

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JANUARY 5, 1970 AT 4:00 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Simon, Smith,  
Mayor Davies  
Absent: None

Pledge of allegiance to the Flag

Invocation: Reverend John Becker, Geneva Presbyterian Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 6, 7, 8, 9,  
Items 3 & 15 removed from consent. 14, 15, 16, 17, 18, 19, 20, 21,  
Smith/Simon, unan. 22a, b, c, d, e, f, g, h, i;  
24, 25, 26, 27, 28, 29

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items.)

APPROVAL OF MINUTES

CONSENT

1. Minutes of December 22, 1969.

ACTION: By motion minutes approved. (Clerk to handle)

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT

2. Resignation of Robert G. Stonum from Modesto Human Rights Commission.  
(Resolution accepting with regret needed)

ACTION: Res. 70-1 adopted accepting resignation with regret.  
(Clerk to handle)

~~CONSENT~~

3. Request of State Public Utilities Commission that Interstate Commerce Commission make investigation of proposed partial discontinuance of passenger service by AT & SF Railroad.  
(Motion ordering filed needed)

ACTION: By motion (Mitchell/Newton, unan.) staff directed to look into this and report to Council. Investigation to include asking Public Utilities Commission how City can support opposition to discontinuance. (P & T to handle)

CONSENT

4. Appeal of Doctors' Hospital from denial by Planning Commission of request to install a linear accelerator.  
(Resolution setting hearing for January 26, 1970 at 7:45 P.M. needed)

ACTION: Res. 70-2 adopted setting hearing. (Clerk to handle)

BIDS

5. Receiving oral bids for sale of H Street and Vine Street properties

4:10 P.M.

ACTION: Res. 70-3 adopted (Robinson/Smith, unan.) selling property at 1519 H Street to R. K. Lowe for \$1,400  
Res. 70-4 adopted (Robinson/Smith, unan.) selling property at 1521 H Street to Nancy Ball for \$2,050  
Res. 70-5 adopted (Robinson/Smith, unan.) selling property at 412 Vine Street to Azevedo & Warkentin for \$3,050.  
(Finance to handle)

CONSENT

6. Consider award of bid for construction of water lines in Carver Terrace No. 4 Subdivision.  
(Bids were opened December 23, 1969 and the low bid of Valley Construction Co. which is 19% over the Engineer's Estimate is considered acceptable. Normally the City Forces would do the work when the bid is this much over the estimate, but the work load on the City crews will not permit the work getting done within the time requirement. Therefore, it is recommended by the Public Works Department that the bid be awarded to Valley Construction Co. Estimated cost: \$5,716 (Materials \$3,300; Labor \$2,416); funds budgeted in Account No. 6804-50-101, Water Line Extension. Resolution awarding the bid needed.)

ACTION: Res. 70-6 adopted awarding bid to Valley Construction Co.  
(P/W to handle)

CONSENT

7. Accept as complete B. G. Construction Company's contract for construction of Parking Lot #29 on the east side of 9th Street between J and K Streets.  
(All work in connection with the construction of the lot has been satisfactorily completed. It would be in order to approve the contract as complete and authorize the City Clerk to file a Notice of Completion. Final cost: \$6,970. (same as estimated cost) Funds budgeted in Account No. 6233-57-209; Parking Lot #29) Resolution accepting contract as complete needed.

ACTION: Res. 70-7 adopted accepting contract. (Clerk to handle)

CONSENT

8. Accept as complete Industrial Electrical's contract for the installation of water line in Brighton-Coffee-Orangeburg Avenues.  
(All work on the project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and authorize the City Clerk to file a Notice of Completion. Contract cost: \$6,833.00; Actual cost: \$6,775.20. Funds budgeted in Account No. 6804-50-101, Water Line Extension) Resolution accepting work as complete and authorizing the City Clerk to file a Notice of Completion needed.

ACTION: Res. 70-8 adopted accepting contract. (Clerk to handle)

CONSENT

9. Approve plans and specifications and call for bids for Street Light Improvements, Unit No. 1, Updating Area Stage I Maze Blvd. to Vine Street and Franklin to Washington Street, Unit No. 2. Downtown Post Top Stage I, 10th Street, M to Needham Avenue. Bid opening: January 27, 1970 at 10:00 A.M. (Total Contract \$31,340; Unit #1 - \$24,290, Unit #2 - \$7,050; Funds budgeted in Account No. 6622-41-321, St. Lights, Unlighted Area, Stage I, Downtown Post Top Revision)  
Resolution approving plans and specifications and call for bids needed.

ACTION: Res. 70-9 adopted approving plans and specifications and bid call. (Clerk to handle)

HEARINGS

10. Amendment to PD-34 (Sanders, Pellegrini & Hansen) 4:15 P.M.

ACTION: Ord. No. 1001-C.S. adopted (Mitchell/Smith, unan.) amending Ord. No. 857-C.S. (PD-34). (Clerk to handle)

Res. 70-10 adopted (Mitchell/Smith, unan.) approving new development plan for PD-34. (Planning to handle)

11. Hearing re cost of installation of curb and gutter at 2047 Bellamy Street, Lot 13, Block 2229 (\$214.30 - Mr. Gordon Lee Ahart)

4:20 P.M.

ACTION: Res. 70-11 adopted (Newton/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

12. Hearing re cost of installation of curb and gutter at 326 Yosemite Avenue, Lots 37 and 38, Block 351 (\$228.88 - Mr. Warren A. Marquis, Jr.)

4:20 P.M.

ACTION: Res. 70-12 adopted (Newton/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

13. Matters for the good of the community (These may be presented by citizens in the audience)

4:25 P.M.

Mr. Rotman suggested that the money received from the sale of buildings be used as rent for a drug abuse center. The City Manager explained that City staff has been meeting with interested groups and that the rent for a center would not be a problem.

Councilman Dixon commended the Parks and Recreation Department, Modesto City Schools, and Modesto Junior College for the classes being held at King-Kennedy Memorial Center.

Councilman Mitchell reported that the Public Projects Committee will hold an informal public hearing on the proposed sign ordinance at 4:00 P.M. on January 7 in the Council Chambers.

Mr. Rotman stated that he planned to hold a two-day symposium at the King-Kennedy Memorial Center. He was requested to check with Parks and Recreation Department to ascertain whether or not this could be done. (P & R to handle)

It was announced that Richard Smith had been appointed as Airport Manager.

ORDINANCES

CONSENT

14. Final adoption of Ordinance No. 1000-C.S. (Speed limits)

ACTION: By motion Ord. No. 1000-C.S. adopted. (Clerk to handle)

OLD BUSINESS

~~CONSENT~~

15. Consider action indicating intent to make new sanitary landfill site open to County as well as City users.  
(Memo with agenda) Motion needed.

ACTION: By motion (Dixon/Robinson, unan.) intent indicated that new sanitary landfill site will be open to both City and County users.  
(C/Mgr to handle)

CONSENT

16. Renewal of lease agreement with the Muir Trail Girl Scout Council for lease of Rooms 101, 102, 103, 105, 204, and a basement room at the Modesto Community Center.  
(The present lease agreement expires January 12, 1970. The Muir Trail Girl Scout Council is exercising its option to renew the lease agreement for an additional five years. \$25,000 property damage insurance is required in the new lease agreement in addition to the previous insurance requirements. The other terms are the same as the previous lease agreement.)  
Resolution approving agreement needed.

ACTION: Res. 70-13 adopted approving new lease agreement. (Finance to handle)

NEW BUSINESS

CONSENT

17. Consider a letter agreement from Orrick, Herrington, Rowley & Sutcliffe whereby they agree to act as bond counsel for the city for assessment proceedings for Improvement District No. 16 (Street lighting in four separate areas of the City).  
(This matter was discussed at the Council meeting of December 1, 1969, at which time the staff was authorized to proceed. A copy of the letter agreement is being transmitted to the Mayor and the Council with the agenda.)  
Resolution approving agreement needed.

ACTION: Res. 70-14 adopted approving letter agreement. (Clerk to handle)

CONSENT

18. Adoption of Prevailing Wage Rates by Resolution.  
(After the adoption of this resolution it will no longer be necessary to publish wage rates as part of the Notice to Bidders. Only those rates which are changed will be included in future publications. Savings in excess of \$1,000 per year are anticipated.)  
Resolution adopting wage rates needed.

ACTION: Res. 70-15 adopted determining general prevailing wage rates for 1970. (Clerk to handle)

CONSENT

19. Consider letter agreement between City of Modesto and Arthur J. Wylie, Subdivider, for participation in the cost of a street light in Aspen Manor No. 1 Subdivision.  
(This letter agreement has been prepared in accordance with established City policy which provides for sharing the cost of perimeter street lights. Estimated cost: \$427.60; Funds budgeted in Account No. 5301-43, Misc. Street Lights)  
Resolution approving agreement needed.

ACTION: Res. 70-16 adopted approving letter agreement. (Clerk to handle)

CONSENT

20. Accept as complete the improvements in Aspen Manor Subdivision and authorize the City Clerk to file a Notice of Completion and release bond upon expiration of the statutory lien period.  
(Aspen Manor Subdivision is located south of Woodrow Avenue, north of Rumble Road, east of Tully Road and west of Tidewater Southern Railroad tracks. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid.)  
Resolution accepting improvements and authorizing the City Clerk to file a Notice of Completion and release bond upon expiration of the statutory lien period needed.

ACTION: Res. 70-17 adopted accepting improvements in Aspen Manor Subdivision.  
(Clerk to handle)

CONSENT

21. Accept as complete the improvements in Westwood Manor No. 2 Subdivision and authorize the City Clerk to file Notice of Completion and release bond upon expiration of the statutory lien period.  
(Westwood Manor No. 2 Subdivision is located south of Briggsmore Avenue and west of Tully Road. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid.)  
Resolution accepting improvements and authorizing City Clerk to file a Notice of Completion and release bond upon expiration of the statutory lien period needed.

ACTION: Res. 70-18 adopted accepting improvements in Westwood Manor No. 2 Subdivision. (Clerk to handle)

CONSENT

22. Resolutions instructing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters at the locations listed.  
(Informal requests were sent over thirty days ago to the property owners to install sidewalks and/or curbs and gutters. The work has not been done; therefore, it is recommended that resolutions be adopted authorizing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters.)  
Resolutions setting hearings for January 19, 1970 at 4:15 P.M. needed.

CONSENT

- (a). Sidewalk at 1628 Concord Avenue, Block 6139, Lot 16.  
(Mr. Donald K. O'Connor)

ACTION: Res. 70-19 adopted setting hearing. (P/W to handle)

CONSENT

22. (b). Sidewalk on Alma Avenue at 202 Marian Avenue, Block 6057, Lots 23, 24 and 25. (Dr. Ronald N. Zehner)

ACTION: Res. 70-20 adopted setting hearing. (P/W to handle)

CONSENT

22. (c). Sidewalk at 1220 Bispo Drive, Block 6701, Lot 7. (Mr. John R. Dryden)

ACTION: Res. 70-21 adopted setting hearing. (P/W to handle)

CONSENT

22. (d). Sidewalk on Hawthorne Avenue at 1818 Monticello Avenue, Block 6709, Lot 1. (Mrs. Rubalee R. Dial)

ACTION: Res. 70-22 adopted setting hearing. (P/W to handle)

CONSENT

22. (e). Sidewalk at 1202 Hawthorne Avenue, Block 6710, Lot 5. (Mr. Anthony P. Drobnick)

ACTION: Res. 70-23 adopted setting hearing. (P/W to handle)

CONSENT

22. (f). Sidewalk at 1206 Hawthorne Avenue, Block 6710, Lot 4. (Mr. Robert J. Evers)

ACTION: Res. 70-24 adopted setting hearing. (P/W to handle)

CONSENT

22. (g). Sidewalk at 1210 Hawthorne Avenue, Block 6710, Lot 3. (Mr. Troy D. Hasley)

ACTION: Res. 70-25 adopted setting hearing. (P/W to handle)

CONSENT

22. (h). Sidewalk at 1214 Hawthorne Avenue, Block 6710, Lot 2. (Mr. Lynden C. Proctor)

ACTION: Res. 70-26 adopted setting hearing. (P/W to handle)

CONSENT

22. (i). Sidewalk on Hawthorne Avenue at 1806 Winning Way, Block 6710, Lot 1. (Mr. Emmett L. Carter)

ACTION: Res. 70-27 adopted setting hearing. (P/W to handle)

23. Consider reorganization of Streets, Water, and Utility Divisions in Public Works Department.  
(Memorandum of explanation distributed with agenda.)  
Motion approving recommendations needed.

ACTION: By motion (Simon/Newton, unan.) recommendations approved.  
(P/W to handle)

CONSENT

24. Consider agreement with Charles M. Larimer for audit of financial records for three-year period.  
(The agreement is basically the same as our agreement with the previous auditors except that the new agreement provides for services for three years at the rate of \$2,250 per year.)  
Resolution approving agreement needed.

ACTION: Res. 70-28 adopted approving agreement. (Clerk to handle)

CONSENT

25. Consider request for sewer service to property outside the City at 1320 Coffee Road.  
(Property owners have signed an agreement to annex when requested to do so by the City. The property is not contiguous to the City but a line exists to serve it. Property Owner: Byron Heiny)  
Resolution approving agreement needed.

ACTION: Res. 70-29 adopted approving agreement. (P/W to handle)

CONSENT

26. Consider request for sewer service to property outside the City at 2005 Glendale.  
(The property owners have signed an agreement to annex when requested to do so by the City. The property is contiguous to the City and a line exists to serve it. Property Owner: William Kemp)  
Resolution approving agreement needed.

ACTION: Res. 70-30 adopted approving agreement. (P/W to handle)

CONSENT

27. Consider request for sewer service to property outside the City at 704 Standiford.  
(The property owners have signed an agreement to annex when requested to do so by the City. The property is contiguous to the City and a line exists to serve it. Property Owner: Franklin Nieuwsma)  
Resolution approving agreement needed.

ACTION: Res. 70-31 adopted approving agreement. (P/W to handle)

CONSENT

28. -Accept as complete the improvements in the Resubdivision of Lots 5, 6, 7, 8, and 9, Block 12859 Coffee Plaza Subdivision and authorize the City Clerk to file a Notice of Completion and release bond upon expiration of the statutory lien period.  
(The Resubdivision of Coffee Plaza Block 12859 (Tampico Court) is located north of Ensenada Drive and Southeast of Chapala Way. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid.)  
Resolution accepting improvements and authorizing the City Clerk to file a Notice of Completion and release bond upon expiration of the statutory lien period needed.

ACTION: Res. 70-32 adopted accepting improvements. (Clerk to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

29. Recommend the granting of revision No. 2 to the Unclassified Use Permit previously granted for a four-story expansion of Doctors' Hospital.  
(By Resolution 69-140, adopted at its regular meeting on December 16, 1969, the Planning Commission recommends to the Council the granting of Revision No. 2 to the Unclassified Use Permit previously granted by Council Resolution No. 68-1112 for a four-story expansion of Doctors' Hospital (Radiation, Physical and Inhalation Therapy Departments.)  
Resolution setting public hearing for January 26, 1970 at 7:45 P.M. needed.

ACTION: Res. 70-33 adopted setting hearing. (Clerk to handle)

30. Report on the relationship of the Modesto Urban Area to the proposed CCIR Regional Planning Districts.  
(In a letter dated December 1, 1969, the California Council on Intergovernmental Relations solicited comments from City Councils and Boards of Supervisors in regard to the districting of the State into Regional Planning Districts. Report with agenda.)  
Resolution approving report needed.

ACTION: By motion (Robinson/Smith, unan.) report approved and staff directed to write to all concerned agencies and explain the feelings of Modesto on this matter. (Planning to handle)

APPROPRIATION TRANSFERS

NONE.

MISCELLANEOUS

31. Appointments.

ACTION: Res. 70-34 adopted (Newton/Simon, unan.) appointing the following as members of the Charter Revision Committee:

Don Hammond, Chairman  
Floyd W. Abbott  
Mike Beeson  
Mike Berry  
Lowell Clark  
James E. Coleman  
Jean Dunlap (Mrs. Clyde)  
Raymond F. Feller

Gerald Goren  
Vera Hinton (Mrs. John)  
David C. McCain  
Gary C. Robinson  
Howard Shaw  
Bette Belle Smith (Mrs. Jean)  
Don H. West  
John Whitaker

(C/Mgr to handle)

Adjournment at 5:45 P.M.

ATTEST:

*W. T. Chynoweth*

W. T. CHYNOWETH, CITY CLERK

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JANUARY 12, 1970 AT 7:30 P.M.

Roll Call Present: Dixon, Newton, Robinson, Simon, Smith,  
Vice Mayor Mitchell

Absent: Mayor Davies  
Vice Mayor Mitchell presided.

Pledge of allegiance to the Flag

Invocation: Reverend Al Broom, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, ~~3~~, 5, 8, ~~10~~, 11, 12,  
Item 27 removed from agenda. Items 13, 14, 15a, b, c, d, e, f, g,  
3, 10 & 21 removed from Consent. h, i, 16a, b, c, 17, 18, 19, 20,  
(Robinson/Simon, unan. - Mayor Davies ~~21~~, 22, 23, 25, 26, ~~27~~, 28, 29  
absent)

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of January 5, 1970.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT

2. Suggestion that definite date be established for dedication of new treatment plant facilities.

(Motion directing staff to select day in week after Easter needed)

ACTION: By motion staff directed to select day in week after Easter.  
(P/W to handle)

~~XXXXXXXX~~

3. Letter from Mrs. Sandra Hannold proposing plan to furnish clothing to needy.

(Motion directing staff to request more information needed)

ACTION: By motion (Smith/Newton, unan.) staff directed to request more information, to suggest other agencies, to send copies of letter to other agencies (Community Action Commission, Salvation Army, Stanislaus County Welfare Dept., etc.) and to inform Council of final disposition. (Clerk to handle)

4. Request of Silvair Aviation for repairs to office space which has been rented to Harry Sham.

ACTION: Request withdrawn. Staff requested to investigate condition of buildings at Airport. (P/W to handle)

BIDS

CONSENT

5. Consider approval of plans and specifications for installation of water lines in Rumble, Coffee, Block 121, Needham, and Robertson Road.

(Memo with agenda. Suggested bid opening January 27, 1970 at 10:10 A.M. Resolution approving plans, specifications and bid call needed. Estimated cost \$50,706 (Materials \$28,200; labor \$22,506). Funds are budgeted in various accounts)

ACTION: Res. 70-35 adopted approving plans and specifications and bid call. (Clerk to handle)

HEARINGS

6. Matters for the good of the community. 7:45 P.M.  
(These may be presented by citizens in the audience)

Res. 70-36 adopted (Newton/Dixon, unan. - Mayor Davies absent) recognizing January 15, 1970 as the birthday of Martin Luther King. (Note: this is not to be considered a holiday unless and until Congress has made a declaration to this effect.) (Clerk to handle)

Mr. Laningham complained that overhead transformers had an adverse effect on attempts to beautify the City. The Director of Public Works explained why they were necessary in some areas.

Res. 70-37 adopted (Dixon/Robinson, unan. - Mayor Davies absent) expressing concern over recent traffic fatalities in this area and expressing hope that people will become more concerned with traffic safety. (Clerk to handle)

Staff directed to study rate of increase of traffic accidents with a view to increased law enforcement if study indicates a need. (P & T to handle)

Councilman Simon stated that unless drivers in all lanes of traffic stopped for pedestrians there would be a tragic accident on J Street at 16th Street.

Vice Mayor Mitchell reported on the recent informal hearing on the proposed sign ordinance.

7. Continued hearing on Tenth Street Mall. 8:00 P.M.

Following the presentation of protest petitions, proponents and opponents were given the opportunity to express their views. By motion (Dixon/Newton, unan.) hearing continued to January 26, 1970 at 8:00 P.M.

By motion (Smith/Robinson, unan.) staff directed to prepare list of disallowed or partially allowed protests with reasons for rejection and to furnish this information to the press and others who have filed request for same with City Clerk after Council has been informed. (Clerk to handle)

ORDINANCES

CONSENT

8. Final adoption of Ordinance No. 1001-C.S. (amendment to PD-34)

ACTION: By motion Ord. No. 1001-C.S. adopted. (Clerk to handle)

9. An ordinance adding Article 17 to Chapter 7 of Title IV of the Modesto Municipal Code relating to the regulation of noise.  
(A memorandum of explanation and a copy of the ordinance is being transmitted to the councilmen with the agenda. Introduction of ordinance needed)

ACTION: By motion (Simon/Robinson, unan.) proposed ordinance referred back to staff with instructions to make ordinance more restrictive. (C/Atty to handle)

#### NEW BUSINESS

##### CONSENT

10. Consider agreement with County which would rebate franchise fees collected by City for service in unincorporated area.  
(Memo with agenda. Motion approving needed)

DROPPED FROM AGENDA.

##### CONSENT

11. Consider request for sewer service to property outside the City at Kurt Avenue.  
(Property owners have signed an agreement to annex to the City when requested to do so by the City. A sewer line exists to serve the property and the property is contiguous to the City. Property Owner: Allen Johnson. Resolution approving agreement needed)

ACTION: Res. 70-38 adopted approving agreement. (P/W to handle)

##### CONSENT

12. Consider request for sewer service to property outside the City at 1901 Sunny Vista Avenue.  
(Property owners have signed an agreement to annex to the City when requested to do so by the City. A sewer line exists to serve the property and the property is contiguous to the City. Property owner: Albert Muth. Resolution approving agreement needed)

ACTION: Res. 70-39 adopted approving agreement. (P/W to handle)

##### CONSENT

13. Resolution revising the position classification plan for city service and resolution amending the resolution fixing compensation for positions in city service.  
(To carry out reorganization of the Public Works Department as previously recommended by the City Manager and approved by the City Council. (Memo, revised specifications and alphabetical listing of city classifications with agenda. Two resolutions needed)

ACTION: Res. 70-40 adopted revising position classification plan.  
(Personnel to handle)

ACTION: Res. 70-41 adopted amending resolution fixing compensation.  
(Finance to handle)

CONSENT

14. Consider lease agreement between Wayne Bauman and City of Modesto for rental of 40 acres at the City-County Airport.  
(The lease agreement is on the same basis as last year's agreement for lease of the property to another lessee. The term of the lease is January 12, 1970 to June 30, 1970, with a rental of 25% of the revenue from the crop. Resolution authorizing City Manager to execute lease agreement needed)

ACTION: Res. 70-42 adopted approving agreement. (Finance to handle)

CONSENT

15. Resolutions instructing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters at the locations listed below.  
(Informal requests were sent over thirty days ago to the property owners to install sidewalk and/or curbs and gutter. The work has not been done; therefore, it is recommended that resolutions be adopted authorizing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters. Adoption of resolutions needed. Suggested hearing date January 26, 1970 at 7:50 P.M.)

CONSENT

- (a) Sidewalk on Jones Street at 117 Johnson Street, Block 568, Lot 28 (Mr. Joe Stallone)  
(Resolution setting hearing needed)

ACTION: Res. 70-43 adopted setting hearing. (P/W to handle)

CONSENT

- (b) Sidewalk at 238 Johnson Street, Block 570, Lot 46 and N. 2' of Lot 45. (Mrs. Vivian V. Jones Schilling)  
(Resolution setting hearing needed)

ACTION: Res. 70-44 adopted setting hearing. (P/W to handle)

CONSENT

- (c) Sidewalk at 232-234 Johnson Street, Block 570, Lot 44 and S. 23' of Lot 45. (Mrs. Alma Devlin)  
(Resolution setting hearing needed)

ACTION: Res. 70-45 adopted setting hearing. (P/W to handle)

CONSENT

- (d) Sidewalk at 228-230 Johnson Street, Block 570, Lots 42 and 43. (Mr. Samuel A. Kauffman)  
(Resolution setting hearing needed)

ACTION: Res. 70-46 adopted setting hearing. (P/W to handle)

15. (continued)

CONSENT

- (e) Sidewalk at 220-226 Johnson Street, Block 570, Lots 38 to 41 inclusive. (Mrs. Flora Calleri)  
(Resolution setting hearing needed)

ACTION: Res. 70-47 adopted setting hearing. (P/W to handle)

CONSENT

- (f) Sidewalk, curb and gutter on Floto Street at 217 Floto Street and 301 Semple Street, Block 571, Lots 22 and 23 (Mr. John V. Marshall)  
(Resolution setting hearing needed)

ACTION: Res. 70-48 adopted setting hearing. (P/W to handle)

CONSENT

- (g) Curb and gutter at 513 Redwood Avenue, Block 586, E. 40' of Lots 24 and 25. (Mrs. Minnie G. Dell'Arringa)  
(Resolution setting hearing needed)

ACTION: Res. 70-49 adopted setting hearing. (P/W to handle)

CONSENT

- (h) Curb and gutter at 246 Melrose Street, Block 590, N. 41.6' of Lot 65. (Mr. Richard Gelder)  
(Resolution setting hearing needed)

ACTION: Res. 70-50 adopted setting hearing. (P/W to handle)

CONSENT

- (i) Curb and gutter at 619 Cedar Street, Block 591, W. 76' of Lots 23 and 24 (Mr. Nimolty C. MacDonald)  
(Resolution setting hearing needed)

ACTION: Res. 70-51 adopted setting hearing. (P/W to handle)

CONSENT

16. Report of Superintendent of Streets on the cost of installation of sidewalk and/or curb and gutter at the properties listed below.

(The amounts assessed against the properties will be included in reports distributed with the agenda for the hearing date. Resolution setting date for hearing needed. Suggested date January 26, 1970 at 7:55 P.M. Contract costs listed with properties below. Funds budgeted in Account 5302-51-101, Curbs and Gutters, Special)

CONSENT

- (a) Sidewalk, curb and gutter on Magnolia Ave. and W. Fairmont Avenue at 1001 Magnolia Ave., portion of Block 733 (\$897.38 - Dr. David J. New)  
(Resolution setting hearing needed)

ACTION: Res. 70-52 adopted setting hearing. (P/W to handle)

CONSENT

16. (continued)

- (b) Sidewalk, curb and gutter at 1030 Fourth Street, Block 18, Lots 29 to 32, inclusive. (\$535.00 - Mr. Silas W. Green). (Resolution setting hearing needed)

ACTION: Res. 70-53 adopted setting hearing. (P/W to handle)

CONSENT

- (c) Curb and gutter on Stoddard Avenue at 402 Elmwood Avenue, Block 553, Lots 14 and 15. (\$585.97 - Manuel M. Acosta) (Resolution setting hearing needed)

ACTION: Res. 70-54 adopted setting hearing. (P/W to handle)

CONSENT

17. Consider adoption of the following resolutions regarding Improvement District No. 15 - sewer improvements in thirteen separate areas within the City.

- (a) M15-1 - Resolution of preliminary determination relative to 1931 Act and fixing time and place of hearing. (Suggested hearing date February 24, 1970 at 8:00 P.M.)

ACTION: Res. 1118-S.P. adopted. (Clerk to handle)

- (b) M15-2 - Resolution directing Engineer to prepare plans, specifications and cost estimate;

ACTION: Res. 1119-S.P. adopted. (P/W to handle)

- (c) M15-3 - Resolution approving contract documents and specifications, map, plans and profiles and cost estimate;

ACTION: Res. 1120-S.P. adopted. (P/W to handle)

- (d) M15-4 - Resolution of Intention - fixes hearing date for February 24, 1970 at 8:00 P.M.;

ACTION: Res. of Int. 319 (1121-S.P.) adopted. (Clerk to handle)

- (e) M15-5 - Resolution designating newspaper for publication of notices;

ACTION: Res. 1122-S.P. adopted. (Clerk to handle)

CONSENT

17. (f) M15-6 - Resolution fixing compensation for attorneys (Memo from Public Works with agenda. Map of Improvement District is posted in Council Chambers. Adoption of Resolutions M15-1 through M15-6 needed)

ACTION: Res. 1124-S.P. adopted. (Finance to handle)

CONSENT

18. Agreement between City of Modesto and Teresa S. Gent for an extension of time within which to remove existing blacktop surfacing from the "O" Street frontage of her property commonly designated as Lots 17 through 24, Block 62, located at the north-east corner of "O" Street and 9th Street in the City of Modesto.  
(Previously the City Council received a request from the property owner to defer installation of curb, gutter and sidewalk. An agreement has been prepared to accomplish this, a copy of which agreement is being transmitted with agenda. Resolution approving agreement needed)

ACTION: Res. 70-55 adopted approving agreement. (Clerk to handle)

REPORTS

CONSENT

19. Presentation of financial statement for December 1969.  
(Report will be presented at meeting. Motion accepting report needed)

ACTION: By motion report accepted.

CONSENT

20. Accounting by Greater Modesto Chamber of Commerce of convention fund.  
(Motion approving needed)

ACTION: By motion accounting approved.

CONSENT

21. Progress report on passenger train service through Empire.  
(Memo with agenda. No action is required)

ACTION: Staff directed to report to Council within two weeks on resolutions passed by other agencies opposing discontinuance of passenger service by A. T. & S. F. R. R. to enable Council to take strong and effective action against this discontinuance.  
(P & T to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

22. Vacation and abandonment of the 50 foot unimproved road right of way extending between Prescott Road and Conant Avenue, approximately 600 feet south of Rumble Road.  
(By Resolution No. 69-132 adopted at its meeting of November 4, 1969 the Modesto Planning Commission recommended to the Council the vacation and abandonment of the 50-foot unimproved road right of way extending between Prescott Road and Conant Avenue, approximately 600 feet south of Rumble Road. Resolution of intention to vacate and abandon and setting date for public hearing needed. Hearing date February 2, 1970 at 4:15 P.M.)

ACTION: Res. of Int. 320 (1123-S.P.) adopted setting hearing.  
(Clerk to handle)

CONSENT

23. Recommend that the 70-foot wide street to be extended easterly from Crows Landing Road, 965 feet south of Olivero Road, be officially named "Winmoore Way."  
(Resolution No. 70-8 adopted by the Planning Commission on January 6, 1970 recommends to the City Council that the 70-foot wide street to be extended easterly from Crows Landing Road, 965 feet south of Olivero Road, be officially named "Winmoore Way" Resolution needed)

ACTION: Res. 70-56 adopted naming street "Winmoore Way."  
(Planning to handle)

APPROPRIATION TRANSFERS

CONSENT

25. Appropriation transfer of \$300 for addition to \$1,200 approved for the planting of 70 trees on J Street.  
(This additional amount is needed because it is necessary to replace the soil at five planting locations because of a natural gas leak. Resolution approving transfer needed)

ACTION: Res. 70-57 adopted approving appropriation transfer of \$300 from Account 61-218 to Account 5399-218. (Finance to handle)

CONSENT

26. Appropriation transfer of \$365.  
(This is needed to pay for agent services to process the 1967 municipal sewer bonds. Resolution approving transfer needed)

ACTION: Res. 70-58 adopted approving appropriation transfer of \$365 from Account 60-212 to Account 235-212. (Finance to handle)

~~CONSENT~~

27. Consider approval of appropriation transfers required to implement the reorganization of Public Works Utility, Streets, Water and Garden Refuse Divisions approved by Council January 5, 1970.  
(This is an internal fund transfer. No additional funds are required. Resolution approving appropriation transfers needed)

DROPPED FROM AGENDA.

CONSENT

28. Consider appropriation transfer of \$502 from Account 235-18-101, Services, Professional and Others, to Account 224-19-101, Maintenance and Repair, Buildings and Grounds, to cover work necessary to convert Planning Department conference room into office for Assistant Planner.  
(Memo with agenda. Resolution approving transfer needed)

ACTION: Res. 70-59 adopted approving appropriation transfer of \$502 from Account 235-18-101 to Account 224-19-101. (Finance to handle)

MISCELLANEOUS

CONSENT


29. Appointments.

(a) Recommendation from Planning Commission for the appointment of Kenneth Marple to the Board of Zoning Adjustment as a representative of the Planning Commission.  
(At its meeting of January 6, 1970 the Planning Commission adopted Resolution No. 70-1 recommending to the City Council the appointment of Kenneth Marple to the Board of Zoning Adjustment, as a representative of the Planning Commission for one year, his term to expire January 1, 1971. Resolution needed)

ACTION: Res. 70-60 adopted appointing Kenneth Marple to the Board of Zoning Adjustment as a representative of the Planning Commission for a term ending January 1, 1971. (Clerk to handle)

Adjournment at 10:00 P. M. in respect to the memory of Judge Leslie K. Floyd.

ATTEST:

  
\_\_\_\_\_  
W. T. CHYNOWETH, CITY CLERK

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JANUARY 19, 1970 AT 4:00 P.M.

Roll Call Present: Dixon, Newton, Robinson, Simon, Smith,  
Vice Mayor Mitchell

Absent: Mayor Davies

Vice Mayor Mitchell presided.

Pledge of allegiance to the Flag

Invocation: Reverend Theodore Ness, Bethel Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 4, 5, 6, 17, ~~19a, b, c~~  
Item 19d dropped from agenda. Items ~~19a, b, c~~ 20, 21, 24, 26, 27  
19a, b, & c removed from consent.  
(Robinson/Smith, unan. - Mayor Davies absent)

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of January 12, 1970.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT

2. Resignation of William A. Holloway from Human Rights Commission.  
(Resolution accepting with regret needed)

ACTION: Res. 70-61 adopted accepting resignation with regret.  
(Clerk to handle)

3. Invitation to attend joint County-City meeting at 7:30 P.M. on  
January 21, 1970 in Board of Supervisors Chambers to discuss  
"Kelsay Plan."

ACTION: A motion (Dixon/Smith) to have as many Councilmen as possible attend but to take no position was amended by motion (Simon/Newton, unan.) to allow staff to attend and present its position was passed as amended. This will be discussed at a future Council meeting. (C/Mgr to handle)

CONSENT

4. Suggestion from Robert Marshall that Council ask garbage companies to change hours of collection to conform with garden refuse pickup hours.  
(Motion directing staff to contact garbage companies needed)

ACTION: By motion staff directed to contact garbage companies concerning hours of collection. (P/W to handle)

BIDS

CONSENT

5. Award contracts for demolition of building and construction of parking lot on 11th Street between I and J Streets. (Cleveland Wrecking Company is low bidder at \$7,565 for demolition. The Flintkote Company is low bidder at \$16,655 for the fill and construction. Low bids are \$5,575 higher than estimated and an appropriation transfer will be needed. Resolutions awarding contracts and resolution transferring funds needed. Funds budgeted in Account 6230-57-209, Parking Lot #28)

ACTION: Res. 70-62 adopted awarding demolition contract to Cleveland Wrecking Co.; Res. 70-63 adopted awarding fill and construction contract to Flintkote Co.; Res. 70-63A adopted approving appropriation transfer of \$5,600 from Account 60-57-209 to Account 6230-57-209. (P & T and Finance to handle)

CONSENT

6. Approve plans and specifications and call for bids for the drilling, casing, testing, and development of one deep well for the City of Modesto - Well No. 37. (Bid opening February 3, 1970 at 10:00 A.M. Resolution approving plans, specifications and bid call needed. Estimated cost \$6,500 (depending on depth of well). Funds budgeted in Account 6809-50-101, Well Pump Station Rose Avenue Area)

ACTION: Res. 70-64 adopted approving plans and specifications and bid call. (Clerk to handle)

HEARINGS

7. Sidewalk required at 1628 Concord Avenue, Block 6139, Lot 16 (Mr. Donald K. O'Connor) 4:15 P.M.

DROPPED FROM AGENDA AS WORK HAS STARTED.

8. Sidewalk requirement on Alma Avenue at 202 Marian Avenue, Block 6057, Lots 23, 24 and 25 (Dr. Ronald N. Zehner) 4:15 P.M.

ACTION: Res. 70-65 adopted (Robinson/Smith, unan. - Mayor Davies, absent) ordering work done. (P/W to handle)

9. Sidewalk requirement at 1220 Bispo Drive, Block 6701, Lot 7 (Mr. John R. Dryden) 4:15 P.M.

ACTION: Res. 70-66 adopted (Robinson/Smith, unan. - Mayor Davies, absent) ordering work done. (P/W to handle)

10. Sidewalk requirement on Hawthorne Avenue at 1818 Monticello Avenue, Block 6709, Lot 1 (Mrs. Rubalee R. Dial) 4:15 P.M.

ACTION: Res. 70-67 adopted (Robinson/Smith, unan. - Mayor Davies, absent) ordering work done. (P/W to handle)

11. Sidewalk requirement at 1202 Hawthorne Avenue, Block 6710, Lot 5 (Mr. Anthony P. Drobnick) 4:15 P.M.

ACTION: Res. 70-68 adopted (Robinson/Smith, unan. - Mayor Davies, absent) ordering work done. (P/W to handle)

12. Sidewalk requirement at 1206 Hawthorne Avenue, Block 6710, Lot 4 (Mr. Robert J. Evers) 4:15 P.M.

ACTION: Res. 70-69 adopted (Robinson/Smith, unan. - Mayor Davies, absent) ordering work done. (P/W to handle)

13. Sidewalk requirement at 1210 Hawthorne Avenue, Block 6710, Lot 3 (Mr. Troy D. Hasley) 4:15 P.M.

ACTION: Res. 70-70 adopted (Robinson/Smith, unan. - Mayor Davies, absent) ordering work done. (P/W to handle)

14. Sidewalk requirement at 1214 Hawthorne Avenue, Block 6710, Lot 2 (Mr. Lynden C. Proctor) 4:15 P.M.

ACTION: Res. 70-71 adopted (Robinson/Smith, unan. - Mayor Davies, absent) ordering work done. (P/W to handle)

15. Sidewalk requirement on Hawthorne Avenue at 1806 Winning Way, Block 6710, Lot 1 (Mr. Emmett L. Carter) 4:15 P.M.

ACTION: Res. 70-72 adopted (Robinson/Smith, unan. - Mayor Davies, absent) ordering work done. (P/W to handle)

16. Matters for the good of the community. 4:20 P.M.  
(These may be presented by citizens in the audience)

A report was made on the status of the mall protests.

Councilman Dixon brought up the matter of storm drainage. He urged that immediate attention be given to draining the major streets. It was suggested that all information on this subject be furnished the Council and a discussion of this matter be on the Council agenda in three weeks.

Airport Manager Dick Smith was introduced.

ORDINANCES

CONSENT

17. An ordinance amending Section 10-2-1515 of Article 15 of Chapter 2 of Title X of the Modesto Municipal Code relating to landscaping standards.  
(This ordinance is a result of a report by the City Attorney dated September 26, 1969 addressed to the Mayor and City Council relating to installation and maintenance of landscaping in P-D Zones and Use Permits. One of the recommendations in that report was to amend Section 10-2.1515 of the municipal code to add more positive requirements. A copy of the proposed amendment with agenda. The Council should refer the ordinance to the Planning Commission for report and recommendation)

ACTION: Res. 70-73 adopted referring proposed ordinance to Planning Commission for report and recommendation. (Planning to handle)

OLD BUSINESS

18. Consideration of resolutions by other cities or counties on Santa Fe rail service through San Joaquin Valley.  
(Six resolutions by other agencies have been included with agenda information. Since additional information is not likely to be developed before the hearings begin, the Council may wish to direct the City Attorney to prepare a resolution along the lines of one or more of the samples. Motion directing staff needed)

ACTION: Res. 70-74 adopted (Dixon/Newton, unan. - Mayor Davies, absent) opposing application of Santa Fe to reduce passenger service.  
(Clerk to handle)

CONSENT

19. Resolutions instructing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters at the locations listed below.  
(Informal requests were sent over thirty days ago to the property owners to install sidewalks and/or curbs and gutters. The work has not been done; therefore, it is recommended that resolutions be adopted authorizing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters. Resolution setting hearing needed. Suggested date February 2, 1970 at 4:20 P.M.)

CONSENT

- (a) Sidewalk on Johnson Street and Lee Street at 239 Johnson Street, Block 565, Lots 1 and 2. (Mrs. Clara Reichenbach)  
(Resolution setting hearing needed)

ACTION: Res. 70-75 adopted (Simon/Robinson, unan. - Mayor Davies, absent) setting hearing. (P/W to handle)

CONSENT

- (b) Curb and gutter on Cedar Avenue at 245 High Street, Block 581, Lots 1, 2 and 3 (Mr. Warren T. Hanford)  
(Resolution setting hearing needed)

ACTION: Res. 70-76 adopted setting hearing (Simon/Robinson, unan. - Mayor Davies, absent). (P/W to handle)

19. (continued)

CONSENT

- (c) Curb and gutter at 715 Cedar Avenue, Block 594, E. 57.4' of Lots 21 and 22, and E. 50' of Lots 23 and 24. (Mr. Cecil G. Plummer)  
(Resolution setting hearing needed)

ACTION: Res. 70-77 adopted (Simon/Robinson, unan. - Mayor Davies, absent)  
setting hearing. (P/W to handle)

CONSENT

- (d) Curb and gutter at 220 Melrose Street, Block 590, Lots 52 and 53.  
(Mr. Alton W. Wolbert)

DROPPED FROM AGENDA - WORK HAS STARTED.

Councilman Dixon requested that more attention be given to sidewalks near schools.

CONSENT

20. A resolution determining that the public interest and convenience require that Celeste No. 2 Addition be annexed to the Modesto Municipal Sewer District No. 1 and naming a time and place for hearing.  
(Celeste No. 2 Addition has been annexed to the City of Modesto and it is now necessary to annex this area to the Modesto Municipal Sewer District. Suggested hearing date March 9, 1970 at 7:45 P.M. Resolution setting hearing needed (2/3 affirmative vote needed)

ACTION: Res. 70-78 adopted setting hearing. (Clerk to handle)

CONSENT

21. Request by City Manager for permission to go to the League of California Cities' City Managers' Spring Meeting, February 25-27, 1970 in Newport Beach.  
(The City Manager and Deputy City Manager plan to attend this meeting. Funds are budgeted in Account 207-8-101. Motion approving needed.)

ACTION: By motion request approved. (C/Mgr to handle)

REPORTS

22. Report on request from Senior Citizens for reduced fares on bus rates.  
(Copies of report with agenda. Motion accepting report needed)

ACTION: By motion (Smith/Newton, unan.) report of City Manager accepted.

23. Verbal report by Councilman Dale Smith, Chairman of SAAPA, concerning its activities.

Councilman Smith discussed possible future plans for Stanislaus Area Advisory Planning Association (SAAPA). It was decided to have a further discussion of this at a breakfast meeting on Wednesday, January 21, 1970, at 6:45 A.M. at the Chuck Wagon.

CONSENT

24. Report of plan to change police vehicle specifications.  
(Memo with agenda. No action required)

NO ACTION.

REPORTS FROM THE PLANNING COMMISSION

25. Annexation of Herndon Addition.  
(State annexation legislation requires when "street strip" annexations such as the Herndon Addition are proposed within three miles of the corporate boundaries of another city, that the legislative body of the other city give its consent for the annexation to proceed. The City Council of the City of Ceres must therefore give its consent in order for the Herndon Addition to be completed. Report by City Manager with agenda. Motion directing staff as to whether or not a letter should be sent to Ceres City Council requesting its consent to this annexation needed)

ACTION: By motion (Dixon/Robinson, unan.) staff directed to take no steps toward annexation at this time but to do the following:

1. Permit the subdivision to connect to the district sewer upon promise of annexation when required. Agree to consider the modification of the monthly sewer charge to twice the monthly rate (for this subdivision) instead of three times the monthly rate as required by the City Code, the rate to be increased to three times the monthly rate upon failure to annex when requested to do so.
2. Require that the subdivision install street lights as a condition of obtaining sewer service.
3. Instruct the City staff to make a study and recommend to the City Council a policy to be adopted for consideration of annexations south of the Tuolumne River.

APPROPRIATION TRANSFERS

CONSENT

26. Consider approval of appropriation transfers required to implement the reorganization of Public Works Utility, Streets, Water and Garden Refuse Divisions approved by City Council January 5, 1970.  
(Resolution approving appropriation transfers needed)

ACTION: Res. 70-79 adopted approving appropriation transfers of \$281,250 from Accounts 110-41 (\$65,466) and (\$70,560), 111-50 (\$78,750), 111-51 (\$42,425), 111-52 (\$1,575), 110-51 (\$14,194) and 218-51 (\$8,280) to Accounts 110-50 (\$49,335), 110-51 (\$16,131), 110-50 (\$55,496), 110-51 (\$14,587), 110-52 (\$4,329), 111-41 (\$118,898), 110-54 (\$14,194) and 218-54 (\$8,280). (Finance to handle)

CONSENT

27. Consider request for appropriation transfer of \$12,000 from General Reserve to Account 5302-51-101, Curbs and Gutters, Special. (Transfer is needed to replenish special curb, gutter and sidewalk fund. This is a revolving fund in which expenditures are recovered later via the tax rolls. Resolution approving transfer needed)

ACTION: Res. 70-80 adopted approving appropriation transfer of \$12,000 from Account 60-101 to Account 5302-51-101. (Finance to handle)

MISCELLANEOUS

28. Legislative matters.

NO ACTION.

29. Appointments.

NONE

Adjournment: at 6:17 P.M. to 6:45 A.M. on January 21, 1970, at the Chuck Wagon for the purpose of discussing future plans for Stanislaus Area Advisory Planning Association (SAAPA).

ATTEST:

*W. T. Chynoweth*

W. T. CHYNOWETH, CITY CLERK

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January 21, 1970

Minutes - Council Meeting of January 21, 1970 (Adjourned Regular Meeting)

Time and Place - 6:45 to 8:10 a.m., Chuck Wagon Restaurant

Present - Mayor Davies and Councilmen Dixon, Newton, Robinson, Simon, Smith,  
Vice-Mayor Mitchell

Absent- None

Also Present - John Keefe, William Nichols, Bill Phillips

This meeting was called by the Mayor in response to a request of Councilman Dale Smith to review "Administration of 701 Funds by SAAPA", a report prepared by the City of Modesto Planning Department in January, 1970. Dale Smith pointed out that an APO (Areawide Planning Organization) has to be designated for the Stanislaus County area and that there appear to be two alternatives: SAAPA as presently constituted, (a Council of Governments), or the County Board of Supervisors. He added that this year, Modesto's population will officially exceed 50,000 people (1970 Federal Census), and as a consequence, the Federal Government will declare Stanislaus County a SMSA and will require a full-time director for this Areawide Planning Organization. He added that some of the HUD requirements for APO's include minority and low-income representation on the policy-making body of the areawide planning organization and areawide programs planned 36 months into the future.

William Nichols highlighted the differences between SAAPA as an APO and the Board of Supervisors as an APO. Dale Smith indicated that both he and John Keefe believe that the full time director could be assigned to the County Planning staff to avoid the expensive administrative costs of starting this director in a separate office.

In the discussion that ensued it was pointed out that the reapportionment of the County because of the 1970 census may provide Modesto with 3 County Board representatives out of 5. By contrast, SAAPA limits Modesto's representation to two members out of a total of 18, (eight cities including Waterford and the County - two representatives each). There was also a concern that SAAPA is the addition of another governmental agency within Stanislaus County. Finally there was general concern regarding the implications of low-income and minority representation on the policy-making body of such an areawide planning organization. Many of those present believed that it would be difficult to maintain the interest of the local legislators regardless of which body were to be selected for an APO, if these legislators had to share decisions and work with minority and low-income representatives. It was pointed out that in so many cases, the viewpoints of the two groups and interests are quite different. There can be wide differences of political acumen: understanding of the workings of local government, discerning priorities, weighing available funding versus need, etc.

It was emphasized that the County Board in the past has not adequately solved nor even acknowledged areawide problems. Dale Smith indicated that he desired a position on the part of the City Council so that at the next SAAPA meeting on February 11, 1970, he could indicate Modesto's wishes. At that meeting, this matter will be discussed.

Respectfully submitted,

*William S. Nichols*  
William S. Nichols  
Director of Planning

FOR: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JANUARY 26, 1970 AT 7:30 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies  
Absent: None

Pledge of allegiance to the Flag  
Invocation: Rev. Ronald W. James, St. Dunstan's Episcopal Mission

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 5, 9, 10, 11, 12, 29, 30, 31, 32, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 48  
(Robinson/Simon, unan.)

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items.)

APPROVAL OF MINUTES

CONSENT

1. Minutes of January 19, 1970.

ACTION: By motion minutes approved.

PEPITIONS, REMONSTRANCES & CORRESPONDENCE

2. Letter from David James New, M.D., requesting tree removal.

ACTION: By motion (Mitchell/Robinson, unan.) staff directed to take no action. (C/Mgr to handle)

CONSENT

3. Letter from Lawrence Robinson, Sr. requesting continuation of trophy for Camellia Show to be held March 21 and 22.  
(Motion approving request needed)

ACTION: By motion request granted. (Finance to handle)

~~CONSENT~~

4. Letter from Salvation Army requesting city participation in furnishing Red Shield Community Center in South Modesto.  
(Motion referring to Public Relations Committee needed)

ACTION: By motion (Dixon/Smith, unan.) referred to Public Relations Committee for study and recommendation. (C/Mgr to handle)

CONSENT

5. Letter from National League of Cities regarding Congressional-City Conference March 8-10, Washington, D.C.  
(Motion ordering filed needed)

ACTION: By motion letter ordered filed. (Clerk to handle)

6. Letter from M. Kirschen, O.D. regarding construction of building at 1624-1625 Eye Street.

ACTION: By motion (Mitchell/Robinson, unan.) referred to staff to contact Dr. Kirschen. (C/Mgr to handle)

7. Letter from Mrs. Peggy Mensinger reporting recommendation of Citizens' Community Center Committee regarding area to be included in bonding for Community Center.

ACTION: By motion (Robinson/Newton, unan.) recommendation adopted that Modesto High School District boundaries be used as boundaries for Community Center District and that Board of Supervisors be requested to concur in this so that Assemblyman Berryhill can introduce necessary legislation. (City Clerk to handle)

8. Letter from Don Pedro Real Estate regarding sewer easement.

ACTION: By motion (Smith/Robinson, unan.) action held for one week to permit staff to make a further study. (P/W to handle)

Staff requested to make report on method by which subdivision maps proceed from beginning to recordation. (P/W to handle)

CONSENT

9. Letter from Mr. Joseph A. Huckabee relative to license requirement for private ownership of coin-operated amusement devices.  
(Motion referring to City Attorney for report needed)

ACTION: By motion referred to City Attorney for report. (C/Atty to handle)

~~CONSENT~~

10. Letter from Robert Raingruber and James A. Nicholas regarding environmental problems.  
(Motion referring to staff for reply needed)

ACTION: By motion (Smith/Robinson, unan.) referred to staff for reply.  
(C/Mgr to handle)

BIDS

CONSENT

11. Consider acceptance of Western Pipeline's contract for construction of Rue De Yoe sewer.  
(The original bid amount was \$3,829.75. All work on this contract has been completed to the satisfaction of the Public Works Department. Therefore, it is recommended the work be accepted as complete and the City Clerk authorized to file notice of completion. Resolution accepting work needed. Final cost \$3,787.40. Funds budgeted in Account 6558-212, Rue De Yoe, Replace Sewer Lateral)

ACTION: Res. 70-81 adopted accepting contract. (Clerk to handle)

CONSENT

12. Accept as complete Standard Materials contract for construction of General Aviation Apron and Taxiway Overlay at the Modesto City-County Airport.  
(All work on this contract has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work and authorize the City Clerk to file notice of completion. Resolution accepting work as complete needed. Actual cost \$19,381.32. Funds budgeted in Accounts 6532-46-230, Aircraft Apron Expansion and 6529-46-230, Taxiway Overlay)

ACTION: Res. 70-82 adopted accepting contract. (Clerk to handle)

13. Hearing on revision to Unclassified Use Permit granted to Doctors' Hospital. 7:45 P.M.

ACTION: Res. 70-83 adopted (Newton/Simon, unan.) granting revision to Unclassified Use Permit of Doctors' Hospital to permit Radiation, Physical and Inhalation Therapy Departments. (Planning to handle)

14. Appeal of Doctors' Hospital from denial by Planning Commission of request for permission to install linear accelerator. 7:45 P.M.

ACTION: Res. 70-84 adopted (Simon/Smith, unan.) affirming action of Planning Commission in denying request for a linear accelerator; affirmation subject to condition that if Memorial Hospital of Stanislaus County does not make significant progress toward installation of a linear accelerator by January 1, 1971, the Planning Commission should ask the Health Planning Council to review the application of Doctors' Hospital with a view toward reconsideration by the Planning Commission and City Council of this matter. (Planning to handle)

15. Sidewalk requirement on Jones Street at 117 Johnson Street, Block 568, Lot 28 (Mr. Joe Stallone) 7:50 P.M.

ACTION: Res. 70-85 adopted (Simon/Robinson, unan.) ordering work done. (P/W to handle)

16. Sidewalk requirement at 238 Johnson Street, Block 570, Lot 46 and N. 2' of Lot 45 (Mrs. Vivian V. Jones Schilling) 7:50 P.M.  
ACTION: Res. 70-86 adopted (Simon/Robinson, unan.) ordering work done. (P/W to handle)
17. Sidewalk requirement at 232-234 Johnson Street, Block 570, Lot 44 and S. 23' of Lot 45 (Mrs. Alma Devlin) 7:50 P.M.  
ACTION: Res. 70-87 adopted (Simon/Robinson, unan.) ordering work done. (P/W to handle)
18. Sidewalk requirement at 228-230 Johnson Street, Block 570, Lots 42 and 43, (Mr. Samuel A. Kauffman) 7:50 P.M.  
ACTION: Res. 70-88 adopted (Simon/Robinson, unan.) ordering work done. (P/W to handle)
19. Sidewalk requirement at 220-226 Johnson Street, Block 570, Lots 38 to 41 inclusive (Mrs. Flora Calleri) 7:50 P.M.  
ACTION: Res. 70-89 adopted (Simon/Robinson, unan.) ordering work done. (P/W to handle)
20. Sidewalk, curb and gutter requirement on Floto Street at 217 Floto Street and 301 Semple Street, Block 571, Lots 22 and 23 (Mr. John V. Marshall) 7:50 P.M.  
ACTION: Res. 70-90 adopted (Simon/Robinson, unan.) ordering work done. (P/W to handle)
21. Curb and gutter requirement at 513 Redwood Avenue, Block 586, E. 40' of Lots 24 and 25 (Mrs. Minnie G. Dell'Arringa) 7:50 P.M.  
(To be dropped - work being done)  
DROPPED FROM AGENDA.
22. Curb and gutter requirement at 246 Melrose Street, Block 590, N. 41.6' of Lot 65 (Mr. Richard Gelder) 7:50 P.M.  
(To be dropped - work done)  
DROPPED FROM AGENDA.

23. Curb and gutter requirement at 619 Cedar Street, Block 591  
W. 76' of Lots 23 and 24 (Mr. Nimolty C. MacDonald) 7:50 P.M.

ACTION: Res. 70-91 adopted (Simon/Robinson, unan.) ordering work done.  
(P/W to handle)

24. Cost of installation of sidewalk, curb and gutter on  
Magnolia Ave. and W. Fairmont Ave. at 1001 Magnolia Ave., 7:55 P.M.  
portion of Block 733 - (\$897.38 - Dr. David J. New)

(a) Letter from Dr. New requesting payment by installments)

ACTION: Res. 70-92 adopted (Smith/Simon, unan.) confirming report,  
assessing costs and directing method of collection (over ten-  
year period). (Finance to handle)

25. Cost of installation of sidewalk, curb and gutter at 1030  
Fourth Street, Block 18, Lots 29 to 32, inclusive - 7:55 P.M.  
(\$535.00 - Mr. Silas W. Green)

ACTION: Res. 70-93 adopted (Smith/Simon, unan.) confirming report,  
assessing costs and directing method of collection (over five-  
year period). (Finance to handle)

26. Cost of installation of curb and gutter on Stoddard Avenue at 7:55 P.M.  
402 Elmwood Avenue, Block 553, Lots 14 and 15 (\$585.97 - Manuel M.  
Acosta)

(a) Letter from Mr. Acosta requesting installment payments.

ACTION: Res. 70-94 adopted (Smith/Simon, unan.) confirming report,  
assessing costs and directing method of collection (over ten-  
year period). (Finance to handle)

27. Continued hearing on Tenth Street Mall. 8:00 P.M.

ACTION: A resolution to proceed with the Mall (Dixon/Davies) failed with  
Dixon and Davies casting the only aye votes.

By motion (Mitchell/Robinson, carried) proceedings terminated and  
staff directed to prepare a resolution to this effect without  
making a finding as to the protests. (C/Atty to handle)

28. Matters for the good of the Community. 8:10 P.M.  
(These may be presented by interested people in the audience)

Frank Ruggieri requested the Council to reconsider locating the  
Community Center near the downtown core area.

The City Manager announced that the State Department of Finance had  
estimated the population of Modesto at 61,400 as of January 1, 1970.

By motion (Robinson/Simon, unan.) suggestion that joint Council/  
Planning Commission meeting be held February 2, 1970 at 6:00 P.M. approved.  
(Planning to handle)

Letters received from private citizens and commending individual police officers were discussed.

It was announced that a river trip to view the proposed Tuolumne River Regional Park would be held soon.

#### NEW BUSINESS

##### CONSENT

29. Resolution of Intention to call special election for annexation of Highway Village Addition to the City of Modesto.  
(A petition containing 188 valid signatures and requesting that the Highway Village Addition be annexed to the City of Modesto has been filed with the City Clerk. This represents approximately 45% of the registered voters. Resolution setting time and place for hearing protests needed. Suggested hearing date March 2, 1970 at 5:00 P.M.)

ACTION: Res. 70-95 adopted setting time for hearing protests.  
(Clerk to handle)

##### CONSENT

30. Renewal of lease for Esto Broughton branch library for period June 1, 1970 to May 31, 1971 on same terms and conditions as set forth in agreement between the City and George W. Eisenhut dated May 25, 1964. Resolution approving extension needed. Funds budgeted in Account 62-215-201, Rent of Real Property)

ACTION: Res. 70-96 adopted approving extension of lease.  
(Clerk to handle)

##### CONSENT

31. Request to print Drug Abuse Council Manual.  
(Memo with agenda. Motion approving request needed. Estimated cost \$11.50; funds budgeted in Account 301-65-101, General Fund)

ACTION: By motion request approved. (Police to handle)

##### CONSENT

32. Consider request for sewer service outside the City to property at 1523 Paulette Ave.  
(The property owners have signed an agreement to annex to the City when requested to do so by the City. A sewer line exists to serve this property, but the property is not contiguous to the City. Property owner - Manuel Santos. Resolution approving agreement needed)

ACTION: Res. 70-97 adopted approving agreement. (P/W to handle)

33. Approve master plan for Mancini Park.  
(Oral report will be made at the meeting. Motion approving plan needed)

ACTION: By motion (Dixon/Simon, unan.) Master Plan approved.  
(P & R to handle)

CONSENT

34. Consider request for additions to equipment pool.  
(Memo with agenda. Resolution approving additional purchases needed. No additional funds required. Can be handled by transfers within the fund)

ACTION: Res. 70-98 adopted approving additional purchases as recommended by Public Works. (P/W and Finance to handle)

CONSENT

35. Application for funds from California Airport Assistance Revolving Fund.  
(Memo with agenda. Resolution authorizing execution of application by City Manager and approving its submission to State Department of Aeronautics needed)

ACTION: Res. 70-99 adopted authorizing application to California Department of Aeronautics for funds for the following:  
Airplane Wash Area - \$4,000; Aircraft Tiedown Overlay/Stage 2 - \$10,000 and Access Road North End Airport - \$17,000.  
(P/W to handle)

CONSENT

36. Approval of agreement offering the City partial settlement of F. K. Floden Corporation's unpaid industrial sewer debt.  
(Memo with agenda. Resolution approving agreement needed)

ACTION: Res. 70-100 adopted approving agreement. (Finance to handle)

REPORTS

CONSENT

37. Quarterly report of Greater Modesto Chamber of Commerce.  
(Motion accepting report needed)

ACTION: By motion report accepted. (Clerk to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

38. Standiford Addition (Inhabited) referral to Planning Commission.  
(Annexation has been requested by residents of the area located south of Standiford Ave., west of McHenry Ave., east of Tidewater Southern right of way, and north of Woodrow Ave., the area is approximately 38 acres in size and contains 69 single-family dwelling units and one service station. It is partially bounded by the city limits on all four sides. The area on the west and the service station on the southwest corner of McHenry Ave. and Standiford Road are served by Modesto city water; the remaining area along Standiford Ave. can be served by Modesto City water. It presently has private wells. The area is within the McHenry-Dry Creek Fire District, from which it will be withdrawn, and in the Sylvan School District, in which it will remain. If referred to the Planning Commission, the Planning staff will gather additional information. Resolution referring to Planning Commission needed)

ACTION: Res. 70-101 adopted referring to Planning Commission.  
(Planning to handle)

CONSENT

39. Recommend commencement of proceedings for the annexation to the City of uninhabited territory (Santa Ana Addition)  
(Commencement of proceedings for the annexation to the City of uninhabited territory (Santa Ana Addition). Resolution setting date for public hearing needed. Suggested date March 9, 1970 at 7:50 P.M.)

ACTION: Res. 70-102 adopted setting hearing. (Clerk to handle)

CONSENT

40. A resolution annexing uninhabited territory to the City of Modesto known as Montclair No. 2 Addition.  
(The L.A.F. Commission has authorized this annexation without notice or public hearing. Resolution needed)

ACTION: Res. 70-103 adopted annexing Montclair No. 2 Addition to the City of Modesto. (Clerk to handle)

CONSENT

41. A resolution annexing uninhabited territory to the City of Modesto known as Old Oakdale Addition.  
(The L.A.F. Commission has authorized this annexation without notice or public hearing. Resolution needed)

ACTION: Res. 70-104 adopted annexing Old Oakdale Addition to the City of Modesto. (Clerk to handle)

CONSENT

42. Recommend that the 40-foot part-width street to be extended westerly from Spencer Avenue, 240 feet north of California Avenue, be officially named "Marni Way."  
(Resolution 70-19 adopted by the Planning Commission January 20, 1970 recommends to the Council that the 40-foot part-width street to be extended westerly from Spencer Avenue, 240 feet north of California Avenue, be officially named "Marni Way." Resolution needed)

ACTION: Res. 70-105 adopted naming street "Marni Way."  
(Planning to handle)

CONSENT

43. Recommend amendment to Section 22-3-9 of the zoning map (Wolverine Building Service, Inc.)  
(By Resolution 70-14 adopted January 20, 1970 the Planning Commission recommends an amendment to Section 22-3-9 of the zoning map as requested by Wolverine Building Service, Inc. to prezone to Two-Family Residential Zone, P-R-2, property located on the east side of Rose Avenue, south of Kienitz Avenue. Resolution setting date for Public hearing needed. Suggested date February 24, 1970 at 8:05 P.M.)

ACTION: Res. 70-106 adopted setting hearing. (Clerk to handle)

CONSENT

44. Recommend amendment to Section 19-3-9 of the zoning map (Lakewood Memorial Park Endowment Fund).  
(By Resolution 70-16 adopted January 20, 1970 the Planning Commission recommends an amendment to Section 19-3-9 of the zoning map as requested by Lakewood Memorial Park Endowment Fund Board of Trustees, to rezone from one-family residential zone, R-1, to Two-family residential zone, R-2, the property located on the south side of Evergreen Avenue, west of Carver Road, east of Prescott Road. Resolution setting date for public hearing needed. Suggested date February 24, 1970 at 8:10 P.M.)

ACTION: Res. 70-107 adopted setting hearing. (Clerk to handle)

CONSENT

45. Recommend amendment to Section 26-3-9 of zoning map (Hirleman, et al)  
(By Resolution 70-15 adopted January 20, 1970 the Planning Commission recommends an amendment to Section 26-3-9 of the zoning map as requested by John Hirleman, Arthur Wylie, Henry Kiyoi, and K/R Homes, Inc. to rezone from R-1 to R-2, and prezone to P-R-2, property located on the west side of North Riverside Drive between Edgebrook Drive and Haddon Avenue. Resolution setting date for public hearing needed. Suggested date February 24, 1970 at 8:15 P.M.)

ACTION: Res. 70-108 adopted setting hearing. (Clerk to handle)

CONSENT

46. Recommend amendment to Section 7-3-9 of the zoning map (Tully Manor Enterprises)  
(By resolution 70-17 adopted on January 20, 1970 the Planning Commission recommends an amendment to Section 7-3-9 of the zoning map as requested by Tully Manor Enterprises, to rezone from One-Family residential zone, R-1, to two-family residential zone, R-2, property on the south side of Montclair Drive east of Carver Road. Resolution setting date for public hearing needed. Suggested date February 24, 1970 at 8:20 P.M.)

ACTION: Res. 70-109 adopted setting hearing. (Clerk to handle)

CONSENT

47. Phase I of Housing Element amendment to the General Plan for City of Modesto.  
(The review of this Housing Element will start with a housing tour of the Modesto Urban Area. Information with agenda. Motion ordering filed needed)

ACTION: It was announced that Mayor Davies would take this tour.

APPROPRIATION TRANSFERS

CONSENT

48. Consider transfer of \$100,000 from the Unappropriated Reserve in the General Fund to the Service Division Revolving Fund.  
(Memo with agenda. Resolution transferring funds needed. )

ACTION: Res. 70-110 adopted approving transfer of \$100,000 from Unappropriated Reserve to Service Division Revolving Fund.  
(Finance to handle)

MISCELLANEOUS

49. Legislative matters.

NONE.

50. Appointments.

ACTION: Res. 70-111 adopted (Robinson/Dixon, unan.) accepting resignations of James Coleman and Dave McCain from the Charter Revision Committee and appointing R. L. Cloward to the Committee.  
(Clerk to handle)

51. Executive session to discuss cost of living increase.  
(Memo from Personnel Officer with agenda)

DELAYED FOR ONE WEEK.

Adjournment at 12:50 A.M., January 27, 1970.

ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, CITY CLERK

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MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, FEBRUARY 2, 1970 at 4:00 P.M.

Roll call Present: Dixon, Mitchell, Newton, Robinson, Simon, Smith,  
Mayor Davies  
Absent: None

Pledge of allegiance to the Flag

Invocation: ~~XX~~

A minute of silent prayer was observed.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED. Items ~~2, 3, 5, 24a, b, c, & d~~ 5, 6, 7, 8, 9, 16,  
17, 18, 19, 20, 21, 22, 23, ~~24, 25, 26, 28~~

(Robinson/Newton, unan.)

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items.)

1. Presentation of plaques to former councilmen William B. Hughes and Jon B. Shastid.

ACTION: Plaques presented by Mayor Davies and accepted by the respective former Councilmen.

APPROVAL OF MINUTES

~~CONSENT~~

2. Minutes of January 21, 1970 and January 26, 1970.

ACTION: By motion (Robinson/Mitchell, unan.) minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

~~CONSENT~~

3. Objection from Ceres Unified School District to proposed location of Modesto sanitary landfill site.  
(Motion referring to staff needed)

ACTION: By motion (Robinson/Mitchell, unan.) letter referred to staff.  
(C/Mgr to handle)

4. Request of Comprehensive Health Planning Council of Stanislaus County for contribution to help finance Health Planning in this County.

ACTION: By motion (Mitchell/Smith, unan.) vote on/<sup>motion</sup>(Dixon/Newton) to contribute \$2,000 to Comprehensive Health Planning Council postponed for two weeks to permit further study by staff.  
(C/Mgr to handle)

~~CONSENT~~

5. Letter from State Department of Public Works concerning apportionment of 1969-70 allocation of federal TOPICS funds.  
(Motion referring to staff needed)

ACTION: By motion (Robinson/Mitchell, unan.) letter referred to staff.  
(P & T to handle)

CONSENT

6. Consider approval of specifications and authorize call for bids to be opened February 17, 1970 at 2:00 P.M. for automotive equipment: 13 - 4-door sedans; 1 - station wagon; 10 1/2T pickups; 4 - 3/4T pickups; 3 - 2-T trucks. Resolution approving needed. Estimated cost \$68,700; funds budgeted in various accounts, Capital Outlay, Service Division, Public Works pp 78 and 79. Funds to be transferred from existing accounts when exact costs are known after bid tabulation.)

ACTION: Res. 70-112 adopted approving specifications and bid call.  
(Finance to handle)

CONSENT

7. Consider award of bid for installation of water lines in Rumble, Coffee, Block 121, Needham and Robertson Road.  
(Bids were opened on January 27, 1970 and the low bid of Industrial Electric, which is 6.5% over the Engineer's Estimate, is considered acceptable. Therefore it is recommended the bid be awarded to them. Resolution awarding bid needed. Estimated cost \$52,384 (Materials \$28,200; labor, \$24,184). Funds budgeted in Accounts 6828-50-101, Strengthen System at Various Locations; 6063-301, New Library Building; 6804-50-101, Water Line Extensions)

ACTION: Res. 70-113 adopted awarding bid to Industrial Electrical Co.  
(P/W to handle)

CONSENT

8. Consider award of bid for street light improvements, Unit No. 1 Updating Area Stage I and Unit No. 2 Downtown Post Top Stage I.  
(Bids were opened on January 27th. The low bid submitted by Ferrero Electric, Inc., which is 8.7% below the Engineer's Estimate, is considered acceptable. Therefore, it is recommended by the Public Works Department that the bid be awarded to them. Resolution awarding bid needed. Total contract: \$28,629, Unit #1 - \$21,779; Unit #2, \$6,850. Funds budgeted in Account No. 6622-41-321, St. Lights Unlighted Area/Stage I; 6623, Downtown Post Top Revision.)

ACTION: Res. 70-114 adopted awarding bid to Ferrero Electric, Inc.  
(P/W to handle)

CONSENT

9. Consider award of contract to supply one backhoe loader to I-R Equipment Corp., \$19,404.

Consider award of contract to furnish one low bed transport trailer to Nance Ford Tractor, \$2,677.  
(Memo with agenda. Three resolutions needed awarding contracts and approving appropriation transfer of \$9,731 from Reserve appropriation. Estimated cost \$22,131; funds budgeted in Account 5406-48-512, Capital Outlay, Service Division, Public Works p. 79)

ACTION: Res. 70-115 adopted awarding bid for backhoe loader to I-R Equipment Corp.;

Res. 70-116 adopted awarding bid for transport trailer to Nance Ford Tractor;

Res. 70-117 adopted approving appropriation transfer of \$9,731 from Account 60-48-512 to Account 5406-48-512. (Finance to handle)

HEARINGS

10. Abandonment of 50-foot unimproved right of way between Prescott & Conant. 4:15 P.M.

ACTION: Res. 1125-S.P. adopted (Robinson/Smith, unan.) abandoning right of way. (Clerk to handle)

11. Sidewalk requirement on Johnson Street and Lee Street at 239 Johnson Street, Block 565, Lots 1 and 2. 4:20 P.M.  
(Mrs. Clara Reichenbach)

ACTION: Res. 70-118 adopted (Mitchell/Robinson, unan.) ordering work done. (P/W to handle)

12. Curb and gutter requirement on Cedar Avenue at 245 High Street, Block 581, Lots 1, 2 and 3. (Mr. Warren T. Hanford) 4:20 P.M.

ACTION: By motion (Mitchell/Robinson, unan.) hearing continued to February 9, 1970 at 7:40 P.M. to permit investigation by staff. (P/W to handle)

13. Curb and gutter requirement at 715 Cedar Avenue, Block 594, E. 57.4' of Lots 21 and 22, and E. 50' of Lots 23 and 24 (Mr. Cecil G. Plummer). 4:20 P.M.

ACTION: Res. 70-119 adopted (Mitchell/Robinson, unan.) ordering work done. (P/W to handle)

14. Matters for the good of the community. 4:25 P.M.  
(These may be presented by interested people in the audience)

It was announced that the Tuolumne River Regional Park river trip will be held on February 13 and 14, 1970, and that the County Superintendent of Parks should be informed as to who is going. (P & R to handle)

Res. 70-120 adopted (Mitchell/Newton, unan.) setting February 16, 1970 at 5:00 P.M. as time for informal hearing on proposed sign ordinance. (Clerk to handle)

Res. 70-121 adopted (Davies/Robinson, maj. - Dixon, no) commending Harry Sham for his services as Airport Manager at the Modesto City-County Airport.

Councilman Dixon explained his "no" vote by stating he felt the action unworthy of Mr. Sham and his contribution to the future of aviation in this area and was only a token response to the resolution of the Board of Supervisors.

Frank Andrews spoke several times on a variety of subjects.

OLD BUSINESS

15. Further discussion of request of Don Pedro Real Estate for condemnation of sewer line easement.

ACTION: By motion (Smith/Robinson, unan.) request denied.

CONSENT

16. Resolution terminating proceedings regarding the establishment of the proposed mall.  
(Resolution needed)

ACTION: Res. 1126-S.P. adopted terminating proceedings.  
(Clerk to handle)

NEW BUSINESS

CONSENT

17. Consider approval of payment of claim for damages in the amount of \$308 to Stanley Galas property, Parcel No. 2-21, resulting from pipeline construction, SWI Project Unit No. 2 Outfall Sewer. (Memo with agenda. Resolution approving payment of claim needed. Estimated cost \$308; funds budgeted in Account 6553-405, Muni. Sewer District Improvements)

ACTION: Res. 70-122 adopted approving payment of claim. (Finance to handle)

CONSENT

18. Set hearing for Highway 99 Freeway Agreement covering area between Blue Gum and Conant Avenues.  
(A copy of the freeway agreement map has been given to the councilmen. It should be saved for the hearing. A hearing prior to approving the agreement is required by a new law. Memo with agenda. Resolution setting hearing needed. Suggested date February 24, 1970 at 7:45 P.M.)

ACTION: Res. 70-123 adopted setting hearing. (Clerk to handle)

CONSENT

19. Consider use of fire stations and Fire Department personnel for voter registration.  
(Memo with agenda. Motion approving needed)

ACTION: By motion, use of fire stations and Fire Department personnel for voter registration approved. (Fire to handle)

CONSENT

20. Consider request for sewer service for property outside the City at 1800 Clayton Avenue.  
(Property owners have signed an agreement to annex when requested to do so by the City. The property is contiguous to the City and a sewer line must be extended to serve it. Property owner: Roy Huxley Hall. Resolution approving agreement needed)

ACTION: Res. 70-124 adopted approving agreement. (P/W to handle)

CONSENT

21. Request by Councilman Mitchell for permission to attend Congressional-City Conference, March 8-10, 1970, in Washington, D.C. (Motion approving needed. Estimated cost \$500; funds budgeted in Account 207-7-101, Conference Expense (p. 27))

ACTION: By motion request approved. (C/Mgr to handle)

CONSENT

22. Accept as complete the improvements in Northgate No. 6 Subdivision and authorize City Clerk to file notice of completion and release bond upon expiration of statutory lien period. (This subdivision is located north of Leveland Lane and on the East side of Tidewater Southern Railroad. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements needed)

ACTION: Res. 70-125 adopted accepting improvements. (Clerk to handle)

CONSENT

23. Consider approval of charge to Charter Review Committee. (Copies of Charge with agenda. Resolution approving needed)

ACTION: Res. 70-126 adopted approving charge.

~~CONSENT~~

24. Report of Superintendent of Streets on the cost of installation of sidewalk at the properties listed below. (The amounts assessed against the properties will be included in reports distributed with the agenda for the hearing date. The City Clerk will set the date for the hearing. Resolution setting date for hearing needed. Suggested date February 16, 1970 at 4:15 P.M. Contract costs listed below with properties. Funds budgeted in Account 5302-51-101, Curbs & Gutters, Special)

~~CONSENT~~

- (a) Sidewalk at 620 LaLoma, Block 234, Lot 8,  
(\$232.50 - Dr. Waldo R. Nelson)  
(Resolution setting hearing needed)

ACTION: Res. 70-127 adopted (Robinson/Mitchell, unan.) setting hearing. (P/W to handle)

~~CONSENT~~

- (b) Sidewalk at 602 LaLoma, Block 234, Lot 7.  
(\$232.40 - Dr. Kenneth Lau)  
(Resolution setting hearing needed)

ACTION: Res. 70-128 adopted (Robinson/Mitchell, unan.) setting hearing. (P/W to handle)

~~CONSENT~~

- (c) Sidewalk on LaLoma at 324 Bonita, Block 233, Lot 6.  
(\$181.87 - Mr. Neville T. Ellerd)

(The above three parcels are those for which the Modesto City Schools will pay 25%. The amounts above are net to the property owners. )

ACTION: Res. 70-129 adopted (Robinson/Mitchell, unan.) setting hearing. (P/W to handle)

MEMORANDUM

24. (3) Sidewalk on Oak Street at 305 So. Madison, Block 414, portions of Lots 11 to 14 inclusive.  
(Resolution setting hearing needed)

ACTION: Res. 70-130 adopted (Robinson/Mitchell, unan.) setting hearing.  
(P/W to handle)

REPORTS

CONSENT

25. Report on condition of buildings at Airport.  
(Motion accepting report needed)

ACTION: By motion report accepted.

CONSENT

26. Progress report on study of septic tanks in Modesto urban area.  
(Memo with agenda. No council action needed)

NO ACTION TAKEN.

27. Report on garbage collection.

ACTION: By motion (Mitchell/Simon, unan.) referred to City-County Liaison Committee with the understanding that Councilman Newton will serve in absence of Councilman Robinson and Councilman Simon will fill in for Councilman Newton if necessary. (C/Mgr to handle)

CONSENT

28. Report that State has deleted bond funds for Tuolumne River Regional Park.  
(Resolution to Governor Reagan needed requesting that funds be restored for this project in proposed 1970-71 budget, with the stipulation that if the bonds are not sold this year, that the projects are still authorized until such time as the bonds are sold.)

ACTION: Res. 70-131 adopted as set forth above. (Clerk to handle)

MISCELLANEOUS

29. Legislative matters.

NONE.

30. Executive session to consider appointments.

NO APPOINTMENTS MADE.

31. Executive session to discuss cost of living increase and Purchasing Officer's salary.  
(Copies of up-to-date information from Personnel Officer with agenda)

The Council adjourned to executive session at 5:40 P.M. and returned to open session at 6:55 P.M.

ACTION: Res. 70-132 adopted (Robinson/Mitchell, unan.) granting all City employees a 2 $\frac{1}{4}$ % cost of living wage increase effective Jan. 1, 1970; and increasing salary of Purchasing Officer from Range 26 to Range 27.5. (Finance to handle)

Adjournment at 7:00 P.M. to Map Room, Hotel Covell.

ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, CITY CLERK

February 2, 1970

ADJOURNED REGULAR MEETING OF COUNCIL OF CITY OF MODESTO

The Planning Commission of the City of Modesto and the City Council met in adjourned regular session on Monday, February 2, 1970 in Room 232 of the Hotel Covell. This meeting was another in a series of informal discussions of mutual concerns by the Planning Commission and City Council. The meeting was called to order at 7:20 P.M. by Mayor Davies.

Planning Commission:

Present: Merrill Alexander, Clyde Dunlap, Kenneth Marple, John Sutton

Absent: George Gagos, William Nicholson

City Council

Present: Mayor Lee Davies, James Dixon, William Mitchell, Phillip Newton, Ray Simon, G. Dale Smith

Absent: Lawrence Robinson

Also Present: John Keefe, Marvin Ray, William Nichols, Phil Jones, John Doxey, Elwyn Johnson, Bill Phillips (Press)

During dinner two items were informally discussed - development in the Doctors' Hospital area and the Housing Element, Phase I, which is a proposed amendment to the Modesto Urban Area General Plan.

No formal action was taken. The meeting adjourned at 8:35 P.M..

*William Nichols*

WILLIAM NICHOLS  
Secretary, Planning Commission

FOR: *W.T. Chynoweth*  
WILLIAM T. CHYNOWETH  
City Clerk

CITY OF MODESTO

MINUTES AND ACTION AGENDA

AGENDA FOR COUNCIL MEETING OF MONDAY, FEBRUARY 9, 1970 AT 7:30 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Smith, and Mayor Davies  
Absent: Robinson and Simon

Pledge of allegiance to the Flag

Invocation: Reverend William Yost, First Presbyterian Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 5, 7, 9, 10, 11,  
Item 22 dropped from agenda. 13, 14, 16, 17, 18, 19, ~~20~~  
(Smith/Mitchell, unan. - Robinson and 23A, 24, 25, 26, 27  
Simon absent)

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of February 2, 1970.

ACTION: By motion, minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT

2. Request that City Council take steps to have postal service improved in this area.  
(Motion referring to staff for report needed)

ACTION: By motion, referred to staff for report. (Personnel to handle)

4. Request of Stanislaus County that ordinance granting CATV franchise be amended to delete provision for payment by grantee to City of Modesto of 5% of gross annual receipts received from unincorporated area.

ACTION: By motion (Dixon/Smith, unan.) staff authorized to negotiate with Cable-Com General of Modesto in an attempt to work out some manner of accomplishing this without making a gift of public funds.  
(C/Mgr to handle)

CONSENT

5. Request of Modesto City Fire Fighters Assn. for permission to grown mustaches and sideburns for centennial celebration.  
(Request will be granted by City Manager unless Council objects)

NO OBJECTION BY COUNCIL.

6. Letter from Dr. Kirschen stating that he will delay any action on construction of a professional building near proposed community center building until March 1, 1970.

NO ACTION NEEDED.

CONSENT

7. Request of San Joaquin Bakeries, Inc. for encroachment permit. (Resolution setting February 16, 1970 at 4:20 P.M. for hearing needed)

ACTION: Res. 70-133 adopted setting hearing. (Clerk to handle)

8. Discussion with representative of A.C.T. (Active Conservation Today).

Joe Davajon, representing A.C.T., explained that his group would like to assist the City by offering time, labor, and possibly some money for the purpose of improving the litter situation. The staff was directed to arrange a meeting with this group with the thought that the City will accept this offer if possible. (P/W to handle)

BIDS

CONSENT

9. Accept as complete the contract with Valley Construction Company for installation of water lines in Carver Terrace No. 4 Subdivision. (All work on this project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and authorize the City Clerk to file notice of completion. Resolution accepting work needed. Estimated cost \$2,416 ; actual cost \$2,419.20; funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 70-134 adopted accepting contract. (Clerk to handle)

CONSENT

10. Accept as complete Ferrero Electric, Inc. contract for the installation of electric system and lighting at Davis Park. (All work on this contract has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and authorize City Clerk to file notice of completion. Resolution accepting work needed. Estimated cost \$23,735; actual cost, \$24,060; funds budgeted in Account 6315-31-321, Davis Park Electrical & Lighting)

ACTION: Res. 70-135 adopted accepting contract. (Clerk to handle)

CONSENT

11. Consider award of bid for the drilling, casing, testing, and development of one deep well for the City of Modesto - Well No. 37. (One bid was received, submitted by Osterberg & Stewart, and was opened February 3, 1970. The bid is considered acceptable. Therefore it is recommended by the Public Works Department that the bid be awarded to them. Resolution awarding bid needed. Estimated cost \$6,500, depending on depth of well. Funds budgeted in Account 6809-50-101, Well Pump Station Rose Avenue Area)

ACTION: Res. 70-136 adopted awarding bid to Osterberg & Stewart.  
(P/W to handle)

HEARING

- 11A. Further consideration of curb and gutter requirement on Cedar 7:40 P.M. Avenue at 245 High Street, Block 581, Lots 1, 2 and 3 (Mrs. Warren T. Hanford)  
(Memo with agenda)

ACTION: By motion (Smith/Newton, unan.) hearing continued to February 24, 1970, at 7:40 P.M. to permit staff study of problem of poorly aligned sidewalk at this location to ascertain whether or not this is a responsibility of the City. (P/W to handle)

12. Matters for the good of the community. 7:45 P.M.  
(These may be presented by interested citizens in the audience)

Girl Scout Troop #581 of Ceres and the Leader, Mrs. Griener, were introduced.

Roy Huxley Hall requested that the Council permit him to pay for sewer connection charges for property outside the City at 1800 Clayton Ave. in installments. By motion (Smith/Dixon, unan.) request denied.

By motion (Smith/Mitchell, unan.) request of Richard Henning for extension of time from February 10 to February 17, 1970, for removal of building at 1524 Eye St. granted. (Finance to handle)

Action on a suggestion by Councilman Dixon that the Council challenge all elective and appointive officials who function in Modesto to a sideburn and mustache contest was delayed for one week.

It was reported that a City bus was damaged in an accident and that six greens at the Municipal Golf Course by an auto.

NEW BUSINESS

CONSENT

13. Request permission to print and distribute the Council's annual "Report to the People."  
(It is recommended that the reports be mailed with the water-sewer-garbage bills the last of February, using the County's equipment for inserting the bills and reports into envelopes as in previous years. Estimated cost \$500; funds budgeted in Account 427-65-101, Annual Report (p. 61 of budget).

ACTION: By motion, request granted. (Finance to handle)

CONSENT

14. Consider request for sewer service outside the City at 1321 Coffee Road.  
(The property owners have signed an agreement to annex when requested to do so by the City. The property is not contiguous to the City but a sewer line exists to serve it. Property Owner, Don Holloway. Resolution needed)

ACTION: Res. 70-137 adopted approving agreement. (P/W to handle)

15. Comparative cities.  
(Recommendation from City Council Study Committee on the comparative cities recommending new list of agencies to adopt for salary and benefits comparison purposes. Resolution adopting new list needed)

ACTION: Res. 70-138 adopted (Newton/Mitchell, unan. - Robinson & Simon, absent) adopting new list. (Personnel to handle)

CONSENT

16. A resolution approving the final map of Woodrow Manor No. 2 subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.  
(The subdivision agreement has been signed and all fees paid. Woodrow Manor No. 2 is located north of Woodrow Avenue between McHenry Avenue and Tidewater Southern Railroad. It contains 3.22 acres. Resolution approving final map needed)

ACTION: Res. 70-139 adopted approving final map. (Clerk to handle)

CONSENT

17. A resolution approving final map of Carver Terrace No. 4 Sub-division of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.  
(The subdivision agreement has been signed and all fees paid. Carver Terrace No. 4 is located on the east side of Carver Road south of Rumble Road. It contains 8.83 acres. Resolution approving final map needed)

ACTION: Res. 70-140 adopted approving final map. (Clerk to handle)

CONSENT

18. Consider request of Empire Sanitary District to extend their service boundaries.  
(Memo with agenda. Resolution approving request needed)

ACTION: Res. 70-141 adopted approving request. (Clerk to handle)

CONSENT

19. Authorization to change Capital Improvement Projects.  
(Memo with agenda. Resolution amending budget needed)

ACTION: Res. 70-142 adopted amending budget to carry over Project No. 416 to 1971-72 and advancing Project No. 418 to 1969-70. (Finance to handle)

REPORTS

20. Discussion of storm drainage.

ACTION: By motion (Smith/Mitchell, unan.) staff directed to obtain cost estimate/~~on main-trunk-(backbone)-system.~~ (P/W to handle)  
of engineering services for main trunk system.\*

\*NOTE: corrected by minutes of 2/16/70 by motion (Mitchell/Smith, unan.)

21. Interim report from the Committee to Study Crime.

(Report will be submitted prior to Council meeting)

ACTION: By motion (Mitchell/Newton, unan.) report accepted and Mayor authorized to appoint Council sub-committee to meet with representatives of Committee to Study Crime to review Report and make recommendations to Council. The Mayor appointed Councilmen Newton, Simon, and Mitchell with Newton to act as Chairman. (C/Mgr to handle)

~~XXXXXX~~  
CONSENT

22. Presentation of financial statement of January 1970.  
(Report will be presented at meeting. Motion accepting report needed)

DROPPED FROM AGENDA.

23. Report on Cavil Drain.

(Memo with agenda. Motion directing staff needed)

ACTION: Mayor Davies appointed Councilmen Dixon, Smith, and Robinson, with Dixon as Chairman, to a committee to work with the Modesto Irrigation District on this matter. (C/Mgr to handle)

CONSENT

- 23A. Report on request of Salvation Army for help in furnishing Red Shield Community Center.  
(Motion approving recommendation to deny request needed)

ACTION: By motion request denied. (Clerk to handle)

- 23B. Report by Councilman Smith on transportation study.

ACTION: Councilman Smith authorized to inform S.A.A.P.A. (Stanislaus Area Advisory Planning Association) that Council approves the Memo of Understanding.

REPORTS FROM PLANNING COMMISSION

CONSENT

24. Vacation and abandonment of the 20-foot wide public alley on Block 121.  
(By Res. No. 70-2, adopted at their meeting of January 6, 1970 the Modesto Planning Commission recommended to the Council the vacation and abandonment of the 20-foot wide public alley on Block 121. Resolution of Intention to vacate and abandon and setting date for public hearing needed. Suggested date March 2, 1970 at 4:15 P.M.)

ACTION: Res. of Int. 321 (1127-S.P.) adopted setting hearing.  
(Clerk to handle)

CONSENT

25. Recommend commencement of proceedings for the annexation to the City of inhabited territory - Standiford Addition.  
(On February 3, 1970 the Planning Commission adopted Resolution 70-23 recommending to the Council the commencement of proceedings for the annexation to the City of inhabited territory - Standiford Addition. Resolution consenting to commencement of proceedings needed)

ACTION: Res. 70-143 adopted consenting to commencement of proceedings.  
(Planning to handle)

CONSENT

26. Recommend to the Council the adoption of amendments to Chapter 2 of Title X of the Modesto Municipal Code.  
(By Resolution No. 70-21 adopted February 3, 1970 the Planning Commission recommends the adoption of amendments to Chapter 2 of Title X of the Modesto Municipal Code to make procedural changes relative to hearing applications for zone boundary changes, rezoning, and unclassified use permits. Resolution setting date and place for public hearing needed. Suggested date March 2, 1970 at 4:20 P.M.)

ACTION: Res. 70-144 adopted setting hearing. (Clerk to handle)

CONSENT

27. Vacation and abandonment of the westerly 2 feet of the southerly 90 feet of the 10-foot public utility easement along the east line of Lot 2, Block 13018, of Surrey Park Subdivision.  
(By resolution 69-144 adopted at its meeting of December 16, 1969 the Modesto Planning Commission recommended to the Council the vacation and abandonment of the westerly 2 feet of the southerly 90 feet of the 10-foot public utility easement along the east line of Lot 2, Block 13018, of Surrey Park Subdivision. Resolution of Intention to vacate and abandon and setting March 2, 1970 at 4:25 P.M. for public hearing needed)

ACTION: Res. of Int. 322 (1128-S.P.) adopted setting hearing.  
(Clerk to handle)

APPROPRIATION TRANSFERS

NONE.

MISCELLANEOUS

28. Legislative matters.

ACTION: Res. 70-145 adopted (Mitchell/Smith, maj. - Dixon, no - Robinson and Simon, absent) authorizing City Attorney to write to Supreme Court and state that Disclosure of Assets law is too vague; authorizing payment of \$200 for share of expenses of City of Carmel by the Sea in litigation on this subject; and approving appropriation transfer of \$200 from General Reserve.  
(C/Atty to handle)

The City Manager was authorized to arrange for a luncheon meeting between the Council and Senator Teale. (C/Mgr to handle)

Councilman Smith reported on the possible directions that regional planning could go.

Adjournment at 10:05 P.M.

ATTEST:

*W. T. Chynoweth*

W. T. CHYNOWETH, CITY CLERK

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, FEBRUARY 16, 1970 AT 4:00 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Simon, Smith, and  
Mayor Davies  
Absent: Robinson

Pledge of allegiance to the Flag

Invocation: Reverend ~~WILLIAM STEWART~~, First Baptist Church  
Robert M. Woodburn

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 5, 6, 14, 15, 16,  
Items 1, 3 & 22 removed from consent. 17, 18, 19, 20, 22, 23, 24  
(Simon/Smith, unan. - Robinson, absent)

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items.)

APPROVAL OF MINUTES

CONSENT

1. Minutes of February 2 (adjourned), and February 9, 1970 (regular).

ACTION: By motion (Mitchell/Smith, unan.) minutes of February 9, 1970 amended to change Item 20 to read "By motion (Smith/Mitchell, unan.) staff directed to obtain cost estimate of engineering services for main trunk system" and minutes approved as amended. (Clerk to handle)

PETITIONS, REMONSTRANCES & CORRESPONDENCE

CONSENT

2. Notice that annual conference of Mayors will be held in Denver, June 13 - 17, 1970.

(Motion ordering letter filed needed)

ACTION: By motion letter ordered filed. (Clerk to handle)

CONSENT

3. Notice that P. G. & E. Co. has made application for rate increase.  
(Motion referring to staff for report needed)

ACTION: By motion (Dixon/Simon, unan.) referred to staff for report; the report to include any information available from P.U.C. and P.G.&E.Co. (P & T to handle)

4. Request of Modesto Centennial Committee for permission to close Eye Street July 1 - 6, 1970.

ACTION: By motion (Newton/Dixon, unan.) request granted subject to approval of Police Chief and City Manager. (C/Mgr & Police to handle)

CONSENT

5. Request of American Association of University Women for positive action on Community Center.  
(Motion ordering filed needed)

ACTION: By motion letter ordered filed. (Clerk to handle)

BIDS

CONSENT

6. Consider approval of plans and specifications and call for bids on the installation of water lines in Woodrow Manor No. 2. (Cost estimate: Construction cost - \$4,686; Connection charges, \$1,400; net annual revenue - \$224). Resolution approving plans, specifications and bid call needed. Bid opening date March 3, 1970 at 10:00 A.M. Estimated cost \$4,686 (Materials \$2,900; labor, \$1,786). Funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 70-146 adopted approving plans and specifications and bid call. (Clerk to handle)

HEARINGS

7. Hearing re cost of installation of sidewalk at 620 LaLoma, Block 234, Lot 8 (\$232.50 - Dr. Waldo R. Nelson) 4:15 P.M.

ACTION: Res. 70-147 adopted (Smith/Newton, unan. - Robinson, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

8. Hearing re cost of installation of sidewalk at 602 LaLoma, Block 234, Lot 7 (\$232.50 - Dr. Kenneth Lau) 4:15 P.M.

ACTION: Res. 70-148 adopted (Smith/Newton, unan. - Robinson, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

9. Hearing re cost of installation of sidewalk on LaLoma at 324 Bonita, Block 233, Lot 6 (\$181.87 - Mr. Neville T. Ellerd) 4:15 P.M.

ACTION: Res. 70-149 adopted (Smith/Newton, unan. - Robinson, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

10. Hearing re cost of installation of sidewalk on Oak Street at 305 So. Madison, Block 414, portions of Lots 11 to 14, inclusive (\$214.00 - Mr. Uriah Grays) 4:15 P.M.

