

San Clemente City Hall,  
San Clemente, California,  
April 7th, 1937.

The regular meeting of the City Council of the City of San Clemente was held in the Council Chamber, San Clemente City Hall, San Clemente, California, Wednesday, April 7th, 1937, at 8.00 o'clock, p.m. - Mayor Henry A. Fate in the Chair.

The following was the state of the roll-call:  
PRESENT: COUNCILMEN: Stoddard, Coe, Bartlett and Fate,  
ABSENT : COUNCILMEN: Smith.

The Minutes of the last regular meeting held Wednesday, March 17th, 1937, were read and approved as read.

WRITTEN  
COMMUNICATIONS.

Communication from the American Legion Auxiliary Unit No. 331, for permission to have exclusive sale of Fireworks in the City for the coming Fourth of July; was read and referred to the Committee of the Whole Council.

Card of Thanks from the Robertson Family for Flowers sent by Council on the occasion of the funeral of Mrs. Alex Robertson, ~~WIFE~~<sup>MOTHER</sup> of our former Mayor Oliver R. Robertson; was read and ordered filed.

Communication from Mrs. Mary E. Neddermeyer, Custodian San Clemente Branch of the Orange County Library asking permission for the books belonging to the City to be loaned to the Orange County Library for distribution; the books not to go out of the City and would still be kept separate from those belonging to the Orange County Branch of the Library; was read and referred to the Committee of the Whole Council.

REPORTS OF  
COMMISSIONERS  
AND OFFICIALS.

Report of the City Treasurer for Month of March, 1937, submitted by Verne D. Bailey, City Treasurer; was read and ordered filed.

Report of the Social Club for month of March, 1937, submitted by F. A. Neddermeyer; was read and ordered filed.

Report of the Golf Course for month of March, 1937, submitted by C. O. Eaton, Caddy House Manager, was read and ordered filed.

Report of the Water Department for Month of March, 1937, submitted by Roland Peterson, Water Superintendent, was read and ordered filed.

Report of the Activities of the Police Department for month of March, submitted by Wendell B. Lovell, Chief of Police, was read and ordered filed.

REPORT OF THE  
COMMITTEE OF  
THE WHOLE  
COUNCIL.

The Report of the Committee of the Whole Council, Councilman David I. Stoddard, Chairman, was read and on Motion of Councilman Stoddard, seconded by Councilman Coe was accepted and adopted as the action of the Council.

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

AYES : COUNCILMEN: Stoddard, Coe, Bartlett and Fate,  
NOES : COUNCILMEN: None,  
ABSENT: COUNCILMEN: Smith.

The Motion was declared carried.

Copy of said Report is attached to these Minutes and made a part hereof.

PAYING BILLS.

Moved by Councilman Bartlett, seconded by Councilman Stoddard, that the following bills, as audited, be paid, as, if and when funds are available.

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

AYES : COUNCILMEN: Stoddard, Coe, Bartlett and Fate,  
NOES : COUNCILMEN: None,  
ABSENT: COUNCILMEN: Smith.

The Motion was declared carried.

Warrant

Reg'd No.	No.		
	2022	William Holmes	\$ 80.00
	2023	Clyde M. Baxter	75.00
	2024	Verne D. Bailey	67.50
	2025	Bert H. Latham	50.00
	2026	B. Z. McKinney	40.00
	2027	Fred S. Warner	50.00
	2028	Wendell B. Lovell	62.50
	2029	Jay Carlos Decker	55.00
	2030	Jas. B. Hopkins	50.00
	2031	Richard Parker	55.00
	2032	Roland Peterson	67.50
1471	2033	Chris Anderson	57.50
	2034	Julius Becker	52.50
	2035	Frank Arnham	20.00
	2036	Dewey Hooplw	65.00
	2037-8	Floyd Ray	56.00
	2039	Lester T. Abell	60.00
	2040	J. H. Lewis	20.00
	2041	C. C. Eaton	75.08
	2042	Charles O. Anderson	17.00
	2043	Leo Smith	49.00
	2044	Robert Amundson	6.00
	2045	Robert Smith	52.50
	2046	F. A. Neddermeyer	50.00
	2047	Eunice Templin	5.00
	2048	William A. Ayer	23.00
	2049	Al Simmen	15.00

