

Regular meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, Wednesday, March 6, 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 Lower.

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.

SPECIAL BUSINESS

John Cooper, President of the Chamber of Commerce, presented to the Council the Sweepstakes Trophy awarded to the City in the "Forty Miles of Christmas Smiles" contest. Mr. Cooper expressed appreciation for the cooperation during the Christmas Season by the merchants and City for their decorations; this award representing the achievement of that cooperation.

Mayor Massie acknowledged receipt of the Trophy with appreciation.

APPROVAL OF THE MINUTES

Minutes of the regular meeting of February 21, 1968, having been previously presented to the members of the Council, IT WAS MOVED BY COUNCILMAN NORTHRUP, SECONDED BY COUNCILMAN LOWER, AND UNANIMOUSLY CARRIED that said minutes be approved as presented, and the reading in full thereof waived.

PUBLIC HEARINGS

99 - Appeal to Sign Exception No. 04-68 (Humble Oil & Refining Company).

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 Humble Oil and Refining Company to Planning Commission denial of Sign Exception No. 04-68, being a request (a) to allow a pole sign of 125 sq. ft. each face, which exceeds the allowable area for a pole sign by a total of 100 sq. ft.; and (b) to allow said pole sign at a height of 45 feet, which exceeds the allowable height limit by 20 feet. On portions of Lots 39-43 and 47-50 of Tract No. 960, located at the southwest corner of Avenida Calafia and South Via de Frente in a C-A District.

Being apprised that the representative from Humble Oil & Refining Company was unavoidably delayed and had not as yet arrived at the meeting, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED to hold the matter for a later point on the Agenda. (See further action later in the meeting.)

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

The Clerk announced that this was the time and place set for Public Hearing to consider Zoning Amendment No. 01-68, being a request submitted by the Planning Commission to rezone Lots 76 & 77, Tract No. 1127, from "U" (Unclassified) to R-2 (Duplex Residential) District. Property more commonly described as 2904 and 2910 Camino Capistrano, the most northerly boundary of the City of San Clemente, adjacent to the easterly side of Camino Capistrano.

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 Mayor called for written communications and the Clerk read the Planning Commission's memorandum of 2-14-68 recommending approval of the proposed rezoning. There being no further written communications, the Mayor then called for oral communications on the matter.

Eugene Schulte, Associate Planner, stated that said property was a portion of Annexation No. 10 (Vista Pacifica) and that the proposed rezoning would be compatible with the surrounding area.

The City Manager questioned the City Engineer whether there would be any problems involved in the granting of this rezoning in view of the proposed widening of Camino Capistrano just granted approval under the Arterial Highway Financing Program. Following explanation relative to the footage required on both sides of the street, Mr. Peter recommended that action be delayed so more study could be made regarding the location of setbacks and right-of-way for street and sidewalk purposes.

Following further discussion, IT WAS MOVED BY COUNCILMAN NORTHRUP, SECONDED BY COUNCILMAN LOWER, AND UNANIMOUSLY CARRIED to instruct the City Attorney to prepare the necessary Ordinance to rezone Lots 76 & 77, Tract No. 1127, from "U" (Unclassified) to R-2 (Duplex Residential), said Ordinance to be brought back for consideration at the next meeting.

For clarification it was pointed out that the Council would at the next meeting take action on the Commission's recommendation pending further report from the City Engineer and prior to consideration of the Ordinance.

WRITTEN COMMUNICATIONS

64 - Request for Temporary Use of Present Lifeguard Building When Vacated.

Letter from REV. MAXIE D. DUNNAM, et al, requesting temporary use for 4 or 5 months of the present Lifeguard Building when the new facility is completed to use as a gathering place for a "ministry to youth" program.

Rev. Dunnam explained the purpose of the program as a method to meet the problems and needs facing the youth and community through unstructured thinking and discussions under the supervision of trained adult personnel. He further stated that it was their original preference to use the building during Easter week on a trial basis to see if such a program would be effective, but were advised that it would not be available then so it would probably be summer before the program could begin.