ACTION: Res. 70-150 adopted (Smith/Newton, unan. - Robinson, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

HEARINGS (continued)

11. Informal hearing on request of San Joaquin Bakeries for encroachment permit. 4:20 P.M.

ACTION: Res. 70-151 adopted (Dixon/Simon, unan. - Robinson, absent) granting encroachment permit for an overhead passage between plant located at 10th Street and Needham Avenue and property located at 9th and "O" Streets, subject to conditions recommended by the Public Works Department. (P/W to handle)

12. Matters for the good of the community. 4:25 P.M.  
(These may be presented by interested people in the audience)

The City Manager reported that a Federal Beautification Grant in the amount of \$48,474 to the City of Modesto had been approved.

By motion (Smith/Simon, unan.) City Manager authorized to grant extension of time for removal of building located at 1524 Eye Street. (C/Mgr to handle)

Attendance of Councilmen at meetings of the Charter Review Committee was discussed. The Committee has invited Councilmen to attend but Mayor Davies stressed that they should not attempt to force their personal opinions on the Committee.

Councilman Dixon reported that one or more meetings with the Modesto Irrigation District Board and concerning the Cavil Drain are being planned.

By motion (Simon/Smith, unan.) attendance of Mayor Davies at Mayors' Conference to be held in Denver June 13 - 17, 1970 authorized.

Councilman Dixon read a letter he had received from Dr. Wayne Lowell. Dr. Lowell stated he wanted the local airport facilities expanded and that there should be no shuttle service to Stockton Airport. The City Manager stated that no plans were contemplated for lessening the use of the local airport but that when another airport is needed in this area it might be advisable to investigate the use of Stockton Airport as the second field.

13. Informal hearing on proposed sign ordinance. 5:00 P.M.

Following a discussion by both proponents and opponents to the proposed sign ordinance the public hearing was closed.

By motion (Simon/Mitchell, unan.) action delayed for two weeks to permit Council to study the suggestions which were made.

The staff was directed to have a transcript of the suggestions furnished the Council. (Clerk to handle)

OLD BUSINESS

CONSENT

14. Vote on motion (Dixon/Newton) to contribute \$2,000 to Comprehensive Health Planning Council of Stanislaus County.  
(City Manager states that staff has been unable to gather the data necessary to make report at this meeting. Information will be available for meeting of February 24. Motion postponing vote on motion to February 24 needed)

ACTION: By motion vote on motion postponed to February 24, 1970.  
(Clerk to handle)

NEW BUSINESS

CONSENT

15. Resolution determining that the public interest and convenience require that Montclair No. 2 Addition be annexed to the Modesto Municipal Sewer District No. 1 and naming a time and place for hearing.  
(This area has been annexed to the City and it is now necessary to commence proceedings to annex it to the Modesto Municipal Sewer District No. 1. Suggested hearing date April 6, 1970 at 4:15 P.M. Resolution setting hearing (2/3 affirmative vote needed)

ACTION: Res. 70-152 adopted setting hearing. (Clerk to handle)

CONSENT

16. A resolution determining that the public interest and convenience require that Old Oakdale Addition be annexed to the Modesto Municipal Sewer District No. 1 and naming a time and place for hearing.  
(This area has been annexed to the City and it is now necessary to commence proceedings to annex it to the Modesto Municipal Sewer District No. 1. Suggested hearing date April 6, 1970 at 4:20 P.M. Resolution setting hearing (2/3 affirmative vote needed)

ACTION: Res. 70-153 adopted setting hearing. (Clerk to handle)

CONSENT

17. Lease agreement with Nicholas Angelo Martino for approximately ten acres grapes and approximately 8 acres almonds on our Mancini property located on River Road.  
(Lease is for period ending November 30, 1970, and on the same basis as our previous lease except that rental is 15% of all crops rather than the flat \$1,000 amount. Resolution approving agreement needed)

ACTION: Res. 70-154 adopted approving agreement. (Finance to handle)

CONSENT

18. Contract with H & M Industries to provide score cards at Dryden Golf Course.  
(Report with agenda. Motion authorizing staff to terminate contract needed)

ACTION: By motion staff authorized to terminate contract. (P & R to handle)

CONSENT

19. Agreement with Landscape Architect.  
(Agreement with Landscape Architect to provide land use study and schematic master plan for the proposed Dry Creek Park. The design is to include the area from Thousand Oaks Park east to Old Oakdale Road. Memo with agenda. Resolution approving agreement and resolution authorizing transfer of \$4,800 from General Fund (101) to Special Fund for Capital Outlay (321) for Dry Creek Park Study (Acct 6415-31-321)

ACTION: Res. 70-155 adopted approving agreement. (Clerk to handle)

Res. 70-156 adopted authorizing transfer of \$4,800 from General Fund (101) to Special Fund for Capital Outlay (321) for Dry Creek Park Study (Account 6415-31-321). (Finance to handle)

REPORTS

CONSENT

20. Interim report on noise ordinance.  
(Report with agenda. Motion accepting report needed)

ACTION: By motion report accepted.

21. Report on mail service.

ACTION: By motion (Dixon/Newton, unan.) report accepted.

By motion (Smith/Simon, unan.) staff directed to have letter and report sent to Congressman McFall. (C/Mgr to handle)

CONSENT

22. Report on traffic accident rates.  
(Memo from Director of Parking and Traffic with agenda in conformance with recent council actions. Motion accepting report needed)

ACTION: By motion (Simon/Smith, unan.) report accepted. Police Chief will make summary report in two weeks. (Police Chief to handle)

CONSENT

23. Presentation of financial statement for January 1970.  
(Copies of report will be presented at meeting. Motion accepting report needed)

ACTION: By motion report accepted.

APPROPRIATION TRANSFERS

CONSENT

24. Consider request for appropriation transfer of \$20,000 from the General Reserve of the General Fund to New Services, Water Division.  
(Memo with agenda. Resolution approving transfer needed)

ACTION: Res. 70-157 adopted approving appropriation transfer of \$20,000 from Account 60-101 to Account 5301-50-101. (Finance to handle)

MISCELLANEOUS

25. Legislative matters.

ACTION: By motion (Dixon/Smith, unan.) SB54 and AB148 supported and Mayor authorized to contact our legislators to this effect.  
(C/Mgr to handle)

26. Executive session to consider appointments.

The Council retired to executive session at 8:10 P.M. and returned to open session at 9:10 P.M.

27. Appointments.

ACTION: Res. 70-158 adopted (Mitchell/Smith, unan. - Robinson, absent) approving the following appointments:

HUMAN RIGHTS COMMISSION

Gordon Nutson	(replaces Robert Stonum)	term expires	5/1/70
Julius C. Manrique	(replaces Dr. Wm. Holloway)	" "	5/1/71
Lupe Hernandez	(replaces Mike Thompson)	" "	5/1/71
Betty Denenholz	(replaces Mrs. Mary Walton)	" "	5/1/73

and the following reappointments:

BOARD OF PLUMBING EXAMINERS

Charles C. Coon term expires 1/1/74

BOARD OF ELECTRICAL EXAMINERS

Otto Anderson term expires 1/1/74

BOARD OF HEATING & COOLING EXAMINERS

Roy Keir term expires 1/1/74

UNSAFE STRUCTURE CODE BOARD OF APPEALS

S. M. Angelo term expires 1/1/74

Adjournment at 9:15 P.M.

ATTEST:

*W. T. Chynoweth*

W. T. CHYNOWETH, CITY CLERK

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, FEBRUARY 24, 1970 AT 7:30 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Simon, Smith, and  
Mayor Davies  
Absent: Robinson

Pledge of allegiance to the Flag

Invocation: Reverend Carl Ramsey, Baptist Temple

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 15, 16, 17, 18a, b,  
Item 21 dropped for one week. 19, 20, ~~21~~, 22, 23, 25, 26,  
(Simon/Smith, unan. - Robinson, absent) 27, 28

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of February 16, 1970.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

2. Letter from Reid C. Cochran concerning traffic conditions at Burney and G Streets.  
(Report will be made at meeting)

ACTION: By motion referred to staff. (P & T to handle)

CONSENT

3. Request of George F. Damas for permission to pay assessment for sidewalk, curb and gutter over a period of ten years.  
(Resolution granting request needed)

ACTION: Res. 70-159 adopted amending Res. 69-519 to provide for payment over a period of ten years. (Finance to handle)

4. Request of Liz Leedom that Council expedite installation of traffic signal at Tully and Bowen.

ACTION: It was reported that the installation will be completed as soon as possible and that nothing can be done to hurry it up.

NO ACTION TAKEN BY COUNCIL.

BIDS

5. Approve plans and specifications and call for bids for the construction of a library building at 1500 Eye Street. (Bid opening March 31, 1970 at 2:00 P.M. Resolution approving plans, specifications and call for bids needed. Total estimated cost of entire project \$2,614,000. Funds budgeted in Account 6063-301)

ACTION: Res. 70-160 adopted (Newton/Mitchell, unan. - Robinson, absent) approving plans and specifications and call for bids. (Clerk to handle)

HEARINGS

6. Continued hearing on curb and gutter requirement on Cedar at 245 High St. (Warren T. Hanford) 7:40 P.M.

ACTION: Res. 70-161 adopted (Smith/Mitchell, unan. - Robinson, absent) ordering work done. (P/W to handle)

ACTION: By motion (Smith/Mitchell, unan.) request for replacement by City of sidewalk on Cedar denied and staff directed to work with Mr. Hanford. (P/W to handle)

7. Hearing on Highway 99 freeway agreement. 7:45 P.M.

ACTION: Res. 70-162 adopted (Simon/Newton, unan. - Robinson, absent) approving agreement. (Clerk to handle)

8. Hearing concerning improvements in Improvement District No. 15. 8:00 P.M.

ACTION: Res. 1129-S.P. adopted (Smith/Dixon, unan. - Robinson, absent) finding and determining that public convenience and necessity require the improvements; Res. 1130-S.P. adopted (Smith/Dixon, unan. - Robinson, absent) overruling protests and ordering work. (P/W to handle)

9. Hearing on proposed amendment to Section 22-3-9 of the zoning map (Wolverine Building Service, Inc.) 8:05 P.M.

ACTION: Res. 70-163 adopted (Mitchell/Dixon, majority - Smith and Davies, no - Robinson, absent) denying requested rezoning. (Clerk to handle)

10. Hearing on proposed amendment to Section 19-3-9 of the zoning map (Lakewood Memorial Park Endowment Fund) 8:10 P.M.

ACTION: Ord. 1002-C.S. introduced (Dixon/Smith, unan. - Robinson, absent) rezoning area from R-1 to R-2. (Clerk to handle)

11. Hearing on proposed amendment to Section 26-3-9 of the zoning map (Hirleman) 8:15 P.M.

ACTION: Ord. 1003-C.S. introduced (Smith/Simon, unan. - Robinson, absent) rezoning part of area from R-1 to R-2 and rezoning part of area to R-2. (Clerk to handle)

12. Hearing on proposed amendment to Section 7-3-9 of the zoning map (Tully Manor Enterprises) 8:20 P.M.

ACTION: Ord. 1004-C.S. introduced (Dixon/Simon, unan. - Robinson, absent) rezoning area from R-1 to R-2. (Clerk to handle)

13. Matters for the good of the community. 8:25 P.M.  
(These may be presented by interested people in the audience)

Several persons representing minority groups requested that written tests for jobs such as maintenance men and service workers be dispensed with and that 500 poor people be hired by the City to improve maintenance of streets and alleys and to improve the unemployment situation.

By motion (Newton/Dixon, unan.) staff was directed to prepare a new type of test (such as oral test) for positions of this type, to make greater efforts to employ more minority people and to report to the Council on what is planned. (Personnel to handle)

#### OLD BUSINESS

14. Vote on motion (Dixon/Newton) to contribute \$2,000 to Comprehensive Health Planning Council of Stanislaus County.

ACTION: Following discussion the motion passed by unanimous vote.

Res. 70-164 adopted (Dixon/Newton, unan.) approving appropriation transfer of \$2,000 from General Reserve for this contribution. (Finance to handle)

#### NEW BUSINESS

##### CONSENT

15. Lease agreement for approximately 5.9 acres of land - Woodrow Park Site.  
(Memo with agenda. Resolution approving lease agreement needed)

ACTION: Res. 70-165 adopted approving lease agreement with Estate of Gertrude M. Ruddy for a period of one year. (Finance to handle)

##### CONSENT

16. Consider request for two (2) additional personnel in Public Works Water Quality Control Division.  
(Memo with agenda. Resolutions approving request for two additional personnel in Public Works Water Quality Control Division and appropriation transfer of \$4,800. Estimated cost \$4,800)

ACTION: Res. 70-166 adopted approving request for additional personnel. (Personnel to handle)

Res. 70-167 adopted approving appropriation transfer of \$4,800 from Account 430-53-101 to Account 110-53-101. (Finance to handle)

CONSENT

17. Consider request for water service to property outside the City at 502 Sunset Boulevard.  
(The property owners have signed an agreement to annex when requested to do so by City. The property is contiguous to the City and a line must be extended to serve it. Property owner: Johanna Kellstrom. Water main connection charge \$308.95. Resolution approving agreement needed. Estimated cost \$250 for 2" service line. Funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 70-168 adopted approving agreement. (P/W to handle)

CONSENT

18. Report of Superintendent of Streets on the cost of installation of sidewalk and/or curb and gutter at the properties listed below.  
(The amounts assessed against the properties will be included in reports distributed with the agenda for the hearing date. The City Clerk will set date for hearing. Resolution setting date for hearing needed. Suggested date March 9, 1970 at 7:55 P.M. Contract costs listed below with properties. Funds budgeted in Account 5302-51-101, Curb and gutters, Special)

CONSENT

- (a) Sidewalk at 1624 Concord Avenue, Block 6139, Lot 7  
(\$113.50 - Mr. Roy E. Martin)  
(Resolution setting hearing needed)

ACTION: Res. 70-169 adopted setting hearing. (P/W to handle)

CONSENT

- (b) Driveway approach on McHenry Avenue, South of 926 McHenry Avenue (\$71.00 - Mabel Arata)  
(Resolution setting hearing needed)

ACTION: Res. 70-170 adopted setting hearing. (P/W to handle)

REPORTS

CONSENT

19. Report on meeting with A.C.T. (Active Conservation Today) Group.  
(Memo with agenda. Motion authorizing staff to work with A.C.T. group needed)

ACTION: By motion staff authorized to work with A.C.T. Group.  
(P/W to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

20. Recommend that the 60-foot wide cul-de-sac street to be extended easterly from McHenry Avenue, 232 feet north of Bowen Avenue, be officially named "Mark Randy Place"  
(Resolution No. 70-30 adopted by the Planning Commission on February 17, 1970 recommends to the City Council that the 60-foot wide cul-de-sac street to be extended easterly from McHenry Avenue, 232 north of Bowen Avenue be officially named "Mark Randy Place"

ACTION: Res. 70-171 adopted naming street "Mark Randy Place."  
(Planning to handle)

~~CONSENT~~

21. Planning Commission request for report by Public Works on need for water meters for all city water services.  
(Information with agenda) (Motion that matter be discussed at C.I.P. hearing needed)

ACTION: DROPPED. TO BE BACK ON AGENDA IN ONE WEEK. (Clerk to handle)

CONSENT

22. Recommend amendment to Section 10-3-9 of the zoning map (Coffee Terrace)  
(By Resolution 70-27 adopted February 17, 1970 the Planning Commission recommends an amendment to Section 10-3-9 of the zoning map as requested by Harley D. Brannan, to prezone to P-R-3 and P-R-2, property located at the northeast corner of Coffee Road and Rumble Road extended. Resolution setting public hearing, needed. Suggested date March 16, 1970 at 4:15 P.M.)

ACTION: Res. 70-172 adopted setting hearing. (Clerk to handle)

CONSENT

23. Recommendation to the Council of an amendment to the Modesto Urban Area General Plan (Housing Element, Phase I)  
(Resolution 70-25 adopted February 17, 1970 recommends an amendment to the Modesto Urban Area General Plan (Housing Element, Phase I. Resolution setting date and place for public hearing needed. Suggested date March 16, 1970 at 4:20 P.M.)

ACTION: Res. 70-173 adopted setting hearing. (Clerk to handle)

24. Recommend to the City Council that it amend the walkway policy for subdivisions in the City of Modesto, and adopt modified details. (By Resolution No. 70-31 adopted on February 17, 1970 the Planning Commission recommended to the Council that it amend Resolution No. 69-867 to provide for electroliers adjacent to walkways in subdivisions in the City of Modesto and adopt modified details. Motion directing staff needed)

ACTION: Res. 70-174 adopted (Dixon/Smith, unan.) amending walkway policy. (Planning to handle)  
Res. 70-175 adopted (Dixon/Smith, unan.) adopting standard details. (P/W and Planning to handle)

CONSENT

25. Sherwood Forest Addition (Inhabited) - referral to Planning Commission.  
(Annexation has been requested by residents of the area located south of Sylvan Avenue, east of McHenry Avenue, and north of Rumble Road. The area is approximately 71 acres in size and contains 186 single-family dwelling units. It is partially bounded by the city limits on the south and west. The majority of the area is served by city water and the remainder by Del Este Water Company. The City has recently installed a trunk sewer line in the area and two dwellings have already connected to it, and the remainder could be connected. The area is within the McHenry-Dry Creek Fire protection district, from which it will be withdrawn and in the Sylvan School District in which it will remain. If referred to the Planning Commission, the Planning Staff will gather additional information. Resolution referring to Planning Commission needed)

ACTION: Res. 70-176 adopted referring to Planning Commission. (Planning to handle)

CONSENT

26. East Orangeburg-Coffee Addition (inhabited) for referral to Planning Commission.  
(Annexation has been requested by residents of the area located south of Modesto Irrigation District Lateral No. 3, west of Coffee Road, north of Multnomah Drive and east of Sarah Avenue. The area is approximately 54 acres in size and contains 153 single-family dwelling units and two service stations. It is partially bounded by the city limits on the south and west. The area is served by Del Este Water Co. and city sewer could be available if residents were to form an improvement district. The area is within the McHenry-Dry Creek Fire Protection District, from which it will be withdrawn, and in the Modesto City School District, in which it will remain. If referred to the Planning Commission, the Planning Staff will gather additional information. Resolution referring to Planning Commission needed)

ACTION: Res. 70-177 adopted referring to Planning Commission. (Planning to handle)

APPROPRIATION TRANSFERS

CONSENT

27. Consider request for remodeling Fire Station No. 1.  
(Memo with agenda. Resolution approving appropriation transfer of \$2,800 from Account 6107-41 to 6110-41 needed)

ACTION: Res. 70-178 adopted approving appropriation transfer of \$2,800 from Account 6107-41 to Account 6110-41. (Finance to handle)

CONSENT

28. Consider request for appropriation transfer of \$5,900 from Account 6737-207, College, Orangeburg to Briggsmore, to 6745-207, K Street, 6th to 9th.  
(Memo with agenda. Resolution approving transfer needed)

ACTION: Res. 70-179 adopted approving appropriation transfer of \$5,900 from Account 6737-207 to Account 6745-207. (Finance to handle)

MISCELLANEOUS

CONSENT

29. Legislative matters.

ACTION: Res. 70-180 adopted (Dixon/Smith, unan.) opposing AB317.  
(Clerk to handle)

30. Appointments.

ACTION: None.

Adjournment at 2:15 A.M., February 25, 1970.

ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, CITY CLERK

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, MARCH 2, 1970 AT 4:00 P.M.

Roll call Present: Dixon, Mitchell, Newton, Simon, Smith and Mayor Davies  
Absent: Robinson

Pledge of allegiance to the Flag

Invocation: Reverend ~~John E. K...~~, ~~...~~  
J. T. Zamrazil, Alliance Community Church

CONSENT ITEMS--Roll Call Vote Required. Items 1, 2, 3, 6, 7, 8, 9, 9A,  
(Smith/Simon, unan. - Robinson absent) 15, 17, 18, 19, 20, 20A, 21, 22,  
23

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items.)

APPROVAL OF MINUTES

CONSENT

1. Minutes of February 24, 1970.

ACTION: By motion minutes approved.

PETITIONS, CORRESPONDENCE AND REMONSTRANCES

CONSENT

2. Request of Modesto Symphony Orchestra for payment of \$1,500 budgeted for 1969-70 and for \$2,000 for 1970-71.  
(Motion authorizing payment of \$1,500 and referring request for \$2,000 to proper budget session needed)

ACTION: By motion payment of \$1,500 authorized and request for \$2,000 referred to proper budget session. (Finance to handle)

CONSENT

3. Request of Centennial Committee for use of Mancini Bowl and Graceada Park April 5, 1970 and for permission to sell Centennial Buttons in park area.  
(Motion referring to staff needed)

ACTION: By motion referred to staff. (P & R to handle)

4. Request of Modesto Junior Women's Club for site such as a local park where a permanent "Safety City" may be located.

ACTION: By motion (Dixon/Newton, unan.) staff directed to work with Modesto Junior Women's Club and return to Council with a joint recommendation. (C/Mgr. to handle)

5. Discussion with Robert J. Boland concerning future of Camp McBride.

ACTION: Mr. Boland requested support for a move to have Camp McBride reopened as a Boy Scout Camp. By motion (Smith/Simon, unan.) entire matter referred to staff for study and recommendation to Council. (C/Mgr. to handle)

BIDS

CONSENT

6. Accept as complete the demolition of Smith Furniture building on the west side of 11th Street between I and J Streets. (All work in connection with the demolition of the Smith Furniture Building has been satisfactorily completed. It would be in order to approve the contract as complete and authorize the City Clerk to file notice of completion. (Final cost \$7,565. Same as contract cost). Resolution accepting job as complete needed. Funds budgeted in Account 6230-57-209, Parking Lot #28)

ACTION: Res. 70-181 adopted accepting contract. (Clerk to handle)

CONSENT

7. Accept as complete Albert M. Biehl contract for the landscaping and sprinkler system at Davis Park. (All the work on this contract has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and authorize the City Clerk to file a notice of completion. Resolution accepting work as complete needed. Estimated cost \$17,137. Actual cost, \$17,137. Funds budgeted in Account No. 6315-324, Davis Park Stage II)

ACTION: Res. 70-182 adopted accepting contract. (Clerk to handle)

CONSENT

8. Consider award of bids for furnishing automotive equipment. (Bids were opened February 17, 1970. Memorandum and bid tabulation with agenda. Estimated cost \$66,997; funds budgeted in various accounts. Capital Outlay, Service Division, Public Works, pp 78-79. Three resolutions needed)

ACTION: Res. 70-183 adopted awarding bid for (1) 4 door station wagon (\$2,686.22), (1) 2-ton dump flat bed (\$4,868.55) and (2) 2-ton standard dump (\$10,266.12) to Bill Hughes Dodge.

Res. 70-184 adopted awarding bid for (9) 1/2-ton pickups (\$17,119.51), (1) 1/2-ton cab chassis (\$1,677.26), (1) 3/4-ton dump pickup (\$2,802.34), (1) 3/4-ton pickup (\$2,448.72) and (2) 3/4-ton cab chassis (\$4,257.36) to Best Chevrolet Co.

Res. 70-185 adopted awarding bid for (13) 4 door sedans (\$20,373.80) with 13 spotlights installed (\$495.82) to Thiel Motors.  
(Finance to handle)

Accept as complete B. J. Howell's contract for the construction of restroom and miscellaneous improvements in Sherwood Park. (All work on this contract has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and authorize the City Clerk to file notice of completion. Resolution accepting work as complete needed. Final cost \$53,105; contract cost \$52,662; funds budgeted in Account 6301-31-321, Sherwood Park Stage I and IB.

ACTION: Res. 70-186 adopted accepting contract. (Clerk to handle)

CONSENT

9A. Consider partial acceptance of Sewerage Works Improvements Project Unit No. 9, Scenic-Sonoma trunk sewer. (Stockton Construction Co., Inc., contractor. (Memo with agenda. Resolution accepting work as complete except for finish paving Lakewood and Orangeburg Avenues needed. Actual cost \$698,979.54; original contract \$698,343; funds budgeted in Account 6553-405)

HEARINGS

ACTION: Res. 70-187 adopted accepting contract with the exception of the finish paving on Lakewood and Orangeburg Avenues. (Clerk to handle)

10. Hearing on abandonment of 20-foot alley in Block 121. 4:15 P.M.

ACTION: Res. 1131-S.P. adopted (Dixon/Newton, unan. - Robinson absent) abandoning alley. (Clerk to handle)

11. Hearing on amendments to Chapter 2 of Title X. 4:20 P.M.

ACTION: Ord. No. 1005-C.S. introduced (Smith/Mitchell, unan. - Robinson absent) amending Sections 10-2.1505 (prezoning) and 10-2.2103 (unclassified use permit) (Clerk to handle)

Ord. No. 1006-C.S. introduced (Smith/Mitchell, unan. - Robinson, absent) suspending provisions of Section 10-2.2106(a) until February 15, 1971. (Clerk to handle)

12. Hearing on abandonment of public utility easement in Surrey Park Subdivision. 4:25 P.M.

ACTION: Res. 1132-S.P. adopted (Mitchell/Newton, unan. - Robinson, absent) vacating and abandoning public utility easement. (Clerk to handle)

13. Matters for the good of the community. 4:30 P.M.

ACTION: Res. 70-188 adopted (Dixon/Mitchell, unan.-Robinson, absent) commending Modesto Police Reserves.

Res. 70-189 adopted (Simon/Dixon, unan.-Robinson, absent) supporting development of a Regional Criminal Justice Education and Training Center at Modesto Junior College. By motion (Dixon/Mitchell, unan.) declaration made to the effect that anarchistic actions such as the burning of the Bank in Santa Barbara are opposed; that lines of communications will continue to be kept open in Modesto; that the City is prepared to take any necessary action and will take any necessary action to prevent this type of action in Modesto. Procedures for implementing recommendations of Committee to Study Crime were discussed. By motion (Smith/Simon, unan.) C/Mgr. authorized to apply for participation in ICMA's initial training effort in race relations. (C/Mgr. to handle) Councilman Mitchell announced that he would meet with Congressman McFall while in Washington, D.C. and discuss local problems, including the postal service.

14. Hearing on protests to annexation of Highway Village Addition. 5:00 P.M.

ACTION: Protests received -- less than 50% of assessed land valuation. By motion (Mitchell/Dixon, unan.) hearing continued to March 23rd at 8:00 P.M.

ORDINANCES

CONSENT

15. Consider an ordinance amending Section 11-1.04.1 of Chapter 1 of Title XI of the Modesto Municipal Code relating to water main connection charges.  
(Introduction of ordinance needed)

ACTION: Ord. 1007-C.S. introduced. (Clerk to handle)

OLD BUSINESS

16. Further consideration of proposed sign ordinance.

ACTION: Following further discussion and presentations by proponents and opponents Ord. No. 1008-C.S. was introduced (Dixon/Mitchell, unan.-Robinson, absent) (Clerk to handle)

NEW BUSINESS

CONSENT

17. Agreement between City and Alta M. Rex for Project No. 59-6, Bodem-Sunrise connection, whereby Grantor agrees to deed to City right of way for this project, and a grant deed signed by grantor deeding right of way to City.  
(The agreement provides that City shall pay grantor \$9,300 upon close of escrow, taxes are to be prorated at close of escrow, and City shall pay the cost of premium charged for title insurance. City shall be entitled to possession of said property by May 1, 1970. Resolution authorizing execution of agreement and acceptance of grant deed needed. Estimated cost \$9,300; funds budgeted in Account 321-41-6647, Misc. right of way and improvements, p. 73 of budget)

ACTION: Res. 70-190 adopted approving agreement and accepting Grant Deed. (Clerk to handle)

CONSENT

18. Consider authorizing City sharing the operating cost of four street lights in the Airport Lighting District.  
(Memo with agenda. Resolution authorizing participation needed)

ACTION: Res. 70-191 adopted authorizing financial participation in operating costs. (Finance to handle)

CONSENT

19. Consider contracting with Towill, Inc. to furnish aerial photos and base maps.  
(Memo with agenda. Resolution approving contract needed. Estimated cost \$18,000; funds budgeted in Account 6901-41-321, Aerial photos and base maps)

ACTION: Res. 70-192 adopted approving agreement with Towill, Inc. (P/W to handle)

CONSENT

20. Consider approval of progress payment to Motorola Communications and Electronics Inc. for work completed to date. Approximately 80% of total work to be performed.  
(Memo with agenda. Resolution approving needed. Estimated cost \$42,750; funds budgeted in Account 6001-22-101, Radio Communication System (not shown in budget book))

ACTION: Res. 70-193 adopted approving progress payment of \$42,750.  
(Finance to handle)

CONSENT

- 20A. Consider payment of \$328 to the U Save Automatic Corporation as City's share of flagpole relocation costs.  
(Memo with agenda. Resolution authorizing payment needed. Estimated cost \$328; funds budgeted in Account 6647-321-41, Miscellaneous Right of Way)

ACTION: Res. 70-194 adopted authorizing payment of \$328. (Finance to handle)

REPORTS

CONSENT

21. Report on curb, gutter and sidewalk program.  
(Memo with agenda. Motion accepting report needed)

ACTION: By motion report accepted.

CONSENT

22. Notice of Trailways request for fare increase.  
(The request has been sent with agenda. Trailways is seeking the same fare increase recently granted Greyhound. The increase is about one-half cent per passenger mile. For information only. No action required.)

ACTION: None

REPORTS FROM PLANNING COMMISSION

CONSENT

23. A resolution annexing uninhabited territory to the City of Modesto known as Celeste No. 1 annexation.  
(The L.A.F. Commission has authorized this annexation without notice or public hearing. Resolution needed)

ACTION: Res. 70-195 adopted annexing Celeste No. 1 addition.  
(Clerk to handle)

MISCELLANEOUS

24. Legislative matters.

ACTION: None

25. Executive session to consider appointments.

ACTION: The Council retired to executive session at 6:43 P.M. and returned to open session at 6:50 P.M.

26. Appointments

ACTION: Res. 70-196 adopted (Smith/Simon, unan.-Robinson, absent) appointing the following to the Mayor's Council on Youth Opportunity for terms ending 10/31/70:

Charles K. Brunn	Anthony Petrulakis
Jack G. Davis	Tommy L. Shaw
Richard A. DeFord	Mrs. Corinne (A.T.) Shields
Denis C. Genest	Leland H. Glidewell
Richard Hagerty, CPA	James J. (Joe) Underwood
Miss Lily Lau	Carl T. Wildermuth
Mrs. (George M.) Judith Martin	John E. Wilson, Chairman

Adjournment at 6:55 P.M.

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ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, CITY CLERK

MINUTES AND AGENDA

CITY OF MODESTO  
AGENDA FOR COUNCIL MEETING OF MONDAY, MARCH 9, 1970 at 7:30 P.M.

Roll Call Present: Dixon, Newton, Simon, Smith and Mayor Davies

Absent: Mitchell and Robinson

Pledge of allegiance to the Flag

Invocation: Reverend Ben Jennings, Prescott Bible Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED. Items 1, ~~4~~, 5, 6, 7, 8, 9, 10, 16, 17, 18, 19, 20, 21, ~~22~~, 23, ~~24~~, ~~25~~, 26a, b, c, d, 27a, b, c, d, e, f, g, h, i, j, k, l, 28, 29, 30, ~~31~~, 33, ~~34~~, 35, 36, 37, ~~38~~, 39

Item 27f dropped from Agenda  
Items 4, 22, 24, 25, 31, 34, and 38 removed from consent  
(Dixon/Newton, unan. - Mitchell and Robinson, absent)

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of March 2, 1970.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES, AND CORRESPONDENCE

2. Invitation from Students for a Better Environment (Modesto Junior College) for Council to support and participate in Teach-In April 22, 1970.

ACTION: Res. 70-197 adopted (Newton/Simon, unan. - Mitchell and Robinson, absent) commending Students for a Better Environment, supporting plans for Teach-In on April 22 and authorizing Mayor Davies to issue proclamation naming April 22, 1970 as Teach-In Day.

3. Letter from Clarence Dunker suggesting that the Strand Theatre be used as an auditorium.

ACTION: A motion (Dixon/Smith) to refer to Auditorium Committee failed. No other action taken.

CONSENT

4. Letter from California Chapter, American Institute of Planners, supporting any measures taken to meet the housing needs of all people and offering assistance in identifying specific corrective measures that can be taken.  
(Motion ordering filed needed)

ACTION: By motion (Smith/Simon, unan.) letter ordered filed. (Clerk to handle)

CONSENT

5. Request of Greater Modesto Chamber of Commerce for \$15,000 for 1970-71 fiscal year.  
(Motion referring to proper budget session needed)

ACTION: By motion referred to proper budget session. (Finance to handle)

CONSENT

6. Request of Modesto City Employees' Association for approval of payroll deduction for disability income protection plan.  
(Motion granting request needed)

ACTION: By motion request granted. (Finance to handle)

CONSENT

7. Request of League of California Cities for permission for City Clerk to attend biennial institute for City Clerks in Palm Springs, April 26-69, 1970.  
(Estimated cost \$175.00. Funds budgeted in Account 207-14. Motion granting request needed)

ACTION: By motion request granted. (Clerk to handle)

BIDS

CONSENT

8. Consider award of bid for installation of water lines in Woodrow Manor No. 2 Subdivision.  
(Bids were opened March 3, 1970 and the low bid of Valley Construction Co., which is 18% below the Engineer's Estimate, is considered acceptable. It is recommended the bid be awarded to them. Resolution needed. Estimated cost \$4,354 (Materials \$2,900; Labor \$1,454; funds budgeted in Account 6804-50-101, Water Line Extensions)

ACTION: Res. 70-198 adopted awarding bid to Valley Construction Co.  
(P/W to handle)

CONSENT

9. Accept as complete Wolverine Building Service, Inc. contract for installation of wading pool at Graceada Park.  
(All work on this contract has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and authorize the City Clerk to file notice of completion. Resolution accepting work needed. Estimated cost \$13,900; actual cost \$14,159; funds budgeted in Account 6378-324, Graceada Park Wading Pool)

ACTION: Res. 70-199 adopted accepting contract. (Clerk to handle)

CONSENT

10. Accept as complete Industrial Electrical Co., Inc. contract for installing subdivision type lighting modernization, Stage II. . . (All work on this contract has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and authorize the City Clerk to file notice of completion. Resolution accepting work needed. Final cost \$119,228.28. Original cost \$123,680.82. Funds budgeted in Account 6626-41-321, Modernize City Lighting Stage 3, 68-69 budget)

ACTION: Res. 70-200 adopted accepting contract. (Clerk to handle)

HEARINGS

11. Annexation of Celeste No. 2 Addition to Sewer District No. 1. 7:45 P.M.

ACTION: Res. 70-201 adopted (Smith/Simon, unan. - Mitchell and Robinson, absent) annexing Celeste No. 2 addition to Sewer Dist. No. 1. (Clerk to handle)

12. Annexation of Santa Ana Addition to City of Modesto. 7:50 P.M.

ACTION: Res. 70-202 adopted (Simon/Smith, unan. - Mitchell and Robinson, absent) declaring no majority protest made. Ord. No. 1009-C.S. adopted (Simon/Smith, unan. - Mitchell and Robinson, absent) annexing Santa Ana addition to City of Modesto. (Clerk to handle)

13. Hearing re cost of installation of sidewalk at 1624 Concord Avenue, Block 6139, Lot 17. (\$113.50 - Mr. Roy Martin) 7:55 P.M.

ACTION: Res. 70-203 adopted (Smith/Simon, unan. - Mitchell and Robinson, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

14. Hearing re cost of installation of driveway approach on McHenry Avenue, South of 926 McHenry Avenue (\$71.00 - Mrs. Mabel Arata) 7:55 P.M.

ACTION: Res. 70-204 adopted (Smith/Simon, unan. - Mitchell and Robinson, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

15. Matters for the good of the community. 8:00 P.M.  
(These may be presented by interested people in the audience)

ACTION: Mr. Hackler presented information to the Council concerning reduced bus rates to Senior Citizens. He was informed that this matter is being studied by staff at this time.

The C/Mgr. reported that he was considering a Dept. of Transportation for the City and he invited comments from the Council.

The possibility of additional man-power in the police department was discussed. The Council was informed that this was being requested in the 1970-71 budget.

Following a question by Arthur Rotman the City Manager stated that the staff was working on the matter of testing for certain job classifications.

No action was taken on a suggestion that the Modesto Board of Education be requested to reconsider and restore the free lunch program.

ORDINANCES

CONSENT

16. Final adoption of Ord. No. 1005-C.S. (Amendments to Articles 15 and 21 of Chapter 2 of Title X of Municipal Code)

ACTION: By motion Ord. No. 1005-C.S. adopted. (Clerk to handle)

CONSENT

17. Final adoption of Ord. No. 1006-C.S. (Suspending requirements of portion of Article 21 of Chapter 2 of Title X of Municipal Code)

ACTION: By motion Ord. No. 1006-C.S. adopted. (Clerk to handle)

CONSENT

18. Final adoption of Ord. No. 1007-C.S. (Water main connection charges)

ACTION: By motion Ord. No. 1007-C.S. adopted. (Clerk to handle)

CONSENT

19. Final adoption of Ord. No. 1008-C.S. (Signs)

ACTION: By motion Ord. No. 1008-C.S. adopted. (Clerk to handle)

CONSENT

20. Ordinance to revise Section 3-2.1401 of Municipal Code to eliminate a special speed zone of 30 m.p.h. on Floyd Avenue within city limits. (Floyd Avenue now qualifies for an automatic speed limit of 25 m.p.h. under the Vehicle Code provisions due to the residential development in the area. Therefore, an ordinance to legalize a 25 m.p.h. speed limit is not necessary. However, to make legal a 25 m.p.h. speed limit on Floyd Avenue, Section 3-2.1401 of the Municipal Code will have to be revised to eliminate the special speed zone of 30 m.p.h. on Floyd Ave. Ordinance needed. Estimated cost \$50 for signs. Funds budgeted in Account 5301-56-101, Traffic Signs)

ACTION: Ord. No. 1010-C.S. introduced. (Clerk to handle)

OLD BUSINESS

CONSENT

21. Report on closure of Camp McBride.  
(Motion accepting report needed)

ACTION: By motion report accepted.

CONSENT

22. Further consideration of P. G. & E's request for 4.2% gas rate increase.  
(A report by the Director of Traffic with agenda. Motion to take no action needed)

ACTION: A motion (Dixon) to reject the report and not endorse a portion of the report died for want of a second. A motion (Simon/Dixon) to inform the P.U.C. that the rate increase is opposed failed. No other action taken.

NEW BUSINESS

CONSENT

23. Request permission for Mayor Lee Davies, City Manager John Keefe, and City Attorney Elwyn Johnson to attend the Institute on Labor Relations for city officials sponsored by the League of California Cities in Los Angeles March 18-20, 1970.  
(In addition to the Mayor, Manager, and Attorney, the Personnel Officer, Howard Neyens, who is also a member of the management negotiating team, will attend the institute. Motion approving request needed. Estimated cost \$525 for the four people. Funds are available in Account 207-65-101, Conference Expense, page 61 of budget)

ACTION: By motion request approved. (C/Mgr. to handle)

CONSENT

24. Consider authorizing one full-time janitorial position, and one part-time janitorial position at the City-County Airport.  
(memo with agenda. Motion approving request needed)

ACTION: Held for further study.

CONSENT

25. Approval of proposed lease agreement form for renting tie-down spaces and T-hangars at the City-County Airport, and authorize Airport Manager to sign lease agreement forms on behalf of City.  
(Memo with agenda. Resolution approving proposed lease agreement form and authorizing Airport Manager to sign agreements needed.)

ACTION: Res. 70-205 adopted (Smith/Simon, unan. - Mitchell and Robinson, absent) approving form and authorizing Airport Manager to execute same on behalf of City. (P/W to handle)

CONSENT

26. Report of Superintendent of Streets on the cost of installation of sidewalk and/or curb and gutter at the properties listed below. (The amounts assessed against the properties will be included in reports distributed with the agenda for the hearing date. The City Clerk will set the date for hearing. Resolution setting hearing needed. Suggested date March 23 at 7:45 P.M. Contract costs are listed with properties. Funds budgeted in Account 5302-51-101, Curbs and gutters, Special)

CONSENT

a. Sidewalk at 1620 Concord Ave., Block 6139, Lot 18, (\$113.50 - Mrs. Rita J. Crawford)  
(Resolution setting hearing needed)

ACTION: Res. 70-206 adopted setting hearing. (P/W to handle)

CONSENT

b. Sidewalk on Joaquin Street and Fremont Avenue at 2010 Fremont Avenue, Block 6802, Lot 24 and portion of Lot 23 (\$334.00 - Mr. Harry Miller.  
(Resolution setting hearing needed)

ACTION: Res. 70-207 adopted setting hearing. (P/W to handle)

CONSENT

c. Sidewalk on Joaquin Street at 2101 Regent Court, Block 6802, Parcel Q (\$110.00 - Mr. Sherman Drake)  
(Resolution setting hearing needed)

ACTION: Res. 70-208 adopted setting hearing. (P/W to handle)

CONSENT

d. Sidewalk on West Fairmont Avenue at 945 McHenry Ave., Block 728, Lot 1 (\$990.00 - Modesto Lodge #1282 of the Benevolent and Protective Order of Elks)  
(Resolution setting hearing needed)

ACTION: Res. 70-209 adopted setting hearing. (P/W to handle)

CONSENT

27. Resolutions instructing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters at the locations listed below.

(Informal requests were sent over thirty days ago to the property owners to install sidewalks and/or curbs and gutters. The work has not been done; therefore, it is recommended that resolutions be adopted authorizing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters. Resolution needed. Suggested hearing date March 23, 1970 at 7:50 P.M.)

CONSENT

a. Sidewalk, curb and gutter on J Street at corner of 5th Street and J Street, Block 18, Easterly 93.5' of Lots 14, 15 and 16 (Mr. Carl Christiansen)  
(Resolution setting hearing needed)

ACTION: Res. 70-210 adopted setting hearing. (P/W to handle)

CONSENT

b. Curb and gutter on Second Street at 202 H Street, Block 4, Lots 29 to 32 inclusive (Church of God)  
(Resolution setting hearing needed)

ACTION: Res. 70-211 adopted setting hearing. (P/W to handle)

CONSENT

c. Sidewalk on Mensinger Avenue at 1031 Douglas St., Block 731, Lots 1 and 2 and N. 21' of Lot 3 (Mrs. Carmela Pantaleo)  
(Resolution setting hearing needed)

ACTION: Res. 70-212 adopted setting hearing. (P/W to handle)

CONSENT

d. Sidewalk at 1001 McHenry Ave., Block 729, portion of Lots 3 and 4 of the Bonnie Brae Tract (Mrs. Rose Mehegan)  
(Resolution setting hearing needed)

ACTION: Res. 70-213 adopted setting hearing. (P/W to handle)

CONSENT

e. Sidewalk, curb and gutter at 701 K Street, Block 40, Lots 17 to 22 inclusive (Wolframite Corporation, Valley Motor Lines)  
(Resolution setting hearing needed)

ACTION: Res. 70-214 adopted setting hearing. (P/W to handle)

CONSENT

f. Curb and gutter on K Street, Block 41, Lots 30, 31, 32, and NE 40' of Lots 28 and 29 (Roman Catholic Church)

ACTION: Dropped from Agenda.

CONSENT

27. g. Curb and gutter at 213 Rosemont Avenue, Block 325, Lots 7 and 8 (Mr. Robert L. Atkins, Jr.)  
(Resolution setting hearing needed)

ACTION: Res. 70-215 adopted setting hearing. (P/W to handle)

CONSENT

h. Curb and gutter on Center Street at 143 Rosedale Ave., Block 333, Lots 26 and 27 (Mr. James E. Nelson)  
(Resolution setting hearing needed)

ACTION: Res. 70-216 adopted setting hearing. (P/W to handle)

CONSENT

i. Curb and gutter at 110 Sunset Boulevard, Block 326, Lots 39 and 40 (Estate of Edmund E. Schneider)  
(Resolution setting hearing needed)

ACTION: Res. 70-217 adopted setting hearing. (P/W to handle)

CONSENT

j. Curb and gutter at 102 Sunset Boulevard, Block 326, Lots 41 to 44 inclusive (Mr. Edwin W. Ferrel)  
(Resolution setting hearing needed)

ACTION: Res. 70-218 adopted setting hearing. (P/W to handle)

CONSENT

k. Sidewalk, curb and gutter at 627 Sycamore Ave., Block 704, N. 75' of Lot 65 (Mr. Charlie C. Nielsen)  
(Resolution setting hearing needed)

ACTION: Res. 70-219 adopted setting hearing. (P/W to handle)

CONSENT

l. Sidewalk, curb and gutter on Fairmont Ave. at 935 Magnolia Ave., Block 725, Lots 1, 2 and 3 (Estate of Mrs. Florence C. McDermott)  
(Resolution setting hearing needed)

ACTION: Res. 70-220 adopted setting hearing. (P/W to handle)

CONSENT

28. Consider request for sewer service to property outside the City at 2308 Glendale Ave.  
(The property owners have signed an agreement to annex when requested to do so by the City. A line exists to serve the property and the property is contiguous to the city limits. Property Owner: Dwight Cathcart. Resolution approving agreement needed)

ACTION: Res. 70-221 adopted approving agreement. (P/W to handle)

CONSENT

29. Lease of property on Robertson Road Park site.  
(Mr. Stanley Filbrun has offered the City 15% of the gross proceeds for 7.5 acres of almonds located on our Robertson Road Park site. Since the trees are quite old, this offer is very acceptable. It is recommended that a resolution be adopted approving the lease agreement for a one-year period beginning February 24, 1970. Resolution approving agreement needed)

ACTION: Res. 70-222 adopted approving lease agreement. (Finance to handle)

CONSENT

30. Consider agreement between the City of Modesto and Lerner Oil Co., Inc. whereby grantor quitclaims to City right of way for widening Needham Avenue - Project LA 56.10, and consider acceptance of said quitclaim deed.  
(All of the normal provisions pertain to this transaction as usually do in regard to acquisition of right of way by the City, and in addition the City agrees that it shall replace curbs, sidewalks and driveways along the Needham Avenue frontage of the property at no expense to Grantor. City agrees to pay Grantor the sum of \$3,122 for the removal and relocation by Grantor of existing service station facilities from subject property. Payment shall be made within five days after acceptance of this agreement by City. Grantor shall perform said removal and relocation work within 30 days after receipt of payment. Resolution approving agreement and accepting quitclaim deed needed. Estimated cost \$3,122; funds budgeted in Account 6663-207, Needham, McHenry to Hackberry)

ACTION: Res. 70-223 adopted approving agreement and accepting quitclaim deed. (Clerk to handle)

REPORTS

CONSENT

31. Report on traffic accidents.  
(Motion accepting report needed)

ACTION: Police Chief requested to obtain more information, including the "Indianapolis Plan"

REPORTS FROM THE PLANNING COMMISSION

32. Planning Commission request for report by Public Works on need for water meters for all city water services.  
(Memo from City Manager and letter of transmittal with agenda)

ACTION: Held for one week.

CONSENT

33. Recommend to the Council an amendment to Chapter 2 of Title X of the Modesto Municipal Code (zoning regulations) (Planning Commission Resolution No. 70-34 adopted March 3, 1970 recommends an amendment to Chapter 2 of Title X of the Modesto Municipal Code. Resolution setting public hearing needed. Suggested date March 23, 1970 at 7:55 P.M. needed)

ACTION: Res. 70-224 adopted setting hearing. (Clerk to handle)

~~CONSENT~~

34. Recommend commencement of proceedings for the annexation to the City of inhabited territory - Sherwood Forest Addition. (Planning Commission Resolution 70-38 adopted March 3, 1970 recommends to the Council the commencement of proceedings for the annexation to the City of inhabited territory (Sherwood Forest Addition). Resolution consenting to commencement of proceedings to annex needed)

ACTION: Held over for one week to permit Clerk to check protest petitions filed. (Clerk to handle)

CONSENT

35. Recommend commencement of proceedings for the annexation to the City of inhabited territory - East Orangeburg - Coffee Addition. (Planning Commission Resolution No. 70-39 adopted March 3, 1970 recommends to the Council the commencement of proceedings for the annexation to the City of inhabited territory (East Orangeburg-Coffee Addition. Resolution consenting to commencement of proceedings to annex needed)

ACTION: Res. 70-225 adopted consenting to commencement of proceedings. (Planning to handle)

CONSENT

36. Recommend to the Council an addition to Chapter 6 of Title XII of the Modesto Municipal Code (tree preservation) (Planning Commission Resolution No. 70-35 adopted March 3, 1970 recommends an addition to Chapter 6 of Title XII of the Modesto Municipal Code (tree preservation). Resolution setting date and place for hearing needed. Suggested date March 23, 1970 at 8:05 P.M.)

ACTION: Res. 70-226 adopted setting hearing. (Clerk to handle)

CONSENT

37. Recommend amendment to Section 27-3-9 of the zoning map (Albert Landini - Donald Sandy apartments) (Planning Commission Resolution 70-36 adopted March 3, 1970 recommends an amendment to Section 27-3-9 of the zoning map to prezone to Planned Development Zone, P-D, to allow development of a two-story, 120 unit apartment complex on property located on the south side of Scenic Drive, east of Rose Avenue extended. Resolution setting date for public hearing needed. Suggested date March 23, 1970 at 7:40 P.M.)

ACTION: Res. 70-227 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

38. Consider approval of appropriation transfer of \$2,000 to accomplish change orders on terminal building expansion contract, purchase chairs for lobby area, and purchase identification sign for terminal building.  
(Memo with agenda. Resolution needed)

ACTION: Res. 70-228 adopted (Smith/Simon, maj. - Dixon, no - Mitchell and Robinson, absent) approving appropriation transfer of \$1,678 from Account 6514-46-23 and \$322 from Account 6529-46-230 to Account 6522-46-230. (Finance to handle)

CONSENT

39. Appropriation transfer from General Fund - Unappropriated Fund balance to Water Line Extensions.  
(Memo with agenda. A resolution appropriating \$30,000 from Unappropriated Fund balance to Account 6804-50-101)

ACTION: Res. 70-229 adopted appropriating \$30,000 from Unappropriated Fund Balance to Account 6804-50-101. (Finance to handle)

MISCELLANEOUS

CONSENT

40. Legislative matters.


ACTION: By motion (Simon/Newton, unan.) AB98 opposed. (C/Mgr. to handle)

41. Appointments

ACTION: None

Adjournment at 9:45 P.M.

ATTEST:

  
W. T. CHYNOWETH, CITY CLERK

CITY OF MODESTO  
AGENDA FOR COUNCIL MEETING OF MONDAY, MARCH 16, 1970 AT 4:00 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Simon, Smith and  
Mayor Davies  
Absent: Robinson

Pledge of allegiance to the Flag

Invocation: A moment of silent prayer was observed.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED. Items 1, 2, 3, 5, 6, 7, 8, 9,  
Items 2 and 3 removed from consent 10, 14, 15, 16, 17, 18, 19, 20a,  
(Smith/Mitchell, unan. - Robinson, absent) b, c, d, 21, 22, 24, 25, 26, 28,  
29

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of March 9, 1970.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

~~CONSENT~~

2. Invitation for City of Modesto to become Associate Member of Eel River Water Council.  
(Dues \$500 annually. Motion ordering letter filed needed)

ACTION: By motion (Mitchell/Smith, unan.) letter ordered filed.  
(Clerk to handle)

~~CONSENT~~

3. Commendation from Thomas Reneau for action taken as a result of the Santa Barbara incident.  
(Motion ordering letter filed needed)

ACTION: By motion (Smith/Newton, unan.) letter ordered filed.  
(Clerk to handle)

4. Request of Citizens' Community Center Committee that Council request Assemblyman Berryhill to add emergency clause to Community Center legislation.  
(Motion granting request needed)

ACTION: By motion (Dixon/Newton, unan.) request granted. (C/Mgr to handle)

CONSENT

5. Letter from City of Waterford applying for membership in S.A.A.P.A.  
(For information only at this time. Action to be requested later.  
Motion to file pending receipt of resolution from S.A.A.P.A. needed)

ACTION: Motion ordering filed pending receipt of letter from S.A.A.P.A.  
(Clerk to handle)

CONSENT

6. Consider acceptance of partial construction of sewerage works improvement project unit No. 6, East Intercepting Sewer, Great Western Pipeline Co., contractor.  
(Memo with agenda. Resolution accepting work as complete except for finish paving on Seventh Street between C and J Streets, and authorizing City Clerk to file notice of partial completion and release retained percentage. Actual cost \$554,550.37. Original contract cost \$544,386.34. Funds budgeted in Account 6553-405, Muni. Sewer Dist. Impr.)

ACTION: Res. 70-230 adopted accepting partial construction of Sewer Works Improvement Project Unit No. 6. (Clerk to handle)

CONSENT

7. Consider approval of plans and specifications and call for bids for construction of subtrunk sewer through the Riverside North Subdivision. (Bid opening March 31, 1970 at 10:05 a.m. Subtrunk sewer is required through this subdivision on Riverside Drive to serve the areas to the east as they develop. The developer of Riverside North is paying the City a perimeter fee for his use of the line. Resolution approving plans, specifications and call for bids needed. Estimated cost \$16,100 (Contract \$15,280; Eng. & Insp. \$820). Funds budgeted in Account No. 6561-212, Extend Subtrunk & Perimeter Sewers)

ACTION: Res. 70-231 adopted approving plans and specifications and call for bids. (Clerk to handle)

CONSENT

8. Consider approval of plans and specifications and call for bids for installation of water lines in Riverside North No. 1 Subdivision. (Suggested bid opening March 31, 1971 at 10:10 a.m. Cost estimates: Construction Cost \$11,100; connection charges, \$2,000; annual net revenue, \$320. Resolution approving plans and specifications and call for bids needed. Estimated cost \$11,100 (Materials, \$6950; labor, \$4,150) Funds budgeted in Account 6804-50-101, Water Line Extensions)

ACTION: Res. 70-232 adopted approving plans and specifications and call for bids. (Clerk to handle)

CONSENT

9. Approve plans and specifications and call for bids for the replacement of curb and gutter on Bermuda Way and Catalina Way from Enslin Avenue to Sherwood Avenue.  
(Bid opening March 31, 1970 at 10:00 a.m. Resolution approving plans, specifications and call for bids needed. Total cost \$8,787 (Contract \$7,989; Engr. \$798). Funds budgeted in Account 321-51-101)

ACTION: Res. 70-233 adopted approving plans and specifications and call for bids. (Clerk to handle)

10. Accept as complete Industrial Electrical's contract for installation of ball field lighting at Mellis Park.  
(All work on this contract has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and authorize the City Clerk to file notice of completion. Resolution accepting work as complete and authorizing City Clerk to file notice of completion needed. Estimated cost \$23,420; actual cost \$23,420. Funds budgeted in Account 6314-31-321, Mellis Park Ball Field Lighting)

ACTION: Res. 70-234 adopted accepting contract. (Clerk to handle)

#### HEARINGS

11. Hearing on amendment to Section 10-3-9 (Harley Brannan). 4:15 P.M.

ACTION: Ord. No. 1011-C.S. introduced (Newton/Dixon, unan. - Robinson, absent) rezoning area to PR-2 and PR-3. (Clerk to handle)

12. Hearing on amendment to General Plan (Housing Element) 4:20 P.M.

ACTION: Res. 70-235 adopted (Mitchell/Smith, unan. - Robinson, absent) amending the Modesto Urban Area General Plan. (Planning to handle)

13. Matters for the good of the Community. 4:25 P.M.  
(These may be presented by interested people in the audience)

ACTION: By motion (Dixon/Newton, unan.) request of Golden Years Senior Citizens Club for use of Senior Citizens Center on Monday or Tuesday for meetings referred to staff for study and report on April 6, 1970. (P & R to handle)

Councilman Mitchell reported on the Congressional-City Conference he recently attended in Washington, D.C. He commented on the matters discussed and reported that Congressman McFall is trying to get the local mail service improved.

Following a discussion on the proposed improvement of portions of the Cavil Drain the City Manager was requested to set up a meeting between the M.I.D. Board Committee and the Council Committee.

Councilman Dixon suggested that the Council should consider the possibility of change in the present method of negotiations with employee groups. It was agreed to delay this until the city negotiation team and the Mayor have returned from a meeting concerning this.

ORDINANCES

CONSENT  
14. Final adoption of Ordinance No. 1002-C.S. (amending Section 19-3-9 of zoning map - Lakewood Memorial Park Endowment Fund)

ACTION: By motion Ord. No. 1002-C.S. adopted. (Clerk to handle)

CONSENT

15. Final adoption of Ordinance No. 1003-C.S. (amending Section 26-3-9 of zoning map - John Hirleman)

ACTION: By motion Ord. No. 1003-C.S. adopted. (Clerk to handle)

CONSENT

16. Final adoption of Ordinance No. 1004-C.S. (amending Section 7-3-9 of zoning map - Tully Manor Enterprises)

ACTION: By motion Ord. No. 1004-C.S. adopted. (Clerk to handle)

CONSENT

17. Final adoption of Ordinance No. 1010-C.S. (speed limits)

ACTION: By motion Ord. No. 1010-C.S. adopted. (Clerk to handle)

NEW BUSINESS

CONSENT

18. Investigation Account for narcotics.  
(Memo with agenda. Resolution setting up Investigation Account for Narcotics needed)

ACTION: Res. 70-236 adopted setting up Investigation Account for Narcotics. (Clerk to handle)

CONSENT

19. Consider request for sewer service to property outside the City at 1524 Morene Way.  
(Property owners have signed an agreement to annex to the City when requested to do so by City. The property is not contiguous to the City but a sewer line exists to serve it. Property owner, Burlin Davis. Resolution approving agreement needed)

ACTION: Res. 70-237 adopted approving agreement. (P/W to handle)

CONSENT

20. Report of Superintendent of Streets on the cost of installation of sidewalk and/or curb and gutter at the properties listed below. (The amounts assessed against the properties will be included in reports distributed with the agenda for the hearing date. Resolution setting date for hearing needed. Suggested date April 6, 1970 at 4:25 P.M. Contract costs listed below with properties. Funds budgeted in Account 5302-51-101)

CONSENT

(a) Curb and gutter at 104 Rowland Avenue, portion of Block 2087  
(\$271.14 - Mrs. Bernice P. Jackson)  
(Resolution setting hearing needed)

ACTION: Res. 70-238 adopted setting hearing. (P/W to handle)

CONSENT

(b) Curb and gutter at 509 Redwood Avenue, West 100' of Lots 24 and 25, Block 586 (\$319.34 - Mr. C. E. Gillette)  
(Resolution setting hearing needed)

ACTION: Res. 70-239 adopted setting hearing. (P/W to handle)

CONSENT

(c) Curb and gutter on Wright Street at 229 Orange Avenue, Lots 31 and 32, Block 511 (\$467.74 - Mr. Paul J. Ferguson)  
(Resolution setting hearing needed)

ACTION: Res. 70-240 adopted setting hearing. (P/W to handle)

CONSENT

(d) Sidewalk, curb and gutter on Alice Street at 135 Olive Avenue, Lots 35 and 36, Block 509 (\$776.44 - Mr. Harold D. Larson)  
(Resolution setting hearing needed)

ACTION: Res. 70-241 adopted setting hearing. (P/W to handle)

CONSENT

21. A resolution approving final map of Riverside North No. 1 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. (The subdivision agreement has been signed and all fees paid. Riverside North No. 1 Subdivision is located north of Encina Avenue between Trask Lane and Riverside Drive. It contains 5.228 acres. Resolution approving final map needed)

ACTION: Res. 70-242 adopted approving final map of Riverside North No. 1. (Clerk to handle)

CONSENT

22. Request permission for Director of Finance to attend Municipal Finance Officers Association Conference to be held in Miami Beach, Florida, May 24th through 28th, 1970.

(This conference is recognized as tops nationally in the field of municipal finance administration. It is annually attended by city, county and state finance officers from the United States and Canada, and will cover such subjects as new revenue sources, P.P.B.S. and other budgeting techniques, data processing, the effect of tax reforms, and other current subjects of interest to the city of Modesto. Motion approving request needed. Estimated cost \$450. Funds budgeted in Account 207-65-101, Conference Expense)

ACTION: By motion request approved. (Finance to handle)

23. Golf cart storage space - Dryden Municipal Golf Course.  
(Report with agenda. Motion directing staff needed. Estimated cost \$6,000)

ACTION: Res. 70-243 adopted (Mitchell/Smith, unan. - Robinson, absent) approving appropriation transfer of \$6,000 from Account 60-101 to Account 6251-38-101 for the purpose of building a golf cart storage building. (Finance to handle)

CONSENT

24. Consider approval of agreement to provide sewer service in Kingsbury Park Estates No. 3 which is outside the City.  
(Memo with agenda. Resolution approving agreement needed)

ACTION: Res. 70-244 adopted approving agreement with Price Enterprises.  
(P/W to handle)

CONSENT

25. Consider permanent removal of parking meters on the south side of H Street between 13th and 14th Streets.  
(Meter revenue at this location has been below \$20 per meter per year for the last four quarterly revenue checks. The council policy is that meters producing less than \$20 per meter per year shall be removed. Ordinance amending parking meter zoning map in Section 3-2.1501 of the Municipal Code needed)

ACTION: Ord. 1012-C.S. introduced. (Clerk to handle)

CONSENT

26. Resolution authorizing G. Dale Smith to sign memorandum of understanding between S.A.A.P.A. and the California Division of Highways, as the legal City of Modesto representative on S.A.A.P.A. (Stanislaus Area Advisory Planning Association). (Resolution needed)

ACTION: Res. 70-245 adopted authorizing Councilman G. Dale Smith to sign memorandum of understanding on behalf of City of Modesto.  
(Clerk to handle)

Report on City Administration Procedures  
(Report will be made at Council meeting)

ACTION: By motion (Simon/Smith, unan.) report accepted and staff authorized to proceed with plan whereby Modesto will be ussd as a pilot city by the State Cooperative Personnel Services to develop a new type of testing. (Personnel to handle)

CONSENT

28. Presentation of financial statement for February 1970.  
(Copies of report will be presented at meeting. Motion accepting report needed.)

ACTION: By motion report accepted.

CONSENT

29. Report - "Safety City".  
(Memo with agenda. Motion accepting report needed)

ACTION: By motion report accepted. (P & R to handle)

REPORTS FROM THE PLANNING COMMISSION

30. Recommend commencement of proceedings for the annexation to the City of inhabited territory - Sherwood Forest Addition.  
(On March 3, 1970 the Planning Commission adopted Resolution No. 70-38 recommending to the Council the commencement of proceedings for the annexation to the City of inhabited territory (Sherwood Forest Addition). Memo from City Clerk re protests will be presented at meeting. Resolution consenting to commencement of proceedings to annex needed)

ACTION: By motion (Simon/Dixon, unan.) request for commencement of proceedings denied.

31. Planning Commission request for report by Public Works on need for water meters for all city water services.  
(Letter of transmittal and memo from City Manager previously furnished to Council)

ACTION: It was decided to take no action on this until a study on water quality and quantity is completed by the State.

APPROPRIATION TRANSFERS

32. Legislative matters.

ACTION: A motion (Simon/Dixon) to support AB696 failed.

33. Appointments

ACTION: Res. 70-246 adopted (Dixon/Mitchell, unan.) appointing Clarence Tallent to replace John Sutton as a member of the D.I.D. Advisory Board for a term ending March 28, 1973. (Clerk to handle)

Adjournment

The Council adjourned to executive session at 6:04 p.m. to consider the Lincoln School property with the announcement that it would not return to open session.

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, CITY CLERK

AGENDA FOR COUNCIL MEETING OF MONDAY, MARCH 23, 1970 AT 7:30 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Simon, Smith  
Mayor Davies

Absent: None

Councilman Mitchell was excused at 9:50 p.m.

Pledge of allegiance to the Flag

Invocation: Rev. Alex Alamsha, First Presbyterian Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 5, 6, 28, 29, 30,  
Items 37b, c, d, e, f, g, dropped from 31, 32, 33, 34, 35, 37a, by a, & x  
Agenda. s, x, x, 38, 39, 40, 41, 42

(Mitchell/Newton, unan.)

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items)

1. Suggestion awards.

(a) \$100 award for suggestion submitted by Lowell Bailey and Jack Page to use a vacuum to prime air eductor pumps in the vacuator control building. This suggestion reportedly will save a minimum of 150 man hours per year.

(b) \$15 award for suggestion by Charles Nicolls to add a cling strap to the Policemen's helmets. This is a safety device and has eliminated several problems for the Policemen.

(Mayor to present awards. Estimated cost \$115; funds budgeted in Account 236-17-101, Suggestion System)

ACTION: Awards presented by Mayor Davies.

APPROVAL OF MINUTES

CONSENT

2. Minutes of March 16, 1970.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT

3. Request of Coey Properties for abandonment of unimproved portion of Miller Avenue.

(Resolution referring to Planning Commission for report needed)

ACTION: Res. 70-247 adopted referring to P/C for report. (Planning to handle)

CONSENT

4. Application of City of Waterford for membership in S.A.A.P.A.  
(Resolution approving application needed)

ACTION: Res. 70-248 adopted approving application. (Clerk to handle)

CONSENT

5. Request of Ben E. Moore for permission to pay assessment for curb and gutter over a two year period.  
(Resolution granting request needed)

ACTION: Res. 70-249 adopted amending Res. 68-1017 to provide for payment over a two year period. (Finance to handle)

BIDS

CONSENT

6. Consider approval of plans and specifications and call for bids on improvements at Downey Community Park site preparation, grading, drainage and baseball field.  
(This is the first project to construct the improvements required for development of this park. Bid opening suggested: April 7, 1970 at 10:00 A.M. Resolution approving call for bids needed. Estimated cost \$84,440 and \$2,000 engineering - \$86,440 total. Funds budgeted in Account 6290-31-321, Downey Park Stages I and II)

ACTION: Res. 70-250 adopted approving plans and specifications and bid call. (Clerk to handle)

HEARINGS

7. Amendment to Section 27-3-9 of the zoning map (Landini) 7:40 P.M.

ACTION: Res. 70-251 adopted (Smith/Simon, unan.) approving development plan. (Planning to handle)

Ord. 1013-C.S. introduced (Smith/Simon, unan.) amending Sec. 27-3-9 of zoning map. (Clerk to handle)

8. Hearing on cost of installation of sidewalk (Block 6139, Lot 18, Mrs. Rita J. Crawford \$113.50) 7:45 P.M.

ACTION: Res. 70-252 adopted (Robinson/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

9. Hearing on cost of installation of sidewalk (Block 6802, Lot 24 and portion of Lot 23. (\$334.00, Mr. Harry A. Miller) 7:45 P.M.

ACTION: Res. 70-253 adopted (Robinson/Simon, unan.) confirming report, assessing costs and directing method of collection (over 7 year period). (Finance to handle)

10. Hearing on cost of installation of sidewalk, Lot 1, Block 728. (Modesto Lodge #1282 of the Benevolent and Protective Order of Elks)- \$990) 7:45 P.M.

ACTION: Res. 70-254 adopted (Robinson/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

11. Hearing, sidewalk, curb and gutter requirement (J Street at corner of 5th and J, Block 18, easterly 93.5 feet of Lots 14, 15 and 16 - Mr. Carl Christiansen) 7:50 P.M.

ACTION: Res. 70-255 adopted (Mitchell/Newton, unan.) ordering work done with completion date of February 1, 1971. (P/W to handle)

12. Hearing, curb and gutter requirement (Block 4, Lots 29 to 32 inclusive - Church of God) 7:50 P.M.

ACTION: Res. 70-256 adopted (Mitchell/Newton, unan.) ordering work done. (P/W to handle)

13. Hearing, sidewalk requirement (Block 731, Lots 1 & 2 and the North 21 feet of Lot 3 - Mrs. Carmela Pantaleo) 7:50 P.M.

ACTION: Res. 70-257 adopted (Mitchell/Newton, unan.) ordering work done. (P/W to handle)

Hearing, sidewalk requirement (Block 728, east 330 feet of the South 96 feet of Lot 4 and the east 330 feet of the north 36 feet of Lot 3 of the Bonnie Brae Tract - Mrs. Rose Menegan)

7:50 P.M.

ACTION: Res. 70-258 adopted (Mitchell/Newton, unan.) ordering work done. (P/W to handle)

15. Hearing, curb, gutter and sidewalk requirement (Block 40, Lots 17 to 22 inclusive - Wolframite Corp., Valley Motor Lines)

7:50 P.M.

ACTION: Res. 70-259 adopted (Mitchell/Newton, unan.) ordering work done. (P/W to handle)

16. Hearing, curb and gutter requirement (Block 325, Lots 7 and 8 - Robert L. Atkins, Jr.)

7:50 P.M.

ACTION: Res. 70-260 adopted (Mitchell/Newton, unan.) ordering work done. (P/W to handle)

17. Hearing, curb and gutter requirement (Block 333, Lots 26 and 27 - James E. Nelson)

7:50 P.M.

ACTION: Res. 70-261 adopted (Mitchell/Newton, unan.) ordering work done. (P/W to handle)

18. Hearing, curb and gutter requirement (Block 326, Lots 39 and 40 - Mr. Edmund E. Schneider)

7:50 P.M.

ACTION: Res. 70-262 adopted (Mitchell/Newton, unan.) ordering work done. (P/W to handle)

19. Hearing, curb and gutter requirement (Block 326, Lots 41 to 44, inclusive - Edwin W. Ferrel)

7:50 P.M.

ACTION: Res. 70-263 adopted (Mitchell/Newton, unan.) ordering work done. (P/W to handle)

20. Hearing, sidewalk, curb and gutter requirement (Block 704, the North 75 feet of Lot 65 - Charlie C. Nielsen)

7:50 P.M.

ACTION: Res. 70-264 adopted (Mitchell/Newton, unan.) ordering work done. (P/W to handle)

21. Hearing, sidewalk, curb and gutter requirement (Block 725, Lots 1, 2 and 3 - Florence G. McDermott) 7:50 P.M.

ACTION: Res. 70-265 adopted (Mitchell/Newton, unan.) ordering work done. (P/W to handle)

22. Hearing on amendment to Chapter 2 of Title X (landscaping) 7:55 P.M.

ACTION: Ord. No. 1014-C.S. introduced amending Chapter 2 of Title X of Municipal Code. (Clerk to handle)  
(C/Atty instructed to amend proposed ordinance to clarify that employment of landscape architect and use of structural elements is permissive only, not mandatory, and to omit reference to existing trees.

23. Continued hearing on protests to Highway Village Addition to City of Modesto. 8:00 P.M.

ACTION: Res. 70-266 adopted (Simon/Newton, unan.) declaring no majority protest made. (Clerk to handle)

Res. 70-267 adopted (Simon/Newton, unan.) setting May 19, 1970, as day for election. (Clerk to handle)

24. Hearing on amendment to Chapter 6 of Title XII (tree preservation) 8:05 P.M.

ACTION: By motion (Mitchell/Smith, unan.) it was decided to take no action on the proposed ordinance.

25. Matters for the good of the community. 8:10 P.M.  
(These may be presented by interested people in the audience)

ACTION: Max Helm objected to the Housing Element of the General Plan.

Dan Terry, representing the Fire Fighters Ass'n. suggested the following changes in procedures followed in negotiations between the City and Employee Groups:

1. To have a Councilman on the city negotiating team.
2. Have a complete record of meetings distributed to Councilmen and have them approved as accurate by staff and employee groups.
3. Have 3 man negotiation board to make recommendation to Council if impasse develops.
4. If no agreement is reached after mediation, then let a team of arbitrators come in and settle dispute with a decision binding on all parties.

Joe Hart, chairman of the Farm-City Advisory Committee, was introduced.

Mayor Davies commented on a letter to the Modesto Bee which urged civic groups to have representation at Council meetings.

Mayor Davies read a letter from Steve Agnew, who is concerned about the dirty water and debris in canals. The Mayor stated that this would be referred to the M.I.D.

The Council took a recess at 9:50 p.m. and returned at 10:05 p.m.

26. Further consideration of request to authorize one full-time janitorial position and one part-time janitorial position at the City-County Airport.

(Memo with agenda. Motion approving request needed)

ACTION: By motion (Smith/Mitchell, majority) request approved. (P/W to handle)  
Res. 70-268 adopted (Smith/Mitchell, majority-Dixon, Newton and Simon, no) estimating additional revenue and approving the appropriation of these funds in the Airport Fund. (Finance to handle)  
It was reported that a report on airport security would be made in about a month. (P/W to handle)

27. Further consideration of second gas island at City-County Airport.

(Report with agenda. Motion directing staff needed)

ACTION: By motion (Simon/Robinson, unan.) location requested by Mr. Hendley for second gas island approved subject to the island being located a maximum of 20' further north. (P/W to handle)  
By motion (Simon/Robinson, unan.) staff to prepare a lease with Mr. Hendley (for period of amortization at rate of 1½¢ per gal. of gas plus monthly rental of \$10.00 plus 3½¢ a gal. paid for all gasoline sold. (C/Atty to handle)

NEW BUSINESS

CONSENT

28. Request permission for Personnel Officer to attend Public Personnel Association Annual Western Conference in Seattle, Washington from April 19 through 22, 1970.  
(Annual conference of City, County, and State personnel managers has been held in California during past few years. This year covers such subjects as recruitment, testing, employee communications, middle management training, and current salary and benefit trends. Motion approving request needed. Estimated cost \$320. Funds budgeted in Account 207-65-101, Conference Expense)

ACTION: By motion request granted. (Personnel to handle)

CONSENT

29. Lease agreement - Silverthorn Branch Library.  
(Memo with agenda. Resolution approving agreement needed)

ACTION: Res. 70-269 adopted approving agreement with Dana Development Co. (Finance to handle)

CONSENT

30. Request permission for City Attorney Elwyn L. Johnson to attend Spring meeting, City Attorneys' Department of the League of California Cities, at Newport Beach, California, for the period May 6 - 8, 1970.  
(This is the annual Spring meeting which is usually attended by the City Attorney. Motion authorizing attendance needed. Funds budgeted in Account 207-13, Conference Expense, p. 30 of 1969-70 budget)

ACTION: By motion request approved. (C/Atty to handle)

Claim of Jack E. Wassum vs City of Modesto.  
(Claim in the amount of \$53,301.30 for personal injuries in connection with Modesto Sewerage Project Unit No. 10 will be defended by the attorneys for the contractor, TAB Construction, Inc. They have suggested that this claim be rejected by the Council. Information with agenda. Resolution rejecting claim needed)

ACTION: Res. 70-270 adopted rejecting claim. (Clerk to handle)

CONSENT

32. A resolution determining that the public interest and convenience require that Santa Ana Addition be annexed to the Modesto Municipal Sewer District No. 1 and naming a time and place for hearing. (It is now necessary to commence proceedings to annex the Santa Ana Addition to Modesto Municipal Sewer District No. 1. Suggested hearing date May 11, 1970 at 7:45 P.M. Resolution setting hearing (2/3 affirmative vote needed)

ACTION: Res. 70-271 adopted setting hearing. (Clerk to handle)

CONSENT

33. Accept as complete improvements in Prescott Estates Subdivision and authorize City Clerk to file notice of completion and release bond upon expiration of statutory lien period. (This subdivision is located west of Prescott Road between Rumle Road and Eicher Avenue. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements needed)

ACTION: Res. 70-272 adopted accepting improvements. (Clerk to handle)

CONSENT

34. Accept improvements in Lorenzen Park No. 5 Subdivision and authorize City Clerk to file notice of completion and release bond upon expiration of statutory lien period. (Lorenzen Park No. 5 Subdivision is located west of Rose Avenue between Rose Avenue and Brighton Avenue. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements needed)

ACTION: Res. 70-273 adopted accepting improvements. (Clerk to handle)

CONSENT

35. Renewal of food concession at Beard Brook Park. (Mr. Charles Wright has requested renewal of a contract to operate a food concession at Beard Brook Park. The City's relationship with Mr. Wright regarding this concession has been most satisfactory, and it is recommended that the contract be renewed for one year. All the terms and conditions which applied under the last agreement will remain in force with the exception of the request from Mr. Wright for permission to increase the price of soft drinks from 15¢ to 20¢ for a 10 ounce drink (Appendix "A") Resolution needed)

ACTION: Res. 70-274 adopted approving renewal of agreement. (P & R to handle)

36. Consider possible request to State for surplus property at DuLorne Boulevard-Freeway interchange.  
(A report by the Director of Parking and Traffic telling of a new law that could make this site available has been sent with agenda. Motion needed directing staff to make the application to the State or to drop the matter. No cost at this time - \$25,000 eventually)

ACTION: By motion (Robinson/Simon, unan.) staff directed to submit application to State for property. (P & T to handle)

CONSENT

37. Resolutions instructing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters at the locations listed below.  
(Informal requests were sent over 30 days ago to the property owners to install sidewalks and/or curbs and gutters. The work has not been done; therefore it is recommended that resolutions be adopted authorizing the Superintendent of Streets to give notice requiring construction. Resolutions setting hearings needed; suggested date April 6, 1970 at 4:30 P.M.)

CONSENT

(a) Sidewalk at 325 Oak Street, Block 414, Lots 1 and 2 (Mr. James E. Sheppard)  
(Resolution setting hearing needed)

ACTION: Res. 70-275 adopted setting hearing. (P/W to handle)

~~CONSENT~~

(b) Sidewalk at 323, 323½ Oak Street, Block 414, Lots 3 and 4 (Mrs. Elizabeth Shipley)  
(Resolution setting hearing needed)

Dropped

~~CONSENT~~

(c) Curb and gutter at 815 Coldwell Avenue, Block 800, Lot 12 (Mr. Henry D. Garaventa)  
(Resolution setting hearing needed)

Dropped

~~CONSENT~~

(d) Curb and gutter at 1003 Coldwell Avenue, portion of Block 802 (Mr. Manoog A. Bedoian)  
(Resolution setting hearing needed)

Dropped

~~CONSENT~~

(e) Curb and gutter at 1015 Coldwell Avenue, Block 802, Lot 1 (Mr. Albert C. Emminger)  
(Resolution setting hearing needed)

Dropped

CONSENT

(f) Curb and gutter at 1019 Coldwell Avenue, Block 802, Lot 2 (Mrs. Cathleen M. Asthues)  
(Resolution setting hearing needed)

Dropped

CONSENT

(g) Curb and gutter on E Street at 502 Sixth St., Block 30, Lots 17 to 20, inclusive (Mrs. Andrew Silva)  
(Resolution setting hearing needed)

Dropped

38. Contract for grant of Urban Beautification Funds.  
(Memo with agenda. Resolution approving contract document and authorizing execution by City Manager needed)

ACTION: Res. 70-276 adopted approving contract for Grant for Urban Beautification and Improvement. (C/Mgr to handle)

CONSENT

39. Request permission for Chief of Police to attend the National Symposium on Law Enforcement Science and Technology to be held in Chicago, Illinois March 31 through April 2, 1970.  
(The general purpose of the symposium is to encourage the application of both the physical and social sciences and technology to all aspects of criminal justice - especially law enforcement, courts and corrections. More specifically, it hopes to provide a professional forum for the exchange of ideas and information to help identify areas of the physical and social sciences that are relevant to criminal justice, and to foster communication between the criminal, justice and the scientific and engineering communities. Motion approving request needed. Estimated cost \$392. Funds budgeted in Account 207-65-101, Conference Expense)

ACTION: By motion request approved. (Police to handle)

CONSENT

40. Accept improvements in Hagstrom Park No. 1 Subdivision and authorize City Clerk to file notice of completion and release bond upon expiration of statutory lien period.  
(Hagstrom Park No. 1 Subdivision is located east of Rose Avenue between Celeste Drive and M.I.D. Lateral No. 3. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements and authorizing City Clerk to file notice of completion needed)

ACTION: Res. 70-277 adopted accepting improvements. (Clerk to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

41. Recommend to the Council an amendment to the Modesto Municipal Code (Subdivision Regulations).  
(By Resolution 70-43 adopted March 17, 1970 the Planning Commission recommends an amendment to Article 2 of Chapter 4 of Title IV of the Modesto Municipal Code relating to Subdivision. Introduction of ordinance needed)

ACTION: Ord. No. 1015-C.S. introduced. (Clerk to handle)

Consider approval of appropriation transfer of \$1,994 to provide funds for the purchase of a Police Department motorcycle unit to replace worn out unit.  
(Memo with agenda. Resolution approving transfer needed.)

ACTION: Res. 70-278 adopted approving appropriation transfer of \$1,994 from Account 60-48-512 to Account 5439-48-512.  
(Finance to handle)

MISCELLANEOUS

43. Legislative matters.

None

44. Appointments.

ACTION: The Council adjourned to Executive Session to consider appointments and item 45 at 12:10 a.m. and returned to open session at 1:30 a.m.

Res. 70-279 adopted (Simon/Newton, unan.-Mitchell, absent) appointing David Ryan and reappointing Wm. Nicholson as members of the P/C for terms ending January 1, 1974. (Clerk to handle)

Res. 70-280 adopted (Simon/Newton, unan.-Mitchell, absent) reappointing Harold Schulenberg as a member of the Board of Zoning Adjustment for a term ending January 1, 1974. (Clerk to handle)

45. Executive session.

(a) To consider acquisition of right of way for Needham Avenue.

ACTION: Res. 70-281 adopted (Robinson/Simon, unan.-Mitchell, absent) approving agreement to purchase property from Orland and Rose Close for Needham Avenue widening. (Finance to handle)

(b) To consider acquisition of Lincoln School property.

No action taken.

Adjournment at 1:35 a.m.

ATTEST:

  
W. T. CHYNOWETH, CITY CLERK

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, APRIL 6, 1970 AT 4:00 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Simon, Smith  
and Mayor Davies  
Absent: None

Pledge of allegiance to the Flag

Invocation: A moment of silent prayer was observed.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 5, 7, 9, 10, 11,  
12, 13, 14, 23, 24, 25, 26,  
Item 37 removed from consent 27, 29, 30, 31a, b, c, d, e,  
(Robinson/Simon, unan.) 32a, b, c, d, e, f, g, h, i,  
j, k, 33, 34, 35, ~~37~~, 38, 39,  
40, 41

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items).

APPROVAL OF MINUTES

CONSENT

1. Minutes of March 23, 1970.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT

2. Request of Modesto Centennial Committee in connection with Fourth of July Celebration:

(a) Barricade I Street between 11th and 12th Sts. from 9:30 a.m. through 3:30 p.m.

(b) Use of the City's reviewing stand with canvas top, to be placed on I Street close to the cannon in the Courthouse Park by city personnel on July 2nd or 3rd.

(c) Use of a public address system (to be furnished by centennial committee at the reviewing stand.

(d) Use of the City Ball Park the evening of July 4th for entertainment and fireworks. (The City to supply a standby fire truck along with the County; the American Legion to furnish auxiliary police for patrol and added protection)

(e) Parade route requested to be the same as last year, starting at 10th and F, north on 10th to K, east on K to 11th, south on 11th to I, east on I to 13th, north on 13th to J, west on J to 12th, north on 12th to L and disband.

(Resolution granting request needed)

ACTION: Res. 70-282 adopted granting above requests. (P/W (a), P & R (b & d), P & T (e), Fire (D) and Police (e) to handle)

4. Recommendations from Citizens' Community Center Committee.

ACTION: Mayor Davies commended the committee for the outstanding job. Mrs. Mensinger displayed the final architect's drawings. By Order of the Chair this matter was delayed for two weeks.

CONSENT

5. Request of Boy Scouts for use of parade reviewing stand for Scout-O-Rama Parade on May 2, 1970 and for erection of stand by City personnel.  
(Motion approving request needed)

ACTION: By motion request approved. (P & R to handle)

6. Request of Mrs. Oma Scarbrough for permission to file late claim.  
(Memo with agenda)

ACTION: Councilman Simon excused himself from consideration of this item. By motion (Mitchell/Robinson, majority - Smith, no) request to file late claim granted and matter referred to insurance adjustor. (C/Atty to handle)

CONSENT

7. Request of Omega Nu for approval of plans for Centennial House Tour on May 9, including use of Enslin Park.  
(Motion granting request needed)

ACTION: By motion request granted. (P & R to handle)

BIDS

8. Award of bid for library building and selection of date for ground breaking.

ACTION: Res. 70-283 adopted (Robinson/Dixon, unan.) awarding bid to Acme Construction Co. (P/W to handle)  
Friday, April 17, at 2:00 P.M. set as time for groundbreaking.  
CONSENT (C/Mgr to handle)

9. Consider acceptance of Industrial Electric's contract as complete for construction of Eicher Avenue Subtrunk Sewer.  
(All work in connection with the project has been completed to the satisfaction of the Public Works Department. Therefore, it is recommended the City Clerk file notice of completion. Original contract cost \$43,246. Resolution accepting work and authorizing City Clerk to file notice of completion-needed. Actual cost \$44,569; funds budgeted in Account 6562-212, Eicher Avenue Subtrunk)

ACTION: Res. 70-284 adopted accepting contract. (Clerk to handle)

CONSENT

10. Consider acceptance of Valley Construction Company's contract for installation of water lines in Woodrow Manor No. 2 Subdivision. (Original contract \$1,454. All work on this project has been completed to the satisfaction of the Public Works Department. It is recommended the City Clerk be authorized to file notice of completion. Resolution accepting work needed. Final cost \$1,465.20. Funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 70-285 adopted accepting contract. (Clerk to handle)

CONSENT

11. Consider award of bid for the replacement of curb and gutter on Bermuda Way and Catalina Way from Enslin Avenue to Sherwood Ave. (Bids were opened March 31. The low bid submitted by A. C. Construction Company, which is 5.7% over the Engineer's Estimate, is considered acceptable. It is recommended by the Public Works Department that the bid be awarded to them. Resolution awarding bid needed. Estimated cost \$8,472.60; funds budgeted in Account 321-51-101, Construction Materials)

ACTION: Res. 70-286 adopted awarding bid to A. C. Construction Co. (P/W to handle)

CONSENT

12. Consider award of bid for installation of water lines in Riverside North No. 1 Subdivision. (Bids were opened March 31 and the low bid of Valley Construction Co., which is 12% below the Engineer's Estimate, is considered acceptable. It is recommended by the Public Works Department that the bid be awarded to them. Resolution awarding bid needed. Estimated cost \$10,576; materials, \$6,950, Labor \$3,626. Resolution awarding bid needed. Funds budgeted in Account 6804-50-101, Water Line Extensions)

ACTION: Res. 70-287 adopted awarding bid to Valley Construction Co. (P/W to handle)

CONSENT

13. Consider award of bid for construction of Riverside North No. 1 Subdivision subtrunk sewer. (Bids were opened March 31 and the low bid of Reed's Trenching, Inc., which is 24% over the Engineer's Estimate, is considered acceptable. Three bidders, including the low bidder, were all within about \$4,500 of the Engineer's Estimate. Discussion with the contractors indicated that they evaluated the soil conditions to be more critical than we expected. We recognized before bidding that the very sandy soil made estimating difficult and since three contractors were very close in their evaluation, we recommend that the award be made to the low bidder. Estimated cost \$18,906.00; funds budgeted in Account 6561-212, Extend Subtrunk & Perimeter Sewers)

ACTION: Res. 70-288 adopted awarding bid to Reed's Trenching, Inc. (P/W to handle)

CONSENT

14. Consider call for bids and determining wage rates for construction of Improvement District No. 15 sanitary sewers.  
(The plans and specifications were approved on January 12, 1970. Suggested bid opening time April 28, 1970 at 2:00 P.M. Resolution calling for bids and determining wage rates and resolution approving appropriation transfer of \$124,721 from Sewer Service Fund, General Reserve, needed. Estimated cost \$134,721 (City Contribution and Incidental Expenses. \$10,000 budgeted in Account 6592-212, Sewer Improvement District No. 15)

ACTION: Res. 1133-S.P. adopted calling for bids. (Clerk to handle)  
Res. 70-289 adopted approving appropriation transfer of \$124,721 from Account 60-212 to Account 6592-212. (Finance to handle)

HEARINGS

15. Montclair No. 2 annexation to Sewer District No. 1. 4:15 P.M.

ACTION: Res. 70-290 adopted (Smith/Simon, unan.) annexing Montclair No. 2 Addition to Modesto Municipal Sewer District No. 1.  
(Clerk to handle)

16. Hearing, annexation of Old Oakdale Addition to Sewer District No. 1. 4:20 P.M.

ACTION: Res. 70-291 adopted (Mitchell/Robinson, unan.) annexing Old Oakdale Addition to Modesto Municipal Sewer District No. 1.  
(Clerk to handle)

17. Cost of installation of curb and gutter at 104 Rowland Avenue, portion of Block 2087 (\$271.14, Mrs. Bernice P. Jackson) 4:25 P.M.

ACTION: Dropped as costs have been paid.

18. Cost of installation of curb and gutter at 509 Redwood Avenue, west 100 feet of Lots 24 and 25, Block 586 (\$319.34 - Mr. C. E. Gillette) 4:25 P.M.

ACTION: Res. 70-292 adopted (Smith/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

19. Cost of installation of curb and gutter on Wright Street at 229 Orange Avenue, Lots 31 and 32, Block 511 (\$467.74 - Mr. Paul J. Ferguson) 4:25 P.M.

ACTION: Res. 70-293 adopted (Smith/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

20. Cost of installation of sidewalk, curb and gutter on Alice St. at 135 Olive Avenue, Lots 35 and 36, Block 509 (776.44 - Harold D. Larson) 4:25 P.M.

ACTION: Res. 70-294 adopted (Smith/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

21. Sidewalk requirements at 323 Oak Street, Block 114, Lots 1 and 2 (Mr. James E. Sheppard)

4:30 P.M.

ACTION: Res. 70-295 adopted (Newton/Smith, unan.) ordering work done. (P/W to handle)

22. Matters for the good of the community. 4:35 P.M.  
(These may be presented by interested people in the audience)

ACTION: Res. 70-296 adopted (Simon/Smith, unan.) approving appropriation transfer of \$2,048 from Account 60-48-512 to Account 5418-48-512 for the installation of air conditioning in certain police cars. (Finance to handle)

By motion (Dixon/Smith, unan.) possibility of citizens' night patrol referred to Council Crime Study Committee for study. (C/Mgr to handle)

Councilman Dixon requested the Council to consider serving as judges for a speech tournament to be held at Modesto High School on April 11.

CONSENT

23. Final adoption of Ordinance No. 1011-C.S. (Amending Section 10-3-9 of the zoning map - Coffee Terrace).

ACTION: By motion Ord. No. 1011-C.S. adopted. (Clerk to handle)

CONSENT

24. Final adoption of Ordinance No. 1012-C.S. (Amending parking meter zoning map).

ACTION: By motion Ord. No. 1012-C.S. adopted. (Clerk to handle)

CONSENT

26. Final adoption of Ordinance No. 1014-C.S. (Landscaping).

ACTION: By motion Ord. No. 1014-C.S. adopted. (Clerk to handle)

CONSENT

27. Final adoption of Ordinance No. 1015-C.S. (Subdivision regulations).

ACTION: By motion Ord. No. 1015-C.S. adopted. (Clerk to handle)

OLD BUSINESS

28. Approval of agreement with Philip R. Hendley on the gas island at the Airport.  
(Resolution approving agreement needed.)

ACTION: It was reported that while tentative agreement had been reached on the agreement it had not been typed or signed yet, and that an additional clause giving Mr. Hendley an option to extend the lease for 5 years had been included.

NEW BUSINESS

CONSENT

29. Adoption of the following resolutions regarding Improvement District No. 16 (Street lighting in 4 different locations of City).  
(a) M16-1: Resolution of preliminary determination relative to 1931 Act and fixing time and place of hearing.

ACTION: Res. 1134-S.P. adopted. (Clerk to handle)

(b) M16-2: Resolution directing Engineer to prepare plans, specifications and cost estimate.

ACTION: Res. 1135-S.P. adopted. (P/W to handle)

CONSENT

29.(continued)

(c) M16-3: Resolution approving contract documents and specifications, map, plans and profiles and cost estimate.

ACTION: Res. 1136-S.P. adopted. (P/W to handle)

(d) M16-4: Resolution of Intention - fixes hearing date for May 11, 1970 at 8:00 P.M.

ACTION: Res. 1137-S.P. (Resolution of Intention 323) adopted. (Clerk to handle)

(e) M16-5: Resolution designating the Modesto Bee as the newspaper in which all publications will take place in these proceedings.

ACTION: Res. 1138-S.P. adopted. (Clerk to handle)

(f) M16-6: Resolution fixing compensation of attorneys.

(Adoption of resolutions M16-1 through M16-6 needed)

ACTION: Res. 1139-S.P. adopted. (C/Atty to handle)

CONSENT

30. Letter from Muir Trail Girl Scout Council requesting use of city parks for day camp program.  
(Motion granting request needed)

ACTION: By motion request granted. (P & R to handle)

CONSENT

31. Resolutions instructing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters at the locations listed below.  
(Informal requests were sent over 30 days ago to the property owners to install sidewalks and/or curbs and gutters. The work has not been done; therefore it is recommended that resolutions be adopted authorizing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters. Resolutions setting hearings needed. Suggested date April 20, 1970 at 4:15 P.M.)

