Modesto City Council
January 4, 1965

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Councilman Hughes arrived at 4:05 P.M.
Councilman Shastid arrived at 4:06 P.M.
Absent: Councilmen: None

The pledge of allegiance to the Flag was given by all present.

Reverend John Drzewiecki gave the invocation.

Councilmen Hughes and Shastid arrived at 4:05 and 4:06 P.M. respectively.

INTRODUCTION OF MARTIN ERLICH, LIBRARIAN

Mayor Johansen introduced Martin Erlich, newly appointed County Librarian, who assumed his duties on January 4, 1965.

APPROVAL OF MINUTES

The minutes of the regular meeting of December 21, 1964 were approved.

LETTER FROM L. P. HUDELSON, 2915 COFFEE ROAD, REQUESTING PURCHASE OF SURPLUS CITY TREES

A letter from L. P. Hudelson dated December 24, 1964 requesting the purchase of forty surplus Cedrus Deodara trees, three years old or older, at $2.00 each, was entered into the record of the minutes.

RESOLUTION NO. 65-1

A RESOLUTION AUTHORIZING SALE OF SURPLUS CEDRUS DEODARA TREES TO L. P. HUDELSON

Introduced by VanderWall Seconded by Hughes

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

LETTER FROM STATE DIVISION OF HIGHWAYS, SACRAMENTO, CALIFORNIA, ENCLOSING COPY OF COUNTY AND CITY STREET PROGRESS AND NEEDS REPORT

A letter from J. C. Womack, State Highway Engineer, dated December 17, 1964 transmitting a copy of the California County Road and City Street Progress and Needs Report, was filed with the record of the minutes.

MOTION

That the letter and report be referred to the staff

Moved by Tabbert Seconded by Shastid Unanimously carried

ADOPTION OF ORDINANCE NO. 701-C.S. AMENDING THE CODE RELATING TO BOARD OF APPEALS FOR THE UNSAFE STRUCTURE CODE

ORDINANCE NO. 701-C.S. entitled "AN ORDINANCE AMENDING SECTION 9-8.09 OF CHAPTER 8 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, RELATING TO BOARD OF APPEALS FOR THE UNSAFE STRUCTURE CODE"
introduced December 28, 1964 and having been published as required, was moved and adopted.

Moved by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION AUTHORIZING RELEASE OF SUBDIVISION BOND FOR WYLDEWOOD PARK NO. 2 SUBDIVISION

Release of a $34,700 cash bond to the subdividers of Wyldewood Subdivision No. 2 was discussed by the Council at the December 28, 1964 meeting and held over until the present meeting for a letter from Security Title Insurance Co. which would hold the City harmless in the event that liens are filed against the developers in connection with the construction of streets, curbs, sidewalks, street light and other off-site improvements during the lien period. The City Attorney stated that a letter dated December 29, 1964 has been received from Security Title Insurance Company guaranteeing that the City will be held harmless in the event that liens are filed against the subdividers.

RESOLUTION NO. 65-2

A RESOLUTION AUTHORIZING THE RELEASE OF CASH DEPOSIT FILED TO GUARANTEE IMPROVEMENTS IN WYLDEWOOD PARK NO. 2 SUBDIVISION ($34,700)

Introduced by Shastid Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

PRESENTATION OF REPORT ON SEWAGE TREATMENT PLANT STUDY BY JENKS AND JENKS 1-33

Copies of a report of the Sewage Treatment Plant study prepared by Jenks and Jenks in accordance with terms of an agreement dated April 27, 1964 were distributed to the Council prior to the meeting, and a copy filed with the record of the minutes.

MOTION

That an informal hearing of the study be set for January 25, 1965 AT 8:00 PM

Moved by VanderWall Seconded by Shastid Unanimously carried

CONSIDER PERMITTING YELLOW CAB COMPANY TO TEMPORARILY CEASE OPERATING ONE CAB

A memorandum from the Director of Parking and Traffic dated December 30, 1964, subject, "Permission for Cessation of Cab Operation - Yellow Cab Company," requesting that cessation of operation of the yellow cab impounded by the District Attorney's office pending the trial resulting from the murder of Sam Secreto, former owner, be approved by the Council, was entered into the record of the minutes.

MOTION

That cessation of operation of the yellow cab impounded by the District Attorney's office be approved as recommended by the Director of Parking and Traffic in memorandum dated December 30, 1964

Moved by Hughes Seconded by Mitchell Unanimously carried

CONSIDER CLAIM OF MRS. JAMES R. HAMMONDS FOR EXPENSES IN LOSS OF DOG PURCHASED AT THE MODESTO CITY POUND

A letter from Mrs. James R. Hammonds dated December 12, 1964 submitting a claim in the amount of $9.50 to cover expenses for acquisition of a dog from the Modesto City Pound, and its subsequent death within one week, was filed with the record of the minutes.

RESOLUTION NO. 65-3

A RESOLUTION REJECTING THE CLAIM OF MRS. JAMES R. HAMMONDS FOR DAMAGES AGAINST THE CITY OF MODESTO

Introduced by VanderWall Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

ANNEXATION OF GREENWOOD ESTATES ADDITION - REFERRAL TO PLANNING COMMISSION

The Council discussed the following: Cost to the City of supplying water to the 39-acre parcel proposed for annexation; the fact that the area is contiguous to the city limits at one point only, and outside the normal growth area; the difficulty of annexing inhabited areas; the fact that the area cannot be reached except by county roads; annexation possibilities of North Star Estates Subdivision.

RESOLUTION NO. 65-4
A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS GREENWOOD ESTATES ADDITION

Introduced by VanderWall Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: Shastid Absent: None

HUMAN RIGHTS COMMITTEE REPORT 1-120

Employment

Reverend R. Truman Northup, Chairman of the Executive Committee of the Human Rights Committee, introduced the following members of the Employment Subcommittee present in the audience: Lee Davies, Chairman; Donald Buller; Charles W. Mitchell; Marion Moorehead; Reverend Howard L. Clark; Galen Hartwich.

Mr. Davies was questioned by the Council on the recommendation that the skills bank be perpetuated for employers to draw upon. Mr. Davies said it was his understanding that the skills bank, which the Committee felt should be continued, could be maintained by a newly appointed Human Rights Committee, but could not legally be maintained by the State Employment Office or any governmental agency; and because of the confidential aspects of the file, could not be maintained by an organization.

Also discussed was the effectiveness of a grievance committee in handling local problems.

Mr. Davies stated that job applicant work shops and other training and retraining programs now available should be continued until the need no longer exists; that the job applicant work shops had been well attended and presumably successful; that they would be continued at least once a month until circumstances indicated that all interested people had taken advantage of them. He said that the local Association of Personnel Managers conducted the job applicant work shop; that one of the major achievements of the Employment Subcommittee was to let the minority groups know that the doors of industry were open to them.

Donald Buller, speaking as an individual, recommended that the skills survey not be continued because of the time expended and lack of results. He said that out of 135 people surveyed, the Committee was successful in referring three for further training; that similar surveys held in the Bay Area and Palo Alto did not meet expectations; that nowhere was it found that there were any skills not being used to their highest capacity. Mr. Buller explained the policy of the State Employment Office under the new minority program, and the records permitted to identify minority races in the event this information is needed.

Silas Green commended the Committee for its efforts in finding employment for minority races. He pointed out the importance of continuing the Human Rights Committee, stating that much remains to be done to reach all minority groups; that the recommendations made by the four subcommittees

were based on the premise that a permanent committee will be established. He further stated that there was room for improvement in city employment practices, as well as those of many industries in town.

Reverend Howard Clark spoke briefly in favor of a permanent Human Rights Committee and perpetuation of the skills bank.

Youth and Education

Reverend Northup introduced the following members of the Youth and Education subcommittee present in the audience: Bernice Middleton, Chairman; Dr. Leslie G. Billingsley; Odessa Gamble; General Vice-Chairman Silas Green.

Mayor Johansen stated that since this subcommittee's function was tied in closely with the Schools, it might be well to consider Schools representation on future committees.

Bernice Middleton asked for favorable consideration of the following: Nursery Schools for pre-school ages 3 and 4; increasing hours at elementary schools to lengthen the time under which culturally deprived children would be under proper influence and guidance.

Silas Green emphasized the importance of the recommendation of nursery schools for pre-school ages 3 and 4, stating that a child coming from a culturally deprived home has difficulty in overcoming this handicap and becoming a successful student.

Mayor Johansen commended the subcommittees for the work accomplished, stating that a general discussion of the entire report was scheduled for the January 18, 1965 meeting at 5:15 P.M.

HEARING ON PROPOSED ABANDONMENT OF THE EASTERLY PORTION OF EMERALD AVENUE FRONTING FRANKLIN SCHOOL 5-93

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed abandonment of the easterly portion of Emerald Avenue fronting Franklin School, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on December 24, 1964 and notices posted in the area on December 23, 1964. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 64-91 recommends that the easterly portion of Emerald Avenue fronting Franklin School be abandoned.

The City Manager stated that a letter protesting the recommendation of the Planning Commission that the applicant, Modesto City Schools, be required to pay all costs incurred in the abandonment proceedings, was received from Superintendent of Schools Harry Wiser.

Director of Planning Fey stated that the staff recommends that the Schools not be required to pay the costs incurred in the abandonment proceedings, since the land was originally dedicated by the Schools. Costs involved are approximately $45.00.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

RESOLUTION NO. 1027-S.P.

A RESOLUTION VACATING AND ABANDONING THE EASTERLY PORTION OF EMERALD AVENUE FRONTING ALONG THE FRANKLIN ELEMENTARY SCHOOL PROPERTY IN THE CITY OF MODESTO (the City assuming abandonment proceedings costs)

Introduced by VanderWall Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

HEARING ON PROPOSED ANNEXATION OF THE LIBERINI ADDITION

Mayor Johansen announced that the hour of 4:40 P.M. had arrived, the time set for consideration of the proposed annexation of the Liberini Addition, comprising 24.875 acres, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on December 24, 1964; that the petition for annexation was signed by all property owners. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 64-135 recommends that the area be annexed.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

RESOLUTION NO. 65-5

A RESOLUTION ANNEXING UNINHABITED TERRITORY KNOWN AS THE LIBERINI ADDITION TO THE CITY OF MODESTO

Introduced by Hughes Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johans
Noes: None Absent: None

MATTERS FOR THE GOOD OF THE COMMUNITY - None

APPROPRIATION TRANSFERS
Structural Demolition Fund

A memorandum from the Director of Public Works dated December 30, 1964, subject, "Structural Demolition Fund," was filed with the record of the minutes. A suggestion was made that $2,500 be transferred from Account 600, General Fund, to a proposed Account 241-42 to cover costs of demolitio of a building at 1115 7th Street, and to provide a fund balance for future building demolitions.

RESOLUTION NO. 65-6

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $2,500 - FUNDS FOR UNSAFE STRUCTURE CODE PROVISIONS

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

Improvement of parking meter collection procedures

RESOLUTION NO. 65-7

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $300 FOR IMPROVEMENT OF PARKING METER COLLECTION PROCEDURES

Introduced by Mitchell Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

SET HEARING DATE FOR INFORMAL PUBLIC HEARING, TREE REMOVAL, COLLEGE AVENUE BETWEEN COLDWELL AND STODDARD AVENUES

By order of the Chair, January 11, 1965 at 7:45 P.M. in the Council Chambers, City Hall, was set as the time and place for an informal hearing on the removal of trees on College Avenue between Coldwell and Stoddard Avenues.

APPOINTMENT TO PLANNING COMMISSION

RESOLUTION NO. 65-8

A RESOLUTION APPOINTING ELWOOD G. SCHROEDER A MEMBER OF THE PLANNING COMMISSION (for a term ending January 1, 1969)

Introduced by Mitchell Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

APPOINTMENT TO BOARD OF ZONING ADJUSTMENT

RESOLUTION NO. 65-9

A RESOLUTION APPOINTING MARY JOHNSON A MEMBER OF THE BOARD OF ZONING ADJUSTMENT (for a term ending January 1, 1968, filling the unexpired term of Elwood Schroeder)

Introduced by VanderWall Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

ADJOURNMENT

MOTION

That the meeting now in session adjourn to executive session to discuss appointments to the Board of Appeals established by the Unsafe Structure Code

Moved by Tabbert Seconded by VanderWall Unanimously carried

The meeting adjourned at 5:40 P.M.

ATTEST: _____
Rex E. Gailfus, City Clerk

Modesto City Council
January 11, 1965

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, 801 11th Street, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Absent: Councilmen: None

The pledge of allegiance was given by all present.

Reverend Bernard DenOuden gave the invocation.

APPROVAL OF MINUTES

The minutes of the regular meetings of December 28, 1964 and January 4, 1965 were approved.

LETTER FROM STATE DIVISION OF HIGHWAYS REGARDING APPROVED SELECT SYSTEM OF CITY STREETS

A letter from the California Highway Commission dated January 5, 1965, subject, "10-Sta-O-Mod Select System," with certified copy of resolution approving the select system for the City of Modesto, and a copy of the report and map depicting the approved system of streets, was entered into the record of the minutes.

By order of the Chair, the report was referred to the staff.

REQUEST BY DON MONACO, 1618 ASHWOOD DRIVE, FOR ENCROACHMENT PERMIT ON PUBLIC RIGHT OF WAY

A letter from Don Monaco dated January 7, 1965 requesting permission to allow a planter box to encroach approximately 24 inches over the public right of way on property located at 721 Twelfth Street, approximately 6¼ inches off the ground, was entered into the record of the minutes.

RESOLUTION NO. 65-10
A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF DON MONACO FOR ENCROACHMENT PERMIT ON PUBLIC RIGHT OF WAY (PROPERTY LOCATED AT 721 TWELFTH STREET)

Introduced by VanderWall Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

January 18, 1965 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

REQUEST BY MORTENSEN AND HOLLSTIEN, ARCHITECTS, FOR A DRIVEWAY VARIANCE - NEW MODESTO SAVINGS AND LOAN BUILDING

This item was withdrawn from the agenda at the request of the City Manager, who stated that the matter has been handled administratively.

RESOLUTION APPROVING RENTAL OF CITY-OWNED PROPERTY

RESOLUTION NO. 65-11
A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND LLOYD G. SAMUELS, 217 ELM - RENTAL OF CITY-OWNED PROPERTY ($55 per month, beginning January 5, 1965)

Introduced by VanderWall Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION SETTING DATE FOR PUBLIC HEARING ON THE PROPOSED ANNEXATION OF THE CROCCO ADDITION 1-45

RESOLUTION NO. 65-12

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS CROCCO ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by Tabbert Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: Shastid Absent: None

February 23, 1965 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION SETTING DATE FOR PUBLIC HEARING ON THE PROPOSED ANNEXATION OF THE HOYLE ADDITION

RESOLUTION NO. 65-13

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS HOYLE ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

February 23, 1965 at 8:10 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION SETTING DATE FOR PUBLIC HEARING ON THE PROPOSED ANNEXATION OF THE GREENWOOD ESTATES ADDITION

RESOLUTION NO. 65-14

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS GREENWOOD ESTATES ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: Shastid Absent: None

February 23, 1965 at 8:20 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND EXTENSION OF TIME FOR FILING FINAL MAP OF SOMERSET PARK UNIT 2 SUBDIVISION 1-60

Planning Commission Resolution No. 65-5 adopted January 5, 1965 recommends that the Council extend the time for filing the final map of Somerset Park Unit 2 Subdivision to January 21, 1966.

RESOLUTION NO. 65-15

A RESOLUTION RECOMMENDING EXTENSION OF TIME FOR FILING THE FINAL MAP OF SOMERSET PARK UNIT 2 SUBDIVISION (To January 21, 1966)

Introduced by Shastid Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

RECOMMEND EXTENSION OF TIME FOR FILING FINAL MAP OF BRENTWOOD ESTATES NO. 3 SUBDIVISION

RESOLUTION NO. 65-16

A RESOLUTION RECOMMENDING EXTENSION OF TIME FOR FILING THE FINAL MAP OF BRENTWOOD ESTATES NO. 3 SUBDIVISION (To January 21, 1966)

Introduced by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION SETTING DATE FOR PUBLIC HEARING ON RECOMMENDED AMENDMENT TO ZONING REGULATIONS

RESOLUTION NO. 65-17

A RESOLUTION SETTING TIME AND PLACE FOR HEARING PROPOSED AMENDMENTS TO ZONING REGULATIONS OF THE CITY OF MODESTO

Introduced by Shastid Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

February 8, 1965 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

The Council discussed subsection (c) of Article 6, Two-Family Residential Zone, Section 10-2.601, with no changes made in the wording as proposed in Planning Commission Resolution 65-1 adopted January 5, 1965.

REFER CAMELOT TENTATIVE MAP TO COUNCIL FOR POLICY REGARDING LANDSCAPED STRIPS IN STREET RIGHTS OF WAY

Planning Commission Resolution No. 65-3 adopted January 5, 1965 refers the tentative map of Camelot Subdivision Units 1 and 2 to the Council for establishment of a policy regarding landscaping within street rights of way. The tentative map of Camelot Subdivision as submitted shows a 70-foot street dedication, with a ten-foot landscaped median between the driving lanes.

The City Manager stated that the annual maintenance cost of the ten-foot landscaped strip would be between $250 and $500.

The Council discussed the following: Establishment of a trust fund by the subdivider to provide for the maintenance costs; assumption of maintenance costs by residents in the area; hazards to children using the strip as a play area.

Mr. John H. Kirkpatrick, developer, stated that various cities in the midwest have street divider strips which are maintained by the cities.

A suggestion was made to Mr. Kirkpatrick that he consider landscaping strips at each side of the road.

MOTION

That the Planning Commission be advised that the Council does not wish to accept and maintain landscaped strips in street rights of way; that the Council would not object to the divider strips if a means can be developed whereby the subdivider or neighborhood will assume maintenance costs

Moved by Shastid Seconded by VanderWall Unanimously carried

INFORMAL HEARING ON COLLEGE AVENUE TREE REMOVAL AND REPORT ON ACQUISITION OF STREET TREE EASEMENTS 3-52

Mayor Johansen announced that the hour of 7:45 P.M. had arrived, the time set for an informal hearing on the removal of trees on College Avenue between Stoddard and Coldwell, for street widening purposes, and the status of street tree easement acquisitions, and opened the hearing.

The City Clerk reported that notice of the hearing was carried as a news release in the local press and on radio. Notices were distributed on College Avenue between Stoddard and Coldwell Avenues on January 8, 1965.

The City Manager stated that the widening of College Avenue to four lanes has been under consideration since 1958; that in October 1, 1963 the Planning Commission recommended to the Council that the widening of College Avenue from Needham to Coldwell be reaffirmed. On October 7, 1964 the Council directed the staff to obtain street tree easements from Stoddard to Coldwell so that new trees might be planted prior to the removal of trees located in the public right of way and prior to improvement of the street. He said that funds for the widening are budgeted in the Special Gas Tax Street Improvement Fund for this fiscal year. Plans for the widening of College Avenue from Needham to Stoddard Avenue are presently being prepared for bid, and the canal widening already underway.

Director of Parking and Traffic Carmody outlined the traffic problems on College Avenue, stating that the traffic volume was above the capacity of the street approximately four hours of the day, in the morning from 7:30 A.M. to 8:30 A.M.; 11:45 A.M. to 1:00 P.M.; from 4:15 P.M. to 5:45 P.M.

Mr. Carmody stated that there were several solutions to the problem: Do nothing, which will result in congestion reaching a point where drivers will seek other routes of travel; prohibit parking for some or all of the daylight hours; (he said that at the present time parking is prohibited on the west side of College Avenue along the Junior College from 7:30 A.M. to 8:30 A.M. and that expansion of the no-parking zones would inconvenience Junior College students and residents of the area, many of whom reside in multi-family residences which do not have adequate off-street parking); widen College Avenue on the west side along the Junior College only; or widen the street from both sides, which will permit parking on both sides of the street. About 83 parking spaces are available on both sides of the street from Needham to Coldwell Avenue.

Director of Parks and Recreation, Mary Grogan, reported that there are about 65 trees on College Avenue between the bridge and Coldwell Avenue; 45 are Sycamores and the remainder Mulberry, Ash and Maple; that with a few exceptions, the Ash and Maple are not good street trees because they are shallow rooted and have an aphid problem; that about 75% of the Sycamores are diseased and in a rapid state of decline. The remainder of the Sycamores are in better condition but require constant maintenance; that removal of the Sycamores on the Junior College side will permit adjacent trees planted on the college grounds to realize their maximum potential.

Copies of a memorandum from the Director of Public Works dated January 11, 1965, subject, "Widening, Needham to Coldwell; Street Tree Easements," were distributed to the Council and a copy filed with the record of the minutes. The memorandum outlined the status of acquisition of tree easements on College between Needham and Coldwell Avenues. Mr. Campbell pointed out that no additional rights of way to widen College Avenue were being asked of the property owners between Stoddard and Coldwell, but merely street tree easements to permit the planting and maintenance of city street trees.

Dr. Walter Garcia, President, Modesto Junior College, stated that the Modesto City Schools Board of Education, at a meeting November 13, 1961 indicated that it wished to take no position in connection with the removal of the Sycamore trees on College Avenue since the Junior College was only one of several tenants on the street; that being a public body, it felt that a strong position would be indiscreet. He said that it was not the

intent of the Board to object to the removal of the trees; that the Board of Education has never considered the question of the widening of College Avenue; that at the present time the staff had no specific recommendation with respect to this matter.

Upon questioning, Dr. Garcia said that he was sure that the Board of Education would be distressed if parking was eliminated completely on the west side of College Avenue.

The City staff was questioned by the Council on the proposed widening.

The following spoke in opposition to the street tree removal and/or widening: John Ward, 528 College, stated that he was approached on the matter of removing trees but never on the proposed widening of College Avenue; Ben Shore, 418 College, suggested an alternative that the street be widened only on the Junior College side which would provide four lanes of traffic if parking was prohibited on the west side of the street, or three lanes if parking was permitted, with the center lane being a turning lane. The trees on the east side of the street would be permitted to remain. He asked that efforts be made to reduce speed on College Avenue which he felt was a contributing factor to traffic problems, rather than widening the street to permit more speeding traffic. He suggested another alternative - that the street be widened on neither side, with parking prohibited on both sides of the street.

Mr. Shore also suggested that the Director of Parking and Traffic explore further the proposed development of Tully Road as a 90-foot expressway, which he felt would alleviate much of the traffic on College Avenue.

Les Philbrook, 520 North Olive, asked and was given information by the staff on the proposed location of the sidewalk if the street is widened and location of the trees if replanted; the type of tree proposed for replacement of the Sycamores. (Honey Locust). Robert Larson, 1720 College Avenue, spoke briefly against the widening, stating that he was opposed to College Avenue becoming a major collector street; that Tully Road should be improved for this purpose. He stated further that present speeding on College Avenue should be controlled before the street is widened to accommodate more cars and more speeding. Mayor Johansen informed Mr. Larson that his complaint would be referred to the Chief of Police for investigation and report to the Council and the Chief asked to discuss the matter with Mr. Larson. Mr. Larson was also directed to meet with the City Manager to discuss the closing of a city-owned 20-foot strip of land left surplus when Northern Boulevard was opened, to prevent hotrodders using the area for U-turns.

Reed Hicken, 915 Harvard Avenue, owner of property at 432 College Avenue, stated that he was award of the fact that the Sycamore trees would eventually be removed, but asked that no "spreading chestnut trees" be substituted. He recommended liquid amber trees, Palo Alto type, as being very beautiful and colorful. He said that the City's present plans to place new trees three feet from the sidewalk line will place the trees directly in the path of an existing fence on his property, and asked who would assume responsibility for the fence. Mrs. Hicken stated later in the meeting that the fence was covered with ivy vines, and she did not wish it removed.

The following also opposed the proposed widening: Margaret Recca, owner of a 4-unit apartment at 508 College Avenue; Irene Carlson, 314 College Avenue; Clara Riechenback, 302 College; Alberta Merrill, 318 College; Adelheit Haack, 514 College; Hazel Branstetter, 204 College; Mrs. Nathan McVay, 1002 Princeton, owner of apartment on College Avenue; Mrs. Donald Lewis, 2410 College.

In answer to a question by Donald Lewis, 2410 College Avenue, Director of Public Works Campbell stated that the following development of College Avenue is proposed for accomplishment during the next ten years: The widening of College from Needham to Coldwell; the full development of College to a 64-foot width from Coldwell north to Bowen Avenue;

extension of College Avenue from Durant Avenue to Rumble Road, a sixty-foot right of way, with 40 feet between curbs, a collector street. He said that traffic signals are proposed at the intersections of Stoddard, Coldwell and ultimately Briggsmore-Northern and Bowen.

Mr. Lewis questioned the proposed narrowing of College Avenue from a four-lane street to a two-lane street from Bowen to Rumble.

The staff was questioned by the Council on the following: the effect of traffic on College Avenue if two-way traffic is resumed on 10th Street; widening of the street on the west side only, with parking prohibited on the east side of the street, which would still permit four lanes of traffic.

MOTION

That the staff prepare alternate plans for the widening of College Avenue between Stoddard and Coldwell Avenues, to furnish the plans to property owners and interested individuals in this area, and to place this matter back on the agenda of the January 25th meeting.

Moved by Mitchell Seconded by Shastid Unanimously carried

The meeting recessed at 10:04 P.M., reconvening at 10:09 P.M.

INFORMAL HEARING ON SIGN REGULATIONS 11-35

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for consideration of proposed changes in the sign regulations and opened the hearing.

The City Clerk reported that notice of the hearing was published in a special press release in the Modesto Tribune and Modesto Bee, and notices mailed to all interested parties known to the City Clerk on December 31, 1964. Copies of the proposed ordinances were available for public inspection in the City Clerk's office.

The City Attorney briefly reviewed the proposed changes to the sign regulations contained in two ordinances, one amending Title IX of the Municipal Code (building requirements for signs) and the other amending Title X of the Municipal Code (zoning regulations).

Harvey Berglund, Ryan Advertising, stated that his only objection to the proposed change in the sign regulations was the height limination of ground signs to 25 feet. He asked that the Council consider raising the height limitation to 35 feet to correspond with the height limitation of pole signs. Mr. Berglund also asked the Council to consider changing the three-year amortization period of non-conforming signs and billboards to a five-year period. (Section 10-2.1709).

Robert Powell, Sign Designs, 605 8th Street, Modesto, questioned Section 9-6.15.1, "Signs Not to Constitute Hazard or Nuisance," and asked who would be the judge as to whether a sign constituted a hazard or nuisance. The City Attorney stated that if any doubts existed when a permit was requested, the matter would be referred to the department affected for determination.

Mr. Powell stated that on several occasions during the last six months he has been denied a permit for flashing signs at certain locations, permits for which were subsequently granted to his competitors at the same locations. Mr. Powell was directed to discuss the above complaint with the City Manager for investigation and report to the Council.

Bud Wesson, Ad-Art, Inc., asked that consideration be given to the height of the signs. He did not believe they should be limited to 35 feet.

No one else in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

The Council discussed various periods of amortization for nonconforming signs, with and without benefit of appeal. No change was made by the Council to Section 10-2.1709 as presented in the proposed ordinance.

MOTION

That the proposed ordinance amending Title 10 of the Modesto Municipal Code relating to outdoor advertising displays and structures be referred to the Planning Commission for consideration, and return to the Council with its recommendation

Moved by Mitchell Seconded by Shastid Unanimously carried

ORDINANCE NO. 702-C.S. entitled
"AN ORDINANCE AMENDING SECTIONS 9-6.15 AND 9-6.21 OF CHAPTER 6 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTIONS 9-6.06.1, 9-6.07.1 AND 9-6.15.1 THERETO RELATING TO SIGNS AND BILLBOARDS"

was introduced and ordered published as required by the Charter.

Introduced by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

INFORMAL HEARING ON AUDITORIUM 13-125

Mayor Johansen announced that the hour of 8:30 P.M. had arrived, the time set for consideration of a proposed auditorium site and other matters relating to the proposed auditorium, and opened the hearing.

The City Clerk reported that notices of the hearing were mailed to interested individuals and organizations on December 30, 1964 and notice of the hearing publicized by local press and radio.

A memorandum from the City Manager dated January 7, 1965 with letter from Stanford Research Institute dated December 2, 1964 attached, subject, "Auditorium," was filed with the record of the minutes.

Director of Planning Fey stated that the Planning Commission has chosen the following sites, in order of priority, for a proposed auditorium with a seating capacity of 3,000 and off-street parking spaces for 500 vehicles: (1) area between 11th and 13th, G and H Streets, assessed valuation, $214,000, market value, about $967,000; (2) area between 10th and 12th, G and H Streets, assessed valuation, $250,000, market value, about $1,122,000; (3) area between 12th and 14th, between G and H Streets, market value, about $832,000.

The City Manager stated that he had received a letter from Charles Graviss, Auditorium Manager, Bakersfield, dated January 8, 1965 with an offer to meet with the Council on an open-forum discussion on the feasibility of the proposed auditorium at a cost to the City of about $70 to cover his lodging, meals and transportation. The Stanford Research Institute in a letter dated December 2, 1964 has submitted a proposal to participate as general consultants in a working session with officials and community leaders primarily concerned with the auditorium at a cost probably less than $400, excluding travel expenses to and from Modesto. Mr. Keefe said that another proposal was received from EBS Management Consultants in a letter dated December 7, 1964 offering to perform the work in two phases, the first phase to concentrate on market and economic feasibility investigations, and the second phase to be aimed at preparation of a preliminary design concept for the facility. Cost to the City would be $15,000 for Phase I and $5,000 for Phase II.

Frank Andrews asked that the City proceed cautiously before undertaking the building of a costly auditorium.

Hugh Richards, realtor, asked the reason for the elimination of the area bounded by 14th and 16th, H and I Streets, for the proposed auditorium, and was informed that this area was eliminated as a proposed site

because the half-block on 15th Street between H and I Streets has been designated as the location for a proposed cultural center. The possibility of including the cultural center and civic auditorium on the same site was discussed, Director of Planning Fey stating that it was the belief of the Planning Commission that it would be more feasible to have the auditorium on a site of its own, and to relate the cultural center with the main library. The estimated market value of the site bounded by 14th and 16th, H and I Streets is $605,000, excluding land presently owned by the City.

Attorney Richard Tosaw recommended that Charles Graviss be asked to give the City the benefit of his experience relating to civic auditoriums, although he believed that a study by the Stanford Research Institute would carry wider public acceptance. He emphasized the importance of the proper location of the auditorium to permit wider usage of both the building and parking facilities.

George Gagos, Jr., 225 El Rio, a member of the Planning Commission, speaking as an individual, stated that he believed that Modesto could support a multi-type auditorium at the present time. He pointed out a recent ruling which has more or less forbidden the use of some of the private clubs for larger banquets, stating that there were approximately 200 clubs in the City which would support the auditorium; that major theatrical and concert functions could be held without outside income supplementation. Regarding the location, Mr. Gagos said that it must be located in an area where lodging and restaurant facilities are available. He listed various activities and cultural events that an auditorium would attract.

Frank Andrews stated that the following projects should take precedence over a civic auditorium: Development of Lake Modesto; the City's sewer problems; removal of tracks on 9th Street.

Bill Nicholson, representing Modesto Junior Chamber of Commerce, stated that his organization was ready to go to work on the proposed auditorium. He asked the length of time in which a comprehensive survey of the proposed auditorium may could be completed. The City Manager stated that the proposal received from EBS would take about 3½ months on the first phase, and 2½ months on the second phase, or approximately six months.

The staff was directed to secure an estimate of the probable operating costs of the proposed auditorium -- in other words, the amount which will have to be budgeted to meet the probable loss of an auditorium, as has been experienced by other cities.

MOTION

That the proposal of Charles Graviss to meet with the Council and staff in an open-forum discussion on February 3rd, 1965 at a cost of about $70 for expenses be approved; that the City Manager be instructed to arrange a meeting as soon as possible with representatives of Stanford Research Institute as proposed in letter dated December 2, 1964, at a cost of about $400

Moved by Shastid Seconded by VanderWall Unanimously carried

Site Selection

No action was taken on selection of the site for the proposed auditorium, the Council unanimously consenting that this would be considered again after reports of the surveys authorized in the above motion have been received.

MATTERS FOR THE GOOD OF THE COMMUNITY 17-35

Boy Scout Week, February 7 - 13, 1965

A letter from Don Hardie, Activities Chairman, dated January 11, 1965 asking city cooperation in the Boy Scout clean-up campaign throughout the Council area to be held in conjunction with Boy Scout Week February 7 - 13, 1965, was entered into the record of the minutes.

Request was made that the City contribute help in the form of equipment and a location where refuse can be dumped in connection with the Boy Scout clean-up campaign on February 6, 1965. The general clean-up area is Tuolumne, Stanislaus and Merced Counties.

Bill Hofmann, representing the Boy Scouts, requested that the Boy Scouts again be permitted to distribute the City's annual report to Modesto residents during the month of March.

MOTION

That the letter from Don Hardie, Activities Chairman, dated January 11, 1965 and the request of Bill Hofmann to permit the Boy Scouts to distribute the City's annual report be referred to the staff to work out arrangements with the Boy Scouts

Moved by VanderWall Seconded by Mitchell Unanimously carried

Letter from Frank Andrews re Unsound Practices

Mr. Andrews read a letter dated January 11, 1965 on the subject of "Deplorable, Un-sound and Unpractical Deals" of 1964. The letter was ordered filed.

Request for enforcement of no left-hand turn between 7:30 - 8:30 A.M.

George Rands, 1227 Stonum Road, asked for enforcement of the "no left-hand turn" signs on College Avenue at the intersections of Stoddard and Coldwell between the hours of 7:30 and 8:30 A.M. He said that violation of these signs contributed primarily to the traffic congestion on this section of College Avenue at the peak of the morning traffic. He also complained of the change of sequence of 9th, 10th and 11th Street traffic signals which has created a bottleneck. Director of Parking and Traffic Carmody stated that a wiring failure contributing to the last complaint was being corrected.

Mayor Johansen stated that Mr. Rand's complaint relating to enforcement of traffic signs on College Avenue would be referred to the Chief of Police for investigation and report.

REQUEST FOR APPROPRIATION TRANSFER OF $2,600 - FIRE STATION NO. 5

RESOLUTION NO. 65-18

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $2,600 FOR EXTENSION OF THE FIRE ALARM CIRCUIT TO FIRE STATION NO. 5, AND LANDSCAPING

Introduced by Shastid Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

REPORT FROM THE LOCAL AGENCY FORMATION COMMISSION

Notice of public hearings to be held on January 20, 1965 in Room 206, County Offices Building, 1100 Eye Street, Modesto, by the Local Agency Formation Commission to consider proposed annexations to the cities of Oakdale and Modesto was filed with the record of the minutes.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Tabbert Unanimously carried

The meeting adjourned at 11:54 P.M.

ATTEST: _____
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, Modesto, California, Vice Mayor VanderWall presiding.

Present: Councilmen: Hughes, Mitchell, Patton, Tabbert, Vice Mayor VanderWall
Councilman Shastid arrived at 4:18 P.M.

Absent: Councilmen: Mayor Johansen

The pledge of allegiance to the Flag was given by all present.

A moment of silent prayer was observed.

LETTER FROM PAUL A. CARLSON, M.D., REGARDING COMPREHENSIVE INCOME - PROTECTION DISABILITY INSURANCE

A letter from Paul A. Carlson, M.D., dated January 9, 1965 asking if it would be appropriate to bring to the Council the matter of income-protection for employees during periods of convalescence and rehabilitation was entered into the record of the minutes.

By order of the Chair, the letter was referred to the staff for review and report to the Council.

COMMUNICATION FROM MODESTO CITY SCHOOLS RELATIVE TO SWIMMING POOL

A letter from Harry D. Wiser, Superintendent, Modesto City Schools, dated January 5, 1965 requesting an opportunity to discuss the joint City-Schools use and financing of a swimming pool at Grace M. Davis High School, was entered into the record of the minutes. Estimated cost of the installation is $80,000.

MOTION

That the staff be authorized to continue working with the Schools on the proposed construction of a swimming pool at Grace M. Davis High School

Moved by Mitchell Seconded by Patton Unanimously carried

INTRODUCTION OF FIFTY SENIORS, HUGHSON HIGH SCHOOL

Vice Mayor VanderWall welcomed fifty Hughson High School Seniors present in the audience under the supervision of Mr. Charles Spencer, a member of the Hughson High School faculty.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF COMFORT STATIONS AT GARRISON AND STANDIFORD PARKS

RESOLUTION NO. 65-19

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF COMFORT STATIONS AT GARRISON PARK AND STANDIFORD PARK

Introduced by Tabbert Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Tabbert, Vice Mayor VanderWall
Noes: None Absent: Shastid, Mayor Johansen

February 2, 1965 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

ADOPTION OF ORDINANCE NO. 702-C.S. AMENDING THE SIGN AND BILLBOARD REGULATIONS

ORDINANCE NO. 702-C.S. entitled
"AN ORDINANCE AMENDING SECTIONS 9-6.15 AND 9-6.21 OF CHAPTER 6 OF TITLE IX OF THE MODESTO MUNICIPAL CODE AND ADDING SECTIONS 9-6.06.1, 9-6.07.1 AND 9-6.15.1 THERETO RELATING TO SIGNS AND BILLBOARDS"

introduced January 11, 1965 and having been published as required, was moved and adopted (effective February 17, 1965).

Moved by Mitchell Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Tabbert, Vice Mayor VanderWall
Noes: None Absent: Shastid, Mayor Johansen

Councilman Shastid arrived at 4:18 P.M.

CONSIDER ALTERNATE PLANS FOR DESIGN OF ADMINISTRATION BUILDING FOR CITY-COUNTY AIRPORT

Designs for an administration building at the City-County Airport prepared by John Bomberger, Architect, were displayed to the Council. An undated memorandum outlining the costs of the two designs, a rectangular and a circular building, were distributed to the Council by Mr. Bomberger, a copy of which is filed with the record of the minutes.

Mr. Bomberger stated that the rectangular building (approximately 1,700 square feet, contained a separate office for the gasoline operator, with cost of construction at $15 per square foot, or $25,000; the circular building contained approximately 1,400 square feet, with construction costs at $16 per square foot, or $22,400. He said that the conference room in the circular building was larger than that in the rectangular building, thus a portion of this room could be used for the gasoline operator's office; that a walking deck could be constructed on the top of either building, but that the cost of a deck was not included in the above figures.

Airport Manager Sham was questioned by the Council on the adequacy of the proposed rectangular building for present and future needs, and the feasibility of using facilities other than the airport administration building for pilot examinations.

MOTION

That the architect's proposal for a rectangular building be accepted and that the architect be instructed to proceed with the working drawings

Moved by Mitchell Seconded by Tabbert Unanimously carried

REPORT ON PROGRESS OF TIDEWATER SOUTHERN RAILROAD TRACKS RELOCATION

A memorandum from the Director of Parking and Traffic dated January 8, 1965, subject, "Tidewater Southern Railroad Tracks Relocation - 9th Street," was filed with the record of the minutes. The memorandum indicated that Tidewater Southern Railroad Company will not have time to make a recommendation relative to the removal of the Ninth Street tracks for at least two months due to commitment of personnel to opening up Western Pacific Railroad tracks in the Feather River Canyon.

The City Manager reported that the staff met with Mr. Matich, contractor hired by the State, for the improvement of Ninth Street, who is willing to hold up the improvement of Ninth Street pending the clearance of the track removal. Director of Parking and Traffic Carmody stated that in the event the improvement is postponed, it will be covered by an agreement with the State setting forth the terms under which the work is postponed.

No action was taken by the Council.

INFORMAL HEARING ON REQUEST FOR ENCROACHMENT PERMIT - DON MONACO 2-125

Vice Mayor VanderWall announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the request of Don Monaco for an encroachment permit to allow a planter box to encroach approximately 24 inches into the public right of way at 721 Twelfth Street, and opened the hearing.

A memorandum from the Director of Public Works dated January 14, 1965, subject, "Request for Variance to Leave in Place a Planter Box Encroaching approximately 24 Inches into the Public Right of Way at 721 Twelfth Street," recommending that a revocable permit be granted to the applicant, subject to certain conditions, was entered into the record of the minutes.

No one in the audience asked to be heard, and Vice Mayor VanderWall declared the hearing closed.

RESOLUTION NO. 65-20

A RESOLUTION GRANTING A REVOCABLE ENCROACHMENT PERMIT TO DON'S MOBILE GLASS COMPANY TO PLACE A PLANTER BOX IN THE PUBLIC RIGHT OF WAY ON PROPERTY LOCATED AT 721 TWELFTH STREET

Introduced by Shastid Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

COMMUNICATION FROM SOUTHERN PACIFIC COMPANY REGARDING CROSSING GATES IN MODESTO

A memorandum from the Director of Parking and Traffic dated January 8, 1965, subject, "Southern Pacific Company Petition for Rehearing Regarding Crossing Gate Maintenance Expense," was entered into the record of the minutes. The memorandum indicated that the Southern Pacific Company has petitioned the Public Utilities Commission to rehear part of the investigation that leads to the order that crossing gates be installed at all crossings between B Street and Kansas, inclusive, the Southern Pacific Company believing that the Public Utilities Commission erred in allocating all the maintenance expense to the Southern Pacific Company.

No action was taken by the Council.

RESOLUTION REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS TO FURNISH CERTAIN ELECTION SERVICES 3-21

RESOLUTION NO. 65-21

A RESOLUTION REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS TO FURNISH CERTAIN SERVICES, FACILITIES, SUPPLIES AND EQUIPMENT OF THE REGISTRATION AND ELECTION DEPARTMENT OF THE COUNTY CLERK'S OFFICE IN CONNECTION WITH THE CITY'S ABSENTEE BALLOTS FOR THE GENERAL MUNICIPAL ELECTION TO BE HELD APRIL 20, 1965

Introduced by Mitchell Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP FOR RIVIERA HEIGHTS NO. 1 SUBDIVISION

RESOLUTION NO. 65-22

A RESOLUTION APPROVING THE FINAL MAP OF THE RIVIERA HEIGHTS NO. 1 SUBDIVISION OF THE CITY OF MODESTO (and authorizing City Manager to execute subdivision agreement)

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR INSTALLATION OF WATER MAINS IN RIVIERA HEIGHTS NO. 1 SUBDIVISION

RESOLUTION NO. 65-23

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER MAINS IN RIVIERA HEIGHTS NO. 1 SUBDIVISION

Introduced by Mitchell Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

February 2, 1965 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

RENEWAL OF LEASE AGREEMENT BETWEEN CITY AND EAST MODESTO INDUSTRIAL WASTE COMPANY FOR THE LEASE OF 40 ACRES OF LAND AT THE MODESTO CITY-COUNTY AIRPORT

RESOLUTION NO. 65-24
A RESOLUTION APPROVING RENEWAL OF LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND EAST MODESTO INDUSTRIAL WASTE COMPANY FOR LEASE OF 40 ACRES OF LAND AT THE MODESTO CITY-COUNTY AIRPORT (for a period of one year commencing January 1, 1965, yearly rental $1,000 payable in advance)

Introduced by Tabbert Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

RESOLUTION REFERRING THE PETITION FOR ANNEXATION OF SHERWOOD MEADOWS ADDITION TO THE PLANNING COMMISSION

RESOLUTION NO. 65-25
A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS SHERWOOD MEADOWS ADDITION

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

RESOLUTION REFERRING PETITION FOR ANNEXATION OF THE WESTVIEW GARDENS ADDITION TO THE PLANNING COMMISSION (INHABITED)

The proposed annexation of the Westview Gardens Addition, Stanislaus County Housing Authority property, a 20-acre parcel located on the north side of Robertson Road, was discussed by the Council. Particularly discussed were the payments made to the City in lieu of taxes and cost of police protection.

The staff was directed to furnish the Planning Commission a report of costs and revenues involved in the annexation, along with the petition for annexation, for its consideration.

RESOLUTION NO. 65-26
A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A REQUEST FOR CONSENT TO COMMENCE PROCEEDINGS TO ANNEX CERTAIN INHABITED TERRITORY TO THE CITY OF MODESTO DESIGNATED AS THE WESTVIEW GARDENS ADDITION

Introduced by Hughes Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

APPROPRIATION TRANSFER - UNITED AIR LINES NEGOTIATIONS 4-25

RESOLUTION NO. 65-27
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $5,500 FOR SERVICES OF HOWARD S. BOROS, UNITED AIR LINES NEGOTIATIONS

Introduced by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

The City Attorney reported the County cities will contribute the following towards payment of Mr. Boros' services: Turlock, $300; Ceres and Oakdale, $200 each; Riverbank, Newman and Patterson, $100 each, a total of

$1,000. The City Manager stated that it was believed that the County would contribute $2,000.

Frank Andrews expressed the opinion that the City was fighting a losing battle.

PRESENTATION OF FINANCIAL REPORT FOR MONTH OF DECEMBER 1964

The financial report for the month of December 1964 was presented to the Council and ordered filed.

REMINDER OF LEAGUE OF CALIFORNIA CITIES DINNER MEETING IN TRACY - THURSDAY, JANUARY 28, 1965

Announcement was made of the League of California Cities dinner meeting in Tracy on Thursday, January 28, 1965.

MATTERS FOR THE GOOD OF THE COMMUNITY

Appointment of Board of Appeals, Unsafe Structure Code

Vice Mayor VanderWall read a letter from Mayor Johansen dated January 18, 1965 recommending that the Council consider the appointment of the following to the Board of Appeals, Unsafe Structure Code: Charles D. Crawford, 1232 Wellesley Way; Lee G. Hampson, 1405 Del Mar Avenue; Rex Higbee, 3205 Tully Road; Andrew W. Moser, 1130 Yale Avenue; Louis F. (Bud) Gianelli, 602 Northgate Drive.

RESOLUTION NO. 65-28

A RESOLUTION APPOINTING CHARLES D. CRAWFORD A MEMBER OF THE BOARD OF APPEALS, UNSAFE STRUCTURE CODE

Introduced by Hughes Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

RESOLUTION NO. 65-29

A RESOLUTION APPOINTING LEE G. HAMPSON A MEMBER OF THE BOARD OF APPEALS, UNSAFE STRUCTURE CODE

Introduced by Hughes Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

RESOLUTION NO. 65-30

A RESOLUTION APPOINTING REX HIGBEE A MEMBER OF THE BOARD OF APPEALS, UNSAFE STRUCTURE CODE

Introduced by Hughes Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

RESOLUTION NO. 65-31

A RESOLUTION APPOINTING ANDREW W. MOSER A MEMBER OF THE BOARD OF APPEALS, UNSAFE STRUCTURE CODE

Introduced by Hughes Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

RESOLUTION NO. 65-32

A RESOLUTION APPOINTING LOUIS F. GIANELLI A MEMBER OF THE BOARD OF APPEALS, UNSAFE STRUCTURE CODE

Introduced by Hughes Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

Civic Auditorium Study - Stanford Research Institute

The City Manager reported that representatives of Stanford Research Institute have agreed to visit Modesto on February 10, 1965 to make a study on the civic auditorium.

Lighting - Del Webb Field

Councilman Mitchell reported that the Public Projects Committee has been considering steps which might be taken and the costs for improvement of lighting at Del Webb Field; that in view of the fact that the Houston Colts have not renewed their contract with the Modesto ball club, the Public Projects Committee recommends that no action on the lighting be taken at this time, without prejudice to revival of the matter if the need arises. He said that he did not believe the Committee's time and effort were in vain, since engineering studies, recommendations and cost estimates were available which should be fairly close for use at any time in the future.

MOTION

That the report of the Public Projects Committee be accepted, and the matter tabled for the time being

Moved by Shastid Seconded by Patton Unanimously carried

The City Manager stated that copies of the estimate of costs for the ball park lighting would be furnished to the councilmen for informational purposes.

Development of a Regional Park and other facilities along the Tuolumne - Statement by Vice Mayor VanderWall

Vice Mayor VanderWall read a statement to the Council recommending that it authorize a review and updating of all existing plans, and the development of any additional plans that are necessary, towards the acquisition and development of an area and regional park along the Tuolumne River. A copy of the statement is filed with the record of the minutes.

Vice Mayor VanderWall pointed out in his statement that interest in this project, which was reaffirmed by the Forward Modesto Committee '55, has been further heartened by the passage of the Park Bond Act, which can make funds available to cities and counties for area and regional parks, and finally by the selfless gift of Frank and Ione Mancini who willed a parcel of property along the Tuolumne River to the City to be used for park purposes.

The Council discussed the restoration of Dennett Dam.

Frank Andrews spoke briefly in favor of the restoration of Dennett Dam.

MOTION

That the staff be authorized to discuss the development of a regional park and other facilities with the State on an informal basis; to update and review in general terms available plans for the development of the area; that the staff consult with the County to determine its interest in the development

Moved by Shastid Seconded by Mitchell Unanimously carried

African Journalists - Visit to Modesto

The City Manager reported that six African Journalists will visit Modesto during the period February 3 - 6, through the auspices of the State Department, to study farming and journalism in the area. Mr. Keefe stated that he would appreciate receiving suggestions which might be of interest to the visitors during their stay.

Reverend R. Truman Northup, General Chairman of the Executive Committee of the Human Rights Committee, introduced the following members of the committee present in the audience: Stanley Pang, Charles W. Mitchell; Silas Green, Leopold Prescott; John Gamble, husband of member of committee, Odessa Gamble; Don Buller; Robert J. Gallo.

Reverend Northup stated that there was only one general recommendation - that a Human Rights Committee should be continued, (a) to serve as a community education committee, and (b) to engage in grievance and conciliation work. He particularly noted that arbitration was left out of the recommendation that the Human Rights Committee engage in grievance and conciliation work, stating that there would be no attempt to arbitrate disagreements; that groups such as FEPC, etc., already existed where arbitration can take place. He said that the object would be to bring together groups with opposite points of view, different backgrounds, different prejudices, so that they could work at the same problem and try to find an answer.

Reverend Northup reviewed the recommendation pertaining to membership of the new human rights committee - from ten to twenty members, and the recommendation that the City Council provide the staff and facilities necessary to enable the committee to function effectively.

Reverend Northup stated that a solid achievement of the Human Rights Committee had been to open channels of communication between groups in the City, and that establishment of a grievance committee would simply open the door a little further in terms of communication. It was his opinion that there were problems in both directions, problems that minority groups create for themselves, and problems that exist because minority groups are sometimes not treated fairly by the majority. Those who have grievances against one another would be permitted to meet in order to hear each other's side, and in many instances the seeming obstacles brought to proper prospective.

Stanley Pang, Acting Chairman, Community Services and Organizations, stated that the principle of the Human Rights Committee as proposed by Mayor Johansen was to serve as a public education and public relations committee and that it had ably accomplished the job. He said he opposed the committee engaging in grievance and conciliation work on the basis that "witch-hunting" tactics would be resorted to; also, that he felt that very few members appointed to the committee would be qualified to serve in such a capacity. It was his opinion that there were already laws in effect which preempted the field - laws covering fair employment practices, housing, and education.

Don Buller, member of the Employment subcommittee, agreed with Mr. Pang, stating that adjustment of grievances can be accomplished through FEPC.

Frank Andrews spoke briefly on the matter.

Reverend Monroe Taylor spoke against the committee engaging in grievance and conciliation work.

Silas Green, General Vice Chairman of the Executive Committee, stated that from the discussions on "grievances," he was of the opinion that it was being discussed this afternoon as though the grievances would be coming from the minority groups only. He said from his point of view the grievances might also come from employers, landlords, people living in poverty, and middle-class citizens. He said that if the Human Rights Committee engaged in grievance and conciliation work, an opportunity would be given to involved parties to clear misunderstandings. For example, he stated that an individual might be upset because he was refused employment and feel that the refusal was based on his race or color, with no consideration being given to the fact that the refusal could have been due to lack of an opening. This in his opinion would be the purpose of a grievance committee. He did not feel that there would be difficulty in recruiting members to serve on such a committee. Page 7 1/18/65

Leopold Prescott stated that the activities of the Human Rights Committee had accomplished much to resolve minority problems during the past year, and that many of the remaining problems could be resolved through continued education and conciliation. It was his belief that existing problems would not be solved by being ignored.

The Council discussed the recommendation that the continued Human Rights Committee be permitted to engage in grievance and conciliation work.

Reverend Northup stated that he believed that confusion existed over the word "grievance" because of the emotional overtones found with the word; that perhaps the substitution of "authority" and "grievance" with "education" and "conciliation" would clarify the intent of the recommendation. He said that many were thinking of a grievance where an individual would be hearing both sides and reaching a decision. In conciliation, you would seek to get two different parties to hear each other. He said that whether the member of the Human Rights Committee understood the persons or not would be irrelevant - the important thing in conciliation would be whether the parties involved were able to reach an understanding.

Mr. Charles Spencer stated that everyone had been basically trying to say the same thing - that no one has intended that the Human Rights Committee should be a legally constituted agency of arbitration. He felt that the Committee should be continued with the goals of developing and extending fair employment, fair housing, inter-racial understanding and equal opportunity for people of all backgrounds, both socially and economically. He suggested that instead of appointing the Committee on a permanent basis that it be continued on a year-to-year basis, so long as the committee was active and interested in devoting itself to the apparent problems.

A motion proposed by Councilman Mitchell that the matter be taken under consideration again with the presence of a full Council died for lack of a second.

Upon request, Reverend Northup stated that members of the executive committee would submit a report on the basic requirements of the proposed new Human Rights Committee; how it can be set up; definition of the words under discussion at the present meeting; how often the committee would meet. Reverend Northup said that the report could be presented within thirty days; that this had not been done because the Committee had not wished to establish rules for the future committee.

Councilman Patton stated that he believed that an agenda for a meeting of this type would solve a lot of the problems being discussed; that people with problems rather than grievances who couldn't attend the meetings, could have someone on the Committee present it as a councilman presents a problem under "matters for the good of the community."

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Mitchell Seconded by Tabbert Unanimously carried

The meeting adjourned at 6:37 P.M.

ATTEST: _____
Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Councilman Shastid arrived at 7:39 P.M.
Absent: Councilmen: None

The pledge of allegiance to the Flag was given by all present.

Reverend Guy Smith gave the invocation.

SUGGESTION AWARDS

Suggestion awards were given to the following by Mayor Johansen: Elmer Wade, Public Works Department, $25.00, for suggesting use of lock for No. 30 x 30 water valve box; Charles J. Riesland, Fire Department, $50.00, for suggesting use of a reference map for the Fire Department; Roy V. Alderfer, Public Works Department, $25.00, for suggesting use of a long extension for 3/4" drive sockets and ratchet; Charles Lawman, Public Works Department, $10.00, for suggesting that the end skirt on collector be modified.

APPROVAL OF MINUTES

The minutes of the regular meeting of January 11, 1965 were approved.

LETTER FROM JOHN TATOYAN, CHAIRMAN, MODESTO PERSONNEL COMMISSION, REGARDING CITY LIBRARIANS' SALARIES

A letter from John Tatoyan, Chairman, Modesto City Personnel Commission, dated January 15, 1965 recommending that the Council approve an increase in salaries of the two remaining city librarians to equal the salaries of county librarians having similar classifications, (approximately 5%), was entered into the record of the minutes. The recommended increase would be effective January 1, 1965.

RESOLUTION NO. 65-33

A RESOLUTION AMENDING RESOLUTION NO. 64-541 ENTITLED "A RESOLUTION ESTABLISHING SALARY SCHEDULES AND FIXING THE COMPENSATION FOR POSITIONS IN THE CITY SERVICE" (adjusting salaries of city librarians to those of county)

Moved by VanderWall Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid
Councilman Shastid arrived at 7:39 P.M.

LETTER FROM MODESTO JUNIOR COLLEGE REGARDING COLDWELL AVENUE

A letter from Walter M. Garcia, President, Modesto Junior College, dated January 8, 1965 stating that "Yosemite Junior College District" has been selected as the name for the expanded Modesto Junior College District, with the college to continue to be known as Modesto Junior College. The letter also expressed the board of trustees' interest in securing possession of Coldwell Avenue, between College Avenue and Tully Road, for the use of the college.

The Council requested that the following questions be directed to the Planning Commission inconsidering the request of the Board of Education; Failure of public institutions to provide adequate parking, forcing hardships on residents in the area, whether it be a school, court house, or fire department; the amount of off-street parking which will be lost if Coldwell Avenue is closed as requested; that the Planning Commission secure a map of the proposed future expansion of the college to learn the proposed use of this portion of Coldwell if the abandonment is approved.

The staff was directed to furnish the Planning Commission with traffic statistics and accident rate on this portion of Coldwell, and how the closing of Coldwell would affect traffic on College Avenue.

MOTION

That the matter be referred to the Planning Commission for consideration and recommendation to the Council

Moved by Tabbert Seconded by Mitchell Unanimously carried

The City Clerk was directed to inform President Garcia of the action taken by the Council.

LETTER FROM MODESTO JUNIOR CHAMBER OF COMMERCE REGARDING PROPOSED TRACK AND FIELD TRAINING PROGRAM

A letter from William M. Nicholson, Jr., President, Modesto Junior Chamber of Commerce, dated January 19, 1965 proposing a track and field program to give track athletes an opportunity to develop their potential at an early age when abilities are at a high level, was entered into the record of the minutes. Request was made that the City participate in the program to the extent of hiring a man to coordinate the efforts the efforts of the volunteers, the cost to the City for the ten-week program being approximately $1,200.

Director of Parks and Recreation Grogan stated that the $1,200 salary was based on a 42-hour work week for eleven weeks during the summer months.

The Council discussed the following: the merits of the program; proposed salary of the coordinator; availability of track (Downey High School); whether or not the proposed expenditure could be paid out of currently budgeted Parks and Recreation Funds by the curtailment of other summer activities; city liability in the event of injury to participants, Mayor Johansen stating that the Junior Chamber of Commerce has stated that it has proper coverage and will assume liability in case of accidents.

The City Manager stated that if the Council approved the program and expenditure of $1,200 for the coordinator, the funds would be budgeted for this purpose in the 1965-66 budget.

MOTION

That the Council tentatively approves city participation in the program to the extent of paying for the salary of the coordinator in an amount not to exceed $1,200

Moved by VanderWall Seconded by Hughes Unanimously carried

Miss Grogam was directed to check with the Junior Chamber of Commerce committee as to whether the suggested salary for the coordinator was a minimum or maximum figure.

LETTER FROM FRANK ANDREWS REGARDING RECOMMENDATIONS FOR 1965 2-110

A letter from Frank Andrews dated January 18, 1965 reviewing the deplorable record of the City in 1964 and suggesting ways for improvement, was entered into the record of the minutes. The letter was ordered filed.

LETTER FROM STATE DIVISION OF HIGHWAYS REGARDING WORK ON FREEWAY THROUGH MODESTO

A letter from E. M. Robinson, Resident Engineer, Division of Highways, District X, dated January 20, 1965 pertaining to the reconstruction of 5th and 6th Streets, was entered into the record of the minutes. The letter indicated that excavation on 5th and 6th Streets has been suspended until such time as weather conditions are again considered favorable. The letter was ordered filed.

LETTER FROM FEDERAL HOUSING ADMINISTRATION REGARDING DRY SEWERS AND DISPOSAL SYSTEMS

A letter from J. Frank Pendergast, Director, Federal Housing Administration, dated January 20, 1965 advising the City that FHA is encouraging the installation of both dry sewers and individual sewage disposal systems in areas where local authorities, builders and others have indicated general interest in obtaining a public sewage system, and where it is evident that the systems can be operative within a reasonable time (generally within a five-year period), was entered into the record of the minutes. Request was made that the City join with FHA in publicizing this policy to builders in the Modesto area. The letter was ordered filed.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF COMFORT STATIONS AT GARRISON PARK AND STANDIFORD PARK

RESOLUTION NO. 65-34

A RESOLUTION RESCINDING RESOLUTION NO. 65-19 AND APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF COMFORT STATIONS AT GARRISON PARK AND STANDIFORD PARK

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

February 9, 1965 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR INSTALLATION OF WATER MAINS IN RIVIERA HEIGHTS NO. 1 SUBDIVISION

RESOLUTION NO. 65-35

A RESOLUTION RESCINDING RESOLUTION NO. 65-23 AND APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER MAINS IN RIVIERA HEIGHTS NO. 1 SUBDIVISION

Introduced by Mitchell Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

February 9, 1965 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

INFORMAL HEARING ON SEWAGE TREATMENT PLANT - JENKS & JENKS 3-1

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for an informal hearing to review the report and study of the Sewage Treatment Plant submitted by Jenks and Jenks, Consulting Sanitary Engineers, under the terms of an agreement with the City dated April 27, 1964, and opened the hearing.

Mr. Jenks listed several minor changes made in the report suggested by the staff: Page 211, Item No. 1, removed from the report; Pages 620, 621 and 622, basic revisions made to account for the possibility of an independent city project involving remote disposal, rather than the independent project shown involving local treatment and disposal; Page 73, changing "Assistant City Manager" to "Deputy City Manager."

Mr. Jenks stated that two basic conclusions were warranted that he did not believe any specific detail or question of the report would materially change: (1) That the time has now come when it will no longer be possible to continue handling a significantly increased amount of food processing wastes at the site of the existing treatment plant; that the time has now come when a project involving remote disposal for this type of waste is mandatory; (2) That his firm believed, taking all factors into consideration, that the particular general project as outlined in Alternative No. 3 was the best project to serve not only the

present, but more particularly the waste treatment and disposal needs of the entire Greater Modesto Area.

Mr. Jenks and his Associate, Bruce M. Wyckoff, were questioned by the Council on the following: the source of various statistics used in the report; the sufficiency of data in the report to permit preparation of plans and specifications to effect the suggested alternatives; new methods of treating sewage wastes through water reclamation, Mr. Jenks stating that costly technology advances were being made; that in five, ten or twenty years it could well be that present methods would be obsolete. He said that for this reason his firm had concluded primarily that Alternate No. 3, which limits capital expenditures, was the proper recommendation.

Bill Parker, Advertising Associates, Modesto, representing Ideal Laboratory, stated that this firm has for some years been working with enzymatic and bacterial products. He said that the treatment of wastes essentially involved micro-organisms and bacteria; that his client was interested in testing the results of the use of carefully selected bacteria, enzymes and other products to possibly make the current methods of waste treatment a little more efficient. He asked that the firm be permitted to run a test under well-controlled conditions to determine the effectiveness of the products. Upon questioning, Mr. Jenks stated that he could see no reason why the City should not permit the tests requested by Mr. Parker, provided they were not too costly.

Since the matter did not pertain to the report under consideration, Mr. Parker was asked to submit this matter as a separate matter at a future meeting.

Upon questioning, Director of Public Works Campbell stated that the report submitted by Jenks and Jenks fulfilled the terms of the agreement between the City and the firm dated April 27, 1964.

RESOLUTION NO. 65-36

A RESOLUTION ACCEPTING THE SEWAGE TREATMENT PLANT STUDY AND REPORT SUBMITTED BY JENKS & JENKS, CONSULTING SANITARY ENGINEERS

Moved by VanderWall Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

INTRODUCTION OF VISITORS FROM BARRANQUILLA, COLOMBIA

Councilman VanderWall introduced Diane La Piera and Louis Gerlein, visitor's from Modesto's Sister City, Barranquilla, Colombia.

FURTHER CONSIDERATION OF THE COLLEGE AVENUE MATTER (TREE REMOVAL AND WIDENING 7-35

Mayor Johansen announced that the hour of 8:30 P.M. had arrived, the time set for further consideration of the proposed widening of College Avenue from Needham to Coldwell Avenue, and the proposed removal of trees from the area between Stoddard and Coldwell, and opened the hearing.

The City Manager stated that he had spoken to Dr. Wiser and Dr. Garcia on the proposed widening; that the new Board of Education was meeting on February 2, 1965 to discuss the matter; that the City had been asked to withhold action until the Board has discussed the alternatives.

Director of Public Works Campbell discussed sketches of various alternatives for the widening of College Avenue between Needham to M.I.D. Lateral No. 3, M.I.D. Lateral to Stoddard, and Stoddard and Coldwell, stating that copies of the drawings had been handed out to all residents living on College Avenue between Needham and Coldwell, and copies mailed to all property owners not residing on their properties, and others having interest in the area. Mr. Campbell stated that four lanes were needed to take care of present traffic and anticipated increase of future traffic. The

City Manager stated that the Director of Parking and Traffic has also agreed that four lanes were needed to take care of present and future traffic.

The alternatives were discussed by the Council.

Director of Planning Fey described the zoning of property on College Avenue between Needham and Coldwell Avenues.

John L. Ward, 528 College Avenue, read a prepared statement asking that the Council delay any decision on the proposed widening until a group of interested property owners and citizens, including the Director of Public Works, Director of Parking and Traffic, and Junior College officials can reach agreement to improve traffic conditions on College Avenue without permitting it to become a four-lane expressway.

Olive York, 426 College Avenue, questioned the lack of parking on the east side of College Avenue under Plan "C", stating that she agreed with Mr. Ward's suggestion that a group meet to further discuss the proposed widening.

Jim Love, 2405 College Avenue, asked that the entire plans for the widening and extension of College to Rumble Road be held in abeyance until questions pertaining to the retention of one-way streets in the downtown area are resolved and the traffic pattern on 9th Street established after the freeway is opened.

A petition containing 31 signatures from residents on College Avenue opposing the widening was entered into the record of the minutes.

Ben Shore, 418 College Avenue, proposed that Plan "D" be approved, stating that this plan would allow parking on the east and west side, would allow steady north and south traffic movement, and permit east and west turning off College Avenue without blocking traffic; that any future changes to this plan could be effected without great additional expense. It was his opinion that left-hand turning on the two campus roads, as well as Coldwell, particularly contributed to the traffic problems on this section of College Avenue. If a change was demanded by future growth, parking on the west side could be eliminated, a fourth traffic lane marked out, thus creating two north and south lanes, with parking retained on the east side of the street.

He recommended the following: That a plan be adopted which will take care of existing traffic conditions primarily caused by left-hand turning; that the City proceed with the program of replacing the Sycamores on the east side of College Avenue between Stoddard and Coldwell by interplanting more suitable trees in the existing planting easements, the Sycamores to be removed when necessitated by the growth of the new trees; that the staff outline on paper the plan he proposed - improvement in accordance with Plan "C", but with a different usage of the widened street, to be presented to the Council when the matter is again considered by the Council.

The following also spoke against the proposed widening and/or removal of trees: Les Philbrook, 521 North Olive, with an interest in property at 516 College Avenue, who also expressed opposition to the closing of Coldwell on the basis that Coldwell was an access to Highway 99; Robert Larsen, 1720 College Avenue; Irene Carlson, 314 College Avenue, who suggested that traffic signals be installed to enable pedestrians to cross College Avenue.

Upon questioning by Clarence Berthelson, 120 College Avenue, Director of Public Works Campbell stated that plans for widening College from Needham to Stoddard provide four traffic lanes and two parking lanes, with no alternates proposed; that funds were budgeted for the project this fiscal year. Mr. Berthelson asked that the improvement of this section not be delayed.

Jerry Assad, 2206 Tully Road, asked that College Avenue be improved in order to alleviate the heavy traffic on Tully Road; that the speed limit on Tully be reduced to 25 miles per hour; and that heavy trucks be prohibited.

Mr. Ivor J. Larsen, 458 College Avenue, spoke of the present difficulty of pedestrians crossing College Avenue, stating that it would be next to impossible to cross it safely with four lanes of traffic. It was his opinion that existing traffic problems affecting pedestrians could be controlled by cross walks and traffic signals.

Upon questioning, Director of Parking and Traffic Carmody said that he did not believe that the opening of the freeway would greatly affect traffic on College Avenue in the area of Coldwell Avenue southerly; that it was quite likely that on parts of Tully Road, especially near Briggsmore or near Orangeburg, there will be substantial turning movements onto and crossing Tully Road. Mr. Carmody explained why traffic signals have not been placed at the Stoddard and Coldwell intersections.

Robert Larsen, 1720 College Avenue, asked that the Council consider making College Avenue a one-way street with signalization, in order to alleviate existing traffic problems.

Director of Public Works Campbell stated that if Council authorization was obtained for the improvement of College Avenue from Needham to Stoddard, the construction would be scheduled for about the middle of June, or the beginning of the summer vacation period.

A motion proposed by Councilman Shastid that a committee be appointed consisting of members of the staff and college officials, three residents from the area of College between Stoddard and Coldwell, two residents from the northern section of College Avenue, for report to the Council within thirty days, died for lack of a second.

MOTION

That the matter be referred to the Public Relations Committee with direction that it appoint a committee to further study the proposed widening of College Avenue from Stoddard to Coldwell Avenue

Moved by Shastid Seconded by Tabbert Unanimously carried

Widening of College from Needham to Stoddard

A motion introduced by Councilman VanderWall, seconded by Councilman Mitchell, instructing the staff to proceed with the preparation of plans for the widening of College Avenue from Needham to Stoddard, was withdrawn at the request of Irene Carlson, Don Lewis, Clara Reichenback and John Ward. It was their feeling that action should be withheld until after receipt of a report and the recommendation from the committee to be established to discuss the widening from Stoddard to Coldwell.

Director of Public Works Campbell stated that in order for construction to begin by the middle of June, it would be necessary to go to bid between the 1st and 15th of April.

MOTION

That the area of College Avenue south of Stoddard be included in the consideration of the committee established above by motion, and that the report of the Public Relations Committee with its recommendation for action come back to the Council on March 8, 1965 at 7:45 P.M.

Moved by Shastid Seconded by Hughes Unanimously carried

The Council recessed at 10:50 P.M., reconvening at 10:55 P.M.

REPORT BY CHIEF OF POLICE RELATIVE TO TRAFFIC CONTROL ON COLLEGE AVENUE

A memorandum from the Chief of Police dated January 21, 1965, subject, "Enforcement on College Avenue," was filed with the record of the minutes.

MATTERS FOR THE GOOD OF THE COMMUNITY

Presentation of award to Council by American Legion Post No. 74

An award from the American Legion, Post 74, to the City Council for its outstanding service to the community was presented to the Council by Monte Lukov. The Council extended its thanks to Mr. Lukov.

Compliance with provisions of the Brown Act - appointment of Boards and Commission by the City Council

Mayor Johansen stated that some time ago the local press contained an editorial concerning illegal meetings of the Council in appointing members of boards and commissions; that he had asked the City Attorney to render an Opinion, and to secure Opinions from the Attorney General and the League of California Cities on the matter.

A letter from City Attorney Johnson dated January 25, 1965, with Opinion of the Attorney General attached, was entered into the record of the minutes.

Based upon the opinions of the Attorney General and the League of California Cities, and the provisions of the Modesto City Charter, City Attorney Johnson rendered an opinion that the City Council is complying with the provisions of the Brown Act when it considers appointments to Boards and Commissions in executive sessions.

ORDINANCE AMENDING SECTION 5-5.08 OF CHAPTER 5 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO GARBAGE DISPOSAL 14-90

ORDINANCE NO. 703-C.S. entitled
"AN ORDINANCE AMENDING SECTION 5-5.08 OF CHAPTER 5 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO GARBAGE DISPOSAL"

was introduced and ordered published as required by the Charter.

Moved by Hughes Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

ACCEPT AS COMPLETE CONSTRUCTION OF TRAFFIC SIGNALS AND STREET LIGHTING AT LA LOMA - SANTA ANA, 12TH - L, AND SYCAMORE - NEEDHAM AVENUES

RESOLUTION NO. 65-37
A RESOLUTION ACCEPTING THE CONSTRUCTION OF TRAFFIC SIGNALS AND STREET LIGHTING AT LA LOMA - SANTA ANA, 12TH - L, AND SYCAMORE - NEEDHAM AVENUES

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER OPENING THE CITY DUMP ON SATURDAYS FOR USE OF CITY RESIDENTS

A memorandum from the Director of Public Works dated January 15, 1965, subject, "Garbage Disposal by Individuals at the City Garbage Disposal Site," was entered into the record of the minutes. The memorandum outlined the fees and general regulations governing use of the disposal area by individuals residing in the City.

RESOLUTION NO. 65-38
A RESOLUTION PROVIDING FOR USE OF DISPOSAL AREA BY PRIVATE INDIVIDUALS

Introduced by Tabbert Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

By order of the Chair, the staff was directed to report to the Council in about six months on the workability of the program; also to give adequate publicity to the permitted use of the disposal area by private individuals.

CONSIDER REQUEST FROM THE SYLVAN UNION SCHOOL DISTRICT FOR WATER AND SEWER SERVICE TO THE PROPOSED JUNIOR HIGH SCHOOL ON FLOYD AVENUE

A memorandum from the Director of Public Works dated January 15, 1965, subject, "Sewer and Water Service to Proposed Floyd Avenue Junior High School," was entered into the record of the minutes. Recommendation was made that sewer and water service be offered to the Junior High School on Floyd Avenue in accordance with the provisions of the Municipal Code relating to such services, plus six additional conditions listed in the memorandum.

MOTION

That the staff be authorized to prepare the necessary documents to furnish sewer and water service to the Junior High School on Floyd Avenue in accordance with the provisions of the Municipal Code relating to such services, with the added conditions listed in memorandum from the Director of Public Works dated January 15, 1965

Moved by VanderWall Seconded by Hughes Unanimously carried

AUTHORIZE EXECUTION OF CONTRACT WITH HOUSING AND HOME FINANCE AGENCY FOR OPEN SPACE LAND ACQUISITION FUNDS FOR FOURTH HIGH SCHOOL COMMUNITY PARK

RESOLUTION NO. 65-39
A RESOLUTION APPROVING CONTRACT BETWEEN THE CITY OF MODESTO AND HOUSING AND HOME FINANCE AGENCY FOR OPEN SPACE LAND ACQUISITION FUNDS FOR FOURTH HIGH SCHOOL COMMUNITY PARK

Introduced by Shastid Seconded by VanderWall
Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: Hughes Absent: None

RESOLUTION OF WELCOME TO THE PROSECUTING ATTORNEYS' INSTITUTE TO BE HELD IN MODESTO ON FEBRUARY 11 AND 12, 1965 UNDER THE SPONSORSHIP OF THE CALIFORNIA DISTRICT ATTORNEYS' ASSOCIATION

RESOLUTION NO. 65-40
A RESOLUTION EXTENDING WELCOME OF THE MODESTO CITY COUNCIL TO THE INSTITUTE FOR PROSECUTING ATTORNEYS

Moved by Shastid Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

MOTION

That parking privileges be extended to members of the Institute for Prosecuting Attorneys to be held in Modesto on February 11 and 12, 1965

Moved by Mitchell Seconded by VanderWall Unanimously carried

RECOMMEND REZONING IN SECTIONS 29-3-9 AND 32-3-9 OF ZONING MAP

RESOLUTION NO. 65-41

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON PROPOSED AMENDMENTS TO SECTION 29-3-9 AND 32-3-9 OF THE ZONING MAP TO RECLASSIFY PROPERTY IN WEST MODESTO

Introduced by Shastid Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

February 23, 1965 at 8:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND AMENDMENT TO SECTION 16 OF THE ZONING MAP (POLLACK)

RESOLUTION NO. 65-42

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 16 OF THE ZONING MAP (POLLACK)

Introduced by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

February 15, 1965 at 4:35 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND AMENDMENT TO SECTION 6 OF THE ZONING MAP (BELLENITA ADDITION)

RESOLUTION NO. 65-43

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 6 OF THE ZONING MAP (BELLENITA ADDITION)

Introduced by Mitchell Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

February 15, 1965 at 4:40 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND COMMISSIONER TO SERVE ON BOARD OF ZONING ADJUSTMENT

RESOLUTION NO. 65-44

A RESOLUTION APPOINTING MEMBER OF THE BOARD OF ZONING ADJUSTMENT - DEDRICK DENISON (unanimously recommended by Planning Commission to serve as Planning Commission representative on Board of Zoning Adjustment)

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

RECOMMEND AMENDMENT TO SECTION 16 OF THE ZONING MAP (FELLOWSHIP HOMES ADDITION)

RESOLUTION NO. 65-45

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 16 OF THE ZONING MAP TO RECLASSIFY FROM R-A TO R-1 (FELLOWSHIP HOMES ADDITION)

Introduced by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

February 15, 1965 at 4:45 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

REPORT AND RECOMMENDATION - SHERWOOD MEADOWS ADDITION

RESOLUTION NO. 65-46
A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS SHERWOOD MEADOWS ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by Hughes Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

March 8, 1965 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

APPROPRIATION TRANSFERS - None

REPORT OF VISIT OF FIVE AFRICAN JOURNALISTS TO MODESTO

The City Manager reported that five journalists - one each from Morocco, Congo, Nigeria, Guinea, and Central African Republic would visit Modesto during the period of February 3 to 6, 1965; that the journalists were visiting various points in the United States under the auspices of the State Department. Mr. Keefe stated that a schedule was being prepared for the visit.

REQUEST FOR ATTENDANCE TO ANNUAL CITY MANAGERS' SPRING MEETING IN SACRAMENTO FEBRUARY 17 - 19, 1965

MOTION
That the attendance of the City Manager and Deputy City Manager to the City Managers' spring meeting (League of California Cities) in Sacramento February 17 - 19, 1965 be approved.

Moved by VanderWall Seconded by Shastid Unanimously carried

REMINDER

The Council was reminded of the League of California Cities dinner meeting to be held in Tracy Thursday, January 28, 1965.

EXECUTIVE SESSION TO CONSIDER PURCHASE OF LAND FOR FOURTH HIGH SCHOOL PARK SITE

ADJOURNMENT

MOTION
That the meeting adjourn to executive session

Moved by VanderWall Seconded by Tabbert Unanimously carried

The meeting adjourned at 11:14 P.M.

ATTEST: Rex E. Gailfus
Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Councilman Shastid arrived at 4:08 P.M.
Councilman Hughes arrived at 4:09 P.M.
Absent: Councilmen: None

The pledge of allegiance to the Flag was given by all present.

Reverend William W. Richards gave the invocation.

LETTER FROM MODESTO BAND, INC., REQUESTING PAYMENT OF ANNUAL BUDGETED ITEMS

A letter from Oliver Deatsch, Secretary, Modesto Band Inc., dated January 21, 1965 requesting payment of $1,200 budgeted for municipal band concerts and $350 budgeted for representation at the State Fair, was entered into the record of the minutes.

MOTION

That payment of $1,200 budgeted for municipal band concerts and $350 budgeted for representation at the State Fair be approved

Moved by VanderWall Seconded by Mitchell Unanimously carried

LETTER FROM FRANK ANDREWS REGARDING HEARING BEFORE PERSONNEL COMMISSION 1-25

A letter from Frank Andrews commenting on the dismissal of Lieutenant Howard David from the Police Department was entered into the record of the minutes.

Mr. Andrews requested that Mr. David be reinstated and that the City assume the costs of Mr. David's attorney's fees incurred in connection with his appeal to the Personnel Commission, and that his salary be paid from the time of suspension. It was Mr. Andrew's opinion that if the Council had appointed a committee as he had recommended some time ago, siguations of this kind could be prevented. Mr. Andrews stated that he preferred the old system where each Councilman was appointed to supervise a particular department, therefore being familiar with the works of the department.

Mr. Andrews was informed by the Council that the City-Manager form of government was established by the Charter which was approved by the electorate, and any change in the City's form of government would have to be made by the electorate.

Councilmen Shastid and Hughes arrived at 4:08 and 4:09 P.M. respectively.

APPROVE SPECIFICATIONS FOR 22 CARS AND TRUCKS AND AUTHORIZE CALL FOR BIDS 1-95

RESOLUTION NO. 65-47

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR 22 CARS AND TRUCKS

Introduced by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

February 16, 1965 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF AUTOMATIC SPRINKLER SYSTEM ON DRIVING RANGE AND GREENS, DRYDEN PARK MUNICIPAL GOLF COURSE

RESOLUTION NO. 65-48

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF AUTOMATIC SPRINKLER SYSTEM ON DRIVING RANGE AND GREENS, DRYDEN PARK MUNICIPAL GOLF COURSE

Introduced by Hughes Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

February 16, 1965 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

ADOPTION OF ORDINANCE NO. 703-C.S. RELATING TO GARBAGE DISPOSAL

ORDINANCE NO. 703-C.S. entitled "AN ORDINANCE AMENDING SECTION 5-5.08 OF CHAPTER 5 OF TITLE V OF THE MODESTO MUNICIPAL CODE, RELATING TO GARBAGE DISPOSAL"

introduced January 25, 1965 and having been published as required, was moved and adopted.
Moved by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER REQUEST BY PUBLIC WORKS DEPARTMENT FOR ARCHITECTURAL HELP IN STYLING OF BUILDINGS AND CHOICE OF BUILDING MATERIALS, NEW CORPORATION YARD

A memorandum from the Director of Public Works dated January 27, 1965 subject, "Corporation Yard," was entered into the record of the minutes. Recommendation was made that the Council consider retaining the services of the architectural firm of Kaestner & Kaestner, Inc., to act as consultant to the city staff in the specific areas of building styling, building materials and cost estimates in connection with the planning of the new corporation yard, at a cost not to exceed $1,000.

The proposal was discussed by the Council.

Director of Public Works Campbell was directed to furnish the Council a report showing an estimate of savings to the City in having a central corporation yard.

RESOLUTION NO. 65-49

A RESOLUTION AUTHORIZING PUBLIC WORKS DEPARTMENT TO OBTAIN THE SERVICES OF KAESTNER & KAESTNER, INC., ARCHITECTS, FOR THE NEW CORPORATION YARD (In accordance with terms of memorandum of Director of Public Works dated 1/27/65)

Introduced by Shastid Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION NO. 65-50

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $5,000 - CORPORATION YARD CONSTRUCTION - ARCHITECTURAL SERVICES AND ENGINEERING COSTS

Introduced by VanderWall Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION NO. 65-51
A RESOLUTION COMMENDING THE RESERVE POLICE FOR CONTRIBUTIONS TO COMMUNITY WELFARE AND SAFETY AND COMMENDING CAPTAIN ALBERT PEDERSEN FOR HIS OUTSTANDING CONTRIBUTION TO THE RESERVE POLICE

Introduced by VanderWall Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 1313 SCENIC DRIVE, MODESTO

MOTION
That the request for sewer service extension to property located at 1313 Scenic Drive be approved

Moved by Patton Seconded by Hughes Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 1900 CROWS LANDING ROAD

The Council discussed whether or not agreements to annex signed by individuals requesting sewer service should be recorded.

Walter M. Singler, 709 Colorado Avenue, commended the firm of Jenks and Jenks for its report and study of the Sewage Treatment Plant. He criticized the Council for continuing to provide sewer service to new subdivisions without considering the added odor problems to residents living in South Modesto. He asked that the Council deny any further requests for sewer connections until such time as treatment facilities are made adequate to handle the additional sewage. He pointed out the costs to the City in the event an injunction is served against the City. Mr. Singler said that residents in the area would appreciate a time table of the City's planned improvements, so that they will know how much longer they must endure the odors.

The City Manager stated that he would furnish Mr. Singler a schedule of planned improvements.

MOTION
That the request for sewer service to property located at 1900 Crows Landing Road be approved

Moved by Hughes Seconded by Mitchell Unanimously carried

CONSIDER SALE OF SURPLUS TREES AT CITY NURSERY

RESOLUTION NO. 65-52
A RESOLUTION AUTHORIZING SALE OF SURPLUS TREES TO L. F. HUDELSON AND HARRY O. KLINE (30 Cedrus Deodora at $2 each; 8 Cork Oak at $9.50 each, respectively)

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

PROPOSED ANNEXATION OF THE WOODROW ADDITION FOR REFERRAL TO PLANNING COMMISSION

RESOLUTION NO. 65-53
A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN PETITION FOR ANNEXATION OF WOODROW ADDITION TO THE CITY OF MODESTO (includes property owned by City)

3 2/1/65

Introduced by Hughes Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION NO. 65-54
A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWS AS WOODROW ADDITION

Introduced by VanderWall Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

PROPOSED ANNEXATION OF THE ROSE AVENUE SCHOOL ADDITION FOR REFERRAL TO THE PLANNING COMMISSION

The point at which the property proposed for annexation to the City was contiguous to the City was discussed by the Council. Upon questioning, Director of Planning Fey stated that it was impossible to provide fire or police service to the area without traveling on county roads. A portion of the area proposed for annexation is owned by the City of Modesto.

Mr. Fey stated that annexation of this parcel would make Strathmore Subdivision contiguous to the City, but because of its development, an inhabited annexation would be required.

RESOLUTION NO. 65-55
A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN PETITION FOR ANNEXATION OF ROSE AVENUE SCHOOL ADDITION TO THE CITY OF MODESTO

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: Shastid Absent: None

RESOLUTION NO. 65-56
A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS ROSE AVENUE SCHOOL ADDITION

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: Shastid Absent: None

RECOMMEND AMENDMENT TO SECTION 17 OF THE ZONING MAP (NAVON AND HIGHIET)

RESOLUTION NO. 65-57
A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 17 OF THE ZONING MAP (NAVON AND HIGHIET)

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

March 1, 1965 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND AMENDMENT TO SECTION 22 OF THE ZONING MAP (VIENT)

RESOLUTION NO. 65-58
A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 22 OF THE ZONING MAP (VIENT)

Introduced by Hughes Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

March 1, 1965 at 4:35 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

APPROPRIATION TRANSFER - ADJUSTMENTS NEEDED FOR SALARIES & WAGES, REGULAR, FOR BALANCE 1964-65 FISCAL YEAR

RESOLUTION NO. 65-59

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $17,135 FOR APPROPRIATION ADJUSTMENTS NEEDED FOR SALARIES AND WAGES, REGULAR, FOR BALANCE OF FISCAL YEAR 1964-65

Introduced by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

APPROPRIATION TRANSFER - ADJUSTMENTS NEEDED FOR SALARIES AND WAGES, PART-TIME AND OVERTIME, FOR BALANCE OF FISCAL YEAR 1964-65

RESOLUTION NO. 65-60

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $6,035 FOR APPROPRIATION ADJUSTMENTS NEEDED FOR SALARIES AND WAGES, PART-TIME AND OVERTIME, FOR BALANCE OF FISCAL YEAR 1964-65

Introduced by Tabbert Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

REPORT ON COST OF INSTALLATION OF WATER LINES

Memoranda from the Director of Public Works dated January 27, 1965 covering costs of installation of water mains in the following subdivisions were filed with the record of the minutes: Wyldewood Park No. 2 Subdivision; Brentwood Estates No. 2 Subdivision; Colonial Manor No. 2 Subdivision; Somerset Park Unit No. 1 Subdivision; Lorenzen Park No. 3 Subdivision.

REPORT ON VISIT TO MODESTO OF AFRICAN JOURNALISTS

Copies of the schedule of entertaining of the African journalists who will visit Modesto February 3 - 6, 1965 were furnished the Council. Mr. Keefe stated that a luncheon would be held at Jack's Club on Friday, February 6, 1965 and he hoped that all councilmen would be present.

REPORT THAT CHARLES GRAVISS WILL BE IN MODESTO TO PARTICIPATE IN PUBLIC HEARING ON AUDITORIUM

The City Manager reported that Charles Graviss would be in Modesto on February 3, 1965 to participate in a public hearing on the City's need for a civic auditorium. The public hearing is scheduled for 1:00 P.M. in the Council Chambers, City Hall. Mr. Keefe stated that notices of the meeting were sent to over 100 interested individuals.

REPORT THAT REPRESENTATIVES OF STANFORD RESEARCH INSTITUTE WILL BE IN MODESTO ON FEBRUARY 10, 1965

Mr. Keefe stated that the public hearing to discuss the needs for a civic auditorium will be held at either 1:00 or 2:00 P.M. on February 10, 1965 in the Council Chambers, City Hall, the time depending on when the representatives arrive in Modesto.

MATTERS FOR THE GOOD OF THE COMMUNITY

Filing of notice to circulate petition on distribution of electric power by City

Frank Andrews announced that he had filed a notice of intent to circulate a petition in the City of Modesto as follows: "Shall the City of Modesto take over and acquire the Distribution Electric System from the Modesto Irrigation District -- as provided in the City Charter - in order to protect our City Housewives around $800,000 yearly -- as shown by the rates in Seattle - also the high rates charged our merchants and the City?" Mr. Andrews stated that he would like to see this matter placed on the ballot of the next municipal election; that the deadline for submitting a proposition was February 15, 1965. He asked that the Council consider holding a public meeting to move the matter along, stating that with the profits of this venture, additional funds would be available to provide better police protection; property taxes could be reduced, and electrical power could be priced to attract more industry.

Concerning Mr. Andrew's complaint on the hour set for consideration of "Matters for the good of the community," Mayor Johansen stated that this item was set at a given time for the convenience of the public.

Mr. Andrews also complained of the hiring of outside consulting engineers for the sewage treatment plant study.

MOTION

That Mr. Andrews be requested to furnish the Council whatever information he has as to the desirability of his proposal that the City take over and acquire the distribution of electrical power in the City of Modesto;that because of the shortness of time, the Council indicates it does not feel it possible or fair to place the measure on the ballot of the April 25th municipal election

Moved by Mitchell Seconded by VanderWall Unanimously carried

UNITED AIR LINES WITHDRAWAL - FINANCIAL PARTICIPATION OF COUNTY

The City Manager reported that a resolution has been received from the County Board of Supervisors approving a sum not to exceed $2,250 as the County's contribution toward the services of Attorney Howard Boros for the first year, in the joint fight of Modesto, Stanislaus County and other Stanislaus County cities to prevent the withdrawal of United Air Lines from the San Joaquin Valley.

REQUEST FOR EXECUTIVE SESSION

The City Manager requested that the meeting be adjourned to executive session ti discuss a personnel matter.

REPORT ON PROGRESS OF CITY-COUNTY SEWER COMMITTEE

Mayor Johansen reported that the City-County Sewer Committee was working out the final details of the study and contract with the engineers selected to do the work.

REPORT ON CERES - MODESTO GENERAL PLAN CONFLICT

City Manager Keefe stated that at a meeting earlier in the afternoon the Public Relations Committee discussed the request of Ceres that the Council Public Relations Committee meet with Ceres councilmen to discuss a General Plan conflict. Ceres plans include the area from the Tuolumne River South; the City of Modesto's sphere of influence has generally been regarded as south to Hatch Road.

MOTION

That the Council Public Relations Committee be authorized to meet with members of the Ceres City Council on February 11, 1965 at 4:00 P.M. in the work reference room on the third floor of the City Hall to discuss the General Plan conflict

Moved by Tabbert Seconded by Hughes Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session adjourn to executive session to discuss personnel matters

Moved by Mitchell Seconded by VanderWall Unanimously carried

The meeting adjourned at 5:12 P.M.

ATTEST: _____
Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Absent: Councilmen: None

The pledge of allegiance to the Flag was given by all present.

Reverend Leroy Sharpe gave the invocation.

APPROVAL OF MINUTES

The minutes of the regular meeting of January 18, 1965 were approved.

LETTER FROM FRANK ANDREWS REGARDING AUDITORIUM PROJECT

A letter from Frank Andrews dated February 4, 1965 objecting to the auditorium, funds budgeted for a cultural center, and high power rates was filed with the record of the minutes.

RESOLUTION GRANTING CONSENT TO CONSOLIDATE VARIOUS SCHOOL DISTRICTS IN STANISLAUS COUNTY WITH THE GENERAL MUNICIPAL CITY ELECTION TO BE HELD ON APRIL 20, 1965

RESOLUTION NO. 65-61

A RESOLUTION GRANTING CONSENT FOR THE CONSOLIDATION OF CERTAIN SCHOOL DISTRICT ELECTIONS WITHIN THE BOUNDARIES OF THE MODESTO HIGH SCHOOL DISTRICT WITH THE MODESTO GENERAL MUNICIPAL ELECTION TO BE HELD ON APRIL 20, 1965

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION APPROVING RENTAL OF CITY-OWNED PROPERTY

RESOLUTION NO. 65-62

A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND MRS. MARY THORNE FOR RENTAL OF CITY-OWNED PROPERTY AT 202 LAUREL ($75 per month effective February 1, 1965)

Introduced by Mitchell Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER APPROVAL OF RIGHT OF WAY CONTRACT FOR ACQUISITION OF RIGHT OF WAY FROM HERMAN H. GOLDBERG AND LAVERNE GOLDBERG FOR WIDENING OF TULLY ROAD

RESOLUTION NO. 65-63

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND HERMAN H. GOLDBERG AND LAVERNE GOLDBERG FOR WIDENING OF TULLY ROAD (Cost to City, about $40)

Introduced by Shastid Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER EMPLOYMENT OF LEGAL AND FINANCIAL HELP FOR DOWNTOWN PARKING DISTRICT

A memorandum from the Director of Parking and Traffic dated February 4, 1965, subject, "Proposals from Bond Counsels and Financial Consultants,"

was entered into the record of the minutes. Recommendation was made that the firm of Orrick, Dahlquist, Herrington and Sutcliffe (legal counsel) be hired at a fee of 1% of the project cost, with a minimum of $1,000 if the project is not concluded; Stone and Youngberg (financial consultants), be hired at a fee of 1½% of the project cost, with no charge if the district is not formed. Total cost of the proposed project is $2,000,000.

Director of Parking and Traffic Carmody stated that the Committee had heard from 45% of the property owners (assessed valuation) within the area of the proposed district, with 30% favoring and 15% opposing the project.

The Council discussed the following: The feasibility of hiring legal and financial help before general approval is received from the property owners in the district; the possibility of hiring the services of Stone & Youngberg on a per diem basis; multi-level vs. ground level parking.

A motion proposed by Councilman Shastid that the services of Orrick, Dahlquist, Herrington and Sutcliffe be confirmed but that they not be retained until the project is a little further along; that Stone & Youngberg be asked to furnish their services on a per diem basis at a maximum of $1,000, died for lack of a second.

MOTION

That the intent of the Council is that Orrick, Dahlquist, Herrington and Sutcliff be retained, but that the commitment be made firm with them after the Committee and staff have a meeting with Stone & Youngberg and decide it is time to bring Orrick, Dahlquist, Herrington and Sutcliffe in

Moved by Shastid Seconded by VanderWall Unanimously carried

By order of the Chair, the staff was directed to investigate and further negotiate with Stone & Youngberg to a potential minimum and maximum fee on a per diem basis, and report to the Council.

The staff was also directed to get information on the experience of other cities in hiring financial consultants on a per diem basis.

HEARING ON PROPOSED ZONING REGULATION CHANGES - R-2 ZONING

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for consideration of proposed zoning regulation changes, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on January 28, 1965.

Planning Commission Resolution No. 65-1 recommends amendments to Chapter 2 of Title X of the Modesto Municipal Code as set forth in document titled, "Article 6. Two-Family Zone," dated January 5, 1965 attached to and made a part of the resolution.

Director of Planning Fey reviewed the proposed changes to R-2 zoning regulations.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

Mr. Fey was questioned by the Council on the various aspects of the proposed zoning text changes.

MOTION

That the matter be referred back to the Planning Commission and Council disapproval indicated

Moved by Mitchell Seconded by Shastid

The motion carried, Councilman Hughes dissenting.

By order of the Chair, the staff was directed to furnish the Planning Commission the Council's objections to the proposed zoning text changes.

MATTERS FOR THE GOOD OF THE COMMUNITY

Sewage Treatment Plant Odors - Mrs. Irene Lovett

Mrs. Irene Lovett, 1502 Placer Avenue, asked the Council how much longer South Modesto area residents would have to continue with the odors from the sewage treatment plant.

The Council explained the steps being taken, both short and long range, to combat the odor situation at the treatment plant.

Corporation Yard - Report

A memorandum from the Director of Public Works dated February 4, 1965, subject, "New Corporation Yard Development," was entered into the record of the minutes.

Employees' Group Insurance

A memorandum from the City Manager dated February 8, 1965, subject, "Employees' Group Insurance," was entered into the record of the minutes. The Employees' Insurance Committee, after meeting with Robert Corby, the City's Broker of Record, has recommended that the plan be renewed at the new rate ($14.78 for dependents; $5.45 per employee). No action was taken by the Council.

Civic Auditorium

The City Manager reported that representatives of the Stanford Research Institute would be in Modesto on Wednesday, February 10; that the public hearing was scheduled for 1:00 P.M. in the Council Chambers, City Hall.

Bedroom Tax - Attorney General's Opinion

City Attorney Johnson stated that the Attorney General has rendered an Opinion that the Park and Recreational Tax (bedroom tax) is legal and that it is within the power of a chartered city to enact such legislation.

REPORT AND RECOMMENDATION - WOODROW ADDITION

RESOLUTION NO. 65-64

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS WOODROW ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by VanderWall Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

March 1, 1965 at 4:40 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND COMMENCEMENT OF PROCEEDINGS TO ANNEX WESTVIEW GARDENS ADDITION (inhabited)

The City Manager stated that in reviewing the proposed annexation of Westview Gardens Addition to the City with the Police Chief, there appeared to be a number of problems which might affect the police department; and for this reason, recommended that the matter be referred back to the Planning Commission for further consideration.

Walter Thompson, representing the Stanislaus County Housing Authority, stated that he had personally reviewed the approximately 140 police reports from the Sheriff's office; that most of them pertained to vandalism and theft; that if the report appears there, it may not have been called from there, nor did it necessarily occur there. He said that no arrests were indicated in the reports.

RESOLUTION NO. 65-65

A RESOLUTION REFERRING BACK TO THE MODESTO CITY PLANNING COMMISSION FOR FURTHER STUDY A REQUEST FOR CONSENT TO COMMENCE PROCEEDINGS TO ANNEX CERTAIN INHABITED TERRITORY TO THE CITY OF MODESTO DESIGNATED AS THE WESTVIEW GARDENS ADDITION

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

REPORT AND RECOMMENDATION - ROSE AVENUE SCHOOL ADDITION ANNEXATION 9-125

RESOLUTION NO. 65-66

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS ROSE AVENUE SCHOOL ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

March 22, 1965 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND AMENDMENT TO SECTION 27 OF THE ZONING MAP (LENGYEL)

Planning Commission Resolution 65-18 adopted January 19, 1965 recommends the rezoning of a parcel bounded by Santa Barbara, LaLoma and Miller Avenues from R-1 to C-1.

The staff was directed to furnish the Council the background of previous applications for the rezoning of this parcel, and a transcript of the most recent Planning Commission hearing.

Dedication of right of way by the owner of this parcel for the widening of Santa Barbara Avenue was discussed. The staff was directed to furnish a report as to why the right of way has not been obtained.

RESOLUTION NO. 65-67

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 27 OF THE ZONING MAP (LENGYEL)

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

March 1, 1965 at 4:45 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

APPROPRIATION TRANSFERS - None

FURTHER CONSIDERATION OF U.S. 99 FREEWAY FOUNTAIN REST STOPS

A memorandum from Director of Parking and Traffic Carmody dated February 3, 1965, subject, "Freeway Fountain Rest Stops - U. S. 99," was entered into the record of the minutes.

RESOLUTION NO. 65-68

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO URGING THE ADOPTION OF LEGISLATION BY THE LEGISLATURE OF THE STATE OF CALIFORNIA WHICH WILL ENABLE THE STATE OF CALIFORNIA DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS, TO DEDICATE LAND TO THE CITY OF MODESTO AND OTHER COMMUNITIES FOR THE DEVELOPMENT OF FREEWAY REST STOPS

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

REPORT OF COMMITTEE ASSIGNMENTS

A memorandum from the League of California Cities dated January 20, 1965, subject, "League Committees: Annual Appointment by New League President," was entered into the record of the minutes. The following appointments were made: Committee on Aviation Problems, Airport Manager Harry Sham; Committee on Building Regulations, City Attorney Elwyn Johnson; Community Development Committee, Councilman Richard VanderWall, Committee on Transportation, Mayor Peter W. Johansen; Committee on Water Pollution Control, Deputy Manager Marvin E. Ray.

NOTICE OF PUBLIC HEARING - LOCAL AGENCY FORMATION COMMISSION

A notice of public hearing on February 17, 1965 at 7:40 P.M. in Room 206, County Offices Building, 1100 Eye Street, Modesto, for consideration by the Local Agency Formation Commission on the proposed annexation of Sherwood Meadows No. 2 Addition to the City of Modesto was filed with the record of the minutes.

PRESENTATION OF FINANCIAL STATEMENT FOR THE MONTH OF JANUARY 1965

The financial statement for the month of January 1965 was presented to the Council and ordered filed.

QUARTERLY REPORT OF CHAMBER OF COMMERCE

The quarterly report of the Chamber of Commerce was presented to the Council and ordered filed.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Mitchell Seconded by Tabbert Unanimously carried

The meeting adjourned at 9:47 P.M.

ATTEST: Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen
Councilman Patton arrived at 4:03 P.M.
Councilman Shastid arrived at 4:14 P.M.
Absent: Councilmen: None

The pledge of allegiance to the Flag was given by all present.

Reverend R. E. Patterson gave the invocation.

APPROVAL OF MINUTES

The minutes of the regular meetings of January 25 and February 1, 1965 were approved.

LETTER FROM JACK D. GALLOWAY, 221 RUE DE YOE, REQUESTING PAYMENT FOR DAMAGES TO GUN

A letter from Jack Galloway dated February 6, 1965 submitting a claim of $40 for damage to a .22 caliber revolver held in evidence, and a letter from Freese & Gianelli, Insurance Adjusters, dated February 8, 1965 stating that under the City's comprehensive general liability insurance policy, property in the custody and control of the City is excluded from liability payment under the property damage portion of the policy, was entered into the record of the minutes.

By order of the Chair, the matter was referred to the City Manager.

Councilman Patton arrived at 4:03 P.M.

LETTER FROM WALTER M. GARCIA, PRESIDENT, MODESTO JUNIOR COLLEGE, REGARDING COLLEGE AVENUE AND CLOSING OF COLDWELL AVENUE BETWEEN COLLEGE AND TULLY AVENUES

A letter from Walter M. Garcia dated February 5, 1965 was entered into the record of the minutes. The letter indicated that the Yosemite Junior College District Board of Trustees showed a general disposition to cooperate with the City Council in whatever plans were finally developed for the widening of College Avenue, and that the Board passed a resolution directing Mr. Garcia to communicate its urgent request that any proposed resurfacing, regrading, or other development of Coldwell Avenue that might presently be planned by the City, be postponed until final decision is made on the Board's request that Coldwell Avenue between College and Tully Avenues be closed.

By order of the Chair, the letter was referred to the Planning Commission.

REQUEST BY S. E. WILSON, PRESIDENT, DAVIS BAND BOOSTER CLUB, TO USE SIDEWALK IN DOWNTOWN AREA FOR CANDY SALE

A letter from S. E. Wilson dated February 10, 1965 requesting permission for members of the Davis High School Band to sell candy on the sidewalk in front of Sears store (northeast corner of 10th and K) on February 27, 1965 from 10:00 A.M. to 6:00 P.M., to raise funds for the band's trip to Long Beach during Easter vacation, was entered into the record of the minutes.

RESOLUTION NO. 65-69

A RESOLUTION GRANTING REQUEST TO DAVIS BAND BOOSTER CLUB TO USE SIDEWALK AREA LOCATED AT THE NORTHEAST CORNER OF 10TH AND K STREETS FOR SALE OF CANDY

Introduced by VanderWall Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

LETTER FROM JACK TERWILLIGER, SCOUT EXECUTIVE, RELATIVE TO GOOD TURN DAY AND CLEAN-UP CAMPAIGN

A letter from Jack Terwilliger, Assistant Scout Executive, Yosemite Area Council, Boy Scouts of America, dated February 9, 1965 thanking the City for its cooperation in the Boy Scouts "Good Turn Day" held February 6, 1965 was entered into the record of the minutes.

MOTION

That the Mayor send a letter of congratulation to the scout troops participating in the "Good Turn Day" and inviting them to attend Council meetings

Moved by Mitchell Seconded by Tabbert Unanimously carried

CONSIDER AWARD OF BID FOR CONSTRUCTION OF COMFORT STATIONS IN GARRISON AND STANDIFORD PARKS 1-55

RESOLUTION NO. 65-70

A RESOLUTION ACCEPTING THE BID OF WILLIAM M. MINENI FOR CONSTRUCTION OF COMFORT STATIONS AT GARRISON PARK AND STANDIFORD PARK (Low bidder, $15,599)

Introduced by Mitchell Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

RECOMMENDATION THAT INSTALLATION OF WATER MAINS IN RIVIERA HEIGHTS NO. 1 SUBDIVISION BE PERFORMED BY CITY FORCES

RESOLUTION NO. 65-71

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER MAINS IN RIVIERA HEIGHTS NO. 1 SUBDIVISION

Introduced by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

Councilman Shastid arrived at 4:14 P.M.

PRESENTATION BY STONE AND YOUNGBERG REGARDING FINANCIAL CONSULTATION SERVICES

This matter was considered at the February 8, 1965 meeting, with recommendation made by the Director of Parking and Traffic that the firm of Orrick, Dahlquist, Herrington and Sutcliffe (legal Counsel) be hired at a fee of 1% of the project cost, with a minimum of $1,000 if the project is not concluded; that Stone and Youngberg (financial consultants) be hired at a fee of 1½% of the project cost, with no charge if the district is not formed. The Council passed a motion that the firm of Orrick, Dahlquist, Herrington and Sutcliffe be retained, but that the commitment be made firm with them after the Committee and staff met with Stone & Youngberg, and decision made as to the time the legal counsel should be hired; and by order of the Chair, the staff directed to investigate and further negotiate with Stone & Youngberg for a potential minimum and maximum fee on a per diem basis.

Mr. Lee Mitchell, representing Stone and Youngberg, financial consultants, briefly discussed the work which would be required by his firm if hired as financial consultants for the proposed parking district.

Edward Burnett, general partner of the firm, discussed the fees which would apply to the various phases of the work and the manner in which they would apply. He stated that there was a marked difference in the technical work to be done if the City planned to use an assessment levy or an assessment spread. He outlined the work involved in connection with an assessment spread. Mr. Burnett made the following proposals: If the City proceeds under an Act that does not require an assessment spread by its provisions, the work would be performed for $1,500 plus 1½% of the amount of bonds marketed. If the City proceeds under an Act that requires a technical

assessment spread by its provisions, the fee would be a $1,000 retainer, and 2% of the amount of the bonds marketed. Upon questioning, Mr. Burnett stated that the firm would make the retainer fees repayable to the City out of the final fee, contingent on the sale of the bonds; that his firm did not perform this type of work on a per diem basis.

After discussion, Mr. Burnett agreed to the following proposal if the City proceeds under an Act not requiring assessment spreading: The City will pay Stone and Youngberg $5,000 if the project is not completed; if completed, 1% of the bonds marketed, with the $5,000 retainer deductible from the 1% fee, with Stone and Youngberg guaranteed a minimum fee of $10,000.

Mr. Burnett stated that the proposal as outlined above would be submitted in writing for further Council consideration. It was suggested that he discuss the proposal further with the staff or the Parking District Steering Committee if necessary.

Mr. Burnett stated that after talking with Mr. Dowd, Chairman of the Parking District Steering Committee, he doubted that an assessment spread would be involved; that if an assessment spread was necessary, plans could be made for Stone and Youngberg to perform the work, or some other firm. He stated that this would also be included in the letter proposal.

REQUEST FOR EXTENSION OF TIME FOR FILING BOND IN PD ZONE (17) TO MARCH 1, 1965 3-103

RESOLUTION NO. 65-72

A RESOLUTION APPROVING EXTENSION OF TIME TO POST BOND IN CONNECTION WITH P-D (17) REZONING (ZAMORA & PRICE) (Extending time to March 1, 1965)

Introduced by Hughes Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION SETTING NEW DATE FOR HEARING ON RECOMMENDED AMENDMENT TO SECTION 16 OF ZONING MAP (POLLACK)

RESOLUTION NO. 65-73

A RESOLUTION RESCINDING RESOLUTION NO. 65-42 AND SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 16 OF THE ZONING MAP (POLLACK)

Introduced by VanderWall Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johnansen
Noes: None Absent: None

March 1, 1965 at 4:50 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION SETTING NEW DATE FOR HEARING ON RECOMMENDED AMENDMENT TO SECTION 16 OF THE ZONING MAP (FELLOWSHIP HOMES ADDITION)

RESOLUTION NO. 65-74

A RESOLUTION RESCINDING RESOLUTION NO. 65-45 AND SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 16 OF THE ZONING MAP TO RECLASSIFY FROM R-A TO R-1 (FELLOWSHIP HOMES ADDITION)

Introduced by Hughes Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

March 1, 1965 at 5:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION SETTING NEW DATE FOR HEARING ON RECOMMENDED AMENDMENT TO SECTION 6 OF THE ZONING MAP (BELLENITA ADDITION)

RESOLUTION NO. 65-75

A RESOLUTION RESCINDING RESOLUTION NO. 65-43 AND SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 6 OF THE ZONING MAP (BELLENITA ADDITION)

Introduced by Hughes Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

March 1, 1965 at 4:55 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

ACCEPT IMPROVEMENTS AND AUTHORIZE CITY CLERK TO FILE NOTICE OF COMPLETION AND RELEASE BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD FOR BRENTWOOD ESTATES NO. 2 SUBDIVISION

RESOLUTION NO. 65-76

A RESOLUTION ACCEPTING IMPROVEMENTS IN BRENTWOOD ESTATES NO. 2 SUBDIVISION, AND AUTHORIZING RELEASE OF SUBDIVISION BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

Introduced by Shastid Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER RENEWALOF GROUP INSURANCE PLAN FOR CITY EMPLOYEES 3-125

A memorandum from the City Manager dated February 8, 1965 stating that CPS has agreed to renew the Employees' Group Health Insurance Policy at $5.45 for employees and $14.78 for dependents, was entered into the record of the minutes.

MOTION

That the City Attorney be directed to prepare the necessary resolution and agreement

Moved by Shastid Seconded by Hughes Unanimously carried

A RESOLUTION OF THE CITY OF MODESTO OFFERING TO FURNISH CITY SEWER AND WATER SERVICES TO THE SYLVAN UNION SCHOOL DISTRICT JUNIOR HIGH SCHOOL SITE ON FLOYD AVENUE

RESOLUTION NO. 65-77

A RESOLUTION OF THE CITY OF MODESTO OFFERING TO FURNISH CITY SEWER AND WATER SERVICE TO THE SYLVAN UNION SCHOOL DISTRICT JUNIOR HIGH SCHOOL SITE ON FLOYD AVENUE AT SUCH TIME AS SAID SERVICES ARE REQUIRED

Introduced by Mitchell Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

LEASE AGREEMENT BETWEEN CITY OF MODESTO AND MUIR TRAIL GIRL SCOUT COUNCIL FOR LEASE OF ROOMS 101, 102, 103, 105 AND BASEMENT ROOM AT MODESTO COMMUNITY SERVICE CENTER

RESOLUTION NO. 65-78

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MUIR TRAIL GIRL SCOUT COUNCIL FOR LEASE OF ROOMS AT THE MODESTO COMMUNITY SERVICE CENTER (total monthly rental of $135 per month, 5 year term, beginning January 13, 1965)

Introduced by Hughes Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER ACCEPTANCE OF $208 OFFER OF FIEZ AUTO WRECKERS, OAKDALE, CALIFORNIA, FOR POLICE CAR 206, WRECKED JANUARY 1, 1965

RESOLUTION NO. 65-79

RESOLUTION ACCEPTING BID OF FIEZ AUTO WRECKERS FOR WRECKED POLICE CAR NO. 206 ($208)

Introduced by Shastid Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION AUTHORIZING RENTAL OF CITY-OWNED PROPERTY

RESOLUTION NO. 65-80

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THOMAS A. FONTANA FOR RENTAL OF CITY-OWNED PROPERTY - DAVIS HIGH SCHOOL COMMUNITY PARK SITE (25% of gross proceeds on sale of crops)

Introduced by Shastid Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

REQUEST BY STANISLAUS FOOD PRODUCTS COMPANY TO CONSTRUCT NEW WELL

A memorandum from the Director of Public Works dated February 11, 1965, subject, "Request for permission to drill a water well - Stanislaus Food Products Company," was filed with the record of the minutes. Recommendation was made that the request for replacing an existing well be approved subject to certain conditions.

RESOLUTION NO. 65-81

A RESOLUTION APPROVING REQUEST OF STANISLAUS FOOD PRODUCTS COMPANY TO CONSTRUCT NEW WELL (replacing existing well) subject to conditions outlined in memorandum from Director of Public Works dated February 11, 1965)

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

REQUEST BY STANISLAUS FOOD PRODUCTS COMPANY FOR AN ENCROACHMENT PERMIT TO INSTALL WATER AND SEWER LINE IN 12TH STREET BETWEEN B AND D STREETS 4-39

A memorandum from the Director of Public Works dated February 11, 1965, subject, "Request for Variance to Install Private Water and Sewer Facilities in the Public Right of Way on Twelfth Street Between "B" and "D" Streets by the Stanislaus Food Products Company," was entered into the record of the minutes. The Director of Public Works recommended that a revocable permit be granted to the applicant to install a water and sewer line in the right of way of Twelfth Street between "B" and "D" Streets subject to certain conditions outlined in the memorandum.

RESOLUTION NO. 65-82

A RESOLUTION GRANTING A REVOCABLE PERMIT TO STANISLAUS FOOD PRODUCTS COMPANY TO INSTALL PRIVATE WATER AND SEWER FACILITIES IN THE PUBLIC RIGHT OF WAY (subject to conditions enumerated in memorandum from Director of Public Works dated February 11, 1965)

Introduced by VanderWall Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER LETTER AGREEMENT BETWEEN THE CITY AND GEORGE KLEMM, ET AL, SUBDIVIDERS, FOR PARTICIPATION IN COST OF STREET LIGHT IN BRENTWOOD ESTATES UNIT NO. 2 SUBDIVISION

RESOLUTION NO. 65-83

A RESOLUTION APPROVING LETTER AGREEMENT BETWEEN THE CITY OF MODESTO AND GEORGE KLEMM, ET AL, SUBDIVIDERS, FOR PARTICIPATION IN THE COST OF A STREET LIGHT IN BRENTWOOD ESTATES UNIT NO. 2 SUBDIVISION

Introduced by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION NO. 65-84

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $252 FOR PERIMETER STREET LIGHT IN BRENTWOOD ESTATES UNIT NO. 2 SUBDIVISION

Introduced by VanderWall Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER LETTER AGREEMENT BETWEEN THE CITY AND GEORGE KLEMM, ET AL, SUBDIVIDERS, FOR PARTICIPATION IN THE COST OF CONSTRUCTING A SEWER MAIN IN BRENTWOOD ESTATES UNIT NO. 2 SUBDIVISION

RESOLUTION NO. 65-85

A RESOLUTION APPROVING LETTER AGREEMENT BETWEEN THE CITY OF MODESTO AND GEORGE KLEMM, ET AL, SUBDIVIDERS, FOR PARTICIPATION IN THE COST OF CONSTRUCTING A SANITARY SEWER MAIN IN BRENTWOOD ESTATES NO. 2 SUBDIVISION

Introduced by Hughes Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION NO. 65-86

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $195 FOR SANITARY SEWER MAIN IN BRENTWOOD ESTATES UNIT NO. 2 SUBDIVISION

Introduced by Shastid Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

APPROVE PREPARATION AND DISTRIBUTION OF CITY'S ANNUAL REPORT TO THE PEOPLE 4-55

The City Manager displayed a format of the Annual Report to the People, stating that although $1,000 was budgeted for the preparation and mailing of the report, the costs involved were approximately $200; that a request has been received from the Boy Scouts to deliver the report to all residents in the City.

Frank Andrews protested the report as a waste of taxpayers' money.

MOTION

That the City Manager be authorized to proceed with the preparation of the City's Annual Report to the People, to be distributed by the Boy Scouts

Introduced by VanderWall Seconded by Hughes Unanimously carried

REPORT OF HUMAN RIGHTS COMMITTEE REGARDING CLARIFICATION OF HUMAN RIGHTS COMMITTEE RECOMMENDATIONS 4-90

A letter from Reverend R. Truman Northup, Chairman, Human Rights Committee, dated February 10, 1965 clarifying the Executive Committee's intention in recommending that a new Human Rights Committee be permitted to engage in grievance and conciliation work, was entered into the record of the minutes. This information was requested by the Council at its meeting of January 18, 1965.

The letter was read by Reverend Northup.

Reverend Northup stated that the Committee had met with one of the members of the Fair Employment Practices Commission who said that if it was the Council's desire to set up a new Human Rights Committee which would perform educational and conciliation work -- listening to complaints and seeking to conciliate the parties, the Commission would be willing to give their own legal staff the opportunity to meet with the Council so as to clear the City of any legal ramifications which might arise.

Reverend Northup was questioned by the Council.

Frank Andrews objected to the establishment of a new Human Rights Committee.

MOTION

That the Public Relations Committee be authorized to recommend names for a permanent Human Rights Committee, setting up the frame work and structure under which the committee will operate, in accordance with the Human Rights Committee Report submitted, for report to the Council at the March 8, 1965 meeting

Moved by Shastid Seconded by Patton Unanimously carried

MATTERS FOR THE GOOD OF THE COMMUNITY

Complaint on Exclusion of Chevrolet cars by Bid Specifications B-65

Frank Helm, Jr., 2701 McDougal, registered a complaint that Bid Specifications B-65 covering the purchase of automotive equipment by the City, and scheduled for opening at 2:00 P.M. February 19, 1965 excluded Chevrolet automotive equipment by requiring a three-stage instead of a two-stage transmission. He stated that he did not believe it fair to exclude Chevrolet automobiles, by preparing the specifications to eliminate competition. He said that in discussing the matter with the Police Chief, he had been informed that three-stage transmissions were more satisfactory in police cars, because of the large amount of stop and go usage connected with police work, and that it was more costly to maintain two-stage transmissions. It was his contention that two-stage automatic transmissions were no more costly to maintain than three-stage automatic transmissions. Mr. Helm stated that three-speed transmission Chevrolets were presently in the making but were not yet ready for delivery.

Bill Rifenburg, Service Division Superintendent, stated that the City had three 1963 Chevrolets being used in police work; that out of the three, two of the cars have needed one or more major transmission repairs; that this also applied to the 1962 models. With the cars having three-speed transmissions, only one out of nine cars needed major transmission repairs.

No action was taken by the Council.

Request from City of Fremont that City join as amicus curiae in pending suit

The City Attorney stated that the City of Fremont has requested that the City join as amicus curiae in a suit involving a subdivision, the subdividers alleging that the City illegally required certain dedications and reservations for street purposes as conditions for approval of a subdivision

map. Mr. Johnson said that the local Superior Court held in favor of the subdivider; the matter was taken to the District Court of Appeals and the matter rejected without an opinion. An appeal is now being made to the Supreme Court and California cities having similar interests are being requested to join as amicus curiae; that no monetary expenses are involved on the part of the City.

MOTION

That the City Attorney be authorized to sign the brief as amicus curiae at no expense to the City

Moved by Mitchell Seconded by Shastid Unanimously carried

APPROPRIATION TRANSFERS - None

REPORT ON MUTUAL AID - FIRE PROTECTION 6-105

A memorandum from the Deputy City Manager dated February 5, 1965 subject, "Mutual Aid - Fire Protection," was entered into the record of the minutes.

The proposed agreement and amendment thereto were discussed by the Council.

RESOLUTION NO. 65-87

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE MUTUAL DAY-TO-DAY FIRE PROTECTION AID AGREEMENT WITH VARIOUS CITIES AND FIRE DISTRICTS LOCATED IN STANISLAUS COUNTY, AND STANISLAUS COUNTY, AS AMENDED

Introduced by Tabbert Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

REPORT ON MUNICIPAL LIGHTING

A "Report on Municipal Lighting in the City of Modesto" prepared by the Department of Public Works, dated February 1965, was distributed to the Council and a copy filed with the record of the minutes.

By order of the Chair, consideration of the report was set for the March 8, 1965 meeting.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Tabbert Unanimously carried

The meeting adjourned at 5:53 P.M.

ATTEST: Rex E. Gailfus
Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, Mayor Johansen presiding.

Present: Councilmen: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Councilman Hughes arrived at 7:48 P.M.
Councilman Shastid arrived at 7:59 P.M.

Absent: Councilmen: None

The pledge of allegiance to the Flag was given by all present.

Reverend Leslie Chism gave the invocation.

Introduction

Mayor Johansen introduced Rodney Thompson and Jimmy Sun, boy scouts present in the audience.

APPROVAL OF MINUTES

The minutes of the regular meeting of February 8, 1965 were approved.

LETTER AND OTHER INFORMATION FROM FRANK DELAMARTER REGARDING PROPOSED AUDITORIUM IN THE CITY OF MODESTO

A letter from Frank Delamarter dated February 8, 1965 offering consultation services on lighting and other technical problems connected with the proposed civic auditorium, was entered into the record of the minutes. A "Design for a Civic Auditorium" was attached to the letter.

By order of the Chair, the City Manager was requested to answer Mr. Delamarter's letter, thanking him for his interest and for being available for advice if called upon by the City.

LETTER FROM D. DWIGHT WAIT, SHOW ADVISOR, FOURTH ANNUAL CAMELLIA SHOW, REGARDING CITY ASSISTANCE

A letter from D. Dwight Wait dated February 15, 1965 requesting that the City Parks and Recreation Department again assist in setting up the Camellia Show on the evening of March 12 and dismantling it on the evening of March 14, 1965 was entered into the record of the minutes.

MOTION

That labor in setting up and dismantling the Camellia Show be authorized as requested in Mr. Wait's letter

Moved by VanderWall Seconded by Tabbert Unanimously carried

LETTER FROM FRANK ANDREWS REGARDING TRAFFIC PROBLEMS IN THE CITY OF MODESTO

An undated letter from Frank Andrews addressed to the City Traffic Department, protesting one-way streets and a condition at the Modesto High School where students hold up traffic for blocks by push button traffic signals, was entered into the record of the minutes and ordered filed.

LETTER FROM FRANK ANDREWS PROTESTING DISMISSAL OF HOWARD DAVID FROM POLICE FORCE

A letter from Frank Andrews dated February 16, 1965 protesting the dismissal of Lieutenant Howard David from the police force was entered into the record of the minutes and ordered filed.

CONSIDER AWARD OF BID FOR AUTOMOTIVE EQUIPMENT

Purchasing Agent Ernest Dunham reported that bids for automotive equipment were opened on February 16, 1965 and recommended that the low bids of Dean Jones for Items 1 through 7, inclusive, 9, 10, 11 and 20 totaling $18,430.22 be accepted; that items 12 through 19, inclusive, and 21 and 22 in the amount of $16,103.59 be awarded to Griswold and Wight. He stated that Item 8 of the automotive bids has been deleted because of a typographical error misrepresenting the year model of the trade-in vehicle; that this problem would be worked out and further report made to the Council.

RESOLUTION NO. 65-88

A RESOLUTION ACCEPTING THE BID OF DEAN JONES, INC., FOR AUTOMOTIVE EQUIPMENT (Items 1 through 7, inclusive, 9, 10, 11 and 20, $18,430.22)

Introduced by Mitchell Seconded by VanderWall
Ayes: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid

RESOLUTION NO. 65-89

A RESOLUTION ACCEPTING THE BID OF GRISWOLD & WIGHT FOR AUTOMOTIVE EQUIPMENT (Items 12 through 19, inclusive, 21 and 22, $16,103.59)

Introduced by Mitchell Seconded by VanderWall
Ayes: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid

A memorandum from the Purchasing Officer dated February 17, 1965, subject, "Police Car Specifications," indicating that both Stanislaus County Sheriff and Stockton Police cars now, and for the past two years, have been equipped with three-stage transmissions, was entered into the record of the minutes.

CONSIDER AWARD OF BID FOR INSTALLATION OF SPRINKLER SYSTEM, DRIVING RANGE; CONVERSION OF MANUAL SPRINKLER SYSTEM TO AUTOMATIC, DRYDEN PARK MUNICIPAL GOLF COURSE 1-75

RESOLUTION NO. 65-90

A RESOLUTION ACCEPTING THE BID OF G. CIOLI LANDSCAPING FOR INSTALLATION OF SPRINKLER SYSTEM, DRIVING RANGE, CONVERSION OF MANUAL SPRINKLER SYSTEM TO AUTOMATIC, DRYDEN PARK MUNI GOLF COURSE ($13,317.60)

Introduced by VanderWall Seconded by Mitchell
Ayes: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF TRAFFIC SIGNALS AT INTERSECTION OF 12TH AND H STREETS

RESOLUTION NO. 65-91

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF TRAFFIC SIGNALS AT THE INTERSECTION OF TWELFTH AND H STREETS

Introduced by Mitchell Seconded by Patton
Ayes: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid

March 30, 1965 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE INSTALLATION OF A WATER LINE IN THE FUTURE EXTENSION OF MURIEL AVENUE

RESOLUTION NO. 65-92

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF A WATER LINE IN THE FUTURE EXTENSION OF MURIEL AVENUE

Introduced by Patton Seconded by Tabbert
Ayes: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid

March 9, 1965 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

RESOLUTION AND ORDER OF THE COUNCIL OF THE CITY OF MODESTO PROVIDING FOR A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, APRIL 20, 1965 AND DESIGNATING PRECINCTS AND POLLING PLACES AND APPOINTING MEMBERS OF PRECINCT BOARDS FOR SAID GENERAL MUNICIPAL ELECTION

RESOLUTION NO. 65-93

A RESOLUTION AND ORDER OF THE COUNCIL OF THE CITY OF MODESTO PROVIDING FOR A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, APRIL 20, 1965 AND DESIGNATING PRECINCTS AND POLLING PLACES AND APPOINTING ELECTION OFFICERS FOR SAID GENERAL MUNICIPAL ELECTION

Introduced by VanderWall Seconded by Mitchell
Ayes: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid

Councilman Hughes arrived at 7:48 P.M.

CONSIDER SUSPENSION OF DUMPING FEES AT THE MUNICIPAL DUMP DURING THE MONTH OF MARCH 1965

A memorandum from the Director of Public Works dated February 18, 1965, subject, "City Dump," indicating that the Modesto Garbage Company has agreed to make no charge for material dumped by city residents on Saturdays during the month of March, 1965 and that the City Employees' Association has agreed to provide the necessary labor to operate the dump on Saturdays during March, to enable city residents to clean out their yards, was entered into the record of the minutes.

Recommendation was made that the Council consider suspending dumping fees during the month of March, and that it accept the offers of the Modesto Garbage Company and City Employees' Association.

RESOLUTION NO. 65-94

A RESOLUTION SUSPENDING SECTION 2 OF RESOLUTION NO. 65-38 ENTITLED "A RESOLUTION PROVIDING FOR USE OF DISPOSAL AREA BY PRIVATE INDIVIDUALS" DURING THE MONTH OF MARCH, 1965

Introduced by VanderWall Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

RESOLUTION NO. 65-95

A RESOLUTION EXPRESSING APPRECIATION TO MODESTO GARBAGE COMPANY FOR SUSPENDING DUMPING FEES ON SATURDAYS DURING THE MONTH OF MARCH 1965

Introduced by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

RESOLUTION NO. 65-96

A RESOLUTION EXPRESSING APPRECIATION TO MODESTO CITY EMPLOYEES' ASSOCIATION FOR DONATING LABOR ON SATURDAYS DURING THE MONTH OF MARCH 1965 AT DISPOSAL AREA

Introduced by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

Councilman Mitchell suggested that study be given to joint city-county action to the overall problem of dump sites being faced by the entire County, from the standpoint of cooperation and exploration. He stated that the County's franchise expires in about one year. The City Manager stated that the City's present site was adequate for about three more years.

Mayor Johansen suggested that preliminary discussion could appropriately begin with the Council-Supervisor Liaison Committee.

Councilman Mitchell stated that sites could be secured near cities, and public agencies encouraged to plant trees around the area to screen it from adjacent areas, and when filled, the sites could be developed as park areas.

RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE TWO ENDORSEMENTS TO EMPLOYEES' GROUP INSURANCE CONTRACT RENEWING PLAN TO MARCH 1, 1966 2-25

RESOLUTION NO. 65-97

A RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE TWO ENDORSEMENTS TO THE GROUP HEALTH SERVICE CONTRACT NO. 1295 ISSUED BY THE CALIFORNIA PHYSICIANS' SERVICE TO THE CITY OF MODESTO (increase employee dependents' dues and extending contract to March 1, 1966)

Introduced by Hughes Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

CONSIDER STAFF REQUESTS FOR ADJUSTMENT IN ALLOCATION OF POSITIONS - PERSONNEL OFFICE AND FINANCE DEPARTMENTS

Memorandums from the City Manager dated February 17, 1965, subject, "Staff requests for adjustment in allocated positions," from the Personnel Assistant dated January 20, 1965, subject, "Personnel Office Positions," and from the Director of Finance dated December 3, 1964, subject, "Report about Finance Department Personnel," were entered into the record of the minutes. Requests were made that positions in the Personnel Office be adjusted to provide for a full-time Personnel Assistant and Senior Stenographer Clerk, and an Intermediate Stenographer Clerk working on a half-time schedule; that two positions in the Finance Department be adjusted -- Accountant/Supervising Tab. Equipment Operator to Junior Accountant, and Account Clerk to Tab. Equipment Operator.

MOTION

That the staff requests for adjustment in allocation of positions in the Personnel Office and Finance Department be approved

Moved by VanderWall Seconded by Mitchell Unanimously carried

CONSIDER FREE PARKING AT CITY HALL FOR MEMBERS OF BOARD OF APPEALS, UNSAFE STRUCTURE CODE, WHEN ATTENDING MEETINGS 2-45

RESOLUTION NO. 65-98

A RESOLUTION ESTABLISHING POLICY DIRECTIVE RELATING TO OFFICIAL PARKING IN THE CITY HALL PARKING LOTS, AND RESCINDING RESOLUTION NO. 60-304 (Approving free parking for Board of Appeals members)

Introduced by Hughes Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

CONSIDER COOPERATIVE AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE DIVISION OF HIGHWAYS FOR THE RENOVATION OF TRAFFIC SIGNALS ON NINTH STREET IN CONJUNCTION WITH ITS RECONSTRUCTION 2-50

RESOLUTION NO. 65-99

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STATE DIVISION OF HIGHWAYS FOR THE RENOVATION OF TRAFFIC SIGNALS ON NINTH STREET IN CONJUNCTION WITH ITS RECONSTRUCTION (intersections of "D", "G", "H", "I", "K" and "L" Streets)

Introduced by VanderWall Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

Councilman Shastid arrived at 7:59 P.M.

APPROVAL OF COMMENCEMENT OF PROCEEDINGS TO ANNEX WESTVIEW GARDENS ADDITION (Inhabited)

A memorandum from Chief of Police Bowers dated February 19, 1965, subject, "Annexation of Robertson Housing Tract," protesting the annexation of the Robertson Housing Tract at this time because of its remoteness and the requirement of a disproportionate amount of police service, was entered into the record of the minutes.

The Council discussed the following: The fact that this is the first inhabited annexation to be considered by the Council since 1953; the requirements for residence in the Housing Authority area; accessibility of the area; the feasibility of commencing annexation proceedings before the area can be reached by city streets.

Walter Thompson, representing the Stanislaus County Housing Authority, was questioned by the Council on the following: Payments to the City in lieu of taxes; police problems in the area; the Housing Authority's control over undesirable inhabitants; garbage and garden refuse pickup.

RESOLUTION NO. 65-100

A RESOLUTION CONSENTING TO COMMENCEMENT OF PROCEEDINGS TO ANNEX INHABITED TERRITORY DESIGNATED AS THE WESTVIEW GARDENS ADDITIONS TO THE CITY OF MODESTO UNDER THE ANNEXATION ACT OF 1913

Introduced by Mitchell Seconded by VanderWall
Ayes: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: Hughes, Shastid Absent: None

HEARING ON PROPOSED ANNEXATION OF THE CROCCO ADDITION 4-10

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the proposed annexation of the Crocco Addition, 29.306 acres, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune and Turlock Daily Journal on January 21 and 28, 1965 and notices mailed to all property owners in the area and other interested parties on January 21, 1965. No written protests to the proposed annexation were filed with the City Clerk.

Planning Commission Resolution No. 65-8 recommends that annexation proceedings be commenced.

John Crocco, 305 East Rumble Road, asked that his parcel of property not be included in the annexation, stating that he would be willing to annex to the City when the Hart Tract and Sherwood Forest are annexed.

Mr. Crocco's request was discussed by the Council.

RESOLUTION NO. 65-101
A RESOLUTION DECLARING THAT A MAJORITY PROTEST HAS NOT BEEN MADE AGAINST THE ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS CROCCO ADDITION AND DECLARING THE INTENTION OF THE COUNCIL TO PROCEED WITH THE ANNEXATION OF SAID TERRITORY

Introduced by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

ORDINANCE NO. 704-C.S. entitled
"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE CROCCO ADDITION TO THE CITY OF MODESTO"

was introduced and adopted and ordered published as required by the Charter

Moved by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

HEARING ON PROPOSED ANNEXATION OF THE HOYLE ADDITION 4-119

Mayor Johansen announced that the hour of 8:10 P.M. had arrived, the time set for consideration of the proposed annexation of the Hoyle Addition, 2.651 acres, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune and Turlock Daily Journal on January 21 and 28, 1965 and notices mailed to all property owners and interested persons on January 21, 1965. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 65-7 recommends the commencement of proceedings to annex the area to the City.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

RESOLUTION NO. 65-102
A RESOLUTION DECLARING THAT A MAJORITY PROTEST HAS NOT BEEN MADE AGAINST THE ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS HOYLE ADDITION AND DECLARING THE INTENTION OF THE COUNCIL TO PROCEED WITH THE ANNEXATION OF SAID TERRITORY

Introduced be Shastid Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

ORDINANCE NO. 705-C.S. entitled
"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE HOYLE ADDITION TO THE CITY OF MODESTO"

was introduced and adopted, and ordered published as required by the Charter.

