

COUNCIL CHAMBERS -- CITY COUNCIL
CITY HALL -- CITY OF LODI

Monday, September 7, 1937.

The City Council of the City of Lodi met in regular session at 8:00 o'clock P.M. of Tuesday, September 7, 1937. Councilmen, Clark, Graffigna, Weihe and Steele present, Councilman Spooner absent.

The minutes of the last regular meeting held August 16, 1937 and that of the special meeting held August 30, 1937 were read, approved as read and so indorsed by the Mayor.

Mrs. Alida Whyers addressed the Council in regard to the congestion in the alley between School Street and Church Street North of Oak Street on Thursday nights when "bank night" was held at the local theatre. The Mayor assured Mrs. Whyers that the police would be instructed to keep this alley and other public places clear of parked automobiles.

Messrs. Osterman and Harrison of Lodi Parlor N.S.G.W. addressed the Council in regards to the repairs to the Tokay Arch assuring the Council that the Parlor would have the bear repaired and would like the City to paint and touch up the arch. These gentlemen were assured that the City Council would take appropriate action latter in the evening.

The Clerk read a letter from H. B. Heryford, Division Manager, of the Pacific Gas & Electric Company advising the Council of new electric rates effective September 1, 1937.

Mr. L. L. Brokofsky, Mr. John Bischof and Mr. August Lippert appeared at this time and the Mayor opened the meeting again under the heading of Public Hearings and Mr. Brokofsky addressed the Council in regard to the proposed subdivision of Lots 1 and 2 in Block 41. At the order of the Mayor the matter was referred to the City Attorney.

The Clerk read a letter enclosing the proposed changes in the constitution of the California Municipal Utilities Association and City Attorney, Glenn West, appearing at this time the Mayor ordered the communication referred to him for report latter in the evening.

Report of the Chief of Police for the month of August and that of the Poundmaster for the same period was received and ordered filed.

In the matter of premises at 320 North Pleasant Avenue owned by C. C. Mittlieder and of the application of D. J. Mittlieder for permission to tear down the building thereat; and to temporarily occupy the premises with a tent dwelling, the Council refused permission for the erection of such a tent stating that it would be better for Mr. Mittlieder to make temporary repairs to the dwelling and connect the same with the sewer until such time as he desired to build a new house.

Business Licenses No. 8506 to and including 8509 were read and licenses ordered granted on motion of Councilman Clark, seconded by Councilman Weihe.

A petition signed by all but one owner for the installation of street lights in the 100 block of North Rose Street was ordered referred to the Superintendent of Public Utilities, John A. Renning.

Petitions for the installation of curbs and gutters on Central Avenue and Acacia Street and on South School Street were received and ordered held until the signatures of more property owners were obtained. A petition for curb and gutters to be installed in the 400 block of Louie Avenue was referred to the City Engineer.

A petition protesting against alleged conditions at the Kirst Camp Ground at 833 North Church Street was ordered referred to the City Attorney for such action as he might find necessary.

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On motion of Councilman Graffigna, seconded by Councilman Clark Resolution No. 927 was introduced and read by the Clerk and considered by the Council.

RESOLUTION NO. 927

Resolved by the City Council of the City of Lodi, as follows:

THAT WHEREAS, that certain act of the Legislature of the State of California entitled, "An act to authorize and control the deposit in banks of money belonging to or in the custody of any county, city and county, town, municipality or other public or municipal corporation within the State, and to repeal all acts or parts of acts in conflict with this act," approved April 26, 1933, as amended, provides that notwithstanding any of the other provisions of the act the treasurer may, and he is hereby expressly authorized, to deposit funds and to enter into contracts relating thereto with any State or National bank in compliance with and subject to such provisions and conditions relating to the payment of interest on public funds as are now or may hereafter be prescribed by any act of the Congress of the United States or rules or regulations of any department or agency of the Federal Government adopted pursuant thereto and which said acts, rules or regulations impose lawful and binding regulations governing the payment of interest on deposits of public funds by member banks of the Federal Reserve System or banks the deposits of which are insured by the Federal deposit insurance corporation and which acts, rules or regulations governing the payment of interest are in conflict with the provisions of this act, and