TOTAL WAGES LAST HALF MARCH, 1937 \$ 1,276.08

	2050	Petty Cash Expenditures	10.89
1472	2051	Walter Bye	105.00
1473	2052	S. M. Clark	865.40
1474	2053	Coastline Dispatch	69.50
1475	2054	Dr. P. H. Esslinger	60.00
1476	2055	Fairmac Studios	163.31
1477	2056	Heinecke Lumber Yard	168.97
1478	2057	O. J. Madison	33.31

Carried Forward.....\$ 2,752.46

PAYING BILLS - continued	Reg'd No.	Warrant No.	Brought Forward.....	\$ 2,750.46
	1479	2058	San Clemente Service Station	6.99
	1480	2059	San Clemente Service Station	22.50
	1481	2060	Standard Oil Company	152.50
	1483	2062	State Compensation Insurance Fund	533.44
	1482	2061	Southern Counties Gas Company	32.11
	1484	2063	U. S. Fidelity Company	49.68
	1485	2064	Universal Credit Company	48.44
	1486	2065	Western Metal Supply Company	74.32
	1487	2066	Western Metal Supply Company	132.33
		2067	Petty Cash	3.00
TOTAL ALL WARRANTS ISSUED APRIL 7th, 1937.....				\$ 3,805.77

**AUTHORITY TO  
DISPOSE OF  
CITY TRAILER  
AND 4" WATER  
METER.**

Moved by Councilman Stoddard, seconded by Councilman Coe, that the Superintendent of Public Works be authorized and instructed to dispose of the Trailer formerly operated on the Municipal Pier, also the 4" Water Meter formerly installed at the State Park, both said articles being property of the City, for best possible price obtainable:

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

AYES : COUNCILMEN: Stoddard, Coe, Bartlett and Fate,

NOES : COUNCILMEN: None,

ABSENT: COUNCILMEN: Smith.

The Motion was declared carried.

**RESOLUTIONS.**

Upon Motion of Councilman Stoddard, seconded by Councilman Coe, RESOLUTION NO. 287, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE URGING ENACTMENT OF ASSEMBLY BILL NO. 2231-CREATING A FISH PRESERVE; having been regularly introduced, was passed and adopted by the following stated vote, to-wit:

AYES : COUNCILMEN: Stoddard, Coe, Bartlett and Fate,

NOES : COUNCILMEN: None,

ABSENT: COUNCILMEN: Smith.

The Resolution having received the required number of votes was declared adopted.

**RE-SURFACING  
OF CALLE DEL  
PEUNTE.**

Upon Motion of Councilman Bartlett, seconded by Councilman Stoddard, RESOLUTION NO. 288, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE RELATING TO THE RE-SURFACING OF CALLE DEL PEUNTE; having been regularly introduced, was passed and adopted by the following stated vote, to-wit:

AYES : COUNCILMEN: Stoddard, Coe, Bartlett and Fate,

NOES : COUNCILMEN: None,

ABSENT: COUNCILMEN: Smith.

The Resolution having received the required number of votes was declared adopted.

**PROHIBITS  
PARKING OF  
AUTOMOBILES,  
TRAILERS & C  
ON CITY'S  
STREETS  
OVER NIGHT.**

Upon Motion of Councilman Bartlett, seconded by Councilman Stoddard, ORDINANCE NO. 95, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE TO PROHIBIT THE PARKING OF AUTOMOBILES, TRUCKS, TRAILERS AND OTHER VEHICLES UPON THE STREETS OF SAID CITY OVERNIGHT; having been regularly introduced, was given its FINAL READING and passed and adopted by the following stated vote, to-wit:

AYES : COUNCILMEN: Stoddard, Coe, Bartlett, and Fate,

NOES : COUNCILMEN: None,

ABSENT: COUNCILMEN: Smith.

The Ordinance having received the required number of votes was declared adopted.

## ORDINANCES.

Upon Motion of Councilman Coe, seconded by Councilman Stoddard, ORDINANCE NO. 96, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE REQUIRING AND PROVIDING FOR THE REMOVAL OF GRASS, WEEDS OR OTHER OBSTRUCTION FROM SIDEWALKS, PARKINGS AND STREETS, AND REQUIRING AND PROVIDING FOR THE REMOVAL FROM PROPERTY, LANDS OR LOTS OF ALL WEEDS, RUBBISH AND OTHER MATERIAL WHICH MAY ENDANGER OR INJURE NEIGHBORING PROPERTY OR THE HEALTH OR WELFARE OF THE RESIDENTS OF THE VICINITY, AND TO MAKE THE COST THEREOF A LIEN AND CHARGE UPON THE ABUTTING PROPERTY AND UPON PROPERTY, LANDS OR LOTS, AND MAKING PROVISION FOR THE ENFORCEMENT OF SUCH LIEN BY THE SALE OF SUCH PROPERTY, LANDS OR LOTS, OR OTHERWISE; was introduced and given its FIRST READING.

On roll-call the following was the stated vote,  
to-wit:  
AYES : COUNCILMEN: Stoddard, Coe, Bartlett and Fate,  
NOES : COUNCILMEN: None,  
ABSENT: COUNCILMEN: Smith.

The Motion was declared carried.

After the Title to Ordinance No. 96 had been read by the City Attorney, it was Moved by Councilman Stoddard, seconded by Councilman Coe, that further reading of the Ordinance be dispensed with.

On roll-call the following was the stated vote,  
to-wit:  
AYES : COUNCILMEN: Stoddard, Coe, Bartlett and Fate,  
NOES : COUNCILMEN: None,  
ABSENT: COUNCILMEN: Smith.

The Motion was declared carried.

## ADJOURNMENT.

Moved by Councilman Bartlett, seconded by Councilman Stoddard, and carried, that the meeting adjourn.

*William Holmes*  
\_\_\_\_\_  
City Clerk and ex-officio Clerk of  
the City Council.

APPROVED: APRIL 21st, 1937.

*Don Marshall*  
\_\_\_\_\_  
Mayor and President of the  
City Council.

Councilman David I. Stoddard then took the Chair as Mayor pro-tem.

Moved by Councilman Fate, seconded by Councilman Coe, that the name of Councilman Dan Mulherron be placed in nomination for Mayor of the City of San Clemente.

COUNCILMAN  
MULHERRON  
APPOINTED  
MAYOR.

Mayor pro-tem David I. Stoddard asked if there were any further nominations, and there being none, he declared the nominations closed.

On roll-call for Councilman Dan Mulherron to be MAYOR, the following was the stated vote, to-wit:

AYES : COUNCILMEN: Fate, Coe, Smith and Stoddard,  
NOES : COUNCILMEN: None,  
ABSENT: COUNCILMEN: None  
NOT VOTING: COUNCILMEN: Mulherron.

The Motion was declared carried.

Mayor pro-tem Stoddard then vacated the Chair and turned same over to the newly appointed Mayor, Dan Mulherron.

Mayor Mulherron said he thanked them again and he would do his best for the City of San Clemente. He was not going to make long speeches but will try to act. The newly appointed Mayor was greeted by loud applause from the lobby present.

City Attorney, B. Z. McKinney, said he felt somewhat like the small boy at Christmas time, both pleased and sad. Pleased because Christmas was coming and sad because Christmas passed away. He very much regretted to see Guy Bartlett resign from the Council because he had made a very fine member of same. He has been co-operative and interested and in his quiet pleasing way has been a very splendid member of the Council. As City Attorney he had worked with him and wished to thank him for his co-operation and the citizens are suffering a loss in losing him - on the other hand, he felt they are gaining as much as they lose by gaining Dan back on the Council. Dan resigned from the Council because of the Regulations of the National Headquarters of the Department governing the Department he is in. He is coming back on the Council because of the lifting of that regulation through the National Headquarters at Washington, and it is very fine he can come, and the Council will benefit by his advice and wisdom.

\* \* \* \* \* \*\* See next page.

WRITTEN COMMUNICATIONS. Agreement between the Bank of America National Trust and Savings Association, party of the first part, and the City of San Clemente, party of the second part, cancelling and amending Deed Restrictions appertaining to the use of the San Clemente Municipal Pier. Under the new Agreement, the City of San Clemente may, with the written consent and approval of said Bank of America National Trust and Savings Association, holder of the reversionary rights in event of violation, enter into leases with various concessionaires and/or lessees for periods not to exceed ten years for conducting any of the following businesses: selling bait and rental of fish poles, rental of fishing boats, operation of speed boats, rental and selling of beach equipment, cafe or restaurant and drug store. After reading the Agreement was referred to the Committee of the Whole Council.

Communication from Adlai Goldschmidt asking for reduction in his water rate to \$1.00 per thousand cubic feet flat rate for his several meters; was read and referred to the Committee of the Whole Council.

The Minutes of the last regular meeting held Wednesday, April 7th, 1937, were then read and approved as read. (Clerk's Note. This should have gone in Minute Book on page No. 1064, at sign of \* )

Legislative Bulletin No. 10 of the League of California Municipalities declaring the 1935 Law (Chap. 356, Stats of 1935) which extended the five per cent limitation on increasing expenditures of Cities, has been declared void by the California Court of Appeals, Third District; was read and ordered filed.

Communication from the Orange County League of Municipalities informing the Council the next meeting would be held at the Women's Clubhouse, La Habra, 6.30 p.m. Thursday evening April 22nd, 1937; was read and ordered filed.

**SENATE BILL  
NO. 519 -**

Communication from the Fish and Game Development Association asking the Council's continued support of Senate Bill No. 519, also requesting that the Council write urging our Assemblymen to actively support and vote for passage of the Bill, without amendment, of this sound wildlife conservation measure; was read and referred to the Committee of the Whole Council.

Communication from Assemblyman Thomas H. Kuchel thanking the Council for their Resolution favoring passage of A.B. #2231, and stating that he was completely in accord with all the provisions of the Bill and was doing everything possible to aid its passage was read and ordered filed.

**REPORT OF THE  
COMMITTEE OF  
THE WHOLE  
COUNCIL.**

The Report of the Committee of the Whole Council, Councilman David I. Stoddard, Chairman, was read and on Motion of Councilman Stoddard, seconded by Councilman Fate, was accepted and adopted as the action of the Council.

On roll-call the following was the stated vote, to-wit:  
 AYES : COUNCILMEN: Stoddard, Coe, Fate, Smith and Mulherron,  
 NOES : COUNCILMEN: None,  
 ABSENT: COUNCILMEN: None.

The Motion was declared carried.

Copy of said Report is attached to these Minutes and made a part hereof.

**PAYING BILLS.**

Mayor Mulherron appointed Councilman David I Stoddard and Councilman Lillian V. Coe, as the Auditing Committee.

**COUNCILMEN STODDARD  
AND COE APPOINTED  
AUDITING COMMITTEE.**

Moved by Councilman Fate, seconded by Councilman Coe, that the following bills, as audited, be paid, as, if and when funds are available.

On roll-call the following was the stated vote, to-wit:  
 AYES : COUNCILMEN: Stoddard, Coe, Fate, Smith and Mulherron,  
 NOES : COUNCILMEN: None,  
 ABSENT: COUNCILMEN: None.

The Motion was declared carried.

Warrant #		\$
2068	William Holmes	80.00
2069	Clyde M. Baxter	75.00
2070	Verne D. Bailey	67.50
2071	B. H. Latham	50.00
2072	B. Z. McKinney	40.00
2073	Fred S. Warner	50.00
2074	Wendell B. Lovell	62.50
2075	Jay Carlos Decker	55.00
2076	Jas. B. Hopkins	50.00
2077	Richard Parker	55.00

PAYING BILLS -		Warrant	
continued.		No.	
	Reg'd	2078	Roland Peterson
	No.	2079	Chris Anderson
	1488	2080	Julius Becker
		2081	Frank Earnham
		2082	Lester T. Abell
		2083	C. O. Eaton
		2084	Floyd Ray
		2085	Dave Johnson
		2086	Robert Amundson
		2087	Robert Smith
		2088	F. A. Neddermeyer
		2089	Eunice Templin
		2090	A. Simmen
	LCF.	2091	Dewey Hoople - Lot Cleaning

\$ 67.50  
57.50  
52.50  
20.00  
60.00  
37.50  
71.80  
17.75  
6.00  
45.00  
50.00  
5.00  
15.00  
65.00

TOTAL WAGES FIRST HALF APRIL, 1937.....\$1155.55

		2092	Petty Cash Expenditures	23.80
1489		2093	Aetna Surety Company	250.00
1490		2094	R. H. Baker Company	124.34
1491		2095	V. B. Anderson Company	1.30
1492		2096	Ceazon Tires Ltd	382.60
1493		2097	Laird Inc	1.25
1494		2098	Orange County Auto Parts	44.08
1495		2099	Pacific Toro Company	21.94
1496		2100	San Diego Electric Company	21.76
1497		2101	San Diego Electric Company	125.34
1498		2102	Smith-Emery Company	20.00
1499		2103	Southern California Telephone Co	67.70
1500		2104	Wallace and Tiernan Co	70.56
1501		2105	Worthington Gamon Meter Company	271.92
LMF.		2106	San Diego Electric Company	312.97

