

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, Wednesday, February 21, 1968, 7:30 P.M., Mayor Howard Massie presiding.

PLEDGE OF ALLEGIANCE AND INVOCATION

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

ROLL CALL

PRESENT: Councilmen - CHILTON, LOWER, NORTHRUP, O'KEEFE, AND MASSIE  
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 February 7, 1968, having been previously presented to the members of the Council, IT WAS MOVED BY COUNCILMAN LOWER, SECONDED BY COUNCILMAN O'KEEFE, AND UNANIMOUSLY CARRIED that said minutes be approved as presented, and the reading in full thereof waived.

PUBLIC HEARINGS

99 - Appeal by General Maintenance, Inc., for Gulf Oil Corporation to Planning Commission Denial of Sign Exception No. 02-68.

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 the Appeal by General Maintenance, Inc., for Gulf Oil Corporation to Planning Commission denial of Sign Exception No. 02-68, being a request to (a) allow a 75 foot high pole sign, which exceeds the allowable 25 foot height limit by 50 feet; (b) to allow a 26 foot high pole sign which exceeds the 25 foot height limit by one foot; and (c) to allow the requested 26 foot high pole sign to rotate; located on Parcel 1 of RST 3592, addressed as 590 Camino de Estrella, in a C-1 District.

The Clerk also announced that notice of hearing was posted and published as required by law and that affidavits showing such compliance are on file in the Clerk's office. The Clerk then posted a plot plan and sign plan and read the report from the Planning Commission reviewing their action and reasons for denial of items "a" and "b", and approval of item "c", as amended, to permit a 25 foot high pole sign to rotate.

The Mayor called for oral communications and Don Fink, representing General Maintenance, Inc., and Agent for Gulf Oil Corporation, spoke in support of the Appeal with various comments and arguments concerning the necessity of a freeway oriented sign of sufficient height to attract the motoring public. Mr. Fink listed other sign exceptions which have been granted, emphasized that said station will afford more revenue to the City, open up more job opportunities, will in no way be detrimental to adjacent property owners, that success or failure of the station depends on the sign decision, and if not approved it would be a denial of a property right enjoyed by others. Mr. Fillmore, future operator of the station, also spoke in support of the Appeal.

The Mayor then called for any opponents to the Appeal and Norman Gollos of the Board of Directors of the Harbor Estates Homeowners' Association reported that the community of approximately 270 homes is opposed to such a sign being in close proximity. C. H. Gullett, resident of San Clemente, also spoke in opposition to the Appeal stating that something must be done to stop the "carnival atmosphere" to our academic community. Further comments and protests to the appeal were made by Russell Henschman, Edward Hard, Earl Isaac, Sheldon Dahl, and Keith Hutchens.

Edward Dobbs, representing Gulf Oil Corporation, rebutted with further argument in favor of their Appeal.

There being no further oral communications for or against the Appeal, the Mayor declared the Hearing closed.

Following due consideration, and an opportunity having been given to all persons

desiring to be heard, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN NORTHROP to uphold the ruling of the Planning Commission and reject the Appeal on Sign Exception No. 02-68.

Councilman Chilton questioned allowing the sign to rotate and following subsequent consideration, IT WAS THEN MOVED BY COUNCILMAN CHILTON, SECONDED BY COUNCILMAN O'KEEFE TO AMEND THE MOTION to deny a rotating sign and only allow the 25 foot high stationary pole sign within the provisions of the Sign Ordinance. The MOTION TO AMEND WAS CALLED AND UNANIMOUSLY CARRIED. The ORIGINAL MOTION AS AMENDED WAS THEN CALLED AND UNANIMOUSLY CARRIED.

99 - Appeal by Union Oil Company of California to  
Planning Commission Denial of Sign Exception No. 03-68.

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 the Appeal by Union Oil Company of California to Planning Commission denial of Sign Exception No. 03-68, being a request (a) to allow a pole sign at a height of 26 feet, which exceeds the allowable height limit by one foot; (b) to allow the 26 foot high pole sign to revolve; and (c) to allow a pole sign at a height of 90 feet, which exceeds the allowable height limit by 65 feet; on a portion of Lot 7, Tract No. 1127, a metes and bounds description, addressed as 600 Camino de los Mares, in a C-1 District.

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

The Clerk then called attention to the posted plot plan and sign plan; and read the report from the Planning Commission reviewing their action and reasons for denial of items "a" and "c", and approval of item "b", as amended, to allow a 25 foot high pole sign to rotate.