Moved by VanderWall Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

HEARING ON PROPOSED ANNEXATION OF THE GREENWOOD ESTATES ADDITION Page 13

Mayor Johansen announced that the hour of 8:20 P.M. had arrived, the time set for consideration of the proposed annexation of the Greenwood Estates Addition, 39.341 acres, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune and Turlock Daily Journal on January 21 and 28, 1965 and notices mailed to all property owners and other interested parties on January 21, 1965. No written protests were filed with the City Clerk.

Planning Commission Resolution 65-6 recommends the commencement of proceedings for annexation of this area.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

The Council discussed the following: The fact that the area cannot be reached except over county roads; the $25,000 cost for construction of water mains to serve the area; sewer service is not available to serve the area; development of the area is not foreseeable within the near future for reimbursement to the City through connection charges.

RESOLUTION NO. 65-103
A RESOLUTION DECLARING THAT A MAJORITY PROTEST HAS NOT BEEN MADE AGAINST THE ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS GREENWOOD ESTATES ADDITION AND DECLARING THE INTENTION OF THE COUNCIL TO PROCEED WITH THE ANNEXATION OF SAID TERRITORY

Introduced by Mitchell Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: Shastid Absent: None

ORDINANCE NO. 706-C.S. entitled
"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE GREENWOOD ESTATES ADDITION TO THE CITY OF MODESTO"

was introduced and adopted and ordered published as required by the Charter.

Moved by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: Shastid Absent: None

HEARING ON REZONING OF SECTION 29 AND 32 OF THE ZONING MAP, WEST SIDE STUDY, MODESTO 5-55

Mayor Johansen announced that the hour of 8:30 P.M. had arrived, the time set for consideration of the rezoning of Sections 29 and 32 of the zoning map in West Modesto, and opened the hearing.

The City Clerk reported that notice of the proposed rezoning was published in the Modesto Tribune on February 11, 1965, notices posted in the area on February 11, 1965 and distributed on February 12, 1965. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 65-13 recommends that the area be rezoned as shown on map entitled "Proposed Zoning, Amendments to Sections 29-3-9 and 32-3-9 of the Zoning Map," dated January 19, 1965, attached to said resolution.

Director of Planning Fey reported that the map indicating the proposed rezoning, and distributed to the Council, was erroneously prepared in that a southbound on-ramp leading to the freeway, appeared on the map to be south of F Street, but was actually located directly opposite F Street. He indicated on the map the area affected - the block between 4th and 5th, E and F Streets.

Mr. Fey outlined the reasons for the proposed rezoning of West Modesto.

Juel L. Cates, 422 4th Street (corner of 4th and Sierra) protested the proposed rezoning of his property from R-3 to R-2, stating that three of his neighbors also objected to similar rezoning of their properties.

Mrs. Ruby Sturm, 515 5th Street, and Harley Slonaker, 501 5th Street, asked that the portion of the half block fronting on 5th Street, between E and F Streets, facing the freeway and proposed for R-2 zoning, be rezoned to C-2 to correspond with the rest of the zoning on 5th Street. She stated that her property, facing the freeway, and immediately adjacent to commercial property, would never have any value as residential property. A petition signed by residents in the block protesting the proposed rezoning was filed with the City Clerk.

Director of Planning Fey said that this portion of 5th Street was not recommended for highway oriented uses because the on-ramp would force traffic to the freeway to circle through residential areas to reach the freeway.

Rebecca Heckendorf, 215 Patricia Lane, questioned the proposed rezoning of triangular sections across from Modesto High School from commercial zoning to R-2, stating that some of the parcels were presently being used for commercial purposes. Director of Planning Fey said that three of the small commercial spots located around the High School were vacant, had been for some time, and had not proven to be feasible commercial sites.

Juanita Jackson, speaking in behalf of her mother, Mrs. Willie Holland, requested that her mother's property located at 816 Fourth Street be rezoned from C-1 to R-3. The request was discussed by the Council.

Eleanor Seavy, 3150 South 99, Lodi, said that she had an interest in property located on 214 I Street, proposed for R-3 zoning. She said that it has been zoned C-1 for many years, with a store located on the property, although vacant at the present time; that she did not see how R-3 zoning immediately adjacent to C-1 zoning could be considered compatible. Several questions asked by Mrs. Seavy pertaining to the condition, remodeling of her building, and future zoning changes were answered by Planning Director Fey. She protested the rezoning to R-3 and asked that her property remain C-1.

No one else in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

Planning Director Fey was questioned by the Council on various aspects of the proposed rezonings.

After the discussion, it was the determination of the Council that the rezonings as proposed by the Planning Commission be approved with the exception of the following parcels, to be referred back to the Planning Commission for further study and consideration: The half block fronting on 5th Street, between E and F Streets; all of Block 2 bounded by E, 5th and Sierra; frontages south of Sierra Drive, bounded on the west by Madera Street, on the east by the freeway, and on the south by the T-alley.

RESOLUTION NO. 65-104

A RESOLUTION WITHHOLDING A FINAL DECISION ON THE RECOMMENDATION OF THE PLANNING COMMISSION TO REZONE A NUMBER OF PROPERTIES IN THE WEST SIDE AREA AS SET FORTH IN PLANNING COMMISSION RESOLUTION NO. 65-13 AND REQUESTING A FURTHER REPORT FROM THE PLANNING COMMISSION ON A PORTION OF THE AREA INCLUDED IN SAID PLANNING COMMISSION RESOLUTION NO. 65-13 IN ACCORDANCE WITH SECTION 10-2.2114 OF THE MODESTO MUNICIPAL CODE

Introduced by Hughes Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

MATTERS FOR THE GOOD OF THE COMMUNITY

Request of Junior Chamber of Commerce to Install Curb Sockets in Downtown area to Permit Display of Flags on Holidays - Louis Lombardi

Louis Lombardi, Chairman of the Forward Flag Project, Modesto Junior Chamber of Commerce, asked that the Council approve the installation of curb sockets in the downtown area to permit the display of flags on holidays. He said that he had already obtained the approval of the City Manager and Director of Public Works; that the Chamber had been approached by some of the downtown merchants to put the program into operation. Mr. Lombardi said it was proposed to install flags seven days a year, with a $25 charge the first year, and $10 for the two succeeding years (based on a three-year contract); the Chamber will retain ownership of the flags and provide adequate liability insurance.

MOTION

That the staff be directed to prepare the necessary documents approving the request of the Modesto Junior Chamber of Commerce to install curb sockets in the downtown area to permit the display of flags on holidays

Introduced by Hughes Seconded by Mitchell Unanimously carried

Report by Chief of Police Bowers on Recent Police Activities

Police Chief Bowers stated that during the past weekend four robbery cases had been closed due to the apprehension of two robbers, with 99% recovery of the items stolen from Shoob Camera Shop, and a lot of guns and ammunition stolen from Weeks' Sport Shop.

Mayors' Conference, Washington, D.C. 12-18

Mayor Johansen announced that he has received an invitation to attend the Mayors' Conference in Washington, D.C., on March 30 - April 1, 1965. The importance of representation at the conference was discussed.

MOTION

That the City be represented at the Mayors' Conference to be held in Washington, D.C. March 30 - April 1, 1965

Moved by Hughes Seconded by Tabbert Unanimously carried

ELM ADDITION - FOR REFERRAL TO PLANNING COMMISSION 12-48

RESOLUTION NO. 65-105

A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS ELM ADDITION

Introduced by Shastid Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

RECOMMENDATION OF PLANNING COMMISSION REGARDING ZONING TEXT AMENDMENTS R-2 ZONE

This matter was considered by the Council at a public hearing held on February 8, 1965 and the proposed zoning regulation changes as set forth in document entitled "Article 6. Two-Family Zone," dated January 5, 1965, attached to and made a part of Resolution No. 65-1, referred back to the Planning Commission with Council disapproval of the proposed changes indicated. The proposed changes to the zoning regulations were reconsidered by the Planning Commission on February 16, 1965 with its former recommendations as contained in Planning Commission Resolution No. 65-1 reaffirmed.

Director of Planning Fey reviewed the reasons for the proposed changes to the zoning regulations, stating that the proposed changes would permit

the development of a number of parcels throughout the city that presently represent a wasted resource in the community.

The Council discussed the following: the feasibility of establishing a width-depth ratio on the parcels to which the proposed change in regulations would apply; the applicability of the proposed zoning to new subdivisions; revision of the proposed changes to cover only problem areas.

Melvin Jones, 222 Walden Street, General Contractor, spoke briefly in favor of the proposed changes to the zoning regulations.

RESOLUTION NO. 65-106
A RESOLUTION DENYING THE RECOMMENDATION OF THE MODESTO CITY PLANNING COMMISSION THAT ARTICLE 6 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO ZONING REGULATIONS BE AMENDED (for consideration of limiting the proposed zoning regulations to problem areas only)

Introduced by Shastid Seconded by Mitchell
Ayes: Mitchell, Shastid, Tabbert
Noes: Hughes, Patton, VanderWall, Mayor Johansen

The resolution failed to carry.

ORDINANCE NO. 707-C.S. entitled
"AN ORDINANCE AMENDING ARTICLE 6 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO THE ZONING REGULATIONS"

was introduced and ordered published as required by the Charter.

Moved by Hughes Seconded by Patton
Ayes: Hughes, Patton, VanderWall, Mayor Johansen
Noes: Mitchell, Shastid, Tabbert

APPROPRIATION TRANSFERS - None

REPORT AND RECOMMENDATION OF MAYOR ON BEHALF OF SELECTION COMMITTEE ON EMPLOYMENT OF ENGINEER FOR THE CITY-COUNTY METROPOLITAN AREA SEWER STUDY

Mayor Johansen reported that he and Councilman Shastid had been meeting regularly with County representatives; that the Board of Supervisors have approved the hiring of Brown and Caldwell, Engineers, to make a sewer study for the City-County metropolitan area at a total cost of $35,000, with the County assuming one-half of the costs of the service fee.

MOTION
That the City Attorney be directed to prepare the necessary documents for the hiring of Brown and Caldwell, Engineers, to make a sewer study of the City-County metropolitan area at a cost of $35,000, with the costs to be shared equally by the City and County

Moved by VanderWall Seconded by Mitchell Unanimously carried

APPOINTMENT OF COMMITTEE TO STUDY STATUS OF MODESTO STATE HOSPITAL

Mayor Johansen suggested that a committee consisting of a representative from the City Council, County Board of Supervisors, Family Service Agency, Medical Association, Schools, and a member at large be appointed to study the status of the Modesto State Hospital.

MOTION
That the Mayor, with the help of the Public Relations Committee, be authorized to appoint a committee to study the status of Modesto State Hospital

Moved by Shastid Seconded by Hughes Unanimously carried

ADJOURNMENT MOTION
That the meeting now in session be adjourned

Moved by VanderWall Seconded by Tabbert

The meeting adjourned at 11:10 P.M.

ATTEST: Rex E. Gailfus
Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Councilman Hughes arrived at 4:07 P.M.
Councilman Shastid arrived at 4:18 P.M.

Absent: None

The pledge of allegiance to the Flag was given by all present.

The invocation was given by Reverend R. Truman Northup.

APPROVAL OF MINUTES

The minutes of the regular meeting of February 15, 1965 were approved and ordered filed.

Councilman Hughes arrived at 4:07 P.M.

LETTER FROM HENRY BEUVING & SON, INC., LAVERNE BEUVING, REQUESTING A CURB CUT VARIANCE, OUR LADY OF FATIMA SCHOOL, 501 WEST GRANGER STREET

A letter from Laverne Beuving dated February 19, 1965 requesting a curb cut variance at 501 West Granger Avenue, Our Lady of Fatima School, was entered into the record of the minutes.

MOTION

That the request for curb cut variance be set for hearing in the Council Chambers, City Hall, March 8, 1965 at 7:40 P.M.

Moved by VanderWall Seconded by Tabbert Unanimously carried

COMMUNICATION FROM THE DIVISION OF HIGHWAYS REGARDING COOPERATIVE AGREEMENT FOR IMPROVEMENT OF YOSEMITE BOULEVARD BETWEEN LAS FLORES AVENUE AND RIVERSIDE DRIVE

A letter from J. G. Meyer, District Engineer, State Division of Highways, dated February 23, 1965 submitting original and two copies of a cooperative agreement between the City of Modesto and the State of California for the proposed widening project of Yosemite Boulevard (Route 132) between Las Flores and Riverside Drive, was entered into the record of the minutes.

By order of the Chair, the letter was referred to the staff for study and report.

LETTER FROM DIVISION OF HIGHWAYS REGARDING YOSEMITE BOULEVARD PROJECT BETWEEN LAS FLORES AND D STREETS

A letter from J. G. Meyer, District Engineer, State Division of Highways, dated February 15, 1965, requesting that the City consider the proposed treatment of the adjacent portion of Route 132 between D Street and Las Flores and asking the Council's comments on the possibility of a Jenny-Grand Street couplet, was entered into the record of the minutes.

MOTION

That the letter be referred to the Planning Commission for consideration and report

Moved by VanderWall Seconded by Tabbert Unanimously carried

LETTER FROM WOMEN OF FIRST PRESBYTERIAN CHURCH RELATIVE TO PARKING PRIVILEGES

A letter from Beatrice McAuley dated February 24, 1965 requesting parking privileges for members of the San Joaquin Presbyterial conference to be held on March 23, 1965 from 8:30 A.M. to 4:00 P.M., was entered into the record of the minutes.

A suggestion was made by Councilman Mitchell that a standard procedure be established in the granting of parking privileges to visiting members of conferences and conventions, and that this policy be made generally known.

Chief Bowers stated that the parking stickers presently used provide free parking anywhere in the City, within the limited time, with the exception of attendant parking lots.

MOTION

That the request of Mrs. McAuley be approved, and the staff authorized to work with the Church on the issuance of parking privilege stickers

Moved by Mitchell Seconded by VanderWall Unanimously carried

CONSIDER REJECTING ITEM NO. 8 FOR ONE POLICE CAR FROM BID PROCEDURE AND APPROVE NEGOTIATED BID OF $2,072.31, LESS TRADE IN OF $300, TOTALING $1,772.31

A memorandum from Purchasing Officer Dunham dated February 25, 1965 subject, "Police Car Purchase," recommending that Item 8 of Bid Specifications No. B-65 be deleted from the bid procedure and a negotiated purchase be authorized, was entered into the record of the minutes.

RESOLUTION NO. 65-107

A RESOLUTION REJECTING ITEM NO. 8 OF BID SPECIFICATIONS B-65 DATED FEBRUARY 1, 1965

Introduced by VanderWall Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

MOTION

That the staff be authorized to negotiate a bid for Item 8 with Dean Jones, Inc., as recommended by the Purchasing Officer ($2,072.31 less $300 trade-in, Total $1,772.31)

Moved by Tabbert Seconded by VanderWall Unanimously carried

CONSIDER RESCHEDULING DISCUSSION OF MUNICIPAL LIGHTING REPORT TO MARCH 22 1-115

MOTION

That discussion of the municipal lighting report be held over to the meeting of March 22, 1965

Moved by VanderWall Seconded by Mitchell Unanimously carried

Councilman Shastid arrived at 4:18 P.M.

REPORT BY STANFORD RESEARCH INSTITUTE ON THE HIGHLIGHTS OF ERIC DUCKSTAD'S AND JOHN GREGORY'S VISIT TO MODESTO TO DISCUSS AN AUDITORIUM

A letter report from Eric E. Duckstad, Assistant Manager, Regional and Urban Development, Stanford Research Institute, dated February 16, 1965 informally outlining the highlights of his visit to Modesto concerning the proposed auditorium was entered into the record of the minutes.

MOTION

That the staff meet with individuals interested in the proposed auditorium to obtain their feelings on the auditorium after the benefit of the advice from the above consultants

Moved by Mitchell Seconded by Hughes Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 544 BRIGHTON AVENUE, MODESTO

MOTION

That the request for sewer service to property located at 544 Brighton Avenue, Modesto, be approved

Moved by VanderWall Seconded by Tabbert Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 1636 LOCKE ROAD, MODESTO

MOTION

That the request for sewer service extension to property located at 1636 Locke Road be approved

Moved by Tabbert Seconded by VanderWall Unanimously carried

CONSIDERATION BY CITY COUNCIL OF APPOINTMENT OF FARM-CITY COMMITTEE

A suggestion was made by Mayor Johansen that a Farm-City Committee be appointed to serve as a liaison between the City and area farmers. He pointed out that Modesto is an agricultural community, has a wide number of interests which go beyond the city limits, and should have a closer working relationship with the farm community; that the farms have an interest in sewer districts, civic buildings, such as auditoriums and libraries, and are dependent upon cities to provide the proper setting for the conduct of their business and a place to market their products. He proposed that the committee consist of the Mayor and councilmen and farmers.

MOTION

That the Mayor be authorized to appoint a Farm- City Committee consisting of the Mayor, councilmen, and farm representatives; that the names of the appointees be presented to the Council for consideration as to the number who will serve on the committee

Moved by Tabbert Seconded by VanderWall Unanimously carried

CONSIDER REQUEST FOR AID UNDER THE FEDERAL AID AIRPORT PROGRAM FOR THE CONSTRUCTION OF A CHAIN LINK FENCE AROUND THE CITY-COUNTY AIRPORT BOUNDARY

The City Manager reported that the project of constructing a chain link fence around the City-County Airport has been approved in the Capital Improvement Program for 1965-66; that it is necessary that application for federal aid be submitted to FAA prior to the end of March. He said that it was a City- County cooperative project, with the City and County sharing in the costs not covered by the federal grant.

The location of the proposed fence installation was discussed.

RESOLUTION NO. 65-108

A RESOLUTION APPROVING APPLICATION FOR AID UNDER THE FEDERAL AID AIRPORT PROGRAM FOR CONSTRUCTION OF SIX-FOOT CHAIN LINK FENCE AROUND THE CITY-COUNTY AIRPORT BOUNDARY

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

HEARING ON PROPOSED AMENDMENT TO SECTION MAP 17 OF THE ZONING REGULATIONS (NAVON, HIGHIET) 2-110

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed rezoning of a parcel of property located east of Tully Road, south of Davis High School from R-1 to R-2, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on February 18, 1965 and notices posted and distributed in the area on February 18, 1965. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 65-20, adopted January 19, 1965 recommends that the area be rezoned to R-2.

Director of Planning Fey stated that the applicants requested that the area be rezoned R-3, but the Planning Commission denied the application and recommended that it be zoned R-2 for reasons listed in Planning Commission Resolution 65-20.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

ORDINANCE NO. 708-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 17 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (NAVON AND HIGHIET)"

was introduced and ordered published as required by the Charter.

Moved by Hughes Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

HEARING ON PROPOSED AMENDMENT TO SECTION MAP 22 OF ZONING REGULATIONS (VIENT) 3-45

Mayor Johansen announced that the hour of 4:35 P.M. had arrived, the time set for consideration of the proposed rezoning of a 20-foot strip of property located at the rear of property east of Brighton Avenue, north of Locke Road, from R-1 to R-3, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on February 18, 1965 and notices posted and distributed in the area on the same date. No written protests were filed with the City Clerk.

Planning Director Fey stated that the proposed rezoning was a "housekeeping" application to rezone a strip of property located at the rear of a parcel zoned R-3, which faces on Brighton Avenue on the southeast corner of Downey High School; that rezoning of the parcel will clean up possible mapping errors which will continue to appear in the future. Mr. Fey said that the Planning Commission denied the request that property north of the property in question be rezoned to R-3.

Planning Commission Resolution 65-15 recommends that strip of property be rezoned to R-3.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

The proposed rezoning was discussed by the Council. The staff was directed to correct an error in the property description of the area proposed for rezoning.

ORDINANCE NO. 709-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 22 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREIN (VIENT)"

was introduced and ordered published as required by the Charter.

Moved by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

HEARING ON PROPOSED ANNEXATION OF THE WOODROW ADDITION 3-80

Mayor Johansen announced that the hour of 4:40 P.M. had arrived, the time set for consideration of the proposed annexation of the Woodrow Addition, 5.24 acres, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on February 18, 1965 and notices mailed to interested parties on the same date. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 65-24 recommends the commencement of proceedings for the annexation of the Woodrow Addition to the City of Modesto.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

RESOLUTION NO. 65-109

A RESOLUTION ANNEXING UNINHABITED TERRITORY KNOWN AS THE WOODROW ADDITION TO THE CITY OF MODESTO

Introduced by VanderWall Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

HEARING ON PROPOSED AMENDMENT TO SECTION 27 OF THE ZONING MAP (LENGYEL) 3-100

Mayor Johansen announced that the hour of 4:45 P.M. had arrived, the time set for consideration of the rezoning of property being the triangle formed by LaLoma, Santa Barbara and Miller Avenues, From R-1 to C-1, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on February 18, 1965 and notices posted and distributed in the area on February 19, 1965. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 65-18 recommends that the property be rezoned from R-1 to C-1, as requested by the applicant, for the following reasons: The property is adjacent to the commercial zone to the south; a demand for development of the parcel will be created if zoned commercial; the property is bordered by LaLoma Avenue, a major street.

Director of Planning Fey described the land uses adjacent to the Lengyel property proposed for rezoning.

Attorney James P. Mower, representing the applicant, Sybil Lengyel, reviewed the land uses immediately surrounding the Lengyel property. He asked that the application for rezoning to C-1 be approved for the following reasons: Commercial development of the property will provide a tax base; because of the shape of the parcel, the setback and parking requirements, there is no economically feasible way to utilize the property for residential purposes, either single or multiple dwelling use; rezoning the parcel will not lower the valuation of adjacent residential properties because the properties contiguous to the Lengyel parcel are already zoned commercial; the application for rezoning is in accordance with the planning principles applicable to neighborhood commercial, as stated by the staff in its report to the Planning Commission; changes in land uses in the area since 1962 justify the need for more commercial zoning; numerous calls for utilization of the Lengyel property for commercial uses; the rezoning is within the concept of the General Plan; the Planning Commission has recommended that the property be rezoned to C-1.

Attorney Wilmar Jensen, 1138 Purdue, representing Mr. and Mrs. Lloyd Kent and other residents in the area adjacent to the Lengyel property, spoke against the rezoning, stating that the opposition of the neighbors had been successful until the last Planning Commission hearing. He quoted Section 10-2.2101 of the Municipal Code which states that amendments to the zoning ordinance should be allowed only when required by public necessity, public convenience and general welfare; that it was therefore up to the applicant to bear the burden of showing that public necessity and the convenience and general welfare of the public would be served by the proposed change in zoning; that there therefore must be compelling reasons for the Council to change its previous stand in rejecting the proposed rezoning. He pointed out that development of the Lengyel property to intensive C-1 use would increase traffic on La Loma; that it has always been a policy of the Planning Commission and the Council that when a residential zone is adjacent to a commercial zone they should back up to one another, which situation now prevails; that he could find nothing in the General Plan to indicate that the Lengyel property should be rezoned for commercial uses; that commercial necessity does not require the rezoning of the property because there are plenty of commercially zoned parcels in the area which have not yet been utilized. It was his opinion that the improvement of Brighton Avenue and the widening of Yosemite Boulevard will alleviate traffic on LaLoma Avenue to its normal use as a feeder street. He asked that the Council deny the application for rezoning.

The following spoke against the proposed rezoning: Seymour Coey, 119 Santa Barbara; Joe Hart, Maze Road, representing his sister who resides in the area; Mr. and Mrs. Howard Olds, 1122 LaLoma; Grace Whitmore, 305 Wilson Avenue; Mrs. Gladys Brubaker, 149 South Santa Barbara; Mrs. Ruth Clausen, 1217 LaLoma; Mrs. Ruth Holgate, 1215 La Loma; Mrs. Louis Bispo, 301 Santa Barbara; Archie Lyons, 304 Santa Barbara.

Attorney Mower submitted a brief rebuttal.

No one else in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

The proposed rezoning was discussed by the Council.

RESOLUTION NO. 65-110

A RESOLUTION REJECTING THE RECOMMENDATION OF THE MODESTO CITY PLANNING COMMISSION THAT SECTION 27 OF THE ZONING MAP BE AMENDED TO REZONE THE AREA SET FORTH IN PLANNING COMMISSION RESOLUTION NO. 65-18, AND REQUESTING A FURTHER REPORT FROM THE PLANNING COMMISSION IN ACCORDANCE WITH SECTION 10-2.2114 OF THE MUNICIPAL CODE (rejected for the reasons that the present commercially zoned properties within the area are adequate; residential zoning in this area is more compatible with the surrounding properties, which are oriented to residential uses)

Introduced by Mayor Johansen Seconded by Councilman VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

The meeting recessed at 6:05 P.M. and reconvened at 6:08 P.M.

HEARING ON PROPOSED AMENDMENT TO SECTION MAP 16 OF THE ZONING REGULATIONS (POLLACK) 9-15

Mayor Johansen announced that the hour of 4:50 P.M. had arrived, the time set for consideration of the proposed rezoning of a parcel of property located on the south side of Floyd Avenue and east side of McHenry Avenue, from R-1 to H-1, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on February 18, 1965 and notices posted and distributed in the area on the same date. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 65-12 recommends that the area be rezoned to H-1.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

ORDINANCE NO. 710-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 16 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (POLLACK)"

was introduced and ordered published as required by the Charter.

Moved by Tabbert Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

HEARING ON PROPOSED AMENDMENT TO SECTION MAP 6 OF THE ZONING REGULATIONS (BELLENITA ADDITION) 9-28

Mayor Johansen announced that the hour of 4:55 P.M. had arrived, the time set for consideration of the proposed rezoning of a parcel of land located south of Nian Way, west of Sutter Avenue, from R-A to R-1, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on February 18, 1965 and notices posted and distributed in the area on February 18, 1965. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 65-11 recommends that the property be rezoned from R-A to R-1.

No one in the audience asked to be heard and Mayor Johansen declared the hearing closed.

ORDINANCE NO. 711-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 6 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (BELLENITA ADDITION)"

was introduced and ordered published as required by the Charter.

Moved by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

HEARING ON PROPOSED AMENDMENT TO SECTION MAP 16 OF THE ZONING REGULATIONS (FELLOWSHIP HOMES ADDITION) 9-40

Mayor Johansen announced that the hour of 5:00 P.M. had arrived, the time set for consideration of the proposed rezoning of property located on the south side of Norwegian Avenue between McHenry and Sunrise Avenues, from R-A to R-1, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on February 18, 1965 and notices posted and distributed in the area on the same date. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 65-10 recommends that the area be rezoned from R-A to R-1.

Vincent Frazier, 14 Ulrich Avenue, Secretary of Fellowship Homes, stated that he wished the Council to be aware of the fact that multiple dwelling units are presently under construction on the site.

Planning Director Fey stated that the application was made in the County, referred to and approved by the City Planning Commission, and sewer service for the parcel approved by the Council; that the development is under the general heading of a rest home. He said that the development comprises multiple dwelling and ambulatory units as a part of the total complex. He said that a rest home is permitted in an R-1 zone subject to a conditional use permit, which was obtained while in the County.

No one else in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

ORDINANCE NO. 712- C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 16 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (FELLOWSHIP HOMES ADDITION)"

was introduced and ordered published as required by the Charter.

Moved by Mitchell Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

Ceres-Modesto General Plan Conflict - Request for Staff Report on City of Modesto Services Available to Area Petitioned for Annexation to Ceres

A proposal was made by Councilman Mitchell that the Council instruct the staff to gather necessary facts and figures in order that the Council and residents of the area between the City of Modesto and City of Ceres will have the facts to assist in determination of annexation to either of the two cities. He referred to a recent newspaper article which indicated that a petition is being circulated to annex the area along River Road to the City of Ceres, which is not contiguous to the Ceres city limits. It was his belief that comparative information from both cities should be gathered and made available to the affected residents - the proximity to the city; the postal system; whether the residents are oriented more to Modesto or Ceres; fire protection,and the rates therefor; water and sewer services.

Suggestions were made that road services also be included, including a frank comment on Modesto's existing sewer problems.

Councilman Tabbert suggested that the report be limited to statistics pertaining to the City of Modesto, Councilman Shastid and Mayor Johansen agreeing. Mayor Johansen stated that the Council should more or less go on record that the City of Modesto was not starting annexation proceedings but merely gathering information and facts to present to the public.

MOTION

That the staff be directed to gather facts and figures of interest to residents living in the area proposed for annexation by the City of Ceres (covering postal, fire, water, sewer and road services, etc.)

Moved by Mitchell Seconded by VanderWall Unanimously carried

RECOMMEND REVISED STREET PROJECTS FOR 1964-65 CAPITAL IMPROVEMENT BUDGET

At the request of the City Manager, and with the unanimous consent of the Council, this matter was held over.

APPROPRIATION TRANSFER PROVIDING MONIES FOR TITLE FEES, PLANNING, ETC., FOR FOURTH HIGH SCHOOL COMMUNITY PARK SITE ($1,000)

RESOLUTION NO. 65-111

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $1,000 FOR TITLE FEES, PLANNING, ETC., FOR FOURTH HIGH SCHOOL COMMUNITY PARK SITE

Introduced by VanderWall Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

LEGISLATIVE MATTERS

With the unanimous consent of the Council, this matter was held over for one week.

ADJOURNMENT

MOTION

That the meeting now in session adjourn to executive session to discuss a personnel matter

Moved by VanderWall Seconded by Johansen Unanimously carried

The meeting adjourned at 6:21 P.M.

ATTEST: Rex E. Gailfus
Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, 801 11th Street, Mayor Johansen presiding.

Present: Councilmen: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Councilman Hughes arrived at 7:40 P.M.
Absent: Councilmen: Shastid

The pledge of allegiance to the Flag was given by all present.

A moment of silent prayer was observed.

LETTER FROM GOVERNMENTAL AFFAIRS INSTITUTE, REGARDING VISIT OF AFRICAN JOURNALISTS TO MODESTO

A letter from Melvin L. Bergheim, Governmental Affairs Institute, dated February 26, 1965 thanking the City Manager for his gracious contribution to the success of the recent visit of African journalists to Modesto, was entered into the record of the minutes. The letter was ordered filed.

LETTER FROM JACK A. ULRICH, BIG U COMPANY, REGARDING WESTERN PACIFIC RIGHT OF WAY AND A POSSIBLE MAJOR STREET

A letter from Jack A. Ulrich dated February 25, 1965 relative to the relocation of Tidewater Southern Railway within the City of Modesto, was entered into the record of the minutes. Mr. Ulrich suggested the possibility of the Tidewater Southern right of way through Modesto becoming a street from 12th Street to Oakdale-Salida Highway, in the event the railroad is discontinued or relocated. An offer was made to enter into agreement with the City to donate approximately two acres of land lying between Orangeburg and Roseburg Avenues if the City is successful in incorporating negotiations for this right of way into their present negotiations with Tidewater Southern.

By order of the Chair, the letter was referred to the staff for study and report to the Council.

LETTER FROM STANISLAUS COUNTY LOCAL AGENCY FORMATION COMMISSION, REGARDING ANNEXATIONS AND CONDITIONS OF APPROVAL 1-15

A letter from W. T. Chynoweth, Official Clerk, Local Agency Formation Commission, dated March 1, 1965 requesting that the City be represented at the Local Agency Formation Commission meeting to be held March 17, 1965 at 7:30 P.M., at which time discussion will be held on a time limit for completion of annexations as a condition of approval, was entered into the record of the minutes.

The City Manager stated that the City will be represented at the meeting. The letter was ordered filed.

LETTER FROM STANISLAUS FOOD PRODUCTS CO. REGARDING EXTENSION OF TIME FOR INSTALLATION OF PRIVATE SEWER LINE ACROSS 12TH STREET

A letter from Leland M. Quartaroli, Vice-President, Stanislaus Food Products Co., dated March 2, 1965 requesting approval of an extension of time to begin and complete the installation of a sewer line in the public right of way on 12th Street, was entered into the record of the minutes.

The City Manager stated that no action was needed since the permit does not specify a time limit. The letter was ordered filed.

LETTER FROM PAUL BIRMINGHAM REGARDING AGREEMENT BETWEEN THE CITY OF MODESTO AND QUINTANA CORPORATION RELATIVE TO REZONING OF PORTION OF POMONA VILLA TRACT 1-20

A letter from Paul V. Birmingham, Civil Engineer, dated March 4, 1965 requesting that paragraph 10 of the agreement between the City of Modesto and Quintana, Inc., dated August 17, 1964 be amended to permit two curb cuts on the Tokay Avenue side of the property, was entered into the record of the minutes.

Mr. Birmingham, representing Lloyd G. and Bobette Overholtzer, successors in interest and assigns of Quintana, Inc., stated that an oil station has been designed for the corner located at Tokay and McHenry Avenues. He said that the one exit on Tokay was not sufficient to permit proper exit from the service station site; that all cars following the normal flow would have to exit on McHenry and travel north; to leave the station on Tokay would require circling around the service station. He contended that all of the advantages of a corner service station would be lost without the two curb cuts on Tokay.

The request was discussed by the Council.

MOTION

That the matter be referred to the Planning Commission for placement on the agenda of its March 16th meeting; that the matter be reconsidered by the Council at its March 22, 1965 meeting

Moved by Mitchell Seconded by Tabbert Unanimously carried

Director of Public Works Campbell stated that his department's interest in curb cuts was merely to see that they comply with legal requirements. He said that the two driveways on McHenry and the one on Tokay Avenue would not exceed the 40% limitation of the lot frontage established by the Code, but an additional driveway on Tokay would exceed the 40% limitation.

The effect on traffic with two driveways on the Tokay Avenue side of the property was discussed.

INFORMAL HEARING ON CURB CUT VARIANCE (OUR LADY OF FATIMA SCHOOL) 3-10

Mayor Johansen announced that the hour of 7:45 P.M. had arrived, the time set for consideration of the request of Henry Beuving & Son, Inc., to increase the width of an existing driveway at 501 West Granger from 30 feet to 36 feet, and opened the hearing.

A memorandum from the Director of Public Works dated March 3, 1965 subject, "Request for a Variance to Permit the Widening of an Existing Driveway at Our Lady of Fatima Church School," was entered into the record of the minutes. Recommendation was made that the request be approved.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

RESOLUTION NO. 65-112

A RESOLUTION GRANTING CURB CUT VARIANCE TO OUR LADY OF FATIMA CHURCH SCHOOL (PROPERTY LOCATED AT 501 WEST GRANGER AVENUE)

Introduced by VanderWall Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

CONTINUATION OF INFORMAL HEARING ON COLLEGE AVENUE WIDENING

Mayor Johansen announced that the hour of 7:45 P.M. had arrived, the

time set for continuation of consideration of the widening of College Avenue from Needham to Coldwell, and opened the hearing.

A memorandum from the Director of Parking and Traffic dated March 4, 1965, subject, "Report of the College Avenue Investigating Committee," was entered into the record of the minutes. The committee recommended as follows: A. That the west curb line of College Avenue between Coldwell and Needham be placed 32 feet west of the present street center line; B. That the east curb line of College Avenue between Needham and the Tidewater Southern tracks be placed 32 feet east of the present street center line; and that no parking be permitted on the east side of College Avenue between the Tidewater Southern tracks and Stoddard Avenue so that there would be two lanes northbound between Needham and Stoddard; C. That the Director of Parking and Traffic utilize all the space presently existing and contemplated by Items 1 and 2 above to effect the proper flow of traffic.

The following letters were read into the record of the minutes: Letter from Harry and Mary June LaMothe dated March 3, 1965 protesting the elimination of parking in front of their property at 310 and 312 College Avenue; letter from Mrs. Donald Lewis representing 350 citizens signing a petition opposing the extension of College Avenue to Rumble Road.

Irene Carlson, 314 College Avenue, speaking for Mr. Hulls, reported that Mr. Hulls has found through research that owners representing 300 feet of ownership have signed easements, while owners representing 305.4 feet of the area have not signed. She said that at the meeting of the committee, it was the belief that a majority of the property owners, area-wise, were in favor of the widening.

Mrs. Donald Lewis, 2410 College Avenue, asked that the Council give consideration to Mr. Ulrich's proposal that the Tidewater Southern Railrod right of way through Modesto be made into a major street, before proceeding with the widening of College Avenue.

No one else in the asked to be heard, and Mayor Johansen declared the hearing closed.

Upon questioning, Director of Public Works Campbell stated that there would be some increase in cost, but not a significant increase, if the west side of College Avenue between Stoddard and Coldwell were widened at this time, and the corresponding section on the east side widened at a later date; that no further progress has been made on the obtaining of street tree easements since the last time this matter was discussed by the Council; that of twenty property owners involved, ten have signed planting easements.

Director of Parking and Traffic Carmody stated that the staff recommendation was full widening on both sides from Needham to Coldwell, with replanting of trees between Stoddardand Coldwell, making a four-lane street to Bowen Avenue, and extension of College Avenue from its present terminus to a T-intersection with Rumble Road.

A motion proposed by Councilman Mitchell that the recommendations of the College Avenue Investigating Committee be followed, and that necessary steps be taken for the widening of College Avenue on the west side from Needham to Coldwell and on the east side from Needham to Tidewater Southern tracks; that parking on the east side of College Avenue between the Tidewater Southern tracks and Coldwell Avenue be prohibited 24 hours a day, died for lack of a second.

MOTION

That the staff be directed to prepare plans and specifications for the widening of College Avenue from Needham to Coldwell Avenue to a four-lane status - 32 feet from the center line on each side of the Street

Moved by Hughes Seconded by Mitchell Unanimously carried

MOTION

That the above motion be amended as follows: That the staff be directed to proceed with the widening of College Avenue from Needham to Stoddard, both sides; from Stoddard to Coldwell, on the Junior College side only; that the staff be directed to proceed with acquisition of street tree easements and the street tree planting program; that the east side of the street between Stoddard and Coldwell not be widened for a minimum of two years

Moved by Mayor Johansen Seconded by Tabbert Unanimously carried

Mayor Johansen stated that although the College Avenue Investigating Committee had considered the extension of College Avenue to Rumble Road, he did not believe that this assignment was given to the Committee; that the matter was before the Planning Commission for recommendation to the Council. He suggested that this portion of the report, along with the petition, be referred to the Planning Commission.

Director of Planning Fey stated that the extension of College Avenue had already been before the Planning Commission and a tentative map of a subdivision approved showing an extension of College Avenue; that if the Council objected, the objection should be made before the subdividers go to the expense of preparing a final map.

Upon questioning, Director of Parking and Traffic Carmody stated that it was planned to install traffic signals at Coldwell and College next fiscal year, and the following fiscal year at the intersection of Stoddard and College.

Members in the audience interested in the extension of College Avenue were asked to remain at the meeting until consideration of Item 16 on the agenda which includes the extension of College Avenue as a proposed project this fiscal year.

HEARING ON PROPOSED ANNEXATION OF THE SHERWOOD MEADOWS ADDITION 6-40

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the proposed annexation of the Sherwood Meadows Addition, 34.954 acres, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune and Turlock DailyJournal on February 4 and 11, 1965 and notices mailed to all persons owning property in the area, and other interested persons, on February 11, 1965. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 65-9 recommends that the Council commence proceedings for the annexation of Sherwood Meadows Addition.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

RESOLUTION NO. 65-113

A RESOLUTION DECLARING THAT A MAJORITY PROTEST HAS NOT BEEN MADE AGAINST THE ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS SHERWOOD MEADOWS ADDITION AND DECLARING THE INTENTION OF THE COUNCIL TO PROCEED WITH THE ANNEXATION OF SAID TERRITORY

Introduced by Hughes Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

ORDINANCE NO. 713-C.S. entitled
"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE SHERWOOD MEADOWS ADDITION TO THE CITY OF MODESTO"

was introduced and adopted and ordered published as required by the Charter.

Introduced by Patton Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

MATTERS FOR THE GOOD OF THE COMMUNITY

Request for Use of Council Chambers - California Aeronautics Commission

MOTION

That the request of the California Aeronautics Commission for use of the Council Chambers, Monday, March 15, 1965 from 9:00 P.M. to 12:00 noon be approved

Moved by Hughes Seconded by VanderWall Unanimously carried

San Francisco Examiner news item, Modesto Rest Stops, reported by Councilman VanderWall 6-72

Councilman VanderWall read a news item from the San Francisco Examiner entitled "Modesto Eyes the Motorists," in connection with Modesto's attempt to have legislation passed to secure state-owned land for rest stops at the freeway approaches to the City.

Report on Parking District Steering Committee - Councilman Patton

Councilman Patton reported that the Parking District Steering Committee will meet on March 10, 1965, and that a report will be made to the Council at its meeting of March 15, 1965.

Appointment of City-State Hospital Liaison Committee

RESOLUTION NO. 65-114

A RESOLUTION APPOINTING MEMBERS TO CITY-STATE HOSPITAL LIAISON COMMITTEE

Introduced by Tabbert Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

The following members were appointed: John Mensinger, President, Modesto Chamber of Commerce; Councilman Richard VanderWall; Paul L. Haire, Executive Secretary, Family Service Agency; Fred Beyer, County Superintendent of Schools; Dr. William Van Deventer, representing the Medical Association; Stanislaus County Supervisor Al Brink.

The City Manager was directed to contact the appointed members and set up the initial meeting. Mayor Johansen stated that the function of the committee would be to keep the Council advised on the status of the Modesto State Hospital, and to act as a liaison between the State and City.

Expression of Interest of City of Modesto in Area South of Tuolumne River

Mayor Johansen read a statement dated March 8, 1965 entitled "Interest in Area South of Tuolumne River," a copy of which is filed with the record of the minutes. The report indicated that statements had been made to the press by certain people of the disinterest of City of Modesto officials in the area south of the Tuolumne River and north of Hatch Road. The statement listed ten reasons why the Council should express its interest in providing municipal services to this area if the people wish to annex to the City of Modesto. In conclusion, Mayor Johansen stated that the residents in the area would not be pressured in any way to annex to the City; that information of interest to the area residents was available at the City Hall.

Howard David - Police Department Matter

Mr.Ed David asked why suspension procedures used during the investigation of Howard David were not being applied to Chief of Police Bowers. He was informed by the City Manager that no charges had been preferred against the Chief of Police at the present time; that charges were preferred against Howard David by his superior officer at the time of his suspension.

Visitors from Santa Rosa

The City Manager stated that members of the Santa Rosa Civic Center Committee would be at the City Hall on Friday, March 12, 1965 at 3:30 P.M. Council members were invited to meet with the visitors.

LETTER FROM TELE-VUE CORPORATION REGARDING CONSTRUCTION OF A COMMUNITY ANTENNA TELEVISION SYSTEM 7-49

A letter from Dick Lubic, Vice President, Tele-Vue Corporation, informing the Council of its intentions to construct a community antenna television system in the City of Modesto, was entered into the record of the minutes. An exclusive franchise for installation of the system was requested.

Dick Lubic stated that construction of a community antenna television system in the City will eliminate the need of high antennas on roofs, and greatly improve reception. He described the operation of the system. Rates will be $5 per month, per home, plus an installation fee of $25 for the first television hookup, plus a fee for additional hookups. Schools will be installed free of charge. He said that most cities,where the system has been installed, receive a 2% of the gross yearly receipts of the company; that a local office will be established, with local people hired for the construction.

The City Attorney stated that a franchise was needed for the type of construction requested by Tel-Vue Corporation.

Mr. Lubic was questioned by the Council. The staff was directed to inform Mr. Lubic of the procedures to follow to obtain a franchise.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE CONSTRUCTION OF THE AIRPORT ADMINISTRATION BUILDING

RESOLUTION NO. 65-115
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF THE AIRPORT ADMINISTRATION BUILDING

Introduced by Patton Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

April 6, 1965 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

ADOPTION OF ORDINANCE NO. 707-C.S. AMENDING THE MUNICIPAL CODE RELATING TO ZONING REGULATIONS (R-2 ZONES)

ORDINANCE NO. 707-C.S. entitled
"AN ORDINANCE AMENDING ARTICLE 6 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO THE ZONING REGULATIONS"

introduced February 23, 1965 and having been published, was moved and adopted.
Moved by VanderWall Seconded by Tabbert
Ayes: Hughes, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: Mitchell Absent: Shastid

RESOLUTION NO. 65-116

A RESOLUTION AUTHORIZING FILING OF APPLICATION WITH THE HOUSING AND HOME FINANCE AGENCY, UNITED STATES OF AMERICA, FOR GRANT TO ACQUIRE OPEN-SPACE LAND FOR THE "FOURTH HIGH SCHOOL COMMUNITY PARK SITE," AND RESCINDING RESOLUTION NO. 64-283
(application refiled to include anti-discrimination clause required by Title VI of Civil Rights Act of 1964)

Introduced by VanderWall Seconded by Mitchell
Ayes: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: Hughes Absent: Shastid

RESOLUTION NO. 65-117

A RESOLUTION AUTHORIZING FILING OF APPLICATION WITH THE HOUSING AND HOME FINANCE AGENCY, UNITED STATES OF AMERICA, FOR A GRANT TO ACQUIRE OPEN-SPACE LAND, AND RESCINDING RESOLUTION NO. 62-488 (Grace Davis High School)
(application refiled to include anti-discrimination clause required by Title VI of Civil Rights Act of 1964)

Introduced by VanderWall Seconded by Mitchell
Ayes: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: Hughes Absent: Shastid

CONSIDER AGREEMENT WITH STATE OF CALIFORNIA FOR IMPROVEMENT OF YOSEMITE BOULEVARD

The City Manager stated that the staff has recommended that the joint State-County-City agreement for the widening of Yosemite Boulevard from Las Flores Avenue to Riverside Drive be approved and the City Manager authorized to execute the agreement.

The terms of the agreement were reviewed by Deputy Manager Ray. He pointed out that no funds were budgeted for right of way contracts, title searches, etc.

RESOLUTION NO. 65-118

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STATE OF CALIFORNIA FOR IMPROVEMENT OF YOSEMITE BOULEVARD FROM LAS FLORES AVENUE TO RIVERSIDE DRIVE

Introduced by Hughes Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

REPORT ON CLAIM OF JACK D. GALLOWAY, 222 RUE DE YOE, FOR DAMAGES TO GUN 9-29

A memorandum from Deputy Manager Ray dated March 3, 1965, subject, "Damages to Gun belonging to Jack D. Galloway, 221 Rue De Yoe, Modesto," was entered into the record of the minutes. Mr. Galloway's claim for $40 for alleged damages to his gun which was dropped by the Police Department property officer, was considered by the Council on February 15, 1965 and referred to the staff for report. Recommendation was made that Mr. Galloway's claim be settled for $5, plus tax and shipping charges, covering damage to the grips, and that the remainder of the claim be denied, on the basis that the damage to the frame of the gun was not done while the gun was in the custody of the police department.

Mr. Galloway protested the amount of the payment.

RESOLUTION NO. 65-119

A RESOLUTION AUTHORIZING PAYMENT OF $5 PLUS TAX AND SHIPPING CHARGES TO JACK D. GALLOWAY, 222 RUE DE YOE, FOR DAMAGES TO GUN

Introduced by Mitchell Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP FOR CRESTWOOD TERRACE NO. 4 SUBDIVISION 9-83

RESOLUTION NO. 65-120

A RESOLUTION APPROVING THE FINAL MAP OF THE CRESTWOOD TERRACE NO. 4 SUBDIVISION OF THE CITY OF MODESTO

Introduced by Hughes Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER LINES TO SERVE CRESTWOOD TERRACE NO. 4 SUBDIVISION

RESOLUTION NO. 65-121

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINES TO SERVE CRESTWOOD TERRACE NO. 4 SUBDIVISION

Introduced by VanderWall Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

March 23, 1965 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

RECOMMEND REVISED STREET PROJECTS FOR 1964-65 CAPITAL IMPROVEMENT BUDGET

A memorandum from Director of Planning Fey entitled "Public Works Streets Capital Improvements, Fiscal Year 1964-65," was entered into the record of the minutes. Listed in the memorandum are street capital improvements proposed for accomplishment in fiscal year 1964-65. The proposed projects remaining to be done were reviewed by Director of Public Works Campbell.

In connection with the proposed College-Rumble extension, Mr. Campbell stated that the construction was proposed for this spring and summer, and recommended that funds be budgeted at this point; that if approved, an agreement be prepared between the City and two subdividers and the church for the City to prepare plans and specifications and call for bids, with the construction work to be handled by the City, and the abutting properties sharing in the cost of construction, based on the pro-rated frontage.

The following projects are proposed for the balance of fiscal year 1964-65: Tully Road, Leonard to Pearl; College Avenue, Needham to Coldwell; College-Rumble extension; Kansas Avenue, Franklin to 8th; miscellaneous street improvements and rights of way.

The rights of way still needed on College Avenue between Needham and the canal were discussed.

Mrs. Donald Lewis, 3410 College Avenue, pointed out that four-lane traffic on College Avenue would be funneled into two lanes from Bowen Avenue north. She protested the extension of College Avenue to Rumble. Mr. Campbell stated that at this point traffic was diminished so that it could be accommodated by the two-lane street.

Jim Love, 2405 College Avenue, asked what assurance the residents would have that College Avenue will not be widened beyond Bowen Avenue. He was informed that this could not be predicted, but that it would be extremely expensive to widen that portion of College Avenue if all of the homes had to be moved back to permit the widening.

Mrs. Lewis also pointed out that two churches were planned in the

area, both of which would contribute greatly to traffic on College Avenue - one on Durant and one where the proposed extension of College will deadend into Rumble.

MOTION

That the street projects as recommended for the balance of fiscal year 1964-65 be approved as presented by the Director of Public Works.

Moved by Hughes Seconded by VanderWall Unanimously carried

RECOMMEND AMENDMENTS TO THE MUNICIPAL CODE (ZONING REGULATIONS) - SIGNS AND BILLBOARDS 10-90

RESOLUTION NO. 65-122

A RESOLUTION SETTING TIME AND PLACE FOR HEARING RECOMMENDED AMENDMENTS TO MUNICIPAL CODE CONCERNING SIGNS AND BILLBOARDS

Introduced by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

April 5, 1965 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

APPROPRIATION TRANSFER PROVIDING MONIES TO COVER MAINTENANCE OF IBM ELECTRIC TYPEWRITER TRANSFERRED FROM CITY ATTORNEY'S OFFICE TO PUBLIC WORKS, ENGINEERING AND ADMINISTRATION

RESOLUTION NO. 65-123

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $35 TO PROVIDE FOR MAINTENANCE ON TYPEWRITER TRANSFERRED FROM CITY ATTORNEY'S OFFICE TO PUBLIC WORKS, ENGINEERING & ADMINISTRATION

Introduced by VanderWall Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

APPROPRIATION TRANSFER - PROVIDING ADDITIONAL FUNDS FOR CHLORINATION OF TREATMENT PLANT EFFLUENT ON YEAR-ROUND BASIS

RESOLUTION NO. 65-124

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $6,500 FOR CHLORINATION OF TREATMENT PLANT EFFLUENT ON YEAR-AROUND BASIS

Introduced by Patton Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

APPROPRIATION TRANSFER - EQUIPMENT RENTAL FOR MOVING DIRT AT SEWAGE TREATMENT PLANT ($400)

RESOLUTION NO. 65-125

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $400 FOR EQUIPMENT RENTAL - SEWAGE TREATMENT PLANT

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

LEGISLATIVE MATTERS

Deputy Manager Ray listed pending state legislation which he believed was of principal concern to California cities, stating that a follow-up would be provided as information is received from the League of California Cities legislative staff in Sacramento:

SCA-17 - Telephone franchise tax proposing a constitutional amendment which will impose a 1% tax on the intra-state gross receipts of telephone companies in the State of California;

SB-339, which provides that the Division of Aeronautics shall act as agent of political subdivisions in accepting and disbursing federal money for airports, and that no political subdivision shall apply for funds under the Federal Airport Act without the approval of the Division. Mr. Ray recommended that the Council register a protest to this measure at the proper time.

Training of traffic officers - This bill requires that all traffic officers be trained in a school established by the Commissioner of the California Highway Patrol, and that local public agencies pay the cost for schooling of traffic officers in their employ. He recommended Council opposition to this measure.

Parking Improvement Areas - This bill authorizes cities to establish parking improvement areas and to levy license taxes in addition to business licenses on businesses in the area to provide revenue to finance the parking facilities.

Grade Crossing Protection Maintenance - This bill provides that the cost of maintaining grade crossing protection work is to be divided by the Public Utilities Commission between the railroad and public bodies involved. Mr. Ray said that the railroad and public bodies presently share in the cost of construction.

AB 448 - This bill limits the maximum working hours for firemen to 56 hours per week.

Military Pay - This bill provides that public employees or officers shall be entitled only to the difference, if any, between their military pay and compensation payable for their employment if they are called to military duty, for the first thirty days.

Blanketing of public employees under State Unemployment and Disability Insurance Programs - Mr. Ray stated that this legislation is obviously an attempt to bolster the sagging finances of those particular funds because city employees and other public employees are not seasonal, and it would simply be a means of paying into the fund with very little gain. He said that the Council might wish to oppose this legislation.

MOTION

That the Council take no action on the above legislation at this time

Moved by VanderWall Seconded by Tabbert Unanimously carried

By order of the Chair, the City Manager was authorized to seek guidance from the Public Relations Committee on proposed state legislation when quick action is needed before the next council meeting.

Mr. Ray stated that a list of all standing committees of both the Assembly and Senate were available in his office.

NOTICE OF HEARING - LOCAL AGENCY FORMATION COMMISSION 11-58

A notice of hearing of proposed annexations to the cities of Oakdale and Modesto to be held March 17, 1965 in Room 206, County Offices Building, 1100 Eye Street, Modesto, was entered into the record of the minutes.

REPORT FROM STANISLAUS COUNTY BOARD OF SUPERVISORS RE PROPOSAL FOR METROPOLITAN MODESTO SEWAGE STUDY

A resolution from the Stanislaus County Board of Supervisors dated February 23, 1965 approving the joint City-County hiring of the firm of Brown and Caldwell, Consulting Engineers, to make a Metropolitan Modesto Sewerage Study at a maximum fee of $35,000, the City and County sharing equally in the cost, was entered into the record of the minutes.

SUBMISSION OF "ANNUAL REPORT TO THE PEOPLE"

The City Manager stated that the report is presently being distributed by the Boy Scouts; that the distribution will continue throughout the month of March.

ADJOURNMENT

MOTION

That the meeting adjourn to executive session to discuss a personnel matter

Moved by Hughes Seconded by Mitchell Unanimously carried

The meeting adjourned at 10:28 P.M.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Mayor Johansen presiding.

Present: Councilmen: Mitchell, Tabbert, VanderWall, Mayor Johansen
Councilmen Hughes and Patton arrived at 4:05 P.M.
Councilman Shastid arrived at 4:13 P.M.

Absent: Councilmen: None

The pledge of allegiance to the Flag was given by all present.

The invocation was given by Reverend A. P. Gregory.

APPROVAL OF MINUTES

The minutes of the regular meetings of February 23 and March 1, 1965 were approved.

LETTER FROM HARRY D. WISER, SUPERINTENDENT, MODESTO CITY SCHOOLS, REGARDING A PROPOSED SWIMMING POOL FOR GRACE M. DAVIS HIGH SCHOOL

A letter from Harry D. Wiser, Superintendent, Modesto City Schools, dated March 3, 1965 requesting City participation in the construction of a swimming pool at Grace M. Davis High School, was entered into the record of the minutes. Total cost of the L-shaped pool is estimated at $85,000.

MOTION

That the staff be authorized to prepare the necessary documents for city participation in the construction of a swimming pool at Grace M. Davis High School on a 50-50 basis of the cost of the pool

Moved by VanderWall Seconded by Mitchell Unanimously carried

LETTER FROM LESLIE E. CHISM, PASTOR, CALVARY BAPTIST CHURCH, REQUESTING USE OF PARKING AREA ADJACENT TO DEL WEBB FIELD FOR AN EVANGELISTIC CRUSADE

A letter from L. E. Chism, Chairman, Site Committee for Appelman Crusade, Calvary Baptist Church, dated March 5, 1965 requesting use of the parking area south of, and adjacent to Del Webb Ball Park for an evangelistic crusade June 20 through July 4, 1965 was entered into the record of the minutes.

By order of the Chair, the request was referred to the staff for review and report to the Council.

LETTER FROM JAMES MUSSATTI, CHAIRMAN, CITIZENS' COMMITTEE, FOR BALANCED LEGISLATIVE REPRESENTATION 1-40

A letter from James Mussatti, Chairman, Citizens' Committee for Balanced Legislative Representation, dated March 8, 1965 requesting the City's support of a national effort to permit states to balance their legislative representation if they so desire, was entered into the record of the Council.

No action was taken by the Council. The letter was ordered filed.

LETTER FROM HARRY KULLIJIAN, 3001 COFFEE ROAD, REQUESTING AN ENCROACHMENT PERMIT FOR A BRICK PLANTER IN THE CITY STREET RIGHT OF WAY

MOTION

That the request of Harry Kullijian in an undated letter for an encroachment permit to allow a brick planter to remain in the public right of way on property located at 3001 Coffee Road be set for hearing on March 22, 1965 at 8:10 P.M.

Moved by VanderWall Seconded by Tabbert Unanimously carried

RECOMMENDATION THAT INSTALLATION OF A WATER LINE IN THE FUTURE EXTENSION OF MURIEL AVENUE BE PERFORMED BY CITY FORCES 1-45

RESOLUTION NO. 65-126
A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES - WATER LINE IN FUTURE EXTENSION OF MURIEL AVENUE (No bids received)

Introduced by Mitchell Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER LINE EXTENSION ON McHENRY AVENUE BETWEEN NORWEGIAN AND BOWEN AVENUES

RESOLUTION NO. 65-127
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINE EXTENSION ON McHENRY AVENUE BETWEEN NORWEGIAN AND BOWEN AVENUES

Introduced by VanderWall Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

March 30, 1965 at 2:15 P.M. in the City Clerk's office was set as the time and place for opening of bids.

ADOPTION OF ORDINANCE NO. 708-C.S. RECLASSIFYING PROPERTY IN SECTION MAP 17 (NAVON AND HIGHIET PROPERTY)

ORDINANCE NO. 708-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 17 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (NAVON AND HIGHIET)"

introduced March 1, 1965 and having been published as required, was moved and adopted.

Moved by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

ADOPTION OF ORDINANCE NO. 709-C.S. RECLASSIFYING PROPERTY, SECTION MAP 22 (VIENT PROPERTY)

ORDINANCE NO. 709-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 22 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (VIENT)"

introduced on March 1, 1965 and having been published as required, was moved and adopted.

Moved by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

ADOPTION OF ORDINANCE NO. 710-C.S. RECLASSIFYING PROPERTY, SECTION MAP 16 (POLLACK PROPERTY)

ORDINANCE NO. 710-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 16 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (POLLACK)"

introduced March 1, 1965 and having been published as required, was moved and adopted.

Moved by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

ADOPTION OF ORDINANCE NO. 711-C.S. RECLASSIFYING PROPERTY, SECTION MAP 6 (BELLENITA ADDITION)

ORDINANCE NO. 711-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 6 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (BELLENITA ADDITION)"

introduced March 1, 1965 and having been published as required, was moved and adopted.

Moved by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

ADOPTION OF ORDINANCE NO. 712-C.S. RECLASSIFYING PROPERTY, SECTION MAP 16 (FELLOWSHIP HOMES ADDITION)

ORDINANCE NO. 712-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 16 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (FELLOWSHIP HOMES ADDITION)"

introduced March 1, 1965 and having been published as required, was moved and adopted.

Moved by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

RESOLUTION GRANTING THE JUNIOR CHAMBER OF COMMERCE A PERMIT TO ENCROACH ON PUBLIC RIGHT OF WAY (FLAG INSTALLATION ON HOLIDAYS)

RESOLUTION NO. 65-128
A RESOLUTION GRANTING THE JUNIOR CHAMBER OF COMMERCE A PERMIT TO ENCROACH ON PUBLIC RIGHT OF WAY (display of flags on holidays in downtown area, McHenry Avenue from Needham to Briggsmore)

Introduced by Hughes Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

FURTHER CONSIDERATION OF DOWNTOWN PARKING DISTRICT 1-71

With the unanimous consent of the Council, this matter was held over for consideration later in the meeting.

PROPOSAL FROM STONE AND YOUNGBERG FOR CONSULTING SERVICES REGARDING PARKING DISTRICT

With the unanimous consent of the Council, this item was held over for consideration later in the meeting.

RESOLUTIONS APPROVING AGREEMENTS AND APPROPRIATION TRANSFER - JOINT CITY-COUNTY SEWAGE DISPOSAL STUDY

Approval of agreement with Brown and Caldwell for engineering services and sewage study in conjunction with Stanislaus County

RESOLUTION NO. 65-129
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND BROWN AND CALDWELL, CONSULTING SANITARY ENGINEERS

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

RESOLUTION NO. 65-130
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COUNTY OF STANISLAUS - SEWERAGE DISPOSAL STUDY BY BROWN AND CALDWELL

Introduced by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

RESOLUTION NO. 65-131
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $35,000 FOR SEWER DISPOSAL STUDY BY BROWN & CALDWELL, CONSULTING ENGINEERS

Introduced by VanderWall Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

Councilman Shastid arrived at 4:13 P.M.

CONSIDER APPROVAL FOR USE OF OFF-DUTY POLICE OFFICERS TO SERVE AS "KEEPERS" FOR THE CIVIL DIVISION OF THE STANISLAUS COUNTY SHERIFF'S OFFICE

A letter from Sheriff Dan Kelsay addressed to Police Chief Bowers, dated February 8, 1965 requesting departmental and Council approval for use of city police officers as "keepers" during their off-duty hours, and a memorandum from Chief Bowers dated February 2, 1965 subject, "Request from Stanislaus County Sheriff's Office re: "Keepers" were entered into the record of the minutes.

MOTION
That the request of Sheriff Kelsay for the use of city police officers as "keepers" during their off-duty hours be approved

Moved by Mitchell Seconded by Patton Unanimously carried

CONSIDER RECOMMENDATIONS OF PERSONNEL COMMISSION AND STAFF THAT PROFESSIONAL SERVICES BE OBTAINED FOR SALARY SURVEY AND REQUEST THAT CITY MANAGER BE AUTHORIZED TO EXECUTE CONTRACT

The following documents were entered into the record of the minutes: Memorandum from City Manager Keefe dated March 11, 1965 subject, "Salary Survey"; Proposals for salary survey from Griffenhagen-Kroeger, Inc., dated February 26, 1965 and Cooperative Personnel Services dated March 5, 1965. The Personnel Commission recommended that the services of Cooperative Personnel Services be obtained to perform the survey.

The need for the proposed salary survey and the function of the Personnel Commission were discussed by the Council.

MOTION
That the request of the Personnel Commission and staff that professional services be obtained for a salary survey be denied; that the Council expresses its faith in the Personnel Commission to do a commendable job in preparing its own survey

Moved by Hughes Seconded by VanderWall Unanimously carried

FURTHER CONSIDERATION OF DOWNTOWN PARKING DISTRICT

A memorandum from J. F. Dowd, Chairman, Parking District Steering Committee, dated March 11, 1965, subject, "Report on Downtown Parking District," was entered into the record of the minutes.

Councilman Patton, the council representative serving on the Committee, stated that although the Parking District Steering Committee had not been able to accomplish the formation of a parking district, it would still be willing to serve the Council in an advisory capacity, or make recommendations from the results of its many months of study.

Robert Alford, a member of the Committee, explained why the formation of a parking district was not feasible under the Municipal Improvement Act of 1913 and the Parking District Laws of 1943 and 1951. He stated that the committee members were very enthusiastic and optimistic at the beginning of the project, had worked hard, and had learned things that might be helpful in presenting ideas which would supplement the City's existing program; that if the Council wished, the Committee could explore the following suggestions made by the Council: the possibility of a legislative change which would permit the pledging of parking meter revenues towards the retirement of parking district bonds, or contribution by the City of an equivalent amount based on parking meter revenues; the possibility, under the 1951 Act, of taking in only a certain percentage or portion of a building, for example, one-fourth of its total valuation; the possibility of introducing legislation which would provide an Act and formula meeting the needs of the City of Modesto; possible amendment of the 1913 Act to include parking districts.

The duties of the proposed Parking and Traffic Advisory Committee were discussed with determination made that the primary function of the Committee would be to continue its work on the formation of a parking district, and its secondary function to make incidental studies and recommendations to the Council on downtown traffic problems.

The Council expressed its appreciation to the Committee for the work accomplished.

RESOLUTION NO. 65-132

A RESOLUTION ESTABLISHING A PARKING AND TRAFFIC ADVISORY COMMITTEE AND APPOINTING MEMBERS THERETO

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

The following members were appointed to serve as members of the Park- and Traffic Advisory Committee: Robert Alford, Clarkson Bradford, James F. Dowd; Councilman William Patton, Joe Saletta; Ray Starn; Don West.

PROPOSAL FROM STONE AND YOUNGBERG FOR CONSULTING SERVICES REGARDING PARKING DISTRICT 4-30

A memorandum from Director of Parking and Traffic Carmody dated March 11, 1965, subject, "Stone and Youngberg Proposal of 2/17/65 For Consulting Services On a Parking District," was entered into the record of the minutes.

MOTION

That the staff be directed to write a letter to Stone and Youngberg thanking them for their offer and advising them that their services cannot be used at this time

Moved by Shastid Seconded by Hughes Unanimously carried

CONSIDER RIGHT OF WAY AGREEMENT WITH CENTENARY METHODIST CHURCH 4-35

At the request of the Director of Public Works, and with the consent of the Council, this matter was held over until the April 5th meeting.

CONSIDER AGREEMENT BETWEEN THE CITY AND MR. WILLIE WISE FOR WATER AND SEWER SERVICE TO CENTRAL HEIGHTS ESTATES SUBDIVISION

A memorandum from the Director of Public Works dated March 10, 1965, subject, "Agreement for Water and Sewer Service to Central Heights Estates Subdivision," was entered into the record of the minutes. The memorandum outlined the terms and conditions of an agreement between the City and Mr. Wise for water and sewer service to Central Heights Estates Subdivision, located in the County on the west side of Coffee Road between Norwegian Avenue and M.I.D. Lateral No. 3.

RESOLUTION NO. 65-133
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND WILLIE WISE FOR WATER AND SEWER SERVICE TO CENTRAL HEIGHTS ESTATES SUBDIVISION

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

RECOMMEND COMMENCEMENT OF ANNEXATION PROCEEDINGS - ELM ADDITION

RESOLUTION NO. 65-134
A RESOLUTION GIVING NOTICE OF PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS ELM ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

April 5, 1965 at 4:45 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

APPROPRIATION TRANSFER - WATER AND SEWER SERVICE, CENTRAL HEIGHTS ESTATES SUBDIVISION

RESOLUTION NO. 65-135
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $1,785 - SUBTRUNK SEWER, CENTRAL HEIGHTS ESTATES SUBDIVISION (City's share, participation with subdivider, Mr. Willie Wise)

Introduced by Shastid Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

APPROPRIATION TRANSFERS - None

LEGISLATIVE MATTERS

The following legislative matters were presented for Council consideration.

AB-554 - which will entitle a public employee or officer only to the difference, if any, between his military pay and his salary as a public employee for the first thirty days he is on temporary or other military leave, rather than his entire employment compensation for such period.

RESOLUTION NO. 65-136
A RESOLUTION SUPPORTING PASSAGE OF AB-554

Introduced by VanderWall Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

AB-681 - This bill would permit a city council to initiate proceedings for inhabited annexations on its own motion, as it may now do for uninhabited annexations.

RESOLUTION NO. 65-137
A RESOLUTION SUPPORTING PASSAGE OF AB-681

Introduced by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

AB-682 - This bill would provide a means of annexing legally created islands of 100 acres or less, and corridors.

RESOLUTION NO. 65-138
A RESOLUTION SUPPORTING PASSAGE OF AB-682

Introduced by Patton Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

AB-733 - The City Manager read a letter from the office of the Mayor of Berkeley, which stated that the Assembly Committee on transportation voted to move AB-733 out of the Committee with minor amendments. This bill gives public agencies preference in use of areas above or below freeways, and provides that agreement by public agencies to maintain such areas is sufficient consideration.

RESOLUTION NO. 65-139
A RESOLUTION SUPPORTING PASSAGE OF AB-733

Introduced by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

SCA-17 - Telephone In Lieu Tax

MOTION
That discussion on this bill be held over until Mr. Lee Davies, Pacific Telephone representative, can be present.

Moved by VanderWall Seconded by Patton Unanimously carried

MATTERS FOR THE GOOD OF THE COMMUNITY 5-25

A letter from Frank Andrews dated March 15, 1965, subject, "The Shameful and Unethical Use of City Equipment and Help - also Involving Our Boy Scouts for the So-Called City Report," was entered into the record of the minutes.

Mr. Andrews spoke briefly on the quality of reports furnished by the City.

PANEL DISCUSSION - LEAGUE OF WOMEN VOTERS - "A SELF EXAMINATION OF STANISLAUS COUNTY"

Councilman Mitchell reported that a special invitation has been extended to the council members to attend a panel discussion, "Self Examination of Stanislaus County," to be held in the M.I.D. Auditorium, March 18, 1965 at 8:00 P.M. Special emphasis will be placed on the exploration of policies and programs for the development of human resources trough education and employment.

DRYDEN GOLF COURSE CLUB HOUSE - LETTER FROM MAYOR JOHANSEN TO MEMBERS OF COUNCIL

A letter from Mayor Johansen dated February 17, 1965 subject, "Golf Course Club House" was entered into the record of the minutes. The following recommendations were made: that the Council consider advancing the time for construction of the club house (construction was approved by the Planning Commission and the City Council for fiscal year 1965-66); that the City Council authorize the Public Projects Committee to interview and recommend an architect for the design of the club house facility with the expressed intention of appropriating the funds when the plans are drawn and ready to go to bid. Construction of the club house was approved by the Planning Commission and Council during fiscal year 1964-65. The letter was read by Mayor Johansen.

Bernie Knoll, Modesto Bee reporter, suggested that the matter be placed on the agenda of a future council meeting, instead of under "Matters for the Good of the Community."

Plans for the golf course club house designed by the Modesto Golf Club a year ago were shown the Council (4,700 square feet, total cost estimated at approximately $60,000).

The Council discussed the following: whether or not the proposed location of the club house will influence the revamping of the 9-hole golf course; availability of land to expand parking facilities, if necessary; availability of funds to construct the club house; the fact that the golf courses are expected to be self-supporting this fiscal year; timing of the hiring of an architect.

MOTION

That the staff be directed to furnish information on the exact proposed location of the club house; availability of funds; footage costs, etc.; that minutes of discussion of the proposed club house at the last budget sessions be provided the Council.

Moved by VanderWall Seconded by Shastid Unanimously carried

The staff was directed to furnish the information requested in the above motion at the April 5, 1965 meeting.

REPORT ON RADIOLOGICAL MONITORING COURSE TAKEN BY MEMBERS OF THE FIRE AND POLICE DEPARTMENTS

The City Manager reported that the radiological monitoring course was completed by thirty-two members of the Fire Department, and one Sergeant from the Police Department.

Chief Everett stated that all of the Fire Department personnel were now qualified to use the instruments to detect radiological materials, with the exception of one probationary employee. The instruments are furnished by the Civil Defense organization.

REPORT IN REGARD TO THE DECISION OF THE STATE PUBLIC UTILITIES COMMISSION DENYING PETITION OF SOUTHERN PACIFIC COMPANY TO REOPEN PRIOR DECISION OF THE COMMISSION IN REGARD TO GRADE CROSSING PROTECTION DEVICES WITHIN THE CITY OF MODESTO 6-18

City Attorney Johnson reported that the State Public Utilities Commission has denied Southern Pacific's request for a rehearing on the Public Utilities Commission's prior decision that the cost of grade crossing protection devices in the City be shared equally by the City and Southern Pacific, and the maintenance costs borne solely by Southern Pacific.

PRESENTATION OF FINANCIAL STATEMENT FOR MONTH OF FEBRUARY 1965

The financial statement for the month of February 1965 was presented to the Council and ordered filed.

RESIDENTS SOUTH OF THE TUOLUMNE RIVER 7-26

The City Manager reported that the information of interest to residents south of the Tuolumne River, requested by the Council at the March 1, 1965 meeting, was now available in the office of the City Manager. A copy of the memorandum was filed with the record of the minutes.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Tabbert Unanimously carried

The meeting adjourned at 5:37 P.M.

ATTEST: _____
Rex E. Gallius, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen
Councilman Shastid arrived at 7:34 P.M.
Absent: Councilmen: Patton

The pledge of allegiance to the Flag was given by all present.

Reverend Donald J. Bogue gave the invocation.

APPROVAL OF MINUTES

The minutes of the regular meeting of March 8, 1965 were approved.

LETTER FROM O. E. BEESON, PRESIDENT, MODESTO SENIOR CITIZENS, INC., REGARDING WAIVER OF RENTAL CHARGES FOR USE OF PROPERTY AT 800 EAST MORRIS AVENUE

A letter from O. E. Beeson, President, Modesto Senior Citizens, Inc., dated March 11, 1965 requesting waiver of $480 per year charges for the rental of a room at the Community Center, 800 East Morris Avenue, used by the senior citizens on Friday afternoons only, was entered into the record of the minutes.

Mr. Beeson stated that a survey indicated that other cities provided quarters to senior citizen groups for their meetings; that the group was desirous of finding larger quarters for their meetings. He also suggested that the City might consider donating land upon which a building would be constructed by the Senior Citizens, the land and building to revert to the City in the event the organization is disbanded.

The use of Maddux Youth Center by the senior citizens groups was discussed by the Council.

By order of the Chair, the staff was directed to investigate the possibilities of the use of Maddux Youth Center by Senior Citizens, Inc., and to report to the Council at the April 5th meeting.

CARD FROM PETER JANOPAUL REGARDING POSSIBLE ANNEXATION OF THE AREA NORTH OF HATCH ROAD AND EAST TO MITCHELL ROAD

A postcard from Mr. and Mrs. Peter Janopaul, 1301 Payne Avenue, Modesto, California, stating that they were in favor of the area north of Hatch Road and east to Mitchell being annexed to the City of Modesto instead of Ceres, was entered into the record of the minutes. No action was taken by the Council. The card was ordered filed.

LETTER FROM WILLIAM D. EVERS, PRESIDENT, CALIFORNIA ROADSIDE COUNCIL, REGARDING SIGN CONTROL ORDINANCE

A letter from William D. Evers, President, California Roadside Council, dated March 9, 1965 congratulating the City on its enactment of a sign-control ordinance applying to the Highway 99 Freeway was entered into the record. Request was made that he be furnished copies of the ordinances amending both Title IX and X of the municipal code relating to sign regulations.

By order of the Chair, the City Manager was directed to answer the letter at the appropriate time.

LETTERS REGARDING ANNUAL BUDGET APPROPRIATIONS

LETTER FROM ULRICH SHOPPING CENTER MERCHANTS' ASSOCIATION REGARDING CHRISTMAS DECORATIONS

A letter from Jack A. Ulrich dated March 16, 1965 requesting that $670.40 be budgeted for Christmas decorations for Ulrich Shopping Center Merchants' Association fiscal year 1965-66, was entered into the record of the minutes.

LETTER FROM OLIVER DEATSCH, SECRETARY, MODESTO BAND OF STANISLAUS COUNTY, INC., REQUESTING CONSIDERATION OF ANNUAL APPROPRIATIONS

Letters from Oliver Deatsch dated March 16, 1965 requesting that $1,200 be budgeted for the organization's 1965 series of municipal concerts, and $350 be budgeted to defray the cost of the Modesto Band representing the City at the State Fair in Sacramento, fiscal year 1965-66, was entered into the record of the minutes.

By order of the Chair, the requests were referred to the staff for consideration at the appropriate budget session.

LETTER FROM R. J. KOPERSKI, FIELD ENGINEER, MONTGOMERY WARD, FOR USE OF OFF-DUTY CITY POLICEMEN FOR SECURITY GUARD 1-115

A letter from R. J. Koperski dated March 17, 1965 requesting permission to use off-duty Modesto policemen to perform security guard service at the new Montgomery Ward retail store at Briggsmore Square, and continuing until the grand opening in the latter part of May, was entered into the record of the minutes.

MOTION

That the request of Montgomery Ward for use of off-duty city policemen to perform security guard service at the retail store at Briggsmore Square, 2001 McHenry Boulevard, for the specified time, be approved

Moved by Shastid Seconded by VanderWall Unanimously carried

Chief Bowers stated that the program would be curtailed if there appeared to be any interference with the regular duties of the police officers.

FURTHER CONSIDERATION OF AMENDMENT TO QUINTANA AGREEMENT

The request of Paul V. Birmingham, Civil Engineer, representing Lloyd G. and Bobette Overholtzer, successors in interest and assigns of Quintana, Inc., that paragraph 10 of the agreement between the City of Modesto and Quintana, Inc., dated August 17, 1964 be amended to permit two curb cuts on the Tokay Avenue side of the property, was considered by the Council at its March 8th meeting, and the matter referred to the Planning Commission for report and recommendation.

Director of Planning Fey stated that Planning Commission Resolution No. 65-39 recommends that the request for an additional curb cut on Tokay Avenue be denied on the basis that it would generate addiitional traffic on Tokay Avenue, a residential street, and because it felt that there was adequate access to the property from McHenry Avenue.

Mr. Birmingham repeated to the Council that one exit on Tokay was not sufficient to permit proper exit from the service station site and asked that the agreement be modified to permit access at two points on Tokay Avenue. He referred to paragraph 15 of the agreement between Quintana, Inc., and the City, which reads ".....It is recognized that as the above described property is developed, changes may be desirable due to modification of building and development plans. In the event such changes occur, Quintana may request City to make modifications in this agreement by submitting such request in writing to City. City agrees to give said request careful consideration and agrees to take favorable action on such request, if substantiated by facts presented, and such changes are determined by the Council to be in the public interest.....".

The Council discussed the following: Possible modification of the service station plans so that access at one point on Tokay would be sufficient; the need for an informal hearing to permit interested nearby residents to be heard before a decision is made by the Council; the authority for the statement that there would be a solid median on McHenry Avenue; traffic problems which might arise if the proposed additional curb cut is used as an ingress from northbound McHenry Avenue traffic; the feasibility of preventing ingress into the proposed additional curb cut.

Lloyd Overholtzer, Route 3, Box 388, Sonora, developer of the property, stated that he could see no reason for a public hearing since residents in the area would not be affected by the additional curb cut; that their properties were separated from the proposed development by a required six-foot fence; that an extra access point on Tokay Avenue would facilitate egress from the service station and permit patrons to proceed south on McHenry Avenue without wandering around in the residential area before doing so.

MOTION

That the matter be held over until April 5, 1965 at 5:00 P.M., for an informal public hearing; that the Planning Department notify the immediately adjacent neighbors of the hearing

Moved by Mitchell Seconded by VanderWall Unanimously carried

HEARING ON PROPOSED ANNEXATION OF THE ROSE AVENUE SCHOOL ADDITION 4-70

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the proposed annexation of the Rose Avenue School Addition, and opened the hearing.

The City Clerk reported that notice of the proposed annexation was published in the Modesto Tribune and Turlock Daily Journal on February 18 and 25, 1965; notices were mailed to all property owners in the area, and other interested persons, on February 18, 1965. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 65-23 recommends that the Council commence proceedings to annex the area to the City (60.198 acres).

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

RESOLUTION NO. 65-140

A RESOLUTION DECLARING THAT A MAJORITY PROTEST HAS NOT BEEN MADE AGAINST THE ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS ROSE AVENUE SCHOOL ADDITION AND DECLARING THE INTENTION OF THE COUNCIL TO PROCEED WITH THE ANNEXATION OF SAID TERRITORY

Introduced by VanderWall Seconded by Hughes
Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Patton

ORDINANCE NO. 714-C.S. entitled
"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE ROSE AVENUE SCHOOL ADDITION TO THE CITY OF MODESTO"

was introduced and adopted and ordered published as required by the Charter.

Moved by Hughes Seconded by Tabbert
Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Patton

INFORMAL HEARING ON APPLICATION BY HARRY KULLIJIAN FOR BRICK WALL VARIANCE AT 3001 COFFEE ROAD 4-90

Mayor Johansen announced that the hour of 8:10 P.M. had arrived, the time set for consideration of the request of Harry Kullijian to permit a brick planter to remain in the public right of way on property located on Londonderry Road and opened the hearing.

The following documents were entered into the record of the minutes: Undated letter from Harry Kullijian requesting that he be granted a permit to allow a brick planter to remain in the public right of way; memorandum from the Director of Public Works dated March 18, 1965, subject, "Request for Variance by Harry Kullijian - Brick Planter in Public Right of Way on Londonderry Road," recommending that an encroachment permit be denied on the basis that the development of the low wall immediately adjacent to a minimum width sidewalk constitutes a hazard.

Paul Birmingham stated that the brick planter was actually a retaining wall installed to prevent a landscaped area to disintegrate and wash away due to the height differential between the yard and the sidewalk area. The problem was caused by the removal of a redwood retaining wall a short time ago.

MOTION

That the staff be directed to prepare the necessary documents granting a revocable permit to Mr. Kullijian to allow the brick planter to remain in the public right of way, including the stipulation that the city be held harmless and adequate insurance be furnished to protect the City

Moved by VanderWall Seconded by Shastid Unanimously carried

MATTERS FOR THE GOOD OF THE COMMUNITY

Notice of Hearing - proposed annexation of territory to City of Ceres

A letter from W. T. Chynoweth, Clerk, Board of Supervisors, informing the City that the Boundary Commission will consider a proposal for annexation of territory within three miles from the Modesto City Limits on March 30, 1965 at 9:15 A.M., was entered into the record of the minutes.

The City Manager stated that the area proposed for annexation to Ceres is from Mitchell Road to Herndon Road, north to the Tuolumne River.

Director of Planning Fey stated that the area proposed for annexation is within the area of the Modesto-Ceres-Empire General Plan, and also within the study area of the amended General Plan which the staff has presented to the Planning Commission.

Upon questioning, the staff stated that a portion of the area was in the Modesto School District, and the entire area in the Ceres Judicial District.

Annexation procedures for inhabited territories was discussed. No action was taken by the Council.

Rest Stops - Letter from Assemblyman John Veneman

The following documents were entered into the record of the minutes: Letter from Assemblyman John Veneman dated March 17, 1965 relative to rest stops, and memorandum from the Director of Parking and Traffic dated March 22, 1965, subject, "Freeway Fountain Reststops - Veneman Letter of 3/17/65." Mr. Veneman suggested two alternatives: Purchase of the freeway fountain rest stops by the City for cash or on an installment basis, with interest; attempt the passage of enabling state legislation, which in his opinion will be difficult to do.

Mr. Carmody indicated in his memorandum that the cost of the proposed rest stop sites were as follows: Tuolumne Boulevard, $48,500; Prescott Road, $16,080 plus an estimated $5,000 for access to the landlocked site.

The Council discussed the possibility of leasing the sites for $1 per year; the importance of rest stops to the motoring public.

RESOLUTION NO. 65-141

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO REQUESTING JOHN G. VENEMAN, ASSEMBLYMAN, THIRTIETH DISTRICT, STANISLAUS COUNTY, CALIFORNIA, TO INTRODUCE LEGISLATION IN THE LEGISLATURE OF THE STATE OF CALIFORNIA WHICH WILL ENABLE THE STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS, TO EITHER DEDICATE OR LEASE FOR A NOMINAL AMOUNT, LAND TO THE CITY OF MODESTO AND OTHER COMMUNITIES FOR THE DEVELOPMENT OF FREEWAY REST STOPS

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Patton

The staff was directed to seek the help of the League of California Cities in the enactment of the legislation.

Appointment of Chairman - Human Rights Committee

RESOLUTION NO. 65-142

A RESOLUTION APPOINTING LEE DAVIES CHAIRMAN OF PERMANENT HUMAN RIGHTS COMMITTEE

Introduced by Tabbert Seconded by Shastid
Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Patton

Criticism of Investigation by City Manager - Ed David

Mr. Ed David, 839 Notre Dame, expressed his disappointment in the investigation of Police Chief Bowers, and asked that the Council consider the matter in executive session or at a public hearing. He said that there were several parties anxious to have a public hearing.

Mayor Johansen stated that the investigation was in the hands of the City Manager, the official responsible to the Council; that at this point, he could see no advantages in having the investigation carried further by the Council.

Mr. David was informed that it was the privilege of any citizen to present a written request to the Council for its decision.

INFORMAL HEARING ON MUNICIPAL STREET LIGHTING REPORT 7-17

A "Report on Municipal Lighting in the City of Modesto," dated February 1965, submitted by the Department of Public Works, was entered into the record of the minutes.

Park Lighting

This phase of the report was discussed by the Council with the suggestion that an attempt be made to provide adequate lighting in the remaining nine developed parks not scheduled for lighting improvement this year, from fiscal year 1964-65 funds budgeted for park purposes. According to the report, this could be accomplished for $10,500.

Downtown commercial alley lighting

The Council discussed the following: The cost of properly lighting commercial alleys in the downtown area - $60,000; lack of budgeted funds for this purpose in 1964-65 fiscal year; past experience of the City with lighting improvement districts; a brochure passed out to merchants in Oakland which includes the suggestion that the merchants provide lighting

at the rear entrances to their businesses to discourage burglaries; the M.I.D.'s program of furnishing alley lighting - 175 watts for $4 per month; 400 watts for $7 per month.

Chief Bowers stated that a similar brochure was distributed to Modesto merchants by the Police Department about four years ago; that it was planned to do so again this year, with the brochures to be distributed by the Fire Department in connection with a survey that is planned.

MOTION

That the staff discuss the improvement of downtown lighting with the Downtown Modesto Association on the basis of the Lighting Report; that the staff also work with interested people on the improvement of lighting in residential areas

Moved by Shastid Seconded by VanderWall Unanimously carried

AUTHORIZE ASSIGNMENT OF LEASE BETWEEN CITY AND THOMAS A. FONTANA FOR DAVIS PARK SITE TO JACK RAMEY

At the request of the City Attorney, and with the unanimous consent of the Council, this matter was held over.

RESOLUTION AUTHORIZING AMENDMENT TO AGREEMENT BETWEEN BRIGGS, CHAPMAN AND LINN ALEXANDER & ASSOCIATES AND CITY OF MODESTO

The City Attorney stated that the proposed agreement amends paragraph 4 of the agreement between the City and Briggs, Chapman and Alexander dated November 12, 1963 to provide that the second parties will construct and maintain a 4-foot solid gate at the east end of Lotus Lane, in the 6-foot solid block masonry fence along the westerly property line of the property described in the agreement. The gate will provide access to a fire hydrant and will be for the exclusive use of the Fire Department.

RESOLUTION NO. 65-143

A RESOLUTION APPROVING AMENDMENT TO AGREEMENT BETWEEN THE CITY OF MODESTO AND BRIGGS, CHAPMAN AND LINN ALEXANDER AND ASSOCIATES DATED NOVEMBER 12, 1963

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Patton

AGREEMENT AND OPTION TO PURCHASE PROPERTY BETWEEN THE CITY OF MODESTO AND AMERICAN SECURITIES COMPANY 8-80

RESOLUTION NO. 65-144

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND AMERICAN SECURITIES COMPANY FOR PURCHASE OF COMMUNITY PARK SITE - FOURTH HIGH SCHOOL (granting the City an irrevocable option to purchase 15.7 acre parcel)

Introduced by VanderWall Seconded by Tabbert
Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Patton

RESOLUTION NO. 65-145

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $59,700 FOR PURCHASE OF COMMUNITY PARK SITE - FOURTH HIGH SCHOOL

Introduced by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Patton

PLAN FOR NEECE DRIVE TURN-AROUND 8-92

A memorandum from the Director of Parks and Recreation dated March 18, 1965 subject, "Proposed Neece Drive Turn-Around," was entered into the record of the minutes. The staff was authorized by the City Council in 1962 to proceed with a plan approved in principle for a proposed Neece Drive turn-around, and to proceed with the necessary negotiations with adjacent property owners. The memorandum indicated that negotiations have been completed, deeds recorded, and the curb line along the S.O.S. property moved back the necessary ten feet; that when the plan was previously discussed with the S.O.S. Club, a desire was expressed to construct a fountain in the triangle shown on the plan, and in September 1963 $500 was deposited in trust for that purpose. A sketch of the proposed turn-around was attached to the memorandum.

MOTION

That the staff be authorized to proceed with the Neece Drive turn-around as outlined in memorandum from Director of Parks and Recreation dated March 18, 1965 and sketch attached

Introduced by Shastid Seconded by VanderWall Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 127 AND 133 EAST ROSEBURG AVENUE

MOTION

That the request for sewer service extension to property located at 127 and 133 East Roseburg Avenue be approved

Moved by VanderWall Seconded by Tabbert Unanimously carried

RESOLUTION APPROVING RENTAL OF CITY-OWNED PROPERTY

RESOLUTION NO. 65-146

A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND JOYCE PERO FOR RENTAL OF CITY-OWNED PROPERTY (217 Elm Street $55 per month, effective March 6, 1965)

Introduced by Shastid Seconded by Tabbert
Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Patton

RECOMMENDATION OF PLANNING COMMISSION TO CLOSE PORTION OF COLDWELL AVENUE ON A TEMPORARY BASIS

A request for the closing of Coldwell Avenue between Tully and College Avenue was presented to the Council in a letter from Walter M. Garcia, President, Modesto Junior College on January 25, 1965 and the matter referred to the Planning Commission for consideration and recommendation to the Council.

A memorandum from Phil Humphreys, Chairman, City Planning Commission dated March 18, 1965 and a letter from Walter Garcia, President, Modesto Junior College, dated March 15, 1965 relative to the closing of Coldwell Avenue between Tully and College, were filed with the record of the minutes. Dr. Garcia requested in his letter that a decision on the closing of Coldwell be postponed until a master plan study of the college campus is completed. The Planning Commission, in its letter dated March 18, 1965 recommended that Coldwell Avenue between Tully and College, be closed temporarily for a period of two to three weeks in order to permit the staff to evaluate the effect of the relocation of the traffic upon the streets in the vicinity of the Junior College.

No action was taken by the Council.

FURTHER REPORT ON REZONING ON WEST SIDE AREA 9-57

At the request of Councilman Hughes, and with the unanimous consent of the Council, this matter was held over to April 12, 1965.

APPROPRIATION TRANSFER - STEPPED UP PARKING METER COLLECTION PROGRAM

RESOLUTION NO. 65-147
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $175 FOR CONTINUATION THROUGH MAY AND JUNE 1965 OF STEPPED-UP PARKING METER COLLECTION

Introduced by Mitchell Seconded by Tabbert
Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Patton

LEGISLATIVE MATTERS

AB-448 - which would establish maximum duty hours of firement not to exceed 56 hours per week. Deputy Manager Ray said that this bill will be heard by the Assembly Committee on Municipal and County Government on Thursday afternoon, March 25.

MOTION
That the staff be authorized to write a letter to members of the Assembly Committee on Municipal and County Government and Assemblyman Veneman that no change be made in the status quo, and that each City continue to set its own duty hours for firemen

Moved by Hughes Seconded by VanderWall Unanimously carried

Deputy Manager Ray reported that AB-681 and AB-682 pertaining to the annexation of inhabited territories were approved by the assembly committee and will be considered by the Assembly this week. AB-73, relating to use of space above or below freeways, has been approved by the Assembly; AB-46, relating to costs assigned to maintained railroad crossing devices, has been approved by the assembly committee and to all appearances will be approved by the Assembly and the Senate. The costs assigned to cities and counties will be paid, so far as maintenace costs are concerned, out of state highway funds by the State.

SCA-17 - Telephone Franchise Tax - No action was taken by the Council on this proposed bill.

REPORT BY COUNCILMAN MITCHELL - NATIONAL LEAGUE OF CITIES CONFERENCE

Councilman Mitchell reported that he has been chosen as the Council representative to attend the National League of Cities conference to be held in Washington, D.C. for a three-day period next week, to present the City's legislative program to our congressmen and legislative representatives.

REPORT ON FREE DUMPING AT DISPOSAL AREA DURING MARCH

Director of Public Works Campbell reported that the free dumping operation at the disposal area for the first three Saturdays in March has been successful; that 1125 cars and trailers have been counted.

Mr. Campbell stated that it should be emphasized that the free dumping is for city residents only; that paid dumping beginning in April will be for city residents only.

ADJOURNMENT

MOTION
That the meeting adjourn to executive session to discuss the appointment of a permanent Human Rights Committee
Moved by VanderWall Seconded by Mayor Johansen Unanimously carried

The meeting adjourned at 10:48 P.M.

ATTEST: _____
Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Mayor Johansen presiding.

Present: Councilmen: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Absent: Councilmen: Hughes, Shastid

The pledge of allegiance to the Flag was given by all present.

Reverend Sherwood Daily gave the invocation.

APPROVAL OF MINUTES

The minutes of the regular meetings of March 15 and 22, 1965 were approved.

LETTER FROM ATTORNEY E. JOHN KLEINES REGARDING SIX-FOOT MASONRY WALL REQUIRED ALONG BRIGHTON AVENUE EXTENSION (HAWAII & SAN FRANCISCO INVESTMENT COMPANY) 1-22

A letter from E. John Kleines dated March 22, 1965 requesting modification of a Planning Department requirement that Hawaii & San Francisco Investment Company erect a six-foot masonry wall along both sides of the proposed Brighton Avenue extension for the length of the properties owned by the company along the proposed extension, was entered into the record of the minutes. Request was made that they be permitted to erect a three-foot block wall instead of a six-foot block wall.

The City Attorney pointed out that the agreement with Hawaii & San Francisco Investment Company provides that the six-foot wall be erected within ninety days after dedication has been made for this street, or the wall should be constructed as part of the first building permit if it has not been issued prior to the dedication for Brighton Avenue, and that it might be well for the Council to waive the time limit if it delayed its decision.

MOTION

That the matter be referred to the Planning Commission, and that the time limit on the construction of the wall be waived until such time as a decision on the request is made

Moved by Tabbert Seconded by Mitchell Unanimously carried

LETTER FROM SAMUEL M. NEUMEYER, AIR FORCE RECRUITING SERVICE REGARDING ADVERTISING ON BUS STOP BENCHES

A letter from Master Sergeant Samuel M. Neumeyer, Air Force Recruiting Service, dated March 24, 1965 requesting that the Air Force Recruiting Service be permitted to place advertisements on bus benches in residential areas was entered into the record of the minutes.

MOTION

That the request be denied on the grounds that it is contrary to Code requirements and therefore illegal

Moved by VanderWall Seconded by Tabbert Unanimously carried

LETTER FROM BUMGARDNER WATER CO., INC., ENCLOSING A COPY OF APPLICATION FOR INCREASED WATER RATES

A letter from George Bumgardner Water Company dated March 25, 1965 enclosing a copy of application to the Public Utilities Commission for an increase in water service rates, was entered into the record of the minutes. The letter and application were ordered filed.

COMMUNICATION FROM JOHN L. MENSINGER, PRESIDENT, GREATER MODESTO CHAMBER OF COMMERCE, REGARDING AN INCREASE IN THE ANNUAL APPROPRIATION

A letter from John L. Mensinger dated March 29, 1965 subject, "Appropriation - Industry, Business, Jobs, Promotion," requesting that the annual appropriation to the Chamber of Commerce be increased from $11,000 to $15,000 was entered into the record of the minutes.

By order of the Chair, the letter was referred to the staff for consideration at the appropriate budget session.

LETTER FROM HY YOUNGHEIM, PRESIDENT, DOWNTOWN MODESTO ASSOCIATION, REGARDING 1965 CHRISTMAS DECORATION APPROPRIATION

A letter from Hy Youngheim, dated March 30, 1965, subject, "Christmas Decoration Allocation," requesting that $1,800 be budgeted for the erection and removal of Christmas street decorations in the downtown business area, was entered into the record of the minutes.

By order of the Chair, the letter was referred to the staff for consideration at the appropriation budget session.

LETTER FROM McHENRY VILLAGE MERCHANTS ASSOCIATION REGARDING ANNUAL APPROPRIATION FOR CHRISTMAS DECORATIONS

A letter from Alene Lionudakis, Secretary, McHenry Village Merchants Association dated March 29, 1965 requesting that $1,172.40 be budgeted for the purchase of new Christmas decorations and installation and dismantling costs, was entered into the record of the minutes.

By order of the Chair, the letter was referred to the staff for consideration at the appropriation budget session.

LETTER FROM J. M. KREITZER, 1930 CHELSEA AVENUE, REGARDING HIGHWAY REST STOPS 1-86

A letter from J. M. Kreitzer, 1930 Chelsea Avenue, dated March 30, 1965 protesting the involvement of city taxpayers in the cost of rest stops at the north and south entrances of the freeway, was entered into the record of the minutes.

The staff was directed to answer the letter and to notify Mr. Kreitzer that nothing concrete was pending on the matter of rest stops at this time.

CONSIDER BIDS RECEIVED FOR TRAFFIC SIGNALS (12TH AND H STREETS)

RESOLUTION NO. 65-148

A RESOLUTION ACCEPTING THE BID OF MODESTO INDUSTRIAL ELECTRICAL CO., INC., FOR INSTALLATION OF TRAFFIC SIGNALS AT 12TH AND H STREETS INTERSECTION (Low bidder, $8,430)

Introduced by VanderWall Seconded by Patton
Ayes: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid

RESOLUTION NO. 65-149

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $430 FOR ADDITION OF ELECTRONIC DETECTION UNITS - TRAFFIC SIGNALS AT 12TH AND H STREETS

Introduced by VanderWall Seconded by Tabbert
Ayes: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid

RECOMMENDATION THAT INSTALLATION OF WATER LINE EXTENSION ON McHENRY AVENUE BETWEEN NORWEGIAN AND BOWEN AVENUES BE PERFORMED BY CITY FORCES

RESOLUTION NO. 65-150

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER LINE EXTENSION ON McHENRY AVENUE BETWEEN NORWEGIAN AND BOWEN AVENUES (No bids received)

Introduced by Mitchell Seconded by Patton
Ayes: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid

RECOMMENDATION THAT INSTALLATION OF WATER LINES TO SERVE CRESTWOOD TERRACE NO. 4 SUBDIVISION BE PERFORMED BY CITY FORCES

RESOLUTION NO. 65-151

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER LINES TO SERVE CRESTWOOD TERRACE NO. 4 SUBDIVISION (No bids received)

Introduced by VanderWall Seconded by Tabbert
Ayes: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid

APPROVE PLANS AND SPECIFICATIONS ANDCALL FOR BIDS FOR CONSTRUCTION OF WADING POOL AT GARRISON PARK

RESOLUTION NO. 65-152

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF WADING POOL AT GARRISON PARK

Introduced by Mitchell Seconded by Patton
Ayes: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid

April 20, 1965 at 10:00 A.M. in the City Clerk's office was set as the time and place for opening of bids.

REPORT BY STAFF ON LETTER FROM O. E. BEESON, PRESIDENT, MODESTO SENIOR CITIZENS, REGARDING RENT AT COMMUNITY CENTER

A request was received from O. E. Beeson, President, Modesto Senior Citizens, Inc., and considered at the March 22, 1965 meeting, that rental charges of $480 per year for the rental of a room at the Community Center, 800 East Morris Avenue, used by the senior citizens on Friday afternoons only, be waived by the Council. By order of the Chair, the staff was directed to investigate the possibilities of the use of Maddux Youth Center by Senior Citizens, Inc., and report to the Council at the present meeting.

A memorandum from Parks and Recreation Director Mary E. Grogan dated April 1, 1965, subject, "Senior Citizens - Use of Maddux Youth Center," was entered into the record of the minutes. The memorandum indicated that the City Attorney has rendered an opinion that the City may legally allow senior citizens' organizations to use Maddux Youth Center so long as it does not interfere with the normal use of the Center by youth organizations. Recommendation was made that the Council authorize the staff to schedule senior citizens' activities in the Maddux Youth Center without charge.

Mr. Beeson, 409 Virginia Avenue, stated that the Senior Citizens' group had been unable to reach a decision as to whether or not it wished to hold its meetings at Maddux Youth Center.

Benjamin Frazier, 1412 Rich Avenue, spoke briefly in favor of Maddux Youth Center for meetings of the group; E. P. Adams, 1038 Mills Avenue, asked if use of Maddux Youth Center during the summer vacation period would interfere with the use of the Center by children; Mrs. E. P. Adams, 1038 Mills Avenue, stated that she believed that the use of Maddux Youth Center should be restricted for youth groups only.

Mr. Beeson stated that a poll of the group would be taken on the use of Maddux Youth Center, and asked that the Council consider an alternative of reducing the rental fee for the Community Center by one-half.

The policy of the City in connection with rental charges for the Community Center was explained by the Council. A suggestion was made that Mr. Beeson discuss with the staff his proposal to construct a meeting hall on donated land.

Miss Grogan stated that it was the opinion of the staff that use of Maddux Youth Center by the senior citizens would not interfere with youth activities during school vacations.

By order of the Chair, the staff was directed to work further with the Senior Citizens' organization.

AN ORDINANCE AMENDING THE MUNICIPAL CODE RELATING TO REMOVAL OF WEEDS, RUBBISH AND DEBRIS IN THE CITY 2-100

ORDINANCE NO. 715-C.S. entitled
"AN ORDINANCE AMENDING SECTIONS 4-7.604 AND 4-7.606 OF ARTICLE 6 OF CHAPTER 7 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO REMOVAL OF WEEDS, RUBBISH AND DEBRIS" (placing abatement responsibility on Fire Chief)

was introduced and ordered published as required by the Charter.

Moved by Mitchell Seconded by VanderWall
Ayes: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid

HEARING ON SIGNS AND BILLBOARDS

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of proposed amendments to the sign and billboard regulations, and opened the hearing.

The City Clerk reported that notice of the hearing was published on March 25, 1965 and notices sent to sign companies and interested persons on the same day.

Planning Commission Resolution No. 65-34 recommends amendments to Section 10-2.1504 and 10-2.1709, and the addition of Section 10-2.1709.1 to the municipal code.

The Council discussed the section of the ordinance requiring the removal of nonconforming commercial signs and billboards at the expiration of a three-year period.

Larry Braddock, representing Ryan Outdoor Advertising, asked that the nonconforming signs be permitted to remain for a period of five instead of three years, with the right of appeal at the end of that time. He said that at the original hearing he had compromised to the point where he said that his company would prefer a three-year period, with appeal, rather than a five-year period, with no right of appeal.

No one else in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

ORDINANCE NO. 716-C.S. entitled
"AN ORDINANCE AMENDING SECTION 10-2.1504 OF ARTICLE 15 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO OUTDOOR ADVERTISING DISPLAYS AND STRUCTURES ADJACENT TO FREEWAYS, AMENDING SECTION 10-2.1709 OF ARTICLE 17 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTION 10-2.1709.1 THERETO RELATING TO NON-CONFORMING COMMERCIAL SIGNS AND BILLBOARDS" (three-year period for non-conforming signs, with right of appeal)

was introduced and ordered published as required by the Charter.

Introduced by VanderWall Seconded by Mitchell
Ayes: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid

ACCEPT AS COMPLETE HUNSAKER CONSTRUCTION CO.'S CONTRACT FOR CONSTRUCTION OF CARVER ROAD CROSSING AT M.I.D. LATERAL NO. 3 AND COLLEGE AVENUE BRIDGE WIDENING AT M.I.D. LATERAL NO. 4 3-65

RESOLUTION NO. 65-153

A RESOLUTION ACCEPTING THE CONSTRUCTION OF SIPHON CROSSING AT CARVER ROAD & M.I.D. LATERAL #3 AND WIDENING OF BRIDGE AT COLLEGE AVE. & M.I.D. LATERAL #4 (total cost, $31,580.50)

Introduced by VanderWall Seconded by Tabbert
Ayes: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid

AUTHORIZE ASSIGNMENT OF LEASE BETWEEN CITY AND THOMAS A. FONTANA FOR DAVIS PARK SITE TO JACK RAMEY

RESOLUTION NO. 65-154

A RESOLUTION APPROVING AMENDMENT OF LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND THOMAS A. FONTANA AND ASSIGNMENT OF INTEREST TO JACK RAMEY (lease of Davis Park site for agricultural purposes)

Introduced by Mitchell Seconded by Patton
Ayes: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid

HEARING ON PROPOSED ANNEXATION OF THE ELM ADDITION

Mayor Johansen announced that the hour of 4:45 P.M. had arrived, the time set for consideration of the proposed annexation of the Elm Addition to the City of Modesto, a 19.315 acre parcel, and opened the hearing.

The City Clerk reported that notice of the proposed annexation was published in the Modesto Tribune on March 25, 1965 and notices mailed to all property owners in the area on March 25, 1965; that no written protests were filed with the City Clerk; that all property owners in the area had signed the petition for annexation.

Planning Commission Resolution No. 65-35 recommends that the Council commence proceedings for the annexation of this parcel to the City.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

RESOLUTION NO. 65-155

A RESOLUTION ANNEXING UNINHABITED TERRITORY KNOWN AS THE ELM ADDITION TO THE CITY OF MODESTO

Introduced by Mitchell Seconded by Tabbert
Ayes: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid

APPROVE PLAN FOR USE OF DEL WEBB FIELD 3-95

A memorandum from the Director of Parks and Recreation dated April 2, 1965, subject, "Use of Del Webb Field," was entered into the record of the minutes. Council direction was asked on seven recommendations concerning the use of Del Webb Field during the period that it is not in use by a professional ball club. The City Manager stated that if the recommendations were approved, the City would negotiate with individuals interested in concessions at the Field.

The Council discussed the following: responsibility for cleaning of the grandstands and bleachers following the use of any scheduled event; the $25 charge established for the cost of utilities; the importance of maintaining the field in its present condition; a proposal requiring a deposit from users of the field to guarantee proper cleanup of the field; the hiring of a permanent concessionaire; the importance of establishing whether or not the hired concessionaire has an exclusive right to sell, or merely exclusive rights to the facilities.

MOTION

That the recommendations of the Director of Parks and Recreation contained in memorandum dated April 2, 1965 be approved and the staff authorized to work out the details as submitted

Moved by Tabbert Seconded by VanderWall Unanimously carried

APPROVE REMOVAL OF THIRD BASE LINE BLEACHERS - DEL WEBB FIELD

A memorandum from the Director of Parks and Recreation dated April 2, 1965, subject, "Timber bleachers at Del Webb Field," was entered into the record of the minutes. Recommendation was made that the Parks and Recreation Department staff proceed with plans and cost estimates to replace the third base and left field bleachers, which have been declared unsafe by the engineering staff of the Public Works Department, and that the bleachers be removed from the ball park as soon as possible.

MOTION

That the staff be directed to remove the third base and left field bleachers, and that plans be submitted to the Council for replacement

Moved by Tabbert Seconded by VanderWall Unanimously carried

FURTHER CONSIDERATION OF AMENDMENT TO QUINTANA AGREEMENT (PAUL BIRMINGHAM)

Mayor Johansen announced that the hour of 5:00 P.M. had arrived, the time set for consideration of the request of Paul V. Birmingham, Civil Engineer, representing Lloyd G. and Bobette Overholtzer, successors in interest and assigns of Quintana, Inc., that paragraph 10 of the agreement between the City of Modesto and Quintana, Inc., dated August 17, 1964 be amended to permit two curb cuts on the Tokay Avenue side of the property, and opened the hearing.

This matter was considered by the Council at its March 8th meeting with the matter referred to the Planning Commission for report and recommendation; and at the March 22nd meeting, at which time the recommendation of the Planning Commission that the request be denied was discussed, and the matter held over to this meeting for an informal public hearing to give adjacent neighbors an opportunity to be heard.

The City Clerk read a letter from Wallace H. Ruch, Jr., O.D., dated April 2, 1965 stating that he hoped that any decision the Council might make would not add to traffic problems in the area.

Mr. Birmingham explained to the Council why two exits were necessary on Tokay Avenue for the effective development of a corner service station.

The following spoke against the granting of the second curb cut: Mrs. Elwyn Miller, 214 Phillip Court; Mrs. Leonard Day, 148 Tokay Avenue, who stated that the granting of an extra curb cut near the intersection of Tokay and McHenry to permit both ingress and egress will result in criss-cross traffic within a few feet of a very busy intersection; Robert Fuxa, 218 Brian Court, on the basis of the traffic problems which will be created.

The City Clerk read the following letters favoring the additional curb cut: Raymond O. Mason, Treasurer, Bowie Construction Co., Inc.; a letter dated April 5, 1965 signed by Mr. and Mrs. S. Mendenhall, 221 Brian Court; Mrs. C. A. Berthelson, 1821 Codding Drive; Mr. and Mrs. Arthur Mattice, 220 Eagle Court; Ron Morrison, 200 Dove Court.

No one else in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

Mr. Lloyd Overholtzer, owner of the property, was questioned by the Council as to future demands that the Council relax the terms of the agreement covering the development of the property. He said that he had no intentions to make further demands of the Council; that in the event the property was sold, further demands might be made by the new owners.

The Council discussed the possibility of granting an additional curb cut for exit purposes only.

RESOLUTION NO. 65-156

A RESOLUTION APPROVING AMENDMENT TO AGREEMENT BETWEEN THE CITY OF MODESTO AND LLOYD AND BOBETTE OVERHOLTZER (Successors in interest and assigns of Quintana, Inc. - approving additional curb cut on Tokay Avenue)

Introduced by Tabbert Seconded by Mitchell
Ayes: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid

MATTERS FOR THE GOOD OF THE COMMUNITY

Report on Recent Police Activities - Captain Coulson

Captain Coulson, City Police Department, reported on recent Sheriff-Police Department joint details which resulted in the capture of three men in the process of burglarizing a Modesto business establishment. He stated that it was the intention of both the City and County to continue the joint details from time to time.

Request for permission to hold block party

The request of Lynn Morgan, 1732 Dillon Drive, to hold a block party was referred to the staff for action.

Introduction of Boy Scout

Mayor Johansen introduced John Turner, a member of Boy Scout Troop No. 17, present in the audience.

Report on UAL Service Withdrawal from Valley

The City Attorney reported that Howard Boros, attorney representing various cities in the Valley, including Modesto, in the matter of the proposed withdrawal of United Airlines service in San Joaquin Valley, would be in California on April 14th to meet with city representatives; that the first hearing on the matter would be held by an examiner of the Civil Aeronautics Board on April 20, 1965.

Councilman Mitchell - Report on National Legislative Conference

Councilman Mitchell stated that a report of his trip to the National Legislative Conference in Washington, D.C. would be made to the Council next week.

APPROVE REQUEST OF CALVARY BAPTIST CHURCH TO USE THE PARKING AREA ADJACENT TO DEL WEBB FIELD FOR AN EVANGELISTIC CRUSADE JUNE 20, 1965 THROUGH JULY 3, 1965

A memorandum from the Director of Parks and Recreation dated April 2, 1965 recommending approval of the request of the Calvary Baptist Church for use of the parking area adjacent to Del Webb Field for an evangelistic crusade June 20 through July 2, 1965 was entered into the record of the minutes. Although the Church requested use of the area through July 3, 1965 approval was recommended only through July 2 to avoid possible conflict with the annual July 4th celebration which may be held on July 3rd or 5th.

MOTION

That the Calvary Baptist Church be authorized to use the parking area adjacent to Del Webb Field for an evangelistic crusade beginning June 20, 1965 and the staff authorized to work out details including termination date of the crusade to avoid conflict with the Fourth of July celebration

Moved by VanderWall Seconded by Patton Unanimously carried

CONSIDER RENEWAL OF LEASE FOR SILVERTHORN BRANCH LIBRARY

A memorandum from Deputy City Manager Ray dated April 1, 1965 recommending that the offer of Dana Development Company to continue the City's lease for Silverthorn Branch Library, 503 Chicago Avenue, ($200 per month) for a period of two years commencing May 1, 1965 and terminating April 30, 1967, and providing for renewal periods of one year each for the next three years upon 90 days' prior written notice from the City, was entered into the record of the minutes.

MOTION

That the staff be authorized to prepare an agreement on the terms outlined in memorandum from Deputy City Manager dated April 1, 1965

Moved by VanderWall Seconded by Tabbert Unanimously carried

REPORT ON RESIGNATION OF CITY LIBRARY EMPLOYEES 8-30

The City Manager reported that the three remaining city employees at McHenry Library have submitted their resignations effective April 30, 1965 in order to enter the employ of the County; that the County will honor all vacation and sick leave credits; that the staff is in agreement with this move.

No action was taken by the Council.

ACCEPT AS COMPLETE G. CIOLI LANDSCAPING'S CONTRACT FOR INSTALLATION OF AUTOMATIC SPRINKLER SYSTEM - DRIVING RANGE AND CONVERSION OF SPRINKLER SYSTEM AT DRYDEN GOLF COURSE

RESOLUTION NO. 65-157

A RESOLUTION ACCEPTING THE CONSTRUCTION OF SPRINKLER SYSTEM AND DRIVING RANGE, AND CONVERSION OF MANUAL SPRINKLER SYSTEM TO AUTOMATIC, DRYDEN PARK MUNICIPAL GOLF COURSE (Total cost, $13,317.60)

Introduced by Mitchell Seconded by Patton
Ayes: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid

FURTHER CONSIDERATION OF TIDEWATER SOUTHERN TRACKS ON 9TH STREET 8-38

The following documents were entered into the record of the minutes: Memorandum from Director of Parking & Traffic dated March 31,1965, subject, "Tidewater Southern Tracks on 9th Street," outlining the progress and current status of the request of Jack Ulrich that the City obtain TSRR right of way in the event the railway service is discontinued, in order to construct a major street through north central Modesto, and the cost of relocating a part of the tracks from 9th Street; a memorandum from the Director of Parking & Traffic dated April 1, 1965, subject, "Removal of T.S.R.R. Tracks from 9th Street," relative to a letter from R. T. Kearney, President, TSRR, showing how the TSRR would remove all its tracks from 9th Street from B Street northerly at a cost of $250,000 to the City; letter from R. T. Kearney dated April 1, 1965 informing the City that there is no likelihood that the TSRR line will be discontinued.

The proposal of TSRR to remove the tracks from 9th Street was reviewed by Director of Parking and Traffic Carmody. He stated that the State must be informed by April 15th as to whether or not the City wants 9th Street repaved under the present contract; that the State Highway Engineers have estimated an added cost of $54,000, plus $6,000 per year maintenance costs,

if the paving of 9th Street is delayed to a subsequent contract. time 9

The Council discussed the following: How determination was made of the $250,000 cost to the City for the removal of the tracks; the possibility of collecting back franchise fees, unpaid since the expiration of TSRR franchises in 1945 and 1954, respectively; savings in underpass construction costs if the tracks are removed from 9th Street (estimated at about $50,000 by the Division of Highways); number of vehicle accidents and property damage costs contributed to by the presence of the tracks on 9th Street.

MOTION

That the staff be directed to meet with TSRR representatives to get further information on the breakdown of costs for the removal of the tracks and consult further with the State to see where the City stands with that body; that a check be made on the possibility of collecting back franchise fees; that the reaction of the Chamber of Commerce and other civic organizations be obtained; that an informal public hearing be set for April 12, 1965

Moved by VanderWall Seconded by Mitchell Unanimously carried

The staff was directed to ask a representative of TSRR and the State Division of Highways to be present at the hearing.

CONSIDER AGREEMENT BETWEEN CITY AND JOHN KIRKPATRICK, ET UX, RELATING TO IMPROVEMENTS TO BE COMPLETED IN COLONIAL MANOR NO. 2 SUBDIVISION

The City Manager reported that all improvements in Colonial Manor No. 2 Subdivision have been completed to the satisfaction of the Public Works Department, with the exception of approximately 1,400 square feet of paving, which is covered in the proposed agreement between the City and Mr. and Mrs. John Kirkpatrick.

RESOLUTION NO. 65-158

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JOHN H. KIRKPATRICK AND DELORES IRENE KIRKPATRICK - COLONIAL MANOR NO. 2 SUBDIVISION AND ACCEPTING CASH BOND IN AMOUNT OF $500 (covering remaining improvements of 1,400 square feet of paving)

Introduced by Mitchell Seconded by VanderWall
Ayes: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid

ACCEPT IMPROVEMENTS, EXCEPT THOSE COVERED BY SEPARATE AGREEMENT, AND AUTHORIZE CITY CLERK TO FILE NOTICE OF COMPLETION AND RELEASE BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD FOR COLONIAL MANOR NO. 2 SUBDIVISION

RESOLUTION NO. 65-159

A RESOLUTION ACCEPTING IMPROVEMENTS IN COLONIAL MANOR NO. 2 SUBDIVISION, WITH EXCEPTIONS, AND AUTHORIZING RELEASE OF SUBDIVISION BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

Introduced by VanderWall Seconded by Mitchell
Ayes: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid

REQUEST FOR ASSISTANCE ON PARKING 9-112

A memorandum from the Director of Parking & Traffic dated March 19, 1965, subject, "Assistance to City of Tracy on Off-Street Parking," was entered into the record of the minutes.

MOTION

That the request of Director of Parking & Traffic Carmody to perform off-duty work for the City of Tracy be approved

Moved by Mitchell Seconded by VanderWall Unanimously carried

The following documents were entered into the record of the minutes: Memorandum from James F. Dowd, Chairman, Parking and Traffic Advisory Committee, dated March 25, 1965, subject, "Initial Recommendation," requesting immediate action on the following recommendations: (1) Acquisition of a building on the west side of 10th Street between I and J Streets so as to provide an arcade through the 9th Street parking lot; (2) Elimination of one-way traffic on 10th and 11th Streets immediately after the opening of the freeway; (3) Provision of mid-block crosswalks on 10th and 11th Streets in the principal business area; (4) Acquisition, by lease or purchase, of property on 9th Street between H and I Streets for additional parking; memorandum from Hy Youngheim, President, Modesto Downtown Association, requesting that any traffic changes on 10th and 11th Streets be withheld until thirty days after 9th Street is repaved, in order to obtain a more realistic evaluation of traffic problems; minutes of the Parking and Traffic Advisory Committee dated March 31, 1965.

Robert Alford, member of the newly established Parking and Traffic Advisory Committee, stated that even though the attempt to establish a parking district had failed, elimination of one-way traffic in the downtown area would have been a part of the overall plan; that there had been enough unnecessary delay and procrastination on this matter; that it was the Committee's hope that the recommendations made would be carried out by the City.

The Council discussed the following: costs of the proposed recommendations; available alternatives for the proposed two-way traffic on 10th and 11th Streets; parallel vs. diagonal parking; type of additional parking proposed; need for an overall parking plan for the downtown area.

Ray Starn, member of the Committee, stated that the recommendations submitted were not new, and had been submitted by various committees studying downtown parking and traffic problems. He pointed out that the recommendations made were only a beginning, to let downtown merchants and shoppers know that attempts were being made to alleviate their problems without further delay. Mr. Starn stated that if he could not see that any progress was being made on the recommendations submitted by the Committee, he would resign from the Parking and Traffic Advisory Committee.

Mr. Alford stated that it was important, for practical reasons, that determination be made as to whether or not 10th and 11th Streets are to remain one-way, since this may determine the location of the parking lots in the overall parking plan; that it would not be feasible for the staff to spend time and effort preparing an overall plan without the one-way street issue settled.

Factors to be considered in making an immediate changeover to two-way streets on 10th and 11th were discussed.

Hy Youngheim, representing the Downtown Modesto Association, stated that the reason the Association requested that traffic changes on 10th and 11th Streets be postponed until thirty days after 9th Street is repaved, was because the street would be usable only to 50% capacity until such time as the repaving was completed; that a realistic evaluation of its effect on 10th and 11th Street traffic could not be obtained until its completion. Also, Mr. Youngheim stated that the Association discussed at its last meeting the fact that the City's new unsafe structure code should be allowed to function before definite commitments are made on leasing areas for a parking lot in the 800 block of 9th Street; also, the necessity of parking on 9th Street between J and K Streets, and on 11th Street between I and J Streets.

Ray Whitburn, 536 North Olive, Vice President - Manager, Bank of America, 10th and I Streets, stated that he was heartily in accord with the recommendations of the Parking and Traffic Advisory Committee; that he hoped that the Council would not prolong its decision.

Director of Parking and Traffic Carmody commented on the four recommendations presented by the Committee, stating that he felt that the arcade was justified; that the elimination of one-way traffic on 10th and 11th Streets immediately after the freeway is opened would be a mistake; that it would be premature to eliminate them before the actual effect of the opening of the freeway is measured, plus the improvement of 9th Street. It was his opinion that one-way streets were needed to handle the present volume of traffic. Mr. Carmody stated that he had reservations on crosswalks; that crosswalks on two-way traffic streets, without traffic signals, would set up a dangerous situation; substantial no-parking zones would be needed next to the crosswalks to provide visibility; crosswalk signalization would cost approximately $2,000 each; he did not feel that top priority should be given to the acquisition by lease or purchase of property for parking in the 800 block of 9th Street, as the provisions of the unsafe building ordinance are presently being applied in the area.

Mr. Carmody said that he had prepared a master parking plan in 1964; that he did not feel that it should be released publicly unless funds were available to back up the proposed acquisitions. He reviewed the status of the lots presently owned and leased by the City.

Mr. Alford referred to numerous petitions filed with the City Clerk opposing one-way streets in the downtown area, referring specifically to one dated February 1964 in which 150 downtown merchants urged that they be eliminated.

Mr. Starn referred to a petition bearing about 300 names which was signed during the Forward Modesto Committee '62 study, and filed with the City Clerk in April 1963.

The following spoke in favor of two-way streets: John Gorman, businessman; Elmo Wilson, automobile dealer.

The Director of Parking and Traffic was directed to furnish a report on the alternatives and costs for a change-over to two-way traffic; how traffic can be handled. Mr. Carmody stated that the cost for a changeover to two-way traffic was $11,845. As to alternatives, he stated that there were none until such time as the Jennie Street bridge is built; that the changeover could be accomplished in about two weeks. He said that he would not recommend Ninth and Twelfth Streets as alternatives for one-way streets.

Jules Loeb, 840 Tenth Street, stated that he was in favor of two-way streets in downtown Modesto, but of utmost importance was razing of buildings in the downtown area which were fire traps, and beautification of the downtown area. He said that a beautiful downtown area and plenty of parking would minimize the importance of one or two-way streets. He asked that Council action not be delayed.

MOTION

That the matter be set for public hearing on May 3, 1965 at 4:30 P.M.

Moved by VanderWall Seconded by Tabbert Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 1225 KURT AVENUE, MODESTO

MOTION

That the request for sewer service to property located at 1225 Kurt Avenue be approved

Moved by Mitchell Seconded by Tabbert Unanimously carried

CONSIDER AGREEMENT BETWEEN CITY OF MODESTO AND LAMON WRIGHT FOR PURCHASE OF PROPERTY BY CITY FOR THE PARK SITE NORTH OF DOWNEY HIGH SCHOOL

With the unanimous consent of the Council, this matter was held over for one week.

CONSIDER A REQUEST TO WAIVE PENALTY AND INTEREST ON A LATE QUARTERLY LICENSE REPORT SUBMITTED BY STATE SAVINGS AND LOAN 35-3

A memorandum from the Director of Finance dated March 31, 1965 subject, "Request for Waiver of Business License Penalty and Interest," was filed with the record of the minutes. The memorandum indicated that the State Savings & Loan Association, in a letter dated March 1, 1965, requested waiver of penalty and interest ($94.91) on their quarterly business license report for the quarter ending December 31, 1964.

Director of Finance Bird stated that State Savings & Loan Association mailed the letter on the late afternoon of February 1st at the El Viejo Post Office; that it was postmarked on the following day at the Kearny Post Office, and received by the City on February 3, 1965.

RESOLUTION NO. 65-160

A RESOLUTION AUTHORIZING WAIVER OF PENALTY AND INTEREST FOR BUSINESS LICENSE MILL REPORT SUBMITTED BY STATE SAVINGS AND LOAN ASSOCIATION ($94.91)

Introduced by VanderWall Seconded by Patton
Ayes: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 1221 COFFEE ROAD 15-39

MOTION

That the request for sewer service extension to property located at 1221 Coffee Road be approved

Moved by VanderWall Seconded by Mitchell Unanimously carried

RIGHT OF WAY AGREEMENT BETWEEN WALTER H. SANFORD AND MILDRED SANFORD AND THE CITY OF MODESTO AND GRANT DEED EXECUTED BY THE SANFORDS FOR TULLY ROAD

RESOLUTION NO. 65-161

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND WALTER H. SANFORD AND MILDRED SANFORD - TULLY ROAD (Project 55-9-6074-2)

Introduced by Patton Seconded by Mitchell
Ayes: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid

APPROPRIATION TRANSFER - REPAIR OF CEILING AND WALL, FIRE STATION NO. 1, 610 11TH STREET

RESOLUTION NO. 65-162

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $555 - CEILING AND WALL REPAIR - FIRE STATION NO. 1

Introduced by VanderWall Seconded by Tabbert
Ayes: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid

APPROPRIATION TRANSFER - $200 REQUESTED BY LIBRARY AND CULTURE COMMISSION FOR EXPENDITURES FOR THE BALANCE OF THE FISCAL YEAR

With the unanimous consent of the Council, this matter was held over for further information concerning the request.

APPROPRIATION TRANSFER TO PROVIDE FOR REVISION OF ELECTRICAL RATES BY M.I.D.

A memorandum from the Deputy City Manager dated April 1, 1965 subject, "Appropriation Transfers Required because of Revision of MID Electrical Rates," was entered into the record of the minutes.

RESOLUTION NO. 65-163

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $18,620 FOR SEVERAL AC-COUNTS TO PROVIDE FOR REVISION OF ELECTRICAL RATES BY MODESTO IRRIGATION DISTRICT

Introduced by Mitchell Seconded by Patton
Ayes: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid

LEGISLATIVE MATTERS 15-70

AB-687 - Duplication of Water Service

MOTION

That the staff be instructed to write a letter to legislators opposing this measure

Moved by Mayor Johansen Seconded by Mitchell Unanimously carried

SB-716 - Planning and Zoning Law Revision

MOTION

That the staff be instructed to write a letter to our State legislators urging the adoption of this measure

Moved by Mitchell Seconded by VanderWall Unanimously carried

AB-1461 - 40-hour duty week, Firemen

MOTION

That the staff be instructed to write a letter to our State legislators opposing this measure

Moved by VanderWall Seconded by Patton Unanimously carried

AB-432 - Mandatory Radio and TV Coverage of Council Meetings

MOTION

That the staff be instructed to write a letter to our State legislators opposing this measure

Introduced by Mitchell Seconded by Patton Unanimously carried

ACA No. 2 - Preemption of Local Regulations

MOTION

That the staff be instructed to write a letter to our State legislators indicating the support of the Council

Moved by Mitchell Seconded by VanderWall Unanimously carried

AB-6; AB-49; AB-1172; AB-48; AB-1531 - No action was taken by the Council on these measures.

AB-1150 - Park Land Dedication - No action was taken by the Council.

Reapportionment

A letter from Senator Hugh Donnelly dated April 1, 1965 pertaining to the subject of state reapportionment was entered into the record of the minutes.

Senator Donnelly recommended that the City make it's voice heard in Congress on a constitutional amendment which would allow each state to apportion one house of its legislature on the basis of population, and the other on population and geography. He requested that letters be written to Senators Kuchel and Murphy, who have co-sponsored Senate Joint Resolution No. 2 with Senator Dirksen to save the federal system; that a

letter be written to Congressman McFall, who has indicated his intent to introduce a similar resolution in the House of Representatives.

A resolution proposed by Councilman Tabbert, seconded by Councilman Patton, that letters be written to Congressman McFall and Senators Kuchel and Murphy as recommended by Senator Donnelly, was withdrawn.

Councilman Mitchell stated that in discussing the matter recently with Congressman McFall, he had not understood Congressman McFall's position to be as stated by Senator Donnelly; that Congressman McFall had expressed reservations that rural counties and cities would be at the mercy of large populated areas if the Dirksen amendment was passed.

The City Manager was directed to write to Congressman McFall to see if his views on reapportionment were in accord with those expressed by Senator Donnelly in his letter dated April 1, 1965.

REPORT ON FIRE DEPARTMENT INSPECTION PROGRAM

A memorandum from the Fire Chief dated March 30, 1965, subject, "Council Agenda Item - Report on Fire Department Inspection Program," was entered into the record of the minutes. The memorandum was ordered filed.

PRELIMINARY REPORT BY STAFF REGARDING CLUBHOUSE AT GOLF COURSE

At the request of the City Manager, and with the consent of the Council, this matter was held over for one week.

CONSIDERATION OF APPOINTMENT OF MEMBERS TO HUMAN RIGHTS COMMITTEE

RESOLUTION NO. 65-164

A RESOLUTION AFFIRMING APPOINTMENT OF MEMBERS TO HUMAN RIGHTS COMMISSION (Lee H. Davies, Chairman; Charles E. Aguilar; Reverend Howard L. Clarke; Robert J. Gallo; Silas W. Green; Tom H. Ice; Wendell J. Kiser; Morris J. McDonald; Mrs. Peggy Mensinger; Stanley Pang; Ed Srenaski; Robert G. Stonum)

Introduced by Mitchell Seconded by Tabbert
Ayes: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid

The term of the appointees was set at three years, with instructions that they classify themselves by lot with the terms of our members expiring at the end of one year; the terms of four expiring at the end of two years; the terms offour (Chairman of the Commission included) expiring at the end of three years.

REPORT ON OPERATION OF DISPOSAL AREA DURING MARCH 16-113

RESOLUTION NO. 65-165

A RESOLUTION GIVING A SPECIAL VOTE OF THANKS TO MODESTO CITY EMPLOYEES' ASSOCIATION AND MODESTO GARBAGE COMPANY FOR THEIR JOINT CONTRIBUTION IN THE MARCH CLEAN-UP CAMPAIGN

Introduced by Tabbert Seconded by Patton
Ayes: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid

EXECUTIVE SESSION

MOTION

That the Council meet in executive session to discuss the purchase price for the proposed acquisition of a park site north of Downey High School

Moved by VanderWall Seconded by Tabbert Unanimously carried

The Council went into executive session at 8:06 P.M., returning to regular session at 8:22 P.M.

The staff was directed to place the matter on the agenda at a later date.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Tabbert Unanimously carried

The meeting adjourned at 8:23 P.M.

ATTEST: Rex E. Gailfus

Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Councilman Shastid arrived at 7:35 P.M.

Absent: Councilmen: None

The pledge of allegiance to the Flag was given by all present.

Reverend George F. Telle gave the invocation.

LETTER FROM JOHN F. DOWNEY, COUNSEL, CALIFORNIA ANTENNA T.V., INC., REGARDING COMMUNITY ANTENNA TELEVISION FRANCHISE

A letter from John F. Downey dated April 1, 1965 subject, "Community Antenna Television Franchise," indicating that California Antenna TV, Inc., a California corporation, intends to file an application for the corporation to establish and maintain a community antenna television in Modesto, was entered in the record of the minutes.

No action was taken by the Council.

LETTER FROM W. J. MOORAD, BUSINESS MANAGER, CALIFORNIA RELAYS, REGARDING ANNUAL APPROPRIATION FOR 1966 RELAYS AND PAYMENT OF 1965 APPROPRIATION

A letter from W. J. Moorad dated April 1, 1965 requesting payment of the $2,000 budgeted for the annual California Relays to be held on May 29, 1965 and requesting that a similar amount be included in the 1965-66 budget, was entered into the record of the minutes.

MOTION

That the staff be authorized to make payment of the $2,000 budgeted for the California Relays; that the request for a similar sum to be budgeted for fiscal year 1965-66 be referred to the staff for consideration at the appropriate budget session

Moved by Hughes Seconded by VanderWall Unanimously carried

COMMUNICATION FROM STATE DIVISION OF HIGHWAYS REGARDING STUDY FOR PLANNING A CONTINUING HIGHWAY PROGRAM (AFTER 1972)

A letter from J. C. Womack, State Highway Engineer, State Division of Highways, dated March 26, 1965, subject, "Study for Planning a Continuing Highway Program (After 1972)" was entered into the record of the minutes.

By order of the Chair, the letter was referred to the staff.

LETTER FROM FRANK ANDREWS ASKING FOR REINSTATEMENT OF HOWARD DAVID

A letter from Frank Andrews dated April 8, 1965 requesting that Howard David be reinstated to his former position with the Police Department was entered into the record of the minutes.

The letter was ordered filed.

CONSIDER AWARD OF BID FOR CONSTRUCTION OF AIRPORT ADMINISTRATION BUILDING

The City Manager reported that low bid was received from Walter Spoon in the amount of $33,906, $7,106 above the architect's estimate

MOTION

That the matter be held over for one week to permit staff to analyze difference between the low bid and architect's estimate

Moved by Hughes Seconded by VanderWall Unanimously carried

ADOPTION OF ORDINANCE NO. 716-C.S. AMENDING CODE REGARDING SIGNS AND BILLBOARDS

ORDINANCE NO. 716-C.S. entitled
"AN ORDINANCE AMENDING SECTION 10-2.1504 OF ARTICLE 15 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO OUTDOOR ADVERTISING DISPLAYS AND STRUCTURES ADJACENT TO FREEWAYS, AMENDING SECTION 10-2.1709 OF ARTICLE 17 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE AND ADDING SECTION 10-2.1709.1 THERETO RELATING TO NONCONFORMING COMMERCIAL SIGNS AND BILLBOARDS"
introduced April 5, 1965 and having been published as required, was moved and adopted.

