The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, 801 11th Street, as provided by Section 2-1.01 of the Modesto Municipal Code, Mayor Johansen presiding.

The City Clerk called the roll:

Present: Councilmen: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Councilman Shastid arrived at 4:36 P.M.
Absent: Councilmen: None

Reverend Truman Northup gave the invocation.

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

APPROVAL OF MINUTES

Council members having received copies of the minutes of the regular meetings of December 16 and 23, 1963 and the same being available for public inspection, and there being no objections, the minutes were approved.

PRESENTATION OF CERTIFICATE OF COMPLETION TO DOUGLAS J. CARMODY AND MARY GROGAN

Presentation of certificates of completion - Public Works Administration Course - were made by Mayor Johansen to Douglas Carmody, Director of Parking and Traffic and Mary Grogan, Director of Parks and Recreation.

LETTER FROM TOMY OSTERMAIER REQUESTING AN OPPORTUNITY TO BE HEARD ON A MATTER CONCERNING HIS LONG-TERM TENANCY AT THE MUNICIPAL AIRPORT

The City Manager read a letter from Tomy Ostermaier dated December 17, 1963 requesting an opportunity to appear before the Council to present facts concerning his tenancy at the Modesto City-County Airport.

Harry Sham, Airport Manager, briefly outlined the leasing of space at the Airport since 1945, stating that Mr. Ostermaier had rented office space at the Airport from Pathfinder Flying Service from 1946 to 1956, and from 1956 to the present time from Donald Montgomery. He said that no other office space was available for leasing at the present time, but that land was available where office space could be erected.

Mr. Ostermaier told the Council that he constructed the office he was occupying at his own expense; that during the past three months he was attempting to take in two partners to assist in the operation of a twin-engine plane charter service; that he had received a 30-day notice of termination of his office space from Mr. Montgomery. He said that no other office space was available at the Airport and asked that Mr. Montgomery's lease with the City be rewritten to protect his rights to his office space.

The City Attorney stated that under the terms of the lease between the City and Mr. Montgomery, Mr. Montgomery had control of the lease of the premises.

At the request of Mr. Ostermaier, the City Clerk read a letter from Mr. Montgomery to Mr. Ostermaier which stated that "if Mr. Ostermaier will resume full-time operation immediately as he did in the past and at the time he became my tenant in July 1956, the 30-day termination will be withdrawn."

Mr. Montgomery stated that he was badly in need of office space for himself but had only considered termination of Mr. Ostermaier's lease when his airport operations were no longer the sole means of his livelihood, which fact, in his opinion, altered considerably the circumstances under which the lease was originally granted. He said that Mr. Ostermaier was leasing the office space on a month-to-month basis and he could continue the original lease only if there was no alteration in his operations.

Two alternates available to Mr. Ostermaier for obtaining office space at the Airport were presented by the Council - rental of land at the Airport for erection of office space, or to resubmit his request for office space when Mr. Montgomery's lease is up for renewal.

Merle Heffner, owner of Sylvair Flying School, spoke of his desire to protect his large investment at the Airport.

No action was taken by the Council.

Councilman Shastid arrived at 4:36 P.M.

LETTER FROM HOME BUILDERS ASSOCIATION OF CENTRAL CALIFORNIA, INC., RE: PARK FEE REQUIRED IN SUBDIVISION IMPROVEMENTS 3-90

Copies of a letter from Rex E. Higbee, President, Home Builders Association of Central California, Inc., dated December 13, 1963 were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The letter was summarized by the City Clerk.

Mr. Higbee stated in his letter that the provisions of Section 4-4.803 of the Municipal Code requiring that subdividers pay the City the sum of $20 for each residential lot in the subdivision for the acquisition, development or maintenance of park and recreational facilities to serve the residents of the area proposed to be subdivided, were illegal, unconstitutional and void. He requested that this section of the Code be repealed inasmuch as it has been held by the District Court of Appeal of the State of California, 155 C.A. 2d 638, that the purpose of the Subdivision Map Act is to provide for regulation and control of the design and improvement of a subdivision and not to provide funds for the benefit of the entire city. He asked that the City refrain from exacting this fee pending repeal of Section 4-4.803.

MOTION

That the letter be referred to the Council Public Projects Committee for review and report

Moved by VanderWall Seconded by Hughes Unanimously carried

LETTER FROM MARION H. MOOREHEAD, POSTMASTER

A letter from Marion H. Moorehead, Postmaster, thanking the Council and staff for cooperation during the past year, was read by the City Clerk.

The City Clerk was directed to acknowledge the letter.

LETTERS FROM FRANK ANDREWS REGARDING MUD DAMS AND NEW YEAR 1964

Copies of letters from Frank Andrews dated December 19, 1963 and January 2, 1964, subject, "Mud Dams," and "The New Year of 1964 -

Calls for a New Look at Mistakes Made in 1962-63," were furnished the Council prior to the meeting, copies of which are on file with the record of the minutes. The letters were summarized by the City Clerk.

The letter dated December 17, 1963, subject, "Mud Dams," was ordered filed.

By order of the Chair, Mr. Andrews' letter dated January 2, 1964 subject, "The New Year 1964 Calls for a New Look at Mistakes Made in 1962-63," was referred to the Public Relations Committee for discussion of Mr. Andrews' suggestion that a committee be appointed to salvage at least part of the hugh expenses involved in city operations. The City Clerk was directed to inform Mr. Andrews of the action taken by the Council.

LETTER FROM DAVE W. ABEL REGARDING LITTER CANS TO BE PLACED AT VARIOUS CORNERS THROUGHOUT THE CITY

A letter from Dave W. Abel dated December 31, 1963 requesting permission to place litter cans bearing slogans and advertising matter throughout the City was read by the City Clerk.

Mr. Abel spoke briefly in behalf of his proposal.

The legality of the matter was discussed.

MOTION

That Mr. Abel's request to place litter cans at various corners throughout the City be denied

Moved by Mitchell Seconded by VanderWall Unanimously carried

LETTERS REGARDING THE NAMING OF CALIFORNIA-FRANKLIN PARK 4-90

Letters from Leopold Prescott, 119 Oak Street, dated December 14, 1963; Sterling Marie Dill, 304 Spencer Avenue, undated; and Gordon W. Nutson, 538 McHenry Avenue, dated December 12, 1963 requesting that the California-Franklin park site be named in memory of the late President John F. Kennedy, were summarized by the City Clerk. Copies of the letters are on file with the record of the minutes.

Mayor Johansen said it was important to establish a policy on the naming of parks.

By order of the Chair, the matter was referred to the Public Relations Committee.

ADOPTION OF ORDINANCE NO. 633-C.S. REZONING YOSEMITE BOULEVARD PROPERTY (KULLIJIAN)

ORDINANCE NO. 633-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAPS 28 AND 33 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (HARRY KULLIJIAN)"

introduced December 16, 1963 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

RESOLUTION APPROVING SUPPLEMENTAL AGREEMENT BETWEEN SOUTHERN PACIFIC COMPANY AND CITY OF MODESTO APPROVING EXTENSION OF TIME FOR CITY TO COMMENCE WORK ON KANSAS AVENUE CROSSING 4-115

RESOLUTION NO. 64-1
A RESOLUTION APPROVING SUPPLEMENTAL AGREEMENT BETWEEN THE CITY OF MODESTO AND SOUTHERN PACIFIC COMPANY APPROVING EXTENSION OF TIME FOR CITY TO COMMENCE WORK ON KANSAS AVENUE CROSSING (extending time to November 1964)

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

CONSIDER APPROVAL OF AGREEMENT BETWEEN THE CITY AND SOUTHERN PACIFIC COMPANY - EASEMENT 5-1

Director of Public Works Campbell stated that the staff has been working with property owners in the meat packing area for about eighteen months, and a proposal prepared for the development of a water system in the area. He said that a draft agreement has been distributed to the property owners; that the proposed agreement covers right-of-way easements on Southern Pacific property needed in order to proceed with the work. Mr. Campbell said that if work is not commenced within a period of one year, the rights of way revert to Southern Pacific.

RESOLUTION NO. 64-2
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND SOUTHERN PACIFIC COMPANY PROVIDING GRANT OF EASEMENT TO THE CITY OF MODESTO FOR PROPOSED CONSTRUCTION OF WATER SYSTEM

Introduced by Shastid Seconded by VanderWall

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

RESOLUTION APPROVING PAYMENT OF $200 TO ULRICH SHOPPING CENTER MERCHANTS' ASSOCIATION FOR CHRISTMAS DECORATIONS

This item was removed from the agenda inasmuch as budgeted funds are available.

RESOLUTION APPROVING AGREEMENT BETWEEN CITY AND DEAN F. COOPER AND DONALD GIOTTONINI WHEREBY CITY AGREES TO FURNISH SEWER SERVICE TO PROPERTY NOT WITHIN CITY LIMITS

The City Manager stated that the proposed agreement provides that the City will furnish sewer service to property on Scenic Drive at such time as it is purchased by Dean F. Cooper and Donald Giottonini, subject to dedication of right of way and improvement at their own expense the portion of Scenic Drive adjacent to the property.

RESOLUTION NO. 64-4
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DEAN F. COOPER AND DONALD GIOTTONINI FOR SEWER SERVICE TO PROPERTY ON SCENIC DRIVE

Introduced by VanderWall Seconded by Shastid

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

REVIEW PRELIMINARY PLAN FOR NORTHERN BOULEVARD FIRE STATION

Preliminary plans for the Northern Boulevard Fire Station prepared by Architect Ray Abst were displayed to the Council.

Fire Chief Everett reviewed the plans submitted and compared them with plans for a fire station proposed at one time to be located on Orangeburg Avenue.

The roof, designed by the architect to lower the perspective of the 13'6" height of the door, was discussed.

Chief Everett stated that the plans were adaptable for future fire station construction in the City; that the plans were checked by engineers of the Pacific Fire Rating Bureau who expressed the opinion that the design was functional and would meet area requirements. $56,000 is budgeted for construction of the fire station.

MOTION

That the fundamental layout of the plans be approved but the matter of the roof design and total exterior appearance be reviewed

Moved by Tabbert Seconded by VanderWall Unanimously carried

CONSIDER APPROVAL OF RIGHT OF WAY CONTRACT BETWEEN CITY AND WILLIAM J. AND AGNES B. SHAFFER FOR WIDENING OF TULLY ROAD 6-75

RESOLUTION NO. 64-5

A RESOLUTION APPROVING RIGHT OF WAY CONTRACT BETWEEN CITY OF MODESTO AND WILLIAM J. SHAFFER AND AGNES B. SHAFFER FOR WIDENING OF TULLY ROAD

Introduced by Shastid Seconded by VanderWall

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

CONSIDER RESOLUTION REJECTING CLAIM OF MYRON W. ANDERSON FOR DAMAGES

RESOLUTION NO. 64-6

A RESOLUTION REJECTING THE CLAIM OF MYRON W. ANDERSON FOR DAMAGES AGAINST THE CITY OF MODESTO (motorcycle fall, Highway 99, between B and C Streets)

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

CONSIDER APPROVAL OF RIGHT OF WAY CONTRACT FOR THE ACQUISITION OF RIGHT OF WAY FROM FRED W. ROBILLARD AND LYDIA M. ROBILLARD FOR WIDENING OF TULLY ROAD

RESOLUTION NO. 64-7

A RESOLUTION APPROVING RIGHT OF WAY CONTRACT BETWEEN THE CITY OF MODESTO AND FRED W. AND LYDIA M. ROBILLARD FOR WIDENING OF TULLY ROAD

Introduced by VanderWall Seconded by Hughes

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

CONSIDER AGREEMENT BETWEEN THE CITY OF MODESTO AND V. V. BIRD FOR SEWER SERVICE TO BIRD TRACT NO. 1 SUBDIVISION

RESOLUTION NO. 64-3

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND V. V. BIRD FOR SEWER SERVICE TO BIRD TRACT NO. 1 SUBDIVISION

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

PLANNING COMMISSION CONSIDERATION REGARDING FUTURE STATUS OF PARADISE ROAD 6-99

Copies of a memorandum from Planning Director Russell C. Fey dated January 2, 1964 relative to the status of Paradise Road on the General Plan were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The memorandum indicated that the Planning Commission will probably hold a public hearing on amendments to the General Plan early in February 1964.

The memorandum was read by the City Manager.

No action was taken by the Council.

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

Mayor Johansen read a statement to the Council entitled "Year-end Review," a copy of which is on file with the record of the minutes.

REMINDER

Announcement was made of the League of California Cities meeting in Stockton, January 23, 1964. Deadline for making reservations with the City Clerk is January 20, 1964.

CONSIDER APPOINTMENTS OF BOARD AND COMMISSION MEMBERS

Mayor Johansen stated that the Council would adjourn to executive session to consider appointments to Boards and Commissions.

ADJOURNMENT

MOTION

That the meeting adjourn to executive session for the purpose of considering appointments to Boards and Commissions

Moved by VanderWall Seconded by Tabbert Unanimously carried

The meeting adjourned at 5:45 P.M.

ATTEST: Rex E. Gaiffus
REX E. GAIFFUS, City Clerk
Page 6 1/6/64

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, 801 11th Street, as provided by Section 2-1.01 of the Municipal Code, Mayor Johansen presiding.

The City Clerk called the roll:

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

Reverend Donald Sayer gave the invocation.

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

APPROVAL OF MINUTES

Council members having received copies of the minutes of the regular meeting of January 6, 1964 and the same being available for public inspection, and there being no objections, the minutes were approved.

PRESENTATION OF FORWARD MODESTO COMMITTEE '62 - FULL REPORT

Paul Birmingham, General Chairman of Forward Modesto Committee '62, presented four bound copies of the complete record of the Committee's studies and decisions for distribution to the City Planning Commission, McHenry Library, the City Manager, and the City Clerk.

The report was accepted by the Council.

LETTER FROM ROBERT W. KERR, PRESIDENT, MODESTO JUNIOR CHAMBER OF COMMERCE RE DESIGNATION "JAYCEE WEEK" JANUARY 19 TO 25, INCLUSIVE

A letter from Robert W. Kerr dated January 3, 1964 requesting that the week of January 19 through 25, 1964 be designated "Jaycee Week," was read by the City Clerk.

Mayor Johansen stated that a proclamation so indicating had already been prepared and signed by order of the Chair.

REQUEST BY SIGN DESIGNS FOR VARIANCE TO SIGN REGULATIONS

A letter dated January 7, 1964 from Ruel P. Strong, agent for Sign Designs requesting a variance from the Sign Regulations to permit installation of two clocks on a building located on the southwest corner of 10th and J Streets, was read by the City Clerk.

Director of Public Works Campbell stated that installation of the clocks at the 13-foot elevation requested violated the Municipal Code which sets a minimum installation height of 15 feet and a maximum of 20 feet, and limits the number of clocks for any one business to one. He said that an amendment to the Code was necessary in order to permit the installation of clocks as requested.

The City Manager stated that the clocks were already installed.

MOTION

That the staff be instructed to prepare an ordinance amending the sign regulations to permit installation of two clocks on corner premises so long as the clocks face different streets; and to lower the minimum height limitation from 15 feet to a limitation recommended by the staff

Moved by Mitchell Seconded by VanderWall Unanimously carried

LETTER FROM JOHN E. KIDD, PRESIDENT, STANISLAUS COUNTY HOLSTEIN ASSOCIATION REGARDING PARKING CREDENTIALS FOR GUESTS AT CONVENTION

A letter from John E. Kidd, President, Stanislaus County Holstein Association, dated January 7, 1964 requesting visitors' parking credentials for guests attending a convention in Modesto on February 7, 1964 was read by the City Clerk.

MOTION

That Mr. Kidd's request for parking credentials in downtown Modesto during the Stanislaus County Holstein Association convention be approved

Moved by VanderWall Seconded by Mitchell Unanimously carried

The City Clerk was directed to write a letter to Mr. Kidd advising him of the Council's action

LETTER FROM HUMBLE OIL AND REFINING COMPANY REQUESTING A VARIANCE FOR PAVING OF STREET AREA - SANTA CRUZ AVENUE NEAR YOSEMITE 2-9

A letter from Wayne A. Goodell, Field Engineer, Humble Oil and Refining Company, Oakland, California dated January 6, 1964 requesting a variance to permit application of 2" asphaltic concrete over the existing surface between the property line and the edge of the street, 25 feet more or less, on the portion of South Santa Cruz Avenue adjacent to a service station located on the southwest corner of South Santa Cruz Avenue and Yosemite Boulevard, was summarized by the City Clerk. Copies of the letter were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

Director of Public Works Campbell recommended that a temporary variance be granted for the construction of two 20-foot plant mix driveways, with curb, gutters, and driveway approaches to be constructed at such time as Yosemite Boulevard is improved and/or a storm drainage system is developed.

RESOLUTION NO. 64-8

A RESOLUTION GRANTING A VARIANCE TO HUMBLE OIL AND REFINING COMPANY TO INSTALL TEMPORARY PAVING ADJACENT TO A SERVICE STATION LOCATED AT THE SOUTHWEST CORNER OF YOSEMITE BOULEVARD AND SOUTH SANTA CRUZ AVENUE (revocable upon demand of the City)

Introduced by Shastid Seconded by VanderWall

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

LETTER FROM FRANK ANDREWS REGARDING NEED FOR PROPOSED COMMITTEE ON FIRE AND WATER CONTROL

A letter from Frank Andrews dated January 8, 1964 subject, "Committee Needed Now on Fire and Water Control," was summarized by the City Clerk. Copies of the letter were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

The City Clerk was directed to inform Mr. Andrews that his letter has been referred to the Council Public Relations Committee.

COMMUNICATION FROM LEWIS HAWKINS REGARDING LICENSES FOR LIVESTOCK HAULERS

A letter from Attorney Lewis Hawkins dated January 3,1964 requesting that the Municipal Code be amended by adding subsection (f) to Section 6-1.106 pertaining to delivery of livestock at a livestock auction yard by individuals, growers, and commercial truckers, was summarized by the City Manager. Copies of the letter were furnished the Council prior to the meeting, and a copy filed with the record of the minutes.

By order of the Chair, the matter was referred to the Public Project Committee for review and report.

LETTER FROM MODESTO COLTS BASEBALL CLUB RE AGREEMENT FOR USE OF DEL WEBB FIELD 2-46

A letter from Anthony A. Arcure, President, Modesto Colts, Modesto Baseball Club, dated January 8,1964 requesting renewal of the lease for the use of Del Webb Field by the Modesto Colts Baseball Club, was read by the City Manager.

MOTION

That receipt of the letter be acknowledged and that the lease renewal be approved for a period of five years

Moved by Shastid Seconded by VanderWall Unanimously carried

CONSIDER AWARD OF BID FOR SUPPLYING CODE SHEETS FOR CALENDAR YEAR 1964

RESOLUTION NO. 64-9

A RESOLUTION ACCEPTING THE BID OF WILLEY PRINTING COMPANY FOR PRINTING OF REVISED AND SUPPLEMENTAL CODE PAGES FOR CALENDAR YEAR 1964 (only bidde

Introduced by VanderWall Seconded by Tabbert

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

CONSIDER AWARD OF BID FOR REPAINTING SUBMERGED METAL AND CONCRETE SURFACES AT SEWAGE TREATMENT PLANT

With the consent of the Council, this matter was held over.

ORDINANCE ADDING ARTICLE 3 TO CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE, RELATING TO MANDATORY SEWER CONNECTION 2-78

ORDINANCE NO. 634-C.S. entitled

"AN ORDINANCE ADDING ARTICLE 3 TO CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE, RELATING TO MANDATORY SEWER CONNECTION"

was introduced and ordered published as required by the Charter.

Moved by Mitchell Seconded by VanderWall

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

APPROVE AGREEMENT WITH SOUTHERN PACIFIC COMPANY FOR SIDEWALKS, CURBS AND GUTTERS ON THE WEST SIDE OF 9TH STREET

Copies of a memorandum from Director of Parking and Traffic Carmody dated January 8, 1964 subject, "S.P.R.R. Agreement for Sidewalks on West Side of Ninth Street between H and K Streets," recommending that an agreement between the City and Southern Pacific Co. covering the construction of sidewalks on the west side of Ninth Street between H and K Streets, be approved, were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

RESOLUTION NO. 64-10

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND SOUTHERN PACIFIC COMPANY FOR SIDEWALKS ON WEST SIDE OF NINTH STREET BETWEEN H AND K STREETS

Introduced by Shastid Seconded by Tabbert

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

REPORT ON SEWAGE TREATMENT PLANT PROPOSALS FOR 1964 OPERATION

Copies of a memorandum from the Director of Public Works dated January 9, 1964, subject, "Sewage Treatment Plant - Proposals for 1964 Operation," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The City Manager stated that further report would be made to the Council at the next meeting.

Director of Public Works Campbell stated that the changes proposed for 1964 operations of the Sewage Treatment Plant totaled about $36,700; $15,500 in the form of capital improvement changes to the facilities and $21,200 for chemicals, labor and equipment in the operating budget. It was Mr. Campbell's belief that the proposed changes would assist in the control of odors at the Sewage Treatment Plant.

The reluctance of sanitary engineers to make recommendations on the proposed changes without benefit of a contract was discussed.

Director of Public Works Campbell recommended that actual data on the performance of the treatment plant, in light of the installation of new equipment, be gathered for one more year before hiring a consultant, stating that the added data would permit a better evaluation of the performance of the plant and its facilities.

The City Manager stated that the flow into the plant has unaccountably increased; that a recommendation would be made at the next meeting that consulting services be hired to determine the cause of the increase. He pointed out that the City now met the requirements of the State Water Pollution Board in connection with the effluent flowing into the river, and was now in a position to concentrate on the problems of odor control. He said it was the staff's opinion that expenditure of $36,700 in an attempt to control odors at the plant was a good investment on the part of the City, with retention of the services of the City's present consultants.

The City Manager stated that an effort would be made to obtain the services of a consultant to review the eleven proposed changes for the 1964 Sewage Treatment Plant operations.

HEARING ON APPEAL BY W. S. TICKLE - DECISION OF THE BOARD OF ZONING ADJUSTMENT - MODESTO COVENANT CHURCH

Mayor Johansen announced that the hour of 8:00 P.M had arrived, the time set for consideration of the appeal of W. S. Tickle to the decision of the Board of Zoning Adjustment in granting a conditional use permit to Modesto Covenant Church at property located on Floyd Avenue, between McHenry Avenue and Coffee Road, and opened the hearing.

Director of Planning Fey reviewed the plot plan of the proposed construction.

The location of the homes of W. S. Tickle and R. L. Stewart who appealed the decision were shown in relation to the proposed church buildin construction.

Upon questioning, Mr. Fey stated that the notices posted on the property and distributed in the area, showed only about half of the property owned by the Modesto Covenant Church subject to the requested conditional use permit.

The City Clerk read a letter from W. S. Tickle, 820 Hampshire Court, and R. L. Stewart, 817 Hampshire Court, listing their objections to the location of the proposed two-story sanctuary: The proposed structure of the high wall and roof will cut their view, lessen the morning sunlight and breeze, since the homes are built with a reverse floor plan with the patio area facing the east; the homes are harmonious with the church construction plans on file with the City at the time the homes were built, and not with the presently proposed construction. The letter indicated that relocation of the proposed sanctuary along the east property line, or a revision of the plans to a one-story sanctuary at the presently proposed location, would be satisfactory.

The following spoke in behalf of Mr. Tickle's appeal for relocation of the sanctuary or revision of the plans: Mr. Tickle; Mr. R. L. Stewart; Oliver Heersink, contractor who built Mr. Tickle's home; Ray Doyle, 813 Hampshire Court.

R. W. Westphal, 2721 Sunrise Avenue, was told that access to the parking lot would be on Floyd Avenue.

Reverend Luverne W. Sands, Pastor, Modesto Covenant Church, requested that the decision of the Board of Zoning Adjustment in granting the church a conditional use permit be upheld. He briefly reviewed the Church's experience in obtaining conditional use permits from both the County and the City. He said that the plans as originally submitted had not been changed, but merely enlarged; that the original permit gave the Church permission to build additional church facilities without specifying the actual number of buildings.

Reverend Sands was questioned on the possibility of changing the plans to place the sanctuary in another location.

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

RESOLUTION NO. 64-12

A RESOLUTION REFERRING THE APPLICATION OF THE MODESTO COVENANT CHURCH FOR A CONDITIONAL USE PERMIT BACK TO THE BOARD OF ZONING ADJUSTMENT AND REQUESTING THAT THE APPLICATION BE REHEARD

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

REQUEST BY THE POLICE CHIEF AND FIRE CHIEF FOR PURCHASE OF A NEW ROTARY INDEX FILE FOR THE NEW POLICE-COMMUNICATIONS BUILDING

Copies of a memorandum from the Chief of Police and City Manager dated January 8, 1964, subject, "Rotary Index File for Police-Communicatio Building," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

RESOLUTION NO. 64-11

A RESOLUTION APPROVING APPROPRIATION TRANSFER TO PURCHASE ROTARY INDEX FILE FOR POLICE-COMMUNICATIONS BUILDING ($600)

Introduced by Shastid Seconded by VanderWall

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

CONSIDER REQUEST OF NATIVE SONS TO PARTICIPATE IN DEDICATION OF THE POLICE-COMMUNICATIONS BUILDING AND TO PROVIDE A PLAQUE FOR THE NEW BUILDING

A memorandum from the City Manager dated January 8, 1964, subject, "Dedicatory Plaque - Police-Communications Building and Dedication Ceremony - Request of Native Sons," was sent to the Council prior to the meeting, a copy of which is on file with the record of the minutes. Recommendation was made that the Council accept both the offer of the Native Sons and Architect Milton Pflueger to place plaques on the building, and the City Manager's office be authorized to supervise and coordinate arrangements for the dedication ceremony.

Attorney Bert Carner spoke briefly in support of the Native Sons' request.

MOTION

That the recommendations of the City Manager outlined in memorandum dated January 8, 1964 be approved

Moved by Shastid Seconded by VanderWall Unanimously carried

REPORTS FROM THE PLANNING COMMISSION - None

APPROPRIATION TRANSFERS - None

CONSIDER LEASE AGREEMENT BETWEEN THE CITY AND GLEN WHEAT FOR LEASE OF FUTURE DOWNEY PARK SITE

RESOLUTION NO. 64-13

A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND GLEN WHEAT FOR THE LEASING OF LAND AT FUTURE DOWNEY PARK PROPERTY FOR THE SUM OF 15% OF GROSS PROCEEDS (10.8 acres for period 1/13/64 to 12/31/64)

Introduced by VanderWall Seconded by Tabbert

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

MATTERS FOR THE GOOD OF THE COMMUNITY

Homer W. Jorgensen, 1320 LaLoma - Services of Sanitary Engineer - Sewage Treatment Plant

Mr. Jorgensen stressed the importance of adequate sewage treatment

facilities both for the present and future needs of the City, and discussed the hiring and establishment of fees for sanitary engineering services.

Mr. Jorgensen was thanked by the Council for his comments.

Design for Northern Boulevard Fire Station - Ray Abst

Ray Abset, architect appointed to design the Northern Boulevard fire station, presented drawings of various roof designs for the fire station requested by the Council at the January 6, 1964 meeting. The original design considered by the Council previously was also displayed to the Council.

Fire Chief Everett pointed out that the design approved by the Council would be duplicated in the relocation of two existing stations and possible construction of a new station.

Upon questioning, Mr. Abst said that in the event the Council wished to change the roof design on future fire station construction, he believed that an hourly rate would be charged for the amount of time involved in the extra detail work - about $400 or $500. Comparative costs of cedar and asbestos shingles were discussed.

MOTION

That the original design for the Northern Boulevard fire station with the adaptation of a mansard roof be approved

Moved by VanderWall Seconded by Mitchell Unanimously carried.

NOTICE OF PUBLIC HEARING BY THE REGIONAL WATER POLLUTION CONTROL BOARD

The City Manager announced that a notice of public hearing was received from the Regional Water Pollution Control Board stating that a public hearing on odor problems connected with the Sewage Treatment Plant would be held in the Board Room of the Modesto Irrigation Office, 11th and N Streets, on January 24, 1964 at 10:00 A.M.

REPORT TO CITY MANAGER ON PARTICIPATION OF REACT GROUP IN HALLOWEEN ENFORCEMENT PROGRAM 12-85

Copies of a memorandum from the Chief of Police dated December 19, 1963 subject, "REACT Halloween Project," with letter from Joseph W. Seibert, Jr., REACT Coordinator, attached, were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

MOTION

That a letter of appreciation for services of the group be sent to Mr. Seibert

Moved by VanderWall Seconded by Shastid Unanimously carried

REPORT ON ESTABLISHMENT OF WORK PROJECTS AND TRAINING PROGRAM FOR UNEMPLOYEI PARENTS

Copies of a memorandum from Deputy City Manager Ray dated December 31, 1963, subject, "Establishment of Work Projects and Training Programs for Unemployed Parents under the Aid to Needy Children Program," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

The City Manager recommended cooperation with the County.

MOTION

That the County be notified of approval of City cooperation; that the staff begin the detail work involved

Moved by Shastid Seconded by Patton Unanimously carried

PRESENTATION OF FINANCIAL STATEMENT FOR MONTH OF DECEMBER 1963

The Financial Statement for the month of December 1963 was presented and ordered filed.

REMINDER - CENTRAL VALLEY LEAGUE DINNER

The City Manager announced that the Central Valley League Dinner meeting would be held in the civic auditorium, Stockton, on January 23,1964

REQUEST BY CITY MANAGER AND DEPUTY CITY MANAGER TO ATTEND THE SPRING CITY MANAGERS' CONFERENCE FEBRUARY 19 - 21, 1964

MOTION

That the request of the City Manager and Deputy City Manager to attend the Spring City Managers' Conference February 19 to 21, 1964 be approved

Moved by VanderWall Seconded by Shastid Unanimously carried

APPOINTMENTS TO BOARDS AND COMMISSIONS

RESOLUTION NO. 64-14

A RESOLUTION REAPPOINTING MEMBER OF THE MODESTO LIBRARY AND CULTURE COMMISSION (BARBARA CROWLEY for period January 1, 1964 to January 1, 1968)

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

RESOLUTION NO. 64-15

A RESOLUTION REAPPOINTING MEMBER OF THE MODESTO CITY PERSONNEL COMMISSION (JAMES R. MORGENSON, for period January 1, 1964 to January 1, 1968)

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

RESOLUTION NO. 64-16

A RESOLUTION REAPPOINTING MEMBER OF THE MODESTO CITY PERSONNEL COMMISSION (FRANK RUSSO, for the period January 1, 1964 to January 1, 1968)

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

RESOLUTION NO. 64-17

A RESOLUTION REAPPOINTING MEMBER OF THE MODESTO CITY PLANNING COMMISSION (ALAN E. FREEBORN, for the period January 1, 1964 to January 1, 1968)

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

RESOLUTION NO. 64-18

A RESOLUTION REAPPOINTING MEMBER OF THE MODESTO CITY BOARD OF ZONING ADJUSTMENT (ELWOOD G. SCHROEDER, for the period January 1, 1964 to January 1, 1968)

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

RESOLUTION NO. 64-19

A RESOLUTION REAPPOINTING MEMBER OF THE MODESTO CITY BOARD OF ELECTRICAL EXAMINERS (LAWRENCE H. DE WITT, for the period January 1, 1964 to January 1, 1968)

Introduced by Patton Seconded by VanderWall
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 10:35 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, 801 11th Street, as provided by Section 2-1.01 of the Modesto Municipal Code, Mayor Johansen presiding.

The City Clerk called the roll:
Present: Councilmen: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Councilman Shastid arrived at 4:15 P.M.
Absent: Councilmen: None

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

Reverend Quenton Prather gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the regular meeting of January 13, 1964 and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM CAPTAIN JAMES F. SCHAAL, SALVATION ARMY, EXPRESSING APPRECIATION FOR USE OF STREET FOR CHRISTMAS KETTLE HOUSE

A letter from Captain James F. Schaal dated January 10, 1964 expressing appreciation for the City permitting the organization to place the Christmas kettle house on the street was read by the City Clerk. The letter was ordered filed.

LETTER FROM JAY PATTEE, MODESTO HIGH SCHOOL, REQUESTING PERMISSION TO USE DRYDEN PARK MUNICIPAL GOLF COURSE FOR 1964 SECTIONAL GOLF TOURNAMENT

A letter from Golf Coach Jay Pattee requesting the use of Dryden Golf Course for the 1964 Sectional Golf Tournament on Tuesday, May 19, 1964 was read by the City Clerk. Request was also made that the normal green fee be waived.

Mr. Pattee stated that the request met the approval of the Parks and Recreation Department and golf pro.

MOTION

That the request of Mr. Pattee for use of Dryden Golf Course for the 1964 Sectional Golf Tournament on Tuesday, May 19, 1964 be approved

Moved by Hughes Seconded by Mitchell Unanimously carried

LETTER FROM MAX D. HANNEY RE PLANNED DEVELOPMENT ZONING AND SPECIAL PERFORMANCE ZONING 1-50

A letter from Max D. Hanney, President, School of American Taxpayers-Inc., requesting the immediate repeal of Planned Development zoning, and that Special Performance zoning never be enacted into law, was summarized by the City Clerk. Copies of the letter and attachment were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

MOTION

That the letter be referred to the Planning Commission, and Mr. Hanney notified by letter from the Mayor that the Planning Commission is holding an informal hearing on the matter on February 4, 1964

Moved by Hughes Seconded by Patton Unanimously carried

Councilman Shastid arrived at 4:15 P.M.

CONSIDER AWARD OF BID FOR AUTOMOTIVE EQUIPMENT 1-87

A tabulation of bids received for automotive equipment was furnished the Council, a copy of which is on file with the record of the minutes.

RESOLUTION NO. 64-20

A RESOLUTION ACCEPTING THE BID OF GRISWOLD AND WIGHT FOR AUTOMOTIVE EQUIPMENT (Items 1 through 6, incl., 4-door sedans; items 8 through 17, 1/2 T pickups; Item 18, 3/4 T pickup; Item 19, 1 T pickup; Item 21, 2 T dump truck; Item 22, 4-door station wagon; Item 23, 4-door sedan; net, $33,749.29)

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

RESOLUTION NO. 64-21

A RESOLUTION ACCEPTING THE BID OF DEAN JONES, INC., FOR AUTOMOTIVE EQUIPMENT (Item 7, (3) 4-door sedans; Item 20, 2 T dump truck; Item 28, 2 T dump truck; net, $15,176.84)

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

RESOLUTION NO. 64-22

A RESOLUTION ACCEPTING THE BID OF VALLEY RAMBLER FOR AUTOMOTIVE EQUIPMENT (Items 24 to 27, inclusive, 2-door sedans, for net amount of $5,774.91)

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

CONSIDER AWARD OF BID FOR REPAINTING SUBMERGED METAL AND CONCRETE SURFACES AT SEWAGE TREATMENT PLANT

RESOLUTION NO. 64-23

A RESOLUTION ACCEPTING THE BID OF PETERSON & HARRIS CO. FOR REPAINTING OF SUBMERGED METAL AND CONCRETE SURFACES - SEWAGE TREATMENT PLANT

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

CONSIDER LETTER FROM PERSONNEL COMMISSION RE SALARY RECOMMENDATIONS

A letter from James R. Morgenson, Chairman, City Personnel Commission, dated January 14, 1964 outlining the Commission's annual study of city salaries and fringe benefits, with recommendations, was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

Copies of a letter from Jerry L. Ferrara, President, Modesto City Employees' Association, dated January 16, 1964, subject, "Salaries and Fringe Benefits," were also furnished the Council.

The Personnel Commission recommended the following: A change in maximum accrual of sick leave benefits; a salary increase of 10% for fire and police classifications; a 5% increase for the remaining classes in city service, excluding department heads and council appointees.

Mr. Ferrara requested in his letter that the Council consider adding Admission Day as a guaranteed employees' holiday; that when a holiday falls on Saturday, the preceding Friday be observed instead, or as an alternative, that employees be permitted to accumulate holiday credits to be taken off at the discretion of the Department Head within the calendar year in which the holidays fall.

The Council questioned Mr. Morgenson on various phases of the report.

The following matters were discussed by the Council: Financing the recommended increases; the gradual increase of the ratio between salaries and operating costs; the holiday requests submitted by the Modesto Employees' Association; the cost of living index; percentage of employee turnover in various city departments.

The staff was directed to furnish the Council the following information: (1) Pay increases granted last year and the equivalent tax rate for these pay increases; (2) an analysis of assessed values and their equivalent revenues based on a 1¢ tax levy; (3) a tabulation of pay-range steps by Departments, with a further breakdown of the various departments.

The matter was carried over to the next meeting.

CONTINUATION OF HEARING ON THE NORTH MODESTO SANITARY SEWER DISTRICT

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for continuation of the hearing on the proposed formation of the North Modesto Sanitary Sewer District, and opened the hearing.

No one in the audience asked to be heard.

MOTION

That the hearing be continued to March 23, 1964 at 8:00 P.M.

Moved by VanderWall Seconded by Tabbert Unanimously carried

Mayor Johansen stated that Councilmen Mitchell and VanderWall have been appointed to serve on the Sewer Study Advisory Committee established by the County Board of Supervisors; that he would substitute for Councilman Mitchell during his absence from the City.

ADOPTION OF ORDINANCE NO. 634-C.S. AMENDING CODE - SEWER CONNECTIONS

ORDINANCE NO. 634-C.S. entitled "AN ORDINANCE ADDING ARTICLE 3 TO CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO MANDATORY SEWER CONNECTION"

introduced on January 13, 1964 and having been published as required, was moved and adopted. (Effective February 19, 1964)

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

FURTHER CONSIDERATION OF MATTER OF LICENSES FOR COLLECTION OF SWILL IN THE CITY OF MODESTO

Copies of a memorandum from the City Manager dated January 10, 1964 subject, "Licenses for Collection of Swill in the City of Modesto," and a memorandum from the Deputy City Manager dated December 18, 1963, same subject, were furnished the Council prior to the meeting, copies of which are on file with the record of the minutes.

MOTION

That the City's present policy in the matter of licenses for the collection of swill be continued

Moved by Tabbert Seconded by Shastid Unanimously carried

CONSIDER AUTHORIZING INFORMAL BID PROCEDURE - PURCHASE OF FURNITURE FOR POLICE-COMMUNICATIONS BUILDING

Copies of a memorandum from E. F. Dunham, Purchasing Officer, dated January 9, 1964, subject, "Furniture, Police Building," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The memorandum requested permission to call for informal bids, from local dealers only, for the purchase of furniture for the new Police-Communications Center building.

The City Manager stated that the procedure outlined in the memorandum has been approved by the Public Projects Committee, and a suggestion made by the Committee that the specifications be written to permit the City to reject any or all bids.

MOTION

That the staff be authorized to proceed with the purchase of furniture for the Police-Communications building as outlined in memorandum from the Purchasing Officer dated January 9, 1964

Moved by VanderWall Seconded by Patton Unanimously carried

AGREEMENT BETWEEN THE CITY OF MODESTO AND FELLOWSHIP HOMES, A CORPORATION, WHEREBY CITY AGREES TO FURNISH SEWER AND WATER SERVICE TO PROPERTY OUTSIDE THE CITY LIMITS 5-55

At the request of the Director of Public Works, and with the consent of the Council, this item was withdrawn from the agenda.

CONSIDER RESOLUTION OF INTENTION TO VACATE AND ABANDON A PORTION OF TWO NORTH-SOUTH STREETS IN NORTHLAND ESTATES NO. 2 ADDITION IN THE CITY OF MODESTO

RESOLUTION NO. 1019-S.P.
RESOLUTION OF INTENTION NO. 291

A RESOLUTION OF INTENTION TO VACATE AND ABANDON A PORTION OF THE TWO (2) NORTH-SOUTH STREETS IN NORTHLAND ESTATES NO. 2 ADDITION IN THE CITY OF MODESTO

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

February 10, 1964 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

The City Manager stated that an agreement containing the provisions required by Planning Commission Resolution 64-1 has been executed by all applicants.

RESOLUTIONS AUTHORIZING COUNCILMAN AND MRS. WILLIAM R. MITCHELL AND DEET von EICHEL TO BE OFFICIAL REPRESENTATIVES OF THE CITY OF MODESTO ON THEIR FORTHCOMING TRIP TO BARRANQUILLA, COLOMBIA

RESOLUTION NO. 64-24

A RESOLUTION OF THE MODESTO CITY COUNCIL EXTENDING GREETINGS TO ITS SISTER CITY, BARRANQUILLA, COLOMBIA, AND ITS CITIZENS, AND DESIGNATING OFFICIAL REPRESENTATIVES OF THE CITY OF MODESTO (Councilman and Mrs. William R. Mitchell)

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

RESOLUTION NO. 64-25

A RESOLUTION OF THE MODESTO CITY COUNCIL EXTENDING GREETINGS TO ITS SISTER CITY, BARRANQUILLA, COLOMBIA, AND ITS CITIZENS, AND DESIGNATING OFFICIAL REPRESENTATIVE OF THE CITY OF MODESTO (Deet von Eichel)

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

PROPOSED ANNEXATION OF CRESTWOOD TERRACE NO. 2 ADDITION

RESOLUTION NO. 64-26

A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS CRESTWOOD TERRACE NO. 2 ADDITION
(21.497 acres located north of Rumble Road between Hampshire Lane and Claremont Avenue)

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

It was suggested by the Council that future proposed annexations include the notation that the proposed annexations have been approved by the Local Agency Formation Committee.

Planning Director Fey pointed out that the area cannot be served with city sewer service.

APPROPRIATION TRANSFERS

RESOLUTION NO. 64-27

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $7,700 TO PROVIDE FUNDS FOR REPAINTING WORK AT THE SEWAGE TREATMENT PLANT (from Sewer Service Fund, General Reserve (212-600)

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

MATTERS FOR THE GOOD OF THE COMMUNITY

Gerrit Hannink - Removal of building on rear of property at 411 H Street

Mr. Hannink stated that he has been asked by the Building Inspection Official to remove a building at the rear of his property; that he was using the building for the retailing of hay and was not in a position at this time to erect a new building. He asked that he be permitted to use the building for about four years.

The staff was directed to furnish the Council a report on the matter and to place the item on the agenda of the February 3, 1964 meeting.

Appeal of W. S. Tickle to decision of Board of Zoning Adjustment-Modesto Covenant Church

Copies of a memorandum from the Director of Public Works dated January 20, 1964, subject, "Building Permit - Modesto Covenant Church," were furnished the Council, a copy of which is on file with the record of the minutes. The memorandum cleared misinformation submitted to the Council at the hearing of January 13, 1964.

REPORT ON GOLF COURSE OPERATION

(a) Report on rounds, revenue and expenditures for the operation of Dryden Park and 9-Hole Municipal Golf Courses for the years 1959-60 through 1962-63

Copies of a memorandum from the Director of Parks and Recreation dated December 18, 1963, subject, "Rounds Played on Various Tickets at the Golf Courses," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

(b) Report on rounds played on various tickets at the golf courses

Copies of a memorandum from the Director of Parks and Recreation dated January 20, 1964, subject, "Golf Course Operations," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

The staff was directed to furnish the Council with a breakdown of the number of tickets purchased under various categories - Weekdays, 18 holes; week ends, holidays, etc.

The City Manager stated that a report would be furnished covering a period of two or three months.

REPORT ON VALIDATED PARKING PROGRAM 6-70

Copies of a memorandum from the Director of Parking and Traffic dated January 16, 1964, subject, "Validated Parking Transfer and Miscellaneous Observations," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

The City Manager stated that an appropriation transfer of $8,900 was needed to provide funds for salaries and supplies for the rest of the fiscal year for the recently authorized validated parking.

Difficulties encountered in the operation of the validated parking lots were discussed.

The City Manager suggested that the Council consider the discontinuance of validated parking on all lots except the 9th Street lot.

A suggestion was made by the Council that validated parking might be put into effect between Thanksgiving and Christmas only.

No action was taken by the Council. By order of the Chair, the staff was directed to place this matter on next week's agenda and to write a letter to the Downtown Merchants' Association asking that members be present to discuss the problems involved.

REPORT ON SEWAGE TREATMENT PLANT - 1953-1963

Copies of a memorandum from the City Manager dated January 16, 1964, subject, "Consulting Engineering Review of the Sewage Treatment Plant," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The memorandum listed proposals received from consulting engineers for a study of the sewage treatment plant facilities.

The objections of the engineering firm of Brown and Caldwell to two of the eleven changes proposed for 1964 operations of the Sewage Treatment Plant listed in memorandum from the Director of Public Works dated January 9, 1964, subject, "Sewage Treatment Plant - Proposals for 1964," were outlined by Deputy Manager Ray: (1) Application of the chemical chloro-benzene to the sewage in the collection system and at the headworks of the plant to control odors and growth of sulphide-producing organism. Mr. Ray said that the firm suggested the use of chloro-benzene, but with provision for the use of chlorination equipment if necessary. He said that the staff's estimated costs were based with the use of chlorinating equipment. (7) Exception was taken to the provision of additional sludge drying beds.

Mr. Ray said that if the Council wished to accept the eleven suggestions for improvements, item No. 7 would be cleared with Brown and Caldwell before actual work is undertaken.

Mr. Ray said the firm also felt that feeding of anhydrous ammonia to the sewage in the plant would not be necessary during the period when tomato wastes predominated; that the concluding paragraph in their letter indicated that the overall effect of the improvements could be expected to mitigate the operational odor problems during the 1964 season, but not necessarily eliminate them; nor could the improvements eliminate the probable needs for other modifications on a year-to-year basis; that the situation points up the need for long-range study of sewage and industrial waste disposal problems of Modesto and the development of a plan which will provide for the growth of the City and its industries.

No action was taken by the Council. The staff was directed to place the matter on next week's agenda and submit a further report.

A memorandum from the Director of Public Works dated January 16, 1964, subject, "Sewage Treatment Plant - 1953-63," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

Director of Public Works Campbell recommended that the City obtain the services of a consulting engineer in the near future to: (1) Complete the first section of the engineering study and report - a determination of present and future disposal requirements, and (2) obtain the services of a consulting engineer no later than the end, and preferably by the beginning of the 1964 cannery season, to complete the engineering study outlined in his memorandum dated January 16, 1964.

The importance of City-Canneries cooperation in the matter of

industrial wastes was discussed. Mr. Campbell stated that a meeting was being held with industrial waste users at 2:00 P.M., January 22, 1964 in the Multi-Purpose Room, City Hall, with a view to alleviating the coming season's problems.

By order of the Chair, the hiring of a consulting engineer was referred to the Public Projects Committee.

REPORT ON STREET AND ALLEY RECONDITIONING - 1963

Copies of a memorandum from the Director of Public Works dated December 26, 1963, subject, "Street and Alley Reconditioning - 1963," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The report was ordered filed.

REMINDER

A reminder was made of the Central Valley League Dinner meeting to be held in Stockton, Thursday, January 23, 1964 at the Civic Auditorium.

CONSIDER APPOINTMENT TO BOARD OF PLUMBING EXAMINERS

With the unanimous consent of the Council, this matter was carried over for one week.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned to executive session to consider personnel matters

Moved by VanderWall Seconded by Tabbert Unanimously carried

The meeting adjourned at 5:54 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, 801 11th Street, as provided by Section 2-1.01 of the Modesto Municipal Code, Mayor Johansen presiding.

The City Clerk called the roll:

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.

Lieutenant Tronaas, Salvation Army, gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the regular meeting of January 20, 1964 and the same being available for public inspection, and there being no objections, the minutes were approved.

SUGGESTION AWARDS

$10 suggestion awards were presented to the following city employees by Mayor Johansen: Violet DiFrancia, Finance Department, for suggesting the use of IBM equipment in billing of hangar rentals and tie down fees at the City-County Airport; Jack Herzer, Public Works Department, for suggesting a kerosene flare pot being attached to the pug mill, the flare to act as a pilot light for the butane burner.

LETTER FROM THOMAS RENEAU, CHAIRMAN, MODESTO LIONS CLUB CIVIC IMPROVEMENT COMMITTEE, RE CONSTRUCTION OF CONCRETE SLABS IN VARIOUS CITY PARKS

Copies of a letter from Thos. W. Reneau, Chairman, Modesto Lions Club Civic Improvement Committee dated January 15, 1964 requesting approval of the construction of a series of concrete slabs in various city parks to permit outdoor roller skating, folk dancing and various games, were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The letter was summarized by the City Clerk.

MOTION

That the staff be authorized to prepare an agreement with the Lions Club for the construction of concrete slabs in various city parks as requested

Moved by Shastid Seconded by Mitchell Unanimously carried

LETTER REQUESTING A VARIANCE TO DRIVEWAY REGULATIONS - THE PATIO - 1309 McHENRY AVENUE - ROBERT WATSON 1-42

Copies of a letter from Robert Watson dated January 20, 1964 requesting a variance to the Municipal Code to permit blacktopping of repaired sections of a driveway proposed to be moved ten feet to the north of the existing driveway, were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The letter was summarized by the City Clerk.

RESOLUTION NO. 64-28

A RESOLUTION GRANTING A VARIANCE TO ROBERT WATSON, THE PATIO, TO TEMPORARILY INSTALL BLACKTOP PAVING ON REPAIRED AREAS OF A DRIVEWAY PROPOSED TO BE MOVED NORTH A DISTANCE OF TEN FEET

Introduced by Mitchell Seconded by Hughes

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

LETTER REQUESTING VARIANCE TO THE SIGN REGULATIONS, MODESTO PLYMOUTH, INC., 10TH STREET, "PENTASTAR INSTALLATION"

A letter from Roy D. Kelly, Superintendent, Federal Sign and Signal Corporation, dated January 22, 1964 requesting a variance from the sign regulations to permit installation of a revolving "Pentastar" on the top of the present towner originally built for sign purposes on the Modesto Plymouth, Inc. Building, 10th Street, Modesto, California, was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

The City Attorney stated that there were no code provisions to authorize the Council to grant a height variance to roof signs.

Chief Building Official Hermida stated that the maximum height limitation of a roof sign was thirty feet.

Mr. Kelly withdrew his request for the variance, stating that he would work out his problem with the Chief Building Official under present code provisions.

A motion proposed by Councilman VanderWall, seconded by Councilman Mitchell that the item be carried over for one week, was withdrawn.

LETTER FROM PETE GROSSO, ASSISTANT SHOW CHAIRMAN AND COORDINATOR, CAMELLIA SOCIETY, RE: TROPHY AND ASSISTANCE

A letter from Pete Grosso dated January 23, 1964 requesting that the City again contribute a suitable trophy for the show, and that the Parks and Recreation Department advise and assist the Society as it has done in the past, was read by the City Clerk.

MOTION

That the City furnish a trophy and assistance of the Parks and Recreation Department for the Camellia Show as has been done in the past

Moved by Shastid Seconded by VanderWall Unanimously carried

FORMAL CLAIM BY PERSON & WIK, INC., A CALIFORNIA CORPORATION, FOR SERVICES RENDERED

Copies of a letter from Oscar T. Person, President, Person & Wik, Inc., dated January 20, 1964 constituting a claim in the amount of $575 against the City for services allegedly performed for the City in connection with a leak in the City Hall building, were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

With the unanimous consent of the Council, this matter was held over for further staff work.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR INSTALLATION OF SPRINKLER SYSTEM AT GARRISON PARK, AND CALL FOR BIDS 2-95

RESOLUTION NO. 64-29

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF SPRINKLER SYSTEM AT GARRISON PARK

Introduced by VanderWall Seconded by Shastid

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

February 11, 1964 at 2:00 P.M. in the City Clerk's Office was set as the time and place of hearing.

AN ORDINANCE AMENDING THE MODESTO MUNICIPAL CODE RELATING TO STREET CLOCKS 2-100

ORDINANCE NO. 635-C.S. entitled "AN ORDINANCE AMENDING SECTION 9-6.31 OF CHAPTER 6 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO STREET CLOCKS"

was introduced and ordered published as required by the Charter.

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

AN ORDINANCE AMENDING MODESTO MUNICIPAL CODE RELATING TO BUSINESS LICENSING

ORDINANCE NO. 636-C.S. entitled "AN ORDINANCE AMENDING SECTION 6-1.106 OF ARTICLE 1 OF CHAPTER 1 OF TITLE VI OF THE MODESTO MUNICIPAL CODE, RELATING TO BUSINESS LICENSING" (exempting agricultural producers delivering products actually produced or grown)

was introduced and order published as required by the Charter.

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

AN ORDINANCE AMENDING THE MODESTO MUNICIPAL CODE RELATING TO REGULATION OF DOGS

ORDINANCE NO. 637-C.S. entitled "AN ORDINANCE AMENDING ARTICLE 1 OF CHAPTER 4 OF TITLE V OF THE MODESTO MUNICIPAL CODE, AMENDING SECTION 5-4.207 OF ARTICLE 2 OF CHAPTER 4 OF TITLE V OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTIONS 5-4.207.1 AND 5-4.207.2 THERETO, RELATING TO DOGS" (diseased or vicious animals, unleashed dogs)

was introduced and ordered printed as as required by the Charter.

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

RESOLUTION AUTHORIZING AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT FOR DEVELOPMENT OF M.I.D. RIGHT OF WAY ADJACENT TO MORAN ESTATES NO. 1 SUBDIVISION

The City Attorney stated that under the proposed agreement with the M.I.D. the City will have the right to landscape the 75-foot M.I.D. Lateral No. 2 right of way.

RESOLUTION NO. 64-30

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO IRRIGATION DISTRICT FOR DEVELOPMENT OF M.I.D. RIGHT OF WAY ADJACENT TO MORAN ESTATES NO. 1 SUBDIVISION

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

Members of Boy Scout Troop No. 19 in the audience were welcomed by Mayor Johansen.

FURTHER DISCUSSION OF VALIDATED PARKING WITH DOWNTOWN ASSOCIATION

Copies of a memorandum from Director of Parking and Traffic Carmody dated January 27, 1964 subject, "Validation Stamp Sales and Redemption through Sunday, January 26, 1964," were distributed to the Council, a copy of which is on file with the record of the minutes. It was Mr. Carmody's belief that a uniform cash and validation charge of 15 cents per hour would encourage merchant participation and reduce or eliminate losses.

H. Youngheim, 2821 Levon, asked that validated parking be continued on a trial basis for a period of from four to six months longer to give the Downtown Merchants Association further opportunity to sell the program and gain further support of the downtown merchants. He read a letter sent to all downtown merchants asking for their thoughts on the program. Mr. Youngheim asked the Council to weigh the importance of merchant-customer relations connected with parking against a possible loss of parking revenue by the City.

Bill Bair, 316 King Richard Lane, read letters received from two downtown merchants opposing the cost of the program to the merchants.

The Council discussed the following: Difficulties imposed on certain merchants because of the reduction of entrances to the validated parking lots; a uniform 15¢ per hour parking charge for both cash and validated parking.

Mr. Youngheim asked that the Council withhold action on the uniform rate change to 15¢ in the validated parking lots until answers to letters sent out by the Association are received from the merchants.

MOTION

That action be postponed for one month pending further report from the Downtown Merchants Association

Moved by Shastid Seconded by VanderWall Unanimously carried

RESOLUTION NO. 64-31

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $4,500 TO PROVIDE FUNDS FOR SALARIES AND SUPPLIES FOR VALIDATED PARKING (From General Reserve, Parking Fund (600-209)

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

CONSIDER SERVICES OF CITY APPRAISERS 6-45

RESOLUTION NO. 64-32

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND WILLIAM H. MURRAY FOR APPRAISAL SERVICES (Establishing per diem wage rate of $125)

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

RESOLUTION NO. 64-33

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT W. FORD FOR APPRAISAL SERVICES (Establishing per diem wage rate of $125)

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

REPORT ON "DISPLAY BANNERS AND DECORATIONS OVER AND ACROSS CITY STREETS"

RESOLUTION NO. 64-34

A RESOLUTION ESTABLISHING POLICY ON GRANTING OF PERMITS TO DISPLAY BANNERS AND DECORATIONS OVER AND ACROSS STREETS IN THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 10,013-N.S. AND RESOLUTION NO. 59-424 (Permitting the City Manager to grant permits for placing of banners or decorations of a non-commercial nature over streets to patriotic, civic, educational, charitable and other similar nonprofit organizations)

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

CONSIDER FURTHER PERSONNEL COMMISSION'S SALARY RECOMMENDATIONS

The following reports were furnished the Council and filed with the record of the minutes: Summary of Salary Increases since July 1, 1956; Memorandum from Personnel Department dated January 22, 1964, subject, "Labor Turnover and Recruitment Information."

Mr. James Morgenson, Chairman, spoke briefly on the salary recommendations made by the Personnel Commission.

The staff was directed to furnish the Council a summary of salary increases similar to the one submitted above each time salaries and wages are reviewed, and to also furnish similar information pertaining to other local governmental agencies.

Consideration of salary and wage increases at the regular budget hearings was discussed.

Councilman VanderWall introduced a resolution, seconded by Councilman Tabbert, that a 5% raise be granted to sworn police personnel and uniformed fire department personnel, and a 3% raise to remaining general personnel, including department heads and Council appointees, excluding all contractual employees, effective January 1, 1964.

MOTION

That the resolution introduced by Councilman VanderWall, seconded by Councilman Tabbert, be divided to permit a separate vote on uniformed fire, sworn police personnel, general employees, department heads and Council appointive personnel

Moved by Shastid, Seconded by Patton

The motion carried, Councilmen VanderWall and Mitchell dissenting.

RESOLUTION NO. 64-35

A RESOLUTION ESTABLISHING SALARY SCHEDULES AND FIXING THE COMPENSATION FOR POSITIONS IN THE CITY SERVICE (SWORN POLICE PERSONNEL)-(Granting a 5% increase)

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

RESOLUTION NO. 64-36

A RESOLUTION FIXING THE COMPENSATION FOR POSITIONS IN THE CITY SERVICE (UNIFORMED FIRE DEPARTMENT EMPLOYEES) (Granting a 5% increase effective January 1, 1964)

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

The resolution failed to carry.

RESOLUTION NO. 64-37

A RESOLUTION ESTABLISHING SALARY SCHEDULES AND FIXING THE COMPENSATION FOR POSITIONS IN THE CITY SERVICE (GENERAL EMPLOYEES) (Granting a 3% increase effective January 1, 1964)

Introduced by VanderWall Seconded by Tabbert

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

RESOLUTION NO. 64-38

A RESOLUTION ESTABLISHING SALARY SCHEDULES AND FIXING THE COMPENSATION FOR POSITIONS IN THE CITY SERVICE (UNIFORMED FIRE DEPARTMENT EMPLOYEES) (Granting a 3% increase effective January 1, 1964)

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

RESOLUTION NO. 64-39

A RESOLUTION FIXING THE COMPENSATION FOR SPECIFIED POSITIONS IN THE CITY SERVICE (Granting a 3% increase to Department Heads and Council Appointees, excluding all contractual help, effective January 1, 1964)

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

The staff was directed to place an item on the March 2, 1964 agenda, for Council consideration as to whether salary reviews will be considered with the regular budget hearings in June.

Jerry Ferrara, President, Modesto Employees' Association, spoke briefly in favor of the employees' request for the addition of Admission Day as a holiday; that employees be permitted to accumulate holiday credit when a holiday falls on Saturday.

MOTION

That the request of city employees to accumulate holiday credits when holidays fall on Saturday be denied

Moved by Hughes Seconded by Shastid Unanimously carried

MOTION

That the present schedule of employee holidays be changed to include Admission Day (September 9) in the holiday schedule, when it falls on Monday through Friday, or on Sunday

Moved by Mitchell
The motion was seconded by Councilman Tabbert and later withdrawn. The motion died for lack of a second.

RESOLUTION NO. 64-40

A RESOLUTION RECOMMENDING AMENDMENT OF SECTION 13.5 OF THE PERSONNEL RULES RELATING TO SICK LEAVE (permitting unused sick leave time to accrue to a period not to exceed 120 days)

Introduced by Mitchell Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None
The meeting recessed at 10:16 P.M. and reconvened at 10:20 P.M.

STATEMENT FOR SERVICES ON COMMUNICATION EQUIPMENT ENGINEERING, GAGE-BABCOCK ASSOCIATES, INC.

A memorandum from the City Manager dated January 17, 1964, subject, "Statement for Services on Communication Equipment Engineering, Gage-Babcock Associates, Inc." was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The City Manager recommended that extra general consultation services in the amount of $190.94 be paid.

MOTION

That payment of $190.94 to Gage-Babcock Associates, Inc., for extra general consultation services be authorized.

Moved by VanderWall Seconded by Mitchell Unanimously carried

AGREEMENT BETWEEN CITY AND LLOYD G. OVERHOLTZER-INSTALLATION OF IMPROVEMENTS ON LOT SPLIT LOCATED AT NORTHEAST CORNER OF McHENRY AND TOKAY AVENUES

By order of the Chair, this matter was held over for one week.

RESOLUTION WITHDRAWING NORTHLAND ESTATES NO. 2 ADDITION FROM WOODLAND FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO CITY OF MODESTO

RESOLUTION NO. 64-41

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE WOODLAND FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (NORTHLAND ESTATES NO. 2 ADDITION)

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

AGREEMENT BETWEEN CITY AND MERTON M. MAZE AND ELVA T. MAZE FOR PURCHASE OF PROPERTY FOR PARK SITE - CALIFORNIA AVENUE WEST OF MARK TWAIN SCHOOL

The number of parks in West Modesto was discussed.

RESOLUTION NO. 64-42

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MERTON W. MAZE AND ELVA T. MAZE FOR THE PURCHASE OF PROPERTY IN THE AMOUNT OF $27,678 FOR PARK SITE (California Ve., west of Mark Twain School - 7.908 acres)

Introduced by Patton Seconded by VanderWall

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

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY AT 915 SUTTER AVENUE

The City Manager stated that the property is contiguous to the city limits and a line will be extended by the property owner.

MOTION

That the request for sewer service to property at 915 Sutter Avenue be approved

Moved by Shastid Seconded by VanderWall Unanimously carried

CONSIDER SALE OF PROPERTY ON ORANGEBURG AVENUE PURCHASED FOR FIRE STATION SITE

A memorandum from Deputy City Manager Ray dated January 23, 1964 subject, "Disposal of Property on Orangeburg Avenue Acquired for Fire Station Site," was furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. The memorandum indicated that the Public Projects Committee recommends disposal of this property as it is no longer needed for a fire station site due to the purchase of the Northern Boulevard fire station site.

MOTION

That the staff be authorized to call for bids for the sale of city-owned property located on Orangeburg Avenue in accordance with memorandum from Deputy Manager Ray dated January 23, 1964

Moved by Shastid Seconded by Hughes Unanimously carried

REQUEST AUTHORIZATION TO OPTION PARK SITE

The City Manager requested that the Council authorize the staff to negotiate for an option for a park site of approximately 20 acres adjacent to a proposed fourth high school. Mr. Keefe said that no expenditures would be incurred by the City in acquiring the option unless approved by future action of the Council.

MOTION

That the staff be authorized to negotiate for an option for a park site of approximately 20 acres adjacent to a proposed fourth high school, as recommended by the City Manager

Moved by VanderWall Seconded by Tabbert Unanimously carried

KROEGER REPORT

Copies of a memorandum from the Planning Director dated January 23, 1964, subject, "Griffenhagen-Kroeger Progress Report," outlining the Planning Department's progress on recommendations made by Griffenhagen-Kroeger, Inc., were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The report was ordered filed.

RECOMMEND REZONING FROM R-3 TO C-1, EAST SIDE OF 17TH STREET NORTH OF "G" STREET

Planning Commission Resolution No. 64-8 recommends that the area be rezoned.

RESOLUTION NO. 64-43

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 28 OF THE ZONING MAP (CITY HOSPITAL) (From R-3 to C-1)

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

February 17, 1964 at 4:35 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND REZONING FROM R-1 TO R-2 PROPERTY ON THE WEST SIDE OF TULLY ROAD NORTH OF RUMBLE ROAD (SECTION 7 OF THE ZONING MAP)

Planning Commission Resolution No. 64-6 recommends that the area be rezoned from R-1 to R-2.

RESOLUTION NO. 64-44

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 OF THE ZONING MAP (J. W. BERCHEM) (From R-1 to R-2)

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

February 17, 1964 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

REPORT AND RECOMMENDATION - CRESTWOOD TERRACE NO. 2 ADDITION ANNEXATION

Planning Commission Resolution No. 64-14 recommends commencement of proceedings for the annexation of Crestwood Terrace No. 2 Addition, 21.497 acres, consisting of a Sylvan Union School, a city park site, and a 14-lot subdivision proposed for residential use.

MOTION

That the City Manager be authorized to sign the annexation petition on behalf of the City

Moved by Patton Seconded by Mitchell Unanimously carried

Annexation of areas where sewer service cannot be provided was discussed.

RESOLUTION NO. 64-45

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS CRESTWOOD TERRACE NO. 2 ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

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

March 9, 1964 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

J. HAMILTON, 1212 Normandy Drive, Conversion of Municipal Golf Course to Park

Mr. J. Hamilton asked the Council when its promise to convert the Municipal Golf Course into a children's park would be fulfilled.

Lonnie Morris, 1654 HoneySuckle Drive, Sale of City-owned Orangeburg Property

Lonnie Morris asked to be furnished the size and zoning of the city-owned property on Orangeburg Avenue which is being offered for sale.

The City Clerk was directed to furnish Mr. Morris the information requested.

Memorandum from Parks and Recreation - Tickets Sold at Golf Courses

Copies of a memorandum from Director of Parks and Recreation Grogan dated January 27, 1964, subject, "Various Tickets Sold at Both Golf Courses for March, April and May, 1963," were distributed to the Council, a copy of which is on file with the record of the minutes. This report was requested by the Council at the January 20, 1964 meeting. The report was ordered filed.

CONTINUATION OF REPORT ON SEWAGE TREATMENT PLANT, 1953-63

The City Manager reported that the City made its presentation at the hearing conducted by the State Water Pollution Board on January 24, 1964 at the M.I.D. Building. Director of Public Works Campbell, John Jenks, consulting engineer, and Deputy Manager Ray spoke in behalf of the City. Mr. Keefe said that favorable Council action on the eleven proposals submitted by the Director of Public Works in a memorandum dated January 9, 1964, subject, "Sewage Treatment Plant - Proposals for 1964 Operation," would result in favorable consideration from the Water Pollution Board on the odor problems.

Copies of a memorandum from the Director of Public Works dated January 22, 1964, subject, "Review of Brown and Caldwell Letter pertaining to Proposed Changes in the Sewage Treatment Plant Operation," and one from Deputy City Manager Ray dated January 27, 1964, subject, "Comparison of Proposals by City for Improvements at Sewage Treatment Plant and Brown and Caldwell Review Thereof," were distributed to the Council, copies of which are on file with the record of the minutes.

East Modesto Industrial Wastes Co. sewage problems and complaints of United Air Lines in the use of city-owned land by the East Modesto Industrial Wastes Co. as percolation beds for emergency purposes, were discussed.

Deputy Manager Ray stated that the East Modesto Industrial Wastes Co. stated at the above mentioned hearing that the company proposes to construct a parallel line before the coming industrial season, which will ease the emergency conditions.

City Manager Keefe stated that sewage problems were discussed with industrial waste users at a recent meeting, that all users are aware of the problems; that the industrial waste users were informed that there would be industrial waste inspectors.

MOTION

That the eleven points enumerated in memorandum from the Director of Public Works dated January 9, 1964, subject, "Sewage Treatment Plant Proposals for 1964 Operation," be adopted and the staff authorized to proceed

Moved by VanderWall Seconded by Tabbert Unanimously carried

Hiring of a consulting engineer for a long-range survey of overall sewage treatment problems was discussed. No action was taken by the Council.

REPORT ON CITY OFFICIALS' APPOINTMENT BY LEAGUE OF CALIFORNIA CITIES TO LEAGUE COMMITTEES DURING 1964

The City Manager reported that the following city officials have been appointed to serve on League Committees during 1964: Mayor Johansen, Committee on Streets and Highways; Marvin Ray, Committee on Water Pollution Control; Harry Sham, Committee on Aviation Problems.

ANNUAL CITY REPORT FOR CALENDAR YEAR 1963

The City Manager submitted a draft copy of the proposed annual city report for calendar year 1963, stating that if approved by the Council, it would be distributed to city residents by members of Boy Scout troops. Mayor Johansen stated that the Public Relations Committee recommended approval of printing and distribution of the report as outlined.

MOTION

That the submitted draft of the proposed annual city report for calendar year 1963, with distribution by members of Boy Scout troops, be approved

Moved by Shastid Seconded by VanderWall Unanimously carried

REMINDER

The City Manager reminded the Council that the California Park and Recreation Society annual dinner would be held Thursday, January 30, 1964 at The Patio; social hour, 6:30; dinner, 7:30 P.M.

AUTHORIZE PRESENTATION OF CERTIFICATE TO STUDENTS OF BARRANQUILLA SISTER CITY SCHOOL 15-50

Councilman Mitchell displayed a certificate signed by Mayor Johansen, attested by City Clerk Gailfus, which he will personally present to the School of the Sister City of Modesto established by philanthropic citizens of Barranquilla for underprivileged children who otherwise would have no opportunity to learn to read and write.

MOTION

That the Mayor be authorized to execute and the City Clerk to attest the certificate to be delivered to the Barranquilla school by Councilman Mitchell

Moved by Shastid Seconded by Patton Unanimously carried

CONSIDER APPOINTMENT TO BOARD OF PLUMBING EXAMINERS

RESOLUTION NO. 64-46

A RESOLUTION REAPPOINTING MEMBER OF THE MODESTO CITY BOARD OF PLUMBING EXAMINERS (R. M. Goodman for the period January 1, 1964 to January 1,1968)

Introduced by Patton Seconded by VanderWall
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 11:18 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, 801 11th Street, as provided by Section 2-1.01 of the Modesto Municipal Code, Mayor Johansen presiding.

The City Clerk called the roll:

Present: Councilmen: Patton, Tabbert, VanderWall, Mayor Johansen
Councilmen Hughes and Shastid arrived at 4:05 P.M.
Absent: Councilmen: Mitchell

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

Reverend Floyd E. Pittman gave the invocation.

LETTER FROM MRS. FRANK DAMRELL REGARDING PROPOSED CULTURAL CENTER

At the request of Mrs. Damrell, and with the consent of the Council, this item was held over to February 10, 1964.

LETTER FROM G. E. ZIMMERMAN, 805 MAGNOLIA AVENUE, REGARDING BOND FOR BLACKTOP DRIVEWAY ON GRISWOLD AVENUE

A letter from G. E. Zimmerman, dated January 24, 1964 requesting that he be released from an obligation of furnishing a bond in the amount of $330 covering installation of a temporary blacktop driveway on property located on Griswold Avenue, was summarized by the City Clerk.

Mr. A. M. Frad, attorney representing Mr. Zimmerman, requested that the bond be released or that Mr. Zimmerman be permitted to post a property bond. After discussion, Mr. Frad stated that he would discuss the matter further with his client.

By order of the Chair, the matter was held over for two weeks.

LETTER FROM G. DALE SMITH REGARDING PROPOSED JOINT CITY-COUNTY ROAD COMMITTEE

Copies of a letter from G. Dale Smith dated January 23, 1964 suggesting that a joint City-County Road Committee be appointed by the City Council and County Board of Supervisors, were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The letter was summarized by the City Clerk.

Mr. Smith further suggested that the Council set up a permanent committee which can be merged with a similar county committee when it is formed.

By order of the Chair, the City Clerk was directed to advise Mr. Smith and members of the Advisory Committee on City Parking and Traffic when the Parking and Traffic subcommittee of the Forward Modesto '62 Committee is scheduled for appearance before the Council, and to invite Mr. Smith and other members of the Advisory Committee to discuss the matter at that time.

LETTER FROM REVEREND R. TRUMAN NORTHUP, CHAIRMAN, HUMAN RIGHTS COMMITTEE, REGARDING RUMFORD FAIR HOUSING LAW

Copies of a letter from Reverend R. Truman Northup dated January 29, 1964 informing the Council that the Human Rights Committee has adopted a resolution stating that the Committee "feels it is basically a good law and desires to express to the City Council that it would be unfortunate to see it and other fair housing practice laws displaced by the constitutional amendment initiative now being proposed," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The letter was ordered filed.

LETTER FROM JOHN H. DEETER, BUILDER, 1230 17TH STREET, BAKERSFIELD, APPEALING DECISION OF PLANNING COMMISSION ON REZONING MATTER

A letter from John H. Deeter dated January 29, 1964 appealing the decision of the Planning Commission denying his application for rezoning of Lot 10 of the Fresno Tract from R-1 to R-3, was read by the City Clerk.

RESOLUTION NO. 64-47

A RESOLUTION SETTING THE TIME AND PLACE FOR THE HEARING ON THE APPEAL TO THE DECISION OF THE PLANNING COMMISSION DENYING HIS APPLICATION FOR REZONING OF PROPERTY LOCATED IN LOT 10 OF THE FRESNO TRACT

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

February 24, 1964 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF SPRINKLER SYSTEM AT MORAN ESTATES PARK

RESOLUTION NO. 64-48

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF SPRINKLER SYSTEM AT MORAN ESTATES PARK

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

February 18, 1964 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. 635-C.S. AMENDING THE CODE IN REGARD TO STREET CLOCKS

ORDINANCE NO. 635-C.S. entitled
"AN ORDINANCE AMENDING SECTION 9-6.31 OF CHAPTER 6 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO STREET CLOCKS"

introduced January 27, 1964 and having been published as required, was moved and adopted.

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

ADOPTION OF ORDINANCE NO. 636-C.S. AMENDING CODE IN REGARD TO BUSINESS LICENSES

ORDINANCE NO. 636-C.S. entitled
"AN ORDINANCE AMENDING SECTION 6-1.106 OF ARTICLE 1 OF CHAPTER 1 OF TITLE VI OF THE MODESTO MUNICIPAL CODE, RELATING TO BUSINESS LICENSING

introduced January 27, 1964 and having been published as required, was moved and adopted.

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

ADOPTION OF ORDINANCE NO. 637-C.S. AMENDING CODE - REGULATION OF DOGS

The following spoke in opposition to adoption of the proposed

ordinance: Dr. Ruth Schmidt, 2120 College Avenue, who objected primarily to the proposed ordinance as being in violation of Article 4 of the Constitution pertaining to search and seizure, and who contended that the present code provisions were adequate if properly enforced; Francis O'Brien, 1233 Mills Avenue, who emphasized the importance of pets to children and suggested a revocation of license in the case of violators of the code provisions presently in effect; Ross R. Hill, 120 San Juan Drive, who objected to that section of the proposed ordinance dealing with entry without a warrant.

The City Clerk read communications from C. H. Hauser, 909 Yale Avenue, and "A Hopeful Citizen" favoring the proposed ordinance.

Chief of Police Bowers suggested that the proposed ordinance be changed to require that notice be given to the owner of the dog, and a waiting period specifically stated.

By order of the Chair, the City Attorney and Chief of Police were directed to submit a further report.

FORMAL CLAIM BY PERSON & WIK, INC., A CALIFORNIA CORPORATION, FOR SERVICES RENDERED

At the request of the City Manager, and with the unanimous consent of the Council, this matter was held over.

CONSIDER AGREEMENT BETWEEN THE CITY OF MODESTO AND LLOYD G. OVERHOLTZER WHEREBY OVERHOLTZER AGREES TO INSTALL IMPROVEMENTS ON LOT SPLIT LOCATED AT NORTHEAST CORNER OF McHENRY AND TOKAY AVENUES

At the request of the City Manager, and with the unanimous consent of the Council, this matter was dropped from the agenda.

REPORT TO COUNCIL ON DEMOLITION OF BUILDING AT 411 H STREET - HANNINK PROPERTY

Copies of a memorandum from the Director of Public Works dated January 28, 1964, subject, "Demolition of Building, 411 H Street, Hannink Property," were distributed to the Council prior to the meeting, a copy of which is on file with the record of the minutes. The staff recommended that a hearing date be set by the Council to consider demolition of the old barn at the rear of 411 H Street owned by Mr. Hannink.

MOTION

That the City Attorney be directed to prepare the necessary documents to carry out the staff's recommendation, with the hearing date to be set after staff consultation with Mr. Hannink

Moved by Shastid Seconded by Patton Unanimously carried

SCHEDULING OF REVIEW OF FORWARD MODESTO COMMITTEE REPORT AND REPORT ON "JOBS AND AUTOMATION"

Paul Birmingham, General Chairman, Forward Modesto Committee '62, agreed to Mayor Johansen's suggestion that discussion of the various phases of the report, with chairmen of the subcommittees present, be scheduled for afternoon Council meetings at 5:00 P.M. and limited to one-half hour discussions.

Copies of a memorandum from the City Manager dated February 3, 1964 subject, "Review of Forward Modesto Committee '62 Report," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. Attached to the memorandum were the Manager's comments and recommendations on items of the report, "Jobs and Automation," and a statement of the action the staff would take in the event of Council approval of the recommendations on each phase of the report.

Mr. Birmingham discussed the subcommittee report. He outlined the unemployment problems in the City and County caused by automation on farms and in city processing plants. It was the Committee's recommendation that the Council authorize a professional study of the automation-unemployment problem.

County participation in the program was discussed.

Joe Good, Manager, Chamber of Commerce, spoke of the effects of automation on labor, pointing out the difficulty of curing unemployment without creation of new jobs, and the importance of attracting new industry in the area.

After Council discussion, the City Manager stated that he would amend the recommendation contained in his memorandum dated February 3, 1964 to request the County Board of Supervisors to authorize a professional study of the impact of automation on industries in the area.

MOTION

That the Council adopts the amended recommendations as submitted by the City Manager in memorandum dated February 3, 1964

Moved by VanderWall Seconded by Tabbert Unanimously carried

The City Manager was directed to set up a tentative schedule of further Committee discussions. Mr. Keefe stated that the topics "Community Development" and "Transportation" would be discussed at the February 17th meeting.

CONSIDER SALE OF SURPLUS TREES AT CITY NURSERY

RESOLUTION NO. 64-49

A RESOLUTION AUTHORIZING SALE OF SURPLUS STREET TREES BY THE MODESTO CITY PARKS AND RECREATION DEPARTMENT

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

SALE OF SURPLUS TREES TO HARRY KLINE

RESOLUTION NO. 64-50

A RESOLUTION AUTHORIZING THE SALE OF SURPLUS TREES TO HARRY KLINE

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

REPORT BY CITY ATTORNEY ON CONDITIONAL REQUIREMENTS FOR DEDICATION OF RIGHT OF WAY AND CONSTRUCTION OF IMPROVEMENTS WITH RESPECT TO SUCCESSORS IN INTEREST

A memorandum from the City Attorney dated January 30, 1964, subject, "Conditional Requirements for Dedication of Right of Way and Construction of Improvements: Application to Successors in Interest," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

No action was taken by the Council. The report was ordered filed.

Councilman Patton was excused from the meeting.

CONSIDER AUTHORIZING SALE OF GUARD POSTS AND LIGHTS PRESENTLY LOCATED ON 14TH STREET PARKING LOT TO NEW OWNERS

Copies of a memorandum from the Director of Parking and Traffic dated January 28, 1964, subject, "Surplus Property on 14th and J Street Parking Lot," recommending the sale of guard posts, lights, and light standards located on the 14th and J Streets parking lot to the new owners, were

furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

RESOLUTION NO. 64-51

A RESOLUTION AUTHORIZING THE SALE OF TWO LIGHTS AND LIGHT STANDARDS AND TWENTY-TWO STEEL GUARD POSTS

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

RESOLUTION OUTLINING PROCEDURE FOR THE PROVISION OF AND BILLING FOR CITY MAP SERVICE BY PLANNING DEPARTMENT

RESOLUTION NO. 64-52

A RESOLUTION OUTLINING PROCEDURE FOR THE PROVISION OF AND BILLING FOR CITY MAP SERVICE BY THE PLANNING DEPARTMENT

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

CONSIDER REQUEST BY DEVELOPER OF CRESTWOOD TERRACE NO. 3 SUBDIVISION THAT STREET IMPROVEMENTS ALONG CLAREMONT AVE.FRONTAGE OF SHERWOOD SCHOOL PARK BE DONE SIMULTANEOUSLY WITH SUBDIVISION IMPROVEMENT INSTALLATIONS

With the unanimous consent of the Council, this item was dropped from the agenda.

CONSIDER AGREEMENT BETWEEN CITY AND FRONTIER SAVINGS AND LOAN TO PROVIDE WATER SERVICE TO ROBIN HOOD ESTATES NO. 2 SUBDIVISION

With the unanimous consent of the Council, this item was dropped from the agenda.

RECOMMEND AMENDMENT TO SECTION 18, T3SR9E (Klemm)

Planning Commission Resolution No. 64-11 adopted January 21, 1964 recommends rezoning of property in Brentwood Estates No. 2 Subdivision, vicinity of Prescott Road and Janna Avenue, from R-1 to R-2 and R-3.

RESOLUTION NO. 64-53

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 OF THE ZONING MAP (GEORGE KLEMM)

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

February 24, 1964 at 8:20 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 (HIRLEMAN)

Planning Commission Resolution 64-10 adopted January 21, 1964 recommends rezoning property in Brookdale Park No. 3 Subdivision, fronting on Coffee Road south of the Cavil Drain, from R-1 to R-3.

RESOLUTION NO. 64-54

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 (HIRLEMAN)

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

February 24, 1964 at 8:10 P.M. in the Council Chambers, City Hall, was set as time and place of hearing.

Councilman Patton returned to the meeting.

APPROPRIATION TRANSFERS

RESOLUTION NO. 64-55

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $15,500 FOR ODOR CONTROL FACILITIES AT SEWAGE TREATMENT PLANT (From 1953 Sewer Improvement Fund (404)

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

Councilman Shastid was excused from the meeting.

RESOLUTION NO. 64-56

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $425 FOR ELECTRIC CONTROLS FOR LOW LEVEL PUMP AT SEWAGE TREATMENT PLANT (From 1953 Sewer Improvement Fund (404)

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

Councilman Shastid returned to the meeting.

MATTERS FOR THE GOOD OF THE COMMUNITY

Dr. Archie N. Tonge, request for permit to install 4" conduit in alley, Block 129

The Director of Public Works recommended that Dr. Archie N. Tonge's request to install 4" conduit across the alley in Block 129, City of Modesto, to provide additional electrical capacity for newly added hospital facilities, be approved subject to the conditions that the permit be revocable upon demand of the City, that construction be in accordance with plans and specifications approved by the Public Works Department, and that the City be held harmless from any and all damages, costs, and charges arising out of, relating to, or in any way connected with the exercise of the rights granted by the permit.

RESOLUTION NO. 64-57

A RESOLUTION GRANTING A REVOCABLE PERMIT TO MODESTO CITY HOSPITAL FOR INSTALLATION OF 4" CONDUIT ACROSS ALLEY IN BLOCK 129, CITY OF MODESTO

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

Resignation of A. A. Hamaway from Advisory Parking and Traffic Committee

Mayor Johansen read a letter from A. A. Hamaway resigning from the Advisory Parking and Traffic Committee due to conflicting business interests Mayor Johansen also read a letter from G. Dale Smith, Chairman, requesting that another member, in addition to a replacement for Mr. Hamaway, be appointed to the Committee to replace a member who will be absent from the City for a period of three or four months.

MOTION

That the resignation of A. A. Hamaway as a member of the Advisory Parking and Traffic Committee be accepted

Moved by VanderWall Seconded by Shastid Unanimously carried

MOTION

That the Mayor be authorized to appoint two members to the Committee, one to replace Mr. Hamaway, and the other on the basis requested by Mr. Smith

Moved by Tabbert Seconded by Patton Unanimously carried

1963 ANNUAL CITY REPORT

The City Manager was directed to proceed with the printing and distribution of the 1963 Annual City Report in accordance with the format presented.

CONSIDER ATTENDANCE OF CITY ATTORNEY AT INSTITUTE FOR PROSECUTING AND DISTRICT ATTORNEYS, SCHOOL OF LAW, UNIVERSITY OF CALIFORNIA, BERKELEY, CALIFORNIA, FEBRUARY 6-7, 1964

MOTION

That the request of the City Attorney to attend the Institute for Prosecuting and District Attorneys in Berkeley February 6-7, 1964 be approved

Moved by VanderWall Seconded by Shastid Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Patton Unanimously carried

The meeting adjourned at 6:30 P.M.

ATTEST: [signature]
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, 801 11th Street, as provided by Section 2-1.01 of the Modesto Municipal Code, Mayor Johansen presiding.

The City Clerk called the roll:

Present: Councilmen: Hughes, Patton, Tabbert, VanderWall, Mayor Johansen
Absent: Councilmen: Mitchell, Shastid

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

Reverend Luverne W. Sands gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the regular meeting of January 27, 1964, and the same being available for public inspection, and there being no objections, the minutes were approved.

LEONARD CHRISTENSEN-MEMBERS OF BOY SCOUT TROOP NO. 17 WELCOMED

Mayor Johansen welcomed Leonard Christensen, troop leader, and members of Boy Scout Troop No. 17, to the Council meeting.

LETTER FROM WOMEN'S PROGRESSIVE CLUB REGARDING PROPOSED LOCATION FOR CULTURAL CENTER

A letter from Mrs. Hugh Merriam, President, and Mrs. Frank C. Damrell, Chairman, Community Improvement Program, of the Women's Progressive Club, dated February 7, 1964, requesting that the City Council set aside a site within the boundaries of 11th and Downey, Eye and G Streets, for a cultural center, was read by the City Clerk.

Mrs. Damrell spoke briefly, stating that if the City provided a site, the various City clubs would try to raise money for construction of the proposed cultural center through subscription, foundations, federal and state funds.

M. L. Alcorn, 1111 Lucerne Avenue, President, Senior Citizens, stated that this organization was badly in need of expanded quarters in which to hold its meetings, that at some events they were hardpressed to accommodate over 300 members in a room having a capacity of 130 people. He asked that Council consideration be given this problem.

Mr. Alcorn was asked to meet with the City Manager to discuss the problem February 11, 1964, at 2:00 P.M.

Mabel Livingston, 834 Muir Road, spoke briefly on the crowded conditions at the Senior Citizens' present meeting room.

Benjamin Frazier, 1412 Rich Avenue, stated that choral and instrumental groups of Senior Citizens were presently using the Salvation Army Hall, rent-free, for rehearsals.

MOTION

That the staff be authorized to work with Mrs. Damrell and Mrs. Merriam on the size of the proposed cultural center, and also with representatives of the Senior Citizens group on their problems

Moved by VanderWall Seconded by Patton Unanimously carried

COMMUNICATION FROM ARMANDO ECHEVERRIA, CHAIRMAN, SISTER CITY COMMITTEE, BARRANQUILLA

A letter from Armando Echeverria G., Sister City Coordinator, Barranquilla, Colombia, dated February 3, 1964, outlining a program for the pending visit of Councilman and Mrs. Mitchell and Deet von Eichel, was read by the City Clerk.

The letter was ordered filed.

LETTERS FROM DAVID RAUBE, 123 SANTA BARBARA, AND A GENTLEMAN ASKING THAT HIS NAME BE WITHHELD REGARDING REGULATION AND CONTROL OF DOGS

The City Clerk briefed letters from David Raube, dated February 4, 1964, and from a gentleman asking that his name be withheld, both favoring an ordinance more strongly enforcing the regulation and control of dogs.

The letters were ordered filed for further consideration when a proposed dog ordinance will be considered for final adotpion.

LETTER FROM WILLIAM G. BOSTON, CHAIRMAN, STANISLAUS CITY-COUNTY COMMITTEE REGARDING PROPOSED HOTEL AND MOTEL ROOM TAX

Copies of a letter from William G. Boston, Chairman, Stanislaus City-County Committee, dated February 5, 1964, relative to the newly added Section 51030 to the Government Code which provides that the legislative body of any city or county may levy a tax on the privilege of occupying a room or rooms in a hotel, inn, etc., were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. Mr. Boston asked that the Council consider the possibility of a tax levy under this provision on a county-wide basis, not to exceed 4%, and to so instruct the Council's representative to the City-County Committee which is scheduled to meet at noon, Tuesday, February 25, 1964, at the Sun Dial Restaurant.

Councilman Tabbert briefly reviewed the City-County Committee discussion of this item, stating that the use of the funds so raised was discussed, with no concrete proposal made.

Use of the proposed tax levy was discussed. No action was taken by the Council.

LETTER REQUESTING VARIANCE TO SIGN REGULATIONS TO PERMIT 60-FOOT FIN SIGN AT TWO LOCATIONS (SAVE MART STORES, 1600 YOSEMITE BOULEVARD AND GREGORY GARDENS SHOPPING CENTER, TULLY AND BOWEN)

A letter from Nick Tocco, President, Save Mart Stores, Inc., dated February 6, 1964, requesting a variance to the Municipal Code to permit construction of two 60-foot signs on two steel columns at Save Mart Stores located at 1600 Yosemite Boulevard and Gregory Gardens Shopping Center, Tully and Bowen Avenue, was read by the City Clerk.

Nick Tocco asked the Council to consider his request favorably, stating that denial would create undue expense and hardship inasmuch as the footings have already been constructed and the steel columns ordered and in process of being delivered. A misunderstanding as to whether the sign design was approved by the Chief Building Official as a part of the general construction plans was discussed.

The City Attorney stated that present code provisions establish a 25-foot maximum height limitation on fin signs and a 35-foot maximum height limitation on pole signs.

The City Manager read a memorandum from the Director of Public Works dated February 10, 1964, subject, "Item 5-A, Agenda, February 10, 1964," a copy of which is on file with the record of the minutes. The memorandum indicated that a building permit was issued to the building contractor for the building; no application was made for a sign permit, and none issued.

A resolution granting a variance to permit installation of 50-foot fin signs was introduced by Councilman Patton, seconded by Councilman Hughes, was withdrawn by Councilman Patton and Hughes.

Frank Ambester, Route 2, Box 1063, Manteca, stated that a delay in approving the request for the variance would involve extra costs in the amount of about $500.

By order of the Chair, the matter was held over for one week for information from the sign people as to whether a conforming sign can be installed.

A RESOLUTION DECLARING THE INTENTION OF THE CITY TO SELL UNNEEDED CITY-OWNED REAL PROPERTY AND AUTHORIZING CALL FOR BIDS

RESOLUTION NO. 64-58

A RESOLUTION DECLARING THE INTENTION OF THE CITY OF MODESTO TO SELL CERTAIN REAL PROPERTY BELONGING TO THE CITY AND AUTHORIZING THE CALLING FOR BIDS TO ACCOMPLISH SUCH SALE (ORANGEBURG FIRE STATION SITE)

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

March 2, 1964, at 2:00 P.M. in the City Clerk's office was set as the time and place for opening bids; March 2, 1964, at 5:00 P.M. in the Council Chambers, City Hall, was set as the time and place for considering oral proposals.

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR CONSTRUCTION OF FIRE STATION ON NORTHERN BOULEVARD

RESOLUTION NO. 64-59

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF A FIRE STATION ON NORTHERN BOULEVARD

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

March 3, 1964, at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

HEARING ON PROPOSED ABANDONMENT OF STREETS IN NORTHLAND ESTATES NO. 2 ADDITION

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the proposed abandonment of portions of streets in Northland Estates No. 2 Addition, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on January 30, 1964, and notices posted in the area on the same day. No protests were filed with the City Clerk.

Planning Commission Resolution No. 64-1 recommends that a portion of two north-south bound streets in Northland Estates No. 2 Addition be abandoned as shown on map titled "Abandonment of Streets in the Standiford Colony, Land Disposition 63-K dated August 6, 1963, as revised," on file in the office of the Planning Director, and that prior to said vacation and abandonment, the applicants be required to execute a written agreement setting forth conditions to be imposed on the applicant and the Modesto Irrigation District.

Reasons for the proposed abandonment were given by Planning Director Fey.

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

RESOLUTION NO. 1020-S.P.
A RESOLUTION VACATING AND ABANDONING A PORTION OF TWO (2) NORTH-SOUTH STREETS IN NORTHLAND ESTATES NO. 2 ADDITION IN THE CITY OF MODESTO

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

RESOLUTION NO. 1021-S.P.
A RESOLUTION APPROVING AGREEMENT BETWEEN THE MODESTO IRRIGATION DISTRICT, JOHN KIRKPATRICK, ORVAL R. YURTH, ET UX - ABANDONMENT OF TWO NORTH-SOUTH STREETS IN NORTHLAND ESTATES NO. 2 ADDITION

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

ORDINANCE AMENDING MODESTO MUNICIPAL CODE RELATING TO SUBDIVISION OF LAND 6-105

ORDINANCE NO. 638-C.S. entitled
"AN ORDINANCE AMENDING SECTIONS 4-4.604 AND 4-4.605 OF ARTICLE 6 OF CHAPTER 4 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, RELATING TO SUBDIVISION OF LAND" (incorporating amendments made to Sections 11611 and 11612 of the Business and Professions Code (Subdivision Regulations) was introduced and ordered published as required by the Charter)

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

FORMAL CLAIM BY PERSON & WIK, INC., A CALIFORNIA CORPORATION, FOR SERVICES RENDERED 7-1

The City Attorney recommended that the claim of Person & Wik, Inc., for services allegedly performed for the City in connection with the City Hall leak be denied on the basis that the services were not authorized by the City, its authorized agents or employees.

RESOLUTION NO. 64-60
A RESOLUTION REJECTING THE CLAIM OF PERSON & WIK, INC., FOR SERVICES ALLEGEDLY PERFORMED FOR THE CITY OF MODESTO

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

CONSIDER PLAQUE FOR POLICE-COMMUNICATIONS BUILDING 7-10

MOTION
That the wording of a proposed plaque for the Police-Communications Center presented by the architect, dated January 28, 1964, be approved

Moved by Tabbert Seconded by Patton Unanimously carried

CONSIDER SPECIAL CENSUS FOR THE CITY OF MODESTO

Copies of a memorandum from the Director of Finance dated January 31, 1964, subject, "Special Census," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. Recommendation was made that a special census be made as soon as possible.

MOTION

That the recommendation of the Director of Finance that a special census be performed by the State Director of Finance be approved

Moved by VanderWall Seconded by Mayor Johansen Unanimously carried

RESOLUTION NO. 64-61

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $270 FOR A SPECIAL CENSUS BY THE STATE DEPARTMENT OF FINANCE

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

RECOMMEND AMENDMENT TO SECTION 16 OF THE ZONING MAP (McHenry Village, Inc.)

Planning Commission Resolution No. 64-21 adopted February 4, 1964 recommends rezoning from Neighborhood Commercial Zone, C-1, and Interim General Commercial, C-2, to General Commercial Zone, C-2, property located north of Granger, east of McHenry Avenue.

RESOLUTION NO. 64-62

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 (McHenry Village, Inc.)

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

March 9, 1964, 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.

UNCLASSIFIED USE PERMIT - APPLICATION OF MODESTO HIGH SCHOOL DISTRICT FOR BLEACHERS AND OUTDOOR LIGHTING FACILITIES AT DOWNEY HIGH SCHOOL

Planning Commission Resolution No. 64-23 adopted February 4, 1964, recommends the granting of an unclassified use permit to Modesto High School District for construction of bleachers and installation of lighting facilities at Downey High School.

RESOLUTION NO. 64-63

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON AN UNCLASSIFIED USE PERMIT TO MODESTO HIGH SCHOOL DISTRICT FOR CONSTRUCTION OF BLEACHERS AND INSTALLATION OF LIGHTING FACILITIES AT DOWNEY HIGH SCHOOL

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

March 9, 1964, at 8:10 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

APPROPRIATION TRANSFER - $250 FOR TYPING POOL AND RECORDS (OFFICE SUPPLIES)

RESOLUTION NO. 64-64

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $250 FOR OFFICE SUPPLIES - TYPING POOL AND RECORDS (From General Fund, General Reserve (101-600)

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

MATTERS FOR THE GOOD OF THE COMMUNITY

Consider Disposition of Old City Hall and Adjacent Buildings - Mayor Johansen

MOTION

That the staff be authorized to make preliminary studies on problems to be encountered in demolishing the old city hall, and to contact owners of adjacent vacant buildings to determine their interest

Moved by VanderWall Seconded by Hughes Unanimously carried

The condition of vacant buildings on Ninth Street was discussed.

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.

ORDER INSTITUTING INVESTIGATION - PUBLIC UTILITIES COMMISSION - DANGEROUS AND HAZARDOUS CROSSINGS IN CITY OF MODESTO

An order instituting investigation of seven railroad crossings within the City of Modesto which may now be dangerous and hazardous to public safety and health, and served upon the Southern Pacific Company, the City of Modesto, and California Division of Highways was ordered filed with the City Clerk. A public hearing date has not yet been set. No action was taken by the Council.

REPORT OF PUBLIC RELATIONS COMMITTEE IN REGARD TO NAMING OF PARKS

A memorandum from the City Manager dated February 7, 1964, subject, "Recommendations of the Council Public Relations Committee concerning the naming of city parks," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The Public Relations Committee has recommended that parks adjacent to city schools be given the same name as the school; that names of parks not located adjacent to schools be selected by the Council from proposals submitted by the Library and Culture Commission.

MOTION

That the recommendations of the Council Public Relations Committee pertaining to the naming of parks in the above-mentioned memorandum dated February 7, 1964, be accepted as Council policy

Moved by VanderWall Seconded by Patton Unanimously carried

The City Clerk was directed to inform the individuals who have recently suggested names of parks to the Council of the Council's newly adopted policy. The City Manager stated that he would inform the Library and Culture Commission of the above Council action, and forward the suggestions recently made for the naming of California-Franklin Park.

REPORT TO COUNCIL BY CITY MANAGER REGARDING SALARY OF PARKING ENFORCEMENT AND FIRE OFFICER 8-3

A memorandum from the City Manager dated February 7, 1964, subject, "Recommended Council action to clarify amount of salary increase for position of Parking Enforcement and Fire Officer," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. It was recommended that the Council take specific action to include the position of Parking Enforcement and Fire Officer with those of other uniformed fire personnel, to receive a 3% salary increase instead of the 5% approved for "sworn" personnel at the January 27, 1964, Council meeting.

RESOLUTION NO. 64-67

A RESOLUTION AMENDING RESOLUTION NO. 64-35 ENTITLED "A RESOLUTION ESTABLISHING SALARY SCHEDULES AND FIXING THE COMPENSATION FOR POSITIONS IN THE CITY SERVICE (SWORN POLICE PERSONNEL)".

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

APPOINTMENT BY MAYOR JOHANSEN OF TWO MEMBERS TO ADVISORY COMMITTEE ON CITY PARKING AND TRAFFIC 8-20

MOTION

That the appointment of Donald Schmidt and Rudy Potochnik to the Advisory Committee on City Parking and Traffic be approved

Moved by VanderWall Seconded by Patton Unanimously carried

APPOINTMENT OF MEMBERS TO BOARD OF HEATING AND COOLING EXAMINERS

RESOLUTION NO. 64-65

A RESOLUTION APPOINTING MEMBERS TO THE BOARD OF HEATING AND COOLING EXAMINERS (John Hochstatter; Roy Keir; Dwight P. Lang, William Scheuber)

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

CONSIDER RESOLUTION COMMENDING THE POLICE RESERVE

RESOLUTION NO. 64-66

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

NOTICE OF PUBLIC HEARING BY STANISLAUS COUNTY LOCAL AGENCY FORMATION COMMISSION

The City Manager reported that a public hearing would be held by the Stanislaus County Local Agency Formation Commission to consider proposed annexation of Fellowship Homes Addition and Yosemite Lanes Addition to City of Modesto on February 19, 1964, in Room 206, County Offices Building, 1100 Eye Street, Modesto, California.

LETTER FROM EAST MODESTO INDUSTRIAL WASTE COMPANY - UNANIMOUS CONSENT ITEM

The City Manager read a letter from Richard F. Olsen, Vice President, East Modesto Industrial Waste Company, dated February 10,1964, requesting that the City consider accepting certain portions of its industrial waste at such times as the facilities of the City would be able to handle additional waste.

MOTION

That the staff be authorized to work with Mr. Olsen

Moved by Hughes Seconded by VanderWall Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Tabbert Unanimously carried

The meeting adjourned at 9:29 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, 801 11th Street, as provided by Section 2-1.01 of the Modesto Municipal Code, Mayor Johansen presiding.

The City Clerk called the roll:

Present: Councilmen: Hughes, Patton, Tabbert, VanderWall, Mayor Johansen
Councilman Shastid arrived at 4:03 P.M.
Absent: Councilmen: Mitchell

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

Reverend Floyd E. Pittman gave the invocation.

PRESENTATION OF CERTIFICATES OF COMPLETION - MUNICIPAL FINANCE ADMINISTRATION COURSE

Certificates of Completion for the Municipal Finance Administration Course were presented by Mayor Johansen to the following: William Chynoweth, Connie Joseph, Bernice Mitchel, Audrey Olsen, Mary Grogan, Frank Reynolds, Wayne Everett, Charles Bird and Doris Clifford.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the regular meeting of February 3, 1964, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER OF RESIGNATION FROM CITY PERSONNEL COMMISSION AND HUMAN RIGHTS COMMITTEE - CHARLES D. YATES 1-30

A letter from Charles D. Yates dated February 8, 1964, tendering his resignation from the City Personnel Commission and Human Rights Committee, was read by the City Clerk.

RESOLUTION NO. 64-68

A RESOLUTION COMMENDING CHARLES D. YATES FOR SERVICES RENDERED TO THE CITY OF MODESTO

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

LETTER FROM STANISLAUS COUNTY 4-H CLUB COUNCIL REGARDING ASSISTANCE WITH A PROPOSED TRASH REMOVAL PROGRAM

A letter from Beverly Tillema, Secretary, Stanislaus County 4-H Club Council, dated February 5, 1964, enclosing a verifaxed copy of a letter sent to the Stanislaus County Board of Supervisors, and asking if the City wished to cooperate in a clean-up campaign by supplying a downtown parking lot for a collection point, was read by the City Clerk.

The City Manager recommended that the Helm property, opposite the Pacific Telephone Building, be used again this year, stating that the owner has indicated that he has no objections.

The City Manager was directed to write to Miss Tillema on behalf of the Council commending the 4-H Club for the proposed clean-up campaign and to advise her of the Council's action.

LETTER FROM WOMEN'S PROGRESSIVE CLUB REGARDING USE OF CITY HALL GARDEN COURT FOR ART EXHIBIT

A letter from Mrs. Daniel Arena, 1805 Maze Road, dated February 10, 1964, requesting use of City Hall garden court for an art exhibit April 7, 8, and 9, 1964, was read by the City Clerk.

MOTION

That the request of the Women's Progressive Club for the use of the City Hall garden court area for an art exhibit April 7, 8, and 9, 1964, be approved, subject to the supervision and assistance of the staff, with the City assuming no responsibility for any phase of the exhibit

Moved by Tabbert Seconded by VanderWall Unanimously carried

LETTER FROM LEAGUE OF CALIFORNIA CITIES REGARDING CITY OFFICIAL REPRESENTATIVE TO INTERNATIONAL CITY COOPERATING COMMITTEE

A letter from Howard Gardner, Associate Director, dated February 10, 1964, asking the Council to name an official city representative to the Committee on International Municipal Cooperation for the year 1964, was read by the City Clerk.

With the unanimous consent of the Council, this matter was held over for one week.

LETTER FROM LEAGUE OF CALIFORNIA CITIES REGARDING APPOINTMENT OF CITY MANAGER KEEFE TO SPECIAL COMMITTEE ON SALES AND USE TAX ADMINISTRATION - Unanimous consent item

MOTION

That the appointment of City Manager Keefe to the Special League Committee of City Managers and Finance Officers be approved, the first meeting scheduled in Sacramento on March 3, 1964, at 10:00 A.M.

Moved by Shastid Seconded by VanderWall Unanimously carried

CONSIDER AWARD OF BID FOR INSTALLATION OF SPRINKLER SYSTEM AT GARRISON PARK

RESOLUTION NO. 64-69

A RESOLUTION ACCEPTING THE BID OF ALBERT M. BIEHL FOR INSTALLATION OF SPRINKLER SYSTEM - GARRISON PARK (low bidder, $8,230)

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

ADOPTION OF ORDINANCE NO. 638-C.S. RELATING TO SUBDIVISION OF LAND

ORDINANCE NO. 638-C.S. entitled
"AN ORDINANCE AMENDING SECTIONS 4-4.604 AND 4-4.605 OF ARTICLE 6 OF CHAPTER 4 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, RELATING TO SUBDIVISION OF LAND"

introduced February 10, 1964, and having been published as required by the Charter, was moved and adopted. (Effective March 18, 1964)

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

MRS. WOODWORTH AND MEMBERS OF GIRL SCOUT TROOP WELCOMED

Mrs. Woodworth and members of her Girl Scout Troop were welcomed to the Council meeting by Mayor Johansen.

FURTHER CONSIDERATION OF REVISION OF DOG REGULATIONS 1-104

(a) Letters from Ruth Schmidt, M.D.

The City Clerk read a letter from Dr. Ruth Schmidt dated February 7, 1964, stating that she would be out of town on February 17 and possibly February 24, 1964, and requesting that the hearing on the proposed dog ordinance changes be considered by the Council not earlier than March 2, 1964. Another letter from Dr. Schmidt dated February 12, 1964, voicing her opposition to the proposed changes, and stating that the present ordinance is entirely adequate if enforced, was read by the City Clerk.

The City Clerk read a letter from Robert A. Marshall, 1622 West Roseburg Avenue, dated February 16, 1964, opposing the proposed changes in the dog regulations.

Five letters approving the proposed changes, and previously read into the record, were listed by the City Clerk.

The City Attorney reviewed the proposed changes.

Floyd Noren, 1706 Stetson Avenue, postal employee, spoke briefly in favor of the proposed ordinance.

Camille Holzheimer, 1804 Debonaire Drive, asked for a definition of a "vicious dog."

Leo Boteler, 1708 Clark Drive, asked if pound personnel would be increased, stating that if present dog regulations could not be enforced it was either due to lack of personnel or lack of effort. It was his opinion that one man could not handle enforcement; that the leash law presently in effect and never enforced was the primary law to keep dogs from roaming the neighborhood and to prevent the spread of rabies. He said he had no objections to the proposed ordinance, but felt that the changes would be worthless if unenforced.

Mrs. Earl Clark, 1034 Harvard Avenue, stated that the Stanislaus County Humane Socienty, a new organization, with the support of the City and County, would help enforce the regulations.

Marion Vollmer, dog trainer, stated that it was the responsibility of the owner of the barking dog to take him in at night so that neighbors are not disturbed. In her opinion the City's problem was enforcement of the leash law. She objected to the proposed change which permits entry to private property to remove a dog.

Francis O'Brien, 1233 Mills Avenue, said he appreciated the Council's reconsideration of the previously proposed ordinance.

Each Councilman gave his reasons for favoring the proposed changes in the dog regulations.

ORDINANCE NO. 639-C.S. entitled
"AN ORDINANCE AMENDING ARTICLE 1 OF CHAPTER 4 OF TITLE V OF THE MODESTO MUNICIPAL CODE, AMENDING SECTION 5-4.209 OF ARTICLE 2 OF CHAPTER 4 OF TITLE V THEREOF, AND ADDING SECTIONS 5-4.207.1, 5-4.207.2, 5-4.207.3 and 5-4.207.4 THERETO, RELATING TO DOGS"

was introduced and ordered published as required by the Charter.

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

HEARING ON PROPOSED REZONING OF TULLY ROAD AND RUMBLE ROAD PROPERTY (Amendment to Section 7 of the Zoning Map, Dr. Berchem property)

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed rezoning of property located on the west side of Tully Road, north of Rumble Road, 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 6, 1964, and notices posted and delivered in the areas as required. No written protests to the proposed rezoning were filed with the City Clerk.

Planning Commission Resolution No. 64-6 recommends that the rezoning be approved.

Dr. Berchem, applicant and owner of the property, stated that he had applied for R-2 zoning at this time because the parcels immediately adjacent to his were both zoned R-2; that because of the depth of his parcel, he felt that the zoning of this parcel should be re-appraised some time in the future and perhaps rezoned to R-3 or similar zoning, because of its unusability for R-2 purposes. Upon questioning, Dr. Berchem stated that he had applied for R-2 zoning only at this time.

ORDINANCE NO. 640-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 7 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (J. W. BERCHEM)"

was introduced and ordered published as required by the Charter.

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

HEARING ON PROPOSED REZONING OF 17TH & G STREET PROPERTY (MODESTO CITY HOSPITAL) 5-35

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 at 17th & G Streets, from R-3 to Neighborhood-Commercial Zone, C-1, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on February 6, 1964, and notices posted and delivered in the area as required. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 64-8 recommends that the rezoning be approved.

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

ORDINANCE NO. 641-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 28 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (CITY HOSPITAL)"

was introduced and ordered published as required by the Charter.

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

FORWARD MODESTO REPORT - COMMUNITY DEVELOPMENT AND TRANSPORTATION

Copies of a memorandum from the City Manager dated February 12, 1964, subject, "City Manager's Review of Recommendations Contained in Report of Forward Modesto Committee '62, (City Council Agenda - February 17, 1964)" were distributed to the Council, a copy of which is on file with the record of the minutes. The memorandum contains comments and recommendations on Forward Modesto Committee '62's recommendations pertaining to community development.

Paul Birmingham, Chairman, Executive Committee, stated that he agreed essentially with the recommendations of the City Manager.

The memorandum indicated that if the Council concurred in the Manager's recommendations as outlined in the above memorandum, the staff would: (1) Report to the County the Committee's recommendation regarding continued efforts in the matter of freight rate reduction; (2) Inform the Chamber of Commerce of the Committee's recommendation regarding increased funds for industrial promotion, and ask that the Chamber keep the Council advised of any follow-up action taken on the recommendation; (3) Write to the County Board of Supervisors, informing them of the Committee's recommendation regarding establishment of an agency to study need for neighborhood improvements and promote remedies, and requesting that in view of the community-wide nature of this need a County Committee be appointed to perform this service; (4) Report to downtown merchants and property owners, and others interested, the Committee's recommendations regarding a stepped-up "selling" of the downtown business district, and the City's willingness to cooperate as possible in any program they propose.

The recommendation regarding increased funds for industrial promotion by the Chamber of Commerce was discussed. Councilman VanderWall stated that the Commercial-Industrial Committee was working with the Chamber, and this matter would be discussed in the near future.

Referring to proposed action by the staff, No. (3) above. Mr. Birmingham pointed out that the City and fringe areas were in need of neighborhood improvements - sewer lines, pavements, sidewalks, etc., - and that many of these could be accomplished as assessment districts, and with the aid of federal funds. It was Mr. Birmingham's opinion that the various neighborhoods should be informed that agencies are available to help the people in neighborhood improvements.

MOTION

That the staff recommendations outlined in memorandum dated February 13, 1964, subject, "City Manager's Review of Recommendations Contained in Report of Forward Modesto Committee '62 pertaining to Community Development" be approved

Moved by VanderWall Seconded by Shastid Unanimously carried

TRANSPORTATION - Air Transportation

The recommendation of the Forward Modesto Committee for construction of an airport administration building at the City-County Airport during 1963-66 was discussed by the Council. The City Manager stated that if the proposed action of the staff on this item was approved, discussions would again be initiated with the County to determine its interest in sharing costs of the construction. Mayor Johansen suggested that the City-County Cooperation Committee of which Councilmen Mitchell and Hughes are members, could also discuss the matter with Supervisor members of the committee. Estimated cost of the proposed administration building is $25,000.

TRANSPORTATION - Parking and Traffic

It was the City Manager's opinion that the appointment of a permanent citizen committee to study problems of parking and traffic, as recommended by the Forward Modesto Committee '62, appeared to be a policy matter on which his recommendation would not be appropriate. Mr. Keefe said that an item pertaining to acquisition of parking lots would be placed on the February 24 agenda.

MOTION

That the Manager's comments and recommendations outlined in memorandum dated February 12, 1964, subject, "City Manager's Review of Recommendations Contained in Report of Forward Modesto Committee '62 Pertaining to Air Transportation and Parking and Traffic be approved

Moved by VanderWall Seconded by Shastid Unanimously carried

TRANSPORTATION - Rail Transportation 6-115

Director of Parking and Traffic Carmody stated that an answer from the Tidewater Southern Railway on the removal of tracks from Ninth Street was expected by the middle of March.

Mr. Birmingham stated that more publicity should be given on the status of negotiations between the city staff and Tidewater Southern Railway in connection with the proposed removal of the tracks.

Lack of a Tidewater Southern franchise was discussed.

MOTION

That the City Manager's comments and recommendations listed in memorandum dated February 12, 1964, pertaining to Rail Transportation - (removal of Ninth Street tracks, Tidewater Southern Franchise, program of grade crossing separations) be approved

Moved by VanderWall Seconded by Shastid Unanimously carried

The following items were scheduled to be reviewed at the March 2, 1964, meeting: Transportation - Streets and Alleys, and Utilities.

The staff was directed to furnish its report to Mr. Birmingham and interested Forward Modesto Committee members one week prior to the scheduled discussions.

FURTHER CONSIDERATION OF SIGN VARIANCE REQUEST BY NICK TOCCO
(carried over from February 10 meeting)

A memorandum from the Director of Public Works dated February 13, 1964, subject, "Request by Save Mart Stores, Inc., for Variance to Sign Regulations, 1600 Yosemite Boulevard - Gregory Gardens Shopping Center," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

City sign regulations and possible needed revisions were generally discussed.

RESOLUTION NO. 64-70

A RESOLUTION GRANTING A VARIANCE TO NICK TOCCO, SAVE MART STORES, TO ERECT A 50-FOOT FIN SIGN AT PROPERTY LOCATED AT 1600 YOSEMITE BOULEVARD

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

RESOLUTION NO. 64-71

A RESOLUTION GRANTING A VARIANCE TO NICK TOCCO, SAVE MART STORES, TO ERECT A 35-FOOT FIN SIGN ON PROPERTY LOCATED AT GREGORY GARDENS SHOPPING CENTER, CORNER TULLY ROAD AND BOWEN AVENUE

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

Misunderstandings between the staff and applicants over permits issued were discussed, the City Manager stating that steps were being taken to prevent future recurrences.

FURTHER CONSIDERATION OF REQUEST BY G. E. ZIMMERMAN FOR RELEASE OF BLACKTOP VARIANCE BOND - $330 9-50

A letter from Gerard E. Zimmerman, 815 Magnolia Avenue, dated February 14, 1964, asking to be relieved of the expense of maintaining a $330 bond to guarantee removal of a blacktop sidewalk area on property at 815 Magnolia Avenue, and in lieu thereof personally guaranteeing to remove the material from the sidewalk area upon demand of the City, was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes, was read by the City Manager.

Mr. A. Frad, attorney representing Mr. Zimmerman, asked that the Council approve Mr. Zimmerman's request inasmuch as there were no present plans for the City to require the construction of curbs and gutters in the area.

RESOLUTION NO. 64-72

A RESOLUTION AMENDING RESOLUTION NO. 60-310 ENTITLED "A RESOLUTION GRANTING VARIANCE TO G. E. ZIMMERMAN TO CONSTRUCT TEMPORARY BLACKTOP DRIVEWAY APPROACHES

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

RESOLUTION GIVING NOTICE OF PROPOSED DEMOLITION OF BUILDING LOCATED AT 411 H STREET IN THE CITY OF MODESTO AND SETTING DATE FOR HEARING (HANNINK) 9-95

RESOLUTION NO. 64-73

A RESOLUTION GIVING NOTICE OF PROPOSED DEMOLITION OF THE BUILDING LOCATED AT 411 H STREET IN THE CITY OF MODESTO IN ACCORDANCE WITH THE PROVISIONS OF SECTION 203(a) OF THE UNIFORM BUILDING CODE AND FIXING THE TIME AND PLACE FOR HEARING PROTESTS THERETO (HANNINK)

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

March 2, 1964, at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

CONSIDER SALE OF SURPLUS TREES TO THE CITY OF MERCED

RESOLUTION NO. 64-74

A RESOLUTION AUTHORIZING THE SALE OF SURPLUS TREES TO CITY OF MERCED (23 trees for the sum of $175)

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

The City Manager stated that local nurseries would be advised that surplus trees are for sale.

CONSIDER PROJECT AT CITY-COUNTY AIRPORT

At the request of the City Manager, and with the consent of the Council, this matter was held over for one week.

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY AT SOUTHWEST CORNER OF CRATER AVENUE AND CASCADE STREET

MOTION

That the request for sewer service to property located at southwest corner of Crater Avenue and Cascade Street be approved

Moved by Hughes Seconded by Patton Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY AT 800 ROSELENE AVENUE

MOTION

That the request for sewer service to property located at the southeast corner of Roselene and Irene Avenues (800 Roselene Avenue) be approved

Moved by Hughes Seconded by Tabbert Unanimously carried

CONSIDER AGREEMENT BETWEEN CITY AND MODESTO LIONS CLUB, INC.

RESOLUTION NO. 64-75

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO LIONS CLUB, INC., FOR CONSTRUCTION OF A SERIES OF CONCRETE SLABS IN VARIOUS PARKS FOR RECREATIONAL PURPOSES

Introduced by Hughes Seconded by VanderWall

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

NOTICE OF ASSIGNMENT OF AIRPORT LEASE AGREEMENT BETWEEN THE CITY AND DARRELL OLSON TO THOMAS S. OSTERMAIER, FRANCIS RINGLER AND COLONEL ELVIN W. BRUSH, DBA MODESTO FLYING SERVICE, HANGAR NO. 5

The City Attorney reported that Darrell Olson, who entered into an airport lease agreement with the City on October 28, 1963, has assigned and transferred the lease to Thomas S. Ostermaier, Francis Ringler and Colonel Elvin W. Brush, dba Modesto Flying Service, Hangar No. 5 located at the Modesto City-County Airport.

MOTION

That lessees at the Airport be notified that their leases will be terminated on June 30 for the purpose of amending their leases to prohibit assignment of leases without Council approval

Moved by Shastid Seconded by VanderWall Unanimously carried

MOTION

That the staff be directed to check operating charges, rentals, etc., of other city airports for comparison purposes for report to the Council

Moved by VanderWall Seconded by Hughes

The motion carried, Councilman Patton dissenting.

