

THE HONORABLE CITY COMMISSION,

CITY OF SACRAMENTO,

APRIL 5th, 1921.

The Honorable City Commission met in Regular Session on this date at 10.15 o'clock A. M., Vice President Carmichael presiding.

Roll Call was answered by following Commissioners:

Commissioners Carmichael, Haynes, Turner.

Arrived later: Commissioners Bliss, Brown.

The Minutes of Regular Meeting of March 29th, 1921 and Minutes of Finance Committee of March 29th, 1921 were read and approved.

At request of City Clerk, the reading of Minutes of Meeting of March 31st, 1921, was dispensed with.

----- George Raymond, Attorney for Oak Park Business Mens' Association addressed Commission, stating that agreement between Oak Park Business Men's Association and Boucher United Shows had had been cancelled, and in support of cancellation of said agreement, presented following telegram:

Oakland, Calif.

W. E. Coon;

Sec'ty Merchants Club of Oak Park Sacramento, Calif.

A. C. Boucher United Show stopped here under protest of residents in vicinity of show grounds.

Fenton G. Thompson, Chief of Police.

Commissioner Haynes moved that telegram be filed and made a matter of record. Seconded by Commissioner Turner and carried by following vote:

Ayes: Commissioners Brown, Carmichael, Haynes, Turner.

Absent: Commissioner Bliss.

Commissioner Haynes moved that the A. C. Boucher United Shows be denied permit to exhibit in the City of Sacramento, and that the City Clerk be directed to notify said Boucher United Shows that exhibition of said Shows would not be permitted in the City of Sacramento. Seconded by Commissioner Brown and carried by following vote:

Ayes: Commissioners Brown, Carmichael, Haynes, Turner.

Absent: Commissioner Bliss.

----- H. J. McCurry addressed Commission, relative to specifications for electroliers to be installed on 12th Street and Sacramento Boulevard, stating that manufacturers in Sacramento, should be given opportunity to present figures.

----- Following opinion was received:

April 5th, 1921.

Hon. John Q. Brown,
Commissioner of Public Works.
Dear Sir:

In response to your request for a construction of what is known as the Public Utility Act of 1913, under which lighting districts have been and are being established in Sacramento, I will say that I advise you:

1. That the fact that a portion of a new lighting district has already been incorporated in a former lighting district still in existence will not affect the validity of the lighting district newly created.

2. An assessment for lighting purposes can not be levied upon property, no part of which fronts on the street which is to be lighted by the proposed improvement.

3. Property owners in a lighting district can be assessed in the new district, due regard being had at all times in the levying of the assessment of the additional benefit derived to the property affected by the new lighting system, as compared to property not so affected.

Very respectfully,

Robt. L. Shinn, City Attorney.

Commissioner Brown moved that opinion be filed and made a matter of record. Seconded by Commissioner Haynes and carried by following vote:

Ayes: Commissioners Brown, Carmichael, Haynes, Turner.

Absent: Commissioner Bliss.

Commissioner Brown moved That further action in matter be postponed until Meeting of April 19th, 1921 at hour of 11 o'clock A. M., Seconded by Commissioner Haynes and carried by following vote:

Ayes: Commissioners Brown, Carmichael, Haynes, Turner.

Absent: Commissioner Bliss, C. E. Longton addressing Commission on subject matter.

----- Commissioner of Public Works presented following report:

April 1st, 1921.

Honorable John Q. Brown,
Commissioner of Public Works,
Building.

Dear Sir:

In accordance with your instructions, I am this day presenting the following as my report upon the costs of various forms of illumination consisting of Arc Lamps now in use and the proposed installation of Electroliers on 12th Street between B and L Streets of this City. In explanation thereof, I desire to state that the amount allowed for lamps renewals, etc. are based upon the lowest possible margin:

I have allowed for a possible renewal of lamps for each 24000 hours of burning. Breakage of one outer globe per month. Repairs to time switches (four in all) \$6.00 per annum. The consumption of current based upon actual method of control and amount consumed, at the prevailing rate as per contract now in force.