Moved by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

ADOPTION OF ORDINANCE NO. 715-C.S. AMENDING CODE REGARDING REMOVAL OF WEEDS, RUBBISH AND DEBRIS

ORDINANCE NO. 715-C.S. entitled
"AN ORDINANCE AMENDING SECTIONS 4-7.604 and 4-7.606 OF ARTICLE 6 OF CHAPTER 7 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO REMOVAL OF WEEDS, RUBBISH AND DEBRIS"

introduced April 5, 1965 and having been published as required, was moved and adopted.

Moved by VanderWall Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

A RESOLUTION GRANTING HARRY KULLIJIAN A PERMIT TO ENCROACH ON THE PUBLIC RIGHT OF WAY 1-48

RESOLUTION NO. 65-166
A RESOLUTION GRANTING HARRY KULLIJIAN A PERMIT TO ENCROACH ON THE PUBLIC RIGHT OF WAY

Introduced by Hughes Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

REQUEST OF MODESTO BEE TO USE THE SECRETARY'S DESK IN THE MAYOR'S OFFICE IN CITY HALL

MOTION

That the secretary's desk in the Mayor's office, City Hall, be made available to all news media; that installation of telephones and resulting telephone bills be paid by the news media

Moved by Shastid Seconded by VanderWall Unanimously carried

CONSIDER REQUEST RECEIVED FROM STANISLAUS COUNTY FOR FENCING MATERIALS WHICH WILL BE REPLACED AT THE AIRPORT WHEN CHAIN LINK FENCING PROJECT IS COMPLETED

A memorandum from the Deputy City Manager dated April 8, 1965, subject "Fencing along northerly boundary of the Modesto City-County Airport," was entered into the record of the minutes. The Chief Administrative Officer of Stanislaus County has inquired into the possibility of obtaining the old fence for county uses around parks, etc.

RESOLUTION NO. 65-167
A RESOLUTION APPROVING REQUEST OF STANISLAUS COUNTY FOR OLD FENCING MATERIALS TO BE REMOVED AT MODESTO CITY-COUNTY AIRPORT

Introduced by Mitchell Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

REMOVAL OF BLEACHERS - DEL WEBB FIELD

A letter from Bud McMurdo dated April 8, 1965, offering to remove the third base and left field bleachers at Del Webb Field for the salvage materials at no cost to the City (the bleachers to be removed seven days from date of approval) was entered into the record of the minutes.

RESOLUTION NO. 65-168
A RESOLUTION AUTHORIZING PREPARATION OF AGREEMENT BETWEEN THE CITY OF MODESTO AND BUD McMURDO TO REMOVE THE THIRD BASE AND LEFT FIELD BLEACHERS AT DEL WEBB FIELD FOR THE SALVAGE MATERIAL, AND AT NO COST TO THE CITY

Introduced by Tabbert Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER AGREEMENT WITH STANISLAUS COUNTY FOR HEALTH DEPARTMENT SERVICES

A memorandum from the City Manager dated April 8, 1965 subject, "County Health Department Services," was entered into the record of the minutes. The present agreement provides that the services continue automatically; that annually, on or before May 1st of each year, the parties may revise annual amount of payment (presently $3,000) for the succeeding year.

With the unanimous consent of the Council, continuation of the present agreement was approved.

GOLF PROFESSIONAL'S CONTRACT FOR SERVICES AT MUNICIPAL GOLF COURSE, DRYDEN PARK MUNICIPAL GOLF COURSE, DRYDEN PARK DRIVING RANGE, AND COMPENSATION FOR SUCH SERVICES

Agreement between City and Andrew J. Silva setting forth terms and conditions of Silva's employment by City

The City Attorney stated that the proposed agreement contains provisions for the Dryden Golf Course driving range, with 80% of the gross receipts to go to Mr. Silva, 20% to the City; incorporates various amendments to the original agreement; adds a "hold harmless" provision and public liability insurance in an amount greatly in excess of the present policy held by Mr. Silva.

Resolution relating to the compensation payable to Andrew J. Silva for his services

The staff was directed to furnish the Council a report outlining a comparison of past and present arrargements for the golf pro, including the agreement for the golf carts; expected revenues from the driving range; duration of the contract; whether annual or reviewable annually; a forecast of the costs the golf pro will have in connection with the driving range; fees which will be set up on the driving range. No action was taken on the items presented.

REPORT ON EXAMINING BOARDS' FEELINGS CONCERNING CERTIFICATES OF COMPETENCY 1-120

A memorandum from the Assistant City Engineer dated March 30, 1965, subject, "Certificates of Competency," was filed with the record of the minutes. The memorandum indicated that the Board of Plumbing Examiners,

Heating and Comfort Cooling Code, and Electrical Examiners were in accord that the program was very good and worthwhile. At a meeting held December 2, 1964 all representatives of Builders Associations present spoke in favor of the program.

The City Manager stated that the report resulted from a request presented by the Home Builders' Association that the program be discontinued. The report was ordered filed.

RECOMMEND EXTENSION OF TIME FOR FILING FINAL MAPS OF TULLY MANOR NO. 2 AND 3 SUBDIVISIONS 2-05

Planning Commission Resolution No. 65-45 recommends that the extension of time for filing the final map of Tully Manor No. 2 Subdivision be extended to April 7, 1966.

RESOLUTION NO. 65-169

A RESOLUTION RECOMMENDING EXTENSION OF TIME FOR FILING THE FINAL MAP OF TULLY MANOR NO. 2 SUBDIVISION (To April 7, 1966)

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Peterson
Noes: None Absent: None

Planning Commission Resolution No. 65-46 recommends extension of time for filing final map of Tully Manor No. 3 Subdivision to April 21, 1966.

RESOLUTION NO. 65-170

A RESOLUTION RECOMMENDING EXTENSION OF TIME FOR FILING THE FINAL MAP OF TULLY MANOR NO. 3 SUBDIVISION (To April 21, 1966)

Introduced by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Peterson
Noes: None Absent: None

RESOLUTION PETITIONING THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS TO EXCLUDE ALL PROPERTY WITHIN THE INCORPORATED LIMITS OF THE CITY OF MODESTO FROM COUNTY TAX LEVY FOR FISCAL YEAR 1965-66

RESOLUTION NO. 65-171

A RESOLUTION PETITIONING THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS TO EXCLUDE ALL PROPERTY WITHIN THE INCORPORATED LIMITS OF THE CITY OF MODESTO FROM COUNTY TAX LEVY FOR THE FISCAL YEAR 1965-66 FOR SUPPORT OF LIBRARY SERVICE IN THE COUNTY PURSUANT TO THE PROVISIONS OF GOVERNMENT CODE SECTION 25643

Introduced by Shastid Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Peterson
Noes: None Absent: None

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 2313 GLENDALE AVENUE, MODESTO

MOTION

That the request for sewer service extension to property located at 2313 Glendale Avenue be approved

Moved by VanderWall Seconded by Shastid Unanimously carried

CONSIDER INSTALLATION OF BRANCH LIBRARY IN NORTHWESTERN SECTION OF THE CITY

A memorandum from the Deputy City Manager dated April 2, 1965 entitled "Fourth Branch Library," was entered into the record of the minutes. The memorandum indicated that the Planning Commission has included the establishment of a branch library in the northwestern section of the City during fiscal year 1965-66.

The City Manager stated that if the Council was in favor of the recommendation made by the Planning Commission, the matter should be brought to the immediate attention of the County for budgetary consideration.

MOTION

That the City Manager be authorized to contact the Board of Supervisors, advising them of the City's interest in establishing a branch library in northwest Modesto

Moved by Shastid Seconded by Tabbert Unanimously carried

CLAIM FROM ALMA BADENHAUSEN ON RETIREMENT PAY 2-32

A letter from Alma Badenhausen dated March 15, 1965, subject, "Formal claim to collect one month's retirement pay, estimated amount $575.55, was entered into the record of the minutes.

MOTION

That the matter be referred to the City's insurance carrier

Moved by Mitchell Seconded by Shastid Unanimously carried

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP FOR BEL AIR NO. 4 SUBDIVISION

RESOLUTION NO. 65-172

A RESOLUTION APPROVING THE FINAL MAP OF THE BEL AIR NO. 4 SUBDIVISION OF THE CITY OF MODESTO

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN BEL AIR NO. 4 SUBDIVISION

RESOLUTION NO. 65-173

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN BEL AIR NO. 4 SUBDIVISION

Introduced by VanderWall Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absnent: None

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP FOR LIBERINI PARK NO. 1 SUBDIVISION

RESOLUTION NO. 65-174

A RESOLUTION APPROVING THE FINAL MAP OF THE LIBERINI PARK NO. 1 SUBDIVISION OF THE CITY OF MODESTO

Introduced by Tabbert Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

FURTHER RECOMMENDATION REGARDING LENGYEL REZONING APPLICATION 2-63

A public hearing was held by the Council of March 1, 1965 on the application of Mrs. Lengyel to rezone property described as the triangle formed by LaLoma, Santa Barbara and Miller Avenues from R-1 to C-1, and by Resolution No. 65-110, the Council rejected the recommendation of the Modesto City Planning Commission that the property be reclassified to C-1 on the basis that the properties presently commercially zoned within the area were adequate, and that residential zoning in this area was more compatible with the surrounding properties oriented to residential uses. The matter was referred back to the Planning Commission for further report.

Director of Planning Fey stated that the Planning Commission reconsidered the application for rezoning, and has recommended by Planning

Commission Resolution No. 65-43, adopted April 6, 1965 that the property be reclassified from R-1 to R-3. He said that the R-3 rezoning was not requested by the applicant.

Attorney Wilmar Jensen, representing neighbors who opposed reclassification of the parcel from R-1 to C-1, stated that to his knowledge, none of the people he represented opposed the proposed rezoning to R-3.

Archie Lyons, Santa Barbara Avenue, asked if the R-3 zoning would require the widening of LaLoma at that point. Director of Public Works Campbell stated that there was no proposal being considered to widen LaLoma Avenue, a 60-foot collector street; that additional right of way was needed from the Lengyel property on Santa Barbara Avenue; that right of way dedication was not a requirement in issuing a building permit.

The Council discussed the following: dedication needed for the widening of Santa Barbara Avenue; utilization of the parcel for R-3 purposes.

A motion proposed by Councilman Mitchell that the matter be held over for one week to ascertain whether or not the property owner was in favor of the proposed R-3 zoning was withdrawn.

Councilman Mitchell stated that he wished to go on record that although he was in favor of voting immediately for R-3, this was not to be construed as encouragement to the present or subsequent owners that rezoning would be increased one step more to commercial zoning.

ORDINANCE NO. 717-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 27 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (LENGYEL)" (From R-1 to R-3)

was introduced and ordered published as required by the Charter.
Moved by VanderWall Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE INSTALLATION OF WATER LINES IN LIBERINI PARK NO. 1 SUBDIVISION

RESOLUTION NO. 65-175
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN LIBERINI PARK NO. 1 SUBDIVISION

Introduced by VanderWall Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

April 27, 1965 at 10:00 A.M. in the City Clerk's office was set as the time and place for opening of bids.

SHERWOOD MEADOWS NO. 2 ADDITION - FOR REFERRAL TO PLANNING COMMISSION

RESOLUTION NO. 65-176
A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS SHERWOOD MEADOWS NO. 2 ADDITION

Introduced by VanderWall Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

AUTHORIZATION FOR LEE TUCKER TO ATTEND CONFERENCE IN TORONTO - APRIL 25 TO 29, 1965

MOTION

That the expenditure for Lee Tucker to attend the A.S.P.O. conference in Toronto on April 25-29, 1965 be approved

Moved by VanderWall Seconded by Hughes Unanimously carried

REQUEST FOR APPROPRIATION TRANSFER TO PROVIDE FUNDS FOR FIRE HOSE FOR NEW PUMPER 3-100

RESOLUTION NO. 65-177

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $4,306 FOR FIRE HOSE FOR NEW PUMPER

Introduced by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

INFORMAL HEARING ON 9TH STREET RAILROAD TRACKS (TIDEWATER SOUTHERN RAILROAD CO.) 3-105

Mayor Johansen announced that the hour of 8:15 P.M. had arrived, the time set for consideration of the proposed removal of tracks from 9th Street, and opened the informal hearing.

This matter was considered by the Council at the April 5th meeting, and by motion the staff directed to meet with TSRR representatives to get further information on the breakdown of costs for the removal of the tracks, consult further with the State, secure information on the possibility of collecting back franchise fees, and to obtain the reaction of the Chamber of Commerce and other civic organizations on the proposed removal.

Director of Parking and Traffic Carmody stated that two alternatives were available to the City: Relocation of the tracks from B Street on the south to P Street on the north at a cost of $250,000 to the City with any additional costs to be paid by Tidewater Southern Railway; or the granting of a franchise to TSRR to continue the tracks on 9th Street. Mr. Carmody discussed the following: The proposed relocation, as proposed by TSRR; the history of past franchises with the railroad; the accident rate on 9th Street for the past five years to which the tracks were contributory.

He concluded by saying that 9th Street would be repaved by the State in mid-May 1965, to be completed by mid-July 1965. If the tracks are to remain, there should be a regrading in conjunction with the 9th Street paving, an $80,000 expenditure to TSRR; if the tracks are removed, the $80,000 will be applied by TSRR as its share of the cost of relocation. Estimated total cost of removal is from $350 to $400 thousand dollars, with the City paying the first $250,000. He said that the State has estimated that $50,000 could be saved on the cost of the underpasses if the tracks are removed from 9th Street; that there would be an additional savings of about $200 to $400 per year on maintenance costs if the tracks were removed; that Tidewater Southern Railway is unwilling to make up back franchise payments for the years since the expiration of their franchises since its books for those years are closed and the fact that the City refused franchise payments offered during that period.

Rex Kearney, President, Tidewater Southern, stated that the estimated cost of removal of the tracks would be as follows: Track connections at Needham Avenue, $22,400; construction of tracks on Southern Pacific right of way, $77,300; connection at B Street, reversing the connection at Flotill, $29,000; the double connection crossing from Southern Pacific to the TSRR reservation and connection close to D Street, $50,300; signalization, which he said was certain to be required by the P.U.C., $90,500; $85,000 involving the moving and reconstruction of buildings; estimated total cost, $354,500. Mr. Kearney said that one of the disadvantages of the proposed relocation was the fact that the new arrangement would block

the entire street at F Street, and would cross, recross, and cross back again at E Street, blocking the traffic on the entire street twice at one location. Other objections were listed by Mr. Kearney. He said that it would take at least one year to effect the relocation, execute a contract with Southern Pacific, file an application with the I.C.C., and await its decision, etc. He stated that an appropriation of $100,000 has been requested by TSRR for the upgrading of the tracks in conjunction with improvement of 9th Street in mid-May, in the event a decision is made that the tracks will remain. A franchise offer to the city of 50¢ a foot was made by Mr. Kearney.

Mr. Kearney was questioned by the Council on TSRR's cooperation with the State in the improvement of 9th Street in eliminating hazards to the motoring public, particularly at the B Street intersection; the possible increase of train traffic on 9th Street if the Western Pacific Industrial area is developed.

The following spoke on the hazards of the railroad tracks to motorcyclists: Lennie Burke, who stated that his father was presently hospitalized as a result of a motorcycle accident involving the tracks on 9th Street; Gene Andres, Harley-Davidson dealer; L. M.Juette, motorcycle dealer.

Mr. Blizzard, representing Imperial 400 Motel, complained of the sustained whistle of the train throughout the length of Ninth Street, stating that he approved relocation of the tracks if this would be eliminated.

Jules Loeb, downtown merchant, stated that the 1/4 million dollar cost of removing the tracks could be better applied to the purchase of land for parking purposes.

Mr. E. R. Curran, 415 Tuolumne Boulevard, stated that he had travelled 9th Street for many years, and had never experienced any particular trouble with the tracks, but conceded that the street was badly in need of repairs.

The Council members expressed their views on the removal of the tracks.

MOTION

That the staff be instructed to prepare a resolution indicating the intent of the Council to permit the Tidewater Southern Railroad tracks to remain essentially in their present location in the center of 9th Street; that the staff negotiate with Tidewater Southern Railroad towards a franchise providing for favorable payments to the City; that the staff endeavor to obtain plans and specifications for the regrading of the railroad tracks to assure safety and compatibility with the proposed new paving proposed by the State

Moved by Mitchell Seconded by Patton

The motion carried, Councilman VanderWall and Mayor Johansen dissenting.

INFORMAL HEARING ON WEST SIDE REZONING 12-8-55

A formal hearing on the rezoning of Sections 29 and 32 of the zoning map, West Modesto, was held by the Council on February 23, 1965. It was the determination of the Council that the rezonings as proposed by the Planning Commission be approved with the exception of the following parcels, to be referred back to the Planning Commission for further study and consideration: The half block fronting on 5th Street, between E and F Streets; all of Block 2 bounded by E, 5th and Sierra; frontages south of Sierra Drive, bounded on the west by Madera Street, on the east by the freeway, and on the south by the T-alley.

Director of Planning Fey stated that the property described above was presently zoned R-3; that the original recommendation of the Planning Commission was that it be rezoned to R-2; that after reconsideration, the Planning Commission has now recommended the area remain R-3, and that the balance of the block fronting on 5th Street, between E and F Streets, originally recommended by the Planning Commission for C-2 zoning, also retain its present R-3 zoning (Planning Commission Resolution No. 65-38 adopted March 16, 1965).

The recommendation was discussed by the Council.

MOTION

That the recommendation of the Planning Commission as contained in Planning Commission Resolution No. 65-38 adopted March 16, 1965 be approved

Moved by Tabbert Seconded by Shastid
Ayes: Mitchell, Shastid, Tabbert, Mayor Johansen
Noes: Hughes, Patton, VanderWall

ORDINANCE NO. 718-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAPS 29 AND 32 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON" (As recommended by the Planning Commission in Planning Commission Resolutions 65-13 and 65-38)

was introduced and ordered published as required by the Charter.

Moved by Tabbert Seconded by Mitchell
Ayes: Mitchell, Shastid, Tabbert, Mayor Johansen
Noes: Hughes, Patton, VanderWall Absent: None

MATTERS FOR THE GOOD OF THE COMMUNITY

Appointment of Farm-City Advisory Committee

RESOLUTION NO. 65-178
A RESOLUTION CONFIRMING THE APPOINTMENT OF MEMBERS TO THE FARM-CITY ADVISORY COMMITTEE

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

The following appointments were made: Ronald W. Berryhill; Rae Codoni; Paul Couture; John C. deBoer; George Gagos; Joe Hart; Everett Jolliff; John Kidd; Harvey Phillips; Tom Sawyer.

Request for Council support of New Melones Dam

John Hertle, associated with the Stanislaus County Flood Control Association, recently formed to control floods along the Stanislaus River, requested that the Council adopt a resolution indicating its support of New Melones Dam project.

By order of the Chair, the request was referred to Deputy Manager Ray for report to the Council at the April 19th meeting.

Further Discussion on Ninth Street railroad tracks

Len Burke, 1613 June Drive, asked for clarification of a statement made by Rex Kearney, representing Tidewater Southern Railroad, relative to negotiations between Tidewater Southern and the City. Explanation was made that Mr. Kearney's statement referred to back franchise payments.

LEGISLATIVE MATTERS 32-45

Request from Modesto Irrigation District for Council support excluding District from West Side Drain Project

The City Manager read a news report stating that Directors of the Modesto Irrigation District took action aimed at excluding the District from a proposed state-sponsored San Joaquin Valley Drainage District, on the basis that it would be of no benefit to Stanislaus County residents east of the San Joaquin River, and the District does not contribute to the water pollution which the drain would be expected to alleviate.

Mr. Keefe stated that the M.I.D. has asked the City to adopt a resolution opposing the inclusion of the City of Modesto in the proposed drainage district.

Charles Crawford, representing Modesto Irrigation District, outlined proposed ways of financing the district.

RESOLUTION NO. 65-179

A RESOLUTION REGARDING PROPOSED SAN JOAQUIN DRAINAGE DISTRICT (expressing opposition to the inclusion of City of Modesto territory in the proposed drainage district)

Moved by VanderWall Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

AB-1319 - Clothing and Equipment for Police

MOTION

That the staff be authorized to communicate with Assemblyman Veneman stating the Council's opposition to this measure

Moved by VanderWall Seconded by Hughes Unanimously carried

SB-447 - Workmen's Compensation. Heart Trouble. Conclusive Presumption.

MOTION

That the Council indicates its opposition to SB-447
Moved by Hughes Seconded by VanderWall Unanimously carried

AB-1097 - Law Enforcement. Use of Dogs a misdemeanor.

MOTION

That the Council indicates its opposition to AB-1097

Moved by Tabbert Seconded by Hughes Unanimously carried

AB-1016 - Collective Bargaining for Publicly-owned Utility Employees

Deputy Manager Ray stated that this measure was approved by the Assembly Committee on Industrial Relations on April 6th.

MOTION

That the staff be authorized to contact Assemblyman Veneman by phone expressing the Council's opposition to this measure

Moved by Hughes Seconded by Tabbert Unanimously carried

Attorney Warren Gant, in behalf of Airport Manager Sham, asked the Council express opposition to the following measures:

AB-773 - Financial Responsibility pertaining to aircraft; SB-341 - Terminating present taxing system pertaining to aircraft and substituting a [illegible] lieu tax system similar to that applying to automobiles; SB-339, providing that the Division of Aeronautics shall act as agent of political subdivisions in accepting and disbursing federal moneys for airports.

By order of the Chair, Deputy Manager Ray was requested to review the three measures and report to the Council at the next meeting.

REPORT BY COUNCILMAN MITCHELL ON THE FIRST NATIONAL LEGISLATIVE CONFERENCE 13-80

Councilman Mitchell made a brief report on the first National Legislative Conference of the National League of Cities held in Washington, D.C., recommending that the City be represented at any future meetings held.

A copy of the program was passed to the Council. The keynote address was given by Vice President Humphrey, who spoke on problems facing cities and the attitude of the present administration in helping cities meet some of their problems: Other speakers were John Kenneth Galbraith, former ambassador to India and now a Professor of Economics at Harvard, who spoke on national urban issues; Congressman Albert Raines, former Chairman of the Housing Sub-Committee, U.S. House of Representatives; Senator Edmund Muskie of Maine, who spoke on inter-governmental relations on water pollution problems; Attorney General Nicholas Katzenbach, who spoke on crime.

Councilman Mitchell also reported briefly on his three meetings with Congressman McFall, who informed Councilman Mitchell that he stood ready to give the Council information on available assistance programs as they develop. He said that copies of all of the speeches would be turned over to the staff when received.

REPORT ON DRYDEN GOLF COURSE 14-50

A memorandum from the Director of Parks and Recreation dated April 8, 1965, subject, "Dryden Park Municipal Golf Course," containing a brief history of the City's acquisition of the Dryden Course, was entered into the record of the minutes. A chart entitled "Revenue & Expenditures - Both Golf Courses," and a floor plan of a proposed clubhouse was attached to the memorandum.

The following members of the Modesto Golf Club were introduced from the audience: Mr. Floyd McIntyre, President; Charles Throssell; Mr. E. R. Curran.

The Council discussed the following: Lack of showers in the plan submitted; whether the proposed location of the clubhouse was such that both courses could be served with one starter in the event the courses are connected; the need of a staff survey to determine whether sufficient land is available to revamp the 9-hole golf course; adequacy of present parking facilities; lack of men's locker room in the proposed plan; space provided in the plans for storage of golf carts and equipment.

Mr. McIntyre stated that the lockers were eliminated from the original plan as an economy move; that the showers were eliminated as being unnecessary.

Charles Throssell, member of the Modesto Golf Club, spoke briefly on the proposed plans, stating that they could easily be changed to include a men's locker room.

MOTION

That the staff be directed to pin down details more definitely, and that the Public Projects Committee get details, talk with the architect, and come back with a recommendation to the Council

Moved by Hughes Seconded by Patton Unanimously carried

FINANCIAL STATEMENT FOR MARCH 1965

The financial statement for the month of March 1965 was distributed to the Council and ordered filed.

ANNOUNCEMENT

Mayor Johansen announced that the meeting of the League of California Cities, Central Valley Division, will be held in Merced, Thursday, April 22, 1965 at 6:30 P.M., with Richard Carpenter the speaker of the evening.

CONSIDER AGREEMENT BETWEEN CITY OF MODESTO AND LAMON WRIGHT FOR PURCHASE OF PROPERTY BY CITY FOR PARK SITE NORTH OF DOWNEY HIGH SCHOOL

MOTION

That the Council meet in executive session to discuss the purchase price of the proposed acquisition

Moved by Patton Seconded by Mitchell Unanimously carried

The Council went into executive session at 11:25 P.M., returning to regular session at 11:35 P.M.

RESOLUTION NO. 65-180

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND LAMON WRIGHT FOR PURCHASE OF PROPERTY FOR PARK SITE NORTH OF DOWNEY HIGH SCHOOL, PROJECT NO. 60-12

Introduced by VanderWall Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION NO. 65-181

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $63,400 FOR ACQUISITION OF ADDITIONAL LAND FOR THE DOWNEY HIGH SCHOOL PARK SITE

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Tabbert Unanimously carried

The meeting adjourned at 11:40 P.M.

ATTEST: _____
Rex E. Gailfus, City Clerk

April 19, 1965

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, 801 11th Street, Mayor Johansen presiding.

Present: Councilmen: Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen
Councilman Hughes arrived at 4:07 P.M.
Absent: Councilmen: Patton

The pledge of allegiance to the Flag was given by all present.

A moment of silent prayer was observed.

LETTER FROM RAY STARN RESIGNING FROM PARKING AND TRAFFIC ADVISORY COMMITTEE

A letter from Ray Starn dated April 8, 1965 resigning as a member of the Parking and Traffic Advisory Committee effective April 8, 1965 was entered into the record of the minutes.

RESOLUTION NO. 65-182

A RESOLUTION ACCEPTING THE RESIGNATION OF RAY STARN FROM THE MODESTO CITY PARKING AND TRAFFIC ADVISORY COMMITTEE AND COMMENDING HIM FOR SERVICES RENDERED

Introduced by Shastid Seconded by VanderWall
Ayes: Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Patton

LETTER TO COUNCILMAN WILLIAM R. MITCHELL REGARDING NATIONAL LEAGUE OF CITIES MEETING IN WASHINGTON AND THE PORTLAND CONFERENCE TO BE HELD ON AUGUST 29-31

A letter from Howard Gardner, League of California Cities, dated April 13, 1965 relative to a suggestion from Councilman Mitchell that a customs official participate at the Portland Regional meeting to be held on August 29 - 31, 1965 in an attempt to expedite the exchange of sister-city materials (travel posters, local handicraft items, etc.) was entered into the record of the minutes. Councilman Mitchell was asked to serve as one of the officials from California on the Portland Conference Committee.

MOTION

That Councilman Mitchell be authorized to serve as one of the officials from California on the Portland Conference Committee

Introduced by VanderWall Seconded by Shastid Unanimously carried

LETTER FROM C. L. HOUSER CO. REGARDING AVAILABLE OFFICE SPACE

A letter from C. L. Houser, 925 J Street, dated April 14, 1965 informing the City that his company has approximately 5,000 square feet of office space available for lease at $150.00 per month was entered into the record of the minutes.

The letter was ordered filed.

APPLICATION FOR FRANCHISE ON BEHALF OF MASTER ANTENNA SYSTEMS TO DESIGN AND INSTALL AND REPAIR AN ANTENNA SYSTEM IN THE CITY OF MODESTO 1-40

The City Attorney reviewed procedures to be followed in connection with an application for a franchise received from Master Antenna System for the design and installation of a community antenna system in the City of Modesto.

MOTION

That the application be referred to the City Manager for report and recommendation to the Council

Moved by Shastid Seconded by Hughes Unanimously carried

Mr. Ballard, representing Master Antenna Systems, was asked to discuss the proposed system with Deputy Manager Ray.

CONSIDER AWARD OF BID FOR ADMINISTRATION BUILDING AT CITY-COUNTY AIRPORT

A memorandum from Director of Public Works dated April 14, 1965 subject, "Bids on Airport Administration Building," and bid tabulation for construction of the airport administration building, were filed with the record of the minutes. This item was held over from the April 12th meeting to allow the staff time to analyze the difference between the low bid submitted by Walter Spoon in the amount of $33,906, and the architect's estimate of $26,800.

John Bomberger, architect, stated that his firm under-estimated the cost of the project; that in one instance the amount of materials to be used was under-estimated; that the electrical, plumbing and concrete work was higher than anticipated; that renewed labor contracts have increased the cost of labor.

Mr. Bomberger was questioned by the Council.

The City Manager stated that $25,000 has been appropriated towards the cost of the administration building.

Airport Manager Sham stated that the extra office provided will be leased for about $500 per year.

RESOLUTION NO. 65-183

A RESOLUTION ACCEPTING THE BID OF WALTER SPOON FOR CONSTRUCTION OF AIRPORT ADMINISTRATION BUILDING

Introduced by VanderWall Seconded by Hughes
Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Patton

RESOLUTION NO. 65-184

A RESOLUTION AUTHORIZING THE TRANSFER OF $16,400 FROM THE GENERAL FUND (FUND NO. 101) OF THE CITY OF MODESTO TO THE SPECIAL AVIATION FUND (FUND NO. 306)

Introduced by Shastid Seconded by Hughes
Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Patton

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE CONSTRUCTION OF IMPROVEMENTS AT STANDIFORD PARK

At the request of the City Manager, and with the unanimous consent of the Council, this matter was held over for one week.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF IMPROVEMENTS AT 17TH AND G STREET PARK

At the request of the City Manager, and with the unanimous consent of the Council, this matter was held over for one week.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF AN 8" WATER LINE ON THE WEST SIDE OF McHENRY AVENUE FROM BOWEN AVENUE SOUTHERLY TO A POINT 180 FEET NORTH OF NORWEGIAN AVENUE

RESOLUTION NO. 65-185
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINES ON WEST SIDE OF McHENRY AVENUE BETWEEN BOWEN AVENUE TO A POINT 180 FEET NORTH OF NORWEGIAN AVENUE

Introduced by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Patton

May 4, 1965 at 10:00 A.M. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE SPECIFICATIONS AND CALL FOR BIDS FOR THE AUTOMATION OF THE CITY'S WATER SYSTEM 3-2

A memorandum from the Director of Public Works dated April 16, 1965, subject, "Automation of the City's Water System" was entered into the record of the minutes. The memorandum indicated that $70,000 has been set aside for this project, with the balance of the funds needed to cover the total cost to be requested after bids are opened.

RESOLUTION NO. 65-186
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE AUTOMATION OF THE CITY'S WATER SYSTEM

Introduced by Hughes Seconded by VanderWall
Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Patton

REPORT ON POLICIES OF VARIOUS CALIFORNIA CITIES REGARDING CHRISTMAS STREET DECORATIONS

A memorandum from the Deputy City Manager dated April 15, 1965, subject, "Participation by California Cities in Christmas Street Decorations," was entered into the record of the minutes. This information was requested by the Council at the December 14, 1964 meeting. The report was referred to the staff for consideration at the appropriate budget hearing.

LEASE AGREEMENT BETWEEN CITY AND DANA DEVELOPMENT ASSOCIATION FOR SILVERTHORN BRANCH LIBRARY 4-9

RESOLUTION No. 65-187
A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND DANA DEVELOPMENT ASSOCIATION FOR SILVERTHORN BRANCH LIBRARY (May 1, 1965 to April 30, 1967 with three-year option for renewal)

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Patton

RESOLUTION ESTABLISHING POLICY OF CITY COUNCIL IN REGARD TO TIDEWATER SOUTHERN RAILROAD TRACKS ON NINTH STREET 4-10

At the request of the City Manager, and with the unanimous consent of the Council, this matter was held over for one week.

REPORT ON CLAIM OF LENDA HOLEMAN FOR SEWER REPAIR BILLS

A memorandum from the Director of Public Works dated April 15, 1965, subject, "Claim Submitted by Lenda Holeman for Property at 1416 Del Vale," with claim of Lenda Holeman, 1548 Teresa Street, in the amount of $25.79 against the City for plumbing services, was entered into the record of the minutes.

The City's policy on matters of this kind was outlined by the Director of Public Works.

MOTION

That the claim be rejected and the matter referred to the City's insurance carrier for consideration

Moved by Hughes Seconded by Shastid Unanimously carried

CONSIDER AGREEMENT BETWEEN THE CITY AND THE CENTRAL ASSEMBLY OF GOD OF MODESTO FOR WATER AND SEWER SERVICE

RESOLUTION NO. 65-188

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CENTRAL ASSEMBLY OF GOD OF MODESTO CHURCH FOR WATER AND SEWER SERVICE

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Patton

REQUEST FOR FUNDS FOR LAND USE SURVEY 3-55

A memorandum from the Planning Director dated April 15, 1965, subject, "Proposal for Land Use Survey - 1965-66," was entered into the record of the minutes.

The City Manager stated that although this project is proposed as a supplementary budget item for fiscal year 1965-66, the Planning Director would like to start the project during the first part of June; that sufficient funds were available in various Planning Department accounts to cover costs for the present fiscal year.

The value of the land use survey to the planning staff was outlined by Mr. Fey.

Mr. Fey stated that it was proposed that two college and four high school students be hired to perform the survey

MOTION

That the staff be authorized to bring the City's land use map up to date, as recommended by the Director of Planning in memorandum dated April 15, 1965

Moved by Mitchell Seconded by Tabbert Unanimously carried

RESOLUTION NO. 65-189

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $1,506 - PLANNING DEPARTMENT LAND USE SURVEY

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Patton

APPROPRIATION TRANSFER - INTER-FUND TRANSFER OF MONEY FROM THE GENERAL FUND TO THE SPECIAL FUND FOR CAPITAL OUTLAY 4-80

RESOLUTION NO. 65-190

A RESOLUTION AUTHORIZING THE TRANSFER OF FIVE HUNDRED FIFTY THOUSAND AND NO/100THS ($550,000) DOLLARS FROM THE GENERAL FUND (FUND NO. 101) OF THE CITY OF MODESTO TO THE SPECIAL FUND FOR CAPITAL OUTLAYS (FUND NO. 321)

Introduced by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Patton

APPROPRIATION TRANSFER - TO PROVIDE FUNDS FOR EQUIPMENT NEEDED AT SEWAGE TREATMENT PLANT

A memorandum from the Director of Public Works dated April 13, 1965, subject, "Request for Appropriation Transfer," was entered into the record of the minutes. Appropriation transfer in the amount of $2,315 was

requested for the following items: Self-combined [illegible] aeration blower roof; two sludge pumps. The proposed improvements were discussed by the Council.

A suggestion was made by the Council that the staff check with Brown and Caldwell for any ideas the firm might have to improve operation of the sewage treatment plant.

RESOLUTION NO. 65-191
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $2,315 TO PROVIDE FUNDS FOR EQUIPMENT NEEDED AT THE SEWAGE TREATMENT PLANT

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Patton

REPORT ON REQUEST BY JOHN HERTLE FOR COUNCIL SUPPORT OF THE NEW MELONES DAM 5-4

A memorandum from the Deputy City Manager dated April 15, 1965 subject, "New Melones Dam and Reservoir," was entered into the record of the minutes. Recommendation was made that the Council adopt a resolution urging the early completion of the New Melones Dam on the Stanislaus River, as requested by John Hertle at the April 15th meeting.

RESOLUTION NO. 65-192
A RESOLUTION URGING THE EARLY COMPLETION OF THE NEW MELONES DAM ON THE STANISLAUS RIVER

Introduced by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Patton

REPORT ON VARIOUS AVIATION BILLS 5-25

AB-773 - Aircraft Financial Responsibility Act

Deputy Manager Ray stated that this bill was heard and approved by the Committee on Public Utilities and Corporations on April 14; that Modesto requires that all operators based on the Modesto field must carry insurance; that HR-662, being considered by the federal legislature, would require greater protection and would be on a federal level.

MOTION
That the staff be authorized to contact Assemblyman John Veneman indicating the Council's opposition to this measure

Moved by VanderWall Seconded by Hughes

The motion carried, Councilman Mitchell dissenting.

SB-339 - providing that the Division of Aeronautics shall act as agent of political subdivisions in accepting and disbursing federal money for airports

RESOLUTION NO. 65-193
A RESOLUTION CONCERNING SENATE BILL 339 (indicating Council opposition)

Introduced by Hughes Seconded by Tabbert
Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johanson
Noes: None Absent: Patton

SB-341 - Aircraft identification and In Lieu Tax. This bill will require that aircraft be identified by state numbers, and set up a fee of $3.00 per year for that purpose. The In Lieu Tax portion of the bill provides that taxes be collected by the State at the rate of 1½% of the market value of the aircraft. At the present time, the taxes are collected locally by the County, the funds going into the General Fund. Under

SB-341, the funds returned to the County and City would be earmarked for an aircraft fund.

RESOLUTION NO. 65-194
A RESOLUTION CONCERNING SENATE BILL 341 (indicating Council opposition)

Introduced by Hughes Seconded by Shastid
Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Patton

AB-749 - prohibiting local control of operation of helicopters within cities

Deputy Manager Ray stated that the League of California Cities has recommended that this bill be opposed as an invasion of the municipal right to control land use in the cities; that Modesto has an ordinance controlling the use of helicopters within the City which will be invalidated if AB-749 is passed.

MOTION

That the staff be authorized to contact Assemblyman John Veneman indicating the Council's opposition to this measure

Moved by VanderWall Seconded by Shastid Unanimously carried

AB-1218 - which would permit a city to acquire any revenue-producing facility by entering into a contract of purchase under which the price, together with interest, would be payable over a period of years from the income from that facility.

Deputy Manager Ray stated that a communication has been received from the City of Redding urging that city councils throughout the State adopt resolutions supporting this measure. Mr. Ray recommended Council support.

Mr. Ray was directed to furnish the Council a further report on the proposed bill at the next meeting.

MATTERS FOR THE GOOD OF THE COMMUNITY

Proposed development of an area park along the Tuolumne River - Report by Councilman VanderWall

Councilman VanderWall reported that the County has indicated its willingness to have its staff work with the City staff in preparing preliminary plans for the development of an area park along the Tuolumne River; that there has been some indication that the County will share in the $500 cost of the preliminary plans.

The Council discussed the comparative costs of rubber vs. removable weir dams.

MOTION

That the staff be authorized to work with the County on the proposed development of an area park along the Tuolumne River and come back to the Council with a recommendation

Moved by Shastid Seconded by Tabbert Unanimously carried

Local Agency Formation Commission - Report by Councilman Tabbert

Councilman Tabbert reported that the petition of the City of Ceres for annexation of territory south of the Tuolumne River to the City of Ceres, will be considered by the Local Agency Formation Commission on Wednesday, April 22, 1965.

REPORT ON NUMBER OF ABSENT VOTER BALLOTS OBTAINED FOR THE GENERAL MUNICIPAL ELECTION, APRIL 20, 1965

A memorandum from City Clerk Gailfus dated April 14, 1965 subject, "Absent Voters' Ballots," was entered into the record of the minutes. Two Hundred sixty-one absent voters' ballots were obtained.

LEAVE OF ABSENCE, COUNCILMAN WILLIAM MITCHELL, MONTH OF MAY 1965

MOTION

That Councilman William Mitchell be granted a leave of absence during the month of May 1965 and be granted permission to leave the country

Moved by Shastid Seconded by VanderWall Unanimously carried

REMINDER OF LEAGUE MEETING IN MERCED

The Council was reminded of the League of California Cities, Central Valley Division, meeting to be held in Merced April 22, 1965.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Tabbert Unanimously carried

The meeting adjourned at 5:29 P.M.

ATTEST: Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, 801 11th Street, Vice Mayor VanderWall presiding.

Present: Councilmen: Mitchell, Patton, Tabbert, Vice Mayor VanderWall
Councilman Shastid arrived at 7:31 P.M.
Councilman Hughes arrived at 7:32 P.M.

Absent: Councilmen: Mayor Johansen

The pledge of allegiance to the Flag was given by all present.

Reverend Hubert Ligon gave the invocation.

SUGGESTION AWARDS

Vice Mayor VanderWall presented suggestion awards to the following: John D. Mosley, Public Works Department, $50 for suggesting a device to transport chlorine cylinders, and $50 for suggesting a modification of the stem-rising gates at the industrial headworks; $50 to Paul Taylor, Fire Department, for suggesting a conversion valve to fit the air tanks on the MSA masks so the air in the tanks can be diverted to tanks on fire apparatus in case of loss of air to air brakes.

APPROVAL OF MINUTES

The minutes of the regular meeting of April 5, 1965 were approved.

LETTER FROM JOSEPH A. NIETO, 1601 TULLY ROAD, REGARDING DRAINAGE PROBLEM

A letter from Joseph A. Nieto, 1305 Granger Avenue (Red Carpet Liquors) dated April 15, 1965 complaining of drainage problems at his property located at 1601, 1605 Tully Road and 1305 Granger Avenue, after a storm, was entered into the record of the minutes.

By order of the Chair, the letter was referred to the staff.

LETTER FROM WALTER L. BOZARTH, JR., REGARDING COUNCIL SUPPORT OF AB-682 - ANNEXATION OF ISLANDS

A letter from Walter L. Bozarth, Jr., President, School of American Taxpayers, Inc., dated March 22, 1965 protesting the Council's support of Assembly Bill 682, which would allow cities or county board of supervisors to annex "corridors" or "islands" of 100 acres or less, created by other annexations, without a vote by the people, was entered into the record of the minutes.

The City Manager reported that this bill was killed in Committee. The letter was ordered filed.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF IMPROVEMENTS AT STANDIFORD PARK

RESOLUTION NO. 65-195

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF IMPROVEMENTS AT STANDIFORD PARK

Introduced by Shastid Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

May 11, 1965 at 10:00 A.M. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE CONSTRUCTION OF IMPROVEMENTS AT 17TH AND G STREET PARK

RESOLUTION NO. 65-196
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF IMPROVEMENTS AT 17TH AND G STREET PARK

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

May 11, 1965 at 10:00 A.M. in the City Clerk's office was set as the time and place for opening of bids.

CONSIDER AWARD OF BID FOR CONSTRUCTION OF WADING POOL AT GARRISON PARK

RESOLUTION NO. 65-197
A RESOLUTION ACCEPTING THE BID OF WOLVERINE BUILDING SERVICE, INC., FOR CONSTRUCTION OF WADING POOL AT GARRISON PARK (low bidder, $8,467)

Introduced by Patton Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE INSTALLATION OF WATER LINES TO SERVE TULLY MANOR NO. 2 SUBDIVISION

RESOLUTION NO. 65-198
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINES - TULLY MANOR NO. 2 SUBDIVISION

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

May 11, 1965 at 10:45 A.M. in the City Clerk's office was set as the time and place for opening of bids.

ADOPTION OF ORDINANCE NO. 717-C.S. - REZONING LENGYEL PROPERTY

ORDINANCE NO. 717-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 27 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (LENGYEL)"
(From R-1 to R-3)

introduced April 12, 1965, and having been published as required, was moved and adopted. (effective May 26, 1965)

Moved by Mitchell Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

ADOPTION OF ORDINANCE NO. 718-C.S. - REZONING WEST MODESTO AREA

A formal hearing on the rezoning of Sections 29 and 32 of the zoning map, West Modesto, was held by the Council on February 23, 1965, and an informal hearing held on April 12, 1965. At the April 12th meeting Ordinance 718-C.S. was introduced, accepting the recommendations of the Planning Commission as contained in Planning Commission Resolutions Nos. 65-13 and 65-38.

The City Clerk reported that Ordinance No. 718-C.S. had been published as required by the Charter, and was ready for adoption.

Director of Planning Fey reviewed the proposed rezoning.

The following spoke in opposition to the proposed R-3 rezoning in the 500 block on Fifth

Street, on the basis that all of the residents on Fifth Street were promised C-2 zoning at the time that plans for the freeway were formulated. Ruby Sturm, 515 Fifth Street; Mrs. Elsie Kennedy, 517 Fifth Street.

Mrs. Mabel Arata spoke in favor of rezoning the 500 block of Fifth Street to C-2.

After discussion of the request that the 500 block of Fifth Street between E and F Streets be rezoned to C-2, it was the decision of the Council that Ordinance No. 718-C.S., containing the recommendations of the Planning Commission (Planning Commission Resolutions 65-13 and 65-38) be adopted, with the Council initiating proceedings to rezone the entire block on Fifth Street, from E to F Street, from R-3 to C-2.

ORDINANCE NO. 718-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAPS 29 AND 32 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON" (As recommended by Planning Commission Resolutions 65-13 and 65-38)

introduced April 12, 1965 and having been published as required, was moved and adopted.

Moved by Hughes Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

RESOLUTION NO. 65-199
A RESOLUTION INITIATING PROCEEDINGS TO AMEND SECTION 32 OF THE ZONING MAP OF THE CITY OF MODESTO AND REFERRING THE PROPOSED AMENDMENT TO THE PLANNING COMMISSION FOR PUBLIC HEARING, REPORT AND RECOMMENDATION (WEST SIDE ZONING) (500 Block of 5th Street between E and F Streets, from R-3 to C-2)

Introduced by Hughes Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

GOLF PROFESSIONAL'S CONTRACT FOR SERVICES 4-70

The following documents were filed with the record of the minutes: Memorandum from Director of Parks and Recreation dated April 23, 1965, subject, "A review of the proposed agreement with Andy Silva and other information pertaining to the driving range;" memorandum from Director of Parks and Recreation dated June 18, 1964, subject, "Review and recommendation - Golf Professional's contract."

The Council discussed the following: Golf Professional operations' survey of other cities; the fact that the City's golf pro is presently operating the Pro Shop under a city business license; a review of the contracts when the proposed clubhouse is in operation.

RESOLUTION NO. 65-200
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ANDREW J. SILVA SETTING FORTH TERMS AND CONDITIONS OF EMPLOYMENT

Introduced by Patton Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

RESOLUTION NO. 65-201
A RESOLUTION RELATING TO THE COMPENSATION PAYABLE TO ANDREW J. SILVA AS GOLF COURSE PROFESSIONAL AND MANAGER OF THE MUNICIPAL GOLF COURSE, THE DRYDEN MUNICIPAL GOLF COURSE, AND THE DRYDEN PARK DRIVING RANGE

Introduced by Patton Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

MATTERS FOR THE GOOD OF THE COMMUNITY

Selection of architect for Dryden Golf Course Clubhouse 5-1

Councilman Mitchell, Chairman of the Council Public Projects Committee, stated that the committee has recommended that the local architectural firm of Kaestner & Kaestner be hired to design and supervise the construction of the Dryden Golf Course Clubhouse, for a fee equivalent to 8% of the contract cost. He said that representatives of the Modesto Golf Club and the architect were in agreement that the building should be designed so as to blend in with the S.O.S. buildings.

The hiring of an outside architect to design the building was discussed. Councilman Patton stated that an "Architects' Manual," published by the U.S. Golf Association, contains much helpful information on the designing of clubhouses, both private and public.

MOTION

That the recommendation of the Council Public Projects Committee that the architectural firm of Kaestner & Kaestner be hired to design and supervise the construction of a clubhouse at Dryden Municipal Golf Course be approved; that the City Attorney be directed to prepare the necessary agreement; that Councilman Patton work with the architects and Modesto Golf Club representatives on the design of the building

Moved by Mitchell Seconded by Shastid Unanimously carried

Hiring of Additional Policemen

Councilman Shastid suggested that the Council consider the hiring of either four or six additional policemen immediately, rather than waiting until funds are budgeted for next fiscal year.

Councilman Mitchell suggested that a formula be established for future use which would automatically permit additional help to be hired as the need arises in the public health and safety field, to meet the immediate added needs of police and fire protections, etc., which may result from annexations of large areas.

Chief Bowers stated that if recruitment was started immediately, the additions could be made to the force within sixty days.

MOTION

That the City Manager be authorized to take the necessary steps to add six more policemen to the police force

Moved by Shastid Seconded by Patton Unanimously carried

Approval of right of way agreement with Centenary Methodist Church

RESOLUTION NO. 65-202

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND CENTENARY METHODIST CHURCH IN MODESTO (right of way dedications, McHenry and Tokay)

Introduced by Shastid Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

REPORT ON STATUS OF UNITED AIRLINES WITHDRAWAL FROM SAN JOAQUIN VALLEY 7-10

The City Attorney reported that the first hearing on United Airlines' petition to withdraw its service from the San Joaquin Valley was held in Washington, D.C., April 23, 1965.

The City Attorney read a wire received from Senator Randolph Collier, Sacramento, as follows: "Received word from Boros on today's pre-hearing conference. Boros well pleased with development. United and Pacific oppose

A RESOLUTION RELATING TO THE COMPENSATION PAYABLE TO ANDREW J. SIEVA AS GOLF COURSE PROFESSIONAL AND MANAGER OF THE MUNICIPAL GOLD COURSE, THE DRYDEN MUNICIPAL GOLD COURSE, AND THE DRYDEN PARK DRIVING RANGE

Introduced by Patton Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

consolidation of Continental, Bonanza, West Coast applications to serve Fresno. United in tight spot with other three lines request to serve San Francisco through Fresno and future competition on United LA to San Francisco route. CAB examiner stated it is all or nothing; that is, United will not be allowed to retain only Fresno. The hearing date set for August 17. Boros expects decision during the winter of 1965-66. Boros states breaks were with us today."

Mr. Johnson said it was antitipcated that the hearing will be held in San Francisco; that Petitions for Leave to Intervene have been filed by the San Francisco Chamber of Commerce; City of Oakland through its Board of Port Commissioners; Los Angeles Chamber of Commerce; Department of the Army; Airline Pilots' Association; Continental Airlines; Bonanza Airlines; a conditional petition by TWA.

Clean-up of Southern Pacific Depot area

MOTION

That the staff be directed to contact the Southern Pacific on the condition of the Southern Pacific Depot area

Moved by VanderWall Seconded by Patton Unanimously carried

ACCEPT IMPROVEMENTS AND AUTHORIZE CITY CLERK TO FILE NOTICE OF COMPLETION, TO RELEASE CASH BOND NOW ON FILE, AND TO ACCEPT IN PLACE OF THE CASH BOND A LETTER FROM WESTERN TITLE GUARANTY COMPANY GUARANTEEING AGAINST ANY LIENS BEING FILED DURING THE STATUTORY LIEN PERIOD

RESOLUTION NO. 65-203

A RESOLUTION ACCEPTING IMPROVEMENTS IN LORENZEN PARK NO. 3 SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

Introduced by Shastid Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

CONSIDER ACCEPTANCE OF HIGH OFFER OF THE LEARNER COMPANY, STOCKTON, FOR APPROXIMATELY 2,500 POUND OF SCRAP COPPER ($.3460 per pound)

RESOLUTION NO. 65-204

A RESOLUTION AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY (Learner Company, Stockton, scrap copper)

Introduced by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

APPROVE CITY-STATE AGREEMENT FOR J STREET TRAFFIC SIGNAL MODERNIZATION 7-45

At the request of the City Manager, and with the unanimous consent of the Council, this matter was held over for one week.

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP OF TULLY MANOR NO. 2 SUBDIVISION

RESOLUTION NO. 65-205

A RESOLUTION APPROVING THE FINAL MAP OF THE TULLY MANOR NO. 2 SUBDIVISION OF THE CITY OF MODESTO

Introduced by Hughes Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

REQUESTS FOR SEWER SERVICE

820 Kansas Avenue

MOTION

That the request for sewer service extension to property located at 820 Kansas Avenue be approved

Moved by Shastid Seconded by Hughes Unanimously carried

815 Kansas Avenue

MOTION

That the request for sewer service extension to property located at 815 Kansas Avenue be approved

Moved by Shastid Seconded by Hughes Unanimously carried

732, 732½, and 806 Kansas Avenue

MOTION

That the request for sewer service extension to property located at 732, 732½ and 806 Kansas Avenue be approved

Moved by Shastid Seconded by Hughes Unanimously carried

835 Kansas Avenue

MOTION

That the request for sewer service to property located at 835 Kansas Avenue be approved

Moved by Shastid Seconded by Hughes Unanimously carried

312 East Roseburg Avenue

MOTION

That the request for sewer service to property located at 812 East Roseburg Avenue be approved

Moved by Shastid Seconded by Hughes Unanimously carried

REPORTS FROM THE PLANNING COMMISSION - None

APPROPRIATION TRANSFERS - None

LEGISLATIVE MATTERS

AB-1218 - This bill would provide a means for any city, county or other public corporation to acquire a revenue-producing facility by means of a contract of purchase, under which the purchase price, together with interest thereon, could be payable over a period of years solely from the income and revenues of the facilities so acquired.

RESOLUTION NO. 65-206

A RESOLUTION SUPPORTING THE ENACTMENT OF AB 1218 PERTAINING TO THE PURCHASE OF REVENUE PRODUCING FACILITIES BY LOCAL AGENCIES

Introduced by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

AB-1280 - This bill would bring all public employees under the provisions of the Unemployment Insurance Law, and would mean that cities and all other public agencies would be required to pay almost four per cent of the first $7,500 of each employees annual wage to the Unemployment Insurance Fund, even though public employees are not subject to voluntary separation from service.

RESOLUTION NO. 65-247

A RESOLUTION OPPOSING ADOPTION OF ASSEMBLY BILL 1220

Introduced by Shastid Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

AB-432 - TV coverage, council meetings.

Deputy City Manager Ray stated that the Council adopted a resolution opposing this bill which relates to radio and television coverage for council meetings; that the bill has been amended to eliminate council meetings, but includes all other administrative meetings of cities. As amended, it has been approved by the Assembly and sent to the Senate.

CLAIM OF ALMA BADENHAUSEN (RETIREMENT)

The following documents were entered into the record of the minutes: A memorandum from the City Attorney dated April 21, 1965, subject, "Claim of Alma Badenhausen (Retirement);" memorandum from Deputy City Manager Ray dated March 12, 1965, subject, "Problem in connection with the retirement of Alma Badenhausen." The City Attorney rendered an opinion that the position taken by the City's insurance carrier (denying the claim because of lack of liability on the part of the City) is correct, and that there is no liability on the part of the City. That since there is no liability on the part of the City, it would be an illegal expenditure of public funds for the City to pay Mrs. Badenhausen the one month's retirement which she failed to receive.

Mrs. Badenhausen outlined reasons why she felt that the City should pay the $575 claimed as retirement for the month of January, 1965 which she failed to receive from the State Retirement Board because the application for retirement was not forwarded to that office until the last part of February, 1965. It was her contention that she would have filed her application within the required time if the City had not failed to submit Form 167 at the time she received her separation pay in December 1964.

Mrs. Badenhausen's claim for retirement for the month of January was discussed by the Council.

MOTION

That Mrs. Badenhausen's claim be referred to the City Attorney for further checking with the insurance company to see if there is some basis under which the claim can be honored

Moved by Shastid Seconded by Hughes Unanimously carried

The possibility of asking Assemblyman Veneman to introduce a bill requesting that the State pay Mrs. Badenhausen's claim (in the event the insurance company again denies the claim) was discussed. The City Attorney stated that the deadline for introduction of bills in the present legislative session was April 26.

FURTHER REPORT IN REGARD TO TIDEWATER SOUTHERN RAILROAD TRACKS ON NINTH STREET 9-95

The City Manager reported that the staff met with Tidewater Southern Railway's legal counsel and Mr. Kearney, president. The following proposals were made by Tidewater Southern: Payment of $10,000 to the City in lieu of franchise payments since the expiration of its franchises; actual removal of tracks from B to C Streets at its own expense; future franchise payments on the basis of 50¢ per linial foot for remaining track on 9th Street, payable in advance.

Parking and Traffic Director Carmody stated that M. & E. T. has agreed that the company should and would modify its tracks to meet the new grade when 9th Street is improved.

Lennie Burke stated that the proposed improvements, which would eliminate two switches at the B Street intersection, would make 9th Street much safer for motorcyclists. He suggested that terms of the franchise include adequate provision for maintenance of the pavement adjacent to the tracks.

MOTION

That the City Attorney be instructed to work out the franchise terms with Tidewater Southern's legal counsel; that the City Attorney be authorized to notify Tidewater Southern that the Council agrees in principle with its proposal

Moved by Hughes Seconded by Shastid

The motion carried, Vice Mayor VanderWall dissenting.

The City Attorney was directed to furnish the Council a copy of Tidewater Southern's franchise proposal.

REMINDER

The Council was reminded of the special meeting at 4:00 P.M., Tuesday, April 27, 1965 for the purpose of canvassing votes of the April 20th general municipal election.

Last regular meeting of Councilman Tabbert

Councilman Tabbert, whose term as Councilman expires, expressed his thanks to the Council and staff for their cooperation during his term of office.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Patton Seconded by Tabbert Unanimously carried

The meeting adjourned at 10:00 P.M.

ATTEST: Rex E. Gailfus

Rex E. Gailfus, City Clerk

April 27, 1965

The Council of the City of Modesto met in special session this date at 4:00 P.M., as provided by Section 2-1.02 of the Modesto Municipal Code, and Section 22932 of the Elections Code of the State of California, to canvass the returns and results of the General Municipal Election held on April 20, 1965 Precincts 1 through 72, to elect councilmen; members of the Board of Education, Modesto City School District; Governing Board members, various school districts and Yosemite Junior College District; a proposition relating to unification of School Districts and establishment of Trustee Areas. Vice Mayor VanderWall presided.

Present: Councilmen: Hughes, Patton, Shastid, Tabbert, VanderWall
Absent: Councilmen: Mitchell, Mayor Johansen

CANVASS OF RETURNS OF GENERAL MUNICIPAL ELECTION HELD ON TUESDAY, APRIL 20, 1965

The following Councilmen were re-elected for a full term:

Councilman William B. Hughes, Chair No. 2
Councilman John B. Shastid, Chair No. 5

Councilman G. Dale Smith was elected for a full term, Chair No. 6.

The following Modesto Board of Education members were re-elected for a full term:

Robert G. Bienvenu
Jean J. Knoles

Joseph D. Smart was elected a member of the Modesto Board of Education for a short term.

A proposition for the unification of School Districts and establishment of trustee areas failed to carry.

MOTION

That the canvass of returns of the election, prepared and signed by the election officers, and absentee ballots, as presented by the City Clerk, be accepted

Moved by Hughes Seconded by Tabbert Unanimously carried

RESOLUTIONS OF THE CITY OF MODESTO DECLARING CANVASS OF RETURNS AND RESULTS OF GENERAL MUNICIPAL ELECTION

RESOLUTION NO. 65-208

A RESOLUTION OF THE CITY OF MODESTO DECLARING CANVASS OF RETURNS AND RESULT OF VOTES CAST FOR SCHOOL DISTRICT GOVERNING BOARD MEMBERS, YOSEMITE JUNIOR COLLEGE DISTRICT MEMBER, STANISLAUS COUNTY BOARD OF EDUCATION MEMBER AND UNIFICATION PROPOSITION MEASURE AT THE GENERAL MUNICIPAL ELECTION HELD ON TUESDAY, APRIL 20, 1965

Introduced by Tabbert Seconded by Patton
Ayes: Hughes, Patton, Shastid, Tabbert, Vice Mayor VanderWall
Noes: None Absent: Mitchell, Mayor Johansen

RESOLUTION NO. 65-209

A RESOLUTION OF THE CITY OF MODESTO DECLARING CANVASS OF RETURNS AND RESULT OF GENERAL MUNICIPAL ELECTION HELD ON TUESDAY, APRIL 20, 1965

Introduced by Hughes Seconded by Patton
Ayes: Hughes, Patton, Shastid, Tabbert, Vice Mayor VanderWall
Noes: None Absent: Mitchell, Mayor Johansen

RESOLUTION NO. 65-216

A RESOLUTION AUTHORIZING PAYMENT TO ELECTION OFFICIALS AND RENTAL OF POLLING PLACES FOR THE GENERAL MUNICIPAL ELECTION HELD ON APRIL 20, 1965

Introduced by Hughes Seconded by Patton
Ayes: Hughes, Patton, Shastid, Tabbert, Vice Mayor VanderWall
Noes: None Absent: Mitchell, Mayor Johansen

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Tabbert Seconded by Shastid Unanimously carried

The meeting adjourned at 4:13 P.M.

ATTEST: Rex E. Gailfus

Rex E. Gailfus, City Clerk

SULT OF GENERAL MUNICIPAL ELECTION HELD ON TUESDAY, APRIL 20, 1965

Introduced by Hughes Seconded by Patton
Ayes: Hughes, Patton, Shastid, Tabbert, Vice Mayor VanderWall
Noes: None Absent: Mitchell, Mayor Johansen

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Mayor Johansen presiding.

Present: Councilmen: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Absent: Councilmen: Mitchell

The pledge of allegiance to the Flag was given by all present.

Reverend Leroy Sharpe gave the invocation.

STATEMENT TO NEW CITY COUNCIL BY MAYOR PETER W. JOHANSEN

"In the city election on April 20, the citizens of Modesto elected three city councilmen. First, I would like to commend the people of Modesto for their interest in city government and for going to the polls to vote. Secondly, I want to assure every citizen of Modesto that we who are on the City Council--the four members who were elected previously as well as the three elected on April 20--represent not just those who voted for us, but all of the people in the city on every issue which comes before us.

May I express, for all the members of the City Council and for all Modestans as well, our sincere appreciation to Keith Tabbert for his interest in and concern for the city during his four years as a member of the Council. Modesto is very fortunate to have such wonderful volunteers who give so unselfishly of their time and talent to the City Council and to all city commissions and committees. Someone must handle the duties and make the decisions necessary to operate a city, and must accept the headaches and heartbreaks which go along with this responsibility. How fortunate we are to have commissioners, committeemen and councilmen, such as Keith Tabbert, who are willing to shoulder the unpleasant tasks. Keith, for the entire community, Thanks.

On behalf of the six of us who have served on the Council previously, I would like to welcome Dale Smith, who is just beginning his service as a Councilman. You bring to the Council your own personal knowledge and understanding of the community and its needs. The other members of the Council and the staff will be glad to answer any questions you might have or give you background information you may wish on the City's responsibilities or on any items under Council consideration which may be new to you.

I also want to thank Bill Hughes and Jon Shastid who had the interest and willinghess to continue to serve on the Council.

If we stop and think a moment, we realize that each of us has a real responsibility as members of the City Council. As officials in our city government, we must attend meetings and make decisions, and as citizens and residents of Modesto, we must try to arouse an interest in city government in the people with whom we come in contact 24 hours a day. I am sure we all subscribe to the philosophy that a strong local government is the foundation upon which we build a great and lasting democracy--that good government begins at home.

There are many projects to be undertaken, needs to be filled, and issues to be determined by the City Council: A few of them are:

1. Revitalizing our central business district into a more prosperous and inviting regional shopping center, and up-grading neighborhoods where the people wish to make improvements. A big forward-step has been taken with the recent adoption of the Unsafe Structure Code. Through enforcement of this ordinance, outmoded and hazardous buildings will be demolished or repaired, giving downtown Modesto a cleaner and more modern look. The new buildings which have been or are being constructed, the "face-lifing" on

several of the buildings in the downtown area, the tree planting program by the downtown merchants, and the validated parking lots are enhancing the central business district and making it more attractive for shoppers. Some positive action is needed in the way of parking facilities in downtown Modesto. Every effort must be made to make our downtown district as attractive as possible to businesses and shoppers alike.

2. Up-dating of the Modesto General Plan. The General Plan has been up-dated by the city staff and is now being studied and discussed by the Planning Commission. It will be presented to the City Council in the near future for consideration and decision.

3. Determining the future of one-way streets in Modesto. The freeway will be open for traffic in May or June, taking a major part of the traffic off of Ninth Street. We must determine whether or not the one-way streets in Modesto should remain or should return to two-way, and whether other streets could or should be made into one-way streets. We must continue to push for widening and modernization on McHenry, Yosemite, Scenic and Paradise roads. We must give a great deal of attention to our changing traffic patterns.

4. Selecting and designating sites for needed community buildings.

5. Determining sewer needs for Modesto and the surrounding area and solving the sewage treatment problem. The City and County have joined together in an effort to determine what is needed in this area in the way of sewer service, and to solve the odor problem at the sewage treatment plant. A consultant has been hired to make a complete study and suggest ways of providing sewer service to the community and of treating the sewage effectively. The City Council should, without delay, instruct the City staff to proceed with plans for the bond election for the enlargement of the treatment plant, as recommended by the engineers.

6. Encouraging and assisting with a vigorous program to seek and attract desirable new industries. New industries, especially those which are not affected by the seasonal fluctuations of agriculture, are needed to bolster our economy by making available year-round jobs for the many unemployed people in our area, as well as providing additional tax revenues--sales tax, property tax, business license tax, etc.--for the city.

7. Getting specific proposals for storm drainage and better lighting in areas not now served. We need an active program of getting clear, factual information to the people in areas concerned about storm drainage and better lighting. The people need to know about possible solutions to these problems with basic engineering data, cost estimates, and information about improvement district procedures.

It is not possible to take the time to enumerate every project that will be necessary for this Council to consider, but I would like to mention some responsibilities we have before making decisions on many of the items mentioned earlier.

We all realize if our city is to grow and propser, private citizens and government must work together. We must ask the leaders in private enterprise to work with local government and to utilize local governmental resources for purposes of community investment. Private initiative and leadership are key resources in our city's development. Private citizens expect from us, the elected public officials, efficiency and economy in management; they demand scrupulous honesty, not bowing to special interest groups; they expect firmness and courage; but probably above all else, they expect vision and long-range leadership and planning. Behind every example of successful community development, it has been not only the political leaders but private citizens who have translated their concern into bold plans of cooperative action. Private citizens usually are the ones who stimulate parking districts, parking programs, and clean-up drives; and create industrial parks and state little leagues.

We must create an atmosphere of neighborliness and friendliness in the city that will bring a feeling of personal and civic pride to every citizen.

Regarding the economic future of Modesto and attracting industry, I believe that economic and social values are very definitely entwined. We must realize we cannot have one without the other. Government has extended its role considerably in our society because we, as individuals or private citizens and as cities, were unwilling to undertake programs to solve our own problems. As Councilmen, we must provide the leadership to stimulate the participation of private citizens in filling our community's needs.

It is important that the citizens in Modesto know facts and figures concerning community projects. Keeping the public adequately informed is one of our prime jobs. I believe it is important that each Councilman be available to speak to clubs and organizations and to get information to people in the community through personal discussions.

Also, we must remember that many of the decisions this Council will make involve other governmental agencies. We--the city staff as well as the Councilmen--must make an even greater effort to have a very close working relationship with the Modesto Irrigation District, city and county schools, Board of Supervisors, other cities, Chamber of Commerce, and the many other public and private agencies and organizations with which we work.

Finally, there is much long-range planning required on a great many of the projects presented to the Council. The decisions which we make, and the actions which we take--or fail to take--may affect the people living in Modesto fifty or more years from now. It is our responsibility to deal wisely, not only with the problems of today, but with those of the future as well. This is a sobering task and requires a clear vision and a perceptive responsiveness to community needs. We must take whatever time we need to weigh the community's needs against the community's willingness and ability to pay. We must not be swayed in our evaluations of need or in establishing priorities by the loudness, emotional appeal, or persistence of presentations by individuals or groups supporting special projects. We must make decisions and take actions which we believe will make Modesto a better place in which to live, not only now but in all the years to come.

We have made tremendous gains in Modesto in the past several years. We must continue, and, if possible, speed up the pace of progress if we are to keep abreast of developing needs. We realize that we cannot do everything at once, but we must make certain our efforts go beyond the study and discussion stages and reach decisions without undue delay. We must know our needs and our resources. We must decide what comes first, and then get the work under way.

Will each of you submit, for the Council's consideration, the projects which you believe merit first attention, and then we can set up Council work sessions with the staff, the Planning Commission, and others interested, to determine priorities and to assign specific responsibility for getting projects under way.

Again, I would like to express my appreciation to all of the people who have helped make Modesto the fine city it is. I would like to commend the members of our city staff for their efforts in making Modesto progress. We invite, welcome and urge participation in all Council decisions by interested citizens and by other agencies and organizations. The future of Modesto will be determined by the concern and support of the people living in Modesto."

RESOLUTION COMMENDING COUNCILMAN KEITH TABBERT (March 1963 - April 1965)

RESOLUTION NO. 65-211

A RESOLUTION COMMENDING KEITH G. TABBERT FOR HIS SERVICE AS A MEMBER OF THE MODESTO CITY COUNCIL

Introduced by VanderWall Seconded by Shastid
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

A gift of appreciation was presented to Mr. Tabbert by the Council.

Councilman Tabbert thanked the Council, staff and press for their co-operation during his term of office.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

The minutes of the regular meeting of April 12, 1965 were approved.

LETTER FROM RUTH PINE, 202 ELMWOOD AVENUE, REGARDING RENTAL HOMES AND REQUIRED IMPROVEMENTS 2-47

A letter from Ruth Pine, 202 Elmwood Avenue, dated April 20, 1965 requesting a permit to make improvements to rentals located at 215 Elmwood Avenue, as requested by the Building Inspector, was entered into the record of the minutes.

By order of the Chair, the letter was referred to the staff for investigation.

LETTER FROM MONTE W. LUKOV, AMERICAN LEGION, ASKING FOR CONCESSION RIGHTS AT DEL WEBB FIELD

A letter from Monte W. Lukov, Post Commander, American Legion Post 74, officially requesting concession rights at Del Webb Field for a period of one year, was entered into the record of the minutes.

Director of Parks and Recreation Grogan stated that if the request was approved by the Council, details would be worked out with Post No. 74 in accordance with established rules and regulations.

MOTION

That the request of American Legion Post No. 74 be approved and the City Attorney directed to prepare the necessary documents to be approved by the Council at a subsequent meeting

Moved by VanderWall Seconded by Shastid Unanimously carried

LETTER FROM DEPARTMENT OF WATER RESOURCES REGARDING THE PROPOSED SAN JOAQUIN VALLEY DRAINAGE DISTRICT 2-78

A letter from Carl L. Stetson, Chief, San Joaquin Valley Branch, Department of Water Resources, P. O. Box 2385, Fresno, dated April 27, 1965 relative to Council Resolution No. 65-179 requesting that the City of Modesto be excluded from within the boundaries of the proposed San Joaquin Valley Drainage District, was entered into the record of the minutes. Mr. Stetson indicated that a memorandum report was being prepared which will explain the reasoning and philosophy used in establishing the boundaries of the proposed district. The City Manager stated that this matter was being handled by the County Board of Supervisors and that the Council would be kept informed.

LETTER FROM FRANK ANDREWS (A SOUND AND PRACTICAL SOLUTION ON CITY EMPLOYEES)

A letter from Frank Andrews dated April 29, 1965 requesting that Howard David be reinstated to his former position in the Police Department, or that the Police Chief and City Manager be replaced, was entered into the record of the minutes.
The letter was ordered filed.

RECOMMENDATION THAT INSTALLATION OF WATER MAINS IN LIBERINI PARK NO. 1 SUBDIVISION BE PERFORMED BY CITY FORCES

RESOLUTION NO. 65-212

A RESOLUTION REJECTING ALL BIDS AND AUTHORIZING THE WORK TO BE PERFORMED BY THE CITY FOR THE INSTALLATION OF WATER LINES IN LIBERINI PARK NO. 1 SUBDIVISION (one bid received, 312% over the engineer's estimate)

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

RECOMMEND THAT INSTALLATION OF WATER MAINS IN BEL-AIR NO. 4 SUBDIVISION BE PERFORMED BY CITY FORCES

RESOLUTION NO. 65-213

A RESOLUTION REJECTING ALL BIDS AND AUTHORIZING THE WORK TO BE PERFORMED BY THE CITY FOR THE INSTALLATION OF WATER LINES IN BEL-AIR NO. 4 SUBDIVISION (one bid received, 308% over the engineer's estimate)

Introduced by VanderWall Seconded by Hughes
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

CONSIDER APPROVAL OF SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR RADIO QUICK CALL TRANSMITTER AND 73 RECEIVERS

RESOLUTION NO. 65-214

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR RADIO QUICK CALL TRANSMITTER AND SEVENTY-THREE RECEIVERS

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

May 24, 1965 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

CONSIDER APPROVAL OF SPECIFICATIONS AND CALL FOR BIDS FOR ONE GASOLINE POWERED TRACTOR

RESOLUTION NO. 65-215

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR ONE GASOLINE POWERED TRACTOR

Introduced by Hughes Seconded by VanderWall
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

May 17, 1965 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

RESOLUTION REJECTING CLAIM OF MAUD HELM FOR DAMAGES 2-105

RESOLUTION NO. 65-216

A RESOLUTION REJECTING THE CLAIM OF MAUD HELM FOR DAMAGES AGAINST THE CITY OF MODESTO ($75,000 claim for general damages filed April 21, 1965, for injuries allegedly sustained January 20, 1965, automobile accident, near intersection B and Ninth Streets, Modesto)

Introduced by Hughes Seconded by Patton
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

INFORMAL HEARING ON PARKING COMMITTEE REPORT

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for an informal hearing on the following recommendations of the Parking and Traffic Advisory Committee: (1) Acquisition of a building on the west side of 10th Street between I and J Streets so as to provide an arcade through the 9th Street parking lot; (2) Elimination of one-way traffic on 10th and 11th Streets immediately after the opening of the freeway; (3) provision of mid-block crosswalks on 10th and 11th Streets in the principal business area; (4) Acquisition, by lease or purchase, of property on 9th Street between H and I Streets for additional parking. These matters were considered at the April 5th meeting, with no action being taken on the recommendations, and the matter set for informal hearing at the present meeting to give the public an opportunity to be heard.

James Dowd, Chairman of the Parking and Traffic Advisory Committee, stated that a joint meeting was held by the Committee with members of the Downtown Modesto Association, with agreement reached that the change-over from one-way to two-way streets on 10th and 11th be delayed until the freeway is opened and repair and improvement of Ninth Street completed. Mr. Dowd stated that there was agreement between the two groups on the arcade from 9th to 10th, one or two crosswalks on a trial basis to determine their effectiveness. He said it was the recommendation of the Parking and Traffic Advisory Committee that the one-way streets be eliminated from the heart of the downtown business district, but that they be retained and relocated on the perimeter of the shopping area; that the representatives of the Downtown Modesto Association felt that this matter should be studied further.

Bob Alford, member of the Parking and Traffic Advisory Committee, pointed out that the recommendation for the removal of one-way streets in the downtown business area was not new, and asked that the Council make an immediate decision as to whether or not one-way streets should remain in the downtown business area. He said that an immediate decision was needed to enable the committee to proceed with other problems with enthusiasm.

Frank Andrews, 1111 F Street, pointed out the importance of 11th Street being two-way, at least to G Street, to permit fire trucks from the 11th Street Station to answer calls in the industrial area without circling around the block to head in the proper direction.

Robert Bomberger, Bomberger Bros., Inc., asked that one-way streets be retained in the downtown business area, stating that as yet he had heard no valid reasons why they should be eliminated. He asked that the Council not commit itself until the new freeway is opened and 9th Street resurfaced.

Mr. Dowd stated that two-way traffic would serve to slow down traffic for prospective shoppers, and the relocated one-way streets would serve individuals wishing to travel from one part of the city to another; that no decision was reached by the committee for relocation of the one-way streets.

Postmaster Marion Moorehead spoke against elimination of one-way streets.

Horace Byrne, 423 High Street, spoke on the general impression of the "old city."

Lloyd Loeb, President, Downtown Merchants Association, stated that this organization was almost in complete accord with the recommendations of the Parking and Traffic Advisory Committee with the exception of the timing of the elimination of one-way traffic on 10th and 11th Streets; that no change should be made prior to the complete improvement of 9th Street.

Mel Cardwell, used car dealer, asked that one-way streets be eliminated.

Jules Loeb, downtown merchant, asked that [illegible] that steps be taken to improve the appearance of the downtown business area.

The Council discussed the following: the need for a specific recommendation as to where the one-way streets should be relocated; scramble crossing at major intersections; cost of converting 10th and 11th Streets to two-way streets ($11,800); alternate locations for the one-way streets, if eliminated; development of the proposed arcade by private enterprise; establishment of a priority for parking lot acquisitions; adjustment of signalization to slow down traffic; effect of traffic on College Avenue if 10th Street is made two-way; slowing down of traffic in the downtown business area; installation of mid-block crosswalks on 10th and 11th Streets.

Director of Parking and Traffic Carmody was questioned by the Council.

MOTION

That the staff be directed to work with the Parking and Traffic Advisory Committee to provide mid-block crosswalks on 10th and 11th Streets in the principal business area, and that the Committee and the staff, together, determine and recommend to the Council whether these be signalized or not signalized, how rapidly they should be installed, and the location of the crosswalks

Moved by Shastid Seconded by Smith Unanimously carried

MOTION

That the staff be directed to work with the Parking and Traffic Advisory Committee within a sixty-day period after the completed resurfacing of 9th Street as to the retention, removal, or relocation of 10th and 11th Streets as one-way streets; if relocated, where to: that it is the intent of the Council to make a final decision at that time

Moved by Shastid Seconded by Hughes

The motion carried, Councilman Patton dissenting.

MOTION

That the staff and committee work together in investigating the possibility of private enterprise developing an arcade, at least in one location on 10th Street where they think most desirable; that if this proves not to be feasible, that an investigation be made to see if parking funds are available for this purpose; that the cost to the City be determined if developed by the City; that the Committee set up priorities on parking lot acquisitions

Moved by VanderWall Seconded by Shastid Unanimously carried

The meeting was recessed at 6:25 P.M., reconvening at 6:30 P.M.

MATTERS FOR THE GOOD OF THE COMMUNITY 10-85

M.I.D. Franchise

Frank Andrews asked that the City consider a franchise for the Modesto Irrigation District; also to check on poor wiring facilities along alleys within the City.

APPROVE CITY-STATE AGREEMENT FOR J STREET TRAFFIC SIGNAL MODERNIZATION 10-110

MOTION

That the matter be held over until a decision is made on the removal or retention of 10th and 11th Streets as one-way streets

Moved by Hughes Seconded by Shastid Unanimously carried

RECONSIDER SEELY PARKING LOT LEASE

A memorandum from the Director of Parking and Traffic dated April 21, 1965, subject, "Lease Seely Tower Parking - Disposition of Profits," was entered into the record of the minutes. Mr. Carmody recommended that the lease be re-written to allow the Finance Department to pay Seely any funds over the City's $14 per day expenses.

MOTION

That the staff be directed to prepare a new agreement with Seely, Inc., on the lease of the Seely Tower parking lot as recommended by the Director of Parking and Traffic, the lease to carry a 30-day cancellation clause on the part of the City

Moved by Shastid Seconded by Hughes Unanimously carried

APPROVE PROPOSED PLAN FOR REVIEW OF SALARIES FOR CITY EMPLOYEES BY PERSONNEL COMMISSION

A memorandum from the Personnel Assistant dated April 29, 1965 subject, "Salary Review," was entered into the record of the minutes. Council approval was requested on the following proposals: Continued use as guidelines the policy adopted by the City Council in 1964 and the Personnel Commission "Ground Rules" for salary studies; use of local salary rates whenever they are available; to compare salaries with other cities where similar jobs do not exist locally.

MOTION

That the Personnel Commission continue to use as guidelines the policy adopted by the City Council in 1964, and the Personnel Commission "Ground Rules," in its present salary study

Moved by Hughes Seconded by VanderWall Unanimously carried

CONSIDER OFFER OF $150 FOR OAT HAY LOCATED ON PROPERTY ACQUIRED FROM LAMON WRIGHT

RESOLUTION NO. 65-217

A RESOLUTION APPROVING LETTER AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT JORDAN FOR OAT HAY LOCATED ON PROPERTY ACQUIRED FROM LAMON WRIGHT

Introduced by VanderWall Seconded by Shastid
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

CONSIDER REQUEST BY MR. CLYDE JARRELL FOR WATER SERVICE ON THE EAST SIDE OF McHENRY AVENUE BETWEEN ROBINHOOD DRIVE AND SYLVAN AVENUE

A memorandum from the Director of Public Works dated April 29, 1965, subject, "Water Service to Property on McHenry Avenue South Between Robinhood Drive and Sylvan Avenue," was entered into the record of the minutes. Recommendation was made that water service be provided as requested, and that as additional requests are made for water, that the City complete the 10" water line on McHenry Avenue between Floyd and Sylvan Avenues.

MOTION

That the request for water service on the east side of McHenry Avenue between Robinhood Drive and Sylvan Avenue be approved

Moved by VanderWall Seconded by Smith Unanimously carried

CONSIDER CHANGE FROM FULL MAINTENANCE AGREEMENT FOR ELEVATORS IN CITY HALL AND POLICE BUILDING TO AN AGREEMENT WHICH WILL EXCLUDE MAJOR REPAIRS

Purchasing Officer Ernie Dumham stated that a self-insuring maintenance agreement was proposed on the maintenance of elevators in the City Hall and Police Building; that renewal of the present full-maintenance agreement for

the coming year will cost the City $1,662, whereas the proposed agreement, excluding major repairs, will cost the City $870 per year. It was his belief that there will be a substantial savings to the City over an extended period of time.

MOTION

That the proposal to change from full-maintenance agreement for elevators in City Hall and Police Building to an agreement which will exclude major repairs be approved

Moved by Hughes Seconded by Patton Unanimously carried

RECOMMEND AMENDMENT TO SECTIONS 16-3-9 AND 17-3-9 OF ZONING MAP (McHENRY AVENUE) 11-105

RESOLUTION NO. 65-218

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTIONS 16-3-9 AND 17-3-9 OF THE ZONING MAP (McHENRY AVENUE)

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

June 7, 1965 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND AMENDMENT TO SECTION 18-3-9 OF ZONING MAP (ELLIS)

RESOLUTION NO. 65-219

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 18-3-9 OF THE ZONING MAP (ELLIS)

Introduced by VanderWall Seconded by Shastid
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

May 24, 1965 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND AMENDMENT TO SECTION 22-3-9 OF ZONING MAP (FLORY)

RESOLUTION NO. 65-220

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 22-3-9 OF THE ZONING MAP (FLORY)

Introduced by Hughes Seconded by Shastid
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

May 24, 1965 at 8:10 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND COMMENCEMENT OF ANNEXATION PROCEEDINGS (SHERWOOD MEADOWS NO. 2 ADDITION)

RESOLUTION NO. 65-221

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS SHERWOOD MEADOWS NO. 2 ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by Smith Seconded by Hughes
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

June 14, 1965 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

PRESENTATION OF CAPITAL IMPROVEMENT PROGRAM

MOTION

That the Capital Improvement Program for 1965-66 through 1970-71 as recommended by the Planning Commission be accepted

Moved by Shastid Seconded by VanderWall Unanimously carried

REQUEST FOR APPROPRIATION TRANSFER, COMPENSATION INSURANCE ($5,723)

A memorandum from the Director of Finance dated April 28, 1965 subject, "Appropriation Transfers," was entered into the record of the minutes. Mr. Bird indicated that the additional amount was required because of a premium adjustment based on the 1963-64 payroll audit, a charge by the Stanislaus County Welfare Department, and the prevailing rates applied to the estimated 1964-65 payroll.

RESOLUTION NO. 65-222

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $5,723 - ADDITIONAL FUNDS FOR COMPENSATION INSURANCE

Introduced by Shastid VanderWall
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

APPROVAL OF APPROPRIATION TRANSFER - AERIAL PHOTO - TUOLUMNE PARK AREA

RESOLUTION NO. 65-223

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $250 - AERIAL PHOTOS OF THE TUOLUMNE RIVER PARK AREA

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

LEGISLATIVE MATTERS 12-10

AB-1615 - This bill will permit any city, by ordinance, to impose taxes on distribution or use of cigarettes; permits conties to do this in their unincorporated areas.

MOTION

That the Council indicates its approval of AB-1615

Moved by Shastid Seconded by Hughes Unanimously carried

AB-295; AB-793; AB-946 - Relating to the Brown Act - Deputy Manager Ray stated that the above three bills are now in Senate Committee on Local Government; that AB-946, as amended, continues to extend the provisions of the Brown Act to committees and sub-committees of the City Council, even though such committees are composed of less than a quorum of members of the Council.

MOTION

That the Council indicates its opposition to AB-295, AB-793 and AB-946

Introduced by Hughes Seconded by Smith Unanimously carried

Mr. Ray stated that a letter has been received from the City of Fountain Valley asking that the Council oppose AB-1461, fireman 40-hour week, and endorse AB-1150, park land dedication bill. Action was previously taken by the Council opposing AB-1461.

No action was taken by the Council on AB-1150.

PRESENTATION OF 1965-66 BUDGET

RESOLUTION NO. 65-224
A RESOLUTION SETTING THE DATE FOR PUBLIC HEARING ON PROPOSED BUDGET FOR THE CITY OF MODESTO FOR FISCAL YEAR 1965-66

Introduced by VanderWall Seconded by Patton
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

May 24, 1965 at 8:15 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

MOTION

That the budget sessions begin Thursday, May 13, 1965 at 4:00 P.M.

Moved by VanderWall Seconded by Hughes Unanimously carried

Mayor Johansen stated that as in the past, the budget sessions will begin at 4:00 P.M. and end at 5:30 P.M.

CONSIDER APPOINTMENT TO BOARD OF ZONING ADJUSTMENT

With the unanimous consent of the Council, this matter was held over for one week.

REMINDER OF YOUTH IN GOVERNMENT DAY MAY 11, 1965

Deputy Manager Ray stated that the Youth in Government Day luncheon will be held at the McHenry Village mall at 12:00 noon, May 11, 1965 with the combined Kiwanis Clubs. The subject for the morning discussion is "Annexation and Land Use Problems."

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Hughes Seconded by VanderWall Unanimously carried

The meeting adjourned at 7:05 P.M.

ATTEST: _____
Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, 801 11th Street, Mayor Johansen presiding.

Present: Councilmen: Hughes, Smith, VanderWall, Mayor Johansen
Councilman Shastid arrived at 7:38 P.M.

Absent: Councilmen: Mitchell, Patton

The pledge of allegiance to the Flag was given by all present.

A moment of silent prayer was observed.

APPROVAL OF MINUTES

The minutes of the regular meetings of April 19 and 26, 1965 and special meeting of April 27, 1965 were approved.

LETTER FROM DAVID O. HANNAH, OWNER, INLAND ELECTRONIC SUPPLIES, REGARDING FRANCHISE TO DISTRIBUTE TV IN THE CITY OF MODESTO

A letter from David O. Hannah, Inland Electronic Supplies, Modesto, California, opposing the granting of a franchise for cable television in the City of Modesto, was entered into the record of the minutes. Signatures of 47 businessmen opposing the granting of a franchise were attached to the letter.

By order of the Chair, the letter was referred to the staff for study in connection with the requests received for franchises.

The City Clerk read a letter from Mr. and Mrs. Earl W. Angle and Mr. and Mrs. Dale L. Baker dated May 6, 1965 opposing the granting of a franchise for a master antenna. The letter was referred to the staff for consideration.

LETTER IN REGARD TO THE CITY OF MODESTO'S INTEREST IN THE FORMER MAZE-WREN PARK

A letter from Warner L. Ulrich, Property Management Agent, State Division of Highways, dated April 29, 1965 requesting a formal letter from the City to the effect that the City has no interest or use for the remnant of the former Maze-Wren Park, was entered into the record of the minutes.

MOTION

That the staff be directed to write a letter to the State Division of Highways indicating that the City of Modesto has no interest in the remnant of the former Maze-Wren Park

Moved by Smith Seconded by VanderWall Unanimously carried

COMMUNICATION FROM VALLEY VISION, INC., IN REGARD TO A FRANCHISE FOR ANTENNA SERVICE IN THE CITY OF MODESTO 1-22

A letter from Valley Vision, Inc., 1419 K Street, Modesto, California, requesting an opportunity to appear before the Council at the present meeting to present an application for a franchise to provide cable television to City residents, was entered into the record of the minutes.

The City Manager stated that a subsequent letter was received from the company stating that the presentation would be made at the May 24th meeting. The letter was ordered filed.

LETTER FROM FRANK ANDREWS CONCERNING VARIOUS CITY OPERATIONS

A letter from Frank Andrews dated May 6, 1965 relative to M.I.D.'s lack of a franchise was entered into the record of the minutes. Attached

to the letter was M.I.D.'s 1964 Financial Statements, and letter was ordered filed.

Mr. Andrews spoke briefly about the need for additional firemen and policemen in the City.

CONSIDER AUTHORIZING STAFF TO CALL FOR BIDS ON CITY'S GASOLINE REQUIREMENTS FOR ONE YEAR BEGINNING JULY 1, 1965

MOTION

That the joint venture with Stanislaus County for the City's gasoline requirements for one year beginning July 1, 1965 be approved

Moved by VanderWall Seconded by Hughes Unanimously carried

POLICY DECISION RELATIVE TO ENLARGEMENT OF CITY-OWNED SEWAGE TREATMENT PLANT 1-55

A memorandum from the City Manager dated May 6, 1965, subject,"Enlargement of the Sewage Treatment Facilities," was entered into the record of the minutes. The memorandum indicated that Congress is presently considering a bill (H.R. 6991) to provide grants for the construction of public works in areas having an approved overall economic development program, and recommendation made that the Council make a policy decision authorizing the staff to proceed on the preparation of plans for the enlargement of the sewage treatment plant facilities in order to take advantage of federal funds which may be made available.

City Manager Keefe read a letter from Congressman John McFall, dated April 16, 1965 to Mayor Johansen, enclosing a copy of the proposed legislation.

Mr. Keefe stated that under the terms of the bill, a federal grant for one-half the cost of the expansion of the sewage treatment facilities will be available, including acquisition of the land. Under unusual circumstances, the federal government will grant up to 80% of the cost of the project.

Mr. Keefe reported briefly on a meeting with Brown and Caldwell, the engineering firm hired jointly by the City and County to make a metropolitan area sewer study, stating that Brown and Caldwell has agreed to accelerate the portion of their report relating to the treatment plant, and complete their analyzation of the Jenks & Jenks program (Alternate III, Phase I) to permit the City to submit an early application for a federal grant in the event the above bill becomes law. Mr. Keefe stated that he had also discussed the matter with Richard Olson of the Beard Land and Investment Co., and Supervisor Frank Ruggieri; that Brown & Caldwell has indicated that more land will be needed than recommended by Jenks & Jenks, which may increase the overall estimated cost by $1,000,000(to $4,800,000); that with a possible federal contribution of $2,400,000, the cost to the City would be $2,400,000, and with the reserve allocation set aside for this purpose, the total bond issue would be $1,850,000. Mr. Keefe recommended that the staff be authorized to notify Brown & Caldwell that the City is planning to file an application for federal assistance under the Public Works Economic Development Act of 1965, if it becomes law, for the enlargement of the treatment plant as recommended by Jenks & Jenks, Alternate III, Phase I; that Brown & Caldwell be asked to expedite this phase of its work so that its recommendation and cost estimate may be known as soon as possible; that the City-County Advisory Committee be reassembled to further study this recommendation. Mr. Keefe said that the Jenks & Jenks recommendation, Alternate III, Phase I, will take care of the sewage needs of the metropolitan area until 1985, at which time further expansion will be necessary. Mr. Keefe also pointed out that the City's schedule set up with the Water Pollution Control Board in order to forestall a cease and desist order, requires that the City begin enlargement of the treatment plant in July, 1966.

The City Manager's recommendation was concurred by the Council. Director of Public Works Campbell reviewed the provisions of the City-County agreement with Brown and Caldwell. He stated that the overall report from Brown and Caldwell was due in January or early February, 1966.

The staff was directed to secure a progress report from Brown and Caldwell.

Frank Andrews cautioned the City against a costly project.

MOTION

That the Director of Public Works set up a meeting within the next ten days with a representative of Brown and Caldwell and the City-County Sewer Committee for report to the Council

Moved by Shastid Seconded by VanderWall Unanimously carried

SET DATE FOR HEARING ON APPEAL TO THE CITY COUNCIL FROM THE DECISION OF THE PLANNING COMMISSION DENYING REZONING APPLICATION (FLORY-JOHNSTON-TIDWELL)

RESOLUTION NO. 65-225

A RESOLUTION SETTING TIME AND PLACE FOR HEARING APPEAL TO PLANNING COMMISSION DECISION - ALFRED L. FLORY, JOE H. TIDWELL, J. B. JOHNSTON

Introduced by Shastid Seconded by Hughes
Ayes: Hughes, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton

June 7, 1965 at 5:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

AGREEMENT BETWEEN CITY AND FRED A. SEELY, INC., FOR OPERATION BY CITY OF OFF-STREET PARKING AREA ADJACENT TO SEELY TOWER AT 12TH AND J STREETS 2-60

RESOLUTION NO. 65-226

RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND FRED A. SEELY, INC. - PARKING AREA ADJACENT TO SEELY TOWER

Introduced by VanderWall Seconded by Shastid
Ayes: Hughes, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton

RECOMMENDATION THAT INSTALLATION OF AN 8" WATER LINE ON WEST SIDE OF McHENRY AVENUE FROM BOWEN AVENUE SOUTHERLY TO A POINT 180 FEET NORTH OF NORWEGIAN AVENUE BE PERFORMED BY CITY FORCES

RESOLUTION NO. 65-227

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER LINE ON WEST SIDE OF McHENRY AVENUE FROM BOWEN AVENUE SOUTHERLY TO A POINT 180 FEET NORTH OF NORWEGIAN AVENUE

Introduced by Hughes Seconded by Shastid
Ayes: Hughes, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton

CONSIDER ADOPTION AND SUBMITTING A REVISED BUDGET FOR EXPENDITURE OF 2107 GAS TAX FUNDS ALLOCATED FROM THE STATE HIGHWAY FUND TO THE CITY (FISCAL YEAR 1964-65)

A memorandum from the Director of Public Works dated May 6, 1965, subject, "2107 Gas Tax Funds," was entered into the record of the minutes.

RESOLUTION NO. 65-228 Page 4

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ADOPTING AND SUBMITTING A REVISED BUDGET FOR EXPENDITURE OF FUNDS ALLOCATED FROM THE STATE HIGHWAY FUND TO CITIES (FISCAL YEAR 1964-65)

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton

CONSIDER ADOPTING AND SUBMITTING A BUDGET FOR EXPENDITURE OF 2107 GAS TAX FUNDS ALLOCATED FROM STATE HIGHWAY FUNDS TO THE CITY (FISCAL YEAR 1965-66)

RESOLUTION NO. 65-229

A RESOLUTION ADOPTING AND SUBMITTING A BUDGET FOR EXPENDITURE OF FUNDS ALLOCATED FROM THE STATE HIGHWAY FUNDS TO CITIES (fiscal year 1965-66)

Introduced by Hughes Seconded by VanderWall
Ayes: Hughes, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton

CONSIDER REMOVING LITTLE-USED PARKING METERS

A memorandum from the Director of Parking and Traffic, subject, "Parking Meter Revenue Survey," recommending the removal of certain parking meters which barely meet expenses, was entered into the record of the minutes.

MOTION

That the staff be instructed to prepare necessary documents to remove the little-used parking meters, as recommended in memorandum from Director of Parking and Traffic dated May 5, 1965

Moved by Hughes Seconded by Shastid Unanimously carried

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP OF GREENWOOD ESTATES NO. 1 SUBDIVISION 2-98

RESOLUTION NO. 65-230

A RESOLUTION APPROVING THE FINAL MAP OF THE GREENWOOD ESTATES NO. 1 SUBDIVISION OF THE CITY OF MODESTO

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Smith, VanderWall, Mayor Johansen
Noes: Shastid Absent: Mitchell, Patton

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE INSTALLATION OF WATER LINES IN GREENWOOD ESTATES NO. 1 SUBDIVISION

RESOLUTION NO. 65-231

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE INSTALLATION OF WATER LINES IN GREENWOOD ESTATES NO. 1 SUBDIVISION

Introduced by VanderWall Seconded by Hughes
Ayes: Hughes, Smith, VanderWall, Mayor Johansen
Noes: Shastid Absent: Mitchell, Patton

May 25, 1965 at 10:00 A.M. in the City Clerk's office was set as the time and place for opening of bids.

RESOLUTIONS AUTHORIZING THE INSTITUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE CERTAIN REAL PROPERTIES IN THE CITY OF MODESTO FOR STREET WIDENING PURPOSES

At the request of the City Manager, and with the unanimous consent of the Council, this item was held over for one week.

REQUEST FOR TRANSFER OF THE RED TOP TAXI COMPANY TO NEW OWNER

By order of the Chair, the request for transfer of Red Top Taxi Company to a new owner was referred to the staff for report to the Council at the next Council meeting.

RECOMMEND AMENDMENT TO MUNICIPAL CODE (SUBDIVISION REGULATIONS)

RESOLUTION NO. 65-232
A RESOLUTION SETTING TIME AND PLACE FOR HEARING AMENDMENT TO SUBDIVISION REGULATIONS REGARDING PART-WIDTH STREETS

Introduced by Shastid Seconded by Hughes
Ayes: Hughes, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton

June 14, 1965 at 8:10 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND JENNIE-GRAND ONE-WAY COUPLET 3-120

At the March 1, 1965 Council meeting, the Council considered a letter from J. G. Meyer, District Engineer, State Division of Highways, dated February 15, 1965 requesting that the City consider the proposed treatment of the adjacent portion of Route 132 between D Street and Las Flores, and asking the Council's comments on the possiblity of a Jennie-Grand Street couplet. The letter was referred to the Planning Commission for consideration and report.

A letter from the Chairman of the City Planning Commission dated May 6, 1965 listing conclusions of the Planning Commission on the matter was entered into the record of the minutes. Conclusions of the Planning Commission were: (1) That the extension of Yosemite Boulevard, using the one-way street couplet of Jennie and Grand would be the better of the alternatives; (2) That Jennie and Grand could most easily tie into a 14th and 15th Street one-way couplet; (3) That the use of 14th and 15th Streets would enhance the traffic movement around a potential library-cultural center - auditorium complex between 14th and 16th Streets.

Director of Parking and Traffic Carmody was questioned by the Council on the proposed recommendation. The possibility of converting 14th and 15th Streets to one-way traffic before Yosemite Boulevard is widened was discussed.

MOTION
That the recommendation of the Planning Commission for a one-way couplet of Jennie and Grand be approved

Moved by VanderWall Seconded by Smith Unanimously carried

RECOMMEND EXTENSION OF TIME FOR FILING FINAL MAP OF QUARESMA HOMES UNIT NO. 6 4-84

RESOLUTION NO. 65-233
A RESOLUTION APPROVING EXTENSION OF TIME FOR FILING THE FINAL MAP OF QUARESMA HOMES UNIT NO. 6 (extended to April 21, 1966)

Moved by Shastid Seconded by VanderWall
Ayes: Hughes, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton

REQUEST FOR APPROPRIATION TRANSFER OF $1,600

RESOLUTION NO. 65-234
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $1,600 FOR ENFORCING PROVISIONS OF LOT CLEANING ORDINANCE NO. 715-C.S.

Introduced by Shastid Seconded by Hughes
Ayes: Hughes, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton

LEGISLATIVE MATTERS - None

APPOINTMENT TO BOARD OF ZONING ADJUSTMENT

Mayor Johansen announced that this matter would be considered in executive session at the end of the meeting.

PRESENTATION OF FINANCIAL STATEMENT FOR APRIL 30, 1965

The financial statement for the month of April 20, 1965 was presented and ordered filed.

PRESENTATION OF QUARTERLY REPORT, GREATER MODESTO CHAMBER OF COMMERCE

The report of the Greater Modesto Chamber of Commerce for the quarter ending March, 1965 was presented and ordered filed.

AUTHORIZE COUNCILMAN RICHARD VANDERWALL TO ATTEND 1965 ANNUAL CONFERENCE OF MAYORS IN ST. LOUIS, MISSOURI MAY 29-JUNE 2, 1965

MOTION

That the attendance of Councilman VanderWall at the 1965 Annual Conference of Mayors in St. Louis, Missouri, May 29 - June 2, 1965 be approved

Moved by Hughes Seconded by Shastid Unanimously carried

ANNOUNCEMENT

Mayor Johansen announced that the 42nd annual Congress of Cities of the National League of Cities will be held in Detroit July 24 - 28, 1965; that if any Councilman wished to attend to so inform the City Manager's office.

CONSIDER APPOINTMENT OF COUNCIL COMMITTEES

Mayor Johansen announced the following committee appointments: Public Relations Committee - Johansen, Ch., VanderWall, Mitchell; Public Projects Committee - Mitchell, Ch., Hughes, Shastid; Commercial and Industrial Development Committee - VanderWall, Ch., Patton, Smith; Board of Directors, East Modesto Sanitation District - Johansen; Stanislaus City-County Committee - Johansen, Pres., Mitchell; Executive Committee of the Central Valley Division of the League of California Cities - Johansen; alternate, VanderWall; Stanislaus County Highway Advisory Committee - VanderWall; Economic Development Action Committee (County) - Smith; alternate, Patton; Civil Defense Program - Hughes, Patton; City-County Sewer Committee - Johansen, Shastid; Council- Supervisors Liaison Committee - Mitchell, Hughes.

Mayor Johansen announced the following appointments to the Local Agency Formation Commission: Councilman Leland E. Steffensen, Newman, was appointed to the Commission to fill the vacancy created by the resignation of Councilman Draper of Patterson; Mayor Guy D. Wharton of Ceres was selected as alternate to replace former Councilman Tabbert.

The City staff was directed to keep the Council informed on actions taken by the Local Agency Formation Commission now that the City is no longer represented by a councilman.

MATTERS FOR THE GOOD OF THE COMMUNITY

COMPLAINT OF MARIA COURT RESIDENTS ON USE OF ADJACENT RESIDENTIAL PARCEL FOR COMMERCIAL PURPOSES

Mrs. Gordon Shaw, 1827 Maria Court, presented a letter to the Council bearing signatures of 28 Maria Court residents complaining of the commercial

use of a 35-foot strip of property zoned for residential purposes and the use of Maria Court by heavy trucks and construction equipment to service businesses on Yosemite Boulevard. The letter was read into the record by Mrs. Shaw. The City Council was asked to take action to remove the commercial activity from the residential area, and request made that a solid fence or block wall, at least six feet high be constructed so as to leave no openings into the residential area.

Mr. Gordon Shaw asked that members of the Planning Department be required to give an accounting of their actions in connection with the above complaint.

Mrs. Ada Williamson, 1831 Maria Court, stated that the view from her front window was beer cans strewn throughout the lot.

The City Attorney stated that the 35-foot strip separated Maria Court on the north, and the Yosemite Boulevard commercial area on the south. He said that members of the Planning Department had talked to representatives of the Howk Well and Equipment Company and manager and owner of Topper's Steak House about the proposals contained in the letter submitted by Mrs. Shaw - the erection of a solid wood or masonry fence along the entire length of the south side of Maria Court; that the staff had been working with Topper's Steak House on a turn-around area as part of their parking lot. Until the problem could be permanently resolved, Mr. Johnson stated that the police department had been advised that commercial trucks were using residential streets as a truck route in violation of the municipal code. He said that the outstanding problem was a section of the zoning code which provides that wherever a piece of property under one ownership is bisected by a zone line, and was so bisected when the zoning code was adopted, application can be made to the Board of Zoning Adjustment for the use of up to 75 feet of the property, which in this case is zoned R-1; that this section of the zoning code was written to prevent strips becoming a "no man's land;" that upon application, it was up to the Board of Zoning Adjustment to set up conditions for use of the 35-foot strip, such as a wall or fence, on the Maria Court frontage. Mr. Johnson stated that the property owners have not as yet made application to the Board of Zoning Adjustment in regard to use of the 35-foot strip.

Mrs. Shaw stated that construction of a solid fence, plus conditions to prevent individuals from carrying on noisy labor immediately adjacent to residences, perhaps by restricting the 35-foot area to parking, would be agreeable, including provisions for maintenance of the fence or wall.

The staff was directed to furnish a full report to the Council, the report to also include why nothing has been done; why blacktopping has been permitted in a residential area; why steps have not been taken in connection with illegal use of the parcel after repeated complaints.

MOTION

That the staff be instructed to work with the residents of Maria Court and the commercial property owners involved on an application to the Board of Zoning Adjustment, and the matter placed on the agenda of the May 24th meeting

Moved by Hughes Seconded by Shastid Unanimously carried

Frank Andrews - Miscellaneous Topics

Mr. Frank Andrews spoke briefly on the following: the importance of a new Jennie Street bridge before plans are made as to whether 14th and 15th Streets will be one-way; a wire to Governor Brown asking him not to sign a bill which will further the construction of Don Pedro Dam; lack of a franchise tax from M.I.D. He suggested less committees and more action.

Additional Appointments to Parking and Traffic Advisory Committee

Mayor Johansen read a letter from Chairman James Dowd requesting that additional appointments be made to the Parking and Traffic Advisory Committee.

RESOLUTION NO. 65-235

A RESOLUTION APPOINTING ADDITIONAL MEMBERS TO THE PARKING AND TRAFFIC ADVISORY COMMITTEE (Jerrold G. Bair, William P. Correia, Heidi Warner)(Amending Resolution 65-132)

Introduced by Smith Seconded by Shastid
Ayes: Hughes, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton

Acceptance by City of Stanislaus County's First Courthouse

A letter from Dedrick G. Denison, City Planning Commissioner, dated May 7, 1965 informing the Council of the existence of a small structure which has been authenticated as Stanislaus County's first courthouse, was entered into the record of the minutes. The structure is located near the intersection of Jennings and Service Roads. Mr. Denison asked that the City accept the offer of Mr. and Mrs. James A. McCleskey to donate the building to the City for the purpose of its being restored, refurbished and preserved by either the City of Modesto or any other interested agency.

A letter from Mr. and Mrs. James A. McCleskey dated May 7, 1965, with bill of sale attached, offering the structure to the City, was entered into the record of the minutes.

The offer was discussed by the Council.

MOTION

That the staff be instructed to write a letter commending Mr. and Mrs. McCleskey for their generosity in donating the building to the City of Modesto, and accepting their offer of the building

Moved by Hughes Seconded by Shastid Unanimously carried

The City Attorney was directed to write a letter to Mr. Denison expressing the Council's gratitude for his efforts in bringing the matter to the Council's attention.

A suggestion was made that the matter be referred to the Library and Culture Commission for study and determination as to how the building can be used, and where it can properly be placed.

Mr. Andrews complained of the condition of the cannon in front of the courthouse, also neglect of the old fire bell located in one of the city parks.

CONSIDER ELECTION OF VICE MAYOR

RESOLUTION NO. 65-236

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ELECTING RICHARD VANDERWALL VICE MAYOR OF THE CITY OF MODESTO

Introduced by Hughes Seconded by Shastid
Ayes: Hughes, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton

REMINDER

Mayor Johansen announced that Youth in Government Day will be Tuesday, May 11, 1965, the theme for discussion to be annexation and land use problems. Seventy-five Key Club members will attend from the high schools.

EXECUTIVE SESSION

MOTION

That the Council meet in executive session to discuss an appointment to the Board of Zoning Adjustment

Moved by VanderWall Seconded by Smith Unanimously carried

The Council met in executive session at 9:13 P.M., reconvening to regular session at 9:27 P.M.

No action was taken by the Council on the appointment to the Board of Zoning Adjustment.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Hughes Unanimously carried

The meeting adjourned at 9:28 P.M.

ATTEST: Rex E. Gailfus

Rex E. Gailfus, City Clerk

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, Mayor Johansen presiding, to consider the preliminary budget for fiscal year 1965-66.

Present: Councilmen: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Absent: Councilmen: Mitchell

REVIEW OF BUDGET MESSAGE

The City Manager reviewed the Budget Message dated May 3, 1965 prefacing the 1965-66 preliminary budget.

PARK FUND, CHART OF FUNDS AND STATEMENT OF PURPOSE, (Page XV)

Councilman VanderWall questioned Item 12, "Park Fund. A property tax is levied to provide funds for the acquisition, development, and maintenance of parks," stating that it was his belief that the five-cent tax rate levied was restricted to development of parks only, and not for acquisition and maintenance of parks.

Director of Finance Bird stated that Sections 8-1.501 - 503 were used as a basis for the wording of Park Fund.

The Council discussed the following: Whether or not the Code should be amended to restrict use of the Park Fund for development of parks only; the original intent of the Council to limit the five-cent tax levy for five years, or until such time as the parks were developed; review of the Park Fund each year at the budget sessions to check the status of development and determine whether or not the five-cent tax levy should be continued.

MOTION

That the City Attorney be directed to prepare an ordinance amending Section 8-1.502 limiting the use of the Park Fund for development of parks, eliminating use of the fund for acquisition and maintenance purposes

Moved by Patton Seconded by VanderWall Unanimously carried

SUPPLEMENTAL REQUESTS

Director of Finance Bird stated that the supplemental requests from the General Fund, listed on pp. VI and VII of the preliminary budget totaled $178,207.

Police Department

Mr. Bird stated that Council authorization that six additional policemen be hired (April 26, 1965 meeting) was given at the time the preliminary budget was being printed, and as a result was not reflected in the budget, but were included in the ten patrolmen and related equipment, etc., listed as supplemental requests.

Consideration of Supplemental Requests

The Council discussed whether or not supplemental requests should be considered simultaneously with departmental budgets, or past procedure followed and the supplemental requests considered separately at the end of the departmental considerations. Considered primarily was the time-saving element for both the Council and the departmental staff.

MOTION

That the supplemental requests be considered simultaneously with the departmental budgets this year, and if not feasible, that it not be continued at next year's budget sessions

Moved by Patton Seconded by Shastid

The motion carried, Councilman VanderWall and Mayor Johansen dissenting.

CITY COUNCIL - 7 (p. 18)

MOTION

That the City Council budget of proposed expenditures be tentatively approved

Moved by VanderWall Seconded by Patton Unanimously carried

CITY MANAGER - 8 (p. 19)

MOTION

That the City Manager budget of proposed expenditures be tentatively approved

Moved by Patton Seconded by Shastid Unanimously carried

TYPING POOL & RECORDS - 9 (p. 20)

Supplemental request - Zerox machine rental

Savings in office supplies and employee time with the use of a Zerox copier were discussed.

MOTION

That the Typing Pool & Records budget of proposed expenditures be tentatively approved; that the supplemental request for a model 813 Zerox Copier be approved

Moved by Shastid Seconded by Patton Unanimously carried

The staff was directed to furnish the Council a report indicating the savings to the City by the use of the Zerox copier. The staff was also directed to furnish informational reports pertaining to all supplemental requests since they will be considered simultaneously with the departmental budgets.

ADJOURNMENT

MOTION

That the Council meet in executive session to discuss an appointment to the Board of Zoning Adjustment; that the meeting now in session be adjourned to Tuesday, May 18, 1965 at 4:00 P.M.

Moved by Smith Seconded by Shastid Unanimously carried

The meeting adjourned at 4:55 P.M.

ATTEST: [signature]
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Smith, VanderWall, Mayor Johansen
Absent: Councilmen: Mitchell, Patton, Shastid

The pledge of allegiance to the Flag was given by all present.

Reverend L. R. Buth gave the invocation.

APPROVAL OF MINUTES

The minutes of the regular meeting of May 3, 1965 were approved.

LETTER FROM HUGH P. BARTON RESIGNING FROM PERSONNEL COMMISSION

RESOLUTION NO. 65-237
A RESOLUTION ACCEPTING RESIGNATION OF HUGH P. BARTON FROM MODESTO CITY PERSONNEL COMMISSION AND COMMENDING HIM FOR SERVICES RENDERED TO THE CITY OF MODESTO

Introduced by VanderWall Seconded by Hughes
Ayes: Hughes, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton, Shastid

REQUEST BY LUCIEN SECRETO, CONSERVATOR OF THE ESTATE AND PERSON OF ROSE SECRETO, REQUESTING TRANSFER OF TWO TAXICAB CERTIFICATES AND TWO STANDS TO ROSE SECRETO

A letter from Lucien Secreto dated May 10, 1965 requesting transfer of Yellow, Acme and Hart Cab Co. to Rose Secreto, mother of Sam Secreto, former owner, was entered into the record of the minutes.

By order of the Chair, the matter was referred to the staff for investigation and report.

RESOLUTION FROM BOARD OF SUPERVISORS REGARDING NEW BRANCH LIBRARY 1-25

A resolution adopted by the Stanislaus County Board of Supervisors on May 4, 1965 approving the establishment of an additional branch library in the City of Modesto, was entered into the record of the minutes. The resolution was ordered filed until such time as the establishment of the additional branch library is considered by the Council at the appropriate budget session.

LETTER FROM FRANK ANDREWS - M.I.D. LITIGATION

A letter from Frank Andrews dated May 13, 1965 relative to M.I.D. litigation was entered into the record of the minutes. The letter was ordered filed.

CONSIDER AWARD OF BID FOR INSTALLATION OF SPRINKLER SYSTEM AND CONSTRUCTION OF IMPROVEMENTS AT 17TH AND G STREETS PARK (low bidder)

RESOLUTION NO. 65-238
A RESOLUTION ACCEPTING BID OF HARRY O. KLINE - CONSTRUCTION OF IMPROVEMENTS AND INSTALLATION OF SPRINKLER SYSTEM AT 17TH AND G STREETS PARK ($5,555)

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton, Shastid

CONSIDER AWARD OF BID FOR INSTALLATION OF SPRINKLER SYSTEM AND LANDSCAPING OF IMPROVEMENTS AND LANDSCAPING AT STANIFORD PARK SHELTER (cont'd)

RESOLUTION NO. 65-239

A RESOLUTION ACCEPTING THE BID OF BIBENS NURSERY COMPANY FOR CONSTRUCTION OF IMPROVEMENTS AT STANDIFORD PARK ($31,177)

Introduced by Hughes Seconded by VanderWall
Ayes: Hughes, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton, Shastid

CONSIDER AWARD OF BID FOR AUTOMATION OF CITY'S WATER SYSTEM

Director of Public Works Campbell outlined the savings to the City which will result from automation of the City's water system. Upon questioning, Mr. Campbell stated that the proposed automation installation does provide for expansion for about five to ten years without additional equipment in the control center. The City Manager reported that the $84,000 appropriation transfer requested covered the following: The amount of the bid, $78,122; installation of water taps and lines for pressure points, $1,500; relocation of existing pump controls, $1,500; contingencies, $878; engineering and inspection fees, $2,000.

RESOLUTION NO. 65-240

A RESOLUTION ACCEPTING THE BID OF MODESTO INDUSTRIAL ELECTRICAL CO., INC., FOR THE AUTOMATION OF THE CITY'S WATER SYSTEM (low bidder, $78,122)

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton, Shastid

APPROPRIATION TRANSFER, $84,000, FOR AUTOMATION OF CITY'S WATER SYSTEM

RESOLUTION NO. 65-241

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $84,000 FOR AUTOMATION OF CITY'S WATER SYSTEM

Introduced by Smith Seconded by VanderWall
Ayes: Hughes, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton, Shastid

RECOMMENDATION THAT INSTALLATION OF WATER LINES IN TULLY MANOR NO. 2 SUBDIVISION BE PERFORMED BY CITY FORCES (one bid received, 195% over engineer's estimate) 1-123

RESOLUTION NO. 65-242

A RESOLUTION REJECTING ALL BIDS AND AUTHORIZING THE WORK TO BE PERFORMED BY THE CITY FOR THE INSTALLATION OF WATER LINES IN TULLY MANOR NO. 2 SUBDIVISION

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton, Shastid

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN CENTRAL HEIGHTS ESTATES AND TO CENTRAL ASSEMBLY OF GOD CHURCH

RESOLUTION NO. 65-243

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN CENTRAL HEIGHTS ESTATES AND TO CENTRAL ASSEMBLY OF GOD CHURCH

Introduced by Hughes Seconded by VanderWall
Ayes: Hughes, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton, Shastid

June 1, 1965 at 10:15 A.M. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF TENNIS COURTS, FENCING AND LIGHTING AT ROOSEVELT PARK 2-5

A memorandum from Director of Parks and Recreation Grogan dated May 13, 1965, subject, "Installation of Tennis Courts and Lights - Roosevelt Park," was entered into the record of the minutes. The memorandum indicated that the original estimate for this project was $19,500; that it now appears that

the project will cost $22,500. The original estimate did not include enough funds for all of the necessary electrical wiring. Recommendation was made that bids be secured and the final decision regarding this project be made after bids are received.

RESOLUTION NO. 65-244

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE CONSTRUCTION OF TENNIS COURTS, FENCING AND LIGHTING AT ROOSEVELT PARK

Introduced by Hughes Seconded by VanderWall
Ayes: Hughes, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton, Shastid

June 1, 1965 at 10:00 A.M. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER LINE EXTENSION IN COFFEE ROAD BETWEEN ATHENS AVENUE AND DAVID COURT

RESOLUTION NO. 65-245

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE INSTALLATION OF WATER LINE EXTENSION IN COFFEE ROAD BETWEEN ATHENS AVENUE AND DAVID COURT

Introduced by Hughes Seconded by Smith
Ayes: Hughes, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton, Shastid

June 1, 1965 at 10:15 A.M. in the City Clerk's office was set as the time and place for opening of bids.

AN ORDINANCE ADOPTING AN AMENDED PARKING METER ZONING MAP OF THE CITY OF MODESTO

ORDINANCE NO. 719-C.S. entitled "AN ORDINANCE ADOPTING AN AMENDED PARKING METER ZONING MAP OF THE CITY OF MODESTO" (removing little-used parking meters)

was introduced and ordered published as required by the Charter.

Moved by VanderWall Seconded by Smith
Ayes: Hughes, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton, Shastid

RESOLUTION APPROVING RENTAL OF CITY-OWNED PROPERTY

RESOLUTION NO. 65-246

A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND OTIS LITTLETON AND JETTIE MAY LITTLETON FOR RENTAL OF CITY-OWNED PROPERTY AT 206 LAUREL STREET ($65 per month, commencing May 1, 1965)

Introduced by Hughes Seconded by VanderWall
Ayes: Hughes, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton, Shastid

CONSIDER AMENDMENT TO AGREEMENT BETWEEN THE CITY AND FELLOWSHIP HOMES WHICH PROVIDES FOR WATER AND SEWER SERVICE TO THE FACILITIES AND ESTABLISHES STANDARDS FOR DEVELOPMENT 2-28

The City Manager reported that Fellowship Homes has asked that it be permitted to use the street lighting system contained in the plans and specifications prepared by its architect for a maximum of thirty months, during which time it will modify the system to conform to city standards; that it has agreed to provide power and maintenance for the street lighting during the 30-month period. He said it was the opinion of the staff that approval of the request would not be detrimental to the public interest.

RESOLUTION NO. 65-247

A RESOLUTION APPROVING AMENDMENT TO AGREEMENT BETWEEN THE CITY OF MODESTO AND FELLOWSHIP HOMES REGARDING STREET LIGHTING SYSTEM

Introduced by VanderWall Seconded by Hughes
Ayes: Hughes, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton, Shastid

CONSIDER NEW FIRE INSURANCE PROPOSAL

A letter from Modesto Independent Insurance Agents' Association dated May 12, 1965 proposing that the City's insurance requirements on buildings and contents, including broad form money and securities coverage, be met with public and institution property fire coverage, was entered into the record of the minutes.

Director of Finance Bird stated that coverage under the proposed policy was substantially the same as the City's present coverage, with the major exception of a $100 deductible feature for losses other than fire - vandalism, malicious mischief, etc.

RESOLUTION NO. 65-248

A RESOLUTION APPROVING PUBLIC AND INSTITUTION PROPERTY FIRE INSURANCE COVERAGE FOR THE CITY OF MODESTO AND EXTENDING CURRENT POLICIES TO JULY 15, 1965

Introduced by Hughes Seconded by VanderWall
Ayes: Hughes, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton, Shastid

RESOLUTIONS AUTHORIZING THE INSTITUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE RIGHTS OF WAY ON TULLY ROAD TO BE USED FOR STREET WIDENING PURPOSES

The City Attorney stated that authorization for the institution of condemnation proceedings was needed to meet the deadline for letting out the contract for the improvement of Tully Road.

RESOLUTION NO. 65-249

A RESOLUTION AUTHORIZING THE INSTITUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE CERTAIN REAL PROPERTY IN THE CITY OF MODESTO TO BE USED FOR STREET WIDENING PURPOSES (TULLY ROAD - QUARESMA)

Introduced by Hughes Seconded by VanderWall
Ayes: Hughes, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton, Shastid

RESOLUTION NO. 65-250

A RESOLUTION AUTHORIZING THE INSTITUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE CERTAIN REAL PROPERTY IN THE CITY OF MODESTO TO BE USED FOR STREET WIDENING PURPOSES (TULLY ROAD - MILLER)

Introduced by Hughes Seconded by VanderWall
Ayes: Hughes, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton, Shastid

RESOLUTION NO. 65-251

A RESOLUTION AUTHORIZING THE INSTITUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE CERTAIN REAL PROPERTY IN THE CITY OF MODESTO TO BE USED FOR STREET WIDENING PURPOSES (TULLY ROAD - VICK)

Introduced by Hughes Seconded by VanderWall
Ayes: Hughes, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton, Shastid

RESOLUTION NO. 65-252

A RESOLUTION AUTHORIZING THE INSTITUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE CERTAIN REAL PROPERTY IN THE CITY OF MODESTO TO BE USED FOR STREET WIDENING PURPOSES (TULLY ROAD - SIMI)

Introduced by Hughes Seconded by VanderWall
Ayes: Hughes, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton, Shastid

The City Attorney stated that the Quaresma and Miller properties were vacant; that the Vick and Simi properties were developed.

Director of Public Works Campbell stated that the condemnation proceedings relate to the reconstruction of Tully Road from Leonard Avenue north to Pearl Street, a little over a mile in length, approved by the Council a short time ago; that plans and specifications for a 4-lane road would be submitted for Council approval on June 7th, with bids scheduled for opening on June 27, 1965.

APPROVE PROJECT APPLICATION FOR CONSTRUCTION OF BEACON WITH TOWER AND REMOTE CONTROL CIRCUIT FOR AIRPORT LIGHTING AT THE CITY-COUNTY AIRPORT 3-8

A letter from the Director of Public Works to Charles E. Dixon, Stanislaus County Administrator, dated May 13, 1965 outlining steps to be taken in the City-County joint request for federal aid for funds to construct a new rotating beacon, and relocation of taxi and runway lighting controls, was entered into the record of the minutes.

RESOLUTION NO. 65-253

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN PROJECT APPLICATION FOR FEDERAL FUNDS FOR CONSTRUCTION OF BEACON AND RELOCATION OF TAXI AND RUNWAY LIGHTING CONTROLS AT MODESTO CITY-COUNTY AIRPORT

Introduced by Smith Seconded by VanderWall
Ayes: Hughes, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton, Shastid

CONSIDER DISPOSAL OF EXISTING OFFICE BUILDING OCCUPIED BY THE AIRPORT MANAGER

MOTION

That the staff be directed to obtain informal bids for disposal of existing office building occupied by the Airport Manager at the City-County Airport

Introduced by VanderWall Seconded by Smith Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 202 EAST ROSEBURG AVENUE 3-22

MOTION

That the request for sewer service extension to property located at 202 East Roseburg Avenue be approved

Moved by Hughes Seconded by VanderWall Unanimously carried

LEASE AGREEMENT BETWEEN CITY AND DON L. THIEL FOR PORTION OF CITY PROPERTY BORDERING OLD POLICE BUILDING ON 10TH STREET (NO BUILDINGS INCLUDED) ($50 per month)

A memorandum from the Director of Finance dated May 7, 1965 outlining terms of an agreement for the proposed lease of vacant property bordering the old police building on 10th Street, was entered into the record of the minutes.

RESOLUTION NO. 65-254

A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND DON L. THIEL FOR PORTION OF PROPERTY BORDERING THE OLD POLICE BUILDING ON TENTH STREET

Introduced by Hughes Seconded by VanderWall
Ayes: Hughes, Smith, VanderWall, Mayor Johansen
Noes: NOne Absent: Mitchell, Patton, Shastid

REPORTS FROM THE PLANNING COMMISSION - None

REQUEST FOR APPROPRIATION TRANSFER, STREET LIGHTS, POLICE BUILDING

RESOLUTION NO. 65-255

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $346 FOR STREET LIGHTS - POLICE BUILDING (original estimate of cost insufficient)

Introduced by Hughes Seconded by Smith
Ayes: Hughes, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton, Shastid

REQUEST FOR APPROPRIATION TRANSFER OF $1,394 FOR FIRE PUMPER REPAIRS

RESOLUTION NO. 65-256

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $1,394 FOR REPAIRS OF MODEL 1955 AND MODEL 1957 FIRE PUMPERS (hose and valve replacements)

Introduced by Smith Seconded by Hughes
Ayes: Hughes, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton, Shastid

REQUEST FOR APPROPRIATION TRANSFER FOR EQUIPMENT PARTS ACCOUNT - SERVICE DIVISION, $5,000

RESOLUTION NO. 65-257

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $5,000 TO EQUIPMENT PARTS ACCOUNT - SERVICE DIVISION (budgeted funds too low to take care of normal workload)

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton, Shastid

LEGISLATIVE MATTERS

SB-1359 - providing for statewide jurisdiction for peace officers

Deputy Manager Ray stated that this bill would be heard by the Senate Committee on Judiciary on May 25th; that both Chief Bowers and the City Attorney were of the opinion that this bill should be supported by the City.

RESOLUTION NO. 65-258

A RESOLUTION OF THE CITY OF MODESTO SUPPORTING SB-1359

Introduced by Hughes Seconded by VanderWall
Ayes: Hughes, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton, Shastid

AB-2387 - Liquor License Fees. This bill provides that there shall first be transferred to the State General Fund the amount necessary to support the Department of Alcoholic Beverage Control, the balance only to be paid to the cities and counties. This would reduce the amount paid to the counties and cities by about five million dollars per year. He recommended that a resolution be adopted opposing the measure, with copies sent to the Committee on Governmental Organization. The bill will be heard on May 27th.

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO OPPOSING AB-2307 RESOLUTION NO. 65-259

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton, Shastid

Letter from California Association for Health, Physical Education and Recreation

Councilman VanderWall read a letter from Antonio Chavez, Stanislaus County Schools coordinator of physical education, and Henry O. Meyer, director of health, physical education and recreation for the Modesto City Schools, dated May 17, 1965 asking the Council to oppose passage of State legislation which will permit local school districts to schedule physical education three, two, or even one day per week only.

No action was taken by the Council. The letter was ordered filed.

CONSIDER APPOINTMENTS TO THE BOARD OF ZONING ADJUSTMENT AND PERSONNEL COMMISSION 4-35

RESOLUTION NO. 65-260

A RESOLUTION APPOINTING MEMBER OF THE MODESTO CITY BOARD OF ZONING ADJUSTMENT (Charles W. Throssell, for a term expiring January 1, 1966, filling the unexpired four-year term of G. Dale Smith)

Introduced by Hughes Seconded by Smith
Ayes: Hughes, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton, Shastid

RESOLUTION NO. 65-261

A RESOLUTION APPOINTING MEMBER OF THE MODESTO CITY PERSONNEL COMMISSION (Norman C. Thiel for a term expiring January 1, 1967, filling the unexpired four-year term of Hugh P. Barton)

Introduced by Smith Seconded by VanderWall
Ayes: Hughes, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton, Shastid

RESOLUTION NO. 65-262

A RESOLUTION COMMENDING G. DALE SMITH FOR SERVICES RENDERED TO THE CITY OF MODESTO (Service on Board of Zoning Adjustment)

Introduced by Hughes Seconded by Mayor Johansen
Ayes: Hughes, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton, Shastid

MATTERS FOR THE GOOD OF THE COMMUNITY 4-60

Letter from John McFall relative to possible federal grant for purchase of land for sewage treatment plant expansion

City Manager Keefe reported that he had received a letter from Congressman John McFall which stated that proposed federal legislation, upon which he reported to the Council last week, no longer contains the provision that the federal government will purchase land for sewage treatment plant facilities; that new legislation is under Committee consideration which contains a grant provision for acquisition of land for use in connection with public works upon approval of such a project, but does not provide for advance purchase of land without prior approval of the proposed undertaking.

Report on Sister City School in Barranquilla, Colombia

Councilman Hughes read a letter from Cosme Escobar, Teobaldo Parejo, Jose Conde and Luis Gerlein, officials of the Sister City School of Modesto

located in Barranquilla, Colombia, which told of the many problems besetting the school - 300 students and three teachers, two of them paid by Carlos Recio, one of the Sister City program's most active supporters, and one by the Secretary of Education; lack of desks and chairs for eighty students, who must stand during their classes; limited ventilation; lack of any restroom facilities. A hope was expressed that the City would find a solution to the school's problems.

Mayor Johansen stated that he would acknowledge the letter, informing the writers that the letter was being referred to Dr. Wooley, chairman of Modesto's Sister City Committee.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Hughes Seconded by Smith Unanimously carried

The meeting adjourned at 5:00 P.M.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in adjourned special session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding, to consider further the preliminary budget for fiscal year 1965-66.

Present: Councilmen: Shastid, Smith, VanderWall, Mayor Johansen
Absent: Councilmen: Hughes, Mitchell, Patton

CITY ATTORNEY - 13 (p. 21)

MOTION

That the City Attorney budget of proposed expenditures be tentatively approved

Moved by Shastid Seconded by VanderWall Unanimously carried

CITY CLERK AND AUDITOR - 14 (p. 22)

The Council questioned the adequacy of the $6,000 budgeted for Account 230, Advertising, Legal & Other, reduced $1,000 from last year. The City Clerk stated that the establishment of the Board of Appeals for the Unsafe Structure Code would not affect this account to a great degree.

MOTION

That the City Clerk and Auditor budget of proposed expenditures be tentatively approved

Moved by Shastid Seconded by Smith Unanimously carried

FINANCE - 15 (p. 23)

Salaries & Wages, Regular, 110

Director of Finance Bird stated that funds were budgeted for this account on the basis of the authorized 16½ positions, and the actual filling of the positions. He said that the work load was continuing to grow, just one instance being a 55% increase in utility accounts since the installation of the IBM equipment. He also pointed out that a siege of illness in the department contributed to a backlog of work; that five people in the department had put in overtime work to the extent of about 2,000 hours. It was his belief that the volume of work would continue to increase because of various factors - the growth of the City, increase in police department personnel, etc. He recommended that the additional person authorized be hired by the 1st of July.

Upon questioning, Mr. Bird stated that the Finance Department was pleased with the performance of the IBM equipment; that small modifications to the equipment were being studied which may be requested next fiscal year, which will involve additional rental costs of about $15 to $20 per month; that to date, Finance Department personnel have not been compensated in any way for their overtime work; that requests will probably be received before the end of the year for extra leave time.

235 - Services, Prof. & Other. Mr. Bird stated that the increase in this account was due to the establishment of four outside pay stations.

SUPPLEMENTAL REQUEST
Calculator - $900

Mr. Bird stated that the $900 cost of the calculator was based on a bid for an 8-bank Frieden automatic calculator.

Data Processing Equipment - Accounting Machine, Collator ($13,246)

Mr. Bird said that this supplemental request had been reviewed with the Taxpayers' Association and organizations experienced in purchase vs. rental of the equipment, and it was agreed that the greatest savings would be in the purchase of the equipment.

MOTION

That the Finance Department budget of proposed expenditures be tentatively approved; that the supplemental requests be tentatively approved

Moved by VanderWall Seconded by Shastid Unanimously carried

PERSONNEL - 17 (p. 24)

MOTION

That the Personnel budget of proposed expenditures be tentatively approved

Moved by Smith Seconded by VanderWall Unanimously carried

FIRE - 21

Salaries & Wages, 110 Regular

Fire Chief Everett stated that the increase in this account from 1963-64 was due to the fact that the five people hired to man Fire Station No. 5 were included in the 1963-64 budget for a period of about four months only; that the remainder of the increase reflected in the 1965-66 budget was occasioned by step increases and general salary increases.

235 - Services, Prof. & Other

Chief Everett stated that the increase in this account was due to the Fire Department assuming the responsibility for weed abatement throughout the City. He explained that these funds were recoverable.

SUPPLEMENTAL REQUESTS

The need for an additional inspector due to an increase in fire prevention work was outlined by Chief Everett.

Also discussed was the supplemental request for one high pressure pump ($2,000), intended for Fire Station No. 1.

The effect of approval of supplemental requests on the General Fund Reserve, estimated at $450,000, was discussed by the Council.

Mr. Bird stated that the supplemental requests were listed in order of priority.

MOTION

That the Fire Department budget of proposed expenditures be tentatively approved; that the supplemental requests be tentatively approved

Moved by Shastid Seconded by Smith Unanimously carried

PLANNING - 18 (p. 25)
Salaries & Wages, Regular, 110

Director of Planning Fey stated that the increase in this account since 1963-64 was due to unfilled positions during that particular fiscal year.

235 - Services, Prof. & Other

Mr. Fey said that the $500 increase in this account will cover the costs of reproducing the new General Plan, if it is not possible to do so during the present fiscal year.

