

Council Chamber, Easley Building,
San Clemente, California,
May 15th, 1936.

The regular meeting of the City Council of the City of San Clemente was held in the Council Chamber, Room 210, Easley Building, San Clemente, California, Friday, May 15th, 1936, at 8.00 o'clock, p.m. - Mayor Dan Mulherron in the Chair.

The following was the state of the roll-call:

PRESENT: COUNCILMEN: Fate, Coe and Mulherron,

ABSENT : COUNCILMEN: Kinney and Smith.

The Minutes of the last regular meeting held Friday, May 1st, 1936, were read and approved as read.

WRITTEN COMMUNICATIONS. Communication from Roy Divel Junr, resigning his position as Life Guard; was read and ordered filed.

Communication from Carl Milner requesting permission to operate a Popcorn machine on the Municipal Pier; was read and referred to the City Attorney.

Communication from the State Compensation Insurance Fund advising that the California Rating Bureau has notified them that the official rating for the City's insurance has resulted in all rates being increased 22% effective April 14th, 1936; was read and ordered filed.

Communication from the San Clemente Unit #331, American Legion Auxillary, requesting permission to use the Council Chamber for their meetings on the second Thursday in each month free of charge; was read and referred to the Committee of the Whole Council.

Communication from the University of Southern California advising that the Eighth Annual Institute of Government will be held on the Campus of the University June 15-19, 1936, and requesting memberships from the City; was read and ordered filed.

Request from Edwin Bishop, City, for light at corner of Loma Lane opposite Louis Brown's house; was read and referred to the Commissioner of Lights.

Attorneys of record in City of San Clemente vs John O. Forster et al, Suit No. 26127. Communication from Chas. D. Swanner, Attorney at Law, First National Bank Building, Santa Ana, informing the City what attorneys represented the City of San Clemente in their action, City of San Clemente vs John O. Forster, et al, No. 26127, filed in the Superior Court of the State of California in and for the County of Orange on the 25th day of September, 1929; stated the attorneys of record for the Plaintiff in said action were Charles D. Swanner; Head, Wellington and Jacobs and Ben M. Acres; was read and referred to the City Attorney.

ORAL COMMUNICATIONS. Mr. G. N. Carter, 543 So. Helena, Anaheim, representing an Anaheim rabbit buying company, appeared before the Council and stated his firm were anxious to have a new industry in San Clemente - that of rabbit raising. He said there is a great demand now for rabbit pelts for use in making coats and felt.

Mayor Mulherron informed Mr. Carter that the City's Ordinance prohibited the raising of rabbits, chickens, or other livestock, for commercial purposes in the City.

ORAL
COMMUNICATIONS -
continued -

LICENSE TO SELL
FIREWORKS BY
LEGION AUXILIARY

Mrs. James H. Bennett, representing the San Clemente Unit #331 of the American Legion Auxiliary, requested permission from the Council for the sale of fireworks this year in place of the San Clemente Legion Post #331 which had recently been disbanded.

Moved by Councilman Fate, seconded by Councilman Coe, and carried, that the Legion Auxiliary be given the privilege of selling fireworks on the understanding the usual restrictions as provided in the Ordinance be complied with, and that the Clerk be authorized and instructed to issue the necessary License.

DOGS RUNNING AT
LARGE AND
DESTROYING
PROPERTY, &c.

Mr. Bert Latham brought to the attention of the Council the damage done by dogs running round loose in the town, through trampling down of flowers, etc, and also running loose on the beach etc. He stated the City's Ordinance #74 completely cared for the situation but the trouble was that it had never been enforced. He stated very few licenses had been obtained although the Ordinance stated all dogs must be licensed - the fees being \$2.00 for a male dog or spayed female, and \$3.00 for a female dog.

Mrs. Walter P. Rogers, Mrs. Jas. H. Bennett, C.O. Anderson and Councilman Coe took part in the discussion and all agreed that dogs did a great amount of damage to gardens in the City and that all dogs should be licensed, although the fact of them being licensed did not prevent them from doing damage; also that all dogs on the beach should be on a leash.

