

City Hall  
San Clemente, California

February 20, 1952

The regular meeting of the City Council of the City of San Clemente, was held in the Council Chambers, City Hall, 408 North El Camino Real, San Clemente, California, Wednesday, February 20, 1952 at 8:00 P.M., Mayor H. T. Read in the Chair.

PRESENT: Councilmen - Read, Blakelock, Campbell, Fortune  
and Hempel  
ABSENT: Councilmen - None

Minutes of the regular Council meeting held February 6, 1952 having previously been presented to the members of the Council were approved as presented, and UPON MOTION OF COUNCILMAN FORTUNE AND SECONDED BY COUNCILMEN HEMPEL, the reading of these minutes was dispensed with.

On roll call the following was the stated vote, to wit:

AYES: Councilmen - Read, Blakelock, Campbell, Fortune  
and Hempel  
NOES: Councilmen - None  
ABSENT: Councilmen - None

The motion was declared carried.

#### BIDS

##### AIR COMPRESSOR

This being the time and place fixed for the opening of bids in connection with the purchase of an Air Compressor, the following bids were publicly opened, examined and read by the Mayor:

|                        |                   | Gross<br>Sales<br>Price | Turn in<br>allow-<br>ance | Net<br>Price |
|------------------------|-------------------|-------------------------|---------------------------|--------------|
| Shaw Sales & Service   | Chicago Pneumatic | \$3,656.50              | \$356.50                  | \$3,300.00   |
| Crook Company          | Joy               | 3,661.65                | 575.00                    | 3,086.65     |
| Smith Booth Usher      | Jaeger            | 3,375.00                | 500.00                    | 2,875.00     |
| Pneumatic Mach. Co.    | Gardner Denver    | 3,661.65                | 865.00                    | 2,796.65     |
| Blystone Equip. Co.    | Ingersoll Rand    | 3,728.60                | 728.60                    | 3,000.00     |
| Brown Bevis Equip. Co. | Ingersoll Rand    | 3,708.00                | 700.00                    | 3,008.00     |
| Schramm Inc.           | Schram            | 3,929.45                | 500.00                    | 3,429.45     |

All bids were referred to a Committee composed of Councilman Blakelock, City Attorney McKinney and City Treasurer Bailey for examination and report at the next regular Council meeting.

##### TAX SALE LOT

This being the time and place fixed for the opening of bids for the purchase of City Tax Sale Lot, the following bid was publicly opened, examined and read by the Mayor:

Earl Thompson, Broker, acting for and on behalf of Mr. Harry S. Kavjian bid \$1,550 for Lot 6, Block 6, Tract 785. The bid was accompanied by the usual 10% deposit and was ordered held until the next regular Council meeting for further bids, acceptance or rejection.

#### WRITTEN COMMUNICATIONS

##### BOAT SIGN

Letter from R. L. Callis, President, San Clemente Sportfishing, Inc., asking permission

to raise the City's Fish sign which says "Pier", and install beneath it, a Boat sign, was read. Mr. James Holbert, President of the Chamber of Commerce, presented a sketch of the proposed Boat sign.

IT WAS MOVED BY COUNCILMAN CAMPBELL, SECONDED BY COUNCILMAN BLAKELOCK that the proposal of Mr. R. L. Callis, President, San Clemente Sportfishing, Inc., to install a Boat sign and raise the present Fish sign, be accepted in conformity with his written application, and on the condition that he save the City harmless from any construction cost or damage in the erection thereof.

On roll call the following was the stated vote, to wit:

|         |   |
|---------|---|
| AYES:   | Councilmen - Read, Blakelock, Campbell, Fortune<br>and Hempel |
| NOES:   | Councilmen - None   |
| ABSENT: | Councilmen - None   |

The motion was declared carried.

#### PRICE OF MILK

Letter from Jerome Blank, Mayor of the City of Albany, California requesting that we cooperate with that city in protesting the high price of milk, was read and referred to the City Attorney for report under new business.

#### BILL FOR TREE PLANTING

Letter from Mrs. J. N. Smith, Corresponding Secretary of the Thursday Morning Garden Club asking the Council's pleasure with respect to bill for \$58.60 (attached) representing cost of trees planted on Avenida Valencia, was read. It was suggested by Councilman Hempel that the Council be advised in advance on future planting projects rather than be presented with a bill after the work has been completed.