Supplemental request - Salaries, equipment rental, etc. for Land Use Survey

Mr. Fey stated that this supplemental request was approved by the Council at a previous regular meeting. (4/19/65)

MOTION

That the Planning budget of proposed expenditures be tentatively approved

Moved by Smith Seconded by Shastid Unanimously carried

DISASTER & CIVIL DEFENSE - 26 (p. 29)
Supplemental Request - Radio Equipment

Deputy Manager Ray briefly reviewed the proposed uses for the four portable transceivers and one mobile radio for the Fire Department; four mobile radios for the Police Department; and two mobile radios for the Parks & Recreation Department. He said that if purchased, one-half the cost will be paid by federal Civil Defense Funds, subject to federal approval.

MOTION

That the Disaster & Civil Defense budget of proposed expenditures be tentatively approved; that no action be taken on the supplemental requests until after discussion with representatives of the Fire, Police and Parks and Recreation Departments

Moved by Shastid Seconded by Smith Unanimously carried

Capital Outlay - 5402, Surplus Property

Deputy Manager Ray stated that the 1964-65 expenditure in this Account covered the purchase of radios.

ANNOUNCEMENTS

The City Manager was directed to notify the Chamber of Commerce and Stanislaus State College that the Council would hear representatives of those organizations at the budget session next Tuesday, May 25, 1965 at 4:00 P.M., at which time the Miscellaneous Unclassified Account will be considered.

Mayor Johansen reminded the Council that the next budget session, Thursday, May 20th, will be held in the Work Reference Room on the third floor of the City Hall; that representatives of the Fire, Police, Parks & Recreation, and Civil Defense Departments should be present.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned to Thursday, May 20, 1965 at 4:00 P.M.

Moved by VanderWall Seconded by Smith Unanimously carried

The meeting adjourned at 5:05 P.M.

ATTEST

REX E. GAILFUS, City Clerk

Modesto, Calif. (County)
May 20, 1965

The Council of the City of Modesto met in adjourned special session this date at 4:00 P.M. in the Work Reference Room, City Hall, 801 11th Street, Mayor Johansen presiding, to further consider the preliminary budget for fiscal year 1965-66.

Present: Councilmen: Patton, Smith, VanderWall, Mayor Johansen
Councilman Hughes arrived at 4:05 P.M.
Absent: Councilmen: Mitchell, Shastid

DISASTER & CIVIL DEFENSE - 26 (p. 29)

Supplemental Requests

The following documents were entered into the record of the minutes: Memorandum from Fire Chief Everett dated May 20, 1965, subject, "Supplemental Budget - Disaster and Civil Defense Budget," listing the proposed assignment of radio equipment requested as supplemental requests for Fire Department use in the Disaster and Civil Defense account; a document entitled "Civil Defense Supplemental Budget Request," listing two alternatives and distribution for radio equipment for the Fire, Police and Parks and Recreation Departments - Alternative A, for a total cost of $5,523, and Alternative B, for a total cost of $4,808.

Fire Chief Everett displayed the following units to the Council, describing the use of each: 1 mobile radio unit; a portable transceiver; a combination mobile and portable transceiver. The merits of the combination mobile and portable transceiver were pointed out by Chief Everett. After questioning by the Council, Chief Everett said that Alternative B would be highly acceptable - the purchase of two porta-mobiles for installation in the Fire Department pickup truck and Chief's car at $835 each ($1,670); reassignment of the portable from the Chief's car to Truck No. 7, and the mobile unit to Parks and Recreation; the purchase of one portable unit for Engine No. 1 at a cost of $508 (total cost for Fire Department equipment, $2,178). This would reduce the Parks and Recreation request to one mobile radio at a cost of $526. Total costs of Alternative "B": Fire Department - three units, $2,178; Police Department, four mobile units at $526 each, $2,104; Parks and Recreation, one mobile unit at $526. (Total, $4,808).

The original supplemental request of the First Department was for four portable transceivers and one mobile radio, total cost, $2,558. Police Department, four mobile radios, total cost, $2,104; Parks and Recreation, 2 mobile units, total cost $1,052; total cost of combined requests, $5,714.

Parks Superintendent Bill Brown stated that the two mobile radios requested for the Parks and Recreation Department were intended for use in the vehicles operated by the Park Superintendent and the parks maintenance mechanic; that the two additional units will increase Parks and Recreation units to nine. The Council discussed the possibility of reducing the number of men on call; the number of parks developed within the past three years.

MOTION

That Alternative B submitted by Fire Chief Everett, listed in document entitled "Civil Defense Supplemental Budget Request" be tentatively approved in lieu of the supplemental request for radio equipment listed in 1965-66 preliminary budget

Moved by Smith Seconded by VanderWall Unanimously carried

POLICE DEPARTMENT - 22 (p. 250)

The following documents were entered into the record of the minutes: Memorandum from Chief of Police Bowers dated May 19, 1965, subject, "Supplemental Budget - Justification for Police Department Equipment;" memorandum from the Deputy City Manager dated May 20, 1965, subject, "Police Department Manpower Requirements," with attachment entitled "Survey of Police Department ManPower - May, 1965," memorandum from Chief of Police dated March 29, 1965 subject, "Police Personnel," justifying the request for additional patrolmen; memorandum from Chief of Police dated April 20, 1965 subject, "Radio-Telephone Operators," justifying the request for two radio-telephone operators.

Chief Bowers was questioned on the following: the type of crimes most prevalent in the City; the types and length of reports most frequently reported; method of report and the length of time consumed by patrolmen in preparing the reports; status of recruitment of six policemen already authorized by the Council; the areas in which the use of police dogs are helpful; the number of patrolmen who would be gained for outside duty if the additional clerk-typists are hired (Chief Bowers stating that two clerks would mean the equivalent of two-plus patrolmen); the method used to arrive at the manpower needs; a complaint on the number of officers recently concentrated in the McHenry Avenue area; the supervision of patrolmen; use of the Zerox copier; contractual janitorial service vs. city-hired janitors.

A discrepancy in the budget involving the salaries of the Police Department Intermediate Typist Clerks was pointed out by Councilman Smith. Director of Finance Biru was directed to report to the Council at the next meeting on the correction of the discrepancy.

MOTION

That the entire supplementary budget of the Police Department be tentatively approved, except that the effective date of employment of four of the patrolmen, one of the clerk-typists, and acquisition of one patrol car be delayed to January 1, 1966, the Police Chief to report back to the Council prior to that time on the experience with the hiring of six of the ten additional policemen and two of the three clerk-typists requested

Moved by Smith Seconded by VanderWall Unanimously carried

Chief Bowers stated that two of the cars would be assigned to the six new patrolmen, and one to the Detective Division.

235 - Services, Prof. & Other

Cost of the contractual janitorial service for the Police-Communications Building vs. city-hired janitors for the City Hall, was discussed. The staff was directed to furnish the Council a report on the square footage of the City Hall and Police Building, and to furnish the Council a copy of Purchasing Officer Dunham's report dated April 7, 1964, subject, "Janitorial Service - Police-Communications Building."

ADJOURNMENT

MOTION

That the meeting now in session be adjourned to May 25, 1965 at 4:00 P.M.

Moved by VanderWall Seconded by Smith Unanimously carried

The meeting adjourned at 5:30 P.M.

ATTEST: _____
Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Absent: Councilmen: Mitchell

The pledge of allegiance to the Flag was given by all present.

Reverend Dale Martin gave the invocation.

APPROVAL OF MINUTES

The minutes of the regular meeting of May 10, 1965 and special meeting of May 13, 1965 were approved.

COMMUNICATION FROM FARM-CITY ADVISORY COMMITTEE REGARDING APPORTIONMENT

A resolution on apportionment adopted by the Farm-City Advisory Committee, going on record as being in favor of legislation which will permit individual states to elect one house of their legislatures on the basis of some factor other than population, was entered into the record of the minutes.

Mayor Johansen, member of the Committee, stated that the committee has asked that the Council adopt a similar resolution.

RESOLUTION NO. 65-263
A RESOLUTION OF THE CITY OF MODESTO ON APPORTIONMENT

Introduced by Hughes Seconded by VanderWall
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

LETTER FROM WILLIAM M. NICHOLSON, JR., PRESIDENT, MODESTO JUNIOR CHAMBER OF COMMERCE, REGARDING UNIFORM FLAG FLYING PROCEDURE FOR THE DOWNTOWN AREA

A letter from William M. Nicholson, Jr., dated May 17, 1965 requesting that the Council approve the leasing of flags to fly on city-owned properties on the various holidays through the year, thus helping the Junior Chamber of Commerce establish a uniform flag flying procedure for the downtown area, was filed with the record of the minutes.

By order of the Chair, the staff was directed to prepare a report indicating the cost to the City if approved.

REQUEST BY FLEETA RAINES, REALTOR, FOR JOE NUNES, JR., FOR A DRIVEWAY VARIANCE AT 1205 AND 1207 CARVER ROAD 1-78

A letter from Fleeta Raines, Realtor, dated May 19, 1965 requesting a variance to permit a 30-foot driveway at 1205 and 1207 Carver Road, was entered into the record of the minutes.

RESOLUTION NO. 65-264
A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF FLEETA RAINES, REALTOR, FOR JOE NUNES, JR., FOR A DRIVEWAY VARIANCE AT 1205 AND 1207 CARVER ROAD

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

June 7, 1965 at 4:40 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

LETTER FROM THE NORTHERN CALIFORNIA COMPANY REQUESTING PURCHASE OF CITY PROPERTY

A letter from W. T. Rademaker, Northern California Company, dated May 17, 1965 offering to buy city-owned property adjacent to their property, per sketch attached to the letter, was entered into the record of the minutes.

By order of the Chair, the letter was referred to the Planning Commission for report and recommendation.

COMMUNICATION FROM WILLIS M. KLEINENBROICH, OWNER, MODESTO MOTOR BUS SERVICE, REGARDING CHANGE IN SCHEDULE 1-88

A letter from Willis M. Kleinenbroich, owner, Modesto Motor Bus Service dated May 18, 1965 enclosing copy of a letter to the California Public Utilities Commission notifying the Commission of his intent to reduce service on Routes 1 and 2 from the present 30-minute headway to an hourly schedule on Saturdays only, was entered into the record of the minutes.

The City Manager stated efforts were being made by the staff to determine if federal funds were available for public transportation companies.

COMMUNICATION FROM KATHERINE D. TARONE REGARDING ESTABLISHMENT OF A PORTABLE REFRESHMENT BOOTH AT BEARD BROOK PARK 1-105

A letter from Central California Popcorn Concession Suppliers dated May 11, 1965 requesting permission to establish a portable refreshment booth in Beard Brook Park was entered into the record of the minutes. A proposal was made to give a percentage of the gross receipts toward maintenance and improvement of Beard Brook Park.

A memorandum from Director of Parks and Recreation Grogan dated May 20, 1965, subject, "Proposed Concession in Beard Brook Park," recommending that the request be refused on the basis that such an installation would cause considerable trash and increase an already heavy maintenance load on personnel assigned to the park, was entered into the record of the minutes.

By order of the Chair, the staff was directed to check the possibility of Central California Popcorn Concession Suppliers assuming the responsibility for policing the area; also to check on the experience of other cities on matters of this kind.

Due to a conflict in interest, Councilman VanderWall was excused from consideration of the following item:

REQUEST BY THE Y.M.C.A. OF STANISLAUS COUNTY TO BLACKTOP A THIRTY-FOOT ENTRANCE TO PARKING LOT 2-10

A letter from Frank D. Sample, President, Y.M.C.A. of Stanislaus County, dated May 20, 1965 requesting permission to blacktop a 30-foot entrance-way to the Y.M.C.A. parking lot, on McHenry Avenue, approximately 100 feet north of Floyd Avenue, was entered into the record of the minutes.

After discussion, it was the decision of the Council that the request be approved on a temporary basis until such time as McHenry Avenue is improved; that the bond requirement established under the provisions of Resolution No. 58-235 be waived; that the Y.M.C.A. be granted 20 days within which to accept the terms in writing.

RESOLUTION NO. 65-265

A RESOLUTION GRANTING A TEMPORARY VARIANCE TO Y.M.C.A. OF STANISLAUS COUNTY TO PERMIT INSTALLATION OF BLACKTOPPED DRIVEWAY APPROACH AT 2700 McHENRY AVENUE (McHenry Avenue side of property, 100 feet north of Floyd Avenue)

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: Mitchell, VanderWall

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE IMPROVEMENT OF KANSAS AVENUE BETWEEN FRANKLIN AND EIGHTHSTREETS

RESOLUTION NO. 65-266

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE IMPROVEMENT OF KANSAS AVENUE BETWEEN FRANKLIN STREET AND EIGHTH STREET

Introduced by Hughes Seconded by Patton
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

June 8, 1965 at 10:15 A.M. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF A SEWER EXTENSION IN BLOCKS 1300, 1301, 1302 AND 1304 (STANISLAUS COUNTY CENTER NO. 3)

The City Manager stated that before proceeding with this item an agreement between the City and County, covering the construction of the sewer extension, should be approved.

RESOLUTION NO. 65-267

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COUNTY OF STANISLAUS FOR CONSTRUCTION OF A SEWER EXTENSION - STANISLAUS COUNTY CENTER NO. 3

Introduced by VanderWall Seconded by Hughes
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

RESOLUTION NO. 65-268

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF A SEWER EXTENSION IN BLOCKS 1300, 1301, 1302 AND 1304 (STANISLAUS COUNTY CENTER NO. 3)

Introduced by Hughes Seconded by VanderWall
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

June 8, 1965 at 10:45 A.M. in the City Clerk's office was set as the time and place for opening of bids.

RESOLUTION NO. 65-269

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $9,100 FOR CONSTRUCTION OF SEWER EXTENSION IN BLOCKS 1300, 1301, 1302, AND 1304 (STANISLAUS COUNTY CENTER NO. 3)

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR IMPROVEMENT OF COLLEGE AVENUE BETWEEN NEEDHAM STREET AND COLDWELL AVENUE

RESOLUTION NO. 65-270

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR IMPROVEMENT OF COLLEGE AVENUE BETWEEN NEEDHAM STREET AND COLDWELL AVENUE

Introduced by Hughes Seconded by Smith
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

June 8, 1965 at 10:00 A.M. in the City Clerk's office was set as the time and place for opening of bids.

NOTICE CALLING FOR BIDS FOR LEGAL ADVERTISING FOR FISCAL YEAR 1965-66

RESOLUTION NO. 65-271
A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR LEGAL ADVERTISING FOR FISCAL YEAR 1965-66

Introduced by Shastid Seconded by Hughes
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

June 9, 1965 at 10:00 A.M. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR ASPHALT CONCRETE RESURFACING VARIOUS CITY STREETS

RESOLUTION NO. 65-272
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR ASPHALT CONCRETE RESURFACING, VARIOUS CITY STREETS

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

June 8, 1965 at 10:30 A.M. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF CHAIN LINK FENCE (UNIT A), AND GOLF COURSE BALL SCREEN (UNIT B) AT MUNICIPAL DRIVING RANGE 2-112

RESOLUTION NO. 65-273
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF CHAIN LINK FENCING AND GOLF BALL SCREEN AT MUNICIPAL DRIVING RANGE

Introduced by Hughes Seconded by Patton
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

June 8, 1965 at 11:15 A.M. in the City Clerk's office was set as the time and place for opening of bids.

PUBLIC HEARING ON PROPOSED REZONING OF PROPERTY - ZONING MAP 18 - ELLIS

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the application filed by Lance E. Ellis to reclassify from One-Family, R-1, to Two-Family, R-2, property located on the northwest corner of Carver Road and Evergreen Avenue, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on May 13, 1965 and notices posted and delivered in the area on May 11, 1965. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 65-55 recommends that the area be rezoned as requested.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

ORDINANCE NO. 720-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 18-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (ELLIS)" (from R-1 to R-2)

was introduced and ordered published as required by the Charter.

Moved by Hughes Seconded by Patton
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

AN ORDINANCE AMENDING THE CODE OF THE CITY OF MODESTO RELATING TO THE PARK FUND (Section 8-1.502 of the Municipal Code)

The City Attorney stated that the proposed ordinance amends Section 8-1.502 of the Municipal Code to eliminate the words "acquisition" and "maintenance" from the section as now set forth in the Code, and provides that the Park Fund shall be used only for development of parks within the City. This amendment was requested by the Council at the budget session of May 13, 1965.

ORDINANCE NO. 721-C.S. entitled
"AN ORDINANCE AMENDING SECTION 8-1.502 OF ARTICLE 5 OF CHAPTER 1 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO THE PARK FUND"

was introduced and ordered published as required by the Charter.

Moved by VanderWall Seconded by Patton
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

RECONSIDERATION OF AGREEMENT WITH STATE TO HAVE J STREET SIGNALS MODERNIZED 3-12

A memorandum from the Director of Parking and Traffic dated May 20, 1965, subject, "Reconsideration of J Street Traffic Signal Modernization Agreement," was entered into the record of the minutes. Mr. Carmody indicated that the State would like to have Council approval of the proposed agreement between the City and State, supplies purchased, and traffic signal modernization accomplished on J Street where the work will not be affected by the 10th and 11th Streets one-way matter, the entire project to be completed when a decision is reached on one-way streets.

RESOLUTION NO. 65-274
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STATE OF CALIFORNIA - MODERNIZATION OF J STREET SIGNALS

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

CONSIDER AGREEMENT BETWEEN THE CITY OF MODESTO AND KENNETH K. KAESTNER FOR ARCHITECTURAL SERVICE FOR DESIGN OF GOLF COURSE CLUB-HOUSE, DRYDEN PARK GOLF COURSE

The Council discussed the following:

Terms of the agreement pertaining to the fee; termination of architectural services if desired by the City; the number of plans and the manner in which the plans can be revised without additional cost to the City; approval of plans and specifications before any fees are paid.

Frank Andrews stated that the City should proceed with the development of Dennett Dam, which would be of benefit to a greater number of people, before constructing a clubhouse.

RESOLUTION NO. 65-275
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND KENNETH K. KAESTNER, ARCHITECT, - GOLF COURSE CLUB HOUSE FOR DRYDEN PARK GOLF COURSE

Introduced by Patton Seconded by Smith
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

RESOLUTION NO. 65-276

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $10,000 FOR ENGINEERING AND DESIGNING COSTS - PROPOSED DRYDEN CLUBHOUSE

Introduced by Patton Seconded by VanderWall
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

PUBLIC HEARING ON PROPOSED REZONING OF PROPERTY, SECTION MAP 22 (FLORY)

Mayor Johansen announced that the hour of 8:10 P.M. had arrived, the time set for consideration of the application of Alfred L. Flory to reclssify from One-Family, R-1, to Two-Family, R-2, three lots on the south side of Orangeburg Avenue between Rose Avenue and Coffee Road, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on May 13, 1965 and notices posted and delivered in the area on May 11, 1965. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 65-54 recommends that the request for rezoning from R-1 to R-2 be approved.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

ORDINANCE NO. 722-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 22-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (Alfred L. Flory)

was introduced and ordered published as required by the Charter.

Moved by Hughes Seconded by Patton
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

WELCOME EXTENDED TO BOY SCOUTS IN AUDIENCE

Mayor Johansen welcomed members of Boy Scout Troop 19 who were present in the audience.

PUBLIC HEARING ON THE 1965-66 BUDGET

Mayor Johansen announced that the hour of 8:15 P.M. had arrived, the time set for a public hearing on the 1965-66 budget, and opened the hearing.

Mayor Johansen stated that the intent of the hearing was to give the public an opportunity to discuss the budget; that the Council was holding public meetings on Tuesdays and Thursdays at 4:00 P.M. in the Council Chambers, City Hall, and would continue to do so until the entire preliminary budget was reviewed.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP OF RIVIERA HEIGHTS NO. 2 SUBDIVISION 4-70

RESOLUTION NO. 65-277

A RESOLUTION APPROVING THE FINAL MAP OF THE RIVIERA HEIGHTS NO. 2 SUBDIVISION OF THE CITY OF MODESTO

Introduced by Hughes Seconded by VanderWall
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN RIVIERA HEIGHTS NO. 2 SUBDIVISION

RESOLUTION NO. 65-278
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN RIVIERA HEIGHTS NO. 2 SUBDIVISION

Introduced by Hughes Seconded by Patton
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

June 8, 1965 at 11:00 A.M. in the City Clerk's office was set as the time and place for opening of bids.

AUTHORIZE EXECUTION OF RIGHT OF WAY AGREEMENTS AND RIGHT OF ENTRY ON TULLY ROAD AND COLLEGE AVENUE WIDENING PROJECTS

At the request of the City Attorney, and with the unanimous consent of the Council, this matter was held over for discussion in executive session at the end of the meeting.

RECOMMEND MODIFICATION OF AGREEMENT BETWEEN CITY OF MODESTO AND HAWAII AND SAN FRANCISCO INVESTMENT CO. (PARAGRAPH 8)

A letter from E. John Kleines dated March 22, 1965 requesting modification of a Planning Commission requirement that Hawaii & San Francisco Investment Company erect a six-foot masonry wall along both sides of the proposed Brighton Avenue extension for the length of the properties owned by the company, was considered by the Council at its April 5, 1965 meeting and the letter referred to the Planning Commission for report and recommendation.

Planning Commission Resolution 65-70 recommending to the Council a modifiction of wall requirements contained in agreement dated December 23, 1963 between the City of Modesto and the Hawaii and San Francisco Investment Company, (permitting a 3-foot wall instead of a 6-foot wall) was entered into the record of the minutes.

MOTION
That the staff be directed to prepare an amendment to the agreement between the City of Modesto and Hawaii and San Francisco Investment Co. modifying paragraph 8 to permit construction of a 3-foot concrete block wall instead of a 6-foot wall

Moved by Hughes Seconded by Smith Unanimously carried

RECOMMEND AMENDMENT TO SECTION 15-3-9 OF ZONING MAP (BOMBERGER)

RESOLUTION NO. 65-279
A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 15-3-9 OF THE ZONING MAP (BOMBERGER)

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

June 14, 1965 at 8:20 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California was set as the time and place of hearing.

MATTERS FOR THE GOOD OF THE COMMUNITY 5-5

Frank Andrews - Miscellaneous Complaints

Mr. Andrews protested M.I.D.'s plans for construction of the New Don Pedro Dam; the condition of electrical wiring and poles in alleys; lack of an M.I.D. franchise; plans for a recreational area at the New Don Pedro Dam, located in Tuolumne County. A proposed survey of the sewage treatment plant by Mr. Andrews was discussed.

Request of Dad's Club, Our Lady of Fatima Church, for permission to install well and pump on school athletic field

Carmen Sabatino, Athletic Director, read a letter from Robert Kelly, President, Our Lady of Fatima Dad's Club, dated May 20, 1965 requesting that permission be granted to install a well and pump on the school grounds of the school, located at Sherwood and Granger Avenues, to provide water for the athletic field.

Upon questioning, Mr. Sabatino said that both city and Del Este water was available; that supplying the athletic field with water was a Dad's Club project; that the club was of the opinion that installation of the well was more economically feasible than connection to either of the two water companies.

By order of the Chair, the request was referred to the staff for report at the June 7th meeting. The staff was directed to furnish Mr. Sabatino a copy of its report prior to the meeting, if prepared before that time.

LEGISLATIVE MATTERS - None

APPROPRIATION TRANSFERS 6-70

Downey High Area Park Acquisition - $2,080

RESOLUTION NO. 65-280
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $2,080 - ADDITIONAL FUNDS NEEDED FOR DOWNEY HIGH AREA PARK ACQUISITION

Introduced by VanderWall Seconded by Hughes
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

REPORT ON MARIA COURT 6-80

The following documents were entered into the record of the minutes: Memorandum from the Planning Director, subject, "Report to the City Council -- Maria Court," dated May 19, 1965; memorandum from Chief of Police Bowers dated May 12, 1965, subject, "Maria Court,"

Mrs. Gordon Shaw, 1827 Maria Court, referring to the hearing before the Board of Zoning Adjustment to be held on May 27th, asked for Council support in connection with their demands for a solution to the Maria Court residents' problems with the commercial establishments on Yosemite Boulevard. Mrs. Shaw stated that the residents did not wish the 35-foot strip rezoned without adequate restrictions to protect them.

Mrs. Shaw was advised that the Council could not take any action in connection with the hearing, but that the residents were free to attend the hearing and present their views.

Planning Director Fey briefly reviewed the contents of his memorandum dated May 19, 1965.

Gordon Shaw, 1827 Maria Court, asked why the City Planning Department permitted the violations to continue without taking action.

Mr. Fey stated that parking behind Toppers has been restricted to the commercial area and a barricade placed on the zone boundary line to prevent cars from parking in the strip zoned residential.

The Maria Court residents in the audience agreed to meet with the Planning Director in the City Hall Multipurpose Room to discuss their problems and to review the reports submitted by the staff.

REPORT FROM THE CITY-COUNTY SEWER STUDY ADVISORY COMMITTEE

Mayor Johansen reported briefly on a meeting between himself, Councilman Shastid, County Supervisors, City and County Public Works Directors, and representatives of Brown and Caldwell, the firm hired by the City and County to make a metropolitan area sewer study.

Mayor Johansen stated that the firm is still reviewing city records and the report submitted by Jenks and Jenks, but that greater progress is expected within the next sixty days.

Councilman Shastid reported that it was firmly established at the meeting that it was the intent of the City that the City and County should continue to solve the area sewer problems jointly; that the engineering firm of Brown and Caldwell had been asked to present a recommendation as rapidly as possible.

Mayor Johansen said it was also determined at the meeting that the City would be the agency to prepare the necessary applications for any federal grants which may become available for the sewer expansion project; that application should be made as soon as necessary information and federal funds are available.

City Manager Keefe reviewed the contents of a letter received from Congressman John McFall which stated that proposed federal legislation, upon which he reported to the Council at the May 10th meeting, no longer contained the provision that the federal government will purchase land for sewage treatment plant facilities; that new legislation was under Committee consideration which contained a grant provision for acquisition of land for use in connection with public works upon approval of such a project.

DISCUSSION CONCERNING USE OF CONSENT AGENDA

The City Manager reported that at the request of a member of the Council, he had attempted to prepare a "consent" agenda for the present meeting but was unable to find any items which could be approved by the Council by such a method; that most of the items appearing on the agenda required action by resolution.

Councilman Shastid pointed out numerous items on the agenda which he believed could be handled on a "consent" basis.

The City Attorney read the following sections from the City Charter: Section 711. "Legislative action shall be taken by the Council only by means of an ordinance or resolution." Section 712. "The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the Council. Upon the request of any member, the ayes and noes shall be taken and recorded on any vote. All members, when present, must vote." Section 713. "No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least four members of the Council." He stated that any legislative action taken by the Council must be done by resolution or ordinance; that any items on the agenda requiring action by motion - referring matters to the staff for study, ordering documents filed, etc., could be accomplished by "consent" action.

In connection with a suggestion made by Councilman Shastid that items requiring approval by resolution be grouped on the agenda under the heading, "The following items, barring any councilman's individual request, are submitted for consent calendar by resolution," with one vote approving all of the grouped items, the City Attorney stated that this procedure would require an amendment to Section 2-1.08 of the Municipal code, which sets forth the order of business, and that such an amendment was within the prerogative of the Council.

The Council discussed types of items which would lend themselves to a consent calendar.

The City Manager questioned the placing of communications and correspondence on the consent calendar.

By order of the Chair, the matter was referred to the Public Relations Committee for review and recommendation.

EXECUTIVE SESSION

The Council went into executive session at 9:30 P.M., to consider Item 21A of the agenda, reconvening at 9:49 P.M.

AUTHORIZE EXECUTION OF RIGHT OF WAY AGREEMENTS AND RIGHTS OF ENTRY ON TULLY ROAD AND COLLEGE AVENUE WIDENING PROJECTS

The agreements pertaining to the following actions were reviewed by the City Attorney.

RESOLUTION NO. 65-281

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND CHARLES OLIVER AND MYRTLE OLIVER - TULLY ROAD (PROJECT 56-15-6117-9)

Introduced by VanderWall Seconded by Shastid
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

RESOLUTION NO. 65-282

A RESOLUTION APPROVING RIGHT OF ENTRY AGREEMENT BETWEEN THE CITY OF MODESTO AND GEORGE C. SUE AND BETTY G. SUE - TULLY ROAD (PROJECT NO. 58-2-915-2)

Introduced by VanderWall Seconded by Shastid
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

RESOLUTION NO. 65-283

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND HAZEL H. BRANSTETTER - COLLEGE AVENUE (PROJECT NO. 63-22-507-2)

Introduced by VanderWall Seconded by Shastid
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

RESOLUTION NO. 65-284

A RESOLUTION A PPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND HAZEL H. BRANSTETTER - COLLEGE AVENUE (PROJECT NO. 63-22-508-1)

Introduced by VanderWall Seconded by Shastid
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

RESOLUTION NO. 65-285

A RESOLUTION APPROVING RIGHT OF ENTRY AGREEMENT BETWEEN THE CITY OF MODESTO AND J. QUARESMA - TULLY ROAD (PROJECT NO. 58-2-843-6)

Introduced by VanderWall Seconded by Shastid
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

1967 CALIFORNIA BOWLING TOURNAMENT - Unanimous Consent Item

Mayor Johansen stated that he was appearing before the directors of the California Bowling Association the next week to attempt to get an affirmative vote to have the 1967 California State bowling tournament held in Modesto. He said that 16,000 bowlers were participating in the San Francisco tournament presently being held in San Francisco over a period of twelve weekends, which actually constituted about 25,000 to 40,000 people, because of the tourist interests in that City. He asked that the Council consider a resolution promising the City's cooperation, and urging the delegates to vote to have the 1967 tournament held in Modesto. The

ability of the City to handle a group ranging from two to four thousand people per weekend was discussed. Mayor Johansen said it was the opinion of the tournament committee that this number could be handled.

RESOLUTION NO. 65-286

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO EXTENDING AN INVITATION TO THE CALIFORNIA STATE BOWLING ASSOCIATION TO HOLD THE CALIFORNIA STATE BOWLING TOURNAMENT FOR 1967 IN MODESTO, AND PLEDGING ITS FULL SUPPORT AND COOPERATION IN MAKING THIS EVENT AN OUTSTANDING SUCCESS

Introduced by VanderWall Seconded by Patton
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Smith Unanimously carried

The meeting adjourned at 10:00 P.M.

ATTEST: _____
Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in adjourned special session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding, to consider further the preliminary budget for fiscal year 1965-66.

Present: Councilmen: Shastid, Smith, VanderWall, Mayor Johansen
Councilman Hughes arrived at 4:11 P.M.
Councilman Patton arrived at 4:15 P.M.
Absent: Councilmen: Mitchell

POLICE DEPARTMENT - 22 (p. 28) (continued)

235 - Janitorial Services

This item was discussed at the May 20th budget session, and carried over to the present meeting with instructions that the staff furnish the Council a report on the square footage of the City Hall and Police Building, and to furnish the Council a copy of Purchasing Officer Dunham's report dated April 7, 1964.

The following documents were entered into the record of the minutes: Memorandum from Director of Finance Bird dated May 24, 1965 subject, "Cost of Janitorial Service;" Purchasing Officer Dunham's report dated April 7, 1964, subject, "Janitorial Service - Police Communications Building."

Chief Bowers stated that the hiring of janitorial services for the police building was not working as smoothly as originally anticipated; that the quality of service was barely adequate. He listed areas where improvement was needed. He recommended that no change be made at this time, but that an attempt be made to improve the service. He said that costs to the City would increase about $300 per month if janitors are hired, and supplies purchased.

The Council discussed the following: extra duties which could be performed by city-hired janitors, which are not performed under the janitorial contract; cancellation terms of the janitorial contract (30 days); the possibility of sharing the services of the city hall maintenance foreman to supervise janitors hired for the Police Department; negotiation of a new janitorial contract.

The staff was directed to negotiate with other firms for the police building janitorial services, and to report to the Council before the budget is finally adopted.

CORRECTION IN ACCOUNT 110 - Regular Salaries & Wages

Director of Finance Bird stated that the discrepancy involving the salaries of the Police Department Intermediate Typist Clerks has been corrected, changing the total of Salaries & Wages, 110 Regular from $502,483 to $514,781, and the total Salaries and Wages to $516,281.

Increases in the following accounts were questioned by the Council: 210 - Utilities; 208 - Business Expense.

MOTION

That the budget of proposed expenditures for the Police Department, with the correction in Salaries & Wages, Regular, 110, be tentatively approved

Moved by Smith Seconded by Hughes Unanimously carried

MUSIC & PROMOTION - 61 (p. 49)

446 - Christmas Decorations

The Council discussed the following: Whether or not the City should continue its policy of contributing to the cost of Christmas decorations

in the downtown area and various shopping centers; the unattractiveness of the Christmas street decorations used during the past two years; whether or not this should be a function of the Chamber of Commerce; the problems which may be created by requests from more merchant associations; unsafe condition of the light standards to withstand further wiring of the decorations; whether or not the Downtown Modesto Association can afford new decorations.

Joe Good, Chamber of Commerce, was questioned by the Council.

The following document was entered into the record of the minutes: Memorandum from Deputy City Manager Ray dated April 15, 1965, subject, "Participation by California Cities in Christmas Street Decorations."

Director of Public Works Campbell was questioned on the structural weakness of the lighting standards for wiring of the Christmas decorations.

A suggestion was made that the possibility of the 20-30 Club or one of the Junior Clubs taking over the Christmas decorations project be explored.

MOTION

That the Christmas Decorations account be tentatively deleted from the Music & Promotion budget, and that it be referred to the Council Public Relations Committee for report and recommendation.

Moved by Shastid Seconded by Smith Unanimously carried

Supplemental request - Chamber of Commerce - $4,000

The following documents were entered into the record of the minutes: Letter from John L. Mensinger, President, Greater Modesto Chamber of Commerce, dated March 29, 1965 requesting that the annual appropriation of the Greater Modesto Chamber of Commerce be increased from $11,000 to $15,000.

The Council discussed the following: Updating of the Chamber's dues structure; need for improvement of City-Chamber communications, with the possibility of a Councilman serving as a member of the Chamber Executive Committee or Board of Directors (preferably the Executive Committee).

Mr. Good stated that the original contract between the City and Chamber of Commerce, dated October, 1956 was entered into mainly to expand the industrial activities of the Chamber; that the minutes of the Council showed that the amount of the appropriation ($11,000) was based upon what the additional cost would be; that the Chamber has been operating under the premise that this is still what the Council desired - to carry out the generalities and specifics in the contract so far as advertising and public are concerned, with industrial promotion the important item. He pointed out that the additional $4,000 requested was necessary because of increased costs in the preparation of brochures and in making personal contacts connected with industrial promotion; that another problem was that in the past, title companies have furnished the Chamber with unlimited quantities of city maps, but the supply has been cut down to a point where virtually none are furnished. He said that the Chamber was preparing a brochure map which will cost from $1,200 to $1,500; that the Chamber felt that this cost should be shared by the City.

No action was taken by the Council, the matter being continued to the June 1, 1965 meeting to be held in the Council Chambers at 4:00 P.M.

Request of Stanislaus State College for Dedication Funds

Mayor Johansen stated that he, Councilman Hughes and VanderWall met with the President of the Stanislaus State College and Gerald Crowley; that last year, the College requested that the City participate financially in the inauguration and dedication ceremonies to be held in April, 1967; that the original request was referred to the Chamber of Commerce since no city funds were budgeted to meet the request.

The following document was entered into the record of the minutes: Information sheet from Stanislaus State College dated May 24, 1965 entitled, "Stanislaus State College Inauguration and Dedication Ceremonies."

Mr. Crowley outlined briefly the type of ceremony planned, stating that the College looks to the college community for financial support - those cities and counties benefiting from the presence of the College, since no state funds are available.

The request was discussed by the Council. Mayor Johansen stated that it might well be that an increase in the Chamber of Commerce budget, if approved, could cover a contribution for the dedication ceremonies.

No action was taken by the Council, with the matter continued until such time as final action on the budget is taken.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned to May 27, 1965 at 4:00 P.M.

Moved by Smith Seconded by Mayor Johansen Unanimously carried

The meeting adjourned at 5:39 P.M.

ATTEST: Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in adjourned special session this date at 4:00 P.M. in the Council Chambers, City Hall, Mayor Johansen presiding, to consider further the preliminary budget for fiscal year 1965-66.

Present: Councilmen: Patton, Shastid, Smith, VanderWall, Mayor Johansen
Absent: Councilmen: Hughes, Mitchell

MUSIC AND PROMOTION - 61 (p. 49)
Request of Stanislaus State College for Dedication Ceremony Funds

The Council discussed the following: Source of funds for the Music and Promotion budget; whether or not a percentage of the mills tax was earmarked for promotional purposes at the time it was imposed; justification for expenditure of tax funds for promotional purposes; Council consideration of industrial promotion work being handled by the city staff; the City's contribution toward the Camellia Show - trophy and labor for setting up and dismantling.

MOTION

That the request of Stanislaus State College for funds for dedication ceremonies be denied on the basis that it is not a valid use of city funds; that the City Manager be instructed to write a letter to the College stating the reason for the denial

Moved by Shastid Seconded by Patton Unanimously carried

Councilman VanderWall expressed the opinion that the College should be given private support for the project; that perhaps the community and service clubs would back the project.

No action was taken by the Council on the remainder of the Music and Promotion budget pending a decision on the request of the Chamber of Commerce for additional funds and the Christmas street decorations.

PARKS & RECREATION

The following documents were entered into the record of the minutes: Memorandum from the Director of Parks and Recreation dated May 17, 1965, subject, "Supplemental Budget Requests for 1965-66; memorandum dated May 20, 1965, subject, "Revenue and Expenditure Summary - Modesto Community Service Center"; memorandum dated May 25, 1965, subject, "Summary of proposed expenditures and estimated revenue for 1965-66 Budget - Recreation"; memorandum dated May 25, 1965, subject, "Salary breakdown by program for proposed 1965-66 Budget, Account 120-32."

ADMINISTRATION - 31 (p. 30)

MOTION

That the Parks and Recreation - Administration budget of proposed expenditures, including the supplemental request, be tentatively approved

Moved by Shastid Seconded by Smith Unanimously carried

RECREATION - 32 (p. 31)

Director of Parks and Recreation Grogan was questioned on the degree to which the various recreational programs were self-supporting. She stated that all of the adult activities were self-supporting in terms of the outlay for salaries, in accordance with a long-standing council policy; that youth programs were not self-supporting.

The Council discussed the following: The after-school recreation program, both inside and outside the City; adequacy of the amounts allocated by the County and Schools for this purpose; the importance of the

entire recreation program in relation to its net cost to the City ($52,708); the necessity of park supervision; continuation of efforts to make all programs as self-supporting as possible; comparison of attendance at parks, supervised programs vs. unsupervised parks.

MOTION

That the Parks & Recreation - Recreation budget of proposed expenditures and supplemental request be tentatively approved

Moved by Smith Seconded by Shastid Unanimously carried

MADDUX YOUTH CENTER - 33 (p. 32)

Use of Maddux Youth Center by Senior Citizens

Miss Grogan reported that the Senior Citizens group were no longer interested in the use of Maddux Youth Center as a meeting place.

MOTION

That the Parks & Recreation - Maddux Youth Center budget of proposed expenditures be tentatively approved

Moved by Shastid Seconded by Patton Unanimously carried

Mayor Johansen read a note from Frank Andrews asking the staff to try to get a better rate for utilities for the various recreational facilities.

COMMUNITY SERVICE CENTER - 34 (p. 33)

MOTION

That the Parks & Recreation - Community Service Center budget be tentatively approved

Moved by Shastid Seconded by VanderWall Unanimously carried

PARKS - 34 (p. 33)

The following accounts were discussed: 210 - Utilities; 304 - Custodial Supplies; number of acres of improved parks since last year (12 acres).

SUPPLEMENTAL REQUEST

Additional Summer Help

Miss Grogan stated that the supplemental request for additional part-time help was to take care of the additional parks acreage acquired by the City during the past year.

A discrepancy in the computation of the proposed salary for the part-time help was discussed, and the amount requested changed from $1,000 to $700.

Utilities for Del Webb Field were discussed, with the hope expressed that the $25 per night charge for the use of Del Webb Field by various groups would be sufficient to cover the cost of lighting.

MOTION

That the Parks & Recreation - Parks budget of proposed expenditures be tentatively approved; that the supplemental request be tentatively approved as corrected

Moved by Smith Seconded by VanderWall Unanimously carried

STREET TREES - 36 (p. 35)

MOTION

That the Parks & Recreation - Street Trees budget of proposed expenditures be tentatively approved; that the supplemental request be tentatively approved

Moved by Shastid Seconded by Smith Unanimously carried

9-HOLE GOLF COURSE - 37 (p. 36)

The supplemental request for rebuilding Greens Nos. 4 and 8 was discussed.

MOTION

That the Parks & Recreation - 9-Hole Golf Course budget of proposed expenditures be tentatively approved; that the supplemental request be tentatively approved

Moved by Smith Seconded by Patton Unanimously carried

DRYDEN PARK MUNICIPAL GOLF COURSE - 38 (p. 37) 4-120

Supplemental Request

Director of Finance Bird described the cash register proposed for purchase as a supplemental request.

MOTION

That the Dryden Park Municipal Golf Course budget of proposed expenditures and supplemental request be approved

Moved by VanderWall Seconded by Smith Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session adjourn to Tuesday, June 1, 1965 at 4:00 P.M.

Moved by Smith Seconded by VanderWall Unanimously carried

The meeting adjourned at 5:30 P.M.

ATTEST: REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in adjourned special session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding, to consider further the preliminary budget for fiscal year 1965-66.

Presdent: Councilmen: Patton, Shastid, Smith, Mayor Johansen
Councilman Hughes arrived at 4:09 P.M.
Absent: Councilmen: Mitchell, VanderWall

PARKS & RECREATION - PARKS - 35 (p. 34)

Supplemental Request - Salaries & Wages, Part-time

The City Manager reported that a discrepancy in the computation of the proposed salary for the part-time help was noted at the May 27th meeting and the amount requested changed from $1,000 to $700, with the supplemental request approved as corrected. He said that the present budget should read "4 men, 34 days; the proposed change, 3 men, 66 days, amount requested, $1,000." He asked that the amount be restored to $1,000.

MOTION

That the sum of $1,000 be restored to the supplemental request for the Parks & Recreation - Parks budget; that the "present budget" be corrected to read "4 men, 34 days"

Moved by Shastid Seconded by Patton Unanimously carried

MUSIC & PROMOTION - 61 (p. 49)

Supplemental Request - Chamber of Commerce, increase in appropriation

Joe Good, Manager, and John Mensinger, President, Greater Modesto Chamber of Commerce, were present.

Referring to the Council's suggestion that a council member serve as a member of the Chamber Executive Board or Board of Directors, in an attempt to improve City-Chamber communications, Mr. Good said that he believed that this might be worked out although a change in the by-laws would be required. A suggestion was made that the council member attend as an observer, rather than a voter.

Mr. Good suggested that a councilman attend a meeting with Chamber representatives every quarter to discuss the quarterly report which is furnished the City under the terms of the City-Chamber agreement.

The following documents were entered into the record of the minutes: Memorandum from City Manager dated May 27, 1965, subject, "Chamber of Commerce Allocations"; memorandum from Councilmen Don Hammond and Dave Arata dated November 19, 1956, members of a Council Industrial Committee, subject, "Modesto Chamber of Commerce Budget"; excerpt from Council minutes, 11/21/56, "Further Report on Expanded Industrial Development Program."

Mr. Good was questioned by the Council on the following: The proportion of his time spent on industrial promotion work; whether or not a better job could be done if more Chamber time was devoted to industrial development, perhaps with an even greater increase than requested; whether the Chamber's efforts have been retarded because of sewer problems; proposed use of the additional $4,000 requested.

The Council discussed the following: The need for better communications between the City and the Chamber; the recommendation of the Council Industrial Committee in 1956 in presenting a revised Chamber of Commerce

budget, that a man experienced and qualified in industrial development and promotion be hired on a full-time basis and that the City participate in the selection of the person to fill the position, and that the appointment be subject to approval by the City; duplication of effort involved if the City hired its own industrial promotion personnel; placing the Chamber on trial for the coming year to see if communications can be improved; whether or not the City's appropriation of $11,000 is being entirely used for industrial development.

Mr. Good explained to the Council that rather than contributing funds to the Chamber, the Council was actually hiring the Chamber to perform a specific job; that the main purpose of the Chamber was economic and development of new industry; new dollars; new wealth producing jobs; that he did not think that the services presently provided by the Chamber were any less than they were at the time the contract was entered into.

Upon questioning, the City Manager stated that he believed that industrial development was a proper function of the City.

MOTION

That Account 447, Industry, Business, Jobs of the Music & Promotion budget of proposed expenditures in the amount of $11,000 be tentatively approved; that the supplemental request of $4,000 be approved

Moved by Patton Seconded by Smith Unanimously carried, after amendment by the following motion:

MOTION

That the above motion be amended to strike out the approval of the supplemental request for an additional $4,000, without prejudice to the Chamber of Commerce to again present the supplemental request, before or after approval of the final budget, the Chamber to submit a report as to how it plans to spend the additional funds requested

Moved by Shastid Seconded by Hughes

The motion carried, Councilman Patton dissenting.

Mr. Good stated that he would try to have the report ready for the Council at the June 8th meeting.

PUBLIC WORKS

CITY HALL - 19, p. 26
Supplemental Request, painting interior walls

Director of Public Works Campbell stated that no painting has been done on the interior walls of the City Hall since its original construction with the exception of touch-ups by the janitor-foreman in particularly bad areas. Mr. Campbell was questioned as to whether the painting could be accomplished on a selective basis, rather than an over-all job. He said that this was possible, but that the hallways and the areas subjected to the general public were quite badly marked and scarred and comprised a goodly percentage of the painting needed. Mr. Campbell said he would report to the Council at the June 3rd meeting as to whether $1,000 was sufficient to cover the painting he considered essential at this time.

MOTION

That the City Hall budget of proposed expenditures be tentatively approved; that no action be taken on the supplemental request until further report from the Director of Public Works

Moved by Patton Seconded by Smith Unanimously carried

ENGINEERING AND ADMINISTRATION - 41 (p. 38)

MOTION

That the Public Works - Engineering & Administration budget of proposed expenditures and supplemental request be tentatively approved

Moved by Smith Seconded by Patton Unanimously carried

INSPECTION - 42, p. 39

Mr. Campbell pointed out a discrepancy in one of the items listed as being related to the additional building inspector position, namely, that the amount of Structural Demolition should be $2,500 instead of $6,200.

MOTION

That the Public Works - Inspection budget of proposed expenditures be tentatively approved

Moved by Patton Seconded by Smith Unanimously carried

ELECTRICAL - 43, p. 40

Decrease in the 320, Street Lights & Signals account and an increase in the 210, Utilities account were discussed.

MOTION

That the Public Works - Electrical budget of proposed expenditures and supplemental request be approved

Moved by Patton Seconded by Hughes Unanimously carried

UNANIMOUS CONSENT ITEMS

LEGISLATIVE MATTERS

AB-2982 - proposed legislation which will require annual vacations of not less than 15 consecutive days for all firemen with five or less years of service, and 30 consecutive days for firemen having completed five or more years of service. Deputy Manager Ray stated that the League of California Cities recommends that this measure be opposed. This bill will be heard by the Assembly Committee on Municipal and County Government on June 3, 1965.

MOTION

That the City Manager be authorized to contact our representatives in the legislature informing them of the City's opposition to AB-2982

Moved by Smith Seconded by Patton Unanimously carried

AB-3264 - this legislation proposes in effect that in addition to the present membership of Local Agency Formation Commissions (two representatives from the County Supervisors; two city councilmen, and one public member), two representatives of special districts be appointed to the Commission. Mr. Ray said that both the League of California Cities and County Supervisors' Association are strongly opposed to the proposed change in membership. Reasons for the opposition were outlined by Mr.Ray.

MOTION

That the City Manager be authorized to contact our representatives in the legislature expressing the City's opposition to AB-3264

Moved by Patton Seconded by Smith Unanimously carried

AB-2932 - This proposed legislation will amend the Subdivision Map Act to limit the improvements which can be required of a subdivider only to street work, sewers, drains and other utilities to be constructed on land within the subdivision which are necessary for the use of the subdivision. The League believes that the bill would unnecessarily restrict the development of subdivisions and the flexibility of agreements that are now worked out between cities and subdividers.

MOTION

That the City Manager be authorized to contact our representatives in the legislature expressing the City's opposition to AB-2932

Moved by Hughes Seconded by Patton Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned to June 3, 1965 at 4:00 P.M.

Moved by Smith Seconded by Patton Unanimously carried

The meeting adjourned at 5:36 P.M.

ATTEST: [signature]
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in special adjourned session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding, to consider further the preliminary budget for fiscal year 1965-66.

Present: Councilmen: Hughes, Mitchell, Smith, Mayor Johansen
Absent: Councilmen: Patton, Shastid, VanderWall

CITY HALL - 19 (p. 26)

Supplemental Request - Painting all interior plaster walls

At the budget session of June 1, 1965 the Director of Public Works was asked if it was feasible to paint the interior of the City Hall in stages during the next two or three years, and to do this fiscal year only a portion of the painting which he considered was particularly needed. Director of Public Works Campbell stated that $1,000 would permit painting of badly deteriorated areas (halls and front stairwell); that it was not proposed to spend all of the money on a painting contract, but to use a portion of the funds for paint to be applied to smaller areas from time to time by city forces.

MOTION

That the supplemental request of the City Hall for painting the interior of the city hall be tentatively approved, with the amount allocated for painting the interior of the City Hall reduced from $3,000 to $1,000

Moved by Hughes Moved by Smith Unanimously carried

Account 235 - Services, Prof. & Other

Director of Finance Bird stated that the Council recently approved an agreement covering elevator maintenance, effective July 1, 1965, which reduces account 235 by $620 - from $2,589 to $2,069.

MOTION

That Account 235, Services, Prof. & Other, of the City Hall budget of proposed expenditures be reduced from $2,689 to $2,069; that it be tentatively approved as reduced

Moved by Mitchell Seconded by Smith Unanimously carried

Director of Finance Bird stated that by action of the Council at the June 1st budget hearing, approval of the supplemental request of the Public Works, Engineering and Administration, for an additional man for the Utility Crew, established a new account in the City Hall budget under Salaries and Wages entitled "Utility Crew" in the amount of $600; that this was in lieu of the City Hall supplemental request for Services, Prof. & Other in the amount of $600.

PUBLIC WORKS - AIRPORT - 46 (p. 41)

Director of Public Works Campbell requested that the following discrepancies be corrected in the Supplemental Request for this budget to read as follows: Under "M & R, Bldgs. & Grounds," the wording be changed to read "For painting the room of "T" Hangar #1"; that the item "Replace Doors, Hangar #4 be changed to read "Replace Doors, Hangar #3."

The Council questioned the increase in Account 210, Utilities.

Mr. Campbell stated that by action of the Council at the June 1st budget hearing, approval of the supplemental request of the Public Works, Engineering and Administration, for an additional man for the Utility Crew, has effected an increase in the Airport 110 Utility Crew account from $300 to $1,100; that this was in lieu of the Public Works - Airport supplemental request for part-time help during July and August in the amount of $800.

MOTION

That the Public Works - Airport budget of proposed expenditures and supplemental request be tentatively approved

Moved by Smith Seconded by Mitchell Unanimously carried

PUBLIC WORKS - WATER - 46 (p. 41)

The Council discussed the following: Reduction in the 110 Regular Salaries & Wages account; the increase in the 210 Utilities Account. Deputy Manager Ray stated that a report from the M.I.D. on the effect of the change would be available after the end of the fiscal year.

Supplemental Request - Sandblast and paint elevated Tank No. 1

Feasibility of eliminating the elevated tanks with standby motor generator units was discussed by Director of Public Works Campbell. He said that by eliminating the tank, cost of painting the tank would be eliminated; demolition of the tank would cost about $3,000; portable motor generator units could be acquired from army or navy surplus at a cost of under $1,000 each, with two or three needed; that cost of a new motor generator unit was about $7,000. The City Manager stated that nothing was proposed to be done without the prior approval of the Board of Fire Undersriters, which he did not believe would be available in the immediate future. Deputy Manager Ray stated that the tanks were last painted about ten years ago.

MOTION

That the Public Works - Water budget of proposed expenditures and supplemental request be tentatively approved

Moved by Mitchell Seconded by Hughes Unanimously carried

PUBLIC WORKS - STREETS - 51 (p. 43)

The Council discussed the following accounts: 218 - Equipment Rental Charges; 312 - Chem., Drug, Lab Supplies.

MOTION

That the Public Works - Streets budget of proposed expenditures and supplemental request be approved

Moved by Mitchell Seconded by Smith Unanimously carried

PUBLIC WORKS - SEWERS - 52 (p. 44)

MOTION

That the Public Works - Sewers budget of proposed expenditures and supplemental request be tentatively approved

Moved by Hughes Seconded by Smith Unanimously carried

PUBLIC WORKS - SEWAGE DISPOSAL - 53 (p. 45)

Increases in Accounts 312, Chem., Drug, Lab Supplies, and 224, M & R Bldgs. & Grounds, were discussed by the Council. Water Pollution Control Board requirements were outlined by Director of Public Works Campbell.

MOTION

That the Public Works - Sewage Disposal budget of proposed expenditures and supplemental request be tentatively approved

Moved by Hughes Seconded by Mitchell Unanimously carried

PUBLIC WORKS - GARDEN REFUSE - 54 (p. 46)

The possibility of acquiring labor-saving equipment for the collection of garden refuse was discussed.

MOTION

That the Public Works - Garden Refuse budget of proposed expenditures be tentatively approved

Moved by Hughes Seconded by Mitchell Unanimously carried

PUBLIC WORKS - SERVICE DIVISION - 48 (p. 57)

The Council discussed the supplemental request for four police vehicles. Director of Finance Bird stated that the Council tentatively approved the purchase of the additional cars at the May 20th budget hearing, with the acquisition of one patrol car to be delayed to January 1, 1966; that Accounts 330, Gas, Oil and Lubricants, and 332, Equipment Parts, did not reflect the additional funds which will be needed for the operation and servicing of the four additional cars. Also discussed was the supplemental request for Utilities, M & R Bldg. and Grounds, and custodial supplies for the new corporation yard for a period of six months.

MOTION

That the Public Works - Service Division budget of proposed expenditures and supplemental request be tentatively approved

Moved by Smith Seconded by Mitchell Unanimously carried

LIBRARY - 62 (p. 54)

Supplemental Request - new branch library, Gregory Gardens Shopping Area 4-50

Announcement was made that the County Board of Supervisors has approved the establishment of a branch library in North Modesto effective January 1, 1966. The City Manager stated that as a result of this decision, the supplemental request for rental of the library could be reduced to $1,200. Sufficiency of the amount budgeted was discussed.

The Council discussed Account 240, Contractual Services, and the supplemental request for an air conditioner for the circulation workroom.

MOTION

That the Library budget of proposed expenditures be approved; that the supplemental request be approved, with the rent of real property reduced to $1200

Moved by Hughes Seconded by Mitchell Unanimously carried

PARKING & TRAFFIC - 56 (p. 47)

The Council discussed the following: Increase in Account 321, Construction Materials (paint); Increase in Account 490, Service Charges (removal of meters and meter posts authorized by Council).

MOTION

That the Parking & Traffic budget of proposed expenditures and supplemental request be approved

Moved by Smith Seconded by Hughes Unanimously carried

PARKING & TRAFFIC (Parking Fund) - 57 (p. 55)

The Council discussed the following: Decrease in Accounts 490, Service Charges, and 322, Validating Lots; supplemental request for Improvements on Parking Lots.

MOTION

That the Parking & Traffic (Parking Fund) budget of proposed expenditures and supplemental request be tentatively approved

Moved by Mitchell Seconded by Hughes Unanimously carried

The supplemental request for a vertical camera was discussed.

MOTION

That the Office Services budget of proposed expenditures, including the supplemental request, be tentatively approved

Moved by Mitchell Seconded by Smith Unanimously carried

Director of Finance Bird stated that the following budgets remained to be considered by the Council: Insurance and Retirement, p. 50; Miscellaneous Unclassified, p. 51; Bond Redemption and Interest Requirements, p. 56; supplemental request of the Chamber of Commerce for additional funds.

Consideration of Capital Improvement Program

Mayor Johansen stated that if there was no dissent from the Council, the Capital Improvement Program would be considered by the Council immediately after review of the preliminary budget.

Consent Agenda

The City Manager stated that the agenda for the June 7th meeting would be prepared with various items grouped for consent action.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned to June 8, 1965 at 4:00 P.M.

Moved by Smith Seconded by Hughes Unanimously carried

The meeting adjourned at 5:35 P.M.

ATTEST _____
REX E. GAILFUS, City Clerk

June 7, 1965

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Smith, Mayor Johansen
Councilman Shastid arrived at 4:08 P.M.
Absent: Councilmen: Patton, VanderWall

The pledge of allegiance to the Flag was given by all present.

Reverend A. F. Hayes gave the invocation.

APPROVAL OF MINUTES

The minutes of the regular meetings of May 17 and 24, 1965, and special adjourned meetings of May 18 and 20, 1965 were approved.

LETTER FROM FIRST SOUTHERN BAPTIST CHURCH REGARDING A BANNER

A letter from Vernon White, Chairman of Advertising, and Gary Christopherson, Crusade General Chairman, First Southern Baptist Church, dated June 2, 1965 appealing the decision of the City Manager in denying a permit to place a banner across 10th Street in the 900 Block, was entered into the record of the minutes.

A letter from the City Manager dated June 1, 1965 to Mr. White gave the following reasons for denial: (1) The resolution establishing the policy on granting permits to display banners and decorations over and above streets in the City of Modesto does not include religious organizations. (2) The City has already granted permission to the Fourth of July Celebration Committee to place banners across 10th Street during the period requested.

City Manager Keefe stated that the Chairman of the Fourth of July Celebration Committee has no objections to approval of the above request.

No one in the audience requested to be heard in behalf of the appeal.

The request was discussed by the Council.

MOTION

That the First Southern Baptist Church be advised by letter that the Council confirms the decision of the City Manager in denying the request for permission to place a banner across 10th Street in the 900 block, on the basis of the provisions of Resolution No. 64-34

Moved by Hughes Seconded by Mitchell Unanimously carried

COMMUNICATION FROM CAL PURVIANCE, PARADE CHAIRMAN, STANISLAUS COUNTY 4TH OF JULY COMMITTEE, REGARDING THE 1965 ANNUAL CELEBRATION

A letter from Cal Purviance, Parade Chairman, 4th of July Committee, dated May 21, 1965 requesting help and cooperation of the City in preparing plans for the annual 4th of July parade, and enclosing a parade route map and a forming area map, was entered into the record of the minutes.

MOTION

That the letter be referred to the staff for handling
Moved by Shastid Seconded by Mitchell Unanimously carried

A petition protesting the operation of the Purple Turnip Teen Age Nite Club during business hours from 9:00 A.M. to 6:00 P.M. on business days, and 9:00 A.M. to 9:00 P.M. on Thursdays, was filed with the record of the minutes.

The City Manager stated that this matter was presently being considered by the Planning Commission; that no action need to taken by the Council.

The City Attorney stated that the Planning Commission has rescinded its first position approving the Center, and taken a new stand on the request consistent with an Opinion rendered by the City Attorney in regard to the number of parking spaces required.

LETTER FROM J. S. WOOLLEY, M.D., CHAIRMAN, MODESTO-BARRANQUILLA SISTER CITY COMMITTEE, REGARDING AID TO SCHOOL IN BARRANQUILLA, COLOMBIA

A letter from Dr. J. S. Woolley, Chairman, Barranquilla-Modesto Sister City Program, dated May 24, 1965 relative to two letters received from the Fathers of the Modesto City School in Barranquilla, and outlining steps which have been taken to help the school, was ordered filed with the record of the minutes.

RESOLUTION OF STANISLAUS COUNTY BOARD OF SUPERVISORS REGARDING DIRECTIONAL SIGN ON HIGHWAY 33 AND 132, TRACY AND MODESTO AREAS

A resolution of the County Board of Supervisors adopted May 25, 1965 urging the State Division of Highways to remove from service the sign installed at the junction of the U.S. Highway 50 and State Highway 33, which directs eastbound traffic traveling to Modesto to follow State Highway 33, and ultimately State Highway 132 into Modesto, and also to remove from service the directional sign on the newly constructed U.S. Highway 99 directing westbound traffic to Tracy and San Francisco from the freeway onto State Highway 132, was entered into the record of the minutes.

RESOLUTION NO. 65-325

A RESOLUTION URGING THE STATE DIVISION OF HIGHWAYS TO REMOVE FROM SERVICE DIRECTIONAL SIGNS WHICH CAUSE DANGEROUS TRAFFIC CONDITIONS

Introduced by Smith Seconded by Shastid
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

LETTER FROM A. W. MOSER RESIGNING FROM THE BOARD OF APPEALS, UNSAFE STRUCTURE CODE

A letter from A. W. Moser to Charles D. Crawford, Chairman, Unsafe Structure Board of Appeals, dated June 1, 1965 resigning from the Unsafe Structure Board of Appeals because of a sudden illness, was entered into the record of the minutes.

RESOLUTION NO. 65-287

A RESOLUTION ACCEPTING RESIGNATION OF ANDREW W. MOSER FROM THE BOARD OF APPEALS, UNSAFE STRUCTURE CODE, AND COMMENDING HIM FOR SERVICES RENDERED TO THE CITY OF MODESTO

Introduced by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

The Council was asked to consider individuals who might be interested in serving on the Unsafe Structure Board of Appeals.

LETTER FROM FRANK ANDREWS REGARDING UTILITY FRANCHISE

A letter from Frank Andrews dated June 3, 1965, relative to requirement of a franchise payment from the Modesto Irrigation District, the importance of placing high voltage lines underground and water requirements was entered into the record of the minutes. The letter was ordered filed.

Mr. Andrews spoke briefly on the topics of his letter.

LETTER FROM MODESTO CITY SCHOOLS REGARDING YOUTH CORPS AND CITY WORK

A letter from Norvin R. Spence, Supervisor, Work Experience Education, Modesto City Schools, dated May 27, 1965 asking that the City Parks and Recreation Department be permitted to provide job stations for eleven enrollees in the Neighborhood Youth Corps Project, was entered into the record of the minutes. Mr. Spence indicated in his letter that the project will enable economically depressed unemployed youths, ages 16 through 21 years, to work in a governmental non-profit agency and be paid $1.25 per hour by the Department of Labor, four hours each week day, from June 21 to August 27, 1965. Modesto City Schools is the sponsoring agency.

MOTION

That the City Parks and Recreation Department be permitted to provide job stations for eleven enrollees in the Neighborhood Youth Corps Project, as requested by Norvin R. Spence in letter dated May 27, 1965

Moved by Shastid Seconded by Hughes Unanimously carried

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF THE BEACON WITH TOWER AND REMOTE CONTROL CIRCUIT FOR AIRPORT LIGHTING AT MODESTO CITY-COUNTY AIRPORT

RESOLUTION NO. 65-288

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF BEACON WITH TOWER AND REMOTE CONTROL CIRCUIT FOR AIRPORT LIGHTING, MODESTO CITY-COUNTY AIRPORT

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR IMPROVEMENT OF COLLEGE AVENUE AND RUMBLE ROAD AT DAVIS PARK SITE 2-26

RESOLUTION NO. 65-289

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR IMPROVEMENT OF COLLEGE AVENUE AND RUMBLE ROAD AT DAVIS PARK SITE

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

June 22, 1965 at 10:30 A.M. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE IMPROVEMENT OF TULLY ROAD FROM LEONARD AVENUE TO PEARL STREET

RESOLUTION NO. 65-290

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR IMPROVEMENT OF TULLY ROAD FROM LEONARD AVENUE TO PEARL STREET

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

June 22, 1965 at 10:15 A.M. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE CONSTRUCTION OF A PUMP HOUSE AND INSTALLATION OF A HYDRO-PNEUMATIC PRESSURE TANK AT PUMP STATION NO. 31 IN LEGION PARK

RESOLUTION NO. 65-291

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF A PUMP HOUSE AND INSTALLATION OF A HYDRO-PNEUMATIC PRESSURE TANK AT PUMP STATION NO. 31 IN LEGION PARK

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

June 22, 1965 at 11:00 A.M in the City Clerk's office was set as the time and place for opening of bids.

CONSIDER AWARD TO LOW BIDDER NANCE FORD TRACTOR, MODESTO, FOR ONE GENERAL PURPOSE TRACTOR 2-35

RESOLUTION NO. 65-292

A RESOLUTION ACCEPTING BID OF NANCE FORD TRACTOR, MODESTO, CALIFORNIA, FOR ONE GASOLINE POWERED TRACTOR (Low bidder, $2,944)

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

RECOMMENDATION THAT INSTALLATION OF WATER LINE EXTENSION IN COFFEE ROAD BETWEEN ATHENS AVENUE AND DAVID COURT BE PERFORMED BY CITY FORCES

RESOLUTION NO. 65-293

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR THE INSTALLATION OF WATER LINE EXTENSION IN COFFEE ROAD BETWEEN ATHENS AVENUE AND DAVID COURT (no bids received)

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

PROPOSAL FOR CONSTRUCTION OF IMPROVEMENTS - GARRISON PARK SITE

RESOLUTION NO. 65-294

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF IMPROVEMENTS - GARRISON PARK SITE

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

June 22, 1965 at 10:00 A.M. in the City Clerk's office was set as the time and place for opening of bids.

PROPOSAL FOR CONSTRUCTION OF CURBS, GUTTERS, AND SIDEWALKS - ENSLEN, GRACEADA, ROOSEVELT, AND 17TH AND G STREETS PARKS

RESOLUTION NO. 65-295

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF CURBS, GUTTERS AND SIDEWALKS - ENSLEN, GRACEADA, ROOSEVELT AND 17TH AND G STREETS PARKS

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

June 22, 1965 at 10:00 A.M. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN LEGION PARK

RESOLUTION NO. 65-296

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN LEGION PARK

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

June 22, 1965 at 11:15 A.M. in the City Clerk's office was set as the time and place for opening of bids.

CONSIDER AWARD TO LOW BIDDER, FEDERAL SIGN AND SIGNAL CORP., FOR 74 RADIO ALERTING UNITS (RADIO QUICK CALL SYSTEM)

RESOLUTION NO. 65-297

A RESOLUTION ACCEPTING THE BID OF FEDERAL SIGN AND SIGNAL CORPORATION FOR RADIO QUICK CALL TRANSMITTER AND SEVENTY-FOUR RADIO ALERTING UNITS (RADIO QUICK CALL SYSTEM) ($9,479.30)

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

RECOMMENDATION THAT INSTALLATION OF WATER LINES IN GREENWOOD ESTATES NO. 1 SUBDIVISION BE PERFORMED BY CITY FORCES

RESOLUTION NO. 65-298

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER LINES IN GREENWOOD ESTATES NO. 1 SUBDIVISION (Estimated cost, $11,725)

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

RECOMMENDATION THAT INSTALLATION OF WATER LINES IN CENTRAL HEIGHTS ESTATES AND TO CENTRAL ASSEMBLY OF GOD CHURCH BE PERFORMED BY CITY FORCES

RESOLUTION NO. 65-299

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER LINES IN CENTRAL HEIGHTS ESTATES AND TO CENTRAL ASSEMBLY OF GOD CHURCH (Estimated cost, $6,020)

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE INSTALLATION OF WATER LINES IN NORTHFIELD SUBDIVISION AND IN COLLEGE AVENUE AND IN RUMBLE ROAD

Director of Public Works Campbell explained to the Council the reasons for the low net revenue per year.

RESOLUTION NO. 65-300

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN NORTHFIELD SUBDIVISION AND IN COLLEGE AVENUE AND IN RUMBLE ROAD

Introduced by Hughes Seconded by Smith
Ayes: Hughes, Mitchell, Shastid, Smith, MayorJohansen
Noes: None Absent: Patton, VanderWall

June 22, 1965 at 11:15 A.M. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE INSTALLATION OF WATER LINES IN EVERGREEN ROAD WEST OF PRESCOTT ROAD 4-70

RESOLUTION NO. 65-301

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN EVERGREEN ROAD WEST OF PRESCOTT ROAD

Introduced by Hughes Seconded by Smith
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

June 22, 1965 at 11:15 A.M. in the City Clerk's office was set as the time and place for opening of bids.

CONSIDER AWARD OF BID FOR CONSTRUCTION OF TENNIS COURTS, FENCING AND LIGHTING AT ROOSEVELT PARK

RESOLUTION NO. 65-302

A RESOLUTION ACCEPTING THE BID OF STANDARD MATERIALS, INC., FOR CONSTRUCTION OF TENNIS COURTS, FENCING AND LIGHTING AT ROOSEVELT PARK (low bidder, $20,969)

Introduced by Hughes Seconded by Smith
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

PUBLIC HEARING ON AMENDMENT TO ZONING MAP, SECTIONS 16 AND 17 (McHENRY AVENUE) 2-95

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of amendments to Sections Maps 16-3-9 and 17-3-9 of the zoning map from One-Family Zone, R-1, Multiple-Family Zone, R-3, and Neighborhood Commercial Zone, C-1, to Highway Frontage Zone, H-1, property located on the east and west sides of McHenry Avenue between Modesto Irrigation District Lateral No. 3 and the north city limits line, as shown on map filed in the Planning Director's office, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on May 20, 1965 and notices posted and distributed in the area on the same day. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 65-51 adopted April 21, 1965 recommends that the area be rezoned to H-1.

The Council discussed the following: Excessive amount of light in the Briggsmore Shopping Center which is reflecting into the adjacent residential area; how this can be prevented in future large commercial areas adjacent to residential properties.

Edgar Carmichael, 2405 Harcourt Avenue, said that he believed the lights in the Briggsmore Shopping area parking lot were excessive; that the intense lighting was obvious three blocks away. He suggested the use of shields to protect residential areas, saying that the problem in this particular area seemed to be caused by the fact that the lights were directed outward instead of downward.

Director of Planning Fey stated that lighting facilities of parking lots in H-1 areas could be restricted by limiting the height of the light standards and including the restriction in the zoning regulations; that with the experience on Briggsmore Shopping Center, and with the assistance of the Director of Public Works and Building Officials, it will be possible to develop some type of standard for presentation to the Planning Commission and the Council.

No one else in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

ORDINANCE NO. 723-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAPS 16-3-9 AND 17-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (MC HENRY AVENUE: H-1)"

was introduced and ordered published as required by the Charter.

Moved by Shastid Seconded by Hughes
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

INFORMAL HEARING ON REQUEST OF FLEETA RAINES FOR DRIVEWAY VARIANCE AT 1205 AND 1207 CARVER ROAD 5-39

Mayor Johansen announced that the hour of 4:40 P.M. had arrived, the time set for consideration of the request of Fleeta Raines for a driveway variance at 1205 and 1207 Carver Road, and opened the hearing. A letter from Mrs. Raines dated May 19, 1965 requesting the variance was entered into the record of the minutes.

A memorandum from the Director of Public Works dated June 2, 1965, subject, "Request for a Variance to Permit the Construction of One 30-foot Curb Cut at 1205 and 1207 Carver Road," recommending that the request be approved, was entered into the record of the minutes.

RESOLUTION NO. 65-303
A RESOLUTION GRANTING CURB CUT VARIANCE TO FLEETA RAINES, REALTOR, FOR JOE NUNES, JR., BUILDER, ON PROPERTY LOCATED AT 1205 AND 1207 CARVER ROAD

Introduced by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

ADOPTION OF ORDINANCE 721-C.S. RELATING TO THE PARK FUND

ORDINANCE NO. 721-C.S. entitled
"AN ORDINANCE AMENDING SECTION 8-1.502 OF ARTICLE 5 OF CHAPTER 1 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO THE PARK FUND"

introduced May 24, 1965 and having been published as required, was moved and adopted.

Moved by Smith Seconded by Hughes
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

ADOPTION OF ORDINANCE 719-C.S. AMENDING THE CODE (PARKING METER ZONES)

ORDINANCE NO. 719-C.S. entitled
"AN ORDINANCE ADOPTING AN AMENDED PARKING METER ZONING MAP OF THE CITY OF MODESTO"

introduced May 17, 1965 and having been published as required, was moved and adopted.

Moved by Smith Seconded by Hughes
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

ADOPTION OF ORDINANCE NO. 720-C.S. REZONING, SECTION MAP 18-3-9 (ELLIS PROPERTY)

ORDINANCE NO. 720-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 18-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (ELLIS)"

introduced May 24, 1965 and having been published as required, was moved and adopted.

Moved by Smith Seconded by Hughes
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

ADOPTION OF ORDINANCE NO. 722-C.S., REZONING, SECTION MAP 22-3-9 (FLORY)

ORDINANCE NO. 722-C.S. entitled"
"AN ORDINANCE AMENDING SECTION MAP 22-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (ALFRED L. FLORY)"

introduced May 24, 1965 and having been published as required, was moved and adopted.

Moved by Smith Seconded by Hughes
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

AN ORDINANCE REPEALING SECTIONS 2-5.14 AND 2-5.13 OF CHAPTER 5 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO POLITICAL ACTIVITIES

ORDINANCE NO. 724-C.S. entitled
"AN ORDINANCE REPEALING SECTIONS 2-5.14 AND 2-5.15 OF CHAPTER 5 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO POLITICAL ACTIVITIES

was introduced and ordered published as required by the Charter.

Moved by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

FURTHER CONSIDERATION OF REQUEST FOR PERMISSION TO DRILL A WELL IN THE CITY BY DAD'S CLUB OF OUR LADY OF FATIMA CHURCH

At the request of the City Manager, and with the unanimous consent of the Council, this matter was held over until later in the meeting.

CONSIDER REQUEST TO TRANSFER RED TOP TAXI OWNERSHIP

A memorandum from the Director of Parking and Traffic dated June 2, 1965 subject, "Transfer of Ownership, Red Top Taxi Company, recommending that the transfer to C. Norwood Forsyth be approved, was entered into the record of the minutes.

RESOLUTION NO. 65-304
A RESOLUTION AUTHORIZING THE TRANSFER OF TWELVE CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE TAXICABS FROM LOIS L. LANE TO C. NORWOOD FORSYTH

Introduced by Hughes Seconded by Shastid
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

APPROVE AGREEMENT BETWEEN THE CITY OF MODESTO AND THE DEVELOPERS OF BEL-AIR AND NORTHFIELD SUBDIVISIONS, ET AL, AND THE CHURCH OF CHRIST, FOR THE IMPROVEMENT OF COLLEGE AVENUE AND RUMBLE ROAD 4-60

RESOLUTION NO. 65-305
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE DEVELOPERS OF BEL-AIR AND NORTHFIELD SUBDIVISIONS, ET AL, AND THE CHURCH OF CHRIST, FOR IMPROVEMENT OF COLLEGE AVENUE AND RUMBLE ROAD

Introduced by Mitchell Seconded by Smith
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

CONSIDER AUTHORIZATION OF MODIFICATIONS TO PILOT PLANT AND INSTALLATION OF NEW ODOR CONTROL FACILITIES AT THE SEWAGE TREATMENT PLANT

A memorandum from the Director of PublicWorks dated May 24, 1965, subject, "Sewage Treatment Plant Operation," was entered into the record of the minutes. Recommendation was made that funds be made available to make required modification to the pilot plant to permit a more effective way of getting oxygen into the sewage; that money be made available so that forced air method of odor control can be used at the treatment plant this summer.

MOTION

That the work recommended by the Director of Public Works in memorandum dated May 24, 1965 be authorized

Moved by Shastid Seconded by Hughes Unanimously carried

RESOLUTION NO. 65-306

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $1,250 FOR MODIFICATIONS TO PILOT PLANT AND INSTALLATION OF NEW ODOR CONTROL FACILITIES AT SEWAGE TREATMENT PLANT (Pilot Plant Pipe Modification, $200; Odor Control, $1,050)

Introduced by Shastid Seconded by Hughes
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

AMENDMENT TO AGREEMENT BETWEEN CITY AND HAWAII AND SAN FRANCISCO INVESTMENT COMPANY

RESOLUTION NO. 65-307

A RESOLUTION APPROVING AMENDMENT TO AGREEMENT BETWEEN THE CITY OF MODESTO AND THE HAWAII AND SAN FRANCISCO INVESTMENT COMPANY (BLOCK WALL MODIFICATION)

Introduced by Hughes Seconded by Shastid
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

REQUEST FOR SENIOR CITIZENS GROUP TO USE GIRL SCOUT CLUB HOUSE

Director of Parks and Recreation Grogan reported that a senior citizens group has requested the use of the Girl Scout Club House on Wednesday afternoons from 12:00 noon to 4:00 P.M., without charge.

Upon questioning, Miss Grogan stated that free rental of the facilities was not customary to any groups other than the Girl Scout groups, that a change in this policy would require Council action; that present fees were $2.50 for morning use; $2.50 for afternoon use; $5.00 per evening; $7.50 all day; that she doubted that approval of the request would cause any conflict with girl scout use; that the Senior citizens groups requesting the use of the Girl Scout Club House was not the same group which requested free use, or a reduction in rental for the use of the Community Center; that the anticipated revenue of both club houses was $400 per year. Control of cleanup of the area was discussed.

Miss Grogan stated that in the event the Council approved free use of the club house, she hoped that the $2.50 key deposit would not be waived.

MOTION

That the staff be authorized to permit the senior citizens group to use the Girl Scout Club House rent free on a temporary basis on Wednesday afternoons from 12:00 noon to 4:00 P.M. as requested; that in the event administrative problems are presented, that the Director of Parks and Recreation so report to the Council; that the staff be authorized to set forth formally the fees to be charged for the Community Service Center and Maddux Youth Center and set forth conditions under whith the Girl Scout and Boy Scout club houses may be used rent free by organized groups

Moved by Shastid Seconded by Mitchell Unanimously carried

FURTHER CONSIDERATION OF REQUEST FOR PERMISSION TO DRILL A WELL IN THE CITY BY DAD'S CLUB OF OUR LADY OF FATIMA CHURCH 4-73

The request of Robert Kelly, President of Our Lady of Fatima Dad's Club, for permission to install a well and pump on the school grounds located at Sherwood and Granger, was considered by the Council at the May 24, 1965 meeting and referred to the staff for report and recommendation. A memorandum from the Director of Public Works dated June 3, 1965, subject, "Request of Our Lady of Fatima Church to Drill a Water Well on Their Property," recommending that the Council deny the request was entered into the record of the minutes.

Carmen Sabatino, representing the Dad's Club, spoke briefly in support of his request.

The Council discussed the possibility of the water service being discontinued during the winter months when it is not needed, thus cutting down the costs to the Dad's Club. Director of Public Works Campbell stated that this could be done.

MOTION

That the request of the Dad's Club of Our Lady of Fatima Church for permission to install a well and pump on school grounds located at Sherwood and Granger Avenues be denied

Moved by Hughes Seconded by Smith Unanimously carried

PUBLIC HEARING ON APPEAL FROM ZONING DENIAL (FLORY, JOHNSTON AND TIDWELL) 5-35

Mayor Johansen announced that the hour of 5:00 P.M. had arrived, the time set for consideration of the appeal of Flory, Johnston and Tidwell on the decision of the Planning Commission denying the rezoning of property located on the north side of Standiford Avenue, extending from the Tidewater Southern Railroad right of way approximately 425 feet east, from R-1 to R-3, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on May 20, 1965 and notices posted and distributed in the area on the same day. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 65-53 adopted April 21, 1965 denied the application of Flory, Johnston and Tidwell for an amendment to Section 8-3-9 of the zoning map, for the following reasons: (1) The applicants have no plans for development at this time; (2) Rezoning to Multiple-Family is premature, as R-3 development cannot take place until sewer facilities are made available to the area.

Mr. Flory spoke briefly in support of his appeal, stating that he believed that R-3 zoning was a good buffer to a major street; that the request for rezoning represented good planning not only for the developers, but for the City and the residents in adjacent R-1 areas. He said that although apartments could not be built immediately because of lack of sewer service, it was important to the developer to know as soon as possible what can be done with the property.

The following spoke in opposition to the rezoning: Elmo Wallace, 3429 Polaris; Douglas L. Tyner, 712 Standiford Avenue; William Martin, West Point Drive, who filed with the City Clerk a petition opposing the rezoning, signed by 102 people living in the area; Clayton Cooperider, 3425 Fremont Avenue; Mrs. Wilbur Braden, 704 Standiford. The above based their objections primarily on the basis that homes in the area were purchased with the belief that the adjacent areas would retain its R-1 zoning.

No one else in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

The Council discussed the following: the recommendation of the Planning Commission that the application for rezoning be denied without prejudice, Planning Director Fey stating that he could recall no specific prior instance when a rezoning has been denied without prejudice; clarification of the Planning Commission's statement that the application for rezoning was premature, Director of Planning Fey stating that the Planning Commission felt that the rezoning was premature at this point since there was no plan available at the moment, and without sewers there would probably be no development; the possibility of planned development for the parcel; the importance of an immediate decision so that future home owners in the area will know the zoning of the parcel; height limitation in R-1, R-2 and R-3 zones; the importance of observing property rights of everyone concerned, both the developer and single-family ownership; the planning concept that R-3 zoning should be on major streets.

A resolution proposed by Councilman Mitchell sustaining the action of the Planning Commission in denying the rezoning application from R-1 to R-3, seconded by Councilman Smith, failed to carry by a three to two vote, Councilmen Hughes and Mayor Johansen dissenting.

Upon questioning, the City Attorney stated that action by the Council in considering the appeal must be by formal resolution adopted by a majority vote of the Council; that since the proposed resolution failed by lack of a majority vote, the matter would automatically come back on the Council agenda for further consideration and carried over until such time as the Council, by majority vote, adopts a resolution either affirming or denying the appeal; that it would be possible for the parcel to be rezoned R-2 and R-3 without the submission of another application.

The City Clerk was directed to furnish Councilmen Patton and VanderWall, absent from the meeting, a transcript of the present hearing, and to place the matter on the agenda of the next Council meeting at 8:30 P.M.

MATTERS FOR THE GOOD OF THE COMMUNITY

Cultural Center Committee - Request to place sign on cultural center site - 15th Street - Mrs. Heidi Warner

Mrs. Heidi Warner asked Council permission for the Cultural Center Committee to place a sign on the City's 15th Street lot indicating the future location of Modesto's cultural center.

Mrs. Warner stated that representatives of interested organizations and the City and County were meeting with the Cultural Center Committee next Wednesday evening at Jack's Club; that three local architects were drawing preliminary plans and sketches at no cost so that all organizations could see the plans during the fund-raising year; that Armour Smith, May Transfer and Storage, has offered facilities for the storing of historical items free of cost; that Verne Withuhn, accountant, has offered to do all of the accounting and banking at no cost; that attemps would be made to raise $120,000 for the cultural center, to consist of an historical museum, an art museum, and a meeting room for cultural and civic organizations.

Mayor Johansen pointed out that the above-mentioned architects' plans were preliminary plans; that the Council and community should not get the idea that the final and permanent plans would be donated.

MOTION

That the request of the Cultural Center Committee to place a sign on the city-owned lot on 15th Street, between H and I Streets, indicating the future location of the Cultural Center be approved

Moved by Shastid Seconded by Mitchell Unanimously carried

RESOLUTION NO. 65-308

A RESOLUTION COMMENDING THE MODESTO CULTURAL CENTER COMMITTEE AND PLEDGING THE MODESTO CITY COUNCIL'S FULL SUPPORT AND COOPERATION TO SAID COMMITTEE

Introduced by Shastid Seconded by Hughes
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

CONSIDERATION OF CITY ATTORNEY'S SALARY 11-60

RESOLUTION NO. 65-309

A RESOLUTION AMENDING RESOLUTION NO. 64-542 ENTITLED "A RESOLUTION FIXING THE COMPENSATION FOR SPECIFIED POSITIONS IN THE CITY SERVICE" (Increasing the City Attorney's salary $100 per month to $1339 per month, effective May 1, 1965)

Introduced by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

AGREEMENT BETWEEN CITY AND ORVILLE OKERSON FOR MAINTENANCE AND OPERATION OF GASOLINE CONCESSION BUSINESS AT MODESTO CITY-COUNTY AIRPORT

RESOLUTION NO. 65-310

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ORVILLE OKERSON - GASOLINE CONCESSION AT MODESTO CITY-COUNTY AIRPORT (July 1, 1965 to June 30, 1966)

Introduced by Hughes Seconded by Shastid
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP OF COLONIAL MANOR NO. 3 SUBDIVISION

RESOLUTION NO. 65-311

A RESOLUTION APPROVING THE FINAL MAP OF THE COLONIAL MANOR NO. 3 SUBDIVISION OF THE CITY OF MODESTO

Introduced by Smith Seconded by Hughes
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN COLONIAL MANOR NO. 3 SUBDIVISION

RESOLUTION NO. 65-312

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE INSTALLATION OF WATER LINES IN COLONIAL MANOR NO. 3 SUBDIVISION

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

June 22, 1965 at 11:15 A.M. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP OF KING ARTHUR'S CAMELOT SUBDIVISION

RESOLUTION NO. 65-313

A RESOLUTION APPROVING THE FINAL MAP OF THE KING ARTHUR'S CAMELOT SUBDIVISION OF THE CITY OF MODESTO

Introduced by Mitchell Seconded by Hughes
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN KING ARTHUR'S CAMELOT SUBDIVISION AND IN McHENRY AVENUE

RESOLUTION NO. 65-314

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF WATER LINES IN KING ARTHUR'S CAMELOT SUBDIVISION AND IN McHENRY AVENUE

Introduced by Mitchell Seconded by Hughes
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

June 22, 1965 at 11:15 A.M. in the City Clerk's office was set as the time and place for opening of bids.

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 1405 GARDEN AVENUE, MODESTO

MOTION

That the request for sewer service extension to property located at 1405 Garden Avenue be approved

Moved by Shastid Seconded by Smith Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 1401 GARDEN AVENUE

MOTION

That the request for sewer service extension to property located at 1401 Garden Avenue be approved

Moved by Shastid Seconded by Smith Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 1701 IRENE STREET, MODESTO

MOTION

That the request for sewer service extension to property located at 1701 Irene Street, Modesto, be approved

Moved by Shastid Seconded by Smith Unanimously carried

CONSIDER AGREEMENT BETWEEN THE CITY OF MODESTO AND MR. LANCE ELLIS FOR WATER SERVICE TO MORNINGSIDE HEIGHTS NO. 3 SUBDIVISION 10-100

A memorandum from the Director of Public Works dated June 3, 1965, subject, "Proposed Water Service to Morningside Heights No. 3 Subdivision," was entered into the record of the minutes.

Director of Public Works Campbell was questioned on the costs for providing the service.

The Council discussed the following: the subdivider's failure to agree to install street lights in accordance with city standards and failure to agree to payment of the Parks and Recreation facility tax on houses constructed within the subdivision; location and cost of a proposed well site; cost of the project vs. net revenue per year; the importance of providing city water service to this area; annexation of the area when feasible.

RESOLUTION NO. 65-315

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MR. LANCE ELLIS FOR WATER SERVICE TO MORNINGSIDE HEIGHTS NO. 3 SUBDIVISION

Introduced by Hughes Seconded by Smith
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

By order of the Chair, the Council Liaison Committee was directed to work with the Board of Supervisors Liaison Committee in an effort to bring city and county lighting standards more closely together; the staff was directed to take steps necessary for annexation of Morningside Heights No. 3 Subdivision.

CONSIDER RIGHT OF WAY AGREEMENTS FOR TULLY ROAD AND COLLEGE AVENUE WIDENING 12-9

At the request of the City Attorney, and with the unanimous consent of the Council, this matter was held over for consideration in executive session at the end of the meeting.

RECOMMEND ABANDONMENT OF PORTION OF 18TH STREET AND ADJACENT ALLEY

Planning Commission Resolution No. 65-77 adopted June 1, 1965 recommending to the Council the abandonment of the northeasterly 30 feet of 18th Street between H and I Streets and 130 feet of a 25-foot alley in Block 132, was entered into the record of the minutes.

The City Attorney stated that the First Church of the Nazarene, which has requested the abandonment, was having problems in that the underlying fee title to the alley and street was under three ownerships and title will have to be cleared. He said it was proposed to have the Council hold a public hearing, indicate by motion the intent to abandon, until such time as the Church can clear the title.

RESOLUTION NO. 1025-S.P.
RESOLUTION OF INTENTION NO. 295
A RESOLUTION OF INTENTION TO VACATE AND ABANDON THE NORTHEASTERLY THIRTY FEET OF 18TH STREET BETWEEN H AND I STREETS AND ONE HUNDRED THIRTY FEET OF A TWENTY-FIVE FOOT ALLEY IN BLOCK 132 IN THE CITY OF MODESTO

Introduced by Mitchell Seconded by Shastid
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

June 28, 1965 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

KIENITZ ADDITION - ANNEXATION PETITION - FOR REFERRAL TO PLANNING COMMISSION 12-20

RESOLUTION NO. 65-316
A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS KIENITZ ADDITION

Introduced by Mitchell Seconded by Hughes
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

BELLENITA NO. 2 ADDITION - ANNEXATION PETITION - FOR REFERRAL TO PLANNING COMMISSION

RESOLUTION NO. 65-317
A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS BELLENITA NO. 2 ADDITION

Introduced by Mitchell Seconded by Hughes
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

RESOLUTION NO. 65-318

A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS ANGELO ADDITION

Introduced by Mitchell Seconded by Hughes
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

APPROPRIATION TRANSFERS

Election Costs - Additional Funds Needed

RESOLUTION NO. 65-319

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $1,125 - ADDITIONAL FUNDS TO COVER COST OF CONSOLIDATED ELECTION APRIL 20, 1965

Introduced by Shastid Seconded by Hughes
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

Funds to meet financial requirements of street construction projects proposed for 1964-65

RESOLUTION NO. 65-320

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $68,000 - PROPOSED 1964-65 STREET CONSTRUCTION PROJECTS (Intersection, 7th and B; Miscellaneous RW street improvements; College, MID Lateral No. 4; College-Rumble Extensions)

Introduced by Shastid Seconded by Hughes
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

RESOLUTION NO. 65-321

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $196,391 TO MEET FINANCIAL REQUIREMENTS OF THE STREET CONSTRUCTION PROJECTS PROPOSED FOR 1964-65 (Tully, Leonard to Pearl; Kansas, Franklin to 8th; College, Needham to Coldwell; College-Rumble Extensions)

Introduced by Shastid Seconded by Hughes
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

LEGISLATIVE MATTERS - None

FURTHER REPORT ON DOWNTOWN ALLEY LIGHTING

A memorandum from the Director of Parking and Traffic dated June 2, 1965, subject, "Downtown Alley Lighting - Demonstration Project," was entered into the record of the minutes.

Mayor Johansen stated that he felt this was a step in the right direction; that he hoped the downtown merchants and property owners would take advantage of the offer.

The memorandum was ordered filed.

NOTICE OF PUBLIC HEARING - LOCAL AGENCY FORMATION COMMISSION

Mayor Johansen announced that the Local Agency Formation Commission would hold public hearings on June 16, 1965 in Room 206, County Offices Building, 1100 Eye Street, Modesto, on three proposed annexations.

PRESENTATION OF FINANCIAL REPORT FOR MONTH OF MAY 1965

The City financial report for the month of May 1965 was presented to the Council and ordered filed.

EXECUTIVE SESSION

MOTION

That the Council meet in executive session to consider Item 48 of the agenda (right of way agreements for Tully and College Avenue widening)

Moved by Smith Seconded by Hughes Unanimously carried

The Council went into executive session at 6:57 P.M., reconvening to regular session at 7:15 P.M.

CONSIDER RIGHT OF WAY AGREEMENTS FOR TULLY ROAD AND THE COLLEGE AVENUE WIDENING

RESOLUTION NO. 65-322

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND ALBERT H. SIMI, ET AL - TULLY ROAD (PROJECT NO. 58-2-911-4) (providing for payment of $3,000 damages)

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

RESOLUTION NO. 65-323

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND PETE AND BESSIE PAPPAS - COLLEGE AVENUE (PROJECT NO. 63-22-506-4) (providing for payment of $200 damages)

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

RESOLUTION NO. 65-324

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND JOHN AND TITIKA PAPPAS - COLLEGE AVENUE (PROJECT NO. 63-22-506-3) (providing for payment of damages of $200)

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Shastid, Smith, Mayor Johansen
Noes: None Absent: Patton, VanderWall

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Hughes Seconded by Smith Unanimously carried

The meeting adjourned at 7:26 P.M.

ATTEST: Rex E. Gailfus
Rex E. Gailfus, City Clerk

June 8, 1965

The Council of the City of Modesto met in adjourned special session this date at 4:00 P.M. in the Council Chambers, City Hall, Modesto, California, to consider further the preliminary budget for fiscal year 1965-66 and the capital improvement program for fiscal years 1965-66 through 1970-71.

Present: Councilmen: Hughes, Mitchell, Patton, Smith, Mayor Johansen
Absent: Shastid, VanderWall

INSURANCE AND RETIREMENT - 64 (p. 50)

Changes in budget

Director of Finance Bird stated that supplemental requests approved by the Council has necessitated changes in the following accounts in the Insurance and Retirement fiscal year 1965-66 budget:

411, Comp. Insurance, increase to $69,953; 424, O.A.S.D.I. contribution, increase to $42,455; 425, S.E.R.S. Contribution, increase to $181,197; 426, Health Insurance, increase to $25,108; 413, Fire Insurance, decrease to $3,813; Total Insurance & Retirement changed to $345,386.

Changes in the accounts were discussed.

MOTION

That the Insurance and Retirement budget of proposed expenditures be tentatively approved as amended

Moved by Smith Seconded by Hughes Unanimously carried

MISCELLANEOUS UNCLASSIFIED - 65 (p. 51) 2-0

Supplemental Request - Library and Cultural Committee Expenses

The City Manager recommended that if the supplemental request of the Library and Cultural Committee for $650 were approved, that it be incorporated in Account 208, Business Expense.

Deputy Manager Ray stated that the $650 request covered the following items: Capital outlay, $150, for future city branch library (photographs, frames, etc.); business expense, $150 (visiting museums and cultural centers); memberships and dues, $75 (historical society, library association); periodicals, $50; promotion, $100 (importing speakers, awards for contests, etc.); supplies and postage, $75; rentals, $50 (educational films).

Whether or not some of the above items would be more appropriately budgeted in the Library account was discussed.

MOTION

That the supplemental request be denied; that the Miscellaneous Unclassified budget of proposed expenditures be tentatively approved with an increase of $250 in the 208, Business Expense account, from $725 to $975 in lieu of the Supplemental Request

Moved by Hughes Seconded by Smith Unanimously carried

BOND REDEMPTION AND INTEREST REQUIREMENTS

MOTION

That the Bond Redemption and Interest Requirements budget of proposed expenditures be tentatively approved

Moved by Smith Seconded by Hughes Unanimously carried

UNFINISHED ITEMS IN THE BUDGET

Mayor Johansen announced that the following items in the budget remained to be considered: Christmas decorations, now being reviewed by the Public Relations Committee; Chamber of Commerce request for appropriation increase of $4,000 (from $11,000 to $15,000), to be reconsidered by the Council at the June 8th hearing.

CITY ATTORNEY - 13 (p. 21)

MOTION

That 110, Salaries & Wages, Regular be increased to $27,060 to cover the $100 per month increase in salary approved for the City Attorney at regular council meeting of June 7, 1965

Moved by Mitchell Seconded by Hughes Unanimously carried

CAPITAL IMPROVEMENT PROGRAM - 1965 - 1971 2-105

The City Manager reported that at the next budget session, an analysis of current revenues would be furnished the Council.

FINANCE DEPARTMENT

Director of Finance Bird stated that the data processing equipment ($14,000) p. 1, has been incorporated in the preliminary budget and tentatively approved by the Council as a supplemental request.

FIRE DEPARTMENT

Fire Construction - Modernize Fire Alarm System - $16,000 (p. 2)

Fire Chief Everett stated that 50 of the 111 fire alarm boxes were the old-style box and not compatible to the present receiving equipment; that the City was charged considerably in the way of deficiency points for the boxes; that $15,000 was proposed for replacement of the old-style boxes, and $1,000 for the extension of the overhead circuits from their terminal point on Kearney Avenue, just south of Orangeburg, to a new location at Granger and Tully, to make it possible to connect a street box there which would be purchased by the owners of the Chauteau House, and to provide supervisory circuits for their fire alarm and spinkler systems.

In discussing the proposed relocation of fire stations, Chief Everett stated that he and the City Manager had some reservations on the relocation of Station No. 3 in the vicinity of Rosina-Miller, depending on the plans for construction of a bridge across Dry Creek.

The City Manager stated that if the purchase of the snorkel was approved during fiscal year 1966-67, it would be necessary to hire four additional firemen.

No changes were made in the proposed capital improvement program for the Fire Department.

LIBRARY (p. 3)

The City's long-range plan for construction of its own buildings for branch libraries was discussed.

No changes were made in the proposed capital improvement program.

PARKING AND TRAFFIC (p. 4)

Director of Parking and Traffic reviewed the proposed traffic signal construction, as follows: That when he recommended traffic signal construction at Coldwell and College nine months ago, it was on the basis that College Avenue would be widened all the way through Coldwell; that since it was not being widened completely, the signals should not be installed now,

the funds budgeted should be dropped this year and placed in the 1966-67 budget; Coldwell and Tully - Mr. Carmody recommended that this item be removed from the program until the closing of Coldwell Avenue between College and Tully is resolved; Maze & Emerald - Mr. Carmody stated that the $3,000 budgeted was on the basis of a fixed time signal; that the State and County insist on traffic actuated signals; that a proposed agreement with the State and County will be presented to the Council June 7th, setting forth the City's share of the costs at $5,900; that the amount budgeted should be increased from $3,000 to $6,000. He said that if the State decided on actuated signals at the McHenry-Bowen and McHenry-Briggsmore intersections, the cost of each installation would be $6,000 instead of $3,000 (the McHenry-Bowen installation already budgeted and a carryover from fiscal year 1964-65). Mr. Carmody stated that it was also possible that traffic signals would be needed this fiscal year at the intersection of Orangeburg and Carver, presently placed in the 1966-67 capital improvement program, depending upon the amount of freeway turnoff at this intersection. Mr. Carmody recommended that funds for the installation of traffic signals at the Orangeburg-Carver intersections be budgeted in the 1965-66 C.I.P. instead of fiscal year 1966-67, with the understanding that the work would not be done unless freeway conditions warrant. The Council tentatively approved Mr. Carmody's recommendations.

CERES - MODESTO GENERAL PLAN CONFLICT

Status of the petition of the City of Ceres to annex land south of the City was reviewed by Mayor Johansen. He stated that the Local Agency Formation Commission would take a vote on the petition for annexation on June 16th; that one of the commissioners had indicated surprise that the City had not officially appeared before the Commission to express its views on the proposed annexation. After a brief discussion, the City Clerk was directed to place this item on the agenda of June 14, 1965 meeting.

PARKS & RECREATION (p. 5)

The Council discussed the following: The City's policy for acquisition of park sites; installation of automatic sprinklers in parks where sprinkling systems must be replaced, resulting in lower labor costs.

Director of Finance Bird stated that the Finance Department was preparing a statement of the items anticipated for carry-over, and add to the list those capital improvement projects approved by the Council for fiscal year 1965-66; that a report containing available funds would also be presented to the Council at the June 15th budget hearing.

Dryden Golf Course Clubhouse

Councilman Patton stated that the clubhouse committee was awaiting preliminary plans from the architect before another meeting is held.

Director of Parks and Recreation Grogan was questioned on the following: whether or not the newly constructed park restrooms were proving satisfactory, Miss Grogan stating that there have been no major problems; why the improved lighting of Del Webb Field was not budgeted, Miss Grogan stating that the present lighting being considered adequate for recreational-type leagues, it did not seem wise at this time to recommend that the lighting be upgraded for professional baseball until such time as the future use of Del Webb Field for professional baseball is established.

Director of Public Works Campbell reviewed the alternatives for improvement of lighting at Del Webb Field contained in memorandum from the Director of Public Works dated November 12, 1964, subject, "Lighting at Del Webb Field."

The Director of Public Works was directed to furnish the Council a copy of the above report for review at the June 15th budget hearing.

No changes were made in the capital improvement program of the Parks & Recreation Department listed on pages 5, 6 and 7.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned to Tuesday, June 15, 1965 at 4:00 P.M.

Moved by Mitchell Seconded by Patton Unanimously carried

The meeting adjourned at 5:36 P.M.

ATTEST: Rex E. Gailfus
Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
(Councilman Smith arrived at 7:38 P.M.)
Absent: Councilmen: None

The pledge of allegiance to the Flag was given by all present.

A moment of silent prayer was observed.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

The special budget hearings of May 25 and 27, and June 1 and 3, 1965 were approved.

LETTER FROM CABLE T.V. SERVICE REGARDING GROSS RECEIPTS TAX

A letter from Allen T. Gilliland, Cable TV Service, dated June 18, 1965 stating that his company's proposal specifically states that the company is prepared to pay a 2% gross receipts tax to the City, contrary to rumors that an attempt was made to avoid paying a gross receipts tax, was entered into the record of the minutes. The letter was ordered filed.

LETTER FROM HARRY D. WISER, REGARDING SWIMMING POOL, GRACE M. DAVIS HIGH SCHOOL 1-10

A letter from Harry D. Wiser, Superintendent, Modesto City Schools, dated June 8, 1965 requesting that the City pay one-half the total cost of a proposed swimming pool at Davis High School (estimated total cost of pool, $93,800) was entered into the record of the minutes.

The City Manager stated that the City had been considering an agreement with the Modesto City Schools for payment of one-half the cost of a swimming pool at Davis High School, not to exceed $42,500. The original estimated total cost of the pool was $85,000. Mr. Keefe said there were other areas of disagreement, with attempts being made to work them out.

By order of the Chair, the City Manager was directed to contact the Schools for information pertaining to the increased request for funds.

LETTER FROM JORGE TELLO, M.D., BARRANQUILLA, COLOMBIA, REGARDING SMALLPOX AND P.T.D. VACCINE 1-30

A letter from Jorge Tello, M D., Secretaria De Salud Publica Municipal Barranquilla-Colombia, dated June 1, 1965 requesting help in acquiring polio vaccine for underprivileged children in Barranquilla, was entered into the record of the minutes.

By order of the Chair, the letter was referred to Dr. John Woolley, Chairman, Sister City Committee.

PETITION FOR STORM DRAINAGE IMPROVEMENT DISTRICT

A memorandum from the Assistant Director of Public Works dated June 10, 1965 subject, "Proposed Storm Drainage Improvement District," with petition signed by thirty-one residents requesting the Council to initiate proceedings for the institution of a storm drainage improvement district in the general area bounded by Modesto Irrigation District Lateral No. 3, McHenry Avenue, Floyd Avenue and Sunrise Avenue, was entered into the record of the minutes.

The City Manager stated that the petition was presented to the Council for consideration so that action would not be stopped at staff level, but he believed that there were insufficient signatures on the petition to warrant the Council to proceed further at this time.

Assistant Director of Public Works Reynolds stated that the staff furnished interested parties with information pertaining to costs, petition forms were furnished, but no efforts were made to obtain signatures.

Upon questioning, Mr. Reynolds said he believed there were about 450 residences in the proposed district, with a number of larger properties; that state law provides that if signatures representing 60% of the area are obtained, a public hearing is not required.

The proposed improvement district was discussed by various members of the Council, and the following comments made: That if the staff and Council were of the opinion that if the district was for the advantage of the entire community and particularly of the people who have to pay for it and the district to be benefited, the staff should be authorized to proceed further; that a careful look should be given to the feasibility of cost and the benefits to be derived; savings to the City in street repairs, cooperation of the staff with people sponsoring the petition in an effort to get still more support; the proper timing of the proposed district.

By order of the Chair, the staff was directed to come back to the Council with a report on what the staff feels it can do as far as the time scheduling is concerned, and what it can do to further inform the people; to give the petitioners any information they may need, and to assure them of Council support.

LETTER FROM ROBERT S. WESTPHAL, M.D., HEALTH OFFICER, REGARDING BUILDINGS INFESTED WITH BATS 2-10

A letter from Health Officer Robert S. Westphal, M.D. dated June 9, 1965 asking that means be taken to rid downtown buildings of bats, was entered into the record of the minutes. Recommendation was made that prior to demolishing a building, contractors be required to have an inspection by a Pest Control Company to eradicate the bats when found to be present. The letter was ordered filed.

CONSIDER AWARD OF BID FOR THE IMPROVEMENT OF COLLEGE AVENUE BETWEEN NEEDHAM STREET AND COLDWELL AVENUE

RESOLUTION NO. 65-326

A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC., FOR THE IMPROVEMENT OF COLLEGE AVENUE BETWEEN NEEDHAM STREET AND COLDWELL AVENUE

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER AWARD OF BID FOR THE IMPROVEMENT OF KANSAS AVENUE BETWEEN FRANKLIN STREET AND 8TH STREET

RESOLUTION NO. 65-327

A RESOLUTION ACCEPTING THE BID OF M. J. RUDDY & SON FOR IMPROVEMENT OF KANSAS AVENUE BETWEEN FRANKLIN AND 8TH STREETS (low bidder, $11,782)

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER AWARD OF BID FOR ASPHALT CONCRETE RESURFACING ON VARIOUS CITY STREETS

RESOLUTION NO. 65-328

A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC., FOR RESURFACING VARIOUS CITY STREETS (low bidder, $20,650)

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER AWARD OF BID FOR CONSTRUCTION OF A SEWER EXTENSION IN BLOCKS 1300, 1301, 1302 and 1304 (STANISLAUS COUNTY CENTER NO. 3)

RESOLUTION NO. 65-329

A RESOLUTION ACCEPTING THE BID OF PARRISH, INC., FOR CONSTRUCTION OF A SEWER EXTENSION - STANISLAUS COUNTY CENTER NO. 3 (8,136.78)

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER AWARD OF BID FOR LEGAL ADVERTISING FOR FISCAL YEAR 1965-66

Councilman Hughes declared that he had a conflict of interest in connection with this item, and was excused from the council table.

RESOLUTION NO. 65-330

A RESOLUTION ACCEPTING THE BID OF THE MODESTO TRIBUNE FOR LEGAL ADVERTISING FOR FISCAL YEAR 1965-66 (low bidder)

Introduced by Mitchell Seconded by Patton
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

CONSIDER AWARD OF BID FOR CONSTRUCTION OF CHAIN LINK FENCING AND GOLF BALL SCREEN AT MUNICIPAL DRIVING RANGE

A memorandum from the Director of Parks and Recreation dated June 11, 1965, subject, "Fence - Dryden Park Driving Range," was entered into the record of the minutes. Recommendation was made that $1,800 be transferred from the 6252-321 Dryden Sprinkler System account to 6253-321, Dryden Driving Range account, to cover the additional cost of the fencing.

RESOLUTION NO. 65-331

A RESOLUTION ACCEPTING THE BID OF SAN JOSE STEEL CO., INC., FRESNO, CALIFORNIA, FOR CONSTRUCTION OF FENCING AND SCREEN AT MUNICIPAL DRIVING RANGE (low bidder, $8,114.75)

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION NO. 65-332

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $1,800 FOR ADDITIONAL FUNDS FOR FENCING PROJECT - MUNICIPAL DRIVING RANGE

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RECOMMENDATION THAT INSTALLATION OF WATER LINES IN RIVIERA HEIGHTS NO. 2 SUBDIVISION BE PERFORMED BY CITY FORCES

RESOLUTION NO. 65-333

A RESOLUTION REJECTING ALL BIDS AND AUTHORIZING THE WORK TO BE PERFORMED BY CITY FOR THE INSTALLATION OF WATER LINES IN RIVIERA HEIGHTS NO. 2 SUBDIVISION

Introduced by Shastid Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF A 15" SANITARY SEWER TRUNK LINE IN ROSE AVENUE FROM CRESTWOOD DRIVE TO NORTHERN BOULEVARD

RESOLUTION NO. 65-334

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE CONSTRUCTION OF A 15" SANITARY SEWER TRUNK LINE IN ROSE AVENUE FROM CRESTWOOD DRIVE TO NORTHERN BOULEVARD

Introduced by Shastid Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

June 29, 1965 at 10:00 A.M. in the City Clerk's office was set as the time and place of bid opening.

RESOLUTION NO. 65-335

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $500 - ENGINEERING AND PRELIMINARY FIELD WORK - TRUNK SEWER, ROSE AVENUE, CRESTWOOD TO M.I.D. LATERAL NO. 3

Introduced by Shastid Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

ADOPTION OF ORDINANCE NO. 724-C.S. POLITICAL ACTIVITY

ORDINANCE NO. 724-C.S. entitled "AN ORDINANCE REPEALING SECTIONS 2-5.14 AND 2-5.15 OF CHAPTER 5 OF TITLE II OF THE MODESTO MUNICIPAL CODE, RELATING TO POLITICAL ACTIVITIES" introduced June 7, 1965 and having been published as required, was moved and adopted.

Moved by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

FURTHER CONSIDERATION OF THE POSSIBLE ANNEXATION OF THE AREA SOUTH OF THE TUOLUMNE 2-95

Mayor Johansen announced that the Local Agency Formation Committee was meeting next week to take action on the Ceres petition for annexation. He said that he did not believe that the City's position had changed since he issued his statement dated March 8, 1965 entitled "Interest in the Area South of Tuolumne River," in which he concluded that he felt that the City had a "responsibility to let the residents of the area know that we are interested in providing city services, and hope they will give consideration to annexing to Modesto." He stated that the Local Agency Formation Commission declares that it has never heard from the City of Modesto in any manner as to the City's position.

Inhabited annexation procedures were discussed.

MOTION

That a cover letter be written transmitting Mayor Johansen's statement dated March 8, 1965 and mailed to the Local Agency Formation Commission

Moved by Hughes Seconded by Patton Unanimously carried

PUBLIC HEARING - ANNEXATION OF SHERWOOD MEADOWS NO. 2 ADDITION

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the proposed annexation of Sherwood Meadows No. 2 Addition, a 48.741 acre parcel located on the south side of Floyd Avenue east of Coffee Road, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune and in the Turlock Daily Journal on May 13 and 20, 1965. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 65-63 recommends that the area be annexed.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

RESOLUTION NO. 65-336

A RESOLUTION DECLARING THAT A MAJORITY PROTEST HAS NOT BEEN MADE AGAINST THE ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS SHERWOOD MEADOWS NO. 2 ADDITION AND DECLARING THE INTENTION OF THE COUNCIL TO PROCEED WITH THE ANNEXATION OF SAID TERRITORY

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

ORDINANCE NO. 725-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE SHERWOOD MEADOWS NO. 2 ADDITION TO THE CITY OF MODESTO"

was adopted and ordered published as required by the Charter.

Moved by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall,Mayor Johansen
Noes: None Absent: None

CONSIDER ACCEPTANCE OF $1,250 OFFER FOR USED 1919 SEAGRAVE PUMPER FROM MARK A. SMITH, GEORGETOWN, CALIFORNIA 3-20

The City Manager reported that informal bids were received for the surplus pumper, the high bid submitted by Mark A. Smith, Georgetown, California in the amount of $1,250. He recommended that the 1919 Seagrave surplus pumper be sold to Mr. Smith. Mr. Keefe stated that the antique qualities of the pumper had been discussed, with determination made that the City would have no place to house it when the replacement is delivered.

Reference was made to a newspaper article pertaining to the pumper which indicated that the Fire Chief did not wish to sell the pumper.

Purchasing agent Dunham said there was no time limit on Mr. Smith's offer.

Because Fire Chief Everett was not present to express his views on the sale of the pumper, a resolution proposed by Councilman VanderWall, seconded by Councilman Shastid, accepting the offer, was withdrawn for a period of one week.

The City Clerk was directed to place the item on the June 21st agenda.

PUBLIC HEARING - AMENDMENT OF SUBDIVISION REGULATIONS 3-72

Mayor Johansen announced that the hour of 8:10 P.M. had arrived, the time set for consideration of a proposed amendment to Section 4-4.302(a) of the Municipal Code regarding part-width streets, and opened the hearing.

The City Clerk requested that the hearing be reset for June 28, 1965 at 8:10 P.M. and notice of the hearing republished, due to a discrepancy in the original notice of hearing publication.

Al Flory stated that he had no objections to a resetting of the hearing.

No one else in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

The proposed amendment was briefly reviewed by the City Attorney.

RESOLUTION NO. 65-337

A RESOLUTION RESETTING TIME AND PLACE FOR HEARING AMENDMENT TO ZONING REGULATIONS REGARDING PART-WIDTH STREETS AND RESCINDING RESOLUTION NO. 65-232

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

June 28, 1965 at 8:10 P.M. in the Council Chambers, City Hall, 801 11th Street, was set as the time and place of hearing.

ACCEPT AS COMPLETE JOHNSTON PUMP COMPANY'S CONTRACT FOR CONSTRUCTION OF DEEP WELL PUMP WITH ELECTRICAL EQUIPMENT AND AUXILIARY GAS ENGINE FOR PUMP STATION NO. 29

RESOLUTION NO. 65-338

A RESOLUTION ACCEPTING THE INSTALLATION OF ONE DEEP WELL PUMP WITH ELECTRICAL EQUIPMENT AND ONE AUXILIARY GAS ENGINE FOR PUMP STATION NO. 29 (Actual cost, $11,906.56, City Clerk authorized to file notice of completion)

Introduced by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER AGREEMENT FOR TRAFFIC SIGNALS AT MAZE BOULEVARD AND EMERALD AVENUE 3-122

A memorandum from the Director of Parking and Traffic dated June 2, 1965, subject, "Agreement for Traffic Signals - Maze and Emerald," was entered into the record of the minutes.

City Manager Keefe stated that this project was included in the Capital Improvement Program for 1965-66 and tentatively approved by the Council at the June 8th meeting. He recommended that the agreement be approved.

The Council discussed the State's decision to install traffic actuated signals at this intersection. Cost of the signals is $23,600, with 1/2 the cost to be borne by the State, 1/4 by the City, and 1/4 by the County.

RESOLUTION NO. 65-339

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS, INSTALLATION OF TRAFFIC CONTROL SIGNAL SYSTEMS AND HIGHWAY LIGHTING (Intersection of Emerald Avenue with State Highway Route 132)

Introduced by Hughes Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: Shastid Absent: None

PUBLIC HEARING - REZONING SECTION 15-3-9 (BOMBERGER PROPERTY)

Mayor Johansen announced that the hour of 8:20 P.M. had arrived, the time set for consideration of the application for rezoning of property located on the south side of Floyd Avenue east of Coffee Road from R-1 to C-1, R-2 and R-3, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on June 3, 1965 and posted and delivered in the area on the same day. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 65-56 adopted April 21, 1965 recommends that only a portion of the area requested for R-2 zoning be approved on the basis that the area is not oriented to a collector street, and does not contribute toward a transition from more restrictive to less restrictive uses, since the property to the east is undeveloped and its future use is unknown at this time. Resolution No. 65-56 also recommends that the application for R-3 zoning be approved as requested; that no action be taken on the request for C-1 zoning until after the City and County Planning Commissions meet jointly and determine a policy regarding development on major streets.

Planning Commission Resolution No. 65-69 adopted May 18, 1965 recommends an amendment to Section 15-3-9 of the zoning map approving the C-1 zoning requested by the applicant (approximately six acres).

Director of Planning Fey was questioned on land uses adjacent to the parcel proposed for rezoning; whether the recommended C-1 zoning constitutes spot zoning; the staff's recommendation for zoning of the property located in the County immediately north of the parcel recommended for C-1 zoning, Mr. Fey stating that this matter was one which the staff wished to discuss with the County; (the City Manager stating that the meeting has not been held because the Board of Supervisors and County Planning Commission have not as yet arrived at an understanding as to what policy to follow).

The staff was directed to furnish the Council documents pertaining to Planning Commission hearings at the time the matters are set for hearing by the Council.

Mr. Fey read the reasons why the Planning Commission approved the C-1 zoning: 1. The commercial area conforms in principle to the proposed amended General Plan for neighborhood shopping facilities at the intersection of a major street - Coffee Road - and a collector street - Floyd Avenue; 2. The commercial area is arranged as an integral part of a subdivision and would be separated from single-family residences by a buffer area zoned for medium and high density residential uses.

The applicant, Robert Bomberger, was informed that since no appeal had been filed by the applicant on the portion of the property for which R-2 zoning was denied by the Planning Commission, the Council could consider at this hearing only that portion of the property recommended for rezoning by the Planning Commission.

Mr. Bomberger stated that the rezoning as recommended by the Planning Commission was satisfactory.

No one else in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

ORDINANCE NO. 726-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 15-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (BOMBERGER)

was introduced and ordered published as required by the Charter.

Moved by Hughes Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

FURTHER CONSIDERATION OF APPEAL FROM ZONING DENIAL (FLORY, TIDWELL AND JOHNSTON) 6-8

The appeal of Flory, Tidwell and Johnston to the decision of the Planning Commission denying an application for rezoning of property located on the north side of Standiford Avenue, extending from the Tidewater Southern Railroad right of way approximately 425 feet east, from R-1 to R-3, was considered by the Council on June 7, 1965. A resolution proposed by Councilman Mitchell sustaining the action of the Planning Commission in denying the rezoning application from R-1 to R-3, seconded by Councilman Smith, failed to carry by a three to two vote, Councilman Hughes and Mayor Johansen dissenting, Councilmen VanderWall and Patton absent. The City Clerk was directed to place the matter on the agenda of this meeting for further consideration by the Council. Copies of the transcript of the June 7th hearing were furnished Councilmen Patton and VanderWall.

Al Flory stated that he believed that R-2 and R-3 developments facing the street, well landscaped, would be more pleasing to the residents across the street than R-1 residences backed up to the street with a concrete wall barrier along the back of the R-1 lots.

Mr. Flory was questioned by the Council on the tentative and final maps filed for the proposed subdivision; whether or not he had assured residents when they purchased their homes, that the property across the street would be developed to similar type R-1 homes; the length of time he has owned the property; whether or not the parcels could be developed to R-2 or P-D zoning.

Director of Planning Fey was questioned by the Council on planning concepts for zoning on major streets.

The following spoke against the rezoning: Elmo Wallace, 3429 Polaris Place; Bill Martin, 3404 West Point Drive; Mrs. Wilbur Braden, 704 Standiford; Mr. Taylor, 3433 Fremont; Claiborne Cooperider, 3425 Fremont.

Dave Hanna complimented the staff on its foresight in approving R-3 zoning for property on Standiford located on the other side of Tidewater Southern railroad tracks.

A resolution introduced by Councilman Hughes, seconded by Mayor Johansen, overruling the decision of the Planning Commission in denying the application for rezoning and referring it back to the Planning Commission for further study, failed to carry by a four to three vote, Councilmen Mitchell, Patton, Shastid and Smith dissenting.

RESOLUTION NO. 65-340

A RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION DENYING THE REQUEST OF ALFRED FLORY, JAMES JOHNSTON AND JOSEPH TIDWELL TO AMEND SECTION 8-3-9 OF THE ZONING MAP AS DESCRIBED IN RESOLUTION NO. 65-53 ADOPTED BY THE COMMISSION ON THE BASIS OF THE FINDINGS SET FORTH IN THIS RESOLUTION

Introduced by Mitchell Seconded by Smith
Ayes: Mitchell, Patton, Shastid, Smith
Noes: Hughes, VanderWall, Johansen Absent: None

Several of the councilmen expressed the hope that the developers and residents in the area could come up with a plan for development of the property which would be generally acceptable to everyone.

MATTERS FOR THE GOOD OF THE COMMUNITY 10-120

Fourth of July Committee - Appropriation Request

A letter from Cal Purviance, Parade Chairman, Stanislaus County 4th of July Committee, dated June 10, 1965 requesting payment of $750 budgeted for the 4th of July Celebration, was entered into the record of the minutes.

MOTION

That payment of the $750 budgeted for the 4th of July celebration be approved

Moved by Shastid Seconded by VanderWall Unanimously carried

Frank Andrews - Opposing increase in Chamber of Commerce account

Mr. Andrews spoke briefly in opposition to an increase in the amount of funds budgeted for the Chamber of Commerce for fiscal year 1965-66.

Swimming Pool - Grace M. Davis High School

Robert Elliott, representing the Modesto City Schools, stated that he was unable to be present earlier in the meeting when this matter was first considered.

A copy of a letter from John W. Bomberger, Architect, dated May 24, 1965 addressed to the Modesto High School District, subject, "Grace M. Davis High School Swimming Pool," was entered into the record of the minutes. The letter contains a comparison study of costs of the S.O.S. pool and the proposed Davis High School pool.

Reasons for the increased cost estimate (from $85,000 to $93,800) were outlined by Mr. Bomberger.

Mr. Bomberger was questioned by the Council on the cost difference between the S.O.S. pool and proposed Davis High pool; public swimming pool specifications.

Miss Grogan stated that the proposed agreement between the City and Schools for the Davis High pool project establishing the costs that the City will assume, and providng the working agreement, is presently in the hands of the County Counsel. She said that she did not believe that the City and Schools were in complete agreement on maintenance costs, and other items.

The staff was directed to furnish the council a report containing the following: the terms of the various agreements with the Schools pertaining to swimming pools; the City's usage of the proposed Davis High pool, and the City's responsibilities in connection with the pool; any available background establishing city participation in sharing in the cost of the pools.

By order of the Chair, the staff was directed to place this matter on the agenda of the June 28th meeting.

Councilman Shastid - approval to leave country

MOTION

That the request of Councilman Shastid to leave the Country be approved

Moved by VanderWall Seconded by Mitchell Unanimously carried

City-owned 1919 Seagrave fire pumper

Councilman VanderWall suggested that the staff investigate the possibility of housing the 1919 Seagrave fire pumper at Children's Park.

EL VECINO NO. 2 ADDITION ANNEXATION PETITION - FOR REFERRAL TO PLANNING COMMISSION

RESOLUTION NO. 65-341

A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS EL VECINO NO. 2 ADDITION

Introduced by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

APPROPRIATION TRANSFERS - None

LEGISLATIVE MATTERS - None

FURTHER CONSIDERATION OF CONSENT AGENDA

The staff was directed to continue with a consent agenda.

Councilman Shastid suggested that occasionally, instead of removing an item completely from the consent agenda, that questions on clarification be submitted, and the item removed only if clarification cannot be readily made.

The City Attorney stated that the Council should be aware of the fact that the Schools Board and County Board of Supervisors operate in a considerably different manner than the City Council, primarily due to the fact that the City has a Council-Manager form of government; that many of the items appearing on the Board of Supervisors' agenda and that of the Board of Education are types of items which never come before the Council - personnel actions, etc., which require approval of the respective boards; that it was the practice of the Schools and County, in many cases, to approve the same items by individual resolution that were heretofore approved by the Council by individual resolution. He said that he did not believe that the consent agenda could progress further under the framework of the charter.

ADJOURNMENT

MOTION

That the meeting adjourn to executive session to consider an appointment to the Board of Appeals, Unsafe Structure Code

Moved by VanderWall Seconded by Smith Unanimously carried

The meeting adjourned at 10:34 P.M.

ATTEST: _____
Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in adjourned special session this date at 4:00 P.M. in the Council Chambers, City Hall, Modesto, California, to consider further the capital improvement program for fiscal years 1965-66 through 1970-71, Mayor Johansen presiding.

Present: Councilmen: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Councilman Hughes arrived at 4:24 P.M.
Absent: Councilmen: None

The following reports prepared by the Director of Finance were entered into the record of the minutes: Report dated June 11, 1965, entitled "1965-66 Capital Projects, Reserves, and Fund Balances;" "Review of 1965-66 Preliminary Budget Adjustments" dated June 14, 1965, with Schedules 1A, 1B, and 1C dated June 14, 1965 attached. The reports were reviewed by Mr. Bird.

A deficit of $12,160 in the Special Gas Tax Street Improvement Fund (page 4 of report entitled "1965-66 Capital Projects, Reserves, and Fund Balances, dated June 11, 1965) was discussed by the Council. Director of Public Works Campbell stated that it was conceivable that the deficit could be made up through savings on this year's contracts, or the Orangeburg construction could be shortened by improvement from Carver to Tully instead of from Martin to Tully; that another possibility would be to delete the Orangeburg project and extending the Tully project to within the amount of funds budgeted. He recommended that the budget be approved tentatively and the funds held in contingency reserve and actually budgeted on specific projects in January, after reevaluation regarding right of way acquisitions and total revenues received.

Upon questioning, the City Manager stated that no funds were budgeted for additional downtown and residential lighting, since the Council has not as yet established a policy for the staff to follow; that the present policy calls for improvement districts.

The $396 deficit in the Park Fund (page 7 of the above mentioned report) was discussed, Director of Finance Bird stating that he did not believe that the deficit involved any legal problems.

MOTION

That Account 6656, Streets Construction, Orangeburg, Martin to Tully be reduced to $84,500

Moved by Shastid Seconded by Smith Unanimously carried

CHAMBER OF COMMERCE REQUEST FOR ADDITIONAL APPROPRIATION

Joe Good, Manager, Chamber of Commerce, stated that the Board of Directors has indicated that it would be happy to have a representative of the Council attend the Board of Director and Executive Committee meetings, and would also take steps to amend the Chamber's by-laws to make it official if the Council so desired.

An undated report entitled "Greater Modesto Chamber of Commerce Expenditure Budget" was entered into the record of the minutes. The report consists of a budget comparison of actual expenditures in 1957-58 and funds budgeted for 1965. Mr. Good was questioned by the Council on various accounts listed in the report.

Mr. Good stated that the additional $4,000 requested from the Council was proposed to be used as follows: maps and brochures, special industrial publications, and possibly travel money in connection with industrial prospecting. Mr. Good stated that in the past, city maps have been provided primarily by title companies and are no longer available. He said that a combination map-brochure is planned at a cost of 12¢ each. He described the new type of brochure planned to further industrial development, including a visual survey estimated to cost about $300.

The Council discussed the following: The importance of personal contacts in attracting new industry; the terms under which the original allocation to the Chamber was granted; whether or not the funds were being expended in accordance with the City's original intent; the presence of a Chamber representative at Council meetings in order to improve liaison between the two agencies; a suggestion that Christmas street decorations might rightfully be handled by the Chamber.

Mr. Good was questioned by the Council on the number of intra- and out-of-state trips taken for attracting new industry; the number of firms which have located in Modesto through the Chamber's initial contacts.

Mr. Good stated that the Chamber was willing to do anything possible to improve liaison between the Council and Chamber, and recommended that there be quarterly meetings between the two agencies.

MOTION

That Account 447, Industry, Business, Jobs, be increased by $2,000 (from $11,000 to $13,000) for the first half of calendar year 1966, the situation to be reviewed at the end of the first half of the year to see if funds are being expended under the terms of the agreement.

Moved by Smith Seconded by Mitchell Unanimously carried
(This motion amended by the following two motions)

MOTION

That the Chamber be allocated $11,000 for the balance of calendar year 1965, plus an additional $2,000 to be spent on the preparation of industrial brochures, for a total of $13,000; that the amount of payment to the Chamber be reviewed again around the end of the year without Council commitment as to whether the amount will be increased, decreased, or remain the same

Moved by Shastid Seconded by Mitchell

The motion carried, Councilman Patton dissenting.

John Mensinger, member of the Chamber of Commerce Board of Directors, expressed his disappointment at the Council's action.

MOTION

That the Chamber be allocated an additional $2,000 to be generally used for industrial promotion

Moved by Hughes Seconded by VanderWall

The motion carried, Councilmen Mitchell, Shastid, and Mayor Johansen dissenting.

MOTION

That the City Manager be directed to work with Mr. Good on a new agreement between the City and Chamber

Moved by VanderWall Seconded by Mitchell Unanimously carried

It was the opinion of Councilman Mitchell that the Council representative attending the Chamber of Commerce meetings should do so in the role of an unofficial observer; and that of Councilman Shastid that a Council member should be invited to attend each meeting, such member to be either the Mayor or a specific delegate appointed to act in this capacity.

The City Manager was directed to have the City Attorney check any possible violation of the Brown Act in connection with a Council member being an unofficial observer at the Chamber meetings.

CAPITAL IMPROVEMENT PROGRAM

PARKS AND RECREATION

Report on Lights at Del Webb Field

A memorandum from the Director of Public Works dated November 12, 1964 subject, "Lighting at Del Webb Field," was entered into the record of the minutes. This report was requested by the Council at the June 8th meeting.

Councilman Mitchell suggested that funds be allocated in the Capital Improvement Program for the improvement of lighting at Del Webb Field at least one year ahead, so that funds will be available if and when a major baseball team expresses interest in having a farm team in Modesto. He said that Plan C-8 of the above-mentioned report, a combination of the 120 existing reflector units operated at 8% over-voltage and 82 seal-beam units operated at rated voltage, had the advantage of both the lowest initial cost and the lowest average yearly operating cost ($11,500).

MOTION

That the sum of $12,000 be allocated for improved lighting at Del Webb Field (Plan C-8 of memorandum from Director of Public Works dated November 12, 1964); that it be placed two years ahead in the Capital Improvement Program.

Moved by Mitchell Seconded by Smith Unanimously carried

Director of Parks and Recreation Grogan pointed out that removal of the third base bleachers has been authorized; that replacement costs will be about $5,000.

PUBLIC WORKS

Corporation Yard Construction

The City Manager stated that the $260,000 allocated for this project, plus funds already appropriated, were sufficient to complete this project.

Page 8 - The Council directed that Account 656, construction of Orangeburg from Martin to Tully, be reduced from $97,000 to $84,000, to correspond with the change made earlier in the meeting.

The Council discussed the following accounts: Street studies and plans, Accounts 701, 702, and 703, respectively; 688, Miscellaneous right of way improvements; 712, Acquisition of land, Yosemite Boulevard-Las Flores to east City limits.

MOTION

That the Capital Improvement Program be tentatively approved as amended

Moved by Smith Seconded by Mitchell Unanimously carried

Mayor Johansen complimented the entire staff, particularly Director of Finance Bird and his staff, in preparation of the budget; and to the department heads for their part in answering the Council's inquiries pertaining to their particular budgets.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned
Moved by VanderWall Seconded by Mitchell Unanimously carried

The meeting adjourned at 6:00 P.M.

ATTEST: Rex E. Gailfus
Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Absent: Councilmen: None

The pledge of allegiance was given by all present.

Reverend Gary Christopherson gave the invocation.

INTRODUCTION OF OFFICIALS FROM TURKEY

Mayor Johansen introduced the following Turkish officials, who are visiting the United States under the sponsorship of the Agency for National Development in the State Department, Washington, D.C.: Fikret Nazilli of Beypazari, Akara; Rustu Eren of Kuyucak, Aydin; Kemal Demirtas of Altindag, Arkara; Raif Erbilol.

LETTER FROM THE SYLVAN UNION SCHOOL DISTRICT REQUESTING AN AGREEMENT FOR A FLAT-RATE WATER CHARGE FOR FLOYD AVENUE SCHOOL

A letter from C. F. Brown, District Superintendent, Sylvan Union School District, dated June 18, 1965 requesting an agreement with the City of Modesto for a flat-rate water charge for the Junior High School on Floyd Avenue, was entered into the record of the minutes.

By order of the Chair, the letter was referred to the staff for report and recommendation.

LETTER FROM McHENRY VILLAGE, INC., REGARDING POSSIBLE ACQUISITION OF A 7-FOOT PARCEL OF PROPERTY FROM THE CITY

A letter from Paul H. Seely, Vice President, McHenry Village, Inc., dated June 9, 1965 requesting the purchase of the easterly seven feet of city-owned property along the future extension of Northern Boulevard, was entered into the record of the minutes. Mr. Seely indicated that the seven-foot strip requested was a portion of the parcel deeded to the City by McHenry Village, Inc., in 1956, free of cost.

By order of the Chair, the letter was referred to the staff for report and recommendation.

LETTER FROM U. S. MARINE CORPS REGARDING ENLISTMENT CEREMONY FOR 22 YOUNG MEN INTO THE MARINE CORPS

A letter from Master Sergeant Henry W. Oates, USMC, dated June 10, 1965 inviting the Council to attend a ceremony in behalf of the retirement of Staff Sergeant William F. King, a life-long resident of Modesto, and the enlistment of 22 young men into the Marine Corps on Wednesday, June 30, 1965 was entered into the record of the minutes.

Sergeant Oates personally extended the invitation to the Council, stating that the ceremony would take place at about 12:30 and would be held in front of the County Offices Building. He said that Congressman McFall and Assemblyman John Veneman and members of the County Board of Supervisors have also been invited.

Mayor Johansen said he was sure that some members of the Council would plan to attend.

LETTER FROM MRS. GLENN STEPP, 1521 STETSON AVENUE, MODESTO, REGARDING ORANGEBURG AVENUE

An undated letter from Mrs. Glenn Stepp, 1521 Stetson Avenue, Modesto,

California, complaining of traffic conditions on East Orangeburg Avenue was entered into the record of the minutes.

The City Manager stated that this portion of Orangeburg Avenue was not in the city limits.

By order of the Chair, the letter was referred to the staff for answer.

LETTER FROM FRANK ANDREWS REGARDING CHAMBER OF COMMERCE APPROPRIATION

An undated letter from Frank Andrews protesting the $4,000 increase in the allocation for the Chamber of Commerce, was entered into the record of the minutes.

