

Council Chamber,
Bank of America Building,
San Clemente, California,
October 7th, 1936.

The regular meeting of the City Council of the City of San Clemente was held in the Council Chamber, Room 210, Bank of America Building, San Clemente, California, Wednesday, October 7th, 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, Bartlett, Smith and Mulherron,
ABSENT : COUNCILMEN: None.

The Minutes of the last regular meeting held Wednesday, September 16th, 1936, and of the adjourned regular meeting held Wednesday, September 23rd, 1936, were read and approved as read.

WRITTEN
COMMUNICATIONS

C.C.C. CAMP
WATER CONTRACT.

Communication from J. H. Lochevar, Lieutenant 14th, C.A., District Quartermaster, Civilian Conservation Corps, Van Nuys, California, desiring to enter into a Contract with the City for supplying water at Camp San Clemente Beach SP-27, for period October 20th, 1936, to March 31st, 1937, with option of renewal to June 30th, 1940; superseding Contract #ER-W-5915-qm-EFE-32 which expired as of June 30th, 1936; was read and referred to the Committee of the Whole Council.

Communication from Miss Olive Sherrard, Secretary of the Solana Club, enquiring whether the Council would like to purchase the dishes they have for the Social Club use; was read and referred to the Committee of the Whole Council.

ANONYMOUS
COMMUNICATION
NOT
RECOGNIZED.

No cognizance was taken of a communication received addressed to the Council asking why property owners and bona fide residents were not given seats on the City Council, on account of it being anonymous.

Communication from the Atchison Topeka and Santa Fe Railroad Company enclosing original and duplicate agreement covering two Sewer Line Crossings at San Clemente was read and referred to the Committee of the Whole Council.

A Petition containing names of twenty-five property owners, also postcard attached with three names on, making 28 names in all, was handed to the Clerk protesting against the adoption of the Ordinance now before the Council with reference to lifting certain building restrictions to permit the erection of buildings other than those with white stucco walls and red tile roofs; was read and referred to "Ordinances".

REPORTS OF
COMMISSIONERS
& OFFICIALS:

Report of the Activities of the Golf Course for month of September, 1936, submitted by C. O. Eaton; was read and ordered filed.

Report of the Fire Department for month of September, 1936, submitted by Jas. B. Hopkins, Fire Chief; was read and ordered filed.

Report of the City Treasurer for month of September, 1936, submitted by Verne D. Bailey, City Treasurer; was read and ordered filed.

REPORTS OF
COMMISSIONERS &
OFFICIALS -
continued -

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

Report of the Activities of the Social Club for September, submitted by F. A. Neddermeyer, was read and ordered filed.

Report of the Activities of the various City's departments for month of September, submitted by Clyde M. Baxter, Superintendent of Public Works; was read and ordered filed.

COMMITTEE OF
THE WHOLE
COUNCIL'S
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 Bartlett, 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, Bartlett, Smith & Mulherron,
NOES : COUNCILMEN: None,
ABSENT: COUNCILMEN: None.

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

PAYING BILLS.

Moved by Councilman Fate, seconded by Councilman Bartlett, 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, Bartlett, Smith and Mulherron,
NOES : COUNCILMEN: None,
ABSENT: COUNCILMEN: None.

The Motion was declared carried.

Warrant
Number.

	1462	William Holmes	\$	80:00
	1463	Clyde M. Baxter		75.00
	1464	Verne D. Bailey		55.00
	1465	Bert H. Latham		50.00
	1466	B. Z. McKinney		40.00
	1467	Fred S. Warner		50.00
	1468	Wendell B. Lovell		50.00
	1469	Jay Carlos Becker		50.00
	1470	James B. Hopkins		50.00
	1471	Richard Parker		50.00
	1472	Roland Peterson		67.50
Registered	1473	Chris Anderson		57.50
Number.	1474	Julius Becker		52.50
1265	1475	Frank Farnham		20.00
	1476	George Wilcox		52.00
	1477	Lester T. Abell		60.00
	1478	Floyd Ray		75.00
	1479	C. O. Eaton		75.15
	1480	Robert Smith		52.50
	1481	F. A. Neddermeyer		50.00
	1482	Eunice Templin		5.00
	1483	C. C. Chambers		48.50
	1484	Everett Bewley		46.00
	1485	T. S. Koger		53.50
	1486	William A. Ayer		36.00
	1488	Evelyn Nelson		2.25
	1487	Fred M. Robinson		8.50
	1489	A. Simmen		15.00

TOTAL WAGES LAST HALF SEPTEMBER, 1936..... \$ 1,326.90

PAYING BILLS - Warrant Brought Forward \$ 1,326.90
 continued - Number.