REQUEST FROM MODESTO CITY SCHOOLS SUPERINTENDENT FOR LOCATION STUDY OF PROPOSED FOURTH HIGH SCHOOL ON RIVERSIDE DRIVE, AND REQUEST FROM STANISLAUS UNION SCHOOL DISTRICT FOR STUDY OF SITE FOR PROPOSED JUNIOR HIGH SCHOOL ON RUMBLE ROAD

MOTION

That approval be given the Planning Commission to make studies requested by Modesto City Schools and Stanislaus Union School District for location of proposed fourth High School and Junior High School

Moved by Shastid Seconded by VanderWall Unanimously carried

CONSIDER ESTABLISHMENT OF NEW CLASSIFICATION - PARK SUPERINTENDENT

RESOLUTION NO. 64-76

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO (Abolishing Recreation Superintendent and creating Park Superintendent classification)

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

RESOLUTION NO. 64-77

A RESOLUTION AMENDING RESOLUTION NO. 64-37 ENTITLED "A RESOLUTION ESTABLISHING SALARY SCHEDULES AND FIXING THE COMPENSATION FOR POSITIONS IN THE CITY SERVICE (GENERAL EMPLOYEES)" (Adding Park Superintendent to Range 28.5, $647-$786)

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

ACCEPT IMPROVEMENTS IN SKYLANE PARK NO. 3 SUBDIVISION AS COMPLETE AND AUTHORIZE CITY CLERK TO RELEASE SUBDIVISION IMPROVEMENT BOND

RESOLUTION NO. 64-78

A RESOLUTION AUTHORIZING THE RELEASE OF SUBDIVISION BOND FILED TO GUARANTEE IMPROVEMENTS IN SKYLANE PARK NO. 3 SUBDIVISION ($27,000)

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

ACCEPT IMPROVEMENTS IN BRENTWOOD ESTATES NO. 1 SUBDIVISION AS COMPLETE AND AUTHORIZE CITY CLERK TO RELEASE SUBDIVISION IMPROVEMENT BOND ($39,000)

RESOLUTION NO. 64-79

RESOLUTION AUTHORIZING THE RELEASE OF SUBDIVISION BOND FILED TO GUARANTEE IMPROVEMENTS IN BRENTWOOD ESTATES NO. 1 SUBDIVISION

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

CONSIDER REQUEST FOR MONTHLY PARKING PERMITS ON CITY PARKING LOTS

Copies of a memorandum from the Director of Parking and Traffic dated February 12, 1964, subject, "Monthly Parking Privileges," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The memorandum recommended that alternate No. 3 be approved, "monthly parking as approved by the Director of Parking and Traffic."

MOTION

That alternate No. 3, authorizing monthly parking as recommended by the Director of Parking and Traffic, be approved, at the rate of $10 per month, with the understanding that approval is authorized only when it does not encroach on the needs of shopper parking; that the City Attorney prepare the necessary documents

Moved by Shastid Seconded by Hughes Unanimously carried

REPORTS FROM THE PLANNING COMMISSION - None

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

REFUND - PEACE OFFICERS TRAINING FUND

The City Manager reported that a check reimbursing the City in the amount of $955.35 has been received from the California Peace Officers' Training Fund for calendar year 1963. A letter from Dan Kelsay, Chairman, State Commission on Peace Officer Standards and Training, dated February 14, 1964, transmitting the check, is on file with the record of the minutes.

POLICE BUILDING FURNITURE

Copies of a memorandum from Ernest Dunham, Purchasing Officer, dated February 17, 1964, subject, "Police Building Furniture," were distributed to the Council, a copy of which is on file with the record of the minutes. The Council expressed no objections to the staff proceeding in accordance with the recommendations listed in the memorandum.

The City Manager stated that a definite recommendation would be submitted to the Council at the February 24th meeting.

DISPOSITION OF CITY-OWNED PROPERTY - ORANGEBURG AVENUE

MOTION

That the matter of the disposition of city-owned property located on Orangeburg Avenue be referred to the Planning Commission for report and recommendation

Moved by VanderWall Seconded by Shastid Unanimously carried

FREEWAY CONSTRUCTION PROGRESS REPORT 10-82

A memorandum from Director of Parking and Traffic Carmody dated February 13, 1964, subject, "Freeway Progress Report," was furnished the Council, a copy of which is on file with the record of the minutes. The memorandum was ordered filed.

PRESENTATION OF FINANCIAL STATEMENT FOR MONTH OF JANUARY 1964

The financial statement for the month of January 1964 was presented and ordered filed.

CARD FROM COUNCILMAN AND MRS. MITCHELL

A postcard from Councilman and Mrs. Mitchell, who are visiting Modesto's Sister City, Barranquilla, Colombia, was read by Mayor Johansen.

ANNOUNCEMENT

The City Manager announced that a meeting would be held at the American Legion Hall on February 27, 1964, at 7:30 P.M. concerning New Homes Planorama.

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Tabbert Unanimously carried

The meeting adjourned at 6:45 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 7:30 P.M. in the Council Chambers, 801 11th Street, as provided by Section 2-1.01 of the Modesto Municipal Code, Mayor Johansen presiding.

The City Clerk called the roll:
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 Arthur M. Brohm gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Council members having received copies of the minutes of the regular meeting of February 10, 1964 and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM LEAGUE OF CALIFORNIA CITIES REGARDING CITY OFFICIAL REPRESENTATIVE TO INTERNATIONAL CITY COOPERATION COMMITTEE

A letter from the League of California Cities dated February 10, 1964 requesting that an appointment be made to the Committee on International Municipal Cooperation, was summarized by the City Clerk.

By Order of the Chair, Councilman Mitchell was appointed to serve on the Committee. The City Clerk was directed to write to the League of California Cities notifying it of the appointment.

LETTER FROM PERSONNEL COMMISSION REGARDING DATE FOR REVIEW OF SALARIES

A letter from John Tatoyan, Jr., Chairman, Modesto Personnel Commission, dated February 12, 1964 recommending that if a change of time is made in considering salary reviews, the review be before this coming July rather than before July, 1965 was read by the City Clerk.

By Order of the Chair, the staff was directed to place the letter on next week's agenda for Council consideration.

LETTER FROM FRANK ANDREWS REGARDING UNSOUND PLANNING AND ENGINEERING

A letter from Frank Andrews dated February 20, 1964, subject, "A Good Subject for Engineering Week," was summarized by the City Clerk. In his letter, Mr. Andrews referred to his recent request that the Council appoint a Committee to meet with Mr. Andrews to discuss needs for more sound, practical planning and engineering, which the Council has not yet appointed.

Mayor Johansen said that the Council Public Relations Committee had discussed Mr. Andrews' request to appoint a committee; that it was the consensus of the Public Relations Committee that such a committee was unnecessary, with public support doubtful; that the Public Relations Committee would meet with Mr. Andrews if he so desired. The City Clerk was directed to notify Mr. Andrews of the Committee's report.

LETTER FROM FRANK ANDREWS REGARDING POLITICAL ADVERTISING WITH CITY FUNDS -

With the unanimous consent of the Council, a letter from Frank Andrews, subject, "Political Advertising out of City Funds," dated February 24, 1964 was read by the City Clerk. Mr. Andrews objected to the printing of the City's Annual Report with taxpayers' money, delivery of the report on February 22nd, and violation of city ordinances pertaining to distribution of handbills. He requested that the expenditures involved with the Annual Report be reimbursed to the City by the Councilmen.

The City Attorney stated that distribution of the Annual Report by the Boy Scouts did not violate the municipal code; that in his opinion, preparation of the Annual Report was a valid municipal purpose to keep the public informed of city activities.

MOTION

That the City Manager inform Mr. Andrews of the Opinions rendered by the City Attorney

Moved by VanderWall Seconded by Patton Unanimously carried

CONSIDER AWARD OF BID FOR INSTALLATION OF SPRINKLER SYSTEM AT MORAN ESTATES PARK SITE (no bids received, estimated cost to City $4,100)

The City Manager stated that the installation of a sprinkler system at Moran Estates Park would be accomplished primarily with volunteer labor furnished by area residents, with the City furnishing the materials.

RESOLUTION NO. 64-80

A RESOLUTION AUTHORIZING THE INSTALLATION OF SPRINKLER SYSTEM AT MORAN ESTATES PARK

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

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE CONSTRUCTION OF A SUBTRUNK SEWER ON NORWEGIAN AVENUE EAST OF POTTER AVENUE

RESOLUTION NO. 64-81

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE CONSTRUCTION OF A SUBTRUNK SEWER ON NORWEGIAN AVENUE EAST OF POTTER AVENUE

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

March 10, 1964, 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. 639-C.S. AMENDING DOG REGULATIONS

The City Clerk summarized letters from the following, who objected to adoption of the proposed ordinance: Mr. and Mrs. Ray Herschbach, dated February 22, 1964; Mrs. T. Tompkins, 107 Elmwood; Helen Yadlosky, 2019 Lance Street.

Mr. Irby Bunding, 1330 Fordham Avenue, spoke in opposition to the proposed ordinance, primarily on the basis that it would permit unwarranted invasion of private property.

ORDINANCE NO. 639-C.S. entitled

"AN ORDINANCE AMENDING ARTICLE 1 OF CHAPTER 4 OF TITLE V OF THE MODESTO MUNICIPAL CODE, AMENDING SECTION 5-4.209 OF ARTICLE 2 OF CHAPTER 4 OF TITLE V THEREOF, AND ADDING SECTIONS 5-4.207.1, 5-4.207.2, 5-4.207.3 and 5-4.207.4 THERETO, RELATING TO DOGS"

Introduced February 10, 1964, and having been published as required, was moved and adopted.

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

Mrs. Rose Anna Johnson, 618 15th Street, stated that she owned a dog, did not have an enclosed yard, and at times it was physically impossible for her to accompany her dog outside the home.

The City Manager stated that he would get in touch with Mrs. Johnson on February 25th to discuss her problem.

HEARING ON APPEAL BY J. H. DEETER, LOT 10 OF FRESNO TRACT - 2-35

Councilman Mitchell was excused from consideration of this item on the basis of his statement that he felt disqualified because of lack of opportunity to study the matter prior to the hearing.

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the appeal of John H. Deeter from the decision of the Planning Commission which denied his request for rezoning from R-1 to R-3, a parcel comprised of approximately 16 acres located between Granger Avenue and Modesto Irrigation District Lateral No. 3, and Tidewater Southern Railroad tracks and Our Lady of Fatima Church property, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on February 13, 1964, and notices posted, distributed and mailed to interested parties on the same day. No written protests were filed with the City Clerk.

Planning Commission Resolution 64-7 adopted January 21, 1964, denied Mr. Deeter's application for rezoning on the basis that the proposed rezoning would permit a density higher than that of the surrounding area; the proposed rezoning does not meet the criteria for location of high density residential uses inasmuch as the property is not located on a major street, nor close to a center of traffic generating uses; the rezoning would generate an unreasonable amount of traffic on residential streets.

Director of Planning Fey briefly discussed the reasons why the application for rezoning was denied, stating that at one time the property was rezoned P-D (14) but has since reverted back to R-1 zoning.

John Deeter, applicant, mentioned the difficulties encountered in attempting a planned development zone, and stated that the possibilities of a bridge across the canal had been discussed and the property would be bisected with a north-south street through the center of the property. Mr. Deeter stated that it was not economically feasible to consider development of the property on an R-1 basis because of the cost of the land.

Mr. Deeter was questioned by the Council on the construction phases of the development.

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

RESOLUTION NO. 64-82

A RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION DENYING THE REQUEST OF JOHN H. DEETER TO AMEND SECTION 17 OF THE ZONING MAP AS DESCRIBED IN RESOLUTION NO. 64-7 ADOPTED BY THE PLANNING COMMISSION ON THE BASIS OF THE FINDINGS SET FORTH IN SAID RESOLUTION

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

HEARING ON RECOMMENDED REZONING OF SECTION 16 OF THE ZONING MAP (HIRLEMAN PROPERTY)

Mayor Johansen announced that the hour of 8:10 P.M. had arrived, the time set for consideration of the proposed rezoning of the following described property from R-1 to R-3, and opened the hearing: Those lots as shown on the map of Brookdale Park No. 3, dated as received by the Planning Department on December 31, 1963, as follows: The five lots adjacent to Coffee Road; the property adjacent to Coffee Road shown as owned by Lawrence, corner Coffee Road and Athens Avenue.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on February 13, 1964; notices posted in the area on February 13; and notices distributed in the area on February 20. No written protests to the proposed rezoning were filed with the City Clerk.

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

Planning Commission Resolution No. 64-10 recommends that the area be rezoned as approved by the Planning Commission.

ORDINANCE NO. 642-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 16 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (HIRLEMAN)"

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

HEARING ON RECOMMENDED REZONING OF SECTION 18 OF THE ZONING MAP (KLEMM PROPERTY)

Mayor Johansen announced that the hour of 8:20 P.M. had arrived, the time set for consideration of the proposed rezoning of the following described property from R-1 to R-2 and R-3; and opened the hearing.

To R-2: Lots 1 to 4 inclusive and Lots 14, 15 and 16 in Block 6651; Lots 3 to 9 inclusive in Block 6652; Lots 8 and 9 in Block 6653, as shown on tentative map of Brentwood Estates Unit No. 2 Subdivision as received by the Planning Department on December 31, 1963; To R-3: All lots adjacent to Prescott Road in the proposed Brentwood Estates No. 2 Subdivision and one additional lot fronting on Janna Avenue separated from Prescott Road by one lot.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on February 13, 1964; notices posted in the area on the same date, and distributed in the area on February 20th. No protests were filed with the City Clerk.

Planning Commission Resolution No. 64-11 adopted January 21, 1964, recommends that the above described property be rezoned as listed above.

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

ORDINANCE NO. 643-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 18 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (KLEMM)

was introduced and ordered published as required by the Charter.

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

CONSIDER PROJECT AT CITY-COUNTY AIRPORT - EXTENSION OF CONTROLS FOR RUNWAY AND TAXIWAY LIGHTING TO CONTROL TOWER

Copies of a memorandum from the Director of Public Works dated February 11, 1964, subject, "Airport Control Tower," were distributed to the Council, a copy of which is on file with the record of the minutes.

MOTION

That the project for the extension of controls for runway, taxiway lighting and rotating beacon to the control tower at City-County Airport be approved

Moved by Hughes Seconded by VanderWall Unanimously carried

The City Manager stated that the County would be asked to share the costs of the project.

CONSIDER ACCEPTANCE OF LOW OFFER FOR POLICE BUILDING FURNITURE

A memorandum from Purchasing Officer Dunham dated February 24, 1964, subject, "Award Recommendation Police Building Furniture," was distributed to the Council, a copy of which is on file with the record of the minutes. The memorandum indicated a savings of about $2,000 to the City through negotiated bids; that the actual quantities of items needed for the police-communications building may vary as much as 10%, more or less, from the quantities shown on the request for bids.

RESOLUTION NO. 64-83

A RESOLUTION REJECTING ALL BIDS FOR FURNITURE FOR THE POLICE-COMMUNICATIONS BUILDING AND AUTHORIZING PURCHASE THEREOF THROUGH NEGOTIATION WITH QUALIFIED LOCAL DEALERS

Introduced by Shastid Seconded by VanderWall

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

RESOLUTION NO. 64-84

A RESOLUTION ACCEPTING THE NEGOTIATED BID OF LEE BROTHERS STATIONERS FOR FURNITURE FOR POLICE-COMMUNICATIONS BUILDING

Introduced by Mitchell Seconded by VanderWall

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

RESOLUTION NO. 64-85

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $20,000 FOR FURNISHINGS - POLICE-COMMUNICATIONS BUILDING

Introduced by Shastid Seconded by VanderWall

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

CONSIDER TERMINATION OF LEASE, RESIDENCE OCCUPIED BY FLOYD HUSS, 1415 SUTTER AVENUE (Effective February 29, 1964)

RESOLUTION NO. 64-86

A RESOLUTION RESCINDING RESOLUTION NO. 61-430 ENTITLED "A RESOLUTION ESTABLISHING THE REASONABLE RENTAL VALUE OF THE RESIDENCE OWNED BY THE CITY LOCATED AT 1415 SUTTER AVENUE, MODESTO, AND AUTHORIZING FLOYD HUSS, A CITY EMPLOYEE, TO OCCUPY THE PREMISES FOR RESIDENCE PURPOSES AS A PART OF HIS COMPENSATION IN CONNECTION WITH HIS EMPLOYMENT AT THE CITY SEWAGE TREATMENT PLANT, AND RESCINDING RESOLUTION NO. 61-3"

Introduced by VanderWall Seconded by Shastid

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

CONSIDER RESOLUTION APPROVING LEASE AGREEMENT WITH WILLIS CHEEK, CITY EMPLOYEE, 1415 SUTTER AVENUE (Effective March 1, 1964)

RESOLUTION NO. 64-87

A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND WILLIS CHEEK FOR RENTAL OF CITY-OWNED RESIDENCE

Introduced by Shastid Seconded by VanderWall

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

DISCUSSION WITH COUNCIL PUBLIC RELATIONS COMMITTEE ON ACQUISITION OF CITY PARKING LOTS 7-0

The City Manager stated that some time ago he was questioned by the Director of Parking and Traffic as to the City's policy in acquiring parking lots. The matter was turned over to the Public Relations Committee for review.

Mayor Johansen stated that the Public Relations Committee did not discuss the matter at any length, feeling that this was an area beyond the scope of the Committee. It was Mayor Johansen's opinion that formulation of a policy on acquisition of parking lots should be withheld until such time as reports and recommendations are received from the various committees studying parking and traffic problems in the downtown areas, validated parking, establishment of parking districts, etc.

Bill Bair, 316 King Richard Lane, distributed a resolution from the Downtown Modesto Association requesting that Director of Parking and Traffic Carmody be allowed to proceed at once with the acquisition of additional downtown off-street municipal parking locations, and that funds available in the City Parking Fund be utilized for this purpose as quickly as possible.

Status of the petition for formation of a parking district, and high-rise parking garages were discussed.

G. Dale Smith, Chairman, Advisory Committee on Parking and Traffic, stated that it was the consensus of the Committee, after several months of study, that the parking problem was of paramount importance in the downtown area; that it was felt that more parking facilities should be obtained at whatever cost and manner possible with funds presently available for this purpose.

Director of Parking and Traffic Carmody was directed to furnish the Council a copy of plans for high-rise parking garages.

Hy Youngheim, 2821 Lavon Avenue, stated that a study should be made of high-rise parking facilities in order to be ready for additional parking at the time the downtown traffic pattern is changed as a result of the completion of the freeway.

By Order of the Chair, no action was taken until such time as reports are received from the committees studying downtown parking and traffic problems.

APPROVAL OF AGREEMENT BETWEEN CITY OF MODESTO AND FELLOWSHIP HOMES, A CORPORATION, WHEREBY CITY AGREES TO FURNISH SEWER AND WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS

RESOLUTION NO. 64-88

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND FELLOWSHIP HOMES FOR WATER AND SEWER SERVICE TO PROPERTY OUTSIDE THE CITY

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

APPROVAL OF SUBDIVISION AGREEMENT AND FINAL MAP OF BROOKDALE PARK NO. 3 SUBDIVISION 8-90

RESOLUTION NO. 64-89

A RESOLUTION APPROVING THE FINAL MAP OF THE BROOKDALE PARK NO. 3 SUBDIVISION OF THE CITY OF MODESTO

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

APPROVAL OF PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER MAINS IN BROOKDALE PARK NO. 3 SUBDIVISION

RESOLUTION NO. 64-90

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER MAINS IN BROOKDALE PARK NO. 3 SUBDIVISION

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

March 10, 1964, at 2:15 P.M. in the City Clerk's office was set as the time and place for opening of bids.

Present regulations covering the collection of connection fees were discussed.

The staff was directed to secure information relating to connection fees from other cities and competitors in this area for comparison purposes; to submit this information to the Public Projects Committee on the matter; and to submit a report to the Council within the next fifty days.

The staff was directed to furnish the Council copies of the reports submitted when the matter of connection fees was last discussed by the Council.

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY AT 2027 AND 2029 GLENDALE AVENUE (DUPLEX)

MOTION

That sewer service to property located at 2027 and 2029 Glendale Avenue be approved

Moved by Hughes Seconded by VanderWall Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY AT 2020-2022 GLENDALE AVENUE (DUPLEX)

MOTION

That sewer service to property located at 2020-2022 Glendale Avenue be approved

Moved by Shastid Seconded by VanderWall Unanimously carried

ACCEPT STREET IMPROVEMENTS AND RIGHT OF WAY DEEDS FOR EXTENSION OF GAYLE AVENUE WEST OF SHERWOOD AND SOUTH OF M.I.D. LATERAL NO. 3
(In accordance with agreement between City and R. Nickerson, 12/23/58)

A memorandum from the Director of Public Works dated February 24, 1964, subject, "Acceptance of right of way and street improvements for the Extension of Gayle Avenue west of Sherwood Avenue," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

RESOLUTION NO. 64-91

RESOLUTION ACCEPTING GRANT DEEDS FOR RIGHTS OF WAY FOR EXTENSION OF GAYLE AVENUE AND ACCEPTING SAID EXTENSION AS A PUBLIC STREET

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

REQUEST FOR PERMISSION TO USE A PART OF THE MODESTO CITY-COUNTY AIRPORT FOR FIRE FIGHTING DEMONSTRATIONS ON APRIL 25, 1964 9-25

RESOLUTION NO. 64-92

A RESOLUTION GRANTING A PERMIT TO CALIFORNIA RURAL FIRE ASSOCIATION TO USE A PORTION OF THE CITY-COUNTY AIRPORT ON APRIL 25, 1964

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

Upon questioning, the Fire Chief stated that the demonstration would be held on city property only.

REQUEST FOR ON-STREET PARKING PRIVILEGES FOR CONFERENCE MEMBERS OF CALIFORNIA RURAL FIRE ASSOCIATION APRIL 23 THROUGH 26, 1964

MOTION

That the conference members of the California Rural Fire Association be permitted free on-street parking privileges during the period April 23 through 26, 1964, inclusive

Moved by VanderWall Seconded by Mitchell Unanimously carried

RESOLUTION GIVING NOTICE OF PROPOSED DEMOLITION OF BUILDINGS LOCATED AT 136 ALMOND STREET (Sheds at rear of property)

RESOLUTION NO. 64-93

A RESOLUTION GIVING NOTICE OF PROPOSED DEMOLITION OF SHEDS LOCATED AT 136 ALMOND STREET IN THE CITY OF MODESTO IN ACCORDANCE WITH THE PROVISIONS OF SECTION 203(a) OF THE UNIFORM BUILDING CODE AND FIXING THE TIME AND PLACE FOR HEARING PROTESTS THERETO (JOHN A. SANDERS, JR.)

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

March 9, 1964, at 8:15 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF SIDEWALK, CURB AND GUTTER ALONG CERTAIN STREETS IN THE CITY OF MODESTO 9-105

RESOLUTION NO. 64-94

A RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF SIDEWALK, CURB AND GUTTER ALONG CERTAIN STREETS IN THE CITY OF MODESTO (BLOCK 2061-1, LOTS 5 AND 6)

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

March 16, 1964, at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMENDATION OF PLANNING COMMISSION REGARDING DISPOSITION OF PROPERTY OWNED BY CITY

MOTION

That the recommendation of the Planning Commission recommending sale of city-owned property located on the north side of East Orangeburg Avenue be approved

Moved by VanderWall Seconded by Shastid Unanimously carried

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

Report of Trip to Barranquilla, Colombia, by Councilman Mitchell

Councilman Mitchell spoke briefly on his trip to Barranquilla, describing some of the problems connected with a population explosion (from 200,000 to 600,000 since 1957), and resultant housing and utility problems.

Councilman Mitchell also visited the Modesto Sister-City School, established by some of the residents of Barranquilla for students ranging in age from 6 to 16 years, who have never had an opportunity to attend school. Present attendance is about 300, with four-hour sessions morning, noon, and night, two teachers on the payroll plus volunteer parents. As an inducement, Mr. Recio is attempting to carry out a plan wherein the best student in the school will spend one year with a Modesto family.

Councilman Mitchell urged the Councilmen to visit Barranquilla if at all possible. He said that he had taken seventeen rolls of colored slides which he would be glad to make available to the Council.

CODIFICATION OF ORDINANCE OF THE CITY OF ARROYO GRANDE

Copies of a memorandum from the City Attorney dated February 26, 1964, subject, "Outside Employment," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

MOTION

That the request of the City Attorney to codify ordinances of the City of Arroyo Grande be approved

Moved by VanderWall Seconded by Shastid Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Tabbert Unanimously carried

The meeting adjourned at 9:58 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, 801 11th Street, as provided by Section 2-1.01 of the Modesto Municipal Code, Mayor Johansen presiding.

The City Clerk called the roll:

Present: Councilmen: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Councilman Shastid arrived at 4:01 P.M.
Absent: Councilmen: None

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

Councilman VanderWall gave the invocation.

Mayor Johansen introduced A. D. Bailey, Modesto Tribune reporter.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Council members having received copies of the minutes of the regular meeting of February 17, 1964, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM CALIFORNIA PARK AND RECREATION SOCIETY, INC., REGARDING CITATION AWARD TO MISS MARY E. GROGAN

A letter from Harry R. Atkinson, 2nd Vice President, California Park & Recreation Society, Inc., dated January 20, 1964, advising that Director of Parks and Recreation Mary E. Grogan would receive a "Citation" award from the Society for her outstanding service to the field of parks and recreation, was summarized by the City Clerk.

The letter was ordered filed.

LETTER FROM YOUNG MEN'S CHRISTIAN ASSOCIATION OF STANISLAUS COUNTY REGARDING PROPOSED WIDTH OF MC HENRY AVENUE 1-20

A letter from D. H. Bodes, President, Young Men's Christian Association of Stanislaus County, dated February 21, 1964, listing problems which will be encountered by the Association in connection with its plans for YMCA facilities if the policy regarding the width of McHenry Avenue is changed to provide a 128-foot highway, was summarized by the City Clerk.

The letter was ordered filed until such time as the policy concerning the width of McHenry Avenue is considered by the Council.

LETTER FROM REGIONAL WATER POLLUTION CONTROL BOARD REGARDING MODESTO CITY WASTE DISPOSAL WORKS

A letter from Dr. A. Frank Brewer, Chairman, Regional Water Pollution Control Board, dated February 20, 1964, concerning the City's program for eliminating odor problems at the Sewage Treatment Plant, was summarized by the City Clerk. The City was requested to implement its waste monitoring program to include determinations of hydrogen sulphide at various key points about the disposal works as a measure of odor potential, the details of this program to be worked out between the Board staff and City officials.

The letter was ordered filed.

LETTER FROM THE LIBRARY AND CULTURE COMMISSION REGARDING LOCATION OF LIBRARY SITE AND CULTURAL CENTER

A letter from J. Donovan Hynes, President, Library and Culture Commission, and Librarian Carl W. Hamilton dated February 26, 1964, supporting the women's citizen committee headed by Mrs. Frank G. Damrell for an allied library and cultural center, was summarized by the City Clerk. A resolution was adopted by the Library and Culture Commission "that the commission recommend to the City Council the reservation of a portion of the city-owned property on 15th Street for the proposed cultural center at this time, and that the City acquire a like amount of land adjacent at the earliest possible date."

The City Manager stated that space requirements for the proposed cultural center were being planned.

No action was taken by the Council pending further background information from the staff.

LETTER FROM YOSEMITE AREA BOY SCOUTS OF AMERICA REGARDING ASSISTANCE IN THE DISTRIBUTION OF THE 1963 REPORT TO THE PEOPLE 1-62

A letter from Jack Terwilliger, District Scout Executive, Chief Tenaya District, dated February 24, 1964, thanking the City for giving the Boy Scouts an opportunity to be of assistance in distributing the 1963 Report to the People to city residents, was read by the City Clerk.

William H. Hofmann, Scout Executive, Yosemite Area Boy Scouts of America, proposed that the Boy Scouts be permitted to perform this service as an annual project. He stated that the Scouts were also willing to assist in other service projects.

No definite commitment was made by the Council on delivery of future annual reports since they are not presented every year. Several of the Councilmen commented that distribution by the Scouts was an excellent way of getting reports delivered to the people.

RESOLUTION NO. 64-95

A RESOLUTION EXPRESSING GRATITUDE AND PUBLIC THANKS TO BOY SCOUT TROOPS OF THE CITY OF MODESTO FOR DISTRIBUTION OF THE CITY OF MODESTO'S 1963 ANNUAL "REPORT TO THE PEOPLE"

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

Mr. Hofmann introduced District Executive Jack Terwilliger and Assistant District Executive Jack Stotts.

LETTER FROM FRANK ANDREWS REGARDING LOUD SPEAKERS

A letter from Frank Andrews dated February 27, 1964, subject, "City Attorney's Ruling on Loud Speakers?" was read by the City Clerk.

The City Clerk stated that issuance of a permit has been withheld pending receipt of further information from Mr. Andrews required by Code provisions.

The City Clerk was directed to inform Mr. Andrews of the Council's discussion pertaining to the code requirements for further information to be supplied by Mr. Andrews.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER LINE EXTENSION ON NORWEGIAN AVENUE TO SERVE FELLOWSHIP HOMES

RESOLUTION NO. 64-96

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINE EXTENSION ON NORWEGIAN AVENUE TO SERVE FELLOWSHIP HOMES

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

March 17, 1964, 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. 640-C.S. RECLASSIFYING CERTAIN PROPERTY (J. W. BERCHEM) - TULLY AND RUMBLE ROAD

ORDINANCE NO. 640-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 7 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (J. W. BERCHEM)"

introduced February 17, 1964, and having been published as required, was moved and adopted. (Effective April 1, 1964)

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

ADOPTION OF ORDINANCE NO. 641-C.S. RECLASSIFYING CERTAIN PROPERTY (BLOCK 129) AT G AND 17TH STREETS (MODESTO CITY HOSPITAL) 2-18

ORDINANCE NO. 641-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 28 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (CITY HOSPITAL)"

introduced February 17, 1964, and having been published as required, was moved and adopted. (Effective April 1, 1964)

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

CONSIDER PERSONNEL COMMISSION RECOMMENDATION FOR ORGANIZATIONAL CHANGES AT SEWAGE TREATMENT PLANT, INCLUDING PROPOSAL TO RE-ALLOCATE SOME POSITIONS AND UPGRADE OTHERS

Copies of a memorandum from the City Manager dated February 27, 1964, subject, "Proposed changes in position classifications and Treatment Plant organization," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. Attached is a copy of a memorandum to the City Manager from the Director of Public Works, dated February 27, 1964, on the same subject, together with chart showing the relationship of existing and proposed Modesto salaries to those of thirteen cities. The proposed changes in position classifications and organization were approved by the Personnel Commission.

Director of Public Works Campbell discussed the need for the proposed changes in classifications and plant organization.

MOTION

That the staff be directed to prepare the necessary documents to effect the proposed changes in classifications and organization as recommended in memorandum from Director of Public Works dated February 27, 1964, with the effective dates to be established by the City Manager

Moved by VanderWall Seconded by Shastid Unanimously carried

HEARING ON DEMOLITION OF BUILDING (BLOCK 411) HANNINK PROPERTY 3-107

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed demolition of a barn located at 411 H Street owned by Gerrit Hannink, and opened the hearing.

The City Clerk reported that notice of the hearing was mailed to Mr. Hannink by registered mail on February 19, 1964.

A copy of a memorandum dated January 28, 1964, subject, "Demolition of Building - 411 H Street - Hannink Property," and notice of hearing delivered to Mr. Hannink were entered into the records as a part of the hearing.

Fire Chief Everett stated that the barn proposed to be demolished first came to the attention of the Fire Department in April, 1963, as being

a particular hazard to the safety and welfare of the City; that after continued discussions Mr. Hannink has failed to heed the request of the Fire Department and the Building Inspection Official to demolish the building.

Dave Freitas, Acting Chief Building Official, said that the building proposed to be demolished was located at the rear of the lot at 411 H Street; that there was no studding in the building which would permit repairs.

Mr. Hannink stated that although old, the building was adequate for the storage of hay and straw; that his property was heavily mortgaged and an extension of time in demolition of the building would be of great help to him financially.

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

Joe Mineni, 1030 Yale Avenue, asked the Council not to lose sight of the fact that the building proposed to be demolished was security for a loan, and if torn down might place Mr. Hannink in violation of a deed of trust.

Upon questioning, Mr. Freitas stated that construction of a wooden fence on Mr. Hannink's property in lieu of the present barn would not violate city code provisions.

RESOLUTION NO. 64-97

A RESOLUTION ORDERING THE BUILDING OFFICIAL OF THE CITY OF MODESTO TO DEMOLISH THE OLD BARN AT THE REAR OF THE BUILDING LOCATED AT 411 H STREET IN THE CITY OF MODESTO IN ACCORDANCE WITH THE PROVISIONS OF SECTION 203(a) OF THE UNIFORM BUILDING CODE (GERRIT HANNINK)

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

The staff was directed to delay enforcement for a period not to exceed sixty days.

ORAL BIDS, SALE OF ORANGEBURG PROPERTY 6-1

A tabulation of written bids received for the sale of city-owned property located on Orangeburg Avenue east of McHenry Avenue, was distributed to the Council. The only bidder was Mrs. J. M. Ward, 141 East Orangeburg, Modesto, California, for $6,500.

The following submitted oral bids: Joe Mineni, 1030 Yale Avenue, $13,000; Mrs. H. L. Chamberlain, $7,700; John Kline, 1409 Baywood Drive, $7,600; Mrs. John Ward, $11,000; E. O. Edward, 910 Columbia, $12,700.

MOTION

That the bid of Joe Mineni for $13,000 for the purchase of city-owned property located on Orangeburg Avenue east of McHenry Avenue be approved, and the staff instructed to prepare the necessary documents for escrow.

Moved by VanderWall Seconded by Tabbert Unanimously carried

FORWARD MODESTO REPORT
Transportation, Streets and Alleys (Continued)

Paul Birmingham, General Chairman, Forward Modesto Committee '62, stated that the important recommendation pertaining to street deficiencies was made by the Finance Subcommittee, and endorsed by the Committee as a whole, that bond money be used to take care of the deficiencies; that no mention of this was made in the City Manager's memorandum. He said that the increased gas tax revenues had been considered by the Committee, the consensus being that the additional funds to be derived from this source would not be sufficient to catch up with the deficiencies in view of the mounting traffic problems and the importance of improving the flow of traffic in and around the City.

The City Manager stated that the staff was presently making a study to determine whether the additional revenues to be derived from gas tax funds will be sufficient to take care of the street deficiencies.

Director of Public Works Campbell stated that the staff was presently working on a street deficiency report for submission to the State which would be available for Council review in mid-April, and that a tentative six-year capital improvement program would accompany the street deficiency report.

Mr. Birmingham pointed out that recommendations so far discussed covered streets only; that recommendations for alleys are contained under "Utilities."

TRANSPORTATION - Vehicle Transportation

Mr. Birmingham discussed the Committee's recommendation that enabling legislation be prepared for presentation to the State Legislature covering the formation of a metropolitan transit district to serve the Greater Modesto area, with an invitation extended to Ceres, Empire and Salida to participate. He said that cooperation of the Board of Supervisors would be needed and funds raised for a study of costs, the plans formulated and then placed on a ballot for vote of the people.

The staff was directed to furnish the Council general information on the formation of such a district, the administration, authority, etc. The City Manager stated that a report of the Stockton Metropolitan District would be furnished the Council.

MOTION

That the recommendations pertaining to the section of the report, Nos. 1 through 8, entitled "Streets and Alleys," listed in memorandum from City Manager dated February 12, 1964, subject, "City Manager's review of recommendations contained in report of Forward Modesto Committee '62, February 17, 1964, agenda," but dealing with streets only, be approved

Moved by Shastid Seconded by Tabbert Unanimously carried

A memorandum from the City Manager dated February 20, 1964, subject, "City Manager's Review of Recommendations Contained in Report of Forward Modesto Committee '62 (Council Agenda - March 2)" were furnished the Council, a copy of which is filed with the record of the minutes.

UTILITIES - Utility Easements 7-110
Alleys

The Forward Modesto Committee has recommended that the Council reconsider its policy on alleys; the requirement of alleys in new subdivisions, requirement of development and maintenance of alleys to established standards; or putting this issue to citizen vote. The City Manager recommended that the matter be placed on the ballot for advisory vote of city residents.

Rudy Potochnik stated that the Transportation Subcommittee of the Forward Modesto Committee voted to retain the City's present alley policy, but that the final vote of the whole Committee, including Utility Subcommittee representatives, was in favor of alleys.

Mr. Birmingham stated that this was one of the few experiences where two subcommittees submitted divergent reports; that in his opinion submitting the matter to the electorate would provide a solution.

No action was taken by the Council on "Alleys," the matter being continued to the March 16, 1964, meeting at 5:00 P.M., along with the balance of Utilities, to be followed by review of "Community Protection,"

Councilmen VanderWall and Mitchell were excused from the meeting.

CONSIDERATION OF CHANGE IN PROCEDURE AND TIME FOR SALARY RECOMMENDATIONS 8-115

A letter from John Tatoyan, Jr., Chairman, Modesto Personnel Commission, dated February 12, 1964, was read by the City Manager. Referring to the Council suggestion that salaries be reviewed at the same time other budget matters are considered, Mr. Tatoyan indicated that the Commission had no preference on the time of the review, but did recommend that if the time is changed, the review be held before July 1964 rather than July 1965.

MOTION

That future salary reviews be considered during regular budget hearings

Moved by Hughes Seconded by Shastid Unanimously carried

FURTHER REPORT ON VALIDATED PARKING PROGRAM

Bill Bair, 316 King Richard Lane, asked that the Council consider continuation of the validated parking program for the balance of the trial period of one year, stating that an additional fifteen validators have been secured, with an equal number expressing interest in joining the program. Mr. Bair said that the Downtown Modesto Association has recommended that the parking charge for non-validated parking be raised to 15¢ an hour, and that the validating establishments be charged $12.50 per book of 100 stamps instead of $15.00, thus making it advantageous to the merchants to purchase the books.

Validated parking lot revenues were discussed.

Director of Parking and Traffic Carmody was directed to furnish the Council a report indicating the effects various validating book prices and a 15¢ per hour rate to non-validators would have on revenues.

Mr. Bair stated that copies of the resolution passed by the Downtown Merchants Association pertaining to validated parking would be furnished the Council shortly.

MOTION

That the City Attorney be directed to prepare an ordinance changing validated parking fees, for introduction at the next council meeting, the amount of the fees to be determined after further consideration

Moved by Shastid Seconded by Patton Unanimously carried

SALE OF SURPLUS TREES

RESOLUTION NO. 64-98

A RESOLUTION AUTHORIZING SALE OF SURPLUS TREES TO CITY OF MERCED AND COUNTY OF STANISLAUS

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

CONSIDER AGREEMENT BETWEEN THE CITY AND FRONTIER SAVINGS AND LOAN TO PROVIDE WATER SERVICE TO ROBIN HOOD ESTATES NO. 2 SUBDIVISION 10-65

RESOLUTION NO. 64-99

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND FRONTIER SAVINGS AND LOAN TO PROVIDE WATER SERVICE TO ROBIN HOOD ESTATES NO. 2 SUBDIVISION

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

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP FOR COLONIAL MANOR NO. 1 SUBDIVISION 10-72

RESOLUTION NO. 64-100

A RESOLUTION APPROVING THE FINAL MAP OF THE COLONIAL MANOR NO. 1 SUBDIVISION OF THE CITY OF MODESTO

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

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN COLONIAL MANOR NO. 1 SUBDIVISION

RESOLUTION NO. 64-101

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE INSTALLATION OF WATER LINES IN COLONIAL MANOR NO. 1 SUBDIVISION

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

March 17, 1964, at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

PROPOSED YOSEMITE LANES ADDITION ANNEXATION

RESOLUTION NO. 64-102

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

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

APPROPRIATION TRANSFERS

Copies of a memorandum from the Director of Public Works dated February 25, 1964, subject, "Completion of Pump Stations No. 25 and No. 27," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. Mr. Campbell recommended that $6,650 be appropriated to place the wells in operation.

RESOLUTION NO. 64-103

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $6,650 FROM COMPLETION OF PUMP STATIONS NOS. 25 and 27 (From General Fund (101) Water Line Ext. 5301-50, to 5305-50, $5,200 and 5305-50, $1,450)

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

MATTERS FOR THE GOOD OF THE COMMUNITY

ABSENCE OF COUNCILMAN TABBERT FROM MARCH 9, 1964, COUNCIL MEETING

Councilman Tabbert announced that he would be absent from the March 9th council meeting.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Patton Seconded by Tabbert Unanimously carried

The meeting adjourned at 6:30 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, 801 11th Street, as provided by Section 2-1.01 of the Modesto Municipal Code, Mayor Johansen presiding.

The City Clerk called the roll:

Present: Councilmen: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Absent: Councilmen: Tabbert

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

A moment of silent prayer was observed.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Council members having received copies of the minutes of the regular meeting of February 24, 1964, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM FRANK ANDREWS REGARDING CITY OF MODESTO PROBLEMS

A letter from Frank Andrews dated March 2, 1964, protesting the attitude of the City on suggested reforms was summarized by the City Clerk.

The City Manager was directed to answer the letter.

LETTER FROM RUSSELL J. COONEY, DEPUTY DIRECTOR, STATE DEPARTMENT OF PUBLIC WORKS, REGARDING APPORTIONMENT OF FUNDS TO CITIES - COLLIER-UNRUH ACT

A letter from Russell J. Cooney dated February 26, 1964, stating that the six apportionments of funds to cities under the Collier-Unruh Act would be mailed in time to reach cities and counties before June 30, 1964, was read by the City Clerk.

The letter was ordered filed.

LETTER FROM J. O. SOLOMON, COUNCILMAN, CITY OF REDONDO BEACH, REGARDING PROPOSED RESOLUTION PROHIBITING USE OF TOBACCO BY MINORS 1-35

A letter from Councilman Solomon, Redondo Beach, California, requesting careful consideration of an attached resolution asking the League of California Cities to sponsor legislation at the 1965 General Session of the Legislature to expressly prohibit the use or other consumption of tobacco by minors in any form, was read by the City Clerk.

No action was taken by the Council. The letter was ordered filed.

LETTER FROM BILL BAIR, PRESIDENT, DOWNTOWN MODESTO ASSOCIATION, REGARDING ACQUISITION OF ADDITIONAL OFF-STREET PARKING LOCATIONS

A letter from Bill Bair dated February 24, 1964, outlining a resolution adopted by the Downtown Modesto Association requesting that the City Director of Parking and Traffic be allowed to proceed at once with the acquisition of additional downtown off-street parking locations, was read by the City Clerk.

No action was taken by the Council. The letter was ordered filed.

LETTER FROM ROY COOLEY REGARDING PROCEDURE FOR CHANGE OF CITY ORDINANCE IN REGARD TO PARKING OF BOATS AND TRAILERS

A letter from Mr. Cooley dated February 25, 1964, asking information as to procedure in requesting a change in the city ordinance pertaining to the parking of boats and trailers in driveways, was read by the City Clerk.

By Order of the Chair, the City Attorney was directed to answer Mr. Cooley's letter.

LETTER FROM STANISLAUS FOOD PRODUCTS COMPANY REGARDING ENCROACHMENT ON PUBLIC RIGHT OF WAY 1-55

A letter from L. M. Quartaroli, Vice President, Stanislaus Food Products Company, dated February 27, 1964, requesting approval of a contemplated encroachment of the public right of way on 12th Street between B and D Streets, by construction of concrete slabs on the right of way to facilitate loading of vans, was summarized by the City Clerk. A sketch showing the details and location of the slabs is attached to the letter.

A memorandum from the Director of Public Works dated March 5, 1964, recommending that the encroachment permit be granted, was distributed to the Council.

RESOLUTION NO. 64-104

A RESOLUTION GRANTING A REVOCABLE PERMIT TO STANISLAUS FOOD PRODUCTS COMPANY TO CONSTRUCT TRUCK LOADING SLABS ON 12TH STREET BETWEEN "B" STREET AND "D" STREET

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

LETTER FROM RUTH SCHMIDT, M.D., REGARDING NEWLY ADOPTED DOG ORDINANCE

A letter from Dr. Ruth Schmidt protesting Section 5-4.207.4 of Ordinance No. 639-C.S. "Right of Entry into Yards," and giving her conclusions on the operation of the Municipal and Superior Courts was summarized by the City Clerk.

The letter was ordered filed.

CONSIDER AWARD OF BID FOR CONSITRUCTION OF NEW FIRE STATION - NORTHERN BOULEVARD

RESOLUTION NO. 64-105

A RESOLUTION ACCEPTING THE BID OF WALTER SPOON FOR THE CONSTRUCTION OF A FIRE STATION ON NORTHERN BOULEVARD (Low bidder, $51,957)

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

RESOLUTION NO. 64-106

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $4,364 - ADDITIONAL FUNDS FOR NEW FIRE STATION ON NORTHERN BOULEVARD

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

ADOPTION OF ORDINANCE NO. 642-C.S. AMENDING SECTION 16 OF THE ZONING MAP (HIRLEMAN PROPERTY)

ORDINANCE NO. 642-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 16 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (HIRLEMAN)"

introduced February 24, 1964, and having been published as required, was moved and adopted. (Effective April 8, 1964)

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

ADOPTION OF ORDINANCE NO. 643-C.S. AMENDING SECTION 18 OF THE ZONING MAP (KLEMM PROPERTY)

ORDINANCE NO. 643-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 18 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (KLEMM)"

introduced February 24, 1964, and having been published as required, was moved and adopted. (Effective April 8, 1964)

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

CONSIDER ORDINANCE AMENDING THE MODESTO MUNICIPAL CODE RELATING TO OFF-STREET PARKING 1-97

Ben Mitchell, 1219 Wellesley Way, Downtown Modesto Association Board member, read a letter from Bill Bair, President, dated March 9, 1964, which quoted a resolution passed by the Association that the Council would be requested to raise the rate of non-validated parking on parking lots presently validating tickets, from 10¢ to 15¢ per hour; and that validating books of 100 tickets be sold to participating firms for $12.50 per book. The letter is filed with the record of the minutes.

Albert Lee, Manager, Lotus Restaurant, stated that validated parking was adversely affecting his business and contributing to poor public relations with his customers because of his inability to validate tickets for meals costing under $2. He asked that parking meters be returned to the lot adjacent to his restaurant.

The possibility of placing parking meter spaces in the vicinity of the restaurant was discussed.

MOTION

That the Director of Parking and Traffic furnish the Council a report at the March 16th meeting on the possibility of closing the north portion of the 9th Street lot to permit parking meters

Moved by VanderWall Seconded by Shastid Unanimously carried

RESOLUTION NO. 64-107

A RESOLUTION DESIGNATING CERTAIN AREAS AS MUNICIPAL OFF-STREET PARKING LOTS, PROVIDING FOR CONTROL OF VEHICULAR PARKING THEREON 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. 63-515

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

ORDINANCE NO. 644-C.S. entitled
"AN ORDINANCE AMENDING SECTION 3-2.1604 OF ARTICLE 16 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO OFF-STREET PARKING" (establishing purchase price of validating stamps for use on attendant parking lots by resolution)

was introduced and ordered published as required by the Charter.

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

RESOLUTION NO. 64-108
A RESOLUTION ESTABLISHING THE COST OF VALIDATION STAMPS FOR PARKING ON ATTENDANT PARKING LOTS ($12.50 per book of 100)

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

APPROPRIATION OF $4,420 FOR SALARIES - VALIDATED PARKING LOTS

RESOLUTION NO. 64-109
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $4,420 TO PROVIDE FUNDS FOR SALARIES - VALIDATED PARKING PROGRAM

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

HEARING ON PROPOSED ANNEXATION OF CRESTWOOD TERRACE NO. 2 ADDITION 3-33

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the proposed annexation of Crestwood Terrace No. 2 Addition, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on February 6 and 13, 1964, and notices mailed to property owners and other interested persons in the area on February 7, 1964. No protests were filed with the City Clerk.

Planning Commission Resolution No. 64-14 recommends that the area of approximately 21.497 acres be annexed.

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

ORDINANCE NO. 645-C.S. entitled
"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE CRESTWOOD TERRACE NO. 2 ADDITION TO THE CITY OF MODESTO"

was introduced and adopted and ordered published as required by the Charter. (Effective immediately)

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

CONSIDERATION OF RELOCATION OF CITY WELL AT MODESTO JUNIOR COLLEGE 3-45

Copies of a memorandum from the City Manager dated March 5, 1964, subject, "Relocation of City of Modesto Pump Station No. 8 on the Junior College Campus," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. Recommendation was made that the Council authorize relocation of Pump Station No. 8 on the campus.

MOTION
That the staff be directed to prepare the necessary documents to effect the relocation of Pump Station No. 8 as recommended by the City Manager

Moved by Mitchell Seconded by Patton Unanimously carried

CONSIDER ADJUSTMENT OF WATER RATES FOR RESIDENTS OF NORTH STAR ESTATES SUB-DIVISION 3-55

Copies of a memorandum from the Deputy City Manager dated February 25, 1964, subject, "Water Rates for Residents of North Star Estates Subdivision," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The memorandum outlined the background under which water service was furnished the subdivision which is outside the city limits and listed alternatives the City might take in adjusting the water rates, since the subdivision has indicated no interest in annexing to the City. Recommendation was made that increased revenues be obtained from this subdivision until annexation is effective. Suggested rates were: (a) 7,001 to 10,500 square feet - $8.10 bi-monthly; (b) 10,501 to 14,000 square feet, $9 bi-monthly, effective April 1, 1964.

The City Attorney stated that agreements with subdividers executed prior to November, 1963, would be reviewed for possibility of recordation.

RESOLUTION NO. 64-110

RESOLUTION OF THE CITY OF MODESTO ESTABLISHING WATER RATE CHARGES TO DWELLING UNITS IN NORTH STAR ESTATES SUBDIVISION LOCATED OUTSIDE THE CORPORATE LIMITS OF THE CITY (effective April 1, 1964)

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

MOTION

That the staff be instructed to prepare a resolution consistent with Resolution No. 64-110 to apply to all subdivisions in unincorporated areas which fail to annex within an agreed specified time

Moved by Mitchell Seconded by Shastid Unanimously carried

HEARING ON APPLICATION FOR UNCLASSIFIED USE PERMIT - BLEACHERS DOWNEY HIGH SCHOOL 4-20

Mayor Johansen announced that the hour of 8:10 P.M. had arrived, the time set for consideration of a proposed unclassified use permit for a stadium at Downey High School, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on February 20, 1964, and posted and distributed in the area on the same date. Notice was mailed to the Modesto City Schools on February 21, 1964. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 64-23 recommends that the Council grant an unclassified use permit to the Modesto High School District for construction of bleachers and installation of lighting facilities at Downey High School.

The following spoke in opposition to the granting of the unclassified use permit: Charles Brunn, attorney, 1115 Eye Street, representing Dr. Gerald N. Rein, his contention being that under the provisions of Section 10-2.1401 of the Modesto Municipal Code, a stadium was not compatible with surrounding R-1 uses; that Dr. Rein would be deprived of his property rights; that his property would be devalued. Charles Mowrey, 1518 Scenic Drive, a building contractor, stated that mounds of earth on property, to an average person, usually indicated a "borrow pile" for future fill work and not necessarily the site of a future stadium.

Dr. Harry Wiser, Superintendent of Modesto City Schools, spoke in favor of the granting of the unclassified use permit, stated that the stadium was included in the original plans of the school site and the mounds installed on the site at the time the school was laid out; that the stadium would be used only when it was not possible to schedule the Modesto Junior College stadium.

Dr. Gerald Rein, 1405 Locke Road, criticized press coverage of his previous appearances before the school board and Planning Commission, which he said left the untrue impression that he was opposed to participation sports.

The City Manager stated that he was in receipt of a letter from the Modesto City Schools pertaining to Condition No. 4 contained in Planning Commission Resolution No. 64-23 pertaining to a 45-foot dedication of land for the widening of Brighton Avenue along the northerly boundary of the Downey High School property and improvement up to 45 feet of the width of Brighton Avenue along the entire length of the property on or before February 4, 1967. The letter indicated that it was not the policy of the Board of Education to spend educational funds for the development of city streets in addition to dedication of property for the street.

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

MOTION

That action on this matter be postponed for two weeks pending further discussion with the Schools on Condition No. 4 contained in Planning Commission Resolution No. 64-23

Moved by Shastid Seconded by Mitchell Unanimously carried

HEARING ON RECOMMENDED DEMOLITION OF BUILDING AT 136 ALMOND STREET (JOHN A. SANDERS, JR.) 6-115

The City Manager reported that the owner has voluntarily demolished the building.

RESOLUTION NO. 64-111

A RESOLUTION TERMINATING PROCEEDINGS FOR THE DEMOLITION OF THE SHEDS LOCATED AT 136 ALMOND STREET IN THE CITY OF MODESTO INITIATED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 203(a) OF THE UNIFORM BUILDING CODE (JOHN A. SANDERS, JR.)

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

HEARING ON PROPOSED AMENDMENT TO SECTION MAP 16 - MC HENRY VILLAGE AREA

Mayor Johansen announced that the hour of 8:20 P.M. had arrived, the time set for consideration of the proposed amendment to Section Map 16 of the Zoning Map filed by McHenry Village, Inc. to reclassify from Neighborhood Commercial Zone, C-1 and Interim General Commercial, C-2, to General Commercial Zone, C-2, property located on the corner of McHenry and Granger Avenues, and opened the hearing.

The City Clerk reported that notice of the proposed rezoning was published in the Modesto Tribune on February 20, 1964, 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. 64-21 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. 646-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 16 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (MC HENRY VILLAGE, INC.)"

was introduced and ordered published as required by the Charter.

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

CONSIDER SALE OF SURPLUS TREES TO BIBENS NURSERY COMPANY 7-3

RESOLUTION NO. 64-112
A RESOLUTION AUTHORIZING SALE OF SURPLUS TREES TO BIBENS NURSERY COMPANY

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

CONSIDER EMPLOYMENT OF A FIREMAN TO OVERSEE THIS YEAR'S LOT CLEANING ACTIVITIES

A memorandum from the Director of Public Works dated March 5, 1964, subject, "Lot Cleaning," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The memorandum recommended that the enforcement responsibility of lot cleaning activities be transferred to the Fire Department, inasmuch as one of the basic reasons for the program is to eliminate the fire hazard resulting from dry grass and trash. The memorandum suggested that one fireman be hired at this time with funds budgeted for wages for the Northern Boulevard Fire Station utilized to pay his salary this season.

MOTION

That the recommendations contained in memorandum from Director of Public Works dated March 5, 1964, subject, "Lot Cleaning," be approved

Moved by VanderWall Seconded by Mitchell Unanimously carried

REQUEST FOR FEDERAL AID FOR RELOCATION OF RUNWAY AND TAXIWAY LIGHTING CONTROLS AND CONSTRUCTION OF ROTATING BEACON AT CITY-COUNTY AIRPORT

RESOLUTION NO. 64-113
A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN APPLICATION TO THE FEDERAL AVIATION AGENCY FOR FUNDS UNDER THE FEDERAL AID AIRPORT PROGRAM

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

CONSIDER REVISED LEASE AGREEMENTS AT CITY-COUNTY AIRPORT FOR CONTROL TOWER SITE AND ROAD RIGHT OF WAY BETWEEN THE TWO SITES

RESOLUTION NO. 64-114
A RESOLUTION APPROVING REVISED LEASE AGREEMENTS BETWEEN THE CITY OF MODESTO AND FEDERAL AVIATION AGENCY (Revised to allow City to retain 40-foot road right of way along easterly side of Airport)

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

REVISION OF POSITION CLASSIFICATION PLAN 7-58

(a) Resolution revising the position classification plan for City of Modesto

RESOLUTION NO. 64-115
A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO (revise classifications of Sewage Treatment Plant Personnel)

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

(b) Resolution amending Resolution No. 64-37 revising salary schedules and fixing compensation of City positions (organizational changes at Sewage Treatment Plant)

RESOLUTION NO. 64-116

A RESOLUTION AMENDING RESOLUTION NO. 64-37 ENTITLED "A RESOLUTION ESTABLISHING SALARY SCHEDULES AND FIXING THE COMPENSATION FOR POSITIONS IN THE CITY SERVICE (GENERAL EMPLOYEES)"

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

RESOLUTION NO. 64-117

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $1,334 TO PROVIDE SALARY INCREASES FOR SEWAGE TREATMENT PLANT PERSONNEL

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

AGREEMENT BETWEEN CITY OF MODESTO AND FULFORD, GRIFFITH, JEFFERS, SALETTA (both husbands and wives) PROVIDING FOR AN EXCHANGE OF PROPERTIES BETWEEN PARTIES (WIDENING OF BRIGGSMORE AVENUE)

RESOLUTION NO. 64-118

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND J. E. FULFORD, ET AL, PROVIDING FOR AN EXCHANGE OF PROPERTIES BETWEEN PARTIES - WIDENING OF BRIGGSMORE AVENUE)

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

AGREEMENT BETWEEN CITY OF MODESTO AND JOE MINENI, JR., WHEREBY CITY AGREES TO SELL PARCEL OF PROPERTY LOCATED ON ORANGEBURG AVENUE (High bidder, $13,000)

RESOLUTION NO. 64-119

A RESOLUTION APPROVING SALE OF CERTAIN REAL PROPERTY BELONGING TO THE CITY OF MODESTO TO JOE MINENI, JR., AN INDIVIDUAL

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

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT WITH STATE OF CALIFORNIA DIRECTOR OF FINANCE FOR POPULATION ESTIMATES 7-79

RESOLUTION NO. 64-120

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STATE OF CALIFORNIA DEPARTMENT OF FINANCE FOR SPECIAL CENSUS

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

RESOLUTION APPROVING RENTAL AGREEMENT OF CITY OWNED PROPERTY

RESOLUTION NO. 64-121

A RESOLUTION APPROVING AGREEMENTS BETWEEN THE CITY OF MODESTO AND VARIOUS LESSEES FOR RENTAL OF CITY OWNED PROPERTY (Ila Breaux, 202 Laurel; Leroy and Helen M. Eames, 206 Laurel; Willie T. Steens, 221 Elm; Earline L. Moore, 207-209 Elm)

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

REQUEST FOR HEARING ON SIGN VARIANCE REQUEST BY SHELLEY INVESTMENT COMPANY, OWNERS OF BEATTY BUILDING, 1024 J STREET

At the request of the City Manager, and with the consent of the Council, this matter was dropped from the agenda.

REQUEST FOR VARIANCE TO PERMIT INSTALLATION OF FOUR 36-FOOT DRIVEWAY APPROACHES

MOTION

That the request for a variance to permit installation of four 36-foot driveway approaches to property located at 1312 LaLoma Avenue, intersection of North Santa Cruz Avenue, be set for hearing on March 16, 1964, at 4:45 P.M.

Introduced by Mitchell Seconded by Hughes Unanimously carried

COMMENCEMENT OF ANNEXATION PROCEEDINGS OF YOSEMITE LANES ADDITION RECOMMENDED

RESOLUTION NO. 64-122

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

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

April 20, 1964, at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY AT 1209 LUCERN AVENUE, MODESTO

MOTION

That the request for sewer service to property located at 1209 Lucern Avenue, Modesto, be approved

Moved by Shastid Seconded by VanderWall Unanimously carried

RECOMMEND REVISION TO APPROVED RIGHT OF WAY OF MC HENRY AVENUE AND ESTABLISHMENT OF SETBACK LINE

RESOLUTION NO. 64-123

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED REVISION OF THE RIGHT OF WAY WIDTH AND ESTABLISHMENT OF SETBACK LINE FOR MC HENRY AVENUE

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

This resolution, setting April 6, 1964, at 4:15 P.M., as the time and place of hearing, was rescinded by Resolution No. 64-124 following.

RESOLUTION NO. 64-124

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED REVISION OF THE RIGHT OF WAY WIDTH AND ESTABLISHMENT OF SETBACK LINE FOR MC HENRY AVENUE, AND RESCINDING RESOLUTION NO. 64-123

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

March 23, 1964, at 8:15 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

CONSIDER CHANGE IN POLICE DEPARTMENT FURNITURE (CLASSROOM) 8-8

Copies of a memorandum from the Chief of Police dated March 5, 1964, subject, "Classroom Furniture -- Police Communications Building," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The memorandum requested that chairs and tables be substituted in the classrooms instead of arm chairs, at an increased cost of about $1,857.49.

RESOLUTION NO. 64-125

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $2,000 TO PROVIDE FUNDS FOR SUBSTITUTING TABLES AND CHAIRS FOR TABLET ARMED CHAIRS - POLICE-COMMUNICATIONS BUILDING

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

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

Request for sewer service by Hal Dugdale, 1325 Highland Drive, on the south side of East Granger Avenue, between McHenry and Melrose

The City Manager stated that all necessary documents have been executed and filed with the Director of Public Works.

MOTION

That the request of Hal Dugdale for sewer service to property located on the south side of East Granger Avenue, between McHenry and Melrose Avenue, be approved

Moved by VanderWall Seconded by Mitchell Unanimously carried

Request for sewer service - George Ground

A letter submitted by Mr. Ground, signed by Mrs. Evelyn McNulty and Lawrence Barry, was read by the City Clerk. The letter requested sewer service to an R-3 development at 215-221 East Coolidge Avenue (approximately 1,000 feet from the corner of East Coolidge and McHenry Avenue).

By Order of the Chair, the letter was referred to the Public Works Department.

Joint Council-Board of Supervisors meeting - Fifth Tuesday

The City Manager announced that the first joint Council - Board of Supervisors meeting scheduled some time ago would be held at noon on March 31, 1964, at the Sun Dial.

REPORT OF PUBLIC PROJECTS COMMITTEE RELATIVE TO PARK FEES

Councilman Mitchell reported that the Council Public Projects Committee was assigned the letter request from the Home Builders Association that the Council give serious consideration to the repeal of the present ordinance which requires payment of a $20 per lot fee before a final map can be filed and recorded. Mr. Mitchell said that after full study and meetings with three members of the Home Builders Association, the Public Projects Committee recommends that the Council instruct the staff to prepare the necessary documents to repeal the present $20 per lot fee which is required at the time the final map is recorded; that the staff be authorized to have further discussions with Home Builders Association representatives after the ordinance is repealed. He said that there were considerations which might be more equitable to the subdividers - postponement of the collection until a building permit is obtained, or until the property is first sold. Mr. Mitchell stated that determination had not yet been made with the staff as to whether or not the effective date could be retroactive; that subdividers of pending subdivisions were interested in proceeding without prejudice.

MOTION

That the staff be instructed to prepare the necessary documents to repeal the present ordinance requiring collection of $20 per lot park fee at the time the final map is filed; and that the staff continue discussions and negotiations with the Home Builders' Association on this matter

Moved by VanderWall Seconded by Patton Unanimously carried

REPORT TO CITY COUNCIL RELATIVE TO WATER MAIN EXTENSION POLICIES

Copies of a memorandum from the City Manager dated March 5, 1964, subject, "Water Main Extension Policies of the City of Modesto," with attachments, were furnished the Council for informational purposes, a copy of which is filed with the record of the minutes. Mr. Keefe said that information relative to practices in other cities would be furnished the Council as soon as it is received.

PRESENTATION OF FINANCIAL REPORT FOR THE MONTH OF FEBRUARY 1964

The financial report for the month of February 1964 was presented and ordered filed.

REMINDER OF 1964-65 BUDGET SESSIONS

The City Manager stated that notice of scheduled preliminary budget hearings have been sent out and citizens invited to attend the sessions.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Patton Unanimously carried

The meeting adjourned at 9:33 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, 801 11th Street, as provided by Section 2-1.01 of the Modesto Municipal Code, Mayor Johansen presiding.

The City Clerk called the roll:

Present: Councilmen: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Councilman Hughes arrived at 4:11 P.M.
Absent: Councilmen: None

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

Reverend Don J. Bogue gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Council members having received copies of the minutes of the regular meeting of March 2, 1964, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM LOIS L. LANE, OWNER, RED TOP TAXI COMPANY, REQUESTING ADDITIONAL TAXICAB PERMIT

A letter from Lois L. Lane dated March 10, 1964, requesting a permit to operate an additional taxicab in the City of Modesto was read by the City Clerk.

RESOLUTION NO. 64-126

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING IN THE MATTER OF THE REQUEST OF RED TOP TAXI FOR ADDITIONAL TAXICAB

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

April 6, 1964, at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

LETTER FROM FRIENDLY TABERNACLE REQUESTING DIAGONAL PARKING ON EAST SIDE OF 6TH STREET BETWEEN J AND K STREETS

A letter from Pastor Ray Holton, The Friendly Tabernacle, 1032 Sixth Street, Modesto, California, requesting temporary diagonal parking on the east side of 6th Street between J and K Streets during the time the church's parking lot is under construction, was read by the City Clerk.

The City Manager recommended that the diagonal parking be approved on a temporary revocable basis. The City Attorney stated that a resolution would be needed to effect revocation.

RESOLUTION NO. 64-127

A RESOLUTION AMENDING SECTION 2 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. 62-527

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

RESOLUTION REGARDING SEWER STUDY ADVISORY COMMITTEE'S CONSIDERATION OF THE REQUEST OF CITY OF MODESTO AND EAST MODESTO INDUSTRIAL WASTE COMPANY'S PROPOSAL TO JOINTLY DISPOSE OF INDUSTRIAL WASTES DURING 1964

A resolution adopted by the Sewer Study Advisory Committee of the Stanislaus County Board of Supervisors, encouraging the City of Modesto to take appropriate action on an interim basis to assist the East Modesto Industrial Waste Company in meeting its problems connected with waste disposal, was summarized by the City Clerk.

The City Manager stated that a report and recommendation from the staff would be presented to the Council at its next regular meeting.

LETTER FROM J. C. WOMACK, STATE HIGHWAY ENGINEER, REGARDING CALIFORNIA FREEWAY AND EXPRESSWAY SYSTEM 1-40

A letter from J. C. Womack, State Highway Engineer, State Division of Highways, dated March 6, 1964, stating that the staff will be contacted regarding proposals the District office may take in connection with its report to the 1965 Legislature required by Section 256 of the Streets and Highways Code, was summarized by the City Clerk. Mr. Womack indicated that any additional recommendations from the staff, with suitable supporting factual information, should be discussed with the District office of the Division of Highways not later than June 15, 1964.

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

Councilman Hughes arrived at 4:11 P.M.

LETTERS FROM FRANK ANDREWS

(a) Police-Communications Building

A letter from Frank Andrews dated March 9, 1964, subject, "Plans to Salvage part of the Million Dollar Freak at the Corner of F and 11th Street," was summarized by the City Clerk. Mr. Andrews suggested that the following proposition be placed on the June ballot: "Shall the City of Modesto take over and operate the Electrical System within the City as provided in the City Charter?"

(b) A letter from Frank Andrews dated March 12, 1964, subject, "Showing Up - Theoretic Laws that are unsound and unworkable," was summarized by the City Clerk. The letter referred to the revocation of a sound permit issued to Mr. Andrews, which revocation was later withdrawn by the City.

Mr. Andrews spoke briefly on the contents of his letter to the Council dated March 2, 1964, in which he requested that a Council committee meet with Mr. Andrews to discuss joint fire and police department communications; also of his desire to meet with several members of the Council to discuss the proposition proposed to be placed on the June ballot.

Mr. Andrews was asked to meet with the City Manager on March 17th.

CONSIDER AWARD OF BID FOR SUBTRUNK SEWER ON NORWEGIAN AVENUE EAST OF POTTER AVENUE 2-10

RESOLUTION NO. 64-128

A RESOLUTION ACCEPTING THE BID OF A. P. RASMUSSEN FOR THE CONSTRUCTION OF A SUBTRUNK SEWER ON NORWEGIAN AVENUE EAST OF POTTER AVENUE

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

CONSIDER BIDS RECEIVED FOR WATER MAINS, BROOKDALE PARK NO. 3 SUBDIVISION

RESOLUTION NO. 64-129

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR THE INSTALLATION OF WATER MAINS IN BROOKDALE PARK NO. 3 SUBDIVISION (no bids received)

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

CONSIDER AWARD TO GEORGE REED, INC., FOR CRUSHED ROCK SCREENINGS REQUIRED FOR ONE YEAR COMMENCING MAY 15, 1964

A memorandum from Purchasing Officer Dunham dated March 12, 1964, subject, "Crushed Rock Screenings," was furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes.

RESOLUTION NO. 64-130

A RESOLUTION ACCEPTING THE BID OF GEORGE REED FOR THE FURNISHING OF THE CITY'S ANNUAL NEEDS FOR CRUSHED ROCK SCREENINGS (low bidder)

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

CONSIDER AWARD OF CONTRACT TO GEORGE REED, INC., FOR LIQUID ASPHALT REQUIREMENTS FOR ONE YEAR COMMENCING MAY 15, 1964

RESOLUTION NO. 64-131

A RESOLUTION ACCEPTING THE BID OF GEORGE REED FOR THE FURNISHING OF THE CITY'S ANNUAL NEEDS FOR LIQUID ASPHALT

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

INTRODUCTION OF MERCEDES RECIO

Mrs. Jon Shastid introduced Mercedes Recio from Barranquilla, Colombia, who is spending the next few months in Modesto with the Shastid family.

ADOPTION OF ORDINANCE NO. 644-C.S. RELATING TO OFF-STREET PARKING - VALIDATION

Discussion of parking fee increase from 10 cents per hour to 15 cents per hour - in validating parking lots

Director of Parking and Traffic Carmody read a memorandum dated March 16, 1964, subject,"Parking Fees - Three Validated Lots," a copy of which is filed with the record of the minutes.

Hi Youngheim, 2821 Lavon, speaking as a businessman, and not as a member of the Board of the Downtown Modesto Association, stated that he had received about 16 phone calls last Monday morning protesting the increase of non-validated parking to 15¢, from both merchants and customers. He asked that non-validated parking be permitted to remain at 10¢ per hour, even though there might be a loss of revenue to the City.

Mr. Giovanetti, Manager, Long's Drug Store, stated that Long's Drug Store does not intend to join the validation program; that he agreed with Mr. Youngheim that non-validated parking should remain at 10¢; that Long's had received many complaints in connection with the increase to 15¢.

It was pointed out by the Council that the changes in the fees had been made by the Council at the request of the Downtown Merchants Association; that the validated parking program was on a trial basis of one year.

Upon questioning, Mr. Youngheim stated that about 35% to 40% of downtown merchants were members of the Downtown Modesto Association; that many of the decisions are made by the Board of Directors.

Carl Lewis, 1937 River Road, stated that Item 18 of the agenda, "Further consideration of installing additional parking meters on 9th Street lot," was being withdrawn from the agenda because of the large number of small business merchants in the area who would also be using the meters, thus defeating the purpose of the requested change to aid the Lotus Cafe. He pointed out that there were numerous small businesses in the area such as watch makers, photographers, etc., where numerous visits were needed to consummate a transaction and where 15¢ parking was a hardship.

Formation of a parking district was discussed.

ORDINANCE NO. 644-C.S. entitled
"AN ORDINANCE AMENDING SECTION 3-2.1604 OF ARTICLE 16 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE, RELATING TO OFF-STREET PARKING"

introduced March 9, 1964, and having been published as required, was moved and adopted.

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

HEARING ON NOTICE REQUIRING CURB AND GUTTER AT BLOCK 2061-1, LOTS 5 AND 6, SANTA CRUZ AVENUE 4-35

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the requirement of curb and gutter in Block 2061-1, Lots 5 and 6, on North Santa Cruz Avenue, and opened the hearing.

The City Clerk reported that notice of the hearing was mailed to Mrs. M. D. Davenport on February 25 and the area posted on the same date.

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

RESOLUTION NO. 64-132
A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF SIDEWALK, CURB AND GUTTER ALONG CERTAIN STREETS IN THE CITY OF MODESTO (BLOCK 2061-1, LOTS 5 AND 6)

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

HEARING ON DRIVEWAY VARIANCE, LA LOMA AND NORTH SANTA CRUZ AVENUES

The City Clerk read a letter from Lewis Long, Construction Manager, Orbit Stations, dated March 16, 1964, requesting a variance to the Municipal Code to permit installation of three 36-foot driveways, one 32-foot driveway, and one 25-foot driveway, with a five-foot space between two driveways, on property located at 1312 LaLoma, intersection of LaLoma and North Santa Cruz Avenues, as per plan on file in the office of the Director of Public Works.

Mr. Long spoke briefly in support of his request. A service station is proposed at the location.

The Director of Public Works recommended that the request be approved.

RESOLUTION NO. 64-133
A RESOLUTION GRANTING DRIVEWAY VARIANCES TO ORBIT STATIONS (PROPERTY LOCATED AT 1312 LA LOMA - INTERESTION OF LA LOMA AND NORTH SANTA CRUZ AVENUE)

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

CONSIDERATION OF FORWARD MODESTO REPORT 5-45

(a) Utilities - Alleys

With the unanimous consent of the Council, Mayor Johansen stated that controversial issues, such as alleys, would be held over to be considered later at more length. Mr. Birmingham concurred.

The City Manager reviewed his comments and recommendations contained in memorandum dated February 20, 1964, subject, "City Manager's review of recommendations contained in report of Forward Modesto Committee '62," a copy of which is filed with the record of the minutes.

Mr. Birmingham pointed out that a storm drainage study would take special effort on the part of the City to authorize the City Engineer to perform the job - that it was possible that funds might be available from the federal government for the study. Upon questioning, he said that because of the health problems involved, sanitary sewers were more badly needed than storm drains.

The Council discussed the following: The need of a storm drainage study at a minimal cost, the City Manager stating that the 1958 drainage study would be updated; status of a City-County committee established to study storm drainage problems which held only one meeting, with recommendation made that maps, etc., be prepared and distributed. Director of Public Works Campbell stating that to his knowledge this had never been done; possible use of irrigation canals for storm drainage purposes, which is not permitted by the M.I.D.

Mervin Bennett, Modesto Irrigation District, stated that an engineering problem was involved, that water would be released into the canals for irrigation purposes shortly, and that it was possible that we could still have the heaviest rains of the year, with the use of the canals for storm drainage not possible under these circumstances. It was Mr. Bennett's contention that it was not feasible to design a system which could be used only a portion of the year.

MOTION

That the City Manager's recommendations contained in the memorandum dated February 20, 1964, with the exception of Item 1, under Utility Easements, Council reconsideration of policy on alleys, be approved.

Moved by VanderWall Seconded by Shastid Unanimously carried

Community Protection

A memorandum from the City Manager dated March 9, 1964, subject, "City Manager's Review of Recommendations Contained in Report of Forward Modesto Committee '62," (City Council agenda - March 16, 1964) was distributed to the Council, a copy of which is filed with the record of the minutes.

Fire

The City Manager stated that no additional fire alarm boxes were recommended by the staff for placement in residential areas; that present drill grounds and tower were adequate, with no provisions to be made for replacement of either in the immediate future; and a snorkel was proposed in the 1965-66 budget for the Northern Boulevard Fire Station instead of an aerial ladder.

MOTION

That the recommendations of the City Manager under "Community Protection," memorandum dated March 9, 1964, subject, "City Manager's review of recommendations contained in report of Forward Modesto Committee '62" (City Council agenda - March 16, 1964) be approved.

Moved by VanderWall Seconded by Tabbert Unanimously carried

The City Manager stated that "Cultural Facilities" and "Government Facilities and Services" would be discussed at the April 6, 1964, meeting beginning at 5:00 P.M.

AN ORDINANCE REPEALING SECTION 4-4.803 OF ARTICLE 8 OF CHAPTER 4 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO PARK FEES FOR SUBDIVISIONS 7-30

ORDINANCE NO. 647-C.S. entitled
"AN ORDINANCE REPEALING SECTION 4-4.803 OF ARTICLE 8 OF CHAPTER 4 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO PARK FEES FOR SUBDIVISIONS"

was introduced and ordered published as required by the Charter.

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

REPORT ON DISPOSITION OF OLD CITY HALL

Copies of a memorandum from the City Manager dated March 9, 1964, subject, "Disposition of old city hall," and memorandum from Director of Parking and Traffic Carmody dated February 28, 1964, same subject, were furnished the Council prior to the meeting, copies of which are on file with the record of the minutes. Mr. Carmody recommended that if it was not desired to spend the time to try for group action by property owners in the block, that bids be sought for the sale of the old city hall, the bids to not only state the price to be paid, but to state in words, and sketches if possible, the intended use of the property. The City Manager concurred with this recommendation with the added provision that in the event the Council should decide that the bids were not suitable, it might recommend rejection of the bids and instruct the staff to demolish the building and prepare the area for parking.

After discussion, it was the consensus of the Council that further negotiations with adjacent owners would perhaps be the best course to follow, letting it be known that the property is for sale if a suitable use can be found for it, and encouraging the adjacent property owners to come up with a plan or plans utilizing any combination of property owners in the block.

MOTION

That the staff be authorized and directed to conduct informal negotiations with adjacent property owners along the lines discussed and report back to the Council when it feels that the time is appropriate

Moved by Shastid Seconded by VanderWall Unanimously carried

REQUEST BY WOMEN'S PROGRESSIVE CLUB TO CHANGE DATE OF ANNUAL ART EXHIBIT IN CITY HALL COURT GROUNDS

A letter from Mrs. Daniel Arena dated March 5, 1964, requesting that permission be granted for the use of the City Hall court grounds for an art exhibit on May 6, 7, and 8, 1964, instead of the previously requested dates of April 7, 8, and 9, 1964, was summarized by the City Manager.

MOTION

That the change of dates for the art exhibit to May 6, 7, and 8, 1964, be approved as requested

Moved by Shastid Seconded by Tabbert Unanimously carried

FURTHER CONSIDERATION OF INSTALLING ADDITIONAL PARKING METERS ON 9TH STREET LOT

At the request of Carl Lewis, and with the consent of the Council, this matter was dropped from the agenda.

ACCEPT AS COMPLETE ALBERT M. BIEHL'S CONTRACT FOR CONSTRUCTION OF IMPROVEMENTS AT CALIFORNIA-FRANKLIN PARK (SPRINKLER SYSTEM)

RESOLUTION NO. 64-134

A RESOLUTION ACCEPTING THE CONSTRUCTION OF SPRINKLER SYSTEM - CALIFORNIA-FRANKLIN PARK (Authorizing payment and recording of notice of completion)

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

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP FOR CRESTWOOD TERRACE NO. 3 SUBDIVISION

With the consent of the Council, this item was held over for one week.

CONSIDER CHANGE IN TELETYPE 9-8

Copies of a memorandum from Chief of Police Bowers dated March 12, 1964, subject, "Teletype," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. Recommendation was made that a tape operated teletype be acquired for the police-communications building; that the new machine be substituted immediately, thus making it unnecessary to move the present teletype into the new building at a transfer cost of $115.

MOTION

That the recommendation of the Chief of Police to acquire a tape operated teletype for use in the new police-communications building be approved

Moved by Hughes Seconded by VanderWall Unanimously carried

CONSIDER LETTER-AGREEMENT BETWEEN THE CITY OF MODESTO AND GEORGE KLEMM, ET AL, RELATING TO PERIMETER STREET LIGHTING CONSTRUCTION AS A PART OF BRENTWOOD ESTATES UNIT NO. 1 SUBDIVISION

MOTION

That the letter-agreement with George Klemm for city participation in the cost of street lights at Carver Road and Silvaire Drive, and Carver Road and Robbie Avenue, be approved

Moved by Hughes Seconded by Mitchell Unanimously carried

RESOLUTION NO. 64-135

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $530 FOR PERIMETER STREET LIGHTS IN BRENTWOOD ESTATES NO. 1 (From Special Fund for Capital Outlays (321-600))

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

CONSIDER SUBMITTING OFFER TO STATE DIVISION OF HIGHWAYS FOR VACUUM-TYPE LITTER AND LEAF COLLECTOR 8-82

Copies of a memorandum from the Assistant Director of Public Works dated March 12, 1964, subject, "Sale of Vacuum-Type Litter and Leaf Collector Mounted on a 4-Ton Truck, by the State Division of Highways," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. Recommendation was made that the Council consider submitting an offer for the equipment, the minimum acceptable offer being $5,240.

RESOLUTION NO. 64-136
A RESOLUTION AUTHORIZING SUBMISSION OF OFFER TO THE STATE DIVISION OF HIGHWAYS IN THE AMOUNT OF $5,250 FOR VACUUM-TYPE LITTER AND LEAF COLLECTOR

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

No action was taken on an appropriation transfer pending acceptance of offer.

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY LOCATED ON EAST SIDE OF BRIGHTON AVENUE APPROXIMATELY 100 FEET NORTH OF LOCKE ROAD

MOTION
That the request for sewer service to property located on the east side of Brighton Avenue, approximately 100 feet north of Locke Road, be approved

Moved by Hughes Seconded by Shastid Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY LOCATED AT 204 GRANGER AVENUE

At the request of Planning Director Fey, this matter was held over for one week.

REPORTS FROM THE PLANNING COMMISSION - None

APPROPRIATION TRANSFERS

Signals, 9th at P, Kansas and Tully

Copies of a memorandum from Director of Parking and Traffic Carmody dated March 10, 1964, subject, "Traffic Signals - 9th at P, Kansas and Tully - Supplemental Appropriation Needed," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. The memorandum indicated that the City's share of the costs of installation of the signals has increased by about $2,200.

RESOLUTION NO. 64-137
A RESOLUTION APPROVING ADDITIONAL ESTIMATED COST OF $2,200 TO CITY OF MODESTO - X-STA-MOD COOPERATIVE AGREEMENT, P, KANSAS AND TULLY

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

RESOLUTION NO. 64-138
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $2,200 FOR TRAFFIC SIGNALS - 9TH AND P, KANSAS AND TULLY - (SUPPLEMENTAL APPROPRIATION)

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

REPORT BY CITY ATTORNEY ON STATUS OF LITIGATION, CITY OF MODESTO VS. N. H. DANIELS, ET AL (Action for breach of contract - paint of Sewage Treatment Plant)

The City Attorney reported that the City has collected approximately $7,200 from Daniels Construction Company in satisfaction of a judgment rendered the City.

MATTERS FOR THE GOOD OF THE COMMUNITY

The City Manager stated that the Chief Tenaya District, Yosemite Area Boy Scouts, in a letter addressed to the Council, has requested the use of Enslen Park from 12:00 noon, June 5, to 4:00 P.M., June 7, 1964, for a District Camporee, involving about 700 boy scouts and leaders.

By Order of the Chair, the matter was held over for one week, and the staff directed to invite interested scout officials to be present at the March 23rd meeting; the staff also directed to investigate the use of Del Webb Field for the camporee.

REQUEST BY CITY ATTORNEY FOR PERMISSION TO ATTEND THE LEAGUE OF CALIFORNIA CITIES CITY ATTORNEYS' DEPARTMENT SPRING CONFERENCE AT MONTEREY, CALIFORNIA APRIL 1-3, 1964

A memorandum from the City Attorney dated March 12, 1964, subject, "League of California Cities City Attorneys' Department: Spring Conference - April 1 - 3, 1964, Monterey, California," was distributed to the Council, a copy of which is filed with the record of the minutes. The estimated total cost of the trip was questioned by the Council.

MOTION

That the request of the City Attorney and Assistant City Attorney to attend the League of California Cities City Attorneys' Department Spring Conference in Monterey, California, April 1-3, 1964 be approved

Moved by VanderWall Seconded by Shastid Unanimously carried

With the consent of the Council, the matter of a requested appropriation transfer of $385 was held over for one week pending further report from the City Attorney on costs of the trip, and a check of funds available in the City Attorney's budget.

NOTICE OF PUBLIC HEARING - STANISLAUS LOCAL AGENCY FORMATION COMMITTEE

The City Manager reported that a public hearing would be held by the Stanislaus Local Agency Formation Committee at 8:00 P.M., March 18, 1964, in Room 206, County Offices Building, 1100 Eye Street, Modesto, on Formation of District under 1911 Act for maintenance of downwells in Sherwood Forest.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned to executive session to consider appointment of member to the Personnel Commission

Moved by VanderWall Seconded by Tabbert Unanimously carried

The meeting adjourned at 6:24 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, 801 11th Street, as provided by Section 2-1.01 of the Modesto Municipal Code, Mayor Johansen presiding.

The City Clerk called the roll:

Present: Councilmen: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Councilman Hughes arrived at 7:34 P.M.
Absent: Councilmen: None

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

Reverend Norman Van Walterop gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Council members having received copies of the minutes of the regular meeting of March 9, 1964, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTERS FROM MODESTO BAND, INC., REQUESTING THAT FUNDS BE BUDGETED FOR SUMMER BAND CONCERTS AND SACRAMENTO STATE FAIR - 1964-65

Letters from Oliver Deatsch, Secretary, Modesto Band, Inc., dated March 16, 1964, requesting that $1,200 and $350 be budgeted for fiscal year 1964-65 for the 1964 series of municipal concerts and band representation at the Sacramento State Fair, respectively, were summarized by the City Clerk.

MOTION

That the letter requesting $1,200 be budgeted for municipal concerts be referred to the staff for budget consideration

Moved by Mitchell Seconded by VanderWall Unanimously carried

MOTION

That the letter requesting $350 be budgeted for band representation at the Sacramento State Fair be referred to the staff for budget consideration.

Moved by VanderWall Seconded by Tabbert Unanimously carried

LETTER FROM MC HENRY VILLAGE MERCHANTS ASSOCIATION REQUESTING PAYMENT OF 1963 CHRISTMAS SEASON DECORATION ALLOCATION 1-25

A letter from McHenry Village Merchants Association dated March 10, 1963, requesting the maximum allowable allocation to the McHenry Village Merchants Association for the 1963 Christmas street decoration was summarized by the City Clerk.

MOTION

That the letter be referred to the staff for clarification

Moved by Shastid Seconded by VanderWall Unanimously carried

REQUEST BY RALPH W. HAJOSY, M.D., FOR SANITARY SEWERS TO 1517 THROUGH 1527 SCENIC DRIVE

A letter from Ralph W. Hajosy, M.D., dated March 13, 1964, requesting sewer service to property located at 1517-1527 Scenic Drive, was read by the City Clerk.

MOTION

That the letter be referred to the staff for clearance

Moved by VanderWall Seconded by Tabbert Unanimously carried

LETTER OF RESIGNATION FROM THE MODESTO CITY PLANNING COMMISSION - VERNON G. LARSEN

A letter from Vernon G. Larsen received March 18, 1964, submitting his resignation from the Modesto City Planning Commission because of plans to move from this area, was read by the City Clerk.

RESOLUTION NO. 64-139

A RESOLUTION COMMENDING VERNON G. LARSEN FOR SERVICES RENDERED TO THE CITY OF MODESTO

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

LETTER FROM FRANK ANDREWS REGARDING MEETING WITH CITY MANAGER, ETC.

Copies of a letter from Frank Andrews dated May 19, 1964, covering various subjects, report of a meeting with the City Manager, the Police and Fire Departments, Dennett Dam and City distribution of electric power, were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes.

The letter was ordered filed.

CONSIDER AWARD OF BID RECEIVED FOR INSTALLATION OF WATER LINES CONSTRUCTION, COLONIAL MANOR NO. 1

RESOLUTION NO. 64-140

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR THE INSTALLATION OF WATER LINES IN COLONIAL MANOR NO. 1 SUBDIVISION (no bids received)

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

CONSIDER AWARD OF BID FOR INSTALLATION OF WATER LINE EXTENSION ON NORWEGIAN AVENUE TO SERVE FELLOWSHIP HOMES

RESOLUTION NO. 64-141

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER LINE EXTENSION ON NORWEGIAN AVENUE TO SERVE FELLOWSHIP HOMES (no bids received)

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

CONSIDER APPROVAL OF PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR GASOLINE GOLF COURSE TRACTOR TO REPLACE FAIRWAY MOWING TRACTOR

RESOLUTION NO. 64-142

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR GASOLINE GOLF COURSE TRACTOR TO REPLACE FAIRWAY MOWING TRACTOR

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

April 7, 1964, 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 A BY-PASS LINE AND APPURTENANCES AT THE SEWAGE TREATMENT PLANT 1-70

RESOLUTION NO. 64-143

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE INSTALLATION OF A BY-PASS LINE AND APPURTENANCES AT THE SEWAGE TREATMENT PLANT

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

April 7, 1964, at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

Status of the work to reduce odors at the Sewage Treatment Plant was discussed.

ADOPTION OF ORDINANCE NO. 646-C.S., REZONING MC HENRY VILLAGE,INC.PROPERTY

ORDINANCE NO. 646-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 16 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (McHenry Village,Inc.)"

introduced March 9, 1964, 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

ADOPTION OF ORDINANCE NO. 647-C.S. RELATING TO PARK FEES FOR SUBDIVISIONS

ORDINANCE NO. 647-C.S. entitled
"AN ORDINANCE REPEALING SECTION 4-4.803 OF ARTICLE 8 OF CHAPTER 4 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO PARK FEES FOR SUBDIVISIONS"

introduced March 16, 1964, and having been published as required, was moved and adopted.

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

ORDINANCE AMENDING PROVISIONS OF THE MODESTO MUNICIPAL CODE RELATING TO TRAFFIC REGULATIONS

The City Attorney stated that the proposed ordinance amends the City's traffic regulations to conform with recent changes in the California Vehicle Code.

ORDINANCE NO. 648-C.S. entitled
"AN ORDINANCE AMENDING SECTION 3-2.207 OF ARTICLE 2 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE; AMENDING SECTION 3-2.404 OF ARTICLE 4 OF CHAPTER 2 OF TITLE III; AMENDING SECTION 3-2.807 OF ARTICLE 8 OF CHAPTER 2 OF TITLE III; AMENDING SECTIONS 3-2.1002 AND 3-2.1006 OF ARTICLE 10 OF CHAPTER 2 OF TITLE III; AMENDING SECTION 3-2.1104 OF ARTICLE 11 OF CHAPTER 2 OF TITLE III; AMENDING SECTION 3-2.1203 OF ARTICLE 12 OF CHAPTER 2 OF TITLE III; AMENDING SECTION 3-2.1301 OF ARTICLE 13 OF CHAPTER 2 OF TITLE III; AMENDING SECTION 3-2.1504 OF ARTICLE 15 OF CHAPTER 2 OF TITLE III; REPEALING SECTIONS 3-2.102, 3-2.110, 3-2.111, 3-2.112, 3-2.118, 3-2.119, 3-2.120 AND 3-2.122 OF ARTICLE 1 OF CHAPTER 2 OF TITLE III; AND REPEALING SECTION 3-2.805 OF ARTICLE 8 OF CHAPTER 2 OF TITLE III THEREOF, RELATING TO TRAFFIC REGULATIONS"

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

CONSIDER REQUEST OF YOSEMITE AREA BOY SCOUTS OF AMERICA FOR USE OF ENSLEN PARK FOR SCOUT CAMPOREE

Robert St. Jeor, 333 Woodrow Avenue, Chairman of the Boy Scout Camping Activities Committee, stated that Enslen Park was desired for the camporee because of easy accessibility to the public, with the hope of furthering interest in scouting.

Mr. St. Jeor said that the troops would be cautioned to keep noise at a minimum in the early morning and late evening.

RESOLUTION NO. 64-144
A RESOLUTION APPROVING USE OF ENSLEN PARK FOR BOY SCOUT CAMPOREE (From 12:00 (noon) June 5, 1964, through June 7, 1964, at 4:00 P.M.)

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

REPORT FROM SCHOOL OF AMERICAN TAXPAYERS, INC., RELATIVE TO DOWNTOWN MODESTO BY WALTER BOZARTH

Walter Bozarth, 1557 Victoria Drive, representing a committee appointed by the School of American Taxpayers to study downtown Modesto problems, with a view to modernization without taxpayers' subsidy, stated that the initial approach of the Committee was to study the accomplishments of other cities (Eureka, Mt. View, Pomona, San Diego, Provo, Utah; Grand Junction, Colorado); that the study revealed a definite pattern established by the various cities in accomplishing their modernization.

The following recommendations were made by Mr. Bozarth in behalf of the Committee:

That Modesto's health and safety codes in connection with dilapidated or obsolescent buildings be enforced;

That 10th and 11th Streets be returned to two-way streets; that one-way streets should lead to and from the downtown shopping district, but should not go through the shopping district;

That adequate free, off-street parking be provided;

Validated Parking - Mr. Bozarth stated that in order to be successful, validated parking should have at least 80% merchant participation; that if validated parking is not successful in Modesto, it was the Committee's belief that the merchants will have to provide free, off-street parking; that this could be accomplished by the City removing itself from the off-street parking business by making the lot leases available to the merchants.

Parking Meters - Mr. Bozarth said the Committee believed that all parking meters should be removed in the City - that in almost all of the cities studied, parking meters have been removed with adequate free, off-street parking, with on-street parking limited to two hours.

That the Parking Fund be utilized at once to acquire additional parking in downtown Modesto.

Mr. Bozarth completed his report by stating that the success of any plan for downtown modernization hinged entirely upon the enthusiasm among the merchants and the people of the community. It was his belief that the City should instigate and participate in a campaign to create the enthusiasm - that without the enthusiasm, he did not believe that any plan attempted would succeed.

Mr. Bozarth was questioned by the Council on the various phases of this report.

No action was taken by the Council pending reports from other committees studying downtown parking and traffic problems.

CONTINUATION OF HEARING ON PROPOSED NORTH MODESTO SANITARY SEWER DISTRICT 4-5

Termination of proceedings of the proposed North Modesto Sanitary Sewer District was discussed.

The City Attorney suggested that in the event the hearing was continued, that the advice of bond counsel be sought as to the legality of the continuance.

MOTION

That the hearing be continued to May 25, 1964, at 8:00 P.M. on the basis of bond counsel approval

Moved by Mitchell Seconded by VanderWall Unanimously carried

HEARING ON PROPOSED SETBACK LINES FOR MC HENRY AVENUE 4-55

Mayor Johansen announced that the hour of 8:15 P.M. had arrived, the time set for consideration of the proposed revision of the right-of-way width of McHenry Avenue to 128 feet, and a building setback line of 79 feet from the center line of McHenry Avenue, from Lateral No. 3 to the north city limit line, and opened the hearing.

Director of Planning Fey outlined the background of the City and County Planning Commissions' recommendation for a 128-foot right of way and a 79-foot setback from the center line of the street. He said that a hearing was held by the Board of Supervisors last week and held over for further consideration.

Director of Public Works Campbell displayed aerial photos of the section of McHenry Avenue under consideration, showing the proposed 128-foot right of way and the existing approved 100-foot right of way; describing the proposed layout of the section on the basis of the proposed 128-foot width. He said that 63 parcels were involved in right-of-way acquisition within the one and one-half miles north of Standiford, and 17 individual parcels within the city limits; ten structures were involved in the area north of Standiford; the Putt Putt golf course and YMCA property involved within the city limits. Mr. Campbell said it was the consensus that the symmetrical taking of 64 feet on either side of the center line would be the most equitable way of approaching right-of-way acquisition.

Director of Parking and Traffic Carmody gave information on traffic counts at various points on McHenry Avenue.

The City Clerk read a letter from Bernice Bick, Secretary, Sylvan Improvement Club, dated March 19, 1964, stating that at a regular meeting of the Sylvan Improvement Club on March 18, 1964, a motion was made and unanimously carried to support a 100-foot right of way for the widening of McHenry Avenue; that Mr. Leo P. Hedegard has been appointed to represent the Club at any future hearings on this matter.

A letter from D. H. Bodes, President, Young Men's Christian Association, dated February 21, 1964, protesting the 128-foot right of way was entered into the record of the minutes. Copies of the letter were furnished the Council prior to the meeting.

The following spoke in oppoisition to the 128-foot right of way: Joe Medeiros, representing North McHenry Avenue Association, stated that the property owners he represented felt that if the right of way is to be 128 feet, they wish to be paid for every foot of ground from the present 100-foot right of way to the 128 feet. He asked that the 100-foot right of way be expedited, with four lanes of through traffic, and emergency parking only permitted.

Leo Hedegard, 5525 Old Oakdale Road, representing the Sylvan Improvement Club, spoke on the advance of development between San Jose and Campbell during the last thirty years, comparing it to the possible growth of McHenry Avenue from the present city limits to its intersection with Patterson Road; Art Friedman, Attorney, stated that the proposed 128-foot right of way would stifle the improvement of McHenry Avenue and unnecessarily tie up land for a great number of years, inasmuch as Mr. Meyer, State Division of Highways Engineer, has stated at previous hearings on this matter that regardless of the right-of-way width of McHenry Avenue, only a four-lane highway will be built to start with, perhaps five or more years in the future.

George Ground stated that 80% of McHenry Avenue property owners owning 66% of the lineal footage on both sides of the street, want a 100-foot right of way; 16% want no change; 4% want a 128-foot right of way.

Mr. Medeiros was questionedby the Council. He stated that the group he represents has not yet reached a determination as to what the setback should be, stating that their prime interest at this time was to get through-traffic moving on McHenry.

John Meyer, District X Engineer, State Division of Highways, stated that a freeway to take the place of McHenry was not foreseeable for financial reasons, for 20 or 30 years; that it was realized that interim improvement was needed; that state highway funds for the interim improvement would probably not be available for about ten years, but on a cooperative basis, it might be possible to start the improvements in about five years. Mr. Meyer stated that the State insists upon parking lanes for emergency parking.

Harold L. McKee, General Secretary, YMCA, stated that the YMCA development on McHenry Avenue was based on a 100-foot right of way; that a 128-foot right of way would be costly and would greatly disrupt the organization's plans. He asked that the 100-foot right of way be retained, with an adequate setback established which will permit widening if a need is indicated in the future.

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

Upon questioning, Director of Public Works Campbell stated that ten-foot sidewalks were desirable.

The staff was directed to furnish the Council a report as to whether there was any merit to the suggestion of a 79-foot setback for a 100-foot right of way to take care of future widening needs beyond a 100-foot right of way.

The City Attorney stated that setbacks cannot be established merely to anticipate street widening needs; that the purpose of the setback is to provide light, air, access, etc.

Mayor Johansen suggested that the Council - Board of Supervisors Committee, of which Councilmen Mitchell and Tabbert are members, arrange a meeting at an early date to discuss this subject, preferably before the joint Council - Supervisors meeting to be held March 31st.

MOTION

That the hearing be continued to April 13, 1964, at 8:00 P.M.

Moved by Shastid Seconded by VanderWall Unanimously carried

CONTINUATION OF HEARING ON UNCLASSIFIED USE PERMIT - DOWNEY HIGH SCHOOL BLEACHERS

With the unanimous consent of the Council, this matter was carried over to the April 6, 1964, meeting.

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP FOR CRESTWOOD TERRACE NO. 3 SUBDIVISION

RESOLUTION NO. 64-145

A RESOLUTION APPROVING THE FINAL MAP OF THE CRESTWOOD TERRACE NO. 3 SUBDIVISION OF THE CITY OF MODESTO

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

SUBMISSION OF THE BROWN AND CALDWELL ENGINEERING REPORT ON THE CITY WATER SYSTEM AUTHORIZED BY DEL ESTE WATER COMPANY

At the request of Del Este Water Company, and with the unanimous consent of the Council, this matter was held over.

CONSIDER AMENDMENT TO GRANT AGREEMENT FOR CONSTRUCTION OF TAXIWAY LIGHTING AT THE CITY-COUNTY AIRPORT

RESOLUTION NO. 64-146

A RESOLUTION APPROVING AMENDMENT NO. 1 TO GRANT AGREEMENT FOR AIRPORT DEVELOPMENT (Project 9-04-027-C307)(Increasing federal grant from $11,027 to $11,537.65)

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

The amendment has been approved by the County Board of Supervisors.

CONSIDER CHANGE IN PERSONNEL RULES - ACCUMULATION OF SICK LEAVE

RESOLUTION NO. 64-147

A RESOLUTION AMENDING SECTION 13.5 OF THE PERSONNEL RULES RELATING TO SICK LEAVE (Permitting accumulation of sick leave to 120 days)

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

CONSIDER AGREEMENT BETWEEN THE CITY OF MODESTO AND PROPERTY OWNERS IN THE MEAT PACKING AREA FOR THE CONSTRUCTION OF A MUNICIPAL WATER SYSTEM 11-90

Copies of a memorandum from the Director of Public Works dated March 20, 1964, subject, "Water Service: Meat Packing Area," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. Recommendation was made that a proposed agreement with the property owners in the area be approved by the Council on the basis that the water system will provide the fire department with the water needed for fire protection of the area; it will permit the area to enjoy the same fire grading classification as the rest of the City; and it will provide a public water supply to the only area of the City without one.

The City's present policy of providing water service was discussed. The City Manager stated that a discussion of the City's policy would be held at the time the Brown and Caldwell Engineering Report on the City Water System is considered.

RESOLUTION NO. 64-148

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND PIONEER MEAT PLANT, MODESTO TALLOW CO., JACK ARNAPOLE AND MORRIS ARNAPOLE, B. ZEFF AND B. ZEFF AND CO.

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

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY LOCATED AT 204 GRANGER AVE. 12-25

MOTION

That the request for sewer service to property located at 204 Granger Avenue be approved

Moved by Hughes Seconded by VanderWall Unanimously carried

CONSIDER APPROVAL OF CONTRACT FOR ACQUISITION OF RIGHT OF WAY FROM RUBY J. SMITH FOR BRIGGSMORE AVENUE WIDENING

RESOLUTION NO. 64-149

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND RUBY J. SMITH - REAL PROPERTY FOR WIDENING OF BRIGGSMORE AVENUE (Purchase price, $3,890)

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

RESOLUTION APPROVING RENTAL OF CITY-OWNED PROPERTY, 217 ELM, FLORINE JOHNSON

RESOLUTION NO. 64-150

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND FLORINE JOHNSON - RESIDENT, 217 ELM STREET ($60 per month effective March 14, 1964)

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

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY AT 215 AND 221 EAST COOLIDGE AVENUE

Copies of a memorandum from the Planning Director dated March 19, 1964, subject, "Sewer Service Request - George Ground, Coolidge Avenue," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes.

MOTION

That the request for sewer service to property located at 215 and 221 East Coolidge Avenue be approved

Moved by Hughes Seconded by Mitchell Unanimously carried

CONSIDER LEGAL PROCEDURE FOR THE PROCESSING OF INDIVIDUAL SEWER SERVICE REQUESTS FOR PROPERTIES OUTSIDE THE CITY WHICH AGREE TO ANNEX

The City Attorney stated that individual requests by owners of property contiguous to the City for sewer service under informal agreements which require annexation, are not recorded; that changing the procedure to record the agreement will increase administrative costs.

No action was taken by the Council. The staff was directed to continue to record only those agreements covering subdivisions, large commercial or apartment developments, upon the recommendation of the Director of Public Works.

CONSIDER APPROPRIATION TRANSFER FOR EXPENSES FOR CITY ATTORNEY'S SPRING CONFERENCE 12-120

RESOLUTION NO. 64-151

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $150 FOR EXPENSES - CITY ATTORNEYS' SPRING CONFERENCE MEETING IN MONTEREY (April 1, - 3, 1964)

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

RECOMMEND PERMISSION TO PLACE SIGN IN REQUIRED SETBACK AREA

A request was received from Federal Sign and Signal Corporation in letter dated March 13, 1964, to place a sign for the "Imperial 400" Motel within the 12½-foot area along Needham Avenue (corner Needham and Nellie) which the Board of Zoning Adjustment required be dedicated to the City for the widening of Needham Avenue.

Planning Commission Resolution No. 64-34 recommends that the request be approved subject to certain conditions: that the sign meet all the requirements of the City's sign regulations; that the sign be removed at no expense to the City when removal is requested by the City; that the resolution approving the request be recorded so that the conditions will remain with the property and bind any and all successors in interest.

RESOLUTION NO. 64-152

A RESOLUTION APPROVING REQUEST OF FEDERAL SIGN AND SIGNAL CORPORATION TO PLACE A SIGN ON PRESENT PROPERTY LINE ON PROPERTY ON NORTHEAST CORNER OF NEEDHAM AND NELLIE AVENUES (subject to certain conditions)

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

AGREEMENT BETWEEN HARRY KULLIJIAN AND CITY OF MODESTO

Planning Commission Resolution No. 64-26 adopted March 3, 1964, approved a lot split, Lot 7A, Block 2054, northwest corner of Yosemite Boulevard and Santa Barbara Avenue, subject to the proposed agreement between the applicant and the City covering points included in the resolution.

RESOLUTION NO. 64-153

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND HARRY KULLIJIAN - LOT SPLIT, 1121 YOSEMITE BOULEVARD

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

Notice of Executive Board Meeting, Central Division of League of California Cities

The City Clerk read a notice received from President Harold V. Bryant, Central Valley Division, League of California Cities, that the next Executive Board Meeting of the Central Division of the League of California Cities will be held at the Sun Dial Lodge Restaurant, Modesto, on Thursday, March 26, 1964, at 7:30 P.M.

REPORT OF PUBLIC PROJECTS COMMITTEE RELATIVE TO CONSULTANT FOR SEWAGE TREATMENT PLANT 13-22

Councilman Mitchell reported that the Public Projects Committee met with the staff to discuss the employment of a consultant to study the Sewage Treatment Plant with reference to the odor problem and recommended that the Council instruct the staff to negotiate for the employment of a consultant and come back with a proposal as to the scope, cost, and particular consultant to be employed.

MOTION

That the Council instruct the staff to negotiate as soon as possible with an appropriate engineering consultant and to come up with a recommendation to the Council as to what needs to be done; what the engineering costs will be to survey the treatment plant, the nature of the effluent, the loads, the types of corrective measures that should be taken to meet the odor problem and overall sanitary waste disposal

Moved by Mitchell Seconded by Shastid Unanimously carried

REPORT ON APPOINTMENT OF FIRE CHIEF WAYNE EVERETT TO CALIFORNIA FIRE CHIEFS' ASSOCIATION FIRE PREVENTION COMMITTEE

The City Manager reported that Fire Chief Wayne Everett has been appointed to the Fire Chiefs' Association Fire Prevention Committee.

REPORT ON EAST MODESTO INDUSTRIAL WASTE COMPANY FOR CITY TO HANDLE CERTAIN PORTION OF THEIR INDUSTRIAL WASTE FLOW 13-45

Copies of a memorandum from the Director of Public Works dated March 19, 1964, subject, "Report on Handling of Industrial Waste from the East Modesto Industrial Waste Company," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes.

The City Manager recommended that the report be accepted and the staff authorized to prepare an agreement with the East Modesto Industrial Waste Company in accordance with the memorandum.

The following spoke in opposition to the proposal: J. A. Hamilton, Normandy Drive; Walter Singler, 709 Colorado Avenue; who expressed opposition to the City accepting waste from industries which have refused to annex to the City, overtaxing the present Sewage Treatment Plant facilities, then eventually requiring city residents to pay for expansion of the sewage treatment plant facilities to serve outside industries not paying taxes to the City.

The effect of the added industrial waste on the odor problems and the ability of the plant to handle the additional industrial waste was discussed by the Council.

Richard Olsen, Vice President, Beard Land and Investment Co., stated that his company's program would have to be met by August or September, and that an early decision by the Council would be appreciated.

Sam Courtney, member of the Sewer Study Advisory Committee established by the Board of Supervisors to study sewer and storm drainage problems in the Modesto area, reviewed the first meeting held by the group, and the events leading to the adoption of a resolution "encouraging the City of Modesto to take appropriate action on an interim basis to assist the East Modesto Industrial Waste Company in meeting this problem so vital to the economy of Stanislaus County." Mr. Courtney felt that a complete study should be made by competent sewage engineers to determine the best method of disposing of peak loads - that the facilities of the plant should not be taxed beyond the intended capacity of 40 or 50 thousand people. Mr. Courtney said that he opposed adoption of the resolution on the basis that further study was needed.

Councilman Mitchell, member of the Sewer Study Advisory Committee, stated that both the City and the East Modesto Industrial Waste Company had odor problems; that the question under consideration was whether the City Council would, on behalf of the community, endeavor to cooperate and accommodate an area outside the present city limits in temporarily "buying time" in order that the staff and engineers of the City and the East Modesto Industrial Waste Company can decide on the best long-range overall solution for the community.

The staff was directed to prepare an agreement with the East Modesto Industrial Waste Company along the lines recommended in the memorandum from the Director of Public Works dated March 19, 1964, to be considered by the Council at an adjourned regular meeting March 30, 1964, at 4:00 P.M.

REPORT CONCERNING SISTER CITY PROGRAM BY COUNCILMAN WILLIAM MITCHELL 17-74

MOTION

That the Sister City Committee be permitted the use of the Council Chambers, City Hall, on Friday evening, April 3, 1964, at 7:30 P.M. to 9:30 P.M.

Moved by Shastid Seconded by VanderWall Unanimously carried

Councilman Mitchell stated that slides of his recent trip to Barranquilla would be shown to citizens interested in participating in the summer vacation exchange program for students. Mr. Mitchell said he had also had a request that the Mayor make appointments to bring the Sister City Committee back to its original strength and to reappoint the active participants. The Council was invited to attend.

REPORT TO THE COUNCIL BY CITY ATTORNEY ON ATTORNEY GENERAL OPINION NO. 63-283 TO THE EFFECT THAT CITIES DO NOT HAVE AUTHORITY TO REQUIRE SPECIFIED JOURNEYMEN IN THE BUILDING TRADE TO OBTAIN A CERTIFICATE OF COMPETENCY

The City Attorney recommended that the City in no way give up its position regarding its ordinance pertaining to requirement of certificates of competency for journeymen. He said that a courtesy copy of Attorney General Opinion No. 63-283 was received from Assemblyman John Veneman.

Monte Lukov, Executive Secretary, Home Builders Association, stated that his organization had written a letter to the Attorney General for an opinion at the time the Council was considering the adoption of the heating and comfort cooling code.

CONSIDER APPOINTMENT OF MEMBER TO THE PERSONNEL COMMISSION 18-7

The Council adjourned to an executive session at 11:50 to consider the appointments to the Personnel and Planning Commissions, returning at 12:08 P.M.

RESOLUTION NO. 64-154

A RESOLUTION APPOINTING DAROL CARLSON A MEMBER OF THE MODESTO CITY PERSONNEL COMMISSION (for a term ending January 1, 1965)

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

RESOLUTION NO. 64-155

A RESOLUTION APPOINTING GEORGE GAGOS, JR., A MEMBER OF THE MODESTO CITY PLANNING COMMISSION (For a term ending January 1, 1966)

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

ADJOURNMENT

MOTION

That the meeting now in session be adjourned to March 30, 1964, at 4:00 P.M.

Moved by VanderWall Seconded by Mitchell Unanimously carried

The meeting adjourned at 12:10 A.M.

ATTEST: _____
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in adjourned regular session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, as provided by Section 2-1.01 of the Modesto Municipal Code, Mayor Johansen presiding.

The City Clerk called the roll:

Present: Hughes, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Absent: Mitchell

CONTINUATION OF DISCUSSION ON POSSIBILITY OF CITY HANDLING A CERTAIN PORTION OF INDUSTRIAL WASTE FLOW OF EAST MODESTO INDUSTRIAL WASTE COMPANY

Director of Public Works Campbell was questioned by the Council in connection with the recommendations contained in his memorandum dated March 19, 1964, subject, "Report on Handling of Industrial Waste from the East Modesto Industrial Waste Company," a copy of which was filed with the record of the minutes at the March 23, 1964, meeting.

The following matters were discussed: the possible effect of the additional sewage load on odor problems at the Plant; the effect of a low riverflow on odors; whether additional sewage from the East Modesto Industrial Waste Company will add to the odor problems in the event pump problems develop during the period of the agreement.

The City Manager stated that in the event the additional sewage load were to be taken on a permanent basis, the Sewage Treatment Plant would have to be enlarged to a greater extent, at which time a basic decision would have to be made as to whether the east industrial area should be annexed to the City to provide a tax base for the improvements.

The City Attorney stated that the proposed agreement with East Modesto Industrial Waste Company was based on the recommendations outlined in a memorandum from the Director of Public Works dated March 19, 1964, subject, "Report on Handling of Industrial Waste from the East Modesto Industrial Waste Company."

RESOLUTION NO. 64-156

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND EAST MODESTO INDUSTRIAL WASTE COMPANY - INDUSTRIAL WASTE TREATMENT

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

APPROPRIATION TRANSFER - PURCHASE OF LITTER AND LEAF COLLECTOR

The City Manager reported that the City's offer of $5,250 for a CHC 6317, Litter and Leaf Collector, mounted on GMC 4-Ton truck, had been accepted by the State Division of Highways; that an appropriation transfer was needed.

RESOLUTION NO. 64-157

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $5,450 FOR PURCHASE OF VACUUM TYPE LITTER AND LEAF COLLECTOR FROM STATE DIVISION OF HIGHWAYS ($200 ADDITIONAL FOR SALES TAX AND INCIDENTALS)

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

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Tabbert Unanimously carried

The meeting adjourned at 4:58 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, 801 11th Street, as provided by Section 2-1.01 of the Modesto Municipal Code, Mayor Johansen presiding.

The City Clerk called the roll:

Present: Councilmen: Mitchell, Tabbert, VanderWall, Mayor Johansen
Councilman Shastid arrived at 4:26 P.M.

Absent: Councilmen: Hughes, Patton

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

Reverend Truman Northup gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the regular meetings of March 16, and March 23, 1964, and the same being available for public inspection, and there being no objections, the minutes were approved.

COMMUNICATIONS REGARDING EXTENSION OF COLLEGE AVENUE TO RUMBLE ROAD IN NEIGHBORHOOD OF THE DAVIS HIGH SCHOOL

The City Clerk reported that twenty-four communications were received requesting that College Avenue be extended to Rumble Road.

The City Manager was directed to notify the people of the present status of plans to extend College Avenue, the time element involved, etc.

LETTER FROM HUGH E. GALLAGHER, M.D., REGARDING REPAIR OF THE BLACKTOP UP TO CURB AFTER CURB AND GUTTER INSTALLATION 1-54

Copies of a letter from Hugh E. Gallagher, M.D., dated March 24, 1964, requesting permission to repair blacktopping, the need for which was incurred through installation of curbs and gutters on property located at Griswold and McHenry Avenues, were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes.

RESOLUTION NO. 64-158

RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF HUGH E. GALLAGHER, M.D., TO REPAIR BLACKTOP AREA

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

LETTER FROM MODESTO COLTS, MODESTO BASEBALL CLUB, REGARDING LIGHTING IN OUTFIELD AT DEL WEBB FIELD

Copies of a letter from Tony Arcure, President, Modesto Colts - Modesto Baseball Club, dated March 30, 1964, requesting that the City participate in a program to upgrade the lighting at Del Webb Field to minimum standards were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. The letter was summarized by the City Clerk.

Lee Landers, General Manager, Modesto Baseball Club, stated that a preliminary test showed the lighting to be 52% of the candlepower needed to adequately light the ball park; that a franchise could be dependent on correction of the lighting facilities.

The City Manager stated that the staff agreed with the result of the test; that expert advice was needed to correct the problem; that such expert advice was not available in the immediate area.

Mr. Landers was asked to secure information as to whom the staff might work with to correct the lighting problem.

LETTER FROM THE MODESTO GARDEN CLUB REGARDING LANDSCAPING AROUND THE CITY'S CHRISTMAS TREE AT 19TH AND H STREETS 1-80

At the request of Mrs. Frank Damrell, this matter was dropped from the agenda.

LETTER FROM YOSEMITE AREA BOY SCOUTS OF AMERICA ACCEPTING CONDITIONS OF RESOLUTION 64-144 AND INVITING COUNCIL MEMBERS TO VISIT THE CAMPOREE ON JUNE 6, 1964

A letter from Allan H. Stotts, Assistant District Scout Executive, Chief Tenaya District, dated March 31, 1964, thanking the Council for permitting the use of Enslen Park for a Boy Scout Camporee June 5, through June 7, 1964, was summarized by the City Clerk. The Council was invited to visit the Camporee, particularly the evening camp fire program to be presented in Graceada Park Bowl, Saturday evening, June 6, 1964. The letter was ordered filed.

LETTERS REGARDING ALLOCATION OF FUNDS FOR CHRISTMAS STREET DECORATIONS 1-80

Letters from the Downtown Modesto Association dated March 26, 1964, The Big U Company dated March 24, 1964, and McHenry Village Merchants Association dated March 27, 1964, regarding allocation of funds for Christmas decorations for the 1964 Christmas season were summarized by the City Clerk.

By order of the Chair, the letters were referred to the staff for consideration at the budget sessions.

LETTER FROM GREATER MODESTO CHAMBER OF COMMERCE REGARDING ANNUAL APPROPRIATION FOR ADVERTISING AND PROMOTION OF THE CITY OF MODESTO

A letter from Edward J. Srenaski, President, Greater Modesto Chamber of Commerce, dated March 31, 1964, requesting an appropriation for fiscal year 1964-65 for advertising and promotion of the City of Modesto, was summarized by the City Clerk.

By order of the Chair, the letter was referred to the staff for consideration at the budget sessions.

LETTER FROM FRANK ANDREWS REGARDING REPAIR OF BRICK FACING ON THE CITY HALL BUILDING

Copies of a letter from Frank Andrews dated April 2, 1964, pertaining to the condition of the brick facing on the City Hall, were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes.

Mayor Johansen stated that the staff was now working on this problem. The letter was ordered filed.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF PARKING LOT #12, 9TH STREET BETWEEN J AND K STREETS

Copies of a memorandum from the Director of Parking and Traffic dated April 1, 1964, subject, "Parking Lot #12, 9th Street between J and K Streets," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes.

The City Manager reported that an agreement has been reached on the wall of the Union Oil Co. station next to the parking lot, the two property owners involved having agreed to pay up to $2,000 for construction of the new wall; that alternate bids to reinforce and to reconstruct the wall are being sought so that the extra cost to reconstruct the wall can be isolated.