UPON MOTION OF COUNCILMEN HEMPEL AND SECONDED BY COUNCILMAN CAMPBELL, the bill presented by the Thursday Morning Garden Club for \$58.60 covering cost of trees used in the beautification project, was ordered paid. Upon roll call the motion carried.

#### SALE OF TAX LOTS

Letter from D. S. Mozley, County Tax Collector, asking if we object or would consent to the sale of tax delinquent property - Lots 14 and 15, Block 11, Tract 795, was read. It was pointed out by Mr. Bailey, City Treasurer, that the lots in question were very small and unsuited to any type of residential or commercial construction.

IT WAS MOVED BY COUNCILMAN FORTUNE, SECONDED BY COUNCILMAN BLAKELOCK AND UNANIMOUSLY CARRIED; that the Clerk advise the County Tax Collector, Don S. Mozley, that the City did not object to the sale of Lots 14 and 15, Block 11, Tract 795.

#### VARIANCE GRANTED A. T. STOCK FOR PLASTIC PRODUCTS WORKS

Letter from Charles B. Dyer, Chairman of the Planning Commission, stating that the Commission recommends that a variance be granted to Mr. A. T. Stock, owner of Lots 32 and 33, Block 2, Tract 795 for the purpose of erecting and operating a plastic products business, was read, and UPON MOTION OF COUNCILMAN HEMPEL, SECONDED BY COUNCILMAN CAMPBELL AND UNANIMOUSLY CARRIED, a Public Hearing was fixed

for 8:00 P.M. March 19, 1952 and the Clerk was instructed to prepare and cause to be published in San Clemente Sun a notice of such public hearing to be held March 19, 1952.

BLANKET BOND FOR CITY EMPLOYEES

Letter from Neiswender-Holbert Company proposing a blanket bond for all City employees, was read and referred to a Committee composed of Councilman Blakelock and Mayor Read.

ORAL COMMUNICATIONS

CHARGES TO NEW SUB-DIVIDERS

Mr. John Burnett, President of the San Clemente Tax Payers' Association, addressed the Council stating that he had requested a ruling from the City Attorney at the last meeting regarding charges which could be made to new sub-dividers, and was informed by the City Attorney that we could not legally do so. Mr. Burnett stated that neighboring cities required new sub-dividers to pay their proportionate share of back taxes and bonded indebtedness, and that many citizens felt that sub-dividers and vacant-lot owners in San Clemente did not pay their proportionate share of the cost of city government as do owners of improved lots. Mr. McKinney stated that he believed Mr. Burnett had confused sub-divisions with annexations. Mr. McKinney further stated that it was proper for the City to require new annexations to pay their proportionate share of bonded indebtedness, this being a matter to be agreed upon at the time the annexation request is made by outlying areas.

PROPERTY OCCUPIED BY CHAMBER OF COMMERCE

Walter Chapman, Broker, addressed the Council stating that he had secured a client who is interested in obtaining the property owned by the City and now occupied by the Chamber of Commerce. Mr. McKinney advised the Council that it would first be necessary to appraise the property and establish a minimum bid price by a Committee of Councilmen. After such appraisal it would be necessary to advertise the minimum bid price. Considerable discussion was given to the possibility of selling the lots as one parcel or individually, and it was agreed that the lots should be advertised for sale as one parcel or as individual lots.

UPON MOTION OF COUNCILMAN FORTUNE, SECONDED BY COUNCILMAN BLAKELOCK, the Clerk was instructed to advertise sale of the north portion of Lots 68 and 69 following an appraisal by a Committee of the whole Council, such notice to specify that the ground only be offered for sale.

On roll call the following was the stated vote, to wit:

- AYES: Councilmen - Read, Blakelock, Campbell, Fortune and Hempel
- NOES: Councilmen - None
- ABSENT: Councilmen - None

The motion was declared carried.

COMPLAINT REGARDING EXCESSIVE BROKER-AGE FEE ON TAX SALE LOTS

Dudley Hamilton addressed the Council stating that the 15% brokerage fee paid by the City on tax sale lots was excessive and recommended that the Council take action to reduce this fee to 10%. Mr. McKinney gave a detailed outline of the procedure of purchasing lots offered for sale by the City pointing out that a broker was not sure of making a sale even

though he had secured a purchaser since the lots are sold to the highest bidder. Mr. McKinney felt that the additional 5% commission compensated that broker for the insecurity of a real estate deal with the City. Mr. McKinney stated that many cities had offered as high as 25% on the sale of tax lots and felt certain that the fact that the city did offer an additional premium had resulted in savings of many dollars and was an added incentive for activity by brokers. There followed a lengthy discussion on this subject with no formal action being taken.

