

MINUTES OF JULY 23RD, 1935.

FROM

An adjourned regular meeting of the Council of the Town of San Anselmo was held on July 23rd, 1935 at 8 o'clock P.M.

Present: Councilmen Dempsey, Scotford, Dos Reis, Linch and
Fusselman.
Absent: None.
Mayor Fusselman presiding.

The minutes of the meeting of July 16th were read and approved, except that in the reading of resolutions and ordinances it should be shown that the title was first read and that then the motion of waiver was made of any further reading.

An Ordinance entitled "An Ordinance granting to Pacific Gas and Electric Company, its successors and assigns, the franchise to use, for the transmission and distribution of electric energy within the Town of San Anselmo for any and all purposes other than those authorized under Section 19 of Article XI, of the Constitution of the State of California, as said section existed prior to its amendment on October 10, 1911, all electric transmission and distribution lines, structures and apparatus that are now or may hereafter be lawfully placed in the public streets, ways and places within said Town, and to construct, maintain and operate in said public streets, ways and places all conduits, conductors, structures, poles, wire and apparatus necessary or proper for said purposes", was presented for final reading, and upon motion of Councilman Linch, seconded by Councilman Dempsey, was unanimously adopted. Thereafter, said Ordinance was signed by the Mayor and numbered 231.

An Ordinance entitled "An Ordinance granting to Pacific Gas and Electric Company, its successors and assigns, the franchise to use for transmitting, conducting, and distributing gas within the Town of San Anselmo, for any and all purposes other than those authorized under Section 19 of Article XI of the Constitution of the State of California, as said Section existed prior to its amendment on October 10, 1911, all gas mains, pipes, conduits and connections therewith that are now or may hereafter be lawfully placed in the public streets, ways and places within said Town, and to construct, maintain and operate in said public streets, ways and places, all mains, pipes, conduits and connections necessary or proper for said purposes", was presented for final reading, and upon motion of Councilman Linch, seconded by Councilman Dempsey, was unanimously adopted. Thereafter, said Ordinance was signed by the Mayor and numbered 232.

The Clerk was instructed to notify the Marin Herald that the

printing of the above Ordinances should be billed directly to the P.G. & E. Co.

A letter was received from Mr. P.M. Downing, of the P.G. & E. Co.

relative to the gas and electric franchises and was read; same was placed on an [redacted] clerk was instructed to acknowledge its receipt. A contract between file and the Clerk was, instructed to acknowledge receipt. A contract between P.G. & E. Co. and Town of S.A. re gas and Electric franchises was read and Mr. P.E. Sloan explained this contract verbally. Following is copy of said contract:

"THIS AGREEMENT made by and between PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, hereinafter called Company, and TOWN OF SAN ANSELMO, a California Municipal corporation, hereinafter called City;

W I T N E S S E T H :

WHEREAS, Company owns the franchise of using the public streets and thoroughfares of City and of laying down and using gas mains, pipes and conduits therein and connections therewith (hereinafter called constitutional gas franchise) and the franchise of using the public streets and thoroughfares of City and of installing therein poles, wires and conduits, and connections therewith, for transmitting electricity (hereinafter called constitutional electric franchise) under and pursuant to the provisions of Section 19 of Article XI, of the Constitution of the State of California, as the same existed prior to its amendment on October 10, 1911; and

WHEREAS, Company has made application to City for grant to Company of a franchise (hereinafter called municipal gas franchise) to use for transmitting, conducting and distributing gas within the corporate limits of City for any and all purposes other than those authorized by said constitutional gas franchise, all gas mains, pipes, conduits and connections therewith that may now or hereafter be placed in the public streets and thoroughfares of City under said constitutional gas franchise or otherwise, as provided in said application; and

WHEREAS, Company has made application to City for a grant to Company of a franchise (hereinafter called municipal electric franchise) to use for transmission and distribution of electric energy within the corporate limits of City for any and all purposes other than those authorized by said constitutional electric franchise, all electric transmission and distribution lines, structures and apparatus that may now or hereafter be placed in the streets and thoroughfares of City under said constitutional electric franchise or otherwise as provided in said application; and