CONSENT

(a) Sidewalk, curb and gutter on Sixth Street and C Street at 609 C Street, Block 28, Lots 17 to 19, inclusive (Mr. Rudy Bonzi).  
(Resolution setting hearing needed)

ACTION: Res. 70-297 adopted setting hearing. (P/W to handle)

CONSENT

(b) Sidewalk at 312 Sixth Street, Block 28, Lots 22 and 23, (Mr. Eugene Kenneth Grote)  
(Resolution setting hearing needed)

ACTION: Res. 70-298 adopted setting hearing. (P/W to handle)

CONSENT

(c) Sidewalk on D Street at 401-407 Seventh Street, Block 29, Lots 13 to 16 inclusive (Mr. Ernest L. Ruiz)  
(Resolution setting hearing needed)

ACTION: Res. 70-299 adopted setting hearing. (P/W to handle)

CONSENT

(d) Sidewalk at 410-416 Sixth Street, Block 29, Lots 21 and 24 inclusive (Mrs. Bobbie Lois Arden)  
(Resolution setting hearing needed)

ACTION: Res. 70-300 adopted setting hearing. (P/W to handle)

CONSENT

(e) Sidewalk on Sixth Street, Block 37, Lot 23 (Mr. Edward T. Taylor, Jr.)  
(Resolution setting hearing needed)

ACTION: Res. 70-301 adopted setting hearing. (P/W to handle)

CONSENT

32. Report of Superintendent of Streets on the cost of installation of sidewalk and/or curb and gutter at the properties listed below. (The amounts assessed against the properties will be included in reports distributed with the agenda for the hearing date. Resolutions setting date for hearing needed. Suggested hearing date April 20, 1970 at 4:20 P.M. Contract cost listed below with properties. Funds budgeted in Account 5302-51-101, curbs and gutters, Special)

CONSENT

(a) Sidewalk, curb and gutter at 713 S. Madison Street, Block 402, North 40' of Lots 15 to 18 inclusive (\$210.00 - Mr. Manuel R. Castillo)  
(Resolution setting hearing needed)

ACTION: Res. 70-302 adopted setting hearing. (P/W to handle)

CONSENT

(b) Sidewalk, curb and gutter at 711 S. Madison Street, Block 402, South 41' of Lots 13 and 14 (\$215.00 - Mr. Leland Peterson)  
(Resolution setting hearing needed)

ACTION: Res. 70-303 adopted setting hearing. (P/W to handle)

CONSENT

(c) Sidewalk, curb and gutter at 309 Walnut Street, Block 402, Lots 9 and 10 (\$323.84 - Mr. Albert Masdonati)  
(Resolution setting hearing needed)

ACTION: Res. 70-304 adopted setting hearing. (P/W to handle)

CONSENT

(d) Curb and gutter at 321 Walnut Street and 710 S. Franklin Street, Block 402, Lots 1 to 4, inclusive (\$350.14 - Mr. Willie Stone)  
(Resolution setting hearing needed)

ACTION: Res. 70-305 adopted setting hearing. (P/W to handle)

CONSENT

(e) Sidewalk, curb and gutter along Walnut Street and S. Madison Street at 305 Walnut Street, Block 402, Lots 11 and 12 and North 99 feet of Lots 13 and 14 (\$981.89 - Mr. G. Donald Bernard)  
(Resolution setting hearing needed)

ACTION: Res. 70-306 adopted setting hearing. (P/W to handle)

CONSENT

(f) Sidewalk, curb and gutter along S. Madison Street at 302 California Avenue, Block 402, South 100 feet of Lots 15 and 16 (\$550.78 - Mrs. Elloise L. Patrick)  
(Resolution setting hearing needed)

ACTION: Res. 70-307 adopted setting hearing. (P/W to handle)

CONSENT

(g) Curb and gutter at 1201 Woodman Way, Block 6181-A, Lot 1 (\$228.97 - Mrs. Diane D. Morton)  
(Resolution setting hearing needed)

ACTION: Res. 70-308 adopted setting hearing. (P/W to handle)

CONSENT

(h) Sidewalk, curb and gutter at 305 Maple Street, Block 415 (Lots 11 and 12 (\$296.42 - Mr. Silas W. Green)  
(Resolution setting hearing needed)

ACTION: Res. 70-309 adopted setting hearing. (P/W to handle)

CONSENT

(i) Sidewalk, curb and gutter at 315 Maple Street, Block 415, Lots 7 and 8 (\$296.42 - Mr. Silas W. Green)  
(Resolution setting hearing needed)

ACTION: Res. 70-310 adopted setting hearing. (P/W to handle)

CONSENT

(j) Sidewalk, curb and gutter at 309 Maple Street, Block 415, Lots 9 and 10 (\$296.42 - Mr. Carl Christiansen)  
(Resolution setting hearing needed)

ACTION: Res. 70-311 adopted setting hearing. (P/W to handle)

CONSENT

(k) Curb and gutter at 305 Bodem Street, Block 591, Lots 21 and 22, (\$155.00 Mrs. Mike Rasheff)  
(Resolution setting hearing needed)

ACTION: Res. 70-312 adopted setting hearing. (P/W to handle)

CONSENT

33. Consider request for sewer service to property outside the City Limits on Terrance Way.  
(The property owners have signed an agreement to annex to the City when requested to do so. The property is contiguous to the City and a sewer line exists to serve it. Property Owner: Arthur Chandler. Resolution approving agreement needed)

ACTION: Res. 70-313 adopted approving agreement. (P/W to handle)

- 33A. Resolution accepting right of way agreement, Needham Street, John H. Kerr and Dorothy M. Kessler.  
(The grantors are dedicating the necessary right of way for widening Needham Street, but damages are being incurred in the sum of \$2,200. Memo with agenda. Resolution approving agreement and authorizing payment of \$2,200 needed. Funds budgeted in Account 6647-41-321, Misc. Right of Way and Improvements (p 73 of budget)

ACTION: Res. 70-314 adopted approving agreement and authorizing payment. (Finance to handle)

REPORTS

CONSENT

34. Report on request of the Golden Years Senior Citizens Club for use of Senior Citizens Center for meetings on Mondays or Tuesdays.  
(Motion delaying for one week needed)

ACTION: By motion report delayed for one week.

CONSENT

35. Report on street lighting.  
(Report with agenda. Motion accepting report and initiating recommendations needed)

ACTION: By motion report accepted and staff directed to request Board of Supervisors to amend Subdivision Ordinance of Stanislaus County to require street lighting in all subdivisions. (P/W to handle)

36. Oral report by Councilman Dixon on housing.

ACTION: Councilman Dixon pointed out that while labor is often blamed for increased housing costs land and finance costs have increased much more.

~~XXXXXXXX~~

37. Submittal of Septic System Report in the Modesto Urban Area for Council approval.  
(The Council requested the report in October 1969 and the report is now completed. Motion accepting report and authorizing implementation needed)

ACTION: By motion (Dixon/Newton, unan.) report accepted and staff authorized to implement same. (P/W to handle)

CONSENT

38. Recommend commencement of proceedings for the annexation to the City of uninhabited territory (Glendale No. 1)  
(Commencement of proceedings for the annexation to the City of uninhabited territory (Glendale No. 1). Resolution setting date for public hearing needed. Suggested date June 1, 1970 at 4:15 P.M.)

ACTION: Res. 70-315 adopted setting hearing. (Clerk to handle)

CONSENT

39. Recommend commencement of proceedings for the annexation to the City of Uninhabited Territory (Glendale No. 2)  
(Commencement of proceedings for the annexation to the City of uninhabited territory (Glendale No. 2). Resolution setting date for public hearing needed. Suggested hearing date June 1, 1970 at 4:20 P.M.)

ACTION: Res. 70-316 adopted setting hearing. (Clerk to handle)

CONSENT

40. A resolution annexing uninhabited territory to the City of Modesto known as Greenfield Addition.  
(The L.A.F. Commission has authorized this annexation without notice or public hearing. Resolution needed approving annexation)

ACTION: Res. 70-317 adopted annexing Greenfield Addition to City.  
(Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

41. Appropriation transfer from the General Reserve to various salaries and wages accounts.  
(To provide funds for the retroactive increase authorized by the City Council, Resolution 70-131, 2/2/70 (effective 1/1/70). Motion approving transfer needed)

ACTION: Res. 70-318 adopted approving appropriation transfer of \$27,600 from Account 60-101 to 110-Variou-101. (Finance to handle)

MISCELLANEOUS

42. Legislative matters.

ACTION: AB317 held for more information; SB601 opposed (Dixon/Smith, unan.); AB984 supported (Robinson/Smith, unan.); AB217 motion (Dixon/Mitchell) to oppose tabled for one week to obtain more information such as make up of State Water Resources Board (by motion Dixon/Simon, unan.)

The Mayor was excused from the remainder of the meeting at 6:05 P.M. and Vice Mayor Mitchell presided.

AB-908 staff directed to obtain information from M.I.D. and T.I.D. SB695 opposed (Simon/Robinson, unan.); SB676 opposed (Simon/Dixon, unan.); AB1335 opposed (Robinson/Newton, unan.); SB476 opposed (Dixon/Simon, unan.);

The Staff was directed to mark the legislative bulletins to assist the Council.

43. Appointments.

None

Adjournment at 6:35 P.M. to executive session to discuss land acquisition. It was announced that the Council would not return to open session.

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, CITY CLERK

City of Modesto

AGENDA FOR COUNCIL MEETING OF MONDAY, APRIL 13, 1970 at 7:30 P.M.

Roll Call Present: Mitchell, Newton, Robinson, Simon, Smith and  
Mayor Davies  
Absent: Dixon

Pledge of allegiance to the Flag  
Invocation: Moment of silent prayer was observed.

CONSENT ITEMS - roll call vote required: Items 1, 2, 5, 6, 7, 8, 9, 11,  
12, 13, 14, 15, 16, 17a, b, c,  
Smith/Newton, unan. - Dixon , absent) d, e, 18a, b, 19, 20, 21, 22,  
23, 24, 25, 26, 28, 29, 30, 31

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of April 6, 1970.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT

2. Letter from Modesto Lion's Club urging firm stand against violence and for individual liberties.  
(Motion ordering filed needed)

ACTION: By motion letter ordered filed. (Clerk to handle)

4. Notice that P.T. & T. has requested rate increase.  
(Information sent to Council with April 6th agenda. Motion ordering ~~filed needed~~ referring to staff with understanding that staff will report to Council if necessary. (C/Mgr. to handle). Corrected  
ACTION: Mayor Davies was excused from consideration of this item and 4/20/70 meeting Vice Mayor Mitchell presided. By motion (Robinson/Simon, unan.) notice ordered filed.

CONSENT

5. Application of Del Este Water Co. for rate increase.  
(Motion referring to staff needed)

ACTION: By motion referred to staff. (P/W to handle)

Resolution setting hearing for April 27, 1970 at 7:35 P.M. needed)

ACTION: Res. 70-319 adopted setting hearing. (Clerk to handle)

CONSENT

7. Request for closure of certain streets on July 5 for Centennial go-cart races sponsored by Civitan Club as submitted to Police Chief.  
(Motion referring to staff for report needed)

ACTION: By motion referred to staff for report. (Police to handle)

BIDS

CONSENT

8. Accept as completed Tab Construction, Inc. contract for the construction of South Trunk Sewer, etc., Project Unit No. 10, Sewerage Works Improvements.  
(Memo with agenda. Resolution accepting work as complete and authorizing City Clerk to file notice of completion needed. Contract cost \$962,732; actual cost \$968,176.97. Funds budgeted in Account 6553-405, Muni Sewer Dist. Impr.)

ACTION: Res. 70-320 adopted accepting contract. (Clerk to handle)

CONSENT

9. Consider award of bid for site preparation, grading, drainage and baseball field construction at Downey Park.  
(Bids were opened on April 7th. The low bid submitted by Elrich Construction which is 17% under the Landscape Architect's Estimate is considered acceptable. Therefore, it is recommended by the Public Works Department that the bid be awarded to them. Resolution awarding bid needed. Estimated cost \$71,750 (Contract \$69,750; Engineering and inspection, \$2,000). Funds budgeted in Account 6290-31-321, Downey Park Stages I & II)

ACTION: Res. 70-321 adopted awarding bid to Elrich Construction.  
(P/W to handle)

10. Matters for the good of the community. 7:45 P.M.  
(These may be presented by interested people in the audience)

ACTION: Jim Switzer complained that the police used threats in connection with a traffic citation given his wife on April 10, and asked that the City pay the ticket. It was agreed that an investigation be made of the incident. (C/Mgr to handle)

Several speakers requested the Council to intercede with the School Board on behalf of the free lunch program. No action was taken.

Res. 70-322 adopted (Mitchell/Newton, unan. - Dixon, absent) approving appropriation transfer of \$1,000 from Account 110-31-101 to Account 5201-39-101 for the painting of the Senior Citizens Center. (Finance to handle)

Res. 70-323 adopted (Smith/Robinson, unan. - Dixon, absent) approving appropriation transfer of \$18,000 from Accounts:

491-43-101	\$8,100
110-54-101	5,015
430-53-101	4,281
491-51-101	604

to Account 321-51-101 for the curb and gutter repair program.  
(Finance to handle)

ORDINANCES

CONSENT

11. Final adoption of Ordinance No. 1013-C.S. (amendment to Section 27-3-9 of the zoning map - Landini)

ACTION: By motion Ord. No. 1013-C.S. adopted. (Clerk to handle)

CONSENT

12. Consider an ordinance amending several sections of Article 1 of Chapter 1 of Title IV of the Modesto Municipal Code relating to amusement devices.  
(Copies of the ordinance with agenda. Introduction of ordinance needed)

ACTION: Ord. No. 1016-C.S. introduced. (Clerk to handle)

OLD BUSINESS

CONSENT

13. Resolution approving agreement with Philip R. Hendley for lease of airplane fueling facilities at Modesto City-County airport. (This agreement provides for construction by Hendley of a gas island at a location on the airport previously approved by the City Council. It also provides that the lease will expire when the cost of the fueling facilities have been amortized at the rate of 1½¢ for each gallon of gasoline sold. It also gives Hendley the right to renew the lease for a period of 5 years. Compensation to the City is \$10.00 per month plus 3½¢ for each gallon of gasoline sold and 5¢ for each gallon of oil sold. Resolution approving agreement needed)

ACTION: Res. 70-324 adopted approving agreement. (Clerk to handle)

NEW BUSINESS

CONSENT

14. Consider approval of extension of lease agreement between Golden Pacific Airlines and City of Modesto.  
(The present lease agreement expired March 27, 1970. Golden Pacific has agreed to an extension of the lease agreement through May 1, 1970 by which time the expansion of the terminal will be completed and accepted by the Council, and the new lease agreement, already executed, will become effective. Resolution Approving extension through May 1, 1970 needed)

ACTION: Res. 70-325 adopted approving extension of lease agreement.  
(Clerk to handle)

CONSENT

15. Consider approval of new lease agreement between John F. Gottschalk dba Gottschalk Flight Center and the City of Modesto for an area 35 x 420 feet for 10 aircraft tie-down spaces at the Modesto City-County Airport. This lease will terminate the existing lease for 5 aircraft tie-down spaces effective Feb. 1, 1970. Rental of 10 tie-down spaces is \$50 per month. Resolution approving lease agreement needed)

ACTION: Res. 70-326 adopted approving lease agreement. (Clerk to handle)

CONSENT

16. Resolution approving right of way agreement with William W. Lovvorn, Needham St.  
(This agreement provides for payment to the grantor of \$1,576.89 damages to the property. The right of way for widening of Needham Street is being dedicated to the City. The staff recommends acceptance of this grant agreement and authorization of its execution by the City Manager. Resolution approving Right of Way agreement and authorization of its execution by City Manager needed)

ACTION: Res. 70-327 adopted approving agreement. (Clerk to handle)

CONSENT

17. Resolutions instructing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters at the locations listed below.  
(Informal requests were sent over 30 days ago to the property owners to install sidewalks and/or curbs and gutters. The work has not been done; therefore it is recommended that resolutions be adopted authorizing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters. Resolutions setting hearings on April 27, 1970 at 7:45 P.M. needed)

CONSENT

- (a) Sidewalk on Smith Avenue at 611<sup>1/2</sup> Magnolia Avenue, portion of Block 705 (Mr. Larry B. Arnese)  
(Resolution setting hearing needed)

ACTION: Res. 70-328 adopted setting hearing. (P/W to handle)

- (b) Sidewalk on Smith Avenue at 621 Magnolia Avenue, North 100' of Lot 67, Block 705 (Mr. Howard C. Hutchison)  
(Resolution setting hearing needed)

ACTION: Res. 70-329 adopted setting hearing. (P/W to handle)

- (c) Sidewalk at 721 Magnolia Avenue, South 55' of Lot 36, Block 709, (Mrs. Jennie K. Badal)  
(Resolution setting hearing needed)

ACTION: Res. 70-330 adopted setting hearing. (P/W to handle)

CONSENT

17. (d) Sidewalk at 803 Magnolia Avenue, South 55' of North 110' of Lots 36, Block 709 (Mr. James G. Porter, Jr.)  
(Resolution setting hearing needed)

ACTION: Res. 70-331 adopted setting hearing. (P/W to handle)

CONSENT

- (e) Sidewalk at 805 Magnolia Avenue, North 55' of Lot 36, Block 709 (Mr. Larry D. McCormick)  
(Resolution setting hearing needed)

ACTION: Res. 70-332 adopted setting hearing. (P/W to handle)

CONSENT

18. Report of Superintendent of Streets on the cost of installation of sidewalk and/or curb and gutter at the properties listed below: (The amounts assessed against the properties will be included in reports distributed with the agenda for the hearing date. Resolutions setting date for hearing needed. Suggested date April 27, 1970 at 7:50 P.M.)

CONSENT

- (a) Sidewalk, curb and gutter at 1933 Evergreen Avenue, portion of Block 6515 (\$742.62 - Mr. Richard W. Fiscus)  
(Resolution setting hearing needed)

ACTION: Res. 70-333 adopted setting hearing. (P/W to handle)

CONSENT

- (b) Sidewalk on W. Briggsmore Ave. at 1800 Elmhurst Drive, Lot 1, Block 6713 (\$227.50 - Mr. Gerald C. Smith)  
(Resolution setting hearing needed)

ACTION: Res. 70-334 adopted setting hearing. (P/W to handle)

CONSENT

19. Consider authorizing the purchase of two additional 1/2 ton pickup trucks under present contract. (memo with agenda. Resolution authorizing purchase and resolution approving appropriation transfer of \$4,299 needed.) Estimated cost \$4,298.78)

ACTION: Res. 70-335 adopted approving purchase of two additional 1/2 ton pickup trucks from Best Chevrolet. (Finance to handle)

Res. 70-336 adopted approving appropriation transfer of \$4,299 from Account 60-48-512 to Account 5417-48-512.  
(Finance to handle)

CONSENT

20. Accept improvements in a portion of Renee Manor No. 1 subdivision and authorize City Clerk to file notice of completion and release bond upon expiration of statutory lien period.  
(At the time the majority of improvements were completed and accepted, a bond of \$1,000 was posted to cover improvements which could better be accomplished at the time adjacent land developed. That land has now been developed and the improvements have been installed to the satisfaction of the Public Works Department. Resolution accepting improvements and authorizing release of bond needed)

ACTION: Res. 70-337 adopted accepting improvements. (Clerk to handle)

CONSENT

21. Accept improvements in Carver Terrace No. 4 Subdivision and authorize the City Clerk to file notice of completion and release bond upon expiration of the statutory lien period.  
(Carver Terrace No. 4 Subdivision is located South of Rumble Road and East of Carver Road. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements and authorizing release of bond needed)

ACTION: Res. 70-338 adopted accepting improvements. (Clerk to handle)

CONSENT

22. Consider computer run for 56 central traffic signals.  
(For \$1,000-\$1,500 a computer company will run our traffic data and develop signal timing for each of the 56 signals to handle traffic most efficiently. A memo giving further information has been forwarded with agenda. Motion approving plan needed. Funds budgeted in 6211-56 account, Downtown Modernization)

ACTION: By motion plan approved. (P & T to handle)

CONSENT

23. A resolution approving final map of Greenwood Estates No. 3 Subdivision of the City of Modesto and authorizing agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.  
(The subdivision agreement has been signed and all fees paid. Greenwood Estates No. 3 Subdivision is located north of Fern Street between Birch Street and Columbine Drive. It contains 8.61 acres. Resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 70-339 adopted approving final map. (Clerk to handle)

CONSENT

24. Temporary loan of \$25,000 from the General Fund Reserve to the Airport Fund.  
(The Airport Fund cash has been depleted by charges for capital projects that are to be partially financed by grants from other agencies. Pending grant receipts are: Stanislaus County (runway extension, lighting) \$19,553; F.A.A. - Federal (runway extension, lighting) \$11,984; and C.A.A. - State (taxiway, apron expansion) \$9,690, for a total of \$41,227. This loan will alleviate the cash shortage until grant proceeds are received. Resolution approving loan needed)

ACTION: Res. 70-340 adopted approving temporary loan. (Finance to handle)

CONSENT

25. A resolution approving final map of Town and Country Terrace No. 1 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code.  
(The subdivision agreement has been signed and all fees paid. Town and Country Terrace No. 1 Subdivision is located at Sutter and Robertson Road. It contains 9.079 acres. Resolution approving final map needed)

ACTION: Res. 70-341 adopted approving final map. (Clerk to handle)

REPORTS

CONSENT

26. Request of Stanislaus National Council of Senior Citizens, Golden Years Chapter, for use of Senior Citizens Center.  
(Memo with agenda. No council action needed)

ACTION: No action needed.

27. Report on Senior Citizens Center - Rental rate changes.  
(Memo with agenda. Motion directing staff needed)

ACTION: By motion (Robinson/Smith, unan.) staff directed to prepare resolution setting rental rates as recommended by staff.  
(C/Atty and P & R to handle)

CONSENT

28. Presentation of financial statement for March, 1970.  
(Report with agenda. Motion accepting report needed)

ACTION: By motion report accepted.

CONSENT

29. Appropriation transfer of \$369 from General Fund, General Reserve, to Fire Department Capital Outlay Account 5302 to install fire alarm gong on east exterior wall of Fire Station #5, 200 Northern Blvd. Resolution approving transfer needed. Estimated cost \$369.)

ACTION: Res. 70-342 adopted approving appropriation transfer of \$369 from Account 60-101 to Account 5302-21-101. (Finance to handle)

CONSENT

30. Appropriation transfer of \$573 from General Fund, General Reserve, to Fire Department Capital Outlay Account 5301 to install automatic door closers on the two front apparatus room overhead doors at Fire Station #5, 200 Northern Blvd. Resolution approving transfer needed)

ACTION: Res. 70-343 adopted approving appropriation transfer of \$573 from Account 60-101 to Account 5301-21-101. (Finance to handle)

CONSENT

31. Appropriation transfer from General Reserve, General Fund (60-101) to Miscellaneous Elections (238-65) in amount of \$1,200.  
(At budget time last year only \$800 was budgeted for annexation elections with the thought if the number of elections required additional funds they would be requested when needed. We have completed three annexations at an average cost of \$500 each, and we still have the Highway Village annexation to complete. Resolution approving appropriation transfer needed)

ACTION: Res. 70-344 adopted approving appropriation transfer of \$1,200 from Account 60-101 to Account 238-65. (Finance to handle)

MISCELLANEOUS

32. Legislation.  
(Vote on motion (Dixon/Mitchell) to oppose AB-217.

ACTION: By motion (Mitchell/Robinson, unan.) vote continued for one week as further info not available as yet. By motion (Robinson/Smith, unan.) AB908 opposed.

33. Appointments

ACTION: Res. 70-345 adopted (Robinson/Simon, unan. - Dixon, absent) appointing Wm. S. Tickle as a member of the Mayor's Council on Youth Opportunity for a term ending October 31, 1970. (Clerk to handle)

Res. 70-346 adopted (Robinson/Simon, unan. - Dixon, absent) appointing Robert Welch as a member of the Beautification Committee for a term ending January 1, 1974. (Clerk to handle)

34. Executive session to consider acquisition of property.

ACTION: The Council retired to Executive Session at 9:17 P.M. with the announcement that it would not reconvene in open meeting.

Adjournment at 9:17 P.M. to April 17, 1970 at 12:00 noon in the Work Reference Room of the Modesto City Hall for a joint meeting with the Modesto Board of Education.

ATTEST: W. T. Chymoweth  
W. T. CHYMOVETH, CITY CLERK

MINUTES OF ADJOURNED COUNCIL MEETING APRIL 17, 1970

At 12:00 noon in the Work Reference Room of the City Hall to which time and place the April 13th meeting of the City Council had been adjourned, no members of the Council were present. Therefore, the meeting was adjourned by the City Clerk.

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, CITY CLERK

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF APRIL 20, 1970 AT 4:00 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Simon, Smith,  
and Mayor Davies  
Absent: None. Councilman Simon arrived at 6:04 P.M.

Pledge of allegiance to the Flag  
Invocation: Reverend Ray Nelson, First Church of God

CONSENT ITEMS - ROLL CALL VOTE REQUIRED. Items X, 3, 4, 5, 6, 7, 8,  
KX, 11, 12, X8, 26, 27, 29,  
Item 13 removed from agenda. Items 30, 32, 33a, b, c, d, e, f,  
1 and 10 removed from consent. 34a, b, c, d, e, f, g, h, i,  
35, 36, 38, 39, 40, 41, 43, 44,  
Robinson/Smith, unan. - Simon, absent 45, 46, 47, 48

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items)

APPROVAL OF MINUTES

~~CONSENT~~

1. Minutes of April 13, 1970.

ACTION: By motion (Mitchell/Robinson, unan.) minutes approved as corrected by changing Item 4 to state "referred to staff with understanding that staff will report to Council if necessary. (C/Mgr to handle)"

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

2. Request for lighted softball field for Y.M.C.A. use May 15 to September 1.

ACTION: By motion (Dixon/Smith, unan.) request denied.

CONSENT

3. Request of Modesto Swim and Racquet Club for permission to encroach upon city easement for landscaping.  
(Resolution setting April 27 at 8:00 P.M. for hearing needed)

ACTION: Res. 70-347 adopted setting hearing. (Clerk to handle)

CONSENT

4. Request for variance to permit construction of retaining wall on Hawthorne Ave.  
(Resolution setting April 27 at 8:05 P.M. for hearing needed)

ACTION: Res. 70-348 adopted setting hearing. (Clerk to handle)

CONSENT

5. Request of Modesto Band of Stanislaus County for:

(a) Budgeting of \$1,500 for 1970 series of summer concerts.  
(Motion referring to proper budget session needed)

ACTION: By motion referred to proper budget session. (Finance to handle)

CONSENT

5. (continued)

- (b) Payment of \$1,500 for 1969 series of summer concerts.  
(Motion authorizing payment needed)

ACTION: By motion payment authorized. (Finance to handle)

CONSENT

- (c) Budgeting of \$350 for appearance at State Exposition.  
(Motion referring to proper budget session needed)

ACTION: By motion referred to proper budget session. (Finance to handle)

CONSENT

- (d) Payment of \$350 budgeted for 1969 appearance at State Exposition.  
(Motion authorizing payment needed)

ACTION: By motion payment authorized. (Finance to handle)

CONSENT

6. Resignation of Roy Keir from Board of Heating and Cooling Examiners.  
(Resolution accepting with regret needed)

ACTION: Res. 70-349 adopted accepting resignation with regret.  
(Clerk to handle)

CONSENT

7. Resignation of Harold Crumpley from Mayors' Council on Youth Opportunity.  
(Resolution accepting with regret needed)

ACTION: Res. 70-350 adopted accepting resignation with regret.  
(Clerk to handle)

CONSENT

8. Request of Seventh-Day Adventist Church for abandonment of portion of alley.  
(Resolution referring to Planning Commission needed)

ACTION: Res. 70-351 adopted referring to P/C. (Planning to handle)

9. Request of insurance adjustors that claim of Miss Oma Scarbrough be rejected.

ACTION: Res. 70-352 adopted (Robinson/Mitchell, unan. - Simon, absent) rejecting claim. (Clerk to handle)

~~CONSENT~~

10. Memorandum from Vice Mayor Mitchell stating that he has been appointed Chairman of the Committee on International Municipal Cooperation of the National League of Cities for 1970.  
(Motion approving appointment needed)

ACTION: By motion (Robinson/Dixon, unan.) appointment approved. Vice Mayor Mitchell was commended by other members of the Council on his appointment.

BIDS

CONSENT

11. Consider acceptance of Industrial Electric's contract for installation of water lines in Rumble, Coffee, Block 121, Needham, and Robertson Road.  
(All work in conjunction with this project has been completed to the satisfaction of the Public Works Department. It is recommended that the City Clerk file notice of completion. Original contract cost \$24,184. Resolution accepting work as complete and authorizing the City Clerk to file notice of completion needed. Final cost \$24,392.20. Funds budgeted in Accounts 6828-50-101, Strengthen Water System, \$10,337.65; 6063-301, New Library Building, \$2,702.80; Water Line Extension, 6804-50-101, \$11,351.75)

ACTION: Res. 70-353 adopted accepting contract. (Clerk to handle)

CONSENT

12. Consider approval of plans and specifications for installation of water lines in Greenwood No. 3 and Town & Country Terrace No. 1. (Suggested bid opening May 5, 1970 at 10:00 A.M. Estimated costs: Construction, \$13,942; connection charge, \$8,700; Annual Revenues \$1,392. Resolution approving plans, specifications and bid call needed. Estimated cost \$13,942 -- Labor, \$5892; Materials \$8,050) Funds budgeted in Account 6804-50-101, Water Line Extensions. Portion of funds needed will be requested by appropriation transfer at a later date)

ACTION: Res. 70-354 adopted approving plans and specifications and bid call. (Clerk to handle)

~~CONSENT~~

13. Consider acceptance of W. M. Lyles contract for construction of Improvement District No. 14 Facilities.  
(All work in conjunction with this project has been completed to the satisfaction of the Public Works Department. Original Contract cost \$147,301.50. Resolution accepting work needed. Final contract cost: \$145,078.21; incidentals, \$16,785. Funds are budgeted in Account 6591-212 for the City contribution which will be determined after the assessment spread has been made for report to the Council at a later date).

Dropped from agenda.

HEARINGS

14. Hearing on requirement of sidewalk on D Street at 401-407 Seventh Street, Block 29, Lots 13 to 16 inclusive. (Mr. Ernest L. Ruiz) 4:15 P.M.

ACTION: Res. 70-355 adopted (Dixon/Newton, unan. - Simon, absent) ordering work done. (P/W to handle)

15. Hearing on requirement of sidewalk at 410-416 Sixth Street, Block 29, Lots 21 to 24 inclusive. (Mrs. Bobbie Lois Arden) 4:15 P.M.

ACTION: Res. 70-356 adopted (Dixon/Newton, unan. - Simon, absent) ordering work done. (P/W to handle)

16. Hearing on cost of installation of sidewalk, curb and gutter at 713 S. Madison Street, Block 402, North 40" of Lots 15 to 18 inclusive (\$210.00 - Mr. Manuel R. Castillo) 4:20 P.M.

ACTION: Res. 70-357 adopted (Newton/Robinson, unan. - Simon, absent) confirming report, assessing costs and directing method of collection (over 4 year period). (Finance to handle)

17. Hearing on cost of installation of sidewalk, curb and gutter at 711 S. Madison St., Block 402, South 41' of Lots 13 and 14. (\$215.00 - Mr. Leland Peterson) 4:20 P.M.

Hearing dropped -- costs paid.

18. Hearing on cost of installation of sidewalk, curb and gutter at 309 Walnut St., Block 402, Lots 9 and 10 (\$323.84 - Mr. Albert Masdonati) 4:20 P.M.

Hearing dropped -- costs paid.

19. Hearing on cost of installation of curb and gutter at 321 Walnut St. and 710 S. Franklin St., Block 402, Lots 1 to 4, inclusive. (\$315.14 - Mr. Willie Stone) 4:20 P.M.

ACTION: Res. 70-358 adopted (Newton/Robinson, unan. - Simon, absent) confirming report, assessing costs and directing method of collection (over 6 year period). (Finance to handle)

20. Hearing on cost of installation of sidewalk, curb and gutter along Walnut Street and S. Madison Street at 305 Walnut Street, Block 402, Lots 11 and 12 and North 99 feet of Lots 13 and 14. (\$981.89 - Mr. G. Donald Bernard) 4:20 P.M.

ACTION: Res. 70-359 adopted (Newton/Robinson, unan. - Simon, absent) confirming report, assessing costs and directing method of collection (over 6 year period). (Finance to handle)

21. Hearing on cost of installation of curb and gutter at 1201 Woodman Way, Block 6181-A, Lot 1. (228.97 - Mrs. Diane D. Morton) 4:20 P.M.

ACTION: Res. 70-360 adopted (Newton/Robinson, unan. - Simon, absent) confirming report, assessing costs and directing method of collection (over 5 year period). (Finance to handle)

22. Hearing on cost of installation of sidewalk, curb and gutter at 305 Maple Street, Block 415, Lots 11 and 12. (\$296.42 - Mr. Silas W. Green) 4:20 P.M.

ACTION: Res. 70-361 adopted (Newton/Robinson, unan. - Simon, absent) confirming report, assessing costs and directing method of collection (over 6 year period). (Finance to handle)

23. Hearing on cost of installation of sidewalk, curb and gutter at 315 Maple Street, Block 415, Lots 7 and 8. (\$296.42 - Mr. Silas W. Green) 4:20 P.M.

ACTION: Res. 70-362 adopted (Newton/Robinson, unan. - Simon, absent) confirming report, assessing costs and directing method of collection (over 6 year period). (Finance to handle)

24. Hearing on cost of installation of sidewalk, curb and gutter at 309 Maple Street, Block 415, Lots 9 and 10, (\$296.42 - Carl Christiansen) 4:20 P.M.

Hearing dropped -- costs paid.

25. Matters for the good of the community. 4:25 P.M.  
(These may be presented by interested people in the audience)

ACTION: Joe Cruz, CAC staff member requested that measures be taken for safety of pedestrians at the Garden/Colorado intersection which is partially in the City and partially in the unincorporated area. By Order of the Mayor the staff was directed to study this and report to Council. (P & T to handle)

By motion (Robinson/Newton, unan.) Mayor Davies and Councilman Dixon permitted to attend Mayors/Councilmen Institute in Los Angeles, May 20-22.

Frank Andrews spoke on several subjects.

By motion (Dixon/Mitchell, unan.) staff authorized to obtain appraisal of Lincoln School site in the event Modesto School Board is agreeable to delay in negotiations. (C/Mgr to handle)

ORDINANCES

CONSENT

26. Final adoption of Ordinance No. 1016-C.S. - amusement devices.

ACTION: Ord. No. 1016-C.S. adopted. (Finance and Police to handle)

OLD BUSINESS

CONSENT

27. Resolution setting rental charges for Senior Citizens Center.  
(Resolution needed)

ACTION: Res. 70-363 adopted setting rental charges. (P & R to handle)

28. Further consideration of recommendations from Citizens Community Center Committee.

ACTION: By motion report accepted with thanks to Committee; staff directed to continue to take the steps necessary to obtain the property and Mayor authorized to appoint a Council Committee to study specific points in the recommendations and report to the Council within 30 days. The Mayor then appointed Councilmen Dixon, Simon and Smith (Chairman).

NEW BUSINESS

CONSENT

29. A resolution determining that public interest and convenience require that Celeste No. 1 Addition be annexed to the Modesto Municipal Sewer District No. 1 and naming a time and place for hearing.

(It is now necessary to commence proceedings to annex this addition to the Modesto Municipal Sewer District No. 1. Suggested hearing date June 8, 1970 at 7:45 P.M. Resolution setting hearing (two-thirds affirmative vote required)

ACTION: Res. 70-364 adopted setting hearing. (Clerk to handle)

CONSENT

30. Consider approval of agreements at City-County Airport:

(a) Between City and Darold Jolliff for collection of transient overnight tie-down fees.

(Resolution approving agreement and cancelling prior agreement)

ACTION: Res. 70-365 adopted approving agreement and cancelling prior agreement. (P/W and Finance to handle)

(b) Between City and Phillip Hendley for collection of transient overnight tie-down fees.

(Resolution approving agreement needed)

ACTION: Res. 70-366 adopted approving agreement. (P/W and Finance to handle)

ACTION: Mayor Davies disqualified himself from consideration of this item and Vice Mayor Mitchell presided.

Res. 70-367 adopted (Robinson/Mitchell, unan. - Davies and Simon, absent) authorizing Vice Mayor Mitchell to execute Grant of Easement to P. T. & T. Co. (Clerk to handle)

CONSENT

32. Consider resolution accepting right of way agreement, Mr. and Mrs. Leonard Sward - Needham Street project.  
(Memo with agenda. Resolution approving agreement and authorizing execution thereof by City Manager. Estimated cost \$10,365; funds budgeted in Account 321-41-6647, Miscellaneous rights of way)

ACTION: Res. 70-368 adopted approving agreement. (Finance to handle)

CONSENT

33. Resolutions instructing Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters at the locations listed below.  
(Informal requests were sent over 30 days ago to the property owners to install sidewalks and/or curbs and gutters. The work has not been done; therefore it is recommended that resolutions be adopted authorizing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters. Resolutions setting hearings needed. Suggested date May 4, 1970 at 4:15 P.M.)

CONSENT

(a) Sidewalk, curb and gutter on Alice Street at 132 Sycamore Avenue, Lots 1, 2, and half of 3, Block 534 (Mr. Paul F. Holmdahl).  
(Resolution setting hearing needed)

ACTION: Res. 70-369 adopted setting hearing. (P/W to handle)

CONSENT

(b) Sidewalk on Wright Street at 302 Hackberry Avenue, Lots 9 and 10 and S. Half of 8, Block 525 (Mr. Kenneth T. Tisdell)  
(Resolution setting hearing needed)

ACTION: Res. 70-370 adopted setting hearing. (P/W to handle)

CONSENT

(c) Curb and gutter on Wright Street at 232 Hackberry Avenue, Lots 1 and 2, Block 526 (Mr. Mike Reunec)  
(Resolution setting hearing needed)

ACTION: Res. 70-371 adopted setting hearing. (P/W to handle)

CONSENT

(d) Sidewalk, curb and gutter on Wright Street at 229 Hackberry Avenue, Lot 32 and N. 15' of Lot 31, Block 517. (Mrs. Peachie S. Locke)  
(Resolution setting hearing needed)

ACTION: Res. 70-372 adopted setting hearing. (P/W to handle)

CONSENT

(e) Curb and gutter on Wright at 230-232 Poplar Avenue, W. 96.75' of Lots 1 to 3 inclusive, Block 529 (Mrs. Lorraine C. Brown)  
(Resolution setting hearing needed)

ACTION: Res. 70-373 adopted setting hearing. (P/W to handle)

CONSENT  
Item 33(continued)

(f) Curb and gutter on Wright Street at 516 Wright Street, E.  
43' of lots 1 to 3, inclusive, Block 529 (Mrs. Anna Sido Brown)  
(Resolution setting hearing needed)

ACTION: Res. 70-374 adopted setting hearing. (P/W to handle)

CONSENT

34. Report of Superintendent of Streets on cost of installation of sidewalk and/or curb and gutter at the properties listed below. (The amounts assessed against the properties will be included in reports distributed with the agenda for the hearing date. Resolutions setting date for hearing needed. Suggested date May 4, 1970 at 4:20 P.M. Contract costs listed below with properties. Funds budgeted in Account 5302-51-101, Curbs and Gutters, Special)

CONSENT

(a) Sidewalk at 517 W. Fairmont Avenue, Lot 5, Block 737  
(\$257.50 - Mr. Jeffery Davis)  
(Resolution setting hearing needed)

ACTION: Res. 70-375 adopted setting hearing. (P/W to handle)

CONSENT

(b) Sidewalk, curb and gutter on Floto St. at 217 Floto Street,  
and 301 Semple St., Lots 22 and 23, Block 571 (\$840.46 - Mr. John  
V. Marshall)  
(Resolution setting hearing needed)

ACTION: Res. 70-376 adopted setting hearing. (P/W to handle)

CONSENT

(c) Sidewalk at 1216 Sixth St., Lots 24 and 25, Block 37  
(\$180.66 - Mr. Clarence F. Cowings)  
(Resolution setting hearing needed)

ACTION: Res. 70-377 adopted setting hearing. (P/W to handle)

CONSENT

(d) Sidewalk on Hawthorne Ave. at 1806 Winning Way, Lot 1,  
Block 6710 (\$158.40 - Mr. Emmett L. Carter)  
(Resolution setting hearing needed)

ACTION: Res. 70-378 adopted setting hearing. (P/W to handle)

CONSENT

(e) Sidewalk on Hawthorne Avenue and Monticello Avenue at 1818  
Monticello Ave., Lot 1, Block 6709 (\$324.20 - Mrs. Rubalee R.  
Dial)  
(Resolution setting hearing needed)

ACTION: Res. 70-379 adopted setting hearing. (P/W to handle)

CONSENT

34. (continued)

(f) Sidewalk at 1202 Hawthorne Ave., Lot 5, Block 6710 (\$105.40 - Mr. Anthony P. Drobnick)  
(Resolution setting hearing needed)

ACTION: Res. 70-380 adopted setting hearing. (P/W to handle)

CONSENT

(g) Sidewalk at 1206 Hawthorne Avenue, Lot 4, Block 6710 (\$124.48 - Mr. Robert J. Evers)  
(Resolution setting hearing needed)

ACTION: Res. 70-381 adopted setting hearing. (P/W to handle)

CONSENT

(h) Sidewalk at 1210 Hawthorne Ave., Lot 3, Block 6710 (\$132.96 - Mr. Troy D. Hasley)  
(Resolution setting hearing needed)

ACTION: Res. 70-382 adopted setting hearing. (P/W to handle)

CONSENT

(i) Sidewalk at 1214 Hawthorne Ave., Lot 2, Block 6710 (\$135.08 - Mr. Lynden C. Proctor)

ACTION: Res. 70-383 adopted setting hearing. (P/W to handle)

CONSENT

35. Consider authorizing the staff to negotiate with Stanislaus County to link the City and County Law Enforcement Radio Systems for joint use during mutual aid conditions.  
(Memo with agenda. Motion authorizing staff to proceed needed, Estimated cost \$1,000)

ACTION: By motion staff authorized to proceed. (Finance to handle)

CONSENT

36. Approve agreement and appropriation transfer for traffic signal modification and modernization at Needham-McHenry.  
(The State has drawn an agreement for equally sharing of the cost of the traffic signal changes. The changes consist of new conduits, wiring, poles, pedestrian signals and controller and are to be a part of the widening of Needham. Resolution approving agreement and resolution approving appropriation transfer of \$4,100 from Account 60-321 to Account 6220-56-321 needed. \$9,900 budgeted in Account 6220-56-321, Needham/Downey)

ACTION: Res. 70-384 adopted approving agreement with State.  
(P & T to handle)

Res. 70-385 adopted approving appropriation transfer of \$4,100 from Account 60-321 to Account 6220-56-321. (Finance to handle)

37. Consider request to cancel bus advertising lease. (The company having exclusive rights to advertising inside the buses has requested permission to cancel the lease over three years early. A report by the Director of Parking and Traffic has been sent with the agenda. If the Council wants to cancel the lease, a resolution is required. If not, a motion directing the staff is needed. No cost to City)

ACTION: Res. 70-386 adopted (Robinson/Smith, majority-Dixon, no-Simon, absent) cancelling lease as of April 30, 1970. (P & T to handle) -- Staff directed to not solicit another lease but to retain sign slots in buses for advertising matters for the public good. (P & T to handle)

CONSENT

38. Consideration of license fee for swill collectors. (Memo with agenda. Motion accepting report needed)

ACTION: By motion report accepted.

CONSENT

39. Consider approval of request to recruit for Police Lieutenant to be hired on July 1 or when 1970-71 budget is approved. (Memo with agenda. Motion approving request needed)

ACTION: By motion request approved. (Personnel to handle)

CONSENT

40. Revenue revision for Special Capital Outlay Fund. (An estimated \$45,000 additional sales tax revenue is anticipated to be available in the Special Fund for Capital Outlay during the current fiscal year. The additional amount is needed for current projects. The Sales Tax revenue estimate and the General Reserve appropriation are to be increased \$45,000 to incorporate the revised estimated proceeds in the budgetary accounts. Resolution approving revision needed)

ACTION: Res. 70-387 adopted approving Special Capital Outlay Fund revenue revision. (Finance to handle)

CONSENT

41. Notification by Hawke Flying Service of open house May 2 and 3. (Hawke letter distributed with agenda. The open house includes a dance to be held in the hangar, to which the staff has no objection subject to (1) the obtaining of a dance permit in accordance with the Municipal Code; (2) obtaining a permit from the Alcoholic Beverage Control for the catered liquor bar; and (3) liability insurance holding the city harmless from any liability. Motion approving staff recommendation needed)

ACTION: By motion staff recommendations approved. (P/W to handle)

42. Report on educational incentive.  
(A report is being submitted by the Salary Study Committee of  
The City Council regarding educational incentive for city employees.  
(Motion accepting report needed)

ACTION: By motion (Robinson/Smith, unan.) report accepted and staff directed to retain present procedures. Following a discussion of the possibility of combining some Fire and Police functions, Mayor Davies appointed Councilmen Mitchell (Chairman), Newton and Robinson to prepare a charge as to what a Committee should study in connection with this matter and the makeup of the Committee. A report was requested in two weeks. (C/Mgr to handle)

#### REPORTS FROM THE PLANNING COMMISSION

##### CONSENT

43. A resolution annexing uninhabited territory to the City of Modesto known as Sylvan School Addition.  
(The L.A.F. Commission has authorized this annexation without notice or public hearing Resolution needed)

ACTION: Res. 70-388 adopted annexing Sylvan School Addition. (Clerk to handle)

##### CONSENT

44. Report from Planning Commission regarding Greenfield Village Units 1 - 5 Subdivision Map.  
(Letter with agenda. No action required)

No action required.

##### CONSENT

45. Planning Commission recommendation - Capital Improvement Program, 1970-71 thru 1975-76.  
(See IBM listing and letter of transmittal with agenda. Motion naming May 25 at 8:00 P.M. as time for discussion)

ACTION: By motion May 25 at 8:00 P.M. set as time for discussion.  
(Clerk to handle)

#### APPROPRIATION TRANSFERS

##### CONSENT

46. Appropriation transfer for auxiliary pump at Water Quality Control Plant and need for Auxiliary Pump.  
(Memo with agenda. Resolution approving appropriation transfer of \$7,000 needed)

ACTION: Res. 70-389 adopted approving appropriation transfer of \$7,000 from Account 312-53-101 (\$5,000) 110-53-101 (\$2,000) to Account 6557-53-101. (Finance to handle)

##### CONSENT

47. Appropriation transfer of \$6,000 for Woodland Avenue gates.  
(The gates have now been installed and a bill received for \$6,000 representing 25% of the cost. The procedure to budget the funds when the exact costs were known was approved at the July 14, 1969 council meeting.  
(Resolution transferring funds from the Special Fund for Capital Outlays, and motion authorizing staff to seek 50% PUC reimbursement needed)

ACTION: Res. 70-390 adopted approving appropriation transfer of \$6,000 from Account 60-321 to Account 6239-56-321.  
(Finance to handle)

CONSENT

48. Appropriation transfer of \$660 from Recreation Division, Salaries & Wages, part-time, to Parks Division, Public Address System. (In checking out the public address system at Del Webb Field, we found that the existing system needed extensive repairs which will cost in the neighborhood of \$340. We also need a new speaker to replace one which was stolen recently. Even if the repairs are made, we will still have an old system which will provide marginal efficiency as far as sound is concerned to the patrons of the ball park. It is recommended that a new public address system, including four new speakers, be purchased for \$660 installed.

ACTION: Res. 70-391 adopted approving appropriation transfer of \$660 from Account 120-32-101 to Account 5301-35-101. (Finance to handle)

MISCELLANEOUS

49. Legislative matters.

(a) Vote on motion (Dixon/Mitchell) to oppose AB-217.

ACTION: AB-217 opposed by unanimous vote. (C/Mgr to handle)

(b) Other legislative bills.

ACTION: Mayor Davies disqualified himself from consideration of AB-1320 and Vice Mayor Mitchell presided. By motion (Dixon/Smith, unan.) AB-1320 opposed.

By motion (Smith/Robinson, unan.) SB-941 opposed. (C/Mgr to handle)

50. Appointments

None

Adjournment to executive session at 6:35 P.M. to consider acquisition of property with the announcement that the Council would not return to open session.

ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, CITY CLERK

## CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, APRIL 27, 1970 AT 7:30 P.M.

Roll Call Present: Dixon, Mitchell, Robinson, Simon, Smith, Mayor Davies  
Absent: None. Newton arrived at 9:20 P.M.

Pledge of Allegiance to the Flag

Invocation: Reverend J. T. Zamrazil

CONSENT ITEMS - roll call vote required: Items 1, 2, 3, 4, 5, 6, 7, 8,  
9, 10, 11, 12, 23, 24, 25, 26,  
Items 2, 8 and 29 removed from consent. 27, 28, 30, 31a, b, c, d, e, f,  
(Robinson/Dixon, unan. - Newton absent) g, h, 33, 34, 35, 36, 37

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items)

APPROVAL OF MINUTES

## CONSENT

1. Minutes of April 17 (adjourned meeting) and April 20, 1970.

ACTION: By motion minutes approved.PETITIONS, REMONSTRANCES AND CORRESPONDENCE~~CONSENT~~

2. Notice that Atchison, Topeka and Santa Fe, Northwestern Pacific, Southern Pacific and Union Pacific have filed application to cancel round trip discounts on certain passenger fares.  
(Motion ordering filed needed)

ACTION: By motion (Mitchell/Robinson, Dixon & Davies, no; carried) staff instructed to obtain copy of application and notify council when received. (P & T to handle) Newton, absent

## CONSENT

3. Request of Downtown Improvement District for the following:

(a) Free parking on 8th Street lot between J and K for six-months trial period.  
(Motion referring to staff needed)

ACTION: By motion request referred to staff. (P & T to handle)

(b) If Lincoln School site is acquired by City, use for parking until it is developed.  
(Motion referring to staff needed)

ACTION: By motion request referred to staff. (P & T to handle)

CONSENT

4. Request of Downtown Improvement District for the following:

(a) Use of downtown sidewalks May 14, 15 and 16 for sidewalk sale.

(Resolution granting request needed)

ACTION: Res. No. 70-392 adopted approving request. (Clerk to handle)

(b) Free downtown parking June 4, 5 and 6.

(Motion granting request needed)

ACTION: By motion request approved. (Police to handle)

(c) Use of new parking lot on 11th Street for pancake breakfast on June 6.

(Resolution granting request needed)

ACTION: Res. No. 70-393 adopted approving request. (P & T to handle)

CONSENT

5. Request of Downtown Improvement District for the following fund transfers:

(a) \$2,000 for additional advertising and employee breakfast.

(b) \$700 to purchase banners.

(c) \$300 for the 4th of July parade.

(Resolution approving appropriation transfers needed)

ACTION: Res. No. 70-394 adopted approving \$3,000 transfer from Downtown Improvement District Fund, General Reserve (218-60) to Business Promotion (237). (Finance to handle)

CONSENT

6. Letter from Frank Andrews concerning combining of fire and police departments.

(Motion ordering letter filed needed)

ACTION: By motion letter ordered filed.

CONSENT

7. Request of California Relays for \$3,000 to be budgeted in 1970-71 for the relays.

(Motion referring to proper budget session needed)

ACTION: By motion request referred to proper budget session for consideration. (Finance to handle)

~~CONSENT~~

8. Request of Greater Modesto Council of Churches for financial assistance for improvement of The Firehouse.  
(Motion referring to staff for report needed)

ACTION: By motion (Smith/Dixon, unan. - Newton absent) the Council indicated it was in favor of the program and directed the staff to present a formal request to the Council for funds needed for the requested improvements. (C/Mgr & P/W to handle)

BIDS

CONSENT

9. Consider approval of plans and specifications and call for bids for parking lot and path paving and drainage, Contract #2 at Moose Park.  
(Suggested bid opening date May 12, 1970 at 10:00 A.M. Resolution approving bid call needed. Estimated cost \$25,215 and \$1,000 engineering - \$26,215 total. Funds budgeted in Account 6321-31-321, Moose Park Development Stage II)

ACTION: Res. No. 70-395 adopted approving bid call. (P/W to handle)

CONSENT

10. Accept as complete the fill and construction of the vehicular parking lot on the west side of 11th Street between I and J Streets (former Smith Furniture building).  
(All work in connection with the fill and construction of the parking lot has been satisfactorily completed. It would be in order to approve the contract as complete and authorize the City Clerk to file notice of completion. Final cost \$16,655 - same as contract. Resolution accepting job as complete needed. Funds budgeted in Account 6230-57-209, Parking Lot #28)

ACTION: Res. No. 70-396 adopted accepting work as complete and authorizing recordation of notice of completion. (Clerk to handle)

CONSENT

11. Accept contract for changeover of traffic signals on G, H, and I Streets and installation of traffic signals at Burney and G Streets and 17th and G Streets, and authorize City Clerk to file notice of completion.  
(The work involved has been satisfactorily completed, and it would be in order to accept the job. Bid price was \$84,965 and final costs were \$86,237.53. Resolution accepting job as complete needed)

ACTION: Res. No. 70-397 adopted accepting contract as complete and authorizing recordation of notice of completion. (Clerk to handle)

CONSENT

12. Consider approval of specifications and authorize call for bids to be opened May 19, 1970 at 2:00 P.M. for annual needs of liquid Chlorine.  
(Memo with agenda. Resolution needed. Estimated cost \$57,000. Funds budgeted in Account 312-53-101, Chem. Drug & Lab Supplies, p. 55)

ACTION: Res. No. 70-398 adopted approving bid call. (Finance to handle)

HEARINGS

13. Hearing on requirement of sidewalk at 611 Magnolia, portion of Block 705 (Larry B. Arnese) 7:45 P.M.  
ACTION: Res. No. 70-399 adopted (Simon/Smith, unan. - Newton, absent) ordering work done. (P/W to handle)
14. Hearing, requirement of sidewalk, 721 Magnolia, South 55 feet of Block 709 (Dennis Chandler) 7:45 P.M.  
ACTION: Res. No. 70-400 adopted (Simon/Smith, unan. - Newton, absent) ordering work done. (P/W to handle.)
15. Hearing on requirement of sidewalk at 621 Magnolia, along street frontage abutting Smith Avenue, Block 705 (Howard C. Hutchison) 7:45 P.M.  
ACTION: Res. No. 70-401 adopted (Simon/Smith, unan. - Newton, absent) ordering work done. (P/W to handle)
16. Hearing, requirement of sidewalk, north 55 feet of Lot 36 of Block 709, 805 Magnolia Ave. (Larry D. McCormick) 7:45 P.M.  
ACTION: Res. No. 70-402 adopted (Simon/Smith, unan. - Newton, absent) ordering work done. (P/W to handle)
17. Hearing on requirement of sidewalk at 803 Magnolia, the South 55.28 feet of the North 110.55 feet of Lot 36, Block 709 (James G. Porter, Jr.) 7:45 P.M.  
ACTION: Res. No. 70-403 adopted (Simon/Smith, unan. - Newton, absent) ordering work done. (P/W to handle)
18. Hearing on cost of installation of sidewalk, curb and gutter on street frontage abutting Evergreen Ave., on the south side of Block 6518 (Richard W. Fiscus) 7:50 P.M.  
ACTION: Res. No. 70-404 adopted (Dixon/Robinson, unan. - Newton, absent) confirming cost of construction and approving 10 year installment plan. (Finance to handle)
19. Hearing on cost of installation of sidewalk along the street frontage abutting W. Briggsmore Ave. on the south side of Block 6713 (Gerald C. Smith) 7:50 P.M.  
Paid. Dropped from agenda.
20. Hearing on request of Racquet Club for encroachment permit. 8:00 P.M.  
ACTION: No action required--staff to handle. (P/W to handle)

21. Hearing on request for encroachment permit for wall on Hawthorne Ave.

8:05 P.M.

ACTION: By order of chair, staff directed to meet with Mr. E. Carter and neighbors. Hearing continued to May 4, 1970 at 4:30 P.M. by motion (Dixon/Mitchell, unan.) (P/W to handle)

22. Matters for the good of the Community.

8:10 P.M.

(These may be presented by interested people in the audience)

ACTION: Frank Andrews spoke on various subjects including the centennial celebration.

Tuolumne River Regional Park. By motion (Mitchell/Smith, unan. - Newton, absent) the Council declared its intent to set aside funds equivalent to 2¢ on the secured and unsecured tax roll, provided that Stanislaus County and Ceres do likewise, to provide funds for capital expenditures for Tuolumne River Regional Park.

Henry J. Martin, 123 Laurel Ave., requested information on the funding of trips by exchange students to Modesto's sister city, Barranquilla, Colombia. It was suggested that organizations be asked to contribute funds for children who could not afford to pay their own fare.

Max Helm, 2413 Coffee Road, spoke on the nation's moral and spiritual decline.

Mayor Davies thanked members of the council and staff for their part in his election as Director of the California League of Cities. By motion (Smith/Robinson, unan. - Newton, absent) the Council approved the Mayor's attendance to necessary meetings, approved payment of expenses incurred in carrying out these duties.

By motion (Smith/Robinson, unan., Newton, absent) City Manager Keefe was urged to take full leave of absence to enable him to get a complete rest from his duties at City Hall.

Mayor Davies asked the Council and all members of the audience to pray for the complete and speedy recovery of Policeman Larry Crom, still unconscious from a serious accident while on duty.

Don Duckworth, State Compensation Fund representative congratulated the City for its best safety year since 1944. An additional dividend of \$5,807 was returned to the City for the policy year ending July 1967, and \$43,024.19 dividend for the policy year ending July 1969.

#### NEW BUSINESS

#### CONSENT

23. Notice of public hearing by Charter Review Committee on proposed amendments to the Modesto City Charter.

(Hearing is set for Wednesday, April 29, 1970 at 7:30 P.M. in the Multi-Purpose Room on the court floor of the city hall)

No action required.

#### CONSENT

24. Authorize payment for architectural work on community center. (The architectural work preliminary to the bond issue has been completed and payment of the \$8,800 is in order. Motion authorizing payment needed. Funds budgeted in Account 321-6544, Civic Area Plans)

ACTION: By motion payment to Adrian Wilson Associates authorized. (Finance to handle)

CONSENT

25. Consider approval of sewer agreement with John E. Hirleman, Jr. (Mr. Hirleman is the developer of Carver Terrace No. 3 Subdivision and he constructed a sewer line in Rumble Road which serves his subdivision and also serves 7 lots outside his subdivision. This agreement is to reimburse him a portion of his costs as the seven lots connect to the sewer. Resolution approving agreement needed)

ACTION: Res. No. 70-405 adopted approving agreement. (P.W to handle)

CONSENT

26. Revision of lease agreement between City and Seely Tower for parking lot on 12th south of J Street. (It is recommended that the "Rent" and "Operation of the Lot" clauses be revised to cover the operation of the Seely Tower Parking Lot, which is being expanded. New lease would be effective May 1, 1970. Motion authorizing staff to prepare new lease agreement needed. There is no cost to City)

ACTION: By motion staff authorized to prepare new agreement as outlined. (P & T to handle)

CONSENT

27. Consider request for sewer service to property outside the City at 1311 Coffee Road. (The property owners have signed an agreement to annex to the City when requested to do so by the City. The property is contiguous to city limits and a sewer line exists to serve it. Property owner: Ray Oglesby. Resolution approving agreement needed)

ACTION: Res. 70-406 adopted approving request for sewer service. (P/W to handle)

Councilman Newton arrived at 9:20 P.M.

28. Consider Sewerage Works Improvement Project Unit No. 11, for placement of riprap along levees at Wastewater Oxidation Ponding System. EDA approved project by letter dated April 17, 1970. (Copy of memo from Director of Public Works to Deputy City Manager, and copy of Jenks & Adamson letter to Director of Public Works are distributed with agenda. Resolution establishing SWI Project Unit No. 11, and authorizing consulting engineers, Jenks & Adamson, to proceed with preparation of plans and specifications needed. Estimated cost \$250,000; funds budgeted in Account 6553-405, Muni Sewer Dist. Impr.)

ACTION: Res. No. 70-407 adopted (Simon/Dixon, unan.) authorizing staff to instruct our engineers to proceed with specifications and preparation of bid call for necessary riprap involved and bring back to Council. (P/W to handle)

CONSENT

29. Consider authorizing purchasing officer to join with Stanislaus County purchasing agent in a consolidated call for bids for furnishing annual requirements of gasoline for period commencing July 1, 1970. (The total requirements of the various agencies involved in this eighth joint venture is expected to exceed 1,300,000 gallons. The city will require nearly 300,000 gallons. Motion approving needed. Estimated cost \$58,600; funds budgeted in Account 330-48-512, Gas, Oil & Lubricants and some other accounts, p.78)

ACTION: By motion (Dixon/Smith) joint purchase of gasoline with Stanislaus County approved. (Finance to handle)

CONSENT

30. Report of Superintendent of Streets on the cost of installation of curb and gutter at 1016 South Avenue, portion of Block 3109 (Mr. J. W. Trentham - \$398.01)  
(The amount assessed against the property will be included in report distributed with agenda for the hearing date. Resolution setting date for hearing needed. Suggested date May 11, 1970 at 7:50 P.M. Funds budgeted in Account 5302-51-101, Curbs and gutters, Special)

ACTION: Res. No. 70-408 adopted setting hearing. (Clerk to handle)

CONSENT

31. Resolutions instructing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters at the locations listed below.  
(Informal requests were sent over 30 days ago to the property owners to install sidewalks and/or curbs and gutters. The work has not been done; therefore it is recommended that resolutions be adopted authorizing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters, Resolutions setting hearings needed. Suggested date May 11, 1970 at 7:55 P.M.)

CONSENT

- (a) Sidewalk, curb and gutter on Alice Street at 131 Park Ave., Block 528, Lots 33 and 34 (Mr. Theodore Colton)  
(Resolution setting hearing needed)

ACTION: Res. No. 70-409 adopted setting hearing. (P/W to handle)

CONSENT

- (b) Sidewalk on Grape Avenue at 1731 W. Orangeburg Ave., Block 6254, Lot 10 (Mr. Stanley W. Lust)  
(Resolution setting hearing needed)

ACTION: Res. No. 70-410 adopted setting hearing. (P/W to handle)

CONSENT

- (c) Sidewalk at 1404 Martin Avenue, Block 6254, Lot 1 (Mr. William E. Wilson)  
(Resolution setting hearing needed)

ACTION: Res. No. 70-411 adopted setting hearing. (P/W to handle)

CONSENT

- (d) Sidewalk, curb and gutter at 216 S. Franklin St., Block 415, Northerly 60' of Lots 27 and 28 (Mr. Wallace E. Allen and Mr. Urbano Rodriguez)  
(Resolution setting hearing needed)

ACTION: Res. No. 70-412 adopted setting hearing. (P/W to handle)

CONSENT

31. (e) Sidewalk, curb and gutter on S. Franklin Street, Block 415, Southerly 80' of Lots 27 and 28 (Mr. Kirt H. Sharp)  
(Resolution setting hearing needed)

ACTION: Res. No. 70-413 adopted setting hearing. (P/W to handle)

CONSENT

(f) Curb and gutter at 114 Maple Street, Block 418, Lot 21 and East 10' of Lot 22 and West 10' of Lot 20. (Mrs. Mary M. Oliney)  
(Resolution setting hearing needed)

ACTION: Res. No. 70-414 adopted setting hearing. (P/W to handle)

CONSENT

(g) Curb and gutter at 116 Maple Street, Block 418, Lot 23 and West 15' of Lot 22 (Mr. Floyd Patrick)  
(Resolution setting hearing needed)

ACTION: Res. No. 70-415 adopted setting hearing. (P/W to handle)

CONSENT

(h) Curb and gutter on Maple Street at 120-122 Jefferson Street, Block 418, Lot 27 and 28, and West 10' of Lot 26 (Mr. Silas W. Green)  
(Resolution setting hearing needed)

ACTION: Res. No. 70-416 adopted setting hearing. (P/W to handle)

REPORTS

32. Report on application for sanitary landfill, Alfred Terry property.

ACTION: By motion (Simon/Newton, unan.) Acting City Manager authorized to notify Mr. Terry that the City cannot proceed with the purchase agreement for his property. (Acting C/Mgr to handle)

By motion, (Simon/Newton, unan.) Acting City Manager authorized to withdraw application from Stanislaus County for land use permit for Terry property. (Acting C/Mgr to handle)

(a) Oral report on search for sanitary landfill site.  
(Memo with agenda)

ACTION: By motion (Mitchell/Smith, unan.) preparation of agreement for joint City-County purchase of Goodman property at \$1,700 per acre over a 4-year period authorized. (Acting C/Mgr to handle)

Res. 70-417 (Mitchell/Smith, unan.) adopted approving city participation in joint City-County application to Water Quality Control for use permit. (Acting C/Mgr to handle)

CONSENT

33. Report on request for a stop sign on Garden at Colorado. (A report by the Director of Parking and Traffic has been sent with agenda. The County is likely to install the requested sign. Motion accepting report needed)

ACTION: By motion report accepted.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

34. Recommend amendment to Section 21-3-9 of the zoning map and denial of portion of applicant's request (Center State Bank) (By Resolution No. 70-51, adopted April 21, 1970 the Planning Commission recommends an amendment to Section 21-3-9 of the zoning map, property located at the northwest corner of Coffee Road and Chehalem Drive. Resolution setting hearing needed - suggested date May 18, 1970 at 4:15 P.M.)

ACTION: Res. No. 70-418 adopted setting hearing. (Clerk to handle)

CONSENT

35. Recommend amendment to Section 26-3-9 of the zoning map (James E. Price - Garden Court Homes) (Planning Commission Resolution No. 70-54 adopted April 21, 1970 recommends an amendment to Section 26-3-9 of the zoning map as requested by James E. Price, to prezone to Planned Development Zone, P-D for subdivision and development of a 325-unit housing complex on the former fourth high school site, located on the east side of North Riverside Drive, north of an easterly extension of Haddon Avenue. Resolution setting public hearing needed. Suggested date May 18, 1970 at 4:20 P.M.)

ACTION: Res. No. 70-419 adopted setting hearing. (Clerk to handle)

CONSENT

36. Recommend amendment to Section 8-3-9 of the zoning map (Balestrini) (Planning Commission Resolution No. 70-50 adopted April 21, 1970 recommends an amendment to Section 8-3-9 of the zoning map as requested by Dan Balestrini, to rezone to Planned Development Zone, P-D from One-family Residential Zone, R-1, to allow duplex development on property located on the north side of Rumble Road, opposite Davis High School. Resolution setting public hearing needed. Suggested date May 25, 1970 at 7:45 P.M.)

ACTION: Res. No. 70-420 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

37. Request for appropriation transfer. (To provide funds for purchase of equipment, installation of shelving and alterations to the Evidence Room. Items were requested in 70-71 Budget Request and approved for purchase with current budget funds. Estimated cost \$6425) (Resolution approving appropriation transfer needed)

ACTION: Res. No. 70-421 adopted approving transfer of \$6,425 from General Reserve, General Fund (101-60) to Accounts 308-, 5202, 5405, 5406, and 5504-22) (Finance to handle)

MISCELLANEOUS

38. Legislative matters.  
None

39. Appointments

None

Adjournment at 9:45 P.M.

ATTEST:

Pauline P. Stanley  
PAULINE P. STANLEY, ACTING CITY CLERK

MINUTES AND ACTION AGENDA

CITY OF MODESTO  
AGENDA FOR COUNCIL MEETING OF MONDAY, MAY 4, 1970 AT 4:00 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Simon, Smith,  
Mayor Davies  
Absent: None

Pledge of allegiance to the Flag  
Invocation: Reverend Charles Lindberg, (First Christian Church)

CONSENT ITEMS - Roll Call Vote Required: Items 1, 2, 3, 4, 5, 23, 27, 28,  
29, 30, 32, 34, 35, 36, 37

Item 1 removed from consent.  
Smith/Simon, unan.

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items)

APPROVAL OF MINUTES

~~XXXXXX~~

1. Minutes of April 27, 1970.

ACTION: By motion (Dixon/Newton, unan.) minutes approved.

CORRESPONDENCE, PETITIONS, AND REMONSTRANCES

CONSENT

2. Letter from Salvation Army requesting permission to conduct Sunday evening services in Westside Park.  
(Motion granting request needed)

ACTION: By motion request granted. (P & R to handle)

CONSENT

3. Letter from California Roadside Council commending City and Board of Zoning Adjustment for conscientious enforcement of new sign ordinance.  
(Motion ordering filed needed)

ACTION: By motion letter ordered filed. (Clerk to handle)

CONSENT

4. Letter from Modesto Symphony Orchestra, Inc. regarding request for increase in annual donation.  
(Motion referring to proper budget session needed)

ACTION: By motion referred to proper budget session. (Finance to handle)

BIDS

CONSENT

5. Consider acceptance of W. M. Lyles contract for construction of Improvement District No. 14 Facilities.  
(All work in conjunction with this project has been completed to the satisfaction of the Public Works Department. Original contract cost \$147,301.50. Resolution accepting work needed. Final contract cost \$145,078.21; incidentals \$16,785.48. Funds are budgeted in Account 6591-212 for the city contribution which will be determined after the assessment spread has been made for report to the Council at a later date.)

ACTION: Res. 1140-S.P. adopted accepting contract. (Clerk to handle)

CONSENT

6. Report on Improvement District No. 15 Facilities bid opening. (The bids were opened April 28, 1970 at 2:00 P.M. and the bid tabulation has been distributed to the Council. A recommendation for action will be submitted at a later date. No action needed)

No action.

HEARINGS

7. Hearing on requirement of sidewalk at Lot 9 and 10, and the south half of Lot 8, Block 525 (Mr. Kenneth M. Tisdell) 4:15 P.M.

ACTION: Res. 70-422 adopted (Newton/Smith, unan.) ordering work done. (P/W to handle)

8. Hearing on curb and gutter requirement at Lots 1 and 2, Block 526 (Mr. Mike Reunec) 4:15 P.M.

ACTION: Res. 70-423 adopted (Newton/Smith, unan.) ordering work done. (P/W to handle)

9. Hearing on requirement of sidewalk, curb and gutter, Lot 32 and the north 15 feet of Lot 31 of Block 517 (Mrs. Peachie S. Locke) 4:15 P.M.

ACTION: Res. 70-424 adopted (Newton/Smith, unan.) ordering work done. (P/W to handle)

10. Hearing on requirement of curb and gutter at the west 96.75 feet of Lots 1 to 3 inclusive, Block 529 (Mrs. Lorraine C. Brown) 4:15 P.M.

ACTION: Res. 70-425 adopted (Newton/Smith, unan.) ordering work done. (P/W to handle)

11. Hearing on requirement of curb and gutter at the east 43.25 feet of Lots 1 to 3 inclusive, Block 529 (Mrs. Anna Sido Brown) 4:15 P.M.

ACTION: Res. 70-426 adopted (Newton/Smith, unan.) ordering work done. (P/W to handle)

12. Hearing on report of costs of constructing sidewalk, Lot 5, Block 737 of the Brady Tract No. 2 (Mr. Jeffrey Davis) 4:20 P.M.

ACTION: Res. 70-427 adopted (Robinson/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

13. Hearing on report of costs of constructing sidewalk, curb and gutter at Lots 22 and 23 of Block 571 (Mr. John V. Marshall) 4:20 P.M.

Dropped from agenda.

14. Hearing on report of Costs of constructing sidewalk, Lots 24 and 25, Block 37 (Mr. Clarence F. Cowings) 4:20 P.M.

ACTION: Res. 70-428 adopted (Robinson/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

15. Hearing on report of costs of constructing sidewalk at Lot 1 of Block 6710 of Caroland Manor No. 1 (Mr. Emmett L. Carter) 4:20 P.M.

ACTION: By motion (Robinson/Simon, unan.) hearing continued to May 18, 1970 at 4:35 P.M.

16. Hearing on report of costs of constructing sidewalk at Lot 1 of Block 6709 of Caroland Manor No. 1 (Mrs. Rubalee R. Dial) 4:20 P.M.

ACTION: By motion (Robinson/Simon, unan.) hearing continued to May 18, 1970 at 4:35 P.M.

17. Hearing on report of costs of constructing sidewalk at Lot 5, Block 6710 of Caroland Manor No. 1 (Mr. Anthony P. Drobnick) 4:20 P.M.

ACTION: By motion (Robinson/Simon, unan.) hearing continued to May 18, 1970 at 4:35 P.M.

18. Hearing on report of costs of constructing sidewalk, Lot 4 4:20 P.M.  
of Block 6710 of Caroland Manor No. 1 (Mr. Robert J. Evers)

ACTION: By motion (Robinson/Simon, unan.) hearing continued to May  
18, 1970 at 4:35 P.M.

19. Hearing on report of costs of constructing sidewalk at 4:20 P.M.  
Lot 3, Block 6710 of Caroland Manor No. 1. (Mr. Troy D.  
Hasley)

ACTION: By motion (Robinson/Simon, unan.) hearing continued to May  
18, 1970 at 4:35 P.M.

20. Hearing on cost of constructing sidewalk, Lot 2, Block 4:20 P.M.  
6710 of Caroland Manor No. 1 (Mr. Lynden C. Proctor)

ACTION: By motion (Robinson/Simon, unan.) hearing continued to May  
18, 1970 at 4:35 P.M.

21. Hearing (continued from 4/27/70 meeting) on request for 4:30 P.M.  
encroachment permit for retaining wall on Hawthorne Ave.

ACTION: Hearing closed. By motion (Simon/Mitchell, unan.) staff di-  
rected to make a report to Council on feasibility of changing  
policy to incorporate financing of retaining walls in conjunc-  
tion with construction of sidewalks and action on this item con-  
tinued until after report is received and acted upon. (Public  
Works & C/Atty to handle)

22. MATTERS FOR THE GOOD OF THE COMMUNITY  
(These may be presented by interested persons in the audience) 4:35 P.M.

ACTION: By motion (Smith/Newton, unan.) staff directed to make study  
of pedestrian safety at Washington School and other intersections  
in vicinity of schools to attempt to arrive at a priority  
schedule for installation or improvement of traffic signals.  
(P & T to handle)

It was reported that C/Mgr Keefe was resting comfortably and  
that Officer Crom was still in serious condition.

Pasquel Mancini was introduced.

OLD BUSINESS

CONSENT

23. Consider free parking on 8th Street lot.  
(As requested by the D.I.D., the Parking and Traffic Director recommends a trial of free parking. His report has been sent with the agenda. Motion directing City Attorney to prepare the necessary ordinance and resolution needed. Estimated cost \$50. Funds budgeted in Account 230 or 57-5301 (Advertising or Pres. Lot Development)

ACTION: By motion City Attorney directed to prepare necessary documents. (C/Atty to handle)

24. Request of Greater Modesto Council of Churches for financial assistance for improvement of The Firehouse.

ACTION: Res. 70-429 adopted (Robinson/Simon, unan.) setting May 11, 1970 at 7:50 P.M. as time for hearing on request for variance to permit construction of a seven foot fence. (Clerk to handle)

NEW BUSINESS

25. Consider participation with M.I.D. in elimination of irrigation pipelines.  
(Memo with agenda. Resolution approving appropriation transfer of \$500 needed)

ACTION: Res. 70-430 adopted (Mitchell/Smith, unan.) approving appropriation transfer of \$500 from Account 60-101 to Account 5304-50-101 for the city's share of cost of abandonment of Haney Pipe Line.  
(Finance to handle)

26. Approval of preliminary land use plan for Dry Creek Park and East LaLoma Neighborhood Park.  
(Oral report to be made at meeting)

ACTION: By motion (Smith/Robinson, unan.) plan for both parks accepted.  
(P & R to handle)  
By motion (Mitchell/Smith, unan.) plan for both parks referred to P/C for their information. (Planning to handle)

CONSENT

27. Consider possible closure of Blue Gum Ave. crossing of Southern Pacific tracks.  
(The County Public Works Director would like such a closure as a part of the Carpenter-Prescott overpass of the Southern Pacific. The staff suggests that this be referred to the Planning Commission for report and recommendation. Motion referring to Planning Commission needed)

ACTION: By motion referred to P/C for recommendation. (Planning to handle)

CONSENT

28. Authorize submission of application to PUC for reimbursement of half the City cost of installation of crossing gates, Woodland Ave., and S.P. Co. tracks.  
(The PUC required the City to participate in the cost of the gate installation. It would now be in order to submit an application to the PUC for reimbursement of \$2,999.81, half the City cost, from the Grade Crossing Protection Fund. Resolution authorizing application needed. No cost to City)

ACTION: Res. 70-431 adopted authorizing application to P.U.C. (P & T to handle)

CONSENT

29. Plans and specifications, Stage I development, Mancini Park.  
(The staff is requesting authorization to negotiate a contract for preparation of working drawings and specifications for Stage I Development of Mancini Park. The Stage I development will include first phase development of the area between River Road and the Tuolumne River. Motion approving needed. Estimated cost \$1,900; funds budgeted in Account 6331-31-321, Mancini Park Development, Stage I (page 73)

ACTION: By motion staff authorized to negotiate contract. (P & R to handle)

CONSENT

30. Resolution approving agreement with County of Stanislaus for use of CATV franchise tax from unincorporated area.  
(Copy of agreement with agenda. Resolution authorizing execution of agreement needed. No cost to City)

ACTION: Res. 70-432 adopted approving agreement. (Clerk to handle)

31. Presentation of 1970-71 preliminary budget.  
(Copies of budget to be distributed at meeting.)

(a) Establish a schedule for its consideration.  
(Last year the Council met in special session on Tuesdays and Thursdays at 4:00 P.M. to review budget recommendations. Consider operating budget first and then return to supplemental requests. The Charter also requires a formal public hearing. Suggested date for formal hearing: May 18, 1970 at 4:30 P.M.)

ACTION: Res. 70-433 adopted (Smith/Simon, unan.) setting May 18, 1970 at 4:30 P.M. as time for formal hearing on budget. (Clerk to handle)

By Order of the Chair budget review sessions set for Wednesdays and Fridays at 4:00 P.M. starting Wednesday, May 13, 1970.

CONSENT

32. Resolution providing for notice of filing of assessment (M14-22) Improvement District No. 14 (Sewer Improvements in Morada-Glen Aulen Area) Resolution setting hearing June 1, 1970 at 5:00 P.M. needed)

ACTION: Res. 1141-S.P. adopted setting hearing. (Clerk to handle)

REPORTS

33. Report by Council Committee regarding proposed consolidation of fire and police departments.

ACTION: It was recommended that a special Council committee be appointed to consider fire and police services, water supply, sewage disposal, use of private citizens and/or retired personnel in the event of a natural or man-made disaster, but not to consider consolidation of fire and police departments. By motion (Smith/Simon, unan.) report accepted. Present committee requested to prepare written charge for new committee and present to Council in two weeks.

CONSENT

34. Quarterly report from Greater Modesto Chamber of Commerce for quarter ending March 31, 1970. (Motion accepting report needed)

ACTION: By motion report accepted.

- 34A. Report by Vice Mayor Mitchell on discussion by Board of Supervisors re Tuolumne River Regional Park.

ACTION: By motion (Mitchell/Dixon, unan.) staff directed to prepare agreement between Stanislaus County, Ceres and Modesto for the sharing of costs of appraisals on same basis as before. (C/Atty to handle)

APPROPRIATION TRANSFERS

CONSENT

35. Transfer \$2,714 in C.I.P. to cover unexpected costs of interconnecting four new traffic signals. (There are sufficient funds in the 6211-56-321 account to cover the additional interconnection work on the new signals and additional inspection on the flashing beacons. Report with agenda. Resolution approving transfer needed)

ACTION: Res. 70-434 adopted approving transfer of \$2,714 from Account 6211-56-321 to Accounts 6187 (\$268), 6191 (\$394), 6208 (\$1,001), 6213 (\$773), 6212 (\$139) and 6218 (\$139). (Finance to handle)

CONSENT

36. Appropriation transfer of \$7,000 from Service Working Capital reserve appropriation to Service Division Equipment Parts. (Memo with agenda. Resolution approving transfer needed)

ACTION: Res. 70-435 adopted approving appropriation transfer of \$7,000 from Account 60-48-512 to Account 332-48-512. (Finance to handle)

CONSENT

37. Consider appropriation transfer to provide funds for construction of trunk sewer connection, Tuolumne River crossing.  
(Memo with agenda. Resolution approving appropriation transfer of \$1,000 needed)

ACTION: Res. 70-436 adopted approving appropriation transfer of \$1,000 from Account 60-212 to Account 7902-212. (Finance to handle)

MISCELLANEOUS

38. Legislative matters.

ACTION: Staff to obtain copies of AB 1622.  
By motion (Robinson/Smith, unan.) SB 763 opposed.  
By motion (Robinson/Mitchell, unan.) AB 1709 opposed  
(C/Mgr to handle)

39. Appointments.

None

40. Notification that Vice Mayor William R. Mitchell has been elected to a 4-year term as city representative to Local Agency Formation Commission of Stanislaus County.

No action.

Adjournment at 7:00 P.M.

ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, CITY CLERK

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, MAY 11, 1970 AT 7:30 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Simon, Smith, Mayor Davies

Absent: Robinson

Pledge of allegiance to the Flag

Invocation: Reverend Ben Jennings, Prescott Bible Church

CONSENT ITEMS - roll call vote required: Items 1, 1b, 2, 3, 4, 5, 6, 7,  
8, 22, 23, 24, 25, 26, 30, 33,  
Smith/Mitchell, unan. - Robinson, absent 34, 35

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of May 4, 1970.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

1A. Request to consider designation of the Centennial Banner as the official emblem of the Modesto Centennial.  
(Resolution designating emblem needed)

ACTION: Res. 70-437 adopted (Simon/Mitchell, unan. - Robinson, absent) designating Centennial Banner as official emblem of the Modesto Centennial.

CONSENT

1B. Letter requesting study of permanent location for historical monument consisting of old house.  
(Motion referring to staff needed)

ACTION: By motion request referred to staff. (P & R to handle)

BIDS

CONSENT

2. Consider award of bid for construction of Improvement District No. 15 facilities.  
(Bids were opened April 28, 1970 and were reported to the Council on May 4, 1970. Memo from Public Works with agenda. Resolution awarding bid needed. Estimated cost \$101,000 for city contribution. Funds budgeted in Account 212-6592, Sewer Improvement District No. 15)

ACTION: Res. 1142-S.P. adopted awarding bid to Fremont Pipe Line Construction Co. (Clerk & C/Atty to handle)

CONSENT

3. Consider award of bid for installation of water lines in Greenwood Estates No. 3 and Town and Country Terrace No. 1. (Bids were opened on May 5, 1970. The low bid submitted by Industrial Electrical Company, which is 20.8% under the Engineer's Estimate, is considered acceptable. Therefore, it is recommended by the Public Works Department that the bid be awarded to them. Resolution needed. Estimated cost \$13,942 (Labor \$5,892; Materials, \$8,050). Funds budgeted in Account 6804-50-101, Water Line Extension.

ACTION: Res. 70-438 adopted awarding bid to Industrial Electrical Co. (P/W to handle)

CONSENT

4. Consider approval of plans and specifications for installation of water lines in Coffee Terrace No. 1 Subdivision. (Suggested bid opening May 26, 1970 at 10:00 a.m. Costs: Construction \$19,750; connection charges \$7,045; revenue \$1,135. Resolution needed. Estimated cost \$19,750 (Materials \$12,500; labor, \$7,250). Funds budgeted in Account 6804-50-101, Water Line Extension.)

ACTION: Res. 70-439 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

5. Acceptance of contract for terminal building expansion. (Memo with agenda. Resolution accepting terminal building as partially complete and authorizing the recordation of notice of completion on completed part of the work. Estimated contract cost \$43,209 - Completed work, \$38,550)

ACTION: Res. 70-440 adopted accepting partial construction. (Clerk to handle)

CONSENT

6. Consider approval of specifications and authorize call for bids to be opened May 26, 1970 at 2:00 p.m. for annual requirements of liquid anhydrous ammonia. (To be used for treatment of industrial and residential sewage. Resolution needed. Estimated cost \$9,800; funds budgeted in Account 312-53-101, Chemicals, Drugs & Lab. Supplies, p. 55)

ACTION: Res. 70-441 adopted approving specifications and bid call. (Clerk to handle)

CONSENT

7. Consider approval of specifications and authorize bids to be opened June 2, 1970 at 2:00 p.m. for a 41 foot personnel boom truck and body for elevated electrical work. Memo with agenda. Resolution needed. Estimated cost \$18,000 (budget \$15,000). Funds budgeted in Account 5433-48-512, Service Division Working Capital Fund, p. 79)

ACTION: Res. 70-442 adopted approving specifications and bid call. (Clerk to handle)

CONSENT

8. Consider authorizing the Purchasing Officer to call for bids to be opened at 2:00 p.m. on June 2, 1970 for the sale of wrecked and surplus equipment. (Memo with agenda. Resolution needed)

ACTION: Res. 70-443 adopted authorizing Purchasing Officer to call for bids. (Finance to handle)

HEARINGS

9. Annexation of Santa Ana Addition to Sewer District. 7:45 P.M.

ACTION: Res. 70-444 adopted (Newton/Smith, unan. - Robinson, absent) annexing Santa Ana Addition to Modesto Municipal Sewer District. (Clerk to handle)

10. Variance to permit 7-foot fence at The Firehouse. 7:50 P.M.

ACTION: Ord. 1017-C.S. introduced (Dixon/Newton, unan. - Robinson, absent) amending Table 5-A of the Uniform Building Code to permit 7 foot combustible fence in Fire Zone 2. (Clerk to handle)

By motion (Smith/Dixon, unan. - Robinson, absent) contribution of \$1,760 to the Firehouse approved.

Res. 70-445 adopted (Smith/Simon, unan. - Robinson, absent) approving appropriation transfer of \$1,760 from General Fund, General Reserve to Account 7901, Music & Promotion. (Finance to handle)

11. Hearing, cost of installation of curb and gutter at 1016 South Ave., portion of Block 3109 (Mr. J. W. Trentham) 7:50 P.M.

ACTION: Res. 70-446 adopted (Simon/Newton, unan. - Robinson, absent) confirming report, assessing costs (\$398.01) and directing method of collection. (Finance to handle)

12. Hearing, requirement of sidewalk, curb and gutter on Alice Street at 131 Park Ave., Block 528, Lots 33 and 34 (Mr. Theodore Colton) 7:55 P.M.  
(Newton/Mitchell, unan. - Robinson, absent)

ACTION: Res. 70-447 adopted/ordering work done. (P/W to handle)

13. Hearing, requirement of sidewalk on Grape Ave. at 1731 W. Orangeburg Ave., Block 6254, Lot 10 (Mr. Stanley W. Lust) 7:55 P.M.

ACTION: Res. 70-448 adopted (Newton/Mitchell, unan. - Robinson, absent) ordering work done. (P/W to handle)

14. Hearing, requirement of sidewalk at 1404 Martin Ave., Block 6254, Lot 1 (Mr. William E. Wilson) 7:55 P.M.

ACTION: Res. 70-449 adopted (Newton/Mitchell, unan. - Robinson, absent) ordering work done. (P/W to handle)

15. Hearing, requirement of sidewalk, curb and gutter at 216 So. Franklin St., Block 415, Northerly 60' of Lots 27 and 28 (Mr. Wallace E. Allen and Mr. Urbano Rodriguez) 7:55 P.M.

ACTION: Res. 70-450 adopted (Newton/Mitchell, unan. - Robinson, absent) ordering work done. (P/W to handle)

16. Hearing, requirement of sidewalk, curb and gutter on So. Franklin St., Block 415, southerly 80 feet of Lots 27 and 28 (Mr. Kirt H. Sharp) 7:55 P.M.

ACTION: Res. 70-451 adopted (Newton/Mitchell, unan. - Robinson, absent) ordering work done. (P/W to handle)

17. Hearing, requirement of curb and gutter at 114 Maple St., Block 418, Lot 21 and East 10 feet of Lot 22 and West 10 feet of Lot 20 (Mrs. Mary M. Oliney) 7:55 P.M.

ACTION: Res. 70-452 adopted (Newton/Mitchell, unan. - Robinson, absent) ordering work done. (P/W to handle)

18. Hearing, curb and gutter requirement at 116 Maple St., Block 418, Lot 23 and west 15' of Lot 22 (Mr. Floyd Patrick) 7:55 P.M.

ACTION: Res. 70-453 adopted (Newton/Mitchell, unan. - Robinson, absent) ordering work done. (P/W to handle)

19. Hearing, curb and gutter requirement on Maple St. at 120-122 Jefferson St., Block 418, Lot 27 and 28, and west 10 feet of Lot 26 (Mr. Silas W. Green) 7:55 P.M.

ACTION: Res. 70-454 adopted (Newton/Mitchell, unan. - Robinson, absent) ordering work done. (P/W to handle)

20. Hearing on formation of Improvement District No. 16. 8:00 P.M.

ACTION: Res. 1143-S.P. adopted (Smith/Simon, unan. - Robinson, absent) determining that public convenience and necessity require public improvement.

Res. 1144-S.P. adopted (Smith/Simon, unan. - Robinson, absent) ordering work.

Res. 1145-S.P. adopted (Smith/Simon, unan. - Robinson, absent) setting June 9, 1970 at 10:00 A.M. as time for receiving bids. (Clerk to handle)

21. Matters for the good of the community. 8:05 P.M.  
(These may be presented by interested people in the audience)

ACTION: Max Helm spoke concerning religion and government.

Louis Levin suggested that the Modesto Bee should be requested to publish a resume of Council agendas.

Councilman Dixon spoke on the lack of community spirit shown by many residents of Modesto as far as the Centennial was concerned.

Acting C/Mgr Ray announced that Youth in Government Day would be held May 12.

Res. 70-455 adopted (Simon/Mitchell, unan. - Robinson, absent) commending Modesto Junior College students, Nany Louise Millard and Sherilyn Lee Podesto, for winning the 1970 national women's debating championship for junior colleges.

Councilman Dixon requested all members of the Council to make an attempt to act as judges for future speech tourneys here.

NEW BUSINESS

CONSENT

22. A resolution determining that the public interest and convenience require that Greenfield Addition be annexed to the Modesto Municipal Sewer District No. 1 and naming a time and place for hearing. (It is now necessary to commence proceedings to annex the Greenfield Addition to the Modesto Municipal Sewer District No. 1. Suggested hearing date June 22, 1970 at 7:45 P.M. Resolution setting hearing (2/3 affirmative vote needed)

ACTION: Res. 70-456 adopted setting hearing. (Clerk to handle)

CONSENT

23. The annual recreation agreement between County of Stanislaus and City of Modesto. (This agreement is similar to agreements entered into between the County and the City in previous years. The agreement provides that the County will allocate and transfer to the City \$16,391.05 for expenditures by the City on community recreation for the fiscal year 1969-70. Adoption of Resolution approving agreement needed)

ACTION: Res. 70-457 adopted approving agreement. (Clerk to handle)

CONSENT

24. A resolution approving the final map of Coffee Terrace No. 1 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. (The subdivision agreement has been signed and all fees paid. Coffee Terrace No. 1 subdivision is located on the east side of Coffee Road, north of the extension of Rumble Road. It contains 14.77 acres. Resolution approving final map needed)

ACTION: Res. 70-458 adopted approving final map. (Clerk to handle)

CONSENT

25. Consider approval of payment in the amount of \$1,075 requested by Rudy Bonzi to cover loss of grape vines and crop loss for the summer of 1969 as a result of trunk sewer construction across his property during construction of Project Unit No. 10. (Memo with agenda. Resolution approving request needed. Funds budgeted in Account 6553-405, Muni. Sewer Dist. Impr.)

ACTION: Res. 70-459 adopted approving payment. (Finance to handle)

CONSENT

26. Right of way acquisition, Bodem-Sunrise Connection - Mary H. Roberts. (Memo with agenda. Resolution approving agreement needed. Estimated cost \$10,000. Funds budgeted in Account 6647-321, Misc. Right of Way)

ACTION: Res. 70-460 adopted approving agreement with Mary H. Roberts. (Clerk to handle)

REPORTS

27. Further report on railroads' request to drop 10% round-trip fare discount.  
(Report by Director of Parking and Traffic with agenda. Railroads' application is in City Clerk's office. Motion directing staff as council desires needed)

ACTION: By motion (Dixon/Mitchell, maj. - Davies, no) staff directed to inform PUC that Council is interested and concerned with this matter. (C/Mgr to handle)

28. Presentation of final report and recommendation of the Charter Review Committee of the City of Modesto by Committee Chairman Don Hammond.  
(Copies of the final report have been transmitted to the Mayor and Councilmen with agenda)

ACTION: Res. 70-461 adopted (Mitchell/Simon, unan. - Robinson, absent) accepting report with thanks to the Committee and setting May 25, 1970 at 8:05 P.M. as time for informal hearing on same.  
(Clerk to handle)

29. Further consideration of traffic signals at Washington and I Streets.  
(Report by Director of Parking and Traffic with agenda. "Walk-Don't Walk" signals requested will cost about \$1,500-\$2,000. Motion directing the staff as to what Council wants done needed. No cost at this time)

ACTION: By motion (Dixon/Mitchell, unan.) staff directed to take necessary steps to prepare plans and specification for "Walk-Don't Walk" signals at Washington and I Streets. (P & T to handle)

CONSENT

30. Presentation of financial statement for April 1970.  
(Copies of report will be presented at meeting. Motion accepting report needed)

ACTION: By motion report accepted.

31. Report by City Council Committee to propose a charge for community safety committee.  
(Copies of report with agenda. Motion accepting report needed)

ACTION: By motion (Dixon/Smith, unan.) charge approved. The Mayor then appointed Councilman Mitchell (chairman), Newton and Robinson, with Councilman Dixon as alternate, as members of the Community Safety Committee.

32. Report by City Council Committee to review the "Interim Report of the Committee to Study Crime."  
(Copies of report with agenda. Motion accepting report needed)

ACTION: By motion (Newton/Smith, unan.) report and recommendations accepted. (C/Mgr to handle)

- 32A. Report by City Council Committee to study Community Center Committee recommendations.

ACTION: By motion (Smith/Simon, unan.) staff directed to request Assemblyman Berryhill to amend AB 1880 to make it apply to Modesto specifically rather than to be as general as it is now. (C/Mgr to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

33. Recommend to Council the granting of a 2-year time extension for an unclassified use permit (Evergreen Nursing Home) (By Res. 70-57 at its meeting of May 5, 1970 the Planning Commission recommended to the Council the granting of a 2-year time extension for an unclassified use permit for a 99-bed convalescent hospital to be located behind the existing nursing home on the south side of Evergreen Avenue. Resolution setting a time and place for public hearing needed. Suggested hearing date May 25, 1970 at 7:50 P.M.)

ACTION: Res. 70-462 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

34. Consider request for appropriation transfer of \$7,000 from General Reserve to Account No. 5302-51-101, Streets, Curbs and Gutters, Special. (Memo with agenda. Resolution approving transfer needed)

ACTION: Res. 70-463 adopted approving appropriation transfer of \$7,000 from General Reserve to Account 5302-51-101. (Finance to handle)

CONSENT

35. Consider transfer of \$50,000 into Account No. 6804 - Water Line Extensions. (Memo with agenda. Resolution approving transfer needed)

ACTION: Res. 70-464 adopted approving appropriation transfer of \$50,000 from Account 60-101 to Account 6804-50-101. (Finance to handle)

MISCELLANEOUS

36. Legislative matters.

ACTION: By motion (Smith/Dixon, unan.) A.B. 1622 opposed. (C/Atty to handle)

37. Appointments.

ACTION: Res. 70-465 adopted (Dixon/Simon, unan. - Robinson, absent) appointing Kathy Biddle and Mike (Berry) Johnson as members of the Mayor's Council on Youth Opportunity. (Clerk to handle)

38. Executive session with City's representatives in connection with consultations and discussions with employee organizations.

ACTION: The Council retired to executive session at 10:00 P.M. with the announcement that it would not reconvene in open meeting.

Adjournment at 10:00 P.M.

ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, CITY CLERK

Modesto City Council  
May 13, 1970

The Council of the City of Modesto met in special session this date at 4:00 P.M., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, as provided by Section 2-1.02 of the Modesto Municipal Code, to consider the preliminary budget for fiscal year 1970-71.