WHEREAS, said City Council recognized that a conflict between state and Federal laws now exists, and has existed since August 23, 1937, the effective date of Federal regulations imposing restrictions upon said banks as aforesaid,

Now therefore said City Council does hereby consent that the treasurer of said City during the existence of such conflicting provisions between such Federal law or regulations and the provisions of said state act above referred to, shall determine what amount of money shall be deposited as inactive deposits and the rate or rates of interest thereon, and shall determine what amount of money shall be deposited as active deposits and shall enter into such contract or contracts with such depository or depositories as in his judgment will be to the public advantage so to do, which contract or contracts shall fix the duration of deposits and the rate or rates of interest thereon, if any, and provide conditions for the withdrawal and repayment thereof, and, within the requirements of Section 4 of said state act, prescribe the security therefor.

The foregoing Resolution No. 927 was then passed and adopted by the following vote:

AYES: Councilmen, Graffigna, Clark, Weihe and Steele
NOES: Councilmen, None.
ABSENT: Councilman, Spooner.

In the matter of the petition for annexation filed by electors residing in the "Beckman Addition" the Clerk reported that the petition was sufficient and on motion of Councilman Graffigna, seconded by Councilman Weihe, Resolution No. 928 was introduced, read by the Clerk and considered by the Council.

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RESOLUTION NO. 928

WHEREAS, this City Council of the City of Lodi did receive on the 15th day of August, 1937, a petition asking that the lands hereinafter described be annexed to and made part of said City of Lodi; and,

WHEREAS, the City Clerk compared the signatures annexed to said petition with those on original affidavits of registration on file in the office of the County Clerk of San Joaquin County and as a result of such comparison, the said City Clerk has this evening presented his written report wherein he states that said petition is signed by more than one-fourth of the qualified electors residing within the territory so petitioned to be annexed to the City of Lodi, now, therefore,

BE IT RESOLVED, that this City Council of the City of Lodi does hereby declare its intention to order to be called and to call an election within said territory and does hereby give notice that such election will be called and held not less than fifty (50) days from the date of the adoption of this resolution for the purpose of submitting to the qualified electors residing within said territory, the question whether said territory shall be annexed to said City and after said annexation, shall be taxed equally with property within the present City of Lodi for the payment of bonds issued and outstanding and the interest thereon at the date of such election; the territory described in said petition and in which such election is to be held and which is herein proposed to be annexed to said City of Lodi is bounded and described as follows and for the purposes of said election shall be designated as BECKMAN ADDITION;

All of the lands included within the exterior boundaries of that certain tract of land designated on a certain map or plat entitled "PLAN OF BECKMAN'S SUBDIVISION OF A PORTION OF THE S.W. $\frac{1}{2}$ OF SECT. 12, T3N, R6E, IN SAN JOAQUIN COUNTY" which map was filed for record February 11, 1892 in the office of the County Recorder of San Joaquin County, California.

BE IT ALSO RESOLVED, that notice be hereby given, and notice is hereby given, that this City Council does hereby designate Monday, October 4, 1937 at the hour of 8:00 o'clock P.M. of said day and the Council Chambers of this City Council in the City Hall of the City of Lodi as the time and place when and where owners of property within said proposed district will be heard in objection to the annexation of said territory to said City. Such objections must be in writing and may be filed at any time prior to the hour herein set for hearing.

The foregoing Resolution No. 928 was then passed and adopted by the following vote:

AYES: Councilmen, Graffigna, Weihe, Clark and Steele
NOES: Councilmen, None.
ABSENT: Councilman, Spooner

Mr. John A. Henning asked that the board consider the installation of domestic load limiting devices, estimating that the devices would save about \$200.00 a month in demand charges to the City. At the order of the Mayor the matter was taken under consideration.