Registered

Number.	1489	Petty Cash	29.14
1266	1490	V. B. Anderson Company	23.57
1267	1491	Bowles Electric Company	118.57
1268	1492	Bowles Electric Company	2.68
1269	1493	General Paint Corporation	119.05
1270	1494	Heinecke Lumber Yard	2.22
1271	1495	O. J. Madison	4.30
1272	1496	Orange County Auto Parts	83.14
1273	1497	Orange County Auto Parts	39.71
1274	1498	Orange County Auto Parts - W.P.A.	4.78
1275	1499	Pacific Toro Company	11.50
1276	1500	Philbrook Company	33.38
1277	1501	San Clemente Super Service Garage	19.70
1278	1502	San Clemente Super Service Garage	20.00
1279	1503	San Diego Electric Company	564.75
1280	1504	San Diego Electric Company	669.95
1281	1505	San Diego Electric Company	16.59
1282	1506	San Diego Electric Company	16.89
1283	1507	San Diego Electric Company	5.42
1284	1508	Schwabacher-Frey Company	44.70
1285	1509	Shepherd Tractor Company	239.22
1286	1510	Southern Counties Gas Company	9.94
1287	1511	Standard Oil Company	207.13
1288	1512	State Compensation Insurance Fund	400.51
1289	1513	United Automotive Service	1.59
1290	1514	Wallace Tiernan Company	40.71
1291	1515	Western Metal Supply Company -W.P.A.	201.27
1292	1516	Western Metal Supply Company	135.68

TOTAL WARRANTS ON ACTIVE PUBLIC FUNDS.....\$ 4,392.99

1517	San Fiego Electric Co -	\$ 554.52
1518	San Diego Electric Co -	559.94

TOTAL WARRANTS ON SAN CLEMENTE LIGHTING ASSESSMENT FUND.....\$ 1,114.46

TOTAL ALL WARRANTS ISSUED OCTOBER 7th, 1936.....\$ 5,507.45

RESOLUTIONS. Upon Motion of Councilman Fate, seconded by Councilman Bartlett, RESOLUTION NO. 282, BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE CONCERNING SPECIFICATIONS FOR RE-SURFACING AVENIDA MIRAMAR IN SAID CITY; was regularly introduced, passed and adopted by the following stated vote, to-wit:

RE-SURFACING AVENIDA MIRAMAR.

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

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

ORDINANCES.

PROTEST
AGAINST
AMENDING OR
MODIFYING THE
PRESENT
BUILDING
RESTRICTIONS.

The Petition previously read protesting against the Building Restrictions being amended to permit the building of houses other than with white stucco walls and red tile roofs was again read and the matter left open for discussion.

Mr. E. L. Holloway said he thought the best interests of the people in town would be served by the removal of some of the restrictions in the particular districts named by the Capital Company and he could see no reason why the request of the Capital Company should not be granted. The Petition with 28 names did not carry much weight as at the meeting held at the Social Club it was the unanimous opinion, with the exception of one vote, that the restrictions should be modified in the tracts and lots as mapped out by the City Engineer - He said, let's go and get something started.

Mr. George E. Higgins said while it was true the petition contained only 28 names it was almost impossible to contact all the lot owners who had paid excessive prices to get these restrictions, and those people expected them to be maintained, and, in justice to them, we should postpone action until all lot owners have been contacted.

Mayor Mulherron said that was true enough, but to contact all lot owners was some job. Mr. Higgins said they were entitled to it.

Mr. Walter Stearns asked how many of the names on the petition were in business here and who have to make a living here. If we did not take action the Capital Company's attorneys would start Mandamus Proceedings to compel the removal of the restrictions.

Mrs. Terrett asked what is the true object of these buildings. What is the meaning of it. She wondered if it could be set forth in some way that she could understand.

Mayor Mulherron explained the Capital Company wanted to build and that these types of houses as proposed could be sold easier - they claimed it cost less to build them. The buildings would not cost less than \$ 2,500.00 and the proposed change would only affect those designated tracts where they could build other than with white stucco walls and red tile roofs.

Mrs. Terrett said the mixed type of building is attractive in a way and is more American; at the same time when she selected this town for her residence it was because it was uniformly clean and orderly looking and she had looked all over Southern California Coast Towns and picked this one out on that account, but, where you have two types of architecture there is sometimes deviation of style and buildings are put up for less than the restrictions call for and then you soon have a shack looking town and that is what we want to avoid. Her deed assured her that there would not be these types of buildings.

City Attorney McKinney stated the action of the City Council would not affect the restrictions in the deeds - All they have power to do is to change the building restrictions of the City - that does not affect the restrictions in the deed.

Mr. Terrett asked if these buildings go in, would it raise our insurance rate. City Attorney McKinney said he did not know, but City Engineer Ayer said it would not.

City Attorney McKinnet said it would be well for the benefit of those who had not been to the Council meetings before if he explained just what the powers and duties of the Council were on the matter. He made this explanation and then asked if it was wise to amend the existing ordinance to permit a different type of construction in certain sections of the City or would it be wiser to sit tight on the building ordinance as it now stands and face the possibility, which was also a probability, that the entire building ordinance we have will be knocked out entirely as far as the City is concerned and throw the whole town wide open. The Council only want to do what the citizens want - what is best for the best interests of the City.

