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

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Patton, Mitchell, Shastid, Tabbert, VanderWall, Mayor Hammond

Absent: Councilmen: None

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

Reverend Sherwood Daily gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of December 18, 1961, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM MARION H. MOOREHEAD, POSTMASTER, RE: APPRECIATION FOR ASSISTANCE IN OPERATION OF POST OFFICE

A letter from Marion H. Moorehead, Postmaster, dated December 20, 1961, expressing thanks for City cooperation and assistance during the past year, was read by the City Clerk.

The letter was ordered filed.

LETTER FROM MODESTO RETAIL MERCHANTS DOWNTOWN DIVISION, RE: USE OF CITY EQUIPMENT FOR REMOVAL OF CHRISTMAS DECORATIONS

A letter from John Sutton, Modesto Retail Merchants Downtown Division, requesting use of the City's Hi-ranger and aerial ladder truck, with an operator for each piece of equipment, to remove Christmas street decorations on January 7, 1962 was read by the City Clerk.

MOTION

That the request of the Retail Merchants Downtown Division for use of City's Hi-ranger and aerial ladder truck, plus operators, be approved

Moved by VanderWall Seconded by Johansen Unanimously carried

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF WATER LINES TO SERVE VILLAGE MANOR NO. 2 AND MAY FAIR ESTATES NO. 1 SUBDIVISIONS 1-40

The City Manager stated that funds were budgeted for these projects.

RESOLUTION NO. 62-1

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE CONSTRUCTION OF WATER LINES TO SERVE VILLAGE MANOR NO. 2 AND MAY FAIR ESTATES NO. 1 SUBDIVISIONS

Introduced by VanderWall Seconded by Johansen

Ayes: Johansen, Patton, Mitchell, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

CONSIDER RESOLUTION REVISING REGULATIONS PERTAINING TO THE OPERATION OF THE MUNICIPAL DISPOSAL AREA AND ESTABLISHING CHARGES 1-46

Director of Public Works Ray stated that a report on garbage and garden refuse disposal, dated February, 1961, indicated that revenue to the operator of the disposal area was insufficient to cover costs of operation. This revenue is based on a charge of $2.50 per disposal load, one-half of this amount, $1.25 per load, being paid the City. Mr. Ray said that with proper operation and equipment, it was necessary that the operator receive from $14,000 to $15,000 per year to enable him to break even. Under Ordinance 488-C.S., which combined garbage and garden refuse operation, and which was recently repealed, a charge of $3.50 per load was indicated as a fair and reasonable charge, with 50 cents per load reverting to the City.

Mr. Ray said that the proposed resolution provides a $3.50 per load charge for the privilege of using the disposal area by licensed garbage collectors, the operator to be entitled to $3 and the City 50 cents; $1 per load will be charged the City for each load of garden refuse deposited in the disposal area; no charge will be made to city vehicles from the Parks Department, Sewage Treatment Plant, etc.

Upon questioning, Mr. Ray said that the increase in the operator's costs was partially caused by the City's requirement of more expensive equipment to cut down on the use of land, which in turn will postpone the City's need to purchase additional land for disposal purposes; whether a fee of 50 cents per load will be adequate remains to be seen. With the new equipment being used, Mr. Ray said it is anticipated that land use will be cut down from approximately six acres to two and one-half acres per year.

The proposed resolution is for an indefinite period of time and rescinds Resolutions No. 54-348 and 57-30a.

RESOLUTION NO. 62-2

A RESOLUTION PROVIDING FOR THE OPERATION OF THE MUNICIPAL DISPOSAL AREA AND ESTABLISHING CHARGES FOR THE USE OF SAID DISPOSAL AREA

Introduced by Johansen Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION EXTENDING GARBAGE AND SWILL PERMITS TO MARCH 31, 1962

RESOLUTION NO. 62-3

A RESOLUTION AUTHORIZING AN EXTENSION OF THE LICENSE OF THE MODESTO GARBAGE COMPANY FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION NO. 62-4

A RESOLUTION AUTHORIZING AN EXTENSION OF THE LICENSE OF THE SANDERS SALVAGE COMPANY FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO

Introduced by Johansen Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION NO. 62-5

A RESOLUTION AUTHORIZING AN EXTENSION OF THE LICENSE OF THE AIRPORT GARBAGE SERVICE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION NO. 62-6

A RESOLUTION AUTHORIZING AN EXTENSION OF THE LICENSE OF RUDY BONZI FOR THE COLLECTION OF SWILL IN THE CITY OF MODESTO

Introduced by VanderWall Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION NO. 62-7

A RESOLUTION GRANTING AN EXTENSION OF THE LICENSE OF AMERICAN HOG FARM FOR THE COLLECTION OF SWILL IN THE CITY OF MODESTO

Introduced by Mitchell Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

CONSIDER GENERAL POLICY ON DIAGONAL PARKING IN THE CITY

The City Manager stated that at the December 26, 1961 meeting, a memorandum, dated December 13, 1961, from Director of Parking and Traffic Carmody, subject, "Policy for Diagonal Parking," was read and presented to the Council, the Council requesting that it be held over for decision until such time as Councilman Mitchell was present.

In this memorandum Mr. Carmody recommended the following:

1. That diagonal parking not be considered unless there is a demonstrated parking shortage;

2. That diagonal parking be considered only where the street is at least 64 feet wide between curb faces and the two-way traffic volume is less than 4,000 vehicles per day;

3. That diagonal parking not be continued if more than one accident per year per block results.

Councilman Mitchell said that adoption of a policy on diagonal parking would establish minimum standards and enable the staff to screen and dispose of requests failing to meet these standards, eliminating the necessity of presenting them to the Council except upon appeal. He recommended that the Council adopt the recommendations of the Director of Parking and Traffic as Council policy.

MOTION

That the staff be instructed to prepare a resolution of policy pertaining to diagonal parking for Council approval, based on the recommendations of the Director of Parking and Traffic, listed in memorandum, dated December 13, 1961

Moved by Mitchell Seconded by Tabbert Unanimously carried

REQUEST OF JACQUES MILLER FOR DIAGONAL PARKING ON TULLY ROAD

With the unanimous consent of the Council, the request of Jacques Miller for diagonal parking on Tully Avenue was discussed by Director of Parking and Traffic Carmody. He said that a study has not been made to determine whether or not a parking shortage exists. Less than 4,000 cars go by a day, and the street is over 64 feet wide. Additional checking of parking conditions in this area and further report were requested.

RESOLUTION APPROVING AGREEMENT AND FINAL MAP FOR MAY FAIR ESTATES SUBDIVISION

The City Attorney stated that the subdivision agreement has been signed, all fees paid, and it would be in order to accept the final map for May Fair Estates Subdivision.

Upon questioning, Director of Public Works Ray stated that sewer service was available to this subdivision.

RESOLUTION NO. 62-8

A RESOLUTION APPROVING THE FINAL MAP OF THE MAY FAIR ESTATES UNIT NO. 1 SUBDIVISION OF THE CITY OF MODESTO

Introduced by Johansen Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION REVISING POSITION CLASSIFICATION PLAN AS RECOMMENDED BY THE PERSONNEL COMMISSION

The City Attorney stated that it was his understanding that the classification plan prepared by Griffenhagen-Kroeger and presented

to the Council with Personnel Commission recommendation for approval was tentatively approved by the Council at its last meeting. Mr. Grimes stated that a resolution adopting this classification plan was necessary to put the plan into effect.

Upon request, the changes effected by the classification plan were discussed by Personnel Technician Mitchel.

Councilman Shastid commented upon the lack of a summary and comments upon how the gradings were based and the wide number of classifications -- approximately 100 classifications for 370 employees. Mrs. Mitchel stated that this was typical of a municipality with a wide variety of activities as against a factory production line.

Mr. Robert Alford, Chairman of the Personnel Commission, stated that this was considered by the Personnel Commission, and the decision reached that the wide number of classifications was logical for the City.

RESOLUTION NO. 62-9

A RESOLUTION ADOPTING A REVISED POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO

Introduced by Shastid Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION AUTHORIZING SALARY ADJUSTMENTS FOR CITY EMPLOYEES AS RECOMMENDED BY THE PERSONNEL COMMISSION 3-105

The City Attorney stated that it was his understanding that at the last Council meeting, the report and recommendations of the Personnel Commission were approved and the staff instructed to prepare the necessary documents to effect the salary adjustments. Mr. Grimes said the proposed resolution listed the salaries for the approved classification plan. A "Chart of Classifications and Salary Ranges as Recommended by the Personnel Commission to be effective January 1, 1962," prepared by the Personnel Department, was furnished each Council member and reviewed by the City Manager.

Mr. Alford described the manner in which the classification studies were made by Griffenhagen-Kroeger, which became the basis for recommending the salary adjustments indicated on the chart. The internal relationships recommended were discussed.

Mr. Alford pointed out that the adjustments were extensive because the classifications had not been reviewed for seven years. He said that the new classification plan could not remain a pattern for salaries indefinitely because of changing conditions; that the classification and pay plans were consistent with local industry and other cities, and a good base from which to work in future years.

Councilman Shastid asked if it would be feasible to limit the increases only to persons who have reached the top of their salary range.

The City Manager stated that step increases were more or less a contractual obligation to the employee -- when hired, they are assured of merit increases if their services are satisfactory; that salaries

are set so that each range represents fair compensation for the job at that level. Mr. Miller said that some cities give employees periodic seniority increases.

The City Manager stated that the Personnel Commission recommended a 3½ range salary increase at the top level for Bernice Mitchel, Personnel Technician, with the job designation changed to Personnel Officer, to more accurately reflect the existing responsibilities of this position. A 6½ range increase has been proposed for the Airport Manager, whose salary, when hired, was based on the premise that he would engage in airport business to supplement his salary, a factor which is no longer of much consequence.

Upon questioning, the City Manager stated that unless the Council indicated otherwise, an employee would advance to a corresponding step in his new range.

Mayor Hammond did not think it wise to limit the increases only to persons who have reached the top of their salary range, stating that this would tend to destroy the established vertical and horizontal relationships.

Mr. Alford cautioned that step increases within ranges are merit increases, and should not be confused with adjusted pay scales based on general conditions.

Councilman Johansen stated that it was the responsibility of the Council to keep salaries within reasonable limits in behalf of the taxpayers, but it was also important to keep them at levels which will attract employees of high caliber. He suggested that the salary adjustments be approved as recommended by the Personnel Commission, but that the increases effective January 1, 1962, be limited to one range only, with the exception of the Airport Manager, and the balance of the increases be made effective July 1, 1962. This would eliminate the necessity of depleting the present reserve.

Councilman Mitchell recommended that the salary adjustments be approved as recommended by the Personnel Commission, but that the increases be effective April 1, 1962; he felt that limitation or restriction of increases to certain groups would present administrative and mechanical problems.

Mayor Hammond said that the function of the Personnel Commission is to present recommendations to the Council which are fair and equitable to the employees and to the City; that it is the duty of the Council to determine whether sufficient funds are available to make the recommendations immediately effective, or whether postponement of the effective date is necessary.

City Attorney Grimes stated that formerly salary increases were considered at budget time when there was ample opportunity to determine availability of funds for this purpose, but approximately two or three years ago, it was determined by the Council that it would be better to budget a sufficient amount in the General Reserve for this purpose, and a directive was issued to the Commission that salary studies should be made available in time for review and action, effective January 1.

Councilman Johansen introduced a resolution proposing that the salary adjustments recommended by the Personnel Commission be approved, with a one range increase to be effective January 1, 1962 and any increase over one range to be effective July 1, 1962 except that the salary increase recommended for the Airport Manager be completely effective January 1, 1962, which was seconded by Councilman VanderWall.

It was Councilman Tabbert's opinion that two resolutions were involved, one approving the salary adjustments recommended by the Personnel Commission, and a second resolution setting the effective date.

Mayor Hammond requested that information be furnished the Council indicating the cost involved if the salary adjustments are made effective on the basis outlined in Councilman Johansen's motion.

It was Councilman Shastid's opinion that salary increases should be reviewed at budget time and provisions made for proposed increases; that if the present procedure separating salary studies from regular budget hearings is continued, funds for salary increases should be so earmarked informally in the budget in advance.

The City Manager pointed out that the earmarking of a specific amount for salary increases in the Reserve would not be desirable because it would be interpreted by employees "as a promise" and the amount that would be needed could not be predetermined.

The City Manager reported that the amount estimated at the last meeting as needed to cover proposed salary increases was somewhat high; that a more precise cost for a six months period would be $58,000 -- $11,000 to be transferred from the General Fund Reserve and the remainder available through effected economies.

Director of Public Works Ray pointed out specific inequities in his department, saying that postponement of the recommended salary adjustments would further penalize pump operators and the chief pump operator, whose salaries were not advanced last year. He said that a five per cent advance for all classes effective January 1, 1962 would compound this inequity for another six months.

Councilman Tabbert proposed that the resolution introduced by Councilman Johansen be amended by deleting the effective date of the salary adjustments, and that this phase of the proposal be considered by another resolution.

The City Attorney said that it was impossible to adopt a salary schedule without setting an effective date.

Councilman Mitchell stated that he would like to see the full increases go into effect as soon as the City could afford it, but wished further discussion on the availability of funds before action is taken on an effective date.

MOTION

That the resolution proposed by Councilman Johansen be amended to delete the effective date of the salary adjustments, approving only the salary adjustments recommended by the Personnel Commission

Moved by Tabbert Seconded by Mitchell

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall

Noes: Johansen, Mayor Hammond

The exact intent and meaning of the proposed amendment to the resolution was discussed, with some question being expressed. Councilman Patton stated that it was his belief that the Council has approved the Personnel Commission's recommendations at the last meeting and it was so printed in the newspaper; that funds were

discussed at the last meeting and considered available; that many employees and their representatives were present at the hearing last week, leaving with the impression that the Personnel Commission's recommendations had been approved.

Mayor Hammond requested that the Council be furnished a report on the exact fiscal position of the City.

By Motion, Councilman Johansen, with the consent of the second, withdrew his pending resolution, as amended, which motion was unanimously carried.

The staff was directed to furnish the Council a fiscal report of expected expenditures from the General Reserve Fund between now and July 1, 1962.

Councilman VanderWall requested that a report also be furnished on the amount of funds needed for the balance of the fiscal year, if only one range increases for all personnel are made effective January 1, 1962 as proposed by Councilman Johansen.

MOTION

That the staff be instructed to furnish the Council a report on the amount of funds needed for the balance of the fiscal year if only one range increases for all personnel are made effective January 1, 1962 as proposed by Councilman Johansen; and that a report be furnished showing the City's General Reserve Fund position, giving the expected expenditures from this fund for the remainder of the fiscal year

Moved by Mayor Hammond Seconded by Johansen Unanimously carried

COMMUNICATION FROM MRS. FRANK DAMRELL, RE: LIBRARY-CULTURAL CENTER BUILDING AND OTHER IMPROVEMENTS

Mrs. Frank Damrell, 217 Kimble Street, read a letter addressed to the City Council, dated January 2, 1962 requesting Council approval for an educational-cultural center as a wing for a new library.

Mrs. Damrell pointed out the inadequacies of the present library, stating that a new library with an educational-cultural wing would permit the display of art exhibits which presently by-pass Modesto because of lack of a display area, would tend to create interest in hobbies, etc.

The letter urged that the Council: (1) authorize the preparation of preliminary plans from which rough estimates could be made of the construction costs (stating that if funds are a problem the joint women's organizations would be willing to help pay for the preliminary plans); (2) authorize placing of a bond issue for a proposed library-cultural center on the next election ballot, along with the proposed police-communications center building. The services of the Clubs would be at the disposal of the Council to help inform the public of the need for the bonds.

Mayor Hammond stated that the Planning Commission, in its Capital Improvement Program, has listed priority of construction of civic buildings as funds are available, the police-communications center building to be considered first, the civic auditorium next, with a new library proposed at some future date.

Mrs. Damrell listed reasons why she felt that construction of a new library should take precedence over a civic auditorium. She

said that literature will be furnished the Council concerning a civic improvement contest in which $10,000 toward the improvement is offered as a prize, and that the efforts of her group in raising money for and explaining the need for a library-cultural center would qualify for entry in this contest.

A copy of Mrs. Damrell's letter was furnished each Council member.

The City Manager stated that further report would be made to the Council and this item again placed on the agenda.

RESOLUTION APPROVING SUBDIVISION AGREEMENT AND FINAL MAP FOR VILLAGE MANOR NO. 2 SUBDIVISION

The City Attorney stated that the final map was in order, the necessary documents and fees received, and approval of the subdivision agreement and final map of Village Manor No. 2 Subdivision was in order.

RESOLUTION NO. 62-10

A RESOLUTION APPROVING THE FINAL MAP OF VILLAGE MANOR UNIT NO. 2 SUBDIVISION OF THE CITY OF MODESTO

Introduced by Johansen Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Tabbert, Mayor Hammond

Noes: None Absent: Shastid, VanderWall

FURTHER REPORT ON PROPOSED LIBRARY BRANCH IN NORTH MODESTO

The City Manager stated that this matter was discussed by the Council at its last meeting and the staff instructed to proceed with the lease of a branch library in northwest Modesto for a two-year instead of a five-year period, and at a lower rental rate than the $235 per month offered by Ulrich Shopping Center.

Librarian Carl Hamilton stated that the Ulrich Shopping Center has agreed to lease premises to the City for the proposed branch library at $200 per month for a two-year rental period, instead of the originally quoted price of $235 per month for a five-year rental period.

Jack Ulrich, representing Ulrich Shopping Center, said that the library was desired in the shopping center, and that he was willing to meet the competitive price of $200 per month. (Submitted by Gregory Gardens Shopping Center) He said that he hoped it was not the intent of the Council to develop the leasing of buildings into an auction; that the originally quoted price of $235 per month for 1,360 square feet of space was a competitive bid for a desirable location, and the fact that this quotation was published in the paper made it simple for competitors to submit lower bids.

Mr. Haney, representing Gregory Gardens, said that the northern area of Modesto was developing rapidly and other locations for the branch library would serve the area just as well as Ulrich Shopping Center.

The City Manager stated that the lease modification approved by Ulrich Shopping Center indicates a two year-rental period, with yearly renewal option for three years at the same rental, the rental to be increased after five years to $250 per month.

RESOLUTION NO. 62-11

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND GLADYS L. ULRICH, JACK A. ULRICH AND JOYLENE ULRICH, A. JUDSON STURTEVANT, JR. AND MARGARET M. STURTEVANT, JOSEPH A. SALETTA AND BILLIE SALETTA, LESSORS, FOR THE RENTAL OF PROPERTY TO BE USED FOR LIBRARY PURPOSES

Introduced by Johansen Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

FURTHER REPORT ON POSSIBLE BLOCKING OF STREET AND ALLEYS IN WALNUT GROVE SUBDIVISION BY PROPOSED DEVELOPMENT ON PARADISE ROAD

The City Manager reported that the staff was still working with the County and property owners, and further report will be made to the Council after a meeting scheduled soon.

PURCHASE OF LANDSCAPE MATERIAL FOR BIRTHDAY AREA OF MODESTO CHILDREN'S PARK

The City Manager recommended that the Council approve the request of Miss Jacqueline Foret to permit the Director of Parks and Recreation to act as her agent and purchase landscape material for the birthday area in Children's Park in memory of Mrs. Ethyl Grenfell.

MOTION

That the request of Miss Jacqueline Foret that the Director of Parks and Recreation be permitted to act as her agent and purchase landscape material for the Children's Park birthday area be approved

Moved by Patton Seconded by VanderWall Unanimously carried

RESOLUTION DESIGNATING CERTAIN CITY PROPERTY FOR USE FOR FUTURE LIBRARY PURPOSES

The City Manager stated that one-half of city-owned property bounded by H Street, I Street, 15th Street and the alley between 15th and 16th Streets was transferred to the McHenry Library Capital Outlay Fund for library purposes by Resolution No. 58-314. The proposed transfer, with the portion already transferred, constitutes two-thirds of the entire parcel. The portion previously transferred is valued at $70,000, and the parcel proposed for transfer at this time valued at $24,000, a total of $94,000.

RESOLUTION NO. 62-12

A RESOLUTION DESIGNATING CERTAIN CITY PROPERTY FOR USE FOR FUTURE LIBRARY PURPOSES

Introduced by VanderWall Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

REPORT BY CITY ATTORNEY ON FILING OF CLAIMS FOR FIREMEN'S HOLIDAY PAY BY HARRY GRAHAM, LEO J. CRISMON, WINFIELD A. STAMBAUGH, DELBERT M. HODGES, JACK C. STONE, AND CHARLES B. SLOAN 12-78

The City Attorney stated that claims totaling $2,041.62 have been filed with the City by the above named former firemen for holiday pay during the period 1944 to 1949. Under a decision rendered by the Supreme Court in the case of Policemen vs. City of Modesto, claims for holiday pay must be filed with the City within ninety days after termination of employment. Mr. Grimes recommended that the claims be rejected.

RESOLUTION NO. 62-13

A RESOLUTION REJECTING THE CLAIMS OF HARRY GRAHAM, LEO J. CRISMON, WINFIELD A. STAMBAUGH, DELBERT M. HODGES, JACK C. STONE AND CHARLES B. SLOAN FOR FIREMEN'S HOLIDAY PAY AGAINST THE CITY OF MODESTO

Introduced by Johansen Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

CONSIDERATION OF POSSIBLE PARKING LOT ON THE EAST SIDE OF 9TH STREET BETWEEN J AND K STREETS

The City Manager reviewed for Council consideration the proposal of a new city metered parking lot on the east side of 9th Street between J and K Streets, the project being possible only with substantial contributions by store owners and operators in the area. This proposal was presented to the Council at the December 26, 1961 meeting, at which time the Council requested that it be held over for one week and attempts made to clear matters with representatives of Montgomery Ward, which company leases a building located on a portion of the property proposed to be used for the parking lot.

Upon questioning, Director of Parking and Traffic Carmody stated that Montgomery Ward's lease on the building, used as a tire shop, terminated in May, 1961 with unsuccessful negotiations for renewal in progress since that time. Montgomery Ward is hopeful that they can continue with use of the building. In a letter to the City, Montgomery Ward has stated that it definitely would be prejudicial to their interest to surrender the building.

Mr. Carmody stated that unless Montgomery Ward made a substantial payment of about $100 per month, it was doubtful that enough other pledges could be secured.

Councilman Shastid said he did not believe the City should prejudice a very substantial taxpayer; secondly, if the smaller proposed lot would principally benefit Montgomery Ward and they are not interested enough to pledge funds for its support, he could see no reason to pursue the matter further.

Mayor Hammond said that because of the length of negotiations, it was possible that the lease of the building might not be as important as indicated; that this is a high demand parking area and would be of benefit to the entire area.

MOTION

That the matter be held over for one week, and that the Mayor or a designated Councilman work with the staff on this matter

Moved by VanderWall Seconded by Johansen Unanimously carried

Mayor Hammond appointed Councilmen VanderWall and Patton to work with the staff on this matter.

REPORT ON LEFT TURN PROBLEM AT McHENRY AND MORRIS AVENUE

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

REPORTS FROM THE PLANNING COMMISSION - None

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

Letter Commending Employees of Parks and Recreation Department

The City Manager read a letter from Richard W. Harris, Chairman, Department of Landscape Horticulture, University of California, Davis, California commending the twelve employees of the Parks and Recreation Department interviewed by Mr. Harris as a member of an oral interview board.

The letter was ordered filed.

REPORT ON CERTIFICATE OF SERVICE AS CITY MANAGER FROM THE INTERNATIONAL CITY MANAGERS' ASSOCIATION (ROSS MILLER)

The City Manager reported receipt of a 15-year Certificate of Service as City Manager from the International City Managers' Association.

FURTHER REPORT ON ANALYSIS OF POSSIBLE SEWER SERVICE TO NORTH MODESTO AREA

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

REPORT BY DIRECTOR OF PLANNING SMEATH OF PROPOSED SUBDIVISION WHICH WOULD BLOCK EXTENSION OF WOODROW AVENUE

Director of Planning Smeath stated that the County had referred to the City Planning Commission tentative subdivision plans which would block off any extension of Woodrow Avenue east and west. The area is located immediately north of Sherwood Forest Subdivision.

Mr. Smeath said that the staff has been studying the entire north area with representatives of the FHA, subdividers, the County and other interested parties, and it appeared that modification of the General Plan might be in order to indicate Woodrow Avenue as a major street instead of Standiford Road. Mr. Smeath suggested a joint meeting with the Council, the Board of Supervisors, and the County and City Planning Commissions in the near future to resolve this matter.

MOTION

That the staff be authorized to set an early date for a joint meeting of the Board of Supervisors, Council and City and County Planning Commissions as recommended by Director of Planning Smeath

Moved by Mitchell Seconded by VanderWall Unanimously carried

REQUEST FOR PERMISSION TO ATTEND CITY MANAGERS' ANNUAL MEETING IN RIVERSIDE, FEBRUARY 14, 15 AND 16, 1962

There were no objections by the Council to the City Manager and Deputy City Manager attending the City Managers' annual meeting in Riverside, California on the indicated dates.

NOTICE OF APPOINTMENTS NECESSARY TO BOARDS AND COMMISSIONS

Notice of existing vacancies on Boards and Commissions were distributed to the Council. A list of individuals interested in civic affairs who might be willing to serve on boards and commissions was also furnished the Council. No action was taken by the Council.

CONSIDER SALARIES OF DEPARTMENT HEADS AND COUNCIL APPOINTED OFFICIALS

At the request of the Mayor, and with the consent of the Council, this matter was held over.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Tabbert Unanimously carried

The meeting adjourned at 7:19 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., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Absent: Councilmen: None

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

Reverend Dale E. Sherwood gave the invocation.

PETITIONS, REMONSTRANCES AND COMMUNICATIONS - None

CONSIDER AWARD OF BID FOR SEWER CONSTRUCTION TO SKYLANE PARK NO. 2 SUBDIVISION

Director of Public Works Ray stated that two bids were received, the low offer submitted by A. Teichert & Son for $9,239., 4.9% over the engineer's estimate of $8,808. $1,695.57 has been paid by the developer of Skylane Park No. 2 Subdivision towards this project. The balance will be advanced by the City and will be reimbursed to the City as adjacent areas develop.

The City Manager stated that funds were budgeted and recommended that award be made to A. Teichert & Son.

Councilman Shastid suggested that agenda items indicate whether or not they are budgeted and, if so, on what page of the budget the items appear.

MOTION

That items appearing on the agenda and involving the expenditure of funds indicate whether or not the funds are budgeted; if budgeted, the account number, and the number of the page on which it appears in the budget; if not budgeted, where it is proposed to get the funds

Moved by Shastid Seconded by Patton Unanimously carried

RESOLUTION NO. 62-14

A RESOLUTION ACCEPTING THE BID OF A. TEICHERT & SON, INC. IN THE SUM OF $9,239 FOR CONSTRUCTION OF SEWER TO SKYLANE PARK NO. 2 SUBDIVISION

Introduced by VanderWall Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

CONSIDERATION OF A POSSIBLE PARKING LOT ON THE EAST SIDE OF 9TH STREET BETWEEN J AND K STREETS

Councilman VanderWall, who with Councilman Patton was appointed by Mayor Hammond at the last meeting to work with the staff on this

matter, reported that he, Councilman Patton and Director of Traffic Carmody met with representatives of Montgomery Ward and Bomberger Real Estate. At the request of Councilman VanderWall, and with the consent of the Council, the matter was held over for one week.

RESOLUTIONS WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM COUNTY FIRE PROTECTION DISTRICTS BY REASON OF ANNEXATION TO THE CITY OF MODESTO

Glenn Addition from McHenry-Dry Creek County Fire Protection District

RESOLUTION NO. 62-15

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 (GLENN ADDITION)

Introduced by Mitchell Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

MacDannald Addition from the Woodland Ave. County Fire Protection District

RESOLUTION NO. 62-16

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE WOODLAND AVENUE COUNTY FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (MacDANNALD ADDITION)

Introduced by Johansen Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION RELATING TO THE GRANTING OF SPECIAL PERMITS TO USE CITY PARKS FOR USES OR EVENTS OF A NON-COMMERCIAL NATURE FOR WHICH THEY ARE NOT NORMALLY DESIGNED TO ACCOMMODATE 1-80

The City Attorney stated that the proposed resolution authorized the Director of Parks and Recreation to grant permits to applicants requesting special permission to use city parks for uses or events of a noncommercial nature for which they are not normally designed, rather than have these requests for special permits come before the Council. The proposed resolution was reviewed by Mr. Grimes.

RESOLUTION NO. 62-17

A RESOLUTION RELATING TO THE GRANTING OF SPECIAL PERMITS TO USE CITY PARKS FOR USES OR EVENTS OF A NONCOMMERCIAL NATURE FOR WHICH THEY ARE NOT NORMALLY DESIGNED TO ACCOMMODATE

Introduced by Tabbert Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION ACCEPTING IMPROVEMENTS IN ROSEMEAD TERRACE SUBDIVISION AS COMPLETE AND AUTHORIZING THE CITY CLERK TO RELEASE THE SUBDIVISION IMPROVEMENT BOND 1-95

The City Manager reported that a memorandum from the Assistant Director of Public Works, dated January 8, 1962, subject, "Rosemead Terrace Subdivision," indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Public Works Department, all inspection fees paid, and it would be in order for the Council to accept the improvements as complete and authorize the City Clerk to release the subdivision improvement bond.

RESOLUTION NO. 62-18

A RESOLUTION AUTHORIZING THE RELEASE OF THE HARTFORD ACCIDENT AND INDEMNITY COMPANY PERFORMANCE BOND FILED TO GUARANTEE IMPROVEMENTS IN ROSEMEAD TERRACE SUBDIVISION

Introduced by Johansen Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

CONSIDER SUBDIVISION BOND REDUCTION FOR YORKSHIRE MANOR NOS. 2 AND 3 SUBDIVISIONS

The City Manager reported that a memorandum from the Assistant Director of Public Works, dated January 8, 1962, indicates that all work within these subdivisions has been completed to the satisfaction of the Public Works Department, except for the improvement of alleys, which cannot be accomplished until next spring. The Department of Public Works recommends that the subdivision improvement bond for Yorkshire Manor No. 2 Subdivision be reduced from $12,800 to $1,300, and the bond for Yorkshire Manor No. 3 Subdivision be reduced from $3,000 to $700.

RESOLUTION NO. 62-19

A RESOLUTION APPROVING REDUCTION OF THE PERFORMANCE BONDS FILED BY WOLVERINE, INC., TO GUARANTEE IMPROVEMENTS IN YORKSHIRE MANOR NOS. 2 AND 3 SUBDIVISIONS

Introduced by Shastid Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION ESTABLISHING THE POLICY IN THE CITY OF MODESTO WITH RESPECT TO THE ESTABLISHMENT OF ANGLE PARKING ON CITY STREETS

The City Attorney stated that the proposed resolution sets City policy with respect to the establishment of angle parking on city streets and was prepared at the direction of the Council. The provisions of the proposed resolution were reviewed by Mr. Grimes.

RESOLUTION NO. 62-20

A RESOLUTION ESTABLISHING THE POLICY IN THE CITY OF MODESTO WITH RESPECT TO THE ESTABLISHMENT OF ANGLE PARKING ON CITY STREETS

Introduced by VanderWall Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

ACCEPT AS COMPLETE THE CONTRACT WITH INDUSTRIAL ELECTRICAL COMPANY FOR CONSTRUCTION OF TRAFFIC SIGNALS AND STREET LIGHTS AT 14TH AND G STREETS

The City Manager reported that this work has been completed for the contract price of $5,232, with no time extensions or change orders. He recommended that the work be accepted, notice of completion recorded, and payments made according to the contract.

RESOLUTION NO. 62-21

A RESOLUTION ACCEPTING THE CONSTRUCTION OF TRAFFIC SIGNALS AND STREET LIGHTS AT 14TH AND G STREETS BY INDUSTRIAL ELECTRICAL COMPANY

Introduced by Shastid Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

REPORT ON LEFT TURN PROBLEM AT McHENRY AND MORRIS AVENUE

A copy of a memorandum from Director of Parking and Traffic Carmody, dated December 19, 1961, subject, "Left Turn Lane - McHenry at Morris," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

Director of Traffic Carmody reviewed the memorandum, stating that at the present time left turns are prohibited at this intersection between 4 and 6 P.M., which is not popular with drivers who live in the eastern part of town and wish to make the turn; also, Morris Avenue is one of the few through streets to Coffee Road. Mr. Carmody stated that many citations have been issued at this intersection because of illegal left turns.

Installation of a protected left turn which would require the elimination of parking for about 160 feet north and south of Morris on both sides of McHenry Avenue was discussed. If the parking is eliminated, Mr. Carmody said that there would be a loss of five spaces on each of the four corners.

Mr. Carmody did not feel that full time left turn prohibition was desirable because of the lack of through east-west streets in the area.

Whether or not the intersection was clearly signed to prohibit left turns between 4 and 6 P.M., perhaps contributing to the citations issued, was discussed. Mr. Carmody stated that the present signs were readily visible.

Upon questioning, Mr. Carmody stated that restriping the street would cost approximately $75 to $100; an overhead signal arm indicating a left turn would cost a minimum of $200. He said that a three-way signal was not recommended because it would cause a delay in the flow of traffic.

MOTION

That no change be made in the present left hand turn procedure at this intersection

Moved by Shastid Seconded by Johansen Unanimously carried

INTRODUCTION OF NEW COUNTY OFFICIALS

The City Manager introduced Charles Dixon, County Administrator, and Richard Barhite, County Public Works Director, newly appointed County officials.

HEARING ON ZONING AMENDMENTS 3-8

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the time set for consideration of zoning amendments, and opened the hearing.

The City Clerk reported publication of notice of hearing in the Modesto Tribune on December 14 and 21, 1961. Notices were mailed to interested parties.

Director of Planning Smeath stated that the proposed ordinance was prepared after numerous meetings with interested parties and a public hearing held by the Planning Commission; that all of the persons expressing an interest in the proposed amendments at the Council hearing were sent special invitations to attend staff meetings where the proposed changes were reviewed, and to the Planning Commission hearing. Mr. Smeath said only one objection to the proposed amendment permitting two-family homes on corner lots in R-1 zones was received, and no disapproval expressed for the amendments affecting the parking of trucks, trailers and boats.

The principal changes were reviewed by Mr. Smeath as follows:

(1) That house trailers more than thirty feet in length be prohibited in any residential zones;

(2) That house trailers thirty feet or under be permitted on residential lots providing they are no closer than fifteen feet to any street line and that no part is placed closer than three feet to any building used for human habitation;

(3) That trucks greater than a certain specified size and capacity be barred from residential areas except for pickup or delivery service, or public agency or utility company vehicles while used on official business;

(4) House trailers and boats could be brought into a residential area for a limited period by bona fide guests not to exceed seven days, or for loading or unloading for a period of not more than twenty-four hours;

(5) Nonconforming boats and trailers presently parked in residential zones must be relocated or moved not later than six months from the effective date of adoption of the ordinance;

(6) That two-family homes be permitted on corner lots in single-family residential lots in the city, provided that only new structures are built and that each dwelling unit faces a different street.

Edith Matson, 219 North Wilson, complained of a neighbor's trailer which has been obscuring her view for the past two years. She objected to the portion of the proposed ordinance which would permit the trailer to remain there for six more months.

Fonnie Bartholomew, president, Modesto Travel Trailer Club, said that his organization had worked closely with the Planning staff on the proposed ordinance, and it was the consensus of his Club that the ordinance was fair. He again pointed out the problems for boat and trailer owners created by the City's recent prohibition of alleys. He said that members of his organization having alley access to their properties are being encouraged to park their trailers and boats in rear yards as much out of sight as possible.

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

The Council discussed the proposed amendment which would permit the construction of two-family homes on corner lots in R-1 residential zones.

Councilmen Mitchell, Shastid and VanderWall listed reasons why they felt that duplex rental units would be incompatible in an R-1 zone.

Director of Planning Smeath stated that approval would permit the development of many corner lots within the City which have remained unimproved because of the high cost of developing corner lots for one-family dwellings; that it should not be assumed that rental and ill cared for properties are synonymous. He said that many builders and real estate people are in favor of the proposed amendment; also, that there could be no provision for variances for this use in single-family zones or for conditional use permits, as it would be extremely difficult to set up standards upon which decisions for granting or denying variances could be based.

Mayor Hammond said that he had observed a few duplexes on corner lots and did not feel that they detracted from the R-1 characteristics of the neighborhood, nor did they diminish the value of adjacent properties. He concurred with Mr. Smeath that as close-in housing becomes more difficult to obtain on a reasonable basis, the proposed ordinance would encourage development of corner lots. He mentioned the growing trend to move back into cities, which, if it continues, will bring added pressure for rental units within cities.

Jerry Greenbach, 140 East Orangeburg, spoke briefly against the proposed amendment.

MOTION

That the recommendation of the Planning Commission to permit construction of duplexes on corner lots in one-family residential zones be disapproved

Moved by VanderWall Seconded by Mitchell

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall

Noes: Johansen, Mayor Hammond

MOTION

That the proposed amendments to the zoning regulations recommended by the Planning Commission (Planning Commission Resolution No. 755), excepting the recommendation permitting construction of duplexes on corner lots in one-family residential zones, be approved

Moved by VanderWall Seconded by Shastid Unanimously carried

ORDINANCE NO. 496-C.S. entitled

"AN ORDINANCE AMENDING SECTIONS 10-2.270 AND 10-2.271 OF ARTICLE 2 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE; AND ADDING SECTIONS 10-2.211.1, 10-2.211.2, 10-2.247.1, 10-2.247.2, 10-2.270.1, 10-2.270.2, 10-2.270.3, AND 10-2.271.1 TO ARTICLE 2 OF CHAPTER 2 OF TITLE X; ADDING SECTIONS 10-2.1510, 10-2.1511 AND 10-2.1512 TO ARTICLE 15 OF CHAPTER 2 OF TITLE X; AND ADDING SECTIONS 10-2.1711 AND 10-2.1712 TO ARTICLE 17 OF CHAPTER 2 OF TITLE X, RELATING TO ZONING REGULATIONS"

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

Moved by VanderWall Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

HEARING ON COST OF CONSTRUCTION OF CURBS AND GUTTERS, 1526 ALBANY

Mayor Hammond announced that the hour of 8:05 P.M. had arrived, the time set for consideration of the report of the cost of construction of curbs and gutters at 1526 Albany Street, and opened the hearing.

The City Manager stated that a report prepared by Director of Public Works Marvin Ray indicated that all work in connection with the curb and gutter at 1526 Albany Avenue (Block 6119, Lot 17) was completed on December 11, 1961 at a total cost of $147.41.

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

RESOLUTION NO. 62-22

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF CURBS AND GUTTERS 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 (1526 ALBANY AVE)

Introduced by VanderWall Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

CONSIDER ACQUISITION OF COLLEGE GARDENS WATER COMPANY 6-70

The City Manager presented for Council consideration a recommendation for the purchase of College Gardens Water Company at a cost of $40,800. A report giving details of the proposed acquisition was furnished the Council prior to the meeting. Mr. Miller said that this action was based on an analysis of the water situation made by Ruth and Going, a local engineering firm, relating to both the municipal and private water systems. Mr. Miller said the municipal system has been designed to tie in with the College Gardens system, the cost of tying in estimated at about $4,000. The smaller of the two wells would be discontinued if the system is purchased, and the pump used for other activities.

Director of Public Works Ray stated that the estimate of annual earnings listed on page 2 of the report is based on presently existing rates.

Councilman Shastid outlined reasons why acquisition of this water system would be beneficial to the City.

Upon questioning, the City Manager stated that Special Capital Outlay Reserve funds would be used for acquiring the system.

MOTION

That the staff be instructed to prepare an agreement for the purchase of College Gardens Water Company for $40,800, and that pertinent matters be cleared with Mr. Cecil and the P.U.C.

Moved by Tabbert Seconded by Shastid Unanimously carried

CONSIDER LETTER AGREEMENT BETWEEN THE CITY OF MODESTO AND LANCE ELLIS RELATING TO PERIMETER STREET LIGHTS CONSTRUCTED AS PART OF PARK MANOR 3A AND 3B SUBDIVISIONS 7-22

The City Manager stated that the agreement was prepared in accordance with established city policy, and provides for the City sharing one-half the cost of perimeter street lights in Park Manor 3A and 3B Subdivisions. The estimated cost to the City is $319.22.

MOTION

That the letter agreement between the City and Lance Ellis relating to construction of perimeter street lights in Park Manor 3A and 3B Subdivisions be approved

Moved by VanderWall Seconded by Tabbert Unanimously carried

RECOMMENDATION FOR COMMENCEMENT OF ANNEXATION PROCEEDINGS OF CRESTVIEW ADDITION 7-29

The City Manager stated that Planning Commission Resolution No. 762 recommends annexation of Crestview Addition. The area is located in the Modesto City School District and McHenry-Dry Creek Fire District, and comprises 1.043 acres.

RESOLUTION NO. 62-23

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

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

Upon questioning, Director of Planning Smeath stated that water and sewer services are available to the subdivision.

February 19, 1962 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

REPORT ON CONSTRUCTION OF CURBS AND GUTTERS AT THE SOUTHWEST CORNER OF ROSEBURG AND ENSLEN AVENUE (BLOCK 738, LOT 16) AND SETTING DATE FOR HEARING

The City Manager stated that a report from the Director of Public Works indicates that the construction of curbs and gutters at the southwest corner of Roseburg and Enslen Avenue was completed on January 3, 1962, at a total cost of $183.61, and report on cost of construction has been set for hearing in the Council Chambers, City Hall on January 22, 1962 at 8:00 P.M.

FURTHER CONSIDERATION OF SALARY MATTERS 8-68

Councilman Mitchell suggested that a special meeting be held by the Council within the next week to consider salary adjustments submitted by the Personnel Commission, and possible salary increases for department heads and appointive personnel at the same time. He felt that from a financial standpoint, they should be considered simultaneously.

Mayor Hammond said that the main problem appeared to be whether or not funds were available to support the Personnel Commission's recommendations and possible salary adjustments for department heads and appointive personnel. He suggested an executive session to discuss department head and appointive personnel salaries at the close of the present Council meeting.

Councilman Shastid concurred, stating that the salary adjustments for all personnel should be considered as a unit because the funds are unbudgeted.

Dwight Long, Tree Foreman, Parks and Recreation Department, stated that he was proud of Modesto and proud of the men in control of its progress. He wanted the Council to know that all employees, particularly Parks personnel, were vitally interested in the community's welfare and progress, and not just their salaries.

Don Chadwick, representing the City Employee's Association, expressed the employees' appreciation for the Council's approval of the classification plan and salary adjustment recommendations made by the Personnel Commission.

At the suggestion of Councilman Johansen, and with unanimous consent, the Council decided to have an executive session at the end of the present meeting to discuss department head and appointive personnel salaries. The City Clerk was directed to place this matter for both classified and unclassified personnel at the end of next week's agenda.

FURTHER REPORT ON POSSIBLE BLOCKING OF STREET AND ALLEYS IN WALNUT GROVE SUBDIVISION BY PROPOSED DEVELOPMENT ON PARADISE ROAD 8-63

The City Manager stated that the staff again met with representatives of the County and the owners of the property, with no solution as yet reached. With the consent of the Council, the matter was held over for one week.

REPORTS FROM THE PLANNING COMMISSION

Development of north Modesto area

Director of Planning Smeath stated that at last week's meeting, the Council approved the Planning Commission's request that a joint Board of Supervisors, Council, City and County Planning Commissions meeting be set up to discuss the development of the north Modesto area. Further staff discussion and a special meeting of the Planning Commission resolved the matter pertaining to Woodrow Avenue, thus making it possible to delay the suggested joint meeting for a while.

SEWER BOUNDARIES IN NORTH MODESTO

The City Manager stated that at a meeting on December 14, 1961, the Planning Commission passed a motion that the Planning staff ask for an early answer to the following question: "Will the Council commit itself to provide sewer facilities in a described area to the north of the City and assure that such a system will be provided, and so declare to the Commission?"

Mr. Miller emphasized the need for cooperation between the City and the County Board of Supervisors and County Planning Commission on this matter. He felt that it would be economically unsound for the City to extend the sewer system without holding a line; that scattered subdivisions place undue burdens on schools, County Fire Protection Districts, etc. It was his opinion that the scattering of subdivisions can be prevented only through zoning.

Upon questioning, Mr. Miller said that the present sewer boundaries were set about eight years ago.

It was Councilman Shastid's opinion that the question asking the Council to commit itself to provide sewer facilities to furnish sewer service to the northern part of the community was "about as big a blank check I ever saw drawn or requested." He said that before any preliminary discussions are held with interested County agencies, the Council should be furnished general information, probable costs, anticipated revenues, etc.

The City Manager stated that such a preliminary report is being prepared and will be available within a short time.

Director of Planning Smeath reported on the anticipated population in various north Modesto areas when developed to capacity. He said that the Public Works and Planning Departments, along with the County Health Department, agree that immediate steps should be taken to require dry sewers in new subdivisions before major trunks are laid; if the program is established, an ordinance should be adopted requiring any property reasonably close to an existing sewer line to connect.

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

Request for Sewer Service by A. C. Dandy, 701 Norwegian Avenue

Director of Public Works Ray stated that this property is located outside the city limits, but is contiguous to the city limits. Mr. Dandy has signed the agreement required by the City for sewer service to properties outside the city limits, agrees to annex and construct the necessary lateral sewer. A sewer line is available. Mr. Ray recommended that approval be granted.

MOTION

That the letter agreement between A. C. Dandy and the City for sewer service to property located at 701 Norwegian Avenue be approved

Introduced by Mitchell Seconded by Johansen Unanimously carried

City Policy regarding commercial signs

With the unanimous consent of the Council, the matter of sign regulations within the City was presented by Councilman Shastid, who

said that complaints have been made to him concerning large and unsightly signs which are being erected in various parts of the City.

The City Attorney stated that commercial signs are regulated as to size by the sign regulations and certain location restrictions are made in the zoning regulations. Mr. Grimes stated that the height, size and standards of a sign can be controlled by ordinance, but the Supreme Court of the State of California has ruled that the esthetic qualities of signs cannot be controlled.

Director of Planning Smeath stated that a number of years ago, the City adopted the present sign ordinance after a series of meetings with sign agencies and others. The Planning Commission has worked only on the location of signs. The zoning regulations contain no regulations on signs in C-2 zones, other than are regulated by the sign ordinance. In C-1 zones, there is only one regulation--the sign must refer or be pertinent to the use which is conducted on the property. He said that restrictions in residential zones are extremely rigid, more so than in many cities.

The City Manager suggested that the sign ordinance be reviewed for possible revision, also mentioning the distracting qualities of flashing signs on motorists at night.

Councilman Mitchell said that he would like to see flashing signs outlawed in C-1 neighborhood commercial areas which are adjacent to residential areas. He also felt that large signs erected on top of existing buildings add nothing to the appearance of the community, particularly in areas commercially zoned which are still used for residential purposes. He also suggested that the sign ordinance be reviewed.

Director of Planning Smeath suggested that the undesirable features and lack of limitations of the present ordinance be studied and reviewed, and interim protection provided against these features until such time as all phases of the ordinance can be studied.

Councilman Mitchell stated that it was his understanding that Mr. Smeath's suggestion would authorize the staff to prepare an interim ordinance to prohibit outsize signboards from being erected, pending the review, and after public hearing by the Planning Commission and the Council, steps would be taken to revise the existing ordinance to eliminate the objectionable features which permit erection of oversize billboards in heavy commercial areas, etc.

MOTION

That the staff be directed to proceed along the two-step procedure suggested by Director of Planning Smeath

Moved by Shastid Seconded by Mitchell Unanimously carried

ILLEGAL PARKING IN BUSINESS AREAS

With the unanimous consent of the Council, Councilman VanderWall presented this matter to the Council. He asked if there was an ordinance prohibiting all-day parking on one parking space, with the meter fed all day, and if such an ordinance exists, why it is not enforced.

City Manager Miller explained that regulations limit the parking time, and the ordinance is violated if a car remains in the parking space beyond that limit, with or without money in the meter. He said that many times the offender is the merchant or his employees, thereby

defeating his own interests by depriving potential customers of parking facilities.

Councilman VanderWall said it was his understanding that once a ticket is given the violator, the car may remain in the parking space all day, and no more tickets can be given. He said this practice has been reported to him, the violators being perfectly willing to pay the $1 fine for the privilege of all-day parking.

The City Manager stated that this was in violation of the ordinance and suggested that the matter be placed on the agenda of a future meeting for report by the Chief of Police.

REPORT ON SISTER CITY FLOATS - ROSE BOWL PARADE - BY COUNCILMAN MITCHELL

With the unanimous consent of the Council, Councilman Mitchell reported that there were a number of floats in the Rose Bowl Parade depicting the Sister City Program. One of particular interest to Mr. Mitchell was the float of a sister city in Japan which created much applause. He pointed out the good will created by the program, and the wide publicity obtained by having floats in the Rose Bowl Parade.

The City Manager said that he and Mayor Hammond have met with the promoters of the Sister City Program and plans are progressing.

REPORT ON STREET RECONDITIONING PROGRAM FOR 1961

The City Manager reviewed briefly the memorandum submitted by Director of Public Works Ray, dated December 28, 1961, subject, "Street Reconditioning Program 1961," a copy of which is on file with the record of the minutes. Copies of the memorandum were distributed to the Council prior to the meeting. Mr. Miller noted a minor correction in that only the western half of Alice Street was reconditioned; no work was done on the eastern half.

The report was ordered filed.

REPORT ON MAZE WREN PARK

The City Manager reported that the State condemned Maze Wren Park in connection with the freeway and under agreement with the State, the City was permitted to use the park so long as it was not needed by the State. The State has been informed that city-owned playground equipment has been removed from the park and the park abandoned by the City effective December 22, 1961.

MOTION

That the City indicates its official discontinuance of Maze Wren Park, effective December 22, 1961, and the City Manager be instructed to so notify the State Division of Highways

Moved by VanderWall Seconded by Shastid Unanimously carried

Upon questioning, Director of Parks Cowie stated that the entire park area is torn up, all play equipment removed, only a shell of the rest rooms remains, and nothing left to indicate the area as a playground.

The City Attorney stated that the park site is now owned by the State.

ANNUAL REPORT - 1961

Mayor Hammond stated that the City Manager has proposed that this year, the Annual Report to the People be condensed on one sheet and published in the City newspapers, in lieu of mailing them to citizens, as has been done in the past. A copy of the proposed annual report was shown the Council.

The City Manager said it was proposed to have the annual report published in the Modesto Tribune in black, and in the Modesto Bee in two colors, and 5,000 copies secured to be distributed to schools, the Chamber of Commerce, various clubs, etc. Mr. Miller said that publication costs would be less than the postage required to mail the report, with costs for labor and material in printing the report eliminated.

Councilman Shastid questioned the value of and the purpose served by the report, objecting as follows: All of the information appearing in the report has been published in newspapers at one time or another. He suggested that the report be multilithed, and copies placed in the Council Chambers to be picked up by individuals interested enough to attend the meetings. He said he would prefer a report indicating the financial status of the City as a result of the past year's activities; that he considered the report a "frill" which should be cut out as an economy measure.

The City Manager stated that the annual report has been furnished the people for the past ten years, and he felt that the City was obligated to the citizens to summarize the year's activities in a report of this type; that a wealth of publicity was received for a minimum of financial outlay.

Mayor Hammond stated that the report was primarily a public relations gesture and did serve to acquaint the citizens with the Council's activities.

Councilman VanderWall concurred, saying that it was good advertising for the City.

Upon questioning, Mr. Miller said it would cost approximately $500 to print the report in both papers, and for 5,000 copies of the report.

Councilman Mitchell said that if it cost less than 2½ cents per registered voter to make the report available to constituents, it was money well spent.

MOTION

That the Annual Report to the People be published in the two newspapers as recommended by the City Manager

Moved by Johansen Seconded by VanderWall The Motion Carried

The City Manager read a letter signed by the Mayor and Council proposed to be published with the above report.

PRESENTATION OF FINANCIAL STATEMENT FOR MONTH OF DECEMBER, 1961

The financial statement for the month of December, 1961 was presented to the Council and ordered filed.

CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS

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

CONSIDER APPOINTMENTS OF COUNCIL COMMITTEES

Mayor Hammond stated that the Public Relations Committee felt that the Council and staff could work together more effectively if standing committees were established to which matters needing special checking could be referred by the staff. A memorandum prepared by the Public Relations Committee, subject, "Council Committees," dated January 3, 1961, listing the proposed Council Committees was distributed to the Council prior to the meeting.

MOTION

That the Council Committees be reconstituted and assigned in accordance with memorandum submitted by Public Relations Committee, and the date of the memorandum be changed to January 3, 1962

Moved by VanderWall Seconded by Tabbert Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Johansen Seconded by VanderWall Unanimously carried

The meeting adjourned at 10:25 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., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond
Councilman Shastid arrived at 4:12 P.M.

Absent: Councilmen: None

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

Reverent R. T. Northrup gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the Council meeting of December 26, 1961 and the same being available for public inspection, and there being no objections, the minutes were approved.

COMMUNICATION FROM W. A. RONNEBERG, ASSISTANT VICE PRESIDENT, WELLS FARGO BANK AMERICAN TRUST COMPANY, RE: REQUEST FOR CURB CUT VARIANCE

A letter from W. A. Ronneberg, Assistant Vice President, Wells Fargo Bank American Trust Company, dated January 9, 1962, requesting a variance to permit retention of a 15'6" driveway division at property located at McHenry and Granger Avenues, was read by the City Clerk.

Assistant Director of Public Works Ross Campbell stated that code provisions require an eighteen foot division between driveways. Inasmuch as parking between the driveways would be hazardous, he recommended that the variance permitting a 15'6" division be approved and that the division be painted red.

The City Attorney stated that if the Council approved the request for variance, it should be on the basis of public safety.

RESOLUTION NO. 62-24

A RESOLUTION GRANTING THE VARIANCE REQUEST FILED BY WELLS FARGO BANK AMERICAN TRUST COMPANY, McHENRY AND GRANGER AVENUES, TO PERMIT A FIFTEEN-FOOT, SIX-INCH (15'6") DIVISION BETWEEN DRIVEWAYS

Introduced by VanderWall Seconded by Patton

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

COMMUNICATION FROM STUDENTS OF THOMAS DOWNEY HIGH SCHOOL ENGLISH CLASS RE: APPOINTMENT OF YOUTH ADVISORY COUNCIL 1-47

A letter from Ann Dunham, Nancy Dorion and Pat Larson, sophomore students of Downey High School, dated January 5, 1962, was read by the City Clerk. The letter suggested the following as a deterrent to juvenile delinquency: That a legal body, such as a

Youth Advisory Council, work with the City Council, in cooperation with the Parks and Recreation Department, to plan various activities, community projects and worthwhile leisure time activities for teen-agers. A request was made to discuss the problem at a future Council meeting.

The City Manager recommended that approval be given the group to present their request to the Council.

The City Clerk was directed to place the matter on the agenda at a time convenient to the students.

LETTER FROM OLIVER DEATSCH, SECRETARY, MODESTO BAND, INC., REQUESTING PAYMENT OF BUDGETED ITEMS FOR FISCAL YEAR 1961-62

A letter from Oliver Deatsch, Secretary, Modesto Band, Inc., dated January 4, 1962, requesting payment for budgeted items of service, was read by the City Clerk. $1,200 was requested for the municipal summer band concerts and $350 for representation at the State Fair, a total of $1,550.

MOTION

That payment of budgeted items as requested in the amount of $1,550 be paid Modesto Band, Inc. of Stanislaus County, California

Moved by VanderWall Seconded by Mitchell Unanimously carried

Councilman Shastid arrived at 4:12 P.M.

CONSIDER AWARD OF BID FOR ONE NEW RUBBER-TIRED TRACTOR 1-85

Director of Public Works Ray reported that four bids were received, the low bid submitted by Valley Tractor Co. in the net amount of $3,869.61, which includes the trade-in of a 1952 Massey-Harris tractor. (Model G1RS, Serial No. 40044, City Equipment No. 301) $4,000 has been budgeted for replacement of this tractor. He recommended that the bid of Valley Tractor Co. be accepted. No cash offers were received for the trade-in.

RESOLUTION NO. 62-25

A RESOLUTION ACCEPTING THE BID OF VALLEY TRACTOR COMPANY FOR ONE NEW RUBBER-TIRED TRACTOR FOR A NET SUM OF $3,869.61

Introduced by Johansen Seconded by Tabbert

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

CONSIDER AWARD OF BID FOR CODE SHEETS FOR YEAR 1962

The City Clerk stated that Willey Printing Company submitted the only bid received, $10.82 per page for the printing of code sheets. He recommended that the bid be accepted.

Upon questioning, the City Clerk stated that proposals were submitted to ten local firms.

RESOLUTION NO. 62-26

A RESOLUTION ACCEPTING THE BID OF WILLEY PRINTING COMPANY FOR THE PRINTING OF REVISED AND SUPPLEMENTAL CODE PAGES FOR THE CALENDAR YEAR 1962

Introduced by VanderWall Seconded by Shastid

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

ADOPTION OF ORDINANCE NO. 496-C.S. RELATING TO ZONING REGULATIONS (TRAILERS AND BOATS)

ORDINANCE NO. 496-C.S. entitled

"AN ORDINANCE AMENDING SECTIONS 10-2.270 AND 10-2.271 OF ARTICLE 2 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE; AND ADDING SECTIONS 10-2.211.1, 10-2.211.2, 10-2.247.1, 10-2.247.2, 10-2.270.1, 10-2.270.2, 10-2.270.3, AND 10-2.271.1 TO ARTICLE 2 OF CHAPTER 2 OF TITLE X; ADDING SECTIONS 10-2.1510, 10-2.1511 AND 10-2.1512 TO ARTICLE 15 OF CHAPTER 2 OF TITLE X; AND ADDING SECTIONS 10-2.1711 AND 10-2.1712 TO ARTICLE 17 OF CHAPTER 2 OF TITLE X, RELATING TO ZONING REGULATIONS"

was introduced on January 8, 1962 and having been printed and published as required by the Charter, was moved and adopted.

Moved by Johansen Seconded by VanderWall

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

FURTHER REPORT ON ENFORCEMENT OF PARKING TIME LIMITS

The City Manager stated that this item was discussed by the Council at its last meeting, having been introduced by Councilman VanderWall.

Councilman VanderWall said that he has received complaints that individuals in the business district are parking in one location all day, receive one ticket only for the violation, paying for the tickets by the month. If not already in effect, Mr. VanderWall suggested that rules be established making it possible for more than one ticket to be issued.

Chief of Police Bowers stated that relatively few merchants in the downtown area violate parking regulations in this manner, but the few are known to the parking officers, who see that the cars are ticketed each day.

Chief Bowers said it is the practice of the Police Department to not only enforce meter payments, but to mark cars in the downtown areas as often as possible in order to enforce the time limit. Two citations are issued if there is overtime parking, as well as a meter violation. Under his interpretation of the present ordinance, only one citation can be issued for overparking.

It was the City Attorney's opinion that each violation of the time limitation imposed was a separate and distinct violation of the Code, but whether or not the Court would honor more than one citation was another problem.

Chief Bowers did not feel that there was need at this time for stronger parking regulations as there were relatively few consistent violators; however, if more than one ticket a day was to be issued for overtime parking, he suggested the ordinance be changed to specifically state that each hour of overtime parking is a separate and distinct violation. Mr. Bowers discussed the difficulties involved in enforcing parking regulations.

With the consent of the Council, Chief Bowers was directed to follow up his suggestion that he personally visit the known violators in an attempt to clear the matter, and report back to the Council.

FURTHER REPORT ON POSSIBLE BLOCKING OF STREET AND ALLEY IN WALNUT GROVE SUBDIVISION BY PROPOSED DEVELOPMENT ON PARADISE ROAD 2-85

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

REPORT ON PROPOSED SITE FOR FIRE STATION, COLDWELL AVENUE AREA

The City Manager stated that a number of locations in the Coldwell Avenue area have been checked as a possible site for a fire station, and after considerable analysis it has been decided that the best site available is on the northeast corner of Kearney and Coldwell.

The site was indicated on a map by Director of Planning Smeath. He said that discussions have been held on the desirability of moving the fire station operation now located at Coldwell and Virginia to this site. The locations of existing and proposed fire stations in this area were shown on the map.

The City Manager said that this proposed location gives excellent access to surrounding areas and to the downtown area, and if the Council tentatively approved the site, an appraisal would be obtained. He pointed out that the precise site would have to be cleared with the Planning Commission.

Upon questioning, Mr. Miller said that the fire station at Virginia and Coldwell was constructed when this location was the edge of the city limits, and as a result of the development in this area, is no longer properly located. The site proposed for purchase is located in a major industrial area. He said there would be no point in maintaining the Virginia and Coldwell station if a station is built at the proposed new site.

MOTION

That tentative approval be given of the fire station site on the northeast corner of Kearney and Coldwell Avenues, and the staff be authorized to proceed with an appraisal and negotiation for further report to the Council

Moved by VanderWall Seconded by Tabbert Unanimously carried

HEARING ON APPEAL BY E. R. BROWN FROM ZONING VARIANCE DENIAL AT 1524 GRAPE STREET 3-20

Mayor Hammond announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the appeal of E. R. Brown from a decision of the Board of Zoning Adjustment which denied him a variance to permit a double car garage to remain eight feet from the street property line, and opened the hearing.

The City Clerk reported that notice of hearing was published on January 4, 1962, notice of hearing posted and delivered in the area on January 4, 1962. No written protests were filed with the City Clerk.

A transcript of the hearing by the Board of Zoning Adjustment held on November 30, 1961, was filed with the City Clerk and made a part of the record.

Board of Zoning Adjustment Resolution No. 162, denying the variance to E. R. and Marie Brown to permit a double car garage to remain eight feet from the street property line at 1524 Grape Avenue, was filed with the City Clerk and made a part of the record.

A verbatim transcript of the hearing is attached hereto and made a part of the record.

The following documents were also filed with the City Clerk and are a part of the record, and on file in the office of the City Clerk:

Modesto City Planning Department sketch of Block No. 6108 and Modesto City Planning Department sketch of the layout of the Brown home on Lot 14, Block No. 6108; and the plans of the home submitted by Mr. Brown to the Building Inspection Department for a building permit.

PROVIDE FUNDS FOR PAYMENT OF ASSESSMENTS ON CITY OWNED PROPERTY, IMPROVEMENT DISTRICT NO. 8

The City Manager recommended that the $1,433 needed to pay for assessments on city-owned property in connection with Improvement District No. 8 be transferred from the Special Fund for Capital Outlay Reserve to the Special Fund for Capital Outlay, Storm Drains, Improvement District No. 8.

RESOLUTION NO. 62-28

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $1,433 FROM SPECIAL FUND FOR CAPITAL OUTLAY, RESERVE, TO SPECIAL FUND FOR CAPITAL OUTLAY, STORM DRAINS -- IMPROVEMENT DISTRICT NO. 8

Introduced by VanderWall Seconded by Johansen

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

RESOLUTION ESTABLISHING ONE-WAY STREETS AND ALLEYS AND ANGLE PARKING IN THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 59-191

The City Attorney stated that adoption of the proposed resolution is necessary because of recent changes in traffic regulations, and results from the adoption of Ordinance No. 493-C.S., on December 26, 1961, which was introduced to conform with the new Section 22508 of the Vehicle Code which requires that parking meter zones and rates of fees for such zones be established by ordinance. Since parking meter zones and rates and charges have previously been established by resolution, a resolution is necessary to rescind Resolution No. 59-191 and all subsequent resolutions, to delete the reference to parking meter zones.

RESOLUTION NO. 62-29

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 Johansen Seconded by VanderWall

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

RESOLUTION RESCINDING RESOLUTIONS NO. 61-262 AND 61-485

The City Attorney stated that Resolutions No. 61-262 and 61-485 establish parking rates and charges for municipal off-street parking facilities which are now incorporated in the Code. He recommended that these resolutions be rescinded.

RESOLUTION NO. 62-30

A RESOLUTION RESCINDING RESOLUTION NO. 61-262 ENTITLED "A RESOLUTION ESTABLISHING AND FIXING PARKING RATES AND CHARGES FOR USE OF MUNICIPAL OFF-STREET PARKING FACILITIES IN THE CITY OF MODESTO, AND RESCINDING RESOLUTION NO. 61-145," AND RESCINDING RESOLUTION NO. 61-485 ENTITLED "A RESOLUTION AMENDING RESOLUTION NO. 61-262 ENTITLED 'A RESOLUTION ESTABLISHING AND FIXING PARKING RATES AND CHARGES FOR USE OF MUNICIPAL OFF-STREET PARKING FACILITIES IN THE CITY OF MODESTO, AND RESCINDING RESOLUTION NO. 61-145'"

Introduced by Tabbert Seconded by VanderWall

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

MOTION APPROVING BILLS FROM THE COUNTY FOR PRISONER CARE FOR THE MONTH OF DECEMBER, 1961 9-94

The City Manager stated that the bills in the total amount of $499.20 were in order and recommended that payment be approved.

MOTION

That the payment of bills from the County for prisoner care for the month of December, 1961, be approved

Moved by Shastid Seconded by Patton Unanimously carried

CONSIDER DESIRABILITY OF PURCHASING COMPACT CARS

The City Manager said that specifications were being prepared for the purchase of automotive equipment and recommended that specifications for compact cars be included in the bids for certain uses.