Councilman Lower commented on City beautification and the need to remove the existing building as soon as the new facility is completed and suggested that consideration be given to the Shore Colony Clubhouse located on the beach near the Esplanade overpass which would be available during the time desired. Rev. Dunnam answered that they had not considered another location because they wanted to be "where the action is," but would consider the alternate.

Consideration was given to the alternate location and the need for some repairs of the building due to vandalism, and following discussion IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN NORTHRUP, AND UNANIMOUSLY CARRIED to table the request pending further request by the petitioners involved.

88 - Objection to Vehicle Noise Problems in the City.

Letter from I. R. FREED objecting to the vehicle noise problems in the City and requesting establishment and/or enforcement of noise abatement laws.

The City Manager advised that the Municipal Code has no provisions governing vehicular noise except as might be applied under the general nuisance provision and that citations, if issued, are under the California Vehicle Code. Mr. Carr reviewed the Vehicle Code sections which deal basically with mufflers, and suggested that complaints should be called in to the Police Department who will make every attempt to enforce the laws as such exist.

The Mayor suggested that the City Manager write a letter to Mr. Freed explaining this and IT WAS THEN MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED that Mr. Freed be notified and his letter forwarded to the Chief of Police for his information and attention.

98 - Request for Waiver of Sidewalk Requirements.

Letter from WALTER E. WRIGHTMAN requesting waiver of sidewalk requirements (Municipal Code Section 31-9) for Lot 13, Tract No. 4120.

Following report and recommendation by the City Manager, IT WAS MOVED BY COUNCILMAN LOWER, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED that the request be granted.

73 - Request for Use of Council Chambers on April 8, 1968.

Letter from KNIGHTS OF COLUMBUS requesting use of the Council Chambers on Monday, April 8, 1968, to stage a speaker on "The Trial of Christ" for invitation to nine churches and fraternal organizations, with no charge for admission; and further requesting permission that twenty additional chairs be allowed.

Following discussion, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN LOWER, AND UNANIMOUSLY CARRIED that the request be granted subject to approval of the Fire Chief as to their request for allowance of twenty additional chairs.

77 - Donations for the Purchase of Creative Play Equipment for Proposed Playground Program.

Letter from SAN CLEMENTE JUNIOR WOMAN'S CLUB donating \$200.00 with the stipulation that the money be used for the purchase of creative play equipment as manufactured by a specified manufacturer, for a proposed playground program.

Letter from SAN CLEMENTE WOMAN'S CLUB donating \$100.00 to be held with the funds donated by the Junior Woman's Club to be used at a future date for creative play equipment in public play areas.

Discussion ensued as to whether the City could accept such funds with the attached condition of purchasing certain specified equipment which might be contrary to legal purchasing provisions.

The Council determined to have the money held in trust by the City Treasurer and not co-mingled with City funds and IT WAS MOVED BY COUNCILMAN NORTHRUP, SECONDED BY COUNCILMAN LOWER, AND UNANIMOUSLY CARRIED to accept the monies with appreciation, and to be placed in trust in accordance with the letters received.

The Mayor requested the City Clerk to write letters to the two organizations commending their proposal and expressing the City's appreciation for their generous donations for this worthy project.

65 - Request for Installation of Street Lights on South La Esperanza.

Petition from MRS. L. L. DODGE, et al, containing 26 signatures, requesting the installation of street lights on South La Esperanza.

The City Manager apprised the Council that the area involved is part of Tract No. 3979, approved in 1961, and Tract No. 4684, approved in 1962; and street lights were not required to be installed by the subdividers at that time. It was noted that there are several subdivisions where street lights were not installed although in some tracts where street lighting has been provided, the cost of installation was borne by the purchasers.

Question was raised as to whether or not street lights could be installed under a 1911 Act Improvement District and IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED to hold this item for later on the Agenda when Special Legal Counsel Brown will be available for information on this petition.

62 - Request for Council Action Urging Passage of State Legislation Regarding Cities Right to Regulate Topless Waitresses and Entertainers.