Present: Councilmen: Dixon, Mitchell, Newton, Simon, Mayor Davies  
(Councilman Newton arrived at 4:35 P.M.)  
Absent: Councilmen: Robinson, Smith

BUDGET MESSAGE

The budget message for the 1970-71 Budget was reviewed by the Director of Finance and the Acting City Manager.

Councilman Dixon requested a memo from the Director of Finance outlining the advantages of a large reserve fund.

It was agreed that as each preliminary budget was reviewed, it would be considered as tentatively approved unless some member of the Council wished to discuss it.

The following preliminary budgets were given tentative approval:

COUNCIL - 7 (P. 27)

CITY MANAGER - 8 (P. 29)

TYPING POOL AND RECORDS - 9 (P. 31)

CITY ATTORNEY - 13 (P. 33)

CITY CLERK AND AUDITOR - 14 (P. 35)

FINANCE - 15 (P. 37)

PERSONNEL - 17 (P. 41)

PLANNING - 18 (P. 43)

CITY HALL - 19 (P. 45)

FIRE - 21 (P. 47)

DISASTER AND CIVIL DEFENSE - 26 (P. 55)

Councilman Simon requested that an inventory of Civil Defense equipment and supplies under the control of the City of Modesto and Stanislaus County be compiled. The Acting City Manager stated that he would attempt to obtain copies of the Stanislaus County Civil Defense Manual for Councilmen Dixon and Simon who represent the City Council on the Stanislaus County Civil Defense Committee.

PARKS AND RECREATION - 30 (P. 57)

The Director of Parks and Recreation and her staff were commended for their efforts on behalf of the King Kennedy Memorial Center.

ADJOURNMENT

The meeting was adjourned at 5:35 P.M. to May 15, 1970 at 4:00 P.M.

ATTEST:

*W. T. Chynoweth*  
W. T. CHYNOWETH, CITY CLERK

Modesto City Council  
May 15, 1970

The Council of the City of Modesto met in adjourned special session this date in the Council Chamber, City Hall, 801 11th Street, Modesto, California, to consider further the preliminary budget for fiscal year 1970-71, Vice Mayor Mitchell presiding.

Present: Councilmen: Dixon, Mitchell, Simon, Smith  
(Councilman Simon arrived at 4:15 P.M.)  
Absent: Councilmen: Newton, Robinson, Mayor Davies

The meeting was called to order at 4:00 P.M. Due to the lack of a quorum the members present met as a sub-committee.

The General Fund Reserve was discussed and the advantages of maintaining a reserve of approximately \$1,000,000 were pointed out.

Councilman Simon arrived at 4:15 P.M. and the following budgets were considered and given tentative approval:

PARKS & RECREATION - ADMINISTRATION - 31 (P. 59)

PARKS & RECREATION - RECREATION - 32 (P. 61)

(Councilman Simon suggested that the Bel Passi Little League be allocated additional funds or that City crews assist in maintaining this ball field.)

PARKS & RECREATION - MADDUX YOUTH CENTER - 33 (P. 63)

PARKS & RECREATION - COMMUNITY SERVICE CENTER - 34 (P. 65)

(The staff was requested to furnish a list of the organizations using this facility on a full time, monthly, weekly or occasional basis.)

PARKS & RECREATION - PARKS - 35 (P. 67)

PARKS & RECREATION - STREET TREES - 36 (P. 69)

PARKS & RECREATION - 9-HOLE GOLF COURSE - 37 (P. 71)

PARKS & RECREATION - DRYDEN PARK MUNICIPAL GOLF COURSE - 38 (P. 75)

PARKS & RECREATION - SENIOR CITIZENS CENTER - 39 (P. 77)

POLICE - 27 (P. 51)

(Councilman Simon requested a report to be made at the time the supplementary requests are considered as to the number of police personnel working in the narcotics field now as compared with 3 or 4 years ago, and as to any problems that have come up due to a shortage of men.)

PUBLIC WORKS - ENGINEERING & ADMINISTRATION - 41 (P. 79)

PUBLIC WORKS - BUILDING INSPECTION - 42 (P. 83)

PUBLIC WORKS - ELECTRICAL - 43 (P. 85)

PUBLIC WORKS - WATER - 50 (P. 87)

PUBLIC WORKS - STREETS - 51 (P. 89)

PUBLIC WORKS - SEWERS - 52 (P. 91)

PUBLIC WORKS - WATER QUALITY CONTROL - 53 (P. 95)

PUBLIC WORKS - GARDEN REFUSE - 54 (P. 99)

PUBLIC WORKS - AIRPORT - 46 (P. 121)

(Councilman Smith requested a financial report on the airport.)

PUBLIC WORKS - SERVICE DIVISION - 48 (P. 125)

ADJOURNMENT - The meeting was adjourned at 5:35 P.M. to Wednesday, May 20, 1970 at 4:00 P.M.

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, MAY 18, 1970 AT 4:00 P.M.

Roll call Present: Dixon, Mitchell, Newton, Simon, Smith,  
Mayor Davies  
Absent: Robinson

Pledge of allegiance to the Flag  
Invocation: Reverend Theodore Ness, Bethel Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 4, 5, 6, 18, 19, 21,  
Item 6 removed from agenda 22, 23a, b, c, d, e, f, 24, 25,  
Mitchell/Newton, unan. 26, 27, 27A, 28, 29, 30

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of May 11, 1970.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES, AND CORRESPONDENCE

CONSENT

2. Request of Dr. Valentine for payment of \$3000 plus \$2,241.21 interest in connection with in lieu payments for parking spaces. (Motion referring to staff needed)

ACTION: By motion request referred to staff. (C/Atty to handle)

3. Request of Ceres City Council for meeting with Modesto City Council on May 28 to discuss items of mutual interest.

ACTION: By Order of the Chair staff was directed to contact Ceres staff to select a mutually satisfactory date for this meeting. (C/Mgr to handle)

BIDS

CONSENT

4. Approve plans and specifications and call for bids on street light improvements in Block 121, new library. (Bid opening June 2, 1970 at 10:00 A.M. This project will provide six new mercury vapor lights around the new library block. Resolution approving plans and bid call needed. Estimated cost \$6,890 (Contract \$6,500; Engr. \$390). Funds budgeted in Account 6063-301, New Library Building)

ACTION: Res. 70-466 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

5. Consider award of bid for construction of parking lot, path paving, and drainage at Moose Park.  
(Memo with agenda. Resolution awarding bid needed. Estimated cost \$30,885 (\$29,885, Contract; \$1,000 Engineering. Funds budgeted in Account 6321-31-321, Moose Park Development Stage III)

ACTION: Res. 70-467 adopted awarding bid to Elrich Construction Company. (P/W to handle)

CONSENT

6. Consider acceptance of Reed's Trenching Contract for construction of Riverside North Subtrunk.  
(Original contract: \$18,906.40. All work in conjunction with this contract has been completed to the satisfaction of the Public Works Department. Therefore, it is recommended the work be accepted and the Clerk file the Notice of Completion. Resolution accepting work needed. Final cost \$19,242.96. Funds budgeted in Account 6561-212, Extend Subtrunk & Perimeter Sewers)

Dropped from agenda.

HEARINGS

7. Hearing on amendment to Section 21-3-9 (Center State Bank) 4:15 P.M.

ACTION: Mayor Davies and Councilman Smith disqualified themselves from consideration of this item and Vice Mayor Mitchell presided.

Ord. 1018-C.S. introduced (Simon/Newton, unan. - Robinson, Smith & Mayor Davies absent) amending Section 21-3-9 of zoning map. (Clerk to handle)

8. Amendment to Section 26-3-9 of the zoning map (Price) 4:20 P.M.

ACTION: Ord. 1019-C.S. introduced (Smith/Simon, unan. - Robinson, absent) amending Section 26-3-9 of zoning map. (Clerk to handle)

Res. 70-468 adopted (Smith/Simon, unan. - Robinson, absent) approving development plan. (Planning to handle)

9. Formal budget hearing. 4:30 P.M.

ACTION: As no one appeared to comment on the budget, the hearing was closed.

10. Request for encroachment permit for retaining wall on Hawthorne Ave.

(Hearing was closed at meeting of 5/4/70)

ACTION: A motion (Mitchell/Smith) to authorize the Public Works Dept. to issue encroachment permits for the retaining wall subject to the conditions listed in the memo from the Director of Public Works dated May 1, 1970, a copy of which is on file with the City Clerk, was tabled for one week by motion (Mitchell/Dixon, unan.) (P/W to handle)

11. Hearing on report of costs of constructing sidewalk at Lot 1 of Block 6710 of Caroland Manor No. 1 (Mr. Emmett L. Carter) (\$158.40) 4:35 P.M.

ACTION: Res. 70-469 adopted (Newton/Mitchell, majority - Dixon, no - Robinson, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

12. Hearing on report of costs of constructing sidewalk at Lot 1 of Block 6709 of Caroland Manor No. 1. (Mrs. Rubalee R. Dial) (\$324.20) 4:35 P.M.

ACTION: Res. 70-470 adopted (Newton/Mitchell, majority - Dixon, no - Robinson, absent) confirming report, assessing costs and directing method of collection (over 7 year period.) (Finance to handle)

13. Hearing on report of costs of constructing sidewalk at Lot 5, Block 6710 of Caroland Manor No. 1 (Mr. Anthony P. Drobnick) (\$105.40) 4:35 P.M.

ACTION: By motion (Newton/Mitchell, unan.) hearing continued to May 25, 1970 at 7:40 P.M.

14. Hearing on report of costs of constructing sidewalk, Lot 4 of Block 6710 of Caroland Manor No. 1 (Mr. Robert J. Evers) (\$124.48) 4:35 P.M.

ACTION: By motion (Newton/Mitchell, unan.) hearing continued to May 25, 1970 at 7:40 P.M.

15. Hearing on report of costs of constructing sidewalk at Lot 3, Block 6710 of Caroland Manor No. 1. (Mr. Troy D. Hasley - \$132.96) 4:35 P.M.

ACTION: By motion (Newton/Mitchell, unan.) hearing continued to May 25, 1970 at 7:40 P.M.

16. Hearing on cost of constructing sidewalk, Lot 2, Block 6710 of Caroland Manor No. 1 (Mr. Lynden C. Proctor) (\$135.08) 4:35 P.M.

ACTION: Res. 70-471 adopted (Newton/Mitchell, majority - Dixon, no - Robinson, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

17. Matters for the good of the community. 4:40 P.M.  
(These may be presented by citizens in the audience)

ACTION: Frank Andrews objected to the Air Show to be held in July.

Mayor Davies read a message from Councilman Robinson who is in Europe.

Councilman Dixon commented on the need to express appreciation to the men who have served in the Armed Forces.

Mayor Davies commented on letters received from students at Modesto and Davis High Schools and concerning ecology.

Councilman Simon requested a staff report on "gutter flooding" and placing of garden refuse in the streets more than 24 hours before pick up. (P/W to handle)

Vice Mayor reported that no date had been set for a committee hearing on AB 1880 (Community Center District)

OLD BUSINESS

CONSENT

18. Approve free parking on the city parking lot on 8th Street between I and K Streets.

(The necessary documents have now been prepared and are ready for Council approval. Free parking can begin on Tuesday, May 19, 1970. Resolution eliminating 8th Street Lot as a parking ticket lot and designating it as a free lot. Estimated cost \$30 for new signs. Funds budgeted in Account 230-57-209, Advertising, Legal, Other)

ACTION: Res. 70-472 adopted eliminating 8th Street Lot as a parking ticket lot and designating it as a free lot. (P & T to handle)

CONSENT

19. New lease agreement between the City and the Modesto Tower, Inc. (formerly Seely Tower).

(The new lease has been signed by the representatives of the Modesto Tower, Inc. It is now in order for the Acting City Manager to sign the agreement to make it effective. This matter was presented to the Council 4/27/70. Resolution approving lease agreement needed)

ACTION: Res. 70-473 adopted approving new lease agreement. (Clerk to handle)

NEW BUSINESS

20. Presentation by representatives of an industrial corporation regarding location in Modesto area, provision of City of Modesto services.

(Representatives of the company wish to appear before the City Council regarding a proposal to locate corporation facilities in the Modesto area.)

ACTION: Following the presentation and a question and answer period it was agreed that this matter would be placed on the agenda for June 8, at 8:00 P.M. for action as all members of the Council are expected to be present at that time.

CONSENT

21. A resolution determining that the public interest and convenience require that Sylvan School Addition be annexed to the Modesto Municipal Sewer District No. 1 and naming a time and place for hearing.

(It is now necessary to commence proceedings to annex this addition to the Modesto Municipal Sewer District No. 1. Suggested hearing date July 6, 1970 at 4:15 P.M. Resolution setting hearing (2/3 affirmative vote needed)

ACTION: Res. 70-474 adopted setting hearing. (Clerk to handle)

CONSENT

22. Consider agreement with the State covering design costs for Carpenter-Prescott railroad overpass.  
(On July 28, 1969 the Council approved this project. This is the first, or design phase. The City's cost is estimated at \$16,875. Resolutions approving agreement and appropriation of funds needed. Funds budgeted in Account 6735-207, Prescott-Carpenter overpass)

ACTION: Res. 70-475 adopted approving agreement with State.  
(Clerk to handle)  
Res. 70-476 adopted approving appropriation transfer of \$16,875 from Account 60-207- to 6735-207. (Finance to handle)

23. Report of Superintendent of Streets on the cost of installation of sidewalk and/or curb and gutter at the properties listed below.  
(The amounts assessed against the properties will be included in reports distributed with the agenda for the hearing date. The City Clerk will set the date for the hearing. Resolutions setting hearing date needed - suggested date June 1, 1970 at 4:25 P.M. Contract costs listed below with properties. Funds budgeted in Account 5302-51-101, Curbs and Gutters, Special)

CONSENT

- (a) Curb, gutter and sidewalk on S. Madison St. at 228 Walnut Street (Mr. Manuel R. Castillo - \$695.17)  
(Resolution setting hearing needed)

ACTION: Res. 70-477 adopted setting hearing. (P/W to handle)

CONSENT

- (b) Curb, gutter and sidewalk on S. Madison Street at 227 Vine Street (Mrs. Roy E. Beels - \$680.85)  
(Resolution setting hearing needed)

ACTION: Res. 70-478 adopted setting hearing. (P/W to handle)

CONSENT

- (c) Curb, gutter and sidewalk on 704-714 Madison St. (Mr. Anthony Tomao - \$851.34)  
(Resolution setting hearing needed)

ACTION: Res. 70-479 adopted setting hearing. (P/W to handle)

CONSENT

- (d) Curb, gutter and sidewalk on Wright St. at 301 Hackberry Avenue - \$755.62 (Mr. Jerry D. Surber)  
(Resolution setting hearing needed)

ACTION: Res. 70-480 adopted setting hearing. (P/W to handle)

CONSENT

23. (e) Curb and gutter on Alice Street at 201 Poplar Avenue  
(Mr. Harvey Elzea - \$440.07)  
(Resolution setting hearing needed)

ACTION: Res. 70-481 adopted setting hearing. (P/W to handle)

CONSENT

- (f) Sidewalk at 519 Mensinger Ave. (Mr. Paul E. Warda -  
\$458.60)

ACTION: Res. 70-482 adopted setting hearing. (P/W to handle)

CONSENT

24. Consider letter request by Modesto American Legion, Post 74,  
to hold an air show at the Modesto City-County Airport July 5,  
1970.  
(Copy of letter and memo of explanation with agenda. Resolution  
granting request subject to conditions recommended in memo)

ACTION: Res. 70-483 adopted permitting air show subject to the  
conditions recommended by P/W and on file with the City  
Clerk. (P/W to handle)

CONSENT

25. Consider an agreement between Betty June Cagle and the City of  
Modesto whereby Betty June Cagle agrees to deed property to  
City (Project LA 59-6 - Bodem/Sunrise Connection). Also consider  
acceptance of grant deed signed by Betty June Cagle which deeds  
the property described thereon to City for its Project LA 59-6.  
(City agrees to pay grantor as damages the sum of \$495. The  
staff feels this is a fair amount. Resolution approving agreement  
and accepting grant deed needed. Funds budgeted in Account  
6647-41-321, Miscellaneous Right of Way, p.73 of 1969-70 budget)

ACTION: Res. 70-484 adopted approving agreement and accepting  
Grant Deed. (Clerk to handle)

CONSENT

26. Consider request for sewer service to property outside the City  
at 1541 Paulette Avenue.  
(The property owners have signed an agreement to annex to City  
when requested to do so by City. The property is not contiguous  
to the City but a sewer line exists to serve it. Property  
owner Robert Mellor. Resolution approving agreement needed)

ACTION: Res. 70-485 adopted approving agreement. (P/W to handle)

CONSENT

27. Additional \$10,000 revenue estimated for the 1969-70 fiscal year and appropriated in the General Reserve of the Gas Tax Improvement Fund.  
(The additional revenue is anticipated due to annexations occurring during the current year and it is needed for projects pending. Resolution revising estimated revenue and appropriating additional amount needed)

ACTION: Res. 70-486 adopted estimating additional revenue and approving the appropriation thereof in the Special Gas Tax Street Improvement Fund. (Finance to handle)

CONSENT

- 27A. A resolution approving the final map of Tully Manor No. 5 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.  
(The subdivision agreement has been signed and all fees paid. Tully Manor No. 5 Subdivision is located west of Tully Road, south of Standiford Avenue. It contains 16.62 acres. Resolution approving final map and authorizing execution by City needed)

ACTION: Res. 70-487 approving final map of Tully Manor No. 5.  
(Clerk to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

28. Recommend to City Council the adoption of revisions to Sections "D" and "J" of the Standard Specifications for Street Lighting and Section V(d) of the Standard Specifications for Subdivision Improvements.  
(On May 5, 1970 the Planning Commission adopted Resolution No. 70-58, recommending to the Council revisions to Section "D" and "J" of the Standard Specifications for Street Lighting and Section V(d) of the Standard Specifications for Subdivision improvements. (Resolution approving amendments to the Standard Specifications for Subdivision needed)

ACTION: Res. 70-488 adopted approving amendments to Sections D and J of Standard Specifications for Street Lighting and Section V (d) of Standard Specifications for Subdivision Improvements.  
(P/W to handle)

APPROPRIATION TRANSFERS

CONSENT

29. Consider request for appropriation transfer in the amount of \$320 from Airport Reserve to Airport Auto Insurance Account.  
(City has agreed to reimburse Empire Fire District the cost of collision, fire and liability insurance for the Airport Crash Truck (agreement of 11/10/69). The District has requested reimbursement of the actual cost amounting to \$320. Since the truck is basically intended for aircraft emergencies, the insurance cost is an appropriate charge to the Airport Fund. Resolution approving appropriation transfer of \$320 needed)

ACTION: Res. 70-489 adopted approving appropriation transfer of \$320 from Account 46-230 (Airport Reserve) to Account 412-46-230.  
(Finance to handle)

CONSENT

30. Consider appropriation transfer to purchase automatic radio-telephone recorder.  
(Memo with agenda. Resolution approving transfer needed.  
Estimated cost \$2,200)

ACTION: Res. 70-490 adopted approving appropriation transfer of \$2,200 from Account 60-101 to Account 5502-22-101.  
(Finance to handle)

MISCELLANEOUS

31. Legislative matters.

ACTION: By motion (Simon/Dixon, unan.) SB 758 opposed. (C/Atty to handle)

By motion (Dixon/Newton, unan.) staff directed to express opposition to adoption of noise standards for airports of the size of Modesto at this time. (P/W to handle)

32. Executive session to consider appointments.

Executive session was not held.

33. Appointments.

ACTION: Res. 70-491 adopted (Dixon/Smith, unan. - Robinson, absent) appointing Donna Mays and Alan Toste as members of the Mayor's Council on Youth Opportunity for terms ending October 31, 1970.

Res. 70-492 adopted (Dixon/Smith, unan. - Robinson, absent) reappointing Robert Gallo, Rev. Ben Jennings, Gilbert Vasquez and Gordon Nutson as members of the Human Rights Committee for terms ending May 1, 1974. (Clerk to handle)

Adjournment at 7:55 P.M. to 4:00 P.M. on May 19, 1970 for further consideration of the Preliminary Budget.

ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, CITY CLERK

The Council of the City of Modesto met in adjourned regular session this date in the Council Chamber, City Hall, 801 11th Street, Modesto, California, to consider further the preliminary budget for fiscal year 1970-71.

Present: Councilmen: Mitchell, Newton, Simon, Mayor Davies  
Absent: Councilmen: Dixon, Robinson, Smith

The meeting was called to order at 4:20 P.M.

The following budgets were considered and given tentative approval:

DOWNTOWN IMPROVEMENT DISTRICT - FUND 218 (P. 119)  
(\$10.00 was added to Account 426)

LIBRARY - 62 (P. 115)

By motion (Mitchell/Simon, unan.) this budget was given tentative approval subject to County approval.

PARKING & TRAFFIC - 56 (P. 103)

OFFICE SERVICES - 58 (P. 105)

PARKING & TRAFFIC - 57 (P. 117) (Parking Fund-209)

Account 490 was decreased \$830

Account 224 was increased \$415

Account 322 was increased \$415

Account 401 was increased \$5

MUSIC & PROMOTION - 61 (P. 107)

INSURANCE & RETIREMENT - 64 (P. 109)

MISCELLANEOUS UNCLASSIFIED - 65 (P. 111)

The Clerk was requested to investigate the possibility of consolidating precincts for General Municipal Elections.

BOND REDEMPTION & INTEREST REQUIREMENTS (P. 123)

The following Supplementary Requests were considered and given tentative approval:

PARKING & TRAFFIC - 56 (P. 102)

FINANCE - 15 (P. 36)

The meeting was adjourned at 5:20 P.M.

ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, CITY CLERK

Modesto City Council  
May 20, 1970

At 4:00 P.M. on May 20, 1970, no members of the Modesto City Council were present for the adjourned special session.

The meeting was therefore adjourned to and until May 27, 1970, at the hour of 4:00 P.M. in the Council Chamber, City Hall, 801 11th Street, Modesto, California.

ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, CITY CLERK

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, MAY 25, 1970 AT 7:30 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Simon, Smith, Mayor Davies  
Councilman Simon arrived at 7:33 P.M.  
Absent: Robinson

Pledge of allegiance to the Flag  
Invocation: Reverend R. E. Patterson, Chaplain, Scenic General Hospital

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 6, 7, 8, 9, 10,  
Item 26 removed from consent. 11, 12, 21A, 22, 23, 24, 25a, b,  
26, 27a, b, 28, 29, 30, 31, 32,  
Smith/Dixon, unan. 33, 34, 35, 36

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items)

1. Confirmation of canvass of ballots - Highway Village Addition annexation election held May 19, 1970.  
(Ballots will be canvassed May 22, 1970)

ACTION: Res. 70-493 adopted (Dixon/Newton, unan. - Robinson, absent) determining results of election, approved by vote 172, yes, 92, no)

APPROVAL OF MINUTES

CONSENT

2. Minutes of May 13, 15, 18, 19, and 20, 1970.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT

3. Letter of appreciation from Camellia Society of Modesto.  
(Motion ordering filed needed)

ACTION: By motion ordered filed.

CONSENT

4. Resignation of Jerry Turner from Human Rights Commission.  
(Resolution accepting with regret needed)

ACTION: Res. 70-494 adopted accepting resignation with regret.  
(City Clerk to handle)

5. Proposal by Modesto Bee for advertisement by City in centennial edition of Bee.

ACTION: By motion (Mitchell/Smith, unan. - Robinson, absent) Council indicated its intent to take a one page layout in the centennial edition, and staff directed to work with Bee and come back to Council with ideas for layout.  
(C/Mgr to handle)

BIDS

CONSENT

6. Approve plans and specifications and call for bids for SWI Project Unit No. 11.  
(Bid opening June 30, 1970 at 10:00 A.M. We have received approval of plans and specifications from Economic Development Administration for Project Unit No. 11. This project is for the placement of riprap on the levees at the oxidation ponding system. Resolution approving plans and specifications and call for bids needed. Estimated cost \$250,000, including engineering and inspection. Funds budgeted in Account 6553-405, Muni Sewer Dist Impr)

ACTION: Res. 70-495 adopted approving plans and bid call.  
(P/W to handle)

CONSENT

7. Consider approval of specifications and authorize call for bids to be opened June 9, 1970 at 2:30 p.m. for furnishing annual requirements of ready-mixed concrete.  
(Resolution needed. Estimated cost \$8,500. Funds budgeted in account 321-51-101, Construction Material, p. 89 preliminary budget and other misc. accounts)

ACTION: Res. 70-496 adopted approving specifications and bid call.  
(Finance to handle)

CONSENT

8. Consider approval of specifications and authorize call for bids to be opened June 9, 1970 at 2:15 P.M. for furnishing annual requirements of liquid and emulsified asphalts.  
(Resolution needed. Estimated cost \$26,000. Funds budgeted in account 321-51-101, Construction Material, p. 89 of preliminary budget)

ACTION: Res. 70-497 adopted approving specifications and bid call.  
(Finance to handle)

CONSENT

9. Consider approval of specifications and authorize call for bids to be opened June 9, 1970 at 2:00 P.M. for furnishing annual requirements of rock, sand and gravel.  
(Resolution needed. Estimated cost \$16,500. Funds budgeted in account 438-512, Service Division Revolving Fund. Ultimately used in 321-51-101, Construction Material and other accounts)

ACTION: Res. 70-498 adopted approving specifications and bid call.  
(Finance to handle)

**CONSENT**

10. Consider approval of plans and specifications for the installation of water lines in Tully Manor No. 5 Subdivision. (Suggested bid opening June 9, 1970 at 10:15 A.M. Costs: Construction, \$15,159; connection charges, \$6993; annual net revenue, \$1,306. Resolution approving plans, specifications and bid call needed. Estimated cost \$15,159 (Materials: \$9,400; labor, \$5,759). Funds budgeted in account 6804-50-101, Water Line Extensions)

ACTION: Res. 70-499 adopted approving plans and bid call.  
(P/W to handle)

**CONSENT**

11. Accept as complete A. C. Construction's contract for the replacement of curb and gutter on Bermuda Way and Catalina Way between Enslin Avenue and Sherwood Avenue. (All work on this contract has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and authorize the City Clerk to file notice of completion. Resolution needed. Original contract cost \$8,472.60; final contract cost \$8,534.87. Funds budgeted in Account 321-51-101, Construction Materials)

ACTION: Res. 70-500 adopted accepting contract as complete and authorizing recordation of notice of completion.  
(City Clerk to handle)

**CONSENT**

12. Sale of buildings located at 538 and 542-544 Bodem Street to provide for the Sunrise-Bodem connection. (Memo with agenda. Resolution authorizing sale of buildings and approving specifications and notice to bidders needed. Bid opening 2:00 P.M. June 15, 1970)

ACTION: Res. 70-501 adopted authorizing sale and approving specifications for sale and removal of buildings. (Finance to handle)

HEARINGS

13. Vote on motion (Mitchell/Smith) to authorize P/W to issue encroachment permits for retaining wall on Hawthorne Avenue subject to conditions recommended by Public Works Department in memo dated May 1, 1970)

ACTION: Above motion authorizing P/W to issue encroachment permits for retaining wall on Hawthorne Avenue withdrawn by Councilmen Mitchell and Smith.

By motion (Smith/Newton, Robinson, absent, unan.) request for retaining wall denied in accordance with recommendation of Director of Public Works in memo dated May 21, 1970.  
(P/W to handle)

By 3 to 3 vote (Smith/Dixon - Noes, Mitchell, Smith, Mayor Davies) motion recommending adoption of guidelines set forth in memo from Director of Public Works dated May 14, 1970 failed to carry.

14. Hearing on report of costs of constructing sidewalk at Lot 5,  
Block 6710 of Caroland Manor No. 1 (Mr. Anthony P. Drobnick)  
(\$105.40) 7:40 P.M.

ACTION: Res. 70-502 adopted (Smith/Simon, unan. - Robinson, absent)  
confirming costs and directing method of collection of lien,  
2-year installment. (City Clerk to handle)

15. Hearing on report of costs of constructing sidewalk, Lot 4 7:40 P.M.  
of Block 6710 of Caroland Manor No. 1. (Mr. Robert J. Evers)  
(\$124.48)

ACTION: Res. 70-503 adopted (Smith/Simon, unan. - Robinson, absent)  
confirming costs and directing method of collection of lien,  
2-year installment. (City Clerk to handle)

16. Hearing on report of costs of constructing sidewalk at Lot 3  
Block 6710 of Caroland Manor NO. 1 (Mr. Troy D. Hasley)  
(\$132.96) 7:40 P.M.

ACTION: Res. 70-504 adopted (Smith/Simon, unan. - Robinson, absent)  
confirming costs and directing method of collection of lien,  
2-year installment. (City Clerk to handle)

17. Amendment to Section 8-3-9 of the zoning map (Balestrini) 7:45 P.M.

ACTION: Res. 70-505 adopted denying rezoning (Dixon/Smith - Robinson,  
absent - Simon, Davies, no) carried. (Planning to handle)

18. Hearing on extension of time for unclassified use permit. 7:50 P.M.  
(Evergreen Nursing Home)

ACTION: Res. 70-506 adopted (Mitchell/Dixon, unan. - Robinson,  
absent) approving 2-year time extension. (Planning to handle)

19. Discussion of Planning Commission recommendation - CIP 1970-71  
through 1975-76) 8:00 P.M.

ACTION: By unanimous consent of Council, Capital Improvement Program  
accepted, to be considered at regular hearing of the budget.  
(Planning to handle) The Planning Commission was commended  
by Mrs. George Martin, 1321 Sunrise Ave., and by the Council.

19A. Reconsideration of portion of Capital Improvement Program, 70-71  
through 75-76 - traffic signal at El Vista Avenue and Encina  
Avenue (adjacent to El Vista Elementary School).  
(Memo with agenda)

ACTION: By unanimous consent, switch of priority to be given con-  
sideration when program is considered by Council. (Planning  
to handle)

20. Informal hearing on recommendations of Charter Review Committee.

8:05 P.M.

ACTION: By motion (Smith/Dixon, unan. - Robinson, absent) consideration of recommendations continued to June 1st meeting. (C/Atty to handle)

21. Matters for the good of the community.  
(These may be presented by interested people in the audience)

8:10 P.M.

ACTION: John Funnell, member of the Farm-City Committee was introduced.

Correspondence from Councilman Robinson, traveling in Europe, was read by Mayor Davies.

At Councilman Mitchell's suggestion, staff instructed to furnish council with information on existing unused sewer capacity, taking into consideration peak periods in summer; that the staff advise the Council the most economical way in which the capacity can be increased. It was suggested that a survey report be submitted annually. (P/W to handle)

Acting City Manager Ray reported that the Regional Water Quality Control Board had approved the joint City-County application for a use permit for the new sanitary landfill site on the Goodman property.

OLD BUSINESS

CONSENT

21A. Final adoption of Ordinance 1017-C.S. - building regulations.  
(motion adopting needed)

ACTION: By motion ordinance adopted. (City Clerk to handle)

NEW BUSINESS

CONSENT

22. Adoption of resolution acknowledging receipt of "Notice of Intention to Circulate Petition to Annex Territory Known as the Standiford Addition to the City of Modesto" and approving intention of proponents to circulate petitions.  
(The notice has been published as required and it is now in order for the Council to adopt this resolution)

ACTION: Res. 70-507 adopted acknowledging receipt of "Notice of Intention to Circulate Petition to Annex Territory Known as the Standiford Addition to the City of Modesto".  
(City Clerk to handle)

CONSENT

23. Adoption of resolution acknowledging report of "Notice of Intention to Circulate Petition to Annex Territory Known as the East Orangeburg-Coffee Addition to the City of Modesto" and approving intention of proponents to circulate petitions.  
(The notice has been published as required and it is now in order for the Council to adopt this resolution)

ACTION: Res. 70-508 adopted acknowledging report of "Notice of Intention to Circulate Petition to Annex Territory known as the East Orangeburg-Coffee Addition to the City of Modesto."  
(City Clerk to handle)

CONSENT

24. Request of Central Valley Chrysler Plymouth for refund of business license and Downtown Improvement District Area tax.  
(Central Valley Chrysler Plymouth requests this refund of overpayment of business license tax for quarters ending June 30, 1968 through December 31, 1969. They have reported their gross receipts correctly but have not taken adjustments for: (1) Value allowed on trade-ins; (2) Value allowed on returned merchandise; and (3) Inter-departmental sales. Gross receipts reports have been audited and it appears that the refund is in order. Refunds over \$500 must have council approval. Resolution approving request is needed. Estimated cost \$976.96; funds budgeted in Accounts 302 and 302.)

ACTION: Res. 70-509 adopted approving refund of business license and DID Area tax to Central Valley Chrysler Plymouth. (Finance to handle)

CONSENT

25. Report of Superintendent of Streets on the cost of installation of sidewalk and/ or curb and gutter at the properties listed below.  
(The amounts assessed against the properties will be included in reports distributed with the agenda for the hearing date. Resolutions setting hearing date needed. Suggested date June 8, 1970 at 7:50 P.M. Funds budgeted in Account 5302-51-101, Curbs and Gutters, Special)

CONSENT

- (a) Curb and gutter at 715 Cedar Avenue (Mr. Cecil G. Plummer - \$250.12)  
(Resolution setting hearing needed)

ACTION: Res. 70-510 adopted setting hearing to confirm costs on curb and gutter installation. (P/W to handle)

CONSENT

- (b) Curb and gutter at 619 Cedar Avenue (Mr. Nimolty C. MacDannald - \$332.67)  
(Resolution setting hearing needed)

ACTION: Res. 70-511 adopted setting hearing to confirm costs on curb and gutter installation. (P/W to handle)

~~CONSENT~~

26. Guidelines for school child traffic protection.  
(A memo has been sent with the agenda telling of the history to date. The Director of Parking and Traffic will bring the matter back again when action is required. No action needed)

No action taken.

CONSENT

27. Resolutions instructing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters at the locations listed below.  
(Informal requests were sent over 30 days ago to the property owners to install sidewalks and/or curbs and gutters. The work has not been done; therefore it is recommended that resolutions be adopted authorizing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters. Resolutions setting hearings needed. Suggested date June 8, 1970 at 7:55 P.M.)

CONSENT

- (a) Sidewalk at 408 Sixth Street, Block 29, Lots 19 and 20  
(Mr. Lester McDowell).  
(Resolution setting hearing needed)

ACTION: Res. 70-512 adopted setting hearing for sidewalk requirement.  
(City Clerk to handle)

CONSENT

- (b) Curb and gutter at 415 N. Santa Ana Avenue, portion of Block 2028 (Mrs. Bertha Sanders)  
(Resolution setting hearing needed)

ACTION: Res. 70-513 adopted setting hearing for curb and gutter requirement. (City Clerk to handle)

CONSENT

28. Consider agreement between City and Mr. Floyd Huss regarding a mobile home site at the remote ponding area.  
(Memo with agenda. Resolution approving agreement and authorizing City Manager to execute document on behalf of City, needed. Estimated cost \$800. Funds to be requested later from Fund 210-53, W.Q.C. Utilities, when bids are received)

ACTION: Res. 70-514 adopted approving agreement. (P/W to handle)

CONSENT

29. A resolution approving the final map of Greenfield Village No. 1 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604-C of the Modesto Municipal Code.  
(The subdivision agreement has been signed and all fees paid. Greenfield Village No. 1 Subdivision is located on the east side of Rose Avenue, south of Kienitz Avenue. It contains 11.82 acres. (Resolution approving final map needed)

ACTION: Res. 70-515 adopted approving final map. (P/W to handle)

REPORTS

CONSENT

30. Report on cost of installation of water mains.  
(Reports with agenda. Motion accepting reports needed)

ACTION: By motion reports accepted.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

31. Recommend commencement of proceedings for the annexation to the City of Uninhabited territory (Norwegian No. 3 Addition)  
(Commencement of proceedings for the annexation to the City of uninhabited territory (Norwegian No. 3 Addition.) Resolution setting date for public hearing needed. Suggested date July 13, 1970 at 7:45 P.M.)

ACTION: Res. 70-516 adopted setting public hearing. (City Clerk to handle)

CONSENT

32. Recommend amendment to Section 22-3-9 of the zoning map (Wolverine Building Service, Inc. - reduced area)  
(By Resolution No. 70-64 adopted May 19, 1970 the Planning Commission recommends an amendment to Section 22-3-9 of the zoning map as requested by Wolverine Building Service, Inc. to rezone from One-Family Residential Zone, R-1, to Two-family Residential Zone, R-2, property located east of Rose Avenue, north of Rose Avenue School. Resolution setting public hearing on June 22, 1970 at 7:50 P.M. needed)

ACTION: Res. 70-517 adopted setting public hearing. (City Clerk to handle)

CONSENT

33. Recommend amendment to Section 30-3-9 of the zoning map (Leslie Sherman Cass)  
(By Resolution No. 70-62 adopted May 19, 197 the Planning Commission recommends an amendment to Section 30-3-9 of the zoning map that P-D (64) revert to its previous zoning, R-1 and R-2, property located at the northwest corner of Franklin and Maze Blvd. Resolution setting public hearing on June 22, 1970 at 7:55 P.M. needed)

ACTION: Res. 70-518 adopted setting public hearing. (City Clerk to handle)

CONSENT

34. Recommend amendment to Section 7-4-9 of the zoning map (El Casa Verde, Inc.)  
(By Resolution No. 70-66 adopted May 20, 1970 the Planning Commission recommends an amendment to Section 7-4-9 of the zoning map; that property located between Sutter Avenue and Marseille Lane, north of Robertson Road be rezoned from R-1 to Planned Development (P-D). Resolution setting June 22, 1970 at 8:00 P.M. as time of public hearing needed)

ACTION: Res. 70-519 adopted setting hearing. (City Clerk to handle)

CONSENT

35. Recommend amendment to Section 10-3-9 of the zoning map (Weeks).  
(By Resolution No. 70-68 the Planning Commission recommends an amendment to Section 10-3-9 of the zoning map, that property located at the southeast corner of Coffee Road and Sylvan Avenue be rezoned from R-1 to R-2. Resolution setting June 22, 1970 at 8:05 P.M. as time of public hearing needed)

ACTION: Res. 70-520 adopted setting hearing. (City Clerk to handle)

CONSENT

36. Recommend amendment to Section 15-3-9 of the zoning map (Medeiros)  
(By Resolution No. 70-71 adopted May 20, 1970 the Planning Commission recommends an amendment to Section 15-3-9 of the zoning map, that property located at the southeast corner of Floyd Avenue and Rose Avenue be rezoned to R-2 (Medeiros). Resolution setting June 22, 1970 at 8:10 P.M. as time of hearing needed)

ACTION: Res. 70-521 adopted setting hearing. (City Clerk to handle)

MISCELLANEOUS

37. Legislative matters

ACTION: By motion, SB-179 and SB 658 opposed (Dixon/Simon, unan. - Robinson, absent) (C/Atty to handle)

38. Appointments.

ACTION: Res. 70-522 adopted (Simon/Dixon, unan. - Robinson, absent) appointing Dean Bernacchi, 1006 Mt. Vernon Ave., and Gail Coates, 3101 Higbee Court, to Mayor's Council on Youth Opportunity for a term ending October 31, 1970. (City Clerk to handle)

Res. 70-523 adopted (Smith/Dixon, unan. - Robinson, absent) appointing Sherry Sweeley, 501 Fleetwood Drive, and Sylvia McElhaney, 2017 Keeneland, and reappointing Bette Belle Smith to the Beautification Committee for terms ending January 1, 1974. (City Clerk to handle)

The Council went into executive session, returning at 11:10 P.M.

39. Executive session for the following:

(a) Consideration of acquisition of Lincoln School property.  
ACTION: By motion, (Simon/Smith, unan. - Robinson, absent) staff authorized to negotiate for purchase of Lincoln School property. (C/Mgr. to handle)

(b) Salary negotiations.  
ACTION: The Council went into executive session to consider salary negotiations. No action taken.

Adjournment: The meeting adjourned at 11:15 P.M.

ATTEST: Pauline P Stanley  
PAULINE P. STANLEY, Acting City Clerk

Modesto City Council  
May 27, 1970

The Council of the City of Modesto met in adjourned special session this date at 4:00 P.M. in the Council Chamber, City Hall, 801 11th Street, Modesto, California, to consider further the supplemental requests in the preliminary budget for fiscal year 1970-71, Mayor Davies presiding.

Present: Councilmen: Dixon, Mitchell, Smith, Mayor Davies

Absent: Councilmen: Newton, Robinson, Simon

The following supplemental requests were tentatively approved:

PLANNING - 18 (P. 42)

CITY HALL - 19 (P. 44)

FIRE - 21 (P. 48)

PARKS AND RECREATION - KING KENNEDY MEMORIAL CENTER - 30 (P. 56)

PARKS AND RECREATION - RECREATION - 32 (P. 60)

PARKS AND RECREATION - MADDUX YOUTH CENTER - 33 (P. 62)

PARKS AND RECREATION - PARKS - 35 (P. 66)

PARKS AND RECREATION - 9-HOLE GOLF COURSE - 37 (P. 70)

PUBLIC WORKS - ENGINEERING & ADMINISTRATION - 41 (P. 78)

PUBLIC WORKS - BUILDING INSPECTION - 42 (P. 82)

PUBLIC WORKS - WATER - 50 (P. 86)

PUBLIC WORKS - STREETS - 51 (P. 88)

PUBLIC WORKS - SEWERS - 52 (P. 90)

PUBLIC WORKS - WATER QUALITY CONTROL - 53 (P. 94) (addendum amending to indicate  
Sludge Thickener Pump reduced Account 223 by \$2,700 making revised total for  
PUBLIC WORKS - GARDEN REFUSE - 54 (P. 98) (this account \$17,588.)

MUSIC AND PROMOTION - 61 (P. 106)

PUBLIC WORKS - AIRPORT - 46 (P. 120)

PUBLIC WORKS - SERVICE DIVISION - 48 (P. 124)  
(Dump Trailer deleted, \$845.00) (P/W - Q.W.C.)  
(Brush Chipper 16" (R) deleted, \$5,400)  
(New total, \$124,314)

INSURANCE AND RETIREMENT - 64 (P. 108)

ADJOURNMENT - The meeting was adjourned at 5:50 P.M. to Wednesday,  
June 3, 1970 at 4:00 P.M.

ATTEST:

Pauline P. Stanley  
PAULINE P. STANLEY, ACTING CITY CLERK

MINUTES AND ACTION AGENDA

City of Modesto

AGENDA FOR COUNCIL MEETING OF MONDAY, JUNE 1, 1970 AT 4:00 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Simon, Smith, Mayor Davies

Absent: Robinson

Pledge of allegiance to the Flag

Invocation: Reverend R. Dale Serris, Church of the Brethren

CONSENT ITEMS - roll call vote required: Items 1, 3, 4, 6, 7, 8, 9, 10,  
11, 12, 23, 24, 25, 27, 28, 29,  
Mitchell/Smith, unan. - Robinson, absent 30

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items.)

APPROVAL OF MINUTES

CONSENT

1. Regular meeting of May 25, 1970 and budget hearing, special meeting, of May 27, 1970.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

2. Letter from Central California Art League, Inc. requesting use of Graceada Park on July 26, 1970 from 10:00 A.M. to 6:00 P.M. (Memo with agenda. Motion directing staff needed)

ACTION: By Order of the Chair held for one week to permit staff to obtain more information. (P & R to handle)

CONSENT

3. Letter from E. Dean Price thanking council and staff members for courteous cooperation given representatives of Procter & Gamble. (Motion ordering filed needed)

ACTION: By motion letter ordered filed.

CONSENT

4. Resolution from Community Action Commission concerning location of Procter and Gamble plant in this area.

ACTION: By motion resolution ordered filed.

5. Communication regarding sewer service to Memorial Hospital. (Motion directing staff needed)

ACTION: By motion (Smith/Dixon, unan.) staff authorized to prepare amendment to sewer agreement with Memorial Hospital to exempt hospital from triple penalty charges. (C/Atty to handle)

BIDS

CONSENT

6. Consider acceptance of Reed's Trenching Contract for construction of Riverside North Subtrunk.  
(Original contract cost \$18,906.40; final cost, \$19,242.96. All work in conjunction with this contract has been completed to the satisfaction of the Public Works Department. Therefore, it is recommended the work be accepted and the Clerk file the notice of completion. Resolution needed. Funds budgeted in Account No. 6561-212, Extend Subtrunk & Perimeter Sewers)

ACTION: Res. ~~70-523~~<sup>70-523-A</sup> adopted accepting contract. (Clerk to handle)

CONSENT

7. Consider approval of specifications and authorize call for bids to be opened at 2:00 P.M. June 16, 1970 for furnishing annual lamp requirements for municipal lighting.  
(Memo with agenda. Resolution needed. Estimated cost \$5,200; funds budgeted in Account 438-512, Service Division Working Revolving Fund, not shown in budget)

ACTION: Res. 70-524 adopted approving specifications and bid call. (Clerk to handle)

CONSENT

8. Consider accepting low bid of Jones Chemical, Inc. of \$103.13 per ton for liquid chlorine for a one-year term ending June 30, 1971.  
(Bids were opened May 19, 1970 at 2:00 P.M. Memo and tabulation with agenda. Resolution needed. Estimated cost \$61,725; funds budgeted in Account 312-53-101, Chem. Drug & Lab Supplies, p. 95 preliminary budget )

ACTION: Res. 70-525 adopted awarding contract to Jones Chemical, Inc. (Finance to handle)

CONSENT

9. Consider approval of plans and specifications for installation of water lines in Greenfield Village No. 1.  
(Suggested bid opening June 16, 1970 at 10:00 A.M. Costs: Construction, \$10,921.20; connection charges, \$6,865.15; annual net revenue, \$1,051. Resolution needed. Estimated cost \$10,921.20 (Materials, \$6,750; labor, \$4,171.20.) Funds to be requested later when more accurate accounting can be made prior to award when other projects are completed)

ACTION: Res. 70-526 adopted approving plans and specifications and bid call. (Clerk to handle)

**CONSENT**

10. Consider declaring Lowe Seed and Feed to be lowest responsible bidder and authorize purchase of required liquid anhydrous ammonia for one year beginning July 1, 1970.  
(Memo and tabulation with agenda. Estimated cost \$8,400; funds budgeted in Account 312-53-101, Chem. Drugs & Lab Supplies, p. 95 preliminary budget)

ACTION: Res. 70-527 adopted awarding contract to Lowe Seed and Feed.  
(Finance to handle)

**CONSENT**

11. Consider award of bid for installation of water lines in Coffee Terrace No. 1 Subdivision.  
(Bids were opened May 26, 1970 and the low bid of George F. Schuler, Inc., which was 20% under the Engineer's Estimate, is considered acceptable by the Public Works Department. Therefore, it is recommended that the bid be awarded to them. Resolution needed. Estimated cost \$18,000 (Materials, \$12,500; labor \$5,800.) Funds budgeted in Account 6804-50-101, Water Line Extensions)

ACTION: Res. 70-528 adopted awarding contract to George F. Schuler, Inc. (P/W to handle)

ADOPTION OF ORDINANCES

**CONSENT**

12. An ordinance approving the annexation of certain territory known as the Highway Village Addition to the City of Modesto.  
(A special election was held on the 19th day of May, 1970 the votes of said election have been canvassed, and at its meeting of May 25th, 1970, the Council, by Resolution No. 70-493 determined the result of the election and found that a majority of the votes cast were in favor of annexation. It is now in order to approve the annexation by ordinance. Motion introducing and adopting ordinance needed)

ACTION: Ord. 1020-C.S. adopted annexing Highway Village Addition effective July 1, 1970. (Clerk to handle)

HEARINGS

13. Hearing on annexation of Glendale No. 1 Addition to City of Modesto. 4:15 P.M.

ACTION: Res. 70-529 adopted (Smith/Simon, unan. - Robinson, absent) declaring no majority protest made.  
(Smith/Simon, unan. - Robinson, absent)  
Ord. 1021-C.S. adopted/annexing Glendale No. 1 Addition.  
(Clerk to handle)

14. Hearing on annexation of Glendale No. 2 Addition to City of Modesto. 4:20 P.M.

ACTION: Res. 70-530 adopted (Smith/Simon, unan. - Robinson, absent) declaring no majority protest made.  
Ord. 1022-C.S. adopted (Smith/Simon, unan. - Robinson, absent) annexing Glendale No. 2 Addition. (Clerk to handle)

15. Hearing on cost of installation of curb, gutter and sidewalk on South Madison Street at 228 Walnut Street. (Manuel R. Castillo - \$695.17) 4:25 P.M.

ACTION: Res. 70-531 adopted (Smith/Newton, unan. - Robinson, absent) confirming report, assessing costs and directing payment over a 10 year period. (Finance to handle)

16. Hearing on cost of installation of curb, gutter and sidewalk on South Madison Street at 227 Vine Street. (Mrs. Roy E. Beels - \$680.85) (Installment payment requested - ten years) 4:25 P.M.

ACTION: Res. 70-532 adopted (Smith/Newton, unan. - Robinson, absent) confirming report, assessing costs and directing payment over a 10 year period. (Finance to handle)

17. Hearing, cost of installation of curb, gutter and sidewalk at 704-714 Madison Street. (Mr. Anthony Tomao - \$851.34) (Installment payments requested - 10 years) 4:25 P.M.

ACTION: Res. 70-533 adopted (Smith/Newton, unan. - Robinson, absent) confirming report, assessing costs and directing payment over a 10 year period. (Finance to handle)

18. Hearing, cost of installation of curb, gutter and sidewalk on Wright Street at 301 Hackberry Avenue. (Mr. Jerry D. Surber - \$755.62) (Installment payments requested - 10 years) 4:25 P.M.

ACTION: Res. 70-534 adopted (Smith/Newton, unan. - Robinson, absent) confirming report, assessing costs and directing payment over a 10 year period. (Finance to handle)

19. Hearing, cost of installation of sidewalk at 519 Mensinger Avenue (Mr. Paul E. Warda - \$458.60) 4:25 P.M.

ACTION: Res. 70-535 adopted (Smith/Newton, unan. - Robinson, absent) confirming report, assessing costs and directing payment over a one year period. (Finance to handle)

20. Hearing on assessments, Improvement District No. 14 5:00 P.M.

ACTION: Res. 1146-S.P. adopted (Smith/Simon, unan. - Robinson, absent) confirming proceedings and assessment. (Clerk to handle)

21. Matters for the good of the community.

ACTION: It was reported that C/Mgr Keefe would return to work on June 15.

Councilman Mitchell commented on a letter from the Dean of the Stanford Law School. It was pointed out that the students were perturbed by the apparent lack of communication throughout the Country. The fact that students and any others have been permitted to express themselves in Modesto was noted.

The Police were commended for their actions on Peace Day.

Councilman Simon requested additional information on the proposal to locate a Procter & Gamble plant in the area.

By motion (Newton/Dixon, majority) the Council declared its intention to support the Pop Warner football program with the amount of the City's contribution to be determined after a staff report. (P & R to handle)

21. Matters for the good of the community, (continued)

It was announced that confirmation had been received from the City of Ceres for the joint meeting on June 11, 1970.

Councilman Newton requested a report on delay in answering a call concerning a mad dog on the West side. (Police to handle)

OLD BUSINESS

21A. Further consideration of recommendations of Charter Review Committee.

ACTION: By motion (Mitchell/Smith, majority - Dixon, no) it was directed that election of Councilmen by districts not be placed on the ballot.

A motion (Simon/Dixon) to fill Council vacancies by election did not pass due to a three to three vote.

A motion (Dixon) to limit tenure of Councilmen to two terms did not pass due to a three to three vote.

A motion (Dixon/Simon) to follow the guidelines in the State Code for compensation of Councilmen in General Law Cities did not pass due to a three to three vote.

By motion (Mitchell/Simon, majority - Smith and Davies, no) it was directed that there be placed on the ballot a provision to pay the Mayor and Councilmen \$25.00 per meeting (Not to exceed \$100.00 per month) with the provision that this not be a separate item on the ballot.

By motion (Mitchell/Smith, unan) it was directed that there be placed on the ballot a provision providing for review of the charter at least every ten years commencing in 1980.

A motion (Dixon/Simon) to set a one year residency requirement for Councilmen did not pass due to a three to three vote.

A motion (Smith/Mitchell) to set a residence requirement of three consecutive years for Councilmen did not pass due to a three to three vote.

By motion (Smith/Newton, unan) it was directed that there be placed on the ballot a provision increasing the amount of budgeted or appropriated expenditures permitted to be made by the City Manager from \$2,500 to \$3,500.

By motion (Smith/Simon, unan) it was directed that there be placed on the ballot a provision eliminating the reference to the Modesto Junior College from Sec. 1500.

By motion (Smith/Simon, unan) it was directed that the proposed changes in the charter be placed on the November ballot. (Clerk to handle)

22. Further consideration of centennial ad - Modesto Bee.

ACTION: By motion (Smith/Simon, unan) staff directed to work with Bee staff to prepare ad featuring old and new pictures concerning the city. (C/Mgr to handle)

CONSENT

23. Consider authorizing City Manager to sign letter agreement with the Modesto Bee to print and publish official advertising of the City for a period of one year ending June 30, 1971. (Memo with agenda. Resolution needed. Estimated cost \$7,500; funds budgeted in Account 230-14-101, Advert. legal & other, p. 35, Preliminary Budget)

ACTION: Res. 70-536 adopted approving letter agreement with Modesto Bee. (Clerk to handle)

CONSENT

24. Recommend to the City Council that closure of the Blue Gum Avenue grade crossing of the SPRR be opposed at this time. (On May 20, 1970 the Planning Commission adopted Resolution 70-76 recommending to the City Council that closure of the Blue Gum Avenue grade crossing of the SPRR be opposed at this time. Resolution opposing closure of crossing needed)

ACTION: Res. 70-537 adopted opposing closure of Blue Gum grade crossing at this time. (P & T to handle)

CONSENT

25. Report of Superintendent of Streets on the cost of installation of sidewalk and/or curb and gutter at the property listed below. (The amounts assessed against the properties will be included in reports distributed with the agenda for the hearing date. The City Clerk will set the date for hearing. Resolution needed. Suggested hearing date June 15, 1970 at 4:15 P.M. Contract costs listed with properties below. Funds budgeted in Account 5302-51-101, Curbs and Gutters, Special)

Sidewalk on Sixth Street (Mr. Henry W. McCoy - \$222.50)

ACTION: Res. 70-538 adopted setting hearing. (P/W to handle)

26. Consider amendment to agreement with architect on library. (Memo with agenda. Motion approving needed)

ACTION: By motion (Simon/Newton, majority) preparation of amendment approved providing for City to pay for landscape architect fees that are in excess of 8%. (C/Atty to handle)

CONSENT

27. Consider agreement between Alva J. Scott and City of Modesto for deed to City of property for right of way for Project 56-10, widening of Needham Avenue, and acceptance of grant deed. (The usual terms and conditions are contained in the above documents as usually apply to such acquisitions. The City agrees to pay all title and escrow costs, if any, incurred and in addition pay to grantor the sum of \$1,500 for damages and for the relocation by grantor of an electric pole sign from subject property. Payment is to be made by City within 30 days after acceptance of the agreement, and grantor shall relocate the electric pole sign within 30 days after receipt of payment. The staff feels that the sum of \$1,500 is a reasonable amount for the property being acquired and the damages being incurred, and recommends approval of the agreement. Resolution approving agreement and accepting grant deed needed)

ACTION: Res. 70-539 adopted approving agreement with Alva J. Scott. (Clerk to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

28. Recommend amendment to Section 19-3-9 of the zoning map. (Louis A. Witt)  
(By Resolution 70-72 adopted on May 20, 1970 the Planning Commission recommends an amendment to Section 19-3-9 of the zoning map as requested by Louis A. Witt to reclassify from Neighborhood Commercial Zone, C-1, to Commercial-Industrial Zone, C-M, property located on the north side of Coldwell Avenue west of Tully Road. Resolution setting date for public hearing needed. Suggested date July 6, 1970 at 4:25 P.M.)

ACTION: Res. 70-540 adopted setting hearing. (Clerk to handle)

CONSENT

29. Recommend amendment to Section 8-3-9 of the zoning map (Tully Manor Enterprises)  
(By Resolution No. 70-67 adopted May 20, 1970 the Planning Commission recommends an amendment to Section 8-3-9 of the zoning map as requested by Tully Manor Enterprises to reclassify from One-Family Residential Zone, R-1, to Two-Family Residential Zone, R-2, property located at the northwest corner of Lord and Woodrow Avenues. Resolution setting date for public hearing needed. Suggested date July 6, 1970 at 4:30 P.M.)

ACTION: Res. 70-541 adopted setting hearing. (Clerk to handle)

CONSENT

30. Recommend to the Council amendments to Chapter 2 of Title X of the Modesto Municipal Code (zoning regulations - signs) an amendment to Section 9-6.07(g) of the sign ordinance.  
(By resolution No. 70-73 adopted May 20, 1970 the Planning Commission recommends amendments to Chapter 2 of Title X of the Modesto Municipal Code and an amendment to Section 9-6.07(g) of the sign ordinance. Resolution setting date and place for public hearing needed. Suggested date July 6, 1970 at 4:20 P.M.)

ACTION: Res. 70-542 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

31.

ACTION: Res. 70-543 adopted (Simon/Mitchell, unan. - Robinson, absent) approving appropriation transfer of \$850 from Account 60-101 to Account 470-61-101. (Finance to handle)

MISCELLANEOUS

32. Legislative matters.

None

33. Appointments

ACTION: Res. 70-544 adopted (Newton/Mitchell, unan. - Robinson, absent) appointing Roy Camarena, Jr. as a member of the Beautification Committee to replace Mrs. Jean Purvis for a term ending January 1, 1971. (Clerk to handle)

Res. 70-545 adopted (Newton/Mitchell, unan. - Robinson, absent) reappointing Larry Carter, John H. Funnell, Gerald Oberkamper and Frank Van Konynenburg as members of the Farm-City Advisory Committee for terms ending May 1, 1974. (Clerk to handle)

Adjournment at 8:05 P.M.

ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, CITY CLERK

Modesto City Council  
June 3, 1970

The Council of the City of Modesto met in adjourned special session this date at 4:00 P.M. in the Council Chamber, City Hall, 801 11th Street, Modesto, California, to consider further the supplemental requests in the preliminary budget for fiscal year 1970-71, Mayor Davies, presiding.

Present: Councilmen: Dixon, Mitchell, Newton, Simon, Smith,  
Mayor Davies  
Councilman Newton arrived at 4:25 P.M.

Absent: Councilmen: Robinson

The following supplemental request was tentatively approved:

POLICE - 22 (P. 52)

The Council requested that further information be furnished by the staff concerning the possibility of additional manpower in the Police Department with a special emphasis on the drug abuse problem.

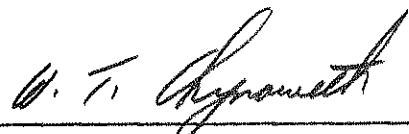
CITY MANAGER - 8 (P. 28)

An addition of \$10,000 to the budget of the City Manager as a supplemental item for the employment of a Human Relations Coordinator (title may be changed) was approved.

In connection with the establishment of the Human Relations Coordinator, the Council Crime Study Committee was requested to make a recommendation to the Council on the proposed duties of this Coordinator.

ADJOURNMENT - The meeting was adjourned at 5:40 P.M. to Friday, June 5, 1970 at 4:00 P.M.

ATTEST:

  
W. T. CHYNOWETH, CITY CLERK

Modesto City Council

Addendum to Minutes of 6/3/70

The Director of Finance explained that the action of the Council taken on May 27, 1970 in approving the supplemental request of Public Works-Water Quality Contract-53 (Page 94) for a Sludge Thickener Pump reduced Account 223 by \$2,700 and that the revised total for this Account is \$17,588.



W. T. CHYNOWETH  
City Clerk

181-A-53

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JUNE 8, 1970 AT 7:30 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Smith, Simon,  
Mayor Davies  
Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Lawrence Duncan, Memorial Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 5, 6, 13a, b,  
17, 18, 19A, 19B, 20, 21, 22  
Smith/Simon, unan.

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items.)

APPROVAL OF MINUTES

CONSENT

1. Minutes of June 1 and 3, 1970.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT

2. Appeal of United Pentecostal Church of Modesto from Planning Commission denial of rezoning request.  
(Resolution setting July 6 at 5:05 P.M. for hearing needed)

ACTION: Res. 70-546 adopted setting hearing. (Clerk to handle)

CONSENT

3. Appeal of Robert R. Burkett, et al from Planning Commission denial of rezoning request.  
(Resolution setting July 6 at 4:35 P.M. for hearing needed)

ACTION: Res. 70-547 adopted setting hearing. (Clerk to handle)

4. Invitation for members of the Council to ride in the 4th of July Parade.  
(Poll of members needed)

ACTION: The following indicated their intention to ride in the parade:  
Councilmen: Dixon, Mitchell, Newton, Simon, Mayor Davies.  
Possibly Councilman Robinson. (Clerk to handle)

## BIDS

### CONSENT

5. Consider award of bid for street light improvements in Block 121, new library.  
(Bids were opened on June 2, 1970. The low bid submitted by Collins Electrical Company, Inc., which is 4.9% over the Engineer's Estimate, is considered acceptable. Therefore, it is recommended by the Public Works Department that the bid be awarded to them. Resolution awarding bid needed. Estimated cost \$7207 (Contract \$6,817 - Engr. \$390). Funds budgeted in Account 6063-301, New Library Building)

ACTION: Res. 70-548 adopted awarding contract to Collins Electrical Co., Inc. (P/W to handle)

### CONSENT

6. Consider acceptance of three high bids and rejection of certain bids received on wrecked and surplus city equipment as follows:

Coast Electric Co., Redwood City - One 40 ft. aerial boom, \$4,255.00;

California Auto Parts, Inc., Modesto - one police car, \$226.00;

Fiez Auto Wreckers, Oakdale - one water tanker, \$208.00;

Rejection of all bids received for one concrete mixer.  
(Memo and bid tabulation with agenda. Resolution needed)

ACTION: Res. 70-549 adopted awarding bids as set forth and rejecting all bids received for concrete mixer. (Finance to handle)

## HEARINGS

7. Hearing, annexation of Celeste No. 1 Addition to Sewer District. 7:45 P.M.

ACTION: Res. 70-550 adopted (Mitchell/Newton, unan.) annexing Celeste No. 1 Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

8. Hearing, cost of installation of curb and gutter at 715 Cedar Avenue (Mr. Cecil G. Plummer - \$250.12) 7:50 P.M.

ACTION: Res. 70-551 adopted (Smith/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

9. Hearing, cost of installation of curb and gutter at 619 Cedar Avenue (Mr. Nimolty C. MacDannald - \$332.67) 7:50 P.M.

ACTION: Res. 70-552 adopted (Smith/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

10. Hearing, requirement of sidewalk at 408 Sixth St., Block 29, Lots 19 and 20 (Mr. Lester McDowell) 7:55 P.M.

ACTION: Res. 70-553 adopted (Newton/Robinson, unan.) ordering work done. (P/W to handle)

11. Further consideration of Procter & Gamble proposition 8:00 P.M.  
concerning possible plant location in this area.

ACTION: By motion (Robinson/Smith, majority - Dixon, Newton and Simon, no) annexation to City to be required as a condition of Procter and Gamble receiving City sewer service.  
Staff directed to explore any areas whereby the City could legally grant concessions to Procter & Gamble, such as a moratorium on annexing to the City. (C/Atty to handle)

12. Matters for the good of the community. 8:05 P.M.  
(These may be presented by interested people in the audience)

ACTION: Paul LaVine, member of the Farm-City Committee, was introduced.

The members of the Council were invited to join the El Camino Viejo Riders on a Modesto Centennial and State Bi-Centennial ride on July 2.

Earl Renee spoke on several matters, such as the Procter & Gamble proposal, and the lighting, traffic signals and sidewalks on the west side of Modesto.

Vice Mayor Mitchell introduced Maria Mathieu, who is an exchange student from Paraná, Argentina. Her father is the Mayor of Paraná.

#### ORDINANCES

##### CONSENT

13. Final adoption of the following ordinances:

(a) 1018-C.S. amending Section 21-3-9 of the zoning map (Center State Bank)

(b) 1019-C.S. amending Section 26-3-9 of the zoning map (James Price)

(Motion adopting ordinances needed)

ACTION: By motion Ord. No. 1018-C.S. and 1019-C.S. adopted. (Clerk to handle)

#### NEW BUSINESS

14. Consider application for federal funds for increasing street traffic capacity and safety.  
(A memo by the Director of Parking and Traffic has been sent with the agenda. The Council should decide whether or not it wishes to try and qualify for these funds. Motion authorizing the staff to notify the State Department of Public Works that Modesto intends or does not intend to use the funds needed. No costs to City at this time. Amount and source of funds not known yet)

ACTION: Staff directed to make a further study of this matter with emphasis on possible benefits to be obtained by this program and to report to Council as soon as possible. (P & T to handle)

REPORTS

15. Report on recommendations of the Citizens' Community Center Committee by council committee.  
(Report with agenda)

ACTION: By motion (Smith/Robinson, unan.) recommendations of Council Committee, a copy of which is on file with the City Clerk, accepted. (Clerk to handle)

16. Report on Pop Warner football program.

ACTION: By motion (Newton/Simon, majority - Smith, no) recommendations of P & R Dept. approved with expenditures not to exceed \$1,100. (P & R to handle)

CONSENT

17. Report on increased reimbursements to City for operating parking lots.  
(Memo with agenda. The City is now being repaid up to 60% more for operating three parking areas now that the leases have expired. No action needed. Information only)

No action.

CONSENT

18. Presentation of financial statement for May 1970.  
(Copies of report will be presented at meeting. Motion accepting report needed)

ACTION: By motion report accepted.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

- 19A. Recommend amendment to Section 20-3-9 of the zoning map (Doctors' Hospital area - Commission initiated)  
(By resolution No. 70-60 adopted May 19, 1970 the Planning Commission recommends an amendment to Section 20-3-9 of the zoning map as requested by the Commission to Rezone from R-A, R-1, R-3 and C-2 zones to R-2, P-0, and C-2 zones, property located in the area bounded by Sherwood, West Granger, McHenry, and West Orangeburg Avenues. Resolution setting date for public hearing needed. Suggested date July 6, 1970 at 5:00 P.M.)

ACTION: Res. 70-554 adopted setting hearing. (Clerk to handle)

CONSENT

19B. Resolution adopting a Planning Commission policy whereby the Commission will not look with favor upon an application by Doctors' Hospital to increase its bed capacity above 250 beds until 1975 or thereafter.

(At its regular meeting of May 19, 1970 the Planning Commission adopted Resolution No. 70-61, a Planning Commission policy whereby the Commission will not look with favor upon an application by Doctors' Hospital to increase its bed capacity above 250 beds until 1975 or thereafter. Motion setting for discussion concurrently with Doctors' Hospital rezoning hearing needed)

ACTION: By motion set for discussion at 5:00 P.M. on July 6, 1970.  
(Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

20. Consider approval of request for appropriation transfer in the amount of \$3,000 from General Reserve to Account 235 (Services, Professional and Other) in Water Quality Control budget to provide funds for pilot plant operation at remote pond site. Resolution approving appropriation transfer needed)

ACTION: Res. 70-555 adopted approving appropriation transfer of \$3,000 from Account 60-101 to Account 235-53-101. (Finance to handle)

CONSENT

21. Appropriation transfer for repairs to Fire Engine #2. (Transfer of \$2,400 requested from General Fund, General Reserve (101-60) to Fire Department Account 222-21-101 to provide for repairs to Fire Engine #2)

ACTION: Res. 70-556 adopted approving appropriation transfer of \$2,400 from Account 60-101 to Account 222-21-101. (Finance to handle)

CONSENT

22. Addition of "Walk-Don't Walk" signals to traffic signals at Washington and I Streets. ("Walk-Don't Walk" signals, as requested and approved by the Principal of Washington School. Modification will cost \$2,400. Resolution transferring funds needed)

ACTION: Res. 70-557 adopted approving appropriation transfer of \$2,400 from Account 60-321 to Account 7901-56-321. (Finance to handle)

MISCELLANEOUS

23. Legislative matters.

ACTION: By motion (Mitchell/Newton, unan.) SB 1293 & SB 1294 opposed.  
By motion (Dixon/Smith, unan.) SB 999 supported.  
By motion (Smith/Mitchell, unan.) SB 1057 opposed.  
By motion (Dixon/Newton, unan.) amendment to Second Supplemental Appropriation Bill adding \$100,000 for Neighborhood Youth Corps supported. (C/Atty to handle)

24. Appointments: None

25. Executive Session to discuss meet and confer sessions.

The Council retired to executive session at 10:35 P.M. with the announcement that they would not reconvene in open session.

ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, CITY CLERK

Modesto City Council  
June 10, 1970

The Council of the City of Modesto met in adjourned special session this date at 4:15 P.M. in the Council Chamber, City Hall, 801 11th Street, Modesto, California, to consider further the preliminary budget for fiscal year 1970-71, Mayor Davies presiding.

Present: Councilmen: Dixon, Mitchell, Simon, Smith, Mayor Davies  
Councilman Smith arrived at 5:40 P.M.

Absent: Councilmen: Newton and Robinson

The following Capital Improvement Items were considered:

CITY CLERK

FIRE

POLICE

PARKS AND RECREATION

(By motion (Mitchell/Dixon, unan.) \$60,000 was added to Project 331, Fund 324 for 1970-71)

PUBLIC WORKS - ENGINEERING

PUBLIC WORKS - AIRPORT

PUBLIC WORKS - SERVICE

PUBLIC WORKS - WATER

PUBLIC WORKS - STREETS

It was decided that the Public Works Department would resubmit a planned program for the streets taking the necessary changes into consideration.

PUBLIC WORKS - STORM DRAINAGE

PUBLIC WORKS - SEWERS AND SEWAGE DISPOSAL

PUBLIC WORKS - GARBAGE/REFUSE DISPOSAL

In connection with this item, the Acting City Manager explained that the \$175,000 budgeted in 1970-71 for acquisition of land for a sanitary land fill site would not be needed at this time and that the \$80,000 recommended for each of the following four years would likely be in excess of needs.

PUBLIC WORKS - STREET LIGHTING

PARKING AND TRAFFIC


(By motion (Dixon/Mitchell, unan.) Project 160, Fund 321 advanced from 1973-74 to 1971-72.

DOWNTOWN IMPROVEMENT DISTRICT

ADJOURNMENT

The meeting was adjourned at 5:55 to executive session to discuss personnel matters with the announcement that the Council would not reconvene in open session.

ATTEST:

  
W. T. CHYNOWETH, CITY CLERK

Modesto City Council  
June 11, 1970

The Council of the City of Modesto met in special session this date at 7:00 P.M. at The Ranch, 1015 South 9th Street, Modesto, California, as provided by Section 2-1.02 of the Modesto Municipal Code for the purpose of discussing matters of mutual interest with the Council of the City of Ceres.

Present: Councilmen: Dixon, Mitchell, Newton, Robinson,  
Simon and Mayor Davies  
Absent: Councilmen: Smith  
Staff: Acting City Manager Ray, City Attorney Johnson and  
City Clerk Chynoweth.

From the City of Ceres the following were present:

Councilmen: Bowman, Firestine, Scates, Sterling and Mayor  
Robirds.  
Staff: City Administrator Ludden, City Attorney Rushing  
and City Clerk Garrison.

There was an informal discussion of matters which are of concern to both Cities. One point that was stressed was the apparent lack of good communications. The thought was expressed that the two Councils should have a joint meeting once or twice a year and that perhaps the two Planning Commissions should have occasional joint meetings.

It was informally agreed that a Ceres-Modesto liason committee should be created. The make-up of the committee was suggested to be on the following basis:

Mayors of both Cities.  
One Councilman from each City. (Councilmen to serve on  
some sort of rotating basis)  
City Administrator or Manager from each City.  
Director of Planning from each City.

The meeting adjourned at 10:00 P.M.

ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, CITY CLERK

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JUNE 15, 1970 at 4:00 P.M.

Roll Call Present: Dixon, Newton, Robinson, Simon, Vice Mayor Mitchell  
Absent: Smith, Mayor Davies

Pledge of allegiance to the Flag  
Invocation: Reverend Carl Ramsey

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 6, 7, 8, 9, 10,  
11, 12, 15, 16, 18, 19, 21,  
22, 23, 24, 26

Dixon/Robinson, unan. - Smith and  
Mayor Davies, absent

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PRESENTATION OF AWARD

1. Presentation of Distinguished Service Award to George Gagos for service on City of Modesto Planning Commission.

ACTION: Plaque presented to George Gagos by Vice Mayor Mitchell.

Res. 70-558 adopted (Dixon/Robinson, unan. - Smith & Mayor Davies, absent) commending Mrs. George Gagos for her understanding and cooperation during Mr. Gagos' term as Planning Commissioner.  
(Clerk to handle)

APPROVAL OF MINUTES

CONSENT

2. Minutes of June 5 and 8, 1970.  
(Motion approving needed)

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES & CORRESPONDENCE

CONSENT

3. Letter of appreciation from The Firehouse for contributions made by the City of Modesto.  
(Motion ordering letter filed needed)

ACTION: By motion letter ordered filed. (Clerk to handle)

4. Request of Senator Randolph Collier for resolution opposing diversion of gasoline tax.

ACTION: Action withheld for one week to enable staff to obtain more details and to ascertain what legislative bill the Santa Rosa Chamber of Commerce is referring to. (C/Mgr to handle)

5. Notice of meeting of Comprehensive Health Planning Council to be held at 7:30 P.M. on June 29, 1970 at Modesto Junior College.

ACTION: No action needed. Councilman Dixon will attend and vote.



CONSENT

9. Consider award to low bidder, Klemm Trucking Co., Modesto, to furnish annual needs of Ready-Mixed Concrete July 1, 1970 - June 30, 1971.  
(Bids were opened at 2:30 P.M. on June 9, 1970. Tabulation with agenda. Resolution needed. Estimated cost \$8,500; funds budgeted in Account 321-51-101, Const. Material, p. 89 preliminary budget and other misc. accounts)

ACTION: Res. 70-565 adopted awarding bid. (Finance to handle)

CONSENT

10. Consider rejecting bids opened June 2, 1970 for furnishing 41 foot personnel boom, truck and body, approval of modified specifications and authorize new call for bids to be opened June 30, 1970 at 2:00 P.M. Memo with agenda. Resolution needed. Estimated cost \$18,000; (budget \$15,000). Funds budgeted in Account 5433-48-512, Service Division Working Capital Fund, p. 79)

ACTION: Res. 70-566 adopted rejecting bid, approving modified specifications and fixing date for receiving bids. (Clerk to handle)

CONSENT

11. Consider adoption of the following resolutions regarding Improvement District No. 16 (Street Lighting in 4 different locations of City).  
(a) M16-16: Resolution awarding contract to Industrial Electrical Co. who bid 10.4% below the Engineer's Estimate.

ACTION: Res. 1147-S.P. adopted awarding contract. (P/W to handle)

(b) M16-16A: Resolution authorizing Superintendent of Streets to order certain changes to the work under Section 5236, Streets and Highways Code.  
(Adoption of resolutions needed. Estimated cost \$167,792 - Contract \$149,815.43 - 1/3 cost to Improvement District 16, 1/3 cost to M.I.D., and 1/3 cost to City. Funds budgeted in Account 6622-41-321, Street Lights Unlighted Area, Stage I, p. 73)

ACTION: Res. 1148-S.P. adopted authorizing changes in work. (P/W to handle)

CONSENT

12. Consider award of bid for installation of water lines in Tully Manor No. 5.  
(Bids were opened on June 9th at 10:15 A.M. and the lowest qualified bid by Valley Construction, which is 1.5% below the Engineer's Estimate, is considered acceptable. Therefore, it is recommended the bid be awarded to them. Resolution awarding bid needed. Estimated cost \$15,608 (Materials \$9,400; Labor \$5,668). Funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 70-567 adopted awarding contract. (P/W to handle)

HEARINGS

13. Receiving oral bids for sale of houses on Bodem Street. 4:10 P.M.

ACTION: Res. 70-568 adopted (Robinson/Simon, unan. - Smith & Mayor Davies, absent) awarding sale of Parcel No. 1 to Turlock House Movers for \$575.00

Res. 70-569 adopted (Dixon/Newton, unan. - Smith & Mayor Davies, absent) awarding sale of Parcel No. 2 to R. K. Lowe for \$900.00. (Finance to handle)

14. Matters for the good of the Community. 4:15 P.M.  
(These may be presented by interested people in the audience)

ACTION: Res. 70-570 adopted (Robinson/Newton, unan. - Smith & Mayor Davies, absent) approving Memo of Understanding with Modesto City Employee's Association.

Res. 70-571 adopted (Robinson/Newton, unan. - Smith & Mayor Davies, absent) approving Memo of Understanding with Modesto Police Association.

Councilman Dixon reported on a Letter to the Editor of the Modesto Bee concerning the condition of empty store fronts on 10th Street.

Councilman Dixon appointed to act as coordinator for the placing of a plaque honoring Harry Sham at the Airport Administration Bldg.

Staff authorized to initiate talks with County re boundaries of proposed Community Center District. (C/Mgr to handle)

#### OLD BUSINESS

#### CONSENT

15. Amendment to agreement between City of Modesto and Austin, Field and Fry for architectural services for design of new library building.  
(At its meeting of June 1, 1970 the Council made a motion approving an amendment pursuant to which the City would agree to pay the difference over 8% of the landscape architects' fee. Resolution approving the amendment to agreement needed)

ACTION: Res. 70-572 adopted approving amendment to agreement. (Clerk to handle)

#### CONSENT

16. Amendment to agreement between City of Modesto and Memorial Hospital Association relating to sewer service rates.  
(At its meeting of June 1, 1970 the staff was directed to prepare an amendment. It provides that commencing June 1, 1970 the Memorial Hospital will pay inside the city rates. Resolution approving agreement needed)

ACTION: Res. 70-573 adopted approving amendment to agreement. (Clerk to handle)

17. Further consideration of Procter & Gamble proposal.

ACTION: Following motions which were withdrawn or died for want of a second the following action was taken:  
By motion (Simon/Dixon, unan.) the Council approved this statement:

"In the event Procter & Gamble chooses to exercise its option, the Council will not require annexation until 5 years after the Local Agency Formation Commission has approved the annexation and an agreement for sewer service is applied for by Procter & Gamble and approved by the Council. During this 5 year period, sewer charges shall be at the rate set for inside the sewer district but outside the City, including all taxes and any other liabilities." (C/Mgr to handle)

NEW BUSINESS

CONSENT

18. Report of Superintendent of Streets on cost of installation of sidewalk and/or curb and gutter at the properties listed below: (The amounts assessed against the properties will be included in reports distributed with agenda for the hearing date. Resolutions setting July 6, 1970 at 4:40 P.M. for hearing needed. Contract costs listed below with properties. Funds budgeted in Account 5302-51-101, Curbs and gutters, Special)

(a) Curb, gutter and sidewalk at 217 Floto Street and 301 Semple Street (Mr. John V. Marshall - \$840.46)

ACTION: Res. 70-574 adopted setting hearing. (P/W to handle)

CONSENT

19. Consider proposal of Mr. Thomas Fontana, Jr., to harvest walnuts on city property. (A letter has been received from Mr. Thomas Fontana, Jr. offering to harvest walnuts for city owned trees located at Dryden Park Municipal Golf Course, Roosevelt Park, at City Pump Station No. 14 on Virginia Ave., the City Pump Station on Emerald Ave., and in the small parcel purchased by the City from the State on the south side of Tuolumne River near 9th St. bridge approach. He proposes to complete the harvest and pay to the City by November 20, 1970 35% of the gross revenue for the crop. Mr. Thomas Fontana, father of Mr. Thomas Fontana, Jr. harvested the walnuts in 1969 and paid the City \$143.87. Resolution approving needed)

ACTION: Res. 70-575 adopted approving harvest of walnuts by Thomas Fontana, Jr. (P & R to handle)

20. Resolution approving agreement between County of Stanislaus, City of Modesto and owners of Triangle Ranch for purchase of sanitary landfill site. (Resolution needed)

(Simon/Dixon, unan. - Smith & Mayor Davies, absent)

ACTION: Res. 70-576 adopted/approving agreement. (Clerk to handle)

CONSENT

21. Consider agreement between Frances Peterson and City of Modesto whereby City will acquire right of way for Needham Street widening project, and authorize acceptance of grant deed signed by Mrs. Peterson. (The normal provisions which apply when the City acquires rights of way are provided for in the agreement. In addition, the City agrees to pay grantor the sum of \$2,400 within 30 days after acceptance of the agreement by the City, and to replace curbs and gutters removed by reason of the proposed public improvement. The amount agreed to be paid by the City is less than the appraisal. Resolution needed. Funds budgeted in Account 6647, Miscellaneous Right of Way Improvements (p. 66 of Budget)

ACTION: Res. 70-577 adopted approving agreement and authorizing acceptance of grant deed. (Clerk to handle)

CONSENT

22. Renewal of group medical insurance contract.  
(To renew group medical insurance policy for period July 1, 1970 through June 30, 1971. Resolution needed. Estimated cost \$38,385.00. Funds budgeted in Account 64-426, Group Health Insurance)

ACTION: Res. 70-578 adopted approving renewal of contract. (Personnel to handle)

CONSENT

23. Changes in the Empire Sanitary District Agreement.  
(Memo with agenda. Resolution approving changes needed)

ACTION: Res. 70-579 adopted approving amended agreement. (Finance to handle)

REPORTS

CONSENT

24. Report on subdivision maps procedures.  
(Motion accepting report needed)

ACTION: By motion report accepted.

25. Report on request of Central California Art League for use of Graceada Park.

ACTION: By motion (Robinson/Dixon, unan.) report accepted and request granted. (P & R to handle)

APPROPRIATION TRANSFERS

CONSENT

26. Consider request for appropriation transfer of \$1,000 from Working Capital Fund Reserve appropriation to Service Division Account for Gas, Oil and Lubricants.  
(The usage estimated for budget purposes was too low and additional funds are needed to complete the fiscal year. Resoltuion approving transfer needed. Estimated cost \$1,000)

ACTION: Res. 70-580 adopted approving appropriation transfer of \$1,000 from Account 60-48-512 to Account 330-48-512. (Finance to handle)

MISCELLANEOUS

27. Legislative matters.

None

28. Appointments.

None

Adjournment at 6:45 P.M. to executive session to discuss salary negotiations with the announcement that the Council would not reconvene in open meeting.

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, CITY CLERK

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JUNE 22, 1970 AT 7:30 P.M.

Roll call Present: Dixon, Mitchell, Newton, Robinson, Simon,  
Mayor Davies  
Absent: Smith

Pledge of allegiance to the Flag

Invocation: Reverend Ben Jennings, Prescott Bible Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2A, 3, 4, 5, 6, 7,  
8, 17, 18a, b, c, 19, 20, 22,  
Mitchell/Newton, unan. - Smith, absent 23, 24, 25, 26, 28, 29, 30,  
31, 32, 34, 35

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APPROVAL OF MINUTES

CONSENT

1. Minutes of June 10 (budget hearing), June 11 (special meeting with Ceres City Council) and June 15, 1970.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

2. Oral communication from Joe Hart.

ACTION: Mr. Hart presented a statement urging mobilization of citizens in an effort to stem the growing crime rate.

BIDS

CONSENT

2A. Consider declaring George C. Reed, Inc. to be the lowest responsible bidder for liquid asphalt for a one year term beginning July 1, 1970 and authorizing Purchasing Officer to obtain whatever quantity is needed during the term at the contract price accepted.  
(Memo and tabulation with agenda. Resolution needed. Estimated cost \$22,503; funds budgeted in Account 321-51-101, Construction Material, p. 89, Preliminary Budget)

ACTION: Res. 70-581 adopted awarding contract to George C. Reed, Inc. (Finance to handle)

CONSENT

3. Consider approval of plans and specifications for installation of water lines in Coffee Terrace No. 2.  
(Suggested bid opening July 7, 1970 at 10:10 A.M. Costs: Construction, \$12,540; Connection charge, \$4,629; Net annual revenue, \$783. Resolution approving plans, specifications and call for bids needed. Estimated cost \$12,540 (Mats. \$8,200; Labor, \$4,340). Funds are budgeted in 1970-71 budget, Water Line Extension)

ACTION: Res. 70-582 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

4. Consider approval of plans and specifications for construction of subtrunk sewers in Coffee Terrace No. 2 Subdivision.  
(Suggested bid opening: July 7, 1970 at 10:00 A.M. Construction of the subtrunk sewers are required for sewer service to areas beyond the subdivision such as the proposed Fred C. Beyer High School area. Resolution approving plans, specifications and bid call needed. Estimated cost \$19,500; contract, \$17,785; Engr. \$1,715. Funds budgeted in 1971-71 budget)

ACTION: Res. 70-583 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

5. Consider award of bid for installation of water lines in Greenfield Village No. 1.  
(Bids were opened June 16 at 10:00 A.M. and the low bid of Valley Construction, which is 5% below the Engineer's Estimate, is considered acceptable. Therefore, it is recommended the bid be awarded to them. Resolution awarding bid needed. Estimated cost \$10,696.40 (Mats \$6,750; labor, \$3,946.40). Funds budgeted in Account 6804-50-101, Water Line Extensions)

ACTION: Res. 70-584 adopted awarding contract to Valley Construction Co. (P/W to handle)

CONSENT

6. Consider declaring Modesto Industrial Electrical Company to be the lowest responsible bidder to supply lamps for municipal lighting for a period of one year beginning July 1, 1970 and authorize purchase from that firm for the contract term.  
(Memo and tabulation with agenda. Resolution needed. Estimated cost \$5,260; funds budgeted in Account 438-512, Service Division Revolving Fund. Not shown in budget)

ACTION: Res. 70-585 adopted awarding contract to Modesto Industrial Electrical Co. (Finance to handle)

CONSENT

7. Sale of buildings located at 716 Lucern and 101 Hackberry to provide for the Sunrise-Bodem connection and the widening of Needham Ave. (Memo with agenda. Resolution approving specifications and notice to bidders needed. Bid opening July 13, 1970 at 2:00 P.M.)

ACTION: Res. 70-586 adopted approving specifications, bid opening at 2:00 P.M. on July 13 and receiving oral bids at 7:40 P.M. on July 13, 1970. (Clerk to handle)

CONSENT

8. Consider waiving formal bid requirements and authorizing the purchase of a radio telephone recorder from Dictaphone Corporation, Stockton, California. (Memo with agenda. Resolution needed. Estimated cost \$3,990; funds budgeted in Account 5502-22-101, Radio Telephone Recorder, p. 37)

ACTION: Res. 70-587 adopted waiving formal bid requirements and authorizing purchase from Dictaphone Corp. (Finance to handle)

HEARINGS

9. Annexation of Greenfield Addition to Sewer District. 7:45 P.M.

ACTION: Res. 70-588 adopted (Simon/Robinson, unan. - Smith, absent) annexing Greenfield Addition to Sewer District. (Clerk to handle)

10. Amendment to Section 22-3-9 of zoning map (Wolverine Bldg. Service) 7:50 P.M.

ACTION: Ord. 1023-C.S. introduced (Mitchell/Robinson, unan. - Smith, absent). (Clerk to handle)

11. Amendment to Section 30-3-9 of the zoning map (Cass) 7:55 P.M.

ACTION: Ord. 1024-C.S. introduced (Mitchell/Robinson, unan. - Smith, absent). (Clerk to handle)

12. Amendment to Section 7-4-9 of the zoning map (El Casa Verde) 8:00 P.M.

(This hearing must be reset due to improper notice being given. Resolution fixing July 13, 1970 at 7:55 P.M. needed)

ACTION: Res. 70-589 adopted (Simon/Newton, unan. - Smith, absent) setting hearing. (Clerk to handle)

13. Amendment to Section 10-3-9 of the zoning map (Weeks) 8:05 P.M.

ACTION: Ord. 1025-C.S. introduced (Robinson/Mitchell, unan. - Smith, absent). (Clerk to handle)

14. Amendment to Section 15-3-9 of the zoning map (Medeiros) 8:10 P.M.

ACTION: Ord. 1026-C.S. introduced (Newton/Robinson, unan. - Smith, absent). (Clerk to handle)

15. Matters for the good of the community. 8:15 P.M.  
(These may be presented by interested persons in the audience)

ACTION: Res. 70-590 adopted (Robinson/Simon, unan. - Smith, absent) accepting with regret the resignation of Ronald Berryhill as a member of the Farm-City Advisory Committee. (Clerk to handle)

Res. 70-591 adopted (Dixon/Newton, unan. - Smith, absent) approving Memo of Understanding with Fire Fighter Ass'n. for 8% wage increase plus fringe benefits amounting to 2.57%.

Councilman Newton reported that people in his area were pleased with the new traffic signs.

A proof of the City's advertisement in the Centennial edition of the Modesto Bee was displayed.

By motion (Dixon/Newton, unan.) letter to Board of Supervisors requesting that Community Center boundaries be those of Modesto High School District approved. (C/Mgr. to handle)

Res. 70-592 adopted (Robinson/Mitchell, unan. - Smith, absent) declaring July 4th as "Honor America Day".

Following the arrest of Mayor Davies by a Centennial Committee group, a recess was declared until the Mayor was released.

By motion (Robinson/Simon, unan.) staff directed to prepare necessary resolutions on salaries and fringe benefits for meetings of July 6th and 20th to be retroactive to June 30th or July 1st. (C/Atty to handle)

It was explained that a study is being made of the sound and recording system.

By motion (Mitchell/Robinson, unan.) Mayor authorized to request Central Valley Division, League of California Cities to adopt resolution urging railroads to take all possible precautions with trains hauling dangerous cargos through urban areas.

16. Consider proposed restructuring of SAAPA. Copy of letter from Councilman Smith and copy of proposed agreement with agenda.  
(Oral report by Council SAAPA representatives)

ACTION: By motion (Dixon/Simon, unan.) discussion postponed for two weeks.

CONSENT

17. Request for substitution of listed subcontractor at Modesto-Stanislaus County Library.  
(Memo with agenda. Resolution authorizing substitution of listed subcontractor needed)

ACTION: Res. 70-593 adopted authorizing substitution of Hansen's, Inc. for George F. Schuler, Inc. as subcontractor for plumbing on library building. (P/W to handle)

CONSENT

18. Consider requests for sewer service to properties outside the City:

CONSENT

- (a) 1304 Holm Avenue (Opal Stockton)  
The property owner has agreed to annex the property to the City when requested to do so. The property is south of the Tuolumne River and is not contiguous to the City. The property owner must construct the sewer to serve the property. Resolution approving agreement needed)

ACTION: Res. 70-594 adopted approving agreement. (P/W to handle)

CONSENT

- (b) 1402 Garden Avenue (Alberta Cadwell)  
(The property owner has signed an agreement to annex when requested to do so by the City. The property is contiguous to the City and a sewer line exists to serve the property. Resolution approving agreement needed)

ACTION: Res. 70-595 adopted approving agreement. (P/W to handle)

CONSENT

- (c) 2955 Lincoln Avenue (August Sommerfeld)  
(The property owners have signed an agreement to annex when requested to do so by the City. The property is not contiguous to the City and a sewer line must be extended by the property owner. Resolution approving agreement needed)

ACTION: Res. 70-596 adopted approving agreement. (P/W to handle)

CONSENT

19. A resolution approving the final map of Coffee Terrace No. 2 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.  
(The subdivision agreement has been signed and all fees paid. Coffee Terrace No. 2 subdivision is located on the east side of Coffee Road north of Sylvan School. It contains 9.85 acres. Resolution approving final map needed)

ACTION: Res. 70-597 adopted approving final map of Coffee Terrace No. 2. (Clerk to handle)

CONSENT

20. Consider removal of driveway on "E" Street near 14th Street.  
(Memo with agenda. Resolution reducing assessment and authorizing staff to proceed needed)

ACTION: Res. 70-598 adopted reducing assessment to Mrs. Stella Marshall by \$59.50 and directing staff to remove driveway and have curb and gutter installed on E Street near 14th Street at no additional cost to Mrs. Marshall. (Finance and P/W to handle)

21. Consider adoption of the budget for the 1970-71 fiscal year. (A report has been prepared showing the adjustments to the preliminary budget as amended by the City Council. Ordinance adopting budget needed)

ACTION: Ord. No. 1027-C.S. introduced and adopted (Mitchell/Newton, unan. - Smith, absent) following an explanation by the Director of Finance of necessary changes that had been made. (Finance to handle)

CONSENT

22. Consider agreement between City and Billie M. and Joseph A. Saletta for acquisition of right of way for widening of Needham Avenue, Project No. 56-10, and acceptance of the grant deed signed by Billie M. and Joseph A. Saletta. (Memo with agenda. Resolution needed. Estimated cost \$3,990; funds budgeted in Account 6647-41-321, Miscellaneous Right of Way)

ACTION: Res. 70-599 adopted approving agreement and accepting grant deed. (Clerk to handle)

CONSENT

23. Approve insurance premiums for fiscal year 1970-71. Report submitted with agenda. Motion approving premiums needed. Estimated cost \$41,846. Funds budgeted in Accounts 413-64; 415-64; 416-64; 413-230; 415-230; 412-48)

ACTION: By motion premiums approved. (Finance to handle)

REPORTS

CONSENT

24. Further report on TOPICS allocation and application. (The Council asked for additional report on possible benefits from a TOPICS study. A report by the Director of Parking and Traffic has been sent with the agenda. Motion directing staff to apply for a TOPICS grant needed. No cost to city at this time)

ACTION: By motion staff directed to apply for TOPICS grant. (P/T to handle)

CONSENT

25. Request by Civitan Club to sponsor Go-Kart races on a portion of the city streets on July 5, 1970. Police Department has worked with Civitan Club on details of race. (Request for permit to conduct a Go-Kart race was referred to the Police Department for examination of request and report back to Council. The Police Department recommends that permit be approved subject to conditions listed in report to City Manager. Resolution granting request subject to conditions needed)

ACTION: Res. 70-600 adopted granting Civitan Club of Modesto and Mill Minders Go-Kart Club permission to conduct go-kart race subject to the conditions recommended by Police Department and on file with City Clerk. (Police to handle)

CONSENT

26. Report on status of parking lot leases and future capital requirements.  
(A report by the Director of Parking and Traffic has been sent with the agenda to inform the council of the status and progress. No action needed)

No action.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

28. Recommend that the name of that portion of Northern Boulevard which is within the City of Modesto between Prescott Road and the east city limits be changed to Briggsmore Avenue.  
(Resolution 70-86 adopted by the Planning Commission on June 16, 1970 recommends to the City Council that the name of that portion of Northern Boulevard which is within the City of Modesto between Prescott Road and the east city limits be changed to Briggsmore Avenue. Resolution making name change needed)

ACTION: Res. 70-601 adopted changing name of Northern Blvd. to Briggsmore Ave. (P/T to handle)

CONSENT

29. Recommend amendment to Section 15-3-9 of the zoning map (Robert P. Bomberger).  
(By Resolution No. 70-82 adopted June 16, 1970 the Planning Commission recommends an amendment to Section 15-3-9 of the zoning map as requested by Robert P. Bomberger to reclassify from Multiple-Family Residential Zone, R-3, and Planned Development Zone, P-D(36) for a 116 unit 2-story apartment complex, to Professional Office Zone, P-0, and from P-D(36) to Multiple-Family Zone, R-3, property located on the east side of Coffee Road, north of Celeste Drive. Resolution setting date for public hearing needed. Suggested hearing date July 13, 1970 at 7:50 P.M.)