The Mayor called for oral communications and Louis Weir of Union Oil Company explained their position as being peculiar due to the fact that the visibility of the sign would be only from the northbound lanes of the freeway, thus necessitating a taller sign to permit visibility for southbound traffic.

Norman Gallos of the Harbor Estates Homeowners' Association and C. H. Gullett voiced their opposition as previously stated in the Hearing on Sign Exception No. 02-68 and urged denial of the Appeal.

There being no further oral communications for or against the Appeal, the Mayor closed the hearing with comment that the Council was faced with the problem that while the motoring public should be reasonably accommodated, it was necessary that a semblance of order and beauty be maintained in the City.

Following due consideration, and an opportunity having been given for all persons desiring to be heard, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED to uphold the Planning Commission on items "a" and "c" and deny the Appeal to Sign Exception No. 03-68; further, that the allowance of rotation of the 25 foot high sign be eliminated from the action of the Planning Commission.

WRITTEN COMMUNICATIONS

31 - Objection to Appearance of Structure Being Erected at 225 Calle Serena.

Letter from M. A. DICKSON voicing objection to the appearance and depreciating effect of a structure being erected at 225 Calle Serena and questioning why the City has no architectural control over such types of buildings.

Upon question, the City Attorney stated that numerous attempts for such control have been made to no avail since it involves the question of aesthetics which cannot be legally regulated. During discussion, Mr. Dickson stated that he was aware of the fact that nothing could be done in this case, but their concern is about the future of the City and requested the Council give serious thought to the matter.

Mrs. C. R. Treat, neighboring property owner, also expressed concern in regard to a drainage problem which has been created by the new residence. Upon question, the City Manager assured the Council that, pursuant to laws and regulations of the City, all corrective measures will be required before issuing a certificate of occupancy.

Councilman O'Keefe suggested the possibility of permitting single story zoning only in those areas where property owners might wish their homes to be so zoned. Councilman Northrup also suggested the matter might be controlled through residence floor area requirements.

Due consideration being given, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN NORTHRUP, AND UNANIMOUSLY CARRIED to refer to the Planning Commission the question of possible amendment to the Zoning Ordinance to provide for single story types of R-1 zoning in areas where it may be appropriate.

98 - Request for Waiver of Curb and Gutter Requirements.

Letter from FRANK B. RUTLEDGE requesting waiver of curb and gutter requirements (Municipal Code Section 31-9) in connection with a triplex construction at 242 W. Mariposa.

The City Manager reported that the request had been checked by the City Engineer who noted in his memorandum, dated 2-9-68, the long standing "dish gutter" problem and advised that there is no justification for granting the request and recommended it be denied.

Following brief discussion, IT WAS MOVED BY COUNCILMAN NORTHRUP, SECONDED BY COUNCILMAN LOWER, AND UNANIMOUSLY CARRIED that the request be denied.

Frank Rutledge then addressed the Council inquiring if he could have an opportunity to speak and voiced his opinion that when you buy property it is presumed there will be access to it; that the existing problem is due to improper engineering of the street; and that no matter how the lot was graded, proper driveway access could not be obtained. For these reasons, Mr. Rutledge felt that the City should aid in the curb and gutter reconstruction, possibly by providing crusher base and back paving.

No further action was taken following subsequent Council discussion and deliberations.

73 - Request by San Clemente Garden Club for use of Community Clubhouse and Customary Waiver of Fees.

Letter from SAN CLEMENTE GARDEN CLUB requesting free usage of the Community Clubhouse for their seventeenth annual flower show on April 19-21, 1968.

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

93 - Request for Support in Urging that County Disposal Facilities Remain Open 365 Days Per Year.

Letter and Resolution from COSTA MESA SANITARY DISTRICT requesting the Council adopt a similar resolution urging the County Board of Supervisors to maintain County Disposal Facilities open on a 365 day per year basis.

The City Manager commented that such a change would increase the cost of operation which in turn would have to be paid by the taxpayers; and as for the City, there is no need to keep these facilities open as proposed.

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

62 - Request for Council Resolution Supporting AB 231.

Letter and enclosures from ASSEMBLYMAN FLOYD L. WAKEFIELD, Fifty-Second District, requesting Council passage of a resolution supporting his Bill (AB 231) which provides that no child may be bussed from his neighborhood school attendance area without written permission of parent or guardian.

Councilman Chilton commented that this matter is appropriate at this time for study and consideration, and he personally was in favor of supporting Assemblyman Wakefield's proposal. A MOTION by Councilman Chilton to adopt a Resolution in concurrence with AB 231 DIED FOR LACK OF A SECOND.

