IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY MAYOR LOWER to authorize the Staff to proceed with Stage 1 implementation. The MOTION WAS CARRIED upon the following stated vote, to wit:

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

27 - Request for Time Extension re Contract for Assessment District 4-68-U.

The City Manager presented a request from D. C. Muralt, Contractor on Assessment District 4-68-U, Montalvo-Lobeiro, for an extension of 30 days to complete their contract due to the addition of sidewalks in the plans.

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN EVANS, AND CARRIED to grant D. C. Muralt a thirty-day time extension for the completion of the contract. Councilman Chilton "ABSTAINED" from voting explaining he was engaged for certain services on the project.

77 - Waiver of Bid Requirement for Pier Piling Repairs.

Referring to money budgeted for pier piling replacement, the City Manager requested instead consideration of repairing the deteriorated wood pilings using a new process developed by the Dillingham Corporation and called "Pile-Renu".

The City Engineer explained the process involving a concrete sleeving and recommended approval of an expenditure of \$140.75 per piling. Mr. Peter further commented that a diving survey by the Lifeguard Department indicates the need to repair 49 pilings.

Discussion ensued regarding the requirement in the Municipal Code that any purchase of materials or supplies in excess of \$2,500 must go to formal bid, and the City Manager read Section 5-6 (h) which authorizes the waiver of the foregoing requirement if there is a limitation on the source of supply.

Following discussion, the Council concurred that the waiver provision would cover the present circumstances, and IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED to authorize waiver of formal bid requirement in regard to pier piling repairs.

PAYING OF THE BILLS

IT WAS MOVED BY COUNCILMAN EVANS, SECONDED BY COUNCILMAN NORTHRUP that Warrants No. 12192 through No. 12333, as audited by the Council, be paid, including ratification of Payroll Warrant No. 12197. 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 December 5 through December 18, 1968 . . . . . \$ 37,363.43

Ratification of Payroll Warrant No. 12197, for period of November 25 through December 8, 1968 . . . . . \$ 32,822.87

TOTAL WARRANT REGISTER \$ 70,186.30

RESOLUTIONS

- For Resolution No. 91-68 see under "PUBLIC HEARINGS" on Page 1.
- For Resolution No. 92-68 see under "WRITTEN COMMUNICATIONS" on Page 4.
- For Resolution No. 93-68 see under "REPORTS & MISCELLANEOUS ITEMS" on Page 6.
- For Resolution No. 94-68 see under "REPORTS & MISCELLANEOUS ITEMS" on Page 6.

102 - Resolution No. 95-68 Concerning A.H.F.P. Application for the Extension of Avenida Pico from Calle De Los Molinos to North El Camino Real.

Pursuant to previous Council action, and upon motion of Councilman Chilton, seconded by Councilman Evans, RESOLUTION NO. 95-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE COUNTY OF ORANGE TO INCLUDE WITHIN THE ARTERIAL HIGHWAY FINANCING PROGRAM THE DEVELOPMENT OF AVENIDA PICO, was regularly introduced, passed, and adopted



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upon the following stated vote, to wit:

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

79 - Resolution No. 96-68 Establishing Personnel System Rules and Regulations.

The Council having studied the draft of a proposed Resolution establishing Personnel System Rules and Regulations pursuant to recently adopted Personnel System Ordinance No. 526, upon motion of Councilman Chilton, seconded by Councilman Evans, RESOLUTION NO. 96-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING PERSONNEL SYSTEM RULES AND REGULATIONS FOR THE CITY OF SAN CLEMENTE, was regularly introduced, passed, and adopted upon the following stated vote, to wit:

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

79 - Resolution No. 97-68 Establishing Compensation Plan.

In presenting a proposed Resolution establishing a compensation plan, it was explained that it was the same as the existing compensation plan except that it had been rewritten to properly relate to the new Personnel System Ordinance and Resolution, and upon motion of Councilman Evans, seconded by Councilman Chilton, RESOLUTION NO. 97-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING A COMPENSATION PLAN; ASSIGNING COMPENSATION SCHEDULES FOR ALL CLASSES OF EMPLOYMENT IN THE CITY SERVICE; PROVIDING FOR CERTAIN OTHER COMPENSATION BENEFITS; AND REPEALING RESOLUTION NO. 52-68 AND ALL OTHER RESOLUTIONS IN CONFLICT THEREWITH, 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

106 - Proposed Ordinance Revising El Camino Real Speed Limits.

The proposed Ordinance revising the speed limits on El Camino Real was again 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).

In considering the adoption of Rezoning Ordinance No. 527, Anthony Asaro addressed the Council in protest to deviation from the Zoning Ordinance and Precise Zoning map as adopted in 1962 and revised in 1966. Mr. Asaro further protested the matter before the Council permitting higher density building which he felt the majority of the citizens were against.

The history of "Cross Hill" ownership and rezoning requests was explained to Mr. Asaro and following brief Council comments, upon motion of Councilman Northrup, seconded by Councilman Chilton, 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, having been regularly introduced at the meeting of 12-4-68, was again introduced by title only, the reading in full thereof unanimously waived, and 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

98 - Ordinance No. 528 - Relating to Construction of Curbs, Gutters, and Sidewalks in Conjunction with Building Construction.

Pursuant to Council request at the meeting of 12-4-68 for the Staff to review Municipal Code Sections 31-9 and 31-10 to see if there was a more efficient way to handle requests for waiver of curb, gutter, and sidewalk installation in conjunction with building construction, the Council considered a proposed Ordinance amendment which had been submitted along with their agendas.

12/18/68

The Council concurred with the wording therein, and upon motion of Councilman Evans, seconded by Councilman Chilton, ORDINANCE NO. 528, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTIONS 31-9 AND 31-10 OF THE CODE OF THE CITY OF SAN CLEMENTE, RELATING TO CONSTRUCTION OF CURBS, GUTTERS, AND SIDEWALKS IN CONJUNCTION WITH BUILDING CONSTRUCTION, 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.

The City Attorney reported on a recent landmark Supreme Court decision wherein the Court ruled in favor of certain residents of Ventura who had sought to impose liability on a Savings and Loan Association for defects in the development of their Tract, and one of the main statements made was that the developer had a small amount of money in the tract and the lending institution a large amount; therefore, the Court held that a "cause of action" could be stated on this ground.

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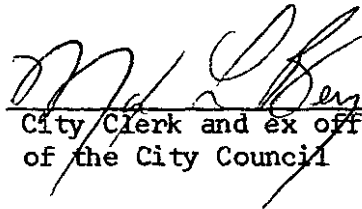
Councilman Chilton also commented on a favorable Court ruling in Los Angeles in regard to sitting, lying, or sleeping on sidewalks.

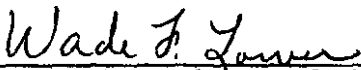
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Councilman O'Keefe suggested that in the future, Study Sessions not be set on nights when it is known in advance that one or more Councilmen will be unable to attend.

ADJOURNMENT

There being no further business, IT WAS MOVED BY COUNCILMAN NORTHRUP, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED that the Council meeting be adjourned in memory of Frederick M. Schlegel. The meeting was adjourned at 11:00 P.M.

  
 \_\_\_\_\_  
 City Clerk and ex officio Clerk  
 of the City Council

  
 \_\_\_\_\_  
 Mayor and President of the  
 City Council