RESOLUTION NO. 64-159

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF PARKING LOT #12, 9TH STREET BETWEEN J AND K STREETS

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

May 19, 1964, at 2:00 P.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 FURNISHING ONE SAND TRAP FOR PUMP STATION NO. 27

RESOLUTION NO. 64-160
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING ONE SAND TRAP FOR PUMP STATION NO. 27

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

April 21, 1964, 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. 648-C.S. AMENDING CODE RELATING TO TRAFFIC REGULATIONS

ORDINANCE NO. 648-C.S. entitled
"AN ORDINANCE AMENDING SECTION 2-3.207 OF ARTICLE 2 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE; AMENDING SECTION 3-2.404 OF ARTICLE 4 OF CHAPTER 2 OF TITLE III; AMENDING SECTION 3-2.807 OF ARTICLE 8 OF CHAPTER 2 OF TITLE III; AMENDING SECTIONS 3-2.1002 AND 3-2.1006 OF ARTICLE 10 OF CHAPTER 2 OF TITLE III; AMENDING SECTION 3-2.1104 OF ARTICLE 11 OF CHAPTER 2 OF TITLE III; AMENDING SECTION 3-2.1203 OF ARTICLE 12 OF CHAPTER 2 OF TITLE III; AMENDING SECTION 3-2.1301 OF ARTICLE 13 OF CHAPTER 2 OF TITLE III; AMENDING SECTION 3-2.1504 OF ARTICLE 15 OF CHAPTER 2 OF TITLE III; REPEALING SECTIONS 3-2.102, 3-2.110, 3-2.111, 3-2.112, 3-2.118, 3-2.119, 3-2.120 AND 3-2.122 OF ARTICLE 1 OF CHAPTER 2 OF TITLE III; AND REPEALING SECTION 3-2.805 OF ARTICLE 8 OF CHAPTER 2 OF TITLE III THEREOF, RELATING TO TRAFFIC REGULATIONS"

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

A RESOLUTION WITHDRAWING CRESTWOOD TERRACE ADDITION NO. 2 FROM THE MC HENRY-DRY CREEK COUNTY FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO

RESOLUTION NO. 64-161
A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE MC HENRY-DRY CREEK COUNTY FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (CRESTWOOD TERRACE NO. 2 ADDITION)

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

RESOLUTION AUTHORIZING CITY TO MAKE APPLICATION TO P.U.C. FOR REIMBURSEMENT OF $191 FROM THE CROSSING PROTECTION FUND

RESOLUTION NO. 64-162
A RESOLUTION AUTHORIZING AN APPLICATION FOR STATE AID FOR GRADE CROSSING PROTECTION IMPROVEMENT (H Street Crossing - total cost $381.99)

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

RESOLUTION NO. 64-163
A RESOLUTION APPROVING AGREEMENTS BETWEEN THE CITY OF MODESTO AND VARIOUS LESSEES FOR RENTAL OF CITY-OWNED PROPERTY (John O'Bryant, 215 Elm, $45 per month; Willie Williams, 213 Elm, $45 per month)

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

AGREEMENT BERWEEN CITY AND PETER AND FANNIE DOUMA FOR PURCHASE OF 4.749 ACRES OF PROPERTY FOR SUM OF $18,996 FOR GRACE DAVIS HIGH SCHOOL COMMUNITY PARK SITE

At the request of the City Manager, and with the consent of the Council, this item was held over.

CONSIDER POSSIBLE AGREEMENTS FOR MUTUAL AID IN FIRE PROTECTION 1-120

Copies of a memorandum from the Deputy City Manager dated March 2, 1964, subject, "Mutual Aid - Fire Protection," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes.

Possible rental charges for use of equipment in connection with mutual aid was discussed.

MOTION
That the staff be directed to prepare agreements for day-to-day mutual aid in fire protection as recommended in memorandum from Deputy City Manager dated March 2, 1964.

Introduced by Mitchell Seconded by VanderWall Unanimously carried

REQUEST FROM THE MC HENRY VILLAGE MERCHANTS ASSOCIATION REQUESTING PAYMENT OF 1963 CHRISTMAS SEASON DECORATION ALLOCATION 2-15

MOTION
That payment of $1,031.20 to McHenry Village Merchants Association for 1963 Christmas season decorations be approved

Moved by VanderWall Seconded by Mitchell Unanimously carried

ACCEPT IMPROVEMENTS IN WALTER HEIGHTS SUBDIVISION AS COMPLETE AND AUTHORIZE CITY CLERK TO RELEASE SUBDIVISION IMPROVEMENT BOND

RESOLUTION NO. 64-164
A RESOLUTION AUTHORIZING THE RELEASE OF CASH DEPOSIT FILED TO GUARANTEE IMPROVEMENTS IN WALTER HEIGHTS SUBDIVISION

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

AUTHORIZE 35-MILE SPEED LIMIT ON EL VISTA BY AMENDING SECTION 3-2.1401 OF THE MUNICIPAL CODE

ORDINANCE NO. 649-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 AND REPEALING SECTION 1 OF ORDINANCE NO. 519-C.S." (Authorizing 35-mile speed limit on that portion of El Vista adjacent to Yosemite Lanes Addition which will be presented to Council for annexation on April 20, 1964) was introduced and adopted and ordered published as required by the Charter.

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

CONSIDER ELIMINATION OF ONE-WAY TRAFFIC FLOW IN ALLEY BETWEEN G, H AND 12TH AND 13TH STREETS 2-37

The City Manager stated that Franklin-Downs Funeral Home has asked that the alley between G and H, 12th and 13th Streets, be returned to a two-way alley; that owners of property adjacent to the alley have no objections to the proposed change

RESOLUTION NO. 64-165

A RESOLUTION AMENDING SECTION 19(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."

Introduced by VanderWall Seconded by Mitchell

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

A RESOLUTION GIVING NOTICE OF PROPOSED DEMOLITION OF BUILDING LOCATED AT 109 PLEASANT STREET IN ACCORDANCE WITH THE UNIFORM BUILDING CODE - AND FIXING A TIME AND PLACE FOR HEARING (KENNETH DIEHL)

RESOLUTION NO. 64-166

A RESOLUTION GIVING NOTICE OF PROPOSED DEMOLITION OF THE BUILDING LOCATED AT 109 PLEASANT STREET IN THE CITY OF MODESTO IN ACCORDANCE WITH THE PROVISIONS OF SECTION 203(a) OF THE UNIFORM BUILDING CODE AND FIXING THE TIME AND PLACE FOR HEARING PROTESTS THERETO (KENNETH DIEHL)

Introduced by VanderWall Seconded by Mitchell

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

April 20, 1964, at 4:40 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

A RESOLUTION GIVING NOTICE OF PROPOSED DEMOLITION OF BUILDINGS LOCATED AT 510 WEST FAIRMONT AVENUE IN MODESTO AND GIVING NOTICE OF THE TIME AND PLACE FOR HEARING (PENFIELD)

RESOLUTION NO. 64-167

A RESOLUTION GIVING NOTICE OF PROPOSED DEMOLITION OF THE BUILDINGS LOCATED AT 510 WEST FAIRMONT AVENUE IN THE CITY OF MODESTO IN ACCORDANCE WITH THE PROVISIONS OF SECTION 203(a) OF THE UNIFORM BUILDING CODE AND FIXING THE TIME AND PLACE FOR HEARING PROTESTS THERETO (DOROTHY PENFIELD) (leanto shed at rear of stucco garage; all sheds on west side of garage; lath structure to the west of stuccoed tank house)

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

April 20, 1964, at 4:45 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

Copies of a letter from Dorothy and Irma Penfield were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes.

CONSIDER LETTER FROM PERSONNEL COMMISSION WHICH REQUESTS AUTHORIZATION TO CONTRACT WITH COOPERATIVE PERSONNEL SERVICES FOR STUDY OF INTER-CLASS SALARY RELATIONSHIPS AND SALARY SURVEY

Copies of a letter from John Tatoyan, Chairman, City Personnel Commission, dated March 30, 1964, requesting authorization to contract immediately with Cooperative Personnel Services for a full salary survey before the start of the 1964-65 fiscal year, were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes.

With the unanimous consent of the Council, this matter was held over for one week.

Councilman Shastid arrived at 4:26 P.M.

CONSIDER MAKING FIRST BLOCK OF HADDON AT LA LOMA ONE-WAY EASTBOUND 2-60

Copies of a memorandum from Director of Parking and Traffic Carmody dated March 18, 1964, subject, "Proposed Traffic Signals at LaLoma - Haddon - Santa Ana Avenue," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes.

MOTION

That an informal hearing on the matter be set for April 13, 1964, at 8:15 P.M.

Moved by Mitchell Seconded by VanderWall Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY AT 817 EL VECINO AVENUE

MOTION

That the request for sewer service to property located at 817 El Vecino Avenue be approved

Moved by VanderWall Seconded by Mitchell Unanimously carried

CONSIDER PROPOSAL BY FIRM OF JENKS AND JENKS, CONSULTING SANITARY ENGINEERS, FOR PREPARATION OF COMPREHENSIVE REPORT ON EXISTING AND FUTURE NEEDS AT MODESTO SEWAGE TREATMENT PLANT 2-82

Copies of a letter from Jenks and Jenks, Consulting Sanitary Engineers, dated April 1, 1964, subject, "Proposal for Engineering Services," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. Copies of a memorandum from the Director of Public Works to the City Manager dated April 3, 1964, subject, "Proposal submitted by Jenks and Jenks," were also furnished the Council, a copy of which is filed with the record of the minutes.

The following were discussed by the Council: Terms of the proposal submitted by Jenks and Jenks; the area to be included in the proposed study; sharing of costs by the County if areas outside the city limits are encompassed in the proposed study; possible duplication of effort on the part of the City and the County Sewer Advisory Committee; amount and manner of financing required for facilities needed as a result of the study.

The City Manger stated that it was the responsibility of the City to establish the boundaries of the sewer study to be made; that if the proposed agreement was approved by the Council, the firm would be asked to produce rough figures on the maximum load that the present plant can assume; the amount of additional load that can be assumed before remote disposal is required for (a) the City of Modesto; (b) the Modesto General Area; (c) the Greater Modesto Area.

Upon questioning, the City Manager stated that the proposed agreement did not bind the City to engage the engineering firm for construction of any proposed project; that the agreement will carry a provision that if the work is awarded to Jenks and Jenks, the cost of the study will be credited to the cost of construction.

MOTION

That the staff be authorized to prepare an agreement with Jenks and Jenks as proposed

Moved by VanderWall Seconded by Tabbert Unanimously carried

The staff was directed to advise the Board of Supervisors of the Council's action on this matter.

Councilman Shastid was excused from the meeting at 5:01 P.M.

HEARING ON APPLICATION OF RED TOP TAXI FOR PERMIT FOR ADDITIONAL TAXI AND TAXI STAND

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of an application by Red Top Taxi for a permit to operate an additional taxi in the City of Modesto and opened the hearing.

Copies of a letter from Lois L. Lane, Red Top Taxi Company, dated March 10, 1964, applying for a permit for one additional taxicab and one additional taxicab stand, were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes.

Red Top Taxi requested that the additional taxicab stand be located on the northwest corner of Tenth Street and I Street.

The City Manager read a letter from Sam Secreto, owner of Yellow Cab Co., requesting approval to transfer his cab stand from the southwest corner of 10th and I Streets to the northwest corner of 10th and I Streets, stating that his request was based on construction soon to be undertaken by the Modesto Savings and Loan Association at the southwest corner of 10th and I Streets, which will make his present cab stand located at this corner untenable.

Mr. Secreto spoke briefly to the Council supporting his request to move his cab stand, and opposing the granting of a permit for an additional taxi and taxi stand to Red Top Taxi. He was informed that under provisions of the Municipal Code, approval of locations of taxicab stands are made by the staff.

C. L. Adams, 418 13th Street, representing Red Top Taxi, spoke in support of the request for an additional taxi and cab stand.

RESOLUTION NO. 64-168

A RESOLUTION GRANTING THE REQUEST OF LOIS L. LANE, DOING BUSINESS AS RED TOP TAXI, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE ONE ADDITIONAL TAXICAB IN THE CITY OF MODESTO

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

The staff was directed to give weight to Mr. Secreto's problems in connection with his request for a change of the location of his taxicab stand.

FORWARD MODESTO REPORT 5-55

Copies of a memorandum from the City Manager dated March 26, 1964, subject, "City Manager's Review of Recommendations Contained in Report of Forward Modesto Committee '62," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. The memorandum contains the City Manager's comments and recommendations on the Forward Modesto Committee's recommendations on "Cultural Facilities" and "Governmental Facilities and Services."

CULTURAL ACTIVITIES

Auditorium

No action was taken on this item pending a report from the Planning Department.

Reverend Truman Northup, liaison representative of the Executive Committee to the Cultural Facilities Committee, said that in terms of location, the Committee felt that an auditorium, in order to serve best all of the facilities of the City, should be located where there is foot traffic, where community protection and public transportation are available, where other public buildings are to be found, where hotels, theaters, shops, bus and rail terminals are nearby; that it was felt that two purposes should be served -- events which will be attended by residents in the area, and for convention purposes.

Library

Location of the proposed library was discussed. No action was taken by the Council pending a report from the Planning Commission.

Museum 6-2

The City Manager stated that he concurred with all of the recommendations made by the Forward Modesto Committee.

Paul Birmingham, General Chairman of the Forward Modesto Committee and Reverend Northup both stressed the importance of immediate action to find temporary housing facilities for museum items until such time as permanent quarters are available.

The City Manager outlined steps being taken for a proposed cultural center to be constructed by Modesto Womens' Clubs with the help of foundation funds and private subscription; that it was his understanding that the museum would be a part of the cultural center; that the 15th Street property has been tentatively chosen as the site for the cultural center.

MOTION

That the Council tentatively agrees with the portion of the recommendations pertaining to the Museum, as outlined in memorandum from the City Manager dated March 26, 1964, subject, "City Manager's Review of Recommendations Contained in Report of Forward Modesto Committee '62"

Moved by Mitchell Seconded by VanderWall Unanimously carried

Mrs. Frank Damrell went on record as opposing the recommendation that the cultural center be associated with the auditorium; that her group preferred that it be associated with the library.

GOVERNMENTAL FACILITIES AND SERVICES

Civic Auditorium

No action was taken by the Council pending the report from the Planning Commission.

Mayor Johansen stated that further consideration of "Governmental Facilities and Services," beginning with "Level of Public Services," would be continued at the April 20th meeting at 5:00 P.M., together with "Leisure Time Activities."

CONSIDER CHANGE IN TAXI REGULATIONS REGARDING TRIPS THAT HAVE ANY PART OF THEIR LENGTH OUTSIDE THE CITY 6-100

Copies of a memorandum from the Director of Parking and Traffic dated March 30, 1964, subject, "Taxi-Rates - Metered versus Flat Charges," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. The memorandum recommends that the Code be amended to eliminate the use of the taxi meter on any trip that begins, ends or goes outside the city limits; that for any such trip, the taxi driver be required to tell the passenger before starting the trip that it is non-metered and what the charge will be.

ORDINANCE NO. 650-C.S. entitled "AN ORDINANCE AMENDING SECTIONS 4-6.302, 4-6.303 AND 4-6.304 OF ARTICLE 3 OF CHAPTER 6 OF TITLE IV OF THE MODESTO MUNICIPAL CODE AND AMENDING SECTION 4-6.708 OF ARTICLE 7 OF CHAPTER 6 OF TITLE IV THEREOF, RELATING TO TAXICABS"

was introduced and ordered published as required by the Charter.

Moved by VanderWall Seconded by Mitchell

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

Councilman Shastid arrived at 5:42 P.M.

CONSIDERATION OF BROWN AND CALDWELL ENGINEERING REPORT ON CITY WATER SYSTEM - REQUEST OF DEL ESTE WATER COMPANY 7-100

Copies of a report dated January, 1964, by Brown and Caldwell, Consulting Engineers, entitled, "City of Modesto Water Main Extension Practices," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes.

Copies of a memorandum dated April 6, 1964, from the Deputy City Manager, subject, "Review of Report on City of Modesto Water Main Extension Practices by Brown and Caldwell, Consulting Engineers," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. By motion of the Council, on April 22, 1963, the firm of Brown and Caldwell, Consulting Engineers, were permitted access to certain city records in connection with its request to review the practices of the City of Modesto with respect to extension of water service facilities outside the city limits.

John Leuthen, member of the firm of Brown and Caldwell, stated that his firm had prepared the report at the request of Beard Land and Improvement Company. Mr. Leuthen reviewed the main issues of the report.

In summarizing his comments, Mr. Leuthen stated that his firm had not been critical of the City's practices in that the end result is that the City is investing about $150 for each new customer, which appears to be a reasonable amount; that the firm was critical, however, of the City's practice of using its own funds to make extensions, recovering the contributions and part of the costs from the applicant after it has expended its own funds in making the extensions; that some plan should be developed whereby the City can expend its water system facilities in an orderly manner without interfering with the normal expansion of existing privately owned water utilities doing a good job. It was his opinion that this could be accomplished by the City entering into working agreements with the utilities in such a manner that the facilities installed either by the City or the private utility companies will provide the quality of service that the City desires. He suggested that a committee be appointed to study the Brown and Caldwell report and the report prepared by the City staff, with the view that after study and report, the City might desire to reconsider its main extension regulations and to work out some plan for the orderly expansion of water system facilities inside and outside the City.

The staff was directed to furnish the Council the following information: The policy as to the size of the mains installed by private water utilities - whether they are adequate for fire protection; a comparison of charges of the three private water utility companies in the City with those of the City (for water main extensions, monthly charges, etc.) in order to show the overall cost to the consumer of city vs. private water service.

The staff was directed to place this matter on the agenda of the April 13, 1964, meeting for the staff's review of the Brown and Caldwell Report.

CONSIDERATION OF UNCLASSIFIED USE PERMIT - DOWNEY HIGH SCHOOL BLEACHERS 9-115

Consideration of an unclassified use permit for Downey High School to permit installation of bleachers and lighting was heard by the Council on March 9, 1964, the hearing closed, and action by the Council carried over to the present meeting.

Copies of a letter from Dr. Gerald N. Rein, 516 Needham Avenue, dated April 1, 1964, protesting the granting of a use permit, were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

Planning Commission Resolution No. 64-23 recommends that the unclassified use permit be approved.

The City Manager read a substitution for Paragraph 4 of Planning Commission Resolution No. 64-23 approved by the Board of Education reading as follows: "4. That at such time as the City of Modesto desires to widen and improve Brighton Avenue, the Modesto High School District will dedicate a strip of land forty-five (45') feet in width along the northerly eight hundred twenty-five and 45/100ths (825.45') feet of the site of the Downey High School for such widening. In addition, at that time, the Modesto High School District will install curb, gutter, and sidewalk to City standards along the entire length of said site of Downey High School."

The City Manager said it was the staff's recommendation that Item 4 as proposed in Planning Commission Resolution No. 64-23 should be approved by the Council if the unclassified use permit was granted.

Dr. Rein's letter was discussed by the Council.

Dr. Harry Wiser, Superintendent of Schools, 426 Locust Avenue, said it was the feeling of the Board of Education that on the basis of policy established, there was no question by the Board of the dedication and construction of sidewalks, curbs and gutters, but that it has not been the policy of the Board to participate in the cost of development of streets. He said the Board was also reluctant to agree to participate in future construction of streets which might commit a future Board of Education; that according to the proposed resolution granting the unclassified use permit, the Schools agree that at such time as the School District wishes access on Brighton Avenue, participation in the cost of street improvements will be discussed; that it was his assumption that discussion of cost participation did not commit the present Board to cost participation.

The City Attorney stated that it was not the intention of the resolution to commit the Board to cost particpation, but to a discussion of cost participation.

Dr. Wiser said that this was acceptable.

RESOLUTION NO. 64-169

A RESOLUTION GRANTING AN UNCLASSIFIED USE PERMIT TO MODESTO HIGH SCHOOL DISTRICT FOR CONSTRUCTION OF BLEACHERS AND INSTALLATION OF LIGHTING FACILITIES AT DOWNEY HIGH SCHOOL

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

REPORTS FROM THE PLANNING COMMISSION - None

APPROPRIATION TRANSFERS

RESOLUTION NO. 64-170

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $1,200 FOR AIR CONDITIONING UNITS, MC HENRY PUBLIC LIBRARY (Additional cost for five air conditioning units approved by Council in 1963-64 budget)

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

MATTERS FOR GOOD OF COMMUNITY

Councilman Shastid - absence from Country for five weeks

MOTION

That the absence of Councilman Shastid from the Country for a period of about five weeks beginning on or about April 15, 1964, be approved

Moved by VanderWall Seconded by Tabbert Unanimously carried

Conference of Mayors in New York

MOTION

That either Vice Mayor VanderWall or Mayor Johansen be permitted to attend the Mayors' Conference to be held in New York City May 22, 23, and 24, 1964

Moved by Mitchell Seconded by Shastid Unanimously carried

REPORT TO COUNCIL ON SPECIFIC RECOMMENDATION FOR COMMUNITY PARK SITE

Sketches of alternate park sites to be located adjacent to the fourth high school prepared by the Planning Department were shown to the Council. The alternate sites were discussed by the City Manager.

Dr. Harry Wiser, Superintendent of Schools, said that the Schools would like to have some indication from the Council relative to its interest in acquiring the park site so that negotiations can proceed for joint acquisition. Dr. Wiser said that from a personal standpoint, Sketch No. 1 and possibly Sketch No. 2 were preferred, and listed reasons for the preference.

City Manager Keefe stated that a decision by the Council will permit the staff to make application for federal funds under the Open Space Program (30% participation).

MOTION

That the staff be authorized to negotiate and acquire the 20 acre community park site adjacent to the fourth high school in the area designated in the sketches, the exact boundaries to be determined by negotiation between the staff and Board of Education; and that the staff be authorized to apply for federal funds (30% participation) under the Open Space Program

Moved by Shastid Seconded by VanderWall Unanimously carried

REPORT ON 8TH BIENNIAL INSTITUTE FOR MAYORS AND COUNCILMEN

The staff was directed to furnish the Council a copy of the notice of the 8th Biennial Institute for Mayors and Councilmen to be held in Santa Monica on May 17, 18, and 19, 1964.

CONSIDER APPOINTMENT OF ADDITIONAL MEMBERS TO THE HUMAN RIGHTS COMMITTEE 11-87

RESOLUTION NO. 64-171

A RESOLUTION APPOINTING ADDITIONAL MEMBERS TO THE HUMAN RIGHTS COMMITTEE OF THE CITY OF MODESTO (AMENDING RESOLUTION NO. 63-508)

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

The following appointments were made: Herbert Baum, 312 North Morton Boulevard; Raul Garcia, 409 Ribier Avenue; Galen Hartwich, 3231 Young Road; Sidney E. Kordell, 1426 Locke Road; S. Rudy Martin, 1526 Victor Way; Charles W. Mitchell, Route 8, Box 1100 Pauline Avenue.

The City Clerk was directed to furnish Reverend Truman Northup, Chairman of the Committee, the names of the newly appointed members.

RESIGNATION OF CITY ATTORNEY

Copies of a memorandum from City Attorney Allen Grimes dated March 21, 1964, submitting his resignation as City Attorney, effective June 1, 1964, were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes.

RESOLUTION NO. 64-172

A RESOLUTION COMMENDING ALLEN GRIMES FOR HIS SERVICE TO THE CITY AS CITY ATTORNEY OF THE CITY OF MODESTO

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

ADJOURNMENT

MOTION

That the meeting now in session adjourn to executive session to consider personnel matters involving the City Attorney's office

Moved by VanderWall Seconded by Tabbert Unanimously carried

The meeting adjourned at 6:50 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, 801 11th Street, as provided by Section 2-1.01 of the Modesto Municipal Code, Mayor Johansen presiding.

The City Clerk called the roll:

Present: Councilmen: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Councilman Hughes arrived at 7:40 P.M.
Councilman Shastid arrived at 7:42 P.M.

Absent: Councilmen: None

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

Reverend Robert Richter gave the invocation.

LETTER FROM CALIFORNIA RELAYS REQUESTING PAYMENT OF 1963-64 BUDGETED APPROPRIATION AND ASKING FOR THE SAME AMOUNT TO BE BUDGETED FOR 1964-65

A letter from Bill Moorad, Treasurer, California Relays dated April 3, 1964, requesting payment of funds budgeted for this year's Relays, and asking that the same amount be budgeted for fiscal year 1964-65, was summarized by the City Clerk.

MOTION

That payment of funds budgeted for California Relays for fiscal year 1963-64 be authorized, and that the request for funds for fiscal year 1964-65 be referred to the staff for consideration at the budget session

Moved by VanderWall Seconded by Mitchell Unanimously carried

PETITION OPPOSING THE USE OF THE AREA ACROSS FROM PIKE PARK ON PRINCETON AVENUE FOR CIRCUSES (93 signatures)

A petition from 93 residents opposing a permit issued by the City of Modesto for a circus to be held April 18, 1964, across from Pike Park on Princeton Avenue, was summarized by the City Clerk.

The City Manager stated that a business license was granted to permit the circus to be held at the above mentioned location; that the petition placed the residents on record as not wanting future circuses to be held in the area.

The City Attorney stated that recommendations would be made to the Council based on experience of the present venture.

The petition was ordered filed.

Councilman Hughes arrived at 7:40 P.M.

REQUEST OF MODESTO MC HENRY LIONS CLUB FOR ASSISTANCE OF OFF-DUTY FIRE DEPARTMENT PERSONNEL IN MEDIC-ALERT SURVEY WITHIN THE CITY OF MODESTO

A letter from S. A. Hinkley, McHenry Lions Club, dated April 9, 1964, subject, "Request Permission of City Council to Permit off-duty Fire Department Personnel to Participate in Medic-Alert survey within City of Modesto," was summarized by the City Clerk. The City Manager recommended that the request be granted.

MOTION

That the request of S. A. Hinkley, McHenry Lions Club, for fire department personnel to participate in a Medic-Alert Survey within the City be approved

Moved by Patton Seconded by Tabbert Unanimously carried

CONSIDER AWARD OF BID FOR CONSTRUCTION OF BY-PASS LINE AND APPURTENANCES, SEWAGE TREATMENT PLANT 1-75

RESOLUTION NO. 64-173
A RESOLUTION ACCEPTING BID OF GEORGE REED, INC., FOR CONSTRUCTION OF A BY-PASS LINE AND APPURTENANCES - SEWAGE TREATMENT PLANT ($9,750)

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

Councilman Shastid arrived at 7:42 P.M.

CONSIDER RESOLUTION AUTHORIZING PURCHASE OF ONE GASOLINE GOLF COURSE TRACTOR FROM H. V. CARTER CO., THE LOW BIDDER

RESOLUTION NO. 64-174
A RESOLUTION ACCEPTING THE BID OF H. V. CARTER CO., INC., FOR GASOLINE GOLF COURSE TRACTOR TO REPLACE FAIRWAY MOWING TRACTOR ($2,318.17)

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

ADOPTION OF ORDINANCE 650-C.S., RELATING TO REGULATION OF TAXICABS

ORDINANCE NO. 650-C.S. entitled
"AN ORDINANCE AMENDING SECTIONS 4-6.302, 4-6.303 AND 4-6.304 OF ARTICLE 3 OF CHAPTER 6 OF TITLE IV OF THE MODESTO MUNICIPAL CODE AND AMENDING SECTION 4-6.708 OF ARTICLE 7 OF CHAPTER 6 OF TITLE IV THEREOF, RELATING TO TAXICABS"

introduced April 6, 1964, 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

AGREEMENT BETWEEN THE CITY AND PETER AND FANNIE DOUMA WHEREBY CITY AGREES TO PURCHASE 4.749 ACRES OF PROPERTY FOR THE SUM OF $19,028 -- DAVIS HIGH SCHOOL COMMUNITY PARK SITE

The City Attorney stated that the proposed agreement covered the purchase of 4.749 acres of land from Peter and Fannie Douma for the sum of $19,028, and the sale of 2.841 acres, more or less, for $11,364 by the City to Peter and Fannie Douma, for the Grace Davis High School Community Park site. The transactions were explained by the City Manager.

RESOLUTION NO. 64-175
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND PETER DOUMA ET UX COVERING PURCHASE AND SALE OF REAL PROPERTY - GRACE DAVIS HIGH SCHOOL COMMUNITY PARK SITE

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

CITY OF MODESTO REPORT IN CONNECTION WITH THE BROWN AND CALDWELL ENGINEERING WATER REPORT 1-115

Copies of a memorandum from the Deputy City Manager dated April 6, 1964, subject, "Review of Report on City of Modesto Water Main Extension Practices by Brown and Caldwell, Consulting Engineers," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes.

The Brown and Caldwell Report was reviewed by John Leuthen and filed with the record of the minutes at the Council meeting of April 6, 1964.

Deputy Manager Ray reviewed the contents of his report. Attached to the report is a copy of Resolution No. 61-358 which establishes the City's policy for water service from the municipal water system in the City of Modesto Urban Area.

The City's policy of advancing funds to developers to provide city water service, the importance of a good water system for fire protection and possible annexation of areas with inadequate water systems which do not meet city fire protection standards, were discussed.

Mr. Ray said that a number of alternatives pertaining to the City's water extension policy would be furnished by the staff at a later date for Council consideration.

The staff was directed to discuss its final recommendations on the City's water extension policy with the Public Projects Committee before submitting them to the Council.

Mayor Johansen announced that Councilman VanderWall would serve on the Public Projects Committee for the next five or six weeks during the absence of Councilman Shastid from the country.

FURTHER CONSIDERATION OF MC HENRY AVENUE SETBACK LINES 3-100

The City Manager reported that the Board of Supervisors have approved a 75-foot setback line and a 110-foot dedication line for McHenry Avenue. The City and County Planning Commissions recommended a 128-foot right of way and a 79-foot setback line. A public hearing was held by the City Council on March 23, 1964, and Council action continued to the present meeting.

Upon questioning, Director of Public Works Campbell stated that only two existing structures within the City will encroach on the 75-foot setback line, the Putt Putt Golf Course and the Y.M.C.A. fence.

The City Attorney stated that existing facilities on the 75-foot setback line will not be affected and can be removed by mutual agreement or by condemnation only.

RESOLUTION NO. 64-176
A RESOLUTION REVISING THE APPROVED RIGHT OF WAY WIDTH OF MC HENRY AVENUE IN THE CITY OF MODESTO (establishing a 110-foot right of way)

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

ORDINANCE NO. 651-C.S. entitled
"AN ORDINANCE AMENDING SECTIONS 2 AND 4 OF ORDINANCE NO. 261-C.S. ENTITLED 'AN ORDINANCE ESTABLISHING BUILDING LINE SETBACKS ALONG CERTAIN STREETS, PROHIBITING THE ERECTION OF BUILDINGS OR STRUCTURES OR THE INSTALLATION OF WELLS, EXCAVATIONS, AND OTHER SUB-SURFACE STRUCTURES THEREIN, PROVIDING FOR THE ENFORCEMENT THEREOF AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF'" (establishing a 75-foot setback for McHenry Avenue)

was introduced 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 APPLICATION FOR VARIANCE FOR REPAIR OF SIDEWALK AREA (GALLAGHER) 4-80

At the request of the City Manager, and with the consent of the Council, this item was removed from the agenda.

INFORMAL HEARING ON PROPOSED MAKING FIRST BLOCK OF HADDON AT LA LOMA ONE-WAY EASTBOUND

Mayor Johansen announced that the hour of 8:15 P.M. had arrived, the time set for consideration of making the first block of Haddon at LaLoma one-way eastbound, and opened the hearing.

Copies of a memorandum from the Director of Parking and Traffic dated March 18, 1964, subject, "Proposed Traffic Signals at LaLoma-Haddon-Santa Ana Avenue," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. Recommendation was made that the first block of Haddon be made one-way eastbound, and that plans and specifications be prepared for two-way signals at the LaLoma-Haddon-Santa Ana intersection. Estimated costs are $8,500 for construction of the traffic signals, and $250 for installation of the one-way street as proposed.

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

Director of Parking and Traffic Carmody stated that a personal check has determined that the adjacent property owners have no objection to the proposed change.

MOTION

That the staff be authorized to proceed in accordance with memorandum of Director of Parking and Traffic Carmody dated March 18, 1964, subject, "Proposed Traffic Signals at LaLoma-Haddon-Santa Ana Avenue"

Introduced by Shastid Seconded by Patton Unanimously carried

ACCEPT AS COMPLETE ALBERT M. BIEHL'S CONTRACT FOR THE INSTALLATION OF A SPRINKLER SYSTEM AT GARRISON PARK 4-105

RESOLUTION NO. 64-177

A RESOLUTION ACCEPTING THE CONSTRUCTION OF SPRINKLER SYSTEM - GARRISON PARK (authorizing City Clerk to file notice of completion)

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

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP FOR QUARESMA HOMES NO. 5 SUBDIVISION

At the request of the City Manager, and with the consent of the Council, this item was removed from the agenda.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE INSTALLATION OF WATER LINES IN QUARESMA HOMES NO. 5 SUBDIVISION

At the request of the City Manager, and with the consent of the Council, this item was removed from the agenda.

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP FOR JONI MANOR NO. 3 SUBDIVISION

RESOLUTION NO. 64-178

A RESOLUTION APPROVING THE FINAL MAP OF THE JONI MANOR NO. 3 SUBDIVISION OF THE CITY OF MODESTO

Introduced 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 INSTALLATION OF WATER LINES IN JONI MANOR NO. 3 SUBDIVISION

RESOLUTION NO. 64-179

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN JONI MANOR NO. 3 SUBDIVISION

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

April 28, 1964, at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

CONSIDER CONTENT OF PROPOSED RESOLUTION OF POLICY OF THE CITY COUNCIL RELATING TO SALARIES OF CITY EMPLOYEES

RESOLUTION NO. 64-180

A RESOLUTION OF POLICY OF THE CITY COUNCIL RELATING TO SALARIES FOR CITY EMPLOYEES

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

CONSIDER LETTER FROM PERSONNEL COMMISSION WHICH REQUESTS AUTHORIZATION TO CONTRACT WITH COOPERATIVE PERSONNEL SERVICES FOR A STUDY OF INTER-CLASS SALARY RELATIONSHIPS AND A SALARY SURVEY

Copies of a letter from John Tatoyan, Chairman, City Personnel Commission, dated March 30, 1964, requesting authorization to contract immediately with Cooperative Personnel Services, a state agency, for a full salary survey and study of inter-class salary relationships, were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes.

Mr. Tatoyan spoke briefly, stating that the survey and study were recommended by the Commission mainly because of the questions raised about the reliability of data upon which the Personnel Commission based its recent salary recommendations, and that the proposed survey and study would serve to establish the reliability of the survey presently being used by the Personel Commission.

RESOLUTION NO. 64-181

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COOPERATIVE PERSONNEL SERVICES (A STATE AGENCY) FOR STUDY OF INTER-CLASS SALARY RELATIONSHIPS AND A SAIARY SURVEY

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

REQUEST EXEMPTION OF PROPERTY WITHIN CITY OF MODESTO FOR STANISLAUS COUNTY TAX FOR STRUCTURAL FIRE PROTECTION 5-90

RESOLUTION NO. 64-182

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 SUPPORT OF FIRE PROTECTION IN THE COUNTY PURSUANT TO THE PROVISIONS OF GOVERNMENT CODE SECTION 25643

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

CONSIDER AWARD OF CONTRACT TO PROVIDE JANITORIAL SERVICE FOR THE NEW POLICE AND COMMUNICATIONS BUILDING TO DAN'S JANITORIAL SERVICE AT THE RATE OF $936.32 PER MONTH

Copies of a memorandum from the Purchasing Officer dated April 7, 1964, subject, "Janitorial Service Police-Communications Building," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. Recommendation was made that Dan's Janitorial Service be awarded a contract to provide janitorial service for a period of one year commencing May 1, 1964.

Qualifications of the three low bidders were discussed.

The City Manager stated that United Maintenance Company has also agreed to furnish additional restroom supplies not listed in the call for bids.

RESOLUTION NO. 64-183

A RESOLUTION ACCEPTING THE BID OF UNITED MAINTENANCE COMPANY FOR THE FURNISHING OF JANITORIAL SERVICE FOR THE POLICE-COMMUNICATIONS BUILDING

Introduced by Shastid Seconded by Patton
Ayes: Hughes, Patton, Shastid
Noes: Mitchell, Tabbert, VanderWall, Mayor Johansen
Absent: None
The motion failed to carry.

MOTION

That the action of the Council in Resolution No. 64-183 be reconsidered

Moved by Tabbert Seconded by Mayor Johansen Unanimously carried

RESOLUTION NO. 64-184

A RESOLUTION ACCEPTING THE BID OF UNITED MAINTENANCE COMPANY FOR THE FURNISHING OF JANITORIAL SERVICE FOR THE POLICE-COMMUNICATIONS BUILDING

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

CONSIDER RESOLUTION REJECTING THE CLAIM OF CALIFORNIA STATE AUTOMOBILE INTER-INSURANCE BUREAU AS INSURERS OF THE 1963 FORD THUNDERBIRD OWNED BY NORMAN OR ELAINE B. SHERR 7-35

RESOLUTION NO. 64-185

A RESOLUTION REJECTING THE CLAIM OF CALIFORNIA STATE AUTOMOBILE INTER-INSURANCE BUREAU FOR DAMAGES AGAINST THE CITY OF MODESTO

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

CONSIDER RENTING BANK OF CALIFORNIA AND SEELY TOWER PARKING LOTS FOR SATURDAY PARKING 7-40

Copies of memorandums from the Director of Parking and Traffic dated April 9, 1964, subject, "Bank of California, Validated Parking Lot on Saturdays and Bank Holidays," and "Seely Tower Validated Parking Lot on Saturdays," were furnished the Council prior to the meeting, a copies of which are filed with the record of the minutes.

Mr. Carmody recommended that lease agreements be signed with the two firms to put the parking lots into operation.

RESOLUTION NO. 64-186
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND FRED A. SEELY, INC., FOR USE OF PARKING AREA ADJACENT TO SEELY TOWER LOCATED AT 12TH AND J STREETS

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

RESOLUTION NO. 64-187
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND BANK OF CALIFORNIA FOR USE OF PARKING AREA ADJACENT TO BANK OF CALIFORNIA AT 12TH AND J STREETS

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

RESOLUTION NO. 64-188
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $315 FOR OPERATION OF VALIDATED PARKING LOTS AT BANK OF CALIFORNIA AND SEELY TOWER (for remainder of 1963-64 fiscal year)

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

MOTION
That the Mayor be authorized to write a letter to Bank of California and Seely Tower thanking them for the use of the lots

Moved by Mitchell Seconded by VanderWall Unanimously carried

CONSIDER ENTERING INTO RIGHT OF WAY AGREEMENT WITH RICHFIELD OIL COMPANY FOR MODIFYING THE CANOPY OF THEIR STATION AT U.S. 99 AND NEEDHAM AVENUE

Copies of a memorandum from the Director of Public Works dated April 9, 1964, subject, "Signal and Street Improvement on U.S. Highway 99 at Intersections of Kansas, Needham and Tully Roads," outlining a right of way problem involved in connection with signal and street improvement on U.S. Highway 99 at the intersection of Kansas, Needham and Tully Roads, were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. Recommendation was made that the Council approve paying for modification of the canopy of the Richfield Oil Company service station located on U.S. Highway 99 opposite Needham Avenue (Estimated cost, $1,500). The State will reimburse the City for one-half the costs.

MOTION
That the staff be directed to proceed in accordance with the memorandum from the Director of Public Works dated April 9, 1964

Moved by Hughes Seconded by Mitchell Unanimously carried

RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF SIDEWALKS ALONG CERTAIN STREETS IN THE CITY OF MODESTO

RESOLUTION NO. 64-189
A RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF SIDEWALKS ALONG CERTAIN STREETS IN THE CITY OF MODESTO (WEST SIDE OF MORTON BOULEVARD; STATE STREET)

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

April 27, 1964, at 8:00 P.M. in the Council Chambers, City Hall, 801 11th Street, was set as the time and place of hearing.

REQUEST OF FEDERAL SIGNS ELECTRICAL DIVISION FOR VARIANCE TO SIGN REGULATIONS TO REPLACE SIGN AT 722 EYE STREET (DEAN JONES, INC.)

RESOLUTION NO. 64-190

RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF FEDERAL SIGN AND SIGNAL CORPORATION FOR VARIANCE TO INSTALL SIGN AT 722 "I" STREET

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

April 20, 1964, at 4:50 P.M. in the Council Chambers, City Hall, 801 11th Street, was set as the time and place of hearing.

APPROPRIATION TRANSFERS - NONE

REPORTS FROM THE PLANNING COMMISSION - None

MATTERS FOR THE GOOD OF THE COMMUNITY - None

REQUEST OF CITY ATTORNEY FOR FIVE-DAY VACATION, APRIL 20 THROUGH 24, 1964

MOTION

That the request of the City Attorney for a five-day vacation, April 20 through 24, 1964 be approved

Moved by Mitchell Seconded by VanderWall Unanimously carried

NOTICE OF LOCAL AGENCY FORMATION COMMISSION PUBLIC HEARING

The City Manager announced that the Stanislaus County Local Agency Formation Commission will hold a public hearing on April 15, 1964, in Room 206, County Offices Building, 1100 Eye Street, Modesto, California, to consider annexation of the Earlmar Addition to the City of Modesto. He stated that the hearing would be attended by a member of the city staff.

REMINDER OF LEAGUE OF CALIFORNIA CITIES MEETING

Mayor Johansen announced that the League of California Cities meeting will be held in Oakdale Thursday, April 23, 1964, at the F.E.S. Hall.

ADJOURNMENT

MOTION

That the meeting now in session adjourn to executive session to consider recruiting methods in the hiring of a new City Attorney

Moved by VanderWall Seconded by Patton Unanimously carried

The meeting adjourned at 9:16 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, 801 11th Street, as provided by Section 2-1.01 of the Modesto Municipal Code, Mayor Johansen presiding.

The City Clerk called the roll:

Present: Councilmen: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen
Absent: Councilmen: Patton, Shastid.

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

A moment of silent prayer was observed.

INTRODUCTION OF ADVISORY TEAM FROM NATIONAL ASSOCIATION OF REAL ESTATE BOARDS

Mayor Johansen introduced the following members of an advisory team from the National Association of Real Estate Boards which is beginning a survey of the City to suggest ways to build Modesto better: Paul B. Guthery, Charlotte, North Carolina; Agnes Coleman, Newark, New Jersey; Richard B. Hall, Washington, D.C.; Earl S. Kester, Allentown, Pennsylvania; Mechlin D. Moore, Washington, D.C.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the adjourned regular meeting of March 30, 1964 and the regular meeting of April 6, 1964 and the same being available for public inspection, and there being no objections, the minutes were approved.

RESOLUTION COMMENDING ALMA BADENHAUSEN FOR 50 YEARS' SERVICE WITH THE CITY OF MODESTO

RESOLUTION NO. 64-191

A RESOLUTION COMMENDING MRS. ALMA ROSSEL BADENHAUSEN FOR HER COMPLETION OF FIFTY YEARS OF SERVICE IN THE McHENRY LIBRARY AND EXPRESSING COMMUNITY APPRECIATION FOR THIS PUBLIC SERVICE

Introduced by Mayor Johansen Seconded by VanderWall

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

LETTER FROM ELDON L. HELM RESIGNING FROM THE ELECTRICAL EXAMINING BOARD

An undated letter from Eldon L. Helm resigning from the Board of Electrical Examiners due to the demands of his regular duties was read by the City Clerk.

RESOLUTION NO. 64-192

A RESOLUTION COMMENDING ELDON L. HELM FOR SERVICES RENDERED TO THE CITY OF MODESTO

Introduced by VanderWall Seconded by Mitchell

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

LETTER FROM MODESTO MERCHANTS' ASSOCIATION REQUESTING PERMISSION TO HOLD A CIRCUS ON CITY STREETS 1-73

Copies of a letter from Jerry Bair, Promotional Chairman, and Lloyd Loeb, Vice-President of the Downtown Modesto Association dated April 16, 1964 requesting approval for the Association to sponsor Sutton's Imperial Circus and Street Fair on certain downtown streets during the period May 20 to May 24, 1964 were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. The letter was summarized by the City Clerk. Request was made to close K Street between 10th and 11th Streets and 10th Street between I and K Streets for a period of five days beginning May 20, 1964.

A memorandum from the Director of Parking and Traffic dated April 15, 1964, subject, "Downtown Circus - May 20 - May 24, 1964, Inclusive," was read by the City Manager. The memorandum pointed out that although difficult, traffic could be handled, and that a shortage of parking spaces would be created. Recommendation was made that the request be granted subject to the usual provisions governing liability, cleanup and hours of operation, unless serious objections were found by other operating departments.

The following spoke in support of the request: Jerry Bair; Cyril Metzinger, 12592 Keel Avenue, Garden Grove, manager of Sutton's Imperial Circus and Street Fair.

The following spoke in opposition to the proposed circus: Morry Applebaum, on the basis that this type of promotion has many pitfalls and affected merchants should have an opportunity to learn more details of the program; that the matter should be presented to all members of the Downtown Association and the decision made by the members instead of the Board of Directors of the Association; Herb Shafer, 402 North Santa Ana, who stated that he was a member of the Board of Directors of the Downtown Association and not present at the meeting when this matter was discussed by the Association.

MOTION

That the requesters make a survey of the merchants whose businesses abut the area proposed to be closed (K Street between 10th and 11th Streets; 10th Street between I and K Streets), the Council's decision to be based on whether or not a sufficient number of merchants covering at least 2/3 of the foot frontage in this area are in favor of the proposed promotion

Moved by VanderWall Seconded by Tabbert Unanimously carried

APPROVE SPECIFICATIONS AND CALL FOR BIDS FOR PURCHASE OF FIRE TRUCK (1250 g.p.m. pumper)

The City Manager stated that the fire truck was proposed for purchase during fiscal year 1964-65, but that it was desirable to provide for purchase this year, if necessary, in order to meet the City's commitments for expenditures on capital improvements; that if approved, an appropriation transfer would be required later.

MOTION

That the staff be authorized to prepare plans and specifications for a 1250 g.p.m. pumper to be submitted to the Council for approval and determination of time of purchase

Moved by VanderWall Seconded by Mitchell Unanimously carried

CONSIDER PURCHASE OF FURNISHINGS FOR FIRE STATION NO. 5 AND EQUIPMENT FOR NEW FIRE PUMPER TO BE STATIONED THERE

Copies of a memorandum from the Deputy City Manager dated April 15,

1964 subject, "Purchase of furnishings for Fire Station #5 and for auxiliary equipment for fire pumper to be stationed at Fire Station #5," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. Recommendation was made that the Council approve purchase of the needed equipment and furniture, scheduling the purchases to be available when Fire Station No. 5 and the truck are ready for operation.

MOTION

That the staff be authorized to purchase equipment for fire pumper and furnishings for Fire Station No. 5

Moved by Mitchell Seconded by VanderWall Unanimously carried

RESOLUTION NO. 64-193

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $6,146 FOR PURCHASE OF FURNISHINGS FOR FIRE STATION #5 AND FOR AUXILIARY EQUIPMENT FOR FIRE PUMPER TO BE STATIONED AT FIRE STATION #5

Introduced by VanderWall Seconded by Tabbert

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

HEARING ON PROPOSED ANNEXATION OF YOSEMITE LANES ADDITION 3-99

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed annexation of Yosemite Lanes Addition (9.461 acres), and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on March 19 and 26, 1964 and notices mailed to all property owners in the area and other interested persons on March 20, 1964. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 64-27 adopted March 3, 1964 recommends that the area be annexed.

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

ORDINANCE NO. 652-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE YOSEMITE LANES ADDITION TO THE CITY OF MODESTO"

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

Moved by Mitchell Seconded by Hughes

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

HEARING ON PROPOSED DEMOLITION OF BUILDING AT 109 PLEASANT STREET (Kenneth Diehl)

Mayor Johansen announced that the hour of 4:40 P.M. had arrived, the time set for consideration of the proposed demolition of a building at 109 Pleasant Street, and opened the hearing.

The City Clerk reported that notice of the hearing was mailed to the owner of the property on April 9, 1964.

The City Clerk read a letter from Attorney Francis R. Ruggieri dated April 17, 1964 requesting that the hearing be continued to May 4, 1964.

MOTION

That the hearing be continued to May 4, 1964 at 4:30 P.M.

Moved by Mitchell Seconded by Tabbert Unanimously carried

HEARING ON PROPOSED DEMOLITION OF BUILDINGS AT 510 WEST FAIRMONT

Mayor Johansen announced that the hour of 4:45 P.M. had arrived, the time set for the proposed demolition of buildings located at 510 West Fairmont, and opened the hearing.

The City Clerk reported that notice of the proposed hearing was mailed to Dorothy Penfield, 510 West Fairmont, on April 9, 1964.

The City Manager reported that this matter was previously heard by the Council on November 18, 1963 at which time Miss Penfield was given an extension of time to clean up the property and demolish the leanto shed at the rear of the stucco garage, all sheds on the west side of said garage, and a lath structure to the west of the stucco tank-house; that the Fire, Health, and Building Departments have submitted reports indicating that this has not been done.

Fire Chief Everett, Jim Bear, representing the County Health Department, and Tom Hermida, Chief Building Official, reported on the present conditions of the yard and buildings proposed for demolition. All three testified that no corrective measures have been taken to improve existing conditions since the November 18, 1963 hearing.

Fire Chief Everett said that removal of the debris from the yard area and the unsafe buildings would cost between $300 and $500.

Photographs of the buildings proposed for demolition, taken October 14, 1963 by the Chief Building Official, were entered into the record by the Acting City Attorney.

Miss Dorothy Penfield, 510 West Fairmont, owner of the property, stated that she and her sister had been unable to accomplish the demolition within the time schedule established by the City at the previous hearing because of the inclement weather. She asked for a further extension of time.

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

RESOLUTION NO. 64-194

A RESOLUTION ORDERING THE BUILDING OFFICIAL OF THE CITY OF MODESTO TO DEMOLISH THE BUILDINGS LOCATED AT 510 WEST FAIRMONT AVENUE IN THE CITY OF MODESTO IN ACCORDANCE WITH THE PROVISIONS OF SECTION 203 (a) OF THE UNIFORM BUILDING CODE (DOROTHY PENFIELD)

Introduced by VanderWall Seconded by Mitchell

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

MOTION

That the staff be instructed to withhold action on Resolution No. 64-194 until July 31, 1964 to permit the demolition to be handled by Miss Penfield

Moved by Tabbert Seconded by Mitchell Unanimously carried

HEARING ON REQUEST FOR SIGN REGULATION VARIANCE (DEAN JONES)

MOTION

That the hearing be continued to April 27, 1964 at 8:10 P.M.

Moved by VanderWall Seconded by Mitchell Unanimously carried

CONTINUATION OF FORWARD MODESTO REPORT
GOVERNMENTAL FACILITIES AND SERVICES (continued)

Copies of a memorandum from the City Manager dated March 26, 1964 subject, "City Manager's review of recommendations contained in report of Forward Modesto Committee '62", covering the Manager's comments and recommendations on Cultural Facilities and Governmental Facilities and Services were furnished the Council prior to the meeting, and filed with the record of the minutes of April 6, 1964.

Level of Public Services
Coordination of Services of Public Agencies

Paul Birmingham, General Chairman of the Forward Modesto Committee '62, stated that the Committee has recommended that a five-year community-wide advisory commission be formed, to be composed of eight responsible residents of the City, six from the Greater Modesto area outside the City, and six members from the County at large. This Committee would be appointed by both the City and County to make recommendations relative to the coordination of services of public agencies. Problems which might be resolved through the efforts of the proposed commission were outlined by Mr. Birmingham. The City Manager concurred in the Committee's recommendation.

Joint Urban Planning

Mr. Birmingham stated that the recommended Area Planning Commission would have jurisdiction over the Greater Modesto Area, including the City, and would make recommendations to the governmental body involved, whether County or City. He said that the Committee felt that this was possible under the State Government Code, Sections 65090 to 65094. The City Manager concurred in the recommendation of Forward Modesto Committee '62.

Annexation

Mr. Birmingham stated that the Committee has recommended that an aggressive annexation program be initiated; that present annexation policies be revised; that fringe area residents be invited and encouraged to annex; that policies and procedures for aiding in annexation be distributed to interested people; that state legislation be requested to further facilitate and expedite this program; that statistics be made available to show the benefits of annexation.

MOTION

That the Council tentatively approves the recommendations pertaining to Governmental Facilities and Services contained in memorandum from the City Manager dated March 26, 1964, subject, "City Manager's review of recommendations contained in report of Forward Modesto Committee '62," with the exception of the section on Joint Urban Planning;

that the staff be directed to check the legal aspects of the recommendation for an Area Planning Commission and report to the Council

Moved by Mitchell Seconded by VanderWall Unanimously carried

Mayor Johansen stated that the May 4th meeting at 5:00 P.M. would begin with a discussion of "Leisure Time Facilities.

ADOPTION OF ORDINANCE NO. 651-C.S. - BUILDING LINE SETBACK - McHENRY AVENUE

ORDINANCE NO. 651-C.S. entitled "AN ORDINANCE AMENDING SECTIONS 2 AND 4 OF ORDINANCE NO. 261-C.S., ENTITLED 'AN ORDINANCE ESTABLISHING BUILDING LINE SETBACKS ALONG CERTAIN STREETS, PROHIBITING THE ERECTION OF BUILDINGS OR STRUCTURES OR THE INSTALLATION OF WELLS, EXCAVATIONS, AND OTHER SUB-SURFACE STRUCTURES THEREIN, PROVIDING FOR THE ENFORCEMENT THEREOF AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF"

introduced April 13, 1964 and having been published as required by the Charter, was moved and adopted.

Moved by VanderWall Seconded by Hughes

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

RESOLUTION DESIGNATING HADDON AVENUE BETWEEN LaLOMA AND SANTA BARBARA AS A ONE-WAY STREET EASTBOUND 8-12

RESOLUTION NO. 64-195
A RESOLUTION AMENDING SECTION 1 (a) 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 SUB-SEQUENT RESOLUTIONS AND REGULATIONS RELATING THERETO " AND RESCINDING RESOLUTION NO. 63-438

Introduced by Mitchell Seconded by VanderWall

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

ACCEPT AS COMPLETE HARRY O. KLINE'S CONTRACT FOR INSTALLATION OF LANDSCAPING AT CALIFORNIA-FRANKLIN PARK

RESOLUTION NO. 64-196
A RESOLUTION ACCEPTING THE CONSTRUCTION OF LANDSCAPING - CALIFORNIA-FRANKLIN PARK (Authorizing City Clerk to file notice of completion)

Introduced by VanderWall Seconded by Tabbert

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

RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY (EARLMAR ADDITION) 8-20

RESOLUTION NO. 64-197
A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION of CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS EARLMAR ADDITION

Introduced by Mitchell Seconded by VanderWall

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

ASSIGNMENT OF AIRPORT LEASE AGREEMENT - T HANGAR NO. 3, UNIT NO. 1, AT MODESTO CITY-COUNTY AIRPORT

The City Manager stated that the proposed agreement assigned and transferred the interest in and to T Hangar No. 3, Unit No. 1, located at the Modesto City-County Airport, from Charles Warner to Dr. and Mrs. Richard A. Gaard effective March 1, 1964. The unexpired term of the lease runs to September 30, 1968.

RESOLUTION NO. 64-198

A RESOLUTION APPROVING ASSIGNMENT OF AGREEMENT BETWEEN THE CITY OF MODESTO AND CHARLES WARNER TO DR. AND MRS. RICHARD A. GAARD - T HANGAR NO. 3, UNIT NO. 1, MODESTO CITY-COUNTY AIRPORT

Introduced by VanderWall Seconded by Hughes

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

REQUEST COUNCIL PERMISSION FOR FIRE DEPARTMENT TO PARTICIPATE IN THE STATE-WIDE OBSERVANCE OF FIRE SERVICE DAY

MOTION

That the Fire Department be authorized to participate in the state-wide observance of Fire Service Day

Introduced by Mitchell Seconded by Hughes Unanimously carried

REQUEST FOR VARIANCE TO PERMIT THE INSTALLATION OF ONE 42-FOOT AND SEVEN 36-FOOT DRIVEWAYS TO SERVE THE MODESTO SHOPPING CENTER (BRIGGS PROPERTY) 8-38

RESOLUTION NO. 64-199

RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF RUTH AND GOING ASSOCIATES FOR VARIANCE TO INSTALL ONE 42-FOOT AND SEVEN 36-FOOT DRIVEWAYS TO SERVE THE MODESTO SHOPPING CENTER (BRIGGS PROPERTY)

Introduced by Hughes Seconded by Mitchell

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

April 27, 1964 at 8:15 P.M. in the Council Chambers, City Hall, 801 11th Street, was set as the time and place of hearing.

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY AT 808 NORWEGIAN AVENUE, MODESTO (not contiguous to city limits)

MOTION

That the request for sewer service to property located at 808 Norwegian Avenue, Modesto, be approved

Moved by Hughes Seconded by Mitchell Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY AT 1517-1527 SCENIC DRIVE, MODESTO (not contiguous to city limits)

MOTION

That the request for sewer service to property located at 1517-1527 Scenic Drive, Modesto, be approved

Moved by Hughes Seconded by VanderWall Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY AT 1800 CLAYTON AVENUE

MOTION

That the request for sewer service to property located at 1800 Clayton Avenue be approved

Moved by VanderWall Seconded by Tabbert Unanimously carried

CONSIDER RENEWAL AGREEMENT FOR SEWER SERVICE BETWEEN THE CITY OF MODESTO AND HOUSING AUTHORITY OF STANISLAUS COUNTY (to June 30, 1967)

RESOLUTION NO. 64-200

A RESOLUTION APPROVING RENEWAL AGREEMENT BETWEEN THE CITY OF MODESTO AND HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS FOR SEWER SERVICE

Introduced by VanderWall Seconded by Mitchell

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

APPROPRIATION TRANSFERS

Copies of a memorandum from the City Manager dated April 16, 1964 subject, "Appropriation Transfers Permitting Capital Expenditures for Needed Equipment," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. The memorandum listed departmental requests for the 1964-65 budget year covering items of equipment and furnishings badly needed at this time, with recommendation made that appropriation transfers be approved to authorize purchase of the equipment and furnishings listed in the memorandum during the present fiscal year.

RESOLUTION NO. 64-201

A RESOLUTION APPROVING VARIOUS APPROPRIATION TRANSFERS PERMITTING CAPITAL EXPENDITURES FOR NEEDED EQUIPMENT - FISCAL YEAR 1963-64 (per memorandum of City Manager dated April 16, 1964, totaling $25,143)

Introduced by VanderWall Seconded by Tabbert

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

Funds for odor control facilities - Sewage Treatment Plant

RESOLUTION NO. 64-202

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $2,450 FOR ODOR CONTROL FACILITIES AT SEWAGE TREATMENT PLANT (Additional cost involved to provide for direct recirculation of 200' biofilter)

Introduced by Mitchell Seconded by VanderWall

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

MATTERS FOR THE GOOD OF THE COMMUNITY
Lighting improvement - Del Webb Field

At the April 6, 1964 meeting, a letter from Modesto Colts, Modesto Baseball Club, requesting that the City participate in a program to upgrade the lighting at Del Webb Field was considered by the Council, and the Club asked to secure information as to whom the staff might work with to correct the lighting problem.

Tony Arcure, representing the Modesto Colts, stated that the lighting had been checked by a representative of Westinghouse and figures furnished the Club which would bring the lighting up to minimum standards. The City Manager stated that the City had not yet received these figures from Westinghouse; that what was needed were figures on the cost of the project.

No action was taken by the Council pending receipt of the information.

NOTICE OF YOUTH IN GOVERNMENT DAY SCHEDULED FOR WEDNESDAY, APRIL 29, 1964

Mayor Johansen announced that Youth in Government Day is scheduled for Wednesday, April 29, 1964.

DATE SET FOR DEDICATION OF POLICE-COMMUNICATIONS BUILDING

MOTION

That dedication ceremonies for the Police-Communications Building be set for May 22, 1964 at 11:00 A.M.

Moved by VanderWall Seconded by Tabbert Unanimously carried

REQUEST BY CITY CLERK TO ATTEND THE 1964 CITY CLERKS' INSTITUTE IN SACRAMENTO APRIL 30 AND MAY 1, 1964

MOTION

That the request of the City Clerk to attend the 1964 City Clerks' Institute in Sacramento on April 30 and May 1, 1964 be approved

Moved by VanderWall Seconded by Mitchell Unanimously carried

REMINDER OF LEAGUE OF CALIFORNIA CITIES DINNER MEETING IN OAKDALE, THURSDAY, APRIL 23, 1964

The Council was reminded of the League of California Cities dinner meeting in Oakdale, Thursday, April 23, 1964.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned to Thursday, April 23, 1964 at 4:30 P.M.

Moved by VanderWall Seconded by Mitchell Unanimously carried

The meeting adjourned at 6:15 P.M.

ATTEST: _____
Rex E. Gailfus, City Clerk

41-138

The regular meeting of the Council of the City of Modesto of April 20, 1964 was adjourned to April 23, 1964 at 4:30 P.M. in the Council Chambers, City Hall, 801 11th Street.

Due to the lack of a quorum, the City Clerk adjourned the meeting at 4:31 P.M., as provided in Section 2-1.07 of the Municipal Code.

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, 801 11th Street, as provided by Section 2-1.01 of the Modesto Municipal Code, Mayor Johansen presiding.

The City Clerk called the roll:

Present: Councilmen: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen
Absent: Councilmen: Patton, 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

Council members having received a copy of the minutes of the regular meeting of April 13, 1964 and the same being available for public inspection, the minutes were approved.

REQUEST BY KENNETH F. DUFFIN FOR REFUND OF PARK FEES PAID IN CONNECTION WITH CRESTWOOD TERRACE NO. 3 SUBDIVISION

A letter from Kenneth F. Duffin dated April 15, 1964 requesting refund of park fees in the amount of $280 paid to the City of Modesto in connection with the filing of the final map for Crestwood Terrace No. 3 Subdivision, which park fee requirement was repealed by Ordinance No. 647-C.S., was read by the City Clerk.

The City Attorney stated that Ordinance 647-C.S. adopted March 23, 1964 provides that any final map approved subsequent to March 9, 1964 should not be subject to payment of park fees.

RESOLUTION NO. 64-203

A RESOLUTION APPROVING REFUND OF PARK FEES IN THE AMOUNT OF $280 TO KENNETH F. DUFFIN (CRESTWOOD TERRACE NO. 3 SUBDIVISION)

Introduced by VanderWall Seconded by Mitchell

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

REQUEST BY BEARD LAND AND INVESTMENT COMPANY FOR PERMIT TO CONSTRUCT AN OVERHEAD CONVEYOR ACROSS 10TH STREET BETWEEN B AND C STREETS

A letter from Richard F. Olsen, Vice President, Beard Land and Investment Company, dated April 23, 1964 was read by the City Clerk. Mr. Olsen requested that an encroachment permit be granted to permit construction of a conveyor bridge over 10th Street between existing buildings, as indicated on plans filed with the Director of Public Works.

RESOLUTION NO. 64-204

A RESOLUTION SETTING TIME AND PLACE FOR HEARING OF REQUEST OF BEARD LAND AND INVESTMENT COMPANY FOR ENCROACHMENT PERMIT FOR CONVEYOR BRIDGE OVER 10TH STREET

Introduced by Hughes Seconded by Mitchell

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

May 4, 1964 at 4:50 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

LETTER FROM R. T. KEARNEY, PRESIDENT, TIDEWATER SOUTHERN RAILWAY COMPANY, REGARDING POSSIBLE ABANDONMENT OF A PORTION OF TIDEWATER TRACKS ON 9TH STREET

Copies of a letter from R. T. Kearney, President, Tidewater Southern Railway Company, dated April 22, 1964 referring to the possible abandonment of a portion of Tidewater Southern Railway tracks on Ninth Street, were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. The letter was summarized by the City Clerk.

By Order of the Chair, the City Manager was directed to place this matter on the agenda for the next Public Relations Committee meeting.

REPORT ON OPENING OF BIDS FOR FURNISHING OF ONE SAND TRAP, PUMP STATION NO. 27

By Order of the Chair, this matter was held over for one week.

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS TO REALIGN AND IMPROVE TUOLUMNE BOULEVARD AT 7TH AND B STREETS

RESOLUTION NO. 64-205

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR REALIGNMENT AND IMPROVEMENT - TUOLUMNE BOULEVARD AT 7TH AND "B" STREETS

Introduced by VanderWall Seconded by Tabbert

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

May 12, 1964 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 TO IMPROVE BRIGGSMORE AVENUE BETWEEN CARVER AND TULLY ROAD

RESOLUTION NO. 64-206

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR IMPROVEMENT OF BRIGGSMORE AVENUE BETWEEN CARVER ROAD AND TULLY ROAD

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

May 12, 1964 at 2:15 P.M. in the City Clerk's office was set as the time and place for opening of bids.

LETTER FROM ATTORNEY FRANCIS R. RUGGIERI REQUESTING CHANGE IN SIGN REGULATIONS 1-52

A letter from Attorney Francis R. Ruggieri dated April 21, 1964 requesting an amendment to the City's sign regulations pertaining to the height of signs affixed to two poles by extending the height limitation from 25 to 35 feet, was read by the City Manager.

By Order of the Chair, the letter was referred to the Public Projects Committee for study.

WATER RATES FOR CUSTOMERS OUTSIDE THE CITY LIMITS

Copies of a memorandum from the Deputy City Manager dated March 27, 1964, subject, "Water Rates for Customers Outside the City Limits," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. The memorandum recommended that a general resolution fixing water rates for service to properties outside the city limits not be adopted at this time.

MOTION

That the proposal for a general resolution fixing water rates for sewer service to properties outside the city limits be tabled

Moved by Mitchell Seconded by VanderWall Unanimously carried

CONSIDER AUTHORIZING THE PAINTING OF USED OFFICE EQUIPMENT FOR NEW POLICE BUILDING AND APPROVE TRANSFER OF FUNDS 1-70

Copies of a memorandum dated April 23, 1964 from Purchasing Officer Dunham requesting an appropriation transfer of $250 to cover the painting of used office equipment to be used in the police-communications building to match new furnishings now on order, were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. Low bidder is Durham Body Shop for a total of $250.

RESOLUTION NO. 64-207

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $250 FOR PAINTING OF USED OFFICE EQUIPMENT - POLICE-COMMUNICATIONS BUILDING

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

CONSIDERATION OF PROPOSED INTER-GOVERNMENTAL AGREEMENT FOR ACQUISITION OF OPEN-SPACE LANDS IN THE STANISLAUS COUNTY URBAN AREA

The City Manager stated that a draft of a proposed inter-governmental agreement for acquisition of open-space lands in the Stanislaus County Urban Area has been sent to the County and to all incorporated cities in the County for consideration; that it would be in order for the Council to indicate its willingness to enter into the agreement if approved by all of the other agencies.

RESOLUTION NO. 64-208

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE INCORPORATED CITIES WITHIN THE COUNTY OF STANISLAUS AND THE COUNTY OF STANISLAUS RELATING TO THE ACQUISITION OF OPEN-SPACE LAND WITHIN THE STANISLAUS URBAN REGION

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

CONSIDER AGREEMENT WITH JENKS AND JENKS, CONSULTING SANITARY ENGINEERS, FOR STUDY AND REPORT ON OPERATION OF SEWAGE TREATMENT PLANT

RESOLUTION NO. 64-209

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JENKS AND JENKS, CONSULTING SANITARY ENGINEERS - STUDY AND REPORT - SEWAGE TREATMENT PLANT (Estimated cost, $9,500)

Introduced by VanderWall Seconded by Tabbert

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

RESOLUTION NO. 64-210

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $9,500 - STUDY AND REPORT, SEWAGE TREATMENT PLANT - JENKS AND JENKS, CONSULTING SANITARY ENGINEERS

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

ACCEPT AS COMPLETE PETERSON & HARRIS COMPANY'S CONTRACT FOR PAINTING OF SUBMERGED METAL AND CONCRETE SURFACES IN THE SECONDARY CLARIFIER AND SPIRO-VORTEX UNITS AT THE SEWAGE TREATMENT PLANT

RESOLUTION NO. 64-211

A RESOLUTION ACCEPTING THE REPAINTING OF SUBMERGED METAL AND CONCRETE SURFACES AT THE MODESTO SEWAGE TREATMENT PLANT (authorizing City Clerk to file notice of completion)

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

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 2304 GLENDALE AVENUE

The possibility of annexing properties to which sewer service is provided, with agreements signed indicating that property owners agree to annex when requested to do so by the City, was discussed.

MOTION

That the request for sewer service to property located at 2304 Glendale Avenue be approved

Moved by Mitchell Seconded by VanderWall Unanimously carried

RECOMMENDATION - PARK IN NEIGHBORHOOD NO. 1 2-45

Copies of a letter from the Secretary of the Planning Commission dated April 23, 1964 recommending either one of two sites for a park site immediately adjacent to the Chrysler School, were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. The memorandum indicated that $27,988 was approved in the 1963-64 budget for the purchase of this park site, but that this amount was not presently available.

The proposed sites were indicated on sketches presented to the Council.

The size of the two proposed sites were discussed by the Council (approximately 7 acres). Director of Planning Fey stated that the locations of either of the two sites were acceptable to School officials.

MOTION

That the staff's recommendation be approved and negotiations for either one of the two sites authorized, with the suggestion that the size of the proposed park site be between five and seven acres, the Council to consider the costs involved in the alternates submitted before the boundaries are established

Introduced by Mitchell Seconded by VanderWall Unanimously carried

RECOMMEND ANNEXATION PROCEEDINGS FOR EARLMAR ADDITION
RESOLUTION NO. 64-212

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

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

June 8, 1964 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMENDATION FOR AMENDMENT TO SEC. 28 OF THE ZONING MAP
RESOLUTION NO. 64-213

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 28 OF THE ZONING MAP (Rezoning from P-D (11) to R-1, property located at the southeast corner of Lucern and El Vecino Avenues)

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

May 18, 1964 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

HEARING ON SIDEWALK REQUIREMENT - HERBERT BAUM, 321 NORTH MORTON BOULEVARD; EDWARD TO TAYLOR, JR., 215 LANE STREET; MRS. LENA DIMPERIO, 202 STATE STREET 3-30

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the proposed sidewalk requirement at properties located at 321 North Morton Boulevard, 215 Lane Street, and 202 State Street,and opened the hearing.

The City Manager reported that copies of the notice of hearing were sent to the three property owners involved by the Director of Public Works. Copies of the notices were filed with the record of the minutes.

Council Resolution No. 64-189 adopted April 13, 1964 instructed the Superintendent of Streets to give notice requiring the construction of sidewalks.

Director of Public Works Campbell stated that the properties were posted and notices mailed to the property owners in accordance with the resolution.

Herbert Baum, 321 North Morton Boulevard, Mr. and Mrs. Edward T. Taylor, 215 Lane Street, protested the construction of sidewalks in front of their properties, and asked that construction not be required.

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

The staff was directed to check on the background of the City's policy in requiring construction of sidewalks when fifty per cent of the block is improved.

MOTION

That the matter be continued to May 11, 1964 at 8:00 P.M.

Moved by VanderWall Seconded by Mitchell Unanimously carried

Formal notice of the continuation of the hearing was waived by Mr. Baum and Mr. Taylor.

The City Clerk was directed to advise Mrs. Dimperio that the matter was continued.

HEARING ON REQUEST FOR SIGN REGULATION VARIANCE (DEAN JONES, INC) 4-105

MOTION

That the hearing be held over to May 4, 1964 at 4:40 P.M.

Moved by VanderWall Seconded by Tabbert Unanimously carried

HEARING ON REQUEST FOR VARIANCE TO PERMIT INSTALLATION OF ONE 42-FOOT DRIVEWAY AND SEVEN 36-FOOT DRIVEWAYS TO SERVE THE MODESTO SHOPPING CENTER (BRIGGS PROPERTY ON McHENRY) 4-120

Mayor Johansen announced that the hour of 8:15 P.M. had arrived, the time set for consideration of the request of Ruth and Going for a variance to permit installation of one 42-foot driveway and seven 36-foot driveways to serve the Modesto Shopping Center on McHenry Avenue, and opened the hearing.

Copies of a memorandum from the Director of Public Works dated April 23, 1964, subject, "Request for Various Curb Cuts to the Briggs Property (Modesto Shopping Center)" were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. The Director of Public Works recommended that the request for the curb cuts be approved with the exception of the westerly driveway on Bowen Avenue located in front of a single-family dwelling on the north side of Bowen Avenue.

Paul Birmingham, representing Ruth and Going, spoke in support of the request for three driveways on Bowen Avenue, stating that the westerly driveway was necessary to enable trucks to enter the service area at the rear of the shopping center.

Mr. Birmingham was questioned by the Council, and a suggestion by the Council that the most westerly drive on Bowen Avenue be moved easterly 24 feet, the curb cut to begin 99 feet from the western line of the property, was approved by Mr. Birmingham.

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

RESOLUTION NO. 64-214

A RESOLUTION GRANTING DRIVEWAY VARIANCES TO RUTH AND GOING ASSOCIATES, REPRESENTING DEVELOPERS OF THE BRIGGS PROPERTY (MODESTO SHOPPING CENTER) FOR PROPERTY LOCATED ON McHENRY AVENUE BETWEEN BRIGGSMORE AND BOWEN AVENUES (3 on Bowen Avenue, 5 on McHenry Avenue)

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

APPLICATION OF UNITED AIR LINES, INC., FOR FARE INCREASE

The City Manager read a memorandum from the Director of Parking and Traffic dated April 13, 1964 which indicated that the application of United Air Lines Inc. was essentially a non-revenue application that the company wished to be granted without a hearing. The change would increase revenues within California by 0.37% ($60,078) and would bring interstate and intrastate family discount plans into conformity.

No action was taken by the Council.

REQUEST FOR PERMISSION TO CONSTRUCT RETAINING WALL BY PROPERTY OWNERS AT 201 AND 207 LANE STREET

Copies of a memorandum from the Director of Public Works dated April 23, 1964, subject, "Request for Permit by Mr. Kenneth Kirkpatrick, 201 Lane Street, and Mrs. Robert Hughes, 207 Lane Street, to Construct Retaining Wall on Public Right of Way Along Their Property Frontage," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. Recommendation was made that a revocable permit be issued for the construction of the retaining wall at the back edge of a 4-foot sidewalk as requested, subject to the conditions that the City be held harmless from all damages, costs and charges in any way connected with the exercise of the rights granted by the permit, and the wall removed at the expense of the property owners in the event the area is required for public purposes.

MOTION

That the staff be instructed to prepare an agreement along the lines recommended by the Director of Public Works

Moved by Mitchell Seconded by VanderWall Unanimously carried

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

Request of Stanislaus Title Guaranty Company for resolution accepting deed - Peter and Fannie Douma to City

The City Manager stated that the Stanislaus Title Guaranty Company has requested that a resolution be adopted accepting the grant deed conveying property to the City from Peter and Fannie Douma (Grace Davis Community Park).

The Deputy City Manager stated that the resolution would correct a discrepancy between the acreage shown in the agreement between the City and Peter and Fannie Douma and the deed conveying the property to the City, the price remaining unchanged.

The Council recessed at 9:10 P.M. and reconvened at 9:16 P.M.

RESOLUTION NO. 64-215

A RESOLUTION APPROVING GRANT DEED FROM PETER AND FANNIE DOUMA TO CITY OF MODESTO AND AUTHORIZING RECORDATION

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

CONSIDER ATTENDANCE AT AMERICAN MUNICIPAL CONGRESS, JULY 25-29, MIAMI BEACH, FLORIDA

The City Manager stated that reservations are now being made and that an early decision from councilmen wishing to attend will permit a better choice of accommodations. Councilmen interested in attending the convention were asked to get in touch with Mayor Johansen or the City Manager.

INVITATION BY CITY OF OAKDALE FOR CITY OFFICIALS TO ATTEND TESTIMONIAL DINNER IN HONOR OF BOB CHICOU, MANAGER OF OAKDALE CHAMBER OF COMMERCE

The City Manager stated that the testimonial dinner for Mr. Chicou was sponsored by the Kiwanis Club of Oakdale; that it was being held Saturday, May 9, 1964 at 7:30 P.M. at the F.E.S. Hall in Oakdale at $3.50 per plate.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

The meeting adjourned at 9:20 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, 801 11th Street, as provided by Section 2-1.01 of the Modesto Municipal Code, Mayor Johansen presiding.

The City Clerk called the roll:

Present: Councilmen: Mitchell, Tabbert, VanderWall, Mayor Johansen
Councilman Patton arrived at 4:05 P.M.
Councilman Hughes arrived at 4:07 P.M.
Absent: Councilmen: Shastid

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

Reverend R. E. Segerhammar gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of regular meetings of April 20 and April 27, 1964 and the same being available for public inspection, and there being no objections, the minutes were approved.

Councilmen Patton and Hughes arrived at 4:05 and 4:07 P.M. respectively.

LETTER FROM RIVERS MANUFACTURING CORPORATION, WEST COAST SALES DIVISION REGARDING SIGN VARIANCE FOR UNITS IN MODESTO

A letter from Frank A. Witt III, Rivers Manufacturing Corp., dated April 25, 1964 requesting a variance to the sign regulations to permit erection of a sign exceeding the height limitation by 18 feet, was read by the City Clerk.

RESOLUTION NO. 64-216

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF RIVERS MANUFACTURING CORPORATION FOR VARIANCE TO INSTALL SIGN AT CORNER OF McHENRY AND DOWNEY AVENUES

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

May 11, 1964 at 8:10 P.M. in the Council Chambers, City Hall, 801 11th Street, was set as the time and place of hearing.

LETTER FROM ROBERT J. FUXA, 218 BRIAN COURT, REGARDING REZONING OF PROPERTY AT THE NORTHEAST CORNER OF McHENRY & TOKAY AVENUES

A letter from Robert J. Fuxa dated April 29, 1964, subject, "Rezoning of Property at Northeast Corner McHenry and Tokay," was briefed by the City Manager. Mr. and Mrs. Fuxa object to the proposed construction of a shopping center at the corner of Tokay and McHenry Avenues.

By Order of the Chair, the staff was directed to present the letter for Council consideration at the time of the hearing of the proposed rezoning of the northeast corner of McHenry and Tokay Avenues (May 25, 1964 at 8:20 P.M.).

LETTER FROM ELWYN AND DELORES MILLER REGARDING REZONING OF THE NORTHEAST CORNER OF McHENRY AND TOKAY AVENUES

A letter from Elwyn and Delores Miller, 214 Phillip Court, protesting

the proposed rezoning of property located on the northeast corner of McHenry and Tokay Avenues, was summarized by the City Manager.

By Order of the Chair, the staff was directed to present the letter for Council consideration at the time the proposed rezoning is heard by the Council. (May 25, 1964 at 8:20 P.M.)

LETTER FROM PAUL B. GUTHERY, CHARLOTTE, NORTH CAROLINA, REGARDING COOPERATION DURING VISIT TO CITY OF MODESTO

A letter from Paul B. Guthery dated April 27, 1964 thanking city officials and staff for their cooperation with the BAB team which visited Modesto last week, was summarized by Mayor Johansen and ordered filed.

LETTER FROM BROTHER THOMAS REQUESTING "IRMA WELLMAN DAY" AT DEL WEBB FIELD

An undated letter from Brother Thomas requesting that the Council designate May 26, 27, or 28 as "Irma Wellman Day" was summarized by the City Clerk. Should the City approve the suggestion, Brother Thomas stated that the Modesto Colts would be asked to reserve a stated number of seats for an afternoon ball game on that day at a special group admission fee as a tribute to Mrs. Wellman.

MOTION

That the letter be referred to the staff to check out details with Brother Thomas and the Modesto Colts; that the Council expresses its intent to cooperate with the request of Brother Thomas

Moved by VanderWall Seconded by Mitchell Unanimously carried

COMMUNICATION FROM LEAGUE OF CALIFORNIA CITIES REGARDING ALASKA EARTHQUAKE FUND

A communication from the League of California Cities dated April 23, 1964 enclosing an appeal from Gerald F. McMahon, City Manager, Fairbanks, Alaska, for financial contributions to the Alaska Earthquake Fund, or directly to the City of Valdez,was summarized by the City Clerk.

MOTION

That the Council urges the newspapers and radio stations to give publicity to the request, asking all citizens able to contribute funds to do so

Moved by VanderWall Seconded by Tabbert Unanimously carried

The City Clerk was directed to send copies of the communication to the press and radio stations.

REPORT ON OPENING OF BIDS FOR FURNISHING OF ONE SAND TRAP FOR PUMP NO. 27

RESOLUTION NO. 64-217

A RESOLUTION ACCEPTING THE BID OF GRINNELL COMPANY FOR FURNISHING ONE SAND TRAP, PUMP NO. 27 ($2,698.80)

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

CONSIDER AUTHORIZING STAFF TO PREPARE SPECIFICATIONS AND CALL FOR BIDS FOR OUR ANNUAL REQUIREMENTS OF GASOLINE JOINTLY WITH STANISLAUS COUNTY

MOTION

That the staff be authorized to prepare plans and specifications and call for bids for the City's annual requirements of gasoline jointly with Stanislaus County

Moved by Mitchell Seconded by Hughes Unanimously carried

CONSIDER AWARD OF BID FOR THE INSTALLATION OF WATER MAINS IN JONI MANOR NO. 3 SUBDIVISION

The City Manager reported that one bid was received from Gaines Backhoe Service in the amount of $1,903.49, 12.4% above the City Engineer's estimate. He recommended that the work be done by city forces.

City policy on work performed by city forces was discussed.

RESOLUTION NO. 64-218

A RESOLUTION REJECTING ALL BIDS AND AUTHORIZING THE WORK TO BE PERFORMED BY CITY FORCES FOR THE INSTALLATION OF WATER MAINS IN JONI MANOR NO. 3 SUBDIVISION

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

RESOLUTION WITHDRAWING YOSEMITE LANES ADDITION FROM THE EMPIRE COUNTY FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO

RESOLUTION NO. 64-219

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE EMPIRE COUNTY FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (YOSEMITE LANES ADDITION)

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

CONSIDER AGREEMENT BETWEEN CITY AND MR. KIRKPATRICK AND MRS. HUGHES FOR INSTALLATION OF BLOCK WALL ON PUBLIC RIGHT OF WAY 2-1

RESOLUTION NO. 64-220

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MR. KENNETH KIRKPATRICK AND MRS. ROBERT HUGHES FOR INSTALLATION OF A BLOCK WALL ON PUBLIC RIGHT OF WAY

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

CONSIDER DISPOSITION OF FORMER CITY HALL

Copies of a memorandum from the Director of Parking and Traffic dated April 30, 1964, subject, "Former City Hall - West side of 10th between G and H Streets," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. Mr. Carmody recommended that the building be demolished and the site used for parking on an interim basis.

Disposition of the property by various means was discussed.

MOTION

That the staff be directed to prepare a call for bids for demolition of the former city hall, with alternate bids for demolition of the building, demolition of the building and construction of the parking lot, and construction of the parking lot only, with alternate bids for the construction of the parking lot for minimum or desirable surfacing

Moved by Mitchell Seconded by VanderWall Unanimously carried

REPORT OF COUNCIL PUBLIC PROJECTS COMMITTEE ON STUDY OF SIGN REGULATIONS 2-115

Copies of a memorandum from the Council Public Projects Committee dated April 30, 1964, subject, "Study of Sign Regulations," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. Recommended amendments to the sign regulations were reviewed by Councilman Mitchell, Chairman of the Committee, and discussed by the Council.

Lack of area limitation in sign regulations presently in effect was discussed.

MOTION

That the matter be referred back to the Public Projects Committee to check with the sign companies for a reasonable area limitation for the various types of signs

Moved by VanderWall Seconded by Mitchell Unanimously carried

CONTINUATION OF HEARING ON PROPOSED DEMOLITION OF BUILDING AT 109 PLEASANT STREET

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed demolition of a building located at 109 Pleasant Street, and opened the hearing.

The City Clerk reported that notice of the hearing was mailed to Mr. Diehl on April 9, 1964 and no written protests filed with the City Clerk.

The City Manager reported that the hearing was originally scheduled for April 20, 1964 and continued to the present meeting at the request of Attorney Francis R. Ruggieri in a letter dated April 17, 1964. Mr. Keefe said that he received a phone call from Attorney Ruggieri who stated that his client would not oppose any action taken by the Council, so long as his client was permitted to rebuild on the lot; that he was informed by the Director of Public Works that rebuilding was possible.

Chief Building Official Hermida stated that the building located at 109 Pleasant Street was inadequately maintained, was dilapidated, obsolescent, the wooden foundation, front porch, and roof were rotted, floors and walls out of plumb, indications were present of leaking walls, there were no heating facilities, and wiring was inadequate.

Elmer Ballard, Health Department, reported that his findings upon inspection of the premises coincided with those of the City Chief Building Official.

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

RESOLUTION NO. 64-221

A RESOLUTION ORDERING THE BUILDING OFFICIAL OF THE CITY OF MODESTO TO DEMOLISH THE BUILDING LOCATED AT 109 PLEASANT STREET IN THE CITY OF MODESTO IN ACCORDANCE WITH THE PROVISIONS OF SECTION 203(a) OF THE UNIFORM BUILDING CODE (KENNETH DIEHL)

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

MOTION

That action by the staff in demolishing the building be withheld for sixty days to give the owner an opportunity to demolish the building

Moved by VanderWall Seconded by Patton Unanimously carried

HEARING ON REQUEST FOR SIGN REGULATION VARIANCE (DEAN JONES, INC.)

Mayor Johansen announced that the hour of 4:40 P.M. had arrived, the time set for consideration of the request of Federal Sign and Signal Corporation for a variance to permit erection of a sign nine feet over the maximum height limitation on property located at 722 Eye Street (Dean Jones, Inc.), and opened the hearing.

This hearing was originally set for April 20, 1964, at 4:50 P.M. and continued to the present time.

The City Clerk read a letter from Federal Sign and Signal Corporation dated May 1, 1964. The letter pointed out that Chrysler Corporation has set up their dealer identification program throughout the United States and the displays for the dealerships are identical insofar as size and color are concerned, and asked that the variance be granted.

Copies of a memorandum from the Director of Public Works dated April 29, 1964, subject, "Request for Permission to Erect an Excess Height Sign at Dean Jones Chrysler Plymouth Agency," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. The memorandum stated that the Chief Building Official considers the sign a "roof sign"; that the building on which the sign is proposed for installation is a Type 5 building as defined in the Uniform Building Code, the maximum height of a roof sign on a Type 5 building allowed by the Municipal Code being 20 feet.

Stan Borchard, District Manager, Federal Signs and Signal Corporation, spoke briefly in support of his request for the variance.

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

The City Attorney stated that the height of roof signs is regulated by Section 9-6.24 of the Municipal Code, which does not authorize the granting of a variance; that if the request was granted, an amendment of the code would be required to permit the installation.

MOTION

That the request of Federal Sign and Signal Corporation to erect a sign nine feet over the maximum height limitation for roof signs established by the Municipal Code on building located at 722 Eye Street (Dean Jones, Inc.) be denied

Moved by Tabbert Seconded by VanderWall Unanimously carried

CONSIDERATION OF FORWARD MODESTO COMMITTEE '62 REPORT

Leisure Time Facilities

Copies of a memorandum from the City Manager dated April 10, 1964, subject, "City Manager's Review of Recommendations contained in Report of Forward Modesto Committee," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. The memorandum contains the Manager's comments and recommendations on the Forward Modesto Committee's recommendations on Leisure Time Facilities.

Community Parks

The Forward Modesto Committee recommended that three holes now occupied by the fifth, sixth and seventh holes at the 9-hole Municipal Golf Course be realigned by placing them in a portion of the city-owned property north of Dryden Golf Course, and that that portion of the 9-hole course be converted to a community park of approximately 13.5 acres. The City Manager recommended that because of the development of the California-Franklin park site and acquisition of Mark Twain park site, action on the recommendation of the Committee be postponed until a need develops for further park facilities in this area.

Wesley Berry, principal, Modesto High School, stated that this high school only had no community park in conjunction with the school; that there was no area immediately adjacent to the school which could be utilized for badly needed baseball diamonds, tennis courts, etc., for use in conjunction with the limited facilities now available at the school. He said that conversion of a portion of the 9-hole golf course for this use would greatly relieve the crowded situation at Modesto High School.

Use of the West Side Park for this purpose was suggested.

By order of the Chair, Director of Parks and Recreation Grogan was directed to meet with Mr. Berry to discuss the possibility of using the West Side Park.

Senior Citizens' Center

Paul Birmingham, General Chairman, Forward Modesto Committee, discussed the Committee's recommendation that the ground floor of the Community Service Center be made available, rent-free, to all senior citizens, and not exclusively for the use of the Senior Citizens, a private organization, which is now renting the space from the City to the exclusion of senior citizens who are not members of the organization, with facilities provided, such as horseshoe courts, space for checker games, a suitable ramp to eliminate stair climbing, etc.

The City Manager recommended that a committee be assigned to review the need and determine priorities for Items 1 through 4, and that membership include city staff representatives in an advisory capacity.

MOTION

That the recommendations of the City Manager pertaining to "Leisure Time Activities," as outlined in memorandum dated April 10, 1964, subject, "City Manager's Review of Recommendations Contained in Report of Forward Modesto Committee '62," be approved

Moved by Hughes Seconded by Patton Unanimously carried

MOTION

That the staff be directed to furnish the Council a list of the Forward Modesto Committee '62 recommendations approved by the Council; to furnish a list of controversial items not yet approved by the Council which will be considered by the Council at the end of the budget sessions

Moved by VanderWall Seconded by Tabbert Unanimously carried

HEARING ON REQUEST BY BEARD LAND AND INVESTMENT CO. FOR PERMIT FOR OVERHEAD CONVEYOR ACROSS 10TH STREET BETWEEN B AND C STREETS

Mayor Johansen announced that the hour of 4:50 P.M. had arrived, the time set for consideration of the request by Beard Land and Investment Co. for a permit to construct an overhead conveyor across 10th Street, approximately one-half way between B and C Streets, and opened the hearing.

The request for the permit was received from Beard Land and Investment Company in a letter dated April 23, 1964, in accordance with plans on file in the office of the Director of Public Works.

Copies of a memorandum from the Director of Public Works dated April 30, 1964, subject, "Proposed Conveyor Bridge Across Tenth Street between B and C Streets," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. Recommendation was made that the request be approved subject to conditions listed in the memorandum.

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

RESOLUTION NO. 64-222

A RESOLUTION GRANTING A REVOCABLE ENCROACHMENT PERMIT TO THE BEARD LAND AND INVESTMENT COMPANY TO CONSTRUCT AN OVERHEAD CONVEYOR ACROSS 10TH STREET BETWEEN B AND C STREETS

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

ACCEPT AS COMPLETE WILLIAM M. MINENI'S CONTRACT FOR CONSTRUCTION OF IMPROVEMENTS AT CALIFORNIA-FRANKLIN PARK

RESOLUTION NO. 64-223

A RESOLUTION ACCEPTING THE CONSTRUCTION OF GENERAL IMPROVEMENTS IN CALIFORNIA-FRANKLIN PARK (authorizing City Clerk to file Notice of Completion)

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

DETERMINE LOCATION OF EAST MODESTO BRANCH LIBRARY 7-50

Copies of a memorandum from Librarian Carl W. Hamilton dated April 29, 1964, listing three possible sites for the location of the proposed East Modesto Branch Library were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes.

The City Manager reported that the Council approved the establishment of the East Modesto Branch Library last year on the basis of approval of an appropriation by the County which has been received by the Librarian. He recommended that Alternate B, Rental of 1,500 square feet of space at 2033½ Yosemite Boulevard for $200 per month be approved, as recommended by Mr. Hamilton.

The proposed sites were discussed by Librarian Hamilton and the Council. Upon questioning, Mr. Hamilton stated that the Phoenix Fire Station and the site located at 2033½ Yosemite Boulevard were equally satisfactory as a site for the library; that utilization of the Phoenix Fire Station site would not affect the space presently used by the Civil Air Patrol.

By order of the Chair, this matter was held over for one week and the staff directed to furnish a report on the cost of acquiring the Phoenix Fire Station and estimated cost of converting necessary space for the proposed library.

Mr. Hamilton, who has resigned as Librarian, effective July 1, introduced Mrs. Mildred Herndon, head of the Library Branch Department, who will serve as Acting Librarian until such time as a permanent appointment is made.

Acceleration of Capital Improvement program approved

The City Manager read a letter from Herbert Bird, Chairman, City Planning Commission, dated May 4, 1964, approving acceleration of the purchase of a 1250 GPM pumper for Station No. 3 and a new branch library for the East Modesto Area, recommending that $35,000 be spent during the current 1963-64 year for the pumper and $5,000 for the City's share of a branch library in the East Modesto Area.

(a) Bookstack, charge desk, etc., for East Modesto Branch Library

No action was taken by the Council on this item pending choice of a site for the library.

REQUEST FOR REFUND OF BUSINESS LICENSE TAX - THE PEP BOYS 8-60

RESOLUTION NO. 64-224

A RESOLUTION AUTHORIZING REFUND OF BUSINESS LICENSE TAX IN THE AMOUNT OF $346.93 FOR QUARTER ENDING DECEMBER 31, 1963, ERRONEOUSLY PAID BY THE PEP BOYS

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

PRESENTATION OF THE 1964-65 PRELIMINARY BUDGET

Copies of the preliminary budget were distributed to the Council. Director of Finance Bird outlined the format of the budget.

(a) Establish schedule for budget consideration

MOTION

That a special meeting be scheduled for consideration of the preliminary budget beginning May 12, 1964, at 4:00 P.M. with the sessions limited from 4:00 to 5:30 P.M.

Moved by VanderWall Seconded by Tabbert Unanimously carried

(b) Set date for public hearing as provided in Charter

RESOLUTION NO. 64-225

A RESOLUTION SETTING THE DATE FOR PUBLIC HEARING ON PROPOSED BUDGET FOR THE CITY OF MODESTO FOR FISCAL YEAR 1964-65

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

June 8, 1964, at 8:10 P.M. in the Council Chambers, City Hall, was set as the time and place for public hearing.

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP FOR BRENTWOOD ESTATES NO. 2 SUBDIVISION

RESOLUTION NO. 64-226

A RESOLUTION APPROVING THE FINAL MAP OF THE BRENTWOOD ESTATES UNIT NO. 2 SUBDIVISION OF THE CITY OF MODESTO

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

REQUEST BY EAST MODESTO INDUSTRIAL WASTE COMPANY FOR AN EASEMENT ACROSS THE NORTH PROPERTY OF THE CITY-COUNTY AIRPORT FOR INSTALLATION OF TRUNK SEWER LINE

The City Manager stated that the purpose of the requested easement is to construct an industrial waste trunk sewer line from the waste company's Tenaya Drive industrial waste pumping station to the City's trunk sewer system located at the corner of Oregon Drive and Santa Rosa Avenue.

MOTION

That the staff be authorized to prepare right of way agreement in accordance with recommendation of the Director of Public Works contained in memorandum dated April 29, 1964, subject, "Request by East Modesto Industrial Waste Company for an Easement across the North Property of the City- County Airport for Installation of Trunk Sewer Line," filed with the record of the minutes

Moved by Hughes Seconded by VanderWall Unanimously carried

APPROVAL OF REPORT ON THE STREET AND ROAD NEEDS OF THE CITY OF MODESTO AND AUTHORIZE ITS TRANSMITTAL TO THE STATE OF CALIFORNIA DEPARTMENT OF PUBLIC WORKS

Copies of the report on street and road needs of the City prepared in compliance with Section 2156 of the Streets and Highways Code for submittal to the California Division of Highways before May 1, 1964, were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes.

RESOLUTION NO. 64-227

A RESOLUTION APPROVING REPORT OF THE CITY OF MODESTO'S ROAD OR STREET NEEDS FOR NEXT FIVE YEARS AND NEXT TEN YEARS, AND AUTHORIZING TRANSMITTAL TO STATE OF CALIFORNIA DEPARTMENT OF PUBLIC WORKS

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

MODESTO PARLOR NUMBER ELEVEN NATIVE SONS OF THE GOLDEN WEST HAS REQUESTED THAT THE COUNCIL CHANGE THE DEDICATION DATE OF POLICE-COMMUNICATIONS BUILDING TO MAY 29, 1964

Copies of a letter from Bert M. Carner, Jr., Native Sons of the Golden West, dated April 28, 1964, requesting that the dedication ceremonies for the Police-Communications Building be changed from May 22, 1964, at 11:00 A.M. to May 29, 1964, at 11:00 A.M., were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes.

MOTION

That the date for dedication ceremonies for the Police-Communications Building be changed to May 29, 1964, at 11:00 A.M.

Moved by Tabbert Seconded by VanderWall Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 1044 CALIFORNIA AVENUE

MOTION

That the request for sewer service to property located at 1044 California Avenue be approved

Moved by Hughes Seconded by Patton Unanimously carried

CONSIDER LEASE FOR A 30-DAY TRIAL OPERATION OF THE TWO SEELY TOWER PARKING LOTS ON A SIX-DAY-A-WEEK BASIS

Copies of a memorandum from the Director of Parking and Traffic dated April 30, 1964, subject, "Revised Agreement - Seely Tower Parking Lot," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. The memorandum listed terms for the operation of the Seely Tower lot by the City for a 30-day trial period.

RESOLUTION NO. 64-228

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STOCK N. SEELY, INC., FOR LEASE OF PARKING AREA ADJACENT TO BUILDING KNOWN AS SEELY TOWER

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

RESOLUTION NO. 64-229

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $322 FOR SALARIES AND EXPENSES, SEELY TOWER PARKING LOT

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

RESOLUTION SETTING DATE OF HEARING OF APPEAL OF SYBIL LENGYEL FROM RE-ZONING DECISION OF PLANNING COMMISSION

An appeal to the decision of the Planning Commission was filed by Sybil Lengyel in a letter received by the City Clerk on April 30, 1964, in connection with the Planning Commission's denial of a request for re-zoning a parcel of property located at 1220 La Loma Avenue from R-1 to C-2.

RESOLUTION NO. 64-230

A RESOLUTION SETTING THE TIME AND PLACE FOR THE HEARING ON THE APPEAL TO THE DECISION OF THE MODESTO CITY PLANNING COMMISSION FILED BY SYBIL LENGYEL ON THE REZONING OF PROPERTY LOCATED AT 1220 LA LOMA AVENUE

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

May 25, 1964, at 8:05 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND AMENDMENT TO SECTION 8 OF THE ZONING MAP (KIRKPATRICK)

RESOLUTION NO. 64-231

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 OF THE ZONING MAP (KIRKPATRICK) (portion of Colonial Manor #3 Subdivision from R-1 to R-2 and R-3, located on the south side of Standiford Road between Tidewater Southern Railroad and Tully Road)

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

May 18, 1964, at 4:35 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND AMENDMENT TO SECTION 8 OF ZONING MAP (STONE BROS. REAL ESTATE)

RESOLUTION NO. 64-232

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 OF THE ZONING MAP (STONE BROS. REAL ESTATE) (portion of Tully Manor #3 Subdivision from R-1 to R-2 and R-3, located on the south side of Standiford Road between Tidewater Southern Railroad and Tully Road)

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

May 18, 1964, at 4:40 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND AMENDMENT TO SECTION 20 OF THE ZONING MAP (GALAS BROS.)

RESOLUTION NO. 64-233
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 20 OF THE ZONING MAP (GALAS BROS.) (property located on the north side of Mensinger Avenue adjacent to C-2 zoning on McHenry from R-1 to C-2)

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

May 25, 1964, at 8:10 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND AMENDMENT TO SECTION 19 OF THE ZONING MAP (WOO)

RESOLUTION NO. 64-234
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 19 OF THE ZONING MAP (WOO)(property located at the southeast corner of Carver Road and Pearl Street from R-1 to R-2)

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

May 18, 1964, at 4:45 P.M. in the Council Chambers, City Hall, 801 11th Street, was set as the time and place of hearing.

RECOMMEND AMENDMENT TO SECTION 27 OF THE ZONING MAP (WILSON) 9-75

RESOLUTION NO. 64-235
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 (WILSON) (property located between Santa Barbara, La Loma and Yosemite Boulevard from C-1 to C-2)

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

May 25, 1964, at 8:15 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 (QUINTANA, INC.)

RESOLUTION NO. 64-236
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 (QUINTANA, INC.) (property located at the northeast corner of McHenry and Tokay Avenues from R-1 to C-2)

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

May 25, 1964, at 8:20 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

CONSIDER APPROPRIATION TRANSFER FROM GENERAL RESERVE FUND TO CITY ATTORNEY ACCOUNT NO. 301-13, OFFICE SUPPLIES

RESOLUTION NO. 64-237

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $450 OFFICE SUPPLIES - CITY ATTORNEY

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

MATTERS FOR THE GOOD OF THE COMMUNITY

Request of Attorney Richard T. Tosaw for petition - bond issue - multi-purpose auditorium for Modesto

Attorney Richard Tosaw asked that the Council approve his request that City Attorney Grimes prepare a valid petition to be circulated among voters to determine their interest in proposing a general obligation bond issue in the amount of 2½ million dollars to provide a multi-purpose auditorium for the City of Modesto. He said that such a facility has been encouraged by the Greater Modesto Chamber of Commerce, the Junior Chamber of Commerce and various service clubs.

A copy of Mr. Tosaw's statement was filed with the City Clerk and record of the minutes.

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

By order of the Chair, the matter was referred to the Council Public Projects Committee for study and report to the Council.

POSTCARD FROM COUNCILMAN JON SHASTID

The City Manager read a postcard from Councilman Shastid who is vacationing in Europe.

PRESENTATION OF QUARTERLY REPORT FROM GREATER MODESTO CHAMBER OF COMMERCE FOR 1ST QUARTER, 1964, AS PER AGREEMENT WITH CITY 10-35

The quarterly report from the Greater Modesto Chamber of Commerce for the 1st quarter, 1964, was presented to the Council and ordered filed.

REPORT BY CITY ATTORNEY ON MATTERS OF MUTUAL INTEREST WITH RESPECT TO PENDING LITIGATION AND OTHER SUBJECTS

Copies of a newsletter from the League of California Cities dated April 24, 1964, with various subjects of interest to city attorneys, were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. On Subject No. 32, "Local Examination of Journeymen," Mr. Grimes said that the League Office has asked those cities having ordinances similar to Modesto's which provide for examination of journeymen in the heating and ventilating field, to let Mr. Grimes know if other city attorneys feel that this question should be taken to the courts for an opinion and to what extent the confirming of the Attorney General's opinion would affect California's cities. Mr. Grimes said that as yet he has received no communications from other cities.

The matter was discussed by the Council, with no action taken.

AUTHORIZE STAFF TO PREPARE A SAFE BUILDING ORDINANCE FOR COUNCIL CONSIDERATION 11-65

MOTION

That the staff be authorized to prepare a safe building ordinance for Council consideration
Moved by VanderWall Seconded by Mitchell Unanimously carried

ADJOURNMENT MOTION

That the meeting now in session be adjourned
Moved by VanderWall Seconded by Tabbert Unanimously carried

The meeting adjourned at 6:46 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, 801 11th Street, as provided by Section 2-1.01 of the Modesto Municipal Code, Mayor Johansen presiding.

The City Clerk called the roll:

Present: Councilmen: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Absent: Councilmen: Shastid

A moment of silent prayer was observed.

LETTER FROM JAMES F. SCHAAL, CAPTAIN, COMMANDING OFFICER, SALVATION ARMY, REQUESTING PROCLAMATION DECLARING WEEK OF MAY 17 TO 24 "SALVATION ARMY WEEK"

A letter from James F. Schaal, Salvation Army, dated May 4, 1964, requesting that the week of May 17 through 24, 1964, be proclaimed "Salvation Army Week" in Modesto was summarized by the City Clerk.

Mayor Johansen reported that he had already signed the requested proclamation. The letter was ordered filed.

APPROVE SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR FURNISHING ONE MECHANICAL STREET SWEEPER (REPLACEMENT)

RESOLUTION NO. 64-238

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING ONE MECHANICAL STREET SWEEPER (REPLACEMENT)

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

May 25, 1964, at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR FURNISHING ONE ROTARY AIR COMPRESSOR (REPLACEMENT)

RESOLUTION NO. 64-239

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING ONE ROTARY AIR COMPRESSOR (REPLACEMENT)

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

May 25, 1964, at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

ORDINANCE ADDING CHAPTER 8 TO TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE DECLARING OF CERTAIN BUILDINGS AND STRUCTURES FOUND UNSAFE, DANGEROUS OR HAZARDOUS, TO BE NUISANCES AND PROVIDING FOR THE ABATEMENT THEREOF

The proposed ordinance establishing an "Unsafe Structure Code" was reviewed by the City Manager.

The following sections were questioned by the Council: Section 9-8.09, Board of Appeals; by whom determination would be made of the strength, fire-resisting qualities of characteristics of a building under Section 9-0.84(M);

Section 9-8.13, "Building Value and Estimate of Degree of Damage or Depreciation," authorizing the Chief Building Official to determine the value of any structure by applying the ratio of market value to assessed value used by the Assessor of the County.

The staff was directed to clear Section 9-8.13 to make certain that the ratio of market value to assessed value used by the Assessor of the County would be made available; if not, that consideration be given to use of the state-wide average ratio; and instructed to send copies of the proposed ordinance to recognized contractors' groups, The Builders' Exchange; Home Builders' Association, Board of Realtors; Downtown Modesto Association, and other organizations which might be affected by the proposed ordinance.

The press was asked to publish the fact that copies of the proposed ordinance were available to the public in the City Clerk's office.

MOTION

That the matter be placed on the agenda for further discussion on June 8, 1964

Moved by VanderWall Seconded by Mitchell Unanimously carried

CONSIDER EXTENSION OF LEASE OF BRANCH LIBRARY FACILITIES IN ULRICH SHOPPING CENTER FOR ONE YEAR

MOTION

That the extension of lease agreement between the City and Ulrich Shopping Center for Branch Library facilities be approved for a one-year period

Moved by VanderWall Seconded by Patton Unanimously carried

FURTHER CONSIDERATION OF LOCATION OF EAST MODESTO BRANCH LIBRARY

At the request of the City Manager, and with the consent of the Council, this matter was held over for one week.

CONSIDER SETTLEMENT OFFER WITH RESPECT TO RIGHT OF WAY WIDENING OF TULLY ROAD - CITY OF MODEST VS. I. J. LARSEN, ET AL

The City Attorney requested that this matter be considered in executive session at the conclusion of the meeting.

LETTER FROM STANISLAUS COUNTY FIRE WARDEN REGARDING COOPERATION OF CITY DURING CALIFORNIA RURAL FIRE ASSOCIATION CONFERENCE APRIL 23-26, 1964

A letter from Leslie W. Baker, Stanislaus County Fire Warden, dated April 30, 1964, extending appreciation and thanks to the City for its cooperation in connection with the California Rural Fire Association Conference held in Modesto on April 23-26, 1964, was summarized by the City Manager. The letter was ordered filed.

CONSIDER FINAL ACCEPTANCE OF HARRIS CONSTRUCTION COMPANY'S CONTRACT FOR CONSTRUCTION OF POLICE-COMMUNICATIONS BUILDING AND AUTHORIZING THE FILING OF NOTICE OF COMPLETION

Copies of a memorandum from the Director of Public Works dated May 7, 1964, subject, "Police- Communications Building Construction: Final Inspection and Completion," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. Mr. Campbell stated that the Police- Communications Building was substantially completed on March 12, 1964, by Harris Construction Company to the satisfaction of the Public Works Department and architect, in accordance with contract agreement dated April 2, 1963. Total cost is $522,001.832.

RESOLUTION NO. 64-240

A RESOLUTION ACCEPTING THE CONSTRUCTION OF THE POLICE-COMMUNICATIONS BUILDING BY HARRIS CONSTRUCTION COMPANY ($522,001.82)

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

The staff was directed to keep a record of all defects appearing in the Police-Communications Building so that they can be taken care of before the responsibility of the contractor expires at the end of one year.

REPORT ON EXPIRING CITY INSURANCE POLICIES 2-22

Copies of a memorandum from Director of Finance Bird dated May 7, 1964, subject, "City Insurance Coverage," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. The memorandum listed the City's insurance policies expiring June 27, 1964, and asked the Council for special instruction regarding the pending renewals. The City Manager stated that the policies would be renewed upon expiration if no suggestions were forthcoming from the Council.

POLICE BUILDING BOILER INSURANCE

A memorandum from the Director of Finance dated May 7, 1964, subject, "Police Building Boiler Insurance," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. The proposed boiler insurance is an endorsement to the City's existing policy which expires October 15, 1965, and covers boilers located at the City Hall, McHenry Public Library and Community Service Center.

RESOLUTION NO. 64-241

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $128 FOR POLICE BUILDING BOILER INSURANCE

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

CONSIDER PARK FEES FOR STRATHMORE SUBDIVISION NO. 2

Copies of a memorandum from the City Attorney dated May 7, 1964, subject, "Park Fees: Strathmore Subdivision No. 2," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. The memorandum indicated that the City entered into an agreement with Charles V. Jeffers, et al, for furnishing water and sewer services to Strathmore Subdivision; that the subdivider paid a park fee of $1,146 for Strathmore Subdivision No. 1 after subdivision of 11.46 acres; that a final map of Strathmore Subdivision No. 2 is now under consideration consisting of 18.84 acres, with park fees amounting to $1,884. It was the City Attorney's opinion that the subdivider could be held to the agreement entered into on August 26, 1959, and required to pay the park fees. Ordinance No. 647-C.S., adopted March 23, 1964, terminates park fees for subdivisions, the final map of which is approved after March 9, 1964. The Council was asked for a motion of direction as to how subdivisions of this nature which are still in the unincorporated area, not contiguous to the City, under agreements, are to be treated.

Director of Public Works Campbell stated that the same problem was involved with Robin Estates Subdivision No. 1.

By Order of the Chair, this matter was held over for one week.

CONTINUATION OF HEARING ON SIDEWALK REQUIREMENT (MORTON BOULEVARD AND STATE STREET) Page 4

This matter was heard by the Council on April 27, 1964, and Council action continued to the present meeting for Council discussion and decision.

Copies of a memorandum from the Deputy City Manager dated April 29, 1964, subject, "City Policy on Installation of Curbs and Gutters and Sidewalks," requested from the staff at the April 27, 1964 meeting, were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. Attached was a memorandum from the Director of Public Works dated December 16, 1960, outlining the City's policy of requiring installation of sidewalks, curbs and gutters when over 50% of a block is improved.

Upon questioning, the Director of Public Works said that it would not be possible to install a full width sidewalk adjacent to the tree located in the right of way on the Taylor property, but the sidewalk could be narrowed at that point such as is presently done in constructing curbs and gutters.

Edward T. Taylor, Jr., one of the property owners involved, pointed out that a narrowed sidewalk might leave the City open to greater possible liability.

The City's policy in the requirement of sidewalks when fifty per cent of the block is improved, was discussed.

Mrs. Lena Dimperio, 202 State Street where sidewalks are also proposed, stated that there were three trees on her property which would have to be removed if a standard sized sidewalk is required; that contractors she has contacted to install the sidewalk have refused to consider the job because of subsequent damage by tree roots. She said that removal of the trees would ruin the beauty of her property.

Director of Public Works Campbell stated that if the trees remained on Mrs. Dimperio's property, the sidewalk would have to be narrowed at those points to a width not yet determined; that any root damage to the sidewalk after installation would be the responsibility of the City.

MOTION

That the matter be continued for one week for further staff study of the Dimperio property

Moved by VanderWall Seconded by Mitchell Unanimously carried

Mr. Taylor asked, in the event the Council approves the requirement of sidewalks in front of his property at a future meeting, that the construction be withheld until fall to give him an opportunity to remove plantings in the right of way.

HEARING ON APPLICATION FROM RIVERS MANUFACTURING CORPORATION REGARDING SIGN VARIANCE FOR MOTEL LOCATED AT DOWNEY AND MC HENRY AVENUES 4-70

Mayor Johansen announced that the hour of 8:10 P.M. had arrived, the time set for consideration of the application of Rivers Manufacturing Corporation for a sign variance for a motel located at Downey and McHenry Avenues, and opened the hearing.

Copies of a memorandum from the Director of Public Works dated May 7, 1964, subject, "Request for Permission to Erect an Excess Height Sign at McHenry Avenue and Downey Avenue," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. The memorandum indicated that the request was for a pole sign 53', 3" in height, while the maximum height allowed by the Municipal Code is 35 feet;

that there were no mitigating circumstances the Public Works Director could find to necessitate a sign higher than that permitted by the Municipal Code other than to permit installation of the "national image" type of sign.

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

MOTION

That the request of Rivers Manufacturing Corporation for sign variance for motel located at Downey and McHenry Avenues be denied

Moved by Mitchell Seconded by VanderWall Unanimously carried

The staff was directed to advise the company of the Council's decision.

REPORT ON REQUEST TO ESTABLISH "IRMA WELLMAN DAY" AT DEL WEBB FIELD 4-96

At the request of the City Manager, and with the consent of the Council, this matter was held over because of the staff's inability to contact Brother Thomas, who presented the request.

CONSIDER REQUEST BY DIRECTOR OF PARKING AND TRAFFIC FOR PERMISSION TO HELP CITY OF WATSONVILLE WITH PARKING AND TRAFFIC MATTERS

Copies of a memorandum from Director of Parking and Traffic Carmody dated May 6, 1964, subject, "Outside Employment - Watsonville," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes.

MOTION

That the request of Director of Parking and Traffic Carmody for outside employment with the City of Watsonville be approved

Moved by Hughes Seconded by Patton Unanimously carried

A GIFT OF EQUIPMENT AND MATERIAL FROM THE BROADWAY THEATER LEAGUE FOR INSTALLATION AT MODESTO CHILDREN'S PARK

The City Manager reported that the Broadway Theater League has purchased three pieces of playground equipment at a cost of $1,420.47, plus $400 for materials to install the equipment at Children's Park, with the understanding that city forces will install the equipment.

RESOLUTION NO. 64-242

A RESOLUTION ACCEPTING GIFT OF EQUIPMENT AND MATERIALS FROM BROADWAY THEATER LEAGUE FOR USE AT CHILDREN'S PARK AND AUTHORIZING USE OF CITY FORCES TO INSTALL EQUIPMENT

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

Mayor Johansen stated that he would also write a letter to the donor expressing the Council's appreciation and gratitude.

REQUEST FOR WAIVER OF PENALTY AND INTEREST ON BUSINESS LICENSE TAX PAYMENT

Copies of a letter from Ray C. Engel, Valley Rambler, dated May 5, 1964 requesting waiver of a penalty charge of $35.10 on the firm's mill tax return for the first quarter of 1964, was read by the City Clerk. The mill tax return was postmarked May 1, 1964, with the deadline expiring April 30, 1964, at midnight.

MOTION

That the request of Valley Rambler for waiver of penalty and interest charges on the first quarter's mill tax return be denied; that the firm be informed by letter of the City's policy on waiver of penalties

Moved by Mayor Johansen Seconded by VanderWall Unanimously carried

CONSIDER REQUEST BY WESLEY W. WINN FOR WATER AND SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS LOCATED AT NORTHEAST CORNER OF PRESCOTT AND EVERGREEN

The City Manager reported that Mr. Winn has requested city water and sewer service to serve 27 acres of property located on the northeast corner of Prescott and Evergreen Avenues; that water and sewer service are both available to serve the property.

A letter from Mr. Winn dated May 6, 1964, submitting his request and listing concessions he will make in the event the service is approved, was read by the City Manager.

The City Manager referred to Mr. Winn's agreement to annex the property to the City not later than two years from May 6, 1964. He recommended that annexation be required by the City before building is begun to insure that construction and zoning will conform to city standards.

Timing of the annexation was discussed.

Wilbur Grant, representing Mr. Winn, stated that two service stations are presently ready for construction on the property; that present plans for the property are based on county zoning; that prospective customers for the property have been told that annexation will be in order with the provision of city sewer and water service; that because of overlapping C-1 city-county zoning, his client prefers that annexation be deferred for a time; that the property will ultimately be under different ownerships.

Director of Planning Fey stated that the portion of the property immediately adjacent to the City was zoned R-2 and the balance zoned C-1.

Mr. Grant, after consulting with his client, said that Mr. Winn would not object to an agreement requiring annexation within one year, or at the time when the next request is made to hook on to the city sewer, whichever is first; that zoning the property to C-2 upon annexation would be acceptable.

Binding qualities of agreements to annex were discussed.

MOTION

That the matter be held over for one week

Moved by VanderWall Seconded by Tabbert Unanimously carried

Mr. Grant was asked to meet with the City Manager in an attempt to resolve the problems involved.

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP FOR QUARESMA HOMES NO. 5 SUBDIVISION (East of Carver Road, north of Glenwood Drive, 6.89 acres)

RESOLUTION NO. 64-243

A RESOLUTION APPROVING THE FINAL MAP OF THE QUARESMA HOMES UNIT NO. 5 SUBDIVISION OF THE CITY OF MODESTO

Introduced by Mitchell Seconded by Patton
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 IN QUARESMA HOMES NO. 5 SUBDIVISION 6-92

RESOLUTION NO. 64-244

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN QUARESMA HOMES NO. 5 SUBDIVISION

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

RESOLUTION INSTRUCTING SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF CURBS AND GUTTER ALONG CERTAIN STREETS IN THE CITY OF MODESTO

RESOLUTION NO. 64-245

RESOLUTION INSTRUCTING SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF CURB AND GUTTER AT BLOCK 577, LOTS 26 AND 27 (east side of Semple Street)

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

May 25, 1964, at 8:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

CONSIDER APPROVAL OF RIGHT OF WAY CONTRACT FOR ACQUISITION OF RIGHT OF WAY FROM LAURA MABLE MATTHEWS FOR WIDENING OF ORANGEBURG AVENUE

RESOLUTION NO. 64-246

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND LAURA MABLE MATTHEWS FOR WIDENING OF ORANGEBURG AVENUE (Project No. 55-10-6056-2) ($2,895 to be paid for loss or relocation of plants, trees, etc.)

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

RECOMMENDATION ON THE FIRST YEAR CAPITAL IMPROVEMENT PROGRAM 6-110

Copies of a memorandum from the City Planning Commission dated May 7, 1964, subject, "First Year Capital Improvement Program," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. The expenditure of $1,382,000 is recommended for various projects for fiscal year 1964-65. The City Manager reviewed the memorandum and recommended that no action be taken by the Council until after the review of the regular budget.

By Order of the Chair, the staff was directed to present the matter to the Council upon completion of review of the regular budget.

Traffic Signals - Needham at Sycamore; 12th and L

RESOLUTION NO. 64-247

A RESOLUTION AUTHORIZING STAFF TO PREPARE PLANS AND SPECIFICATIONS FOR TRAFFIC LIGHTS AT THE INTERSECTIONS OF NEEDHAM AT SYCAMORE AND 12TH AND L STREETS (Projects recommended by Planning Commission for First Year Priority, 1964-65, Capital Improvement Program)

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

MATTERS FOR THE GOOD OF THE COMMUNITY 7-15

Frank Witt, 758 Mt. Mallard Drive, Orange County - Request for sign variance, Hyatt-Chalet Motel

Mr. Witt explained that he had been unable to arrive in time for the hearing of the application of Rivers Manufacturing Corporation for a sign variance for a motel located at Downey and McHenry Avenues. He explained that the company wished to have the sign erected according to the plan presented, stating that if the sign was reduced to the 35-foot limitation imposed by the Municipal Code, the sign would be illegible and the "national image sign" destroyed.

It was explained to Mr. Witt that the Council had the responsibility of protecting the community by controlling the size and height of signs, particularly in residential areas.

Request for change of dates, High School art show, City Hall Court

MOTION

That the request of Mrs. Daniel Arena to hold the High School art show at the City Hall court May 13, 14, and 15, 1964, instead of May 6, 7, and 8, 1964, be approved

Moved by VanderWall Seconded by Tabbert Unanimously carried

Report of Public Projects Committee - Civic Auditorium

Councilman Mitchell, Chairman of the Public Projects Committee, stated that the Committee, the City Manager, the Planning and Finance Directors met with Mr. Tosaw, who at the last Council meeting requested that the Council authorize the City Attorney to prepare an initiative petition to call an election on a 2½ million bond issue for a civic auditorium, and Eugene Azevedo, co-chairman of a Junior Chamber of Commerce Committee for a civic auditorium, for an interchange of information concerning problems connected with the financing of a bond issue. Discussed were the City's bonding capacity, the problem of selling bonds, the inter-relationship of existing bonds of school districts and other public districts, etc.