Mrs. Terrett stated if the Council really is with the people, why could they not be given time to face the situation more thoroughly and see whether the majority of the people would like to see the change made ?

Mr. Terrett said reading between the lines, someone is trying to pass the buck and this is to be passed to the City Council. He saw no reason why they should take the responsibility on their shoulders. He was not against changing the Ordinance but he did think the Council should sit tight and let the bank go ahead and make the first move without favoring John Brown and going against John White. Throw the little town open. Take restrictions off everywhere. He was not willing for them to be taken off one section and left on another.

Mr. E. L. Holloway said he would like everybody here to realize the idea that we are passing no buck or that we are trying to favor the bank or anyone else. They are not going to put anything over on the taxpayers that is not right. We cannot blame them, they are trying to get this thing going. Let us not blame the Council; if they pass it lets join in with them.

Mr. Terrett stated he was not against the Council or the bank. He would stand pat and say either do one or two things - keep it the way it is or throw it open - dont put any restrictions on the bank, let them have the full say. Let them put the buildings up where they want but make it equal for everybody in town. Let them put a frame house up against his, he was willing, if the whole town is wide open, and he positively was not against the Council.

Mrs. James H. Bennett said she still felt as she did the night of the meeting at the Social Club. We should go ahead and let the bank have these two districts as it would come to that some time anyway. We must do something if we are going to have a City. Let the Ordinance go through.

City Attorney suggested a standing vote be taken on the proposed Ordinance.

In favor passing	19 stood,
Against passing	5 stood.

Mr. David I. Stoddary, of the Capital Company, stated that in order to know how this would affect the future title to land in San Clemente, he had the opinion of the Orange County Title Company, who ensured practically all property in San Clemente, after they had gone into the matter thoroughly, and they had advised him in writing they would ensure all titles in San Clemente in the modifications as proposed.

Mr. B. H. Latham and Mr. Earl Von Bon Horst also spoke in favor of the Council modifying the present building restrictions:

Councilman Fate stated that, as there appeared to be more lots, etc., in the Ordinance as at present prepared than there was in the original request from the Capital Company, he was against it.

REJECTION OF
ORDINANCE NO.
RELATING TO
MODIFICATION
BUILDING
RESTRICTIONS.

In order to bring the matter to a conclusion, it was Moved by Councilman Fate, seconded by Councilman Bartlett, that ORDINANCE NO. 92, BEING AN ORDINANCE OF THE CITY OF SAN CLEMENTE AMENDING ORDINANCES NUMBERS 10, 64 and 85, TO PROVIDE THAT CERTAIN SUBDIVIDED TRACTS AND PORTIONS OF TRACTS IN SAID CITY OF SAN CLEMENTE SHALL BE EXEMPTED FROM THE RESTRICTIONS CONTAINED IN SAID ORDINANCES NUMBERS 10, 64 AND 85, RELATING TO THE NECESSITY OF BUILDING RESIDENCES AND OTHER BUILDINGS AND STRUCTURES WITH ROOFS OF HAND-MADE RED TILE AND WALLS OF WHITE STUCCO CONSTRUCTION, having been regularly introduced, was given its SECOND READING and was rejected by the following stated vote, to-wit:

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

The Ordinance was thereupon declared rejected.

adjournment.

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

William Holmes

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

APPROVED: OCTOBER 21st, 1936.

Earl Mulherron
Mayor and President of the
City Council.

COMMITTEE OF THE WHOLE COUNCIL'S REPORT
APPROVED AND ADOPTED OCTOBER 7th, 1936.

Council Chamber, Room 210,
Bank of America Building,
San Clemente, October 7th, 1936

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 City Clerk be authorized and instructed to execute the Contract with the Civilian Conservation Corps for the supply of water to the San Clemente State Park Camp SP-27 for the period October 20th, 1936 to March 31st, 1937, with option of extension to June 30th, 1940, and that they be charged a flat rate of \$1.00 per 1,000 cubic feet for water consumed. This supersedes Contract #ER-W05915-qm-EFC-32 which expired June 30th, 1936.
2. That the Clerk write Miss Olive Sherrard enquiring the price the Soland Club require for the dishes they wish to dispose of.
3. That the Council reject all bids heretofore received for the Grader previously advertised for, and that they re-advertise for an 8' Blade, weight 3800 to 4400#, with solid rubber tires, equipped with tractor hitch and gear hitch.
4. That the Mayor and City Clerk be authorized and instructed to execute the Agreement between the Atchison, Topeka and Santa Fe Railway Company and the City of San Clemente covering two Sewer Line Crossings under railway tracks at San Clemente.

Respectfully submitted,
COMMITTEE OF THE WHOLE COUNCIL,
(Sgd) HENRY A. FATE,
Chairman.