ACTION: Res. 70-602 adopted setting hearing. (Clerk to handle)

CONSENT

30. Recommend to the Council approval of the building addition of 370 square feet and the revised plot plan for Planned Development Zone, P-D(20) (Professional Park Building, a partnership)  
(By Resolution No. 70-83 adopted June 16, 1970 the Planning Commission recommends approval of the building addition of 370 square feet and the revised plot plan for Planned Development Zone, P-D(20), as requested by Professional Park Medical Building, a partnership; property located at the southwest corner of College Avenue and Pearl Street. Resolution setting date for public hearing needed. Suggested hearing date July 20, 1970 at 4:15 P.M.)

ACTION: Res. 70-603 adopted setting hearing. (Clerk to handle)

CONSENT

31. Consider recommendation for 645 off-street parking spaces for community center, and other related matters.  
(On June 16, 1970 by Resolution No. 70-84, the Planning Commission recommended the following: (1) That 645 off-street parking spaces for the community center be required at this time; (2) That the Commission's community center site selection of October 29, 1969 be reaffirmed (see attached resolution 69-127) to include the Episcopal Church site and the closure of I Street; and (3) that the water tower park at the southwest corner of 17th and G not be utilized for off-street parking. For information only - no action needed)

No action.

CONSENT

32. Consider change of Capital Improvement Program street priorities, Needham Avenue and G Street.  
(At the Planning Commission's meeting of June 16, 1970 it recommended, by motion, the following changes in the CIP street priorities:

(1) Project 700 - Needham, 9th to Hackberry to be set back from fiscal year 1970-71 to 1971-72;

(2) Project 750 - G, 1st to 16th, to be advanced from fiscal year 1971-72 to 1970-71.

(Motion approving change needed)

ACTION: By motion above changes approved. (Finance to handle)

33. Request for joint meeting with Planning Commission to discuss residential code revisions and other matters.  
(Memo with agenda)

ACTION: Staff directed to arrange a joint meeting. (C/Mgr to handle)

CONSENT

34. Request for appropriation transfer of \$4,500 from the Service Working Capital appropriated reserve to Service Division Equipment Parks (\$1,500) and Boom Truck with Personnel Basket (\$3,000).  
(Memo with agenda. Resolution approving transfer needed. Estimated cost \$4,500)

ACTION: Res. 70-604 adopted approving appropriation transfer of \$4,500 from Account 60-48-512 to Account 332-48-512 (\$1,500) and Account 5434-48-512 (\$3,000). (Finance to handle)

CONSENT

35. Appropriation transfer for Airport Fire Insurance 1969-70 premium.

(To provide additional funds for Airport Fire Insurance based on premium estimate furnished by the carrier. Resolution approving transfer needed. Estimated cost \$2,610. Funds budgeted in Account 230-60)

ACTION: Res. 70-605 adopted approving appropriation transfer of \$2,610 from Account 60-46-230 to Account 413-46-230. (Finance to handle)

MISCELLANEOUS

36. Legislative matters.

ACTION: A resolution (Dixon/Mitchell) to oppose diversion of gas tax funds failed as Councilmen Mitchell, Robinson and Simon voted no.

By motion (Dixon/Mitchell, unan.) SB78 opposed.

37. Appointments

ACTION: Res. 70-606 adopted (Simon/Dixon, unan. - Smith, absent) appointing Robert Stuart and Roy Hall as members of the Library and Culture Commission to replace Lee Condit and David McAuley for terms ending January 1, 1974. (Clerk to handle)

Res. 70-607 adopted (Mitchell/Robinson, unan. - Smith, absent) formalizing the creation of a Ceres/Modesto Liaison Committee with the following to represent Modesto:

Mayor  
One Councilman (one year term) (to be appointed by the Mayor)  
City Manager  
Director of Planning

The Mayor then appointed Councilman Robinson with Vice Mayor Mitchell as the alternate. (C/Mgr to handle)

38. Executive session to consider salaries.

ACTION: The Council retired to executive session at 10:00 P.M. and returned at 10:15 P.M.

By motion (Newton/Dixon, unan.) staff directed to prepare resolution granting Department Heads and Council Appointees a 6% wage increase plus the same fringe benefits granted the miscellaneous employees with the Fire Chief also receiving a uniform allowance. (C/Atty to handle)

Mayor Davies then appointed Councilmen Dixon (chairman), Mitchell and Simon as a committee to make a study of Department Head and Council Appointee salaries as compared with other cities. (C/Mgr to handle)

Adjournment at 10:20 P.M.

ATTEST:

  
W. T. CHYNOWETH, CITY CLERK

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JULY 6, 1970 AT 4:00 P.M.

Roll call Present: Dixon, Mitchell, Newton, Robinson, Simon,  
Mayor Davies  
Absent: Smith

Pledge of allegiance to the Flag

Invocation: Reverend Alexander Alamsha, First Presbyterian Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 6, 7, 8, 9, 10,  
11, 12, 13, 14, 24a, b, c, d,  
Robinson/Mitchell, unan. - Smith, absent 25, 26, 27, 29, 30, 31, 32, 33a,  
b, c, 34a, b, c, d, e, 36, 37, 38,  
Item 4 removed from consent. 39, 40, 42, 43, 44, 45, 46

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items.)

APPROVAL OF MINUTES

CONSENT

1. Minutes of June 22, 1970.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

2. Request for reconsideration of requirement that Procter-Gamble must annex to City to obtain sewer services.

ACTION: A motion (Newton/Dixon) to permit Procter and Gamble to obtain city sewer services without requiring annexation to the City failed as Councilmen Mitchell and Robinson and Mayor Davies voted no.

By motion (Dixon/Simon, unan.) further consideration set for July 27 at 8:00 P.M.

By motion (Simon/Mitchell, unan.) authorization given for two Councilmen and one staff member to go to Cincinnati to confer with Procter and Gamble officials. The Mayor then appointed Councilmen Robinson and Simon and Marvin Ray for this purpose. (C/Mgr to handle)

CONSENT

3. Notice that PUC will hold hearing at 10:00 A.M. on July 27 concerning Del Este Water Co. application for rate increase. (Motion referring to staff for report needed)

ACTION: By motion referred to staff for report. (P/W to handle)

~~XXXXXX~~

4. Request that Council or Planning Commission initiate proceedings to rezone area on Alma between Orangeburg and Roseburg. (Motion referring to Planning Commission needed).

ACTION: By motion (Mitchell/Simon, unan.) request referred to P/C. (Planning to handle)

Councilman Mitchell suggested that at some time in the future thought should be given to amending the Municipal Code; change the City's R-2 zone to conform with the County's R-2 zone; ie: permitting duplexes but not triplexes.

5. Request of Downtown Improvement District for consideration of new Christmas decorations for downtown.

ACTION: Res. 70-608 adopted (Robinson/Newton, unan. - Smith, absent) waiving formal bid procedure for purchase of decorations

Res. 70-609 adopted (Robinson/Newton, unan. - Smith, absent) approving appropriation transfer of \$12,000 from Account 5399-218 to Account 5398-218. (Finance to handle)

#### BIDS

#### CONSENT

6. Consider acceptance of construction of Sewerage Works Improvement Project Unit No. 6, East Intercepting Sewer. (Great Western Pipeline Co., contractor. All work has been completed to the satisfaction of City, EDA, and Jenks and Adamson. Resolution accepting work as complete and authorizing City Clerk to file notice of completion and release retained percentage. Actual cost \$554,550.37. Original contract \$544,386.34. Funds budgeted in Account 6553-405, Muni Sewer Dist. Impr.)

ACTION: Res. 70-610 adopted accepting Project Unit No. 6. (Clerk to handle)

#### CONSENT

7. Consider acceptance of Sewerage Works Improvement Project Unit No. 9, Scenic-Sonoma Trunk Sewer construction. (Stockton Construction Co., Inc., contractor. All work has been completed to the satisfaction of City, EDA, and Jenks and Adamson. Resolution accepting work as complete and authorizing City Clerk to file notice of completion and release retained percentage. Actual cost \$698,979.54. Original contract \$698,343. Funds budgeted in Account 6553-405, Muni Sewer Dist Impr)

ACTION: Res. 70-611 adopted accepting Project Unit No. 9. (Clerk to handle)

#### CONSENT

8. Consider acceptance of partial construction of Sewerage Works Improvement Project Unit No. 3, Wastewater Oxidation Ponding System, C. Norman Peterson Co., contractor. (Memo with agenda. Resolution accepting work as complete except for removal of drainage pipes through the San Joaquin River levee, and authorizing City Clerk to file notice of partial completion and to make partial release of retained percentage. Actual cost \$2,186,562.79; contract cost \$2,166,999.50. Funds budgeted in Account 6553-405, Muni Sewer Dist Impr)

ACTION: Res. 70-612 adopted accepting Project Unit No. 3 with the exception of the removal of drainage pipes through the San Joaquin River levee. (Clerk to handle)

CONSENT

9. Consider final acceptance of Osterberg & Stewart's contract to construct Well No. 37.  
(Original contract(estimated) \$6,500.) All work in conjunction with the contract has been completed to the satisfaction of the Public Works Department. Therefore it would be in order to accept the work and authorize the City Clerk to file notice of completion. Resolution accepting the work as complete needed. Final cost \$5,943.50. Funds budgeted in Account 6809-50-101, Well & Pump Station, Rose Avenue Area)

ACTION: Res. 70-613 adopted accepting consturction of Well No. 37.  
(Clerk to handle)

CONSENT

10. Consider acceptance of Industrial Electric's contract for installation of water lines in Greenwood Estates No. 3 and Town & Country Terrace No. 1.  
(Original contract \$4,662.00. All work on this project has been completed to the satisfaction of the Public Works Department. It is recommended the work be accepted and the Clerk file the notice of completion. Resolution needed. Final cost \$4,505.20. Funds budgeted in Account 6804-50-101, Water Line Extension 1969-70 budget)

ACTION: Res. 70-614 adopted accepting installation of water lines in Greenwood Estates No. 3 and Town & Country Terrace No. 1.  
(Clerk to handle)

CONSENT

11. Consider award of bid for installation of water line in Coffee Road, Briggsmore to Orangeburg.  
(Memo with agenda. Resolution awarding bid to Valley Construction needed. Funds budgeted in Account 6828-50-101, Strengthen Water System. Estimated cost, \$10,315; materials \$5,200; labor, \$5,115)

ACTION: Res. 70-615 adopted awarding contract to Valley Construction.  
P/W to handle)

CONSENT

12. Approve plans and specifications and call for bids for the construction of the Taxiway Overlay, 4000' runway, Modesto City-County Airport.  
(Suggested bid opening July 21, 1970 at 10:10 A.M. The Department of Aeronautics has given its approval to resurface the remaining 2000' of Taxiway. It is estimated the construction will cost \$7,500, with the State matching city funds in an amount not to exceed \$3,750. Resolution approving plans, specs and call for bids needed. Estimated cost \$8,000 (contract \$7,500; Engr. \$500)

ACTION: Res. 70-616 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

13. Consider acceptance of low bids to furnish requirements of regular gasoline for fiscal year 1970-71.  
(Shell Oil Co. - truck & trailer loads, \$0.1822/gal. Texaco, Inc., Tank truck loads, 400 gals & up, \$0.202/gal.; 200-399 gals, \$0.212/gal.; 50-199 gals, \$0.232/gal. Resolution awarding bids needed. Estimated cost \$58,000; funds budgeted in Account 330-48-512, Gas, Oil & Lubricants and some other accounts (Page 125, prel. budget)

ACTION: Res. 70-617 adopted awarding bids as shown. (Finance to handle)

CONSENT

14. Plans and specifications, next stage development for Davis, Downey, Marshall and Moose Parks.  
(The staff is requesting authorization to negotiate contracts for the preparation of working drawings and specifications for Davis Park, Stage 3; Downey Park, Stage 3; Marshall Park, Stage 2A; Moose Park, Stage 2A and 3. Motion directing staff to proceed needed. Funds budgeted in following accounts: Davis, 6315-31-321; Downey, 6290-31-321; Marshall, 6274-31-321; Moose, 6324-324)

ACTION: By motion staff authorized to negotiate contracts. (P & R to handle)

HEARINGS

15. Sylvan School Addition to Sewer District No. 1. 4:15 P.M.

ACTION: Res. 70-618 adopted (Simon/Robinson, unan. - Smith, absent) annexing Sylvan School Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

16. Hearing, amendment of zoning regulations pertaining to signs. 4:20 P.M.

ACTION: Ord. No. 1028-C.S. introduced (Mitchell/Newton, unan. - Smith, absent) amending Title IX of Muni Code.  
Ord. No. 1029-C.S. introduced (Mitchell/Newton, unan. - Smith, absent) amending Title X of Muni Code. (Clerk to handle)

17. Hearing, amendment to Section 19-9-9 of zoning map (Witt) 4:25 P.M.

ACTION: By motion (Robinson/Mitchell, unan.) matter referred back to P/C for further study. (Planning to handle)

18. Hearing, amendment to Section 8-3-9 of zoning map (Tully Manor Enterprises) 4:30 P.M.

ACTION: Ord. No. 1030-C.S. introduced (Mitchell/Robinson, unan. - Smith, absent) amending Sec. 8-3-9 of zoning map. (Clerk to handle)

19. Hearing on appeal of Robert Burkett, et al from denial by Planning Commission of rezoning request. 4:35 P.M.

ACTION: Ord. No. 1031-C.S. adopted (Robinson/Dixon, maj. - Mitchell and Davies, no - Smith, absent) amending Sec. 17-3-9 of zoning map. (Clerk to handle)

20. Hearing on cost of installation of curb, gutter and sidewalk at 217 Floto Street and 301 Semple Street (Mr. John V. Marshall - \$840.46) 4:40 P.M.

ACTION: Res. 70-619 adopted (Robinson/Simon, unan. - Smith, absent) confirming report, assessing costs and determining the method of collection. (Finance to handle)

21. Hearing, amendment to Section 20-3-9 of the zoning map. (Doctors' Hospital area) 5:00 P.M.  
(Concurrent with this hearing the Council will consider the policy adopted by the Planning Commission concerning a moratorium on new bed development at Doctors' Hospital until 1975 or thereafter)

ACTION: Ord. No. 1032-C.S. introduced (Mitchell/Robinson, unan. - Smith, absent) amending Sec. 20-3-9 of zoning map. (Clerk to handle)  
By motion (Mitchell/Robinson, unan.) no action taken on moratorium.

22. Hearing on appeal of United Pentecostal Church from denial by Planning Commission of rezoning request. 5:05 P.M.

ACTION: By motion (Dixon/Newton, unan.) hearing continued to August 3, at 4:30 P.M. (Clerk to handle)

23. Matters for the good of the community. 5:10 P.M.  
(These may be presented by interested people in the audience)

ACTION: Res. 70-620 adopted (Simon/Dixon, unan.) authorizing the Mayor to declare a day to be set aside for citizens to write to the Embassies of various countries who may have influence with the government in Hanoi asking for the release of, or more humane treatment to prisoners of war and to publicize those Embassies that should be contacted. (Clerk to handle)

By motion (Robinson/Newton, unan.) Councilman Mitchell permitted to leave U.S.A. from July 20 to August 17 inclusive.

By motion (Robinson/Mitchell, unan.) Councilman Dixon permitted to leave State July 14-20.

Res. 70-621 adopted (Mitchell/Newton, unan. - Smith, absent) commending all who participated in the Centennial Program.

Mayor Davies read a postcard from Councilman Smith, who is vacationing in Europe.

The City Attorney announced that there would be a hearing on AB1880 Tuesday morning in Sacramento and that there would be representatives of Modesto at the hearing.

ADOPTION OF ORDINANCES

CONSENT

24. Final adoption of the following ordinances:

CONSENT

- (a) Ordinance 1023-C.S. (amendment to Section 22-3-9)  
(Wolverine Building Service)  
(Motion adopting needed)

ACTION: By motion Ord. 1023-C.S. adopted. (Clerk to handle)

CONSENT

- (b) Ordinance 1024-C.S., amendment to Section 30-3-9 (Cass)  
(Motion adopting needed)

ACTION: By motion Ord. 1024-C.S. adopted. (Clerk to handle)

CONSENT

- (c) Ordinance 1025-C.S., amendment to Section 10-3-9 (Weeks)  
(Motion adopting needed)

ACTION: By motion Ord. 1025-C.S. adopted. (Clerk to handle)

CONSENT

- (d) Ordinance 1026-C.S., amendment to Section 15-3-9 (Medeiros)  
(Motion adopting needed)

ACTION: By motion Ord. 1026-C.S. adopted. (Clerk to handle)

OLD BUSINESS

CONSENT

25. Adopting salary schedule and fixing compensation for positions in city service.  
(To adopt 1970-71 salary schedule and list of classifications.  
Resolution needed)

ACTION: Res. 70-622 adopted fixing compensation and adopting salary schedule. (Finance to handle)

CONSENT

26. Set premium to be paid by the City for employee and employees' dependent group medical insurance coverage.  
(To provide for implementation of item agreed upon during meet and confer sessions. Resolution needed. Estimated cost \$38,385; funds budgeted in Account 64-426, Group Health Insurance)

ACTION: Res. 70-623 adopted setting premium. (Finance to handle)

CONSENT

27. Establish uniform allowance payments.  
(To provide for the rates to be paid Police and Fire Department personnel required to wear uniforms. Resolution needed. Budgeted in Police and Fire Dept. accounts, No. 339, Uniform Allowance)

ACTION: Res. 70-624 adopted establishing uniform allowances. (Finance to handle)

28. Discussion on proposed restructuring of SAAPA.  
(From June 22, 1970 meeting)

ACTION: By motion (Robinson/Dixon, unan.) proposal whereby SAAPA would consist of the five Supervisors and two Councilmen from each City in the County approved. (C/Mgr to handle)

NEW BUSINESS

CONSENT

29. Consider changes in Improvement District No. 15 contract and set hearing date.  
(Memo with agenda. Resolution describing changes proposed and providing for notice of hearing (M15-196))

ACTION: Res. 1149-S.P. adopted describing changes and fixing July 20 at 4:30 P.M. as time for hearing. (Clerk to handle)

CONSENT

30. Consider creation of new position in city service.  
(Memo of explanation and job specification attached.  
Resolution establishing new classification and setting salary range needed. Funds budgeted in Account 8-110, regular salary and wages)

ACTION: Res. 70-625 adopted establishing classification of Administrative Assistant and setting salary at Range 26 (\$787-\$957).  
(Personnel to handle)

CONSENT

31. Consider authorizing diagonal parking on the south side of California Avenue between Paradise and Jefferson.  
(Additional parking near Modesto High School would be helpful, as some parking will be lost when Paradise is widened next year. Diagonal parking would provide a maximum of eight additional parking spaces. Resolution amending Resolution 62-29 as amended by Resolution 69-871 needed. Estimated cost: \$40 to lay out and install markings. Funds budgeted in Account 110-56-101, Salaries and Wages)

ACTION: Res. 70-626 adopted amending Res. 62-29 to authorize diagonal parking on south side of California between Paradise and Jefferson. (P & T. to handle)

CONSENT

32. Consider amendment to agreement between the City of Modesto and Wainwright Realty Company, a co-partnership.  
(The amendment to agreement extends the time to August 1, 1971 for improving an alley in Wainwright Realty Company's property located at the northwest corner of Coffee Road and Norwegian Avenue. A \$1,500 cash deposit has been posted with the City to insure that these alley improvements are installed. Resolution approving amendment to agreement needed)

ACTION: Res. 70-627 adopted approving amendment. (P/W to handle)

CONSENT

33. Resolutions determining that certain areas be annexed to Modesto Municipal Sewer District No. 1.

CONSENT

(a) Glendale No. 1 Addition - Hearing August 24, 1970 at 7:45 P.M.  
(Resolution setting hearing needed)

ACTION: Res. 70-628 adopted setting hearing. (Clerk to handle)

CONSENT

(b) Glendale No. 2 Addition - Hearing August 24, 1970 at 7:50 P.M.  
(Resolution setting hearing needed)

ACTION: Res. 70-629 adopted setting hearing. (Clerk to handle)

CONSENT

(c) Highway Village Addition - Hearing August 24, 1970 at 7:55 P.M.  
(Resolution setting hearing needed)

ACTION: Res. 70-630 adopted setting hearing. (Clerk to handle)

CONSENT

34. Resolutions instructing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters at the locations listed below.

(Informal requests were sent over 30 days ago to the property owners to install sidewalks and/or curbs and gutters. The work has not been done; therefore it is recommended that resolutions be adopted authorizing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters. Suggested date July 20, 1970 at 4:35 P.M.)

CONSENT

(a) Curb and gutter on Alice Street at 135 ~~Magwood~~ Hackberry Avenue, Block 516, Lots 34-36 inclusive (Mr. Marion C. Felt)  
(Resolution setting hearing needed)

ACTION: Res. 70-631 adopted setting hearing. (P/W to handle)

CONSENT

(b) Curb and gutter on Griswold Avenue at 825 Enslin Avenue, Block 715, Lot 1 (Mr. C. Dexter Hogin).  
(Resolution setting hearing needed)

ACTION: Res. 70-632 adopted setting hearing. (P/W to handle)

CONSENT

(c) Curb, gutter and sidewalk on O Street at 1430 10th Street, Block 63, Lots 27-32 (Mr. Elmo E. Wilson, Sr.)  
(Resolution setting hearing needed)

ACTION: Res. 70-633 adopted setting hearing. (P/W to handle)

CONSENT

(d) Curb and gutter on Coldwell Avenue at 545 North Olive Avenue, Block 467, Lots 1 and 2 and the north 10' of Lot 3. (Mrs. Catherine D. Hurd)  
(Resolution setting hearing needed)

ACTION: Res. 70-634 adopted setting hearing. (P/W to handle)

CONSENT

34(e) Sidewalk at 434 Smith Avenue, Block 704, portion of Lot 62.  
(Resolution setting hearing needed)

ACTION: Res. 70-635 adopted setting hearing. (P/W to handle)

35. Consider possible postponement of most 1970-71 fiscal year street construction for up to a year if TOPICS funds for such projects is likely.  
(TOPICS funds will pay up to 71% of eligible projects. There are elements of eligibility in most of the street projects. Staff recommends that those projects that are possibly eligible be delayed up to one year if necessary. Motion authorizing a delay of possible TOPICS projects needed)

ACTION: By motion (Robinson/Simon, unan.) delay of projects authorized. (P & T to handle)

CONSENT

36. Change order, floor covering - Library.  
(Memo with agenda. Motion approving needed. Estimated cost \$2,183.)

ACTION: By motion change order approved. (C/Mgr to handle)

CONSENT

37. Consider request for sewer service to property outside the city at 3201 Banbury Court.  
(The property owners have signed an agreement to annex to the City when requested to do so. The property is contiguous to the City and a sewer line exists to serve it. Property owner: San Joaquin First Federal Savings and Loan Association. Resolution approving agreement needed)

ACTION: Res. 70-636 adopted approving agreement. (P/W to handle)

CONSENT

38. Right of way agreement between the City of Modesto and Central California Conference Association of the Seventh-Day Adventists, a religious corporation, whereby City will acquire right of way for the Needham Avenue widening project, No. LA 56-10, and consider acceptance of a grant deed conveying said right of way to the City.  
(The City will acquire this property at no cost to City. Resolution authorizing City Manager to sign agreement and accept grant deed on behalf of City needed)

ACTION: Res. 70-637 adopted approving agreement and accepting deed.  
(Clerk to handle)

CONSENT

39. Request by City Attorney for vacation for period July 13 through 17, 1970.  
(Motion approving needed)

ACTION: By motion request approved.

CONSENT

40. Report relating to control of cats in the City of Modesto.  
(Memo with agenda)

ACTION: By motion Ord. 1033-C.S. introduced. (Clerk to handle)

41. Report by City Council Committee to study Report of Committee to Study Crime.  
(Report with agenda. Motion accepting report needed)

ACTION: By motion (Robinson/Dixon, unan.) report accepted.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

42. A resolution annexing uninhabited territory to the City of Modesto known as Riverside No. 3 Addition.  
(The L.A.F. Commission has authorized this annexation without notice or public hearing. Resolution needed)

ACTION: Res. 70-638 adopted annexing Riverside Addition to City of Modesto. (Clerk to handle)

CONSENT

43. Collier-Trombetta Addition (inhabited) - Referral to Planning Commission.  
(Annexation has been requested by residents of the Collier-Trombetta area between East Orangeburg and East Roseburg. The area is approximately 18 acres in size and contains 66 single-family dwelling units. It is bounded by the city limits on all four sides. Water service is provided by Del Este Water Company. The area is in the McHenry-Dry Creek fire protection district from which it will be withdrawn and in the Modesto City School District, in which it will remain. If referred to the Planning Commission, the Planning staff will gather additional information. Resolution referring to Planning Commission needed)

ACTION: Res. 70-639 adopted referring to P/C. (Planning to handle)

CONSENT

44. Recommendation of 645 new off-street parking spaces for community center.  
(On June 25, 1970 By Resolution No. 367, the Board of Zoning Adjustment recommended to the Council that 645 new off-street parking spaces be provided for the Modesto Community Center. No action needed - for information only)

No action.

CONSENT

45. Vacation and abandonment of a portion of Miller Avenue between LaLoma and Santa Barbara Avenue and disposition of the 5-foot "Park Reservation" bordering thereon.  
(By Resolution 70-44 adopted at its meeting of April 7, 1970, the Modesto Planning Commission recommended to the Council the vacation and abandonment of a portion of Miller Avenue between LaLoma and Santa Barbara Avenue and disposition of the 5-foot "Park Reservation" bordering thereon. Resolution of Intention to Vacate and Abandon and setting date for public hearing needed. Suggested date July 27, 1970 at 7:45 P.M.)

ACTION: Res. of Intention 324 (1150-S.P.) adopted setting hearing.  
(Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

46. Appropriation transfer of \$300 from Parking Reserve to Present Lot Development.  
(The Lincoln School site will be established as a free city parking lot. Installing a new driveway, sweeping, buying and installing signs will cost \$300. Resolution authorizing transfer needed. Estimated cost \$300.)

ACTION: Res. 70-640 adopted approving appropriation transfer of \$300 from Account 60-57-209 to Account 5301-57-209. (Finance to handle)

MISCELLANEOUS

47. Legislative matters.

None


48. Appointments.

ACTION: Res. 70-641 adopted (Simon/Mitchell, unan. - Smith, absent) appointing Robert Schmidt as a member of the Farm-City Advisory Committee to replace Ron Berryhill for a term ending 5/1/71.  
(Clerk to handle)

Adjournment - Note: This meeting should be adjourned to 7:30 A.M. on July 7, 1970 in the Executive Room of the Pine Cone Restaurant, 1312 McHenry Avenue, for the purpose of having a joint meeting with the Planning Commission.

Adjournment at 10:15 P.M. to 7:30 A.M. on July 7, 1970

ATTEST:

  
W. T. CHYNOWETH, CITY CLERK

MINUTES - JOINT MEETING, CITY PLANNING COMMISSION AND COUNCIL

July 7, 1970

The Planning Commission of the City of Modesto (special meeting), met with the City Council (adjourned regular meeting) on Tuesday, July 7, 1970, in the Executive Room of the Pine Cone Restaurant. This meeting was another in a series of informal discussions of mutual concerns by the Planning Commission and the City Council. The meeting was called to order at 7:45 a.m. by Commission Chairman Clyde Dunlap.

The Planning Commission:

Present: Clyde Dunlap, Kenneth Marple, William Nicholson, David Ryan, John Sutton

Absent: Merrill Alexander, Frank Muratore (both excused)

The City Council:

Present: Mayor Lee Davies, James Dixon, William Mitchell, Phillip Newton, Lawrence Robinson, Ray Simon

Absent: G. Dale Smith (excused)

Also Present: John Keefe, Elwyn Johnson, William Nichols, Bill Kane (press)

Item A - Discussion of Approaches Planning Commission and City Council Should Take on Rezoning Matters

Clyde Dunlap indicated that there are many ways the Planning Commission and Council can approach controversial zoning matters. On the one hand, they could use staff criteria exclusively, on the other hand they could utilize a show of hands of those in the audience either for or against the matter. Presumably the solution is a blend of the two. He also expressed concern with the fact that many good residential proposals near the city core are turned down because of large crowds of neighborhood opposition. At the same time poorly conceived proposals on the fringe, without the pressure of people at a public hearing, are apt to sail through for approval.

He believed that some expressions on this matter would be helpful for guidance to both the Council and Commission. Bill Mitchell opened by indicating that he believed the Planning Commission should base its decision more on the merits of the rezoning such as criteria rather than on the number of people in the audience for or against the measure. He also added that those that are vitally interested in a project will be represented in person. The Commission also has to take into account the many people who are not present to express their viewpoints on a given matter; namely, the broad community interest.

Ray Simon indicated that there is a difference between Commission and Council approaches to zoning. He believes that the term "protester" is a negative one. These are people vitally interested in the rezoning, concerned about their property values, etc. The Planning Commission has to realize that the Council is popularly elected and that the Councilmen may not always make the right decision. While on the one hand, the Council should not vote on the basis of misleading statements from a realtor on a given situation, the Council must maintain the confidence of the public in general by maintaining zoning controls.

Larry Robinson indicated that the guidelines upon which the Planning Commission operates are sound for the Commission and the Council, but that they obviously cannot govern every situation. He considers the guidelines involved and the uniqueness of the situation at hand. On that basis his vote occasionally varies from the standards.

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JULY 13, 1970 AT 7:30 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Simon,  
Mayor Davies  
Absent: Smith

Pledge of allegiance to the Flag

Invocation: Reverend Harold Knowles, Central Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 11a, b, c,  
Items 11c and 18 removed from consent 12, 13, 14, 15, 16, 17, 18, 19,  
Items 19 and 20 dropped from agenda 20, 21, 22, 26, 27, 28, 29  
Simon/Mitchell, unan. - Robinson and  
Smith, absent

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of July 6, 1970.

ACTION: By motion minutes approved.

BIDS

CONSENT

2. Consider award of contract for construction of Sewerage Works Improvement Project Unit No. 11, additional riprap on oxidation pond levees, to the low bidder Gentz Construction Co., Fresno, California, in a total amount of \$183,920.

(Our consulting engineers, Jenks and Adamson have recommended that the contract be awarded to Gentz Construction Co. and approval of Economic Development Administration is expected prior to the time of council meeting. Resolution awarding contract needed. Contract cost \$183,920. Funds budgeted in Account 6553-405, Muni Sewer Dist Impr.)

ACTION: Res. 70-642 adopted awarding contract to Gentz Construction Co. (P/W to handle)

CONSENT

3. Consider award of bid for construction of Keller-Rumble subtrunk sewer.

(The bids were opened on July 7 and the low bid of A.P. Rasmussen which is 22% below the Engineer's estimate is considered acceptable. Therefore it is recommended the bid be awarded to them. Resolution awarding bid needed. Estimated cost \$15,024 (Contract \$13,824; Engr. \$1,200). Funds budgeted in Account 6561-212, Extend subtrunk and perimeter sewers)

ACTION: Res. 70-643 adopted awarding contract to A. P. Rasmussen. (P/W to handle)

CONSENT

4. Consider declaring Service Body & Equipment Co. of San Leandro the lowest responsible bidder and authorize purchase of 41 foot aerial personnel boom truck from that firm.  
(Bids were opened June 30, 1970 at 2:00 P.M. Memo with agenda. Resolution awarding bid and resolution authorizing appropriation transfer of \$462 needed. Estimated cost \$18,450. Funds budgeted in Account 5433-48-512, Service Division Capital Outlay, \$17,988 carry-over project from 1969-70)

ACTION: Res. 70-644 adopted authorizing purchase from Service Body & Equipment Co.  
Res. 70-645 adopted approving appropriation transfer of \$462 from Account 60-48-512 to Account 5433-48-512. (Finance to handle)

CONSENT

5. Consider acceptance of John Birges' contract for installation of landscaping and sprinkler system at Sherwood Park.  
(All work on this contract has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and authorize the City Clerk to file notice of completion. Resolution accepting work needed. Estimated cost \$20,800; actual cost, \$20,800. Funds budgeted in Account 6301-31-321, Sprinkler & Landscaping at Sherwood Park)

ACTION: Res. 70-646 adopted accepting contract. (Clerk to handle)

HEARINGS

6. Hearing, oral bids for sale of houses at 716 Lucern and 101 Hackberry. 7:40 P.M.

ACTION: Res. 70-647 adopted (Mitchell/Robinson, unan. - Smith, absent) selling house at 716 Lucern to Anthony Smykal for \$1,000.  
(Finance to handle)  
By motion (Mitchell/Robinson, unan.) staff directed to negotiate for removal of building at 101 Hackberry. (Finance to handle)

7. Hearing, annexation of Norwegian No. 3 Addition to City. 7:45 P.M.

ACTION: Res. 70-648 adopted (Simon/Newton, unan. - Smith, absent) declaring no majority protest made.  
Ord. 1034-C.S. adopted (Simon/Newton, unan. - Smith, absent) annexing area. (Clerk to handle)

8. Hearing on amendment to Section Map 15-3-9 (Bomberger) 7:50 P.M.

ACTION: Ord. 1035-C.S. introduced (Robinson/Simon, unan. - Smith, absent) amending Sec. 15-3-9 of zoning map.

9. Hearing on amendment to Section Map 7-4-9 (El Casa Verde) 7:55 P.M.

ACTION: Ord. 1036-C.S. introduced (Newton/Robinson, unan. - Smith, absent) amending Sec. 7-4-9 of zoning map. (Clerk to handle)  
Res. 70-649 adopted (Newton/Robinson, unan. - Smith, absent) approving Development Plan. (Planning to handle)

10. Matters for the good of the community. 8:00 P.M.  
(These may be presented by interested people in the audience)

ACTION: Councilman Dixon complained of weeds between curb and sidewalk on 11th Street. It was announced that a program to clean up the weeds would be started this week and would employ Neighborhood Youth Corps personnel.

By motion (Dixon/Newton, unan.) Vice Mayor Mitchell permitted to attend meeting of Town Affiliation Association in San Diego August 26-29.

The Council was informed that the D.I.D. plans to request permission to hire two part-time people to clean up store fronts, etc. Councilman Dixon urged that young people be hired.

John DeBoer of the Farm-City Advisory Committee was introduced.

By motion (Dixon/Mitchell, unan.) Mayor Davies permitted to attend meeting of Directors of League of California Cities in Berkeley July 16 and 17.

The staff agreed to make arrangements for local radio stations to broadcast remarks by the Mayor publicizing P.O.W. Day on July 15.

#### ORDINANCES

##### CONSENT

11. Final adoption of the following ordinances.

(a) Ordinance No. 1028-C.S. - amendment to Title IX (signs)

ACTION: By motion Ord. No. 1028-C.S. adopted. (Clerk to handle)

(b) Ordinance No. 1029-C.S. - amendment to Title X (signs)

ACTION: By motion Ord. No. 1029-C.S. adopted. (Clerk to handle)

(c) Ordinance No. 1033-C.S. - regulating cats.

ACTION: By motion (Simon/Newton, unan) Ord. 1033-C.S. not adopted but staff directed to work with Humane Society in an effort to reach a satisfactory solution to this problem. (C/Atty to handle)

#### OLD BUSINESS

##### CONSENT

12. Consider resolution accepting TOPICS funds.  
(At the 6/22/70 meeting the Council approved the preparation of a TOPICS application. A resolution is now needed accepting the funds allocated to Modesto. The funds will not be given us until the projections have been developed and approved. Resolution accepting TOPICS grant of \$268,974)

ACTION: Res. 70-650 adopted accepting TOPICS grant of \$268,974.  
(P & T to handle)

CONSENT

13. Purchase of former Lincoln School site from City Schools for a proposed community center.  
(Copy of letter and resolution from the City Schools with agenda. Appropriation transfer needed for purchase price of \$300,000 plus 1/2 of escrow fees (approximately \$140). Resolution authorizing purchase of property, and resolution transferring funds from the General Fund to the Special Fund for Capital Outlay needed. Estimated cost \$300,140)

ACTION: Res. 70-651 adopted authorizing purchase of former Lincoln School site from Modesto City School District. (C/Mgr to handle)  
Res. 70-652 adopted transferring \$300,140 from the General Fund to the Special Fund for Capital Outlay. (Finance to handle)  
NEW BUSINESS

CONSENT

14. Consider requiring taxi drivers to display permits in a conspicuous place while operating a taxicab.  
(Presently taxi drivers are required under this section to carry but not display their permits. Many cities require taxi drivers to display them. Such a procedure is recommended for Modesto. Introduction of ordinance amending Section 4-6.703 of the Municipal Code needed)

ACTION: By motion Ord. No. 1037-C.S. introduced. (Clerk to handle)

CONSENT

15. Resolution of Intention to call special election for annexation of East Orangeburg-Coffee Addition to the City of Modesto.  
(A petition containing 137 valid signatures and requesting that the East Orangeburg-Coffee Addition be annexed to the City of Modesto has been filed with the City Clerk. This represents 60.88% of the registered voters. Resolution setting time and place for hearing protests to this annexation. Suggested hearing date August 3, 1970 at 4:15 P.M.)

ACTION: Res. 70-653 adopted setting hearing. (Clerk to handle)

CONSENT

16. Resolution of Intention to call special election for annexation of Standiford Addition to the City of Modesto.  
(A petition containing 65 valid signatures and requesting that the Standiford addition be annexed to the City of Modesto has been filed with the City Clerk. This represents 56.52% of the registered voters. Resolution setting time and place for hearing protests needed. Suggested hearing date August 3, 1970 at 4:20 P.M.)

ACTION: Res. 70-654 adopted setting hearing. (Clerk to handle)

CONSENT

17. Consider request for sewer service to property outside the City at 1328 East Orangeburg Avenue.  
(The property owners have signed an agreement to annex to the City when requested to do so. The property is not contiguous to the City but a sewer line exists to serve the property. Property owner Melvin Worley. Resolution approving agreement needed)

ACTION: Res. 70-656 adopted approving agreement. (P/W to handle)

~~CONSENT~~

18. Setting the tax rate for Modesto Municipal Sewer Improvement District No. 1.  
(Report with agenda. Resolution needed)

ACTION: Res. 70-657 adopted (Robinson/Dixon, unan. - Smith, absent) requesting County to set tax rate at amount needed to raise approximately \$117,000 from local taxes. (Finance to handle)

~~CONSENT~~

19. Request by Percell Aircraft Leasing Company to operate an aircraft leasing business as a fixed base operator at Modesto City-County Airport.  
(Memo with agenda. Resolution approving application needed)

Dropped from agenda.

~~CONSENT~~

20. Request by Hawke Flying Service to sublease office space to Percell Aircraft Leasing Company from Las Vegas, Nevada.  
(Memo with agenda. Resolution approving sublease of office space needed)

Dropped from agenda.

CONSENT

21. Accept improvements in Grantland Manor Subdivision and authorize City Clerk to file notice of completion and release bond upon expiration of the statutory lien period.  
(Grantland Manor Subdivision is located on Riverside Drive north of Yosemite Boulevard. All improvements have been completed to the satisfaction of the Public Works Department, and all fees paid.  
(Resolution accepting improvements needed)

ACTION: Res. 70-658 adopted accepting improvements. (Clerk to handle)

CONSENT

22. Accept improvements in Riverside North #1 Subdivision and authorize the City Clerk to file notice of completion and release bond upon expiration of statutory lien period.  
(Riverside North #1 Subdivision is located between Trask and Riverside on Hamble Lane. All improvements have been completed to the satisfaction of the Public Works Department and all fees paid. Resolution accepting improvements needed)

ACTION: Res. 70-659 adopted accepting improvements. (Clerk to handle)

23. Dry Creek Park.  
(Approval of final land use plan - Dry Creek Park and East LaLoma Neighborhood Park.  
Report with agenda. Motion approving plan needed)

ACTION: By motion (Dixon/Simon, unan.) report accepted without approval of plans. Staff directed to prepare a list of priorities for park development, and staff to determine cost factors involved and alternate possibilities involved in the development of neighborhood parks in this area. (P & R to handle)

By motion (Robinson/Dixon, unan.) staff instructed to review advantages and disadvantages of the rolling type construction cost wise, maintenance wise and servicing wise. (P & R to handle)

REPORTS

24. Report on request by Del Este Water Company for rate increase.  
(Report with agenda. Motion instructing staff to convey recommendation in report to Public Utilities Commission needed)

ACTION: A motion (Simon/Mitchell) to oppose requested rate increase proposed in Schedule 5 of application and to also oppose Paragraph 2 of the "Special Conditions" was amended by motion (Dixon/Simon, unan.) to include a request that the PUC give careful consideration to those areas which affect residential users. The motion as amended then carried. (P/W to handle)

25. Oral report by Citizens' Community Center Committee.

ACTION: By motion (Robinson/Simon, unan.) committee authorized to request Board of Supervisors to approve County wide financing for Center with Board of Supervisors to operate facility if they wish or in lieu of that to approve a District using the Sewer Service Limits (sewer study area) as the boundaries. Committee permitted to use their own judgment in this. (P & T to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

26. Recommend to the Council amendments to Chapter 2 of Title X of the Modesto Municipal Code (Zoning regulations - parking requirements for stadiums, sports arenas, and auditoriums)  
(By resolution 70-91 adopted July 7, 1970 the Planning Commission recommends amendments to Chapter 2 of Title X of the Modesto Municipal Code (Zoning Regulations - Parking Requirements for Stadiums, Sports Arenas, and Auditoriums). Resolution setting date and place for public hearing needed. Suggested hearing date August 3, 1970 at 4:25 P.M.)

ACTION: Res. 70-660 adopted setting hearing. (Clerk to handle)

CONSENT

27. Recommend amendment to Section 10-3-9 of the zoning map (Gordon S. W. Tornell)  
(By Resolution No. 70-89 adopted July 7, 1970 the Planning Commission recommends an amendment to Section 10-3-9 of the zoning map as requested by Gordon S. W. Tornell to prezone to Planned Development Zone, P-D for a 300 unit mobile home park, on property located on the south side of Mabel Avenue, approximately 600 feet west of Old Oakdale Road. Resolution setting date for public hearing needed. Suggested date August 10, 1970 at 7:45 P.M. needed)

ACTION: Res. 70-661 adopted setting hearing. (Clerk to handle)

CONSENT

28. Recommend amendment to Section 19-3-9 of the zoning map (O.F.C. Properties - Evergreen Avenue)  
(By Resolution 70-90 adopted July 7, 1970 the Planning Commission recommends an amendment to Section 19-3-9 of the zoning map as requested by O.F.C. Properties to rezone from One-Family Residential Zone, R-1 and Two-Family Residential Zone, R-2, to Planned Development Zone, P-D for an 80-unit 1-story fourplex type residential development, to be located on the south side of Evergreen Avenue, west of Pearl Street. Resolution setting date for public hearing needed. Suggested hearing date August 10, 1970 at 7:50 P.M.)

ACTION: Res. 70-662 adopted setting hearing. (Clerk to handle)

CONSENT

29. Recommend to the Council that a 10 net acre neighborhood park be developed in Riverside Neighborhood.  
(By Resolution No. 70-93 adopted July 7, 1970 the Planning Commission recommends to the Council that a 10 net acre neighborhood park be developed in Riverside Neighborhood. Motion accepting resolution needed)

ACTION: By motion resolution accepted.

APPROPRIATION TRANSFERS

None.

MISCELLANEOUS

30. Legislative matters.  
None.

31. Appointments.

ACTION: Res. 70-663 adopted (Robinson, Simon, unan. - Smith, absent) appointing T. A. Norquist as a member of the Board of Heating and Cooling Examiners for a term ending January 1, 1974 to replace Roy Keir. (Clerk to handle)

32. Executive session to discuss department head salary adjustments.

ACTION: The Council retired to executive session at 10:20 P.M. and returned to open meeting at 11:05 P.M.

Res. 70-664 adopted (Dixon/Mitchell, unan. - Smith, absent) reclassifying Personnel Officer to Assistant to City Manager-Personnel Officer with a salary increase of 10% effective July 14, 1970.

Res. 70-665 adopted (Dixon/Mitchell, unan. - Smith, absent) authorizing the following:

1. Increases of 5% be given to Director of Finance, Chief of Police, Fire Chief, Director of Parks & Recreation and Director of Public Works.
2. City Manager receive an increase of 2½%.
3. Above increases become effective July 14, 1970.

Adjournment at 11:10 P.M.

ATTEST:

*W. T. Chynoweth*  
W. T. CHYNOWETH, CITY CLERK

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7/13/70

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JULY 20, 1970 AT 4:00 P.M.

Roll call Present: Dixon, Newton, Robinson, Simon, Mayor Davies  
Absent: Mitchell, Smith

Pledge of allegiance to the Flag  
Invocation: Reverend Don Fellers, Centenary Methodist Church.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 4, 5, 6, 7, 15a, b, c, d,  
16, a, b, c, d, e, f, g, 17, 18,  
Remove 6 & 18 from consent 19, 20, 21, 22, 23, 24, 27, 28, 29,  
30  
Simon/Dixon, unan. - Mitchell and Smith, absent

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of July 13, 1970.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT

2. Request that Beautification Committee be renamed Citizens' Environmental Committee.  
(Resolution amending Resolution No. 65-559 needed)

ACTION: Res. 70-666 adopted amending Res. 65-559 to change name of Modesto Beautification Committee to Citizens' Environmental Committee. (Clerk to handle)

3. Request of Cablecom-General of Modesto for increase in rates charged for multiple units and apartments.  
(Resolution setting hearing needed. Suggested time August 3, 1970 at 4:40 P.M.)

ACTION: Res. 70-667 adopted (Dixon/Simon, unan. - Mitchell and Smith, absent) setting hearing. (Clerk to handle)

BIDS

CONSENT

4. Consider approval of plans and specifications and call for bids for the 1970-71 Street Overlays Unit No. 1 Select Streets, Unit No. 2, Residential Streets.  
(Bid opening August 4, 1970 at 10:00 A.M. This is our yearly program for street overlays, both select streets and residential streets. List of streets to be overlaid with agenda. Resolution approving plans, specifications and call for bids needed. Estimated cost \$65,990 (contract \$62,848; Engineer, \$3,142). Funds budgeted in Accounts 6660-207, Misc. Resurfacing and 6657-41-321, Var. Residential St. Overlays)

ACTION: Res. 70-668 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

5. Consider approval of plans, specifications and call for bids for construction of Pump Station No. 37 facilities.  
(Bid opening date August 11, 1970 at 2:00 P.M. The well has been constructed in the proposed park site on Celeste Drive and is now ready for the pump station to be completed. Resolution approving plans, specifications and call for bids needed. Estimated cost \$18,500 (contract, \$17,500; Engr. \$1,000). Funds budgeted in Account 6809-50, Well/Pump Station Rose Avenue Area)

ACTION: Res. 70-669 adopted approving plans and specifications and bid call. (Clerk to handle)

~~CONSENT~~

6. Request for waiver of formal bid procedures and authorization to issue purchase order to Watson & Meehan for one NHF-240 Cummins Diesel Motor.  
(A new motor is required to repair Engine Co. #3 and return it to service. If allowed to purchase the motor at fair market price without calling for formal bids the engine company can be returned to service within 3 days. Resolution approving waiver of bid procedure and authorizing issuance of purchase order to Watson and Meehan needed. Estimated cost \$6,957.00)

ACTION: Res. 70-670 adopted (Robinson/Dixon, unan. - Mitchell and Smith, absent) waiving formal bid procedures and authorizing purchase. (Finance to handle)

CONSENT

7. Consider approval of specifications and call for bids to be opened August 11, 1970 at 2:15 P.M. for furnishing a rotary type air compressor.  
(Resolution needed. Estimated cost \$4,985.00. Funds budgeted in Account 5406-48-512, Service Division Working Capital Fund, 1970-71 budget)

ACTION: Res. 70-671 adopted approving specifications and bid call. (Clerk to handle)

HEARINGS

8. Hearing on amendment to PD 20 (Professional Park Medical Medical Building) 4:15 P.M.

ACTION: Res. 70-672 adopted (Newton/Dixon, unan. - Mitchell and Smith, absent) approving revised plot plan. (Planning to handle)

9. Hearing on changes in work to be done in Improvement District No. 15. 4:30 P.M.

ACTION: Res. 1151-S.P. adopted (Dixon/Simon, unan. - Mitchell and Smith, absent) ordering changes. (P/W to handle)

10. Hearing, curb and gutter on Alice Street at 135 Hackberry Avenue, Block 516, Lots 34-36 inclusive, (Marion C. Felt) 4:35 P.M.

ACTION: Res. 70-673 adopted (Dixon/Newton, unan. - Mitchell and Smith, absent) ordering work done. (P/W to handle)

11. Hearing, curb and gutter on Griswold Avenue at 825 Enslin Ave., Block 715, Lot 1 (Mr. C. Dexter Hogin) 4:35 P.M.

ACTION: Res. 70-674 adopted (Dixon/Newton, unan. - Mitchell and Smith, absent) ordering work done. (P/W to handle)

12. Hearing, curb, gutter and sidewalk on O Street at 1430 10th Street, Block 63, Lots 27 - 32 (Mr. Elmo E. Wilson, Sr.) 4:35 P.M.

ACTION: Res. 70-675 adopted (Dixon/Newton, unan. - Mitchell and Smith, absent) ordering work done with one year delay. (P/W to handle)

13. Hearing, curb and gutter on Coldwell Avenue at 545 North Olive Avenue, Block 467, Lots 1 and 2 and the north 10 feet of Lot 3 (Mrs. Catherine D. Hurd) 4:35 P.M.

Dropped as work has been started.

14. Hearing, sidewalk at 434 Smith Avenue, Block 704, portion of Lot 62. (A. Dale Dunkel) 4:35 P.M.

ACTION: Res. 70-676 adopted (Dixon/Newton, unan. - Mitchell and Smith, absent) ordering work done. (P/W to handle)

14A. Matters for the good of the community.  
(These may be presented by interested persons in the audience)

4:40 P.M.

ACTION: Frank Andrews spoke.

A report was made on the present status of the Community Center District to the effect that a recommendation would be made by County Staff that the boundaries include Ceres and a part of the industrial area. By motion (Robinson/Simon, unan.) it was decided that the Board of Supervisors be informed that nothing less than the sewer service area boundaries is acceptable. (C/Mgr to handle)

By motion (Robinson/Dixon, unan.) Mayor Davies permitted to attend a meeting of the Directors of the League of California Cities in Long Beach July 21-24, 1970.

Earl Renee complained of loose gravel on streets on the west side. He was informed that this was part of a maintenance program and would be swept within a week.

#### ORDINANCES

#### CONSENT

15. Final adoption of the following ordinances:  
(Motion adopting needed)

- a. 1030-C.S. - amendment to Section 8-3-9 of the zoning map.  
(Tully Manor Enterprises)

ACTION: By motion Ord. 1030-C.S. adopted. (Clerk to handle)

- b. 1031-C.S. - amendment to Section 17-3-9 of the zoning map.  
(Burkett)

ACTION: By motion Ord. 1031-C.S. adopted. (Clerk to handle)

- c. 1032-C.S. - amendment to Section 20-3-9 of the zoning map.  
(Doctors' Hospital area)

ACTION: By motion Ord. 1032-C.S. adopted. (Clerk to handle)

- d. 1037-C.S. (Taxi driver permits)

ACTION: By motion Ord. 1037-C.S. adopted. (Clerk to handle)

NEW BUSINESS

CONSENT

16. Report of Superintendent of Streets on cost of installation of sidewalk and/or curb and gutter at the properties listed below. (The amounts assessed against the properties will be included in reports distributed with the agenda for the hearing date. Resolutions setting 4:35 P.M., August 3, 1970 as time for hearing needed. Contract costs listed below. Funds budgeted in Account 5302-51-101, Curbs and Gutters, Special)

CONSENT

a. Curb and gutter at 213 Rosemont Avenue (Mr. Robert L. Atkins, Jr. - \$150.00).  
(Resolution setting hearing needed)

ACTION: Res. 70-677 adopted setting hearing. (P/W to handle)

CONSENT

b. Curb and gutter on Second Street at 202 H Street (Church of God - \$272.25)  
(Resolution setting hearing needed)

ACTION: Res. 70-678 adopted setting hearing. (P/W to handle)

CONSENT

c. Curb and gutter on Cedar Avenue at 245 High Street (Mr. Warren T. Hanford - \$468.57)  
(Resolution setting hearing needed)

ACTION: Res. 70-679 adopted setting hearing. (P/W to handle)

CONSENT

d. Curb, gutter and sidewalk on Fairmont Avenue at 935 Magnolia Ave. (Mrs. Florence C. McDermott (Estate) - \$633.97)  
(Resolution setting hearing needed)

ACTION: Res. 70-680 adopted setting hearing. (P/W to handle)

CONSENT

e. Sidewalk at 1001 McHenry Avenue (Mrs. Rose Mehegan - \$560.00)  
(Resolution setting hearing needed)

ACTION: Res. 70-681 adopted setting hearing. (P/W to handle)

CONSENT

16. (f) Curb and gutter on Center Street at 143 Rosedale Ave.  
(Mr. James E. Nelson - \$517.17)  
(Resolution setting hearing needed)

ACTION: Res. 70-682 adopted setting hearing. (P/W to handle)

CONSENT

- g. Sidewalk on Mensinger Ave. at 1031 Douglas St. (Mrs. Carmela Pantaleo - \$324.00)  
(Resolution setting hearing needed)

ACTION: Res. 70-683 adopted setting hearing. (P/W to handle)

CONSENT

17. Accept improvements in Woodrow Manor No. 2 Subdivision.  
(This subdivision is located on Woodrow Avenue between Tidewater Southern Railroad Tracks and McHenry Avenue. All improvements have been completed to the satisfaction of the Public Works Dept. and all fees have been paid. Resolution accepting improvements and authorizing the City Clerk to file notice of completion and release of bond upon expiration of the statutory lien period needed)

ACTION: Res. 70-684 adopted accepting improvements. (Clerk to handle)

~~CONSENT~~

18. Consider request for sewer and water service to property outside the City at Rumble and McHenry Avenue.  
(The property owners have signed an agreement to annex when requested. A sewer line exists to serve the property but a water line may require an extension. The property is contiguous to the City. Property Owner: Fresno Guarantee Savings & Loan Association. Resolution approving agreement needed)

ACTION: Res. 70-685 adopted (Simon/Robinson, unan. - Mitchell and Smith, absent) approving agreements. (P/W to handle)  
By Order of the Chair, discussion of staff recommendation that City not approve sewer service to any part of the remaining land in this parcel until the entire property has been annexed to the City held for one week.

CONSENT

19. Consider Personnel Commission recommendation to amend Personnel Rules 13.3, 13.4, and 13.5.  
(Letter from Personnel Commission Chairman with agenda. Resolution amending Personnel Rules 13.3, 13.4 and 13.5 needed)

ACTION: Res. 70-686 adopted amending Personnel Rules 13.3, 13.4 and 13.5. (Personnel to handle)

CONSENT

20. Consider resolution establishing flat rate water service charges to the Stanislaus Union School District.  
(Section 11-1.08 of the Modesto Municipal Code establishes the basis for flat rate charges to schools. Muncy School, which is in the Stanislaus Union School District, has been receiving city water service on a flat rate basis. Prescott Senior Elementary School, which is a junior high school, has recently been completed by the Stanislaus Union School District and therefore, a resolution establishing their flat rate charges in addition to Muncy School is in order. Resolution establishing rates for Stanislaus Union School District needed)

ACTION: Res. 70-687 adopted establishing flat rate water service charges to the Stanislaus Union School District. (Finance to handle)

CONSENT

21. Accept improvements in Davis Park No. 2 Subdivision.  
(Davis Park No. 2 Subdivision is located between Tully Road and Tidewater Southern Railroad tracks and south of Woodrow Avenue. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements and authorizing City Clerk to file notice of completion and release bond upon expiration of statutory lien period needed)

ACTION: Res. 70-688 adopted accepting improvements. (Clerk to handle)

CONSENT

22. Consider request for sewer service to property outside the City at 1908 Sunrise Avenue.  
(The property owners have signed an agreement to annex to the City. The property is contiguous to the City but a sewer line must be extended by the property owners. Property owner: Phil Mastagni. Resolution approving agreement needed)

ACTION: Res. 70-689 adopted approving agreement. (P/W to handle)

CONSENT

23. Request from Mr. R. K. Lowe for twenty-day extension for removal of buildings purchased from the City located at 542-544 Bodem St.  
(Memo with agenda. Motion approving request needed)

ACTION: By motion request granted. (Finance to handle)

CONSENT

24. Consider request for sewer service to property outside the City at 3305 Fremont Street.  
(Property owners have signed an agreement to annex to the City when requested to do so. The property is contiguous to the City and a sewer line exists to serve it. Property owner Hazel Dreiling. Resolution approving agreement needed)

ACTION: Res. 70-690 adopted approving agreement. (P/W to handle)

REPORTS

25. Oral report on negotiations with Procter-Gamble representatives.

ACTION: Res. 70-691 adopted (Robinson/Simon, unan. - Mitchell and Smith, absent) directing staff to prepare agreement offering Procter-Gamble sewer service at double the in-district rate and water at  $2\frac{1}{2}$  times the in-City rate for the first one million gals. and  $1\frac{1}{4}$  times thereafter with no requirement for annexation to City or District. (C/Atty to handle)

By motion (Simon/Dixon, unan.) hearing on Procter-Gamble matter now set for July 27 dropped.

26. Recommendation by Council negotiating team that permanent Council Committee be established to work with industrial and large business concerns that wish to locate in the Modesto Area.

ACTION: By motion (Dixon/Newton, unan.) further discussion set for July 27. (Clerk to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

27. Vacation and abandonment of portion of 20-foot alley in Block 127.  
(By Resolution No. 70-74, adopted by the Planning Commission at its May 20, 1970 meeting, recommendation is made to the Council the vacation and abandonment of a portion of 20-foot alley in Block 127. Resolution of Intention to vacate and abandon and setting August 3 at 4:45 P.M. for public hearing needed)

ACTION: Res. of Intention 325 (1152-S.P.) adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

28. Appropriation transfer.  
(Funds are requested to make emergency major repairs to Fire Department Engine Co. #3 not provided for in regular Maintenance Account #222-21-101. Resolution approving transfer from General Reserve needed. Estimated cost \$6,957.00)

ACTION: Res. 70-692 adopted approving appropriation transfer of \$6,957 from Account 60-101 to Account 5401-21-101. (Finance to handle)

CONSENT

29. Resolution appropriating money for department head salary increases effective July 14, 1970.  
(The Council authorized salary adjustments for various department heads. This transfer appropriates money necessary to pay these new salaries. Resolution approving transfer of \$6,452 from General Fund, General Reserve to Salaries & Wages, Reg. various accounts, needed)

ACTION: Res. 70-693 adopted approving appropriation transfer of \$6,452 from Account 60-101 to Account 110-101 as follows: Depts. 8 (\$655), 15 (\$857), 17 (\$1,361), 21 (\$857), 22 (\$882), 31 (\$832), and 41 (\$1,008). (Finance to handle)

CONSENT

30. Resolution appropriating money for part-time help to clean vacant buildings in the downtown area.  
(Memo with agenda. Resolution approving needed. Estimated cost \$843. Funds to be transferred from Downtown Improvement District Fund, General Reserve, to Accounts 120-218, Salaries & Wages, Part-time, and 235-218, Service, Prof. & Other)

ACTION: Res. 70-694 adopted approving appropriation transfer of \$843 from Account 60-218 to Account 120-218 (\$687) and Account 235-218 (\$156). (Finance to handle)

MISCELLANEOUS

31. Legislative matters.

None.

32. Appointments.

None.

Adjournment at 5:55 P.M.

ATTEST:

*W. T. Chynoweth*

W. T. CHYNOWETH, CITY CLERK

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JULY 27, 1970 AT 7:30 P.M.

Roll Call Present: Dixon, Newton, Robinson, Simon, Smith,  
Mayor Davies

Absent: Mitchell

Pledge of allegiance to the Flag

Invocation by Rev. Randall Denny, First Church of the Nazarene

CONSENT ITEMS - ROLL CALL VOTE REQUIRED, Items 1, 2, 3, 4, 5, 6, 7,  
8, 11a, b, 14, 16, 17, 18,  
Robinson/Newton, unan. - Mitchell, absent 19, 20, 21, 22, 23, 24, 25,  
26, 27, 28, 29, 31, 32

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of July 20, 1970.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT

2. Notice from State Division of Highways that application of City for excess State lands to be used for roadside rest stop does not meet Highway Commission criteria.  
(Motion ordering filed needed)

ACTION: By motion letter ordered filed. (Clerk to handle)

CONSENT

3. Request by Councilman Dixon that hearing on request of Cablecom General of Modesto for rate increase be reset for August 17, 1970 at 4:30 P.M.  
(Resolution resetting hearing needed)

ACTION: Res. 70-695 adopted rescinding Res. 70-667 and resetting hearing. (Clerk to handle)

BIDS

CONSENT

4. Approve plans and specifications and call for bids for construction of sewer crossing of Tuolumne River to replace existing crossing. (The existing lines have deteriorated and two of the three lines are no longer in service. It is proposed to replace the lines before further problems arise. Bid opening, August 11, 1970 at 10:00 A.M. Resolution approving plans, specifications and bid call needed. Estimated cost \$75,000; (\$73,000, contract; \$2,000 Insp.) Appropriation transfer will be requested at time bids are opened.

ACTION: Res. 70-696 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

5. Consider award of bid for construction of taxiway overlay at Modesto City-County Airport.  
(Bids were opened July 21, 1970. The low bid submitted by the Flintkote Company, which is 7% under the Engineer's Estimate, is considered acceptable. Therefore, it is recommended by the Public Works Department that the bid be awarded to them. Resolution awarding bid needed. Estimated cost \$7,500; (\$7,000 contract; \$500 Engr.) Funds budgeted in Account 6529-46-230, Taxiway Overlay)

ACTION: Res. 70-697 adopted awarding contract to the Flintkote Co.  
(P/W to handle)

CONSENT

6. Consider award of bid for installation of water lines in Coffee Terrace No. 2.  
(The bids were opened July 2 and the low bid of George F. Schuler, Inc., which is 2% below the Engineer's Estimate, is considered acceptable. Therefore, it is recommended the bid be awarded to them. Resolution awarding bid needed. Estimated cost \$12,450.30 (Materials \$8,200; Labor, \$4,250.30). Funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 70-698 adopted awarding contract to George F. Schuler, Inc. (P/W to handle)

CONSENT

7. Consider final acceptance of Valley Construction's contract for installation of water lines in Tully Manor No. 5. Original contract \$5,668.50.  
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order for the work to be accepted as complete and the Clerk to file a notice of completion. Resolution accepting work as complete and authorizing the Clerk to file notice of completion needed. Final cost, \$5,724.85. Funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 70-699 adopted accepting contract. (Clerk to handle)

CONSENT

8. Consider acceptance of George F. Schuler's contract for installation of water line in Coffee Terrace No. 1. (Original contract \$5,760.85).  
(All work on this project has been completed to the satisfaction of the Public Works Department, and it would be in order for the Clerk to file notice of completion. A resolution accepting work needed. Final cost \$6,228.24; funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 70-700 adopted accepting contract. (Clerk to handle)

HEARINGS

9. Abandonment of portion of Miller Avenue between LaLoma and Santa Barbara Avenues.

7:45 P.M.

ACTION: Res. No. 1153-S.P. adopted (Simon/Smith, unan. - Mitchell, absent) abandoning portion of Miller Ave. and 5 foot Park Reservation and authorizing a quit claim deed. (Clerk to handle)

10. Matters for the good of the community.

(These may be presented by citizens in the audience)

7:50 P.M.

ACTION: Gerald Oberkamper, a member of the Farm-City Advisory Committee, was introduced.

ORDINANCES

CONSENT

11. Final adoption of following ordinances:  
(Motion adopting needed)

(a) Ordinance No. 1035-C.S. (Amendment to Section 15-3-9 - Bomberger)

ACTION: By motion Ord. No. 1035-C.S. adopted. (Clerk to handle)

(b) Ordinance No. 1036-C.S. (Amendment to Section 6-4-9 - El Casa Verde)

ACTION: By motion Ord. No. 1036-C.S. adopted. (Clerk to handle)

OLD BUSINESS

12. Further consideration of recommendation that City not approve sewer service to any part of property belonging to Ruddy Estate on the west side of McHenry Avenue and north of Leveland Lane until entire property is annexed to City.

ACTION: By motion (Dixon/Newton, unan.) further consideration continued to August 10. (Clerk to handle)

13. Further discussion on establishment of permanent council committee to work with large concerns that may locate in area.

ACTION: Following a discussion of the pros and cons of a committee of this type, it was decided that nothing should be done in this area until the Procter and Gamble matter was settled.

#### NEW BUSINESS

##### CONSENT

14. Consider approval of construction of curb, gutter and sidewalk along the 8th Street frontage of Old Corporation Yard.  
(Memo with agenda. Resolution authorizing the work and issuance of purchase order needed)

ACTION: Res. 70-701 adopted authorizing work. (P/W to handle)

15. Consideration of traffic signals at Sunrise and Orangeburg.  
(Report by Director of Parking and Traffic has been sent with agenda concerning facts about the signal installation at Sunrise and Orangeburg. A decision is needed as to whether to proceed or to delay these signals. Motion directing staff needed. No cost to City at this time.)

ACTION: By motion (Robinson/Simon, unan.) staff directed to proceed as soon as possible with acquisition of easements or right of way and with plans and specifications for this project.  
(C/Atty and P & T to handle)

##### CONSENT

16. Request of City Clerk for vacation - August 26 - September 4, inclusive.  
(Motion granting request needed)

ACTION: By motion request granted.

##### CONSENT

17. Request from Daniel Azevedo of Turlock Housemovers for extension to August 7 for removal of buildings purchased from the City, located at 538 Bodem.  
(Memo with agenda. Motion approving request needed)

ACTION: By motion extension of time approved. (Finance to handle)

CONSENT

18. Request of City Manager for vacation from Monday, August 24, through Friday, August 28, 1970.  
(Motion approving request needed)

ACTION: By motion request granted.

CONSENT

19. Consider request for water and sewer service to property outside the City at 97-103 Robinhood Drive.  
(The property owners have signed an agreement to annex when requested to do so by the City. The property is contiguous to the City and a water line exists for service, but a sewer line must be extended by the property owner, George Baba. Resolution approving agreements needed)

ACTION: Res. 70-702 adopted approving agreements. (P/W to handle)

CONSENT

20. Relinquishment of Tuolumne Blvd. in the area of the Freeway to the City of Modesto, and approval of maintenance agreement.  
(Memo with agenda. Resolution approving maintenance agreement needed.)

ACTION: Res. 70-703 adopted approving agreement. (P/W to handle)

CONSENT

21. Agreement with Ribera and Sue, landscape architects.  
(Agreement with Ribera and Sue for preparation of plans, specifications, and bidding documents, for the next stage development of Davis Park; this stage to include irrigation, turf, ball field, and partial paths and partial play area. Resolution approving agreement needed. Estimated cost \$3,800; funds budgeted in Account 6315-31-321, Davis Park Development)

ACTION: Res. 70-704 adopted approving agreement. (P & R to handle)

REPORTS

CONSENT

22. Quarterly report of Greater Modesto Chamber of Commerce.  
(Motion accepting report needed)

ACTION: By motion report accepted.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

23. Recommend commencement of proceedings for the annexation to the City of inhabited territory - Collier-Trombetta Addition.  
(On July 21, 1970 the Planning Commission adopted Resolution No. 70-107, recommending to the Council the commencement of proceedings for the annexation to the City of Inhabited Territory .

ACTION: Res. 70-705 adopted consenting to commencement of proceedings.  
(Planning to handle)

CONSENT

24. Recommend amendment to Section 18-3-9 of the zoning map (Ward Crump)  
(By Resolution 70-98 adopted July 21, 1970 the Planning Commission recommends an amendment to Section 18-3-9 of the zoning map as requested by Ward Crump to rezone from One-Family Residential Zone, R-1, to Two-Family Residential Zone, R-2, property located on the south side of Rumble Road on the west side of Carver Road)  
(Resolution setting date for public hearing needed. Suggested date August 17, 1970 at 4:15 P.M.

ACTION: Res. 70-706 adopted setting hearing. (Clerk to handle)

CONSENT

25. Recommend amendment to Section 28-3-9 of the zoning map (Ronald C. White)  
By Resolution 70-100 adopted July 21, 1970 the Planning Commission recommends an amendment to Section 28-3-9 of the zoning map as requested by Ronald C. White, to rezone from Single-Family Residential Zone, R-1, to Planned Development Zone, P-D, to allow development of a one-story, 24-unit apartment complex, to be located at the southeast corner of Lucern and El Vecino Avenues. Resolution setting date for public hearing needed.. Suggested date August 17, 1970 at 4:20 PM.

ACTION: Res. 70-707 adopted setting hearing. (Clerk to handle)

CONSENT

26. Recommend amendment to Section 29-3-9 of the zoning map (San Joaquin Bakeries).  
(By Resolution 70-102 adopted July 21, 1970 the Planning Commission recommends an amendment to Section 29-3-9 of the zoning map as requested by San Joaquin Bakeries to rezone from General Commercial Zone, C-2 to Commercial Industrial zone, C-M., property located on the south side of Tenth Street between Needham Avenue and O Street. Resolution setting date for public hearing needed) Suggested date August 17, 1970 at 4:25 P.M.

ACTION: Res. 70-708 adopted setting hearing. (Clerk to handle)

CONSENT

27. Recommend amendment to Sections 4-3-9 and 9-3-9 of the zoning map (Lance E. Ellis)  
(By Resolution No. 70-101, adopted July 21, 1970 the Planning Commission recommends an amendment to Sections 4-3-9 and 9-3-9 of the zoning map as requested by Lance E. Ellis to prezone to Planned Development Zone, P-D, for a 290-space mobilehome park, property located on the west side of Coffee Road, both north and south of Mable Avenue extended. Resolution setting date for public hearing needed. Suggested date August 24, 1970 at 8:00 p.m.

ACTION: Res. 70-709 adopted setting hearing. (Clerk to handle)

CONSENT

28. Uninhabited annexation to the City of Modesto - Vine Addition. (The LAFC Commission has authorized this annexation without notice of public hearing - July 17, 1970. Resolution annexing area to City needed)

ACTION: Res. 70-710 adopted annexing Vine Addition to City of Modesto. (Clerk to handle)

CONSENT

29. Set date for public hearing for annexation to the City of uninhabited territory (Memorial Hospital - North Addition), (Approved by L.A.F.C. on July 17, 1970. Resolution setting date for public hearing needed. Suggested date September 21, 1970 at 4:30 P.M.)

ACTION: Res. 70-711 adopted setting hearing. (Clerk to handle)

30. Recommend amendment to Section 19-3-9 of the zoning map (Louis A. Witt).  
(By motion, on July 21, 1970, the Planning Commission reaffirmed its recommendation that the Witt property be reclassified from Neighborhood Commercial Zone, C-1, to Commercial Industrial Zone, C-M, for reasons contained in the attached memo. Ordinance rezoning the Witt property from C-1 to C-M, or a resolution denying the rezoning application needed)

ACTION: Councilman Smith disqualified himself from consideration of this item because he had not been present at the public hearing previously held.

By Order of the Chair, further consideration of this matter continued to August 10, 1970 to permit the interested parties (Mr. Berry and Mr. and Mrs. Crawford) to meet with the Director of Planning in an effort to work out certain problems. (Planning to handle)

APPROPRIATION TRANSFERS

CONSENT

31. Request for appropriation transfer (Maddux Youth Center Storeroom \$3,500)  
(This project was budgeted for the 1969-70 fiscal year. However, due to some related problems we were not able to accomplish the work during the 1969-70 fiscal year. Therefore, we are asking that the money be re-appropriated during the current fiscal year so we can proceed with the project. Resolution approving needed. \$3,500 requested from General Reserve 60-101, Maddux Youth Center, Storeroom(5201-33-101)

ACTION: Res. 70-712 adopted approving appropriation transfer of \$3,500 from Account 60-101 to Account 5201-33-101. (Finance to handle)

CONSENT

32. Reappropriation of \$1,760 for Coffee House renovation.  
(On May 11, 1970 the Council authorized \$1,760 to be used for a fence and concrete slab at the Firehouse Youth Center. The work was not completed until after the close of the fiscal year, June 30, 1970. It is therefore necessary to reappropriate the \$1,760 previously approved by the Council. Resolution needed)

ACTION: Res. 70-713 adopted reappropriating \$1,760 for renovation of the Firehouse Youth Center from Account 60-101 to Account 7901-61-101. (Finance to handle)

MISCELLANEOUS

33. Legislative matters.

ACTION: By motion (Smith/Simon, unan.) AB1940 supported.  
Action on SB999 held for one week so more information may be furnished Council.  
By motion (Simon/Smith, unan.) AB 1904 supported.  
(C/Mgr to handle)

34. Appointments.

None.

Adjournment at 10:30 P.M.

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, CITY CLERK

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, AUGUST 3, 1970 AT 4:00 P.M.

Roll Call Present: Dixon, Newton, Simon, Smith, Mayor Davies  
Absent: Mitchell, Robinson

Pledge of allegiance to the Flag

Invocation: Monsignor William P. Kennedy - Our Lady of Fatima  
Catholic Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 5, 13, 14, <sup>X5X</sup>16, 17,  
18, 19, 20a, b, c, d, e, f, g, h,  
i, 21, 22, 24, 25, 26, 27, 28, 29,  
30  
Item 15 removed from consent.  
Simon/Smith, unan. - Mitchell and  
Robinson, absent

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of July 27, 1970.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

2. Request for use of house at 101 Hackberry at minimal rent for Head Rest Program.

ACTION: By motion (Newton/Smith, unan.) staff directed to prepare agreement when proper permits have been obtained. (C/Mgr to handle)

BIDS

CONSENT

3. Accept as complete Ferrero Electric Company's contract for street light improvements, Units 1 & 2.

(All work on this contract has been completed to the satisfaction of the Public Works Department. Resolution accepting work as complete and authorizing the City Clerk to file notice of completion needed. Contract cost, \$28,629.00; final cost, \$33,488.20. Funds budgeted in Accounts 6622-41-321, Street Lights, Unlighted Area, Stage I Downtown; 6623-41-321, Post Top Revision 69-70 Budget, p. 73)

ACTION: Res. 70-714 adopted accepting contract. (Clerk to handle)

CONSENT

4. Accept as complete Brown Sheet Metal & Mechanical, Inc. contract for the Airport Terminal Expansion.  
(This contract was previously accepted as partially complete by the City Council at its meeting of May 11, 1970. All of the work on this contract has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and authorize the City Clerk to file notice of completion on the work as a whole. Resolution accepting work as complete needed. Estimated cost \$41,789.00; actual cost, \$43,208.75. Funds budgeted in Account 6522-46-230, Airline Terminal Expansion)

ACTION: Res. 70-715 adopted accepting contract. (Clerk to handle)

CONSENT

5. Call for bids for construction of traffic signals and street lighting at Orangeburg and Sunrise.  
(Scheduled completion date is February 1, 1971. Resolution calling for bids on September 15, 1970 at 2:00 P.M. needed. Estimated cost \$10,000. Funds budgeted in Account 6163, Traffic Signal Construction, Orangeburg and Sunrise)

ACTION: Res. 70-716 adopted approving plans and specifications and bid call. (Clerk to handle)

HEARINGS

6. Hearing of protests to annexation of East Orangeburg-Coffee Addition to City. 4:15 P.M.

ACTION: Res. 70-717 adopted (Smith/Newton, unan. - Mitchell & Robinson, absent) declaring no majority protest made.  
Res. 70-718 adopted (Smith/Newton, unan. - Mitchell & Robinson, absent) calling Special Election for October 6, 1970. (Clerk to handle)

7. Hearing of protests to annexation of Standiford Addition to City. 4:20 P.M.

ACTION: Res. 70-719 adopted (Smith/Dixon, unan. - Mitchell & Robinson, absent) adopted declaring no majority protest made.  
Res. 70-720 adopted (Smith/Dixon, unan. - Mitchell & Robinson, absent) calling Special Election for October 13, 1970. (Clerk to handle)

8. Hearing on amendments to Chapter 2 of Title X - parking requirements) 4:25 P.M.

ACTION: By motion (Smith/Newton, unan. - Mitchell & Robinson, absent) Ord. 1038-C.S. introduced. (Clerk to handle)

9. Further hearing on appeal by United Pentecostal Church from denial by Planning Commission of rezoning request. 4:30 P.M.

ACTION: Councilman Smith disqualified himself from consideration of this item as he had not been present at the previous hearing and had not had time to listen to the recording of the hearing.

By motion (Dixon/Newton, unan.) hearing continued to August 24, 1970 at 7:35 P.M.

10. Hearings on cost of construction of sidewalk and/or curb and gutter.

4:35 P.M.

(a) Curb and gutter at 213 Rosemont Avenue (Mr. Robert L. Atkins, Jr. - \$150.00)

ACTION: Res. 70-721 adopted (Simon/Smith, unan. - Mitchell & Robinson, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

(b) Curb and gutter on Second Street at 202 H Street (Church of God - \$272.25)

ACTION: Res. 70-722 adopted (Simon/Smith, unan. - Mitchell & Robinson, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

(c) Curb and gutter on Cedar Avenue at 245 High Street (Mr. Warren T. Hanford - \$468.57)

ACTION: Res. 70-723 adopted (Simon/Smith, unan. - Mitchell & Robinson, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

(d) Curb, gutter and sidewalk on Fairmont Avenue at 935 Magnolia Ave. (Mrs. Florence C. McDermott Estate - \$633.97)

Dropped -- costs paid.

(e) Sidewalk at 1001 McHenry Avenue (Mrs. Rose Mehegan - \$560.00)

Dropped -- costs paid.

and sidewalk  
(f) Curb and gutter/on Center Street at 143 Rosedale Avenue (Mr. James E. Nelson - \$517.17)

ACTION: Hearing closed and action delayed for one week. (Clerk to handle)

(g) Sidewalk on Mensinger Ave. at 1031 Douglas St. (Mrs. Carmela Pantaleo - \$324.00)

ACTION: Res. 70-724 adopted (Simon/Smith, unan. - Mitchell & Robinson, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

11. Hearing on abandonment of portion of alley in Block 127 (Seventh Day Adventist Church)

4:45 P.M.

ACTION: Res. 1154-S.P. adopted (Dixon/Simon, unan. - Mitchell & Robinson, absent) approving agreement in connection with abandonment with understanding that when the church has completed its plans for the east-west portion of the alley the abandonment will be finalized. (Clerk to handle)

12. Matters for the good of the community. 4:50 P.M.  
(These may be presented by interested persons in the audience)

ACTION: The Council was invited to attend a Mobile Home Park Tour on August 11, 1970.

The Director of Parks and Recreation was commended for the parks programs.

Councilman Newton clarified the duties proposed for the position of Administrative Assistant which was recently established.

The Council was invited to attend the County Fair on August 7, 1970.

The Council was informed that staff had declined to permit a Rock Concert in Del Webb Field on September 12, and that representatives are expected to be present on August 10 to discuss the refusal. The C/Atty was directed to check into the possibility of an ordinance prohibiting Rock Concerts and the type of restrictions that might be placed on this type of activity. (C/Atty to handle)

NEW BUSINESS

CONSENT

13. Consider request for sewer service to property outside the City at 1400 Coffee Road.

(Property owner - Shell Oil Co. The property owners have signed an agreement to annex when requested to do so by the City. The property is not contiguous to the City but a sewer line exists to serve it. Resolution approving agreement needed)

ACTION: Res. 70-725 adopted approving agreement. (P/W to handle)

CONSENT

14. A resolution determining that the public interest and convenience require that Norwegian No. 3 Addition be annexed to the Modesto Municipal Sewer District No. 1 and naming time and place for hearing. (This area has been annexed to the City and it is now necessary to commence proceedings to annex it to the Sewer District. Suggested hearing date September 14, 1970 at 7:45 P.M. Resolution setting hearing (2/3 affirmative vote needed)

ACTION: Res. 70-726 adopted setting hearing. (Clerk to handle)

~~XCONSENT~~

15. Consider approval of construction of security fence at City-County Airport.  
(Memo with agenda. Resolution authorizing issuance of purchase order needed. Resolution approving appropriation transfer needed. Funds in amount of \$1,705 budgeted in Account 5301-46-230, Chain Link Fence Around Control Tower)

ACTION: By motion (Dixon/Simon, unan.) discussion continued to August 10, 1970 to enable staff to explore alternate possibilities and to make a further explanation to Council. (P/W to handle)

CONSENT

16. Request for Anthony Smykal, Jr. for extension to September 13, 1970 for removal of buildings purchased from the City located at 716 Lucern,  
(Letter from Mr. Smykal with agenda. Motion approving request needed)

ACTION: By motion request approved. (Finance to handle)

CONSENT

17. Consider approval of one-year lease agreement between the City and Mrs. Vivian Schafer for house located at 626 Brighton Avenue.  
(Memo with agenda. Resolution needed)

ACTION: Res. 70-727 adopted approving lease agreement. (Finance to handle)

CONSENT

18. Request by Hawke Flying Service to sublease office space to Percell Aircraft Leasing Company from Las Vegas, Nevada.  
(Memo with agenda. Resolution approving sublease of office space needed)

ACTION: Res. 70-728 adopted approving sublease. (Clerk to handle)

CONSENT

19. Request by Percell Aircraft Leasing Company to operate an aircraft purchase, resale and leasing business as a fixed base operator at Modesto City-County Airport.  
(Memo with agenda. Resolution approving application needed)

ACTION: Res. 70-729 adopted approving application. (P/W to handle)

CONSENT

20. Resolutions instructing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters at the locations listed below.  
(Informal requests were sent over 30 days ago to the property owners to install sidewalks and/or curbs and gutters. The work has not been done; therefore it is recommended that resolutions be adopted authorizing the Superintendent of Streets to give notice requiring construction. Resolutions setting hearings needed. Suggested date August 17, 1970 at 4:35 P.M.)

CONSENT

- (a) Sidewalk on Catalina Way at 501 Catalina Way, Lot 15 of Block 6128 (Mr. Henry Barnett)  
(Resolution setting hearing needed)

ACTION: Res. 70-730 adopted setting hearing. (P/W to handle)

CONSENT

20. (b) Sidewalk on Ulrich Avenue at 1125 Ulrich Avenue, Lot 8 of Block 6031. (Mr. Robert W. Pearson)  
(Resolution setting hearing needed)

ACTION: Res. 70-731 adopted setting hearing. (P/W to handle)

CONSENT

(c) Sidewalk on Ulrich Avenue at 1101 Ulrich Avenue, Lot 14 of Block 6031 (Mr. Henry M. Weeks)  
(Resolution setting hearing needed)

ACTION: Res. 70-732 adopted setting hearing. (P/W to handle)

CONSENT

(d) Curb and gutter on Melrose Avenue at 519 E. Morris Avenue, East 100' of Lots 23 and 24 of Block 584 (Mr. James Anthony Rocha)  
(Resolution setting hearing needed)

ACTION: Res. 70-733 adopted setting hearing. (P/W to handle)

CONSENT

(e) Curb and gutter on Melrose Avenue at 531 Melrose Avenue, Lots 9 and 10 of Block 584 (Mr. Samuel C. Bailey)  
(Resolution setting hearing needed)

ACTION: Res. 70-734 adopted setting hearing. (P/W to handle)

CONSENT

(f) Curb and gutter on Bodem Street at 508 Bodem Street, Lots 20 and 21 of Block 593 (Mrs. Lawrence Dahl)  
(Resolution setting hearing needed)

ACTION: Res. 70-735 adopted setting hearing. (P/W to handle)

CONSENT

(g) Curb and gutter on Bodem Street at 500 Bodem Street, west 73.34' of Lots 22, 23 and 24 of Block 593 (Mr. Kenneth G. Cloward)  
(Resolution setting hearing needed)

ACTION: Res. 70-736 adopted setting hearing. (P/W to handle)

CONSENT

(h) Curb and gutter on Bodem Street at 621 E. Morris Avenue, East 90' of Lots 23 and 24 of Block 592 (Mr. Vernon H. Reed)  
(Resolution setting hearing needed)

ACTION: Res. 70-737 adopted setting hearing. (P/W to handle)

CONSENT

(i) Curb and gutter on Myrtle Street at 535 Myrtle Street, south 1/2 of Lot 5, Lots 6 and 7 and north 1/2 of Lot 8 of Block 466.  
(Mr. Walter J. Masciorini)  
(Resolution setting hearing needed)

ACTION: Res. 70-738 adopted setting hearing. (P/W to handle)

CONSENT

21. Consider declaring two pumps and two electric motors surplus and authorize sales to Walter G. Noack and Sons of Stockton for \$600.00.  
(Memo with agenda. Resolution approving needed)

ACTION: Res. 70-739 adopted declaring pumps and motors surplus and authorizing sale to Walter G. Noack & Sons. (Finance to handle)

CONSENT

22. Authorize temporary loan from the General Fund to the Special Improvement District No. 12 Fund.  
(Memo with agenda. Resolution approving needed)

ACTION: Res. 70-740 adopted approving temporary loan of \$300 from General Reserve of General Fund to Special Improvement District No. 12 Fund. (Finance to handle)

23. Agreement with Ribera & Sue, Landscape Architects, for Frank and Ione Mancini Memorial Park.  
(Agreement with Ribera & Sue for the preparation of plans, specifications and bidding documents for the development of the Frank and Ione Mancini Memorial Park to include grading, parking, turf, ballfield, paths, play area, picnic area and restrooms.  
Resolution approving agreement needed. Estimated cost \$3,000.  
Funds budgeted in Account 6331-31-321, Mancini Park Development)  
adopted

ACTION: Res. 70-741/(Dixon/Smith, unan. - Mitchell & Robinson, absent) approving agreement. (P & R to handle)

CONSENT

24. Proposed program - Kewin Park.  
(Staff is proposing a supervised play program at Kewin Park for the remainder of the fiscal year. Report with agenda. Resolution authorizing program needed. Estimated cost \$1,000; funds budgeted in Account 120-32-101, P & R, Recreation Salaries & Wages, Part-time)

ACTION: Res. 70-742 adopted authorizing program. (P & R to handle)

CONSENT

25. Request by City Attorney for vacation for the following dates: August 12, 13, 14, 19, 20, 21, 26, 27, 28 and September 2, 3, and 4, 1970.  
(Motion authorizing needed)

ACTION: By motion request granted.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

26. Recommend amendment to Section 15-3-9 of the zoning map (Memorial Hospital Association of Stanislaus County)  
(By Resolution No. 70-88 adopted July 7, 1970 the Planning Commission recommends an amendment to Section 15-3-9 of the zoning map as requested by the Memorial Hospital Association of Stanislaus County to prezone to Planned Development Zone, P-D, for a 5-story hospital complex including a 5-story convalescent hospital and a 5-story mental health center, and to Professional Office Zone, P-O, property on the east side of Coffee Road, north of Briggsmore Avenue. Resolution setting date for public hearing needed. Suggested hearing date August 24, 1970 at 8:05 P.M.)

ACTION: Res. 70-743 adopted setting hearing. (Clerk to handle)

CONSENT

27. Request for Planning Commission or City Council initiation to rezone from R-2 to R-1, property located on the east side of Alma Avenue (petition from Mrs. Robert F. Burns).  
(This matter was referred to the Planning Commission by the City Council on July 20, 1970, Memo with agenda. For information only)

No action.

CONSENT

28. Reanalysis of off-street parking standards - Municipal Code.  
(Memo from Board of Zoning Adjustment with agenda. Motion referring to Planning Commission for report and recommendation needed)

ACTION: By motion referred to P/C for report and recommendation.  
(Planning to handle)

CONSENT

29. Uninhabited annexation - Riverside No. 3 Addition.  
(Memo with agenda. Resolution annexing area to City of Modesto and rescinding Resolution No. 70-638)

ACTION: Res. 70-744 adopted annexing Riverside No. 3 Addition to City and rescinding Res. No. 70-638. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

30. Consider interconnecting traffic signals along College and Tully from Roseburg north with the signal system in the downtown area. (Memo with agenda. Cost, approximately \$600. Resolution approving appropriation transfer of \$600.00 needed)

ACTION: Res. 70-745 adopted approving appropriation transfer of \$600 from Account 120-56-101 to Account 7901-56-101. (Finance to handle)

MISCELLANEOUS

31. Legislative matters.

None.

32. Appointments.

None.

Adjournment at 5:20 P.M.

ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, CITY CLERK

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, AUGUST 10, 1970 AT 7:30 P.M.

Roll Call Present: Dixon, Newton, Simon, Smith, Mayor Davies

Absent: Mitchell, Robinson

Pledge of allegiance to the Flag

Invocation: Reverend M. L. Boyer, Prescott Bible Church

CONSENT ITEMS - Roll Call Vote Required: Items 1, 2, 3, 4, 5, 6, 7, 8,  
12, 13, 14, 20a, b, c, d, e, f,  
g, h, i, j, k, l, m, 21, 23, 24,  
25, 26, 27, 28, 29, 30, 31

Item 28 removed from consent.

Smith/Dixon, unan. - Mitchell and  
Robinson, absent

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of August 3, 1970.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT

2. Appeal of Bedford Associates, Inc. from denial by Planning Commission of request for rezoning of area surrounding the southeast corner of Roseburg & Tully.  
(Resolution setting September 14, 1970 at 7:50 P.M. for hearing needed)

ACTION: Res. 70-746 adopted setting hearing. (Clerk to handle)

CONSENT

3. Resignation of Dedrick Dennison from Library & Culture Commission.  
(Resolution accepting with regret needed)

ACTION: Res. 70-747 adopted accepting resignation with regret.  
(Clerk to handle)

CONSENT

4. Petition protesting use of house at 101 Hackberry for Head Rest Program.  
(Motion referring to Planning Commission needed)

ACTION: By motion petition referred to P/C. (See item #11 for further action) (Planning to handle)

BIDS

CONSENT

5. Consider approval of specifications and authorize call for bids to be opened August 25, 1970 at 2:00 P.M. for furnishing two (2) three-wheeled vehicles for golf course use.  
(Resolution approving needed. Estimated cost \$3,675.00; funds budgeted in Account 5432-48-512, Service Division Working Capital Fund, p. 79)

ACTION: Res. 70-748 adopted approving specifications and bid call.  
(Clerk to handle)

CONSENT

6. Consider award of bid for asphalt concrete resurfacing various city streets, Unit No. 1 Select Streets; Unit No. 2 Residential Streets 1970-71.  
(Bids were opened on August 4, 1970. The low bid submitted by George Reed, Inc., which is 11.0% below the engineer's estimate, is considered acceptable. Therefore, it is recommended by the Public Works Department that the bid be awarded to them. Resolution awarding bid needed. Estimated cost \$59,839 (contract \$56,697 - Engr. \$3,142). Funds budgeted in Account 6060-207, Misc. Resurfacing; 6657-41-321, Various Residential Street Overlays)

ACTION: Res. 70-749 adopted awarding contract to George Reed, Inc.  
(P/W to handle)

CONSENT

7. Approve plans and specifications and call for bids for applying slurry seal to 5,000 foot runway at Airport.  
(The slurry seal is needed to prevent further oxidation of the asphalt surface. Resolution approving plans, specifications and call for bids needed. Estimated cost \$12,000 (\$11,700 Const.; \$300 Eng. & Insp.)  
Funds budgeted in Account 6533-46-230, Slurry Seal Airport Runway)

ACTION: Res. 70-750 adopted approving plans and specifications and call for bids to be received August 25 at 10:00 A.M. (Clerk to handle)

CONSENT

8. Accept as complete Elrich Construction Co. contract for the construction of parking lot, path paving, and drainage at Moose Park.  
(All work on this contract has been completed to the satisfaction of the Parks and Recreation Department and the Public Works Department. Resolution accepting work as complete and authorizing City Clerk to file notice of completion needed. Estimated cost \$29,885; Actual Cost, \$30,096.00. Funds budgeted in Account 6321-31-321, Moose Park Development, Stage II)

ACTION: Res. 70-751 adopted accepting contract. (Clerk to handle)

HEARINGS

9. Hearing on amendment to Section 10-3-9 of the zoning map.  
(Tornell)

7:45 P.M.

ACTION: Ord. No. 1039-C.S. introduced (Simon/Dixon, unan. - Mitchell and Robinson, absent) rezoning Sec. 10-3-9 of zoning map to P-D. (Clerk to handle)

Res. 70-752 adopted (Simon/Dixon, unan. - Mitchell and Robinson, absent) approving Development Plan. (Planning to handle)

10. Hearing on amendment to Section 19-3-9 of the zoning map.  
(O.F.C. Properties)

7:50 P.M.

ACTION: Ord. No. 1040-C.S. introduced (Smith/Newton, unan. - Mitchell and Robinson, absent) rezoning Sec. 19-3-9 of zoning map from R-1 and R-2 to P-D. (Clerk to handle)

Res. 70-753 adopted (Smith/Newton, unan. - Mitchell and Robinson, absent) approving Development Plan. (Planning to handle)

11. Matters for the good of the community.

7:55 P.M.

(These may be presented by interested citizens in the audience)

ACTION: Mrs. Marion Felt, as spokesman for residents in the vicinity of Hackberry and Needham, protested the possible use of the house at 101 Hackberry for the Head Rest Program.

By motion (Simon/Dixon, unan.) use of house at 101 Hackberry Ave. for Head Rest Program disapproved.

It was announced that representatives of the Head Rest Program would be invited to a meeting of the Council Committee to Study Crime which is tentatively scheduled for 7:30 P.M. on August 13.

Henry Kamps of the Farm-City Advisory Committee was introduced.