Councilman Northrup remarked that while the Council may be in sympathy with the matter, it is really not a City legislative matter and he felt the Council

should take no action. IT WAS MOVED BY COUNCILMAN LOWER, SECONDED BY COUNCILMAN NORTHRUP, AND CARRIED that the communication be received and filed. Councilman Chilton voted "NO."

73 - Request for Permission to Use the Plaza to Hold a Girl Scout Fair.

Letter from SAN CLEMENTE GIRL SCOUTS requesting permission to use the Plaza on March 9, 1968, 10:00 A.M. to 3:00 P.M., for the purpose of holding a Girl Scout Fair.

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

105 - Minor Subdivision No. 04-66.

Letter from FORSTER DEVELOPMENT COMPANY, By Investors Marine, Inc., requesting acceptance of works of improvement and exoneration of Bonds for Minor Subdivision No. 04-66.

The Clerk read a memorandum from the City Engineer recommending that the City accept the works of improvement and record the deed previously received providing the City Attorney passes on the validity of the deed, i.e., any change in ownership since it was first submitted to the City in December, 1966.

The Council concurred that if any title search is necessary it should be at the expense of the Developer and due consideration being given, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN LOWER, AND UNANIMOUSLY CARRIED to accept the works of improvement and a deed to the street and street improvements, subject to deed approval by the City Attorney as passing clear title; further, upon the acceptance and recordation of the deed that the Labor and Material Bond and Faithful Performance Bond for Minor Subdivision No. 04-66 be exonerated pursuant to statutory time provisions; that the monument bond be held pending completion of the survey monuments; and that a Resolution of acceptance be prepared to be brought back at the next meeting.

117 - Zoning Amendment No. 01-68 (Rezoning of Lots 76 & 77, Tract No. 1127).

Memorandum from the PLANNING COMMISSION recommending approval of Zoning Amendment No. 01-68, being a request to rezone Lots 76 & 77, Tract No. 1127, from "U" (Unclassified) to R-2 (Duplex Residential) District, more commonly described as 2904 & 2910 Camino Capistrano.

IT WAS MOVED BY COUNCILMAN NORTHRUP, SECONDED BY COUNCILMAN LOWER, AND UNANIMOUSLY CARRIED that public hearing on Zoning Amendment No. 01-68 be set for March 6, 1968.

77 - Suggested Public Competition for Plan for Redesign of Entry at the Pier.

Memorandum from the PLANNING COMMISSION recommending that the City Council follow the suggestion from Planning Consultant Milton Breivogel that the Engineering Department supply the basic requirements and specifications for a city-wide competition or program for public suggestions for plans for beautification of the pier entrance.

Concurring to hold the subject matter in abeyance until the scheduled Study Session on Wednesday, February 28, 1968, IT WAS MOVED BY MAYOR MASSIE, SECONDED BY COUNCILMAN NORTHRUP, AND UNANIMOUSLY CARRIED to defer the memorandum to the next meeting.

ORAL COMMUNICATIONS

The Mayor called for Oral Communications and there were none.

UNFINISHED BUSINESS

96 - Engineering-Science, Inc., Report and Recommendations from Sewage Treatment Plant Expansion Negotiating Committee.

Referring to the Engineering-Science, Inc., report, the Mayor advised of the following recommendations from the Negotiating Committee regarding the future course of action in connection with providing the City with expanded sewage treatment and disposal capability: (1) Approve an agreement with U.S.M.C. for waste water disposal in the San Mateo Basin and authorize execution by the

Mayor and City Clerk; (2) Instruct the preparation of an agreement between the City and Capistrano Beach Sanitary District for transport into District facilities the sewage emanating from the Prima Deshecha drainage basin and processing of same by District at an annual cost to the City of \$12,000, said cost which is comparable to our cost of doing same; and (3) Instruct Engineering-Science, Inc., to commence the preparation of final detailed plans and specifications calling for: (a) a 2 MGD addition to existing treatment plant and (b) alternatively, a 4 MGD capacity new treatment plant to be situated on land owned by B.Y.U. provided satisfactory arrangements can be made with their officials for abandonment of present site and treatment works.

For clarification of No. 3, the Mayor remarked that before any finalizing of plans or instructions can be given to Engineering-Science, Inc., the Committee will have to confer with B.Y.U. officials in Utah in order to resolve certain aspects of future planning.