Mr. Andrews commented briefly on the topic of his letter. The letter was ordered filed.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER MAINS TO AND IN MORNINGSIDE HEIGHTS NO. 3 SUBDIVISION

RESOLUTION NO. 65-342

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER MAINS TO AND IN MORNINGSIDE HEIGHTS NO. 3 SUBDIVISION

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

AMENDMENT TO AN AGREEMENT PREVIOUSLY ENTERED INTO BETWEEN CITY AND ROBERT P. BOMBERGER DATED AUGUST 10, 1964 WHEREBY CITY AGREES TO FURNISH WATER SERVICES TO SHERWOOD TERRACE SUBDIVISION

RESOLUTION NO. 65-343

A RESOLUTION APPROVING AMENDMENT TO AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT P. AND MURIEL BOMBERGER

Introduced by Shastid Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

ACCEPT THOSE IMPROVEMENTS IN CRESTWOOD TERRACE NO. 4 SUBDIVISION WHICH HAVE BEEN COMPLETED - AUTHORIZE NOTICE OF COMPLETION AND RELEASE OF BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD; ACCEPT NEW BOND TO COVER IMPROVEMENTS WHICH CANNOT BE COMPLETED AT THIS TIME

RESOLUTION NO. 65-344

A RESOLUTION ACCEPTING IMPROVEMENTS IN CRESTWOOD TERRACE NO. 4 SUBDIVISION, WITH EXCEPTIONS, AUTHORIZING RELEASE OF SUBDIVISION BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD AND ACCEPTING CASH BOND TO COVER COST OF REMAINING IMPROVEMENTS

Introduced by Shastid Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

AGREEMENT BETWEEN CITY AND MODESTO POST 74, AMERICAN LEGION, FOR CONCESSION RIGHTS AT DEL WEBB FIELD

RESOLUTION NO. 65-345

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO POST 74, AMERICAN LEGION, FOR CONCESSION RIGHTS AT DEL WEBB FIELD

Introduced by Shastid Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION APPROVING REQUESTS OF THE STANISLAUS COUNTY FOURTH OF JULY COMMITTEE FOR THE CELEBRATION BEING HELD IN THE CITY OF MODESTO

RESOLUTION NO. 65-346

A RESOLUTION APPROVING REQUESTS OF THE STANISLAUS COUNTY FOURTH OF JULY COMMITTEE FOR THE CELEBRATION BEING HELD IN THE CITY OF MODESTO JULY 5, 1965

Introduced by Shastid Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

AGREEMENT BETWEEN CITY OF MODESTO AND COUNTY OF STANISLAUS FOR PHOTOGRAPHIC REPRODUCTION WORK

RESOLUTION NO. 65-347

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COUNTY OF STANISLAUS FOR PHOTOGRAPHIC REPRODUCTION WORK

Introduced by Shastid Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER AMENDMENT NO. 1 TO AGREEMENT FOR MAINTENANCE OF STATE HIGHWAYS WITHIN THE CITY

RESOLUTION NO. 65-348

A RESOLUTION APPROVING AMENDMENT TO AGREEMENT BETWEEN THE CITY OF MODESTO AND DIVISION OF HIGHWAYS FOR MAINTENANCE OF STATE HIGHWAYS IN THE CITY OF MODESTO

Introduced by Shastid Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER REQUEST TO TRANSFER YELLOW CAB COMPANY OWNERSHIP

RESOLUTION NO. 65-349

A RESOLUTION AUTHORIZING THE TRANSFER OF TWO CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE TAXICABS FROM THE ESTATE OF SAM SECRETO TO LUCIEN SECRETO AS THE CONSERVATOR FOR MRS. ROSE SECRETO

Introduced by Shastid Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RECOMMEND AMENDMENT TO ZONING REGULATIONS (ADD SECTION 10-2.1622)

RESOLUTION NO. 65-350

A RESOLUTION SETTING TIME AND PLACE FOR HEARING AMENDMENT TO ZONING REGULATIONS RELATING TO NUMBER OF DWELLING UNITS ON A PARCEL AFTER DEDICATION FOR RIGHT OF WAY

Introduced by Shastid Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

July 6, 1965 at 4:35 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

REPORT AND RECOMMENDATION - PROPOSED KIENITZ ANNEXATION

RESOLUTION NO. 65-351

A RESOLUTION GIVING NOTICE OF PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS KIENITZ ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by Shastid Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

July 6, 1965 at 4:30 P.M. in the Council Chambers, City Hall, 801 11th Street, was set as the time and place of hearing.

REPORT AND RECOMMENDATION - PROPOSED EL VECINO NO. 2 ANNEXATION

RESOLUTION NO. 65-352
A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS EL VECINO NO. 2 ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by Shastid Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

August 2, 1965 at 4:35 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

REPORT AND RECOMMENDATION - PROPOSED ANGELO ANNEXATION

RESOLUTION NO. 65-353
A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS ANGELO ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by Shastid Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

August 2, 1965 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

REQUEST FOR APPROPRIATION TRANSFER, NEW WELL, PUMP STATION NO. 32 ($4,200)

RESOLUTION NO. 65-354
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $4,200 FOR NEW WELL, PUMP STATION NO. 32

Introduced by Shastid Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDERATION OF THREE ORDINANCES REVISING PRESENT CODE PROVISIONS RELATING TO CARNIVALS AND CIRCUSES

(a) An ordinance adding Article 3 to Chapter 1 of Title IV of the Code

ORDINANCE NO. 727-C.S. entitled
"AN ORDINANCE ADDING ARTICLE 3 TO CHAPTER 1 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, RELATING TO CARNIVALS AND CIRCUSES

was introduced and ordered published as required by the Charter.

Moved by Shastid Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

(b) An ordinance amending Sections 6-1.212 and 6-1.213 of Article 2 of Chapter 1 of Title VI of the of the Modesto Municipal Code

ORDINANCE NO. 728-C.S. entitled
"AN ORDINANCE AMENDING SECTIONS 6-1.212 AND 6-1.213 OF ARTICLE 2 OF CHAPTER 1 OF TITLE VI OF THE MODESTO MUNICIPAL CODE, RELATING TO FEES FOR CARNIVALS AND CIRCUSES"

was introduced and ordered published as required by the Charter.

Moved by Shastid Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

(c) A proposed ordinance amending Section 10-2.901 of Article 9 of Chapter 2 of Title X of the Modesto Municipal Code (zoning regulations) for referral to Planning Commission

RESOLUTION NO. 65-355
A RESOLUTION REFERRING A PROPOSED ORDINANCE AMENDING ZONING REGULATIONS TO THE PLANNING COMMISSION FOR REPORT AND RECOMMENDATION (CARNIVALS AND CIRCUSES)

Introduced by Shastid Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

ADOPTION OF ORDINANCE NO. 723-C.S. RECLASSIFYING CERTAIN PROPERTY ON McHENRY AVENUE (H-1)

ORDINANCE NO. 723-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAPS 16-3-9 AND 17-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (McHENRY AVENUE - H-1)"

introduced June 14, 1965 and having been published as required, was moved and adopted

Moved by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

FURTHER CONSIDERATION OF OFFER TO PURCHASE USED 1919 SEAGRAVE PUMPER FROM THE CITY BY MARK A. SMITH, GEORGETOWN, CALIFORNIA

The City Manager stated it was still the recommendation of the staff that the 1919 Seagrave pumper be sold to Mark A. Smith for the offered price, $1,250; that it was his understanding that Fire Chief Everett has recommended that it be sold; that the Director of Parks & Recreation has stated that if housed at Children's Park, it would be subject to vandalism.

RESOLUTION NO. 65-356
A RESOLUTION AUTHORIZING SALE OF SURPLUS 1919 SEAGRAVE PUMPER TO MARK A. SMITH, GEORGETOWN, CALIFORNIA

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

Frank Andrews suggested that the pumper not be sold, but kept in the City Hall underground parking lot to be used for emergency purposes.

CONCESSION RIGHTS, BEARD BROOK PARK

A memorandum from the Director of Parks and Recreation dated June 17, 1965, subject, "Food Concession - Beard Brook Park," was entered into the record of the minutes. Miss Grogan recommended that her department be directed to work with the City Attorney to develop plans and specifications and call for bids for the establishment of a concession at Beard Brook Park.

Upon questioning, Miss Grogan stated that there were no concessions at any of the parks with the exception of Del Webb Field; that there were vending machine concessions at the swimming pools; that there had been no other requests to establish park concessions; that there were vending machine trucks that parked adjacent to the various parks.

The Council discussed the following: The necessity of a satisfactory termination clause in the agreement (one-or two-week), the importance of notifying present concessionaires with portable trucks, now serving the parks, of the City's intent to call for bids for an exclusive license.

MOTION

That the staff be directed to prepare specifications and call for bids for an exclusive concession at Beard Brook Park, to come back to the Council for final decision

Moved by Shastid Seconded by Hughes Unanimously carried

APPLICATION BY TIDEWATER SOUTHERN RAILWAY COMPANY FOR FRANCHISE FOR COMMERCIAL RAILROAD ON 9TH STREET IN THE CITY OF MODESTO

MOTION

That the application of Tidewater Southern Railway for franchise on 9th Street be referred to the City Manager for report and recommendation

Moved by Shastid Seconded by Hughes Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 1719 LOCKE ROAD

MOTION

That the request for sewer service extension to property located at 1719 Locke Road be approved

Moved by Mitchell Seconded by Hughes Unanimously carried

CONSIDER SALARY RECOMMENDATION SUBMITTED BY MODESTO CITY PERSONNEL COMMISSION

The following documents were entered into the record of the minutes: Memorandum from City Manager Keefe dated June 17, 1965, subject, "Dates of Last Three Salary Increases;" memorandum from Finance Department dated June 17, 1965, subject, "Analysis of the Pay Increases proposed by the Personnel Commission;" letter from John Tatoyan, Chairman, Personnel Commission, dated June 17, 1965, submitting the Commission's details of the study and recommendations - a 3% across-the-board increase for all employee classifications (excepting department heads and Council appointees), plus a one-half range increase of the unclassified laborer class (approximately 2½%); an additional 3% increase for sworn police officers; an additional one-range salary increase (approximately 5%) for fire series classifications. He pointed out that the Laborer class has been used as a benchmark class in the past, but the additional 2½% increase applied specifically to this class only; that this would probably result in the Laborer class no longer being used as a key class in the future.

Mr. Tatoyan stated that the Personnel Commission had discussed at great length the Police Department's seven-step range; that it was the intent of the Personnel Commission to consider sometime in the future a recommendation modifying or eliminating the seven-step range; that the request of the City Employees' Association for a change in vacation and holiday rules would be considered by the Personnel Commission in July.

Mr. Tatoyan was questioned by the Council on the following: the differential between the salaries of police and fire personnel; personnel turnover; job evaluations and class relationships.

Personnel Assistant Cheatham was questioned on the following matters: The differential between laborer and maintenance men classifications if the 1/2 range increase is approved for laborers (7%); laborer recruitment and turnover problems; whether police officer salaries affect recruitment; status of recruitment for additional police officers.

The Council discussed the following: The ratio between salaries and city operating costs (Director of Finance Bird estimating a figure of 63.5% for next fiscal year); disturbance of class relationships.

Chief Bowers was questioned on police officer turnover. He stated that most of the officers leaving city service went to work for the State Highway Patrol because of the higher salary - approximately $100 per month differential; that no applications for jobs have been received from officers from other cities for quite some time.

The Personnel Commission and staff were complimented by the Council on the preparation of the report submitted to the Council.

MOTION

That a general salary increase of 3% for all city employees (excluding department heads, Council appointees, and hourly salaried employees in unclassified positions) be approved

Moved by VanderWall Seconded by Smith Unanimously carried

MOTION

That the Council does not approve the recommended one-half range salary increase for unclassified laborers only

Moved by Shastid Seconded by Hughes Unanimously carried

MOTION

That an additional 2% increase for sworn police officers be approved

Moved by Patton Seconded by VanderWall Unanimously carried

MOTION

That the above motion pertaining to a salary increase for sworn police officers be amended to approve a 3% increase instead of a 2% increase

Moved by Mitchell Seconded by Smith

The motion carried, with one dissenting vote.

MOTION

That an additional salary increase of 3% for classifications in the fire series be approved

Moved by Shastid Seconded by Mitchell Unanimously carried

MOTION

That the effective date of the salary increase approved in the above motions be July 1, 1965, as recommended by the Personnel Commission

Moved by VanderWall Seconded by Smith

The motion carried, Councilman Shastid dissenting.

MOTION

That a general salary increase of 3% for department heads and Council appointees (excluding the City Attorney) be approved, effective July 1, 1965

Moved by Mitchell Seconded by Hughes Unanimously carried

RESOLUTION NO. 65-357

A RESOLUTION ESTABLISHING SALARY SCHEDULES AND FIXING THE COMPENSATION FOR POSITIONS IN THE CITY SERVICE (classified personnel and laborers)

Introduced by VanderWall Seconded by Mayor Johansen
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION NO. 65-358

A RESOLUTION FIXING THE COMPENSATION FOR SPECIFIED POSITIONS IN THE CITY SERVICE (Department Heads and Council appointees)

Introduced by VanderWall Seconded by Mayor Johansen
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

A motion proposed by Councilman Shastid that the date of the increases be effective October 1, 1965 died for the lack of a second.

MATTERS FOR THE GOOD OF THE COMMUNITY

Report by Councilman VanderWall - Yosemite Boulevard Widening

Councilman VanderWall, Council representative of the Stanislaus County Highway Committee, reported that a notification has been received from the State Division of Highways indicating that the City-County-State agreement for the widening of Yosemite Boulevard has been executed by the State.

MOTION

That the staff be directed to work with the County and to begin acquisition of rights of way for the widening of Yosemite Boulevard

Moved by VanderWall Seconded by Shastid Unanimously carried

BUDGET MATTERS - None

REPORT ON COST OF INSTALLATION OF WATER LINES

Memoranda from the Director of Public Works dated June 16, 1965, reporting the cost of installation of water mains in the following subdivisions were entered into the record of the minutes: Brookdale Park No. 3 Subdivision; Fairway Estates No. 1 Subdivision; Sherwood Terrace Subdivision; Sylvan Glen Subdivision.

MOTION

That the above reports be accepted

Moved by Shastid Seconded by Patton Unanimously carried

Councilman Shastid was excused from the meeting at 6:17 P.M.

REPORT BY COUNCILMAN RICHARD VANDERWALL ON TRIP TO THE ANNUAL CONFERENCE OF MAYORS IN ST. LOUIS, MISSOURI

Councilman VanderWall reported briefly on his trip to the annual Conference of Mayors in St. Louis, Missouri. He said that he had requested the Deputy Assistant Secretary of Health and Welfare to send information on the following Acts recently passed by Congress which are of benefit to cities: Library Construction Act, Water Pollution Act, with $500,000,000 appropriated to cities: the Flaggerty and McNamara Bill, which provides funds to communities for assistance to elderly citizens. Councilman VanderWall stated that the last bill mentioned might be an avenue to pursue in helping the Modesto Senior Citizens Club secure funds for a meeting place.

Of particular interest to Councilman VanderWall was a speech by Judge George Edwards, U.S. Court of Appeals, copies of which were made available to the Council and Police Chief Bowers. Another point of interest was an effort of the House of Representatives to have a representative in the Executive Branch who will assist city representatives while in Washington.

Councilman VanderWall briefly discussed the following: Solid waste disposal - an industry which salvages millions of tons of scrap (including junked cars) every year in various parts of the United States for flowback to mills and foundries; an ordinance adopted by certain cities which requires a business permit if more than three junked cars are parked on a

lot; an "Ambassador's Club" established in St. Louis whereby business and professional men greet people coming to conventions, escort them to hotels, and arrange for entertainment during their stay. He read an excerpt from a speech given by Mayor Herman Golden, St. Petersburg, regarding law enforcement, pertaining to the roll of citizens in law enforcement, who said that' "there isn't a police department in the world large enough to do the whole job; that the law enforcement situation is best in those communities where there is a sense of partnership between the police, social welfare agencies and the citizens." Councilman VanderWall suggested that the staff write to the Executive Director of the International Association, Chiefs of Police, Inc., for information as to how the groups are organized.

REPORT ON APPLICATION OF MASTER ANTENNA SYSTEMS FOR FRANCHISE TO PROVDE CATV

A report from the Deputy City Manager dated June 11, 1965 subject, "Report on Application of Master Antenna Systems for Franchise to Provide CATV in Modesto," was entered into the record of the minutes. Mr. Ray recommended that if further formal applications for franchises are received, that they be held until the picture is completely clear in respect to F.C.C. control of CATV. The report was ordered filed. No action was taken by the Council.

LETTER FROM RECEPTION UNLIMITED REGARDING WITHDRAWAL OF APPLICATION FOR FRANCHISE FOR CATV

A letter from James Ballard, Operations Manager, Reception Unlimited, dated June 9, 1965 requesting permission to withdraw their application for a franchise for a master antenna, and requesting that their $500 cash deposit be returned, was entered into the record of the minutes.

RESOLUTION NO. 65-359

A RESOLUTION AUTHORIZING MASTER ANTENNA SYSTEMS TO WITHDRAW ITS APPLICATION FOR A FRANCHISE FOR CATV, AND AUTHORIZING THE RETURN OF ITS DEPOSIT IN THE AMOUNT OF $500.00

Introduced by Hughes Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

CONSIDER APPOINTMENT OF MEMBER TO THE BOARD OF APPEALS - UNSAFE STRUCTURE CODE

RESOLUTION NO. 65-360

A RESOLUTION APPOINTING MEMBER OF THE MODESTO CITY BOARD OF APPEALS, UNSAFE STRUCTURE CODE (S. M. (STEVE) ANGELO FOR A TERM EXPIRING JANUARY 1, 1966)(filling the unexpired term of Andrew W. Moser)

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

ACCEPTANCE OF RESIGNATION OF ANDREW W. MOSER

RESOLUTION NO. 65-361

A RESOLUTION ACCEPTING RESIGNATION OF ANDREW W. MOSER FROM THE BOARD OF APPEALS, UNSAFE STRUCTURE CODE, AND COMMENDING HIM FOR SERVICES RENDERED TO THE CITY OF MODESTO

Introduced by Hughes Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

ADJOURNMENT

MOTION

That the meeting now in session be adjourned
Moved by Mitchell Seconded by Patton Unanimously carried
The meeting adjourned at 6:30 P.M.

ATTEST: _____
Rex E. Gallus, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, 801 11th Street, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Absent: Councilmen: Shastid

The pledge of allegiance to the Flag was given by all present.

A moment of silent prayer was observed.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

The minutes of the regular meetings of June 7 and 14, and special budget meeting of June 8, 1965 were approved as presented.

REQUEST BY BUD WESSON, ACCOUNT EXECUTIVE, AD-ART SIGN COMPANY, FOR A SIGN VARIANCE - BRIGGSMORE SQUARE

A letter from Bud Wesson dated June 22, 1965 requesting a variance to permit a 70-foot sign in Briggsmore Shopping Center was entered into the record of the minutes.

RESOLUTION NO. 65-362
A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF AD-ART SIGN COMPANY FOR A SIGN VARIANCE AT BRIGGSMORE SQUARE

Introduced by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

July 12, 1965 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

LETTER FROM J. C. WOMACK, STATE HIGHWAY ENGINEER, STATE DIVISION OF HIGHWAYS, REGARDING DIRECTIONAL SIGNS AT JUNCTION OF U. S. 50 AND STATE HIGHWAY 33

A letter from J. C. Womack, State Highway Engineer, dated June 18, 1965 stating that the Division of Highways was making a review of conditions along the two routes between Modesto and Tracy to determine the advisability of changing the existing signing, as requested by the City of Modesto and County of Stanislaus, was entered into the record of the minutes.

Mayor Johansen read a letter from Mr. Womack dated June 22, 1965 stating that it has been decided to omit the sign directing traffic from Modesto to San Francisco via Route 132 when the new freeway is opened. The letters were ordered filed.

LETTER FROM DON L. CURTICE REGARDING CARE OF PARK LOCATED BETWEEN COVENA AVENUE AND CAMELLIA AVENUE, CITY OF MODESTO 1-38

A letter from Don L. Curtice dated June 17, 1965 requesting that the City maintain a park area located between Covena Avenue and Camellia Avenue, north of Encina, was entered into the record of the minutes. Mr. Curtice indicated that he has been maintaining the area since 1950.

By order of the Chair, the letter was referred to the staff for report.

LETTER FROM GEORGE A. WILLSON, MEMBER OF ASSEMBLY, REGARDING HOUSE RESOLUTION NO. 523 - "FREE PRESS" AND "FAIR TRIAL."

A letter from Assemblyman George A. Willson dated June 17, 1965 with House resolution No. 523 relative to constitutional guarantees of "Free Press" and "Fair Trial" attached, was entered into the record of the minutes. The letter was ordered filed.

COMMUNICATION FROM JAMES F. DOWD, CHAIRMAN, PARKING AND TRAFFIC ADVISORY COMMITTEE, REGARDING CROSSWALKS AND ENFORCEMENT OF PARKING METERS

A memorandum from James F. Dowd dated June 22, 1965, subject, "Recommendations," was entered into the record of the minutes.

The Parking and Traffic Advisory Committee recommended that mid-block crosswalks be installed on 10th and 11th Streets between I and J Streets, without traffic signals, and without changing the timing of the nearby signals; that parking meters be enforced only between 9:30 A.M. and 5:00 P.M., without changing the parking regulations and signs which now require enforcement from 9:00 A.M. to 6:00 P.M., on the basis that enforcement is undesirable before 9:30 A.M. and after 5:00 P.M.

Chief Bowers stated that the parking and traffic officers were seldom on the streets before 9:15 A.M. and were in the office preparing their reports usually at about 4:50 P.M. Upon questioning, Chief Bowers said that he preferred a flexible rather than a hard, fast rule.

The recommendations were discussed by the Council.

MOTION

That no change be made in the parking regulations or the manner in which parking enforcement is presently being handled, encouraging the 9:30 A.M. to 5:00 P.M. enforcement, with no advertising to be done on the suggested method of enforcement

Moved by Hughes Seconded by Smith

The motion carried, Mayor Johansen and Councilman Mitchell dissenting.

Upon questioning, Director of Parking and Traffic Carmody stated that the cross walks proposed were the standard two-line; that four parking spaces per crosswalk would be lost.

MOTION

That the Parking and Traffic Advisory Committee's recommendation for crosswalks on 10th and 11th Streets between I and J Streets be approved on an experimental basis, without traffic signals and without changing the timing of the nearby signals; that the City Attorney be directed to prepare the necessary documents to effect the recommendation

Moved by Mitchell Seconded by VanderWall Unanimously carried

LETTER FROM TELE-PIX CORPORATION REGARDING RE-ESTABLISHMENT OF INTENT FOR APPLICATION OF FRANCHISE - COMMUNITY ANTENNA TELEVISION SYSTEM

A letter from John Musgrove, President, Tele-Pix Corporation, dated June 21, 1965 declaring the intent of the corporation to re-establish its intent to apply for the issuance of a franchise for the installation of a community antenna television system in the City of Modesto, was entered into the record of the minutes.

The letter was ordered filed.

LETTER FROM CHARLES V. JEFFERS, OWNER-DEVELOPER, STRATHMORE SUBDIVISION, REGARDING WATER AND SEWER CHARGES 2-77

A letter from Charles V. Jeffers dated June 23, 1965 requesting modification of an agreement with the City dated August 26, 1959 was entered into the record of the minutes. Mr. Jeffers requested modification of Section 12, pages 4 and 5, particularly the following two sentenses: "Annual payments shall continue on any areas upon which final maps have not been filed on the entire area covered by the tentative map. No refund of advance annual payments shall be made in the event that development takes place within the year following such annual payment."

Deputy Manager Ray stated that Mr. Jeffers was asking the City to waive a portion of the agreement between Mr. Jeffers and the City for Strathmore Estates Subdivision so that he would not have to pay the billing for water and sewer charges for the year of 1964 in the amount of $1,405.80. He said that this billing was set up under the terms of the agreement and occasioned by the fact that it was necessary to spend $65,000 to construct a trunk sewer line to serve the subdivision, and it was also necessary to spend considerable sums of money to extend the water system to the subdivision. In addition to this, Mr. Ray stated that the City also participated in the amount of $5,000 in perimeter sewers on the boundaries of the subdivision, which were advances and will be repaid to the City when the adjoining properties develop; that Mr. Jeffers subdivided in two sections, Strathmore Estates No. 1 and No. 2, and under the terms of the agreement, unless the final map was filed on the additional section within twelve months, Mr. Jeffers was to pay one-half the regular amounts for water and sewer, the purpose being to provide some return to the City for its very large investment in order to serve this particular area. Mr. Ray stated that even if all of the lots in the subdivision were developed, the return to the City would be less than 2% on its investment for the trunk sewer alone; that to date, a large number of the lots in the subdivision have not yet been developed, that the final map was filed in July 1964 on the second section, but under the terms of the agreement the developer was to pay in advance each year the sum of $1,405.80, and with no refund of this payment. Mr. Ray, after a review of the records, said that no basis could be found for not requiring Mr. Jeffers to make the payment unless the agreement could be amended, nor could a basis be found for amendment of the agreement.

Mr. Jeffers spoke briefly in support of his request, asking that he not be required to pay the $1,405.80 for 1964.

Mr. Jeffers was questioned by the Council. The City Attorney stated that there was no basis on the facts presented for amendment of the agreement to be effective retroactively.

No action was taken by the Council.

CONSIDER AWARD OF BID FOR THE CONSTRUCTION OF PUMP HOUSE AND HYDRO-PNEUMATIC TANK AT STATION 31 FOR LEGION PARK 4-0

RESOLUTION NO. 65-363

A RESOLUTION ACCEPTING THE BID OF CUPP CONSTRUCTION COMPANY FOR CONSTRUCTION OF PUMP HOUSE AND HYDRO-PNEUMATIC TANK AT STATION 31 FOR LEGION PARK ($5,400)

Introduced by VanderWall Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

CONSIDER AWARD OF BID FOR THE IMPROVEMENT OF TULLY ROAD FROM LEAONARD AVENUE TO PEARL STREET

RESOLUTION NO. 65-364

A RESOLUTION ACCEPTING THE BID OF STANDARD MATERIALS COMPANY FOR IMPROVEMENT OF TULLY ROAD FROM LEONARD AVENUE TO PEARL STREET ($99,455)

Introduced by VanderWall Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

CONSIDER AWARDING UNION OIL CO. OF CALIFORNIA A CONTRACT FOR FURNISHING GASOLINE FOR A ONE-YEAR PERIOD BEGINNING JULY 1, 1965

RESOLUTION NO. 65-365

A RESOLUTION ACCEPTING THE BID OF UNION OIL COMPANY OF CALIFORNIA FOR GASOLINE FOR THE FISCAL YEAR 1965-66 (joint City-County bid)

Introduced by VanderWall Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

RECOMMENDATION THAT INSTALLATION OF WATER LINE IN EVERGREEN ROAD WEST OF PRESCOTT ROAD BE PERFORMED BY CITY FORCES

RESOLUTION NO. 65-366
A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER LINE IN EVERGREEN ROAD WEST OF PRESCOTT ROAD (no bids received)

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

RECOMMENDATION THAT INSTALLATION OF WATER MAINS IN McHENRY AVENUE AND RUMBLE ROAD AND IN KING ARTHUR'S CAMELOT SUBDIVISION BE PERFORMED BY CITY FORCES

RESOLUTION NO. 65-367
A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER MAINS IN McHENRY AVENUE AND RUMBLE ROAD AND IN KING ARTHUR'S CAMELOT SUBDIVISION (no bids received)

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

RECOMMENDATION THAT INSTALLATION OF WATER LINES IN LEGION PARK BE PERFORMED BY CITY FORCES

RESOLUTION NO. 65-368
A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER LINES IN LEGION PARK (no bids received)

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

RECOMMENDATION THAT INSTALLATION OF WATER LINES IN COLONIAL MANOR NO. 3 SUBDIVISION BE PERFORMED BY CITY FORCES

RESOLUTION NO. 65-369
A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER LINES IN COLONIAL MANOR NO. 3 SUBDIVISION (no bids received)

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

ADOPTION OF ORDINANCE NO. 727-C.S. RELATING TO CARNIVALS AND CIRCUSES

ORDINANCE NO. 727-C.S. entitled
"AN ORDINANCE ADDING ARTICLE 3 TO CHAPTER 1 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, RELATING TO CARNIVALS AND CIRCUSES"

introduced June 21, 1965 and having been published as required, was moved and adopted.

Moved by Hughes Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

ADOPTION OF ORDINANCE NO. 728-C.S. RELATING TO FEES FOR CARNIVALS AND CIRCUSES

ORDINANCE NO. 728-C.S. entitled
"AN ORDINANCE AMENDING SECTIONS 6-1.212 AND 6-1.213 OF ARTICLE 2 OF CHAPTER 1 OF TITLE VI OF THE MODESTO MUNICIPAL CODE, RELATING TO FEES FOR CARNIVALS AND CIRCUSES"

introduced June 21, 1965 and having been published as required, was moved and adopted.

Moved by Hughes Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

ADOPTION OF ORDINANCE NO. 726-C.S. RECLASSIFYING CERTAIN PROPERTY AT COFFEE ROAD AND FLOYD AVENUE (BOMBERGER PROPERTY)

ORDINANCE NO. 726-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 15-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (BOMBERGER)"

introduced June 14, 1965 and having been published as required, was moved and adopted.

Moved by Hughes Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

CONSIDER AWARD OF BID FOR CONSTRUCTION OF CURBS, GUTTERS AND SIDE-WALKS AT ENSLEN, GRACEADA, ROOSEVELT AND 17TH AND G STREET PARKS

RESOLUTION NO. 65-370
A RESOLUTION ACCEPTING THE BID OF A. C. CONSTRUCTION COMPANY FOR CONSTRUCTION OF CURBS, GUTTERS AND SIDEWALKS AT ENSLEN, GRACEADA, ROOSEVELT AND 17TH AND G STREET PARKS (Alternate No. 2, $23,412)

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

RESOLUTION NO. 65-371
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $4,560 - ADDITIONAL FUNDS FOR ROOSEVELT PARK IMPROVEMENTS (Additional funds for construction of two tennis courts and lighting of four courts)

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

CONSIDER AWARD OF BID FOR CONSTRUCTION OF IMPROVEMENTS AT GARRISON PARK SITE

RESOLUTION NO. 65-372
A RESOLUTION ACCEPTING THE BID OF A. C. CONSTRUCTION COMPANY FOR CONSTRUCTION OF IMPROVEMENTS AT GARRISON PARK SITE ($10,564 - Alternate 2)

Introduced by Smith Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

RESOLUTION NO. 65-373
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $1,265 - IMPROVEMENTS AT GARRISON PARK SITE (to allow completion of projects as originally planned this fiscal year)

Introduced by Smith Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

HEARING ON PROPOSED ABANDONMENT OF A PORTION OF 18TH STREET 4-35

Mayor Johansen announced that the hour of 8:10 P.M. had arrived, the time set for consideration of the proposed abandonment of a portion of 18th Street, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on June 17, 1965 and notices posted in the area on June 17, 1965. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 65-77 recommends that the northeasterly 30 feet of 18th Street between H and I Streets, and 130 feet of a 25-foot alley in Block 132 be abandoned.

The City Attorney stated that the preliminary title report of the parcel proposed for abandonment indicates that when it is abandoned, ownership of the areas will probably revert to someone other than the Church; that it will be necessary for the Church to take action to either acquire the property from the heirs of the original owners, or bring quiet title action; that the Planning Commission has recommended that the abandonment be done subject to an agreement between the City and the Church. Mr. Johnson recommended that if the Council decided to abandon the street, that the Council indicate its intent by motion; based on this motion of intent, the Church could proceed to expend the necessary time and money to clear the title of the areas. When these matters are cleared, Mr. Johnson said that the matter would be brought back to the Council for formal action. Upon questioning, the City Attorney said it was his opinion that a reasonable time within which to present the matter to the Council for formal action would be six months; that if it went beyond this time it might be necessary to readvertise and hold a new public hearing, which would be at the expense of the Church.

Reverend Hayes reported on the expenditures of the Church to date in connection with the abandonment.

No one else in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

MOTION

That the Council declares its intent to formally abandon the northeasterly 30 feet of 18th Street between H and I Streets, and 130 feet of a 25-foot alley in Block 132 at such time as the Church can clear title to the areas and is prepared to enter into an agreement with the City as per recommendation of the Planning Commission

Introduced by VanderWall Seconded by Hughes Unanimously carried

HEARING ON PROPOSED AMENDMENT TO THE SUBDIVISION REGULATIONS

Mayor Johansen announced that the hour of 8:10 P.M. had arrived, the time set for consideration of a proposed amendment to the subdivision regulations pertaining to part-width streets, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on June 17, 1965 and notices mailed to interested parties. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 65-66 recommends an amendment to Section 4-4.302(a)(8) of the Municipal Code in accordance with proposed revised ordinance dated May 4, 1965 titled, "An Ordinance amending Section 4-4.302 of Article 3 of Chapter 4 of Title IV of the Modesto Municipal Code, Relating to Streets in Subdivisions," on file in the office of the Planning Director.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

ORDINANCE NO. 729-C.S. entitled
"AN ORDINANCE AMENDING SECTION 4-4.302 OF ARTICLE 3 OF CHAPTER 4 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, RELATING TO STREETS IN SUBDIVISION"

was introduced and ordered published as required by the Charter.

Moved by Hughes Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

MATTERS FOR THE GOOD OF THE COMMUNITY

Tuolumne Area Park - Progress Report

Upon questioning by Councilman VanderWall, Director of Parks and Recreation Grogan stated that the Parks and Recreation staff has been working with the County on the development of a topographical plan which has been approved by both the City Council and County Board of Supervisors; that before any development can take place, an overall plan will have to be designed.

The City Manager stated it was hoped that after the preliminary plan is approved, it be incorporated in the County General Plan and approved by the State for application for federal funds.

Southern Pacific Depot park area

Miss Grogan stated that a suggested sketch for the improvement of the Southern Pacific Depot park area has been submitted to Southern Pacific; that no word has been received as to whether any or all of the suggested sketch will be used.

CONSIDER AWARD OF BID FOR THE CONSTRUCTION OF THE BEACON TOWER AND REMOTE CONTROL CIRCUIT FOR AIRPORT LIGHTING AT THE MODESTO CITY-COUNTY AIRPORT

The City Attorney stated that the City is in receipt of a grant offer from the federal government for its share of cost of the beacon tower and remote control circuit for airport lighting project; that adoption of a resolution accepting the offer of the federal government for a grant for construction of the beacon tower and remote control circuit for airport lighting at the City-County Airport was needed.

RESOLUTION NO. 65-374
A RESOLUTION ACCEPTING THE OFFER OF THE UNITED STATES OF AMERICA FOR A GRANT OF FEDERAL FUNDS FOR THE DEVELOPMENT OF THE MODESTO CITY-COUNTY AIRPORT (Relocate airport lighting controls to control tower; install 36" airport beacon and tower)

Introduced by Hughes Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

RESOLUTION NO. 65-375
A RESOLUTION ACCEPTING THE BID OF INDUSTRIAL ELECTRICAL CO., INC., FOR CONSTRUCTION OF THE BEACON TOWER AND REMOTE CONTROL CIRCUIT FOR AIRPORT LIGHTING AT THE MODESTO CITY-COUNTY AIRPORT (conditional upon passage of resolution by County accepting federal grant offer)

Introduced by Hughes Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

RESOLUTION NO. 65-376

A RESOLUTION AUTHORIZING THE TRANSFER OF $11,000.00 FROM THE GENERAL FUND (FUND NO. 101) OF THE CITY OF MODESTO TO THE SPECIAL AVIATION FUND (FUND NO. 306) (for construction of beacon and runway lighting control and taxiway relocation at Airport)

Introduced by Hughes Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

CONSIDER AWARD OF BID FOR THE IMPROVEMENT OF COLLEGE AVENUE (UNIT NO. 1) AND RUMBLE ROAD (UNIT NO. 2) AT DAVIS PARK

At the request of the City Manager, and with the unanimous consent of the Council, this item was removed from the agenda.

RECOMMENDATION THAT INSTALLATION OF WATER MAINS IN NORTHFIELD SUBDIVISION AND IN COLLEGE AVENUE AND IN RUMBLE ROAD BE PERFORMED BY CITY FORCES

At the request of the City Manager, and with the unanimous consent of the Council, this item was removed from the agenda.

FURTHER CONSIDERATION OF DAVIS HIGH SCHOOL SWIMMING POOL 5-52

The following documents were entered into the record of the minutes: Letter from Superintendent of Modesto City Schools Harry D. Wiser, dated June 8, 1965 requesting that the City participate in the cost of a swimming pool at Davis High School, estimated total cost of the pool, $93,800; memorandum from Director of Parks and Recreation dated June 24, 1965, subject, "Background information regarding joint construction of swimming pools by the City of Modesto and the Modesto City Schools."

The City Manager stated that a check of the plans of the S.O.S. Club indicates that the specifications are essentially the same as those proposed for the Davis High School pool, and apparently designed in accordance with the same standards as required for swimming pools for schools.

The Council discussed the following: the comparative size of the S.O.S. and proposed Davis High School pool; the need of a pool in the Davis High School area; whether or not the Council will continue to share in the cost of swimming pools at future high schools; the City-Schools policy of joint acquisition of adjacent school-park sites.

The City Manager stated that the Council, at the March 15, 1965 meeting, by motion authorized the staff to prepare the necessary documents for city participation in the construction of a swimming pool at Grace M. Davis High School on a 50-50 basis based at an estimated cost of $85,000.

Terms of a proposed agreement with the Schools for the Davis High School swimming pool were outlined by Miss Grogan.

John Bomberger, architect, stated that the increased cost estimate of the pool was based on an anticipated increase in labor costs and about $3,000 of the increase on the handling of backwash and drainage of the pool.

MOTION

That the staff be directed to prepare an agreement between the City and the Schools for city participation in the construction of a swimming pool at Grace M. Davis High School at one-half the estimated cost of $93,800; that the agreement contain the provision that the Council not only approve the final plans, but that the City be consulted before bid for the construction of the pool is awarded

Moved by Smith Seconded by VanderWall Unanimously carried

REPORT ON REQUEST FOR STORM DRAINAGE DISTRICT 7-95

The following documents were entered into the record of the minutes: Memorandum from Director of Public Works dated June 23, 1965, subject, "Petition for Storm Drainage District, Northeast Modesto;" attachment dated November 17, 1964 prepared by the Public Works Department entitled "Questions on Proposed Northeast Drainage District." At the June 14, 1965 meeting, the staff was directed to furnish the Council further information on the proposed storm drainage improvement district east of McHenry Avenue and north of Modesto Irrigation District Lateral No. 3.

The Council discussed the following: The need for more active support of the district before a hearing is set; the cost of a postcard poll of the proposed district.

MOTION

That the staff be authorized to inform the petitioners of the Council's gratitude for their interest in the formation of a drainage district; that the Council desires wider support of the district before expending funds; that staff and Council cooperation be offered

Moved by VanderWall Seconded by Patton Unanimously carried

REPORT ON REQUEST OF McHENRY VILLAGE, INC., TO ACQUIRE THE EASTERN SEVEN FEET OF THE SITE OF PUMP STATION NO. 21

A memorandum from Assistant Director Frank Reynolds dated June 23, 1965, subject, "Request by McHenry Village for Parcel of Land at Pump Station No. 21," was entered into the record of the minutes. Recommendation was made that the City prepare and furnish a grant deed to McHenry Village, Inc., for the easterly seven feet without compensation, and that any costs involved in recordation be borne by McHenry Village, Inc.

RESOLUTION NO. 65-377

A RESOLUTION AUTHORIZING THE CONVEYANCE OF PROPERTY OWNED BY THE CITY OF MODESTO TO McHENRY VILLAGE, INC. (Excess property adjacent to Pump Station No. 21)

Introduced by Hughes Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

ACCEPT IMPROVEMENTS IN BROOKDALE PARK NO. 3 SUBDIVISION AND AUTHORIZE CITY CLERK TO FILE NOTICE OF COMPLETION AND RELEASE BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

At the request of the City Manager, and with the unanimous consent of the Council, this item was removed from the agenda.

1965-66 BUDGET

The following documents were entered into the record of the minutes: Memorandum from Director of Finance dated June 28, 1965, entitled "1965-66 Budget Summary;" "Summary of 1965-66 Preliminary Budget Adjustments: dated June 28, 1965;" "Detail of Adjustments to Appropriations, 1965-66 Budget;" "Detail of Contingency Reserve, 1965-66 Budget;" "Detail of Adjustments to Revenue, 1965-66 Budget."

Director of Finance Bird stated that the above summary and adjustments contained full information on all changes and adjustments in the preliminary budget approved by the Council and which will constitute the final budget; that the property tax revenue was predicated on an approximate five per cent increase in the assessed value and the same tax rate ($1.77); that the deadline for adjustment of the tax rate was September 1, 1965.

No action was taken by the Council on the adoption of the budget, with a decision by unanimous consent that the present meeting be adjourned to June 30, 1965 at 7:30 A.M. in the Multipurpose Room for further consideration of the final budget.

APPROPRIATION TRANSFER COVERING OVERHEAD EXPENSES FOR CONSTRUCTION OF TRAFFIC SIGNALS 9-59

RESOLUTION NO. 65-378

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $190 FOR OVERHEAD EXPENSES - TRAFFIC SIGNALS (SANTA ANA-LA LOMA, NEEDHAM-SYCAMORE, AND 12TH-L STREETS

Introduced by VanderWall Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

APPROPRIATION TRANSFER OF $630 - SEWAGE TREATMENT PLANT, ODOR CONTROL AND SANITARY SEWER CONNECTION

RESOLUTION NO. 65-379

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $630 WITHIN SEWER SERVICE FUND (ADAMS PLUMBING SEWER CONNECTION IN CARVER ROAD, AND ELECTRICAL SYSTEM REVISIONS AT SEWAGE TREATMENT PLANT)

Introduced by Mitchell Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

CHRISTMAS DECORATIONS - VERBAL REPORT BY PUBLIC RELATIONS COMMITTEE

Mayor Johansen, Chairman of the Public Relations Committee, stated that the Committee recommends that the City's policy on Christmas street decorations remain the same as it has been for the past two years during fiscal year 1965-66; that consideration of a change in the City's Christmas street decoration policy be placed on the agenda of the January 10, 1966 meeting. Mayor Johansen said that the Committee also considered the possibility of the City doing its part by decorating the City Hall and all of the fire stations throughout the City, and discontinuing the contribution of funds to the various merchants associations; that the Council would meet with interested merchant groups between now and January to make the Committee's recommendations known.

Councilman VanderWall stated that the County would also be contacted for indication of interest in decorating county buildings.

Frank Muratore, 712 Brady Avenue, spoke briefly on the stimulus to business supplied by Christmas decorations, stating that people traveled many miles during the Christmas shopping season to view decorations.

MOTION

That the Council declares its intent to appropriate funds for Christmas decorations for fiscal year 1965-66, in accordance with its policy during the past two years

Moved by Hughes Seconded by VanderWall Unanimously carried

Upon questioning, the City Manager stated that the safety factor in the use of the light standards for Christmas decorations has not been resolved, but that the Downtown Modesto Association was aware of the problem, and was considering other types of decorations.

REPORT ON COST OF INSTALLATION OF WATER LINES IN FELLOWSHIP HOMES

A memorandum from the Director of Public Works dated June 18, 1965, subject, "Cost of Installation of Water Mains in Fellowship Homes (W.O. 5308)" was entered into the record of the minutes. The report was ordered filed.

REPORT ON COMMUNICATION FROM PAUL A. CARLSON, M.D., REGARDING INCOME PROTECTING DISABILITY INSURANCE

The City Manager stated that a letter from Paul A. Carlson, M.D., regarding income protecting disability insurance has been referred to the Modesto City Employees' Association for consideration; that a letter has been written to Dr. Carlson advising him of the staff's action.

INVITATION TO RIDE IN THE FOURTH OF JULY PARADE BY PARADE CHAIRMAN CAL PURVIANCE

A letter from Cal Purviance, Parade Chairman, Stanislaus County Fourth of July Committee, dated June 18, 1965 inviting the Mayor and members of the Council to ride in the Fourth of July Parade on July 5th, was entered into the record of the minutes. The City Clerk was directed to advise Mr. Purviance of the Council members able to ride in the parade.

REMINDER

Mayor Johansen reminded the Council that the next regular Council meeting would be held Tuesday, July 6th, 1965 at 4:00 P.M.

ADJOURNMENT

MOTION

That the meeting now in session adjourn to June 30, 1965 at 7:30 A.M. in the Multipurpose Room, City Hall

Moved by VanderWall Seconded by Patton Unanimously carried

The meeting adjourned at 9:50 P.M.

ATTEST: _____
Rex E. Gailfus, City Clerk

Modesto City Council
June 30, 1965

The Council of the City of Modesto met in adjourned regular session this date at 7:30 A.M. in the Multipurpose Room, City Hall, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Absent: Councilmen: Shastid

1965-66 Budget

The Council discussed the following: Current and anticipated park development; the amount of funds budgeted for park development for fiscal year 1965-66 over and above the $37,909 estimated from the 5¢ property tax levy; parks presently being acquired; park acquisitions proposed in the 1965-66 Capital Improvement Program; whether or not federal funds will be available for the development of the new corporation yard, City Manager Keefe stating that application for federal funds will be made if the 1965 Economic Opportunity Act is passed.

ORDINANCE NO. 730-C.S. entitled
"AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 1966, AND PROVIDING FOR CERTAIN TRANSFERS OF FUNDS"

was introduced and adopted and ordered published as required by the Charter.

Moved by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

APPROPRIATION TRANSFER - ADDITIONAL FUNDS FOR ADVERTISING, CITY CLERK'S OFFICE

RESOLUTION NO. 65-380
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $191 - ADDITIONAL FUNDS FOR ADVERTISING, CITY CLERK'S OFFICE

Introduced by VanderWall Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

OPEN HOUSE - SEWAGE TREATMENT PLANT

The City Manager stated that an open house was held at the Sewage Treatment Plant on Saturday, June 26, 1965 from 10:00 to 12:00 with 25 people present.

An open house at the sewage treatment plant for the general public to inform them what has been done and what is being contemplated for odor control was discussed.

MOTION
That an open house be held at the sewage treatment plant for the general public from 4:00 P.M. until dark on Wednesday, July 14, 1965; that a special invitation be sent to the operators of agricultural canneries, the Board of Supervisors, representatives of the Water Pollution Control Board, and inhabitants in the vicinity of the plant

Moved by Smith Seconded by Patton Unanimously carried

ADJOURNMENT

MOTION
That the meeting now in session be adjourned
Moved by VanderWall Seconded by Mitchell Unanimously carried

The meeting adjourned ~~at~~ 8:10 A.M.

ATTEST: Rex E. Gailfus
Rex E. Gailfus, City Clerk

Modesto City Council
July 6, 1965

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, VanderWall, Mayor Johansen
Councilman Patton arrived at 4:06 P.M.
Absent: Councilmen: Shastid, Smith

The pledge of allegiance was given by all present.

Reverend Dale Sherwood gave the invocation.

APPROVAL OF MINUTES

The minutes of the special adjourned meeting of June 15, 1965 and the regular meeting of June 21, 1965 were approved.

LETTER FROM RAY SIMON REQUESTING USE OF THE GRACEADA MANCINI BOWL FOR CALIFORNIA REPUBLICAN LEAGUE ON JULY 27, 1965 AT 7:30 P.M.

A letter from Ray Simon, representative of the California Republican League, dated June 28, 1965 requesting use of the Graceada Mancini Bowl for the California Republican League on July 27, 1965 at 7:30 P.M. was entered into the record of the minutes.

City Manager Keefe advised the Council of the precedent set in October 1964 when the Young Democrats of Stanislaus County were allowed to use the Bowl for a rally.

MOTION

That the request of Ray Simon, representative of the California Republican League, for use of Mancini Bowl in Graceada Park on July 27, 1965 at 7:30 P.M. be approved

Moved by Mitchell Seconded by Hughes Unanimously carried

The matter of fees and cleanup was discussed by the Council.

LETTER OF RESIGNATION FROM J. F. DOWD, JR. - PARKING AND TRAFFIC ADVISORY COMMITTEE 1-15

A letter from J. F. Dowd, Jr., dated June 24, 1965 submitting his resignation from the Parking and Traffic Advisory Committee, was entered into the record of the minutes.

RESOLUTION NO. 65-381

A RESOLUTION ACCEPTING RESIGNATION OF JAMES F. DOWD, JR., FROM THE PARKING AND TRAFFIC ADVISORY COMMITTEE AND COMMENDING HIM FOR SERVICES RENDERED TO THE CITY OF MODESTO

Introduced by VanderWall Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

LETTER FROM JAMES A. LAHEY, C.P.A., EXECUTIVE SECRETARY, STATE OF CALIFORNIA CEMETERY BOARD, ENCLOSING REGULATIONS FOR CONSTRUCTION OF MAUSOLEUMS AND COLUMBARIUMS 1-50

A letter from James A. Lahey dated June 23, 1965 enclosing regulations for construction of mausoleums and columbariums, for reference to the local department charged with enforcement, was entered into the record of the minutes.

By order of the Chair, the letter was referred to the departments concerned.

LETTER FROM FRED A. EARLE, JR., MODESTO RACQUET CLUB, REQUESTING ENCROACHMENT PERMIT - TWO ANCHOR WIRES ON BRIGGSMORE RIGHT OF WAY 1-55

A letter from Fred A. Earle, Jr., Modesto Racquet Club, dated June 25, 1965 requesting permission to place two anchor wires on the Briggsmore Avenue right of way for the purpose of supporting night lights, was entered into the record of the minutes.

Assistant Director of Public Works Reynolds stated that there were no staff objections to granting the Modesto Racquet Club a temporary encroachment permit, with the understanding that at such time as the improvement of Briggsmore Avenue is undertaken, the wires will have to be removed.

MOTION

That the staff be instructed to prepare the necessary documents granting the Modesto Racquet Club a temporary encroachment permit as requested

Moved by Mitchell Seconded by VanderWall Unanimously carried

Pertaining to a postcript to the letter requesting the City to take care of the weeds on the right of way in question, Mr. Reynolds stated that the City now has access to the property by way of a public road, and will take care of the matter.

LETTER FROM D. W. McAULEY, CHAIRMAN, LIBRARY AND CULTURE COMMISSION, REGARDING LOCATION OF 4TH BRANCH LIBRARY 1-65

A letter from D. W. McAuley, Chairman, Library and Culture Commission, dated June 30, 1965 recommending that the fourth branch library be located in the general area of the Davis High School, was entered into the record of the minutes.

By order of the Chair, the letter was ordered filed.

CONSIDER AWARD OF BID FOR THE CONSTRUCTION OF TRUNK SEWER ON ROSE AVENUE FROM CRESTVIEW DRIVE TO NORTHERN BOULEVARD 1-85

RESOLUTION NO. 65-382

A RESOLUTION ACCEPTING THE BID OF WESTERN PIPELINE COMPANY FOR THE CONSTRUCTION OF A 15" SANITARY SEWER TRUNK LINE IN ROSE AVENUE FROM CRESTWOOD DRIVE TO NORTHERN BOULEVARD

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

RECOMMENDATION THAT INSTALLATION OF WATER MAINS IN NORTHFIELD SUBDIVISION AND IN COLLEGE AVENUE AND RUMBLE ROAD BE PERFORMED BY CITY FORCES

At the request of the City Manager, and with the unanimous consent of the Council, this item was removed from the agenda.

CONSIDER AWARD OF BID FOR THE IMPROVEMENT OF COLLEGE AVENUE (UNIT NO. 1) AND RUMBLE ROAD (UNIT NO. 2) AT DAVIS PARK

At the request of the City Manager, and with the unanimous consent of the Council, this item was removed from the agenda.

RESOLUTION AUTHORIZING THE ESTABLISHMENT OF MID-BLOCK CROSSWALKS AT CERTAIN DOWNTOWN LOCATIONS IN THE CITY OF MODESTO

RESOLUTION NO. 65-383

A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF MID-BLOCK CROSSWALKS AT CERTAIN DOWNTOWN LOCATIONS IN THE CITY OF MODESTO

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

APPROVE AGREEMENT BETWEEN CITY OF MODESTO AND MODESTO HIGH SCHOOL DISTRICT OF STANISLAUS COUNTY FOR SWIMMING POOL AT GRACE DAVIS HIGH SCHOOL

RESOLUTION NO. 65-384

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO HIGH SCHOOL DISTRICT OF STANISLAUS COUNTY, CALIFORNIA, FOR SWIMMING POOL AT GRACE DAVIS HIGH SCHOOL

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

ACCEPT IMPROVEMENTS IN BROOKDALE PARK NO. 3 SUBDIVISION AND AUTHORIZE CITY CLERK TO FILE NOTICE OF COMPLETION AND RELEASE BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

RESOLUTION NO. 65-385

A RESOLUTION ACCEPTING IMPROVEMENTS IN BROOKDALE PARK NO. 3 SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

PROPOSED PERSONNEL RULE CHANGE - RULE 18.10

RESOLUTION NO. 65-386

A RESOLUTION AMENDING SECTION 18.10 OF THE PERSONNEL RULES RELATING TO CLASSIFIED SERVICE (Deputy City Manager added to list as unclassified position)

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

APPROPRIATION TRANSFER - INCREASE RESERVES IN THE SPECIAL FUND FOR CAPITAL OUTLAY AND IN THE SPECIAL GAS TAX STREET IMPROVEMENT FUND

RESOLUTION NO. 65-387

A RESOLUTION AMENDING THE BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 1966

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

APPROPRIATION TRANSFER - RESOLUTIONS APPROPRIATING FUNDS FOR STREET CONSTRUCTION, COLLEGE-RUMBLE EXTENSION, ACCOUNT 6662

RESOLUTION NO. 65-388

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $29,000 - STREET CONSTRUCTION, COLLEGE-RUMBLE EXTENSION (From Special Gas Tax Street Improvement Fund)

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

RESOLUTION NO. 65-389

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $25,000 - STREET CONSTRUCTION, COLLEGE-RUMBLE EXTENSION (From Special Fund for Capital Outlay)

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

APPROPRIATION TRANSFER - RESOLUTION APPROPRIATING FUNDS FOR CHRISTMAS DECORATIONS, AS AUTHORIZED BY COUNCIL ACTION, MOTION OF INTENTION, JUNE 28, 1965

RESOLUTION NO. 65-390
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $3,644 FOR CHRISTMAS DECORATIONS

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

APPROPRIATION TRANSFER - RESOLUTIONS APPROPRIATING FOUR PARK IMPROVEMENT PROJECTS IN THE PARK FUND, $43,000; AND APPROPRIATING AN AMOUNT FOR THE CONSTRUCTION OF THE DAVIS HIGH SCHOOL POOL IN THE SPECIAL FUND FOR CAPITAL OUTLAY, $46,900

RESOLUTION NO. 65-391
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $43,000 - FOUR PARK IMPROVEMENT PROJECTS IN THE PARK FUND

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

RESOLUTION NO. 65-392
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $46,900 FOR DAVIS HIGH SCHOOL POOL CONSTRUCTION

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

ADOPTION OF ORDINANCE NO. 729-C.S., AMENDMENT TO SUBDIVISION REGULATIONS 1-85

ORDINANCE NO. 729-C.S. entitled
"AN ORDINANCE AMENDING SECTION 4-4.302 OF ARTICLE 3 OF CHAPTER 4 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, RELATING TO STREETS IN SUBDIVISION"

introduced June 28, 1965 and having been published as required, was moved and adopted. (Effective date: August 5, 1965)

Moved by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

REPORT ON APPLICATION FOR FRANCHISE FOR COMMERCIAL RAILROAD, TIDEWATER SOUTHERN RAILWAY COMPANY 1-95

A memorandum from the City Manager dated July 1, 1965, subject, "Report on Application for Franchise for Commercial Railroad, Tidewater Southern Railway Company," was entered into the record of the minutes. Recommendation was made that modifications be made to Sections 4(a), 10, and Section 20 of the application, which have been discussed with and approved by the Applicant's attorney; that since a portion of the railroad route is on a state highway, that the proposed franchise be submitted to the State of California Department of Public Works, Division of Highways, for its approval.

RESOLUTION NO. 65-393
A RESOLUTION REFERRING THE APPLICATION FOR A FRANCHISE OF THE TIDEWATER SOUTHERN RAILWAY COMPANY TO THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS OF THE STATE OF CALIFORNIA

Introduced by Hughes Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Mayor Johansen
Noes: VanderWall Absent: Shastid, Smith

CONSIDER STAFF RECOMMENDATION CONCERNING RESIDENCE ADDRESSES OF EMERGENCY PERSONNEL 1-105

A memorandum from the City Manager dated June 28, 1965, subject, "Residence Addresses of Emergency Personnel," was entered into the record of the minutes. Recommendation was made that within one year from the date of their appointment, emergency personnel (fire and police) be required to establish residence within four miles from the main fire or police station, or within the city limits of Modesto; to provide for some administrative flexibility, the City Manager should be authorized to grant exception to the rule under extenuating circumstances.

MOTION

That the above matter be referred to the Personnel Commission for study and recommendation

Moved by VanderWall Seconded by Patton Unanimously carried

REQUEST BY PACIFIC TELEPHONE AND TELEGRAPH COMPANY FOR EASEMENT ALONG DOWNEY HIGH SCHOOL PARK SITE

A memorandum from the Assistant Director of Public Works dated June 30, 1965, subject, "Request by Pacific Telephone and Telegraph for Easement along Downey High School Park Site," was entered into the record of the minutes. Recommendation was made that the easement be granted.

RESOLUTION NO. 65-394

A RESOLUTION AUTHORIZING EXECUTION OF DEED OF EASEMENT TO PACIFIC TELEPHONE AND TELEGRAPH COMPANY FOR EASEMENT ALONG DOWNEY HIGH SCHOOL PARK SITE

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

LEGISLATIVE MATTERS

Cigarette Tax Enabling Act - AB 1615 - authorizing cities and counties to impose a 2¢ per pack cigarette tax, to be collected by the State for cities.

MOTION

That the Mayor be authorized to contact the Governor's office urging approval of AB-1615

Moved by Hughes Seconded by Mitchell Unanimously carried

SB-676 - amending Section 21364 of the Government Code, making it mandatory that cities which contract with the State Employees Retirement System must pay certain additional benefits to widows of police or fire employees with children, when said employees are killed in the performance of their duty.

AB-1776 - providing for restriction on right of subrogation matters affecting the State Employees Retirement System.

MOTION

That the Mayor be authorized to urge Governor Brown to pocket veto SB-676 and AB-1776

Moved by Mitchell Seconded by Hughes Unanimously carried

SEWAGE TREATMENT PLANT - PROGRESS REPORT - PILOT PLANT OPERATION (unanimous consent)

A memorandum from the Assistant Director of Public Works dated July 6, 1965, subject, "Pilot Plant Operation," was entered into the record of the minutes. The memorandum outlined the experiment being conducted in the pilot plant facility at the sewage treatment plant, a joint venture between the City and the Pacific Flush Tank Corporation of Chicago, in an attempt to duplicate a process which has met with success in the treatment of citrus wastes in Florida.

Assistant Director of Public Works Reynolds stated that the system has been successful in treatment of citrus wastes, and although not exactly the same as cannery wastes, there were a number of similarities. He said that as time goes along during the current industrial waste season, attempts will be made to answer the following questions: Is this treatment method adaptable to the types of waste entering the City's plant? If the process is successful in treating the City's industrial waste, will implementation on the large scale required to treat all waste entering the plant be economically feasible?

Upon questioning, Mr. Reynolds said that one of the residents in South Modesto has commented that for several nights it has been possible to sleep with opened windows.

The City Manager reported on the progress of plans for the open house to be held at the Sewage Treatment Plant on Wednesday, July 14.

Action being taken by various food industries to help the sewage problem was discussed by Mr. Reynolds.

HEARING ON PROPOSED ANNEXATION OF THE KIENITZ ADDITION

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed annexation of the Kienitz Addition, and opened the hearing.

Planning Commission Resolution No. 65-90 recommends commencement of proceedings for the annexation of the area to the City.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on June 24, 1965 and notice mailed to the owner of the property on June 29, 1965. No written protests were filed with the City Clerk.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

RESOLUTION NO. 65-359

A RESOLUTION ANNEXING UNINHABITED TERRITORY KNOWN AS THE KIENTIZ ADDITION TO THE CITY OF MODESTO

Introduced by Hughes Seconded by Patton
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

HEARING ON AMENDMENT TO ZONING REGULATIONS (adding Section 10-2.1622)

Mayor Johansen announced that the hour of 4:40 P.M. had arrived, the time set for consideration of a proposed amendment to the zoning regulations, adding Section 10-2.1622 to the Municipal Code, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on June 24, 1965. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 65-82 recommends amendments to Chapter 2 of Title X of the Modesto Municipal Code, adding Section 10-2.1622 as outlined in Planning Commission Resolution No. 65-82.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

ORDINANCE NO. 731-C.S. entitled
"AN ORDINANCE ADDING SECTION 10-2.1622 TO ARTICLE 16 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE, RELATING TO ZONING REGULATIONS"

was introduced and ordered published as required by the Charter.

Moved by VanderWall Seconded by Patton
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

MATTERS FOR THE GOOD OF THE COMMUNITY

Yosemite Avenue widening

Councilman VanderWall announced that a meeting was being held with the Chamber of Commerce in the Multipurpose Room, City Hall, at 4:00 P.M. tomorrow to discuss acquisition of rights of way for the widening of Yosemite Boulevard. He asked that all known persons willing to dedicate rights of way be notified of the meeting.

Report by Councilman Mitchell - receipt of proceedings, First National Legislative Conference, National League of Cities

Councilman Mitchell reported that he had received a verbatim report of the speakers at the first National Legislative Conference; that it was being filed with the City Manager for availability to the Council, staff, and interested citizens. Mr. Mitchell stated that the articles were very interesting, particularly the one entitled "National Urban Issues," by John Kenneth Galbraith, Professor of Economics at Harvard University, formerly United States Ambassador to India. He briefly reviewed the article.

Mayor Johansen suggested that the City Manager route the report to the Councilmen.

CONSIDER COLLEGE AVENUE WIDENING PROJECT

MOTION

That the Council meet in executive session to discuss acquisition of property for the College Avenue widening project

Moved by Patton Seconded by VanderWall Unanimously carried

The Council went into executive session at 4:55 P.M., reconvening at 5:03 P.M.

Approve right of way agreements - Vera P. Wilson and Theresa J. Hanner

RESOLUTION NO. 65-396

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND VERA P. WILSON (63-22-506-1, College Avenue)

Introduced by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

RESOLUTION NO. 65-397

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND THERESA J. HANNER - COLLEGE AVENUE (PROJECT NO. 63-22-509-2)

Introduced by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Hughes Unanimously carried

The meeting adjourned at 5:05 P.M.

ATTEST: [signature]
REX E. GAILFUS, City Clerk

Modesto City Council
July 12, 1965

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Vice Mayor VanderWall presiding.

Present: Councilmen: Hughes, Mitchell, Patton, Smith, Vice Mayor VanderWall
Absent: Councilmen: Shastid, Mayor Johansen

The pledge of allegiance to the Flag was given by all present.

A moment of silent prayer was observed.

LETTER FROM BANK OF AMERICA, TRUST DEPARTMENT, REGARDING THE MANCINI WILL

A letter from Earl L. Phoenix, Assistant Trust Officer, Bank of America, Stockton, California dated July 2, 1965 enclosing a copy of Mrs. Ione Mancini's will, was entered into the record of the minutes. The letter indicated that after July 15, the bank will be in a position to distribute property devised to the City of Modesto by Mrs. Mancini for park purposes. If the City for some reason is not able to accept the property, it will become part of the trust created under the will.

Pasquale Mancini, brother of the late Frank Mancini, stated that he hoped the City would accept the property and develop a park as a memorial to his brother.

MOTION

That the City Attorney be directed to prepare a resolution formally accepting the property; that the staff be instructed to begin plans in the near future for development of the site as a park within the time limitation specified in the will

Moved by Hughes Seconded by Mitchell Unanimously carried

LETTER FROM ROBERT E. GREER, SECRETARY, MODESTO McHENRY LIONS CLUB, REGARDING DONATION OF PLAYGROUND EQUIPMENT FOR THE MORAN ESTATES PARK

A letter from Robert E. Greer dated July 4, 1965 stating that the McHenry Lions Club would like to donate playground equipment, the "No. 950 Muscle Man," (as described in Game-Time, Inc.) for installation in Moran Estates Park by city crews, was entered into the record of the minutes.

MOTION

That the offer of the McHenry Lions Club to donate a "No. 950 Muscle Man" to the Moran Estates Park be accepted, with the stipulation that it be placed in the park at such time as the park is readied by the staff to receive the equipment

Moved by Mitchell Seconded by Hughes Unanimously carried

LETTER FROM FRANK ANDREWS REGARDING CITY OPERATION

A letter from Frank Andrews dated July 9, 1965 suggesting several ways to improve city operation, was entered into the record of the minutes. The letter was ordered filed.

REQUEST BY TRI-STATE ENGINEERING COMPANY FOR DRIVEWAY VARIANCE AT McHENRY AVENUE AND RUMBLE ROAD 1-58

MOTION

That the request of Tri-State Engineering Company for a driveway variance at McHenry Avenue and Rumble Road be set for hearing on July 19, 1965 at 4:30 P.M.

Moved by Hughes Seconded by Smith Unanimously carried

CONSIDER AWARD OF BID FOR THE IMPROVEMENT OF COLLEGE AVENUE (UNIT NO. 1) AND RUMBLE ROAD (UNIT NO. 2) AT DAVIS PARK

RESOLUTION NO. 65-398

A RESOLUTION ACCEPTING THE BID OF M. J. RUDDY AND SON FOR IMPROVEMENT OF COLLEGE AVENUE (UNIT NO. 1) AND RUMBLE ROAD (UNIT NO. 2) AT DAVIS PARK (Low bidder, $47,185.95)

Introduced by Smith Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, Vice Mayor VanderWall
Noes: None Absent: Shastid, Mayor Johansen

APPROVE SPECIFICATIONS AND CALL FOR BIDS - CONCESSION AT BEARD BROOK PARK

RESOLUTION NO. 65-399

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONCESSION AT BEARD BROOK PARK

Introduced by Smith Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, Vice Mayor VanderWall
Noes: None Absent: Shastid, Mayor Johansen

July 21, 1965 at 10:00 A.M. in the City Clerk's office was set as the time and place for opening of bids.

RESOLUTION APPROVING AGREEMENT FOR THE PURCHASE OF #077-50-31791 COLLATOR, $1,125; #402-S50-27313 ACCOUNTING MACHINE, $11,602; SALES TAX, $509.08; TOTAL $13,236.08 (for Finance Department I.B.M.)

RESOLUTION NO. 65-400

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND INTERNATIONAL BUSINESS MACHINES CORPORATION

Introduced by Smith Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, Vice Mayor VanderWall
Noes: None Absent: Shastid, Mayor Johansen

RESOLUTION GRANTING THE MODESTO RACQUET CLUB A PERMIT TO ENCROACH ON THE CITY RIGHT OF WAY

RESOLUTION NO. 65-401

A RESOLUTION GRANTING A TEMPORARY ENCROACHMENT PERMIT TO THE RACQUET CLUB TO INSTALL ANCHOR WIRES ON CITY RIGHT OF WAY

Introduced by Smith Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, Vice Mayor VanderWall
Noes: None Absent: Shastid, Mayor Johansen

ACCEPT AS COMPLETE GEORGE REED, INC.'S CONTRACT FOR ASPHALT CONCRETE RESURFACING OF VARIOUS CITY STREETS

RESOLUTION NO. 65-402

A RESOLUTION ACCEPTING THE CONSTRUCTION OF RESURFACING VARIOUS CITY STREETS (authorizing City Clerk to file notice of completion)

Introduced by Smith Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, Vice Mayor VanderWall
Noes: None Absent: Shastid, Mayor Johansen

CLAIM FOR DAMAGES FOR WRONGFUL ARREST FILED BY MELVIN M. HARVEY AGAINST THE CITY OF MODESTO IN THE AMOUNT OF $2,100 (filed July 2, 1965)

RESOLUTION NO. 65-403

A RESOLUTION REJECTING THE CLAIM OF MELVIN M. HARVEY FOR DAMAGES AGAINST THE CITY OF MODESTO

Introduced by Smith Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, Vice Mayor VanderWall
Noes: None Absent: Shastid, Mayor Johansen

CONSIDER INSTALLATION OF NO PARKING ZONE ON THE WEST SIDE OF OAKDALE ROAD AT STANISLAUS COUNTY JUVENILE HALL

A memorandum from Acting Director of Parking and Traffic Cruce dated July 7, 1965, subject, "West Side of Oakdale Road at Stanislaus County Juvenile Hall," stating that the County Probation Department has requested a no parking zone along the frontage of the Juvenile Hall, was entered into the record of the minutes.

RESOLUTION NO. 65-404

A RESOLUTION ESTABLISHING A NO PARKING ZONE ON THE WEST SIDE OF THE OLD OAKDALE ROAD IN FRONT OF THE STANISLAUS COUNTY JUVENILE HALL

Introduced by Smith Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, Vice Mayor VanderWall
Noes: None Absent: Shastid, Mayor Johansen

CONSIDER MAKING ALLEY BETWEEN 2ND AND 3RD, I AND J STREETS ONE-WAY SOUTH

A memorandum from Acting Director of Parking and Traffic Cruce dated July 7, 1965, subject, "Alley between I and J, 2nd and 3rd Streets, stating that a petition has been received from owners of property bordering the above alley, requesting that the alley be made one-way south, and recommending that the request be granted, was entered into the record of the minutes.

RESOLUTION NO. 65-405

A RESOLUTION AMENDING SECTION 1(b) OF RESOLUTION NO. 62-29 ENTITLED "A RESOLUTION ESTABLISHING ONE-WAY STREETS AND ALLEYS AND ANGLE PARKING IN THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 59-191, ENTITLED 'A RESOLUTION ESTABLISHING PARKING METER ZONES, ONE-WAY STREETS AND ALLEYS AND ANGLE PARKING IN THE CITY OF MODESTO AND RESCINDING ALL PRIOR RESOLUTIONS AND REGULATIONS RELATING THERETO' AND RESCINDING ALL SUBSEQUENT RESOLUTIONS AND REGULATIONS RELATING THERETO," AND RESCINDING RESOLUTION NO. 65-165 (making alley between 2nd and 3rd, I and J Streets one-way southeasterly as requested)

Introduced by Smith Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, Vice Mayor VanderWall
Noes: None Absent: Shastid, Mayor Johansen

RECOMMEND AMENDMENT TO ZONING REGULATIONS, SECTION 10-2.1618 - SUBSTANDARD LOTS

RESOLUTION NO. 65-406

A RESOLUTION SETTING TIME AND PLACE FOR HEARING AMENDMENT TO ZONING REGULATIONS - SECTION 10-2-1618 - SUBSTANDARD LOTS

Introduced by Smith Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, Vice Mayor VanderWall
Noes: None Absent: Shastid, Mayor Johansen

August 2, 1965 at 4:40 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMENDATION THAT INSTALLATION OF WATER MAINS IN NORTHFIELD SUBDIVISION AND IN COLLEGE AVENUE AND IN RUMBLE ROAD BE PERFORMED BY CITY FORCES 1-69

RESOLUTION NO. 65-407

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER LINES IN NORTHFIELD SUBDIVISION AND IN COLLEGE AVENUE AND IN RUMBLE ROAD (no bids received)

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, Vice Mayor VanderWall
Noes: None Absent: Shastid, Mayor Johansen

RECOMMENDATION THAT INSTALLATION OF WATER LINES IN MORNINGSIDE HEIGHTS NO. 3 SUBDIVISION BE PERFORMED BY CITY FORCES

RESOLUTION NO. 65-408
A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER LINES IN MORNINGSIDE HEIGHTS NO. 3 SUBDIVISION (no bids received)

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, Vice Mayor VanderWall
Noes: None Absent: Shastid, Mayor Johansen

ADOPTION OF ORDINANCE NO. 731-C.S., AMENDING TO ZONING REGULATIONS - NUMBER OF DWELLING UNITS AFTER DEDICATION OF LAND FOR RIGHT OF WAY WIDENING PURPOSES

ORDINANCE NO. 731-C.S. entitled
"AN ORDINANCE ADDING SECTION 10-2.1622 TO ARTICLE 16 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE, RELATING TO ZONING REGULATIONS"

introduced July 6, 1965 and having been published as required, was moved and adopted.

Moved by Hughes Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, Vice Mayor VanderWall
Noes: None Absent: Shastid, Mayor Johansen

CONSIDER SALE OF AIRPORT MANAGER'S OLD OFFICE BUILDING

The City Manager reported that an offer of $450 has been received from Gardner B. Johnson, Oakdale, California, to buy the Airport Manager's old office building located at the City-County Airport. The initial offer received for the building was $150 from Virginia Heffner.

RESOLUTION NO. 65-409
A RESOLUTION ACCEPTING THE OFFER OF GARDNER B. JOHNSON FOR PURCHASE OF OLD OFFICE BUILDING, CITY-COUNTY AIRPORT

Introduced by Hughes Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Smith, Vice Mayor VanderWall
Noes: None Absent: Shastid, Mayor Johansen

LEGISLATIVE MATTERS - None

APPROPRIATION TRANSFERS - None

NOTICE OF PUBLIC HEARINGS - LOCAL AGENCY FORMATION COMMISSION

A notice of public hearings by the Local Agency Formation Commission on the proposed annexation of the Sunset and Sherwood Terrace Additions to the City of Modesto on July 21, 1965 in Room 206, County Offices Building, 1100 Eye Street, was entered into the record of the minutes.

REMINDER OF LEAGUE OF CALIFORNIA CITIES' QUARTERLY DINNER MEETING

Vice Mayor VanderWall remind the Council of the League of California Cities' quarterly dinner meeting to be held in Ripon Thursday, July 22, 1965.

TEMPORARY INSTITUTIONAL PACKAGE POLICY OF INSURANCE - UNANIMOUS CONSENT

The City Manager stated that the Modesto Independent Insurance Agents' Association has proposed blanket insurance coverage for the City, which will lower the City's rates by about $2,000; that the Public Relations Committee has recommended that the proposed blanket insurance coverage be presented to the Council for consideration when Councilman Shastid returns from vacation. He said that the City's present policy

expires July 15th, and recommended that the Council approve a temporary institutional package policy of insurance to provide coverage for the City, pending final consideration of the City's needs.

RESOLUTION NO. 65-410
A RESOLUTION APPROVING A TEMPORARY INSTITUTIONAL PACKAGE POLICY OF INSURANCE FOR THE CITY OF MODESTO (July 15 to August 15, 1965)

Introduced by Patton Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Smith, Vice Mayor VanderWall
Noes: None Absent: Shastid, Mayor Johansen

PROGRESS REPORT - OPEN HOUSE - SEWAGE TREATMENT PLANT

City Manager Keefe stated that open house at the Sewage Treatment Plant was being held July 13, 1965 from 4:00 P.M. until dark; that conducted tours were scheduled to begin every half hour; that notices of the open house have been mailed to industrial users, representatives of the Water Pollution Control Board, Board of Supervisors, and news releases furnished the newspapers and radio stations.

MATTERS FOR THE GOOD OF THE COMMUNITY

Report of meeting with Chamber of Commerce Board of Directors as Unofficial Observer 2-42

Councilman Mitchell reported that he had attended a Chamber of Commerce Board of Directors meeting as Council representative in an effort to improve communications between the Council and Chamber. Copies of the agenda of the meeting were distributed to the council members. Topics of mutual interest discussed were the Christmas street decorations, to be considered by the Council at the January 11, 1966 meeting; open house at the Sewage Treatment Plant scheduled for July 14; interest of the Chamber in the widening of Yosemite Boulevard; need of Chamber support when affirmative action is taken on enlargement of the sewage treatment plant facilities. He said that the Chamber extended an open invitation to any and all of the council members to attend the chamber meetings. Vice Mayor VanderWall stated that the Chamber was well represented at a recent meeting on the widening of Yosemite Boulevard. The City Manager reported briefly on the progress of right of way acquisitions for the widening of Yosemite Boulevard.

Report of progress of alley lighting - Parking and Traffic Director Carmody

Mr. Carmody reported that lighting has been installed by the Modesto Irrigation District in the alley behind the Hotel Covell and the alley behind the new Modesto Savings & Loan Building; that the cost is 3¢ per front foot per month. Mr. Keefe said it was hoped that more merchants will have the lights installed.

Coordination of activities to develop downtown area - comments by Councilman Smith

Councilman Smith mentioned an editorial recently appearing in the Modesto Bee regarding the opening of the new freeway and the hope expressed that leadership would be available for the redevelopment of the downtown area. Councilman Smith said that he hoped the Council would take the lead in coordinating some of the downtown Modesto activities in an effort to improve, renovate and beautify the entire downtown area; that a meeting with the Parking and Traffic Advisory Committee could be a start in this direction.

Beautification of area along freeway

Councilman Mitchell expressed the hope that residents along the new freeway will take steps to beautify the area along the freeway. Firms which have already made improvements by painting, etc. were commended.

Progress report on rest stops

City Manager Keefe reported that the status of legislation for the acquisition of rest stops from the State of California is unknown. He said that he had noted "for sale" signs on various state parcels along the freeway, but had not noted similar signs on the parcels desired by the City.

INFORMAL HEARING ON PROPOSED SIGN AT MONTGOMERY WARD CENTER

Vice Mayor VanderWall announced that the hour of 8:00 P.M. had arrived, the time set for an informal hearing on the request of Ad-Art Company to install a 70-foot pole sign in the existing planter located 384 feet north of the Bank of America building at the Briggsmore Square Shopping Center, and opened the hearing.

A memorandum from the Assistant City Engineer dated June 30, 1965, subject, "Request for Permission to Erect an Excess Height Sign at Briggsmore Square Shopping Center," was entered into the record of the minutes. The memorandum indicated that there were no extenuating circumstances to be found which would necessitate the sign being higher than that allowed in the Municipal Code (35 feet).

Bud Wesson, representing Ad-Art Company, spoke briefly in support of his request for the 70-foot sign. He said that the lettering on the proposed revolving sign extended to a height of 53 feet from the ground, the intensity of the lighting was such that it would not glare into the residential area; that a 13-foot sphere would extend above the lettering.
Mr. Wesson was questioned by the Council.

MOTION

That the request of Ad-Art Co. for a variance to the sign regulations to permit the installation of a 70-foot sign at Briggsmore Square Shopping Center be denied

Moved by Mitchell Seconded by Vice Mayor VanderWall Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Mitchell Seconded by Patton Unanimously carried

The meeting adjourned at 8:30 P.M.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

Modesto City Council
July 19, 1965

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Absent: Councilmen: Shastid

The pledge of allegiance to the Flag was given by all present.

Reverend Dale E. Sherwood gave the invocation.

LETTER FROM PAULINE STANLEY, PRESIDENT, MODESTO CITY EMPLOYEES' ASSOCIATION

A letter from Pauline Stanley, President, Modesto City Employees' Association, dated June 28, 1965 thanking the Council for the recently approved salary increases was entered into the record of the minutes and ordered filed.

LETTER FROM JASON ADAMSON, 1483 BERKELEY AVENUE, TURLOCK, CALIFORNIA, REGARDING DONATION TO THE GRAND OPENING OF STANISLAUS STATE COLLEGE

A letter from Jason Adamson, Turlock, California, dated July 14, 1965 thanking the Council for rejecting the request of Stanislaus State College for a donation towards the dedication of the College, was entered into the record of the minutes. The letter was ordered filed.

RESOLUTION ACCEPTING THE DEVISE OF REAL PROPERTY FROM THE ESTATE OF IONE MANCINI FOR PARK PURPOSES

RESOLUTION NO. 65-411
A RESOLUTION ACCEPTING THE DEVISE OF REAL PROPERTY FROM THE ESTATE OF MRS. IONE MANCINI FOR PARK PURPOSES

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN NEIGHBORHOOD YOUTH CORPS PROJECT AGREEMENT WITH MODESTO HIGH SCHOOL DISTRICT

RESOLUTION NO. 65-412
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO HIGH SCHOOL DISTRICT - YOUTH CORPS PROJECT AGREEMENT

Introduced by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

ACCEPT AS COMPLETE HARRY O. KLINE'S CONTRACT FOR THE SPRINKLER SYSTEM AND IMPROVEMENTS AT 17TH AND G STREET PARK

RESOLUTION NO. 65-413
A RESOLUTION ACCEPTING THE INSTALLATION OF SPRINKLER SYSTEM AND IMPROVEMENTS AT 17TH AND G STREET PARK - HARRY O. KLINE CONTRACT (Contract price, $5,555)

Introduced by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

CLAIM FOR DAMAGES FOR PERSONAL INJURIES FILED BY FRANK OLIVER DANIELS AGAINST THE CITY OF MODESTO

RESOLUTION NO. 65-414
A RESOLUTION REJECTING THE CLAIM OF FRANK OLIVER DANIELS FOR DAMAGES AGAINST THE CITY OF MODESTO ($60,097.50, plus)

Introduced by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

RECOMMEND AMENDMENT TO ZONING REGULATIONS, ARTICLE 18, PARKING PROVISIONS

RESOLUTION NO. 65-415
A RESOLUTION SETTING TIME AND PLACE FOR HEARING AMENDMENT TO ZONING REGULATIONS RELATING TO PARKING PROVISIONS

Introduced by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

August 9, 1965 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

ROSE ACRES ANNEXATION PETITION - FOR REFERRAL TO PLANNING COMMISSION

RESOLUTION NO. 65-416
A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS ROSE ACRES ADDITION

Introduced by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 1207 EAST FAIRMONT AVENUE, MODESTO

MOTION
That the request for sewer service to property located at 1207 East Fairmont Avenue be approved

Moved by VanderWall Seconded by Smith Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 1601 IRENE AVENUE, MODESTO

MOTION
That the request for sewer service to property located at 1601 Irene Avenue be approved

Moved by VanderWall Seconded by Smith Unanimously carried

CLARIFICATION OF COUNCIL INTENTION ON PROHIBITION OF PARKING ON THE EAST SIDE OF COLLEGE AVENUE BETWEEN STODDARD AVENUE AND COLDWELL AVENUE

A memorandum from Assistant City Engineer Hosegood dated July 15, 1965, subject, "College Avenue, Needham Street to Coldwell Avenue Project," was entered into the record of the minutes. Request was made that the Council clarify the matter of parking along the east side of College Avenue between Stoddard and Coldwell Avenues in connection with the present widening of College Avenue between these two points.

The City Manager stated that the minutes of March 8, 1965, at which time the widening of College Avenue was approved by the Council, created a difference of opinion among the staff as to the Council's intent on the matter of parking along this section of College Avenue.

Director of Public Works Campbell outlined the staff's recommendation.

MOTION
That on the section of College Avenue between Stoddard and Coldwell Avenues, there be two lanes of traffic moving southerly at all times, with parking permitted on the west side of the street at all times; that there be one full lane of traffic moving in a northerly direction from Stoddard to Coldwell at all times; that during peak traffic hours as determined

by the Traffic Engineer, parking be prohibited on the east side; that parking nearing the intersections on the east side be prohibited at all times

Moved by VanderWall Seconded by Mitchell Unanimously carried

CONSIDER APPLICATION TO P.U.C. BY TRANSCONTINENTAL BUS SYSTEM FOR AN INCREASE IN EXPRESS BAGGAGE RATES 1-85

A memorandum from Parking and Traffic Director Carmody dated July 12, 1965, subject, "Application of Transcontinental Bus System and Affiliates to Increase Certain Express Charges," was entered into the record of the minutes. No action was taken by the Council.

CONSIDER INSTALLATION OF MODERN STREET LIGHTS AT THE NEEDHAM TSRR CROSSING

A memorandum from the Director of Parking and Traffic dated July 13, 1965, subject, "Mercury Vapor Street Lights at the Needham - TSRR Crossing," was entered into the record of the minutes. Mr. Carmody pointed out that the lack of adequate lighting has proven to be a contributing factor to several auto-train accidents along TSRR tracks; that the Needham crossing was lighted by one antiquated light; that TSRR is willing to pay one-half the total estimated $900 cost of installation of two 20,000 lumen mercury vapor street lights on 30-foot standards at this intersection. Application will be made to the P.U.C. for one-half the City's share of the cost upon completion of the project.

RESOLUTION NO. 65-417

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $900 FOR MODERN STREET LIGHTING AT NEEDHAM AND TSRR CROSSING (From Special Fund for Capital Outlays)

Introduced by Smith Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

CONSIDER DISPOSITION OF RESERVE FUNDS FROM GROUP HEALTH INSURANCE PROGRAM

The following documents were entered into the record of the minutes: a letter from W. F. L'Heureaux, Vice President, Blue Shield of California, dated June 18, 1965 outlining the City's group health insurance experience for the period January 1, 1964 to February 28, 1965 and listing a current stabilization of $605; letter from Giddings, Corby, Hynes & Lyng, Inc., dated July 15, 1965, subject, "City of Modesto, California Physicians' Service policy #1295," recommending that consideration be given to leaving this amount with the company in the form of a Rate Stabilization Fund, on the basis that if not withdrawn, the amount might be sufficient, in case of an adverse loss ratio in the coming year, to forestall a rate increase on the policy anniversary.

Mr. Corby was questioned by the Council.

MOTION

That the current stabilization fund of $605 be refunded to the City

Moved by Hughes Seconded by Patton Unanimously carried

APPROPRIATION TRANSFERS - None

REPORT OF DAMAGE TO THE FIRE DEPARTMENT PUMPER AND REQUEST FOR PERMISSION TO ORDER REPAIRS

A memorandum from the Fire Chief dated July 15, 1965, subject, "Fire Department Pumper Repairs," was entered into the record of the minutes. The memorandum indicated that Fire Department Engine No. 5, a 1955 Model International truck chassis, Van Pelt Custom Built 1250 GPM pumper, was in need of repairs and taken to Van Pelt Company, Oakdale, California. Repairs are needed in an amount not to exceed $2,880 to restore the pumper to operative condition.

The City Manager stated that an appropriation transfer was not being requested at this time; that it was hoped that funds saved from other accounts could be utilized for the repairs.

The emergency nature of the repairs was discussed.

RESOLUTION NO. 65-418

A RESOLUTION AUTHORIZING EMERGENCY REPAIRS OF FIRE DEPARTMENT ENGINE NO. 5, 1955 MODEL (authorizing repairs by Van Pelt Company in order that the pumper can be repaired as soon as possible for fire prevention purposes)

Introduced by Hughes Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

INFORMAL HEARING ON REQUEST FOR DRIVEWAY VARIANCE BY TRI-STATE ENGINEERING CO. (McHENRY & RUMBLE ROAD)

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the request of Tri-State Engineering Company for a variance to permit the installation of two 36-foot driveways at a service station on the east side of McHenry Avenue at Rumble Road, and opened the hearing.

The following documents were entered into the record of the minutes: Letter from Peter F. Pfeiler, Vice President, Tri-State Engineering Company, dated July 2, 1965 requesting the variance; memorandum from Assistant City Engineer Hosegood dated July 14, 1965, subject, "Request for a Variance to Permit 2 - 36' Curb Cuts on the East Side of McHenry Avenue at Rumble Road," recommending that the request be granted on the basis that the curb cuts will not unreasonably eliminate on-street parking, nor unreasonably interfere with pedestrian traffic; the 36-foot curb cuts will afford a smoother ingress and egress than would be allowed under the 40% limitation established by the code.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

RESOLUTION NO. 65-419

A RESOLUTION GRANTING DRIVEWAY VARIANCE TO TRI-STATE ENGINEERING COMPANY TO PERMIT TWO 36-FOOT CURB CUTS ON THE EAST SIDE OF McHENRY AVENUE AT RUMBLE ROAD (variance to provisions of Section 7-1.104(c) of the Code)

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

REPORT ON COST OF INSTALLATION OF WATER MAINS IN CRESTWOOD TERRACE NO. 4 AND RIVIERA HEIGHTS NO. 1 SUBDIVISION

The following documents were entered into the record of the minutes: Memoranda from the Assistant Director of Public Works dated July 14, 1965 subject, "Cost of Installation of Water Mains in Riviera Heights No. 1 Subdivision (W.O. A-5470)" and "Cost of Installation of Water Mains in Crestwood Terrace No. 4 Subdivision (W.O. A-5473). The reports were ordered filed.

REMINDER

The Council was reminded of the League of California Cities quarterly dinner meeting in Ripon, Thursday, July 22, 1965.

Attendance at National League of Cities Convention (Unanimous Consent Item)

Mayor Johansen announced that he was leaving July 22nd to attend the National League of Cities convention to be held in Detroit, Michigan.

The meeting was recessed at 4:35 P.M., the Council reconvening at 4:40 P.M.

MATTERS FOR THE GOOD OF THE COMMUNITY

Open House - Sewage Treatment Plant

The City Manager stated that 44 people attended the open house held at the sewage treatment plant on Wednesday, July 14th.

Time Schedule - Widening of College Avenue and Improvement of 9th Street

Assistant City Engineer Hosegood stated that the improvement of College Avenue was scheduled for completion about the end of August.

The City Manager stated that the time schedule for the improvement of 9th Street would be obtained and furnished the newspaper for publication.

Request for use of Mancini Bowl - Reverend Dale E. Sherwood

Reverend Sherwood requested use of Mancini Bowl on August 1, 8, 15, 22 and 29 for services by the Greater Modesto Council of Churches. A letter requesting use of the Bowl was filed with the City Clerk and referred to the staff for handling.

Report on status of Airport Control Tower

Mayor Johansen reported that he had visited the airport control tower; that it was nearing completion, and would be in operation within a very short time.

Repair of Mancini Bowl - Councilman Mitchell

Councilman Mitchell referred to a "letter to the editor" appearing in a recent issue of the Modesto Bee complaining of the rough condition of seats at Mancini Bowl. He said that on attending a recent concert at the Bowl he found this condition to be true, and the seats badly in need of paint.

Director of Parks and Recreation Grogan stated that repairs were presently underway; that it was planned to paint the Bowl in about one week, or when repairs are completed.

Traffic Signals - McHenry-Briggsmore, McHenry-Bowen

Councilman Smith asked if anything could be done to expedite construction of traffic signals at the intersections of McHenry-Briggsmore and McHenry-Bowen Avenues. Director of Finance Bird stated that both projects were budgeted for fiscal year 1965-66. The Director of Parking and Traffic was directed to check with the State to see if construction can be expedited.

Report on progress of Dryden Golf Course Clubhouse

Councilman Patton reported that the architect is proceeding with sketches for the Dryden Golf Course clubhouse; that most of the details have been worked out and the sketches should soon be ready to present to the Council.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Mayor Johansen

The meeting adjourned at 4:45 P.M.

ATTEST: Rex E. Gailfus, City Clerk

18-44

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Vice Mayor VanderWall presiding.

Present: Councilmen: Hughes, Mitchell, Patton, Vice Mayor VanderWall
Councilman Shastid arrived at 7:31 P.M.
Absent: Councilmen: Smith, Mayor Johansen

The pledge of allegiance to the Flag was given by all present.

Reverend R. F. Winkleman gave the invocation.

APPROVAL OF MINUTES

The minutes of the regular meetings of July 6 and 12, 1965 were approved.

LETTER AND COPY OF ASSEMBLY JOINT RESOLUTION NO. 38 FROM JAMES D. DRISCOLL, CHIEF CLERK, ASSEMBLY, STATE OF CALIFORNIA, RELATING TO FUNDS FOR ALCOHOLIC REHABILITATION

A letter from James D. Driscoll dated July 19, 1965 with a copy of Assembly Joint Resolution No. 38 relative to funds for tax relief and alcoholic rehabilitation attached, was entered into the record of the minutes. No action was taken by the Council. The letter was ordered filed.

LETTER FROM DEDRICK DENISON REGARDING THE MODESTO ARCH

A letter from Dedrick G. Denison dated July 21, 1965 referring to a suggestion previously made that the Council appoint a five-man citizens' committee to check the cost of renewing the appearance of Modesto's Arch, "Water, Wealth, Contentment, Health," or relocating it, was entered into the record of the minutes.

By order of the Chair, the letter was referred to the Public Relations Committee for report and recommendation.

LETTER FROM MRS. DON MINTIENS, 1708 WYLIE DRIVE, SECRETARY, CALIFORNIA FEDERATION OF WOMEN'S CLUBS, REGARDING ROADSIDE PARKS NEAR THE NEW FREEWAY

The City Manager stated that this item was related to Item 6 on the agenda, "Letter from State Division of Highways regarding Freeway reststops, and the two items should be considered at the same time. This was approved by unanimous consent of the Council.

The following documents were entered into the record of the minutes: Letter from Mrs. Don Mintiens dated July 17, 1965 stating that the California Federation of Women's Clubs was anxious to assist the City in developing the roadside parks being planned for the Modesto area in conjunction with the new freeway, and asking for someone to speak to the group to explain city policies and ideas in this area; a letter from Derwin H. Davis, Assistant District Right of Way Agent, State Division of Highways, dated July 19, 1965 stating that the State Highway Engineer has authorized the district to discuss terms of sale of property for reststops at the north and south entrances to the new freeway, and suggesting that the City consider some type of long term payment plan,with a low rate of interest, to cover the appraised value of $64,500 assigned to the sites. Mr. Davis also suggested that city representatives meet with him to discuss the above proposal.

By order of the Chair, the staff was directed as follows: Write Mrs. Mintiens, telling her that the City will be happy to accept the Clubs' offer as matters progress in the acquisition of the reststops, and that a decision will be made on furnishing a speaker for her group upon Mayor

Johansen's return to the City; that the staff check with the State on the possibility of a long term payment plan at a low rate of interest; that attempts be made to convince the State that the City should be permitted to acquire the property at the State's acquisition cost.

REQUEST BY MATT WIELGUS FOR REIMBURSEMENT OF PLUMBING BILL

A letter from Matt Wielgus, 408 Spruce Street, Modesto, dated July 22, 1965 requesting reimbursement of $15.51 for a plumbing bill paid to Roto-Rooter Plumbing and Sewer Service, was entered into the record of the minutes. Mr. Wielgus stated in his letter that this work proved to be unnecessary, since the trouble was eventually found in the city sewer line.

Director of Public Works Campbell said that this was the type of situation where the City should have been notified of the problem by the property owner before hiring the services of a plumber. He recommended that the claim be denied.

MOTION

That the request of Matt Wielgus for reimbursement of plumbing bill in the amount of $15.51 be denied

Moved by Hughes Seconded by Patton Unanimously carried

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF SLURRY SEAL ON VARIOUS CITY STREETS

RESOLUTION NO. 65-420

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE CONSTRUCTION OF SLURRY SEAL ON VARIOUS CITY STREETS

Introduced by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Vice Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

August 10, 1965 at 10:00 A.M. in the City Clerk's office was set as the time and place for opening of bids.

ACCEPT AS COMPLETE M. J. RUDDY AND SON CONTRACT FOR IMPROVEMENT OF KANSAS AVENUE BETWEEN FRANKLIN AND 8TH STREETS

RESOLUTION NO. 65-421

A RESOLUTION ACCEPTING THE IMPROVEMENT OF KANSAS AVENUE BETWEEN FRANKLIN AND 8TH STREETS

Introduced by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Vice Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

CLAIM FOR DAMAGES FILED BY WALTER R. WILLIAMS AGAINST VARIOUS DEFENDANTS, INCLUDING THE CITY OF MODESTO

RESOLUTION NO. 65-422

A RESOLUTION REJECTING THE CLAIM OF WALTER R. WILLIAMS FOR DAMAGES AGAINST THE CITY OF MODESTO

Introduced by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Vice Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

REQUEST FOR REFUND FOR OVERPAYMENT OF BUSINESS LICENSE TAX (U-SAVE-U-KLENE, 1700 McHENRY) IN AMOUNT OF $221.55

RESOLUTION NO. 65-423

A RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF BUSINESS LICENSE TAX TO U-SAVE-U-KLENE IN THE AMOUNT OF $221.55

Introduced by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Vice Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

RECOMMEND COMMENCEMENT OF ANNEXATION PROCEEDINGS - ROSE ACRES ADDITION

RESOLUTION NO. 65-424

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS ROSE ACRES ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Vice Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

September 7, 1965 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND UNCLASSIFIED USE PERMIT TO CITY SCHOOLS FOR OPPORTUNITY HIGH SCHOOL

RESOLUTION NO. 65-425

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF MODESTO CITY SCHOOLS FOR UNCLASSIFIED USE PERMIT FOR OPPORTUNITY HIGH SCHOOL AT 426 LOCUST STREET, MODESTO

Introduced by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Vice Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

August 16, 1965 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND AMENDMENT TO SECTION 32-3-9 OF ZONING MAP (WEST SIDE)

RESOLUTION NO. 65-426

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 32-3-9 OF THE ZONING MAP

Introduced by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Vice Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

August 16, 1965 at 4:35 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND AMENDMENT TO SECTION 22-3-9 OF ZONING MAP (WOLVERINE BUILDING SERVICE)

RESOLUTION NO. 65-427

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 22-3-9 OF THE ZONING MAP

Introduced by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Vice Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

August 16, 1965 at 4:40 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND AMENDMENT TO SECTION 8-3-9 OF THE ZONING MAP (Medeiros)

RESOLUTION NO. 65-428

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 8-3-9 OF THE ZONING MAP (Medeiros)

Introduced by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Vice Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

August 16, 1965 at 4:45 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND AMENDMENT TO SECTIONS 31-3-9 AND 6-4-9 OF THE ZONING MAP (Dana Development Assn., Inc.)

RESOLUTION NO. 65-429

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTIONS 31-3-9 AND 6-4-9 OF THE ZONING MAP

Introduced by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Vice Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

August 16, 1965 at 4:50 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND AMENDMENT TO SECTION 22-3-9 OF THE ZONING MAP

RESOLUTION NO. 65-430

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 22-3-9 OF THE ZONING MAP (HANNEY)

Introduced by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Vice Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

August 23, 1965 at 7:50 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND AMENDMENT TO SECTIONS 10-2-901(a) and 10-2.901(b) OF THE ZONING REGULATIONS REGARDING CIRCUSES AND CARNIVALS

RESOLUTION NO. 65-431

A RESOLUTION SETTING TIME AND PLACE FOR HEARING AMENDMENT TO SECTIONS 10-2-901(a) AND 10-2-901(b) OF THE ZONING REGULATIONS REGARDING CIRCUSES AND CARNIVALS

Introduced by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Vice Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

August 23, 1965 at 7:55 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 2117 GLENDALE AVENUE, MODESTO

MOTION

That the request for sewer service extension to property located at 2117 Glendale Avenue, Modesto, be approved

Moved by Hughes Seconded by Patton Unanimously carried

CONSIDER AWARD OF BID FOR FOOD CONCESSION AT BEARD BROOK PARK 1-100

The following documents were entered into the record of the minutes: Bid Tabulation, "Food Concession - Beard Brook Park"; memorandum from Director of Parks and Recreation Grogan dated July 22, 1965 subject, "Bids for Food Concession - Beard Brook Park." The memorandum indicated that identical bids for the food concession were received from Central California Concessions and Wright's Sno-Cones; that a background check showed no difference between the two bidders.

The decision of the Council to award the bid to Wright's Sno-Cones was based on the fact that this firm has been licensed to do business within the City for a longer period of time than Central California Concessions.

RESOLUTION NO. 65-432
A RESOLUTION ACCEPTING THE BID OF WRIGHT'S SNO-CONES FOR FOOD CONCESSION AT BEARD BROOK PARK

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Vice Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

MATTERS FOR THE GOOD OF THE COMMUNITY

Request that City sponsor U. C. Band Concert - Paul Copeland

Paul Copeland, 124 Olive Avenue, requested that the City sponsor the University of California Band Concert to be held in Graceada Park Thursday evening, July 29, 1965. He said that details of the sponsorship had been discussed with the City Manager, City Attorney, City Clerk and Director of Parks and Recreation.

The City Manager stated that under the terms of the sponsorship agreement, the City will assume liability for anyone injured during the concert; that the City's insurance policies cover this type of activity.

RESOLUTION NO. 65-433
A RESOLUTION APPROVING SPONSORSHIP AGREEMENT BETWEEN THE CITY OF MODESTO AND UNIVERSITY OF CALIFORNIA BAND

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Vice Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

Request for withdrawal of offer for old office building - City-County Airport

A letter from Gardner B. Johnson, Route 2, Box 672, Oakdale, California, requesting permission to withdraw his offer of $450 for the old office building at the City-County Airport on the basis that the advertisement for the sale of the building was misleading, was entered into the record of the minutes.

The City Manager stated that the building was advertised as being 15' x 28' instead of its actual dimension of 14' x 24'; that not all of the floors were hardwood, as advertised. It was the recommendation of the staff that Mr. Johnson be permitted to withdraw his offer.

RESOLUTION NO. 65-434
A RESOLUTION RESCINDING RESOLUTION NO. 65-409 AND AUTHORIZING WITHDRAWAL OF INFORMAL BID FOR PURCHASE OF OLD OFFICE BUILDING AT CITY-COUNTY AIRPORT

Introduced by Mitchell Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Vice Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

The Council directed that no readvertising be done to effect the sale pending word from Mrs. Heffner, who placed the original bid of $150 for the building.

Extending sympathy to family of the late J. Lee Robertson, former Judge, Modesto's Police Court

RESOLUTION NO. 65-435
A RESOLUTION IN MEMORY OF THE LATE J. LEE ROBERTSON, FORMER JUDGE OF MODESTO'S POLICE COURT, AND EXTENDING SYMPATHY TO HIS FAMILY

Introduced by Mitchell Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Vice Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

CONSIDER REPORT ON WATER SERVICE TO SCHOOLS 2-102

At the request of Dr. Harry Wiser, Superintendent of Schools, and with the unanimous consent of the Council, this matter was held over for two weeks (August 9, 1965 meeting).

CONSIDER PROPOSED RENEWAL OF CITY'S INSURANCE POLICIES 2-106

The following documents were entered into the record of the minutes: Memorandum from Finance Director Bird dated July 20, 1965, subject, "Insurance"; report dated July 20, 1965 entitled "City of Modesto Insurance Report." The memorandum from Mr. Bird outlined insurance coverage for the City under an institutional package policy, and proposed insurance coverage for the Modesto City-County Airport.

Warren Giddings, 205 Floyd Avenue, representing the Modesto Independent Insurance Agents Association, was questioned by the Council on the terms and cost of the proposed policy, and comparison of the proposed policy with the City's present coverage.

The Council discussed the following: Bonding of employees in accordance with the provisions of the municipal code and Charter, Mr. Giddings stating that the golf pro, if not a regular employee of the City, will have to be bonded separately; insuring on depreciated instead of replacement value; proposed additional coverage at the City-County Airport, as recommended by the Insurance Agents Association.

Mr. Giddings was asked to furnish the City's experience on its liability policy. He said that this information would be available in about sixty days; that based on the proposed reduction in premiums, it could be concluded that the loss picture has been satisfactory.

The staff was directed to obtain an appraisal on the replacement cost of city buildings and contents for submission to the Council at a later date for determination of a policy decision on whether coverage should be based on replacement or depreciated values; to furnish a report on the conflict of code provisions with the 3-D coverage in the proposed package insurance.

Mr. Giddings recommended that the 3-D coverage remain in the proposed policy, with fidelity bonds included with the policy naming the officers to be specifically bonded in accordance with code provisions, the bonds to be deleted at a prorated charge when and if the ordinance is amended.

RESOLUTION NO. 65-436
A RESOLUTION APPROVING AN INSTITUTIONAL PACKAGE OF POLICY INSURANCE FOR THE CITY OF MODESTO, AND GENERAL COMPREHENSIVE INSURANCE FOR THE MODESTO CITY-COUNTY AIRPORT

Introduced by Shastid Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Vice Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

CONSIDER EXTENSION OF OF FIRE ALARM SYSTEM INTO THE MEAT PACKING AREA

A memorandum from the Director of Public Works dated June 25, 1965, subject, "Extension of Fire Alarm System into Meat Packing Area," was entered into the record of the minutes. Recommendation was made that the four required fire alarm boxes in the Meat Packing area be on a private line installed by the City.

MOTION

That the extension of a fire alarm system into the Meat Packing Area be approved as recommended by the Director of Public Works in memorandum dated June 25, 1965

Introduced by Shastid Seconded by Patton Unanimously carried

CONSIDER LETTER AGREEMENTS BETWEEN THE CITY OF MODESTO AND THE FEDERAL AVIATION AGENCY 4-97

The City Attorney outlined the provisions of agreements between the City of Modesto and Federal Aviation Agency, as follows: An agreement providing for the operation of the airport light systems during those hours when the Modesto Tower is not in operation; an agreement establishing procedures for alerting the Empire Fire District and the Airport Management in the event of a potential or actual emergency.

MOTION

That execution of the two letter agreements between the City of Modesto and Federal Aviation Agency by the City Manager be authorized

Moved by Hughes Seconded by Patton Unanimously carried

APPROPRIATION TRANSFERS - None

REPORT ON CHARGES FOR USE OF FIRE HYDRANTS OUTSIDE THE CITY LIMITS 5-10

A memorandum from the Deputy City Manager dated July 21, 1965, subject, "Charges for use of Fire Hydrants outside the City Limits," was entered into the record of the minutes. Recommendation was made that a resolution be adopted providing for hydrant rental fees to any area outside the city limits which is not under agreement to annex, or has failed to exercise the agreement to annex when requested to do so.

MOTION

That the staff recommendation to charge fire hydrant rental fees to any area outside the city limits which is not under agreement to annex, or has failed to exercise the agreement to annex when requested to do so, be approved

Moved by Shastid Seconded by Hughes Unanimously carried

REQUEST BY DON CURTICE THAT CITY MAINTAIN "PIERRE PARK" AND STREET 5-18

The following documents were entered into the record of the minutes: Memorandum from the Assistant Director of Public Works dated July 1, 1965, subject, "Letter from Donald L. Curtice Regarding Park Area on Encina Avenue," outlining the City's position in the maintenance of the roadway near the small private park at the intersections of Encina and Covena Avenues; memorandum from Director of Parks and Recreation Grogan dated July 22, 1965 subject, "Letter from Don L. Curtice regarding 'Pierre Park,'" outlining costs for maintenance of the area, and recommending that the City not assume responsibility for its maintenance.

A letter from Don L. Curtice dated June 17, 1965 requesting that the City assume maintenance of Pierre Park and maintain the street north and east of the park, was considered by the Council at the June 28th meeting and referred to the staff for study and recommendation.

Director of Parks and Recreation Grogan stated that it was her belief that the entire area of Pierre Park was over the M.I.D. lateral, and that an agreement with the M.I.D. would be needed in the event the Council approved Mr. Curtice's request to maintain the park.

The staff was directed to determine the exact size of the parcel.

MOTION

That the Council indicates its intent to maintain Pierre Park if the problems involved can be worked out; that the staff be directed to take the necessary steps to assume maintenance of the park

Moved by Hughes Seconded by Mitchell Unanimously carried

REQUEST BY CITY CLERK FOR ANNUAL VACATION

MOTION

That the request of the City Clerk for annual vacation from August 3 to August 30, 1965 be approved

Moved by Shastid Seconded by Hughes Unanimously carried

REQUEST PERMISSION FOR CITY MANAGER TO TAKE THREE WEEKS' VACATION COMMENCING AUGUST 9

MOTION

That the request of the City Manager for three weeks' vacation commencing August 9 be approved

Moved by Shastid Seconded by Hughes Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Hughes Seconded by Mitchell Unanimously carried

The meeting adjourned at 8:45 P.M.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Councilman Shastid arrived at 4:02 P.M.
Councilman Hughes arrived at 4:15 P.M.
Absent: Councilmen: None

The pledge of allegiance to the Flag was given by all present. Reverend Bernard DenOuden gave the invocation.

APPROVAL OF MINUTES

The minutes of the regular meeting of July 19, 1965 were approved.

PETITION SOLICITING THE COUNCIL TO BARRICADE PUBLIC ACCESS TO PORTION OF BRIGHTON AVENUE

An undated petition from eight property owners requesting that the Council barricade public access to the partial road right of way of Brighton Avenue at the southwest corner of property owned by Wolverine Building Service, Inc., was entered into the record of the minutes.

By order of the Chair, the petition was referred to the staff for report to the Council.

LETTER FROM CARROLL P. CLARK, ASSISTANT SUPERINTENDENT OF SYLVAN UNION HIGH SCHOOL DISTRICT, REQUESTING POLICE AND FIRE PROTECTION FOR NEW SCHOOL BEING CONSTRUCTED AT 1037 FLOYD AVENUE

A letter from Carroll P. Clark dated July 22, 1965 requesting police and fire protection for the new school being constructed at 1037 Floyd Avenue, was entered into the record of the minutes.

MOTION

That police and fire protection for the new school being constructed at 1037 Floyd Avenue, Modesto, California be approved

Moved by Shastid Seconded by VanderWall Unanimously carried

LETTER FROM MODESTO GOLF CLUB REQUESTING PERMISSION FOR SALE OF BEER AT DRYDEN PARK GOLF COURSE

The request of the Modesto Golf Club for permission to sell beer at Dryden Park Golf Course was discussed by the Council. Councilman Patton stated that a decision was needed to enable the architect to complete the kitchen and dining room plans of the proposed clubhouse.

Upon questioning, the City Attorney stated that there were no provisions in the city charter prohibiting the sale of alcoholic beverages on city-owned property; that the deeds covering acquisition of the property contained no legal restrictions; that a letter from the donor of a portion of the golf course did contain a provision pertaining to use of alcoholic beverages on the premises.

The City Manager referred to a letter dated March 4, 1965 written by the City Attorney to the City Council relative to this matter.

By order of the Chair, this item was held over for one week and the staff directed to furnish the council a copy of the City Attorney's letter dated March 4, 1965 and to furnish a report as to whether the proposed clubhouse will be located on property donated by the Drydens or on the portion purchased by the City.

8/2/65

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR DEEP WELL PUMP AND ELECTRICAL EQUIPMENT FOR PUMP STATION NO. 31 AT LEGION PARK 1-65

RESOLUTION NO. 65-447
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR DEEP WELL PUMP AND ELECTRICAL EQUIPMENT FOR PUMP STATION NO. 31 AT LEGION PARK

Introduced by Mitchell Seconded by Shastid
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

August 17, 1965 at 10:00 A.M. in the City Clerk's office was set as the time and place for opening of bids.

A RESOLUTION ESTABLISHING HYDRANT RENTAL FEES IN CERTAIN AREAS

A memorandum from the Deputy City Manager dated July 21, 1965, subject, "Charges for use of fire hydrants outside the city limits," was entered into the record of the minutes.

RESOLUTION NO. 65-437
A RESOLUTION ESTABLISHING HYDRANT RENTAL FEES IN CERTAIN AREAS

Introduced by Mitchell Seconded by Shastid
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

ACCEPT AS COMPLETE SAN JOSE STEEL CO., INC.'S, CONTRACT FOR INSTALLATION OF FENCING THE DRYDEN PARK MUNICIPAL GOLF COURSE DRIVING RANGE

RESOLUTION NO. 65-438
A RESOLUTION ACCEPTING THE CONSTRUCTION OF FENCING AT DRYDEN PARK MUNICIPAL GOLF COURSE DRIVING RANGE (authorizing City Clerk to file notice of completion)

Introduced by Mitchell Seconded by Shastid
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP OF SURREY PARK SUBDIVISION

RESOLUTION NO. 65-439
A RESOLUTION APPROVING THE FINAL MAP OF SURREY PARK SUBDIVISION OF THE CITY OF MODESTO

Introduced by Mitchell Seconded by Shastid
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE INSTALLATION OF WATER LINES IN SURREY PARK SUBDIVISION

RESOLUTION NO. 65-440
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN SURREY PARK SUBDIVISION

Introduced by Mitchell Seconded by Shastid
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

August 17,1965 at 10:00 A.M. in the City Clerk's office was set for opening bids.

REFERRAL OF SHERWOOD TERRACE ANNEXATION PETITION TO PLANNING COMMISSION

RESOLUTION NO. 65-441
A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS SHERWOOD TERRACE ADDITION

Introduced by Mitchell Seconded by Shastid
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

Councilman Hughes arrived at 4:15 P.M.

CONSIDER ESTABLISHING BI-WEEKLY PAYROLL FOR CITY EMPLOYEES, AS RECOMMENDED BY PERSONNEL COMMISSION

A memorandum from the Personnel Assistant dated July 29, 1965, subject, "Establishment of bi-weekly payroll for City employees," was entered into the record of the minutes. The letter indicated that the request for the bi-weekly payroll (pay day to fall on Fridays) was inititated by the Modesto City Employees' Association and the change recommended by the Personnel Commission. The City Manager stated that the basic reason for the request from the Employees' Association was to permit field crews to bank their checks after work hours.

The Council discussed the following: Possible increased costs to the City; the advantages and disadvantages of the proposed change, as outlined by the Director of Finance; the inconclusiveness of the personnel opinion survey on the proposed change; withholding final decision to give employees a further chance to be heard.

MOTION

That the staff be directed to prepare the necessary resolution to effect the change to a bi-weekly payroll, with final consideration to be made by the Council in two weeks

Moved by VanderWall Seconded by Smith Unanimously carried

MATTERS FOR THE GOOD OF THE COMMUNITY

Agreement - Purple Turnip

Attorney Tom Lacey, representing the Purple Turnip, requested that the Council authorize the City to enter into a covenant with the Purple Turnip and eight heirs who have granted the Purple Turnip parking rights behind buildings adjacent to the Purple Turnip. He said that the City Attorney had approved the agreement, but the heirs had added a covenant to the agreement for approval of the City. The terms of the covenant were outlined by the City Attorney.

RESOLUTION NO. 65-442

A RESOLUTION APPROVING A PARKING COVENANT BETWEEN EVELYN HOLL, CONSERVATOR OF THE ESTATE OF EVA MAY McMAHON, ET AL, AND ROGERS JEWELRY COMPANY, FOR PARKING AREA, PURPLE TURNIP

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

Request of Griswold & Wight for parking spaces, 10th Street parking lot

Paul Warda, representing Griswold & Wight, requested that permission be granted to Griswold & Wight to lease 20 parking spaces on the 10th Street parking lot near K Street, for $100 per month.

By order of the Chair, the matter was referred to staff for report and recommendation at the August 9th meeting.

Improvement of Lighting in Residential Areas

Councilman Shastid suggested that consideration be given to a long-term project in modernizing street lights in residential areas throughout the City. He referred to an article in the June issue of Western City magazine where Ogden, Utah has recently instituted a relighting program; that the first portion of the project is the upgrading of all street lighting units in the residential areas of the community.

Councilman Shastid referred to the report submitted by the staff about nine months ago on lighting deficiencies in the City, and asked if it would be appropriate to have the staff suggest what could be done to improve lighting in the residential area with about $75,000 for this fiscal year.

Director of Public Works Campbell stated that a general report pertaining to a program for upgrading lighting in the residential areas would be presented to the Council within a short time.

Councilman VanderWall asked for a further report on underground wiring. The City Manager stated that a report on this matter would be available to the Council within a short time.

Councilman Hughes questioned the fairness of improving the lighting of residential areas with general tax funds since so many residential areas have been improved at the cost of the residents through improvement districts.

Councilman Mitchell spoke of the need for uniform city and county street lighting requirements.

Article in local paper regarding Dryden Park Golf Course Clubhouse

Councilman Mitchell, Chairman of the Public Projects Committee, said that an article appearing in a recent issue of a local newspaper seemed to imply that disagreement existed between certain members of the Council and the golf course clubhouse citizens' committee on the architectural style of the proposed clubhouse at Dryden Park Golf Course; that, speaking for himself, at the time the Public Projects Committee selected the architect, it was not intended that there would be any type of limitation or restriction on the ingenuity of the architect or the desires of the golfers and the committee in the design of the building.

Mayor Johansen stated that several comments to the same effect had been made to him during the past week; that it was his interpretation of the Council discussion on this matter that the Council wished the clubhouse to blend and esthetically fit in with the adjacent S.O.S. Club area.

Councilman Patton said that he attended the last meeting of the golf course clubhouse citizens' committee; that there was no dissension at the time the looks of the clubhouse was discussed.

Peach Fly In - Modesto City-County Airport

Councilman Patton reported that a Peach Fly In was being held at the Modesto City-County Airport on August 8, 1965 to celebrate the completion of the airport tower and the newly constructed administration building. The Council was invited to attend.

Letters from Vice President Humphrey regarding conference of Mayors, and Vice President Sullivan, Bank of America, Los Angeles, regarding Seminar on utilizing state resources

Mayor Johansen stated that he had received a letter from Vice President Humphrey announcing a conference of Mayor for cities of thirty to fifty thousand population, to be held in Washington, D.C. on August 11, 1965; that he had also been asked by Paul E. Sullivan, Vice President, Bank of America, Los Angeles, to attend a civic seminar in Palm Springs formulated by industrial leaders and elected officials to discuss how best to utilize all of the resources of the State for the enrichment of all communities. Mayor Johansen was asked to act as co-chairman for the seminar, and to recommend five elected officials from this area to participate in the seminar.

MOTION

That the Mayor be authorized to attend the conference for mayors in Washington, D.C. on August 11, 1965 and that the Mayor or his representative be authorized to attend the civic seminar in Palm Springs September 12-13, 1965

Moved by Shastid Seconded by Hughes Unanimously carried

HEARING ON PROPOSED ANNEXATION OF THE ANGELO ADDITION

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed annexation of the Angelo Addition, a 17.871 acre parcel located at the northeast corner of Old Oakdale Road and Scenic Drive, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune and in the Turlock Daily Journal on July 1 and July 8, 1965, and notices mailed to all property owners and other interested persons in the area on July 12, 1965. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 65-87 recommends that the area be annexed to the City of Modesto.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

RESOLUTION NO. 65-443

A RESOLUTION DECLARING THAT A MAJORITY PROTEST HAS NOT BEEN MADE AGAINST THE ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS ANGELO ADDITION AND DECLARING THE INTENTION OF THE COUNCIL TO PROCEED WITH THE ANNEXATION OF SAID TERRITORY

Introduced by Hughes Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

ORDINANCE NO. 732-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE ANGELO ADDITION TO THE CITY OF MODESTO"

Moved by Hughes Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

HEARING ON PROPOSED ANNEXATION OF THE EL VECINO NO. 2 ADDITION

A memorandum from the City Attorney dated July 30, 1965, subject, "Agenda Item No. 7 - Hearing on proposed annexation of El Vecino No. 2 Addition," was entered into the record of the minutes. Because of a procedural error in the mailing of the notice of hearing to Mrs. Jennie Brower, the City Attorney stated that it would be necessary to cancel the public hearing scheduled at this time, and reset the hearing of the proposed annexation at a new date. September 13, 1965 at 7:45 P.M. was suggested by the City Clerk as the new date of hearing.

Mark Joseph, attorney at law, representing Mrs. Brower, owner of a portion of the property proposed for annexation, said that it was his considered opinion that the proposed annexation should be referred to the City Attorney for proper study as to whether or not the Brower property could be properly annexed under the Uninhabited Act because it was specifically provided by statute that where property owners have property sought to be annexed which abuts upon a public road, consent of all of the property owners must be obtained; that consent would never be forthcoming from Mrs. Brower. He said that Mrs. Brower has requested that staff members keep off of her property, refrain from calling her, and since they are not licensed by the State of California to practice law, to refrain from doing so.

A meeting with the City Attorney was scheduled for Mr. Joseph Wednesday, August 4, 1965 at 10:00 A.M.

RESOLUTION NO. 65-444
A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS EL VECINO NO. 2 ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by Shastid Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

September 13, 1965 at 7:45 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

HEARING ON AMENDMENT TO ZONING REGULATIONS - SUBSTANDARD LOTS 5-19

Mayor Johansen announced that the hour of 4:40 P.M. had arrived, the time set for consideration of the proposed amendment to the zoning regulations (Section 10-2.1618 of Chapter 2 of Title X of the Modesto Municipal Code) pertaining to substandard lots, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on July 22, 1965, with notices available for the public in the City Clerk's office. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 65-92 adopted July 6, 1965 recommends that Chapter 2 of Title X of the Modesto Municipal Code pertaining to substandard lots be amended.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

ORDINANCE NO. 733-C.S. entitled
"AN ORDINANCE AMENDING SECTION 10-2.1618 OF ARTICLE 16 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO ZONING REGULATIONS"

was introduced and ordered published as required by the Charter.

Moved by Hughes Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 2012 O'FARRELL AVENUE

MOTION
That the request for sewer service to property located at 2012 O'Farrell Avenue be approved

Moved by VanderWall Seconded by Hughes Unanimously carried

APPROPRIATION TRANSFER REQUEST FOR LIBRARY FUND - $11,106

A memorandum from the Deputy City Manager dated July 26, 1965 subject, "Appropriation transfer request for $11,106, Library Fund," was entered into the record of the minutes.

The memorandum indicated that because of an error in the original estimate of funds budgeted for contractual services, and the hiring of two additional personnel authorized by the County without the knowledge of the City, an appropriation transfer of $11,106 was needed.

An agreement between the City and County dated January 27, 1955 covering the joint operation of the main and branch libraries within the city limits was discussed.

MOTION

That the City Manager be authorized to review with the County the agreement between the City and County for the joint operation of libraries within the city limits of Modesto

Moved by VanderWall Seconded by Hughes Unanimously carried

RESOLUTION NO. 65-445

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $11,106 FOR CITY'S SHARE OF LIBRARY COSTS FOR FISCAL YEAR 1965-66

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

REQUEST FOR APPROPRIATION TRANSFER - FIRE INSURANCE ON THREE-YEAR BASIS

The City Manager stated that the fire insurance approved by the Council at the meeting of July 26, 1965 could be purchased for $2,857 on a one-year basis, or for $8,164 on a three-year basis.

By order of the Chair, the staff was directed to check with the insurance broker on the possibility of obtaining the insurance on a three-year basis, payable annually one year in advance, and to place the matter on the agenda next week.

CONSIDER APPROPRIATION OF FUNDS TO MAKE POSSIBLE PURCHASE OF 249 LINEAL FEET OF USED HEAVY DUTY SHELVING FROM LEE BROS., MODESTO 6-28

The City Manager reported that this company is going out of business and has used shelving available which can be used at the new corporation yard; that if purchased now, about two-thirds of the cost can be saved.

RESOLUTION NO. 65-446

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $2,080 FOR PURCHASE OF USED HEAVY-DUTY SHELVING FROM LEE BROS., MODESTO

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

APPROVAL OF ATTENDANCE OF COUNCILMAN MITCHELL AT THE SECOND BIENNIAL WESTERN REGIONAL CONFERENCE OF THE CIVIC COMMITTEE OF THE PEOPLE TO PEOPLE PROGRAM IN PORTLAND, OREGON

MOTION

That the attendance of Councilman Mitchell at the second biennial Western Regional Conference of the Civic Committee of the People to People program in Portland, Oregon be approved

Moved by VanderWall Seconded by Patton Unanimously carried

INCREASE IN CRIME RATE - REPORT BY MAYOR JOHANSEN

Mayor Johansen asked for permission to appoint a committee to be composed of from five to seven members, not connected with a law enforcement agency, to make a study on possible reasons for the local crime rate increase. He suggested that studies might be made on the following: adequacy of school counseling; the need for more recreation programs; the need for better lighting; stricter law enforcement; too many parolees; relationship of enforcement agencies with the courts. He said that Chief of Police Bowers and Sheriff Kelsay have offered their cooperation.

MOTION

That the Mayor be authorized to appoint a committee of five to seven members to make a study on the possible reasons for the increase in the local crime rate

Moved by VanderWall Seconded by Shastid Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Smith Unanimously carried

The meeting adjourned at 5:35 P.M.

ATTEST: Pauline P. Stanley
Pauline P. Stanley
Acting City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Councilmen Hughes arrived at 7:32 P.M.
Absent: Councilmen: Smith

The pledge of allegiance to the Flag was given by all present.

Reverend Sam Houson gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

The minutes of the regular meeting of July 26, 1965 were approved.

LETTER FROM PASTOR OF LaLOMA GRACE BRETHREN CHURCH REQUESTING DRIVEWAY VARIANCE

A letter from Reverend J. Paul Miller, Pastor, LaLoma Grace Brethren Church, dated August 4, 1965 requesting a driveway variance at property located on Standiford Avenue, was entered into the record of the minutes.

RESOLUTION NO. 65-448
A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF THE LA LOMA GRACE BRETHREN CHURCH FOR DRIVEWAY VARIANCE ON STANDIFORD AVENUE

Introduced by VanderWall Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Smith

August 16, 1965 at 4:25 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

ACCEPT AS COMPLETE CROWN COACH CORPORATION CONTRACT TO CONSTRUCT AND DELIVER A 1500 GPM FIRE ENGINE PUMPER AND AUTHORIZE PAYMENT

RESOLUTION NO. 65-449
A RESOLUTION ACCEPTING THE DELIVERY OF 1,500 GPM FIRE ENGINE PUMPER FROM CROWN COACH CORPORATION

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Smith

FIRE INSURANCE COVERAGE

A memorandum from the Director of Finance dated August 9, 1965, subject, "Further Report on Fire Insurance Premium," was entered into the record of the minutes.

RESOLUTION NO. 65-450
A RESOLUTION APPROVING A THREE-YEAR FIRE INSURANCE POLICY WITH GREAT AMERICAN INSURANCE CO. AND AMENDING RESOLUTION NO. 65-436

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Smith

ACCEPTANCE OF THE CONSTRUCTION WORK FOR TRAFFIC SIGNALS AT THE INTERSECTION OF 12TH AND H STREETS

RESOLUTION NO. 65-451
A RESOLUTION ACCEPTING THE CONSTRUCTION OF TRAFFIC SIGNALS AT 12TH AND H STREETS (authorizing City Clerk to file notice of completion)

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Smith

RECOMMEND COMMENCEMENT OF ANNEXATION PROCEEDINGS - SHERWOOD TERRACE ADDITION

RESOLUTION NO. 65-452
A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS SHERWOOD TERRACE ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Smith

September 27, 1965 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

ADOPTION OF ORDINANCE 733-C.S. AMENDING ZONING REGULATIONS - SUBSTANDARD LOTS

ORDINANCE NO. 733-C.S. entitled
"AN ORDINANCE AMENDING SECTION 10-2.1618 OF ARTICLE 16 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO ZONING REGULATIONS"

introduced August 2, 1965 and having been published as required, was moved and adopted.

Moved by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Smith

CONSIDER REPORT ON WATER SERVICE TO SCHOOLS

The following documents were entered into the record of the minutes: Memorandum from City Manager dated July 14, 1965, subject, "Report on Charges for Water Service to Modesto City Schools," and memorandum from Deputy City Manager dated July 12, 1965, subject, "Charges for Water Service to Modesto City Schools," proposing annual flat rates for the various city schools.

Dr. Harry Wiser, Superintendent of Schools, stated that his staff believed that the formula establishing the water rates was fair and equitable; that the matter would be presented to the Board of Education for its consideration after Council action.

MOTION
That the staff be authorized to prepare a resolution establishing charges for water service to Modesto City Schools; that a letter be forwarded to the Board of Education informing it of the Council's action

Moved by VanderWall Seconded by Shastid Unanimously carried

REQUEST OF MODESTO GOLF CLUB FOR PERMISSION TO SELL BEER AT DRYDEN PARK GOLF COURSE

A letter from the Modesto Golf Club dated July 27, 1965 requesting that the City permit beer to be sold at Dryden Park Golf Course was discussed at the August 2, 1965 meeting and carried over for further discussion at the present meeting.

Andy Silva, golf pro, stated that the beer sold at the clubhouse would be dispensed in paper cups; that no cans or bottles would be permitted on the course; that the beer would be served from the lunch counter; that it was not anticipated that the cups in which the beer was served would present a litter problem; that the beer would not be sold by minors.

Dr. Harry Wiser, Superintendent of Schools, asked if minors would be barred from the lunch room, and was informed that no segregation of minors was planned. He said that since the golf course was utilized by high school golf teams, he hoped there would be no problems created by the serving of beer.

The request was discussed by the Council.

MOTION

That the Council expresses its intent to permit the sale of beer at the Dryden Park Golf Course clubhouse

Moved by Patton Seconded by Shastid Unanimously carried

CONSIDER LEASING 20 SPACES ON 10TH NEAR K LOT

A memorandum from the Director of Parking and Traffic dated August 3, 1965, subject, "Renting of Spaces - 10th Street Lot Between K & L Streets," was entered into the record of the minutes. Recommendation was made that the request of Griswold & Wight to lease 20 parking spaces on the 10th Street near K parking lot for $100 per month be approved on a month-to-month basis, cancellable by either party on 30 days' notice.

Paul Warda, representing Griswold & Wight, stated that the firm, after reconsideration, wished to amend its request to lease 15 spaces for $100 per month.

Councilman Shastid stated that in order that the Council should not be accused of favoritism, he assumed that anyone else wishing to place a similar request to the Council (not requiring the parking spaces during the Christmas shopping season) would receive the same consideration from the Council. Mayor Johansen said that he felt that the same consideration would be given if the circumstances were similar and spaces were available.

MOTION

That the staff be directed to prepare the necessary agreement with Griswold & Wight for the leasing of 15 parking spaces for $100 per month, on a month-to-month basis

Moved by VanderWall Seconded by Mitchell Unanimously carried

HEARING ON PROPOSED ZONING AMENDMENT - PARKING PROVISIONS 2-110

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the proposed amendment to the zoning regulations relating to parking requirements, and opened the hearing.

The Acting City Clerk reported that notice of the hearing was published in the Modesto Tribune on July 29, 1965 and notices available in the City Clerk's office for the interested public. There were no written protests filed with the City Clerk.

Planning Commission Resolution No. 65-95 recommends that Chapter 2 of Title X of the municipal code relating to parking regulations be amended.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

ORDINANCE NO. 734-C.S. entitled
"AN ORDINANCE AMENDING SECTIONS 10-2.1801 AND 10-2.1805 OF ARTICLE 18 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE, RELATING TO OFF-STREET PARKING REQUIREMENTS"

was introduced and ordered published as required by the Charter.

Moved by Mitchell Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Smith

REPORT ON GOLF COURSE CLUBHOUSE

Mr. Kenneth Kaestner, of the firm of Kaestner & Kaestner, architect hired to prepare plans for the construction of a clubhouse at Dryden Park Golf Course, displayed and outlined the preliminary plans for the proposed clubhouse.

Upon questioning, Mr. Kaestner stated that the proposed building contained about 3,500 square feet; the pro shop, about 800 square feet; lunch counter facilities, about 700 square feet; that the estimated cost was about $70,000; that the plans there did not provide specific facilities for meetings, but that the lunch room or women's lounge area could be used for this purpose.

Mr. Kaestner was questioned by the Council on the general appearance of the exterior of the building and its compatibility with the nearby S.O.S. building. He said that a hipped roof was being considered, with either wood or asphalt shingles; that he believed the two buildings would be compatible if across the street from each other, but since they were located reasonably apart, he did not feel that this would create a problem.

The Council discussed the following: the lack of architectural harmony between the S.O.S. building and the proposed clubhouse; the general Council discussion at the time the architect was hired that the clubhouse should be harmonious and compatible with the S.O.S. building.

Mr. Kaestner stated that the exterior of the building could be redesigned with a gable roof, and with panels on the front of the building, if the Council's definition of harmonious was that the building should be the same as the S.O.S. Club.

Councilman Mitchell stated that during the time discussions were held on the hiring of an architect for the clubhouse, he did not believe that there was any intent to limit the skills of the architect in what the architect and Council would consider an attractive building, useful for its intended purpose, and one that would be compatible with the entire area. He said that in fairness to the architect, the Council should instruct the architect as to how it wished the exterior of the building to appear - the color scheme, the materials to be the same as the S.O.S. club, or leave it to his judgment and recommendations.

Councilman Patton, Council representative on the golf course clubhouse committee, stated that the compatibility of the two buildings was discussed at the committee's last meeting as the result of a newspaper article pertaining to the compatibility of the two buildings, at which time the architect recommended that shingles be used for the roof instead of shake in order to make the two buildings blend architecturally. He said that it was the feeling of the committee that the buildings should be distinguishable, since the clubhouse will be a public building and will have a different use than the S.O.S. Club.

Charles Throssell, member of the clubhouse committee, pointed out the similarity between the proposed clubhouse design and the S.O.S. Club. He said it was his belief that the architect had submitted an appropriate and attractive design.

MOTION

That action on this matter be deferred until the meeting of August 16, 1965 for presentation of more sketches of the clubhouse by the architect.

Moved by Shastid Seconded by Hughes Unanimously carried

MATTERS FOR THE GOOD OF THE COMMUNITY

Protest to sale of beer at Dryden Park Golf Course clubhouse

Mr. and Mrs. Jim Ludlow, 414 Mensinger, expressed their concern over the proposed sale of beer at the Dryden Golf Course clubhouse, because of the use of the Golf Course by minors.

Mayor Johansen explained the action taken by the Council earlier in which the Council expressed its intent to permit the sale of beer at the clubhouse.

Report on city participation in street lighting

Councilman Shastid referred to a report submitted to the Council by the City Manager pertaining to city participation in street lighting, and requested that the matter be placed on the agenda of the August 23rd meeting; that perhaps a recommendation could be submitted, based on the February, 1965 Municipal Lighting Report. He said that he hoped that the project could be moved along; for example, removing the deficiencies in downtown commercial alleys at a cost of about $60,000; replacing barebulbed intersection lighting, which the Police Department feels would be desirable; adequate lighting of intersections, such as Briggsmore and Carver at Tully and College, and Carver at Orangeburg.