Mayor Hammond requested that bids also be solicited for standard size minimum standard cars, as it may be found that they cost less than compact cars.

Councilman Mitchell suggested that some compact cars might be purchased and comparisons made at the end of one year's operation of the costs of maintenance and operation of standard size and compact cars. He further suggested that the staff check the opinion of users of compact cars as to convenience, time saving, etc.

Councilman VanderWall suggested that a check be made on the trade-in value of compact cars.

The City Manager said that an extensive survey has been made by the County which clearly demonstrates a savings in the use of compact cars, and an announcement recently made by the State indicates that all of the 838 passenger vehicles to be purchased by the State in 1962 will be compact cars.

Answering a question, the City Attorney stated that if the low bid received by the City covers a car of foreign make which meets specifications, and it is a responsible bid, the City is required to accept the bid if the Buy American Act does not apply because of an existing treaty with the foreign country.

MOTION

That the staff be instructed to include specifications for compact cars, the specifications to be so written that all compact cars are included, as well as alternate specifications for standard size cars

Moved by Shastid Seconded by Tabbert Unanimously carried

RESOLUTION RELATING TO THE TEMPORARY USE OF ON-STREET AND OFF-STREET CITY PARKING SPACES AND THE TEMPORARY CLOSING OF CITY STREETS 10-22

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

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY AT 1500 McHENRY AVENUE

Director of Public Works Ray reported that Humble Oil and Refining Company has requested sewer service to property located at 1500 McHenry Avenue. The property is contiguous to the City and a line exists to serve the property. The owner has agreed to comply with the usual city requirements. Mr. Ray recommended that the request be approved.

MOTION

That the request of Humble Oil and Refining Co. for sewer service to property located at 1500 McHenry Avenue be approved

Moved by Shastid Seconded by VanderWall Unanimously carried

The Council recessed at 6:20 P.M., reconvening at 6:27 P.M.

FURTHER CONSIDERATION OF SALARY MATTERS 10-44

Robert Alford, whose term of office as Chairman of the Personnel Commission expired December 31, 1961, stated that the salary study furnished the Council was already out-dated, being based on local salary levels taken from a March, 1961 survey. He said that the longer the Council delayed in its recommendation, the less valid the Commission's recommendations would become. He pointed out that approximately 80 employees did not receive salary increases in 1961 because of the general depressed economy, in spite of the fact that a survey taken at that time indicated that the increases were deserved. He asked that the Council consider this in reaching its decision.

Councilman Mitchell stated that after further consideration and discussion, he heartily concurred that any action taken by the Council should be effective January 1 if this can legally be done.

Councilman Shastid stated that whatever the action taken by the Council on the salary matter, the City Manager should make every effort possible to cut expenditures between now and budget time so that the City will end the fiscal year with a reasonable surplus.

Councilman Johansen introduced a resolution that the salary adjustments recommended by the Personnel Commission be approved, that raises limited to one-step increases be made effective January 1, 1962, and that increases recommended beyond a one-step increase be approved effective July 1, 1962, with the exception that the entire salary increase recommended for the Airport Manager be effective January 1, 1962.

The City Manager stated that under this proposal, some employees will not be in their regular range until July 1, and that if there were no objections from the Council, these employees would be Y-rated until that time.

The proposed resolution was read by the City Attorney.

RESOLUTION NO. 62-31

A RESOLUTION ESTABLISHING SALARY SCHEDULES AND FIXING THE COMPENSATION FOR POSITIONS IN THE CITY SERVICE

Introduced by Johansen Seconded by VanderWall

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

Consideration of Salary Increases for Department Head and Appointive Personnel

Mayor Hammond stated that at a recent executive session of the Council, the personnel appointed by the Council--the City Manager, City Attorney, and City Clerk--were interviewed by the Council, and their duties reviewed. The Mayor said that this was perhaps the first time the Council, as a body, has done so for the past ten years, and suggested that this be done at least once a year.

The following salary increases were suggested by Mayor Hammond for Council consideration: City Manager, a 2½% increase effective January 1, 1962; Director of Parks and Recreation Cowie, 2½%; Deputy City Manager Keefe, 2½%; Director of Finance Bird, 2½% - increases for the last three named to be effective one year after they reach the top level of their range; a 5% increase for the balance of the department heads effective January 1, 1962; a 7½% increase for City Attorney Grimes and a 5% increase for City Clerk Gailfus, effective January 1, 1962.

The City Attorney listed the department heads proposed to receive the 5% increases: Director of Public Works, Director of Parking and Traffic, Police Chief, Fire Chief, Planning Director.

A resolution based on the proposed increases outlined was introduced by Mayor Hammond.

RESOLUTION NO. 62-32

A RESOLUTION FIXING THE COMPENSATION FOR SPECIFIED POSITIONS IN THE CITY SERVICE

Introduced by Mayor Hammond Seconded by VanderWall

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

Mayor Hammond urged department heads to feel free to discuss salary problems with the management and the Council at any time. He said the Council was unanimous in its thinking that Modesto has the finest staff of any city in the country.

REPORT ON SITE FOR PROPOSED PARK ON EAST SIDE OF ROSE AVENUE NEAR PROPOSED SCHOOL SITE 12-40

The City Manager reported that $25,000 has been budgeted for a neighborhood park in the vicinity of the proposed Rose Avenue elementary school. The Schools have filed condemnation proceedings to acquire ten acres, more or less, for a school site. Mr. Miller recommended that the City acquire approximately five acres lying immediately east of this, which constitutes the balance of the southerly portion of the Landini property. If the location is approved by the Planning Commission, Mr. Miller requested that the staff be permitted to negotiate for the purchase of the five plus acres for a neighborhood park.

Upon questioning, Director of Parks and Recreation Cowie said that development costs of a five acre site would be approximately $55,000; that funds would probably not be available to develop this park for five or six years; if purchased, maintenance costs the coming year would be approximately $300-$400 for weed control.

Councilman Shastid questioned the need for the park in view of the fact that the site proposed for purchase is adjacent to a large play area; also, whether in view of the tightness of funds, the park site is more urgently needed than perhaps an improved sewer plant.

The necessity of the proposed park site, in view of the fact that the City has recently purchased ten acres of land for a park site near Downey High School, was questioned by Mayor Hammond. He felt that the Downey park site should be ample for the area.

Director of Planning Smeath stated that the two park sites would be from 1/4 to 1/2 mile apart, and separated by a major street; that it was proposed to develop the Downey park site into a community park, and the proposed site on Rose Avenue into a neighborhood park.

Director of Parks Cowie described the functions of neighborhood and community parks. He said the National Recreation Society recommends one acre per one hundred people as a national standard for total recreational needs, but the City has been able to cut this formula almost in half because of open areas surrounding the City. He did not feel that the Downey park site would be adequate for the area when it is entirely developed.

The City Manager felt that the Rose Avenue park site was justified, stating that the City was fortunate to be in a position to acquire property in this area while it is still available and before subdivision prices prevail. He pointed out that the park site, to a considerable extent, would eventually be paid for by the people in the area as it is subdivided.

Councilman Mitchell felt that it was incumbent on each public agency to anticipate land needs before houses are built and subdivision prices established; that when we are told today that within twenty or thirty years we will have a community of 200,000, it behooves the Council to buy land as can possibly be managed; that funds for the proposed park site purchase are budgeted; that it should be purchased and allowed to sit idle until such time as the area is developed and the tax base established to provide improvements; that if such purchase is later determined to be a mistake, the land can be sold and the investment, including loss of taxes, recouped.

Mayor Hammond again stated that he felt that the larger park site near Downey High School will adequately serve the area. He requested that additional information be furnished the Council to substantiate the need for a park so close to a major community park.

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

REPORT ON ADDITIONAL RIGHT OF WAY NEEDED ON SANTA BARBARA AVENUE TO INSURE PROPER ACCESS TO OLDS PROPERTY WHEN CURBS AND GUTTERS ARE INSTALLED

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

REPORT ON SITE FOR PROPOSED PARK IN VICINITY OF CARVER ROAD AND MT. VERNON, ADJACENT TO NEW ELEMENTARY SCHOOL SITE

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

REPORTS FROM THE PLANNING COMMISSION - None

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY - None

PROGRESS REPORT ON CAPITAL IMPROVEMENT PROGRAM

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

REPORT ON PROPOSAL FOR WIDENING COLDWELL AVENUE FROM KEARNEY TO HIGHWAY 99

A memorandum, dated January 13, 1962, subject, "Proposed acquisition of additional right of way width on Coldwell Avenue from Kearney Avenue to Highway 99" was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

The memorandum was reviewed by the City Manager, who stated that the staff was convinced that Coldwell Avenue from Kearney Avenue to Highway 99 should be widened, and that rights of way could probably be obtained under the established city policy of voluntary dedication, with the City installing curbs and gutters on such extra width streets. He said that authorization was needed from the Council to proceed as outlined. Council approval would permit the proposed signalization of Coldwell, Woodland and 99 Highway to tie in with the ultimate width of Coldwell.

MOTION

That the staff be authorized to negotiate for rights of way on Coldwell Avenue from Kearney Avenue to 99 Highway, under established city policy of voluntary dedication, the city installing curbs and gutters

Moved by VanderWall Seconded by Tabbert Unanimously carried

CONSIDERATION OF APPOINTMENTS TO BOARDS AND COMMISSIONS

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

NOTICE OF CENTRAL VALLEY DIVISION OF LEAGUE OF CALIFORNIA CITIES MEETING IN OAKDALE, JANUARY 25, 1962 AT 6:30 P.M.

Mayor Hammond said that it would be a neighborly gesture for all possible to attend this meeting.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Shastid Unanimously carried

The meeting adjourned at 7:22 P.M.

ATTEST: Rex E. Gailfus, City Clerk

EXCERPT FROM COUNCIL MINUTES OF MONDAY, JANUARY 15, 1962

Agenda Item No. 7 - Hearing on appeal by E. R. Brown from zoning variance denial at 1524 Grape Street

HAMMOND: We'll drop back to Item No. 7 and declare the hearing open on the appeal of E. R. Brown from zoning variance denial at 1524 Grape Street.

GAILFUS: Mr. Mayor, notice of this hearing was posted in the area on January 4, and notice was published in the Modesto Tribune on January 4, and notices were delivered in the area on the same day. No written protests to the proposed zoning have been filed with the City Clerk.

GRIMES: Mr. Mayor, to start off, there should be filed with the record the transcript of the hearing by the Board of Zoning Adjustment on this matter at its meeting on November 30, 1961. This should be made a part of the record before the Council. And also the resolution of the Planning Commission which rejected the request.

MILLER: We'd like to have you, then, read the letter from the applicant. This is addressed to the Honorable Mayor and members of the City Council, dated December 18, 1961, signed by E. R. Brown, as follows: "Re: request of reversal. I hereby request a hearing with the Mayor and the City Council for a reversal of the decision of the Planning Board, given November 30, 1961, for a variance on a dwelling now being constructed on 1524 Grape Street. The construction is being done under Permit Number 22755." Mr. Smeath could outline some of the background for this if you wish.

HAMMOND: I think it would be well to do so. Mr. Smeath could do that. The report from the Council is fairly clear.

MILLER: We have asked some of the other city employees who are concerned with this to come here to help us.

HAMMOND: Could you brief this problem.

SMEATH: Mr. Mayor, if I may, it might be helpful to put this little drawing on this machine and let you see just what the circumstances are. Would you like that?

HAMMOND: That's all right.

SMEATH: Mr. Mayor and members of the Council, the application is on the property here owned by Mr. Brown, which is located on Grape Avenue. Grape Avenue extends from Twelfth Street north to Evergreen Street and is only one block long. The Garrison School is right down in this location (using map). The other houses on the block, on both sides of the block, are as shown. Each of these houses is located twenty (20') feet back on both sides of the street, except this one (pointed out), which is fifty (50') feet back. The required setback in this area is twenty (20') feet. The street itself is sixty (60') feet in width. The situation is this; the yellow line is the curb line out where the curb is in the street. The property line is this blue line. The distance between these two is twelve (12') feet. Normally, some places it's seven (7') feet or seven and one half (7½) or eight (8') feet. In this case it's a sixty (60') foot street and thirty-six (36') feet between curbs so the property line is twelve (12') feet inside the curb line. The requirements for a building other than the opening of a garage is fifteen (15') feet back from the property line, and that's this green line, fifteen (15') feet

between here and the blue line. This is required in the Code back from the property line where the opening of the garage is twenty (20') feet and that would be this line. This garage, then, this residence in the back, these lines are Mr. Brown's property lines, Grape Avenue is here. This house, then, is now constructed twelve (12') feet closer to the property line than is permitted under the ordinance. Could I answer some questions? Yes, the garage is attached to this one unit. The front of the garage is twelve (12') feet closer to the property line than is...

HAMMOND: Twelve (12') feet? Then what's the red line - fifteen (15') feet?

SMEATH: This green line is fifteen (15') feet back from the property line. That's where a house should be; the front of the house rather than the opening of the garage. If it's the opening of a garage, the distance should actually be twenty (20') feet, so this line is twenty (20') feet back from that line. The front of the garage, and this is the opening into a garage, this is now only eight (8') feet back; it should be twenty (20') feet back from this property line and it's only eight (8') feet back, so it's twelve (12') feet too close.

JOHNSON: May I ask, what is the remaining width of the garage between the house and the red line?

SMEATH: This is a twenty, I believe, Mr. Johnson, a twenty-two (22') foot garage, so it's twelve (12') feet too close in here; it would be ten (10') feet.

JOHNSON: Ten (10') feet. If the opening of that garage was not toward the street, then it could be five (5') feet closer to the street, is that right?

Yes

SMEATH: /sir, if this lot were wider, it would be possible to take the opening in from the side and curve the driveway out to the street on this side and this garage would then only be seven (7') feet too close instead of twelve (12).

JOHNSON: And that would be sufficient, then, to house only one car, is that right?

SMEATH: Yes sir, I would say so.

JOHNSON: Driving in from the southern side.

SMEATH: Yes, if he came in from the side, there certainly wouldn't be room enough here with the present structure of the house.

MITCHELL: Mr. Smeath, do I see on the bottom of the map the word alley?

SMEATH: Yes sir, there's an alley at the east side, I'm sorry, this isn't up high so all the Councilmen can see. This property runs east and west. This is the east side and there is a twenty (20') foot alley existing here at the east side of the property.

MITCHELL: So there would be space for a garage on the rear of this?

SMEATH: Yes sir, a garage could be located, legally under the Code, anywhere at the back of this property, provided it were set five (5') feet in that property line; then the garage could beyond that.

GRIMES: Is the road, Mr. Smeath, so that it is traversable by vehicles?

SMEATH: Yes sir, this alley is used by vehicles. Is this sufficient, Mr. Mayor?

HAMMOND: I think so.

PATTON: Is this a new residence; new construction?

SMEATH: I shall try to recapitulate...This is a new structure, a very nice house, built in the area by Mr. Brown, himself, for the main part, although he has contracted some of the electrical and plumbing work and so forth. The situation, if you'd like me to just brief it quickly, is that, as best we understand it, Mr. Brown submitted the plans for a building permit and the plans were correct and proper, showing the garage twenty (20') feet back from the property line. Now, in laying the building out, an error was made and the building was marked back twenty (20') feet from the curb line instead of from the property line; there's twelve (12') feet between the curb line and the property line, and so the building was constructed twelve (12') feet too close to the front. Another complication arose. Mr. Brown constructed the dwelling portion of the structure before he started the garage portion and so when he asked for permits and for checking, it was on that portion of the structure which was for the dwelling only; the garage itself was not yet commenced in the front. The distance between the dwelling and the front was forty (40') feet, and this question of wrong location was not caught. The permit was granted, therefore, for the structure before the forms were shown approved, and the construction continued on the dwelling portion of the structure itself. Later Mr. Brown began construction of the garage, and this proceeded and finally when an application for a check was made, when the check was made, it was found that the structure was too close to the street. On this basis, the work was stopped until a variance could be applied for from the Board. The Board held their hearing; the Council has a transcript of this.

GRIMES: What's the status of the building now, Mr. Smeath? Was it completed, or did it remain in that status?

SMEATH: I haven't looked at it recently, but I believe the work was stopped on it. The residential portion was quite a ways along; the garage was quite a ways. I think we'd have to check with the inspection to find the status of this building.

HAMMOND: Mr. Brown, did you desire to speak on this matter?

GRIMES: Mr. Mayor, while he's coming up, you might indicate that the Clerk should file these two maps Mr. Smeath displayed for his part in the matter.

HAMMOND: Would you do so? Mr. Brown.
(The two sketches were filed with the City Clerk).
BROWN: Did you wish to ask me a question?

HAMMOND: Well, you have petitioned the Council to overrule the denial of variance that the Board of Zoning Adjustment and the Planning Commission gave. You have something to say in behalf of the reasons why you might want the Council to overrule the decisions?

BROWN: Well, gentlemen, I'd like to read into the records, a letter that I wrote to the Modesto, which I tried to get published and which they didn't publish.

HAMMOND: Is it pertinent to this?

BROWN: I believe it is, sir.

HAMMOND: Let me ask you one thing. In what manner do you feel that the Modesto Bee would enter into your case here? If that was addressed to the Council, it would be different, but...

BROWN: Well, I didn't think that I got a fair hearing the other time and I wanted to give the thing publicity. As a matter of fact, the house had been inspected twice. It was stated here by Mr. Smeath that the place was unmarked; it was a field that was undeveloped. I have a witness here who will tell you that the forms were already in for the curb. It had been staked out by the City. I couldn't remember it. I was so surprised at the testimony that was given at the meeting of the Planning Board that I had no rebuttal and the contractor that put this curb in, Mr. Birt, is in Lodi and couldn't come; I had one of his men who was there working on the curb and I hired him to help me pour this foundation. I have the checks that were paid, and I can prove that... I haven't got the dates exactly, but I have the man here that worked with me, it's Mr. Birt's brother, and he helped me on this form and Mr. Smeath did not see this. He took the testimony from somebody else. I think he's a very honorable gentleman and I like him and all that, but nevertheless the testimony given was not true and I would like to read this letter....

HAMMOND: Does this letter set forth your position on this matter, then? The Council's interested in the facts. We're not interested in a publicity program that you might be involved in. We're interested in listening to the facts in your case.

BROWN: All right, here's the letter: "Certain discrepancies appeared in the December 3rd edition article of the headline 'Man must move new garage back.' The building involved in the request for variance was a three bedroom dwelling of reverse living type with the garage serving as an entrance to the kitchen area and laundry." That should have been shown on there. This is more than a garage. It's part of the house; part of the building. This part cannot be taken off without ruining the whole building. It is a reverse building plan, and that is the way the thing is set up. It is about twenty-four (24') feet long but about eight (8') feet of that is taken up in the house--now that was the discrepancy that was made that was brought out in the first testimony but ignored for some reason in the reports. It should have been reported that the house had passed two city inspections and I wrote E. R. Brown here; I wrote this in the third person because I'm kind of allergic to the personal pronoun, I. " Mr. E. R. Brown maintained that he had made no contractual error under the permit; that his big error was in taking the city inspectors at their word when they initialed the progress card," And I have that card here, gentlemen. "He had paid $64.60 for his building permits, which included inspection permits, and the right to peacefully pursue the construction. Mr. Smeath, Secretary of the Planning Board, and apparently speaking for the City of Modesto, maintained in essence that the city had the right to repair its contract, especially when the action of its employees, meaning the inspector's actions, might involve in litigation or a damage suit. Brown requested the definition of the word 'inspection.' Did it mean

(1) that the inspectors measured with a steel tape; (2) that they step it off; (3) that they get out of their cars to inspect or did they just drive by; (4) did they even have a look at it; (5) were they required to look at the blueprints furnished by law to be placed in the Inspection Office and on the construction site itself at all times; (6) did the initialing of the card mean proceed with construction or proceed at your own risk; (7) did it mean something or not? Mr. Smeath had the head of the inspectors sent in, but it was reported that both the head inspector and the assistant head inspector were on vacation. The meeting was temporarily adjourned to locate an inspector. Reportedly, none could be found. Consequently, the Board or Brown do not yet know what the city inspectors mean when they initial a progress card and the City Attorney was here, the Planning Board was here, they held a meeting on this matter and they didn't even know what was legal and what wasn't legal."

HAMMOND: Could we get down to some facts on this matter now? We're spending a lot of time, and we need to get some facts here.

BROWN: "The Bee also mistakenly reported that Brown told the Board that the City Inspection Department had been notified by a neighbor when the forms were laid for the garage. As a matter of fact, the neighbor happened to own the adjacent property and had made this statement by letter to the Board at its regular meeting of November 30. The article also stated the error was caught by a city electrical inspector. This was no accident because that electrical inspector, Robert Ewing, was the same man the neighbor had notified several times by telephone and by word of mouth, six months previously when the house in question was in the lathe-board stage. It should be stated that on Friday morning, November 10, Ewing called on that neighbor and asked him if he had signed a petition for a variance. The inspector deserves a special hero's medal. The Board, somewhat arbitrarily, Brown believes, seized and held the petition that was signed by the neighbors of the 1500 block on Grape Street favoring the granting of the variance, although he requested its return. This seems rather pointless since they had ignored it in the meeting, unless they did not want more names added to it. It appears to this writer (and that's me) that there's a bigger question involved in the affair than whether Brown loses a couple of thousand dollars or has the end cut off his house. The question is, 'should the City of Modesto honor its contractual commitments or should it follow a policy of impairment of contract when it is convenient? Sincerely yours, E. R. Brown." Now, there's some of the testimony here given--

GRIMES: Mr. Brown, I don't know if you got a transcript of the hearing before the Board of Zoning Adjustment, but the Council has all been furnished with a verbatim copy of what took place before the Board of Zoning Adjustment meeting on your application, so they are familiar with it.

BROWN: O.K., well, then if you're acquainted with the transcript, and you say that you are, it was stated by Mr. Smeath that this error was made in the first place..it was an (inaudible) , I think he used those words, that it hadn't been washed out, there's nothing there to go by, and they tried to excuse the inspector on that ground...that the inspector made a legitimate error in this matter.

HAMMOND: Mr. Brown, could I ask one thing? Now, we've spent a few minutes here already and we're just as far away now as when we started. Could we get at some facts now?

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HAMMOND: Mr. Brown, could I ask one thing? Now, we've spent a few minutes here already and we're just as far away now as when we started. Could we get at some facts now?

GRIMES: Mr. Mayor, if I may help you here, I think I could procedurally by making some comments and indicating the legal question that's involved. I'd like to comment on Mr. Brown's statement; first, on his return of the petition. Mr. Brown, when the petition is filed with the City, it becomes a public document, and therefore the Clerk or the City simply can't release it. They could have made a copy of it for you if you'd have asked for it or you could have brought in a supplemental petition, but once filed, it can't be returned.

BROWN: I should have been so informed, but I'll accept your.....

GRIMES: Perhaps you should have. If you'd have asked them for it back, they should have told you that you could have a copy.

BROWN: I asked Don Sanders for it..

GRIMES: That's beside the point. That petition is before the Council and that's a part of the procedure. Now, on the law, I think this is important for this hearing...whether it seems harsh or not, the law, in my opinion, is, and I disagree with you that we didn't state the law at the time of the hearing when the Commission called me in, was that the building inspector's department is not charged with the duty or function of determining whether the building is or is not within the setback area. There is no duty, that I can see, to that effect, if a person proceeds. Now I'm not saying that it wouldn't be helpful, and I hope the City, whenever it comes to its attention that a building is not within the setback area, or any other method in which it can help a builder, developer, home owner or resident, doesn't help them, but I'm saying from a legal point of view, you could have built your house on the wrong lot, which has been done when no surveys were there, because the title company report doesn't necessarily mean that you're going to get it on the right lot; this has happened...the building inspector's legal responsibility, not moral or ethical or helpful, but legal, was to see that the building was built in accordance with the plans and specifications and the City Code. Now, I think we come, then down to whether or not..the important question seems to me, legally, is whether the City had notice from a neighbor or from you or from anybody, that the garage was closer to the street than it should have been and the City didn't do anything about it. This could be developed either by writing, or by testimony, but as you say it, other than what you personally know, it is hearsay. If the neighbor happens to be here or if you have a copy of the letter, than that speaks for itself.

BROWN: The copy of the letter is read right into the minutes here on page 1.

GRIMES: Alright. Would you like to read it to the Council to refresh...?

BROWN: Yes. This is a letter from Mr. Ward. "Gentlemen: In 1957 (this is Mr. Ward's letter) we built a home at 1520 Grape Street. At that time of construction, we were advised by the city inspection dept. of the necessary setback and in a developed or partially developed street, we would have to comply with the prevailing setback. Therefore, our property fronts approximately 22 feet from the property line, or a total of 34 feet from the curb. When construction began on the adjacent lot, (meaning Mr. Brown's property) or 1524 Grape, the owner, Ray Brown, and myself occasionally chatted about the progress made, etc. I was prompted to inquire of him at the time he was laying out the foundation stakes regarding the setback, since it appeared to me that this garage would be a good many feet beyond the prevailing setback.

"He appeared confident it was laid out correctly. While I was uncertain of current requirements and thinking that possibly he was meeting them, nevertheless, out of concern for Mr. Brown, our neighborhood and our own property, it seemed prudent to at least inquire of the city regarding uniform setback requirements. The job progressed slowly and well before the forms were finished or even poured I inquired a couple of times of the inspection department about the current setback requirements and at the same time advising them that there was a question in my mind about the property next door. The department took the address and intended to investigate. With approval of the inspectors the job progressed with no change in setback. This lead me to believe the requirements must be met, otherwise the city made a serious oversight in allowing the job to progress. Now after many months property owners are adivsed of a hearing for a variance permit for this property. Obviously it is now a question firstly of whether property values will be decreased by allowing the variance or by requiring the garage to be cut back. A reasonable and certainly wise course would be the appraisal of the properties in close proximity under an assumed variance granted or an assumed cut-back requirement. A property appraisal by disinterested qualified people should help resolve this question, to the satisfaction of all. In view of errors made is this not the least that should be done immediately in order to reach the right and equitable decision? Depending on your just and fair determination in this case, I am, Very truly yours, Larry P. Ward." Mr. Ward planned to be here, but he had to be in Chicago.

WARD: I'm here.

GRIMES: Is Mr. Ward here? I wonder if you'd mind, Mr. Bird, if Mr. Ward voluntarily wants to appear before the Council and answer a few questions..if he'd step forward.

HAMMOND: Well, I'd like to ask Mr. Brown this one thing. Mr. Smeath made the statement that on the map that was presented to the permit department that the building showed a twenty (20') foot setback from the property line. Now, is that in agreement with you? The plans, as drawn, showed a twenty (20') foot setback from the property line.

BROWN: There was no sidewalk or curb. I made an error on it, when I set the house. I never disputed that. I made an error.

HAMMOND: Then it was properly presented at the time it was requested.

BROWN: The location of the house--that part was properly presented.

GRIMES: I wonder if Mr. Ward would step forward.

SHASTID: I'd like to ask Mr. Brown a question.

BROWN: Just a moment. Will you excuse me first? I want to take up this matter of contracts.

GRIMES: Mr. Brown, I can tell you that as far as the City's--the fees you pay--there's no contract with the City. You have absolutely no contract with the City. You're proceeding on statutory grounds and any evidence you give in that connection has no bearing on the issue before this body. No contract.

BROWN: There is a contract.

GRIMES: No, there's no contract. That's the ruling. If you want to appeal it to a Superior Court, you can, but the ruling in the City Attorney's office is there's no contract. You submitted a

request for a building permit. You paid your fee and you are proceeding under the statutory law.

BROWN: Isn't this a contract that states....

GRIMES: No, it imposes conditions on which the building permit is issued so that takes care of that.

BROWN: It requires the City to make certain inspections. They're under contract to make inspections.

GRIMES: No, they're not under contract. The inspections are required by the Building Code.....

BROWN: Do you mean to tell me that if I notify them---that if I pay the money---they don't have to come out and inspect my property?

GRIMES: I didn't say that at all. I said they're not under a contract.

HAMMOND: Let's wait until one man finishes a conversation for the other to take off. We'd like to follow along.

GRIMES: But the reading of the City Attorney is, there is no contract in a contract sense. When you make an application for a building permit, you pay your fees, and the City inspectors, under the law, come out and make the inspections just to see that you build it according to the plans and specifications and under the Building Code.

BROWN: Would you give me the definition of a contract?

GRIMES: Yes. It's an offer and acceptance for a consideration. A promise.

BROWN: A contract is an agreement that is enforceable by law.

GRIMES: Mr. Brown, I don't want to discuss the legal principles of a contract with you. It has no bearing, in my opinion, on this proceeding. Now, let us get down to.....

BROWN: Are you the City Attorney?

GRIMES: I am the City Attorney and have been so for ten years. Now that's my ruling. Now the evidence, and the Council wants to ask you some questions----

BROWN: Now what does this mean that says "inspection forms--once forms are in place?" You say that the City has no obligation that's enforceable by law under that?

GRIMES: I said the City did not enter into a . .

BROWN: It's not a contract?

GRIMES: It's not a contract. That's right.

BROWN: All right, thank you.

HAMMOND: Mr. Brown, would you wait a minute. The Council would like to ask you a question..

SHASTID: When you laid out the house on the lot, as I understand from Mr. Smeath's projection there, it was evident that the house

and the garage were going to project twelve (12') feet or so beyond all of the other houses in the area, is that right?

BROWN: Mr. Smeath thinks he's right, but the house down on the corner is closer than the required fifteen (15') feet back. We just checked it out the other night. Actually, it's about twelve (12') feet back.

SHASTID: Does your house, or the garage attached to your house, does that protrude well beyond the rest of the houses on the block?

BROWN: Yes, except for this one house.

SHASTID: Does it protrude beyond that?

BROWN: About five (5') feet beyond that.

SHASTID: Wouldn't that, as a reasonable man, have caused doubt to arise in your mind as to whether you weren't going out too far?

BROWN: Mister, I went by what I thought was the blueprint. There was no doubt in my mind whatsoever.

MITCHELL: Mr. Mayor, I'd like to ask Mr. Brown a question. Mr. Brown, I believe the Mayor asked you a question and I didn't fully...I don't believe you fully answered his question..you might put it that way. As I recall, he asked if the plans as submitted to the City building department for, I imagine, plan checking indicated the location of the house and garage on the property and I believe his question was 'did the plans, as submitted, show that the house and garage were set back properly the full twenty (20') feet from the property line?' Could you answer that?

BROWN: On the plan, it showed that the closest point of the garage, on the blueprint, should have been twenty (20') feet back of the property line.

MITCHELL: I take it the answer is yes, then, to the question?

BROWN: Yes.

MITCHELL: So that anyone at the City Hall inspecting the plan would not have been, upon notice, from looking at the plan, that you actually had put your stakes in some place different than the plan.

BROWN: If they looked at the plan, they couldn't miss it. I couldn't have missed it if I hadn't have been ignorant of which stake was which. The stakes were in.

SHASTID: I didn't fully understand that. You say, if you looked at the plan, they couldn't have missed it, but....

BROWN: That's the question that you asked me. Had they looked at the plan, could they have missed it on the plan?

MITCHELL: At the City Hall.

BROWN: Yes. No, they could not have.

SHASTID: Well then, the plan was incorrectly drawn?

BROWN: The plan was not incorrectly drawn--I don't think.

HAMMOND: As I understand Mr. Brown, the plan was correctly drawn to show twenty (20') feet from the property line. The problem that arose was when he went out to set his stakes out, he used the curb line instead of the property line as the point of measuring twenty (20') feet.

SHASTID: That's what I first understood, but I understood just now that he said that if they had looked at the plan in the City Hall, they could have detected the error.

HAMMOND: No, they couldn't.

GRIMES: Mr. Shastid, if I may help, I have the plans here to be introduced as evidence and they speak for themselves, you can give it to them and it will show. I think it would help, and I was trying to help Mr. Brown although he doesn't realize it, to put the witnesses on who know the facts...the Chief Building Inspector, the inspector on charge who inspected it, and Mr. Ward and the Assistant Director of Public Works who supervises. Those four witnesses can actually tell you the story first hand what happened, and that, to me, would be the simplest way for the Council to proceed.

HAMMOND: May I ask just one question? Whose is the burden of responsibility to set the marks, after the curb line has been set and the property...is the responsibility of the City, then to all the property owners in the city to go out and stake their lots out?

GRIMES: As I previously said, it is my opinion that it is not the responsibility of the building official to measure or stake out the property. In this case, the plan showed the building was proposed to be twenty (20') feet back from the property line. The fact that the property owner didn't put it back was his own responsibility. Now, if it came to the attention of the City or the inspector that it wasn't back that far and they had an opportunity to remedy the situation, this might have a bearing on the hearing, and that appears to me to be an important issue.

MILLER: Mr. Mayor, can I ask a question? As I understand, the house part of this, the forms were set and you proceeded with that before you started the garage, is that correct?

BROWN: No, the garage was staked out, the garage stakes were in and I had paid, I have a receipt here....

MILLER: Could I just ask a question? Is it correct that the foundation for the house was set up and poured and cleared prior to the time that you started construction on the garage?

BROWN: No, that isn't exactly the truth. Could I explain? The garage cannot be separated from the house. The steel in the house binds the garage to it. I had to put that steel in the forms of the house and they tie in. It's required right in the blueprints. It took 18 bars of steel. The garage was already under construction. The steel had been put in the house on the forms for the connections the way they were supposed to be. It couldn't be made in a monolithic pour, that is, just one pour, one rock--it couldn't be made that way because you can't construct that way. When I called for inspection on this, I worked down the street here just about a block, I came down and I talked to Mr. Freitas and I told him that the garage forms were not in. He said that doesn't make any

difference. He said they never are in on that type of construction. After I had poured the garage, I stripped the forms off the house and put them right in on the garage and when the second inspection was made, the forms were already put in on that part because they were stripped and put right over--on the second inspection--there were two inspections, remember, on this, and they were put in there and the garage was already under construction because the structural seal had been put into place. Does that answer your question? Are you through with me?

HAMMOND: Mr. Ward probably would like to say something. Would you state your name and address, please.

WARD: Larry Ward, 1520 Grape Street.

GRIMES: Mr. Ward, I wonder if you would outline the circumstances as to how the distance factor involved in this matter came to your attention and what you did about it.

WARD: Well, the foundation forms of this house were well back and the foundation stakes, or form stakes, I presumed they were form stakes for the garage, appeared to be in.

GRIMES: What do you mean, in?

WARD: Well, there were stakes out beyond the, some twenty (20') feet beyond the house toward the curb, and I assumed they were garage stakes, that is, indicating about where the garage would extend to. Also seeing where the house was in relation to how far the garage would come out, it looked as though it would extend out considerably beyond the properties facing our street.

GRIMES: What did you do about it?

WARD: Well, some time before the foundation forms for the house were ever put in...

GRIMES: How long?

WARD: Oh, I don't know how long. This just has to do with my conversation with Mr. Brown, in the very early stages of when he was just staking out to get the grounds staked out, at that time, it appeared to me that the whole house was going to be part of the front, and I asked him about it.

GRIMES: You mean, from excavation?

WARD: Just from the early stages when they were staking out to excavate. Even at that point it looked as though it was going to extend out beyond what would be the normal setback for that street, or the prevailing setback. I didn't know but what he was meeting the requirements of the City, and I didn't want to stick my nose into his business if he was wrong, yet I did, on the other hand....

GRIMES: What did you say and what did he say about the matter of distance?

WARD: I can't remember verbatim, but the best I can remember is he felt assured that it was in the right place and then, of course, as it went along, I felt concern about it because it did seem to extend out considerably.

GRIMES: You live next door?

WARD: Yes. So I inquired of the building inspector, if I need mention his name I will, I don't know whether that will make trouble or not.

GRIMES: The Council wants to know the facts.

WARD: Bob Ewing.

GRIMES: Bob Ewing. Now, would you give the Council the time element now? What was the status of the pegs and the foundation at the time you talked to the inspector? The best you can recollect.

WARD: Well, once I inquired, as I recall, as to just whether the current setback requirements were different, or what they were at the time, since it was three years since I had built and I didn't know. So, he told me.

GRIMES: You haven't told the Council the time element.

WARD: At that time, Mr. Brown's forms were in--not all of the foundation forms were in for the house, but pretty much.

GRIMES: Was the cement poured?

WARD: No.

GRIMES: What did you say to the inspector and what did he say, roughly, about the setback?

WARD: Well, I indicated to him that it appeared to me that my neighbor's house or garage would be out beyond the limits if what he stated were the right limits.

GRIMES: What did he say?

WARD: Well, he indicated that this would be checked.

GRIMES: He did? Told you it would be checked?

WARD: Yes. And I can't remember--one time I, as I recall, I asked him about what the requirements were. The next time, as I recall, I phoned him up and asked him and whether, I forget how I put it, but anyway, it was with respect to this specific property, and the fact that I thought it was...,

GRIMES: How many times did you talk to Mr. Ewing? The best you can recollect.

WARD: Well, I'd say twice.

GRIMES: Twice. Once over the telephone?

WARD: Yes. That's as I recall.

GRIMES: And once in person down at the City Hall.

WARD: No, at the electrical office where I work.

GRIMES: And the last time you talked to him, what was the state of the building of the residence? Was the cement poured?

WARD: I don't believe it had been poured, even then.

WARD: I can't remember specifically. The garage floor hadn't been in, I remember that, but as far as remembering exactly, I think all of the foundation forms were in, but I don't know that they were poured.

GRIMES: Did you write the letter that Mr. Brown read?

WARD: Yes sir.

VANDER WALL: When was that letter written that you wrote, the approximate date of that letter?

WARD: November 29.

GRIMES: At the time you wrote the letter, what was the status of the building?

WARD: This was at the time of the hearing.

MITCHELL: I have one question. You mentioned you called the electrical inspector. Did you know him personally?

WARD: He was a member of the electrical workers union and he was in the office. I was acquainted with him, not on a very personal basis, but I knew him because of his coming in there. On that basis I asked him. It was a matter of convenience. If, perhaps, I hadn't known him, the thing would have been for me to contact directly the inspection department.

MITCHELL: I take it he was in your place of business and you chatted with him and you asked him what the setback requirements were, if he knew?

WARD: That's right. Then I observed and thought more about it and I phoned him. I don't think I saw him a second time.

TABBERT: May I ask a question? From the information we have, a petition has been circulated and signed by the people on the block to the Council asking them to grant this variance. Just assuming that it was granted and you live next door to the south, would that excessive projection block your view and block the normal breeze you would get in the summertime from that direction?

WARD: Quite frankly, that was the thing that I was concerned about, the fact that it would extend out beyond the others, but, on the other hand I figured if I was going to get along with my neighbor, I didn't want to be telling him how to build his house if it was within the law; and yet I feared for him, also, that he might be having trouble, too. So, it was out of consideration for myself, for my own property values for the neighborhood and myself, that I inquired. You know, we kind of get used to things once they're up so I don't know. The main thing I would say is that I'm concerned about whether it will or won't affect property values, and that's why I asked in the letter that if it's possible, I think that consideration ought to be given to giving it a fair appraisal to see which way it would affect it.

TABBERT: You mentioned appraisals there and suggested in your letter appraisals of the adjacent properties. You had in mind, then, the feeling that your property values might be depreciated. Did you have any thought in mind who might be the one to go to to get compensation for that depreciation? Would you expect to ask the City for that compensation, or would you go to the man who built the building? You must have had some thought in mind when you put that thought in the letter.

WARD: I'm sure I did, and I'm sure I thought of either one or both, but as far as being prepared to say, naturally I can't say either this one or that one. All I'm asking for, first, before I decide on any course like that, is that this thing be given a fair appraisal and then a decision based on that. For all I know, cutting back the garage could even make it look worse, I don't know. I am trying to be as impartial about it as I possibly can. It may be that with all the publicity that this has had, I am beginning to wonder whether it would or not. I am so close to the situation, I just want to stay as impartial about it as I possibly can.

HAMMOND: Thank you, Mr. Ward. I think we need some conversation on this matter. Could the staff tell us what is the normal engineering service? Do we provide engineering service for the laying out of lots or houses on lots? And then I'd like to know, what does the normal building inspection service consist of?

MILLER: Mr. Campbell is in charge of this, the engineering.

HAMMOND: Do we provide an engineering service for building lots?

CAMPBELL: No, we don't.

HAMMOND: As far as the location of the curb line, what do we do--what is our responsibility, the city's general responsibilities? Now as I understand the transcript, this street didn't have curbs or gutters in--is that correct?

CAMPBELL: At the time the building permit was taken out, there were curbs and gutters in front of Mr. Ward's property immediately to the south.

HAMMOND: All right. Now, then, on the engineering service--the City provided no engineering service and is under no obligation to provide an engineering service to stake out curb lines and property lines and of that nature?

CAMPBELL: The City does provide an engineering service for staking out curb lines on application for a curb and gutter permit, payment of a fee, the city does locate curb and gutter lines and curb grades.

HAMMOND: But there was no obligation on the part of the City at the time this permit was issued to go out and stake out the curb and property lines, is that right?

CAMPBELL: There was a permit taken out. In fact, I might run through, for the benefit of the Council, some of the documents I dug up in my research trying to find out what happened, when it happened. On July 5, apparently Mr. Brown made application for a building permit for this structure. The permit was made out but it wasn't issued at that time. The permit was issued, actually, on July 24.

GRIMES: Would you indicate the permit number, please?

CAMPBELL: The permit number is 22755. On July 28, permit number 23021, which is a curb and gutter permit, was taken out for this property. In checking through our records, all of our building inspectors keep a daily log of their inspections and the location of where the inspection was made. In checking back through the records, we find that Bob Ewing made an inspection at this property on July 21, it was his last inspection of the day, it was after the application for the permit had been made but prior to the time the permit had actually been issued.

MILLER: Do I understand that construction started and inspections were made before the permit was issued?

CAMPBELL: It is permitted to do the rough grading and some of the form work on a property before the actual issuance of a permit. In this case, some of the form work apparently was done before the actual permit was issued, although the application had been made.

TABBERT: Did you say that the inspection was made on July 21, and the curb line was staked on July 23rd?

CAMPBELL: No. I was just getting to that. The permit for curb and gutter was taken out on July 28; our record from our survey crew shows that it was staked on July 31; the date the forms were inspected for curb and gutter was August 1; and the date that the work was accepted by our inspector was August 3.

TABBERT: Then the building inspection was prior to the curb being staked?

CAMPBELL: The form inspection for the main part of the building was made by Dave Freitas on July 27. A second inspection was made on August 9, which had to do with foundations, rough plumbing and rough gas. This was made by Pete Moni, who was an inspector filling in during a vacation period. He works for both the City and the County.

GRIMES: Was that before or after the curbs had been installed?

CAMPBELL: This was after the curbs had been installed.

HAMMOND: When you call these people out for inspection service--inspection was made on July 21, and then again on August 9--what is the normal inspection service that is provided there?

CAMPBELL: You would have to ask Bob Ewing exactly what the July 21 inspection was. I believe this one was at the request of Mr. Ward. The one on July 27 was a form inspection of the main building which was made by Mr. Freitas and this type of an inspection--the inspector would go out and check to see that it was in conformance with all of the existing building regulations and conform in depths and location. I think something that would show up quite readily if the building were out of line, this would be a responsibility of his to try to pick it up in the location, although he doesn't actually measure it. There is a provision in the building code that would allow the Chief Building Official to require that each and every property on which buildings are constructed be surveyed prior to the time of the issuance of the permits, so that this type of thing would be minimized. However, we have not followed this policy in the City.

RAY: Mr. Mayor, I'd like to get something clarified, please. Mr. Campbell stated that the first inspection was made at the request of Mr. Ward. Did he mean Mr. Ward or Mr. Brown?

CAMPBELL: I am assuming now that at the request of Mr. Ward, Mr. Ewing made the inspection on the 21st.

GRIMES: I think Mr. Ewing's statement as to who requested him to make the inspection is evidence; yours is heresay.

CAMPBELL: The first formal request by Mr. Brown for an inspection of forms was for the foundation of the main house. This inspection was made on the 27th by Dave Freitas. At the time he made the inspection, he apparently was not aware--did not become aware of the erroneous location of the house on the property.

VANDER WALL: I have a question on it. How do we enforce the City Code for setbacks? How do we go about enforcing it to see that they are set back far enough?

CAMPBELL: Well, normally the first house built on a block, in fact in all new subdivisions, in most instances they require that they locate the property corners because they're all required to be staked. We know that they are there. Then as the houses continue--construction continues--the line is established as far as construction. I think they rely primarily on the builders themselves to locate properly; although this, I think, would be better and you could direct this question later I think to...

HAMMOND: The homes on this street had been built prior to Mr. Brown's, is that correct?

CAMPBELL: Yes, they had all been built a number of years prior to this.

MILLER: You said that in the form inspection, they check the depth and the location--do you mean location or do you mean something else--what do you mean location?

CAMPBELL: Well, I think I would be remiss if I didn't say that the location of the building on the property is one of the things that an inspector would look for. In this particular instance, the building was set quite a ways back from the front property line. Our inspectors--the number of inspections that they make in a day--they can't make a detailed inspection of all of the specific things. They do make an inspection to see that the primary things are taken into consideration. In this instance, the erroneous location of the structure was not apparent. This is obvious because the construction continued.

HAMMOND: Mr. Brown stated that he laid out the house first and then the garage at a later time. Who is this Mr. Ewing or Mr. Freitas--is Mr. Freitas or Mr. Ewing here? Would you please come forward.

EWING: I'm Bob Ewing, Building Inspector, commonly referred to as electrical inspector.

HAMMOND: You inspection date was what?

EWING: I went out at the request of Mr. Ward on the 21st.

HAMMOND: On the 21st of July?

EWING: Yes.

HAMMOND: On the request of Mr. Ward or Mr. Brown?

EWING: Mr. Ward.

HAMMOND: Mr. Ward's request, then, would be on the location--he would be concerned about that.

EWING: That's right. He felt that it was too close to the street.

HAMMOND: How did you handle it?

EWING: Well, I went out there and all that was there at that time were a lot of stakes all over the lot. I checked on the building permit and there was nothing in the position of the stakes to indicate anything in violation of our ordinance. If he had stakes showing the front of the garage, I assume now that I took them for the stakes on the front property line which is commonly put up to stretch a line.

HAMMOND: Were the forms laid out--were they roughed in--the ground area roughed in as to the location?

EWING: The lot wasn't leveled--nothing but these stakes at the time I check the location.

SHASTID: No batten boards were set up? No lines?

EWING: No sir.

VANDER WALL: You didn't inquire from anyone what the stakes were for, though, did you?

EWING: No sir, there was no one there at that time.

GRIMES: Did you give Mr. Ward your conclusion as to the question that was bothering him?

EWING: Yes, I told him on the phone that we didn't see anything improper, but we would take notice of it.

GRIMES: You didn't see anything what?

EWING: Improper.

GRIMES: Did you actually measure the distance--make any measurements by a tape or stepping off?

EWING: Not at that time, no sir.

TABBERT: Did you initial any inspection permit at that time?

GRIMES: The building permit, I believe, hadn't been issued then.

EWING: No, sir, there was none available. There wasn't even a record made on any card in our office--we had none at that time.

GRIMES: Is that only occasion that you had to inspect this property?

EWING: At that time.

GRIMES: Did you make a subsequent inspection?

EWING: Yes, sir, I went out when he called for the frame rough top-out and electrical wiring inspection.

GRIMES: Was the curb and gutter in then?

EWING: Yes, sir.

GRIMES: Did you make any measurement at that time?

EWING: At that time, I measured the garage. The slab was in and the studs and rafters for the garage, and the man was shingling the roof at that time, and I measured from the curb line and

(EWING) found that he was approximately twenty (20') feet from the curb line. At that time, I didn't find any property stakes. I didn't know exactly where the property stake was, but told him that he was very definitely too close and told the men working there that he was definitely too close to the property line.

GRIMES: You measured from the garage? The foundation was in for the garage?

EWING: That's right.

GRIMES: The slab for the garage?

EWING: The foundation of the garage to the curb line.

GRIMES: Did you make any later inspection?

EWING: Yes, sir, I went out after work had been stopped, and Mr. Brown came in and said that this was holding him up where he felt unnecessarily, and he requested permission to go ahead with the main part--with the dwelling, and do no more further work on the garage until this matter was settled. So then I went out and made the complete inspection of the frame and electrical wiring and approved that for covering up in the dwelling itself.

GRIMES: Do you usually just make electrical inspections, or do you make all kinds of inspections?

EWING: I make all types of inspections.

GRIMES: Do you, normally, in connection with residences, measure the distance of the front whether it's the garage or the house, from the property line?

EWING: No, sir, we don't do any measuring unless something causes us to believe there is a violation.

GRIMES: In other words, it is not a customary procedure to measure?

EWING: No, sir.

PATTON: Mr. Ewing, you were out there on July 21 when you made your first inspection, is that right? That's what you stated.

EWING: Well, what we refer to as a first inspection--it wasn't really a building inspection--it was checking at the request...

PATTON: When did you make the next inspection?

EWING: I couldn't say.

GRIMES: Do you have the progress card handy there?

PATTON: You said you made the next inspection at....

EWING: My next trip out there was on the 6th of November, where I finally discovered that this was too close to the property line.

PATTON: You stated that when you were there July 21 that you were going to check on this as it progressed, but you never made another inspection until November 6.

EWING: That's right, yes, sir.

MITCHELL: I'd like to ask a question. You mentioned something about the work being stopped. Is that as the result of your electrical inspection the second time out?

EWING: No sir, that was November 6. We stopped the work because the building was found too close to the property line and we couldn't approve of any further work being done.

MITCHELL: Who issued that order?

EWING: Well, really an order, we just....

GRIMES: Who gave the direction to do it? Yourself or a superior?

EWING: I did it by refusing to approve it for continuing.

GRIMES: You told them to stop further work---the contractor.

EWING: No, I never talked to the contractor at that time.

GRIMES: Or the owner?

EWING: Or the owner.

MITCHELL: Did you report it to the Chief Building Inspector?

EWING: Yes sir. I made a note on our office records.

VANDER WALL: When did you find this first--in your second--not your second inspection--the August 9 date, that's when you found out that the building was too close to the street, is that correct?

EWING: Yes sir, August 6--November 6. November 6 was when we first found...

GRIMES: And that's when the slab for the garage had already been laid?

EWING: Oh yes, the building was framed up then and the roof was going on.

MILLER: Was there a request for inspection on the slab of the garage prior to this, or was this the first time it had been seen?

EWING: To my knowledge, there was never a request for an inspection on the garage slab.

MILLER: I think this one question might be pertinent. The second one is, when you went out there and looked at this, you saw the forms which were in, and judged that that was the final front of the building as far as you could see?

EWING: That's right, yes sir.

GRIMES: After you made the initial inspection, or whatever you call it, on July 21 as the result of Mr. Ward's request and you made your conclusion that nothing seemed to be out of line, did you discuss this with any other--anybody else in the City Hall, either in your department or other departments?

EWING: Yes sir, I brought it to the attention of the other inspectors that we had had a complaint about the layout.

GRIMES: And the Chief Building Inspector; was he aware of it?

EWING: I don't know whether he was aware of it at that time or not.

GRIMES: Was there any coordination with the Planning Department?

EWING: No sir, I had nothing to bring before the Planning Department at that time.

SHASTID: Mr. Ewing, from whom do you normally get your instructions to make an inspection?

EWING: We more or less split these inspections up among ourselves without any formal orders from our superiors.

SHASTID: You get a card or a notice of some sort when a permit is issued?

EWING: No sir, we have this job card and it goes in the file is all.

SHASTID: Is that when a permit is issued--no permit had been issued so you had no job card for this on July 21 then, is that right?

EWING: That's right, sir.

SHASTID: So, was this actually an official city inspection requested by the city, or just a convenience you did for a friend?

EWING: It wasn't an official inspection under our building code. It was just what we do frequently checking to see--to prevent any violations.

GRIMES: Do you know Mr. Ward personally?

EWING: Yes sir, I have met him.

GRIMES: Friend of yours?

EWING: Acquaintance.

HAMMOND: Mr. Brown, you had a question that you wanted to ask Mr. Ewing?

BROWN: I have a receipt here given to me by Mr. Ewing which was given on the day after the meeting here--two or three afterwards. He said that he went out and made an inspection of the building and then o.k.'d it for--this was given right in the office--do you remember that, Mr. Ewing:

EWING: What was the date, sir?

BROWN: The date is 11/6/61. Do you remember that?

HAMMOND: He mentioned that he was out there November 6.

BROWN: This was given in the office at 8:00 o'clock in the morning. I went down before I went to work, and I asked Mr. Ewing if it was all right to go ahead and close this on this electrical business and he said yes and made a notation there at the desk. I did not make a request for this. I went to the office and asked them for it.

GRIMES: What were you asking for, Mr. Brown?

BROWN: I asked for the permission to go ahead on the approval to cover up--that is to put on the electrical and stuff like that on the inside of the building.

GRIMES: Of the building. And according to the note you have, or according to your recollection, you were told you could proceed.

BROWN: Yes, put right on here, yes, this is the approval.

EWING: This is one of our note pads. This says, "Mr. E. R. Brown, 1524 Grape, plumbing and electrical work are approved for cover up. Robert Ewing, Inspector." Now, I had forgotten about this, but as you will notice, it doesn't mention the frame of the buildings. Now, to my recollection, Mr. Brown came in and said that if he had this work approved--he would be able to get a--make collection of payment or make progress payment on this work, so that was the reason he had this. The frame was not approved at this time.

GRIMES: Do you want to introduce that into the record, or do you want to keep it?

BROWN: I prefer to keep this to look at.

SHASTID: November 6--that same day was the day when work was stopped.

EWING: That's right, sir.

GRIMES: Was that later on in the day, or earlier?

EWING: It must have been later on.

HAMMOND: Did anyone else want to ask a question of Mr. Ewing?

MITCHELL: I'd like to ask one question. Am I correct that you normally do not go out and inspect unless the builder requests you to come when his building is at a certain stage--he's supposed to request inspection before proceeding to the next step?

EWING: On the dwellings, yes, sir. We have, on these cards which we furnish for every job--has these required building inspections which we expect them to call in on--forms, foundation, frame and lathe and final. On those we wait until we are called.

MITCHELL: So that if the builder didn't ask for an inspection, it might sit in you file for six months or a year.

EWING: That is correct, sir.

GRIMES: Did you issue the building permit?

EWING: No sir.

GRIMES: Mr. Freitas did?

EWING: Mr. Freitas issued the permit.

TABBERT: May I ask one question--do you normally, or is that part of your job normally, to inspect forms?

EWING: Yes sir, that is part of my job.

TABBERT: And what do you normally look for when you provide a form inspection?

EWING: Forms, we check first to see that they are in line with the other buildings in a built-up area like this, which is the easiest way of determining the proper setback. Then we check to see that the forms are fastened securely, that the dirt is cleaned out of the trenches underneath them, trenches are the required depth, that the airholes inside are the proper size and depth.

SHASTID: What action did you take when Mr. Ward phoned you the second time?

EWING: Mr. Ward phoned me just once, the first time, when he asked what our setback requirements were, and he phoned me some time previous to July 21, and I went out on that, as I stated, and found everything in proper appearance, and I believe I telephoned him or he called back, I couldn't say which, and told him I couldn't see anything out of line.

SHASTID: So he did not, after you made this inspection July 21, whatever it was, he did not make a second request for you to check further into it, or did he?

EWING: Not to my knowledge, no sir.

TABBERT: Do you normally have a set of plans with you when you go out on an inspection.

EWING: No sir, our building code requires that the builder or contractor keep this set of forms on the job and they're supposed to be there for our consultation if necessary. That is not honored too much.

TABBERT: Did you have access to the set of plans at this particular building when you made your inspection?

EWING: No, there were no plans on the job. We had our copy of the plans in the office, but not out in the field.

HAMMOND: Did you want, Mr. Brown, to ask a question?

BROWN: I just want to make a correction--there's been a plan on that job in a prominent place in a mailbox with my name on it ever since the job started.

HAMMOND: Are there any other questions you want to ask Mr. Ewing?

VANDER WALL: Did you ever make a formal inspection of the garage?

EWING: No sir, I never did.

VANDER WALL: You were never required or asked to?

EWING: No sir.

HAMMOND: Fine, Mr. Ewing.

GRIMES: Mr. Freitas step forward.

HAMMOND: Mr. Freitas. What do you want him for?

GRIMES: Because he processed the application--would you identify yourself and your position.

FREITAS: Dave Freitas.

GRIMES: You position.

FREITAS: Building Inspector.

GRIMES: City of Modesto?

FREITAS: City of Modesto.

GRIMES: Will you tell the Council about your issuance of the application for this and your inspections.

FREITAS: Yes, an application was made for this building on July 5. I checked the plans and found that they complied with all of our ordinances as far as structure, setbacks, and side lines, and issued the permit. It was not validated until July 24, which was 19 days later.

GRIMES: Do you have a set of plans with you?

FREITAS: There are a set of plans available.

GRIMES: Don't we have a set of plans? They should be a part of the record. Do the plans show that the garage is set back twenty (20') feet from the property line?

FREITAS: They do.

GRIMES: Did you inspect it thereafter?

FREITAS: I did not inspect the garage forms. I did inspect the forms for the dwelling itself.

GRIMES: When was that?

FREITAS: On July 27. At the time I went out for the inspection, these particular forms were well over forty (40') feet back of the street and there was nothing to indicate there was anything wrong at the time.

GRIMES: Was there a curb and gutter in there then?

FREITAS: No.

PATTON: Were you aware of Mr. Ewing's telephone calls and conversations with Mr. Ward?

FREITAS: Not at that time.

GRIMES: No at what time?

FREITAS: At the time that I made these form inspections.

GRIMES: Is it normally your custom, when you go out for inspections, to measure as far as setbacks are concerned.

FREITAS: Only when there is apparent evidence that something is out of line. In this particular area, which is a developed area, the homes are in, and as I say, these particular forms were well behind anything else that was in the area.

GRIMES: You mean at the time you made this inspection you referred to there were no forms out for the garage?

FREITAS: There were no forms out for the garage.

GRIMES: So as far as--nothing occurred to you that it was out of line, is that correct?

FREITAS: No at the time, that's right.

GRIMES: Did you make a subsequent inspection?

FREITAS: No.

GRIMES: That was the last inspection?

FREITAS: Well, I made a subsequent inspection after it was revealed that there was something wrong. I went out not on an official inspection. I went out to look at it, but not as an official inspection, no.

VANDER WALL: Did you know, at the time you made that inspection of the forms of the house, that there was a garage contemplated being placed in front of that house?

FREITAS: To the extent that I issued the permit originally and was more or less vaguely familiar with the plans. At that time I didn't realize there would be a garage going out as far as it did, no.

GRIMES: Would you look at those plans that have been handed to you and see if they are plans for the building of Mr. Brown at his location.

SHASTID: While you are doing that, did you ever see a set of plans on the property, granting, as Mr. Brown said, that they were there, did you ever see them there on the property?

FREITAS: I didn't especially look for plans on the job. When I made the form inspection, I checked to see that the forms were properly placed; that they were properly braced...

SHASTID: But you didn't look for the plans.

FREITAS: Not especially, no.

SHASTID: So you don't know whether they were there or not?

FREITAS: Not especially--there was nothing to indicate that the setback was not right. Mr. Grimes, what was your question?

GRIMES: Are those plans the plans of the building we are discussing?

FREITAS: Yes.

GRIMES: Would you hand them to the Clerk as an exhibit in this proceeding. When did it first come to your attention, and how did it, that the building, the garage part, was not twenty (20') feet back of the property line.

(The plans of Mr. Brown's home were filed with the City Clerk.)

FREITAS: I did not become aware of this until Mr. Ewing mentioned it.

GRIMES: About when was that--date wise? Time wise. The best you can recollect.

FREITAS: After he made the inspection on November 6.

JOHANSEN: Mr. Freitas, according to Mr. Ewing's remark, after he had the first conversation with Mr. Ward and then after the phone call, he mentioned that he did mention to the staff that there was a question on this matter, which was back in July.

FREITAS: The question was, if there was a permit issued and we checked to see there had been no permit issued; as a matter of fact, I wasn't aware of any contemplated building in that area at the time. There had been no plans submitted; nothing in evidence that anything was to be built.

HAMMOND: All right, Mr. Freitas. Did you want the floor, Ma'am? Come forward and you can use the microphone. Would you state your name and address.

MRS. BROWN: I am Marie Brown.

HAMMOND: And the questions you wanted to ask Mr. Freitas.

MRS. BROWN: I would like to ask Mr. Freitas--although the curb was not in or paved, is it not sufficient to indicate where the curbs will be if it's dug out. And also, as far as the garage is concerned-- -(inaudible) -are not the stakes in the ground sufficient to show that there will be another part of the building there? In other words, it was not actually just a barren field.

FREITAS: Well, it was a barren lot, other than the forms were in place; there had been no excavation as yet for the curb or gutter; this was not done until three or four days later, as I recall.

GRIMES: The curb and gutter was on the house adjoining it, was it not?

FREITAS: Yes. As far as pouring the garage monolithic, that is optional; it can or cannot be poured with the house.

MRS. BROWN: Do you have the date of inspection of when the curbs and gutters were poured or put in?

FREITAS: Yes, we do.

MRS. BROWN: Is it available?

FREITAS: Yes

MRS. BROWN: May I know what they are?

HAMMOND: August 3, I believe.

GRIMES: Give him the progress card--show what the dates were. Would you identify yourself.

CAMPBELL: Ross Campbell, Assistant Director of Public Works. I have field record of curb, gutter and sidewalk, Permit No. 23021, Property Owner, E. R. Brown, 1524 Grape. Date staked, 7/31/61; Date form inspected, 8/1/61; Date accepted; 8/3/61. These are made out on every curb and gutter job we have in the City.

MRS. BROWN: You say the stakes were put in for the curb on the 31st of July?

CAMPBELL: It was staked on July 31, it says here.

MRS. BROWN: Does it have to be staked before the dirt is scooped out?

CAMPBELL: No. I would think that the....

MRS. BROWN: Well, the first inspection was made on the 27th of July for the forms?

CAMPBELL: Yes.

MRS. BROWN: Well, how is it possible that this wasn't done until the 31st of July when the man who was working on it was the one who gave the first inspection card? On the 27th it says here.

CAMPBELL: The curb and gutter, the work within the public right of way, is handled through the engineering section of the Public Works Department, whereas the building construction is handled through the Building Inspection Department. We have an inspector that--we have a survey crew and an inspector that do nothing but this type of work...in the public right of way. Building inspectors do not inspect work within the public right of way.

HAMMOND: Did you have another question, Mrs. Brown?

MRS. BROWN: Yes, I would like another pertinent statement. Mr. Brown requested inspection on the garage forms and was told that it was not necessary to make a separate inspection, to go ahead and pour the garage forms.

GRIMES: Who? This was with Mr. Brown, this conversation? Would Mr. Brown step forward and state with whom he had this conversation and when.

BROWN: I have already made that statement.

GRIMES: Would you repeat that. Just concisely.

BROWN: I called up the inspection office and asked for the inspection. I knew that....

GRIMES: Inspection of what, Mr. Brown?

BROWN: Inspection of forms. I knew that it called for an inspection of forms here, on this contract.

GRIMES: When did you do that, Mr. Brown? What date?

BROWN: It was before I poured the foundation. I can't give the date.

GRIMES: Who did you talk to?

BROWN: That I don't know, but I called the Inspection Department and told them that the forms had just been in and that they had not been inspected when the rest of the house was inspected and they said that it was not necessary--it calls for one inspection on your contract, here, and..

GRIMES: So what did they tell you to do? What were you told to do, with respect to pouring?

BROWN: To go ahead and pour without inspection, that the inspection had already been made.

GRIMES: Now, what's the time relation with that little note you have there, signed, about covering up the electrical work?

BROWN: Oh, this has nothing to do with that.

GRIMES: That was later? Much later?

BROWN: This is after the frame was up on the house and everything else.

GRIMES: You can't recall who you talked to. You can't identify the voice or anything.

BROWN: No.

GRIMES: It was the Building Department of the City?

BROWN: Yes, it was the Building Department.

HAMMOND: Could I ask the Council, do they need any further information?

MITCHELL: I'd like to ask Mr. Brown one or two questions, if I may. Mr. Brown, I believe that you just stated that you're well acquainted with the Building Department. I take it from that you've done previous building?

BROWN: This is the first building I've done in this town, and I was careful. I was trying to meet every specification.

MITCHELL: Were you building this for your own home?

BROWN: Yes, for our own home. We'd have been moved in there by now, if it hadn't been for this.

GRIMES: What's your occupation, Mr. Brown?

BROWN: I'm a teacher.

GRIMES: Have you built homes previously--other houses?

BROWN: Yes, I have.

GRIMES: How many?

BROWN: I was a carpenter foreman for about eight years. I'm ashamed of the mistake I made on this.

GRIMES: How many houses did you do the carpentry work on during your eight years?

BROWN: I wouldn't know--on several hundred.-- several thousand.

HAMMOND: Does the Council need any more information? If not, then, we'll close the hearing. It's now open for Council discussion and action.

GRIMES: Mr. Mayor and members of the Council, the legal consideration has been the Board of Zoning Adjustment denied Mr. Brown's....