As a result of the discussion, Councilman Mitchell said that Mr. Tosaw has agreed that more study should be given thematter and has requested that his request presented to the Council at the May 4, 1964, meeting, be tabled.

Mr. Mitchell said that the Council Public Projects Committee recommends that the Council instruct the staff to provide any information requested by Mr. Tosaw and Mr. Azevedo; that it hoped that the Committees they represented will informally submit their recommendations to the Public Projects Committee to permit it to join with them in recommending a plan of action to the Council.

NOTICE OF PUBLIC HEARINGS, STANISLAUS COUNTY LOCAL AGENCY FORMATION COMMISSION 7-102

The City Manager reported that the Stanislaus County Local Agency Formation Commission will hold public hearings on May 24, 1964, in Room 206, County Offices Building, 1100 Eye Street, on several proposals. The annexation of Wylie No. 3 Addition to the City of Modesto is being considered at 8:00 P.M.

REPORT BY COUNCILMAN KEITH TABBERT - LOCAL AGENCY FORMATION COMMISSION

Copies of a memorandum from Councilman Tabbert dated May 7, 1964, subject, "Operations of the Stanislaus County Local Agency Formation Commission," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. The report was reviewed by Councilman Tabbert.

MOTION

That the report of Councilman Tabbert dated May 7, 1964, subject, "Operations of the Stanislaus County Local Agency Formation," be accepted and forwarded to Councilman Sam Rivas, Riverbank, for presentation to the League of California Cities

Moved by VanderWall Seconded by Mitchell Unanimously carried

The staff was directed to furnish the Council a report on the suggestions presented by Councilman Mitchell to be presented to the League -- that legislation be enacted to liberalize procedures for both inhabited and uninhabited annexations.

PRESENTATION OF FINANCIAL STATEMENT FOR MONTH OF APRIL 1964

The financial statement for the month of April 1964 was presented to the Council and ordered filed.

REMINDER

The Council was reminded of the 8th Biennial Institute for Mayors and Councilmen. The City Manager stated that no one has yet indicated they are attending the meeting.

Mayor Johansen announced that the budget hearings would begin May 12, 1964, at 4:00 P.M. in the Council Chambers.

ADJOURNMENT

MOTION

That the meeting adjourn to executive session to consider litigation matters under Item 10 of the agenda; to consider appointment of a Board of Electrical Examiners; and to consider personnel matters

Moved by VanderWall Seconded by Mitchell Unanimously carried.

The meeting adjourned at 9:37 P.M.

ATTEST: _____
Rex E. Gailfus, City Clerk

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, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Johansen presiding, to consider the preliminary budget for fiscal year 1964-65.

The City Clerk called the roll:

Present: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen

Absent: Hughes, Shastid

Review of Budget Message by City Manager - pp. I through XII

City Manager Keefe briefly reviewed the budget message. He stated that the budget was calculated on the basis that the present economic trend will continue, that it was balanced without allowance for supplemental requests, with provision of a general fund reserve of about $855,000.

In conclusion, Mr. Keefe stated that some of the figures used in the budget were estimated as much as 60 days ago, and as the fiscal year drew to a close, more accurate figures could be provided.

LIBRARY FUND, p. VII

The City Manager stated that deficiency in the Library Fund could be erased by a 1¢ increase in the Library Fund tax rate and also provide a reserve of $4,971 for operating expenses in case of unforseen emergencies.

REVISION OF RATES FOR SERVICES PERFORMED BY THE CITY

The City Manager stated that the staff was presently making a study on rates for services at the City-County Airport and water line extensions. The Director of Finance stated that these proposed revisions were not reflected in the budget. City water and industrial sewer rates were discussed. The City Manager stated that industrial sewer rates were not paying their way; that at the proper time a report on proposed rate revisions (airport, water line extensions, industrial sewer, etc.) would be furnished the Council. The Council directed that the staff furnish these reports before supplemental requests are considered.

Dryden Golf Course

A letter from Guy L. Dunscomb, President, Modesto Golf Course, dated April 10, 1964, pertaining to plans for construction of a driving range and clubhouse, and referred to the Planning Commission for consideration, was discussed. The City Manager stated that these projects were not included in the 1964-65 capital improvement program submitted by the Planning Commission.

CITY COUNCIL - 7 (p. 18)

Item 208, Business Expense, $1,000 was discussed.

No changes were made in the proposed expenditures of the City Council budget.

CITY MANAGER - 8 (p. 19)

MOTION

That Salaries & Wages, Regular (110) be increased by $2,400 (to $42,920) to cover a salary increase for the City Manager effective July 1, 1964
Moved by Mayor Johansen Seconded by Mitchell Unanimously carried

No further changes were made in the proposed expenditures of the City Manager budget.

407 - Citizens' Committee Misc. Exp. - no funds budgeted.

The City Manager stated that if the safe building ordinance is adopted funds may have to be appropriated to hire an inspector in addition to funds for the paper work involved.

No changes were made in the proposed expenditures of the Typing Pool & Records budget.

CITY CLERK AND AUDITOR - 14 (p. 22)

No changes were made in the proposed expenditures of the City Clerk and Auditor budget.

FINANCE - 15

Director of Finance Bird stated that a new eligible list for the position of "Accountant" was now available; that the Senior Accountant position, vacant since December 20, 1963, has not been filled; that it is planned to fill the position of "Senior Accountant" for an interim period with an "Accountant" who has the qualifications but not the required experience.

Equipment Rental Charges - 218

Mr. Charles Breen, President, Stanislaus County Taxpayers' Association, stated that a report on the joint use of IBM equipment by various governmental agencies would be furnished shortly. He said that the report did not advocate consolidation.

Services, Prof. & Other - 235

Director of Finance Bird stated that the substantial increase in this account was due to an expected increase in water and sewer bill payments at the pay stations established at various points within the City.

No changes were made by the Council in the proposed expenditures of the Finance Department budget.

PERSONNEL - 17 (p. 24) 4-1

No changes were made in the proposed expenditures of the Personnel Department.

PLANNING - 18 (p. 25)

Salaries & Wages, Regular - 110

Director of Planning Fey stated that the increase in this account reflects a Senior Planning Aide vacancy in the partment from December, 1963, to March, 1964, plus the normal step increases and the last general salary raise approved by the Council.

Services, Prof. & Other - 235

Mr. Fey said that this account was used primarily for reproduction of maps, negatives and blueprints for reports and publications.

Conference Expense - 207

Mr. Fey stated that the amount of $1,000 of the amount budgeted covered attendance of two Planning Commissioners to the ASPO conference in Toronto.

No changes were made by the Council in the proposed expenditures of the Planning Department budget.

FIRE - 21 (p. 27)

Salaries & Wages, Regular - 110

Fire Chief Everett said that the increase in this account reflected the salary increases approved by the Council and additional manpower for the Northern Boulevard Fire Station No. 5.

Utilities - 210

Chief Everett said that the increase in this account was due to the addition of Fire Station No. 5. He said that increases in Communications and Laundry and Cleaning Services were also attributed to Station No. 5.

No changes were made by the Council in the proposed Fire Department expenditures.

POLICE - 22 (p. 28)

Communications - 204

Chief Bowers said that the change in this account was primarily because of additional telephone and teletype expenses involved with the new police building.

Services, Prof. & Other - 235

Chief Bowers stated that the increase in this account was due to contractual services for janitorial service; that the cost of janitorial service for the new building almost doubled that of the old.

Other Special Charges - 429

Chief Bowers explained that this account was less than last fiscal year because $1,000 budgeted for the training of two lie detector technicians is not repeated this year.

Custodial Supplies - 44

Chief Bowers said that this account covered neon tubes and incandescent lamps.

COMMENDATION - FIRE AND POLICE CHIEF

Mayor Johansen stated that he had received a letter commending Fire Chief Everett and Police Chief Bowers for the fine job done in speaking at one of the schools last week.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned to May 14, 1964, at 4:00 P.M.

Moved by Mitchell Seconded by VanderWall Unanimously carried

The meeting adjourned at 5:36 P.M.

ATTEST: _____
Rex E. Gailfus, City Clerk

May 14, 1964

The Council of the City of Modesto met in adjourned special session this date at 4:00 P.M., as provided by Section 2-1.02 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor VanderWall presiding until the arrival of Mayor Johansen, to consider the preliminary budget for fiscal year 1964-65.

The City Clerk called the roll:

Present: Councilmen: Hughes, Mitchell, Tabbert, VanderWall
Mayor Johansen arrived at 4:17 P.M.
Absent: Councilmen: Patton, Shastid

CITY HALL - 19 (p. 26)

Salaries & Wages, Regular - 110 (page 26)

Janitorial service of the city hall was discussed, Director of Public Works Campbell stating that is was being performed satisfactorily.

Communications - 204

Mr. Campbell stated that the reflected increase was due to an increase in the base rate from $12.64 to $13.15 per month, and an increase in the number of lines running to the police building.

Services, Prof. & Other - 235

Mr. Campbell said that the increase in this account covers the cleaning of rugs on the third floor of the city hall.

Utilities - 201

Proposed M.I.D. rate changes were discussed. Mr. Campbell said that expenditures in this account depended upon variations in weather.

No changes were made in the proposed expenditures in the City Hall Budget.

Mayor Johansen arrived at 4:17 P.M.

PUBLIC WORKS - ENGINEERING & ADMINISTRATION - 41

Salaries and Wages, Part-time help - 120

The increase in this account was explained by Director of Public Works Campbell. He said that the 1963-64 budget provides for four Jr. Engineering Aides for two and one-half months, while only three were used; that is was anticipated to make full use of the four Aides this year during the summer.

Overtime - 130

Mr. Campbell said that this account was used for payment of vacation time for employees terminating their employment with the City; that the actual expenditures were higher than usual during fiscal year 1963-64 because of the death of several employees.

Office Supplies - 301

The increase in expenditures in this account was explained by Mr. Campbell.

No changes were made in the proposed expenditures in the Public Works - Engineering & Administration budget.

PUBLIC WORKS - INSPECTION - 42 (p. 39)

The City Manager stated that this budget may have to be supplemented in the event the safe building ordinance is adopted, the amount depending on the extent and speed of enforcement; that a report would be furnished the Council on recommended areas.

No changes were made in the proposed expenditures in this budget.

PUBLIC WORKS - ELECTRICIAL - 43 (p. 40)

Salaries & Wages, Utility Crew - 110

Director of Public Works Campbell stated that the utility crew in the electrical division handled a wide range of work - street lighting, traffic signals, fire alarms, water wells, sewage lift stations, electrical work at the sewage treatment plant and the Airport. Assignment and budgeting of wages for the utilities crew was outlined by Mr. Campbell.

Street Lights and Signals - 320

Mr. Campbell stated that this fund covered the maintenance of street lights and signals - repainting, replacement of bulbs, luminaire glass, etc.; that the increase in this account was due to the increased number of traffic signals.

Transformer Structure - 5401

Mr. Campbell said that the $1,000 budgeted in this account was to provide for a transformer structure when needed. The transformer was budgeted in fiscal year 1963-64.

No changes were made in the proposed expenditures in this budget.

Water System, Meat Packing Area, Unanimous Consent Item

Director of Public Works Campbell stated that extension of a fire alarm system will require an expenditure of $3,500 - $2,650 for material, and $850 for labor and equipment.

The City Manager stated that this item was not reflected in the budget, and that a report would be made to the Council for consideration of this item with the supplemental requests.

PUBLIC WORKS - AIRPORT - 46 (p.41)

Increased costs in Utilities, 210, was discussed, Mr. Campbell stating that the increase was attributed to the taxiway lighting recently installed.

M & R, Buildings & Grounds - 224

Mr. Campbell stated that the approximate $4,000 decrease reflects an appropriation transfer of $4,000 approved by the Council approximately three weeks ago for the application of Reclamite on the runway at the Airport during fiscal year 1963-64.

No changes were made in the proposed expenditures.

PUBLIC WORKS - WATER - 50 (p. 42)

Utilities - 210

Mr. Campbell stated that four additional pumps were anticipated in the City's water system which accounted for the increase in this budget.

Mr. Campbell said that the $4,500 decrease in this budget reflected recent appropriation transfer for anodes to be replaced in the large 600,000 gallon elevated tank, to be accomplished during fiscal year 1963-64.

Comparative electrical rates - City vs. private industry

Upon questioning, Deputy Manager Ray stated that the City's electrical rates for all city services are the same as those of private industries with the exception of street lighting where a lower rate is provided since it is a fixed demand. Water well pumping will be on irrigation pumping rates beginning with the new schedule being established by the M.I.D.

No changes were made in the proposed expenditures.

PUBLIC WORKS - STREETS - 51 (p. 43)

The following accounts were discussed: Construction Materials (321); Utility Crew (110); decrease of two authorized personnel, Mr. Campbell stating that two streets personnel formerly working with the garden refuse crew were transferred to the garden refuse crew this year.

Mr. Campbell stated that the following street projects were scheduled for this summer: Improvement of the 7th and B intersection (Tuolumne realignment); improvement of Briggsmore between Carver and Tully Roads; reconstruction of Orangeburg from Tully Road to McHenry Avenue: Coffee Road from Scenic Drive to Chehalem Drive, a joint city-county venture; Virginia Avenue from Coldwell north to Roseburg. He said that it was anticipated that the College Avenue improvement from Needham to Stoddard Avenue would be begun at the end of the irrigation season, about the middle of October, but might be held over until next spring.

The City Manager stated that two right of way acquisitions are still pending on Orangeburg Avenue. The status of acquisition of planting easements on College Avenue was discussed. The staff was directed to furnish the Council a report on the status of the easements.

Services, Prof. & Other (235)

The City Manager stated that because of the acceleration of the lot cleaning program, a request for additional funds for this account will be made to the Council at a later date; that the expenditures and revenues will offset each other.

No changes were made in the proposed expenditures.

PUBLIC WORKS - SEWERS - 52 (p. 44)

5301 - Miscellaneous Storm Drains

Mr. Campbell said that the $6,000 in this account was budgeted primarily for drilling and developing of dry wells.

Chem., Drug, Lab Supplies - 312

Mr. Campbell said that $700 of ths account was budgeted for odor control at the Emerald Avenue sewage lift station. Odor problems at this lift station were discussed.

No changes were made in the proposed expenditures.

PUBLIC WORKS - SEWAGE DISPOSAL - 53 (p. 45)

Part-time Salaries and Wages, 120

Mr. Campbell said that this account will be used to pay the salary of a part-time industrial waste inspector as part of the eleven-point odor control program approved by the Council.

Chem., Drug, Lab Supplies - 312

Mr. Campbell stated that about $20,000 of this account will be used for calcium nitrate and anhydrous ammonia for odor control at the sewage treatment plant.

No changes were made in the proposed budget.

PUBLIC WORKS - GARDEN REFUSE - 54 (p. 46)

Mr. Campbell stated that the packer truck for garden refuse and vacuum leaf picker purchased by the City were proving to be satisfactory.

No changes were made in the proposed expenditures.

PUBLIC WORKS - SERVICE DIVISION - 48 (p. 57)

Mr. Campbell discussed the decreases in the 330 - Gas, Oil, Lubricants and 332 - Equipment Parts accounts.

Capital Outlay

The City Manager stated that specific Council approval would be obtained for the purchase of equipment listed under this item. Trade-in police cars were discussed.

No changes were made in the proposed expenditures.

PARKS & RECREATION - ADMINISTRATION - 30

Upon questioning, Parks and Recreation Director Grogan stated that reduction of the position of Sr. Engineering Aide to a half-time basis has created a problem at peak times, but felt that on a year-around basis the arrangement would be satisfactory.

No changes were made in the proposed expenditures.

PARKS & RECREATION - RECREATION - 32 (p. 31)

Custodial Supplies - 304

Miss Grogan said that this account was discussed with the janitor and it was agreed that $225 would be sufficient for this account.

Chem., Drug, Lab Supplies - 312

Miss Grogan stated that the increase in this account was occasioned by the new swimming pools now in operation.

No changes were made in the proposed expenditures.

PARKS & RECREATION - MADDUX YOUTH CENTER - 33 (p. 32)

No changes were made in the proposed expenditures.

PARKS & RECREATION - COMMUNITY SERVICE CENTER - 34 (p. 33)

Utilities - 210

Miss Grogan stated that the amount budgeted for utilities was based on the average requirement for the past four years, stating that the weather affects the use of the coolers and the furnace.

The expense of installing a ramp for use of senior citizens as suggested by the Forward Modesto Committee was discussed.

No changes were made in the proposed expenditures.

Miss Grogan stated that the 5/12 parks maintenance man was eliminated from Authorized Positions and equivalent funds budgeted under Salaries & Wages, Part-time 120.

Tools, Shop, Field Supplies - 308

Miss Grogan stated that the reduction in the account was due to the fact that basic supplies and tools do not have to be replaced every year.

Utilities - 210

Miss Grogan said that the additional swimming pools and two new automatic sprinkling systems has effected the increase in this account, plus the fact that the City will purchase water from Del Este for Moran Estates Park (Approximately $250 per year).

Taxes - 430

Miss Grogan said that this account covers taxes on city-owned parks not within the City.

No changes were made in the proposed expenditures.

PARKS & RECREATION - STREET TREES - 36

Gardening Supplies - 310

Miss Grogan stated that the decrease in this account was due to the fact that the City would be purchasing less street trees.

No changes were made in the proposed expenditures.

PARKS & RECREATION - NINE HOLE GOLF COURSE - 37

Copies of a memorandum from the Parks and Recreation Department dated May 14, 1964 subject, "Golf Course Operation," were furnished the Council, and a copy filed with the record of the minutes.

The memorandum submitted by the Director of Parks and Recreation on the operational costs and revenues of the golf courses was discussed, Mayor Johansen stating that this would be discussed more thoroughly at the time the revenues are considered.

No changes were made in the proposed expenditures.

PARKS & RECREATION - DRYDEN PARK MUNICIPAL GOLF COURSE - 38 (p. 37)

Request for Report of Revenues derived by Monthly Tickets, Individual Rounds Played, etc.

Miss Grogan was directed to furnish the Council a report of revenues derived at the golf courses through family tickets, individual rounds, etc., prior to the time revenues are considered.

No changes were made in the proposed expenditures.

ADJOURNMENT

MOTION

That the special meeting now in session adjourn to May 19, 1964 at 4:00 P.M.

Moved by VanderWall Seconded by Mitchell Unanimously carried

The meeting adjourned at 5:37 P.M.

ATTEST: Rex E. Gailfus

REX E. GAILFUS, City Clerk

Regular Meeting
May 18, 1964

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, 801 11th Street, as provided by Section 2-1.01 of the Modesto Municipal Code, Mayor Johansen presiding.

The City Clerk called the roll:

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 Quentin Prather gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Council members having received copies of the minutes of the regular meeting of May 4, 1964 and the same being available for public inspection, and there being no objections, the minutes were approved.

CARD FROM MRS. L. E. WARBURTON REGARDING TRAFFIC AT DAVIS HIGH SCHOOL

A card from Mrs. L. E. Warburton dated May 1, 1964 asking the Council to consider opening another entrance and exit on Rumble Road or College Avenue to relieve traffic congestion at Davis High School was read by the City Clerk.

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

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF ENSLEN PARK REST ROOMS

RESOLUTION NO. 64-248

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF REST ROOMS AT ENSLEN PARK

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

June 9, 1964 at 2:15 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 IMPROVEMENTS IN GARRISON PARK

RESOLUTION NO. 64-249

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF IMPROVEMENTS AND LANDSCAPING AT GARRISON PARK

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

June 2, 1964 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 WATER LINES IN BRENTWOOD ESTATES NO. 2 SUBDIVISION

RESOLUTION NO. 64-250

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE INSTALLATION OF WATER LINES IN BRENTWOOD ESTATES NO. 2 SUBDIVISION

Introduced by Mitchell Seconded by Patton

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

June 2, 1964 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

CONSIDER AWARD OF BID FOR REALIGNMENT AND IMPROVEMENT OF TUOLUMNE BOULEVARD AT 7TH AND B STREETS

RESOLUTION NO. 64-251

A RESOLUTION ACCEPTING THE BID OF M. J. RUDDY & SON FOR THE REALIGNMENT AND IMPROVEMENT OF TUOLUMNE BOULEVARD AT 7TH AND B STREETS (Low bidder, $11,004.50

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

CONSIDER AWARD OF BID FOR IMPROVEMENT OF BRIGGSMORE AVENUE BETWEEN CARVER AND TULLY ROADS

RESOLUTION NO. 64-252

A RESOLUTION ACCEPTING THE BID OF M. J. RUDDY & SON FOR IMPROVEMENT OF BRIGGSMORE AVENUE BETWEEN CARVER ROAD AND TULLY ROAD (Low bidder, $26,325.05)

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

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS TO DEMOLISH FORMER CITY HALL AND CONSTRUCTION OF PARKING LOT ON 10TH STREET BETWEEN G AND H STREETS

(a) Letter from G.Dale Smith, Chairman, Advisory Committee on Parking and Traffic, regarding use of old city hall property

The City Manager read a letter from G. Dale Smith, Chairman, Parking and Traffic Committee, dated May 7, 1964 requesting that development of a parking lot on the former city hall site be postponed until full consideration is given to a complete parking program.

Demolition of the building only without construction of the parking lot was discussed.

Mr. Smith stated that the Parking and Traffic Advisory Committee was asked to establish an overall plan; that it was the Committee's thinking that it would be inconsistent for the City to go ahead with the establishment of parking lots on a piecemeal basis throughout the City until such time as an overall plan is established. He said that the report from the Committee would probably be available the last part of June.

The City Manager stated that the building could not be demolished and the land left in an unsightly condition and recommended that minimum improvements be made to level off the lot. He pointed out that demolition of the building and construction of the lot was one of the capital improvement projects scheduled for fiscal year 1963-64.

Director of Parking and Traffic Carmody stated that the plans and specifications called for alternate bids for demolition and construction, with bids scheduled for opening on June 24, 1964 at which time the Council could make its decision as to the scope of the work to be done.

Unsuccessful efforts of the City to dispose of the former city hall by means other than demolition were pointed out to Mr. Smith.

RESOLUTION NO. 64-253

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR DEMOLITION OF BUILDING AND CONSTRUCTION OF A PARKING LOT AT FORMER CITY HALL SITE ON 10TH STREET BETWEEN G AND H STREETS

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

FURTHER DISCUSSION BY THE COUNCIL ON SIDEWALK REQUIREMENTS

Copies of a memorandum from the Director of Public Works dated May 14, 1964 subject, "Sidewalk - Morton Boulevard and State Street," which indicated that a field check by the Public Works and Parks and Recreation staff has determined that a 30" sidewalk can be constructed between the existing trees and back of curb on the Dimperio property on State Street and that a 3-foot sidewalk can be constructed between the existing tree and the back of the curb on the Taylor property on Morton Boulevard, were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes.

RESOLUTION NO. 64-254

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF SIDEWALK ALONG CERTAIN STREETS IN THE CITY OF MODESTO (WEST SIDE OF MORTON BOULEVARD)

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

RESOLUTION NO. 64-255

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF SIDEWALK ALONG CERTAIN STREETS IN THE CITY OF MODESTO (STATE STREET)

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

MOTION

That the property owners have until October 1, 1964 within which to make the improvements; if not completed by that time, that the City proceed as directed

Moved by Mitchell Seconded by VanderWall Unanimously carried

HEARING ON RECOMMENDED REZONING OF SECTION 28 OF ZONING MAP (LUCERN AVENUE) (MADDEN - FORMERLY GHILOTTI PROPERTY) 2-121

Mayor Johansen announced that the hour of 4:30 P.M. had arrived the time set for consideration of the proposed rezoning of property located at the southeast corner of Lucern and El Vecino Avenues, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on May 7, 1964 and notices posted and delivered in the area on May 7, 1964. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 64-38 recommends that the property be rezoned from Planned-Development Zone, P-D (11) to One-Family Zone, R-1.

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

ORDINANCE NO. 653-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 28 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (P-D 11 - GHILOTTI) AND REPEALING ORDINANCE NO. 542-C.S. ENTITLED, "AN ORDINANCE AMENDING SECTION MAP 28 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (GHILOTTI)"

was introduced and ordered published as required by the Charter.

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

The staff was directed to furnish the Council a report showing the status of P-D zoning within the City in view of the fact that several of the zonings have been rescinded -- how many have been granted, the dates granted, how many have been carried to completion, or at least started, how many are pending without development, and how many have been rescinded.

RESOLUTION NO. 64-256
A RESOLUTION RESCINDING RESOLUTION NO. 62-568 ENTITLED, "A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED-DEVELOPMENT ZONE, P-D (11) (GHILOTTI)"

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

HEARING ON RECOMMENDED REZONING OF SECTION 8 OF ZONING MAP (KIRKPATRICK)

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 south side of Standiford Avenue, west of the Tidewater Southern Railroad Tracks, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on May 7, 1964, 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. 64-39 recommends that the property be rezoned as follows:

Lots 12 and 13 in Block 13127 and Lot 11 in Block 13121 from R-1 to R-2; Lot 14 in Block 13127 from R-1 to R-3 as shown on proposed tentative map of Tully Manor Unit No. 3 accepted for filing in the office of Planning Director on April 8, 1964.

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

ORDINANCE NO. 654-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 8 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (KIRKPATRICK)

was introduced and ordered published as required by the Charter.

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

CONSIDER CHANGING THE PARKING CHARGE ON THE 13TH STREET LOT TO 5 CENTS PER HOUR FROM THE PRESENT TEN CENTS PER HOUR RATE

Copies of a memorandum from the Director of Parking and Traffic dated May 11, 1964, subject, "Suggested Rate Change on 13th Street Parking Lot," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. Mr. Carmody recommended that the hourly rate be reduced to 5¢ per hour and converted back to 10¢ per hour in October or November to accommodate Christmas shoppers if a parking shortage is indicated at that time.

A suggestion was made that the ordinance be prepared so as to provide specified periods during which the 5¢ and 10¢ rates would be charged, thus eliminating the cost of publishing and printing ordinances each time a change is made.

No action was taken by the Council on this suggestion.

ORDINANCE NO. 655-C.S. entitled
"AN ORDINANCE AMENDING SECTION 3-2.1504 OF ARTICLE 15 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO PARKING METERS AND REPEALING SECTION 8 OF ORDINANCE NO. 648-C.S."

was introduced and ordered printed as required by the Charter.

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

HEARING ON RECOMMENDED REZONING OF SECTION 8 OF ZONING MAP (BLOCK 122) (STONE BROTHERS) 3-80

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 south side of Standiford Avenue west of Tidewater Southern Railroad, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on May 7, 1964 and notices posted and delivered in the area on the same date. No written protests to the proposed rezoning were filed with the City Clerk.

Planning Commission Resolution No. 64-40 recommends that the following property be rezoned: Lots 26 and 27 in Block 13122 and Lot 10 in Block 13121, from R-1 to R-2; Lot 28 in Block 13122, from R-1 to R-3, as shown on proposed tentative map of Colonial Manor Unit No. 3 Subdivision accepted for filing in the office of the Planning Director on April 8, 1964.

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

ORDINANCE NO. 656-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 8 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (STONE BROS. REAL ESTATE)"

was introduced and ordered published as required by the Charter.

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

FURTHER CONSIDERATION OF MODESTO BRANCH LIBRARY 3-90

Copeis of a letter from Carl W. Hamilton, Librarian, dated May 12, 1964 were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. The letter indicated that the Library and Culture Commission has recommended that property located at 2031 Yosemite Boulevard be leased for the East Modesto Library site at the rate of $150 per month. The City Manager recommended that the staff be authorized to prepare a lease with George Eisenhut for the above mentioned property at $150 per month for a period of two years with yearly option to renew for a period of five years.

MOTION

That the staff be authorized to prepare an agreement with George Eisenhut for rental of building located at 2031 Yosemite Boulevard as recommended by the City Manager

Moved by VanderWall Seconded by Patton Unanimously carried

RESOLUTION NO. 64-257

A RESOLUTION APPROVING APPROPRIATION TRANSFER IN THE AMOUNT OF $3,500 TO COVER IMPROVEMENTS IN EAST MODESTO BRANCH LIBRARY
(From McHenry Library Capital Outlay Fund (301)

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

Disposition of Phoenix Fire Station

MOTION

That the disposition of the Phoenix Fire Station be referred to the Planning Commission for report and recommendation; that the staff be authorized to negotiate with the Empire Fire District for disposal of the property

Moved by Mitchell Seconded by Patton Unanimously carried

HEARING ON RECOMMENDED REZONING OF SECTION 19 OF THE ZONING MAP (BLOCK 308 - WOO) 4-20

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 at the southeast corner of Carver Road and Pearl Street, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on May 7, 1964 and notices posted and delivered in the area on the same date. No written protests to the proposed rezoning were filed with the City Clerk.

Planning Commission Resolution No. 64-43 recommends that Lots 1, 2 and the north 17½ feet of Lot 3 of Block 6081 be rezoned from One-Family Zone, R-1, to Two-Family Zone, R-2.

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

ORDINANCE NO. 657-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 19 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (WOO)"
was introduced and ordered published as required by the Charter.

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

CONSIDER PARK FEES FOR STRATHMORE SUBDIVISION NO. 2 4-34

The City Manager reported that this matter was held over from the last meeting at the request of Councilman Hughes, for further study. Mayor Johansen stated that he had received a letter from Councilman Hughes

relative to the holdover of certain items on the agenda, but that he had not asked that this item be held over until his return.

The background of Mr. Jeffers' request for waiver of the park fees for Strathmore Subdivision No. 2, located outside the City, was outlined by the City Attorney.

Director of Public Works Campbell stated that Robin Hood Estates No. 2 Subdivision would also be affected by the Council's decision on the present matter.

Mr. Jeffers said that under the terms of the agreement with the City, he had already paid the City about $4,000 for one-half the water and sewer rates on the undeveloped portion of the subdivision since 1959; that in addition, several thousand dollars were paid in order to develop the subdivision in accordance with city standards; that he did not want special privileges, but wished to be treated on the same basis as subdividers within the City; that the park fees of $1,884 were based on 18.84 acres, while his engineer states that only 13.3 acres are involved on the final map of Strathmore Subdivision No. 2. He pointed out that other subdivisions would also be using the trunk lines.

The City Attorney stated that waiver of the park fees requested by Mr. Jeffers was dependent on the policy the Council wished to pursue.

RESOLUTION NO. 64-258

A RESOLUTION APPROVING REQUEST OF CHARLES V. JEFFERS, ET AL, FOR WAIVER OF PARK FEES IN THE AMOUNT OF $1,884, STRATHMORE SUBDIVISION NO. 2

Introduced by Patton Seconded by VanderWall

Ayes: Patton, Tabbert, VanderWall

Noes: Mitchell, Mayor Johansen

Absent: Hughes, Shastid

The resolution failed to carry.

MOTION

That the matter be continued from agenda to agenda until such time as a full Council is present to discuss the matter

Moved by Mitchell Seconded by VanderWall Unanimously carried

CONSIDER REQUEST BY WESLEY W. WINN FOR WATER AND SEWER SERVICE TO PROPERTY OUTSIDE THE CITY LIMITS AT NORTHEAST CORNER OF PRESCOTT AND EVERGREEN STREETS 5-38

Mr. Wesley W. Winn's request for water and sewer service to property located at the northeast corner of Prescott and Evergreen Avenues, outside the City Limits, was considered by the Council at the May 11, 1964 meeting and the matter held over for one week.

The City Manager reported that a tentative agreement had been reached with Mr. Winn on the timing of the proposed annexation of the property; that Mr. Winn has agreed to begin annexation proceedings for the entire parcel immediately upon commencement of construction of a department store on any portion of the property, or upon demand of the City after the expiration of one year from the date of execution of the agreement; and has agreed to annex all of the land zoned for residential purposes before any portion of the land is subdivided for residential purposes. Mr. Keefe recommended that the staff be authorized to prepare an agreement with Mr. Winn for sewer and water service on the basis of the above conditions.

MOTION

That the staff be authorized to prepare an agreement between the City and Mr. Winn as outlined by the City Manager

Moved by Mitchell Seconded by VanderWall Unanimously carried

The incompatibility of County and City C-1 zoning was discussed, County C-1 zoning permitting department stores, whereas City zoning does not.

Wilbur Grant, representing Mr. Winn, outlined the progress of development of the property. He said that Mr. Winn was agreeable to immediate annexation with a C-2 zoning, or as outlined by the City Manager.

Director of Planning Fey voiced his opinions as to why he believed that this property should not be zoned C-2, primarily because department stores and other uses permitted under this zoning would create too heavy a use in what is designed to be a neighborhood commericial facility.

MOTION

That the Planning Commission consider making County and City C-1 zoning compatible, and report to the Council

Moved by Patton Seconded by VanderWall Unanimously carried

APPEAL BY NORTHGATE ENTERPRISES FROM DECISION OF BOARD OF ZONING ADJUSTMENT RESOLUTION NO. 246, SPECIFICALLY THE REQUIREMENT OF DEDICATION FOR WIDENING OF MC HENRY AVENUE 6-15

RESOLUTION NO. 64-259

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF NORTHGATE ENTERPRISES APPEALING CERTAIN DECISIONS OF THE BOARD OF ZONING ADJUSTMENT OF THE CITY OF MODESTO IN CONNECTION WITH GRANTING OF VARIANCE TO PROPERTY LOCATED AT THE NORTHWEST CORNER OF BOWEN AND MC HENRY AVENUES

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

June 15, 1964 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION REJECTING THE CLAIM OF LOUISA C. HARRIS FOR DAMAGES

RESOLUTION NO. 64-260

A RESOLUTION REJECTING THE CLAIM OF LOUISA C. HARRIS FOR DAMAGES AGAINST THE CITY OF MODESTO (fall near 6th and L Streets)

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

CONSIDER REVISED BUDGET PROPOSAL FOR STATE ALLOCATED GAS TAX (SECTION 2107) FUNDS FOR 1963-64 FISCAL YEAR

Copies of a memorandum from the Director of Public Works dated May 14, 1964, subject, "Revised Project Statement for Gas Tax Funds (Section 2107) for 1963-64" were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes.

RESOLUTION NO. 64-261

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 1963-64)

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

CONSIDER BUDGET PROPOSAL FOR STATE ALLOCATED GAS TAX (SECTION 2107) FUNDS FOR FISCAL YEAR 1964-65 6-30

RESOLUTION NO. 64-262

A RESOLUTION ADOPTING AND SUBMITTING A BUDGET FOR EXPENDITURE OF FUNDS ALLOCATED FROM THE STATE HIGHWAY FUNDS TO CITIES (Fiscal Year 1964-65)

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

CONSIDER REQUEST FOR SEWER SERVICE TO PARCEL OF PROPERTY LOCATED SOUTH OF ORANGEBURG AVENUE BETWEEN MELROSE AND NELSON AVENUES

MOTION

That the request of Eugene J. Young and Modesto Professional Center for sewer service to property located about 240 feet south of Orangeburg Avenue between Melrose and Nelson Avenues be approved

Moved by Tabbert Seconded by Patton Unanimously carried

RECOMMEND EXTENSION OF TIME FOR FILING FINAL MAP OF BEL AIR NO. 4 SUBDIVISION

Planning Commission Resolution No. 64-54 recommends that extension of time for filing the final map of this subdivision be approved.

RESOLUTION NO. 64-263

A RESOLUTION RECOMMENDING EXTENSION OF TIME FOR FILING THE FINAL MAP OF BEL AIR NO. 4 SUBDIVISION (to May 21, 1965)

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

RECOMMEND REALIGNMENT OF KANSAS AVENUE BETWEEN MADISON AND FRANKLIN STREETS 6-48

RESOLUTION NO. 64-264

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF CITY PLANNING COMMISSION FOR CONSIDERATION OF PROPOSED REALIGNMENT OF KANSAS AVENUE BETWEEN MADISON AND FRANKLIN STREETS

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

June 15, 1964 at 4:35 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

The City Manager stated that as a condition of recommendation for approval of a county referral requesting R-3 zoning for a parcel on the north side of Scenic Drive adjacent to the proposed Brighton Avenue alignment, and also as a condition of the agreement between Hawaii and S. F. Investment Co. and the City for extension of sewer service to the property, a plot plan was submitted to and approved by the Planning Commission on May 5, 1964.

APPROPRIATION TRANSFERS

Additional Funds for enforcement of lot cleaning ordinance

The City Manager stated that full attention would be given to weeded areas lying between sidewalks and curbs, as suggested by the Council; that it was hoped that the City could work in conjunction with a cleanup group in West Modesto which is in the process of sending out letters to all property owners asking that they voluntarily clean up their properties.

A clean-up day for the entire City was suggested, with the City furnishing trucks to haul away the debris.

Chief Everett stated that weed abatement in alleys was handled on the basis of a fire hazard; that the area between the sidewalk and curb would be controlled under the code provision which requires that vegetation growth shall not be more than two inches above the ground.

He said that the program would be well publicized in the newspapers before action is begun.

RESOLUTION NO. 64-265
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $1,000 - ENFORCEMENT OF LOT CLEANING ORDINANCE (General Fund, General Reserve)

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

The staff was directed to let the various service clubs know of the suggestion made for a Cleanup Day and to seek their cooperation in spearheading the project, and to give the suggestion adequate newspaper publicity.

MATTERS FOR THE GOOD OF THE COMMUNITY

Activity Room - Graceada Park - Request by Director of Parks and Recreation - Unanimous Consent Item

The City Manager reported that several days ago the Parks and Recreation Department submitted plans to the Public Works Department for rest rooms plus an activity room for Graceada Park; that he did not believe the Council realized when it approved the construction of rest rooms for Graceada Park while considering the Capital Improvement Program for 1963-64 that the activity room was included as part of the project.

Director of Parks and Recreation Grogan stated that when this item was listed in the Capital Improvement Program, it was shown as "rest rooms" at a cost of $18,000, where normal rest rooms range from $6,000 to $8,000; that the proposed activity room would be about 900 square feet to be used for activities of a community-type nature and for those connected with Mancini Bowl.

Director of Public Works Campbell said the estimated cost of the activity room would be slightly less than $9 per square foot; that basic rest room facilities with a storage room between the rest rooms proposed for Enslen Park will cost about $8,000.

It was the recommendation of the Public Relations Committee to the staff that plans proceed for the construction of rest rooms and storage room, without the proposed 900-square-foot activity room.

There were no objections by the Council to this recommendation.

FORWARD MODESTO COMMITTEE REPORT

By Order of the Chair, the staff was directed to place on the agenda of June 1, 1964 from 5:00 to 5:30 P.M., pending controversial projects recommended by the Forward Modesto Committee not yet acted upon by the Council.

VALIDATED PARKING

Councilman VanderWall stated that he had received many complaints on the validated parking lot on 9th Street between I and J Streets - congestion, inability of parkers to leave the lot, diminished use of the lot, etc. He asked that the Director of Parking and Traffic furnish the Council a report showing a comparison of revenues for the lot one year ago and the present time, the report to be submitted immediately after June 1, 1964.

REPORT OF CITY REPRESENTATIVES OF COUNTY AREA SEWER STUDY COMMITTEE

Mayor Johansen requested that the Council members of the County Area Sewer Study Committee appointed by the Board of Supervisors (Councilmen Mitchell and VanderWall) furnish the Council an up-to-date report on recent meetings held, when the next scheduled meeting will be, and how the committee is progressing.

Councilman VanderWall reports that three meetings have been held so far, one of which was a field meeting at the sewage treatment plant. No immediate meeting is scheduled.

Councilman Mitchell reported that the initial meeting and a special meeting were held to consider a particular problem; at the invitation of the City, an inspection of the sewage treatment plant was made, and on the same evening a presentation was made by the City staff on the existing buildings, etc. He said that if the overall committee appointed by the Board of Supervisors is to assist the Board in determining the action the Board should take on the pending matter of the North Modesto Sanitary Sewer development, it was essential that committee assignments be concluded and a recommendation submitted to the Board of Supervisors; that the committee was charged with the overall analysis of the sewage needs of the entire Modesto urban area rather than merely the North Modesto area; that there might be considerable time and delay in submitting the report on the North Modesto area since he was not sure that the Supervisors would be willing to divide the Committee's assignment. Councilman Mitchell said the City's urgent need for a decision would be pointed out to the Chairman of the Committee and to the Board of Supervisors.

PROPOSED ADDITION TO THE REPORT OF COUNCILMAN KEITH TABBERT RELATIVE TO THE LOCAL AGENCY FORMATION COMMISSION ACCEPTED BY COUNCIL MAY 11, 1964

At the request of Councilman Hughes, and with the consent of the Council, this matter was held over.

REPORT ON LIGHTING SYSTEM AT DEL WEBB FIELD

Copies of a memorandum from the Assistant Director of Public Works dated May 8, 1964, subject, "Lighting at Del Webb Field," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. The following alternatives were listed for Council action: Take no action; bring the lighting system up to a Class D standard by spending $12,000; install a new system at a cost of between $55,000 and $60,000 to bring the lighting up to Class A.

this matter was previously discussed by the Council at the April 6th and 20th meetings.

Lee Landers, 560 Del Vista, stated that the Modesto Colts has been informed by the Houston Colts, their parent club, that no working agreement will be forthcoming to the Modesto club in 1965 unless lighting at the field is brought up to certain standards; that the lighting of Del Webb Field has been classed as "recreational play;" that the parent club has indicated that it will help defray the cost of the improved lighting; that contracts for 1965 play must be signed prior to November.

Improvement of the lighting through installation of additional light standards was discussed. Assistant Director of Public Works Reynolds said that this would have to be checked out with lighting engineers. Availability of light standards from Edmonds Field was discussed.

By Order of the Chair, the matter was referred to the Public Projects Committee and Mr. Landers asked to get in touch with the Houston Colts on financing the project, and to work with the Public Projects Committee.

Tony Arcure spoke briefly on the possiblity of improving the lighting at a minimum cost by the addition of standards.

NOTICE OF PUBLIC HEARING ON SOUTHERN PACIFIC RAILROAD CROSSINGS IN MODESTO - MAY 27, 1964 - ROOM 206, COURT HOUSE

The City Manager stated that in accordance with Council action, the City will present testimony at the scheduled hearing on why gates should not be installed at the B Street crossing until after the freeway has been opened and traffic settled. No action was taken by the Council.

REPORT FROM FINANCE DIRECTOR OF RECEIPT OF DIVIDEND OF $12,061.21 FROM STATE COMPENSATION INSURANCE FUND

The City Manager stated that a dividend of $12,061.21 has been received from the State Compensation Insurance Fund for the City's safety record during the year ending July 1, 1963.

INVITATION FROM THE TURLOCK CHAMBER OF COMMERCE FOR COUNCILMEN TO ATTEND ANNUAL MEETING OF THE STREETS AND HIGHWAYS COMMITTEE

The City Manager announced that the Turlock Chamber of Commerce has invited the Councilmen to attend the annual meeting of the Streets and Highways Committee to be held Thursday, May 28, 1964 at 7:00 P.M., Divine Gardens, Turlock.

ADJOURNMENT

MOTION

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

Moved by VanderWall Seconded by Tabbert Unanimously carried

The meeting adjourned at 6:15 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. as provided by Section 2-1.02 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Johansen presiding, to further consider the preliminary budget for fiscal year 1964-65.

The City Clerk called the roll

Present: Councilmen: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Absent: Councilmen: Hughes, Shastid

CITY ATTORNEY - 13 (p. 21)

No changes were made in the proposed expenditures.

DISASTER & CIVIL DEFENSE - 26 (p. 29)

Tools, Shop, Field Supplies - 308

The Deputy City Manager stated that this account will be used to acquire tools, shop or field supplies which may become available from surplus; that application was made several weeks for radios budgeted in the 1963-64 budget; that it is possible that they will not be available for purchase this fiscal year and will have to be rebudgeted.

Business Expense - 208

Mr. Ray said that this account is budgeted for schooling for city employees in civil defense and meetings which must be attended at least quarterly, usually in Sacramento.

No changes were made in the proposed expenditures.

PARKING & TRAFFIC - 56 (p. 47)

Capital Outlay

Director of Parking and Traffic Carmody stated that Account 5301 in the amount of $6,000 covered stop signs, yield signs, etc., and that Account 5401 covered repair parts for traffic signals. Cost of sign replacements due to vandalism was discussed.

Construction Materials - 321

Mr. Carmody stated that this account primarily covered paint supplies.

No changes were made in the proposed expenditures.

OFFICE SERVICES - 58 (p. 48)

Postage - 201

Mr. Carmody said the increase in the Account was due to an increase in the postage rate from four to five cents, and the increased use of postage; that billing was the largest part of this expenditure.

M & R Office Equipment - 221

Mr. Carmody said the increase in this account was due to aging of the equipment which requires an increase in replacement parts and more maintenance recalls beyond the maintenance contracts. He stated that not all of the equipment is under maintenance contract.

No changes were made in the proposed expenditures.

PARKING AND TRAFFIC - 57 (p. 55)

Salaries & Wages, 120 (Part-time)

Mr. Carmody said that this account would have to be increased to $17,700 to take care of the leasing of the Seely and Bank of California parking lots for validated parking.

Validating Lots - 322

Mr. Carmody stated that this account would have to be increased to $1,600 because of the leasing of the Seely and Bank of California parking lots.

Comp. Insurance - 411

Mr. Carmody said that this account would have to be increased to $673 because of the leasing of the Seely and Bank of California parking lots.

Mr. Carmody recommended that equipment rented for the operation of the validated parking lots continue to be obtained on this basis.

Rent of Real Property - 215

The increase in this account was discussed.

Bids for Construction of Parking Lot - 9th Street between J and K Streets (Modesto Plymouth Lot)

Mr. Carmody stated that no bids were received for the demolition of the building on the property; that other contractors were being checked to see if something can be worked out on a negotiated basis; this failing, the project will be readvertised for bids.

Additional funds needed in the event validated parking lots are established on a permanent basis were discussed.

MOTION

That Salaries & Wages, Part-time (120) be increased to $17,700

Moved by VanderWall Seconded by Patton Unanimously carried

MOTION

That Account 322 - Validating Lots, be increased to $1,600

Moved by VanderWall Seconded by Tabbert Unanimously carried

MOTION

That Account 411 - Comp. Insurance, be increased to $673

Moved by Tabbert Seconded by VanderWall Unanimously carried

MUSIC AND PROMOTION - 61 (p. 59)

Miscellaneous Promotion - 442

Director of Finance Bird stated that the $1,000 budgeted in this account was an estimated figure to cover the cost of photos not chargeable to departmental budgets, Camellia Show trophy, decals for Barranquilla, and other miscellaneous promotions which occur during the year and which cannot be pre-determined.

Mr. Bird stated that under the Charter, expenditures for music, publicity and promotions cannot exceed 5% of the property tax levy in any one fiscal year, roughly, $50,000.

INSURANCE AND RETIREMENT - 64

Public Liability Insurance - 415

Mr. Bird stated that the amount budgeted excluded the umbrella insurance policy, which is a three-year policy, and covers the basic liability insurance policy which is up for renewal.

Surety Bond Insurance - 414

Mr. Bird said that this account covered the City's blanket surety bond for all employees up to a maximum of $10,000; a policy for the golf pro, the Director of Finance, the City Clerk and Police Department.

The City's method of obtaining its insurance coverage through the Modesto Insurance Agents Association was discussed, Mr. Bird stating that it has been obtained in this manner for quite a number of years.

No changes were made in the proposed expenditures.

MISCELLANEOUS UNCLASSIFIED - 65 (p. 51)

Taxes - 431

Mr. Bird stated that this account covers the service fee paid the County for collection of city taxes, 1/2 of 1% of all monies collected, in accordance with an agreement provided by state law.

Taxes - 430

Mr. Bird stated that this account covered sales tax on materials purchased outside the State, and taxes on city-owned property located outside the City.

Conference Expense - 207

Mr. Bird said that funds were budgeted in the account to permit three councilmen to attend the AMA conference this summer, plus League Conferences held within the State (for staff, Council, Boards and Commissions members).

Elections - 238

The City Clerk stated that the actual expenditures in 1962-63 covered the general City election, plus a special election; that no funds were budgeted to cover a possible bond election for a civic auditorium which will cost about $6,500.

No changes were made in the recommended expenditures.

LIBRARY - 62 (p. 54)

Contractual Services - 240

Librarian Carl Hamilton stated that an additional $1,200 was needed in this account to cover janitorial service for the East Modesto Branch Library approved by the Council.

Rent of Real Property - 215

Mr. Hamilton stated that this account would have to be increased by $1,800 to cover rental of the East Modesto Branch Library.

The Council discussed the possibility of contractual janitorial service for the libraries.

MOTION

That the staff be authorized to check the advisability of contracting the janitorial services for new branch library at 2033 Yosemite Boulevard

Moved by Mayor Johansen Seconded by Tabbert Unanimously carried

MOTION

That Account 215 - Rent of Real Property be increased by $1,800 (to $6,600)

Moved by Mitchell Seconded by Patton Unanimously carried

MOTION

That Account 240 - Contractual Services, be increased by $1,200 (to $21,200)

Moved by Patton Seconded by Mitchell Unanimously carried

BOND REDEMPTION AND INTEREST REQUIREMENTS (p. 56)

No changes were made in the proposed expenditures.

SUPPLEMENTAL REQUESTS

Copies of a memorandum from the Director of Finance dated May 19, 1964, subject, "Supplemental Budget Requests 1964-65 Budget," were furnished the Council, a copy of which is filed with the record of the minutes.

LIBRARY

Woven Wire Enclosure

Mr. Hamilton said the 8-foot woven wire enclosure was proposed to be placed around the reference books and documents and located in such a way to cause all people going to and from the reference books to pass by the desk; that the need was not critical at this time but might be if the library is established as a depository of governmental documents.

Mr. Hamilton was instructed to get the opinion of the Library and Culture Commission on this matter.

SAFETY STEP LADDER

Mr. Hamilton said the ladder was proposed for use in hanging and removing pictures in the area of the basement used as an art gallery.

SPRINKLER SYSTEM

Deputy Manager Ray stated that the supplemental request for this item covered repairs to the existing sprinkler system rather than a request for an automatic sprinkler system; that installation of an automatic sprinkler would cost approximately $1,500; that the repairs would consist of relocation of heads and installation of new heads to distribute the water more effectively.

Mr. Hamilton stated that the janitors are presently sprinkling the lawn at McHenry Library.

The City Manager recommended that repairs to the existing sprinkler system be approved.

Upon questioning, Mr. Hamilton stated that he thought that the two janitors presently employed could handle the janitorial service in all of the libraries if automatic sprinklers were installed. He said that approximately ten hours a week are now spent by a janitor in watering the lawn.

The staff was directed to check with Mr. Hamilton on this matter and report back to the Council.

DISCUSSION OF POSSIBLE RATE REVISIONS

The staff was directed to furnish the Council the following reports prior to consideration of the supplemental requests:

(1) Airport rates - how City compares with other airports - hangar fees, tie-down fees, etc.;

(2) Golf fees;

(3) A review of the differential in charges for city services within and outside the city limits for sewer and water charges, and any other charges for various areas under contract to annex and not to annex, etc.;

(4) A report indicating means to supplant the park fees recently repealed by the Council. A bedroom tax was suggested as a possibility;

(5) Industrial sewer rates.

The City Manager stated that as much of the above information as possible would be available for the May 26th budget session.

MOTION

That the meeting now in session adjourn to May 26, 1964 at 4:00 P.M.

Moved by VanderWall Seconded by Patton Unanimously carried

The meeting adjourned at 5:36 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, 801 11th Street, as provided by Section 2-1.01 of the Modesto Municipal Code, Mayor Johansen presiding.

The City Clerk called the roll:

Present: Councilmen: Hughes, Mitchell, Patton, Tabbert, Mayor Johansen
Absent: Councilmen: Shastid, VanderWall

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

Reverend George Telle gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the regular meeting of May 11, 1964 and special budget meeting of May 12, 1964 and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM E. F. HUGGINS, 1204 FLORETTE, REGARDING CITY PARK NORTH OF MARSHALL SCHOOL

A letter from E. F. Huggins requesting that trees be planted in the city-owned park site located on Sutter Street north of the Marshall School was summarized by the City Clerk.

By order of the Chair, the letter was referred to the staff for reply.

COMMUNICATION FROM AMERICAN WATER WORKS ASSOCIATION, CALIFORNIA SECTION

A communication from the American Water Works Association, California Section Safety Committee, dated May 18, 1964 enclosing a safety award certificate to employees of the City Water Department, was read by Mayor Johansen.

CONSIDER APPROVAL OF PLANS AND SPECIFICATIONS FOR ONE 1250 GPM FIRE ENGINE PUMPER AND AUTHORIZE CALL FOR BIDS

RESOLUTION NO. 64-266

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR ONE 1,250 GPM FIRE ENGINE PUMPER

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

June 12, 1964 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

RESOLUTION NO. 64-267

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $35,000 FOR PURCHASE OF ONE 1,250 GPM FIRE ENGINE PUMPER (From Special Fund for Capital Outlays)

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

APPROVE CALL FOR BIDS FOR CONSTRUCTION OF PARKING LOT #12 ON 9TH STREET BETWEEN J AND K STREETS

The City Manager reported that no bids were received on the call for bids scheduled for opening on May 19, 1964; that the job was being readvertised.

RESOLUTION NO. 64-268

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF PARKING LOT #12 ON 9TH STREET BETWEEN J AND K STREETS

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

June 19, 1964 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 TO IMPROVE VIRGINIA AVENUE BETWEEN COLDWELL AVENUE AND ROSEBURG AVENUE 1-42

RESOLUTION NO. 64-269

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR IMPROVEMENT OF VIRGINIA AVENUE FROM COLDWELL AVENUE TO ROSEBURG AVENUE

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

June 9, 1964 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

RESOLUTION NO. 64-270

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $97,000 TO COVER VARIOUS ROAD IMPROVEMENTS (FROM GAS TAX FUNDS - 207)

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

(For Coffee, Scenic to Chehalem, $12,000; Orangeburg, Carver to McHenry, $55,000; Virginia, Coldwell to Roseburg, $30,000)

RESOLUTION NO. 64-271

A RESOLUTION APPROPRIATING ADDITIONAL REVENUES FOR EXPENDITURE DURING THE 1963-64 FISCAL YEAR AND ALLOCATING THEM FOR CAPITAL OUTLAY PURPOSES ($113,011 anticipated from gas tax funds, 1963-64, not yet appropriated; increase authorized transfer of $54,800 from balance of Special Gas Tax Street Improvement Fund to $75,000 to reimburse the General Fund)

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

APPROVE SPECIFICATIONS AND CALL FOR BIDS FOR LEGAL ADVERTISING FOR FISCAL YEAR 1964-65 1-65

RESOLUTION NO. 64-272

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR LEGAL ADVERTISING FOR FISCAL YEAR 1964-65

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

June 10, 1964 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

RESOLUTION NO. 64-273

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF TRAFFIC SIGNALS AND STREET LIGHTING AT LA LOMA - SANTA ANA; TWELFTH - L, AND SYCAMORE AT NEEDHAM INTERSECTIONS

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

June 24, 1964 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

CONSIDER PARK FEES FOR STRATHMORE SUBDIVISION NO. 2

By order of the Chair, this matter was held over until the presence of a full Council.

CONSIDER LETTER AGREEMENT BETWEEN THE CITY OF MODESTO AND RICHFIELD OIL CORPORATION FOR MODIFICATION OF CANOPY AT 9TH AND NEEDHAM STREETS SERVICE STATION

The City Manager stated that the proposed agreement covers the modification of a canopy at a service station located at 9th and Needham, for which the City will reimburse Richfield Oil Corporation an amount not to exceed $1,500; that the work is required to clear street construction and signal work presently underway in the area.

MOTION

That the letter agreement between the City of Modesto and Richfield Oil Corporation for modification of canopy at the 9th Street and Needham Avenue service station be approved

Moved by Patton Seconded by Hughes Unanimously carried

CONSIDER APPROVAL OF LEASE AGREEMENT WITH GEORGE W. EISENHUT FOR RENTAL OF LIBRARY SPACE AT 2031 YOSEMITE BOULEVARD

Librarian Hamilton stated that the East Side Library has been approved by the Board of Supervisors; furniture, fixtures, books, etc., have been ordered.

RESOLUTION NO. 64-282

A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND GEORGE W. EISENHUT FOR RENTAL OF LIBRARY SPACE AT 2031 YOSEMITE BOULEVARD

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

RECONSIDER PROPOSAL FOR APPLICATION OF "RECLAMITE" ON OLD 4,000-FOOT RUNWAY AT CITY-COUNTY AIRPORT 1-123

Copies of a memorandum from the Director of Public Works dated May 21, 1964, subject, "Use of Slurry Seal on the Old 4,000-foot Runway in Lieu of Reclamite," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. The memorandum recommended that a slurry seal be applied to the Airport runway instead of Reclamite, at an estimated cost of $8,000; that if approved, a transfer in the amount of $3,800 would be required and Council approval sought at the time the work is advertised.

The reasons for the requested change were discussed.

MOTION

That the staff be authorized to prepare call for bids for the use of slurry seal on the 4000-foot runway

Moved by Patton Seconded by Tabbert Unanimously carried

CONTINUATION OF HEARING ON FORMATION OF MUNICIPAL SEWER DISTRICT 2-75

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for continuation of the proposed formation of the North Modesto Sanitary Sewer District No. 1, originally heard on May 25, 1963, and opened the hearing.

The City Attorney recommended that the hearing be concluded and the proceedings dropped under the resolution initiating the proceedings adopted on October 14, 1963, inasmuch as an immediate solution does not appear in sight; that any further subsequent proposal to initiate a sewer district be commenced under new proceedings.

Jesse Reinhart, 106 Camellia Way, suggested that the entire City of Modesto be included in a sanitary sewer district.

Mr. Reinhart was informed that a committee has been established to study long-range sewer problems. Councilman Mitchell, a member of the committee, stated that the Chairman of the committee has promised to call a meeting in the near future.

The City Manager stated that he would notify Mr. Reinhart of the date and time set for the meeting.

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

RESOLUTION NO. 64-284

A RESOLUTION TERMINATING PROCEEDINGS ON THE FORMATION OF THE NORTH MODESTO SANITARY SEWER DISTRICT NO. 1 BY THE CITY OF MODESTO

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

HEARING ON REZONING APPEAL (Lengyel Property)

Mayor Johansen announced that the hour of 8:05 P.M. had arrived, the time set for consideration of the appeal of Sybil Lengyel from the decision of the Planning Commission to reclassify a triangular parcel of property located at the southeast corner of LaLoma and Santa Barbara 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 May 14, 1964, and notices posted and delivered in the area on May 11, 1964. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 64-41 adopted April 21, 1964 recommends that the application for rezoning be denied on the basis that the property is oriented to single family development to the north and west and would be an intrusion into the residential area; the property can be divided into residential lots oriented to existing residences to the north and west; the proposed additional commercial zoning is not justified by service needs of the area, since adequate facilities and vacant commercial land are available within reasonable distances.

Location of the property in relation to surrounding use of the area was indicated on a map by Director of Planning Fey.

Attorney Francis Halley, representing Mrs. Lengyel, filed two letters with the City Clerk supporting Mrs. Lengyel's application for rezoning - from Bernard F. Farr, 1325-27 Yosemite Boulevard, and H. W. Jorgensen, 1320

LaLoma Avenue. Mr. Halley spoke briefly in support of his client's appeal, stating that in his opinion this property was no longer suitable for residential purposes inasmuch as a C-1 use is immediately adjacent to the rear of the property, and fronted by LaLoma Avenue, a heavily traveled street and main arterial into Modesto from the eastern section of Modesto; that it was only through proper zoning that his client can realize the full and best use of the parcel.

Mr. Halley read a letter from F. M. Brack, which stated that Mrs. Lengyel's property should be rezoned C-1 forthwith on the basis that the property cannot be advantageously or intelligently used for residential purposes. The letter was filed with the record of the hearing.

The City Clerk read the letters from H. W. Jorgensen and Bernard F. Farr requesting that the property be rezoned to C-1.

The following spoke in favor of the rezoning: Mrs. Davenport, owner of property at LaLoma and North Santa Cruz Avenue; Chet Spearing, Covena Avenue, and Robert Grant, owner of commercial property in the area.

The following spoke in opposition to the proposed rezoning:

Gladys Brubaker, 149 North Santa Barbara; Mrs. Lloyd Kint, 201 North Santa Barbara.

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

The effect of C-1 zoning adjacent to R-1 property on valuation of the R-1 property was discussed.

RESOLUTION NO. 64-274

A RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION DENYING THE REQUEST OF SYBIL LENGYEL TO AMEND SECTION 27 OF THE ZONING MAP AS DESCRIBED IN RESOLUTION NO. 64-41 ADOPTED BY THE PLANNING COMMISSION ON THE BASIS OF THE FINDINGS SET FORTH IN SAID RESOLUTION

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

HEARING ON PROPOSED AMENDMENT TO SECTION 20 OF THE ZONING MAP (GALAS BROS.) 6-35

Mayor Johansen announced that the hour of 8:10 P.M. had arrived, the time set for consideration of the proposed rezoning of property located on the north side of Mensinger Avenue, 190 feet from the center line of McHenry Avenue and continuing 52' westerly therefrom, from R-1 to C-2, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on May 14, 1964 and notices posted and delivered in the area on May 11, 1964. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 64-44 adopted April 21, 1964 recommends that the property on the north side of Mensinger Avenue adjacent to the C-2 zoning on McHenry be zoned from R-1 to C-2, as per sketch on file in the office of the Planning Director.

Director of Planning Fey indicated on a map the portion of the property which the Planning Commission approved for rezoning.

Gerald Underwood, attorney, 1415 H Street, representing Galas Brothers, stated that all his client asked the Planning Commission was that he be accorded the same treatment as property owners to the south; that his client was willing to accept the rezoning as approved and go back to the Board of Zoning Adjustment at such time as he desires to develop the balance of the property.

Charles Finley, 1109 McHenry, quoted an article from the Readers Digest entitled "An Educated Guess," by William Nichols.

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

ORDINANCE NO. 658-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 20 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (GALAS BROS.)"

was introduced and ordered published as required by the Charter.

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

HEARING ON PROPOSED AMENDMENT TO SECTION 27 OF THE ZONING MAP (WILSON) 6-115

Mayor Johansen announced that the hour of 8:15 P.M. had arrived, the time set for consideration of the proposed rezoning of property located on the north side of Yosemite Boulevard, east of Santa Barbara Avenue, west of La Loma, and south of Miller Avenue (Blocks 2086 and 2088A) from C-1 to C-2, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on May 14, 1964 and notices posted and delivered in the area on May 11, 1964. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 64-42 adopted April 21, 1964 recommends that a portion of the rezoning requested be approved.

Director of Planning Fey indicated the area originally requested for rezoning and the area recommended for rezoning by the Planning Commission.

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

ORDINANCE NO. 659-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 27 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (WILSON)"

was introduced and ordered printed as required by the Charter.

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

HEARING ON PROPOSED AMENDMENT TO SECTION 16 OF THE ZONING MAP (QUINTANA) 6-29

Mayor Johansen announced that the hour of 8:20 P.M. had arrived, the time set for consideration of the proposed rezoning of property located on the northeast corner of McHenry and Tokay Avenues from R-1 to C-2, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on May 14, and notices posted and delivered in the area on May 11, 1964. Two letters opposing the rezoning were filed with the City Clerk - from Mr. and Mrs. Robert J. Fuxa, 218 Brian Court, and Elwyn and Dolores Miller, 214 Phillip Court.

Planning Commission Resolution No. 64-45 recommends that the area be rezoned subject to an agreement with the City covering the following development standards: (a) Front, side, and rear setbacks; (b) Landscaping; (c) Fencing; (d) Access points.

Director of Planning Fey stated that the rezoning to C-2 was recommended by the Planning Commission subject to the same agreement with the City signed by the applicant in connection with the rezoning of the Briggs

property across the street, except that the physical relationship of this property to adjacent residential properties was slightly different - dedication of right of way for McHenry Avenue to achieve a 55 foot dimension from the center line; a building setback line of 75 feet; construction of a six foot solid block wall on the east property line adjacent to the residential uses and on the south property line which is across the street from residential uses; development of a ten-foot planting strip on McHenry Avenue, corresponding with the requirement for the Briggs property; a 15-foot planter on Tokay Avenue on the south side of the property; a 30-foot side-yard setback on the north property line; on the rear, instead of a 40-foot building setback line, a 50-foot setback line is recommended with a series of trees to be planted on the rear property line adjacent to the wall to protect the adjacent residential properties.

Copies of a letter from Charles V. Jeffers, Realtor, dated May 25, 1964, subject, "Overholtzer Parcel Agreement City of Modesto - Quintana," were furnished the Council, a copy of which is filed with the record of the minutes. The letter listed exceptions to the proposed agreement and asked that a conference be arranged at the convenience of city officials to discuss the differences.

Linn Alexander, President, Quintana, Inc., Russ Building, San Francisco, stated that he basically agreed in principle to the terms of the agreement, and felt that the differences could be worked out.

The following spoke in opposition to the proposed rezoning: Richard Spriggs, 156 Tokay Avenue; Paul Snider, 214 Phillip Court; Robert Fuxa, 218 Brian Court; Mrs. Leonard Day, 148 Tokay Avenue, asked that home owners also be permitted to meet with the staff. The City Manager stated that a time would be set for the requested meeting before the matter is again placed on the agenda; Mrs. Dolores Miller, 214 Phillip Court; Dr. Wallace Ruch, 140 Ribier, asked for an itemization of uses permitted under C-2 zoning; Mrs. Cecil Brown, 217 Phillip Court, expressed concern over empty lots near her home which abut the area proposed for rezoning.

Mr. G. Dale Smith, 302 Northwood Drive, expressed his approval of a meeting of the neighbors with the staff and developer to discuss the details of the proposed rezoning. Mr. Smith reviewed past Planning Commission policies established in connection with strip zoning and zoning of property along major streets. He mentioned the importance of R-2 or R-3 buffer zones between commercial and residential zoning. He said he would welcome the Council establishing a zoning policy and adhering to it, with consideration being given to adjacent residential areas.

MOTION

That the hearing be continued to June 8, 1964 at 8:30 P.M.

Moved by Mitchell Seconded by Patton Unanimously carried

The staff was directed to furnish the Council a copy of the proposed agreement with Quintana, Inc.

The City Clerk was directed to notify each of the individuals appearing at the hearing of the date of continuation of the hearing.

HEARING ON AUTHORIZING PUBLIC WORKS TO POST PROPERTY - CURB AND GUTTER (EAST SIDE OF SEMPLE STREET)

Mayor Johansen announced that the hour of 8:30 P.M. had arrived, the time set for consideration of the proposed requirement of construction of curb and gutter on the east side of Semple Street (All of Lots 26 and 27, Block 577) and opened the hearing.

The City Clerk reported that J. C. Cooper, 1605 Stetson Avenue, owner of the property, was notified of the hearing on May 12, 1964 and the property posted on the same day.

. An Affidavit of Service indicating that the property was posted was filed with the record of the minutes.

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

RESOLUTION NO. 64-275

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF CURB AND GUTTER ALONG CERTAIN STREETS IN THE CITY OF MODESTO (EAST SIDE OF SEMPLE STREET)

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

ACCEPT IMPROVEMENTS IN CRESTWOOD TERRACE NO. 3 SUBDIVISION AS COMPLETE AND AUTHORIZE THE CITY CLERK TO RELEASE SUBDIVISION IMPROVEMENT BOND

RESOLUTION NO. 64-276

A RESOLUTION AUTHORIZING THE RELEASE OF MODESTO SAVINGS AND LOAN ASSOCIATION ASSIGNMENT FILED TO GUARANTEE IMPROVEMENTS IN CRESTWOOD TERRACE NO. 3 SUBDIVISION

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

CONSIDER CHANGING VALIDATED PARKING FEE FROM 15¢ PER HOUR TO 5¢ PER 20 MINUTES

The City Manager read a letter from Bill Bair, President, Downtown Modesto Association, dated May 21, 1964 requesting that rates on validated lots be changed from a straight 15 cents per hour to 5 cents per 20 minutes.

Copies of a memorandum from the Director of Parking and Traffic dated May 21, 1964, subject, "Downtown Merchants' Association Proposed 5¢ per 20-minutes Parking Charge on Validated Parking Lots," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. The memorandum indicated that the 5 cents per 20-minute rate would cause a loss of income on the original three validated lots of over $9,000 per year.

Mr. C. Giovanetti, Manager, Long's Drug Store, filed with the City Clerk a petition signed by 98 merchants on 10th, 11th, I and J Streets requesting that parking meters be returned to the City parking lot on 9th Street between I and J Streets, with an added statement that the undersigned would prefer one hour free parking. A petition signed by 2,428 customers favoring the return of parking meters to the 9th Street validated parking lot was also filed with the City Clerk.

Mr. Giovanetti listed objections of the merchants and customers to validated parking at the 9th Street lot.

Mr. Giovanetti was informed that the Director of Parking and Traffic was submitting a six-months report on validated parking requested by the Council which will be submitted during the first part of June; also, that the Advisory Committee on Parking and Traffic was presently making an overall study of downtown parking problems, with a report due in the latter part of June.

The following spoke in opposition to validated parking on the 9th Street lot: Ed Kaufman, 1829 Gulf Stream, operator of the 88 Cents Store; Lee Davis, Tiffan's Jewelers.

Lack of organization among downtown merchants was discussed.

MOTION

That no action be taken on the request for elimination of validated parking in the 9th Street lot and request for change in validated parking rates until a report is received from the Advisory Committee on Parking and Traffic

Moved by Hughes Seconded by Tabbert Unanimously carried

The downtown merchants were asked to get together to make a decision as to what they really wanted in connection with downtown parking so that continual conflicting requests are not submitted to the Council.

Director of Parking and Traffic Carmody was directed to furnish Mr. Giovanetti a copy of his six-months report on validated parking when available.

Hy Youngheim, Chairman, Downtown Modesto Association parking, stated that he was agreeable to postponing action on the request of the Association for Council consideration of changing the validated parking fee from 15¢ per hour to 5¢ per 20 minutes.

AMENDMENT TO ORDINANCE 655-C.S. RELATING TO PARKING METER CHARGES (To correct clerical error)

MOTION

That Ordinance No. 655-C.S. introduced May 18, 1964, and published in the Modesto Tribune on May 21, 1964 be amended as set forth below, and the City Clerk requested to republish the ordinance as amended: That subsection (c) of Section 3-2.1504 of the Municipal Code under the rates of fees for parking in the parking meter zones be amended to read as follows: (c) PM-3 Five (5¢) per one hour or fraction; That subsection (i) of Section 3-2.1504 of the Municipal Code under the rates of fees for parking in the parking meter zones be amended to read as follows: (i) PM 9 Five (5¢) per one-half (1/2) hour or fraction

Moved by Hughes Seconded by Patton Unanimously carried

REQUEST FOR VARIANCE TO PERMIT INSTALLATION OF ONE 40-FOOT CURB CUT ON "E" STREET BETWEEN 9TH AND 10TH STREETS 12-90

RESOLUTION NO. 64-277

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF THE MILK PRODUCERS' ASSOCIATION OF CENTRAL CALIFORNIA FOR VARIANCE TO PERMIT INSTALLATION OF ONE 40-FOOT CURB CUT ON "E" STREET BETWEEN NINTH STREET AND TENTH STREET

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

June 1, 1964 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND AMENDMENT TO ZONING REGULATIONS

RESOLUTION NO. 64-278

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF THE PLANNING COMMISSION FOR AMENDMENTS TO ZONING REGULATIONS

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

June 22, 1964 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

SIX-YEAR CAPITAL IMPROVEMENT PROGRAM

Director of Planning Fey stated that the six-year capital improvement program and a modified program for the first year would be presented for Council review next week.

APPROPRIATION TRANSFERS

RESOLUTION NO. 64-279

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $1,943 - CITY ATTORNEY - ACCUMULATED VACATION TIME (ACCOUNT 110-13)

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

WATER SYSTEM - MEAT PACKING AREA

The City Manager reported that in accordance with an agreement with the meat packers, the funds required were paid to the City; that it was now necessary to transfer the funds from the General Fund to accounts for the installation of two new wells (Pump Station No. 29 and No. 39).

RESOLUTION NO. 64-280

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $35,000 FOR TWO WELLS - MODESTO SOUTH SIDE PROJECT

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

RESOLUTION NO. 64-281

A RESOLUTION APPROPRIATING ADDITIONAL REVENUES FOR EXPENDITURE DURING THE 1963-64 FISCAL YEAR AND ALLOCATING THEM FOR CAPITAL OUTLAY PURPOSES

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

OPEN SPACE LAND FUND APPLICATION - FOURTH HIGH SCHOOL COMMUNITY PARK-UNANIMOUS CONSENT ITEM

Copies of a memorandum from the City Manager dated May 22, 1964 subject, "Two Special Notes," pertaining in part to the City's application for Open Space Land Funds for the fourth high school community park, were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes.

RESOLUTION NO. 64-283

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"

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

REPORT ON OPENING OF BIDS FOR CONTROL TOWER - UNANIMOUS CONSENT ITEM

The City Manager reported that Airport Manager Sham was present for the opening of bids for the City- County Airport control tower. Five bids were received, with the low bid submitted by Inter-State General Contractors for $297,645. This figure does not include construction of the remote transmitters and towers.

PROPOSED ADDITION TO THE REPORT OF COUNCILMAN KEITH TABBERT RELATIVE TO THE LOCAL AGENCY FORMATION COMMISSION

With the unanimous consent of the Council, this matter was held over for one week.

NOTIFICATION BY THE SOUTHERN PACIFIC AND SANTA FE RAILROADS OF REDUCTION IN PASSENGER TRAINS THROUGH THE SAN JOAQUIN VALLEY

Copies of the notice of the application of Southern Pacific and Santa Fe railroads filed with the Public Utilities Commission to reduce passenger train service through the San Joaquin Valley from a total of ten to six daily trains, were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. No action was taken by the Council.

REPORT ON STREET TREE EASEMENT ON COLLEGE AVENUE

Copies of a memorandum from the Director of Public Works dated May 21, 1964, subject, "Progress Report - Street Tree Easements on College Avenue between Stoddard and Coldwell," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. The memorandum indicated that three of the twenty-one property owners involved have granted tree planting easements.

Director of Public Works Campbell said it was proposed to plant trees at least one year before the removal of existing trees; that it was hoped to acquire the easements before the coming winter. The Capital Improvement Program now being considered by the Planning Commission proposes reconstruction of this section of College Avenue during fiscal year 1965-66.

ADJOURNMENT

MOTION

That the meeting now in session adjourn to executive session to consider personnel matters pertaining to the office of the City Attorney

Moved by Mitchell Seconded by Patton Unanimously carried

The meeting adjourned at 10:46 P.M.

ATTEST: REX E. GAILFUS, City Clerk

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, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Johansen presiding, to consider the preliminary budget for fiscal year 1964-65.

The City Clerk called the roll:

Present: Councilmen: Hughes, Mitchell, Tabbert, ~~Patton~~, Mayor Johansen
Councilman Patton arrived at 4:18 P.M.

Absent: Councilmen: Shastid, VanderWall

SUBMISSION OF REPORTS

The following reports were distributed to the Council: Memorandum from the Director of Parks and Recreation dated May 26, 1964, subject, "Golf Course Report"; memorandum from Director of Public Works dated May 26, 1964, subject, "Recommendation to Increase Charges at City-County Airport"; memorandum from Deputy City Manager dated May 25, 1964, subject, "Consideration of revisions in City of Modesto water rates."

GOLF COURSE REPORT

The memorandum from the Director of Parks and Recreation, dated May 26, 1964 subject, "Golf Course Report," was read by the City Manager. The Director of Parks and Recreation recommended that if the Council approves the Planning Commission recommendation for the construction of the driving range, that one of the three proposals for increasing revenues listed in the memorandum be adopted, with further recommendation that at the time of the completion of the driving range, the golf professional's contract be renegotiated because of the additional revenue anticipated, and that this contract also be renegotiated at the time of the construction of the club house. Attached to the memorandum are fee comparisons of golf courses of other cities and a breakdown of rounds played by type during the 1962-63 fiscal year.

The City Manager stated that alternate No. 1 was proposed by the staff; that alternates 2 and 3 were proposed by the Modesto Golf Club to increase golf course revenues.

The alternate proposals were discussed by the Council.

Miss Grogan stated that a deficit of about $7,000 was expected this fiscal year in the operation of the golf courses.

Renegotiation of the golf professional's contract was discussed.

A motion introduced by Councilman Patton that alternate proposal No. 2 (a combination of a $1 price increase on monthly tickets, plus 25¢ per individual round played) died for lack of a second.

MOTION

That student tickets for golf course play be increased from $4 to $5; family tickets be raised from $16 to $18; individual tickets be increased from $12 to $13; that all individual rounds be increased by 25¢

Moved by Patton Seconded by Hughes Unanimously carried

The staff reported that the above increases will produce additional revenue in the amount of approximately $15,800.

MOTION

That the staff be directed to gather information in order to renegotiate the golf pro's contract with the City

Moved by Mitchell Seconded by Patton Unanimously carried

RECOMMENDED INCREASE OF CHARGES - CITY-COUNTY AIRPORT

A memorandum from the Director of Public Works dated May 26, 1964, subject, "Recommendation to Increase Charges at City-County Airport," was read by the City Manager. Attached to the memorandum is a report of present and proposed sources of revenue for the various airport activities.

The proposed increases in fees were discussed by the Council.

MOTION

That the staff be directed to prepare the necessary documents to effect rate increases at the Modesto City-County Airport as recommended by the Director of Public Works in memorandum dated May 26, 1964, subject, "Recommendation to Increase Charges at City-County Airport, effective July 1, 1964

Moved by Mitchell Seconded by Hughes Unanimously carried

CONSIDERATION OF REVISIONS IN CITY OF MODESTO WATER RATES

The City Manager read a memorandum from the Deputy City Manager dated May 25, 1964, subject, "Consideration of revisions in City of Modest water rates." Recommendations were made that no change be made in the City's rate for flat rate water services; that no changes be made in charges for water service connections since these charges are considered to be adequate to cover all costs. Recommendation was made that some thought be given to minor revisions in charges for metered water services and that revisions should be made in the City's water main extension policy to provide that a portion of the cost be paid in advance before water mains are extended.

The City Manager recommended that metered water rates be increased to 65¢ per thousand cubic feet for water used in excess of 50,000 cubic feet.

The proposed increase in metered water services was discussed.

The staff was directed to furnish a comparison of water rates for neighboring cities - Ripon, Turlock, Oakdale, Riverbank, etc.

Deputy Manager Ray stated that other reports dealing with water services would be forthcoming - comparison of city and private water utilities, requested by the Council at the time the Brown and Caldwell report was reviewed; a report on water main extensions for new subdivisions, also requested by the Council; a report on sewer rates. Mr. Ray said that Public Works Department also has under consideration a proposal to change the Code so that meters above 2" will be provided and maintained by the City, with proper charges involved. Meters over two inches are presently being supplied by the customers and are supposed to be maintained by the customer and has resulted in loss of revenue to the City because of the difficulty in getting the meters properly maintained.

The staff was directed to furnish the Council a report giving an estimate of additional revenues to be derived if the metered water rates are increased to 65¢ per thousand cubic feet for water used in excess of 50,000 cubic feet.

No action was taken by the Council on the recommendation that the water main extension policy be revised to provide that a portion of the cost be paid in advance before water mains are extended, pending receipt of a report from the Deputy City Manager on the experiences of other cities.

HOTEL - MOTEL ROOM TAX

The staff was directed to place this item on the June 1, 1964 agenda.

ADJOURNMENT

MOTION

That the Council meet in executive session to consider matters pertaining to the office of the City Attorney and the meeting adjourn to May 28, 1964 at 4:00 P.M.

Moved by Patton Seconded by Mitchell Unanimously carried

The meeting adjourned at 5:38 P.M.

ATTEST: _____
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in special adjourned session this date at 4:00 P.M. as provided by Section 2-1.02 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Johansen presiding, to further consider the preliminary budget for fiscal year 1964-65.

The City Clerk called the roll:

Present: Councilmen: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen

Absent: Councilmen: VanderWall

PRESENTATION OF REPORTS

Copies of a memorandum from the Director of Finance dated May 28, 1964, subject, "Revenue from Proposed Water Rate Increase," and a tabulation from the Deputy City Manager, subject, "Comparative Water Rates, Ten Central Valley Cities," prepared from data obtained March, 1964 were furnished the Council, and copies filed with the record of the minutes. These reports were requested by the Council at the May 26, 1964 meeting.

Comparative rates per 100 cubic feet for quantities used in excess of 50,000 cubic feet per month were discussed.

MOTION

That the water rate per 1,000 cubic feet for quantities in excess of 50,000 cubic feet per month be increased to 70 cents

Moved by Patton Seconded by Hughes

The motion failed to carry, Councilmen Mitchell, Tabbert and Mayor Johansen dissenting.

MOTION

That the above motion be amended that the water rate per 1,000 cubic feet for quantities in excess of 50,000 cubic feet per month be increased to 65 cents

Moved by Mitchell Seconded by Tabbert

The motion failed to carry, Councilmen Hughes, Patton and Shastid dissenting.

MOTION

That the water rate per 1,000 cubic feet for quantities in excess of 50,000 cubic feet per month be increased to 65 cents

Moved by Patton Seconded by Shastid Unanimously carried

SUPPLEMENTAL REQUESTS

CITY ATTORNEY - p. 21

No action was taken by the Council on the supplemental requests of the City Attorney's office pending the hiring of a new city attorney.

PLANNING - p. 25

Salaries and Wages, Part-time, $3,800
Equipment Rental Charges, $224

At the recommendation of the City Manager, no action was taken by the Council on the above supplemental requests, the Council to consider the requests at such time as the services can be utilized.

Map File Indexer - Storage Cabinet 2-95

MOTION

That the supplemental requests of the Planning Department for a map file indexer and storage cabinet be approved

Moved by Shastid Seconded by Tabbert Unanimously carried

RESOLUTION COMMENDING CITY ATTORNEY GRIMES

MOTION

That the matter under consideration be considered a budgetary matter

Moved by Mitchell Seconded by Shastid Unanimously carried

RESOLUTION NO. 64-285

A RESOLUTION COMMENDING ALLEN GRIMES FOR HIS OUTSTANDING AND DEDICATED SERVICES AS CITY ATTORNEY TO THE CITY OF MODESTO, AND RECOGNIZING HIS INVALUABLE CONTRIBUTION TO THE CITY AS ITS FIRST FULL-TIME CITY ATTORNEY

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

FIRE DEPARTMENT - p. 27

MOTION

That the supplemental requests of the Fire Department for salaries and wages and uniform allowance for an additional fire engineer to man Fire Station No. 5, and rental charges for a pickup for use by the Fire Prevention Bureau be approved

Moved by Patton Seconded by Hughes Unanimously carried

POLICE DEPARTMENT - p. 22

MOTION

That the supplemental requests of the Police Department be approved as requested

Moved by Patton Seconded by Tabbert Unanimously carried

PUBLIC WORKS - INSPECTION - p. 39

The City Manager read a letter from the Director of Public Works dated May 28, 1964, subject, "Plumbing Permits for Washing Machines," recommending that the Municipal Code be amended to eliminate the requirement of permits for washing machine installations and subsequent city inspection. Amendment of the Code will permit elimination of the supplemental request to hire an inspector to check washing machine installations on Saturdays ($775). The City Manager stated that a proposed ordinance amending the Code would be placed on the agenda of a regular meeting within a short time.

PUBLIC WORKS - ENGINEERING AND ADMINISTRATION - p. 38

The proposed purchase of a radio from Civil Defense budget for use in the Sewers Division was discussed.

MOTION

That the supplemental request for M & R, Equipment, Other, in the amount of $54 be approved

Moved by Tabbert Seconded by Patton Unanimously carried

PUBLIC WORKS - ELECTRICAL - p. 40

The need for an electrician to train for nine months to replace a retiring electrician was discussed.

The possibility of contracting services for the maintenance of traffic signals was discussed.

MOTION

That the supplemental requests of the Public Works - Electrical in the amount of $9,780 be approved

Moved by Patton Seconded by Mitchell Unanimously carried

PUBLIC WORKS - STREETS - p. 43

The supplemental request that the alley between Eleventh and Twelfth Streets from I to J and from J to K be reconstructed at a cost of $5,500 was discussed.

Director of Public Works Campbell stated that the City has never maintained oiled alleys except to take care of obviously dangerous conditions; that it has been the policy of the City to maintain all paved streets and alleys.

Deputy Manager Ray stated that the alleys under discussion are considered as being paved; that when maintenance expense reaches the point where it is no longer feasible, the street or alley is reconstructed.

No action was taken on this supplemental request, the Council indicating that it wished to check the alleys before reaching a decision.

The staff was directed to report to the Council the origin of the City's policy to maintain paved alleys. An excerpt from a memorandum prepared by the City Attorney was read by Mr. Campbell: "However, the City is responsible for any damage that may be sustained by any person as a result of a dangerous and defective condition which may exist in the alley as provided in the public liability legislation adopted in 1963."

The staff was asked if this liability was only because the City obviously appears to assume responsibility for maintenance; if the City had not assumed responsibility for maintenance, would the City be liable? Is the City liable for any alley, whether paved or unpaved?

PUBLIC WORKS - GARDEN REFUSE - p. 46

MOTION

That the supplemental request for two additional men for the period from June to November in the amount of $4,212 be approved

Moved by Patton Seconded by Mitchell Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session adjourn to June 2, 1964 at 4:00 P.M.

Moved by Tabbert Seconded by Mitchell

The meeting adjourned at 5:35 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, 801 11th Street, as provided by Section 2-1.01 of the Modesto Municipal Code, Mayor Johansen presiding.

The City Clerk called the roll:

Present: Councilmen: Mitchell, Patton, Tabbert, Mayor Johansen
Councilman Shastid arrived at 4:02 P.M.
Councilman Hughes arrived at 4:59 P.M.

Absent: Councilmen: VanderWall

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

Reverend John Becker gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Council members having received copies of the minutes of the regular meeting of May 18, 1964 and the special budget meetings of May 14 and 19, 1964 and the same being available for public inspection, and there being no objections, the minutes were approved.

CARD FROM COUNCILMAN VANDERWALL

A postcard from Councilman VanderWall who is attending a conference in New York City was read by Mayor Johansen.

LETTER FROM JERRY L. FERRERA, PRESIDENT, EMPLOYEES' ASSOCIATION, REGARDING PROPOSED "CLEAN UP MODESTO" CAMPAIGN

A letter from Jerry L. Ferrera dated May 22, 1964 offering volunteer services of the Modesto City Employees' Association for a "Clean Up Modesto" campaign on two Saturdays if the Council authorized use of city equipment, was read by the City Clerk. A suggestion was made that a central location be selected to permit citizens to bring their discards, with city employees on hand to process, load and haul the debris away.

The City Manager stated that the employees' offer had been considered by the staff and recommendations made that the new corporation yard site be designated as the collection depot, and that the rubbish be hauled from this site to the city dump; that automobile registrations be checked to establish city residence; that no salvaging be permitted at the corporation yard; and that a house-to-house pickup be held in about February of next year during the city crews' slack season.

MOTION

That the offer of the City Employees' Association to conduct a Clean-up Modesto campaign on two Saturdays be approved as recommended by the City Manager

Moved by Tabbert Seconded by Shastid Unanimously carried

LETTER FROM LEONARD SWARD, 1016 16TH STREET, REGARDING PURCHASE OF CITY PROPERTY 1-72

A letter from Leonard Sward dated May 22, 1964 stating that he would like to purchase a small city park located at the corner of 16th Street and Needham Avenue for use as a parking lot, was read by the City Clerk.

MOTION

That the matter be referred to the staff for further study as to the procedure to follow in offering the property for sale

Moved by Shastid Seconded by Patton Unanimously carried

LETTER FROM SCHOOL OF AMERICAN TAXPAYERS, INC., REGARDING APPOINTMENT OF CITY ATTORNEY

A letter from Max D. Hanney, President, School of American Taxpayers, Inc., dated May 28, 1964 recommending that the Council consider the appointment of a local qualified attorney to fill the position of City Attorney was read by the City Clerk.

Mr. Hanney spoke briefly in support of his request, stating that it was his opinion and that of other city residents, that any qualified attorney admitted to the bar was capable of handling city problems, and that every attorney specializing in municipal law had to start somewhere.

Mayor Johansen stated that the Council was evaluating all applications received and was attempting to secure the services of the best qualified individual.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE PLACEMENT OF SLURRY SEAL AT CITY-COUNTY AIRPORT AND VARIOUS RESIDENTIAL STREETS IN THE CITY

RESOLUTION NO. 64-286

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE PLACEMENT OF SLURRY SEAL AT THE CITY-COUNTY AIRPORT AND VARIOUS RESIDENTIAL STREETS IN THE CITY

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

June 16, 1964 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

The Director of Public Works listed the streets where the slurry seal will be applied. The City Manager stated that an appropriation transfer would be requested at a later date.

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR DEEP WELL PUMP AND ELECTRICAL EQUIPMENT FOR PUMP STATION NO. 18

RESOLUTION NO. 64-287

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING OF ONE DEEP WELL PUMP AND ELECTRICAL EQUIPMENT FOR PUMP STATION NO. 18

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

June 16, 1964 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 A COMFORT STATION AND STORAGE AREA AT GRACEADA PARK 2-70

RESOLUTION NO. 64-288

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF A COMFORT STATION AND A STORAGE AREA AT GRACEADA PARK

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

June 16, 1964 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 WATER LINES IN MEAT PACKING AREA

Director of Public Works Campbell stated that approximately $34,000 was being advanced by the meat packers towards the cost of the water lines, which will be reimbursed to the packers from water revenues over a period of time, approximately $9,000 will be realized by the City from connection fees, and the balance of the cost will be borne by the City. Total cost of the project is approximately $55,000.

RESOLUTION NO. 64-289

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN THE MEAT PACKING AREA

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

June 16, 1964 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 THE CONSTRUCTION OF PUMP HOUSES FOR WELLS NO. 29 AND NO. 30 (Meat packing area)

RESOLUTION NO. 64-290

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF PUMP HOUSES FOR WELLS NO. 29 AND NO. 30

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

June 16, 1964 at 2:15 P.M. in the City Clerk's office was set as the time and place for opening of bids.

REPORT ON BIDS OPENED MAY 25, 1964 FOR FURNISHING ONE NEW STREET SWEEPER

MOTION

That the request of the staff that award of bid for the new street sweeper be delayed be approved

Moved by Shastid Seconded by Mitchell Unanimously carried

CONSIDER RESOLUTION FOR THE PURCHASE OF ONE NEW ROTARY COMPRESSOR FROM THE RIX COMPANY, SAN FRANCISCO, LOW BIDDER

RESOLUTION NO. 64-291

A RESOLUTION ACCEPTING THE BID OF RIX COMPANY, SAN FRANCISCO, FOR ONE ROTARY AIR COMPRESSOR ($3,266)

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

CONSIDER APPROVAL OF PLANS AND SPECIFICATIONS FOR TWO 10,000 GALLON HYDRO-PNEUMATIC STORAGE TANKS (MEAT PACKING AREA)

RESOLUTION NO. 64-292

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING TWO 10,000 GALLON HYDRO-PNEUMATIC STORAGE TANKS (TO BE USED WITH WELLS NO. 29 AND 30)

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

June 16, 1964 at 3:30 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 RECONSTRUCTION OF ORANGEBURG AVENUE FROM TULLY TO McHENRY AVENUE

With the unanimous consent of the Council, this item was considered later in the meeting after consideration of Item 23 on the agenda.

HEARING ON CURB CUT VARIANCE, E STREET BETWEEN 9TH AND 10TH STREETS (MILK PRODUCERS' ASSOCIATION) 2-115

Copies of a memorandum from the Director of Public Works dated May 28, 1964, subject, "Request of the Milk Producers Association for a Variance to Permit the Construction of a 40' Driveway on "E" Street between 9th and 10th Streets," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. Mr. Campbell recommended that the 40' curb cut requested be approved and that the 16-foot driveway no longer required on 10th Street near E Street be replaced with curb, gutter and sidewalk. Mr. Campbell explained that due to city policy at the time this curb cut was granted, the driveway would be closed at city expense.

RESOLUTION NO. 64-293
A RESOLUTION GRANTING A DRIVEWAY VARIANCE TO MILK PRODUCERS' ASSOCIATION (authorizing closing of 16-foot driveway on 10th Street)

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

ADOPTION OF ORDINANCE NO. 655-C.S. RELATING TO PARKING METER TIME AND RATE OF FEES 3-12

ORDINANCE NO. 655-C.S. entitled
"AN ORDINANCE AMENDING SECTION 3-21504 OF ARTICLE 15 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO PARKING METERS AND REPEALING SECTION 8 OF ORDINANCE NO. 648-C.S."

introduced May 18, 1964 and amended May 25, 1964, and having been published as required, was moved and adopted. (Effective date, July 1, 1964)

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

ADOPTION OF ORDINANCE NO. 653-C.S., AMENDING ZONING MAP 28, GHILOTTI (LUCERN AND EL VECINO, FROM P-D 11 TO R-1)

ORDINANCE NO. 653-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 28 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (P-D 11- GHILOTTI) AND REPEALING ORDINANCE NO. 542-C.S. ENTITLED, 'AN ORDINANCE AMENDING SECTION MAP 28 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (GHILOTTI)'"

introduced May 18, 1964 and having been published as required, was moved and adopted. (Effective date, July 1, 1964)

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

ADOPTION OF ORDINANCE NO. 654-C.S. AMENDING ZONING MAP NO. 8, KIRKPATRICK - STANDIFORD AVENUE

ORDINANCE NO. 654-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 8 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (KIRKPATRICK)"

introduced May 18, 1964 and having been published as required, was moved and adopted.

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

ADOPTION OF ORDINANCE NO. 656-C.S. AMENDING ZONING MAP NO. 8, STONE BROTHERS - STANDIFORD AVENUE

ORDINANCE NO. 656-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 8 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (STONE BROS. REAL ESTATE)"

introduced May 18, 1964 and having been published as required, was moved and adopted. (Effective date, July 1, 1964)

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

ADOPTION OF ORDINANCE NO. 657-C.S. AMENDING ZONING MAP 19, WOO PROPERTY, AT CARVER ROAD AND PEARL STREET

ORDINANCE NO. 657-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 19 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (WOO)"

introduced May 18, 1964 and having been published as required, was moved and adopted. (Effective date, July 1, 1964)

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

CONSIDER PARK FEES FOR STRATHMORE SUBDIVISION NO. 2 3-30

With the unanimous consent of the Council, this matter was held over to be considered with full Council attendance.

AUTHORIZE CITY ATTORNEY TO FILE CONDEMNATION SUITS AGAINST GEORGE C. AND JEAN M. KEMPLE; JOSEPH AND MARGIE HENRIQUES

RESOLUTION NO. 64-294
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 (South side of Orangeburg west of Sycamore Avenue - Kemple)

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

RESOLUTION NO. 64-295
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 (South side of Orangeburg west of Sycamore Avenue - Henriques)

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

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE RECONSTRUCTION OF ORANGEBURG AVENUE FROM TULLY TO McHENRY AVENUE
(Carried over from earlier in meeting)

RESOLUTION NO. 64-296
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR RECONSTRUCTION OF ORANGEBURG AVENUE FROM TULLY TO McHENRY AVENUE

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

JUNE 16, 1964 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

CONSIDER AUTHORIZING STAFF TO NEGOTIATE FOR INSTALLATION OF CATHODIC PROTECTION SYSTEM IN THE 600,000 GALLON ELEVATED TANK

Copies of a memorandum from the Assistant Director of Public Works dated May 28, 1964, subject, "Cathodic Protection for 600,000 Gallon Elevated Water Tank," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. Recommendation was made that the Purchasing Officer be authorized to issue a purchase order for installation of the system, and that the Public Works Department be authorized to negotiate a service agreement with Electro Rust-Proofing Corporation to cover annual inspection and testing of the system.

RESOLUTION NO. 64-297
A RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF CATHODIC PROTECTION SYSTEM AT THE 10TH AND D STREETS WATER TANK WITHOUT CALLING FOR BIDS, AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER THEREFOR, AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE A SERVICE AGREEMENT WITH THE ELECTRO RUST-PROOFING CORPORATION

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

ACCEPT AS COMPLETE ANDREW P. RASMUSSEN'S CONTRACT FOR CONSTRUCTION OF SUBTRUNK SEWER ON NORWEGIAN AVENUE, EAST OF POTTER AVENUE

RESOLUTION NO. 64-298
A RESOLUTION ACCEPTING THE CONSTRUCTION OF SUBTRUNK SEWER ON NORWEGIAN AVENUE EAST OF POTTER AVENUE

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

Councilman Hughes arrived at 4:59 P.M.

CONSIDERATION OF PROPOSED HOTEL ROOM TAX 3-110

Councilman Mitchell reviewed a memorandum from the League of California Cities dated May 20, 1964, subject, "Hotel Room Tax." The memorandum indicated that during the 1963 session of the Legislature, the League of California Cities and the Supervisors Association of California co-sponsored enabling legislation to permit cities and counties to impose a 4% hotel occupancy tax and indicated that if cities and counties did not take the opportunity afforded to broaden the local tax base and to reduce or hold down property taxes, it was quite likely that the State might enter this field of taxation.

Councilman Mitchell said that the matter has been under discussion for three or four months at the local level; that the various county cities and the Board of Supervisors considered the proposed tax at a joint city-county meeting of the Committee three or four months ago, with no action taken at that time; that the hotel and motel operators should be protected from com-

petitive factors and if adopted by the City, certainty made that areas immediately outside the City are subject to the same legislation imposed by the County. He also urged that if the tax is adopted by the City and County, serious consideration be given to earmarking the funds for the promotion of tourism in the City and County, encouraging conventions, providing facilities for such conventions, and for other promotional purposes of benefit to the City and the County.

Fred C. Freiten, Executive Vice President of the California Motel Association, representing local motel owners, stated that the basis of the motel owners' opposition to the tax was the fact that this would be the only tax wherein the taxpayer may exercise a choice as to whether or not he will pay the tax by selecting accommodations inside or outside the tax area. Mr. Freiten stated that two and one-half weeks ago he was authorized by the Governor's office to state without equivocation that the Governor has no plans and his office has no plans for the introduction of statewide room tax legislation; that such a program would be in conflict with the Governor's signing the enabling act less than a year under which general law cities are allowed to impose the tax; that it was his opinion that any fears that the State is about to preempt this field are groundless.

Mr. Freiten listed the various ways in which motel business would be injured if the tax is imposed. He discussed the experience of Bakersfield, which has had the tax in effect since 1958, stating that it has the highest bankruptcy rate in the State; of the seven new motels constructed since 1958, six have been built just outside the city limits, depriving the City of the room tax plus the ad valorem tax revenue. He asked that the Council not jeopardize the motel business in Modesto by adopting the legislation for revenue which, according to his figures, would be less than $10,000 per year. This figure was based on Mr. Freiten's comparison of Modesto's 444 rooms and Fresno's 2,492 rooms which in one year derived a revenue of $62,000 for Fresno.

Mr. Freiten was questioned on the revenue figure given of $62,000 for the City of Fresno in comparison to the $162,000 figure given in the League bulletin; also on his statistics on the number of transient rooms and possible yearly revenue in the City of Modesto compared with the report submitted by the City Manager.

A motion introduced by Councilman Mitchell, seconded by Mayor Johansen that the Council take no formal action at this time, that the Board of Supervisors and other cities in the County be notified that Modesto is in favor of adopting the 4% room tax and allocating the funds for the promotion of tourism, provision of auditorium facilities for conventions and similar purposes, if the 4% room tax is also adopted by the Board of Supervisors, was later withdrawn by Councilman Mitchell and Mayor Johansen.

Max Hanney, 101 McHenry, owner of the Capri Motel, voiced his objections to the proposed tax, asked the Council to consider the motels affected by the shift in traffic occasioned by the rerouting of the freeway. He outlined his financial experience in operation of his motel.

The staff was directed to prepare a more thorough report of revenues and experiences of other cities who have adopted the tax, and to place the matter on the agenda again in about four or five weeks.

FORWARD MODESTO REPORT 7-110

Copies of memorandums from the City Manager dated May 27, 1964, subject, "Forward Modesto Committee '62 recommendations on which City Council action has not yet been taken," and "Follow-up action authorized by the City Council on recommendations of the Forward Modesto Committee '62," were furnished the Council, copies of which are filed with the record of the minutes.

Paul Birmingham, Chairman, Forward Modesto Committee, agreed with the suggestion of the Public Relations Committee that the Mayor, City Manager and Mr. Birmingham determine the method of procedure on the items already

tentatively approved; after this has been done, that the Mayor meet with the Chairman of the County Board of Supervisors to advise the Board of action taken by the City.

CONSIDER RESOLUTION APPROVING FIRE INSURANCE POLICY FOR NEW POLICE BUILDING

Copies of a memorandum from the Director of Finance dated May 28, 1964, subject, "Insurance: New Police Building," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. Recommendation was made that the separate interim policy covering the police building be purchased and a resolution approving an appropriation transfer in the amount of $390 be adopted.

RESOLUTION NO. 64-299

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $390 - FIRE INSURANCE PREMIUM FOR NEW POLICE BUILDING

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

CONSIDER ELIMINATION OF PERPENDICULAR PARKING ON P STREET

Copies of a memorandum from Director of Parking and Traffic Carmody dated May 28, 1964, subject, "P Street between 9th and Needham Streets," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. Recommendation was made that perpendicular parking on P Street be removed and replaced by 45° parking.

RESOLUTION NO. 64-300

A RESOLUTION AMENDING SECTION 2 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. 64-127
(Establishing 45° angle parking on P Street)

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

CAPITAL IMPROVEMENT PROGRAM

Copies of a memorandum from the City Manager dated June 2, 1964, subject, "Capital Improvement Program," with the Six-Year Capital Improvement Program attached, were distributed to the Council, a copy of which is filed with the record of the minutes.

MOTION

That the Six-Year Capital Improvement Program submitted by the Planning Commission be accepted

Moved by Shastid Seconded by Mitchell Unanimously carried

PROPOSED ANNEXATION OF WYLIE NO. 3 ADDITION

RESOLUTION NO. 64-301

A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS WYLIE NO. 3 ADDITION

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

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

REPORT FROM STANISLAUS COUNTY TAXPAYERS' ASSOCIATION - DATA PROCESSING STUDY - CITY OF MODESTO

Charles Breen, Stanislaus County Taxpayers' Association, presented to the Council a report entitled "Data Processing Study - City of Modesto," approved May 28, 1964. Mr. Breen stated that he would be present at the next budget session of the Council to duscuss the recommendation made in the report.

POSTPONEMENT OF BUDGET HEARING SCHEDULED FOR JUNE 2, 1964

Acting City Attorney Bienvenue stated that since June 2, 1964 was election day, and considered a holiday, pursuant to Government Code 54954, the regularly scheduled adjourned special meeting to consider the budget should be adjourned to the next business day, or June 3, 1964 at 4:00 P.M. Because of lack of a quorum on this day, the City Clerk was directed to adjourn this meeting to June 4, 1964 at 4:00 P.M.

LETTER OF THANKS TO NORTHERN CALIFORNIA GOLF ASSOCIATION AND UNITED STATES GOLF ASSOCIATION

MOTION

That the staff be directed to write a letter of thanks to the Northern California Golf Association and United States Golf Association for holding the qualifying rounds for the U.S. Open Golf Tournament in Modesto

Moved by Patton Seconded by Shastid Unanimously carried

REPORT FROM THE SALVATION ARMY OF SERVICES RENDERED FOR QUARTER ENDING MAY 31, 1964

The report from the Salvation Army of services rendered for the quarter ending May 31, 1964, in accordance with agreement with the City, was presented and ordered filed.

REPORT FROM INSURANCE COMPANY ON COMPLAINT AND SUMMONS SERVED ON CITY OF MODESTO - "HEIECK AND MORAN CASE"

A letter from Paul S. Sand, Claim Examiner, Great American Insurance Company dated May 20, 1964 acknowledging receipt of summons and complaint recently served upon the City in the case of Heieck and Moran vs. City of Modesto, was summarized by Acting City Attorney Bienvenu. The letter indicated that the summons and complaint have been referred to attorneys Cooley, Crowley, Gaither, Godward, Castro & Huddleson, 333 Montgomery Street, San Francisco, to defend the Action on behalf of the City. The City was placed on notice that the amount asked for in the complaint is in excess of the City's policy limit and if the City desired, it could employ counsel at its own selection and expense to represent the City's interests in the amount of the excess.

Director of Finance Bird stated that the City's umbrella policy was not in effect at the time of the happening listed in the above complaint.

No action was taken by the Council.

PROPOSED ADDITION TO THE REPORT OF COUNCILMAN KEITH TABBERT RELATIVE TO THE LOCAL AGENCY FORMATION COMMISSION WHICH WAS ADOPTED BY MOTION OF COUNCIL ON MAY 11, 1964

By Order of the Chair, this matter was held over for one week.

COMPARISON OF WATER SERVICE BY THE CITY OF MODESTO AND PRIVATE WATER COMPANIES OF THIS COMMUNITY

Copies of a report from the Deputy City Manager dated May 28, 1964, subject, "Comparison of Water Service by the City of Modesto and Private Water Companies of this Community," were furnished the Council and a copy filed with the record of the minutes.

Deputy Manager Ray stated that a report dealing with water main extension practices of other California cities would be furnished the Council on June 2, 1964.

By Order of the Chair, the staff was directed to place this item on the agenda of the June 8, 1964 meeting.

ADJOURNMENT

MOTION

That the meeting now in session adjourn to executive session to consider personnel matters pertaining to the office of the City Attorney

Moved by Patton Seconded by Mitchell Unanimously carried

The meeting adjourned at 6:07 P.M.

ATTEST: _____
REX E. GAILFUS, City Clerk

Modesto City Council
June 2, 1964

On the basis of a ruling by the City Attorney that June 2, 1964, primary election day, is considered a holiday pursuant to Government Code 54954, the adjourned council meet scheduled to convene on June 2, 1964 at 4:00 P.M., was adjourned to June 3, 1964 at 4:00 P.M., the next business day.

ATTEST: [signature]
REX E. GAILFUS, City Clerk

Modesto City Council
June 3, 1964

Due to the lack of a quorum, the special adjourned meeting of the Council scheduled for June 3, 1964 at 4:00 P.M., was adjourned by the City Clerk to June 4, 1964 at 4:00 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., as provided by Section 2-1.02 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Johansen presiding, to consider the preliminary budget for fiscal year 1964-65.

The City Clerk called the roll:

Present: Councilmen: Hughes, Mitchell, Shastid, Tabbert, Mayor Johansen
Councilman Patton arrived at 4:11 P.M.

Absent: Councilmen: VanderWall

SUPPLEMENTAL REQUESTS

PARKS & RECREATION - RECREATION - p. 31

MOTION

That the request for Salaries and Wages, Extra Help in the amount of $737 for the afterschool program at the Rose Avenue School be approved

Moved by Mitchell Seconded by Hughes Unanimously carried

Councilman Patton arrived at 4:11 P.M.

PARKS & RECREATION - PARKS - p. 34

MOTION

That the supplemental request for equipment rental charges for two 21" rotary mowers and an air broom in the total amount of $408 be approved

Moved by Shastid Seconded by Tabbert Unanimously carried

PARKS & RECREATION - DRYDEN GOLF COURSE - p. 37

MOTION

That the supplemental request for equipment rental charges for a power lawn edger in the amount of $56 be approved

Moved by Shastid Seconded by Hughes Unanimously carried

PUBLIC WORKS - STREETS - p. 43

Reconstruction of Alleys between 11th and 12th Streets from I to J and from J to K Streets

At the request of the City Manager, and with the consent of the Council, the supplemental request for the reconstruction of two alleys between Eleventh and Twelfth Streets from I to J and from J to K Streets was dropped. Mr. Keefe stated that a slurry seal would be applied to the alleys at a cost of about $270.

PARKING FUND - p. 55

MOTION

That the supplemental requests for a coin counter-sorter, M. & R., Office Equipment, and Present Lot Development in the total amount of $2,758 be approved.

Moved by Shastid Seconded by Patton Unanimously carried

Director of Parking and Traffic Carmody stated that the items would not be needed if validated parking is discontinued.

LIBRARY - p. 54

The supplemental requests for the Library were previously considered by the Council at the May 19, 1964 budget hearing with no action taken.

The City Manager stated that Librarian Hamilton had reversed his stand taken at the May 19th meeting at which time he stated that he thought that the two janitors presently employed could handle the janitorial service in all of the libraries if automatic sprinklers were installed at McHenry Library.

The duties of the janitors at the library, whose salaries are paid by the City, were discussed.

Director of Finance Bird stated that Account 240, Contractual Services, in the amount of $20,000 in the proposed budget for the Library, represents one-half of the salaries paid by the County for City library employees. Under the contractual agreement, the Librarian and his secretary are excluded. 100% of the janitorial services for the main and branch libraries is paid by the City.

The staff was directed to determine the amount budgeted for janitorial services under Account 240, Contractual Services.

MOTION

That the staff be directed to secure bids for contractual janitorial service for the main and three branch libraries

Moved by Patton Seconded by Hughes

The motion carried, Councilmen Mitchell and Tabbert dissenting.

MOTION

That the above motion be modified to instruct the staff to discuss the proposed action of the Council with the County Administrator and the Acting Librarian before proceeding with the securing of bids for contractual janitorial services for the main and three branch libraries

Moved by Shastid Seconded by Patton Unanimously carried

Sprinkler System - Library

MOTION

That the supplemental request for renovation of the sprinkler system at McHenry Library be approved in the amount of $275; that the supplemental request for a ladder in the amount of $100 be approved

Moved by Mitchell Seconded by Patton Unanimously carried

DISASTER AND CIVIL DEFENSE - p. 29

MOTION

That the supplemental request for radio equipment in the amount of $2,600 be approved

Moved by Shastid Seconded by Patton Unanimously carried

PUBLIC WORKS - SERVICE DIVISION - pp. 57-58

Seat belts

Councilman Mitchell stated that he was in favor of seat belts for all city cars, but felt that if purchased they should be used. He recommended that the staff be directed to have some type of an enforcement or promotional safety program to encourage general use of the seat belts.

MOTION

That all of the supplemental requests of the Public Works Service Division be approved

Moved by Mayor Johansen Seconded by Mitchell Unanimously carried

FIRE ALARM SYSTEM - MEAT PACKING AREA

The City Manager recommended that a fire alarm system be installed in the meat packing area at an estimated cost of $3,500.

Director of Public Works Campbell stated that this recommendation was contained in the original proposal for water lines in the meat packing area, but not in the agreement with the industries for installation of the water system; that the Board of Fire Underwriters has stated that installation of the water system in the area will bring the insurance rating up to the level of the rest of the City only if the fire alarm system is extended.

The Council discussed the following: Whether the City or the industries in the area should assume the cost of installaing the fire alarm system; leasing of a line from the telephone company by the meat packing industries instead of City installation; cost of installation of the line; the City's present policy of extending fire alarm lines to industries; monthly cost of leasing the lines; the effect of a change in city policy pertaining to fire alarm systems on future annexation of industrial areas.

MOTION

That the staff be instructed to find out the exact cost of the lease line from the meat packing area to the Communications Center; to try to work out details with the industries involved to pay for the lease line and the installation costs, to the end that there will be no further cost to the City

Moved by Patton Seconded by Shastid Unanimously carried

The staff was directed to review the entire matter and report to the Council.

STREET LIGHTING - POLICE-COMMUNICATIONS BUILDING

The City Manager stated that during construction of the police-communications building, street lighting was discussed and Council authorization given to install wiring for street lights when needed. Mr. Keefe read memorandums from Fire Chief Everett and Police Chief Bowers who pointed out the inadequacy of the present street lighting and recommendation made that the street lighting on 11th Street be extended from G Street south to F Street, and west on F Street to the alley. A memorandum from Deputy Manager Ray recommends that funds be budgeted in the amount of $1,640 for the installation of three mercury vapor street lights adjacent to the police-communications building, and one street light adjacent to the main fire station.

MOTION

That the supplemental request in the amount of $1,640 for street lighting be approved as recommended

Moved by Patton Seconded by Shastid Unanimously carried

A suggestion was made by the Council that as soon as funds and time permit, that street lighting throughout the entire City should be improved.

IDENTIFYING SIGN - POLICE-COMMUNICATIONS BUILDING

The staff was directed to check on the cost of erection of an identifying sign at the Police-Communications Building for report to the Council.

Lack of lighting in the industrial area on 10th and 11th Streets was discussed.

PUBLIC WORKS - SERVICE DIVISION - p. 57

Tractor and Mowers (Repl.) Account 5407

The City Manager recommended that this account be increased from $4,500 to $5,500.

MOTION

That Account 5407, Tractor and Mowers (Repl.) be increased from $4,500 to $5,500

Moved by Hughes Seconded by Patton Unanimously carried

PRESENTATION OF REPORT - PARKS, ACQUISITION AND DEVELOPMENT EXPENDITURES

Copies of a memorandum from the Director of Parks and Recreation dated June 3, 1964, subject, "Information requested by City Council concerning parks," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes.

DATA PROCESSING STUDY, STANISLAUS COUNTY TAXPAYERS' ASSOCIATION

Charles Breen, Secretary-Manager, Stanislaus County Taxpayers' Association, stated that the recommendation of the Association that the vacant position of tab operator be deleted has been concurred with by the Director of Finance; but that his concurrence did not reduce the Finance Department's total staff which the Association felt was in order. He recommended that a midyear review be made of staff requirements, as the Association felt that the work of the department could be carried on effectively with one less accountant position.

Mr. Breen stated that in order to clear the record, the executive committee of the County Taxpayers' Association had asked him to advise the Council that the statement made by the School of American Taxpayers pertaining to the hiring of a local attorney for the position of City Attorney did not represent the position of the Stanislaus County Taxpayers' Association. He suggested that the Council's past policy of hiring the best qualified man to do the job be followed.

Copies of a memorandum from the Director of Finance dated June 3, 1964, subject, "Data Processing Study by the Stanislaus County Taxpayers' Association," were distributed to the Council, a copy of which is filed with the record of the minutes.

ADJOURNMENT

MOTION

That the meeting now in session go into executive session to discuss personnel matters pertaining to the City Attorney's office and adjourn to June 9, 1964 at 4:00 P.M.

Moved by Mayor Johansen Seconded by Hughes Unanimously carried

The meeting adjourned at 5:38 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, as provided by Section 2-1.01 of the Modesto Municipal Code, Mayor Johansen presiding.

The City Clerk called the roll:

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.

A moment of silent prayer was observed.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the regular meeting of May 25, 1964, and the same being available for public inspection, and there being no objections, the minutes were approved.

SUGGESTION AWARD - ROY ALDERFER

Mayor Johansen presented a $50 award to Roy Alderfer, Public Works Department, for suggesting the use of a gate cap puller.

LETTER FROM ERNEST H. RICHARDS, 150 EAST ORANGEBURG AVENUE, APT. 21, REGARDING SIDEWALKS

A letter from Ernest H. Richards dated May 27, 1964 pointing out pedestrian hazards on Orangeburg Avenue due to the fact that in some instances the sidewalk area is obstructed with fences, shrubs and hedges, forcing pedestrians to sometimes walk in traffic lanes, was summarized by the City Clerk.

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

LETTER SIGNED BY SEVENTEEN MEMBERS OF BETA SIGMA PHI IN REGARD TO PROPOSED CIVIC AUDITORIUM

A letter from seventeen members of Beta Sigma Phi dated May 27, 1964 calling to the attention of the Council the lack of convention facilities in the City, was summarized by the City Clerk. The group indicated that it was in favor of a civic auditorium and will support an auditorium to the fullest.

The letter was ordered filed until such time as the civic auditorium is under active consideration. The City Clerk was directed to answer the letter and so inform the group.

LETTER FROM CAL PURVIANCE, PARADE CHAIRMAN, FOURTH OF JULY CELEBRATION, REGARDING ANNUAL CELEBRATION

A letter from Cal Purviance, Parade Chairman, Stanislaus County Fourth of July Celebration, dated June 3, 1964 submitting requests for the Fourth of July celebration, was summarized by the City Clerk.

The City Manager recommended that the requests be approved on the same terms and conditions as last year.

RESOLUTION NO. 64-302
A RESOLUTION APPROVING REQUESTS OF THE STANISLAUS COUNTY FOURTH OF JULY COMMITTEE FOR THE CELEBRATION BEING HELD IN THE CITY OF MODESTO JULY 4, 1964

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 CONSTRUCTION OF PUMP HOUSE AT PUMP STATION NO. 28 (MARK TWAIN PARK SITE)

RESOLUTION NO. 64-303
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF PUMP HOUSE AT PUMP STATION NO. 28 (MARK TWAIN PARK SITE)

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

June 23, 1964 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 WATER LINES IN ROBIN HOOD ESTATES NO. 2 SUBDIVISION 1-59

The City Manager stated that this subdivision was outside the city limits and an agreement covering construction of water lines has been executed.

RESOLUTION NO. 64-306
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN ROBIN HOOD ESTATES NO. 2 SUBDIVISION

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

June 23, 1964 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

CONSIDER AWARD OF BID FOR CONSTRUCTION AND LANDSCAPING AT GARRISON PARK SITE

Copies of a memorandum from the Director of Parks and Recreation dated June 4, 1964, subject, "Construction of improvements and landscaping at Garrison Park," were distributed to the Council, a copy of which is filed with the record of the minutes. Recommendation was made that award be made to Harry Kline, low bidder, for items 1 through 7; that the bid for item 8 be rejected.

RESOLUTION NO. 64-304
A RESOLUTION ACCEPTING THE BID OF HARRY KLINE FOR THE CONSTRUCTION OF IMPROVEMENTS AND LANDSCAPING AT GARRISON PARK (Items 1 through 7, inclusive)

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

RESOLUTION NO. 64-305
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $2,600 FOR ADDITIONAL FUNDS - IMPROVEMENTS - GARRISON PARK

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

REPORT AND RECOMMENDATION OF BIDS OPENED MAY 25, 1964 FOR FURNISHING ONE NEW STREET SWEEPER

By order of the Chair, this matter was held over at the request of the City Manager. The City Manager stated that a report would be furnished the Council indicating the reasons for not accepting the low bid offered.