Letter and Resolution from CITY OF COSTA MESA requesting the Council adopt a like Resolution urging the passage of certain state legislation providing for the right of cities to regulate topless waitresses and urging upon the Legislature an amendment which would authorize cities to prohibit topless entertainers.

The Council concurred in the adoption of a similar Resolution and upon motion of Councilman O'Keefe, seconded by Councilman Northrup, RESOLUTION NO. 11-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RELATING TO THE LEGAL QUESTION OF PREEMPTION AND URGING THE PASSAGE OF CERTAIN STATE LEGISLATION PROVIDING FOR THE RIGHT OF CITIES AND COUNTIES TO REGULATE TOPLESS WAITRESSES AND URGING UPON THE LEGISLATURE AN AMENDMENT WHICH WOULD AUTHORIZE CITIES AND COUNTIES THE RIGHT TO PROHIBIT TOPLESS ENTERTAINERS AS WELL, 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

102 - Resolution No. 12-68 Declaring Avenida Pico
 as County Highway During Construction.

Letter and Resolution from ORANGE COUNTY ROAD DEPARTMENT declaring those portions of Avenida Pico lying within the City to be a County Highway during the period of construction and requesting adoption of a similar Resolution by the Council.

Upon motion of Councilman Lower, seconded by Councilman Chilton, RESOLUTION NO. 12-68, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CONCURRING WITH THE ORANGE COUNTY BOARD OF SUPERVISORS RESOLUTION NO. 68-167 ESTABLISHING THOSE PORTIONS OF AVENIDA PICO BETWEEN SAN CLEMENTE HIGH SCHOOL AND THE SPACE TECHNOLOGY LAB SITE, LYING WITHIN THE CITY LIMITS OF THE CITY OF SAN CLEMENTE, TO BE A COUNTY HIGHWAY DURING THE PERIOD OF IMPROVEMENT BY THE COUNTY OF ORANGE, 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

87 - Renewal of Lease at 408 North El Camino Real (Old City Hall).

Letter from MEL HARBERT, SAN CLEMENTE AUTO SUPPLY, requesting renewal of the Lease at 408 North El Camino Real on same terms for a period of four years with a two year renewal option.

Noting the previous term of three years with the renewable option for two years and with the lessee paying the possessory interest tax, discussion ensued relative to the age and deterioration of the building and the advisability of tying up the property for another six years.

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN LOWER, AND UNANIMOUSLY CARRIED to refer the Lease to the City Attorney and City Manager for preparation of a new proposed Lease leaving blank the term and rental provisions for termination.

For clarification, Councilman O'Keefe stated that the intent of the Motion was to leave the lease period blank, and to put in a cancellation provision probably in terms similar to those existing in the current Lease, but leaving the exact term of cancellation notice blank.

35 - Request for Use of Plaza, Certain Designated Streets, and Permission
 to Suspend Banners for the 15th Annual Fiesta La Cristianita.

Letter from CHAMBER OF COMMERCE requesting use of the Plaza on July 19, 20, & 21, for the 15th Annual Fiesta La Cristianita; use of certain portions of City streets for the Fiesta Parade on July 20; and permission to suspend ten overhead Fiesta banners on Avenida Del Mar and North and South El Camino Real, said banners to be installed prior to July 4 and removed July 22.

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

77 - Request for Lights at Bonito Canyon Ball Park.

Letter from SAN CLEMENTE FAST PITCH LEAGUE requesting the City to appropriate approximately \$4,000 for lights at Bonito Canyon Ball Park, with poles to be obtained from Capistrano Unified School District and certain materials and labor to be furnished by the requesting organization.

A cost estimate breakdown had been submitted along with the Council Agendas indicating an approximate total cost of \$7,743 to light the field with \$3,643 in materials and labor to be furnished by the San Clemente Fast Pitch League, a requested \$4,100 to be provided by the City, and with used poles to be purchased from the Capistrano Unified School District for a nominal consideration.

Review was made of the discussion as held at the recent Study Session with School Board members of the Capistrano Unified School District concerning the proposed project.