You will note that seventy-nine (79) electroliers burning five (5) hours, and one-half of the same number or forty (40) electroliers burning the same number of hours will consume a certain amount of current. The reason that these figures are given is in accordance with the specification as written, that all lights are to be kept illuminated until midnight and only one-half of them thereafter. The switching is arranged to control these so that alternate pedestals are illuminated when one-half are extinguished.

You will note that the cost of maintenance and operation of the proposed installation is greatly in excess of that required for the operation of the present arc lamps.

Trusting that this meets with your approval, I am,

Respectfully,
C. W. Beaton.

79 Electroliers consuming 400 watts per hour each for 5 hours equals 158,000 watts or 158 kilowatts.

40 Electroliers consuming 400 watts per hour each for 5 hours equals 80,000 watts or 80 kilowatts.

Total kilowatt hour consumption per night, 238 at \$.019-----	\$4.522
Total kilowatt hour consumption for 30 nights, or 1 month, 7,140 at \$.019	135.66
Estimated cost of lamp renewals,-----	30.00
" " " breakage of outer globes,-----	6.00
" " " repairs to Time Switches,-----	.50
Total cost per month,-----	\$172.16

Present cost of 9 Arc Lamps at \$6.32 per Month,-- 56.88

Difference in monthly cost of operation between proposed lighting system and the present installation of Arc Lamps,----- 115.28

If lamps of a lower wattage than these are used, the figures should be changed in proportion to size of lamps, i. e. For 300 Watt--75% or \$101.745; 200 Watt--50% or \$67.83; 100 Watt--25% or \$33.915, plus lamp renewals in proportion.

Permit me to recommend that any lamps to be used, should not be smaller than 200 Watt for when one-half of them are extinguished at midnight, that ample illumination should remain.

Regarding the proposed installation of Electroliers in district commonly known as Oak Park.

There are present nine (9) arc lamps; these to be replaced by the installation of fifty-one (51) electroliers.

Difference in cost of maintenance and operation.

9 arc lamps at \$6.32 per month each-----\$56.88

51 electroliers consuming 400 watts per hour each; for 5 hours consumption and 26 or one-half of same, consuming 400 watts per hour; total consumption per night 154 kilowatts; one month of 30 nights 4620 kilowatts.

Estimated cost per month, current 4620 kilowatt hours \$.019----- 87.78

Estimated cost of lamps renewal----- 19.00

" " " replacing outer globes----- 6.00

" " " repairs to time switches----- .50

\$112.28

9 arc lamps

56.88

\$55.40

Commissioner Brown moved that report be filed and made a matter of record. Seconded by Commissioner Turner and carried by following vote:

Ayes: Commissioners Bliss, Brown, Carmichael, Haynes, Turner.

----- Commissioner Brown moved that the City Clerk be requested to request Commanding Officer of Mather Field to take steps to stop breaking of electroliers by army trucks, particularly on K Street between 10th and 11th Streets. Seconded by Commissioner Turner and carried by following vote:

Ayes: Commissioners Bliss, Brown, Carmichael, Haynes, Turner.

----- A petition was received from William Gerkins requesting permit to turn loose stock on west half of Lot 3 in block R and S, 29th and 30th Streets. Ordered filed and referred to Commissioner

of Public Health and Safety.

----- Bond of H. W. Baker, Commissioner for opening of Third Avenue was presented, in sum of \$5,000.00 with Royal Indemnity Company as surety, form of bond being approved by City Attorney.

Commissioner Turner moved that bond be approved. Seconded by Commissioner Bliss and carried by following vote:

Ayes: Commissioners Bliss, Brown, Carmichael, Haynes, Turner.

----- Bond of L. S. Ferretta Commissioner on opening of Third Avenue in sum of \$5,000.00 with Royal Indemnity Company as surety was presented with form of bond approved by City Attorney.

Commissioner Turner moved that bond be approved. Seconded by Commissioner Bliss and carried by following vote:

Ayes: Commissioners Bliss, Brown, Carmichael, Haynes, Turner.

----- Bond of G. D. Beardslee Commissioner on opening of Third Avenue in sum of \$5,000.00 was presented, with Royal Indemnity Company as surety, form of bond being approved by City Attorney.