Discussion ensued regarding the possibility of including recreational facilities adjacent to the proposed plant in the back country, clearing the valuable ocean front property of the present plant, and the selling of effluent water.

IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY COUNCILMAN NORTHRUP to approve Items 1, 2, & 3 as set forth in the memorandum, dated 2-20-68, from the Negotiating Committee. The MOTION WAS UNANIMOUSLY CARRIED upon the following stated vote, to wit:

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

Joe Feeney, Engineering-Science, Inc., acknowledged that it is their intention not to start any further finalizing of plans until so instructed. The City Attorney advised that he will prepare the Agreement as approved in Item 2.

#### REPORTS AND MISCELLANEOUS ITEMS

##### 77 - Linda Lane Area Proposed Location for Art Museum.

Pursuant to previous direction at the meeting of 2-7-68, Councilman Northrup gave a Committee report apprising the Council that regarding the possibility of the Linda Lane area being proffered to the Hunts Food Company for their proposed Art Museum, as suggested by J. M. "Mac" Jones, he was advised by a representative of the Company that their plans are not as yet formulated and anything concerning a site selection is probably 2 years in the future.

IT WAS MOVED BY COUNCILMAN NORTHRUP, SECONDED BY COUNCILMAN LOWER, AND UNANIMOUSLY CARRIED to notify Mr. Jones of the Committee's findings.

##### 73 - SCAG

Councilman Lower gave a comprehensive report on his recent attendance at the annual meeting of SCAG and summarized the status and purposes of the organization and the information received relative to regional problems concerning Air Pollution, Airports and Aviation, and Park and Recreational Facilities.

##### 44 - Restaurant Concession at North Beach.

Councilman Chilton gave a Committee report apprising the Council that regarding the establishment of a Restaurant concession at North Beach and the setting of standards for structural appearance, he had contacted Planning Consultant Breivogel and along with plans of the area transmitted by the City Engineer and the scheduled Study Session with School officials, some firm recommendations should be ready soon.

##### 96 - Sewage Effluent Line Seepage.

Councilman O'Keefe again reported the seepage of effluent water in the general vicinity of North El Camino Real and Estacion.

##### 35 - Suggested Advertising Method to Attract Industry.

Councilman O'Keefe presented an item from the October issue of "Forbes" magazine showing a reproduction of a postcard used to attract industry to a city and suggested that a copy of said advertisement be transmitted to the Chamber of Commerce as a new approach on a company level which could be looked into and considered.

76 - Suggested Parking Restrictions (Camino Capistrano & Highway 101).

Councilman O'Keefe suggested that parking on the northwest side of Camino Capistrano and Highway 101 be eliminated which would open up another lane and increase the flow of traffic in that area.

Councilman O'Keefe commented on a recent newspaper photo showing a littered condition on a section of the beach as not representative of the general beach condition, but suggesting that a look could be taken at the existing schedule of beach cleaning.

Mayor Massie reported on his inspection with Supervisor Alton Allen of recently completed flood control projects in San Clemente and commended the Flood Control District for the numerous projects initiated and completed in the City.

90 - City Attorney Ruling as to Legality of Establishing Policy Accepting Local Bids Within Certain Percentage of Lower Out-Of-Town Bids.

As previously directed, the City Attorney advised of his research into the question of the legality of establishing a policy allowing acceptance of local bids within a certain percentage of lower out-of-town bids. Mr. Kegley quoting from a fifteen page memorandum, reported his findings and confirmed that such action would be illegal and unconstitutional. No further action was taken by the Council.

100 - Question of Maintenance of Nondedicated Alleys.

As previously directed at the meeting of 2-7-68, the City Attorney presented the following three methods by which the City can maintain nondedicated streets or alleys: (1) Adjacent property owners would by deed, grant the necessary rights of easement which would take 100% action by said property owners; (2) An Improvement District can be formed; or (3) Quiet Title action can be filed by the City naming all property owners and setting forth the City's claim.

37 - City Attorney.

The City Attorney announced and received congratulations by the Council on his appointment by the National Institute of Municipal Law Officers to the Committee on Contracts for the Western States; and for his election as vice-president of the Orange County Coast Association.

January Departmental Report

The City Manager drew attention to the monthly departmental activities report for January, 1968, attached to all Agendas.

85 - Resolution No. 9-68 Implementing Policy as Respects Suspension of Banners Over Public Streets.

As previously directed, the City Manager presented a revised draft of a proposed Resolution establishing a definitive policy as to the type of events for which banners may be suspended over public streets upon Council approval.