Seven applications for building permits Nos. 1761 to and including 1767 for structures to cost \$8,700 were allowed and ordered granted.

The Clerk submitted a proposal from the Electric Farm & Home Authority of the Federal Government tendering a contract for the financing of the purchase of electric household appliances and after some consideration it was ordered laid over to be taken up at a latter meeting.

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At this time the City Attorney, Mr. Glenn West, reported that the proposed revisions of the constitution of the California Municipal Utilities Association referred to him earlier in the meeting appeared to be a complete new constitution and that there seemed to be no objection to the approval of the annexed constitution. Resolution No. 929 was then introduced on motion of Councilman Clark, seconded by Councilman Graffigna.

RESOLUTION NO. 929

ENDORSEING REVISED CONSTITUTION OF THE CALIFORNIA
MUNICIPAL UTILITIES ASSOCIATION.

WHEREAS, the Committee on the Revision of the Constitution of the CALIFORNIA MUNICIPAL UTILITIES ASSOCIATION, which was regularly appointed by the President of the Association, has submitted the attached Amendments to the Constitution; and

WHEREAS, the present Constitution provides that amendments to the Constitution shall be submitted to and endorsed in writing by the governing body of at least five members of the Association;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lodi does hereby approve and endorse said Amendments to the Constitution, and that the Secretary of said City Council be and he is hereby authorized and directed to send a copy of this resolution to the President of the California Municipal Utilities Association as evidence of the endorsement of the City Council of the City of Lodi.

C. M. STEELE

Mayor.

The foregoing Resolution No. 929 was then passed and adopted by the following vote:

AYES: Clark, Graffigna, Weihe and Steele
NOES: None.
ABSENT: Spooner

On motion of Councilman Weihe, seconded by Councilman Graffigna Ordinance No. 240 entitled "AN ORDINANCE LEVYING TAXES FOR THE FISCAL YEAR BEGINNING JULY 1, 1938" was introduced and read and by the same motion laid over for the statutory period of not less than five days. Motion carried.

Claims No. 29834 to and including No. 30011 with the exception of Claim No. 29975 were allowed and ordered paid in the total amount of \$26,609.38 on motion of Councilman Weihe, seconded by Councilman Clark.

On motion of Mayor Steele, seconded by Councilman Graffigna the City Attorney was instructed to serve notice on gold dredging companies operating on the Mokelumne River that he is authorized to bring suit to abate the nuisance caused by the continued dumping of mine waste into this stream. Motion carried.

On motion of Mayor Steele seconded by Councilman Graffigna the City Clerk was directed to convey to the Chief of Police the order of the City Council that he keep all alleys, streets and public places under City control free from parked automobiles.

On motion of Councilman Clark, seconded by Councilman Graffigna the Chief of Police was requested to appoint Mr. William A. Cline special police officer with duties limited to Lodi Lake Park.

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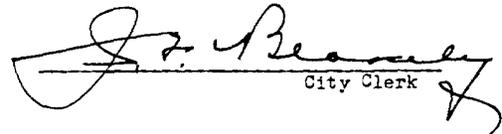
On motion of Councilman Clark, seconded by Councilman Graffigna Mr. William Cline was allowed the sum of \$5.00 per month for six months a year as gasoline allowance to be charged to the Lake Park appropriation.

On motion of Councilman Weihe, seconded by Councilman Graffigna the Chief of Police was authorized to close such streets during the Tokay Festival as he might find necessary in order to protect the public.

In the matter of painting the Tokay Arch, the matter was referred to the City Engineer for such action as he might deem expedient.

On motion of Mayor Steele and carried the Council then adjourned to the day and hour of its next regular meeting.

ATTEST:


City Clerk

The foregoing minutes of a regular meeting of the City Council of the City of Lodi were read at a subsequent meeting of said Council held September 20, 1937 and approved without correction.


Mayor