The Fast Pitch League members were commended for their willingness to do so much towards the project, and IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY COUNCILMAN LOWER to appropriate the sum of \$4,000 in the current budget for the project. 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

IT WAS THEN MOVED BY MAYOR MASSIE, SECONDED BY COUNCILMAN LOWER, AND UNANIMOUSLY CARRIED that the City Manager be authorized to arrange for purchase of the poles from the Capistrano Unified School District for the sum of \$1.00.

65 - Request for Installation of Street Lights on South La Esperanza.

Referring back to the petition for street lights on South La Esperanza, inquiry was made of Special Legal Counsel Brown upon his arrival at the meeting as to whether street lights can be installed through use of 1911 Act procedures and he stated that since the system is owned by the City and only serviced by the San Diego Gas & Electric Company, such was possible under the Improvement Act of 1911. Mr. Brown also named several other Acts which could be used to accomplish street lighting which is a separate matter from the existing Lighting Maintenance District where land values are taxed for maintenance and operation costs.

Due consideration being given, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED that the matter be referred to the City Manager in consultation with Special Legal Counsel Brown for the purpose of recommending to the Council the steps necessary to initiate the formation of what is deemed the most appropriate type of district for the installation of this improvement; and that the petitioners be notified of the Council's intention in case they wish to further contact the City regarding same.

PUBLIC HEARING (Deferred from earlier in meeting.)

99 - Appeal to Sign Exception No. 04-68 (Humble Oil & Refining Company).

Representatives of the Humble Oil & Refining Company now being in attendance, the Mayor ordered that the Public Hearing on the Appeal to Sign Exception No. 04-68 now be held.

The Clerk 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 referred to the posted plot plan and sign plan, and read the report from the Planning Commission reviewing their action and reasons for denial. A letter from Paul Presley, San Clemente Inn, was also read supporting the request of Humble Oil.

The Mayor called for oral communications and Thomas Rousselot of Humble Oil Company explained the minimum visibility height necessary for their sign to be seen by southbound freeway traffic, and that the requested sign is necessary for a successful operation. Edwin C. Smith, local realtor read a statement in support of the Appeal with various comments and arguments concerning the need for new businesses in San Clemente for economic balance and tax relief for property owners, and the discouraging effect of the limiting sign restrictions on businesses who propose to locate in the area and which hampers their ability to survive in a highly competitive market.

Craig Strickland, representing the property owner spoke in support of the Appeal and pointed out that when the City reduced the allowable height of signs from 75 feet to 25 feet, it placed latecomers at a distinct disadvantage, and suggested that the 45 foot height request was reasonable in that it was approximately halfway between the old and new sign law.

William R. Sammons voiced his opposition to the Appeal stating that he was in favor of more businesses in San Clemente, but what was needed was the type of light manufacturing which would hire a substantial number of people. Aaron Banks

and Lynn H. Hicks also spoke in opposition on the grounds that the adjacent residents were expending a minimum of \$1,000 per lot to beautify this area by undergrounding utilities and improving the streets; and further that a firm stand should be made in keeping signs within ordinance provisions. Van Fleming spoke against the Appeal and cited instances of property deterioration in Venice and Hermosa Beach caused by commercial interest pressures.

Following further comments, rebuttal by Craig Strickland, and due consideration by the Council, IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY COUNCILMAN NORTHROP, AND UNANIMOUSLY CARRIED that the Appeal be denied and the Planning Commission be upheld

ORAL COMMUNICATIONS

77 - Proposed Pier Entrance Beautification.

Gil Essell, Manager of the Chamber of Commerce, presented a rendering by Eric Boucher as a possible solution for the beautification of the Pier entrance.

Comments and discussion followed on the cost of the project and slope of the ramp over the drainage pipes. The Mayor asked Mr. Essell to convey the feeling of the Council to Mr. Boucher for this and his many fine renderings over the past years; and further that he would personally call and thank him for his interest and time. Mayor Massie then noted that the subject of pier entrance beautification was scheduled as a later item on the Agenda.