The Council concurred with the proposed Resolution and upon motion of Councilman O'Keefe, seconded by Councilman Chilton, RESOLUTION NO. 9-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING A DEFINITIVE POLICY AS RESPECTS SUSPENSION OF BANNERS OVER PUBLIC STREETS, was regularly introduced, passed and adopted upon the following stated vote, to wit:

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

110 - Underground Utility Conversion Procedural Ordinance.

Referring to pending proposals for conversion and undergrounding of utilities, the City Manager advised of the need to adopt a procedural ordinance for such undergrounding and presented a model ordinance from the League of California Cities.

Following brief discussion, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY  
 2-21-68

COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED to instruct the City Attorney to prepare such ordinance in final form and bring back at the next meeting. (Upon question concerning status of the proposed underground conversion in the Montalvo-Lobeiro area, it was reported that petitions have been received and the matter would be placed on the next Agenda.)

30 - Budget Transfers and Adjustments.

The City Manager presented a memorandum recommending certain items for incorporation into the 1967-68 Budget. The following items were outlined, including justification and sources for funding: (1) Pier runway - \$2,350 for material only, (2) Hydraulic dump for Beach Sanitizer - \$2,500, (3) New Salvage-Rescue truck with 250 GPM pumper - \$12,260, (4) Addition for housing golf professional and equipment furnishing for restaurant concessionaire - total \$15,000, and (5) Diesel generator for auxiliary power at main pump station - \$11,359.

Following brief discussion, IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY COUNCILMAN LOWER to concur with the City Manager's recommendation and authorize expenditure of funds for the items as delineated in the City Manager's memorandum dated 2-20-68. The MOTION WAS UNANIMOUSLY CARRIED upon the following stated vote to wit:

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

Referring to Item 5, the City Manager reviewed the urgency of acquiring the diesel generator, referred to emergency purchase procedures of the Municipal Code, and requested Council approval for emergency purchase of a used generator at a cost of approximately \$8,000. Upon question as to the difference between the \$8,000 and \$11,359 figure quoted in the memorandum, it was explained that the balance was to cover the cost of a 75 HP vertical drive motor, starter boxes and conversion of the station.

IT WAS MOVED BY COUNCILMAN NORTHRUP, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED that the Council hereby finds that such an emergency exists and authorizes emergency purchase as recommended by the City Manager.

24 - Animal Control Contract with County of Orange.

Consideration was again given to amending animal control and licensing requirements to conform with the County of Orange, and the City Manager presented a statistical report of animal activities over the last three calendar years of the City as well as the County under contract effective 1-1-67. Also reported was a record of four fiscal years of City animal license revenues and costs of animal impounding, and the annual cost to be considered if the City were to provide a minimum level of control.

Councilman Chilton commented that as far as principle is concerned he favored local control, but he recognized that the figures presented are against the City taking over control and in the end the money comes from taxpayers throughout the whole County. He also pointed out that according to report figures, cats are of equal nuisance as dogs and yet they are not licensed.

Due consideration being given, IT WAS MOVED BY COUNCILMAN NORTHRUP, SECONDED BY COUNCILMAN LOWER to instruct the City Attorney to prepare an Ordinance which would by reference bring the City's general animal regulations in conformity with those of the County which is rendering this service to the City under contract. The MOTION WAS CARRIED with Councilman Chilton voting "NO."

76 - Traffic Engineering Recommendations - Ordinance No. 511.

In connection with the development of the westerly portion of Avenida Del Mar as the access to the new Lifeguard Headquarters facility, the City Manager presented a recommendation for the elimination of parking meters and establishment of "No Parking" on both sides of Avenida Del Mar from Avenida Victoria to its north-westerly terminus.

It was explained that an Ordinance would be required to eliminate existing parking meters and upon its effective date, a Resolution will then be presented to establish the "No Parking."

The Council concurred and upon motion of Councilman Lower, seconded by Councilman Chilton, ORDINANCE NO. 511, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 14, PARKING METER ZONES, OF THE "UNIFORM TRAFFIC ORDINANCE OF THE CITY OF SAN CLEMENTE," was regularly introduced by title only, the reading in full thereof waived by 4/5ths vote, upon the following stated vote, to wit:

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

77 - Code Amendment to Prohibit Operation of Private Vehicles on Beach.

The City Manager pointed out the need to prohibit the operation of private vehicles on the beach and recommended amendment to Municipal Code Section 18-15. There being no objection, Mr. Carr advised that an Ordinance amendment to Section 18-15 would be prepared and brought back at the next meeting incorporating the prohibition of private vehicles on the beach and also modifying certain existing language concerning the use and type of service vehicles on the pier.