CONSIDER AWARD OF BID FOR THE INSTALLATION OF WATER MAINS IN QUARESMA HOMES NO. 5 SUBDIVISION

RESOLUTION NO. 64-307

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR THE INSTALLATION OF WATER MAINS IN QUARESMA HOMES NO. 5 SUBDIVISION (No bids received)

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

CONSIDER AWARD OF BID FOR INSTALLATION OF WATER MAINS IN BRENTWOOD ESTATES NO. 2 SUBDIVISION 2-1

RESOLUTION NO. 64-308

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR THE INSTALLATION OF WATER MAINS IN BRENTWOOD ESTATES NO. 2 SUBDIVISION (no bids received)

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

CONSIDER RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS TO BE OPENED JUNE 17, 1964 AT 2:00 P.M. FOR SEVEN MOBILE RADIOS

RESOLUTION NO. 64-309

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR SEVEN MOBILE RADIOS (contingent upon approval of 50% federal participation)

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

June 17, 1964 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

Proposed use of the radios was discussed.

ADOPTION OF ORDINANCE NO. 658-C.S., REZONING OF PROPERTY, SECTION 20 OF THE ZONING MAP (GALAS BROS.) 2-70

ORDINANCE NO. 658-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 20 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (GALAS BROS.)"
introduced May 25, 1964 and having been published as required, was moved and adopted.

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

ADOPTION OF ORDINANCE NO. 659-C.S., REZONING OF PROPERTY, SECTION 27 OF THE ZONING MAP (WILSON PROPERTY)

ORDINANCE NO. 659-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 27 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (WILSON)"

introduced May 25, 1964 and having been published as required, was moved and adopted.

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

CONSIDERATION OF PROPOSED ORDINANCE RELATING TO DECLARING CERTAIN BUILDINGS UNSAFE OR HAZARDOUS

The proposed ordinance was reviewed by Director of Public Works Campbell.

Parking space requirements for new structures rebuilt on sites where buildings have been demolished, were explained by Director of Planning Fey.

Mr. Campbell was questioned by the Council on various provisions of the proposed ordinance.

The City Manager stated that if the safe building ordinance is adopted, it will be necessary to hire an additional building inspector who will devote his full time to the program, plus needed clerical help.

Experiences of Fresno and Mountain View with the program were discussed.

RESOLUTION NO. 64-317
A RESOLUTION SETTING TIME AND PLACE FOR HEARING OF PROPOSED SAFE BUILDING CODE

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

July 13, 1964 at 8:00 P.M. in the Council Chambers, City Hall, 801 11th Street, was set as the time and place of hearing.

The staff was directed to notify all interested persons of the hearing.

Councilman Shastid was excused from the meeting.

HEARING ON PROPOSED ANNEXATION OF EARLMAR ADDITION 5-38

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the proposed annexation of the Earlmar Addition, comprising 10.828 acres, and opened the hearing.

The City Clerk reported that notice of the proposed annexation was published in the Modesto Tribune on May 7 and 14, 1964 and notices mailed to owners of property in the area and other interested parties on May 20, 1964.

No written protests were filed with the City Clerk.

Planning Commission Resolution No. 64-51 recommends that the area be annexed to the City.

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

ORDINANCE NO. 660-C.S. entitled
"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE EARLMAR ADDITION TO THE CITY OF MODESTO"

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

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

Councilman Shastid returned to the meeting.

PUBLIC HEARING ON 1964-65 BUDGET

Mayor Johansen announced that the hour of 8:10 P.M. had arrived, the time set for consideration of the 1964-65 budget, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on May 14 and 21, 1964.

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

MOTION

That action on the budget be deferred until such time as reports are assembled and furnished by the Director of Finance

Moved by VanderWall Seconded by Hughes Unanimously carried

CONTINUATION OF HEARING ON REZONING OF PROPERTY LOCATED ON CORNER OF McHENRY AND TOKAY AVENUES (QUINTANA, INC.) 5-70

Mayor Johansen announced that the hour of 8:30 P.M. had arrived, the time set for continuation of Council consideration of the proposed rezoning of property located on the northeast corner of McHenry and Tokay Avenues from R-1 to C-2, and opened the hearing.

This hearing was continued from the May 25, 1964 meeting.

Copies of a letter from Linn C. Alexander & Associates, Inc., and Charles V. Jeffers, Realtor, 325 Downey Avenue, dated June 6, 1964 were distributed to the Council, copies of which are filed with the record of the minutes.

The letters were read into the record. Mr. Alexander indicated in his letter that he would sign the proposed agreement with the City if the Tokay wall and Tokay Avenue access conditions were eliminated from the Planning Director's recommendations. He asked that the 13th condition of the agreement, Evidence of Development, be rephrased to indicated "eighteen (18) months after the opening of Briggsmore Square Shopping Center."

Mr. Jeffers requested in his letter that the Council eliminate the Tokay Avenue wall requirement, and to consult with the Director of Parking and Traffic regarding traffic flow within the center and ingress and egress on Tokay Avenue, and to rephrase the 13th condition as requested by Mr. Alexander.

The City Manager pointed out for the record that the agreement between the City and Quintana, Inc., as presently written does not provide for the maintenance of the wall and the planting strips by Quintana, Inc. He recommended that the Council require that this be added to the agreement.

Director of Planning Fey reviewed the conditions imposed by the Planning Department for the rezoning of the Quintana property, compared them with the conditions imposed in the rezoning of the Briggs property, stating that the basic differences between the agreements were occasioned by the difference in the relationship of the adjacent residential properties to the proposed commercial development.

Director of Parking and Traffic Carmody stated that no plot plan had been submitted on the development of the Quintana property; that he was not in a position to comment on building placements, and parking as it will affect the access; that as near as he could tell from the uses possible, the access on Tokay Avenue could be completely eliminated. He cited McHenry Village Shopping Center as an example, which has no access in the first 500 feet back from McHenry Avenue.

Signalization of the Tokay and McHenry Avenue intersection was discussed.

Don Sanders, 2004 Fourth Street, Ceres, one of the agents for the owners of the parcel of property, stated that the agreement for the Quintana, property was much more restrictive than the one approved for the Briggs property, although the Planning Commission recommended to the City Council that the rezoning be approved subject to an agreement similar to or the same as the agreement covering the Briggs parcel.

The following spoke in opposition to the rezoning or some of the provisions of the proposed agreement: Robert Fuxa, 218 Brian Court; Mrs. Leonard Day, 148 Tokay Avenue, stated that commercialization of the parcel was inevitable, but requested that the wall on Tokay Avenue be extended to McHenry Avenue to prevent the construction of a service station at the corner; Richard Spriggs, 156 Tokay Avenue, stated that he would like to see the property retain its present R-1 zoning; Mrs. Dolores Miller, 214 Phillip Court, stated that location of new businesses on McHenry Avenue would add further to downtown deterioration and vacancies, and to congestion of traffic on McHenry Avenue.

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

The differences between the developer and the Planning Department on the conditions imposed were discussed.

MOTION

That the matter be referred back to the Planning Commission for further study and recommendation, and that in the Planning Commission's study, consideration be given to including a provision requiring maintenace of the wall and planting strips; whether any access is desirable on Tokay Avenue; the question of screening the trees; that it is not the intent to direct the Planning Commission to take action one way or the other on the items listed; that the rezoning not be referred to the Council for consideration without a signed agreement with the developer

Moved by Shastid Seconded by Tabbert Unanimously carried

The meeting was recessed at 10:47 P.M. and reconvened at 10:54 P.M.

CONSIDER PARK FEES FOR STRATHMORE SUBDIVISION NO. 2 10-1

A memorandum from the City Attorney dated May 7, 1964 subject, "Park Fees: Strathmore Subdivision No. 2," were furnished the Council at the May 11, 1964 meeting which indicated that the City entered into an agreement with Charles V. Jeffers, et al, for furnishing water and sewer services to Strathmore Subdivision; that the subdivider paid a park fee of $1,146 for Strathmore Subdivision No. 1 after subdivision of 11.46 acres; that a final map of Strathmore Subdivision No. 2 was now under consideration consisting of 18.84 acres, with park fees amounting to $1,884. It was the City Attorney's opinion that the subdivider could be held to the agreement entered into on August 26, 1959 and required to pay the park fees. Ordinance No. 647-C.S. adopted March 23, 1964 terminates park fees for subdivisions, the final maps of which are approved after March 9, 1964. The matter was carried over to the May 18th meeting, at which time a resolution approving the request of Mr. Jeffers to waive the park fees in the amount of $1,884 failed to carry by a three-two vote, and by motion the Council requested that the matter be carried over until the presence of a full Council.

Copies of a letter from Mr. Charles V. Jeffers dated June 6, 1964 subject, "Agreement - Park Fees, City of Modesto - Jeffers," were distributed to the Council, and a copy filed with the record of the minutes.

Mr. Jeffers spoke briefly to the Council, stating that he objected to the fact that the bill presented to him for park fees for Strathmore Subdivision No. 2 were based on an incorrect figure of 18.84 gross acres while it actually contained only 13.40 gross acres; that his agreement with the City specifies that the park fees are to be based on the net acreage of the subdivision, or 9.75 acres ($975). Director of Public Works Campbell stated that the acreage and park fees would be recalculated when a copy of the final map for Strathmore Subdivision No. 2 is received from the County.

MOTION

That the staff be authorized to modify the agreement between the City and Mr. Jeffers as follows: That the requirement for payment of park fees for Strathmore Subdivision No. 2 be eliminated; that Mr. Jeffers be required to pay any park fee the Council may generally impose during the next twelve months; that Mr. Jeffers be required to post a bond with the City Clerk in the amount of $20 per lot for Strathmore Subdivision No. 2 to guarantee compliance, such bond or equivalent to be posted within ten days after the approval of the agreement

Moved by Mayor Johansen Seconded by Patton Unanimously carried

RESOLUTION ESTABLISHING A REVISED SCHEDULE OF CHARGES FOR GOLF COURSES

Copies of a letter from W. H. Williams, 2121 Regent Court, Modesto, California, pertaining to golf course fees, were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes.

RESOLUTION NO. 64-310

A RESOLUTION ESTABLISHING RATES AND CONDITIONS FOR PLAY ON THE MODESTO MUNICIPAL GOLF COURSE AND THE DRYDEN PARK MUNICIPAL GOLF COURSE AND RESCINDING RESOLUTION NO. 63-115 (effective July 1, 1964)

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

REQUEST OF PRIVATE INTERESTS TO CONSTRUCT CLUB HOUSE - DRYDEN GOLF COURSE

The staff was directed to furnish the Council a report on the legality of leasing ground for a certain number of years to private interests for the construction of a club house at Dryden Golf Course, the building to revert to the City at the end of the lease period.

CONSIDER CHANGE ORDER NO. 1 FOR NORTHERN BOULEVARD FIRE STATION

The City Manager read a memorandum from the Director of Public Works dated May 28, 1964, subject, "Change Order No. 1 - Northern Boulevard Fire Station," requesting a change order to cover the installation of two motorized door operators, Crawford Model CTA 311, on the front doors to the apparatus room, at a cost of $827.20. This requirement was inadvertently left out of the specifications.

The Director of Public Works was questioned on the reason for the omission of this item from the plans and specifications.

MOTION

That Change Order No. 1 for Northern Boulevard Fire Station be approved, and that an attempt be made to recover the money from the architect

Moved by Patton Seconded by Hughes Unanimously carried

A suggestion was made that future specifications carry a general provision similar to the following: "This will qualify with all requirements of Fire Underwriters Bureau, etc."

RESOLUTION ESTABLISHING CHARGES AND FEES FOR ACTIVITIES AND SERVICES AT THE MODESTO CITY-COUNTY AIRPORT, AND RESCINDING RESOLUTION NO. 63-185 AND RESOLUTION NO. 63-423

RESOLUTION NO. 64-311

A RESOLUTION ESTABLISHING CHARGES AND FEES FOR ACTIVITIES AND SERVICES AT THE MODESTO CITY-COUNTY AIRPORT, AND RESCINDING RESOLUTION NO. 63-185 AND RESOLUTION NO. 63-423 (effective July 1, 1964)

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

Request for improved facilities at the City-County Airport

Virginia Heffner, 1420 Stonum Road, stated that she and her husband operated the Silviera Flying Service at Modesto Airport; that the Airport was badly in need of adequate office space and presentable restrooms. She pointed out the need for quarters to serve as a waiting room to accommodate people stopping temporarily at the Airport - charter pilots, stopovers because of weather conditions, etc.

Mrs. Heffner was invited to attend the special meeting to be held June 9 at 4:00 P.M. when the Capital Improvement Program for 1964-65 is to be considered.

Irene Okerson, one of the operators of the gas concession at the Airport, spoke briefly on the need for improved facilities at the Airport.

RESOLUTION REJECTING THE CLAIM OF GRACE M. ANDERSON FOR DAMAGES (FALL IN CITY HALL) 12-112

RESOLUTION NO. 64-312

A RESOLUTION REJECTING THE CLAIM OF GRACE M. ANDERSON FOR DAMAGES AGAINST THE CITY OF MODESTO ($25,000)

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

CONSIDER SUBDIVISION AGREEMENT BETWEEN THE SUBDIVIDER OF SCENIC MANOR SUBDIVISION AND THE CITY OF MODESTO (outside city limits)

RESOLUTION NO. 64-313

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND KENNETH D. WAYMENT, SCENIC MANOR SUBDIVISION, FOR WATER AND SEWER SERVICE

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

CONSIDER DIAGONAL PARKING ON CONCORD AND ON COLLEGE NORTH OF ORANGEBURG 13-20

Copies of a memorandum from the Director of Parking and Traffic dated June 4, 1964, subject, "College Avenue and Concord Avenue north of Orangeburg - Consider Diagonal Parking," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes.

RESOLUTION NO. 64-314

A RESOLUTION AMENDING SECTION 2 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. 64-300 (legalizing angle parking portion College and Concord Avenues)

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

RECOMMEND COMMENCEMENT OF ANNEXATION PROCEEDINGS - WYLIE NO. 3 ADDITION

Planning Commission Resolution No. 64-41 adopted June 3, 1964 recommends commencement of annexation proceedings for Wylie No. 3 Addition, 17.176 acres located between Rose and Brighton Avenues.

RESOLUTION NO. 64-315
A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS WYLIE NO. 3 ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

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

July 20, 1964 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

REPORT FROM THE PLANNING DEPARTMENT - STATUS OF P-D ZONES

A report from the Planning Director on the status of P-D Zones requested by the Council at an earlier meeting were distributed to the Council, a copy of which is filed with the record of the minutes.

Mayor Johansen advised the Council members to have the report placed on the agenda for discussion at any time if they so desired.

APPROPRIATION TRANSFERS - none

MATTERS FOR THE GOOD OF THE COMMUNITY 13-72

REPORT OF E. R. BROWN ON LITERATURE SOLD IN CITY

Mr. E. R. Brown, 1524 Grape Avenue, displayed to the Council a book which he claimed was not fit to be read and was being sold to school children within the City.

The Acting City Attorney stated that this was a matter which should be taken up with the District Attorney; that the field had been pre-empted by the State.

Mr. Brown was asked to meet with the Acting City Attorney to discuss the matter.

ESTIMATED POPULATION OF MODESTO - APRIL 1, 1964

The City Manager stated that the City has been notified by the State of California Department of Finance that the estimated population of Modesto as of April 1, 1964 is 43,250.

SUBMISSION OF REPORT - "VALIDATION PARKING REPORT THROUGH JUNE 1, 1964" 14-15

Copies of a memorandum from the Director of Parking and Traffic dated June 4, 1964, subject, "Validation Parking Report Through June 1, 1964," were distributed to the Council, a copy of which is filed with the record of the minutes.

The City Manager stated that it was presented at this time for informational purposes and would be placed on the agenda for Council consideration at the time a report is received from the Advisory Parking and Traffic Committee.

DEBRIS ALONG GOLF COURSE AND HOMES ON RIVER

Councilman Patton reported that when work was completed on the freeway, a large amount of junk and debris were left, leaving an unsightly view along the golf course and homes along the river. He stated that the County Counsel was writing a letter to the State Division of Highways on behalf of the County, and asked that the Council authorize the staff to also write a letter asking that the area be returned to its original state. Mr. Patton said that investigation should also be made on the change of the course of the river which was in the contract.

MOTION

That the matter be referred to the staff with instructions to write an appropriate letter to the State Division of Highways after investigation

Moved by Shastid Seconded by Patton Unanimously carried

LETTER FROM RICHARD T. TOSAW REGARDING APPOINTMENT OF CITY ATTORNEY

The City Clerk read a letter from Attorney Richard T. Tosaw dated June 4, 1964 requesting that the Council give special consideration to the hiring of a local man to fill the position of city attorney.

The letter was ordered filed.

APPOINTMENT OF CITY ATTORNEY

RESOLUTION NO. 64-316

A RESOLUTION APPOINTING ELWYN L. JOHNSON AS CITY ATTORNEY OF THE CITY OF MODESTO, EFFECTIVE JULY 16, 1964 ($14,500 per annum, effective July 16, 1964)

Moved by Mayor Johansen Seconded by Mitchell

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

Mr. Johnson was introduced by Mayor Johansen.

PROPOSED ADDITION TO THE REPORT OF COUNCILMAN KEITH TABBERT RELATIVE TO THE LOCAL AGENCY FORMATION COMMISSION ADOPTED BY MOTION OF COUNCIL ON MAY 11, 1964

By Order of the Chair, this matter was held over for one week.

COMPARISON OF WATER SERVICE BY THE CITY OF MODESTO AND PRIVATE WATER COMPANIES OF THIS COMMUNITY

Copies of a memorandum from the Deputy City Manager dated June 1, 1964, subject, "Water Main Extension Practices," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes.

Copies of a memorandum from the Deputy City Manager dated May 28, 1964 subject, "Comparison of Water Service by the City of Modesto and Private Water Companies of this Community," were furnished the Council at the June 1, 1964 meeting and discussion held over to the present meeting.

WATER MAIN EXTENSION PRACTICES

The City's present water main extension practices and the recommendation contained in memorandum from the Deputy City Manager that up to $75 be required as an advance for main extensions in new subdivisions, were discussed.

Kennan Beard, Del Este Water Company, stated that the Del Este Water Company follows the water main extension requirements established in its franchise with the City; that the same standards are maintained in extensions outside the city limits.

Mr. Beard said he wished to clear the Modesto Bee's report that the memorandum presented by the Deputy City Manager dated June 8, 1964 was not in answer to the study made by Brown and Caldwell for Del Este Water Company and others, but submitted at the request of the Council; that the Brown and Caldwell report did not question the adequacies of the city fire protection water supply, did not make a comparison of public and private water systems, nor were comparisons, comments, or criticisms made of the rates charged by the City. He said that the entire purpose of the report was based on the water main extension policy of the City, with the contention that the policy was not beneficial to the taxpayers of the City of Modesto.

Size of mains for adequate fire protection was discussed.

Al Flory, President, Home Builders' Association, stated that in his opinion the City's present water main extension policy was beneficial to the taxpayers from the standpoint that the municipal water system is profitable. He stated that there were very few subdivisions that were not developing within a reasonable time. He asked that the City's present water main extension policy be retained.

Upon questioning, Mr. Flory stated that he did not believe that there would be any objections by the subdividers of a condition that payment for water main extensions be deferred for a year from the time the lots are begun to be sold. He said that this would eliminate additional burden on the developer at the time the subdivision is started, and would be more conducive for orderly development.

Rex Higbee, 3133 Tully Road, pointed out that the municipal water system was operating as a profitable business for the City and asked what plan the City has established for refunding the advance to the developer.

By order of the Chair, the matter of the City's water main extension policy was referred to the Public Projects Committee for review with the individuals involved - the private water companies, builders and developers and city staff - and recommendation to the Council.

REPORT ON P.U.C. HEARING ON CROSSING GATES AT B, G, H, I, K STREETS AND KANSAS AVENUE CROSSINGS OF SOUTHERN PACIFIC COMPANY

Copies of a memorandum from the Director of Parking and Traffic dated June 3, 1964, subject, "Report on P.U.C. Hearing on Crossing Protection at Southern Pacific Crossings in Modesto," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. Mr. Carmody recommended in the memorandum that the gates at B, G, H, I, K and Kansas be opposed on the basis that the net cost to the City would be far more than the benefits the City could expect to receive; that the opening of the freeway and construction of railroad underpasses thereafter will cause traffic changes that cannot be fully anticipated.

MOTION

That the staff be instructed to prepare a resolution opposing crossing gates at B, G, H, I, K Streets and Kansas Avenue as recommended by Director of Parking and Traffic Carmody

Moved by Shastid Seconded by VanderWall Unanimously carried

PRESENTATION OF FINANCIAL REPORT FOR MONTH OF MAY 1964

The financial report for the month of May 1964 was presented and ordered filed.

EXECUTIVE SESSION FOR DISCUSSION OF CONDEMNATION LITIGATION REGARDING CITY OF MODESTO vs. I. J. LARSON ET AL (CASE NO. 78286 - WIDENING OF TULLY

The Acting City Attorney asked that the Council go into executive session immediately following adjournment of the meeting to discuss condenmation litigation between the City and I. J. Larson, et al.

ADJOURNMENT

MOTION

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

Moved by VanderWall Seconded by Tabbert Unanimously carried

The meeting adjourned at 11:37 P.M.

ATTEST: Rex E. Gailfus
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 at 801 11th Street, Modesto, California, Mayor Johansen presiding, to consider the preliminary budget for fiscal year 1964-65.

Present: Councilmen: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Absent: Councilmen: Hughes, Shastid

Copies of a memorandum from the Deputy City Manager dated June 9, 1964, subject, "Domestic Sewage and Industrial Waste Charges," were distributed to the Council, and a copy filed with the record of the minutes.

CAPITAL IMPROVEMENT PROGRAM - 1964-1970 - Projects Recommended by the Planning Commission for First Year, 1964-65, by Priority

Copies of a letter from Herbert Buxton, Chairman, City Planning Commission, dated May 7, 1964, with the six-year capital improvement program attached, were furnished the Council prior to the meeting, and a copy filed with the record of the minutes.

Parking and Traffic

The City Manager read a memorandum from the Director of Parking and Traffic referring to a letter from the Division of Highways that the State will not participate with the City in the installation of traffic signals at the intersections of McHenry at Roseburg and McHenry at Griswold; that it would be in order to remove these items from the First Year Capital Improvement Program (Items 165 and 167).

Director of Parking and Traffic Carmody recommended that traffic signals at 12th and H Streets be substituted at a cost comparable to the signals recommended to be deleted.

MOTION

That Items 165 and 167, Traffic signals, McHenry at Roseburg, $3,000 and McHenry at Griswold, $5,000 be deleted and traffic signals at 12th and H Streets be substituted therefor in the amount of $8,500

Moved by Patton Seconded by Mitchell Unanimously carried

Parks and Recreation

Director of Parks and Recreation Grogan was questioned on the following projects: 261, 17th and G, $7,000; 263, Garrison Park, $28,000; 271, Construction - picnic units, lights, paving, curbs & gutter, general, $10,000; 269, portion automatic sprinkler, Legion Park. Roosevelt Park - sidewalks (two tennis courts, lights, Account 265, $8,000,and $19,000 held in Reserve for two additional courts and lights)

Priority for tennis courts in this park was questioned by the Council. The City Manager stated that the Planning Commission authorized the staff to negotiate with the Schools to determine whether the Modesto Junior College Courts could be lighted to increase night use of the courts; that if these could be lighted satisfactorily, the tennis courts at Roosevelt Park would not be needed. He said that Dr. Wiser and Dr. Garcia had been contacted and staff determination made that the expense of lighting of the courts was not justified because of the traffic problems generated by night classes at the college.

The need for improved lighting at Graceada Park was discussed.

MOTION

That the Capital Improvement Program for Parks and Recreation be approved, subject to further modification by the Planning Commission on Item 265, Roosevelt Park improvements and tennis courts and lights

Moved by Mitchell Seconded by VanderWall Unanimously carried

Water - 802 - Relocation of automated pump control facility to police-communications building, $90,000

MOTION

That Account 802, Relocation of automated pump control facility to police-communications building be reduced from $90,000 to $70,000

Moved by Patton Seconded by Mitchell Unanimously carried

Summary of 1964-65 Budget by Funds, p. 2, Preliminary Budget

The City Manager reported the Finance Director has stated that the estimated available balance of $700,000 under the General Fund can be raised to $750,000. Mr. Keefe recommended that $129,000 of this estimated available balance in the General Fund, General Reserve be transferred to the Capital Improvement Program to accelerate various projects; $100,000 for the new corporation yard ($100,000 is already budgeted); add to funds already budgeted for construction of an administration building at the City-County Airport (making a total of $25,000); the construction of a driving range at Dryden Golf Course, budgeted in the Capital Improvement Program.

Airport

Director of Public Works described the plans for the airport administration building, stating that $25,000 will construct a building of an area of approximately 1,200 square feet, will cover furnishings and engineering costs, and place the building in service. The possibility of enlarging the building under the proposed plans was discussed.

The following spoke of the need of the administration building at the Airport: Irene Okerson, 2204 Eloise, Ceres; Mrs. Ed Wyatt, 123 Needham Avenue.

MOTION

That the use of $129,000 in the General Fund for Capital Outlay purposes be approved for the following uses - $100,000 for the corporation yard, $13,000 for the Airport administration building and $16,000 for the Golf Course Driving Range

Moved by Patton Seconded by VanderWall Unanimously carried

Operators' Offices - Airport

The condition of the operators' offices at the Airport was discussed, with the suggestion that the operators might wish to rebuild at their own expense, with the costs handled as prepaid rent in a manner similar to hangars constructed at the Airport by private individuals.

Mr. Sham stated that determination would be made of the operators' interest.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned to June 16, 1964 at 4:00 P.M.

Moved by VanderWall Seconded by Patton Unanimously carried

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, 801 11th Street, as provided by Section 2-1.01 of the Modesto Municipal Code, Mayor Johansen presiding.

The City Clerk called the roll:

Present: Councilmen: Hughes, Mitchell, Patton, Tabbert, VanderWall
Mayor Johansen
Councilman Shastid arrived at 4:04 P.M.

Absent: Councilmen: None

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

Reverend Thomas Champness gave the invocation.

PRESENTATION OF CERTIFICATE OF APPRECIATION TO FRANK RUSSO BY NATIONAL RECREATION ASSOCIATION

Mayor Johansen presented a certificate of appreciation awarded to Frank Russo by the National Recreation Association for his outstanding contribution to the recreation movement through his work with the Modesto Baseball for Boys.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the regular meeting of June 1, 1964 and the special budget meetings of May 26 and 28, 1964, and the same being available for public inspection, and there being no objections, the minutes were approved.

The City Clerk was directed to insert the name of Councilman Tabbert as being present at the May 26, 1964 meeting, which was inadvertently omitted.

CONSIDER AWARD OF BID FOR LEGAL ADVERTISING FOR FISCAL YEAR 1964-65

Copies of a memorandum from the Planning Director dated June 2, 1964 and a tabulation of bids received were furnished the Council prior to the meeting, copies of which are filed with the record of the minutes. The low bid was submitted by The Modesto Tribune.

Director of Planning Fey in his memorandum pointed out certain difficulties in connection with the City's legal advertising arrangements.

It was the opinion of the City Clerk that the bid of the Modesto Bee should be accepted on the basis that it is a daily paper with an official circulation exceeding 40,000, and the inconvenience of having to delay certain matters for one week due to the fact that The Modesto Tribune is published weekly.

Director of Planning Fey spoke briefly on the advantages of placing the department's legal advertising in a daily newspaper.

RESOLUTION NO. 64-318
A RESOLUTION ACCEPTING THE BID OF THE MODESTO TRIBUNE FOR LEGAL ADVERTISING FOR THE FISCAL YEAR 1964-65

Introduced by Patton Seconded by Hughes

Vote on the resolution was held over for one week on the basis of the following motion.

MOTION
That the resolution be amended to provide that it be carried over for one week to allow the Clerk and the City Attorney time to determine whether the suggestion that both papers be used for the City's advertising is legal

Moved by Shastid Seconded by Mitchell

The motion carried, with Councilmen Hughes and Patton dissenting.

MOTION

That the above motion be amended to withdraw any portion of the earlier motion as amended, that would conflict with the following: That the entire matter be continued for one week

Moved by Shastid

The motion died for lack of a second.

By order of the Chair, it was ruled that the vote on Resolution 64-318 be held over for one week, as intended in the motion above which carried by a five-two vote.

The staff was directed to prepare a report on the exact Charter requirements for awarding the bid, the legality of using both papers for the City's legal advertising, and the background of past awards of the City's legal advertising.

REQUEST BY CITY CLERK FOR ADDITIONAL FUNDS FOR 1963-64 FISCAL YEAR - LEGAL ADVERTISING & OTHER, ACCOUNT 14-230 2-90

RESOLUTION NO. 64-319

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $1,300 - ADVERTISING, LEGAL & OTHER - CITY CLERK

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

REPORT AND RECOMMENDATION ON BIDS OPENED MAY 25, 1964 FOR FURNISHING OF ONE NEW STREET SWEEPER

A tabulation of street sweeper bids opened May 25, 1964 and copies of a memorandum from the Director of Public Works dated June 10, 1964, subject, "Purchase of Mechanical Street Sweeper," were furnished the Council prior to the meeting, copies of which are filed with the record of the minutes. Low bidder was Allied Equipment Company, bidding an Elgin Custom 475. Recommendation was made that the second lowest bid submitted by Western Traction Company for a Wayne 2-980 sweeper be accepted. Reasons for the decision were listed in the memorandum.

C. H. Worrells, 445 Virginia Avenue, San Mateo, representing the Allied Equipment Company of Fresno, stated that the Elgin Custom 475 met all of the specifications and for that reason felt that the bid should be awarded to Allied Equipment Company at a savings to the City of $1,000; that new features and modifications will result in lower maintenance costs; that the company is willing to put larger tires on the vehicle.

Mr. Worrells was questioned by the Council on the availability of repair parts and the warranty offered on the Elgin Sweeper.

Tom McClure, representative of Western Traction Company, franchise dealer for Wayne sweeper, questioned whether the Elgin sweeper met specifications in regard to dual control. Director of Public Works Campbell stated that both machines met this specification.

Director of Public Works Campbell discussed the City's experience with maintenance cost of the City's Wayne and Elgin sweepers.

That the staff be directed to meet with the two representatives and furnish the Council a complete report and evaluation, and that the matter be carried over for two weeks (June 29, 1964)

Moved by Mayor Johansen Seconded by VanderWall

The motion carried, Councilman Patton dissenting.

The staff was directed to also include the following information in the report:
(1) Whether both machines meet specifications as written;
(2) The number of bids sent out.

CONSIDER AWARD OF BID FOR CONSTRUCTION OF ENSLEN PARK REST ROOMS

RESOLUTION NO. 64-320
A RESOLUTION ACCEPTING THE BID OF WILLIAM MINENI FOR THE CONSTRUCTION OF REST ROOMS AT ENSLEN PARK (Low bidder, $5,731)

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

CONSIDER AWARD OF BID FOR IMPROVEMENT OF VIRGINIA AVENUE BETWEEN COLDWELL AVENUE AND ROSEBURG AVENUE 6-2

RESOLUTION NO. 64-321
A RESOLUTION ACCEPTING THE BID OF M. J. RUDDY & SON FOR IMPROVEMENT OF VIRGINIA AVENUE FROM COLDWELL AVENUE TO ROSEBURG AVENUE (Low bidder, $23,600)

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

HEARING ON APPEAL BY NORTHGATE ENTERPRISES ON REZONING REQUIREMENTS, McHENRY AND BOWEN AVENUE PROPERTY

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the appeal of Northgate Enterprises, specifically to the portion of Board of Zoning Adjustment Resolution No. 246 requiring the applicant to dedicate 30 feet for the widening of McHenry Avenue frontage of the property within sixty days from the adoption of the resolution, and opened the hearing.

The City Clerk reported that notice of the hearing was published in The Modesto Tribune on June 4, 1964 and notices posted and distributed in the area on June 3, 1964. No written protests to the proposed variance were filed with the City Clerk.

Board of Zoning Adjustment Resolution No. 246 adopted April 23, 1964 authorizes the applicant to erect billboards, a real estate homes sales office, and four model homes, subject to certain conditions.

Attorney Tom Conway, representing Northgate Enterprises, suggested that condition No. 3 of Resolution No. 246, found invalid by City Attorney Grimes, be stricken from the resolution, and a variance granted on the basis of the remaining conditions listed.

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

The Acting City Attorney stated that former City Attorney Grimes' ruling that Condition No. 3 was invalid was based on the finding of the Board of Zoning Adjustment in this particular case and should be restricted to this particular case and not considered a general ruling.

A RESOLUTION AFFIRMING THE DECISION OF THE BOARD OF ZONING ADJUSTMENT GRANTING THE REQUEST OF NORTHGATE ENTERPRISES TO PERMIT THE TEMPORARY USE OF R-1 PROPERTY AT NORTHWEST CORNER OF BOWEN AND McHENRY AVENUE, LOTS 1, 2 AND 3, AND A PORTION OF LOTS 4 AND 5, BLOCK 6823, FOR BILL-BOARDS, A REAL ESTATE HOMES SALES OFFICE AND THE ERECTION OF FOUR (4) MODEL HOMES AS DESCRIBED IN RESOLUTION NO. 246 ADOPTED BY THE BOARD, WITH ONE MODIFICATION, THE DELETION OF CONDITION NO. 3 REFERRING TO THE REQUIREMENT OF THE DEDICATION OF 30 FEET FOR THE WIDENING OF McHENRY AVENUE FRONTAGE OF THE PROPERTY

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

INFORMAL HEARING ON PROPOSED REALIGNMENT OF KANSAS AVENUE

Mayor Johansen announced that the hour of 4:35 P.M. had arrived, the time set for the informal hearing on the proposed realignment of Kansas Avenue between Madison and Franklin Streets, and opened the hearing.

The City Manager stated that the hearing was not formally advertised, but all interested persons in the area were notified.

Planning Commission Resolution No. 64-52 adopted May 5, 1964 recommends that the Council adopt the plan for Kansas Avenue between Madison and Franklin Streets dated January 1959 entitled "Topography Map of Kansas Avenue and Needham Street," on file in the office of the Planning Director.

The proposed realignment was outlined by Director of Public Works Campbell. He stated that the hearing was for the purpose of laying the foundation for the development of a four-lane section through this area and establishing a right of way for such a facility when required by increased traffic. A sketch showing the proposed four-lane section was shown to the Council. He said that although no official action has been taken by the County, the County has agreed that it is a reasonable approach; that eventually, the acquisition of five feet on the south side of Kansas Avenue will be required between Franklin and Madison; present buildings which are constructed are sufficiently set back so as not to encroach on the proposed right of way except for a quonset hut at the corner of Franklin and Kansas, and a pipe storage yard.

Upon questioning, Mr. Campbell stated that the alignment of Kansas and its connection to 99 and ultimately to Needham was indeterminate at this point; that the proposed realignment of Kansas does not endanger any of the alternates suggested for the above projects.

RESOLUTION NO. 64-323
A RESOLUTION ADOPTING THE RIGHT OF WAY AND WIDTH IN CONNECTION WITH THE FUTURE REALIGNMENT OF KANSAS AVENUE BETWEEN MADISON AND FRANKLIN STREETS

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

FORWARD MODESTO REPORT

Copies of a memorandum from the City Manager dated June 11, 1964 subject, "Forward Modesto Committee '62 recommendations on which City Council action has not yet been taken," were distributed to the Council and a copy filed with the record of the minutes.

By order of the Chair, further consideration of the Forward Modesto Report was held over for two weeks - June 29, 1964 at 5:00 P.M.

Director of Parking and Traffic Carmody stated that the Tidewater Southern and Southern Pacific were meeting soon to complete plans for the removal of the tracks; that it was hoped that a dollar figure would be obtained from Southern Pacific for the adjustment of its tracks to meet the requirements of the Western Pacific. A report to the City should be made within thirty or forty-five days.

CONSIDER ORDINANCE AMENDING MODESTO MUNICIPAL CODE RELATING TO THE PLUMBING CODE

The City Manager reported that the proposed ordinance deletes the reference to automatic and non-automatic clothes washers contained in Section 9-2.110(c) of the Plumbing Code.

ORDINANCE NO. 661-C.S. entitled
"AN ORDINANCE AMENDING SECTION 9-2.110 OF ARTICLE 1 OF CHAPTER 2 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE PLUMBING CODE"

was introduced and ordered published as required by the Charter.

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

PROPOSED ADDITION TO THE REPORT OF COUNCILMAN KEITH TABBERT ON LOCAL AGENCY FORMATION COMMISSION ADOPTED BY MOTION OF COUNCIL MAY 11, 1964

Copies of a memorandum from Councilman Mitchell entitled "Proposed Amendment to Report on Local Formation Agency Commission," dated May 14, 1964 were furnished the Council, a copy of which is filed with the record of the minutes.

Mr. Mitchell proposed in his memorandum that a suggestion be made to the League of California Cities that it support the introduction of legislation at the next session of the California State Legislature which will facilitiate annexation of inhabited territories to cities under non-controversial situations.

The following points of the proposal were discussed by the Council: The percentage requirements - ten per cent for and fifty per cent against annexation; the lack of safeguard to property owners who might or might not wish to annex.

MOTION
That the amendment submitted by Councilman Mitchell dated May 14, 1964 to the report of Councilman Tabbert dated May 7, 1964, subject, "Operations of the Stanislaus County Local Agency Formation Commission," be approved on the basis of a 10 per cent petition and a 50 per cent protest, plus the addition of a safeguard permitting property owners to protest the inhabited annexation on the basis of assessed values as presently exists in connection with inhabited annexations

Moved by Mitchell Seconded by VanderWall

The motion carried, Councilmen Hughes, Patton and Shastid dissenting.

The staff was directed to write a letter to the League of California Cities asking that it submit the proposal to the legislature for consideration. A suggestion was made that the staff be instructed to include in the letter that action was taken by a four-three vote.

The City Manager was directed to submit the letter for Council approval at the next regular Council meeting.

STREET AND NEEDHAM

The City Manager stated that an investigation reveals that the city-owned park at the corner of 16th and Needham was deeded to the City for use as a park, with a restriction that the property revert to the owners if no longer used as such.

MOTION

That no action be taken on the request of Leonard Sward to purchase the city-owned park at the corner of 16th Street and Needham Avenue, and the staff directed to so inform Mr. Sward

Moved by Mitchell Seconded by Shastid Unanimously carried

RESOLUTION AUTHORIZING ONE-WAY TRAFFIC ON 5TH AND 6TH STREETS 10-75

RESOLUTION NO. 64-324

A RESOLUTION AMENDING SECTION 1 (a) 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. 64-195

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

ACCEPT AS COMPLETE GEORGE REED, INC.'S CONTRACT FOR THE CONSTRUCTION OF A BY-PASS LINE AND APPURTENANCES AT THE SEWAGE TREATMENT PLANT

RESOLUTION NO. 64-325

A RESOLUTION ACCEPTING THE CONSTRUCTION OF A BY-PASS LINE AND APPURTENANCES AT THE SEWAGE TREATMENT PLANT - GEORGE REED, INC. (Authorizing recording of notice of completion)

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

CONSIDER COOPERATIVE AGREEMENT BETWEEN CITY AND COUNTY FOR RECONSTRUCTION OF COFFEE ROAD BETWEEN SCENIC DRIVE AND CHEHALEM DRIVE

RESOLUTION NO. 64-326

A RESOLUTION APPROVING COOPERATIVE AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS FOR RECONSTRUCTION OF COFFEE ROAD BETWEEN SCENIC DRIVE AND CHEHALEM DRIVE

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

CONSIDER APPROPRIATION TRANSFER FOR CONTINUED OPERATION OF TWO SEELY PARKING LOTS ON A SIX-DAY-A-WEEK BASIS THROUGH JUNE 30, 1964 10-95

RESOLUTION NO. 64-327

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $238 FOR CONTINUED OPERATION OF TWO SEELY PARKING LOTS

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

CONSTRUCTION OF CURB AND GUTTER ALONG CERTAIN STREETS IN THE CITY OF MODESTO

RESOLUTION NO. 64-328

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 337, LOTS 38, 39, 40 & 41 - LEON AVENUE)

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

July 6, 1964 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

CONSIDER REQUEST BY GRANGE COMPANY FOR CITY TO ACQUIRE TITLE TO ITS HANGAR AT MODESTO CITY-COUNTY AIRPORT

Copies of a memorandum from the Director of Public Works dated June 11, 1964, subject, "Grange Company Hangar - City-County Airport," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. Recommendation was made that the City acquire title to the hangar. Cost to the City will be $5,041.27. A tenant has been found who will lease the hangar for $160 per month, effective July 1, 1964.

MOTION

That the staff be directed to prepare the necessary documents for the acquisition of title to the Grange Company's hangar at the Modesto City-County Airport

Moved by VanderWall Seconded by Patton Unanimously carried

CONSIDER REVISED BUDGET FOR EXPENDITURE OF STATE ALLOCATED (2107) GAS TAX FUNDS 11-1

RESOLUTION NO. 64-329

RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ADOPTING BUDGET FOR EXPENDITURE OF FUNDS ALLOCATED FROM THE STATE HIGHWAY FUND TO CITIES (FISCAL YEAR 1963-64) (as revised by the State, reducing College Avenue project by $7,000 to provide sufficient funds for Orangeburg Avenue)

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

RESOLUTION OPPOSING INSTALLATION OF CROSSING GATES AT SOUTHERN PACIFIC CROSSINGS AT B, G, H, I, AND K STREETS AND KANSAS AVENUE AND PROTESTING THE PUBLIC UTILITIES COMMISSION RECOMMENDATION THAT THE CITY EQUALLY SHARE THE COST OF CROSSING GATES WITH THE SOUTHERN PACIFIC COMPANY

Copies of a memorandum from the Director of Parking and Traffic dated June 3, 1964, subject, "Report on P.U.C. Hearing on Crossing Protection at Southern Pacific Crossings in Modesto," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes.

RESOLUTION NO. 64-330

A RESOLUTION OPPOSING INSTALLATION OF CROSSING GATES AT SOUTHERN PACIFIC CROSSINGS AT B, G, H, I AND K STREETS AND KANSAS AVENUE AND PROTESTING THE PUBLIC UTILITIES COMMISSION RECOMMENDATION THAT THE CITY EQUALLY SHARE THE COST OF CROSSING GATES WITH THE SOUTHERN PACIFIC COMPANY

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

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

SET TIME FOR "MATTERS FOR THE GOOD OF THE COMMUNITY"

By order of the Chair, the staff was directed to place "Matters for the Good of the Community" on the agenda at the times listed below on a trial basis for a period of one month, with the understanding that scheduled hearings will take precedence: Afternoon meetings, 5:00 P.M.; evening meetings, 8:30 P.M.

REQUEST FOR SIDEWALK VARIANCE, BURGE'S DRIVE-IN, INC. 11-75

Attorney Warren Gant, representing Mrs. Theresa Gant, asked that the Council approve a variance to permit installation of blacktop material in the sidewalk area on the south side of property located at the corner of 9th and O Streets (Burge's Drive-In).

Director of Public Works Campbell stated that the parking area of the property was being repaved, with the repavement being carried into the street right of way, in violation of the city code which requires that all repairs in the sidewalk areas be of concrete unless specifically authorized by the Council. Mr. Campbell said that this was brought to the attention of the contractor last Friday; that the contractor had continued with the work this morning; that there were no curbs and gutters on the O Street frontage of the drive-in.

RESOLUTION NO. 64-331

A RESOLUTION GRANTING A SIDEWALK VARIANCE TO TERESA GANT AT PROPERTY LOCATED AT THE NORTHEAST CORNER OF O AND 9TH STREETS, CITY OF MODESTO (Lots 17 through 24, Block 62) (amended by motion of Council that applicant be required to remove the blacktop surfacing and install curb, gutter and sidewalk on the O Street frontage of the property within five years)

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

MOTION

That as a condition to the approval by the Council of the variance requested, that the applicant be required to install curb, gutter and sidewalk on the O Street frontage of the property in accordance with city standards, if O Street is repaved.

Moved by VanderWall Seconded by Tabbert

The motion was withdrawn by Councilmen VanderWall and Tabbert.

The attention of the staff was called to the condition of the sidewalk on the 9th Street frontage of the property.

Director of Public Works Campbell stated that O Street was not in the select system and would not be constructed by gas tax funds; that repaving the street in the sense of base rock and plant mix was not in the foreseeable future.

MOTION

That the resolution be amended to require that curbs and gutters and sidewalks be installed within five years from the granting of the variance.

Moved by Patton Seconded by VanderWall Unanimously carried

The staff was directed to ask the contractor handling the repair of the Drive-in property to appear before the Council at the next meeting.

1964 13-95

Councilman VanderWall stated that a point was made at the meeting held by the City-County Advisory Committee on June 10, 1964 of the importance of having more frequent meetings in order to resolve the sewer problems of the North Modesto area, which is continuing to expand.

Councilman Mitchell stated that a representative of a private engineering firm was present at the meeting and was hopeful that the firm would be retained to make a study of the engineering aspects of the proposed North Modesto Sewer area; that a suggestion was also made that construction could perhaps be handled in stages. He said that it was also brought out, and affirmed by engineers, that there are three aspects to the sewer district - engineering feasbility, study of bond costs or method of financing, and willingness of property owners to go along with the project.

REPORT FROM COOPERATIVE PERSONNEL SERVICES REGARDING SALARIES FOR CITY EMPLOYEES

Copies of a memorandum from the City Manager dated June 11, 1964, subject, "Salary Review," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes.

Copies of a salary review prepared by the State of California Personnel Board, Cooperative Personnel Services, were distributed to the Council.

By order of the Chair, the staff was directed to distribute the report to the Personnel Commission and employees and to check with Charles Heldebrant, Chief, California State Personnel Board, Cooperative Personnel Services, to see if he can be present to discuss the report at the July 6th meeting.

VACATION SCHEDULES - Councilmen

Mayor Johansen asked that the Council members give their vacation schedules to the City Clerk.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Mitchell Unanimously carried

The meeting adjourned at 7:26 P.M.

ATTEST: _____
REX E. GAILFUS, City Clerk

June 16, 1964

The Council of the City of Modesto met in special adjourned session this date at 4:00 P.M. in the Council Chambers at 801 11th Street, Modesto, California, Mayor Johansen presiding, to consider the preliminary budget for fiscal year 1964-65.

Present: Councilmen: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Absent: Councilmen: Hughes, Shastid

Capital Improvement Program - 1964-65 (continued)

Sewage Disposal

556 - Treatment Plant Study, $10,000

The City Manager stated that this item was inadvertently left in the 1964-65 C.I.P. and should be removed since funds for the project have been appropriated from 1963-64 funds.

55 - Sludge thickening facility, $100,000

The City Manager stated that application would be made to obtain Public Works Accelerated Funds for this project after actual cost has been established.

Director of Public Works Campbell stated that this project has been recommended by the consulting engineer for the past several years. The proposed project was discussed by the Council.

516 - Corporation Yard, Construction, first phase (buildings) $100,000

The City Manager stated that he believed that federal funds could be obtained for this project, and that application would be made.

Availability of Federal Parking Funds

A report was made that parking funds would be available under the Rapid Transit Bill presently before Congress, and it might be possible to obtain Federal funds for this purpose.

Public Buildings - Auditorium

A suggestion was made that the staff check the possibility of obtaining federal funds for construction of a civic auditorium. The City Manager stated that a site would have to be selected and funds available for purchase before application is made, as construction must start within 120 days after approval of the application. Mr. Keefe stated that a block and one-half to two blocks was needed for the auditorium.

Councilman Patton stated that the block bounded by 9th and 10th, H and I Streets had been suggested to him from several sources as a good location for the civic auditorium. The importance of establishing a location was discussed.

Mr. Keefe said that a recommendation from the Planning Commission on the location of the civic auditorium would be forthcoming within a month or two.

The following were discussed: the importance of establishing a location for the civic auditorium and establishing street patterns in the downtown area.

MOTION

That the staff be authorized to transfer $10,000 from the Engineering Reserves of the General Fund to the Capital Improvement Program for planning and architectural fees for an auditorium, library and cultural center
Moved by Mitchell Seconded by Patton Unanimously carried

Golf Course Clubhouse - $53,000 (1965-66)

Miss Grogan stated that the estimated cost of the clubhouse ($53,000) has been established by the architect who recently revised plans for the clubhouse originally prepared two or three years ago; that Golf Club representatives had suggested the revision of the plans to delete shower rooms because of availability of facilities at the SOS Club. A suggestion was made by the Council that the plans be analyzed in fairness to those who are not members of the SOS Club. The proposed plans were shown to the Council.

Revenues from the proposed clubhouse and driving range were discussed. Miss Grogan stated that a report would be furnished the Council shortly.

Traffic Signals - McHenry at Roseburg, McHenry at Griswold

These items were dropped from the 1964-65 Capital Improvement Program at the June 9, 1964 meeting with signals at 12th and H Streets substituted. The City Manager recommended that they be reconsidered in the 1965-66 Capital Improvement Program.

Capital Improvement Program - 1965-66

The following projects were discussed by the Council: Parks Construction; the Park Department's policy concerning installation of automatic sprinklers in the various parks; stage development of parks; the possibility of obtaining State funds for regional development if the parks bond issue passes. Director of Finance Bird stated that approximately $65,750 will be available in the park fund established by the Council last year.

Councilman Patton was excused from the meeting.

Bed Room Tax

The imposition of a bed room tax to raise funds for park acquisition to take the place of the subdivision park fees repealed by Ordinance 647-C.S. was discussed. A suggestion was made that the new City Attorney review the model ordinance available for report to the Council as to its merits and legality.

The City Clerk was directed to place this item on the agenda of the first or second meeting when the new City Attorney reports for duty.

The City Manager was directed to forward Mr. Johnson any material available on this subject.

Lighting - Ball Park

Councilman Mitchell, Chairman, Public Projects Committee, called to the Council's attention that no funds have been budgeted for lighting improvements at Del Webb Field, which at this point are estimated to be about $65,000.

MOTION

That the Capital Improvement Program for 1964-65 be accepted as amended

Moved by VanderWall Seconded by Tabbert Unanimously carried

Questions to Clear in Approving Preliminary Budget

The following documents were distributed to the Council: Copies of a memorandum from the Director of Finance dated June 11, 1964, subject, "Questions to Clear in Approving Preliminary Budget," and copies of a memorandum from the City Manager dated June 12, 1964, subject, "Attached memo from Finance Director concerning questions which must be cleared in approving the preliminary budget," The memorandum from the City Manager listed recommendations to the five questions raised by the Finance Director as follows:

(1) Engineering Reserve, General Fund: That these funds be continued in their reserve capacity for future use when needed;
(2) Balancing of Library Budget for 1964-65 fiscal year: That the 2¢ tax rate increase needed be taken from the Engineering Reserve tax rate (making the Engineering Reserve tax rate 6¢ instead of 8¢);
(3) Reserve level, Parking Fund: The City Manager recommended that no portion of this be transferred to the General Fund this year.
(4) Effective date - increase in metered water service rates from 45¢ to 65¢. The City Manager recommended that the effective date of the increase be August 1, 1964;
(5) Street Lighting - Police Building $1,640. The City Manager recommended that this amount be budgeted in the Special Fund for Capital Outlays.

MOTION

That the recommendations of the City Manager be approved

Moved by VanderWall Seconded by Mitchell Unanimously carried

DOMESTIC SEWAGE AND INDUSTRIAL WASTE CHARGES

The staff was directed to place this matter on the regular agenda of the next meeting in order to set it for public hearing.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Tabbert Unanimously carried

The meeting adjourned at 5:36 P.M.

ATTEST: _____
REX E. GAILFUS, City Clerk

Modesto City Council
June 22, 1964

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, Tabbert, VanderWall, Mayor Johansen
Councilman Shastid arrived at 7:35 P.M.
Councilman Patton arrived at 8:00 P.M.

Absent: Councilmen: Hughes

The pledge of allegiance to the Flag was given by all present. Reverend L. E. Chisholm gave the invocation.

PRESENTATION OF CERTIFICATES - COMPLETION OF TRAINING COURSE

Mayor Johansen presented certificates noting completion of a Municipal Public Works Administration training course to Ross Campbell, Frank Reynolds and Dick Hosegood.

APPROVAL OF MINUTES

Minutes of the special budget meeting of June 4 and regular meeting of June 8, 1964 were approved.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER LINES - SCENIC MANOR SUBDIVISION

RESOLUTION NO. 64-332

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN SCENIC MANOR SUBDIVISION

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

CONSIDER AWARD OF ANNUAL SUPPLY CONTRACT FOR GASOLINE TO UNION OIL COMPANY - FISCAL YEAR 1964-65 (low bidder)

Copies of a memorandum from the Purchasing Officer dated June 18, 1964 subject, "Gasoline Bids," were furnished the Council prior to the meeting, and a copy filed with the record of the minutes.(joint bid with Stanislaus County)

RESOLUTION NO. 64-333

A RESOLUTION ACCEPTING BID OF UNION OIL COMPANY OF CALIFORNIA FOR GASOLINE FOR FISCAL YEAR 1964-65 (low bidder)

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

CONSIDER AWARD OF BID - DEEP WELL PUMP AND ELECTRICAL EQUIPMENT - PUMP STATION NO. 18

RESOLUTION NO. 64-334

A RESOLUTION ACCEPTING THE BID OF BYRON JACKSON PUMPS, INC., FOR FURNISHING OF ONE DEEP WELL PUMP AND ELECTRICAL EQUIPMENT FOR PUMP STATION NO. 18 (Low bidder, $2,951.84)

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

CONSIDER AWARD OF BID FOR CONSTRUCTION OF COMFORT STATION AND STORAGE AREA - GRACEADA PARK

RESOLUTION NO. 64-335
A RESOLUTION ACCEPTING THE BID OF HOWELL & SCHMIDT, INC., FOR CONSTRUCTION OF COMFORT STATION AND STORAGE AREA AT GRACEADA PARK (Low bidder,$11,529)

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

CONSIDER AWARD OF BID FOR CONSTRUCTION OF SLURRY SEAL ON 4,000 FOOT RUNWAY AT CITY-COUNTY AIRPORT AND VARIOUS CITY STREETS

RESOLUTION NO. 64-336
A RESOLUTION ACCEPTING THE BID OF PACIFIC SLURRY SEAL CORPORATION FOR CONSTRUCTION OF SLURRY SEAL AT CITY-COUNTY AIRPORT AND ON VARIOUS CITY STREETS (Low bidder, $10,856.50)

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

RESOLUTION NO. 64-337
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $3,794 FOR SLURRY SEAL ON 4,000 FEET OF RUNWAY AT THE CITY-COUNTY AIRPORT

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

CONSIDER AWARD OF BID FOR INSTALLATION OF WATER MAINS IN MEAT PACKING AREA

RESOLUTION NO. 64-338
A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER LINES IN THE MEAT PACKING AREA (no bids received)

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

CONSIDER AWARD OF BID RECEIVED FOR IMPROVEMENT OF ORANGEBURG AVENUE FROM TULLY ROAD TO McHENRY AVENUE 1-70

RESOLUTION NO. 64-339
A RESOLUTION ACCEPTING BID OF M. J. RUDDY & SON FOR IMPROVEMENT OF ORANGEBURG FROM TULLY ROAD TO McHENRY AVENUE (low bidder, $87,202.80)

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

CONSIDER AWARD OF BID FOR CONSTRUCTION OF PUMP HOUSES FOR WELLS NOS. 29 AND 30

RESOLUTION NO. 64-340
A RESOLUTION ACCEPTING BID OF WILLIAM MINENI FOR CONSTRUCTION OF PUMP HOUSES AT STATIONS 29 AND 30 (low bidder, $6,202)

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

CONSIDER RESOLUTION FOR PURCHASE OF TWO 10,000 GALLON HYDRO-PNEUMATIC WATER STORAGE TANKS TO LOW BIDDER, AMERICAN BRIDGE DIVISION OF U.S. STEEL CORPORATION, FRESNO

RESOLUTION NO. 64-341

A RESOLUTION ACCEPTING THE BID OF AMERICAN BRIDGE DIVISION, U. S. STEEL CORPORATION, FOR THE PURCHASE OF TWO 10,000 GALLON HYDRO-PNEUMATIC WATER STORAGE TANKS (Wells Nos. 29 and 30 - low bidder, $6,857.76)

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

Councilman Patton arrived at 8:00 P.M.

FURTHER CONSIDERATION OF BIDS RECEIVED FOR LEGAL ADVERTISING 1-90

The following documents were distributed to the Council and filed with the record of the minutes: Memorandum from Director of Planning Fey dated June 18, 1964, subject, "Legal Advertising," and memorandum from the City Clerk dated June 18, 1964. The City Clerk recommended that award be made to the low bidder, The Modesto Tribune.

The City Clerk read a letter from David McCain, Secretary, Central Labor Council, dated June 18, 1964 asking that the bid be awarded to the Modesto Bee and briefed letters from the Modesto Typographical Union dated June 18, 1964 and Allied Printing Trades Council dated June 19, 1964 bearing the same request.

The following spoke against award of bid to The Modesto Tribune: David McCain, Secretary, Central Labor Council, 3604 East Orangeburg Avenue; Keith Thurston, 720 Kazmir Court.

Roldon Sutton, publisher, The Modesto Tribune, stated that his newspaper met all legal requirements to carry legal advertising.

RESOLUTION NO. 64-342

A RESOLUTION ACCEPTING THE BID OF THE MODESTO TRIBUNE FOR LEGAL ADVERTISING - FISCAL YEAR 1964-65

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

REPORT ON BIDS FOR PARKING LOT - FORMER MODESTO-PLYMOUTH SITE

At the request of the City Manager, and with the unanimous consent of the Council, this item was held over for one week.

HEARING ON PROPOSED AMENDMENTS TO THE ZONING REGULATIONS 2-30

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

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on June 11, 1964; that one letter suggesting a change in the proposed amendments was received from I. J. Tremain, District Manager, Pacific Gas and Electric Company.

Planning Commission Resolution No. 64-57 adopted May 19, 1964 recommends that Section 10-2.301 of the Municipal Code be amended by adding Article 29, "Highway Frontage Zone."

Copies of a memorandum from the Planning Director to the Planning Commission dated March 17, 1964 were distributed to the Council, and a copy filed with the record of the minutes. The memorandum described a meeting with the County Planning Commission and indicated the changes the County is willing to make to conform its H-1 zone to the City's proposed changes.

The proposed amendments to the zoning regulations were described by Mr. Fey. He stated that the proposed zoning could be applied to major streets in the City other than McHenry Avenue which have large adjacent land areas and a heavy degree of traffic.

County exceptions to the uses proposed by the City Planning Commission in the proposed Highway Frontage zone were discussed.

MOTION

That the Council rejects and refers back to the City Planning Commission the proposed H-1 zone, specifically for the reason the Council would like the Planning Commission to consider the elimination of the uses which the County Planning Commission does not permit in its H-1 zone (the last nine items listed in memorandum dated March 17, 1964)

Moved by Shastid Seconded by Mitchell Unanimously carried

The City Clerk read a letter from I. J. Tremain, District Manager, Pacific Gas and Electric Company, dated June 18, 1964 which requested inclusion of the following in the proposed H-1 zone: "Amend Section 10-2.2903 (a) (1) (aa), Utilities, by inserting the words "gas metering stations" after the words "electrical substations."

MOTION

That the change recommended by I. J. Tremain in letter dated June 18, 1964 be considered by the City Planning Commission

Moved by Shastid Seconded by Tabbert Unanimously carried

MOTION

That the City Planning Commission discuss with the County Planning Commission the propriety of either minimum or maximum depth, width and areas, but that this be considered separately from the proposed H-1 zone so that it will not hold up resubmittal of the proposed zoning to the Council

Moved by Shastid

The motion died for lack of a second.

MATTERS FOR THE GOOD OF THE COMMUNITY

Water Main Extension Practices - Report by Public Projects Committee

This matter was referred to the Public Projects Committee at the June 8th meeting for review and recommendation.

Councilman Mitchell reported that the Committee met with representatives of the Home Builders' Association and private water companies, that the matter was considered from all points of view, and recommendation made by the Public Projects Committee that no initial charge be made to the subdivider for water main extensions. He recommended that the staff be instructed to work with the subdividers to develop procedures for a standard form of agreement to the effect that if water main connection fees have not been paid for eighty per cent of the lots in a subdivision within a three-year period, the subdivider will agree to pay the connection fees on the balance of the lots in the subdivision. If possible, a provision should be included so that the agreement will be a lien on any lots of the subdivision for which fees have not been paid, with each lot released from the agreement as soon as the connection fee is paid on that lot.

MOTION

That the staff be instructed to proceed along the lines recommended by Councilman Mitchell

Moved by VanderWall Seconded by Patton Unanimously carried

ADOPTION OF ORDINANCE NO. 661-C.S. RELATING TO AMENDMENT OF PLUMBING CODE 9-13

ORDINANCE NO. 661-C.S. ENTITLED
"AN ORDINANCE AMENDING SECTION 9-2.110 OF ARTICLE 1 OF CHAPTER 2 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE PLUMBING CODE"

introduced June 15, 1964 and having been published as required, was moved and adopted.

Moved by Shastid Seconded by Patton

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

CONSIDER GANT SIDEWALK VARIANCE

MOTION

That the City Manager be authorized to sign the agreement between the City and Teresa Gant requiring the construction of sidewalk, curb and gutter on the O Street frontage of Burge's Drive-In within a period of five years (as a condition for granting a sidewalk variance)

Moved by Mitchell Seconded by Patton Unanimously carried

Jack Gordon, General Manager, Standard Materials, Inc., informed the Council that the placing of blacktop mix in the sidewalk area of Burge's Drive-In was the result of poor judgment rather than an attempt to violate the city code.

Upon questioning, Director of Public Works Campbell stated that there were presently no provisions in the Municipal Code requiring that a utility company or contractor obtain a permit to open a street; that the County requires that such a permit be obtained.

The need for tighter control over firms and individuals digging into the streets was discussed.

MOTION

That the staff be directed to consider requirement of a permit to open streets; to check the practices of surrounding communities, and to make a recommendation to the Council

Moved by Mitchell Seconded by Shastid Unanimously carried

RESOLUTION WITHDRAWING EARLMAR ADDITION FROM THE WOODLAND AVENUE FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY

At the request of the City Manager, and with the consent of the Council, this item was dropped from the agenda.

RESOLUTION RESCINDING RESOLUTION NO. 64-176 REVISING APPROVED RIGHT OF WAY OF McHENRY AVENUE AND ADOPTING CORRECTED RESOLUTION

RESOLUTION NO. 64-343

A RESOLUTION REVISING THE APPROVED RIGHT OF WAY WIDTH OF McHENRY AVENUE IN THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 64-176 ENTITLED "A RESOLUTION REVISING THE APPROVED RIGHT OF WAY WIDTH OF McHENRY AVENUE IN THE CITY OF MODESTO"

Introduced by Shastid Seconded by Patton

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

ACCEPT IMPROVEMENTS IN COLONIAL MANOR NO. 1 SUBDIVISION AS COMPLETE AND AUTHORIZE CITY CLERK TO RELEASE THE SUBDIVISION IMPROVEMENT BOND

RESOLUTION NO. 64-344

A RESOLUTION AUTHORIZING THE RELEASE OF SUBDIVISION BOND FILED TO GUARANTEE IMPROVEMENTS IN COLONIAL MANOR NO. 1 SUBDIVISION ($35,700)

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

APPROVAL OF RIGHT OF WAY AGREEMENT GRANTING THE EAST MODESTO INDUSTRIAL WASTE COMPANY AN EASEMENT TO CONSTRUCT AND MAINTAIN AN UNDERGROUND SEWAGE LINE ACROSS CITY-COUNTY AIRPORT PROPERTY

RESOLUTION NO. 64-345

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND EAST MODESTO INDUSTRIAL WASTE COMPANY FOR SEWAGE LINE ACROSS CITY-COUNTY AIRPORT PROPERTY

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

AGREEMENT TERMINATING LEASE AGREEMENT BETWEEN CITY AND GRANGE COMPANY DATED FEBRUARY 15, 1956 AND PERMITTING CITY TO ACQUIRE TITLE TO GRANGE COMPANY'S HANGAR

RESOLUTION NO. 64-346

A RESOLUTION APPROVING TERMINATION AGREEMENT BETWEEN THE CITY OF MODESTO AND THE GRANGE COMPANY - HANGAR AT CITY-COUNTY AIRPORT

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

RESOLUTION NO. 64-347

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $5,042 FOR ACQUISITION OF HANGAR NO. 4 FROM THE GRANGE COMPANY

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

CONSIDER SETTING A DATE FOR HEARING ON PROPOSED SEWER SERVICE CHARGES

MOTION

That July 20, 1964 at 4:35 P.M. in the Council Chambers, City Hall, be set as the time and place for hearing on proposed increase in industrial sewer service charges

Moved by Mitchell Seconded by Patton Unanimously carried

Page 7 follows

CONSIDER AMENDMENT TO CITY-COUNTY COOPERATIVE AGREEMENT FOR RECONSTRUCTION OF COFFEE ROAD

RESOLUTION NO. 64-348

A RESOLUTION APPROVING AMENDMENT TO AGREEMENT BETWEEN THE CITY OF MODESTO AND COUNTY OF STANISLAUS FOR RECONSTRUCTION OF COFFEE ROAD (extending northerly boundary to Multnomah Drive)

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

CONSIDERATION OF APPROVAL OF CLASSIFICATION FOR NEW POSITION IN PERSONNEL DEPARTMENT - PERSONNEL ASSISTANT

The City Manager stated that the proposed new position of Personnel Assistant will replace the Personnel Officer, but will not eliminate the Personnel Officer classification.

RESOLUTION NO. 64-349

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO (Adding new position, Personnel Assistant)

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

CONSIDER STAFF AND PERSONNEL COMMISSION RECOMMENDATION FOR REVISION IN CLASSIFICATION OF PARKING ENFORCEMENT AND FIRE OFFICER

A memorandum from the City Manager dated June 12, 1964, subject, "Revision of Parking Enforcement and Fire Officer Classification, was distributed to the Council, and a copy filed with the record of the minutes. The memorandum indicated that the Police and Fire Chiefs have recommended that the classification of Parking Enforcement and Fire Officer be revised to delete the dual police and fire duties; that the title be that of Parking and Traffic Officer; that male personnel continue to be employed for this position; that the present salary relationship of this classification to others be maintained; that the classification of Parking Enfofcement Officer, female, be eliminated. A memorandum from the Fire Chief dated April 13, 1964, subject, "Parking Enforcement Fire Officer Position," were filed with the record of the minutes.

RESOLUTION NO. 64-350

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO (abolishing position of Parking Enforcement and Fire Officer and creating new position, Parking and Traffic Officer)

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

RESOLUTION REJECTING CLAIM OF VIVIAN REA FOR DAMAGES

RESOLUTION NO. 64-351

A RESOLUTION REJECTING THE CLAIM OF VIVIAN REA FOR DAMAGES AGAINST THE CITY OF MODESTO (fall in parking lot, 9th and J Streets)

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

CONSIDER RECOMMENDATION OF PERSONNEL COMMISSION UPGRADING ONE SERGEANT POSITION TO THAT OF LIEUTENANT (POLICE DEPARTMENT)

Copies of a memorandum from the City Manager dated June 12, 1964, subject, "Upgrading of one Police Sergeant Position to Police Lieutenant," were distributed to the Council, and a copy filed with the record of the minutes. Recommendation was made that the request of the Police Chief to upgrade one police sergeant position to that of police lieutenant be approved.

MOTION

That the request of the Police Chief to upgrade one Sergeant position to that of Police Lieutenant be approved effective July 1, 1964

Moved by VanderWall Seconded by Shastid Unanimously carried

CONSIDER REQUEST OF DEL ESTE WATER COMPANY TO INSTALL A 6" WATER MAIN IN THE PROPOSED FRONTAGE ROAD AREA ALONG THE EAST SIDE OF THE MODESTO CITY-COUNTY AIRPORT PROPERTY

RESOLUTION NO. 64-352

A RESOLUTION APPROVING REQUEST OF DEL ESTE WATER COMPANY TO INSTALL WATER MAIN AT CITY-COUNTY AIRPORT

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

CONSIDER SUPPLEMENTAL AGREEMENT NO. 2 FOR AIR TRAFFIC CONTROL TOWER LEASE AT CITY-COUNTY AIRPORT

RESOLUTION NO. 64-353

A RESOLUTION APPROVING SUPPLEMENTAL AGREEMENT NO. 2 BETWEEN THE CITY OF MODESTO AND UNITED STATES OF AMERICA, FEDERAL AVIATION AGENCY - AIR TRAFFIC CONTROL TOWER - CITY-COUNTY AIRPORT (covering a visibility protection clause in the lease for air traffic control tower site)

Introduced by Shastid Seconded by VanderWall

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

CAPITAL IMPROVEMENT PROGRAM - 1964-65

Copies of a memorandum from Herbert Buxton, Chairman, City Planning Commission, dated June 17, 1964 recommendting that the Council approve a $27,000 allocation in the 1964-65 Capital Improvement Program for the further development of Roosevelt Park as originally recommended, were distributed to the Council, and a copy filed with the record of the minutes. This matter was discussed at the June 9th special adjourned meeting and referred to the Planning Commission for modification.

MOTION

That a $27,000 allocation be approved in the 1964-65 Capital Improvement Program for further development of Roosevelt Park - construction of two additional tennis courts, lighting of four courts, and construction of internal walkways at Roosevelt Park, as recommended by the Planning Commission

Moved by Shastid Seconded by Mitchell Unanimously carried

Use of city tennis courts by the Schools for tennis classes, tournaments, etc. was discussed. Park Superintendent Brown stated

the tennis courts were made available to the Schools by reservation and without cost to the Schools. The staff was directed to bring this matter up for consideration the next time budgetary matters are discussed with the Schools.

REPORT OF PLANNING COMMISSION ACTION ON QUINTANA, INC. AGREEMENT

A memorandum from Director of Planning Fey dated June 18, 1964 subject, "Review of Quintana Agreement by Planning Commision," indicates that the Planning Commission voted four to two to uphold the agreement as originally written; that the applicant has been informed that he has forty days within which to sign the agreement. The memorandum was ordered filed.

APPROPRIATION TRANSFERS - None

REPORT OF REVIEW OF GOLF PROFESSIONAL'S CONTRACT, MODESTO AND OTHER CITIES, WITH RECOMMENDED ALTERNATIVES

Copies of a memorandum from Director of Parks and Recreation Grogan dated June 18, 1964, subject, "Review and Recommendation - Golf Professional's Contract," were furnished the Council and a copy filed with the record of the minutes. The staff was directed to place the matter on the agenda of a future meeting at the request of any council member.

REPORT ON MAYORS' CONFERENCE IN NEW YORK CITY BY COUNCILMAN VANDERWALL

Councilman VanderWall reported briefly on the Mayors' conference which he recently attended in New York City. He said that he attended the session relating to city-county relations, with interesting points raised on the type of cooperation which should exist between the two agencies. Topics covered were metropolitan area planning commissions, mutual fire and police protection, a parks and recreation service commission; the feeling of many cities that more county cooperation should be available since cities pay about 70% of the taxes.

Mr. VanderWall reported on the following legislation being considered by Congress: a youth training program, with 90% of the funds to be supplied by the federal government, the cities supplying the program; a rapid transit bill, which will make funds avilable to cities having either rapid transit or parking problems.

He said that interesting talks were given by Attorney General Robert Kennedy on civil rights, Robert Weaver, Administrator, HHFA, on Urban Development in the late '60's; Saving our Downtown, by the president of Macy's, New York; the role of city government in industrial development, by Richard McDonald, Vice-President, Philadelphia Industrial Development Co.

ADJOURNMENT

MOTION

That the meeting now in session adjourn to Monday, June 29, 1964 at 5:00 P.M.

Moved by VanderWall Seconded by Mitchell Unanimously carried

The meeting adjourned at 10:35 P.M.

ATTEST: _____
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in adjourned regular session this date at 5:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Tabbert, VanderWall, Mayor Johansen
Councilman Patton arrived at 5:24 P.M.

Absent: Councilmen: Mitchell, Shastid

CONSIDER AWARD OF BID FOR FIRE ENGINE PUMPER TO LOW BIDDER, CROWN COACH CORPORATION, LOS ANGELES ($30,687.75)

RESOLUTION NO. 64-354

A RESOLUTION ACCEPTING THE BID OF CROWN COACH CORPORATION FOR ONE 1,250 GPM FIRE ENGINE PUMPER (low bidder, $30,687.75, plus ladder rack and storage compartments, $800; $32,747.26, tax included)

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

The recommendation of the City Manager for a ladder rack and storage compartments at a cost of $800 was approved and included in the above resolution.

CONSIDER AWARD OF BID FOR CONSTRUCTION OF PUMP HOUSE AT STATION 28 IN MARK TWAIN PARK

At the request of the City Manager, and with the consent of the Council, this matter was held over.

CONSIDER AWARD OF CONTRACTS FOR DEMOLITION OF OLD CITY HALL AND CONSTRUCTION OF PARKING LOT 1-20

Copies of a memorandum from the Director of Parking and Traffic dated June 25, 1964, subject, "Demolition of Old City Hall and Construction of Parking Lot," were distributed to the Council and a copy filed with the record of the minutes.

Responsibility for leveling of the lot in the event that construction of the parking lot was not awarded was discussed, Mr. Carmody stating that the contractor awarded the bid for construction of the parking lot would be responsible for the fill; that if the bid for construction of the parking lot was not awarded, leveling of the lot would be the responsibility of the City. Mr. Carmody stated that this work could be done with city forces.

RESOLUTION NO. 64-355

A RESOLUTION ACCEPTING THE BID OF WALTER L. BOTTO FOR DEMOLITION OF BUILDING (FORMER CITY HALL)

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

RESOLUTION NO. 64-356

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $4,610 FOR DEMOLITION OF OLD CITY HALL, LOCATED ON 10TH STREET BETWEEN G AND H STREETS (From Special Fund for Capital Outlays)

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

FURTHER REPORT ON BIDS FOR PARKING LOT #12 (FORMERLY MODESTO PLYMOUTH)

At the request of the City Manager, and with the consent of the Council, this matter was held over.

TRAFFIC SIGNALS AND LIGHTING AT LA LOMA-SANTA ANA, 12TH AND L, AND SYCAMORE-NEEDHAM AVENUES

RESOLUTION NO. 64-357

A RESOLUTION ACCEPTING THE BID OF STEINY & MITCHEL, INC., FOR CONSTRUCTION OF TRAFFIC SIGNALS AND STREET LIGHTING AT LA LOMA-SANTA ANA, TWELFTH-L AND SYCAMORE-NEEDHAM INTERSECTIONS
(Low bidder, $26,000)

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

RESOLUTION NO. 64-358

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $18,200 FOR CONSTRUCTION OF TRAFFIC SIGNALS AND STREET LIGHTING AT LA LOMA-SANTA ANA, TWELFTH-L AND SYCAMORE-NEEDHAM INTERSECTIONS

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

Councilman Patton arrived at 5:24 P.M.

FURTHER CONSIDERATION OF BIDS RECEIVED FOR STREET SWEEPER

Copies of a memorandum from the City Manager dated June 25, 1964, subject, "Purchase of Street Sweeper," were distributed to the Council and a copy filed with the record of the minutes. Recommendation was made that the bid be awarded to the second lowest bidder because of anticipated lower maintenance costs.

RESOLUTION NO. 64-359

A RESOLUTION ACCEPTING THE BID OF WESTERN TRACTION COMPANY FOR FURNISHING ONE MECHANICAL STREET SWEEPER (REPLACEMENT) ($11,113.36)

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

The resolution failed to carry.

RESOLUTION NO. 64-360

A RESOLUTION ACCEPTING THE BID OF ALLIED EQUIPMENT COMPANY FOR FURNISHING ONE MECHANICAL STREET SWEEPER (REPLACEMENT) ($10,308.48)

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

RESOLUTION AUTHORIZING TRANSFER TO COVER COST OF SIDEWALKS, CURB AND GUTTER IN CONNECTION WITH IMPROVEMENT OF COFFEE ROAD, SCENIC DRIVE TO MULTNOMAH 3-124

RESOLUTION NO. 64-361

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $5,508 FOR CONSTRUCTION OF CURB, GUTTER AND SIDEWALK AT DOWNEY HIGH SCHOOL AND JOHN MUIR SCHOOL (IMPROVEMENT OF COFFEE ROAD BETWEEN SCENIC & MULTNOMAH DRIVES)(the City to be reimbursed by the Modesto City Schools)

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

APPROPRIATION TRANSFER - PURCHASE OF ELGIN SWEEPER

RESOLUTION NO. 64-362

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $309 FOR FURNISHING ONE MECHANICAL STREET SWEEPER (REPLACEMENT - ADDITIONAL FUNDS NEEDED)

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

CONSIDER AWARD OF BID FOR INSTALLATION OF WATER MAINS IN ROBIN HOOD ESTATES NO. 2 SUBDIVISION

RESOLUTION NO. 64-363

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER LINES IN ROBIN HOOD ESTATES NO. 2 SUBDIVISION (no bids received)

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

ORDINANCE ADOPTING BUDGET FOR THE CITY OF MODESTO FOR FISCAL YEAR ENDING JUNE 30, 1965 AND PROVIDING CERTAIN TRANSFER OF FUNDS

Copies of the final budget and a memorandum from the Director of Finance dated June 26, 1964, subject, "Report of City of Modesto Capital Projects," were distributed to the Council, and a copy of each filed with the record of the minutes. The report was reviewed by Director of Finance Bird, who also pointed out changes in the final budget on projects which were budgeted in 1963-64 but not completed, and were not shown in the 1964-65 preliminary budget. These items are now in the 1964-65 final budget: Well for Pump Station No. 28, $10,000; Pump Station No. 27, $1,700; Pump Station No. 29, $7,000; Pump Station No. 30, $16,000; relocation of Pump Station No. 8, $2,465 (A total of $37,165 added to Water Division budget); Disaster and Civil Defense: $1,450 for radios, authorized for purchase during fiscal year 1963-64 subject to federal approval which was not received in sufficient time; Parking Fund: Present Lot Development, $6,100, for validation of lots with carryover approved by the Council; 9th Street Lot, $17,000; demolition of old city hall, $500. Mr. Bird stated that this $500 item was included in the Parking Fund in the final budget; however, due to Council action on this item at the present meeting in connection with the demolition of the City Hall, he said that this item was now incorrectly shown in the 1964-65 budget. He recommended that it remain in the final budget, to be corrected by transfer at a later date. There were no objections from the Council.

ORDINANCE NO. 662-C.S. entitled "AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 1965, AND PROVIDING FOR CERTAIN TRANSFERS OF FUNDS"

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

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Patton Unanimously carried

The meeting adjourned at 5:55 P.M.

ATTEST: _____
REX E. GAILFUS, City Clerk

Modesto City Council
July 6, 1964

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: Shastid, Tabbert, VanderWall, Mayor Johansen
Councilman Patton arrived at 4:05 P.M.
Councilman Hughes arrived at 4:12 P.M.
Absent: Councilmen: Mitchell

The pledge of allegiance to the Flag was given by all present. Reverend Betty Burgle gave the invocation.

APPROVAL OF MINUTES

The minutes of the regular meetings of June 15 and 22, 1964 and adjourned special meetings of June 9 and 16, 1964 were approved.

COMMUNICATION FROM STATE COMPENSATION INSURANCE FUND - HEARING IN CASE OF ALBERT E. OLIVERIA

A letter from F. A. Hill, Claims Adjuster, State Compensation Insurance Fund, dated June 23, 1964 relative to an application for compensation filed by Albert E. Oliveria with the Industrial Accident Commission, was summarized by the City Clerk.

The City Clerk was directed to answer the letter.

LETTER FROM DIVISION OF HIGHWAYS REGARDING POPULATION AND APPORTIONMENT OF GAS TAX FUNDS

A letter from A. L. Tschantz-Hahn, City and County Projects Engineer, State Division of Highways, dated June 25, 1964 was summarized by the City Clerk. The letter reported the estimated population of Modesto as of April 1, 1964 to be 43,250, and the estimated apportionments of funds on the basis of the estimated population to be as follows: 2107 to 6/30/65, $151,300; 186.1(a) to 6/30/65, $4,800; 186.1(b), $160,800.

The letter was ordered filed.

LETTER FROM SUSIE BISHOP, FIRST CHURCH OF CHRIST SCIENTIST, REQUESTING USE OF MANCINI BOWL FOR CHRISTIAN SCIENCE LECTURE

A letter from Susie Bishop, 2040 Miller Avenue, dated June 24, 1964 asking the possibilities of obtaining Mancini Bowl in Graceada Park for the purpose of a Christian Science lecture during the last two weeks of June 1965, was summarized by the City Clerk.

By order of the Chair, the matter was referred to the Public Relations Committee for study and recommendation.

LETTER FROM EDWARD J. SRENASKI, PRESIDENT, GREATER MODESTO CHAMBER OF COMMERCE, REGARDING APPROPRIATION FOR ADVERTISING AND PROMOTION OF CITY - 1964-65

Mr. Srenaski read a letter dated July 6, 1964 to the Council, a copy of which is filed with the record of the minutes. Mr. Srenaski requested that the Council increase the appropriation for city promotional purposes for fiscal year 1964-65 from $11,000 to $15,000.

Mr. Srenaski was questioned by the Council on the following: the Chamber's anticipated revenues and expenditures for fiscal year 1964-65 (approximately $47,000); the geographical scope of the Chamber; its membership.

A motion introduced by Councilman Patton that the Chamber's appropriation for advertising and promotion of the City, fiscal year 1964-65 be increased to $15,000, died for lack of a second.

A motion introduced by Councilman Tabbert that action on the requested increase of funds by the Greater Chamber of Commerce be delayed until after receipt of the Chamber's next quarterly report, died for lack of a second.

By order of the Chair, the matter was referred to the Council Public Relations Committee for further study and recommendation.

LETTER FROM CAL PURVIANCE, PARADE CHAIRMAN, FOURTH OF JULY CELEBRATION, REQUESTING ANNUAL $750 APPROPRIATION

A letter from Cal Purviance dated June 23, 1964 requesting payment of the City's annual appropriation of $750 to the Fourth of July Committee was read by the City Clerk.

MOTION

That payment of $750 appropriation to the Fourth of July Committee be authorized

Moved by VanderWall Seconded by Shastid Unanimously carried

LETTER FROM CITY OF OAKDALE REGARDING PROPOSED AMENDMENT TO LOCAL FORMATION AGENCY COMMISSION

A letter from James Greening, City Clerk, Oakdale, dated June 17, 1964 stating that the Oakdale City Council is favorable to the proposed amendment to the City of Modesto report relative to the Local Formation Agency Commission, and is recommending similar action, was summarized by Mayor Johansen. The letter was ordered filed.

LETTER FROM RAY C. ABST RESIGNING FROM LIBRARY AND CULTURAL COMMISSION 2-10

A letter from Ray C. Abst dated June 19, 1964 resigning from the Library and Cultural Commission was entered into the record.

RESOLUTION NO. 64-364

A RESOLUTION COMMENDING RAY C. ABST FOR SERVICES RENDERED TO THE CITY OF MODESTO

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

LETTER FROM THE CALIFORNIA STATE AUTOMOBILE ASSOCIATION REGARDING SPECIAL CITATION FOR PEDESTRIAN PROGRAM ACTIVITIES

A letter from Robert W. Graver, Manager, Public Safety Department California State Automobile Association, dated June 19, 1964 announcing that the City of Modesto has been awarded a Special Citation for Pedestrian Program Activities in the 25,000 to 50,000 population group in the 25th Annual AAA Contest, was entered into the record and ordered filed.

LETTER FROM CALIFORNIA TRAFFIC SAFETY FOUNDATION, REGARDING CERTIFICATE OF ACHIEVEMENT AWARD 2-108

A letter from Harry L. Bright, President, California Traffic Safety Foundation, dated June 19, 1964 extending congratulations to the City of Modesto for winning a Certificate of Achievement Award for excellence in "Traffic Engineering" as a result of Modesto's participation in the

annual inventory of traffic safety activities, was entered into the record and ordered filed.

PRESENTATION OF FINAL REPORT OF PARKING AND TRAFFIC COMMITTEE 2-110

Copies of a report from the Advisory Committee on City Parking and Traffic were furnished the Council prior to the meeting, and a copy filed with the record of the minutes. The report resulted from appointment of the Committee by the Council on November 18, 1963 to study city traffic and parking problems, with special emphasis on the downtown area.

Members of the Committee in the audience were introduced by G. Dale Smith, Chairman of the Committee.

Mayor Johansen reported that action on recommendations received from the Department of Parking and Traffic that a permanent citizens' committee be appointed to study problems on parking and traffic, and the Forward Modesto Committee that a city and county traffic and road committee be appointed by the Council and Board of Supervisors, was deferred by the Council pending receipt of the report from the Advisory Committee on City Parking and Traffic.

Mr. Smith was questioned by the Council on the following: elimination of the validation parking program and all parking meters on off-street parking lots; source of funds to be used to pay the operating expenses of the proposed free parking lots; appointment of a steering committee; parking meters in lieu of validated parking on off-street parking lots; removal of Tidewater Southern Railway tracks on 9th Street.

Bill Bair, President, Downtown Merchants Association, stated that it was the Committee's feeling that if the on-street parking revenue did not meet the total expenses for operation of the proposed free parking lots, the deficit should be paid from the Parking Fund.

Rudy Potochnik, member of the Advisory Committee, recommended that the Council consider moving the Tidewater Southern tracks from the middle of Ninth Street to the edge of the right of way, preferably the west side, at such time as the street is improved.

Operation of Tidewater Southern Railway within the City without a franchise was discussed by the Council.

By order of the Chair, the City Clerk was directed to place the matter of the Tidewater Southern Railway franchise on the agenda of the second or third meeting of the Council after City Attorney Johnson reports for duty.

The possible lack of interest by the property owners in forming a parking district if free parking is immediately available, and control of employee parking were discussed.

The following spoke in favor of immediate action being taken on the recommendations of the Advisory Committee: Lloyd Loeb; Tar Scott; Joe Saletta.

MOTION

That the Public Relations Committee be directed to work with the Advisory Committee on Parking and Traffic in the appointment of a steering committee

Moved by Shastid Seconded by VanderWall Unanimously carried

MOTION

That the Public Relations Committee be directed to work with the Advisory Committee on Parking and Traffic on the appointment of a permanent parking and traffic committee

Moved by VanderWall Seconded by Shastid Unanimously carried

The staff was directed to furnish the Council a report on the financial implications to the City if the recommendation of the Committee to permit free parking in off-street lots is implemented, and to present the report to the Council at the July 13th meeting.

The City Manager was directed to set a date for the meeting of the Council Public Relations Committee with the Advisory Parking and Traffic Committee.

CONSIDER AWARD OF BID FOR CONSTRUCTION OF PUMP HOUSE AT STATION 28 IN MARK TWAIN PARK

At the request of the City Manager, and with the consent of the Council, this matter was held over.

HEARING ON REQUIREMENT OF CURB AND GUTTER - BLOCK 337, LEON AVENUE

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the requirement of curb and gutter, Lots 38, 39, 40 and 41, Leon Avenue, and opened the hearing.

The City Clerk reported that notice of the hearing was served on the property owner on June 16, 1964 and the area posted on the same date.

The requirement of curbs and gutters was authorized by Council Resolution No. 64-38.

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

RESOLUTION NO. 64-365

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF CURB AND GUTTER ALONG CERTAIN STREETS IN THE CITY OF MODESTO (BLOCK 337, LOTS 38, 39, 40, 41-LEON AVENUE)

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

MATTERS FOR THE GOOD OF THE COMMUNITY

Letter from Frank Ruggieri requesting sign variance.

RESOLUTION NO. 64-366

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF FRAD, RUGGIERI & BRUNN, ATTORNEYS FOR RYAN OUTDOOR ADVERTISING, FOR SIGN VARIANCE (1432 McHenry Avenue)

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

July 13, 1964 at 7:45 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

Comments by Jules Loeb - Report of Advisory Parking and Traffic Committee

Mr. Loeb, downtown merchant, spoke on the importance of speedy council action on downtown parking and other problems to prevent further deterioration of the downtown area.

CONSIDER LEASE AGREEMENT FOR RENTAL OF HANGAR AT MODESTO CITY-COUNTY AIRPORT BETWEEN CITY AND THOMAS S. OSTERMAIER, FRANCIS RINGLER AND COLONEL ELVIN W. BRUSH 6-100

At the request of the City Manager and with the consent of the Council, this matter was held over.

CONSIDER LEASE AGREEMENT FOR RENTAL OF HANGAR NO. 4 -AIRPORT

RESOLUTION NO. 64-367

A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND DONALD P. LaTOURETTE - HANGAR NO. 4 _ MODESTO CITY-COUNTY AIRPORT (effective July 1, 1964)

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

CONSIDER LEASE AGREEMENT FOR RENTAL OF EAST ONE-HALF OF HANGAR NO. 1, AIRPORT

RESOLUTION NO. 64-368

A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND DONALD R. MONTGOMERY FOR LEASE OF EAST ONE-HALF OF HANGAR AT MODESTO CITY-COUNTY AIRPORT (effective July 1, 1964)

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

CONSIDER LEASE AGREEMENT FOR RENTAL OF WEST ONE-HALF OF HANGAR NO. 1

RESOLUTION NO. 64-369

A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND MERLE HEFFNER (SILVAIR FLYING SERVICE) FOR LEASE OF WEST ONE-HALF OF HANGAR NO. 1 AT MODESTO CITY-COUNTY AIRPORT (effective July 1, 1964)

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

CONSIDER LEASE AGREEMENT FOR RENTAL OF HANGAR NO. 2 - AIRPORT

RESOLUTION NO. 64-370

A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND WALTER FOUNTAIN (HAWKE DUSTER & FLYING SERVICE) FOR LEASE OF HANGAR NO. 2 AT MODESTO CITY-COUNTY AIRPORT (effective July 1, 1964)

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

CONSIDER LEASE AGREEMENT FOR RENTAL OF HANGAR NO. 3 - AIRPORT

RESOLUTION NO. 64-371

A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND NATHAN J. PROVINCE (PACIFIC AIRCRAFT SERVICE) FOR LEASE OF HANGAR NO. 3 AT MODESTO CITY-COUNTY AIRPORT (effective July 1, 1964)

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

CONSIDER LEASE AGREEMENT FOR RENTAL OF EAST ONE-HALF OF HANGAR NO. 5

RESOLUTION NO. 64-372

A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND MELVIN JONES FOR LEASE OF HANGAR AT MODESTO CITY-COUNTY AIRPORT (effective July 1, 1964)

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

REPORT ON SALARY SURVEY - HELDEBRANT 7-110

Copies of a report prepared by Charles Heldebrant, Chief, California State Personnel Board, Cooperative Personnel Services, entitled "City of Modesto Salary Review, June 1964" were distributed to the Council prior to the meeting, and a copy filed with the record of the minutes.

Mr. Heldebrant described briefly the procedure and methods of survey, the source of data collected, etc. He said that the report was reviewed in detail with the Personnel Commission last Friday. He stated that upon distribution of his report about three weeks ago, department heads and employees were requested to submit comments, appeals, or additional comments about the recommendations; that comments by or on behalf of fourteen employees were received which will be reviewed and final recommendation submitted to the Council on the appeals received.

Mr. Heldebrant was questioned by the Council.

The City Manager stated that this matter would be placed on the agenda again when a final report is received from Mr. Heldebrant.

RESOLUTION ESTABLISHING FLAT-RATE CHARGES FOR WATER SERVICE TO ELEMENTARY SCHOOL UNDER CONSTRUCTION ON WOODROW AVENUE

RESOLUTION NO. 64-373

A RESOLUTION OF THE CITY OF MODESTO ESTABLISHING FLAT-RATE CHARGES FOR WATER SERVICE TO ELEMENTARY SCHOOL UNDER CONSTRUCTION ON WOODROW AVENUE

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

REQUEST BY SYLVAN UNION SCHOOL DISTRICT FOR POLICE AND FIRE PROTECTION FOR NEW SCHOOL ON WOODROW AVENUE PENDING ANNEXATION

By order of the Chair, this matter was referred to the staff.

REQUEST FOR REFUND OF BUSINESS LICENSE TAX 10-20

RESOLUTION NO. 64-374

A RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF BUSINESS LICENSE TAX TO CAMPOS FOODS IN THE AMOUNT OF $151.45 (inadvertent payment of tax on wholesale sales, period 1/1/62 to 12/31/63)

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

CONSIDERATION OF CITY WORK ASSIGNMENTS FOR COUNTY PRISONERS

Copies of a memorandum from the City Manager dated July 2, 1964 subject, "Consideration of City Work Assignments for County Prisoners," was distributed to the Council and a copy filed with the record of the minutes. Recommendation was made that the Council request the Board of

authorize the use of prisoners under Section 25359 of the Government Code.

MOTION

That the staff be authorized to request the Board of Supervisors to authorize the use of county prisoners for work on city buildings and grounds

Moved by Shastid Seconded by VanderWall Unanimously carried

CLAIM FOR DAMAGES AGAINST CITY BY VALMORE P. JOHNSON, 1905 LA VILLA ROSE COURT, DESTRUCTION OF STEEL WATER PIPING DUE TO IMPROPER WORK BY CITY FORCES

RESOLUTION NO. 64-375

A RESOLUTION REJECTING THE CLAIM OF VALMORE P. JOHNSON FOR DAMAGES AGAINST THE CITY OF MODESTO

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

CONSIDER AGREEMENT BETWEEN CITY OF MODESTO AND ORVILLE OKERSON - GASOLINE CONCESSION, CITY-COUNTY AIRPORT

RESOLUTION NO. 64-376

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ORVILLE OKERSON FOR GASOLINE CONCESSION BUSINESS AT MODESTO CITY-COUNTY AIRPORT (effective July 1, 1964)

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

CONSIDER AGREEMENT WITH WESLEY W. AND VELMA A. WINN FOR WATER AND SEWER SERVICE

RESOLUTION NO. 64-377

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND WESLEY WALDO WINN AND VELMA A. WINN FOR WATER AND SEWER SERVICE

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

ELIMINATION OF DIAGONAL PARKING ON EAST SIDE OF 6TH STREET BETWEEN F AND G AND BETWEEN J AND K STREETS

At the request of the City Manager, and with the consent of the Council, this item was held over.

CONSIDER REVISED AGREEMENT BETWEEN THE CITY AND STATE FOR MAINTENANCE OF STATE HIGHWAYS IN THE CITY OF MODESTO

RESOLUTION NO. 64-378

A RESOLUTION APPROVING REVISED AGREEMENT BETWEEN THE CITY OF MODESTO AND STATE OF CALIFORNIA FOR MAINTENANCE OF STATE HIGHWAYS (REFLECTS NEW HIGHWAY NUMBERS)

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

CONSIDER SUPPLEMENTAL AGREEMENT BETWEEN THE CITY AND CHARLES V. JEFFERS - PARK FEES, STRATHMORE SUBDIVISION NO. 2

RESOLUTION NO. 64-379
A RESOLUTION APPROVING SUPPLEMENTAL AGREEMENT BETWEEN THE CITY OF MODESTO AND CHARLES V. JEFFERS RELATING TO PARK FEES FOR STRATHMORE SUBDIVISION NO. 2

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

REPORTS FROM THE PLANNING COMMISSION - None

APPROPRIATION TRANSFERS - None

REPORT FROM JAMES F. SCHAAL, CAPTAIN, SALVATION ARMY

A report of welfare activities by the Salvation Army for the first quarter of 1964, submitted in accordance with agreement between the Salvation Army and the City, was presented to the Council and ordered filed.

APPOINTMENT OF MEMBER TO BOARD OF ELECTRICIAN EXAMINERS

RESOLUTION NO. 64-380
A RESOLUTION APPOINTING MEMBER OF THE MODESTO CITY BOARD OF ELECTRICIAN EXAMINERS (CURTIS HOLLEY, FOR TERM EXPIRING JANUARY 1, 1966)

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

REQUEST FOR VACATION - CITY CLERK

MOTION
That the request of the City Clerk for annual vacation from July 13 to July 24, 1964 and from August 17 to August 28, 1964 be approved

Moved by VanderWall Seconded by Shastid Unanimously carried

ADJOURNMENT

MOTION
That the meeting now in session be adjourned

Moved by Tabbert Seconded by VanderWall Unanimously carried

The meeting adjourned at 6:30 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, Tabbert, 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

The minutes of the regular meeting of June 29, 1964 were approved.

COMMUNICATION FROM CENTRAL DIVISION OF LEAGUE OF CALIFORNIA CITIES REGARDING HOTEL-MOTEL ROOM TAX

A letter from Michael Dambrosio, Secretary, Central Division, League of California Cities, dated July 3, 1964 stating that the Board of Directors at a recent meeting went on record urging each City and County in the Division to adopt a hotel and motel room tax ordinance, was filed with the record of the minutes.

Mayor Johansen stated that a deadline of October 1st has been set for adoption of the proposed ordinance.

REPORT BY FINANCE DEPARTMENT CONCERNING ANTICIPATED CITY REVENUE IF PROPOSED HOTEL-MOTEL ROOM TAX ORDINANCE IS ADOPTED

Copies of a memorandum from the Director of Finance dated July 9, 1964, subject, "Hotel and Motel Room Tax," were distributed to the Council and a copy filed with the record of the minutes. The memorandum indicated estimated yearly revenue of $33,500.

The City Manager stated that adoption of a proposed hotel-motel room tax ordinance is scheduled for hearing by the Council in August.

COMMUNICATION FROM ROBERT S. BENJAMIN, NATIONAL CHAIRMAN, UNITED STATES COMMITTEE FOR THE UNITED NATIONS, RELATIVE TO U.N. DAY PROCLAMATION

A letter from Robert S. Benjamin, National Chairman, United States Committee for the United Nations dated May, 1964 was summarized by Mayor Johansen and a copy filed with the record of the minutes. Request was made that October 24th be observed as UN Day, that a Committee chairman be appointed, and a proclamation issued.

The Council confirmed Monte Lukov's consent to serve as Chairman of local UN Day activities and issuance of a UN Day Proclamation.

The staff was directed to notify Mr. Benjamin of the appointment of Monte Lukov as Chairman.

CONSIDER AWARD OF BID FOR PUMP HOUSE AT MARK TWAIN PARK - STATION NO. 28

RESOLUTION NO. 64-381

A RESOLUTION ACCEPTING THE BID OF WILLIAM MINENI FOR CONSTRUCTION OF PUMP HOUSE AT PUMP STATION NO. 28 (MARK TWAIN PARK SITE) (low bidder)

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

CONSIDER AWARD OF BID FOR INSTALLATION OF WATER MAINS IN SCENIC MANOR SUBDIVISION

RESOLUTION NO. 64-382

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER LINES IN SCENIC MANOR SUBDIVISION (no bids received)

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

CONSIDER LEASE AGREEMENT FOR RENTAL OF HANGAR AT MODESTO CITY-COUNTY AIRPORT - OSTERMAIER, RINGLER AND BRUSH

At the request of the City Manager, and with the consent of the Council, this matter was held over pending clearance.

RECOMMEND SALE OF PHOENIX FIRE STATION PROPERTY

Copies of a memorandum from Chairman Herbert Buxton, City Planning Commission, dated July 9, 1964 were distributed to the Council, and a copy filed with the record of the minutes. The Planning Commission recommends that the Phoenix Fire Station be sold, with the funds from the sale to go into the general fund.

MOTION

That the staff be directed to secure an informal appraisal on the Phoenix Fire Station and report to Council

Moved by VanderWall Seconded by Mitchell Unanimously carried

APPROVE AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO JUNIOR COLLEGE DISTRICT OF STANISLAUS COUNTY FOR RELOCATION OF PUMP STATION NO. 8

The City Manager stated that the Council authorized the staff to prepare the proposed agreement with the Modesto Junior College District for the relocation of Pump Station No. 8 at the March 9, 1964 meeting. Copies of a memorandum from the City Manager dated March 5, 1964, subject, "Relocation of City of Modesto Pump Station No. 8 on the Junior College Campus," were furnished the Council, and a copy filed with the record of the minutes. Cost of the project is about $13,335, with the School District paying $5,410 of the cost, and the balance of $7,925 to be paid by the City.

The following matters were discussed: why the City should carry the greater or any burden of the cost: water service charges to the College, which the Deputy City Manager stated were presently under renegotiation.

A breakdown of the cost of relocating the well at the Junior College was outlined by Director of Public Works Campbell. He said that the new structure will eliminate existing deficiency points.

RESOLUTION NO. 64-383

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO JUNIOR COLLEGE DISTRICT OF STANISLAUS COUNTY FOR RELOCATION OF PUMP STATION NO. 8

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

APPROVE TERMINATION AGREEMENT BETWEEN THE CITY OF MODESTO JUNIOR COLLEGE DISTRICT OF STANISLAUS COUNTY TO TERMINATE A 99-YEAR LEASE FOR THE EXISTING SITE OF PUMP STATION NO. 8 6-89

RESOLUTION NO. 64-385

A RESOLUTION APPROVING TERMINATION AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO JUNIOR COLLEGE DISTRICT OF STANISLAUS COUNTY TERMINATING 99-YEAR LEASE FOR EXISTING SITE OF PUMP STATION NO. 8

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

HEARING ON APPEAL FROM DECISION OF BUILDING DEPARTMENT - REQUEST FOR SIGN VARIANCE - 1432 McHENRY AVENUE

Mayor Johansen announced that the hour of 7:45 P.M. had arrived, the time set for consideration of the appeal of Ryan Outdoor Advertising on the denial of a permit to erect a 35-foot ground sign near the intersection of Claradell and McHenry, and opened the hearing.

Copies of a memorandum from the Director of Public Works dated July 9, 1964, subject, "Request for permission to erect an excess height sign at McHenry Avenue and Claradell Avenue," were furnished the Council, and a copy filed with the record of the minutes.

The memorandum stated that Section 9-6.21(c) of the Municipal Code provides that the total height of a ground sign be limited to 25 feet above the level of the street and indicated that if the proposed sign were constructed with a maximum height of 25 feet, an adjacent building would prevent southbound traffic on McHenry Avenue from having a clear view of the entire sign, and northbound traffic on McHenry Avenue would have a clear view of the sign for a distance of about one block.

The following spoke in favor of the request for a sign variance: Attorney Francis R. Ruggieri, representing Ryan Outdoor Advertising; Mr. Larry Braddock, executive vice president, Ryan Outdoor Advertising; Mr. Harvey Berglund, Lease Manager, Ryan Outdoor Advertising. During the course of the discussion Mr. Berglund pointed out that the variance requested covered two signs, 12' x 25', to be placed six inches apart. Director of Public Works Campbell stated that there were no code limitations as to the number of signs which could be placed side by side if permits were issued.

The hearing was closed.

Councilman Mitchell, Chairman of the Public Projects Committee, reported on the status of the Committee's review of the City's present sign ordinance. Councilman Tabbert outlined the recommended amendments to the sign regulations submitted to the Council by the Public Projects Committee at the Council meeting of May 4, 1964.

RESOLUTION NO. 64-384

A RESOLUTION GRANTING A VARIANCE TO RYAN ADVERTISING, INCORPORATED, TO ERECT AN EXCESS HEIGHT SIGN AT 1432 McHENRY AVENUE

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

The Acting City Clerk was directed to place the report of the Council Public Projects Committee on sign regulations on the agenda of August 24, 1964.

HEARING ON PROPOSED UNSAFE STRUCTURE CODE 4-122

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for the hearing on a proposed Unsafe Structure Code, and opened the hearing. (The proposed ordinance was reviewed by the Council at the June 8, 1964, meeting.)

The City Manager recommended that the second sentence of Section 9-8.03, Enforcement, be changed as follows: From: "All the powers and duties vested in the Chief Building Official relating to the abatement of dangerous buildings pursuant to this chapter shall be exercised by him." to: "All the powers and duties vested in the Chief Building Official relating to the abatement of dangerous buildings pursuant to this chapter shall be exercised by the Director of Public Works."

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

The Council discussed the following: parking requirements in the event a building is demolished and replaced with a like or other type of business.

MOTION

That the proposed safe building ordinance be reviewed by the City Attorney to correct the phraseology to effect the intent of the recommendation proposed by the City Manager, and the proposed ordinance placed on next week's agenda for Council consideration

Moved by Patton Seconded by Mitchell Unanimously carried

MATTERS FOR THE GOOD OF THE COMMUNITY

BEGINNING OF CITY SERVICES - NEWLY ANNEXED AREAS

Councilman VanderWall stated that he had received a complaint from a citizen of a newly annexed area that he had not had trash pickup for over one month. The Director of Public Works stated that city service in newly annexed areas should begin immediately after notification from the Secretary of State that the annexation is filed.

COMMENDATION OF MODESTO CITY EMPLOYEES' ASSOCIATION - CLEAN-UP DAY

The City Manager stated that 921 cars, trucks and pickups loaded with junk were admitted to the corporation yard site on July 11, 1964 the first day of the Modesto City Employees' Association clean-up campaign. One hundred four truck loads were dumped at the disposal site.

RESOLUTION NO. 64-386

A RESOLUTION COMMENDING THE CITY EMPLOYEES' ASSOCIATION FOR IT'S CITY-WIDE "CLEAN-UP CAMPAIGN"

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

CLEAN-UP OF UNOCCUPIED BUILDINGS - 10TH STREET

Councilman VanderWall reported that he has received complaints on the condition of the vacant buildings on Tenth Street, particularly the Lyceum theater. The City Manager stated that the City street cleaning crews have been instructed to keep the doorways of the buildings free of rubbish; that he would again contact the owner of the property in an effort to improve conditions.

INTRODUCTION OF VISITORS IN THE AUDIENCE

Councilman Mitchell introduced his daughters Sandra and Joan Mitchell, son, Donald, and a foreign student who has attended Downey High School for the past year.

NOTIFICATION OF GREYHOUND LINES, INC., APPLICATION TO CALIFORNIA PUBLIC UTILITIES COMMISSION FOR INCREASED EXPRESS CHARGES 7-12

Copies of a memorandum from the Director of Parking and Traffic dated July 7, 1964, subject, "Greyhound Lines, Inc., application to P.U.C. for increased express charges," were furnished the Council and a copy filed with the record of the minutes.

No action was taken by the Council.

CONSIDER REQUESTING CALIFORNIA HIGHWAY PATROL TO PROVIDE TRAFFIC SUPERVISION AND ENFORCEMENT OF SECTION OF FREEWAY WITHIN CITY LIMITS

Copies of a memorandum from the Chief of Police dated July 1, 1964, subject, "Traffic Law Enforcement - Freeway Section of Highway 99 within the City Limits," were furnished the Council and a copy filed with the record of the minutes. Recommendation was made that the Highway Patrol be requested to provide traffic supervision and enforcement on that section of the freeway within the city limits.

MOTION

That the recommendation of the Chief of Police that the Highway Patrol be requested to provide the traffic supervision and enforcement on that section of the freeway within the city limits be approved

Moved by Hughes Seconded by VanderWall Unanimously carried

CONSIDER WATER SERVICE TO SHERWOOD TERRACE SUBDIVISION LOCATED ON THE NORTH SIDE OF FLOYD AVENUE 600 FEET WEST OF COFFEE ROAD

The following documents were distributed to the Council and filed with the record of the minutes: Letter from R. P. Bomberger dated June 23, 1964 making application for city water service to Sherwood Terrace Subdivision, Stanislaus County; memorandum from the Director of Public Works dated July 9, 1964, subject, "Water Service - Sherwood Terrace Subdivision," in which recommendation was made that water service be provided Sherwood Terrace Subdivision on the same terms and conditions as if the subdivision were already within the city limits, that the subdivider agree to annex to the City when requested to do so, construct all improvements within the subdivision to conform to city subdivision standards, and to post a $20 per lot bond in lieu of a park fee for a period of one year.

RESOLUTION NO. 64-387

A RESOLUTION APPROVING WATER SERVICE TO SHERWOOD TERRACE SUBDIVISION LOCATED ON THE NORTH SIDE OF FLOYD AVENUE 600 FEET WEST OF COFFEE ROAD

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

REPORTS FROM THE PLANNING COMMISSION - None

APPROPRIATION TRANSFERS - None

FURTHER CONSIDERATION OF FINANCIAL IMPLICATIONS OF FREE OFF-STREET PARKING

Copies of a memorandum from the Director of Parking and Traffic dated July 9, 1964, subject, "Financial Aspects of Free Off-Street City Parking," were distributed to the Council, and a copy filed with the record of the minutes. This report was requested by the Council at its July 6th meeting as a result of the Advisory Committee on Parking and Traffic Committee's recommendation that meters and validation be eliminated from all city off-street parking lots, and free parking provided with a two-hour limit.

Bill Bair, member of the Committee, stated that after further consideration, he was in agreement with several of the Councilmen that free parking in city off-street parking lots might not be conducive to the formation of a parking district. He said that there were some objections to the 15¢ an hour parking rate in the validated lots, and that there were definite objections to metered lots, regardless of the time limit or the rate charged, because of the citation feature. He suggested that the rate in the validated parking lots be reduced to 10¢ per hour, and a corresponding rate break be given the merchants. Mr. Bair said that he submitted the

suggestions as an individual, and not as a member of the parking advisory committee.

Hi Youngheim, 2821 LaVon, agreed with Mr. Bair's comments on free parking and objection to metered lots because of the excessive number of parking citations issued. He stated that during the first four months of 1964, 8,500 parking tickets were issued, compared to 3,500 tickets during a corresponding period last year, at which time there were more meters in existence.

Jules Loeb, downtown merchant, spoke briefly on the seriousness of downtown parking problems. He spoke in favor of validated parking on the basis that parking spaces were always available to downtown shoppers, and could not be used for all-day parking by non-shoppers.

Mrs. Myrna Madonna, 206 Clover Lane, representing Hammett's Dress Shop, stated that Hammett's favored validated parking; that when an attendant is not present, the lot is packed with cars, with no spaces available for shoppers. It was her belief that permanent free parking would compound the problem. She asked that parking meters not be returned to the lots.

The status of bids for the construction of the 9th Street lot between J and K Streets was outlined by Director of Parking and Traffic Carmody.

Councilman Patton suggested that downtown merchants might consider leasing parking lots from the City or private firms and offer free parking to shoppers on specific days; that this program on a trial basis would serve as a test on the feasibility of free parking.

Hi Youngheim stated that at a general meeting of downtown merchants about four or five weeks ago, validation of parking lots was favored by a 35-3 vote; that this meeting was held by the merchants after receipt of a petition by the Council that validation be eliminated.

No action was taken by the Council, Mayor Johansen stating that the matter is presently under consideration and study by the Council Public Relations Committee. He discussed briefly the status of the appointment of a steering committee for formation of a proposed parking district.

REMINDER

The Council was reminded of the quarterly meeting of the Central Valley Division, League of California Cities, to be held in Lodi on July 23, 1964.

CITY DUMPING ADJACENT TO DRYDEN GOLF COURSE - UNANIMOUS CONSENT ITEM

Councilman Hughes stated that he had been questioned by several individuals as to the feasibility of dumping stones, leaves, etc., in the area of Dryden Golf Course, with a fear expressed that the dumping will make the land barren and affect possible use of the area as a tie-in between the Dryden and Municipal Golf Courses.

The City Manager was directed to discuss the matter with Councilman Hughes.

EXECUTIVE SESSION TO DISCUSS LITIGATION - CITY VS. GEORGE KEMPLE

MOTION

That the Council meet in executive session to discussion litigation between the City and George C. Kemple - acquisition of Orangeburg Avenue right of way

Moved by VanderWall Seconded by Tabbert Unanimously carried

The Council left the Council Chambers at 9:45 P.M., returning at 9:55 P.M.

RESOLUTION NO. 64-388

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO PROCEED WITH SETTLEMENT IN THE CONDEMNATION CASE ENTITLED "CITY OF MODESTO VS. GEORGE C. KEMPLE, ET AL., SUPERIOR COURT NO. 85366 - WIDENING OF ORANGEBURG AVENUE"

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

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Tabbert Unanimously carried

The meeting adjourned at 9:58 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, Modesto, California, Mayor Johansen presiding.

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

Reverend Robert Hedstrom gave the invocation.

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

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

The minutes of the regular meeting of July 6, 1964 were approved.

LETTER FROM LEE CONDIT REQUESTING VARIANCE TO CURB CUTS - PARADISE PLAZA SHOPPING CENTER

RESOLUTION NO. 64-389
A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF LEE CONDIT, REALTOR, FOR CURB CUT VARIANCE AT PARADISE PLAZA SHOPPING CENTER

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

July 27, 1964 at 7:45 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

LETTER FROM MRS. ALICE OLSON PRESENTING BILL FOR PLUMBING ALLEGEDLY OWED BY CITY

A letter from Mrs. Alice Olson, 1309 Como Park Way, dated July 9, 1964, with a bill for plumbing in the amount of $7.50 attached, was summarized by Mayor Johansen. The letter indicated that the bill should be paid by the City inasmuch as the trouble was found by the plumber to be in the city sewer lines.

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

LETTER FROM GARY TAYLOR REGARDING DEDICATION OF FIRE STATION NO. 5

Copies of a letter from Gary Taylor requesting that Fire Station No. 5, Northern Boulevard, be dedicated in memory of his father, former Fire Marshal Durwood Taylor, who died in the line of duty on March 15, 1957 were furnished the Council prior to the meeting, and a copy filed with the record of the minutes.

A plaque similar to the one proposed to be used was shown the Council by Gary Taylor, and would read as follows: "Dedicated to Durwood C. Taylor, Fire Marshal, Modesto Fire Department, 1942 to 1957, by members of the Modesto City Fire Department."

RESOLUTION NO. 64-390
A RESOLUTION AUTHORIZING DEDICATION OF FIRE STATION NO. 5, 200 NORTHERN BOULEVARD, MODESTO, CALIFORNIA, IN MEMORY OF DURWOOD C. TAYLOR

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

The Acting City Clerk was directed to send a copy of the resolution to Mr. Gary Taylor.

CONSIDER BIDS FOR PARKING LOT NO. 12 (FORMER MODESTO PLYMOUTH BUILDING)

Copies of a memorandum from the Director of Parking and Traffic dated July 16, 1964, subject, "Construction of Parking Lot #12 (Former Modesto Plymouth)" were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes.

RESOLUTION NO. 64-391

A RESOLUTION REJECTING THE BID RECEIVED FOR CONSTRUCTION OF PARKING LOT NO. 12 ON 9TH STREET BETWEEN J AND K STREETS (DEMOLITION OF FORMER MODESTO PLYMOUTH BUILDING)

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

RESOLUTION NO. 64-392

A RESOLUTION AUTHORIZING DIRECTOR OF PARKING AND TRAFFIC TO NEGOTIATE FOR BIDS FOR DEMOLITION OF BUILDING AND CONSTRUCTION OF PARKING LOT NO. 12

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

RESOLUTION NO. 64-393

A RESOLUTION ACCEPTING THE BID OF ACME CONSTRUCTION COMPANY FOR THE CONSTRUCTION OF PARKING LOT NO. 12 (FORMER MODESTO PLYMOUTH) (Alternate No. 2, $18,914)

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

Mr. Carmody stated that the landlords have agreed to pay the difference between a braced wall and a new wall, or $2,551

RESOLUTION NO. 64-394

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $1,500 - PARKING LOT #12 (FORMERLY MODESTO PLYMOUTH) (From Parking Fund, General Reserve (209-600) to Ninth Street Lot (5302))

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

ELIMINATION OF DIAGONAL PARKING ON THE EAST SIDE OF 6TH STREET BETWEEN F AND G AND BETWEEN J AND K STREETS

Copies of a memorandum from the Director of Parking and Traffic dated July 2, 1964, subject, "6th Street Diagonal Parking," were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. Recommendation was made that diagonal parking on the east side of 6th Street, between F and G Streets and between J and K Streets, be eliminated.

RESOLUTION NO. 64-395

A RESOLUTION AMENDING SECTION 2 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. 64-314

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

CONSIDER PROPOSED UNSAFE STRUCTURE CODE

City Attorney Johnson stated that as requested by the Council at the June 13th meeting, he had reviewed the proposed ordinance and changed the beginning of Section 9-8.03 - Enforcement, to read from "The Chief Building Official is charged with the enforcement of the provisions of this chapter. All the powers and duties vested in the Chief Building Official relating to the abatement of dangerous buildings pursuant to this chapter shall be exercised by the Director of Public Works," to "The Director of Public Works is charged with the enforcement of the provisions of this chapter. Whenever the term "Chief Building Official" is used herein, relating to the abatement of dangerous buildings pursuant to this chapter only, it shall be construed to mean the Director of Public Works."

Mayor Johansen said that a downtown merchant had expressed a fear that his building might be abated, that the proposed ordinance provides that a building must be repaired, vacated and repaired, or demolished within sixty days from the date of personal service or mailing of the notice to repair, vacate and repair or demolish, with an additional thirty-day extension if determined necessary by the Chief Building Official; that he did not feel that this was sufficient time to obtain another building and relocate his business.

Mayor Johansen stated that he felt that the ordinance as written was appropriate to take care of vacant and hazardous buildings and that it behooved the Council to let the community know of its intent to be reasonable where businesses were involved; that in his opinion it would be impossible for any business to be relocated within such a short period of time after notice of abatement.

After Council discussion, the staff was directed to prepare a press release expressing to the community the Council's intent to be reasonable on the time limits in connection with the relocation of businesses. The City Clerk was directed to furnish a verbatim extract of the minutes indicating the Council's intent to the Board of Appeals which will be established under the provisions of the ordinance.

ORDINANCE NO. 663-C.S. entitled
"AN ORDINANCE ADDING CHAPTER 8 TO TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE DECLARING OF CERTAIN BUILDINGS AND STRUCTURES FOUND UNSAFE, DANGEROUS OR HAZARDOUS, TO BE NUISANCES AND PROVIDING FOR THE ABATEMENT THERETO" (as amended by the City Attorney)

was introduced and ordered published.

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

ACCEPT AS COMPLETE M. J. RUDDY & SON'S CONTRACT FOR THE REALIGNMENT OF TUOLUMNE BOULEVARD AND IMPROVEMENT AT 7TH AND B STREETS 2-55

RESOLUTION NO. 64-396
A RESOLUTION ACCEPTING THE REALIGNMENT OF TUOLUMNE BOULEVARD AND IMPROVEMENT AT 7TH AND B STREETS ($12,813.41)

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

ACCEPT AS COMPLETE M. J. RUDDY & SON'S CONTRACT FOR IMPROVEMENT OF BRIGGSMORE AVENUE FROM CARVER ROAD TO TULLY ROAD

RESOLUTION NO. 64-397
A RESOLUTION ACCEPTING THE IMPROVEMENT OF BRIGGSMORE AVENUE BETWEEN CARVER ROAD AND TULLY ROAD ($28,291.52)

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

SUBMISSION OF LETTER FROM COOPERATIVE PERSONNEL SERVICES ENCOMPASSING FINAL SALARY RECOMMENDATIONS RESULTING FROM SALARY REVIEW

The following documents were filed with the record of the minutes: Letter from John Tatoyan, Chairman, Modesto City Personnel Commission, dated July 17, 1964 stating that the Personnel Commission at its meeting of July 16, 1964 voted unanimously to recommend to the Council the adoption of salary recommendations proposed by the Cooperative Personnel Services, effective July 1, 1964; copy of a letter from Charles Heldebrant, Chief, Cooperative Personnel Services, dated July 10, 1964 submitting a final report on the salary study conducted for the City.