BROWN: I have a witness here, Mr. Birt, who was present at the time.--he helped me. I have a receipt here for a check that I paid his brother. They were out putting the form in at the time we made the pour, and he was there, I believe, at the time when the inspection was made, when Mr. Freitas made his inspection, he was out working on this form. I tried to get Mr. Birt in, but I couldn't get James Birt. I got ahold of his brother.

GRIMES: Does there appear to be any discrepancy, Mr. Brown?

BROWN: Just the testimony we have given that the forms and that the construction on this had been started, that is, the construction on the forms had been put out - the work poured at the time, but the work had already started.

GRIMES: At the time the first official City inspection was made?

BROWN: Yes. We had staked out the garage. I want that made clear, and that's all he could substantiate anyway; if you want to listen to him, all right, if not, all right.

GRIMES: All right. Fine. The Planning Commission, by resolution, the Board of Zoning Adjustment, I mean, by resolution No. 162, found that there were no exceptional or extraordinary circumstances or conditions applicable to Mr. Brown's property and that the variance as requested was not necessary for the preservation and the enjoyment of a substantial property right possessed by other property in the same vicinity and zone, and denied to Mr. Brown's property, and they also found that the granting of the variance would be materially detrimental to the public welfare and injurious to the property and improvements in such vicinity and zone in which it's located and therefore they denied the request for variance. Upon appeal to the Council on Mr. Brown's request you have heard the evidences and studied the transcript and looked at the exhibits. The test of the Council was the same as that of the Board of Zoning Adjustment. In order that a variance be granted, there must be four conditions met, all four of them together as an aggregate: (1) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved; (2) That the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zoning and denied to the property in question; (3) That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located; and (4) That the granting of the variance will not adverselyaffect the comprehensive general plan. If the Council finds that all four of those conditions are met, then it may grant Mr. Brown's request for variance. If it doesn't find them met, then legally, it should sustain the decision of the Board of Zoning Adjustment. Different from appeals from the Planning Commission, the Council has the final authority to make the decision in this matter, now, based on the evidence presented.

SHASTID: Allen, what option or leeway has the Council here in what, as you well know in law is called the balancing of the equities, that is, if everyone's going to get hurt, what procedure can we take that will hurt the least....

GRIMES: Council is always expected to use wisdom and intelligence, and take into consideration all the facts in the particular circumstance. The laws adopted by the City Council set forth the four requirements. Therefore, you take the evidence presented to you and see if it meets those four requirements, and that is a matter of discretion.

HAMMOND: I don't think that's quite what you were alluding to...

SHASTID: No. I mean are we literally bound by the four walls of those four conditions.

GRIMES: Four walls of what?

SHASTID: Those four things you said.

HAMMOND: The four points.

GRIMES: Yes, those are the requirements as you interpret them, That's as you see fit in interpreting them. It's up to you to interpret whether they're met or not.

HAMMOND: Well, I'd like to make this comment-in listening to the evidence and facts.- I myself feel that the burden is on Mr. Brown and it's not the function of the City to provide the engineering service and provide the staking out of the house.

(HAMMOND) In testimony, Mr. Ward has indicated his concern to Mr. Brown in ample time to have done something about it. And, at that time, it would have been well worth Mr. Brown's time to have secured the necessary engineering to have....at that time, you should have been aware of your responsibilities to see that the place was properly located. It is not the burden of the City to provide the engineering services you're talking about. The normal function is to see that it is constructed properly into codes. I recognize that setbacks is one of the things, but as I understand it, starting with the blueprint that was presented to the City Hall, it was twenty (20') feet back from the property line and so indicated. Now the fact that you made a mistake and took the curb line rather than the property line doesn't mean that the City is in error, and it was testified that the original inspection prior to the issuance of the building permit, there was nothing there to materially indicate that the garage would be built too close to the property line, and on the basis of this recommendation, I would urge that the Council deny the request for the variance, because I do feel that the burden of responsibility has been with Mr. Brown in this matter. The hearing has been closed, but if you had something that you wanted to say...

BROWN: I have a bill here of $7.50 that I....

HAMMOND: We understand that.

BROWN: Paid Mr. Birt for his engineering services.

HAMMOND: Well, then you had better talk to Mr. Birt about his engineering services. Now, we're aware of all that. Any other comment?

MITCHELL: Mr. Mayor, I'll offer a motion, if I may, if there's a second, to, I'd like to comment on it. I would like to offer, or ask the City Attorney first as to procedure, as to dispose of this in one way or another; is it by resolution?

GRIMES: Should be by resolution.

MITCHELL: I'll offer a resolution to the effect that the City Council sustain the action of the Board of Zoning Adjustment by denying the variance and denying the appeal. Now that is the motion, if the City Attorney feels it's in the proper form. If there's a second, I'd like to speak on it, if I may--

TABBERT: I'll second it.

MITCHELL: As the Mayor has indicated, I think that both the audience and the neighbors and Mr. Brown will appreciate the problems the Council faces, and that we have tried to go into this as carefully and conscientiously as possible. We recognize the serious financial burden to Mr. Brown. I think we're also mindful of possible monetary loss to the neighbors and I think the neighbors are to be congratulated for perhaps going along with someone in their block when the action which has been taken has possibly adversely affected them. I think they're certainly fine neighbors and I hope that Mr. Brown and the neighbors will find it possible to continue on a friendly basis. From the Council's point of view, at least mine in offering the motion, I don't know whether it will pass or not, I reserve judgment on this, these matters, when they reach us, I believe there are several factors we must consider. Certainly first the basic facts which have been presented; the tests as the City Attorney has outlined them. And I might say on those two bases are the basis for my motion, but, I think we must also remember if we grant a variance to one,

we must grant it to others in similar circumstances to have some consistency, and unfortunately, as I view this case, if we grant it here where a property owner has had someone call it to his attention that there may be a question when his plans do not put the City on notice, when the other buildings in the block are easily visible and nevertheless he proceeds to build, I feel that in this balancing of equities, that we do have to consider the others in the block and not find there are special circumstances here. I know people have built houses in the public right of way; someone mentioned building them on other's lots; I think there's a lesson here for all of us to learn; perhaps the community, and that is to have your property surveyed before you build or at least take a good look at your neighbor's houses before you start setting out plot lines. Certainly survey is the proper thing.

HAMMOND: If there no other comments, then we'll call for roll vote

RESOLUTION NO. 62-27

A RESOLUTION AFFIRMING THE DECISION OF THE BOARD OF ZONING ADJUSTMENT DENYING A VARIANCE TO E. R. BROWN AND MARIE BROWN AS DESCRIBED IN RESOLUTION NO. 162 ADOPTED BY THE BOARD ON THE BASIS OF THE FINDINGS SET FORTH IN THIS RESOLUTION

Moved by Mitchell Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: Shastid Absent: None

HAMMOND: Mr. Brown, the variance has been denied.

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

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Absent: Councilmen: None

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

Reverend A. P. Gregory gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the Council meeting of January 2, 1962 and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM JOHN SUTTON, CHAIRMAN, CHRISTMAS STREET DECORATIONS COMMITTEE MODESTO RETAIL MERCHANTS, DOWNTOWN DIVISION, EXPRESSING THANKS FOR COOPERATION IN CHRISTMAS PROGRAM

A letter from John Sutton, Chairman Christmas Street Decorations, Modesto Retail Merchants Downtown Division, dated January 10, 1962 expressing appreciation to the City for its cooperation in making the Chirstmas street decorations possible, was read by the City Clerk. The letter was ordered filed.

Mr. Sutton was present and personally thanked the Council for its assistance to the Downtown Merchants Association throughout the year. Mr. Sutton introduced Clark Smith, new president of the Downtown Merchants Association, who spoke briefly to the Council. He invited the Council to attend the Downtown Merchants Association's annual meeting to be held in the Fable Room, Hotel Covell, on February 12, 1962, cocktail hour, 6:45, dinner, 7:30 P.M. The speaker will be Bert J. Graham, Secretary-Manager of the Sacramento Merchants Association.

COMMUNICATION FROM STUDENTS OF THE ENGLISH CLASS OF THOMAS DOWNEY HIGH SCHOOL RE: APPOINTMENT OF A YOUTH ADVISORY COUNCIL

With the consent of the Council, this matter was held over until 4:00 P.M., February 5, 1962.

LETTER FROM OTTO D. FISK, 7017 DEL RIO DRIVE, REQUESTING DRIVEWAY VARIANCE ON COLLEGE AVENUE, SOUTH OF M.I.D. LATERAL NO. 4 1-42

A letter from Otto D. Fisk requesting a variance to permit construction of a 30 foot driveway on property located on College Avenue, (Lots 1 and 2, Block 508) was read by the City Clerk. The letter stated that the lots were unusual in shape and the only access to the property from the street was a 28.3' frontage.

Assistant Director of Public Works Campbell displayed a sketch of the property. The Municipal Code provides that up to 40% of property frontage may be used for driveways; the minimum sized driveway allowed by the Code is 16 feet, which in this instance is over

50% of the frontage. Mr. Campbell said the staff has reviewed Mr. Fisk's request for a 30' driveway and recommends that a variance be granted to permit a 28.3' driveway, the total of his frontage. Mr. Campbell said that the 28.3' driveway would be entirely within the public right of way.

RESOLUTION NO. 62-33

A RESOLUTION GRANTING A DRIVEWAY VARIANCE TO OTTO D. FISK FOR PROPERTY LOCATED ON COLLEGE AVENUE (LOTS 1 AND 2, BLOCK 508)

Introduced by Shastid Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

Councilman Shastid asked if it might not streamline matters of this kind if they were first considered by the Board of Zoning Adjustment. The City Attorney stated that the Code presently provides that decisions on matters of this type be determined by the Council.

CONSIDER AWARD OF BID FOR INSTALLATION OF WATER MAINS IN UNIT A - MAY FAIR ESTATES NO. 1, AND UNIT B - VILLAGE MANOR NO. 2 SUBDIVISIONS

Director of Public Works Ray reported that one bid was received from Baleme Construction Co. in the amount of $4,380.20, $1,513 higher than the engineer's estimate for installation by city forces. Under existing Council policy, the City Manager recommended that the bid be rejected and the work performed by city forces.

RESOLUTION NO. 62-34

A RESOLUTION REJECTING ALL BIDS AND AUTHORIZING THE WORK TO BE PERFORMED BY THE CITY FOR THE INSTALLATION OF WATER MAINS IN UNIT A - MAY FAIR ESTATES NO. 1, AND UNIT B - VILLAGE MANOR NO. 2 SUBDIVISIONS

Introduced by Shastid Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

ORDINANCE AMENDING THE MODESTO MUNICIPAL CODE RELATING TO CARD ROOMS

The City Attorney stated that the proposed ordinance was prepared at the direction of the Council, the first draft prepared with the help of Councilman Mitchell, Chief of Police Bowers, the City Manager and the Director of Finance. Both this and a subsequent draft were reviewed by a Council Committee, consisting of Councilmen Mitchell, Shastid and VanderWall and interested parties. Mr. Grimes said that he had received no comments from the attorneys representing the card room operators, but had received suggestions for two recommended changes which appeared to be justified -- (1) That subsection (8) of Section 4-1.707 be changed to commence, "Each card room shall have assigned to it....." instead of "Each card table shall have assigned to it....."; and (2) That Section 4-1.702 of the proposed ordinance which defines a card room be amended to include whist, along with bridge, as an exemption. The proposed ordinance is basically patterned after City of Fresno Regulations.

The City Attorney reviewed the provisions of the proposed ordinance.

Referring to the recommended change to subsection (8) of Section 4-1.707, Councilman Mitchell said that he did not feel a change was necessary in the wording, as the section further stated that "This person may have more than one table under his supervision," meaning that one person could supervise all of the tables in the card room.

The City Attorney agreed that no change was necessary if this interpretation was assumed by the Council.

After discussion, the Council agreed to the provisions of the proposed ordinance, with the addition of "or Whist" to Section 4-1.702, CARD ROOM--DEFINED.

ORDINANCE NO. 497-C.S. entitled

"AN ORDINANCE AMENDING ARTICLE 7 OF CHAPTER 1 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, RELATING TO CARD ROOMS"

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

Moved by VanderWall Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

PROPOSED RESOLUTION PLACING CARD ROOM ISSUE ON NOVEMBER, 1962, GENERAL ELECTION BALLOT

MOTION

That the staff be requested to prepare a proposed resolution to place the outlawing of card rooms on the November, 1962, general election ballot

Moved by Mitchell Seconded by VanderWall Unanimously carried

The City Attorney requested the continued cooperation of the Council Committee and staff on the card room matter.

FURTHER REPORT ON POSSIBLE BLOCKING OF STREET AND ALLEY IN WALNUT GROVE SUBDIVISION BY PROPOSED DEVELOPMENT ON PARADISE ROAD

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

REPORT ON ADDITIONAL RIGHT OF WAY NEEDED ON SANTA BARBARA AVENUE TO INSURE PROPER ACCESS TO OLDS PROPERTY WHEN CURBS AND GUTTERS ARE INSTALLED

The City Manager stated that a report from the Assistant Director of Public Works, dated January 4, 1962, subject, "Santa Barbara Avenue - Curb and Gutter Construction at Olds' Property," was furnished the Council prior to the meeting, along with a memorandum from the City Manager, dated January 11, 1962. A copy of both documents are on file with the record of the minutes.

The City Manager recommended that the staff be authorized to obtain an appraisal on ten or fifteen feet of the property for right of way purposes, which acquisition would permit two lanes of traffic at the intersection of Santa Barbara and La Loma Avenues.

Mr. Miller stated that the owner of the property has refused to dedicate the right of way unless the property is rezoned commercial.

Upon questioning, the City Manager stated that cost of appraisal will be about $100.

The possibility of neighborhood cooperation in obtaining the necessary right of way to widen Santa Barbara at its intersection with La Loma was discussed.

Mr. Miller explained the City's policy of obtaining rights of way through condemnation proceedings when a final small proportion of the right of way required for a needed street widening project can be acquired in no other manner.

MOTION

That the staff be authorized to obtain an appraisal for a ten or fifteen foot right of way on the Lengyel property at the intersection of Santa Barbara and La Loma Avenues, with the understanding that the City is not bound to purchase the right of way

Moved by VanderWall Seconded by Shastid Unanimously carried

The City Attorney stated that if the matter goes to trial, two complete written appraisals by M.A.I. are desirable.

HEARING ON PROPOSED ANNEXATION OF EMERALD GARDENS ADDITION

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the proposed annexation of Emerald Gardens Addition, and opened the hearing.

The City Clerk reported that notice of hearing was published in the Modesto Tribune and Turlock Daily Journal on December 21 and 28, 1961, and notices mailed to property owners in the area and other interested persons on December 21, 1961. No written protests were received by the Clerk.

Director of Planning Smeath said that the proposed annexation comprises 11.132 acres and is located on the east side of Emerald Avenue, south of Maze Boulevard. When subdivided, there will be fifty residential lots and all improvements will be in accordance with city standards. City sewer and Del Este Water Company services are available to the subdivision.

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

ORDINANCE NO. 498-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE EMERALD GARDENS ADDITION TO THE CITY OF MODESTO"

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

Moved by VanderWall Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

REPORT OF SUPERINTENDENT OF STREETS ON COST OF CONSTRUCTING CURB AND GUTTER, SOUTHWEST CORNER OF ROSEBURG AND ENSLEN AVE. (BLOCK 738)

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the report of cost of construction of curb and gutter at the southwest corner of Roseburg and Enslen Avenue (Block 738).

The City Manager stated that a report from the Director of Public Works indicates that the work was performed in accordance with Resolution No. 61-448; the total cost was $183.61. The work was completed on January 3, 1962.

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

RESOLUTION NO. 62-36

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF CURBS AND GUTTERS 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 (BLOCK 738, LOT 16)

Introduced by Johansen Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION FOR SALE OF CITY PROPERTY AT 1737 McHENRY AVENUE (FORMER SNEDIGAR PROPERTY)

The City Manager stated that this property was acquired as a part of a right of way acquisition for the widening of Briggsmore Avenue. The street is now completely improved, the sidewalks, curbs and gutters installed, and the alley improved. Only the easterly portion of the property, which is zoned C-M, Commercial-Industrial, is offered for sale at this time.

The City Attorney stated that the parcel proposed for sale is 61.48 feet wide along McHenry, 52.74 feet wide at the rear along the alley, and 277.11 feet in depth.

The City Manager reviewed a proposed resolution, declaring the intention of the City to sell the property, setting $35,000 as the minimum acceptable bid, and providing for competitive bidding at the time of the sale.

Councilman Mitchell suggested that if the City is to pay selling costs normally borne by the seller, the proposed resolution should indicate specifically that the City will pay the cost of the deed, one-half the escrow fee, and the full cost of title insurance and revenue stamps; that the buyer will pay the recording fee and one-half the escrow fee. He suggested that inclusion of this would encourage more people to submit bids.

Councilman Mitchell outlined the procedure followed in the sale of property under probate procedure, which permits commissions to real estate brokers -- in the event one broker submits the highest

written bid and another broker submits the highest oral bid, the fee is split between the two brokers. In the event the highest oral bid is submitted by an individual and the highest written bid submitted by a broker, the broker is entitled to the full commission. He said that payment of a commission might stimulate a wider interest in the property.

The City Manager stated that a substantial number of persons had expressed interest in the purchase of this parcel.

Councilman Mitchell moved, seconded by Councilman Shastid, that the resolution submitted by the City Attorney be adopted, but amended to include a breakdown of selling costs to be borne by the City and the buyer.

RESOLUTION NO. 62-36

A RESOLUTION DECLARING THE INTENTION OF THE CITY OF MODESTO TO SELL CERTAIN REAL PROPERTY BELONGING TO THE CITY

Introduced by Mitchell Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

February 26, 1962 at 4:00 P.M. in the City Clerk's office was set as the time and place for opening of the written bids.

CONSIDER REQUEST FOR ANGLE PARKING ON EAST SIDE OF TULLY, NORTH OF GRANGER

Director of Traffic Carmody stated that diagonal parking on the east side of Tully Road, north of Granger Avenue, is not warranted under the Council's recently adopted policy on diagonal parking since a qualifying shortage of parking space is not indicated at this time.

Jacques Miller has agreed to hold his request in abeyance until such time as a need for more parking space is indicated.

MOTION

That the request of Jacques Miller for diagonal parking on the east side of Tully Road, north of Granger Avenue, be denied

Moved by VanderWall Seconded by Tabbert Unanimously carried

FURTHER REPORT ON PROPOSED PARKING LOT ON EAST SIDE OF 9TH STREET BETWEEN J AND K STREETS

The City Manager stated that the site for the proposed parking lot is no longer available for leasing by the City.

MOTION

That the matter of a proposed parking lot on the east side of 9th Street between J and K Streets be dropped

Moved by Shastid Seconded by Tabbert Unanimously carried

RESOLUTION RELEASING $800 CASH DEPOSIT GUARANTEEING IMPROVEMENT OF ALLEY IN BLOCK 6196 (RAWLINS-CHAMBERS LOT SPLIT)

Assistant Director of Public Works Campbell reported that the inspection fees have been paid, all work required by the agreement has been completed to the satisfaction of the Public Works Department, and that it would be in order to release the $800 cash deposit made to guarantee improvements.

RESOLUTION NO. 62-37

A RESOLUTION AUTHORIZING THE RELEASE OF THE CASH DEPOSIT IN THE AMOUNT OF $800 FILED TO GUARANTEE IMPROVEMENT OF THE ALLEY IN BLOCK 6196 BY KATHERINE I. RAWLINS AND CHESTER D. CHAMBERS

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

CONSIDER PURCHASE OF STEEL LIBRARY SHELVING FOR BRANCH LIBRARY

Librarian Carl Hamilton stated that bids were sent to nine potential bidders for 1200 feet of steel library shelving for the new branch library to be opened at Ulrich Shopping Center approximately February 15, 1962, the only bid submitted by W. R. Ames Company for $2,720.95.

Possible reasons for failure of other companies to submit bids were discussed.

Upon questioning, Mr. Hamilton stated that it was anticipated that approximately $4,500 of the $5,000 budgeted would be spent for improvements for the new branch library.

RESOLUTION NO. 62-38

A RESOLUTION ACCEPTING THE BID OF W. R. AMES COMPANY IN THE SUM OF $2,720.95 FOR THE FURNISHING OF STEEL LIBRARY SHELVING FOR THE NORTHWEST BRANCH LIBRARY

Introduced by VanderWall Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION RELATING TO THE TEMPORARY USE OF ON-STREET AND OFF-STREET CITY PARKING SPACES AND THE TEMPORARY CLOSING OF CITY STREETS

The City Attorney stated that the proposed resolution will permit that requests for the temporary use of on-street and off-street parking spaces and the temporary closing of city streets be handled administratively, and has been worked out with the Chief of Police, City Manager and Director of Parking and Traffic. The resolution permits the Chief of Police to grant permits for the temporary use of on-street and off-street parking spaces, and the temporary closing of city streets, after obtaining the recommendation of the Director of Parking and Traffic. This policy will eliminate the necessity of bringing minor requests to the attention of the Council.

The provisions of the proposed resolution were read by the City Attorney.

RESOLUTION NO. 62-39

A RESOLUTION RELATING TO THE TEMPORARY USE OF ON-STREET AND OFF-STREET CITY PARKING SPACES AND THE TEMPORARY CLOSING OF CITY STREETS

Introduced by Johansen Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

CONSIDER BREACH OF GOVERNMENTAL ACTIVITIES INSURANCE - ERRORS AND OMISSIONS INSURANCE 5-40

City Attorney Grimes stated that at the present time, the City has comprehensive, public liability and property damage insurance coverage, but it does not carry "errors and omissions" insurance. Due to recent court decisions, public agencies and employees no longer have the former degree of governmental immunity from liability arising out of official duties. However, the legislature, at the request of the Attorney General, cities, counties and other governmental agencies, has placed a two-year moratorium of the new ruling pending a legislative interim committee study of the matter. In the meanwhile, the law remains that a public official is personally liable for damages arising from an error made in the performance of ministerial duties, but not for those resulting from performance of discretionary duties. Mr. Grimes said it is extremely difficult to distinguish between ministerial and discretionary duties. He cited several examples where city employees were sued for thousands of dollars for matters arising out of the performance of their governmental duties, and fortunately the courts ruled that they were not liable. He pointed out that the exposure was broad and error possible, and said he believed the Council would be justified in considering some type of errors and omissions insurance.

Councilman Mitchell cited an example of school employees being sued as individuals which resulted in almost all of the School Districts providing insurance coverage for all employees. He said that insuring the governmental agency alone normally is not sufficient to cover employees working in behalf of the governmental agencies; when public agencies no longer have sovereign immunity, employees will be parties to suit in greater numbers than in the past, and will need protection.

The matter was discussed by the Council.

It was Mayor Hammond's opinion that complete protection was necessary for all employees.

Director of Finance Bird stated that the quotations listed in his memorandum, dated January 16, 1962, were annual premiums; that he was attending a seminar in Fresno on February 2 and 3 where this matter would be discussed, and he would attempt to secure answers to the questions asked by the Council.

The staff was directed to check with the insurance carrier on the matter of subrogation; that a check be made with other California communities which carry errors and omissions coverage; that a report on this matter be secured from the California League of Cities; and that comments be secured from the Modesto Insurance Agents Association.

The staff was asked to place this matter on the agenda following the attendance of the Director of Finance at the Fresno seminar.

CONSIDER LEASING OF LAND AT MODESTO CITY-COUNTY AIRPORT

The City Manager stated that the proposed agreement covered the leasing of 40 acres of agricultural land located at the northern end of the runway at the City-County Airport to Richard Arslanian, Turlock California, at the rate of $45 per acre per year, for a term of three years.

Director of Public Works Ray stated that most of the land is in the clear zone area and the major portion can be used for agricultural purposes only. Upon questioning, he said that it was not anticipated that the runway would be extended in that direction; that this particular piece of property was owned entirely by the City.

The Council agreed to approve the proposed agreement, with the understanding that approval would be rescinded in the event Mr. Arslanian failed to sign the agreement.

RESOLUTION NO. 62-40

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND RICHARD ARSLANIAN OF TURLOCK FOR THE LEASING OF LAND AT MODESTO CITY-COUNTY AIRPORT FOR THE SUM OF $45 PER ACRE PER YEAR

Introduced by VanderWall Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION APPROVING SUBDIVISION AGREEMENT AND FINAL MAP FOR DAVIS PARK NO. 1 SUBDIVISION

The City Attorney reported that the subdivision agreement has been signed, and all fees paid, and it was in order to accept the final map of Davis Park No. 1 Subdivision.

RESOLUTION NO. 62-41

A RESOLUTION APPROVING THE FINAL MAP OF THE DAVIS PARK UNIT NO. 1 SUBDIVISION OF THE CITY OF MODESTO

Introduced by Mitchell Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

REPORT ON PARKING METER DAMAGE 7-65

(a) Consider transfer of funds for parking meter replacement

A memorandum from Parking and Traffic Director Carmody, dated January 18, 1962, subject, "Meter Vandalism - Fund Transfer Needed," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

Mr. Carmody stated that approximately $700 would be required to purchase 47 used meters to replace meters damaged in off-street parking lots through robberies, and $300 needed to repair on-street meters anticipated to be damaged during the balance of the fiscal year.

Mr. Carmody said that until this year, parking meter robberies have not been a serious matter in Modesto, averaging about six a year, and for this reason funds have never been budgeted for this purpose.

The City Manager stated that the Police Department was giving this some special attention. An appropriation transfer is necessary to transfer $300 from the General Reserve of the General Fund (101-600) to Parking and Traffic, Maintenance and Repair of Equipment (223-56); and $700 from the Parking Fund General Reserve (209-600) to Parking and Traffic, Maintenance and Repair of Equipment (223-57).

RESOLUTION NO. 62-42

A RESOLUTION APPROVING APPROPRIATION TRANSFERS FOR PARKING METER REPLACEMENT

Introduced by Johansen Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

REPORTS FROM THE PLANNING COMMISSION 7-90

(a) Recommendation for rezoning of property from R-1 to P-D, south side of Woodrow Avenue, east of Tully

RESOLUTION NO. 62-43

A RESOLUTION SETTING THE TIME AND PLACE FOR PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 8 OF THE ZONING MAP (MODESTO'S NEIGHBORHOOD CHURCH)

Introduced by Shastid Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

February 12, 1962 at 8:00 P.M. in the Council Chambers, City Hall, Modesto, was set as the time and place for the proposed hearing.

(b) Recommendation for rezoning of property from R-1 to C-1, north side of Granger between McHenry and Melrose

RESOLUTION NO. 62-44

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

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

February 12, 1962 at 8:05 P.M. in the Council Chambers, City Hall, Modesto, was set as the time and place of hearing.

(c) Recommendation for rezoning from R-1 to P-D, south side of Granger Avenue, east of McHenry (Glenn)

RESOLUTION NO. 62-45

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 21 OF THE ZONING MAP (GLENN)

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

February 12, 1962 at 8:10 P.M. in the Council Chambers, City Hall, Modesto, was set as the time and place of hearing.

(d) Recommendation for rezoning from R-1 to P-D, property between Emerald Avenue and Lateral #5, south of Franklin School

RESOLUTION NO. 62-46

A RESOLUTION SETTING THE TIME AND PLACE FOR PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 31 OF THE ZONING MAP (MacDANNALD, RAINES, HASSAPAKIS AND OLLAR)

Introduced by Mitchell Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

February 12, 1962, at 8:15 P.M. in the Council Chambers, City Hall, Modesto, was set as the time and place of hearing.

(e) Others - None

APPROPRIATION TRANSFERS

The City Manager stated that appropriation transfers were necessary to provide funds for the salary adjustments recently approved by the Council, the first transferring $108 from the Library General Reserve (201-600) to Library, Salaries and Wages, Regular (201-110) to cover the salary increase for the library janitor.

RESOLUTION NO. 62-47

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $108 FOR LIBRARY SALARY INCREASE

Introduced by Shastid Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

The City Manager said that a second transfer was necessary to cover the remaining salary adjustments as follows:

From the General Fund (101), various divisions and department accounts in accordance with list furnished the Council	$66,218
To General Reserve (600)	$66,218
From the General Reserve (600)	$51,358
To Miscellaneous Unclassified (65), Comp. Ins. (411)	14,312
Various Divisions per list furnished the Council (attached to Resolution), Salaries & Wages, Regular (110)	35,446
Miscellaneous Unclassified (65), OASDI (424)	1,600

Director of Finance Bird explained that the $14,312 proposed to be transferred to the Compensation Insurance (411) account was a budget adjustment and did not relate to the recent salary adjustments.

RESOLUTION NO. 62-48

A RESOLUTION APPROVING APPROPRIATION TRANSFERS

Introduced by VanderWall Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

MATTERS FOR THE GOOD OF THE COMMUNITY 8-34

Progress Report on Educational-Cultural Center - Mrs. Frank Damrell

A program sponsored by the Sears Roebuck Foundation to encourage citizen interest in community improvement was described by Mrs. Damrell.

Mrs. Damrell pointed out the need for public buildings in Modesto and the specific lack of cultural facilities.

As a representative of a group of Women's Clubs in Modesto, Mrs. Damrell asked the Council to provide city-owned property as the site for a proposed educational-cultural center, to be designed as a part of a proposed new library building, to expedite the preparation of plans for both activities, and to authorize the Women's Clubs to proceed with construction of the cultural center at once, rather than delay their program until the City has funds to proceed with the library.

Mrs. Damrell described the many ways in which an educational-cultural center could be utilized.

Councilman Mitchell asked Mrs. Damrell if funds would be available to erect a building if the site was donated by the City. Mrs. Damrell stated that if the site were donated, the Women's Clubs would take over from that point and would probably be able to take advantage of financial assistance which has been offered. She said, however, that it should be a civic project, and belong to the City.

Upon questioning, she said that no determination has yet been made as to the price range of the proposed cultural center, that this could be estimated after preliminary plans are prepared.

Upon questioning, Mrs. Damrell stated that it was not proposed to charge for use of the cultural building, except perhaps for specified special uses.

Mayor Hammond listed the order in which proposed civic projects appear in the Capital Improvement Program, first the police-communications center building, followed by the civic auditorium. He suggested a possible civic auditorium-cultural center combination.

Mrs. Damrell stated that the experience of other communities indicated cultural centers are more compatibly combined with libraries; however, she said her group was willing to be guided by the Council's judgment in this respect, and wanted to assist the entire program of public buildings.

MOTION

That Mrs. Damrell and the groups she represents have the Council's blessing in entering the community improvement contest, and that the staff be authorized to work with them and assist with those portions of the project that relate specifically to the City, tying this in with other projects as feasible, and bring back to the Council, continued reports as to progress and any matters needing clearing

Moved by VanderWall Seconded by Tabbert Unanimously carried

Councilman Mitchell said that through the fine work of Mrs. Damrell and her organization, philanthropic people in the community might be found who would be willing to donate substantial sums of money toward such a project if the City or other groups would match those funds. It was his opinion that the City does need a center of this kind, and the women's clubs were to be commended for their interest.

Request for use of Dryden Golf Course for Sectional Golf Tournament to be hosted by Modesto High School.

Jay Pattee, Coach, Modesto High School, requested the use of Dryden Golf Course for the sectional golf tournament for high schools, to be hosted by Modesto High School on May 14, 1962 from 9:00 A.M. to 2:00 P.M. Mr. Pattee said that he had discussed the matter with Andy Silva, the golf pro.

MOTION

That Mr. Pattee's request be informally approved, pending clearance with the Director of Parks and Recreation and the golf pro

Moved by VanderWall Seconded by Johansen Unanimously carried

REPORT FROM THE SALVATION ARMY FOR SERVICES RENDERED FOR QUARTER ENDING DECEMBER 31, 1961

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

PROGRESS REPORT ON CAPITAL IMPROVEMENT PROGRAM 10-45

The City Manager reported that a proposed six-year Capital Improvement Program is presented to the Council by the Planning Commission by May 1 of each year, in accordance with provisions of the Municipal Code, the program proposed for the first year, with the approval of the Council, becoming the capital budget of the City for the next fiscal year.

Mr. Miller pointed out that during the last ten years the only bond issues were for the sewage treatment plant and trunk lines, and the City Hall. It is now proposed that the police-communications center building be financed by bond issue.

Projects have now been submitted by all departments and after being checked out, will be presented to the Planning Commission in February for consideration and recommendation to the Council prior to May 1.

REPORT ON REORGANIZATION OF CENTRAL OFFICE SERVICE DIVISION

The City Manager reported that the Supervisor of the Central Office Services has resigned, effective January 26, 1962. Mr. Miller recommended that instead of replacing the supervisor at this time, messenger service and those operations of the division which have to do with collection of parking meter money, operation of the machine room, duplicating equipment, offset printing press, and other such equipment, be placed under the supervision of the Director of Parking and Traffic; the operation of the typing pool, records center and switchboard be placed under the supervision of the City Manager's Office; and the function of office supplies inventory be retained by the Finance Office. It was recommended that the budget not be altered to reflect these changes this fiscal year, but that indicated fiscal adjustments based on the interim experience be included in future budget estimates if the arrangements become permanent. A memorandum to the Council, dated January 18, 1962, subject, "Proposed reorganization of Central Office Services Division," indicates a resultant financial saving.

The City Manager was commended "for an excellent indication of efficiency in government."

MOTION

That the staff be authorized to reorganize the Central Office Services Division as outlined by the City Manager

Introduced by VanderWall Seconded by Shastid Unanimously carried

REPORT BY CALIFORNIA TOMORROW, INC.

The City Manager stated that a copy of this report would be furnished each of the Councilmen at an early date. He commented on the newly coined word, "slurbian," which in his opinion accurately describes some of the slovenly things happening in and around cities.

NOTICE OF RESIGNATION OF PLANNING DIRECTOR, GEORGE SMEATH

The City Manager announced the resignation of Planning Director George Smeath, who has accepted a similar position in Santa Rosa.

NOTIFICATION OF MEETING OF CENTRAL VALLEY REGIONAL WATER POLLUTION CONTROL BOARD

The City Manager stated that the Central Valley Regional Water Pollution Control Board will meet in Fresno on January 25, at which time the City's pollution problems will again be discussed.

Harry Jenks, consulting engineer in this field, was introduced by Mr. Miller.

Lee Quartaroli, Stanislaus Food Products, was introduced by Director of Public Works Ray.

Mr. Ray stated that response to the Mayor's invitation to attend a meeting with the staff to discuss industrial waste problems was very gratifying, representatives from most of the industries in the City being present. As a result of the meeting, Mr. Ray felt that the City would have something definite and acceptable to present to the Pollution Control Board. He asked for authorization from the Council to inform the Board of the following contemplated improvements to Modesto's sewage treatment plant:

(1) That the City is considering installation of a degritter to remove grit from industrial influent which reduces the sludge handling capacity of the digesters. (This might cost of the order of $15,000).
(2) That the City is considering the construction of baffles in a new mixing tank placed into operation last summer, so that a second pump can be used on the deck aerator to provide additional oxygen to the wastes. (No cost estimates are presently available for this item).
(3) That the City is considering the installation of blowers or forced air to provide up to 20,000 cubic feet of air per minute to the activated sludge wastes which are carried in the mixing tank, which should result in removal of an additional 10,000 pounds of b.o.d. per day. This should result in wastes not exceeding the allowable limits on more than one or two days out of the year under present conditions. (Estimated cost of installation, $70,000).
(4) That the City is completing a survey of all city industries, giving each one a list of what they are expected to do to meet reasonable requirements of the municipal code with respect to industrial waste treatment.
(5) That the City is considering the installation of a second pipe line from the primary clarifier to the mixing tank for necessary additional hydraulic capacity. (Cost of construction of the order of $12,500).
(6) That city forces are remodeling existing beds to add 19,000 square feet to the sludge-drying bed capacity.

Mr. Ray said that the staff was not urging immediate construction of the aeration system for the mixing tank, pending further studies on the cost, benefits, etc., but that serious thought should be given to this possibility soon. The other proposals suggested should be given immediate consideration.

Lee Quartaroli, Stanislaus Food Products, stated that canners are caught between federal and state agency requirements that food be washed more thoroughly because of sprays, fall-out, etc., and the city's wish that the use of water be minimized wherever possible. He said that representatives of the three canneries in Modesto have decided to change their cleanup methods by diverting solids directly to the garbage hopper instead of dropping them on the floor in a gutter and hosing them down the sewer, although this will increase labor costs. At the suggestion of Mr. Ray, the canners have also agreed to install standby screening facilities to insure that the wastes will be constantly screened.

Mr. Quartaroli pointed out that there is presently one cannery less in Modesto than there was in the early forties, and said he did not feel that existing canneries had tripled or even doubled their capacity or amount of wastes since the sewer system went into effect. He suggested that there might be expanding industries in the City not carrying their fair share of the load.

The City Manager stressed the importance of complete cooperation of all industries in this matter.

Upon questioning, Mr. Ray stated that approximately $145,000 remains in the sewer bond fund, about $20,000 of which is encumbered; that the balance, or approximately $125,000 is sufficient to cover the projects proposed at this time.

Harry Jenks, consulting engineer, stated that the items proposed by Mr. Ray did not involve too much expense, but would materially improve the operation of the plant. He said he felt the proposed $70,000 aeration system a "must" in the coming summer season, and certainly by 1963 if conditions in the river remain as unfavorable as last year.

Mr. Ray stated that details of the design of the proposed aeration system will be worked out with Mr. Jenks within the next two or three weeks, and a report made to the Council.

MOTION

That the Director of Public Works be authorized to inform the Regional Pollution Board at its meeting on January 25, 1962 at Fresno that the City contemplates the improvements to the sewage treatment plant as outlined by the Director of Public Works

Moved by VanderWall Seconded by Tabbert Unanimously carried

Invitation to Director of Public Works Ray to attend International Road Federation Meeting

The City Manager announced that Mr. Ray has been invited to attend the Fourth World Meeting of the International Road Federation to be held at the Casa Sindical, Madrid, Spain, October 14-20, 1962. He indicated that such attendance was not probable.

CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS

At the request of Mayor Hammond, and with the consent of the Council, this matter was held over until the February 5, 1962 meeting.

ANNOUNCEMENT OF LEAGUE MEETING IN OAKDALE, JANUARY 25, 1962

Mayor Hammond announced the meeting of the Central Valley Division of the League of California Cities in Oakdale, on January 25, 1962.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Tabbert Unanimously carried

The meeting adjourned at 10:46 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., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond
Councilman Mitchell arrived at 4:05 P.M.

Absent: Councilmen: None

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

Reverend L. B. Lewis gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Council members having received copies of the minutes of the Council meeting of January 8, 1962 and the same being available for public inspection and there being no objections, the minutes were approved.

APPEAL BY JAMES A. SANDERS, 609 COLLEGE AVENUE, FROM DENIAL BY THE BUILDING INSPECTION DEPARTMENT FOR PERMISSION TO MOVE A BUILDING IN THE CITY

The City Clerk read a memorandum from James A. Sanders, Rt. 1, Box 913, Ceres, addressed to the City Council, appealing the decision of the Building Inspection Department in the refusal of a permit to move a dwelling from 609 College Avenue to a lot next to the corner lot on the southwest corner of College and Roseburg Avenues. The denial is based on the provision of Section 4-3.04 of the Modesto Municipal Code, subsection (d), which provides that a permit may be denied if relocation of a dwelling at a proposed site "would cause appreciable harm to or be materially detrimental to the property or improvements in the district within a radius of one thousand feet from the proposed site."

Because of a possible conflict of interest, Councilman VanderWall excused himself from the hearing.

The City Attorney stated that the burden was on the appealing party to show why the action taken by the City was not proper.

Director of Public Works Ray stated that a permit to move the house was denied at his request; that there was nothing basically wrong in the appearance and structure of the building except that it is extremely high; that most of the structures in the area where the dwelling is proposed to be moved are primarily one-story, and the few two-story dwellings in the area are not as high as the Sanders dwelling; that the City can anticipate objections from neighboring property owners if the dwelling is moved to the planned location.

Mayor Hammond stated that property owners in the area should be given an opportunity to be heard.

Upon questioning, Mr. Ray said that the height of the Sanders dwelling is within the maximum height limits under present zoning regulations; that if an applicant proposed to build a new dwelling

to the same dimensions as the Sanders dwelling at the proposed site, the Building Inspection Department would not have the authority to deny a building permit; that the 'unsightliness' applied only to the size of the dwelling in comparison to surrounding dwellings; that he considered it more desirable to have the matter considered by the Council before the house is moved.

MOTION

That the matter be held over pending a check with proposed owners in the area of College and Roseburg Avenues as to their thoughts on the proposed move, and that a hearing be set for February 12, 1962 at 8:30 P.M.
Moved by Patton Seconded by Shastid Unanimously carried

Mr. Sanders stated that he would contact the property owners in the immediate area to get their reactions to the proposed move.

ORAL COMMUNICATION BY DR. JOHN WOOLLEY ON TOWN AFFILIATION PROGRAM 2-38

Dr. John Woolley stated that at its December 18, 1961 meeting, the Council approved the Sister City Program for Modesto, authorizing the Mayor to select a citizens' committee to implement and have the final responsibility for carrying out the program. The following have been appointed by Mayor Hammond to serve on the Executive Committee: Dr. John Woolley, 416 Buena Vista, Chairman; Mr. F.K.Floden, 1518 Eye Street; Mrs. W. W. Giddings, Jr., 920 Carolyn Avenue; Mr. Terry Metcalf, 1122 Trinity; Mr. Les. Pollard, 502 Bowen Avenue; Mrs. John Mensinger, 1320 Magnolia, public relations; and Mrs. Jon Shastid, 1020 Carolyn, secretary. Dr. Woolley said it is planned to limit the number of members of the Steering Committee, which includes the Executive Committee, to thirty-six. No limits are placed on general membership.

A copy of the proposed by-laws of Modesto International Town Affiliation Association was furnished the Council, along with a list of proposed 31 members of the Steering Committee, their appointments to be effective January 1, 1962, for a period of one year.

RESOLUTION NO. 62-49

A RESOLUTION APPROVING THE APPOINTMENT OF A COMMITTEE FOR MODESTO INTERNATIONAL TOWN AFFILIATION PROGRAM

Introduced by VanderWall Seconded by Tabbert

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

CONSIDER APPROVAL OF SPECIFICATIONS FOR AUTOMOTIVE EQUIPMENT AND AUTHORIZE CALL FOR BIDS

Director of Public Works Ray stated that the proposed call for bids covered the purchase of twenty pieces of automotive equipment; 7 police cars, 2 sedans, 1 station wagon, 5 pickups, 2 two-ton dump trucks; and the addition of 1 1½-ton truck and 2 pickups to the equipment pool. Mr. Ray said that at the request of Police Chief Bowers, specifications for the police cars provide for a minimum wheel base of 118 inches, which eliminates Dodge and Plymouth cars.

Upon questioning, Mr. Ray said that a minimum wheel base of 118 inches was set to secure heavier vehicles.

Mayor Hammond and several of the Councilmen questioned the fairness of using the size of the wheel base as a basis for eliminating light vehicles.

W. Rifenburg, Service Division Superintendent, stated that both the Dodge and Plymouth cars have been reduced in size and weight, and he did not consider them standard size cars.

Mr. Ray pointed out that the wheel base was indicative of the leg room in the car which must be available in the handling of prisoners, and also of the trunk space needed for carrying first aid supplies.

Mayor Hammond stated that he was not convinced that Dodge and Plymouth cars were not standard size. He felt that basic standards could be established other than by wheel base: cubic displacement of the motor; torque capacity of the motor; power capacity of transmission; weight; tire size, etc.

The staff was asked to submit copies of the specifications to the Council, with a report explaining the basis for the specifications prior to the next meeting.

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

COMMUNICATION FROM STUDENTS OF THE ENGLISH CLASS OF THOMAS DOWNEY HIGH SCHOOL RE: APPOINTMENT OF A YOUTH ADVISORY COUNCIL

A letter from Ann Dunham, Nancy Dorion and Pat Larson, representatives of a sophomore English class, Thomas Downey High School, dated January 5, 1962, was read by the City Clerk.

The letter suggested the establishment of a Youth Advisory Council to work with the City Council to plan activities for teen-agers in Modesto. Proposed suggestions were community projects and other worthwhile leisure time activities for teen-agers which could be accomplished with the cooperation of the Parks and Recreation Department.

Pat Larson stated that the idea of establishing a Youth Advisory Council resulted from a class discussion on juvenile delinquency.

MOTION

That the matter be referred to the staff for review and further report to the Council

Moved by Johansen Seconded by Tabbert Unanimously carried

Mayor Hammond stated that it was refreshing to find a group of young people seeking ways to solve their own problems.

APPROVE PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF WATER LINES TO SERVE DAVIS PARK NO. 1 SUBDIVISION, AND ON COLDWELL BETWEEN TULLY AND MYRTLE AVENUES 4-1

The City Manager stated that the construction of water lines to serve Davis Park No. 1 Subdivision and on Coldwell, is required to meet the City's commitment to the subdivision, and to strengthen water service in the vicinity of the Modesto Junior College.

Director of Public Works Ray reported that at the direction of the Council, specifications for bids have been revised to specifically state that the successful contractor, before commencing work, shall obtain a business license from the City, as required by the Code, and shall be responsible for paying the business license taxes, including registration and mill taxes imposed thereby.

RESOLUTION NO. 62-50

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF WATER LINES TO SERVE DAVIS PARK NO. 1 SUBDIVISION, AND ON COLDWELL BETWEEN TULLY AND MYRTLE AVENUES

Introduced by Johansen Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

February 20, 1962 at 2:00 P.M. in the City Clerk's office, City Hall, was set as the time and place for opening of bids.

ADOPTION OF ORDINANCE NO. 497-C.S. REVISING CARD ROOM REGULATIONS

ORDINANCE NO. 497-C.S. entitled

"AN ORDINANCE AMENDING ARTICLE 7 OF CHAPTER 1 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, RELATING TO CARD ROOMS"

introduced on January 22, 1962 and having been published as required by the Charter, was moved and adopted.

Moved by Shastid Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

FURTHER REPORT ON POSSIBLE BLOCKING OF STREET AND ALLEY IN WALNUT GROVE SUBDIVISION BY PROPOSED DEVELOPMENT ON PARADISE ROAD 4-20

The City Manager stated that this matter was discussed with the Council Public Projects Committee last week, and that the matter will again be placed on the agenda as matters progress.

PURCHASE OF LANDSCAPE MATERIALS FOR BIRTHDAY AREA AT MODESTO CHILDREN'S PARK

The City Manager reported that Doris Johnson and Billie Russell have asked the Director of Parks and Recreation to act as their agent and purchase landscape material in the sum of $5 for the birthday area in Children's Park, in memory of James Millard of Modesto. A letter of thanks has been written to the donors.

Mr. Miller suggested that the Council consider a generalized acceptance of this type of donation rather than separate Council action for each donation.

MOTION

That the Director of Parks and Recreation be authorized to act as agent of Doris Johnson and Billie Russell in the purchase of landscape materials for Childrens's Park, and the staff directed to

submit a report on the possibility of generalized acceptance of this type of donation

Moved by VanderWall Seconded by Shastid Unanimously carried

CONSIDER SUBDIVISION BOND REDUCTION FOR McHENRY HIGHLANDS SUBDIVISION

The City Manager reported that all work within the subdivision has been completed to the satisfaction of the Public Works Department except for patching of pavement which cannot be done satisfactorily until May. He recommended that the subdivision bond in the amount of $50,600 be released, and that a cashier's check in the amount of $1,500 be accepted from the subdivider to guarantee the pavement patching.

RESOLUTION NO. 62-51

A RESOLUTION AUTHORIZING THE RELEASE OF THE AMERICA FORE LOYALTY GROUP CONTRACT BOND FILED TO GUARANTEE IMPROVEMENTS IN McHENRY HIGHLANDS SUBDIVISION, UNDER CERTAIN CONDITIONS

Introduced by Tabbert Seconded by VanderWall

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

REPORT ON DEMOLITION AND REMOVAL OF DWELLING LOCATED AT 1206 SEVENTH STREET IN THE CITY OF MODESTO AND SETTING A DATE FOR HEARING

The City Manager stated that a report from the Director of Public Works indicates that demolition and removal of a dwelling located at 1206 Seventh Street, Modesto, was completed January 29, 1962, in accordance with Council Resolution No. 61-534, at a cost of $295. This is the amount of the assessment against the parcel of land described above.

February 19, 1962 at 4:35 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION NO. 62-52

A RESOLUTION SETTING A HEARING ON CONFIRMATION OF THE REPORT OF THE DIRECTOR OF PUBLIC WORKS CONCERNING THE WORK OF DEMOLISHING AND REMOVING THE DWELLING LOCATED AT 1206 SEVENTH STREET IN THE CITY OF MODESTO IN ACCORDANCE WITH THE PROVISIONS OF SECTION 203 (a) OF THE UNIFORM BUILDING CODE, ASSESSING THE COST OF SAID WORK AGAINST THE PARCEL OF REAL PROPERTY, AND DIRECTING THE METHOD OF COLLECTION OF THE AMOUNT OF SAID LIEN

Introduced by Mitchell Seconded by Patton

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

PROGRESS REPORT RELATIVE TO POSSIBLE IMPROVEMENT DISTRICTS FOR NEIGHBORHOOD PARK DEVELOPMENT

The City Manager reported that the Planning Commission has recommended to the Council that determination be made of the desirability and feasibility of forming special improvement districts to provide park improvements in given areas. Mr. Miller said that the staff has been working on this matter and has met with people living in two different areas where interest has been expressed.

FURTHER REPORT ON PROPOSED PARK ACQUISITION IN THE VICINITY OF CARVER ROAD AND MT. VERNON DRIVE

Director of Planning Smeath discussed the General Plan for the Modesto urban area as it relates to the establishment of parks. He said that the staff in its recommendations, and the Planning Commission in its discussion on parks, have evolved these general principles:

(1) There should be a neighborhood park at each elementary school. This may not always be practicable, and if in the opinion of the Planning Commission and the Council the schools are too close together, an exception could be taken. However, if there are enough children to justify two schools there should be enough children to justify two parks;

(2) That such parks should not be less than five acres;

(3) That the land should be obtained while it is unimproved, and at the same time that land is acquired by the Schools; and

(4) That the parks should be developed when funds are available.

Mr. Smeath stated that the Schools are in the process of buying the Landini property for an elementary school site east of Rose Avenue, and have already purchased a school site east of Carver Road.

A map showing the existing and proposed schools and parks in the northern area of the City, indicating the distances between the parks, and the number of people to be served by each park, was furnished the Council prior to the meeting.

Mr. Smeath reviewed a memorandum from the Director of Parks and Recreation and Planning Director, subject, "Acquisition of Park Sites in Neighborhoods #2 and #11 -- Additional Information for Council," dated February 1, 1962, copies of which were furnished the Council prior to the meeting, and a copy of which is on file with the record of the minutes.

A memorandum containing a breakdown of expenditures and income in connection with the purchase of neighborhood parks for the period 1951-1961 was furnished the Council. The report indicated that $167,612 has been spent for acquisition of the land; $72,965 received as park fees from subdividers; $64,475 received through sale of park land.

Costs of park development were discussed by Director of Parks Cowie. He explained the advantages to both the City and Schools in having neighborhood parks adjacent to schools.

Upon questioning, Mr. Smeath stated that in purchasing park sites, the City was not committing itself to present or future improvements.

The City Manager stressed the importance of land acquisition for park purposes, particularly before an area is developed.

The possibility of neighborhood participation in the development of parks was discussed. Mr. Smeath stated that people in the La Loma district met with Park and Recreation and Planning Department personnel several years ago trying to work out a program of this type, but interest faded while determination was being made as to whether or not such a program could be legally accomplished. He believed that projects of this type would get underway if proper leadership was provided. The City Manager stated that he was securing information on park and recreation districts which would soon be available to the Council.

A tentative map of a subdivision planned by Art Wylie, Alternate A, was shown the Council, where the park site east of Carver Road proposed to be purchased by the City was laid out with homes backed to the park. A drawing entitled Alternate B showed the park facing on streets. Mr. Smeath said the Planning Commission and staff needed guidance from the Council on whether the park should be planned to face upon streets or the backs of houses.

Mr. Smeath outlined the provisions of the subdivision regulations which require subdividers to provide part-width streets in new subdivisions. He asked that the Council determine a fair division of costs of street improvements between the subdivider and City when the park comes out of the subdivider's land and the City requires a street between the park and subdivision.

The City Manager said the Council should keep in mind that determination made on these principles and problems would apply to many parks in many areas, not just the park presently before the Council.

Mr. Smeath suggested that the Council's decisions in this particular case be established as City policy to be used by the Planning Commission as a guide, unless it preferred that the decisions be made by the Planning Commission.

Councilman Mitchell recommended that parks be bordered with exterior streets wherever possible because of better accessibility and less chance of conflict with adjoining residences. He said he hoped the City would continue the policy of acquiring neighborhood parks whenever school sites are acquired.

Art Wylie, subdivider of Wyldewood Park Subdivision, stated that he had no objections to Plan "B," but pointed out the importance that lots in subdivisions be as desirable as possible. He said he knew from past experience that if the City purchased the land for park use, it would be a big littered weed patch for years to come, and that it would be difficult to sell lots overlooking this unsightly expanse; that he had submitted Alternate Plan "A," with homes backed to the park for this reason. On the matter of street improvements, Mr. Wylie said that in his opinion, street improvements costs should be on a 50-50 basis; that if the proposed park site was being subdivided by private interests, they would assume an equal share of these costs; also, if any benefits were to be derived by Mr. Wylie, the street improvements would have to be accomplished by both parties simultaneously. Mr. Wylie suggested that any time the City determined that a park was needed in a given location, funds should be made available to develop it immediately. He protested the City's failure to complete final development of parks until five or six years after acquisition.

The City Attorney rendered an opinion that it would be invalid and unconstitutional to require that Mr. Wylie contribute more than one-half the cost of street improvements.

Mayor Hammond stated that if the area was acquired for a park site, it was essential to the appearance of the neighborhood that curbs and gutters be installed and street improvements made.

MOTION

That the planning staff be advised that Plan "B" be followed; that it is the policy of the Council that parks be surrounded by streets, barring rare and unusual circumstances

Moved by Shastid Seconded by Johansen Unanimously carried

MOTION

That the staff be authorized to proceed with the acquisition of the park site east of Carver Road from Arthur Wylie at an indicated price of $5,000 per acre, if he is willing to sell the land under Alternate Plan "B"

Moved by VanderWall Seconded by Patton Unanimously carried

(a) Proposed park acquisition on east side of Rose Avenue

Director of Planning Smeath stated that this park site was a little closer to a neighboring park site than normally proposed but in this particular case the two parks will be separated by Brighton Avenue, a major street; the Downey High School community park will be considerably smaller than the standard community park; and there is no park as yet in the entire area west of Downey High School community park.

The proximity of the two park sites was discussed by the Council.

Mr. Wylie recommended that the proposed park site east of Rose Avenue be purchased at this time, as it is located in one of the most logical development areas in Modesto; if it is determined at a later time that the property is not needed, it can be sold.

MOTION

That the staff be authorized to negotiate for the purchase of the proposed park site on the east side of Rose Avenue

Moved by Tabbert Seconded by Mitchell Unanimously carried

Councilman Mitchell expressed concern over a statement made by Mr. Wylie that park sites acquired by the City were not properly maintained, pending development. He said that it was the responsibility of the City to see that these areas were not over-run with litter and weeds.

Director of Parks Cowie stated that the City does maintain acquired park sites, periodically cultivating them to keep the weeds down.

Upon questioning, the City Manager said that development of parks is determined by whether or not the areas are within the City, the degree of surrounding development, and the availability of funds.

The problem of whether the City would install curbs, gutters and sidewalks, and assume one-half the costs of street improvements in connection with the purchase of the park site from Mr. Wylie, was discussed by the Council.

It was the City Manager's opinion that the City should not leave a half street unpaved, but should assume its share of street improvements, including installation of curbs and gutters. He felt that the matter of sidewalks should be deferred until such time as the park is designed in order to become a part of the park pattern.

MOTION

That curbs and gutters be installed by the City, and the City's share of street improvements be made on property authorized to be acquired from Mr. Wylie for a park site in the vicinity of Carver Road and

Mt. Vernon Drive; that the improvements be made simultaneously with construction of improvements by the subdivider; and that the cost of these improvements be considered and budgeted in connection with future park acquisitions

Moved by Shastid Seconded by Johansen Unanimously carried

RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE WOODLAND FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (EMERALD GARDENS ADDITION) 10-18

RESOLUTION NO. 62-53

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE WOODLAND FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (EMERALD GARDENS ADDITION)

Introduced by Johansen Seconded by Shastid

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

CONSIDER FINANCIAL PARTICIPATION IN PREPARATION OF BRIEF FOR SUBMISSION TO THE CALIFORNIA SUPREME COURT IN THE CASE OF CAROL LANE

The City Attorney stated that the Supreme Court has granted a rehearing in the case of Carol Lane, and that it was the consensus of California city attorneys that an amicus curiae brief be submitted to argue principally the effect of the decision on municipal home rule, and Article XI, Section 11, of the California Constitution. Mr. M. Tellefson, 9616 Culver City, and Hermosa Beach, has been asked to prepare a brief on behalf of several Southern California cities, to be compensated for his services at the rate of $100 from each city joining in the amicus brief. Mr. Grimes said that under the rationale of this case, cities would not have the authority to enter the field of regulating gambling, etc. He felt it worth $100 in the interest of promoting and maintaining home rule for cities and counties.

Mayor Hammond and Councilman Shastid were of the opinion that this was a matter which should be handled through the legislature rather than trying to get the Supreme Court to reverse its decision; that if the decision was not reversed, it was up to the State legislature to amend present laws to provide the necessary home rule.

MOTION

That the City not participate financially in preparation of the brief for submission to the California Supreme Court in the case of Carol Lane

Moved by Tabbert Seconded by Shastid Unanimously carried

REPORTS FROM THE PLANNING COMMISSION

Possible Sewer Development in Unincorporated Area North of Modesto

Director of Planning Smeath stated that a meeting would be held with the F.H.A. and county and city representatives to discuss immediate problems in the unincorporated area north of the City, and asked interested Councilmen to attend the meeting. It is planned that the group will meet at the Hotel Covell for lunch at 12:00 noon on February 7, 1962, and reconvene in the reference room, City Hall, at 1:30 P.M.

The City Clerk was directed to notify the Public Projects Committee of the meeting.

APPROPRIATION TRANSFERS 10-81

The City Manager stated that the Council has established a policy to install curbs and gutters where extra right of way is dedicated for extra width streets, and due to larger than anticipated right of way acquisitions, an additional sum of $4,500 is needed for this purpose. He requested that this sum be transferred from the Special Fund Capital Outlay, Hatch Road Improvement (321-503) to Miscellaneous Street Improvement (503).

RESOLUTION NO. 62-54

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $4,500 FROM SPECIAL FUND CAPITAL OUTLAY, HATCH ROAD IMPROVEMENT, TO SPECIAL FUND CAPITAL OUTLAY, MISCELLANEOUS STREET IMPROVEMENT

Introduced by Shastid Seconded by VanderWall

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

MATTERS FOR THE GOOD OF THE COMMUNITY

Announcement of meeting on urban-rural problems

The City Manager stated that the California League of Cities has asked his opinion of the proposed meeting sponsored by the University of California at Davis on city-rural problems--relationships between agricultural and city areas. Mr. Miller stated that he informed the League that he approved of the proposed meeting and the Modesto City staff would be glad to join in the discussion.

Condition of sidewalks in front of vacant buildings

Councilman VanderWall stated that he has received several complaints from citizens about the litter, wine bottles, etc. in front of vacant buildings in the downtown areas, specifically citing the old Lyceum theater on 10th Street. Mr. VanderWall suggested that the Merchants Association be asked to assist in getting property owners to clean up the areas.

REPORT FROM THE SALVATION ARMY ON SERVICES RENDERED FOR THE QUARTER ENDING DECEMBER 31, 1961

The City Clerk reported that the Salvation Army has submitted its quarterly report of expenditures for family services and transient relief for the quarter ending December 31, 1961.

MOTION

That the report be accepted and filed

Moved by Tabbert Seconded by VanderWall Unanimously carried

Answering a question, Mayor Hammond stated that the Council provided funds to the Salvation Army and this report to the Council was one of the conditions under which these funds were provided.

REPORT ON $100 DEDUCTIBLE AUTOMOBILE PROPERTY DAMAGE INSURANCE

A memorandum from the Director of Finance, dated January 30, 1962, subject, "$100 Deductible Automobile Property Damage Insurance," was furnished the Council prior to the meeting. The memorandum outlined information received on the feasibility of amending the City's present insurance coverage of $25,000 property damage for motor vehicles to include a $100 deductible provision, which was requested by the Council at a previous meeting. Based on information received the Director of Finance determined that $100 deductible automobile property damage coverage was not advantageous to the City.

Mr. Bird's determination was accepted by the Council and the memorandum was ordered filed.

CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS

MOTION

That the meeting adjourn to executive session to consider appointments to Boards and Commissions

Moved by Patton Seconded by VanderWall Unanimously carried

The Council adjourned to executive session at 6:40 P.M. and reconvened to regular session at 7:20 P.M.

APPOINTMENT TO BOARD OF LIBRARY TRUSTEES

RESOLUTION NO. 62-55

A RESOLUTION APPOINTING LEE CONDIT A MEMBER OF THE MODESTO BOARD OF LIBRARY TRUSTEES (for a term expiring January 1, 1966)

Introduced by VanderWall Seconded by Patton

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

APPOINTMENTS TO PERSONNEL COMMISSION

RESOLUTION NO. 62-56

A RESOLUTION APPOINTING RONALD A. EMERZIAN A MEMBER OF THE MODESTO CITY PERSONNEL COMMISSION (for a term expiring January 1, 1966)

Introduced by Shastid Seconded by Johansen

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

RESOLUTION NO. 62-57

A RESOLUTION APPOINTING JOHN W. RAE A MEMBER OF THE MODESTO CITY PERSONNEL COMMISSION (for a term expiring January 1, 1964, filling the unexpired term of Charles D. Allen, who moved outside the City limits)

Introduced by Johansen Seconded by VanderWall

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

APPOINTMENTS TO THE PLANNING COMMISSION

RESOLUTION NO. 62-58

A RESOLUTION APPOINTING WILLIAM B. HUGHES A MEMBER OF THE MODESTO CITY PLANNING COMMISSION (for a term expiring January 1, 1966)

Introduced by Johansen Seconded by Tabbert

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

RESOLUTION NO. 62-59

A RESOLUTION REAPPOINTING CHARLES L. TOCALINO A MEMBER OF THE MODESTO CITY PLANNING COMMISSION (for a term expiring January 1, 1966)

Introduced by VanderWall Seconded by Patton

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

APPOINTMENTS TO BOARD OF ZONING ADJUSTMENT

RESOLUTION NO. 62-60

A RESOLUTION REAPPOINTING JACK R. JONES A MEMBER OF THE MODESTO CITY BOARD OF ZONING ADJUSTMENT (for a term expiring January 1, 1966)

Introduced by Tabbert Seconded by Mitchell

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

RESOLUTION NO. 62-61

A RESOLUTION REAPPOINTING CHARLES W. SEGUIN A MEMBER OF THE MODESTO CITY BOARD OF ZONING ADJUSTMENT (for a term expiring January 1, 1966)

Introduced by Shastid Seconded by Johansen

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

APPOINTMENT TO BOARD OF PLUMBER EXAMINERS

RESOLUTION NO. 62-62

A RESOLUTION APPOINTING CHARLES C. COON A MEMBER OF THE MODESTO CITY BOARD OF PLUMBER EXAMINERS (for a term expiring January 1, 1966)

Introduced by VanderWall Seconded by Tabbert

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

APPOINTMENT TO BOARD OF ELECTRICIAN EXAMINERS

RESOLUTION NO. 62-63

A RESOLUTION REAPPOINTING ELDON E. HELM A MEMBER OF THE MODESTO CITY BOARD OF ELECTRICIAN EXAMINERS (for a term expiring January 1, 1966)

Introduced by Patton Seconded by Johansen

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

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Johansen Seconded by VanderWall Unanimously carried

The meeting adjourned at 7:20 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 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Absent: Councilmen: None

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

Reverend Charles Treffrey gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Council members having received copies of the minutes of the Council meeting of January 22, 1962 and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM THE CENTRAL LABOR COUNCIL, AFL-CIO, RE: APPOINTMENT MADE TO THE CITY PERSONNEL COMMISSION

A letter from John A. Woodworth, President, and David C. McCain, Secretary-Treasurer of Stanislaus and Tuolumne Counties Central Labor Council, expressing appreciation to the Council for the appointment of labor representative John Rae to the City Personnel Commission was read by the City Clerk.

The letter was ordered filed.

INTRODUCTION OF ORDINANCE REPEALING SECTIONS 3-2.801 AND 3-2.811 OF ARTICLE 8 OF CHAPTER 2 OF TITLE III OF THE MUNICIPAL CODE, RELATING TO TRAFFIC REGULATIONS

The City Attorney stated that the Attorney General has recently ruled that excessive acceleration and regulation of funeral processions is covered by the State Vehicle Code, which makes invalid ordinances on these subjects. He said that Director of Parking and Traffic Carmody and Chief of Police Bowers have recommended that Section 3-2.801 of the Code relating to funeral processions through signalized intersections be deleted, as a similar section in San Francisco was recently challenged and held to be invalid by the District Court of Appeals.