ORDINANCES

CONSENT

12. Final adoption of Ordinance No. 1038-C.S. (parking requirements)  
(Motion adopting needed)

ACTION: By motion Ord. No. 1038-C.S. adopted. (Clerk to handle)

CONSENT

13. Removal of 46 meters making less than \$20 per year.

(1) East side of 13th between K & L;

(2) Both sides of H between 6th and 8th.

(The removals are suggested in conformance with council policy of removing meters that are collecting less than \$20 per meter per year average in a given block. Ordinance amending Section 3-2.1501 to revise parking meter zoning map needed)

ACTION: Ord. 1041-C.S. introduced amending parking meter zoning map.  
(Clerk to handle)

OLD BUSINESS

CONSENT

14. Further consideration of cost of construction of curb, gutter and sidewalk on Center Street at 143 Rosedale Ave. (James E. Nelson - \$517.17)  
(Costs have been paid so no further action is needed)

No action needed.

15. Further consideration of request of Louis Witt for rezoning of property on north side of Coldwell and west of Tully.

ACTION: Res. 70-754 adopted (Dixon/Simon, unan. - Mitchell and Robinson, absent - Smith, disqualified) denying request for rezoning, but waiving one year limit for new application. (Planning to handle)

16. Appeal of Deborah Simpson from action of city staff in denying request/of Del Webb Field on September 12, 1970.  
for use

ACTION: Res. 70-755 adopted (Smith/Simon, unan. - Mitchell and Robinson, absent) denying appeal.

NEW BUSINESS

18. Consider request from Personnel Commission for change in regulations. (Memo with agenda. Motion directing staff to include recommended changes on the November 1970 ballot with other charter changes needed)

ACTION: By motion (Simon/Newton, unan.) staff directed to include changes with other charter changes on November 3, 1970 ballot. (C/Atty to handle)

19. Consider investigating the possible closure of Magnolia Avenue between Needham and K Streets. (Memo with agenda. Director of Parking and Traffic suggests that the staff be directed to discuss the proposal with affected parties. Motion directing staff needed)

ACTION: By motion (Smith/Simon, unan.) staff authorized to discuss proposal with affected parties. (P & T to handle)

CONSENT

20. Resolutions instruction the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters at the locations listed below.  
(Informal requests were sent over 30 days ago to the property owners. The work has not been done; therefore it is recommended that resolutions be adopted authorizing the Superintendent of Streets to give notice. Resolutions setting hearings needed. Suggested date August 24, 1970 at 7:40 P.M.)

CONSENT

(a) Curb and gutter on Lucern Avenue and on Ramona Avenue at 601 Ramona Avenue, Lot 4 of Block 608 (Mr. Raymond J. Lucchesi)  
(Resolution setting hearing needed)

ACTION: Res. 70-756 adopted setting hearing. (P/W to handle)

CONSENT

(b) Curb and gutter on Lucerne Avenue at 1011 Lucern Ave., Lot 11 of Block 67 (Mr. Keary E. Stafford)  
(Resolution setting hearing needed)

ACTION: Res. 70-757 adopted setting hearing. (P/W to handle)

CONSENT

(c) Sidewalk on Maplewood Drive at 1530 Maplewood Drive, Lot 4 of Block 6023 (Mrs. Ruth E. Dolson)  
(Resolution setting hearing needed)

ACTION: Res. 70-758 adopted setting hearing. (P/W to handle)

CONSENT

(d) Sidewalk at 1526 Maplewood Drive, Lot 5 of Block 6023 (Mr. John P. Gilligan)  
(Resolution setting hearing needed)

ACTION: Res. 70-759 adopted setting hearing. (P/W to handle)

CONSENT

(e) Sidewalk at 1538 Maplewood Drive, Lot 2 of Block 6023 (Mr. John D. Loflin)  
(Resolution setting hearing needed)

ACTION: Res. 70-760 adopted setting hearing. (P/W to handle)

CONSENT

(f) Sidewalk on Maplewood Drive at 1534 Maplewood Drive, Lot 3 of Block 6023 (Mr. Orlando L. Mungo)  
(Resolution setting hearing needed)

ACTION: Res. 70-761 adopted setting hearing. (P/W to handle)

CONSENT

20. (g) Sidewalk at 1542 Maplewood Drive, Lot 1 of Block 6023.  
(Mr. George E. Wallace)  
(Resolution setting hearing needed)

ACTION: Res. 70-762 adopted setting hearing. (P/W to handle)

CONSENT

(h) Sidewalk on Crescent Drive at 1402 Oakwood Drive, Lot 1 of Block 6035. (Mr. Howard C. Coffee)  
(Resolution setting hearing needed)

ACTION: Res. 70-763 adopted setting hearing. (P/W to handle)

CONSENT

(i) Sidewalk on Ashwood Drive at 1406 Ashwood Drive, Lot 2 of Block 6034 (Mrs. Eleanor M. Christensen)  
(Resolution setting hearing needed)

ACTION: Res. 70-764 adopted setting hearing. (P/W to handle)

CONSENT

(j) Sidewalk at 1402 Ashwood Drive, Lot 1 of Block 6034.  
(Mr. Richard G. Pelly)  
(Resolution setting hearing needed)

ACTION: Res. 70-765 adopted setting hearing. (P/W to handle)

CONSENT

(k) Sidewalk on Westland Drive at 1302 Westland Drive, Lot 1 of Block 6021 (Mr. Raymond Anthony Sai)  
(Resolution setting hearing needed)

ACTION: Res. 70-766 adopted setting hearing. (P/W to handle)

CONSENT

(l) Sidewalk on Del Vale Avenue at 1537 W. Roseburg Avenue, Portion of Block 6018 (Mr. Ottavio Trombetta)  
(Resolution setting hearing needed)

ACTION: Res. 70-767 adopted setting hearing. (P/W to handle)

CONSENT

(m) Sidewalk on F Street at 601 7th St., Lots 15 and 16 of Block 31.  
(Mr. Ross O. Tanner)  
(Resolution setting hearing needed)

ACTION: Res. 70-768 adopted setting hearing. (P/W to handle)

CONSENT

21. Consider approval of agreement with developers of Porter Estates No. 2 for sewer service.  
(The development is located outside the City and south of the river at the intersection of Pecos Ave. and Herndon Road. The developers have signed an agreement which requires that the property owners annex when requested to do so by the City. Resolution approving agreement needed)

ACTION: Res. 70-769 adopted approving agreement. (P/W to handle)

22. City tax rate for 1970-71.  
(Memo with agenda. Motion directing staff needed)

ACTION: By Order of the Chair staff directed to look into the possibility of a utility tax with upper and lower limits (not necessarily a 5% tax) and also the possibility of an increase in water charges. (C/Mgr to handle)

CONSENT

23. Consider approval of amended letter agreement between Modesto Airport Traffic Control Tower, Empire Fire District Station, and City of Modesto.  
(Letter agreement has been amended to include activation of Modesto City-County Airport Emergency Plan, and cancels letter agreement dated December 29, 1969. Resolution approving amended letter agreement needed)

ACTION: Res. 70-770 adopted approving amended letter agreement.  
(Clerk to handle)

CONSENT

24. Presentation of annual inventory of the City of Modesto fixed assets.  
(The City Charter, Section 801(n) requires that the City Manager shall annually ". . . inventory and place a value on all real estate, buildings, furniture and fixtures, supplies and movable property . . . belonging to the City. . ." and file one copy of the inventory with the City Council and one with the City Auditor. Motion accepting inventory needed)

ACTION: By motion inventory accepted.

CONSENT

25. Installation of mid-block crosswalk across 12th Street between B and D Streets.  
(Stanislaus Food Products has requested the installation as part of an overall plant safety program. Resolution approving request needed. Estimated cost \$10.00; funds budgeted in Account 110-56-101, Salaries and Wages; 321-56-101, Construction Material)

ACTION: Res. 70-771 adopted approving installation. (P & T to handle)

CONSENT

26. Consider right of way agreement and acceptance of grant deed from Willie O. Preston and Troy Lee Preston for Brighton Avenue widening project. (LA 61-18)  
(The usual terms and conditions apply in this acquisition as apply in other acquisition projects. Memo with agenda. Resolution approving agreement and authorizing acceptance of grant deed needed. Estimated cost \$36,500; funds budgeted in Account 6647, Misc. Right of Way & Improvements - Special Gas Tax Street Improvement Fund (207) p. 66 of 1970-71 budget)

ACTION: Res. 70-772 adopted approving agreement and authorizing acceptance of deed. (Clerk to handle)

CONSENT

27. Consider request for sewer service to property outside the City but inside the Modesto Municipal Sewer District.  
(Memo with agenda. Motion authorizing preparation of plans and specifications needed. Estimated cost \$14,000 construction, \$1,000 Engr. & Insp. Funds budgeted in Account 6561-212, Extend Subtrunk & Perimeter Sewers)

ACTION: By motion staff authorized to prepare plans and specifications for installation of sewer line to property at northeast corner of Kansas Avenue and 99 Freeway. (P/W to handle)

REPORTS

CONSENT

28. Submission of annual summary reports of activities of all city departments for fiscal year 1969-70.  
(It is recommended by the City Manager that these reports be accepted as the Manager's annual report on administrative activities of the City, as required by the City Charter.. Motion accepting report needed)

ACTION: By motion (Simon/Newton, unan.) report accepted. Staff congratulated by Mayor Davies.

CONSENT

29. Report of sales of scrap metals during June and July, 1970 producing revenue totaling \$10,447.19.  
(Memo with agenda) No action needed)

No action.

CONSENT

30. Presentation of Financial Statement for July 1970.  
(Copies of report will be presented at meeting. Motion accepting report)

ACTION: By motion report accepted.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

31. Uninhabited annexation to the City of Modesto - Floyd Addition.  
(The LAFC Commission has authorized this annexation without notice  
of public hearing - June 19, 1970. Resolution annexing area to  
City needed)

ACTION: Res. 70-773 adopted annexing Floyd Addition to City. (Clerk  
to handle)

MISCELLANEOUS

32. Legislative matters.

None

33. Appointments.

None

Adjournment at 10:30 P.M.

ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, CITY CLERK

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, AUGUST 17, 1970 AT 4:00 P.M.

ROLL CALL Present: Dixon, Newton, Simon, Smith, Mayor Davies

Absent: Mitchell, Robinson

Pledge of allegiance to the Flag

Invocation: Reverend Cecil Wilkens, First Methodist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 5, 6, 7, 8, 15, 16, 17, 18, 19a, b, c, d, e, 21, 22, 24, 25, 26, 28

Smith/Newton, unan. - Mitchell and Robinson, absent

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of August 10, 1970.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

2. Request of KOSO that city accept waivers from participants in proposed Donkey Baseball Game in lieu of insurance coverage.

ACTION: By motion (Simon/Dixon, unan.) action tabled until Attorney George Kell has looked into the possibility of a waiver that completely protects the city. To be placed back on the agenda when waiver and liability insurance for spectators has been approved by City Attorney. BIDS (C/Atty to handle)

CONSENT

3. Consider approval of plans and specifications for construction of Scenic Drive-Kingsbury subtrunk sewer.  
(Suggested bid opening September 1, 1970 at 10:00 AM. On March 16, 1970 by resolution No. 70-244 the council approved an agreement with Price Enterprises for sewer service to Kingsbury Park Estates No. 3 which required construction of the Scenic Drive suntrunk by the City. Resolution approving plans, specifications and call for bids needed. Estimated cost \$30,000 (Contract, \$28,312; Engr. \$1,688) Funds budgeted in Account 6561-212, Extend subtrunk and perimeter sewers)

ACTION: Res. 70-774 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

4. Consider approval of plans and specifications for construction of Keller-Sylvan trunk and subtrunk sewer.  
(Suggested bid opening September 1, 1970 at 10:10 A.M. The sewer is required to serve Kingswood Estates Subdivision and the proposed Beyer High School. Funds are budgeted in two accounts. The Keller portion of the line is financed as a trunk line and the Sylvan portion is financed as a subtrunk. Resolution approving plans, specifications and bid call needed. Estimated cost \$58,000 (Contract \$54,595; Engineer \$3,405). Funds budgeted in Account 6561-212, Extend Subtrunk Sewers and 6564-212, Keller Street Trunk)

ACTION: Res. 70-775 adopted approving plans and specifications and bid call. (Clerk to handle)

**CONSENT**

5. Consider award of bid for construction of Tuolumne River Sewer Crossing.  
(Bids were opened on August 11. The low bid submitted by W. M. Lyles Co., which is 22% under the Engineer's Estimate is considered acceptable. Therefore, it is recommended by the Public Works Department that the bid be awarded to them. Resolution awarding bid and resolution approving appropriation transfer needed. Estimated cost \$63,000 (Contract \$56,738; Contin. & Insp. \$6,262). Funds budgeted in Account 7902-212, Tuolumne River Sewer Crossing)

ACTION: Res. 70-776 adopted awarding contract to W. M. Lyles Co. (P/W to handle)

Res. 70-777 adopted approving appropriation transfer of \$63,000 from Account 60-212 to Account 7902-212. (Finance to handle)

**CONSENT**

6. Consider approval of plans and specifications for installation of water lines and water services in Morningside Estates Subdivision. Suggested bid opening September 15, 1970 at 10:00 A.M. (Water Line: Construction cost, \$16,708; connection charges, \$7,215; new revenue, \$1,927) Resolution approving plans, specifications and bid call needed. Estimated cost \$21,373. Funds budgeted in Accounts 6804-50-101, \$16,708, Water Line Extension; and 5301-50-101, New Services, \$4,665)

ACTION: Res. 70-778 adopted approving plans and specifications and bid call. (Clerk to handle)

**CONSENT**

7. Consider approval of plans, specifications and bid call for installation of water lines in Kingswood Estates No. 1 and to Beyer High School.  
(Suggested bid opening September 1, 1970 at 10:20 A.M. Kingswood Estates, Construction cost \$13,334; connection charges, \$7,700; new revenue, \$1,232; Beyer High School: Construction cost \$48,108; connection charges, \$10,757. Estimated cost \$61,432 (Materials \$39,000; labor, \$20,342; Engr. \$2,090). Funds budgeted in Account 6804-50-101, Water Line Extension, p. 52)

ACTION: Res. 70-779 adopted approving plans and specifications and bid call. (Clerk to handle)

**CONSENT**

8. Consider acceptance of construction of Sewerage Works Improvement Project Unit No. 3, Wastewater Oxidation Ponding System, C. Norman Peterson, Co., contractor.  
(All work has been completed to the satisfaction of City, EDA, and Jenks and Adamson. Resolution accepting work as complete and authorizing City Clerk to file notice of completion needed. Actual cost \$2,174,973.41. Original contract \$2,166,999.50. Funds budgeted in Account 6553-405, Muni. Sewer Dist. Imp.)

ACTION: Res. 70-780 adopted accepting contract. (Clerk to handle)

HEARINGS

9. Hearing, amendment to Section 18-3-9 (Crump)

4:15 P.M

ACTION: Ord. No. 1042-C.S. introduced (Dixon/Smith, unan. - Mitchell and Robinson, absent) rezoning portion of Sec. 18-3-9 of zoning map from R-1 to R-2. (Clerk to handle)

10. Hearing, amendment to Section 28-3-9 (White)

4:20 P.M.

ACTION: A motion by Councilman Dixon to deny rezoning died for want of a second.

Ord. No. 1043-C.S. introduced (Simon/Smith, maj. - Dixon, no - Mitchell and Robinson, absent) rezoning portion of Sec. 28-3-9 of zoning map from R-1 to P-D. (Clerk to handle)

Res. 70-781 adopted (Simon/Smith, maj. - Dixon, no - Mitchell and Robinson, absent) approving development plan. (Planning to handle)

11. Hearing, amendment to Section 29-2-9 (San Joaquin Bakeries) 4:25 P.M.

ACTION: Ord. 1044-C.S. introduced (Dixon/Simon, unan. - Mitchell and Robinson, absent) rezoning portion of Sec. 29-2-9 from C-2 to C-M. (Clerk to handle)

12. Hearing on request of Cablecom General of Modesto for increase in rates charged for multiple units and apartments.

4:30 P.M.

ACTION: Res. 70-782 adopted (Smith/Simon, unan. - Mitchell and Robinson, absent) denying request. (Clerk to handle)

HEARINGS

13. Hearings on sidewalk and/or curb and gutter requirements. 4:35 P.M.

(a) Sidewalk on Catalina Way at 501 Catalina Way, Block 6128, Lot 15 (Mr. Henry Barnett)

ACTION: Res. 70-783 adopted (Smith/Simon, unan. - Mitchell and Robinson, absent) ordering work done. (P/W to handle)

(b) Sidewalk at 1125 Ulrich Avenue, Lot 8 of Block 6031 (Mr. Robert W. Pearson)

ACTION: Res. 70-784 adopted (Smith/Simon, unan. - Mitchell and Robinson, absent) ordering work done. (P/W to handle)

(c) Sidewalk at 1101 Ulrich Avenue, Lot 14 of Block 6031, (Mr. Henry M. Weeks)

ACTION: Res. 70-785 adopted (Smith/Simon, unan. - Mitchell and Robinson, absent) ordering work done. (P/W to handle)

(d) Curb and gutter on Melrose Avenue at 519 E. Morris Avenue, East 100' of Lots 23 and 24, Block 584 (Mr. James Anthony Rocha)

ACTION: Res. 70-786 adopted (Smith/Simon, unan. - Mitchell and Robinson, absent) ordering work done. (P/W to handle)

(e) Curb and gutter at 531 Melrose Avenue, Lots 9 and 10, Block 584 (Mr. Samuel C. Bailey)

ACTION: Res. 70-787 adopted (Smith/Simon, unan. - Mitchell and Robinson, absent) ordering work done. (P/W to handle)

(f) Curb and gutter on Bodem Street at 508 Bodem Street, Lots 20 and 21 of Block 593 (Mrs. Lawrence Dahl)

ACTION: Res. 70-788 adopted (Smith/Simon, unan. - Mitchell and Robinson, absent) ordering work done. (P/W to handle)

(g) Curb and gutter on Bodem Street at 500 Bodem Street, West 73.34' of Lots 22, 23 and 24 of Block 593 (Mr. Kenneth G. Cloward)

ACTION: Res. 70-789 adopted (Smith/Simon, unan. - Mitchell and Robinson, absent) ordering work done. (P/W to handle)

(h) Curb and gutter on Bodem St. at 621 E. Morris Ave., East 90' of Lots 23 and 24 of Block 592 (Mr. Vernon H. Reed)

ACTION: Res. 70-790 adopted (Smith/Simon, unan. - Mitchell and Robinson, absent) ordering work done. (P/W to handle)

(i) Curb and gutter at 535 Myrtle St., S. 1/2 of Lot 5, Lots 6 & 7, and N. 1/2 of Lot 8 of Block 466 (Mr. Walter J. Masciorini)

ACTION: Res. 70-791 adopted (Smith/Simon, unan. - Mitchell and Robinson, absent) ordering work done. (P/W to handle)

14. Matters for the good of the community.  
(These may be presented by interested people in the audience)

ACTION: Alan Strauss requested that an engineering survey be made to determine the land needed to create a clear zone at the end of the 6000 foot runway to make an ILS system possible at the Airport. By motion (Dixon/Newton, unan.) action held for three weeks to permit staff to study and report to Council. (P/W to handle)

Alfred Kaufman, the new chief Building Inspector was introduced.

Res. 70-792 adopted (Newton/Simon, unan. - Mitchell and Robinson, absent) urging objection to the cuts in the budget of the Mental Health Services in Stanislaus County by the State.

At the request of Councilman Dixon, Mayor Davies asked the staff to study the problem of sidewalks around elementary schools (Perhaps a two block radius) and report to Council. (P/W to handle)

#### ORDINANCES

##### CONSENT

15. An ordinance amending Section 9-6.07 of Chapter 6 of Title IX of the Modesto Municipal Code relating to sign regulations.  
(When this section was recently amended by Ordinance No. 1028 adopted on July 6, 1970 the introductory sentence to the subsection on political signs was inadvertently omitted. This ordinance restores the omitted sentence which reads "(6) Political signs may be erected, maintained and displayed as follows:" Introduction of ordinance needed)

ACTION: By motion Ord. No. 1045-C.S. introduced. (Clerk to handle)

#### NEW BUSINESS

##### CONSENT

16. A resolution approving final map of Morningside Estates Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.  
(The subdivision agreement has been signed and all fees paid. Morningside Estates Subdivision is located on the east side of Old Oakdale Road, south of Morningside Drive. It contains 19.995 acres. Resolution approving final map and authorizing execution of agreement needed)

ACTION: Res. 70-793 adopted approving final map. (Clerk to handle)

##### CONSENT

17. Consider request for sewer service to parcel outside the City at 1202 Garden Avenue.  
(Property owners have signed an agreement to annex to the City when requested to do so. The property is contiguous to the City and a sewer line exists to serve the property. Property owner Jeanet and Raymond Brown. Resolution approving agreement needed)

ACTION: Res. 70-794 adopted approving agreement. (P/W to handle)

**CONSENT**

18. A resolution setting hearing for proposed annexation of Vine Addition to the Modesto Municipal Sewer District No. 1 and naming time and place of hearing.

(The Vine Addition was annexed to the City of Modesto on August 6, 1970. (Resolution setting October 5, 1970 at 4:05 P.M. for hearing needed (2/3 affirmative vote)

ACTION: Res. 70-795 adopted setting hearing. (Clerk to handle)

**CONSENT**

19. Resolutions instructing the Superintendent of Streets to give notice requiring construction of curbs and gutters at the locations listed below.

(Informal requests were sent over 30 days ago to the property owners. The work has not been done; therefore it is recommended that resolutions be adopted authorizing the Superintendent of Streets to give notice requiring construction of curbs and gutters. Resolutions needed setting September 8 at 4:05 P.M. for hearings)

**CONSENT**

(a) Curb and gutter at 2705 Garvey Ave. and 2617 Garvey Avenue, Lots 29 and 31, Block 7252 (Mr. Lloyd J. Bowling)  
(Resolution setting hearing needed)

ACTION: Res. 70-796 adopted setting hearing. (P/W to handle)

**CONSENT**

(b) Curb and gutter on Garvey Avenue and on Brenner Way at 2604 Brenner Way, Lot 22 of Block 7252 (Mr. Harrel B. Misener)  
(Resolution setting hearing needed)

ACTION: Res. 70-797 adopted setting hearing. (P/W to handle)

**CONSENT**

(c) Curb and gutter at 2728 Garvey Avenue, Lot 20 of Block 7253 (Mr. Ernest P. Peet)  
(Resolution setting hearing needed)

ACTION: Res. 70-798 adopted setting hearing. (P/W to handle)

**CONSENT**

(d) Curb and gutter on Garvey Avenue and on Budd Street at 2521 Budd Street, Lot 1, Block 7253 (Mr. Ernest J. Silva)  
(Resolution setting hearing needed)

ACTION: Res. 70-799 adopted setting hearing. (P/W to handle)

**CONSENT**

(e) Curb and gutter at 2613 Garvey Ave., Lot 32, Block 7252 (Mr. Floyd Thomas Vigil)  
(Resolution setting hearing needed)

ACTION: Res. 70-800 adopted setting hearing. (P/W to handle)

20. Consider free bus rides through validation.  
(A memo by the Director of Parking and Traffic tells of how validation of bus fares could be initiated.  
(Motion directing staff to try and develop a program, or a motion to drop it.

ACTION: By motion (Simon/Smith, unan.) staff authorized to proceed.  
(P & T to handle)

CONSENT

21. Resolution authorizing agreement between the City of Modesto and County of Stanislaus regarding administration and operation of sanitary landfill.  
(Memo with agenda. Resolution approving needed)

ACTION: Res. 70-801 adopted approving agreement. (Clerk to handle)

CONSENT

22. Consider agreement between the City of Modesto and Highway Village Community Services District, a corporation.  
(The Highway Village Community Services District owns a building situated in the recently annexed Highway Village Addition. This agreement provides for mowing, edging, and hauling away trash and garbage around the park and recreation building located in the area, at the rate of \$90 per month, for services rendered by the City, for a period of 90 days. Resolution approving agreement needed)

ACTION: Res. 70-802 adopted approving agreement. (Clerk to handle)

23. Approve relocation of Highway 108 to K, L, and Needham Streets and designate K and L Streets between 9th and Needham Streets as One-way streets.  
(Requested by State Division of Highways. Memo with agenda.  
(1) Resolution agreeing to the plan to relocate Highway 108 from J Street to K, L, and Needham Streets; (2) Resolution designating K and L Streets between 9th and Needham as one-way streets.)

ACTION: Res. 70-803 adopted (Smith/Simon, unan. - Mitchell and Robinson, absent) agreeing to relocation.

Res. 70-804 adopted (Smith/Simon, unan. - Mitchell and Robinson, absent) designating K and L between 9th and Needham as one-way streets. (P & T to handle)

CONSENT

24. Consider adoption of resolutions providing for a special municipal election on November 3, 1970 as follows:  
(a) Resolution proposing charter amendments on motion of the Council, calling a special municipal election to be held on Tuesday, November 3, 1970 and consolidating said special municipal election with the general election of the State of California to be held on said date.  
(b) Resolution of the Council of the City of Modesto requesting the Board of Supervisors of Stanislaus County to provide for the consolidation of a special municipal election with the State of California general election to be held November 3, 1970.  
(Memo from City Clerk with agenda. Adoption of two resolutions referred to above needed)

ACTION: Res. 70-805 adopted calling Special Municipal Election.

Res. 70-806 adopted requesting Board of Supervisors to consolidate Special Municipal Election with General Election to be held November 3, 1970. (Clerk to handle)

CONSENT

25. A resolution approving final map of Kingswood Estates No. 1 Subdivision of the City of Modesto and authorizing an agreement with subdividers.  
(The subdivision agreement has been signed and all fees paid. The subdivision is located on the south side of Sylvan Ave. between Coffee Road and Old Oakdale Road. It contains 17.757 acres. Resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 70-807 adopted approving final map. (Clerk to handle)

CONSENT

26. Report on emergency communications.  
(Report with agenda. Motion accepting report needed)

ACTION: By motion report accepted.

27. Further report on Utility Users Tax.  
(Motion directing staff needed)

ACTION: By motion (Dixon/Smith, unan.) staff directed to prepare an ordinance adopting a 5% Utility Users Tax and an ordinance fixing water connection charges and meter costs.  
(C/Atty to handle)

By motion (Simon/Smith, unan. - Mitchell and Robinson, absent) Ordinance No. 1046-C.S. adopted fixing tax rate.  
(Finance to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

28. Norwegian No. 1 Addition (inhabited) - referral to Planning Commission.  
(Annexation has been requested by residents of the area located north of Norwegian Avenue, east of Sunrise Avenue, south of Athens Avenue, and west of the alley lying east of Gordon Avenue. The area is approximately 35 acres in size and contains 129 single-family dwelling units and one Stanislaus County Park. It is bounded by the city limits on 3 sides (west, north and east). The area is served by Del Este Water Co. and city sewer could be available if residents were to form an improvement district. The area is within the McHenry-Dry Creek Fire protection district, from which it will be withdrawn, and in the Modesto City School District in which it will remain. If referred to the Planning Commission the planning staff will gather additional information. Resolution referring to Planning Commission needed)

ACTION: Res. 70-808 adopted referring to P/C. (Planning to handle)

MISCELLANEOUS

29. Legislative matters.

None.

30. Appointments.

None

Adjournment at 7:55 P.M.

ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, CITY CLERK

## CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, AUGUST 24, 1970 AT 7:30 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Smith, Mayor Davies

Absent: Robinson, Simon

Pledge of allegiance to the Flag

Invocation: Reverend Fred Miller, United Brethren in Christ

CONSENT ITEMS - ROLL CALL VOTE REQUIRED Items 1, 7, 8, 9, 18a, b, c, d,  
 Items 20 and 30 removed from consent ~~20~~, 22, 23a, b, c, 24, 25, 26,  
 Smith/Mitchell, unan. - Robinson and 29, ~~30~~, 31, 32, 33, 34, 35, 36, 37  
 Simon, absent

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items)

APPROVAL OF MINUTES

## CONSENT

1. Minutes of August 17, 1970.

ACTION: By motion minutes approved.PETITIONS, REMONSTRANCES AND CORRESPONDENCE

2. Request of Omega Nu Sorority for use of house at 101 Hackberry for 1970 "Haunted House."

ACTION: Res. 70-809 adopted (Newton/Dixon, unan. - Robinson and Simon, absent) approving agreement with Omega Nu Sorority for use of house subject to proper insurance coverage and to approval by Building Inspector of shoring up of floors. (C/Atty to handle)

3. Request of D.I.D. for feasibility study of multi-story parking on 11th Street parking lot between Beatty Building and Tif's Restaurant. (Oral report to be made by Director of Parking &amp; Traffic)

ACTION: By motion (Dixon/Newton, unan.) staff directed to make a preliminary study with emphasis on whether or not this would be feasible on this size lot. (P & T to handle)

4. Request of Stanislaus Zoological Society that member of city staff meet with representatives of Society to study sites for proposed zoo.

ACTION: By motion (Dixon/Smith, unan.) September 14 at 7:55 P.M. set as time for discussion of this matter. Director of P & R to work with Society. (P & R to handle)

6. Accept as complete construction of traffic signals and street lighting at College and Stoddard, Granger, Briggsmore; and Tully and Bowen, and decide on liquidated damages.  
 (Memo with agenda explains that the work has been satisfactorily completed but it took too long. Resolution accepting the construction as complete and authorizing City Clerk to file notice of completion, and resolution ordering forfeiture of a portion of the contract price. Funds budgeted in Account Nos. 6187-56-321, College and Stoddard; 6191-56-321, Briggsmore and College; 6208-56-321, College and Granger; 6213-56-321, Bowen and Tully)

ACTION: Res. 70-810 adopted (Dixon/Newton, unan. - Robinson and Simon, absent) accepting contract. (Clerk to handle)

Res. 70-811 adopted (Dixon/Newton, unan. - Robinson and Simon, absent) ordering forfeiture of \$3,350 as liquidated damages for delays in completing contract. (Finance to handle)

CONSENT

7. Accept as complete Elrich Construction Company's contract for site preparation, grading, drainage and baseball field construction at Downey Park Site.  
(All work on this contract has been completed to the satisfaction of the Parks & Recreation Department and the Public Works Department. It would be in order to accept the work as complete and authorize the City Clerk to file notice of completion. Resolution accepting work as complete and authorizing City Clerk to file notice of completion needed. Actual cost \$70,879.77; Estimated cost \$69,750.00 Funds budgeted in Account 6290-31-321, Downey Park Stages I and II)

ACTION: Res. 70-812 adopted accepting contract. (Clerk to handle)

CONSENT

8. Consider approval of plans and specifications for the installation of water lines in Pleasant View Estates No. 1 Subdivision.  
(Suggested bid opening September 15, 1970 at 10:10 A.M. Cost estimates: Construction cost \$10,676; connection charge, \$2,752; net revenue, \$481. Resolution approving plans and specifications and call for bids needed. Estimated cost \$10,676 (Material \$6,500; labor, \$4,176) Funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 70-813 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

9. Consider approval of plans and specifications for installing water lines in Northwood Manor Subdivision.  
(Suggested bid opening September 15, 1970 at 10:05 A.M. Cost Estimates: Construction cost, \$4,400; connection charges, \$3080; net revenue, \$538. Resolution approving plans, specifications and bid call needed. Estimated cost \$4,400 (Material, \$2,700; Labor, \$1,700) Funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 70-814 adopted approving plans and specifications and bid call. (Clerk to handle)

HEARINGS

10. Hearing on appeal of United Pentecostal Church from denial by Planning Commission of rezoning request.  
(Continued from August 3rd meeting)

7:35 P.M.

ACTION: Res. 70-815 adopted (Dixon/Smith, unan. - Robinson and Simon, absent) denying appeal. (Clerk to handle)

11. Hearings on requirement of construction of sidewalk and/or curb and gutter.

7:40 P.M.

- (a) Curb and gutter on Lucern Avenue and on Ramona Avenue at 601 Ramona Avenue, Lot 4 of Block 608 (Mr. Raymond J. Lucchesi)

ACTION: Res. 70-816 adopted (Mitchell/Smith, unan. - Robinson and Simon, absent) ordering work done. (P/W to handle)

- (b) Curb and gutter on Lucern Avenue at 1011 Lucerne Ave., Lot 11 of Block 67 (Mr. Keary E. Stafford)

ACTION: Res. 70-817 adopted (Mitchell/Smith, unan. - Robinson and Simon, absent) ordering work done. (P/W to handle)

- (c) Sidewalk at 1530 Maplewood Drive, Lot 4 of Block 6023 (Mrs. Ruth E. Dolson)

ACTION: Res. 70-818 adopted (Mitchell/Smith, unan. - Robinson and Simon, absent) ordering work done. (P/W to handle)

- (d) Sidewalk at 1526 Maplewood Drive, Lot 5, Block 6023 (Mr. John P. Gilligan)

ACTION: Res. 70-819 adopted (Mitchell/Smith, unan. - Robinson and Simon, absent) P.W to handle)

- (e) Sidewalk at 1538 Maplewood Drive, Lot 2, Block 6023 (Mr. John D. Loflin)

ACTION: Res. 70-820 adopted (Mitchell/Smith, unan. - Robinson and Simon, absent) ordering work done. (P/W to handle)

- (f) Sidewalk at 1534 Maplewood Drive, Lot 3, Block 6023 (Mr. Orlando L. Mungo)

ACTION: Res. 70-821 adopted (Mitchell/Smith, unan. - Robinson and Simon, absent) ordering work done. (P/W to handle)

- (g) Sidewalk at 1542 Maplewood Drive, Lot 1, Block 6023 (Mr. George E. Wallace)

ACTION: Res. 70-822 adopted (Mitchell/Smith, unan. - Robinson and Simon, absent) ordering work done. (P/W to handle)

- (h) Sidewalk on Crescent Drive at 1402 Oakwood Drive, Lot 1, Block 6035 (Mr. Howard C. Coffee)

ACTION: Res. 70-823 adopted (Mitchell/Smith, unan. - Robinson and Simon, absent) ordering work done. (P/W to handle)

HEARINGS (Cont'd)

Hearings on requirement of construction of sidewalk and/or curb and gutter. (continued)

7:40 P.M.

(i) Sidewalk at 1406 Ashwood Drive, Lot 2, Block 6034  
(Mrs. Eleanor M. Christensen)

ACTION: Dropped from agenda -- work started.

(j) Sidewalk at 1402 Ashwood Drive, Lot 1, Block 6034  
(Mr. Richard G. Pelly)

ACTION: Dropped from agenda -- work started.

(k) Sidewalk at 1302 Westland Drive, Lot 1, Block 6021  
(Mr. Raymond Anthony Sai)

ACTION: Res. 70-824 adopted (Mitchell/Smith, unan. - Robinson and Simon, absent) ordering work done. (P/W to handle)

(l) Sidewalk on Del Vale Ave. at 1537 W. Roseburg Ave.,  
portion of Block 6018 (Mr. Ottavio Trombetta)

ACTION: Res. 70-825 adopted (Mitchell/Smith, unan. - Robinson and Simon, absent) ordering work done. (P/W to handle)

(m) Sidewalk on F Street at 601 7th St., Lots 15 and 16,  
Block 31 (Mr. Ross O. Tanner)

ACTION: Res. 70-826 adopted (Mitchell/Smith, unan. - Robinson and Simon, absent. (P/W to handle)

12. Hearing, annexation of Glendale No. 1 Addition to Sewer District.

7:45 P.M.

ACTION: Res. 70-827 adopted (Smith/Newton, unan. - Robinson and Simon, absent) annexing Glendale No. 1 to Modesto Municipal Sewer District No. 1. (Clerk to handle)

13. Hearing, annexation of Glendale No. 2 Addition to Sewer District.

7:50 P.M.

ACTION: Res. 70-828 adopted (Mitchell/Smith, unan. - Robinson and Simon, absent) annexing Glendale No. 2 to Modesto Municipal Sewer District No. 1. (Clerk to handle)

14. Hearing, annexation of Highway Village Addition to Sewer District.

7:55 P.M.

ACTION: Res. 70-829 adopted (Mitchell/Newton, unan. - Robinson and Simon, absent) annexing Highway Village to Modesto Municipal Sewer District No. 1. (Clerk to handle)

Hearings (continued)

15. Hearing on request of Lance Ellis for an amendment to Section 4-3-9 of zoning map to prezone to Planned Development Zone, P-P-D, property located on the west side of Coffee Road at Mable Ave. for development of a 290 space mobile home park. 8:00 P.M.

ACTION: Ord. No. 1047-C.S. introduced (Smith/Mitchell, unan. - Robinson and Simon, absent) amending Sec. 4-3-9 of zoning map. (Clerk to handle)

Res. 70-830 adopted (Smith/Mitchell, unan. - Robinson and Simon, absent) approving development plan. (Planning to handle)

16. Hearing on request of Memorial Hospital North for an amendment to Section 15-3-9 of the zoning map to prezone to Planned Development Zone, property located on the northeast corner of Coffee and Briggsmore for expansion of the hospital complex. 8:05 P.M.

ACTION: Ord. No. 1048-C.S. introduced (Newton/Mitchell, unan. - Robinson and Simon, absent) amending Sec. 15-3-9 of zoning map. (Clerk to handle)

Res. 70-831 adopted (Newton/Mitchell, unan. - Robinson and Simon, absent) approving development plan. (Planning to handle)

17. Matters for the good of the community. 8:10 P.M.  
(These may be presented by interested people in the audience)

ACTION: Larry Carter, a member of the Farm-City Advisory Committee, was introduced.

Gerald Schaeffer complained that the fence between his back yard and the adjoining property was being broken by cars backing out of the adjacent area. He asked that the City do something to prevent this. It was pointed out that there does not appear to be any violation of the zoning laws and that this was a matter between the property owners. No action taken by Council, but the C/Mgr agreed to have a further check made into any alleged violations that are reported by Mr. Schaeffer.

The Staff was requested to arrange luncheon meetings with Assemblyman Berryhill and Senator Teale to discuss legislative matters. (C/Mgr to handle)

Res. 70-831A adopted (Newton/Mitchell, unan. - Robinson and Simon, absent) setting September 14, 1970 as time for hearing on appeal by Silas Green from Planning Commission denial of rezoning petition.

ORDINANCES

CONSENT

18. Final adoption of the following ordinances:  
(Motion adopting needed)

CONSENT

- (a) Ordinance No. 1039-C.S. - amendment to Section 10-3-9 (Tornell)

ACTION: By motion Ord. No. 1039-C.S. adopted. (Clerk to handle)

CONSENT

- (b) Ordinance No. 1040-C.S. - amendment to Section 19-3-9 (O.F.C. Properties)

ACTION: By motion Ord. No. 1040-C.S. adopted. (Clerk to handle)

CONSENT

- (c) Ordinance No. 1041-C.S. - amendment to Parking Meter Zoning Map.

ACTION: By motion Ord. No. 1041-C.S. adopted. (Clerk to handle)

CONSENT

- (d) Ordinance No. 1045-C.S. - sign regulations

ACTION: By motion Ord. No. 1045-C.S. adopted. (Clerk to handle)

OLD BUSINESS

19. Possible closure of Magnolia between Needham and K Streets.  
(The Director of Parking and Traffic has checked with affected businesses and residents as authorized at August 10, 1970 council meeting. No substantial opposition was encountered. It is suggested that the matter now be referred to the Planning Commission for a full airing, report and recommendation. Motion referring to Planning Commission for report and recommendation needed)

ACTION: By motion (Smith/Mitchell, unan.) referred to P/C. (Planning to handle)

~~CONSENT~~

- 20(a) Consider termination of lease and concession agreement between City and Interservice Fund, Inc. for Avis Rent-a-car service at City-County Airport effective August 31, 1970.

ACTION: Res. 70-832 adopted (Dixon/Smith, unan. - Robinson and Simon, absent) terminating lease and concession agreement with Interservice Fund, Inc. (P/W to handle)

- (b) Consider approval of lease and concession agreement between City and George L. and Darlene Reed, owners of Silvair Aviation, for Avis Rent-a-car service effective September 1, 1970.  
(Term of the new lease agreement provides for rental of 7½% of gross revenue, but in no event less than \$150 per month, plus \$26.40 per month for space in the Terminal Building. Memo with agenda. Resolution terminating lease agreement with Interservice Fund, Inc., 8-31-70; resolution approving lease agreement with Geo. L. and Darlene Reed, 9-1-70)

ACTION: Res. 70-833 (Dixon/Smith, unan. - Robinson and Simon, absent) approving lease agreement with George L. and Darlene Reed. (P/W to handle)

21. Sewer service to Schools.  
(Memo with agenda. Motion directing staff needed)

ACTION: By motion (Newton/Dixon, unan.) staff directed to do further research and return to Council with a recommendation. Study to include information as to whether or not City is subsidizing any other agencies in the Community. (C/Mgr to handle)

CONSENT

22. Right of way deed - southwest corner of Sunrise and Orangeburg.  
(Memo with agenda. Resolution authorizing execution of agreement needed)

ACTION: Res. 70-834 adopted approving right of way agreement with Ben and Adeline Guidotti. (Clerk to handle)

CONSENT

23. Report of Superintendent of Streets on the cost of installation of sidewalk and/or curb and gutter at the properties listed below. (The amounts assessed against the properties will be included in reports distributed with the agenda for the hearing date. Suggested hearing date September 8, 1970 at 4:10 P.M. Resolution setting date for hearing needed. Funds budgeted in Account 5302-51-101, Curbs and Gutters, Special)

CONSENT

(a) Curb and gutter on Sunset Boulevard at 102 Sunset Blvd. (Mr. Edwin W. Ferrel - \$381.87)  
(Resolution setting hearing needed)

ACTION: Res. 70-835 adopted setting hearing. (P/W to handle)

CONSENT

(b) Curb and gutter 110 Sunset Boulevard (Mr. Edmund E. Schneider Estate - \$249.37)  
(Resolution setting hearing needed)

ACTION: Res. 70-836 adopted setting hearing. (P/W to handle)

CONSENT

(c) Curb and gutter on Alice Street at 135 Hackberry. (Marion C. Felt - \$381.00)  
(Resolution setting hearing needed)

ACTION: Res. 70-837 adopted setting hearing. (P/W to handle)

CONSENT

24. A resolution setting hearing for proposed annexation of Riverside No. 3 Addition to the Modesto Municipal Sewer District No. 1 and naming time and place of hearing.  
(Riverside No. 3 Addition was annexed to the City of Modesto on August 12, 1970. Resolution setting October 13, 1970 at 7:35 P.M. as time and place of hearing needed (2/3 affirmative vote))

ACTION: Res. 70-838 adopted setting hearing. (Clerk to handle)

CONSENT

25. Resolution setting hearing for proposed annexation of Floyd Addition to the Modesto Municipal Sewer District No. 1 and naming time and place of hearing.  
(The Floyd Addition was annexed to the City of Modesto effective August 17, 1970. Resolution setting October 13, 1970 at 7:40 P.M. as time and place of hearing needed (2/3 affirmative vote))

ACTION: Res. 70-839 adopted setting hearing. (Clerk to handle)

CONSENT

26. Resolution authorizing the institution of condemnation proceedings to acquire certain real property in the City of Modesto to be used for widening of Orangeburg Avenue.  
(The property to be acquired will be acquired from A. J. and Juanita L. Beezley and is located on the southeast corner of Orangeburg and Sunrise. Resolution needed)

ACTION: Res. 70-840 adopted authorizing condemnation proceedings.  
(C/Atty to handle)

27. Consider State request for concurrence on no parking zone on east side of McHenry Avenue, south of Helen to Needham.  
(Memo with agenda. No parking zone would allow installation of left-turn lane. Several alternatives given. An informal hearing is suggested before action. Resolution setting hearing for September 14, 1970 or September 28, 1970 needed)

ACTION: Res. 70-841 adopted (Smith/Newton, unan. - Robinson and Simon, absent) setting September 28 at 8:00 P.M. for hearing. (Clerk to handle)

28. Consider possible relinquishment of parking lot on 10th Street next to Asher's Shoes.  
(Memo by Director of Parking and Traffic sent with agenda. Memo lists possible alternatives to make lot less costly. Motion directing staff to negotiate and report back, or take other action Council favors.)

ACTION: By motion (Mitchell/Smith, unan.) staff directed to negotiate with property owners and report to Council. (P & T to handle)

CONSENT

29. Accept improvements in Greenwood Estates #3 Subdivision and authorize City Clerk to file notice of completion and release bond upon expiration of statutory lien period.  
(Greenwood Estates #3 Subdivision is located east of Birch and north of Fern Street. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements and authorizing City Clerk to file notice of completion and release bond upon expiration of statutory lien period needed)

ACTION: Res. 70-842 adopted accepting improvements. (Clerk to handle)

CONSENT

30. Proposed 1970-71 Beautifaction Program.  
(It is necessary for the Council to approve the proposed 1970-71 Beautification Program so the staff can prepare the application for Beautification funds. The proposed beautification activities are consistent with the activities proposed in the current capital improvement program. Estimated grant for which the City could qualify - \$52,370. Resolution approving a 6-year urban beautification and improvement program; and resolution authorizing the filing of an application for an urban beautification grant needed. Estimated cost \$477,500. Funds budgeted in various accounts)

ACTION: Res. 70-843 adopted (Smith/Mitchell, unan. - Robinson and Simon, absent) approving 6-year program.

Res. 70-844 adopted (Smith/Mitchell, unan. - Robinson and Simon, absent) authorizing filing of grant application. (P & R to handle)

CONSENT

31. Agreement for State Park bond funds.  
(This agreement provides that the State will grant to the City \$50,150 for Project No. 850-203 for the acquisition of property for the Tuolumne River Regional Park. Resolution approving agreement needed. Estimated cost \$52,000. Funds budgeted in Account 6239-321, Tuolumne River Regional Park Land Acquisition)

ACTION: Res. 70-845 adopted approving agreement. (Clerk to handle)

CONSENT

32. A resolution approving the final map of Pleasant View Estates No. 1 of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.  
(The subdivision agreement has been signed and all fees paid. Pleasant View Estates is location on the south side of Floyd Avenue and the east side of Rose Avenue. It contains 5.57 acres. Resolution approving final map and authorizing execution of agreement needed)

ACTION: Res. 70-846 adopted approving final map. (Clerk to handle)

CONSENT

33. A resolution approving the final map of Northwood Manor Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.  
(The agreement has been signed and all fees paid. This subdivision is located on the south side of Woodrow Avenue and the east side of Sherwood Avenue. It contains 6.059 acres. Resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 70-847 adopted approving final map. (Clerk to handle)

CONSENT

34. Addition of \$17 to the tax roll.  
(The owner of Improvement District No. 11 assessment has requested the addition to the tax roll of an outstanding assessment in the amount of \$17 - Assessment No. 112-05-8. This procedure is provided by Section 5410 et seq. of the Streets and Highways Code for 1911 Act Special Improvement Assessments that are less than \$50. Resolution directing that the delinquent assessment be collected on the tax roll needed)

ACTION: Res. 70-848 adopted directing placement of assessment on tax roll. (Finance to handle)

CONSENT

35. Resolution approving issuance of bonds pursuant to certificate of issue of City Treasurer for Improvement District No. 14 (M14-34A) (sewer improvements in Morada-Glen Aulen area) (Adoption of resolution needed)

ACTION: Res. 1155-S.P. adopted approving issuance of bonds. (Finance to handle)

REPORTS

CONSENT

36. Report on the 1970-71 City assessed values and tax rates. (Report with agenda. Motion accepting report needed)

ACTION: By motion report accepted.

APPROPRIATION TRANSFERS

CONSENT

37. Appropriation transfer of \$1,100 from General Reserve. (to provide money for the printing of the 1911 Act Sewer Improvement District No. 14 bonds dated July 3rd. Resolution needed)

ACTION: Res. 70-849 adopted approving appropriation transfer of \$1,100 from Account 60-212 to Account 6591-212. (Finance to handle)

MISCELLANEOUS

38. Legislation.

None

39. Appointments.

None

Adjournment at 10:40 P.M.

ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

CITY OF MODESTO  
AGENDA FOR COUNCIL MEETING OF TUESDAY, SEPTEMBER 8, 1970 AT 4:00 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Simon, Smith,  
Mayor Davies  
Absent: None

Pledge of allegiance to the Flag  
Invocation: Reverend J. T. Zamrazil

CONSENT ITEMS - roll call vote required: Items 1, 2, 3, 7, 8, 9, 10, ~~11~~,  
Item 11 removed from consent. 12, 13, 14, 15, 16, 19, 20, 21,  
Items 33A and 39 dropped from agenda. 22, 23, 26, 27a, b, c, d, e, f, 28,  
30, 31, 32, 33, ~~34~~, 35, 36, 37,  
Simon/Smith, unan. 38, ~~39~~ 40, 42, 43, 44, 45

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of August 24, 1970.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES, AND CORRESPONDENCE

CONSENT

2. Letter from Department of Justice Commission on Peace Officer Standards and Training enclosing warrant for payment of 1969-70 fiscal year allocation from California Peace Officer Training Fund.

No action.

CONSENT

3. Letter from Max D. Hanney appealing decision of Planning Commission in denial of Forcade application for rezoning of property located at Sutter and Robertson Roads.  
(Resolution setting hearing needed. Suggested date September 28, 1970 at 8:05 P.M.)

ACTION: Res. 70-850 adopted setting hearing and rescinding Res. 70-831A.  
(Clerk to handle)

4. Letter from Chief Administrative Officer, Stanislaus County, regarding Committee to study policing in Modesto area.

ACTION: By motion (Robinson/Mitchell, unan.) Councilman Simon, Mayor Davies, City Manager and Police Chief appointed as representatives of City of Modesto. (C/Mgr to handle)

5. Letter from National League of Cities relative to 47th Annual Congress of Cities to be held December 7 - 11, 1970.

ACTION: By motion (Robinson/Simon, unan.) Vice Mayor Mitchell permitted to attend.

Any other member of the Council wishing to attend was asked to notify the City Manager's office so arrangements can be made.

6. Letter from Griffin, Conway & Jones regarding contract of White's Electric Service with City.

ACTION: By motion (Robinson/Mitchell, unan.) consideration of this item continued to September 28, 1970. (Clerk to handle)

#### BIDS

##### CONSENT

7. Consider award of bid for application of slurry seal on 5000 feet of the 5900 foot runway at Modesto City-County Airport. (Bids were opened August 25. The low bid submitted by California-Fresno Asphalt Company, which is 4% under the Engineer's Estimate, is considered acceptable. Therefore, it is recommended by the Public Works Department that the bid be awarded to them. Resolution awarding bid needed. Estimated cost \$11,466.62 (Contract \$11,166.62, Eng. & Insp. \$300; funds budgeted in Account 6533-46-230, Slurry Seal Airport Runway)

ACTION: Res. 70-851 adopted awarding contract to Fresno Asphalt Co. (P/W to handle)

##### CONSENT

8. Consider approval of plans and specifications and call for bids on installation of water lines in Riverside North No. 2 Subdivision. (Suggested bid opening September 22, 1970 at 10:00 A.M. Cost estimates: Construction costs, \$4,000; connection charge, \$3,030; net revenue, \$534. Resolution approving plans, specs. and call for bids needed. Funds budgeted in Account 6804-50-101, Water Line Extensions)

ACTION: Res. 70-852 adopted approving plans and specifications and bid call. (Clerk to handle)

##### CONSENT

9. Accept as complete Valley Construction contract for installation of water lines in Coffee-Briggsmore to Orangeburg. (All work on this contract has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work and authorize the City Clerk to file notice of completion. Resolution accepting work needed. Final cost \$4,953.80. Contract cost: \$5,115.00; funds budgeted in Account 6828-50-101, Strengthen Water System 1970-71)

ACTION: Res. 70-853 adopted accepting contract. (Clerk to handle)

##### CONSENT

10. Accept as complete Flintkote Co. contract for placing overlay on Airport taxiway. (All work on this contract has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and authorize the City Clerk to file notice of completion. Resolution accepting work as complete needed. Estimated cost \$7,000; Actual cost, \$6,510; funds budgeted in Account 6529-46-230, Taxiway Overlay)

ACTION: Res. 70-854 adopted accepting contract. (Clerk to handle)

RESOLUTIONS

11. Frank and Ione Mancini Memorial Park.  
(Approve plans and specifications and call for bids, restroom building, bids to be opened September 22, 1970 at 10:15 A.M. Resolution approving plans, specifications and bid call needed. Estimated cost \$27,625.00 Funds budgeted in Account 6331-31-321, Mancini Park Development, Stage 2, - budget p. 73)

ACTION: Res. 70-855 adopted (Robinson/Mitchell, unan.) approving plans and specifications and bid call. (Clerk to handle)

ORDINANCES

CONSENT

12. Adoption of ordinance No. 1042-C.S. amending Section Map 18-3-9 of the zoning map (Ward Crum)  
(Motion adopting needed)

ACTION: By motion Ord. 1042-C.S. adopted. (Clerk to handle)

CONSENT

13. Adoption of Ordinance No. 1043-C.S. amending section map 28-3-9 of zoning map (Ronald C. White)  
(Motion adopting needed)

ACTION: By motion Ord. 1043-C.S. adopted. (Clerk to handle)

CONSENT

14. Adoption of Ordinance No. 1044-C.S. amending Section 29-3-9 of zoning map (San Joaquin Bakeries)  
(Motion adopting needed)

ACTION: By motion Ord. 1044-C.S. adopted. (Clerk to handle)

CONSENT

15. Adoption of Ordinance No. 1047-C.S. amending Sections 4-3-9 and 9-3-9 of the zoning map (Lance E. Ellis)  
(Motion adopting needed)

ACTION: By motion Ord. 1047-C.S. adopted. (Clerk to handle)

CONSENT

16. Adoption of Ordinance No. 1048-C.S. amending Section 15-3-9 of zoning map (Memorial Hospital Association of Stanislaus County)  
(Motion adopting needed)

ACTION: By motion Ord. 1048-C.S. adopted. (Clerk to handle)

HEARINGS

17. Hearings on requirement of curb, gutter and/or sidewalk at the following locations: 4:05 P M.  
(a) Curb and gutter at 2705 Garvey Avenue and 2617 Garvey Avenue, Lots 29 and 31, respectively, of Block 7252 (Mr. Lloyd J. Bowling)

ACTION: Res. 70-856 adopted (Robinson/Smith, unan.) ordering work done. (P/W to handle)

Hearings (continued)

17. (b) Curb and gutter on Garvey Avenue and Brenner Way at 2604 Brenner Way, Lot 22 of Block 7252 (Mr. Harrel B. Misener) 4:05 P.M.

ACTION: Res. 70-857 adopted (Robinson/Smith, unan.) ordering work done. (P/W to handle)

(c) Curb and gutter at 2728 Garvey Avenue, Lot 20 of Block 7253 (Mr. Ernest P. Peet) 4:05 P.M.

ACTION: Res. 70-858 adopted (Robinson/Smith, unan.) ordering work done. (P/W to handle)

(d) Curb and gutter on Garvey Avenue and Budd Street at 2521 Budd Street, Lot 1 of Block 7253 (Mr. Ernest J. Silva) 4:05 P.M.

ACTION: Res. 70-859 adopted (Robinson/Smith, unan.) ordering work done. (P/W to handle)

(e) Curb and gutter at 2613 Garvey Avenue, Lot 32, Block 7252 (Mr. Floyd Thomas Vigil) 4:05 P.M.

ACTION: Res. 70-860 adopted (Robinson/Smith, unan.) ordering work done. (P/W to handle)

18. Hearings on cost of installation of sidewalk and/or curb and gutter.

(a) Curb and gutter on Sunset Boulevard at 102 Sunset Blvd. (Mr. Edwin W. Ferrel - \$381.87) 4:10 P.M.

ACTION: Res. 70-861 adopted (Smith/Robinson, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(b) Curb and gutter at 110 Sunset Blvd. (Mr. Edmund E. Schneider Estate - \$249.37) 4:10 P.M.

ACTION: Res. 70-862 adopted (Smith/Robinson, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(c) Curb and gutter on Alice St. at 135 Hackberry Ave. (Marion C. Felt - \$381.00) 4:10 P.M.

ACTION: Res. 70-863 adopted (Smith/Mitchell, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

18A. Matters for the good of the community. 4:15 P.M.  
(These may be presented by interested people in the audience)

ACTION: Rev. Howard Clarke commented on an article in the Modesto Bee concerning the appointment of Lamar Bartholomew as Administrative Assistant to the City Manager. He pointed out that the article stated that no member of a minority group had applied, but he knew that a black had made application. The City Manager stated that while a black had applied, no member of a minority group had passed the examination. Rev. Clarke agreed to contact the Bee on this. It was agreed that the Council Crime Study Committee, Rev. Clarke and Gerald Goren or someone else chosen by Rev. Clarke should meet with Mr. Bartholomew to discuss various matters.

Councilman Newton reported that a lady residing at 821 - 17th Street complained about a sidewalk installation by City crews. It was agreed that this would be checked out.

The City Manager was directed to report on the possibility of compulsory sidewalks on Oak Street.

18A. Matters for the good of the community, (continued)

Vice Mayor Mitchell commented on the method used by Oakdale in attempting to convince property owners of the advantages of joining their neighbors in sidewalk installation.

Vice Mayor Mitchell reported on the Town Affiliation Association meeting and informed the Council that Trudy George of Downey High School had won the top prize in the essay contest.

Councilman Dixon expressed his appreciation for the years of service by Lt. Strum of the Police Department who has retired. He also congratulated David Sundy upon his promotion to Lieutenant and commended Chief Ammerman on his choice of Lt. Sundy.

Res. 70-864 adopted (Simon/Robinson, unan.) approving acquisition of two lots for the expansion of Fire Station No. 5 at a cost of \$4,303 plus installing curb and gutter at the turnaround. (C/Mgr to handle)

Res. 70-865 adopted (Robinson/Smith, unan.) urging citizens of Modesto to welcome and assist students enrolling in local schools.

Frank Andrews spoke.

OLD BUSINESS

CONSENT

19. Adoption of resolution ordering changes in work to be done - Improvement District No. 15. (Sewer Improvements in 13 separate areas of the City of Modesto)  
(The owner of Lot 31-06-34 has requested an additional house service. Since only one house service is provided for each R-1 lot, the change order is needed to authorize the additional construction. Resolution needed)

ACTION: Res. 1156-S.P. adopted ordering change. (P/W to handle)

CONSENT

20. Extension of removal time for buildings purchased from the City located at 538 Bodem and 542-544 Bodem.  
(Memo with agenda. Motion approving extensions needed)

ACTION: By motion time for removal of buildings extended to August 24, 1970. (Finance to handle)

NEW BUSINESS

CONSENT

21. Consider offer by Sylvan School District and County to pay part of cost of traffic signals at Coffee and Rumble.  
(Memo from Director of Parking and Traffic and letters from School District and County with agenda. Motion approving request as recommended by Director of Parking and Traffic needed and directing staff to prepare necessary documents.)

ACTION: By motion offer accepted and staff directed to prepare necessary documents. (C/Atty to handle)

CONSENT

22. Resignation of Mrs. Jeanette Maino from the Committee to Study Crime.  
(We have been informed that Mrs. Maino has resigned from this committee. Resolution accepting resignation with regret and appreciation needed)

ACTION: Res. 70-866 adopted accepting resignation with regret. (Clerk to handle)

CONSENT

23. Consideration of fidelity bonds insurance bid presented by Fireman's Fund American Insurance Companies for the period September 10, 1970 through 1973.  
(Memo with agenda. Resolution accepting bid needed) ACTION: Res. 70-867 adopted accepting bid of Fireman's Fund American Insurance Companies. (Finance to handle)

24. Land Exchange - Riverside Park.  
(Memo with agenda. Resolution authorizing an application for conversion needed)

ACTION: Res. 70-868 adopted (Simon/Robinson, unan. - Dixon, absent) authorizing application for conversion. (C/Mgr to handle)

25. Consider revised Stanislaus Area Advisory Planning Association agreement.  
(Copies of agreement with agenda. Motion approving form of agreement needed)

ACTION: By motion (Dixon/Simon, unan.) form of agreement approved with the request that references to regular, individual and voting members and also to the votes needed for action be clarified.  
(Clerk to handle)

CONSENT

26. A resolution approving final map of Riverside North No. 2 Subdivision of the City of Modesto and authorizing an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.  
(The subdivision agreement has been signed and all fees paid. Riverside North No. 2 Subdivision is located between Trask Lane and Riverside Drive, north of Encina Avenue. It contains 5.78 acres.  
(Resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 70-869 adopted approving final map. (Clerk to handle)

CONSENT

27. Report of Superintendent of Streets on cost of installation of sidewalk and/or curb and gutter at the properties listed below.  
(The amounts assessed against the properties will be included in reports distributed with the agenda for the hearing date. Resolutions setting date for hearing needed. Suggested hearing date September 21, 1970 at 4:35 P.M. Contract costs listed below with properties. Funds budgeted in Account 5302-51-101, Curb and Gutters, Special)

CONSENT

- (a) Curb and gutter at 116 Maple Street, Lot 23 and west 15 feet of Lot 22 of Block 418 (Mr. Floyd Patrick - \$209.60)  
(Resolution setting hearing needed)

ACTION: Res. 70-870 adopted setting hearing. (P/W to handle)

CONSENT

- (b) Sidewalk at 325 Oak St., Lots 1 and 2 of Block 414 (Mr. James E. Sheppard - \$130.00)  
(Resolution setting hearing needed)

ACTION: Res. 70-871 adopted setting hearing. (P/W to handle)

CONSENT

27. (c) Curb, gutter and sidewalk at 216 S. Franklin St., northerly 60 feet of Lots 27 and 28 of Block 415 (Mr. Wallace E. Allen - \$419.30)  
(Resolution setting hearing needed)

ACTION: Res. 70-872 adopted setting hearing. (P/W to handle)

CONSENT

- (d) Curb and gutter at 114 Maple St., Lot 21, East 10 feet of Lot 22 and the west 10 feet of Lot 20 of Block 418 (Mrs. Mary M. Oliney - \$223.35)  
(Resolution setting hearing needed)

ACTION: Res. 70-873 adopted setting hearing. (P/W to handle)

CONSENT

- (e) Curb and gutter and sidewalk at northeast corner of S. Franklin St. and Oak St., south 80 feet of Lots 27 and 28, Block 415. (Mr. Kirt H. Sharp - \$462.00)  
(Resolution setting hearing needed)

ACTION: Res. 70-874 adopted setting hearing. (P/W to handle)

CONSENT

- (f) Curb and gutter at 120-122 S. Jefferson St., Lots 27 and 28 and the west 10 feet of Lot 26 of Block 418 (Mr. Silas W. Green - \$175.00)  
(Resolution setting hearing needed)

ACTION: Res. 70-875 adopted setting hearing. (P/W to handle)

CONSENT

28. Transfer right of way along upper McHenry to the State.  
(Memo with agenda. Resolution approving transfer needed)

ACTION: Res. 70-876 adopted approving grant deed to State of right of way for widening of McHenry Avenue north of Briggsmore. (Clerk to handle)

29. Resolution encouraging continued citizen support of the groups involved in the fight against drug abuse.  
(Proposed resolution with agenda. Resolution needed)

ACTION: Res. 70-877 adopted (Newton/Robinson, unan.) encouraging continued support.  
Councilman Dixon reported that Supervisor VanderWall was arranging a trip to Redwood City to look into the San Mateo County Program on drug abuse and invited members of the Council to attend.

CONSENT

30. Consider amendment to Title XI, Chapter 1, of the Municipal Code, - water rates and regulations.  
(Memo with agenda. Resolution setting informal hearing needed. Suggested date and time, September 14, 1970 at 8:00 P.M.)

ACTION: Res. 70-878 adopted setting hearing. (Clerk to handle)

CONSENT

31. Recommend employing public address system expert to study needs for improving audio system in the council chambers.  
(Memo with agenda. Resolution appropriating money for study to be made needed)

ACTION: Res. 70-879 adopted approving appropriation transfer of \$250 from General Reserve to Account 235-7-101. (Finance to handle)

CONSENT

32. Consider approval of application for reimbursement from State for construction of grade crossing protection at Woodland Ave.  
(No. B-111.6)  
(Motion referring to staff to send necessary documents for reimbursement to P.U.C. needed)

ACTION: By motion staff directed to send necessary documents to P.U.C. (P & T to handle)

CONSENT

33. A police middle management two-week course.  
(A police middle Management course has been approved by the Peace Officers Standards and Training Commission (POST) and is now being offered at designated State Colleges. The course is optional until July 1, 1971 at which time all personnel assuming Middle Management positions will be required to complete the prescribed program within an 18 month period. All costs except the salary of the participant are fully reimbursed by POST. Motion approving attendance, and resolution approving appropriation transfer of \$1500 needed)

ACTION: By motion attendance approved. (Police to handle)  
Res. 70-880 adopted approving appropriation transfer of \$1,500 from Account 60-101 to Account 429-22-101. (Finance to handle)

~~CONSENT~~

- 33A. Application of Western Pacific Railway Company for permission to make certain track changes in C, D and 10th Streets.  
(Motion referring to staff for report and recommendation needed)

ACTION: Dropped from agenda. Staff to request application in proper form. (Clerk to handle)

REPORTS

34. Report on request for engineering survey of clear zone at end of 600 foot runway.  
(Carried over from August 17, 1970 meeting)

ACTION: By motion (Smith/Simon, unan.) further discussion of proposed resolution indicating interest in Instrument Landing System at City-County Airport set for September 21 meeting with request that staff to make further study and report to Council as soon as possible. (P/W to handle)

35. Presentation of annual financial report for 1969-70 fiscal year.  
(Copies of report with agenda. Motion accepting report needed)

ACTION: By motion report accepted.

CONSENT

36. Presentation of financial statement for August 1970.  
(Copies of report will be presented at meeting. Motion accepting report needed)

ACTION: By motion report accepted.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

37. Recommend amendment to Section 15-3-9 of the zoning map (R. P. Bomberger)  
(By Resolution No. 70-116 adopted September 1, 1970, the Planning Commission recommends an amendment to Section 15-3-9 of the zoning map as requested by R. P. Bomberger to prezone to Planned Development Zone, P-P-D, for a 136-space mobile home park, property located at the northeast corner of Floyd Avenue and Coffee Road. Resolution setting date for public hearing needed. Suggested date, October 5, 1970 at 4:10 P.M.)

ACTION: Res. 70-881 adopted setting hearing. (Clerk to handle)

CONSENT

38. Mobile home park development standards adopted by the Planning Commission September 1, 1970.  
(Memo with agenda. For information only)

No action.

~~CONSENT~~

39. Uninhabited annexation to the City of Modesto - State Hospital Addition.  
(The LAFC Commission has authorized this annexation without notice or public hearing - August 21, 1970. Resolution annexing area needed)

Dropped from agenda.

CONSENT

40. Uninhabited annexation to the City of Modesto - Mable Addition  
(The LAFC Commission has authorized this annexation without notice or public hearing - August 21, 1970. Resolution annexing area to City needed)

ACTION: Res. 70-882 adopted annexing Mable Addition to City. (Clerk to handle)

41. Recommend commencement of proceedings for the annexation to the City of inhabited territory - Norwegian No. 1 Addition.  
(On September 1, 1970 the Planning Commission adopted Resolution No. 70-119 recommending to the Council the commencement of proceedings for the annexation to the City of inhabited territory (Norwegian No. 1 Addition) located north of Norwegian Avenue, south of Athens Avenue, and west of the alley lying east of Gordon Avenue. Resolution consenting to commencement of proceedings to annex needed)

ACTION: Res. 70-883 adopted (Simon/Robinson, unan.) consenting to commencement of proceedings. (Planning to handle)

CONSENT

42. Recommend amendment to Section 26-3-9 of the zoning map (Westland Investment Company).  
(By resolution No. 70-118 adopted September 1, 1970 the Planning Commission recommends an amendment to Section 26-3-9 of the zoning map as requested by Westland Investment Company to prezone to H-1, R-2, and P-D (77) allowing R-2 and R-3 uses, property located at the northeast corner of Yosemite Blvd. and north Riverside Drive. Resolution setting date for public hearing needed. Suggested date October 5, 1970 at 4:15 P.M.)

ACTION: Res. 70-884 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

43. Consider approval of appropriation transfer in the amount of \$395 from Airport Fund General Reserve to Airport Budget, Account 430-46-230, Taxes.  
(Airport taxes have increased due to the increase in possessory interest tax assessment on Gottschalk Flight Center office building. Under the terms of City's agreement with Gottschalk Flight Center, City assumes responsibility for payment of taxes assessed against this building. Resolution approving appropriation transfer needed)

ACTION: Res. 70-885 adopted approving appropriation transfer of \$395 from Account 60-230 to Account 430-46-230. (Finance to handle)

CONSENT

44. Consider approval of appropriation transfer in amount of \$250,000 from 1967 Sewer Bond Fund, General Reserve, to Account Muni. Sewer District Improvements, 6553-405.  
(Money was appropriated in the fund reserve for 1970-71 pending the construction contract bid amount for Project Unit No. 11. Final project costs have now been estimated to complete the project. Resolution approving appropriation transfer needed)

ACTION: Res. 70-886 adopted approving appropriation transfer of \$250,000 from Account 60-405 to Account 6553-405. (Finance to handle)

CONSENT

45. Appropriation transfer to automate sprinkler systems on parking lots. (Watering time on the many new parking lots has increased so that present personnel cannot handle it. Automation will save 12% of the watering time, or \$900 per year. Memo with agenda. Resolution approving transfer needed (\$3,000)

ACTION: Res. 70-887 adopted approving appropriation transfer of \$3,000 from Account 60-57-209 to Account 5301-57-209. (Finance to handle)


MISCELLANEOUS

46. Appointments

None.

Adjournment at 7:25 P.M.

ATTEST:

  
W. T. CHYNOWETH, City Clerk

## CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, SEPTEMBER 14, 1970 AT 7:30 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Smith  
 Absent: Simon, Mayor Davies  
 Vice Mayor Mitchell presided.

Pledge of allegiance to the Flag.

Invocation: Reverend Herbert Rasseke, Modesto Gospel Mission

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 10, XX, XZ, 14  
 Item 11 dropped from agenda. 15

Item 12 removed from Consent.

Robinson/Smith, unan. - Simon and Mayor Davies, absent

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items)

BIDS

## CONSENT

1. Frank and Ione Mancini Memorial Park.  
 (Approve plans and specifications and call for bids for site preparation, grading, and drainage, Frank and Ione Mancini Memorial Park; bids to be opened September 29, 1970 at 10:00 A.M. Estimated cost \$4,770. Funds budgeted in Account 6331-31-321 - Mancini Park Development, Stage 2, budget p. 73)

ACTION: Res. 70-888 adopted approving plans and specifications and bid call. (Clerk to handle)

## CONSENT

2. Consider award of bid for installation of water lines in Kingswood Estates No. 1 and Beyer High School.  
 (Bids were opened September 1, 1970. The low bid submitted by George Schuler, Inc., which is 8% above the Engineer's Estimate, is considered acceptable. Therefore, it is recommended by the Public Works Department that the bid be awarded to them. Resolution awarding bid needed Estimated cost \$63,054.30 (Materials \$39,000; labor, \$21,964. Funds budgeted in Account 6804-50-101 - Water Line Extension, p. 52)

ACTION: Res. 70-889 adopted awarding contract to George Schuler, Inc. (P/W to handle)

## CONSENT

3. Consider award of bid for the construction of the Keller-Sylvan subtrunk sewer and authorizing payment for easement acquisition.  
 (Resolution awarding bid and resolution authorizing payment for easement acquisition needed. Estimated cost \$54,260.10 (Contract \$50,155 Engr. \$3405; easement \$700) Funds budgeted in Account 6561-212, Extend Subtrunk Sewers; 6564-212, Keller Street Trunk)

ACTION: Res. 70-890 adopted awarding contract to Reed's Trenching, Inc. (P/W to handle)

Res. 70-891 adopted authorizing payment of \$700 to Hurley Couchman as damages for easement. (Finance to handle)

CONSENT

4. Consider rejecting all bids for construction of Pump Station #37 facilities.  
(Memo with agenda. Resolution rejecting all bids needed. Funds budgeted in Account 6809-50-101, Well & Pump Station Rose Ave. Area)

ACTION: Res. 70-892 adopted rejecting all bids. (P/W to handle)

HEARINGS

5. Annexation of Norwegian No. 3 Addition to Sewer District. 7:45 P.M.

ACTION: Res. 70-893 adopted (Smith/Robinson, unan. - Simon and Mayor Davies, absent) annexing Norwegian No. 3 Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

6. Hearing on appeal by Bedford Associates from Planning Commission denial of request to rezone southwest corner of Tully & Roseburg for development of a neighborhood shopping center. 7:50 P.M.

ACTION: Res. 70-894 adopted (Robinson/Smith, unan. - Simon and Mayor Davies, absent) denying appeal. (Clerk to handle)

7. Discussion with Stanislaus Zoological Society re site of proposed zoo. 7:55 P.M.

ACTION: By motion (Dixon/Robinson, unan.) C/Mgr directed to have appropriate staff members meet with representatives of Society and make report to Council in two weeks. (C/Mgr to handle)

8. Hearing on proposed amendments to Code relating to water rates. 8:00 P.M.

ACTION: By unanimous consent of Council, action delayed for one week to permit staff to make changes suggested by Council. (C/Atty to handle)

9. Matters for the good of the community. 8:05 P.M.  
(These may be presented by interested people in the audience)

ACTION: Vice Mayor Mitchell reported that United Air Lines had announced its intention to discontinue Flight 840 leaving Modesto for San Francisco at 6:25 A.M. and Flight 845 arriving from San Francisco at 8:42 P.M. effective when Daylight Savings Time ends.

Res. 70-895 adopted (Dixon/Robinson, unan. - Simon and Mayor Davies, absent) expressing concern over this plan and indicating the hope that United Air Lines will give further consideration to this matter. (C/Atty to handle) The staff was then directed to give this matter further study and to report to Council on September 21. (P/W to handle)

In response to an inquiry by Councilman Dixon, the Council was informed that a staff report on sidewalk, curb and gutter construction will be made in two weeks.

Councilman Newton requested staff to see what other California cities are doing concerning the welfare proposal of Mayor Stokes. (C/Mgr to handle)

NEW BUSINESS

CONSENT

10. Consider request that the Modesto and Ceres Planning Commissions work together on a general plan for the area located between the two cities.  
(Memo with agenda. Motion authorizing Modesto Planning Commission to work with Ceres Planning Commission needed)

ACTION: By motion Modesto Planning Commission authorized to work with Ceres Planning Commission. (Planning to handle)

~~CONSENT~~

11. Agreement between City and Modesto City School District of Stanislaus County whereby City agrees to operate nineteen (19) Modesto Elementary School District playgrounds on an afterschool basis to commence on or about September 29, 1970 and to extend to on or about May, 1971. (District is to pay City \$7,206 for these services. This agreement is the usual agreement which has been entered into previously with the Modesto City School District whereby City agrees to operate the playgrounds on an afterschool basis. Resolution authorizing agreement needed)

Dropped from agenda.

~~CONSENT~~

12. Law enforcement trainee program - Modesto City Schools.  
(The Modesto City Schools have applied for a federal grant to be used for the training in law enforcement of disadvantaged high school students. One of the objectives of the program is to create interest in law enforcement as a career and to motivate the study to further his education through college enrollment. The Modesto Police Department would actively participate in this program. Resolution approving participation by the Modesto Police Department needed. No financing necessary)

ACTION: Res. 70-896 adopted (Robinson/Dixon, unan. - Simon and Mayor Davies, absent) approving participation by Modesto Police Dept.  
(Police to handle)

Staff requested to write Norvin Spence of the Modesto City Schools and express Council approval of program. (C/Mgr to handle)

ORDINANCES

13. Consider ordinance imposing a utility users' tax.

ACTION: By motion (Robinson/Dixon, unan.) further consideration delayed for one week to allow staff to obtain further information such as the size of the average utility bill and to consider alternate possibilities. (P/W to handle)

REPORTS

CONSENT

14. Report concerning Council's request that County establish a medical center.  
(Report with agenda. Motion accepting report needed)

ACTION: By motion report accepted.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

15. Recommend amendment to Section 15-3-9 of the zoning map (U.S. By-Products)  
(By Resolution No. 70-117 adopted September 1, 1970 the Planning Commission recommends an amendment to Section 15-3-9 of the zoning map as requested by U. S. By-Products Inc., to prezone to Planned Development, P-D, allowing C-1 Zone uses, property located at the northwest corner of Floyd Avenue and Oakdale Road. Resolution setting date for public hearing needed. Suggested hearing date October 13, 1970 at 7:45 P.M.)

ACTION: Res. 70-897 adopted setting hearing. (Clerk to handle)

MISCELLANEOUS

16. Appointments.

None

Adjournment at 11:55 P.M.

ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

## CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, SEPTEMBER 21, 1970 AT 4:00 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Simon, Smith, Mayor Davies

Absent: Robinson

Pledge of allegiance to the Flag

Invocation: Reverend Donald E. Smith, North Modesto Church of God

CONSENT ITEMS - Roll Call Vote Required: Items 2, 3, 4, 6, 7, 8, 9, 10,  
 Item 26g dropped from agenda. 11, 12, 13, 14, 15, 16, 17, 25,  
 Item 27 removed from consent. 26a, b, c, d, e, f, ~~g~~, ~~XX~~, 28,  
 Simon/Smith, unan. - Robinson, absent. 29, 31, 32, 33, 37, 38

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items)

1. Presentation of Special Citation for Pedestrian Program Activities award by California State Automobile Association.

ACTION: Plaque presented by Stuart L. Wright of A.A.A. to Mayor Davies.

APPROVAL OF MINUTES

## CONSENT

2. Minutes of September 8 and 14, 1970.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

## CONSENT

3. Appeal of U.S. By-Products, Inc. from P/C denial of request for pre-zoning of land at N.E. corner of Floyd and Old Oakdale to permit a mobile home park.  
 (Resolution setting October 13, 1970 at 7:45 P.M. as time for hearing needed)

ACTION: Res. 70-898 adopted setting hearing. (Clerk to handle)

## CONSENT

4. Request of Chairman of P/C that various alternatives for Dry Creek Park be referred to P/C for report and recommendation.  
 (Motion referring to agenda when report on Dry Creek Park is scheduled)

ACTION: By motion referred to agenda when report on Dry Creek Park is scheduled. (Clerk to handle)

5. Request of Mrs. S. L. Colton for discussion of problem of college students' on-street parking in College Area.

ACTION: Mrs. Colton suggested more bike riding, car pools, lease of parking lots and a shuttle bus from Modesto State Hospital as possible methods of easing the problem. Mayor Davies directed staff to check with the schools on these suggestions and report to Council. (P & T to handle)

BIDS

CONSENT

6. Consider award to low bidder J. M. Lift Trucks, Inc. to furnish 2, three-wheel vehicles. Bids were opened August 25, 1970 at 2:00 P.M. (Memo with Agenda. Resolution approving needed. Estimated cost \$2,987.00; funds budgeted in Account No. 5432-48-512, Service Division Working Capital Fund, page 79.

ACTION: Res. 70-899 adopted awarding contract to J. M. Lift Trucks, Inc. (Finance to handle)

CONSENT

7. (A) Consider award to low bidder I.R. Equipment Corp. to furnish one rotary-type air compressor and rejecting trade-in offer.  
(B) Consider authorizing Purchasing Officer to advertise and obtain sealed bids for sale of used surplus compressor. (Memo with agenda. Two Resolutions approving needed. Estimated cost \$4,321.00; funds budgeted in Account No. 5406-48-512, Service Division Working Capital Fund, page 78.

ACTION: Res. 70-900 adopted awarding contract to I.R. Equipment Corp. but rejecting trade-in offer. (Finance to handle)

Res. 70-901 adopted authorizing Purchasing Officer to solicit bids for used compressor. (Finance to handle)

CONSENT

8. Consider accept as complete Motorola Communications and Electronics, Inc. contract for furnishing complete police radio system. (All work has been done to the satisfaction of the Purchasing Officer and Police Department. It would be in order to accept the work and authorize final payment. Contract cost \$61,376.00. Final Cost \$61,376.00. Resolution approving needed. Funds budgeted in Account No. 6001-22-101, Radio Communication System.

ACTION: Res. 70-902 adopted accepting contract. (Clerk to handle)

CONSENT

9. Accept as complete George Reed, Inc., contract for the Asphalt Concrete Resurfacing Unit No. 1 Select Streets, Unit No. 2 Residential Streets. (All work on this contract has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and authorize the City Clerk to file a Notice of Completion. Resolution approving needed. Contract Cost \$56,697. Final Contract cost \$51,885.83; funds budgeted in Account No. 6660-207 Misc. Resurfacing, 6657-41-321 Various Residential Streets Overlays)

ACTION: Res. 70-903 adopted accepting contract. (Clerk to handle)

CONSENT

10. Consider acceptance of Valley Construction's contract for installation of water lines in Greenfield Village No. 1.  
(All work has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work and authorize the City Clerk to file a Notice of Completion. Original Contract Cost \$3,946.40. Final Contract Cost \$4,042.40. Resolution approving needed. Funds budgeted in Account No. 6804-50-101, Water Line Extensions)

ACTION: Res. 70-904 adopted accepting contract. (Clerk to handle)

CONSENT

11. Consider award of bid for installation of water lines in Pleasant View Estates No. 1.  
(Bids were opened on September 15, 1970 and the low bid of Valley Construction Co., which is 8% below the engineer's estimate is considered acceptable. Therefore, it is recommended that the bid be awarded to them. Resolution approving needed. Contract Cost \$3,464 50; funds budgeted in Account No. 6804-50-101, Water Line Extensions)

ACTION: Res. 70-905 adopted awarding contract to Valley Construction Co. (P/W to handle)

CONSENT

12. Consider award of bid for installation of water lines in Northwood Manor.  
(Bids were opened September 15, 1970 and the low bid of Valley Construction, which is 3% below the Engineer's Estimate, is considered acceptable. Therefore, it is recommended that the bid be awarded to them. Resolution awarding bid needed. Contract Cost \$1,453.00; funds budgeted in Account No. 6804-50-101, Water Line Extensions)

ACTION: Res. 70-906 adopted awarding contract to Valley Construction Co. (P/W to handle)

CONSENT

13. Consider award of bid for installation of water lines in Morningside Estates.  
(Bids were opened on September 15, 1970 and the low bid of Valley Construction, which is 17% below the engineer's estimate, is considered acceptable. Therefore, it is recommended the bid be awarded to them. Resolution awarding bid needed. Contract Cost \$7,481.80; funds budgeted in Account No. 6804-50-101, Water Line Extensions; 5301-50-101, New Services.)

ACTION: Res. 70-907 adopted awarding contract to Valley Construction Co. (P/W to handle)

CONSENT

14. Approve plans and specifications for the furnishing of one horizontal type water desanding unit for Pump Station No. 37. (Bid opening, October 6, 1970 at 10:00 A.M. Resolution approving the specifications and calling for bids needed. Estimated Cost \$3,850. (Contract \$3,750; Engineer \$100); funds budgeted in Account No. 6809, Well & Pump Station Rose Avenue)

ACTION: Res. 70-908 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

15. Approve plans and specifications for the furnishing and installation of one deep water well pumping unit with electrical equipment, for Pump Station No. 37. (Bid opening, October 6, 1970 at 10:10 A.M. Resolution approving plans and specifications and call for bids needed. Estimated cost \$11,000 (Contract \$10,500; Engineer \$500); funds budgeted in Account No. 6809, Well & Pump Station Rose Avenue)

ACTION: Res. 70-909 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

16. Consider final approval of A. P. Rasmussen's contract for construction of Keller-Rumble subtrunk sewer. Original Contract \$13,824.00 (All work in conjunction with the contract has been completed to the satisfaction of the Public Works Department. Therefore, it is recommended that the work be accepted and the clerk file the Notice of Completion. Resolution accepting the work as complete needed. Final cost \$13,734.30; funds budgeted in Account No. 6561-212, Extend Subtrunk and Perimeter)

ACTION: Res. 70-910 adopted accepting contract. (Clerk to handle)

CONSENT

17. Consider rejection of bid received and setting of new bid opening date for construction of Scenic Drive-Kingsbury Park Subtrunk Sewer. (See Memo. Resolution rejecting bid and setting October 6, 1970 at 10:15 A.M. for receiving bids. Estimated cost \$42,500 (Contract \$40,417.50, Engineer's \$2,082.50); funds budgeted in Account No. 6561-212, Extend Subtrunk and Perimeter Sewers)

ACTION: Res. 70-911 adopted rejecting bid, approving plans and specifications and new time for receiving bids. (Clerk to handle)

HEARINGS

18. Hearing on annexation of Memorial Hospital North Addition to City. 4:30 P.M.

ACTION: Res. 70-912 adopted (Smith/Newton, unan. - Robinson, absent) declaring no majority protest has been made.

Ord. 1049-C.S. adopted (Smith/Newton, unan. - Robinson, absent) annexing Memorial Hospital North Addition to City. (Clerk to handle)

- Curb and Gutter  
(a) 116 Maple Street, Block 418, Lot 23 and West 15' of Lot 22 - Mr. Floyd Patrick. (\$209.60)

ACTION: Res. 70-913 adopted (Newton/Dixon, unan.-Robinson, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)  
Sidewalk

- (b) 325 Oak Street, Block 414, Lots 1 and 2 - Mr. James E. Sheppard. (\$130.00)

ACTION: Res. 70-914 adopted (Newton/Dixon, unan. - Robinson, absent) confirming report, assessing costs (\$130.00) and directing method of collection. (Finance to handle)

- (c) Curb, gutter and sidewalk at 216 S. Franklin Street, northerly 60' of Lots 27 and 28 of Block 415 - Mr. Wallace E. Allen. (\$419.30)

ACTION: Res. 70-915 adopted (Newton/Dixon, unan. - Robinson, absent) confirming report, assessing costs (\$419.30) and directing method of collection. (Finance to handle)

- (d) Curb and gutter at 114 Maple Street, Lot 21, East 10' of Lot 22 and the West 10' of Lot 20 of Block 418 - Mrs. Mary M. Oliney. (\$223.35)

ACTION: Res. 70-916 adopted (Newton/Dixon, unan. - Robinson, absent) confirming report, assessing costs (\$223.35) and directing method of collection. (Finance to handle)

- (e) Curb, gutter and sidewalk at Northeast corner of S. Franklin Street and Oak Street, south 80' of Lots 27 and 28 of Block 415 - Kirt H. Sharp) (\$462.00)

ACTION: Res. 70-917 adopted (Newton/Dixon, unan. - Robinson, absent) confirming report, assessing costs (\$462.00) and directing method of collection. (Finance to handle)

- (f) Curb and gutter at 120-122 S. Jefferson Street, Lots 27 and 28 and the West 10' of Lot 26 of Block 418 - Mr. Silas W. Green. (\$175.00)

ACTION: Res. 70-918 adopted (Newton/Dixon, unan. - Robinson, absent) confirming report, assessing costs (\$175.00) and directing method of collection. (Finance to handle)

20. Matters for the good of the Community 4:40 P.M.  
(These may be presented by interested citizens in the audience)

ACTION: Frank Andrews requested financial help for Mrs. McCready's efforts with pets.

Staff was requested to study the problem of circulars on door-knobs or steps and report to Council. (C/Atty to handle)

Staff requested to report to Council on subject of mutual police aid. (Police to handle)

Councilman Dixon reported that a local businessman had complained that a city employee had used his (Dixon's) name as a form of threat in connection with the mandatory sidewalk program. It was reported that the Department Head is investigating and a report will be made to Councilman Dixon.

OLD BUSINESS

21. Further discussion of proposed resolution indicating interest in ILS at City-County Airport.  
(Carried over from September 8th meeting)

ACTION: Proposed resolution referred to City-County Liaison Committee for study and report to Council on October 5, 1970. (C/Mgr to handle)

22. Further consideration of amendments to Code relating to water service charges.

ACTION: Ord. No. 1050-C.S. introduced (Mitchell/Smith, unan. - Robinson, absent) amending code. (Clerk to handle)

23. Further report on decrease in flights by United Air Lines.

ACTION: By motion (Smith/Simon, unan.) referred to City-County Liaison Committee. (C/Mgr to handle)  
It was announced that Golden Pacific Airlines would increase service to Modesto on October 26. It was requested that representatives of Golden Pacific attend the City-County Liaison Committee on October 2, 1970.

24. Further consideration of Utility Users' Tax.

ACTION: Ord. No. 1051-C.S. introduced (Simon/Smith, unan. - Robinson, absent) imposing Utility Users' Tax. (Finance to handle)

CONSENT

25. Acceptance of letter from Attorney Ronald LaForce regarding future development of Ruddy parcel.  
(The development of portions of the Ruddy parcel along McHenry Avenue in the County followed by requests for city utility services and annexation has been a concern to city staff. The attached letter supports development provisions that meet the concerns of city staff. Motion accepting letter needed)

ACTION: By motion letter accepted.

CONSENT

26. Resolutions instructing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters at the locations listed below.  
(Informal requests were sent over 30 days ago to the property owners to install sidewalks and/or curbs and gutters. The work has not been done; therefore it is recommended that resolutions be adopted authorizing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters. Resolutions setting hearings needed. Suggested date - October 5, 1970 at 4:25 P.M.)

CONSENT

- (a) Sidewalk at 1331 Tebbutt Avenue, Lot 1 of Block 6042,  
(Mr. Arvil V. Atchley)  
(Resolution setting hearing needed)

ACTION: Res. 70-919 adopted setting hearing. (P/W to handle)

CONSENT

(b) Sidewalk at 1437 Pearl St., Lot 1 of Block 6113  
(Mr. Amos D. Cobb)  
(Resolution setting hearing needed)

ACTION: Res. 70-920 adopted setting hearing. (P/W to handle)

CONSENT

(c) Curb and gutter on Del Vale Avenue at 1600 Pearl Street,  
North 77.5 of Lot 17 of Block 6081. (Mr. Donald D. Hamilton)  
(Resolution setting hearing needed)

ACTION: Res. 70-921 adopted setting hearing. (P/W to handle)

CONSENT

(d) Curb and gutter at 1445 Del Vale Avenue, South 50' of  
Lot 17 and of east 35' of Lot 18 of Block 6081. (Mr. Donald  
J. Harper)  
(Resolution setting hearing needed)

ACTION: Res. 70-922 adopted setting hearing. (P/W to handle)

CONSENT

(e) Sidewalk on Tebbutt Avenue at 1321 Oakwood Drive, east  
61.57' of Lot 1 of Block 6042 (Mr. Howard M. Johnson)  
(Resolution setting hearing needed)

ACTION: Res. 70-923 adopted setting hearing. (P/W to handle)

CONSENT

(f) Sidewalk on Tebbutt Avenue at 1317 Oakwood Drive, Lot 6 of  
of Block 6043 (Mr. Hugh Gary Shook)

ACTION: Res. 70-924 adopted setting hearing. (P/W to handle)

~~CONSENT~~

(g) Curb and gutter on "D" Street at 329 7th Street, Lots 1 and  
2 of Block 28. (Mr. Nick J. Smith)

Dropped from agenda - work started.

~~INDEX~~

27. Consider deleting charge of \$.05 plus sales tax per page for code pages.  
(Memo with agenda. Resolution establishing charges for supplying portions of Modesto Municipal Code and rescinding Res. 62-610 needed)

ACTION: Res. 70-925 adopted (Mitchell/Simon, unan) continuing present charges and giving City Clerk authority to use his discretion as to whether or not charges are to be made for individual code pages. (Clerk to handle)

CONSENT

28. Consider approval of new lease and concession agreement with Hertz Corporation effective 9/1/70 and cancellation of lease agreement entered into July 10, 1967.  
(Under the terms of the new lease, Hertz Corp. will have exclusive use of 48 sq. ft. of space in the terminal building at the City-County Airport, and five parking spaces adjacent to the terminal. Rental to be paid to the City will be an amount equal to 7½% of Lessee's gross revenue, but in no event less than \$150 per month plus \$26.40 per month for space in the terminal building. Resolution approving new lease and concession agreement effective 9/1/70 and canceling lease agreement entered into 7/10/67)

ACTION: Res. 70-926 adopted approving lease and concession agreement and cancelling previous agreement. (P/W to handle)

CONSENT

29. Consider request for sewer service to two properties outside the City at 908 and 912 Houser Lane.  
(The property owners have signed two agreements to annex to the City when requested to do so. The properties are not contiguous to the City but a sewer line exists to serve them. Property owners, Charles and Elizabeth Spencer)

ACTION: Res. 70-927 adopted approving agreement (908 Houser Lane)

Res. 70-928 adopted approving agreement (912 Houser Lane)  
(P/W to handle)

30. Notification that Modesto-Riverbank-Oakdale stage line is reducing their operation between these cities.  
(The mid-morning trip is being dropped, leaving morning and mid-afternoon trips. No council action needed)

No action needed.

CONSENT

31. Accept improvements in Coffee Terrace No. 1 Subdivision and authorize City Clerk to file notice of completion and release bond upon expiration of statutory lien period.  
(This subdivision is located north of Rumble Road and east of Coffee Road near Sylvan School. All improvements have been completed to the satisfaction of the Public Works Department and all fees paid. Resolution accepting improvements needed)

ACTION: Res. 70-929 adopted accepting improvements. (Clerk to handle)

CONSENT

32. Consider approval of sewer agreement with developer of Brookview Estates No. 1.  
(Arthur Wylie, developer of Brookview Estates No. 1, will construct a sanitary sewer to serve his development and in so doing some adjacent property will be provided with sewer service. This agreement provides for Mr. Wylie to be reimbursed as these properties connect to the sewer. Resolution approving agreement needed)

ACTION: Res. 70-930 adopted approving agreement with Arthur Wylie.  
(P/W to handle)

CONSENT

33. A resolution approving the final map of Brookview Estates No. 1 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.  
(The subdivision agreement has been signed and all fees paid. This subdivision is located east of Trask Lane at Edgebrook Drive. It contains 4.65 acres. Resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 70-931 adopted approving final map of Brookview Estates No. 1. (Clerk to handle)

REPORTS

34. Report on garbage collection  
(Report with agenda)

ACTION: By motion (Simon/Dixon, unan.) referred to Public Projects Committee for investigation. (C/Mgr to handle)

35. Report on Welfare Reform Legislation, as requested at September 14, 1970 council meeting.  
(Report with agenda. Motion accepting report needed)  
No action taken.

Mayor Davies was excused at 6:10 P.M. and Vice Mayor Mitchell presided for the remainder of the meeting.