Councilman Fate added that we would have to have a Pound - that costs money - dog food, etc - it would be expensive to enforce the law. If we had some of the money the old Council had around it would be all right, but he did not know where that was.

City Attorney B. Z. McKinney stated that if the people realized that the Chief of Police was going to take action against dog owners not having their dogs licensed and prosecute them for not complying with the City's Ordinance licenses would be taken out. They should have a Pound where dogs could be housed and treated properly, otherwise the Humane Society would be on our neck.

Mayor Mulherron referred the matter to the Superintendent of Public Works to see what the cost would be to build a little pen for a pound, also a runway. He would also instruct the Chief of Police to see that the Ordinance was enforced.

OPINION OF
CITY ATTORNEY
ON CLAIM OF MR.
CHAS. D. SWANNER
FOR BALANCE OF
LEGAL FEES DUE
HIM FOR SERVICES
in the WATER
SUIT - CITY OF
SAN CLEMENTE vs
JOHN O. FORSTER,
ET AL - CASE NO.
26127 -

With reference to the communication from Mr. Charles D. Swanner, Attorney at Law, re attorneys of record in the case of San Clemente vs John O. Forster, et al, and Mr. Swanner's claim for the alleged balance of \$500.00 due him, the City Attorney, Mr. B. Z. McKinney, reported that Mr. Head of the firm of Head, Wellington and Jacobs, had been paid \$1,000.00 and Mr. Swanner, who was to receive the same amount, had been paid \$500.00, leaving a balance of \$500.00 to be paid him. If Mr. Thos. F. Murphine was being paid \$100.00 in this connection also the Council did not want to pay the full \$500.00 to Mr. Swanner. Mr. McKinney stated, he was informed, that before Mr. Murphine ever knew anything about the settlement being made Mr. Murphine called at Mr. Swanner's office and asked him about the suit and was told by Mr. Swanner that the suit had been settled by stipulation - subsequently, Mr. Murphine came to San Clemente and was employed by the City

when the suit to all purposes had been settled. Mr. Swanner gave the City Attorney a letter setting forth the fact that Mr. Murphine had nothing to do with the matter - He then read the letter he had received from Mr. Swanner.

It appears from the Resolution of the old Council that Mr. Murphine was employed to effect a settlement of this litigation, and likewise it appears that the litigation was already settled prior to the time he was employed to make the settlement. The City Attorney was of the opinion that the City would have to pay the fee claimed by Mr. Swanner as he was regularly employed and actually did the work - Mr. Murphine had nothing whatever to do with it. He was also of the opinion that the City could recover from Mr. Thos. F. Murphine the amount paid him for work which he never did, and which he could not do, as the action was already settled at that time. However, he believed that it would be throwing away good money after bad trying to bring an action, but thought a proper demand should be made by the Council upon Mr. Murphine for the return of the money paid him.

After a slight discussion, it was Moved by Councilman Fate, seconded by Councilman Coe, that a demand be made by the City Attorney upon Mr. Thos. F. Murphine for the return of the \$100.00 paid him.

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

It was also Moved by Councilman Fate, seconded by Councilman Coe, that the City acknowledge the receipt of Mr. Swanners bill for \$500.00 and that it be paid as soon as possible by registered warrant.

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

COMMITTEE OF
 WHOLE COUNCIL
 REPORT.

The Report of the Committee of the Whole Council, Councilman Henry A. Fate, Chairman, was read and, on Motion of Councilman Fate, 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: Fate, Coe and Mulherron,
 NOES : COUNCILMEN: None,
 ABSENT: COUNCILMEN: Kinney and 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 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: Fate, Coe and Mulherron,
 NOES : COUNCILMEN: None,
 ABSENT: COUNCILMEN: Kinney and Smith.
 The Motion was declared carried.

PAYING BILLS.
continued.