SALE OF RESIDENCES AT NEW CORPORATION YARD SITE 8-11

A memorandum from the Director of Finance dated July 29, 1965, subject, "Sale of Residences located at the Corporation Yard Site," was entered into the record of the minutes. The memorandum listed the method followed by the State Division of Highways in selling movable buildings.

Director of Finance Bird stated that notices to vacate by July 31, 1965 have been served on all of the tenants; that not all of the tenants have been able to find places to live; that the staff was working with them to find suitable living accommodations. He requested that the Council permit the date of sale of the property to remain open, pending the vacancy of all of the residences.

The City Attorney reviewed the terms of a proposed resolution providing for the sale of the surplus buildings.

The Council discussed the following: The variance in the amount of the deposit required for the buildings offered for sale; confusion over the wording following the deposit requirement, "or full amount of bid, plus sales tax."

RESOLUTION NO. 65-453

A RESOLUTION PROVIDING FOR THE SALE OF SUPRLUS BUILDINGS AND APPURTENANCES THERETO

Introduced by Hughes Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Smith

MOTION

That notice to bidders povide a uniform deposit requirement of $100 for all the buildings offered for sale; that the wording following the deposit requirement, "or full amount of bid, plus sales tax," be deleted from Exhibit "A" attached to the proposed notice to bidders

Moved by Hughes Seconded by Mitchell

The motion carried, Councilman VanderWall dissenting.

CONSIDERATION OF OFFER BY CARL LEWIS TO RENEW LEASE ON 9TH AT J PARKING LOT

At the request of the City Attorney, this item was held over to be discussed in executive session at the end of the meeting.

CONSIDER EXTENSION OF LEASE AGREEMENT FOR LIBRARY SPACE - WRIGHT BRANCH LIBRARY, AT ULRICH SHOPPING CENTER

Deputy Manager Ray stated that under the terms of an agreement between the City and Gladys L. Ulrich, Jack A. Ulrich and Joylene Ulrich, et al, for leasing of Wright Branch Library, the City, if it wishes to renew its option for rental of the property beyond March 1, 1966, must give the lessors written notice of such extension at least six months prior to the date of the expiration of the original term.

MOTION

That the City Manager be authorized to exercise option to extend the lease of Wright Branch Library to March 1, 1967

Moved by Hughes Seconded by Mitchell Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 2212 GLENDALE AVENUE 9-5

MOTION

That the request for sewer service extension to property located at 2212 Glendale Avenue be approved

Moved by Shastid Seconded by VanderWall Unanimously carried

APPROPRIATION TRANSFERS - None

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP OF NORTHFIELD SUBDIVISION

At the request of the Deputy City Manager, and with the unanimous consent of the Council, this item was removed from the agenda.

RECOMMEND EXTENSION OF TIME FOR FILING FINAL MAP OF SKYLANE PARK NO. 4 SUBDIVISION

At the request of the Deputy City Manager, and with the unanimous consent of the Council, this item was removed from the agenda.

RECOMMEND EXTENSION OF TIME FOR FILING FINAL MAP OF GREENWOOD ESTATES NO. 2 SUBDIVISION

At the request of the Deputy City Manager, and with the unanimous consent of the Council, this item was removed from the agenda.

PRESENTATION OF QUARTERLY REPORT - GREATER MODESTO CHAMBER OF COMMERCE

The quarterly report of the Greater Modesto Chamber of Commerce was presented to the Council and ordered filed.

SUBMISSION OF ANNUAL SUMMARY REPORTS OF ACTIVITIES OF ALL CITY DEPARTMENTS FOR FISCAL YEAR 1964-65

MOTION

That the annual summary reports of activities of all city departments for fiscal year 1964-65 be accepted as the Manager's annual report on administrative activities of the City, as required by the City Charter

Moved by Shastid Seconded by Hughes Unanimously carried

ADJOURNMENT

MOTION

That the meeting adjourn to executive session to discuss Item 13 of the agenda
Moved by VanderWall Seconded by Patton Unanimously carried
The meeting adjourned at 9:40 P.M.

ATTEST: Pauline P. Stanley
Pauline P. Stanley, Acting City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Absent: Councilmen: Shastid, Smith

The pledge of allegiance to the Flag was given by all present.

Cadet Nottle, Salvation Army, gave the invocation.

PRESENTATION OF SUGGESTION AWARD

Mayor Johansen presented an award of $25 to Cleo R. Luke, Parks and Recreation Department, for a suggestion that vent caps be installed over vent pipes in comfort stations in all city parks.

APPROVAL OF MINUTES

The minutes of the regular meeting of August 2, 1965 were approved.

ADOPTION OF ORDINANCE 734-C.S. AMENDING ZONING REGULATIONS, RELATING TO OFF-STREET PARKING REQUIREMENTS

ORDINANCE NO. 734-C.S. entitled

"AN ORDINANCE AMENDING SECTIONS 10-2.1801 AND 10-2.1805 OF ARTICLE 18 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE, RELATING TO OFF-STREET PARKING REQUIREMENTS"

introduced August 9, 1965 and having been published as required, was moved and adopted.

Moved by VanderWall Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen

Noes: None Absent: Shastid, Smith

CONSIDER APPROVAL OF RIGHT OF WAY CONTRACT FOR THE ACQUISITION OF RIGHT OF WAY FROM GEORGE C. SUE AND BETTY G. SUE FOR TULLY ROAD RIGHT OF WAY

RESOLUTION NO. 65-454

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND GEORGE C. SUE AND BETTY G. SUE FOR TULLY ROAD RIGHT OF WAY (PROJECT NO. 58-2-915-2)

Introduced by Mitchell Seconded by Patton

Ayes: Hughes, Mitchell, Patton VanderWall, Mayor Johansen

Noes: None Absent: Shastid, Smith

APPROVE AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT P. AND MURIEL F. BOMBERGER FOR THE INSTALLATION OF WATER LINES PRIOR TO FILING OF THE FINAL MAP OF COFFEE PLAZA SUBDIVISION

RESOLUTION NO. 65-455

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT P. AND MURIEL F. BOMBERGER FOR THE INSTALLATION OF WATER LINES - COFFEE PLAZA SUBDIVISION

Introduced by Mitchell seconded by Patton

Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen

Noes: None Absent: Shastid, Smith

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE INSTALLATION OF WATER LINES TO SERVE COFFEE PLAZA SUBDIVISION

RESOLUTION NO. 65-456

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINES TO SERVE COFFEE PLAZA SUBDIVISION

Introduced by Mitchell Seconded by Patton

Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen

Noes: None Absent: Shastid, Smith

August 31, 1965 at 10:00 A.M. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP OF PARK MANOR ESTATES

RESOLUTION NO. 65-457

A RESOLUTION APPROVING THE FINAL MAP OF THE PARK MANOR ESTATES SUBDIVISION OF THE CITY OF MODESTO

Introduced by Mitchell Seconded by Patton

Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen

Noes: None Absent: Shastid, Smith

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP OF NORTHFIELD SUBDIVISION

RESOLUTION NO. 65-458

A RESOLUTION APPROVING THE FINAL MAP OF THE NORTHFIELD SUBDIVISION OF THE CITY OF MODESTO

Introduced by Mitchell Seconded by Patton

Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen

Noes: None Absent: Shastid, Smith

RECOMMEND AMENDMENT TO CHAPTER 2 OF TITLE X OF THE ZONING REGULATIONS BY ADDING SECTION 10-2.2903.1, PERMITTED USES, H-1 ZONE

RESOLUTION NO. 65-459

A RESOLUTION SETTING TIME AND PLACE FOR HEARING AMENDMENTS TO ZONING REGULATIONS - PERMITTED USE REGARDING THE H-1 ZONE

Introduced by Mitchell Seconded by Patton

Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen

Noes: None Absent: Shastid, Smith

September 13, 1965 at 7:50 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

REQUEST FOR APPROPRIATION TRANSFER

RESOLUTION NO. 65-460

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $810 - ELECTRICAL WORK AT STANDIFORD PARK (to be performed by contractor instead of City forces)

Introduced by Mitchell Seconded by Patton

Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen

Noes: None Absent: Shastid, Smith

REQUEST FOR APPROVAL OF 30-FOOT PART-WIDTH STREETS - GREENBRIER SUBDIVISION AND YORKSHIRE GROVE SUBDIVISION

At the request of the City Attorney, and with the unanimous consent of the Council, these items were held over until six councilmen are present, as required by Section 1805 of the Streets and Highways Code, which requires a 4/5 vote of the Council on decisions pertaining to streets of less than 40 feet in width.

REPORT ON GOLF COURSE CLUBHOUSE

This item was held over until later in the meeting to await the presence of the architect, Kenneth Kaestner.

FURTHER REPORT ON BI-WEEKLY PAYROLL FOR CITY EMPLOYEES

This matter was considered by the Council at the August 2, 1965 meeting at which time the request of the Employees' Association that consideration be given to bi-weekly payroll (with paydays to fall on Friday), was discussed by the Council.

The Deputy City Manager stated that the original polling of the employees resulted in a reply from 77% of the employees; that the figures indicated a slight preference for the bi-weekly payroll; that a repolling of the Police and Fire Departments has resulted in the following figures: 175 to remain under the present payroll system; 153 preferring a bi-weekly payroll; no response from about 50 employees. Mr. Ray stated that the following departments have indicated a preference for the bi-weekly payroll: Public Works, Parking and Traffic, and Planning.

A suggestion made by Mayor Johansen that all of the employees be repolled was discussed by the Council.

By order of the Chair, the Mayor was authorized to write a letter to the city employees to accompany their next pay checks, and to again poll their preference.

REPORT ON GOLF COURSE CLUBHOUSE

A sketch of the proposed clubhouse at Dryden Park Golf Course was displayed to the Council by architect Kenneth Kaestner at the August 9th meeting, and by motion, action was deferred to the present meeting for presentation of more sketches of the exterior of the clubhouse by the architect.

New sketches of the exterior of the clubhouse were presented by Mr. Kaestner.

Upon questioning, Mr. Kaestner stated that the plans and specifications for the building were scheduled to be ready for council consideration by the end of September. Director of Public Works Campbell said that completion of construction was scheduled from four to six months after approval of the plans.

The Council discussed the following: The high cost of the proposed building, $70,000 for 3,500 square feet; the total amount budgeted for the clubhouse, $83,000 to include the construction, architect's fee, furnishings, and landscaping.

MOTION

That the matter be held over for one week for the presence of a full Council

Moved by Patton Seconded by Mitchell Unanimously carried

REQUEST FOR DRIVEWAY VARIANCE, PROPOSED CHURCH LOCATION ON STANDIFORD AVENUE, BY LALOMA GRACE BRETHREN CHURCH

Mayor Johansen announced that the hour of 4:25 P.M. had arrived, the time set for consideration of the request of the LaLoma Grace Brethren Church for a variance to permit a 36-foot driveway to remain on the north side of Standiford Avenue, just east of Greenwood Estates Subdivision, and opened the hearing.

A memorandum from the Director of Public Works dated August 12, 1965, subject: "Request for a Variance to Permit a 36' Curb Cut for the LaLoma Grace Brethren Church to Remain in Place," was entered into the record of the minutes. Recommendation was made that the Council grant a variance to allow the curb cut to remain as constructed.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

RESOLUTION NO. 65-461

A RESOLUTION GRANTING A VARIANCE TO LA LOMA GRACE BRETHREN CHURCH TO PERMIT A THIRTY-SIX (36') FOOT CURB CUT TO REMAIN ON STANDIFORD AVENUE

Introduced by Hughes Seconded by Patton
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

PUBLIC HEARING ON REQUEST FOR UNCLASSIFIED USE PERMIT, CITY SCHOOLS, OPPORTUNITY HIGH SCHOOL

Mayor Johansen announded that the hour of 4:30 P.M. had arrived, the time set for consideration of the request of Board of Education, Modesto City Schools, for an unclassified use permit to locate up to ten portable, re-locatable classrooms and parking lot for use as an opportunity high school on school property at 426 Locust Street, and opened the hearing.

The Acting City Clerk reported that notice of the hearing was published in the Modesto Tribune on August 5, 1965 and notices posted and

delivered in the area on August 5, 1965. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 65-98 recommends that an unclassified use permit be granted to the Modesto City Schools for an opportunity high school.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

RESOLUTION NO. 65-462

A RESOLUTION GRANTING AN UNCLASSIFIED USE PERMIT TO MODESTO CITY SCHOOLS FOR AN OPPORTUNITY HIGH SCHOOL

Introduced by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

PUBLIC HEARING ON AMENDMENT TO SECTION 32-3-9 OF ZONING MAP (5TH STREET FROM E TO F STREETS)

Mayor Johansen announced that the hour of 4:35 P.M. had arrived, the time set for consideration of the proposed rezoning of property located on the west side of 5th Street between "E" and "F" Streets from R-3 to C-2, and opened the hearing.

The Acting City Clerk reported that notice of the hearing was published in the Modesto Tribune on August 5, 1965 and notices posted and delivered in the area on the same date. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 65-99 recommends that the area be rezoned.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

ORDINANCE NO. 736-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 32-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (5TH STREET)"

was introduced and ordered published as required by the Charter.
Moved by VanderWall Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

PUBLIC HEARING ON AMENDMENT TO SECTION 22-3-9 OF ZONING MAP (WEST OF ROSE AVENUE) 4-35

Mayor Johansen announced that the hour of 4:40 P.M. had arrived, the time set for consideration of the proposed rezoning of property located on the west side of Rose Avenue north of Kruger Drive from R-1 to R-2, and opened the hearing.

The Acting City Clerk reported that notice of the hearing was published in the Modesto Tribune on August 5, 1965 and notices posted and delivered in the area on August 5, 1965. There were no written protests.

Planning Commission Resolution No. 65-100 recommends that the area be rezoned.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

ORDINANCE NO. 735-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 22-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (WOLVERINE BUILDING SERVICE)"

was introduced and ordered published as required by the Charter.
Moved by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

PUBLIC HEARING ON AMENDMENT TO SECTION 8-3-9 OF THE ZONING MAP (TULLY ROAD, NORTH OF RUMBLE)

Mayor Johansen announced that the hour of 4:45 P.M. had arrived, the time set for consideration of the proposed rezoning of property located on the east side of Tully Road, beginning approximately 650 feet north of Rumble Road and extending northward therefrom, from R-1 to R-2, and opened the hearing.

The Acting City Clerk reported that notice of the hearing was published in the Modesto Tribune on August 5, 1965 and notices posted and delivered in the area on the same date. There were no written protests filed with the City Clerk.

Planning Commission Resolution No. 65-101 recommends that the area be rezoned.

No one in the audience asked to be heard, and the hearing was closed.

ORDINANCE NO. 737-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 8-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (MEDEIROS)"

was introduced and ordered published as required by the Charter.
Moved by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

PUBLIC HEARING ON AMENDMENT TO SECTIONS 31-3-9 AND 6-4-9 OF THE ZONING MAP (PARADISE ROAD AREA)

Mayor Johansen announced that the hour of 4:50 P.M. had arrived, the time set for consideration of the proposed rezoning of property located south of Chicago Avenue, fronting on Paradise Road, from C-1 to R-3, and opened the hearing.

The Acting City Clerk reported that notice of the hearing was published in the Modesto Tribune on August 5, 1965, and notices posted and delivered in the area on the same date. There were no written protests to the rezoning.

Planning Commission Resolution No. 65-102 recommends that the area be rezoned.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

ORDINANCE NO. 738-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAPS 31-3-9 AND 6-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (DANA DEVELOPMENT ASSOCIATION, INC.)
was introduced and ordered published as required by the Charter.
Introduced by Mitchell Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

MATTERS FOR THE GOOD OF THE COMMUNITY

City Policy on Repair of Alleys

At the suggestion of Councilman Mitchell, the staff was directed to prepare a written report on the City's present policy on the repair of alleys, and to submit suggestions as to how repairs may be expedited. A suggestion was also made that the staff include in the report how the City's policy on alley repairs is made known to city residents in order that they may avail themselves of this service.

REPORT AND RECOMMENDATION ON PETITION SOLICITING THE CITY COUNCIL TO BARRICADE PUBLIC ACCESS TO A PORTION OF BRIGHTON AVENUE

The following documents were entered into the record of the minutes: Petition signed by eight individuals requesting the Council to barricade public access to the partial road right of way of Brighton Avenue at the southwest corner of R-3 property owned by Wolverine Building Service, Inc.; memorandum from the Director of Public Works dated August 11, 1965, subject, "Petition requesting closure of portion of Brighton Avenue," recommending that access to Brighton Avenue remain open, and that the Council authorize the construction of an oil-dirt surfacing on Brighton Avenue to serve as an interim improvement until such time as Brighton Avenue is developed to select street standards.

Director of Public Works Campbell stated that a copy of the above memorandum was sent to one of the individuals signing the petition.

MOTION

That the staff recommendations contained in memorandum from the Director of Public Works dated August 11, 1965 be approved

Moved by VanderWall Seconded by Hughes Unanimously carried

CONSIDER ORDINANCE SETTING TAX RATE FOR 1965-66 FISCAL YEAR

A memorandum from the Director of Finance dated August 10, 1965, subject, "1965-66 City Assessed Values and Tax Rates," was entered into the record of the minutes.

ORDINANCE NO. 739-C.S. entitled

"AN ORDINANCE FIXING THE RATE OF TAXATION IN AND FOR THE CITY OF MODESTO FOR THE FISCAL YEAR 1965-66"

was introduced and adopted and ordered published as required by the Charter.
Moved by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

The library budget was discussed.

RESOLUTION AUTHORIZING THE INSTITUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE CERTAIN REAL PROPERTY WITH IMPROVEMENTS THEREON BY THE CITY OF MODESTO, TO BE USED FOR PARK PURPOSES

RESOLUTION NO. 65-463
A RESOLUTION AUTHORIZING THE INSTITUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE CERTAIN REAL PROPERTY WITH IMPROVEMENTS THEREON BY THE CITY OF MODESTO TO BE USED FOR PARK PURPOSES. (4TH HIGH SCHOOL COMMUNITY PARK SITE - DICKENS)

Introduced by Mitchell Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

RESOLUTION AUTHORIZING THE INSTITUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE CERTAIN REAL PROPERTY IN THE CITY OF MODESTO TO BE USED FOR STREET-WIDENING PURPOSES (COLLEGE AVENUE - HULS, PROJECT 63-22)

RESOLUTION NO. 65-464
A RESOLUTION AUTHORIZING THE INSTITUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE CERTAIN REAL PROPERTY IN THE CITY OF MODESTO TO BE USED FOR STREET-WIDENING PURPOSES (COLLEGE AVENUE - HULS)

Introduced by VanderWall Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

CONSIDER OBTAINING NEW POPULATION ESTIMATE

A memorandum from the Deputy City Manager dated August 11, 1965, subject, "Population Estimate, Special Census," recommending that a population census be obtained from the State Department of Finance as of October 1, 1965 was entered into the record of the minutes.

MOTION

That the staff be authorized to obtain a population census from the State Department of Finance as of October 1, 1965 at an estimated cost of $270

Moved by VanderWall Seconded by Hughes Unanimously carried

RESOLUTION NO. 65-465
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $270 FOR OBTAINING NEW POPULATION ESTIMATE FROM THE STATE DEPARTMENT OF FINANCE

Introduced by VanderWall Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

CONSIDER LEASING FORMER HELM GARAGE AT 11TH AND K STREETS FOR PUBLIC PARKING

A memorandum from the Director of Parking and Traffic dated August 12, 1965, subject, "Proposal to Lease 2-Level Parking Garage, 11th & K Streets," was entered into the record of the minutes. Recommendation was made that preparation of the necessary documents be authorized to add this lot under operation of the City.

The proposal was discussed by the Council.

Mr. Carmody stated that since writing the memorandum, he was sure that all of the work to set up the meters could be accomplished at an out-of-pocket cost of about $450 for parts, and from thirty to forty hours labor.

MOTION

That the staff be authorized to prepare the necessary documents for the leasing of a 2-level parking garage at 11th and K Streets.

Moved by Patton Seconded by Hughes Unanimously carried

Mr. Carmody was directed to proceed with the purchase of the meter repair parts as soon as the agreement is signed by representatives of the owners.

CONSIDER REQUEST BY STAFF TO NEGOTIATE WITH AN ENGINEER FOR THE PREPARATION OF PLANS AND SPECIFICATIONS FOR BUILDINGS AT NEW CORPORATION YARD 5-75

A memorandum from the Director of Public Works dated August 12, 1965, subject, "New Corporation Yard," recommending that plans and specifications for the buildings at the new corporation yard be done by a local engineering firm, was entered into the record of the minutes. Deputy Manager Ray stated that the request was made because of the lack of engineering personnel on the staff to complete this work, along with many other projects.

MOTION

That the staff be directed to negotiate with an engineer for the preparation of plans and specifications for buildings at new corporation yard

Moved by Mitchell Seconded by Hughes Unanimously carried

APPROPRIATION TRANSFERS - None

LEGISLATIVE REPORT

Councilman Mitchell referred to a League of California Cities Bulletin dated August 4, 1965 entitled "1965 Review of Legislation Affecting Cities," and urged that all council members read the bulletin since it contained matters of interest to the City.

Filing of letter protesting the granting of an unclassified use permit, Modesto City Schools (Item 3 of agenda)

Richard Tosaw, Attorney, representing Mr. and Mrs. H. J. Tegan, 501 Locust Street, Modesto, filed a letter with the Acting City Clerk, dated August 16, 1965, opposing the location of the opportunity high school at 426 Locust Street. Mr. Tosaw stated that he thought the council meeting was scheduled for 7:00 P.M. in the evening, and as a result had missed the hearing on the above matter which was scheduled at 4:30 P.M. He was informed by the Council that the hearing had been closed and an unclassified use permit for the opportunity high school approved.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Hughes Seconded by Mayor Johansen Unanimously carried

The meeting adjourned at 5:36 P.M.

ATTEST: Pauline P. Stanley
Pauline P. Stanley
Acting City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Councilman Shastid arrived at 7:35 P.M.

Absent: Councilmen: Hughes

The pledge of allegiance to the Flag was given by all present.

A moment of silent prayer was observed.

APPROVAL OF MINUTES

The minutes of the regular meeting of August 9, 1965 were approved.

Councilman Shastid arrived at 7:35 P.M.

LETTER FROM CONGRESSMAN JOHN J. McFALL REGARDING AVAILABILITY OF FEDERAL FUNDS UNDER THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

A letter from Congressman McFall dated August 17, 1965 stating that Congress has completed action on the Public Works and Economic Development Act of 1965; and that under terms of the Act, federal grants may be made for sewage treatment facilities in eligible areas, was entered into the record of the minutes.

Mayor Johansen stated that he, Councilman Shastid, and members of the city and county staffs had been meeting with members of the County Board of Supervisors regarding the sewer study presently being made by Brown and Caldwell; that he felt this would be an appropriate time to present the sewer committee's recommendation that the firm of Bartle Wells Associates, Inc. be hired as financial consultants for the sewer project. He said that it was necessary that the financial consultants work hand-in-hand from now on with the engineering consultants hired by the City and County; that Chairman of the Board of Supervisors, Frank Ruggieri, has stated that the Board of Supervisors is agreeable on the basis that cost of the study will be shared equally by the City and County.

Director of Public Works Campbell stated that under the proposal the financial consultants will prepare a written report concerning the financial feasibility of the program recommended by Brown & Caldwell at a cost of $5,000, to be shared equally between the City and County; that proposal for continuing financial service beyond the report would have to be discussed at some point in the future, depending upon the type of governmental agency developed to handle the sewage program. Mr. Campbell said that Bartle Wells has proposed continuing service on the basis of $5,000 plus 1/4 of 1% with a minimum of $4,500 per bond sale; that fifty copies of the report are included in the $5,000; that the cost proposal includes the printing and mailing of bond prospectus.

The proposal was discussed by the Council. Mayor Johansen said that the financial consultant's report would be a part of the engineering study due at the end of the year.

MOTION

That the staff be authorized to negotiate and prepare the necessary documents to hire financial consultants, Bartle Wells Associates

Moved by VanderWall Seconded by Mitchell Unanimously carried

The staff was directed to write a letter to the Water Pollution Control Board informing it of the above council action.

Mayor Johansen said it was his understanding that if word was received that a federal grant was available for the proposed sewer project, the consulting firms have indicated that an application for federal funds can be made immediately with the cooperation of everyone involved.

LETTER FROM GEORGE REED, INC., REQUESTING VARIANCE - ASPHALTIC OVERLAY 1-90

A letter from H. J. Westervelt dated August 16, 1965 requesting a variance to allow asphaltic overlay to remain along the curb at the Sundial Lodge, was entered into the record of the minutes.

RESOLUTION NO. 65-466

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF GEORGE REED, INC., ASPHALTIC OVERLAY TO REMAIN ALONG THE CURB AT THE SUNDIAL LODGE ON McHENRY AVENUE

Introduced by Mitchell Seconded by VanderWall
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

September 7, 1965 at 4:35 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

LETTER FROM K. W. SCHACH INDICATING INTEREST IN PURCHASE OF CITY-OWNED PROPERTY

A letter from K. W. Schach, 409 North Wilson, Modesto, expressing interest in purchasing city-owned property located at North Morton Boulevard and Downey Avenue, facing Dry Creek (Moose property), was entered into the record of the minutes.

By order of the Chair, the letter was referred to the staff for report at the next council meeting.

CONSIDER PLANS FOR GOLF COURSE CLUBHOUSE

This matter was considered by the Council at the August 9th meeting, and by motion action deferred until the meeting of August 16, 1965 for presentation of more exterior designs of the clubhouse by the architect. At the August 16th meeting, new sketches of the exterior of the clubhouse were presented by Mr. Kaestner, and by motion the matter held over for one week for the presence of a full council.

Mayor Johansen stated that at the last meeting, it appeared that the Council seemed to favor the initial design of the exterior of the clubhouse submitted by Mr. Kaestner; that there seemed to be more concern over the cost of the building.

Mr. Kaestner was questioned by the Council on the following: comparison of maintenance costs of the two designs submitted; whether or not construction costs could stay within or below the budgeted figure; exposure of the proposed building.

The Council discussed the following: The possible cost of the building; the difference in perspective of the two sketches presented; the lack of compatibility of the S.O.S. building and the proposed clubhouse; approval by the Modesto Golf Club of the original sketch presented by Mr. Kaestner.

Mayor Johansen stated that Councilman Hughes was ill; that he wished to stand on his statement at the last council meeting that he favored the original exterior design submitted by Mr. Kaestner.

MOTION

That the original exterior design of the clubhouse submitted by the architect be accepted

Moved by Patton Seconded by VanderWall
Ayes: Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: Shastid Absent: Hughes

Councilman Shastid suggested that in the future hiring of architectural services by the City, the architect be instructed to present sketches which are visible from the street rather than an imaginary view from an helicopter.

A suggestion was made that the cost of the building be discussed at this time.

with the unanimous consent of the Council, the discussion was interrupted to consider Items 26(a) and 26(b), requiring a six-councilman vote, to permit Councilman Smith to be excused from the meeting.

REQUEST FOR APPROVAL OF 30-FOOT PART-WIDTH STREET - GREENBRIER SUBDIVISION 4-25

RESOLUTION NO. 65-467

A RESOLUTION APPROVING A PORTION OF EAST ORANGEBURG AVENUE AS A 30-FOOT PART-WIDTH STREET WITHIN GREENBRIER SUBDIVISION

Introduced by Mitchell Seconded by VanderWall
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

REQUEST FOR APPROVAL OF 30-FOOT PART-WIDTH STREET - YORKSHIRE GROVE SUBDIVISION

RESOLUTION NO. 65-468

A RESOLUTION APPROVING A PORTION OF EAST ROSEBURG AVENUE AS A 30-FOOT PART-WIDTH STREET WITHIN YORKSHIRE GROVE SUBDIVISION

Introduced by Mitchell Seconded by VanderWall
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

Councilman Smith was excused from the meeting at 8:23 P.M.

Continuation of discussion on the cost of the proposed clubhouse

Upon questioning, Mr. Kaestner stated that he had never said that the building would cost $20 per foot; that he had said that the building was approximately 3500 square feet, with $70,000 budgeted for the construction. He said that the plans had not progressed far enough to answer questions pertaining to costs; that the program would have to be defined before a cost estimate could be made.

Director of Public Works Campbell stated that the airport administration building cost $19.50 per square foot.

HEARING ON AMENDMENT TO SECTION 22-3-9 OF THE ZONING MAP (OLD OAKDALE ROAD)

Mayor Johansen announced that the hour of 7:50 P.M. had arrived, the time set for consideration of the rezoning of property located on the west side of Old Oakdale Road immediately south of Wylie Drive from C-1 to R-3, and a portion from R-3 to C-1, and opened the hearing.

The Acting City Clerk reported that notice of the hearing was published in the Modesto Tribune August 5, 1965; notices posted and distributed

on August 13 and August 20, 1965 respectively. There were no written protests to the rezoning.

Planning Commission Resolution No. 65-103 recommends that the rezoning be approved.

Director of Planning Fey displayed on a map the area proposed for rezoning, and outlined the land uses immediately adjacent to the area, and the reason for the odd shape of the parcel presently zoned C-1. Mr. Fey was questioned by the Council on various phases of the proposed rezoning.

Paul Birmingham, representing the owners of the property for which rezoning is requested, pointed out that the parcel was adjacent to the Stanislaus County detention home, which was not conducive to residential development. He also discussed original plans for the parcel, and subsequent changes thereto, which resulted in the irregular shape of the C-1 zoned parcel involved in the rezoning (presently having a frontage of 152 feet on Old Oakdale Road, and a depth of 603 feet). He said that there was nothing that could be done with a C-1 parcel of this size, that approval of the request for rezoning would result in a C-1 parcel 200 feet in depth, with the equivalent of about 1.4 acres from the back of the parcel on Old Oakdale Road. It was his opinion that Wylie Road would be a sufficient barrier to stop development, and that the rezoning would permit the owners to properly develop the R-3 portion of the property without contributing too heavily to density. Mr. Birmingham described the C-1 development already in existence and in the planning stage in the immediate area of the parcel proposed for rezoning.

Mr. Birmingham was questioned by the Council as to whether or not the proposed rezoning would involve spot zoning.

No one else in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

The proposed rezoning was discussed by the Council.

ORDINANCE NO. 740-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 22-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (HANNEY)"

was introduced and ordered published as required by the Charter.

Introduced by Mitchell Seconded by Patton
Ayes: Mitchell, Patton, VanderWall, Mayor Johansen
Noes: Shastid Absent: Hughes, Smith

HEARING ON AMENDMENT TO ZONING REGULATIONS RELATING TO CIRCUSES AND CARNIVALS

Mayor Johansen announced that the hour of 7:55 P.M. had arrived, the time set for considering a proposed amendment to the zoning regulations relating to circuses and carnivals, and opened the hearing.

The Acting City Clerk reported that notice of the hearing was published in the Modesto Tribune on August 5, 1965. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 65-104 recommends Chapter 2 of Title X of the Modesto Municipal Code be amended to add to Section 10-2.901(a), Permitted Uses in a C-2 Zone, "Carnival" "Circus," and delete these uses from Section 10-2.901(b).

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

ORDINANCE NO. 741-C.S. entitled
"AN ORDINANCE AMENDING SECTION 10-2.901 OF ARTICLE 9 of CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE, RELATING TO ZONING REGULATIONS"

was introduced and ordered published as required by the Charter.

Moved by Shastid Seconded by VanderWall
Ayes: Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Smith

MATTERS FOR THE GOOD OF THE COMMUNITY 7-10

Adoption of Revised Tax Rate Ordinance

The City Attorney reported that Ordinance No. 739-C.S. adopted by the Council August 16, 1965 did not contain all of the code areas set up by the County; that as a result it was necessary to repeal Ordinance 739-C.S. and adopt a new ordinance including all of the tax code areas.

ORDINANCE NO. 742-C.S. entitled
"AN ORDINANCE FIXING THE RATE OF TAXATION IN AND FOR THE CITY OF MODESTO FOR THE FISCAL YEAR 1965-66, AND REPEALING ORDINANCE NO. 739-C.S."

was adopted and ordered published as required by the Charter.

Moved by Mitchell Seconded by Shastid
Ayes: Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Smith

Railroad Crossing at Kansas Avenue - Report by Councilman Patton

Councilman Patton reported on a dangerous condition existing at the Kansas Avenue railroad crossing caused by cars frequently being caught under the crossing gates. It was his opinion that the crossing gates contributed to traffic safety, and that steps should be taken to prevent a serious accident.

Director of Parking and Traffic Carmody commented that he had opposed installation of the gates; that they were installed on order of the Public Utilities Commission, with the railroad having no alternative but to install them. He said that the gates have not worked properly from the date of installation; that he has written at least six letters to the Southern Pacific so informing them; that he would not recommend payment for the gates until they are working properly.

The problem was discussed by the Council.

RESOLUTION NO. 65-469
A RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA TO INVESTIGATE THE HAZARDOUS CONDITION OF THE RAILROAD CROSSING GATES AT THE SOUTHERN PACIFIC CROSSING AT KANSAS AVENUE IN THE CITY OF MODESTO

Introduced by Shastid Seconded by VanderWall
Ayes: Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Smith

Future of Del Webb Field

Councilman Mitchell stated that he believed the Council should have a report from the staff as to the possible alternatives of the present and future possibilities of use of Del Webb field, either by professional, local amateur or youth leagues, because of the amount of funds it will take to prepare the field for either major league or local teams, and because of the short notice which may be involved.

The staff was directed to furnish the Council a report at the September 7th meeting on the condition of the ball park, whether the City has been contacted by representatives of professional baseball, the amount of usage of the ball park during the current year; the condition the field is left in under the conditions set by the City; how the City is faring under the $25 per night charge for use of the field.

Councilman VanderWall said it was his understanding that there was a good chance that one of the major league baseball teams plans an exhibition baseball game in Modesto in the very near future.

Letter from California Aviation Association

A letter to Mayor Johansen from the California Aviation Association dated August 20, 1965 thanking the Council and city employees who aided the association in the recent peach fly-in, was entered into the record of the minutes. The letter indicated that 654 came to Modesto for the event, with 218 airplanes landing at the airport from various parts of the State and one out-of-state.

MOTION

That the California Aviation Association be commended for the successful event which resulted in excellent publicity for the City of Modesto

Moved by VanderWall Seconded by Shastid Unanimously carried

The staff was directed to notify the California Aviation Association of the Council's action.

Councilman Smith returned to the meeting at 9:20 P.M.

CONSIDER AWARD OF BID FOR THE CONSTRUCTION OF SLURRY SEAL ON VARIOUS CITY STREETS

RESOLUTION NO. 65-470

A RESOLUTION ACCEPTING THE BID OF HIGHWAY SAFETY SUPPLY, INC., FOR THE CONSTRUCTION OF SLURRY SEAL ON VARIOUS CITY STREETS

Moved by VanderWall Seconded by Shastid
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

CONSIDER AWARD OF BID FOR INSTALLATION OF DEEP WELL PUMP AND ELECTRICAL EQUIPMENT FOR PUMP STATION NO. 31, LEGION PARK

RESOLUTION NO. 65-471

A RESOLUTION ACCEPTING THE BID OF WESTERN PUMP COMPANY FOR INSTALLATION OF DEEP WELL PUMP AND ELECTRICAL EQUIPMENT FOR PUMP STATION NO. 31 AT LEGION PARK

Introduced by VanderWall Seconded by Shastid
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

CONSIDER APPROVAL OF SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR WATER PIPE, VALVES AND FITTINGS 8-28

RESOLUTION NO. 65-472

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR WATER PIPE, VALVES AND FITTINGS

Introduced by VanderWall Seconded by Shastid
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

September 14, 1965 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

LEASE AGREEMENT BETWEEN CITY AND GRISWOLD AND WIGHT WHEREBY CITY AGREES TO RENT 15 PARKING SPACES TO GRISWOLD AND WIGHT ON THE OFF-STREET PARKING LOT AT 10TH BETWEEN K & L STREETS

RESOLUTION NO. 65-473

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND GRISWOLD & WIGHT FOR RENTAL OF 15 PARKING SPACES (10TH STREET LOT BETWEEN K AND L STREETS) ($100 per month, on a month-to-month basis)

Introduced by VanderWall Seconded by Shastid
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

CONSIDER AGREEMENT BETWEEN THE CITY AND MR. ROBERT WELTY, CONSULTING CIVIL ENGINEER, FOR ENGINEERING SERVICES - PREPARATION OF PLANS AND SPECIFICATIONS FOR BUILDINGS AT NEW CORPORATION YARD

RESOLUTION NO. 65-474

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MR. ROBERT WELTY - ENGINEERING SERVICES - NEW CORPORATION YARD

Introduced by VanderWall Seconded by Shastid
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

RESOLUTION NO. 65-475

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $15,000 FOR ENGINEERING SERVICES - PREPARATION OF PLANS AND SPECIFICATIONS FOR BUILDINGS AT NEW CORPORATION YARD

Introduced by VanderWall Seconded by Shastid
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

AGREEMENT BETWEEN CITY OF MODESTO AND REDWOOD THEATRES, INC., FOR OPERATION OF A TWO-LEVEL PARKING AREA, 11TH AND K STREETS (former Helm Garage property)

RESOLUTION NO. 65-476

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND REDWOOD THEATRES, INC., FOR THE OPERATION OF A TWO-LEVEL PARKING AREA AT 11TH & K STREETS BY THE CITY

Introduced by VanderWall Seconded by Shastid
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

CONSIDER REMOVAL OF TRUCK ROUTE DESIGNATION ON TUOLUMNE BLVD. AND ON NEECE DRIVE, AND ESTABLISHMENT OF TRUCK ROUTES ON THE FREEWAY AND PORTIONS OF 5TH AND 6TH STREETS

RESOLUTION NO. 65-477

A RESOLUTION DESIGNATING TRUCK ROUTES IN THE CITY OF MODESTO

Introduced by VanderWall Seconded by Shastid
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

APPROVE AGREEMENT BETWEEN THE CITY OF MODESTO AND KENNETH DUFFIN FOR WATER SERVICE TO TWO LOTS ADJACENT TO CRESTWOOD TERRACE NO. 4 SUBDIVISION AND CONTAINING THE NORTHERLY EXTENSION OF HARTWOOD WAY

RESOLUTION NO. 65-478

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND KENNETH DUFFIN FOR WATER SERVICE TO TWO LOTS ADJACENT TO CRESTWOOD TERRACE NO. 4 SUBDIVISION

Introduced by VanderWall Seconded by Shastid
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

AMENDMENT TO AGREEMENT BETWEEN CITY OF MODESTO AND WESLEY WALDO WINN AND VELMA A. WINN

RESOLUTION NO. 65-479

A RESOLUTION APPROVING AMENDMENT TO AGREEMENT BETWEEN THE CITY OF MODESTO AND WESLEY WALDO WINN AND VELMA A. WINN - PROPERTY AT PRESCOTT ROAD AND EVERGREEN AVENUE

Introduced by VanderWall Seconded by Shastid
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

RESOLUTION ACCEPTING GRANT DEED FROM MATHEA LARSON FOR PROPERTY FOR THE WIDENING OF COLLEGE AVENUE AND AUTHORIZING PAYMENT OF $150 FOR DAMAGES TO REMAINDER OF PROPERTY

RESOLUTION NO. 65-480

A RESOLUTION ACCEPTING GRANT DEED FROM MATHEA LARSON FOR PROPERTY FOR THE WIDENING OF COLLEGE AVENUE (authorizing payment of $150)

Introduced by VanderWall Seconded by Shastid
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

RECOMMEND AMENDMENT TO SECTION 7-3-9 AND SECTION 8-3-9 OF THE ZONING MAP

RESOLUTION NO. 65-481

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 7-3-9 AND 8-3-9 OF THE ZONING MAP

Introduced by VanderWall Seconded by Shastid
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

September 13, 1965 at 7:55 P.M. in the Council Chambers, City Hall, 801 11th Street, was set as the time and place of hearing.

AN ORDINANCE AMENDING THE MUNICIPAL CODE RELATING TO TRAFFIC REGULATIONS

ORDINANCE NO. 743-C.S. entitled

"AN ORDINANCE AMENDING ARTICLE 1 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE, AMENDING SECTION 3-2.802 OF ARTICLE 8 OF CHAPTER 2 OF TITLE III, AND ADDING SECTION 3-2.809.1 THERETO, RELATING TO TRAFFIC REGULATIONS"

was introduced and ordered published as required by the Charter.

Moved by Shastid Seconded by VanderWall
Ayes: Mitchell, Patton, Smith, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

CONSIDER RECOMMENDATION THAT INSTALLATION OF WATER LINES IN SURREY PARK SUBDIVISION BE PERFORMED BY CITY FORCES 8-42

RESOLUTION NO. 65-482

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER LINES IN SURREY PARK SUBDIVISION

Introduced by Shastid Seconded by VanderWall
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

CONSIDER REQUEST OF SYLVAN SCHOOL DISTRICT FOR PLANNING ASSISTANCE

A letter from C. F. Brown, District Superintendent, Sylvan Union School District, dated August 12, 1965 requesting assistance of the City Planning Commission to aid the School District in studying the area for the location of two or three additional schools was entered into the record of the minutes.

The request was discussed by the Council.

MOTION

That the request of Sylvan School District for assistance of the City Planning Commission in studying the area for the location of additional schools be approved

Moved by Shastid Seconded by Smith Unanimously carried

CONSIDER INSTALLATION OF TICKET DISPENSER ON PARKING LOT #16 ON THE SOUTH SIDE OF FIRE STATION NO. 1

A memorandum from the Director of Parking and Traffic dated August 12, 1965, subject, "Parking Lot #16 South Side of Fire Station #1, Consider Installation of Ticket Dispenser," and a memorandum from 43 employees requesting that a parking fee not be charged on the lot, were entered into the record of the minutes.

Director of Parking and Traffic Carmody, upon questioning by the Council, stated that about one-half the people parking on the lot were city hall employees, and the remainder fire and police personnel; that the lot was not used by downtown shoppers; that the lot was purchased by the Parking Authority in 1951 with parking meter funds; that the proposed charge was recommended to pay for the cost of maintaining the lot and to recover the money taken out of shopper parking money, about $8,100; that the general public was permitted to use the lot.

Mr. Carmody said that perhaps an equitable way to handle the matter would be to reimburse the Parking Fund for the purchase price of the parking lot from the General Fund.

Fire Chief Everett stated that a number of Fire Department personnel were concerned about the proposed parking fee; that those working on a 24-hour shift did not wish to pay the parking fee, or as an alternative, park their cars on the street several blocks away for a 24-hour period of time.

The proposal was discussed by the Council.

No action was taken by the Council.

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 2226 GLENDALE AVENUE, MODESTO

MOTION

That the request for sewer service extension to property located at 2226 Glendale Avenue be approved

Moved by Shastid Seconded by Mitchell Unanimously carried

CONSIDER REDUCING SPEED LIMITS ON FIVE STREETS

ORDINANCE NO. 744-C.S. entitled "AN ORDINANCE AMENDING SECTION 3-2.1401 OF ARTICLE 14 OF CHAPTER 2 OF

TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO SPEED LIMITS IN THE CITY OF MODESTO" (reducing speed limits on Coffee and Old Oakdale Roads; Rose, Roble and Encina Avenues)

was introduced and ordered published as required by the Charter.

Moved by VanderWall Seconded by Patton
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

CONSIDER TRAFFIC STRIPING FOR COLLEGE AVENUE BETWEEN STODDARD AND COLDWELL 9-77

A memorandum from the Director of Parking and Traffic dated August 18, 1965, subject, "Striping for College Avenue - Coldwell to Stoddard," was entered into the record of the minutes. Council direction was requested on dividing College Avenue between Stoddard and Coldwell into four sub-standard lanes with parking on both sides. Upon questioning, Mr. Carmody stated that he thought this more favorable than prohibiting parking on the east side of the street during peak hours.

The various alternates presented were discussed by the Council.

Chief of Police Bowers stated that part-time parking was almost unenforceable unless a tow-away ordinance is adopted.

MOTION

That lane lines be drawn, and that no parking be permitted on the east side of College Avenue between Stoddard and Coldwell at any time, day or night.

Moved by Smith Seconded by Shastid Absent: Hughes

The motion carried, Councilman VanderWall dissenting.

Councilman Mitchell stated that he assumed that the motion indicated that the curb would be painted red as a standard warning that no parking was allowed.

CONSIDER EXERCISING CONTRACT OPTION OF PURCHASING IN EXCESS OF ORIGINAL ESTIMATED QUANTITY, APPROXIMATELY 6,265 FEET 10-INCH CEMENT ASBESTOS PIPE FROM GRINNELL CO. OF PACIFIC, FRESNO

The Acting City Manager stated that this proposal was made because additional 10-inch cement pipe is needed in order to permit the City to keep up with its commitments to subdivision development; that the City's contract with Grinnell Co. of Pacific provides that additional quantities beyond the specified amounts in the contract can be purchased by special agreement between the City and the vendor. The vendor is willing to supply the pipe at the price specified in the contract.

RESOLUTION NO. 65-483

A RESOLUTION APPROVING EXERCISE OF CONTRACT OPTION TO PURCHASE 10" CEMENT ASBESTOS PIPE FROM GRINNELL COMPANY OF PACIFIC IN EXCESS OF ORIGINAL ESTIMATED QUANTITY

Introduced by Shastid Seconded by Smith
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

CONSIDER REQUEST TO REQUIRE CONSTRUCTION OF CURB AND GUTTER ON SOUTH SIDE OF GRISWOLD AVENUE BETWEEN McHENRY AVENUE AND GEER COURT

A memorandum from the Director of Public Works dated August 19, 1965, subject, "Construction of Curb and Gutter on the South Side of

Griswold Avenue between McHenry Avenue and Geer Court," was entered into the record of the minutes. The memorandum listed four alternatives for Council consideration in connection with a request received from a property owner that construction of curb and gutter on the south side of Griswold Avenue between Geer Court and McHenry Avenue be completed.

Director of Public Works Campbell displayed a sketch indicating where curbs and gutters exist in the block, where curbs and gutters can be constructed with a minimum of trouble between existing curbs and gutters, and a section where the location of trees will create a problem. Mr. Campbell explained how the curb and gutter in this section would have to be constructed to miss the trees, and described the drainage problems in the area.

Mr. Campbell was questioned by the Council on the four alternatives presented in the memorandum.

Upon questioning, Director of Parking & Traffic Carmody stated that the traffic count on Griswold Avenue during the period August 2 to 10, 1965 ranged from 1,335 to 1,470 cars per day.

The alternatives were discussed by the Council.

Director of Parks and Recreation Grogan stated that the trees, if moved, would be done so under the most favorable conditions and everything done to see that they would grow. She said that olive trees have been moved with a great deal of success, but a 100% guarantee could not be given.

By order of the Chair, the staff was directed to work further with the property owners in the area involved on the removal and replanting of the olive trees, removal and substitution of appropriate trees in the event the street is widened, getting the reaction of the owners, and to report back to the Council.

REPORT ON STREET LIGHTING

A memorandum from the Director of Public Works dated August 19, 1965, subject, "Improvement of Municipal Street Lighting," was entered into the record of the minutes.

Director of Public Works Campbell was questioned on the following: the special situations existing in Legion Park and Thousand Oaks Park in connection with proposed lighting; the number of bare-bulb installations involved (164 lights); cost of upgrading the bare-bulb system over a three-year period.

Councilman Shastid reviewed each section of the memorandum, pointing out that improvement of park lighting as suggested in the memorandum at a cost of $7,000, lighting at railroad crossings for approximately $13,000, improved street lighting at ten major street intersections at a cost of between $12,000 and $13,000, and upgrading of the bare-bulb system for about $25,000 (total, about $58,000), would be of material help in combatting the City's crime situation. He recommended council consideration of the above projects.

Director of Parking and Traffic Carmody noted that on the matter of the railroad crossings, a more logical approach would be to schedule the installations with Tidewater Southern on a matching cost basis, as the railroad is able to proceed, thus reducing the City's costs to one-fourth of the $13,000, as the Public Utilities Commission would likely assume one-half of the City's share of the cost. He said that Tidewater Southern has been willing to cooperate in the installation of lights on the basis of one or two intersections a year.

Councilman Patton suggested the possibility of leasing lights from the M.I.D. Mr. Campbell stated that this service was offered by the

M.I.D., with the lights installed and maintained at a charge of $4.00 per month per light; that since the lights would be continued indefinitely, it was cheaper for the City to do its own installation and pay the energy charge. Mr. Patton also suggested that the possibility of installation by the M.I.D. on a lease-purchase basis be explored.

Referring to the section of the memorandum that alley lights attached to M.I.D. poles may have to be moved, as the M.I.D. has a program underway to place all of its facilities in the downtown area underground, Councilman Shastid said that the City should obtain easements now, or whatever is required, to take care of that eventuality in the event the M.I.D. poles are moved.

Councilman Mitchell reported that the City-County Liaison Committee met to discuss the standards of city-county subdivision lighting requirements; that Supervisors Ruggieri and Brink were quite surprised that the county ordinance did not require subdividers to install street lighting; that they were sympathetic with the City's proposal that the county subdivision ordinance be amended; that he did not know the present status of the City's proposal; that at the last City-County committee meeting about four weeks ago, one of the members of the committee assured him that the County was working on the matter.

Upon questioning, Director of Public Works Campbell stated that a number of recommendations were made in the lighting report to improve subdivision lighting standards--that street lighting standards in subdivisions should be galvanized steel; that street lighting cables should be placed in conduit. He said that this was not being pushed too hard because it tied directly to possible underground electrical distribution. He said that the City could proceed with the recommendation that lamps should be of the mercury vapor type rather than incandescent; that this should be discussed with home builders and the building industry since it will reflect an increase in cost of subdivision development. Mr. Campbell was directed to furnish the Public Projects Committee a brief report on the above information when the staff meets with the committee to discuss the overall lighting program.

Enforcement of an FHA requirement that all electrical and telephone distribution in new subdivisions be underground was discussed.

By order of the Chair, this matter was referred to the Public Projects Committee to come back with a definite proposal on how to phase the lighting improvements; the staff directed to work with the Public Projects Committee and with the M.I.D. on the suggestions made by Councilman Patton, and that report be made to the Council by October 1st.

REPORT ON UNDERGROUND ELECTRICAL DISTRIBUTION

A memorandum from the Director of Public Works dated August 18, 1965, subject, "General Information Regarding Underground Electrical Distribution," was entered into the record of the minutes.

The report was ordered filed.

REPORT ON ALLEY OILING PROCEDURES

A memorandum from the Director of Public Works dated August 19, 1965, subject, "Alley Oiling Program," was entered into the record of the minutes. This report was requested by the Council at its August 16th meeting.

Councilman Mitchell commented that it was unfortunate that the burden was placed on individuals to cope with the responsibility of having all of the neighbors cooperate in paying for the service.

The importance of notifying the general public of the alley maintenance service available and general improvement of public relations was discussed.

At the suggestion of Councilman Shastid, Mayor Johansen said that the Public Relations Committee would accept his challenge and consider ways to improve public relations.

APPROPRIATION TRANSFERS - None

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Patton Seconded by Mitchell Unanimously carried

The meeting adjourned at 11:03 P.M.

ATTEST: Pauline P. Stanley
Pauline P. Stanley
Acting City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Patton, Smith, Mayor Johansen
Councilman Shastid arrived at 4:08 P.M.

Absent: Councilmen: VanderWall

The pledge of allegiance to the Flag was given by all present.

Reverend R. E. Segerhammar gave the invocation.

APPROVAL OF MINUTES

The minutes of the regular meeting of August 16, 1965 were approved.

LETTER FROM PUBLIC UTILITIES COMMISSION REGARDING THE KANSAS AVENUE GRADE CROSSING - SOUTHERN PACIFIC COMPANY

A letter from William W. Dunlop, Secretary, Public Utilities Commission, San Francisco, California dated August 27, 1965 referring to Resolution 65-469, adopted by the Council on August 23, 1965 concerning the Kansas Avenue Grade Crossing, was entered into the record of the minutes. Information was requested as to whether the Southern Pacific Company has been contacted by the City in connection with the unsatisfactory operation of the signals at the above crossing.

By order of the Chair, the letter was referred to the staff for reply.

LETTER FROM FRANK ANDREWS REGARDING ELECTRIC DISTRIBUTION SYSTEM

A letter from Frank Andrews dated August 28, 1965 concerning an editorial in the Modesto Bee pertaining to street lighting, was entered into the record of the minutes. The letter was ordered filed.

LETTER FROM ATTORNEY E. JOHN KLEINES REPRESENTING THE HAWAII AND SAN FRANCISCO INVESTMENT COMPANY REGARDING PROPOSED EXTENSION OF BRIGHTON AVENUE

A letter from E. John Kleines, member of the law firm of Leonoudakis, Kleines, Foran & McCarthy, 311 California Street, San Francisco, dated August 25, 1965 asking that in the event plans are abandoned by the City to extend Brighton Avenue, the land dedicated by Hawaii and San Francisco Investment Company for the proposed extension be reconveyed to that company, was entered into the record of the minutes.

By order of the Chair, the letter was referred to the staff for reply.

LETTER FROM MR. AND MRS. RUDY POTOCHNIK REGARDING THE SUMMER TRACK PROGRAM 1-22

A letter from Mr. and Mrs. Rudy Potochnik dated August 25, 1965 applauding the summer track program co-sponsored by the City and Modesto Junior Chamber of Commerce was entered into the record of the minutes.

The letter was ordered filed. Mayor Johansen asked that a report be furnished on the number of participants in the program.

COMMUNICATION FROM LLOYD G. OVERHOLTZER REGARDING A CHANGE IN REQUIRED IMPROVEMENTS TO PROPERTY ON THE NORTHEAST CORNER OF McHENRY AND TOKAY AVENUE (QUINTANA AGREEMENT)

A letter from Lloyd G. Overholtzer, Route 3, Box 38A, Sonora, California dated August 31, 1965 requesting a further modification to an agreement with Quintana, Inc., dated August 17, 1964 was entered into the record of the minutes. A plot plan showing the proposed changes was enclosed with the letter--a lowering of the height of the wall and a 24-foot opening in the wall.

Mr. Overholtzer said he would appreciate having the matter referred to the Planning Commission.

Director of Planning Fey said that the development plan, as approved, recommended a six-foot block wall to be located fifteen feet back from the property line on Tokay Avenue, with a landscape planter to be located on the residential or south side of the wall.

The request was discussed by the Council.

Paul Birmingham, representing Mr. Overholtzer, stated that a layout of the buildings in the development and parking area was now available, that this information was not available when the development was previously considered by the Planning Commission and the Council.

By order of the Chair, the staff was directed to place this matter on the September 13th agenda, and a request made of Mr. Birmingham that further information supporting the requested changes be furnished prior to the meeting.

COMMUNICATION FROM THEODORE AND SANDRA LINDER REGARDING OFFER TO SELL 8.63 ACRES OF LAND ADJACENT TO MANCINI PARK TO CITY

A letter from Theodore and Sandra Linder dated August 31, 1965 offering to sell to the City an 8.63-acre parcel adjacent to Mancini Park, was entered into the record of the minutes.

The offer was discussed by the Council.

By order of the Chair, the matter was referred to the staff to further investigate the offer, with the understanding that consideration of the acquisition is premature at this time.

LETTER FROM CARL ESTEP, FEDERAL AVIATION AGENCY, REGARDING AIRPORT OPERATION

A letter from Carl Estep, Federal Aviation Agency, Stockton, California dated September 1, 1965 commending the City for its fine airport operation, and commenting on the outstanding fly-in promoted by Airport Manager Harry Sham and other public-spirited citizens, was entered into the record of the minutes.

The staff was directed to prepare a reply to the letter for the Mayor's signature.

LETTER FROM RONALD W. BERRYHILL, CHAIRMAN, FARM-CITY ADVISORY COMMITTEE, REGARDING PROPOSED NEW HIGHWAY NO. 132 FREEWAY TO SAN FRANCISCO

A letter from Ronald W. Berryhill, Chairman, Farm-City Advisory Committee, dated September 1, 1965 requesting Council approval for the Farm-City Advisory Committee to write to State officials asking that construction of Highway 132 be expedited to provide a faster, safer, and more direct route between this area and the Bay Area, was entered into the record of the minutes.

By order of the Chair, the staff was directed to write Mr. Berryhill a letter thanking him for the Committee's interest in the matter and approving preparation of a letter to State officials as requested, the letter to be co-signed by Mr. Berryhill and Mayor Johansen.

LETTER FROM PAUL V. BIRMINGHAM, REPRESENTING MR. MAX HANNEY, REQUESTING CITY ASSISTANCE IN OBTAINING AN EASEMENT FOR A PROPOSED SEWER MAIN

A letter from Paul V. Birmingham, Civil Engineer, dated September 2, 1965 requesting that the City assist in obtaining a sewer easement, either by negotiation or condemnation, on a triangular piece of property located on the northeast corner of the Ucello property in an area which will later be located in Wylie Drive, was entered into the record of the minutes.

By order of the Chair, the letter was referred to the staff.

CONSIDER AWARD OF BID FOR THE INSTALLATION OF WATER LINES TO SERVE COFFEE PLAZA SUBDIVISION 2-65

RESOLUTION NO. 65-484

A RESOLUTION ACCEPTING THE BID OF W. M. LYLES COMPANY FOR INSTALLATION OF WATER LINES TO SERVE COFFEE PLAZA SUBDIVISION

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: Vanderwall

CONSIDER APPROVAL OF RIGHT OF WAY CONTRACT FOR WIDENING OF COLLEGE AVENUE, NEEDHAM TO COLDWELL (HARRY W. AND REBECCA HULS)

RESOLUTION NO. 65-485

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND HARRY W. AND REBECCA HULS (authorizing payment of $206 to grantors for sustained damages)

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: Vanderwall

APPROVE AGREEMENT BETWEEN CITY OF MODESTO AND COUNTY OF STANISLAUS RE USE OF PRISONERS

RESOLUTION NO. 65-486

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COUNTY OF STANISLAUS - USE OF PRISONERS

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: VanderWall

ACCEPT AS COMPLETE HOWARD TEN BRINK'S CONTRACT FOR THE CONSTRUCTION OF A WADING POOL AT GARRISON PARK

RESOLUTION NO. 65-487

A RESOLUTION ACCEPTING THE CONSTRUCTION OF WADING POOL AT GARRISON PARK

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: VanderWall

ACCEPT AS COMPLETE WILLIAM M. MINENI'S CONTRACT FOR CONSTRUCTION OF COMFORT STATIONS AT GARRISON AND STANDIFORD PARKS

RESOLUTION NO. 65-488

A RESOLUTION ACCEPTING THE CONSTRUCTION OF COMFORT STATIONS AT GARRISON AND STANDIFORD PARKS

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: VanderWall

ACCEPT AS COMPLETE WALTER SPOON'S CONTRACT FOR THE CONSTRUCTION OF AIRPORT ADMINISTRATION BUILDING

RESOLUTION NO. 65-489

A RESOLUTION ACCEPTING THE CONSTRUCTION OF AIRPORT ADMINISTRATION BUILDING

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: VanderWall

ACCEPT IMPROVEMENTS IN SOMERSET PARK NO. 1 SUBDIVISION AND AUTHORIZE CITY CLERK TO FILE NOTICE OF COMPLETION AND RELEASE BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

RESOLUTION NO. 65-490

A RESOLUTION ACCEPTING IMPROVEMENTS IN SOMERSET PARK NO. 1 SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: VanderWall

APPROVE AGREEMENT BETWEEN THE CITY, COUNTY, AND BARTLE WELLS ASSOCIATES FOR MUNICIPAL FINANCIAL CONSULTING SERVICE IN CONNECTION WITH BROWN AND CALDWELL'S METROPOLITAN MODESTO AREA SEWER STUDY

RESOLUTION NO. 65-491

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO, COUNTY OF STANISLAUS, AND BARTLE WELLS ASSOCIATES - MUNICIPAL FINANCIAL CONSULTING SERVICE, METROPOLITAN AREA SEWER STUDY

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: VanderWall

RESOLUTION NO. 65-492

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $5,000 FOR MUNICIPAL FINANCIAL CONSULTANT - MODESTO AREA SEWER STUDY

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: VanderWall

CONSIDER AGREEMENT BETWEEN THE CITY AND COUNTY TO PROVIDE FOR HIRING OF FINANCIAL CONSULTANT IN CONNECTION WITH THE CITY-COUNTY SEWER STUDY BEING CONDUCTED BY THE FIRM OF BROWN AND CALDWELL

RESOLUTION NO. 65-493

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COUNTY OF STANISLAUS FOR HIRING OF FINANCIAL CONSULTANT - METROPOLITAN AREA SEWER STUDY

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: VanderWall

RESOLUTION REJECTING CLAIM OF HELEN HURST FOR DAMAGES

RESOLUTION NO. 65-494
A RESOLUTION REJECTING THE CLAIM OF HELEN HURST FOR DAMAGES AGAINST THE CITY OF MODESTO ($10,000 general damages - fall, Modesto High School Swimming Pool)

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: VanderWall

REQUEST FOR ADDITIONAL SALARY FOR SURVEY CREW

RESOLUTION NO. 65-495
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $250 - ADDITIONAL SALARY FOR SURVEY CREW

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: VanderWall

APPROPRIATION OF FUNDS FOR MANN PARKING DECK

RESOLUTION NO. 65-496
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $6,200 FOR MANN PARKING DECK

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: VanderWall

ADOPTION OF ORDINANCE NO. 735-C.S. AMENDING SECTION 22-3-9 OF ZONING MAP TO ESTABLISH R-2 ZONE

ORDINANCE NO. 735-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 22-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (WOLVERINE BUILDING SERVICE)"

introduced August 16, 1965 and having been published as required, was moved and adopted.

Moved by Shastid Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: VanderWall

ADOPTION OF ORDINANCE NO. 736-C.S. AMENDING SECTION 32-3-9 OF ZONING MAP ESTABLISHING C-2 (COMMERCIAL ZONE)

ORDINANCE NO. 736-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 32-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (5TH STREET)"

introduced August 16, 1965 and having been published as required was moved and adopted

Moved by Shastid Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: VanderWall

ADOPTION OF ORDINANCE NO. 737-C.S. AMENDING SECTION 8-3-9 OF ZONING MAP, ESTABLISHING R-2 ZONE

ORDINANCE NO. 737-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 8-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (MEDEIROS)"

introduced August 16, 1965 and having been published as required, was moved and adopted.

Moved by Shastid Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: VanderWall

ADOPTION OF ORDINANCE NO. 738-C.S. AMENDING SECTIONS 31-3-9 AND 6-4-9 OF ZONING MAP ESTABLISHING R-3 ZONE

ORDINANCE NO. 738-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAPS 31-3-9 AND 6-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (DANA DEVELOPMENT ASSOCIATION, INC.)"

introduced August 16, 1965 and having been published as required was moved and adopted.

Moved by Shastid Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: VanderWall

ADOPTION OF ORDINANCE NO. 740-C.S. AMENDING SECTION 22-3-9 OF ZONING MAP ESTABLISHING R-3 AND C-1 ZONES

ORDINANCE NO. 740-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 22-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (HANNEY)"

introduced August 23, 1965 and having been published as required, was moved and adopted.

ADOPTION OF ORDINANCE NO. 741-C.S. AMENDING SECTION 10-2.901 OF THE MUNICIPAL CODE RELATING TO ZONING REGULATIONS

ORDINANCE NO. 741-C.S. entitled
"AN ORDINANCE AMENDING SECTION 10-2.901 OF ARTICLE 9 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE, RELATING TO ZONING REGULATIONS"

introduced August 23, 1965 and having been published as required, was moved and adopted.

Moved by Shastid Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: VanderWall

ADOPTION OF ORDINANCE NO. 743-C.S. AMENDING THE MUNICIPAL CODE RELATING TO TRAFFIC REGULATIONS

ORDINANCE NO. 743-C.S. entitled

"AN ORDINANCE AMENDING ARTICLE 1 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE, AMENDING SECTION 3-2.802 OF ARTICLE 8 OF CHAPTER 2 OF TITLE III, AND ADDING SECTION 3-2.809.1 THERETO, RELATING TO TRAFFIC REGULATIONS"

introduced August 23, 1965 and having been published as required, was moved and adopted.

Moved by Shastid Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: VanderWall

ADOPTION OF ORDINANCE NO. 744-C.S. RELATING TO SPEED LIMITS

ORDINANCE NO. 744-C.S. entitled
"AN ORDINANCE AMENDING SECTION 3-2.1401 OF ARTICLE 14 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO SPEED LIMITS IN THE CITY OF MODESTO"

introduced August 23, 1965 and having been published as required, was moved and adopted.

Moved by Shastid Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: VanderWall

CONSIDER JUNIOR FIRE MARSHALL PROGRAM IN MODESTO CITY SCHOOLS

MOTION

That cooperation of the Fire Department with the Modesto Insurance Agents' Association and Modesto City School staff in conducting the Junior Fire Marshall Program in all elementary level schools within the city limits be approved

Moved by Smith Seconded by Patton Unanimously carried

CONSIDER COUNTY REQUEST THAT CITY MAINTAIN TRAFFIC SIGNALS AT SCENIC DRIVE - OLD OAKDALE ROAD INTERSECTION

MOTION

That the staff be directed to prepare the necessary documents for city maintenance of traffic signals at the intersection of Scenic Drive and Old Oakdale Road, with the County to be charged its prorated share of maintenance costs

Moved by Smith Seconded by Patton Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 911 PARADISE ROAD

MOTION

That sewer service extension to property located at 911 Paradise Road be approved

Moved by Smith Seconded by Patton Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 1624 IRENE AVENUE

MOTION

That sewer service extension to property located at 1624 Irene Avenue be approved

Moved by Smith Seconded by Patton Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 1625 IRENE AVENUE

MOTION

That sewer service extension to property located at 1625 Irene Avenue be approved

Moved by Smith Seconded by Patton Unanimously carried

HEARING ON PROPOSED ANNEXATION OF THE ROSE ACRES ADDITION

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed annexation of the Rose Acres Addition, a 67.792-acre parcel, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune and The Turlock Daily Journal on August 5 and 12, 1965 and notices mailed to all property owners and other interested parties on August 10, 1965. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 65-106 recommends that the area be annexed to the City of Modesto.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

RESOLUTION NO. 65-497

"A RESOLUTION DECLARING THAT A MAJORITY PROTEST HAS NOT BEEN MADE AGAINST THE ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS ROSE ACRES ADDITION AND DECLARING THE INTENTION OF THE COUNCIL TO PROCEED WITH THE ANNEXATION OF SAID TERRITORY"

Introduced by Hughes Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: VanderWall

ORDINANCE NO. 745-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE ROSE ACRES ADDITION TO THE CITY OF MODESTO"

was introduced and adopted, and ordered published as required by the Charter

Moved by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: VanderWall

FURTHER CONSIDERATION OF BI-WEEKLY PAYROLL

The City Manager reported that a repolling of the employees on the establishment of a bi-weekly payroll resulted as follows:

176 employees favored no change of present paydays;
131 voted in favor of the change;
29 indicated no preference;
28 employees failed to answer

MOTION

That the item be removed from the agenda with no action taken

Moved by Shastid Seconded by Hughes Unanimously carried

INFORMAL HEARING ON REQUESTED VARIANCE, ASPHALT OVERLAY, GEORGE REED, INC. 2-109

Mayor Johansen announced that the hour of 4:35 P.M. had arrived, the time set for consideration of the request of George Reed, Inc., to permit an asphalt sidewalk to remain in the public right of way at the Sundial Lodge, McHenry Avenue, and opened the informal hearing.

The request for the variance was submitted to the Council by George Reed, Inc. in a letter dated August 16, 1965. The letter indicated that employees of George Reed, Inc. assumed that the Sundial was outside the city limits at the time the asphaltic concrete was placed.

A memorandum from the Director of Public Works dated August 31, 1965, subject, "Asphaltic Concrete Overlay on the public right of way at the Sundial Lodge on McHenry Avenue," recommending that a variance be granted to permit the asphalt sidewalk to remain, with a stipulation that

a concrete sidewalk be installed when additional repairs are required to the asphalt surfacing in the sidewalk area, was entered into the record of the minutes.

The Council discussed the following: failure of contractors to comply with legal requirements; the ease with which city boundaries can be determined when necessary to do so; a proposed ordinance being drafted by the Public Works Department establishing a procedure for encroachment permits for all work within the public right of way, in order to afford the City better control in work done within the public right of way.

Director of Public Works Campbell explained the intent of the above-mentioned proposed ordinance.

RESOLUTION NO. 65-498

A RESOLUTION GRANTING A VARIANCE TO GEORGE REED, INC. TO PERMIT A TEMPORARY BLACKTOP SIDEWALK TO REMAIN ALONG THE CURB AT SUNDIAL LODGE (containing stipulation that a concrete sidewalk be installed in accordance with city standards at such time as additional repairs are required to the asphalt surfacing in the sidewalk area)

Introduced by Hughes Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Smith, Mayor Johansen
Noes: Shastid Absent: VanderWall

MATTERS FOR THE GOOD OF THE COMMUNITY

Approval of appointment of Councilman Mitchell as Chairman, League Committee, International Municipal Cooperation

Councilman Mitchell read a letter from James B. McKinney, President, League of California Cities, asking Councilman Mitchell to accept the position of Chairman of the League Committee on International Municipal Cooperation, and to preside at the meeting of the committee to be held on Sunday, October 10, 1965 at 2:30 P.M., in San Francisco.

MOTION

That the acceptance of the Chairmanship of the League Committee on International Municipal Cooperation by Councilman Mitchell be approved

Moved by Shastid Seconded by Hughes Unanimously carried

Report by Councilman Mitchell on Portland, Oregon meeting - Civic Committee

Councilman Mitchell reported briefly on his attendance to a meeting of the Civic Committee, co-sponsored by the People to People Program and the National League of Cities. He said that representatives of the State Department and many noted speakers were present; that the importance of maintaining close affiliation with sister cities was emphasized, and hope expressed that more California cities would take an interest in our Latin-American neighbors.

Street Lighting Project Referral to Public Projects Committee - Report by Councilman Mitchell

Councilman Mitchell reported that the Public Projects Committee had met to discuss the improvement of street lighting which was referred to the committee by the Council at the August 23rd meeting. He said that the staff has been asked to furnish certain figures; that before the committee could make an official report to the Council, approval was needed to authorize the committee to meet with Board of Directors of the M.I.D.

Mayor Johansen said that a meeting with the M.I.D. Board of Directors

was tentatively scheduled for tomorrow, pending approval of the Council.

MOTION

That the Public Projects Committee be authorized to meet with the Board of Directors of the M.I.D. to discuss the street lighting program.

Moved by Smith Seconded by Patton Unanimously carried

CONSIDER CALIFORNIA PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1965 4-39

A copy of Assembly Bill No. 103, Part 5, "Parking and Business Improvement Area Law of 1965," was entered into the record of the minutes.

Hal Sconyers, Chairman, Downtown Modesto Association Committee, appointed to study AB-103, said it was the belief of the committee that the bill had some merit, and requested that the Council take no action on the bill until such time as the Downtown Modesto Association has an opportunity to study the bill further and make a full report to the Council on the Association's thinking. Mr. Sconyers stated that the committee felt that the Association should develop support and general enthusiasm in the formation of a district in the area where problems exist. He asked that the Council concur in this approach.

MOTION

That the City Attorney, City Manager, Parking Director, and other interested members of the staff be authorized to offer cooperation to the Downtown Modesto Association Committee established to study AB-103

Moved by Smith Seconded by Shastid Unanimously carried

Mayor Johansen stressed the importance of the staff acting as consultants, not as leaders.

CONSIDER TRAILWAYS APPLICATION TO P.U.C. FOR PASSENGER FARE INCREASE

A memorandum from the Director of Parking and Traffic dated August 30, 1965, subject, "P.U.C. Application of Transcontinental Bus System for Passenger Fare Increase," was entered into the record of the minutes. No action was taken by the Council.

OFFER FROM K. W. SCHACH TO PURCHASE MOOSE PROPERTY 4-95

The following documents were entered into the record of the minutes: Letter from K. W. Schach, 409 North Wilson, expressing interest in the purchase of city-owned property located on North Morton Boulevard; memorandum from the Director of Parks and Recreation dated September 1, 1965, subject, "Letter from K. W. Schach regarding purchase of the Moose Property," recommending that the property not be sold.

MOTION

That the City not dispose of city-owned property known as the Moose Property at this time

Moved by Shastid Seconded by Patton Unanimously carried

CONSIDER REQUEST BY EAST MODESTO INDUSTRIAL WASTE COMPANY TO RENEW THEIR AGREEMENT OF LAST YEAR REGARDING ACCEPTANCE BY THE CITY OF LIMITED QUANTITIES OF INDUSTRIAL FLOW

A memorandum from the Director of Public Works dated September 2, 1965, subject, "Sewer Service: East Modesto Industrial Waste Company," was entered into the record of the minutes. Recommendation was made that the agreement between the City and East Modesto Industrial Waste Company

entered into last year, providing for the City to accept limited quantities of peak industrial flow, be renewed subject to certain conditions.

Councilman Shastid stated that his position on this matter was unchanged from last year, that he did not feel it proper for the City to take on additional industrial waste because of the existing seasonal overload at the sewage treatment plant.

Director of Public Works Campbell stated that the proposed agreement, although basically the same as last year's, contained two changes--a charge set for treating industrial waste accepted, and no minimum charge. He said it was the intent of the Company to use city facilities on an emergency basis only.

The proposed agreement was discussed by the Council.

MOTION

That the agreement be amended to establish a standby fee only, the same as last year

Moved by Hughes Seconded by Patton
The motion failed to carry, with five councilmen dissenting.

MOTION

That the above motion be amended to provide that there be no standby fee and no minimum charge; that the discharge be accepted on an emergency basis only; that the staff be convinced that an emergency exists; that these provisions be written into the proposed agreement

Moved by Shastid
The motion died for lack of a second.

MOTION

That the agreement be amended to provide a $1,000 standby fee; that the charge for treating the industrial waste accepted by the City be the same as last year--the Class B Industrial Waste Rate inside the City, multiplied by a factor of three; that there be no discharge into the city system unless an emergency exists, the fact that an emergency exists be to the satisfaction of the city staff

Moved by Shastid Seconded by Hughes

The motion carried, Councilman Smith dissenting.

RESOLUTION NO. 65-499

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND EAST MODESTO INDUSTRIAL WASTE COMPANY - PEAK INDUSTRIAL FLOW (as amended by above motion)

Moved by Smith Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: VanderWall

NOTICE FROM BOARD OF SUPERVISORS OF APPROVAL OF FINANCIAL CONSULTANT SELECTION FOR CITY-COUNTY SEWER PROGRAM 7-12

A resolution of the Board of Supervisors of Stanislaus County dated August 24, 1965 approving the selection of Bartle Wells Associates as financial consultants for the Metropolitan Area Sewer Study, was entered into the record and ordered filed.

CONSIDER ADDITION OF PERSONNEL RULE 7.8 RESIDENCE REQUIREMENT FOR EMERGENCY PERSONNEL

The following documents were entered into the record of the minutes:

Memorandum from the City Manager dated August 2, 1965, subject, "Residence Requirement for Emergency Personnel," with proposed addition to personnel rules No. 7.8, Residence Requirement attached; Personnel Commission minutes dated August 20, 1965 containing a motion approved by the Personnel Commission recommending to the City Council the addition of Personnel Rule 7.8 as proposed by the staff. The proposed rule requires all Fire and Police Department personnel working in classifications for which safety membership in the State Employees' Retirement System is required shall reside within the city limits of the City of Modesto or within a radius of four miles from the main fire or police station, whichever is greater.

Jim Flanagan, member of the Fire Department, stated that he was buying a ranch located six miles out of the City; that it took much less time to go to a fire by way of the freeway or highways than by way of city streets. He asked that no action be taken on the proposed personnel rule change.

The proposed change was discussed by the Council.

Fire Chief Everett described the method used in alerting off-duty firemen for fires and emergencies.

The staff was questioned by the Council on residential restrictions imposed by other cities, the reason for the proposed personnel rule change, the number of personnel presently living outside the four-mile radius area.

The proposed rule change was discussed by the Council.

RESOLUTION NO. 65-500

A RESOLUTION ADDING SECTION 7.8 TO THE PERSONNEL RULES RELATING TO RESIDENCE REQUIREMENT (Fire and Police Department personnel)

Introduced by Mitchell Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: VanderWall

Comments were made by Councilman Shastid that, as indicated by the City Manager, any time an employee felt that a personality conflict or discrimination in city employment existed, he was free to take the matter up with the Personnel Commission or City Council.

COMPROMISE SETTLEMENT OF UNPAID PARKING PLEDGE FOR MODESTO PLYMOUTH LOT 9-30

The following documents were entered into the record of the minutes: Letter from Arthur R. Friedman, Attorney at Law, dated August 26, 1965 enclosing a check for $200 in full and complete settlement of the $400 delinquency accrued to date under the parking pledge agreement executed on February 28, 1964 by Mr. Hoghren, on the basis of Mr. Hoghren's contention that the pledge was only to be binding upon him in his former location; memorandum from the City Attorney to the Finance Director dated August 30, 1965, subject, "Parking Pledge: Harland Jewelers," recommending that the offer of settlement be accepted.

Director of Finance Bird stated that from a dollar standpoint, under the circumstances of the present case, it appeared that acceptance of the compromise was the best procedure to follow.

The City Attorney stated that the last sentence of the agreement with Harland Jewelers states, "It is understood that should I close or sell my business adjacent to this particular lot, my obligation under this agreement will cease at the time of recordation or closure." He said that the problem in this case was presented when Harland Jewelers

moved across the street from its former location, and payments stopped on the basis that the business was no longer adjacent to, and was no longer benefiting from the lot. Mr. Johnson said it was the staff's belief that the compromise payment of $200 of the $400 past-due amount was a small compromise on the City's part for clarification of the terms of the agreement without going to Court, plus the $20 per month for eight years which Harland Jewelers has agreed to pay.

Director of Finance Bird stated that the wording will be clarified in any future parking pledge agreements to avoid further situations of this kind.

By order of the Chair, this matter was held over for two weeks to permit further investigation.

CONSIDER OFFER OF SALE OF BUMGARDNER WATER COMPANY, INC. 9-115

The following documents were entered into the record of the minutes: Undated letter from George Bumgardner, Bumgardner Water Company, offering the City a 30-day option from date of the letter to purchase its complete water production and distribution systems, including all office equipment, maps, a 1964 utility pickup, pipes, fittings, and other inventory on hand, for $270,000 (option price, $100 to be applied to purchase price); memorandum from the City Manager to the Council dated September 2, 1965, subject, "Acquisition of Bumgardner Water Company, Inc." Recommendation was made that the offer be accepted and the staff be directed to prepare the necessary agreement providing for the transfer of property to take place effective January 1, 1966.

The City Manager stated that the date of January 1, 1966 was set in order to have ample time to clear the proposed purchase with the Public Utilities Commission.

MOTION

That the 30-day option offer for the purchase of Bumgardner Water Company, Inc. be approved, and payment of $100 authorized

Moved by Mitchell Seconded by Shastid Unanimously carried

Director of Finance Bird stated that the $100 will be charged to the Miscellaneous Account; and upon execution of the agreement, the full cost will be transferred.

DISCUSSION CONCERNING APPLICATION TO THE FEDERAL GOVERNMENT FOR A FEDERAL GRANT FOR THE SEWAGE TREATMENT PLANT UNDER THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

The following documents were entered into the record: Memorandum from Mayor Johansen to the City Council dated September 2, 1965, subject, "Sewage Treatment Plant," regarding application for federal funds for the expansion of the sewage treatment plant; letter from Mayor Johansen to Nyshi W. Clayton, Public Works and Economic Development Administration, San Francisco, submitting an informal application for federal funds for expansion of the sewage treatment plant.

No action was taken by the Council.

REPORT ON PAVING OF 9TH STREET

The City Manager reported that the paving of Ninth Street has not yet been completed. Progress of work by Tidewater Southern was discussed.

Progress report on improvement of Tully Road

Director of Public Works Campbell stated that improvements on Tully

Road will be completed in about six weeks (middle of October), barring heavy rains.

REPORT ON DEL WEBB FIELD

A memorandum from the Director of Parks and Recreation dated September 2, 1965, subject, "Report on Del Webb Field," was entered into the record of the minutes. This report was prepared at the request of the City Council for information regarding Del Webb Field as follows: Past and present uses; responsibility of the city regarding maintenance and repair and exceptions thereto; use of the field by organizations during the current season; income and expenditures; future uses; condition of facilities and recommendations for improvement of facilities.

The Council discussed the following: The recommendation that at least 1/2 to 2/3 of the parking lot be planted in lawn, and the remaining portion resurfaced with asphalt; the importance of determining as soon as possible whether or not a professional ball club will return to Modesto next season.

By order of the Chair, the staff was directed to contact the sports editor of the Bee, former baseball directors, etc., to see if there is any interest in the return of professional baseball, with the matter to come back on the agenda at the discretion of the staff and Council.

NOTICE OF PUBLIC HEARING - LOCAL AGENCY FORMATION COMMISSION

Notice of a public hearing to be held on September 15, 1965 in Room 206, County Offices Building, 1100 Eye Street, Modesto to consider the proposed annexation of East Oakdale Unit No. 1, to the City of Oakdale, was entered into the record of the minutes and ordered filed.

EXECUTIVE SESSION TO CONSIDER POSSIBLE ACQUISITION OF 9TH AND J STREETS PARKING LOT

MOTION

That the Council meet in executive session to consider the possible acquisition of the 9th and J Streets Parking Lot

Moved by Hughes Seconded by Mayor Johansen Unanimously carried

The Council went into executive session at 6:40 P.M., returning to regular session at 6:56 P.M.

MOTION

That the staff be authorized to conduct negotiations for acquisition of a parcel of property 75' x140' deep, facing on 9th Street between J and I Streets, presently leased by the City for parking purposes

Introduced by Shastid Seconded by Smith Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Hughes Seconded by Mitchell Unanimously carried

The meeting adjourned at 6:59 P.M.

ATTEST: _____
REX E. GAILFUS
City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen

Absent: Councilmen: VanderWall

The pledge of allegiance to the Flag was given by all present.

Reverend Dale E. Sherwood gave the invocation.

PRESENTATION OF SUGGESTION AWARD

A $35 suggestion award was presented to Mel Williams, Service Division, City Hall, by Mayor Johansen, for suggesting use of the Police Department's Xerox machine for reproducing masters.

APPROVAL OF MINUTES

The minutes of the regular meeting of August 23, 1965 were approved.

LETTER FROM DIVISION OF HIGHWAYS, J. G. MEYER, DISTRICT ENGINEER, REGARDING FIFTH ANNUAL OBSERVANCE OF NATIONAL HIGHWAY WEEK

A letter from J. G. Meyer, dated September 1, 1965 announcing that during the week of September 19 -25, 1965 California will be participating in the fifth annual observance of National Highway Week, was entered into the record of the minutes.

Appreciation was expressed for anything the City might do to encourage the approval of a resolution or any other action to bring this occasion to the attention of schools, service clubs, industry, and residents of the City.

The letter was ordered filed.

LETTER FROM JOSEPH H. TIPPETS, DIRECTOR, WESTERN REGION, FEDERAL AVIATION AGENCY, REGARDING FEDERAL AID FOR AIRPORT PROGRAM

A letter from Joseph H. Tippets dated September 3, 1965, informing the City that $26,980 has been allocated under the terms of the Federal Airport Act for a project at Modesto City-County Airport for the installation of approximately 20,000 lineal feet of security fencing, was entered into the record of the minutes.

By order of the Chair, the letter was referred to the staff.

LETTER FROM C. E. DIXON, CHIEF ADMINISTRATIVE OFFICER, STANISLAUS COUNTY, REGARDING REFUSE DISPOSAL SITES

A letter from C. E. Dixon dated August 24, 1965 asking the City to consider use of the city dump site for public and private firms and persons in the unincorporated area of the County, was entered into the record of the minutes.

The City Manager stated that it was anticipated that the City's present disposal site will last for about another year and one-half; that steps were being taken to acquire additional land; that the staff was interested in working out some agreement with the County. He recommended that the Council authorize a reply to the County indicating the City's interest.

MOTION

That the staff be instructed to negotiate with the County for a joint city-county dump site

Moved by Shastid Seconded by Mitchell Unanimously carried

LETTER FROM HARRY D. WISER, SUPERINTENDENT, MODESTO CITY SCHOOLS, REGARDING GRACE M. DAVIS HIGH SCHOOL SWIMMING POOL

A letter from Harry D. Wiser dated August 31, 1965 informing the City that low bid for the construction of a swimming pool at Grace M. Davis High School has been awarded to the John L. Klein Company, Modesto, in the amount of $82,895, was entered into the record of the minutes.

The City Manager stated that this figure was within the maximum amount for the cost of the pool approved by the Council at the June 28, 1965 meeting.

MOTION

That indication be made to the Board of Education that the City concurs in the award of the bid for the construction of a swimming pool at Grace M. Davis High School to the John L. Klein Company of Modesto

Moved by Mitchell Seconded by Patton Unanimously carried

FURTHER CONSIDERATION OF REQUEST BY LLOYD G. OVERHOLTZER REGARDING CHANGE IN REQUIRED IMPROVEMENTS TO PROPERTY ON THE NORTHEAST CORNER OF McHENRY-TOKAY AVENUES (QUINTANA AGREEMENT)

The request of Lloyd Overholtzer, Route 3, Box 38A, Sonora, California for a further modification to an agreement with Quintana, Inc., dated August 17, 1964 to permit the lowering of a wall from six to three feet, and an opening in the wall on the Tokay Avenue side of the property, was considered by the Council at the September 7 meeting. By order of the Chair, Paul Birmingham, Civil Engineer, representing Mr. Overholtzer, was asked to submit further information supporting the requested changes.

Mayor Johansen stated that this information was requested to allow the Council to determine whether or not the matter should be referred to the Planning Commission.

The following document was read into the record of the minutes: Letter from Lloyd Overholtzer dated September 13, 1965 requesting that the Council's decision on his request be delayed for four weeks to permit him to bring the wall up to the three-foot height in the area where the change is proposed, and to a six-foot height in all other areas; that at that time he would like the Council and staff to inspect the work, and judgment could then be made as to whether the wall was satisfactory; that the wall would be constructed in such a way that it could be continued up to six feet without any change in structural design.

Paul Birmingham read the following excerpt from the agreement between the City and Quintana, Inc.: " . . It is recognized that as the above-described property is developed, changes may be desirable due to modification of building and development plans. In the event such changes occur, Quintana may request City to make modifications in this agreement by submitting such request in writing to City. City agrees to give said request careful consideration and agrees to take favorable action on such request, if substantiated by facts presented, and such changes are determined by the Council to be in the public interest and for the general welfare and consistent with the principles and policies set forth in the above mentioned McHenry Avenue Report and General Plan as finally adopted or hereafter amended . . ."

A layout of the buildings proposed on the property was shown to the Council. He explained the difficulty of sketching the proposed fence at the proper perspective, resulting in the request by Mr. Overholtzer that the fence be constructed to the height requested, for Council inspection, before a final decision is made.

The Council discussed the following: The number of public hearings held in connection with the rezoning of this property; failure of the developer to present reasons to support the requested amendment to the Quintana agreement, as requested by the Council at the September 7th meeting; whether or not a building permit could be secured to construct the fence temporarily as requested.

Mr. Birmingham stated that lowering of the wall was requested to permit the businesses to be seen by the general public. The following spoke against the changes in the agreement requested by the applicant: Robert Fuxa, 218 Brian Court; Mrs. Leonard Day, 148 Tokay Avenue; Mrs. Elwyn Miller, 214 Phillip Court.

A letter from Doctor Wallace H. Ruch, Jr., 2114 College Avenue, Modesto, California dated September 10, 1965 opposing the requested changes in the agreement was entered into the record of the minutes.

After consultation with his client, Mr. Birmingham stated that Mr. Overholtzer agreed to withdrawing his application for the requested changes at the present time.

Mayor Johansen stated that it was his understanding that with the withdrawal of the application, under the terms of the agreement, the applicant had the right to apply at a later date, supplying the Council with more adequate reasons for the requested changes; and at that time it would be up to the Council to again reconsider the application.

HEARING ON PROPOSED ANNEXATION OF EL VECINO ADDITION 4-100

Mayor Johansen announced that the hour of 7:45 P.M. had arrived, the time set for consideration of the proposed annexation of El Vecino Addition, a 6.586 acre parcel located on El Vecino Avenue, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune and Turlock Daily Journal on August 12 and 19, 1965; notices and a map of the area mailed to all property owners and other interested persons on August 12, 1965. Objections to the proposed annexation were submitted by Mark Joseph, Attorney for the objector, Jennie J. Brower, owner of a portion of the land proposed for annexation.

Planning Commission Resolution No. 65-89 recommending commencement of proceedings for the annexation of the El Vecino No. 2 Addition to the City of Modesto, was entered into the record of the minutes.

The following documents were also entered into the record of the minutes: Authorization signed by Jennie Brower, owner of property at 1204 El Vecino, Modesto, California, authorizing Mark A. Joseph, Attorney at Law, Post Office Box 556, Modesto, California to represent her in the annexation proceedings, to prepare, file, present, and conduct in her behalf such objections to the proposed annexation as he might deem proper and expedient; a document entitled "Objections to Proposed Annexation," signed by Mark A. Joseph listing six objections to the annexation. These documents were filed with the City Clerk September 13, 1965 at 7:30 P.M.

Director of Planning Fey stated that the proposed annexation comprised about six and one-half acres; that in accordance with state law, there must be a majority protest based upon the assessed value of land and improvements in the area being annexed to the City; that based on

the assessed value of the land as determined on the date the petition was signed (June 2, 1965), 59.7% were in favor of the annexation and 40.3% protested (Mr. Joseph's client, Mrs. Brower); that the Brower property comprised about 1/20 of the area proposed for annexation.

The City Attorney stated that the area being protested comprised the west 131.52 feet of the south 198 feet of Lot 31 of the Mensinger Colony, as the same is shown on the official map thereof filed May 18, 1909, in the office of the County Recorder of Stanislaus County, State of California, in Volume 4 of Maps, at page 25, being the property commonly known and designated by the Number 1204 El Vecino Avenue, Modesto, California. The area proposed for annexation was indicated on a map by Mr. Fey.

The City Attorney reported that the annexation had been approved by the Local Agency Formation Commission on May 19, 1965 and had been processed through required county agencies and the City Planning Commission; and was set for public hearing on this date by Council Resolution No.65-444 adopted August 2, 1965.

Director of Planning Fey stated that the total assessed value of the Wylie parcel which was not being protested, the large triangular parcel on the west side of El Vecino Avenue, was $4,000 (59.7%); the total assessed value of the Brower parcel, being protested, and located on the east side of El Vecino, $2,830 (40.3%); total assessed value of the area bein annexed, $6,830.

The City Attorney quoted the following excerpt from Section 35313 of the Government Code as follows: "If privately owned property and no publicly owned property is proposed to be annexed, further proceedings shall not be taken if protest is made by private owners of one-half of the value of the territory proposed to be annexed. The value given such property for protest purposes shall be that shown on the last equalized assessment roll if the property is not exempt from taxation. If the property is exempt from taxation, its value for protest purposes shall be determined by county assessor in the same amount as he would assess on such property if it were not exempt from taxation."

Mark Joseph, Attorney at Law, representing Mrs. Jennie Brower, discussed his client's objections to the proposed annexation, as listed in document filed with the City Clerk entitled, "Objections to Proposed Annexation."

Mr. Joseph stated that two weeks ago, in the absence of his client, a sewer was laid across his client's property, resulting in damage to walnut trees and overturned benches. He said that there was no easement or alley. Upon questioning, Mr. Joseph stated that Mr. Wylie and Mr. A. P. Rasmussen were responsible for the laying of the sewer, and, according to a sheriff's report of Stanislaus County, the work was done with the consent and at the suggestion of the Modesto city engineer. Mr. Joseph said that he did not hear the city engineer give the consent; therefore, did not charge him with having given it.

Mr. Joseph said he wished to call to the Council's attention that it was purporting to be acting under a Council resolution adopted August 2, 1965. He said that this was untrue--that the resolution was adopted more than 90 days ago, and merely because there was some defect in the proceedings, there was nothing in the Act for the City to start the proceedings again. He said that the Council lost jurisdiction when 60 days passed after July 21, 1965, the date of the first resolution, and the matter, therefore, died under the law. In conclusion, Mr. Joseph submitted that under the law and the facts, it was the duty of the Council to legally terminate the proceedings on the basis of its having lost jurisdiction.

The City Attorney read into the record the document filed by Mr. Joseph entitled, "Objections to Proposed Annexation." Upon questioning,

the City Attorney stated that he had reviewed all records of the annexation, had gone over all the points of objection presented by Mr. Joseph, and that it was his opinion that the annexation of El Vecino No. 2 Addition conformed in all respects to the requirements of the Annexation Act of 1939, and all other state laws.

No one else in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

Upon questioning, concerning Mr. Joseph's statement pertaining to trespassing on his client's property, Director of Public Works Campbell stated that the city staff would never give anyone permission to trespass on private property to lay public facilities; that the matter mentioned by Mr. Joseph was the responsibility of the contractor and the developer.

Director of Planning Fey was questioned by the Council on several prior annexations adjacent to Mrs. Brower's property, and as to why her property was excluded from those annexations.

Upon questioning, Director of Finance Bird stated that the city taxes on the Brower property would approximate $50.09, less the bond interest rate, about 11¢ per $100 assessed valuation.

RESOLUTION NO. 65-501
A RESOLUTION DECLARING THAT A MAJORITY PROTEST HAS NOT BEEN MADE AGAINST THE ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS EL VECINO NO. 2 ADDITION AND DECLARING THE INTENTION OF THE COUNCIL TO PROCEED WITH THE ANNEXATION OF SAID TERRITORY

Introduced by Hughes Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: VanderWall

ORDINANCE NO. 746-C.S. entitled
"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE EL VECINO NO. 2 ADDITION TO THE CITY OF MODESTO"

was introduced and adopted and ordered published as required by the Charter.

Moved by Mitchell Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: VanderWall

HEARING ON PROPOSED AMENDMENT TO ZONING REGULATIONS, H-1 ZONE PERMITTED USES 7-38

Mayor Johansen announced that the hour of 7:55 P.M. had arrived, the time set for consideration of a proposed amendment to Chapter 2 of Title X of the Modesto Municipal Code, to add the permitted uses of Christmas tree sales and fireworks stands in an H-1 Zone, subject to the approval of the Planning Director, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on September 2, 1965, and notices available for the general public in the offices of the City Clerk and Planning Department. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 65-107 recommends that the proposed amendments to Chapter 2 of Title X of the Modesto Municipal Code be approved.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

ORDINANCE NO. 747-C.S. entitled
"AN ORDINANCE ADDING SECTION 10-1.2903.1 TO ARTICLE 29 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE, RELATING TO ZONING REGULATIONS"

was introduced and ordered published as required by the Charter.

Moved by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: VanderWall

HEARING ON AMENDING TO ZONING MAP, SECTIONS 7-3-9 AND 8-3-9 (PACIFIC INDUSTRIAL CO.)

Mayor Johansen announced that the hour of 7:55 P.M. had arrived, the time set for consideration of the proposed rezoning of property located on the southeast and southwest corners of Standiford Avenue and Tully Road from R-1 to Planned Development Zone P-D (21) and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on September 2, 1965, and notices posted and delivered in the area on August 31, 1965. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 65-108 recommends that the property be rezoned from R-1 to P-D (21).

Director of Planning Fey was questioned on the development plan for the planned development zone.

Mr. Wayne Richmond, 231 East Weber Avenue, Stockton, California, representing Pacific Investment Co., asked that the rezoning and planned development plan be adopted. He said that landscaping between residential and apartment sites could be accomplished more effectively if separated by a fence rather than a masonry wall.

No one else in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

ORDINANCE NO. 748-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAPS 7-3-9 AND 8-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (PACIFIC INVESTMENT COMPANY)"

was introduced and ordered published as required by the Charter.

Moved by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: VanderWall

RESOLUTION NO. 65-502
A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D (21) (PACIFIC INVESTMENT COMPANY)

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: VanderWall

MATTERS FOR THE GOOD OF THE COMMUNITY

Extension of time for completion of contract - Federal Sign and Signal Corporation - radio alert equipment

A memorandum from Purchasing Officer Dunham dated September 13,1965, subject, "Contract Extension," recommending that the Federal Sign and Signal Corporation be granted an extension of time to October 15, 1965

to complete its contractual obligation, was entered into the record of the minutes.

RESOLUTION NO. 65-503

A RESOLUTION GRANTING EXTENSION OF TIME TO FEDERAL SIGN AND SIGNAL CORPORATION FOR DELIVERY OF RADIO QUICK CALL TRANSMITTER AND SEVENTY-FOUR RADIO ALERTING UNITS (RADIO QUICK CALL SYSTEM) (subject to approval of extension by the Department of Defense, Office of Civil Defense)

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: VanderWall

Request for permission to leave country - Councilman Smith

MOTION

That the request of Councilman Smith for permission to leave the country for three weeks be approved

Moved by Shastid Seconded by Hughes Unanimously carried

ACCEPT AS COMPLETE WESTERN PIPELINE COMPANY'S CONTRACT FOR CONSTRUCTION OF ROSE AVENUE TRUNK SEWER FROM CRESTVIEW DRIVE TO NORTHERN BOULEVARD

RESOLUTION NO. 65-504

A RESOLUTION ACCEPTING THE CONSTRUCTION OF ROSE AVENUE TRUNK SEWER FROM CRESTVIEW DRIVE TO NORTHERN BOULEVARD

Introduced by Shastid Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: VanderWall

AGREEMENT BETWEEN CITY OF MODESTO AND ELMO WILSON AND BETTY WILSON - IMPROVEMENTS CONNECTED WITH LOT SPLIT, BLOCK 2086, Lots 10, 11, 12

RESOLUTION NO. 65-505

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ELMO WILSON AND BETTY WILSON - IMPROVEMENTS CONNECTED WITH LOT SPLIT, BLOCK 2086

Introduced by Shastid Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: VanderWall

CONSIDER RIGHT OF WAY AGREEMENT AND GRANT DEED FROM TERESA WILEN, RAYMOND B. AND ERISELDA T. RAMIREZ FOR WIDENING OF ORANGEBURG AVENUE

RESOLUTION NO. 65-506

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND TERESA WILEN, RAYMOND B. RAMIREZ, AND ERISELDA T. RAMIREZ, AND APPROVING GRANT DEED FOR WIDENING OF ORANGEBURG AVENUE

Introduced by Shastid Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: VanderWall

CONSIDER APPROVAL OF RIGHT OF WAY AGREEMENT AND GRANT DEED FROM JOSEPH B. MILLER AND MARY MILLER RELATING TO ACQUISITION OF PROPERTY BY THE CITY OF MODESTO FOR WIDENING OF ORANGEBURG AVENUE

RESOLUTION NO. 65-507

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND JOSEPH B. MILLER AND MARY MILLER, AND APPROVING GRANT DEED FOR WIDENING OF ORANGEBURG AVENUE

Introduced by Shastid Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: VanderWall

CONSIDER REQUEST BY THE LOCAL MAINTENANCE OFFICE OF THE STATE DIVISION OF HIGHWAYS TO USE THE MUNICIPAL DUMP

The following documents were entered into the record of the minutes: Letter from C. F. Robinson, Highway Superintendent, Division of Highways, State of California, dated August 18, 1965 requesting permission to dispose of Division of Highways roadside litter, etc. in the city dumping grounds on Carpenter Road; memorandum from Director of Public Works Campbell to the City Attorney dated August 20, 1965 requesting an opinion as to the legality of approving the request within the framework of the City's existing ordinance regulating garbage disposal; Opinion No. 65-14 from the Assistant City Attorney, subject, "Use of City Dump by Division of Highways," stating that it would be within the provisions of Section 5-5.10 of the Municipal Code to permit the State Division of Highways to dispose of roadside litter in the city dumping grounds.

RESOLUTION NO. 65-508

A RESOLUTION PROVIDING FOR USE OF CITY'S DISPOSAL AREA BY THE LOCAL MAINTENANCE OFFICE OF THE STATE DIVISION OF HIGHWAYS

Introduced by Shastid Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: VanderWall

RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF CURB AND GUTTER ALONG CERTAIN STREETS IN THE CITY OF MODESTO

RESOLUTION NO. 65-509

A RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF CURB AND GUTTER ALONG CERTAIN STREETS IN THE CITY OF MODESTO (WELLESLEY WAY)

Introduced by Shastid Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: VanderWall

September 27, 1965 at 7:45 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

CONSIDER REQUIREMENT FOR CURB AND GUTTER ON GRISWOLD AVENUE (GREEN PROPERTY)

Memoranda from the Director of Public Works dated August 19, 1965 and September 9, 1965, subject, "Construction of Curb and Gutter on the South side of Griswold Avenue between McHenry Avenue and Geer Court," were entered into the record of the minutes.

Presented for council consideration was the request from a property owner on the south side of Griswold Avenue between Geer Court and McHenry Avenue that installation of curbs and gutters in that block be completed, since two of the parcels, representing over 50 per cent of the frontage, have constructed curbs and gutters.

Recommendation was made by the Director of Public Works that curbs and gutters not be required at property located at the corner of Geer Court and Griswold Avenue, but that they be required at the Winger property at 120 Griswold Avenue.

Mr. Russell Green, 814 Geer Avenue, owner of the property located at the corner of Geer Court and Griswold Avenue, said that he could not

see any reason for the widening of Griswold Avenue since it was strictly a residential street; that if it was widened, he would lose some beautiful trees.

John Winger, 120 Griswold Avenue, said that he was very bitter about the whole affair; that the drainage problem in this area was not caused from rainwater, but a wash water problem from a used car lot on the corner.

Joe Saletta, 206 Griswold Avenue, spoke briefly on a sketch attached to memorandum from the Director of Public Works dated August 19, 1965, entitled "Modified Curbs to Accommodate Street Trees." He asked the intent of the Council on future plans for Griswold Avenue - whether it was planned to widen the street, or let it remain as a residential street. Mr. Saletta spoke briefly in opposition to the widening of the street, stating that his stand was supported by many residents living on Griswold Avenue.

The matter was discussed by the Council.

The Council discussed the following: Drainage problems in the area; the current traffic count on Griswold; the need for a council decision as to whether Griswold Avenue will become a collector street.

A motion introduced by Councilman Hughes that the matter be referred back to the staff for information as to where curbs are presently located, the location of existing trees, to supply recommendations as to what can be done, and the number of feet the street can be widened, was withdrawn.

MOTION

That the matter of the future of Griswold Avenue be referred to the Planning Commission for report and recommendation; that nothing be done at this time on the requirement for curb and gutter at the two locations involved; that the staff inform the Planning Commission of the mixed feelings of the Council; that a public hearing be held, with all residents involved contacted

Moved by Hughes Seconded by Smith Unanimously carried

REQUEST BY K-MART STORES (MR. WINN) FOR IMPROVEMENT OF PRESCOTT-NORTHERN BOULEVARD INTERSECTION

A letter from M. G. Leech, The Taubman Company, Inc., dated September 8, 1965 enclosing a $1,500 check payable to the City of Modesto to guarantee improvements which will be made by city forces in the nature of an asphaltic concrete approach from Briggsmore Avenue to the K-Mart building site, was entered into the record of the minutes. In accordance with the terms of an agreement with Mr. Winn, the $1,500 deposit will be refunded when the property is annexed to the City.

Director of Public Works Campbell stated that this was not a curb and gutter driveway - that it was actually a 40-foot street intersection.

The request was discussed by the Council.

MOTION

That the request of K-Mart Stores for improvement of Prescott-Northern Boulevard intersection be approved

Introduced by Hughes Seconded by Patton Unanimously carried

CONSIDER SURPLUS PROPERTY - TUOLUMNE BOULEVARD

A memorandum from the Director of Parks and Recreation dated August

31, 1965, subject, "Surplus property on Tuolumne Blvd. across from the Nine Hole Municipal Golf Course," was entered into the record of the minutes. The memorandum indicated that the State Division of Highways has informed the City that the parcels would be held pending word from the City in regard to its interest in purchasing one or both parcels, and listed an estimated cost breakdown based on three plans developed by the Director of Parking and Traffic for use of the property for parking purposes.

MOTION

That the staff be directed to negotiate with the State for acquisition of the parcels

Moved by Shastid Seconded by Smith Unanimously carried

CONSIDER APPROVAL OF AMENDMENTS AND/OR ADDITIONS TO THE PERSONNEL RULES, AS RECOMMENDED BY THE STAFF AND THE PERSONNEL COMMISSION

The following documents were entered into the record of the minutes: Memorandum from the Personnel Assistant dated September 3,1965, subject, "Personnel Rule Changes," recommending that proposed amendments to the Personnel Rules be approved as recommended by the Personnel Commission; the proposed amendments to the Personnel Rules.

RESOLUTION NO. 65-510

A RESOLUTION AMENDING SECTIONS 1.3, 3.2, 13.7, 16, 17, AND 18 OF THE PERSONNEL RULES, AND ADDING SECTIONS 1.4, 1.5, 1.6, 1.7, 13.8 AND 19 THERETO

Introduced by Smith Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: VanderWall

RECOMMEND COUNCIL INCLUDE STUDY OF PRIVATE LIGHTING IN ITS CURRENT STUDY OF STREET LIGHTING 11-38

A memorandum from Director of Planning Fey dated September 9, 1965, subject, "Lighting - Private and Commercial," was entered into the record of the minutes. The memorandum dealt with beneficial and detrimental effects of supplementary lighting being installed by the Modesto Irrigation District for private owners, with a recommendation from the Planning Commission that the Council consider this matter of supplementary lighting in its current discussion of city lighting.

Councilman Mitchell reported briefly on the progress of the referral to the Public Project Committee of the overall improvement of city lighting, and of a recent meeting with the Directors of M.I.D.

There were no objections by the Council to the City Manager's recommendation that the study of private lighting be made by the Public Projects Committee, with its current study of street lighting.

APPROPRIATION TRANSFERS - None

REPORT TO CITY MANAGER OUTLINING SUMMER A. A. U. JUNIOR TRACK PROGRAM

A memorandum from the Parks and Recreation Director dated September 9, 1965, subject, "Summer A. A. U. Junior Track Program," was entered into the record of the minutes. The report was ordered filed. Miss Grogan stated that about 500 youths participated in the program.

EXECUTIVE SESSION TO FURTHER CONSIDER ACQUISITION OF 9TH AND J STREETS PARKING LOT

With the unanimous consent of the Council, this item was removed from the agenda because it was not ready for consideration.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned
Moved by Smith Seconded by Patton Unanimously carried

The meeting adjourned at 10:18 P.M.

ATTEST: _____
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen

Absent: Councilmen: Shastid, Smith

The pledge of allegiance to the Flag was given by all present.

Reverend R. E. Patterson gave the invocation.

LETTER FROM JOHN F. POTTS, CAPTAIN, THE SALVATION ARMY, REQUESTING A PARADE PERMIT AND USE OF MANCINI BOWL

A letter from Captain John F. Potts dated September 13, 1965 requesting a parade permit and use of Mancini Bowl on the evening of Friday, September 24, 1965 was entered into the record of the minutes.

The City Manager stated that a permit for the parade had been granted but that council permission was needed for the use of Mancini Bowl.

MOTION

That the use of Mancini Bowl by the Salvation Army on the evening of September 24, 1965 be approved, with the required fee of $15 to be charged

Moved by VanderWall Seconded by Patton Unanimously carried

LETTER FROM NORMAN VANDERVEEN, CHAIRMAN, BUILDING COMMITTEE OF THE CHRISTIAN REFORMED CHURCH, REQUESTING VARIANCE FOR HEAVY CEDAR SHAKE ROOF ON NEW SANCTUARY

A letter from Norman VanderVeen dated September 11, 1965 requesting a variance to permit a heavy cedar shake roof to be placed on the sanctuary of the Christian Reformed Church to be located at the extension of College Avenue, north of Durant Avenue, was entered into the record of the minutes.

The City Manager stated that approval of the request would require an amendment to the building code.

Deputy Manager Ray stated that the staff has been studying this problem because of a similar request received from an architect for another church. He said that a survey indicates that a very few cities allow this type of roof on buildings in Fire Zone III; that further information was being gathered, including information from the International Conference of Building Officials, which is considering this code change within a month or so; that information had been received by telephone this afternoon that the committee considering the amendment had disapproved the proposed code change which would allow shake roofs in places of public assembly. Mr. Ray stated that the City of Sacramento has changed its code to allow shake roofs on buildings up to a certain size. He asked that the request be referred to the staff for further study and report to the Council within a short time.

By order of the Chair the letter was referred to the staff for report back to the Council.

LETTER FROM CHARLES THROSSELL, CHAIRMAN, SPECIAL EVENTS COMMITTEE, GREATER MODESTO CHAMBER OF COMMERCE, REGARDING DEDICATION CEREMONIES FOR NEW CITY-COUNTY AIRPORT CONTROL TOWER

A letter from Charles Throssell dated September 15, 1965 asking council members to attend dedication ceremonies for the City-County Airport control tower to be held at 2:00 P.M. on Saturday, September 25, 1965 was entered into the record of the minutes.

The letter was ordered filed.

LETTER FROM R. TRUMAN NORTHUP, CHURCH OF THE BRETHREN, REGARDING ITS ANNUAL CONVOCATION AND POSSIBLE USE OF SPECIAL PARKING STICKERS

A letter from Reverend R. Truman Northup dated September 15, 1965 notifying the Council that the Pacific Southwest Conference of the Church of the Brethren will be held in Modesto October 14 - 17, 1965, and requesting that parking stickers be furnished the out of town guests, was entered into the record of the minutes.

MOTION

That the staff be directed to notify Reverend Northup that parking stickers will be furnished the out of town guests attending the conference

Moved by VanderWall Seconded by Patton Unanimously carried

LETTER FROM NORTHERN CALIFORNIA COMPANY REGARDING REQUEST TO POUR CONCRETE SLAB ON CITY PROPERTY

RESOLUTION NO. 65-511

A RESOLUTION GRANTING THE NORTHERN CALIFORNIA COMPANY A PERMIT TO CONSTRUCT A CONCRETE SLAB ON CITY-OWNED PROPERTY

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

CONSIDER AWARD TO LOW BIDDERS FOR WATER WORKS SUPPLIES, PIPE, VALVES, AND FITTINGS

RESOLUTION NO. 65-512

A RESOLUTION ACCEPTING THE BID OF UNITED STATES PIPE AND FOUNDRY COMPANY, SAN FRANCISCO, FOR CAST IRON PIPE

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

RESOLUTION NO. 65-513

A RESOLUTION ACCEPTING THE BID OF GRINNELL COMPANY OF THE PACIFIC, FRESNO, CALIFORNIA, FOR 8" AND 10" CEMENT ASBESTOS PIPE

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

RESOLUTION NO. 65-514

A RESOLUTION ACCEPTING THE BID OF GRINNELL CO. OF THE PACIFIC, FRESNO, CALIFORNIA, FOR 4", 6" AND 12" CEMENT ASBESTOS PIPE

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

A RESOLUTION ACCEPTING THE BID OF FRONTIER [illegible]
CALIFORNIA FOR GATE VALVES

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

RESOLUTION NO. 65-516
A RESOLUTION ACCEPTING THE BID OF WATER WORKS SUPPLY CO., INC., UNION CITY, CALIFORNIA, FOR CAST IRON FITTINGS

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO STATING THAT IT WILL ACCEPT EXCESS LAND FROM THE MODESTO FREEWAY IF SAID EXCESS LAND IS OFFERED TO IT BY THE DIVISION OF HIGHWAYS, STATE OF CALIFORNIA

RESOLUTION NO. 65-517
A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO STATING THAT IT WILL ACCEPT EXCESS LAND FROM THE MODESTO FREEWAY IF SAID EXCESS LAND IS OFFERED TO IT BY THE DIVISION OF HIGHWAYS OF THE STATE OF CALIFORNIA

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

RESOLUTION ESRABLISHING FLAT-RATE CHARGES FOR WATER SERVICE TO MODESTO CITY SCHOOLS

RESOLUTION NO. 65-518
A RESOLUTION ESTABLISHING FLAT-RATE CHARGES FOR WATER SERVICE TO MODESTO CITY SCHOOLS

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

RESOLUTION NO. 65-519
A RESOLUTION ESTABLISHING FLAT-RATE CHARGES FOR WATER SERVICE TO MODESTO JUNIOR COLLEGE OF THE YOSEMITE JUNIOR COLLEGE DISTRICT

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

ACCEPT AS COMPLETE GEORGE REED, INC.'S CONTRACT FOR THE IMPROVEMENT OF COLLEGE AVENUE BETWEEN NEEDHAM AND COLDWELL AVENUES

RESOLUTION NO. 65-520
A RESOLUTION ACCEPTING THE IMPROVEMENT OF COLLEGE AVENUE BETWEEN NEEDHAM AND COLDWELL AVENUES (GEORGE REED, INC.)

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

ACCEPT AS COMPLETE ROBERT E. BIBENS, DBA BIBENS NURSERY COMPANY, CONTRACT FOR INSTALLATION OF SPRINKLER SYSTEM AND IMPROVEMENTS AT STANDIFORD PARK

RESOLUTION NO. 65-521

A RESOLUTION ACCEPTING THE CONSTRUCTION OF IMPROVEMENTS AND INSTALLATION OF SPRINKLER SYSTEM AND LANDSCAPING AT STANDIFORD PARK SITE

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

CONSIDER APPROVAL AND AUTHORIZE PURCHASE OF APPROXIMATELY 97 NEW, USED AND REPAIRABLE FIRE HYDRANTS FROM EAST BAY MUNICIPAL UTILITY DISTRICT AT REDUCED PRICES

RESOLUTION NO. 65-522

A RESOLUTION APPROVING PURCHASE OF NEW, USED AND REPAIRABLE FIRE HYDRANTS FROM EAST BAY MUNICIPAL UTILITY DISTRICT

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

RESOLUTION NO. 65-526

A RESOLUTION WAIVING FORMAL BID PROCEDURES FOR THE PURCHASE OF FIRE HYDRANTS FROM EAST BAY MUNICIPAL UTILITY DISTRICT

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

CONSIDER REQUEST BY WELLS FARGO BANK FOR PERMIT TO ENCROACH ON PUBLIC RIGHT OF WAY IN THE ALLEY OF BLOCK 85

RESOLUTION NO. 65-523

A RESOLUTION GRANTING WELLSFARGO BANK A PERMIT TO ENCROACH ON THE PUBLIC RIGHT OF WAY IN THE ALLEY OF BLOCK 85 (installation and maintenance of underground pneumatic tubes and electrical conduit)

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

CONSIDER PROPOSAL OF MR. ARCHIE NEY TO HARVEST WALNUTS ON CITY PROPERTY

RESOLUTION NO. 65-531

A RESOLUTION APPROVING PROPOSAL OF MR. ARCHIE NEY TO HARVEST WALNUTS ON CITY PROPERTY

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

AGREEMENT BETWEEN THE CITY OF MODESTO AND ALFRED FLORY, GERTRUDE E. FLORY, JAMES JOHNSTON, SHIRLEY L. JOHNSTON, JOE H. TIDWELL AND LOIS TIDWELL, WHEREBY IN CONSIDERATION OF THE PLANNING COMMISSION GRANTING A LOT SPLIT TO SAID PARTIES IN BLOCK 13040, LOT 1, STANDIFORD AVENUE, THEY AGREE TO INSTALL CERTAIN IMPROVEMENTS AND DEDICATE THE NECESSARY RIGHT OF WAY, ALONG THE COLUMBINE DRIVE FRONTAGE OF THE LOT CREATED BY THE LOT SPLIT

RESOLUTION NO. 65-524

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ALFRED AND GERTRUDE E. FLORY, JAMES AND SHIRLEY L. JOHNSTON, JOE H. AND LOIS TIDWELL - LOT SPLIT

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

ADOPTION OF ORDINANCE NO. 747-C.S. RELATING TO ZONING REGULATIONS (Christmas tree sales and fireworks as permitted uses in H-1 Zone)

ORDINANCE NO. 747-C.S. entitled
"AN ORDINANCE ADDING SECTION 10-2-2903.1 TO ARTICLE 29 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE, RELATING TO ZONING REGULATIONS"

introduced September 13, 1965 and having been published as required, was moved and adopted.

Moved by VanderWall Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

PRESENTATION OF FINANCIAL STATEMENT FOR AUGUST 31, 1965

MOTION

That the financial statement for August 31, 1965 be accepted

Moved by VanderWall Seconded by Mitchell Unanimously carried

PRESENTATION OF ANNUAL INVENTORY OF THE CITY OF MODESTO FIXED ASSETS

MOTION

That the annual inventory of the City of Modesto fixed assets be accepted

Moved by VanderWall Seconded by Mitchell Unanimously carried

FURTHER CONSIDERATION OF COMPROMISE SETTLEMENT OF UNPAID PARKING PLEDGE FOR MODESTO PLYMOUTH LOT

At the request of Mayor Johansen, and with the unanimous consent of the Council, this matter was held over for one week.

FURTHER CONSIDERATION OF BUYING EXCESS FREEWAY PROPERTY NEAR 9-HOLE GOLF COURSE

A memorandum from the Director of Parking and Traffic dated September 15, 1965, subject, "Disposition of Excess U. S. 99 Freeway Lands - Tuolumne at Neece," was entered into the record of the minutes. The memorandum indicated that the State has decided to readvertise the property for sale, using the minimum bid prices requested at the prior sale when no bids were received.

MOTION

That no action be taken by the staff at this time to acquire this property

Moved by VanderWall Seconded by Mitchell Unanimously carried

DISCUSSION AS TO POSSIBILITY OF REQUESTING FEDERAL FUNDS FOR CODE ENFORCEMENT IN THE RESIDENTIAL AREAS OF THE CITY OF MODESTO

The following documents were entered into the record of the minutes: Memorandum from Building Inspector Leo Muth dated September 10, 1965, subject, "Report on Interview with Urban Renewal Officials in San Francisco, September 9, 1965;" memorandum from City Manager Keefe dated September 14, 1965, subject, "Meeting with Urban Renewal Officials in San Francisco, September 9, 1965 Concerning Code Enforcement." The memorandum from the City Manager indicated that the Housing and Redevelopment Act of 1965 provides that cities which do not have an urban renewal program may obtain federal funds for the enforcement of their housing code in residential areas; that the staff was investigating the possibility of obtaining these federal funds and would make further recommendations to the Council as more information is available.

Mr. Keefe stated that if the City participated in the program, it would be necessary to adopt a 7-point workable program; that it was the

recommendation of the staff that it be authorized to continue negotiations with the federal government toward the preparation of an application.

The Council discussed the following: the need for improvement of housing conditions in certain areas of the City; Section 117 of the Act, which provides for grants up to 3/4 of the cost of necessary street repair, installation of sidewalks, curbs and gutters, street lighting, etc. in designated code enforcement areas; whether or not a need for the program exists within the City; the importance of preventive measures to avoid development of blight areas.

The City Manager stated that participation in the program would permit the hiring of one or two building inspectors to determine the extent of the existing need.

The City Manager was questioned by Robert Bomberger, 915 13th Street on whether the accupant or tenant of a substandard home would be entitled to the federal grant; the number of home owners within the City having an income of less than $3,000 per annum.

Mr. Bomberger said he agreed with Councilman Hughes' views--that he disliked additional meddling by the federal government in local affairs. He said that he was not in a position at the present time to pass judgment on the matter, since this was the first he had heard about the program; that he could envision the possibility of the program permitting the additional "creeping in" of federal control of local affairs.

The City Manager pointed out that the staff needed direction at this time--that it was asking for permission to continue its investigation toward the submission of an application, or to stop. Upon questioning, Mr. Keefe stated that the program had nothing to do with urban renewal; that the new law made federal funds available to cities for code enforcement which do not have an urban renewal program; that the program was being administered by the Home Housing Finance Agency, which also administers the urban renewal program.

MOTION

That the matter be held over for a minimum of two weeks; that a summary report of the Act be furnished each councilman; that the Act be made available to interested persons for reading

Moved by VanderWall Seconded by Patton Unanimously carried

MATTERS FOR THE GOOD OF THE COMMUNITY 4-15

Report on hearing on withdrawal of United Airlines from San Joaquin Valley - Mayor Johansen

Mayor Johansen reported that he was a witness at the United Airlines hearing in San Francisco today; that it appeared that the hearing was nearing its end; that the balance of the hearings would be held in Washington, D.C.; that Pacific Airlines has changed its testimony and exhibits entirely by submitting a proposal to provide jet service to certain Valley cities.

Del Webb Field - securing interest of professional baseball

Councilman Hughes asked for council permission to meet with individuals interested in professional baseball to discuss requirements for the improvement of Del Webb Field to the required standards in the event that professional baseball returns to Modesto. He said that he spoke with Tom Mellis in Stockton today on a proposed meeting.

Mayor Johansen stated that it might be better for the council committee to meet with the staff to determine the funds involved in improving

Del Webb before meeting with outside officials and obligating the City.

Councilman Hughes stated that Mr. Mellis was not as concerned with the condition of the lighting of Del Webb Field, as presented to the Council some time ago by a member of the Houston Colts; that Mr. Mellis did not believe the lighting to be too inadequate, and felt that the proposed lighting improvement was completely out of line; Councilman Hughes said that, in view of this, he felt that city representatives should meet with Mr. Mellis and others familiar with baseball to know just exactly what will be expected. He said that there was at least one ball club interested in moving one of its farm clubs to some city, which would be completely owned and managed by the major league ball club.

Councilman Patton stated that he had talked to several former directors of the baseball corporation and was informed that they planned to tell Mr. Eddie Mulligan, president of the California Baseball League, due shortly in Modesto to meet with city officials, they would not be interested in underwriting a major league ball team.

MOTION

That the Director of Parks and Recreation write a letter to Mr. Mulligan informing him of the rumors heard by the City and the fact that the Council wishes to make a decision on the future use of Del Webb Field within sixty or ninety days; that the City is willing to discuss any possibility of a major ball club wishing to locate in Modesto; that a copy of the letter be forwarded to Mr. Mellis

Moved by Patton Seconded by VanderWall Unanimously carried

Director of Parks and Recreation Grogan stated that she had learned through discussion with Mr. Mellis and several other people that any consideration or discussion by any major league ball club would have to wait until the close of the current ball season--around the 15th of October.

Councilman Patton suggested that the presidents and members of the Board of Directors of the local ball club during the past five years be furnished a copy of the letter, also.

REQUEST FOR WAIVER OF PENALTY AND INTEREST ON BUSINESS LICENSE TAX ($2.75)

RESOLUTION NO. 65-525

A RESOLUTION WAIVING PENALTY AND INTEREST CHARGES TO HELM AUTOLEASE IN AMOUNT OF $2.75 - BUSINESS LICENSE RENEWAL (lost check - granted on basis that failure to pay when due not intentional or by reason of carelessness)

Introduced by Patton Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP OF COFFEE PLAZA SUBDIVISION

Director of Public Works Campbell stated that the subdivision was proceeding normally, but he wished to draw to the attention of the Council that a subtrunk sewer agreement was in process and would be presented to Council for approval within a short time; that the subtrunk sewer line will go up Rose Avenue, and extend beyond the trunk sewer recently completed by the City; that the staff was working with the subdivider concerning a possible agreement on Coffee Road, where the Council may be asked to approve an increase in the structural road section so that the City can qualify for select street funds on that particular portion. Estimated cost of the trunk sewer is about $13,000.

RESOLUTION NO. 65-527

A RESOLUTION APPROVING SUBDIVISION AGREEMENT AND FINAL MAP OF COFFEE PLAZA SUBDIVISION OF THE CITY OF MODESTO

Introduced by VanderWall Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

APPROPRIATION TRANSFER TO COVER PROMOTION OF JUNIOR CLERK TO PARKING METER SERVICEMAN

A memorandum from the Director of Parking and Traffic dated September 15, 1965, subject, "Phil Hiebert - Recommended for Promotion to Parking Meter Serviceman," was entered into the record of the minutes. Approval of the appropriation transfer will make the promotion effective October 1, 1965.

RESOLUTION NO. 65-528

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $231 FOR PROMOTION OF JUNIOR CLERK TO PARKING METER SERVICEMAN

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

APPROPRIATION TRANSFER TO PROVIDE AN AMOUNT FOR PRELIMINARY STUDIES, APPRAISALS, AND OTHER COSTS IN ACQUIRING CHRYSLER PARK SITE

The City Manager stated that the proposed appropriation transfer of $250 will provide an amount for preliminary studies, appraisals, and other costs to be incurred in the acquisition of the Chrysler Park site.

RESOLUTION NO. 65-529

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $250 FOR PRELIMINARY STUDIES, ETC. - ACQUISITION OF CHRYSLER PARK SITE

Introduced by Patton Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

REPORT FROM FIRE CHIEF ON SPECIAL TRAINING PROGRAM CONDUCTED AT THE MODESTO FIRE DEPARTMENT BY THE STATE DEPARTMENT OF EDUCATION, FIRE TRAINING DIVISION

A memorandum from the Fire Chief dated September 15, 1965, subject, "Report on Special State Training Program," was entered into the record and ordered filed.

CONSIDER APPOINTMENT OF MEMBERS OF MAYOR'S COMMITTEE TO STUDY CRIME IN THE CITY OF MODESTO

Mayor Johansen announced that the following persons have been chosen to serve on the Crime Study Committee of the City of Modesto, authorized by the Council at its August 2, 1965 meeting: Henry Laws, Chairman; John Carey; Ted Rademaker; Jack Schall; Mrs. Virginia Throssell; Paul Whitmore; Mel Williams.

RESOLUTION NO. 65-530

A RESOLUTION CONFIRMING APPOINTMENT OF MEMBERS TO CRIME STUDY COMMITTEE OF THE CITY OF MODESTO

Introduced by Hughes Seconded VanderWall
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

CONSIDER APPOINTMENT OF CHAIRMAN FOR UNITED NATIONS DAY

MOTION

That Mrs. Gene Beavers, President, League of Women Voters, be appointed Chairman for United Nations Day
Introduced by Mitchell Seconded by Patton Unanimously carried

Executive session to further discuss acquisition of 5th and J Streets Parking Lot

MOTION

That the Council meet in executive session to consider acquisition of 5th and J Streets Parking Lot

Moved by VanderWall Seconded by Hughes Unanimously carried

The Council went into executive session at 5:14 P.M., returning to regular session at 5:30 P.M.

MOTION

That the Director of Parking and Traffic be authorized to negotiate with Carl Lewis for the purchase of property presently leased by the City for a parking lot

Moved by Patton Seconded by VanderWall Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Patton Seconded by VanderWall Unanimously carried

The meeting adjourned at 5:34 P.M.

ATTEST: _____
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen

Absent: Councilmen: Smith

The pledge of allegiance to the Flag was given by all present.

Reverend R. Truman Northup gave the invocation.

APPROVAL OF MINUTES

The minutes of the regular meeting of September 7, 1965 were approved.

LETTER FROM JAMES PRICE REGARDING TENTATIVE PROGRAM OF DEVELOPMENT NORTH OF THE NEW CITY PARK SITE ON COFFEE ROAD, AND OFFER TO PURCHASE PROPERTY FROM THE CITY IN THIS AREA

A letter from James Price dated September 20, 1965 submitting a request to purchase .931 acres of city-owned property north of the Downey High School Park site on Coffee Road for $5,876.47, the amount paid by the City for the parcel, was entered into the record of the minutes.

MOTION

That the matter be referred to the Planning Commission for study and recommendation to the Council, and the fair market value of the property established if sale is considered.

Moved by Shastid Seconded by Hughes Unanimously carried

LETTER FROM MRS. C. Y. MADDOX, 521 HIGH STREET, REGARDING DAMAGED DRIVEWAY

An undated letter from Mrs. C. Y. Maddox stating that her yard, sidewalk and driveway were damaged by large limbs falling on her property while the trees were being trimmed by city crews, was entered into the record of the minutes. She indicated that the sidewalks were repaired by the City, but the driveway was not; that she believed that repair of the driveway was also the responsibility of the City.

The City Manager stated that he had received a communication from the Director of Public Works which contains a statement that the complaint was investigated and it was the opinion of the staff that the damage to the driveway was not caused by the City.

MOTION

That the letter be referred to the City's insurance carrier

Moved by Shastid Seconded by VanderWall Unanimously carried

LETTER FROM NEPHI W. CLAYTON, FIELD COORDINATOR, U. S. DEPARTMENT OF COMMERCE, REGARDING "PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965"

A letter from Nephi W. Clayton dated September 20, 1965 in answer to a letter from Mayor Johansen pertaining to the construction of a sewage treatment plant under the Public Works and Economic Development Act of 1965, was entered into the record of the minutes. The letter indicated that the law was signed by President Johnson on August 26th and Mr. Eugene Foley appointed Assistant Secretary of Commerce for Economic

Development on September 13, 1965; that neither forms nor ground rules have as yet been established; that the letter was being held in abeyance in date sequence until further development.

Mayor Johansen stated that the City-County Sewer Committee was meeting next week to discuss matters pertaining to the sewer study and the recently appointed financial consultants, and that a report would be forthcoming within a short time, perhaps in two weeks.

The staff was directed to keep the Council advised on the progress of enactment of the legislation.

LETTER FROM DOCTOR AND MRS. D. W. CHADWICK REGARDING SPEED LIMIT NEAR SCHOOLS

The following documents were entered into the record of the minutes: Letter from Doctor and Mrs. Douglas Chadwick dated September 20, 1965 expressing concern over the high speed limits around Modesto schools, particularly the 40 M.P.H. posted speed at the Rose Avenue Elementary School; memorandum from the Director of Parking and Traffic dated September 27, 1965, subject, "Speed Limits, Rose Avenue," indicating the speed limits on Rose Avenue and steps being taken to reduce the speed by five miles per hour.

By order of the Chair, the letter was referred to the Parking and Traffic Director for answer, outlining the circumstances and steps being taken.

RESOLUTION REJECTING THE CLAIM OF BESSIE MAE SANKEY FOR DAMAGES IN AMOUNT OF $2,562

RESOLUTION NO. 65-532

A RESOLUTION REJECTING THE CLAIM OF BESSIE MAE SANKEY FOR DAMAGES AGAINST THE CITY OF MODESTO (fall, southwest corner 11th and J, slid on soft substance, August 3, 1965)

Introduced by VanderWall Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Smith

AGREEMENT BETWEEN CITY AND HAGER SUPPLY COMPANY RELATING TO SALE OF DRIED DIGESTED SLUDGE PRODUCED AT SEWAGE TREATMENT PLANT

RESOLUTION NO. 65-533

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND HAGER SUPPLY COMPANY - SALE OF DRIED DIGESTED SLUDGE AT CITY'S SEWAGE TREATMENT PLANT (40¢ per cubic yard, effective 9/27/65)

Introduced by VanderWall Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Smith

CONSIDER SALE OF OLD ADMINISTRATION BUILDING AT THE CITY-COUNTY AIRPORT

RESOLUTION NO. 65-534

A RESOLUTION ACCEPTING THE OFFER OF M. J. RUDDY AND SON FOR PURCHASE OF OLD OFFICE BUILDING, CITY-COUNTY AIRPORT ($35)

Introduced by VanderWall Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Smith

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP OF YORKSHIRE GROVE SUBDIVISION

RESOLUTION NO. 65-535
A RESOLUTION APPROVING THE FINAL MAP OF THE YORKSHIRE GROVE SUBDIVISION OF THE CITY OF MODESTO

Introduced by VanderWall Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Smith

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE INSTALLATION OF WATER LINES IN YORKSHIRE GROVE SUBDIVISION

RESOLUTION NO. 65-536
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF WATER LINES IN YORKSHIRE GROVE SUBDIVISION

Introduced by VanderWall Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid VanderWall, Mayor Johansen
Noes: None Absent: Smith

October 12, 1965 at 10:05 A.M. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP OF ELMWOOD ESTATES NO. 1 SUBDIVISION

RESOLUTION NO. 65-537
A RESOLUTION APPROVING THE FINAL MAP OF THE ELMWOOD ESTATES NO. 1 SUBDIVISION OF THE CITY OF MODESTO

Introduced by VanderWall Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Smith

ACCEPT AS COMPLETE NEAL J. CUPP'S CONTRACT FOR CONSTRUCTION OF PUMP HOUSE AND HYDRO-PNEUMATIC TANK AT PUMP STATION NO. 31

RESOLUTION NO. 65-538
A RESOLUTION ACCEPTING THE CONSTRUCTION OF HYDRO-PNEUMATIC TANK AT PUMP STATION NO. 31

Introduced by VanderWall Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Smith

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 1439 PAULETTE AVENUE

MOTION
That the request for sewer service extension to property located at 1439 Paulette Avenue be approved

Moved by Hughes Seconded by Patton Unanimously carried

APPLICATION FOR LEAVE TO PRESENT A LATE FILED CLAIM ON BEHALF OF FRANK I. BURKE FOR PERSONAL INJURIES IN THE AMOUNT OF $100,000

MOTION
That the application of Frank I. Burke for leave to present a late-filed claim for personal injuries in the amount of $100,000 be referred to the City's insurance carrier

Introduced by Hughes Seconded by Patton Unanimously carried

REPORT ON COST ON INSTALLATION OF WATER MAINS IN RIVIERA HEIGHTS NO. 2 SUBDIVISION; IN MURIEL AVENUE FROM PUMP STATION NO. 28; ROBIN HOOD ESTATES NO. 2 SUBDIVISION; GREENWOOD ESTATES NO. 1 SUBDIVISION; EVERGREEN ROAD AT PRESCOTT ROAD

Memoranda from the Assistant Director of Public Works dated September 16, 1965 listing cost of installation of water mains in the above-named subdivisions, was entered into the record of the minutes.