36. Report on parks.  
(Memo with agenda)

ACTION: By motion (Smith/Dixon, unan.) report accepted with recommendation that Police Chief should review park plans before they are presented to Council.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

37. Recommendation that Modesto fringe area zoning be placed on agenda of the City-County Liaison Committee.  
(Letter from Chairman of the Planning Commission attached. Motion authorizing City-County Liaison Committee to discuss matter needed)

ACTION: By motion City-County Liaison Committee authorized to discuss fringe area zoning. (Planning to handle)

CONSENT

38. Rouse No. 2 Addition (inhabited) referral to Planning Commission.  
(Description with agenda. Resolution referring to Planning Commission needed)

ACTION: Res. 70-932 adopted referring to Planning Commission.  
(Planning to handle)

39. Request Council concurrence with a Planning Commission zoning policy for allowing only one-corner neighborhood commercial development at four-corner street intersections.  
(On September 15, 1970 by Resolution No. 70-123, the Planning Commission adopted a planning commission zoning policy for allowing only one-corner neighborhood commercial development at four-corner street intersections and requested that the City Council concur in the Planning Commission's zoning policy. Resolution concurring with recommendation needed)

ACTION: Res. 70-933 adopted (Simon/Dixon, unan. - Robinson and Mayor Davies, absent) concurring with recommendation of Planning Commission. (Planning to handle)

APPROPRIATION TRANSFERS

None.

MISCELLANEOUS

40. Appointments.

None.

Adjournment at 6:45 P.M.

ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, SEPTEMBER 28, 1970 AT 7:30 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Simon, Smith,  
Mayor Davies  
Absent: None

Pledge of allegiance to the Flag  
Invocation: Reverend George Telle, Trinity Presbyterian Church

CONSENT ITEMS - Roll Call Vote Required: Items 1, 2, 4a, 4b, 5, 6, 7, 8,  
Items 15, 25, and 28 removed from consent. 10, 14, ~~15~~, 18, 20a, b, c, 21,  
Item 23b dropped from agenda. 23a, ~~5~~, c, d, e, f, g, ~~15~~, ~~28~~, 30  
Smith/Robinson, unan.

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of September 21, 1970.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT

2. Request of A.G. Spanos Construction, Inc, for abandonment of a portion of a public utilities easement in Coffee Plaza No. 2.  
(Resolution referring to Planning Commission needed)

ACTION: Res. 70-934 adopted referring to P/C. (Planning to handle)

3. Request of Stanislaus Fish and Wildlife Committee for habitat improvement at Modesto Sewage Treatment Facility.

ACTION: By motion (Simon/Dixon, unan.) staff authorized to meet with representatives of Stanislaus County and Committee to work out details and, if possible, return to Council with recommendation on October 5, 1970. (P/W to handle)

BIDS

CONSENT

4A. Right-of-way Agreement, Sunrise and Orangeburg Intersection.  
(Memo with agenda. Resolution approving Agreement needed)

ACTION: Res. 70-935 adopted approving right-of-way agreement with Mr. and Mrs. Dominic Giannetto. (Clerk to handle)

CONSSENT

- 4B. Award contract for construction of traffic signals and street lighting at Orangeburg and Sunrise and approve transfer to provide funds for construction and inspection.  
(Ferrero Electric, Inc. is the low bidder at \$10,230. Ten thousand dollars was budgeted and an appropriation transfer of \$830 is needed to provide funds for construction and inspection costs. Resolution awarding the bid to Ferrero Electric, Inc. and a resolution approving appropriation transfer of \$830; funds budgeted in Account No. 6163-56-321, Traffic signal and street lighting construction- Orangeburg and Sunrise)

ACTION: Res. 70-936 adopted awarding contract to Ferrero Electric, Inc. (P & T to handle)

Res. 70-937 adopted approving appropriation transfer of \$830 from Account 60-321 to Account 6163-56-321. (Finance to handle)

CONSSENT

5. Consider approval of Plans and Specifications for construction of sewer replacement on Esgar Avenue and extension of storm drainage on Morris Avenue. Suggested bid opening date: October 13, 1970 at 10:00 A.M.  
(Funds were budgeted to extend the storm drain to remove storm water from an overloaded sewer and to replace the Esgar sewer which is a maintenance problem because of age and improper slope. Resolution approving plans and specifications and calling for bids. Estimated cost \$25,000 (Contract \$24,070; Engineer \$930); funds budgeted in Account No. 6571-212, Replace Hunter & Esgar Sewer; 6605-321, Morris Storm Drain)

ACTION: Res. 70-938 adopted approving plans and specifications and call for bids. (Clerk to handle)

CONSSENT

6. Consider award of bid for construction of Restroom Building at Mancini Park.  
(Bids were opened on September 22. The low bid submitted by B.J. Rommel which is 8% under the Engineer's Estimate is considered acceptable. Therefore, it is recommended by the Public Works Department that the bid be awarded to them. Resolution awarding bid needed. Estimated cost \$25,984.00 (Contract \$24,484, Insp. \$1,500); funds budgeted in Account No. 6331-31-321, Mancini Park Development Stage 2)

ACTION: Res. 70-939 adopted awarding contract to B. J. Rommel. (P/W to handle)

CONSSENT

7. Consider approval of specifications and authorize call for bids for painting Fire Stations 1 and 2, to be opened October 13, 1970 at 2:30 P.M.  
(Resolution approving specifications and call for bids needed. Estimated cost \$6,000.00; funds budgeted in Account No. 224-21-101, Page 35, Maintenance and Repair Building and Grounds)

ACTION: Res. 70-940 adopted approving specifications and call for bids. (Clerk to handle)

CONSENT

8. Consider waiver of formal bid procedure and authorization to purchase from Goodwin Equipment Co. of Manteca, one lawn and litter sweeper. (Memo with agenda. Resolution approving waiver of formal bid procedure and authorizing purchase needed. Estimated cost \$3,255.00; funds budgeted in Account No. 5412-48-512, Page 79, Service Division Capital Outlay)

ACTION: Res. 70-941 adopted approving waiver of formal bid procedure and authorizing purchase from Goodwin Equipment Co. (Finance to handle)

9. Consider award of bid for installation of water lines in Riverside North No. 2 Subdivision. (Bids were opened on September 22, 1970 and two bids were received which are identical and they are 3% below the engineer's estimate. It is recommended that the successful bidder be chosen by lot at the council meeting. Both bidders have been informed that a decision will be made at the council meeting. Resolution awarding bid needed. Contract Cost \$1,638.50; funds budgeted in Account No. 6804-50-101, Water Line Extensions)

ACTION: Res. 70-942 adopted (Robinson/Smith, unan.) awarding contract to George F. Schuler, Inc. (P/W to handle)

CONSENT

10. Frank and Ione Mancini Memorial Park Landscaping. (Approve plans and specifications and call for bids, Frank and Ione Mancini Memorial Park landscaping. Bid opening date suggested: October 13, 1970 at 10:10 A.M. Resolution approving plans and specifications and calling for bids needed. Estimated cost \$24,730.00; funds budgeted in Account No. 6331-31-321, Page 73, Mancini Park Development Stage 2)

ACTION: Res. 70-943 adopted approving plans and specifications and call for bids. (Clerk to handle)

HEARINGS

11. Hearing on request of State for no-parking zone on east side 8:00 P.M. of McHenry from Needham to Helen.

ACTION: Res. 70-944 adopted (Robinson/Smith, majority - Dixon, no) concurring with State request. (P & T to handle)

12. Hearing on appeal from decision of Planning Commission denying 8:05 P.M. request for rezoning to PO, R-2 and C-1, property at S.W. corner of Sutter and Robertson.

ACTION: After hearing all persons wishing to speak, the public hearing was closed.

A resolution (Smith/Simon) to deny the appeal was withdrawn.

By motion (Dixon/Newton, unan.) further consideration continued for two weeks. (Clerk to handle)

13. Matters for the good of the Community. (These may be presented by interested people in the audience) 8:10 P.M.

ACTION: John Funnell, member of the Farm-City Advisory Committee, was introduced.

Councilman Dixon inquired as to the status of the report on sidewalk, curb and gutter program. The C/Mgr stated it would be on the agenda for October 5, 1970. Councilman Simon requested that the report include information on City-owned property without sidewalks.

The C/Mgr announced that the two City of Modesto firemen who had been sent to assist in the Southern California fires were on standby in Ventura.

#### ORDINANCES

##### CONSENT

14. Final adoption of Ordinance No. 1050-C.S. (Water Service Charges)

ACTION: By motion Ord. No. 1050-C.S. adopted. (Clerk to handle)

##### ~~CONSENT~~

15. Final adoption of Ordinance No. 1051-C.S. (Utility Users' Tax)

ACTION: By motion (Simon/Smith, unan.) Ord. No. 1051-C.S. adopted. (Clerk to handle)

#### OLD BUSINESS

16. Request for reconsideration of liquidated damages withheld from White's Electric Service payment.

ACTION: By motion (Simon/Dixon, majority - Davies, no) further consideration continued for two weeks to enable staff to study communication presented by attorney for White's Electric Service. (P & T to handle)

17. Request for Council Direction on Noise Ordinance.  
(An oral report will be made at the meeting. Motion directing staff needed)

ACTION: By motion (Smith/Simon, unan.) staff directed to prepare list of major sources of noise problems and report to Council on possible solutions. (C/Atty to handle)

#### NEW BUSINESS

##### CONSENT

18. Landscaping, New Library.  
(Memo with agenda. Motion approving proposed landscaping needed)

ACTION: By motion proposed landscaping approved. (C/Mgr to handle)

19. Carpeting, Main floor of Modesto Library.  
(Memo with agenda. Motion accepting recommendation needed)

ACTION: By motion (Robinson/Simon, unan.) recommendation that full carpeting and open-bottom book shelves be installed approved.  
(C/Mgr to handle)

**CONSENT**

20. Resolutions instructing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters at the locations listed below.  
(Informal requests were sent over 30 days ago to the property owners to install sidewalks and/or curbs and gutters. The work has not been done; therefore it is recommended that resolutions be adopted authorizing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters at the following locations: Suggested hearing date October 13, 1970 at 7:50 P.M.)

(a) Curb, gutter and sidewalk on Jefferson Street at 201 Locust Street, Lots 13 and 14 of Block 422. (Mr. Lonnie Banks)

ACTION: Res. 70-945 adopted setting hearing. (P/W to handle)

(b) Curb and gutter at 526 Kimble Street, Lots 37 and 38 of Block 583. (Mrs. Edna Mae Harrity)

ACTION: Res. 70-946 adopted setting hearing. (P/W to handle)

(c) Curb and gutter on Jefferson Street and on Locust Street at 128 Locust Street, portion of Lots 1 and 24 through 28 of Block 424. (Mrs. D. Leah Lindsey)

ACTION: Res. 70-947 adopted setting hearing. (P/W to handle)

**CONSENT**

21. Consider request for sewer service to property outside the City at 217 El Vista Avenue.  
(Property owners have signed an agreement to annex when requested to do so by the City. The property is contiguous to City and a sewer line exists to serve it. Property Owner is Mr. Stinson. Resolution approving agreement needed)

ACTION: Res. 70-948 adopted approving agreement. (P/W to handle)

22. Agreement between City and Modesto City School District of Stanislaus County whereby City agrees to operate nineteen (19) Modesto Elementary School District playgrounds on an afterschool basis to commence on or about September 29, 1970, and to extend to on or about May 28, 1971. District is to pay City \$7,206.00 for these services.  
(This agreement is the usual agreement which has been entered into previously with the Modesto City School District whereby City agrees to operate the playgrounds on an afterschool basis. Resolution authorizing agreement needed)

ACTION: Res. 70-949 adopted (Robinson/Simon, unan. - Dixon, absent) approving agreement. (Clerk to handle)

Councilman Dixon disqualified himself for this item and No. 24.

CONSENT  
23. Report of Superintendent of Streets on the cost of installation of sidewalk and/or curb and gutter at the properties listed below. (The amounts assessed against the properties will be included in reports distributed with the agenda for the hearing date. The City Clerk will set the date for hearing. Resolutions setting date for hearing October 13, 1970 at 7:55 P.M. needed. Contract costs listed below with properties; funds budgeted in Account No. 5302-51-101, Curbs and gutters, Special)

CONSENT

(a) Sidewalk on Tebbutt Avenue and Pearl Street at 1430 Tebbutt Avenue, Lot 1 of Block 6075. (Mr. Marion W. Click - \$346.00)

ACTION: Res. 70-950 adopted setting hearing. (P/W to handle)

CONSENT

(b) Sidewalk on Tebbutt Avenue and W. Orangeburg Avenue at 1401 Tebbutt Avenue, Lot 16 of Block 6078. (Mrs. Tillie Del Don - \$330.00)

Dropped from agenda.

CONSENT

(c) Sidewalk on Bermuda Way at 518 Bermuda Way at 518 Bermuda Way, Lot 1 of Block 6065. (Dr. Wayne G. Helm-\$132.00)

ACTION: Res. 70-951 adopted setting hearing. (P/W to handle)

CONSENT

(d) Sidewalk on Grape Avenue at 1731 W. Orangeburg Avenue, Lot 10 of Block 6254. (Mr. Stanley W. Lust - \$185.00)

ACTION: Res. 70-952 adopted setting hearing. (P/W to handle)

CONSENT

(e) Sidewalk on Tebbutt Avenue and Pearl Street at 1445 Tebbutt Avenue, Lot 17 of Block 6083. (Mrs. Marquerite Sampson - \$314.00)

ACTION: Res. 70-953 adopted setting hearing. (P/W to handle)

CONSENT

(f) Sidewalk on Tebbutt Avenue and Teresa Street at 1329 Teresa Street, Lot 16 of Block 6083. (Mrs. Charles P. Shirley - \$320.00)

ACTION: Res. 70-954 adopted setting hearing. (P/W to handle)

CONSENT

(g) Sidewalk on Martin Avenue at 1404 Martin, Lot 1 of Block 6254. (Mr. William E. Wilson - \$182.50)

ACTION: Res. 70-955 adopted setting hearing. (P/W to handle)

24. Agreement between City and Modesto School District for development of Fred C. Beyer High School site.  
(Memo with agenda. Resolution approving agreement between Modesto School District and City of Modesto for development of Fred C. Beyer High School site needed)

ACTION: Res. 70-956 adopted (Robinson/Simon, unan. - Dixon, absent) approving agreement. (Clerk to handle)

~~CONSENT~~

25. Agreement with Ribera and Sue, Landscape Architects.  
(Agreement with Ribera and Sue for the preparation of Plans, specifications and bidding documents for the next stage development of Downey Park; this stage to include irrigation, turf, restroom and landscaping. Adoption of resolution approving agreement needed Estimated cost \$3,900.00; funds budgeted in Account No. 6290-31-321, Page 73, Downey Park Stages 1, 2, and 3A)

ACTION: Res. 70-957 adopted (Robinson/Simon, unan.) approving agreement. (Clerk to handle)

26. Breach of Lease Terms - Modesto Flying Service.  
(Memo with agenda. Resolution cancelling lease agreement needed)

Dropped from agenda.

27. Consider request of Fire Chief for Uniform Modifications for Chief Officers and Inspectors.  
(Report being distributed with agenda. Motion approving request needed)

ACTION: By motion (Dixon/Mitchell, unan.) request approved. (Fire to handle)

REPORTS

~~CONSENT~~

28. Report on meeting with members of Stanislaus Zoological Society.

ACTION: By motion (Robinson/Dixon, unan.) staff authorized to work with members of Society on selection of site for proposed zoo with understanding that the zoo study is not to replace any regular city business. (C/Mgr to handle)

29. Further report on Modesto City-County Airport Security Fence.  
(Memo with agenda)

No action.

REPORTS FROM PLANNING COMMISSION

CONSENT

30. Recommending exchange of small triangular parcels of land owned by City of Modesto and James Price.  
(At their meeting of September 15, 1970, the Planning Commission adopted Resolution No. 70-124 recommending to the Council the exchange of small triangular parcels of land owned by the City of Modesto and James Price located east of Riverside Drive, South of M.I.D. Lateral No. 2. Motion accepting Planning Commission recommendation and directing staff to prepare agreement after land swap is approved by HUD)

ACTION: By motion recommendation of P/C accepted and staff directed to prepare an agreement for exchange after proposed exchange has been approved by H.U.D. (C/Atty to handle)

APPROPRIATION TRANSFERS

None.

MISCELLANEOUS

31. Appointments

None.

Adjournment at 12:10 A.M.

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, OCTOBER 5, 1970 AT 4:00 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Simon, Smith,  
Mayor Davies  
Absent: None

Pledge of allegiance to the Flag  
Invocation: A moment of silent prayer was observed.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 5, 6, 9, 10, 11,  
Items 23 and 28 removed from consent. 20, 22, ~~23~~, 24a, b, c, d, e, f,  
25a, b, c, d, e, f, g, h, i, j,  
Robinson/Simon, unan. k, 1, 26, 27, ~~28~~, 30, 31

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items)

1. Suggestion awards.

(a) \$75 award to Welcome Mullen (Public Works Department) for suggestion submitted. He has invented a tool to open water gate valve boxes without slipping on 4 TT frames, which will prevent backstrain and reduce amount of paving needed to be cut away to reach these valve boxes.

ACTION: Award presented by Mayor Davies.

(b) \$35 award to Ronald Mendoza (Fire Department) who suggested that a carburetor return spring be installed on Fire Engines No. 5 and No. 11. This would prevent the carburetor from opening to full throttle if the carburetor connecting linkage breaks on the way to a fire.  
(Mayor to present awards. Estimated cost \$110; funds budgeted in Account 236-17-101, Suggestion System)

ACTION: Award presented by Mayor Davies.

APPROVAL OF MINUTES

CONSENT

2. Minutes of September 28, 1970.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES, AND CORRESPONDENCE

CONSENT

3. Request of California Disaster Office for extension to June 30, 1972 of agreement for temporary transfer of fire truck to City of Modesto. (Resolution approving extension needed)

ACTION: Res. 70-958 adopted approving extension of agreement. (Clerk to handle)

4. Offer of Creative Arts Council of Stanislaus County to sponsor an annual arts festival at Frank and Ione Mancini Park.

ACTION: By Order of the Chair, offer referred to staff for study and report to Council when ready. (P & R to handle)

CONSENT

5. Resignation of Mrs. Helen Horner from Committee to Study Crime.  
(Resolution accepting with regret needed)

ACTION: Res. 70-959 adopted accepting resignation with regret. (Clerk to handle)

CONSENT

6. Request of B. J. Sayre for variance to permit a brick wall to remain in public right of way.  
(Resolution setting October 19, 1970 at 4:05 P.M. for hearing needed)

ACTION: Res. 70-960 adopted setting hearing. (Clerk to handle)

8. Recommendation that Peter Johansen be reappointed to the Board of Directors of the Greater Modesto Community Foundation.

ACTION: Res. 70-961 adopted (Robinson/Mitchell, unan.) appointing Lowell Clark to the Board of Directors, to replace Peter Johansen, for a five year term ending October 12, 1975. (Mr. Johansen unable to serve again) (Clerk to handle)

BIDS

CONSENT

9. Consider waiver of formal bid procedure and authorize purchases as follows:  
Dorr-Oliver, Inc. - Disintegrator - \$6,907.00;  
Fairbanks - Morse - Rotating Assembly and Motor - \$7,554.00.  
(Detailed memo with agenda. Resolution waving formal bid procedure and authorizing two purchases needed. Estimated cost \$14,461.00; funds budgeted in Account 5309 & 5310-53-101, Water Quality Control, Capital Outlay, p. 56)

ACTION: Res. 70-962 adopted waiving formal bid procedure and authorizing purchases. (Finance to handle)

CONSENT

10. Accept as complete Collins Electrical Co., Inc., contract for street light improvements at new library.  
(All work on this contract has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and authorize the City Clerk to file notice of completion. Original contract, \$6817; final contract, \$6717; funds budgeted in Account 6063, New Library Building)

ACTION: Res. 70-963 adopted accepting contract. (Clerk to handle)

CONSENT

11. Approve plans and specifications and call for bids for the courthouse street light circuit revision.  
(Bid opening October 20, 1970 at 10:00 A.M. This work will replace an old 3.2 amp downtown circuit which has been a maintenance problem because replacement material is not available. Resolution approving plans specifications and call for bids needed. Estimated cost \$5473 (contract \$5163 - Engr. \$310); funds budgeted in Account 6632-321, Courthouse Circuit Revision, p. 73)

ACTION: Res. 70-964 adopted approving plans and specifications and bid call. (Clerk to handle)

12. Consider award of bid for construction of site preparation, grading and drainage at Mancini Park.  
(Bids were opened September 29, 1970. The bids are shown on the attached bid tabulation. An oral report will be given at the meeting. Estimated cost \$4,770; funds budgeted in Account 6331-31-321, Mancini Park Development)

ACTION: Res. 70-965 adopted (Robinson/Mitchell, unan.) awarding contract to Elrich Construction Co. subject to contractor agreeing in writing to changes in contract suggested by Director of Public Works. (P/W to handle)

#### HEARINGS

13. Annexation of Vine Addition to Modesto Municipal Sewer District No. 1. 4:05 P.M.

ACTION: Res. 70-966 adopted (Smith/Newton, unan.) annexing Vine Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

14. Amendment to Section 15-3-9 (Bomberger) Developer requests permission to withdraw petition without prejudice 4:10 P.M.

ACTION: Res. 70-967 adopted (Mitchell/Smith, unan.) permitting withdrawal of petition and recommending that Planning Commission waive the one-year limitation for reapplying. (Planning to handle)

15. Amendment to Section 26-3-9 of zoning map to prezone to H-1, R-2, and P-D, property at northeast corner of North Riverside Drive and Yosemite Boulevard (Westland Investment) 4:15 P.M.

ACTION: By motion (Newton/Dixon, unan.) hearing continued to October 19, 1970 at 4:20 P.M. (Clerk to handle)

16. Hearings on requirement of curb, gutter and/or sidewalk at the following locations:

(a) Sidewalk on Pearl Street at 1437 Pearl Street, Lot 1 of Block 6113 (Mr. Amos D. Cobb) 4:25 P.M.

ACTION: Res. 70-968 adopted (Smith/Simon, unan.) ordering work done. (P/W to handle)

(b) Curb and gutter on Del Vale Avenue at 1600 Pearl St., North 77.5' of Lot 17 of Block 6081 (Mr. Donald D. Hamilton) 4:25 P.M.

ACTION: Res. 70-969 adopted (Smith/Simon, unan.) ordering work done. (P/W to handle)

(c) Curb and gutter at 1445 Del Vale Avenue, South 50' of Lot 17 and east 35' of Lot 18 of Block 6081. (Mr. Donald J. Harper) 4:25 P.M.

ACTION: Res. 70-970 adopted (Smith/Simon, unan.) ordering work done. (P/W to handle)

17. Matters for the good of the community. 4:30 P.M.  
(These may be presented by interested people in the audience)

ACTION: Alan Strauss reported that Bowie, Maryland had adopted an ordinance prohibiting the sale of non-returnable beverage containers. Mr. Strauss requested that the City Attorney be instructed to study this ordinance and report to the Council on October 13. By motion (Robinson/Simon, unan.) this ordinance referred to staff for study with a progress report to be made in one month. (C/Atty to handle)

Mrs. Mole asked several questions such as dog control, disposal of dog droppings, permits for retaining walls, street lighting and directional traffic signals on McHenry Avenue. She was promised that these matters would be looked into.

It was suggested that members of the City Council be placed on the mailing list of the Community Action Commission. It was also suggested that the Council representatives make periodic reports to the Council.

Frank Andrews spoke.

#### ORDINANCES

18. Further consideration of an ordinance regulating cats.  
(This ordinance would make provisions for furnishing and making available humane type cat traps to the owners and occupants of premises within the City.  
(Introduction of ordinance needed)

ACTION: By motion (Robinson/Mitchell, majority - Dixon, Newton and Smith, no) Ordinance No. 1052-C.S. introduced.

By motion (Smith/Robinson, majority - Dixon, no) staff directed to make a study of the possibility of licensing cats.  
(C/Atty to handle)

#### OLD BUSINESS

19. Further consideration of curb, gutter and sidewalk construction.  
(Memo with agenda. Direction to staff as to how to conduct the sidewalk program needed)

ACTION: By motion (Robinson/Smith, unan.) plan submitted by Mayor (with the addition of alternate financing provisions) referred to Public Projects Committee (C/Mgr to handle)

(a) Complaint by William Allen concerning improvements required by City.

ACTION: By motion (Dixon/Robinson, unan.) sidewalk program on Edwards Avenue held in abeyance until Public Projects Committee has reported to Council. (P/W to handle)

By motion (Simon/Robinson, unan.) timetable for requiring sidewalks in newly annexed areas referred to Public Projects Committee. (C/Mgr to handle)

#### CONSENT

20. Consider authorizing bus rider validation program.  
(Report by Director of Parking and Traffic sent with agenda.  
Resolutions authorizing program and transferring \$150 for cards and promotional material needed.)

ACTION: Res. 70-971 adopted authorizing validation program. (P & T to handle)

Res. 70-972 adopted authorizing appropriation transfer of \$150 from Account 60-101 to Account 301-56-101. (Finance to handle)

21. Report on request of Stanislaus Fish and Wildlife Committee for habitat improvement at Modesto Sewage Treatment Facility.  
(Report with agenda. Motion approving request needed)

ACTION: By motion (Simon/Mitchell, unan.) report accepted and request approved. (P/W to handle)

NEW BUSINESS

CONSENT

22. Consider approval of amendment to lease between City and Department of the Navy for property at Modesto City-County Airport.  
(The amendment provides for a reduction in the size of the leased premises, with the City moving the Navy's perimeter fence to the new boundary and relocating the southernmost government antenna pole to a location within the leased area. Work to be performed by Airport personnel. Resolution approving amendment to lease agreement needed)

ACTION: Res. 70-973 adopted approving amendment to lease. (P/W to handle)

~~CONSENT~~

23. Notification of application by California railroads for ten percent increase in intrastate passenger fares.  
(Report with agenda. Motion accepting report needed)

ACTION: By motion (Dixon/Simon, unan.) staff directed to inform P.U.C. that Council is concerned over the proposed increase and the lack of a public hearing on this matter. (P & T to handle)

CONSENT

24. Report of Superintendent of Streets on the cost of installation of sidewalk and/or curb and gutter at the properties listed below.  
(The amounts assessed against the properties will be included in reports distributed with the agenda for the hearing date. Resolutions setting October 19, 1970 at 4:10 P.M. for hearings needed. Funds budgeted in Account 5302-51-101, Curb and gutter, special)

CONSENT

(a) Curb and gutter on North Madison Street and on Locust Street at 226 Locust Street (Mr. O. O. Caldwell - \$653.30)

ACTION: Res. 70-974 adopted setting hearing. (P/W to handle)

CONSENT

(b) Curb and gutter on Madison Street at 205 N. Madison Street. (Mr. Claude W. Harrington - \$508.30)

ACTION: Res. 70-975 adopted setting hearing. (P/W to handle)

CONSENT

(c) Curb, gutter and sidewalk on 7th Street and D Street at 329 7th Street (Mr. Nick J. Smith - \$1,634.74)

ACTION: Res. 70-976 adopted setting hearing. (P/W to handle)

CONSENT

(d) Curb and gutter at 516 Wright Street. (Mrs. Anna Sido Brown - \$173.20)

ACTION: Res. 70-977 adopted setting hearing. (P/W to handle)

CONSENT

(e) Sidewalk on Smith Ave. at 721 Magnolia Ave. (Mr. Dennis Chandler - \$80.00)

ACTION: Res. 70-978 adopted setting hearing. (P/W to handle)

CONSENT

(f) Sidewalk on Smith Ave. at 621 Magnolia Ave. (Mr. Howard C. Hutchison - \$240.00)

ACTION: Res. 70-979 adopted setting hearing. (P/W to handle)

CONSENT

25. Resolutions instructing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutter at the locations listed below.  
(Informal requests were sent over 30 days ago to the property owners to install sidewalks and/or curb and gutters. The work has not been done; therefore it is recommended that resolutions be adopted authorizing the Superintendent of Streets to give notice. Resolutions setting hearings October 19, 1970 at 4:15 P.M. needed)

CONSENT

(a) Sidewalk at 1101 Del Vale Avenue, Lot 3, Block 924.  
(Mr. Hans Beckstein)  
(Resolution setting hearing needed)

ACTION: Res. 70-980 adopted setting hearing. (P/W to handle)

CONSENT

(b) Sidewalk on Del Vale Avenue at 1602 Del Monte Ave., Lot 8, Block 924 (Mr. Fred F. Gilstrap)  
(Resolution setting hearing needed)

ACTION: Res. 70-981 adopted setting hearing. (P/W to handle)

CONSENT

(c) Sidewalk on Del Vale Avenue at 1301 Del Vale Ave., Lot 7, Blk 6021)  
(Miss Rosetta Harrington)  
(Resolution setting hearing needed)

ACTION: Res. 70-982 adopted setting hearing. (P/W to handle)

CONSENT

(d) Sidewalk at 1009 Del Vale Ave., Lot 1, Block 924, (Mrs. Carolyn-Gae Klapproth)  
(Resolution setting hearing needed)

ACTION: Res. 70-983 adopted setting hearing. (P/W to handle)

CONSENT

(e) Sidewalk at 1105 Del Vale Ave., Lot 4, Block 924 (Mr. B.W. Ladd)  
(Resolution setting hearing needed)

ACTION: Res. 70-984 adopted setting hearing. (P/W to handle)

CONSENT

(f) Sidewalk on Ashwood Drive at 1302 Del Ray Ave, Lot 7, Block 6027 (Mr. Ronald R. Orona)  
(Resolution setting hearing needed)

ACTION: Res. 70-985 adopted setting hearing. (P/W to handle)

CONSENT

(g) Sidewalk, Kimble Street at 319 East Morris Ave., Lots 11 and 12 of Block 575 (Mrs. Mary E. Turner)  
(Resolution setting hearing needed)

ACTION: Res. 70-986 adopted setting hearing. (P/W to handle)

CONSENT

(h) Sidewalk at 1001 Stanford Ave., Lot 1 and south 25' of Lot 2, Block 822 (Dr. William D. Battle)  
(Resolution setting hearing needed)

ACTION: Res. 70-987 adopted setting hearing. (P/W to handle)

(i) Sidewalk on Wellesley Ave. at 936 Wellesley Ave., Lot 17 and south 20' of Lot 16, Block 822 (Mr. George A. Brown, Jr.)  
(Resolution setting hearing needed)

ACTION: Res. 70-988 adopted setting hearing. (P/W to handle)

(j) Sidewalk on Wright St. at 231 Poplar Ave., Lots 31 and 32 of Block 526 (Mr. Donald W. Hopper)  
(Resolution setting hearing needed)

ACTION: Res. 70-989 adopted setting hearing. (P/W to handle)

(k) Curb and gutter on Garvey Ave. and Budd Street at 2605 Budd, Lot 42 of Block 7252 (Mr. Hayes Reed)  
(Resolution setting hearing needed)

ACTION: Res. 70-990 adopted setting hearing. (P/W to handle)

(l) Curb and gutter at 2609 Garvey Ave., Lot 33 of Block 7252 (Mr. Fred Taylor)  
(Resolution setting hearing needed)

ACTION: Res. 70-991 adopted setting hearing. (P/W to handle)

CONSENT

26. Consider request by Bomberger Brothers, Inc., for the City to share in the street improvement costs on Rumble Road in Coffee Terrace No. 1 Subdivision adjacent to the Sylvan Park site.  
(Memo with agenda. Resolution approving request needed. Estimated cost \$2,895.01. Funds budgeted in Account 6647-321, Misc. Right of Way and Improvements)

ACTION: Res. 70-992 adopted approving sharing of costs by City of Modesto. (P/W to handle)

CONSENT

27. Consider agreement with ambulance companies for providing resuscitator service on a trial basis.  
(Report with agenda. Resolution approving agreements needed)

ACTION: Res. 70-993 adopted approving letter agreement with Doctors Ambulance Co.  
Res. 70-994 adopted approving letter agreement with Modesto Ambulance Co. (Fire to handle)

REPORTS

~~CONSENT~~

28. Report on circulars and handbills.  
(Report with agenda) (Motion approving report needed)

ACTION: By motion (Smith/Robinson, unan.) report approved.

29. Dry Creek Park.  
(Report with agenda. Motion directing staff needed)

(a) Request that various alternatives for park be referred to Planning Commission for report and recommendation.

ACTION: By motion (Robinson/Smith, unan.) report and comments on report referred to P/C for study and recommendation. (Planning to handle)

CONSENT

30. Presentation of financial statement for September 1970.  
(Copies of report will be presented at meeting. Motion accepting report needed)

ACTION: By motion report accepted.

APPROPRIATION TRANSFERS

None.

MISCELLANEOUS

CONSENT

31. Request council permission to conduct Junior Fire Marshall Program in all elementary schools in the City during Fire Prevention Week October 4 - 10, 1970.  
(Motion granting request needed)

ACTION: By motion request granted. (Fire to handle)

32. Appointments.

None.

Adjournment at 8:55 P.M.

ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, OCTOBER 13, 1970 AT 7:30 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies  
Absent: None

Pledge of allegiance to the Flag  
Invocation: Reverend Ben Jennings, Prescott Bible Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, ~~3~~, 5, 6, 7, 8, 9, 10, 11, 12, 22, 23, 24, 25, 26, 27, ~~28~~, 29, ~~30~~, 31, 32, 33  
Items 3, 28 and 30 removed from consent.  
Smith/Robinson, unan.

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items)

CONSENT

- 1. Confirmation of canvass of ballots - East Orangeburg-Coffee Addition annexation election held October 6, 1970. (Ballots for this election will be canvassed on October 9, 1970 by the City Clerk; unofficial results are as follows: Number of registered voters in area - 245; number of persons voting - 164; number of yes votes - 101; number of no votes - 63. Resolution confirming canvass and declaring results of election and ordinance annexing area needed)

ACTION: Res. 70-995 adopted confirming canvass of votes.

Ord. 1053-C.S. adopted annexing East Orangeburg-Coffee Addition to City of Modesto. (Clerk to handle)

APPROVAL OF MINUTES

CONSENT

- 2. Minutes of October 5, 1970.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

~~CONSENT~~

- 3. Request of Greater Modesto Chamber of Commerce for payment of \$15,000 allocated in 1970-71 budget. (Motion approving payment needed)

ACTION: By motion (Robinson/Dixon, unan.) payment approved. (Finance to handle)

It was suggested that Councilman Robinson and C/Mgr Keefe meet with the Manager and President of the Chamber to investigate closer liaison between the Council and the Chamber. (C/Mgr to handle)

- 4. Request of National League of Cities for designation of voting and alternate voting delegates at 47th Annual Congress of Cities to be held in Atlanta, Georgia, December 7 - 10, 1970.

ACTION: By motion (Robinson/Smith, unan.) Vice Mayor Mitchell designated voting delegate. (C/Mgr to handle)

CONSENT

5. Request of Centennial Committee for permission to place time capsule beneath porch of new library.  
(Motion granting request needed)

ACTION: By motion request granted. (C/Mgr to handle)

BIDS

CONSENT

6. Consider award of bid for construction of Scenic Drive-Kingsbury Park subtrunk sewer.  
(Memo with agenda. Resolution awarding bid needed. Estimated cost \$50,367.50 (Contract \$48,367.50; Eng. \$2,000). Funds budgeted in Account 6561-212, Extend Subtrunk and Perimeter Sewers)

ACTION: Res. 70-996 adopted awarding contract to D. A. Parrish and Sons. (P/W to handle)

CONSENT

7. Consider approval of plans and specifications and call for bids for construction of truck scale and scale building for sanitary landfill.  
(Bid opening November 3, 1970 at 10:00 A.M. Memo with agenda. Resolution approving plans and specifications and call for bids and motion approving recommendation in memo. Estimated cost \$26,000; (Const. \$25,000; Engr. \$1,000) Funds budgeted in Account 6536-321, Sanitary Landfill)

ACTION: Res. 70-997 adopted approving plans and specifications and bid call. (Clerk to handle)

By motion staff authorized to notify garbage companies that landfill site on Geer Road will be the one to use for disposal of garbage collected in City beginning November 2, 1970.  
(P/W to handle)

CONSENT

8. Consider approval of specifications and authorize call for bids to be opened October 27, 1970 at 2:00 P.M. for furnishing annual requirements of water meters.  
(Resolution needed. Estimated cost \$25,500; funds budgeted in Account 438-512, Revolving Fund, not shown in budget)

ACTION: Res. 70-998 adopted approving specifications and bid call. (Clerk to handle)

CONSENT

9. Consider approval of plans and specifications and call for bids for installation of water lines in Riverside North No. 3.  
(Suggested bid opening date October 27, 1970 at 10:00 A.M. Estimated costs: Construction, \$5,854; connection charge, \$4,610; Revenue, \$794. Resolution approving plans, specifications and bid call needed. Estimated cost \$5,854 (contract, \$1,989; Engr. & Mat'ls, \$3,865) Funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 70-999 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

10. Consider approval of specifications and authorize call for bids to be opened October 27, 1970 at 2:30 P.M. for furnishing water pipe for a one-year period commencing November 10, 1970.  
(Resolution needed. Estimated cost \$88,000; funds budgeted in Account 438-512, Revolving fund. Not shown in budget. Ultimately used in water lines and charged to 321-50-101 and 6804-50-101. See page 52)

ACTION: Res. 70-1000 adopted approving specifications and bid call. (Clerk to handle)

CONSENT

11. Consider award of bid for furnishing of one horizontal type water desanding unit for Pump Station No. 37.  
(Bids were opened October 6, 1970 and the low bid of Krebs Engineers, which is 5% under the Engineer's estimate, is considered acceptable. Therefore, it is recommended that the bid be awarded to them. Resolution awarding bid needed. Contract cost, \$3,547.00; funds budgeted in Account 6809, Well & Pump Station, Rose Avenue)

ACTION: Res. 70-1001 adopted awarding contract to Krebs Engineers.  
(P/W to handle)

CONSENT

12. Consider award of bid for furnishing and installation of one deep well water pumping unit with electrical equipment for Well No. 37.  
(Bids were opened October 6, 1970 and the low bid of I. J. Larsen, which is 5% under the engineer's estimate, is considered acceptable. Therefore, it is recommended that the bid be awarded to him. Resolution awarding bid needed. Contract cost \$10,891; funds budgeted in Account 6809, Well & Pump Station, Rose Avenue)

ACTION: Res. 70-1002 adopted awarding contract to I. J. Larsen.  
(P/W to handle)

HEARINGS

13. Hearing, annexation of Riverside No. 3 Addition to Sewer District. 7:35 P.M.

ACTION: Res. 70-1003 adopted (Simon/Robinson, unan.) annexing Riverside No. 3 Addition to Modesto Municipal Sewer District No. 1.  
(Clerk to handle)

14. Hearing, annexation of Floyd Addition to Sewer District. 7:40 P.M.

ACTION: Res. 70-1004 adopted (Robinson/Newton, unan.) annexing Floyd Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

15. Hearing, amendment to Section 15-3-9 (U. S. By-Products, Inc.) 7:45 P.M.

Hearing, appeal from Planning Commission denial of rezoning request of U. S. By-Products, Inc. for mobile home park near the northeast corner of Floyd & Old Oakdale Road.

ACTION: Ord. 1054-C.S. introduced (Simon/Smith, maj. - Davies, no) amending Sec. 15-3-9 for development of neighborhood shopping center.  
Res. 70-1005 adopted (Simon/Smith, maj. - Davies, no) approving development plan for shopping center.  
Res. 70-1006 adopted (Simon/Smith, maj. - Davies, no) denying appeal. (Planning to handle)

16. Hearing on requirement of construction of sidewalks and/or curbs and gutters at the locations listed below: 7:50 P.M.

(a) Curb, gutter and sidewalk on Jefferson Street at 201 Locust Street, Lots 13 and 14, Block 422 (Mr. Lonnie Banks)

ACTION: Res. 70-1007 adopted (Newton/Smith, unan.) ordering work done.  
(P/W to handle)

16. (continued)

(b) Curb and gutter at 526 Kimble Street, Lots 37 and 38 7:50 P.M.  
of Block 583 (Mrs. Edna Mae Harrity)

ACTION: Res. 70-1008 adopted (Newton/Smith, unan.) ordering work done.  
(P/W to handle)

(c) Curb and gutter on Jefferson and Locust Streets at  
128 Locust Street, that portion of Lots 1 and 2 and of 23  
through 28 of Block 424 (Mrs. D. Leah Lindsey)

ACTION: Res. 70-1009 adopted (Newton/Smith, unan.) ordering work done.  
(P/W to handle)

17. Hearings on cost of installation of sidewalk and/or curb  
and gutter at the properties listed below: 7:55 P.M.

(a) Sidewalk on Bermuda Way at 518 Bermuda Way, Lot 1  
of Block 6065 (Dr. Wayne G. Helm - \$132.00)

ACTION: Res. 70-1010 adopted (Smith/Robinson, unan.) confirming report,  
assessing costs and directing method of collection. (Finance to  
handle)

(b) Sidewalk on Grape Avenue at 1731 W. Orangeburg Ave.,  
Lot 10, Block 6254. (Mr. Stanley W. Lust - \$185.00)

ACTION: Res. 70-1011 adopted (Smith/Robinson, unan.) confirming report,  
assessing costs and directing method of collection (over a four  
year period). (Finance to handle)

(c) Sidewalk on Tebbutt Avenue and Teresa St. at 1329  
Teresa Street, Lot 16, Block 6083 (Mrs. Charles P.  
Shirley-\$320.00)

ACTION: Res. 70-1012 adopted (Smith/Robinson, unan.) confirming report,  
assessing costs and directing method of collection (over a six  
year period) (Finance to handle)

(d) Sidewalk at 1404 Martin Avenue, Lot 1, Block 6254  
(Mr. William E. Wilson - \$182.50)

ACTION: Res. 70-1013 adopted (Smith/Robinson, unan.) confirming report,  
assessing costs and directing method of collection. (Finance  
to handle)

18. Matters for the good of the community. 8:00 P.M.  
(These may be presented by interested people in the audience)

ACTION: Vice Mayor Mitchell's wife introduced Lai Ying Lau and Sylvia  
Lau who are from Hong Kong. One is attending Modesto Junior  
College and the other Modesto High School.

It was announced that the unofficial results of the Standiford  
Addition annexation election showed 45 yes and 42 no votes.

Frank Andrews spoke.

Councilman Simon requested a progress report on the installation  
of the linear accelerator at Memorial Hospital North. (Planning  
to handle)

ORDINANCES

19. Final adoption of Ordinance No. 1052-C.S. - regulation of cats)

ACTION: By motion (Simon/Smith, maj. - Mitchell and Robinson, no) Ord. No. 1052-C.S. not adopted. (Clerk to handle)  
C/Atty directed to prepare report on licensing of cats.

OLD BUSINESS

20. Further consideration of appeal to the decision of the Planning Commission in denying requested rezoning to P-O, R-2 and C-1 of property at southwest corner of Robertson and Sutter.

ACTION: By motion (Robinson/Newton, unan.) staff directed to place this on agenda every week until applicant returns to this country or time for ruling is about to expire. (Clerk to handle)

21. Further consideration of liquidated damages - White's Electric Service.

(Memo by Director of Parking and Traffic with agenda. Motion affirming the damages or a resolution changing the damages needed)

ACTION: Res. 70-1014 (Dixon/Mitchell) to uphold previous decision of Council to assess liquidated damages in the amount of \$3,350 was amended by motion (Robinson/Smith, maj. - Mitchell, no) to provide liquidated damages in the amount of \$1,675. The amended resolution then carried by unanimous vote. (Finance to handle)

CONSENT

22. Further consideration of proposed resolution re ILS at City-County Airport.

(This has been considered by the City-County Liaison Committee and will be presented to the Board of Supervisors. Adoption of resolution needed)

ACTION: Res. 70-1015 adopted requesting F.A.A. to give all priority to installation of ILS at City-County Airport. (P/W to handle)

NEW BUSINESS

CONSENT

23. Consider approval of Airport Concession Agreement between City of Modesto and Midwest International, Inc. for the operation of two television chairs in the passenger terminal.  
(Terms of the agreement call for payment to the City of 20% of the gross revenue derived from operation of the television chairs. Resolution approving agreement needed)

ACTION: Res. 70-1016 adopted approving agreement. (Clerk to handle)

CONSENT

24. Consider approval of month-to-month lease agreements for houses located at 604 and 608 Brighton Avenue.  
(Memo with agenda. Resolutions approving agreements needed)

ACTION: Res. 70-1017 adopted approving agreement with Mrs. Terry Barker (604 Brighton)  
Res. 70-1018 adopted approving agreement with Mr. Frank Gonsalves (608 Brighton) (Finance to handle)

CONSENT

25. Consider approval of revised letter agreement between Air Traffic Control Tower and City of Modesto for control of runway lights at Modesto City-County Airport.  
(Resolution approving revised letter agreement needed)

ACTION: Res. 70-1019 adopted approving revised letter agreement.  
(P/W to handle.)

CONSENT

26. A resolution approving the final map of Riverside North No. 3 Subdivision of the City of Modesto and authorization of an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.  
(The subdivision agreement has been signed and all fees paid. Riverside North No. 3 Subdivision is located on the west side of Riverside Drive north of Haddon Ave. It contains 9.96 acres. Resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 70-1020 adopted approving final map. (Clerk to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

27. Uninhabited annexation to the City of Modesto - McHenry- Rumble Addition.  
(The LAFC Commission has authorized this annexation without notice or public hearing - September 25, 1970. Resolution annexing area to City needed)

ACTION: Res. 70-1021 adopted annexing McHenry-Rumble Addition to City.  
(Clerk to handle)

~~CONSENT~~

28. Recommend to the Council an increase in filing fees for unclassified use permits and appeals to the Council.  
(On October 6, 1970 the Planning Commission adopted Resolution No. 70-129 recommending to the Council an increase in filing fees for unclassified use permits and appeals to the City Council and reaffirming existing filing fees for other applications. Resolution establishing new fees and rescinding Res. No. 66-241 needed)

ACTION: Res. 70-1022 adopted (Mitchell/Robinson, unan.) increasing filing fees for unclassified use permits to \$75.00 and for appeals to the Council to \$25.00. (Planning and Clerk to handle)

CONSENT

29. Request council concurrence with a Planning Commission resolution approving location of fire works stands and Christmas tree sales lots in P-D zones which allow retail commercial sales.  
(On October 6, 1970 By Resolution No. 70-131, the Planning Commission adopted a resolution approving location of fire works stands and Christmas tree sales lots in P-D zones which allow retail commercial sales and recommending that the City Council concur in the Planning Commission's findings. Resolution concurring with the Planning Commission's findings needed)

ACTION: Res. 70-1023 adopted concurring with Planning Commission Resolution No. 70-131. (Planning to handle)

~~CONSENT~~

30. Policy for neighborhood shopping center.  
(Information sheet with agenda regarding policy adopted by Planning Commission on September 15, 1970 and City Council on September 21, 1970. Motion accepting report needed)

ACTION: By motion (Robinson/Simon, unan.) report accepted. (Planning to handle)

CONSENT

31. Closure of Magnolia Avenue south of Needham Street.  
(By Resolution 70-125 adopted at its meeting of October 6, 1970 the Planning Commission recommended to the City Council the closure of Magnolia Avenue south of Needham Street. Resolution fixing October 19, 1970 at 4:30 as time for informal hearing needed.)

ACTION: Res. 70-1024 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

32. Request for appropriation transfer.  
(Funds for the maintenance and service of new Motorola radio equipment received between March 1 and June 30, 1970 were not encumbered. Resolution approving transfer of \$838 from General Reserve needed. Estimated cost \$838)

ACTION: Res. 70-1025 adopted approving appropriation transfer of \$838 from Account 60-101 to Account 223-22-101. (Finance to handle)

CONSENT

33. Consider approval of appropriation transfer of \$50,000 from General Reserve, General Fund to Water Line Extensions (6804-50-101).  
(Of the \$120,000 budgeted for water line extensions, \$112,500 has been expended and/or encumbered. Water line projects before us indicate additional funds are needed. Memo with agenda. Resolution approving appropriation transfer needed)

ACTION: Res. 70-1026 adopted approving appropriation transfer of \$50,000 from Account 60-101 to Account 6804-50-101. (Finance to handle)

MISCELLANEOUS

34. Appointment.

None.

Adjournment at 10:10 P.M.

ATTEST:

  
W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, OCTOBER 19, 1970 AT 4:00 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Simon, Smith,  
Mayor Davies  
Absent: None

Pledge of allegiance to the Flag

Invocation: Reverend E. W. Voyles, Central Seventh Day Adventist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 7, 8,  
Item 6 removed from consent. 9, 10, 11, 20, 21, 22, 24, 25  
Robinson/Mitchell, unan. - Newton and  
Simon, absent

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items)

CONSENT

1. Confirmation of canvass of ballots - Standiford Addition annexation election held October 13, 1970.  
(Ballots for this election will be canvassed on October 16, 1970 by the City Clerk; unofficial results are as follows: No. of registered voters in area - 122; No. of persons voting - 87; No. of yes votes - 45; No. of no votes - 42. Resolution confirming canvass and declaring results of election and ordinance annexing area needed)

ACTION: Res. 70-1027 adopted confirming canvass of votes.

Ord. 1055-C.S. adopted annexing Standiford Addition to City of Modesto. (Clerk to handle)

APPROVAL OF MINUTES

CONSENT

2. Minutes of October 13, 1970.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT

3. Letter from Gene Palsgrove, Principal, Washington School, thanking Council for Walk-Don't Walk signals.  
(Motion ordering letter filed needed)

ACTION: By motion letter ordered filed. (Clerk to handle)

- 3A. Request of Stanislaus Drug Abuse Coordinating Council for financial assistance.

ACTION: By motion (Newton/Mitchell, unan.) request granted. (C/Mgr to handle)

BIDS

CONSENT

4. Accept as complete California-Fresno Asphalt Company contract for placing slurry seal on Runway 29R, 5000 feet, at Modesto City-County Airport.  
(All work on this contract has been completed to the satisfaction of the Public Works Department. Resolution accepting job as complete and authorizing City Clerk to file notice of completion needed. Actual cost \$11,166.62 (contract, \$11,166.62); funds budgeted in Account 6533-46-230, Slurry Seal Airport Runway)

ACTION: Res. 70-1028 adopted accepting contract. (Clerk to handle)

CONSENT

5. Consider approval of plans and specifications and call for bids for construction of subtrunk in Herndon Road to Mancini Park. Suggested bid opening November 3, 1970, 10:10 A.M.  
(A sewer line in Herndon Road must be constructed to serve the rest-rooms under construction at Mancini Park. Resolution approving plans and specifications and call for bids needed. Estimated cost \$6,400 (Contract \$5,810; Engr. \$590). Funds to be requested later from Fund No. 6561-212, Extend Subtrunk - Perimeter Sewers)

ACTION: Res. 70-1029 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

6. Consider award of bid for landscape construction at Mancini Park. (Bids were opened October 13, 1970. The low bid submitted by Elrich Construction, which is 4% over the Architect's estimate, is considered acceptable. It is recommended by the Parks and Recreation Department and Public Works Department that the bid be awarded to low bidder. Estimated cost \$26,675 (Contract \$25,675; Insp. \$1,000). Funds budgeted in Account 6331-31-321, Mancini Park)

ACTION: Res. 70-1030 adopted (Smith/Robinson, unan.) awarding contract to Elrich Construction. (P/W to handle)  
Res. 70-1031 adopted (Smith/Robinson, unan.) approving appropriation transfer of \$10,000 from Special Fund for Capital Outlay to Account 6331-31-321. (Finance to handle)

CONSENT

7. Consider award of bid for construction of Esgar sewer replacement and extension of Morris storm drain.  
(Bids were opened October 13, 1970 and the low bid of Western Pipeline, which is 0.7% below the Engineer's Estimate, is considered acceptable by the Public Works Department. It is recommended the bid be awarded to the low bidder. Estimated cost \$23,890.45; funds budgeted in Account 6571-212, Replace Hunter & Esgar Sewers and 6605-321, Morris Storm Drain)

ACTION: Res. 70-1032 adopted awarding contract to Western Pipeline. (P/W to handle)

CONSENT

8. Consider approval of specifications and authorize call for bids to be opened November 3, 1970 at 2:30 P.M. for furnishing one (1) four-wheel, twin engine street sweeper. (Resolution approving needed. Estimated cost \$17,325; funds budgeted in Account 5425-48-512, Working Capital Fund, p. 79)

ACTION: Res. 70-1033 adopted approving specifications and bid call. (Clerk to handle)

CONSENT

9. Consider awarding contract to low bidder, Don L. Davis Painting, Modesto, to paint exterior of Fire Stations 1 and 2. Tabulation with agenda. Resolution approving needed. Estimated cost \$4,598; funds budgeted in Account 224-21-101, M&R Buildings and Grounds, p. 35)

ACTION: Res. 70-1034 adopted awarding contract to Don L. Davis Painting. (Finance to handle)

CONSENT

10. Consider acceptance of Valley Construction's contract for installation of water lines in Northwood Manor. (Original contract, \$1,453; All work has been completed to the satisfaction of the Public Works Department and it would be in order for the Clerk to file notice of completion. Resolution accepting work needed. Final cost \$1,437.05. Funds budgeted in Account 6804-50-101, Water Line Extensions)

ACTION: Res. 70-1035 adopted accepting contract. (Clerk to handle)

CONSENT

11. Consider acceptance of Valley Construction's contract for installation of water lines in Pleasant View Estates No. 1. (Original contract \$3,464.50. All work has been completed to the satisfaction of the Public Works Department. Resolution accepting work as complete and authorizing City Clerk to file notice of completion needed. Final cost \$3,515.30; funds budgeted in Account 6804-50-101, Water Line Extensions)

ACTION: Res. 70-1036 adopted accepting contract. (Clerk to handle)

HEARINGS

12. Hearing on request of B. J. Sayre for variance to permit brick wall to remain in public right of way at 1628 College. 4:05 P.M.

ACTION: Res. 70-1037 adopted (Robinson/Smith, unan.) granting encroachment permit to B.J. Sayre to allow brick wall and pebble bark to remain in public right-of-way until such time as sidewalk is required; encroachment permit to be subject to the following conditions:  
(1) Mr. Sayre accept all responsibility for any and all claims and liabilities caused by this encroachment.  
(2) Mr. Sayre file certificate of insurance as required by Sec. 7-1.109 of the Modesto Municipal Code. (Clerk to handle)

13. Report of Superintendent of Streets on cost of installation of sidewalk and/or curb and gutter at the properties listed below:

4:10 P.M.

(a) Curb and gutter on N. Madison Street and Locust Street at 226 Locust St. (Mr. O. O. Caldwell - \$653.30)

ACTION: Res. 70-1038 adopted (Smith/Newton, unan.) confirming report, assessing costs and directing method of collection (over a 10 year period) (Finance to handle)

(b) Curb and gutter on Madison Street at 205 North Madison St. (Mr. Claude W. Harrington - \$508.30)

ACTION: Res. 70-1039 adopted (Smith/Newton, unan.) confirming report, assessing costs and directing method of collection (over a 10 year period) (Finance to handle)

(c) Curb, gutter and sidewalk on 7th Street and "D" Street at 329 7th St. (Mr. Nick J. Smith - \$1,634.74)

ACTION: Res. 70-1040 adopted (Smith/Newton, unan.) confirming report, assessing costs and directing method of collection (over a 10 year period) (Finance to handle)

(d) Sidewalk at 721 Magnolia Ave. (Mr. Dennis Chandler - \$80.00)

ACTION: Res. 70-1041 adopted (Smith/Newton, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(e) Sidewalk on Smith Ave. at 621 Magnolia Ave. (Mr. Howard C. Hutchison - \$240.00)

ACTION: Res. 70-1042 adopted (Smith/Newton, unan.) confirming report, assessing costs and directing method of collection (over a 5 year period.) (Finance to handle)

14. Hearing on requirement of construction of sidewalks and/or curbs and gutters at the following locations: 4:15 P.M.

(a) Sidewalk at 1101 Del Vale Ave., Lot 3, Block 924 (Mr. Hans H. Beckstein)

ACTION: Res. 70-1043 adopted (Robinson/Smith, unan.) ordering work done. (P/W to handle)

(b) Sidewalk on Del Vale Ave. at 1602 Del Monte Ave., Lot 8, Block 924 (Mr. Fred F. Gilstrap)

ACTION: Res. 70-1044 adopted (Robinson/Smith, unan.) ordering work done. (P/W to handle)

(c) Sidewalk at 1301 Del Vale Avenue, Lot 7, Block 6021 (Miss Rosetta Harrington)

ACTION: Res. 70-1045 adopted (Robinson/Smith, unan.) ordering work done. (P/W to handle)

(d) Sidewalk at 1009 Del Vale Ave., Lot 1, Block 924 (Mrs. Carolyn-Gae Klapproth)

ACTION: Res. 70-1046 adopted (Robinson/Smith, unan.) ordering work done. (P/W to handle)  
(Staff directed to work with Mrs. Klapproth as to manner in which corner handled.) (P/W to handle)

14. Hearings continued.

(e) Sidewalk at 1105 Del Vale Ave., Lot 4 of Block 924.  
(Mr. B. W. Ladd)

ACTION: Res. 70-1047 adopted (Robinson/Smith, unan.) ordering work done. (P/W to handle)

(f) Sidewalk on Ashwood Drive at 1302 Del Rey Avenue, Lot 7, Block 6027 (Mr. Ronald R. Orona)

ACTION: Res. 70-1048 adopted (Robinson/Smith, unan.) ordering work done. (P/W to handle)

(g) Sidewalk on Kimble St. at 319 E. Morris Avenue, Lots 11 and 12, Block 575 (Mrs. Mary E. Turner)

Dropped from agenda - work started.

(h) Sidewalk on Stanford Ave. at 1001 Stanford Avenue, Lot 1 and South 25 feet of Lot 2, Block 822 (Dr. William D. Battle)

ACTION: Res. 70-1049 adopted (Robinson/Smith, unan.) ordering work done. (P/W to handle)

(i) Sidewalk at 936 Wellesley Ave., Lot 17 and South 20 feet of Lot 16, Block 822 (Mr. George A. Brown, Jr.)

ACTION: Res. 70-1050 adopted (Robinson/Smith, unan.) ordering work done. (P/W to handle)

(j) Sidewalk on Wright St. at 231 Poplar Ave., Lots 31 and 32, Block 526 (Mr. Donald W. Hopper)

ACTION: Res. 70-1051 adopted (Robinson/Smith, unan.) ordering work done. (P/W to handle)

(k) Curb and gutter on Garvey Ave. and Budd St., 2605 Budd St., Lot 42, Block 7252 (Mr. Hayes Reed)

ACTION: Res. 70-1052 adopted (Robinson/Smith, unan.) ordering work done. (P/W to handle)

(l) Curb and gutter at 2609 Garvey Ave., Lot 33, Block 7252 (Mr. Fred Taylor)

ACTION: Res. 70-1053 adopted (Robinson/Smith, unan.) ordering work done. (P/W to handle)

15. Continued hearing on amendment to Section 26-3-9 of the zoning map (Westland Investment Co.) (Proposed rezoning of property to H-1, R-3 and R-2, property located at the northeast corner of Yosemite Blvd. and No. Riverside Dr. Carried over from 10/5/70 meeting) 4:20 P.M.

ACTION: Ord. 1056-C.S. introduced (Smith/Simon, maj. - Dixon and Newton, no) rezoning portions to P-H-1 and P-P-D with added requirement for storm drainage to Dry Creek as part of the PPD and requirement for storm drainage to Dry Creek to be required at time of development of P-H-1 zone. (Clerk to handle)  
Res. 70-1054 adopted (Smith/Simon, maj. - Dixon and Newton, no) approving development plan for P.P.D. (Planning to handle)  
By motion P-R-2 portion referred back to P/C with recommendation that application be changed to P.P.D. to permit requirement for storm drainage to Dry Creek. (Planning to handle)

16. Report on possible garage on west side of 11th Street between I and J Streets. 4:25 P.M.  
(A report by a Parking Garage Consultant will be made at the Council meeting. Motion referring report to staff needed.)

ACTION: By motion (Simon/Smith, unan.) report referred to staff.  
(P & T to handle)

17. Informal hearing on closure of Magnolia Ave. south of Needham Street. 4:30 P.M.

ACTION: By motion (Simon/Smith, unan.) recommendation of P/C approved and staff directed to incorporate closure in plans for widening of Needham and converting K & L Streets to one-way traffic.  
(P/W to handle)

18. Matters for the good of the community. 4:35 P.M.  
(These may be presented by interested people in the audience)

ACTION: Mayor Davies read a letter from Dr. Channing expressing thanks for Council cooperation in connection with the Habitat Development Plan for Modesto Sewage Facility.

Frank Andrews stated that he planned a drive to raise funds for Mrs. McCready. He announced that he hoped to use fire stations as collection points.

Councilman Dixon reported on activities of the C.A.C. Staff was directed to look into the matter of paid C.A.C. staff having the right to vote for Board members and also for their recall.  
(C/Atty to handle)

Keith Damin commented on the book store which was recently opened on McHenry Avenue and which deals with pornography. It was reported that a court hearing is pending on this.

#### OLD BUSINESS

19. Further consideration of appeal to the decision of the Planning Commission in denying requested rezoning to P-0, R-2 and C-1 of property at southwest corner of Robertson and Sutter.

ACTION: Action delayed for two weeks. (Clerk to handle)

#### NEW BUSINESS

##### CONSENT

20. A resolution determining that the public interest and convenience require that Mable Addition be annexed to the Modesto Municipal Sewer District No. 1 and naming a time and place for hearing.  
(The Mable Addition has been annexed to the City of Modesto and it is now necessary to commence proceedings to annex the area to the Modesto Municipal Sewer District. Suggested hearing date December 7, 1970 at 4:05 P.M.)

ACTION: Res. 70-1055 adopted setting hearing. (Clerk to handle)

CONSENT

21. Report of Superintendent of Streets on cost of installation of curb and gutter at 220 San Juan Drive, portion of Block 2212 (Walter D. Murray - \$242,85) (Resolution setting November 2, 1970 at 4:05 P.M. for hearing needed. Funds budgeted in Account 5302-51-101, Curbs and gutters, Special)

ACTION: Res. 70-1056 adopted setting hearing. (P/W to handle)

CONSENT

22. Renewal of group life insurance policy for 1970-71. (Resolution approving renewal of group life insurance police and supplemental life plan with current carrier for period effective November 3, 1970 needed. Estimated cost \$468; funds budgeted in Account 64-423, Group Life Insurance. Funds may be requested later if there are not enough funds in Account at present to cover increase in premium rate)

ACTION: Res. 70-1057 adopted approving renewal of policy. (Personnel to handle)

23. Rate revision - Cable TV Service. (Memo with agenda. Resolution approving change in rate schedule needed)

ACTION: Res. 70-1058 adopted (Dixon/Mitchell, unan.) approving addition of rates for service to mobile home parks. (C/Mgr to handle)

CONSENT

24. Consider request by Cablecom General of Modesto that a section of the Lucern Avenue street lighting circuit be undergrounded. (Memo with agenda. Motion authorizing staff to proceed with plans, specifications and bid call needed. Estimated cost \$3,000. Funds to be requested later from Fund No. 101, General Reserve, when bids are received.)

ACTION: By motion staff authorized to proceed with plans and specifications and bid call. (P/W to handle)

CONSENT

25. Approval of schedule of water meter prices. (Memo with agenda. Resolution approving schedule needed)

ACTION: Res. 70-1059 adopted approving following schedule: 1 inch, \$90.00; 1½ inch, \$170.00; 2 inch, \$250.00; over 2 inches, cost plus 10%. (Finance to handle)

REPORTS

26. Report on use of sirens on emergency vehicles. (Report with agenda. Motion accepting report needed)

ACTION: Staff requested to furnish more information on the use of sirens, substitute alarms and possible abuse of sirens by ambulance companies. (Police to handle)

By motion (Robinson/Newton, unan.) staff requested to furnish Council analysis as to what is happening in this community as far as crime is concerned and to make recommendations. Staff also requested to furnish Council with periodic reports on crime statistics. (Police to handle)

APPROPRIATION TRANSFERS

None

MISCELLANEOUS

27. Appointments.

None

28. Request for council direction as to date to which council meeting of October 26, 1970 should be adjourned.

ACTION: It was decided that the meeting of October 26 would be adjourned to 4:00 P.M. on October 29, 1970. (Clerk to handle)

Adjournment at 8:35 P.M.

ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

CITY OF MODESTO

Due to the lack of a quorum, the council meeting scheduled for October 26, 1970 at 7:30 P.M. was adjourned to October 29, 1970 at 4:00 P.M.

Date: October 27, 1970

*Pauline P. Stanley*  
PAULINE P. STANLEY  
Acting City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, OCTOBER 26, 1970 AT 7:30 P.M.

NOTE: This meeting will be adjourned to October 29, 1970 at 4:00 P.M. and all matters scheduled for October 26, 1970 will be considered on October 29, 1970.

Roll Call Present: Dixon, Mitchell, Newton, Smith, Mayor Davies

Absent: Robinson, Simon

Pledge of allegiance to the Flag

Invocation: A moment of silent prayer was observed.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 4, 5, ~~6~~, 8, 10, 11, ~~XX~~,  
Items 6, 12, 17, 19, and 20 removed 13, 14, 15, 16, ~~XX~~, 18, ~~XX~~, ~~XX~~,  
from consent. 21, 22, 23  
Smith/Newton, unan. - Robinson and Simon, absent

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of October 19, 1970.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES, AND CORRESPONDENCE

2. Letter from Community Action Commission urging more active attendance and participation and involvement by representatives of public bodies.

ACTION: Following a thorough discussion by Councilmen and members of the audience it was decided that Mayor Davies should contact Roger Betts of the regional office of OEO to see how the city can help to improve the local CAC. It was agreed that in the event the regular members or the alternates were unable to attend, the Mayor should be so informed so that he can appoint temporary alternates.

3. Request of M. J. DePonte for permission to use private golf cart at city-owned golf courses.

ACTION: Referred to staff for further investigation of the possibility of a monthly or lease rental arrangement. (P & R to handle)

CONSENT

4. Letter from Omega Nu expressing thanks to Council for use of house at 101 Hackberry for annual Haunted House.  
(Motion ordering filed needed)

ACTION: By motion letter ordered filed. (Clerk to handle)

BIDS

CONSENT

5. Consider acceptance of George F. Schuler, Inc. contract for installation of water lines in Coffee Terrace No. 2.  
(Original contract, \$4,250.30. All work on the project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work and authorize the City Clerk to file notice of completion. Resolution accepting work needed. Final cost \$4,306.94. Funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 70-1060 adopted accepting contract. (Clerk to handle)

~~CONSENT~~

6. Consider rejecting all bids for the courthouse street light circuit revision and authorizing that the work be done by city forces.  
(Memo with agenda. Resolution rejecting all bids needed. Estimated cost \$6,000; funds budgeted in Account 6632-321, Courthouse Circuit, Revision, P. 73)

ACTION: Res. 70-1061 adopted (Mitchell/Smith, unan. - Robinson and Simon, absent) rejecting all bids and authorizing city forces to do work. (P/W to handle)  
Staff directed to check on liability in the case of a power stoppage on the McHenry circuit. (C/Atty to handle)

7. Matters for the good of the community. 4:15 P.M.  
(These may be presented by interested people in the audience)

ACTION: Staff directed to investigate complaint of Norman Howell that, due to a fire at his house at 1514 Sunrise, he was told by Fire Department personnel that the house should be demolished but that Building Inspection told him that it should be repaired.  
(C/Mgr to handle)

The Deputy C/Mgr reported on the proposed operation of the Geer Road sanitary landfill. By motion (Dixon/Smith, unan.) report accepted.

Res. 70-1062 (Dixon/Smith, unan. - Robinson and Simon, absent) approving appropriation transfer of \$10,000 from Account 60-101 to Account 455-65-101. (Finance to handle)

ORDINANCES

CONSENT

8. Final adoption of Ord. 1054-C.S. - amendment to Section 15-3-9 - U. S. By-Products.  
(Motion approving needed)

ACTION: By motion Ord. 1054-C.S. adopted. (Clerk to handle)

OLD BUSINESS

9. Recommend amendment to Section 26-3-9 of the zoning map (Westland Investment Company)  
(This is the matter which was considered by the Council at its meeting on October 19, 1970, part of which recommended amendment was adopted by the Council and part of which was referred back to the Planning Commission for further consideration. Ordinance amending zoning map and resolution approving development schedule needed)

ACTION: Ord. 1057-C.S. introduced (Smith/Dixon, unan.-Robinson and Simon, absent) amending Sec. 26-3-9 of the zoning map to pre-zone a portion to PPD. (Clerk to handle)

Res. 70-1063 adopted (Smith/Dixon, unan. - Robinson and Simon, absent) approving development plan. (Planning to handle)

NEW BUSINESS

CONSENT

10. Consider approval of payment of claim for damages in the amount of \$520 by Podesto and Arata.  
(During construction of SWI trunk sewer in close proximity and parallel to an irrigation line on the property of Podesto and Arata, the vibration of the equipment installing the sewer line caused several leaks in the irrigation line. Resolution authorizing payment of \$520 to Podesto and Arata. Funds budgeted in Account 6553-405, Muni Sewer District Impr.)

ACTION: Res. 70-1064 adopted authorizing payment of \$520. (Finance to handle)

CONSENT

11. Consider request for water service to property outside the City of Modesto at 2417 Coffee Road.  
(Property owner, Michael Masellis. The property owners have signed an agreement to annex to the City when requested to do so. The property is contiguous to the City and a water main exists to serve it. Resolution approving agreement needed)

ACTION: Res. 70-1065 adopted approving agreement. (P/W to handle)

CONSIDER

12. Consider type of traffic signal installation to be installed at Maze Blvd. and Franklin St.  
(The State headquarters at Sacramento wants fully-actuated signals installed here rather than the semi-actuated previously discussed with the Stockton Division of the State, and budgeted. The higher type signal now required by the State will about double the City share from \$5,000 to \$10,000. Motion approving state proposal needed. No cost to City at this time. Funds budgeted in Account 6225-56-321, Maze and Franklin)

ACTION: By motion (Newton/Mitchell, unan.) plan suggested by State approved. (P & T to handle)

CONSENT

13. Proposed rent reduction for the parking lot on the west side of 10th between K and L Streets.  
(The landlords have offered rent reductions that represent a savings of \$5,000 per year. Rent reductions would take effect November 1, 1970. Resolution approving reduction in rents needed)

ACTION: Res. 70-1066 adopted approving reduction in rent to be paid to Sidney Losher.

Res. 70-1067 adopted approving reduction in rent to be paid to Mrs. Jessie V. Trueblood. (P & T and Finance to handle)

CONSENT

14. A resolution approving final map of Granada Park No. 1 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.  
(The subdivision agreement has been signed and all fees paid. Granada Park No. 1 Subdivision is located on the east side of Riverside Drive at Haddon Avenue. It contains 10.8 acres. Resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 70-1068 adopted approving final map. (Clerk to handle)

CONSENT

15. After school recreation agreement between City and Modesto City School District.  
(Memo with agenda. Motion authorizing preparation of amendment to agreement needed)

ACTION: By motion staff authorized to prepare amendment to agreement to provide for programs at 20 schools and for the reduction of the entire program by two weeks. (P & R to handle)

CONSENT

16. Consider request for city participation in the cost of subtrunk sewer line in Granada Park No. 1 Subdivision.  
(Memo with agenda. Resolution authorizing payment needed. Final cost \$1,973.50; funds budgeted in Account 6561-212, Extend Subtrunk & Perimeter Sewer)

ACTION: Res. 70-1069 adopted authorizing payment of \$1,973.50 as City's share of costs. (Finance to handle)

CONSENT

17. Consider approval of delaying report to Council on clear zone at Modesto City-County Airport.  
(It appears possible there may be a variance of the requirements for the clear zone. Time is needed for an FAA engineering study and decision as to the feasibility of an ILS installation under the criteria of a 34:1 glide slope. Memo from Airport Manager with agenda. Motion approving delay in reporting to Council needed)

ACTION: By motion (Mitchell/Dixon, unan.) delay in reporting to Council approved. (P/W to handle)

REPORTS

CONSENT

18. Report on cost of installation of water lines in Grantland Manor.  
(Report with agenda. Motion accepting report needed)

ACTION: By motion report accepted.

CONSENT

19. Report on overtime of Fire personnel on special duty in Los Angeles area.  
(Report with agenda. Motion accepting report needed)

ACTION: By motion (Mitchell/Smith, unan.) further discussion deferred until regular meet and confer sessions are scheduled, and staff requested to investigate what other cities are doing relative to this matter. (Personnel to handle)

CONSENT

20. Report on garbage rate study.  
(Report with agenda. Motion accepting report needed)

ACTION: Res. 70-1070 adopted (Dixon/Mitchell, unan. - Robinson and Simon, absent) accepting report and, in the event an upward revision in rates appears warranted when all facts have been studied, declaring intention to make a revision in residential rates in a manner equitable to both garbage companies and residents; rate revision to be effective November 1, 1970. (C/Mgr to handle)  
REPORTS FROM THE PLANNING COMMISSION

CONSENT

21. Recommend amendment to Section 19-3-9 of the zoning map (James C. Champion)  
(By Resolution No. 70-134 adopted October 20, 1970 the Planning Commission recommends an amendment to Section 19-3-9 of the zoning map as requested by James C. Champion to rezone from One-family Residential Zone, R-1, to Two-family Residential Zone, R-2 to accommodate an apartment complex on property located on the west side of Tully Road between West Orangeburg Avenue and Pearl Street. Resolution setting date for public hearing needed. Suggested date November 16, 1970 at 4:05 P.M.)

ACTION: Res. 70-1071 adopted setting hearing. (Clerk to handle)

CONSENT

22. Recommend amendment to Section 15-3-9 of the zoning map (Bomberger)  
(By Resolution No. 70-135 adopted October 20, 1970 the Planning Commission recommends an amendment to Section 15-3-9 of the zoning map as requested by Robert P. Bomberger, to prezone to Multiple-family Residential Zone, R-3, property located along the west side of Old Oakdale Road, approximately 150 feet north of Celeste Drive.  
(Resolution setting date for public hearing needed. Suggested date November 16, 1970 at 4:10 P.M.)

ACTION: Res. 70-1072 adopted setting hearing. (Clerk to handle)

CONSENT

23. Recommend amendment to Section 19-3-9 of the zoning map (Louis A. Witt)  
(By Resolution No. 70-133 adopted October 20, 1970 the Planning Commission recommends an amendment to Section 19-3-9 of the zoning map as requested by Louis A. Witt to rezone from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D to allow an easterly expansion of the adjacent equipment rental yard for which C-M zoning is required, on property located on the north side of Coldwell Avenue west of Tully Road. Resolution setting date for public hearing needed. Suggested date November 23, 1970 at 7:35 P.M.)

ACTION: Res. 70-1073 adopted setting hearing. (Clerk to handle).

APPROPRIATION TRANSFERS

None.


MISCELLANEOUS

24. Appointments.

None.

Adjournment at 7:20 P.M.

ATTEST:

  
\_\_\_\_\_  
W. T. CHYNOWETH, City Clerk

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, NOVEMBER 2, 1970 AT 4:00 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Simon, Smith,  
Mayor Davies  
Absent: None (Councilman Simon arrived at 4:10 P.M.)

Pledge of allegiance to the Flag  
Invocation: Reverend Lawrence Duncan (Memorial Baptist Church)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 5, 6, 11a, b,  
c, d, e, f, g, h, i, j, k, 12a,  
Robinson/Mitchell, unan. - Simon, absent b, c, d, e, f, g, h, i, j, k,  
l, m, 13, 14, 15, 16, 17

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items)

1. Presentation by Charles M. Larimer of the annual financial audit. (The fiscal records of the City of Modesto have been audited by Charles M. Larimer, Certified Public Accountant. The audit report will be distributed to the Council with the agenda. Motion accepting audit and authorizing payment needed. Estimated cost \$2,250; funds budgeted in Account No. 235-65-101, Independent Audit)

ACTION: By motion (Mitchell/Newton, unan.) audit report accepted and payment authorized. (Finance to handle)

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT

2. Letter from City Clerk, Long Beach, requesting consideration of resolution approving program of utilizing surplus military aircraft in fighting forest fires. (Motion ordering filed needed)

ACTION: By motion letter ordered filed. (Clerk to handle)

BIDS

CONSENT

3. Consider approval of plans and specifications and call for bids for the installation of water lines in Granada Park No. 1. Suggested bid opening: November 17, 1970 at 10:00 A.M. (Cost estimates: Construction, \$18,742.50; Connection charges, \$10,708.00; Net revenue, \$1,332.00.) Resolution approving plans, specifications and bid call needed. Estimated cost \$18,742.50 (Materials, \$11,500; Labor, \$7,242.50). Funds budgeted in Account 6804-50-101, Water Line Extensions)

ACTION: Res. 70-1074 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

4. Consider award of bid for installation of water lines in Riverside North No. 3.  
(Bids were opened October 27, 1970 and the low bid of Valley Construction, which is 14% below the Engineer's Estimate, is considered acceptable. It is recommended that this bid be awarded to them. Resolution awarding bid needed. Estimated cost, \$1,710.54; funds budgeted in Account 6804-50-101, Water Line Extensions)

ACTION: Res. 70-1075 adopted awarding contract to Valley Construction.  
(P/W to handle)

CONSENT

5. Consider awards to low bidders for water pipe: Pacific States Cast Iron Pipe Co. approx. 2,000 ft. cast iron pipe and estimated cost \$3,300.00; and Voss International Corp. approx. 43,000 ft. asbestos cement pipe and estimated cost \$74,000.00.  
(Memo and tabulation with agenda. Resolutions awarding bid needed. Funds budgeted in Account 438-512, Revolving Fund. Not shown in budget; ultimately used in water lines charges to 321-50-101 and 6804-50-101. See page 52)

ACTION: Res. 70-1076 adopted awarding contract for cast iron pipe to Pacific States Cast Iron Pipe Co.

Res. 70-1077 adopted awarding contract for asbestos cement pipe to Voss International Corp. (Finance to handle)

CONSENT

6. Consider award of contract to furnish water meters for one year ending November 9, 1971 to low bidder, Gamon/Calmet Industries:  
(Tabulation with agenda. Resolution awarding contract needed. Estimated cost \$23,915; funds budgeted in Account 438-512, Revolving Fund, not shown in budget)

ACTION: Res. 70-1078 adopted awarding contract to Gamon/Calmet Industries. (Finance to handle)

HEARINGS

7. Hearing on cost of construction of curb and gutter at 220 San Juan Drive, portion of Block 2212 (Mr. Walter A. Murray - \$242.85) 4:05 P.M.  
(Payment in five-year installment recommended)

ACTION: Res. 70-1079 adopted (Smith/Newton, unan. - Simon, absent) confirming report, assessing costs and directing method of collection (over a five year period) (Finance to handle)

8. Matters for the good of the community. 4:10 P.M.  
(These may be presented by interested people in the audience)

ACTION: Councilman Dixon commended the Director of Parks & Recreation for the proposal she has initiated to educate the young people in our schools to better use our park facilities.

Councilman Dixon introduced a resolution commending Golden Pacific Airlines. By motion (Smith/Robinson, maj. - Dixon, no) further discussion and/or action on resolution delayed for one week for further study and report by Airport Manager. (P/W to handle)

By motion (Mitchell/Simon, unan.) intention declared to have Council adjourn meeting of November 16, 1970 to 7:30 P.M. to permit all Councilmen to attend a public hearing on garbage franchise, which is being held by the Public Projects Committee.

8. Matters for the good of the community. (continued)

It was reported that dry wells were being cleaned and repaired in preparation for the rainy season.

It was agreed that Councilman Newton would contact the C/Mgr relative to the blighted conditions on the West Side and would furnish specific addresses.

Res. 70-1080 adopted (Simon/Mitchell, unan.) urging the repatriation of all Americans detained by North Vietnam.

Res. 70-1081 adopted (Simon/Smith, unan.) setting November 23, 1970 at 7:40 P.M. as time for hearing an appeal of Con-Dev. Co. from action of P/C in denying request for rezoning to PD property located at Franklin & Maze. (Clerk to handle)

By motion (Mitchell/Simon, unan.) Clerk authorized to bring up appeals under Matters for the good of the community in the event this appears necessary due to time factors. (Clerk to handle)

OLD BUSINESS

9. Further consideration of appeal to the decision of the Planning Commission denying requested rezoning to P-O, R-2 and C-1, property located at the southwest corner of Robertson and Sutter. (Silas Green - Max Hanney)

ACTION: By motion (Newton/Mitchell, unan.) applicant permitted to withdraw appeal. (Planning to handle)

NEW BUSINESS

10. Presentation by NAACP in reference to police bias in the community. (Oral report will be given)

ACTION: Following a discussion of this subject, the staff by motion (Newton/Dixon, unan.), was directed to obtain information on what other cities are doing that is different than Modesto and to inform the Council. (Police to handle)

CONSENT

11. Resolutions instructing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters at the locations listed below:  
(Informal requests were sent over 30 days ago to the property owners. The work has not been done. It is recommended that resolutions be adopted authorizing the Superintendent of Streets to give notice requiring construction. Resolutions setting November 16, 1970 at 4:15 P.M. for hearings needed)

CONSENT

- (a) Curb and gutter at 526 Hunter Ave., portion of Block 1002-A. (Mrs. Alice G. Boulay)  
(Resolution setting hearing needed)

ACTION: Res. 70-1082 adopted setting hearing. (P/W to handle)

CONSENT

- (b) Curb and gutter at 530 Hunter Avenue, portion of Block 1002-A. (Mrs. Edith Capps)  
(Resolution setting hearing needed)

ACTION: Res. 70-1083 adopted setting hearing. (P/W to handle)

CONSENT

- (c) Curb and gutter at 518 Hunter Avenue, portion of Block 1002-A. (Mr. Edward B. Gebhardt) (Resolution setting hearing needed)

ACTION: Res. 70-1084 adopted setting hearing. (P/W to handle)

CONSENT  
11. (d) Curb and gutter at 522 Hunter Avenue, portion of Block 1002-A.  
(Mr. Charles D. Golvin)  
(Resolution setting hearing needed)

ACTION: Res. 70-1085 adopted setting hearing. (P/W to handle)

CONSENT  
(e) Curb and gutter at 536 Hunter Avenue, portion of Block 1002-A.  
(Mrs. Leona Henderson)  
(Resolution setting hearing needed)

ACTION: Res. 70-1086 adopted setting hearing. (P/W to handle)

CONSENT  
(f) Curb, gutter and sidewalk at 125 Calaveras Avenue, Lots 20 and  
21 of Block 305 (Mr. Lupe Gusman)  
(Resolution setting hearing needed)

ACTION: Res. 70-1087 adopted setting hearing. (P/W to handle)

CONSENT  
(g) Curb, gutter and sidewalk at 129 Calaveras Avenue, Lots 22 and  
23 of Block 305. (Mr. Lawrence L. Newman)  
(Resolution setting hearing needed)

ACTION: Res. 70-1088 adopted setting hearing. (P/W to handle)

CONSENT  
(h) Curb, gutter and sidewalk on Calaveras Avenue at 133 Tuolumne  
Blvd., Lots 24 through 27 of Block 305. (The United Pentecostal Church)  
(Resolution setting hearing needed)

ACTION: Res. 70-1089 adopted setting hearing. (P/W to handle)

CONSENT  
(i) Curb and gutter at 225 Phoenix Avenue, Lot 21 of Block 2212.  
(Mr. Robert M. Wise)  
(Resolution setting hearing needed)

ACTION: Res. 70-1090 adopted setting hearing. (P/W to handle)

CONSENT  
(j) Curb and gutter at 112 Rowland Avenue, portion of Block 2087.  
(Mrs. Hazel V. Lighthall)  
(Resolution setting hearing needed)

ACTION: Res. 70-1091 adopted setting hearing. (P/W to handle)

CONSENT  
(k) Sidewalk on N. Santa Cruz Avenue at 1222 Roble Avenue, Lot 1 of  
Block 2061. (Mr. Jack E. Rice)  
(Resolution setting hearing needed)

ACTION: Res. 70-1092 adopted setting hearing. (P/W to handle)

CONSENT

12. Report of Superintendent of Streets on the cost of installation of sidewalk and/or curb and gutter at the properties listed below. (The amounts assessed against the properties will be included in reports distributed with the agenda for the hearing date. Resolutions setting November 16, 1970 at 4:20 P.M. for hearing.)

(a) Sidewalk at 433 Bermuda Way, Lot 12 of Block 6127. (Mr. Joseph L. Baker - \$137.60)  
(Resolution setting hearing needed)

ACTION: Res. 70-1093 adopted setting hearing. (P/W to handle)

CONSENT

(b) Sidewalk at 512 Bermuda Way, Lot 2 of Block 6065. (Mr. Rex. W. Ehlers - \$137.60)  
(Resolution setting hearing needed)

ACTION: Res. 70-1094 adopted setting hearing. (P/W to handle)

CONSENT

(c) Sidewalk at 438 Bermuda Way, Lot 6 of Block 6065. (Mr. Jerry L. Ferrera - \$137.60)  
(Resolution setting hearing needed)

ACTION: Res. 70-1095 adopted setting hearing. (P/W to handle)

CONSENT

(d) Sidewalk at 426 Bermuda Way, Lot 8 of Block 6065. (Mrs. Elinor Haun - \$122.20)  
(Resolution setting hearing needed)

ACTION: Res. 70-1096 adopted setting hearing. (P/W to handle)

CONSENT

(e) Sidewalk at 439 Catalina Way, Lot 13 of Block 6128 (Mrs. Jewell Holland - \$137.60)  
(Resolution setting hearing needed)

ACTION: Res. 70-1097 adopted setting hearing. (P/W to handle)

CONSENT

(f) Sidewalk at 500 Catalina Way, Lot 4 of Block 6127. (Mr. Herman C. House - \$137.60)  
(Resolution setting hearing needed)

ACTION: Res. 70-1098 adopted setting hearing. (P/W to handle)

CONSENT

(g) Sidewalk at 438 Catalina Way, Lot 6 of Block 6127. (Mr. Robert C. Lukins - \$137.60)  
(Resolution setting hearing needed)

ACTION: Res. 70-1099 adopted setting hearing. (P/W to handle)

CONSENT

(h) Sidewalk on Bermuda Way at 1505 Sherwood Avenue, Lot 9 of Block 6065. (Mr. Lloyd D. McIntyre - \$155.20)  
(Resolution setting hearing needed)

ACTION: Res. 70-1100 adopted setting hearing. (P/W to handle)

CONSENT

12. (i) Sidewalk at 426 Catalina Way, Lot 8 of Block 6127. (Mrs. Marjorie K. O'Day - \$137.60)  
(Resolution setting hearing needed)

ACTION: Res. 70-1101 adopted setting hearing. (P/W to handle)

CONSENT

(j) Sidewalk at 519 Catalina Way, Lot 18 of Block 6128. (Mr. Melvin R. Pederson - \$145.30)  
(Resolution setting hearing needed)

ACTION: Res. 70-1102 adopted setting hearing. (P/W to handle)

CONSENT

(k) Sidewalk on Catalina Way at 1525 Sherwood Avenue, Lot 9 of Block 6127. (Mr. Frank Shimpaugh - \$155.20)  
(Resolution setting hearing needed)

ACTION: Res. 70-1103 adopted setting hearing. (P/W to handle)

CONSENT

(l) Sidewalk at 507 Bermuda Way, Lot 16 of Block 6127 (Mr. Richard T. Tosaw - \$137.60)  
(Resolution setting hearing needed)

ACTION: Res. 70-1104 adopted setting hearing. (P/W to handle)

CONSENT

(m) Sidewalk at 506 Catalina Way, Lot 3 of Block 6127. (Mr. George E. Zimmerman - \$137.60)  
(Resolution setting hearing needed)

ACTION: Res. 70-1105 adopted setting hearing. (P/W to handle)

CONSENT

13. Recommendation that Percell Aircraft Leasing Company's authorization to operate at the Airport be suspended.  
(Percell Aircraft Leasing Co. is authorized by Resolution No. 70-729 to operate at the airport. After repeated contacts, both personal and by written notice, we have been unable to collect the required \$200 annual business license tax. We therefore recommend that the Council suspend its authorization to operate at the Airport. Resolution needed)

ACTION: Res. 70-1106 adopted suspending authorization of Percell Aircraft Leasing Company to operate at Modesto City-County Airport. (P/W to handle)

CONSENT

14. Accept improvements in Tully Manor No. 5 Subdivision and authorize City Clerk to file notice of completion and release bond upon expiration of the statutory lien period.  
(This subdivision is located between Carver Road and Royalton Avenue south of Standiford Avenue. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements needed)

ACTION: Res. 70-1107 adopted accepting improvements in Tully Manor No. 5. (Clerk to handle)

REPORTS

CONSENT

15. Quarterly report from Chamber of Commerce for quarter ending September 30, 1970.  
(Motion accepting report needed)

ACTION: By motion report accepted.

CONSENT

16. Interim report on Community Action Commission election.  
(Report with agenda. Motion accepting report needed)

ACTION: By motion report accepted.

CONSENT

17. Interim report on disposable container ordinance.  
(Report with agenda. Motion accepting report needed)

ACTION: By motion report accepted.

18. Land acquisition recommendation - Dry Creek Park.  
(Letter from the Planning Commission Chairman attached)  
(Motion directing staff needed)

ACTION: By motion (Simon/Newton, unan.) discussion delayed for one week. (Clerk to handle)


MISCELLANEOUS

19. Appointments.

None.

Adjournment at 5:35 P.M.

ATTEST:

  
W. T. Chynoweth, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, NOVEMBER 9, 1970 AT 7:30 P.M.

Roll call Present: Dixon, Mitchell, Newton, Robinson, Simon, Smith,  
Mayor Davies  
Absent: None

Pledge of allegiance to the Flag  
Invocation: Reverend Theodore Ness, Bethel Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 5, 7, 8, 9, 11,  
Item 5 removed from consent. 15, 16, 17, 19, 20, 21, 22, 24,  
Robinson/Newton, unan. 25, 27, 28, 29

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of October 29 and November 2, 1970.

ACTION: By motion minutes approved.

PETITIONS, CORRESPONDENCE AND REMONSTRANCES

2. Request of Downtown Improvement District for discussion of downtown beautification plans.

ACTION: By motion (Robinson/Simon, unan.) request of D.I.D. for City approval of plan to beautify corners and mid-block portion of 10th Street between I & J referred to staff for study and report to Council on November 23. (P & T to handle)

CONSENT

3. Request of Downtown Improvement District for use of two parking spaces on east side of 10th Street between I & K Streets from November 15, 1970 to January 4, 1971 for Santa's House, and for two parking spaces on the southwest corner of 10th and K for parking the 40 and 8 locomotive.  
(Motion granting requests needed)

ACTION: By motion requests granted. (P & T to handle)

CONSENT

4. Request of Downtown Improvement District for use of two High Ranger trucks with personnel to install Christmas decorations on November 22 and remove them January 3, 1971.  
(Motion granting request needed)

ACTION: By motion request granted. (P & R to handle)

~~CONSENT~~

5. Applications for licenses to operate ambulances in Modesto.  
(Motion referring to staff for investigation and report, and Resolution setting November 23, 1970 at 7:45 P.M. as time for hearing needed)

a. Valley Ambulance Co.

ACTION: Application withdrawn by applicant.

b. Modesto Ambulance Co.

ACTION: Res. 70-1108 adopted (Dixon/Mitchell, unan.) ratifying action of C/Mgr in permitting Modesto Ambulance Co. to operate one additional ambulance during interim period.

c. Sentinel Ambulance Service

d. Donald Schneider

e. Doctors Ambulance

ACTION: Res. 70-1109 adopted (Robinson/Smith, unan.) setting hearing on above four applications. (Clerk to handle)  
By motion (Robinson/Smith, unan.) applications referred to staff for investigation and report. (C/Mgr to handle)

6. Request of Citizens' Cultural Center Committee that McHenry Library be reserved for a museum and cultural center.

ACTION: By motion (Robinson/Smith, unan.) use of McHenry Library as a museum and cultural center approved in principle and representatives of committee invited to meet with Public Relations Committee on November 16. (C/Mgr to handle)

BIDS

CONSENT

7. Consider approval of specifications and authorize call for bids to be opened November 24, 1970 at 10:15 A.M. for furnishing one new trailer mounted brush chipper.  
(Resolution needed. Estimated cost \$5,900; funds budgeted in Account 5428/48/512, Service Division Capital Fund, p. 79)

ACTION: Res. 70-1110 adopted approving specifications and bid call.  
(Clerk to handle)

CONSENT

8. Consider acceptance of George Schuler's contract for installation of water lines in Riverside North No. 2.  
(Original contract \$1,638.60. All work in conjunction with the contract has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and authorize the City Clerk to file notice of completion. Resolution accepting work needed. Final cost \$1,645.75. Funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 70-1111 adopted accepting contract. (Clerk to handle)

CONSENT

9. Consider award of bid for construction of subtrunk sewer in Herndon Road to Mancini Park.  
(Bids were opened November 3, 1970 and the low bid of Certified Sewers which is 9% below the Engineer's Estimate is considered acceptable. The Public Works Department recommends the bid be awarded to them. Resolution awarding bid needed. Contract cost \$5,266.25. Funds budgeted in Account 6561-212, Extend Subtrunk & Perimeter Sewers)

ACTION: Res. 70-1112 adopted awarding contract to Certified Sewers.  
(P/W to handle)

10. Consider revision in contract for painting Fire Stations No. 1 and No. 2.  
(Conditions encountered at Fire Station No. 1 make it desirable to consider revising the painting contract. An oral report will be made at the Council meeting. Resolution approving revised agreement needed)

ACTION: Res. 70-1113 adopted (Smith/Simon, unan.) approving revision in contract to provide for deletion of painting of Fire Station No. 1 in the event tests indicate that painting is not feasible; City to pay for paint which is mixed in any event. (C/Atty to handle)

CONSENT

11. Bids were opened November 3, 1970 for furnishing one new 4-wheel street sweeper.  
(Only one bid was received which the staff believes to be reasonable. It is recommended that the bid of Nixon-Egli, Hayward, offering a mobile sweeper be accepted and the purchase authorized. Memo with agenda. Resolution needed. Estimated cost \$17,315; funds budgeted in Account 5425/48/512, Service Division Capital Outlay, p. 79)

ACTION: Res. 70-1114 adopted accepting bid of Nixon/Egli. (Finance to handle)

12. Matters for the good of the community. 7:35 P.M.  
(These may be presented by interested people in the audience)

ACTION: John Thurman, newly elected Supervisor, was introduced. Mr. Thurman suggested a review of all areas of City-County involvement including, but not limited to, the following: low cost housing; recreation; drug abuse; senior citizen complexes; overlapping of services; encouragement of year-around industry; and drainage and flood control.