	Warrant Number.		
	1031	William Holmes	\$ 75.50
	1032	Verne D. Bailey	52.17
	1033	Bert Latham	48.33
	1034	B. Z. McKinney	37.34
	1035	Clyde M. Baxter	70.00
	1036	Fred S. Warner	46.67
	1037	Wendell Lovell	46.67
	1038	Jay Carlos Decker	46.67
	1039	Jas. B. Hopkins	46.67
	1040	C. C. Chambers	4.00
	1041	Helen Doris Hopkins	4.00
	1042	Everett Bewley	10.00
	1043	Roland Peterson	63.00
	1044	George A. Wilcox	48.00
1086	1045	L. M. Strang	55.00
	1046	George Larson	6.00
	1047	Julius Becker	49.00
	1048	William A. Ayer	32.00
	1049	Robert Smith	49.00
	1050	C. O. Eaton	35.00
	1051	Lester T. Abell	56.00
	1052	Floyd Ray	69.60
	1053	F. A. Neddermeyer	46.67
	1054	Eunice Templin	5.00
	1055	A. Simmen	14.50
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TOTAL WAGES May 2nd to May 15th inclusive.....\$			1,016.79
	1056	Petty Cash	11.30
1087	1057	V. B. Anderson Company	22.59
1088	1058	Auto Club of Southern California	19.57
1089	1059	Braun Corporation	78.41
1090	1060	Capistrano Electric Company	9.30
1091	1061	Carlisle and Company	26.41
1092	1062	Coast Hiway Garage	4.25
1093	1063	Crane Company	19.72
1094	1064	Crane Company	1.55
1095	1065	Aetna Casualty Company	350.00
1096	1066	General Paint Company	12.67
1097	1067	General Paint Company	134.28
1098	1068	Heinecke Lumber Yard	189.43
1099	1069	Heinecke Lumber Yard	27.79
1100	1070	Orange Mortgage Corporation	23.44
1101	1071	Royal Insurance Company	309.84
1102	1072	San Diego Electric Company	2.71
1103	1073	San Diego Electric Company	151.29
1104	1074	San Diego Electric Company	26.55
1105	1075	San Diego Electric Company	194.25
1106	1076	San Diego Electric Company	25.09
1107	1077	Southern California Telephone Company	50.92
1108	1078	L. M. Strang	25.00
1109	1079	Western Metal and Supply Company	27.86
1110	1080	Western Metal and Supply Company	25.04
1111	1081	J. Arthur Whitney	22.99
1112	1082	Woodward Office Equipment Company	1.03
1113	1083	Bank of America	55.00
			<hr/>
TOTAL ALL WARRANTS ISSUED MAY 15th, 1936..... \$			<u>2,765.07</u>

RESOLUTIONS.

Upon Motion of Councilman Fate, seconded by Councilman Coe, RESOLUTION NO. 273, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE RELATING TO THE RESURFACING OF AVENIDA MIRAMAR; was regularly introduced, passed and adopted by the following stated vote, to-wit:
 AYES : COUNCILMEN: Fate, Coe and Mulherron,
 NOES : COUNCILMEN: None,
 ABSENT: COUNCILMEN: Kinney and Smith.

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

ADJOURNMENT.

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

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

APPROVED: JUNE 5th, 1936.

Don Mulherron
 Mayor and President of the
 City Council.

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COMMITTEE OF THE WHOLE COUNCIL'S REPORT.
MAY 15th, 1936.

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

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 Mrs. Helen Doris Hopkins be appointed Police Matron at a salary of 50¢ her hour when actually working, effective May 2nd, 1936.
2. That a Relief Fireman be employed when the Fire Chief has his regular two days monthly leave, at a salary of \$ 4.00 per day.
3. That the San Clemente Unit #331, American Legion Auxiliary, be allowed the use of the Council Chamber free of charge for the purpose of holding their monthly meetings on the second Thursday of the month - said meeting held in the evening at 8.00 o'clock, p.m.
4. That Wendell B. Lovell be, and he is hereby appointed, Chief of Police of the City of San Clemente, and that his former appointment as Police Officer with the title of Captain is hereby rescinded.

Respectfully submitted,

COMMITTEE OF THE WHOLE COUNCIL,

(Sgd) HENRY A. FATE,
 Chairman.