UNFINISHED BUSINESS

27 - Street and Undergrounding Improvement District No. 4-68-U.

Consideration was given to the petitions received in regard to the proposed street improvements and the undergrounding of utilities in the Montalvo-Lobeiro area (Street and Undergrounding Utilities Improvement District No. 4-68-U) and the Clerk then presented his certificate of sufficiency of said petitions.

Upon question as to which assessment act should be followed, Special Legal Counsel Brown apprised the Council that the San Diego Gas & Electric Company favored using the 1913 Act although the City is more familiar with 1911 Act procedures. Mr. Brown thereupon explained the pros and cons of both Acts, and following due consideration the Council determined to use the 1913 Act which would allow for the combination of street improvements and conversion under one proceeding and the sale of the bonds in advance thus allowing the utility company and construction companies to be paid in early progress payments. Mr. Brown further explained that the pending 1911 Act for street improvements in the area would be left standing until the hearing on the combination district and if successful, the previous proceedings could then be abandoned.

Concurring on the advantages of employing the 1913 Act, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED to refer the matter to the City Engineer for preparation of plans and specifications, and to the Special Legal Counsel for preparation of proceedings.

For clarification, discussion ensued between Aaron Bank, City Engineer, Special Legal Counsel Brown and the Council relative to the reasons for estimating costs at a sufficient amount to assure adequate bonds to cover the work, but which costs can be modified at the final hearing if there is a surplus.

77 - Proposed Pier Entrance Beautification.

Consideration was given to the pending memorandum from the Planning Commission suggesting a City-wide competition or program for public suggestions of plans for Pier entrance beautification. The Council concurred that such a competition would create public interest and IT WAS MOVED BY COUNCILMAN CHILTON, SECONDED BY MAYOR MASSIE, AND UNANIMOUSLY CARRIED to establish this competition as recommended by the Planning Commission, with a deadline for submitting suggestions by the public set for April 3, 1968.

77 - Community Recreational Facilities and Proposed High School Swimming Pool.

Further consideration was given to the letter received at the meeting of 2-7-68 from the Capistrano Unified School District and discussed at a recent Study Session regarding the proposed construction of a swimming pool at the San Clemente High School. IT WAS MOVED BY MAYOR MASSIE, SECONDED BY COUNCILMAN LOWER,

AND UNANIMOUSLY CARRIED that the City finds no conflict of operation and would welcome an additional pool in the City.

Referring to the suggestion at the Study Session that an area committee of school and public officials within the Capistrano Unified School District be established to meet periodically for discussion and coordination of community recreational facilities, IT WAS MOVED BY COUNCILMAN NORTHRUP, SECONDED BY COUNCILMAN CHILTON, AND UNANIMOUSLY CARRIED that the Capistrano Unified School District be advised that the Council is willing to participate in an area committee with two members of the Council to serve on such a committee.

REPORTS AND MISCELLANEOUS ITEMS

100 - Need of Street Repair (Avenida Del Reposo & Calle Mirador).

Councilman O'Keefe reported on the need for repair of Avenida Del Reposo and Calle Mirador and the City Manager advised that the streets are beyond further patching and inquired of the Councilman if he knew of anyone in the area who would be willing to circulate a petition to form an improvement district under the 1911 Act. Councilman O'Keefe answered that he would check into the matter.

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

Councilman O'Keefe inquired if there has been any study regarding his recent suggestion that parking on the northwest side of Camino Capistrano and Highway 101 be eliminated to allow a better traffic flow, and the City Manager advised that the administration would like two more weeks for study.

68 - Report on Proposed Reorganization of Orange County Harbor District.

Councilman O'Keefe apprised the Council that the report on proposed reorganization of the Orange County Harbor District from the Harbor, Beaches and Parks Committee of the Orange County Division of the League of California Cities will be before the Executive Board at the next meeting. As a member of the Committee which studied the matter, Councilman O'Keefe explained the findings and three main recommendations of the report and requested that the Council go on record supporting said report, since the City's representative to the League will have to take official action when the matter is put to a vote.

Discussion and debate ensued regarding the tax structure involved, users of the facilities, and the pending request by the City of Huntington Beach for detachment from the Harbor District. The Council was reminded that this matter had been tabled by the Council on 1-17-68, following consideration of a letter and enclosures from the City of Tustin concerning the detachment question.

IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY MAYOR MASSIE that the matter be taken off the table and that the Council go on record supporting the report of the Harbor, Beaches, and Parks Committee. The MOTION WAS CARRIED with Councilmen Chilton and Northrup voting "NO."

The Mayor commented that he and the City Manager will be attending a Mayors' and Managers' meeting on 3-7-68 where the subject will also be discussed.

The Mayor announced receipt of an invitation to the City and Council to attend the Arts and Crafts Fair at the Community Clubhouse on March 10, 1968, at 12:30 P.M.

Mayor Massie commented on the Red Cross Kick-Off Breakfast he recently attended, noting that former Councilman Roy Gordon was heading the local Fund Drive and citing the fact that at the present time, 90% of the request for aid in this area are from local service people.

100 - Question of Maintenance of Nondedicated Alleys.

The Mayor inquired as to what progress was being made with regard to the question of the City maintaining nondedicated alleys and the City Manager reported that the petitions pertaining to the alley running parallel with Avenida De La Grulla were returned unsigned.

Discussion ensued between the Council, City Attorney, and Special Legal Counsel Brown on whether the City could establish title to the alleys in question by prescriptive right or quiet title action followed by assessment district procedures, or the possibility that the property owners will initiate something on their own behalf.

Concurring that personal contact by City employees with the property owners would be advisable to obtain their support or rejection of dedication and improvement under the 1911 Act, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY MAYOR MASSIE, AND UNANIMOUSLY CARRIED that the City Staff undertake to determine the wishes of the people regarding the two alleys for dedication and improvement.

25 - Question of Change in Annexation Fee Requirements.

In contemplation of possible land annexations in the future, the Mayor broached the subject of the existing annexation fee requirement of \$600.00 per acre and its possible elimination in view of the establishment of water, drainage, and sanitation fees.

Councilman Northrup suggested that it would depend on the area seeking annexation and how much of a burden would be put on the City. The Mayor requested the Council members to give the matter some thought, with consideration deferred until the next meeting.

117 - Proposed Zoning Ordinance Amendment Re Sidewalk Width and Set Backs in Commercial Areas.

Referring to the newly established C-1-A District which requires 8 foot sidewalks, regardless of parkway width, and a set back of 30 feet from the centerline of the street, the Mayor requested consideration be given to re-establishing of these requirements in all commercial areas. To illustrate present inequities, he commented that there are some commercial areas where one side of the street has 8 foot sidewalks and on the other side, there are 5 foot set backs with 5 foot sidewalks.

IT WAS MOVED BY MAYOR MASSIE, SECONDED BY COUNCILMAN NORTHROP, AND UNANIMOUSLY CARRIED that the matter be referred to the Planning Commission for study, with recommendation that all commercial zones be required to have 8 foot sidewalks and all buildings set back a minimum of 30 feet from the centerline of the street.

110 - Conversion Procedure for Undergrounding Utilities - Ordinance No. 512.

The City Attorney presented a draft of a model Ordinance on procedures for the undergrounding of utilities from the League of California Cities with some modifications as submitted by the San Diego Gas and Electric Company..

Following discussion, the Council concurred in the introduction of the Ordinance as modified and upon motion of Councilman Northrup, seconded by Councilman Chilton, ORDINANCE NO. 512, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING REGULATIONS AND PROCEDURES FOR THE REMOVAL OF OVERHEAD UTILITY FACILITIES AND THE INSTALLATION OF UNDERGROUND FACILITIES IN UNDERGROUND UTILITY DISTRICTS, was regularly introduced by title only and the reading in full thereof waived, upon the following stated vote, to wit:

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

The City Manager apprised the Council and audience that for those interested, copies of the Ordinance as introduced will be available for perusal.

105 - Minor Subdivision No. 04-66.

Referring to pending acceptance of works of improvement and exoneration of Bonds for Minor Subdivision No. 04-66, the City Attorney informed the Council that he has written the Developer regarding the validity of the deed for street right-of-way, i.e., any change in ownership since first submitted to the City in December, 1966, and to date he has received no answer.

74 - Opinion as to Legality of Issuing On-Street Parking Permits.

As requested by the City Manager, the City Attorney presented his memorandum stating that upon research it was his finding that the City does not have the authority by any provisions of the Vehicle Code, and it was doubtful that the Legislature could so provide for the granting of on-street parking permits upon payment of a fee for a specified period.

Councilmen Northrup and O'Keefe questioned on what grounds some cities are issuing such permits, and the City Manager commented that he would continue further research since the subject had been first referred to his office for investigation.

96 - Agreement with Capistrano Beach Sanitary District Re Treatment of Sewage.

Consideration was given to the Memorandum of Agreement with the Capistrano Beach Sanitary District for transport into District facilities the sewage emanating from the Prima Deshecha drainage basin and the processing of same.

The City Manager noted that in order to expedite the matter, a copy was forwarded to the District for their consideration and was found to be acceptable with one additional change by adding Paragraph 5 to read as follows: "It is understood that the maximum amounts that would be treated by the District would be 250,000 gallons per day."

The Mayor commented on the possibility of the City and the District under provisions of Public Law 660 being able to realize a return of 33% of the expenses involved in the hookup with the Capistrano Beach Sanitary District and to the Dana Point outfall.

Due consideration being given, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN CHILTON that the Mayor and City Clerk be authorized to execute the Memorandum of Agreement with the addition of Paragraph 5, as submitted by the City Manager. 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

74 - Bids for Parking Meters.

The City Manager announced that the following bids were received and publicly opened at 11:00 A.M., Monday, March 4, 1968, for the furnishing of 106 dual and eight single parking meters for installation at various beach parking locations.

<u>BIDDER</u>	<u>TOTAL AMOUNT OF BID</u>
Rockwell Manufacturing Company	\$16,910.33
Traffic Appliance Corp. (Duncan)	\$17,147.46

The City Manager then advised of the bid from Rhodes, Inc., in the amount of \$14,320.95, delivered to the Police Department on Sunday, March 3, 1968, but misdirected and not received in his office until approximately 4:30 P.M. on Monday; and recommended acceptance of Rhodes, Inc., as the lowest responsible bidder, having checked legality with the City Attorney.

The Council concurred in the recommendation and IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN LOWER to accept the low bid of Rhodes, Inc., in the amount of \$14,320.95. 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

Reconsideration was then given as to whether the Council preferred to pay for said meters on a cash payment as authorized at the meeting of 2-7-68, or a form of lease purchase on a 50-50 basis of the revenue.

Following general discussion on the most economical method of purchase, IT WAS MOVED BY COUNCILMAN NORTHRUP, SECONDED BY COUNCILMAN LOWER, AND UNANIMOUSLY CARRIED to rescind the former action of the Council (2-7-68) as to payment in cash and authorize payment on a 50-50 basis.

3-6-68

77 - Ordinance No. 513 Regarding Motor Vehicles on Public Beach or Pier.

As previously directed, the City Manager presented an Ordinance amending Section 18-15 of the Municipal Code regarding motor vehicles on the public beach and pier.

General discussion followed and upon motion of Councilman Chilton, seconded by Councilman Northrup, ORDINANCE NO. 513, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 18-15 OF THE CODE OF THE CITY OF SAN CLEMENTE REGARDING MOTOR VEHICLES ON PUBLIC BEACH AND PIER, was regularly introduced by title only and the reading in full thereof unanimously waived, upon the following stated vote, to wit:

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

108 - Consideration of Lease Amendment of A. T. & S. F. Right-Of-Way at North Beach.