Commissioner Turner moved that bond be approved. Seconded by Commissioner Bliss and carried by following vote:

Ayes: Commissioners Bliss, Brown, Carmichael, Haynes, Turner.

----- Following opinion was received:

April 1st, 1921.

To the Honorable City Commission
of the City of Sacramento.
Gentlemen:

With reference to your request for an opinion relative to the status of the alley between B and C Streets and 18th Street on the West and the right of way of the Sacramento Northern Railroad on the East will say that the portion of the alley above described was closed by Ordinance No. 391, Third Series, adopted June 26th, 1919, until such time as the City Commission deems that the public interests and necessity demands the re-opening of said alley.

Under the general law and also under Section 58 of the Charter the City Commission has the right to close any street, lane, alley, court or public place within the City. I think it would follow as a natural conclusion that the power to close would include the power to close temporarily or for all time, and hence that the reservation expressed in Ordinance 391 above referred to is effective and that the City Commission or other governing body of the City of Sacramento at any time in the future will have the right to re-open the alley.

In the meantime, and while the alley closed, the land included within its boundaries would be governed by the same rules of law that would apply were it absolutely vacated and abandoned. This being so, the right to the use of the lands included within the space occupied by the alley would revert to the abutting property owners, - in the present case to the Almond Growers Exchange, which I understand is the owner of all of the abutting lands. I also understand that at the time the alley was closed by Ordinance No. 391, the Almond Growers Exchange was the owner of all of the abutting property, and hence there is no liability to the City for damage to abutting owners, because of the alley closing because there were no abutting owners, other than the Almond Growers Exchange and the ordinance was passed at its solicitation.

From the foregoing it will be seen that, subject to the right of the City to re-open the alley whenever the City deems that the public interests and necessities demand such re-opening, the Almond Growers Exchange or its successors or grantees will be entitled to the use of the space closed and that in the absence of an ordinance re-opening the alley, the use of the space cannot be interfered with by the City other than the regulation by the proper City authorities under building regulations as to the character of any construction placed thereon.

If, as I have been told, the Almond Growers Exchange is putting a permanent construction on this space at a large expense, it is a case in which they are taking their own chances, and inasmuch as construction will not interfere at any time with the re-opening of the alley in the discretion of the City governing authorities, it is a matter which need not afford the City any concern. Until the alley is re-opened, the City has no concern in the matter. The only way it could acquire jurisdiction would be an ordinance re-opening the alley under the reservation contained in Ordinance No. 391, Third Series.

Respectfully submitted,
Robt. L. Shinn,
City Attorney.

Commissioner Brown moved that opinion be filed and made a matter of record. Seconded by Commissioner Turner and carried by following vote:

Ayes: Commissioners Bliss, Brown, Carmichael, Haynes, Turner.

T. C. Tucker, Attorney for California Almond Growers Association, addressed Commission, stating that the California Almond Growers Association had been installed in City of Sacramento, and that property upon which plant had been located had been purchased when free sites had been offered in several cities and towns adjacent to City of Sacramento, but that the plant had been installed in Sacramento, as the City was the center of the Almond growing district; that two years ago, the

City Commission had closed the alley by ordinance at request of said Association, and that said Association was willing to take chances and when the public necessity required the opening of the alley, would immediately remove any obstructions therein; that the alley was three feet, eight inches below the grade at the Sacramento Northern crossing, and that it could not possibly be used for traffic, and that the industrial plant had been installed, and at present time had a Payroll of \$2,500.00 per week, and when in complete operation, had a Payroll of \$5,000.00 per week; that the Building Inspector had served notice and stopped work on plant, and that the order of the Building Inspector had been complied with, but that the Company felt that it had some rights in the matter, and will protect those rights.

Commissioner Turner stated that in his belief, and in view of the opinion of the City Attorney, the order of the Building Inspector should be revoked by the City Commission.

Commissioner Brown stated that he had been informed that buildings were being constructed in the alley, and that notice had been served on the Almond Growers Exchange to stop work until the matter had been adjudicated, by City Commission.