HARVESTING WILD HAY ON VACANT LOTS

Mr. Haven addressed the City Council requesting permission to harvest the wild hay on vacant property. The City Attorney advised the Council that they did not have the right to give permission for harvesting the wild hay on property not owned by the City and informed the Council to place the matter in Mr. Parker's hands. The Mayor instructed Mr. Haven to discuss the situation with Mr. Parker.

REPORTS OF SPECIAL COMMITTEES AND OFFICIALS

BEACH CLUB OPERATION EXPENSE

Mr. Parker reported that an expenditure of \$1,200 for painting would be required to prepare the Beach Club for operation. Most of the Councilmen stated that they would not view with favor any expenditure that was not absolutely necessary and recommended that the Health Department be contacted for advice. The Mayor appointed a Committee composed of Councilman Blakelock and himself to inspect the Beach Club to decide what work was necessary.

SIDEWALK REPAIRS

Report of Councilman Blakelock regarding sidewalk repairs at 1006 South El Camino Real was read. Mr. Blakelock's report recommended that no action be taken by the City and that the property owners be so advised.

UPON MOTION OF COUNCILMAN FORTUNE, SECONDED BY COUNCILMAN HEMPEL AND UNANIMOUSLY CARRIED, the report of Councilman Blakelock was accepted.

ETCHEBERRIA ESTATE GARBAGE CONTRACT

Councilman Hempel reported that the matter of granting a contract to the Etcheberria Estate, referred to him at the last meeting, had been considered and that he had requested the City Attorney to prepare a contract for the delivery of edible garbage for a period of 1½ years at \$20.00 per month and the remaining 1½ years of the contract, at \$30.00 per month.

UPON MOTION OF COUNCILMAN BLAKELOCK, SECONDED BY COUNCILMAN FORTUNE, the report of Councilman Hempel was accepted and the Mayor and City Clerk authorized to sign the contract as prepared by the City Attorney covering delivery of garbage to the Etcheberria Estate.

Upon roll call the following was the stated vote, to wit:

- AYES: Councilmen - Read, Blakelock, Campbell, Fortune and Hempel
- NOES: Councilmen - None
- ABSENT: Councilmen - None

The motion was declared carried.

REGARDING BEST METHOD OF GARBAGE DISPOSAL

Mr. Dudley Hamilton inquired if the Council was certain that their method of disposing of garbage was the best and most economical method. Mr. Hempel informed Mr. Hamilton that a great deal of

study had been given to this problem and that the method now in use had been found to be the best of three alternative methods, i.e., (1) the cut and fill method which would require the daily use of men and equipment, (2) incineration which it was found after study, is very costly and (3) locating a closer source of delivery which was not possible.

RENTING OF TAX LOT FOR GIRL SCOUTS

The City Clerk reported that the request of the Girl Scouts to rent a Tax Lot from the City should be considered at this time. The Mayor referred the request to Councilman Hempel for study and negotiation of an agreement with the Girl Scouts.

RED-CROSS LIABILITY INSURANCE POLICY

The Clerk reported that the insurance carrier had requested, last year, the save harmless liability policy in any dealings with the Red Cross for the forthcoming season, whereupon Mr. Holbert of the insurance firm of Neiswender and Holbert stated that he had advised the Firemen's Fund Insurance Company of our interest in this matter but had not received a reply, and suggested that the City carry on as in the past with the knowledge that the Fireman's Fund Insurance Company did not feel that the liability was great enough to require a policy from the Red Cross.

UNFINISHED BUSINESS

CONVERTING REST ROOM INTO SHOWER ROOM

The matter of converting the rest room into a shower and change room, referred to Mr. Campbell at the last meeting was considered. Mr. Campbell recommended that the City allow Mr. Herring the privilege of converting this rest room at his expense, as the facility is definitely needed. The City Clerk was instructed to advise Mr. Herring that the Council would require a plan of the proposed conversion and would make a decision on this at the next Council meeting.

REQUEST TO EXTEND SIZE OF CAFE ON PIER

The request of Mr. Herring to extend the present cafe building for a distance of eight feet landwise, also referred to Mr. Campbell, was considered. Mr. Campbell recommended that this extension be denied as any further additions would obstruct the view of the beach from the pier. After discussion the Clerk was instructed to have Mr. Herring present a drawing of the proposed additions at the next regular meeting at which time a decision would be made.