No action was taken by the Council pending further review of the report. The Acting City Clerk was directed to place this matter on the agenda again in three weeks, and to continue placing the item on the agenda until such time as a full Council is present.

CONSIDER BIDS RECEIVED BY STANISLAUS COUNTY FOR THE RECONSTRUCTION OF COFFEE ROAD

Copies of a memorandum from the Director of Public Works dated July 16, 1964, subject, "Coffee Road Construction," with tabulation attached, were furnished the Council prior to the meeting, and a copy filed with the record of the minutes. Recommendation was made that the County Board of Supervisors be notified in writing that the City believes the low bid of $77,502.70 submitted by M. J. Ruddy & Son is fair and reasonable and that the contract be awarded to that firm.

RESOLUTION NO. 64-398
A RESOLUTION ACCEPTING THE BID OF M. J. RUDDY & SON FOR THE RECONSTRUCTION OF COFFEE ROAD FROM SCENIC DRIVE TO MULTNOMAH AVENUE

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

DISCUSS SETTLEMENT CITY OF MODESTO VS. JOSEPH HENRIQUES, ET AL, CONDEMNATION CASE - ORANGEBURG AVENUE

MOTION
That the City Attorney be authorized to settle the case between the City and Joseph Henriques for $300

Moved by Hughes Seconded by Patton Unanimously carried

RESOLUTION APPROVING RENTAL OF CITY OWNED PROPERTY

RESOLUTION NO. 64-399
A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND ROSIE BRYANT - RENTAL OF CITY-OWNED PROPERTY, 207-209 ELM ($60 per month commencing July 10, 1964)

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

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 318 EAST ROSEBURG AVENUE

MOTION

That the request for sewer service to property located at 318 East Roseburg Avenue be approved

Moved by Patton Seconded by Mitchell Unanimously carried

Councilman Hughes was excused from the meeting because of interest in the following matter.

HEARING ON PROPOSED ANNEXATION OF WYLIE ADDITION NO. 3 2-116

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time for consideration of the proposed annexation of Wylie Addition No. 3, 17.176 acres located between Rose Avenue and Downey High School, and opened the hearing.

The Acting City Clerk reported that notice of the proposed hearing was published as required, and notices mailed to property owners and other interested persons in the area on June 3, 1964. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 64-61 recommends to the Council that the area be annexed.

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

ORDINANCE NO. 664-C.S. entitled
"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE WYLIE NO. 3 ADDITION TO THE CITY OF MODESTO"

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

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

Councilman Hughes returned to the meeting.

REPORT OF CITY OF MODESTO PUBLIC LIABILITY INSURANCE FOR 1964-65 FISCAL YEAR

Copies of a letter from W. W. Giddings, Jr., dated July 13, 1964 setting forth the City's automobile and comprehensive liability experience for the past policy year, and the reasons for renewal costs for the coming year, and were furnished the Council prior to the meeting and a copy filed with the record of the minutes. Mr. Giddings indicated in the letter that Errors and Omissions insurance could be added to the proposed renewal policy for the period June 27, 1964 to June 27, 1965 for a premium of $914.03 per year in the amount of $10,000, subject to a $100 deductible for each occurrence, and subject to a maximum of five occurrences, with a limit for each of $10,000.

Director of Finance Bird stated that the coverage in the basic automobile and comprehensive liability policy was the same as last year, with the increased costs occurring in the comprehensive liability automobile insurance in the amount of $785, and the general comprehensive liability in the amount of $884.

Mr. Giddings discussed his report and was questioned by the Council on the following: the experience credit given the City for the new policy; the City's present umbrella coverage of $1,000,000; the errors and omissions insurance coverage recommended by Mr. Giddings; the feasibility of the City establishing a self-insurance fund to covers errors and omissions claims; the cost involved in increasing the City's $1,000,000 umbrella policy.

Mr. Giddings was asked by the Council to furnish the following information: a report on the losses, the premium, and an explanation as to why a lower experience credit was given the City this year; to submit bids on increased umbrella coverage, Mr. Giddings stating that he would provide this information based on coverage of two and five million dollars; information on the cost of erros and omissions insurance for a three-year period.

A suggestion was made by the Council that after a period of four or five years, if no losses have been incurred by the City through errors and omissions claims, that consideration be given to appropriating four or five thousand dollars for self-insurance purposes, and proceeding on that basis from that time on.

RESOLUTION NO. 64-400

A RESOLUTION AUTHORIZING RENEWAL OF THE CITY'S GENERAL COMPREHENSIVE LIABILITY, AUTOMOBILE LIABILITY INSURANCE AND ADDITION OF ERRORS AND OMISSIONS INSURANCE COVERAGE UNDER A SINGLE POLICY FOR A PERIOD OF ONE YEAR, AND RENEWAL OF AVIATION LIABILITY INSURANCE

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

RESOLUTION NO. 64-401

A RESOLUTION APPROVING APPROPRIATION TRANSFERS FOR CITY'S PUBLIC LIABILITY INSURANCE FOR 1964-65 FISCAL YEAR ($785 from Service Working Capital, Reserve Appropriation (502-600) to Automotive Insurance (412; $1,799 from General Fund, General Reserve (101-600), to Insurance & Retirement (64), $884; Errors & Omissions Insurance (420), $915)

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

HEARING ON PROPOSED INDUSTRIAL WASTE SEWER SERVICE CHARGES 4-110

Mayor Johansen announced that the hour of 4:35 P.M. had arrived, the time set for consideration of proposed industrial waste sewer service charges, and opened the hearing.

Copies of a memorandum from the Deputy City Manager dated June 9, 1964, subject, "Domestic Sewage and Industrial Waste Charges," were furnished the Council prior to the meeting, and a copy filed with the record of the minutes.

Notice of the hearing was sent to all industrial waste users in a memorandum from the Director of Public Works dated June 30, 1964.

The memorandum was reviewed by Deputy Manager Ray.

Mr. Ray was questioned by the Council on various phases of the report.

The following industrial waste users spoke against an increase in industrial sewer rates: Lee Quarteroli, Stanislaus Food Products; Horace Button of Floden and Button Co., turkey processors; Murray Saylor, Flotill, who stated that either the City had been violating the code in not charging full time rates when the treatment plant was operating, or rates were actually being increased; Lyle Looney, Tri-Valley Packing Co.

Mr. Ray stated that if there was no change made in the rates, he recommended that the following paragraph in Section 5-6.206 of the Municipal Code be clarified: "Any industrial user inside City, during any whole month in which the industrial waste plant is required to operate for less that fifteen (15) days in order to maintain water pollution standards shall pay fifty (50%) percent of the applicable rate established . . ."

Page 6 7/20/64

The City Manager pointed out that the Deputy City Manager's report did not reflect the capital expenditures being made at the Sewage Treatment Plant; that expenditures totaling $100,000 are budgeted for fiscal year 1964-65.

The staff was directed to furnish the Council the following information: (1) Overall average industrial waste charges for one year; (2) Obtain from neighboring cities the revenues and costs on their sewer systems; (3) What the City's revenues would be for a year at a flat rate of $39.99 compared to revenues from a sliding scale.

MOTION

That the hearing be continued to August 10, 1964 at 8:00 P.M.

Moved by Shastid Seconded by Mayor Johansen Unanimously carried

MATTERS FOR THE GOOD OF THE COMMUNITY

Report by Public Projects Committee on lighting at Del Webb Field

Councilman Mitchell, Chairman, Council Public Projects Committee, reported that the Committee met with Eddie Robinson, Farm Manager, Houston Colts, members of the staff, and an M.I.D. engineer, to discuss the need for improved lighting at Del Webb Field. He said that Mr. Robinson indicated that the lighting of ball field was customarily the responsibility of the city in which it is located; that the Houston Colts was not in a position to agree to pay any portion of the costs, and were merely asking that there be a reasonable increase in the lighting to make the field safer. In view of the fact that the costs would be considerably less than originally estimated (about $65,000), Councilman Mitchell said that it was the recommendation of the Public Projects Committee that the matter be referred back to the staff for further cost studies.

By order of the Chair, the matter was referred back to the staff for further cost studies, as recommended by the Public Projects Committee.

Report on Second "Clean-Up Modesto" Campaign sponsored by Modesto City Employees' Association

City Manager Keefe reported that the second "Clean-Up Modesto" campaign sponsored by the City Employees' Association was successful, with 752 loads being brought to the new corporation yard site, and over 100 loads delivered to the dump site by volunteer city crews.

The staff was directed to send a letter to the Employees' Association expressing the Council's appreciation.

REPORTS FROM THE PLANNING COMMISSION - None

APPROPRIATION TRANSFERS - None

REQUEST OF CITY MANAGER TO ATTEND CITY MANAGERS' CONFERENCE IN CHICAGO SEPTEMBER 27 TO OCTOBER 1, 1964

MOTION

That the request of the City Manager to attend the City Managers' Conference in Chicago September 27 to October 1, 1964 be approved

Moved by VanderWall Seconded by Patton Unanimously carried

REMINDER

The Council was reminded of the Central Valley Division League of California Cities meeting in Lodi, July 23, 1964

APPOINTMENT OF STEERING COMMITTEE - PARKING DISTRICT (Unanimous consent item)

Mayor Johansen reported that six members have been selected to serve on the Committee, that it was hoped that the 7th member would be selected by the next Council meeting so that the entire committee could be formally appointed by the Council.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Patton Unanimously carried

The meeting adjourned at 6:00 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, Vice Mayor VanderWall presiding.

Present: Councilmen: Patton, Shastid, Tabbert, Vice Mayor VanderWall

Absent: Councilmen: Hughes, Mitchell, Mayor Johansen

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

Reverend Bernard Den Ouden gave the invocation.

LETTER FROM AMERICAN MUNICIPAL ASSOCIATION AWARDING TOWN AFFILIATION AWARD CITATION TO COUNCILMAN WILLIAM MITCHELL

The City Clerk read a letter from the American Municipal Association dated July 17, 1964 which stated that a Town Affiliation Award Citation was being presented to Councilman William Mitchell on July 27, 1964 at the American Municipal Congress, Fontainebleau Hotel, Miami Beach, Florida.

The letter was ordered filed.

LETTER FROM REX HAIGH REQUESTING VARIANCE TO PERMIT BLACKTOPPING IN RIGHT OF WAY

RESOLUTION NO. 64-402
A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF REX HAIGH FOR VARIANCE TO PERMIT BLACKTOPPING IN RIGHT OF WAY AT 1131 YOSEMITE BOULEVARD

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

August 3, 1964 at 4:35 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

ADOPT UNSAFE STRUCTURE CODE

ORDINANCE NO. 663-C.S. entitled
"AN ORDINANCE ADDING CHAPTER 8 TO TITLE IX OF THE MODESTO MUNICIPAL CODE, RELATING TO THE DECLARING OF CERTAIN BUILDINGS AND STRUCTURES FOUND UNSAFE, DANGEROUS OR HAZARDOUS, TO BE NUISANCES AND PROVIDING FOR THE ABATEMENT THEREOF"

introduced July 20, 1964 and having been published as required, was moved and adopted (effective August 26, 1964).

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

ORDINANCE AMENDING THE MODESTO MUNICIPAL CODE RELATING TO WATER RATES

ORDINANCE NO. 665-C.S. entitled
"AN ORDINANCE AMENDING SECTION 11-1.06 OF CHAPTER 1 OF TITLE XI OF THE MODESTO MUNICIPAL CODE RELATING TO WATER RATES"
(applies retroactively to bimonthly period ending September 30, 1964)

was introduced and ordered published as required.

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

ACCEPT AS COMPLETE ELECTRONIC SPECIALTIES COMPANY CONTRACT FOR THE COMMUNICATIONS SYSTEM FOR THE POLICE-COMMUNICATIONS BUILDING 1-45

RESOLUTION NO. 64-403

A RESOLUTION ACCEPTING THE INSTALLATION OF COMMUNICATIONS EQUIPMENT FOR THE POLICE-COMMUNICATIONS BUILDING BY ELECTRONIC SPECIALTIES COMPANY

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

RESOLUTION APPOINTING MARVIN RAY CITY MANAGER PRO TEMPORE DURING ABSENCE OR DISABILITY OF CITY MANAGER, AND APPOINTING ELWYN L. JOHNSON CITY MANAGER PRO TEMPORE DURING ABSENCE OR DISABILITY OF BOTH THE CITY MANAGER AND DEPUTY CITY MANAGER

RESOLUTION NO. 64-404

A RESOLUTION APPOINTING MARVIN RAY CITY MANAGER PRO TEMPORE DURING ABSENCE OR DISABILITY OF THE CITY MANAGER AND APPOINTING ELWYN L. JOHNSON CITY MANAGER PRO TEMPORE DURING THE ABSENCE OR DISABILITY OF BOTH THE CITY MANAGER AND DEPUTY CITY MANAGER, AND RESCINDING RESOLUTION NO. 61-25

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

LETTER FROM CALIFORNIA PHYSICIANS' SERVICE REGARDING CREDIT FOR CALENDAR YEAR 1963

Copies of a letter from California Physicians' Service dated June 17, 1964 were furnished the Council, and a copy filed with the record of the minutes. The letter recommended that the returnable stabilization of $2,127 be left on deposit with CPS as an offset against future adverse claims fluctuations.

The amounts set aside in the Reserve, $8,933, and Retention $10,040, were discussed. Also discussed was whether the Current Stabilization of $2,127 could be refunded to the account of the City since employees' funds are also involved.

The Council asked that the staff secure answers to the following questions: What has the cumulative experience been? What constitutes the Reserve of $8,933? In the event of cancellation of the policy, is the reserve kept by CPS?

No action was taken by the Council pending further information from a representative of CPS.

HEARING ON REQUEST FOR CURB CUT VARIANCE, PARADISE PLAZA SHOPPING CENTER 2-5

Vice Mayor VanderWall announced that the hour of 7:45 P.M. had arrived, the time set for consideration of the request of Lee Condit, Realtor, for a variance to permit the widening of two existing 30-foot curb cuts at Paradize Plaza Shopping Center, located on the southerly side of Paradise Road between Chicago Avenue and Franklin Street, and opened the hearing.

Copies of a memorandum from the Director of Public Works dated July 23, 1964, subject, "Request for a Variance to Permit the Construction of Two (2) 40' Driveways at the Paradise Plaza Shopping Center," were distributed to the Council and a copy filed with the record of the minutes. Recommendation was made that the request to widen two existing 30-foot curb cuts to 40 feet each be approved.

Ray Thorpe, owner of Western Auto in the Shopping Center, asked that the request be approved since it would facilitate ingress and egress to the shopping center.

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

RESOLUTION NO. 64-405
A RESOLUTION GRANTING DRIVEWAY VARIANCE TO LEE CONDIT, REALTOR (PARADISE PLAZA SHOPPING CENTER)

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

The staff was directed to check the possibility of establishing a left hand turning lane in the area of the curb cuts.

NOTIFICATION THAT ANDY SYLVA HAS TERMINATED HIS AGREEMENT WITH C & T CART SERVICE FOR FURNISHING GOLF CARTS

MOTION
That the staff be directed to renegotiate a new agreement between Andy Silva and City relative to golf cart service at Dryden Golf Course

Moved by Tabbert Seconded by Patton Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 1021 NORWEGIAN AVENUE

MOTION
That the request of the property owner for sewer service to property located at 1021 Norwegian Avenue be approved

Moved by Shastid Seconded by Tabbert Unanimously carried

DESIGNATE BRIGGSMORE BETWEEN TULLY AND PRESCOTT AND LA LOMA BETWEEN H AND BURNEY AS TRUCK ROUTES

Copies of a memorandum from the Director of Parking and Traffic dated July 22, 1964, subject, "Proposed New Truck Routes on Briggsmore and LaLoma, were furnished the Council, and a copy filed with the record of the minutes. Recommendation was made that two additions be made to the truck route system, Briggsmore between Tully and Prescott; LaLoma between H and Burney.

RESOLUTION NO. 64-406
A RESOLUTION DESIGNATING TRUCK ROUTES IN THE CITY OF MODESTO

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

CONSIDER INSTALLATION OF STREET LIGHTS AT THE BOWEN AND T.S.R.R. CROSSING

Copies of a memorandum from the Director of Parking and Traffic dated July 23, 1964, subject, "Mercury Vapor Street Lights at the Bowen and T.S. R.R. Crossing," were furnished the Council and a copy filed with the record of the minutes. Recommendation was made that two 20,000 lumen mercury vapor street lights be installed on 30-foot standards at a cost of about $625, one-half the cost to be paid by T.S.R.R. and one-half the City's share of the cost to be reimbursed by the P.U.C.

RESOLUTION NO. 64-407
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $625 FOR STREET LIGHTS AT BOWEN AND T.S.R.R. CROSSING

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

CONSIDER REVISIONS TO PERSONNEL RULES 7.5(e) AND 13.3 2-95

RESOLUTION NO. 64-408

A RESOLUTION AMENDING SECTION 7.5(e) OF THE PERSONNEL RULES RELATING TO PART-TIME POSITIONS IN THE CITY SERVICE AND SECTION 13.3 OF THE PERSONNEL RULES RELATING TO HOLIDAYS (Overtime credit - Good Friday)

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

CONSIDER CREATION OF NEW CLASSIFICATION OF RADIO TELEPHONE OPERATOR

RESOLUTION NO. 64-409

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO (Adding Radio Telephone Operator at salary range of $417-$508)

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

RECOMMEND AMENDMENT TO SECTION 31 (P-D 12 to R-1)

RESOLUTION NO. 64-410

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 31 OF THE ZONING MAP (SPENCER)

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

August 10, 1964 at 7:45 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND AMENDMENT TO SECTION 19 OF ZONING MAP (HAUB)

RESOLUTION NO. 64-411

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 19 OF THE ZONING MAP TO RECLASSIFY FROM R-1 TO R-2 (HAUB)

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

August 10, 1964 at 7:50 P.M. in the Council Chambers, City Hall, was set as the time and place for hearing.

RECOMMEND AMENDMENT TO SECTION 9 OF THE ZONING MAP (CRESTWOOD TERRACE NO. 2 ADDITION)

RESOLUTION NO. 64-412

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 9 OF THE ZONING MAP (CRESTWOOD TERRACE NO. 2 ADDITION)

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

August 10, 1964 at 7:55 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND AMENDMENT TO SECTION 18 OF THE ZONING MAP (WYLIE)

RESOLUTION NO. 64-413
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 OF THE ZONING MAP (WYLIE)

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

August 17, 1964 at 4:40 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND AMENDMENT TO SECTION 19 OF THE ZONING MAP (FRANCE) 3-5

RESOLUTION NO. 64-414
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 19 OF THE ZONING MAP (FRANCE)

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

August 17, 1964 at 4:45 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND AMENDMENT TO SECTION 5 OF THE ZONING MAP (YOUNG)

RESOLUTION NO. 64-415
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 5 OF THE ZONING MAP (YOUNG)

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

August 17, 1964 at 4:50 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

APPROPRIATION TRANSFERS - None

REPORTS

The City Manager reported that a joint Senate-Assembly Transportation Committee is holding a hearing on intrastate carrier operations in Room 115 of the States Building, 217 First Street, Los Angeles, on July 30, 1964; that the afternoon session would be devoted to hearing the proposal of United Air Lines to terminate its services in the San Joaquin Valley.

MOTION
That Airport Manager Sham, City Attorney Johnson and Vice Mayor VanderWall be authorized to represent the City at the joint Senate-Assembly Transportation Committee hearing to be held in Los Angeles on July 30, 1964

Moved by Tabbert Seconded by Shastid Unanimously carried

MATTERS FOR THE GOOD OF THE COMMUNITY

Vice Mayor VanderWall reported briefly on two meetings held in the past week on the proposal of United Air Lines to terminate its services in the San Joaquin Valley; that it was gathered from the meetings that United Air Lines wished to withdraw its services because it felt that it was operating a trunk line business rather than a feeder line; that a loss of about $850,000 was incurred this past year through its valley operation;

its present fleet of planes are obsolete. Mr. VanderWall stated that some of the area industries are based on United's freight operation and do not feel that the service can be handled adequately by Pacific Air Lines, which will take over United's commitments if it is permitted to terminate its services.

Councilman Shastid expressed the opinion that the City should exert every effort to retain the services of United Air Lines in the Valley.

APPOINTMENT OF MEMBERS TO PARKING DISTRICT STEERING COMMITTEE

Vice Mayor VanderWall stated that one of the most important recommendations submitted by the Advisory Committee on Parking and Traffic in its report to the City Council on June 18, 1964 was the appointment of a steering committee to implement the formation of a parking district in the downtown core of Modesto; that seven individuals have agreed to serve, and that the appointments were ready for Council confirmation.

MOTION

That the following appointments to the parking district steering committee are hereby confirmed by the Council: James Dowd, Chairman; Don West; Joseph Saletta; Ray Starn; Clarkson Bradford; Councilman William Patton; Robert Alford

Moved by Shastid Seconded by Tabbert Unanimously carried

EXECUTIVE SESSION

MOTION

That the Council meet in executive session to discuss United Air Line's proposal to discontinue service in San Joaquin Valley

Moved by Tabbert Seconded by Shastid Unanimously carried

The Council left the Chambers at 8:24 P.M., returning at 8:54 P.M.

MOTION

That the staff be authorized to enter into conferences with other Valley cities to see what action should be taken with the thought in mind, if at all possible, that United Air Lines service be retained in the Valley

Moved by Shastid Seconded by Tabbert Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Tabbert Seconded by Shastid Unanimously carried

The meeting adjourned at 8:56 P.M.

ATTEST: _____
REX E. GAILFUS, City Clerk

The City 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, Vice Mayor VanderWall presiding.

Present: Councilmen: Hughes, Mitchell, Shastid, Tabbert, Vice Mayor VanderWall
Absent: Councilmen: Patton, Mayor Johansen

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

Reverend Floyd Diem gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

The minutes of the regular meetings of July 13 and 20, 1964 were approved.

LETTER FROM DAROL W. CARLSON RESIGNING FROM PERSONNEL COMMISSION

A letter from Darol W. Carlson dated July 2, 1964 tendering his resignation from the City Personnel Commission effective August 1, 1964 was summarized by the City Clerk.

RESOLUTION NO. 64-416

A RESOLUTION ACCEPTING RESIGNATION OF DAROL W. CARLSON FROM THE MODESTO CITY PERSONNEL COMMISSION AND COMMENDING HIM FOR SERVICES RENDERED TO THE CITY OF MODESTO

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

LETTER FROM MRS. THOMAS B. SCOTT OFFERING GIFT OF $250

A letter from Mrs. Thomas B. Scott dated July 7, 1964 offering to finance the placing of a sign at Thomas B. Scott Park, 800 Morris Avenue, in memory of her former husband, was summarized by the City Manager. Mr. Keefe stated that city funds in the amount of $150 would be needed for labor and equipment to erect the sign.

RESOLUTION NO. 64-417

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $400 - FUNDS FOR IDENTIFYING SIGN "THOMAS B. SCOTT PARK"

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

LETTER FROM INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE ANNOUNCING AWARD TO CITY OF MODESTO FOR OUTSTANDING TRAFFIC AND LAW ENFORCEMENT

A letter from the International Association of Chiefs of Police announcing an award to the City of Modesto for its outstanding achievement in the field of highway safety during the past year, was read by the City Clerk.

Police Chief Bowers was commended for a job well done.

ACCEPT 1,250 G.P.M. FIRE PUMPER AND AUTHORIZE PAYMENT

RESOLUTION NO. 64-418
A RESOLUTION ACCEPTING THE DELIVERY OF 1,250 G.P.M. FIRE APPARATUS PUMPER FROM P. E. VAN PELT, INC., AND ACCEPTING $2,000 MAINTENANCE BOND (Total cost, $31,941.52)

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

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR FURNISHING OF ONE DEEP WELL PUMP AND ELECTRICAL EQUIPMENT FOR PUMP STATION NO. 30

RESOLUTION NO. 64-419
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING OF ONE DEEP WELL PUMP AND ELECTRICAL EQUIPMENT FOR PUMP STATION NO. 30

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

August 18, 1964 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 CONSTRUCTION OF PUMP HOUSE AT STATION 8 AT COLDWELL AVENUE AND TULLY ROAD (MODESTO JUNIOR COLLEGE) 1-70

RESOLUTION NO. 64-420
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF PUMP HOUSE AT STATION 8 AT COLDWELL AVENUE AND TULLY ROAD (MODESTO JUNIOR COLLEGE)

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

August 18, 1964 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 665-C.S. RELATING TO WATER RATES

ORDINANCE NO. 665-C.S. entitled
"AN ORDINANCE AMENDING SECTION 11-1.06 OF CHAPTER 1 OF TITLE XI OF THE MODESTO MUNICIPAL CODE RELATING TO WATER RATES" (increasing metered water rates)
introduced July 27, 1964 and having been published as required, was moved and adopted.

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

CONSIDER FURTHER THE CALIFORNIA PHYSICIAN'S SERVICE REPORT REGARDING CREDIT FOR FISCAL YEAR 1963

At the request of the City Manager, and with the consent of the Council, this matter was held over.

CONSIDER FURTHER PROPOSED "BEDROOM TAX"

Copies of a memorandum from the City Attorney dated July 31, 1964,

subject, "Proposed Bedroom Tax Ordinance," were furnished the Council prior to the meeting, and a copy filed with the record of the minutes. The City Attorney rendered an opinion that the proposed bedroom tax ordinance was valid and would be upheld by the courts if enacted by the City Council.

Monte Lukov, Home Builders' Association, stated that his organization would fight the proposed ordinance primarily on the basis of discriminatory taxation against an industry or group. It was his opinion that further discussion of the proposed ordinance should be held at staff level. He said that the Association felt that an increase in the mill tax would be a more fair and equitable way to secure funds for park acquisition and improvements. Mr. Lukov was questioned by the Council.

MOTION

That the staff be instructed to submit a proposed ordinance imposing a bedroom tax, leaving the amounts blank; that the matter be submitted for a full hearing as to legality, etc.; that the staff secure information as to the rates being charged by other cities.

Moved by Mitchell Seconded by Shastid Unanimously carried

The staff was directed to submit the proposed ordinance to the Council and interested parties for review before placing the matter on the agenda for public hearing.

HEARING ON REQUESTED VARIANCE TO PERMIT BLACKTOPPING IN RIGHT OF WAY (REX HAIGH)

Vice Mayor VanderWall announced that the hour of 4:35 P.M. had arrived, the time set for consideration of a variance request to permit blacktopping to remain in the public right of way on Yosemite Boulevard at Santa Barbara Avenue, and opened the hearing.

Copies of a memorandum from the Director of Public Works dated July 30, 1964, subject, "Request for a Variance to Leave in Place Asphaltic Concrete placed in the Public Right of Way on Yosemite Boulevard at Santa Barbara Avenue," were furnished the Council and a copy filed with the record of the minutes. Recommendation was made that the request for the variance be approved in view of the Planning Commission's action establishing the timing for the construction of curbs, gutters and sidewalks on Yosemite Boulevard, and the fact that curbs, gutters and sidewalks already exist on Santa Barbara Avenue.

Director of Public Works Campbell stated that in the future a notice will be issued with all permits pointing out the city regulations pertaining to blacktopping in public rights of way.

The staff was directed to send to all holders of construction permits, copies of reports presently being prepared by the staff relative to encroachments in public rights of way.

RESOLUTION NO. 64-421

A RESOLUTION GRANTING A VARIANCE TO REX HAIGH, POWER THRUST OIL COMPANY, TO LEAVE IN PLACE ASPHALTIC CONCRETE PLACED IN THE PUBLIC RIGHT OF WAY ON YOSEMITE BOULEVARD AT SANTA BARBARA AVENUE

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

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP FOR WYLDEWOOD PARK NO. 2 SUBDIVISION 3-102

RESOLUTION NO. 64-422

A RESOLUTION APPROVING THE FINAL MAP OF THE WYLDEWOOD PARK NO. 2 SUBDIVISION OF THE CITY OF MODESTO

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

ACCEPT AS COMPLETE PACIFIC SLURRY SEAL CORPORATION'S CONTRACT FOR THE CONSTRUCTION OF SLURRY SEAL ON THE 4,000-FOOT RUNWAY AT THE AIRPORT AND VARIOUS CITY STREETS

RESOLUTION NO. 64-423

A RESOLUTION ACCEPTING THE PLACEMENT OF SLURRY SEAL AT THE CITY COUNTY AIRPORT AND VARIOUS RESIDENTIAL STREETS IN THE CITY ($12,640)

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

REPORT BY DIRECTOR OF PUBLIC WORKS ON BILL PRESENTED BY MRS. ALICE OLSON FOR PLUMBING ALLEGEDLY OWED BY THE CITY

Recommendation was made by the Director of Public Works that payment of Mrs. Alice Olson's bill in the amount of $7.50 for plumbing work done at her home by Hansens' Inc. on June 22, 1964 be denied on the basis that the stoppage occurred in the house sewer connection, which is the responsibility of the property owner and not that of the City.

MOTION

That payment of the bill by the City be denied

Moved by Shastid Seconded by Mitchell Unanimously carried

FURTHER CONSIDERATION OF SALE OF PHOENIX AVENUE FIRE STATION PROPERTY

Deputy Manager Ray reported that the Phoenix Avenue fire station has been appraised at $12,000; that $1,713.10 must be paid to the Empire Fire Protection District as its remaining share in the property. He stated that specifications for the sale of the property have been prepared on the same basis covering the recent sale of city-owned property located on Orangeburg Avenue. (Written bids, followed by oral bids at the Council meeting).

MOTION

That the staff be directed to prepare the necessary documents for the sale of the Phoenix Avenue fire station; that no minimum selling price be established; that a bid bond of $500 be required

Moved by Shastid Seconded by Hughes Unanimously carried

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP FOR COLONIAL MANOR NO. 2 SUBDIVISION 4-88

RESOLUTION NO. 64-424

A RESOLUTION APPROVING THE FINAL MAP OF THE COLONIAL MANOR NO. 2 SUBDIVISIO IN THE CITY OF MODESTO

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

ACCEPT IMPROVEMENTS AND AUTHORIZE CITY CLERK TO RELEASE IMPROVEMENT BOND FOR $3,100 AND ACCEPT NEW BOND FOR $150 TO COVER INSTALLATION OF STREET TREES WHEN RECOMMENDED BY THE PARKS DEPARTMENT - BIRD TRACT NO. 1 SUBDIVISION 4-95

RESOLUTION NO. 64-425

A RESOLUTION RELEASING PERFORMANCE BOND IN THE AMOUNT OF $3,100 AND ACCEPTING NEW CASH BOND FOR $150 TO GUARANTEE REMAINING IMPROVEMENTS IN BIRD TRACT NO. 1 SUBDIVISION (STREET TREE PLANTING)

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

CONSIDER REMOVAL OF ALMOND TREES IN CATHERINE EVERETT PARK

At the request of the City Manager, and with the consent of the Council, this item was removed from the agenda.

RESOLUTION GIVING NOTICE OF PROPOSED DEMOLITION OF BUILDING LOCATED AT 1115 SEVENTH STREET IN THE CITY OF MODESTO

RESOLUTION NO. 64-426

A RESOLUTION GIVING NOTICE OF PROPOSED DEMOLITION OF THE BUILDING LOCATED AT 1115 SEVENTH STREET IN THE CITY OF MODESTO IN ACCORDANCE WITH THE PROVISIONS OF SECTION 203 (a) OF THE UNIFORM BUILDING CODE AND FIXING THE TIME AND PLACE FOR HEARING PROTESTS THERETO (BARBARA CLAY)

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

August 17, 1964 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

A RESOLUTION AUTHORIZING THE CITY MANAGER OR DEPUTY CITY MANAGER TO EXECUTE DOCUMENTS ON BEHALF OF CITY OF MODESTO TO PARTICIPATE IN THE FEDERAL CONTRIBUTIONS MATCHING FUNDS PROGRAM 4-105

RESOLUTION NO. 64-427

A RESOLUTION AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER TO EXECUTE DOCUMENTS ON BEHALF OF THE CITY OF MODESTO TO PARTICIPATE IN THE FEDERAL CONTRIBUTIONS MATCHING FUNDS PROGRAM (civil defense program)

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

APPROVE AGREEMENT BETWEEN THE CITY AND BOMBERGER BROTHERS, INC. FOR WATER SERVICE TO SHERWOOD TERRACE SUBDIVISION

At the request of the City Manager, and with the consent of the Council, this matter was held over.

MATTERS FOR THE GOOD OF THE COMMUNITY

Removal of Trees - Roosevelt Shopping Center

The City Manager stated that he was reporting to the public in general that the City was not responsible for the removal of trees at the Roosevelt Shopping Center -- that the privately owned trees were being removed by the owner of the shopping center. He added that the report was being made because of the numerous complaints received by various members of the staff and city officials.

REPORT ON A.M.A. CONFERENCE BY COUNCILMAN MITCHELL

Councilman Mitchell gave a brief report on the A.M.A. Conference which he recently attended, stating that he was doing so because he might not be present at the next Council meeting. He thanked the Council

for being permitted to attend the conference. He stated that he obtained a list of suggestions compiled by the American Municipal Association which have proven helpful to various cities in effecting economies in city government; that this list would be furnished the City Manager.

Report on Steering Committee - Parking District

Vice Mayor VanderWall reported that the newly appointed Parking District Steering Committee will have its first meeting on August 4, 1964 at 4:00 P.M.

CONSIDER AGREEMENT BETWEEN THE CITY OF MODESTO AND RUDY BONZI FOR WATER SERVICE TO PROPERTY LOCATED ON CARPENTER ROAD

RESOLUTION NO. 64-428

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND RUDY BONZI - WATER SERVICE TO PROPERTY LOCATED ON CARPENTER ROAD (outside city limits)

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

DAVIS PARK ADDITION - FOR REFERRAL TO PLANNING COMMISSION

The feasibility of annexing areas developed with septic tanks was discussed.

RESOLUTION NO. 64-429

A RESOLUTION AUTHORIZING CITY MANAGER TO SIGN PETITION REGARDING DAVIS PARK ADDITION ANNEXATION

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

RESOLUTION NO. 64-430

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

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

The City Attorney was requested to check the possibility of annexing various small properties in scattered areas of the City, not contiguous to each other, under one annexation procedure.

RECOMMEND REZONING FROM C-1 to R-3, EAST SIDE OF SANTA BARBARA, SOUTH OF MILLER AVENUE

RESOLUTION NO. 64-431

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 (KLINK)

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

August 24, 1964 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND REZONING FROM R-3 TO C-2, EAST SIDE OF 6TH STREET, BETWEEN E AND G STREETS 6-52

RESOLUTION NO. 64-432

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 OF THE ZONING MAP (BURKLEY)

Introduced by Shastid Seconded by Tabbert

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

August 24, 1964 at 8:10 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND REZONING FROM R-2 TO P-D (18) EAST SIDE OF VIRGINIA AVENUE, NORTH OF M.I.D. LATERAL NO. 4 6-60

RESOLUTION NO. 64-433

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 29 OF THE ZONING MAP (NANCLO, INC.)

Introduced by Shastid Seconded by Hughes

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

RECOMMEND REZONING FROM R-1 TO P-D (17) BLOCK 3070, WEST SIDE OF SUTTER AVENUE

RESOLUTION NO. 64-434

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 (ZAMORA AND PRICE)

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

August 24, 1964 at 8:20 P.M. in the Council Chambers, City Hall, 801 11th Street, was set as the time and place of hearing.

AGREEMENT AND REZONING - NORTHEAST CORNER McHENRY & TOKAY (QUINTANA) LETTER FROM DICK HUGHES ASKING THAT THIS MATTER BE PLACED ON THE AUGUST 17TH AGENDA

The rezoning of property located on the northeast corner of McHenry and Tokay Avenues from R-1 to C-2, requested by Quintana, Inc., was heard by the Council on June 8, 1964 and referred back to the Planning Commission with instructions that the matter not be returned to the Council until agreement was reached with the applicant. On June 16, 1964 the Planning Commission voted four to two to make no changes in the agreement as originally written. The agreement has been signed by the applicant.

A letter from Dick Hughes, Broker, asking that discussion on the matter be postponed to August 17,1964 due to the absence of the applicant, Linn C. Alexander, was briefed by the City Manager.

Mrs. Elwyn Miller, 214 Phillip Court, stated that she and various residents in the area had no objections to the Council voting on the matter at the present meeting, rather than continuing it to August 17.

Robert Fuxa, 218 Brian Court, stated that he would like to see the matter handled with dispatch.

MOTION

That the City Manager be authorized to sign the agreement between the City of Modesto and Quintana, Inc. relating to the rezoning of property located at the northeast corner of McHenry & Tokay from R-1 to C-2

Moved by Shastid

The motion died for lack of a second.

MOTION

That the matter be held over to August 17, 1964

Moved by Hughes Seconded by Mitchell

The motion carried, Councilman Shastid dissenting.

APPROPRIATION TRANSFERS - None

REPORT ON COST OF INSTALLATION OF WATER LINES 7-90

At the request of the Director of Public Works, and with the consent of the Council, this matter was held over for one week.

REPORT BY ACTING MAYOR VANDERWALL ON HEARING IN LOS ANGELES HELD BY JOINT SENATE-ASSEMBLY TRANSPORTATION COMMITTEE

Vice Mayor VanderWall and City Attorney Johnson reported briefly on the hearing held in Los Angeles on July 30, 1964 by the joint Senate-Assembly Transportation Committee. Vice Mayor VanderWall stated that the Modesto group was not heard because of the crowded agenda; that the hearing was continued and would be heard in Sacramento at a later date; that informal discussions were held with representatives of other cities and a decision reached that the cities would work together.

The ability of Pacific Air Lines to handle Modesto air service requirements was discussed.

REQUEST FOR VACATION BY CITY MANAGER

MOTION

That the request of the City Manager for a vacation from August 10 to 14, 1964 inclusive be approved

Moved by Tabbert Seconded by Mitchell Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Hughes Seconded by Tabbert Unanimously carried

The meeting adjourned at 5:56 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 7:30 P.M. in the Council Chambers, City Hall, 801 11th Street, Mayor Johansen presiding.

Present: Councilmen: Hughes, Patton, Tabbert, VanderWall, Mayor Johansen
Councilman Shastid arrived at 7:39 P.M.

Absent: Councilmen: Mitchell

The pledge of allegiance was given by all present.

Reverend George Telle gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

The minutes of the regular meeting of July 27, 1964 were approved.

LETTER FROM EDWARD L. DITHRIDGE, 1219 SUNRISE AVENUE, REGARDING UNITED AIR LINES PROPOSAL TO DISCONTINUE SERVICE 1-30

A letter from Mr. Dithridge dated July 30, 1964 asking the Council to make an effort to find out what Pacific Air Lines can offer the City in the way of improved schedules and reduced fares over the poor time schedules and high fares offered by United Air Lines, was briefed by the City Clerk.

Councilman VanderWall and Acting Manager Ray were asked to answer Mr. Dithridge's letter.

LETTER FROM BURTON WESENBERG, CITY MANAGER, CITY OF DAIRYLAND, REGARDING USE OF SCHOOL SITES, AND RESOLUTION

A letter from Mr. Wesenberg dated July 21, 1964 with copy of resolution enclosed, was briefed by Mayor Johansen. The resolution recommends more efficient use of school sites and that present standards for school site acquisitions be modified to avoid continued waste of public funds on excessive land acquisition.

By Order of the Chair, the Acting Manager was directed to write a letter to the Board of Education for the Mayor's signature, forwarding a copy of Mr. Wesenberg's letter and resolution, and informing the Board that the Council has taken no action.

REPORT ON CITY INSURANCE POLICIES BY WARREN GIDDINGS

At the request of the City Council at a previous meeting, Mr. Giddings outlined to the Council the losses and reserves for the preceding three years upon which the rate for the City's liability insurance was based. Total incurred losses (paid and reserved) was $46,760.04; total paid premium by the City, $53,414.00. Mr. Giddings stated that a list of the claims paid during the last three years would be furnished the City.

Mr. Giddings stated that an increase of the City's blanket catastrophe policy from $1,000,000 to $2,000,000 would cost the City an additional $2,500 for a three-year period; an increase to $5,000,000 would cost the City an additional $6,000 for a three-year period.

Increasing the City's blanket catastrophe policy was discussed.

MOTION

That the City's blanket catastrophe policy be increased to $2,000,000 at an additional cost of $2,500 for a period of three years

Moved by Shastid Seconded by VanderWall Unanimously carried

Mr. Giddings stated that a bid on errors and omissions insurance for a three-year period would be furnished the Council at a later date.

HEARING ON PROPOSED REZONING FROM P-D (12) TO R-1 ON THE NORTH SIDE OF CALIFORNIA AVENUE BETWEEN SPENCER AND M.I.D. LATERAL NO. 5 (SPENCER AVENUE PROPERTY)

Mayor Johansen announced that the hour of 7:45 P.M. had arrived, the time set for consideration of the proposed rezoning from P-D (12) to R-1, property located on the north side of California Avenue between Spencer and M.I.D. Lateral No. 5, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on July 30, 1964 and notices distributed and posted in the area on July 31, 1964. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 64-71 recommends that the area be rezoned. The rezoning was initiated by the Planning Commission because the developer failed to meet the development schedules.

The Council discussed the following: Methods by which the City could recover costs of rezoning when P-D zoned property fails to develop and reverts to its original zoning; the possibility of zoning property to P-D, with automatic reversion to its original zoning in the event that the development schedule is not met. The City Attorney stated that conditional zoning has been held by the Courts to be illegal.

Director of Planning Fey stated that it would be possible to change the Municipal Code to require that a bond be posted to cover costs to the City in the event the planned development schedule is not met.

Acting Manager Ray stated that the staff has been requested by the Council to prepare a report on the possibility of providing for payment to the City in the event of reversion of P-D zones. The staff was directed to furnish this report and recommendation to the Council at the first meeting in September.

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

ORDINANCE NO. 666-C.S. entitled
AN ORDINANCE AMENDING SECTION MAP 31 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (P-D(12) TO R-1)

was introduced and ordered published as required.

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

RESOLUTION NO. 64-436
A RESOLUTION RESCINDING RESOLUTION NO. 63-12, RESOLUTION NO. 63-152, RESOLUTION NO. 63-307, AND RESOLUTION NO. 63-417. (P-D(12), SPENCER ADDITION)

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

HEARING ON PROPOSED REZONING FROM R-1 TO R-2 ON EAST SIDE OF CARVER ROAD 55 FEET NORTH OF TERESA STREET (HAUB PROPERTY)

Mayor Johansen announced that the hour of 7:50 P M. had arrived, the time set for consideration of the proposed rezoning of propery located on the east side of Carver Road, 55 feet north of Teresa Street, 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 July 30, and notices posted and distributed in the area on July 31. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 64-72 recommends that the area be rezoned from R-1 to R-2.

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

ORDINANCE NO. 667-C.S. entitled "AN ORDINANCE AMENDING SECTION MAP 19 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (HAUB)"

was introduced and ordered published as required.

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

HEARING ON PROPOSED REZONING FROM R-A TO R-1 PROPERTY ON RUMBLE ROAD

Mayor Johansen announced that the hour of 7:55 P.M. had arrived, the time set for consideration of the proposed rezoning from R-A to R-1, property located on Rumble Road containing the Sherwood Elementary School, the adjacent park site, and Crestwood Terrace No. 2 Subdivision, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on July 30, and notices posted and delivered in the area on July 31, 1964. No written protests were filed with the City Clerk.

Planning Commission Resolution 64-73 recommends that the area 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. 668-C.S. entitled "AN ORDINANCE AMENDING SECTION MAP 9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (CRESTWOOD TERRACE NO. 2 ADDITION)"

was introduced and ordered published as required.

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

CONTINUATION OF HEARING ON PROPOSED SEWER SERVICE CHARGES

This matter was continued from the July 20, 1964 meeting at which time the staff was directed to furnish the Council the following information: (1) Overall average industrial waste charges for one year; (2) Obtain from neighboring cities the revenues and costs on their sewer systems; (3) What the City's revenues would be for a year at a flat rate of $39.99 compared to revenues from a sliding scale.

Copies of a memorandum from Deputy Manager Ray dated August 6, 1964 subject, "Additional information regarding domestic sewage and industrial waste charges," were furnished the Council and a copy filed with the record of the minutes. Answers to the above questions are contained in the memorandum. The memorandum was reviewed by the Acting City Manager.

Upon questioning, Director of Finance Bird stated that about 32 or 33 firms are subject to the half-rate basis during the winter months.

With the unanimous consent of the Council, Item 26, Report on Sewage Treatment Plant Operation, was discussed at this time. Copies of a memorandum from the Director of Public Works dated August 7, 1964, subject, "Inspection of Sewage Treatment Plant by Staff Member of the Water Pollution Control Board," were furnished the Council, and a copy filed with the record of the minutes.

Director of Public Works Campbell reviewed the memorandum, which listed the findings of Bruce Barrett, representative of the Water Pollution Control Board, after inspection of the sewage plant operations, the City's 11-point odor control program, and the sulfide testing program requested by the Water Pollution Control Board.

Mr. Campbell stated that the Water Pollution Control Board considered the City's 11-point program as an interim solution; that some type of physical plant improvements was needed as a solution to the total problem; that the City's 11-point program has not accomplished its purpose.

Cost of the calcium nitrate being added to the ponds to control sulfides was discussed. Mr. Campbell stated that use of three tons of calcium nitrate per day was originally anticipated, but at the present time ten tons per day were being applied at a cost of $500 per day; that funds were still available for this purpose because they were budgeted for the month of July and not used during that period.

Mr. Campbell stated that under the terms of an agreement with Jenks & Jenks, Consulting Sanitary Engineers, a report on the operation of the sewage treatment plant and related problems, is due January 1, 1965. The staff was directed to notify the firm of the urgent need for the report and to see if it could be speeded up a month or two.

The following representatives of industries spoke against an increase in industrial sewer charges: Murray Saylor, Tillie Lewis Foods; Lee Wuarteroli, Stanislaus Food Products; Leo Cavandar, General Manager, F.M.C.; William Foraker, Milk Producers' Association.

Director of Public Works Campbell stated that normally the one-half industrial sewer rates begin November 1 and terminate at the end of May; that determination of the one-half rate period is the responsibility of the Director of Public Works.

Acting Manager Ray outlined the reasons for the staff proposal that a change be made to the Code provisions relating to the one-half industrial sewer rate during the winter months and recommended that they either be eliminated or, as an alternative, the Code be revised to establish the particular months when the half-rates are to be in effect, thus relieving the Director of Public Works of the responsibility of making the determination. He said that elimination of the one-half rates during the winter period will increase revenues by about $15,000.

It was Mr. Quarteroli's belief that incfeased costs for the operation of the sewage treatment plant should be borne by the entire City, not only the industries, on the basis that the industries were highly responsible for the overall economy and well-being of the area.

Councilman VanderWall, member of the County Area Sewer Study Committee, stressed the need for this Committee to speed up its study of area sewer problems. Mayor Johansen suggested that consideration be given to placing the matter on the agenda of the Board of Supervisors, to point out the urgency of the City's sewage problems, as well as those of the surrounding area.

MOTION

That the proposed code revisions pertaining to industrial waste charges be tabled

Moved by Hughes Seconded by Tabbert Unanimously carried

MATTERS FOR THE GOOD OF THE COMMUNITY

Councilman VanderWall read a letter from Senator Randolph Collier, announcing that a joint meeting of the Senate Fact Finding Committee on Transportation and Public Utilities and the Assembly Interim Committee on Transportation and Commerce will be held at 9:30 A.M., August 14, 1964, in Room 4203, State Capitol Building, Sacramento. The two transportation committees of the California Legislature have undertaken a major study of the present status of California aviation development. Views of the City were asked on United Air Lines' proposal to terminate service in the San Joaquin Valley. Councilman VanderWall, City Attorney Johnson, and Airport Manager Sham will attend the hearing.

PARKING DISTRICT STEERING COMMITTEE-APPOINTMENT OF VICE CHAIRMAN

Councilman VanderWall reported that the Steering Committee held its first meeting last Tuesday, with future meetings scheduled weekly on Thursdays at 4:00 P.M. The Committee visited Sunnyvale and Mountain View officials, with much pertinent information gained.

MOTION

That Robert Alford be appointed Vice Chairman of the Parking District Steering Committee

Moved by Shastid Seconded by Hughes Unanimously carried

REQUEST FOR DRIVEWAY VARIANCE, SIGNAL OIL COMPANY, 5TH & H STREET IMPROVEMENT

RESOLUTION NO. 64-437

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF SIGNAL OIL COMPANY FOR DRIVEWAY VARIANCE ON PROPERTY LOCATED AT THE SOUTHWEST CORNER OF 5TH AND H STREETS

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

August 17, 1964 at 4:20 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

CONSIDER AGREEMENT BETWEEN THE CITY AND HARRY KULLIJIAN, ET UX, FOR WATER SERVICE TO SOMERSET PARK UNIT NO. 1 SUBDIVISION

Terms of the proposed agreement were outlined by Acting Manager Ray.

RESOLUTION NO. 64-438

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND HARRY KULLIJIAN, ET UX, FOR WATER SERVICE TO SOMERSET PARK UNIT NO. 1 SUBDIVISION

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

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN SOMERSET PARK UNIT NO. 1 SUBDIVISION

RESOLUTION NO. 64-439

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN SOMERSET PARK UNIT NO. 1 SUBDIVISION

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

August 25, 1964 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 FURNISHING ONE DEEP WELL PUMP WITH ELECTRICAL EQUIPMENT AND ONE AUXILIARY GAS ENGINE FOR PUMP STATION NO. 29 8-115

RESOLUTION NO. 64-440

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING OF ONE DEEP WELL PUMP WITH ELECTRICAL EQUIPMENT AND ONE AUXILIARY GAS ENGINE FOR PUMP STATION NO. 29 (meat packing area)

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

August 25, 1964 at 2:00 P.M. in the City Clerk's Office was set as the time and place for opening of bids.

RESOLUTION AUTHORIZING SALE OF PHOENIX AVENUE FIRE STATION PROPERTY

RESOLUTION NO. 64-441

A RESOLUTION DECLARING THE INTENTION OF THE CITY OF MODESTO TO SELL CERTAIN REAL PROPERTY BELONGING TO THE CITY AND AUTHORIZING THE CALL FOR BIDS TO ACCOMPLISH SUCH SALE

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

September 14, 1964 at 2:00 P.M. in the City Clerk's Office was set as the time and place for opening of formal bids, and September 14, 1964 at 8:00 P.M. in the Council Chambers, City Hall, as the time and place for consideration of oral bids.

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR THE INSTALLATION OF WATER LINES IN COLONIAL MANOR NO. 2 SUBDIVISION

RESOLUTION NO. 64-442

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN COLONIAL MANOR NO. 2 SUBDIVISION

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

August 25, 1964 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 LINES IN WYLDEWOOD PARK NO. 2 SUBDIVISION

RESOLUTION NO. 64-443

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN WYLDEWOOD PARK NO. 2 SUBDIVISION

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

August 25, 1964 at 2:00 P.M. in the City Clerk's Office was set as the time and place for opening of bids.

APPROVE AGREEMENT BETWEEN THE CITY AND BOMBERGER BROTHERS, INC., FOR WATER SERVICE TO SHERWOOD TERRACE SUBDIVISION 10-20

RESOLUTION NO. 64-444

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND BOMBERGER BROTHERS, INC., FOR WATER SERVICE TO SHERWOOD TERRACE SUBDIVISION

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

City Attorney Johnson stated that the agreement would be recorded, and that it contained a clause that when the subdivider has fully complied with all of the terms and conditions imposed in the agreement, including annexation, the City shall record a notice of such compliance in the office of the County Recorder.

CONSIDER AMENDMENT TO MUNICIPAL CODE TO REVISE WATER MAIN EXTENSION POLICY

With the unanimous consent of the Council, this matter was held over until the next meeting. Acting Manager Ray was directed to furnish each Councilman copies of letters received pertaining to this matter.

FURTHER CONSIDERATION OF SALARY RECOMMENDATIONS

This item was held over pending attendance of a full Council.

RENEWAL OF FIDELITY BONDS 9-60

RESOLUTION NO. 64-445

A RESOLUTION APPROVING RENEWAL OF FIDELITY BONDS - CITY CLERK AND AUDITOR, FINANCE DIRECTOR, POLICE DEPARTMENT, AND ALL OTHER EMPLOYEES

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

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 2230 GLENDALE AVENUE

MOTION

That the request for sewer service extension to property located at 2230 Glendale Avenue be approved

Moved by VanderWall Seconded by Hughes Unanimously carried

CONSIDER AMENDMENTS TO RESOLUTION 64-57 RECOMMENDING H-1 ZONE

RESOLUTION NO. 64-446

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF PLANNING COMMISSION FOR AMENDMENT TO ZONING REGULATIONS

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

September 14, 1964 at 8:15 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND AGREEMENT BETWEEN CITY AND BRIGGS, CHAPMAN, AND ALEXANDER AND ASSOCIATES BE AMENDED

Copies of a memorandum from Acting Secretary of the Planning Commission dated August 6, 1964, recommending an amendment to Condition No. 4 of the agreement to permit an opening in the wall to permit pedestrian access to the fire hydrant at the east end of Lotus Lane, were furnished the Council and a copy filed with the record of the minutes.

MOTION

That Condition No. 4 on page 2 of the agreement between the City and Briggs, Chapman, and Alexander and Associates be amended as recommended by the Planning Commission

Moved by Hughes Seconded by Patton Unanimously carried

RECOMMEND GRANTING UNCLASSIFIED USE PERMIT TO TRI-COUNTY LEASING 521 - 13th STREET

RESOLUTION NO. 64-447

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF TRI-COUNTY LEASING FOR AN UNCLASSIFIED USE PERMIT FOR AN OPHTHALMIC PRODUCTS ESTABLISHMENT AT 521 - 13th STREET

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

September 8, 1964 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND ABANDONMENT OF THE NORTHERLY 15 FEET OF SILKWOOD DRIVE

RESOLUTION NO. 1022-S.P.
RESOLUTION OF INTENTION NO. 292

A RESOLUTION OF INTENTION TO VACATE AND ABANDON THE NORTHERLY FIFTEEN (15') FEET MORE OR LESS OF SILKWOOD DRIVE IN THE CITY OF MODESTO

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

September 8, 1964 at 4:35 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

APPROPRIATION TRANSFERS - None

REPORT BY MAYOR AND COUNCIL MEMBERS ON A.M.A. CONGRESS 10-90

Mayor Johansen gave a brief report on his observations at the A.M.A. Congress in Miami Beach, stating that from the speeches and conversations at the meeting there seemed to be a few common essentials vital to the most successful cities. These include a strong and bold local governing body working hand-in-hand with all local governmental agencies, as in our case the M.I.D., the County, the Schools, and surrounding cities; and the most important, the development of private leadership. It was his opinion that automation of the City's water department, development of the corporation yard, and installation of automatic sprinklers in the park system were economies that would be beneficial to taxpayers.

He also mentioned his impressions of Washington, Maryland, Vermont and Delaware, where billboard and sign controls are in effect.

Mayor Johansen stressed the importance of public and private leadership working together.

Councilman Hughes stated that it proved to be a great opportunity to get in touch with Mayors and Councilmen of other cities to discuss common problems, to get their ideas and their solutions. He said he was particularly impressed with several talks given, and was having copies made of a particular speech made by the Mayor of Wilmington, North Carolina, for distribution to the Council.

REPORT ON COST OF INSTALLATION OF WATER LINES

Copies of a memorandum from the Director of Public Works dated July 30, 1964, subject, "Cost of Installation of Water Mains in Colonial Manor No. 1 Subdivision (W.O. A5453)" were furnished the Council, and a copy filed with the record of the minutes. Cost reports were made on the following subdivisions: Colonial Manor No. 1; Joni Manor No. 3; Quaresma Homes No. 5; Sherwood Forest No. 2; Strathmore No. 2. The report was ordered filed.

SUBMISSION OF ANNUAL SUMMARY REPORTS OF ACTIVITIES OF ALL CITY DEPARTMENTS FOR FISCAL YEAR 1963-64

The annual activity report of Department of Parking and Traffic was discussed, particularly the item pertaining to negotiations with Tidewater Southern Railroad, regarding the possible relocation of tracks on 9th Street.

The City Attorney was directed to review the matter with the staff and submit a report to the Council on ways and means possible to effect the relocation of the tracks.

The City Manager recommended that the activity reports of all City departments for fiscal year 1963-64 be accepted as the Manager's Annual Report required by the Charter.

MOTION

That the Council accepts the annual summary reports of City Department activities of all City Departments as the Manager's Annual Report for fiscal year 1963-64

Moved by Tabbert Seconded by Shastid Unanimously carried

ATTENDANCE OF CITY ATTORNEY AT NATIONAL INSTITUTE OF MUNICIPAL LAW OFFICERS CONFERENCE

MOTION

That the attendance of the City Attorney at the National Institute of Municipal Law Officers Conference to be held in Portland, Oregon, September 27 through September 30, 1964 be approved

Moved by VanderWall Seconded by Patton Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Tabbert Unanimously carried

The meeting adjourned at 10:12 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, Shastid, Tabbert, VanderWall, Mayor Johansen
Councilman Patton arrived at 4:04 P.M.

Absent: Councilmen: None

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

Reverend A. B. Christian gave the invocation.

PRESENTATION OF TOWN AFFILIATION AWARD TO DR. JOHN WOOLLEY - CIVIC COMMITTEE, PEOPLE TO PEOPLE PROGRAM

At the request of the City Manager, and with the consent of the Council, this matter was held over.

PRESENTATION OF SPECIAL CITATION FOR PEDESTRIAN PROGRAM ACTIVITIES

A special citation for pedestrian program activities for 1963 was presented to the City by Charles Wherry, representative of the American Automobile Association.

APPROVAL OF MINUTES

The minutes of the regular meeting of August 3, 1964 were approved.

LETTER FROM MR. AND MRS. WESLEY W. WINN ASKING TITLE TO EXCESS PROPERTY LOCATED AT INTERSECTION OF BRIGGSMORE AVENUE AND PRESCOTT ROAD 1-58

A letter from Mr. and Mrs. Wesley W. Winn dated August 11, 1964 requesting that they be permitted to inititate a petition to obtain a parcel of excess property located at the intersection of Prescott Road and Briggsmore Avenue, was entered into the record of the minutes.

By order of the Chair, Mr. Winn's request was referred to the staff for report and recommendation.

LETTER FROM ROBERT I. TRIMBLE, ROUTE 7, BOX 1447F, REGARDING BUSINESS LICENSE 1-68

A letter from Robert I. Trimble dated August 8, 1964 requesting that a variance be granted to permit an equipment rental and sales business at 1007 Yosemite Boulevard, was entered into the record of the minutes. Mr. Trimble stated in his letter that he had applied for a business license, was told that it would be available in about ten days, and after expending approximately $20,000 in readying the property, was informed by the City that the property was not properly zoned for this type of business.

Director of Finance Bird explained the reason for the delay in notifying Mr. Trimble that a license could not be issued because of improper zoning.

The City Attorney stated that it was not legally possible to grant Mr. Trimble the variance requested; that it was his opinion that there was no liability on the part of the City.

Director of Planning Fey stated that he had no record or knowledge of Mr. Trimble contacting the Planning Department a number of years ago about the use of this property for a rental equipment business; that equipment rental businesses are now properly classified in a C-M zone.

Finance Department procedures in accepting business license applications were outlined by Mr. Bird.

By order of the Chair, the staff was directed to personally contact Mr. Trimble to discuss the matter with him, and the matter placed on the agenda of the August 24th meeting.

LETTER FROM DOROTHY AND IRMA PENFIELD REGARDING DEMOLITION OF BUILDINGS AT 510 WEST FAIRMONT AVENUE

A letter from Dorothy and Irma Penfield dated August 11, 1964 asking that they no longer be bothered by city personnel in connection with the demolition of buildings at 510 West Fairmont Avenue, and that they be permitted to personallly handle the demolition of the buildings, was entered into the record of the minutes.

Assistant City Engineer Richard Hosegood asked that the staff be permitted to negotiate further with the Misses Penfield on the demolition of the buildings and disposal of the contents, stating that he believed that satisfactory results could be obtained by the end of the month. Mr. Hosegood said that no attempts have been made by the owners to demolish the buildings.

Fire Chief Everett spoke briefly on the fire hazard existing due to debris on the property which was progressing to the point where neighboring property was endangered.

By order of the Chair, the staff was directed to proceed with the matter as outlined by Mr. Hosegood.

CONSIDER APPROVAL OF SPECIFICATIONS FOR ONE GOLF COURSE TRACTOR AND FIVE GANG MOWER UNITS

RESOLUTION NO. 64-448

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR ONE GOLF COURSE TRACTOR AND FIVE GANG MOWER UNITS

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

September 8, 1964 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

CONSIDER PURCHASE OF CONCRETE SAW

MOTION

That the staff be authorized to purchase a concrete saw as recommended by the Director of Public Works

Moved by Tabbert Seconded by VanderWall Unanimously carried

RESOLUTION NO. 64-449

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $1,130 FOR PURCHASE OF CONCRETE SAW

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

Copies of a memorandum from the Director of Public Works dated August 13, 1964, subject, "Installation of Water Lines, Meat Packing Area," were furnished the Council, and a copy filed with the record of the minutes.

CONSIDER AUTHORIZING STAFF TO NEGOTIATE FOR SALE OF DRIED SLUDGE AT SEWAGE TREATMENT PLANT

A copy of a letter from J. W. Hager, Hager Supply Company, dated August 5, 1964 requesting that formal bidding for the removal of sludge from the Sewage Treatment Plant be eliminated, and that the matter be handled by agreement between the City and Hager Supply Company, was entered into the record of the minutes.

MOTION

That an agreement between the City and Hager Supply Company be executed for the sale of dried sludge at the sewage treatment plant, that the matter be negotiated each year, with the City being free at that time to accept or reject

Moved by Shastid Seconded by VanderWall Unanimously carried

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR THE INSTALLATION OF WATER LINES IN SHERWOOD TERRACE SUBDIVISION

RESOLUTION NO. 64-450

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN SHERWOOD TERRACE SUBDIVISION

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

September 1, 1964 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

FURTHER CONSIDERATION OF THE QUINTANA REZONING AGREEMENT

This matter was carried over from the August 3, 1964 meeting. Linn Alexander, Russ Building, 235 Montgomery Street, San Francisco, said that Quintana, Inc., had signed the agreement, although another entrance was requested on Tokay Avenue to assist in traffic control.

RESOLUTION NO. 64-451

A RESOLUTION AUTHORIZING CITY MANAGER TO SIGN AGREEMENT BETWEEN THE CITY OF MODESTO AND QUINTANA, INC.

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

ORDINANCE NO. 669-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 18 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (QUINTANA, INC.)"

was introduced and ordered published as required by the Charter.

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

HEARING ON REQUEST OF SIGNAL OIL COMPANY FOR CURB CUT VARIANCE (5TH AND H STREETS)

Mayor Johansen announced that the hour of 4:20 P.M. had arrived, the time set for consideration of the request of Signal Oil for a variance to permit installation of four 30-foot curb cuts to property located at the corner of 5th and H Streets, and opened the hearing. Section 7-1.104(c) provides that driveways shall not exceed forty per cent of the frontage of any street of the lot or parcel of land to be served, unless approved by the Council.

Copies of a memorandum from the Director of Public Works dated August 13, 1964, subject, "Request by The Signal Oil Company for a Variance to the City of Modesto Driveway Regulations," were furnished the Council, and a copy filed with the record of the minutes. Recommendation was made that the Council approve four 30-foot curb cuts as shown on the plan submitted by the Signal Oil Company on file in the office of the Director of Public Works, with further recommendation made that the existing driveway on H Street near the alley be replaced with curb, gutter and sidewalk.

George Ryerson, Alameda, California, representing the Signal Oil Company, spoke briefly in support of the request.

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

RESOLUTION NO. 64-452

A RESOLUTION GRANTING DRIVEWAY VARIANCE TO SIGNAL OIL COMPANY FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF 5TH AND "H" STREETS (Authorizing closing of driveway on "H" Street near the alley with curb, gutter and sidewalk provided the adjacent property owner is agreeable and there is no cost to City)

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

HEARING ON PROPOSED DEMOLITION OF BUILDING AT 1115 - 7TH STREET 4-1

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed demolition of a building located at 1115 7th Street, and opened the hearing.

Notice of the hearing was mailed to the owner of the property, Barbara Clay, Stockton, California, by registered mail on August 4, 1964.

Chief Building Official Tom Hermida read into the record the building deficiencies which resulted in the proposed demolition. These deficiencies were contained in a report from the Chief Building Official to the Director of Public Works dated August 3, 1964.

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

RESOLUTION NO. 64-453

A RESOLUTION ORDERING THE BUILDING OFFICIAL OF THE CITY OF MODESTO TO DEMOLISH THE BUILDING LOCATED AT 1115 SEVENTH STREET IN THE CITY OF MODESTO IN ACCORDANCE WITH THE PROVISIONS OF SECTION 203(a) OF THE UNIFORM BUILDING CODE (BARBARA CLAY)

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

HEARING ON PROPOSED REZONING FROM R-A TO R-1 AND R-2 (WYLIE)

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 Carver Road, north of Mount Vernon Road, and opened the hearing.

The City Manager reported that notice of the hearing was published in the Modesto Tribune on August 6, 1964 and notices posted and delivered in the area on August 7, 1964. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 64-75 recommends that the area be rezoned.

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

ORDINANCE NO. 670-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 18 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (WYLIE)"

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 REZONING FROM R-1 TO R-3 (FRANCE)

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 at the northwest corner of Carver Road and West Orangeburg Avenue from R-1 to R-3, and opened the hearing.

The City Manager reported that notice of the hearing was published on August 6, 1964 and notices posted and delivered in the area on August 7, 1964. No written protests were filed with the City Clerk.

Planning Resolution No. 64-76 recommends that the property be rezoned.

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

ORDINANCE NO. 671-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 19 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (FRANCE)"

was introduced and ordered published as required by the Charter.

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

HEARING ON PROPOSED REZONING FROM R-1 TO R-2 (YOUNG) 4-70

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 on the east side of Colorado Avenue, west of Middlecoff, from R-1 to R-2, and opened the hearing.

The City Manager reported that notice of the hearing was published in the Modesto Tribune on August 6, 1964 and notices posted and delivered in the area on August 7, 1964.

Planning Commission Resolution No. 64-78 recommends that the property be rezoned.

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

ORDINANCE NO. 672-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 5 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (YOUNG)"

was introduced and ordered published as required by the Charter.

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

REVISION OF APPLICATION TO FEDERAL AVIATION AGENCY - AIRPORT IMPROVEMENT FUNDS

A memorandum from the Deputy City Manager dated August 14, 1964, subject, "Revision of City's application to Federal Aviation Agency for Funds for Airport Improvements," was read by the City Manager. The memorandum indicated that the F.A.A. has advised that the City's application for federal funds for the rotating beacon, etc., at the Modesto City-County Airport must be revised from a total of $13,300 to $18,000; that approval of the revision should be telegraphed to Mr. Carl G. Hand on Tuesday, August 14, 1964 before 4:30 P.M.

MOTION

That the City Manager be authorized to send a telegram to F.A.A. accepting increase of City's application for federal funds for Airport improvements to $18,000

Moved by VanderWall Seconded by Shastid Unanimously carried

Director of Public Works Campbell stated that the approval of the Board of Supervisors would be obtained at the Board meeting of August 18, 1964.

REPORT AND RECOMMENDATION ON SIGN ORDINANCE BY PUBLIC PROJECTS COMMITTEE

By order of the Chair, the request of Councilman Mitchell, Chairman of the Public Projects Committee, for an extension of two weeks in which to present a report and recommendation on the City's sign ordinance to the Council, was approved.

CLEANING DOWNTOWN AREA - REPORT BY COUNCILMAN VANDERWALL

Councilman VanderWall reported that several downtown merchants have requested that a joint effort be made by the Downtown Modesto Association and the City to have a general fall clean-up of the downtown area, both inside and outside the buildings.

MOTION

That the City Manager and Director of Parking and Traffic meet with members of the Downtown Modesto Association expressing the City's willingness to cooperate in bringing about pride of ownership in the downtown area

Moved by VanderWall Seconded by Tabbert Unanimously carried

REPORT FROM PUBLIC RELATIONS COMMITTEE ON REMOVAL OF PARKING METERS AND VALIDATED PARKING FROM CITY LOTS

Mayor Johansen reported that the Public Relations Committee has recommended that the petition and letters received pertaining to the removal of parking meters and elimination of validated parking lots on city-owned parking lots be referred to the Parking District Steering Committee for report and recommendation.

MOTION

That the petition and letters on the proposed removal of parking meters and elimination of validated parking lots in the downtown area be referred to the Parking District Steering Committee for report and recommendation

Moved by VanderWall Seconded by Shastid Unanimously carried

CONSIDERATION OF HOTEL-MOTEL ROOM TAX ORDINANCE

Letters from the following protesting the proposed Hotel-Motel room tax were filed with the record of the minutes: Phyl-Nor Motel, dated June 12, 1964; Capri Motel, dated June 30, 1964; Anderson Motel, dated June 23, 1964; Town House Lodge, dated July 4, 1964; Capri Motal, dated July 29, 1964; California Motel Association Bulletin dated June 10, 1964.

The operative date of the proposed ordinance and disposition of the funds was discussed.

Charles Breen, President, Stanislaus County Taxpayers' Association, stated that the board members of the Association opposed the tax if it carried a special purpose feature but did approve it as a source of funds to be used for general purposes.

MOTION

That the City Attorney be instructed to prepare an ordinance imposing a 4% hotel-motel tax, with revenues to go into the General Fund; the tax to be effective October 1, 1964 or at such later date when the County's tax becomes operative

Moved by Shastid Seconded by VanderWall

The motion carried, Councilman Patton dissenting.

REPORT ON FIRE AND POLICE PROTECTION FOR NEW SCHOOL ON WOODROW AVENUE

A copy of a memorandum from the Deputy City Manager dated August 6, 1964, subject, "Request of Sylvan Union School District for Fire and Police Protection - new school on Woodrow Avenue," was filed with the record of the minutes. Recommendation was made that the City take action extending police and fire service to the school site on the condition that Sylvan School District will annex this property to the City of Modesto within one year from date of approval of this action by the Council.

MOTION

That the City Manager inform the Sylvan School District by letter that the Council has approved the extension of police and fire service to the new school on Woodrow Avenue on the basis of agreement to annex the school site to the City of Modesto within one year as recommended by the Deputy City Manager

Moved by VanderWall Seconded by Tabbert Unanimously carried

CONSIDER SALARY INCREASES AS RECOMMENDED

With the unanimous consent of the Council, Mayor Johansen said that the Council would meet in executive session at the termination of the regular council meeting to consider department head salary increases.

Councilman VanderWall was excused from the meeting.

CONSIDER AMENDMENT TO MUNICIPAL CODE TO REVISE WATER MAIN EXTENSION POLICY

The following documents were entered into the record of the minutes: memorandum from Deputy City Manager dated July 28, 1964; letter from Northgate Enterprises dated August 3, 1964; letter from Home Builders' Association of Central California dated August 5, 1964; letter from Wolverine Building Service, Inc., dated July 30, 1964.

A proposed ordinance recommending establishment of a policy providing for payment of water main connection fees within a three-year period was discussed by the Council.

MOTION

That the City Attorney be directed to prepare an ordinance substantially as the draft submitted, except that a period of three years and 90 days to substituted instead of three years, and that the wording from the date of recordation of the final map not be changed

Moved by Shastid Seconded by Mitchell Unanimously carried

ACCEPT AS COMPLETE HARRY O. KLINE'S CONTRACT FOR THE CONSTRUCTION OF IMPROVEMENTS AND LANDSCAPING AT GARRISON PARK SITE 9-60

RESOLUTION NO. 64-454

A RESOLUTION ACCEPTING THE CONSTRUCTION OF IMPROVEMENTS AND LANDSCAPING AT GARRISON PARK

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

ACCEPT AS COMPLETE VAN PELT, INC., CONTRACT FOR ONE 1,250 GPM FIRE ENGINE PUMPER

RESOLUTION NO. 64-455

A RESOLUTION ACCEPTING COMPLETION OF CONTRACT FOR ONE 1,250 GPM FIRE ENGINE PUMPER FROM P. E. VAN PELT, INC.

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

Councilman VanderWall returned to the meeting.

CONSIDER RELEASE OF $550 CASH BOND FOR STRATHMORE SUBDIVISION UNIT NO. 1 AND ACCEPTANCE OF $516.38 FOR REIMBURSEMENT TO CITY FOR WORK PERFORMED ON OVERHEAD LIGHTING CIRCUIT AND FOR FUTURE REMOVAL OF IRRIGATION STRUCTURES

A copy of a letter from Charles V. Jeffers dated August 11, 1964 was filed with the record of the minutes.

RESOLUTION NO. 64-456

A RESOLUTION RELEASING A CASH BOND IN THE AMOUNT OF $550 TO CHARLES V. JEFFERS AND MARGUERITTE K. JEFFERS AND ACCEPTING $516.38 FOR REIMBURSEMENT TO CITY FOR WORK PERFORMED ON OVERHEAD LIGHTING CIRCUIT AND FOR FUTURE REMOVAL OF IRRIGATION STRUCTURES

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

CONSIDER EXTENSION OF ULRICH SHOPPING CENTER AGREEMENT

MOTION

That the Council approves the extension of the lease of the Wright Branch Library, Ulrich Shopping Center, for a period of one year effective March 1, 1965 at $200 per month

Introduced by Hughes Seconded by Patton Unanimously carried

LETTER FROM CALIFORNIA PHYSICIANS' SERVICE

At the request of the City Manager and with the consent of the Council, this matter was held over.

CONSIDER PARTICIPATION IN PROPOSED ALLEY IMPROVEMENT IN BLOCK 81

A copy of a memorandum from the Assistant City Engineer dated August 12, 1964, subject, "Proposed Alley Improvement - Block 81," was filed with the record of the minutes. Recommendation was made that the City join with other property owners in the block to improve the alley, and that the staff be authorized to issue a purchase order to Standard Materials in the amount of $601.25.

MOTION

That City participation in improvement of the alley in Block 81 be approved

Moved by Shastid Seconded by Tabbert Unanimously carried

RESOLUTION NO. 64-457
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $602 FOR PARTICIPATION IN ALLEY IMPROVEMENT IN BLOCK 81

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

CONSIDER AGREEMENT BETWEEN THE CITY AND CHARLES V. JEFFERS AND WIFE FOR ENERGIZING AND MAINTAINING THE FIVE STREET LIGHTS SERVING FORTY LOTS IN STRATHMORE SUBDIVISION UNIT NO. 2

RESOLUTION NO. 64-458
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CHARLES V. JEFFERS, ET UX, STREET LIGHTS STRATHMORE SUBDIVISION UNIT NO. 2

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

DISCUSSION ON METHOD OF PRESENTING AGENDA ITEMS AT MEETINGS

After discussion, the Acting City Clerk was directed to place this item on the agenda of August 24, 1964.

CONSIDER RECRUITMENT OF BUILDING INSPECTOR FOR ENFORCEMENT OF UNSAFE STRUCTURE CODE

A copy of a memorandum from the Director of Public Works dated August 13, 1964, subject, "Unsafe Structure Code," was filed with the record of the minutes. The memorandum indicated that the Unsafe Structure Code adopted by the Council will be effective August 26, 1964 and that the following should be accomplished as soon as possible: (1) Recruitment of Building Inspector to enforce the Code; (2) Establishment of areas for inspection and the priority of the inspection; (3) Appointment of Board of Appeals. Recommendation was made that recruitment of a Building Inspector begin immediately.

MOTION
That the staff be authorized to begin recruitment for a building inspector to enforce the unsafe structure code

Introduced by Shastid Seconded by Tabbert Unanimously carried

RESOLUTION NO. 64-459
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $6,000 TO PROVIDE SALARY FOR ADDITIONAL BUILDING INSPECTOR - BALANCE OF 1964-65 FISCAL YEAR

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

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

RESOLUTION NO. 64-460
A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS DAVIS PARK ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

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

September 28, 1964 at 7:45 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION NO. 64-461

A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS CRESTWOOD TERRACE NO. 3 ADDITION

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

APPROPRIATION TRANSFERS - None

REPORT ON HEARING OF JOINT SENATE-ASSEMBLY TRANSPORTATION COMMITTEE ON VALLEY AIR LINE SERVICE

Councilman VanderWall gave a brief report of the joint Senate-Assembly Transportation Committee held on Friday, August 14, 1964 in Sacramento. He stated that representatives of various cities presented a united front in their feelings that the services of United Air Lines should be maintained in the Valley; that the president of Pacific Air Lines has expressed an interest in visiting City of Modesto officials to discuss Pacific Air Lines' position.

CONSIDERATION OF APPOINTMENT OF LIBRARY AND CULTURAL COMMISSION MEMBER

MOTION

That the Council adjourn to executive session to discuss the appointment of a member to the Library and Cultural Commission and to discuss Department Head salaries

Moved by VanderWall Seconded by Tabbert Unanimously carried

The Council went into executive session at 6:27 P.M., returning to the Chambers at 7:08 P.M.
Councilman VanderWall was excused from the meeting.

RESOLUTION NO. 64-462

A RESOLUTION APPOINTING SILAS GREEN A MEMBER OF THE MODESTO CITY LIBRARY AND CULTURAL COMMISSION (for a term ending January 1, 1965)

Introduced by Shastid Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen
Noes: None Absent: VanderWall
Councilman VanderWall returned to the meeting.

CONSIDERATION OF SALARY INCREASES

The Acting City Clerk was directed to place this item on the agenda each week, to be reconsidered with the presence of a full Council. The City Manager was directed to furnish the Council further information in regard to proposed salary increases for Department Heads.

Councilman Tabbert expressed interest in the local firms contacted by the State Personnel Board in compiling the study presented to the Council. The City Manager stated that he would attempt to get this information from Mr. Heldebrant.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Tabbert Unanimously carried

The meeting adjourned at 7:16 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, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Absent: Councilmen: Shastid

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

Reverend Dale Sherwood gave the invocation.

PRESENTATION OF TOWN AFFILIATION AWARD TO DR. WOOLLEY

The Acting City Clerk was directed to mail the award to Dr. Woolley.

INTRODUCTION OF GUESTS IN AUDIENCE

Councilman Mitchell introduced his daughter, Norma Mitchell, and Maria Barber, a house guest from Modesto's Sister City, Barranquilla.

APPROVAL OF MINUTES

The minutes of the meeting of August 10, 1964 were approved.

LETTERS REGARDING PRESERVATION OF MODESTO'S ARCH - "WATER, WEALTH, CONTENTMENT, HEALTH"

The following letters urging that the arch located on 9th and I Streets be retained were entered into the record of the minutes: (1) Letter from Dedrick Denison dated August 17, 1964; (2) Letter from Modesto Junior Women's Club dated August 13, 1964; (3) Letter from 20-30 Club of Modesto dated August 17, 1964; (4) Undated letter from Women's Improvement Club.

The letters were ordered filed until such time as the matter is under consideration.

The City Manager stated that funds were budgeted this fiscal year for the painting of the arch, but there were no definite plans to do so until such time as street patternshave been determined in the downtown area when the freeway is open for traffic.

By order of the Chair, the City Manager was directed to answer the above letters, thanking the writers for their interest, and advising them of the City's position.

The 20-30 Club's offer of assistance to preserve and update the arch was discussed. The City Manager stated that he would check on the extent of the assistance offered.

LETTER FROM MODESTO MEN'S BOWLING ASSOCIATION RELATIVE TO THE HOSTING OF 1967 STATE BOWLING TOURNAMENT 1-65

A copy of a letter from R. E. Wessling, President, Modesto Men's Bowling Association, Inc. dated August 14, 1964 requesting that a Council member be appointed to work with the Modesto Men's Bowling Association in its bid to host the State Bowling Tournament in Modesto in 1967 was filed with the record of the minutes.

Mayor Johansen stated that he would contact a Council member to serve on the committee.

COMMUNICATION FROM FRANK ANDREWS ENTITLED "CIVIC PRIDE"

Copies of a communication from Frank Andrews dated August 17, 1964 entitled "Civic Pride" were furnished the Council and a copy filed with the record of the minutes.

The communication was ordered filed.

CONSIDER AWARD OF BID FOR CONSTRUCTION OF PUMP HOUSE AT PUMP STATION NO. 8 AT COLDWELL AVENUE AND TULLY ROAD 1-109

RESOLUTION NO. 64-463

A RESOLUTION ACCEPTING THE BID OF WILLIAM M. MINENI FOR CONSTRUCTION OF PUMP HOUSE AT STATION 8 AT COLDWELL AVENUE AND TULLY ROAD (MODESTO JUNIOR COLLEGE) ($2,500)

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

CONSIDER AWARD OF BID FOR FURNISHING ONE DEEP WELL PUMP AND ELECTRICAL EQUIPMENT FOR PUMP STATION NO. 30

RESOLUTION NO. 64-464

A RESOLUTION ACCEPTING THE BID OF JACUZZI PUMP & SUPPLY, INC. FOR FURNISHING ONE DEEP WELL PUMP AND ELECTRICAL EQUIPMENT FOR PUMP STATION NO. 30 ($3,821)

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

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR INSTALLATION OF WATER LINES TO LORENZEN PARK NO. 3 SUBDIVISION

RESOLUTION NO. 64-465

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINES TO LORENZEN PARK NO. 3 SUBDIVISION

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

September 8, 1964 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. 666-C.S. AMENDING SECTION 31 OF THE ZONING MAP (PD-12) TO R-1)

ORDINANCE NO. 666-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 31 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (PD-12 to R-1)"

introduced August 10, 1964 and having been published as required, was moved and adopted. (Effective September 23, 1964)

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

ADOPTION OF ORDINANCE NO. 667-C.S. AMENDING SECTION 19 OF THE ZONING MAP (HAUB)

ORDINANCE NO. 667-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 19 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (HAUB)

introduced August 10, 1964 and having been published as required, was moved and adopted. (Effective September 23, 1964)

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

ORDINANCE NO. 668-C.S. ENTITLED
"AN ORDINANCE AMENDING SECTION MAP 9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (CRESTWOOD TERRACE NO. 2 ADDITION)"

introduced August 10, 1964 and having been published as required, was moved and adopted. (Effective September 23, 1964)

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

AN ORDINANCE AMENDING THE MUNICIPAL CODE RELATING TO WATER MAIN CONNECTION CHARGES

ORDINANCE NO. 673-C.S. entitled
"AN ORDINANCE AMENDING SECTION 11-1.04.1 OF CHAPTER 1 OF TITLE XI OF THE MODESTO MUNICIPAL CODE, RELATING TO WATER MAIN CONNECTION CHARGES"

was introduced and ordered published as required by the Charter.

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

AN ORDINANCE AMENDING THE MUNICIPAL CODE IMPOSING A TAX UPON THE PRIVILEGE OF TRANSIENT OCCUPANCY AND PROVIDING FOR THE COLLECTION THEREOF

ORDINANCE NO. 674-C.S. entitled
"AN ORDINANCE ADDING ARTICLE 6 TO CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO IMPOSING A TAX UPON THE PRIVILEGE OF TRANSIENT OCCUPANCY AND PROVIDING FOR THE COLLECTION THEREOF"

was introduced and ordered published as required by the Charter.

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

NOTICE OF P.U.C. HEARING ON APPLICATION TO REDUCE TRAIN SERVICE OF SOUTHERN PACIFIC ON THE WEST SIDE OF THE VALLEY, AND SANTA FE THROUGH EMPIRE 2-50

Copies of a memorandum from Director of Parking and Traffic Carmody dated August 19, 1964, subject, "P.U.C. hearing on application to reduce S.P. and Santa Fe Train Service Through the San Joaquin Valley," were furnished the Council, and a copy filed with the record of the minutes. The hearing will be held before the P.U.C. on October 14, 1964 at Stockton.

By order of the Chair, the matter was referred to the Public Relations Committee for informal discussion at its next meeting.

CONSIDER RECOMMENDED SALARY INCREASES

With the consent of the Council, this matter was held over pending a full Council.

AGREEMENT BETWEEN CITY AND ANDY SILVA RELATING TO RENTAL OF GOLF CARTS AT DRYDEN AND MUNICIPAL GOLF COURSES

RESOLUTION NO. 64-466
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ANDY SILVA RELATING TO RENTAL OF GOLF CARTS AT DRYDEN AND MUNICIPAL GOLF COURSES

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

HEARING ON PROPOSED REZONING FROM C-1 TO R-3, SOUTHWEST CORNER OF SANTA BARBARA - MILLER AVENUE (KLINK)

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the proposed rezoning of a parcel of property located on the southwest corner of Miller and Santa Barbara Avenues (Block 2088A) 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 13, 1964 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. 64-82 recommends that the parcel be rezoned.

Norris Klink, the applicant, spoke briefly in support of the request for rezoning.

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

ORDINANCE NO. 675-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 27 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (KLINK)"

was introduced and ordered published as required by the Charter.

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

RECOMMENDATION OF SEWER STUDY ADVISORY COMMITTEE

Copies of a report from the Sewer Study Advisory Committee dated August 17, 1964 were furnished the Council and a copy filed with the record of the minutes. No action was taken by the Council.

Mr. H. R. Beachamp expressed interest in the report, was furnished a copy, and informed that the public could attend the Sewer Study Advisory Committee meetings and that minutes of the meetings could be obtained from the Secretary of the Advisory Committee.

RESOLUTION GIVING NOTICE OF PROPOSED DEMOLITION OF BUILDING LOCATED AT 1115 SEVENTH STREET, MODESTO

The City Attorney stated that at the last meeting, Resolution No. 64-453 was adopted by the Council ordering demolition of a building located at 1115 Seventh Street; that the next morning following the hearing, the registered letter addressed to Barbara Clay, owner, notifying her of the hearing, was returned to the City Clerk indicating that it was unclaimed. The City Attorney recommended that a new date of hearing be set, and that the owner be personally served with the notice of hearing.

RESOLUTION NO. 64-467
A RESOLUTION GIVING NOTICE OF PROPOSED DEMOLITION OF THE BUILDING LOCATED AT 1115 SEVENTH STREET IN THE CITY OF MODESTO IN ACCORDANCE WITH THE PROVISIONS OF SECTION 203(a) OF THE UNIFORM BUILDING CODE AND FIXING THE TIME AND PLACE FOR HEARING PROTESTS THERETO, AND RESCINDING RESOLUTION NO. 64-426 AND RESOLUTION NO. 64-453 (BARBARA CLAY)

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

September 28, 1964 at 7:50 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

HEARING ON PROPOSED REZONING FROM R-3 TO C-2, EAST SIDE OF 6TH STREET BETWEEN E AND G STREETS

Mayor Johansen announced that the hour of 8:10 P.M. had arrived, the time set for consideration of the proposed rezoning of property located on the east side of 6th Street between E and G 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 13, 1964 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. 64-81 recommends that the approximately two-block area facing the freeway be rezoned from R-3 to C-2.

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

ORDINANCE NO. 676-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 32 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (BURKLEY)"

was introduced and ordered published as required by the Charter.

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

HEARING ON PROPOSED REZONING FROM R-2 TO PD (18) EAST SIDE OF VIRGINIA AVENUE, NORTH OF M.I.D. LATERAL NO. 1 (NANCLO, INC.) 3-120

Mayor Johansen announced that the hour of 8:15 P.M. had arrived, the time set for consideration of the proposed rezoning of property located on the east side of Virginia Avenue, north of M.I.D. Lateral No. 1 (Nanclo, Inc.) from R-2 to P-D (18) and opened the hearing.

The Acting City Clerk reported that notice of the hearing was published in the Modesto Tribune on August 13, 1964 and notices posted and delivered in the area on August 14, 1964. A written protest to the proposed rezoning was filed with the City Clerk by Dr. Richard A. Gaard.

Planning Commission Resolution No. 64-80 recommends that the area be rezoned from R-2 to P-D(18) subject to certain conditions.

The plan, "Apartment Building for Erkenbrecher, Harmon and Moon," dated June 30, 1964 as amended, and on file in the office of the Planning Director, was outlined by Planning Director Fey.

A letter from Dr. Richard A. Gaard dated August 21, 1964 requesting that the number of dwelling units be reduced to ten, or denied altogether, was read by the Acting City Clerk.

Robert Moon, 804 Carmel Drive, spoke briefly in support of the proposed rezoning.

Mrs. Walter Sederquist, 518 Virginia Avenue, read a petition signed by immediate neighbors in the vicinity, who expressed opposition to the

rezoning unless the north-south alley in Block 520 is abandoned from the M.I.D. lateral to the north boundary of the western portion of the property proposed for rezoning. Objection was also made to the proposed 28 units for the following reasons: The property has access to one residential street only; an undue amount of traffic will be generated; increased density beyond that considered compatible to the adjacent R-1 areas. Request was made that if P-D zoning is approved, no more than 15 units be permitted. The petition was filed with the Acting City Clerk.

Director of Planning Fey stated that the Planning Commission, in instructing the staff, stated that if for some reason or other the alley could not be abandoned, the Planning Commission wished to reconsider the Planned Development zone; that at a subsequent meeting, the Planning Commission considered the abandonment of this alley, a title report has been submitted by the applicant as required, and the matter will be presented to the Council for consideration shortly. He said that the purpose of abandoning the alley would be primarily to control traffic from coming out of the development through the alley.

Mrs. Opal Roberts, 702 Coldwell, asked that no action be taken on the rezoning of the property until the closing of the alley has been resolved by the Council. She also asked that the two two-story structures backing on the lot fronting on Virginia Avenue be single-story.

Joseph Erkenbrecher, 2410 Kenmore Court, stated that the proposed dwellings would be primarily two-bedroom units and were designed for rental to permanent couples.

Walt Sederquist, 518 Virginia Avenue, objected to the number of units and asked that they be reduced to about fifteen.

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

The City Attorney recommended that no action be taken on the proposed rezoning until such time as the Council considers the abandonment of the alley.

The Council discussed the following: The turn-around in the alley in the event the alley is abandoned; the number of one-, two- and three-bedroom units comprising the total proposed 28 units.

MOTION

That the Council tentatively approves the proposed P-D (18) rezoning with the added condition that the 28 units be comprised of 8 1-bedroom units and 20 2-bedroom units, and the working out of the abandonment of the alley and the turn-around

Moved by Mayor Johansen Seconded by VanderWall Unanimously carried

HEARING ON PROPOSED REZONING FROM R-1 TO P-D (17) (ZAMORA & PRICE) 7-38

Mayor Johansen announced that the hour of 8:20 P.M. had arrived, the time set for the proposed rezoning of a parcel of property located in Block 3070, west side of Sutter Street, from R-1 to P-D (17) and opened the hearing.

The Acting City Clerk reported that notice of the hearing was published in the Modesto Tribune on August 13, 1964 and notices posted and delivered in the area on the same date. No written protests to the proposed rezoning were filed with the City Clerk.

Planning Commission Resolution No. 64-79 recommends that the property be rezoned from R-1 to P-D subject to certain conditions.

The Plan entitled "50 Unit Apartment Complex for Mr. James Price," dated June 30, 1964 as amended, and on file in the office of the Planning Director, was reviewed by Planning Director Fey. Mr. Fey said that the plan shows 19 1-bedroom units and 31 2-bedroom units.

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

The Council discussed the following: Density created by one-bedroom vs. two and three-bedroom units; maintenance of the alley adjacent to the proposed development.

motion

That the Council tentatively approves the rezoning of the parcel from R-1 to P-D (17) subject to the added condition that the exact number of 1 and 2-bedroom units be specified, and the responsibility for maintenance of the alley established

Moved by Patton Seconded by Mitchell Unanimously carried

MATTERS FOR THE GOOD OF THE COMMUNITY

BUSINESS-EDUCATION DAY

City Manager Keefe announced that Friday, September 4, has been set as Business-Education Day, and that the Council will be formally invited to attend the luncheon to be held at noon on that day.

REPORT BY CITY ATTORNEY ON PROPOSED CODE CHANGE REQUIRING BOND TO PROTECT CITY IN EVENT OF P-D ZONE REVERSION 8-90

The City Attorney stated that at the meeting of August 8, 1964 the Council requested the City Attorney and Planning Director to look into the matter of P-D zones with a view to protecting the City in the event the planned development schedule is not met and the property is reverted to its original zoning through Planning Commission initiation. Mr. Johnson said that after discussion, he and Planning Director Fey have reached a conclusion that the best way to handle the matter would be to require the applicant for a P-D zone to post a $50 bond, cash deposit, or savings and loan certificate as a condition of filing for the P-D zone. At the time a building permit is obtained, the $50 would be returned to the applicant. If the development schedule is not met within the required time and the Planning Commission initiates a rezoning, the $50 would automatically revert to the City to cover the costs of reclassifying the property to its original zoning.

Director of Planning Fey stated that the $50 would not cover all of the expenses of rezoning; that the amount was based on the fee presently charged for a rezoning application.

The Council discussed the following: the time of the requirement for and release of the bond.

By order of the Chair, the matter was referred back to the City Attorney and Planning Director to draft a proposal requiring a bond to cover the actual costs involved in rezoning property from a P-D zone to its original zoning.

APPROVE AGREEMENT BETWEEN CITY AND BOMBERGER BROTHERS, INC., FOR WATER LINE CONSTRUCTION TO SHERWOOD TERRACE SUBDIVISION 9-50

RESOLUTION NO. 64-468

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND BOMBERGER BROTHERS, INC. FOR WATER LINE CONSTRUCTION TO SHERWOOD TERRACE SUBDIVISION

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

ACCEPT AS COMPLETE THE GAMEWELL COMPANY CONTRACT FOR FIRE ALARM HEADQUARTERS EQUIPMENT AT THE POLICE-COMMUNICATIONS BUILDING

RESOLUTION NO. 64-469

A RESOLUTION ACCEPTING AS COMPLETE THE GAMEWELL COMPANY CONTRACT FOR FIRE ALARM HEADQUARTERS EQUIPMENT AT THE POLICE-COMMUNICATIONS BUILDING ($13,899.50)

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

ELIMINATE DIAGONAL PARKING ON SOUTH SIDE OF ORANGEBURG BETWEEN POINTS 115 FEET AND 242 FEET WEST OF McHENRY

Copies of a memorandum from Director of Parking and Traffic Carmody dated August 18, 1964 subject, "Orangeburg Avenue - Diagonal Parking West of McHenry," were distributed to the Council and a copy filed with the record of the minutes. Since the State does not approve use of gas tax funds where diagonal parking exists, recommendation was made that diagonal parking on the south side of Orangeburg between points 115 feet and 242 feet west of McHenry be eliminated.

RESOLUTION NO. 64-470

A RESOLUTION AMENDING SECTION 2 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. 64-395

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

REPORT ON 1964-65 CITY ASSESSED VALUES AND TAX RATES 9-65

Copies of a memorandum from the Director of Finance dated August 19, 1964 subject, "1964-65 City Assessed Values and Tax Rates," were distributed to the Council, and a copy filed with the record of the minutes.

ORDINANCE NO. 677-C.S. entitled

"AN ORDINANCE FIXING THE RATE OF TAXATION IN AND FOR THE CITY OF MODESTO FOR THE FISCAL YEAR 1964-65"

was introduced and ordered published as required by the Charter.
Moved by VanderWall Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

CONSIDER LETTER FROM ROBERT I. TRIMBLE REGARDING BUSINESS LICENSE

This matter was carried over from the August 17, 1964 meeting at which time the staff was directed to meet with Mr. Trimble and discuss his problem in connection with his request for a variance to permit an equipment rental and sales business at 1007 Yosemite Boulevard.

Deputy Manager Ray reviewed the circumstances relative to Mr. Trimble's application for a business license and the delay involved in

notifying Mr. Trimble that a business license could not be issued because the property was not properly zoned for an equipment rental business.

Mr. Ray said that he informed Mr. Trimble that there were no provisions in the Code to permit the granting of a variance or an unclassified use permit for operation of an equipment rental business in a C-2 zone. He said that Mr. Trimble has asked for 60 to 90 days time to permit him to look for another location. Mr. Ray recommended that the staff be authorized to issue an order to Mr. Trimble calling for him to cease and desist operation at 1007 Yosemite Boulevard and giving him 90 days to complete the removal.

MOTION

That Mr. Trimble be given 30 days time within which to remove the equipment rental business from property located at 1007 Yosemite Boulevard

Moved by Patton Seconded by Tabbert Unanimously carried

MOTION ADOPTING ORDINANCE SETTING TAX RATE FOR 1964-65 FISCAL YEAR

MOTION

That the ordinance introduced earlier in the meeting setting the tax rate for fiscal year 1964-65 be adopted as an emergency measure

Moved by Mitchell Seconded by VanderWall Unanimously carried

DISCUSSION OF PRESENTATION OF ITEMS PLACED ON COUNCIL MEETING AGENDAS

City Attorney Johnson reported that Section 2-1.04 of the Modesto Municipal Code requires that the Mayor shall state every question coming before the Council, which eliminates calling off the item by number.

The Council discussed the elimination of reading the parenthetical matter under the agenda items and omitting the introductory phrase "Mr. Mayor and members of the Council" when staff members address the Council.

No action was taken by the Council.

Mayor Johansen described the method used by the Council of Tacoma, Washington to generate public interest in city affairs by inviting from seven to ten citizens in the community to attend council meetings each week, and furnishing the invited citizens an explanation sheet covering the agenda items.

RESOLUTION CERTIFYING THE REPORT OF EXPENDITURES FOR THE 1963-64 FISCAL YEAR FROM THE 1.04¢ (MATCHING FUNDS), AND ALL OTHER FUNDS SPENT FOR CONSTRUCTION OR RIGHTS OF WAY ON THE SELECT STREET SYSTEM

Copies of a report from the Director of Finance for the fiscal year ending June 30, 1964 titled "Collier-Unruh Local Transportation Development Act, Annual Report of Expenditures for Improving the Select System," were furnished the Council, and a copy filed with the record of the minutes.

RESOLUTION NO. 64-471

A RESOLUTION CERTIFYING THE REPORT OF EXPENDITURES FOR THE 1963-64 FISCAL YEAR FROM THE 1.04¢ (MATCHING FUNDS), AND ALL OTHER FUNDS SPENT FOR CONSTRUCTION OF RIGHTS OF WAY ON THE SELECT STREET SYSTEM

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

The Director of Finance was directed to furnish Mayor Johansen a

copy of a letter written to Bud Carpenter, League of California Cities, relative to preparation of the above report.

CONSIDER GRANTING OF WIRE OVERHANG EASEMENT TO MODESTO IRRIGATION DISTRICT 11-5

A portion of a letter from the Modesto Irrigation District requesting an overhang easement over the west ten feet of the Bowen Avenue storm drain pump station property, was read by the City Manager.

RESOLUTION NO. 64-472
A RESOLUTION AUTHORIZING EXECUTION OF GRANT OF EASEMENT OVER BOWEN AVENUE PUMPING STATION TO MODESTO IRRIGATION DISTRICT

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

CONSIDER AGREEMENT BETWEEN CITY AND ZEFF MEAT COMPANY PROVIDING FOR RELOCATION OF SEWER EASEMENT

RESOLUTION NO. 64-473
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ZEFF MEAT COMPANY PROVIDING FOR RELOCATION OF SEWER EASEMENT

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

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP FOR LORENZEN PARK NO. 3 SUBDIVISION

RESOLUTION NO. 64-474
A RESOLUTION APPROVING THE FINAL MAP OF THE LORENZEN PARK NO. 3 SUBDIVISION OF THE CITY OF MODESTO

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

CONSIDER NAME FOR EAST MODESTO BRANCH LIBRARY 11-25

Copies of a letter from the Chairman of the Library and Cultural Commission dated August 21, 1964 offering the names of Esto Broughton, Eleanor Dennett and Cornelia Provines for consideration in naming the East Modesto branch library were furnished the Council, and a copy filed with the record of the minutes. Biographies of the three women were attached to the letter.

Acting Librarian Mildred Herndon stated that the first choice of the Library and Cultural Commission was Esto Broughton.

RESOLUTION NO. 64-475
A RESOLUTION NAMING THE EAST MODESTO BRANCH OF THE MODESTO-STANISLAUS COUNTY FREE LIBARY AS THE ESTO BROUGHTON BRANCH LIBRARY (subject to concurrence of the County Board of Supervisors)

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

REPORT AND RECOMMENDATION-ANNEXATION OF CRESTWOOD TERRACE NO.3 ADDITION

Planning Commission Resolution 64-93 adopted August 18, 1964 recommends that annexation proceedings be commenced.

RESOLUTION NO. 64-476

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS CRESTWOOD TERRACE NO. 3 ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

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

September 8, 1964 at 4:40 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

PROPOSED FELLOWSHIP HOMES ADDITION - FOR REFERRAL TO PLANNING COMMISSION

RESOLUTION NO. 64-477

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

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

APPROPRIATION TRANSFER - RELOCATION OF TRAFFIC SIGNAL AT COFFEE ROAD AND FAIRMONT AVENUE

RESOLUTION NO. 64-478

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $200 FOR RELOCATION OF TRAFFIC SIGNAL AT COFFEE ROAD AND FAIRMONT AVENUE

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

REPORT ON SIMULTANEOUS ANNEXATION OF SMALL PARCELS NOT CONTIGUOUS TO EACH OTHER

The City Attorney reported that the law provides that all property included in one annexation must be contiguous to each other, thus it is not possible to annex scattered parcels in one proceeding.

SUGGESTION OF NAMES FOR VACANCY IN PERSONNEL COMMISSION - UNANIMOUS CONSENT ITEM

Mayor Johansen asked council members to submit names of qualified individuals who may be interested in serving on the Personnel Commission.

The City Clerk was directed to place the filling of the vacancy on the Personnel Commission on the agenda of the September 8, 1964 meeting.

REPORT ON MEETING WITH REPRESENTATIVES OF PACIFIC AIR LINES

The City Manager reported briefly on the meeting with representatives of Pacific Air Lines relative to valley air service in the event United Air Lines service is terminated in the Valley. He stated that the newspaper account of the meeting was factual.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Tabbert Unanimously carried

The meeting adjourned at 10:14 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, Mayor Johansen presiding.

Present: Councilmen: Mitchell, Patton, VanderWall, Mayor Johansen
Councilman Shastid arrived at 4:02 P.M.
Councilman Hughes arrived at 4:10 P.M.
Absent: Councilmen: Tabbert

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 August 17 and 24, 1964 were approved.

LETTER FROM DIVISION OF HIGHWAYS REGARDING CONTRACT FOR COMPLETED STREETS IN CONNECTION WITH STATE FREEWAY PROJECT

A letter from J. G. Meyer, District Engineer, State Division of Highways, dated August 19, 1964 with notice of completion attached, indicating completion of State freeway project in the City of Modesto, between 1.3 miles south of Modesto and 2.5 miles north of Modesto, Road 10-Sta-99, was ordered filed with the record of the minutes.

LETTER FROM HARRY D. WISER, SUPERINTENDENT OF MODESTO CITY SCHOOLS, REGARDING SCHOOL SITE ACQUISITIONS

A letter from Harry D. Wiser, Superintendent, Modesto City Schools, dated August 25, 1964 stating that the Board of Education, Modesto City Schools, could not support the resolution of the City of Dairyland in reducing present standards for school sites, was ordered filed with the record of the minutes.

The Council referred this matter to the Board of Education at its meeting of August 24, 1964.

LETTER FROM SENATOR JOHN F. McCARTHY AND SENATOR HUGH M. BURNS REGARDING PROPOSITION NO. 17 - NOVEMBER BALLOT

A letter from Senator Hugh M. Burns dated August 27, 1964 explaining what Proposition 17 appearing on the November, 1964 ballot means in regard to railroad jobs in the community, was ordered filed with the record of the minutes.

LETTER FROM FRANK ANDREWS - REBUTTAL ON TURLOCK JOURNAL'S EDITORIAL

A communication from Frank Andrews entitled "Rebuttal on Turlock Journal's Editorial of Aug. 26, 1964" was ordered filed with the record of the minutes.

CONSIDER BIDS RECEIVED FOR INSTALLATION OF WATER LINES IN SHERWOOD TERRACE SUBDIVISION

RESOLUTION NO. 64-479

A RESOLUTION REJECTING ALL BIDS AND AUTHORIZING THE WORK TO BE PERFORMED BY THE CITY FOR THE INSTALLATION OF WATER MAINS IN SHERWOOD TERRACE SUBDIVISION (one bid received, 100% above engineer's estimate)

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

CONSIDER AWARD OF BID FOR INSTALLATION OF WATER MAINS IN COLONIAL MANOR NO. 2 SUBDIVISION

RESOLUTION NO. 64-480

A RESOLUTION REJECTING ALL BIDS AND AUTHORIZING THE WORK TO BE PERFORMED BY THE CITY FOR INSTALLATION OF WATER MAINS IN COLONIAL MANOR NO. 2 SUBDIVISION (one bid received, 235% above engineer's estimate)

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

CONSIDER AWARD OF BID FOR FURNISHING ONE DEEP WELL PUMP WITH ELECTRICAL EQUIPMENT AND ONE AUXILIARY GAS ENGINE FOR PUMP STATION NO. 29

RESOLUTION NO. 64-481

A RESOLUTION ACCEPTING THE BID OF JOHNSTON PUMP COMPANY FOR FURNISHING ONE DEEP WELL PUMP WITH ELECTRICAL EQUIPMENT AND ONE AUXILIARY GAS ENGINE FOR PUMP STATION NO. 29 (low bidder, $11,906.56)

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

CONSIDER AWARD OF BID FOR INSTALLATION OF WATER MAINS IN WYLDEWOOD PARK NO. 2 SUBDIVISION

RESOLUTION NO. 64-482

A RESOLUTION REJECTING ALL BIDS AND AUTHORIZING THE WORK TO BE PERFORMED BY THE CITY FOR THE INSTALLATION OF WATER MAINS IN WYLDEWOOD PARK NO. 2 SUBDIVISION (one bid received, 305% above the City Engineer's estimate)

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

CONSIDER AWARD OF BID FOR INSTALLATION OF WATER MAINS IN SOMERSET PARK UNIT NO. 1 SUBDIVISION

RESOLUTION NO. 64-483

A RESOLUTION REJECTING ALL BIDS AND AUTHORIZING THE WORK TO BE PERFORMED BY THE CITY FOR THE INSTALLATION OF WATER MAINS IN SOMERSET PARK UNIT NO. 1 SUBDIVISION (one bid received, 247% above City Engineer's estimate)

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

A letter from Harry Kullijian dated August 31, 1964 outlining the urgency for the water line installation was filed with the record of the minutes.

ADOPTION OF ORDINANCE NO. 669-C.S. - REZONING OF QUINTANA, INC., PROPERTY, McHENRY AND TOKAY AVENUE

ORDINANCE NO. 669-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 16 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (QUINTANA, INC.)"

introduced August 17, 1964 and having been published as required, was moved and adopted. (effective October 8, 1964)

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

ADOPTION OF ORDINANCE NO. 670-C.S. - REZONING OF WYLIE PROPERTY LOCATED AT MOUNT VERNON DRIVE AND CARVER ROAD

ORDINANCE NO. 670-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 18 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (WYLIE)"

introduced August 17, 1964 and having been published as required, was moved and adopted. (effective October 8, 1964)

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

ADOPTION OF ORDINANCE NO. 671-C.S. - REZONING FRANCE PROPERTY LOCATED AT THE NORTHWEST CORNER OF CARVER ROAD AND WEST ORANGEBURG AVENUE

ORDINANCE NO. 671-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 19 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (FRANCE)"

introduced August 17, 1964 and having been published as required, was moved and adopted. (effective October 8, 1964)

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

ADOPTION OF ORDINANCE NO. 672-C.S. - REZONING THE YOUNG PROPERTY LOCATED ON THE EAST SIDE OF COLORADO AVENUE, NORTH OF FIGARO AVENUE

ORDINANCE NO. 672-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 5 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (YOUNG)"

introduced August 17, 1964 and having been published as required, was moved and adopted. (effective October 8, 1964)

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

ADOPTION OF ORDINANCE NO. 673-C.S. RELATING TO WATER MAIN CONNECTION CHARGES

ORDINANCE NO. 673-C.S. entitled
"AN ORDINANCE AMENDING SECTION 11-1.04.1 OF CHAPTER 1 OF TITLE XI OF THE MODESTO MUNICIPAL CODE, RELATING TO WATER MAIN CONNECTION CHARGES"

introduced August 24, 1964 and having been published as required, was moved and adopted. (effective October 8, 1964)

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

ADOPTION OF ORDINANCE NO. 674-C.S. RELATING TO TAX OF TRANSIENT OCCUPANCY - HOTEL AND MOTEL ROOMS

ORDINANCE NO. 674-C.S. entitled
"AN ORDINANCE ADDING ARTICLE 6 TO CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO IMPOSING A TAX UPON THE PRIVILEGE OF TRANSIENT OCCUPANCY AND PROVIDING FOR THE COLLECTION THEREOF"

introduced August 24, 1964 and having been published as required, was moved and adopted. (effective October 8, 1964)

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

ADOPTION OF ORDINANCE NO. 675-C.S. REZONING KLINK PROPERTY LOCATED AT SOUTHWEST CORNER OF MILLER AND SANTA BARBARA AVENUES

ORDINANCE NO. 675-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 27 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (KLINK)

introduced August 24, 1964 and having been published as required, was moved and adopted. (effective October 8, 1964)

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

ADOPTION OF ORDINANCE NO. 676-C.S. REZONING BURKLEY PROPERTY LOCATED ON NORTHEAST SIDE OF 6TH STREET BETWEEN E AND G STREETS

ORDINANCE NO. 676-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 32 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (BURKLEY)"

introduced August 24, 1964 and having been published as required, was moved and adopted. (effective October 8, 1964)

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

ACCEPT DEMOLITION OF OLD CITY HALL AS COMPLETE

A memorandum from the Director of Parking and Traffic dated August 31, 1964, subject, "Former City Hall Demolition" was filed with the record of the minutes.

RESOLUTION NO. 64-484
A RESOLUTION ACCEPTING THE DEMOLITION OF THE OLD MODESTO CITY HALL AT 717 10TH STREET BY WALTER L. BOTTO

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

Councilman Hughes arrived at 4:10 P.M.

REPORT ON DISPOSTION OF EXCESS RIGHT OF WAY, BRIGGSMORE AND PRESCOTT 1-85
(Purchase request from Mr. and Mrs. Wesley Winn)

Copies of a memorandum from the Deputy City Manager dated August 27, 1964, subject, "Disposition of excess right of way, Briggsmore and Prescott," were furnished the Council and a copy filed with the record of the minutes. Several alternatives in disposing of the property were listed for Council consideration. The memorandum was reviewed by Deputy Manager Ray.

The following was discussed by the Council: joint city-county acquisition of rights of way for the widening of Briggsmore and relocation of the M.I.D. canal in the area; access restrictions to the property; potential use of the site for a water well or storm drainage disposal area.

Wilbur Grant, representing Mr. and Mrs. Wesley Winn, stated that he did not believe his clients should be involved in the Prescott Road acquisition as suggested in paragraph 5(c), of the memorandum submitted by the Deputy City Manager dated August 27, 1964.

MOTION

That the matter be referred to staff with instructions to submit a recommendation on disposition of the property which will be agreeable to both the Council and the County

Moved by Mitchell Seconded by VanderWall Unanimously carried

HEARING ON UNCLASSIFIED USE PERMIT - TRI-COUNTY LEASING, 13TH STREET BETWEEN E AND F STREETS

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the recommended granting of an unclassified use permit to Tri-County Leasing for an optical lens granding, polishing and mounting business at 521 13th Street, and opened the hearing.

The City Clerk reported that notice of hearing was published in the Modesto Tribune on August 20, 1964 and notices posted and delivered in the area on August 21, 1964. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 64-83 recommends that the unclassified use permit be granted for the requested use.

Robert Moon, 408 Canal Drive, spoke briefly in support of the request.

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

RESOLUTION NO. 64-485

A RESOLUTION GRANTING AN UNCLASSIFIED USE PERMIT TO TRI-COUNTY LEASING FOR AN OPHTHALMIC PRODUCTS ESTABLISHMENT AT 521 - 13TH STREET

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

HEARING ON PROPOSED ABANDONMENT OF A PORTION OF SILKWOOD DRIVE 3-15

Mayor Johansen announced that the hour of 4:35 P.M. had arrived, the time set for consideration of the proposed abandonment of a portion of Silkwood Drive, and opened the hearing.

The City Clerk reported that notice of the proposed abandonment was published in the Modesto Tribune on August 20, 1964 and notices posted in the area on August 21, 1964. No written protests were filed with the City Clerk.

Planning Resolution No. 64-84 recommends that the access of Silkwood Drive to Northern Boulevard be eliminated for the following reasons: Northern Boulevard, a General Plan expressway should not be linked with the neighborhood by means of a 50-foot residential street; Silkwood Drive, as a residential street, will be exposed to undue traffic from Northern Boulevard and will pose a safety problem to the immediate area if it is not closed. Recommendation was made that the northerly 18 feet, more or less, of Silkwood Drive be abandoned as shown on the map titled, "Proposed Street Abandonment, Portion of Silkwood Drive," dated July 9, 1964, Alternate 1, subject to certain conditions.

Robert L. Smith, 1714 Silkwood Drive, said that residents in the area have arranged to fulfill the conditions imposed if the section of Silkwood Drive is abandoned as requested.

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

The Council discussed the following: Establishment of responsibility for maintenance of the 6-foot wall or fence along the edge of the Northern Boulevard right-of-way line which will tie into existing fencing along Northern Boulevard; Council consideration to adoption of an ordinance which will require all property owners to maintain fences.

Director of Planning Fey stated that the two halves of the 18-foot section of the street proposed for abandonment would revert to the abutting property owners, who would be responsible for maintenance of the fence, although the maintenance of the fence had not been specifically delineated as a requirement in the Planning Commission resolution.

MOTION

That the Council declares its intention to abandon the northerly 18 feet, more or less, of Silkwood Drive as shown on map dated July 9, 1964, Alternate 1, on file in the office of the Planning Director, subject to the conditions listed in Planning Commission Resolution No. 64-84, plus the added condition that the property owners adjacent to the abandoned portion of the street have no access to Northern Boulevard

Moved by VanderWall Seconded by Shastid Unanimously carried

HEARING ON PROPOSED ANNEXATION OF THE CRESTWOOD TERRACE NO. 3 ADDITION 4-45

Mayor Johansen announced that the hour of 4:40 P.M. had arrived, the time set for consideration of the proposed annexation of the Crestwood Terrace No. 3 Addition, and opened the hearing.

The City Clerk reported that notice of the proposed annexation was published in the Modesto Tribune on August 27, 1964 and notices mailed to all property owners in the area on August 28, 1964. No written protests to the proposed annexation were filed with the City Clerk.

Planning Commission Resolution No. 64-93 recommends that Crestwood Terrace No. 3 Addition be annexed.

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

RESOLUTION NO. 64-486

A RESOLUTION ANNEXING UNINHABITED TERRITORY KNOWN AS THE CRESTWOOD TERRACE NO. 3 ADDITION TO THE CITY OF MODESTO

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

REPORT ON STATUS OF PROPOSED AGREEMENT WITH STATE FOR IMPROVEMENT OF YOSEMITE BOULEVARD

The City Manager reported that information has been received from the State Division of Highways that the Stockton office has received clearance to proceed with a cooperative agreement for the improvement of Yosemite Boulevard between Las Flores and Riverside.

No action was taken by the Council.

CONSIDER SALARY INCREASES AS RECOMMENDED

This matter was carried over pending presence of a full Council.

REPORT ON COST TO CITY FOR JULY'S CLEAN-UP MODESTO CAMPAIGN

The City Manager reported that the Modesto Garbage Company has waived dumping fees in the amount of $224 in connection with the "Clean-Up Modesto" campaign conducted by the Modesto City Employees' Association on July 11 and July 18, 1964.

RESOLUTION NO. 64-487
A RESOLUTION COMMENDING MODESTO GARBAGE COMPANY FOR ITS CONTRIBUTION TO "CLEAN-UP MODESTO" CAMPAIGN

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

ACCEPT AS COMPLETE WILLIAM MINENI'S CONTRACT FOR THE CONSTRUCTION OF A COMFORT STATION AT ENSLEN PARK

RESOLUTION NO. 64-488
A RESOLUTION ACCEPTING THE CONSTRUCTION OF COMFORT STATION AT ENSLEN PARK - WILLIAM MINENI, CONTRACTOR ($5,731)

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

CONSIDER LETTER AGREEMENT BETWEEN THE CITY AND JOHN E. HIRLEMAN, SUBDIVIDER, FOR PARTICIPATION IN THE COST OF A STREET LIGHT IN BROOKDALE PARK NO. 3 SUBDIVISION

MOTION
That the letter agreement between the City and John E. Hirleman, for participation in the cost of a street light in Brookdale Park No. 3 Subdivision be approved

Moved by Hughes Seconded by VanderWall Unanimously carried

RESOLUTION NO. 64-489
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $272 - BROOKDALE PARK NO. 3 PERIMETER STREET LIGHT

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

RESOLUTION APPROVING RENTAL OF CITY-OWNED PROPERTY

RESOLUTION NO. 64-490
A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND WILLIE C. MAXWELL AND ANNIE MAXWELL - RENTAL OF CITY-OWNED PROPERTY, 213 ELM STREET ($45 per month, effective September 1, 1964)

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

AUTHORIZE COUNCILMAN KEITH TABBERT TO BE OFFICIAL REPRESENTATIVE OF THE CITY OF MODESTO ON THE LEAGUE OF CALIFORNIA CITIES OFFICIAL MISSION TO MEXICO TOUR 4-95

RESOLUTION NO. 64-491
A RESOLUTION APPOINTING COUNCILMAN KEITH TABBERT OFFICIAL REPRESENTATIVE OF THE CITY OF MODESTO - LEAGUE OF CALIFORNIA CITIES OFFICIAL MISSION TO MEXICO TOUR

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

AUTHORIZE EXPENDITURE OF $6 FOR WREATH - CEREMONY IN MEXICO CITY HONORING LEAGUE MISSION VISIT

MOTION

That expenditure of $6 for a wreath to be placed appropriately during League of California Cities Official Mission to Mexico City be approved

Moved by VanderWall Seconded by Shastid Unanimously carried

MATTERS FOR THE GOOD OF THE COMMUNITY

Council Invitation to County-City Appreciation Night

Ira Wilson, Commander of American Legion Post No. 74, invited the Councilmen and wives and City Manager and Mrs. Keefe to attend County-City Appreciation Night to be held at Legion Hall on October 6, 1964, social hour, 6:30 P.M., dinner, 7:30 P.M.