WHEREAS, Company is willing in case said municipal gas and electric franchises shall be granted to make annual percentage payments to City for the use, operation or possession of said municipal gas and electric franchises, as hereinafter agreed; and

WHEREAS, there is no practical method of measuring the proportion of total gross annual receipts of Company from the sale of gas throughout its entire system that would be attributable to the use, operation or possession of said municipal gas franchise if granted, as distinct from that attributable to the use, operation or possession of said constitutional gas franchise;

NOW, THEREFORE, in consideration of the premises and conditional upon the granting to Company of such municipal gas and electric franchises by City, it is hereby mutually agreed as follows:

For the purpose of lawfully computing the percentage payments to be made under said municipal gas franchise, and for no other purpose, the gross annual receipts derived from the generation, distribution and sale of gas through the Company's entire gas system, connected to and including the gas system within City, for all purposes other than those authorized by said constitutional gas franchise shall be deemed to be ninety-five (95) per cent of the gross annual receipts of Company derived from the generation, distribution and sale of gas for all purposes through said entire gas system of Company.

The municipal gas and electric franchises so granted by City shall be deemed in the nature of renewal of franchises or rights already in existence and Company shall begin payment at once to City under said municipal gas and electric franchises and shall pay City throughout the life of said municipal gas and electric franchises two (2) per cent of the gross annual receipts arising from the use, operation or possession thereof.

IN WITNESS WHEREOF, on this 23rd day of July, 1935, the parties hereto have executed these presents in duplicate.

(Corporate Seal)

PACIFIC GAS AND ELECTRIC COMPANY,
By P.M. Downing, Its First Vice-President and
General Manager.

Approved as to form
P.E. Sloan,
Attorney.

and by J. D. ROSIE, Its Assistant Secretary.
TOWN OF SAN ANSELMO,
By William D. Fusselman, Its Mayor
Attest: F.D. BURROWS, Clerk
By RAY M. OVERDICK, Deputy."

(Corporate Seal)

Upon motion of Councilman Dempsey, seconded by Councilman Scotford, the above contract was unanimously adopted, and the Mayor was authorized to affix his signature thereto.

Upon motion of Councilman Dempsey, seconded by Councilman Scotford, all of the resolutions and ordinances, correspondence, minutes of the meetings at which this or these contracts were given consideration should be bound together in a separate folder or book, so that all of the data entering into the signing of the contract should be readily available.

A petition was introduced and read relative to what the petitioner described as a nuisance, namely, the conducting of an automobile wrecking yard in the property located at the southwest corner of Madrone Ave. and Sir Francis Drake Blvd. A Mr. Smith addressed the Council at some length and it was explained to him that the situation was very difficult and it looked exceedingly doubtful if anything could be done there inasmuch as the property is zoned as unrestricted industrial.

A communication dated July 15 from Mr. J. F. Sears, State Director of National Emergency Council, was read to the Council and was referred to Councilman Dos Reis for consideration and to report back.

There being no further business, the meeting was adjourned to August 13, 1935, at 8 o'clock P.M.

Read and approved

August 12th 1935

J. L. Brown Clerk.

MINUTES OF AUGUST 13TH, 1935.

A regular meeting of the Council of the Town of San Anselmo was called for August 13th, 1935. There not being a quorum present, the meeting was adjourned by the clerk to Wednesday, August 14th, 1935.

Read and approved

Aug. 14th 1935

J. L. Brown Clerk.

MINUTES OF AUGUST 14TH, 1935.

A regular meeting of the Council of the Town of San Anselmo was held on Wednesday, August 14th, 1935, at 8 o'clock P.M.

Present: Councilmen Dempsey, Scotford, Dos Reis, Lynch and Fusselman.

Absent: None.

Mayor Fusselman presiding.

The minutes of the previous meetings were approved as read.

Upon motion of Councilman Dos Reis, seconded by Councilman Dempsey, and carrying unanimously, the City Attorney was requested to draft a Resolution endorsing the Bridge Bus Lines Corporation's application to operate a motor coach over the Golden Gate Bridge, as requested in a letter received from Harry E. Speas, Vice President and General Manager of said corporation.