PAYING OF THE BILLS

IT WAS MOVED BY COUNCILMAN BLAKELOCK, SECONDED BY COUNCILMAN FORTUNE that the audited bills as read be paid, and that the payroll covering period February 1st through February 15th be ratified.

On roll call the following was the stated vote, to wit:

- AYES: Councilmen - Read, Blakelock, Campbell, Fortune and Hempel
- NOES: Councilmen - None
- ABSENT: Councilmen - None

The motion was declared carried.

Payroll February 1st through  
 February 15th 1952.....\$6,313.99  
 Total warrants paid February 15, 1952.....\$14,307.79

NEW BUSINESS

MILK PRICES

The matter of increased milk prices referred to Mr. McKinney was discussed. Mr. McKinney stated that the price of milk was controlled by State agencies who had greater knowledge of the conditions and therefore were in a better position than the City Council to evaluate justification for increased prices, and recommended that no action be taken.

RESOLUTIONS

RESOLUTION NO. 550

ELECTION

Upon motion by Councilman Hempel seconded by Councilman Blakelock, RESOLUTION NO. 550 BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA APPOINTING ELECTION OFFICERS AND DESIGNATING POLLING PLACES FOR THE APRIL 8, 1952 MUNICIPAL ELECTION, was regularly introduced, passed and adopted by the following stated vote, to wit:

AYES

Councilmen - Read, Blakelock, Campbell, Fortune and Hempel

NOES

Councilmen - None

ABSENT

Councilmen - None

ORDINANCES

ORDINANCE NO. 204

AMENDING ORDINANCE NO. 167

Upon motion of Councilman Hempel seconded by Councilman Fortune ORDINANCE NO. 204, BEING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, AMENDING ORDINANCE NO. 167, SECTION 16, SUB-SECTION 13, PARAGRAPH A AND SECTION 16 SUB-SECTION 13, PARAGRAPH B, having been regularly introduced and read by title at the regular meeting of the City Council of said City February 6, 1952, was read in full by the City Attorney and passed and adopted by the following stated vote, to wit:

AYES:

Councilmen - Read, Blakelock, Campbell, Fortune and Hempel

NOES:

Councilmen - None

ABSENT:

Councilmen - None

REPORTS OF COUNCILMEN

SEWER CLEANOUT AT CURB LINE

Councilman Hempel reported that his investigation of the need for a sewer cleanout at the curb line reveals that there is much difference of opinion among the local contractors as to what is needed. He outlined various methods and requested additional time for study. The Clerk was instructed to correspond with various cities to determine what size sewer laterals for residential, public and commercial buildings are required, and the reason for specifying various sizes.

REPORT ON REPAIRS TO PUMP WELL #2

Water Commissioner Hempel reported that extensive repairs were under way to increase the production of pump well #2. It is hoped that the repairs and cleaning will result in increased production of 200 gallons per minute which might tide the city over during the peak demand periods of July and August. Mr. Hempel stated, however, that should a major breakdown occur in any of the wells during

the peak load demands, it would be necessary to curtail water consumption each day during this period; that in his opinion a new well was definitely needed and that there were no funds available from current revenue to cover the \$23,000 this would require. The possibility of a meter assessment to provide the necessary financing was felt not desirable, unless the citizens of the community, recognizing the need for the additional well, as does the Council, were to request that the well be drilled regardless.

It was Mr. Hempel's recommendation that the City struggle through this season hoping that a major breakdown does not occur and that means of financing the construction of a new well will be found in ample time to have the project completed prior to the summer season of 1953. He warned again, however, that the well is needed, but that the Council, in this case, is more or less powerless to act without a popular movement of support.

Councilman Hempel inquired if the Council could request the Currie Engineering Company not to complete the preliminary report, as agreed upon, in an effort to cut down the expenses of such survey.

7 ADJOURNMENT

There being no further business, UPON MOTION OF COUNCILMAN BLAKELOCK, SECONDED BY COUNCILMAN CAMPBELL, the meeting was adjourned.

*D. L. Evans*  
 \_\_\_\_\_  
 City Clerk and Ex-officio Clerk  
 of the City Council

*H. T. Read*  
 \_\_\_\_\_  
 Mayor and President of the  
 City Council