Monte Lukov asked for the use of a picture of the full council for reproduction purposes.

REPORT BY JOHN JENKS REGARDING SEWAGE TREATMENT PLANT

With the unanimous consent of the Council, Item 42 of the agenda was considered at this time for the convenience of John Jenks, Consulting Sanitary Engineer, under contract with the City to prepare an engineering study and report on the operation of the Sewage Treatment Plant.

Mr. Jenks introduced his associate, Mr. Bruce Wyckoff.

Mr. Jenks outlined the progress of the various aspects of the study. He said that it was hoped that the finalized report would be available to the City prior to the deadline date of January 1, 1965, although he hoped that there might be a little leeway in presentation of the report in printed and bound form. He said that he would be appearing before the Council from month to month to keep it specifically informed on progress of the report; that since there were areas of policy consideration, he hoped that a general discussion could be held before the report was finalized.

Mr. Jenks was questioned by the Council.

Report on Business - Education Day

Councilman Mitchell reported briefly on Business-Education Day held September 4, 1964, the City hosting 20 teachers from various city elementary schools. He said that one of the teachers commented on the high calibre of city employees encountered at the Police and Fire Departments.

GOLF PROFESSIONAL CONTRACTS

Copies of a memorandum from the Director of Parks and Recreation dated September 1, 1964, subject, "Golf Professional's Contracts," were furnished the Council, and a copy filed with the record of the minutes. Recommendation was made that the golf professional be required to obtain and operate under a city business license at both courses; that a contract be negotiated to become effective upon completion of the Dryden driving range to require the professional to continue to operate under a city business license; to require the professional to remit 20% of the gross receipts of the driving range to the City; that other conditions set forth in existing contracts remain the same; that upon completion of the Dryden club house facilities, all contracts with the golf professional be renegotiated.

Director of Parks and Recreation Grogan was questioned about the various contracts in effect between the City and Mr. Silva.

MOTION

That the staff be directed to procure information as to the gross volume of business done in the pro shop, and that this information be presented to the Council when it is received by the staff

Moved by Shastid

The motion died for lack of a second.

Mr. Silva's duties under his present contract with the City at a salary of $550 per month in connection with the operation of the two golf courses were outlined by the City Manager.

The desirability of having all of the contracts between the City and the golf pro terminate simultaneously so that they can be renegotiated at one time was discussed.

By order of the Chair, the City Attorney and Director of Parks and Recreation Grogan were directed to place this matter on the agenda again at such time as the data pertaining to the golf pro contracts is available.

MOTION

That the golf professional be required to obtain and operate under a city business license at both golf courses

Moved by Shastid Seconded by Hughes Unanimously carried

GOLF COURSE REPORT 9-98

Copies of a memorandum from the Director of Parks and Recreation dated September 2, 1964, subject, "Golf Course Operations," were furnished the Council, and a copy filed with the record of the minutes.

The memorandum shows a comparison of golf course expenditures and revenue for fiscal years 1959-60 through 1963-64.

The report was ordered filed.

SALE OF TREES TO BIBENS NURSERY COMPANY 8-102

RESOLUTION NO. 64-492

A RESOLUTION AUTHORIZING THE SALE OF SURPLUS GINKGO TREES TO BIBENS NURSERY COMPANY ($17.50 per tree)

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

RULES FOR USE OF MODEL AIRPLANE FLYING SITE

A memorandum from Park Superintendent Bill Brown dated September 2, 1964, subject, "Rules for Modesto Model Flying Field, was filed with the record of the minutes.

RESOLUTION NO. 64-493

A RESOLUTION APPROVING RULES FOR THE USE OF MODESTO MODEL AIRPLANE FLYING FIELD

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

RESOLUTION SETTING DATE FOR HEARING OF APPEAL TO CONDITIONAL USE PERMIT - USE OF FLOYD AVENUE PROPERTY FOR A CHURCH

RESOLUTION NO. 64-494

A RESOLUTION SETTING TIME AND PLACE FOR HEARING APPEAL TO GRANTING OF CONDITIONAL USE PERMIT TO DON PEDRO REAL ESTATE FOR TEMPORARY USE OF BUILDING FOR CHURCH AT 505 FLOYD AVENUE

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

September 28, 1964 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

A memorandum from the Director of Parking and Traffic dated September 2, 1964, subject, "Removal of Little Used On-Street Parking Meters," was filed with the record of the minutes.

MOTION

That the staff be directed to prepare necessary ordinance removing parking meters on 10th Street between M and Needham (both sides); Needham between College and Nellie (north side); K Street between 13th and 14th (both sides); H Street between 8th and 9th (both sides)

Moved by Hughes Seconded by VanderWall Unanimously carried

NOTICE OF GREYHOUND LINES, INC., APPLICATION TO CALIFORNIA P.U.C. FOR AN INCREASE IN INTRASTATE PASSENGER FARES EXCEPTING SOME COMMUTATION FARES IN THE SAN FRANCISCO BAY AREA

A memorandum from the Director of Parking and Traffic dated September 3, 1964, subject, "Application of Greyhound Lines, Inc., for an intrastate passenger fare increase," was filed with the record of the minutes. Greyhound has applied for a uniform 5% increase in California passenger fares.

No action was taken by the Council.

CHANGE MUNICIPAL CODE TO DESIGNATE NEW 9TH STREET PARKING LOT BETWEEN J AND K STREETS AS A PARKING METER LOT AND SET RATES AND TIME LIMITS

A copy of a memorandum from the Director of Parking and Traffic dated September 3, 1964, subject, "9th Street Parking Lot between J and K Streets (Former Modesto Plymouth)" was filed with the record of the minutes.

MOTION

That the staff be directed to prepare an ordinance designating the new 9th Street Parking Lot between J and K Streets as a parking meter lot, to be considered by the Council at the September 14th meeting

Moved by Mitchell Seconded by Hughes Unanimously carried

REPORT AND RECOMMENDATION - FELLOWSHIP HOMES ADDITION

RESOLUTION NO. 64-495

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

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

September 21, 1964, at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

PROPOSED BELLENITA ADDITION - FOR REFERRAL TO PLANNING COMMISSION

RESOLUTION NO. 64-496

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 ADDITION

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

PROPOSED REZONING OF BLOCK 3070 - ZAMORA & PRICE (P-D 17)

The proposed rezoning of Block 3070 from R-1 to P-D 17 was heard by the Council at its meeting of August 24, 1964, with the rezoning tentatively approved subject to the added condition that the exact number of 1 and 2-bedroom units be specified, and the responsibility for maintenance of the alley be established.

Copy of a letter from John L. Zamora dated September 1, 1964 indicating intent to build 38 2-bedroom units and 12 1-bedroom units, and assuring that the alleys bordering to the north and west side of the property would be improved at the expense of the developers was filed with the record of the minutes.

Director of Planning Fey stated that it has not been the policy of the City in the past to require improvement of alleys as a condition to rezoning when, as in this case, no dedication is required and where there is no access to the alley from the development.

Mr. Zamora said that he was willing to grade and oil the alleys.

City Attorney Johnson stated that the proposed ordinance includes the wording that the planned development will have ten apartment buildings containing 12 1-bedroom units and 38 2-bedroom units, and off-street parking for 75 automobiles.

ORDINANCE NO. 678-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 6 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (ZAMORA AND PRICE)"

was introduced and ordered published as required by the Charter.

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

RESOLUTION NO. 64-497
A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED-DEVELOPMENT ZONE, P-D (17) (ZAMORA AND PRICE) (with added condition that alleys bordering the property on the north and west sides be fully improved to current city subdivision standards)

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

APPROPRIATION TRANSFER - INCREASE IN CATASTROPHE INSURANCE COVERAGE

RESOLUTION NO. 64-498
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $1,565.00 FOR ADDITIONAL INSURANCE PREMIUM (Catastrophe liability coverage increase to $2,000,000 for 22½ months)

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

REPORT FROM SALVATION ARMY, SERVICES RENDERED FOR QUARTER ENDING JUNE 30, 1964

MOTION
That the quarterly report of expenditures for family services and transient relief for the quarter ending June 30, 1964 submitted by the Salvation Army in accordance with an agreement with the City be accepted

Moved by Shastid Seconded by VanderWall Unanimously carried

REPORT BY COUNCIL PUBLIC PROJECTS COMMITTEE RELATIVE TO SIGN REGULATIONS 10-5

A study of the City's sign regulations was referred to the Public Projects Committee by the Council for report and recommendation, with a report submitted to the Council on May 4, 1964. At this meeting, the matter was referred back to the Committee with instructions that it check with the sign companies for a reasonable area limitation for the various types of signs.

Copies of a memorandum from the City Manager dated August 21, 1964 subject, "Public Projects Committee re Sign Ordinance," were furnished the Council and a copy filed with the record of the minutes. The memorandum contains the Committee's recommendations for proposed changes to the City's sign regulations.

The proposed changes were reviewed by Councilman Mitchell.

Upon questioning, Councilmen Mitchell and Shastid explained the intent of the phrase "strictly controlled" as used in recommendation "e" pertaining to mechanical animated and illuminated signs. The City Attorney was directed to reword the recommendation to more specifically declare the intent of the phrase.

By Order of the Chair, Planning Director Fey was instructed to meet with the County Planning Director to obtain facts pertaining to the County's sign regulations for report to the Council; that a member of the Public Projects Committee then meet with the Board of Supervisors with a view to more uniformity in sign regulations between the two agencies, perhaps within a three-mile radius of the city limits; and that a draft of the County's proposed new sign ordinance to obtained for information of the Council.

MOTION

That the staff be instructed to prepare a draft of the proposed amendments to the sign regulations in accordance with the Public Projects Committee report

Moved by Mitchell Seconded by Shastid Unanimously carried

REPORT CONCERNING TIDEWATER SOUTHERN RAILROAD TRACKS ON 9TH STREET

Copies of a memorandum from the City Manager, subject, "Tidewater Southern Railroad Tracks," were furnished the Council, and a copy filed with the record of the minutes. The memorandum indicated that an immediate decision was needed inasmuch as a contract has been let by the State for the repavement of Ninth Street to begin sometime during April of 1965.

Imposition of a franchise fee was brought up for discussion. Because of possible legal actions which may be involved, it was the decision of the Council that this matter be discussed in executive session at the end of the regular meeting.

QUARTERLY REPORT OF GREATER MODESTO CHAMBER OF COMMERCE

The quarterly report of the Chamber of Commerce for the quarter ending June 30, 1964 was presented and ordered filed.

ANNUAL REPORT BY HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS

The report was presented to the Council and ordered filed.

PRESENTATION OF ANNUAL INVENTORY OF CITY OF MODESTO FIXED ASSETS

MOTION

That the annual inventory of City of Modesto fixed assets be approved ($10,854,068.98, on basis of original cost or appraisal in case of gift

or where original cost not available)

Moved by VanderWall Seconded by Mitchell Unanimously carried

CRIME PROBLEMS - Unanimous Consent Item

For general information to the public, Mayor Johansen announced that both the Police and Fire Departments are doing everything humanly possible to remedy the crime wave prevalent during the past several weeks.

CONSIDER VACANCY IN PERSONNEL COMMISSION

MOTION

That the meeting adjourn to executive session to consider an appointment to the Personnel Commission, and to consider Tidewater Southern Railroad tracks on Ninth Street

Moved by Shastid Seconded by VanderWall Unanimously carried

The meeting adjourned at 7:00 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 7:30 P.M. in the Council Chambers, City Hall, 801 11th Street, Mayor Johansen presiding.

Present: Councilmen: Mitchell, Shastid, VanderWall, Mayor Johansen
Councilman Hughes arrived at 7:35 P.M.
Absent: Councilmen: Patton, Tabbert

The pledge of allegiance was given by all present.

Reverend Norman VanWalterop gave the invocation.

LETTER FROM KENNAN H. BEARD, VICE CHAIRMAN, STANISLAUS STATE COLLEGE ADVISORY BOARD, REGARDING DEDICATION PROGRAM

A letter from Kennan Beard dated September 3, 1964 requesting that the City consider making a contribution to Stanislaus State College for the purpose of aiding in the cost of the dedication program was entered into the record of the minutes.

Mr. Beard stated that about $15,000 will be required for the dedication program.

It was pointed out that no funds are budgeted for this purpose. Mr. Beard was asked by the Council to determine the possibility of the City assisting in the program, without financial commitment, in such a manner as to reduce expense of the dedication. The City Attorney stated that an expenditure of this kind could be termed "promotion" and would be permissible under the Charter so long as the limitation imposed by the Charter for promotional purposes was not exceeded.

By order of the Chair, the City Clerk was directed to place this item on the agenda of the September 28th meeting.

LETTER FROM CALIFORNIA LEGISLATURE SENATE FACT FINDING COMMITTEE ON TRANSPORTATION AND PUBLIC UTILITIES

A letter from the California Legislature Senate Fact Finding Committee on Transportation and Public Utilities dated September 3, 1964 stating that a meeting will be held on September 22 at 10:00 A.M. in the Senate Lounge, Room 3195, State Capital, Sacramento, to discuss central valley air service, was entered into the record of the minutes. City Attorney Johnson stated that the above meeting has been reset for September 21, 1964 at 10:00 A.M. Councilman VanderWall, City Attorney Johnson and Airport Manager Sham will attend the meeting.

LETTER FROM PARKING DISTRICT STEERING COMMITTEE REGARDING PARKING AT THE OLD CITY HALL

The following documents were filed with the record of the minutes: Letter from J. F. Dowd, Jr., Chairman, Parking District Steering Committee, dated September 4, 1964; memorandum from Director of Parking and Traffic dated September 10, 1964, subject, "Construction of Parking Lot at Former City Hall."

The Director of Parking and Traffic recommended that improvements totaling $850 be made, with drivers entering and leaving by the alley only. Sixteen vertical parking spaces would be available, with a ticket-dispensing device installed, at a charge of 25¢ per day. The Parking District Steering Committee recommended that the property be temporarily prepared for all-day metered parking at a rate schedule of 30¢ per day, and that access also be made available on the 10th Street side of the lot, which will provide 26 diagonal parking spaces. Estimated total cost of the improvements recommended by the Committee is $1,550.

Bob Alford, Vice-Chairman of the Parking District Steering Committee, spoke briefly in support of the Committee's recommendation.

MOTION

That the recommendation of the Parking District Steering Committee providing 26 parking spaces in the old city hall property, with access on 10th Street,be approved

Moved by Mitchell Seconded by Shastid

The motion carried, Councilman Hughes dissenting.

RECOMMEND THAT INSTALLATION OF WATER MAINS IN LORENZEN PARK NO. 3 BE PERFORMED BY CITY FORCES (no bids received)

RESOLUTION NO. 64-499

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER MAINS IN LORENZEN PARK NO. 3 SUBDIVISION

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

CONSIDER AWARD TO H. V. CARTER CO., SAN FRANCISCO, FOR ONE GOLF COURSE TRACTOR AND 5 GANG MOWER UNITS (low bidder, $4,721.03)

RESOLUTION NO. 64-500

A RESOLUTION ACCEPTING BID OF H. V. CARTER COMPANY FOR FURNISHING ONE GOLF COURSE TRACTOR AND FIVE GANG MOWER UNITS

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

CONSIDER BIDS RECEIVED FOR SALE OF PHOENIX AVE. FIRE STATION 2-115

Sealed bids for the sale of the Phoenix Avenue Fire Station were opened at 2:00 P.M., with one bid submitted by Harry Haas,3015 Scenic Drive, in the amount of $8,100.

Oral bids were taken, as authorized by Resolution No. 64-441, the high bid submitted by James D. Petros, 1233 South Rose Avenue, Turlock, California, in the amount of $15,150. A cash bid deposit in the amount of $500 was filed with the City Clerk.

RESOLUTION NO. 64-501

A RESOLUTION ACCEPTING THE ORAL BID OF JAMES D. PETROS IN AMOUNT OF $15,150 FOR PURCHASE OF PHOENIX AVENUE FIRE STATION

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

CONSIDER SALARY INCREASES AS RECOMMENDED

This matter was held over pending presence of a full Council.

A RESOLUTION WITHDRAWING WYLIE NO. 3 ADDITION FROM THE McHENRY-DRY CREEK FIRE PROTECTION DISTRICT THROUGH ANNEXATION TO CITY OF MODESTO

RESOLUTION NO. 64-502

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (WYLIE NO. 3 ADDITION)

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

AGREEMENT BETWEEN CITY AND HAGER SUPPLY COMPANY FOR SALE OF DRIED DIGESTED SLUDGE

RESOLUTION NO. 64-503
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND HAGER SUPPLY COMPANY FOR SALE OF DRIED DIGESTED SLUDGE
(effective September 14, 1964)

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

CONSIDER SELECT STREET SYSTEM FOR THE CITY OF MODESTO AND ADJOINING COUNTY AREA 3-106

A copy of a memorandum from the Director of Public Works dated September 10, 1964, subject, "Select Street System" was filed with the record of the minutes.

The preliminary Select Street System was presented to the Council for its information and comments, submission of the System being required by Section 12 of the Collier-Unruh Local Transportation Development Act. This system replaces the City's Major City Street Systems and the County's Primary Road Systems.

A map depicting the color code of the Select Street System proposed was reviewed by Director of Public Works Campbell.

The City Manager stated that the Select Street System in its final form would be presented to the Council for adoption at the September 21st meeting.

HEARING ON PROPOSED AMENDMENTS TO ZONING REGULATIONS (H-1 Zone)

Mayor Johansen announced that the hour of 8:15 P.M. had arrived, the time set for consideration of proposed amendments to the zoning regulations establishing an H-1 zone, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on August 27, 1964 and notices mailed to interested parties.

The proposed amendments to the zoning regulations were previously considered by the Council on June 22, 1964 at which time the matter was referred back to the Planning Commission for it to consider elimination of the uses not permitted by the County in its H-1 zone (the last nine items listed in memorandum dated March 17, 1964), and asking that the Commission consider the change recommended by I.J. Tremain, P.G. & E., that Section 10-2.2903 (a)(1)(aa), Utilities, be amended by adding "gas metering stations."

Director of Planning Fey stated that the changes suggested by the Council above had been effected in the new draft of a proposed ordinance, including minor changes suggested by Pacific Telephone. The changes were reviewed by Mr. Fey.

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

ORDINANCE NO. 679-C.S. entitled
"AN ORDINANCE AMENDING SECTION 10-2.301 OF ARTICLE 3 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE AND ADDING ARTICLE 29 TO CHAPTER 2 OF TITLE X THEREOF, RELATING TO ZONING REGULATIONS"

was introduced and ordered published as required by the Charter.

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

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY AT 1234 NELSON AVENUE

MOTION

That the request for sewer service extension to property at 1234 Nelson Avenue be approved

Moved by Shastid Seconded by VanderWall Unanimously carried

REPORTS FROM THE PLANNING COMMISSION - None

APPROPRIATION TRANSFERS 4-67

RESOLUTION NO. 64-504

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $1,250 ADDITIONAL FUNDS FOR IMPROVEMENT OF BRIGGSMORE AVENUE FROM CARVER ROAD TO TULLY ROAD (Final quantities exceeded original estimates)

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

RESOLUTION NO. 64-505

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $1,275 ADDITIONAL FUNDS FOR REALIGNMENT OF TUOLUMNE BOULEVARD AND IMPROVEMENT OF 7TH AND B STREETS (Final quantities exceeded original estimates)

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

CONSIDER APPOINTMENT TO PERSONNEL COMMISSION

With the unanimous consent of the Council, this matter was held over for one week.

MISCELLANEOUS

The Council was reminded of the Central Valley Division of League of California Cities dinner meeting in Gustine, Thursday, September 24, 1964.

MATTERS FOR THE GOOD OF THE COMMUNITY

Complaint by Carrol Pilgrim, 922 Cheatham Drive - Sewage Treatment Plant Odors

Mr. Pilgrim placed the Council on notice that whenever he was awakened during the night by odors emanating from the Sewage Treatment Plant he would telephone each councilman, and that the next time his wife became sick from the odor he would file a suit in federal court to seek closure of the Sewage Treatment Plant as being a hazard to his health and home. Mr. Pilgrim also suggested that the ball park be considered as a site for the civic auditorium. He further stated that he had notified the city police that if undue noise at the ball park continues after 10:00 P.M., he will seek an order of the court to close it.

Request for encroachment permit - E. Heaston

Copies of a letter from E. L. Heaston dated September 11, 1964 were distributed to the Council and a copy filed with the record of the minutes.

Mr. Heaston requested a permit to place brick veneer on the two 16" pilasters which will encroach on the public right of way. The property is located at 1613-1615 H Street. He said that speedy disposition of the matter would permit improvement of the building to continue without delay.

RESOLUTION NO. 64-506

A RESOLUTION GRANTING HEASTON'S CASH REGISTER A PERMIT TO ENCROACH ON THE PUBLIC RIGHT OF WAY

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

Occupation of Fire Station No. 5, Northern Boulevard

Fire Chief Everett announced that Fire Station No. 5 on Northern Boulevard was now in operation, with two men on duty.

Removal of TSRR Tracks on Ninth Street

MOTION

That the City Manager and City Attorney write a letter to Senators Kuchel and Salinger, Representative John McFall, and Senator Randolph Collier presenting the City's problems in connection with the removal of the Tidewater Southern Railroad tracks on Ninth Street

Moved by VanderWall Seconded by Shastid Unanimously carried

MOTION

That the staff prepare a resolution officially notifying the Tidewater Southern Railroad Company that the City of Modesto requests that the railroad tracks on Ninth Street be removed and relocated; that the fact that the Tidewater Southern Railroad has been operating illegally within the City of Modesto for a certain number of years without benefit of a franchise be included in the resolution; that the resolution be presented to the Council at the September 21st meeting

Moved by Shastid Seconded by VanderWall Unanimously carried

Letter from Save Modesto Association - Frank Andrews

Copies of a letter from Frank Andrews dated September 10, 1964 requesting replacement of the City Manager and City Electrician were furnished the Council and a copy filed with the record of the minutes.

The letter was ordered filed.

Report on Newspaper Article - Statement by Paul Birmingham regarding Downtown Development

An explanation from the staff was requested by Mayor Johansen in connection with a newspaper article appearing in the Modesto Bee in which a statement was attributed to Paul Birmingham, engineer, that the City was trying to force developers into downtown Modesto.

The City Manager stated that Mr. Birmingham informed him that he was misquoted in the newspaper.

Director of Planning Fey stated that the policy followed by the

Planning staff was that adopted by the Council - Where a zoning application appears to be in excess of what seems to be needed in the area, the staff's recommendation to the Planning Commission is that it not be granted; where it appears to be in accord with the needs of the area and following the principles of the General Plan, the zoning is recommended.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Mitchell Unanimously carried

The meeting adjourned at 8:53 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 Eleventh Street, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Absent: Councilmen: Tabbert

Pledge of allegiance to the Flag was given by all present.

Reverend Donald E. Smith gave the Invocation.

PRESENTATION OF 7TH CONSECUTIVE NATIONAL SAFETY COUNCIL AWARD FOR MODESTO'S TRAFFIC ENGINEERING PROGRAM

Copies of a memorandum from the Director of Parking and Traffic dated September 17, 1964, subject, "National Safety Council Award for Traffic Engineering," were furnished the Council and a copy filed with the record of the minutes.

Modesto received the highest award of the National Safety Council, with a rating of 94 points out of 100, the highest score in California, and among the highest in the United States.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

The minutes of the regular meetings of September 8 and September 14, 1964 were approved.

LETTER FROM SAM SECRETO, "YELLOW CAB COMPANY," REQUESTING CAB STAND AT GREYHOUND DEPOT 1-35

A letter from Sam Secreto dated September 15, 1964 requesting cab stand at Greyhound Depot was entered into the record of the minutes.

Copies of a memorandum from the Director of Parking and Traffic dated September 21, 1964, subject, "Yellow Cab Request for Greyhound Depot Cab Stand," were furnished the Council and a copy filed with the minutes.

Mr. Secreto asked that he be permitted a temporary stand in front of the former Pep Boys building on 10th Street until such time as construction is completed at the location of his present stand on the southwest corner of 10th and Eye Streets.

By order of the Chair, the matter was referred to the Director of Parking and Traffic with instructions that he work with Mr. Secreto in locating a suitable stand; if not resolved satisfactorily, that the matter be brought back to the Council for a decision as to whether Mr. Secreto can operate jointly with Red Top Taxi at the Greyhound Depot.

LETTER FROM MRS. M. H. PETERSON, CORRESPONDING SECRETARY, MODESTO HOME AND GARDEN CLUB, REQUESTING USE OF COMMUNITY CENTER HALL

Copies of a letter dated September 9, 1964 from the Modesto Home and Garden Club requesting use of the community center hall for a fall garden show on November 7th, without charge, were furnished the Council and a copy filed with the record of the minutes.

MOTION

That the City Manager be directed to write a letter to Modesto Home and Garden Club advising them of the City's policy on the use of the Community Center in connection with rental charges.

Moved by Mitchell Seconded by Patton Unanimously carried

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR FURNISHING SEVEN MOBILE RADIOS

RESOLUTION NO. 64-507

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR SEVEN MOBILE RADIOS

Introduced by Shastid Seconded by Patton

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

October 7, 1964 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. 679-C.S. RELATING TO ZONING REGULATIONS AND ADDING AN H-1 ZONE 2-70

Attorney Charles K. Brunn, 1115 Eye Street, Modesto, representing Ryan Outdoor Advertising Company, asked that final adoption of the ordinance be continued for one week, and that a subcommittee be appointed to discuss the proposed H-1 Zone with his client during the interim period.

MOTION

That final adoption of Ordinance No. 679-C.S. be held over for one week to permit a representative of Ryan Outdoor Advertising Company to make a presentation to the Council at the next Council meeting

Moved by Hughes Seconded by Mitchell Unanimously carried

ADOPTION OF ORDINANCE NO. 678-C.S. - REZONING PROPERTY LOCATED AT SUTTER AVENUE AND NIAN WAY (ZAMORA AND PRICE)

ORDINANCE NO. 678-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 6 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (ZAMORA AND PRICE)"

introduced September 8, 1964 and having been published as required, was moved and adopted.

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

ORDINANCE AMENDING PARKING METER ZONING MAP OF THE CITY OF MODESTO

ORDINANCE NO. 680-C.S. entitled

"AN ORDINANCE ADOPTING AN AMENDED PARKING METER ZONING MAP OF THE CITY OF MODESTO" (adding Modesto Plymouth parking lot as a metered parking lot)

was introduced and ordered published as required by the Charter.

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

ORDINANCE AMENDING SECTION 3-2.1601 OF ARTICLE 16 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO OFF-STREET PARKING

ORDINANCE NO. 681-C.S. entitled

"AN ORDINANCE AMENDING SECTION 3-2.1601 OF ARTICLE 16 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO OFF-STREET PARKING" (Designating Modesto Plymouth Lot as a metered lot and deleting it as an attendant lot)

was introduced and ordered published as required by the Charter.

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

RESOLUTION NO. 64-508

A RESOLUTION DESIGNATING CERTAIN AREAS AS MUNICIPAL OFF-STREET PARKING LOTS, PROVIDING FOR CONTROL OF VEHICULAR PARKING THEREON 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. 64-107 (Deleting Modesto Plymouth lot as an attendant lot)

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

HEARING ON PROPOSED ANNEXATION OF THE FELLOWSHIP HOMES ADDITION 3-20

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed annexation of the Fellowship Homes Addition, and opened the hearing.

The City Clerk reported that notice of the proposed annexation was published in the Modesto Tribune on September 17, 1964; that all property owners in the area have signed the annexation petition. No written protests to the proposed annexation were filed with the City Clerk.

Planning Commission Resolution No. 64-95 recommends that Fellowship Homes Addition be annexed.

The needed improvement of Norwegian Avenue was discussed.

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

RESOLUTION NO. 64-509

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

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

CONSIDER SALARY INCREASES AS RECOMMENDED

This matter was carried over pending presence of a full Council.

CONSIDER SELECT STREET SYSTEM FOR THE CITY OF MODESTO WITH ADJOINING AREA 3-30

RESOLUTION NO. 64-510

A RESOLUTION DESIGNATING MAP PREPARED BY CITY OF MODESTO PUBLIC WORKS DEPARTMENT AS THE APPROVED SELECT STREET SYSTEM

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

RESOLUTION NOTIFYING TIDEWATER SOUTHERN TO REMOVE AND RELOCATE RAILROAD TRACKS NOW LOCATED ON NINTH STREET IN THE CITY OF MODESTO

RESOLUTION NO. 64-511

A RESOLUTION ORDERING TIDEWATER SOUTHERN RAILWAY COMPANY TO REMOVE AND RELOCATE ITS TRACKS AND RELATED FACILITIES FROM NINTH STREET IN THE CITY OF MODESTO, AND REQUESTING A WRITTEN REPORT AS TO HOW AND WHEN REMOVAL AND RELOCATION WILL BE ACCOMPLISHED

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

Copies of a letter from Wilma Smith dated September 9, 1964, encouraging removal of tracks from Ninth Street, were furnished the Council and a copy filed with the minutes.

CONSIDER AGREEMENT BETWEEN THE CITY OF MODESTO AND THOMAS S. OSTERMAIER, FRANCIS RINGLER, AND COLONEL ELVIN W. BRUSH - LEASING OF THE WEST ONE-HALF OF HANGAR NO. 5 AT AIRPORT

RESOLUTION NO. 64-512

A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND THOMAS S. OSTERMAIER, FRANCIS RINGLER AND COLONEL ELVIN W. BRUSH FOR LEASING OF WEST ONE-HALF OF HANGAR NO. 5 AT AIRPORT

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

RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF SIDEWALK, AT BLOCK 6116, LOT 23 AND PORTION OF LOT 24 SOUTH SIDE OF CYPRESS AVENUE 3-70

RESOLUTION NO. 64-513

A RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF SIDEWALK ALONG CERTAIN STREETS IN THE CITY OF MODESTO (1422 CYPRESS AVENUE)

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

October 5, 1964 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

CONSIDER SCHEDULING OF AREAS OF INSPECTION FOR UNSAFE STRUCTURE CODE 3-75

Copies of a memorandum from the Director of Public Works dated September 15, 1964, subject, "Scheduling of Administration of Unsafe Structure Code," were furnished the Council and a copy filed with the minutes.

MOTION

That the recommendation of the Director of Public Works scheduling the administration of the Unsafe Structure Code be approved as outlined in the memorandum dated September 15, 1964

Moved by VanderWall Seconded by Shastid Unanimously carried

The importance of good public relations in connection with the administration of the unsafe structure code was discussed.

The staff was instructed to present the ground rules to the Council for review before they are placed in operation, and to discuss with the Council any proposal to go outside the area scheduled.

A RESOLUTION WITHDRAWING CRESTWOOD TERRACE NO. 3 ADDITION FROM THE McHENRY-DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO 4-55

RESOLUTION NO. 64-514

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (CRESTWOOD TERRACE NO. 3 ADDITION)

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

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP FOR SOMERSET PARK NO. 1 SUBDIVISION

Copies of a memorandum from the Director of Public Works dated September 17, 1964, subject, "Somerset Park Unit No. 1 Subdivision," were furnished the Council and a copy filed with the minutes.

RESOLUTION NO. 64-515

A RESOLUTION APPROVING THE FINAL MAP OF THE SOMERSET PARK UNIT NO. 1 SUBDIVISION OF THE CITY OF MODESTO

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

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY LOCATED AT 325 EL VISTA, CALIFORNIA

Agreements to annex executed by property owners in connection with requests for sewer service to areas outside the city limits, were discussed by the Council.

The staff was directed to proceed with annexation of one-block areas wherever possible under present streamlined provisions.

MOTION

That the request for sewer service extension to property located at 325 El Vista Avenue be approved

Moved by Hughes Seconded by Shastid Unanimously carried

CONSIDER AGREEMENT BETWEEN CITY OF MODESTO AND FORREST G. HARRIS, JR., AND SIDNEY SMITH, SUBDIVIDERS, FOR WATER SERVICE TO SYLVAN GLEN SUBDIVISION 5-50

A memorandum from Director of Public Works dated September 21, 1964, subject, "Water Service - Sylvan Glen Subdivision," was read by the City Manager and a copy filed with the record of the minutes.

RESOLUTION NO. 64-516

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND FORREST G. HARRIS, JR., AND SIDNEY SMITH, SUBDIVIDERS, FOR WATER SERVICE TO SYLVAN GLEN SUBDIVISION

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

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN SYLVAN GLEN SUBDIVISION

RESOLUTION NO. 64-517

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN SYLVAN GLEN SUBDIVISION

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

October 6, 1964 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

1. Request for use of Mancini Bowl

Robert Jackson, Co-sponsor of Young Democrats of Stanislaus County, requested use of Mancini Bowl and Graceada Park on October 10 for a political rally for Pierre Salinger, democratic candidate for the U.S. Senate. Mr. Jackson stated that a committee has been appointed to clean up the area after the rally.

The City's policy concerning the use of Mancini Bowl by other than strictly youth groups was discussed.

The City Attorney was directed to check the legal aspects of the use of the bowl for a political rally and report to the Council at the September 28, 1964 meeting.

2. Report - Fire Chief Wayne Everett's illness 7-15

City Manager Keefe reported that Fire Chief Wayne Everett would be back to work on Tuesday or Wednesday (September 22 or 23) after a brief illness.

3. Report of Public Projects Committee regarding proposed withdrawal of two passenger trains at Empire by Santa Fe Railroad

Mayor Johansen reported that the Public Relations Committee has recommended that the Council protest the proposed withdrawal of two passenger trains at Empire by Santa Fe Railroad.

MOTION

That the staff be directed to prepare a letter opposing the proposed withdrawal of two passenger trains by Santa Fe Railroad at Empire, listing the reasons for the objection, and showing the letter to the members of the Council before forwarding

Moved by Hughes Seconded by VanderWall Unanimously carried

RECOMMEND STREET NAME CHANGE FROM ORANGE AVENUE TO BRIGGSMORE AVENUE

RESOLUTION NO. 64-518

A RESOLUTION CHANGING THE NAME OF ORANGE AVENUE RUNNING FROM McHENRY AVENUE TO THE EASTERN BOUNDARY OF POMONA VILLA TRACT TO BRIGGSMORE AVENUE IN THE CITY OF MODESTO

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

REPORT AND RECOMMENDATION - ANNEXATION OF BELLENITA ADDITION 7-35

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed annexation of the Bellenita Addition, and opened the hearing.

Planning Commission Resolution No. 64-104 adopted September 15, 1964 recommends that annexation proceedings be commenced.

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

RESOLUTION NO. 64-519

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

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

October 5, 1964 at 4:40 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

APPROPRIATION TRANSFER - CONSTRUCTION OF FRONTAGE ROAD AT AIRPORT

RESOLUTION NO. 64-520

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $700 FOR CONSTRUCTION OF FRONTAGE ROAD AT AIRPORT (For construction of a frontage road along the east side of Modesto City-County Airport to serve the new control tower)

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

Progress of plans for the new administration building at the Airport was discussed.

APPROPRIATION TRANSFER - CONSTRUCTION OF PARKING LOT AT OLD CITY HALL SITE 7-50

RESOLUTION NO. 64-521

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $1,900 FOR CONSTRUCTION OF PARKING LOT AT OLD CITY HALL SITE

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

REQUEST BY FIRST CHURCH OF CHRIST, SCIENTIST, FOR USE OF MANCINI BOWL IN 1965

This matter was withdrawn from the agenda at the request of the First Church of Christ, Scientist.

REPORT ON SEWAGE TREATMENT PLANT OPERATION 7-58

Director of Public Works reported that today's tests indicated better conditions at treatment plant than in many weeks.

Copies of a memorandum from the Director of Public Works dated September 17, 1964, subject, "Sewage Treatment Plant Loadings," were furnished the Council and a copy filed with the record of the minutes.

The City Manager reported on odor conditions at the Sewage Treatment Plant on the evening of September 15, 1964.

REPORT ON REPAIR OF OAK PANELING IN CITY ATTORNEY'S OFFICE AND COUNCIL CHAMBERS

By order of the Chair, this item held over.

DISCUSSION OF USE OF OLD CITY POLICE BUILDING FOR STORAGE OF CULTURAL OBJECTS 8-55

The City Manager recommended that the Council permit the use of the old police building for temporary storage of historical objects which will eventually be housed in a museum or cultural center.

The City's responsibility in connection with the collection was discussed.

MOTION

That the use of the old city police building for temporary storage of historical objects be approved

Moved by Shastid Seconded by VanderWall Unanimously carried

The staff was directed to inform the Cultural Commission of the Council's action so that it can work with interested groups.

REMINDER OF CENTRAL VALLEY DIVISION LEAGUE OF CALIFORNIA CITIES' MEETING

Councilmen were reminded of the League meeting to be held in Gustine September 24, 1964.

REPORT FROM COUNCILMAN VANDERWALL - UNITED AIR LINES MEETING IN SACRAMENTO, SEPTEMBER 21 - Unanimous Consent Item

Councilman VanderWall reported that at a meeting held earlier in the day in Sacramento, Senator Collier stated that the Transportation Committee was 100% behind the cities in their stand against the United Air Lines' proposal to withdraw its service in San Joaquin Valley; that Mr. Collier has suggested that legal counsel be hired to fight the proposed withdrawal. Mr. Collier also advised that a meeting would be held in San Francisco October 2, with representatives from United Air Lines and Pacific Air Lines present. Mr. VanderWall stated that over 120 cities throughout the United States are faced with a similar problem.

City Attorney Johnson stated that the main witness at the October 2nd meeting will be Mr. Boyd, Chairman of the Civil Aeronautics Board.

CONSIDER APPOINTMENT TO PERSONNEL COMMISSION

MOTION

That the meeting adjourn to executive session to consider an appointment to the Personnel Commission

Moved by Hughes Seconded by Shastid Unanimously carried

The meeting adjourned at 6:05 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, Vice-Mayor VanderWall presiding.

Present: Councilmen: Hughes, Mitchell, Tabbert, VanderWall, Councilman Shastid arrived at 7:35 P.M.

Absent: Councilmen: Patton, Mayor Johansen

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

Reverend Arthur Brohm gave the invocation.

LETTER FROM ATTORNEY FRANCIS W. HALLEY REPRESENTING HOME BUILDERS' ASSOCIATION OF CENTRAL CALIFORNIA - REQUIREMENT OF CERTIFICATE OF COMPETENCY - UNIFORM HEATING AND COMFORT COOLING CODE

Copies of a letter from Attorney Francis W. Halley dated September 17, 1964, were furnished the Council and a copy filed with the record of the minutes. The letter listed the conclusion of Opinion No. 63/283 issued by the Attorney General of the State of California to the effect that "Municipal legislation requiring examinations of contractors, as defined by Section 7026 of the Business and Professions Code, as to their competency to engage in contracting activities, are invalid as an attempt to regulate contractors' qualifications, a field fully occupied by state law, and therefore create an unconstitutional conflict with state law." In his letter, Mr. Halley requested that he be advised by the City whether the City will cease and desist from the requirement of examination of persons engaged in the installation and repair of heating and cooling equipment.

By order of the Chair, this matter was referred to staff for review, with instructions that Mr. Halley be notified when the matter is again heard by the Council.

LETTER FROM PARKING DISTRICT STEERING COMMITTEE REGARDING EXEMPTION OF PARKING DISTRICT FROM ZONING REGULATIONS ON OFF-STREET PARKING

The following documents were filed with the record of the minutes: Letter from J. F. Dowd, Jr., Chairman, Parking District Steering Committee dated September 22, 1964; memorandum from Director of Parking and Traffic dated September 28, 1964, subject, "Dowd Letter regarding exemption from Off-Street Parking Requirements." In response to a request from Mr. Dowd that any property lying within a parking district be exempted from the off-street parking requirements of the Municipal Code, Mr. Carmody stated that such exemption is already in effect under the provisions of Section 10-2.1806(c).

The staff was directed to notify the Parking District Steering Committee of the findings of the Director of Parking and Traffic.

LETTER FROM PUBLIC UTILITIES COMMISSION AND RESOLUTION ALLOCATING MONIES FOR CROSSING NO. B-113.1 1-25

Resolution No. CP-1086, Case No. 5495, allocating an amount not to exceed $191 to the City from the Crossing Protection Fund towards the cost of constructing grade crossing protection at the H Street crossing No. B-113.1, was entered into the record of the minutes.

The resolution was ordered filed.

LETTER FROM HENRY O. MEYER, DIRECTOR OF HEALTH, MODESTO CITY SCHOOLS, REGARDING JUNIOR FIRE MARSHALL PROGRAM 1-30

A letter from Henry O. Meyer dated August 30, 1964 requesting participation of the City Fire Department in the Junior Fire Marshall Program was entered into the record of the minutes.

MOTION

That participation of the City Fire Department in the Junior Fire Marshall Program be approved

Moved by Shastid Seconded by Tabbert Unanimously carried

LETTER FROM JAMES D. PETROS ASKING EXTENSION OF TIME FOR PAYMENT OF PROPERTY PURCHASED FROM CITY OF MODESTO

A letter from James D. Petros, Turlock, California, asking for an extension of time to October 14, 1964 within which to pay for the Phoenix Avenue Fire Station, was entered into the record of the minutes.

Acting Manager Ray stated that as a result of a check with Mr. Petros and his bank, he believed it would be to the best interest of the City to grant the extension of time requested.

An amendment to a resolution approving the extension of time was proposed by Councilman Shastid, requiring that Mr. Petros post a deposit of ten per cent of the bid. The motion died for lack of a second.

RESOLUTION NO. 64-522

A RESOLUTION GRANTING EXTENSION OF TIME TO JAMES D. PETROS FOR PAYMENT OF PROPERTY PURCHASED FROM THE CITY OF MODESTO (PHOENIX AVENUE FIRE STATION)

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

LETTER FROM JERRY BAIR, CHAIRMAN, PROMOTIONAL COMMITTEE, DOWNTOWN MODESTO ASSOCIATION RE USE OF SIDEWALK AREA FOR ANNUAL HARVEST FESTIVAL

A letter from Jerry Bair dated September 23, 1964 requesting permission for merchants in the downtown area to sell from sidewalks during a three-day period, October 15 through October 17, 1964 was entered into the record of the minutes.

RESOLUTION NO. 64-523

A RESOLUTION APPROVING REQUEST OF DOWNTOWN MODESTO ASSOCIATION TO SELL FROM SIDEWALKS DURING ITS "HARVEST FESTIVAL" ACTIVITIES

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

CONSIDER APPROVAL OF SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS - PIPE, VALVES, AND FITTINGS 1-122

Acting City Manager Ray directed the Council's attention to an added clause in the specifications in which the "City reserves the right to employ the services of an independent engineering firm to supervise testing of said pipe and to take the cost of inspection into consideration when making the award."

A copy of a memorandum from the Purchasing Officer dated September 24, 1964 relative to the added clause was filed with the record of the minutes.

The Purchasing Officer's memorandum indicated that last year's award for Kubota Brand pipe, manufactured in Japan, was tested in Emeryville,

California, and observed by an independent testing laboratory inspector employed by the City at a cost of $1,016.

The wording of the added clause was discussed by the Council.

Approval of the specifications was held over for one week for revision of the specifications to include a clause suggested by the Acting City Manager that a penalty of some given amount will be charged if over a certain percentage of the pipe is found to be defective.

HEARING ON PROPOSED DAVIS PARK ANNEXATION 3-10

Vice-Mayor VanderWall announced that the hour of 7:45 P.M. had arrived, the time set for consideration of the proposed annexation of the Davis Park addition, and opened the hearing.

The City Clerk reported that notice of the proposed annexation was published in The Modesto Tribune on August 20 and September 3, 1964, and in the Turlock Daily Journal on August 27 and September 3, 1964; that notices were mailed to all interested parties known to the City Clerk on August 28, 1964. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 64-89 recommends that the area be annexed to the City.

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

ORDINANCE NO. 682-C.S. entitled
"AN ORDINANCE ANNEXING THE UNINHABITED TERRITORY KNOWN AS THE DAVIS PARK ADDITION TO THE CITY OF MODESTO" (40 acre annexation immediately adjacent to the east of Davis High School)

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

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

RESOLUTION NO. 64-524
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 DAVIS PARK ADDITION AND DECLARING THE INTENTION OF THE COUNCIL TO PROCEED WITH THE ANNEXATION OF SAID TERRITORY

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

HEARING ON DEMOLITION OF BUILDING AT 1115 7TH STREET 3-25

Vice-Mayor VanderWall announced that the hour of 7:50 P.M. had arrived, the time set for consideration of the proposed demolition of a building located at 1115 7th Street, and opened the hearing.

The City Clerk reported that notice of the hearing was personally served on the owner of the property, Barbara Clay, Stockton, by the San Joaquin County Sheriff's Office.

Chief Building Official Tom Hermida described the condition of the building which formed the basis of the recommendation that the building be demolished.

Barbara Clay asked that she be given 60 days within which to handle the demolition of the building.

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

RESOLUTION NO. 64-525

A RESOLUTION ORDERING THE BUILDING OFFICIAL OF THE CITY OF MODESTO TO DEMOLISH THE BUILDING LOCATED AT 1115 SEVENTH STREET IN THE CITY OF MODESTO IN ACCORDANCE WITH THE PROVISIONS OF SECTION 203(a) OF THE UNIFORM BUILDING CODE (BARBARA CLAY)

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

The staff was instructed to give the owner sixty days before steps are taken by the City to demolish the building.

HEARING ON CONDITIONAL USE PERMIT - CHURCH - 505 FLOYD AVENUE 3-125

Vice-Mayor VanderWall announced that the hour of 8:00 P.M. had arrived, the time set for consideration of an appeal filed against the decision of the Board of Zoning Adjustment in granting a conditional use permit for a church at 505 Floyd Avenue, and opened the hearing.

The City Clerk reported that notice of the hearing was published in The Modesto Tribune on September 17, 1964 and notices posted and delivered in the area on September 17, 1964. Notices were mailed to the appellants on September 18, 1964.

Board of Zoning Adjustment Resolution No. 254 granted a conditional use permit to Don Pedro Real Estate for temporary use of an existing building at 505 Floyd Avenue for church purposes, subject to certain conditions.

The following spoke in opposition to the granting of the conditional use permit: Lawrence Johnson, 2700 Edward Avenue; Robert Kimball, 2605 Edward; Floyd Gish, 603 Floyd; Roy Huntley, 2705 Edward; Gene Righetti, 2704 Edward; Mrs. Elmer Osborne, 2601 Edward; Don Lowler, 2709 Edward; James Huggins, 2800 Edward; Eugene Valaboe, 2722 Edward; Mrs. Joseph Olivera, 2504 Dana Lane; Manuel Cardoza, 508 Floyd.

The following spoke in favor of the conditional use permit: Reverend Ross W. Briles, pastor, Apostolic Faith Church, 241 Emerson Avenue; Chuck Moody, Associate Broker, Don Pedro Real Estate; Max Hanney, Associate Broker, Don Pedro Real Estate.

Reverend Briles stated that the existing building would be used as a church only for the period of the temporary conditional use permit (valid until August 27, 1966); that plans presently called for erection of a new church after expiration of the permit and disposition of the existing building determined at that time.

Reverend Briles was questioned by the Council.

A petition protesting the conditional use permit filed with the Board of Zoning Adjustment containing 125 signatures was read by Planning Director Fey.

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

The Council discussed the following: Limitation of use of the building for church purposes to the downstairs area only, imposed by the Building Inspection department; drainage problems connected with the proposed parking lot; adequacy of the parcel to accommodate 50 parking spaces; vehicular access to Edward Avenue; traffic density on Floyd Avenue; type of fencing to be constructed on the north and east sides of the property.

RESOLUTION NO. 64-526

A RESOLUTION DENYING THE APPEAL AND AFFIRMING THE DECISION OF THE BOARD OF ZONING ADJUSTMENT GRANTING A CONDITIONAL USE PERMIT TO DON PEDRO REAL ESTATE FOR TEMPORARY USE OF AN EXISTING BUILDING AT 505 FLOYD AVENUE FOR A CHURCH

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

A motion introduced by Councilman Shastid, seconded by Councilman Tabbert, that no vehicular access be permitted on Edward Avenue under the terms of the conditional use permit, and that a concrete block fence be required on the north and east sides of the property, was withdrawn by both Councilmen Shastid and Tabbert.

MOTION

That the conditions be modified to add under Item No. 3 of Board of Zoning Adjustment Resolution No. 254 that no vehicular access to Edward Avenue be permitted under the terms of the conditional use permit

Moved by Shastid Seconded by Tabbert Unanimously carried

MOTION

That a solid board fence be required on the north and east sides of the property with details of the fence on the north side of the property to be worked out by the staff

Moved by Hughes Seconded by Mitchell Unanimously carried

The Council recessed at 10:05 P.M., reconvening at 10:10 P.M.

MATTERS FOR THE GOOD OF THE COMMUNITY 11-40

Court case, City vs. Hobson

Mr. Robertson, 610 15th Street, stated that he did not believe it was right for members of the Police Department to take a tape recording of barking dogs from the front porch of a home without a search warrant, and then use the recording as evidence against the man in court; that in his opinion, something should be done about it. He complained of dogs being permitted to run loose in the neighborhood, stating that complaints had been made to the Police Department with no action taken.

Kendall Hobson, 1510 G Street, stated that he was convicted by the courts for permitting his dogs to bark; that he felt that a person should be permitted to have dogs to protect his property when he is not at home. He complained of the tape recording taken from the front porch of his home by the Police Department, stating the fact that strangers were on his front porch and flashing lights in the windows of his home would disturb any watch dogs and cause them to bark.

Mr. Hobson was advised to check with his attorney if he wished to appeal his case.

Mrs. Edwin O'Hara, 703 Sixteenth Street, stated that she felt that barking watch dogs were a protection to her children while walking on city streets; that the dog ordinance should be changed to protect the owners of good watch dogs.

Iva Pendergrass, 706 Fifteenth Street, protested the conviction of Mr. Hobson on the basis that barking watch dogs were a protection.

Myrtle Hawley, 1628 Grimes Avenue, spoke briefly in support of watch dogs.

Walter Singler, 709 Colorado Avenue, said that he believed the penalty of a maximum $500 fine was extreme in the case of barking dogs. He agreed that there should be penalties imposed for public nuisances, particularly against the City for the odors from the Sewage Treatment Plant. He asked that immediate steps be taken to alleviate the problem and that action not be stalled by further reports and studies.

CONSIDER ACCEPTANCE OF INFORMAL QUOTATION FROM DON L. DAVIS TO CLEAN AND SEAL COAT BRICK FACING ON CITY HALL AND AUTHORIZE WORK TO BE PERFORMED

MOTION

That staff be authorized to accept informal quotation of $1,688 from Don L. Davis to clean and seal coat brick facing of the entire city hall

Moved by Shastid Seconded by Hughes Unanimously carried

ADOPTION OF ORDINANCE NO. 679-C.S. RELATING TO ZONING REGULATIONS AND ADDING AN H-1 ZONE 13-120

Harvey Berglund, representing Ryan Outdoor Advertising, stated that his company was in accord with the proposed H-1 zoning with the exception of Section 10-2.2906(2), "A single sign be permitted which is used exclusively to advertise the ownership, sale or lease of the property upon which such sign is placed, or to advertise any lawful activity conducted upon such premises . . ." He said that this provision eliminates advertising by his company in an H-1 zone area. He asked that the ordinance be amended to permit his company to operate in a business area.

The City Clerk was directed to notify Ryan Outdoor Advertising and other sign companies when a proposed ordinance amending the City's sign regulations is presented to the Council for consideration.

With the unanimous consent of the Council, this matter was held over for one week, and the staff directed to furnish a comparison of city-county H-1 zones.

CONSIDER SALARY INCREASES AS RECOMMENDED

With the unanimous consent of the Council, this matter was held over pending presence of a full Council.

REPORT BY CITY ATTORNEY ON USE OF MANCINI BOWL IN GRACEADA PARK

Copies of a memorandum from the City Attorney dated September 23, 1964, subject, "Use of Mancini Bowl," were furnished the Council and a copy filed with the record of the minutes. The memorandum indicated that the Council may authorize use of Mancini Bowl for special events or special meetings by organizations other than youth groups under the provisions of Section 12-4.102 of the Municipal Code.

MOTION

That the request of Robert J. Jackson, Co-Sponsor of Young Democrats of Stanislaus, for use of Mancini Bowl in Graceada Park on October 10th for a Young Democrats of Stanislaus rally sponsoring Pierre Salinger for United States Senator be approved

Moved by Shastid Seconded by Hughes Unanimously carried

FURTHER CONSIDERATION OF REQUEST OF STANISLAUS STATE COLLEGE ADVISORY BOARD FOR DONATION BY CITY TO THE DEDICATION PROGRAM

A request from Kennan H. Beard, Vice-Chairman, Stanislaus State College Advisory Board, asking that the city contribute funds for the purpose of aiding in the costs of the dedication program for Stanislaus State College, was considered by the Council at the September 14th meeting. Mr. Beard was asked by the Council to determine whether the City could assist in the program without financial commitment.

Acting Manager Ray said that no word has been received from Mr. Beard.

MOTION

That the request of the Stanislaus State College Advisory Board for contribution of funds for the dedication program be denied

Moved by Hughes Seconded by Shastid Unanimously carried

DESIGNATE RATE, TIME LIMIT AND HOURS OF OPERATION ON PARKING LOT AT OLD CITY HALL SITE

ORDINANCE NO. 683-C.S. entitled
"AN ORDINANCE AMENDING SECTIONS 3-2.1601, 3-2.1602 AND 3-2.1603 OF ARTICLE 16 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO OFF-STREET PARKING"

was introduced and ordered published as required by the Charter.

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

RESOLUTION NO. 64-527
A RESOLUTION DESIGNATING CERTAIN AREAS AS MUNICIPAL OFF-STREET PARKING LOTS, PROVIDING FOR CONTROL OF VEHICULAR PARKING THEREON BY MEANS OF A TICKET DISPENSING DEVICE, ESTABLISHING THE DAYS AND HOURS DURING WHICH CONTROL BY A TICKET DISPENSING DEVICE SHALL BE EFFECTIVE, AND FIXING THE RATES TO BE CHARGED

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

REPORT ON AIRPORT ADMINISTRATION BUILDING, INCLUDING RECOMMENDATION THAT SERVICE OF ARCHITECT FOR DESIGN OF THE BUILDING BE OBTAINED

Copies of a memorandum from the Director of Public Works dated September 24, 1964 subject, "Airport Administration Building," were furnished the Council and a copy filed with the record of the minutes.

Preliminary drawings of the proposed administration building were shown the Council.

MOTION

That the matter be referred to staff to obtain proposals from architects for Council consideration

Moved by Tabbert Seconded by Shastid Unanimously carried

RESOLUTION APPROVING RENTAL OF CITY-OWNED PROPERTY 16-50

RESOLUTION NO. 64-528
A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND BILL HILL FOR RENTAL OF CITY-OWNED PROPERTY AT 1415 SUTTER STREET

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

CONSIDER DISPOSITION OF EXCESS RIGHT OF WAY AT BRIGGSMORE AND PRESCOTT ROAD - W. W. WINN

Copies of a memorandum from the Deputy City Manager dated September 23, 1964, subject, "Disposition of excess right of way at Briggsmore and Prescott - W. W. Winn," were furnished the Council and a copy filed with the record of the minutes. Recommendation was made that the proposed disposition

of the property be referred to the Planning Commission for recommendation; if disposal is recommended by the Planning Commission, that the property be offered to Mr. and Mrs. Winn for $1,742.44, plus costs of transfer of title, and with the condition that there be no vehicular access from either Prescott or Briggsmore to the 0.32 acre parcel.

MOTION

That the matter be referred to the Planning Commission for report and recommendation

Moved by Tabbert Seconded by Hughes Unanimously carried

The City Clerk was directed to notify Mr. Grant when the matter is again considered by the Council.

ACCEPT AS COMPLETE M. J. RUDDY AND SON'S CONTRACT FOR THE IMPROVEMENT OF VIRGINIA AVENUE FROM COLDWELL TO ROSEBURG AVENUE

RESOLUTION NO. 64-529

A RESOLUTION ACCEPTING THE IMPROVEMENT OF VIRGINIA AVENUE FROM COLDWELL TO ROSEBURG AVENUE ($24,985.50)

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

ACCEPT AS COMPLETE M. J. RUDDY AND SON'S CONTRACT FOR THE IMPROVEMENT OF ORANGEBURG AVENUE FROM TULLY TO McHENRY AVENUES

RESOLUTION NO. 64-530

A RESOLUTION ACCEPTING THE IMPROVEMENT OF ORANGEBURG AVENUE FROM TULLY ROAD TO McHENRY AVENUE ($93,920.63)

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

AGREEMENT BETWEEN CITY AND GEORGIA C. MUNSON - CONSTRUCTION OF SIDEWALKS IN CONNECTION WITH LOT SPLIT, 410 SMITH AVENUE

RESOLUTION NO. 64-531

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND GEORGIA C. MUNSON - LOT SPLIT, CONSTRUCTION OF SIDEWALKS AT 419 SMITH AVENUE

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

AGREEMENT WITH COUNTY OF STANISLAUS FOR ANNUAL RECREATION ALLOCATION

RESOLUTION NO. 64-532

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COUNTY OF STANISLAUS FOR ANNUAL RECREATION ALLOCATION ($14,796.78)

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

REQUEST FOR REFUND OF PORTION OF DEPOSIT FOR CURB CUTS

A memorandum from Director of Finance Bird dated August 21, 1964, subject, "Curb Cut for Savemart of LaLoma," were furnished the Council and a copy filed with the record of the minutes.

RESOLUTION NO. 64-533

A RESOLUTION AUTHORIZING REFUND TO LA LOMA PROPERTIES, INC., OF PORTION OF DEPOSIT FOR CURB CUTS ($120)

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

CONSIDER JOINT ACTION WITH THE COUNTY IN REGARD TO SEWER STUDY OF THE MODESTO AREA 17-15

Vice-Mayor VanderWall reported that the Sewer Study Committee met recently with county officials and two members of the Board of Supervisors relative to the hiring of an independent consulting engineer to make a study of the sewer area designated by the committee; that the staffs were presently working out a formula on the proper sharing of costs between the City and County for this purpose.

RESOLUTION GIVING NOTICE OF PROPOSED DEMOLITION OF THE BUILDING LOCATED AT 318 PINE STREET IN THE CITY OF MODESTO

RESOLUTION NO. 64-534

A RESOLUTION GIVING NOTICE OF PROPOSED DEMOLITION OF THE BUILDING LOCATED AT 318 PINE STREET IN THE CITY OF MODESTO IN ACCORDANCE WITH THE PROVISIONS OF SECTION 203(a) OF THE UNIFORM BUILDING CODE AND FIXING THE TIME AND PLACE FOR HEARING PROTESTS THERETO (Mrs. Eva Wright)

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

October 26, 1964 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

WAIVER OF RIGHT TO DECISION ON REZONING WITHIN 40 DAYS FOLLOWING HEARING - NANCLO, INC.

Copies of a letter from Joseph H. Erkenbrecher, President, Nanclo, Inc., waiving the corporation's rights to a decision on the rezoning of property within the forty-day time limit set by the municipal code, were furnished the Council and a copy filed with the record of the minutes.

The letter was ordered filed.

CONSIDER HEIGHT OF SIGN IN COUNTY COMMERCIAL ZONES

Copies of a memorandum from Planning Director Fey dated September 23, 1964, subject, "Height of Signs," were furnished the Council and a copy filed with the record of the minutes. This information was requested by the Council at a recent meeting. Mr. Fey stated that the staff had received a draft of a proposal for new C-2 zoning in the County in which it is proposed that signs be considered as separate structures and limited in height to 35 feet.

APPROPRIATION TRANSFERS

RESOLUTION NO. 64-535

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $150 FOR INSTALLATION OF AERIAL LADDER IN ELECTRICAL DIVISION PICKUP (ADDITIONAL FUNDS TO COVER INCREASED PURCHASING COSTS)

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

REPORT ON P.U.C. HEARING ON CROSSING GATES ALONG SOUTHERN PACIFIC TRACKS

Copies of a memorandum from the Director of Parking and Traffic dated September 21, 1964, subject,"P.U.C. Hearing on Crossing Gates along Southern Pacific Tracks," were furnished the Council, and a copy filed with the record of the minutes. The P.U.C. has recommended that crossing gates be installed at all crossings between B Street and Kansas Avenue, inclusive, and that traffic signals at 9th and L, 9th and H, and 7th and B Streets be preempted by the railroad warning devices. Total cost to the City is approximately $36,420, with reimbursement from the State in the amount of $15,420 after completion of the work.

The memorandum was ordered filed.

NOTICE OF HEARING - UNITED AIR LINES' PROPOSAL TO WITHDRAW SERVICE IN SAN JOAQUIN VALLEY

Vice-Mayor VanderWall reported that a joint meeting of the Senate Fact Finding Committee on Transportation and Public Utilities and the Assembly Interim Committee on Transportation and Commerce will be held on October 2, 1964 at 10:00 A.M. in the Golden Gate Room, Del Webb's Towne House, to consider further the proposal of United Air Lines to withdraw its services from the San Joaquin Valley. Vice-Mayor VanderWall, City Attorney Johnson and Airport Manager Sham will attend the meeting.

Acting Manager Ray reported that the City Clerk has received copies of the joint application of United Air Lines and Pacific Air Lines for approval of transfer of their route authority for the San Joaquin Valley run. He asked that the Council adjourn the meeting to executive session to discuss preparation of an answer to the application in the event it must be filed within ten days of the date of the application.

CONSIDER APPOINTMENT TO THE PERSONNEL COMMISSION

RESOLUTION NO. 64-536

A RESOLUTION APPOINTING THOMAS E. DIBB A MEMBER OF THE MODESTO CITY PERSONNEL COMMISSION (for a term ending January 1, 1965)

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

UNITED AIR LINES' PROPOSAL TO WITHDRAW SERVICE IN SAN JOAQUIN VALLEY

MOTION

That the staff be authorized to file appropriate objections to the application of United Air Lines' proposal to withdraw its services from the San Joaquin Valley

Moved by Mitchell Seconded by Shastid Unanimously carried

ADJOURNMENT

MOTION

That the meeting adjourn to executive session to discuss preparation of an answer to the joint application of United Air Lines and Pacific Air Lines for approval of transfer of route authority for the San Joaquin Valley run

Moved by Mitchell Seconded by Tabbert Unanimously carried

The meeting adjourned at 11:45 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, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Councilman Shastid arrived at 4:15 P.M.

Absent: Councilmen: None

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 21, 1964 were approved.

LETTER FROM ROBERT W. ADAMS SUGGESTING THAT PARK BE NAMED FOR DAN AND GEORGE MELLIS

A letter from Robert W. Adams, former Councilman, dated September 22, 1964 proposing that a city park be named in honor of George and Dan Mellis was filed with the record of the minutes.

By order of the Chair, the matter was referred to the Library and Cultural Commission.

LETTER FROM REVEREND R. TRUMAN NORTHUP RE VACANCY ON HUMAN RIGHTS COMMITTEE

A letter from Reverend Northup dated September 28, 1964 stating that Dr. Frank Sample has resigned from the Human Rights Committee, and requesting that Frank Garcia be appointed to fill the vacancy, was filed with the record of the minutes.

RESOLUTION NO. 64-537

A RESOLUTION ACCEPTING THE RESIGNATION OF DR. FRANK SAMPLE AS A MEMBER OF THE HUMAN RIGHTS COMMITTEE AND COMMENDING HIM FOR SERVICES RENDERED TO THE CITY OF MODESTO

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

Mayor Johansen stated that he would ask Mr. Garcia if he would be willing to serve on the committee.

LETTERS REGARDING REGULATION OF DOGS IN THE CITY OF MODESTO

Letters from Ella Conner, 409 East Coolidge and Mrs. M. Silette, 522 East Granger, approving the City's dog regulations, were filed with the record of the minutes.

Councilman Shastid arrived at 4:15 P.M.

CONSIDER APPROVAL OF SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR WATER PIPE, VALVES, AND FITTINGS

This matter was considered by the Council at the September 28th meeting and held over to the present meeting for revision of the specifications to include a clause suggested by the Acting City Manager that a penalty of a given amount be charged if over a certain percentage of the pipe received was found to be defective.

Purchasing Officer Dunham stated that the clause had been rewritten with the City reserving the "right to employ the services of an independent engineering firm to supervise testing of any pipe which is transported a distance greater than 400 miles from the point of manufacture, and the cost of inspection shall be computed and taken into consideration when determining the lowest responsible bidder."

After discussion, the specification was approved as proposed.

RESOLUTION NO. 64-538
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING WATER WORKS PIPE, VALVES AND FITTINGS

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

ADOPTION OF ORDINANCE NO. 679-C.S. RELATING TO ZONING REGULATIONS AND ADDING AN H-1 ZONE

Adoption of this ordinance was held over from the September 28 meeting after discussion with Harvey Berglund, representing Ryan Outdoor Advertising, and the staff directed to furnish the Council a comparison of city-county H-1 zones.

Mr. Berglund requested at the September 28th meeting that the ordinance be amended to permit his company to operate in those areas of the H-1 zone where C-2 and heavier uses are permitted. It was his opinion that the ordinance as presented was discriminatory. Mr. Berglund was advised to submit proposed amendments to the zoning text to the Planning Commission for consideration.

ORDINANCE NO. 679-C.S. entitled
"AN ORDINANCE AMENDING SECTION 10-2.301 OF ARTICLE 3 OF CHAPTER 2 of TITLE X OF THE MODESTO MUNICIPAL CODE AND ADDING ARTICLE 29 TO CHAPTER 2 OF TITLE X THEREOF, RELATING TO ZONING REGULATIONS"

introduced September 14, 1964 and having been published as required, was moved and adopted.

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

HEARING ON REQUIREMENT OF SIDEWALKS IN BLOCK 6116 - 1422 CYPRESS AVENUE

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed requirement of sidewalks in Block 6116, 1422 Cypress Avenue, and opened the hearing.

The City Clerk reported that notice of the hearing was served on Sammy A. Rushing, owner, on September 23, 1964, and notice posted on the property by the Public Works Department.

Director of Public Works Campbell stated that sidewalks have been constructed on all other properties in the block.

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

RESOLUTION NO. 64-539
A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF SIDEWALK ALONG CERTAIN STREETS IN THE CITY OF MODESTO (1422 CYPRESS AVENUE)

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

HEARING ON PROPOSED ANNEXATION OF THE BELLENITA ADDITION 3-120

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

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on September 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. 64-104 recommends the commencement of proceedings to annex the area.

RESOLUTION NO. 64-540
A RESOLUTION ANNEXING UNINHABITED TERRITORY KNOWN AS BELLENITA ADDITION TO THE CITY OF MODESTO

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

ADOPTION OF ORDINANCE NO. 683-C.S. RELATING TO THE DESIGNATION OF VARIOUS PARKING LOTS

ORDINANCE NO. 683-C.S. entitled
"AN ORDINANCE AMENDING SECTIONS 3-2.1601, 3-2.1602 AND 3-2.1603 OF ARTICLE 16 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO OFF-STREET PARKING"

introduced September 28, 1964 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. 680-C.S.AMENDING PARKING METER ZONING MAP

ORDINANCE NO. 680-C.S. entitled
"AN ORDINANCE ADOPTING AN AMENDED PARKING METER ZONING MAP OF THE CITY OF MODESTO"

introduced September 21, 1964 and having been published as required, was moved and adopted.

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

CONSIDER SALARY INCREASES AS RECOMMENDED 4-16

The City Manager outlined the Personnel Commission's recommendations for salary increases for city employees, to be effective July 1, 1964.

Copies of a letter from Jerry Ferrera, President, Modesto City Employees' Association, dated October 5, 1964 asking that the Council consider salary increases for the 42 employees not recommended for increases by the State Cooperative Personnel Services were furnished the Council and a copy filed with the record of the minutes.

A resolution introduced by Councilman Patton, seconded by Councilman Shastid, that the recommendations of the Personnel Commission in a letter from John Tatoyan, Chairman, Modesto City Personnel Commission, dated July 17, 1964 be approved, with the exception that the uniformed police officers be granted a 2½% increase instad of the .5% increase recommended, effective January 1, 1965 was withdrawn by Councilmen Patton and Shastid, when the following motion carried.

MOTION Page 4

That the effective date of the salary increases be effective October 1, 1964 instead of January 1, 1965

Moved by VanderWall Seconded by Tabbert

The motion carried, Councilmen Hughes, Patton and Shastid dissenting.

RESOLUTION NO. 64-541

A RESOLUTION ESTABLISHING SALARY SCHEDULES AND FIXING THE COMPENSATION FOR POSITIONS IN THE CITY SERVICE (Classified employees, as recommended by Personnel Commission, with exception of increase to uniformed police personnel from .5% to 2½%, effective October 1, 1964)

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

RESOLUTION NO. 64-542

A RESOLUTION FIXING THE COMPENSATION FOR SPECIFIED POSITIONS IN THE CITY SERVICE (2½% increase to department heads, Deputy Manager Ray, and Council appointees effective October 1, 1964)

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

MATTERS FOR THE GOOD OF THE COMMUNITY 6-40

Re-routing of Maze Boulevard

Charles Breen, Secretary-Manager of the Stanislaus County Taxpayers' Association, reported that the Associations' Board of Directors firmly supports a quick re-routing and reconstruction of Maze Boulevard, Highway 132, and intends to pursue this matter through Sacramento.

Law Enforcement - City of Modesto - letter from Rudy Bilich

A letter from Rudy Bilich dated October 4, 1964 was read by the City Clerk. The letter commented on the low number of police officers on duty Friday night, October 2, 1964. He asked that the police force be increased to provide more adequate protection.

Chief of Police Bowers was directed to discuss with Mr. Bilich the statement on the number of officers on duty October 2, 1964 and present a report to the Council.

Modernization of city street lighting

Councilman Shastid asked that the staff prepare a report on the cost of modernizing street lighting where most needed, in the downtown area, along parks, and other places where a higher proportion of crimes are committed. He mentioned an article in the P.G. & E. Progress magazine of September 19, 1964 which stated that many cities in Northern and Central California are modernizing street lighting with mercury vapor lights, and quoting San Francisco Police Chief Cahill, "that darkness is the street criminal's best friend, since two and one-half times as many crimes are committed on the streets at night as during the daylight."

By order of the Chair, the staff was also directed to check the lighting of the alley along the city hall on the basis of a complaint received by Councilman VanderWall, and to submit a report as to whether it is possible to increase the light output with the City's present standards.

Report and study of Sewage Treatment Plant - Jenks and Jenks

The staff was directed to remind Jenks & Jenks, consulting engineers under contract with the City to furnish a report on the sewage treatment plant, that the report is to be in the hands of the City by January 1, 1965.

United Air Lines' Withdrawal of Service from San Joaquin Valley

Councilman VanderWall made a brief report on the meeting held in San Francisco on October 2, 1964. The cities were informed by Senator Collier that the Senate Rules Committee has agreed to provide funds for legal counsel and an economist to represent the cities when the matter is heard in Washington. Councilman VanderWall stated that Senator Collier was working closely with Bud Carpenter of the League of California Cities.

Referring to the joint application filed by United Air Lines and Pacific Air Lines for approval of transfer and termination of certain route authority, City Attorney Johnson stated that appropriate action by the City will be to file a motion to intervene.

Removal of tracks on Ninth Street

Mayor Johansen reported that he had received letters from Congressman McFall and Senator Kuchel in response to his letter on the removal of tracks on Ninth Street by Tidewater Southern. They stated that they were making contacts on the subject and would offer their advice in the near future.

ACCEPTANCE OF ANNUAL AUDIT REPORT, FISCAL YEAR ENDING JUNE 30, 1964 (NATTINGER & LOWRY)

MOTION

That the audit of the City of Modesto by Nattinger & Lowry for fiscal year ending June 30, 1964 be approved

Moved by Shastid Seconded by VanderWall Unanimously carried

MOTION

That payment for auditing service to Nattinger & Lowry in the amount of $1,800 be approved

Moved by Shastid Seconded by VanderWall Unanimously carried

RESOLUTION NO. 64-543

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $150 ADDITIONAL FUNDS FOR AUDITING SERVICE (NATTINGER & LOWRY)

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

REQUEST BY SAM SECRETO, YELLOW CAB COMPANY, FOR STAND AT GREYHOUND DEPOT

This matter was considered by the Council at the September 21st Council meeting, Mr. Secreto asking that he be permitted a temporary stand in front of the former Pep Boys building on 10th Street until such time as construction is completed at the location of his present stand on the southwest corner of 10th and Eye Streets. The matter was referred to the Director of Parking and Traffic with instructions he work with Mr. Secreto in locating a suitable stand, and if not resolved satisfactorily, that the matter be brought back to the Council for a decision as to whether Yellow Cab could operate jointly with Red Top Taxi at the Greyhound Depot.

A copy of a memorandum from the Director of Parking and Traffic dated September 30, 1964, subject, "Yellow Cab Request for Greyhound Depot Cab Stand," was filed with the record of the minutes. The property owners of proposed alternate sites at 711 10th Street and 907 10th Street were opposed to a cab stand in front of their businesses. In a memorandum dated September 21, 1964, Mr. Carmody recommended that Mr. Secreto's request for a stand at the Greyhound depot be denied.

MOTION

That the Director of Parking and Traffic's recommendation be sustained, and the appeal of Mr. Secreto for a stand at the Greyhound depot be denied; that the staff be instructed to continue working with Mr. Secreto in designating a temporary cab stand for use until such time as his stand at the southwest corner of 10th and Eye Streets is available

Moved by Mitchell Seconded by Shastid Unanimously carried

CONSIDER REPORT OF OAK PANELING IN CITY ATTORNEY'S OFFICE AND COUNCIL CHAMBERS

RESOLUTION NO. 64-544

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $300 FOR REPAIR OF OAK PANELING IN CITY ATTORNEY'S OFFICE AND COUNCIL CHAMBER

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

SET HEARING - APPEAL OF HAYDN ANDREW FROM DECISION OF PLANNING COMMISSION DENYING LOT SPLIT IN BLOCK 741

RESOLUTION NO. 64-545

A RESOLUTION SETTING TIME AND PLACE FOR HEARING APPEAL OF HAYDN ANDREW FROM DECISION OF THE PLANNING COMMISSION DENYING A LOT SPLIT IN BLOCK 741

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

October 26, 1964 at 8:10 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

CONSIDER PROPOSAL OF ARCHIE NEY TO HARVEST WALNUTS ON VARIOUS CITY PROPERTIES

MOTION

That the proposal of Archie Ney to harvest walnuts on various city properties be approved subject to terms and conditions imposed last year

Moved by Hughes Seconded by Mitchell Unanimously carried

REPORTS FROM THE PLANNING COMMISSION - None

APPROPRIATION TRANSFERS - None

REPORT ON TOTAL COST OF POLICE-COMMUNICATIONS BUILDING 7-35

Copies of a memorandum from the Director of Finance dated September 30, 1964, subject, "Report on total costs of police and communications building," were furnished the Council and a copy filed with the record of the minutes. Total project costs and furnishings is $719,885.14.

CONSIDER ADJOURNING REGULAR MEETING OF OCTOBER 12, 1964

MOTION

That the City Clerk be directed to adjourn the Council meeting of October 12, 1964 to October 19, 1964 at 4:00 P.M.

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 5:57 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, to consider matters of the adjourned October 12, 1964 meeting and the regular meeting of October 19, 1964.

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

Absent: Councilmen: Shastid, Tabbert

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

Reverend LeRoy Sharpe gave the invocation.

Mayor Johansen welcomed Girl Scout Troop 404, under the supervision of Mrs. D. L. Scanlon, to the meeting.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

The minutes of the regular meetings of September 28 and October 5, 1964 were approved.

LETTER FROM JAY CLINE REGARDING DOG ORDINANCE

A letter from Jay Cline, 905 Durant Street, Modesto, dated October 2, 1964 applauding action of the Council in enforcement of the City's dog ordinance, was entered into the record and ordered filed.

LETTER FROM JOHN D. HYNES, CHAIRMAN, LIBRARY AND CULTURAL COMMISSION, REGARDING NAME FOR CALIFORNIA-FRANKLIN PARK

A letter from John D. Hynes dated October 2, 1964 asking Council consideration of the following names for the Franklin-California park site was read by the City Clerk: George and Dan Mellis; Robert McBride; Carl Shannon. Biographical information was submitted with the letter.

By order of the Chair, the letter was referred to the Public Relations Committee for recommendation.

Councilman Patton arrived at 4:07 P.M.

LETTER FROM DICK USTICK RELATIVE TO IMPROVEMENT OF COLDWELL AVENUE

A letter from Dick Ustick, Modesto, dated October 9, 1964 requesting the status of street improvements for Coldwell Avenue, particularly from 99 Highway to College Avenue, was entered into the record of the minutes.

Director of Public Works Campbell stated that the proposed improvement of Coldwell Avenue was set up in the six-year capital improvement program; that improvement of Coldwell from 99 Highway to College Avenue is scheduled between April and July of 1965.

The City Manager was directed to so inform Mr. Ustick.

LETTER FROM JOE DOMECQ RELATIVE TO UNIVERSITY OF CALIFORNIA BRANCH IN STANISLAUS COUNTY 1-54

The City Clerk read a letter from County Supervisor Joe Domecq dated October 7, 1964, subject, "Report on University of California Branch in Stanislaus County," addressed to the City-County Committee. The letter suggested that the City-County group consider going on record as favoring the location of a branch of the University of California in Stanislaus County, and at the same time pledge its strongest support to the development of the Stanislaus College in Turlock and to the growth of the Modesto Junior College District.

the Council to make a study on this matter, and the letter from Mr. Bonnes was a result of the request.

No action was taken by the Council.

LETTER FROM ANDREW P. FISCHER REQUESTING CURB CUT FRONTING ON SHERWOOD AVENUE ON THE SOUTHWEST CORNER OF FLEETWOOD DRIVE

RESOLUTION NO. 64-546

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF ANDREW P. FISHER FOR CURB CUT VARIANCE

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

October 26, 1964 at 8:10 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

LETTERS REGARDING PROPOSITION NO. 14, NOVEMBER BALLOT

With the unanimous consent of the Council, this matter was considered later in the meeting.

RECOMMENDATION THAT INSTALLATION OF WATER MAINS IN SYLVAN GLEN SUBDIVISION BE PERFORMED BY CITY FORCES

RESOLUTION NO. 64-547

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER MAINS IN SYLVAN GLEN SUBDIVISION (no bids received)

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

AGREEMENT BETWEEN CITY AND MODESTO CITY SCHOOL DISTRICT OF STANISLAUS COUNTY FOR AFTER-SCHOOL RECREATION PROGRAM

RESOLUTION NO. 64-548

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

AGREEMENT BETWEEN THE CITY AND MODESTO HIGH SCHOOL DISTRICT PROVIDING FOR ACQUISITION OF PROPERTY FOR SCHOOL SITE AND PARK SITE

RESOLUTION NO. 64-549

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO HIGH SCHOOL DISTRICT PROVIDING FOR ACQUISITION OF PROPERTY FOR A SCHOOL SITE FOR THE DISTRICT AND A PARK SITE FOR THE CITY

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

RESOLUTION WITHDRAWING FELLOWSHIP HOMES ADDITION FROM THE McHENRY-DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO

RESOLUTION NO. 64-550

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-DRY CREEK COUNTY FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (FELLOWSHIP HOMES ADDITION)

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

ACCEPT AS COMPLETE CONTRACT FOR CONSTRUCTION OF PARKING LOT NO. 12 ON 9TH STREET BETWEEN J AND K STREETS

RESOLUTION NO. 64-551

A RESOLUTION ACCEPTING THE DEMOLITION OF BUILDING AND CONSTRUCTION OF PARKING LOT NO. 12 ON 9TH STREET BETWEEN J AND K STREETS (Contract price, $18,914)

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

Director of Parking and Traffic Carmody stated that it was anticipated that the building adjacent to the 12th and J Parking Lot, presently occupied by Montgomery Ward, would be demolished in about April, 1965.

ACCEPT AS COMPLETE WILLIAM MINENI'S CONTRACT FOR CONSTRUCTION OF PUMP HOUSES 29 AND 30

RESOLUTION NO. 64-552

A RESOLUTION ACCEPTING THE CONSTRUCTION OF PUMP HOUSES AT STATIONS NOS. 29 AND 30 (Contract price, $6,202)

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

ACCEPT AS COMPLETE WILLIAM MINENI'S CONTRACT FOR CONSTRUCTION OF PUMP HOUSE NO. 28 AT MARK TWAIN PARK

RESOLUTION NO. 64-553

A RESOLUTION ACCEPTING THE CONSTRUCTION OF PUMP HOUSE NO. 28 AT MARK TWAIN PARK (Contract cost, $2,539)

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

CONSIDER FURTHER CALIFORNIA PHYSICIANS' SERVICE REPORT REGARDING CREDIT FOR CALENDAR YEAR 1963

At the request of the City Manager, and with the consent of the Council, this matter was held over for one week.

RESOLUTION FROM BOARD OF SUPERVISORS APPROVING METHOD OF FINANCING SEWER SERVICE DISTRICT STUDY 2-20

A resolution adopted by the Stanislaus County Board of Supervisors dated October 6, 1964, subject, "Approval of method of financing Sewer Service District Study," was entered into the record of the minutes. The County agrees to share an amount not to exceed 50% of the cost of a sewer service area study to be undertaken jointly with the City, with the provision that both the City and County shall have an equal voice in the selection of the person or persons to conduct the study.

MOTION

That the Mayor be authorized to appoint a Committee on behalf of the City to meet with the County to work out the selection of an engineering firm on the basis of the County's proposal to share costs of the study equally with the City

Moved by Mitchell Seconded by VanderWall Unanimously carried

Director of Public Works Campbell and himself to work with the Board of Supervisors on the appointment of an engineering firm to made the sewer study.

RESOLUTION REQUESTING CITY OF SAN FRANCISCO AND CITY AND COUNTY OF LOS ANGELES TO INTERVENE IN CIVIL AERONAUTICS BOARD PROCEEDINGS - UNITED AIR LINES AND PACIFIC AIR LINES JOINT APPLICATION FOR APPROVAL OF TRANSFER OF ROUTE AUTHORITY IN SAN JOAQUIN VALLEY

RESOLUTION NO. 64-554

A RESOLUTION REQUESTING THE CITY OF SAN FRANCISCO, THE CITY OF LOS ANGELES AND THE COUNTY OF LOS ANGELES TO INTERVENE IN THE CIVIL AERONAUTICS BOARD PROCEEDING IN THE MATTER OF THE JOINT APPLICATION OF UNITED AIR LINES, INC. AND PACIFIC AIR LINES, INC.

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

RESOLUTION VACATING AND ABANDONING THE NORTHERLY 15 FEET, MORE OR LESS, OF SILKWOOD DRIVE IN THE CITY OF MODESTO

A resolution of intention to vacate and abandon the northerly 15 feet of Silkwood Drive was introduced at the August 10, 1964 Council meeting and a hearing held on September 8, 1964 at which time the Council indicated approval of the abandonment subject to the conditions that the petitioners pay costs in the sum of $90, post a savings and loan certificate, bond, or equivalent security in the sum of $228 to cover cost of improvements, submit relinquishment of access rights deeds, and an agreement signed by applicants agreeing to perform certain acts within one year of the date of approval of abandonment. The City Attorney stated that the above requirements have been met by the applicants.

RESOLUTION NO. 1023-S.P.

A RESOLUTION VACATING AND ABANDONING THE NORTHERLY FIFTEEN (15') FEET MORE OR LESS OF SILKWOOD DRIVE IN THE CITY OF MODESTO

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

CONSIDER INSTALLATION OF AN ILLUMINATED SIGN IN FRONT OF THE POLICE-COMMUNICATIONS BUILDING

A sketch of the proposed sign reading "POLICE" to be placed on the new police-communications building was shown the Council. The City Manager stated that the sign would be 18"x36" with seven-inch letters and would cost $396.60.

MOTION

That the sketch of the proposed sign, 18"x36", with seven-inch letters be approved

Moved by Mitchell Seconded by VanderWall Unanimously carried

RESOLUTION AUTHORIZING APPLICATION TO PUBLIC UTILITIES COMMISSION FOR REIMBURSEMENT OF $3490.85 SPENT ON RAILROAD CROSSING IMPROVEMENTS

A copy of a memorandum from the Director of Parking and Traffic dated October 15, 1964, subject, "Application to P.U.C. for Funds from Grade Crossing Protection Fund," was filed with the record of the minutes.

RESOLUTION NO. 64-556

A RESOLUTION AUTHORIZING AN APPLICATION FOR STATE AID FOR GRADE CROSSING PROTECTION IMPROVEMENT (($3,490.85. Railroad crossings B-112.1-C and Tully Road, 75-28.8 and P Street, B-112.2 and Kansas Avenue, and 75-26.3 and Bowen Avenue)

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

AUTHORIZE TRANSFER OF UNCLAIMED MONEY FROM VARIOUS FUNDS ACCOUNTED FOR TO THE GENERAL FUND

The City Manager reported that $1,117.66, representing various deposits in the City Trust Fund, and the sum of $225.22 representing various deposits in the Water Deposit Trust Fund, have been audited and found to be on deposit in the City Treasury for more than ten years. Request was made that the above sums be transferred to the General Fund.

RESOLUTION NO. 64-557
A RESOLUTION TRANSFERRING VARIOUS DEPOSITS IN THE CITY TRUST FUND AND THE WATER DEPOSIT TRUST FUND TO THE GENERAL FUND

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

CONSIDER REDUCTION OF SPEED LIMITS ON CITY PORTIONS OF WOODROW AVENUE AND BRIGGSMORE WEST OF TULLY

ORDINANCE NO. 684-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 portions of Woodrow Avenue and Briggsmore west of Tully) was introduced and ordered published as required by the Charter.

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

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. 64-558
A RESOLUTION DETERMINING THE GENERAL PREVAILING RATES OF PER DIEM WAGES

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

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 317 EL VISTA AVENUE

MOTION
That the request for sewer service to property located at 317 El Vista Avenue be approved

Moved by VanderWall Seconded by Patton Unanimously carried

CONSIDER PETITION FOR CLOSURE OF FRANCIS AVENUE AT McHENRY AVENUE

A copy of a memorandum from the Director of Parking and Traffic dated October 9, 1964, subject, "Possible Closure of Francis Avenue," was filed with the record of the minutes.

MOTION
That the petition for closure of Francis Avenue at McHenry Avenue be referred to the Planning Commission for report and recommendation

Introduced by VanderWall Seconded by Mitchell Unanimously carried

RESOLUTIONS REJECTING THE CLAIMS OF THE FOLLOWING INDIVIDUALS:

Peggy Weinholz (for Gary Weinholz)

RESOLUTION REJECTING THE CLAIM OF BETSY WEINHOLZ (for GARY WEINHOLZ) FOR DAMAGES AGAINST THE CITY OF MODESTO (injuries sustained at Modesto Junior College swimming pool on June 22, 1964)

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

Wayne Brawley (for Stephen Brawley)

RESOLUTION NO. 64-560

A RESOLUTION REJECTING THE CLAIM OF WAYNE BRAWLEY ON BEHALF OF STEPHEN BRAWLEY FOR DAMAGES AGAINST THE CITY OF MODESTO (for injuries sustained at Modesto Junior College swimming pool on June 22, 1964)

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

Wayne Brawley (for Stephanie Brawley)

RESOLUTION NO. 64-561

A RESOLUTION REJECTING THE CLAIM OF WAYNE BRAWLEY ON BEHALF OF STEPHANIE BRAWLEY FOR DAMAGES AGAINST THE CITY OF MODESTO (for injuries sustained at Modesto Junior College swimming pool on June 22, 1964)

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

CONSIDER REVISED LEASE WITH BANK OF CALIFORNIA FOR SATURDAY PARKING

A copy of a memorandum from the Director of Parking and Traffic dated October 15, 1964, subject, "Lease of Bank of California," was filed with the record of the minutes. The proposed agreement provides for payment of $25 per month to Bank of California for rental of the lot.

RESOLUTION NO. 64-562

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE BANK OF CALIFORNIA, NATIONAL ASSOCIATION, PARKING LOT AT TWELFTH AND J STREETS

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

RESOLUTION NO. 64-563

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $225 - RENT, BANK OF CALIFORNIA PARKING LOT

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

REQUEST BY CHAMBER OF COMMERCE FOR PAYMENT OF $11,000 BUDGETED FOR PROMOTIONAL PURPOSES 3-42

Request for payment of $11,000 to the Chamber of Commerce budgeted for advertising and promotion, was contained in a letter from Joseph M. Good, Manager, dated October 2, 1964 on file with the record of the minutes.

MOTION

That payment of $11,000 to the Greater Modesto Chamber of Commerce budgeted for advertising and promotional purposes be authorized

Moved by Mitchell Seconded by VanderWall Unanimously carried

ANALYSIS OF ZONING FEES, ANALYSIS OF P-D ZONES, ANALYSIS OF COMPLETION IN REGULAR ZONES

Copies of a memorandum from the Planning Director dated October 15, 1964, subject, "Analysis of Zoning Fees, Analysis of P-D Zones, Analysis of Completion in Regular Zones," were furnished the Council and a copy filed with the record of the minutes. This information was requested by the Council.

By order of the Chair, the matter was referred to the Public Projects Committee for recommendation.

The City Attorney stated that any changes proposed would involve zoning text amendments and would require public hearings by both the Planning Commission and City Council.

APPROPRIATION TRANSFER

RESOLUTION NO. 64-555

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $500 - AIRLINE NEGOTIATION EXPENSES

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

NOTICE OF PUBLIC HEARING BY LOCAL AGENCY FORMATION COMMISSION REGARDING PROPOSED WOOD ACRES ANNEXATION TO CITY OF CERES

The City Manager reported that a notice of public hearing has been received from the Local Agency Formation Commission scheduled for October 21, 1964 at 7:35 P.M. in Room 206, County Offices Building, 1100 Eye Street, Modesto, to consider the proposed annexation of the Wood Acres addition to the City of Ceres.

REPORT FROM SALVATION ARMY FOR SERVICES RENDERED FOR QUARTER ENDING SEPTEMBER 30, 1964 AND REQUEST FOR PAYMENT OF ANNUAL ALLOCATION OF $300

MOTION

That the report from the Salvation Army be accepted and payment of annual allocation of $300 approved

Moved by VanderWall Seconded by Mitchell Unanimously carried

PRESENTATION OF SEPTEMBER 1964 FINANCIAL STATEMENT

The financial statement of September, 1964 was presented to the Council and ordered filed.

REPORT FROM GEORGE BOWERS, CHIEF OF POLICE, ON POLICE PROTECTION

The City Manager read a report from Chief Bowers dated October 14, 1964 subject, "Police Protection," which was prepared at the request of the Council as a result of a complaint by Rudy Bilich at the October 6, 1964 council meeting that only four police units were in service on the night of October 2, 1964. The memorandum indicated that nine units were on duty on October 2 from 8:00 P.M. to 4:00 P.M., and four units after 4:00 A.M.; that a personnel study was being made with a report to be submitted to the Council when the 1965-66 budget is being considered.

The report was ordered filed.

CONSIDER APPOINTMENT OF MEMBER TO HUMAN RIGHTS COMMITTEE 3-100

Mayor Johansen announced that Frank Garcia, suggested by Reverend R. Truman Northup as a member to the Human Rights Committee, has refused to serve officially on the Committee.

CERTIFICATION OF PROPOSITION No. 14 (Reverend R. Truman

The City Clerk read a letter from Reverend R. Truman Northup, Chairman, Human Rights Committee, dated October 15, 1964, stating that the Committee has adopted a resolution opposing Proposition 14 of the November Ballot, and urging that the City Council take action recommending a "no" vote on the proposition.

The City Clerk read a letter from Robert Stonum, member of the Human Rights Committee, dated October 15, 1964 asking that the Council not take a position on Proposition No. 14.

Mayor Johansen stated that it has been the informal policy of the Council in the past not to take a position on any State propositions unless the City is directly involved.

The following persons in the audience asked that the Council go on record opposing Proposition No. 14: Reverend R. Truman Northup; Attorney Bill Brack; Monseignor Kennedy; Dr. R. F. Winkelman, who stated that imperfections in the Rumford Act should be removed through state legislation; June Potochnik; Nancy Radamacher, President, League of Women Voters of Modesto; Silas Green, 202 Maple Street.

The following asked that the Council take no stand on the issue: Robert Stonum; Frank Andrews; Judge Carson Taylor; Don Whipple, 2125 Monticello, who complained of treatment received from members of the Human Rights Committee when he attempted to speak in favor of Proposition No. 14; Max Hanney, Don Pedro Realty.

MOTION

That the matter be held over for one week, at which time a full Council is anticipated

Moved by Mitchell Seconded by Hughes Unanimously carried

The staff was directed to furnish Councilman Hughes with a copy of the original statement of the Council to the Human Rights Committee outlining the purpose of the Committee, to determine whether or not the Committee is within its prerogative to take a stand on the issue.

MATTERS FOR THE GOOD OF THE COMMUNITY

Parking Space for Jurors

Glenn Mann, 2012 Miller Avenue, asked that the Council provide parking spaces in a parking lot near the court house for use of jurors. He suggested methods by which this could be handled.

By order of the Chair, the request was referred to the Public Relations Committee for study and recommendation.

Frank Andrews - Lack of Firemen and Policemen

Mr. Andrews asked that action be taken by the Council to increase personnel in the Fire and Police Departments to correspond with the growth of the City.

Removal of Tidewater Southern Railway tracks on Ninth Street

The City Manager reported that a letter has been received from Congressman John McFall pertaining to the removal of TSRR tracks on Ninth Street. Mr. Keefe read a paragraph of a letter from Hiram H. Spicer, Interstate Commerce Commission, indicating that unless the trackage involved is terminal trackage, he knew of no provision in the Interstate Commerce Act which would authorize the ICC to require the Tidewater Southern to relocate its tracks in Modesto.

Postal Card from Councilman Keith Tabbert

The City Manager stated that a postal card from Councilman Tabbert, officially representing the City in Mexico, reports that the $6 authorized by the Council for the wreath-laying ceremony produced flowers from the City of Modesto.

ADJOURNMENT

MOTION

That the adjourned regular meeting of October 12, 1964 and the regular meeting of October 19, 1964 be adjourned

Moved by VanderWall Seconded by Mitchell Unanimously carried

The meetingsadjourned at 5:38 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, Shastid, Tabbert, VanderWall, Mayor Johansen
Absent: Councilmen: None

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

Reverend A. P. Gregory gave the invocation.

REQUEST FROM PAUL SEELY FOR DRIVEWAY VARIANCE AT McHENRY VILLAGE

RESOLUTION NO. 64-564
A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF PAUL SEELY FOR DRIVEWAY VARIANCE AT McHENRY VILLAGE

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

November 2, 1964 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

LETTER FROM SAM SECRETO, YELLOW CAB COMPANY, REGARDING CAB TELEPHONE ON J STREET NEAR CORNER OF 10TH 1-14

A letter from Sam Secreto, Yellow Cab Company, dated October 22, 1964, requesting permission to install a cab telephone on J Street near its intersection with 10th Street, was entered into the record of the minutes.

The City Manager reported that the staff has recommended that Mr. Secreto's request be approved, but that it was necessary to secure State approval since J Street is a state highway.

MOTION
That the matter be held over for one week to obtain clearance from the State Division of Highways

Moved by Tabbert Seconded by Mitchell Unanimously carried

Amendment to the Code to permit matters of this kind to be handled administratively was discussed. The City Attorney stated that the staff was presently preparing an ordinance which will generally cover the problem of revocable and encroachment permits for public rights of way.

LETTERS FROM PRESIDENT, LEAGUE OF WOMEN VOTERS, REGARDING PROCLAMATION FOR UNITED NATIONS DAY, OCTOBER 24, 1964

A letter from Nancy Rademaker, President, League of Women Voters of Modesto, dated October 16, 1964 expressing appreciation for the Mayor's proclamation honoring United Nations Day was entered into the record of the minutes. The letter was ordered filed.

LETTERS IN REGARD TO PROPOSITION NO. 14, NOVEMBER 3RD ELECTION BALLOT

The following letters opposing Proposition No. 14 were entered into the record of the minutes: E. Dean Price, dated October 19, 1964; F. M. Brack, dated October 19, 1964; Joseph Cox, President, Modesto Branch, NAACP, dated October 16, 1964; letter from United Church Women dated October 23, 1964; 48 cards from citizens opposing Proposition 14, asking that the Council take a stand opposing Proposition 14.

A letter from Reverend H. Truman Northup, Chairman, Human Rights Committee, dated October 15, 1964 urging that the Council take action recommending a "no" vote on the proposition, and a letter from Robert Stonum, member of the Human Rights Committee, dated October 15, 1964 asking that the Council not take a position, were entered into the record of the minutes of the October 12-19, 1964 meeting.

Mayor Johansen repeated a statement made at the October 12-19 Council meeting that the Council has adopted an unofficial policy of not taking a position on any state proposition or political candidate unless the City is directly involved. He stated that there was no question that this policy could be changed if the Council so desired. He expressed the opinion that the Council was elected by voters of Modesto to deal with every day affairs of the City, and that good public relations should be maintained in order to serve the interests of the community as a whole, and for this reason did not believe that the Council should take a stand on Proposition No. 14 as a body. He added that it was within the province of the members to take individual stands if they wished to do so.

Councilmen Tabbert, Shastid, VanderWall and Mitchell concurred with the Mayor's statement that the Council should not take a stand as a body. Councilman Shastid, VanderWall, Mitchell and Mayor Johansen stated that they were individually opposed to the proposition.

Councilman Hughes read a paragraph from the statement prepared by Mayor Johansen which was presented to the Human Rights Committee at the time of its inception, which in his opinion substantiated his belief that it was not within the prerogative of the Human Rights Committee to take a stand on this issue. He said it was his belief that matters of this kind should be resolved on a voluntary basis and not by legislation.

MOTION

That the Council not take a stand on Proposition No. 14

Moved by Tabbert Seconded by Mitchell Unanimously carried

Attorney F. M. Brack, Charles Cox, and Reverend Taylor complimented the Council for its consideration of the matter.

LETTER FROM FRANK ANDREWS REGARDING DON PEDRO DAM AND MODESTO IRRIGATION DISTRICT CANALS

A letter from Frank Andrews dated October 22, 1964 regarding Don Pedro Dam and Modesto Irrigation District canals was entered into the records and ordered filed. The City Clerk was directed to inform Mr. Andrews that in the opinion of the Council, the appointment of a committee suggested by Mr. Andrews was not necessary at this time.

CONSIDER AWARDS TO LOW BIDDERS FOR PIPE, VALVES AND FITTINGS

A memorandum from the Purchasing Officer dated October 22, 1964, subject, "Bid Tabulation and Recommendation - Bids for Pipe, Valves, and Fittings," was entered into the record of the minutes.

RESOLUTION NO. 64-565

A RESOLUTION ACCEPTING BIDS FOR PIPE, VALVES AND FITTINGS (SPECIFICATION NO. J-64) (as recommended in above memorandum)

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

CONSIDER AWARDS TO LOW BIDDERS FOR THE FURNISHING OF SEVEN MOBILE RADIOS

A memorandum from the Purchasing Officer dated October 21, 1964 subject, "Radio Bid Analysis and Recommendation," was filed with the record of the minutes.

RESOLUTION NO. 64-566

A RESOLUTION ACCEPTING BIDS FOR SEVEN MOBILE RADIOS (Low bids, 1, Motorola Communications and Electronics Inc.; 6, General Electric Co. cost, $4,020.04, to be reimbursed with federal participating funds in amount of $1,629)

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

HEARING ON PROPOSED DEMOLITION OF BUILDING AT 318 PINE STREET (MRS. EVA WRIGHT)

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the proposed demolition of a building at 318 Pine Street, and opened the hearing.

The City Clerk reported that a copy of Resolution No. 64-534 giving notice of the hearing was served on Mrs. Wright ten days prior to the hearing.

Chief Building Official Hermida outlined the condition of the building which has resulted in the proposed demolition. He stated that approximately 70% of the building has been demolished; that Mrs. Wright has requested that an extension of time be granted to permit complete demolition of the building.

A picture of the structure taken earlier in the day by Mr. Hermida was shown to the Council.

Reverend Taylor, representing Mrs. Wright, asked for a 30-day extension of time within which to complete demolition.

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

RESOLUTION NO. 64-567

A RESOLUTION ORDERING THE BUILDING OFFICIAL OF THE CITY OF MODESTO TO DEMOLISH THE BUILDING LOCATED AT 318 PINE STREET IN THE CITY OF MODESTO IN ACCORDANCE WITH THE PROVISIONS OF SECTION 203(a) OF THE UNIFORM BUILDING CODE (MRS. EVA WRIGHT) (granting Mrs. Wright a 30-day time extension within which to complete demolition)

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

HEARING ON LOT SPLIT APPEAL, ROSEBURG AND BRADY (ANDREWS) 4-10

Mayor Johansen announced that the hour of 8:10 P.M. had arrived, the time set for consideration of the appeal of Haydn Andrews to the decision of the Planning Commission denying a lot split on the southeast corner of Roseburg and Brady Avenues, Block 741, and opened the hearing.

The lot split was denied by Planning Commission Resolution No. 64-97.

The City Clerk reported that notice of the hearing was posted in the area on October 15, 1964 and distributed in the area on October 16, 1964; that a transcript of the entire Planning Commission hearing was furnished to each Council member.

Planning Director Fey stated that the requested lot split would create a corner lot which would have less than the 70-foot minimum frontage and 6,500 square feet of area required for corner lots by Section 4-4.302(d)(3) of the Municipal Code, which substandard lot would not be in keeping with the character of the area.

Mr. Andrew stated that when he purchased the lot he inquired into the possibility of constructing a duplex on the property, inasmuch as there was a duplex immediately adjacent to the property. He said that members of the Planning Staff suggested that the lot be split to make 65-foot and 55-foot lots. An application was made for the lot split and subsequently denied by the Planning Commission.

Roland Young, 1118 Brady Avenue, read a petition signed by 40 property owners opposing the proposed lot split. The petition was filed with the City Clerk.

Oscar Parks, 1201 Brady and E. W. Duckhart, Sycamore and Roseburg Avenues, spoke briefly in opposition to the lot split.

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

The Council was informed by a member of the audience that the dwelling immediately to the east of the parcel under consideration, purportedly a duplex by the Planning Staff, was actually a one-family dwelling with two front doors.

Illegal lot splits were discussed by Mr. Fey.

Reed Hicken, realtor, stated that prior to the sale of the lot to Mr. Andrew, the impossibility of building a duplex on the property was discussed with the Planning Department staff; at the last discussion held with the staff, a suggestion was made that the lot be split which later proved to be impossible because of the creation of a substandard corner lot. He said that contrary to the Planning Commission resolution, there are homes in the area which are anything but attractive; that the construction proposed by Mr. Andrew would be an asset to and in conformity with existing homes in the area. Upon questioning, Mr. Hicken stated that the sale of the parcel was not placed in escrow subject to the approval of the lot split.

The importance of placing matters of this kind in escrow was discussed.

RESOLUTION NO. 64-568

A RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION DENYING THE APPLICATION OF HAYDN ANDREW FOR A LOT SPLIT IN BLOCK 741 AS DESCRIBED IN PLANNING COMMISSION RESOLUTION NO. 64-97

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

INFORMAL HEARING ON REQUEST OF ANDREW P. FISCHER FOR CURB CUT, SHERWOOD AVENUE, SOUTHWEST CORNER OF FLEETWOOD DRIVE 6-19

Mayor Johansen announced that the hour of 8:15 P.M. had arrived, the time set for consideration of the request of Andrew P. Fischer for a curb cut fronting on Sherwood Avenue on property located on the southwest corner of Fleetwood Drive and Sherwood Avenue, and opened the hearing.

A memorandum from the Director of Public Works dated October 22, 1964, subject, "Request of Andrew P. Fischer for a Variance to Permit Construction of a 35'3" Driveway on Sherwood Avenue Southerly from Fleetwood Drive," was entered into the record of the minutes. Recommendation was made that the Council approve the curb cut as requested.

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

RESOLUTION NO. 64-569

A RESOLUTION GRANTING DRIVEWAY VARIANCE TO ANDREW P. FISCHER (PROPERTY LOCATED AT 402 FLEETWOOD DRIVE)

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

MATTERS FOR THE GOOD OF THE COMMUNITY 6-20

Report on trip to Mexico City as official City representative

Councilman Tabbert reported briefly on his visit to Mexico City as the City's official representative. He stated that 96 California cities were represented on the official mission, with wreaths of friendship presented to Mexico City and placed at the Benito Juarez monument. Pictures of the wreaths were shown the Council.

Letter from Phil R. Homsey complimenting Fire Department

A letter from Phil R. Homsey, The Platter Inc., commending the Modesto Fire Department for excellent performance at a recent fire in The Platter Pancake House, McHenry Village, was entered into the record of the minutes.

The City Manager stated that the Fire Department performed excellently in containing a fire at the State Hotel last Saturday night.

Directional Sign to Modesto at Highway 50 near Tracy

The City Manager reviewed correspondence between Mayor Johansen and Assemblyman John G. Veneman relative to the directional sign to Modesto at Tracy. A suggestion was made by Mayor Johansen that an alternate sign be placed in the same location to indicate that Modesto could be reached by either route. A communication from Mr. Veneman dated October 21, 1964 stated that from previous conversations with the Division of Highways, the suggestion for an alternate sign would not be feasible as signs on freeways are limited to a maximum of two cities.

Mr. Keefe stated that the Board of Supervisors has taken steps to have the sign removed, and the purpose for bringing the matter up this evening was to inform the public of the steps taken by the City.

Mayor Johansen stated that the above action was taken after a series of accidents on Highway 132. He said that he had received a telephone call from the Mayor of Manteca opposing any stand taken by the City of Modesto or Stanislaus County to route any extra traffic through Manteca.

Councilman Mitchell was appointed by the Mayor as a committee of one, with the help of the staff, to work in cooperation with the County to resolve the matter.

TSRR removal of tracks on Ninth Street

Copies of a letter from R. S. Kearney, President and General Manager of Tidewater Southern Railway, dated October 22, 1964, in answer to Council Resolution 64-511 requesting a report within thirty days from the City's demand that action be taken by Tidewater Southern Railway to remove the tracks from Ninth Street, were furnished the Council and a copy filed with the record of the minutes.

MOTION

That the staff be authorized to contact Southern Pacific Co. on its willingness to cooperate in the removal of TSRR tracks on Ninth Street

Moved by Shastid Seconded by Patton Unanimously carried

United Air Lines - Withdrawal of Service from San Joaquin Valley

Councilman VanderWall reported that he received a wire from Senator Collier that city representatives have been asked to attend a meeting in Medford, Oregon on October 29, 1964 in regard to United Air Lines proposal to withdraw its services from San Joaquin Valley.

MOTION

That City representation to the meeting in Medford, Oregon, on October 29, 1964 be authorized

Moved by Shastid Seconded by Patton Unanimously carried

ADOPTION OF ORDINANCE NO. 684-C.S. RELATING TO SPEED LIMITS IN THE CITY OF MODESTO

ORDINANCE NO. 684-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 October 19, 1964 and having been published as required, was moved and adopted.

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

AN ORDINANCE AMENDING THE MODESTO MUNICIPAL CODE RELATING TO THE PAYMENT OF TAXES IN CONNECTION WITH CONSTRUCTION OF DWELLING UNITS, FOR PARK AND RECREATIONAL PURPOSES

The City Attorney stated that the proposed ordinance provides a park and recreation facilities tax to replace the park fee requirement repealed by Ordinance 647-C.S., effective March 9, 1964. He said that to his knowledge, at least three other cities have adopted a similar tax. Provisions of the proposed ordinance were outlined by Mr. Johnson.

Mayor Johansen reported that the Public Relations Committee has recommended that the fee be set at $15 for the first bedroom; $5 for each additional bedroom, with a maximum fee of $30.

Attorney Francis Halley, representing the Home Builders' Association, spoke in opposition to the proposed ordinance. Mr. Halley stated that the Home Builders' Association's objections to the proposed bedroom tax were contained in a letter dated August 13, 1964, from Mr. Flory, President of the Association, to City Attorney Johnson, a copy of which is filed with the record of the minutes. The objections were outlined by Mr. Halley. He said that it was the feeling of the Home Builders' Association that the proposed bedroom tax was completely illegal and unconstitutional, and the fact that it has been adopted by other cities did not give it legality. He asked that the Council give the proposed ordinance consideration from both a legal and moral aspect, and that funds for acquisition and improvement of parks be secured through general taxation or special park districts.

Alfred Flory spoke briefly in opposition to the proposed ordinance. He enumerated the fees and taxes already imposed against home builders by various regulatory bodies, stating that it was already one of the most heavily taxed industries. It was his opinion that public funds should be used for the acquisition and improvement of public parks.

Monte Lukov, Executive Vice President, Home Builders' Association, spoke briefly on the unfairness of the proposed ordinance. Mr. Lukov was questioned by the Council.

The City Manager reported that the City has purchased 38.5 acres of land for park purposes since May 24, 1963. The status of current park development was given by Director of Parks and Recreation Grogan.

The staff was directed to furnish Councilman Hughes information pertaining to funds budgeted for park and recreational purposes.

By order of the Chair, this item was held over for two weeks.

CONSIDER FURTHER CALIFORNIA PHYSICIANS' SERVICE REPORT REGARDING CREDIT FOR CALENDAR YEAR 1963

The City Manager stated that this matter was considered by the Council at the July 27, 1964 meeting at which time a letter was received from California Physicians' Service recommending that the returnable stabilization of $2,127 be left on deposit with CPS as an offset against future adverse claims fluctuations. At this meeting the staff was directed to seek further information from CPS as to the cumulative experience in connection with the policy, what the reserve of $8,933 constituted, and if the reserve would be retained by CPS in the event of cancellation of the policy. This information was furnished in letters from California Physicians' Service in letters dated October 7 and 9, 1964, copies of which are filed with the record of the minutes. From the information contained in the letters, and verbal information obtained from Robert Corby, Giddings, Corby, Hynes and Lyng, Inc., it was determined that the returnable stabilization of $2,127 was properly refundable to the City.

The City Attorney stated that since the figures furnished by CPS in letters dated October 7 and 9, 1964 indicated that refundable funds came from the employee group, the funds could legally be accepted by the City.

MOTION

That the returnable stabilization of $2,127 be refunded to the City and placed in an appropriate city fund

Moved by Shastid Seconded by VanderWall Unanimously carried

CONSIDER NOMINAL WIDENING OF THE PAVEMENT ON THE NORTH SIDE OF PARADISE ROAD WEST OF FRANKLIN 12-1

A memorandum from the Director of Parking and Traffic dated September 29, 1964, subject, "Suggested Pavement Widening of Paradise West of Franklin," was entered into the record of the minutes. Recommendation was made that Alternate 3 of the memorandum be approved to facilitate a left turn from Paradise Road into the westerly driveway of Paradise Plaza Shopping Center on the south side of Paradise Road. The City Manager stated that funds were available for the project from the Special Fund for Capital Outlays.

MOTION

That Alternate 3 of memorandum dated September 29, 1964 be approved as recommended

Moved by Tabbert Seconded by Hughes Unanimously carried

The staff was directed to study the feasibility of accomplishing a similar turnoff at McHenry and Briggsmore Avenues, going north.

ACCEPT AS COMPLETE WALTER SPOON'S CONTRACT FOR THE CONSTRUCTION OF FIRE STATION ON NORTHERN BOULEVARD

RESOLUTION NO. 64-570

A RESOLUTION ACCEPTING THE CONSTRUCTION OF FIRE STATION ON NORTHERN BOULEVARD

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

Open House, Northern Boulevard Fire Station

Fire Chief Everett invited the Council to attend open house dedication ceremonies at Northern Boulevard Fire Station, Saturday, October 31, 1964.

ACCEPT AS COMPLETE HOWELL AND SCHMIDT, INC.'S CONTRACT FOR THE CONSTRUCTION OF COMFORT STATION AT GRACEADA PARK

RESOLUTION NO. 64-571

A RESOLUTION ACCEPTING THE CONSTRUCTION OF COMFORT STATION AT GRACEADA PARK

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

RESOLUTION WITHDRAWING BELLENITA ADDITION FROM THE BURBANK-PARADISE COUNTY FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO

RESOLUTION NO. 64-572

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE BURBANK-PARADISE COUNTY FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (BELLENITA ADDITION)

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

RECOMMEND AMENDMENT TO STANDARD SPECIFICATIONS FOR SUBDIVISION IMPROVEMENTS

RESOLUTION NO. 64-573

A RESOLUTION ADOPTING A REVISION OF THE "STANDARD SPECIFICATIONS FOR SUBDIVISION IMPROVEMENTS" TO CREATE A NEW STANDARD FOR CATCH BASINS AND DRY WELLS

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

RECOMMEND DISPOSITION OF EXCESS RIGHT OF WAY, BRIGGSMORE AT PRESCOTT

The City Manager reported that Planning Commission Resolution No. 64-117 recommended that the parcel indicated on map entitled "Land Disposition 61-E at Briggsmore Avenue and Prescott Road at Block 6532," dated August 13, 1964 is in excess of present or future city needs and that the City Council dispose of the land in such manner as it deems reasonable.

The request of Wesley W. Winn to purchase the above excess property was referred to the Planning Commission for recommendation at the Council meeting of September 28, 1964.

The City Manager stated that the staff has recommended that the .032 acre parcel be disposed of for the amount of $1,742.44; ($954.76

plus $787.68 applied to land dedicated and improved for Prescott Road).

Wilbur Grant, representing Mr. Winn, stated that Mr. Winn requested that the .032 acre parcel be sold back at the price which the City acquired the property from the Winns, $2,983 per acre, or $954.76.

Mr. Winn agreed to purchase the property from the City for $1,742.44.

RESOLUTION NO. 64-574

A RESOLUTION AUTHORIZING SALE OF PROPERTY OWNED BY CITY OF MODESTO TO WESLEY WALDO WINN AND VELMA A. WINN (Excess right of way, Briggsmore at Prescott)

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

RECOMMEND AMENDMENT TO SECTION 20 OF THE ZONING MAP (ROY CAMPBELL)

RESOLUTION NO. 64-575

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 20 OF THE ZONING MAP (ROY CAMPBELL)

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

November 16, 1964 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND REZONING SECTION 32 OF THE ZONING MAP, PROPERTY ON 7TH STREET, NORTH OF EYE STREET

RESOLUTION NO. 64-576

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 OF THE ZONING MAP (FARISH-HERZOG)

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

November 16, 1964 at 4:35 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND REZONING OF CRESTWOOD TERRACE NO. 3 ADDITION FROM R-A TO R-1

RESOLUTION NO. 64-577

A RESOLUTION SETTING TIME AND PLACE FOR PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 9 OF THE ZONING MAP (CRESTWOOD TERRACE NO. 3 ADDITION)

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

November 16, 1964 at 4:40 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND REZONING OF DAVIS PARK ADDITION FROM R-A TO R-1

RESOLUTION NO. 64-578

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 (DAVIS PARK ADDITION)

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

November 16, 1964 at 4:45 P.M. in the Council Chambers, City Hall, was set as the time and place for hearing.

PLANNING COMMISSION RESOLUTION 64-108 ADOPTED OCTOBER 20, 1964 RECOMMENDING GRANTING OF EXTENSION TO DEVELOPMENT SCHEDULE, P-D(7) MODESTO NEIGHBORHOOD CHURCH OR REZONING TO R-1

RESOLUTION NO. 64-579

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 (P-D 7 to R-1)

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

November 23, 1964 at 7:45 P.M. in the Council Chambers, City Hall, was set as the time and place for hearing.

APPROPRIATION TRANSFERS - None

CONSIDER APPOINTMENT TO HUMAN RIGHTS COMMITTEE

With the unanimous consent of the Council, the staff was directed to remove this item from the agenda.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Tabbert Unanimously carried

The meeting adjourned at 10:47 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, Tabbert, VanderWall, Mayor Johansen
Councilman Shastid arrived at 4:04 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

The minutes of the adjourned regular meeting of October 12, 1964 and the regular meeting of October 19, 1964 were approved.

LETTER FROM KENNETH TISDEL, 115 OLIVE AVENUE, REGARDING NAMING OF JUVENILE OFFENDERS

A letter from Kenneth Tisdell, 115 Olive Avenue, dated October 24, 1964 supporting the belief that names of juvenile offenders and their parents should be made public, was entered into the record of the minutes.

Chief of Police Bowers stated that no ground rules have been established, but it has been the policy of law enforcement agencies in this area not to publish the name of juvenile offenders; that many law enforcement officers believe this policy should be changed to permit the publishing of names of serious offenders. He said that the names of serious offenders have been published in recent cases with a view to removing the "protection cloak" that non-publicity gives the serious violators (burglar, serious assault cases, etc.).

By order of the Chair, Chief Bowers was directed to inform Mr. Tisdel of the Police Department's stand on this matter.

LETTER FROM PARKING DISTRICT STEERING COMMITTEE REGARDING VALIDATION LOT PARKING FEES

The following documents were entered into the record of the minutes: Letter from J. F. Dowd, Jr., Chairman, Parking District Steering Committee, dated October 23, 1964, asking that validated parking lot fees be reduced from 15¢ to 10¢ per hour, and that the price of validation stamp books be reduced from $12.50 to $8.50, effective November 15, 1964 to April 1, 1965; letter from Hy Youngheim, Chairman, Downtown Modesto Association Parking Committee; memorandum from Director of Parking and Traffic Carmody dated October 26, 1964, subject, "Parking Fees - Attendant Parking Lots."

Director of Parking and Traffic Carmody was questioned by the Council on the affect the proposed decrease would have on parking revenues; whether the 15¢ validated parking rate has increased on-street parking revenues.

Lloyd Loeb and Hy Youngheim, members of the Modesto Downtown Association, spoke in behalf of the proposed rate decreases. Mr. Youngheim was questioned on the types of complaints received from shoppers on present rates.

The proposed decrease was discussed by the Council.

Councilman Patton stated that the members of the Parking District Steering Committee agreed with the views being expressed by Council members in connection with the proposed rate decrease, but had recommended it as a means of securing the cooperation of the landowners and merchants in the formation of a district. He said that if the district was formed,

the accumulated off-street parking funds would revert to the parking district, and any loss in revenue resulting from the proposed decrease in rates would merely reduce the parking fund transferred to the parking district in a like amount. He said it was the consensus of the Steering Committee that information as to whether or not a parking district would be formed would be available by April 1, 1965 at which time the rates could be reconsidered by the Council.