Jim Switzer requested that more blacks be hired by the City. It was pointed out that three blacks and one Mexican were among the last seven persons hired.

Bob Howard, representing the Red Cross, commended the Council for the efforts made on behalf of Prisoners of War in Vietnam.

By motion (Simon/Dixon, unan.) staff directed to place the proposed Charter Amendments as separate items on the ballot for the April 20, 1971 Municipal Election. (Clerk to handle)

OLD BUSINESS

13. Further consideration of garbage collection charges.

ACTION: Ordinance 1058-C.S. introduced (Smith/Simon, unan.) setting rates for residential garbage collection as follows:

(a)	1 collection, 1 container per week	\$1.60 per month
(b)	1 collection, 2 containers per week	2.40 per month
(c)	2 collections, 1 container per week	3.20 per month
(d)	2 collections, 2 containers per week	4.80 per month

(Clerk to handle)

14. Further discussion of resolution introduced by Councilman Dixon commending Golden Pacific Airlines.

ACTION: By motion (Robinson/Smith, maj. - Dixon and Mitchell, no) matter tabled.

CONSENT

15. Procter and Gamble agreement.  
(Memo with agenda. Resolution approving agreement and authorizing the City Manager to sign)

ACTION: Res. 70-1115 adopted approving agreement. (Clerk to handle)

CONSENT

16. Amendment to agreement between City of Modesto and Modesto City School District for afterschool recreation.  
(Approval of execution of afterschool recreation agreement between the City and Modesto City School District for 20 elementary schools instead of 19. Resolution approving amendment needed)

ACTION: Res. 70-1116 adopted approving amendment to agreement. (Clerk to handle)

NEW BUSINESS

CONSENT

17. Consider request for sewer service to property outside the City at 1220 South Avenue.  
(Property Owner: Mr. Robert Nelson. The property owner has signed an agreement to annex to the City when requested to do so. The property is contiguous to the City, but the property owner must extend the sewer line for service. Resolution approving agreement needed)

ACTION: Res. 70-1117 adopted approving agreement. (P/W to handle)

18. Discussion of special rates for senior citizens at the golf course.  
(Memo with agenda. Councilman Smith recommends one free day per week, Wednesday, from 9:00 a.m. to 3:00 p.m. for senior citizens over 65 years of age)

ACTION: By motion (Smith/Mitchell, unan.) staff directed to prepare resolution providing for free golf between 9:00 A.M. and 3:00 P.M. on Wednesdays for residents of Modesto who are over 65 years of age. (C/Atty to handle)

CONSENT

19. (a) Consider approval of contract and letter clarifying liability provisions thereof between City and Canteen Corporation to provide vending machine service.

ACTION: Res. 70-1118 adopted approving agreement.

- (b) Consider acceptance of letter agreement with Modesto City Employees Association relating to a portion of the revenue from the contract with the Canteen Corporation.

ACTION: Res. 70-1119 adopted approving agreement.

- (c) Consider acceptance of letter agreement with Modesto Police Association relating to a portion of the revenue from the contract with Canteen Corporation.  
(Memo with agenda. Three resolutions needed)

ACTION: Res. 70-1120 adopted approving agreement.

CONSENT

20. Proposal for golf carts and storage shed, Dryden Park Municipal Golf Course.  
(Memo with agenda. Motion authorizing preparation of agreements needed. No cost to City)

ACTION: By motion staff authorized to prepare agreements with Cushman Corporation and with Andy Silva. (C/Atty to handle)

REPORTS

CONSENT

21. Report on possible parking garage on 11th Street between I and J Streets.  
(A report by the Director of Parking and Traffic has been sent with the agenda. It is suggested that the report be referred to the Downtown Improvement District, as they requested the report. Motion referring the report to D.I.D. needed)

ACTION: By motion report referred to D.I.D. (Clerk to handle)

CONSENT

22. Presentation of financial statement for October 1970.  
(Copies of report will be presented at meeting. Motion accepting report needed)

ACTION: By motion report accepted.

23. Report on disposable container ordinance.  
(Report with agenda)

ACTION: By motion (Mitchell/Robinson, unan.) staff directed to prepare resolution for consideration by Council; resolution to contain the following: (1) urging State and Federal legislatures to attempt to obtain legislation requiring deposits on containers; (2) urging industry to conduct research in this field; (3) urging citizens not to throw cans and bottles on the roadsides; urging League of California Cities to consider a similar ordinance. Resolution to be sent to all City Councils and Boards of Supervisors in California. (C/Atty to handle)

CONSENT

24. Report on damages to McHenry Avenue street lighting system.  
(Report with agenda. Motion accepting report needed)

ACTION: By motion report accepted.

CONSENT

25. Further report on Community Action Commission election.  
(Report with agenda. Motion accepting report needed)

ACTION: By motion report accepted.

A five minute recess was declared at 11:10 P.M.

REPORTS FROM THE PLANNING COMMISSION

26. Land acquisition recommendation for Dry Creek Park and East LaLoma Neighborhood Park.  
(Letter from Planning Commission Chairman with agenda. Motion directing staff needed)

ACTION: By motion (Simon/Smith, unan.) staff authorized to obtain land appraisals for Alternate No. 1. (C/Atty to handle)

CONSENT

27. Recommend that city staff time be committed for preparation of alternatives for the precise plan of Brighton Avenue.  
(By Resolution No. 70-140 adopted at its meeting of October 20, 1970 the Modesto Planning Commission recommended to the Council that city staff time be committed for preparation of alternatives for the precise plan of Brighton Avenue, a four-lane major street, from Scenic Drive to Yosemite Boulevard. Motion authorizing needed)

ACTION: By motion use of staff time authorized for study. (P/W, Planning and P & T to handle)

CONSENT

28. Recommend to the Council an amendment to Chapter 2 of Title X of the Modesto Municipal Code (to require legal notices for public hearings for unclassified use permits).  
(Planning Commission Resolution No. 70-141, adopted November 3, 1970 recommends amendment to Chapter 2 of Title X of the Modesto Municipal Code to require legal notices for public hearings for unclassified use permits. Resolution setting date and place for public hearing needed. Suggested date November 23, 1970 at 7:50 P.M.)

ACTION: Res. 70-1121 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

29. Appropriation transfer to provide funds for the centennial display in the 7/3/70 issue of the Modesto Bee.  
(The City Council, by motion of 5/25/70, directed the staff to work with the Bee to prepare the display. However, a purchase order was not processed, and the 1969-70 appropriation for this purpose expired 6/30/70. Resolution approving transfer of \$769 from General Fund, General Reserve needed)

ACTION: Res. 70-1122 adopted approving appropriation transfer of \$769 from Account 60-101 to Account 470-61-101. (Finance to handle)


MISCELLANEOUS

30. Appointments.

None

Adjournment at 11:20 P.M.

ATTEST:

  
\_\_\_\_\_  
W. T. CHYNOWETH, City Clerk

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, NOVEMBER 16, 1970 AT 4:00 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Simon, Smith,  
Mayor Davies  
Absent: None

Pledge of allegiance to the Flag

Invocation: Reverend Edward Bolden, St. Paul's Missionary Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 9, 11, 12, 13, 15,  
Item 16 removed from consent ~~16~~, 17  
Smith/Newton, unan.

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of November 9, 1970.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES & CORRESPONDENCE

2. Request of Mobil Oil Corporation for oil and gas lease on property owned by City of Modesto.

ACTION: By motion (Robinson/Simon, unan.) request referred to C/Atty for study and report. (C/Atty to handle)

BIDS

CONSENT

3. Consider award of bid for construction of truck scale and scale building at sanitary landfill.  
(The bid has been reviewed with County Public Works office and they are in agreement with the recommendation to make the award. Memo with agenda. Resolution awarding bid to Harold Carver needed. Estimated cost \$34,830 (Contract \$33,830; Engr. \$1,000). Funds budgeted in Account 6536-321, Sanitary Landfill)

ACTION: Res. 70-1123 adopted awarding contract to Harold Carver. (P/W to handle)

HEARINGS

4. Hearing on amendment to Sec. 19-3-9 of zoning map to rezone from R-1 to R-2 property located on west side of Tully between Orangeburg and Pearl. 4:05 P.M.

ACTION: Ord. No. 1059-C.S. introduced. (Simon/Smith, unan.) rezoning area. (Clerk to handle)

5. Hearing on amendment to Sec. 15-3-9 of zoning map to prezone to R-3 property on west side of Old Oakdale Road north of Celeste Drive. 4:10 P.M.

ACTION: Ord. No. 1060-C.S. introduced (Robinson/Simon, unan.) rezoning area. (Clerk to handle)

6. Hearings on requirement of curb, gutter and/or sidewalk at the following locations: 4:15 P.M.

(a) Curb and gutter at 526 Hunter Avenue, portion of Block 1002-A - (Mrs. Alice G. Boulay)

ACTION: Res. 70-1124 adopted (Newton/Smith, unan.) ordering work done. (P/W to handle)

(b) Curb and gutter at 530 Hunter Avenue, portion of Block 1002-A - (Mrs. Edith Capps)

ACTION: Res. 70-1125 adopted (Newton/Smith, unan.) ordering work done. (P/W to handle)

(c) Curb and gutter at 518 Hunter Avenue, portion of Block 1002-A. - (Mr. Edward B. Gebhardt)

ACTION: Res. 70-1126 adopted (Newton/Smith, unan.) ordering work done. (P/W to handle)

(d) Curb and gutter at 522 Hunter Avenue, portion of Block 1002-A. - (Mr. Charles D. Golvin)

ACTION: Res. 70-1127 adopted (Newton/Smith, unan.) ordering work done. (P/W to handle)

(e) Curb and gutter at 536 Hunter Avenue, portion of Block 1002-A. - (Mrs. Leona Henderson)

ACTION: Res. 70-1128 adopted (Newton/Smith, unan.) ordering work done. (P/W to handle)

(f) Curb, gutter and sidewalk at 125 Calaveras Avenue, Lots 20 and 21 of Block 305. - (Mr. Lupe Gusman)

Dropped from agenda.

Hearings, continued.

6. (g) Curb, gutter and sidewalk at 129 Calaveras Avenue, Lots 22 and 23 of Block 305. - (Mr. Lawrence L. Newman)

4:15 P.M.

Dropped from agenda.

- (h) Curb, gutter and sidewalk on Calaveras Avenue at 133 Tuolumne Boulevard, Lots 24 through 27 of Block 305. (The United Pentecostal Church)

Dropped from agenda.

- (i) Curb and gutter at 225 Phoenix Avenue, Lot 21 of Block 2212. - (Mr. Robert M. Wise)

ACTION: Res. 70-1129 adopted (Newton/Smith, unan.) ordering work done. (P/W to handle)

- (j) Curb and gutter at 112 Rowland Avenue, portion of Block 2087. (Mrs. Hazel V. Lighthall)

ACTION: Res. 70-1130 adopted (Newton/Smith, unan.) ordering work done. (P/W to handle)

- (k) Sidewalk on N. Santa Cruz Avenue at 1222 Roble Avenue, Lot 1 of Block 2061. - (Mr. Jack E. Rice)

ACTION: Res. 70-1131 adopted (Newton/Smith, unan.) ordering work done. (P/W to handle)

7. Hearings on cost of installation of sidewalk and/or curb and gutter at the properties listed below: 4:20 P.M.

- (a) Sidewalk at 433 Bermuda Way, Lot 12 of Block 6127. (Mr. Joseph L. Baker - \$137.60)

ACTION: Res. 70-1132 adopted (Dixon/Mitchell, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

- (b) Sidewalk at 512 Bermuda Way, Lot 2 of Block 6065. (Mr. Rex W. Ehlers - \$137.60)

ACTION: Res. 70-1133 adopted (Dixon/Mitchell, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

- (c) Sidewalk at 438 Bermuda Way, Lot 6 of Block 6065. (Mr. Jerry L. Ferrera - \$137.60)

ACTION: Res. 70-1134 adopted (Dixon/Mitchell, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

Hearings, continued.

7. (d) Sidewalk at 426 Bermuda Way, Lot 8 of Block 6065. 4:20 P.M.  
(Mrs. Elinor Haun - \$122.20)

ACTION: Res. 70-1135 adopted (Dixon/Mitchell, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

- (e) Sidewalk at 439 Catalina Way, Lot 13 of Block 6128.  
(Mrs. Jewell Holland - \$137.60)

ACTION: Res. 70-1136 adopted (Dixon/Mitchell, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

- (f) Sidewalk at 500 Catalina Way, Lot 4 of Block 6127.  
(Mr. Herman C. House - \$137.60)

ACTION: Res. 70-1137 adopted (Dixon/Mitchell, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

- (g) Sidewalk at 438 Catalina Way, Lot 6 of Block 6127.  
(Mr. Robert C. Lukins - \$137.60)

ACTION: Res. 70-1138 adopted (Dixon/Mitchell, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

- (h) Sidewalk on Bermuda Way at 1505 Sherwood Avenue,  
Lot 9 of Block 6065. (Mr. Lloyd D. McIntyre - \$155.20)

ACTION: Res. 70-1139 adopted (Dixon/Mitchell, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

- (i) Sidewalk at 426 Catalina Way, Lot 8 of Block 6127.  
(Mrs. Marjorie K. O'Day - \$137.60) (Payment over a three  
year period recommended)

ACTION: Res. 70-1140 adopted (Dixon/Mitchell, unan.) confirming report, assessing costs and directing method of collection (over a 3 year period) (Finance to handle)

- (j) Sidewalk at 519 Catalina Way, Lot 18 of Block 6128.  
(Mr. Melvin R. Pederson - \$145.30)

ACTION: Res. 70-1141 adopted (Dixon/Mitchell, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

- (k) Sidewalk on Catalina Way at 1525 Sherwood Avenue,  
Lot 9 of Block 6127. (Mr. Frank Shinpaugh or Roy Amundsen - \$155.20)

ACTION: Res. 70-1142 adopted (Dixon/Mitchell, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

- (l) Sidewalk at 507 Bermuda Way, Lot 16 of Block 6127.  
(Mr. Richard T. Tosaw - \$137.60)

ACTION: Res. 70-1143 adopted (Dixon/Mitchell, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

Hearings, continued.  
7. (m) Sidewalk at 506 Catalina Way, Lot 3 of Block 6127. 4:20 P.M.  
(Mr. George E. Zimmerman - \$137.60)

ACTION: Res. 1144 adopted (Dixon/Mitchell, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

8. Matters for the good of the community. 4:25 P.M.  
(These may be presented by interested people in the audience)

ACTION: Mrs. Mole asked why her area of the city was not receiving new street lights when other areas were. It was explained that the lighting would be updated after the dark areas were lighted. She commented on the possibility of staggered working hours for government employees, garbage rates and lack of enforcement of the leash law.

Res. 70-1145 adopted (Robinson/Dixon, unan.) ratifying action of C/Mgr in permitting Modesto Ambulance Co. to operate an additional extra ambulance at this time.

Mrs. Mark Landquist spoke on the problem of uncontrolled and barking dogs. She, also, complained of the lack of parking for jurors. It was suggested that this matter be discussed at a City-County meeting.

Mayor Davies reported on the meeting of the Public Relations Committee with groups wishing to use the McHenry Library as a museum and cultural center. He stated that city staff and representatives of the interested organizations would work out the details and report to the Council.

#### ORDINANCES

##### CONSENT

9. Final adoption of Ordinance No. 1058-C.S. (garbage rates)  
(Motion approving needed)

ACTION: By motion Ord. No. 1058-C.S. adopted. (Clerk to handle)

#### OLD BUSINESS

10. Resolutions concerning disposable beverage containers.

(a) Resolution directed to Congress

ACTION: Res. 70-1146 adopted (Mitchell/Newton, unan.) urging Congress to take action to alleviate litter and waste disposal problems.

(b) Resolution directed to State Legislature.

ACTION: Res. 70-1147 adopted (Mitchell/Newton, unan.) urging State Legislature to take action to alleviate litter and waste disposal problems.

(c) Resolution directed to League of California Cities and to County Supervisors Association of California.

(Copies of resolutions with agenda)

ACTION: Res. 70-1148 adopted (Mitchell/Newton, unan.) urging all Cities and Counties to request State Legislature to take action to alleviate litter and waste disposal problems. (Clerk to handle)

CONSENT

11. Accept improvements in Town & Country Terrace No. 1 Subdivision. (This subdivision is located north of Robertson Road and west of Sutter Ave. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements and authorizing City Clerk to file notice of completion needed)

ACTION: Res. 70-1149 adopted accepting improvements. (Clerk to handle)

CONSENT

12. Letter from HQ Second Battalion (M) 185th Infantry, California Army National Guard requesting use of Legion Park for training exercises on December 5, 1970 and January 9, 1971. The letter is self-explanatory and the staff would recommend approval with the understanding would be on the basis that all conditions in the letter would be a part of the approval and that there would be no damage to the area, the area would be left in the same condition as it is before the training exercise, and that City of Modesto be released of all liability. Resolution authorizing use of requested area for training exercises needed)

ACTION: Res. 70-1150 adopted permitting use of area requested subject to above conditions. (P & R to handle)

CONSENT

13. Report of Superintendent of Streets on cost of installation of sidewalk on F Street at 601 7th St., Lots 15 and 16 of Block 31. (Ross O. Tanner - \$1,179.03)  
(The amount assessed against the property will be included in a report distributed with the agenda for the hearing date. Resolution setting December 7, 1970 at 4:10 P.M. for hearing needed. Funds budgeted in Account 5302-51-101, Curbs and gutters, Special)

ACTION: Res. 70-1151 adopted setting hearing. (P/W to handle)

14. Consider initiating Improvement District 18 to provide sewers to remaining unsewered areas in the City.  
(Memo with agenda. Motion directing staff needed)

ACTION: By motion staff authorized to arrange for bond counsel for Improvement District No. 18. (C/Atty to handle)

By motion staff authorized to prepare boundary map and other necessary material for Improvement District No. 18. (P/W to handle)

Res. 70-1152 adopted approving appropriation transfer of \$10,000.00 from Account 60-212 to Account 6593-212. (Finance to handle)

CONSENT

15. Approval of schedule of water meter prices.  
(Memo with agenda. Resolution approving schedule needed)

ACTION: Res. 70-1153 adopted approving the following schedule:

3/4 inch	\$65.00
1 inch	93.00
1 1/2 inch	175.00
2 inch	260.00
Over 2 inches	cost plus 10% (Finance to handle)

APPROPRIATION TRANSFERS

~~CONSENT~~

16. Request for appropriation transfer of \$10,000 from General Reserve to Account 235-54-101, Services Professional and Other, Public Works Garden Refuse Division.  
(The fee schedule at the new county landfill increases our cost of dumping. Our former cost was \$1,00 per load and it now is \$2.60. Therefore, additional funds are needed to complete the fiscal year. We will need to review the estimated cost for disposal following installation of the scales to be sure adequate funds have been provided. Resolution approving transfer needed. Estimated cost \$10,000)

ACTION: Res. 70-1154 adopted (Dixon/Mitchell, unan.) approving appropriation transfer of \$10,000.00 from Account 60-101 to Account 235-54-101.  
(Finance to handle)

CONSENT

17. Consider request for appropriation transfer of \$750 from General Reserve to Division 52, Sewers, to provide odor control facilities at the Woodland Avenue pumping plant.  
(Memo with agenda. Resolution approving appropriation transfer from Account 60-212 needed.)

ACTION: Res. 70-1155 adopted approving appropriation transfer of \$750.00 from Account 60-212 to Account 7901-52-101. (Finance to handle)

(Councilman Dixon commented that the individual responsible for developing this program should receive recognition.)

MISCELLANEOUS

18. Appointments.

None.


Adjournment at 5:20 P.M. to 7:30 P.M. in Council Chambers.

(This meeting will be adjourned to 7:30 P.M. to permit the Council to attend a public hearing concerning garbage collection to be conducted by the Public Projects Committee)

At 7:30 P.M. the Council reconvened pursuant to adjournment. The Public Projects Committee, with Vice Mayor Mitchell presiding, then conducted a public hearing on garbage collection.

The meeting then adjourned at 9:30 P.M.

ATTEST:

  
W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, NOVEMBER 23, 1970 AT 7:30 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Smith,  
Mayor Davies  
Absent: Simon

Pledge of allegiance to the Flag  
Invocation: Reverend A. P. Gregory, Church of God

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 5, 6, 7, 13, 14,  
Item removed from consent. (No. 25) 15, 16, 17, 18, 19a, b, c, d,  
Robinson/Smith, unan. - Simon, absent 20, 21, 23, 24, 26, 27, 28, 29,  
30, 31, 32

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of November 16, 1970.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES & CORRESPONDENCE

2. Application of Aaron's Ambulance for license to operate in City of Modesto.  
(Memo with agenda. It is suggested that action be deferred on the application until a decision has been made on the applications being considered under item 10)

ACTION: Res. 70-1163 adopted (Mitchell/Smith, unan. - Simon, absent) setting December 7, 1970 at 4:20 P.M. as time for hearing.  
(Clerk to handle)

BIDS

CONSENT

3. Consider award of bid for installation of water lines in Granada Park No. 1.  
(Bids were opened November 17, 1970 and the low bid of Valley Construction Co., which is 8% below the Engineer's Estimate, is considered acceptable. Therefore, it is recommended the bid be awarded to them. Resolution awarding bid needed. Contract cost \$5,289.25. Funds budgeted in Account 6804-50-101, Water Line Extensions)

ACTION: Res. 70-1156 adopted awarding contract to Valley Construction Co. (P/W to handle)

CONSENT

4. Request for substitution of listed subcontractor, Modesto-Stanislaus Library.  
(Memo with agenda. Resolution needed)

ACTION: Res. 70-1157 adopted approving substitution of J. Dean Ballard Tile & Marble Co. for Industrial Tile & Marble Co. as subcontractor. (Clerk to handle)

CONSENT

5. Consider acceptance of Valley Construction Company's contract for installation of water lines in Morningside Estates.  
(All work in conjunction with this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and the City Clerk file the notice of completion. Original contract \$7,481.80. Resolution accepting work as complete needed. Final cost \$7,523.70; Funds budgeted in Account 6804-50-101, Water Line Extensions)

ACTION: Res. 70-1158 adopted accepting contract. (Clerk to handle)

CONSENT

6. Consider acceptance of Reed's Trenching, Inc. contract for construction of Keller-Sylvan subtrunk sewer.  
(Original contract \$50,155.10. All work in conjunction with this project has been completed to the satisfaction of the Public Works Dept. Therefore, it would be in order to accept the project as complete and authorize the City Clerk to file notice of completion. Resolution approving project as complete needed. Final cost \$50,213.62. Funds budgeted in Account 6561-212, Extend Subtrunk Sewers, and 6564-212, Keller Street Trunk)

ACTION: Res. 70-1159 adopted accepting contract. (Clerk to handle)

CONSENT

7. Accept as complete W. M. Lyles Co. contract for construction of Tuolumne River Sewer crossing.  
(All work on this contract has been completed to the satisfaction of the Public Works Dept. It would be in order to accept the work as complete and authorize the City Clerk to file notice of completion. Resolution accepting work as complete and authorizing filing of notice of completion needed. Actual cost \$57,378 (contract \$56,738) Funds budgeted in Account 7902-212, Tuolumne River Sewer Crossing)

ACTION: Res. 70-1160 adopted accepting contract. (Clerk to handle)

HEARINGS

8. Hearing on request for amendment to Section 19-3-9 of zoning map to rezone from C-1 to P-D property on north side of Coldwell, west of Tully (Witt) 7:35 P.M.

ACTION: Ord. No. 1061-C.S. introduced (Smith/Robinson, unan. - Simon, absent) rezoning property to P.D. (Clerk to handle)

Res. 70-1161 adopted (Smith/Robinson, unan. - Simon, absent) approving development plan. (Planning to handle)

9. Hearing on appeal of Con-Dev-Co. from action of Planning Commission in denying request for rezoning from R-1 and R-2 to P-D, property at northwest corner of Maze & Franklin. 7:40 P.M.

ACTION: Ord. No. 1062-C.S. introduced (Mitchell/Newton, unan. - Simon, absent) rezoning property to P-D. (Clerk to handle)

Res. 70-1162 adopted (Mitchell/Newton, unan. - Simon, absent) approving development plan. (Planning to handle)

10. Hearings on the following applications for license to operate ambulances: 7:45 P.M.

(a) Modesto Ambulance Co. - Louis V. Simon.

ACTION: Res. 70-1167 adopted (Dixon/Smith, unan. - Simon, absent) rescinding interim permits (when Doctors Ambulance has qualified) and permitting Modesto Ambulance to operate 3 ambulances. (Clerk & Police to handle)

(b) Sentinel Ambulance Service - Roy B. Hirschhorn.

ACTION: Res. 70-1165 adopted (Mitchell/Newton, unan. - Simon, absent) denying application. (Clerk to handle)

(c) Valley Ambulance - Donald L. Schneider.

ACTION: Res. 70-1166 adopted (Mitchell/Newton, unan. - Simon, absent) denying application. (Clerk to handle)

(d) Res. 70-1164 adopted (Dixon/Smith, unan. - Simon, absent) granting permit to Doctors Ambulance for three ambulances. (Clerk & Police to handle)

11. Hearing on amendment to Chapter 2 of Title X concerning notices for hearings for unclassified use permits. 7:50 P.M.

ACTION: Ord. No. 1063-C.S. introduced (Robinson/Dixon, unan. - Simon, absent) amending Chapter 2 of Title X to provide for notices of hearings for unclassified use permits. (Planning to handle)

12. Matters for the good of the community. 7:55 P.M.  
(These may be presented by interested people in the audience)

ACTION: Res. 70-1168 adopted (Robinson/Smith, unan. - Simon, absent) accepting Grant Deed from M.I.D. for alley right of way on north side of Lateral 4, Sycamore to McHenry. (Clerk to handle)

Res. 70-1169 adopted (Robinson/Smith, unan. - Simon, absent) approving agreement with State concerning TOPICS Study. (P & T to handle)

The leaf pick-up program was explained.

Councilman Mitchell reported that he had read that the City-County Committee might be replaced by SAAPA. Councilman Smith stated that he was not aware of this.

Councilmen Dixon and Newton reported on the CAC meeting held November 19. Councilman Newton reported on the resignation of the Director of CAC and a coordinator.

Councilman Dixon suggested that police attend CAC meetings to help to maintain law and order.

#### ORDINANCES

##### CONSENT

13. Final adoption of Ordinance 1056-C.S. and Ord. 1057-C.S.. (amendment to Section 26-3-9 of the zoning map, Westland Investment Co. Motion needed)

ACTION: By motion Ord. Nos. 1056-C.S. and 1057-C.S. adopted. (Clerk to handle)

##### CONSENT

14. Reduce speed limits on Orangeburg Avenue east of Oakdale Road to 40 m.p.h. and on Rose Avenue between Scenic and Floyd Avenues to 25 m.p.h. (Presently, Orangeburg Avenue has an unsigned 65 mile limit, and Rose has a 30 and 35 m.p.h. limit. Development indicates that these limits should be lowered. Ordinance amending Section 3-2-1401 of the Municipal Code needed. Estimated cost \$90 for signs. Funds budgeted in Account 5301-56-101, Traffic Signs)

ACTION: Ord. No. 1064-C.S. introduced reducing speed limits. (Clerk to handle)

#### OLD BUSINESS

##### CONSENT

15. Resolution establishing rates at the golf course. (Memo with agenda. Resolution needed)

ACTION: Res. 70-1170 adopted permitting/residents of City of Modesto to play golf at Municipal Golf Course between 9:00 A.M. and 3:00 P.M. on Wednesdays, except on holidays. (P & R to handle)

#### NEW BUSINESS

##### CONSENT

16. Resolution acknowledging receipt of "Notice of Intention to Circulate Petition to Annex Territory Known as the Collier-Trombetta Addition to the City of Modesto and approving intention of proponents to circulate petitions. (The notice was published November 12, 1970 and filed with the City Clerk November 13, 1970. Adoption of resolution needed)

ACTION: Res. 70-1171 adopted acknowledging receipt of "Notice of Intention" and approving circulation of petitions. (Clerk to handle)

##### CONSENT

17. Consider amendment to lease agreement with Mr. A. O. Whitehead to harvest peaches on the Riverside Park site to provide a 15% instead of a 20% rental fee. (Memo with agenda. Resolution needed)

ACTION: Res. 70-1172 adopted approving amendment to lease agreement. (Finance to handle)

CONSENT

18. It has been requested that an annual lease be allowed in addition to the month-to-month lease that we presently have for Tie-Down and T-Hangar rentals at the airport. Such a lease has been prepared, which provides for a 5% discount for annual payment of Tie-Down or T-Hangar lease, as we do with water and sewer service. (Resolution approving annual lease agreements for Tie-Down and T-Hangar spaces at the Modesto City-County Airport and authorizing Airport Manager to Execute said agreements, and resolution establishing charges and fees for activities and services at the Modesto City-County Airport, and rescinding Resolutions 67-505 and 69-331)

ACTION: Res. 70-1173 adopted approving annual lease agreements for Tie-Down and T-Hangar spaces at Airport. (P/W to handle)

Res. 70-1174 adopted establishing charges and fees for activities and services at Airport and rescinding Resolutions 67-505 and 69-331. (P/W to handle)

CONSENT

19. Resolutions instructing the Superintendent of Streets to give notice requiring construction of sidewalks at the locations listed below.  
(Informal requests were sent over 30 days ago to the property owners to install sidewalks. The work has not been done; therefore, it is recommended that resolutions be adopted authorizing the Superintendent of Streets to give notice requiring construction of sidewalks. Resolutions setting hearings needed. Suggested date December 7, 1970 at 4:15 P.M. needed)

CONSENT

- (a) Sidewalk on LaLoma at 601 LaLoma, Lot 1 of Block 230.  
(Mrs. Myrtle Stille)  
(Resolution setting hearing needed)

ACTION: Res. 70-1175 adopted setting hearing. (P/W to handle)

CONSENT

- (b) Sidewalk on El Terino Avenue at 1124 Edison Ave., Lot 7 of Block 1071 (Miss Doreen E. Burke)  
(Resolution setting hearing needed)

ACTION: Res. 70-1176 adopted setting hearing. (P/W to handle)

CONSENT

- (c) Sidewalk on E. Fairmont Ave. at 1129 E. Fairmont Ave, Lot 5 of Block 1072 (Mrs. S. Jacquelyn Lopez)  
(Resolution setting hearing needed)

ACTION: Res. 70-1177 adopted setting hearing. (P/W to handle)

CONSENT

- (d) Sidewalk on Smith Ave. at 622 Brady Ave., west 55 feet of Lot 62 of Block 704 (Miss Velma G. Whitaker)  
(Resolution setting hearing needed)

ACTION: Res. 70-1178 adopted setting hearing. (P/W to handle)

CONSENT

20. Report of Superintendent of Streets on the cost of installation of sidewalk on Westland Drive at 1302 Westland Drive, Lot 1, Block 6021 (R. A. Sai - \$154.00)  
(Resolution setting December 7, 1970 at 4:10 P.M. for hearing needed. Funds budgeted in Account 5302-51-101, Curbs and Gutters, Special)

ACTION: Res. 70-1179 adopted setting hearing. (P/W to handle)

CONSENT

21. Consider modifying truck route and truck parking regulations. (A memo by the Director of Parking and Traffic has been sent with the agenda. Due to Vehicle Code changes, it will be necessary to change the City Code to prohibit trucks from driving and parking unnecessarily in residential areas. Motion directing City Attorney to prepare necessary code changes needed)

ACTION: By motion City Attorney directed to prepare necessary code changes to prohibit trucks from driving and parking unnecessarily in residential areas. (C/Atty to handle)

22. Consider lease agreement for use of city property for Christmas tree sales.  
(A lease agreement with Ernie Pappas has been prepared for use of the city property zoned C-2 located at the northeast corner of 17th and H Streets for Christmas tree sales from December 1 through December 20, 1970. The rental payment is \$250, plus a \$100 cleaning deposit. Resolution needed)

Dropped from agenda.

CONSENT

23. A. Request amendment of tax roll and establish three annual installment payments for the cost of construction of sidewalk, curb and gutter for the African Zion Methodist Church, Parcel No. 2-01 104-2015-005.  
(Resolution requesting amendment to tax roll and establishing installment payments needed)

ACTION: Res. 70-1180 adopted requesting amendment to tax roll to provide for payment over a three year period. (Finance to handle)

- B. Amend tax roll and redistribute installment assessment equally to Parcels Nos. 2-01 101-0830-001 and 2-01 101-0831-001 for property owned by Mr. Willie Stone (\$63.06 each)  
(Resolution requesting amendment to tax roll and redistributing installment assessment equally to Parcels indicated above needed)

ACTION: Res. 70-1181 adopted requesting amendment to tax roll to provide for installment assessment of \$63.06 each to Parcels No. 2-01 101-0830-001 and 2-01 101-0831-001. (Finance to handle)

## REPORTS

24. Further report on Downtown Improvement District beautification of 10th Street between I and J Streets.  
(Memo with agenda. Motion by Council stating how it wants the matter handled needed. Estimated cost \$56,800 (\$37,000 presently budgeted - balance to be requested later. Funds budgeted in Account 6903-218, Beautification, Spec. Projects. Additional funds needed to be requested later from Special Fund for Capital Outlay Reserve (321))

ACTION: By motion (Smith/Robinson, unan.) referred back to staff for further study. (P & T to handle)

By motion (Dixon/Newton, unan.) staff directed to involve Citizens Environmental Committee in this study. (P & T to handle)

## REPORTS FROM PLANNING COMMISSION

### CONSENT

25. Recommend commencement of proceedings for the annexation to City of inhabited territory - Rouse No. 2 Addition.  
(On November 17, 1970 the Planning Commission adopted Resolution No. 70-144 recommending to the Council the commencement of proceedings for the annexation to the City of inhabited territory (Rouse No. 2 Addition) bounded generally by Sutter Avenue, South Avenue, Colorado Avenue and Garden Avenue. Resolution consenting to commencing of proceedings to annex needed)

ACTION: Res. 70-1182 adopted consenting to commencement of proceedings. (Planning to handle)

### CONSENT

26. Recommend amendment to P-P-D (68).  
(Planning Commission Resolution No. 70-148 adopted November 18, 1970 recommends an amendment to P-P-D (68) to extend the time limit requirement for annexation of P-P-D (68) property to the City of Modesto and granting a time extension of the development schedule as requested by Albert Landini, property located between Scenic Drive and Dry Creek, east of Rose Avenue extended. Resolution setting 12/14/70 at 7:35 P.M. for public hearing needed)

ACTION: Res. 70-1183 adopted setting hearing. (Clerk to handle)

### CONSENT

27. Recommend amendment to Sections 8-3-9 and 17-3-9 of the zoning map (Ruddy)  
(By Resolution No. 70-146 adopted November 17, 1970 the Planning Commission recommends an amendment to Sections 8-3-9 and 17-3-9 of the zoning map as requested by Joseph W. Ruddy to prezone to Highway Frontage Zone, H-1, property located on the north side of Leveland Lane, approximately 425 feet west of McHenry Avenue. Resolution setting 12/14/70 at 7:40 for public hearing needed)

ACTION: Res. 70-1184 adopted setting hearing. (Clerk to handle)

CONSENT

28. Recommend amendment to Section 16-3-9 of the zoning map (Wainwright Realty)  
(By Resolution No. 70-147, adopted November 17, 1970 the Planning Commission recommends an amendment to Section 16-3-9 of the zoning map as requested by Wainwright Realty to rezone from Multiple-family Residential Zone, R-3, to Professional Office Zone, P-O on property located at the northwest corner of Coffee Road and Norwegian Avenue. Resolution setting 12/14/70 at 7:45 P.M. for public hearing needed)

ACTION: Res. 70-1185 adopted setting hearing. (Clerk to handle)

CONSENT

29. Recommend amendment to Section 31-3-9 of the zoning map (Gallo Glass Company)  
(By resolution No. 70-145 adopted November 17, 1970 the Planning Commission recommends an amendment to Section 31-3-9 of the zoning map as requested by Gallo Glass Company to rezone from One-family Residential Zone, R-1, to Residential Agricultural Zone, R-A to develop a vineyard nursery on property located south of Maze Blvd., west of Emerald Ave., north of California Avenue, and east of Carpenter Road. Resolution setting 12/14/70 at 7:50 P.M. for public hearing needed)

ACTION: Res. 70-1186 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

30. Consider request for appropriation transfer of \$1,800.  
(It is requested that \$800 be transferred from the General Reserve, General Fund (101), and \$1,000 be transferred from Account 204-19-101, Communications, City Hall, to Account 204-53-101. Memo with agenda. Resolution approving transfer needed)

ACTION: Res. 70-1187 adopted approving appropriation transfer of \$800 from Account 60-101 and \$1,000 from Account 204-19-101 to Account 204-53-101. (Finance to handle)

CONSENT

31. Appropriation transfer of \$530 needed for revised signal work at Orangeburg and Sunrise.  
(Widening of Orangeburg west of Sunrise necessitates changes in the traffic signals being installed at this intersection. Resolution approving transfer needed.)

ACTION: Res. 70-1188 adopted approving appropriation transfer of \$530 from Account 60-321 to Account 6163-56-321. (Finance to handle)

CONSENT

32. Appropriation transfer of \$3,000 from General Fund, General Reserve, to Fire Department Account 222-21-101 to provide funds for fire truck maintenance for the balance of fiscal year 1970-71.  
(Resolution approving transfer needed)

ACTION: Res. 70-1189 adopted approving appropriation transfer of \$3,000 from Account 60-101 to Account 222-21-101. (Finance to handle)

MISCELLANEOUS

33. Appointments.

None

Adjournment at 1:40 A.M.

ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, DECEMBER 7, 1970 AT 4:00 P.M.

ROLL CALL Present: Dixon, Newton, Robinson, Simon, Smith, Mayor Davies

Absent: Mitchell

Pledge of allegiance to the Flag

Invocation: Reverend Don Weston, St. John's Chapel of the Valley

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, ~~2~~, ~~4~~, 5, 6, 7, 13, 15,  
Items 2, 4, 23, and 31 removed from 16, 17, 18, 19, 20, 21, 22, ~~23~~,  
consent 24, 25, 26, 27, 28, ~~31~~, 34, 35,  
Robinson/Newton, unan. - Mitchell, absent 36

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of November 23, 1970.  
(Motion approving needed)

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

~~CONSENT~~

2. Notice that P. G. & E. has applied to P.U.C. for authority to increase rates for natural gas service.  
(Motion referring to staff needed)

ACTION: A motion (Dixon/Simon) directing staff to obtain further information failed. No other action taken.

3. Request of Greater Stockton Chamber of Commerce for resolution supporting application of P.S.A. for permission to serve Stockton.

ACTION: Res. 70-1190 adopted (Newton/Robinson, unan. - Mitchell, absent) supporting application of P.S.A. (Clerk to handle)

By motion (Smith/Simon, unan.) staff directed to invite representatives of P.S.A. to discuss the possibility of P.S.A. adding Modesto to schedule as soon as possible. (C/Mgr to handle)

~~CONSENT~~

4. Notice that Western Union Telegraph Co. has applied to P.U.C. for rate changes for intrastate service.  
(Motion referring to staff needed)

ACTION: By motion (Dixon/Simon, unan.) referred to staff with request that Council be kept as informed as reasonably possible.  
(P & T to handle)

5. Consider acceptance of Genz Construction Company contract for placing of additional riprap on oxidation pond levee, Project Unit No. 11, Sewerage Works Improvement.  
(Contract was completed November 17, 1970. Memo with agenda. Resolution accepting the contract as complete and authorizing City Clerk to file notice of completion needed. Actual cost \$186,240 (Contract cost \$186,240)(Contract cost \$183,920). Funds budgeted in Account 6553-405, Muni. Sewer District Improvements)

ACTION: Res. 70-1190-A adopted accepting contract. (Clerk to handle)

**CONSENT**

6. Accept as complete Elrich Construction Company's contract for grading, paving and drainage at Mancini Park.  
(All work on this contract has been completed to the satisfaction of the Parks and Recreation Department and the Public Works Department. Resolution accepting project as complete and authorizing City Clerk to file notice of completion needed. Estimated cost \$13,288; actual cost \$9,488; funds budgeted in Account 6331-31-321, Mancini Park Development Stage 2)

ACTION: Res. 70-1191 adopted accepting contract. (Clerk to handle)

**CONSENT**

7. Consider award of bid for furnishing one new trailer-mounted brush chipper to low bidder Asplundh Equipment Sales and Service, and authorize purchase.  
(Memo and tabulation with agenda. Resolution approving needed. Estimated cost \$4,024.00; funds budgeted in Account 5428-48-512, Service Division Working Capital Fund, p. 79)

ACTION: Res. 70-1192 adopted awarding contract to Asplundh Equipment Sales and Service. (Finance to handle)

HEARINGS

8. Annexation of Mable Addition to Sewer District. 4:05 P.M.

ACTION: Res. 70-1193 adopted (Simon/Dixon, unan. - Mitchell, absent) annexing Mable Addition to Modesto Municipal Sewer Dist. No. 1.  
(Clerk to handle)

9. Hearings on cost of installation of sidewalk at the following locations: 4:10 P.M.

- (a) On F Street at 601 7th St., Lots 15 and 16, Block 31.  
(Ross O. Tanner - \$1,179.03)  
(Payment over a ten-year period requested)

ACTION: Res. 70-1194 adopted (Dixon/Newton, unan. - Mitchell, absent) confirming report, assessing costs and directing method of collection (over a ten year period) (Finance to handle)

- (b) On Westland Drive at 1302 Westland Drive, Lot 1, Block 6021  
(R. A. Sai - \$154.00) (Costs have been paid - hearing can be dropped)

Hearing dropped.

10. Hearings on requirement of sidewalks at the following locations:

(a) Sidewalk on LaLoma at 601 LaLoma, Lot 1 of Block 230 (Mrs. Myrtle Stille) 4:15 P.M.

ACTION: Res. 70-1195 adopted (Newton/Dixon, unan. - Mitchell, absent) ordering work done. (P/W to handle)

(b) Sidewalk on El Terino Avenue at 1124 Edison Ave., Lot 7 of Block 1071 (Miss Doreen E. Burke)

ACTION: Res. 70-1196 adopted (Newton/Dixon, unan. - Mitchell, absent) ordering work done. (P/W to handle)

(c) Sidewalk at 1129 E. Fairmont Ave., Lot 5 of Block 1072 (Mrs. S. Jacquelyn Lopez)

ACTION: Res. 70-1197 adopted (Newton/Dixon, unan. - Mitchell, absent) ordering work done. (P/W to handle)

(d) Sidewalk on Smith Ave. at 622 Brady Ave., west 55 feet of Lot 62 of Block 704 (Miss Velma G. Whitaker)

ACTION: Res. 70-1198 adopted (Newton/Dixon, unan. - Mitchell, absent) ordering work done. (P/W to handle)

11. Hearing on application of Aaron's Ambulance for license. 4:20 P.M.

ACTION: Res. 70-1199 adopted (Smith/Robinson, unan. - Mitchell, absent) denying application. (Clerk to handle)

12. Matters for the good of the community.  
(These may be presented by citizens in the audience)

ACTION: Earle Reneaux stated that the proposed meeting of Council and Roger Betts, Regional Director of O.E.O., should include representatives of the poor. It was explained that this meeting was to determine how the city could help the local CAC and should not include any more people due to the very short time that Councilmen and Mr. Betts could talk.

Councilman Dixon requested more information on the Intern Program for Cities. Mayor Davies requested that the staff study this matter and report to Council. (C/Mgr to handle)

Councilman Smith commended those responsible for the improved McHenry traffic.

Councilman Smith reported on progress of plans for bike riding trails, etc.

Councilman Simon requested a report on qualifications for ambulance attendants. Staff was directed to report on this. (Police to handle)

Councilman Simon requested a report on Better Business Bureaus. Staff was directed to report on this. (C/Mgr to handle)

ORDINANCES

CONSENT

13. Final adoption of the following ordinances:

- (a) Ord. No. 1059-C.S. (amendment to Section 19-3-9 (Champion).  
(Motion approving needed)

ACTION: By motion Ord. No. 1059-C.S. adopted. (Clerk to handle)

- (b) Ord. No. 1060-C.S. (Amendment to Section 15-3-9 (Bomberger).  
(Motion approving needed)

ACTION: By motion Ord. No. 1060-C.S. adopted. (Clerk to handle)

- (c) Ord. No. 1063-C.S. (amendment to zoning regulations regarding  
notices)  
(Motion approving needed)

ACTION: By motion Ord. No. 1063-C.S. adopted. (Clerk to handle)

- (d) Ord. No. 1064-C.S. (amendment to speed limits)  
(Motion approving needed)

ACTION: By motion Ord. No. 1064-C.S. adopted. (Clerk to handle)

14. Ordinances adopting the 1970 editions of the Uniform Building Code, the Uniform Mechanical Code, and the Uniform Plumbing Code, and amending the 1968 edition of the Electrical Code.  
(Introduction of four ordinances needed)

Consider authorizing an additional building inspector effective March 1, 1971 and providing funds in Account 110-42-101 for salary for four months at Step A.

(Memo with agenda. Resolution approving appropriation transfer of \$3,000 for employment of additional building inspector effective March 1, 1971 needed)

ACTION: Ords. Nos. 1065, 1066, 1067 and 1068-C.S. introduced (Robinson/Smith, unan. - Mitchell, absent) adopting or amending Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code and Electrical Code respectively. (Clerk to handle)

Res. 70-1200 adopted (Robinson/Smith, unan. - Mitchell, absent) approving appropriation transfer of \$3,000 from Account 60-101 to Account 110-42-101 for employment of additional building inspector effective March 1, 1971. (Finance to handle)

Staff was directed to ascertain whether or not Stanislaus County would require vendors to report sales of gas or water using appliances. (C/Mgr to handle)

CONSENT

15. An ordinance amending Section 3-2.1301 of Article 13 of Chapter 2 of Title III of the Modesto Municipal Code relating to truck routes, and repealing Section 3-2.1006.

(This matter was considered at the Council meeting of November 23, 1970 at which time the Director of Parking and Traffic advised that due to Vehicle Code changes it would be necessary to change the municipal code to prohibit trucks from driving and parking unnecessarily in residential areas. By motion, Council directed the City Attorney to prepare the necessary ordinance to amend the municipal code.  
Introduction of ordinance needed)

ACTION: Ord. No. 1069-C.S. introduced. (Clerk to handle)

NEW BUSINESS

CONSENT

16. Letter from The Salvation Army.  
(The Salvation Army has requested permission to pick the oranges from trees located in city parks. They plan to use the oranges in their Christmas baskets. The Council approved this request last year. Motion granting request needed)

ACTION: By motion request granted. (P & R to handle)

CONSENT

17. Electric clock for new library.  
(Memo with agenda. Motion authorizing issuance of change order needed)

ACTION: By motion change order in contract for new library to provide for a Geochron in place of an electric clock in the main reading room approved. (C/Mgr to handle)

CONSENT

18. Consider recommendation to reclassify position now titled Water Quality Control Assistant to new classification of Water Quality Control Foreman.  
(Memo and proposed job specification attached. Resolution needed approving reclassification and resolution establishing salary range of 25 (\$750-911) for new classification)

ACTION: Res. 70-1201 adopted approving reclassification of position of Water Quality Control Assistant to Water Quality Control Foreman. (Personnel to handle)

Res. 70-1202 adopted establishing salary range 25 for Water Quality Control Foreman. (Finance to handle)

CONSENT

19. Resolution approving final map of Applegate No. 1 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.  
(The subdivision agreement has been signed and all fees paid. Applegate No. 1 Subdivision is located on the south side of Rumble Road, west of Carver Road. It contains 7.83 acres. Resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 70-1203 adopted approving final map of Applegate No. 1. (Clerk to handle)

CONSENT

20. Resolution approving final map of Town and Country Terrace No. 2 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.  
(The subdivision agreement has been signed and all fees paid. Town and Country Terrace No. 2 Subdivision is located west of Sutter Avenue, north of Robertson Road. It contains 6.69 acres. Resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 70-1204 adopted approving final map of Town & Country Terrace No. 2. (Clerk to handle)

CONSENT

21. Request of City Manager for vacation from Friday, December 18, through Thursday, December 31, 1970.  
(Motion approving request needed)

ACTION: By motion request granted. (C/Mgr to handle)

CONSENT

22. A resolution determining that the public interest and convenience require that the areas listed below be annexed to the Modesto Municipal Sewer District No. 1 and naming times and place for hearings.

(The areas listed below have been annexed to the City of Modesto and it is now necessary to commence proceedings to annex them to the Modesto Municipal Sewer District No. 1. Four resolutions setting hearings needed.)

- (a) Standiford Addition, suggested hearing date January 18, 1971 at 4:05 P.M.;

ACTION: Res. 70-1205 adopted setting hearing. (Clerk to handle)

- (b) East Orangeburg-Coffee Addition, suggested hearing date January 18, 1971 at 4:10 P.M.;

ACTION: Res. 70-1206 adopted setting hearing. (Clerk to handle)

- (c) McHenry-Rumble Addition, suggested hearing date January 18, 1971 at 4:15 P.M.;

ACTION: Res. 70-1207 adopted setting hearing. (Clerk to handle)

- (d) Memorial Hospital North Addition, suggested hearing date January 18, 1971 at 4:20 P.M.

ACTION: Res. 70-1208 adopted setting hearing. (Clerk to handle)

~~CONSENT~~

23. Consider initiating Improvement District No. 17 to provide street lighting in some of the remaining unlit areas of the City.  
(Memo with agenda, Motion directing staff to proceed needed. Funds budgeted in Account 6622-321, Street Lights, Unlighted Area, Stage 1 & 2)

ACTION: By motion (Simon/Dixon, unan.) staff authorized to arrange for bond counsel and to prepare boundary map and other necessary material. (C/Atty and P/W to handle)

- Councilman Newton commented that he would like more information on this program in the Modesto Bee.

CONSENT

24. Consider a letter agreement from Orrick, Herrington, Rowley & Sutcliffe whereby they agree to act as bond counsel for the City for assessment proceedings for Improvement District No. 18 (Sewer Improvements in the City of Modesto)  
(This matter was discussed at the Council meeting of November 16, 1970 at which time the staff was authorized to proceed. A copy of the letter agreement is being transmitted to Mayor and Council with agenda. Resolution approving agreement needed)

ACTION: Res. 70-1209 adopted approving letter agreement. (Clerk to handle)

CONSENT

25. Consider request for sewer service to property outside City at 916 Houser Lane.  
(Property owner - Charles Spencer, et ux. Property owners have signed an agreement to annex when requested to do so by City. The property is not contiguous to the City, but a sewer exists to serve it. Resolution approving agreement needed)

ACTION: Res. 70-1210 adopted approving agreement. (P/W to handle)

CONSENT

26. A resolution approving final map of Renee Manor No. 3 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.  
(The subdivision agreement has been signed and all fees paid. Renee Manor No. 3 Subdivision is located on the east side of Carver Road north of Rumble Road. It contains 5.76 acres. Resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 70-1211 adopted approving final map of Renee Manor No. 3. (Clerk to handle)

CONSENT

27. Resolutions withdrawing certain described territories from the following Fire Protection Districts by reason of their annexation to the City of Modesto:

(a) Empire Fire Protection District;

ACTION: Res. 70-1212 adopted withdrawing Santa Ana, Glendale No. 1, Glendale No. 2 and Riverside No. 3 Additions from Empire Fire Protection Dist. (Clerk to handle)

(b) Woodland Fire Protection District;

ACTION: Res. 70-1213 adopted withdrawing Montclair No. 2 and Vine Additions from Woodland Fire Protection Dist. (Clerk to handle)

(c) Salida Fire Protection District;

ACTION: Res. 70-1214 adopted withdrawing Highway Village Addition from Salida Fire Protection Dist. (Clerk to handle)

(d) Riverbank Fire Protection District;

ACTION: Res. 70-1215 adopted withdrawing Mable Addition and portion of Sylvan School Addition from Riverbank Fire Protection Dist. (Clerk to handle)

CONSENT

27. (e) McHenry-Dry Creek Fire Protection District.  
(Adoption of five resolutions needed)

ACTION: Res. 70-1216 adopted withdrawing Old Oakdale, Celeste No. 1, Greenfield, Norwegian No. 3, Floyd, McHenry-Rumble, Memorial Hospital North, East-Orangeburg-Coffee and Standiford Additions and portion of Sylvan School Addition from McHenry-Dry Creek Protection Dist. (Clerk to handle)

CONSENT

28. Consider acceptance of avigation easement from Beard Land Improvement Co.  
(This avigation easement is off the end of Runway 28R and is needed in conjunction with the clear zone requirement for the proposed ILS installation. The easement is being granted at no cost to City. Memo with agenda. Resolution accepting avigation easement and authorizing its acceptance on behalf of the City, and motion authorizing Mayor to express appreciation to Beard Land Improvement Co.)

ACTION: Res. 70-1217 adopted accepting avigation easement from Beard Land Improvement Co. (Clerk to handle)

By motion Mayor authorized to express appreciation of City of Modesto to Beard Land Improvement Co. (C/Mgr to handle)

29. Consider amendment to agreement between City of Modesto and Monroe Taylor, Coordinator of Social Services, King-Kennedy Memorial Center. (Agreement 5-13-69, #69-402, Amendment 9-2-69, #29-833)  
(Memo with agenda. Motion authorizing City Attorney to prepare amendment to agreement needed. Funds budgeted in Account 235-30-101, Services, Prof. & Other)

ACTION: By motion (Dixon/Newton, unan.) staff authorized to prepare amendment to agreement to provide for payment of \$715 per month. (C/Atty to handle)

REPORTS

30. Report on storm drainage.  
(Copies of report with agenda. Motion approving recommendations needed)

ACTION: By motion (Robinson/Dixon, unan.) recommendations approved with suggestion that SAAPA be informed as to what is planned and that M.I.D. be included in meetings on this subject. (P/W to handle)

~~CONSENT~~

31. \* Recommendation of Citizens' Environmental Committee that removal of storm drainage is most pressing environmental problem in Modesto at the present time.  
(Motion accepting needed)

ACTION: By motion (Dixon/Robinson, unan.) recommendation accepted.

32. Report on Police-Community relations training.  
(Motion accepting report needed)

ACTION: By motion (Robinson/Smith, unan.) report accepted.

By motion (Dixon/Simon, unan.) staff directed to suggest to those who set up program that more attention be given to race and community problems. (C/Mgr to handle)

33. Community Crime Study.  
(Discussion of (1) Crime statistics; (2) Comparison with national and state statistics; (3) Conditions affecting the amount and type of crime; (4) clearance rates; (5) Immediate and projected personnel requirements.  
(Motion accepting report for study and directing that this be placed on agenda for December 21)

ACTION: By motion (Simon/Dixon, unan.) report accepted and C/Mgr directed to institute phase I of recommendations, (3 additional policemen and 1 special policeman.) (C/Mgr to handle)

Rest of report referred to City Council Crime Committee for study.

#### REPORTS FROM THE PLANNING COMMISSION

##### CONSENT

34. Recommend to the Council an amendment to Chapter 2 of Title X of the Modesto Municipal Code.  
(By Resolution No. 70-152 adopted December 1, 1970 the Planning Commission recommends amendment to Chapter 2 of Title X of the Modesto Municipal Code to provide for monthly rather than quarterly rezoning hearings. Resolution setting December 21, 1970 at 4:05 P.M. for public hearing needed)

ACTION: Res. 70-1218 adopted setting hearing. (Clerk to handle)

#### APPROPRIATION TRANSFERS

##### CONSENT

35. Consider approval of internal transfer in the Airport Budget.  
(Memo with agenda. Resolution approving transfer needed (\$5,381))

ACTION: Res. 70-1219 adopted approving transfer of \$5,381 from Account 6507-46-23 to the following accounts in 46-230:

<u>Account</u>	<u>Amount</u>	<u>Account</u>	<u>Amount</u>
207	\$ 20	401	\$ 15
210	\$3,350	235	\$ 336
224	\$ 800	413	\$ 162
218	\$ 200	430	\$ 48
304	\$ 450		

(Finance to handle)

##### CONSENT

36. Consider authorizing City Manager to purchase a new dictaphone recording machine for the Council Chamber and approving appropriation transfer.

(Memo with agenda. Motion authorizing purchase and resolution approving appropriation transfer of \$1,024 from General Reserve needed)

ACTION: By motion purchase authorized.  
Res. 70-1220 adopted approving appropriation transfer of \$1,024 from Account 60-101 to Account 5501-14-101. (Finance to handle)

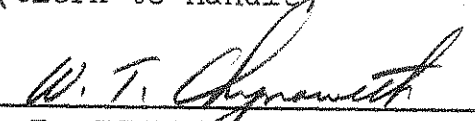
#### MISCELLANEOUS

37. Appointments.

ACTION: Res. 70-1221 adopted (Dixon/Newton, unan. - Mitchell, absent) appointing Jan E. Nelson to the D.I.D. Advisory Board (Area G) for a term expiring March 28, 1974. (Clerk to handle)

Adjournment at 6:15 P.M.

ATTEST:

  
W. T. CHYNOWETH, City Clerk  
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SPECIAL MEETING DECEMBER 14, 1970 AT 11:30 A.M.

The Council convened at 11:40 A.M. pursuant to the Notice of Special Meeting as provided by Sec. 2-1.02 of the Modesto Municipal Code.

PRESENT: Dixon, Mitchell, Newton, Robinson, Simon, Smith, and  
Mayor Davies  
ABSENT: None

Roger Betts, Regional Director, Office of Economic Opportunity, Mrs. Sue Oliver, Field Representative of O.E.O. for Stanislaus County and Robert Fouts, Director of Public Affairs, O.E.O.

A discussion was held concerning local Community Action Commission problems. As Mr. Betts had another meeting to attend later in the afternoon, participation was limited to representatives of Office of Economic Opportunity, Council Members and City Staff.

No action was taken by the Council.

The meeting was adjourned at 1:10 P.M.

ATTEST:

  
W. T. CHYNOWETH, City Clerk

12/14/70

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, DECEMBER 14, 1970 AT 7:30 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Simon, Smith,  
Mayor Davies

Absent: None

Councilman Newton arrived at 7:40 P.M.

Pledge of allegiance to the Flag

Invocation: Reverend Herbert Rasske, Modesto Gospel Mission

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 5, 11, 12, 14,  
15, 16, 17, 18, 20, 21, 24, 25

Smith/Dixon, unan. - Newton, absent

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of December 7, 1970.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT

2. Request of City of Ceres for information relating to possible agreement regarding secondary treatment of sewerage.  
(Motion referring to staff needed)

ACTION: By motion request referred to staff. (P/W to handle)

CONSENT

3. Transit survey prepared by Division of Highways.  
(Motion accepting needed)

ACTION: By motion survey accepted.

4. Request of Modesto Board of Realtors, Inc., for change in sign ordinance to allow temporary directional signs to direct prospective purchasers to single houses or subdivisions.

ACTION: By motion (Mitchell/Robinson, unan.) request referred to Public Projects Committee for review with report to Council in six weeks or sooner if possible. (C/Mgr to handle)

BIDS

CONSENT

5. Consider acceptance of Western Pipelines contract to replace Esgar sewer and extend the Morris Storm Drain.  
(Original contract \$23,890.45. All work in conjunction with this contract has been completed to the satisfaction of the Public Works Department. It is in order to accept the work as complete and authorize the City Clerk to file notice of completion. Resolution needed. Final cost \$24,245.32. Funds budgeted in Account 6571-212, Replace Hunter & Esgar Sewer; 6605-321, Extend Morris Storm Drain)

ACTION: Res. 70-1222 adopted accepting contract. (Clerk to handle)

HEARINGS

6. Hearing on request for amendment to P-D 68 to extend time for annexing to June 30, 1971 for property between Scenic Drive and Dry Creek, east of Rose Avenue extended (Albert Landini) 7:35 P.M.

ACTION: Res. 70-1223 adopted (Dixon/Robinson, unan.) granting request and amending Res. No. 70-251. (Planning to handle)

7. Hearing on request to prezone to H-1 property located on north side of Leveland Lane, approximately 425 feet west of McHenry (Ruddy) 7:40 P.M.

ACTION: Ord. 1070-C.S. introduced (Mitchell/Newton, unan.) amending Sections 8-3-9 and 17-3-9 of zoning map as requested. (Clerk to handle)

8. Hearing on request to rezone from R-3 to P-0 property located at northwest corner of Coffee and Norwegian (Wainwright Realty) 7:45 P.M.

ACTION: Ord. 1071-C.S. introduced (Dixon/Simon, unan.) amending Section 16-3-9 of zoning map as requested. (Clerk to handle)

9. Hearing on request to rezone from R-1 to R-A, property located south of Maze, north of California, east of Carpenter (Gallo Glass Co.) 7:50 P.M.

ACTION: Ord. 1072-C.S. introduced (Robinson/Smith, unan.) amending Section 31-3-9 of zoning map as requested. (Clerk to handle)

10. Matters for the good of the community. 7:55 P.M.  
(These may be presented by interested people in the audience)

ACTION: Vice Mayor Mitchell reported on the 47th Annual Congress of Cities which was recently held in Atlanta, Georgia. He reported that the meetings were well attended and very worthwhile. He pointed out that Cities should contact their Congressmen and Senators relative to revenue sharing to insure that the cities get their fair share.

Vice Mayor Mitchell announced that he did not intend to run for his Council seat in April. He pointed out that by the time his successor has been sworn in he will have served on the Council longer than any other Councilman under the present Charter.

Councilman Robinson then announced that, due to his heavy travel schedule, he does not intend to run for his Council seat in April.

By motion (Smith/Simon, unan.) Councilman Robinson permitted to leave the Country from January 3 to April 1, 1971.

Councilman Smith reported on proposed changes in SAAPA. He reported that the present plan was; to change the name to Stanislaus Area Association of Governments; to consist of the 5 Supervisors, 2 Councilmen from Modesto and 1 Councilman from the other 7 Cities; and to allocate costs on a population basis. By motion (Smith/Mitchell, maj. - Newton and Simon, no) this plan was given informal approval.

ORDINANCES

CONSENT

11. Final adoption of the following ordinances:  
(Motion approving needed)

(a) Ordinance 1061-C.S. (amendment to Section 19-3-9 of zoning map - Witt)

ACTION: By motion Ord. 1061-C.S. adopted. (Clerk to handle)

(b) Ordinance 1062-C.S. (amendment to Section 30-3-9 of zoning map - Con-Dev Co.)

ACTION: By motion Ord. 1062-C.S. adopted. (Clerk to handle)

(c) Ordinance 1065-C.S. (Building code)

ACTION: By motion Ord. 1065-C.S. adopted. (Clerk to handle)

(d) Ordinance 1066-C.S. (Mechanical Code)

ACTION: By motion Ord. 1066-C.S. adopted. (Clerk to handle)

(e) Ordinance 1067-C.S. (Plumbing code)

ACTION: By motion Ord. 1067-C.S. adopted. (Clerk to handle)

(f) Ordinance 1068-C.S. (Electrical code)

ACTION: By motion Ord. 1068-C.S. adopted. (Clerk to handle)

(g) Ordinance 1069-C.S. (Truck routes)

ACTION: By motion Ord. 1069-C.S. adopted. (Clerk to handle)

OLD BUSINESS

CONSENT

12. Amendment to agreement between City of Modesto and Monroe Taylor.  
(This matter was considered by the Council at its meeting of December 7, 1970 at which time the staff was directed to prepare an amendment. Resolution approving amendment needed. Funds budgeted in Account 235-30-101, Services, Prof. & Other, King-Kennedy Memorial Center)

ACTION: Res. 70-1224 adopted approving amendment to agreement. (Clerk to handle)

13. Further consideration of request by Mobil Oil Corporation for oil and gas lease on certain city-owned property.  
(Memo with agenda. Motion directing staff needed)

ACTION: By motion (Robinson/Smith, unan.) staff authorized to negotiate an oil and gas lease with Mobil Oil Corp. for sewer plant property, Robertson School Park Site, Dryden Golf Course, 9-Hole Municipal Golf Course, Westside Park, Beard Brook Park, Legion Park and Modesto City-County Airport. (C/Atty to handle)

NEW BUSINESS

CONSENT

14. Right of way agreement and grant deed - 518 Needham Street.  
(Memo with agenda. Resolution authorizing acceptance needed)

ACTION: Res. 70-1225 adopted approving agreement and accepting Grant Deed from Dr. George Valentine. (Clerk to handle)

CONSENT

15. Consider action on proposed diversion of Airport and Airway Development Act funds for fiscal year 1971.  
(Congress is being asked to divert \$245 million in aviation users' taxes from Airport Development and Planning Grant appropriations to pay for FAA operating and administrative expenses. Memo with agenda. Resolution opposing diversion of these funds needed)

ACTION: Res. 70-1226 adopted opposing diversion of Airport and Airway Development Act Funds. (Clerk to handle)

CONSENT

16. Consider request for sewer service to property outside the city limits at 3312 and 3308 Darryl Lane.  
(Property owner has signed an agreement to annex to the City when requested to do so. The property is contiguous to the City and a sewer line exists to serve it. Property owner: Richard Shorman. Resolution approving agreement needed)

ACTION: Res. 70-1227 adopted approving agreement with Richard Shorman.  
(P/W to handle)

CONSENT

17. Consider reduced parking charge for jurors serving on cases.  
(This would apply only on the attendant lot on the east side of 9th Street, south of J Street. The City-County Liaison Committee recommends halving the regular 10¢ per hour charge. Memo with agenda. Resolution establishing the parking charge effective January 1, 1971)

ACTION: Res. 70-1228 adopted establishing parking charge for jurors serving on cases. (P & T to handle)

CONSENT

18. Consider request for sewer service to property outside city at 835 California Avenue. Property owner: John Gullatt.  
(Property owner has signed an agreement to annex to City when requested to do so. The property is contiguous to the City but property owner must extend the sewer. Resolution approving agreement needed)

ACTION: Res. 70-1229 adopted approving agreement with John Gullatt.  
(P/W to handle)

REPORTS

19. Report on sidewalk program for Modesto.  
(Copies of the Council Public Projects Committee's report are being distributed with agenda. Motion accepting report and authorizing staff to begin implementation of recommendations needed)

ACTION: By motion (Dixon/Newton, unan.) report accepted and staff authorized to begin implementation of recommendations. (P/W to handle)

CONSENT

20. Library and Culture Commission annual report to the City Council.  
(Report with agenda. Motion accepting report needed)

ACTION: By motion report accepted.

CONSENT

21. Presentation of financial statement for November 1970.  
(Copies of report with agenda. Motion accepting report needed)

ACTION: By motion report accepted.

22. Report on cost of construction for park restrooms.  
(Reports from Director of Parks & Recreation and Director of Public Works with agenda. Motion accepting report needed)

ACTION: By motion (Mitchell/Newton, unan.) further discussion delayed for one week to permit Councilmen to inspect different types of restrooms in parks. (Clerk to handle)

23. Report on methadone maintenance program for Stanislaus County.  
(Report with agenda. Motion authorizing Mayor to send letter to Board of Supervisors needed)

ACTION: By motion (Simon/Newton, unan.) Mayor Davies authorized to write to Board of Supervisors requesting them to explore the possibility of a methadone maintenance program in the County. (C/Mgr to handle)

REPORTS FROM PLANNING COMMISSION

CONSENT

24. Uninhabited annexation to the City of Modesto - Oakdale-Floyd Addition. The LAFC Commission has authorized this annexation without notice or public hearing - September 25, 1970. Resolution approving annexation needed)

ACTION: Res. 70-1230 adopted annexing Oakdale-Floyd Addition to City of Modesto. (Clerk to handle)

APPROPRIATION TRANSFER

CONSENT

25. Request for appropriation transfer.  
(Sufficient funds for payment of all taxes on park property were not estimated at the time the budget was prepared. An additional \$77 is needed for Stanislaus County taxes, and \$41 for Turlock Irrigation District taxes, making a total of \$118. Resolution approving appropriation transfer needed)

ACTION: Res. 70-1231 adopted approving appropriation transfer of \$118 from Account 60-101 to Account 430-35-101. (Finance to handle)

MISCELLANEOUS


26. Appointments.

ACTION: Res. 70-1232 adopted (Dixon/Robinson, unan.) appointing Dave Sinclear as a member of the Citizens' Environmental Committee for a term ending January 1, 1974. (Clerk to handle)

Res. 70-1233 adopted (Dixon/Robinson, unan.) appointing Keith Thurston as a member of the Human Rights Commission for a term ending May 1, 1973, to replace Jerry M. Turner. (Clerk to handle)

Adjournment at 10:05 P.M.

ATTEST:

  
W. T. CHYNOWETH, City Clerk  
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MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, DECEMBER 21, 1970 AT 4:00 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Simon, Smith,  
Mayor Davies

Absent: None (Councilman Newton arrived at 4:07 P.M.)

Pledge of allegiance to the Flag

Invocation: Reverend Malcolm McClenaghan, St. Paul's Episcopal Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 7, 8,  
Items 3, 4 and 5 removed from consent 12, 13a, b, c, d, e, f, g, h, i,  
Mitchell/Dixon, unan. - Newton, absent j, k, l, m, n, o, 14, 15, 16, 17,  
18, 19, 20, 21, 22, 23, 24

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of special meeting, December 14, and regular meeting of December 14, 1970.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES, AND CORRESPONDENCE

CONSENT

2. Application of Robert C. Wheeler, dba Doctors Ambulance, for license to operate a limited ambulance in Modesto.  
(Resolution setting January 4, 1971 at 4:10 P.M. for hearing needed)

ACTION: Res. 70-1234 adopted setting hearing. (Clerk to handle)

~~CONSENT~~

3. Expression of support for storm drainage trunk system by Garrison School PTA Executive Board.  
(Motion ordering letter filed needed)

ACTION: By motion (Dixon/Robinson, unan.) letter ordered filed and staff directed to express appreciation to Garrison School.  
(Clerk to handle)

~~CONSENT~~

4. Letter from Mr. and Mrs. Robert J. Fuxa concerning storm drainage.  
(Motion referring to staff needed)

ACTION: By motion (Mitchell/Dixon, unan.) referred to staff to study and report to Council on approximate cost to City and to property owners of Improvement District for storm drainage in area

(Norwegian to Floyd and McHenry to Sunrise) (P/W to handle)

5. Letter from Associate Director, YMCA, regarding licensing of and free bicycle parking on city lots.  
(Motion referring to staff needed)

ACTION: By motion (Robinson/Smith, unan.) referred to staff for study and report. (P & T to handle)

6. Call for bids for the construction of traffic signals and street lighting at Briggsmore and Carver.  
(Scheduled completion date is May 21, 1971. Resolution calling for bids on January 26, 1971 at 2:00 P.M. needed. Estimated cost \$10,000; funds budgeted in Account 6197, Traffic signal construction, Briggsmore and Carver)

ACTION: Res. 70-1235 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

7. Accept as complete B. J. Rommel's contract for the construction of restroom facilities at Mancini Park.  
(All work on this contract has been completed to the satisfaction of the Parks and Recreation Department and Public Works Department. It would be in order to accept the work as complete and authorize the City Clerk to file notice of completion. Resolution accepting work needed. Estimated cost \$24,484.00; actual cost, \$25,182.05. Funds budgeted in Account 6331-321, Mancini Park)

ACTION: Res. 70-1236 adopted accepting contract. (Clerk to handle)

CONSENT

8. Accept as complete Elrich Construction Co. contract for landscape construction at Mancini Park.  
(All work on this contract has been completed to the satisfaction of the Parks & Recreation Department and the Public Works Department. It would be in order to accept the work as complete and authorize the City Clerk to file notice of completion. Resolution accepting work as complete needed. Estimated cost \$25,675.00; actual cost \$25,675.00; funds budgeted in Account 6331-31-321, Mancini Park)

ACTION: Res. 70-1237 adopted accepting contract. (Clerk to handle)

HEARINGS

9. Hearing on amendment to Chapter 2 of Title X of Municipal Code to provide for monthly rezoning hearings. 4:05 P.M.

ACTION: Ord. No. 1073-C.S. introduced (Robinson/Smith, unan.) amending Code to provide for monthly rezoning hearings. (Clerk to handle)

10. Matters for the good of the community. 4:10 P.M.

ACTION: Councilman Dixon suggested that staff give consideration to recommendations which appeared in the minutes of the Citizens' Environmental Committee. The Council was informed that this will be on the December 28 agenda.

Councilman Dixon reported that he had been named Chairman of the Rules and By Laws Committee of the CAC and was on the Board of Directors of the CAC as a result. He requested, and was granted, permission to leave at 4:45 P.M. to attend a Board meeting.

Mayor Davies read a letter from Lt. Governor Reinecke commending the Council for the action taken on behalf of prisoners of war. The Mayor commended Councilman Simon for his efforts.

Vice Mayor Mitchell reported that the Public Projects Committee had almost finished its study on garbage and expected to make a report to the Council on December 28.

OLD BUSINESS

11. Further consideration of cost of construction of restrooms in parks.

ACTION: By motion (Mitchell/Smith, unan.) report accepted.

CONSENT

12. Further report on Western Union application to P.U.C. for authority to increase rates.  
(A report has been sent with the agenda. The application claims Western Union will lose money in 1971 unless the \$3,826,000 increase is approved. Motion accepting report needed)

ACTION: By motion report accepted.

NEW BUSINESS

CONSENT

13. Report of Superintendent of Streets on the cost of installation of curbs and gutters and/or sidewalks at the locations listed below.  
(Resolutions setting 4:05 P.M. January 4, 1971 for hearings needed. Contract costs listed below with properties. Funds budgeted in Account 5302-51-101, Curbs and Gutters, Special)

CONSENT

- (a) Curb and gutter at 531 Melrose Ave., Lots 9 and 10 of Block 584 (Mr. Samuel C. Bailey - \$142.50)  
(Resolution setting hearing needed)

ACTION: Res. 70-1238 adopted setting hearing. (P/W to handle)

- (b) Sidewalk at 1442 College Ave., Lot 15 of Block 6670,  
(Mr. John A. Carvalho - \$160.00)  
(Resolution setting hearing needed)

ACTION: Res. 70-1239 adopted setting hearing. (P/W to handle)

- (c) Sidewalk on Crescent Drive at 1402 Oakwood Drive, Lot 1 of Block 6035. (Mr. Howard C. Coffee - \$175.00)  
(Resolution setting hearing needed)

ACTION: Res. 70-1240 adopted setting hearing. (P/W to handle)

- (d) Sidewalk at 434 Smith Ave., portion of Lot 62 of Block 704.  
(Mr. A. Dale Dunkel - \$111.75)  
(Resolution setting hearing needed)

ACTION: Res. 70-1241 adopted setting hearing. (P/W to handle)

CONSENT

(e) Sidewalk on Wildwood Drive and Sansome Court at 2008 Wildwood Drive, Lot 19 of Block 6715 (Mr. Frederick R. Entriken - \$268.00)  
(Resolution setting hearing needed)

ACTION: Res. 70-1242 adopted setting hearing. (P/W to handle)

CONSENT

(f) Sidewalk at 1429 Pearl St., Lot 3 of Block 6113 (Mrs. Torrwayne A. Graf - \$89.20)  
(Resolution setting hearing needed)

ACTION: Res. 70-1243 adopted setting hearing. (P/W to handle)

CONSENT

(g) Curb and gutter on Griswold Ave. at 825 Enslin Ave, Lot 1 of Block 715 (Mr. C. Dexter Hogin - \$431.25)  
(Resolution setting hearing needed)

ACTION: Res. 70-1244 adopted setting hearing. (P/W to handle)

CONSENT

(h) Curb and gutter and sidewalk on E St. at 427 7th St., Lots 1 thru 4, of Block 29 (Mr. Tony Isola \$1,332.10)  
(Resolution setting hearing needed)

ACTION: Res. 70-1245 adopted setting hearing. (P/W to handle)

CONSENT

(i) Sidewalk at 1538 Maplewood Drive, Lot 2 of Block 6023. (Mr. John D. Loflin - \$114.50)  
(Resolution setting hearing needed)

ACTION: Res. 70-1246 adopted setting hearing. (P/W to handle)

CONSENT

(j) Curb and gutter on Lucern Ave. and Ramona Ave. at 601 Ramona Ave, Lot 4 of Block 608. (Mr. Raymond J. Lucchesi - \$500.25)  
(Resolution setting hearing needed)

ACTION: Res. 70-1247 adopted setting hearing. (P/W to handle)

CONSENT

(k) Sidewalk on Ulrich Ave. at 1125 Ulrich Ave., Lot 8 of Block 6031. (Mr. Robert W. Pearson - \$159.60)  
(Resolution setting hearing needed)

ACTION: Res. 70-1248 adopted setting hearing. (P/W to handle)

CONSENT

(l) Curb and gutter on Bodem St. at 621 E. Morris Ave., E. 90 feet of Lots 23 and 24, Block 592. (Mr. Vernon N. Reed - \$169.50)  
(Resolution setting hearing needed)

ACTION: Res. 70-1249 adopted setting hearing. (P/W to handle)

CONSENT

13. (m) Curb and gutter on Melrose Ave. at 519 E. Morris Ave., E. 100 feet of Lots 23 and 24, Block 584 (Mr. James Anthony Rocha - \$166.75)  
(Resolution setting hearing needed)

ACTION: Res. 70-1250 adopted setting hearing. (P/W to handle)

CONSENT

- (n) Curb and gutter on Lucern Ave. at 1011 Lucern Ave., Lot 11, Block 607 (Mr. Keary E. Stafford - \$142.50)  
(Resolution setting hearing needed)

ACTION: Res. 70-1251 adopted setting hearing. (P/W to handle)

CONSENT

- (o) Sidewalk on Del Vale Ave. at 1537 W. Roseburg Ave., portion of Block 6018 (Mr. Ottavio Trombetta - \$208.00)  
(Resolution setting hearing needed)

ACTION: Res. 70-1252 adopted setting hearing. (P/W to handle)

NEW BUSINESS

CONSENT

14. Offer to sell 50' x 140' on the east side of 10th Street between J and K Streets for \$35,000 (formerly Canton Cafe and Loomis Floral). (The property is offered through January 5, 1971. It is suggested that the offer be referred to the staff for report and recommendation. Motion needed)

ACTION: By motion referred to staff for report and recommendation.  
(P & T to handle)

CONSENT

15. Consider resolution authorizing Airport Manager to approve installation of courtesy phones at Airport, and other similar requests in the future.  
(The Airport Manager has received a request from a local motel for permission to install a courtesy phone at the airport terminal lounge, and possibly the pilots' lounge in the Administration Building. At present there is no authorization for the Airport Manager to grant this request. We believe this request and possibly others in the future will make available a service which will be appreciated by those using the Airport. We recommend council approve the request. Resolution authorizing Airport Manager to approve installation of courtesy phones at Airport, and other similar requests in the future, needed)

ACTION: Res. 70-1253 adopted authorizing Airport Manager to approve the installation of courtesy phones at Airport and to approve similar requests in the future. (P/W to handle)

CONSENT

16. Consider revision to agreement for maintenance of state highways within the City of Modesto.  
(The revision to the standard agreement involves a re-allocation of funds between the various state highways to more accurately reflect the expenditures made by the City and reimbursed by the State. The total amount allowed is \$22,866, which is \$258.80 more than provided for in the current agreement. Resolution approving agreement needed)

ACTION: Res. 70-1254 adopted approving revised agreement. (Clerk to handle)

CONSENT

17. Right of way agreement and grant deed - Antasons, Inc. (Needham Street widening project 56-10)  
(City agrees to purchase the property for the amount of the appraisal with payment therefor to be split into two payments for two successive years. First payment to be made upon close of escrow, with escrow to close prior to December 31, 1970, and the balance of the purchase price to be made after January 1, 1971 and prior to February 1, 1971, with the balance to bear interest at the rate of 5% per annum from close of escrow to date of payment.  
Council action needed: (a) Resolution authorizing agreement and accepting grant deed; (b) Resolution approving appropriation transfer of \$14,800. Estimated cost \$41,850.00; funds budgeted in Account 6647-207, Misc. Right of Way)

ACTION: Res. 70-1255 adopted approving agreement and accepting grant deed. (Clerk to handle)

Res. 70-1256 adopted approving appropriation transfer of \$14,800 from Account 60-207 to Account 6647-207. (Finance to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

18. Recommend amendment to Section 22-3-9 of the zoning map (Charles Gargotto).  
(By Resolution No. 70-159 adopted December 15, 1970 the Planning Commission recommends an amendment to Section 22-3-9 of the zoning map as requested by Charles Gargotto to prezone to Two-Family Residential Zone, P-R-2, property located on the north side of East Orangeburg Ave., east of Coffee Road. Resolution setting 1/11/71 at 7:35 P.M. for public hearing needed)

ACTION: Res. 70-1257 adopted setting hearing. (Clerk to handle)

CONSENT

19. Recommend amendment to Section 19-3-9 of the zoning map (Rebecca Turner)  
(By Resolution No. 70-160 adopted December 15, 1970, the Planning Commission recommends an amendment to Section 19-3-9 of the zoning map as requested by Rebecca Turner to rezone from One-Family Residential zone, R-1, to Two-family Residential Zone, R-2, property located on the west side of Carver Road between Evergreen Ave. and Pearl Ave. Resolution setting January 11, 1971 at 7:40 P.M. for public hearing needed)

ACTION: Res. 70-1258 adopted setting hearing. (Clerk to handle)

CONSENT

20. Recommend amendment to Sections 5-4-9 and 8-4-9 of the zoning map (Commission Initiated).  
(By Resolution No, 70-156 adopted December 15, 1970 the Planning Commission recommends an amendment to Sections 5-4-9 and 8-4-9 of the zoning map as requested by the Commission to rezone from Planned Development Zone, P-D (33) to Single-Family Residential Zone, R-1, property located on the north side of Hatch Road south of the Tuolumne River, approximately 1/2 mile west of Crows Landing Road. Resolution setting January 11, 1971 at 7:45 P.M. for public hearing needed)

ACTION: Res. 70-1259 adopted setting hearing. (Clerk to handle)

CONSENT

21. Recommend amendment to Section 31-3-9 of the zoning map (Commission Initiated)  
(By Resolution No. 70-157 adopted December 15, 1970 the Planning Commission recommends an amendment to Section 31-3-9 of the zoning map as requested by the Planning Commission, to rezone from Planned Development Zone, P-D(13) to One-Family Residential Zone, R-1, property on Byron Lane east of Emerald Ave., due to developer's failure to meet the amended development schedule. Resolution setting January 11, 1971 at 7:50 P.M. for public hearing needed)

ACTION: Res. 70-1260 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

22. Approve transfer for modification of Washington and I Streets traffic signal,  
(Original estimate for the addition of "Walk-Don't Walk" signals at Washington and I Streets was \$2,400. Actual costs incurred were \$2,471. Resolution transferring funds needed. Estimated cost \$71.00; funds budgeted in Account 7901-56-321, Modify Signals, Washington and I Streets)

ACTION: Res. 70-1261 adopted approving appropriation transfer of \$71 from Account 60-321 to Account 7901-56-321. (Finance to handle)

CONSENT

23. Appropriate money for additional police officers.  
(The City Council authorized four additional officers at its meeting of December 7, 1970. Resolutions are required appropriating funds for positions and equipment. Additional details are included in memo with agenda. Two resolutions appropriating monies needed)

ACTION: Res. 70-1262 adopted approving appropriation transfer of \$2,569 from Account 60-48-512 to Account 5435-48-512. (Finance to handle)

Res. 70-1263 adopted approving appropriation transfer of \$6,078 from Account 60-101 to:

425-64-101 (\$2,036)	301-22-101 (\$ 55)
411-64-101 (\$ 671)	308-22-101 (\$ 498)
423-64-101 (\$ 21)	339-22-101 (\$ 360)
426-64-101 (\$ 169)	5409-22-101 (\$ 331)
218-22-101 (\$ 630)	5410-22-101 (\$1,300)
224-22-101 (\$ 7)	

(Finance to handle)

CONSENT

24. Request for appropriation transfer.  
(The construction costs for Mancini Park are running higher than anticipated. This amount is set up to provide sufficient funds to cover the balance of contract costs. Resolution approving appropriation transfer needed. Estimated cost \$2,145.00. Funds requested from Special Fund for Capital Outlay, General Reserve, to Mancini Park Development, Stage 2, 6331-31-321)

ACTION: Res. 70-1264 adopted approving appropriation transfer of \$2,145 from Account 60-321 to Account 6331-31-321. (Finance to handle)

MISCELLANEOUS

25. Appointments.

None

Adjournment at 4:55 P.M. to 12:00 noon on December 28, 1970 for the purpose of meeting with Assemblyman-elect LaCoste to discuss matters of mutual interest.

ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

ADJOURNED REGULAR MEETING DECEMBER 28, 1970

The Council convened at 12:00 noon pursuant to adjournment.  
Present: Dixon, Mitchell, Newton, Smith, Mayor Davies  
Absent: Robinson, Simon

This meeting was for the purpose of getting acquainted with Assemblyman-elect Ernest La Coste and to discuss matters of mutual interest and concern.

Mr. La Coste introduced Barry Wyatt, who will be his staff assistant in Modesto.

Among the matters discussed were the following:  
Programs that are mandated but not funded by the State.  
Revision of annexation laws.  
Cable television control by the P.U.C.  
Compulsory arbitration in salary negotiations.  
Regional government.  
Ecology.

It was suggested that when Mr. La Coste's office receives inquiries or complaints that deal with City of Modesto problems, the city staff will handle them if they are referred to the City.

Everyone agreed on the importance of open lines of communication between Mr. La Coste and the City of Modesto.

The meeting adjourned at 1:15 P.M.

ATTEST:

  
\_\_\_\_\_  
W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, DECEMBER 28, 1970 AT 7:30 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Simon, Smith,  
Mayor Davies  
Absent: None (Councilman Simon arrived at 7:40 P.M.)

Pledge of allegiance to the Flag

Invocation: Rev. Malcolm McClenaghan, St. Paul's Episcopal Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 6, 8, 9, 10, 11,  
Item 18 removed from consent. 12, 14, 15, 17, ~~18~~  
Smith/Robinson, unan. - Simon, absent

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of December 21, 1970.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES, AND CORRESPONDENCE

2. Recommendations from Citizens' Environmental Committee.

- (a) City provide leadership toward installation of sidewalks in all developed areas.
- (b) City Council adopt resolution making it a policy to assure clean air, pure water, freedom from excessive noise, broader housing variety, sound urban developments, rehabilitation of existing buildings and enjoyment of scenic natural aesthetic values for the people.
- (c) Council review of political environmental philosophy and re-evaluation of zoning regulations and comprehensive master guide in relation to land use.

ACTION: By motion (Mitchell/Robinson, unan.):

- (a) Staff directed to inform committee on action taken to date. (P/W to handle)
- (b) Staff directed to prepare resolution for consideration by Council. (C/Atty to handle)
- (c) Referred to P/C for study and recommendation. (Planning to handle)

CONSENT

3. Letter from State Department of Public Works concerning TOPICS Funds.  
(Motion referring to staff needed)

ACTION: By motion letter referred to staff. (P & T to handle)

## BIDS

### CONSENT

4. Consider approval of Plans and specifications and call for bids for installation of water lines in Applegate No. 1 Subdivision. (Suggested bid opening is January 12, 1971 at 10:00 A.M. Estimated cost \$15,700.90 (Labor \$7,600.90, Material \$3,100.00); funds budgeted in account No. 6804-50-101, Water line extension. Resolution approving plans and specs and call for bids needed)

ACTION: Res. 70-1265 adopted approving plans and specifications and bid call. (Clerk to handle)

5. Matters for the good of the community. 7:35 P.M.  
(These may be presented by interested people in the audience)

ACTION: Councilman Dixon commented on the Russian trial of Jews who were accused of hi-jacking a Soviet Airliner. He urged some form of protest, but action was delayed for one week to permit him to contact members of the local Jewish Community to ascertain what steps are being taken in this matter.

Councilman Smith commented on the efforts of the School of Public Health to recruit minority group members for its graduate school. Councilman Newton was requested to convey this information to the King-Kennedy Memorial Center.

Councilman Newton spoke on the possibility of starting a Narcept Program on drugs locally. He requested the Council to notify the Adult Authority of the City's interest in this program. By motion (Robinson/Simon, unan.) staff directed to investigate and report to Council on January 4. (C/Mgr to handle) Councilman Newton was then authorized to notify the Adult Authority of the Council's action.

## ORDINANCES

### CONSENT

6. Final adoption of the following ordinances:  
(Motion approving needed)

(a) Ordinance No. 1070-C.S. (amendment to Sec. 8-3-9 and 17-3-9 of zoning map - Ruddy)

ACTION: By motion Ord. No. 1070-C.S. adopted. (Clerk to handle)

(b) Ordinance No. 1071-C.S. (amendment to Sec. 16-3-9 of zoning map - Wainwright Realty)

ACTION: By motion Ord. No. 1071-C.S. adopted. (Clerk to handle)

(c) Ordinance No. 1072-C.S. (amendment to Sec. 31-3-9 of zoning map - Gallo)

ACTION: By motion Ord. No. 1072-C.S. adopted. (Clerk to handle)

(d) Ordinance No. 1073-C.S. (Monthly rezoning hearings)

ACTION: By motion Ord. No. 1073-C.S. adopted. (Clerk to handle)

OLD BUSINESS

7. Further consideration of offer to sell 10th Street (J to K) property. (Memo with agenda. The Council may want to consider this offer in executive session, if it is interested in the property.)

ACTION: By Order of the Chair consideration of this item continued for one week.

CONSENT

8. Further consider Oil and Gas Lease with Mobil Oil Corporation for city owned property. (Memo with agenda. Resolution approving Oil and Gas Lease and short form Memorandum of Oil and Gas Lease for recordation)

ACTION: Res. 70-1266 adopted approving lease. (Clerk to handle)

NEW BUSINESS

CONSENT

9. Request by City Manager to attend Community-Police Relations Leadership Training Program sponsored by the Commission on Peace Officer Standards and Training in Los Angeles, January 6 and 7, 1971. (Copies of letter from P.O.S.T. with agenda. Motion approving needed. All costs paid by P.O.S.T.)

ACTION: By motion request approved. (C/Mgr to handle)

CONSENT

10. Consider offer of Mr. Charley Lynds to purchase sheds located on city-owned property at 101 Hackberry. (Memo with agenda. Resolution accepting offer needed)

ACTION: Res. 70-1267 adopted approving sale to Charley Lynds for \$10.00. (Finance to handle)

CONSENT

11. Consider a letter agreement from Orrick, Herrington, Rowley & Sutcliffe whereby they agree to act as bond counsel for the city for assessment proceedings for Improvement District No. 17. (Street Lighting in some of the remaining unlit areas of the City) (This matter was discussed by the Council at its meeting of December 7, 1970, and the staff was directed to proceed with the necessary steps leading to the formation of the district. Copy with agenda. Resolution approving agreement needed)

ACTION: Res. 70-1268 adopted approving letter agreement. (Clerk to handle)

**CONSENT**

12. Consider approving preparation of amendment to existing lease agreement between City of Modesto and United Airlines for terminal building facilities, to provide for increased landing fees.  
(Current landing fees are estimated at approximately 6½¢ per 1,000 lbs. gross landing weight. The increased landing fees, effective 1-1-71, provide for 10¢ per 1,000 lbs. gross landing weight, increasing to 11¢ in 1972, 12¢ in 1973, and 13¢ in 1974 through May of 1975, when the current lease expires. Motion authorizing preparation of amendment to existing lease needed.)

ACTION: By motion staff authorized to prepare amendment to existing lease agreement. (C/Atty to handle)

**CONSENT**

14. Clarification of Utility Users Tax \$500 maximum charge.  
(Because of the different interpretations placed on the \$500 maximum charge in various cities, an administrative order has been prepared and is being submitted for Council confirmation. Memo with Agenda. Motion approving the Finance Department Administrative Order needed)

ACTION: By motion Administrative Order approved. (Finance to handle)

REPORTS

**CONSENT**

15. Report on PG&E request for 1.7% rate increase on March 31, 1971.  
(Report with agenda. The increase would amount to \$8,671,000 per year. An additional contingent annual increase of \$738,000 is also requested. All increases would be refundable if so determined by the Federal Power Commission. Motion accepting report needed)

ACTION: By motion report accepted.

16. Report by Public Projects Committee on Garbage Collection.  
(Report with agenda)

ACTION: Following a discussion during which several questions were raised by members of the Council, by motion (Simon/Smith, unan.) action delayed for one week to permit committee and staff to prepare a further report on this matter. (C/Mgr to handle)

REPORTS FROM THE PLANNING COMMISSION

**CONSENT**

17. Uninhabited annexation to the City of Modesto - Riverside No. 4 Addition.  
(The LAFC Commission has authorized this annexation without notice or public hearing - September 25, 1970. (Resolution annexing needed)

ACTION: Res. 70-1269 adopted annexing Riverside No. 4 Addition to City of Modesto. (Clerk to handle)

CONSENT

18. Recommend amendment to Section 28-3-9 of the Zoning Map - Modesto Affiliated Church Housing Corporation.  
(By Res. No. 70-161 adopted on December 15, 1970, the Planning Commission recommends an amendment to Section 28-3-9 of the Zoning Map as requested by the Modesto Affiliated Church Housing Corp. to rezone from Multiple-family Residential Zone, R-3, to Planned Development Zone, P-D to permit a 200-dwelling unit, 11-story retirement structure on property at the northern corner of the intersection of 17th and I Sts. Resolution setting January 25, 1971 at 7:35 P.M. for public hearing needed)

ACTION: Res. 70-1270 adopted (Dixon/Mitchell, Unan. - Robinson, absent) setting hearing. (Clerk to handle) (Councilman Robinson disqualified himself on this matter) (NOTE: Prior to the adoption of this resolution, a motion (Smith/Mitchell) to refer this item and item 19 back to the P/C for further consideration, failed)

19. Reanalysis of the Community Center site.  
(Memo with agenda. Motion referring community center site back to the Planning Commission for reanalysis needed)

ACTION: A motion (Dixon/Smith) to refer this to the P/C was amended by motion (Robinson/Simon, majority) to refer this to the Citizens' Community Center Committee for their current thinking. The motion as amended then passed by majority vote. (C/Mgr to handle)

20. Fencing Standard and City Maintenance Responsibilities, Walnut Terrace Subdivision.  
(Memo from Planning Director with exhibits attached. Motion affirming Planning Commission fencing condition and assuming city maintenance or Resolution redefining fencing standard and assuming city maintenance.

ACTION: By motion (Simon/Dixon, unan.) Planning Commission fencing condition affirmed and maintenance of fence by City agreed to.  
(Planning to handle)

APPROPRIATION TRANSFERS

None

MISCELLANEOUS

21. Appointments

None

Adjournment at 10:30 P.M.

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk