

Council Chamber,
San Clemente City Hall
San Clemente, California,
April 21st, 1937.

The regular meeting of the City Council of the City of San Clemente was held in the Council Chamber, City Hall, San Clemente, California, Wednesday, April 21st, 1937, at 8.00 o'clock, p.m. - Mayor Henry A. Fate in the Chair.

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

The Clerk read a communication from Councilman Guy R. Bartlett resigning his seat as Councilman effective this date, April 21st, 1937.

RESIGNATION OF GUY R. BARTLETT AS COUNCILMAN. Moved by Councilman Coe, seconded by Councilman Stoddard, that the resignation of Councilman Guy R. Bartlett be accepted. On roll-call the following was the stated vote, to-wit:
AYES : COUNCILMEN: Stoddard, Coe, Smith and Fate,
NOES : COUNCILMEN: None,
ABSENT: COUNCILMEN: None.

The Motion was declared carried.

Councilman Stoddard stated that at the last Election the Citizens elected a man who later on resigned from the Council, and inasmuch as it was expressed by the citizens their desire to have him again on this body he would put his name forward as a member of the Council and it gave him great pleasure to nominate DAN MULHERRON as Councilman to fill the unexpired portion of the term of Guy R. Bartlett whose resignation they had just accepted. Councilman Coe seconded the Motion.

Mayor Fate asked for further nominations, there being none, he declared the nominations closed.

DAN MULHERRON appointed COUNCILMAN in place of Guy R. Bartlett, resigned. On roll-call for DAN MULHERRON to be a member of the Council to fill the unexpired term of Guy R. Bartlett, resigned, the following was the stated vote, to-wit:
AYES : COUNCILMEN: Stoddard, Coe, Smith and Fate,
NOES : COUNCILMEN: None,
ABSENT: COUNCILMEN: None.

The Motion was declared carried.

Mr. Dan Mulherron was then sworn in as a Councilman by the Clerk and took his seat at the Council table.

Then Clerk then read a communication from Mayor Henry A. Fate resigning as Mayor of the City.

RESIGNATION OF HENRY A. FATE AS MAYOR. Moved by Councilman Coe, seconded by Councilman Stoddard, that the resignation of Henry A. Fate, as Mayor, be accepted. On roll-call the following was the stated vote, to-wit:
AYES : COUNCILMEN: Coe, Mulherron, Smith and Stoddard,
NOES : COUNCILMEN: None,
ABSENT: COUNCILMEN: None.

The Motion was declared carried.

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 Jecker	55.00
2076	Jas. B. Hopkins	50.00
2077	Richard Parker	55.00

PAYING BILLS -
continued.

	Warrant No.		\$
	2078	Roland Peterson	67.50
Reg'd	2079	Chris Anderson	57.50
No.	2080	Julius Becker	52.50
1488	2081	Frank Earnham	20.00
	2082	Lester T. Abell	60.00
	2083	C. O. Eaton	37.50
	2084	Floyd Ray	71.80
	2085	Dave Johnson	17.75
	2086	Robert Amundson	6.00
	2087	Robert Smith	45.00
	2088	F. A. Neddermeyer	50.00
	2089	Eunice Templin	5.00
	2090	A. Simmen	15.00
LCF.	2091	Dewey Hoople - Lot Cleaning	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

Henry A. Fate Mayor.

REPORT OF THE COMMITTEE OF THE
WHOLE COUNCIL.

City Hall, Dan 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 East end of the Pier and directly opposite to his present stand.

Respectfully submitted,

COMMITTEE OF THE WHOLE COUNCIL,

(Sgd) DAVID I. STODDARD.

Chairman.