TOTAL ALL WARRANTS ISSUED APRIL 21st, 1937..\$ 2,895.11

**COUNCILMAN FATE APPOINTED COMMISSIONER OF FIRE & POLICE.**

Mayor Mulherron made the following appointment:  
To be Commissioner of Fire) and Police....) COUNCILMAN HENRY A. FATE.

**WEED ORDINANCE.**

Upon Motion of Councilman Fate, seconded by Councilman Stoddard, **ORDINANCE NO. 96**, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE REQUIRING AND PROVIDING FOR THE REMOVAL OF GRASS, WEEDS OR OTHER OBSTRUCTION FROM SIDEWALKS, PARKINGS AND STREETS, AND REQUIRING OR PROVIDING FOR THE REMOVAL FROM PROPERTY, LANDS OR LOTS OF ALL WEEDS, RUBBISH AND OTHER MATERIAL WHICH MAY ENDANGER OR INJURE NEIGHBORING PROPERTY OR THE HEALTH OR WELFARE OF THE RESIDENTS OF THE VICINITY AND TO MAKE THE COST THEREOF A LIEN AND CHARGE UPON THE ABUTTING PROPERTY AND UPON PROPERTY, LANDS OR LOTS, AND MAKING PROVISION FOR THE ENFORCEMENT OF SUCH LIEN BY THE SALE OF SUCH PROPERTY, LANDS OR LOTS, OR OTHERWISE; having been regularly introduced, was given its FINAL READING and passed and adopted by the following stated vote, to-wit:  
AYES : COUNCILMEN: Stoddard, Coe, Fate, Smith and Mulherron,  
NOES : COUNCILMEN: None,  
ABSENT: COUNCILMEN: None.

The Ordinance having received the required number of votes was declared adopted.

**ADJOURNMENT.**

Moved by Councilman Fate, seconded by Councilman Stoddard, and carried, that the meeting adjourn.

*William Holmes.*

City Clerk and ex-officio  
Clerk of the City Council.

APPROVED: MAY 5th, 1937

*D. J. Mulherron* Mayor.

REPORT OF THE COMMITTEE OF THE  
WHOLE COUNCIL.

City Hall, San Clemente,  
April 21st, 1937.

The Honorable Mayor and City Council,  
City of San Clemente, California.

Gentlemen,

We, your Committee of the Whole Council, who have had under consideration the matters set forth below, respectfully make the following recommendations:

1. That the Agreement cancelling and amending Deed Restrictions on the San Clemente Pier from the Bank of America National Trust and Savings Association of the first part and the City of San Clemente of the second part, and dated April 21st, 1937, be accepted, and that the Mayor and City Clerk be authorized and instructed to execute same on behalf of the City. This new Agreement allows the City, with the written approval and consent of the Bank of America National Trust & Savings Association to enter into leases not exceeding ten years for conducting the businesses of rental of fishing boats, selling bait and renting fishing poles, operation of speed boats, renting and selling beach equipment, cafe or restaurant and drug store; also that the City Clerk be instructed to have the Agreement duly recorded.
2. That the request of Mr. Adlai Goldschmidt for reduction in his water rate be granted, and that he be put on a flat rate of \$1.00 per thousand cubic feet, effective May 1st, 1937.
3. That the Clerk be instructed to write our Assemblymen urging them to actively support and vote for passage of Senate Bill No. 519 embodying Sardine control.
4. That an Agreement be entered into between the City and Mr. Leroy M. Strang for the operation of a cafe, selling and rental of beach equipment, &c., on a basis of 5% of the gross receipts or 7½% of the gross receipts if same are over \$ 2,500.00 per month; and that the City Attorney be instructed to prepare the necessary lease and submit same to the Bank of America for approval. The proposed building to be erected by Mr. Strang will be situated at the Eastern end of the Pier and directly opposite to his present stand.

Respectfully submitted,

COMMITTEE OF THE WHOLE COUNCIL,

(Sgd) DAVID I. STODDARD.  
Chairman.