A letter from Lewis E. Franklin, local funeral director, dated February 12, 1962, relating to this matter, was read by Mayor Hammond. Mr. Franklin urged that the Council withhold immediate action on this matter, and contact all other cities with the recommendation that any change be adopted by all cities on a mutually agreed upon date. Mr. Franklin indicated that in his opinion, the proposed change in the law would eliminate what is now known as a funeral cortege, and it would involve public education and acceptance, cooperation by religious leaders, and full cooperation of law enforcement agencies involved with street and highway traffic. It was his opinion that if one city only made the change, or was the first to do so, accidents, misunderstandings and adverse public reaction might result.

The City Attorney explained that the crux of the matter was whether or not funeral processions have the right of way through a signalized intersection, and it was necessary to determine whether or not a citation should be issued to an individual going through a green light against a funeral procession.

Councilman Mitchell said it was his understanding that a special bill would be introduced to the present legislature to legalize the universal custom in many areas, to permit funeral homes to continue with their present custom of private motorcycle escorts allowing the procession to continue.

The matter was discussed by the Council.

ORDINANCE NO. 499-C.S. entitled

"AN ORDINANCE REPEALING SECTIONS 3-2.801 AND 3-2.811 OF ARTICLE 8 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE, RELATING TO TRAFFIC REGULATIONS

was introduced and ordered published as required by the Charter.

Moved by VanderWall Seconded by Johansen

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

CONSIDER SPECIFICATIONS FOR AUTOMOTIVE EQUIPMENT

With the unanimous consent of the Council, this item was introduced by the City Manager.

Specifications for automotive equipment proposed to be purchased were furnished the Council prior to the meeting.

City Manager Miller reported that new cars are being constructed with other than shatterproof glass in car windows, and suggested that alternative bids be called specifying the provision of laminated glass throughout the entire car.

Chief Bowers stated that the new glass presently being used in car windows is called 'tempered' glass, manufactured in such a way that the glass itself is under tremendous stress. When the surface of the glass in punctured in any way, it shatters. He recommended that laminated safety glass be used in the side windows and wind wings of the cars proposed to be purchased.

The City Manager stated that a check with dealers has revealed that this type of glass cannot be obtained as standard equipment and the dealers have generally indicated that installation of laminated glass will cost approximately $75 more, depending upon the make of the car.

Mr. Miller stated that it was desired that alternate bids for complete installation of laminated safety glass be called for all of the automotive equipment proposed to be purchased and not just the police cars.

Mayor Hammond stated that approval of the laminated glass throughout for all vehicles proposed to be purchased could be determined at the time bids are awarded.

MOTION

That the staff ask for alternate quotations specifying laminated glass throughout for all proposed car purchases.

Moved by Shastid Seconded by VanderWall Unanimously carried

The City Manager stated that further report would be made to the Council in connection with the automotive specifications at the next Council meeting.

HEARING ON PROPOSED ZONE BOUNDARY CHANGES, WOODROW AVE., EAST OF TULLY (MODESTO'S NEIGHBORHOOD CHURCH) 3-45

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the time set for consideration of a proposed amendment to Section 8 of the Zoning Map to reclassify property located on the south side of Woodrow Avenue from Single-Family Zone, R-1, to Planned Development Zone, P-D (7), and opened the hearing.

The City Clerk reported that notice of the proposed hearing was published in the Modesto Tribune on February 1, 1962 and notices posted and delivered in the area on the same date. No written protests to the proposed zone change were filed with the City Clerk.

Director of Planning Smeath stated that application was made by the Neighborhood Church for a senior citizen housing project, consisting of 103 rental units. A plan of the proposed project was displayed to the Council, and described by Mr. Smeath. He said that the Planning Commission has recommended that a 20-foot driveway be provided from Tully Road to the bus loading area of the development, and continue southward to serve two tiers of parking adjacent to the development, such driveway and parking area to be improved to city standards. If the planned development is approved by the Council, construction would have to follow the plan except for minor changes which might be approved by the Board of Zoning Adjustment. Any major changes would require Planning Commission and Council approval.

Director of Public Works Ray said that the staff was still negotiating with the developers in regard to sewer service to this area as directed by the Council. The Planning Commission has recommended that sewer facilities be approved by the Council prior to commencement of construction.

Mr. Ray said that this area was beyond the limit of the present sewer service area, and negotiations have been on the basis of temporary use of the sewer system through holding procedures and pumping in off-peak hours, until such time as sewers are installed in the northern portion of the City; that the length of time these temporary measures could continue would be dependent on development in the area south of this location and resultant increase in use of existing sewer facilities; that the sanitary engineers connected with this project will furnish a proposal on this matter in the near future; that city water service is available to the area.

Planning Commission Resolution No. 766 recommends Council approval of the proposed amendment to Section 8 of the Zoning Map.

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

The City Attorney reviewed the proposed ordinance.

ORDINANCE NO. 500-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 8 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (MODESTO'S NEIGHBORHOOD CHURCH)"

was introduced and ordered published as required by the Charter.

Moved by Johansen Seconded by Shastid

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

RESOLUTION NO. 62-64

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED-DEVELOPMENT ZONE, P-D (7) (MODESTO'S NEIGHBORHOOD CHURCH)

Introduced by Shastid Seconded by Patton

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

HEARING ON PROPOSED ZONE BOUNDARY CHANGES, GRANGER, McHENRY AND MELROSE (GLENN)

Mayor Hammond announced that the hour of 8:05 P.M. had arrived, the time set for consideration of an application for a proposed amendment to Section 16 of the Zoning Map filed by Ray Glenn, to reclassify from Single-Family Zone, R-1, to Neighborhood-Commercial Zone, C-1, property located on the north side of Granger Avenue, east of McHenry Avenue.

The City Clerk reported that notice of the proposed hearing was published in the Modesto Tribune on February 1, 1962, and notices posted and delivered in the area on the same date. No written protests to the proposed zone change were filed with the City Clerk.

Director of Planning Smeath stated that at the time of the rezoning and annexing of McHenry Village Shopping Center on the north side of Granger Avenue, a 150 square foot corner was not rezoned nor annexed to the City. This parcel has now been annexed to the City. Mr. Smeath said that rezoning this parcel would bring it in conformance with abutting properties, of which it is a part. An alley to the east separates it from a residential area. No opposition to the proposed rezoning was expressed at the time of the Planning Commission hearings. Planning Commission Resolution No. 764 recommends to the Council that the reclassification from Single-Family Zone, R-1, to Neighborhood-Commercial Zone, C-1, be approved.

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

ORDINANCE NO. 501-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 16 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (GLENN)"

was introduced and ordered published as required by the Charter.

Moved by Mitchell Seconded by Tabbert

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

HEARING ON PROPOSED ZONE BOUNDARY CHANGES, COOLIDGE COLONY (GLENN)

Mayor Hammond announced that the hour of 8:10 P.M. had arrived, the time set for consideration of an application for a proposed amendment to Section 21 of the Zoning Map filed by Ray Glenn, to reclassify from Single-Family Zone, R-1, to Planned Development Zone, P-D (6), property located on the south side of Granger Avenue, and opened the hearing.

The City Clerk reported that notice of the proposed hearing was published in the Modesto Tribune on February 1, 1962 and notices posted and delivered in the area on the same date. No written protests to the proposed zone change were filed with the City Clerk.

A plan of the 44-unit apartment house proposed to be constructed on the property was shown to the Council. Director of Planning Smeath said that as a part of the project, the developer will dedicate a ten-foot right of way for the widening of Granger Avenue, install curbs and gutters and sidewalks, and surface the street to city subdivision standards.

Director of Public Works Ray stated that city sewer service and Del Este Water Company service are available.

Planning Commission Resolution No. 765 recommends that the Council approve the application for reclassification to Planned-Development Zone, P-D (6).

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

ORDINANCE NO. 502-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 21 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (GLENN)"

was introduced and ordered published as required by the Charter.

Moved by VanderWall Seconded by Shastid

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

RESOLUTION NO. 62-65

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED-DEVELOPMENT ZONE, P-D (6) (GLENN)

Introduced by Johansen Seconded by Tabbert

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

HEARING ON PROPOSED CHANGE OF ZONE BOUNDARIES (MacDANNALD, RAINES, HASSAPAKIS AND OLLAR) SPENCER COLONY

Mayor Hammond announced that the hour of 8:15 P.M. had arrived, the time set for consideration of an application for an amendment

to Section 31 of the Zoning Map filed by MacDannald, Raines, Hassapakis and Ollar on December 28, 1961, to reclassify Lot 5 of the Spencer Colony, located between Emerald Avenue and M.I.D. Lateral No. 5 on the east, from Single-Family Zone, R-1, to Planned Development Zone, P-D (8), and opened the hearing.

The City Clerk reported that notice of the proposed hearing was published in the Modesto Tribune on February 1, 1962 and notices posted and delivered in the area on the same date. No written protests to the proposed zone change were filed with the City Clerk.

A drawing of the proposed planned development was shown to the Council. The layout of the proposed development was described by Director of Planning Smeath, who also listed the five phases of the development schedule, the entire construction to be completed not later than January 1, 1967.

Planning Commission Resolution No. 767 recommends that the Council approve the rezoning of the property from Single-Family Zone R-1, to Planned Development Zone, P-D (8) in accordance with the planned development, with one dissenting vote.

Mr. Smeath stated that the street within the planned development area is proposed to be a private street, 50 feet wide, surfaced in accordance with city standards, with a sidewalk on one side only.

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

Upon questioning, Director of Planning Smeath stated that no guarantee could reasonably be made by the developer that the various construction phases would be completed as scheduled; that failure to comply with the schedule might result in loss of zoning. He said that the schedules were generally met by the developer and in some instances where this is not possible extensions can be asked for.

Answering a question as to whether the land may be subdivided after the planned development is approved, Director of Planning Smeath stated that rezoning will not release the owner from any of the requirements established by subdivision regulations and procedures. The particular parcel under consideration could be reasonably subdivided, but only if the street were dedicated for public use.

Director of Public Works Ray said that city sewer service and Del Este Water Company service are available.

ORDINANCE NO. 503-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 31 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (RAINES, MacDANNALD, HASSAPAKIS AND OLLAR)"

was introduced and ordered published as required by the Charter.

Moved by Mitchell Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION NO. 62-66

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED-DEVELOPMENT ZONE, P-D (8) (MacDANNALD, RAINES, HASSAPAKIS AND OLLAR)

Introduced by VanderWall Seconded by Johansen

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

HEARING ON DENIAL OF PERMIT TO MOVE BUILDING (JAMES A. SANDERS, 609 COLLEGE AVENUE)

Mayor Hammond announced that the hour of 8:30 P.M. had arrived, the time set for consideration of the appeal of James A. Sanders to the decision of the Building Inspection Department, denying him a permit to move a dwelling from 609 College Avenue to the corner of Roseburg and College Avenues, and opened the hearing.

Councilman VanderWall excused himself from the hearing because of a possible conflict of interest.

The City Manager said that this matter was discussed by the Council at its February 5 meeting, and held over pending a check with property owners in the area of College and Roseburg Avenues as to their thoughts on the proposed move.

William Stensaas, 1121 College Avenue, said that his home was located next to the lot on which it was proposed to move the home, that he was not present to protest the move, but merely to learn a little more about the proposed move than he read in the newspaper.

James Sanders, Rt. 1, Box 913, Ceres, stated that a permit to move his home from 609 College Avenue to the southwest corner of Roseburg and College Avenues was denied by the Building Inspection Department because of the possibility of objections of property owners in the area. He said that there were fifteen homes within 1000 feet of the lot where the home is proposed to be moved which are thirty or more years old; four of these houses are two-story homes of approximately the same height as his home; his home appears to be higher than some of these homes because it is presently on an old-type foundation with floor joists approximately three and one-half feet above the actual ground level. When moved, the house will be placed on a lower foundation and modernized. Upon questioning, Mr. Sanders said that he planned to live in the home after it is moved.

Elvira Nunes, 1128 College Avenue, spoke briefly in opposition to moving the house.

Fleeta Raines, Wellesley Way, said that her family was living in an old two-story home built in 1926; that homes valued from 35,000 to 50,000 dollars have been built all around her home, with no apparent loss of valuation in the newer homes.

Ann Herman, 1116 College Avenue, stated that some of her neighbors would like to see plans for the remodeling of the home after it is moved.

Director of Public Works Ray stated that although Mr. Sander's home was approximately 26 feet in height, it was well within the Code requirements, in good condition, and suitable for moving under

provisions of the Code. He pointed out that the home, if moved, would have to be used as a one-family residence and not as its present use as an apartment house.

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

MOTION

That the denial of a permit to James Sanders by the Building Inspection Department to move a dwelling from 609 College Avenue to the southwest corner of Roseburg and College Avenues be overruled, and that a permit to move the home be granted

Moved by Mitchell Seconded by Shastid Unanimously carried

Councilman Shastid commended the staff for giving all interested persons an opportunity to be heard.

REPORT ON APPLICATION FOR GARBAGE AND SWILL COLLECTORS LICENSES

The City Manager reported that three garbage and two swill collectors have submitted applications for licenses. Memoranda from the City Manager, dated February 8, 1962, subject, "Report on Applications of Licenses to Collect Swill," and "Report on Applications for Licenses to Collect Garbage," were submitted to the Council prior to the meeting, copies of which are on file with the record of the minutes.

RESOLUTION NO. 62-67

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING IN THE MATTER OF GRANTING LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO (MODESTO GARBAGE COMPANY).

Introduced by Tabbert Seconded by VanderWall

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

February 26, 1962 at 8:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION NO. 62-68

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING IN THE MATTER OF GRANTING LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO (AIRPORT GARBAGE SERVICE)

Introduced by Johansen Seconded by Patton

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

February 26, 1962 at 8:35 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION NO. 62-69

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING IN THE MATTER OF GRANTING LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO (SANDERS SALVAGE COMPANY)

Introduced by VanderWall Seconded by Tabbert

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

February 26, 1962 at 8:40 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION NO. 62-70

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING IN THE MATTER OF GRANTING LICENSE FOR THE COLLECTION OF SWILL IN THE CITY OF MODESTO (AMERICAN HOG FARM)

Introduced by VanderWall Seconded by Shastid

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

February 26, 1962 at 8:45 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION NO. 62-71

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING IN THE MATTER OF GRANTING LICENSE FOR THE COLLECTION OF SWILL IN THE CITY OF MODESTO (RUDY BONZI)

Introduced by VanderWall Seconded by Johansen

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

February 26, 1962 at 8:50 P.M. in the Council Chambers, City Hall was set as the time and place of hearing.

The areas serviced by the various collectors were discussed.

ACCEPT IMPROVEMENTS IN (a) MONTGOMERY VILLAGE PARK SUBDIVISION (b) MONTGOMERY VILLAGE NO. 4 SUBDIVISION AS COMPLETE AND AUTHORIZE THE CITY CLERK TO RELEASE SUBDIVISION IMPROVEMENT BONDS

The City Manager reported that the Department of Public Works has indicated that all work required by the subdivision agreements has been completed to the City's satisfaction, and that it is in order to release the improvements bonds for Montgomery Village Park and Montgomery Village No. 4 Subdivisions.

RESOLUTION NO. 62-72

A RESOLUTION AUTHORIZING THE RELEASE OF THE UNITED PACIFIC INSURANCE COMPANY PERFORMANCE BONDS FILED TO GUARANTEE IMPROVEMENTS IN MONTGOMERY VILLAGE PARK AND MONTGOMERY VILLAGE NO. 4 SUBDIVISIONS

Introduced by VanderWall Seconded by Shastid

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

ALLEY IN BLOCK 727 6-96

The City Manager reviewed the action taken by the Council at its July 24, 1961 meeting, at which time Resolution No. 995-S.P. was adopted, rejecting the proposed vacation and abandonment of the "Gallagher Alley" in Block 727, adjacent to Lots 1 and 2, with the provision that the property owners in Block 727 be given an opportunity to work out a satisfactory arrangement with the City to establish an alley through the entire block within six months from the date of the resolution; that if satisfactory arrangements could not be made by the end of this period, proceedings be reinstituted to consider the vacation and abandonment of the part-width alley.

A letter from Francis Halley, Attorney, Counsel for Deet Eichel, Inc., dated December 5, 1961 requesting that the part-width alley remain open, and a letter from Dr. Hugh E. Gallagher, dated January 29, 1962 urging that the alley be closed, were furnished the Council prior to the meeting, a copy of each letter on file with the record of the minutes.

It was Mayor Hammond's opinion that while the existing alley was inadequate, it was preferable to no alley at all; that the alley should remain and attempts be continued to secure full alley dedications.

Councilman Mitchell concurred, saying he did not believe that the City should institute abandonment proceedings to remove this property from the public domain, stressing the importance of alleys to commercial areas.

Francis Halley, attorney, Counsel for Deet Eichel, Inc., said that Mr. Eichel is willing to dedicate the easement which now exists and that he would prepare the necessary documents to effect the dedication.

Director of Planning Smeath discussed the eventual tie-in of the north and south ends of the alley.

Inasmuch as Mr. Eichel will be unable to dedicate a full ten feet for alley purposes because of an abutting building, Councilman VanderWall asked if he would be willing to purchase sufficient land from the property owner across the alley to complete the ten feet. Mr. Eichel said that he was willing to purchase property from Dr. Cilker when possible to do so in order to dedicate a full ten feet as his share of an eventual 20-foot alley.

Attorney Halley said that he would prepare the deed for the alley dedication and that Mr. Eichel would commit himself in writing for the purchase of sufficient land across the alley in order to dedicate a full ten feet.

MOTION

That the matter be held over for one week to give Deet Eichel an opportunity to submit a deed dedicating property for alley purposes

Moved by Mitchell Seconded by VanderWall Unanimously carried

CONSIDER LETTER AGREEMENT BETWEEN THE CITY OF MODESTO AND WOLVERINE INC. RELATING TO PERIMETER STREET LIGHTS CONSTRUCTED AS PART OF YORKSHIRE MANOR NO. 2 SUBDIVISION

The City Manager stated that the agreement was prepared in accordance with established city policy and provides for the sharing of the cost for the installation of two street lights in Yorkshire Manor No. 2 Subdivision. The City's share of the cost is about $705.11. Funds have been budgeted. Mr. Miller recommended that the agreement be approved.

MOTION

That the letter agreement between the City of Modesto and Wolverine, Inc. for the installation of perimeter street lights in Yorkshire Manor No. 2 Subdivision be approved

Moved by VanderWall Seconded by Johansen Unanimously carried

CLAIM FOR DAMAGES FOR WRONGFUL ARREST FILED BY JACK BUTLER AGAINST THE CITY ON JANUARY 24, 1962 IN THE AMOUNT OF $50,000

The City Attorney stated that he was furnished a report on the facts and circumstances surrounding the arrest of Jack Butler on November 1, 1961 for violation of Sections 647(e) and 148 of the California Penal Code. The District Attorney declined to issue a complaint, and the defendant was released by the sheriff. The City Attorney recommended that the Council reject the claim.

RESOLUTION NO. 62-73

A RESOLUTION REJECTING THE CLAIM OF JACK BUTLER FOR DAMAGES AGAINST THE CITY OF MODESTO

Introduced by Shastid Seconded by VanderWall

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

REPORTS FROM THE PLANNING COMMISSION

(a) Recommendation of proposed fire station site

The City Manager reported that at its meeting on February 6, 1962 the Planning Commission adopted a motion recommending approval of a fire station site at the northeast corner of Coldwell and Kearney Avenues. Tentative approval of the proposed location was given by the Council at its January 15, 1962 meeting, pending clearance by the Planning Commission.

MOTION

That the staff be authorized to negotiate for the purchase of the proposed fire station site at the northeast corner of Coldwell and Kearney Avenues

Moved by Tabbert Seconded by Shastid Unanimously carried

(b) Possible sewer development in northern area of City

Director of Planning Smeath stated that possible sewer development in the northern area of Modesto has been reviewed by the Council and the F.H.A. The F.H.A. has stated that it believes that package

treatment sewer plants -- individual sewer plants for one subdivision or group of subdivisions -- are feasible, and on this basis will no longer approve subdivisions on septic tanks in this area. Prior to this decision being made by F.H.A., a tentative map of Davis Park Subdivision was approved by the City Planning Commission on the basis of 9,000 square foot septic tank lots, and a final map of the subdivision was submitted to and approved by the Council. The F.H.A. has requested a letter from the City stating that the City does not disapprove the development of this subdivision with septic tanks. Mr. Smeath read a proposed letter from the City, addressed to Mr. J. P. Pendergast, Acting Director, F.H.A., indicating that approval had been given to the tentative and final maps for this subdivision on the basis of septic tank sewage disposal, subject to compliance by the subdivider with all City requirements.

Upon questioning, Mr. Smeath stated that it has been the policy of the City that when changes are made in laws and regulations affecting a developer, the new laws and regulations do not normally apply to those subdividers who have completed their plans and as a result are usually financially committed. Mr. Smeath said that one other subdivision is pending in the area, but it has not yet been approved.

The City Manager suggested that the letter state that the City has no objections to the developers going ahead with development of the subdivision, inasmuch as the tentative and final maps have been approved, but that approval is not to be construed as a precedent for future action.

MOTION

That the letter as read by the Director of Planning be approved as proposed, but that the letter indicate that approval is granted without establishing a precedent for future action

Moved by Shastid Seconded by Tabbert Unanimously carried

APPROPRIATION TRANSFERS 9-11

(a) Water - New Services

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

(b) Barbed wire fence at the Airport

Assistant Director of Public Works Campbell stated that an appropriation transfer was necessary to provide funds for the construction of a barbed wire fence on the east side of the alley in Block 2150, adjacent to Airport property recently leased to Mr. Arslanian for cucumber farming. This fence will protect the property from encroachment. He said the cost of the proposed 2,600 feet of fencing is about $500.

Director of Finance Bird said that the fence was requested by the Airport Manager, not primarily because of the lease of the land to Mr. Arslanian, but to prevent the dumping of refuse and trash on the property. A four-wire barbed wire fence is proposed. Funds are available from the Municipal Airport Gas Tax Fund.

Deputy City Manager Keefe stated that the fence would also serve to keep out teenagers who are using the runways for drag racing. Landing lights valued at about $30 have been damaged during the past two months.

RESOLUTION NO. 62-74

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $490 FOR CONSTRUCTION OF A BARBED WIRE FENCE ON THE EAST SIDE OF THE ALLEY IN BLOCK 2150 ADJACENT TO THE CITY-COUNTY AIRPORT

Introduced by VanderWall Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: Shastid Absent: None

MATTERS FOR THE GOOD OF THE COMMUNITY

Request for use of Enslen Park by Handicapped Boy Scouts

A request for a permit to use Enslen Park for a three-day period, beginning June 1, 1962 through June 3, 1962 for the sixth annual Handicapped Boy Scout California Jamboree was made by William Ruggieri. There would be overnight camping on the nights of June 1 and 2. Mr. Ruggieri stated that a centrally located park was desired because of ready accessibility of ambulance service and hospitals, since many of the scouts are wheelchair cases, and suffering from various maladies which could require emergency medical treatment. Three hundred boys are anticipated, plus chaperones at a ratio of one to five boy scouts.

The City Manager stated that requests of this type are ordinarily cleared administratively, that camping in this park would not normally be approved, but because of the special circumstances, the request would be approved if there were no objections by the Council.

There were no objections made by the Council.

REPORT ON STATE HIGHWAY MATTERS 9-102

The City Manager reported briefly on state highway matters:

Rest stops and fountains -- The State Division of Highways states that difficulties have been encountered in securing funds for this purpose, and is in the process of determining its obligation and responsibility in the matter, particularly from a maintenance standpoint.

Two locations have been suggested for the proposed fountains at the north and south entrances of the City on the freeway -- the south entrance, immediately to the east of the north end of the bridge coming across the river; the north entrance, a portion of the former Maze-Wren Park block that will be left. Mr. Miller said that the State is being asked to not permit the cutting of any of the beautiful trees and shrubs in this area. Additional reports on proposed rest stops will be furnished the Council at an early date.

Coldwell-Woodland -- The State has been informed that additional rights of way are being obtained to widen Coldwell to tie in with the signalization at the Woodland Avenue intersection.

Kansas-Needham -- Mr. Miller stated that the possibility of extending Needham Avenue straight through to Kansas was discussed. A report will be submitted to the Council shortly on the estimated cost of the project.

Yosemite Blvd. widening -- Prospects for early construction are dim because of lack of funds, but the staff will continue to work with the State in determining the rights of way needed, establishing grades, and getting dedications.

99 Freeway -- The City Manager discussed the various phases of the freeway construction, stating that bids for the first phase of construction will be let shortly. He said that the state proposed to reconstruct 9th Street before it reverts back to the City.

REPORT ON USE OF GOLF CARTS AT DRYDEN MUNICIPAL GOLF COURSE

A memorandum from Director of Parks and Recreation Cowie, dated February 9, 1962, subject, "Report on trial use of electric carts at Dryden Park Municipal Golf Course," was read by Deputy City Manager Keefe, a copy of which is on file with the record of the minutes. Approval to use the golf carts at the golf course on a trial basis was granted by the Council on November 13, 1961, and the staff directed to submit a report relative to the operation by February 1, 1962.

The memorandum indicated that use of the golf carts has been a success from both the standpoint of the golfers and the City. Mr. Cowie recommended that use of the electric carts be permitted on both golf courses, on a permanent basis, and requested that the staff be authorized to secure informal bids from various golf cart companies.

There were no objections by the Council to the suggestions contained in the memorandum.

REPORT ON MEETING REGARDING POSSIBLE PARK DISTRICTS

The City Manager reported that the staff has had preliminary discussions with citizens living in the Garrison School and Standiford School areas, and that a further report will be made to the Council as matters progress.

REPORT ON PLANNING MEETING AT SANTA ROSA 10-100

The City Manager gave a brief report of a planning meeting held at Santa Rosa last weekend, stating that the conference as a whole was excellent. He was a member of a panel Saturday afternoon, which discussed "planning and politics," a rather new subject for planners to be considering. He also spent some time in talking to possible prospects for the position of Planning Director, which is open due to the resignation of Planning Director Smeath.

Director of Planning Smeath reported that Russ Fey, Assistant Planning Director, has been appointed member-at-large of the American Institute of Planners, Calchapter.

FURTHER REPORT ON POSSIBLE BLOCKING OF STREET AND ALLEY IN WALNUT GROVE SUBDIVISION BY PROPOSED DEVELOPMENT ON PARADISE ROAD 10-125

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

PRESENTATION OF THE FINANCIAL STATEMENT FOR THE MONTH OF JANUARY, 1962

The financial statement for the month of January, 1962 was presented to the Council and ordered filed.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Johansen Seconded by VanderWall Unanimously carried

The meeting adjourned at 10:05 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 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Mitchell, Shastid, Tabbert, VanderWall, Mayor Hammond
Councilman Patton arrived at 4:02 P.M.

Absent: Councilmen: None

The pledge of allegiance to the Flag was given by all those present. Reverend Stanley Brown gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Council members having received copies of the minutes of the Council meeting of January 15, 1962 and the same being available for public inspection and there being no objections, the minutes were approved.

COMMUNICATIONS FROM FRANK ANDREWS RE: PLANNING AND BUILDING FOR MODESTO AND MODESTO IRRIGATION DISTRICT

Letters from Frank Andrews, subject, "Washington's Birthday and present day needs of his sound honest and practical planning and engineering," dated February 15, 1962; "Request to include soundness and practicability of greater Don Pedro project in hearings of May 21, 1962," dated February 10, 1962; and "How long can the McClatchys cover up for such deplorable M.I.D. Planning Management," dated February 14, 1962 were furnished to the Council prior to the meeting. A brief resume of the letters was given by the City Clerk.

The letters were ordered filed.

COMMUNICATION FROM P.U.C. AND LETTERS REGARDING GRADE CROSSING MATTER IN SOUTH MODESTO

The City Clerk read a letter from R. J. Pajalich, Secretary, Public Utilities Commission, dated February 6, 1962, notifying the City that Application No. 43593 filed by the State of California, Department of Public Works, for authority to construct three grade separations and to undertake other grade crossing changes involving an improvement of State Route 4, affecting Southern Pacific Company and Tidewater Southern Railway tracks in and near the City of Modesto, has been amended, and new exhibits substituted for Exhibits "A" and "J" attached to the original application. The letter asked if the Council wished to make representations regarding the amendment and substitution of exhibits.

The City Manager stated that the proposed changes were in South Modesto, an unincorporated area, and under the jurisdiction of the County. He suggested that the staff write a letter to the P.U.C. advising that the City does not wish to make representations regarding the amendment and substitution of exhibits.

Councilman Mitchell suggested that the staff check the County's position in the matter to see if it is compatible with that of the City.

Director of Traffic Carmody stated that the basic application has been reviewed with the County, as will be the proposed amendments.

MOTION

That the staff be authorized to write a letter to the P.U.C. advising it that the City does not wish to make representations regarding the amendment and substitution of exhibits to Application No. 43593; and that the staff work with the County and render any possible assistance

Moved by Shastid Seconded by VanderWall Unanimously carried

ADOPTION OF ORDINANCE NO. 499-C.S., REGULATION OF TRAFFIC - FUNERAL PROCESSIONS 1-73

ORDINANCE NO. 499-C.S. entitled

"AN ORDINANCE REPEALING SECTIONS 3-2.801 AND 3-2.811 OF ARTICLE 8 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE, RELATING TO TRAFFIC REGULATIONS"

introduced on February 12, 1962 and having been published as required by the Charter, was moved and adopted.

Moved by Patton Seconded by Shastid

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

CONSIDER ORDINANCE AMENDING SECTION 4-7.801 OF THE MUNICIPAL CODE RELATING TO SHORT WAVE RADIO RECEIVERS

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

CONSIDER NECESSITY OF NOTICE BEING SENT TO COUNCILMEN ON ABSENCE OF DEPARTMENT HEADS FROM THE CITY

The necessity of furnishing Council members with notices indicating the absence of Department Heads from the City was discussed by the Council. Councilman Mitchell questioned the necessity of this procedure, so long as the City Manager is informed of the absence and knows that someone is left in charge of the Department during that absence.

MOTION

That until further notice, Department Heads no longer be required to report absences from the City to the Council

Moved by Mitchell Seconded by Shastid Unanimously carried

Absence of City Manager from Council Meetings

MOTION

That the City Manager be permitted to absent himself from Council meetings without the prior approval of the Council, provided that the Mayor has been notified of the anticipated absence, and the Deputy City Manager is available to take his place at the meeting

Moved by Shastid Seconded by VanderWall Unanimously carried

RESOLUTION ACCEPTING IMPROVEMENTS IN SKYLANE PARK NO. 1 SUBDIVISION AS COMPLETE AND AUTHORIZING THE CITY CLERK TO RELEASE THE SUBDIVISION IMPROVEMENT BOND

The City Manager reported that the Department of Public Works has certified that all work required by the subdivision agreement has been completed to the City's satisfaction, and it would be in order to release the improvement bond.

RESOLUTION NO. 62-75

A RESOLUTION AUTHORIZING THE RELEASE OF A CASH DEPOSIT IN THE AMOUNT OF THIRTY-FOUR THOUSAND ($34,000) DOLLARS FILED TO GUARANTEE IMPROVEMENTS IN SKYLANE PARK NO. 1 SUBDIVISION BY BEECH DEVELOPMENT COMPANY

Introduced by VanderWall Seconded by Johansen

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

FURTHER CONSIDERATION OF THE ABANDONMENT OF ALLEY IN BLOCK 727 (GALLAGHER ALLEY)

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

RESOLUTION REFERRING PETITION OF ANNEXATION OF THE "DAVIS HIGH SCHOOL ADDITION" TO THE PLANNING COMMISSION FOR STUDY AND RECOMMENDATION

Director of Planning Smeath stated that the proposed annexation of the Davis High School Addition comprises 40.193 plus acres, and includes the entire Davis High School area from Rumble Road southward, and Tully Road eastward.

RESOLUTION NO. 62-76

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 HIGH SCHOOL ADDITION

Introduced by Johansen Seconded by VanderWall

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

REPORTS FROM THE PLANNING COMMISSION - None

APPROPRIATION TRANSFERS

(a) Water line expansion

Copies of a memorandum, dated February 14, 1962, subject, "Report of Capital Outlay for the Water System," from the Director of Finance to the City Manager, were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The memorandum outlines additional funds needed for the balance of the 1961-62 fiscal year for capital improvements to the water system, based on a revised estimate of costs prepared by the Public Works Department.

The City Manager stated that additional funds were required to finance further expansion of the City's water system in new subdivisions, and suggested that the funds be transferred from the Special Fund for Capital Outlays.

The items listed in the memorandum prepared by the Director of Finance were reviewed by the Council.

Councilman Shastid suggested that the Finance Director review the entire water rates structure for consideration at the next budget sessions, particularly with respect to new areas. He questioned whether the $7,500 requested for new services and the $1,000 requested for equipment rental charges were proper charges against the Special Fund for Capital Outlays. He proposed that $40,000 for water lines and hydrant extensions, and $2,000 for water meters, plus 30% overhead, or a total of $54,600, be transferred from the Special Fund for Capital Outlays reserve fund.

The City Manager stated that the transfer of $1,000 for equipment rental charges would be handled administratively within the General Fund.

RESOLUTION NO. 62-77

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $54,600 FROM SPECIAL FUND FOR CAPITAL OUTLAYS, GENERAL RESERVE TO WATER SYSTEM IMPROVEMENTS

Introduced by Shastid Seconded by Tabbert

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

RESOLUTION NO. 62-78

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $7,500 FROM GENERAL FUND, GENERAL RESERVE TO PUBLIC WORKS WATER DIVISION, NEW SERVICES

Introduced by Mitchell Seconded by Johansen

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

The City Manager pointed out that the water rates have remained unchanged since 1948.

Councilman Shastid stated that what the Council might wish to review at the next budget sessions is not whether the rates should necessarily be changed, but whether charges being made for new properties coming into the system are adequate.

HEARING ON PROPOSED ANNEXATION OF THE CRESTVIEW ADDITION TO THE CITY OF MODESTO 4-119

Mayor Hammond announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed annexation of the Crestview Addition to the City of Modesto, and opened the hearing.

The City Clerk reported that notices of the proposed annexation were published in the Modesto Tribune and Turlock Daily Journal on January 18 and 25, 1962, and notices mailed to all property owners and interested parties on January 29, 1962. No written protests were received by the City Clerk.

Planning Commission Resolution No. 762 recommends that Council approval be given to the commencement of proceedings for the annexation of the Crestview Addition to the City. The area is comprised of 1.043 plus acres. Director of Planning Smeath stated that sewer service is available to the area.

ORDINANCE NO. 504-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE CRESTVIEW ADDITION TO THE CITY OF MODESTO"

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

Moved by Johansen Seconded by VanderWall

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

HEARING ON DEMOLITION OF DWELLING AT 1206 SEVENTH STREET IN THE CITY

Mayor Hammond announced that the hour of 4:35 P.M. had arrived, the time set for consideration of the report of demolition of a dwelling at 1206 Seventh Street, and opened the hearing.

The City Clerk read a report to the City Council prepared by the Director of Public Works, which indicated that all work in connection with the demolishing and removal of a building at said location has been completed in accordance with Council Resolution No. 61-534, at a total cost of $295, the amount to be assessed against the property. The work was completed January 29, 1962.

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

The City Attorney reviewed the Council's prior actions in this matter.

RESOLUTION NO. 62-79

A RESOLUTION CONFIRMING THE REPORT OF THE DIRECTOR OF PUBLIC WORKS CONCERNING THE WORK OF DEMOLISHING AND REMOVING THE DWELLING LOCATED AT 1206 7TH STREET IN THE CITY OF MODESTO IN ACCORDANCE WITH THE PROVISIONS OF SECTION 203.(a) OF THE UNIFORM BUILDING CODE, ASSESSING THE COST OF SAID WORK AGAINST THE PARCEL OF REAL PROPERTY, AND DIRECTING THE METHOD OF COLLECTION OF THE AMOUNT OF SAID LIEN

Introduced by Tabbert Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

MATTERS FOR THE GOOD OF THE COMMUNITY - None

FURTHER REPORT ON POSSIBLE BLOCKING OF STREET AND ALLEY IN WALNUT GROVE SUBDIVISION BY PROPOSED DEVELOPMENT ON PARADISE ROAD

The City Manager stated that a number of discussions have been held with representatives of the County and Mrs. Clemens, owner of the property, and her attorney. He said that a resolution, adopted by the Board of Supervisors on February 6, 1962, indicates that the County does not wish to take any action relating to the possible extension of Vicksburg Avenue. Mr. Miller read a letter received from Cleveland Stockton, attorney representing Mrs. Clemens, which stated that Mrs. Clemens would make the necessary property available for street extension if the City would reimburse her in the amount of $12,573.22 for the land and for the expenses and loss of income involved to date, such amount to be paid Mrs. Clemens within ten days; that if not paid within the time specified, Mrs. Clemens would proceed with the project according to present plans.

Mr. Miller said that County Planner Martin Schueller has indicated that Mrs. Clemens has changed the plans for the proposed apartment house, placing the parking lot on the west side of the structure on land zoned C-1, instead of placing the parking lot on the rear of the parcel, zoned R-1, which would have required a use permit before a parking lot could be constructed.

Upon questioning, the City Manager stated that complaints have been received in connection with the blocking off of the street by the proposed construction of the apartment house; that under present plans, Mrs. Clemens proposes to provide for sewage disposal by septic tanks.

The City Manager suggested that the Council indicate to the County the City's continuing interest in any action which may adversely affect the City's interests.

Director of Planning Smeath stated that under present city ordinances, property annexed to the City is automatically zoned R-1, unless the Council adopts interim zoning at the time of annexation, upon recommendation of the Planning Commission. The Code provides that within a reasonable time after the area is annexed, a formal hearing must be held to confirm or modify the interim zoning. For this reason, Mrs. Clemens has chosen to construct the apartment house prior to annexation, and after construction will ask for sewer service.

Councilman Patton suggested possible negotiation on the basis of an exchange of sewer service for the rights of way, which would eliminate the expense of septic tank installations by Mrs. Clemens.

MOTION

That the staff be directed to explore further the possibility of any type of negotiation with Mrs. Clemens to obtain the necessary rights of way, without payment of any money on the part of the City

Moved by Shastid Seconded by VanderWall Unanimously carried

REPORT ON APPLICATION OF THE UNITED AIRLINES FOR FARE INCREASES

The City Manager stated that United Airlines has requested a 3% increase from the P.U.C. on all California intrastate trips. The application indicates that the company lost about $1,300,000 on this phase of their operation for the year ending May 31, 1961. He said that in the past, the Council has left such matters to the P.U.C.

MOTION

That the staff be directed to take no action in this matter

Moved by Shastid Seconded by VanderWall Unanimously carried

REPORT BY CITY MANAGER ON CITY MANAGERS' MEETING IN RIVERSIDE

The City Manager reported on the meeting.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Shastid Unanimously carried

The meeting adjourned at 5:14 P.M.

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

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

The City Clerk called the roll and there were:

Present: Councilmen: Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond
Councilman Shastid arrived at 7:33 P.M.
Councilman Johansen arrived at 7:35 P.M.

Absent: Councilmen: None

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

Reverend Darrell Thomas gave the invocation.

COMMUNICATION AND CLAIM FOR HOLIDAY PAY FROM BENNO L. HEUNE, FORMER EMPLOYEE, MODESTO CITY FIRE DEPARTMENT 1-11

A letter from Benno L. Heune, P. O. Box 166, Bridgeport, California, dated February 19, 1962 requesting back holiday pay from March 1, 1942 to March 31, 1955 while employed as a firemen for the City of Modesto, was read by the City Clerk. An affidavit claiming the holiday pay was attached to the letter. The letter said that legal action would be taken in the event the claim is rejected.

By Order of the Chair, the matter was referred to the staff for study and report.

REQUEST FOR VARIANCE FOR CONSTRUCTION OF GROUND SIGN ON SOUTHWEST CORNER OF KANSAS AVENUE AND 99 HIGHWAY, SOUTH OF RICHFIELD STATION ON SOUTHERN PACIFIC PROPERTY

A letter from Paul Beckmeyer, co-owner of Modesto Travel Lodge, dated February 20, 1962 requesting a variance to the provisions of the Code limiting the height of ground signs to 25 feet, was read by the City Clerk. The letter requested permission to erect a 35 foot sign on the southwest corner of Kansas Avenue and 99 Highway, just south of the Richfield Station, on Southern Pacific property. This request was denied by the Building Inspection Department on February 20, 1962.

The City Attorney read Section 9-6.21 (c) of the Code, regulating the height of ground signs. He said that no hearing was required, and consideration of the request was within the discretion of the Council to determine whether or not undue hardship exists, and whether granting the request would not interfere with the public health, safety or welfare.

Action pertaining to signs taken by the Council at the January 8, 1962 meeting was discussed by the Council. The Council at this meeting adopted a motion directing that specific undesirable features and lack of limitations of the present sign ordinances be studied and reviewed, and interim protection provided against these features until such time as all phases of the ordinance could be studied.

Councilman Johansen stated that the erection of signs has become quite a problem in Sacramento, where competitive sign companies are trying to outdo each other in larger and higher signs. He said that care must be taken that this situation does not arise in Modesto. He requested that the staff submit a report to the Council relating to the request made by Modesto Travel Lodge.

Councilman Mitchell said that a local sign company has reported a real problem in itinerant sign companies erecting signs in the City without benefit of permits, collecting their money, then traveling on. It was this person's opinion that the local sign companies would respect the Council for taking a firm hold on sign ordinances; that it was extremely difficult for local sign companies to use discretion and self-restraint in the erection of signs when competing with outside companies.

Mr. Mitchell felt that it was the duty of the Council to act on the present request for variance and not keep the matter pending until such time as action is taken on revision of present sign ordinances. He said that Council action taken in this matter may establish a precedent for future Council policy. However, he felt that judgment should be reserved until the applicant is given an opportunity to present his problem, which might make it completely within the spirit of the present ordinances.

MOTION

That the request for variance for construction of a ground sign by Modesto Travel Lodge be set for hearing on March 5, 1962 at 4:30 P.M.

Moved by Mitchell Seconded by VanderWall Unanimously carried

The City Manager stated that the staff would appreciate being notified of any violation of the sign ordinances.

COMMUNICATION AND RESOLUTION FROM MODESTO BOARD OF REALTORS, INC., RE-ESTABLISHING A "RURBAN" AFFAIRS COMMITTEE

A letter from C. A. Tallent, President, Modesto Board of Realtors, Inc., dated February 20, 1962 and attached resolution, pertaining to sewer facilities in the north and west areas of Modesto, were read by the City Clerk. The Board of Directors of the Modesto Board of Realtors, Inc., by resolution, recommended that appropriate authority establish a Rurban Affairs Committee, membership to be drawn from rural and urban districts, and charged with the responsibility of "examining, discussing, and recommending solutions to the problems increasing in severity and extent with the continuing increase in population pressures in the area."

A letter from John H. Kirkpatrick, President, Home Builders Association, dated February 23, 1962 and attached resolution, were read by the City Clerk.

The Board of Directors of the Home Builders Association of Central California, Inc., recommended "that appropriate authority establish a Community Facilities Committee, the members of which will be selected from city and rural areas and persons who have distinct interest in the growth and advancement of the entire district and charged with the responsibility of examining, discussing and recommending solutions to any such problems which are paramount to ultimate development, and will continue to increase with the population pressures," and that members for this committee be selected from citizens who have devoted many years to planning, land development and home construction.

By Order of the Chair, the letters were referred to the Public Relations Committee for study and report to the Council.

CONSIDER AWARD OF BID FOR WATER LINE, DAVIS PARK NO. 1 AND ON COLDWELL BETWEEN TULLY AND MYRTLE

Director of Public Works Ray stated that one bid was received from William G. McCullough in the total amount of $5,985.96, 53% above the engineer's estimate of $3,900.54. In accordance with established City policy, Mr. Ray recommended, with the approval of the City Manager, that the bid be rejected and the work performed by City forces.

RESOLUTION NO. 62-80

A RESOLUTION REJECTING ALL BIDS AND AUTHORIZING THE WORK TO BE PERFORMED BY THE CITY FOR THE INSTALLATION OF WATER LINES IN DAVIS PARK NO. 1 SUBDIVISION AND ON COLDWELL AVENUE BETWEEN TULLY AND MYRTLE

Introduced by VanderWall Seconded by Tabbert

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

CONSIDER APPROVAL OF SPECIFICATIONS FOR AUTOMOTIVE EQUIPMENT AND AUTHORIZE CALL FOR BIDS 2-40

The City Manager reported that after checking out the experience of other cities with cars having a 116" wheel base, and actual testing of the cars, Chief of Police Bowers has recommended that cars having a 116" wheel base, which includes the Dodge Dart, be included in the call for bids for city automotive equipment.

Director of Public Works Ray stated that the specifications as originally submitted have been rewritten to provide for alternate quotations for both standard tempered glass and laminated safety glass throughout the car, except for the rear window, and permitting bids for police cars having a 116" wheel base.

RESOLUTION NO. 62-81

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR AUTOMOTIVE EQUIPMENT FOR THE FISCAL YEAR 1961-62

Introduced by Johansen Seconded by Shastid

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

March 20, 1962 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. 501-C.S. REZONING SECTION MAP 16 (GLENN)

ORDINANCE NO. 501-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 16 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (GLENN)"

introduced on February 12, 1962, and having been published as required by the Charter, was moved and adopted.

Moved by VanderWall Seconded by Patton

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

ADOPTION OF ORDINANCE NO. 502-C.S. REZONING SECTION MAP 21 (GLENN)

ORDINANCE NO. 502-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 21 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (GLENN)"

introduced on February 12, 1962 and having been published as required by the Charter, was moved and adopted.

Moved by Johansen Seconded by Patton

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

ADOPTION OF ORDINANCE NO. 503-C.S. REZONING SECTION MAP 31 (MacDANNALD, ET AL)

ORDINANCE NO. 503-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 31 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (MacDANNALD, RAINES, HASSAPAKIS AND OLLAR)"

introduced on February 12, 1962, and having been published as required by the Charter, was moved and adopted.

Moved by VanderWall Seconded by Mitchell

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

FURTHER CONSIDERATION OF ALLEY IN BLOCK 727 (EICHEL-GALLAGHER-STARK-WAGONER PROPERTIES)

The City Manager reported that a deed has been received from Deet Eichel, Inc., dedicating land for an alley in Block 727. A letter was also received from Deet Eichel, Inc., offering to buy sufficient land to complete the dedication of a full ten foot alley adjacent to his property, whenever the land is available for purchase.

The City Attorney read the letter from Deet Eichel, President of Deet Eichel, Inc., enclosing deed of easement for right of way for alley purposes, a diagram indicating the land deeded and land proposed to be purchased to complete a ten foot dedication, and a letter agreeing to purchase a triangular portion of the Cilker property to make a deeded easement a full ten feet wide. The letter further stated.. "As stated at the Council meeting on Monday, February 12, these documents are being sent to the City with the understanding that the alley commonly known as the 'Gallagher Alley' will remain open for alley purposes."

A letter from Deet Eichel, dated February 13, 1962 was read by the City Attorney. In the letter Mr. Eichel agrees to pay the purchase price necessary to acquire a triangular parcel of property located on

Dr. Gilker's property to make a deed of easement a full ten feet wide, the purchase price to be consistent with the market value of real property in this neighborhood at the time the property is acquired.

MOTION

That the letter offering to purchase the right of way and the deed from Deet Eichel, Inc., dedicating land for an alley in Block 727, be accepted

Moved by Shastid Seconded by Mitchell Unanimously carried

RESOLUTION APPROVING RENTAL OF CITY-OWNED PROPERTY

RESOLUTION NO. 62-82

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DAVID NEWSOME FOR THE RENTAL OF CITY-OWNED PROPERTY AT 206 LAUREL STREET ON A MONTH TO MONTH TENANCY BEGINNING MARCH 1, 1962 AT A RENTAL RATE OF $75 PER MONTH

Introduced by Tabbert Seconded by Johansen

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

RESOLUTION SETTING DATE FOR PUBLIC HEARING ON PROPOSED ANNEXATION OF DAVIS HIGH SCHOOL ADDITION 2-97

The City Manager stated that the Planning Commission has recommended that proceedings be commenced for the annexation of Davis High School Addition.

RESOLUTION NO. 62-83

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

Introduced by Shastid Seconded by VanderWall

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

April 9, 1962 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMENDATION OF PLANNING COMMISSION CONCERNING TWO PARK SITES

The City Manager stated that the Planning Commission has reviewed the sites proposed to be purchased for neighborhood parks in the vicinity of Carver Road and Mt. Vernon Drive, and the vicinity of Rose Avenue, and recommendes acquisition of the two proposed park sites. Funds for the purchase of the parks are budgeted.

MOTION

That the staff proceed with acquisition of the two park sites in the vicinity of Carver Road and Mt. Vernon Drive, and the vicinity of Rose Avenue

Moved by Mitchell Seconded by Johansen Unanimously carried

CONSIDER ORAL BIDS FOR SALE OF SNEDIGAR PROPERTY OFF NORTHERN BLVD.

The City Clerk reported that no written bids were received for the sale of the city-owned property located at the corner of Briggsmore and McHenry Avenues.

The City Attorney reviewed the provisions of Resolution No. 62-36, which set forth the terms of the sale, $35,000 being set as the minimum bid for the property.

No one in the audience wished to submit an oral bid on the property.

The City Attorney stated that the Council now needed to decide whether or not it wished to re-advertise for the same minimum amount.

Possible reasons as to why no bids were received were discussed.

Councilman Mitchell suggested that the City's policy be reviewed, with the possible adoption of a procedure similar to that followed in probate sales, whereby commissions are paid to brokers submitting the highest written bid, and to the broker submitting the highest oral bid. He doubted if legal notice of the sale published in the newspaper and public postings provided sufficient advertising to reach a buying public.

Director of Finance Bird stated that his office received approximately twenty inquiries regarding the sale, with considerable interest expressed. He said that some comments were made on the minimum price requested.

MOTION

That the staff review this matter with the Board of Realtors and that a possible revision of the Council's policy in regard to real estate commissions be considered

Moved by Johansen Seconded by Mitchell Unanimously carried

FURTHER REPORT ON POSSIBLE BLOCKING OF STREET AND ALLEY IN WALNUT GROVE SUBDIVISION BY PROPOSED DEVELOPMENT ON PARADISE ROAD 3-50

The City Manager reviewed a resolution adopted by the County which states "that the concensus of this Board of Supervisors is that no further action should be taken at the present time concerning any proposed extension, or for preservation of a right of way for the proposed extension of Vicksburg Street." Mr. Miller reviewed the letter from Attorney Cleveland Stockton advising that a use permit is not required by Mrs. Clemens. Mr. Miller also read a letter from Mr. Schueller of the County Planning office, which stated that Mrs. Clemens' original plan would have required a use permit, but that she has now revised her plans to place the parking lot on the portion of the property zoned C-1, and that no use permit would be required under that revision.

The City Manager said that he discussed with Mr. Stockton the suggestion made by the Council of possible negotiation with Mrs. Clemens on the basis of an exchange of sewer service for the rights of way. This was not acceptable to Mrs. Clemens. She has informed the City that unless it meets her financial demand of $12,573.22 for the right of way within a set time limit, she will proceed with construction of the proposed apartment house.

Elliot Navon, Subdivider, stated that failure to extend Vicksburg Street will result in a number of blighted lots in Walnut Grove Subdivision. He said that he has complied with all of the City's requirements in connection with the subdivision, with the understanding at the time plans for the subdivision were approved that Vicksburg Street would be extended.

The City Attorney stated that although the extension of the street might have been discussed at the time the subdivision map was approved, there is no legal obligation on the part of the City to assure its extension.

Upon questioning, Director of Planning Smeath stated that subdivisions developed within a three-mile radius of the City are referred by the County to the City Planning Commission for study; that there is no legal requirement that lot splits be referred to the City Planning Commission, although lot splits considered by the County to be major problems are referred.

Councilman Mitchell pointed out to Mr. Navon that even though a lot split had not been approved, since the property is properly zoned, it was still possible for the owner of the property adjacent to his subdivision to construct the apartment in the path of the existing street, and the City and County would be powerless to prevent it; that if Mr. Navon felt that dead-ending of the street and alley would devaluate a portion of the subdivision, it was within his power to attempt to secure an easement from the owner.

Mr. Navon said that purchasing an easement would not be considered. He also said that it was possible that the F.H.A. would not now finance the homes in question; that the City and County should refuse to grant a building permit to construct the apartments.

Councilman Mitchell said it was his understanding that there is no legal basis for denying Mrs. Clemens a building permit.

The City Manager stated that every reasonable attempt should be made to extend the road and alley. He suggested that even though the presently proposed apartments are built, the City continue to work with Mrs. Clemens, the County, and owners of the property to the south in an attempt to get the street and alley extended southward, and that the County be asked not to take any further action which would permit development in that area without the full knowledge of the City. He did not feel that the City could justify an expenditure of $12,000 for the necessary right of way.

Mr. Smeath said that considerable discussions were had with the County Planning Commission on the removal of strip zoning on Paradise Road, the City Planning Commission recommending that the strip zoning be removed. The County Planning Commission initiated the proposed rezoning, and a public hearing was held. Many appeared to protest removal of the commercial zoning, and the proposal was dropped.

A provision under state law called a 'precise street plan' was discussed by Director of Planning Smeath. He said that there were not too many problems connected with subdivision streets dead-ending into undeveloped subdivision land; however, he said that there undoubtedly should be precise street plans for properties adjacent to major streets or commercial areas. Upon questioning, he said there was some legal question on the handling of precise street plans, but that studies could be made of the areas where this problem exists, and precise street plans prepared.

MOTION

That the matter be referred to the staff for continued activity to do whatever can be done to assist in the extension of the street and alley; and that the staff work with the County to prevent similar occurrences in the future

Moved by Tabbert Seconded by VanderWall Unanimously carried

HEARINGS ON GARBAGE AND SWILL LICENSES 7-15

Modesto Garbage Company

Mayor Hammond announced that the hour of 8:30 P.M. had arrived, the time set for consideration of the application of Modesto Garbage Company for a garbage license, and opened the hearing.

The City Clerk announced that notice of the five hearings were published in the Modesto Tribune on February 22, 1962.

Memoranda from the City Manager, dated February 8, 1962, subject, "Report on Applications for Licenses to Collect Swill," and "Report on Applications for Licenses to Collect Garbage," were furnished the Council prior to the meeting, copies of which are on file with the record of the minutes.

The City Manager reviewed the portion of the memorandum relating to Modesto Garbage Company. The City Manager recommended that a license be granted for a ten-year term, commencing January 1, 1962, subject to cancellation by either party after six months' written notice, or by revocation as provided by Section 5-5.24 of the Municipal Code, and subject to the conditions enumerated in the above-mentioned memorandum.

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

RESOLUTION NO. 62-84

A RESOLUTION GRANTING A LICENSE TO THE MODESTO GARBAGE COMPANY FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO

Introduced by VanderWall Seconded by Patton

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

Airport Garbage Company

Mayor Hammond announced that the hour of 8:35 P.M. had arrived, the time set for consideration of the application of Airport Garbage Company for a garbage license, and opened the hearing.

The City Manager read the portion of the memorandum pertaining to the Airport Garbage Company, recommending that a license be granted for a ten-year term, commencing January 1, 1962, subject to cancellation by either party after six months' written notice, or by revocation as provided by Section 5-5.24 of the Municipal Code, and subject to conditions enumerated in the above-mentioned memorandum.

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

RESOLUTION NO. 62-85

A RESOLUTION GRANTING A LICENSE TO THE AIRPORT GARBAGE SERVICE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO

Introduced by Johansen Seconded by VanderWall

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

Sanders Salvage Company

Mayor Hammond announced that the hour of 8:40 P.M. had arrived, the time set for consideration of the application of Sanders Salvage Company for a garbage license, and opened the hearing.

The City Manager reviewed the portion of the memorandum pertaining to the Sanders Salvage Company, recommending that a license be granted for a ten-year term, commencing January 1, 1962, subject to cancellation by either party after six months' written notice, or by revocation as provided by Section 5-5.24 of the Municipal Code, and subject to the conditions enumerated in the above-mentioned memorandum.

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

RESOLUTION NO. 62-86

A RESOLUTION GRANTING A LICENSE TO SANDERS SALVAGE COMPANY FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO

Introduced by VanderWall Seconded by Tabbert

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

American Hog Farm

Mayor Hammond announced that the hour of 8:45 P.M. had arrived, the time set for consideration of the application of American Hog Farm for a swill license, and opened the hearing.

The City Manager reviewed the portion of the memorandum pertaining to the American Hog Farm, recommending that a license be granted for a ten-year term, commencing January 1, 1962 subject to cancellation by either party after six months' written notice, or by revocation as provided by Section 5-5.24 of the Municipal Code, and subject to the conditions enumerated in the above-mentioned memorandum.

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

RESOLUTION NO. 62-87

A RESOLUTION GRANTING A LICENSE TO AMERICAN HOG FARM FOR THE COLLECTION OF SWILL IN THE CITY OF MODESTO

Introduced by VanderWall Seconded by Patton

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

Rudy Bonzi

Mayor Hammond announced that the hour of 8:50 P.M. had arrived, the time set for consideration of the application of Rudy Bonzi for a swill license, and opened the hearing.

The City Manager reviewed the portion of the memorandum pertaining to Rudy Bonzi, recommending that a non-exclusive license be granted for a ten-year term, commencing January 1, 1962, subject to cancellation by either party after six months' written notice, or by revocation as provided by Section 5-5.24 of the Municipal Code, and subject to the conditions enumerated in the above-mentioned memorandum. Mr. Miller pointed out that all licenses are subject to review after five years.

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

RESOLUTION NO. 62-88

A RESOLUTION GRANTING A LICENSE TO RUDY BONZI FOR THE COLLECTION OF SWILL IN THE CITY OF MODESTO

Introduced by VanderWall Seconded by Tabbert

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

CONSIDER ACTION ON CIVIL AERONAUTICS BOARD ORDER ON UNITED AIR LINES SERVICE TO MODESTO

The City Manager reported that the C.A.B. has issued an order continuing the service of United Air Lines to Modesto. The West Coast Air Lines is asking for a reconsideration of its request to substitute for United Air Lines in the San Joaquin Valley. Mr. Miller suggested that the Mayor be authorized to send a letter to the C.A.B. expressing approval of its order.

MOTION

That the Mayor be authorized to send a letter to C.A.B. expressing approval of its order continuing United Air Lines Service in Modesto and the San Joaquin Valley

Moved by Johansen Seconded by VanderWall Unanimously carried

CONSIDER THE CONSTRUCTION OF CURB AND GUTTER ON THE TRAFFIC ISLAND AT PATRICIA LANE, KIMBLE STREET AND HINTZE AVENUE

The City Manager stated that this small triangular park area is located at Patricia Lane, Kimble Street and Hintze Avenue. Property owners in the neighborhood adjacent to this triangular area have installed curbs and gutters, and have requested that the City install curbs and gutters on this triangular area. Mr. Miller stated that installation will cost approximately $1,000. No funds are budgeted. If approved by the Council, he suggested that $1,000 be transferred from the Special Capital Outlay Reserve.

RESOLUTION NO. 62-89

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $1,000 FROM SPECIAL FUND FOR CAPITAL OUTLAY, GENERAL RESERVE, TO SPECIAL FUND FOR CAPITAL OUTLAY, CURBS AND GUTTERS, PATRICIA LANE

Introduced by Shastid Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tebbert, VanderWall, Mayor Hammond
Noes: None Absent: None

NOTICE OF HEARING REGARDING MAINTENANCE OF FLOW IN TUOLUMNE RIVER

The City Manager reported that an Order has been filed by the Federal Power Commission, setting May 21, 1962 at 10:00 A.M. at the Commission's Regional Office, 555 Battery Street, San Francisco, as the time and place for public hearing of the matters involved and issues presented by the petition to intervene, filed July 26, 1961 by the State Department of Fish and Game, in connection with the application of the Turlock and Modesto Irrigation Districts for a license to construct the New Don Pedro Dam.

Mr. Miller stated that the problem of most interest to the City is the question of adequate flow in the river during the peak season of sewage effluent discharge in the river, particularly during the salmon run. Also, the City is interested in the recreational uses of the river. He suggested that these problems be reviewed with the M.I.D. and a report made to the Council before determination is made as to what course the City wishes to follow.

Councilman Shastid said that this matter was of the highest importance to Modesto industries, pointing out that the City narrowly escaped a cease and desist order last summer, and suggested that the City Manager and Director of Public Works make preparations to attend the hearing to uphold the City's interests.

Mayor Hammond pointed out the importance of getting construction of the dam underway.

A motion proposed by Councilman Shastid that the City Manager plan to attend the hearing in order to adequately represent the City's interest was withdrawn by Councilman Shastid.

MOTION

That the staff be directed to review the City's concern in this matter with the M.I.D., and prepare a recommended presentation on behalf of the City for review by the Council, with a view to expediting the construction of the dam

Moved by Shastid Seconded by Mitchell Unanimously carried

MATTERS FOR THE GOOD OF THE COMMUNITY - None

PROGRESS REPORT ON NORTH MODESTO SEWER AND DEVELOPMENT

A draft for study purposes only, prepared by the Planning and Public Works Directors, subject, "Progress Report and Recommendations-Development of North Modesto East of 99 Highway and Beyond Present Sewer Service Area," dated February 21, 1962 was presented to each Council member for review. The City Manager said that copies of the draft will be furnished county representatives, including the Planning Commission.

The staff was directed to place the matter on the agenda of the March 5, 1962 meeting.

FURTHER REPORT BY POLICE CHIEF ON ABUSE OF DOWNTOWN PARKING PRIVILEGES

Chief of Police Bowers reported that in accordance with Council direction, he personally contacted the individuals reported to be abusing downtown parking privileges, and that he will continue to follow this practice as complaints arise or abuses are discovered.

REPORT ON STORM DRAINAGE CONDITIONS 7-74

Director of Public Works Ray stated that the two drainage districts recently completed functioned very well during the recent storms, excepting in those places where curbs and gutters are not installed; that in spite of this, there were no major ponding problems in these areas.

Mr. Ray said that requests have been received for petition forms for the formation of a drainage district in the northwest section of the City. A copy of the information sheet furnished those wishing to circulate petitions was presented to each Council member. Mr. Ray said that petition forms for the formation of a district in the northeast section of the City were distributed last winter, and it was hoped that circulation of the petitions would be successful because of existing major drainage problems. Mr. Ray reviewed a few of the problems existing in this area in connection with the use of sanitary sewers for drainage problems. He said that real problems can be anticipated as time goes on and the area develops to a greater extent.

He reported that from February 9, to February 19, 1962, 314 manhours were spent pumping water off the streets with portable pumps; 368 manhours were utilized in general storm activities--placing and removing barricades, replacing sunken areas in the streets, cleaning dry well inlets, etc.

Upon questioning, Mr. Ray said that the drainage problem on the corner of Orangeburg and McHenry Avenue to the east was occasioned by a lack of curbs and gutters, and that on the basis of studies made by the Department of Public Works in 1958, it is proposed to carry the drainage of the northwest area to the Tuolumne River.

BIENNIAL SPRING CONFERENCE OF THE CITY ATTORNEY'S DEPARTMENT OF THE LEAGUE OF CALIFORNIA CITIES, APRIL 4-6, 1962 AT SAN DIEGO

The City Attorney said that this conference is held every other year, and past policy of the City has been to approved his attendance.

MOTION

That attendance of the City Attorney to the conference of City Attorneys, League of California Cities, April 4-6, 1962 at San Diego be approved

Moved by Shastid Seconded by Tabbert Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Johansen Unanimously carried

The meeting adjourned at 9:20 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. as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Mitchell, Tabbert, VanderWall, Mayor Hammond
Councilman Patton arrived at 4:01 P.M.
Councilman Shastid arrived at 4:07 P.M.

Absent: Councilmen: None

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

Reverend Donald Weston gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of February 5, 12 and 19, 1962 and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER REQUESTING PERMISSION TO HANG EIGHT SALVATION ARMY BANNERS OBSERVING NATIONAL SALVATION ARMY WEEK - MAY 20-27, 1962

A letter from Lieutenant James F. Schaal, Commanding Officer, Salvation Army, dated February 26, 1962, was read by the City Clerk. The letter requested permission to place eight banners at various intersections on I, 10th and 11th Streets during the period May 20-27, 1962 during National Salvation Army Week.

The City Attorney stated that approval was granted the Salvation Army to hang the banners last year at locations to be worked out with the city staff so that the banners would not interfere with California Relay banners. The Council directed that the same procedure be followed this year for both organizations.

RESOLUTION NO. 62-90

A RESOLUTION GRANTING A PERMIT TO SALVATION ARMY TO DISPLAY BANNERS ACROSS CITY STREETS DURING SALVATION ARMY WEEK MAY 20 TO MAY 27, 1962

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

LETTER FROM SPORTSMEN OF STANISLAUS, WILLIAM R. LUNDGREN, PRESIDENT, RE: PROPOSED NAME OF NINE-HOLE GOLF COURSE

A letter from William R. Lundgren, President, Sportsmen of Stanislaus, requesting that the Council consider naming the nine-hole golf course in honor of the late David Arata, was read by the City Clerk.