T. C. Tucker stated that application for permit had been to the Building Inspector and blue prints and details presented before permit had been issued.

Commissioner Brown suggested that buildings could have been constructed and opening provided in alley in the same manner as other industrial enterprises had crossed alley.

Commissioner Carmichael stated that upon his recommendation the alley had been closed, in the year 1919 and that the alley could not be used for any purpose whatever, as excavation caused by tracks of Sacramento Northern Company was three feet, eight inches below the grade, and that he was proud of the fact that the recommendation had been made by him, as he was in favor of helping Sacramento Institutions and that the people would in no manner lose rights in alley, as the ordinance provided that when public necessity provided, that the alley would be opened.

Subject was discussed at length, and Commissioner Turner moved that the Commissioner of Public Works be authorized to direct the Building Inspector to withdraw order stopping work of California Almond Growers Exchange in said block, and to withdraw condemnation of building in said block. Seconded by Commissioner Haynes, and carried by following vote:

Ayes: Commissioners Bliss, Carmichael, Haynes, Turner.

Not Voting: Commissioner Brown.

----- A petition was received from George Nonemacher requesting Junk Peddlers license for premises No. 621 $\frac{1}{2}$ - J Street. Referred to Commissioner of Public Health and Safety.

----- Following petitions were received for Pool Room Licenses:

V. Urrutia, 112 J Street,
E. Bertolini, 924 Second Street,
A. Rivayo, 126 J Street,
Y. Karakawa, 312 L Street,
K. Sakata, 225 $\frac{1}{2}$ L Street,
H. Urabe, 217 L Street,
I. Hamada, 209 L Street,
H. Ishii, 1120 Third Street,
K. Wotamaki, 226 M Street.

Referred to Commissioner of Public Health and Safety.

----- Following report was received:

Sacramento, California,
March 31st, 1921.

To the Honorable,
the City Commission,
Sacramento, California:
Gentlemen:

The following statement shows the amount of money received and paid out by me as City Treasurer, during the month of March 1921.

Balance February 28, 1921,
Receipts during the month

\$1,312,238.69
257,199.42
1,569,438.11

April 5th, 1921.

Warrants Paid	\$257, 189.98
Tax Cards Paid	27.61
Balance on hand March 31, 1921,	<u>1,312,220.52</u>
	\$1,569,438.11

RECAPITULATION

Loans:

California Trust & Savings Bank	\$20,000.00
Sacramento San Joaquin Bank	455,810.00
Citizens Bank of Sacramento	25,000.00
Capital National Bank	250,000.00
Bank of Galt	17,500.00
Merchants National Bank	100,000.00
National Bank of D. O. Mills & Co.	210,000.00
California Savings Bank of Petaluma	<u>13,600.00</u>
	\$1,091,910.00
Liberty Loan Bonds	12,500.00
Balance in Bank of New York	605.25
Cash on hand	<u>207,205.27</u>
	\$1,312,220.52

Respectfully submitted,
W. E. Holmes, City Treasurer,

Ordered filed.

----- Monthly report of City Auditor was read to Commission and ordered filed.

----- A communication was received from the State Law Enforcement League, relative to Prohibition Enforcement Ordinance. Ordered filed.

----- Monthly report of Municipal Employment Agent was ordered filed.

----- Commissioner Carmichael introduced the following Resolution:

RESOLVED by the City Commission of the City of Sacramento that an extension of thirty (30) days be granted to the McGillivray Construction Co., on its contract to lower Y Street, in the City of Sacramento, from the east line of 21st Street to the west line of 30th Street, and the approaches to said street from the north.

Commissioner Brown moved that Resolution be adopted. Seconded by Commissioner Turner and carried by following vote:

Ayes: Commissioners Bliss, Brown, Carmichael, Haynes, Turner.

----- An appeal was received from Harrison Tate against the condemnation of buildings located at 300-302 - I Street, in the City of Sacramento. Ordered filed.

Commissioner Brown moved that hearing be fixed for Meeting of April 7th, 1921, at hour of 11 o'clock A. M., Seconded by Commissioner Turner and carried by following vote:

Ayes: Commissioners Bliss, Brown, Carmichael, Haynes, Turner.