99 - Intent of Sign Ordinance in re Advertising Flags and Open House Signs.

The City Manager requested an expression from the Council of their previous legislative intent regarding advertising flags and open house signs to insure that administratively the Sign Ordinance is being interpreted correctly.

Following subsequent discussion, the Council concurred that their intent was to limit the signs to either an open house sign or a realtor's sign only, and that flags and others would be outlawed.

The City Manager then acknowledged that until so instructed to the contrary, all flags used for advertising purposes, except those exempted in said Ordinance, will continue to be prohibited.

NEW BUSINESS

42 - Claim for False Arrest, etc. (Patrick & Gloria McDowell)

The Clerk presented a claim for false arrest, false imprisonment, assault and battery, and intentional infliction of mental distress filed by Patrick and Gloria McDowell in the total amount of \$15,000.

IT WAS MOVED BY COUNCILMAN NORTHRUP, SECONDED BY COUNCILMAN LOWER, AND UNANIMOUSLY CARRIED that the claim be denied and the matter referred to the City's insurance carrier.

PAYING OF THE BILLS

IT WAS MOVED BY COUNCILMAN NORTHRUP, SECONDED BY COUNCILMAN LOWER that Warrants No. 9682 through No. 9760, as audited by the Council, be paid. The MOTION WAS DECLARED CARRIED upon the following stated vote, to wit:

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

Total Demands approved for payment for the period of February 8 through February 21, 1968. . . . .	\$ 44,827.04
Ratification of Payroll Warrant No. 9682, for period of January 22 through February 4, 1968. . . . .	<u>\$ 28,842.54</u>
TOTAL WARRANT REGISTER . . . . .	<u>\$ 73,669.58</u>

RESOLUTIONS

For Resolution No. 9-68 see under "REPORTS AND MISCELLANEOUS ITEMS" on Page 6.

115 - Resolution Initiating Annual Weed Abatement Program.

According to customary procedure and upon motion of Mayor Massie, seconded by Councilman Lower, RESOLUTION NO. 10-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DIRECTING THE ABATEMENT OF PUBLIC NUISANCES UNDER STATUTES OF 1915, PAGE 841, AND AMENDMENTS THERETO, AND PROVIDING FOR THE DECLARATION OF WEEDS, RUBBISH, REFUSE AND DIRT UPON STREETS, SIDEWALKS, PARKWAYS OR PRIVATE PROPERTY TO BE A PUBLIC NUISANCE, was regularly introduced, passed, and adopted upon the following stated vote, to wit:

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



ORDINANCES103 - Ordinance No. 510 - Transient Occupancy Tax Increase.

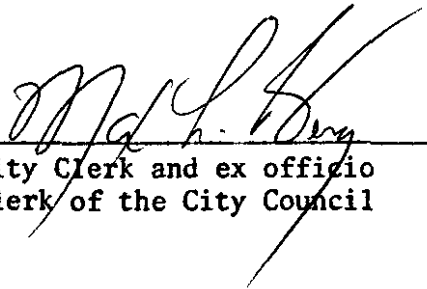
Upon motion of Councilman Lower, seconded by Councilman Northrup, ORDINANCE NO. 510, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 7-2 OF THE CODE OF THE CITY OF SAN CLEMENTE, CHANGING THE RATE OF THE TRANSIENT OCCUPANCY TAX FROM FOUR TO FIVE PER CENT, having been regularly introduced at the meeting of 2-7-68, was again introduced, the reading in full waived by a 4/5ths vote, duly passed and adopted upon the following stated vote, to wit:

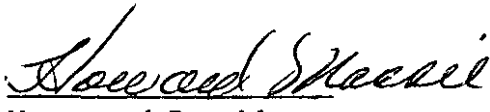
AYES: Councilmen - LOWER, NORTHRUP, O'KEEFE, AND MASSIE  
 NOES: Councilmen - CHILTON  
 ABSENT: Councilmen - NONE

For Ordinance No. 511 see under "REPORTS AND MISCELLANEOUS ITEMS" on Page 7.

ADJOURNMENT

There being no further business, IT WAS MOVED BY MAYOR MASSIE, SECONDED BY COUNCILMAN LOWER, AND UNANIMOUSLY CARRIED that the Council meeting be adjourned - at 10:52 P.M.

  
 City Clerk and ex officio  
 Clerk of the City Council

  
 Mayor and President  
 of the City Council

2-21-68