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

LETTER REQUESTING VARIANCE FOR CURB CUT ON THE WEST SIDE OF 10TH STREET BETWEEN E AND F STREETS - MILK PRODUCERS ASSOCIATION

A letter from W. Foraker, Manager, Operating Division, Milk Producers Association, 510 9th Street, requesting a variance to Section 7-1.104 (c) of the Code to permit a 40-foot curb cut on the west side of 10th Street between E and F Streets, was read by the City Clerk. Drawings showing dimensions of cuts and levels desired were submitted with the letter.

Permission was also requested for a drop of four inches in the sidewalk level, allowing an eight inch grade in fourteen feet to gutter level.

Assistant Director of Public Works Campbell stated that there is an existing 10-foot curb cut at this location. There are approximately 75 feet of curb cuts in the 400-foot block, and the increase requested would not extend the curb cuts beyond the 40% limitation allowed by the Code. The company is proposing to remodel the building and construct a ramp so that truck trailers can be backed into the building for loading purposes, and for this reason the four inch reduction in sidewalk level is requested. Mr. Campbell recommended that approval of the variance be granted subject to the following conditions:

(1) That the electrolier involved be relocated at the expense of Milk Producers Association;
(2) That the lowered sidewalk be ramped on either side a minimum of four feet to eliminate any stumbling hazard.

RESOLUTION NO. 62-91

A RESOLUTION GRANTING A CURB CUT VARIANCE TO MILK PRODUCERS ASSOCIATION ON THE WEST SIDE OF TENTH STREET BETWEEN E AND F STREETS

Introduced by Mitchell Seconded by Shastid

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

COMMUNICATION FROM FRANK ANDREWS RE: NEW GREATER DON PEDRO DAM

A letter from Frank Andrews relative to the new Greater Don Pedro Dam was briefly reviewed by the City Clerk. Copies of the letter were furnished the Council prior to the meeting. The letter was ordered filed.

RESOLUTION APPROVING SPECIFICATIONS AND CALLING FOR BIDS FOR TWO SAND TRAPS

The City Manager reported that the installation of a sand trap on existing Well No. 10, located at 5th and Sierra Streets, and on Well No. 24, Davis High School, is in accordance with the policy of gradually installing traps on all city wells. Funds are budgeted for this purpose.

RESOLUTION NO. 62-92

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR TWO SAND TRAPS, ONE TO BE INSTALLED AT WELL NO. 10 (5TH AND SIERRA) AND THE OTHER AT WELL NO. 24 (DAVIS HIGH SCHOOL)

Introduced by VanderWall Seconded by Tabbert

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

March 20, 1962 at 2:30 P.M. in the City Clerk's office, City Hall, was set as the time and place for opening of bids.

ADOPTION OF ORDINANCE NO. 500-C.S. AMENDING SECTION MAP 8 OF THE ZONING MAP (MODESTO'S NEIGHBORHOOD CHURCH)

ORDINANCE NO. 500-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 8 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (MODESTO'S NEIGHBORHOOD CHURCH)"

introduced on February 12, 1962 and having been published as required by the Charter, was moved and adopted.

Moved by Johansen Seconded by Patton

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

RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (CRESTVIEW ADDITION)

RESOLUTION NO. 62-93

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (CRESTVIEW ADDITION)

Introduced by Johansen Seconded by Tabbert

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

CONSIDERATION OF CLAIM FOR HOLIDAY PAY FILED BY BENNO L. HEUNE

A memorandum from the City Attorney to the Council, subject, "Claim for Holiday Pay filed by Benno L. Heune," dated February 27, 1962 was furnished the Council prior to the meeting. A copy of the memorandum is on file with the record of the minutes. Mr. Heune is claiming 45 days holiday pay while working as a fireman for the City of Modesto during the period March 1, 1942 to March 31, 1955. Inasmuch as Mr. Heune did not file a claim with the City within 90 days after the obligation became due, as required by the Charter provision in effect at that time, and which requirement was held necessary by the California Supreme Court in the case of Adams, et al vs. City of Modesto, the City Attorney recommended that Mr. Heune's claim be denied by the Council.

RESOLUTION NO. 62-94

A RESOLUTION REJECTING THE CLAIM OF BENNO L. HEUNE FOR FIREMEN'S HOLIDAY PAY AGAINST THE CITY OF MODESTO

Introduced by Mitchell Seconded by Johansen

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

APPOINTMENT OF CIVIL DEFENSE DIRECTOR AS "SHELTER REPRESENTATIVE"

RESOLUTION NO. 62-95

A RESOLUTION APPOINTING THE CITY MANAGER AS SHELTER REPRESENTATIVE IN CONNECTION WITH THE CIVIL DEFENSE PROGRAM

Introduced by Shastid Seconded by Patton

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

FURTHER CONSIDERATION OF INSTALLATION OF ADDITIONAL AERATION EQUIPMENT AT THE SEWAGE TREATMENT PLANT

The City Manager reported that the staff is working on the matter of additional aeration equipment at the Sewage Treatment Plant. Director of Public Works Ray stated that the staff is convinced that aeration equipment should be installed, but a decision must be reached as to whether one-half or all of the units should be installed at this time. A report will be submitted shortly.

ACCEPT AS COMPLETE EDWARD A. TOMLINSON'S CONTRACT FOR CONSTRUCTION OF CHLORINE CONTROL BUILDING AT SEWAGE TREATMENT PLANT AND PUMP HOUSES AT STATIONS 24 AND 25

The City Manager reported that the Assistant Director of Public Works indicates that all work in connection with Edward A. Tomlinson's contract for the construction of the chlorine control building at the Sewage Treatment Plant and pump houses at Stations 24 and 25 has been completed to the satisfaction of the Public Works Department. The contract bid price and total cost of work done is $9,900, with no change orders. The work was completed February 23, 1962, well within the time set in the specifications. The City Manager recommended that the work be accepted, the City Clerk authorized to record a notice of completion, and that payment be made in accordance with the contract.

RESOLUTION NO. 62-96

A RESOLUTION ACCEPTING THE CONSTRUCTION OF A CHLORINE CONTROL BUILDING AT THE SEWAGE TREATMENT PLANT AND PUMP HOUSES AT STATIONS 24 AND 25 BY EDWARD A. TOMLINSON

Introduced by VanderWall Seconded by Johansen

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

RESOLUTION REFERRING PETITION FOR ANNEXATION OF THE DRAKE ADDITION TO THE PLANNING COMMISSION FOR CONSIDERATION AND RECOMMENDATION

The City Manager reported that the area proposed to be annexed is located on the east side of McHenry Avenue, including properties on the south side of Drake Avenue, and extending north to include properties on the north side of Coolidge Avenue, and comprises 5.306 acres.

RESOLUTION NO. 62-97

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

Introduced by VanderWall Seconded by Shastid

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

ACQUISITION OF STREET RIGHT OF WAY ON CARPENTER ROAD FOR PURPOSES OF STREET CONSTRUCTION 2-54

The City Manager reported that the proposed right of way acquisition from Leslie Sherman Cass is in accordance with the City's agreement with the County to acquire rights of way within the city for the joint city-county improvement of Carpenter Road. The right of way proposed to be purchased includes a portion of the existing road which has not been previously dedicated. The parcel comprises 1.856 acres at a cost of $3,972.

RESOLUTION NO. 62-98

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND LESLIE SHERMAN CASS FOR THE ACQUISITION OF STREET RIGHT OF WAY ON CARPENTER ROAD

Introduced by Mitchell Seconded by Johansen

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

The City Manager stated that the remaining portion to the north to be acquired from another owner has not yet been cleared.

REPORT ON COMMUNITY SERVICE CENTER

Copies of a memorandum from Director of Parks and Recreation Cowie, dated February 28, 1962, subject, "Modesto Community Service Center," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The memorandum outlines the acquisition of the old John Muir School site from the Modesto City Schools as a needed neighborhood park. At the time of the purchase, the building was of secondary consideration, but at the request of organizations and individuals, was made available for community use. Operating policy and rental rates were established by Council Resolution 56-392. A tabulation of revenue and expenditures for the Community Service Center from the year 1955-56, including estimates for the 1962-63 fiscal year, is attached to the memorandum.

The memorandum was reviewed by the City Manager. Mr. Miller recommended approval of a capital expenditure of $1,250 during the next fiscal year to provide minimum improvements to the parking area.

Mayor Hammond's comment that he did not think the City should be engaged in a rental program of this kind was discussed.

Upon questioning, Director of Parks Cowie stated that the building was too small to be utilized as a cultural center.

INFORMAL HEARING ON REQUEST BY MODESTO TRAVEL LODGE FOR 35-FOOT GROUND SIGN ON SOUTHERN PACIFIC PROPERTY 4:30 P.M.

Mayor Hammond announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the request of Modesto Travel Lodge for permission to erect a 35-foot ground sign on Southern Pacific property on the southwest corner of Kansas Avenue and 99 Highway, and opened the hearing.

A letter from Paul Beckmeyer, co-owner of Modesto Travel Lodge, stated that this height was necessary to permit the sign being seen by southbound traffic coming into the City on 99 Highway, and since this is strictly an industrial area, the added height would not interfere in any way with the surrounding area.

Director of Public Works Ray said that the sign requested would begin 25 feet above the ground level, would be ten feet high and 24 feet long and would advertise the Modesto Travel Lodge. The added height would permit the sign to be seen above Richfield Oil Station buildings. Mr. Ray suggested that perhaps some other location could be found to erect a sign within Code limitations. He recommended that the request be denied.

The City Attorney stated that Section 9-6.21 (c)(1) of the Municipal Code regulates ground signs height limitations, limiting them to "25 feet above the level of the street upon which the sign faces, or above the adjoining ground level, if such ground level is above the street level; provided, however, that in order to prevent undue hardship, the Council may authorize the erection of a ground sign which will exceed said height limitation provided it finds that said sign shall not endanger the public health, safety or welfare."

Paul Beckmeyer, co-owner, Modesto Travel Lodge, Needham and Virginia Avenues, stated that a sign was urgently needed on Highway 99 to advertise the motel; that the area in which it was proposed to erect the sign is an industrial area; that the sign would have to exceed the 25-foot limitation in order to clear surrounding buildings.

Mayor Hammond pointed out that if the Council granted Mr. Beckmeyer permission to erect a sign exceeding the Code limitation, the door would be opened to a flood of requests which the Council would have to grant for all if it granted for one.

Mr. Beckmeyer stated that there were several signs erected within the City exceeding the Code height limitation, specifically mentioning the Shannon-Carmody sign recently erected on the corner of J Street and McHenry Avenue.

The question of whether or not this was a ground sign was discussed. The staff was directed to check the matter and report back to the Council.

Upon questioning, Mr. Beckmeyer said that the proposed location for the erection of the sign was the best that he had been able to find after a year's search.

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

MOTION

That the request of Modesto Travel Lodge for permission to erect a ground sign exceeding the 25-foot limitation of the Municipal Code on Southern Pacific property on the southwest corner of Kansas Avenue and 99 Highway be denied

Moved by Johansen Seconded by Mitchell Unanimously carried

RESOLUTION APPROVING AGREEMENT RENEWING LEASE FOR LEAGE OF WOMEN VOTERS OF MODESTO 3-90

The City Attorney stated that the proposed agreement will renew the lease of the League of Women Voters for Room 104 of the Modesto Community Service Center for a period of five years, beginning January 1, 1962 upon the same terms and conditions set forth in the lease dated October 3, 1956.

Councilman Shastid proposed the adoption of a resolution approving the renewal, provided the agreement contains a 90-day cancellation clause.

RESOLUTION NO. 62-99

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE LEAGUE OF WOMEN VOTERS, LESSEE, TO LEASE ROOM 104 IN THE MODESTO COMMUNITY SERVICE CENTER FOR A PERIOD OF FIVE YEARS BEGINNING JANUARY 1, 1962

Introduced by Shastid Seconded by VanderWall

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

A RESOLUTION APPROVING AGREEMENT RENEWING LEASES FOR YOSEMITE AREA COUNCIL BOY SCOUTS OF AMERICA

Rex Ingersoll, representing the Yosemite Area Council Boy Scouts of America, requested that the Council consider reducing the rental rate for rooms at the Community Service Center from $135 to $75 per month. He said that the Boy Scouts allocation has been reduced about $4,000 this year. He pointed out that the City of Stockton provides free docking space for a Sea Scouts boat, together with exclusive use by the Sea Scouts of storage and meeting rooms. Mr. Ingersoll compared the attitudes of the two City Councils.

Mayor Hammond explained the Council's policy of requiring that the various recreational activities, including the operation of the Community Service Center, be self-sustaining.

Councilman Mitchell pointed out that the City does provide city facilities for the use of boy scout organizations free of charge, citing the City's recent approval of the use of Enslen Park for the handicapped Boy Scouts Jamboret, and the boy scouts clubhouse at Enslen Park. He said that the matter at hand differed in that it entailed the leasing of quarters to boy scout leaders. He said he sympathized with the lowered boy scouts budget this year, but believed that the answer lies in added community support to the agency soliciting contributions for boy scout activities.

Mr. Ingersoll stated that his organization expended approximately $3,000 remodeling its quarters at the Community Service Center. He said he had not intended to imply that the Council was not as interested in boy scout activities as the Stockton Council, but perhaps should have implied that the Council was not as interested as he would like.

Councilman Shastid likened the elimination of the rent to a cash contribution, stating that it would be extremely unfair to other worthy organizations if approved by the Council.

The Council agreed to renewal of the lease, subject to the same terms as in the past, and with the provision that the agreement contain a 90-day cancellation clause.

RESOLUTION NO. 62-100

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND YOSEMITE AREA COUNCIL BOY SCOUTS OF AMERICA, LESSEE, FOR THE LEASE OF ROOMS NO. 201, 203 AND 205 OF THE MODESTO COMMUNITY SERVICE CENTER, FOR A PERIOD OF FIVE YEARS BEGINNING JANUARY 1, 1962

Introduced by VanderWall Seconded by Shastid

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

RESOLUTION NO. 62-101

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND YOSEMITE AREA COUNCIL BOY SCOUTS OF AMERICA, LESSEE, FOR THE LEASE OF ROOMS NO. 200 AND 207 OF THE MODESTO COMMUNITY SERVICE CENTER, FOR A PERIOD OF FIVE YEARS BEGINNING JANUARY 1, 1962

Introduced by Mitchell Seconded by Tabbert

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

RESOLUTION RESCINDING RESOLUTION NO. 60-388 ENTITLED "A RESOLUTION CONSENTING TO THE REQUEST OF THE LEAGUE OF WOMEN VOTERS OF MODESTO TO SUBLEASE CERTAIN PREMISES IN THE MODESTO COMMUNITY SERVICE CENTER TO THE SAN FRANCISCO CONSERVATORY OF MUSIC"

With the consent of the Council, this matter was removed from the agenda.

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY LOCATED AT 936 McHENRY (Tropics Motor Hotel)

Because of a conflict of interest, Councilman Patton was excused from participating in the discussion of this item.

The City Manager reported that the property for which sewer service is requested is located at 936 McHenry Avenue, and is contiguous to the City. A line exists to serve the property, and the owner has agreed to comply with the usual requirements pertaining to annexation, etc.

MOTION

That the request for sewer service to property located at 936 McHenry Avenue be approved
Moved by Tabbert Seconded by Shastid
Ayes: Johansen, Mitchell, Shastid, Tabbert, VanderWall, Mayor Hammond
Noes: None Absent: Patton

APPROVAL OF SUBDIVISION AGREEMENT AND FINAL MAP OF EMERALD GARDENS SUBDIVISION 4-121

With the unanimous consent of the Council, this matter was presented by the City Manager.

The City Attorney reported that the subdivision agreement has been signed, all necessary documents received, all fees paid, and it was in order to accept the final map of Emerald Gardens Subdivision.

RESOLUTION NO. 62-102

A RESOLUTION APPROVING THE FINAL MAP OF THE EMERALD GARDENS SUBDIVISION OF THE CITY OF MODESTO

Introduced by Mitchell Seconded by Shastid

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

REPORTS FROM THE PLANNING COMMISSION

Grade Separations 99 Freeway

The City Manager reported that the State, as one of the conditions of the freeway agreement, has agreed to build grade separations to carry state highway traffic from the north and east of the City across the Southern Pacific tracks to the freeway. Locations which have been specifically considered are F and G, G and H, H and I, and possibly K and L Streets. Mr. Miller said that the staff had no recommendation for the Council at this point, that because of the importance of the matter, it was essential that careful studies be made before a decision is reached.

Sketches indicating possible grade separations and various routes for traffic through the City to the west and south were shown to the Council, and the various alternatives discussed by the City Manager. The sketches illustrated neighborhood plans possible under the various proposed street plans. The City Manager said that the staff was working on a proposed collector street pattern, and it was necessary that an early decision be made in order to handle problems which will arise as new areas develop. He also pointed out that proposed freeways for the area are farther away than anticipated, which will necessitate interim improvements to existing highways which probably would not have been made if funds were available to build the freeways.

Possible extension of Carpenter Road to Kansas Avenue was discussed.

Mr. Miller reported that some years ago the City was asked by the State to submit freeway and expressway proposals and plans to enable the State to tie them into general highway planning. The City and County jointly proposed an expressway system to serve the City for many years to come. The proposed expressway system was indicated on a map of the General Plan. He said that rights of way along Carpenter, Northern-Briggsmore, Mitchell and Whitmore Roads are being acquired on the basis of an eventual expressway.

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

A newsletter from the League of California Cities directed to all city officials, dated February 21, 1962 listing pending matters before the State Legislature of interest to cities, was briefly reviewed by the City Manager. Inasmuch as Councilmen Shastid and Patton did not receive a copy of the newsletter, no action was taken on the matter. The staff was directed to furnish the two Council members copies of the newsletter, and to place the matter on next week's agenda.

REQUEST OF LLOYD LUCAS, RICHFIELD OIL CORPORATION, FOR A 25-FOOT DRIVEWAY VARIANCE, McHENRY AND ELMWOOD AVE.

Mr. Lloyd Lucas stated that his company is remodeling its service station at the corner of McHenry and Elmwood Avenues to make it a rear entry station. He requested that the Council approve an additional 25-foot driveway on the Elmwood side of the property.

Assistant Director of Public Works Campbell stated that the total property frontage for this service station is 252 feet, which allows 101 feet of driveway. The service station presently has three 36-foot driveways, two on McHenry and one on the Elmwood side, which exceed the 40% allowable curb cuts by eight feet. The proposed driveway is planned to be installed about 24 feet east of the present driveway on

Elmwood. Mr. Campbell said that prohibition of parking on the side might be desirable because the street is narrow and has quite a curvature. He recommended that the variance be granted on the basis of a drawing submitted by the applicant and that a copy of the drawing be filed with the Department of Public Works.

RESOLUTION NO. 62-103

A RESOLUTION GRANTING A DRIVEWAY VARIANCE TO RICHFIELD OIL CORPORATION AT McHENRY AND ELMWOOD AVENUES

Introduced by Shastid Seconded by VanderWall

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

Councilman Tabbert questioned the urgency of presenting this matter for Council consideration, along with one or two others, without placing them on the regular agenda and giving the Council an opportunity to study the matters. He said he was hesitant to make decisions without thoroughly reviewing matters that are submitted for consideration.

The City Attorney stated that the objection of just one Council member can prevent an item not on the agenda from being brought up for consideration.

The City Manager stated that this particular item was considered as a matter of courtesy for the applicant, who was anxious to secure Council approval for the variance in order to proceed with remodeling of the service station.

Mayor Hammond said that matters of an emergency nature occasionally arise beyond the deadline set for the agenda which require Council action.

Councilman VanderWall suggested that when it is known that unanimous consent items will be presented to the Council, they be penciled in on the Council's copy of the agenda.

Councilman Shastid suggested that in such a case, a brief report outlining general details of the matter and the reason for the urgent consideration be given the Council.

Director of Public Works Ray pointed out that this matter was raised by a member of the audience, and not by the staff.

QUARTERLY REPORT FROM THE GREATER MODESTO CHAMBER OF COMMERCE

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

PROGRESS REPORT ON NORTH MODESTO DEVELOPMENT AND SEWER STUDIES

At the last Council meeting, a copy of a report prepared jointly by the Planning and Public Works Directors, subject, "Progress Report and Recommendations - Development of North Modesto East of 99 Highway and Beyond Present Sewer Service Area," was presented to the Council for its review. This report was in draft form and presented for study purposes only. Director of Planning Smeath said that copies of the report were furnished the County staff for presentation to the County Planning Commission and Board of Supervisors.

A map indicating the present sewer limit boundaries, the areas which are presently developed and sewered, areas which are within the sewer service limits which are not sewered, and areas outside the sewer serviced areas which are developed on septic tanks, was shown to the Council and discussed by Director of Planning Smeath. A cross-hatched area at the top of the map indicated the area described in the report which could reasonably be included in a new sewer system.

Mr. Smeath briefly discussed the following: Development of new subdivisions in the area east of 99 Highway and north of the present city sewer limits - one subdivider has applied to both the County for approval of 9,000 square foot lots with septic tanks only, and to the City for approval of 6,500 square foot lots with septic tanks and dry sewers.

The statement from FHA that it does not feel that consideration should be given to individual septic tank systems until determination can be made as to the feasibility of a sewerage system for areas for which approval is requested was discussed.

Director of Public Works Ray said that the FHA would not approve package unit treatment plants unless a public agency agreed to take over the operation. This could be the City, the County or a sanitation district. He said that package plants have been constructed and operated with reasonable success, but in this area there is no water course into which the effluent could be discharged, and it would mean that there would have to be a plot of ground for each plant for percolation, evaporation, etc. If the City agreed to maintain and operate the package treatment plant, the problems of odor, mosquitoes, flies, etc., would be the responsibility of the City. Mr. Ray recommended that the City not put itself in this position, stating that a permanent solution to the sewage of the area would be greatly delayed if package plants were installed and it ceased to be an individual problem.

This matter was discussed by the Council.

Director of Planning Smeath outlined the advantages of subdivisions being planned with septic tanks and dry sewers. In his opinion, this would provide an incentive for the area to bond itself as a special improvement district for the needed major trunk line.

The City Manager pointed out that subdividers are not particularly interested in constructing dry sewers unless there is a reasonable chance that the City will extend its sewer system into the area; that this would not be feasible if subdivisions are scattered all over the area and farther out.

Councilman Mitchell stated that if at all possible, sewage disposal should be localized in remote areas where there is a river to carry off the effluent, and not have to rely on settling ponds in various neighborhoods. He noted attendant esthetic and administrative disadvantages in having these plants scattered throughout fine residential areas. He felt that it was the responsibility of the existing community to lend a helping hand to those in outlying areas; that wherever possible, the people who are directly benefited should pay for the improvements, but he did not think that the City could ask the farmer who presently owns the land, the subdivider, or the builder of the homes, to foot the entire bill immediately. He pointed out the advantages of developing smaller lots - there would be half again as many homes, fewer streets to serve the same number of people, fewer weed patches, more economical homes, less travel time to schools, etc.

Councilman Shastid asked if it would be feasible to work out something with the FHA along the line that the City is willing to consider sewer expansion at such time as engineering studies indicate that the area is developed to the point where the sewer expansion can pay itself off in ten or fifteen years; if development does not take place, there will be adequate drainage for septic tanks; if development does take place, the project will be economically sound.

Mayor Hammond stated that in the matter of utilities, it was to the community's interest to be ahead of economic justification from the standpoint of long range economy.

Ed Dudley, representing the Home Builders Association, stated that he had a lengthy discussion a few weeks ago with Frank Pendergast, Acting Director of FHA, who informed Mr. Dudley that he could take any reasonable steps to countermand a newspaper article which set forth the FHA's supposed policy in regard to septic tanks. Mr. Dudley said that the Council was under the misapprehension that the FHA sets policies. Mr. Dudley invited the Council to attend a meeting with Mr. Pendergast at the Hotel Covell Mirror Room, March 20, at 12:00 noon.

The City Manager pointed out that the FHA does set the policies on the basis upon which it will lend money.

The cost of a new disposal plant as opposed to enlargement of the present disposal plant was discussed.

MOTION

That, if it appears desirable, the staff be authorized to arrange for a meeting of the Council or the Council Public Projects Committee with interested county agencies to further discuss the matter of sewers in the northern area

Moved by Tabbert Seconded by VanderWall Unanimously carried

REPORT THAT PRELIMINARY DEPARTMENTAL BUDGET HEARINGS ARE BEING HELD

The City Manager reported that preliminary departmental budget hearings were being held and invited the Council and all interested parties to attend. A schedule of the hearings was furnished each Council member.

REPORT BY CITY ATTORNEY OF MILITARY LEAVE FROM MARCH 7, 1962 TO MARCH 21, 1962

The City Attorney stated that he would be on military leave at Travis Air Force Base from March 7 to March 21, 1962.

COMMENDATION FOR DIRECTOR OF PLANNING GEORGE SMEATH

The City Manager stated that this was the last Council meeting which would be attended by Director of Planning Smeath, who has submitted his resignation to accept a similar position in Santa Rosa, California. The Council members individually expressed their appreciation for Mr. Smeath's conscientious service to the City.

RESOLUTION NO. 62-104

A RESOLUTION COMMENDING GEORGE H. SMEATH FOR HIS SERVICE TO THE CITY AS PLANNING DIRECTOR OF THE CITY OF MODESTO

Introduced by Mayor Hammond Seconded by VanderWall

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

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Mitchell Seconded by VanderWall Unanimously carried

The meeting adjourned at 6:43 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., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Absent: Councilmen: None

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

Reverend Luverne Sands gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of February 26, 1962 and the same being available for public inspection and there being no objections, the minutes were approved.

COMMUNICATION TO COUNCIL FROM PLANNING DIRECTOR GEORGE SMEATH

A letter from Planning Director George H. Smeath, dated March 8, 1962 thanking the Council for its fine leadership and support during his tenure as Director of Planning of the City was read by the City Clerk.

The letter was ordered filed.

REQUEST BY GUSTAVE PREUSS FOR CONSIDERATION OF CLAIM FOR PLUMBING WORK DONE ON CITY SEWER

The City Clerk reported that a bill for $147.09 has been submitted to Gustave Preuss, 135 Francis Street, Modesto, by Dick Thiel Plumbing Company for work done in July, 1961 on Mr. Preuss' private sewer line and the city sewer line. Mr. Thiel states that $62 represents work done on the private line, which has been paid by Mr. Preuss, and $85.09 represents the cost of work done on the city line. Mr. Preuss' claim for this amount has been refused by the City's insurance carrier on the grounds that it is not a proper damage claim.

Mr. Preuss is now requesting that the Council approve payment of $85.09 to Thiel Plumbing Company for the work done on the city line.

The City Manager noted that he had received another claim of a somewhat similar nature.

Mr. Preuss spoke briefly in support of his claim.

By Order of the Chair, the matter was referred to the staff for review with the parties involved, and for check of legality of the claim.

APPLICATION BY COMMUNITY AMBULANCE SERVICE FOR LICENSE TO OPERATE TWO ADDITIONAL AMBULANCES

Acting City Attorney Bienvenu reviewed the provisions of Section 3-8.10 of the Municipal Code, which require that any person holding a license to operate one or more ambulances and who desires to add to the number of such vehicles, shall do so only by obtaining a license therefor after public hearing and determination by the Council that the public convenience and necessity require the proposed ambulance service.

Dick Wier, operator of Community Ambulance, said he was not making an application for the operation of two additional ambulances in the City, but merely wished to license two additional ambulances so that any one of the three may be operated singly in Modesto. He said that he operated an ambulance service in Oakdale and Ceres also, and that it was sometimes necessary to switch location of the vehicles.

RESOLUTION NO. 62-105

A RESOLUTION FIXING THE TIME AND PLACE FOR PUBLIC HEARING IN THE MATTER OF GRANTING LICENSES FOR THE OPERATION OF AMBULANCES IN THE CITY OF MODESTO (COMMUNITY AMBULANCE)

Introduced by VanderWall Seconded by Johansen

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

March 26, 1962 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF CHLORINE CONTROL STRUCTURES AND PRIMARY CLARIFIER RELIEF LINE AT SEWAGE TREATMENT PLANT

RESOLUTION NO. 62-106

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF CHLORINE CONTROL STRUCTURES AND PRIMARY CLARIFIER RELIEF LINE AT THE SEWAGE TREATMENT PLANT

Introduced by VanderWall Seconded by Tabbert

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

March 27, 1962 at 2:00 P.M. in the City Clerk's office, City Hall, was set as the time and place for opening of bids.

CONSIDER PURCHASE OF CEMENT MIXER

Director of Public Works Ray stated that three bids were received, the low responsible bid being received from The Rix Company for $2,653.88, for a Gilson Model 6S-CRT cement mixer with electric starter and engine clutch, 700 x 16 6-ply tires, with delivery in thirty days. This figure includes sales tax and trade-in allowance for one LeRoy Cement Mixer, Serial No. 120554. Mr. Ray recommended that the bid of The Rix Company be accepted.

Mayor Hammond questioned the reason for securing informal instead of formal bids for heavy equipment.

Mr. Ray stated that informal bids were secured because of the difficulty in preparing specifications to meet all of the various conditions and still provide for a good unit; that past experience has proven that the City can end up with a better deal with informal bids.

RESOLUTION NO. 62-107

A RESOLUTION ACCEPTING THE BID OF THE RIX COMPANY IN THE NET SUM OF $2,653.88, INCLUDING TAX AND TRADE-IN, FOR ONE GILSON MODEL 6S-CRT CEMENT MIXER, WITH ELECTRIC STARTER AND ENGINE CLUTCH AND 700 x 16 6-PLY TIRES

Introduced by Shastid Seconded by VanderWall

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

CONSIDER PURCHASE OF PACKER TRUCK

Director of Public Works Ray stated that the proposed purchase of a packer truck is requested for use in the northern section of the City, a new section in which large trees are not yet a problem. This section is also the greatest distance from the disposal area.

Upon questioning, Mr. Ray stated that a side-loading type of packer unit is recommended in order to eliminate scattering of materials in alleys and streets during collection; that if bundling limbs and placing smaller materials into containers were required, rear-loading type packer units could be used. Because of loading limitations in alleys, Mr. Ray said that it was proposed to limit the size of the truck to a maximum of 16 or 20 cubic yards.

Mr. Ray explained to the Council why it was desirable to obtain delivery of the truck and packer body as a unit and have it driven here from the point of origin, rather than shipped.

Mayor Hammond suggested that formal bids be secured.

MOTION

That the staff be authorized to proceed with preparation of specifications for a packer truck and formal bids secured

Moved by Johansen Seconded by VanderWall Unanimously carried

FURTHER CONSIDERATION OF INSTALLATION OF ADDITIONAL AERATION EQUIPMENT AT THE SEWAGE TREATMENT PLANT 2-110

A memorandum from the Director of Public Works, dated March 9, 1962, subject, "Additional Aeration Facilities - Sewage Treatment Plant," 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 Ray reviewed the memorandum, stating that from observation of the two new activated sludge units completed last spring, it is clear that the deck aerator cannot supply sufficient air for the activated sludge waste removal processes; that additional air must be supplied to obtain full efficiency from these units.

Mr. Ray said it was essential that a decision be made by the Council as to whether application should be made to the federal government for participating funds, as such an application must be postmarked by March 31, 1962. If the application is approved, the federal government will contribute thirty per cent of the total cost, or $20,000.

Mr. Ray discussed the following conclusions listed in his memorandum:

(1) It is essential that aeration units be installed to supply additional oxygen;
(2) It is the opinion of Harry N. Jenks that such additional aeration units can best be installed in the spiro-vortex mixing tank using the Inka diffusion units;
(3) The motive power for the air blowers can be most economically supplied by the installation and use of stationary gas engines burning sewage gas;
(4) It is desirable that the units extending across the diameter of the tank be installed at one time. These units would supply 20,000 cubic feet of air per minute to the wastes and activated sludge in the mixing tank;
(5) It is recommended that the Consulting Engineer be authorized by agreement to proceed with the design of the aeration system;
(6) An immediate decision is necessary as to the City's desires in respect to an application for federal funds.

Mr. Ray said that when this matter was first introduced to the Council, the possibility of installing only one-half the aeration system was suggested, to determine if it would do the job. Mr. Jenks has estimated 8,000 to 10,000 pounds of B.O.D. removal per day if the complete aeration system is installed. Mr. Ray said that this fact, plus an additional cost of $5,700 for the two-stage construction, using gas engines, has convinced the staff that the complete unit should be constructed at one time. Upon questioning, Mr. Ray said that the proposed construction would supplement the deck aerator now in use at the Sewage Treatment Plant.

Answering a question as to what kind of guarantee would be furnished by Dorr-Oliver, manufacturer of the proposed aeration equipment, Mr. Jenks stated that if it were a matter of structural design which could be reduced to a mathematical certainty, results could be guaranteed, but because biological factors which vary from time to time are involved, an answer to this question would have to be conjectural. Mr. Jenks stated that he would undertake to obtain a general statement from Dorr-Oliver Company as to the applicability of the equipment to this type of waste, and the actual performance which can reasonably be anticipated.

Mr. Jenks described the operation of the proposed aeration equipment. He said that operation of the plant would not need to be halted to install the equipment, as the basin in which the equipment would be installed could be separated from the rest of the plant.

MOTION

That the staff's recommendation for complete installation of two blower units with gas engine power at the Sewage Treatment Plant be approved; that the staff be authorized to prepare an agreement with Harry Jenks for the design of an aeration system; that application be made for federal funds on a participating basis; that a statement be secured from Dorr-Oliver as to the applicability of the proposed equipment to the type of waste and as to the actual performance that can reasonably be anticipated

Moved by VanderWall Seconded by Tabbert Unanimously carried

RESOLUTION SETTING DATE FOR HEARING ON PROPOSED ANNEXATION OF THE DRAKE ADDITION 7-102

The City Manager reported that the Planning Commission has recommended commencement of annexation proceedings for the Drake Addition (Planning Commission Resolution No. 776). The area comprises 5.306 acres.

RESOLUTION NO. 62-108

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

Introduced by Tabbert Seconded by VanderWall

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

April 23, 1962 at 8:00 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 CURBS AND GUTTERS 7-110

Director of Public Works Ray stated that an informal request was sent the property owner more than 30 days ago to install curbs and gutters at Lot 30 and a portion of Lot 31, Block 6003. The work has not been done. The remaining properties in this block have curbs and gutters. Mr. Ray recommended that a resolution be adopted authorizing the Superintendent of Streets to give notice requiring construction of curbs and gutters.

RESOLUTION NO. 62-109

A RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF CURBS AND GUTTERS ALONG CERTAIN STREETS IN THE CITY OF MODESTO

Introduced by Mitchell Seconded by Johansen

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

March 26, 1962 at 8:05 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY AND THE ROMAN CATHOLIC ARCHBISHOP OF SAN FRANCISCO FOR PURCHASE OF PROPERTY BY THE CITY FOR CARPENTER ROAD RIGHT OF WAY FOR THE PURCHASE PRICE OF $3,331 (Project 61-21, Parcel No. 4112-1)

The City Manager stated that under the City's agreement with the County for the improvement of Carpenter Road, one of the City's obligations is to acquire the rights of way within the city limits. The proposed agreement with the Roman Catholic Archbishop of San Francisco covers a gross acreage of .978 acres at a total cost of $3,331 for this acquisition.

RESOLUTION NO. 62-110

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE ROMAN CATHOLIC ARCHBISHOP OF SAN FRANCISCO FOR PURCHASE OF PROPERTY BY THE CITY FOR CARPENTER ROAD RIGHT OF WAY (Project 61-21, Parcel No. 4112-1)

Introduced by Johansen Seconded by Patton

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

RESOLUTION ESTABLISHING THE "SPECIAL AVIATION FUND," EFFECTING AN INTER-FUND TRANSFER OF $2,500 AND APPROPRIATING SAID SUM TO THE GENERAL RESERVE OF SAID FUND 8-5

The City Manager stated that the proposed resolution transfers $2,500 from the Airport Development Fund to the General Reserve of a newly established "Special Aviation Fund," in accordance with new procedures pertaining to aviation gas tax funds established by the California Aeronautics Division.

RESOLUTION NO. 62-111

A RESOLUTION ESTABLISHING THE "SPECIAL AVIATION FUND," AND EFFECTING AN INTER-FUND TRANSFER

Introduced by VanderWall Seconded by Shastid

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

RESOLUTION TRANSFERRING $29,000 FROM THE AIRPORT DEVELOPMENT FUND TO THE SPECIAL FUND FOR CAPITAL OUTLAYS AND APPROPRIATING SAID SUM THEREIN TO THE GENERAL RESERVE OF SAID FUND

The City Manager stated that the proposed resolution transfers $29,000 from the Airport Development Fund to the General Reserve of the Special Fund for Capital Outlays, from which they were originally transferred. These funds are no longer needed in the Airport Development Fund for construction of a control tower.

The present status of the control tower for the City-County Airport was discussed. Mr. Ray said that construction of the tower is now dependent upon the allocation of funds by Congress. He explained that a priority list is being established by the F.A.A. on the basis of traffic counts, etc. The City's position is unknown at present.

RESOLUTION NO. 62-112

A RESOLUTION TRANSFERRING $29,000 FROM THE AIRPORT DEVELOPMENT FUND TO THE SPECIAL FUND FOR CAPITAL OUTLAYS AND APPROPRIATING SAID SUM THEREIN TO THE GENERAL RESERVE OF SAID FUND

Introduced by VanderWall Seconded by Tabbert

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

CONSIDER LETTER AGREEMENT BETWEEN THE CITY OF MODESTO AND WOLVERINE BUILDING SERVICE, INC., RELATING TO PERIMETER AND SUBTRUNK SEWERS CONSTRUCTED AS A PART OF YORKSHIRE MANOR NOS. 2 AND 3 SUBDIVISIONS

The City Manager stated that these letter agreements are prepared in accordance with established city policy and provide for sharing of the costs between the City and developer in the construction of a subtrunk sewer in Yorkshire Manor No. 2 Subdivision and subtrunk perimeter sewers in Yorkshire Manor No. 3 Subdivision. The City's share of the subtrunk sewer cost in Yorkshire Manor No. 2 Subdivision is $380.41; perimeter sewers in Yorkshire Manor No. 3, $994.10; subtrunk sewers, Yorkshire Manor No. 3, $225.62. Funds are budgeted for this purpose.

MOTION

That the letter agreement between the City and Wolverine Building Service, Inc., covering the sharing of costs in the construction of a subtrunk sewer in Yorkshire Manor No. 2 Subdivision be approved (City's share, $380.41)

Moved by VanderWall Seconded by Tabbert Unanimously carried

MOTION

That the letter agreement between City and Wolverine Building Service covering the sharing of costs in the construction of subtrunk perimeter sewers in Yorkshire Manor No. 3 Subdivision be approved (City's share, $1,219.72)

Moved by Johansen Seconded by Mitchell Unanimously carried

REPORTS FROM THE PLANNING COMMISSION

(a) Report on interim appointment of Russell Fey as Acting Planning Director

The City Manager reported that Russell Fey has been appointed Acting Planning Director pending the appointment of a permanent Planning Director.

LEGISLATIVE MATTERS

Counties threaten to grab city liquor license revenue

MOTION

That the Council expresses opposition to this type of matter being considered at the special session of legislature

Moved by Johansen Seconded by VanderWall Unanimously carried

Telephone Company gross receipts in lieu tax

Because of a conflict of interest, Councilman Tabbert was excused from the discussion and vote on this matter.

The City Manager stated that the League has asked the Governor to include this item in the call for the Special Session which will permit the Legislature to consider a proposed constitutional amendment to be voted upon by the electors this fall, proposing a one per cent tax on intra-state telephone company receipts to replace franchise fees lost as a result of Supreme Court decisions. The telephone companies are neither supporting nor opposing the measure.

MOTION

That the Council indicate its support of the League's position in requesting the Governor to include this matter in the special session of the Legislature

Moved by Mitchell Seconded by VanderWall Unanimously carried

Civil Defense Shelters - No action was taken by the Council

Commercialized Draw Poker - The City Manager stated that this item would be reviewed by the staff and a report submitted to the Council

Local Control of Sexual Activities and Gambling - Councilman Mitchell stated that since this matter was already in the call, no action was required on the part of the Council. He agreed with the suggestion of the City Manager that the Council's opinion be passed on to our legislators.

Senate Reapportionment - No action was taken by the Council.

Maintenance of Railroad Crossing Protective Devices - The City Manager stated that this matter was under the jurisdiction of the Public Utilities Commission, and the railroads are now attempting to persuade this agency to require counties and cities to pay the maintenance costs of railroad crossing protective devices -- wig-wags, crossing gates, etc.

MOTION

That the Council indicate its opposition to counties and cities being required to pay the costs of maintenance of railroad crossing protective devices

Moved by Shastid Seconded by VanderWall Unanimously carried

APPROPRIATION TRANSFERS - None

PRESENTATION OF FINANCIAL STATEMENT FOR THE MONTH OF FEBRUARY, 1962

The Financial Statement for the month of February, 1962 was presented to the Council and ordered filed.

MATTERS FOR THE GOOD OF THE COMMUNITY - None

ADJOURNMENT

Councilman Johansen moved that the meeting adjourn in memory of Ralph Watson, Personnel Commission member, who died March 10, 1962.

RESOLUTION NO. 62-113

RESOLUTION ADJOURNING THE MARCH 12, 1962 MEETING OF THE MODESTO CITY COUNCIL IN RESPECT OF AND EXPRESSING ITS HIGH REGARD FOR PERSONNEL COMMISSIONER RALPH E. WATSON AND EXTENDING SYMPATHY TO HIS FAMILY

Introduced by VanderWall Seconded by Johansen

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

The meeting adjourned at 9:41 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., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Absent: Councilmen: None

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

Reverend T. A. Litov gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council Meeting of March 5, 1962 and the same being available for public inspection and there being no objections, the minutes were approved.

LEASE OF GOLF COURSE CARTS FOR USE ON BOTH GOLF COURSES

Director of Parks and Recreation Cowie stated that four bids were received for a lease arrangement for electric golf carts at both golf courses, the most advantageous bid submitted by C & T Electric Cart Company for 1959 Marketeer Carts on a 50-50 basis.

George Lamb, representing Al Kasey Pontiac, submitted a bid on a sliding scale basis.

Upon questioning, Mr. Cowie stated that the used equipment supplied the City by C & T Electric Cart Co. on a trial basis performed satisfactorily, and excellent maintenance service was given.

John Cipponeri, representing C & T Electric Cart Co., stated that his golf carts are completely reconditioned each year; that his company has three service men on call at all times; that used equipment in good condition will be furnished the golf courses.

After discussion as to the desirability of used equipment, Mr. Cowie suggested that a clause be placed in the agreement allowing the City to terminate the contract if the used equipment proves to be unsatisfactory. He also suggested flexibility in the number of carts to be rented.

Councilman Shastid suggested that the agreement also specify that the equipment be reconditioned, repainted, and new batteries installed at least annually.

The duties of the golf professional in connection with the golf carts were outlined by Mr. Cowie.

The division of the revenue from the golf carts - 50% to the cart company, 25% to the golf professional, and 25% to the City - was discussed.

The staff was directed to check insurance requirements with the City Attorney.

MOTION

That the staff be authorized to prepare an agreement with C & T Electric Cart Co. for the lease of golf carts for a period of three years on a 50-50 basis; that an agreement be parepared with the golf professional, allocating to him one-half the revenue received by the City as its share of the agreement with C & T Electric Co., the golf professional's agreement to be reviewed annually by the Council

Moved by VanderWall Seconded by Patton Unanimously carried

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AND SUBMIT AN APPLICATION TO THE CALIFORNIA STATE WATER POLLUTION CONTROL BOARD FOR FEDERAL FUNDS 2-92

The City Manager stated that the application, if approved, will cover thirty per cent of the total cost of the installation of aeration equipment at the Sewage Treatment Plant, or $22,740. Funds are budgeted.

RESOLUTION NO. 62-114

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AND SIGN AN APPLICATION TO THE CALIFORNIA STATE WATER POLLUTION CONTROL BOARD FOR FEDERAL FUNDS FOR SEWAGE TREATMENT PLANT CONSTRUCTION

Introduced by Tabbert Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

CONSIDER AGREEMENT WITH HARRY JENKS, CONSULTING ENGINEER

Director of Public Works Ray said that the proposed agreement between the City and Harry N. Jenks covers consulting engineering services as outlined at previous Council meetings.

The following matters were brought to the attention of the Council by Mr. Ray:

(1) The staff wishes to exclude a portion of the project previously approved by the Council -- the installation of baffles in the mixing tank in order that the second pump can be used. Mr. Ray said the staff now thought it desirable to await the results of the proposed aeration system with its baffling system before any further work is done. The proposed agreement omits this item. Mr. Ray pointed out that this matter may again be brought to the Council for approval at a later date.

(2) A question has arisen as to whether the agreement with Mr. Jenks should be executed prior to receipt of a letter from Dorr-Oliver Company, requested by the Council, generalizing the applicability of the proposed equipment to type of waste, and the actual performance that can reasonably be anticipated with the installation of the two blower units. This letter has not yet been received.

Because of the time factor involved, Mr. Ray said that Mr. Jenks is proceeding with the design of the project. The proposed agreement sets compensation at 4½ per cent of the construction cost, with designs to be submitted by May 1, 1962.

The matters presented by Mr. Ray were discussed by the Council.

RESOLUTION NO. 62-115

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND HARRY JENKS, CONSULTING ENGINEER, FOR ENGINEERING SERVICES FOR THE INSTALLATION OF A DEGRITTER AND MIXING BASIN AERATION SYSTEM AT THE SEWAGE TREATMENT PLANT

Introduced by Tabbert Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: Shastid Absent: None

AGREEMENT FOR EASEMENT TO PROVIDE FOR CROSSING OF LATERAL NO. 3 BY CITY OF MODESTO FROM MODESTO IRRIGATION DISTRICT 3-70

The City Manager stated that the proposed agreement grants to the City the right to install, operate, maintain and use for transportation of water, an underground pipe line across Lateral No. 3, about midway between Carver and Prescott Roads, and right of ingress and egress across premises in the Modesto Irrigation District.

RESOLUTION NO. 62-116

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT FOR EASEMENT TO PROVIDE FOR CROSSING OF LATERAL NO. 3 BY CITY OF MODESTO FROM MODESTO IRRIGATION DISTRICT, SAID PREMISES BEING DESCRIBED IN THE AGREEMENT

Introduced by Johansen Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall Mayor Hammond

Noes: None Absent: None

CLAIM FOR DAMAGES IN THE AMOUNT OF $1,000 FILED AGAINST CITY BY JOHN S. INGRAM 3-92

The City Manager reported that a damage claim for $1,000 was filed against the City on March 14, 1962, by John S. Ingram as a result of the death of a purebred male collie dog.

A report submitted by Chief of Police Bowers dated March 19, 1962 subject, "Accidental Death of Dog," was furnished the Council prior to the meeting.

Chief Bowers briefly reviewed the circumstances surrounding the death of the dog, stating that the dog strangled to death as it was being transported to the pound. He said that two dogs bearing the same description are missing from the same neighborhood; one of the two is dead and the other has not returned, making it impossible to determine the owner of the dead animal at this time. The dead dog was not wearing an identification collar.

A report from the Finance Department attached to the Chief's report indicated that an application for a dog license was received from Mr. Ingram two days after the death of the above mentioned dog.

RESOLUTION NO. 62-117

A RESOLUTION REJECTING THE CLAIM OF JOHN S. INGRAM FOR DAMAGES AGAINST THE CITY OF MODESTO

Introduced by VanderWall Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall Mayor Hammond

Noes: None Absent: None

CONSIDER SUBDIVISION BOND REDUCTION FOR BROOKDALE PARK NO. 2 SUBDIVISION

The City Manager reported that all work within the subdivision has been completed to the satisfaction of the Public Works Department, except for patching of pavement which cannot be done satisfactorily until May. Mr. Miller recommended that the subdivision bond guaranteeing subdivision improvements in the amount of $51,500 be released and a new bond in the amount of $1,000 be accepted to guarantee the remaining improvements.

RESOLUTION NO. 62-118

A RESOLUTION AUTHORIZING THE RELEASE OF THE CENTRAL SURETY AND INSURANCE CORPORATION CONTRACT BOND FILED TO GUARANTEE IMPROVEMENTS IN BROOKDALE PARK NO. 2 SUBDIVISION UNDER CERTAIN CONDITIONS

Introduced by Shastid Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

APPROVAL OF BILLS FOR THE COUNTY FOR PRISONER CARE - MONTHS OF JANUARY AND FEBRUARY, 1962

The City Manager reported that bills have been submitted by the County for prisoner care for January and February, 1962 as follows: January, $71.76; February, $230.88. He recommended that the bills be paid.

MOTION

That the bills submitted by the County for the months of January and February, 1962 in the amounts specified above be approved for payment

Moved by VanderWall Seconded by Johansen Unanimously carried

CONSIDER AGREEMENT BETWEEN THE CITY AND WALLACE E. AND ANNA E. BLOMDAHL FOR DEVELOPMENT OF SARATOGA MANOR NO. 4 SUBDIVISION

Assistant Director of Public Works Campbell stated that the proposed agreement between the City and Wallace E. and Anna E. Blomdahl covers the development of Saratoga Manor No. 4 subdivision which is presently outside the city limits. Because of commitments made by the subdivider, he cannot wait for annexation to file his final map. Mr. Campbell said that the proposed agreement provides for the City to furnish water and sewer service to the subdivision; the subdivider agrees to develop to city standards and pay all required fees.

RESOLUTION NO. 62-119

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND WALLACE E. AND ANNA E. BLOMDAHL FOR DEVELOPMENT OF SARATOGA MANOR NO. 4 SUBDIVISION

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

CONSIDER PURCHASE OF RUBBER TIRED ROLLER

Director of Public Works Ray stated that after considerable study, a conclusion has been reached that a pull-type roller and an additional rubber tired tractor can be purchased for less money than a rubber tired roller replacement; the engine and drive assembly on a self-propelled roller can be used only for that purpose, whereas a rubber tired tractor can be put to many other uses during the year.

Mr. Ray said that one of the problems in using pull-type rollers is the fact that they are not equipped with brakes, and city tractors do not have sufficient braking power to properly control them. Two firms submitted bids for self-propelled units, the lowest offer being $6,488. Two bids were received for pull-type rollers, one without brakes for $1,762; the other from W. E. Grace Manufacturing Company of Dallas, Texas, for an 11-wheel pull-type roller with electric brakes for $1,798.42, delivered to Modesto.

Mr. Ray said that the roller is primarily used for seal-coating and reconditioning of oiled streets, sometimes used in grading, and used once or twice a year for rolling the runways at the Airport. He recommended that the pull-type roller with

electric brakes be purchased from W. E. Grace Manufacturing Company for $1,798.42, and that Council approval be given for the preparation of plans and specifications for the purchase of a rubber tired tractor at an approximate cost of $4,000.

Trade-in value of pull-type rollers was discussed.

RESOLUTION NO. 62-120

A RESOLUTION ACCEPTING THE BID OF W. E. GRACE MANUFACTURING COMPANY IN THE NET SUM OF $1,798.42, INCLUDING TAX, FOR AN 11-WHEEL PULL-TYPE ROLLER WITH ELECTRIC BRAKES

Introduced by Tabbert Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall Mayor Hammond

Noes: None Absent: None

MOTION

That the staff be authorized to prepare plans and specifications for the purchase of a rubber tired tractor

Moved by Shastid Seconded by Tabbert Unanimously carried

CONSIDER NAME FOR NEW BRANCH LIBRARY

Carl Hamilton, Librarian, stated that the Board of Trustees of McHenry Library has suggested that the names of C. C. Wright and Sol Elias be considered by the Council in naming the new branch library recently opened in Ulrich Shopping Center.

Mayor Hammond suggested that since the library is a joint venture with the County, the library would perhaps be more appropriately named after C. C. Wright, who was one of the foremost agents in Stanislaus County development.

MOTION

That the Council indicates its preference that the new branch library at Ulrich Shopping Center be named after C. C. Wright, and that the City's name preference be submitted to the County Board of Supervisors for its approval or comment

Moved by Mitchell Seconded by Shastid Unanimously carried

The City Manager suggested that a 'reservoir' of names be established for consideration when the need arises, such as naming of parks, etc.

REPORTS FROM THE PLANNING COMMISSION

Report on Status of Capital Improvement Program

The City Manager reported that the Capital Improvement Program is progressing satisfactorily.

APPROPRIATION TRANSFERS - None

LEGISLATIVE MATTERS

Commercialized Draw Poker

The City Manager stated that there was nothing definite to report on this matter at this time.

Counties' threat to grab city liquor license revenue

The City Manager reported that this matter was not included in the Governor's call for special session.

MATTERS FOR THE GOOD OF THE COMMUNITY

Letter from Frank Andrews presented to Council

Frank Andrews presented copies of a letter to the Council dated March 19, 1962, subject, "The Urgent and Vital Need to Protect the City's over 33% rights in our Irrigation and Electric Power Systems."

Mr. Andrews pointed out that the hearing of the M.I.D. vs. the California Fish and Game Department was set for hearing with the Federal Power Commission in San Francisco on May 21, 1962, and stated that steps should be taken at once if the City wishes to present its case at the hearing.

Mr. Andrews spoke briefly against the construction of the new Don Pedro Dam.

Request by Mrs. Damrell for use of City Hall Court for Art Exhibit

Mrs. Frank Damrell presented copies of a letter dated March 19, 1962, requesting permission to use the City Hall Court for an art exhibit for high school students on April 12, 13 and 14, or April 10, 11 and 12, a copy of which is on file with the record of the minutes.

Mrs. Damrell stated that these were award-winning entries in a national competition, and their display in the Court would also give people an opportunity to see the beautiful City Hall.

The City Manager recommended the use of the Court for the art exhibit on the basis that the City assume no responsibility for any phase of the exhibit.

MOTION

That the use of the City Hall Court for exhibition of award winning art work from three high schools on April 10, 11 and 12, or 12, 13 and 14 be approved, on the basis that the City will assume no responsibility for any phase of the exhibit

Moved by Johansen Seconded by Mitchell Unanimously carried

Consider informal bids for gasoline and diesel fuel

The City Manager suggested that the staff be permitted to secure bids for a year's need on an informal basis, as has been done in the past.

There were no objections by the Council.

PROGRESS REPORT ON STATE HOUSING LEGISLATION

Deputy Manager Keefe reported that the State Department of Industrial Relations, Division of Housing, has asked building officials throughout the State to submit recommendations on the development of statewide building performance standards required under the new housing law. 1961 legislation directs the Division of Housing to develop a state building performance code, using existing nationally recognized codes as a guide. Under the new State Housing Law, the state code must be equal to, or more restrictive than, the standards of the Uniform Housing Code, Uniform Building Code, Uniform Plumbing Code, and National Electrical Code. In turn, cities and counties are required to adopt and enforce standards at least equal to the state code. If they do not, the state code will be enforced by the Division of Housing.

Mr. Keefe said that this matter was discussed by the Board of Supervisors last Friday. The County has a problem because at the present time construction on land three acres or more in area can be accomplished without a building permit.

The City and County electrical codes were discussed by Assistant Director of Public Works Campbell. He said that a committee was being formed, consisting of representatives from various industries, to review city and county standards, and that this matter would be discussed with builders at a forthcoming meeting.

REPORT ON SPECIAL SERVICES WHICH CITY DEPARTMENTS PERFORM FOR THE PUBLIC

A report on special services performed by City Departments for the public, prepared by the Deputy City Manager, dated March 6, 1962, was furnished the Council prior to the meeting. A copy of the report is on file with the record of the minutes.

MISCELLANEOUS

The City Manager reminded the Council of the luncheon meeting at noon, March 20, at the Hotel Covell, with representatives of the F.H.A., for discussion of sewers in the north Modesto area.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Tabbert Seconded by VanderWall Unanimously carried

The meeting adjourned at 5:29 P.M.

ATTEST: Pauline P. Stanley
Acting City Clerk

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

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Absent: Councilmen: None

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

Reverend Howard Clarke gave the invocation.

INTRODUCTION OF JUNIOR COLLEGE STUDENTS

Cathy Cazazza and Marian Cox, Junior College students, who are preparing a report on Council activities in connection with their school work, were welcomed to the Council meeting by Mayor Hammond.

LETTER FROM WILLIS M. KLEINENBROICH, OWNER, MODESTO BUS SERVICE, RE REDUCTION OF SERVICE ON ROUTES 3 AND 4

A letter from Willis M. Kleinenbroich, owner, Modesto Motor Bus Service, and attached letter to the Public Utilitites Commission dated March 19, 1962, giving notice of intent to reduce service from 30 minute headway to one hour headway on Routes 3 and 4, effective April 2, 1962, were read by the City Clerk. Lack of sufficient passenger patronage was given as the reason for the proposed reduction in service.

The City Manager stated that in view of all the circumstances he would not recommend opposition to Mr. Kleinenbroich's intention to reduce service, and suggested that the City offer its assistance in any way possible. He outlined advantages to the City in having the bus service.

Councilman Johansen pointed out that a gradual reduction of the bus service will tend to further weaken the public transportation system; that the importance of a good transportation system will increase as the City grows and parking problems in the downtown area increase accordingly.

Director of Parking and Traffic Carmody reviewed the last financial statement submitted by Mr. Kleinenbroich. He said that the Modesto-Riverbank-Oakdale run made money, but the local bus service was merely a marginal tie-in operation which was operating at a deficit. He said that from a parking standpoint, bus service is an economic boon to the downtown Modesto area to whatever degree it can be retained. Mass transportation problems of other cities were discussed.

Upon questioning, Mr. Carmody stated that to his knowledge the last participation of the downtown merchants with the bus service was in 1956. Prior to this time merchants provided free bus rides between 9:00 A. M. and 4:00 P. M. in connection with White Elephant sales. He said that he could think of no city in California where there was bus service - merchant cooperation; that he did not believe the downtown merchants would be interested in a straight subsidy as their budget is limited, the larger part of which is used for advertising the six or seven sales promotions during the year.

MOTION

That the Director of Parking and Traffic notify the Downtown Merchants Association of Mr. Kleinenbroich's notice of intent to reduce the bus service and inform the Association of the Council's thinking that public transportation should be maintained.

Moved by Johansen Seconded by Shastid Unanimously carried

The City Clerk was directed to notify Mr. Kleinenbroich of the Council's action.

LETTER FROM CHAIRMAN, COUNTY BOARD OF SUPERVISORS, RE FALLOUT SHELTER BUILDINGS IN COUNTY 2-59

A letter from Robert W. Fahey, Chairman, Stanislaus County Board of Supervisors, dated March 20, 1962, relative to buildings in the county suitable for use as fallout shelters, was read by the City Clerk. A list of the buildings was attached to the letter.

MOTION

That the City Clerk be directed to notify Mr. Fahey and William S. Horton, Shelter Representative for Stanislaus County, that it is the Council's desire that the Stanislaus County Shelter Representative make all necessary contacts with the owners listed.

Moved by Johansen Seconded by Mitchell Unanimously carried

LETTER FROM JACK HAUGEN, MANAGER, CALIFORNIA FRYER FESTIVAL, REQUESTING USE OF LEGION PARK ON JUNE 2, 1962

A letter from Jack Haugen, Manager, California Fryer Festival, requesting use of Legion Park on June 2, 1962, for its annual barbecue was read by the City Clerk.

RESOLUTION NO. 62-121

A RESOLUTION GRANTING A PERMIT TO THE CALIFORNIA FRYER FESTIVAL COMMITTEE, INC. FOR THE USE OF LEGION PARK ON JUNE 2, 1962 FOR ITS ANNUAL FESTIVAL

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Patton, Mitchell, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

CONSIDER AWARD OF BIDS FOR AUTOMOTIVE EQUIPMENT 2-88

Director of Public Works Ray reported that three qualified bids were received for the automotive equipment; two unsigned, and therefore unqualified bids were received; a bid on trade-in equipment was received from Charles Spencer, who inadvertently bid on the trade-in of Item 19 instead of Item 18. Mr. Ray recommended that Mr. Spencer be given an opportunity to withdraw his bid.

The following awards were made:

To Dean Jones: Items 1 to 7, inclusive, with laminated glass; items 8, 10, 11, 12, 13 and 16, without laminated glass.

To Griswold and Wight: Items 9, 14, 15, 17, 18a (Falcon bus), 19a and 20a.

Identical bids were received from Dean Jones and Griswold & Wight on Items 19a and 20a, two-door sedans, and determination made by the Council that it was to the best interest of the City, from the standpoint of repairs and interchange of drivers, to have two cars of the same make and model, and bids for both items were awarded to Griswold and Wight for two Falcon cars.

RESOLUTION NO. 62-122

A RESOLUTION ACCEPTING BIDS FOR AUTOMOTIVE EQUIPMENT FROM DEAN JONES, INC. (Items 1 to 7, inclusive, with laminated glass)

Introduced by Mayor Hammond Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION NO. 62-123

A RESOLUTION ACCEPTING BIDS FOR AUTOMOTIVE EQUIPMENT FROM DEAN JONES, INC. (Items 8, 10, 11, 12, 13, 16)

Introduced by Mayor Hammond Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION NO. 62-124

A RESOLUTION ACCEPTING BIDS FOR AUTOMOTIVE EQUIPMENT FROM GRISWOLD AND WIGHT (Items 9, 14, 15, 17)

Introduced by Mayor Hammond Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION NO. 62-125

A RESOLUTION ACCEPTING BID FOR AUTOMOTIVE EQUIPMENT FROM GRISWOLD AND WIGHT (Item 18A-Falcon Bus)

Introduced by Shastid Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION NO. 62-126

A RESOLUTION ACCEPTING BIDS FOR AUTOMOTIVE EQUIPMENT FROM GRISWOLD AND WIGHT (Items 19A and 20A)

Introduced by VanderWall Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION NO. 62-145

A RESOLUTION ALLOWING WITHDRAWAL OF ERRONEOUS BID (Charles Spencer)

Introduced by Shastid Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

CONSIDER APPLICATION OF COMMUNITY AMBULANCE SERVICE FOR LICENSE TO OPERATE TWO ADDITIONAL AMBULANCES 4-18

Because of a conflict of interest, Councilman Mitchell was excused from consideration of this matter.

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the time set for considering the application of Community Ambulance Service for license to operate two additional ambulances within the City, and opened the hearing.

The City Clerk announced that notice of the hearing was published on March 15, 1962, and mailed to interested parties on March 13, 1962.

Copies of a memorandum from the Chief of Police, dated March 21, 1962, subject, "Ambulance Service- (Request by Community Ambulance Service to Operate One Additional Ambulance)" was distributed to the Council prior to the meeting, a copy of which is on file with the record of the minutes.

Chief Bowers discussed the memorandum, explaining to the Council the Police Department's rotation method of dispatching ambulance calls to the three operating companies. He pointed out that it was not the intention of Community Ambulance Service to bring in two additional ambulances for added service, but merely to license two additional ambulances in order to have either one available for use in the City when the regularly licensed ambulance is under repair or on an out-of-town call.

The City Manager recommended that certificates of convenience and necessity be given the applicant on the basis that the report of the Chief of Police indicated that on at least four occasions in the past, no ambulances were available for emergency calls.

Leroy Solomon, representing Doctors Ambulance and Modesto Ambulance Co., spoke briefly in opposition to the licensing of additional ambulances for Community Ambulance Service. He said that the ambulance service in the Modesto area could be handled efficiently and adequately by the two companies he represented.

Chief Bowers stated that the ambulance business was highly competitive, the police department having contact with them only through emergency accident cases; that there is a large amount of ambulance service in connection with transporting patients to and from hospitals. Upon questioning, Chief Bowers said that in his opinion an additional ambulance would be in the public convenience and necessity and would promote the convenience, safety and welfare of the general public.

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

RESOLUTION NO. 62-127

A RESOLUTION GRANTING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO THE COMMUNITY AMBULANCE SERVICE FOR THE OPERATION OF TWO ADDITIONAL AMBULANCES IN THE CITY OF MODESTO (subject to the condition that they be used only as standby equipment)

Introduced by Johansen Seconded by VanderWall

Ayes: Johansen, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell

HEARING ON CURB AND GUTTER CONSTRUCTION, BLOCK 6003, LOT 30 AND PORTION OF LOT 31 (HILTON STREET)

Mayor Hammond announced that the hour of 8:05 P.M. had arrived, the time set for consideration of the curb and gutter construction in Block 6003, Lot 30 and portion of Lot 31, Hilton Street, and opened the hearing.

Director of Public Works Ray reported that the property was posted on March 26, 1962, in accordance with Council Resolution 62-109, and the owner directed to construct curbs and gutters within sixty days after posting of the property. The work has not been done.

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

RESOLUTION NO. 62-128

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF CURBS AND GUTTERS ALONG CERTAIN STREETS IN THE CITY OF MODESTO (BLOCK 6003, HILTON STREET)

Introduced by VanderWall Seconded by Johansen

Ayes: Johansen, Patton, Mitchell, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

CONSIDER AWARD OF BID FOR TWO SAND TRAPS 5-100

Director of Public Works Ray stated that the low bid on Unit No. 1 (Davis High School) was submitted by Cole Engineering, Inc., in the amount of $2,787, and the low bid on Unit No. 2 (5th Street and Sierra Drive) was submitted by Consolidated Western Steel Division, in the amount of $1,591. He recommended that awards be made to these two companies.

RESOLUTION NO. 62-129

A RESOLUTION ACCEPTING THE BID OF COLE ENGINEERING, INC. IN THE SUM OF $2,787 FOR THE FURNISHING OF A SAND TRAP TO BE INSTALLED AT WELL NO. 24 (DAVIS HIGH SCHOOL)

Introduced by Shastid Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION NO. 62-130

A RESOLUTION ACCEPTING THE BID OF CONSOLIDATED WESTERN STEEL DIVISION FOR THE FURNISHING OF A SAND TRAP TO BE INSTALLED AT WELL NO. 10 (FIFTH AND SIERRA) FOR A SUM OF $1,591

Introduced by Shastid Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION NO. 62-131

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF WATER LINES TO SERVE MAY FAIR ESTATES UNIT NO. 2 SUBDIVISION

Introduced by Mitchell Seconded by Johansen

Ayes: Johansen, Patton, Mitchell, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

April 10, 1962 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 FOR THE CONSTRUCTION OF WATER LINES TO SERVE TRACY HEIGHTS SUBDIVISION, PARK MANOR NO. 4, UNIT 2 SUBDIVISION, AND LEONARD AVENUE BETWEEN KEARNEY AND HANEY AVENUES

The City Manager stated that this work is required to meet the City's commitment to these subdivisions and to provide water and fire protection to properties fronting on Leonard Avenue.

RESOLUTION NO. 62-132

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF WATER LINES TO SERVE TRACY HEIGHTS SUBDIVISION, PARK MANOR NO. 4, UNIT 2 SUBDIVISION, AND LEONARD AVENUE BETWEEN KEARNEY AND HANEY AVENUES

Introduced by VanderWall Seconded by Shastid

Ayes: Johansen, Patton, Mitchell, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

April 10, 1962 at 2:15 P.M. in the City Clerk's office was set as the time and place for opening of bids.

Mayor Hammond directed that discussion of the report "Public Services which City Departments Perform for the Public" be held in conjunction with the budget hearings.

CONSIDER REQUEST OF STANISLAUS COUNTY TO USE A PORTION OF THE CITY'S GARBAGE DISPOSAL SITE AT CARPENTER ROAD AND ROBERTSON ROAD FOR TEMPORARY STORAGE OF EXCESS MATERIAL EXCAVATED FROM THE CARPENTER ROAD PROJECT 6-1

The City Manager reported that the County has requested permission to use a portion of the City's garbage disposal site for temporary storage of excavation material from the Carpenter Road project.

Director of Public Works Ray said that there would be approximately 2,500 cubic yards of material. He recommended that as a condition for permitting the County to store the material, the City obtain ten per cent of the excavation material stored; that the permit be for a five-year period, after that time any remaining materials to become the property of the City; that dust conditions on the site be controlled during the periods when the material is either hauled in or removed; that the materials be stored in such a manner as not to interfere with weed control.

RESOLUTION NO. 62-146

A RESOLUTION GRANTING PERMISSION TO THE COUNTY OF STANISLAUS TO USE A PORTION OF THE CITY'S GARBAGE DISPOSAL SITE AT CARPENTER ROAD AND ROBERTSON ROAD FOR TEMPORARY STORAGE OF EXCESS MATERIAL

Introduced by Tabbert Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

CONSIDER ALLOWING TWO-WAY TRAFFIC ON BURNEY STREET (LaLoma TO H Street)

The City Manager stated that making Burney Street two-way from LaLoma to H Street will enable northbound Burney Street traffic to go directly to Scenic Drive without weaving through LaLoma traffic and turning right on H Street at 19th. He recommended that two-way traffic be permitted on this section of Burney Street.

RESOLUTION NO. 62-147

A RESOLUTION ESTABLISHING ONE-WAY STREETS IN THE CITY OF MODESTO AND RESCINDING 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"

Introduced by Mitchell Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

CONSIDER CHANGE OF TRUCK ROUTE RESOLUTION

The City Attorney stated that in view of Council action in making Burney Street two-way, it was now necessary to amend the resolution establishing truck routes to provide that Burney from LaLoma to H Street be a two-way truck traffic route.

RESOLUTION NO. 62-133

A RESOLUTION DESIGNATING TRUCK ROUTES IN THE CITY OF MODESTO

Introduced by Mitchell Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

CONSIDER REQUEST BY OWNERS OF PHYL-NOR MOTEL FOR PERMISSION TO CONSTRUCT A SIGN ON A PORTION OF THE 15-FOOT UTILITY EASEMENT ADJACENT TO THEIR HIGHWAY PROPERTY LINE 6-35

Assistant Director of Public Works Campbell stated that owners of the Phyl-Nor Motel on Highway 99 have filed a request for an encroachment permit to construct a thirty-five foot pole sign which will encroach five feet on a fifteen-foot utility easement parallel to its highway frontage located on the east side of Highway 99 between Coldwell and Haney Avenues. The City presently has an 18" trunk sewer in the utility easement, but has no plans at this date for further installation of utilitites in this easement area.

Mr. Campbell recommended that the request be granted, subject to the following conditions: That permission to encroach on the utility easement be revocable upon 30-days written notice by the City; that the City not be liable for any damages to the sign incurred while the City or its agents are conducting any work within the easement area.

The City Attorney recommended that if the permit is revoked by the City, the permittee be required to remove the structure and return the right of way to its original condition.

Mr. Campbell outlined the differences between a ground and pole sign.

The matter was discussed by the Council.

RESOLUTION NO. 62-134

A RESOLUTION GRANTING ENCROACHMENT PERMIT TO PHYL-NOR MOTEL

Introduced by VanderWall Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP FOR TRACY HEIGHTS SUBDIVISION 7-25

The City Manager reported that the subdivision agreement has been signed and all fees paid. He recommended that the final map of Tracy Heights Subdivision be approved.

RESOLUTION NO. 62-135

A RESOLUTION APPROVING THE FINAL MAP OF THE TRACY HEIGHTS SUBDIVISION OF THE CITY OF MODESTO

Introduced by Mitchell Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP FOR MAY FAIR ESTATES UNIT NO. 2

The City Manager reported that the subdivision agreement has been signed, and all fees paid. He recommended that the final map of May Fair Estates Unit No. 2 Subdivision be approved.

The City Attorney stated that the subdivision agreement requires a $75,600 bond, whereas the bond furnished by the subdivider is only $75,000. Assistant Director of Public Works Campbell stated that sewer work in the amount of $6,000 has been completed within the subdivision, and that the $75,000 bond is ample to guarantee the remaining work to be done.

RESOLUTION NO. 62-136

A RESOLUTION APPROVING THE FINAL MAP OF THE MAY FAIR ESTATES UNIT NO. 2 SUBDIVISION OF THE CITY OF MODESTO

Introduced by Shastid Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP FOR PARK MANOR NO. 4, UNIT NO. 2 SUBDIVISION

The City Manager reported that the subdivision agreement has been signed and all fees paid. He recommended that the final map of Park Manor No. 4, Unit 2 Subdivision be approved.

RESOLUTION NO. 62-137

A RESOLUTION APPROVING THE FINAL MAP OF THE PARK MANOR NO. 4, UNIT NO. 2 SUBDIVISION OF THE CITY OF MODESTO

Introduced by VanderWall Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION REFERRING PETITION OF ANNEXATION OF THE "SCOTT MANOR ADDITION" TO THE PLANNING COMMISSION FOR STUDY AND RECOMMENDATION

Assistant Director of Public Works Campbell stated that the Scott Manor Addition is located immediately to the south of Tracy Heights Subdivision and is in an area where no sewer service is available and will be developed on septic tanks. City water is available.

RESOLUTION NO. 62-138

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

Introduced by Johansen Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

CONSIDER RIGHT OF WAY CONTRACT FOR ACQUISITION OF RIGHT OF WAY FROM GLADYS GAGOS CRANE FOR WIDENING OF TULLY ROAD (PROJECT 58-2)

The City Manager stated that acquisition of this right of way from Gladys G. Crane clears the last parcel needed on Tully Road between Coldwell and Leonard Avenues. There is no cost for the land, but the City will pay for closing costs and will construct curbs and gutters as the street is improved.

RESOLUTION NO. 62-139

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND GLADYS GAGOS CRANE FOR A 25-FOOT STRIP OF PROPERTY ON TULLY ROAD (PROJECT 58-2)

Introduced by Tabbert Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

LETTER FROM DIVISION OF HIGHWAYS TO CITY OF MODESTO RE X-STA-4-MOD, PARCELS 3408, 4280, 4281, 3726 AND 5512 RELATING TO PURCHASE OF PROPERTY BY CITY FROM STATE DIVISION OF HIGHWAYS FOR CORPORATION YARD PURPOSES

The City Manager stated that the State has offered to sell several parcels of land to the City at a price of $1,800 for one large triangular shaped parcel, and $25 each for two smaller parcels, for a total price of $1,850. These parcels will become a part of the corporation yard site. He recommended that the purchase be approved.

RESOLUTION NO. 62-140

A RESOLUTION AUTHORIZING THE PURCHASE OF VARIOUS PARCELS OF LAND FROM THE STATE OF CALIFORNIA

Introduced by Shastid Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

SALE OF THREE CITY-OWNED PIN OAK TREES FOR PLANTING AT DAVIS CAMPUS 6-74

The City Manager stated that Dr. Richard Harris, Chairman of the Landscape Hoticultural Department of the University of California at Davis has asked for three Pin Oak trees, developed by the City of Modesto, to plant in a grove to be dedicated to Judge Peter J. Schiles, who wrote the original legislation creating the Davis Campus in 1905. Since the City is not permitted to give away publicly owned property, the Home and Garden Club and Garden Club of Modesto have agreed to purchase the trees and donate them to the University of California at Davis in behalf of the City.

RESOLUTION NO. 62-141

A RESOLUTION AUTHORIZING THE SALE OF THREE CITY-OWNED PIN OAK TREES TO LOCAL GARDEN CLUBS FOR DONATION TO THE LANDSCAPE HORTICULTURAL DEPARTMENT, UNIVERSITY OF CALIFORNIA AT DAVIS

Introduced by VanderWall Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

CONSIDER GRANTING OF UNCLASSIFIED USE PERMIT TO MARY BRAME FOR EQUIPMENT RENTAL BUSINESS ON SOUTHWEST CORNER OF YOSEMITE BOULEVARD AND KERR AVENUE

The City Manager stated that Planning Commission Resolution No. 778 recommends the granting of an unclassified use permit to Mary Brame for the operation of an equipment rental business -- house trailers, garden and farm implements, tractors, etc., at the southwest corner of Yosemite Boulevard and Kerr Avenue.

RESOLUTION NO. 62-142

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON AN UNCLASSIFIED USE PERMIT (Mary Brame)

Introduced by Johansen Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

April 16, 1962 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place for hearing.

CONSIDER AMENDMENTS TO SUBDIVISION REGULATIONS 6-95

The City Attorney stated that Planning Commission Resolution No. 777 recommends the amendment of certain subdivision regulations and that a resolution setting the date of hearing was necessary.

RESOLUTION NO. 62-143

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON PROPOSED AMENDMENTS TO THE SUPDIVISION REGULATIONS OF THE CITY OF MODESTO

Introduced by Shastid Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

REPORT ON LOSS EXPERIENCE FOR COMPREHENSIVE LIABILITY POLICY, GENERAL - AUTOMOBILE

Copies of a report dated March 15, 1962, prepared by Modesto Insurance Agents Association, subject, "Loss Experience - Automobiles, City of Modesto" was presented to the Council prior to the meeting, a copy of which is on file with the record of the minutes. The report listed the loss experience on City automobiles from October 13, 1958 to October 13, 1961.

The report was reviewed by Director of Finance Bird.

The report was ordered filed.

ANNUAL REPORT FROM THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS

The report was presented by the City Manager and ordered filed.

REPORT ON STATUS OF PURCHASE OF COLLEGE GARDENS WATER COMPANY 8-1

The City Attorney reviewed the proposed agreement covering the sale of the College Gardens Water Company to the City of Modesto. The purchase price is $40,800, with the City entitled to possession on April 1, 1962.

Mr. Grimes recommended that the agreement be approved, subject to the condition that the Manager be authorized to sign the agreement after the City has been advised of approval of transfer by the Public Utilities Commission.

Upon questioning, Director of Public Works Ray said that 187 individual services were included in the sale.

RESOLUTION NO. 62-144

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND NEIL M. CECIL FOR THE PURCHASE OF THE COLLEGE GARDENS WATER COMPANY BY THE CITY OF MODESTO FOR THE SUM OF $40,800.

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall Mayor Hammond

Noes: None Absent: None

REPORT ENTITLED "WATER SERVICE FOR MEAT PACKING AREA TO PROVIDE FIRE PROTECTION"

The City Manager stated that this report was prepared by the Public Works Department at the request of the Council. Copies were furnished the Council prior to the meeting, also to interested parties, including the Pacific Fire Rating Bureau. He said that a meeting of all interested persons will be called, the results of which will be submitted to the Council.

The City Attorney was directed to submit a report to the Council as to the feasibility of the four industries involved providing the funds for this project, whether it be through an improvement district or by some other means, and have the obligation amortized over a period of years by a credit against the water service charges.

The City Manager recommended that the staff be directed to proceed as outlined on page 10 of the above mentioned report; namely, that the report be distributed to all interested parties, a meeting called of all interested persons to discuss the report, and further report made to the Council of questions and comments coming out of the meeting.

MOTION

That the staff be authorized to proceed as outlined on page 10 of the report entitled, "Water Service for Meat Packing Area to Provide Fire Protection," and that the City Attorney submit a report as to the feasibility of the four industries financing the project through an improvement district or otherwise

Moved by Shastid Seconded by VanderWall Unanimously carried

REPORT BY CITY MANAGER ON MUNICIPAL FIRE DEFENSE INSTITUTE

The City Manager briefly reviewed a report received from the American Municipal Association, subject, "Report on 26 Changes Recommended in the National Board of Fire Underwriters' Grading Schedule, 1956 Edition."

FURTHER REPORT ON SEWERS IN NORTH MODESTO AREA 8-100

The City Manager stated that a decision from the Council is needed in answer to the Plainning Commission's question, "Will the Council commit itself to provide sewer facilities in the described area to the north of the City and assure that such a system will be provided and so declare to the Commission?"

Mr. Miller said that this matter has been discussed at various meetings with the County, subdividers, land owners, the Home Builders Association, and various representatives of the F.H.A. He pointed out the importance of an early decision by the Council because of pending subdivision matters.

Mr. Miller outlined the matters cleared with F.H.A. representatives at a March 20, 1962 meeting.

Mayor Hammond stated that the Council could take no action on the matter until more information is furnished the Council and interest expressed by the people concerned.

Councilman Shastid requested that the matter not be brought back to the Council until such time as either the City Manager or the Public Projects Committee can bring back a positive recommendation.

Councilman VanderWall, Chairman of the Public Projects Committee, said that the committee is not ready to make a recommendation at this time. He asked the status of a proposed joint meeting of the City and County Planning Commission and representatives of the County Board of Supervisors and the Council.

The City Manager stated that the staff would work with the Public Projects Committee on the matter.

REPORT ON DISCUSSION WITH REPRESENTATIVES OF DEPARTMENT OF COMMERCE RE MEASURES TO REDUCE UNEMPLOYMENT THROUGH INDUSTRIAL DEVELOPMENT

The City Manager reported on a meeting held recently with representatives of the U. S. Department of Commerce, where potentials of the Area Redevelopment Administration Act were discussed with a view to furthering the economic development of this area. Mr. Miller reviewed Modesto-Turlock Labor Market Bulletin for the month of March, 1962, stating that a copy would be furnished each Councilman.

REPORT ON STATUS OF STREET PROJECTS 9-90

Director of Public Works Ray reported on the status of the following street projects:

Bowen Avenue from alley east of Aloha Way to McHenry Avenue

$13,500 has been budgeted for this short section. Mr. Ray said it was doubtful that one right of way on the south side would be cleared. He recommended that the work be done this summer on the existing rights of way.

A gas tax project of $32,500 has been set up for the improvement of Bowen Avenue from the Tidewater tracks to McHenry Avenue, which partially overlaps the above mentioned Bowen Avenue project. Mr. Ray recommended that this money be transferred for use elsewhere, including Tully Avenue.

Tully Avenue - Stoddard to Coldwell

Mr. Ray said that gas tax funds in the amount of $35,835 are budgeted for the improvement of Tully Avenue from Stoddard to Coldwell. It is proposed that this be constructed to full four lanes and two parking lanes width, since this is along the Junior College. Four rights of way remain to be dedicated.

Rights of way are now cleared from Coldwell to Leonard Avenues. Mr. Ray recommended that if improvement of the portion south of Coldwell is approved, that the improvement from Coldwell to Leonard be included with this and accomplished as one project. If approved by the Council, approximately $13,500 could be transferred from the Bowen Avenue gas tax fund to this project. Since this improvement must be done while the Junior College is not in session, rights of way must be obtained, plans cleared with the Division of Highways, and contract awarded by the middle of June.

Roseburg Avenue

Mr. Ray stated that approximately $36,411 of gas tax funds are budgeted for the improvement of Roseburg Avenue. Plans for the improvement from Virginia to Alma Avenue have been completed and sent to the State for approval. In order to improve this section, it will be necessary to acquire two additional rights of way. He said this is an important project and should be advertised as soon as possible.

Granger Avenue - Florida to McHenry

Mr. Ray stated that this is a gas tax project; $4,599 is left in the original project set up for the improvement of Granger Avenue. Plans for completion of the project have been sent to the State for approval. The cost estimate for the project, not including completing acquisition of rights of way, is approximagely $8,500. Additional funds will be needed and could be transferred from the Bowen Avenue project if the work is to be completed this summer. From a standpoint of economy, Mr. Ray suggested that this project be tied in with the improvement of Roseburg Avenue as a single contract. It is proposed to use Capital Improvement Project funds for payments for damages or improvments in connection with right of way acquisitions.

Coffee Road

Mr. Ray said that this is a cooperative project with the County. $20,500 of gas tax funds have been budgeted for the City's portion of the project. The County is now acquiring rights of way on its portion. This project will be carried over to 1962-63.

Hatch Road

Mr. Ray stated that this is another cooperative project with the County. Capital improvement project funds in the amount of $4,500 have been budgeted to acquire rights of way within the city limits. Since the County is not in a position to proceed on the project this fiscal year, the $4,500 has been transferred to another street improvement fund by Council action. It will need to be rebudgeted for 1962-63.

Briggsmore-Northern-Prescott Connection

Mr. Ray stated that $40,000 of Capital Improvement Project funds have been budgeted for this project. An agreement with the County provides for acquisition of rights of way within the city limits by October 1, 1962, with construction of Briggsmore Avenue and Prescott Road sections of the project completed by September 30, 1963; and construction of the Northern Boulevard section of the project completed within five years. Rough estimates of the cost are: rights of way, $13,000; construction, $112,000; $54,000 of these costs being the County's share.

Carpenter Road

Mr. Ray stated that $37,000 of Capital Improvement Project funds are budgeted for the improvement of Carpenter Road. This is a cooperative project with the County. The City has completed acquisition of the rights of way within the city limits at a cost to date of $7,580, a few incidental costs remaining to be paid. The City's share of construction costs has been estimated at $18,000 and this amount has been deposited with the County. Plans have been submitted to the State for approval.

7th, B and Tuolumne Streets intersection

The City Manager stated that several years ago a project was proposed for the improvement of 7th, B, and Tuolumne Streets intersection, but was dropped after considerable study. It should now be reconsidered in view of Tuolumne Boulevard being one of the off-ramps in connection with the new freeway.

Several drawings of alternate proposals for the improvement of the intersection were shown the Council and discussed by Mr. Miller.

The tie-in of the freeway with Tuolumne Boulevard was discussed. The City Manager requested authorization from the Council to commence negotiations with the people involved, and then submit a definite proposal to the Council for acquisition of the land. No funds are budgeted for this purpose.

MOTION

That the staff be authorized to negotiate with property owners in the area of the 7th, B, and Tuolumne Streets intersection for right of way acquisitions in connection with the improvement of this intersection.

Moved by Johansen Seconded by Mitchell Unanimously carried

REPORTS FROM THE PLANNING COMMISSION - None

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

Date Change, City-County Committee

The City Manager announced that the City-County Committee will meet on April 3, 1962 instead of March 27, 1962.

MISCELLANEOUS

Consider appointment to Personnel Commission for balance of term of Ralph E. Watson, deceased.

The City Manager was directed to furnish the Council a list of names for consideration in filling this appointment.

This matter was held over for one week.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Shastid Unanimously carried

The meeting adjourned at 10:03 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., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Absent: Councilmen: None

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

Reverend J. Schaal, Salvation Army, gave the invocation.

APPROVAL OF MINUTES

Council members having received a copy of the minutes of the Council meeting of March 12, 1962 and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM MRS. KENNETH GIBSON, VOTERS SERVICE CHAIRMAN, RE REGISTRATION OF VOTERS FOR JUNE PRIMARY ELECTION

A letter from Mrs. Kenneth Gibson, Voter's Service Chairman, League of Women Voters of Modesto, dated March 21, 1962, requesting permission to use City sidewalks to set up registration booths during the period beginning April 7 through April 12, 1962 at various locations, was read by the City Clerk.

MOTION

That the request of the League of Women Voters of Modesto to set up registration booths during the requested dates at the southeast corner of 10th and Jay Streets, and the Roosevelt Shopping Center be approved, subject to clearance with the Chief of Police and Director of Parking and Traffic

Moved by Shastid Seconded by Mitchell Unanimously carried

LETTER FROM MRS. CLYDE MILLER, CENTRAL CALIFORNIA ART LEAGUE, INC. RE PAINTING EXHIBIT AT McHENRY LIBRARY

A letter from Mrs. Clyde Miller, Exhibition Chairman, Central California Art League, Inc., dated April 3, 1962, requesting permission to exhibit paintings at McHenry Public Library on Saturday, April 7, 1962, was read by the City Clerk. The letter requested permission to set the paintings on easels on the Library lawn between the sidewalk and the Library building, with the understanding that if the weather is unsuitable the display may be moved to the Library basement.

RESOLUTION NO. 62-148

A RESOLUTION GRANTING THE REQUEST OF THE CENTRAL CALIFORNIA ART LEAGUE, INC. TO HOLD AN OUTDOOR ART EXHIBIT ON THE LAWN OF THE MC HENRY PUBLIC LIBRARY ON SATURDAY, APRIL 7, 1962

Introduced by Johansen Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

LETTER FROM FAY L. QUISENBERRY, M.J.C. SCHOLARSHIP CHAIRMAN, RE CONTRIBUTION TO MODESTO PUBLIC SERVICE LOAN FUND

A letter from the Dean of Women, Modesto Junior College, dated March 22, 1962, thanking the Council, City employees, and the Modesto Police Association for a $50 cash contribution to the Modesto Public Service Loan Fund in memory of Mrs. George Bowers was read by the City Clerk.

The letter was ordered filed.

LETTER FROM DOWNTOWN MERCHANTS ASSOCIATION RE MODESTO MOTOR BUS SITUATION 1-45

A letter from Clark Smith, President, Downtown Merchants Association, dated March 29, 1962, relative to the notice of intent of the Modesto Bus Service to reduce bus transportation service within the City, was read by the City Clerk. The letter stated that a committee has been appointed to meet with Mr. Kleinenbroich and Director of Parking and Traffic Carmody to discuss this matter, with a view to improving this situation.

Deputy Manager Keefe stated that a meeting was held on March 31, the Downtown Merchants Association working on a program to attract more customers to the downtown area and thus indirectly benefit the bus service.

The letter was ordered filed.

CONSIDER AWARD OF BID RECEIVED FOR CHLORINE CONTROL STRUCTURES AND PRIMARY CLARIFIER RELIEF LINE AT SEWAGE TREATMENT PLANT

Director of Public Works Ray stated that one bid was received from North Bay Construction Company in the amount of $24,600, 54% over the engineer's estimate of $16,000. He recommended that the bid be rejected.

Mr. Ray said it was urgent that the primary clarifier relief line be completed prior to June 1, 1962, and because of the urgency, recommended that the staff be authorized to secure informal bids for construction on a cost-plus basis. Since there is no urgency in the construction of the chlorine control structures, Mr. Ray recommended that the specifications and plans be revised to cover these units only, thus enabling smaller local builders to submit bids.

Answering a question as to whether bids could be solicited on a cost-plus basis, with a guaranteed maximum, Mr. Ray said an attempt could be made to solicit bids on this basis, although it might result in a higher figure.

Problems in connection with the installation of the primary clarifier relief line were discussed.

RESOLUTION NO. 62-149

A RESOLUTION REJECTING ALL BIDS FOR CONSTRUCTION OF CHLORINE CONTROL STRUCTURES AND PRIMARY CLARIFIER RELIEF LINE AT SEWAGE TREATMENT PLANT

Introduced by Tabbert Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall Mayor Hammond

Noes: None Absent: None

MOTION

That the staff be authorized to resubmit plans and specifications and secure formal bids on Items 2 and 3, chlorine control structures; and that the staff be authorized to secure informal bids on Item 1, primary clarifier relief line and gate, to be submitted to the Council at the next meeting

Moved by Shastid Seconded by Patton Unanimously carried

RESOLUTION AUTHORIZING THE CALL FOR BIDS FOR THE PURCHASE OF A MOBILE AERIAL TOWER

The City Manager stated that funds for the purchase of this item are budgeted.

RESOLUTION NO. 62-150

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE PURCHASE OF A MOBILE AERIAL TOWER

Introduced by VanderWall Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

April 17, 1962 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE CONSTRUCTION OF WATER LINES IN SARATOGA MANOR NO. 4 SUBDIVISION

The City Manager reported that this work is required to meet the City's commitment to this subdivision. Funds are budgeted.

RESOLUTION NO. 62-151

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE CONSTRUCTION OF WATER LINES IN SARATOGA MANOR NO. 4 SUBDIVISION

Introduced by Johansen Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

April 17, 1962 at 2:20 P.M. in the City Clerk's office was set as the time and place for opening of bids.

RESOLUTION ACCEPTING AS COMPLETE BALEME CONSTRUCTION COMPANY'S CONTRACT FOR RELOCATION OF WATER MAINS ALONG THE MODESTO FREEWAY

The City Manager reported that a certification from the City Engineer indicates that the contract with Baleme Construction Company for relocation of water mains along the freeway has been completed to the satisfaction of the City Engineer. Mr. Miller recommended that the work be accepted, the City Clerk authorized to file a notice of completion, and payment made in accordance with the contract. The contract price is $9859.31; the total cost including one change order, $10,362.11.

RESOLUTION NO. 62-152

A RESOLUTION ACCEPTING THE CONSTRUCTION OF RELOCATION OF WATER MAINS ALONG THE MODESTO FREEWAY BY BALEME CONSTRUCTION COMPANY

Introduced by Mitchell Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

CLAIMS AGAINST THE CITY OF MODESTO

(a) Request of Gustave Preuss for City to Pay Plumbing Bill

The City Attorney stated that Gustave Preuss has filed a claim against the City in the amount of $85.09, representing the cost of work purportedly done on city sewer lines by Dick Thiel, a local plumber, in July, 1961. The matter was referred to and investigated by the City's insurance carrier, and also investigated by the Public Works Department. As a result of the investigations, Mr. Grimes said that it was the opinion of the carrier and of the City Attorney's office that it is not the liability of the City to pay for the work, and recommended that the claim be rejected. He pointed out the conflict of facts between the claimant and the city employees.

Gustave Preuss said that he authorized Mr. Thiel to clear his sewer line; that when the line was opened there were no roots in his line; that a beer can which could not possibly have come through his line contributed to the clogging; that most of the work done by

Mr. Thiel was done on the city line; that Mr. Parker, the City Street Superintendent, stated that the City would take the responsibility if the trouble was found to be in the city line.

The necessity of a purchase order from the City to authorize work or purchase of supplies for the City was outlined by the City Manager.

After considerable discussion, Councilman Mitchell suggested that the matter be held over for one week to give Mr. Parker, City Street Superintendent, an opportunity to be heard.

(b) Claim against City filed by Mrs. Edward W. Smith in amount of $18.29 for plumbing work done on City line 4-50

A claim against the City for plumbing work done on a city line, in the amount of $18.29, was filed by Mrs. Edward W. Smith, 1538 West Orangeburg Avenue, by letter dated December 19, 1961, for work purportedly performed on a city line by a local plumber.

Director of Public Works Ray stated that a report from Jack Herzer, a city employee, dated December 21, 1961, indicates that he answered a call at 1538 West Orangeburg Avenue on December 14, 1961, and found that sticks had been poked through manhole cover holes, plugging the sewer; that this blockage was removed and the sewer functioned properly at this time. The line and manhole were checked by Roy Munn on December 15, 1961, and found to be clear.

On December 26, 1961, Roy Munn answered a call to this residence. The line and manhole were checked and again appeared to be clear. To eliminate doubt, the maintenance crew rodded the line, with no evidence of plugging found in the city line. No one was home at the time this was done.

In view of the reports submitted by Mr. Munn and Mr. Herzer, Mr. Ray said he did not believe that the City should assume obligation for the bill incurred by Mrs. Edwards.

RESOLUTION NO. 62-153

A RESOLUTION REJECTING THE CLAIM OF MRS. EDWARD W. SMITH FOR DAMAGES AGAINST THE CITY OF MODESTO (SEWER STOPPAGE)

Introduced by Mitchell Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

CONSIDER CITY HALL OPEN HOUSE APRIL 11 AND 12, 1962

The City Manager stated that a suggestion has been made that an Open House be held in conjunction with the art exhibit to be held by the three high schools.

MOTION

That the suggestion for Open House on April 11 and 12, 1962 in conjunction with the art exhibit be approved

Moved by Shastid Seconded by Johansen Unanimously carried

CONSIDER SUBDIVISION BOND REDUCTION FOR SARATOGA MANOR NO. 3 SUBDIVISION 4-85

The City Manager reported that a memorandum from the Assistant Director of Public Works dated April 2, 1962, indicates that all work within Saratoga Manor Unit No. 3 Subdivision has been completed to the satisfaction of the Public Works Department except for paving of alleys which cannot be done satisfactorily until May, with recommendation made that the performance bond in the amount of $40,500 be released, and a new bond for $3,000 accepted.

RESOLUTION NO. 62-154

A RESOLUTION APPROVING REDUCTION OF THE PERFORMANCE BOND FILED BY ARTHUR J. WYLIE AND FLORENCE E. WYLIE TO GUARANTEE IMPROVEMENTS IN SARATOGA MANOR NO. 3 SUBDIVISION

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

APPROPRIATION TRANSFERS

(a) ACQUISITION OF COLLEGE GARDENS WATER SYSTEM

The City Manager requested that $41,000 be transferred from the Special Fund for Capital Outlay, General Reserve, to the Special Fund for Capital Outlay, College Gardens Water Co. Acquisition.

RESOLUTION NO. 62-155

A RESOLUTION APPROVING APPROPRIATION TRANSFER FOR PURCHASE OF COLLEGE GARDENS WATER SYSTEM

Introduced by Johansen Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

(b) TRANSFER $450 FROM THE CIVIL DEFENSE BUDGET, 504-26 CAPITAL OUTLAY ITEM, "PORTABLE P.A. SYSTEMS (4)," PAGE 32, TO POLICE BUDGET 504-22, CAPITAL OUTLAY ITEM, "PORTABLE P.A. SYSTEMS (4)," PAGE 31

Deputy Manager Keefe stated that the sum of $450 is budgeted under Civil Defense for four portable Public Address Systems (504-26), Capital Outlay, with the anticipation of matching funds from the federal government. Since matching funds are not forthcoming, recommendation was made that this sum be transferred to Police Department, Portable P.A. Systems (504-22).

RESOLUTION NO. 62-156

A RESOLUTION APPROVING APPROPRIATION TRANSFER

Introduced by Shastid Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

(c) TRAFFIC SIGNALS - 7th AND I - LA LOMA AND BURNEY

Deputy Manager Keefe stated that $14,000 was budgeted for traffic signals at 7th and I Streets and LaLoma and Burney, $7,000 for each project. Council approval was requested to transfer $1,270 from Special Fund for Capital Outlays, Traffic Signals, 7th and I (321-503) to Special Fund for Capital Outlays, Traffic Signals, Burney-LaLoma (321-503), this project costing more than $7,000, and the 7th and I Street signals less than $7,000.

MOTION

That the transfer of Traffic Signal funds as outlined by the Deputy City Manager be approved

Moved by VanderWall Seconded by Tabbert Unanimcusly carried

REPORTS FROM THE PLANNING COMMISSION

(a) Initiation of action to rezone new corporation yard site and adjacent areas.

The City Manager reported that the Planning Commission has initiated proceedings to rezone the new corporation yard site and adjacent areas from R2 and R3 zoning to CM zoning.

LEGISLATIVE MATTERS

The City Manager made a report on the status of legislation pertaining to commercialized draw poker.

MATTERS FOR THE GOOD OF THE COMMUNITY

ANNOUNCEMENT OF MEETING

Deputy Manager Keefe announced that members of the San Francisco Chamber of Commerce Inter-City Relations Committee would be in Modesto Thursday morning, April 5, 1962, at 10:00 A. M., and planned to have coffee in the Multi-Purpose room of the City Hall. The Council was invited to be present.

REQUEST FOR REPORT ON STATUS OF FREEWAY CONSTRUCTION

Councilman Patton stated that he has received a number of requests from residents on the West Side, asking for a current report as to when freeway construction may be expected to start.

The City Manager said that a report would be furnished the Council at the next meeting.

CHANGE OF TIME OF PUBLIC HEARING ON AN UNCLASSIFIED USE PERMIT-MARY BRAME AND RESCINDING RESOLUTION NO. 62-142

The City Clerk requested that Resolution No. 62-142, setting the time for public hearing of an application for an unclassified use permit by Mary Brame be rescinded, and that a resolution be adopted setting the time for public hearing on April 23, 1962 at 8:10 P.M.

RESOLUTION NO. 62-157

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON AN UNCLASSIFIED USE PERMIT AND RESCINDING RESOLUTION NO. 62-142

Introduced by VanderWall Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

April 23, 1962 at 8:10 P.M. in the Council Chambers, City Hall, was set as the new time of hearing.

STREET DEFICIENCY REPORT WILL NOT BE FILED WITH THE CITY COUNCIL THIS YEAR BY STAFF

The City Manager reported that a change in state law sets May 1, 1964 as the next date for the filing of the Street Deficiency Report.

REPORT ON SIGNS

The City Attorney reported that all aspects of the sign at the corner of McHenry and Needham were discussed at a meeting of the Building Official, Deputy City Manager, City Attorney and the person erecting the sign. The facts indicate that an application was made for a permit, with a plan attached outlining exactly how

the sign was to be erected, and a permit granted. Mr. Grimes said that the erector of the sign will submit a letter to the Council shortly.

REPORT ON PUBLIC UTILITIES COMMISSION ORDER RELATING TO DEL ESTE COMPANY WATER RATES

Deputy Manager Keefe reported that the Public Utilities Commission has granted the Del Este Company an increase in water rates.

By order of the Chair, the staff was directed to furnish the Council a water rate comparison between the City and Del Este Water Company.

FURTHER REPORT ON STREET PROJECTS:

(a) Bowen Avenue - Aloha Way to McHenry

The City Manager reported that a right of way remains to be acquired on the south side of the street, and if not acquired within the near future, recommended that the City proceed with the improvement of this section of Bowen Avenue, leaving the southerly portion open until such time as the right of way is acquired.

MOTION

That the staff be authorized to proceed on the basis outlined by the City Manager

Moved by Johansen Seconded by VanderWall Unanimously carried

(b) Roseburg Avenue - from Virginia to Alma

The City Manager reported that two rights of way remain to be cleared. The parcels are owned by Thomas and Edith Berry and Robert and Emma Burrows. He requested that the staff be authorized to prepare the necessary documents to acquire the rights of way through legal action.

MOTION

That the staff be authorized to prepare the necessary documents to acquire the needed rights of way on Roseburg Avenue, from Virginia to Alma Avenue, through legal action, if necessary

Moved by VanderWall Seconded by Johansen Unanimously carried

(c) Roseburg - Alma to McHenry

The City Manager stated that two rights of way remain to be acquired on Roseburg Avenue between Alma and McHenry - the Mensinger property on the north and the Burrows property on the south side of Roseburg. He listed the following alternatives: (1) Make no improvement in this block at this time; (2) Acquire the property through condemnation proceedings; (3) Pave two traffic lanes only in front of these properties. If the rights of way are not cleared by the time of letting of bids, Mr. Miller recommended that the center section of the street only be paved in front of these properties. He said that Special Funds for Capital Outlays would have to be used.

MOTION

That the staff be authorized to proceed with the improvement of Roseburg Avenue between Alma and McHenry Avenue as recommended by the City Manager

Moved by Mitchell Seconded by VanderWall Unanimously carried

(d) Granger Avenue - from Florida to McHenry

The City Manager reported that two rights of way remain to be cleared on Granger Avenue between Florida and McHenry Avenues, the properties belonging to William and Marietta Sherman and A. L. and Maria Grissom. Gas tax funds will be used for this project.

MOTION

That the staff be authorized to prepare the necessary documents to acquire the rights of way through legal action if they are not dedicated voluntarily

Moved by VanderWall Seconded by Tabbert Unanimously carried

(e) Tully Avenue - from Coldwell north to Leonard Avenue

The City Manager reported that all rights of way on this portion of Tully have been cleared.

(f) Tully Avenue - from Coldwell to Stoddard Avenue

The City Manager reported that the following rights of way remain to be cleared: I. J. Larsen, 509 Tully; Rose Brothers; George Hansen; Helen C. Asher, Kenneth and Helen Asher. Unless these can be cleared promptly, Mr. Miller recommended that the staff be authorized to prepare the necessary documents to acquire the rights of way through legal action.

The cost to the City for voluntary dedications as opposed to condemnation proceedings was discussed.

MOTION

That the staff be authorized to prepare the necessary documents to acquire necessary rights of way on Tully Avenue from Coldwell to Stoddard Avenue through legal action if they are not dedicated voluntarily

Moved by VanderWall Seconded by Tabbert Unanimously carried

(g) Santa Barbara Avenue

The City Manager stated that it is possible that the property located at the corner of Santa Barbara and LaLoma Avenues may be sold and this may affect the status of the right of way acquisition which has been authorized.

(h) Carpenter Road

Director of Public Works Ray said that the County has requested that the City execute a right of way certificate to be sent to the State, indicating that rights of way on Carpenter Road within the City have been cleared.

RESOLUTION NO. 62-158

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE RIGHT OF WAY CERTIFICATE

Introduced by Mitchell Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

CONSIDER APPOINTMENT TO PERSONNEL COMMISSION FOR BALANCE OF TERM OF RALPH E. WATSON, DECEASED

Mayor Hammond suggested that the Council meet in executive session at the close of the meeting to discuss this matter.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Johansen Seconded by VanderWall Unanimously carried

The meeting adjourned at 5:24 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., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Absent: Councilmen: None

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

Reverend G. Cantrell gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Approval of the minutes of March 19, 1962 was held over as copies of the minutes were not furnished the Council prior to the meeting.

LETTER FROM WATSONVILLE, CALIFORNIA, RE SERVICES OF MR. CARMODY FOR ONE-DAY PERIOD

A letter from C. W. Masonheimer, City Manager, City of Watsonville, dated March 26, 1962, requesting the assistance of Director of Parking and Traffic Carmody for one day to aid in parking problems, was read by the City Clerk.

MOTION

That the services of Director of Parking and Traffic Carmody for one day to assist in parking problems, as requested by the City Manager of Watsonville, be approved

Moved by Shastid Seconded by Johansen Unanimously carried

COMMUNICATION FROM THE COUNTY OF STANISLAUS RE NAMING OF NORTH SIDE LIBRARY

A motion adopted by the County Board of Supervisors on March 27, 1962, the Board concurring with the City of Modesto in naming the Public Library Branch located at 815 West Orangeburg, Modesto, the "C. C. WRIGHT BRANCH," was read by the City Clerk.

MOTION

That the staff prepare a resolution designating the name of the north side library as the "C. C. WRIGHT BRANCH"

Moved by VanderWall Seconded by Shastid Unanimously carried

LETTER FROM D. DWIGHT WAIT, GENERAL CHAIRMAN, MODESTO CAMELLIA SHOW, THANKING THE CITY COUNCIL FOR DONATION OF TROPHY

A letter from D. Dwight Wait, General Chairman, Modesto Camellia Show, thanking the Council for the trophy donated by the City, was read by the City Clerk.

The letter was ordered filed.

LETTER FROM MRS. FRANK C. DAMRELL, PRESIDENT, WOMEN'S PROGRESSIVE CLUB, THANKING THE COUNCIL FOR USE OF THE COURT YARD FOR ART EXHIBIT

A letter from Mrs. Frank C. Damrell, President, Women's Progressive Club, dated March 30, 1962, thanking the Council for use of the City Hall court yard for the high schools' art exhibit was read by the City Clerk.

The letter was ordered filed.

LETTER FROM MRS. FRANK DeGRAEF, SECRETARY, JOHN C. FREMONT P.T.A., RE NEED FOR TRAFFIC SIGNAL AT ORANGEBURG AND COLLEGE AVENUES

A letter from Mrs. Frank DeGraef, Secretary, John C. Fremont P.T.A., dated April 3, 1962, outlining the need of traffic signals at Orangeburg and College Avenues for the safety of school children, was read by the City Clerk. The City Manager stated that these signals have been proposed in the next year's Capital Improvement Program.

The City Clerk was directed to refer the letter to the Council at the time this subject is considered at the budget hearings.

CONSIDER AWARD OF BID FOR FURNISHING OF GASOLINE AND DIESEL FUEL TO THE CITY OF MODESTO FROM APRIL 20, 1962 THROUGH APRIL 19, 1963

Copies of a bid tabulation listing gasoline and diesel fuel bids received from eight bidders, and a memorandum from the Director of Finance dated April 5, 1962, recommending that the gasoline bid be awarded to Richfield Oil Company, low bidder on combined items, and that the diesel oil bid be awarded to Standard Oil Company, low bidder on the total unit bid, were furnished the Council prior to the meeting. The City Manager concurred in the recommendations made by the Director of Finance.

RESOLUTION NO. 62-159

A RESOLUTION ACCEPTING THE BID OF RICHFIELD OIL COMPANY FOR GASOLINE FOR THE PERIOD OF APRIL 20, 1962 THROUGH APRIL 19, 1963

Introduced by VanderWall Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION NO. 62-160

A RESOLUTION ACCEPTING THE BID OF STANDARD OIL COMPANY FOR DIESEL FUEL FOR THE PERIOD APRIL 20, 1962 THROUGH APRIL 19, 1963

Introduced by Mitchell Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

The City Manager said that efforts would be made to promote joint cities-county purchase of these items for next year's needs.

CONSIDER INFORMAL BIDS FOR INSTALLATION OF CLARIFIER RELIEF LINE (SEWAGE TREATMENT PLANT)

The City Clerk read a letter from Standard Materials Company dated April 9, 1962, offering to construct 256 lineal feet of 36" RCP at the treatment plant per plan No. 14-C-54 dated April 3, 1962, for the lump sum price of $8,192, less furnishing of Armco Gate, guaranteeing the above price to be a maximum, and to perform the work on a cost-plus basis. Equipment rental rates listed in the latest "Special Provisions" of California Division of Highways would be accepted. Five per cent overhead and ten per cent profit would be added to labor, after fringe benefits, materials and the equipment rentals.

The City Clerk read a letter from R. Goold & Son, dated April 5, 1962, listing a guaranteed maximum price of $8,500, less furnishing of Armco Lift Gate, and offering to proceed on labor base rates plus 15% P/R taxes and insurance; 10¢ per hour Health & Welfare, 10¢ per hour pension for crafts required by Union Agreements; 15¢ per hour vacation for crafts required by Union Agreements; equipment as per rates established by State Division of Highways; materials, cost, including use and sale taxes; added to the above items, 18% administrative and operating costs, plus 7% profit.

MOTION

That the staff be authorized to prepare an agreement with Standard Materials Company for installation of clarifier relief line at the Sewage Treatment Plant on a cost-plus basis, with a guaranteed maximum of $8,192

Moved by Shastid Seconded by Patton Unanimously carried

The City Attorney stated that in approving the agreement it will be necessary for the Council to declare the matter an emergency.

CONSIDER APPROVAL OF SPECIFICATIONS FOR RUBBER-TIRED TRACTOR AND AUTHORIZE CALL FOR BIDS

RESOLUTION NO. 62-161

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR PURCHASE OF RUBBER-TIRED TRACTOR

Introduced by Johansen Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

April 24, 1962 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

CONSIDER FURTHER REQUEST BY GUSTAVE PREUSS FOR CITY TO PAY PLUMBING BILL

This matter was considered at the Council meeting of April 2, 1962, at which time Mr. Preuss submitted a claim against the City, requesting payment of $85.09 to Dick Thiel, a local plumber, for work purportedly done on a city sewer line in July, 1961. At this meeting, Mr. Preuss told the Council that Mr. Parker, the City Street Superintendent, had stated that the City would assume responsibility if the trouble was found to be in the city line. According to Mr. Preuss, most of the work done by Mr. Thiel was in the city line.

Mr. Preuss, Dick Thiel, and Howard Parker and Roy Munn, city employees, each presented their version of the matter and were questioned by the Council. Mr. Parker denied making any statement to the effect that the City would accept liability or pay the claim. He stated that he said it would be in order to file a claim with the City if recovery was sought.

The City Attorney stated that the claim was submitted to the City's insurance carrier but was rejected.

RESOLUTION NO. 62-162

A RESOLUTION REJECTING THE CLAIM OF GUSTAVE PREUSS FOR DAMAGES AGAINST THE CITY OF MODESTO

Introduced by Mayor Hammond Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

HEARING ON PROPOSED ANNEXATION OF THE DAVIS HIGH SCHOOL ADDITION

Mayor Hammond announced that the hour of 8:00 P.M. had arrived the time set for consideration of the proposed annexation of the Davis High School Addition, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune and Turlock Daily Journal on March 8 and 15, 1962, and notices mailed to all interested parties on March 9, 1962. No written protests to the proposed annexation were filed with the City Clerk.

The City Manager stated that the Davis High School Addition comprises 40.193 acres. Commencement of annexation proceedings was recommended by Planning Commission Resolution No. 773.

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

ORDINANCE NO. 505-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE DAVIS HIGH SCHOOL ADDITION TO THE CITY OF MODESTO"

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

Moved by Mitchell Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

HEARING ON AMENDMENTS TO THE SUBDIVISION REGULATIONS

Mayor Hammond announced that the hour of 8:10 P.M. had arrived, the time set for consideration of proposed amendments to the subdivision regulations, and opened the hearing.

The City Clerk reported that notices of the hearing were mailed to all interested parties on March 3, 1962, and that copies of the proposed ordinance amending the subdivision regulations have been available in the City Clerk's office.

The City Attorney reviewed the proposed amendments to the subdivision regulations.

Assistant Director of Public Works Campbell reviewed the two proposed changes pertaining to street lights - one the formalization of the provisions concerning payment for and repayment of perimeter street light costs, and the second provision for installation of a street light at the closed end of the cul-de-sac when the cul-de-sac is greater than three hundred feet in depth measured from the center of the cul-de-sac to the center of the intersected street.

The City Attorney stated that Planning Commission Resolution No. 777 recommends that the Council approve the proposed amendments to the subdivisions regulations.

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

ORDINANCE NO. 506-C.S. entitled

"AN ORDINANCE AMENDING SECTION 4-4.802 OF ARTICLE 8 OF CHAPTER 4 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, RELATING TO SUBDIVISION IMPROVEMENTS"

was introduced and ordered published as required by the Charter.

Moved by Johansen Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

LETTER FROM DORR-OLIVER, INC., REGARDING AERATION UNITS AT SEWAGE TREATMENT PLANT

Copies of two letters received from Dorr-Oliver, Inc., dated March 22 and 30, 1962, were furnished the Council prior to the meeting. These letters were written to the City at the request of Harry Jenks, consulting engineer for the City, who was requested by the Council to obtain a statement from this company outlining the applicability of the proposed equipment to the type of waste, and the actual performance which could reasonably be anticipated with the installation of the two blower units.

The letters were read by the City Manager.

Upon questioning, Director of Public Works Ray stated that he believed the letters contained as close an answer as could be given by the Company--the company cannot guarantee performance of equipment they are not controlling or operating. He said that the fact that units have been in operation in the United States for three years indicates that the Inka design is not a "johnny-come-lately" in the field. Mr. Ray also referred to information contained in the technical section of Amercian Society of Civil Engineers Journal attached to the letters from Dorr-Oliver, Inc.

The City Manager stated that the Council approved the agreement with Mr. Jenks on the basis of a letter from Dorr-Oliver in regard to the applicability and performance of the equipment, and that the Council must now make a decision as to whether or not the consulting engineer should continue work on the plans for the Inka system.

MOTION

That the consulting engineer be authorized to proceed with design of the Inka type aeration equipment

Moved by VanderWall Seconded by Johansen Unanimously carried

RESOLUTION ACCEPTING AS COMPLETE CONTRACTS WITH INDUSTRIAL ELECTRICAL COMPANY OF MODESTO FOR INSTALLATION OF TRAFFIC SIGNALS AND STREET LIGHTS AT 7TH AND I STREETS AND LaLOMA AND BURNEY

The City Manager reported that a memorandum from the Director of Parking and Traffic indicates that installation of traffic signals and street lights at 7th and I Streets, and LaLoma and Burney, has been completed in accordance with plans and specifications by Industrial Electrical Company within the specified time limit. The City Manager recommended that the work be accepted as complete, the City Clerk authorized to file a notice of completion, and payment made in accordance with the contract. The total contract cost for the two intersections is $12,855.

RESOLUTION NO. 62-163

A RESOLUTION ACCEPTING THE CONSTRUCTION OF TRAFFIC SIGNALS AND STREET LIGHTS AT 7TH AND I STREETS, AND AT LA LOMA AND BURNEY STREETS

Introduced by Johansen Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

LETTER FROM STANISLAUS COUNTY BOARD OF SUPERVISORS RE AGREEMENT FOR USE OF CITY-OWNED BUILDING FOR CIVIL DEFENSE PROGRAM

The City Manager reported that a letter has been received from the County Board of Supervisors outlining the two phases of the Civil Defense Program designed to provide fifty million shelter spaces by the end of 1962.

The first phase of the program has recently been completed in the County, and all buildings in this area having a shelter potential to house fifty or more persons have been listed. The second phase calls for a more detailed study of the buildings to ascertain the degree of protection which will be provided and to stock the selected buildings with necessary food, water and medical supplies. An agreement with the owner of each building is necessary before the second phase can be initiated. The three City-owned buildings listed for shelter use are the amphitheater in Graceada Park, the City Hall, and the main Fire Station.

Mr. Miller said that the proposed form of agreement has not as yet been cleared with the City Attorney, and at his request, and with the consent of the Council, this matter was held over for one week pending clearance of the agreement.

RESOLUTION SETTING DATE FOR HEARING ON PROPOSED ANNEXATION OF SCOTT MANOR ADDITION

The City Manager stated that Planning Commission Resolution No. 783 recommends commencement of annexation proceedings for the Scott Manor Addition, comprising 11.697 acres, which is located in Stanislaus Elementary School District and the Salida Fire District. City water is available.

RESOLUTION NO. 62-164

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

Introduced by VanderWall Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

May 21, 1962 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

APPROPRIATION TRANSFERS - None

REPORTS FROM THE PLANNING COMMISSION - None

LEGISLATIVE MATTERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

Request of Earl F. Jacobson for time extension in removal of home

Mr. Jacobson stated that he has recently completed construction of a new home on a lot on which an old home still remains which is supposed to be removed before final inspection is made. He requested that final inspection be made at once to enable him to pay his sub-contractors, and that permission be given him to demolish the old structure beginning April 18, 1962. The old home is rented, and the tenants refuse to move until their rent expires on April 17.

Acting Director of Planning Fey stated that one of the conditions imposed by the Planning Commission in approving the lot split for Mr. Jacobson was that the old structure be removed by the time of the final inspection of the new home. The Building Inspector has been notified that the final inspection cannot be made until the old house is removed, as this would violate the zoning ordinance which prohibits two single-family houses on one lot.

The City Attorney stated that it was his opinion that this matter is within the jurisdiction of the Planning Commission and questioned the Council being the appropriate authority to grant Mr. Jacobson's request. He suggested that Mr. Jacobson agree in writing to remove the structure within a given time and post a bond or cash deposit to cover the cost of removal in the event it must be done by the City.

The staff was directed to determine the amount of the bond necessary to cover the removal of the building and help resolve the matter.

CONSIDERATION OF JOINT PURCHASING BY CITIES-COUNTY

Councilman Mitchell stated that at a recent City-County meeting, a discussion was held on the possibility of joint cities-county purchase of standard items, with the thought that by combining purchases through one public agency, all could receive substantial savings through quantity purchase of routine items, such as gasoline, paper supplies, etc. He urged that the City explore the feasibility of joint purchasing, stating that he would like to proceed with the study if given authorization by the Council. The staff was asked to present Councilman Mitchell a list of items which would be appropriate for joint purchase.

MOTION

That Councilman Mitchell be granted authority to discuss the possibility of joint purchasing with cities-county representatives

Moved by Shastid Seconded by Patton Unanimously carried

ANNOUNCEMENT OF CITIZENS' CHARTER COMMITTEE MEETING

The City Attorney announced that the next Citizens' Charter Committee meeting would be held Thursday, April 11, 1962 at 7:30 P.M. in the Multi-Purpose Room.

REPORT ON SIGNS AND SIGN REGULATIONS

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

REPORT ON STATUS OF CONTRACTS FOR 99 FREEWAY

A report on the status of contracts for 99 Freeway was requested by Councilman Patton at the last Council meeting. The City Manager read a wire dated April 6, 1962, sent to the Public Utilitites Commission by Mayor Hammond, expressing the City's concern because of the delay in letting the contract for construction of the freeway through Modesto, caused by disagreement over the responsibility for the maintenance and operation of a grade crossing protection at the Tidewater-Southern Railway and Sonora Avenue in the South Modesto area, and urging that the matter be cleared as promptly as possible.

The City Manager stated that this matter was raised at the April 5th Planning Commission meeting. The Planning Commission passed the following motion: "In recognizing the importance to the community of getting contracts let and the freeway built, the Planning Commission offers assistance to the Council if in any way it can help clear the matter."

Mr. Miller said that the Division of Highways is ready to call for bids as soon as this matter is cleared.

Councilman Johansen suggested that the City Manager obtain a time schedule on the construction of the freeway and that it be published in the newspapers when obtained.

MOTION

That the staff be authorized to assist in clearing the issue delaying construction of the freeway, and to secure a time schedule on the phases of the freeway construction, such information to be published in the newspapers when obtained

Moved by VanderWall Seconded by Johansen Unanimously carried

CONSIDER POSSIBLE ATTENDANCE OF CITY MANAGER AT NATIONAL PLANNING CONFERENCE OF AMERICAN SOCIETY INSTITUTE OF PLANNING OFFICIALS, ATLANTIC CITY, BEGINNING APRIL 29, 1962 TO INTERVIEW CANDIDATES FOR POSITION OF PLANNING DIRECTOR

The City Manager stated that special provisions have been made at this meeting for the interviewing of candidates for planning positions. After pending resignations go into effect, Mr. Miller said that there will be four positions in the Modesto City Planning Department to be filled. It was his opinion that the trip to Atlantic City would be justified by the number of candidates available there for interview. Interview day is scheduled for April 29..

Mr. Miller said that attempts will also be made to interview out-of-state candidates for Sewage Plant Superintendent as his itinerary permits.

MOTION

That the City Manager be authorized to attend the Conference of American Society Institute of Planning Officials, Atlantic City, beginning April 29, 1962

Moved by VanderWall Seconded by Tabbert Unanimously carried

FURTHER REPORT ON THE POSSIBLE MEANS OF ALLEVIATING UNEMPLOYMENT

The City Manager reported that expression of interest has been received from two firms to establish plants in this area, one of which is still active. He said that substantial incentives are offered to industries expanding or building new plants in an area designated as one of high and persistent unemployment -- special financing and special defense contracts, etc. To become eligible, such an area must prepare and submit an overall program of economic improvement. Preliminary discussions on such a local program have been held with the County.

Mr. Miller recommended that the City proceed with this matter at once in order to be eligible for the advantages offered, and that the county be asked if it wishes to participate.

The percentage of unemployed in the area was discussed.

MOTION

That the staff be authorized to proceed as outlined by the City Manager and that a further report be made to the Council at its next meeting

Moved by Mitchell Seconded by VanderWall Unanimously carried

PRESENTATION OF MONTHLY FINANCIAL STATEMENT, MARCH 1962

The monthly financial statement for March, 1962, was presented to the Council and ordered filed.

CONSIDER APPOINTMENT TO THE PERSONNEL COMMISSION (BALANCE OF TERM OF RALPH E. WATSON, DECEASED)

RESOLUTION NO. 62-165

A RESOLUTION APPOINTING CHARLES D. YATES A MEMBER OF THE MODESTO CITY PERSONNEL COMMISSION

Introduced by VanderWall Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

REMINDERS BY MAYOR HAMMOND - Next meeting of Central Valley Division, League of California Cities in Manteca on Thursday, April 26, 1962 at 6:30 P.M.; Open House, City Hall, Wednesday, April 11, from 10:00 A.M. to 5:00 P.M., Thursday, April 12, from 10:00 A.M. to 7:00 P.M.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Johansen 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., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Johansen, Patton, Tabbert, VanderWall, Mayor Hammond
Councilman Shastid arrived at 4:10 P.M.
Councilman Mitchell arrived at 4:17 P.M.

Absent: Councilmen: None

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

Reverend Herman Bell gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the Council Meeting of March 19, 1962, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM WILLIAM J. MOORAD, TREASURER, CALIFORNIA RELAYS, REQUESTING PAYMENT OF ANNUAL APPROPRIATION AND BUDGET OF SAME AMOUNT FOR 1962-63

A letter from William J. Moorad, Treasurer, California Relays, dated April 6, 1962, requesting approval of payment of $2,000 budgeted for California Relays for the present fiscal year was read by the City Clerk. The letter also requested that the Council consider budgeting the same amount for fiscal year 1962-63.

MOTION

That the payment of $2,000 to California Relays be approved

Moved by VanderWall Seconded by Johansen Unanimously carried

The staff was directed to refer the letter to the Council for consideration at the appropriate budget hearing.

COMMUNICATION FROM CLARK SMITH, PRESIDENT, DOWNTOWN MERCHANTS ASSOCIATION, REQUESTING BUDGET APPROPRIATION FOR FISCAL YEAR 1962-63, AND A REPORT

A letter from Clark Smith, President, Downtown Modesto Association, dated April 9, 1962, requesting that $3,000 be appropriated in the 1962-63 budget for the Downtown Modesto Association, was read by the City Clerk. These funds are primarily used for Christmas street decorations.

Railroad Crossing Dispute, South Modesto

Clark Smith stated that a wire was sent to the P.U.C., urging an early decision on the railroad crossing dispute at Tidewater-Southern Railway and Sonora Avenue crossing in the South Modesto area, thus endorsing the action taken by the Council at its April 9th meeting.

Reduction of Modesto Bus Service

Mr. Smith agreed with the Council that the Modesto Bus Service contributes a definite and needed service to the community. He pointed out that 40% of Mr. Kleinenbroich's business is in the County, thus the matter will also be referred to the Greater Modesto Chamber of Commerce. A Downtown Modesto Association Committee has recommended that a public relations man be retained on a six-months basis to publicize the bus company. This recommendation will be discussed with the Chamber of Commerce.

Christmas Street Decorations

John Sutton, representing the Downtown Merchants Association, said that the Association is confronted with the problem of either refurbishing the Christmas decorations, or purchasing or leasing new ones. He said that the cost of leasing decorations is prohibitive; refurbishing the four year old decorations will cost approximately $7,000. He suggested that the Council consider financial participation on a 50-50 basis at the time the 1962-63 budget is considered.

The staff was directed to refer the letter requesting the $3,000 appropriation to the Council at the appropriate budget hearing, together with any additional information which can be secured.

COMMUNICATION FROM CHARLES V. JEFFERS, REALTOR, RE LIGHTING OF STRATHMORE UNIT NO. 1 SUBDIVISION

A letter from Charles V. Jeffers, owner and developer of Strathmore Unit No. 1 Subdivision, dated March 9, 1962, was read by the City Clerk. The letter requested that the City energize the seven street lights in the subdivision. In accordance with an agreement between the developer and the City, city sewer and water service is furnished the subdivision, the developer agreeing to annex to the City at the earliest possible time. Mr. Jeffers said that he will personally guarantee payment to the City for all power and maintenance charges on the seven street lights until the subdivision is annexed to the City.

The City Manager recommended that the request be approved.

MOTION

That the staff be authorized to prepare the necessary agreement to energize the seven street lights in Strathmore Unit No. 1 Subdivision

Moved by VanderWall Seconded by Shastid Unanimously carried

COMMUNICATION FROM FORMER COUNCILMAN CLIFF ANNAN, RE FREEWAY FOUNTAINS

The City Manager read excerpts of a letter from Cliff Annan, former Councilman, relating to the City's freeway beautification program. Pictures of fountains at Eldorado were enclosed, and pictures of oriental fountains promised in the near future.

CONSIDER AWARD OF BIDS FOR INSTALLATION OF WATER LINES

(a) May Fair Estates No. 2 Subdivision;

(b) Unit A - Leonard Avenue between Kearney and Haney;
Unit B - Tracy Heights;
Unit C - Park Manor No. 4, Unit No. 2.

The City Manager reported that no bids were received for the installation of water lines on these projects; the estimated cost of installation of water lines in May Fair Estates No. 2 Subdivision is $11,067 and the remaining projects, $13,600. Mr. Miller recommended that the work be done with city forces.

Director of Public Works Ray stated that the cost estimates given by the City Manager include the cost of materials, whereas, the call for bids was for installation only; installation costs for May Fair Estates No. 2 Subdivision are $2,675.20, and $4,330.40 for the remaining projects.

RESOLUTION NO. 62-166

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR CONSTRUCTION OF WATER LINES TO SERVE MAY FAIR ESTATES NO. 2 SUBDIVISION; LEONARD AVENUE BETWEEN KEARNEY AND HANEY; TRACY HEIGHTS AND PARK MANOR NO. 4, UNIT NO. 2 SUBDIVISIONS

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell

ORDINANCE AMENDING THE MODESTO MUNICIPAL CODE BY ADDING SECTION 1-4.04 THERETO, RELATING TO HEARINGS 2-15

The City Attorney stated that the proposed ordinance will clarify and improve the general procedure for handling appeals. Instead of the City Clerk setting the date for hearing of the appeal, the matter will be set for hearing by the Council not later than thirty days from the filing of the notice, and will service to better notify the public and anyone wishing to be heard.

ORDINANCE NO. 507-C.S. entitled

"AN ORDINANCE AMENDING SECTION 1-4.03 OF CHAPTER 4 OF TITLE I OF THE MODESTO MUNICIPAL CODE AND ADDING SECTION 1-4.04 THERETO RELATING TO HEARINGS"

was introduced and ordered published as required by the Charter.

Moved by Johansen Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

ADOPTION OF ORDINANCE 506-C.S. - AMENDMENTS TO SUBDIVISION REGULATIONS

ORDINANCE NO. 506-C.S. entitled

"AN ORDINANCE AMENDING SECTION 4-4.802 OF ARTICLE 8 OF CHAPTER 4 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, RELATING TO SUBDIVISION IMPROVEMENTS"

introduced on April 9, 1962, and having been published as required by the Charter, was moved and adopted.

Moved by Johansen Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

CONSIDER AGREEMENT WITH STANDARD MATERIALS INC. FOR CONSTRUCTION OF CLARIFIER RELIEF LINE 2-85

The City Attorney briefly reviewed the terms of an agreement between the City and Standard Materials, Inc., and a proposed resolution approving execution of the agreement, for the construction of a clarifier relief line at the Sewage Treatment Plant.

One bid for this work was received as a result of formal advertising, but was determined by the Council to be too high and was rejected. Because of the urgency that the line be completed prior to June 1, authorization was given the staff by the Council to solicit informal bids for the work as a matter of emergency.

RESOLUTION NO. 62-167

A RESOLUTION APPROVING EXECUTION OF AGREEMENT WITH STANDARD MATERIALS COMPANY FOR THE CONSTRUCTION OF A CLARIFIER RELIEF LINE AT SEWAGE TREATMENT PLANT

Introduced by Shastid Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

CONSIDER AGREEMENT WITH THE STATE OF CALIFORNIA, DIVISION OF HIGHWAYS, FOR RELOCATION OF SANITARY SEWER LINE IN CONNECTION WITH FREEWAY CONSTRUCTION

The City Manager stated that the relocation of this line in connection with the construction of the freeway was not included in the original contract with the State. Estimated cost of the work is $3,100 and will be paid for by the State.

RESOLUTION NO. 62-168

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STATE OF CALIFORNIA, DIVISION OF HIGHWAYS, FOR RELOCATION OF SANITARY SEWER LINE IN CONNECTION WITH FREEWAY CONSTRUCTION

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

CONSIDER OPERATING DOWNEY HIGH SCHOOL POOL ON SUNDAYS DURING SCHOOL SUMMER VACATION

The City Manager reported that numerous requests have been received asking that the Downey High School swimming pool remain open on Sunday afternoons during the school summer vacation period, when the operation of the pool is under the jurisdiction of the Parks and Recreation Department. The project would be almost, if not completely, self-supporting. Approximately $405 will be needed for salaries.

Upon questioning, Superintendent of Recreation Grogan stated that three life guards are in attendance at the pool while operated under the jurisdiction of the City.

MOTION

That the staff be authorized to operate Downey High School swimming pool on Sundays from 1:00 to 6:00 P.M. during the school summer vacation.

Moved by Shastid Seconded by Mitchell

The motion carried. (Councilman VanderWall voted "no")

AUTHORIZATION FOR STAFF TO PREPARE APPLICATION FOR FEDERAL ASSISTANCE UNDER TITLE 7 OF THE HOUSING ACT OF 1961, FOR THE ACQUISITION OF A PROPOSED COMMUNITY PARK ADJACENT TO GRACE DAVIS HIGH SCHOOL

The City Manager stated that acquisition of a community park adjacent to Davis High School has been recommended by the Planning Commission during the next fiscal year. The Federal Open Space Program approved by Congress, and presently in effect, may make it possible for the City to obtain federal financial assistance in the amount of 20 to 30 per cent of the cost of the land, the assistance limited to areas of ten acres or more, and with the understanding that the land is to be used for park or open space purposes only.

Upon questioning, Mr. Miller said that federal assistance would not commit the City to immediate development of the site; that construction of buildings for Boy Scout use, for example, would be permitted; that an appraisal of the property proposed to be purchased would probably have to be made before the application is filed.

Whether or not federal approval of the application would commit the City was discussed.

The City Manager recommended that preparation of the application be approved.

MOTION

That the staff be authorized to prepare the application for federal assistance in acquiring a park site adjacent to Davis High School, for Council approval

Moved by Johansen Seconded by VanderWall Unanimously carried

CONSIDER CLEARANCE AND IMPROVEMENT OF CITY PROPERTY ADJACENT TO AND SOUTH OF McHENRY LIBRARY

Librarian Carl Hamilton stated that the City acquired the property adjacent to and south of the library several years ago. A substandard home is on the property which cannot be moved because of poor condition. He suggested that informal bids be called for demolition of the home; that all trees on the lot, including those on the park strip which contribute to a hazardous sidewalk condition, be removed by city forces (with the exception of a Cedrus Deodora which Director of Parks Cowie has requested not be removed); and that the sidewalk in front of this property and the property adjacent to the south be lowered to proper grade by city forces. Cost of removal of the trees in the park strip is covered in the Parks budget.

MOTION

That the staff be authorized to proceed as outlined by Librarian Hamilton

Moved by VanderWall Seconded by Johansen Unanimously carried

RESOLUTION NO. 62-169

A RESOLUTION APPROVING APPROPRIATION TRANSFER FOR IMPROVEMENT OF LOT SOUTH OF McHENRY LIBRARY

Introduced by Johansen Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

REPORT TO CITY COUNCIL ON INTENT TO BUY ELECTRIC SIGN FOR C. C. WRIGHT BRANCH LIBRARY FROM FUNDS BUDGETED

Librarian Hamilton stated that several informal bids have been received for a 3' x 8' sign for the newly established C. C. Wright Branch Library, to be mounted on the marquee of the building. He said that the bids received vary as much as $100, and will be tabulated by the Purchasing Agent to determine the best buy.

Upon questioning, Mr. Hamilton said that the type of sign requested is in the $400 bracket; that the sign is needed to enable patrons to locate the library more readily; that it is planned to print the name "C. C. Wright" on the glass of the building at a cost of about $20, and to install a janitorial closet at an approximate cost of $100.

Mr. Hamilton said that approximately $900 remains unencumbered in the account budgeted for the improvement of this branch library.

MOTION

That a sign for the newly established C. C. Wright Branch Library as outlined by Librarian Hamilton be approved

Moved by Shastid Seconded by VanderWall Unanimously carried

FURTHER CONSIDERATION OF LETTER FROM STANISLAUS COUNTY BOARD OF SUPERVISORS RE AGREEMENT FOR USE OF CITY-OWNED BUILDING FOR CIVIL DEFENSE PROGRAM 4-40

The City Attorney reviewed proposed agreements between the City and Stanislaus County for the license or privilege of using city buildings as temporary shelters during times of disaster. The buildings are the Mancini Bowl area at Graceada Park, the fire station at 610 Eleventh Street, and two areas of the City Hall. The agreements provide access to the buildings to civil defense representatives to store goods, etc. for civil defense purposes.

RESOLUTION NO. 62-170

A RESOLUTION APPROVING AGREEMENTS BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY FOR FALLOUT SHELTER LICENSE OR PRIVILEGE, CITY STRUCTURES

Introduced by Shastid Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

Upon questioning, Deputy Manager Keefe stated that at the present time it is planned to store only food.

CONSIDER REQUEST FORSEWER SERVICE TO PROPERTY LOCATED AT 1116 BETTY LANE, MODESTO

The City Manager reported that the property is contiguous to the city, sewer service is available, and the owner has agreed to comply with the usual requirements. He recommended that the request for sewer service be approved.

MOTION

That the request for sewer service to property located at 1116 Betty Lane, Modesto, be approved

Moved by VanderWall Seconded by Shastid Unanimously carried

In addition to the street address, the staff was directed to indicate the location of property area-wise in the future.

ESTABLISH CLASSIFICATION AND PAY FOR POLICE PROPERTY CLERK 4-42

The City Manager reported that the Police Chief has recommended elimination of one authorized Patrolman position at pay range $415-556, creating in its stead, on a trial basis, a clerical position, Police Property Clerk at $349-425, a 17½% savings.

Chief Bowers stated that the principal duty of a Police Property Clerk is to mark and identify and keep in safe custody both evidence property and found property, which must either be returned to its rightful owner, or disposed of in accordance with procedures established by law. He will also be responsible for requisitioning of personnel equipment and maintaining an inventory of automotive equipment.

Upon questioning, Chief Bowers stated that this will not cut down on law enforcement because this position is presently filled by patrolmen on a rotating basis.

The City Attorney stated that the change has been recommended by the Personnel Commission, and that two resolutions are needed - one to amend the position classification plan to create a new classification entitled "Police Property Clerk", and adopting specifications for this classification, and another amending the salary schedules resolution to include "Police Property Clerk" in range 16.5 $349-425.

RESOLUTION NO. 62-171

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO

Introduced by VanderWall Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION NO. 62-172

A RESOLUTION AMENDING RESOLUTION NO. 62-31 ENTITLED "A RESOLUTION ESTABLISHING SALARY SCHEDULES AND FIXING THE COMPENSATION FOR POSITIONS IN THE CITY SERVICE"

Introduced by Shastid Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION REFERRING PETITION FOR THE ANNEXATION OF THE BLOMDAHL ADDITION TO THE PLANNING COMMISSION FOR REPORT AND RECOMMENDATION

The City Manager stated that this addition comprises 37.014 acres.

RESOLUTION NO. 62-173

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

Introduced by Johansen Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

REQUEST BY CITY SCHOOLS FOR POLICE AND FIRE PROTECTION TO CATHERINE E. EVERETT SCHOOL PENDING ANNEXATION 4-112

The City Manager stated that a letter from Richard B. Eaton, Business Manager, Modesto City Schools, dated March 29, 1962, requests that the City provide police and fire protection to the Catherine E. Everett School presently under construction in the northwest area of the community, pending annexation to the City. This area is adjacent to but outside the city limits. The letter requests that the City authorize regular police patrol service and fire protection to this area, as granted to Davis High School prior to its annexation to the City.

MOTION

That the staff be authorized to furnish police and fire protection to Catherine E. Everett School as is feasible and practical

Moved by Mitchell Seconded by VanderWall Unanimously carried

CONSIDER CLAIM IN THE AMOUNT OF $10,000 OF JOANN MC DONALD, A MINOR, FOR PERSONAL INJURIES SUSTAINED IN AN AUTOMOBILE ACCIDENT INVOLVING A CITY POLICE CAR ON APRIL 9, 1961 5-1

The City Attorney stated that the City has filed suit against the driver of the automobile involved in this accident to recover damages, and the case is still pending. Since the claim against the City was filed more than 100 days after the date of the accident, under state law it is barred by the statute of limitations. Mr. Grimes recommended that the claim be rejected.

RESOLUTION NO. 62-174

A RESOLUTION REJECTING THE CLAIM OF JOAN MC DONALD FOR DAMAGES AGAINST THE CITY OF MODESTO

Introduced by Johansen Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall Mayor Hammond

Noes: None Absent: None

APPROPRIATION TRANSFERS - None

REPORTS FROM THE PLANNING COMMISSION

(a) Capital Improvement Program - At the request of the City Manager, the matter was held over for one week.

(b) Others - None

LEGISTLATIVE MATTERS

The City Attorney stated that the poker bill passed by the state legislature applies only to Los Angeles County. No bills were passed that would affect the status of Stanislaus County.

MATTERS FO THE GOOD OF THE COMMUNITY

Frank Helm, speaking against City application for federal funds for purchase of park site

Frank Helm, 800 Carmel Drive, spoke briefly against the City applying for federal funds for the purchase of park land near Davis High School, quoting figures indicating the increase in the national deficit during the past year, and stating that the fiscal condition of the national government should be considered. It was his opinion that examples of economy should be set at local and county level for the state and federal governments to follow. He suggested that the Council weigh carefully any consideration for federal assistance.

REPORT ON SIGNS AND SIGN REGULATIONS - 5-85

A letter from Richard E. Denton, Public Relations Manager, Foster and Kleiser, Sacramento, dated April 13, 1962, requesting postponement of hearing on the consideration of sign regulations until such time as he could be present, was read by the City Clerk.

The City Clerk was directed to notify Mr. Denton that he will be given notice of the hearing.

A letter from Scott Bros., Inc., dated April 2, 1962, relative to the Shannon-Carmody sign on the corner of McHenry and Needham Avenues, was read by the City Attorney. A copy of the letter is on file with the record of the minutes. The letter stated that the sign was constructed in accordance with a set of plans approved by the City Inspection Department, and listed the results of a discussion with Mr. Carmody and his attorney, John Trimbur. The contract between Scott Bros., Inc. and Mr. Carmody is for a 36-months period, with two options for renewal, a nine-year obligation. Scott Bros. has been advised by Mr. Carmody that if the sign is lowered the contract will be canceled and Scott Bros. sued for non-performance. Revision of City ordinances to permit erection of signs with a maximum height of 35 or 45 feet was suggested.

City Attorney Grimes said that he discussed this matter with John Trimbur, attorney representing Shannon and Carmody. The property upon which the sign is constructed is owned by Don Pedro Realty, the sign was erected by Scott Bros., and the actual advertising subleased to Shannon and Carmody. He was advised by Mr. Trimbur that the lease prepared by him with Scott Bros. for Shannon and Carmody provides for total payment for usage of the sign within the initial three-year period, while the entire lease, including two options, runs nine years. Mr. Trimbur has said that it would therefore be unsatisfactory to his client to terminate the lease at the end of the initial three-year period without some adjustment on the rental.

Mr. Grimes stated that a check made by the Public Works Department indicates that the peak of the sign is actually 37.8 feet above ground level. He said the sign structure, and not the subject of the advertisement, is in violation of the Code, that City approval of the permit was an administrative error; that any remedy of the violation must be taken care of by Scott Bros.; that another factor to be considered is the question of personal liability on the part of the person who issued the permit.

The matter was discussed by the Council, several of the Councilmen commenting on the number of protests received from the public in general regarding the sign in question.

The City Attorney said that the attitude of his office in situations of this kind is to attempt to work out a solution equitable and fair to all of the parties, rather than one of strict enforcement.

MOTION

That the matter be referred to the staff for further study, and that determination be made of the actual height of the sign and the height shown in the permit issued

Moved by Shastid Seconded by Johansen Unanimously carried

FURTHER REPORT ON "AREA DEVELOPMENT" PROPOSALS

The City Manager stated that a number of defense material contracts have been awarded to local firms as a result of this area being designated as one of high and persistent unemployment. He said that a further report will be made to the Council as matters progress.

REPORT BY CITY MANAGER ON NEEDHAM, KANSAS AVENUES INTERSECTION

A memorandum from the City Manager, subject, "Kansas-Needham Connections," dated April 12, 1962, was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

The report covered the alternative of bringing Needham to Kansas in a straight line instead of signalizing 9th and P Streets, as presently proposed. Signalizing the realignment would cost the City $3,400 less than signalizing the present intersection, but the cost and delay in acquiring the rights of way, the restricted width of Needham Avenue, and limitation of funds indicate that the traffic signals should be constructed as planned on the present alignment, unless the Council directs otherwise.

Mr. Miller said that funds for the signalization of 9th and P Streets are budgeted by both the City and State, the State indicating that bids will be called before the first of July.

REMINDER OF CENTRAL VALLEY DIVISION, LEAGUE OF CALIFORNIA CITIES MEETING

Mayor Hammond announced the quarterly meeting of the Central Valley Division, League of California Cities in Manteca on Thursday, April 26, 1962 at 6:30 P.M.

At the request of the City Manager, the Council consented to meet in executive session after adjournment of the Council meeting, to discuss personnel matters.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Johansen Unanimously carried

The meeting adjourned at 5:51 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., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Absent: Councilmen: None

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

Reverend Charles Flynn gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the Council meetings of March 26 and April 2, 1962 and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM REVEREND CHARLES L. EDWARDS, EASTER SERVICE COMMITTEE, MODESTO MINISTERIAL ASSOCIATION, RE USE OF MANCINI BOWL

A letter from Reverend Charles L. Edwards, Easter Sunrise Committee, Modesto Ministerial Association, dated April 17, 1962, requesting that the Council consider granting the Ministerial Association permission to hold the annual Easter Sunrise Services in Mancini Bowl on a continuing basis, was read by the City Clerk.

A memorandum from the City Attorney dated April 18, 1962, subject, "Use of Mancini Bowl" was read, indicating that Council consent of the use of Mancini Bowl by the Ministerial Association is not required in view of Council action taken February 9, 1955, authorizing administrative granting of such permission in accordance with established Council policy.

COMMUNICATION FROM ARTHUR A. OHNIMUS, CHIEF CLERK, ASSEMBLY, CALIFORNIA LEGISLATURE, RE ASSEMBLY CONCURRENT RESOLUTION NO. 14

A letter from Arthur A. Ohnimus, Chief Clerk, Assembly, California Legislature, and attached Assembly Concurrent Resolution No. 14, was read by the City Clerk. The resolution, adopted March 22, 1962, requests that all cities paint the name of the city upon the rooftop of local airport hangars, or upon the landing strips, to enable pilots to identify communities from the air.

The City Manager stated that the City is already properly marked.

The City Clerk was directed to so notify Mr. Ohnimus.

COMMUNICATION RE CITIZENS' COMMITTEE 1-60

A letter from Paul V. Birmingham, Chairman of a citizens' committee which has been meeting with the City Council's Public Relations Committee since the middle of February to discuss the establishment of a citizens' committee to carry out the type of activities started by the Forward Modesto Committee of 1953 and 1954, was read by the City Clerk. A copy of the letter is on file with the record of the minutes. Members of the group are: Lee Davies, Fran Halley, Joe Good, Bob Moon, Truman Northup, Ed Srenaski, Floyd Benson, Clark Bradford, Jr., Bob Carter, L. V. Sanderson and Paul Birmingham. The letter summarized for Council consideration this "core" committee's recommendations regarding organization and assignment of an overall community review committee to be called the "Forward Modesto Committee of 1962."

Mayor Hammond stated that minutes of the meetings of this committee were furnished the Council and it was his opinion that the letter summarized the findings of the group, as well as the Public Relations Committee. In his behalf as Chairman of the Public Relations Committee, Mayor Hammond recommended that the Council approve the recommendations of the citizens' committee to get the Forward Modesto Committee of 1962 on its way.

MOTION

That the recommendations made by the citizens' group in letter to the Council dated April 12, 1962, regarding organization and assignment of a Forward Modesto Committee of 1962, be approved

Moved by Shastid Seconded by Tabbert Unanimously carried

LETTER FROM C. E. DIXON, COUNTY CHIEF ADMINISTRATIVE OFFICER, RE SIGNAL MAINTENANCE, SONORA AVENUE CROSSING

With the unanimous consent of the Council, a letter from C. E. Dixon, Chief Administrative Officer, Stanislaus County, reporting that the problem of signal maintenance on the Sonora Avenue crossing had been resolved, thus permitting the construction of 99 freeway through the Modesto area to proceed, was read by the City Clerk.

The letter was ordered filed.

CONSIDER AWARD OF BID FOR WATER LINES, SARATOGA MANOR NO. 4 SUBDIVISION 1-120

The City Manager reported that no bids were received for the construction of water lines in Saratoga Manor No. 4 Subdivision, and recommended that the work be done by city forces. Estimated cost of installation by city forces is $1,715.25.

RESOLUTION NO. 62-175

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR THE INSTALLATION OF WATER LINES, SARATOGA MANOR NO. 4 SUBDIVISION

Introduced by VanderWall Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF WATER LINES IN BLOCK 90 2-1

The City Manager reported that the installation of water lines in Block 90 is required as the result of a lot split granted by the Planning Commission. A thirty-foot alley through the block has been dedicated to the City. This block is the site of the old Roosevelt School.

RESOLUTION NO. 62-176

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF WATER LINES IN BLOCK 90

Introduced by Mitchell Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

May 1, 1962 at 2:30 P.M. in the City Clerk's office was set as the time and place for opening of bids.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF SANITARY SEWER RELOCATION, BLOCK W (UNIT A); SANITARY SEWER RELIEF LINE IN CARVER ROAD (UNIT B)

The City Manager stated that the relocation of sanitary sewers in Block W was approved by agreement with the State. Director of Public Works Ray said that Unit B, sanitary sewer relief line in Carver Road, will be an additional line paralleling a ten inch line which was constructed several years ago. After the original construction it was determined that additional areas could be served by this trunk by increasing the capacity of this short section. Funds are budgeted.

RESOLUTION NO. 62-177

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF SANITARY SEWER RELOCATION, BLOCK W (UNIT A); SANITARY SEWER RELIEF LINE IN CARVER ROAD (UNIT B)

Introduced by Johansen Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

May 1, 1962 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF CHLORINE CONTROL STRUCTURES AT SEWAGE TREATMENT PLANT 2-29

RESOLUTION NO. 62-178

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF CHLORINE CONTROL STRUCTURES AT SEWAGE TREATMENT PLANT

Introduced by VanderWall Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall Mayor Hammond

Noes: None Absent: None

May 1, 1962 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. 507-C.S., RELATING TO HEARINGS

ORDINANCE NO. 507-C.S. entitled

"AN ORDINANCE AMENDING SECTION 1-4.03 OF CHAPTER 4 OF TITLE I OF THE MODESTO MUNICIPAL CODE AND ADDING SECTION 1-4.04 THERETO RELATING TO HEARINGS"

introduced on April 16, 1962, and having been published as required by the Charter, was moved and adopted.

Moved by Shasted Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION SETTING DATE FOR HEARING ON PROPOSED ANNEXATION OF THE BLOMDAHL ADDITION

The City Manager reported that Planning Commission Resolution No. 789 recommends commencement of proceedings for the annexation of the Blomdahl Addition, which is located on the east side of Carver Road south of Mt. Vernon Drive, comprising 37.014 acres.

RESOLUTION NO. 62-179

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

Introduced by VanderWall Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

June 4, 1962 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION NAMING THE NORTH MODESTO BRANCH OF THE MODESTO-STANISLAUS COUNTY FREE LIBRARY AS THE C. C. WRIGHT BRANCH LIBRARY

RESOLUTION NO. 62-180

A RESOLUTION NAMING THE NORTH MODESTO BRANCH OF THE MODESTO-STANISLAUS COUNTY FREE LIBRARY AS THE C. C. WRIGHT BRANCH LIBRARY

Introduced by Shastid Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION ACCEPTING AS COMPLETE A. TEICHERT & SON, INC. CONTRACT FOR CONSTRUCTION OF SUBTRUNK SEWER TO SKYLANE PARK SUBDIVISION NO. 2

The City Manager stated that a memorandum from the City Engineer indicates that the contract for the construction of a subtrunk sewer to Skylane Park Subdivision No. 2 has been completed to the satisfaction of the Public Works Department and that acceptance of the contract by the Council is in order. The contract bid price was $9,239; the total cost of work done, including one change order for $300, was $9,558. The work was completed within the specified time.

The City Manager recommended that the work be accepted, the City Clerk authorized to record a notice of completion, and payment made in accordance with the contract.

RESOLUTION NO. 62-181

A RESOLUTION ACCEPTING THE CONSTRUCTION OF SUBTRUNK SEWER TO SKYLANE PARK SUBDIVISION NO. 2 (A. TEICHERT & SON, INC.)

Introduced by VanderWall Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

FURTHER CONSIDERATION OF THE PURCHASE OF ERRORS AND OMISSIONS INSURANCE

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

FURTHER REPORT ON STATUS OF STREET PROJECTS

The City Manager stated that in accordance with Council direction, steps were being taken to acquire rights of way on Granger, Tully and Roseburg Avenues through condemnation proceedings.

A proposed resolution authorizing the institution of condemnation proceedings was outlined by the City Attorney.

RESOLUTION NO. 62-182

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 (Widening of Granger Avenue, Grissom)

Introduced by Mitchell Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION NO. 62-183

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 (Widening of Granger Avenue, Sherman)

Introduced by VanderWall Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION NO. 62-184

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 (Widening of Roseburg Avenue, Project No. LA 54-13, Berry)

Introduced by VanderWall Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: Nones Absent: None

RESOLUTION NO. 62-185

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 (Widening of Roseburg Avenue, Burrows)

Introduced by Mitchell Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION NO. 62-186

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 (West Side of Tully between Stoddard and Coldwell Avenues - Larson)

Introduced by Johansen Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION NO. 62-187

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 (West Side of Tully between Stoddard and Coldwell Avenues, Rose Brothers)

Introduced by Tabbert Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION NO. 62-188

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 (West side of Tully between Stoddard and Coldwell Avenues, Hansen).

Introduced by VanderWall Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION NO. 62-189

A RESOLUITON AUTHORIZING THE INSTITUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE CERTAIN REAL PROPERTY IN THE CITY OF MODESTO TO BE USED FOR STREET WIDENING PURPOSES (West side of Tully between Stoddard and Coldwell Avenues, Asher)

Introduced by Mitchell Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION NO. 62-190

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 (West side of Tully between Stoddard and Coldwell Avenues, Asher, et al)

Introduced by Johansen Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

Right of Way, Santa Barbara Avenue, Lengyel property

The City Manager recommended that the Council approve the institution of condemnation proceedings to acquire a ten-foot strip of the Lengyel property for the widening of Santa Barbara Avenue. The present owner has indicated that the right of way will not be dedicated unless rezoning of the property is approved. Acquisition of ten feet will permit a 40-foot wide street at this point. Upon questioning, the City Manager said that a 30-foot right of way would be needed to widen Santa Barbara Avenue at this point to correspond with the rest of the street.

MOTION

That the staff be authorized to prepare the necessary documents to institute condemnation proceedings to acquire a ten-foot right of way on the Santa Barbara side of the Lengyel property

Moved by Mitchell Seconded by VanderWall Unanimously carried

Bowen Avenue - between Tidewater Southern Tracks and McHenry Avenue

The City Manager reported that the right of way on the south side of Bowen near McHenry Avenue has been dedicated and recommended that Bowen Avenue between the Tidewater Southern tracks and McHenry Avenue be improved this summer. Gas tax funds are available.

MOTION

That the staff be authorized to proceed with the improvement of Bowen Avenue from the Tidewater Southern tracks to McHenry Avenue

Moved by Johansen Seconded by VanderWall Unanimously carried

HEARING ON PROPOSED ANNEXATION OF THE DRAKE ADDITION 3-45

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

The City Clerk reported that notices of the hearing were published in the Modesto Tribune and the Turlock Daily Journal on March 21 and 29, 1962, and notices mailed to all property owners in the area and interested persons on March 29. One written protest was presented to the Clerk at the beginning of the Council meeting.

Acting Director of Planning Fey stated that this addition is adjacent to McHenry Avenue, in the vicinity of Drake and Coolidge Avenues, and comprises 5.3 plus acres. More than two-thirds of the property owners, owning more than two-thirds of the of the assessed value of the area, are represented on the petition for annexation presented to the Council.

A letter of protest to the annexation from James A. Morris, 144 Drake Avenue, was read by the City Clerk. The letter stated that he was not in favor of the annexed addition being rezoned.

Mr. James Morris spoke briefly, stating that he had moved from a commercial zone to his present location, and was not in favor of the property being rezoned for commercial purposes.

Acting Director of Planning Fey said that it was pointed out to the property owners in the Drake Addition that the chances were that there would be no zoning changes in residential properties; that only those properties close to McHenry Avenue could logically be developed for commercial uses.

No one else in the audience asking to be heard, Mayor Hammond declared the hearing closed.

Upon questioning, Mr. Fey said that the value of Mr. Morris' property was less than one-third of the assessed value of the entire addition proposed for annexation.

ORDINANCE NO. 508-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE DRAKE ADDITION TO THE CITY OF MODESTO"

was adopted and ordered published as required by the Charter.

Moved by VanderWall Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

The City Attorney stated that school district boundaries were not affected by the annexation.

HEARING ON PROPOSED UNCLASSIFIED USE PERMIT, MARY BRAME (YOSEMITE BLVD. AND KERR AVENUE) 3-110

Mayor Hammond announced that the hour of 8:10 P.M. had arrived, the time set for consideration of an unclassified use permit for Mary Brame to conduct a business of rental of travel trailers, garden equipment, farm implements and tractors, contractor's equipment, hand tools, etc., on property located at the corner of Yosemite Boulevard and Kerr Avenue, and opened the hearing.

Acting Director of Planning Russell Fey stated that Planning Commission Resolution No. 778 recommends the application for the unclassified use permit, subject to the following conditions: (1) That a six foot fence enclose the yard; (2) that there be no exit on Yosemite Boulevard.

A land use map of the area was displayed to and discussed by the Council. The property in question is presently vacant. Mr. Fey said that no determination was made by the Planning Commission as to whether the six foot fence recommended should be solid or chain link.

Upon questioning, Mr. Fey said that there was no time limitation placed on an unclassified use permit; that because the proposed equipment rental business ranges from contractor's equipment, cement mixers, pneumatic drills, etc., down to small hand tools used by home owners, it was the opinion of the Planning Commission, after discussion, that a C-2 zone was proper for this particular business.

A letter from E. F. Berry, Berry Equipment Rental, dated April 2, 1962, bearing signatures of business men approving the transfer of his business to the proposed new location, was read by the City Clerk.

The City Manager explained that an unclassified use permit granted to the owner would run with the property and would permit anyone to operate an equipment rental business at this particular location, regardless of change of ownership.

Fencing of the property was discussed.

Walter E. Marchand, 2805 Windsor, read a letter from the trustees of Lakewood Memorial Park, opposing the granting of an unclassified use permit for this property. The letter was filed with the City Clerk.

Herbert W. Ramont, general contractor, spoke in opposition to the granting of the unclassified use permit, calling the Council's attention to Mr. Berry's ad in the classified section of the telephone directory advertising contractor's heavy equipment.

Eugene Berry stated that he has operated an equipment rental business on McHenry Avenue for nine years in a C-2 location, and believed the Yosemite Boulevard location better than his present one. He said his business would be located entirely within the lot, no parking problems would be created, and there would be no exit on Yosemite Boulevard; that he would be willing to construct a solid fence between the Brame and Ramont properties, but preferred a chain link fence for the rest of the property so that the equipment would be on view to passersby.

Upon questioning, Mr. Berry said that approximately 300 items are available for rental in his business; that the large advertisements for contractor's equipment and trailers were placed in the yellow pages of the phone book because individuals wishing to rent this type of equipment are more likely to consult the yellow pages than individuals wishing to rent small hand tools; that 85 cubic foot air compressors and Ford tractors are the largest pieces of eqipment handled and are used by farmers and home owners as well as contractors; that this particular piece of property is an excellent location for his type of business because of its depth, and because it provides an entrance on Yosemite Boulevard and exits by way of Kerr Avenue and DeHarra Street; that his business would be severely handicapped if he were located in an industrial zone, since 75% of his business is conducted with home owners; that the size of the lot would limit the handling of larger equipment than presently handled.

Jimmie R. Wood, property owner in the area, spoke in opposition to the granting of an unclassified use permit.

No one else asked to be heard, and Mayor Hammond declared the hearing closed.

The City Attorney reviewed Section 10-2.1401 of the zoning regulations, which sets forth the standards for granting unclassified use permits.

RESOLUTION NO. 62-191

A RESOLUTION DENYING THE APPLICATION OF MARY BRAME FOR AN UNCLASSIFIED USE PERMIT FOR AN EQUIPMENT RENTAL BUSINESS (YOSEMITE BOULEVARD AND KERR AVENUE) AND REQUESTING A FURTHER REPORT FROM THE PLANNING COMMISSION IN ACCORDANCE WITH SECTION 10-2.2114 OF THE MUNICIPAL CODE

Introduced by Johansen Seconded by Tabbert

Ayes: Johansen, Mitchell, Shastid, Tabbert, VanderWall

Noes: Patton, Mayor Hammond

Absent: None

APPROVAL OF BILL FROM STANISLAUS COUNTY FOR PRISONER CARE FOR MONTH OF MARCH, 1962

The City Manager reported that prisoner care for the month of March, 1962 is $46.80.

MOTION

That payment of $46.80 to Stanislaus County for prisoner care for the month of March, 1962 be approved

Moved by Shastid Seconded by Tabbert Unanimously carried

CONSIDER REVISION OF MUNICIPAL CODE TO PERMIT DUMPING GARBAGE AND REFUSE BY INDIVIDUALS AT CITY'S DISPOSAL SITE

The City Manager stated that a provision permitting individuals to use the City's disposal area for the dumping of garbage and refuse, subject to certain terms and regulations, was approved by the Council last summer, but this provision, as well as the provisions for combined collection of garbage and garden refuse, was rescinded by Ordinance No. 490-C.S. He said that many requests have been received from city residents to use the disposal area.

Methods of distinguishing city and county residents were discussed, the City Manager stating that in some cities this is determined by the automobile registration.

A. Friedman, attorney representing Modesto Garbage Company, present operator of the city disposal area, suggested that the staff, in preparing a report, consider the following facts: That a crane operatcr is employed at the disposal area only between the hours of about 3:00 A.M. to 3:30 P.M. each day, which will require that a time limitation be set as to when disposal can be made by individuals; fire hazards in connection with indiscriminate disposal when the area is not supervised. Mr. Friedman pointed out that it would be extremely difficult for the crane operator to determine the boundaries of the city limits when checking eligibility of individuals to use the disposal area, unless a permit is issued by a city official.

MOTION

That the staff study the proposal to permit city residents to dispose of refuse in the city disposal area and report to the Council

Moved by Johansen Seconded by Shastid Unanimously carried

CONSIDER APPOINTMENT OF ONE ADDITIONAL BUILDING INSPECTOR 9-65

Assistant Director of Public Works Campbell reported that in April, 1960, at the resignation of a building inspector, determination was made that the position would not be filled until such time as building activities in the City increased to a point where a replacement was needed. Building activities have increased to a point where it is now felt that an additional building inspector should be appointed. Mr. Campbell said that permits issued by the Building Inspection Department since the resignation of the building inspector in 1960, have increased by 33 per cent. The present staff has been able to keep abreast of all requested inspections on the day they are made; however, records indicate that approximately 1,000 inspections are pending on water-using appliances, submitted to the City by dealers, and on fences, roofs, etc. The staff will also have to be supplemented during vacation periods.

Upon questioning, Mr. Campbell said that the permit fees are sufficient to cover the cost of the additional building inspector requested.

The City Manager stated that if approved by the Council, an appropriation transfer to cover the salary of an additional building inspector for the balance of this fiscal year would be necessary in the near future.

MOTION

That the staff take necessary steps to hire an additional building inspector, to come back to the Council for final action

Moved by VanderWall Seconded by Tabbert Unanimously carried

CONSIDER INCREASED FUNDS NECESSARY TO CONSTRUCT INSTRUCTIONAL WADING POOLS AT ROOSEVELT AND WHITMORE PARK 10-35

Director of Parks and Recreation Cowie stated that funds for two instructional wading pools were approved by the Council as a part of the Capital Improvement Program for 1961-62. Since that time the State Health and Safety Code has been revised to require showers with hot and cold running water, adjustable temperature controls, additional deck paving, etc., in conjunction with each pool, contributing to an additional cost of $2,500 for each pool.

The shower facilities required were discussed by Mr. Cowie. It was his opinion that one shower each for men and women would be adequate for the anticipated 20' x 40' pool.

Mr. Cowie stated that instructional wading pools ranged in depth from two to three feet, and were superior to wading pools in that the added depth would permit youngsters to learn to swim. Fencing of the pools is now required. Services of a lifeguard are not necessary, supervision of the recreational leader in the area being sufficient.

Upon questioning, Mr. Cowie said that there would be added maintenance costs through purchase of equipment to clean the pools; filters and chlorinators are now required by law.

Superintendent of Recreation Grogan said that this would not fall in the category of an instructional program, such as is carried on at the school pools, but the water will be sufficiently deep to enable the children to float and learn to swim. Instructional programs require an instructor and lifeguard.

Councilman Mitchell said that he was not in sympathy with the new state requirements regarding wading pools and suggested that local health officers be asked to withhold enforcement of the requirements until such a time as the pool presently planned can be construction, without showers. He suggested that an attempt be made to get the legislators to exempt pools of this size from the new requirements.

Mr. Cowie said that a six-foot chain link fence was proposed to fence the pools; and that the cost of the fence was included in the $2,500 additional cost figure.

A motion proposed by Councilman Tabbert that the pools in Whitmore and Roosevelt Parks be constructed as budgeted without construction of showers, seconded by Shastid, was withdrawn.

It was Mayor Hammond's opinion that the instructional wading pools would be very attractive to the six to ten year olds, and would tend to keep them out of the irrigation canals, which are dangerous to this age group.

Councilman Patton suggested that only one instructional pool be installed, and that pool service be hired for one year to determine the cost of this operation, before pool cleaning equipment is purchased.

MOTION

That the staff be authorized to construct one instructional wading pool at Roosevelt Park in accordance with state standards

Moved by VanderWall Seconded by Mitchell Unanimously carried

RESOLUTION NO. 62-192

A RESOLUTION APPROVING APPROPRIATION TRANSFER FOR CONSTRUCTION OF INSTRUCTIONAL WADING POOL IN ROOSEVELT PARK ($2,500)

Introduced by VanderWall Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

($2,500 transferred from Special Capital Outlay, Parks Development, Whitmore (321-503) to Special Capital Outlay, Parks Development, Roosevelt (321-503))

REPORTS FROM THE PLANNING COMMISSION 12-100

(a) Capital Improvement Program

Copies of a letter from Alan E. Freeborn, Chairman, City Planning Commission, dated April 17, 1962, with final recommendations for the 1962-63 Capital Improvement Program attached, were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

The letter stated that the Commission last year recommended to the Council that improvement of neighborhood parks be financed through appropriate improvement district proceedings or similar means by the primary areas served. The allocations recommended have been computed on this premise; therefore, no funds for improvement of new neighborhood parks have been included. The letter and attachment were ordered filed.

(b) Recommendation for Amendment to Zoning Map, Section 29

The City Manager stated that Planning Commission Resolution No. 786, adopted April 17, 1962, recommends that the area in the vicinity of Elm, Chestnut and Laurel Streets, including the corporation yard site, be rezoned from R-2 and R-3 to C-M, Commercial Industrial Zone.

RESOLUTION NO. 62-193

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO THE ZONING MAP, SECTION 29 (Vicinity of Elm, Chestnut and Laurel Streets)

Introduced by Shastid Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

(c) Recommendation for Neece Drive Turn-around Design

Alternate designs for a turn-around on Neece Drive in connection with access to Dryden Municipal Golf Course, prepared by the Planning Department, were shown the Council. Sketch No. 3 was recommended by the Planning Department in principle, and designed so as to clip off the end of an existing lot, leaving an island in the loop. The exact location of the island and the width of the turn-around has not yet been determined, pending traffic studies.

Director of Parks Cowie stated that the S.O.S. Club has shown interest in dedicating a ten-foot strip to the City, which will provide a sixty-foot street, and plans to install sidewalk and curbs along the side of its property. The Club is also interested in saving trees located on the property line, which would have to be removed if the sidewalk was installed on the property line.

The City Manager stated that if Sketch No. 3 was approved in principle by the Council, the staff could proceed with negotiations with the property owner involved to compensate for clipping off the end of the lot.

MOTION

That the staff be authorized to proceed with necessary negotiations to carry out the recommendations of the Planning Commission for a turn-around on Neece Drive (Sketch No. 3 in principle)

Moved by VanderWall Seconded by Shastid

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY - None

REPORT ON WATER LINE INSTALLATION BY CITY FORCES IN VARIOUS SUBDIVISIONS

Memoranda from the Director of Public Works, dated April 16, 1962, copies of which are on file with the record of the minutes, indicate the following total cost of installation of water lines for the following projects:

(a) North Star Estates Subdivision - $2,075.34;

(b) McHenry Highlands Subdivision - $3,204.54;

(c) Brookdale Subdivision No. 2 and Park Manor No. 4 - $3,385.83;

(d) Brighton Avenue and Rose Gardens Subdivisions Nos. 1 and 2 - $3,757.97.

REPORT BY CITY ATTORNEY ON PROCEDURE FOR ACCEPTANCE OF GIFTS MADE TO THE CITY OF MODESTO 13-17

The City Attorney reported that his office was asked by the Council to determine the legality of delegating authority to an administrative official to accept or reject gifts made to the city by individuals or groups in the community. Mr. Grimes stated that it was the opinion of the City Attorney's Office that the law requires this authority to remain with the City Council. Copies of Letter Opinion No. 62-10, dated April 17, 1962, prepared by the City Attorney, were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

REPORT ON AGREEMENT WITH GANT PROPERTIES COMPANY RELATING TO ANNEXATION OF PROPERTY AT NORTHWEST CORNER OF PARADISE AND FRANKLIN

The City Manager stated that an agreement between the City and Gant Properties was executed on April 6, 1960, the City agreeing to provide sewer service to Gant Properties, located at the intersection of Franklin Street and Paradise Road, and the company agreeing to commence annexation proceedings at any time after two years from the date of the agreement. The two-year period has now elapsed.

Mr. Miller said that if the Council approved commencement of annexation proceedings, Gant Properties would be given notice to proceed with the annexation.

MOTION

That the staff be authorized to give notice to Gant Properties to commence annexation proceedings

Moved by VanderWall Seconded by Johansen Unanimously carried

PROGRESS REPORT ON ANALYSIS OF PROCEDURE FOR SELLING OF CITY PROPERTY

A letter from C. A. Tallent, President, Modesto Board of Realtors, Inc., dated April 17, 1962, was read by the City Manager. The letter stated that it is the opinion of the Board of Directors that in order to assure the highest return for the City in connection with the sale of city property located on the corner of Northern Boulevard and McHenry Avenue, it would be advantageous to sell the property in accordance with regular probate procedure. A memorandum from the City Manager, subject, "Sale of Real Property by the City," dated April 19, 1962, with excerpts from the Probate Code attached, was furnished to the Council prior to the meeting, a copy of which is attached to the record of the minutes. The memorandum was read by the City Manager, and the alternatives discussed.

In the City Manager's memorandum, the question was raised as to what steps should be taken by the City in the event an offer of $31,000 is submitted by a broker at a 6% commission, and a bid of $30,000 is submitted by a private individual not represented by a broker - Should the bid of the individual be accepted, since it would represent a greater return to the City than the higher bid by the broker when the commission is taken into account.

Councilman Mitchell said that past experience in accepting such bids resulted in a loss of interest in probate sales on the part of the brokers, and it was his opinion that the highest gross bid should be considered. He also pointed out that in probate sales the property is not listed exclusively but through multiple listing, and urged that the City do likewise.

Councilman Mitchell reviewed the Probate Code pertaining to the sale of property, stating that the brokers are familiar with the procedure and are furnishing bids at probate sales. He urged that probate procedures be followed in the next sale of city property.

MOTION

That probate procedure be followed in the next sale of city owned property

Moved by Mitchell Seconded by VanderWall Unanimously carried

With the unanimous consent of the Council, it was agreed to grant the successful broker a 5% commission for the sale of the property located at McHenry and Northern Boulevard.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Johansen Unanimously carried

The meeting adjourned at 10:53 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., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 - 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Absent: Councilmen: None

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

Reverend David A. Cohagan gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the Council meetings of April 9, April 16 and April 23, 1962, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM OLIVER DEATSCH, SECRETARY, MODESTO BAND, INC., REQUESTING BUDGET APPROPRIATION FOR 1962-63 (ANNUAL TRIP TO STATE FAIR IN SACRAMENTO)

A letter from Oliver Deatsch, Secretary, Modesto Band, Inc. of Stanislaus County, dated April 26, 1962, requesting that the sum of $350 be budgeted to partially defray the costs of the Modesto Band participating in and representing the community at the State Fair in Sacramento this year, was read by the City Clerk.

By order of the Chair, it was directed that the letter be considered at the appropriate budget session.

LETTER FROM OLIVER DEATSCH, SECRETARY, MODESTO BAND, INC., REQUESTING BUDGET APPROPRIATION FOR 1962-63 (ANNUAL SUMMER BAND CONCERTS)

A letter from Oliver Deatsch, Secretary, Modesto Band, Inc., dated April 26, 1962, requesting that the sum of $1,200 be budgeted for the 1962-63 fiscal year for the 1962 series of municipal concerts, was read by the City Clerk.

By order of the Chair, it was directed that the letter be considered at the appropriate budget session.

COMMUNICATION FROM WILLIAM H. NEAL, U. S. TREASURY DEPARTMENT, RE SPACECRAFT EXHIBIT

A letter from William H. Neal, Treasury Department, U. S. Savings Bonds Division, Washington, D.C., informing the Council that a Mercury Spacecraft exhibit will be on display in Modesto on May 24, 1962, to dramatize the economic requirements of our country's space ventures and to ask Americans to buy extra bonds as an investment in Freedom, was read by the City Clerk.

MOTION

That the staff be authorized to assist in matters involving the City

Moved by VanderWall Seconded by Tabbert Unanimously carried

COMMUNICATION FROM JOHN F. MILLER, PRESIDENT, CALIFORNIA ATHLETIC CLUB, INC., RE USE OF DEL WEBB FIELD FOR WRESTLING SHOWS

A letter from John F. Miller, President, California Athletic Club, Inc., dated April 28, 1962, requesting use of Del Webb Field for wrestling matches during the summer months on certain nights when the field is not being used by the Modesto Colts, was read by the City Clerk. In his letter, Mr. Miller agreed to pay the City a fee of $75 for the use of the field and its facilities, $25 for the use of the lights, clean the field after each wrestling event, and share the concessions profit with the Modesto Colts on a fifty-fifty basis.

The City Attorney stated that there were no complications from a legal standpoint; that a similar request was considered and approved by the Council last year on the basis of the Modesto Reds subletting the ball park to Mr. Miller for this purpose, with the provisions that the field would not be subleased on any night that another civic event was scheduled; that wrestling matches would not be scheduled more than thirty days in advance; that the City could furnish no police protection.

MOTION

That the City Attorney be directed to prepare an agreement between the City and the California Athletic Club, Inc., to sublet Del Webb Field for wrestlingevents, subject to the conditions outlined by the City Attorney

Moved by VanderWall Seconded by Johansen Unanimously carried

COMMUNICATION FROM CAL PURVIANCE, PARADE CHAIRMAN, ANNUAL FOURTH OF JULY CELEBRATION, RE REVIEWING STAND AND PARADE ROUTE 1-95

A letter from Cal Purviance, Parade Chairman, Stanislaus County Fourth of July Celebration, dated April 27, 1962, requesting permission to hold a Fourth of July celebration as in past years, was read by the City Clerk.

The City Attorney reviewed the terms and conditions under which the celebrations have been held in the past: That the parade be cleared with the Police and Traffic Departments; that the use of Del Webb Field to display fireworks be approved if weather conditions have not created a fire hazard to the surrounding area; that the City be held harmless from and against any and all costs, damages and liability arising out of the use of the field; that the Committee assume the responsibility for cleaning the field after its use; that the City be reimbursed for any damages which might occur to the field, the Municipal Golf Course, and Dryden Park Municipal Golf Course.

RESOLUTION NO. 62-194

A RESOLUTION APPROVING REQUEST OF THE STANISLAUS COUNTY FOURTH OF JULY COMMITTEE FOR THE CELEBRATION BEING HELD IN THE CITY OF MODESTO, JULY 4, 1962

Introduced by Shastid Seconded by VanderWall

Ayes: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

CARD FROM FORMER COUNCILMAN MERRILL ADAMS

A postcard from former Councilman Merrill Adams, recounting his travels in the Orient, was read by the City Clerk.

COMMUNICATION FROM JOSEPH S. GORLINSKI, EXECUTIVE OFFICER, CENTRAL VALLEY REGIONAL WATER POLLUTION CONTROL BOARD, RE PRIORITY POINTS

A letter from Colonel Joseph S. Gorlinski, Executive Officer, The Resources Agency of California, Central Valley Regional Water Pollution Control Board, dated April 20, 1962, Subject: "Water Pollution Control Need Priority Points as Established by the Central Valley Regional Water Pollution Control Board," was read by the City Clerk. The letter stated that the point ratings on water pollution control need have been established for applicants requesting grants-in-aid under Public Law 87-88 and will be assigned by the State Water Pollution Control Board at its regular meeting scheduled for June, 1962.

Director of Public Works Ray reported that Harry Jenks, Engineer, has submitted plans for the aeration system at the Sewage Treatment Plant in accordance with the terms of his agreement with the City.

COMMUNICATION FROM JOSEPH M. GOOD, MANAGER, GREATER MODESTO CHAMBER OF COMMERCE, RE ANNUAL APPROPRIATION

A letter from Joseph M. Good, Manager, Greater Modesto Chamber of Commerce, dated April 23, 1962. requesting appropriation of $11,000 in the 1962-63 budget for advertising and promotion of the City of Modesto, was read by the City Clerk.

By order of the Chair, it was directed that the letter be considered at the appropriate budget session.

COMMUNICATION FROM C. E. DIXON, ADMINISTRATIVE OFFICER, COUNTY OF STANISLAUS, RE CITY EXEMPTION FROM STRUCTURAL FIRE PROTECTION TAXES

A letter from C. E. Dixon, Chief Administrative Officer, dated April 20, 1962, relative to the City's request for exemption from County Structural Fire Protection Taxes, was read by the City Clerk. The exemption allowed by the Board amounts to one cent on the tax rate, a $7,404.58 savings to the residents of Modesto and Turlock.

RESOLUTION NO. 62-195

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 VanderWall Seconded by Tabbert

Ayes: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

LETTER FROM LESLIE DABRITZ, JR., ASSISTANT MANAGER, GREATER MODESTO CHAMBER OF COMMERCE, RE ACCOMMODATION FOR OVERNIGHT STOP BY TRAILER CARAVAN ON ITS WAY TO THE SEATTLE WORLD'S FAIR

A letter from Leslie O. Dabritz, Jr., Assistant Manager, Greater Modesto Chamber of Commerce, dated April 30, 1962, requesting the use of Del Webb Field and the immediate parking area as an overnight stop for a caravan of 100 trailers and 300 people enroute to the Seattle World's Fair, was read by the City Clerk. It was Mr. Dabritz' opinion that the community would receive excellent publicity by hosting the caravan and considerable business would be generated through the purchase of gasoline and food supplies.

Director of Parks Cowie stated that it is planned to park the trailers on the parking lot, and use Del Webb Field for a giant potluck dinner, the City furnishing trash cans. The organization has agreed to pay for cleaning up the premises after it leaves.

The City Manager recommended that permission be granted for the organization to use the parking lot and Del Webb Field on the afternoon and night of June 25, 1962.

MOTION

That the request of the Fireball Trailer Mfg. Company of San Fernando, California, to use Del Webb Field and adjacent parking lot for an overnight stop on the afternoon and night of June 25, 1962 be approved

Moved by Mitchell Seconded by Johansen Unanimously carried

COMMUNICATION FROM REVEREND ROY BLAKELY, MODESTO NEIGHBORHOOD CHURCH, RE SEWER SERVICE TO THE PROPOSED NEIGHBORHOOD MANOR REST HOMES

At the request of the City Manager, and with the unanimous consent of the Council, a letter from Reverend Roy Blakely, Pastor, Modesto's Neighborhood Church, dated April 30, 1962, requesting sewer service to the Neighborhood Manor Rest Home, was held over one week.

CONSIDER AWARD OF BID FOR INSTALLATION OF WATER MAIN IN BLOCK 90

The City Manager reported that no bids were received and recommended that the installation of a water main in Block 90 be performed by city forces. Estimated cost of the installation is $585.

RESOLUTION NO. 62-196

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER MAIN IN BLOCK 90

Introduced by Shastid Seconded by VanderWall

Ayes: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

CONSIDER AWARD OF BID FOR EXTENSION OF SANITARY SEWER FACILITIES: UNIT A - SANITARY SEWER RELOCATION BLOCK W; UNIT B - SANITARY SEWER RELIEF LINE IN CARVER ROAD

Director of Public Works Ray reported that only one bid was received, from W. M. Lyles Company, for $9,444.83, which is below the engineer's estimate. He recommended that the bid of W. M. Lyles Company be accepted.

RESOLUTION NO. 62-197

A RESOLUTION ACCEPTING THE BID OF W. M. LYLES COMPANY FOR EXTENSION OF SANITARY SEWER FACILITIES, BLOCK W, AND INSTALLATION OF SANITARY RELIEF LINE IN CARVER ROAD

Introduced by VanderWall Seconded by Johansen

Ayes: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

CONSIDER AWARD OF BID FOR CONSTRUCTION OF CHLORINE CONTROL STRUCTURE AT SEWAGE TREATMENT PLANT

Director of Public Works Ray stated that one bid was received from A. Teichert & Son, Inc., in the amount of $7,562, which is below the engineer's estimate for construction of the structures. As a result of issuing separate call for bids for the chlorine structures and installation of the clarifier relief line, Mr. Ray reported a savings to the City of approximately $8,846. He recommended that the bid be awarded A. Teichert& Son, Inc.

RESOLUTION NO. 62-198

A RESOLUTION ACCEPTING THE BID OF A. TEICHERT & SON, INC. FOR CONSTRUCTION OF CHLORINE CONTROL STRUCTURES AT SEWAGE TREATMENT PLANT

Introduced by Johansen Seconded by Shastid

Ayes: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

CONSIDER AWARD OF BID FOR RUBBER-TIRED TRACTOR 2-96

Purchasing Agent Dunham reported that the low bid for a rubber-tired tractor was submitted by Time Savers, Inc., for a Minneapolis-Moline tractor in the amount of $3,043.04, sales tax included. The tractor will be the motive power for the recently purchased rubber-tired roller.

Upon questioning, Director of Public Works Ray stated that Moline parts plants are located in Sacramento, Stockton and Fresno, with a traveling truck going through this area at frequent intervals. Funds are budgeted.

RESOLUTION NO. 62-199

A RESOLUTION ACCEPTING THE BID OF TIME SAVERS, INC. FOR ONE NEW RUBBER-TIRED TRACTOR

Introduced by Johansen Seconded by Shastid

Ayes: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

CONSIDER AWARD OF BID FOR PURCHASE OF AERIAL MOBILE TOWER

The City Manager reported that one bid only was received from Utility Body Company in the amount of $8,368.89. Funds for the purchase of the aerial mobile tower are budgeted in the amount of $8,155.

Director of Finance Bird stated that sufficient funds are available through appropriation adjustments within the account. The City Manager recommended that the bid be awarded to Utility Body Company.

RESOLUTION NO. 62-200

A RESOLUTION ACCEPTING THE BID OF UTILITY BODY COMPANY FOR AERIAL MOBILE TOWER

Introduced by VanderWall Seconded by Tabbert

Ayes: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

CONSIDER AWARD OF BID FOR PURCHASE OF CRUSHED ROCK SCREENING 3-1

Purchasing Agent Dunham reported that three bids were received for the crushed rock screenings (approximately 2,000 tons) for the needs of the City for the period May 15, 1962 through May 14, 1963. The low bid was submitted by George Reed - $2.95 per ton, less 10 cents per ton if paid by the 10th of the month following delivery. The City Manager recommended that the bid of George Reed be accepted.

RESOLUTION NO. 62-201

A RESOLUTION ACCEPTING THE BID OF GEORGE REED FOR THE FURNISHING OF THE CITY'S ANNUAL NEEDS FOR CRUSHED ROCK SCREENINGS

Introduced by Shastid Seconded by Johansen

Ayes: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

CONSIDER PURCHASE OF PACKER TRUCK

Director of Public Works Ray stated that two informal bids were received from the same firm, Mazzei Pontiac Co., Pittsburg, California, for a Pak-Mor unit mounted on a GMC truck, as follows: Conventional

truck, with a 20 cubic yard packer unit, $8,706.61 (sales tax included); the same unit with a tilt cab, $9,353.57 ($646.96 higher than the conventional unit).

Mr. Ray said that the wheel base of the conventional cab is 51 inches longer than the tilt cab, thus making the conventiona cab less maneuverable in alleys. A separate quotation was receive for a new hydraulically operated ram at an additional cost of $17 for either unit, but was not recommended by Mr. Ray because no operating record is yet available.

The advantages of a tilt cab were discussed.

The City Manager stated that a transfer of funds was necessar if the purchase of the packer truck was approved.

MOTION

That the staff be authorized to purchase a Pak-Mor packing unit mounted on a GMC tilt cab truck from Mazzei Pontiac Co., Pittsburg, California, for $9,353.57

Moved by VanderWall Seconded by Tabbert Unanimously carried

RESOLUTION NO. 62-202

A RESOLUTION APPROVING APPROPRIATION TRANSFER FOR PURCHASE OF PACKER TRUCK

Introduced by Shastid Seconded by VanderWall

Ayes: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

The above resolution transfers $9,354 from the Service Working Capital, Revolving Fund Balance (512-91) to Service Working Capital, Packer Truck (512-504)

CONSIDER APPROVAL OF SPECIFICATIONS FOR PURCHASE OF STREET SWEEPER AND CALL FOR BIDS 3-100

Director of Public Works Ray stated that the sweeper proposed for purchase will replace a truck-mounted type sweeper.

RESOLUTION NO. 62-203

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR A STREET SWEEPER

Introduced by VanderWall Seconded by Tabbert

Ayes: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

May 22, 1962 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 PURCHASE OF LIQUID ASPHALT

Purchasing Agent Dunham stated that the lowest bids for the various grades of liquid asphalt were submitted by Douglas Oil Refinery, Bakersfield, California. Because of possible delay and waiting time on the part of city crews due to thelocation of the plant of the low bidder, it was recommended by the Director of Finance that the bids of Douglas Oil Refinery be rejected, and the low local bids of George Reed be accepted.

The importance of service in connection with this commodity and the possibility of liquid asphalt being a commodity which might lend itself to joint purchase with the County were discussed.

Considering the delivery aspects of the bids submitted, the City Manager recommended that the low local bid of George Reed be accepted.

RESOLUTION NO. 62-204

A RESOLUTION ACCEPTING THE BID OF GEORGE REED FOR THE FURNISHING OF LIQUID ASPHALT TO THE CITY OF MODESTO FOR THE PERIOD MAY 15, 1962 THROUGH MAY 14, 1963

Introduced by Mitchell Seconded by Tabbert

Ayes: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE IMPROVEMENT OF UNIT A: ROSEBURG AVENUE, VIRGINIA TO ALMA; UNIT B: GRANGER AVENUE, FLORIDA TO MC HENRY 5-1

The City Manager stated that the improvement of Roseburg Avenue from Virginia to Alma, and Granger Avenue from Florida to McHenry Avenue, has been approved by the Council.

RESOLUTION NO. 62-205

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE IMPROVEMENT OF (UNIT A), ROSEBURG AVENUE, VIRGINIA TO ALMA; AND (UNIT B) GRANGER AVENUE, FLORIDA TO MC HENRY AVENUE

Introduced by Johansen Seconded by VanderWall

Ayes: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

May 29, 1962 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

CONSTRUCTION OF TENNIS COURTS AT ROOSEVELT PARK

With the unanimous consent of the Council, this matter was held over pending review of the plans and specifications with Mr. Earle of the Racquet Club.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE CONSTRUCTION OF A WADING POOL AT ROOSEVELT PARK

Director of Parks and Recreation Cowie said that he had again checked with the County Health Department and approval had been obtained to install one fabricated portable shower structure only, which can be installed and removed as desired, with the hot water requirement eliminated, these changes constituting a substantial savings to the City.

Councilman Mitchell stated that in reading the statute pertaining to sanitation and safety of swimming pools, there was no quarrel with the legislature's instructions that all pools be safe and sanitary; that so long as enforcement of the law is handled locally, there is room for administrative interpretation as evidenced by the rulings of the local health officer.

RESOLUTION NO. 62-206

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF A WADING POOL AT ROOSEVELT PARK

Introduced by Mitchell Seconded by Shastid

Ayes: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

May 18, 1962 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

RESOLUTION APPROVING AGREEMENT BETWEEN CHARLES V. AND MARGUERITTE K. JEFFERS PROVIDING FOR THE CITY TO ENERGIZE AND MAINTAIN THE SEVEN STREET LIGHTS SERVING THE FORTY-FIVE LOTS IN STRATHMORE SUBDIVISION UNIT NO. 1

RESOLUTION NO. 62-207

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CHARLES V. AND MARGUERITTE K. JEFFERS (To energize and maintain seven street lights in Strathmore Subdivision Unit No. 1)

Introduced by VanderWall Seconded by Tabbert

Ayes: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

REPORT ON PROGRESS OF COMMUNICATIONS CENTER - POLICE BUILDING

The City Manager reported that some revisions have been suggested to the architect on the preliminary plans submitted for the Police building and communications center, and that preliminary plans will be presented to the Council for its consideration shortly

Upon questioning, Mr. Miller said that some consideration had been given the possibility of consolidating City-County communications, but it was the consensus that this would not be feasible.

Councilman Mitchell said it was his understanding from meetings with the architect that the proposed communications center will constitute a joint operation of the City Police and Fire Departments and water controls which, when combined, will consolidate three presently separate functions.

Deputy Manager Keefe stated that if civil defense funds were used to construct the communications center, County approval would be necessary, as only areas with 65,000 population, or greater, are eligible to qualify for this type of assistance. It was Mr. Keefe's opinion that application for civil defense funds for this project would not only greatly increase cost of construction, but would cause considerable delay in construction.

The City Manager stated that needs for land acquisition will be presented at the time the plans are presented for Council consideration.

CONSIDER PROPOSED PURCHASE OF RIGHT OF WAY, MINENI PROPERTY, NORTHWEST CORNER OF BRIGHTON AVENUE AND LOCKE ROAD

The City Manager stated that Joe Mineni, owner of property on the northwest corner of Brighton Avenue and Locke Road, has asked the City if it needs a portion of this lot to provide for additional right of way on Brighton Avenue. A 90' right of way for Brighton Avenue was approved by the City and County some time ago. A 15' strip on the eastern side of the lot is needed for the right of way. Mr. Mineni has offered to take $4,000 for the lot, or to accept $1,500 for a 15' strip, subject to clearance of a reasonable side yard variance. Mr. Miller recommended that the staff be authorized to prepare an agreement for purchase of a 15' strip for $1,500.

MOTION

That the staff be authorized to proceed with the acquisition of a 15' right of way from Joe Mineni forthe widening of Brighton Avenue, as recommended by the City Manager

Moved by Mitchell Seconded by VanderWall Unanimously carried

RESOLUTION AUTHORIZING THE SIGNING OF AGREEMENT FOR TRAFFIC SIGNALS ON U. S. 99 AT COLDWELL AVENUE

Due to changes in plans and specifications, the City Manager stated that this project can be completed at less cost to the City than anticipated.

RESOLUTION NO. 62-208

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO, THE COUNTY OF STANISLAUS AND THE STATE OF CALIFORNIA FOR TRAFFIC SIGNALS ON U.S. 99 HIGHWAY AT COLDWELL AVENUE

Introduced by VanderWall Seconded by Tabbert

Ayes: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ANDY SILVA PROVIDING FOR PAYMENT TO THE CITY OF ITS SHARE OF THE PROCEEDS DERIVED FROM RENTAL OF GOLF CARTS AT DRYDEN AND MUNICIPAL GOLF COURSES

RESOLUTION NO. 62-209

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ANDY SILVA (rental of golf carts at both golf courses)

Introduced by Mitchell Seconded by Shastid

Ayes: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

CONSIDER REDUCTION OF SUBDIVISION BOND FOR ROSE GARDENS NO. 1 SUBDIVISION

Assistant Director of Public Works Campbell stated that all work within the subdivision has been completed to the satisfaction of the Public Works Department, including the patching and repair of street surfacing. He recommended that the subdivision bond in the amount of $41,500 be released, and the $500 cash deposit filed with the City to guarantee the patching and repair of the street surfacing (which has been done) be returned to the developer.

The City Clerk was directed to return the cash deposit to the developer.

RESOLUTION NO. 62-210

A RESOLUTION AUTHORIZING THE RELEASE OF THE UNITED PACIFIC INSURANCE COMPANY PERFORMANCE BOND FILED TO GUARANTEE IMPROVEMENTS IN ROSE GARDENS UNIT NO. 1 SUBDIVISION

Introduced by Shastid Seconded by Johansen

Ayes: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

CONSIDER APPROVAL OF FINAL MAP OF WILLOW ESTATES SUBDIVISION

At the request of the Assistant Director of Public Works, and with the consent of the Council, this matter was held over.

ACCEPT IMPROVEMENTS IN ROSE GARDENS NO. 2 SUBDIVISION AS COMPLETE AND AUTHORIZE CITY CLERK TO RELEASE SUBDIVISION BOND

The City Manager reported that a memorandum from the Director of Public Works indicates that all work required by the Subdivision Agreement has been completed to the satisfaction of the Public Works Department and that it would be in order for the Council to accept the work as complete and authorize the City Clerk to release the improvement bond for Rose Gardens No. 2 Subdivision.

RESOLUTION NO. 62-211

A RESOLUTION AUTHORIZING THE RELEASE OF THE UNITED PACIFIC INSURANCE COMPANY PERFORMANCE BOND FILED TO GUARANTEE IMPROVEMENTS IN ROSE GARDENS UNIT NO. 2 SUBDIVISION

Introduced by Johansen Seconded by Mitchell

Ayes: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

LETTER OF APPEAL FROM MRS. HELEN RHODES, ROUTE 21 BOX 553, CERES, CALIFORNIA, TO DENIAL OF CONDITIONAL USE PERMIT BY BOARD OF ZONING ADJUSTMENT

The City Clerk reported that Mrs. Helen Rhodes has filed an appeal to the decision of theBoard of Zoning Adjustment, denying a conditional use permit for the operation of a guest home at 202 West Morris Avenue, Modesto.

RESOLUTION NO. 62-212

A RESOLUTION SETTING THE TIME AND PLACE FOR THE HEARING OF APPEAL TO THE DECISION OF THE MODESTO CITY BOARD OF ZONING ADJUSTMENT FILED BY MRS. HELEN RHODES (Conditional Use Permit)

Introduced by Shastid Seconded by Tabbert

Ayes: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

May 28, 1962 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place for hearing.

RESOLUTION REFERRING THE PROPOSED ANNEXATION OF THE WYLIE ADDITION TO THE PLANNING COMMISSION FOR REPORT 6-20

RESOLUTION NO. 62-213

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 ADDITION

Introduced by Shastid Seconded by VanderWall

Ayes: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE WOODLAND FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (DAVIS HIGH SCHOOL ADDITION)

RESOLUTION NO. 62-214

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE WOODLAND FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (DAVIS HIGH SCHOOL ADDITION)

Introduced by VanderWall Seconded by Patton

Ayes: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE MC HENRY-DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (DRAKE ADDITION)

RESOLUTION 62-215

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE MC HENRY-DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (DRAKE ADDITION)

Introduced by VanderWall Seconded by Shastid

Ayes: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION RECOMMENDING ANNEXATION AND SETTING DATE FOR HEARING ON PROPOSED ANNEXATION OF THE BRIGHTON AVENUE PARK ADDITION

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

RESOLUTION APPROVING SUBDIVISION AGREEMENT AND FINAL MAP FOR DOWNEY PARK NO. 3 SUBDIVISION

The City Manager reported that the subdivision agreement has been signed, all fees paid, and that it was in order to accept the final map for Downey Park No. 3 Subdivision.