The City Manager presented the question of pursuing a Lease Amendment of A. T. & S. F. right-of-way at North Beach for an additional 175 feet to provide approximately 37 parking spaces, noting that our present Lease Agreement is for 160 feet at an annual rental payment of \$37.88.

Consideration was then given to the amount of the rental involved for the additional footage. Mayor Massie questioned if we meter the 160 feet we now lease, as previously authorized, and the additional area, would the City have to pay the taxes on the land. Council members concurred in the desirability of leasing the additional area and the City Manager stated that he will pursue the matter further to obtain the exact amount of taxes now being paid by the City and what effect the metering would have.

36 - Report by City Manager on Attendance at City Managers' Conference.

The City Manager presented a comprehensive report on his recent attendance at the Annual Meeting of the League of California Cities, City Managers' Department. Mr. Carr thanked the Council for the opportunity and summarized the information received relative to the strong lobbying which will be needed for passage of the Bill changing the formula for the distribution of gas tax monies; and the need for cities like San Clemente to take some action with regard to the Community Action Agency under the Economic Opportunity Act out of Washington, D.C., or whether to permit the County of Orange to continue to handle the Community Action Program. Mr. Carr also reviewed conference program items relating to municipal problems such as, the instituting of more unionism in public services; the anti-draft demonstrations in recent months in Oakland; the recent "hippie" invasion at a Covina City Park for a "love in," and the need for all cities to be prepared as much as possible for such events.

PAYING OF THE BILLS

IT WAS MOVED BY COUNCILMAN LOWER, SECONDED BY MAYOR MASSIE that Warrants No. 9761 through No. 9848, 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 22 through March 6, 1968.	\$ 388,255.32
Ratification of Payroll Warrant No. 9761, for period of February 5 through February 18, 1968.	<u>\$ 29,789.97</u>
TOTAL WARRANT REGISTER	<u>\$ 418,045.29</u>

RESOLUTIONS

For Resolution No. 11-68 see under "WRITTEN COMMUNICATIONS" on Page 3.
 For Resolution No. 12-68 see under "WRITTEN COMMUNICATIONS" on Page 4.

ORDINANCES

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~~50~~ - Ordinance No. 511 - Eliminating Parking Meters on Avenida Del Mar
 From Avenida Victoria to its Northwesterly Terminus.

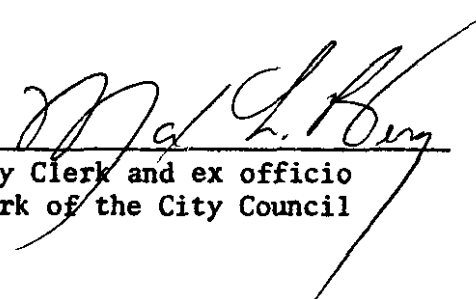
Upon motion of Councilman Lower, seconded by Councilman O'Keefe, ORDINANCE NO. 511, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 14, PARKING METER ZONES, OF THE "UNIFORM TRAFFIC ORDINANCE OF THE CITY OF SAN CLEMENTE," having been regularly introduced at the meeting of 2-21-68, was again introduced, the reading in full unanimously waived, duly passed and adopted upon the following stated vote, to wit:

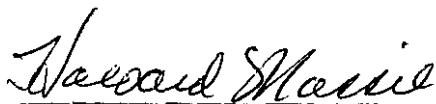
AYES: Councilmen - CHILTON, LOWER, NORTHRUP, O'KEEFE, AND MASSIE
 NOES: Councilmen - NONE
 ABSENT: Councilmen - NONE

For Ordinance No. 512 see under "REPORTS AND MISCELLANEOUS ITEMS" on Page 8.
 For Ordinance No. 513 see under "REPORTS AND MISCELLANEOUS ITEMS" on Page 10.

ADJOURNMENT

There being no further business, IT WAS MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN NORTHRUP, AND UNANIMOUSLY CARRIED that the Council meeting be adjourned - 11:50 P.M.


 City Clerk and ex officio
 Clerk of the City Council


 Mayor and President
 of the City Council