MOTION

That the reports on the cost of water main installations in Riviera Heights No. 2 Subdivision; in Muriel Avenue from Pump Station No. 28, Robin Hood Estates No. 2 Subdivision, Greenwood Estates No. 1 Subdivision, and Evergreen Road at Prescott Road be accepted

Moved by Hughes Seconded by Patton Unanimously carried

ADOPTION OF ORDINANCE NO. 748-C.S. - PROPERTY RECLASSIFICATION

ORDINANCE NO. 748-C.S.

AN ORDINANCE AMENDING SECTION-MAPS 7E-8-9 AND 7E-8-8 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (PACIFIC INVESTMENT COMPANY

introduced September 13, 1965 and having been published as required, was moved and adopted.

Moved by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Smith

FURTHER CONSIDERATION OF COMPROMISE SETTLEMENT OF UNPAID PARKING PLEDGE FOR MODESTO PLYMOUTH LOT 2-68

A compromise settlement of an unpaid parking pledge involving Harland Jewelers was considered by the Council at its September 7, 1965 meeting and the matter held over for further investigation.

Mayor Johansen said that the matter has been taken care of, that the parking pledge would be paid in full by Harland Jewelers. He directed that the matter be removed from the agenda.

CONSIDER ACCEPTANCE OF OFFER FROM BUMGARDNER WATER COMPANY FOR PURCHASE OF WATER SYSTEM

A letter from Bumgardner Water Company, Inc. dated September 24, 1965 granting the City of Modesto a 24-day extension of option to purchase to October 26, 1965 was entered into the record of the minutes.

Proposed legislation making federal funds available for extension or acquisition of water facilities by municipalities, if job opportunities are increased and the industrial base of the community served, was discussed. City Manager Keefe said that the City might qualify on the basis that the industrial base of the community would be served.

Deputy Manager Ray was questioned by the Council on the following: Water service in the industrial and meat-packing areas presently being served by Bumgardner Water Company; increase in fire protection through tie-ins with city wells; the effect the purchase will have on the City's fire rating; the approximate life of the water company; the cost of improvements which will improve fire protection; whether or not Ceres is served by Bumgardner Water Company.

Councilman Shastid suggested that, instead of purchasing the water company immediately, the City make a substantial payment and extend the option to January 1, 1965 with the hope that federal funds may be obtained

in the interim period. The City Manager stated that this could be incorporated in an agreement to purchase.

Fire Chief Everett said that within the next year he hoped to be prepared to come to the City Manager and request a regrading; that he believed that the City will have made this much progress with the culmination of some of the programs already approved by the Council.

Mr. Ray said that in the event the water company is purchased, it will be necessary to increase the budget for both operating costs and salaries, effective January 1, 1966.

RESOLUTION NO. 65-539
A RESOLUTION ACCEPTING EXTENSION OF OPTION TO PURCHASE BUMGARDNER WATER COMPANY (To October 26, 1965)

Introduced by Shastid Seconded by Patton
Ayes: Hughes, Mitchell, Patton, VanderWall Shastid, Mayor Johansen
Noes: None Absent: Smith

By order of the Chair, the staff was directed, in discussions with Bumgardner Company, to also discuss an agreement to purchase with the option extended to January 1, 1966, along the lines suggested by Councilman Shastid; the Public Projects Committee was asked to work closely with the staff on this project.

Introduction of Hughson High School Students

Mayor Johansen introduced Murray Jacobs, Student Body President, and Mike Kline, Vice President, Hughson High School, who were present in the audience.

INFORMAL HEARING ON REQUEST FOR CURB AND GUTTER ALONG EAST SIDE OF WELLESLEY WAY, BLOCK 6010

Mayor Johansen announced that the hour of 7:45 P.M. had arrived, the time set for consideration of a request for installation of curb and gutter along the east side of Wellesley Way, Block 6010, Lot 11, and opened the informal hearing.

An affidavit of service signed by Neal Prichard that a copy of the notice to construct curb and gutter was posted on the premises, and a notice mailed to the owner of the property, Mr. Harry Hall, on September 14, 1965 was entered into the record of the minutes.

Director of Public Works Campbell stated this property was the only one on the east side of Wellesley Way with no curb and gutter; that a request was received from a neighbor that installation be required. The owner was asked to voluntarily construct the curb and gutter; this was not done and for this reason was presented to the Council for action.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

RESOLUTION NO. 65-540
A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF CURB AND GUTTER ALONG CERTAIN STREETS IN THE CITY OF MODESTO (Wellesley Way, Block 6010, Lot 11)

Introduced by VanderWall Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Smith

HEARING ON PROPOSED ANNEXATION OF SHERWOOD TERRACE ADDITION 3-53

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the proposed annexation of Sherwood Terrace Addition, a 34.535 acre parcel, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune and Turlock Daily Journal on August 26, 1965 and September 2, 1965; notices mailed to all property owners in the area and other interested persons on August 27, 1965; that no written protests were filed with the City Clerk.

Planning Commission Resolution No. 65-113 recommending commencement of proceedings for the annexation of the Sherwood Terrace Addition to the City of Modesto, was entered into the record of the minutes.

The City Manager stated that the staff has recommended that action on the proposed annexation be withheld until such time as the County has completed construction of a road around school property included in the annexation.

The area proposed for annexation was described by Associate Planner Bill Nichols. He explained why the five lots south of Floyd Avenue were included in the proposed annexation. He said that the proposed annexation, as presented, has been approved by the Local Agency Formation Commission.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed. (see minutes 10-18-65 for continuation)

Mr. Nichols was questioned by the Council on the inclusion of the five lots south of Floyd Avenue in the annexation.

MOTION

That action on the proposed annexation of Sherwood Terrace Addition be held over for three weeks, to be placed on the agenda of the October 18th meeting

Moved by Shastid Seconded by VanderWall Unanimously carried

CONSIDER REQUEST BY DOCTOR WOOLLEY THAT CITY WRITE TO WARREN HAWLEY, LOCAL REPRESENTATIVE OF PFIZER DRUG COMPANY, THANKING THE COMPANY FOR THE GENEROUS OFFER OF 50,000 IMMUNIZATIONS OF POLIO VACCINE FOR THE PUBLIC HEALTH CAMPAIGN IN BARRANQUILLA

Doctor John Woolley stated that Pfizer Drug Company has generously offered to furnish 50,000 immunizations of polio vaccine for underprivileged children in Barranquilla, in response to a request received from Jorge Tello, M.D., Secretaria De Salud Public Municipal Barranquilla, Colombia, in a letter dated June 1, 1965; that the Pfizer Drug Company would also handle the packing of the shipment to Barranquilla; that due to tremendous public interest, it appeared that the Sister City Committee would be able to finance the cost of shipment. He said it was highly unusual for a drug company to give such a tremendous gift representing thousands of dollars, and commended Warren Hawley, local representative of Pfizer Drug Company, for his efforts in obtaining the vaccine.

The Council thanked Doctor Woolley and Mr. Hawley for their joint efforts in making the donation possible.

Mr. Warren Hawley, speaking in behalf of Pfizer Drug Company, said that he had received great personal satisfaction in having been able to assist with the project.

The City Manager was instructed to write a letter for the Council to the Pfizer Drug Company, specifically commending Mr. Hawley for his efforts.

RESOLUTION NO. 65-541
A RESOLUTION OF GRATITUDE TO MR. WARREN HAWLEY AND THE PFIZER DRUG COMPANY FOR THEIR GENEROSITY IN MAKING AVAILABLE POLIO VACCINE FOR MODESTO'S SISTER CITY OF BARRANQUILLA, COLOMBIA

Introduced by Mitchell Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Smith

RESOLUTION NO. 65-542
A RESOLUTION TO THE CITY OF BARRANQUILLA COMMENDING IT FOR ITS HEALTH CAMPAIGN AND OFFERING A SUPPLY OF POLIO VACCINE

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Smith

The staff was directed to forward a copy of Resolution No. 65-542 to Barranquilla with the shipment of vaccine.

MATTERS FOR THE GOOD OF THE COMMUNITY

Proposal for beautification of Southern Pacific Depot Area

Councilman VanderWall asked for the status of the request to Southern Pacific that steps be taken to beautify the depot area.

Director of Parks and Recreation Grogan stated that suggestions were mailed to Southern Pacific for improvement of the area, but no reply received; that it was not her understanding that the staff should pursue the matter further.

A suggestion was made that the staff follow up on the matter, notifying Southern Pacific that the paving of Ninth Street is almost completed, and that the City would appreciate knowing the status of the City's suggestion that the area be beautified.

Lack of Entrance to Ninth Street from North 99 Highway

Councilman VanderWall said that he would like to know why there was no entrance to Ninth Street from North 99 Highway.

Director of Parking and Traffic Carmody stated that this area was entirely outside the City, and not a part of the freeway agreement with the State. He said that he had noted defects in the Prescott Road interchange, which were pointed out to the State Division of Highways by letter, including the lack of entrance to Ninth Street; that he had received no reply in regard to a Ninth Street entrance, but would write a follow-up letter.

Audit Report Submitted by Nattinger & Lowry

Director of Finance Bird was questioned on the following items contained in City of Modesto audit report submitted by Nattinger & Lowry for fiscal year ended June 30, 1965: Accounts Receivable; Election expenses, $6,724.02; Parking and General City fines (page 6); accounting methods for monies due the City from various sources (page 7); deposit requirements for water service and business licenses; fixed assets inventory.

Councilman Shastid directed that the staff report on the feasibility of placing delinquent water and sewer charges into the City's permanent account; whether it would add appreciably to the workload; that the report be presented to the Council in about five weeks.

Director of Finance Bird was also directed to present to the Council the amount of adjustment involved to make the perpetual inventory records agree with the physical counts.

Approve Agreement with State Finance Department for Population Estimate

A population estimate for the City of Modesto was approved by the Council at a recent meeting, and funds therefor appropriated. The City Manager stated that an agreement requiring execution by city officials had now been received from the State.

RESOLUTION NO. 65-543

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DEPARTMENT OF FINANCE, STATE OF CALIFORNIA (population estimate, effective October 1, 1965)

Introduced by Mitchell Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Smith

CONSIDER REQUEST BY DIRECTOR OF PARKING AND TRAFFIC FOR PERMISSION TO HELP CITY OF MANTECA WITH FREEWAY MATTERS

MOTION

That the request of Director of Parking and Traffic Carmody for permission to help City of Manteca with freeway matters be approved

Moved by Shastid Seconded by Hughes Unanimously carried

REPORTS FROM THE PLANNING COMMISSION - None

APPROPRIATION TRANSFERS - None

REPORT BY CITY ATTORNEY ON UNITED AIR LINES - PACIFIC AIR LINES TRANSFER CASE HEARING HELD IN SAN FRANCISCO, SEPTEMBER 14, 1965 THROUGH SEPTEMBER 20, 1965

A memorandum from the City Attorney dated September 23, 1965, subject, "United Air Lines - Pacific Air Lines Transfer Case," was entered into the record of the minutes. The report was ordered filed.

REMINDER OF LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE IN SAN FRANCISCO OCTOBER 10 - 13, 1965

The Council was reminded of the League of California Cities annual conference to be held in San Francisco October 10 to 13, 1965.

Adjournment of Regular Council Meeting of October 11, 1965

MOTION

That the regular meeting of October 11, 1965 at 7:30 P.M. be adjourned to October 14, 1965 at 4:00 P.M.
Moved by Hughes Seconded by VanderWall Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned
Moved by VanderWall Seconded by Mitchell Unanimously carried
The meeting adjourned at 8:56 P.M.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
(Councilman Shastid arrived at 4:17 P.M.)
Absent: Councilmen: Smith

The pledge of allegiance to the Flag was given by all present.

Reverend Luverne Sands gave the invocation.

APPROVAL OF MINUTES

The minutes of the regular meeting of September 13, 1965 were approved.

LETTER FROM DEAN RUSSELL, WOLVERINE REAL ESTATE, THANKING COUNCIL FOR ITS PROMPT ACTION IN REGARD TO BRIGHTON AVENUE

A letter from Dean Russell dated September 25, 1965 expressing appreciation for the City's prompt action in taking care of the problem existing on Brighton Avenue was entered into the record of the minutes.

The letter was ordered filed.

Councilman Shastid arrived at 4:17 P.M.

LETTER FROM ARTHUR MOSS, SECRETARY, MODESTO MEN'S BOWLING ASSOCIATION, REQUESTING THE PRIVILEGE OF HAVING ROBERT WESSLING, PRESIDENT, MODESTO MEN'S BOWLING ASSOCIATION, APPEARING BEFORE THE COUNCIL AT ITS PRESENT MEETING

Robert Wessling, representing the Modesto Men's Bowling Association, informed the Council that the cost of bidding for the state bowling tournament to be held in the City of Modesto in 1967 was $3,800; that, in spite of donations from the merchants and bowling establishments in town, $2,000 was still needed to pay the bills. He said that this information was in the hands of some of the cities who had unsuccessfully bid for the tournament, with rumors heard that Modesto might lose the tournament because of the lack of funds. He asked the Council for help, stating that a request for financial aid and for professional assistance to solicit merchants had been turned down by the Chamber of Commerce.

Mr. Wessling said it was anticipated that 3,000 bowling teams will participate in the tournament for 20 week ends, bringing in about one and one-quarter million dollars worth of business to the City. He stated that the tournament will begin during the last week end in April and continue to about mid August; that it was the thought of some of the bowlers that, since the City provided funds to the Chamber of Commerce for promotional purposes, they assumed that the Chamber would provide financial aid.

Mayor Johansen expressed the opinion that there were sufficient interested organizations in the community to prevent loss of the tournament.

Mayor Johansen stated that at the time discussions were held by the Council in connection with the adoption of the hotel-motel tax ordinance, there were indications that the revenues from this source should be used for the benefit of the hotel-motel people; that this was a point the Council might wish to consider at this time since this was definitely a use which would directly benefit the businesses being taxed.

Upon questioning, Director of Finance Bird stated that the local hotel-motel tax went into effect April 1, 1965.

Mr. Wessling was questioned by the Council.

Jerry Marsh, Modesto-McHenry Bowls, described the City's experience in hosting the 1958 women's state bowling tournament, stating that the Chamber of Commerce was instrumental in raising the funds necessary to finance the bid for the tournament. He further stated that this might be Modesto's last opportunity to sponsor the tournament, since future tournaments which are anticipated to increase in participants, will be limited to cities having larger facilities than are available in Modesto.

Upon questioning, the City Attorney said he believed that revenues derived from the hotel-motel tax could properly be spent for promotional purposes, but that additional information was needed as to the specific use of the requested funds before he could render an opinion.

Mr. Wessling was questioned by the Council on Chamber of Commerce participation in bowling tournaments in other cities.

MOTION

That the matter be referred to the Public Relations Committee, and that it meet with the directors of the Chamber of Commerce and representatives of the Bowling Association and try to work something out

Moved by Shastid Seconded by Mitchell Unanimously carried

LETTER FROM REVEREND SHERWOOD DAILY OPPOSING ANY CHANGE IN THE REQUIRED SIX-FOOT WALL ALONG TOKAY AVENUE FOR NEW SHOPPING CENTER

A letter from Reverend Sherwood Daily, Centenary Methodist Church, Norwegian and McHenry, dated September 28, 1965 asking that the Council stand on its original decision to require a six-foot wall on the Tokay side of a proposed shopping center at the corner of McHenry and Tokay Avenues, was entered into the record of the minutes.

By order of the Chair, the staff was directed to send a copy of the letter to the developer of the proposed shopping center.

LETTER FROM ASSEMBLYMAN JOHN G. VENEMAN REGARDING FUTURE OF THE MODESTO STATE HOSPITAL

A letter from Assemblyman John G. Veneman dated September 27, 1965 enclosing a copy of a letter from the California Department of Finance in regard to its position relative to the rumored closing of Modesto State Hospital, was entered into the record of the minutes. The attached letter from John Sheehan, Chief Deputy Director, Department of Finance, outlined a plan now under consideration for the State Hospital, following the intent of the Legislature expressed during the 1965 general session.

The letter was ordered filed.

LETTER FROM JOSEPH M. GOOD, MANAGER, GREATER MODESTO CHAMBER OF COMMERCE, REQUESTING PAYMENT OF 1965-66 ANNUAL APPROPRIATION 3-1

A letter from Joseph M. Good dated September 29, 1965 requesting payment of $15,000 budgeted for the Chamber of Commerce for advertising, promotion, and industrial development for fiscal year 1965-66, was entered into the record of the minutes.

MOTION

That payment of $15,000 budgeted for the Chamber of Commerce for advertising, promotion, and industrial development for fiscal year 1965-66 be authorized

Moved by Mitchell Seconded by VanderWall Unanimously carried

LETTER FROM MRS. DAVID ROWLAND, CHAIRMAN, WOMEN'S Y'S MENNETTES, ASKING FOR SPECIAL PARKING STICKERS ON OCTOBER 9, 1965 DURING LOCAL CONVENTION OF Y.M.C.A. DELEGATES

A letter from Mrs. David Rowland dated September 30, 1965 requesting courtesy parking stickers for delegates to a regional convention of Y's Men and Menettes, Service Club of the Y.M.C.A., to be held in Modesto October 8, 9, and 10, 1965 was entered into the record of the minutes. Courtesy parking stickers were specifically requested for October 9.

The City Manager stated that it was his understanding that the Police Chief had been authorized to grant the courtesy parking stickers, but no record could be found of official council action granting him the authority to do so.

MOTION

That the staff be authorized to grant courtesy parking stickers as requested by Mrs. David Rowland for the regional convention of Y's Men and Menettes on October 9, 1965; that all future requests for courtesy parking stickers for conventions be handled by the staff

Moved by VanderWall Seconded by Shastid Unanimously carried

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN ELMWOOD ESTATES NO. 1 SUBDIVISION

RESOLUTION NO. 65-544

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINES, ELMWOOD ESTATES NO. 1 SUBDIVISION

Introduced by Mitchell Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Smith

October 19, 1965 at 10:00 A.M. in the City Clerk's office was set as the time and place for opening of bids.

CONSIDER APPROVAL OF SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS TO BE OPENED OCTOBER 28, 1965 AT 2:00 P.M. FOR FURNISHING OF FIRE ALARM EQUIPMENT

RESOLUTION NO. 65-545

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FIRE ALARM EQUIPMENT

Introduced by Mitchell Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Smith

October 28, 1965 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

RESOLUTION REFERRING TO THE PLANNING COMMISSION AN ORDINANCE AMENDING THE MUNICIPAL CODE RELATING TO NONCONFORMING COMMERCIAL SIGNS AND BILLBOARDS

RESOLUTION NO. 65-546

A RESOLUTION REFERRING TO THE PLANNING COMMISSION AN ORDINANCE AMENDING SECTION 10-2.1709 OF ARTICLE 17 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO NONCONFORMING COMMERCIAL SIGNS AND BILLBOARDS

Introduced by Mitchell Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Smith

RESOLUTION AUTHORIZING SUBSTITUTION OF SUBDIVISION BOND FOR SOMERSET PARK SUBDIVISION

RESOLUTION NO. 65-547

A RESOLUTION AUTHORIZING SUBSTITUTION OF SUBDIVISION BOND FOR SOMERSET PARK SUBDIVISION

Introduced by Mitchell Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Smith

ACCEPT AS COMPLETE PARRISH, INC.'S CONTRACT FOR THE CONSTRUCTION OF A SEWER EXTENSION IN BLOCKS 1300, 1301, 1302, and 1304 (COUNTY CENTER NO. 3)

RESOLUTION NO. 65-548

A RESOLUTION ACCEPTING THE CONSTRUCTION OF SEWER EXTENSION TO COUNTY CENTER NO. 3 (Parrish, inc.)

Introduced by Mitchell Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Smith

CONSIDER RIGHT OF WAY CONTRACT AND GRANT DEED FROM WINFRED E. CHAMBERS RELATING TO DEDICATION OF PROPERTY FOR WIDENING OF ORANGEBURG AVENUE

RESOLUTION NO. 65-549

A RESOLUTION APPROVING GRANT DEED AND RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND WINFRED E. AND LILLIAN T. CHAMBERS (Project 58-5-6079-1, authorizing payment of $310 for loss of shrubs, etc.)

Introduced by Mitchell Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Smith

MATTERS FOR THE GOOD OF THE COMMUNITY

Request for variance to permit application of oil penetration treatment to public right of way - Coldwell Avenue

Walter Schenewark, representing Industrial Electrical Co., filed a letter with the City Clerk dated October 4, 1965 requesting a variance to the municipal code to permit the application of an oil penetration treatment to the public right of way on the northerly side of Coldwell Avenue along the frontage of the west half of Lot 19, Evergreen Acres. The letter was read into the record of the minutes by the City Clerk. Mr. Schenewark said it was important that the work be done before the beginning of the rainy season.

MOTION

That an informal public hearing be set for consideration of the request at the next regular council meeting at 4:30 P.M. (regular meeting of October 11, 1965 to be adjourned to October 14, 1965 at 4:00 P.M.)

Moved by Mitchell Seconded by Shastid Unanimously carried

Director of Public Works Campbell stated that funds for the improvement of Coldwell Avenue were budgeted; that work was progressing on the acquisition of rights of way; that it was believed that work would proceed next spring.

The City Manager stated that the Junior College has again requested the Planning Commission to consider the abandonment of Coldwell Avenue between College and Tully, with a recommendation from the Planning Commission expected this year.

Introduction of Mr. Verne Secrest, Modesto Tribune

Mayor Johansen introduced Verne Secrest, new business manager of the Modesto Tribune.

Letter from Councilman Smith - Report by Mayor Johansen

Mayor Johansen stated that he had received a letter from Councilman Smith stating that he had visited with Congressman McFall; that Congressman McFall reported that the federal appropriations for sewage treatment plants have not been made; that it was believed that the appropriations would be made in October. Mr. Smith stated in the letter that Modesto should be complimented because it was one of the few cities actually having engineering and financial feasibility studies under way and ready to proceed with an application.

FURTHER DISCUSSION OF POSSIBILITY OF REQUESTING FEDERAL FUNDS FOR CODE ENFORCEMENT IN THE RESIDENTIAL AREAS OF THE CITY OF MODESTO

Due to the lack of a full council, this matter was held over to the October 25, 1965 meeting, at which time it is anticipated a full council will be present.

ACCEPTANCE OF THE ANNUAL AUDIT REPORT FOR FISCAL YEAR ENDING JUNE 30, 1965 AND AUTHORIZATION FOR PAYMENT OF THE ANNUAL FEE

MOTION

That the annual audit report for fiscal year ending June 30, 1965 be accepted, and that payment of $1,800 to the auditing firm of Nattinger & Lowry be authorized, in accordance with terms of an agreement dated August 5, 1963

Moved by Shastid Seconder by VanderWall Unanimously carried

REPORTS FROM THE PLANNING COMMISSION - None

APPROPRIATION TRANSFERS - None

PUBLIC PROJECTS COMMITTEE REPORT TO THE COUNCIL ON IMPROVEMENT OF CITY LIGHTING

Councilman Mitchell reported that the subcommittee of the Public Projects Committee met with a subcommittee of the Modesto Irrigation District Board of Directors; that further meetings were necessary before a final report could be submitted to the Council. He said that there was great community interest in this problem; that the staff had submitted interesting information pertaining to the number of streets which have no lights, intersections which have bare-bulb lights, etc.; that unless instructed otherwise by the Council, the Committee would continue with the coordination of the work with the staff and with the M.I.D., getting cost figures for capital outlay, operational and maintenance expense. Mayor Johansen suggested that a dinner meeting be set up with the M.I.D., with a conducted tour of the problem lighting areas after dinner.

MOTION

That Mayor Johansen be given authority to arrange a dinner meeting in the near future for the staff, M.I.D. directors, and council members, with a conducted tour of problem lighting areas after the dinner; that the staff prepare an itinerary of the various points to be visited--streets, intersections, parks, playgrounds, alleys, residential areas, railroad crossings

Moved by VanderWall Seconded by Patton Unanimously carried

REPORT ON PHYSICAL INVENTORY OF SERVICE WORKING CAPITAL FUND STORE

The annual physical inventory of materials held in the Service Division Working Capital Fund taken by employees of the Public Works Department February 1 through 3, 1965 was presented to the Council. The physical inventory value totaled $109,109.85; general ledger inventory value, $108,795.31, a difference of $314.54.

Councilman Shastid suggested that in the future, the fixed assets inventory be tested on a spot check basis.

Whether or not spot checks were being made at the present time was discussed. The staff was directed to take care of this omission.

REMINDER OF LEAGUE MEETING IN SAN FRANCISCO 10-13, 1965

The Council was reminded of the League meeting in San Francisco during October 10-13, 1965.

ADJOURNMENT OF OCTOBER 11, 1965 REGULAR MEETING TO OCTOBER 14, 1965 AT 4:00 P.M.

Mayor Johansen announced that the October 11, 1965 meeting scheduled for 7:30 P.M., would be adjourned to Thursday, October 14, 1965 at 4:00 P.M.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Hughes Unanimously carried

The meeting adjourned at 4:53 P.M.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

Due to the lack of a quorum, the regular meeting of the Council of the City of Modesto scheduled for 7:30 p. m. was adjourned by the Acting City Clerk to October 14, 1965, at 4:00 p. m.

Pauline P. Stanley

PAULINE P. STANLEY
Acting City Clerk

10/11/65

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Mayor Johansen presiding. The regular meeting of October 11, 1965 was adjourned to the present date due to the lack of a quorum.

Present: Councilmen: Hughes, Mitchell, Smith, VanderWall, Mayor Johansen
Absent: Councilmen: Patton, Shastid

The pledge of allegiance to the Flag was given by all present.

Reverend Monroe Taylor gave the invocation.

APPROVAL OF MINUTES

The minutes of the regular meeting of September 20, 1965 were approved.

LETTER FROM MODESTO MEN FOR CIVIC BETTERMENT COMMITTEE ASKING FOR LEGISLATION TO PROCURE A JUNK ORDINANCE

A letter from Reverend E. O. Bassard, Chairman, Dr. L. G. Billingsley, Secretary, and Reverend Monroe Taylor, Committeeman, Modesto Men for Civic Betterment, dated September 27, 1965 with a proposed junk ordinance attached was entered into the record of the minutes. Consideration and passage of the ordinance was requested.

Reverend Monroe Taylor spoke briefly in support of the proposed ordinance as a necessary part of the nation-wide beautification program.

Upon questioning, Reverend Taylor said he did not believe the commitee would have any objections to a change in the proposed ordinance pertaining to the penalty provisions. He said that the primary purpose of the ordinanc was to remove junk vehicles from streets, yards and alleys, etc.

By order of the Chair, the matter was referred to the City Manager and City Attorney to work with the writers of the letter and report back to the Council.

Mayor Johansen commended Reverend Bassard, Dr. Billingsley and Reverend Taylor for their leadership in presenting the matter to the Council.

LETTER FROM H. A. ERIKSSON, CIVIL ENGINEER, AND WILLIAM DeBOER, BUILDING DESIGNER, REGARDING A VARIANCE TO ALLOW HEAVY SHAKE ROOF ON NEW CHRISTIAN REFORMED CHURCH

At the request of the City Manager, and with the unanimous consent of the Council, this matter was held over for one week.

LETTER FROM ANTHONY E. BESIO, DEPUTY ASSISTANT SUPERINTENDENT, MODESTO CITY SCHOOLS, REGARDING ASSISTANCE IN THE LOCATION OF A NEW SCHOOL SITE

A letter from Anthony E. Besio, Deputy Assistant Superintendent, Modesto City Schools, dated September 24, 1965 asking for a study or any readily available information that will help in the determination of the selection of a general location for a new school site, was entered into the record of the minutes.

Upon questioning as to the cost to the City for such a survey, Director of Planning Fey stated that with the updating of the General Plan as recommended to the Council by the Planning Commission, all of the basic information needed is available; that the information requested by the Schools can be obtained with less than one man-day's work.

MOTION

That the staff be authorized to provide the Modesto City Schools assistance in selecting a new school site in the Marshall School area

Moved by Smith Seconded by Hughes Unanimously carried

LETTER FROM DOWNTOWN MODESTO ASSOCIATION REQUESTING SPECIAL STAFF ASSISTANCE IN PREPARING INFORMATION TO ASSIST THE SPECIAL COMMITTEE STUDYING THE CALIFORNIA PARKING AND BUSINESS IMPROVEMENT LAW OF 1955

A letter from Don West, Chairman, Downtown Improvement and Parking Committee, dated October 6, 1965 requesting city assistance in obtaining information needed to complete a study on a possible district authorized under the recently adopted Assembly Bill 103, was entered into the record of the minutes.

RESOLUTION NO. 65-550

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $76.00 TO ASSIST SPECIAL COMMITTEE STUDY OF THE CALIFORNIA PARKING AND BUSINESS IMPROVEMENT LAW

Introduced by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton, Shastid

COMMUNICATION FROM CHARLES M. CRAWFORD, VICE PRESIDENT AND SECRETARY, E & J GALLO WINERY, REGARDING ABANDONMENT OF FAIRBANK AVENUE, AND AN EASEMENT FOR PUBLIC UTILITIES

A letter from Charles M. Crawford, Vice President and Secretary of E. & J Gallo Winery dated September 28, 1965 requesting that the City sign a copy of the letter indicating consent to the abandonment of Fairbanks Avenue upon the granting of an easement by E. & J Gallo Winery for public utility purposes along the presently existing 36-inch sewer trunk line in Oregon Avenue, which extends into Fairbanks Avenue approximately 37½ feet as shown on sketch attached to a city communication dated September 15, 1965 addressed to the Stanislaus County Planning Commission, was entered into the record of the minutes.

MOTION

That the City Manager be authorized to sign a copy of the letter as requeste

Moved by Smith Seconded by VanderWall Unanimously carried

LETTER AND SUGGESTED MOTION BY CITY OF LONG BEACH ON REQUESTED LEGISLATION REGARDING "MOLOTOV COCKTAILS" AND OTHER INCENDIARY OBJECTS 2-35

A letter from Mayor Edwin W. Wade, Long Beach, California dated October 5, 1965 expressing concern over the increased wave of violence, especially the use of a home-made product described as a"Molotov cocktail," was entered into the record of the minutes. Request was made that the City review the matter and the hope expressed that Modesto will join Long Beach in urging Governor Brown to consider legislation which will make use of the object a felony instead of a misdemeanor.

No action was taken by the Council, since the League of California Cities is directly involved in the matter. The letter was ordered filed.

CONSIDER APPROVAL OF SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR ONE GASOLINE POWERED, TRAILER MOUNTED, 16-INCH BRUSH CHIPPER 2-50

RESOLUTION NO. 65-551

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR ONE GASOLINE POWERED, TRAILER MOUNTED, 16-INCH BRUSH CHIPPER

Introduced by Smith Seconded by Hughes
Ayes: Hughes, Mitchell, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton, Shastid

November 4, 1965 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF CURBS GUTTERS, SIDEWALK AND DRIVEWAY APPROACHES ON VARIOUS CITY STREETS

RESOLUTION NO. 65-552

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF CURBS, GUTTERS, SIDEWALKS, AND DRIVE APPROACHES ON VARIOUS CITY STREETS

Introduced by Smith Seconded by Hughes
Ayes: Hughes, Mitchell, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton, Shastid

November 2, 1965 at 10:00 A.M. in the City Clerk's office was set as the time and place for opening of bids.

CONSIDER RIGHT OF WAY CONTRACT AND GRANT DEED FOR EXTENSION OF TULLY ROAD, FOR FRANK J. AND KATHRYN M. BURTON

RESOLUTION NO. 65-553

A RESOLUTION APPROVING GRANT DEED AND RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND FRANK J. AND KATHRYN M. BURTON FOR EXTENSION OF TULLY ROAD (Project No. 56-16-6142-3, authorizing payment of $150 for relocation of fence and tree, etc.)

Introduced by Smith Seconded by Hughes
Ayes: Hughes, Mitchell, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton, Shastid

CONSIDER RIGHT OF WAY CONTRACT AND GRANT DEED BETWEEN CITY OF MODESTO AND BONNO V. AND JANNA V. KROEZE - TULLY ROAD WIDENING

RESOLUTION NO. 65-554

A RESOLUTION APPROVING GRANT DEED AND RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND BONNO V. AND JANNA V. KROEZE FOR WIDENING OF TULLY ROAD (Authorizing payment of $150 for loss of shrubs, etc.)

Introduced by Smith Seconded by Hughes
Ayes: Hughes, Mitchell, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton, Shastid

RESOLUTION INSTRUCTING SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF CURB AND GUTTER ALONG CERTAIN STREETS IN THE CITY OF MODESTO

RESOLUTION NO. 65-555

A RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF CURB AND GUTTER ALONG CERTAIN STREETS IN THE CITY OF MODESTO (BLOCK 709, PORTION OF LOT 45)

Introduced by Smith Seconded by Hughes
Ayes: Hughes, Mitchell, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton, Shastid

November 1, 1965 at 4:35 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND AMENDMENTS TO THE DEVELOPMENT PLAN OF PLANNED DEVELOPMENT ZONE (P-D 17) (ZAMORA AND PRICE)

RESOLUTION NO. 65-556

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON PROPOSED MODIFICATION TO DEVELOPMENT PLAN OF DEVELOPMENT ZONE P-D (17)

Introduced by Smith Seconded by Hughes
Ayes: Hughes, Mitchell, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton, Shastid

November 1, 1965 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

INFORMAL HEARING ON REQUEST BY MODESTO INDUSTRIAL ELECTRICAL CO. FOR BLACKTOP VARIANCE

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the request of Modesto Industrial Electrical Co. for a variance to permit the application of an oil penetration treatment to the public right of way on the northerly side of Coldwell Avenue, along the front of the west half of lot 19, Evergreen Acres, and opened the hearing.

A memorandum from the Director of Public Works dated October 7, 1965 subject, "Request for a Variance in Order to Allow the Application of an Oil Penetration Treatment on the Northerly Side of Coldwell Avenue between Tully Road and Kearney Avenue," was entered into the record of the minutes. Recommendation was made that the Council approve the request for the variance, subject to the condition that curb, gutter, and sidewalk be constructed in conjunction with the reconstruction of Coldwell Avenue, or by March 7, 1967, in the event that the reconstruction of Coldwell Avenue is delayed; and that this condition be accepted in writing within ten (10) days for the variance to become effective.

RESOLUTION NO. 65-557

A RESOLUTION GRANTING A TEMPORARY VARIANCE TO INDUSTRIAL ELECTRICAL CO. TO PERMIT APPLICATION OF OIL PENETRATION TREATMENT TO PUBLIC RIGHT OF WAY ON NORTHERLY SIDE OF COLDWELL AVENUE

Introduced by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton, Shastid

CONSIDER PRELIMINARY PLANS FOR THE CORPORATION YARD 2-70

Director of Public Works Campbell introduced Ralph Morgan and Robert Welty of the engineering firm, R. B. Welty and Associations, hired to prepare the plans for the new corporation yard. A memorandum indicating the preliminary cost estimate for the structures was filed with the record of the minutes.

A sketch of the four buildings proposed for construction was displayed to the Council. Mr. Campbell stated that one building would serve as a warehouse and maintenance garage; the other three will serve the various departments and divisions with office and storage space and assembly job assignment area; that the preliminary cost estimate at this point was $420,000, approximately $40,000 under the original estimate.

No action was taken by the Council. By order of the Chair, this matter was held over for further consideration at the October 25, 1965 meeting at 7:45 P.M.

The Council discussed the following: Disposition of the old corporation yard site; furniture and fixtures for the new corporation yard buildings.

Upon questioning, Mr. Welty stated that radiant floor heating is being used quite extensively in garages.

MATTERS NOT ITEMS OF THE AGENDA:

L. J. Rice - Request for permission to fence off portion of old city hall parking lot during demolition of Esquire Theater

Mr. L. J. Rice, representing R & M Transportation Co., requested permission to block off the north half of the parking area of the old city hall parking lot for a period of six weeks beginning October 17 and ending November 27, 1965 during the demolition of the old Esquire Theater. He said that the tenants in Mr. Brack's building would not be vacated until November 10; that at a later date he intended to ask the Council to block off the south portion of the 10th and H Street parking lot for a period of ten weeks during the demolition of the Brack building.

The Council discussed the following: Whether or not a fee should be charged Mr. Rice for blocking off a portion of the lot during demolition; whether the cost would be assumed by Mr. Rice or the owner of the building to be demolished.

RESOLUTION NO. 65-558

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND R. & M. TRANSPORTATION COMPANY - LEASE OF PORTION OF OLD CITY HALL LOT DURING DEMOLITION OF ESQUIRE THEATER (Agreement to require hold harmless clause; adequate insurance to protect City; fee at rate of one-half of $75 per month; period, October 17, 1965 through November 24, 1965)

Introduced by Hughes Seconded by VanderWall
Ayes: Hughes, Mitchell, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton, Shastid

Blocking off the 10th & H Street lot during demolition of Brack building

Mr. Rice stated that a request would be presented to the Council shortly to block off a portion of the 10th and H Street parking lot during the demolition of the Brack building, for a period of about ten weeks beginning November 15, 1965.

The Council discussed the following: The fact that the 10th and H Street parking lot is operated by the City with merchant participation; the importance of having this lot available for customer parking throughout the Christmas shopping season.

Director of Parking and Traffic Carmody stated that about twelve merchants were participating in the operation of this parking lot.

By order of the Chair, this request was referred to the staff with instructions that it be placed on the agenda of the October 25th meeting.

INTRODUCTION OF GEORGE INGLIS, MODESTO BEE REPORTER

Mayor Johansen introduced George Inglis, new Modesto Bee reporter covering city news.

Progress Report - Tuolumne Area Park

The City Manager read a memorandum from the Director of Public Works dated September 29, 1965 relating to the joint efforts of City-County Public Works Departments in obtaining topographical maps of the Tuolumne River area park. The maps will probably be available on October 15, 1965.

Status of County Master Plan for Parks

The City Manager reported he has requested that this matter be placed on the agenda for the next City-County meeting for discussion.

Progress Report - City-County Sewer Committee

Mayor Johansen stated that the City-County Sewer Committee had met

with representatives of Brown & Caldwell, engineering firm, and Bartle Wells Associates, financial consultants hired by the City and County for the metropolitan area sewer study; that the engineer's report will be ready at the scheduled time, January 1, 1966; that Mr. Norgaard, Chief Engineer, was in Washington, D.C. this week to secure information on any new and/or old legislation dealing with federal participation in the sewer project.

Councilman Smith said that he talked with Congressman McFall and his assistant; that there was not much that could be done until federal funds are appropriated; that Congressman McFall felt that the City had a very good chance of securing a federal grant because of its early application.

Mayor Johansen stressed the importance of adequate sewer service to attract new industry.

Plans for Dryden Golf Course Clubhouse

The City Manager reported that the clubhouse committee had met this afternoon and assured him that plans and specifications for the clubhouse would be submitted to the Council before the end of October.

RECOMMEND CONSIDERATION OF APPOINTMENT OF ESTHETICS COMMITTEE

The following documents were entered into the record of the minutes: Memorandum from Planning Director Fey dated October 6, 1965, subject, "Recommendation for Appointment of Esthetics Committee," memorandum from Planning Director of Planning Commission dated September 28, 1965 subject, "Esthetics Committee," and Planning Commission Resolution No. 65-130 requesting that the City Council consider the appointment of an esthetics committee.

George Gagos, Jr., suggested that qualified citizens of the community be appointed to serve the Council, Planning Commission, and city staff in an advisory capacity when requested to do so. This could apply to light standards which, in the downtown area, cannot support Christmas street decorations or banners; light fixtures; street signs; building signs; building textures; sidewalk materials, etc. He suggested as members, an individual from Stanislaus State or Junior College faculty; a member of an engineering firm; interior decorating; women and gentlemen who have shown their artistic and design abilities and are willing to give their time and knowledge.

A question was raised as to whether the word "esthetics" constituted the correct terminology for the proposed committee. Mr. Gagos suggested that the word "design" might be substituted. Councilman Smith stated that the discussion essentially covered a "Modesto beautification committee." Councilmen Hughes and Mitchell expressed the belief that the Planning Commission and Library and Cultural Commission might assume greater interest in matters of this kind if so indicated.

Director of Planning Fey outlined a need for the proposed committee which would have as its specific charge the overall appearance of the community (not beautification), with strictly advisory powers and dealing only at this time with the immense field of just coordinating all of the various public facilities. As mentioned by Mr. Gagos, the committee would also be available to private individuals contemplating a development.

Charge No. 2 of Planning Commission Resolution No. 65-130 as recommended by the Planning Commission, "To be available to private citizens for review of major development plans to see that the design, landscaping and physical improvements will be harmonious with the area in which located," was discussed by the Council. Mayor Johansen suggested that it be amended to indicate that the advice of the committee would be available if desired by private citizens.

Rex Hughes, contractor, 3133 Tully Road, stated that he did not believe that a committee should in any way interfere with private enterprise.

MOTION

That Charge No. 2 of Planning Commission Resolution No. 65-130 be amended to make it clear to private enterprise and private individuals that the advice is available if desired

Moved by Mayor Johansen Seconded by Hughes Unanimously carried

RESOLUTION NO. 65-559

A RESOLUTION AUTHORIZING AND DIRECTING THE APPOINTMENT OF A MODESTO BEAUTIFICATION COMMITTEE (Incorporating the Charges recommended by the Planning Commission in Resolution No. 65-130, with Charge No. 2 as modified by above motion, and authorizing the Mayor to appoint committee)

Introduced by Smith Seconded by VanderWall
Ayes: Hughes, Mitchell, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton, Shastid

RECOMMENDATION REGARDING LETTER FROM JAMES PRICE - PURCHASE AND DEVELOPMENT OF CITY OWNED PROPERTY 8-115

A memorandum from Planning Director Fey dated October 6, 1965 subject, "Request to Buy City Property - James Price," was entered into the record of the minutes. Recommendation was made that the Council accept the tentative program of development as outlined in Mr. Price's letter of September 20, 1965.

Deputy Manager Ray indicated on drawings the parcels of property involved in Mr. Price's request. He said that the proposal developed by the staff and Mr. Price would involve a trading of property, with the difference to be paid based on the difference in lot area, and on the price paid per acre by the City for the ten acres acquired from Lamon Wright for park purposes ($6,312 per acre) a value of $5,876.47 for the difference in the parcel "B" over "A: as shown on the drawings.

Mr. Ray said that the proposed program also provides that Mr. Price dedicate half of the right of way for Brighton Avenue and Kruger Avenue within the limits of the property involved, and to improve the same to subdivision standards, with the City responsible for the other half; that also involved in the program as a package was the zoning to R-3 of the portion of the property fronting on Coffee Road, some R-2 zoning, with the balance to the rear of the property zoned R-1. Another exchange of property involved would be the exchange of two small triangles on an even-up basis, to square out some lots as proposed on the boundary line between the two properties.

Upon questioning, Director of Planning Fey stated that the Planning Commission has agreed that rezoning of the parcel fronting on Coffee Road to R-3 and R-2 meets the principles by which multiple-family rezonings are recommended to the Council; that a public hearing on the rezoning has not yet been held. He said that the property was presently in the process of annexation; that it had been made clear to the developer that the Planning Commission was in no way committed on the matter of rezoning.

MOTION

That the staff be authorized to prepare the necessary documents to effect the tentative program of development as outlined in letter from Mr. Price dated September 20, 1965 and as recommended by the Director of Planning in memorandum dated October 6, 1965

Moved by Hughes Seconded by VanderWall Unanimously carried

IMPROVEMENTS ON GRISWOLD AVENUE - RECOMMENDATION TO THE COUNCIL BY PLANNING COMMISSION

RESOLUTION NO. 65-560

A RESOLUTION SETTING TIME AND PLACE FOR CONSIDERING RECOMMENDATION OF PLANNING COMMISSION PERTAINING TO CURB STANDARDS AND PRESERVATION OF TREES ON GRISWOLD AVENUE

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton, Shastid

November 8, 1965 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

APPROPRIATION TRANSFERS - None

NOTICE FROM LOCAL AGENCY FORMATION COMMISSION

Notice of public hearings by the Local Agency Formation Commission to be held on October 20, 1965 for consideration of the annexation of three parcels to the City of Modesto, in Room 206, County Offices Building, 1100 Eye Street, Modesto, beginning at 7:35 P.M., was entered into the record of the minutes.

EXECUTIVE SESSION TO FURTHER CONSIDER ACQUISITION OF 9TH AND J STREETS PARKING LOT (LEWIS PROPERTY)

(Considered in executive session - see motion below)

EXECUTIVE SESSION TO CONSIDER OFFER OF COMPROMISE SETTLEMENT, CITY OF MODESTO VS. ROSS MILLER, ET AL - CONDEMNATION SUIT TO ACQUIRE PROPERTY NECESSARY FOR TULLY ROAD WIDENING

MOTION

That the Council meet in executive session to consider Item 20 of the agenda, "Further consideration of acquisition of 9th and J Street parking lot (Lewis property),"and Item 21, relative to compromise settlement - condemnation suit - Ross Miller

Moved by VanderWall Seconded by Smith Unanimously carried

Councilman Hughes was excused from the meeting.

The Council went into executive session at 6:24 P.M., reconvening to regular session at 6:50 P.M.

CONSIDER ACQUISITION OF 9TH AND J STREET PARKING LOT (LEWIS PROPERTY)

By order of the Chair, the staff was directed to continue negotiations on the acquisition of this parking lot.

COMPROMISE SETTLEMENT - CITY OF MODESTO vs. ROSS MILLER CONDEMNATION SUIT

RESOLUTION NO. 65-561

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SETTLE A CONDEMNATION ACTION NOW PENDING AGAINST ROSS MILLER, ET AL, FOR THE WIDENING OF TULLY ROAD

Introduced by VanderWall Seconded by Smith
Ayes: Mitchell, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Patton, Shastid

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Smith Unanimously carried
The meeting adjourned at 7:00 P M.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

...l by Hugh

The Council of the City of Modesto met in regular session this date at 4:00 p.m. in the Council Chambers, City Hall, 801 11th Street, Acting Mayor VanderWall presiding.

Present: Councilmen: Mitchell, Shastid, Smith, Acting Mayor VanderWall

Absent: Councilmen: Hughes, Patton, Mayor Johansen

The pledge of allegiance to the Flag was given by all present.

A moment of silent prayer was observed.

APPROVAL OF MINUTES

The minutes of the regular meetings of September 27 and October 4, 1965 were approved with the following correction: City Clerk Rex Gailfus stated that a sentence on Page 6, September 27, 1965 which read, "No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed," should be corrected to "No one in the audience asked to be heard."

LETTER FROM FRANK ANDREWS REGARDING ADJOURNMENT OF COUNCIL MEETING

A letter from Frank Andrews dated October 12, 1965 criticizing the adjournment of the regular council meeting of October 11 to October 14, 1965 was ordered filed.

LETTER FROM CHAIRMAN, UNITED NATIONS DAY, INVITING COUNCIL TO ATTEND UNITED NATIONS DAY OBSERVANCE

A letter from Mrs. Beverly A. Beavers, chairman of Modesto's United Nations Day, dated October 13, 1965 inviting council members to attend the observance October 23 was entered into the record of the minutes. Members who were able to do so were urged to attend by Acting Mayor VanderWall. The letter was ordered filed.

RECOMMENDATION THAT INSTALLATION OF WATER LINES IN YORKSHIRE GROVE SUBDIVISION BE PERFORMED BY CITY FORCES

RESOLUTION NO. 65-562

A RESOLUTION AUTHORIZING THE WORK OF INSTALLATION OF WATER LINES IN YORKSHIRE GROVE SUBDIVISION BE PERFORMED BY CITY FORCES AND REJECTING BID RECEIVED (one bid received, which was 23.6% above the engineer's estimate)

Introduced by Mitchell Seconded by Smith
Ayes: Mitchell, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Hughes, Patton, Mayor Johansen

AMEND RESOLUTION 61-96 TO INCLUDE THE POUND MASTER ALONG WITH PAYMENT PROCEDURE FOR UNIFORM ALLOWANCE FOR POLICE AND FIRE PERSONNEL

RESOLUTION NO. 65-563

A RESOLUTION ESTABLISHING PROCEDURE FOR PAYMENT OF UNIFORM ALLOWANCE FOR POLICE AND FIRE PERSONNEL AND THE POUND MASTER ($10 per month uniform allowance provided for pound master in budget, amendment to Resolution 61-96 required to include pound master)

Introduced by Mitchell Seconded by Smith
Ayes: Mitchell, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Hughes, Patton, Mayor Johansen

ACCEPT IMPROVEMENTS IN RIVIERA HEIGHTS NO. 1 SUBDIVISION AND AUTHORIZE RELEASE OF SUBDIVISION BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

RESOLUTION NO. 65-564

A RESOLUTION ACCEPTING IMPROVEMENTS IN RIVIERA HEIGHTS NO. 1 SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

Introduced by Mitchell Seconded by Smith
Ayes: Mitchell, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Hughes, Patton, Mayor Johansen

SUBDIVISION BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

RESOLUTION NO. 65-565

A RESOLUTION ACCEPTING IMPROVEMENTS IN RIVIERA HEIGHTS NO. 2 SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

Introduced by Mitchell Seconded by Smith
Ayes: Mitchell, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Hughes, Patton, Mayor Johansen

APPROVAL OF AGREEMENT BETWEEN CITY AND MODESTO SCHOOL DISTRICT OF STANISLAUS COUNTY FOR AFTER-SCHOOL RECREATION PROGRAM

RESOLUTION NO. 65-566

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO CITY SCHOOL DISTRICT OF STANISLAUS COUNTY FOR AFTER-SCHOOL RECREATION PROGRAM (Amount of allocation, $7,206)

Introduced by Mitchell Seconded by Smith
Ayes: Mitchell, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Hughes, Patton, Mayor Johansen

APPROVAL OF AGREEMENT BETWEEN CITY AND MODESTO IRRIGATION DISTRICT FOR THE DEVELOPMENT OF M.I.D. LATERAL NO. 2 RIGHT OF WAY, KNOWN AS "PIERRE PARK"

RESOLUTION NO. 65-567

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT FOR THE DEVELOPMENT OF M.I.D. LATERAL NO. 2 RIGHT OF WAY AS A PARK SITE, KNOWN AS "PIERRE PARK"

Introduced by Mitchell Seconded by Smith
Ayes: Mitchell, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Hughes, Patton, Mayor Johansen

AUTHORIZATION GIVEN CITY MANAGER TO SIGN A CONTRACT WITH THE STATE DIVISION OF HIGHWAYS TO ENLARGE CURB RADIUS IN THE SOUTHWEST CORNER OF J AND 17TH STREETS

RESOLUTION NO. 65-568

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH THE STATE DIVISION OF HIGHWAYS TO ENLARGE CURB RADIUS IN THE SOUTHWEST CORNER OF J AND 17TH STREETS (State to pay entire cost of $300)

Introduced by Mitchell Seconded by Smith
Ayes: Mitchell, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Hughes, Patton, Mayor Johansen

APPROVAL OF THE FINAL MAP OF GEMINI MANOR, SUBDIVISION OF THE CITY OF MODESTO

RESOLUTION NO. 65-569

A RESOLUTION APPROVING THE FINAL MAP OF GEMINI MANOR, SUBDIVISION OF THE CITY OF MODESTO

Introduced by Mitchell Seconded by Smith
Ayes: Mitchell, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Hughes, Patton, Mayor Johansen

HEARING CONTINUED ON PROPOSED ANNEXATION OF SHERWOOD TERRACE ADDITION

Acting Mayor VanderWall announced that the hour of 4:15 p.m. had arrived, the time set for continuation of the hearing on the proposed annexation of the Sherwood Terrace Addition (continued from September 27, 1965 meeting). He asked if anyone in the audience wished to be heard on the matter; no one asked to be heard, and acting Mayor VanderWall declared the hearing closed.

"A RESOLUTION DECLARING THAT A MAJORITY PROTEST HAS NOT BEEN MADE AGAINST THE ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS SHERWOOD TERRACE AND DECLARING THE INTENTION OF THE COUNCIL TO PROCEED WITH THE ANNEXATION OF SAID TERRITORY"

Introduced by Mitchell Seconded by Shastid
Ayes: Mitchell, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Hughes, Patton, Mayor Johanson

Introduction of the ordinance annexing this area was held over for one week

CONSIDER REQUEST OF C. F. BROWN FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 1632 EAST COOLIDGE

This property is located on the south side of Coolidge Avenue between Paulette and Queens Avenues. The property owner has signed an agreement to annex when requested to do so by the City. The property is not contiguous to the city limits; however, a line exists to serve it. No city funds are involved.

MOTION

That the request for sewer service extension to property located at 1632 East Coolidge be granted

Moved by Mitchell Seconded by Smith Unanimously carried

APPROVAL BY THE BOARD OF SUPERVISORS FOR SALE OF WIND TEE AT CITY-COUNTY AIRPORT

Consideration of report from County Board of Supervisors approving sale of wind tee at airport, since it is no longer needed due to completion of the Air Traffic Control Tower, and recommendation from County that the City of Oakdale be given first consideration. No action taken at this time.

PRESENTATION OF FINANCIAL STATEMENT FOR MONTH OF SEPTEMBER, 1965

The financial statement for the month of September, 1965 was presented.

MATTERS FOR THE GOOD OF THE COMMUNITY

Henry George appeared before Council

Mr. Henry George asked to be heard. He appeared before Council to protest his numerous arrests and his recent confinement in the Modesto State Hospital. He stated that he has never been convicted following his arrests, and has suffered financial losses thereby; and was recently released from the "bug-house" following an examination in which no results were found. He was advised by Councilman Mitchell that he felt that he gave the appearance to the police, due to intoxication or other reason, that he had committed some public offense and was taken to jail for his own protection. He was informed by Acting Mayor VanderWall that the proper course of the law had been taken, and there was no action the Council could take in this matter.

Modesto Bee's new reporter introduced

Modesto Bee's reporter, George Inglis, who has been assigned to cover council activities, was introduced by Acting Mayor VanderWall.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Mitchell Seconded by Shastid Unanimously carried

The meeting adjourned at 4:35 p.m.

ATTEST: Paul Rex E. Gailfus
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Absent: None

The pledge of allegiance to the Flag was given by all present.

Reverend Elizabeth Burgle gave the invocation.

ORAL PRESENTATION BY FRED WILLIAM PAULUS, SR., REGARDING THE TAKING OF ANCHOVIES BY COMMERCIAL FISHERMEN ALONG THE CALIFORNIA COAST

Fred Paulus, Route 3, Box 1472, Escalon, California, representing the Escalon Sportsmen's Club, asked for Council support in opposing the taking of anchovies by commercial fishermen for commercial use along the California coast and inland waters. Mr. Paulus read a petition for the attention of Governor Brown which his organization has been circulating throughout the State. Mr. Paulus said the petition would be presented to Governor Brown within the next few days before adjournment of the Legislature.

MOTION

That the City endorse the proposal of the Escalon Sportsmen Club indicating that the City of Modesto is not in favor of the anchovies being used for fertilizer and other commercial purposes

Moved by Mitchell Seconded by VanderWall Unanimously carried

The City Manager was directed to write a letter to Mr. Paulus indicating the City's position.

CONSIDER PRELIMINARY PLANS FOR NEW CORPORATION YARD

Mayor Johansen announced that the hour of 7:45 P.M. had arrived, the time set for consideration of the preliminary plans for the new corporation yard. This item was carried over from the October 18th meeting in order to give the Council a chance to study the proposed plans.

The general specifications for the buildings of the corporation yard and cost estimate submitted were discussed by the Council. Total estimated cost for the project at the present time is $420,070. Director of Public Works Campbell stated that the $420,070 estimated cost will put the facility into operation and also includes fencing and landscaping.

Robert Welty, engineer hired by the City to prepare the plans and specifications for the buildings, was questioned by the Council as to areas where costs might be decreased.

Mr. Campbell was questioned by the Council on the following: whether or not the proposed plans provided room for expansion, Mr. Campbell stating that the plans have been prepared with a view to both present and future needs - a sound structure with low maintenance, and one which will be as good forty years from now with the exception of additional space which will be needed for the storage of equipment; need for showers; number of proposed lockers and their intended use; radiant floor heating for maintenance garage; capacity of proposed gasoline storage tanks; man-hour savings anticipated with the new corporation yard.

The Staff was directed to check whether the reduction in the cost of insurance would justify the cost of installing a sprinkling system in the proposed buildings.

MOTION

That the staff be authorized to proceed with the preparation of plans for the corporation yard for further review of the Council

Moved by VanderWall Seconded by Shastid Unanimously carried

MATTERS FOR THE GOOD OF THE COMMUNITY

Frank Andrews - Corporation Yard Site Location

Mr. Andrews questioned the feasibility of the location of the new corporation yard, stating that the ball park, not presently in use, would provide a better site.

Introduction of Joe Hart

Mayor Johansen introduced Joe Hart, a member of the Farm-City Advisory Committee. The Mayor stated that a representative of the committee would be present at most of the council meetings in the future in order to more clearly understand the Council's problems.

Celebration of Hallowe'en on Saturday, October 30, instead of Sunday, October 31

The Council discussed Councilman Hughes' suggestion that Saturday, October 30, be proclaimed Hallowe'en instead of Sunday, October 31.

Chief Bowers said that he did not believe that any action the Council might take would alter Hallowe'en activities, that the Police Department was preparing for two Hallowe'ens this year.

No action was taken by the Council.

Purchase of City-Owned Homes by City Employees - Unanimous Consent Item

A memorandum from the Director of Finance dated October 21, 1965, subject, "Purchase of City Property by City Employee," was entered into the record of the minutes. The memorandum indicated that there is no law prohibiting employees from bidding at city sales or auctions; that it was a policy decision to be determined by the City Manager.

No objections were expressed by the Council to employees bidding at city sales and auctions.

COMMUNICATION FROM TOM BERGLUND, CHRISTMAS DECORATION COMMITTEE CHAIRMAN, REGARDING PRESENT DOWNTOWN STREET DECORATIONS

The following documents were entered into the record of the minutes: Letter from Tom Berglund, Christmas Decoration Chairman, Downtown Modesto Association, dated October 20, 1965 requesting financial assistance for downtown Christmas decorations; memorandum from City Manager dated October 21, 1965, subject, "Christmas Decorations," in which it was indicated that there did not appear to be sufficient time between now and Thanksgiving to prepare a proper set of specifications, call for bids, obtain clearances, and erect the decorations, even if the purchase was approved by the Council.

Mayor Johansen commented on the short amount of time available in which to purchase the decorations wisely. He said that funds were

budgeted this fiscal year on the premise that last year's decorations would be used; that a hearing was scheduled for January 10, 1966 to discuss City policy in the handling of future street decorations.

Mr. Berglund asked that the Council authorize payment of the $1,800 budgeted for the erection and electrification of Christmas street decorations to the Downtown Association, permitting the funds to be used for the purchase of the proposed new decorations. He said that the light standards on J Street were strong enough to support the old street decorations; that about nine new decorations could be purchased with the $1,800 in conjunction with funds donated by downtown merchants, for placement on 10th Street where the light standards are not strong enough to support the old decorations.

Mr. Berglund said it was possible that AB-103 would be enacted which will provide funds to permit the Downtown Modesto Association do its own promoting, etc. in the downtown area.

The request was discussed by the Council, with two members of the Council questioning the wisdom of deviating from the formula established by the Council in Resolution No. 62-401.

MOTION

That the staff be authorized to work with members of the Downtown Modesto Association Christmas Decoration Committee

Moved by Shastid Seconded by Mitchell Unanimously carried

RESOLUTION NO. 65-571

A RESOLUTION AUTHORIZING EXPENDITURE OF BUDGETED FUNDS FOR CHRISTMAS DECORATIONS FOR THE 1965-66 FISCAL YEAR ($1,800)

Introduced by Shastid Seconded by Patton
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: Hughes Absent: None

Hi Youngheim, President, Downtown Modesto Association, thanked the Council for its action.

CONSIDER AWARD OF BID FOR INSTALLATION OF WATER LINES IN ELMWOOD NO. 1 SUBDIVISION

RESOLUTION NO. 65-572

A RESOLUTION REJECTING ALL BIDS AND AUTHORIZING THE WORK TO BE PERFORMED BY THE CITY FOR THE INSTALLATION OF WATER LINES IN ELMWOOD NO. 1 SUBDIVISION

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

ACCEPT IMPROVEMENTS IN PARK MANOR ESTATES SUBDIVISION AND AUTHORIZE THE CITY CLERK TO FILE A NOTICE OF COMPLETION AND RELEASE BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

RESOLUTION NO. 65-573

A RESOLUTION ACCEPTING IMPROVEMENTS IN PARK MANOR ESTATES SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER AGREEMENT WITH TIDEWATER-SOUTHERN FOR STREET LIGHTING AT THE BRIGGSMORE CROSSING

RESOLUTION NO. 65-574
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $800 FOR GRADE CROSSING IMPROVEMENTS AT BRIGGSMORE AND TIDEWATER SOUTHERN RAILWAY COMPANY

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

A letter agreement from Tidewater Southern Railway Company dated October 13, 1965 agreeing to pay up to $400 of the cost involved for the above lighting was entered into the record of the minutes.

RESOLUTION DETERMINING THE GENERAL PREVAILING RATES OF PER DIEM WAGES AS REQUIRED BY SECTION 1773.3 OF THE LABOR CODE OF THE STATE OF CALIFORNIA

RESOLUTION NO. 65-575
A RESOLUTION DETERMINING THE GENERAL PREVAILING RATES OF PER DIEM WAGES

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RECOMMEND AMENDMENT TO SECTION 15-3-9 OF ZONING MAP - BOMBERGER (PLANNING COMMISSION RESOLUTION 65-133)

RESOLUTION NO. 65-576
A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON AMENDMENTS TO ZONING MAP (Planning Commission Resolution No. 65-133, Bomberger)

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

November 15, 1965 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND AMENDMENT TO SECTION 15-3-9 OF ZONING MAP - BOMBERGER (PLANNING COMMISSION RESOLUTION 65-134

RESOLUTION NO. 65-577
A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON AMENDMENT TO ZONING MAP (Planning Commission Resolution No. 65-134)

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

November 15, 1965 at 4:35 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND AMENDMENT TO SECTION 29-3-9 OF THE ZONING MAP - TALLENT & MORRISON

RESOLUTION NO. 65-578
A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON AMENDMENT TO ZONING MAP (Section 29-3-9, Planning Commission Resolution No. 65-135, Tallent and Morrison)

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
None: None Absent: None

November 15, 1965 at 4:40 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 216 EAST ROSEBURG AVENUE

MOTION

That the request for sewer service extension to property located at 216 East Roseburg Avenue be approved
Moved by Patton Seconded by Hughes Unanimously carried

REPORTS FROM THE SALVATION ARMY FOR SERVICES RENDERED FOR SIX MONTHS ENDING JUNE 30, 1965 AND FOR QUARTER ENDING SEPTEMBER 30, 1965

MOTION

That reports from the Salvation Army for services rendered for period January 1 to September 20, 1965 be accepted; that payment of $300 budgeted for fiscal year 1965-66 be authorized

Moved by Patton Seconded by Hughes Unanimously carried

ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE SHERWOOD TERRACE ADDITION TO THE CITY OF MODESTO

A hearing to consider the proposed annexation of the Sherwood Terrace Addition to the City of Modesto was held on September 27, 1965, continued to October 18, 1965 and action withheld on adoption of the ordinance pending completion of certain improvements by the County. The City Manager stated that the improvements were now completed.

ORDINANCE NO. 749-C.S. entitled
"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE SHERWOOD TERRACE ADDITION TO THE CITY OF MODESTO"

was introduced and adopted and ordered published as required by the Charter.

Moved by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

FURTHER CONSIDERATION AS TO WHETHER STAFF SHALL CONTINUE ITS STUDY OF AREAS IN THE COMMUNITY WHICH COULD BE INVOLVED IN AN INTENSIFIED CODE ENFORCEMENT PROGRAM OF THE FEDERAL HOUSING AND URBAN DEVELOPMENT ACT OF 1965

The following documents were entered into the record of the minutes: Memorandum from the City Manager dated October 21, 1965, subject, "Code Enforcement - Agenda Item, October 25, 1965;" memorandum from Director of Public Works dated September 29, 1965, subject, "Use of Housing and Urban Development Act of 1965 for Planned Code Enforcement of Residential Areas;" memorandum from Deputy City Manager dated September 29, 1965, subject, "Building Code Enforcement;" memorandum from City Manager dated September 14, 1965, subject, "Meeting with Urban Renewal Officials in San Francisco, September 9, 1965, concerning Code Enforcement;" memorandum from Building Inspector, Unsafe Structure Code, subject, "Report on Interview with Urban Renewal Officials in San Francisco, September 9, 1965;" memorandum from Planning Director dated October 1, 1965, subject, "Code Enforcement Program Discussion - 1960 Census of Housing."

Director of Planning Fey reviewed his memorandum dated October 1, subject, "Code Enforcement Program Discussion - 1960 Census of Housing," with tables and map attached indicating areas and percentages of housing dilapidation and deterioration within the City.

The Council discussed the following: The extent of city participation in the program, as outlined in memorandum from the City Manager dated October 21, 1965; why the areas of deterioration and dilapidation as indicated by the Housing Survey of 1960 were not brought to the attention of the Council prior to the time federal funds were available for code enforcement; the feasibility of a code enforcement survey of other cities.

Director of Public Works Campbell was questioned by the Council on a statement in his memorandum dated September 29th to the effect that the City does not have an enforcement program for existing residential structures, saying that he felt that such a program was needed. Mr. Campbell was also asked to find out when the City of Modesto had its first building code.

John L. Ward, 528 College Avenue questioned the staff as to whether or not the unsafe structure ordinance was enforceable in the condemnation of privately-owned residential property, the City Attorney answering in the affirmative; the number of building inspectors hired by the City (6).

Frank Helm, Jr., 3109 Tully Road, asked what form of legislation would be used to adopt the proposed code enforcement program. Mayor Johansen stated that the program was presently under study only.

Councilman Shastid suggested that a meeting be arranged with representatives of the Chamber of Commerce, Home Builders, Board of Realtors, and Housing Authority. Councilman Smith suggested as much as possible be learned of the federal program to see how much of it could be applied to the City. He further suggested that perhaps the staff could work out a report on how the City might modify the federal program and come up with a program of its own. He expressed the point of view that such a program would involve the need for an appeals board and indicated that local sources of financing, etc., should be investigated.

MOTION

That the staff be directed to prepare recommendations as to how the Council should proceed relative to the code enforcement program.

Moved by Smith Seconded by Mayor Johansen Unanimously carried

Councilman Hughes expressed the viewpoint that perhaps there should be some type of survey on rentals.

FURTHER CONSIDERATION OF ACQUISITION OF BUMGARDNER WATER SYSTEM

Councilman Mitchell, Chairman, Public Projects Committee, reported that this matter was referred to the Public Projects Committee for report and recommendation about four weeks ago; that the option for the purchase of the Bumgardner Water System expired this month. Councilman Mitchell said it was the recommendation of the Public Projects Committee that the Council accept the proposal worked out by the staff and Bumgardner which calls for an extension of the option period to March 31, 1966; total option price, $5,000 ($100 already paid, $4,900 to be paid, total amount to be applied towards total purchase price of $270,000 for the water system).

RESOLUTION NO. 65-579

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN OPTION AGREEMENT FOR PURCHASE OF THE BUMGARDNER WATER COMPANY

Introduced by VanderWall Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION NO. 65-580
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $5,500 FOR ACQUISITION OF BUMGARDNER WATER COMPANY (option to March 31, 1966)

Introduced by VanderWall Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

APPROPRIATION TRANSFERS - None

ACCEPTANCE OF RIGHT OF WAY CONTRACTS - YOSEMITE BOULEVARD PROJECT

The City Attorney stated that right of way contracts with Harry T. Kullijian and Charles E. Woodard had been approved by the State and were ready for council approval; that approval of the right of way contracts for Alden C. Steinbeck, Elliot I. Navon, and Cathryn Benson would be placed on the agenda again after minor matters have been cleared with the State.

RESOLUTION NO. 65-581
A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND HARRY T. AND GERALDINE B. KULLIJIAN - YOSEMITE BOULEVARD WIDENING

Introduced by Shastid Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION NO. 65-582
A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND CHARLES D. AND NORMA JEAN WOODARD - YOSEMITE BOULEVARD WIDENING

Introduced by Shastid Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

REPORT ON REQUESTED VARIANCE TO PERMIT CEDAR SHAKE ROOF ON CHRISTIAN REFORMED CHURCH

The following documents were entered into the record of the minutes: Letter from Norman VanderVeen, Chairman, Christian Reformed Church Building Committee, dated September 11, 1965 asking the Council for an amendment to the building code to permit a heavy cedar shake roof on an sanctuary under construction on College Avenue, north of Durant Avenue; letter from H. A. Eriksson, Civil Engineer and William deBoer, Building Designer, dated September 28, 1965, requesting a variance to permit the shake roof; memorandum from the Director of Public Works dated October 21, 1965, subject, "Christian Reformed Church Building," listing considerations, and the following conclusions: That a shake roof using the new roof assembly method of construction for church structures in Fire Zone 3 would not be detrimental to the community, and that an amendment to the municipal code was required to permit the installation.

Director of Public Works Campbell reviewed a proposed ordinance which would permit shake roofs on buildings for varied occupancies in Fire Zone 3. He said that even with the proposed code change, it will be necessary for the church to obtain approval from the State Fire Marshal's

office for the installation of a shake roof to comply with Title XIX of the State Administrative Code.

ORDINANCE NO. 750-C.S. entitled
"AN ORDINANCE AMENDING SECTION 9-1.15 OF CHAPTER 1 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE BUILDING CODE"

was introduced and ordered published as required by the Charter.

Moved by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

NOTICE FROM THE COUNTY OF STANISLAUS REGARDING MEETING TO CONSIDER THE MOST SUITABLE LOCATION FOR REFUSE DISPOSAL SITES

A memorandum from James J. Franzen, Chairman, Health and Welfare Committee, dated October 19, 1965, subject, "Garbage and Refuse Disposal Sites," was entered into the record of the minutes.

The memorandum indicated that a meeting would be held in the Board of Supervisors' Chambers at 2:30 P.M. Tuesday, November 2, 1965 to consider the most suitable locations for garbage disposal sites in the County, with the possibility of arranging joint use of the sites for residents of both incorporated and unincorporated areas. Hope was expressed that a councilman would be present from each city in the County, together with any other interested city representative who may wish to attend.

ADJOURNMENT

MOTION
That the meeting now in session be adjourned

Moved by VanderWall Seconded by Smith Unanimously carried

The meeting adjourned at 10:30 P.M.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Absent: Councilmen: None

The pledge of allegiance to the Flag was given by all present.

A moment of silent prayer was observed.

PRESENTATION OF DISTINGUISHED SERVICE AWARD TO MRS. E. GENE BEAVERS

Mayor Johansen complimented Mrs. E. Gene Beavers, United Nations Day Chairman, and the League of Women Voters for the outstanding display and program for United Nations Day, and presented a distinguished service award to Mrs. Beavers. Mayor Johansen stated that he had written a letter to the League of Women Voters expressing the Council's gratitude, and asking the group to accept the responsibility for next year's program.

APPROVAL OF MINUTES

The minutes of the regular meeting of October 18, 1965 were approved.

DISCUSSION ON USE OF SPEAKER MIKES BY COUNCIL MEMBERS

The City Manager requested that everyone speak directly into the microphones to permit the meeting to be properly recorded.

LETTER FROM N. B. EDDLESTONE, ASSISTANT SUPERINTENDENT, SOUTHERN PACIFIC COMPANY, REGARDING PARK AREA ON STATION GROUNDS

An undated letter from N. B. Eddlestone, Assistant Superintendent, Southern Pacific Company, Bakersfield, California, informing the City that the maintenance of the park area in the Southern Pacific station grounds at Modesto is included in the present lease for parking in the station reservation, and expressing the hope that the maintenance problem would be resolved by the present lessee, was entered into the record of the minutes. The letter was discussed and ordered filed.

ADOPTION OF ORDINANCE NO. 750-C.S. RELATING TO THE BUILDING CODE (SHAKE ROOF)

ORDINANCE NO. 750-C.S. entitled "AN ORDINANCE AMENDING SECTION 9-1.15 OF CHAPTER 1 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE BUILDING CODE" introduced October 25, 1965 and having been published as required, was moved and adopted.
Moved by Hughes Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall Mayor Johansen
Noes: None Absent: None

ACCEPT IMPROVEMENT OF THAT PORTION OF COLONIAL MANOR NO. 2 WHICH COULD NOT BE COMPLETED UNDER ORIGINAL SUBDIVISION AGREEMENT, AND AUTHORIZE CITY CLERK TO RELEASE $500 BOND

RESOLUTION NO. 65-583
A RESOLUTION ACCEPTING STREET IMPROVEMENTS IN COLONIAL MANOR NO. 2 SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

Introduced by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION SETTING DATE FOR HEARING ON APPEAL FROM THE DECISION OF THE PLANNING COMMISSION (HOCHSTATTER-MONDO REZONING APPLICATION)

RESOLUTION NO. 65-584

A RESOLUTION SETTING THE TIME AND PLACE FOR HEARING OF THE APPEAL TO THE DECISION OF THE MODESTO CITY PLANNING COMMISSION FILED BY HOCHSTATTER-MONDO

Introduced by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

November 22, 1965 at 7:45 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

ACCEPT IMPROVEMENTS IN BEL AIR NO. 4 SUBDIVISION AND AUTHORIZE CITY CLERK TO FILE NOTICE OF COMPLETION AND RELEASE BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

RESOLUTION NO. 65-585

A RESOLUTION ACCEPTING IMPROVEMENTS IN BEL AIR NO. 4 SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

Introduced by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION SETTING DATE FOR HEARING ON APPEAL FROM THE DECISION OF THE PLANNING COMMISSION (NORTHGATE ENTERPRISES REZONING APPLICATION)

RESOLUTION NO. 65-586

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON THE APPEAL TO THE DECISION OF THE MODESTO CITY PLANNING COMMISSION FILED BY NORTHGATE ENTERPRISES (APPLICATION FOR REZONING)

Introduced by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall Mayor Johansen
Noes: None Absent: None

November 22, 1965 at 7:50 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

ACCEPT AS COMPLETE A. C. CONSTRUCTION COMPANY'S CONTRACT FOR THE CONSTRUCTION OF IMPROVEMENTS AT GARRISON PARK

RESOLUTION NO. 65-587

A RESOLUTION ACCEPTING THE CONSTRUCTION OF IMPROVEMENTS AT GARRISON PARK - A. C. CONSTRUCTION COMPANY

Introduced by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

ACCEPT AS COMPLETE A. C. CONSTRUCTION COMPANY'S CONTRACT FOR THE CONSTRUCTION OF CURBS, GUTTERS, SIDEWALKS AT ENSLEN, GRACEADA, ROOSEVELT, AND 17TH AND G STREET PARKS

RESOLUTION NO. 65-588

A RESOLUTION ACCEPTING THE CONSTRUCTION OF CURBS, GUTTERS, SIDEWALKS AT ENSLEN, GRACEADA, ROOSEVELT, AND 17TH AND G STREET PARKS - A. C. CONSTRUCTION COMPANY.

Introduced by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

ACCEPT AS COMPLETE STANDARD MATERIALS COMPANY'S CONTRACT FOR THE IMPROVEMENT OF TULLY ROAD, LEONARD AVENUE TO PEARL STREET

RESOLUTION NO. 65-589

A RESOLUTION ACCEPTING THE CONSTRUCTION OF TULLY ROAD FROM LEONARD AVENUE TO PEARL STREET - STANDARD MATERIAIS COMPANY

Introduced by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

ANNUAL RECREATION AGREEMENT BETWEEN COUNTY OF STANISLAUS AND CITY OF MODESTO, COUNTY ALLOCATION TO CITY FOR ~~AFTER-SCHOOL~~ RECREATION PROGRAM, FISCAL YEAR 1965-66

RESOLUTION NO. 65-590

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COUNTY OF STANISLAUS FOR AFTER-SCHOOL RECREATION PROGRAM ($14,767.50)

Introduced by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER AUTHORIZING A PUBLIC AUCTION OF OBSOLETE AND SURPLUS CITY PROPERTY AND CONFISCATED AND UNCLAIMED POLICE DEPARTMENT PERSONAL PROPERTY TO BE CONDUCTED SATURDAY, NOVEMBER 13, 1965 COMMENCING AT 9.00 A.M.

RESOLUTION NO. 65-591

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS AND UNCLAIMED PERSONAL PROPERTY

Introduced by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RECOMMEND AMENDMENT TO SECTION 23-3-9 OF ZONING MAP (PIERCE)

RESOLUTION NO. 65-592

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 23-3-9 OF THE ZONING MAP - SOUTHEAST CORNER OF OLD OAKDALE ROAD AND SURREY AVENUE (PIERCE)

Introduced by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

November 22, 1965 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND AMENDMENT TO SECTION 15-3-9 OF THE ZONING MAP (ELLIS)

RESOLUTION NO. 65-593

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 15-3-9 OF THE ZONING MAP - EAST SIDE OF ROSE AVENUE EXTENDED NORTH OF M.I.D. LATERAL NO. 3 (ELLIS)

Introduced by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

December 6, 1965 at 4:45 P.M. in the Council Chambers, City Hall, was set as the time and place for hearing.

RECOMMEND AMENDMENT TO SECTION 15-3-9 OF THE ZONING MAP (ELLIS)

RESOLUTION NO. 65-594

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 15-3-9 OF THE ZONING MAP - WEST SIDE OF OLD OAKDALE ROAD NORTH OF M.I.D. LATERAL #3 (ELLIS)

Introduced by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

December 6, 1965 at 4:35 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND AMENDMENT TO SECTION 15-3-9 OF THE ZONING MAP(ELLIS)

RESOLUTION NO. 65-595

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 15-3-9 OF THE ZONING MAP - WEST SIDE OF OLD OAKDALE ROAD NORTH OF M.I.D. LATERAL #3 (ELLIS)

Introduced by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

December 6, 1965 at 4:40 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

CONSIDER REPAIRS OF PARKING AREA AND DRIVEWAY AT FIRE STATION NO. 5

A memorandum from the Director of Public Works dated October 28, 1965, subject, "Parking Area and Driveway Repairs at Fire Station No. 5," recommending that the rear yard pavement in the failed areas at Fire Station No. 5 be removed and a 6" thick reinforced concrete slab be constructed in a portion of the area, and the balance repaired with plant-mix surfacing, was entered into the record of the minutes. Estimated cost for the work - $1,700. Recommendation was also made that the existing gas pump be relocated adjacent to the back wall of the apparatus room between the two doors.

Noes: None

MOTION

That the staff be authorized to proceed with the repair of the rear yard pavement as recommended in memorandum dated October 28, 1965

Moved by Smith Seconded by Mitchell Unanimously carried

RESOLUTION NO. 65-596

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $1,700 FOR REPAIRS TO REAR YARD PAVEMENT, FIRE STATION NO. 5

Introduced by VanderWall Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL TO CONSIDER THE APPLICATION OF TIDEWATER SOUTHERN RAILWAY COMPANY FOR A FRANCHISE TO OPERATE A COMMERCIAL RAILROAD WITHIN THE CITY OF MODESTO, AND FIXING THE TIME AND PLACE FOR A HEARING 1-75

A proposed resolution declaring the intention of the Council to consider Tidewater Southern Railway Company's application for a franchise to operate a commercial railroad within the City was reviewed by the City Attorney.

Councilman VanderWall stated that he asked that this item be removed from the consent agenda in order to voice his disapproval ofthe granting of a franchise to Tidewater Southern.

Repair of the track area on 9th Street by Tidewater Southern was discussed.

RESOLUTION NO. 65-597

A RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL TO CONSIDER THE APPLICATION OF TIDEWATER SOUTHERN RAILWAY COMPANY FOR A FRANCHISE TO OPERATE A COMMERCIAL RAILROAD WITHIN THE CITY OF MODESTO AND FIXING THE TIME AND PLACE FOR A HEARING ON SAID APPLICATION

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: VanderWall Absent: None

December 6, 1965 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place for consideration of the application for a franchise.

CONSIDER COMPLETION OF PROPERTY ACQUISITION FOR DOWNEY COMMUNITY PARK 2-17

A memorandum from the Deputy City Manager dated October 28, 1965, subject, "Completion of property acquisition for Downey Community Park," was entered into the record of the minutes. Recommendation was made that the Council consider acquisition of the Frey-Stutz properties at this time, which would result in a net total of 16.11 acres for the Downey Community Park; that the staff be authorized to obtain appraisals on the property to be acquired so that the estimated costs can be used in preparation of an application to HHFA for an Open Space grant.

A sketch of the proposed community park indicating the land already acquired and the land proposed for acquisition was shown to the Council. Upon request, the reasons for the proposed alignment of Brighton Avenue were outlined by Deputy Manager Ray and Planning Director Fey.

MOTION

That the staff be authorized to obtain appraisals on the Frey-Stutz properties as recommended

Moved by Hughes Seconded by VanderWall Unanimously carried

HEARING ON AMENDMENT TO P-D (17) (ZAMORA AND PRICE)

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of a request to modify a development plan for planned development zone, P-D (17) (Zamora & Price) and opened the hearing. A request was submitted to modify the development plan to (1) Subdivide the property into 15 lots rather than develop it as a single property; (2) Create 14 dwelling structures individually oriented to a street frontage rather than 9 buildings structures oriented on 2 interior courts; (3) Decrease the number of dwelling units from 50 to 44 and increase the number of bedrooms from 88 to 102; (4) Reorient access to the parking area from a collector street to a residential street.

Planning Commission Resolution No. 65-126 adopted September 28, 1965 recommends that the request to modify the development plan for P-D (17) be approved by the Council.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on October 21, 1965 and notices posted and distributed in the area on the same date. No protests were filed with the City Clerk.

Paul Birmingham, representing the developers, stated that he was available to answer questions submitted by the Council.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

Mr. Birmingham and Planning Director Fey were questioned by the Council on the request to modify the development plan. Mr. Fey stated that the entire construction program was scheduled to begin on or before January 21, 1966 and be completed not later than January 21, 1967. Discussed at length by the Council was the possibility of development stopping before completion of the entire project and a guarantee from the developers that the recreational area shown in the sketch would be completed.

Robert Spencer, developer, was questioned on the financial aspects of the proposed development. Upon questioning, Mr. Spencer said that he would be willing to have an additional condition added to the development plan that the recreational area would be installed after the completion of three units, or to furnish a bond at that time guarantying the installation.

ORDINANCE NO. 751-C.S. entitled "AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 678-C.S., RELATING TO PLANNED DEVELOPMENT ZONE, P-D(17) (ZAMORA AND PRICE)" (Amending Section 2 of Ordinance No. 678-C.S. pertaining to Uses)

was introduced and ordered published as required by the Charter

Moved by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION NO. 65-598

A RESOLUTION APPROVING A MODIFIED DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D (17) (ZAMORA AND PRICE) (As recommended by Planning Commission Res. No. 65-126 adopted 9/28/65, and including an additional condition that before the fourth dwelling structure can be built, the pool and recreation area must either be constructed or a surety bond posted with the City of Modesto to guarantee that the pool and recreation area will be constructed by the end of the development period)

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

HEARING ON REQUIREMENT OF CURB AND GUTTER (BLOCK 709) 7-65

Mayor Johansen announced that the hour of 4:35 P.M. had arrived, the time set for consideration of the proposed requirement that curb and gutter be constructed along the street frontage abutting Sycamore Avenue on the west side of Block 709 in the City of Modesto, and opened the hearing.

The City Manager reported than an affidavit of service was filed by Raymond Durr indicating that a copy of the notice of hearing was posted on the property and a copy of the notice mailed to the property owner.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

RESOLUTION NO. 65-599

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF CURB AND GUTTER ALONG CERTAIN STREETS IN THE CITY OF MODESTO (BLOCK 709, PORTION OF LOT 45)

Introduced by VanderWall Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

MATTERS FOR THE GOOD OF THE COMMUNITY

Frank Andrews - Various Subjects

Frank Andrews spoke briefly to the Council on the following topics: Earmarking of one-half the City's share of the sales tax for capital improvements; lack of Tidewater Southern franchise during the past several years; lack of M.I.D. franchise; assurance of an adequate water supply throug mountain water; opposition to Tidewater tracks on 9th Street.

Status of United Air Lines withdrawal of service from San Joaquin Valley

City Attorney Johnson stated that the hearing originally scheduled for November 9th has now been changed to November 10 at the request of the attorney representing the City - Howard Boros; that the primary witness on behalf of the cities represented by Mr. Boros will be Mr. Roy Gilfix, the economist and vice president of Foster & Associates, the firm hired by the State of California to work with and represent the cities from an expert testimony standpoint. Increased freight service anticipated in the event United Air Lines is permitted to withdraw its service was discussed.

APPROPRIATION TRANSFERS - None

REPORT ON TRAFFIC SIGNALS ON McHENRY AVENUE AT BRIGGSMORE AND BOWEN INTERSECTIONS 8-30

A memorandum from the Deputy City Manager dated October 27, 1965, subject, "Traffic Signals on McHenry Avenue at Briggsmore and at Bowen," was entered into the record of the minutes. The memorandum indicated that

because of traffic conditions. First priority has been placed on the above projects, negotiations are underway with property owners involved in order to obtain necessary dedications, and everything being done to speed the projects to completion.

Mayor Johansen stated that he was not only interested in signalization of the above two intersections, but other intersections as well. He mentioned complaints he had received on traffic conditions at Floyd, Norwegian, and Tokay Avenue intersections. It was the Mayor's opinion that traffic conditions on all of McHenry Avenue should be re-evaluated from a capital improvement standpoint.

The City Manager suggested that the matter be placed on the agenda in two weeks, and the staff given an opportunity to discuss the problem with the State Division of Highways.

Director of Parking and Traffic Carmody said he believed the Division of Highways would be reluctant to put in signals further north on McHenry unless done simultaneously with the widening.

Deputy Manager Ray stated that the State Division of Highways was interested in widening McHenry Avenue further north, but was under the impression that the City was looking forward to the improvement of Yosemite Boulevard first; that if there was a change in priority, the matter should be discussed with the State since funds are not presently available for both projects.

Councilman Smith stated that since becoming Councilman, he had received more complaints on general traffic conditions on McHenry Avenue than almost any other subject. It was his opinion that it was essential to institute a "crash program" to begin immediate study of the problems. He said he was not certain as to whether this should take priority over the widening of Yosemite Boulevard, but believed that it should be re-analyzed; that he hoped that action would not be withheld until a serious accident occurs on the other side of the canal; that he believed it important that immediate steps be taken, even to the extent of having to spend a little more money than necessary, by installing temporary signalization. He asked if it was possible for the City to loan money to the State to get the signals installed now; that if this was not possible, was it possible to install temporary signals? He said that signals were needed at the Briggsmore, Bowen and Floyd intersections. Mr. Smith also pointed out the need for better pedestrian crosswalks, stating that there was one crosswalk at Bowen and one at Briggsmore - white lines only, showing the pedestrian path. It was his opinion that very definite signs should be installed to cause motorists to slow down for pedestrians; that pedestrian crosswalks should also be installed at Tokay and possibly at Norwegian Avenue.

Councilman Smith also mentioned bottlenecks caused by cars crossing the double line to make left turns into Pep Boys and other businesses. He felt that serious consideration should be given to the prohibition of left turns entirely except in certain well-defined spots that are not too close together on that end of McHenry Avenue, or perhaps elimination of parking along the curb where McHenry is narrow. This would provide an additional lane which would eliminate bottlenecking of traffic going either way on McHenry. He asked that a study be made and positive suggestions submitted; that immediate steps be taken on the area north of the canal.

By order of the Chair, the staff was directed to place this matter on the agenda of November 15, 1965.

PRESENTATION OF ANNUAL FINANCIAL STATEMENT FOR FISCAL YEAR 1964-65

Copies of the annual financial statement for fiscal year 1964-65 were presented to the Council and ordered filed.

By order of the Chair, the meeting was recessed at 6:08 P.M. and reconvened at 6:15 P.M.

REPORT OF PUBLIC PROJECTS COMMITTEE RELATIVE TO STREET LIGHTING (MEETING WITH M.I.D.)

Mayor Johansen welcomed staff members and members of the Board of Directors of the Modesto Irrigation District, present in the audience. The Mayor spoke briefly on mutual City - M.I.D. problems -- underground wiring, drainage, improvement of city lighting.

Director of Public Works Campbell described the four basic types of lighting presently in use in the City - bare-bulb lighting installed prior to 1925; post top lighting; subdivision standard lights installed since 1947; mercury vapor lights, used in the downtown commercial area. A map indicating the type of lighting existing throughout the City, and where no lighting exists, was reviewed by Mr. Campbell.

Itinerary of the guided tour of the Council and M.I.D. representatives to view the City's lighting was outlined by Mr. Campbell, to be followed by dinner at the Chuck Wagon and discussion after the tour.

The meeting was recessed at 6:30 P.M., and following a guided tour of the City and review of various kinds of street lights, the meeting reconvened at Harry's Chuck Wagon, 1608 J Street, Modesto. After dinner there was a general discussion of street lighting in the City of Modesto.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Mitchell Unanimously carried

The meeting adjourned at 9:30 P.M.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Absent: Councilmen: None

The pledge of allegiance to the Flag was given by all present.

Captain John F. Potts, Salvation Army, led the invocation.

LETTER FROM J. C. WOMACK, STATE HIGHWAY ENGINEER, REGARDING STATE HIGHWAY ROUTES 33 AND 132

A letter from J. C. Womack, Division of Highways, Sacramento, dated October 26, 1965 referring to Council Resolution No. 65-325 adopted June 7, 1965 and subsequent correspondence concerning the City's request to remove the directional signs at the junction of U.S. Highway 50 and State Route 33 directing east-bound traffic to Modesto via Routes 33 and 132, was entered into the record of the minutes. The letter indicated that the Division of Highways had no plans to change the signing at this time, based on the study of present conditions and information furnished by the Highway Patrol as to the inadvisability of routing more traffic through Manteca.

LETTER FROM JOHN ERRECA, STATE DIRECTOR OF PUBLIC WORKS, RE EXPEDITING CONSTRUCTION OF HIGHWAY 132

Mayor Johansen read a letter from John Erreca, State Director of Public Works, dated November 1, 1965 explaining the various factors involved as to why Highway 132 cannot be improved within the near future, was read into the record by Mayor Johansen. This letter was in response to a letter to state officials asking that construction of Highway 132 be expedited to provide a faster, safer, and more direct route between this area and the Bay Area.

LETTER TO THE COUNCIL AND REPORT OF APPLICATION TO THE PUBLIC UTILITIES COMMISSION FOR CHANGE IN BUS ROUTES IN THE CITY OF MODESTO

The following documents were entered into the record of the minutes: Letter from Willis M. Kleinenbroich dated November 4, 1965 with copy of unnumbered application to the Public Utilities Commission of the State of California, requesting permission to modify certain portions of Routes 1 and 2. Council approval of modifications to the two routes was requested by Mr. Kleinenbroich.

By order of the Chair, the letter was referred to the staff for review and report to the Council at the November 15th meeting.

CONSIDER AWARD OF BID FOR CONSTRUCTION OF CURBS, GUTTERS, AND DRIVEWAY APPROACHES AND SIDEWALKS ON VARIOUS CITY STREETS

RESOLUTION NO. 65-600

A RESOLUTION ACCEPTING THE BID OF LEE CAIN FOR CONSTRUCTING CURBS, GUTTERS, DRIVEWAY APPROACHES, AND SIDEWALKS ON VARIOUS CITY STREETS

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

ACCEPT AS COMPLETE W. M. LYLES CO.'S CONTRACT FOR THE INSTALLATION OF WATER LINES, COFFEE PLAZA SUBDIVISION

RESOLUTION NO. 65-601

A RESOLUTION ACCEPTING THE CONSTRUCTION OF WATER LINES, COFFEE PLAZA SUBDIVISION - W. M. LYLES CO.

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

ACCEPT IMPROVEMENTS IN LIBERINI PARK NO. 1 SUBDIVISION AND AUTHORIZE CITY CLERK TO FILE NOTICE OF COMPLETION AND RELEASE BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

RESOLUTION NO. 65-602

A RESOLUTION ACCEPTING IMPROVEMENTS IN LIBERINI PARK NO. 1 SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

ACCEPT IMPROVEMENTS IN SCENIC MANOR SUBDIVISION AND AUTHORIZE THE CITY CLERK TO FILE NOTICE OF COMPLETION AND RELEASE BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

RESOLUTION NO. 65-603

A RESOLUTION ACCEPTING IMPROVEMENTS IN SCENIC MANOR SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

ACCEPT AS COMPLETE M. J. RUDDY AND SON'S CONTRACT FOR THE IMPROVEMENT OF COLLEGE AVENUE (UNIT NO. 1) AND RUMBLE ROAD (UNIT NO. 2) AT DAVIS PARK

RESOLUTION NO. 65-604

A RESOLUTION ACCEPTING THE CONSTRUCTION OF IMPROVEMENT OF COLLEGE AVENUE (UNIT NO. 1) AND RUMBLE ROAD (UNIT NO. 2) AT DAVIS PARK - M. J. RUDDY AND SON

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER APPROVAL OF RIGHT OF WAY CONTRACTS AND GRANT DEEDS RELATING TO THE DEDICATION OF PROPERTY TO THE CITY OF MODESTO FOR WIDENING OF YOSEMITE BOULEVARD

ELLIOT I. AND SYLVIA NAVON (Parcel No. 49)

RESOLUTION NO. 65-605

A RESOLUTION APPROVING GRANT DEED AND RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND ELLIOT I. AND SYLVIA NAVON - WIDENING OF YOSEMITE BOULEVARD

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CATHRYN C. BENSON (Parcel No. 7)

RESOLUTION NO. 65-606
A RESOLUTION APPROVING GRANT DEED AND RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND CATHRYN C. BENSON - WIDENING OF YOSEMITE BOULEVARD

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

SCOTT AND STEINBECK (Parcel No. 1)

RESOLUTION NO. 65-607
A RESOLUTION APPROVING GRANT DEED AND RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND DONALD J. SCOTT, LUELLA V. SCOTT, ALDEN C. STEINBECK AND CAROLINE C. STEINBECK - WIDENING OF YOSEMITE BOULEVARD

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER AGREEMENT BETWEEN THE CITY OF MODESTO AND GUARANTEE SAVINGS AND LOAN ASSOCIATION OF YOLO FOR A TEMPORARY TURN-AROUND IN THE WESTERLY END OF PAMELA LANE

RESOLUTION NO. 65-608
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND GUARANTEE SAVINGS AND LOAN ASSOCIATION OF YOLO FOR TEMPORARY TURN-AROUND IN THE WESTERLY END OF PAMELA LANE

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RECOMMEND AMENDMENT TO SECTION 10-2-1709 OF THE MUNICIPAL CODE - REQUIRED REMOVAL OF COMMERCIAL SIGNSAND BILLBOARDS

RESOLUTION NO. 65-609
A RESOLUTION SETTING TIME AND PLACE FOR CONSIDERATION OF THE PROPOSED AMENDMENT TO SECTION 10-2-1709 OF THE MUNICIPAL CODE - REQUIRED REMOVAL OF COMMERCIAL SIGNS AND BILLBOARDS

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

December 13, 1965 at 7:45 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

CONSIDER AGREEMENT BETWEEN THE CITY OF MODESTO AND WESTOVER DEVELOPMENT COMPANY FOR WATER AND SEWER SERVICE TO PRESCOTT PLAZA SUBDIVISION

At the request of the City Manager, and with the unanimous consent of the Council, this item was removed from the agenda.

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR THE INSTALLATION OF WATER MAIN IN ORANGEBURG AVENUE FROM EVERGREEN ROAD SOUTHERLY TO PRESCOTT PLAZA SUBDIVISION

At the request of the City Manager, and with the unanimous consent of the Council, this item was removed from the agenda.

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR CONSTRUCTION OF A SEWER LINE NORTHERLY IN MARTIN AVENUE FROM THE ALLEY BETWEEN CLAYTON AVENUE AND IDALOU AVENUE AND WESTERLY IN ORANGEBURG AVENUE TO SERVE PRESCOTT PLAZA SUBDIVISION

At the request of the City Manager, and with the unanimous consent of the Council, this item was removed from the agenda.

LETTER FROM MODESTO CITY SCHOOLS REGARDING LOCATION OF SUITABLE K-6 SCHOOL SITE IN THE BURBANK-MARSHALL AREA

A letter from Harry D. Wiser, Superintendent of Modesto City Schools, dated November 2, 1965 requesting the cooperation of the City in studying the overall planning requirements for the location of a school site and the possibility of City acquisition of a neighborhood park site in the area, was entered into the record of the minutes.

MOTION

That the staff be authorized to work with the Modesto City Schools in studying the overall planning requirements for the location of a school site and the possibility of City acquisition of a neighborhood park site in the Burbank-Marshall area

Introduced by Mitchell Seconded by Hughes Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 429 EL VISTA AVENUE

Upon questioning, Director of Planning Fey stated that a current record is kept of all property owners agreeing to annex to the City when furnished with sewer service; that as soon as a group of properties are contiguous to each other and to the City, annexation proceedings will be initiated; that there has as yet been no specific annexation as the result of sewer service agreements solely.

The City Manager stated that the Planning staff has been authorized to make such a survey of the eastern part of the City for report to the Council, and to check on the desirability of an inhabited annexation to include those property owners who have agreed to annex.

MOTION

That the request for sewer service extension to property located at 429 El Vista Avenue be approved

Moved by Mitchell Seconded by Hughes Unanimously carried

QUARTERLY REPORT FROM THE GREATER MODESTO CHAMBER OF COMMERCE (quarter ending September, 1965)

MOTION

That the quarterly report from Greater Modesto Chamber of Commerce for quarter ending September 30, 1965 be accepted

Moved by Mitchell Seconded by Hughes Unanimously carried

ADOPTION OF ORDINANCE NO. 751-C.S. RELATING TO PLANNED DEVELOPMENT ZONE P-D (17) (ZAMORA & PRICE)

ORDINANCE NO. 751-C.S. entitled
"AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 678-C.S., RELATING TO PLANNED DEVELOPMENT ZONE, P-D (17) (ZAMORA & PRICE)"

introduced November 1, 1965 and having been published as required, was moved and adopted

Moved by Smith Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION REJECTING THE CLAIM OF JEAN BAKER FOR DAMAGES

The City Attorney outlined the present procedure in presenting claims filed against the City of Modesto to the Council for automatic rejection, stating that filing of the claim containing certain information was required by State law; that the only investigation made by his office upon receipt of the claim was to determine if the claim was covered by insurance; it was then presented to the Council with a recommendation that it be rejected, and then investigated by the adjusters for the insurance carrier. He said that this procedure has been set up by the City's insurance carrier.

Several of the Councilmen expressed objection to rejecting a claim without investigation and thorough knowledge of the matter, and a suggestion made that the procedure might be changed to permit the Council to refer the claim to the insurance carrier rather than flatly reject it.

A suggestion was also made that the claims might be referred to the insurance carrier by a blanket resolution, thus eliminating the need for council action on individual claims.

The City Attorney stated that the suggestions made by the Council would be checked with the insurance carrier, and a report made to the Council at a later date.

RESOLUTION NO. 65-610
A RESOLUTION REJECTING THE CLAIM OF JEAN BAKER FOR DAMAGES AGAINST THE CITY OF MODESTO

Introduced by Shastid Seconded by Hughes
Ayes: Hughes, Mitchell, Shastid, Smith, Patton, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER REQUEST OF L. J. RICE TO BLOCK SOUTH HALF OF 10TH AND H STREET PARKING LOT 2-89

A memorandum from the director of Parking and Traffic dated November 3, 1965, subject, "Closing South Half of 10th and H Lot During Demolition of Adjacent Building," was entered into the record of the minutes. Recommendation was made that the contractor, R. & M. Transportation Co., be allowed to block off the south half of the lot until December 1; between December 1 and Christmas the blocking of the lot would only be permitted on Sundays, with the City granting an extension of one month to March 31, 1965 if requested by the building owner. Cost to the contractor would be $62.50 per week and a bond of $300 required to cover damages to the lot.

RESOLUTION NO. 65-611
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND R. & M. TRANSPORTATION CO. TO BLOCK SOUTH HALF OF 10TH AND H STREET PARKING LOT

Introduced by Mitchell Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

FORMAL HEARING ON GRISWOLD AVENUE IMPROVEMENTS 2-121

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for consideration of Council policy on the future widening of Griswold Avenue, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on October 21 and 28, 1965. A letter from Mrs. Edward L. Bello, Sr., 429 Griswold Avenue, requesting a permit to install curbs, gutters and sidewalks on their property, was entered into the record of the minutes.

Planning Commission Resolution No. 65-131 recommends to the Council, right of way and curb to curb standards and preservation of trees on Griswold Avenue.

A map of Griswold Avenue between Virginia and McHenry Avenues, prepared in 1960, indicating curb, gutter and tree locations on the street, was shown to the Council.

Director of Public Works Campbell reviewed the conditions on Griswold Avenue relative to the trees, street widths, curb and gutter installations, etc., the general policy adopted by the Council in 1960 regarding the installation of modified curb sections which the staff could administratively approve to solve tree problems, the relocation of curbs and gutters for the entire length of a block to be determined by the Council. He said that Griswold Avenue was designated as a "major street" prior to 1953 or 1954, and has not been specifically reconsidered as a collector street by the Council since that time.

The following spoke against removal of existing trees and/or widening of Griswold Avenue:

Elliot Navon, Griswold and Magnolia (Mr. Navon asked that a stop sign be placed on Griswold Avenue at Magnolia to curb speeding); Joe Saletta, 206 Griswold Avenue; Don Bodes, 713 Griswold, stated that trees were removed on his property to permit installation of curbs, gutters and sidewalks for children on their way to school; Carl Ulrich, 823 Brady (Mr. Ulrich questioned the designation of Griswold as a major street without notice to property owners involved); Frank Paradis, 829 Brady Avenue; Gerard Zimmerman, 815 Magnolia; Dick Ebbers, 205 Griswold.

No one else in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

The policy recommended by the Planning Commission in Resolution No. 65-131 was discussed by the Council.

The Council also discussed the following: the possibility of curbing the various lots at points where the trees would not have to be removed and then tie in the different widths; (Director of Public Works Campbell stated that he believed a variation of curb widths within one block would be a mistake; that in one particular block, 15 feet would have to be the width because the key tree, a large walnut tree in the middle of the block on Griswold Avenue between Virginia and

McHenry, would require the curb and gutter to be at that location; that at this width, prohibition of parking would be desirable.)

At Mayor Johansen's suggestion, the people in the audience interested in the matter at hand agreed to meet in the multi-purpose room with Deputy Manager Ray and Director of Public Works Campbell to get the group's consensus on a narrow street with elimination of street parking on both sides of the street.

MOTION

That the matter be referred to the staff for a solution to the problem which will permit the trees to remain on the street, permit residents to install curbs and gutters, and to retain on-street parking wherever possible; to eliminate the possibility of this becoming a collector street; for the staff to report back to the Council

Moved by Smith Seconded by Shastid Unanimously carried

The property owners in the audience agreed to appoint a committee to meet with the staff before the staff's solution to the problem is presented to the Council.

Doctor Evelyn Mayman, 900 Brady, stated that one resident living on the corner of Carolyn and Griswold has had a permit for two months to install a curb and gutter. Doctor Mayman said she could see no reason why this individual could not be permitted to install curbs and gutters lined up with those on her property--about 18 feet from the center line. Director of Public Works Campbell stated that any curbs and gutters installed during the past year were 20 feet from the center line.

MATTERS FOR THE GOOD OF THE COMMUNITY

Report by Fred Thiemann, Executive Secretary, Stanislaus County Farm Bureau, Telephone Rate Reduction

Mr. Thiemann said that the Stanislaus County Farm Bureau has been advised of hearings regarding a Pacific Telephone rate reduction amounting to $40,000,000 which will be held in four different locations during the next week. He said that a hearing on this matter was held in Sacramento on October 27, 28, and 29, with the reduction accruing totally to the cities of San Francisco and Los Angeles; that it was his understanding that the only representation made at the hearing in Sacramento were city attornies from San Francisco and Los Angeles, and the California Farm Bureau; that the Farm Bureau was able to convince the P.U.C. that additional hearings should be held to give the people in the valley an opportunity to be heard on the matter. The P.U.C. has authorized a hearing in Red Bluff on November 16, in Sacramento on November 17, in Fresno on November 19. He asked that the Council support the Farm Bureau on its stand in this matter.

By order of the Chair, the matter was referred to the City Attorney for investigation and report to the Council at the November 15th meeting.

League of California Cities Committees

The City Manager asked that any Council member wishing to serve on a League of California Cities Committee to so notify the City Manager as soon as possible.

Report on Communication from Modesto's Sister City, Barranquilla

Councilman Mitchell reported that he had received a letter from Carlos Recio, Barranquilla, expressing appreciation for polio vaccine received, and enclosing newspaper clippings relating to the gift.

Councilman Mitchell announced that two children, a boy of 14 and a girl of 17, wished to come to Modesto on the vacation exchange program; that if anyone wished to host a child, to get in touch with Mrs. Mitchell who is in charge of placing the children.

Complaint of Road Conditions - East Orangeburg Avenue

Councilman Shastid said he had received several complaints on the condition of East Orangeburg Avenue; that most of East Orangeburg was outside the city limits; that it might be possible to work with the County towards improvement.

Stop Sign - Princeton Avenue at Virginia

Councilman Shastid said that he had been asked by several people if drivers heading east on Princeton, when stopping at a stop sign at Virginia Avenue, were supposed to stop on the railroad. He said that there was no room for a car to stop between the railroad and the stop sign.

Director of Parking and Traffic Carmody stated that when a stop sign was placed in advance of the tracks, drivers had a tendency to stop at the stop sign and then cross the track into the street.

Request of Modesto Savings and Loan to Place Traffic Signals and Light on One Standard - Southwest Corner Tenth and I Streets

Don Bodes, representing Modesto Savings & Loan, which is erecting a new building on the southwest corner of 10th and I Streets, asked that the Council consider placing the two traffic signals for 10th and I Streets and the street light on one standard. He said that if it could be done at a reasonable cost (estimated at between $650 - $700), the cost would be borne by Modesto Savings & Loan.

MOTION

That the Council indicates its willingness to proceed on the basis outlined by Mr. Bodes.

Moved by Shastid. Seconded by Patton Unanimously carried

Improvement of Coffee Road - Intersection of Floyd and Coffee - Unanimous Consent Item 9-115

The following documents were entered into the record of the minutes: Memorandum from Director of Public Works dated November 5, 1965, subject, "Request to have Item considered under Good of the Community" at November 8th Council meeting," and memorandum from Director of Public Works dated November 4, 1965, subject, "Improvement of Coffee Road, Southerly from Floyd Avenue, in conjunction with Coffee Plaza Subdivision." Recommendation was made that the City, in this instance, accept the responsibility for the increased section at an estimated cost of $1,300 in order to have the street improvements constructed to meet gas tax standards. The City Manager stated that funds were budgeted for this purpose.

MOTION

That street improvements on Coffee Road, southerly from Floyd Avenue, in conjunction with Coffee Plaza Subdivision be designed and constructed in accordance with gas tax standards as recommended by Director of Public Works in memorandum dated November 4, 1965

Moved by VanderWall Seconded by Smith Unanimously carried

City - M.I.D. Lighting Committee

Mayor Johansen announced that Councilmen Mitchell and Shastid had been appointed to serve as members of a committee, along with M.I.D. Board members, on city lighting.

United Air Lines Withdrawal from Valley

The City Attorney stated that the hearing on United Air Lines proposed withdrawal of service from San Joaquin Valley will be resumed in Washington, D.C. on November 10th. Mr. Johnson reported briefly on a telephone conversation and letter from Howard Boros, attorney representing the City at the hearings.

It was the consensus of the Council that it was not necessary for the City to send a representative to this particular hearing.

ESTABLISH 25 MPH SPEED LIMITS ON COLLEGE AVENUE BETWEEN DURANT AND RUMBLE, ON RUMBLE BETWEEN TULLY AND TSRR TRACKS, AND ON RUMBLE BETWEEN HIGHGATE AND EAST CITY LIMITS 10-75

ORDINANCE NO. 752-C.S. entitled "AN ORDINANCE AMENDING SECTION 3-2.1401 OF ARTICLE 14 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO SPEED LIMITS IN THE CITY OF MODESTO"

was introduced and ordered published as required by the Charter.

Moved by Hughes Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER PROPOSALS OF THE ADLAW INVESTMENT COMPANY FOR THE REFURBISHING OF THE BEATY BUILDING

A memorandum from the Assistant City Engineer dated November 4, 1965, subject, "Beaty Building," was entered into the record of the minutes. The memorandum outlined proposed modifications to the building by the new owner, Adlaw Investment Company of San Francisco. Recommendation was made that the Council approve the proposals of Adlaw Investment Company and authorize the code changes required.

MOTION

That the contents of the memorandum from the Assistant City Engineer dated November 4, 1965, subject, "Beaty Building," be approved, and the staff directed to prepare the necessary documents to implement the proposals

Moved by Shastid Seconded by Smith Unanimously carried

LETTER FROM J. G. MEYER, DISTRICT ENGINEER, STATE DIVISION OF HIGHWAYS, REGARDING COMPLETION OF STATE FREEWAY PROJECT

A letter from J. G. Meyer, District Engineer, State Division of Highways, dated October 13, 1965 transmitting final notice of completion of the State freeway project in the City of Modesto and a preliminary map showing approximate limits to be under city jurisdiction, was entered into the record of the minutes. The documents were ordered filed.

PRESENTATION OF FINANCIAL STATEMENT FOR OCTOBER 31, 1965

The financial statement for October 31, 1965 was presented to the Council and ordered filed.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by VanderWall Seconded by Mitchell Unanimously carried

The meeting adjourned at 10:02 P.M.

ATTEST: Rex E. Gailfus
REX E. GAILFUS
City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
(Councilman Shastid arrived at 7:12 P.M.)

Absent: Councilmen: None

The pledge of allegiance to the Flag was given by all present.

Reverend Donald J. Bogue gave the invocation.

$25.00 SUGGESTION AWARD TO VIOLET DiFRANCIA

A $25.00 suggestion award was presented to Violet DiFrancia by Mayor Johansen for the suggestion that the City rent two post office boxes from the Post Office for incoming mail to offices located in the City Hall. Fire Chief Everett, Chairman, Suggestion Award Committee, stated that about four to five hours of mail sorting will be saved per week, making for speedier distribution of mail to departments.

LETTER FROM CLAUDE J. BURROUGHS, 925 TERRACE PLACE, REGARDING STREET CLEANING AND GRASS REMOVAL SERVICE

A letter from Claude J. Burroughs dated November 8, 1965, complaining of poor street cleaning and grass removal service was entered into the record of the minutes. Suggestions were made that the City's street cleaning policy be reviewed by the Council for adequacy; that the citizens of Modesto be made aware of the existing regulations governing the placing of grass clippings on the street; that the regulations be changed to require grass clippings be placed in a container in those areas where there were no alleys.

By order of the Chair, the letter was referred to the staff for report to the Council.

LETTER FROM FRANK ANDREWS REGARDING PROPOSED USE OF GAS TURBINES BY MODESTO IRRIGATION DISTRICT

A letter from Frank Andrews, dated November 8, 1965, opposing the use of gas turbines by the M. I. D. was entered into the record of the minutes. The letter was ordered filed.

LETTER FROM G. H. STEVENS, ENGINEERING MANAGER, CALIFORNIA VEGETABLE CONCENTRATES, REQUESTING A PAVING VARIANCE

The following documents were entered into record of the minutes: Letter from G. H. Stevens, dated November 9, 1965, requesting a variance to permit blacktopping of public right of way at 705 Whitmore Road; memorandum from the Director of Public Works dated November 10, 1965, subject, "Letter request by CVC to Place Plant-Mix surfacing in public right of way and sidewalk area," recommending that the variance be granted to resurface the paved area which already exists in the public right of way adjacent to their plant facilities, as requested.

RESOLUTION NO. 65-612

A RESOLUTION GRANTING A VARIANCE TO CALIFORNIA VEGETABLE CONCENTRATES TO PERMIT PLANT MIX SURFACING IN PUBLIC RIGHT OF WAY

Introduced by Patton Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

CONSIDER AWARD TO LOW BIDDER, FORESTRY AND UTILITY CO., AGENTS FOR ASPLUND CHIPPER COMPANY, TO FURNISH ONE NEW 16-INCH BRUSH CHIPPER

RESOLUTION NO. 65-613

A RESOLUTION ACCEPTING THE BID OF FORESTRY & UTILITY CO. FOR 16-INCH BRUSH CHIPPER ($4,004)

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

ACCEPT AS COMPLETE CONTRACT WITH STANDARD MATERIALS COMPANY FOR THE CONSTRUCTION OF TENNIS COURTS, LIGHTING, AND FENCING AT ROOSEVELT PARK

RESOLUTION NO. 65-614

A RESOLUTION ACCEPTING THE CONSTRUCTION OF TENNIS COURTS, LIGHTING, AND FENCING AT ROOSEVELT PARK

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

CONSIDER AGREEMENT BETWEEN THE CITY OF MODESTO AND WESTOVER DEVELOPMENT COMPANY FOR WATER AND SEWER SERVICE TO PRESCOTT PLAZA SUBDIVISION

The following document was entered into the record of the minutes: Memorandum from Director of Public Works dated November 4, 1965, subject, "Agreement for Water and Sewer Service to Prescott Plaza Subdivision."

RESOLUTION NO. 65-615

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND WESTOVER DEVELOPMENT COMPANY FOR WATER AND SEWER SERVICE TO PRESECOTT PLAZA SUB-DIVISION

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR THE INSTALLATION OF WATER MAIN IN ORANGEBURG AVENUE FROM EVERGREEN ROAD SOUTHERLY TO PRESCOTT PLAZA SUBDIVISION

RESOLUTION NO. 65-616

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER MAIN IN ORANGEBURG AVENUE FROM EVERGREEN ROAD SOUTHERLY TO PRESCOTT PLAZA SUBDIVSION

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

November 30, 1965, at 10:00 A.M. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR THE CONSTRUCTION OF A SEWER LINE NORTHERLY IN MARTIN AVENUE FROM THE ALLEY BETWEEN CLAYTON AVENUE AND IDALOU AVENUE AND WESTERLY IN ORANGEBURG AVENUE TO SERVE PRESCOTT PLAZA SUBDIVISION

RESOLUTION NO. 65-617

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF SEWER LINE NORTHERLY ON MARTIN AVENUE FROM ALLEY BETWEEN CLAYTON AVENUE AND IDALOU AVENUE, AND WESTERLY ON ORANGEBURG AVENUE, TO SERVE PRESCOTT PLAZA SUBDIVISION

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

November 30, 1965, at 10:15 A.M., in the City Clerk's office was set as the time and place for opening of bids.

RESOLUTION NO. 65-621
A RESOLUTION APPROVING APPROPRIATION TRANSFER FOR EXTENSION OF PERIMETER SEWER TO SERVE PRESCOTT PLAZA SUBDIVISION, $12,450

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 604 RIO VISTA DRIVE

MOTION
That the request for sewer service to property located at 604 Rio Vista Drive be approved.

Moved by Patton Seconded by Smith Unanimously carried

Councilman Shastid arrived at 4:12 P.M.

CONSIDER ACCEPTANCE OF RADIO ALERTING EQUIPMENT FROM FEDERAL SIGN AND SIGNAL CORPORATION AS COMPLETE AND AUTHORIZE PAYMENT IN FULL 1-55

A memorandum from the Purchasing Officer, dated November 10, 1965, subject, "Radio Alerting Equipment," pointing out problems experienced with Federal Sign and Signal in connection with fulfillment of its obligations to the City in completing a contract for radio alerting equipment, was entered into the record of the minutes.

The Purchasing Officer and Fire Chief were questioned by the Council on the following: Whether or not the City had incurred added expense in pursuing fulfillment of the contract; (Mr. Dunham stated that the only out-of-pocket expense involved was the cost of several telegrams and a couple of telephone calls; that most of the telephone calls were placed collect); whether or not the equipment was now in perfect work order. (Chief Everett stated that basically the equipment was in working order; that there were about four sets which have been taken to the company's local representative for adjustment; that the sets were being repaired at no cost to the City; that there was a twelve-months warranty on the sets; six-months warranty on the batteries).

MOTION
That acceptance of the radio alerting equipment from Federal Sign and Signal Corporation be deferred until all of the equipment is giving full performance; that the City Attorney check to see if there are grounds for the City receiving a settlement from Federal Sign and Signal Corporation for the work, effort and time spent by the staff to secure equipment meeting specifications.

Moved by Shastid Seconded by Patton
The motion carried, Councilman Mitchell dissenting.

ADOPTION OF ORDINANCE NO. 752-C.S. ESTABLISHING NEW SPEED LIMITS ON VARIOUS CITY STREETS 2-50

ORDINANCE NO. 752-C.S. entitled
"AN ORDINANCE AMENDING SECTION 3-2.1401 OF ARTICLE 14 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO SPEED LIMITS IN THE CITY OF MODESTO"

introduced November 8, 1965, and having been published as required was moved and adopted.
Moved by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

FURTHER CONSIDERATION OF REQUEST TO MODIFY MODESTO MOTOR BUS ROUTES

A memorandum from the Director of Parking and Traffic dated November 10, 1965, subject, "Application of Modesto Motor Bus to Modify Bus Routes," was entered into the record of the minutes. Mr. Carmody recommended that the request be approved to modify two bus routes which involves re-routing a few blocks to serve the Paradise Shopping Center on Paradise at Sutter, and the McHenry Village Shopping Center on McHenry at Granger.

RESOLUTION NO. 65-618

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO APPROVING THE APPLICATION OF WILLIS M. KLEINENBROICH, AN INDIVIDUAL, DOING BUSINESS AS THE MODESTO MOTOR BUS SERVICE, FOR AUTHORITY TO AMEND AND MODIFY CERTAIN PORTIONS OF MOTOR BUS ROUTES 1 AND 2 IN THE CITY OF MODESTO

Introduced by Hughes Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP OF HIGHLAND MANOR NO. 1 SUBDIVISION

A memorandum from the Director of Public Works dated November 12, 1965, subject, "HIGHLAND MANOR SUBDIVISION" was entered into the record of the minutes. The memorandum indicated that approval of the final map for Highland Manor Subdivision No. 1 placed certain obligations on the City to provide water and sewer service to the subdivision; that plans and specifications for a sub-trunk sewer in Rose Avenue, and water lines to serve the subdivision would be presented to the Council for consideration at the November 22nd meeting.

RESOLUTION NO. 65-619

A RESOLUTION APPROVING THE FINAL MAP OF THE HIGHLAND MANOR NO. 1 SUBDIVISION OF THE CITY OF MODESTO

Introduced by Smith Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RECOMMEND ACQUISITION OF PARK SITE IN FLOYD NEIGHBORHOOD 2-77

Director of Planning Fey stated that at a meeting held November 2, 1965, the Planning Commission unanimously recommended that the staff begin negotiations for the acquisition of a neighborhood park site adjacent to a school site in the Floyd Neighborhood. The neighborhood is bounded by Floyd and Briggsmore, Coffee and Old Oakdale Roads.

A map showing four possible locations for the proposed school and adjacent park site was shown to the Council. Mr. Fey said that preliminary sketches basically similar to the ones on display had been discussed with the Schools; that the Schools would proceed with their negotiations with the property owners and the City should be prepared to do the same to acquire an adjacent park site. Mr. Fey stated that three of the proposed sites were outside the city limits; one site, a portion inside the city limits and a portion outside; that all sites were contiguous to the City; that no problems were envisioned on any subdivision in this area staying outside the City.

The Council discussed the possibility of acquiring park sites outside the city limits which might never be annexed to the City.

MOTION

That the staff be authorized to work with the Schools towards acquisition of a park site in the Floyd neighborhood.

Moved by VanderWall Seconded by Smith Unanimously carried

HEARING ON AMENDMENT TO SECTION 15-3-9 OF THE ZONING MAP (BOMBERGER)

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed amendment to Section 15-3-9 of the zoning map, to reclassify from R-1 to R-2 and R-3, the following property: From R-1 to R-2, lots located on the west side of San Blas Court; From R-1 to R-3, the rear portion of lots fronting on Ensenada Drive, the north portion of which is currently zoned R-3, and one lot fronting on San Blas Court. Mayor Johansen opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on November 4, 1965; that notices were posted and distributed in the area on November 4, 1965. There were no written protests to the proposed rezoning.

Planning Commission Resolution No. 65-133 recommends that the property be rezoned as requested by the applicant.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

ORDINANCE NO. 753-C.S. entitled "AN ORDINANCE AMENDING SECTION MAP 15-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (BOMBERGER)"

was introduced and ordered published as required by the Charter.

Moved by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

HEARING ON AMENDMENT TO SECTION 15-3-9 OF THE ZONING MAP (BOMBERGER)

Mayor Johansen announced that the hour of 4:35 P.M. had arrived, the time set for consideration of the proposed rezoning of property from R-1 to R-2, lots located on both sides of San Lucas Court, north and south of Ensenada Drive, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on November 4, 1975, and notices posted and distributed in the area on the same date. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 65-134 recommends that the property be rezoned as requested.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

ORDINANCE NO. 754-C.S. entitled "AN ORDINANCE AMENDING SECTION MAP 15-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON(BOMBERGER)

was introduced and ordered published as required by the Charter.

Moved by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

APPROPRIATION TRANSFERS - None

REPORT ON IMPROVEMENT OF McHENRY AVENUE NORTH OF BRIGGSMORE

The following documents were entered into record of minutes: Memorandum from the Deputy City Manager dated November 9, 1965, subject,

"Improvement of McHenry Avenue north of Briggsmore"; memorandum from Deputy City Manager, dated October 27, 1965, subject, "Traffic Signals on McHenry Avenue at Briggsmore and at Bowen."

Upon questioning, Director of Parking and Traffic Carmody stated that the Division of Highways' traffic engineer had not yet contacted him in regard to crosswalks on McHenry at the Norwegian and Tokay intersections; that the signals at Briggsmore and Bowen would be in operation about three months after the issuance of the call for bids.

Councilman Smith suggested an immediate study of the problem area on McHenry Avenue between the Downey-Needham-J Street intersection and Morris Avenue. He suggested that the study include the closing of certain less-traveled streets which open on McHenry; elimination of left turns in certain areas; setting up of extra lanes in lower McHenry; stu parking along this area since getting the extra lanes will mean possible elimination of on-street parking (setting up or acquiring parking lots); eliminating left turns at Morris at times other than between 4:00 and 6:00 P.M.

Director of Planning Fey said that a study was made two years ago on this portion of McHenry - land uses, location of buildings, amount of space that could be available for parking, and certain recommendations made in the report at that time dealing with the area from Briggsmore-Bowen south to Needham. Proposed street closings were also included in the report, with recommendations made that a number of streets be closed.

Mayor Johansen suggested that a left hand turning lane at Morris Avenue be reconsidered.

Director of Planning Fey was directed to send out new reports of the area of McHenry Avenue under discussion, including the planning staff's recommendations made at the time the report was prepared, to be placed on the agenda at a later date.

Mr. Carmody was directed to furnish the Council with a study made several years ago on a proposal to make Needham one-way from McHenry Avenue; to get in touch with Mr. Pivetti, State Division of Highways and obtain the State's stand on crosswalks on McHenry.

The Staff was directed to write a letter to the State Division of Highways asking that the call for bids for traffic signals at the Bowen and Briggsmore intersections on McHenry be expedited.

HEARING ON AMENDMENT TO SECTION 29-3-9 OF THE ZONING MAP (TALLENT & MORRISON)

Mayor Johansen announced that the hour of 4:40 P.M. had arrived, the time set for consideration of the proposed rezoning of Lot 23 in Block 506, including the westerly half of College Avenue and the easterly half of the alley in Block 506, adjacent to the parcel requested for rezoning, from R-3 to C-1, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on November 4, 1965, and notices posted and delivered in the area on the same date. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 65-135 recommends that Section 29-3-9 of the zoning map be amended to reclassify the above described property from R-3 to C-1.

The Planning Commission denied the applicants' request to rezone Lot 24 and the westerly one-half of College Avenue and the easterly one-half of the north-south alley in Block 506 adjacent to said Lot 24, from R-3 to C-1.

Irene Carlson, 314 College Avenue, spoke in opposition to the proposed rezoning on the basis that it was permitting commercial zoning to enroach in a residential area. She further stated that publishing the notices of hearings of various rezonings in the Modesto Tribune did not reach the general public, nor did she feel that posting within an area of 300 feet was adequate advertisement of hearings. Upon questioning, Mrs. Carlson said she was unaware of anyone living in the area immediately adjacent to the property opposed to the proposed rezoning.

Director of Planning Fey explained the reasons for the Planning Commission's action in denying the applicants' request that Lot 24 and the westerly one-half of College Avenue and the easterly one-half of the north-south alley in Block 506 adjacent to said Lot 24 be rezoned from R-3 to C-1. The rezoning on this parcel was denied on the basis that it would create an excessively deep commercial intrusion into a residential area and would be facing residential uses and zoning across College Avenue; this portion of the property could be utilized for an accessory use to the commercial zone if determined by the Board of Zoning Adjustment to be compatible with the adjacent residential zone.

Upon questioning, Director of Public Works Campbell stated that a 90-foot right of way was being considered for future widening of Needham Avenue if a study proves it feasible.

Mrs. Carlson suggested that the Modesto Bee might consider placing this type of information in a special column and special place in the Bee.

Glenn Beane, 1116 Alice Street, stated that in his opinion the area proposed for rezoning was a blight area; that anything that could be done to improve the area would be a help to the area, the community, and would also provide more taxes.

Mrs. Donald W. Lewis, 2410 College Avenue, spoke briefly against the proposed rezoning.

Paul Wieshahn, 915 Mills Avenue, representing Humble Oil Refining Company, stated that his company desired service station properties to be 150' x 150' to facilitate circulation of traffic; that one of the better units was prescribed for construction on the property under discussion. He said that the proposed widening of Needham Avenue was being considered in establishing the setback line; that the unclassified use permit which would be requested from the Board of Zoning Adjustment for the sixth lot would be primarily for parking; that as an employee, he could not go on record to say that Humble Oil Company will dedicate the right of way for the widening of Needham Avenue when requested to do so. Upon questioning, Mr. Wieshahn stated that if the oil company was in a position to purchase only five lots, the oil company would make every effort to secure a triangular easement over a ten or fifteen foot portion of the adjoining lot to the north for driveway purposes.

No one else in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

The Council discussed the following: Present zoning and use of the property proposed for rezoning; whether it would be desirable to amend the code to provide that when a service station is constructed adjacent to a residential area, a proper buffer be required, perhaps a fence or landscaping; lack of objection to the proposed rezoning by residents in the immediate area; an objection expressed that questioning revealed that rezoning of a 150-foot parcel was involved instead of a 125-foot parcel as indicated in Planning Commission Resolution No. 65-135; possible amendment of code to require that service stations require a conditional use permit; inadequacy of present publicity for public hearings.

A resolution introduced by Councilman Shastid that the matter be referred back to the Planning Commission for further consideration died for lack of a second.

ORDINANCE NO. 755-C. S. entitled "AN ORDINANCE AMENDING SECTION MAP 29-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (TALLENT & MORRISON)"

Moved by Hughes Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: Shastid Absent: None

By order of the Chair, the City Manager was directed to have the staff investigate the matter of conditional use permits for service stations and report back to the Council.

Mayor Johansen stated that objections to the City's newspaper advertising should be brought up at the time that bids are called for the City's advertising.

MATTERS FOR THE GOOD OF THE COMMUNITY

New population census - City of Modesto

The City Manager reported that a new census received from the State Department of Finance indicates the population of Modesto as of October 1, 1965, to be 46,400.

Report of auction sale of surplus city property

The City Manager reported that $2,262.75 was received through the sale of surplus city property at auction.

6-foot fence requirement - Tokay and McHenry - Overholtzer property

MOTION

That the staff be directed to communicate with the developer of the Overholtzer property to determine date of compliance with the requirement that a six-foot fence be constructed along a portion of the Tokay Avenue side of the property.

Moved by Shastid Seconded by Smith Unanimously carried.

Modesto Arch - "Water, Wealth, Contentment, Health"

Councilman Patton stated that he had been asked by Bruce Farish as to the City's plans for the Modesto Arch, now that the freeway and improvements on 9th Street are completed.

The City Manager stated that the matter would be taken up with the adjacent service station owner (Mobile Oil Company) for report back to the Council within thirty days.

Status of over- or underpasses in City

Councilman VanderWall asked for the status of proposed over- or underpasses within the City.

The City Manager stated that this was a matter of determination by the City.

Mayor Johansen stated that he hoped that this matter would be on the agenda in the not-too-distant future.

Vacation visitors from Sister City, Barranquilla

Councilman Mitchell reported that three children would be arriving from Barranquilla in the near future to vacation in Modesto; that the children had all been placed in homes, and would be presented to the Council after their arrival.

Meeting of Lighting Committee - Joint City - M.I.D.

Mayor Johansen said that he had not as yet received word from the Modesto Irrigation District regarding a meeting of the newly established joint City-M.I.D. lighting committee. Councilmen Mitchell and Shastid were appointed by the Mayor to serve on this committee as council representatives.

Traffic Signals - Stoddard and College Avenue intersection

Irene Carlson, 314 College Avenue, said it was her understanding that traffic signals were contemplated at the intersection of Stoddard and College Avenues. She was informed by the Director of Parking and Traffic that funds are not presently budgeted for this purpose; that the matter would be reconsidered at the next budget session. She pointed out the need for traffic signals at this intersection.

Newspaper publicity - public hearings

Mrs. Donald W. Lewis, 2410 College Avenue, asked if it would be possible to briefly list agenda items in a specific section of the daily newspaper where interested individuals could readily find the items without searching the entire edition. Mayor Johansen stated that it would be too costly for the City to consider publishing the entire agenda of the meetings, but a check could be made with the Bee to seek more complete coverage of the agenda.

Mrs. Lewis also mentioned excessive speed on College Avenue and suggested that the street be patroled, particularly in the morning between 7:30 A.M. and 9:00 A.M., and in the afternoon after dismissal of school; the decision of the Council to prohibit parking on the east side of College between Stoddard and Coldwell.

Councilman Shastid was excused from the meeting.

REPORT BY CITY ATTORNEY ON HEARINGS TO BE HELD BY PUBLIC UTILITIES COMMISSION ON TELEPHONE RATES 11-61.

An information sheet, dated November 12, 1965, entitled "Information re P. U. C. Telephone Rate Hearing November 17th at Sacramento," was distributed to the Council and entered into the record of the minutes.

The City Attorney stated that the Public Utilities Commission has begun an investigation of telephone company rates retroactive to 1962, resulting in interim rates which were placed into effect in June, 1965. The P. U. C. staff has now proposed a new set of rates which, in effect, will take the Los Angeles and San Francisco areas and make them two separate telephone companies, and then lump the rest of the state together. He said that the rates for the customer service in those individual areas would then be based on the rate of return received by the telephone company. Hearings on this matter are being held in Sacramento on November 16, and in Fresno on the following day. The City Attorney recommended that a representative from the City be authorized to appear at one of the hearings being held by the P. U. C. to register the City oc Modesto's protest against the P. U. C. staff's proposal and take a position in favor of the interim rates, and that a resolution be adopted stating this position.

RESOLUTION NO. 65-620

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO OPPOSING THE SCHEDULE OF RATES AS PROPOSED BY THE STAFF OF THE CALIFORNIA PUBLIC UTILITIES COMMISSION IN THE INVESTIGATION OF RATES CHARGED BY THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY

Introduced by VanderWall Seconded by Mitchell
Ayes: Patton, Mitchell, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Hughes

The City Attorney was instructed to attend the P.U.C. hearing on this matter to be held in Fresno.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Smith Unanimously carried.

The meeting adjourned at 6:50 P.M.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, 801 - 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Mitchell, Patton, VanderWall, Mayor Johansen
Councilman Hughes arrived at 7:32 P.M.
Councilman Shastid arrived at 7:39 P.M.
Councilman Smith arrived at 7:42 P.M.

Absent: Councilmen: None

The pledge of allegiance to the Flag was given by all present.

A moment of silent prayer was observed.

Councilman Hughes arrived at 7:32 P.M.

SUGGESTION AWARD

Mayor Johansen presented a suggestion award of $25.00 to Pauline Stanley for the suggestion that the City forward a welcome pamphlet to residents of newly annexed areas upon completion of annexation.

APPROVAL OF MINUTES

The minutes of the adjourned regular meeting of October 14, 1965, and regular meeting of November 1, 1965, were approved.