----- Following opinion was received:

April 1st, 1921.

To the Honorable City Commission,
of the City of Sacramento.
Gentlemen:

In response to your request of March 29th, relative to the matter of garbage collection in the City of Sacramento and the validity of the existing contract between the City and Capital City Scavengers Association, I advise you as follows:

1. As to whether or not the City Commission had authority to prevent any collection of garbage by any person other than members of the Capital City Scavengers Association will say that under the ordinances so far enacted bearing on the question the City has and had no authority. It has the power under proper ordinance provisions to make contracts for the collection of garbage, to which property owners would have to conform, but the present ordinances contain no such provisions.

2. As to whether the City Commission could provide that all garbage be collected by those legally licensed to collect said garbage, will say that the City certainly has the power to license garbage collectors and to prohibit the collection of garbage by any one other than persons so licensed. At present there is no ordinance requiring the procuring of a license by garbage collectors.

3. As to whether or not the City Commission had the right to take over legally the collection of garbage in the City of Sacramento, will say that the City has such a right, but has not yet legally exercised it.

4. As to whether or not the existing contract between the City of Sacramento and the Capital City Scavengers Association required that all garbage in the City should be collected by said Association, I will say that the contract on its fact I think comprehends the collection of all garbage in the City by the said Association, but this contract under the existing ordinances does not bind the property owner but only those who have not made independent contracts relative to the disposition of their garbage. The contract referred to is valid as between the Capital City Scavengers Association and City so far as it can legally operate and purports to be exclusive, but as I have just said, is not effective against the property owner who sees fit to make a disposition of his garbage other than to the Capital City Scavengers Association. To be effective, such a contract would have to be based upon ordinances giving to the City the absolute right to remove all garbage through its agents, servants or employes.

Respectfully submitted,
Robt. L. Shinn, City Attorney.

Commissioner Brown moved that opinion be filed and made a matter of record, and copy furnished to Commissioner of Public Health and Safety. Seconded by Commissioner Turner and carried by following vote:

Ayes: Commissioners Bliss, Brown, Carmichael, Haynes, Turner.

----- Following bid was received for franchise for auto transportation in annexed territory from Pacific Gas & Electric Company:

Commissioner Turner moved that bid be referred to Commissioner of Public Works and City Attorney. Seconded by Commissioner Haynes and carried by following vote:

Ayes: Commissioners Bliss, Brown, Carmichael, Haynes, Turner.

----- City Clerk called attention of Commission to appointment of Central Election Board for count of votes at Regular Municipal Election to be held in the City of Sacramento on date of May 3rd, 1921, and action on appointments was by consent, postponed until Meeting of April 7th, 1921.

----- On recommendation of Commissioner of Public Health and Safety, Commissioner Turner moved that Pool Room License be granted to J. H. Goulard for premises 315 - K Street. Seconded by Commissioner Brown and carried by following vote:

Ayes: Commissioners Bliss, Brown, Carmichael, Haynes, Turner.

----- On recommendation of Commissioner of Public Health and Safety, Commissioner Turner moved that Pool Room License be granted to Neva Andrew, 1331 - 2nd Street. Seconded by Commissioner Brown and carried by following vote:

Ayes: Commissioners Bliss, Brown, Carmichael, Haynes, Turner.


----- On recommendation of Commissioner of Public Health and Safety, Commissioner Turner moved that Pool Room License be granted to Joe Griffin for premises 1015 - 5th Street. Seconded by Commissioner Brown and carried by following vote:

Ayes: Commissioners Bliss, Brown, Carmichael, Haynes, Turner.

----- Before Adjournment, Commission carefully compared bids received on this date with record of same kept by City Clerk, and found record and bids to be similar in every particular.

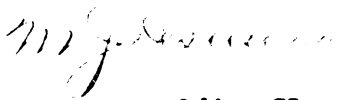
----- Commission Adjourned at 11.30 o'clock A. M.

APPROVED:



President of City Commission.

ATTEST:



City Clerk.