MOTION

That no change be made at present in validated parking lot rates

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

MOTION

That validated parking lot rates be reduced for the cash paying customer from 15¢ to 10¢; that the validating merchants be charged 10¢ per validation stamp, effective November 15, 1964, for an indefinite period

Moved by Mitchell Seconded by Tabbert

The motion carried, Councilmen Hughes and Patton dissenting.

The City Attorney was directed to prepare the necessary documents to effect the change for presentation at the next Council meeting.

MEMORANDUM FROM FRANK ANDREWS 4-79

An undated memorandum from Frank Andrews, subject, "More Sound and Practical Use of the Mayor and Council time for 1965," asking that the Council go forward on a sound and practical basis on matters for the good of Modesto was entered into the record and ordered filed.

INFORMAL HEARING ON REQUEST FOR DRIVEWAY VARIANCE, McHENRY VILLAGE CENTER (SEELY)

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the request of Paul Seely for a driveway variance at McHenry Village Center, and opened the hearing.

In a letter dated October 22, 1964 Mr. Seely requested that a variance be granted to permit the widening of a 30-foot driveway immediately adjacent to the Texaco Service Station on McHenry Avenue to 36 feet.

A memorandum from Director of Public Works Campbell dated October 28, 1964, subject, "Request for a Variance to Permit the Widening of an Existing 30-foot Driveway to 36 feet at McHenry Village Shopping Center," recommending that the request be granted in order to provide for a smoother flow of traffic, 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. 64-580

A RESOLUTION GRANTING A VARIANCE TO McHENRY VILLAGE, INC., TO PERMIT WIDENING OF AN EXISTING DRIVEWAY AT McHENRY VILLAGE SHOPPING CENTER

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

Introduction of Councilman Culbertson

Mayor Johansen introduced Councilman Jim Culbertson of Lodi, who was present in the audience.

CONSIDER FURTHER REQUEST OF SAM SECRETO, YELLOW CAB COMPANY, FOR TELEPHONE INSTALLATION ON POLE IN SIDEWALK AREA

Mr. Secreto's request for a telephone box on a light pole on the north side of Jay Street near its intersection with 10th Street was considered at the October 26th meeting and action withheld pending clearance from the State Division of Highways.

RESOLUTION NO. 64-581

A RESOLUTION GRANTING A REVOCABLE ENCROACHMENT PERMIT TO THE YELLOW CAB COMPANY TO INSTALL A TAXICAB TELEPHONE BOX ON A STREET LIGHTING STANDARD ON THE NORTH SIDE OF J STREET NEAR ITS INTERSECTION WITH 10TH STREET

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

RECOMMENDATION OF PUBLIC PROJECTS COMMITTEE ON NAME FOR CALIFORNIA-FRANKLIN PARK

RESOLUTION NO. 64-582

A RESOLUTION DESIGNATING CERTAIN CITY PROPERTY AS MELLIS PARK

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

The City Clerk was directed to furnish the respective families a copy of the resolution.

ACCEPTING IMPROVEMENTS AND AUTHORIZE CITY CLERK TO RELEASE PERFORMANCE BOND, JONI MANOR NO. 3 SUBDIVISION

RESOLUTION NO. 64-583

A RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE BOND FILED TO GUARANTEE IMPROVEMENTS IN JONI MANOR NO. 3 SUBDIVISION

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

REPORT BY THE STAFF ON THE CITY'S REQUIREMENTS FOR CERTIFICATES OF COMPETENCY

A letter from Attorney Francis W. Halley dated September 17, 1964 was entered into the record of the minutes of September 28, 1964. The letter listed the conclusion of Opinion No. 63/283 issued by the Attorney General of the State of California to the effect that municipal legislation requiring examinations of contractors as to their competency to engage in contracting activities create an unconstitutional conflict with state law. Mr. Halley requested that he be advised by the City whether it would cease and desist from the requirement of an examination of persons engaged in the installation and repair of heating and cooling equipment. The matter was referred to the staff for review.

The following documents were entered into the record of the minutes: Memorandum from the Director of Public Works dated October 29, 1964, subject, "Certificate of Competency." Mr. Campbell stated in the memorandum that the Public Works staff felt that the certificate of competency requirement should be retained if legally possible; memorandum from City Attorney Johnson dated October 28, 1964, subject, "Certificates of Competency," in which he reviewed the legality of the requirement for certificates of competency; (A report entitled, "Certificate of Competency Examinations, 1963-64, listing the results of examinations taken by applicants in the Heating and Cooling, Plumbing and Electrical fields.)

The following subjects were discussed by the Council: the quality of the examinations given by the board of examiners to determine competency; the high number of failures of applicants taking tests during calendar years 1963 and 1964; the possible breakdown of the examination to cover the different fields involved; the Attorney General's opinion that the State has preempted the field; the importance of protecting the health and safety of city residents.

Monte Lukov, Executive Vice President, Home Builders' Association, stated that a high percentage of the failures were due to the fact that some of the applicants were proficient in one field only and thus were unable to pass the examination which covered the entire field of heating and ventilating. It was his contention that the contractors, licensed by the State, and sub-contractors, also licensed by the State, were capable of selecting and hiring competent men without the City being an additional regulatory body; also, that passing a test did not guarantee that an employee was competent. Upon questioning, Mr. Lukov stated that members of the Home Builders' Association were not in favor of examinations, as given at the present time, or broken down to cover the different fields involved.

Rex Higbee, President, Home Builders' Association, spoke briefly opposing the requirement of certificates of competency. He said that as a contractor, he held sub-contractors, licensed by the State, personally responsible for the work performed and personally responsible for the competency of their hired help.

Attorney Francis Halley, representing the Home Builders' Association, asked that the Council amend the municipal code to eliminate the requirement of a certificate of competency on the basis of the opinion rendered by the Attorney General of the State of California.

Joe Hudson, 508 Tokay Avenue, representing electrical workers of Modesto, stated that a certificate of competency was definitely an asset to a worker; that a large majority of men worked alone because of the fact that contractors usually have more than one job in progress, and because a great deal of repair work is done in homes. In these cases the work is checked by an inspector two or three days after the work is accomplished, and not by the contractor.

Bill Coleman, representing the National Electrical Contractors' Association, said that the organization took advantage of a state approved apprenticeship program conducted by the School District, for electricians involving both technical and practical skills; that possession of a certificate of competency would tend to insure better installations.

The City Attorney stated that the League of California Cities has indicated that it will sponsor legislation in the 1965 session of the Legislature, restoring home rule to cities in this field and many other fields which the Supreme Court has ruled have been preempted by the State.

MOTION

That the municipal code requirement of certificates of competency continue in effect

Moved by Shastid Seconded by VanderWall Unanimously carried

The staff was directed to furnish the following reports to the Council: The opinion of the various boards of examiners as to the merits of the requirement for certificates of competency; the experience of the County, which does not require certificates of competency for the various installations. The staff was also directed to meet with representatives of the Builders' Association to determine whether the examinations could be broken down to cover particular phases of installation -- air conditioning, heating, etc.

Mr. Coleman suggested that if a committee was to be formed to investigate the matter, that representatives of each affected sub-contracting group be included.

Councilman Hughes was excused from the meeting at 6:40 P.M.

REPORT BY JOHN JENKS REGARDING SEWAGE TREATMENT PLANT STUDY

John Jenks of the firm of Jenks and Jenks, consulting engineers hired by the City to make a study and report of the Sewage Treatment Plant operation, made his second report to the Council on the progress of the study to date. Mr. Jenks stated that the study was primarily based on the City's problems which occur from July to November each year, when industrial sewage is processed at the plant and volume increased to the point of a community of 500,000 population.

In concluding his report to the Council, Mr. Jenks listed the following alternatives to handle the ultimate needs of the City: Alternate 1 - handling the domestic flow at the site of the existing treatment plant with the existing facilities enlarged as needed, and then to take separately the so-called "problem" period waste, possibly for the rest of the year, to a remote disposal area; Alternate 2 would involve some preliminary treatment at the site of the existing plant and disposal of the entire volume of waste at a remote point of treatment and disposal. In either one of the above alternatives, it was concluded that an essential part would be some form of preliminary treatment at the site of the existing plant to remove the major portion of the solids.

Mr. Jenks stated that the existing plant as it now stands is able to handle about 20 million gallons per day of domestic waste, about 150,000 people, without major additions; that not more than $300,000 will need to be expended at the present plant to accommodate the City's domestic waste to the year 1985, aside from the peak load industrial waste period; that the cost of a remote disposal project will cost between 4½ to 6 million dollars (cost and development of land included).

Odor problems at the plant were briefly discussed.

The staff was directed to schedule the next appearance of Mr. Jenks before the Council.

RESOLUTION REJECTING THE CLAIM OF B. ZEFF AND COMPANY FOR DAMAGES

A claim against the City in the amount of $228.36 was filed on September 8, 1964 against the City of Modesto by B. Zeff & Company for property damage allegedly sustained on or about the 6th day of July 1964 in connection with test probing and the pumping of a new well in the vicinity of the claimant's plant by city employees.

RESOLUTION NO. 64-584

A RESOLUTION REJECTING THE CLAIM OF B. ZEFF AND COMPANY FOR DAMAGES AGAINST THE CITY OF MODESTO

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

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

RESOLUTION NO. 64-585

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 (PFEIFER)

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

November 23, 1964 at 7:50 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 (NORTHGATE ENTERPRISES)

RESOLUTION NO. 64-586

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 (NORTHGATE ENTERPRISES)

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

November 23, 1964 at 7:55 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND AMENDMENT TO SECTION 20 OF THE ZONING MAP (NORTHGATE ENTERPRISES)

RESOLUTION NO. 64-587

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 20 OF THE ZONING MAP (NORTHGATE ENTERPRISES)

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

November 23, 1964 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

APPROPRIATION TRANSFERS - None

REPORT ON STATUS OF TIDEWATER SOUTHERN-SOUTHERN PACIFIC NEGOTIATIONS REGARDING THE RAILROAD TRACKS ON 9TH STREET

Director of Parking and Traffic Carmody said that he met last week with representatives of the Public Utilities Commission, Tidewater Southern Railway-Western Pacific, and Southern Pacific and was told that Southern Pacific has been highly cooperative in the removal of tracks on Ninth Street. He said that Tidewater Southern wishes to retain its tracks on 9th Street from E Street southerly; northerly of that point Southern Pacific tracks will be used. The relocation project will cost from $150,000 to $200,000, with Tidewater Southern willing to contribute $65,000, which constitutes the savings it would have on the regrading of the tracks north of E Street. Mr. Carmody said there was a possibility of some reimbursement from P.U.C. Railroad Crossing Funds; that the earliest possible time for agreement between Southern Pacific, Tidewater Southern Railway, and Interstate Commerce Commission, and actual accomplishment of the removal, was about eight or nine months away.

MOTION

That the staff be authorized to negotiate with the State Division of Highways on the postponement of the improvement of Ninth Street until the removal of the tracks is cleared with the agencies concerned

Moved by Mitchell Seconded by Shastid Unanimously carried

QUARTERLY REPORT, GREATER MODESTO CHAMBER OF COMMERCE

The quarterly report from the Greater Modesto Chamber of Commerce for quarter ending September 1964 was presented to the Council.

MOTION

That the quarterly report of Greater Modesto Chamber of Commerce for quarter ending September 1964 be accepted

Moved by Shastid Seconded by VanderWall Unanimously carried

Mayor Johansen suggested that Councilman Patton check with the Chamber of Commerce liaison committee to volunteer the City's help on industrial matters. Councilman Patton stated that a meeting was scheduled at an early date.

NOTICE FROM LEAGUE OF CALIFORNIA CITIES OF FRESNO MEETING ON LOCAL AGENCY FORMATION COMMISSION

The City Manager reported that the League of California Cities has scheduled a meeting in Fresno on November 12, 1964 at 10:00 A.M., Auditorium, State Building, 2550 Mariposa Street, for evaluation of the performance of local agency formation commissions and suggestions for legislative changes in 1965.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned to executive session to discuss litigation matters

Moved by VanderWall Seconded by Tabbert 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, Modesto, California, 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 Lawrence R. Cartwright gave the invocation.

PRESENTATION OF DISTINGUISHED SERVICE AWARD

Monte W. Lukov received Distinguished Service Award for his work in setting up the United Nations Day ceremony. Presentation was made by Mayor Johansen.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

The minutes of the regular meeting of October 26, 1964 were approved.

LETTER FROM THE BORDEN COMPANY REQUESTING A VARIANCE TO THE DRIVEWAY REGULATIONS

RESOLUTION NO. 64-588

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF THE BORDEN COMPANY FOR A CURB CUT VARIANCE

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

November 16, 1964 at 4:25 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

LETTER APPEAL FROM JAMES TISMENAKIS FROM DECISION OF THE PLANNING COMMISSION DENYING REZONING APPLICATION

RESOLUTION NO. 64-589

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF JAMES TISMENAKIS APPEALING DECISION OF THE PLANNING COMMISSION

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

December 7, 1964 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

LETTER FROM J. F. DOWD, JR., CHAIRMAN OF THE PARKING DISTRICT STEERING COMMITTEE, REGARDING SPECIAL BOND COUNSEL 1-40

A letter from J. F. Dowd, Jr., Chairman, Parking District Steering Committee, dated October 30, 1964, requesting that bond counsel be obtained to advise the Committee on the formation of a parking district in downtown Modesto, was filed with the record of the minutes.

MOTION

That the staff be authorized to review the situation and determine whether a finance counsel or bond counsel is needed at this time, and to make recommendation to the Council

Moved by Shastid Seconded by VanderWall Unanimously carried

A letter from Lewis Hawkins, Attorney, 1119 12th Street, opposing the formation of a parking district, was filed with the City Clerk and entered into the record of the minutes. The staff was directed to prepare copies of the letter for members of the Council and Parking District Steering Committee.

LETTER FROM NORMAN PEDERSEN, PRESIDENT, MODESTO YOUTH FOR HUMAN RIGHTS 2-55

A letter from Norman Pedersen, President, Modesto Youth for Human Rights, dated November 2, 1964 was filed with the record of the minutes.

By order of the Chair, the staff was directed to write a letter to Mr. Pedersen explaining that the assignment of the Human Rights Committee would expire on December 1, 1964, at which time it would be known if a new Committee is to be appointed; that his name would be kept on file for consideration at that time.

Mr. Pedersen spoke briefly to the Council in behalf of his organization.

LETTER FROM CONSULTANTS RELATIVE TO MODESTO'S NEED FOR AN AUDITORIUM

An undated letter from the International Association of Auditorium Managers offering its services for determining the City's need for an auditorium, site location, etc., was reviewed by the City Manager and a copy filed with the record of the minutes. Copies of the letter were mailed to various individuals and organizations interested in the construction of an auditorium in Modesto.

The following individuals spoke in favor of the proposed study and/or an auditorium: Richard Tosaw, attorney, P. O. Box 888; Dan Schroebel, 514 Northwood Drive, Chairman, Civic Improvement Committee, Chamber of Commerce; Lee Tucker, 509 Northwood Drive, member, City Planning Commission; Lewis Hawkins, attorney, 205 Magnolia; Charles Breen, Secretary-Manager, Stanislaus County Taxpayers' Association; Elmer Winger, President, Modesto Community Concert Association.

Suggestions were made from the Council and members of the audience that the following information be secured by the staff: the number of full time employees on the staff of International Association of Auditorium Managers; number of people on the consulting board; specifically, the names of the individuals who would be making the study in Modesto; comments from communities which have availed themselves of the services of the International Association of Auditorium Managers; the economic feasibility of an auditorium and the potential burden on the General Fund.

MOTION

That the staff be directed to secure further information concerning the services of the International Association of Auditorium Managers

Moved by Shastid Seconded by Mitchell Unanimously carried

LETTER FROM LLOYD LOEB, PRESIDENT, DOWNTOWN MODESTO ASSOCIATION, REGARDING CHRISTMAS STREET DECORATIONS 3-65

The following documents were filed with the record of the minutes: Letter from Lloyd Loeb, President, Downtown Modesto Association, dated November 4, 1964, requesting use of city equipment - a high-ranger and aerial ladder truck, plus the services of an employee on each piece of equipment to erect and dismantle Christmas street decorations on November 22, 1964 and January 3, 1965, and requesting payment of $1,800 budgeted by the City to cover the costs of erection and dismantling the street decorations; a memorandum from the Director of Finance dated November 9, 1964 entitled "Review of the Christmas Decoration Budget."

That the request for the City's high-ranger and aerial ladder truck to erect and dismantle the Christmas street decorations on November 22, 1964 and January 3, 1965 respectively be approved

Moved by Shastid Seconded by Tabbert Unanimously carried

Director of Finance Bird stated that the funds budgeted for the above would be paid upon receipt of properly certified invoices covering the work performed.

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR FURNISHING OF LAMPS FOR STREET AND BUILDING LIGHTING 3-90

RESOLUTION NO. 64-590

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE FURNISHING OF LAMPS FOR STREET AND BUILDING LIGHTING

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

November 24, 1964 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 CONSTRUCTION OF WATER LINE TO SERVICE FAIRWAY ESTATES UNIT NO. 1 SUBDIVISION 3-95

A memorandum from the Director of Public Works dated November 5, 1964, subject, "Water Service - Fairway Estates Subdivision," was entered into the record of the minutes. The memorandum recommended that city water service be provided to the area, although the property could be served by a private water company, on the basis that it will improve and strengthen the City's water service in this general area.

RESOLUTION NO. 64-591

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF WATER LINE TO SERVICE FAIRWAY ESTATES UNIT NO. 1 SUBDIVISION

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

November 24, 1964 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

FEES TO BE CHARGED ON CERTAIN MUNICIPAL OFF-STREET PARKING LOTS

ORDINANCE NO. 685-C.S. entitled

"AN ORDINANCE AMENDING SECTION 3-2.1601 OF ARTICLE 16 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO OFF-STREET PARKING" (to clarify which lots are covered by validation procedure)

was introduced and ordered published as required by the Charter

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

RESOLUTION NO. 64-592

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. 64-108 AND RESOLUTION NO. 64-508 (Provides for new rates of 10¢ per hour and 10¢ per validation stamp)

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

ORDINANCE AMENDING SECTION 9-5.03 OF CHAPTER 5 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO NUMBERING PROPERTIES 4-35

ORDINANCE NO. 686-C.S. entitled
"AN ORDINANCE AMENDING SECTION 9-5.03 OF CHAPTER 5 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO NUMBERING PROPERTIES" (Places the responsibility for maintaining the numbering system on the Director of Planning, makes the Chief Building Official the person responsible for allocating new numbers, and as in the previous regulations the City Clerk will have the responsibility of sending out official notices to property owners and occupants when new numbers are assigned to existing premises)

was introduced and ordered published as required by the Charter

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

MATTERS FOR THE GOOD OF THE COMMUNITY

Homes for visitors from Barranquilla, Colombia

Councilman Mitchell reported that several young visitors from Barranquilla, Colombia, would arrive in Modesto shortly for about eight weeks, their summer vacation period. He asked that anyone interested in hosting a child for this period contact either himself of Mrs. Mitchell.

AN ORDINANCE ADDING ARTICLE 7 TO CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE PROVIDING SPECIAL TAX ON DWELLING UNITS FOR PARKS AND RECREATIONAL PURPOSES 4-70

This matter was considered at the October 26, 1964 Council meeting, with recommendation made by the Public Relations Committee that the fee be set at $15 for the first bedroom; $5 for each additional bedroom, with a maximum fee of $30. The matter was held over at the request of Councilman Hughes for information pertaining to funds budgeted for park and recreational purposes.

Monte Lukov, representing Home Builders' Association, requested that no action be taken on the proposed ordinance pending receipt of a legislative report through Assemblyman Jack Veneman, a ruling from the Attorney General, and the outcome of proposed legislation by the League of California Cities. He qualified his request by asking for a postponement of at least six weeks.

The legality of the proposed ordinance was discussed.

Al Flory, President, Home Builders' Association, spoke briefly on the unfairness of the proposed ordinance.

ORDINANCE NO. 687-C.S. entitled
"AN ORDINANCE ADDING ARTICLE 7 TO CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE PROVIDING FOR THE PAYMENT OF TAXES IN CONNECTION WITH CONSTRUCTION OF DWELLING UNITS, THE DEPOSIT OF SUCH TAXES IN THE PARK AND RECREATION FACILITIES FUND, AND THE USE OF SUCH FUND FOR PUBLIC PARK AND RECREATION PURPOSES" (establishing rates as recommended by the Public Relations Committee, effective January 1, 1965)

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

REVIEW REQUEST FOR FUNDS FOR CHRISTMAS DECORATIONS FOR ULRICH SHOPPING CENTER

A memorandum from Director of Finance Bird dated October 29, 1964, subject, "Christmas Decorations," was filed with the record of the minutes. The memorandum indicated that an amount of $232 was erroneously

requested was $463, one-half of a planned $926 expenditure for additional Christmas decorations. In order to correct the error, recommendation was made that an additional $231 be appropriated.

Mr. Bird stated that the original request of Ulrich Shopping Center for $463 is within the formula established by the Council in 1962 for Christmas street decorations. Application of the formula was discussed.

MOTION

That the payment to Ulrich Shopping Center for Christmas street decorations remain within the amount budgeted

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

RESOLUTION NO. 64-593

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $231 TO PROVIDE FUNDS FOR CHRISTMAS DECORATIONS - ULRICH SHOPPING CENTER

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

The staff was requested to furnish a report on the percentage each organization is entitled to in accordance with the formula established by the Council in 1962.

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP FOR FAIRWAY ESTATES UNIT NO. 1 SUBDIVISION 9-30

RESOLUTION NO. 64-594

A RESOLUTION APPROVING THE FINAL MAP OF FAIRWAY ESTATES, UNIT NO. 1 SUBDIVISION OF THE CITY OF MODESTO

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

APPROVE AGREEMENT FOR SEWER SERVICE TO FAIRWAY ESTATES UNIT NO. 1 SUBDIVISION

Director of Public Works Campbell stated that in the proposed agreement the subdivider agrees to construct an 8" sewer lateral in Garden Avenue to serve the subdivision at his own expense. The City, acting as subdivider's agent, will collect from Garden Avenue property owners connecting to the sewer line and will reimburse the subdividers.

RESOLUTION NO. 64-595

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND LIVERMORE ACRES, INC., FOR SEWER SERVICE TO FAIRWAY ESTATES UNIT NO. 1 SUBDIVISION

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

RECOMMENDATION TO CLOSE PORTION OF ALLEY IN BLOCK 520 (NANCLO)

RESOLUTION NO. 1024-S.P.
RESOLUTION OF INTENTION NO. 293

A RESOLUTION OF INTENTION TO VACATE AND ABANDON THE SOUTHERLY ONE HUNDRED THIRTY-FIVE (135') FEET, MORE OR LESS, OF THE NORTH-SOUTH ALLEY IN BLOCK 520 IN THE CITY OF MODESTO

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

December 7, 1964 at 4:40 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

APPROPRIATION TRANSFERS - None

REPORT FROM LOCAL AGENCY FORMATION COMMISSION - NOTICE OF PUBLIC HEARINGS

The Councilmen were notified of public hearings to be held by the Stanislaus County Local Agency Formation Commission on November 16, 1964, to consider the proposed annexation of five additions to the City of Modesto and one to the Empire Highway Lighting District.

REPORT OF MEETING TO BE HELD NOVEMBER 10, 1964 IN THE MULTI-PURPOSE ROOM REGARDING UNITED AIR LINES' PETITION TO WITHDRAW FROM THE MODESTO AREA

The Councilmen were reminded of the meeting to be held November 10, 1964, in the Multi-Purpose room regarding United Air Lines' petition to withdraw from the Modesto area.

PRESENTATION OF OCTOBER 1964 FINANCIAL STATEMENT

The financial statement of October, 1964 was presented to the Council and ordered filed.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Patton Unanimously carried

The meeting adjourned at 9:40 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, Tabbert, VanderWall, Mayor Johansen
Councilman Shastid arrived at 4:04 P.M.
Councilman Hughes arrived at 4:09 P.M.
Councilman Patton arrived at 4:10 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 meeting of November 2, 1964 were approved. Councilman Shastid arrived at 4:04 P.M.

LETTER FROM L. P. HUDELSON, 2915 COFFEE ROAD, REQUESTING A VARIANCE TO PERMIT EXISTING FENCE TO REMAIN ON PUBLIC PROPERTY

RESOLUTION NO. 64-596
A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF L. P. HUDELSON FOR VARIANCE TO ALLOW EXISTING FENCE TO REMAIN ON PUBLIC PROPERTY

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

November 23, 1964 at 7:40 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

LETTER FROM KENNETH DUFFIN, 925 TERRACE PLACE, REGARDING COST OF EXTENDING AND IMPROVING CLAREMONT AVENUE NORTH

The following documents were filed with the record of the minutes: Letter from Kenneth Duffin dated November 5, 1964 asking that the City share on an equal basis the cost of extending and improving Claremont Avenue north from the existing boundary to a point to coincide with the west boundary of proposed Crestwood Terrace No. 4 and with the east boundary of Sherwood City Park; a memorandum from the Director of Public Works dated November 12, 1964, subject, "Improvement of Claremont Avenue Adajacent to Sherwood Park." Estimated cost to the City is $1,800. Mr. Campbell indicated that it would be more economical for the City to participate now than to improve a relatively small area along the park at a later date.

MOTION
That city participation on an equal basis for the cost of extending and improving Claremont Avenue north from the existing boundary to a point to coincide with the west boundary of proposed Crestwood Terrace No. 4 and with the east boundary of Sherwood City Park be approved

Moved by Hughes Seconded by Tabbert Unanimously carried

Councilmen Hughes and Patton arrived at 4:09 and 4:10 P.M. respectively.

LETTER REGARDING CONDITIONS ADJACENT TO SHOPPING CENTER, CORNER ROSEBURG AVENUE AND TULLY ROAD

A letter from Tom Rettig, Harriett Nicholson and Donna Wolfe dated November 12, 1964 registering a general complaint against the Roseburg Shopping Center located on the corner of Roseburg and Tully Road was filed with the record of the minutes. A request was made that the City clarify and enforce building codes.

The following registered verbal complaints: Dick Nicholson, 1206 Greenwood Avenue; Mrs. Tom Rettig, 1214 Greenwood Drive. The complaints were

[illegible] P.M.; improperly handled garbage which has created a fly and gnat problem; a pending application for an on-sale liquor license in the shopping center; parking in the commercial alley; use of residential streets by commercial trucks.

The group present was asked to meet with Deputy Manager Ray to discuss their grievances.

LETTER FROM RUTH C. FLETCHER, 421 VIRGINIA AVENUE, REGARDING VETERANS' DAY PARADE IN ALAMEDA

A letter from Mrs. Charles Fletcher, 421 Virginia Avenue, dated November 11, 1964, suggesting that steps be taken to observe Veterans' Day, was entered into the record of the minutes.

With the unanimous consent of the Council, Mayor Johansen stated that he would forward a copy of the letter to the Veterans of Foreign Wars and the American Legion, and would advise Mrs. Fletcher of the action taken.

ADOPTION OF ORDINANCE NO. 685-C.S. ESTABLISHING OFF-STREET PARKING REGULATIONS

ORDINANCE NO. 685-C.S. entitled
"AN ORDINANCE ADMENDING SECTION 3-2.1601 OF ARTICLE 16 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO OFF-STREET PARKING"

introduced November 9, 1964 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. 686-C.S. ESTABLISHING OFFICIAL REGULATION OF HOUSE NUMBERING IN THE CITY 2-22

ORDINANCE NO. 686-C.S. entitled
"AN ORDINANCE AMENDING SECTION 9-5.03 OF CHAPTER 5 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO NUMBERING PROPERTIES"

introduced November 9, 1964 and having been published as required, was moved and adopted.

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

ADOPTION OF ORDINANCE NO. 687-C.S. ESTABLISHING A TAX FOR THE PURCHASE OF PARKS IN NEW SUBDIVISIONS (BED ROOM TAX)

ORDINANCE NO. 687-C.S. entitled
"AN ORDINANCE ADDING ARTICLE 7 TO CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE, PROVIDING FOR THE PAYMENT OF TAXES IN CONNECTION WITH CONSTRUCTION OF DWELLING UNITS, THE DEPOSIT OF SUCH TAXES IN THE PARK AND RECREATION FACILITIES FUND, AND THE USE OF SUCH FUND FOR PUBLIC PARK AND RECREATION PURPOSES" (effective January 1, 1965)

introduced November 9, 1964 and having been published as required, was moved and adopted.

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

ORDINANCES

ORDINANCE NO. 688-C.S. entitled
"AN ORDINANCE AMENDING SECTION 2-2.09 OF CHAPTER 2 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO REQUIREMENT OF ORDINANCES" (bringing this section of the Code in conformity with revised charter)

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

AGREEMENT BETWEEN CITY AND WOLVERINE BUILDING SERVICE, INC., - CONSTRUCTION OF A SIX-FOOT SOLID MASONRY WALL WITHIN THREE-FOOT PLANTING EASEMENT ALONG BRIGHTON AVENUE (LORENZEN PARK NO. 3 SUBDIVISION)

The City Attorney stated that the proposed agreement provides for the erection of a six-foot solid masonry serpentine wall within the three-foot planting easement along Brighton Avenue, which easement has been dedicated to the City; and further provides that the owners will permanently maintain the wall and that such obligation shall be a covenant running with the land.

There was a general discussion relating to the responsibility of fence maintenance and possible financing problems in the event of deed restrictions covering such maintenance.

Specifically discussed was a pending P-D rezoning scheduled for hearing at the November 23, 1964 meeting. Mayor Johansen stated that in regard to the agreement in this instance, it might be well for the staff to proceed with the policy pursued by the Planning Commission at the time the hearing was considered.

The staff was directed to ask the applicant to be present at the November 23rd hearing.

With the unanimous consent of the Council, the City Attorney and Planning Director were directed to work with the Council Public Relations Committee in connection with future agreements connected with rezoning matters. The City Attorney was directed to proceed with the pending P-D rezoning in accordance with past policy.

RESOLUTION NO. 64-597
A RESOLUTION ACCEPTING TWO DEEDS OF EASEMENT FOR PLANTING PURPOSES AND APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND WOLVERINE BUILDING SERVICE, INC., ARTHUR J. WYLIE, FLORENCE E. WYLIE, AND E. DEAN RUSSELL FOR CONSTRUCTION OF A SIX-FOOT SOLID MASONRY SERPENTINE WALL

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

HEARING ON DRIVEWAY VARIANCE - BORDEN COMPANY

Mayor Johansen announced that the hour of 4:25 P.M. had arrived, the time set for consideration of a request from The Borden Company for a variance to Section 71.104(a) of the Municipal Code to permit installation of a 100-foot driveway commencing at the end of The Borden Company fence and extending westward on Kansas Avenue for a distance of 100 feet, and opened the hearing.

The following documents were filed with the record of the minutes: Letter from The Borden Company dated October 30, 1964 requesting the variance; memorandum from the Director of Public Works dated November 12, 1964 recommending that the variance be granted in order to facilitate ingress and egress of large trucks to the milk unloading dock.

of the request.

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

RESOLUTION NO. 64-598
A RESOLUTION GRANTING A DRIVEWAY VARIANCE TO THE BORDEN COMPANY (PROPERTY LOCATED ON NORTH SIDE OF KANSAS AVENUE FROM SOUTHERN PACIFIC RIGHT OF WAY WESTERLY)

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

HEARING ON AMENDMENT TO SECTION MAP 20 OF THE ZONING MAP (ROY CAMPBELL)

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed rezoning of Lots 3 through 8, Block 6060, and Lots 3 through 7, Block 6059A, from R-1 to R-3, and opened the hearing.

The City Clerk reported that notice of the proposed hearing was published in The Modesto Tribune on November 5, 1964 and notices posted and distributed in the area on November 6, 1964. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 64-112 recommends that the area be rezoned from R-1 to R-3.

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

ORDINANCE NO. 689-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 20 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (ROY CAMPBELL)"

was introduced and ordered published as required by the Charter.

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

HEARING ON AMENDMENT TO SECTION MAP 32 OF THE ZONING MAP (7TH AND EYE STREETS) 5-3

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 7th Street, 165 feet north of I Street, from R-3 to C-M, and opened the hearing.

The City Clerk reported that notice of the hearing was published in The Modesto Tribune on November 5, 1964 and notices posted and distributed in the area on November 6, 1964. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 64-111 recommends that the property be rezoned from R-3 to C-M.

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

ORDINANCE NO. 690-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 32 OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (FARISH AND HERZOG)"

Moved by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

Mayor Johansen announced that the hour of 4:40 P.M. had arrived, the time set for consideration of the proposed rezoning of property known as the Crestwood Terrace No. 3 Addition 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 November 5, 1964 and notices posted and distributed in the area on November 6, 1964. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 64-110 recommends that the area 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. 691-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (CRESTWOOD TERRACE NO. 3 ADDITION)"

was introduced and ordered published as required by the Charter.

Moved by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

HEARING ON REZONING OF DAVIS PARK ADDITION FROM R-A TO R-1

Mayor Johansen announced that the hour of 4:45 P.M. had arrived, the time set for consideration of the proposed rezoning of the Davis Park Addition 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 November 5, 1964 and notices posted and distributed in the area on November 6, 1964. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 64-109 recommends that the area be rezoned from R-A to R-1.

Donald Lewis, 2410 College Avenue, said that he did not object to the rezoning of the property; that he represented a number of people who have petitioned that College Avenue not be extended to Rumble Road. Mr. Lewis was advised that the petition would be considered at such time as action is taken on any subdivision map, conditional use permit, etc., which will affect the street pattern north of College Avenue.

No one else in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

ORDINANCE NO. 692-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 17 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (DAVIS PARK 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

MATTERS FOR THE GOOD OF THE COMMUNITY

WATER POLLUTION CONTROL BOARD MEETING

The City Manager reported that City representatives appeared before the Water Pollution Control Board on November 16, 1964. Copies of a chart entitled "Sewer Study and Construction Schedule" presented to the Board were distributed to the Council. Mr. Keefe said that a cease and desist

schedule. The City is also required to submit a progress report every three months.

Appointments - League of California Cities Committee

The City Manager informed the Council that the League of California Cities has asked for the names of Council members willing to serve on League committees. Mr. Keefe was directed to inform the district representative of the League that Councilman Mitchell wishes to continue serving on the Sister City Committee.

Letter from Lewis Hawkins regarding formation of Parking District

Mayor Johansen reported that the Public Relations Committee has recommended that the letter from Lewis Hawkins filed with the City Clerk at the November 16th meeting, be referred to the City Attorney.

MOTION

That the letter from Lewis Hawkins dated November 9, 1964 regarding the formation of a parking district, filed with the City Clerk at the November 16th meeting, be referred to the City Attorney and Parking District Steering Committee for action

Moved by Shastid Seconded by VanderWall Unanimously carried

ACCEPT AS COMPLETE WILLIAM MINENI'S CONTRACT FOR THE CONSTRUCTION OF PUMP HOUSE AT STATION 8 - COLDWELL AVENUE AND TULLY ROAD (MODESTO JUNIOR COLLEGE)

RESOLUTION NO. 64-599

A RESOLUTION ACCEPTING THE CONSTRUCTION OF PUMP HOUSE AT STATION 8 AT COLDWELL AVENUE AND TULLY ROAD (MODESTO JUNIOR COLLEGE)

Introduced by Hughes Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION GIVING NOTICE OF PROPOSED DEMOLITION OF BUILDING LOCATED AT REAR OF NEW FIRE HOUSE ON NORTHERN BOULEVARD 5-90

RESOLUTION NO. 64-600

A RESOLUTION GIVING NOTICE OF PROPOSED DEMOLITION OF BUILDING LOCATED AT THE REAR OF THE NEW FIRE HOUSE ON NORTHERN BOULEVARD IN THE CITY OF MODESTO IN ACCORDANCE WITH THE PROVISIONS OF SECTION 203(A) OF THE UNIFORM BUILDING CODE AND FIXING THE TIME AND PLACE FOR HEARING PROTESTS THERETO (CHESTER D. CHAMBERS)

Introduced by VanderWall Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

December 7, 1964 at 4:45 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

The staff was directed to furnish polaroid pictures of property proposed for demolition at the time that notice of demolition is proposed.

RESOLUTION ACCEPTING GIFT OF EQUIPMENT AND MATERIALS FROM THE MODESTO EMBLEM CLUB NO. 140 FOR INSTALLATION AT MODESTO CHILDREN'S PARK

RESOLUTION NO. 64-601

A RESOLUTION ACCEPTING THE GIFT OF EQUIPMENT AND MATERIALS FROM THE MODESTO EMBLEM CLUB NO. 140 FOR INSTALLATION AT MODESTO CHILDREN'S PARK

Introduced by Shastid Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

BLOCK 209, LOTS 6 AND 7, WEST SIDE OF MORTON BOULEVARD

RESOLUTION NO. 64-602

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REPORT OF SUPERINTENDENT OF STREETS - COST OF CONSTRUCTION OF SIDEWALK, BLOCK 209, LOTS 6 & 7, WEST SIDE OF MORTON BOULEVARD (EDWARD T. TAYLOR, JR.)

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

December 7, 1964 at 4:50 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

REPORT OF SUPERINTENDENT OF STREETS ON COST OF CONSTRUCTION OF SIDEWALK AT BLOCK 207, PORTION OF LOTS 10 AND 11 (STATE STREET)

RESOLUTION NO. 64-603

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REPORT OF SUPERINTENDENT OF STREETS - COST OF CONSTRUCTION OF SIDEWALK, BLOCK 207, PORTIONS OF LOTS 10 AND 11 ON STATE STREET (LENA DIMPERIO)

Introduced by Tabbert Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

December 7, 1964 at 4:55 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

REPORT BY COUNCILMAN VANDERWALL OF MEETING IN SAN FRANCISCO CONCERNING UNITED AIR LINES (NOVEMBER 12, 1964)

Councilman VanderWall requested that his report be considered in executive session since it involved consideration of hiring an attorney to represent the City in connection with United Air Lines' proposal to withdraw its service from San Joaquin Valley.

PROCLAMATION - FARM-CITY WEEK 1964

Mayor Johansen announced that he had signed a proclamation proclaiming next week Farm-City Week, which is being observed throughout the State.

MOTION

That the Council meet in executive session to consider the hiring of an attorney to represent the City in connection with United Air Lines' application for withdrawal of service from San Joaquin Valley and to consider a pending condemnation suit

Moved by Shastid Seconded by VanderWall

The Council went into executive session at 5:20 P.M., reconvening at 6:07 P.M.

Condemnation Suit - City vs. George Hansen, et al
(acquisition of right of way on Tully Road)

MOTION

That the City Attorney be authorized to settle the condemnation suit filed by the City against George Hansen, et al, on the basis of $1.00 per square foot of the area to be acquired, a total settlement of $1,040
Moved by Mitchell Seconded by VanderWall Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned
Moved by Tabbert Seconded by VanderWall Unanimously carried

The meeting adjourned at 6:09 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, Tabbert, VanderWall, Mayor Johansen
Councilman Shastid arrived at 7:35 P.M.

The pledge of allegiance was given by all present.

Reverend Leroy Sharpe gave the invocation.

Councilman Shastid arrived at 7:35 P.M.

TELEGRAM FROM JOHN J. McFALL, MEMBER OF CONGRESS, REGARDING GRANT UNDER OPEN SPACE LAND PROGRAM

A telegram from Representative John J. McFall dated November 13, 1964 advising the City of approval of a $24,000 grant under the Open Space Land Program towards the purchase of a 20-acre park site adjacent to a proposed 4th high school in East Modesto was filed with the record of the minutes.

LETTER FROM MISS ELVA COULTHARD, 117 ELM STREET, REGARDING INSPECTION OF BUILDINGS IN THE CITY

A letter from Miss Elva Coulthard dated November 18, 1964 suggesting that the City's newly adopted unsafe building ordinance be applied to city-owned residences in the second block on Elm Street, was entered into the record of the minutes.

By order of the Chair, the letter was referred to the staff for action.

ADOPTION OF ORDINANCE NO. 688-C.S. AMENDING THE MUNICIPAL CODE REGARDING REQUIREMENTS OF ORDINANCES

ORDINANCE NO. 688-C.S. entitled
"AN ORDINANCE AMENDING SECTION 2-2.09 OF CHAPTER 2 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO REQUIREMENT OF ORDINANCES"

introduced November 16, 1964 and having been published as required, was moved and adopted. (effective December 23, 1964)

Moved by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

ORDINANCE AMENDING SECTION MAP 16 OF THE FIRE ZONING MAP (Quintana property and Granger Avenue frontage of McHenry Village property)

ORDINANCE NO. 693-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 16 OF THE FIRE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON"

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

ORDINANCE NO. 694-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 17 OF THE FIRE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON"
(Briggs property)

Moved by Shastid Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

ACCEPT AS COMPLETE JACUZZI PUMP & SUPPLY, INC.'S CONTRACT FOR FURNISHING DEEP WELL PUMP AND ELECTRICAL EQUIPMENT FOR PUMP STATION NO. 30

RESOLUTION NO. 64-604

A RESOLUTION ACCEPTING THE CONSTRUCTION OF DEEP WELL PUMP AND ELECTRICAL EQUIPMENT FOR PUMP STATION NO. 30

Introduced by VanderWall Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

RENEWAL OF LEASE AGREEMENT (DOWNEY PARK PROPERTY SITE)

RESOLUTION NO. 64-605

A RESOLUTION RENEWING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND GLEN WHEAT FOR THE LEASING OF LAND AT FUTURE DOWNEY PARK PROPERTY SITE FOR THE SUM OF 15% OF GROSS PROCEEDS (Calendar year 1965)

Introduced by VanderWall Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION COMMEMORATING THE COMMUNITY SERVICE OF FRANK MANCINI

RESOLUTION NO. 64-606

A RESOLUTION IN COMMEMORATION OF THE LATE PROFESSOR FRANK MANCINI AND EXTENDING SYMPATHY TO HIS FAMILY

Introduced by VanderWall Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

HEARING ON REQUESTED VARIANCE, FENCE, L. P. HUDELSON, COFFEE ROAD 1-85

Mayor Johansen announced that the hour of 7:40 P.M. had arrived, the time set for consideration of the request of L. P. Hudelson for a variance to permit an existing fence and tree to remain within the public right of way located on the south side of Rumble Road, west of Coffee Road, and opened the hearing.

The following documents were filed with the record of the minutes: Letter from Mr. Hudelson dated November 9, 1964 containing his request for a variance; a memorandum from the Director of Public Works dated November 19, 1964, subject, "Fence Along the Southern Portion of Rumble Road," recommending that since relocation of the fence is inevitable, it be done at this time so that a street light cable may be installed in the standard location, outside the pasture, and to permit the improvement of the Coffee and Rumble Road intersection.

Mr. Hudelson spoke briefly in support of his request.

Verbal agreement was reached between the Council and Mr. Hudelson to permit the fence to remain at its present location, except that the fence at the corner be relocated behind the tree at about a 45 degree angle to permit installation of the light standard outside the pasture.

declared the hearing closed.

By order of the Chair, the City Attorney was directed to prepare a resolution granting Mr. Hudelson an encroachment permit, revocable upon thirty days' notice, to allow the fence to remain on the public right of way, but to relocate the fence at the corner as agreed to above, and to place this matter on the agenda of the December 7th meeting.

HEARING ON EXTENSION OF DEVELOPMENT SCHEDULE OF P-D (7), NEIGHBORHOOD CHURCH

Mayor Johansen announced that the hour of 7:45 P.M. had arrived, the time set for consideration of the proposed rezoning of property located on Woodrow Avenue, east of Tully Road, from P-D(7) to R-1, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on November 5, 1964 and distributed in the area on November 6, 1964. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 64-108 recommends that the rezoning to R-1 be denied and that the Council grant an extension of the development schedule for start of construction to a time to be determined by the Council; that if the Council does not determine that sufficient cause has been shown to warrant an extension of the development schedule, the property be rezoned to R-1.

Max Rondoni, representing the applicant, stated that a one-year extension to commence the work and completion of construction within two years was satisfactory to the applicant.

No one else in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

RESOLUTION NO. 64-607

A RESOLUTION EXTENDING THE LIMITS IMPOSED BY THE DEVELOPMENT SCHEDULE APPROVED AS PART OF PLANNED DEVELOPMENT ZONE, P-D(7) (MODESTO'S NEIGHBORHOOD CHURCH) (to commence construction by November 23, 1965 and to complete construction by November 23, 1966)

Introduced by Mitchell Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

HEARING ON AMENDMENT TO SECTION 16 OF THE ZONING MAP (PFEIFER)

Mayor Johansen announced that the hour of 7:50 P.M. had arrived, the time set for consideration of the proposed rezoning of property located on Floyd Avenue, north of Bruce Court, from R-1 to P-D(19), and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on November 12, 1964 and distributed in the area on November 13, 1964. No protests were filed with the City Clerk.

Planning Commission Resolution No. 64-114 recommends that Section 16 of the zoning map be amended to reclassify the property from R-1 to P-D (19) in accordance with the plan entitled "Planned Development Zoning Application, Alfons Pfeifer Parcel," dated September 30, 1964 as amended, and on file in the office of the Planning Director, subject to certain conditions, and that the outlined planned development schedule be approved.

Mr. Pfeifer, the applicant, stated that approval of the proposed P-D zoning would greatly improve the appearance of his property.

declared the hearing closed.

Inasmuch as approval of an agreement establishing the maintenance of improvements was involved, the Council withheld action on this matter pending consideration of item 7 of the agenda.

HEARING ON AMENDMENT TO SECTION 27 OF THE ZONING MAP (NORTHGATE ENTERPRISES)

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 south of Miller Avenue, fronting on both Covena Avenue and Camellia Way, from R-2 and C-1 to R-3, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on November 12, 1964 and distributed in the area on November 13, 1964. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 64-115 recommends that the property be rezoned.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

ORDINANCE NO. 695-C.S. entitled "AN ORDINANCE AMENDING SECTION MAP 27 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (NORTHGATE ENTERPRISES)"

was introduced and ordered published as required by the Charter.
Moved by Shastid Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

Councilman Hughes was excused from the meeting during discussion of the following item due to a conflict of interest.

HEARING ON AMENDMENT TO SECTION 20 OF THE ZONING MAP (NORTHGATE ENTERPRISES)

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the proposed rezoning of property located on the corner of Concord Avenue and Pearl Street from R-1 to P-D(20) and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on November 12, 1964 and distributed in the area on November 13, 1964. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 64-116 recommends that the property be rezoned from R-1 to P-D(2) in accordance with plan entitled "Proposed Medical Building for Northgate Enterprises" dated September 30, 1964 as amended, on file in the office of the Planning Director, subject to certain conditions.

A memorandum from the City Attorney dated November 20, 1964 subject, "Maintenance of Fences and Landscaping," setting forth the belief that the City would be protected and could enforce the proper maintenance of fences and landscaping in the future by tying the requirement into a permit or approval as part of a P-D Zone, H-1 Zone, conditional use permit or other situation where some type of permit or approval is required from the City, was filed with the record of the minutes. In the case of fences and/or landscaping required as a part of subdivisions or other situations where no permit or approval is required, it was the City Attorney's belief that the City should still require agreements with covenants running with the land, in order to insure the proper maintenance of the improvements in the future. The memorandum was reviewed by the City Attorney. Methods of enforcement were discussed by the Council.

"AN ORDINANCE AMENDING SECTION MAP 20 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (NORTHGATE ENTERPRISES)"

was introduced and ordered published as required by the Charter.

Moved by Mitchell Seconded by Patton
Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

Councilman Hughes returned to the meeting.

CONTINUATION OF ITEM 5 OF AGENDA, HEARING ON AMENDMENT TO SECTION 16 OF THE ZONING MAP (PFEIFER)

The City Attorney stated that a resolution approving a development plan for the Pfeifer property had been prepared requiring permanent maintenance of landscaping and fences in accordance with the policy approved by the Council in the previous agenda item. He recommended that this policy be followed by the Council in the proposed P-D rezoning under consideration, as well as future P-D rezonings.

ORDINANCE NO. 697-C.S. entitled
"AN ORDNANCE AMENDING SECTION MAP 16 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (PFEIFER)"

was introduced and ordered published as required by the Charter.

Moved by VanderWall Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION NO. 64-609
A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE P-D(19) (PFEIFER) (including the conditions contained in Planning Resolution No. 64-114 and including maintenance conditions approved by the Council)

Introduced by VanderWall Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 512 ROSELAWN AVENUE

MOTION
That the request of Frank R. Gordo for sewer service extension to property located at 512 Roselawn Avenue be approved

Moved by Hughes Seconded by Mitchell Unanimously carried

RECOMMENDATION OF AUDITORIUM SITES 4-28

A letter from the Secretary of the Modesto City Planning Commission dated November 19, 1964 with attached maps, recommending four auditorium sites for Council consideration, was filed with the record of the minutes. The staff recommended that an informal public hearing be set to consider the matter.

The City Manager reported that Mayor Johansen, Councilmen Patton and VanderWall and himself met with the Chairman of the International Association of Auditorium Managers (the auditorium manager of Oakland), who explained that the organization's services primarily dealt with recommendations on types of buildings and operational methods. Mr. Keefe recommended that the Council not consider the organization's services at this time.

Financial feasibility and the City's ability to handle an auditorium of the size under consideration was discussed.

By order of the Chair, the staff was directed to contact EBASCO, Stanford Research Institute, and any other organization offering such services, to make a specific study on the City's need for an auditorium, financial feasibility, etc.

MOTION

That an informal hearing be held on January 11, 1964 at 8:00 P.M. to consider a proposed civic auditorium

Moved by Mitchell Seconded by VanderWall Unanimously carried

The staff was directed to notify various interested organizations and individuals of the scheduled hearing.

RECOMMEND AMENDMENT TO ZONING REGULATIONS

RESOLUTION NO. 64-610

A RESOLUTION SETTING TIME AND PLACE FOR HEARING AMENDMENTS TO THE ZONING REGULATIONS

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

December 14, 1964 at 8:00 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 (BURR)

RESOLUTION NO. 64-611

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 (BURR) (From R-1 to H-1)

Introduced by VanderWall Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

December 14, 1964 at 8:10 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

MATTERS FOR THE GOOD OF THE COMMUNITY

National Scenic Roads and Parkways Study - Letter from State Division of Highways

A letter from the State Division of Highways, Department of Public Works, dated November 20, 1964 relative to a study being undertaken by the Department of Commerce on the development of a national program of scenic roads and parkways, was filed with the record of the minutes. The City was invited to participate in the study and to have its recommendation submitted to the Sacramento Headquarters of the California Division of Highways no later than December 28, 1964.

By order of the Chair, the letter was referred to the staff for study and recommendation to the Council.

Status of Administration Building, Airport, Report by Councilman Mitchell

Councilman Mitchell stated that the Public Projects Committee has asked two local architects to submit their ideas on the proposed administration building at the Airport. He asked that the Public Projects Committee meet for a few moments after adjournment of the present meeting to arrange for a meeting with the architects, stating that if possible, a report would be made to the Council at the December 7th meeting.

Director of Public Works Campbell stated that specifications for sprinklers for the driving range are being reviewed by the Public Works Department; that they will be presented to the Council for approval at the December 7th or 14th meeting. Mr. Keefe said it was hoped that the range would be in operation by May, 1965.

Report by Councilman Mitchell - Sister City Committee

Councilman Mitchell reported that about ten students from Modesto's sister city, Barranquilla, Colombia, would arrive in Modesto Wednesday evening to spend their summer vacation in Modesto. He said it was planned to have the children visit the City Hall and perhaps attend a Council meeting; that the children would welcome invitations from Council members or people in the audience for weekend trips or home visits.

APPROPRIATION TRANSFERS

Relocation of sanitary sewer

City Manager Keefe reported that notices have been received from the State Division of Highways that the City must relocate sanitary sewers and water mains on Maze Boulevard to accommodate the State's widening of the bridge over Lateral No. 5 on Maze Boulevard (Utility Facility No. 10-908).

RESOLUTION NO. 64-612
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $500 FOR RELOCATION OF SANITARY SEWER AT MAZE BOULEVARD AND LATERAL NO. 5

Introduced by Hughes Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION NO. 64-613
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $850 FOR RELOCATION OF WATER MAIN AT MAZE BOULEVARD AND LATERAL NO. 5

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

REPORT ON STATUS OF UNITED AIR LINES

A memorandum from the City Manager dated November 23, 1964, subject, "United Air Lines," was filed with the record of the minutes. The memorandum outlined the happenings since the announcement of United Air Lines' application to withdraw its services in San Joaquin Valley. The memorandum was read by the City Manager.

Councilman VanderWall reported briefly on the last meeting held in San Francisco where the quality of Pacific Air Lines' service was discussed. As a result of the discussion, he said it was the consensus that Pacific Air Lines would not be able to provide adequate service for the valley, particularly air freight service.

City Attorney Johnson stated that Merced has informed Senator Collier that it will join other valley cities in their joint fight against United Air Lines' withdrawal.

Airport Manager Sham stated that he believed that in the event Pacific Air Lines took over valley service, Modesto would be without any air service within a year or two.

Councilman Shastid read excerpts from a brief submitted by United Air Lines September 9, 1959 in the Pacific Southwest Local Service case in which United Air Lines was attempting to hold on to its service in the San Joaquin Valley.

for the hiring of the attorney to be made by the City and details worked out at a later date.

MOTION

That the Council declares its intent to cooperate with other cities in the negotiations for hiring of counsel and recommends to Senator Collier that a committee be appointed with at least one representative from each City to negotiate in the hiring of counsel

Moved by VanderWall Seconded by Shastid Unanimously carried

Airport Manager Sham suggested that since Pacific Air Lines is presently subsidized, and it being almost certain that it will be further subsidized if service is transferred, that United Air Lines be subsidized provided it can prove that it is losing money on the San Joaquin Valley run.

REPORT ON CITY EMPLOYEES' GROUP HEALTH INSURANCE

The City Manager stated that word has been received that group health insurance dependency rates will be increased 33% effective January 1, 1965, and determination made on the part of the City that it would go to bid if this were the case. Mr. Keefe said that as a result of negotiations with C.P.S., it has agreed to carry the City's insurance at the same rate until February 28, 1965, without an increase in rates.

MOTION

That the City Attorney be directed to prepare an agreement for the extension of the City's present C.P.S. insurance from January 1, 1965, to February 28, 1965, at no additional cost to the City

Moved by Shastid Seconded by Mitchell Unanimously carried

REPORT ON NEGOTIATIONS WITH STATE REGARDING PAVING OF 9TH STREET

A memorandum from the Director of Parking and Traffic dated November 18, 1964, subject, "Negotiations with State regarding repaving of 9th Street," was filed with the record of the minutes. Mr. Carmody recommended that the staff be authorized to proposed to the State Division of Highways that the repaving of 9th Street be postponed if the tracks are to be removed and suggestion made that the City could offer to compensate the State for increased construction costs resulting from the postponement.

MOTION

That the staff be authorized to propose to the State Division of Highways that the repaving of 9th Street be postponed if the tracks are to be removed (approving Items 1 and 2 only of above-mentioned memorandum)

Moved by Shastid Seconded by Tabbert Unanimously carried

REPORT ON STATUS OF YOSEMITE BOULEVARD

A memorandum from the Deputy City Manager Ray dated November 12, 1964, subject, "Status of Proposed Agreement with Division of Highways for Improvement of Yosemite Boulevard (State Highway Route 132)" was filed with the record of the minutes. The memorandum indicates the present status of a proposed agreement between the Division of Highways, City and County for the improvement of Yosemite Boulevard as an interim project.

The report was ordered filed.

ANNOUNCEMENT

Mayor Johansen requested that Council members be prepared to submit suggestions for appointements to the Board of Appeals established by the recently adopted Unsafe Structure Code, and also the vacancies which will occur on the Boards and Commissions on January 1, 1965.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Tabbert Unanimously carried

The meeting adjourned at 9:10 P.M.

ATTEST: Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in regular session this date at 7:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Councilman Shastid arrived at 4:02 P.M.
Absent: Councilmen: None

The pledge of allegiance was given by all present.

Reverend Luverne W. Sands gave the invocation.

APPROVAL OF MINUTES

The minutes of the November 9, 16, and 23, 1964 meetings were approved.

LETTER FROM ROY E. FREDRICKSEN, PROJECT ENGINEER, BEL AIR SUBDIVISION NO. 4, REGARDING IMPROVEMENT OF STREET AT EAST END OF RUMBLE ROAD

A letter from Roy E. Fredricksen dated November 19, 1964 requesting that the City improve its half of the street at the same time that subdivision improvements are made at the east end of Rumble Road adjacent to a city-owned park site, was entered into the record of the minutes.

By order of the Chair, the letter was referred to the staff for report and recommendation.

COPY OF LETTER TO FIRE CHIEF WAYNE EVERETT REGARDING EFFICIENT HANDLING OF FIRE IN WALSTON & COMPANY OFFICE (PAUL A. PHILBIN)

A letter from Paul A. Philbin dated November 19, 1964 commending the Fire Department for the handling of a fire in the Walston & Company office was entered into the record of the minutes. The letter was ordered filed.

LETTER FROM L. R. ROBINSON ON BEHALF OF MODESTO CAMELLIA SOCIETY - ANNUAL CAMELLIA SHOW, MARCH 12 AND 13, 1965

A letter from Laurence Robinson dated November 17, 1964 requesting that the City again award a trophy for the sweepstakes winner at the Modesto Camellia Society annual show to be held March 12 and 13, 1964 at the Modesto Junior College, was entered into the record of the minutes.

MOTION

That the staff be instructed to appropriate $15 for a trophy for the sweepstakes winner at the Modesto Camellia Society annual show

Moved by VanderWall Seconded by Shastid Unanimously carried

LETTER FROM TRI-VALLEY GROWERS PLANT NO. 1 REGARDING NEW WELL 1-25

A letter from L. G. Looney, Plant Manager, dated November 30, 1964 requesting a permit to install a new well and deepen existing wells, was entered into the record of the minutes.

By order of the Chair, the letter was referred to the Public Works Department staff for report and recommendation.

LETTER FROM CHARLES TUTTLE, JR., CHAIRMAN, COLUSA CITY TREE COMMISSION EXPRESSING APPRECIATION FOR TREE DEMONSTRATION

A letter from Charles Tuttle, Jr., dated November 30, 1964 thanking the City for courtesies extended to members of the Colusa Tree Commission on a recent visit to Modesto was entered into the record of the minutes.

The letter was ordered filed.

AIRLINES PROPOSAL TO WITHDRAW VALLEY SERVICE

A resolution from the Stanislaus County Board of Supervisors dated November 24, 1964 entitled "Agreement to Join with City of Modesto in United Airlines Withdrawal Proposal" was entered into the record of the minutes.

The resolution was ordered filed.

COMMUNICATION FROM CITY CHAIRMAN WILLIAM BROWN - UNITED CRUSADE CAMPAIGN

A memorandum from Bill Brown dated November 30, 1964, subject, "Final Report 1964 United Crusade Campaign," indicating that the City exceeded its quota of $2,500 was entered into the record of the minutes.

Mayor Johansen complimented the city employees for their participation.

PROGRESS REPORT ON SEWAGE TREATMENT PLANT BY JOHN JENKS, CONSULTING ENGINEER 1-35

Mr. Jenks stated that the study and report on the operation of the sewage treatment plant and related problems has been completed, was in the hands of the printers, and would be available for distribution on January 1, 1965.

Mr. Jenks summarized the basic conclusions and recommendations of the report, briefly reviewed alternate plans, the cost of each alternate, and methods of financing. He said that it was possible that a federal grant of $600,000 could be obtained by the City to apply to any one of the alternates chosen. Mr. Jenks was questioned by the Council.

Mr. Jenks stated that he looked forward to meeting with the Council after the written report is submitted.

CONSIDER AWARD OF BID FOR LAMPS 3-119

RESOLUTION NO. 64-614

A RESOLUTION ACCEPTING THE BID OF WILLE ELECTRIC COMPANY FOR LAMPS FOR STREET AND BUILDING LIGHTING (low bidder)

Introduced by Shastid Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER BIDS RECEIVED FOR WATER LINE, FAIRWAY ESTATES NO. 1 SUBDIVISION

RESOLUTION NO. 64-615

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR CONSTRUCTION OF WATER LINE TO SERVICE FAIRWAY ESTATES UNIT NO. 1 SUBDIVISION (no bids received)

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF 90-INCH PIPE SIPHON CROSSING AT CARVER ROAD AND M.I.D. LATERAL NO. 3, AND WIDENING OF EXISTING BRIDGE AT COLLEGE AVENUE AND M.I.D. LATERAL NO. 4

RESOLUTION NO. 64-616

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF A 90-INCH PIPE SIPHON CROSSING AT CARVER ROAD AND M.I.D. LATERAL NO. 3 AND WIDENING OF EXISTING BRIDGE AT COLLEGE AVENUE AND M.I.D. LATERAL NO. 4

Introduced by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

HEARING ON APPEAL OF JAMES TISMENAKIS FROM DECISION OF THE PLANNING COMMISSION DENYING ZONING CHANGE 4-5

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the appeal of James Tismenakis from the decision of the Planning Commission denying an application filed by Mr. Tismenakis to rezone from R-1 to R-3, property located south of the centerline of Modesto Irrigation District Lateral No. 3 between Sherwood Avenue and Tidewater Southern tracks, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on November 19, 1964 and notices distributed in the area on November 20, 1964. No written protests were filed with the City Clerk.

Planning Commission Resolution 64-113 denies Mr. Tismenakis' application for rezoning of the property on the basis that the property does not have direct access to a major street and is not in an area of similar traffic generating uses, the adjacent religious institution generating only intermittent traffic; the high density area proposed would have access only on a residential street and would not be providing a transitional use between less restrictive and more restrictive uses.

Director of Planning Fey outlined the use of properties immediately adjacent to the parcel for which rezoning is requested.

James Tismenakis, 501 Gayle Avenue, spoke briefly in support of his request for rezoning, stating that an R-3 zoning would permit him to make an immediate sale of the property.

Robert Nickerson, 401 Gayle Avenue, stated that the property under consideration for rezoning could be subdivided for R-1 purposes, and that offers to purchase the property for R-1 purposes have been made to Mr. Tismenakis.

No one else in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

Boulevard

The City's policy relating to access on Northern/and Briggsmore Avenue was discussed.

RESOLUTION NO. 64-617

A RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION DENYING THE REQUEST OF JAMES TISMENAKIS TO AMEND SECTION 17 OF THE ZONING MAP AS DESCRIBED IN RESOLUTION NO. 64-113 ADOPTED BY THE COMMISSION ON THE BASIS OF THE FINDINGS SET FORTH IN THIS RESOLUTION

Introduced by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

HEARING ON PROPOSED ALLEY ABANDONMENT IN BLOCK 520, VIRGINIA AVENUE

Mayor Johansen announced that the hour of 4:40 P.M. had arrived, the time set for consideration of the proposed abandonment of a portion of the alley in Block 520, Virginia Avenue, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on November 19, 1964 and notices posted in the area on November 20, 1964. No written protests were filed with the City Clerk.

Planning Commission Resolution 64-85 recommends that the southerly 135 feet, more or less, of the North-South alley in Block 520 be abandoned.

This matter was discussed by the Council at the August 24, 1964 meeting in connection with the proposed rezoning of property located on the east side of Virginia Avenue, north of M.I.D. Lateral No. 1 (Nanclo, Inc.)

from R-2 to P-D (18), at which time the Council, by motion, tentatively approved the rezoning of the parcel with the added condition that the 28 units be comprised of 8 1-bedroom units and 20 2-bedroom units, and the abandonment of a portion of the alley and the turn-around be worked out.

Director of Planning Fey stated that none of the utilities, including the garbage company, use the alley, serving the residences from the street. For this reason the turn-around in the alley was deemed unnecessary and determination made that the alley could be abandoned if it would remain as a utility easement.

Lydia Sederquist, 518 Virginia, spoke in favor of the alley abandonment as a protection to neighborhood children.

No one else in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

Maintenance of the portion of the alley proposed for abandonment was discussed.

RESOLUTION NO. 1025-S.P.

A RESOLUTION VACATING AND ABANDONING THE SOUTHERLY ONE HUNDRED THIRTY-FIVE (135') FEET, MORE OR LESS, OF THE NORTH-SOUTH ALLEY IN BLOCK 520 IN THE CITY OF MODESTO

Introduced by VanderWall Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION NO. 64-618

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND NANCLO, INC., RELATING TO FULFILLMENT OF CONDITIONS RELATING TO ABANDONMENT OF ALLEY IN BLOCK 520

Introduced by Mitchell Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

CONTINUATION OF PROPOSED REZONING FROM R-2 TO P-D(18) EAST SIDE OF VIRGINIA AVENUE, NORTH OF M.I.D. LATERAL NO. 1 (NANCLO, INC.)

ORDINANCE NO. 698-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 29 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (NANCLO, INC.)"

was introduced and ordered published as required by the Charter.

Moved by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION NO. 64-619

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED-DEVELOPMENT ZONE, P-D (18)

Introduced by VanderWall Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

HEARING ON PROPOSED DEMOLITION OF BUILDING AT THE REAR OF NEW FIRE STATION ON NORTHERN BOULEVARD (C. D. CHAMBERS) 6-31

Mayor Johansen announced that the hour of 4:45 P.M. had arrived, the time set for consideration of the proposed demolition of a building located at the rear of Fire Station No. 5 on Northern Boulevard, owned by C. D. Chambers, and opened the hearing.

The City Clerk reported that a copy of Resolution No. 64-600 giving notice of the hearing was sent by registered mail to the owner on November 18, 1964.

A letter from Mr. Chambers requesting that the hearing be held over for one week was entered into the record of the minutes.

MOTION

That the hearing be continued to December 14, 1964 at 8:20 P.M.

Moved by VanderWall Seconded by Hughes Unanimously carried

HEARING ON COST OF SIDEWALK CONSTRUCTION, BLOCK 209, LOTS 6 AND 7, MORTON BOULEVARD

Mayor Johansen announced that the hour of 4:50 P.M. had arrived, the time set for consideration of the cost of sidewalk construction, Block 209, Lots 6 and 7, Morton Boulevard, and opened the hearing.

The City Clerk reported that notice of the hearing and cost of construction was posted on the property and a notice mailed to the owner on November 18, 1964.

A Notice of Costs prepared by the Director of Public Works indicated that construction was completed on November 5, 1964 at a total cost of $250.00.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

RESOLUTION NO. 64-620

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALK ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF THE AMOUNT OF SAID LIEN (WEST SIDE OF MORTON BOULEVARD) ($250.00)

Introduced by Hughes Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

HEARING ON COST OF SIDEWALK CONSTRUCTION, BLOCK 207, LOTS 10 AND 11, STATE STREET

Mayor Johansen announced that the hour of 4:55 P.M. had arrived, the time set for consideration of the cost of sidewalk construction, Block 207, Lots 10 and 11, State Street, and opened the hearing.

The City Clerk reported that notice of the hearing and cost of construction was posted on the property and a notice mailed to the owner on November 18, 1964.

A notice from Director of Puolic Works Campbell dated November 17, 1964 indicated that construction was completed on November 10, 1964, at a total cost of $158.80.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

RESOLUTION NO. 64-621

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALK ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF THE AMOUNT OF SAID LIEN (STATE STREET) ($158.80)

Introduced by Shastid Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

CONTINUATION OF INFORMAL HEARING ON ENCROACHMENT PERMIT REQUESTED BY PAUL HUDELSON

The request of L. P. Hudelson for a variance to permit an existing fence and tree to remain within the public right of way located on the south side of Rumble Road, west of Coffee Road, was considered by the Council at the November 23, 1964 meeting. By order of the Chair, the City Attorney was directed to prepare a resolution granting Mr. Hudelson an encroachment permit to allow the fence to remain on the public right of way, but to relocate the fence at the corner behind the tree at about a 45 degree angle to permit installation of the light standard outside the pasture.

RESOLUTION NO. 64-622

A RESOLUTION GRANTING PAUL HUDELSON 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

MATTERS FOR THE GOOD OF THE COMMUNITY - None

ADOPTION OF ORDINANCE NO. 689-C.S. REZONING PROPERTY, SECTION MAP 20 (CAMPBELL PROPERTY, CLARADELL AVENUE)

ORDINANCE NO. 689-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 20 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (ROY CAMPBELL)"

introduced November 16, 1964 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. 690-C.S. REZONING PROPERTY, SECTION MAP 32 (FARISH-HERZOG PROPERTY, 7TH AND EYE STREETS)

ORDINANCE NO. 690-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 32 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (FARISH AND HERZOG)"

introduced November 16, 1964 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. 691-C.S. REZONING PROPERTY, SECTION MAP 9, CRESTWOOD TERRACE NO. 3 ADDITION, NORTH OF SHERWOOD SCHOOL

ORDINANCE NO. 691-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (CRESTWOOD TERRACE NO. 3 ADDITION)"

introduced November 16, 1964 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. 692-C.S. REZONING PROPERTY, SECTION MAP 17, DAVIS PARK ADDITION, SOUTH SIDE OF RUMBLE ROAD IMMEDIATELY EAST OF DAVIS HIGH SCHOOL PROPERTY

ORDINANCE NO. 692-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 17 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (DAVIS PARK ADDITION)"

introduced November 16, 1964 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. 695-C.S. REZONING PROPERTY, SECTION 27, ZONING MAP (Northgate Enterprises, Miller and Camellia Avenues)

ORDINANCE NO. 695-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 27 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (NORTHGATE ENTERPRISES)"

introduced November 23, 1964 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. 697-C.S. REZONING PROPERTY, SECTION MAP 16

ORDINANCE NO. 697-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 16 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (PFEIFER)"

introduced November 23, 1964 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

REPORT ON CONDITIONS IN COMMERCIAL ZONE ADJACENT TO ROSEBURG SHOPPING CENTER LOCATED ON CORNER OF ROSEBURG AND TULLY ROAD

A memorandum from the Deputy City Manager dated November 19, 1964, subject, "Questions raised by neighbors of shopping center at the northwest corner of the intersection of Tully and Roseburg" was entered into the record of the minutes. This report was prepared at the request of the Council at the November 16, 1964 meeting.

The report was ordered filed.

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 142 SOUTH SANTA ANA AVENUE

MOTION

That the request for sewer service to property located at 142 South Santa Ana Avenue be approved

Moved by Hughes Seconded by Shastid Unanimously carried

CONSIDER TRANSFER OF THREE PUBLIC WORKS DEPARTMENT EMPLOYEES FROM THE WATER DIVISION TO THE ENGINEERING AND ADMINISTRATION DIVISION

A memorandum from the Director of Finance dated November 25, 1964, subject, "Division Transfer of Three Public Works Employees," was entered into the record of the minutes. The memorandum contained a recommendation from the Director of Public Works that three maintenance men, presently in the Public Works Department Water Division, be transferred to the Public Works Utility Crew Division, and that an appropriation transfer of $17,289 covering their salaries be transferred from the Water Division fund to the Engineering and Administrative Division fund.

RESOLUTION NO. 64-623

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $17,289 FOR TRANSFER OF THREE PUBLIC WORKS DEPARTMENT EMPLOYEES FROM THE WATER DIVISION TO THE ENGINEERING AND ADMINISTRATION DIVISION

Introduced by Tabbert Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

AEQUEST BY STAFF FOR PERMISSION TO DISCUSS WITH FIRMS LOCATED OUTSIDE THE CITY THE PROPOSAL THAT THE CITY INCREASE ITS SEWAGE DISPOSAL FACILITIES SO THAT SEWAGE CAN BE HANDLED ON A REGIONAL BASIS

The City Manager stated that the proposed request was part of a program for the sewer study construction schedule submitted to the Water Pollution Control Board.

MOTION

That the staff be authorized to discuss with outside-the-city firms the proposal that the City increase its sewage disposal facilities so that sewage can be handled on a regional basis

Moved by VanderWall Seconded by Hughes Unanimously carried

APPROPRIATION TRANSFERS

RESOLUTION NO. 64-624

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $4,500 - SPECIAL GAS TAX STREET IMPROVEMENT FROM COLLEGE, NEEDHAM TO COLDWELL, TO ORANGEBURG, CARVER TO McHENRY (Covering the final contract costs exceeding the amount originally budgeted)

Introduced by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

A memorandum from the Director of Public Works dated September 23, 1964, subject, "Completion of Contract for the Improvement of Orangeburg Avenue from Tully Road to McHenry Avenue (M. J. Ruddy & Son)" was filed with the record of the minutes.

PROPOSED LIBERINI ADDITION - FOR REFERRAL TO PLANNING COMMISSION

RESOLUTION NO. 64-625

A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS LIBERINI ADDITION

Introduced by Hughes Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

REPORT OF PUBLIC PROJECTS COMMITTEE REGARDING ADMINISTRATION BUILDING AT THE AIRPORT

Councilman Mitchell, Chairman of the Council Public Projects Committee, reported that the committee has recommended that the staff be authorized to execute the necessary documents for a contract with John Bomberger and Associates for architectural services to design the City-County Airport administration building. He said that Mr. Bomberger has submitted a sketch of the proposed building. He further recommended that Mr. Bomberger be authorized to proceed with the plans after the staff has prepared the contract for his services and then submit the plans to the Council for approval. Funds have been budgeted for construction of the building.

MOTION

That the staff be authorized to prepare the necessary documents for the engagement of John Bomberger and Associates to prepare plans for the City-County Airport administration building.

Moved by VanderWall Seconded by Tabbert Unanimously carried

REPORT ON UNITED AIR LINES WITHDRAWAL OF SERVICE FROM SAN JOAQUIN VALLEY

Councilman VanderWall reported briefly on county cooperation with the City of Modesto in its stand against the withdrawal of United Air Lines service in San Joaquin Valley. He stated that Turlock and Newman have expressed their intent to join with the City.

City Attorney Johnson reported that Stockton is having a city-county liaison committee meeting tomorrow night to make a decision as to whether Stockton will join with other valley cities in opposing the withdrawal. He said that a report is expected from Senator Collier before December 10 listing cities which are participating in opposing United Air Lines application for withdrawal.

The City Attorney was directed to check with various county cities on the status of their positions on the matter.

PRESENTATION OF ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 1964

The annual financial report for fiscal year ending June 30, 1964 was presented to the Council. A typographical error on page 29 of the report was noted and arrangements made for correction. The report was ordered filed.

LOCAL AGENCY FORMATION COMMISSION NOTICE OF PUBLIC HEARINGS

A notice of public hearings to be held by the Stanislaus County Local Agency Formation Commission on December 16, 1964 in Room 206, County Offices Building, 1100 I Street, Modesto, was filed with the record of the minutes. Hearings are set for the proposed annexation of Sherwood Meadows, Rose Avenue School and Greenwood Estates Additions to the City of Modesto.

ADJOURNMENT

MOTION

That the meeting adjourn to executive session to discuss appointments to the various boards and commissions

Moved by VanderWall Seconded by Mitchell Unanimously carried

The meeting adjourned at 5:45 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 7:30 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Absent: Councilmen: Hughes

The pledge of allegiance to the Flag was given by all present.

Reverend R. Truman Northup gave the invocation.

PRESENTATION TO COUNCIL OF MODESTO HUMAN RIGHTS COMMITTEE FINAL REPORT

Copies of the final report of the Modesto Human Rights Committee appointed by the Council on November 12, 1963 (Resolution No. 63-508) were distributed to the Council.

Reverend R. Truman Northup read a letter dated December 4, 1964 transmitting the report to the Council.

Mayor Johansen thanked the committee for the fine work done.

Reverend Northup introduced the following members of the committee present in the audience: Herbert Baum; Charles Mitchell; Marion Moorehead; Dr. Leslie Billingsley; Hal Kinser; Mrs. Lenna Abbey, Secretary.

MOTION

That the final report of the Modesto Human Rights Committee be accepted

Moved by Shastid Seconded by VanderWall Unanimously carried

The report was referred to the Public Relations Committee for review and recommendation to the Council on the method of procedure for Council consideration of the report.

The City Clerk was directed to place this matter on the agenda of the December 21, 1964 meeting.

LETTER FROM PARKING DISTRICT STEERING COMMITTEE CHAIRMAN REGARDING LETTER FROM LEWIS HAWKINS 2-115

A letter from J. F. Dowd, Jr., Chairman, Parking District Steering Committee, dated December 10, 1964 informing the Council that the proposed parking district does not include the Lewis Hawkins office building, was entered into the record of the minutes. This letter was in response to Council referral of a letter from Lewis Hawkins dated November 9, 1964 regarding the formation of a parking district. The letter was ordered filed.

LETTER FROM CALIFORNIA STATE AUTOMOBILE ASSOCIATION REGARDING DRIVEWAY VARIANCE

The following documents were entered into the record of the minutes. A letter from R. E. Sparks, Manager, Modesto District, California State Automobile Association, dated December 10, 1964 requesting a variance to permit installation of a 30-foot curb cut on the south side of Morris Avenue, 399 feet east of McHenry Avenue; a memorandum from the Director of Public Works dated December 11, 1964, subject, "Request for a Variance to permit a 30' curb cut on the south side of Morris Avenue, 399 feet East of McHenry Avenue," recommending that the variance be granted.

RESOLUTION NO. 64-665

A RESOLUTION GRANTING A CURB CUT VARIANCE TO CALIFORNIA STATE AUTOMOBILE ASSOCIATION (PROPERTY LOCATED ON THE SOUTH SIDE OF MORRIS AVENUE, 399 FEET EAST OF McHENRY AVENUE

Introduced by Shastid Seconded by Tabbert
Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

CONSIDER CALLING FOR BIDS FOR REVISED AND SUPPLEMENTAL CODE SHEETS ON AN INFORMAL BID BASIS

A memorandum from the City Clerk dated December 10, 1964, subject, "Code Pages, Revised and Supplemental (Calendar Year 1965)" was entered into the record of the minutes. Request was made that the call for bids for printing revised and supplemental code pages for calendar year 1965 be accomplished on an informal basis.

MOTION

That the City Clerk be authorized to solicit bids for the printing of revised and supplemental code sheets on an informal bid basis

Moved by VanderWall Seconded by Shastid Unanimously carried

Mayor Johansen welcomed a group of Davis High School students in the audience.

ADOPTION OF ORDINANCE NO. 693-C.S. AMENDING SECTION MAP 16, FIRE ZONING, QUINTANA PROPERTY ON McHENRY-TOKAY AVENUES, AND GRANGER AVENUE FRONTAGE OF McHENRY VILLAGE

ORDINANCE NO. 693-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 16 OF THE FIRE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON

introduced November 23, 1964 and having been published as required, was moved and adopted.

Moved by VanderWall Seconded by Shastid
Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

ADOPTION OF ORDINANCE NO. 694-C.S. AMENDING SECTION MAP 17, FIRE ZONING, BRIGGS ADDITION ON McHENRY AVENUE

ORDINANCE NO. 694-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 17 OF THE FIRE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON"

introduced November 23, 1964 and having been published as required, was moved and adopted.

Moved by VanderWall Seconded by Shastid
Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

ADOPTION OF ORDINANCE NO. 696-C.S. AMENDING SECTION MAP 20, NORTHGATE ENTERPRISES, COLLEGE AVENUE AND PEARL STREET

ORDINANCE NO. 696-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 20 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON"

introduced November 23, 1964 and having been published as required, was moved and adopted.

Moved by Shastid Seconded by VanderWall
Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

A memorandum from the Deputy City Manager dated December 9, 1964, subject, "Allocation of Christmas Decoration Funds," was filed with the record of the minutes. The memorandum outlined the basis for allocation of Christmas decoration funds to participating merchants' associations.

The memorandum was ordered filed until such time as Christmas decorations are discussed at the budget hearings for fiscal year 1965-66.

Complaints on the appearance of the downtown Christmas street decorations and partial lighting were discussed.

The staff was directed to obtain information as to how other cities handle Christmas street decorations from a financial standpoint, for presentation to the Council at the appropriate budget hearing. The City Manager was directed to inform the executive board of the Downtown Modesto Association of the numerous complaints being received about the street decorations.

APPROVE AGREEMENT BETWEEN CITY OF MODESTO AND JOHN BOMBERGER FOR ARCHITECTURAL SERVICES FOR CITY-COUNTY AIRPORT ADMINISTRATION BUILDING

The City Attorney reviewed the proposed agreement with John Bomberger and Associates for the construction of an administration building at the City- County Airport, stating that the agreement provides for a fee of 8% of the total construction costs, with plans, specifications and call for bids ready for Council approval by February 15, 1965.

The City Manager stated that Mr. Bomberger would submit a sketch of the proposed administration building for Council approval at the Council meeting of December 21, 1964.

Director of Public Works Campbell stated that a meeting was scheduled with the Airport Manager, the architect, and several operators at the Airport to discuss the area which will be required for the various rooms.

RESOLUTION NO. 64-627

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JOHN BOMBERGER FOR ARCHITECTURAL SERVICES FOR THE ADMINISTRATION BUILDING AT THE CITY-COUNTY AIRPORT

Introduced by Mitchell Seconded by Patton
Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

HEARING ON AMENDMENTS TO THE ZONING REGULATIONS 3-10

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for consideration of proposed amendments to the zoning regulations, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on December 3, 1964. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 64-123 recommends that Section 10-2.1505 of the Municipal Code be amended so that areas in the County, when annexed to the City, will be classified as follows: R-A to R-1; H-1 to H-1; A-2 to R-1 zoning.

Director of Planning Fey discussed the few areas within the City which are presently zoned R-A.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

ORDINANCE NO. 699-C.S. entitled
"AN ORDINANCE AMENDING SECTION 10-2.1505 OF ARTICLE 15 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, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

HEARING ON AMENDMENT TO SECTION MAP 16 OF ZONING MAP (BURR)

Mayor Johansen announced that the hour of 8:10 P.M. had arrived, the time set for consideration of the proposed rezoning of property located on the southeast corner of McHenry and Floyd Avenues, 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 December 3, 1964 and notices posted and distributed in the area on December 4, 1964. No written protests were filed with the City Clerk.

Planning Resolution No. 64-122 recommends that the area be rezoned from R-1 to H-1.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

ORDINANCE NO. 700-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 16 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (BURR)"

was introduced and ordered published as required by the Charter.

Moved by Mitchell Seconded by Patton
Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

REQUEST FOR PERMISSION TO DRILL WATER WELL - TRI-VALLEY GROWERS

A letter from Tri-Valley Growers, Plant No. 1, dated November 30, 1964, requesting permission to deepen one well and replace another on the company premises, and a memorandum from the Director of Public Works dated December 10, 1964, subject, "Request for Permission to Drill a Water Well - Tri-Valley Growers," were filed with the record of the minutes. Recommendation was made that the request be granted subject to certain conditions.

MOTION

That the request of Tri-Valley Growers to deepen one well and replace another on company premises in the City of Modesto be approved as recommended by the Director of Public Works and subject to the conditions in memorandum dated December 10, 1964

Moved by Shastid Seconded by Mitchell Unanimously carried

RESOLUTION SETTING INFORMAL PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON AMENDMENTS TO SIGN REGULATIONS

Drafts of two ordinances, one amending the sign regulations, and the other amending the municipal code relative to outdoor advertising displays and outdoor structures adjacent to the freeway, and amending the nonconforming use provisions relating to commercial signs and billboards were distributed to the Council for review.

RESOLUTION NO. 64-628

A RESOLUTION SETTING TIME AND PLACE FOR HEARING AMENDMENTS TO SIGN REGULATIONS

Introduced by VanderWall Seconded by Shastid
Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

January 11, 1965 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing. The City Attorney stated that copies of the proposed ordinances would be furnished the sign companies and interested parties for review before the hearing.

RESOLUTION PROVIDING FOR THE TRANSFER OF SUMS NOW ON DEPOSIT IN THE PARK AND RECREATION FACILITIES FUND TO A NEW PARK AND RECREATION FACILITIES FUND

The City Attorney stated that the proposed resolution provides for the transfer of funds now on deposit in the Park and Recreation Facilities Fund created by former Section 4-4.803 of the Municipal Code which was repealed by Ordinance No. 647-C.S. The funds will be transferred to a new Park and Recreation Facilities Fund created by Section 8-2.707, Ordinance 687-C.S., adopted by the Council November 16, 1964.

RESOLUTION NO. 64-629

A RESOLUTION PROVIDING FOR THE TRANSFER OF SUMS NOW ON DEPOSIT IN THE PARK AND RECREATION FACILITIES FUND TO A NEW PARK AND RECREATION FACILITIES FUND

Introduced by Shastid Seconded by VanderWall
Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

RESOLUTION OF INTENTION TO VACATE AND ABANDON THE EASTERLY PORTION OF EMERALD AVENUE FRONTING ALONG THE FRANKLIN ELEMENTARY SCHOOL IN THE CITY OF MODESTO 3-105

RESOLUTION NO. 1026-S.P.
RESOLUTION OF INTENTION NO. 294

A RESOLUTION OF INTENTION TO VACATE AND ABANDON THE EASTERLY PORTION OF EMERALD AVENUE FRONTING ALONG THE FRANKLIN ELEMENTARY SCHOOL PROPERTY IN THE CITY OF MODESTO

Introduced by Mitchell Seconded by Patton
Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

January 4, 1965 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

APPROPRIATION TRANSFERS

RESOLUTION NO. 64-630

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $55 FOR ADDITIONAL PREMIUM DUE ON AUTO LIABILITY INSURANCE

Introduced by Shastid Seconded by Tabbert
Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

RESOLUTION NO. 64-631

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $379 FOR ADDITIONAL PREMIUM DUE ON MISCELLANEOUS LIABILITY INSURANCE

Introduced by Shastid Seconded by Tabbert
Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

REPORTS FROM THE PLANNING COMMISSION - None

REPORT ON SCENIC ROADS

The City Manager stated that the staff has been unable to find any scenic roads or streets inside the City which would qualify under the federal program, and that the State Division of Highways has been so informed.

REPORT AND DISCUSSION RE UNITED AIR LINES

Councilman VanderWall reported that most of the cities within the County were contacted at the Valley League of California Cities meeting on December 10th concerning their interest in joining Modesto and Stanislaus County against the proposed withdrawal of United Air Lines service from San Joaquin Valley; that only the City of Patterson remained to be contacted.

The City Attorney briefed a letter from Bill Scheuermann, Committee Consultant of the Senate Fact Finding Committee on Transportation and Public Utilities, Assistant to Senator Randolph Collier, dated December 7, 1964, who suggested that individual cities and counties correspond directly with Mr. Boros in Washington, D.C., as to their intention of hiring him as common counsel, and in corresponding with either Mr. Scheuermann or Senator Collier.

MOTION

That City Attorney Johnson be appointed to represent the City in negotiating the hiring of Mr. Boros as common counsel in connection with United Air Lines proposed withdrawal of service from San Joaquin Valley

Moved by VanderWall Seconded by Shastid Unanimously carried

MATTERS FOR THE GOOD OF THE COMMUNITY - None

CONTINUATION OF HEARING ON PROPOSED DEMOLITION OF BUILDING AT THE REAR OF NEW FIRE STATION ON NORTHERN BOULEVARD (C. CHAMBERS)

Mayor Johansen announced that the hour of 8:20 P.M. had arrived, the time set for continuation of the hearing of the proposed demolition of a building owned by Chester Chambers, located at the rear of Fire Station No. 5 on Northern Boulevard, and opened the hearing.

This matter was continued from the meeting of December 4, 1964 at the request of Mr. Chambers.

A photograph of the building proposed for demolition was shown to the Council and filed with the record of the minutes.

The City Clerk reported that a copy of Resolution No. 64-600 giving notice of the hearing of the proposed demolition of the building was sent to Mr. Chambers by registered mail on November 18, 1964.

Chief Building Official Tom Hermida reported that the building was placed on the lot without a building permit some time before June, 1964; that the building has no foundation, door, or floor, and is a fire hazard.

Chester Chambers, P. O. Box 298, Empire, California, stated that he intended to use the structure as a tool or pump house on property he wished to acquire outside the city limits. He asked for a six-months' extension of time within which to remove the building from its present location.

The City Attorney reported that on June 8, 1964 a letter was sent to Mr. Chambers by Chief Building Official Hermida requesting that two buildings on the property be demolished; on June 24, 1964 a letter from the City Attorney was sent to Mr. Chambers requesting that the two buildings be demolished, and notifying him that if the buildings were not removed the matter would be referred to the Council. City Attorney Johnson stated

that one building was subsequently demolished by Mr. Chambers. On November 16, 1964 the Council adopted Resolution No. 64-600 setting a hearing date for consideration of demolition of the remaining building.

No one else in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

RESOLUTION NO. 64-632

A RESOLUTION ORDERING THE BUILDING OFFICIAL OF THE CITY OF MODESTO TO DEMOLISH THE BUILDING LOCATED AT THE REAR OF THE NEW FIRE HOUSE ON NORTHERN BOULEVARD IN THE CITY OF MODESTO IN ACCORDANCE WITH THE PROVISIONS OF SECTION 203(a) OF THE UNIFORM BUILDING CODE (CHESTER D. CHAMBERS)

Introduced by Shastid Seconded by Tabbert
Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

Mr. Chambers was granted until February 1, 1965 within which to demolish the building before steps are taken by the City to demolish the building.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Shastid Unanimously carried

The meeting adjourned at 8:45 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.

The pledge of allegiance was given by all present.

Reverend Floyd E. Pittman gave the invocation.

Present: Councilmen: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen
Councilman Patton arrived at 4:04 P.M.
Councilman Shastid arrived at 5:00 P.M.
Absent: Councilmen: None

APPROVAL OF MINUTES

The minutes of the regular meeting of December 7, 1964 were approved.

LETTER FROM THE EXCHANGE CLUB OF MODESTO REGARDING DONATION TO CHILDREN'S PARK

A letter from the Exchange Club dated December 10, 1964 offering a sum not to exceed $525 to cover cost of materials, equipment and shrubs for a new Birthday Area addition to Children's Park, was entered into the record of the minutes. Mr. Schuyler R. Hafely was authorized by the club to cooperate with representatives of the City for immediate construction.

Mr. Hafely stated that the plastering class of Duell Vocational Institute was desirous of constructing the stools and throne chair for the project.

LETTER FROM VETERANS OF FOREIGN WARS, POST #4144 (unanimous consent item)

The City Manager read a letter from W. W. Brown, Commander, Veterans of Foreign Wars, Post #4144, dated December 21, 1964 offerings its services for the installation of the LaVerne Potts Memorial Birthday Area at Modesto Children's Park. A request was made that those members who are city employees be allowed to use city-owned equipment, such as cement trowels, hammers, etc., needed for the installation.

MOTION

That the offers of the Exchange Club and Veterans of Foreign Wars, Post #4144, donating materials and services for construction of a new birthday area at Children's Park be accepted

Moved by Mitchell Seconded by Patton Unanimously carried

The City Clerk was directed to write letters of appreciation to both organizations.

REQUEST FROM THE TIDEWATER OIL COMPANY FOR CURB CUT VARIANCE, STATION AT NINTH AND NEEDHAM STREETS

RESOLUTION NO. 64-633

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF TIDEWATER OIL COMPANY FOR CURB CUT VARIANCE - SERVICE STATION AT NORTHERLY CORNER OF NINTH AND NEEDHAM STREETS

Introduced by VanderWall Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

December 28, 1964 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

ADOPTION OF ORDINANCE AMENDING SECTION MAP 29 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (NANCLO, INC.)

ORDINANCE NO. 698-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 29 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (NANCLO, INC.)"

introduced December 7, 1964 and having been published as required, was moved and adopted.

Moved by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

ADOPTION OF ORDINANCE NO. 699-C.S. AMENDING THE ZONING REGULATIONS

ORDINANCE NO. 699-C.S. entitled
"AN ORDINANCE AMENDING SECTION 10-2.1505 OF ARTICLE 15 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO ZONING REGULATIONS"

introduced December 14, 1964 and having been published as required, was moved and adopted.

Moved by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

FURTHER CONSIDERATION OF HUMAN RIGHTS COMMITTEE REPORT

The Human Rights Committee Report was presented to the Council at the December 14, 1964 meeting, and the report referred to the Public Relations Committee for recommendation to the Council on the method of procedure for Council consideration of the report.

Mayor Johansen stated that the Public Relations Committee has recommended that Community Services and Organizations and Housing be considered at the December 28, 1964 meeting, scheduled one-half hour apart; that Employment and Youth and Education be considered at the January 4, 1965 meeting, scheduled one-half hour apart; that final consideration of the general recommendations of the entire committee be set for January 18, 1965 at 5:15 P.M.

MOTION
That the schedule recommended by the Public Relations Committee for consideration of the Human Rights Committee Report be accepted

Moved by VanderWall Seconded by Mitchell Unanimously carried

The City Clerk was directed to arrange a time schedule for the meetings and furnish a copy to each member of the Human Rights Committee. He was also directed to invite all subcommittee chairman and members to be present when their subjects were under consideration, with an overall invitation extended to the executive committee.

COMMUNICATION FROM REGIONAL WATER POLLUTION CONTROL BOARD ESTABLISHING NEW DISINFECTION CRITERIA FOR THE DISCHARGE FROM THE SEWAGE TREATMENT PLANT

The following documents were filed with the record of the minutes: Memorandum from G. E. Browning, Supervising Sanitary Engineer, dated September 17, 1964; subject, "Adequate disinfection, City of Modesto, Stanislaus County"; letter from Joseph S. Gorlinski, Executive Officer, Regional Water Pollution Control Board, dated November 10, 1964, regarding State Department of Public Health memorandum enunciating disinfection criteria for city sewage discharge; memorandum from the Director of Public Works dated December 17, 1964, subject, "Disinfection Criteria - Sewage Effluent."

The City Manager stated that this information was submitted to the Council for informational purposes, pointing out that sufficient funds are budgeted for sewage treatment plant chemicals through February 1965; that additional funds will be needed when these funds are exhausted.

REQUEST FOR CHANGE ORDER ON FIRE DEPARTMENT PUMPER CONSTRUCTED ON BID AWARDED CROWN FIRE COACH COMPANY 1-80

A memorandum from Fire Chief Everett dated December 17, 1964, subject, "Request for Change Order on Fire Department Pumper to be Constructed on Bid awarded Crown Fire Coach Co." was filed with the record of the minutes. Recommendation was made that a change order replacing the Waukesha engine with a Cummins diesel engine Model NTC-335, and the 6800 Series Spicer-Dana transmission with an 8100-C Series transmission, at a total manufacturer's cost of $2,775 plus $111 sales tax, be approved.

Upon questioning, Chief Everett stated that facilities were available to store diesel fuel without additional cost to the City.

Chief Everett outlined the advantages of the diesel engine.

RESOLUTION NO. 64-634
A RESOLUTION APPROVING CHANGE ORDER - DIESEL ENGINE FOR FIRE PUMPER - CROWN FIRE COACH COMPANY

Introduced by VanderWall Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

Councilman Shastid arrived at 5:00 P.M.

PRESENTATION OF PRELIMINARY PLAN FOR AIRPORT ADMINISTRATION BUILDING BY JOHN BOMBERGER

A sketch of a circular building submitted by John Bomberger and Associates was displayed to the Council. The sketch was reviewed by Mr. Bomberger. He stated that the circular building was conceived for the following reasons: Less wall space on the outside; less hallways on the interior to facilitate communication with all offices involved; the Airport Manager is permitted a good view of the surrounding airport area; restrooms are available from any portion of the building. Total cost of the proposed building is approximately $22,500, the architect's fee not included.

The following aspects of the sketch were discussed by the Council: Whether general contractors would be able to bid on the circular building; the adequacy of the area of the proposed examination room; the difficulty of enlarging a circular building; future need of office space for the gasoline operator; possible increased heating and cooling costs; future expansion needs of the airport; availability of testing rooms at a location other than the airport; addition of an observation deck.

Airport Manager Sham stated that he preferred a rectangular-shaped building for the following reasons: a rectangular building would be compatible with existing buildings at the airport; maintenance costs would be lower; space could be utilized more efficiently; the size of the building as proposed (1,400 square feet) was not adequate for immediate needs; a rectangular building could be expanded. He said thathe was in possession of plans for a rectangular building of 1,564 square feet which he believed could be built for the same cost as the proposed circular building of 1,400 square feet.

By order of the Chair, the matter was referred to the staff for determination of the actual area needs of the proposed administration building for recommendation to the Council. Mr. Bomberger was asked to prepare a rough sketch of a rectangular building to include office space for the gasoline concession operator, and to revise the sketch of the circular building to include it.

The staff was also asked to check with F.A.A. on the possiblity of testing rooms for pilot examinations other than at the airport.

MATTERS FOR THE GOOD OF THE COMMUNITY - None

WITHDRAWAL OF TERRITORY FROM FIRE DISTRICTS - EARLMAR AND DAVIS PARK ADDITIONS

RESOLUTION NO. 64-635
A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORIES FROM THE WOODLAND AVENUE COUNTY FIRE PROTECTION DISTRICT BY REASON OF THEIR ANNEXATION TO THE CITY OF MODESTO (EARLMAR ADDITION AND DAVIS PARK ADDITION)

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION NO. 64-636
A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (DAVIS PARK ADDITION)

Introduced by Shastid Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

AGREEMENT BETWEEN CITY AND COUNTY OF STANISLAUS FOR CITY TO PROVIDE EMERGENCY MAINTENANCE AND REPAIR SERVICE TO COUNTY SIGNALS LOCATED AT EL VISTA AVENUE AND SCENIC DRIVE, CROWS LANDING AND HATCH ROADS

RESOLUTION NO. 64-637
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COUNTY OF STANISLAUS - EMERGENCY MAINTENANCE AND REPAIR SERVICE (COUNTY SIGNALS EL VISTA AVE. & SCENIC DRIVE: CROWSLANDING ROAD & HATCH ROAD)

Introduced by Shastid Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

JANITORIAL SERVICES AT PUBLIC LIBRARIES 6-35

A memorandum from the Deputy City Manager dated December 14, 1964 subject, "Janitorial Services at Public Libraries," was filed with the record of the minutes. Recommendation was made that the City continue its present method for janitorial service at the library buildings where the City has an interest; that no action be taken until the arrival of the new County Librarian.

The recommendation of the staff was accepted by unanimous consent.

RESOLUTION APPROVING RENTAL OF CITY-OWNED PROPERTY

RESOLUTION NO. 64-638
A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND WILLIE T. STEENS - RENTAL OF CITY-OWNED PROPERTY AT 223 ELM STREET ($40 per month commencing 11/1/64)

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER AGREEMENT WITH W. S. WITZKE FOR CONSULTING SERVICES AT SEWAGE TREATMENT PLANT

A memorandum from the Deputy City Manager dated December 16, 1964 subject, "Agreement for Consulting Services, W. S. Witzke, Sewage Treatment," was filed with the record of the minutes. Recommendation was made that the services of Mr. Witzke be obtained on the basis that the cost of $800 for

the services was not a major item, and that the development of processes which would reduce odors, and potential gains in the field of on-site bacterial cultures were sufficient to justify the program.

Mr. Witzke outlined his education and experience as a bio-chemist. He was questions by the Council.

The qualifications of the City's consulting engineer as a bacteriologist were discussed.

Upon questioning, Mr. Witzke stated that he was not willing to give his services on the basis of no pay if there were no results.

MOTION

That this item be removed from the agenda until the Jenks report and study of the sewage and treatment plant is submitted on January 1, 1965, and determination made by the staff after that date as to whether the services of Mr. Witzke should be reconsidered

Moved by Shastid Seconded by Hughes Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 1016 EL TERINO AVENUE, MODESTO

MOTION

That the request for sewer service extension to property located at 1016 El Terino Avenue be approved

Moved by Shastid Seconded by VanderWall Unanimously carried

CONSIDER WORK EXPERIENCE AGREEMENTS WITH STANISLAUS COUNTY WELFARE DEPARTMENT FOR WORK PROJECTS - POLICE, PUBLIC WORKS, PARKING AND TRAFFIC DEPARTMENTS

RESOLUTION NO. 64-639

A RESOLUTION APPROVING WORKING AGREEMENTS BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY WELFARE DEPARTMENT

Introduced by Shastid Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

RECOMMENDED ANNEXATION OF LIBERINI ADDITION BY PLANNING COMMISSION

RESOLUTION NO. 64-640

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS LIBERINI ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by Hughes Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

January 4, 1965 at 4:40 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

COMPLAINT BY WALTER SINGLER ON SEWER ODORS

Walter Singler, 709 Colorado Avenue, voiced the following complaints: The City has accomplished nothing towards combatting odors at the sewage treatment plant since the 1951 Report of the Greater Modesto Committee; the City is continuing to overload the plant by the addition of new subdivisions; interested persons were not notified of the recent hearing held by the State Water Pollution Board connected with odors at the sewage treatment plant.

Mr. Singler asked that the Council take steps to learn methods of odor control adopted by other cities in the United States, and since present treatment has not been effective, to approach the problem from a new bacteriological standpoint. He further stated that if the odors continue through the next canning season, judicial action will be taken against the City.

The City Manager was directed to review the 1951 report referred to by Mr. Singler.

APPROPRIATION TRANSFERS - None

PRESENTATION OF FINANCIAL STATEMENT OF NOVEMBER 1964

The financial statement for the month of November 1964 was presented to the Council and ordered filed.

REPORT OF DECISION OF PUBLIC UTILITIES COMMISSION, STATE OF CALIFORNIA, REGARDING RAILROAD CROSSING PROTECTION

The City Attorney reported that the State Public Utilities Commission has rendered an opinion which supports the position taken by the P.U.C. staff and issued an order directing the Southern Pacific Company to install gates at various crossings within the City. One-half the cost, less any possible contribution from the State Grade Crossing Protection Fund, will be assessed against the City of Modesto, plus the entire cost of preemption of traffic signals).

APPROPRIATION TRANSFER RELATING TO ITEM 8 OF AGENDA - CHANGE ORDER - FIRE DEPARTMENT PUMPER

RESOLUTION NO. 64-641

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $2,886.00 - CHANGE ORDER FIRE DEPARTMENT PUMPER (CROWN FIRE COACH CO.)

Introduced by Hughes Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

EXECUTIVE SESSION

MOTION

That the meeting adjourn to executive session to discuss appointment to boards and commissions

Moved by VanderWall Seconded by Tabbert Unanimously carried

The Council went into executive session at 6:10 P.M., returning at 6:23 P.M.

REAPPOINTMENTS TO COMMISSIONS

RESOLUTION NO. 64-642

A RESOLUTION REAPPOINTING MEMBER OF THE PLANNING COMMISSION - PHIL HUMPHREYS

Introduced by Patton Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION NO. 64-643

A RESOLUTION REAPPOINTING MEMBER OF THE PLANNING COMMISSION - HEIDI L. WARNER

Introduced by VanderWall Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION NO. 64-644

A RESOLUTION COMMENDING HERBERT D. BUXTON FOR OUTSTANDING SERVICE TO THE CITY OF MODESTO

Introduced by Hughes Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION NO. 64-645

A RESOLUTION REAPPOINTING MEMBER OF THE LIBRARY AND CULTURE COMMISSION - WILLIAM WARNER

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION NO. 64-646

A RESOLUTION REAPPOINTING MEMBER OF THE LIBRARY AND CULTURE COMMISSION - SILAS GREEN

Introduced by Patton Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION NO. 64-647

A RESOLUTION REAPPOINTING MEMBER OF THE PERSONNEL COMMISSION - THOMAS E. DIBB

Introduced by Tabbert Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION NO. 64-648

A RESOLUTION AREAPPOINTING MEMBER OF THE BOARD OF PLUMBER EXAMINERS - ALBERT E. OHANIS

Introduced by Shastid Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION NO. 64-649

A RESOLUTION REAPPOINTING MEMBER OF THE BOARD OF ELECTRICIAN EXAMINERS - ELTON E. PHILLIPS

Introduced by VanderWall Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION NO. 64-650

A RESOLUTION REAPPOINTING MEMBER OF THE BOARD OF HEATING AND COOLING EXAMINERS - WILLIAM SCHEUBER

Introduced by Mitchell Seconded by Shastid
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

The meeting adjourned at 6:29 P.M.

ATTEST: _____
REX E. GAILFUS, City Clerk

Modesto City Council
December 28, 1964

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 7:48 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

The minutes of the regular meeting of December 14, 1964 were approved.

COMMUNICATION AND RESOLUTION FROM THE STANISLAUS SOCIETY OF PROFESSIONAL ENGINEERS REGARDING SEWAGE DISPOSAL PROBLEMS

A letter from Oliver Deatsch, President, Stanislaus Chapter of the California Society of Professional Engineers, dated December 21, 1964 was entered into the record of the minutes. Attached to the letter was a resolution urging that a local engineering firm, or combination of such firms, be hired to conduct the proposed study of sewage problems of the metropolitan Modesto area.

The letter was ordered filed.

COMMUNICATION FROM CITY OF DOS PALOS REGARDING REPRESENTATION OF CALIFORNIA BY THE DOS PALOS JOINT UNION HIGH SCHOOL BAND IN INAUGURAL PARADE

A letter from Gilbert Gardner and Robert Stocking, Co-Chairmen of Band Boosters, Dos Palos Joint Union High School, dated December 16, 1964 and a letter from Mayor H. N. Clements, Dos Palos, dated December 18, 1964 requesting that the City contribute to a fund to send the Dos Palos High School Bronco Band to Washington, D.C. for the inaugural parade, was entered into the record of the minutes.

Provisions of the Charter pertaining to funds for music, publicity and promotion were discussed.

MOTION

That the City Clerk be directed to answer the letters, congratulating the band for its selection to represent the State at the inaugural parade, and informing them that financial participation is not possible under provisions of the Charter

Moved by Hughes Seconded by Tabbert

The motion carried, Councilman VanderWall dissenting.

LETTER FROM MARION MOOREHEAD, POSTMASTER, REGARDING COOPERATION DURING THE YEAR

A letter from Marion H. Moorehead, Postmaster, dated December 17, 1964 extending thanks to the Council and staff for cooperation during the past year, was entered into the record of the minutes.

The letter was ordered filed.

COMMUNICATION AND REVIEW OF CALIFORNIA FREEWAY AND EXPRESSWAY SYSTEM DURING THE YEAR 1-60

A letter from J. C. Womack, State Highway Engineer, State Division of Highways, dated December 7, 1964 with attachment, expressing appreciation of the Division of Highways for the cooperation given by all local governments in connection with the review of the State Highway System, was entered into the record of the minutes. Attached was a report entitled "Section 256 Report, Review of California Freeway and Expressway System and Entire State Highway System and Recommendations of Revisions to the Systems."

By order of the Chair, the letter and attachment was referred to the staff.

CONSIDER AWARD OF BID FOR CONSTRUCTION OF A 90-INCH PIPE SIPHON CROSSING AT CARVER ROAD AND M.I.D. LATERAL NO. 3 AND WIDENING OF EXISTING BRIDGE AT COLLEGE AVENUE AND M.I.D. LATERAL NO. 4

RESOLUTION NO. 64-651

A RESOLUTION ACCEPTING THE BID OF HUNSAKER CONSTRUCTION COMPANY FOR CONSTRUCTION OF SIPHON CROSSING AND WIDENING OF BRIDGE (Low bidder - $30,920)

Introduced by VanderWall Seconded by Tabbert
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

ADOPTION OF ORDINANCE NO. 700-C.S., REZONING PROPERTY IN SECTION 16, HIGHWAY FRONTAGE H-1, BURR PROPERTY

ORDINANCE NO. 700-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 16 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (BURR)

introduced December 14, 1964 and having been published as required, was moved and adopted.

Moved by VanderWall Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

ORDINANCE AMENDING THE MODESTO MUNICIPAL CODE RELATING TO BOARD OF APPEALS FOR THE UNSAFE STRUCTURE CODE 1-95

A proposed ordinance amending Section 9-8.09 of the Municipal Code, submitted to the Council for consideration, was approved with the following change in the first sentence of the Section. "There shall be and there is hereby created a Board of Appeals, consisting of five (5) members who by experience or training are capable of passing upon matters . . ."

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"

was introduced and ordered published as required by the Charter.

Moved by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

Councilman Shastid arrived at 7:48 P.M.

REPORT ON ACQUISITION OF STREET TREE EASEMENTS ON COLLEGE AVENUE BETWEEN STODDARD AND COLDWELL AVENUES

The following documents were filed with the record of the minutes: Memorandum from Director of Public Works dated December 28, 1964, subject, "Improvement of College Avenue, Stoddard to Coldwell," and memorandum from Director of Parks and Recreation Grogan, subject, "Street Trees- College Avenue from M.I.D. Lateral #4 to Coldwell Avenue," dated December 23, 1964.

By order of the Chair, this matter was held over for two weeks to enable the staff to contact all of the property owners involved concerning planting easements.

RESOLUTION AUTHORIZING THE EXTENSION OF THE ANNIVERSARY DATE OF CPS - CPIC GROUP INSURANCE POLICY NO. 1295 TO MARCH 1, 1965

A letter from California Physicians Service dated December 18, 1964 extending the anniversary date of the City of Modesto's group health insurance policy to March 1, 1965 at the rates presently in effect, was entered into the record of the minutes.

RESOLUTION NO. 64-653

A RESOLUTION AUTHORIZING THE EXTENSION OF THE ANNIVERSARY DATE OF C.P.S. - C.P.I.C. GROUP INSURANCE POLICY NO. 1295 TO MARCH 1, 1965

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION AUTHORIZING THE EMPLOYMENT OF MR. HOWARD S. BOROS, ATTORNEY AT LAW, AS LEGAL COUNSEL TO REPRESENT THE CITY OF MODESTO AND ASSOCIATED CITIES AND COUNTY IN THE UNITED - PACIFIC TRANSFER CASE, CIVIL AERONAUTICS BOARD DOCKET NO. 15574

A letter from Mr. Howard S. Boros dated December 17, 1964 setting forth terms of employment as the attorney for the City of Modesto and associated cities and County of Stanislaus in the proposed withdrawal of United Air Lines from the San Joaquin Valley; a copy ofa letter from the City Attorney to Mr. Boros dated December 28, 1964 revising the proposal; and a proposed resolution authorizing the employment of Mr. Boros, were filed with the record of the minutes.

The City Attorney stated that the County of Stanislaus and all cities within the County,with the exception of Patterson, have joined in opposing United Airlines' withdrawal. Patterson will consider the matter at its January 12th meeting.

No changes were made by the Council to the letter from the City Attorney to Mr. Boros nor the proposed resolution as submitted.

RESOLUTION NO. 64-654

A RESOLUTION AUTHORIZING THE EMPLOYMENT OF MR. HOWARD S. BOROS, ATTORNEY AT LAW, AS LEGAL COUNSEL TO REPRESENT THE CITY OF MODESTO AND ASSOCIATED CITIES AND COUNTY IN THE UNITED - PACIFIC TRANSFER CASE, CIVIL AERONAUTICS BOARD DOCKET NO. 15574

Introduced by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

ACCEPT IMPROVEMENTS IN WYLDEWOOD PARK NO. 2 SUBDIVISION 1-77

The City Attorney stated that it has been the practice of the Council in the past to release the performance bond upon acceptance of public improvements in subdivisions. He said that the Business and Professions Code section pertaining to this matter was amended in 1963 to provide that cities require the bond to cover faithful performance in installation of the improvements, and to also be a labor and materials bond to guarantee payment

of subcontractors or workmen on the project. As a result of this legislation, Mr. Johnson stated that henceforth the City would retain the bond for a 35-day period after formal acceptance of the improvements by the Council in order to protect the laborers and materialmen for the lien period; the resolution accepting the improvements must include a provision authorizing the City Clerk to file a notice of completion.

Mr. Johnson stated that the subdivider of Wyldewood Park No. 2 Subdivision posted a cash deposit of $34,700 to cover faithful performance of the subdivision improvements, unaware of the requirement that it remain on deposit during the lien period. The subdivider has requested that the cash deposit of $34,700 be released at once and that a letter from Security Title Insurance Co. certifying that there are no liens, nor will there be any liens filed against the subdivider or the subdivision for nonpayment of bills for labor and/or materials in connection with the construction of streets, gutters, curbs, sidewalks, street lights, and other off-site improvements, be considered as a guarantee.

RESOLUTION NO. 64-655
A RESOLUTION ACCEPTING IMPROVEMENTS IN WYLDEWOOD PARK NO. 2 SUBDIVISION AND AUTHORIZING CITY CLERK TO FILE NOTICE OF COMPLETION

Introduced by Hughes Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

The staff was directed to place the matter concerning release of the bond on next week's agenda for Council reconsideration.

HEARING ON CURB CUT VARIANCE, TIDEWATER OIL COMPANY, NINTH AND NEEDHAM 3-15

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the request of Tidewater Oil Company for three 36-foot curb cuts on property located at the northerly corner of Ninth Street and Needham Avenue, and opened the hearing.

The following documents were filed with the record of the minutes: Memorandum from the Director of Public Works dated December 22, 1964, subject, "Request for a Variance to permit the construction of three 36' curb cuts at the northerly corner of Ninth Street and Needham Avenue, Modesto, California"; letter from J. W. Madocks, Senior Construction Engineer, Tidewater Oil Co., dated December 10, 1964, requesting a permit for three 36-foot curb cuts.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

RESOLUTION NO. 64-652
A RESOLUTION GRANTING A CURB CUT VARIANCE TO TIDEWATER OIL COMPANY (PROPERTY LOCATED AT THE NORTHERLY CORNER OF NINTH STREET AND NEEDHAM AVENUE)

Introduced by Hughes Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

REPORT AND CONSIDERATION OF HUMAN RIGHTS COMMITTEE

(a) Community Services and Organizations

In regard to recommendation No. 1 of the subcommittee, Mr. Stanley Pang, Acting Chairman, stated that it was hoped that the Chamber of Commerce would take a step forward through meetings with various trades and business organizations to conduct an educational campaign urging business concerns to put out the welcome mat for minorities.

Upon questioning, Mr. Pang stated that it was his opinion that a permanent Human Rights Committee appointed by the Council should not be a grievance committee; that most service organizations welcome minority members.

It was Mr. Pang's opinion that any reference to race should be omitted from work applications.

PLANNING COMMISSION RECOMMENDATION - CULTURAL CENTER SITE

Planning Commission Resolution No. 64-134 adopted December 15, 1964 recommending to the Council that city-owned property fronting on 15th Street between H and I Streets be designated as the site for a cultural center, was filed with the record of the minutes.

MOTION

That the recommendation contained in Planning Commission Resolution No. 64-134 be accepted

Moved by Tabbert Seconded by VanderWall Unanimously carried

The City Manager stated that the Federated Women's Clubs have made an offer to raise funds for the cultural building if the City donated a site; that he, Councilmen Mitchell and VanderWall were meeting with the executive committee of the Women's Progressive Club Wednesday morning (December 30, 1964) to inform them that a site for the cultural center has been designated.

HOYLE ADDITION - FOR REFERRAL TO PLANNING COMMISSION

RESOLUTION NO. 64-656

A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS HOYLE ADDITION

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

CROCCO ADDITION - FOR REFERRAL TO PLANNING COMMISSION

RESOLUTION NO. 64-657

A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS CROCCO ADDITION

Introduced by VanderWall Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

APPROPRIATION TRANSFER OF $825 FOR SUBMERSIBLE SEWAGE PUMP

RESOLUTION NO. 64-658

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $825 FOR SUBMERSIBLE SEWAGE PUMP, COLDWELL AND NORTH OLIVE (to replace present pump)

Introduced by Shastid Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
Noes: None Absent: None

VERBAL REPORT ON METROPOLITAN MODESTO AREA SEWER STUDY 4-61

A letter dated December 28, 1964 addressed to the Board of Supervisors and Modesto City Council under the signatures of Supervisors Joe Domecq and Francis R. Ruggieri; Richard G. Barhite, Stanislaus County Director of Public Works; Mayor Peter Johansen; Councilman Jon B. Shastid; and Ross Campbell, Director of Public Works, members of the Sewer Selection Committee, was filed with the record of the minutes. Recommendation was made that the firm of Brown and Caldwell, San Francisco, be invited to submit a proposal

to the committee for a Metropolitan Modesto Area sewer study.

Mayor Johansen outlined details leading to the choice of the above firm for the proposed study.

MOTION

That the recommendation of the Sewer Committee that the firm of Brown and Caldwell be invited to submit a final proposal to the City and County for the metropolitan Modesto Area sewer study be approved

Moved by VanderWall Seconded by Patton Unanimously carried

REPORT AND CONSIDERATION OF HUMAN RIGHTS COMMITTEE

Housing

Reverend R. Truman Northup, General Chairman of the Executive Committee of the Human Rights Committee, introduced Silas Green, Robert Stonum, and Ruby Jean Wilson, members of the Housing subcommittee present in the audience.

Mr. Robert Stonum, upon questioning, stated that Recommendation No. 1, "that a study should be made as to the availability of rentals, in locations desired by the renter, consistent with the ability to pay," was made with the feeling that this should be accomplished either through cooperation with the real estate association or through appointment of a group by the City Council. He said that there appeared to be a lack of housing, particularly for the low income groups; that it was hoped that a survey could be made to bring out certain facts that could be turned over to people in private enterprise to meet this need. Mr. Stonum said he believed that the real estate association would help in a survey of this type.

Referring to Recommendation No. 3, that a public information booth or rack should be accessible to the general public for dissemination of literature with which to dispel the fears lying behind many acts of racial discrimation, Mr. Stonum stated that the racks could be located in the public libraries, post offices, city hall, and real estate offices.

Councilman Mitchell called attention to an excellent article in the January issue of Parents Magazine on integration which he believed would be of interest to committee members.

Reverend Northup stated that one of the functions of a permanent human rights committee in the field of housing, would not be to displace any of the work being carried on at present by any of the organizations in the City, but to assist and aid those various groups.

MATTERS FOR THE GOOD OF THE COMMUNITY

Article in Western City Magazine

Councilman Mitchell brought to the attention of the Council an article appearing in a recent issue of Western City Magazine which points out that part of good public relations is the correct handling of condemnation suits.

Lighting on Coffee Road

Councilman VanderWall asked the staff if there were any plans to improve the lighting on Coffee Road, specifically mentioning the intersection of Morris Avenue.

The City Manager stated that the staff would prepare a report on the matter if the Council so desired.

Status of report on modernization of city street lighting

Councilman Shastid asked the status of the staff report on cost of modernization of city street lighting where most needed - in the downtown area, along parks, and other places where a higher proportion of crimes are committed. The staff was directed to furnish this information at the Council meeting of October 5, 1964.

Director of Public Works Campbell stated that the report would be presented to the Council around the end of January 1965.

EXECUTIVE SESSION

MOTION

That the Council meet in executive session to discuss appointments to Boards and Commissions

Moved by VanderWall Seconded by Patton Unanimously carried

The Council went into executive session at 8:50 P.M., reconvening at 9:03 P.M. No appointments were made by the Council.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Patton Unanimously carried

The meeting adjourned at 9:04 P.M.

ATTEST: _____
REX E. GAILFUS, City Clerk