LETTER FROM ROBERT T. MARTIN, CALIFORNIA HIGHWAY COMMISSION, REGARDING HIGHWAY BEAUTIFICATION

A letter from Robert T. Martin, Assistant Secretary, California Highway Commission, dated November 8, 1965, with resolution attached, giving general support to the additional steps being taken by the Federal Government in highway beautification was entered into the record of the minutes.

RESOLUTION NO. 65-622

A RESOLUTION REQUESTING THE DIVISION OF HIGHWAYS OF THE STATE OF CALIFORNIA TO LANDSCAPE AND BEAUTIFY THE U. S. 99 FREEWAY IN THE CITY OF MODESTO

Introduced by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

LETTER FROM MRS. PAUL McMILLEN, 823 MARY LANE, MODESTO, CALIFORNIA, REGARDING RAILROAD CROSSING WARNING ARM AT 7TH AND B STREETS

A letter from Mrs. Paul McMillen, dated November 12, 1965, asking that the staff check the sequence of the traffic signals and warning gates at the intersection of 7th and B Streets, was entered into the record of the minutes.

By order of the Chair, the letter was referred to the staff for report to the Council.

LETTER FROM LOUIS G. SPADIA, SAN FRANCISCO FORTY-NINERS, REGARDING ITS OPERATION AND THE C. A. T. V. OPERATORS.

A letter from Louis G. Spadia, dated November 9, 1965, informing the Council that under the Constitution and by-laws of the League, the Forty-Niners have exclusive rights to play professional football in the home territory of the Forty Niners and that professional football teams are entitled to impose restrictions on simultaneous television when the

team is playing at home in order to protect the home gate receipts, was entered into the record of the minutes. The letter stated that the Forty Niners were interested in restricting any effort by any CATV operator to pirate the signal of any television of the home games for the purpose of selling it to viewers within the home territory on the day when the Forty Niners are playing at home, and asked to be apprised of any CATV applications which may be made in the county.

By order of the Chair, the letter was referred to the staff.

LETTER FROM PERSONNEL COMMISSION REGARDING EMPLOYEE FRINGE BENEFITS

A memorandum from the Personnel Commission, dated November 18, 1965, recommending that employees' vacation schedule be amended to provide for ten working days' vacation after one year of service, rather than the five days' presently provided, and that City employees be guaranteed eight paid holidays per year, was entered into the record of the minutes.

No action was taken at this time, pending a full council.

Councilman Shastid arrived at 7:39 P. M.; Councilman Smith arrived at 7:42 P. M.

LETTER FROM FLOYD H. HYDE, MAYOR OF FRESNO, AND FLOYD OLSON, CHAIRMAN, FRESNO COUNTY BOARD OF SUPERVISORS, REGARDING A PROPOSED REGIONAL COUNCIL

A letter from Floyd H. Hyde, Mayor of Fresno and Floyd Olsen, Chairman of the Fresno County Board of Supervisors, regarding a proposed regional council to be held in the Fresno Memorial Auditorium on December 8, 1965, at 1:30 P.M., was entered into the record of the minutes.

Mayor Johansen stated that he and Deputy Manager Ray attended a preliminary meeting on this matter a short time ago; that several supervisors from various counties and city representatives discussed the possibility of such an organization, with a regional council established to deal with regional problems. He said that the proposed meeting on December 8th would be spent in studying and discussing the need for such an association. He mentioned a proposed drainage district within which Modesto was included without notice, and the proposed withdrawal of United Airlines from the valley, as two matters which could be handled on a regional basis, rather than under state or federal control; that no boundaries have, as yet, been established; that the organization would have no legislative or taxing authority, but would consider problems common to the entire area on a cooperative basis.

Mayor Johansen stated that an attempt was being made to have 100% attendance of all county board of supervisors and city councilmen at the meeting to be held in Fresno on December 8th at 1:30 P.M.

MOTION

That the Council indicates its willingness to attend the regional council meeting in Fresno on December 8th

Moved by Shastid Seconded by VanderWall Unanimously carried

CONTINUATION OF ITEM 5, LETTER FROM PERSONNEL COMMISSION REGARDING EMPLOYEE FRINGE BENEFITS 1-109

All councilmen being present, the letter from the Personnel Commission, recommending that the vacation schedule of City employees be amended to provide for ten working days' vacation after one year of service, rather than the five days presently provided, that that City employees be guaranteed eight paid holidays per year, was considered by the Council.

The current sick leave policy for City employees was discussed by the Council. (120 days may be accumulated).

MOTION

That the Personnel Commission be instructed to proceed with a public hearing on the above two recommendations and that the two recommendations be acted upon as two separate proposals

Moved by VanderWall Seconded by Smith Unanimously carried

HEARING ON APPEAL BY HOCHSTATTER AND MONDO - DENIAL OF ZONING CHANGE

Mayor Johansen announced that the hour of 7:45 P.M. had arrived, the time set for consideration of the appeal of Hochstatter and Mondo on the denial by the Planning Commission of a zoning change involving property located on the south side of Granger Avenue between McHenry and Florida Avenues, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on November 11, 1965, and notices posted in the area on the same date. Notices were distributed in the area on November 15, 1965. There were no written protests filed with the City Clerk.

Planning Commission Resolution No. 65-136, entitled "A Resolution Denying an Application for an Amendment to Section 20-3-9 of the Zoning Map - South Side of Grnager, West of McHenry (Hochstater and Mondo)" was entered into the record of the minutes.

The location of the property for which rezoning is requested from R-1 to C-M was indicated on a map, with a portion of the L-shaped parcel fronting on McHenry (Hochstatter property) and a portion fronting on Granger Avenue (Mondo property).

Director of Planning Fey stated that the rezoning was denied by the Planning Commission for the reasons listed in Planning Commission Resolution No. 65-136.

Attorney Wilmar Jensen, 1138 Purdue, representing the applicants, described the heavy commercial uses in the vicinity of the parcels for which C-M zoning was being requested, on Orangeburg, Granger and McHenry Avenues. He said that the heavy commercial uses in the area have directly affected residential properties and the owners realize that they must reasonably expect the following: There will be further and more intensive development of Doctors' Hospital; there will be increasing pressure for the deepening of commercial development on Granger and Orangeburg, which will be difficult to contain; there is a decreasing likelihood that this property can be used residentially; there will be increasing intense development on McHenry.

Mr. Jensen briefly described a comprehensive zoning suggestion for the entire area presented to the Planning Commission at the initial rezoning hearing --- Commercial - Industrial zoning for the Hochstatter-Mondo parcels, and R-4 zoning for the balance of the area which would permit multiple housing dwellings and professional offices. With the above described plan, Mr. Jensen said that a petition signed by many residents in the area was filed with the Planning Commission; that no one present at the hearing spoke against the proposal.

Mr. Jensen said he realized that the requested C-M zoning might be harsh as it could be hard to reconcile this zoning with subsequent planning in the area. He proposed that the request be amended for C-2 zoning on 50 feet of the Hochstatter parcel and 50 feet of the Mondo parcel, leaving the western portion of that property R-1 and the eastern portion C-2. He also suggested that this would require the applicants to obtain use permits to cover the balance of the property if further use was needed. He urged the Council to remember that if the Hochstatter parcel was acquired by the ownership on the corner, they could extend the C-M use by a conditional use permit granted by the Board of Zoning Adjustment

75 feet into the Hochstatter parcel; that since the Mondo parcel is already partially zone C-M, Mrs. Mondo could extend a C-M use 75 feet into the parcel under discussion. He said that the applicants were asking less than is possible. He asked for favorable council consideration.

Earl Layman, 1528 Florida, said that he had no objection to the proposed rezoning, but did object to a proposed use of the Hochstatter property for an animal hospital. Upon questioning, Director of Planning Fey stated that this use could be permitted in a C-1 zone with the issuance of an unclassified use permit by the Board of Zoning Adjustment; that it was permitted in a C-2 zone.

No one else in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

The City Attorney stated that it was permissible for the Planning Commission and Council, under advertised hearings, to grant the approval of the application as actually requested, or a more restrictive zoning, or less area; but could not grant rezoning for a greater area nor could less restrictive zoning be approved than that actually requested; that under provisions of the municipal code, if the Council felt that the amended request as submitted by the applicants was proper, the matter would have to be referred back to the Planning Commission for further study.

The City Attorney referred to Mr. Jensen's statement pertaining to the extension of C-M uses by conditional use permits issued by the Board of Zoning Adjustment when a parcel is divided by a zone boundary line. He said that the Board of Zoning Adjustment would not have this power in the case of the Hochstatter property because the code provisions cover only lots in a single ownership, divided by a zone boundary line, at the time of the effective date of the Chapter.

Director of Planning Fey stated that the Board of Zoning Adjustment would have this power to grant an unclassified use permit for an extension of 75 feet on the Mondo property, since the parcel was divided by a zone boundary line.

Upon questioning by Mr. Jensen, the City Attorney stated that another provision of the Code provides that an unclassified use permit may be granted by the Board of Zoning Adjustment to permit parking on the balance of a parcel zoned R-1 which is divided by a zone boundary line.

The alternatives available to the Council in reaching a decision on the appeal were discussed.

RESOLUTION NO. 65-623

A RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION DENYING THE REQUEST OF JOHN E. HOCHSTATTER, NONA HOCHSTATTER, AND MARY P. MONDO TO AMEND SECTION 20-3-9 OF THE ZONING MAP AS DESCRIBED IN PLANNING COMMISSION RESOLUTION NO. 65-136 ON THE BASIS OF FINDINGS SET FORTH IN SAID RESOLUTION

Introduced by Shastid Seconded by Mitchell

Ayes: Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: Hughes, Patton Absent: None

HEARING ON APPEAL BY NORTHGATE ENTERPRISES - DENIAL OF ZONING CHANGE APPLICATION 4-92

Mayor Johansen announced that the hour of 7:50 P. M. had arrived, the time set for consideration of the appeal of Northgate Enterprises to the denial of a zoning change application to rezone from R-1 to P-D property located on the north side of Granger Avenue between Our Lady of Fatima School and Tidewater Southern Railroad, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on November 11, 1965; that notices were posted in the area on November 9, 1965, and delivered in the area on November 15, 1965. Two letters of protest to the rezoning were filed with the City Clerk.

Planning Commission Resolution No. 65-137 recommending denial of an application for an amendment to Section 20-3-9 of the zoning map - east of Tidewater Southern Right of Way between Granger and Northern Boulevard (Northgate Enterprises), was entered into the record of the mintues. Recommendation for denial was based on the following reasons: Medical offices and rest homes are of a commercial nature and should not be located on the interior of a residential neighborhood; the commercial and multiple-family uses would increase vehicular traffic beyond the reasonable capacity of Granger Avenue, a collector street; the property is surrounded by single-family residential zoning and should be developed at a density compatible with the surrounding area and with the ability of local streets to carry the traffic generated by the use.

Director of Planning Fey stated that the parcel proposed for rezoning was about 14½ acres in size; that the requested planned development proposed approximately 140 multiple family dwelling units, a 20 office-medical complex, and two 50-bed rest homes.

The three layout alternatives submitted by the applicant were described to the Council by Mr. Fey. He stated that the application before the Council had several features to be considered - (1) The question of access and the design of the parcel; (2) the question of uses; (3) the density of the parcel. He said that the applicant had appealed on the basis of his original planned development zone on which all of the above would be considered; that the parcel was presently zoned R-1.

Mr. Fey was questioned by the Council on the following: the previous planned development approved for this parcel about two years ago; whether or not access would be provided on Northern Boulevard if the property was subdivided for residential homes.

Attorney Tom Conway, representing Northgate Enterprises, Inc., stated that he and his client had been influenced by public opinion and in the interest of public welfare and safety, had eliminated all of the medical facilities from the plans, and were prepared to substitute a new planned development without the medical facilities which he believed the Planning staff would accept and approve, a substitute plan providing for multiple family uses only. He said it was the same plan originally proposed before the Planning Commission with the exclusion of the rest homes and medical offices.

Mr. Conway discussed two problems already discussed by the staff earlier in the hearing - the matter of density and access to Northern Boulevard. It was his opinion that access to Northern Boulevard would eliminate the problem of density; that the substitute plan as submitted would create a density equivalent to R-2 zoning. He said that an R-2 density on the property would permit about 217 multiple units; under the substitute plan proposed there were approximately 275 units. He said that R-3 zoning would permit 500 or more units. With the proposed 275 units, and access to Northern Boulevard, the expected increase of vehicular traffic on Granger Avenue would remain far below its capacity. He moved that his client's appeal be dismissed, and requested that the Council refer the matter back to the Planning staff with a recommendation or expression of opinion on the issues of density and access to Northem Boulevard.

The following documents were entered into the record of the minutes: Letter from Patricia J. Hardman, 322 Gayle, dated November 18, 1965, opposing the rezoning of the property from R-1 to planned development as requested; letter from Paul J. Werda, President, John C. Fremont Elementary School Dad's Club, dated November 15, 1965, requesting an unanimous "No" vote on the appeal to rezone the property.

In order to clarify his client's position, Mr. Conway said his client intended to proceed with the original plan, substituting multiple family units where the medical facilities were proposed; that he was not appealing denial of the resthomes and medical facilities; that the appeal was still valid. He stated it was previously his understanding that before the Council could consider an appeal of this type, his client would have to go through with his original plan and he could not provide a substitute for the medical facilities; that it would be necessary to go back through the Planning Commission with a new plan and map and get its approval. He said that if this was not the case, his client was definitely not withdrawing the appeal.

Director of Planning Fey outlined the basic idea of a planned development zone, which he stated was designed to provide a flexibility in zoning so that different types of uses can be mixed on a parcel of ground, designed in relation to each other and to the adjacent area, under the control of the public in the form of the City Council.

The following persons spoke against the proposed rezoning: Mrs. Harold J. Merkel, 1550 Bronson Street; Dolores Brink, 318 Gayle Avenue; Mr. W. Allen Anderson, 1722 Carlton Avenue; Charles Grom, 518 West Granger; Miles Wagoner, 702 Catalina Way; Gerald Kroeger, 317 Gayle Avenue; Ken Brink, 318 Gayle Avenue, who further stated that a traffic counter placed on Granger Avenue across the middle of a driveway that went in towards the Catholic School was evaded by cars using other entrances into the lot to pick up their children, thus not being counted as actually being on Granger Avenue.

Pictures of the residential areas surrounding the proposed P-D development taken on Granger, Gayle and Sherwood Avenues, and duplex blight areas on Timothy Avenue were submitted by Mr. Brink and entered into the record of the minutes. Also entered into the record of the minutes was a petition opposing the rezoning, signed by about 280 residents living adjacent to the area proposed for rezoning.

Mr. Brink identified the traffic counter he mentioned as being on Granger between Sherwood and Enslen Avenues, placed across the street, in the middle of a driveway going into the Lady of Fatima School.

The following also spoke against the proposed rezoning: Russell Peck, 1630 Carlton Avenue; Dave R. Shultz, 1622 Sherwood Avenue; Patricia Hardman, 322 Gayle Avenue, who entered into the record of the minutes a picture of a home located at the corner of Gayle and Sherwood Avenues shown in a special section of the Modesto Bee, dated September 10, 1965, entitled "At home with beauty," and a newspaper picture of a home at 1610 June Drive, which was one of the first prize winners in the City Christmas decoration contest. (She said the pictures were presented to refute a statement made by the applicants at the Planning Commission hearing that the area adjacent to the parcel proposed for rezoning was not predominantly residential); Rudy Fuhlendorf, 1726 Carlton Avenue; Dr. Richard Johnson, 1718 June Drive, who summarized for his neighbors their arguments against the proposed rezoning; Ken Compton, 1505 Roosevelt Drive, who opposed the rezoning from the standpoint of increased traffic which would use the alley behind Roosevelt Drive to go to Ulrich Shopping Center, thus endangering the many children who use the alley as a walkway to and from school.

No one else in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

Upon questioning, the staff reported that an opening onto Northern Boulevard in the area under discussion would undoubtedly relieve traffic congestion on Granger Avenue; that several rights of way were still needed to improve Northern Boulevard between the Prescott interchange and McHenry Avenue; that the proposed planned development, on the basis of 275 units, would generate extra traffic on Granger in the neighborhood of about 1300 cars a day; that on residential developments along Northern Boulevard, no

access has been given during the last five or ten years, except on a ¼ or ½ mile increment; that the majority of houses are backed on the street; that in the event the parcel proposed for rezoning was subdivided for R-1 purposes, Gayle Avenue would be extended to the subdivision to tie in with the interior circulation pattern of the parcel; that the Planning staff felt that the R-2 density would be too great for the parcel; that it was not necessary that the entire planned development area be or remain under one ownership; that there was no city ordinance limiting the number of individual residents in an apartment, but they were limited to one family per dwelling unit; that the zoning code defined a family as "an individual or two or more persons related by blood or marriage or a group of not more than five persons who are not related by blood or marriage, excluding servants, living together as a single housekeeping unit in a dwelling unit."

The request for rezoning was discussed by the Council.

Councilman VanderWall said he believed it was time for action to be taken to make installation of sidewalks mandatory, particularly in residential areas with heavy vehicular traffic, using Granger Avenue as an example. He suggested that the staff study this matter with a view to placing it into effect.

A suggestion was made to the applicant that a new application for planned development might be re-submitted to the Planning Commission for full hearing and discussion without any prejudging by the Council on the matter of density or an opening on Northern Boulevard.

RESOLUTION NO. 65-624

A RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION DENYING THE REQUEST OF NORTHGATE ENTERPRISES TO AMEND SECTION 20-3-9 OF THE ZONING MAP AS DESCRIBED IN PLANNING COMMISSION RESOLUTION NO. 65-137 ON THE BASIS OF THE FINDINGS SET FORTH IN SAID RESOLUTION

Introduced by Mitchell Seconded by Smith

Ayes: Mitchell, Shastid, Smith, VanderWall
Noes: Hughes, Patton, Mayor Johansen Absent: None

The Council recessed at 10:55 P.M., reconvening to regular session at 11:00 P.M.

HEARING ON PROPOSED AMENDMENT TO SECTION 23-3-9 OF THE ZONING MAP (PIERCE) 14-81

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the application of Pierce Realty Company for the rezoning of property located on the east side of Old Oakdale Road north of Scenic Drive, immediately south of Surrey Avenue, from C-1 to Planned Development Zone, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on November 11, 1965; notices posted in the area on November 9, 1965; notices distributed in the area on November 15, 1965. A resolution adopted by the Juvenile Justice Commission of the County of Stanislaus on November 8, 1965, opposing the rezoning because such zoning would include a bar or other on-sale liquor business, was filed with the City Clerk. The property proposed for rezoning is approximately 245 feet from the nearest boundary of the Stanislaus County Juvenile Hall.

Planning Commission Resolution No. 65-139 recommends that the property be rezoned as requested.

Director of Planning Fey stated that the applicant was applying for a planned development zone to enlarge the uses permissible under C-1 - to include four additional types of uses permissible in a C-2 zone - bar and restaurant; hardware store; furniture store; laundry and dry cleaner. He listed the conditions imposed by the Planning Commission in recommending approval of the requested planned development zoning.

A plot plan of the proposed development was shown the Council.

Mr. Fey was questioned by the Council on the following: the length of time given the applicant to complete the development (four years) without specified phasing; if it would be necessary for the applicant to have council approval for any change in the uses, Mr. Fey stating that only if C-2 uses were involved; follow-up on applicant's compliance with the terms imposed by the City.

The staff was directed to check the accuracy of the time allowed the applicant to complete the development - from January 1, 1966, to January 1, 1970. A check proved the dates to be correct.

The City Attorney stated that the starting date of the project could be changed by the Council to coincide with the effective date of the ordinance approving the rezoning, if the Council so desired.

The resolution adopted by the Juvenile Justice Commission of the County of Stanislaus on November 8, 1965, opposing the rezoning if the planned development should include a bar or other on-sale liquor business, was entered into the record of the minutes.

Mr. Ross Clark, County Probation Officer, representing the Juvenile Justice Commission, stated that the objection presented by the Commission was based on the fact that many of the detained children are not confined to quarters; for example, boys who are being held for placement in county camps or boarding homes. Mr. Clark said that the Juvenile Justice Commission has not filed a protest with Alcoholic Beverage Control.

Mr. Fey stated that the sale of beer and wine in conjunction with sale of foods was permitted in a C-1 zone; that beer and wine could be sold in conjunction with a restaurant; that a regular "bar" was not permitted.

No one else in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

Upon questioning, Mr. Fey said that it was his understanding that the applicant proposed to have a restaurant with an attached bar as part of the development, which he presumed would be under the same management and confined within the same building. He said that this would be the intent of the planned development as opposed to a separate bar.

MOTION

That the staff be directed to obtain the following information from the applicant: Further information on the type of bar proposed by the developer; the four-year development schedule; to find out why the Juvenile Justice Commission objects to a bar-restaurant in the development; that the hearing be carried over to the December 6th meeting.

Moved by VanderWall Seconded by Shastid Unanimously carried

LETTER FROM McHENRY VILLAGE MERCHANTS ASSOCIATION REGARDING USE OF CITY POLICE OFFICER FOR TRAFFIC CONTROL DURING CHRISTMAS SEASON 17-30

A letter from Louie Grinage, President, McHenry Village Merchants Association, dated November 19, 1965, requesting permission to hire off-duty police officers to control traffic on McHenry Avenue during the Christmas season, was entered into the record of the minutes. The letter indicated that the McHenry Avenue merchants would assume the costs. Request was also made that the City install spotlights to be focused on the officers for night time safety.

A memorandum from the Chief of Police, dated November 18, 1965, subject, "Use of Off Duty Officers During Christmas Rush," requesting Council direction was entered into the record of the mintues.

MOTION

That the request of McHenry Village Merchants Association to hire off-duty police officers to control traffic on McHenry Avenue at specified locations during the Christmas season be approved as requested; that the staff be authorized to install safety lighting equipment as requested

Moved by Hughes Seconded by Mitchell Unanimously carrie

LETTER FROM THE GULF OIL CORPORATION REQUESTING A DRIVEWAY VARIANCE AT THE CORNER OF 6TH AND G STREETS 17-39

RESOLUTION NO. 65-625

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF GULF OIL CORPORATION FOR A DRIVEWAY VARIANCE TO PROPERTY LOCATED AT THE CORNER OF 6TH AND G STREETS

Introduced by Hughes Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

December 6, 1965, at 4:15 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION APPROVING LETTER AGREEMENT FOR THE OPERATION OF AIRPORT LIGHT SYSTEMS AT THE MODESTO CITY-COUNTY AIRPORT

RESOLUTION NO. 65-626

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND FEDERAL AVIATION AGENCY RELATING TO OPERATION OF AIRPORT LIGHT SYSTEMS

Introduced by Hughes Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER APPROVAL OF RIGHT OF WAY CONTRACT AND GRANT DEED RELATING TO THE DEDICATION OF PROPERTY TO THE CITY OF MODESTO FOR WIDENING OF YOSEMITE BOULEVARD FROM J. D. AGEN AND MARGARET E. AGEN - PARCEL #21

RESOLUTION NO. 65-627

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND J. D. AGEN AND MARGARET E. AGEN FOR WIDENING OF YOSEMITE BOULEVARD

Introduced by Hughes Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION DESIGNATING A 15 FOOT STRIP OF PROPERTY IMMEDIATELY ADJACENT TO ORANGEBURG AVENUE AS PART OF THE RIGHT OF WAY FOR ORANGEBURG AVENUE

RESOLUTION NO. 65-628

A RESOLUTION DESIGNATING A FIFTEEN (15') FOOT STRIP OF PROPERTY IMMEDIATELY ADJACENT TO ORANGEBURG AVENUE AS PART OF THE RIGHT OF WAY FOR ORANGEBURG AVENUE

Introduced by Hughes Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER EXTENSION OF LEASE AGREEMENT FOR LIBRARY SPACE

MOTION

That the extension of lease agreement for Broughton Branch Library, 2031 Yosemite Boulevard beyond May 31, 1966, be approved at same rental, $150 per month

Moved by Shastid Seconded by VanderWall Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 1209 NELSON AVENUE, MODESTO

MOTION

That the request for sewer service to property located at 1209 Nelson Avenue be approved

Moved by Shastid Seconded by VanderWall Unanimously carried

REQUEST PERMISSION TO SERVE AS ADVISORY MEMBER TO REGIONAL PLANNING COUNCIL

MOTION

That the request of Director of Planning Fey to serve as an advisory member to the ten-man Regional Health Planning Council be approved

Moved by Shastid Seconded by VanderWall Unanimously carried

MATTERS FOR THE GOOD OF THE COMMUNITY

Request that City pay plumbing bill

A letter from Edith Matson, 219 North Wilson Avenue, requesting that the City pay a plumbing bill in the amount of $191.00, was read into the record of the minutes by the City Manager. The letter indicated that damage to the sewer line was caused by roots of a tree that did not belong to her was not located on her property.

MOTION

That the letter be referred to the staff for investigation and report

Moved by Hughes Seconded by Smith Unanimously carried

Inhabited Annexation - Westview Gardens Addition

The City Attorney said that a few months ago the Council authorized the staff to proceed with the inhabited annexation of Westview Gardens Addition to the City of Modesto; that pursuant to state law a notice of intention to circulate a petition has been published; that it was now necessary for the Council to adopt a resolution acknowledging receipt of a copy of the notice and affidavit of publication, and approving circulation of the petition. Mr. Johnson stated that because of a fifteen-day limitation within which the Council should accomplish this and the fact that there would not be a council meeting until December 6th, it was necessary to adopt the resolution at the present meeting.

RESOLUTION NO. 65-629

A RESOLUTION ACKNOWLEDGING RECEIPT OF A COPY OF NOTICE OF INTENTION TO CIRCULATE A PETITION FOR THE ANNEXATION OF INHABITED TERRITORY TO THE CITY OF MODESTO (WESTVIEW GARDENS ADDITION), WITH ACCOMPANYING STATEMENT, AND AN AFFIDAVIT OF PUBLICATION THEREOF AND APPROVING THE CIRCULATION OF A PETITION

Introduced by Mitchell Seconded by Hughes

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

Request of R & M Transportation Company to use four spaces on north side of old City Hall parking lot

Director of Parking and Traffic Carmody stated that Mr. Rice, representing R & M Transportation Company has requested the use of four spaces on the north side of the old City Hall parking lot from November 24th through November 30th. A previous agreement with Mr. Rice to utilize the north side of the lot expired on Thanksgiving Day.

Lack of compliance with the terms of the previous agreement pertaining to insurance coverage by Mr. Rice was discussed by the Council.

MOTION

That permission be granted R & M Transportation Company to use the four spaces on the north side of the old City Hall parking lot, provided that proper insurance is provided and advance payment be made for the leasing of the four additional spaces; that he not be permitted to use City property until these conditions have been met

Moved by Shastid Seconded by Hughes Unanimously carried

Consideration of ordinance making sidewalks compulsory within City

Councilman VanderWall suggested that the staff consider the preparation of an enforceable ordinance to make the construction of sidewalks mandatory within the City, with consideration given to proper phasing, perhaps giving priority to collector streets and thoroughfares, and then residential streets. He pointed out the present safety hazards involved with children walking to and from school. Councilman Shastid suggested that the study also take into consideration how payment could be accomplished on a long-term basis to prevent hardships.

Mayor Johnsen suggested that establishment of an adequate length of time within which the entire project should be completed would be more effective than phasing the requirement on various streets.

CONSIDER CREATION OF NEW CLASSIFICATION - PARKING METER SERVICE AND REPAIRMAN - AND CONSIDER RETITLING OF ONE CLASSIFICATION AND MODIFICATION OF SECOND CLASSIFICATION AT THE SEWAGE TREATMENT PLANT

RESOLUTION NO. 65-630

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO (SEWAGE PLANT OPERATOR I)

Introduced by Shastid Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION NO. 65-631

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO (Abolishing position of "Parking Meter Servicemen" and creating new position "Parking Meter Service and Repairman;" abolishing position of "Sewage Plant Operator" and creating new position "Sewage Plant Operator II."

Introduced by Shastid Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION NO. 65-632

A RESOLUTION AMENDING RESOLUTION NO. 65-357 ENTITLED "A RESOLUTION ESTABLISHING SALARY SCHEDULES AND FIXING THE COMPENSATION FOR POSITIONS IN THE CITY SERVICE

Introduced by Shastid Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION NO. 65-633

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $263 - ADDITIONAL FUNDS FOR SALARIES FOR TWO PARKING METER SERVICE AND REPAIRMEN

Introduced by Shastid Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RECOMMEND TEMPORARY CLOSING OF COLDWELL AVENUE BETWEEN TULLY AND COLLEGE

A letter from Russell C. Fey, Secretary, City Planning Commission, dated November 18, 1965, containing a recommendation from the Planning Commission that the Council grant a temporary closing of Coldwell Avenue between Tully Road and College Avenue, for a reasonable period of time to test and observe the potential effect of the closing of this section of the street, was entered into the record of the minutes.

Mr. Fey stated that a public hearing was held on this matter by the Planning Commission; that on the basis of the plan proposed by the Junior College, basically the same as discussed last Spring and on the basis of the objections made last Spring, the Planning Commission felt that closing the street on a temporary basis would permit the Planning Commission to better evaluate the effects of the closing---the traffic volume and its effect on adjacent areas.

The proposal was discussed by the Council.

Upon questioning, Director of Public Works Campbell stated that the improvement of Coldwell from North 9th Street to College Avenue was scheduled for this coming Spring.

MOTION

That the temporary closing of Coldwell Avenue be denied

Moved by Patton Seconded by VanderWall Unanimously carried

At the request of Councilmen Hughes and VanderWall, the City Clerk was directed to furnish the Council verbatim transcripts of the College Avenue widening discussions (July 19, 1965, and August 23, 1965 meetings), at which time Council action was taken on the parking vehicles on the east side of College Avenue from Stoddard to Coldwell Avenues.

MOTION

That the Mayor be authorized to write a letter to the Junior College Board and College President, stating the Council's opposition to the temporary closing of Coldwell between College and Tully, and requesting information on the College's plans

Moved by VanderWall Seconded by Hughes Unanimously carried

APPROPRIATION TRANSFERS - None

REPORT ON FEASIBILITY OF ADDING DELINQUENT WATER AND SEWER CHARGES INTO THE CITY'S PERMANENT ACCOUNT 18-115

A memorandum from the Director of Finance, dated November 17, 1965, subject, "Delinquent Water and Sewer Charges," was entered into the record

of the minutes. The memorandum indicated that the City's outside auditing firm has recommended that a reserve account be established for the delinquent water and sewer charges.

Councilman Shastid stated that his question was whether it would be feasible to put water and sewer charges into the City's accounting so that a record of water and sewer delinquent charges and all accounts receivable would be kept during the year on an accrual basis.

Mr. Bird was directed to furnish the Council a further report on the matter. The item was removed from the agenda.

REPORT ON STATUS OF YOSEMITE BOULEVARD PROJECT 19-8

Deputy City Manager Ray stated that since the City was notified in late June that the City-County-State cooperative agreement for the widening of Yosemite Boulevard had been signed by the State Division of Highways, the staff has been busy in the preparation of descriptions, drawings and the securing of title reports, and making contacts with property owners on the city portion of the project. In June, a total of 49 rights of way remained to be acquired within the City, out of an original total of 74. Mr. Ray said that all of the property descriptions have been completed, with title reports coming in at a good pace. He said that 41 rights of way remain to be acquired in the City, less than 39% of the total frontage. He reported that all of the rights of way in the County portion of the widening project have been acquired by the County and submitted to the State for its approval.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Smith

The meeting adjourned at 12:18 A.M.

ATTEST: _____
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
(Councilman Hughes arrived at 4:05 P.M.)
Absent: Councilmen: Shastid

The pledge of allegiance to the Flag was given by all present.

Reverend George DeWeese gave the invocation.

Introduction of group from St. Stanislaus School

Councilman Patton introduced a group of children from the St. Stanislaus School eighth grade class.

APPROVAL OF MINUTES

The minutes of the regular meetings of October 25th and November 8, 1965, were approved.

Councilman Hughes arrived at 4:05 P.M.

LETTER FROM TROOP 15, BOY SCOUTS OF AMERICA, REQUESTING PERMISSION TO SELL MISTLETOE FROM BOOTH ON NORTHWEST CORNER OF 11th AND J STREETS

A letter from Robert A. Secrest, dated December 1, 1965, requesting permission for Troop 15 Boy Scouts to sell Christmas mistletoe packages from a small booth on the north curb side of J Street in front of Cosentino's Executive Shop at 1031 J Street, was entered into the record of the minutes.

RESOLUTION NO. 65-634
A RESOLUTION GRANTING PERMIT TO BOY SCOUTS, TROOP 15, TO OPERATE BOOTH AT CORNER OF 11TH AND J STREETS FOR SALE OF MISTLETOE

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

LETTER AND RESOLUTION FROM THE CITY OF CERES EXPRESSING SUPPORT AND DEVOTION TO THE MEMBERS OF ARMED FORCES FIGHTING IN VIET NAM

A letter from Mrs. Leona Garrison, City Clerk, Ceres, dated November 16, 1965, enclosing resolution expressing support and devotion to the members of the armed forces of this country fighting in Viet Nam, was entered into the record of the mintues.

The letter was ordered filed.

LETTER FROM PUBLIC UTILITIES COMMISSION, STATE OF CALIFORNIA, CONCERNING THE SOUTHERN PACIFIC COMPANY'S GRADE CROSSINGS

A letter from William W. Dunlop, Secretary, Public Utilities Commission, State of California, dated November 18, 1965, outlining action taken by Southern Pacific Company to correct conditions affecting automatic gates at the Kansas Avenue crossing, was entered into the record of the minutes. The letter was ordered filed.

LETTER FROM FRANK ANDREWS REGARDING SUPPRESSION OF NEWS BY LOCAL NEWS MEDIA

A letter from Frank Andrews, dated November 30, 1965, calling attention to "the iron curtain set up by our county and city newspapers and several radio stations" was entered into the record of the minutes. The letter was ordered filed.

LETTER FROM CALIFORNIA HIGHWAY COMMISSION REGARDING LANDSCAPING AND BEAUTIFICATION OF FREEWAY IN CITY OF MODESTO

A letter from the California Highway Commission, dated November 30, 1965, acknowledging receipt of Resolution No. 65-622, requesting the Division of Highways to landscape and beautify the U. S. 99 Freeway in the City of Modesto, was entered into the record of the minutes. The letter was ordered filed.

LETTER FROM D. L. REUSCH REQUESTING OPPORTUNITY TO DISCUSS ENFORCEMENT OF VARIOUS CITY AND STATE CODES 1-35

A letter from D. L. Reusch, 1717 Vicksburg, dated December 1, 1965, requesting an opportunity to discuss the enforcement of various city and state codes regarding the issuance of city business licenses, existing laws on building permits, workmen's compensation, and the large amount of work performed in this community by people who ignore these laws, was entered into the record of the minutes.

Mr. Reusch, a painting contractor, said that there were a great number of people within the City operating businesses, usually small, without a City business license. He suggested that the City's business license law be enforced either through the Finance Department or with the help of the City inspectors while checking construction. He said that the usual place to find these individuals was through the Modesto Bee "Work Wanted" advertisements; that he estimated that only about 20% of the people advertising for work possessed City licenses and less than 10% had State licenses. He requested an equal and positive enforcement of the City's business license requirements.

Director of Finance Bird was directed to furnish the Council a copy of a memorandum, dated June 21, 1963, on the City's procedure regarding unlicensed businesses.

The City Manager stated that the Police, Fire, and Building Inspection Departments were authorized to check construction projects for compliance with City regulations, and have been alerted to check on possible violations to a greater degree. He said that newspaper ads will continue to be checked by the Finance Department.

Mr. Reusch suggested that it might help the general public if gentlemen who advertise for work in the newspapers were forced to indicate whether or not they were licensed, in the same manner that car dealers are required to identify themselves as dealers when advertising cars for sale.

Director of Finance Bird stated that a check of Finance Department records for the past year indicated that in excess of 200 unlicensed people operating businesses had been found through sales tax permits, newspaper advertising, the telephone directory, etc.; that the Finance Department would continue its efforts along this line. The penalty provisions for code violations were discussed.

LETTER FROM DR. GEORGE VALENTINE REQUESTING APPEARANCE BEFORE COUNCIL TO DISCUSS OFF-STREET PARKING MATTER 1-119

A letter from Dr. George Valentine, dated December 1, 1965, asking to appear before the Council to discuss an off-street parking matter, was entered into the record of the minutes.

Dr. Valentine outlined the background of the City's requirement that he pay $3,000 to the City in lieu of four off-street parking spaces required in connection with the construction of an office building by Dr. Valentine at 14th and Needham Streets. He said that he had had an opportunity to lease property to provide the four parking spaces, but was required by the City to have a 99-year lease. He pointed out a building constructed on 13th Street where the off-street parking requirements were not met by the owners, with no in-lieu payment required by the City. Plans for the 13th Street building were presented to the Council.

The staff was directed to file a report with a Council on the statements made by Dr. Valentine at the next Council meeting.

LETTER FROM EDITH MATSON REGARDING COST OF MAINTAINING SEWER BEYOND PROPERTY LINE

A letter from Edith Matson, 219 North Wilson Avenue, listing plumbing costs in the amount of $606.71 for removing roots in sewer lines beyond her property line, was entered into the record of the minutes.

By order of the Chair, the letter was referred to the City's insurance carrier.

INFORMAL HEARING ON APPLICATION OF THE GULF OIL CORPORATION FOR DRIVEWAY VARIANCE AT THE CORNER OF 6TH AND G STREETS

Mayor Johansen announced that the hour of 4:15 P.M. had arrived, the time set for consideration of the request of Gulf Oil Corporation for a variance to permit construction of four 36-foot curb cuts on property located on the southeast corner of Sixth and G Streets, and opened the hearing.

The following documents were entered into the record of the minutes: Letter from Gulf Oil Corporation, dated November 15, 1965, requesting a variance to permit four 36-foot curb cuts; memorandum from Director of Public Works, dated December 2, 1965, subject, "Request for a Variance to Permit Four 36-foot Curb Cuts at the Intersection of Sixth and "G" Streets," recommending that the variance be granted.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

RESOLUTION NO. 65-635
A RESOLUTION GRANTING A DRIVEWAY VARIANCE TO GULF OIL CORPORATION
(Property located on southeast corner of Sixth and G Streets)

Introduced by Hughes Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

CONSIDER PROPOSAL FOR CURB AND GUTTER LOCATION ON GRISWOLD AVENUE BETWEEN VIRGINIA AND McHENRY

Mayor Johansen announced that the hour of 4:25 P.M. had arrived, the time set for consideration of a proposal for curb and gutter location on Griswold Avenue between Virginia and McHenry Avenues, and opened the hearing.

The following documents were entered into the record of the minutes: Notice of hearing, dated November 17, 1965, sent to Griswold Avenue residents memorandum from Director of Public Works, dated December 1, 1965, subject, "Curb and Gutter Location, Griswold Avenue." The memorandum outlined a plan for the location of curb and gutter on Griswold Avenue, saving all but one tree, the owner of which does not object to its removal. The plan was reviewed and approved by a three-man committee representing the residents on Griswold Avenue.

A drawing of the proposed curb and gutter location on file in the Public Works Department office, was shown to the Council and briefly reviewed by Director of Public Works Campbell. Mr. Campbell stated that the staff believed that the plan shown represented a reasonable plan for carrying traffic through the area, and saving the trees.

Upon questioning, as to whether the proposed plan would prohibit street parking, Mr. Campbell stated that this would depend upon the amount of traffic on the street at the time the curb and gutter is installed; that there were two possible alternates: (1) To have the center line meander somewhat between the curbs to allow about 17½ feet north and south of the center line (about ½ foot less than on a residential street); (2) To have

parking on the north side, with a 12-foot lane, 8-foot parking, and no parking on the south side where there is a 15-foot traffic lane. He stated that in one half-block section where the curbs would only be 31½ feet apart, there was no question that parking would have to be prohibited.

Upon questioning, Mr. Campbell stated that with the recommended curb alignment, Griswold Avenue would not qualify for gas tax funds without some justification agreeable to the State that the trees were necessary.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

RESOLUTION NO. 65-636
A RESOLUTION APPROVING THE MAP SHOWING THE LOCATION OF CURB AND GUTTER ON GRISWOLD AVENUE, VIRGINIA AVENUE TO McHENRY AVENUE

Introduced by Smith Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

HEARING ON T.S.R.R. FRANCHISE APPLICATION 2-100

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the application of Tidewater Southern Railway Company for a franchise to operate a commercial railroad within the City of Modesto, and opened the hearing.

The Acting City Clerk reported that notice of the hearing was published in the Modesto Tribune on November 4, 1965.

The City Attorney stated that the attorney representing Tidewater Southern Railway Company was in agreement with the terms cntained in a proposed ordinance granting the franchise.

At the request of the Council, Assistant City Engineer Hosegood indicated on a sketch the three main areas on Ninth Street where the railroad right of way improvements could have been better.

Councilman VanderWall questioned whether the alley between D and E, 9th and 10th Streets, had been improved by Tidewater Southern at the same time improvements were made on 9th Street.

Walter Trainer, attorney representing Tidewater Southern, stated that there was no clear understanding on the improvements of the alley under question. He assured the Council that Tidewater Southern would improve the alley if the City so desired.

The franchise requirements for maintenance of the tracks by Tidewater Southern were reviewed by the City Attorney.

Upon questioning by the Council, as to whether Tidewater Southern would be willing to give right of way to the City for the construction of streets along Tidewater Southern tracks on Virginia Avenue, Mr. Trainer said from what was seen on a map of the area, and assuming that the establishment of a street easement would not interfere with safe railroad practices, it would be the general policy of Tidewater Southern to cooperate fully with the City.

No one else in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

ORDINANCE NO. 756-C.S. entitled
"AN ORDINANCE GRANTING TO TIDEWATER SOUTHERN RAILWAY COMPANY, A CALIFORNIA CORPORATION, A FRANCHISE TO OPERATE, MAINTAIN, REPAIR AND RENEW A COMMERCIAL RAILROAD FOR THE TRANSPORTATION OF PROPERTY AS A COMMON CARRIER, IN, UPON, OVER, UNDER, ALONG AND ACROSS VARIOUS PUBLIC STREETS IN THE CITY OF MODESTO"

was introduced and ordered published as required by the Charter

Moved by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Smith, Mayor Johansen
Noes: VanderWall Absent: Shastid

HEARING ON AMENDMENT TO SECTION 15-3-9 OF THE ZONING MAP (ELLIS) (PLANNING COMMISSION RESOLUTION 65-142)

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the application of Lance Ellis to reclassify from R-1 to R-2, property located on the east side of Rose Avenue, north of Modesto Irrigation District Lateral No. 3, and opened the hearing.

The Acting City Clerk reported that notice of the hearing was published in the Modesto Tribune on November 25, 1965; notices posted and delivered in the area on November 22, 1965. There were no written protests filed with the City Clerk.

Planning Commission Resolution No. 65-142 recommends that the area be rezoned from R-1 to R-2.

Director of Planning Fey stated that the property proposed for rezoning was in the Floyd neighborhood, and that the entire neighborhood was undeveloped with the exception of new homes which are now being constructed.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

ORDINANCE NO. 757-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 15-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (ELLIS) (EAST SIDE OF ROSE AVENUE)"

was introduced and ordered published as required by the Charter.

Moved by Hughes Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

HEARING ON AMENDMENT TO SECTION 15-3-9 OF THE ZONING MAP(ELLIS) (PLANNING COMMISSION RESOLUTION 65-140)

Mayor Johansen announced that the hour of 4:35 P.M. had arrived, the time set for consideration of the application of Lance Ellis to rezone from R-1 to P-D, property located on the West side of Old Oakdale Road north of M. I. D. Lateral No. 3, as fully described in Planning Commission Resolution No. 65-140, and opened the hearing.

The Acting City Clerk reported that notice of the hearing was published in the Modesto Tribune on November 25, 1965; notices posted and delivered in the area on November 22, 1965. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 65-140 recommends that the property be rezoned from R-1 to Planned Development Zone (P-D).

The property under consideration was indicated on a map, and the planned development proposed outlined by Director of Planning Fey.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

ORDINANCE NO. 758-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 15-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.(ELLIS)(WEST SIDE OF OLD OAKDALE ROAD)"(Planning Commission Resolution No. 65-140)
was introduced and ordered published as required by the Charter.

Introduced by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

RESOLUTION NO. 65-637

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED-DEVELOPMENT ZONE, P-D (23) (ELLIS)(WEST SIDE OF OLD OAKDALE ROAD)

Introduced by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

HEARING ON AMENDMENT TO SECTION 15-3-9 OF THE ZONING MAP (ELLIS)(Planning Commission Resolution No. 65-141)

Mayor Johansen announced that the hour of 4:40 P.M. had arrived, the time set for consideration of the application of Lance Ellis for an amendment to Section 15-3-9 of the zoning map, to rezone from R-1 to R-2, property located on the west side of Old Oakdale Road, north of MID Lateral No. 3, as fully described in Planning Commission Resolution No. 65-141, and opened the hearing.

The Acting City Clerk reported that notice of the hearing was published in the Modesto Tribune on November 25, 1965, and notices posted and delivered in the area on November 22, 1965. No written protests were filed with the City Clerk.

Planning Commission Resolution 65-141 recommends that the property be rezoned from R-1 to R-2.

Director of Planning Fey said that this rezoning was the second part of the application previously approved by the Council - that this parcel covered the R-2 zoning on the north side of the trailer park approved in the above planned development zoning.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

ORDINANCE NO. 759-C.S. entitled "AN ORDINANCE AMENDING SECTION MAP 15-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (ELLIS)(West side of Old Oakdale Road)" was introduced and ordered published as required.
Moved by Hughes Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

MATTERS FOR THE GOOD OF THE COMMUNITY

Frank Andrews - Water and Electrical Situation

Mr. Andrews said that he again wished to bring the water situation to the attention of the Council. He mentioned the recent power outages in New York City and in the South.

Dedication ceremonies - new administration building - Airport

The City Manager announced that dedication ceremonies for the new administration building at the Airport would be held December 11, 1965, at 10:30 A.M.; that those attending who might have missed the dedication of the control tower will have the opportunity to tour the structure between the hours of 10:30 A.M. and noon.

Street lighting demonstration by General Electric

Director of Public Works Campbell stated that General Electric Company would have a demonstration unit in Modesto next Monday night to show various types of street light fixtures and luminaires; that the units would be available for the Council to view following next Monday's Council meeting.

Commendation for Lighting Improvement in Briggsmore Square

Councilman Smith commended the Montgomery Ward store located in Briggsmore Square for its efforts in improving the lighting in its parking lot after complaints from neighboring areas.

Report from Councilman Mitchell - Council-M.I.D. Lighting Committee

Councilman Mitchell reported that he and Councilman Shastid had met with an M. I. D. committee on City lighting; that the only action recommended was to instruct the respective staffs to work closely together, get the necessary figures and facts, to enable the two bodies to have further discussions.

RESOLUTION AWARDING BID FOR CONSTRUCTION OF SEWER LINE NORTHERLY IN MARTIN AVENUE FROM THE ALLEY BETWEEN CLAYTON AVENUE AND IDALOU AVENUE, AND WESTERLY IN ORANGEBURG AVENUE TO SERVE PRESCOTT PLAZA SUBDIVISION

RESOLUTION NO. 65-638

A RESOLUTION ACCEPTING THE BID OF WESTERN PIPLINE COMPANY FOR CONSTRUCTION OF A SEWER LINE TO SERVE PRESCOTT PLAZA SUBDIVISION

Introduced by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR THE CONSTRUCTION OF SANITARY SEWER FACILITIES - (1) SEWAGE LIFT STATION AND APPURTENANCES ON MARTIN AVENUE BETWEEN CLAYTON AVENUE AND IDALOU AVENUE: (2) SEWAGE LIFT STATION AND APPURTENANCES AT ROSE AVENUE AND CELESTE DRIVE

RESOLUTION NO. 65-639

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF SANITARY SEWER FACILITIES - SEWAGE LIFT STATIONS

Introduced by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

December 21, 1965, at 10:00 A.M. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR THE INSTALLATION OF WATER LINES TO AND IN HIGHLAND MANOR NO. 1 SUBDIVISION

RESOLUTION NO. 65-640

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINES TO AND IN HIGHLAND MANOR NO. 1 SUBDIVISION

Introduced by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

December 21, 1965, at 10:15 A.M. in the City Clerk's office was set as the time and place for opening of bids.

RESOLUTION APPROVING WORKING AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY WELFARE DEPARTMENT

RESOLUTION NO. 65-641

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY WELFARE DEPARTMENT

Introduced by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

ACCEPT IMPROVEMENTS IN FAIRWAY ESTATES NO. 1 SUBDIVISION AND AUTHORIZE CITY CLERK TO FILE NOTICE OF COMPLETION AND RELEASE BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

RESOLUTION NO. 65-642

A RESOLUTION ACCEPTING IMPROVEMENTS IN FAIRWAY ESTATES, UNIT NO. 1 SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

Introduced by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

ACCEPT IMPROVEMENTS IN GREENWOOD ESTATES NO. 1 SUBDIVISION AND AUTHORIZE CITY CLERK TO FILE NOTICE OF COMPLETION AND RELEASE BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

RESOLUTION NO. 65-643

A RESOLUTION ACCEPTING IMPROVEMENTS IN GREENWOOD ESTATES NO. 1 SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

Introduced by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

CONSIDER RESOLUTION AUTHORIZING FILING OF APPLICATION WITH HHFA FOR GRANT TO ACQUIRE OPEN-SPACE LAND TO COMPLETE DOWNEY COMMUNITY PARK

RESOLUTION NO. 65-644

A RESOLUTION AUTHORIZING FILING OF APPLICATION WITH THE HOUSING AND HOME FINANCE AGENCY, UNITED STATES OF AMERICA, FOR GRANT TO ACQUIRE OPEN SPACE LAND FOR THE DOWNEY COMMUNITY PARK

Introduced by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF CURB AND GUTTER ALONG CERTAIN STREETS IN THE CITY OF MODESTO

RESOLUTION NO. 65-645

A RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF CURB AND GUTTER ALONG CERTAIN STREETS IN THE CITY OF MODESTO (BLOCK 2098, LOT 14)

Introduced by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

December 20, 1965, at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

CONSIDER EXPANSION OF 8TH STREET (SOUTHERN PACIFIC) PARKING LOT

RESOLUTION NO. 65-646

A RESOLUTION APPROVING SUPPLEMENTAL AGREEMENT BETWEEN THE CITY OF MODESTO AND SOUTHERN PACIFIC COMPANY FOR ADDITION TO 8TH AND K PARKING LOT

Introduced by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

RESOLUTION NO. 65-647

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $600 FOR LANDSCAPING ADDITIO TO 8TH AND K STREET PARKING LOT

Introduced by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

PROPOSED REVISION TO TITLE VII, PUBLIC WORKS, OF THE MODESTO MUNICIPAL CODE

RESOLUTION NO. 65-648

A RESOLUTION SETTING TIME AND PLACE FOR HEARING THE PROPOSED REVISIONS TO TITLE VII, PUBLIC WORKS, OF THE MODESTO MUNICIPAL CODE

Introduced by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

January 10, 1966, at 8:00 P.M. in the Council Chambers, City Hall, 801 11th Street, was set as the time and place of hearing.

CONSIDER AGREEMENT BETWEEN CITY OF MODESTO AND ROBERT BOMBERGER AND LANCE ELLIS FOR SEWER SERVICE TO COFFEE PLAZA SUBDIVISION AND HIGHLAND MANOR NO. 1 SUBDIVISION

RESOLUTION NO. 65-649

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT BOMBERGER AND LANCE ELLIS FOR SEWER SERVICE TO COFFEE PLAZA SUBDIVISION AND HIGHLAND MANOR NO. 1 SUBDIVISION

Introduced by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

WYLDEWOOD PARK ANNEXATION PETITION - REFERRAL TO PLANNING COMMISSION

RESOLUTION NO. 65-650

A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS WYLDEWOOD PARK ADDITION

Introduced by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

ST. STANISLAUS SCHOOL ANNEXATION PETITION - REFERRAL TO PLANNING COMMISSION

RESOLUTION NO. 65-651

A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS SAINT STANISLAUS SCHOOL ADDITION

Introduced by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

RESOLUTION SETTING DATE FOR PUBLIC HEARING ON AMENDMENTS TO THE GENERAL PLAN

RESOLUTION NO. 65-652

A RESOLUTION SETTING TIME AND PLACE FOR HEARING PROPOSED AMENDMENTS TO THE GENERAL PLAN OF THE MODESTO URBAN AREA

Introduced by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

December 20, 1965, at 4:35 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

APPROPRIATION TRANSFER - ADDITIONAL APPROPRIATION FOR WATER LINE EXTENSIONS

RESOLUTION NO. 65-653

A RESOLUTION APPROVING APPROPRIATION OF $34,000 FROM ACCOUNT NO. 95, GENERAL FUND, TO ACCOUNT NO. 6804-50, GENERAL FUND

Introduced by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

ADOPTION OF ORDINANCE NO. 753-C.S. RECLASSIFYING CERTAIN PROPERTY IN SECTION 15-3-9 OF THE ZONING MAP (BOMBERGER)

ORDINANCE NO. 753-C.S. entitled "AN ORDINANCE AMENDING SECTION MAP 15-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON(BOMBERGER)"

introduced November 15, 1965, and having been published as required, was moved and adopted.

Moved by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

ADOPTION OF ORDINANCE NO. 754-C. S. RECLASSIFYING CERTAIN PROPERTY IN SECTION 15-3-9 OF ZONING MAP (BOMBERGER)

ORDINANCE NO. 754-C.S. entitled "AN ORDINANCE AMENDING SECTION MAP 15-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON(BOMBERGER)"

introduced November 15, 1965, and having been published as required, was moved and adopted.

Moved by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

ADOPTION OF ORDINANCE NO. 755-C.S. RECLASSIFYING CERTAIN PROPERTY IN SECTION 29-3-9 OF ZONING MAP (TALLENT & MORRISON)

ORDINANCE NO. 755-C.S. entitled "AN ORDINANCE AMENDING SECTION MAP 29-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (TALLENT AND MORRISON)

introduced November 15, 1965, and having been published as required, was moved and adopted.

Moved by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

ORDINANCE AMENDING MUNICIPAL CODE TO LEGALIZE SPEED LIMITS ON PORTIONS OF 9TH STREET THAT HAVE BEEN RELINQUISHED BY THE STATE

ORDINANCE NO. 760-C.S. entitled "AN ORDINANCE AMENDING SECTION 3-2.1401 OF ARTICLE 14 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO SPEED LIMITS IN THE CITY OF MODESTO"

was introduced and ordered published as required by the Charter.

Moved by Mitchell Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

AN ORDINANCE ADDING SECTION 4-3.07.2 TO CHAPTER 3 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO MOVING OF BUILDINGS

ORDINANCE NO. 761-C.S. entitled "AN ORDINANCE ADDING SECTION 4-3.07.2 TO CHAPTER 3 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO MOVING OF BUILDINGS"

was introduced and ordered published as required by the Charter.

Moved by Mitchell Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

AN ORDINANCE ADDING SECTION 9-1.07.1 TO CHAPTER 1 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, RELATING TO THE BUILDING CODE (DEMOLITION OF BUILDINGS)

ORDINANCE NO. 762-C.S. entitled "AN ORDINANCE ADDING SECTION 9-1.07.1 TO CHAPTER 1 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE BUILDING CODE"

was introduced and ordered published as required by the Charter.

Moved by Mitchell Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

CONTINUATION OF DISCUSSION ON AMENDMENT TO SECTION 23-3-9 OF THE ZONING MAP (PIERCE)

A hearing on the application of Pierce Realty Company for the rezoning of property located on the east side of Old Oakdale Road north of Scenic Drive, immediately south of Surrey Avenue, from C-1 to Planned Development Zone, was considered by the Council at its November 22nd meeting, the hearing closed, and the staff directed to obtain the following information from the applicant: Further information on the type of bar proposed by the developer; the four-year development schedule; to find out why the Juvenile Justice Commission objects to a bar-restaurant in the development.

A memorandum from the Planning Director, dated November 29, 1965, subject, "Pierce P-D Application" supplying the above requested information, was entered into the record of the minutes. The following recommendations were made: (a) That there be three phases, Phase 1 to start March 1, 1966, and run for one year to March 1, 1967. This would include the restaurant and bar, the other restaurant (pizza parlor), and dry cleaners; (b) Phase 2 would start March 1, 1967, and run to March 1, 1968, and would include the balance of the retail stores in the development; (c) Phase 3 would start March 1, 1968, and run to March 1, 1970, and would include medical buildings. The memorandum indicated that the developer has applied for a beer license for the pizza parlor, and the area so posted; the developer has no objection to having the wording read in the development plan that a "bar would be permitted in conjunction with the restaurant."

Ralph Pierce, 1506 ARdmore Avenue, developer, spoke briefly in support of his application, and upon questioning, stated that it has always been planned to have the proposed bar in conjunction with a restaurant.

The City Attorney stated that any subsequent changes in the planned development would have to be approved by the Council.

Mr. Everett Turner, Chairman, Juvenile Delinquency Board, said that the resolution adopted by the Board, and filed with the City Clerk, opposed the zoning if it permitted a bar as such, near the Juvenile Hall; that there would be no objection by the Board to a bar which was a part of a restaurant.

ORDINANCE NO. 763-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 23-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (PIERCE)"

was introduced and ordered published as required by the Charter.

Moved by VanderWall Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

RESOLUTION NO. 65-654

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D (22) (PIERCE)

Introduced by VanderWall Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

RECOMMENDATION THAT INSTALLATION OF WATER MAIN IN ORANGEBURG AVENUE FROM EVERGREEN ROAD SOUTHERLY TO PRESCOTT PLAZA SUBDIVISION BE PERFORMED BY CITY FORCES 5-112

RESOLUTION NO. 65-655

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR THE INSTALLATION OF WATER MAIN IN ORANGEBURG AVENUE FROM EVERGREEN SOUTHERLY TO PRESCOTT PLAZA SUBDIVISION

Introduced by Hughes Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

REPORT ON PLANNED BUILDING CODE ENFORCEMENT PROGRAM IN RESIDENTIAL AREAS OF THE CITY

By order of the Chair, this matter was held over to the December 13th meeting.

FURTHER REPORT ON U. S. 99 - PRESCOTT ROAD INTERCHANGE

The following documents were entered into the record of the minutes: Letter from Assistant District Engineer, Division of Highways, dated October 15, 1965, relative to the Prescott Road interchange; letter from Director of Parking and Traffic to Stanislaus County Director of Public Works, dated November 8, 1965, same subject; memorandum from Director of Parking and Traffi dated November 30, 1965, subject, "U. S. 99 Freeway Off-Ramps -- Prescott Road." Mr. Carmody indicated in his memorandum that the State has denied the need for two direct ramps, and would soon be selling the land which would be needed for the northbound off-ramp; that the Prescott interchange is still outside the City.

Mayor Johansen stated that he, Councilman VanderWall, and Director of Parking and Traffic Carmody would arrange a meeting with County Director of Public Works Barhite, and Supervisors Ruggieri and Brink in an attempt to pursue the matter further.

CONSIDER ACCEPTANCE OF RADIO ALERTING EQUIPMENT FROM FEDERAL SIGN AND SIGNAL CORPORATION AS COMPLETE AND AUTHORIZE PAYMENT

A memorandum from Purchasing Agent Dunham, dated November 30, 1965, subject, "Radio Alerting Equipment," was entered into the record of the minutes. The memorandum indicated that a letter has been received from Federal Sign and Signal Corporation authorizing the City to reduce the $9,480 invoice in the amount of $300.57, which represents the extra staff time involved as a result of the company's delay in meeting the required specifications. Recommendation was made that the contract be accepted as complete.

RESOLUTION NO. 65-656

A RESOLUTION ACCEPTING THE CONSTRUCTION OF RADIO ALERTING EQUIPMENT FROM FEDERAL SIGN AND SIGNAL CORPORATION AS COMPLETE AND AUTHORIZING PAYMENT

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

REPORT ON PROPOSED LEFT TURN LANES ON McHENRY AT MORRIS AND ON MEANS OF REDUCING CONGESTION AT McHENRY-NEEDHAM-J-17TH AND DOWNEY INTERSECTION 6-25

A memorandum from Director of Parking and Traffic Carmody, dated December 2, 1965, subject, "Traffic Movement on McHenry at Morris and at Needham," was entered into the record of the minutes. The report was prepared at the request of the Council that a study be made of traffic condition on McHenry at Morris and at the Needham-Downey-17th and J intersection. Four alternates for reducing congestion at the Needham-Downey-17th and J intersection were listed by Mr. Carmody.

The Council discussed Mr. Carmody's recommendation against left turn lanes on McHenry at Morris which Mr. Carmody based on the loss of about 150 feet of parking on both sides of McHenry Avenue north and south of Morris

Councilman Smith stated that he believed it was time to make a more comprehensive study and positive recommendations to probably eliminate all parking on McHenry in this area, and possibly eventually all of McHenry to the northerly limits, in order to provide three moving lanes on each side of McHenry to alleviate traffic congestion. Councilman Smith asked for more study and positive action to improve the traffic flow on McHenry.

Mr. Carmody said that in the terms of the long-range future, he envisioned the day when there will be no parking on McHenry Avenue, but he did not think it was necessary at this time; that he believed it would be a backward step to allocate 20% of McHenry to a left turn movement which occupies 1½ to 3% of the traffic.

It was pointed out that one car in the middle lane waiting to make a left turn on McHenry held up a long line of traffic behind it until it was able to make a left turn.

It was Mr. Carmody's contention that the way to solve this problem was through increased prohibition rather than allocation of space for left-hand turns. He said that he was presently working with the State for increased prohibition at the McHenry-Morris intersection. He said the choice was really whether to encourage left-hand turns by setting up a left-turn lane, and eliminating on-street parking, or increased prohibition.

This matter was discussed at length by the Council.

Upon questioning, Mr. Carmody stated that it would be possible to completely eliminate left-hand turns at the Morris-McHenry intersection on a temporary basis in order to evaluate the speed-up and flow of traffic.

Councilman Hughes said that the complaints he had received, particularly from businessmen, on McHenry Avenue concerned excessive speed, and he hoped that steps would be taken to eliminate bottlenecks, and not to increase the speed of traffic.

Councilman Smith said that he did not believe that complete elimination of left-hand turns at Morris was the answer, since it would force motorists into residential districts in order to get to their destination. He proposed a comprehensive study of the parking usage of McHenry in the area under discussion, and a resurvey of those businesses in the area which were opposed to the elimination of parking several years ago.

MOTION

That the staff be directed to make a further study on the possible elimination of parking on McHenry Avenue from Needham to the M. I. D. canal, to permit more traffic lanes

Moved by Smith Seconded by VanderWall Unanimously carried

REPORT ON LETTER FROM MR. J. C. BURROUGHS REGARDING GARDEN REFUSE PICKUP

A memorandum from the Director of Public Works, dated December 2, 1965, subject, "Collection of Garden Refuse," was entered into the record of the minutes. This report was prepared at the request of the Council at the November 15th meeting as the result of a letter from Claude J. Burroughs, 925 Terrace Place, who described the City's street cleaning practices as being inadequate and asked that the Council consider corrective action. A copy of the memorandum was sent to Mr. Burroughs.

The staff was directed to place this matter back on the agenda for discussion if and when requested to do so by a member of the Council.

FURTHER ELECTION FOR CITY EMPLOYEES TO BE COVERED UNDER O. A. S. D. I.

A memorandum from the Director of Finance, dated November 24, 1965, subject, "Further Election for City Employees to be Covered under O.A.S.D.I" was entered into the record of the minutes. The memorandum indicated that legislation has been passed to permit employees presently covered by State Employees' Retirement System only to elect coverage by both S.E.R.S. and Federal Old Age and Survivors Disability Insurance. Steps required in allowing employees to make this choice were listed in the memorandum. About fifty City employees are involved.

RESOLUTION NO. 65-657

A RESOLUTION REQUESTING THE BOARD OF ADMINISTRATION, STATE EMPLOYEES' RETIREMENT SYSTEM, TO EXECUTE A MODIFICATION TO THE CALIFORNIA STATE SOCIAL SECURITY AGREEMENT TO EFFECT THE TRANSFER OF MEMBERS TO THE "DEEMED" RETIREMENT SYSTEM

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 810, 812, 808, and 806 RAMONA AVENUE

MOTION

That the request for sewer extension to property located at 810, 812, 808, and 806 Ramona Avenue be approved

Moved by Mitchell Seconded by Smith Unanimously carried

LETTER FROM MR. PETE RAICH AND MR. JOSEPH M. GAGLIARDI REGARDING DEL WEBB FIELD 7-60

A letter from Pete Raich and Joseph M. Gagliardi, dated November 29, 1965, submitting an application for approval to operate an owned franchise in the California Baseball League, representing the City of Modesto, and using City facilities at Del Webb Field, was entered into the record of the minutes.

The terms and conditions listed in the letter of application were read by the City Manager and discussed by the Council.

The City Manager stated that the staff had reviewed the request of Mr. Raich and Mr. Gagliardi to use Del Webb Field and estimated that the direct costs to the City, based on terms of their proposal and a 70-home game schedule, would be $4,455, exclusive of mowing, watering and general maintenance(which the City would provide whether or not the request is granted),

and a capital expenditure of $11,150 for minimum upgrading of lighting, installation of 1,000 bleachers, replacement of dugouts; replacement of baseline fences; installation of warning path; repair of scoreboard.

Director of Parks and Recreation Grogan was questioned on the possibility of M. I. D. furnishing lighting without cost; past agreements concerning concessions at Del Webb Field; whether there would be any staff problems if the ball club paid its own power bill, and annual payment reduced from the offered $3,200 to $1,800 per year/cover the cost of clean-up after the game, field preparation and bulb replacements.

Mr. Gagliardi and Mr. Burton, baseball representatives, were questioned by the Council on the terms and conditions proposed in the application.

Mr. Don Pries, representative of Kansas City Athletics, Kansas City, Missouri, said that his Club felt that the City of Modesto was the type of city that the players would like to live in, and the players felt that the City of Modesto was the type of city within which they could work out a professional program as well as some type of a youth program, to join together to bring about a baseball environment that would be good from a professional standpoint, and also for the development of character in an overall youth movement. Also, the Kansas City Ball Club felt that the City of Modesto might be a close operation for the Club as it has hopes of some day moving into the City of Oakland.

Mr. Gagliardi stated that he and Mr. Raich were agreeable to paying the power bill for Del Webb Field if the terms of the lease were reduced to $1,500 per year.

Upon questioning, Chief Bowers stated that costs for police protection for Del Webb Field in the past has been about $570 per season. Miss Grogan stated that police protection was not provided in her figures since the service was not requested by the applicants.

The capital improvements needed were discussed by the Council.

Mr. Burton, General Manager, stated that he personally had no objections to the contract being subject to annual review; that it was desired that the contract be for five years.

After discussion pertaining to the annual review of the contract, Mr. Gagliardi said that he and Mr. Raich were agreeable to a lease payment of $1,800 for the first year.

MOTION

That the staff be directed to prepare an agreement between the City and Mr. Gagliardi and Mr. Raich, as individuals, to lease Del Webb Field for professional baseball for a period of five years; that $1,800 be charged the first year for lease of the premises with the baseball club paying the power bill; that the terms of the agreement be subject to annual review to consider whether the rental payment covers the City's actual expenses

Moved by Hughes Seconded by Patton Unanimously carried

CONSIDER CITY OPERATION OF SEARS PARKING LOT ON 11TH STREET 10-124

A memorandum from the Director of Parking and Traffic, dated December 2, 1965, subject, "City Operation of Sears' 11th Street Parking Lot," was entered into the record of the minutes. The memorandum outlined terms for City operation of the Sears parking lot on 11th Street.

RESOLUTION NO. 65-658

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND SEARS ROEBUCK AND COMPANY FOR OPERATION OF SEARS PARKING LOT ON 11TH STREET

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

RESOLUTION NO. 65-659

A RESOLUTION PROVIDING FOR CONTROL OF VEHICULAR PARKING ON CERTAIN MUNICIPAL OFF-STREET PARKING LOTS BY MEANS OF PARKING ATTENDANTS, ESTABLISHING THE DAYS AND HOURS DURING WHICH CONTROL BY PARKING ATTENDANTS SHALL BE EFFECTIVE, FIXING THE RATES TO BE CHARGED, AND RESCINDING RESOLUTION NO. 64-592

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

RESOLUTION NO. 65-660

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $3,171 FOR OPERATION OF SEARS PARKING LOT FOR BALANCE OF 1965-66 FISCAL YEAR

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

ORDINANCE NO. 764-C. S. entitled

"AN ORDINANCE AMENDING SECTION 3-2.1504 OF ARTICLE 15 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE, AND AMENDING SECTION 3-2.1601 OF ARTICLE 16 OF CHAPTER 2 OF TITLE III THEREOF, RELATING TO PARKING"

was introduced and ordered published as required by the Charter.

Moved by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

ORDINANCE NO. 765-C. S. entitled

"AN ORDINANCE AMENDING THE PARKING METER ZONING MAP OF THE CITY OF MODESTO"

was introduced and ordered published as required by the Charter.

Moved by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

REPORT ON NATIONAL SAFETY COUNCIL ANNUAL TRAFFIC INVENTORY

The City Manager reported that the City has received four awards for traffic safety activity. The staff was commended for its part in making the awards possible.

PRESENTATION OF FINANCIAL STATEMENT FOR MONTH OF NOVEMBER, 1965

The financial statement for the month of November, 1965, was presented and ordered filed.

APPOINTMENT BY MAYOR OF NEW MEMBER TO HUMAN RIGHTS COMMITTEE

Mayor Johansen announced the appointment of Lew Springer, Manager, Campbell Soup Company, to the Human Rights Committee, replacing Ed Zrenaski who has resigned.

RESOLUTION NO. 65-661

A RESOLUTION CONFIRMING APPOINTMENT OF MEMBER TO HUMAN RIGHTS COMMITTEE (LEWIS W. SPRINGER)

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

Mayor Johansen stated that he would write a letter of commendation to Mr. Zrenaski.

CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS

The Acting City Clerk was directed to place this matter on next week's agenda for council consideration in executive session.

NOTICE OF PUBLIC HEARINGS - LOCAL AGENCY FORMATION COMMISSION

A notice of public hearings received from the Local Agency Formation Commission listed the following annexations to the City of Modesto to be heard on December 15, 1965, in Room 206, County Offices Building, 1100 Eye Street: Scenic Addition, Scenic Village Addition, and East Granger Addition.

Mayor Johansen announced that Councilman Mitchell has been appointed a member of the Local Agency Formation Commission.

REMINDER

The Council was reminded of the regional council meeting to be held in Fresno on December 8, 1965, at 1:30 P.M. in the Memorial Auditorium, Fresno Street, between N and O Streets, Fresno.

The Councilmen were polled for attendance.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Mitchell Seconded by Smith Unanimously carried

The meeting adjourned at 6:35 P.M.

ATTEST: Pauline P. Stanley
PAULINE P. STANLEY
Acting City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Absent: Councilmen: None

The pledge of allegiance to the Flag was given by all present.

The invocation was given by Reverend R. Truman Northup.

LETTER FROM MODESTO CHAMBER OF COMMERCE REQUESTING APPROPRIATION OF SPECIAL FUNDS TO BE USED IN ATTRACTING CONVENTIONS TO CITY

The following documents were entered into the record of the minutes: Letter from Joseph M. Good, Manager, Greater Modesto Chamber of Commerce, dated December 7, 1965 requesting an appropriation of $2,000 for a convention fund to be used to attract conventions to the City; memorandum from City Manager dated December 13, 1965 containing a recommendation from the Public Relations Committee that the appropriation be approved, and that $1,000 of the fund be immediately allocated by the Chamber of Commerce to the Bowling Association for the 1967 bowling tournament to be held in Modesto.

Terms of a proposed agreement were discussed. Mr. Good stated that the Chamber would prefer a separate agreement, and the account entirely separated from the regular Chamber appropriation. Upon questioning as to whether the appropriation would be non-recurring, Mr. Good stated that the fund would be set up with the hope that it would be "revolving," but should the expenditures to obtain a convention not be successful, or should the extra amounts charged for registration or advertising, etc., not be sufficient to reimburse the fund, when and if the fund needed replacing, additional funds might be sought.

MOTION

That the staff be authorized to prepare an agreement with the Greater Modesto Chamber of Commerce approving the appropriation for consideration on next week's agenda.

Moved by VanderWall Seconded by Shastid Unanimously carried

LETTER FROM SECRETARY, CHAPTER 90, EXPERIMENTAL AIRCRAFT ASSOCIATION, EXPRESSING APPRECIATION OF PILOT LOUNGE FACILITIES AT MODESTO CITY-COUNTY AIRPORT

A letter from Wayne Streeter dated December 5, 1965 expressing appreciation to the City of Modesto for the fine pilot's lounge at the Modesto City-County Airport, and commending Airport Manager Sham for his leadership, was entered into the record of the minutes.

The letter was ordered filed.

LETTER FROM A 3/C EDWARD W. OWEN JR., SHEPPARD AFB. TEXAS, REGARDING DRAG STRIP FACILITIES FOR CITY YOUTHS 1-70

A letter from A 3/C Edward W. Owen Jr. dated December 5, 1965 requesting that the City consider providing drag strip facilities for the young people of Modesto, was entered into the record of the minutes.

By order of the Chair, the letter was referred to the staff for report back to the Council.

LETTER FROM WESTERN PACIFIC RAILROAD COMPANY REGARDING PROPOSED UNION PACIFIC - SOUTHERN PACIFIC MERGER WITH ROCK ISLAND RAILROAD

A letter from M. M. Christy, President, Western Pacific Railroad Company, dated December 3, 1965 asking the Council to decline to endorse a proposal that the Rock Island Railroad be merged into Union Pacific with its lines south and west of Kansas City being sold to the Southern Pacific, was entered into the record of the minutes.

The letter was ordered filed.

[illegible] SECRETARY, MODESTO BAND OF STANISLAUS COUNTY, INC., REQUESTING BUDGETED FUNDS FOR BAND FOR 1965-66 FISCAL YEAR

MOTION

That the request of Modesto Band of Stanislaus County, Inc., contained in letter dated December 8, 1965 for payment of budgeted items for 1965-66 fiscal year ($1,550) be approved.

Moved by VanderWall Seconded by Mitchell Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 501 NORTH EMERALD AVENUE

MOTION

That the request for sewer service extension to property located at 501 North Emerald Avenue be approved.

Moved by VanderWall Seconded by Mitchell Unanimously carried

ACCEPT IMPROVEMENTS IN COLONIAL MANOR NO. 3 SUBDIVISION AND AUTHORIZE CITY CLERK TO FILE NOTICE OF COMPLETION AND RELEASE BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

RESOLUTION NO. 65-662

A RESOLUTION ACCEPTING IMPROVEMENTS IN COLONIAL MANOR NO. 3 SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER APPROVAL OF REVISED MAINTENANCE AGREEMENT WITH THE DIVISION OF HIGHWAYS

RESOLUTION NO. 65-663

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS, FOR THE MAINTENANCE OF STATE HIGHWAY IN THE CITY OF MODESTO

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER AMENDMENT TO PRESENT LEASE AGREEMENT BETWEEN CITY AND WALTER FOUNTAIN, DOING BUSINESS AS HAWKE DUSTERS, FOR HANGAR NO. 2 AT THE CITY-COUNTY AIRPORT

RESOLUTION NO. 65-664

A RESOLUTION APPROVING AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND WALTER FOUNTAIN, DBA HAWKE DUSTERS, HANGAR NO. 2, MODESTO CITY-COUNTY AIRPORT

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER AMENDMENT TO RIGHT OF WAY CONTRACT BETWEEN CITY AND STATE DIVISION OF HIGHWAYS RE CONSTRUCTION OF MODESTO FREEWAY

RESOLUTION NO. 65-665

A RESOLUTION APPROVING AMENDMENT TO RIGHT OF WAY CONTRACT BETWEEN THE CITY OF MODESTO AND THE STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS, AND ACCEPTING A DIRECTOR'S DEED CONVEYING EXCESS PROPERTY TO THE CITY OF MODESTO, AND AUTHORIZING EXECUTION OF THE NECESSARY DOCUMENTS BY APPROPRIATE CITY OFFICIALS

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF CURB AND GUTTER ALONG CERTAIN STREETS IN THE CITY OF MODESTO

RESOLUTION NO. 65-666

A RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF CURB AND GUTTER ALONG CERTAIN STREETS IN THE CITY OF MODESTO (DRAKE AVENUE)

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

January 3, 1966 at 4:40 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND GRANTING OF UNCLASSIFIED USE PERMIT TO MODESTO MEDICAL DEVELOPMENT CO. FOR EXPANSION OF DOCTORS' HOSPITAL

RESOLUTION NO. 65-667

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF MODESTO MEDICAL DEVELOPMENT COMPANY FOR UNCLASSIFIED USE PERMIT

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

January 10, 1966 at 8:05 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND COMMENCEMENT OF ANNEXATION PROCEEDINGS - ST. STANISLAUS SCHOOL ADDITION

RESOLUTION NO. 65-668

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS SAINT STANISLAUS SCHOOL ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

January 3, 1966 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND COMMENCEMENT OF ANNEXATION PROCEEDINGS - WYLDEWOOD PARK ADDITION

RESOLUTION NO. 65-669

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS WYLDEWOOD PARK ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

January 3, 1966 at 4:35 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

ADOPTION OF ORDINANCE NO. 756-C.S. GRANTING FRANCHISE TO T.S.R.R.

ORDINANCE NO. 756-C.S. entitled

"AN ORDINANCE GRANTING TO TIDEWATER SOUTHERN RAILWAY COMPANY, A CALIFORNIA CORPORATION, A FRANCHISE TO OPERATE, MAINTAIN, REPAIR AND RENEW A COMMERCIAL RAILROAD FOR THE TRANSPORTATION OF PROPERTY AS A COMMON CARRIER, IN, UPON, OVER, UNDER, ALONG AND ACROSS VARIOUS PUBLIC STREETS IN THE CITY OF MODESTO"

introduced December 6, 1965 and having been published as required by the Charter, was moved and adopted.

Moved by Hughes Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: VanderWall Absent: None

ADOPTION OF ORDINANCE NO. 760-C.S. ESTABLISHING SPEED LIMITS ON 9TH STREET

ORDINANCE NO. 760-C.S. entitled

"AN ORDINANCE AMENDING SECTION 3-2.1401 OF ARTICLE 14 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO SPEED LIMITS IN THE CITY OF MODESTO"

introduced December 6, 1965 and having been published as required by the Charter, was moved and adopted.

Moved by Mitchell Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

ADOPTION OF ORDINANCE NO. 761-C.S. AMENDING TITLE IV OF CODE RELATING TO MOVING OF BUILDINGS

ORDINANCE NO. 761-C.S. entitled

"AN ORDINANCE ADDING SECTION 4-3.07.2 TO CHAPTER 3 of TITLE IV OF THE MODESTO MUNICIPAL CODE, RELATING TO MOVING OF BUILDINGS"

introduced December 6, 1965 and having been published as required by the Charter, was moved and adopted.

Moved by Mitchell Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

ADOPTION OF ORDINANCE NO. 762-C.S. AMENDING TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE BUILDING CODE

ORDINANCE NO. 762-C.S. entitled

"AN ORDINANCE ADDING SECTION 9-1.07.1 TO CHAPTER 1 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, RELATING TO THE BUILDING CODE"

introduced December 6, 1965 and having been published as required by the Charter, was moved and adopted.

Moved by Mitchell Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

ADOPTION OF ORDINANCE NO. 764-C.S. AMENDING THE CODE RELATING TO PARKING

ORDINANCE NO. 764-C.S. entitled

"AN ORDINANCE AMENDING SECTION 3-2.1504 OF ARTICLE 15 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE, AND AMENDING SECTION 3-2.1601 OF ARTICLE 16 OF CHAPTER 2 OF TITLE III THEREOF, RELATING TO PARKING"

introduced December 6, 1965 and having been published as required by the Charter, was moved and adopted

Moved by Mitchell Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

REQUEST OF DR. GEORGE VALENTINE TO DISCUSS OFF-STREET PARKING MATTERS

Due to the absence of Dr. Valentine, who requested to be heard to discuss off-street parking matters, this item was dropped from the agenda.

REPORT ON PLANNED BUILDING CODE ENFORCEMENT PROGRAM IN RESIDENTIAL AREAS OF CITY

The following documents were entered into the record of the minutes: Memorandum from City Manager dated November 20, 1965, subject, "Code Enforcement Program," and memorandum from Director of Public Works dated November 23, 1965, subject, "A Planned Building Code Enforcement Program in Residential Areas of the City." The City Manager suggested in his memorandum that before the City becomes involved in an expensive code enforcement program, a committee be appointed by the City Council to meet with representatives of local financial institutions to determine whether or not financing is available to the people who must either rehabilitate or demolish their homes under the code enforcement program.

Mayor Johansen stated that he would designate a council committee to meet with representatives of financial institutions.

HEARING ON PROPOSED AMENDMENT TO CODE - COMMERCIAL SIGNS AND BILLBOARDS 2-05

Mayor Johansen announced that the hour of 7:45 P.M. had arrived, the time set for consideration of a proposed amendment to the Municipal Code relating to commercial signs and billboards, and opened the hearing.

The Acting City Clerk reported that notice of the hearing was published in the Modesto Tribune on November 25 and December 2, 1965; that notices were mailed to interested parties on December 2, 1965. No written protests were filed with the City Clerk.

The City Attorney reported the proposed amendment to the Code was prompted by a letter from the State Division of Highways dated July 15, 1965 which suggested the proposed revision of the Code by adding the underscored section listed below:

"At any time during said three (3) year period, the owner of a nonconforming sign or billboard, except outdoor advertising displays and structures which are adjacent to freeways and prohibited by Section 10-2.1504 hereof, may appeal to the City Council for an extension of time beyond said three (3) year period during which said nonconforming sign or billboard may be maintained. Mr. Johnson said that the code section as amended above is satisfactory to the State.

Dean Curry, representing Federal Sign and Signal Corporation, was told that the proposed amendment applied only to signs and billboards along the freeway

No one else in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

ORDINANCE NO. 766-C.S. entitled

"AN ORDINANCE AMENDING SECTION 10-2.1709 OF ARTICLE 17 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO NONCONFORMING COMMERCIAL SIGNS AND BILLBOARDS"

was introduced and ordered published as required by the Charter.

Moved by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

MATTERS FOR THE GOOD OF THE COMMUNITY 2-40

Introduction of Farm-City Advisory Committee member

Mayor Johansen introduced Ray Codoni, a member of the Farm-City Advisory Committee present in the audience.

Report from AB-103 Committee

The City Manager stated that he had received a letter from the AB-103 Committee indicating that a report of its findings would be presented to the Council at the December 20th meeting. Request was made that the staff be authorized to distribute notices of the meeting to all businesses in a designated area.

MOTION

That the staff be authorized to distribute notices of the December 20th meeting to discuss AB-103, to all businesses in a designated downtown area

Moved by Smith Seconded by Shastid Unanimously carried

Request by American Oil Company for driveway variance

A letter from J. J. Faiola, Area Engineer, American Oil Company, dated December 6, 1965 requesting that a variance be granted to allow the installation of four 30-foot concrete approaches as shown on an attached drawing, was entered into the record of the minutes.

RESOLUTION NO. 65-670
A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF THE AMERICAN OIL COMPANY FOR DRIVEWAY VARIANCE AT 6TH AND H STREETS, MODESTO

Introduced by Shastid Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Smith, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: None

December 20, 1965 at 4:40 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

Request of City of Bakersfield that City of Modesto file as amicus curiae - Miller vs Bakersfield

The City Attorney stated that notification has been received from the League of California Cities of a case which has been decided by the Bakersfield local courts, Miller vs. Bakersfield, involving a question in regard to unsafe buildings and the procedure a city must follow in condemning them. He said that this might have some effect on the unsafe building code program in Modesto. Bakersfield has requested other cities to participate in the case as amicus curiae. He recommended that the City of Modesto be named as an interested party. No action was taken by the Council.

Discussion on possible adjournment of December 27th meeting

Mayor Johansen stated that a suggestion had been made that the December 27th council meeting, in the event of the lack of a quorum, be set for Thursday, December 22nd.

The Acting City Clerk was directed to place this matter on the agenda of the next council meeting for final determination.

Complaint - "Walk and Wait" Signals, 11th and J

Councilman VanderWall stated that he had received several complaints on the timing of the "Walk and Wait" signals at the intersection of 11th and J Streets.

Director of Parking and Traffic Carmody stated that the signals had been changed recently to reduce the amount of walk time to enable cars to turn right on the red

light more readily when pedestrians and cars are not moving at the same time. He said that it was possible for pedestrians to go all the way across the street before the cross street green light appeared.

Mr. Carmody was questioned as to why pedestrians were held back at the 11th and I intersection on the courthouse side of the intersection. He said that this was done principally to allow left hand turns onto I Street from 11th. No action was taken by the Council.

Completion of automation of city water system

Director of Public Works Campbell stated that it was hoped that automation of the city water system would be completely in effect by the end of the week.

General Electric demonstration lighting unit

Director of Public Works Campbell stated that a General Electric demonstration unit for street lighting would be demonstrated after the council meeting at 12th and F Streets, just behind the fire station.

Report on newly installed quick call system

The City Manager reported that firemen were being alerted more quickly to fires by the newly installed quick call system.

Review for need of additional police personnel

Chief Bowers stated that if approved after review by the Council, it was anticipated that four additional policemen, authorized by the Council to be hired at the first of the year, would be available for hiring about January 10, 1966.

Chief Bowers was directed to furnish the Council a report on the results of the additional personnel and equipment authorized by the Council, to be placed on the agenda for the December 20th meeting.

Status of construction of fence, Quintana property, Tokay and McHenry

Upon questioning, Director of Public Works Campbell stated that the developer had been notified that the wall on the Tokay side of the Quintana property must be completed to six feet in height; that it was his understanding that the developer intended to appear before the Council to further discuss the matter. He said that the Building Inspector had been notified to issue no more permits in the development until the completion of the required wall.

Report on city operation of Sears Parking Lot

Director of Parking and Traffic Carmody announced that the Sears parking lot, under operation of the City, would be open to the public on December 14, 1965 at 9:15 P.M.

AN ORDINANCE ADDING SECTION 4-2.11.1 TO CHAPTER 2 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO ABANDONED, WRECKED OR JUNKED VEHICLES 4-50

The City Attorney stated that the proposed ordinance was prepared at the suggestion of members of the Committee of Modesto Men for Civic Betterment, to help control the problem of abandoned and junked cars in the City. He said that the proposed ordinance had been reviewed by and was acceptable to the Committee.

The Mayor commended the Committee for its interest in civic betterment.

Upon questioning by the Council as to who would be responsible for making a determination as to whether a car was "junk," and what penalties could be assessed, the City Attorney stated that any code violation is subject to one year in jail or $1,000 fine; that the police department would be the enforcing agency making the determination as to whether or not a vehicle was "junk."

Chief Bowers stated that anyone with a car under repair for a lengthy period of time could place the vehicle in a garage, or out of sight, and thus not be in violation of the proposed ordinance; that determining whether or not a car was "junk" was a matter of discretion; that if someone was working on a vehicle, he did not believe that a police officer would adamantly order the vehicle removed from the property.

ORDINANCE NO. 767-C.S. entitled

"AN ORDINANCE ADDING SECTION 4-2.11.1 TO CHAPTER 2 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO ABANDONED, WRECKED OR JUNKED VEHICLES"

was introduced and ordered public as required by the Charter

Moved by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

REPORT ON ON-STREET PARKING ON McHENRY AVENUE BETWEEN NEEDHAM AND MID LATERAL NO. 4 NEAR MAYNELL AVENUE

A memorandum from the Director of Parking and Traffic dated December 9, 1965, subject, "Parking on McHenry Avenue between Needham and MID Lateral 4 near Maynell Avenue," with attached parking survey and sketch of the designated area, was entered into the record of the minutes. The study was prepared at the request of the Council.

The parking survey of McHenry Avenue between Needham and MID Lateral No. 3 dated December 7, 1965 was discussed by the Council. Upon questioning as to whether there was anything to be done by the City to prepare for the time when parking on McHenry Avenue would have to be eliminated, Mr. Carmody stated that tentative decisions needed to be made - whether extra parking could be provided on off-street lots; if provided on off-street lots, would the parking be paid by the district, provided by the general public, or paid from other off-street funds. He pointed out that if a parking district was to be formed in the area, the leadership would have to come from the district.

Mr. Carmody listed the projects presently underway to improve traffic on McHenry Avenue - a modification of signalization at the Needham-Downey intersection, further left-turn prohibitions, electronically signalized, at the Morris-McHenry intersection, signalization of the Briggsmore and Bowen intersections, the widening of McHenry beyond that point when rights of way are acquired.

Councilman Smith stressed the importance of taking steps now to alleviate traffic problems on McHenry while there is still opportunity to obtain off-street parking, and before traffic problems become worse.

Councilman Mitchell suggested that the Council might assume leadership to appoint a citizens' committee of business and property owners on McHenry in this critical area, to have the Director of Parking and Traffic point out the foreseeable problems, and eventuality of the prohibition of parking on portions of McHenry.

Mayor Johansen stated that businessmen in the Morris Avenue area who were present at the council discussions on this problem two or three years ago might be informed of the current problems; that this group might possibly come up with some suggestions in the near future.

The Council also discussed the possible elimination of all left hand turns on McHenry from Needham to Morris. Mr. Carmody stated that he was not wholeheartedly in support of prohibiting left hand turns at Morris at all times because there were many times when left turns can be made quite easily with no inconvenience to any one.

Mr. Carmody was directed to report to the Council as soon as word is received from the State on the request for additional prohibition of left hand turns at Morris, and on modification of signalization at the Needham-Downey-McHenry intersection.

REPORT TO COUNCIL REGARDING REQUEST TO CLOSE PORTION OF COLDWELL AVENUE

A memorandum from the Secretary of the City Planning Commission dated December 8, 1965 indicating that the Planning Commission, by motion, has recommended that no action be taken by the Council on the closing of Coldwell Avenue; that the matter be reconsidered at such time as an over-all development plan for the Modesto Junior College campus is prepared which solves the internal parking problem and the external relations of the campus with the surrounding areas, was entered into the record of the minutes.

The City Manager pointed out that funds were budgeted for the improvement of Coldwell Avenue this fiscal year; that the street was badly in need of repair. Council direction was asked as to whether the funds should be expended for the improvement this fiscal year, or carried over to a later date.

Director of Public Works Campbell stated that the section of Coldwell between Tully and College was an oil dirt street; that temporary repairs would consist of patching the street with oil dirt and covering it with a seal coat; that the cost of a temporary repair was from $500 to $1,000; that this work would probably hold for about two years; that he did not recommend that the improvement of Coldwell Avenue between 9th Street and Tully Road be held up because it was in dire need of construction, and the oil dirt would not do the job; that the funds presently budgeted for the repairs of Coldwell between Tully and College could be used for the much-needed repair of the north end of Tully.

MOTION

That the staff be directed to make temporary repairs of Coldwell Avenue from Tully Road to College Avenue

Moved by Shastid Seconded by Smith Unanimously carried

RECOMMEND ACQUISITION OF PARK SITE IN BELLENITA NEIGHBORHOOD 7-56

The following documents were entered into the record of the minutes: Letter from Planning Commission to Board of Education of Modesto City Schools relative to the Commission's recommendation for the location of a new elementary school in the Bellenita Neighborhood north of Robertson Road; letter from Planning Commission Secretary Fey dated December 8, 1965 recommending that the City Council authorize the staff to proceed jointly with the Board of Education toward the acquisition of a neighborhood park site with a net acreage of four to five acres adjacent to the new elementary school proposed to be purchased in the Bellenita neighborhood.

The proximity of the proposed park site to one proposed on Paradise Road and to the Bellenita Park site was discussed.

MOTION

That the Planning Commission recommendation be upheld and the staff authorized to proceed with the acquisition of a park site in Bellenita Neighborhood adjacent to the new elementary school

Moved by Mitchell Seconded by Patton

The motion carried, Councilman Hughes dissenting.

CONSIDER REQUEST OF MODESTO YOUTH HOSTEL CLUB TO USE GIRL SCOUT CLUBHOUSE

A letter from the Modesto Youth Hostel Club received December 9, 1965 requesting free overnight use of the Girl Scout Clubhouse in Beard Brook Park by American Youth Hostel Organization members, and free use of the building every second and fourth Thursday of the month from 6:30 to 9:30 P.M., was entered into the record of the minutes.

The City Manager recommended that general approval be given, with details to be worked out to the staff's satisfaction.

MOTION

That general approval be given for use of the Girl Scout Clubhouse in Beard Brook Park by American Youth Hostel Organization, and the staff be authorized to work with the group to work out details for the use of the clubhouse for the requested purpose.

Moved by VanderWall Seconded by Shastid Unanimously carried

APPROPRIATION TRANSFERS - None

REPORT BY CITIZENS' CULTURAL CENTER COMMITTEE

Mrs. Heidi Warner, Chairman, Citizens' Cultural Center Committee, displayed a

model, furnished without cost by Norman Maclusi, showing the floor plans of the proposed cultural center. The plans were described by Mrs. Warner. She stated that this was only one of four different models being constructed. Mrs. Warner said that various local organizations have been asked to appoint representatives to work with the committee, and that a fund drive will start in January.

Upon questioning, Mrs. Warner said that the plans were tentative; that the estimated cost of the cultural center will be about $20 per square foot, total cost about $240,000.

Mayor Johansen said that he had expressed an opinion to Mrs. Warner on the operation and maintenance of the proposed cultural center which will be constructed on city-owned property; that he had told Mrs. Warner that more than likely the City would handle the operation and maintenance of the cultural center in a manner similar to the operation of the Maddux Youth Center and the Community Center.

Mrs. Warner said that income could be utilized from the building through patrons and patronesses for the Museum to be used for the purchase of art objects, etc., to be decided by the appointed commission, and by a minimal charge for use of the facilities to cover custodial costs, etc.

Mayor Johansen said that the Council should not be led to believe that further council help would not be needed, since there was a possibility that application might be made for federal funds to be applied to the project.

The Council commended Mrs. Warner for her leadership in connection with the project.

REPORT ON "STREET AND ALLEY CONSTRUCTION AND MAINTENANCE, 1965."

A report from the Director of Public Works dated December 7, 1965 subject, "Street and Alley Construction and Maintenance, 1965," reporting activities of the Public Works Department in the construction and maintenance of streets and alleys during the 1965 season, was entered into the records and ordered filed.

CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS

Mayor Johansen stated that these appointments would be considered in executive session.

MOTION

That the meeting be adjourned to executive session to consider appointments to boards and commissions

Introduced by VanderWall Seconded by Smith Unanimously carried

The meeting adjourned at 9:45 P.M.

ATTEST: Pauline P. Stanley
Pauline P. Stanley
Acting City Clerk

Modesto City Council
December 20, 1965

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 - 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
(Councilman Hughes arrived at 4:02 P.M.)

Absent: Councilmen: None

The pledge of allegiance to the Flag was given by all present.

A moment of silent prayer was observed.

LETTER FROM DOWNTOWN MODESTO ASSOCIATION RECOMMENDING THAT COUNCIL ADOPT A RESOLUTION OF INTENTION TO CREATE A BUSINESS IMPROVEMENT AREA AS AUTHORIZED BY ASSEMBLY BILL 103

A letter from Donald West, Chairman, AB 103 Committee, Downtown Modesto Association, dated December 14, 1965, recommending that the Council adopt a resolution of intention to create a business improvement area as authorized by Assembly Bill 103, was entered into the record of the minutes. Attached to the letter is a map delineating the downtown business area proposed for the business improvement district.

The following documents were filed by Mr. West with the record of the minutes: Letter from Modesto Clearing House Association dated December 17, 1965, indicating that the request to participate was favorably received by the Association, and requesting additional information to be forwarded to interested banks; a petition bearing thirty-seven signatures favoring the implementation of AB 103 for promotion and beautification of Modesto's Downtown District.

Mr. West stated that about 475 businesses were involved in the proposed district; that it was anticipated that about $40,000 would be collected. He said that he assumed that the funds would be administered by the City, with an advisory committee of about fifteen members appointed to prepare the budget and work with the City.

Concern was expressed by Councilman Mitchell on response to the proposal for the district by manufacturers and those offering professional type services which are not dependent upon atracting clientele through decorations and advertisement.

Mr. West said that the committee felt that those offering professional services were part of the community and prospered along with retail merchants and other businesses in the area, and that their cooperation was important. Director of Parking and Traffic Carmody stated that manufacturers and brokers did not presently pay the mill tax.

Whether or not the Council should set an informal or formal hearing for the proposal was discussed. Mr. West stated that his committee had sent out over 400 notices to downtown businesses, publicizing the present hearing; that he personally had no objection to the council holding another informal hearing on the matter before a formal hearing is set.

Charles Duerner, 820 Needham Avenue, stated that at this time the committee was only in the basic planning stage regarding promotions; that every possible means would be explored to promote

business. He listed the following programs under consideration: coloring contests for children, special fashion promotions, decorating the streets during spring with flower baskets; about three weeks before Easter, a basket hanging program.

The provisions of AB-103 were outlined by the City Attorney. He pointed out that the revenue to be derived from the proposed district were taxes and the Act provides that the funds would be used within that district for promotional activities, advertising, improvements in the area, etc.; that the Act also provided that the Council could use an existing board or commission to administer the program, or establish a new advisory board for the purpose of advising the Council on expenditure of the funds. He said that the ultimate control of the funds would rest with the City - that part of the funds could be spent directly by the City within the framework of a budget, and that a portion of the funds could be turned over to the advisory committee in a manner similar to present council procedure in appropriating funds for Christmas street decorations. Upon questioning, the City Attorney stated that area improvement districts similar to the one proposed could be established in any other area in the City for the same or different purposes.

Councilman Smith stated that some merchants had expressed objections to the fund being administered by the Downtown Modesto Association, and suggested that the committee make fairly strong recommendations as to who should administer the fund.

Hy Youngheim, President, Downtown Modesto Association, said that administering of the fund and also the feasibility of continuing the Downtown Modesto Association when the 15 or 17-member advisory committee is appointed under AB-103, had been discussed by the Association. He said that it was doubtful that the two groups could operate simultaneously since the same workers would probably be involved and the newly appointed committee doing all of the needed work in the downtown area. He suggested that the Downtown Modesto Association be permitted to carry on the program for the first six months, and then taken over by an advisory committee composed of different businesses and professionals, as well as used car dealers in the downtown area. In fairness, he suggested a distribution of different areas within the proposed district area.

Dr. George Valentine, 518 Needham, checked to see whether or not his business property was included within the proposed district area. It was not included.

Larry Hersey, Manager, downtown Long's Drug Store, expressed opposition to the proposed district so long as parking problems are excluded from the program. It was his opinion that one of the big problems in the downtown area at this time was parking; that no amount of advertising or downtown beautification would be effective if parking is unavailable.

Mr. Hersey was questioned by the Council on his company's views on downtown parking. He listed his objections to the operation of the 9th Street parking lot adjacent to the rear of Long's Drug Store.

Mr. Youngheim stated that one of the reasons that parking was not included in the proposed program was because by July, 1966, there will be about $350,000 in the Parking Fund which may be used for additional parking or a change in operation of certain lots.

Clark Bradford, 621 Ninth Street, objected to the proposed boundaries of the district, particularly the western boundary which includes areas which he did not believe should be included; that if they were included, the whole area on the west side of Ninth Street

should also be included. He stated that he was involved in businesses on 11th Street and G. Street; that he classified the business on G. Street as being out of the downtown area and should not be included in the proposed district. He also said he did not believe the property jutting off to the east, along J. Street should be the only eastward addition since a considerable area to the south also bears the same zoning; that he did not believe that the Modesto Lumber Company shown on the southwest corner of the map, should be included as a part of the improvement district.

Upon questioning, Mr. West stated that it was his belief that a retail business having two branches of the same business within the district area, would not pay more than the maximum of $1,500; that if two businesses were licensed separately, each business would be subject to the $1,500 maximum.

Director of Parking and Traffic Carmody stated that one owner had three related businesses in the City, two within the proposed district area and one business outside the area; that in this case a proration would have to be made.

MOTION

That an informal hearing on the establishment of a business improvement area as authorized by Assembly Bill 103 be set for January 10, 1966, at 8:10 P.M.: that the staff be directed to prepare a resolution of intention for council consideration when the matter is considered at the informal hearing.

Moved by Smith Seconded by Shastid Unanimously carried

HEARING ON REQUIREMENT OF CURB AND GUTTER, BLOCK 2098, LOT 14, EAST SIDE OF COVENA AVENUE

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the hearing for the proposed requirement of curb and gutter in Block 2098, Lot 14, located on the east side of Covena Avenue, and opened the hearing.

The Acting City Clerk reported that an affidavit of service on file with the City Clerk indicated that notice of the hearing was served on the property owner, Alex Jacobs, Sr., Route 2, Box 6334, Hatch Road, Hughson, California, on December 7, 1965.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

RESOLUTION NO. 65-671

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF CURB AND GUTTER ALONG CERTAIN STREETS IN THE CITY OF MODESTO (BLOCK 2098, LOT 14)

Introduced by VanderWall Seconded by Shastid

Ayes: Hughes, Mitchell, Shastid, Smith, Patton, VanderWall, Mayor Johansen

Noes: None Absent: None

CONSIDERATION OF AMENDMENTS TO THE ADOPTED GENERAL PLAN OF THE CITY PLAN OF THE CITY OF MODESTO 4-8

Mayor Johansen announced that the hour of 4:35 P.M. had arrived, the time set for consideration of proposed amendments to the adopted General Plan of the City of Modesto, and opened the hearing.

The Acting City Clerk reported that notice of the hearing was published in the Modesto Tribune December 9, 1965. No written protests were filed with the City Clerk.

The following documents were entered into the record of the minutes: "A Descriptive Analysis of the Proposed Amended General Plan, Modesto Urban Area," dated September 14, 1965; "General Plan, Modesto Urban Area, Goals, Principles, Standards," Planning Commission Resolution No. 65-125, adopting amendments to the General Plan; Planning Commission Resolution No. 65-153, recommending changes to the amendments of the General Plan.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

The City Attorney recomended that no formal action be taken by the Council; that the matter be referred back to the staff to amek the changes requested by the Planning Commission in Resolution No. 65-153.

MOTION

That the matter be referred to the staff for preparation of necessary documents incorporating the changes recommended by the Planning Commission in Resolution No. 65-153; that the matter be placed on the agenda at a later date for Council action.

Moved by VanderWall Seconded by Smith Unanimously carried
(See "Matters for Good of Community" for further action)

CONSIDERATION OF REQUEST FOR DRIVEWAY VARIANCE BY AMERICAN OIL COMPANY - PROPOSED SERVICE STATION SITE, 6th and H STREETS

Mayor Johansen announced that the hour of 4:40 P.M. had arrived, the time set for consideration of the request of American Oil Company for a driveway variance to permit the construction of four 30-foot driveways for a service station at the southeast corner of Sixth and H Streets, and opened the hearing.

A memorandum from the Director of Public Works, dated December 15, 1965, recommending that the request be granted, was entered into the record of the minutes.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

RESOLUTION NO. 65-672

A RESOLUTION GRANTING A DRIVEWAY VARIANCE TO AMERICAN OIL COMPANY

Introduced by Shastid Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

MATTERS FOR THE GOOD OF THE COMMUNITY

Dr. Harry Wiser, Superintendent of Schools - Requesting revision of General Plan

Dr. Wiser referred to correspondence with Director of Planning Fey, in which he expressed an opinion in behalf of the Schools that commercial zoning on property adjacent to a school was not desirable, particularly near Junior and Senior High Schools, because of problems which might arise through the sale of liquor. Dr. Wiser specifically referred to an area on Old Oakdale Road which shows a commercial zone immediately adjacent to a proposed site for a Junior High School.

The area under discussion was indicated on a map of the proposed amended general plan by Director of Planning Fey. Mr. Fey said that the Plan was general and broad enough in its concept that the neighborhood shopping center could be located at any one of the four corners of the intersection, and not at the particular corner adjacent to the Junior High School.

Mr. Fey said that the location of the shopping center could be changed on the plan; that the subject would still come before the Planning Commission and the Council whenever an application for rezoning is submitted for a specific parcel; that the concept illustrated in the Plan is that neighborhood shopping centers will be located at the intersections of major streets.

Upon questioning, Mr. Fey stated that the latest recommendation of the Planning Commission made several months ago indicates that Orangeburg Avenue will be extended as a 60-foot collector street.

MOTION

That the amended General Plan be referred back to the Planning Commission for consideration of the recommendation made by Dr. Wiser that the location of the neighborhood shopping center adjacent to a junior high school site on Old Oakdale Road be changed to another corner of the intersection, and report back to the Council.

Moved by Hughes Seconded by VanderWall Unanimously carried

LETTER FROM LLOYD G.OVERHOLTZER REGARDING HEIGHT OF WALL ON PROPERTY LOCATED AT THE NORTHEAST CORNER OF TOKAY AND McHENRY AVENUES

The following documents were entered into the record of the minutes: Letter from Lloyd G. Overholtzer, dated December 16, 1965, submitting a request for permission to reduce the height of a fence requirement on the Tokay Avenue side of property located at the northeast corner of Tokay and McHenry Avenues from six feet to three feet; letter from Leonard I. Bartlett, dated December 16, 1965, indicating that a 6' wall along the south side of the property would impair visibility and be a potential cause of automobile accidents.

Mr. Overholtzer spoke to the Council, saying that he was perturbed over the hazard that the fence might create from a traffic standpoint, both cars and pedestrians. He stated that his insurance agent was also concerned because of possible accidents which might occur because of the fence.

Mr. Overholtzer was questioned by the Council concerning his request.

MOTION

That the request of Mr. Overholtzer for permission to reduce the height of a fence requirement on the Tokay Avenue side of property located at the northeast corner of Tokay and McHenry Avenues from six feet to three feet be denied

Moved by Shastid Seconded by Smith Unanimously carried

REPORT OF SUPERINTENDENT OF STREETS ON COST OF CONSTRUCTION OF CURB AND GUTTER AT LOT 11, BLOCK 6010 (WELLESLEY WAY)

RESOLUTION NO. 65-673

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REPORT OF SUPERINTENDENT OF STREETS ON COST OF CONSTRUCTION OF CURB AND GUTTER AT LOT 11, BLOCK 6010 (WELLESLEY WAY)

Introduced by Shastid Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

January 3, 1966, at 4:50 P. M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION WITHDRAWING ELM ADDITION FROM WOODLAND AVENUE COUNTY FIRE PROTECTION DISTRICT

RESOLUTION NO. 65-674

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE WOODLAND AVENUE COUNTY FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (ELM ADDITION)

Introduced by Shastid Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

RESOLUTION WITHDRAWING GREENWOOD ESTATES ADDITION FROM SALIDA COUNTY FIRE PROTECTION DISTRICT

RESOLUTION NO. 65-675

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE SALIDA COUNTY FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (GREENWOOD ESTATES ADDITION)

Introduced by Shastid Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

RESOLUTION WITHDRAWING LIBERINI, CROCCO, HOYLE, WOODROW, SHERWOOD MEADOWS, ROSE AVENUE SCHOOL, SHERWOOD MEADOWS NO. 2, KIENITZ, ANGELO, ROSE ACRES, EL VECINO NO. 2 AND SHERWOOD TERRACE ADDITIONS FROM McHENRY DRY CREEK FIRE PROTECTION DISTRICT

RESOLUTION NO. 65-676

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORIES FROM THE McHENRY-DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF THEIR ANNEXATION TO THE CITY OF MODESTO (As described in above title)

Introduced by Shastid Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

CONSIDER RIGHT OF WAY CONTRACT FROM JOHN E. COYLE, MARILYN A. COYLE, DANA F. RISER AND BERNICE A RISER, RELATING TO THE DEDICATION OF PROPERTY TO THE CITY OF MODESTO FOR WIDENING OF YOSEMITE BOULEVARD FOR STATE HIGHWAY PURPOSES

RESOLUTION NO. 65-677

A RESOLUTION APPROVING RIGHT OF WAY CONTRACT BETWEEN THE CITY OF MODESTO AND JOHN E. COYLE, MARILYN A COYLE, DANA F. RISER, AND BERNICE A. RISER, FOR WIDENING OF YOSEMITE BOULEVARD

Introduced by Shastid Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

CONSIDER PURCHASE OF 1949 BUCKEYE SPREADER BOX FROM THE COUNTY OF STANISLAUS

RESOLUTION NO. 65-678

A RESOLUTION APPROVING APPROPRIATION TRANSFER FOR BUCKEYE SPREADER BOX FROM COUNTY OF STANISLAUS ($350)

Introduced by Shastid Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

RECOMMEND AMENDMENTS TO ZONING REGULATIONS

RESOLUTION NO. 65-679

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF PLANNING COMMISSION TO ADOPT AMENDMENTS TO ZONING REGULATIONS

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

January 3, 1966, at 4:45 P.M., in the Council Chambers, City Hall, was set as the time and place of hearing.

ADOPTION OF ORDINANCE NO. 757-C. S. AMENDING SECTION MAP 15-3-9 (ELLIS - EAST SIDE OF ROSE AVENUE)

ORDINANCE NO. 757-C. S. entitled "AN ORDINANCE AMENDING SECTION MAP 15-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (ELLIS) (EAST SIDE OF ROSE AVENUE)"

introduced December 6, 1965, and having been published as required, was moved and adopted.

Moved by Smith Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

ADOPTION OF ORDINANCE NO. 758-C. S. AMENDING SECTION MAP 15-3-9 (ELLIS-WEST SIDE OF OLD OAKDALE ROAD FROM R-1 TO P-D 23)

ORDINANCE NO. 758-C.S. entitled "AN ORDINANCE AMENDING SECTION MAP 15-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (ELLIS) (WEST SIDE OF OLD OAKDALE ROAD)"

introduced December 6, 1965, and having been published as required, was moved and adopted.

Moved by Smith Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

ADOPTION OF ORDINANCE 759-C.S., AMENDING SECTION MAP 15-3-9 (ELLIS-WEST SIDE OF OLD OAKDALE ROAD FROM R-1 to R-2)

ORDINANCE NO. 759-C.S. entitled "AN ORDINANCE AMENDING SECTION MAP 15-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON, (ELLIS) (WEST SIDE OF OLD OAKDALE ROAD)"

introduced December 6, 1965, and having been published as required, was moved and adopted.

Moved by Smith Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

ADOPTION OF ORDINANCE 763-C.S. AMENDING SECTION MAP 23-3-9 (PIERCE)

ORDINANCE NO. 763-C.S. entitled "AN ORDINANCE AMENDING SECTION MAP 23-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON(PIERCE)"

introduced December 6, 1965, and having been published as required, was moved and adopted.

Moved by Smith Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

ADOPTION OF ORDINANCE NO. 765-C.S. AMENDING PARKING METER ZONING MAP OF CITY

ORDINANCE NO. 765-C. S. entitled "AN ORDINANCE AMENDING THE PARKING METER ZONING MAP OF THE CITY OF MODESTO"

introduced December 6, 1965, and having been published as required, was moved and adopted.

Moved by Smith Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

ADOPTION OF ORDINANCE NO. 766-C. S. AMENDING THE CODE RELATING TO NON-CONFORMING COMMERCIAL SIGNS AND BILLBOARDS

ORDINANCE NO. 766-C. S. entitled "AN ORDINANCE AMENDING SECTION 10-2.1709 OF ARTICLE 17 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO NONCONFORMING COMMERCIAL SIGNS AND BILLBOARDS"

introduced December 13, 1965, and having been published as required, was moved and adopted.

Moved by Smith Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

ADOPTION OF ORDINANCE NO. 767-C.S. AMENDING THE CODE RELATING TO ABANDONED, WRECKED OR JUNKED VEHICLES

ORDINANCE NO. 767-C.S. entitled "AN ORDINANCE ADDING SECTION 4-2.1 TO CHAPTER 2 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, RELATING TO ABANDONED, WRECKED OR JUNKED VEHICLES"

introduced December 13, 1965, and having been published as required, was moved and adopted.

Moved by Smith Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 313 EL VISTA AVENUE 7-60

MOTION

That the request for sewer service extension to property located at 313 El Vista Avenue be approved

Moved by Mitchell Seconded by Patton Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 1309 GARDEN AVENUE

MOTION

That the request for sewer service to property located at 1309 Garden Avenue be approved

Moved by Mitchell Seconded by Patton Unanimously carried

CONSIDER APPROVAL OF SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR ANNUAL REQUIREMENTS OF MUNICIPAL LAMPS FOR STREETS, BUILDINGS, ETC.

Councilman Smith questioned the placing of an item calling for approval of specifications and authorizing call for bids on the agenda as a consent item, without being furnished subject matter by the staff. The City Manager stated that this was done in the present case because it is a routine item.

Upon questioning, Director of Finance Bird stated that the calling for bids for the City's annual lamp requirement permitted the City an opportunity to get a minimum price on any item, with quantity and quality considered at the same time.

RESOLUTION NO. 65-680

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INCANDESCENT, FLOURESCENT AND MERCURY VAPOR LAMPS FOR MUNICIPAL LIGHTING FOR A PERIOD OF ONE YEAR BEGINNING FEBRUARY 1, 1966

Introduced by Shastid Seconded by VanderWall

Ayes: Hughes, VanderWall, Patton, Shastid, Smith, Mitchell, Mayor Johansen

Noes: None Absent: None

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR DRYDEN PARK GOLF COURSE CLUBHOUSE 7-112

Because the plans and specifications for the Dryden Park golf course clubhouse were not ready for presentation to the Council, no action was taken.

The City Manager stated that the architect has estimated a cost of $68,250 for construction of the clubhouse; that he had talked with Mr. McIntyre, President, Modesto Golf Association, and there was a possibility that the golf association might provide furnishings for the clubhouse.

The fact that the plans and spcifications for the clubhouse were running behind schedule, and that the proposed clubhouse will be located in the flood zone, were discussed.

Upon questioning, the City Manager stated that the $80,000 budgeted for the clubhouse was originally estimated to cover the construction of the building, the landscaping and architect's fees.

The staff was directed to place this item on the agenda of the December 27th meeting.

REQUEST OF DR. GEORGE VALENTINE TO DISCUSS OFF-STREET PARKING MATTERS 8-53

The following documents were entered into the record of the minutes: Memorandum from Director of Public Works, dated December 8, 1965, subject, "Council Agenda Item No. 8, December 6, 1965, Dr. George Valentine discussing Parking Requirements," and memorandum from the City Attorney, dated December 9, 1965, subject, "Parking Requirements - Dr. George Valentine."

Dr. George Valentine, 518 Needham Avenue, said that he wished to discuss the parking situation at 14th and Needham Avenues. He said that there were no parking problems at this location at the present time; that on or about June 19, 1963, he deposited the sum of $3,000 with the City for which the City was to provide offstreet parking. He said that the parking had not been provided and asked if it would be possible to furnish the city a savings and loan certificate or equivalent in lieu of the $3,000.

The City Attorney stated that the Code would have to be amended to permit anything but a cash deposit.

Dr. Valentine also stated that in enforcing the off-street parking code requirements, consideration should be given to the area involved; that in his opinion, parking requirements in the area of his business were completely different than those in a congested business area; that he would pay for a one-month survey of the area to prove that additional off-street parking was not needed in the area.

The City Attorney outlined the in-lieu off-street parking provisions.

Director of Public Works Campbell stated that Dr. Valentine was convinced that the City's off-street parking requirements had been met in connection with the construction of two buildings, questioned by Dr. Valentine.

Dr. Valentine was directed to submit to the staff any proposal he might have in connection with the off-street parking requirement.

Councilman Hughes was excused from the meeting.

CONSIDER RECOMMENDATION OF PERSONNEL COMMISSION THAT PERSONNEL RULES 13.3, 13.4 and 17.2 BE AMENDED EFFECTIVE IMMEDIATELY

At the request of Councilman Hughes, no action was taken on the Personnel Commission recommendation that Personnel Rule No. 13.4 be amended to provide for ten working days' vacation after one year of service until such time as he could be present.

RESOLUTION NO. 65-681

A RESOLUTION AMENDING SECTION 13.3 OF THE PERSONNEL RULES RELATING TO HOLIDAYS AND SECTION 17.2 OF THE PERSONNEL RULES RELATING TO GRIEVANCES

Introduced by Shastid Seconded by VanderWall

Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: Hughes

There were no objections by the Council to the City Manager's request that December 24, 1965, be declared a holiday by administrative order, for all employees except emergency personnel.

LETTER FROM STATE DELEGATING AUTHORITY TO REGULATE PARKING ON STATE HIGHWAYS

A memorandum from Director of Parking and Traffic Carmody, dated December 16, 1965, subject, "Delegation of Authority on Parking for State Highways," was entered into the record of the minutes. The memorandum indicated that the State was now willing to delegate authority to the

Director of Parking and Traffic to regulate parking on state highways within the City, with the State still retaining authority for parking meters.

Upon questioning, Mr. Carmody stated that this delegation of authority also applied to McHenry Avenue.

RESOLUTION NO. 65-682

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS-DELEGATION OF AUTHORITY TO REGULATE PARKING

Introduced by Smith Seconded by Mitchell

Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: Hughes

REPORT ON POLICE DEPARTMENT PERSONNEL

A memorandum of Police Chief Bowers, dated December 16, 1965, subject, "Police Personnel," requesting authority to recruit four patrolmen, one typist-clerk and two radio-telephone operators, beginning January, 1966, was entered into the record of the minutes. These positions were tentatively approved in the 1965-66 budget, subject to council review.

MOTION

That the request of the Police Chief to recruit four patrolmen, one typist-clerk and two radio-telephone operators be approved as requested

Moved by Shastid Seconded by Patton Unanimously carried

APPROPRIATION TRANSFERS - None

CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS

At the request of the Mayor, and with the unanimous consent of the Council, this matter was held over.

DISCUSS ADJOURNMENT OF DECEMBER 27TH COUNCIL MEETING

A poll of the Council determined that a sufficient number of councilmen would be present to hold/December 27th council meeting as scheduled.
the

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Shastid Unanimously carried

The meeting adjourned at 6:30 P.M.

ATTEST: Pauline P. Stanley
Pauline P. Stanley
Acting City Clerk

Modesto City Council
December 27, 1965

The Council of the City of Modesto met in regular session this date at 7:30 P.M., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Vice Mayor VanderWall presiding.

Present: Councilmen: Hughes, Patton, Shastid, Smith, Vice Mayor VanderWall
(Councilman Shastid arrived at 7:35 P.M.)

Absent: Councilmen: Mitchell, Mayor Johansen

The pledge of allegiance to the Flag was given by all present.

Reverend R. Truman Northup gave the invocation.

LETTER FROM CITY-COUNTY LIBRARIAN ERLICH REGARDING NAME OF NEW LIBRARY TO BE LOCATED IN THE GREGORY GARDENS SHOPPING AREA

A letter from Martin Erlich, County Librarian, requesting that the proposed branch library to be located in Gregory Gardens Shopping area at 2015 Tully Road be called the "Sol P. Elias Public Library" was entered into the record of the minutes.

By order of the Chair, the letter was referred to the Public Relations Committee for consideration at such time as the joint city-county library is established.

Councilman Shastid arrived at 7:35 P.M.

LETTER FROM DOWNTOWN MODESTO ASSOCIATION THANKING THE CITY COUNCIL AND STAFF FOR ASSISTANCE WITH THE DOWNTOWN CHRISTMAS STREET DECORATIONS 1-27

A letter from Tom Berglund, Christmas Decoration Chairman, Downtown Modesto Association, dated December 17, 1965, thanking the Council and staff for assistance with the Christmas street decorations, was entered into the record of the minutes.

The letter was ordered filed.

CONSIDER ACCEPTANCE OF BID OF BLISS-GAMEWELL, NEWTON, MASSACHUSETTS, TO FURNISH FIRE ALARM EQUIPMENT IN ACCORDANCE WITH CITY SPECIFICATIONS NO.E65

RESOLUTION NO. 65-683

A RESOLUTION ACCEPTING THE BID OF BLISS-GAMEWELL FOR FIRE ALARM EQUIPMENT

Introduced by Smith Seconded by Patton

Ayes: Hughes, Patton, Shastid, Smith, Vice Mayor VanderWall

Noes: None Absent: Mitchell, Mayor Johansen

RECOMMEND EXTENSION OF TIME FOR FILING FINAL MAP OF SKYLANE PARK NO. 4 SUBDIVISION

RESOLUTION NO. 65-684

A RESOLUTION APPROVING EXTENSION OF TIME FOR FILING FINAL MAP OF SKYLANE PARK NO. 4 SUBDIVISION (TO AUGUST 18, 1966)

Introduced by Smith Seconded by Patton

Ayes: Hughes, Patton, Shastid, Smith, Vice Mayor VanderWall

Noes: None Absent: Mitchell, Mayor Johansen

RECOMMEND EXTENSION OF TIME FOR FILING FINAL MAP OF GREENWOOD ESTATES NO. 2 SUBDIVISION

RESOLUTION NO. 65-685

A RESOLUTION APPROVING EXTENSION OF TIME FOR FILING FINAL MAP OF GREENWOOD ESTATES NO. 2 SUBDIVISION (TO JULY 7, 1966)

Introduced by Smith Seconded by Patton

Ayes: Hughes, Patton, Shastid, Smith, Vice Mayor VanderWall
Noes: None Absent: Mitchell, Mayor Johansen

ACCEPT AS COMPLETE WESTERN PUMP COMPANY'S CONTRACT FOR FURNISHING AND INSTALLING ONE DEEP WELL PUMP AND ELECTRICAL EQUIPMENT FOR PUMP STATION NO. 31 (LEGION PARK)

RESOLUTION NO. 65-686

A RESOLUTION ACCEPTING THE INSTALLATION OF DEEP WELL PUMP AND ELECTRICAL EQUIPMENT FOR PUMP STATION NO. 31 AT LEGION PARK

Introduced by Smith Seconded by Patton

Ayes: Hughes, Patton, Shastid, Smith, Vice Mayor VanderWall
Noes: None Absent: Mitchell, Mayor Johansen

RESOLUTION COMMENDING THE MODESTO HIGH SCHOOL FOOTBALL TEAM FOR HAVING WON THE CENTRAL CALIFORNIA CONFERENCE CHAMPIONSHIP

RESOLUTION NO. 65-687

A RESOLUTION COMMENDING THE MODESTO HIGH SCHOOL PANTHERS FOR WINNING THE CENTRAL CALIFORNIA CONFERENCE FOOTBALL CHAMPIONSHIP

Introduced by Smith Seconded by Patton

Ayes: Hughes, Patton, Shastid, Smith, Vice Mayor VanderWall
Noes: None Absent: Mitchell, Mayor Johansen

CONSIDER PURCHASE OF ODOR CONTROL EQUIPMENT FOR USE AT SEWAGE TREATMENT PLANT

RESOLUTION NO. 65-688

A RESOLUTION AUTHORIZING PURCHASE OF ODOR CONTROL EQUIPMENT FOR USE AT SEWAGE TREATMENT PLANT

Introduced by Smith Seconded by Patton

Ayes: Hughes, Patton, Shastid, Smith, Vice Mayor VanderWall
Noes: None Absent: Mitchell, Mayor Johansen

RESOLUTION NO. 65-689

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $475 FOR PURCHASE OF ODOR CONTROL EQUIPMENT FROM RE-ODORANT ENGINEERING COMPANY

Introduced by Smith Seconded by Patton

Ayes: Hughes, Patton, Shastid, Smith, Vice Mayor VanderWall
Noes: None Absent: Mitchell ,Mayor Johansen

CONSIDER APPROVAL OF BUDGET FOR ENGINEERING FUNDS FOR CITY STREETS UNDER SECTION 2107-5 OF THE STREETS AND HIGHWAYS CODE

RESOLUTION NO. 65-690

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO ADOPTING AND SUBMITTING A BUDGET FOR EXPENDITURE OF STATE ALLOCATED (ENGINEERING) FUNDS

Introduced by Smith Seconded by Patton

Ayes: Hughes, Patton, Shastid, Smith, Vice Mayor VanderWall
Noes: None Absent: Mitchell, Mayor Johansen

APPROVE PLANS, SPECIFICATIONS AND CALL FOR BIDS FOR DRYDEN GOLF COURSE CLUBHOUSE

Kenneth Kaestner, architect hired by the City to prepare the plans and specifications for the Dryden Golf Course Clubhouse, was questioned by the Council on the following matters: the fact that the proposed clubhouse will be located in the flood zone, Mr. Kaestner stating that only the basement was involved, the remainder of the building being above the flood line; in the event of a flood, its effect on the building, Mr. Kaestner stating that the foundation would not be affected, nor would there be an erosion problem; factors contributing to the plans and specifications being behind schedule.

The Council questioned the staff on new dam construction since the last flood which has contributed to flood control. Director of Public Works Campbell stated that construction of the new Don Pedro Dam would also lessen the possibility of severe flooding; that in the event of inundation, the effects would not be serious because of ground cover in the form of lawn; that there would be little or no velocity of water at this point which would affect the foundation; that changes were made in the plans to provide a metal frame and cement plaster on the ground floor to minimize damage in the event of a flood.

The City Manager stated that the location of the proposed clubhouse was chosen because it provided the best control spot on the golf course for the starter.

Upon questioning, Mr. Kaestner stated that the lower level of the proposed clubhouse would contain the shower rooms and toilets and a storage room for the pro shop; that in the event of a flood, forewarning would permit sandbagging of the openings; that the plans and specifications gave the contractor 150 days within which to construct the building.

Director of Public Works Campbell stated that if the call for bids proceeded as scheduled, the contract would probably be let about February 15, with the building to be completed some time in July.

Andy Sylva, golf pro, Dryden Park, upon questioning, said it was his belief that the clubhouse, as designed, would fulfill both present and future needs of the golfers at Dryden Golf Course.

RESOLUTION NO. 65-691

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CLUBHOUSE, DRYDEN MUNICPAL GOLF COURSE

Introduced by Patton Seconded by Hughes

Ayes: Hughes, Patton, Shastid, Smith, Vice Mayor VanderWall

Noes: None Absent: Mitchell, Mayor Johansen

January 18, 1966, at 10:00 A.M. in the City Clerk's Office was set as the time and place of hearing.

RESOLUTION REJECTING ALL PROPOSALS RECEIVED FOR THE CONSTRUCTION OF TWO SEWAGE LIFT STATIONS AND APPURTENANCES

A memorandum from the Director of Public Works, dated December 23, 1965, subject, "Construction of Sanitary Sewer Facilities: 1) Sewage Lift Station and Appurtenances on Martin Avenue between Clayton Avenue and Idalou Avenue; 2) Sewage Lift Station and Appurtenances at Rose Avenue and Celeste Drive," recommending rejection of all bids opened December 21st for this project, was entered into the record of the minutes.

RESOLUTION NO. 65-692

A RESOLUTION REJECTING ALL BIDS FOR THE CONSTRUCTION OF SANITARY SEWER FACILITIES - SEWAGE LIFT STATIONS AND APPURTENANCES

Introduced by Hughes Seconded by Smith

Ayes: Hughes, Patton, Shastid, Smith, Vice Mayor VanderWall

Noes: None Absent: Mitchell, Mayor Johansen

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZE A SECOND CALL FOR BIDS FOR THE CONSTRUCTION OF SANITARY SEWER FACILITIES: (1) SEWAGE LIFT STATION AND APPURTENANCES ON MARTIN AVENUE BETWEEN CLAYTON AVENUE AND IDALOU AVENUE: (2) SEWAGE LIFT STATION AND APPURTENANCES AT ROSE AVENUE AND CELESTE DRIVE

RESOLUTION NO. 65-693

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF SANITARY SEWER FACILITIES - SEWAGE LIFT STATIONS

Introduced by Hughes Seconded by Smith

Ayes: Hughes, Patton, Shastid, Smith, Vice Mayor VanderWall

Noes: None Absent: Mitchell, Mayor Johansen

January 6, 1966, at 10:00 A.M. in the City Clerk's Office was set at the time and place of hearing.

RECOMMEND THAT INSTALLATION OF WATER LINES TO SERVE HIGHLAND MANOR NO. 1 SUBDIVISION BE PERFORMED BY CITY FORCES

RESOLUTION NO. 65-694

A RESOLUTION REJECTING ALL BIDS AND AUTHORIZING THE WORK TO BE PERFORMED BY THE CITY FOR THE INSTALLATION OF WATER LINES IN AND TO HIGHLAND MANOR NO. 1 SUBDIVISION

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Patton, Shastid, Smith, Vice Mayor VanderWall

Noes: None Absent: Mitchell, Mayor Johansen

ANSWER FROM SOUTHERN PACIFIC REGARDING TIMING OF DESCENT OF CROSSING GATES

The following documents concerning the timing of the crossing gate operation at the B Street crossing were entered into the record of the minutes: Letter from Southern Pacific Company, dated December 10, 1965, indicating that the operation is in the limits considered by Southern Pacific as being optimum for safe protection; memorandum from Director of Parking and Traffic Carmody, dated December 23, 1965, subject, "Timing of Descent of Crossing Gates," expressing the opinion that the timing of the gates descent is about as good as can be done.

The documents were ordered filed.

GENERAL PLAN

The following revised documents pertaining to the General Plan amendments were entered into the record of the minutes: "General Plan, Modesto Urban Area, Goals, Principles, Standards;" "Neighborhood Analysis for Amended General Plan, March 1965, Ultimate;" Map entitled "Modesto Urban Area General Plan as Amended."

This matter was considered by the Council at its December 20th meeting, with the matter referred back to the staff for preparation of necessary documents incorporating the changes recommended by the Planning Commission

in Resolution No. 65-153; and referred back to the Planning Commission for consideration of the recommendation made by Dr. Wiser that the location of the proposed neighborhood shopping center adjacent to a junior high school site on Old Oakdale Road be changed to another corner of the intersection.

The City Manager stated that the Planning Commission met on Tuesday, December 28th, had reapproved the amended General Plan with slight changes indicating that the Goals, Principles and Standards specifically apply to the Modesto Urban Area, and are in addition to the Goals, Principles, and Standards adopted in 1959 as part of the Modesto-Ceres-Empire Area General Plan; that proposed community facility locations depicted on the Plan Map indicate a need in the general vicinity shown and are not intended to be precise locations.

RESOLUTION NO. 65-695

A RESOLUTION ADOPTING AMENDMENTS TO THE MODESTO URBAN AREA GENERAL PLAN AND CERTIBYING COPIES THEREOF TO THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS AND TO THE CITY COUNCIL OF THE CITY OF CERES

Introduced by Hughes Seconded by Shastid

Ayes: Hughes, Patton, Shastid, Smith, Vice Mayor VanderWall

Noes: None Absent: Mitchell, Mayor Johansen

PRECISE ALIGNMENT FOR BRIGGSMORE-NORTHERN

The following document was entered into the record of the minutes: Memorandum from Russell Fey, Secretary, City Planning Commission, dated December 22, 1965, recommending that the Council authorize the City staff, and recommend to Stanislaus County that a design of the Briggsmore-Northern Boulevard alignment be prepared so that a precise plan may be adopted for this area of the community.

The status of the improvement of Briggsmore-Northern between 99 Highway and McHenry Avenue was discussed. Director of Public Works Campbell stated that Briggsmore Avenue was completed; Northern Boulevard was not; that construction of K-Mart had changed the traffic characteristics of Briggsmore; that traffic volume could continue to grow for some time before the growth became a problem and a second lane needed to be provided. He said that it was necessary to obtain considerable rights of way on Northern Boulevard between 99 Highway and McHenry in order to complete it; that almost all of the rights of way needed for Briggsmore-Northern east of McHenry were in the County.

The City Manager stated that the Council could make a decision on the inclusion of the improvement of Briggsmore-Northern in the capital improvement program when it is presented to the Council by the Planning Commission this Spring.

MOTION

That the staff be authorized to make a study of the intersection of Briggsmore-Northern and Old Oakdale Road; that the staff investigate further and discuss with the Planning Commission, County and M. I. D. for more rapid progress towards putting Briggsmore-Northern into effect.

Moved by Shastid Seconded by Patton Unanimously carried

LETTER TO SYLVAN UNION SCHOOL BOARD REGARDING TWO ELEMENTARY SCHOOL AND NEIGHBORHOOD PARK SITES IN THE FLOYD NEIGHBORHOOD 3-9

A letter from the Planning Commission to the Board of Trustees, Sylvan Union School District, dated December 22, 1965, outlining recommendations for two site alternatives for a school and park in the Floyd neighborhood, was entered into the record of the minutes.

No action was taken by the Council. The report was ordered filed.

MATTERS FOR THE GOOD OF THE COMMUNITY

Introduction of member of Farm-City Advisory Committee

Vice Mayor VanderWall introduced John DeBoer, a member of the Farm-City Advisory Committee present in the audience.

ADJOURNMENT OF MEETING TO EXECUTIVE SESSION

MOTION

That the Council meet in Executive Session to discuss appointments to Boards and Commissions, and adjourn

Moved by VanderWall Seconded by Patton Unanimously carried

The meeting adjourned at 8:05 P.M.

ATTEST: Rex E. Gailfus

REX E. GAILFUS
City Clerk