RESOLUTION NO. 62-216

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

Introduced by Shastid Seconded by Johansen

Ayes: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

REPORTS FROM THE PLANNING COMMISSION - None

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

LETTER RE YOUTH IN GOVERNMENT DAY

A letter from Wendell Page, President, The Kiwanis Club of Modesto, Louie Grinage, President, Greater Modesto Kiwanis Club, and Herbert V. Johnston, Key Club Chairman, dated May 2, 1962, reminding the Council that Wednesday, May 9, 1962, has been selected as the annual "Youth in Government Day," was read by Mayor Hammond. On this day forty Key Club young men from Modesto and Downey High Schools meet with city officials in order to get acquainted with city government. The Council and staff were invited to attend a no host luncheon at noon in the Fable Room of the Hotel Covell.

The letter was ordered filed.

REPORT ON LOW WATER PRESSURE - 7TH STREET FIRE

Fire Chief Wemyss reported that he and the Director of Public Works have been trying to find the cause for the lack of water at the scene of the fire on 7th Street on May 4, 1962. An investigation is being made as to the cause of the failure.

The City Manager stated that determination has been made that the water failure was not related directly to the relocation of water mains in connection with the freeway, since there are normally three sources of water into these hydrants. He said that a report would be submitted to the Council when the investigation is completed.

Chief Wemyss stated that there is water in the area at the present time. He said that flow tests on all of the hydrants are made at least once a year.

Director of Public Works Ray said that as the hydrants are checked annually, they are rated as to low, average or high flow. The ratings on the hydrants at the scene of the 7th Street fire are "average."

PROGRESS REPORT ON AREA DEVELOPMENT

The City Manager briefly reviewed a letter from Francis R. Ruggieri, County Supervisor, dated April 30, 1962, which stated that the County Board of Supervisors is forming a new committee to encourage the economic development of Stanislaus County. The group will be known as the "Economic Development Action Committee."

A copy of the letter was furnished the Council, the City Manager stating that it would be placed on the agenda for consideration at a later date.

RECOMMENDED CAPITAL IMPROVEMENT PROGRAM, 1962-63

A copy of the recommended Capital Improvement Program, 1962-63, was distributed to each Council member.

REPORT ON RECRUITING TRIP BY CITY MANAGER

The City Manager reported on his recent trip to Atlantic City, where an annual recruiting session was set up for the purpose of giving employers and prospective employees for planning positions an opportunity to get together. Mr. Miller said that he interviewed approximately fifteen individuals who had made formal application for the available positions, as well as approximately twenty others who had not applied formally, with several worthwhile prospects being secured. Candidates for Sewage Treatment Plant superintendent and for a planning position were interviewed in Florida.

The City Manager reported briefly on a trip to Philadelphia, stating that he was greatly impressed with the beauty of the City, also the planned endeavor to retain industry presently there and to attract new industry. It was Mr. Miller's opinion that this type of planned endeavor is essential in California and industrial grants should not be expected to happen as a matter of course. He said that special advantages and help are being given to all types of development; that the Philadelphia Industrial Development Corporation, a combination of private and public agencies, with the joint use of private and public funds, may buy and clear land, finance buildings, etc., for any industry wishing to locate in the area. The City has a development revolving fund; industry may apply the rent toward the purchase price or rent with an option to buy; all of the net gain realized goes back into the revolving fund for further development.

The City Manager said that a great amount of redevelopment has been done in Philadelphia; some areas have been completely rebuilt; with many apartments built in the heart of the City, both deluxe and moderate rentals, making it possible for tenants to walk to work.

MISCELLANEOUS

Deputy Manager Keefe invited the Council to attend the Youth in Government Day program to be held in the Council Chambers beginning at 9:30 A.M., May 9, 1962, and to the no host luncheon at noon in the Fable Room of the Hotel Covell.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Mayor Hammond Unanimously carried

The meeting adjourned at 5:46 P.M.

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

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

The City Clerk called the roll and there were

Present: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Absent: Councilmen: None

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

Reverend B. Winkleman gave the invocation.

LETTER FROM C. W. THROSSELL, PRESIDENT, MODESTO MEN'S MUNICIPAL GOLF CLUB, RE CAPITAL IMPROVEMENT BUDGET

A letter from C. W. Throssell, dated May 9, 1962, requesting that he be advised of the scheduling of budget hearings for the fiscal year 1962-63, was read by the City Clerk.

The City Clerk was directed to supply this information to Mr. Throssell.

The letter was ordered filed.

COMMUNICATION FROM SUPERVISOR RUGGIERI RE ECONOMIC DEVELOPMENT ACTION COMMITTEE

A letter from Francis R. Ruggieri, Supervisor, District No. 4, dated April 30, 1962, informing the Council of the formation of the "Economic Development Action Committee" to encourage the full development of the production potential of Stanislaus County, was briefly summarized by the City Manager. Mr. Ruggieri requested that the matter be considered by the Council and that a Council member be appointed to represent the City.

Consider designation of City Council representation

MOTION

That Councilman Shastid be appointed the Council representative of the Economic Development Action Committee, Councilman Patton to serve as alternate

Moved by VanderWall Seconded by Tabbert Unanimously carried

The City Manager reported on a meeting with Mr. Clayton, District Representative, Area Redevelopment Agency, several Councilmen, representatives from the County, Chamber of Commerce and State Department of Employment, on May 10, 1962. The meeting was later reviewed with Mr. Ruggieri, Mr. Clayton and Mr. Good.

COMMUNICATION FROM DIVISION OF HIGHWAYS RE CONSTRUCTION SCHEDULE - MODESTO FREEWAY PROJECT

A letter from J. G. Meyer, District Engineer, State of California Department of Public Works, Division of Highways, District X, dated May 1, 1962, was read by the City Clerk. The letter indicated that bids will be opened for the first stage of the contract for the construction of the freeway in June, 1962. This contract includes excavation and embankment construction for the freeway, construction of the Tuolumne River Bridge and other freeway structures, railroad spur relocations, and frontage road construction between Hatch Road and Shoemake Avenue. It is expected that this contract will be completed near the end of 1963. The second stage contract extends from Whitmore Avenue to Shoemake Avenue, and includes some grading, paving the freeway, completion of freeway ramps, and some repair of the existing highway through Modesto, and will commence at the completion of the first stage. Estimated date of completion of the over-all project is 1965.

The letter was ordered filed.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE CONSTRUCTION OF TENNIS COURTS AT ROOSEVELT PARK

The City Manager reported that the plans and specifications were checked by Fred Earle, Racquet Club, at the request of the Council. Several suggestions made by Mr. Earle were incorporated in the plans.

RESOLUTION NO. 62-217

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE CONSTRUCTION OF TENNIS COURTS AT ROOSEVELT PARK

Introduced by VanderWall Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

May 29, 1962 at 2:15 P.M. in the City Clerk's office was set as the time and place of opening of bids.

CONSIDER PURCHASE OF FRONT-END LOADER

At the request of the Director of Public Works, and with the consent of the Council, this matter was held over.

RESOLUTION RENEWING LEASE AGREEMENT WITH STANDARD OIL COMPANY FOR A PORTION OF THE CITY-COUNTY AIRPORT

The City Attorney stated that the proposed agreement extends the lease for this property for an additional year. Renewal of the lease was recommended by Airport Manager Harry Sham.

RESOLUTION NO. 62-218

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STANDARD OIL COMPANY FOR A PORTION OF CITY-COUNTY AIRPORT

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION APPROVING AGREEMENT FOR RENEWAL OF LEASE FOR SILVERTHORN BRANCH LIBRARY WITH DANA DEVELOPMENT ASSOCIATION

The City Attorney stated that the proposed agreement renews the lease of Silverthorn Branch Library with Dana Development Association for a period of three years, at the same rental of $200 per month.

RESOLUTION NO. 62-219

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DANA DEVELOPMENT ASSOCIATION FOR RENEWAL OF LEASE FOR SILVERTHORN BRANCH LIBRARY

Introduced by VanderWall Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION APPROVING AGREEMENT BETWEEN CITY AND CALIFORNIA STATE ATHLETIC CLUB, INC., GRANTING PERMISSION TO CALIFORNIA ATHLETIC CLUB, INC. TO USE DEL WEBB FIELD FOR WRESTLING MATCHES

The City Attorney stated that the proposed agreement has been prepared on the basis of a proposal submitted to and approved by the Council at its last meeting. The terms of the proposed agreement were reviewed by Mr. Grimes.

RESOLUTION NO. 62-220

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CALIFORNIA STATE ATHLETIC CLUB, INC., FOR THE USE OF DEL WEBB FIELD FOR WRESTLING MATCHES

Introduced by Johansen Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION ACCEPTING IMPROVEMENTS IN MC HENRY HIGHLAND SUBDIVISION AS COMPLETE AND AUTHORIZING THE RELEASE OF SUBDIVISION BOND

The City Manager reported that the City Engineer has certified that all work in McHenry Highlands Subdivision has been completed to the satisfaction of the Public Works Department, and that it would be in order for theCouncil to accept the work as complete and authorize the City Clerk to release the remaining improvement bond in the amount of $1,500. The City Manager recommended that the work be accepted.

RESOLUTION NO. 62-221

A RESOLUTION AUTHORIZING THE RELEASE OF CASH DEPOSIT GUARANTEEING PAVEMENT PATCHING IN MC HENRY HIGHLAND

Introduced by Shastid Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION ACCEPTING AS COMPLETE THE JOHNSTON PUMP COMPANY'S CONTRACT FOR THE FURNISHING OF A DEEP WELL PUMP AND ELECTRICAL EQUIPMENT FOR PUMP STATION NO. 24

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

CONSIDER COUNCIL REQUEST TO BOARD OF SUPERVISORS FOR PERMISSION TO BE INCLUDED IN COUNTY'S CALL FOR GASOLINE BIDS NEXT MONTH 1-105

The City Manager stated that the County plans to call for bids for its gasoline needs for fiscal year 1962-63 some time next month. The City's gasoline contract will expire on April 19, 1963, leaving a period of approximately 2½ months before the expiration of the County's contract. He suggested that the staff be authorized to negotiate with the County to have the City's needs for this interim period included in the County's gasoline contract for fiscal year 1962-63. If agreement can be reached with the County, a report on the City's gallonage requirements for the interim period will be necessary.

Councilman Mitchell concurred, stating that if joint purchase proves feasible during this period, plans can be made to purchase jointly on a fiscal year basis with the County, and any other agency which may wish to participate. He added that it would be necessary to appropriate funds for this purpose and perhaps deposit them with the County. After discussion, it was determined that cancelling the City's present contract was not desirable.

MOTION

That the staff be instructed to request that the Board of Supervisors, in the name of the Council, permit the City's gasoline needs for the period from about April 19, 1963 through June 30, 1963 be in included as an alternate bid in conjunction with the County's annaul call for bids for fiscal year 1962-63, and that the alternate bid received by the County be referred to the City for approval

Moved by Mitchell Seconded by VanderWall Unanimously carried

RESOLUTION APPROVING SUBDIVISION AGREEMENT AND FINAL MAP FOR WILLOW ESTATES SUBDIVISION

The City Attorney reported that the subdivision agreement has been signed, all fees paid, and necessary documents received. The City Manager recommended that the final map be approved.

RESOLUTION NO. 62-222

A RESOLUTION APPROVING THE FINAL MAP OF THE WILLOW ESTATES UNIT NO. 1 SUBDIVISION OF THE CITY OF MODESTO

Introduced by Johansen Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION AUTHORIZING THE INSTITUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE CERTAIN REAL PROPERTY IN THE CITY OF MODESTO TO BE USED FOR STREET WIDENING PURPOSES (East side of Santa Barbara, south of LaLoma, Lengyel property, Project No. 57-12)

RESOLUTION NO. 62-223

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 (Widening of Santa Barbara, Lengyel)

Introduced by VanderWall Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

The City Attorney stated that it was necessary that funds be made available for the purchase.

CONSIDER AGREEMENT WITH RONALD DODSON, ET AL, RELATING TO SANITARY SEWER LINE RECENTLY CONSTRUCTED IN CLAYTON AVENUE, WEST OF CARVER ROAD

The City Manager reported that the proposed agreement provides that property on the south side of Clayton Avenue may connect to the sewer line, and funds collected therefor by the City be placed in a trust account to be paid to the developers of the sewer line.

Director of Public Works Ray said that the property is not in the city limits at this time, but is in the process of being annexed. He said that the property owner has gone to considerable expense to construct a lateral sewer on Clayton Avenue to serve this property. The City has not participated nor advanced any funds for the cost of this line. Under the proposed procedure, a portion of Mr. Dodson's cost will be reimbursed as other properties connect to the line.

RESOLUTION NO. 62-224

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND RONALD DODSON, MARTHA DODSON, EUGENE WHEELER AND DOROTHY WHEELER RELATING TO SANITARY SEWER LINE CONSTRUCTED IN CLAYTON AVENUE, WEST OF CARVER ROAD

Introduced by Johansen Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION REFERRING THE PROPOSED ANNEXATION OF THE KLEMM ADDITION TO THE PLANNING COMMISSION FOR REPORT AND RECOMMENDATION

The City Manager stated that the Klemm Addition, which is proposed for annexation, comprises 15.590 acres and is located at the northwestern corner of the existing city limits, immediately east of Highway Village, between Conant and Prescott Avenues.

RESOLUTION NO. 62-225

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

Introduced by Tabbert Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION REFERRING THE PROPOSED ANNEXATION OF THE STENSAAS ADDITION TO THE PLANNING COMMISSION FOR REPORT AND RECOMMENDATION

The City Manager reported that the Stensaas Addition proposed for annexation lies immediately adjacent to Carver Road and comprises 2.070 acres. The Dodson addition proposed for annexation is immediately to the west of the Stensaas Addition. Assistant Director of Public Works Campbell said that annexation of the Stensaas Addition will have to be completed before the Dodson property can be annexed.

RESOLUTION NO. 62-226

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

Introduced by Shastid Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

APPROVAL OF BILLS FROM COUNTY FOR PRISONER CARE FOR MONTH OF APRIL, 1962

MOTION

That payment of $115.44 to the County for prisoner care for the month of April, 1962 be approved

Moved by Shastid Seconded by Patton Unanimously carried

REPORTS FROM THE PLANNING COMMISSION - None

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

Request by City Clerk Gailfus to attend meeting of International Institute of City Clerks in San Francisco

MOTION

That the request of the City Clerk to attend the International Institute of City Clerks meeting in San Francisco on May 16 and 17, 1962 be approved

Moved by VanderWall Seconded by Mitchell Unanimously carried

REPORT ON REQUEST FOR SEWER SERVICE TO NEIGHBORHOOD CHURCH (SENIOR CITIZENS) 2-95

Copies of a report, subject, "Sewer Service to Neighborhood Church - Senior Citizens Project," dated May 10, 1962, and prepared by Director of Public Works Ray, 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 Ray stated that this project is located at the southeast corner of the intersection of Woodrow and Tully Avenues, is within the city limits, and has been before the Council on two previous occasions.

At the request of the staff, the Neighborhood Church was asked to secure the services of consulting engineers for a thorough study of the problem of temporary sewer service by the City. Mr. Ray said that on the basis of the report submitted by the consulting engineers and from actual field tests made by the City, barring unusual circumstances, temporary service in the existing system can be provided without the creation of too great a problem. Mr. Ray recommended that the request for sewer service be approved, and that an agreement be prepared, subject to the conditions set forth in the report.

Probable problems which might arise through approval of the sewer service were discussed.

Upon questioning, Mr. Ray said that the City would not be in a position to disconnect service unless specifically stated in the agreement; if this provision is imposed, the developers will not be able to secure FHA financing; that the discharge from this project will be slight; that the agreement should contain the provision that the developers will have to take necessary steps to alleviate problems which might arise in the upper reaches of the sewer system, by changing the time of peak discharge or such other action as might be required as a safeguard to the City. Mr. Ray explained that service on a "temporary" basis meant until such time as a permanent system designed to serve this areais constructed and ready for service.

Water service to the project was discussed.

MOTION

That the staff be instructed to prepare an agreement with Neighborhood Church (Senior Citizens) as recommended by the Director of Public Works in his memorandum dated May 10, 1962

Moved by VanderWall Seconded by Tabbert Unanimously carried

HEARING ON PROPOSED AMENDMENTS TO ZONING REGULATIONS (MAP 29)

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the time set for consideration of proposed amendments to zoning regulations to reclassify from R-2 and R-3 to Commerical Industrial Zone, C-M, property encompassing a portion of the new corporation yard site and adjacent property, as per map attached to the record of the minutes.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on April 26, 1962 and notices posted and distributed in the area on April 26, 1962. No written protests were filed with the City Clerk.

Robert Smith, 128 Laurel Street, asked the reason for the rezoning, and by whom the proceedings were initiated, and was informed that the proceedings were initiated by the City Planning Commission.

Acting Director of Planning Fey reviewed the background of the proposed rezoning, stating that it carried out the purposes of the General Plan in terms of developing a light industrial area between the freeway and railroad tracks over a period of time as the freeway area develops. He said that the area is presently a mixture of commercial, industrial and residential uses.

Mr. Smith agreed that the property should be zoned for commercial purposes, but it was his opinion that it should be postponed until such time as the freeway construction starts. Mr. Smith was informed of the time schedule on the freeway construction reported earlier in the meeting.

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

ORDINANCE NO. 509-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 29 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (VICINITY OF ELM, CHESTNUT AND LAUREL STREETS)"

was introduced and ordered printed as required by the Charter.

Moved by Mitchell Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

REPORT THAT CONDEMNATION SUIT AGAINST R. C. AND E. L. BURROWS ON ROSEBURG AVENUE WILL BE DROPPED AS THEY HAVE VOLUNTARILY DEDICATED RIGHT OF WAY FOR STREET WIDENING PURPOSES

The City Manager stated that the City has been able to obtain voluntary dedication of the right of way for the widening of Roseburg Avenue from R. C. and E. L. Burrows, on the condition that the City will pay the drainage assessment on the portion of the property to be dedicated. Amount of the assessment is $50.96. He recommended that the right of way be accepted on this basis.

MOTION

That the staff be authorized to make payment of drainage assessment in amount of $50.96 against the right of way dedicated to the City by R. C. and E. L. Burrows

Moved by VanderWall Seconded by Tabbert Unanimously carried

REPORT ON DEPARTMENTAL IMPROVEMENTS

A memorandum from the Chief of Police dated May 2, 1962, subject, "Improvements to be Reported to the City Council," was furnished the Council prior to the meeting. The report described a new system which has been devised by the Police Department which combines the recording of necessary information and the maintenance of a radio log in one operation. This innovation has resulted in improvement of the efficiency of the Records Division, cut down on overtime, and is keeping officers on the street doing regular patrol work.

Chief Bowers was commended for the innovation.

FURTHER REPORT ON FIRE OF MAY 4, 1962

The City Manager stated that no reason could be found for the dry hydrant in the area of the warehouse fire on Seventh Street on May 4, 1962. One valve was found closed, which would affect the flow, but was not an explanation as to why there was no flow in the hydrant. No determination can be made as to when or why the valve was closed. He said that any further developments in the investigation would be reported to the Council.

PRESENTATION OF FINANCIAL STATEMENT FOR THE MONTH OF APRIL, 1962

The Financial Statement for the month of April, 1962 was presented to the Council and ordered filed.

PRESENTATION OF THE 1962-63 PRELIMINARY BUDGET

(a) Establish schedule of its consideration

The City Manager commended Director of Finance Bird, Deputy Manager Keefe, and other members of the staff who assisted in the preparation of the preliminary budget, which was being presented within the scheduled time. He said that the proposed budget was in balance except for the provision of certain supplemental requests which are not as yet cleared, but warrant Council consideration.

The City Manager stated that in the past the City has used the State's estimate on revenue anticipated from the sales tax, but this year instead of using the State's estimate of an 11% increase in the sales tax, the City has based the anticipated revenue on a 6% increase.

After discussion, it was determined by the Council that the budget hearings would be scheduled in the same manner as last year, the hearings to be held on Tuesday and Thursday of each week, beginning at 4:00 P.M. and ending at 5:30 P.M.; that special meetings will be held for the hearings; that the first special meeting will be held May 22, 1962 at 4:00 P.M.

The City Clerk was directed to call a special meeting for consideration of the budget on May 22, 1962 at 4:00 P.M.

REMINDER

The City Manager reminded the Council of the Councilmen's Institute being held in Sacramento this coming weekend, sponsored by the League of California Cities; that arrangements would be made by the staff for any Councilman wishing to attend.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Tabbert Unanimously carried

The meeting adjourned at 8:39 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., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond
(Councilman Shastid arrived at 4:10 P.M.)

Absent: Councilmen: None

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

Reverend Leroy Sharp gave the invocation.

LETTER FROM FRED MARTIN RE CITY'S POLICY REGARDING REQUIREMENT OF CURB AND GUTTER CONSTRUCTION

A letter from Fred Martin, 731 Sutter Street, dated May 17, 1962, requesting permission to appear before the Council to discuss the City's policy requiring neighbors in a particular block to request construction of curbs and gutters, when over fifty per cent of curbs and gutters in the block are installed, was read by the City Clerk.

Mr. Martin spoke briefly, stating that he objected to this policy, that in essence it forced a person to report on his neighbors; that he had made such a request to the City to require his neighbors to install curbs and gutters, causing much unpleasantness in his neighborhood. It was his opinion that the City should enforce installation under these circumstances without forcing neighbors to initiate action.

The City Attorney and City Manager reviewed the Council's policy on this matter.

The letter was ordered filed.

LETTER FROM WILLIAM A. MARUCA, 1519 ENCINA, SUBJECT: RULES GOVERNING CITY GOLF COURSES

A letter from William A. Maruca, 1519 Encina, dated May 10, 1962, relative to rules governing monthly student tickets at the Municipal Golf Course, was read by the City Clerk. The letter stated that present rules, requiring that a student be under the age of 21 years, place a hardship on full-time Junior College students, including ex-servicemen. Mr. Maruca asked that this rule be reconsidered.

The City Manager stated that the monthly student tickets were established primarily for high school student golf classes.

The staff was directed to check with the Junior College to see how many college students are affected by the under 21 ruling, to check whether or not Mr. Maruca is a full-time student, and not merely enrolled for one or two classes.

LETTER FROM J. FRANK PENDERGAST, ACTING DIRECTOR, FEDERAL HOUSING ADMINISTRATIO, RE STORM DRAINAGE PROBLEMS, MODESTO METROPOLITAN AREA 2-12

Copies of a letter from J. Frank Pendergast, Acting Director, Federal Housing Administration, San Francisco, dated May 14, 1962, subject, "Storm Drainage Problems, Modesto Metropolitan Area," were furnished the Council prior to the meeting.

The City Manager stated that the letter covers an urgent problem throughout the County, and suggested that it be referred to the Public Projects Committee for study.

With the consent of the Council, the letter was referred to the Council Public Projects Committee.

LETTER OF APPRECIATION FROM CITY MANAGER, WATSONVILLE, RE ASSISTANCE GIVEN BY DOUG CARMODY ON PARKING AND TRAFFIC MATTERS

A letter from C. W. Masonheimer, City Manager, Watsonville, dated May 10, 1962, expressing appreciation to the Council for Director of Parking Carmody's visit to Watsonville on April 19th to assist that City on parking and traffic problems, was read by the City Clerk.

The letter was ordered filed.

COMMUNICATION FROM PHILIP F. O'BRIEN, DEPARTMENT COMMANDER, VETERANS OF WORLD WAR 1 OF U.S.A., RE CALIFORNIA VETERANS UNITED PROPOSITION NO. 2 - CAL VETS LOANS

Mayor Hammond stated that he was originally requested by the Veterans of World War 1 of U.S.A., California Branch, to sign a proclamation endorsing Proposition No. 2, a Cal Vet bond issue, in the June primary election, and that the matter was placed on the agenda at his suggestion. Mayor Hammond reviewed the Council's policy of not taking a stand on State bond issues not related to city affairs.

It was the consensus of the Council that its policy to take no position on matters of this kind be continued.

MOTION

That the Council take no action on the matter

Moved by VanderWall Seconded by Johansen Unanimously carried

CONSIDER PURCHASE OF ADDITIONAL PICKUP

Director of Public Works Ray said that the proposed purchase of an additional pickup was placed on the agenda when a local repair shop informed the City that the pickup proposed for replacement, involved in an accident, was beyond repair. Another bid has been received which indicates that repair may be feasible. Mr. Ray requested that the item be withdrawn from the agenda, with the possibility that it may again be presented to the Council for consideration.

There were no objections by the Council.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE CONSTRUCTION OF WATER MAINS IN WILLOW ESTATES NO. 1 AND DOWNEY PARK NO. 3 SUBDIVISION 2-80

The City Manager reported that the construction of water mains in Willow Estates No. 1 and Downey Park No. 3 Subdivisions is needed to meet theCity's commitment to these subdivisions.

RESOLUTION NO. 62-227

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE CONSTRUCTION OF WATER MAINS IN WILLOW ESTATES NO. 1 AND DOWNEY PARK NO. 3 SUBDIVISIONS

Introduced by VanderWall Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

June 5, 1962 at 2:15 P.M. in the City Clerk's office was set as the time and place for opening of bids.

CONSIDER PURCHASE OF FRONT-END LOADER

The City Manager reported that two informal bids for a front-end loader were received, the low bid submitted by Edward R. Bacon Co., for $8,501.80. Funds in the amount of $7,815 are budgeted for the purchase of this equipment. Mr. Miller recommended that award be made to Edward R. Bacon for a total cost of $8,501.80.

MOTION

That the staff be authorized to purchase a front-end loader from Edward R. Bacon Co. for $8,501.80 (sales tax included)

Moved by Mitchell Seconded by Patton Unanimously carried

Appropriation transfer for balance of cost of front-end loader

RESOLUTION NO. 62-228

A RESOLUTION APPROVING APPROPRIATION TRANSFER FOR FRONT-END LOADER REPLACEMENT

Introduced by Mitchell Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

(Transferring $687 from Service Working Capital, Rubber-Tired Roller Replacement (512-504) to Service Working Capital, Front End Loader Replacement (512-504))

CONSIDER APPROVAL OF SPECIFICATIONS FOR PURCHASE OF TWO PARKING ENFORCEMENT VEHICLES (AUTOMOBILES) AND CALL FOR BIDS

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

RESOLUTIONS AUTHORIZING THE PURCHASE OF CAST IRON PIPE AND CEMENT ASBESTOS PIPE

(a) Resolution authorizing the purchase of 7,200 feet of 6" cast iron pipe from U. S. Pipe and Foundry Company, at $1.85 per foot, as per bid dated October 17, 1961

The City Manager stated that the City's contract with U.S. Pipe and Foundry Co. covering the purchase of cast iron pipe authorizes the City to exercise an option to purchase 30% over the contract quantities if the City so desires. Mr. Miller said that the prices were favorable and recommended that the staff be authorized to purchase an additional 7,200 feet of 6" cast iron pipe at $1.85 per foot from U. S. Pipe and Foundry Company, as per bid dated October 17, 1961.

Present costs of pipe were discussed.

RESOLUTION NO. 62-229

A RESOLUTION AUTHORIZING EXERCISING OF OPTION ON CONTRACT WITH UNITED STATES PIPE AND FOUNDRY CO. FOR ADDITIONAL PIPE (6" C.I.P.)

Introduced by Shastid Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

(b) Resolution authorizing the purchase of 4,800 feet of 8" cement asbestos pipe at $1.69 per foot, and 300 feet of 10" cement asbestos pipe at $2.30 per foot from Grinnell Company of the Pacific as per bid dated October 17, 1961

RESOLUTION NO. 62-230

A RESOLUTION AUTHORIZING EXERCISING OF OPTION ON CONTRACT WITH GRINNELL COMPANY OF THE PACIFIC FOR ADDITIONAL PIPE (4,800 feet of 8" cement asbestos pipe, and 300 feet of 10" cement asbestos pipe)

Introduced by VanderWall Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION ACCEPTING AS COMPLETE JOHNSTON PUMP COMPANY'S CONTRACT FOR THE FURNISHING OF A DEEP WELL PUMP AND ELECTRICAL EQUIPMENT FOR PUMP STATION NO. 24

The City Manager stated that the Assistant Director of Public Works reports that a time extension was granted to the Johnston Pump Company for the furnishing of the deep well pump and electrical equipment for Pump Station No. 24; that there was no cost to the City because of the time extension. The City Manager recommended that the work now be accepted as complete, the City Clerk authorized to file a notice of completion and that payment be made in accordance with the contract.

RESOLUTION NO. 62-231

A RESOLUTION ACCEPTING THE CONSTRUCTION OF A DEEP WELL PUMP AND ELECTICAL EQUIPMENT FOR PUMP STATION NO. 24

Introduced by Shastid Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

HEARING ON PROPOSED ANNEXATION OF SCOTT MANOR ADDITION - 8:00 P.M.

Mayor Hammond announced that the hour of 8:00 P. M. had arrived, the time set for consideration of the proposed annexation of Scott Manor Addition, and opened the hearing.

The City Clerk reported that notice of the proposed annexation was published in the Modesto Tribune on April 19 and 26, 1962, and notices mailed to all property owners and other interested parties in the area on May 3, 1962. No written protests to the proposed annexation were received by the City Clerk.

The City Manager stated that Planning Commission Resolution No. 783 recommends that the area be annexed, and that the area can be provided with all city services, excluding sewer service. The area comprises 11.697 acres.

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

ORDINANCE NO. 510-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE SCOTT MANOR ADDITION TO THE CITY OF MODESTO"

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

Moved by VanderWall Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

A RESOLUTION DECLARING THE INTENTION OF THE CITY OF MODESTO TO SELL REAL PROPERTY BELONGING TO THE CITY (SNEDIGAR PROPERTY - NORTHERN BOULEVARD)

The City Manager stated that the parcel of property proposed to be sold is located at the corner of McHenry Avenue and Northern Boulevard. Council approval has been given to sell the parcel in accordance with probate procedure.

Proposed Resolution No. 62-232, listing the terms of the sale, was reviewed by the City Attorney. Upon questioning, Mr. Grimes said that no minimum price is specified, but provisions in the resolution provide that the City may reject all bids, and the City is committed to pay a commission only in the event of sale.

The conditions under which the City will pay a 5% real estate commission were outlined by the City Attorney. The alternatives earlier suggested by the City Manager were reviewed.

It was Councilman Mitchell's opinion that regardless of whether a net bid submitted by a buyer without broker representation is higher than a gross bid submitted by a broker, less commission, experience has shown that it is best to accept the highest gross bid and pay the commission, thus maintaining the interest of the brokers.

Because of problems which might arise through the requirement of a ten per cent deposit with both written and oral bids, it was directed by the Council that the resolution be revised to require a minimum cash deposit, cashier's check, or certified check for $2,500 to accompany each bid, instead of ten per cent of the amount of the bid.

RESOLUTION NO. 62-232

A RESOLUTION DECLARING THE INTENTION OF THE CITY OF MODESTO TO SELL CERTAIN REAL PROPERTY BELONGING TO THE CITY

Introduced by Shastid Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

Written bids will be opened in the office of the City Clerk at 1:00 P.M. on June 18, 1962, and oral bids received and considered at 5:00 P.M. on the same day in the Council Chambers, City Hall.

APPLICATION OF MARY BRAME FOR EQUIPMENT RENTAL BUSINESS

The City Manager reviewed the background of the request of Mary Brame for an unclassified use permit to operate an equipment rental business at the southwest corner of Yosemite Boulevard and Kerr Avenue. The request was considered by the Council at a public hearing on April 23, 1962, and the application denied and referred back to the Planning Commission with a request for further report. (Resolution No. 62-191).

Planning Commission Resolution No. 795 reaffirms its former recommendation to grant an unclassified use permit to Mary Brame to conduct an equipment rental business at the above named location, subject to the following amended conditions:

1. That maintenance and repair of equipment be conducted entirely within a building;

2. That a 6 foot chain link fence, with wood slats, or a solid fence, be erected on the west and south sides of the property;

3. That there be no exit onto Yosemite Boulevard.

Acting Director of Planning Fey stated that when this matter was referred back to the Planning Commission a detailed report was prepared by the staff listing the uses on Yosemite Boulevard in an attempt to further define the two major questions involved in connection with the granting of an unclassified use permit -- whether or not this is a use permissible in a C-2 zone and whether the business would be a proper open use in a C-2 zone. Mr. Fey said that the sale of a large proportion of the equipment proposed for rental is permitted in a C-2 zone, if sold within an enclosed building. Mr. Fey reviewed the contents of the report.

The possibility of granting an unclassified use permit to Mrs. Brame, with a time limitation, was discussed. Mr. Fey stated that Mr. Berry, who wishes to lease the property from Mrs. Brame for rental equipment purposes, has indicated that he is not in favor of a time limitation.

Herbert Ramont reaffirmed his position against the granting of an unconditional use permit to Mrs. Brame.

The City Clerk read a letter from Mrs. Earl Hathaway opposing the granting of an unclassified use permit to Mrs. Brame.

Mr. Ramont read a letter from J. Saletta, William Smith, L. Hughes and S. G. Perrin, asking why it was not proposed to fence the east side of the property, which is directly across the street from their property. They requested that the unclassified use permit be denied.

Mr. Ramont read a letter addressed to the Council discussing the recommendations made by the Planning Commission in Resolution No. 795. He asked that an exact definition of "maintenance and repair" be established; that the spacing of the wood slats in recommendation No. 2 be clarified; that the exact location of the exits on Kerr Avenue or DeHarrah be established by the Traffic Engineer to minimize accidents.

Pictures of a similar business conducted in Berkeley were shown the Council by Mr. Ramont.

Upon questioning, the City Attorney stated that the Council could consider imposing a time limitation on the unclassified use permit, provided that the time was reasonable to the amount of development made. Mr. Fey stated that Mr. Berry has indicated that a ten-year time limitation would not be satisfactory; that Mr. Berry's plans for construction on the proposed site were not known.

The matter was generally discussed by the Council.

After discussion as to whether sufficient opportunity was given all interested parties to appear at both the Planning Commission and Council hearings on this matter, Mayor Hammond stated that the Council should render its decision on the basis of facts presented, its general knowledge of the matter involved, and not on the basis of the size of a crowd attending the meeting.

MOTION

That consideration of this matter be held over pending further information to the Council on the building and fence proposed to be constructed, and a time limitation

Moved by VanderWall Seconded by Tabbert Unanimously carried

RESOLUTION SETTING DATE FOR PUBLIC HEARING FOR PROPOSED ANNEXATION OF THE WYLIE ADDITION

The City Manager stated that Planning Commission Resolution No. 804 recommends commencement of proceedings for the annexation of the Wylie Addition, located on the west side of Rose Avenue in the Modesto Elementary School District and McHenry-Dry Creek Fire District. The area comprises 7.556 acres.

RESOLUTION NO. 62-233

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

Introduced by Shastid Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

July 9, 1962 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION SETTING DATE OF PUBLIC HEARING FOR PROPOSED ANNEXATION OF THE KLEMM ADDITION

The City Manager stated that Planning Commission Resolution No. 805 recommends commencment of proceedings for the annexation of the Klemm Addition, located east of Conant Avenue (Walter Heights Subdivision), in the Stanislaus Union School and Salida Fire Districts. The area comprises 15.59 acres.

RESOLUTION NO. 62-234

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

Introduced by Shastid Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

July 9, 1962 at 8:05 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION SETTING DATE OF PUBLIC HEARING FOR PROPOSED ANNEXATION OF THE STENSAAS ADDITION 5-70

The City Manager stated that Planning Commission Resolution No. 806 recommends commencement of proceedings for the annexation of the Stensaas Addition, located immediately west of Carver Road on the north and south sides of Clayton Avenue, and in the Modesto Elementary School and Woodland Fire Districts. The area comprises 2.07 acres.

RESOLUTION NO. 62-235

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

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

July 9, 1962 at 8:10 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

REPORT ON GROUND SIGN AT NORTHWEST CORNER OF NEEDHAM AND MC HENRY AVENUES

A copy of a report prepared by the Director of Public Works, dated May 15, 1962, subject, "Ground Sign at Northwest Corner of Needham and McHenry Avenues," was furnished each Council member prior to the meeting, a copy of which is on file with the record of the minutes.

The City Attorney stated that if the Council concurred with the recommendations of the Director of Public Works, a resolution granting a variance to the height limitation of the advertising billboard sign would be necessary.

The Director of Public Works outlined the recommendations: That the owner of the sign, Scott Bros., Inc., lower the entire sign five feet; that at the expiration of the first three-year period of the owner's contract with Shannon and Carmody, the projecting peak of the sign be removed, leaving the main portion of the sign 28.33 feet above ground level.

He stated that the recommendations were made as a compromise, inasmuch as the permit for the construction of the sign was issued in error, and the sign constructed in error.

Council authorization was given that the resolution indicate Council approval of the variance in accordance with the recommendations of the Director of Public Works, as contained in his memorandum dated May 15, 1962; that it was the Council's finding that permitting the sign to remain as recommended would not endanger the public health, safety or welfare.

RESOLUTION NO. 62-236

A RESOLUTION RELATING TO THE ERECTION AND MAINTENANCE OF A GROUND SIGN BY SCOTT BROTHERS, INC., AT THE INTERSECTION OF NEEDHAM AND McHENRY AVENUES IN THE CITY OF MODESTO

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION APPROVING AMENDED BUDGET FOR EXPENDITURE OF GAS TAX FUNDS 7-49

Director of Public Works Ray stated that an application was made to the State to revise the 1961-62 budget for expenditure of additional gas tax funds for projects which are cleared and ready for action. The revised budget provides for an additional amount of $3,900 to complete the Granger Avenue project, and an additional amount of approximately $15,000 to complete the Tully Road from Coldwell Avenue to Leonard Avenue with the section already budgeted from Stoddard to Coldwell Avenue. The revised budget provides for the use of unappropriated gas tax funds accruing to the City, unexpended funds from projects which have been completed, and from the Roseburg Avenue project.

RESOLUTION NO. 62-237

A RESOLUTION ADOPTING BUDGET FOR EXPENDITURE OF FUNDS ALLOCATED FROM THE STATE HIGHWAY FUND TO CITIES

Introduced by Mitchell Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

SUBMISSION OF PROPOSED GAS TAX FUND PROJECTS, FISCAL YEAR 1962-63

With the unanimous consent of the Council, this item was presented at the request of the City Manager.

Mr. Ray said that since the projects were proposed for the six-year Capital Improvement Program, there have been two changes: It has now been found desirable to improve Bowen Avenue from Virginia Avenue to McHenry Avenue with gas tax funds; the improvement of Tully Road is now proposed from Coldwell to Leonard, a section proposed for improvement next year in the Capital Improvement Program. This means that gas tax funds are being utilized which will not be available for improvements scheduled for the coming fiscal year.

The new projects proposed for fiscal year 1962-63 were the improvement of Tully from Coldwell to Princeton, and the improvement of Roseburg Avenue from Mills Avenue to Carver Road. Through Council action, funds have been taken from the appropriations for the improvement of Roseburg (from McHenry to Tully), and the improvement of Granger Avenue. The estimated cost of the improvement of Roseburg from Mills to Carver Road is $57,500. Since only $3,700 is left in this project, new funds will be required in the amount of $53,700. If gas tax funds are used for the improvement of Roseburg Avenue, a balance of approximately $14,000 will remain from 1962-63 funds, not enough for another project. Mr. Ray recommended that the $14,000 remain unappropriated for 1962-63, and be used as a carry-over for the succeeding year, when the funds can be combined with additional funds for a larger and more economical project.

Mr. Ray said that if this procedure is approved by the Council, the project budget submitted to the Division of Highways for 1962-63 will provide for one new project only, the improvement of Roseburg Avenue from Mills Avenue to Carver Road. The budget request must be submitted to the State before June 1, 1962.

There were no objections by the Council to the proposed project budget for fiscal year 1962-63 as outlined by the Director of Public Works.

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY LOCATED AT 209 EL VISTA AVENUE 7-123

The City Manager stated that this property is located on the west side of El Vista Avenue, between Miller and Haddon Avenues and is contiguous to the city limits. A sewer line exists to serve the property and the owner has agreed to comply with the usual requirements. Mr. Miller recommended that sewer service be approved.

MOTION

That sewer service to property located at 209 El Vista Avenue, Modesto, be approved

Moved by Mitchell Seconded by Johansen Unanimously carried

CONSIDER RENEWAL OF "MONEY AND SECURITIES BROAD FORM POLICY"

The City Manager stated that the City's Money and Securities Broad Form Policy expires on May 24, 1962, and recommended that it be renewed with the New Hampshire Insurance Company. The proposed policy provides the same coverage as the past three years for a premium cost of $174.16 ($51.97 less than three years ago).

RESOLUTION NO. 62-238

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE NEW HAMPSHIRE INSURANCE COMPANY FOR MONEY AND SECURITIES BROAD FORM INSURANCE POLICY

Introduced by VanderWall Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

CONSIDER PURCHASE OF ERRORS AND OMISSIONS INSURANCE 8-20

The City Attorney stated that several incidents in the recent past have indicated a need for this type of insurance. The fact that only one City and one County within the State carry this type of insurance was discussed.

Deputy Manager Keefe stated that many cities were under the impression that their employees were covered under their existing policies, and are now learning of their lack of coverage.

Upon questioning, the City Attorney stated that the City's present coverage does not cover a situation when an employee makes an error or omission of a ministerial nature in the performance of his official duties, so far as personal liability is concerned.

The City Manager stated that the errors and omissions insurance was being considered for all city employees, including the Council.

Upon request, the City Attorney reviewed the decision of the Supreme Court in Muskopf vs. Corning Hospital, and the legislative moratorium on the status of the law in the State of California with respect to public liability.

Upon questioning, Director of Finance Bird stated that domestic insurance companies have not been particularly interested in providing errors and omissions coverage. The company presently carrying the City's general liability policy is not willing to provide it, nor is Lloyds of London. He said that the Seven Provinces Insurance Company has expressed willingness to provide this coverage.

At the suggestion of Councilman Shastid, Mr. Bird said that the Seven Provinces Insurance Company would be asked if it would handle the City's general liability coverage, as well as errors and omissions.

The possible vulnerability of the City in the event of a successful suit against an employee covered by this type of insurance was pointed out by Councilman Shastid.

Deputy Manager Keefe said that several employees were unsuccessful in attempts to secure this type of insurance in their own behalf.

At the request of the Manager, the matter was held over pending further report from the staff.

CONSIDER REQUEST BY CITY ATTORNEY FOR PERMISSION TO ACCEPT OUTSIDE EMPLOYMENT

MOTION

That the request of the City Attorney to accept outside employmen from the City of Sacramento to review and submit a report on the Sacramento City Charter be approved

Moved by Johansen Seconded by Shastid Unanimously carried

PRESENTATION OF CAPITAL IMPROVEMENT PROGRAM

A letter from the Planning Commission, with listing of proposals for the second through the sixth year, was presented to the Council for review and consideration. A copy of the letter and list of proposals is on file with the record of the minutes.

REPORTS FROM THE PLANNING COMMISSION - None

APPROPRIATION TRANSFERS

(a) From General Reserve to Electrical Transformer Structure, $2000

Director of Public Works Ray said that growth in the northwestern section of the City has been so rapid that it is necessary to construct another transformer station for the street lighting circuits and enlarge the existing station. Funds have not been budgeted for this purpose. He recommended that $2,000 be transferred from the General Reserve Fund for this purpose. Two transformer structures are proposed in the 1962-63 budget; although needed, one can be eliminated if the Council so desires.

RESOLUTION NO. 62-239

A RESOLUTION APPROVING APPROPRIATION TRANSFER FOR ELECTRICAL TRANSFORMER STRUCTURE ($2,000 from General Fund, General Reserve (101-600) to Electrical (43) Transformer Structure (101-504)

Introduced by Johansen Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

MATTERS FOR THE GOOD OF THE COMMUNITY

Request by Postmaster to close portions of Kearney and Leonard Avenues

Postmaster Marion H. Moorehead requested permission be granted to close portions of Kearney and Leonard Avenue immediately adjacent to the new Modesto Post Office, to eliminate traffic interference during the dedication of the new post office on Sunday, May 27, 1962 between 1:30 P.M. and 3:00 P.M. The Council was invited to attend the ceremonies.

MOTION

That approval be granted to close Kearney and Leonard Avenues in the area of the new Modesto Post Office, subject to clearance from the Police and Traffic Departments

Moved by VanderWall Seconded by Shastid Unanimously carried

E. R. BROWN, 1331 Tully Road, relative to denial of variance by Council

Mr. E. R. Brown, 1331 Tully Road, read two letters to the Council relative to the Council's denial of a variance to permit a double car garage to remain eight feet from the street property line at 1524 Grape Avenue, one to California Governor Brown, and the other to the Modesto Bee, which the newspaper refused to publish. Mr. Brown said he did not ordinarily write letters to the Governor, but felt that it was justified in this case because he believed his rights as a citizen were violated. Both letters were based on this belief. Copies of the letters were not furnished the City Clerk for filing.

Mr. Brown cited incidents occurring at the Planning Commission and Council hearings which fostered his belief that he had not received fair treatment.

Mayor Hammond stated that he was in sympathy with Mr. Brown's problems, but that the Council had based its decision upon the facts presented in the case.

REPORT FROM THE SALVATION ARMY FOR SERVICES RENDERED IN QUARTER ENDING MARCH 31, 1962

A report from the Salvation Army for services rendered in the quarter ending March 31, 1962 was presented to the Council. This report is in accordance with agreement between the City and the Salvation Army.

MOTION

That the report from the Salvation Army covering services rendered for the quarter ending March 31, 1962 be approved

Moved by VanderWall Seconded by Tabbert Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned
Moved by VanderWall Seconded by Patton Unanimously carried

The meeting adjourned at 6:36 P.M.

ATTEST: REX E. GAILFUS, City Clerk

Special Council Meeting
May 22, 1962

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, Mayor Hammond presiding, to consider the preliminary budget for the 1962-63 fiscal year.

The City Clerk called the roll and there were

Present: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Absent: Councilmen: None

Review of Budget Message by City Manager - pp. I through XIII

The City Manager briefly reviewed the budget message. He said that the budget should not be considered to be balanced, since the supplemental requests are not included, and that additional revenue will either have to be secured through adjustments within the budget or by an increase in the property tax or other rates to finance the supplemental requests.

The gradual decrease of the General Fund carry-over during the past three years was discussed by Mr. Miller.

Mayor Hammond commended the City Manager for one of the finest budget messages ever to be presented to the Council. Mayor Hammond also expressed appreciation for the "Chart of Funds and Statement of Purpose." (pp. XIV - XVI)

The breakdown of sewer funds into various categories were explained by the City Manager at the request of the Council.

The distinction between the "Parking Fund," the "In Lieu Parking Fund" and the "City Parking Meter Fund" were explained by the City Manager.

BUDGET SUMMARIES AND REVENUE ESTIMATES (pp.2 - 15, inclusive)

Fines & Penalties (p. 8)

Upon questioning, the City Manager stated that the anticipated increase in revenues from these sources was not based on a change of policy, but due to the addition of one parking enforcement officer to reduce violations.

Upon questioning, Director of Finance Bird stated that the local assessment roll is generally received during the first part of July; the utility roll prepared by the State is received the first part of August, and the final assessment roll available about the third week in August.

The decreased carry-over in the General Fund of $155,079 was discussed by the Council. It was Mayor Hammond's opinion that a healthy reserve fund was needed as the rapid growth of the community and the community development program will no doubt make unexpected demands on the budget that are not foreseeable at the

present. He said that the budget should be reviewed with a view to erasing the deficit.

Revenue Estimates - page 12 - Sale of Real Property

The City Manager stated that the estimated revenue was based on the sale of city owned property at the corner of McHenry and Northern Boulevard, and other parcels.

Park Fees - p. 12

The City Manager stated that the decreased revenue estimate in park fees is based on an anticipated decrease in subdivision development.

No budget changes were indicated by the Council.

CITY COUNCIL - 7 - p. 19

Mayors' and Councilmen's Institute

Director of Finance Bird stated that notice was received that in the future the Mayors' and Councilmen's Institute will be held annually. Councilman Mitchell made a brief report on his attendance at the meeting recently held in Sacramento. Councilman Patton also attended the meeting. Mr. Mitchell said the meeting was well attended and the speakers were excellent. Copies of a report of the entire proceedings will be furnished the two attending Councilmen; additional copies may be obtained for $3.00 each.

No changes in the budget were recommended.

CITY MANAGER - 8 - p. 21

Personnel

The City Manager stated that one-third of the Deputy City Manager's salary is charged to Disaster and Civil Defense, and one-third to the Personnel Division; that while little of his time is devoted to personnel work, a considerable portion of the Manager's time is so used, and the Council may wish to change the distribution of his salary.

Typing Pool

The City Manager stated that a senior stenographer is proposed for the typing pool in lieu of one of the positions in a lower classification. This operation is presently being supervised by the City Manager's secretary.

207 - Conference Expense - p. 21

Director of Finance Bird stated that the budget increase covers attendance to the annual City Managers' conference.

Upon questioning, Mr. Miller explained that funds budgeted under Conference Expense cover regularly scheduled affairs approved by the Council, while funds budgeted under Business Expense cover trips to San Francisco and neighboring areas, business luncheon expenses, etc.

No changes in the budget were indicated by the Council.

TYPING POOL & RECORDS - 9 - p. 23

The City Manager stated that this item was included with the Finance Department's budget last year. Supervision of the typing pool is now being handled by the City Manager's office, and the Office Services Department is under the supervision of the Director of Parking and Traffic.

110 Salaries & Wages - Regular

The increase in this allocation from $8,261 in fiscal year 1961-62 to $17,784 for the coming year was questioned by the Council.

Director of Finance Bird stated that the salary of the switchboard operator is now included in this fund, being previously charged to the City Hall budget. Inasmuch as the operatior is supervised and relieved by Typing Pool personnel, it was felt that the salary is rightfully charged to this fund. Mr. Bird said the salary of the stenographer-clerk who will work with the Forward Modesto Committee '62 is also included; that her salary is offset by a Service Credit of $7,500, so that all costs incurred by the Committee is a single item in the Miscellaneous Budget (p. 87 - Miscellaneous Unclassified-65, Account 420). Miscellaneous costs for the Committee are included in Acccount 407 - Misc. Citizens' Committee Expenses, p. 23. This will not be a recurring charge against the Typing Pool and Records fund.

The savings effected by the elimination of the position of Supervisor of the Typing Pool & Records and Office Services Division, and the increase in funds budgeted for salaries in Typing Pool & Records - 9, p. 23, and Office Services - 58, p. 281, was questioned by Councilman Shastid.

The City Manager stated that a written report explaining the increase would be furnished the Council at the budget hearing of May 24, 1962.

301 Office Supplies

Mr. Bird stated that the increased budget includes office supplies for the Forward Modesto Committee. He said that $7,500 has been budgeted for the Committee -- $5,000 budgeted under Salaries, $1,250 under 301, Office Supplies, and $1,250 under 407, Misc. Citizens' Committee Expenses.

No Changes in the budget submitted were made by the Council.

CITY ATTORNEY - 13 - p.25

505 Law Library

The City Attorney explained the nature and content of the City's Law Library, and the requirements for its maintenance.

207 Conference Expense

The City Attorney stated that $500 is budgeted to cover attendance to the annual conference of the National Institute of Municipal Law Officers.

302 Books & Periodicals

Mr. Grimes said that legal publications not of permanent value are budgeted in this fund. Publications of permanent value are budgeted in Account No. 505.

No changes in the budget submitted were made by the Council.

CITY CLERK AND AUDITOR

121 Salaries & Wages - Elections

The City Clerk said that $1,000 is budgeted for extra help for the municipal election.

301 Office Supplies

Mr. Gailfus said that the $1,200 budgeted is based on actual expenditures the past year.

302 Books & Periodicals - 401 Membership Dues - 218 Equipment Rental Charges

Councilman Shastid questioned the cost of bookkeeping involved in listing these small items separately, instead of placing them in one general account. Director of Finance Bird stated that they were so listed for informational purposes; that a breakdown of classifications by Departments permits departmental control on spending.

No changes were made by the Council in the submitted budget.

FINANCE - 15, p. 29

120 Salaries & Wages, extra help

The City Manager stated that extra help is hired during peak work periods, and the services terminated when they are no longer required.

216 Rent of Equipment - p. 29

Director of Finance Bird stated that the additional amount of $1,600 included in the budget covers an IBM Collator, which will be a time saving addition, providing further automation of present procedures. The functions of the collator were outlined by Mr. Bird. He explained that a decrease in salaries and wages are not reflected at this time, because ultimate smoothness of operation has not yet been attained. Business license billing and preparation of quarterly reports will be performed by IBM on June 30; Police Department reports are also scheduled for installation by that date. Fixed assets inventory work is now completely installed.

Upon questioning, Mr. Bird stated that four full time employees plus part time assistants, operate the IBM equipment. Two employees at the counter are associated with the operation. The Police Department IBM sorter has been paid for with Police Department funds and appears in its budget.

201 Postage

Mr. Bird said that this account is charged to Office Services 58 (p.81) because this department is in charge of operation of the postage meter.

The Council made no changes in the budget submitted.

Attendance of City Attorney at budget hearings

With the consent of the Council, the City Attorney was excused from attending the forthcoming budget sessions, but was requested to be on call in the building in the event needed.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned until May 24, 1962 at 4:00 P.M.

Moved by VanderWall Seconded by Shastid 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 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 pro tempore VanderWall presiding in the absence of Mayor Hammond, to consider the preliminary budget for the fiscal year 1962-63.

The City Clerk called the roll and there were

Present: Councilmen: Johansen, Mitchell, Patton, Tabbert, Mayor pro tempore VanderWall
Councilman Shastid arrived at 4:01 P.M.

Absent: Mayor Hammond

TYPING POOL AND RECORDS, p. 23

The City Manager presented the Council with a "Comparison of Salaries and Wages, Regular, for Typing Pool & Records and Office Services," and briefly discussed the same to clarify questions which had arisen at the previous meeting regarding an increase in the amount budgeted for salaries and wages.

The amount of clerical work involved in connection with the Forward Modesto Committee was discussed.

No changes were made in the amount budgeted.

PERSONNEL, p. 31

Services, Professional and Other - 235

In the absence of Personnel Technician Bernice Mitchel, Mrs. Kaye Cheatham of the Personnel Office was introduced to the Council by Mr. Miller. Mrs. Cheatham reported that a portion of the amount budgeted in this account covers the City's annual contract with the State Personnel Board for testing and grading of examinations. The Council requested that a report on the $1500 included in this item for consultant services be submitted when Mrs. Mitchel returns from vacation.

Salaries & Wages - 110

The increase in the amount budgeted for salaries during the past two years was explained by the City Manager.

The Council directed that Director of Finance Bird furnish the Council with a report reconciling the $17,500 budgeted for Regular Salaries & Wages in 1960-61 and the $19,336 budgeted in the same account for 1961-62.

PLANNING, p. 33

Salaries & Wages - 110

Mr. Miller stated that the increase in this item reflects the positions and salaries authorized by the Council, although vacancies in the department are not yet filled.

Councilman Shastid noted that if new subdivisions were not paying their own way, consideration might be given to making additional or increased charges to the subdividers when revenues are discussed.

Upon questioning, the City Manager stated that the planning staff could be cut one-third if no planning was done on out-of-town subdivisions. Added costs to the City through annexations were also discussed.

The City Manager referred to a report furnished the Council on special services furnished by the City by various city departments, which the Council might wish to review. Copies of this report were distributed to the Council.

Acting Director of Planning Fey stated that the following positions are vacant in the Planning Department: Planning Director, Associate Planner (two openings -- one now filled on a temporary basis), Assistant Planner, and Senior Planner.

The duties of the 60% Intermediate Typist-Clerk were explained by Mr. Fey.

Services, Prof. & Other - 235

Mr. Fey stated that funds are budgeted in this account for map making, negatives needed for publication, etc.

No changes were made in the proposed budget.

CITY HALL BUILDING, p. 35

At the request of Mr. Miller and with the consent of the Council, the City Hall Building budget was held over for consideration with the Public Works budget.

FIRE DEPARTMENT, p. 37

Salaries & Wages - 110

A brief discussion was held regarding current salaries in this department. Chief Wemyss stated that there has been no change in the number of personnel during the past two years; that the increase in the amount budgeted is due to salary increases.

Fire Hydrant Rental

Mr. Miller stated that this account covers rental of fire hydrants in areas where water is furnished by private water companies.

Conference Expense - 207 (4-5)

Upon questioning, Chief Wemyss stated that the major portion of the funds budgeted in this account are used for training sessions, plus attendance of the Fire Chief and personnel at various meetings and seminars.

The effect of annexations on the City's fire rating was discussed. Chief Wemyss stated that the ratio of fire personnel to the area protected was a factor considered when fire ratings are established.

Whether or not a new fire house would improve the City's fire rating was discussed. Mr. Miller said that a report on this matter would be furnished the Council shortly.

Mayor pro tempore VanderWall was excused at 5:00 P.M., Councilman Johansen acting as Mayor pro tempore for the balance of the meeting.

POLICE DEPARTMENT - p. 41

Chief Bowers stated that the Police Department would be operating on a full complement on May 28. He said that an additional traffic officer was authorized in last year's budget, but was not hired for the complete year. No personnel has been added since the 1959-60 fiscal year, when seven were added.

Services, Prof. & Other - 235

Chief Bowers stated that the major portion of funds budgeted under this account covers the hiring of professional undercover services.

Councilman Shastid suggested that in the future the budget indicate the number of employees covered by the amount budgeted.

Postage - 201

Chief Bowers stated that this account covers parking meter envelope postage, and the increase is due to the fact that there are now three full-time parking enforcement officers. Regular police department correspondence is metered at the City Hall.

Contractual Services - 240

Chief Bowers stated that the decrease in this account is due to the fact that a change in law has lessened the cost of city prisoners at the county jail and road camp.

Other Special Charges - 429

Chief Bowers said this is primarily used for training - to send officers to Peace Officers Training Conference, miscellaneous training conferences, attendance at the Delinquency Control Institute, a portion for the Special Investigation Fund used for vice control, a reserve police dinner, and junior traffic patrol.

Equipment Rental Charges - 218

Chief Bowers said that the monthly rental charges on patrol cars are paid from this account. $232 per month per vehicle is paid into the equipment pool for maintenance and replacement of vehicles.

Uniform Allowance - 339

Chief Bowers said that uniforms are not purchased for police officers; leather, handcuffs and revolvers, badges, etc. are furnished, the officer buying his own uniform, cap, shoes, etc. An allowance of $10 per month is given each policeman for uniform maintenance.

Business Expense - 208

Chief Bowers said that $2,000 of this account is used for extraditing prisoners from out of state, which is reimbursed by the state, cost of returning prisoners within the state, and investigations involving trips.

DISASTER AND CIVIL DEFENSE, p. 43

Salaries & Wages, Regular - 110

The City Manager stated that one-third of the Deputy Manager's salary is charged to this account.

Radio Equipment - 504

Deputy Manager Keefe stated that city expenditures for radios installed in police, fire and public works vehicles are matched by Civil Defense Funds. The funds budgeted in this account are for two radios for the Parks and Recreation Department, one for the Police Department, and two for Public Works.

Tools, Shop, Field Supplies - 308

Mr. Keefe said that uniforms and equipment for the police reserve are purchased from this account.

PARKS & RECREATION, p. 44

Discussion of Personnel

The necessity of having a full time Senior Engineering Aide was questioned by the Council.

The duties of the Senior Engineering Aide were described by Superintendent of Recreation Grogan and Director of Parks and Recreation Cowie.

Director of Parks and Recreation Cowie was asked to bring some examples of the type of work performed by the Senior Engineering Aide to the next meeting.

Mr. Cowie stated that there are sixty-two full time employees in the Parks and Recreation Department, and approximately one hundred fourteen part-time employees during the summer months. After brief discussion, the Council determined that it would be well to visit the departments under discussion at the beginning of the next budget session, in order to familiarize themselves with departmental operations.

ADJOURNMENT

MOTION

That the meeting be adjourned until May 29, 1962 at 4:00 P.M.

Moved by Tabbert Seconded by Mitchell Unanimously carried

The meeting adjourned at 5:40 P.M.

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

Modesto City Council
May 28, 1962

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

The City Clerk called the roll and there were
Present: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall
Absent: Councilmen: Mayor Hammond

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

Reverend Charles Edwards gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Because several of the Councilmen did not receive copies of the minutes of May 14, 1962 prior to the meeting, this item was held over.

LETTER FROM JACK LEACH, JUNIOR ACHIEVEMENT OF GREATER MODESTO, INC. RE POSSIBLE USE OF OLD CITY HALL IN 1962-63

A letter from Jack Leach, Junior Achievement of Greater Modesto, Inc., dated May 2, 1962 requesting renewal of lease of the old city hall building on 10th Street for next year's program, beginning October, 1962 was read by the City Clerk.

The terms of the existing lease were reviewed by the City Attorney.

MOTION

That the staff be instructed to prepare an agreement with Junior Achievement Group renewing lease of old city hall beginning October, 1962, in accordance with the terms of the present lease.

Moved by Tabbert Seconded by VanderWall Unanimously carried

COMMUNICATION FROM DR. JOHN S. WOOLLEY, RE SISTER CITY PROGRAM

A letter from Dr. John S. Woolley dated May 22, 1962, subject, "Sister City Committee Recommendation," was read by the City Clerk. The letter requested that Council approval be given the Committee's recommendation that Barranquilla, Colombia, be named as Modesto's sister city.

Dr. Woolley described the location, types of industries, etc. of Barranquilla, stating that we have a common type of government, and that Victor Echeverria from Barranquilla, a student at the Modesto Junior College, was instrumental in securing the invitation of Mayor Ripoll that Barranquilla be chosen as Modesto's sister city; that the suggestion of Barranquilla for consideration as Modesto's sister city was made by the Native Daughters.

A letter from Arq. Ricard Gonzales Ripoll, Mayor of Barranquilla, dated April 13, 1962, stating that Baranquilla would be honored to be chosen Modesto's sister city, was read by the City Manager.

Dr. Garcia, Modesto Junior College, commended the Council for its wisdon and foresight in the selection of Barranquilla as Modesto's sister city.

MOTION

That the staff be instructed to prepare a resolution accepting Barranquilla as Modesto's sister city

Moved by VanderWall Seconded by Johansen Unanimously carried

LETTER FROM H. B. MONIGHAN AND ASSOCIATES, RE SEWER SERVICE TO LAND LOCATED ON SPENCER AVENUE

A letter from H. B. Monighan and Associates, dated May 22, 1962, requesting permission to tie a parcel of land (7.348 acres) located on Spencer Avenue, north of California Avenue, into the city sewer system, was read by the City Clerk. The letter stated that the County Planning Commission has recommended to the County Board of Supervisors that this parcel be rezoned R-3, and that construction of multiple unit housing will commence upon approval of the rezoning by the Board of Supervisors, provided permission is granted by the City to tie into the city sewer system.

Director of Public Works Ray stated that some years ago a sewer line was constructed on Briggs, Seybold and California Avenues to provide sewer service to Mark Twain and Franklin Schools. This line has not been in use since the construction of a new trunk line on Emerald Avenue, and is available for service to the property owned by H. B. Monighan and Associates. He said that the nearest point of service to the property involved would be at Seybold and California Avenues, and that it would be necessary to construct sewer laterals east to Spencer Avenue and north on Spencer to the site.

Mr. Ray said that unless there are unusual circumstances, it has been city policy for the developers to construct the sewer laterals, with an agreement providing for reimbursement to the developers as adjacent owners connect to the line.

Upon questioning, Mr. Ray stated that there is sufficient sewer capacity to serve this area, and that connection will cause no problems at the treatment plant.

Acting Director of Planning Fey said that the Planning Commission anticipates that upon Council consideration of the request for sewer service to this area, the matter will be referred to the Planning Commission for review of the proposed development plan of the applicant.

MOTION

That the application for sewer service of H. B. Monighan and Associates be referred to the City Planning Commission for study and report; and that a proposed agreement be prepared by the staff if the request is cleared by the Planning Commission

Moved by Johansen Seconded by Shastid Unanimously carried

Director of Public Works Ray stated that water service in this area is proved by Del Este Water Company.

LETTER FROM MRS. DELLA MAY DIXON, 509 - 14th STREET, RE PARKING IN FRONT OF HER RESIDENCE 2-82

A letter from Mrs. Della May Dixon, 509 - 14th Street, dated May 23, 1962, requesting that roomers at the above address be permitted to park their cars on the street all night, was read by the City Clerk. If approved by the Council, she said that she would assume responsibility to see that the sidewalk and street in front of her property are kept clean.

The disadvantages of establishing a precedent of this kind were discussed.

MOTION

That the request of Mrs. Dixon to permit all-night parking on the street in front of her residence at 509 - 14th Street be denied

Moved by Mitchell Seconded by Shastid Unanimously carried

HEARING ON APPEAL OF MRS. HELEN RHODES, RE CONDITIONAL USE PERMIT FOR REST HOME AT 202 WEST MORRIS AVENUE

Mayor pro tempore VanderWall announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the appeal of Helen Rhodes to the denial of the Board of Zoning Adjustment for a conditional use permit to operate a rest home at 202 West Morris Avenue, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on May 17, 1962, and notices posted and distributed in the area on May 10, 1962. No written protests were filed with the City Clerk. Protests were filed with the Board of Zoning Adjustment at the time of its hearing on the matter. A letter from the Stanislaus County Welfare Department, advising that the home and location are satisfactory to that Department for the use proposed was filed with the City Clerk.

The City Attorney stated that Board of Zoning Adjustment Resolution No. 168, adopted April 26, 1962, denied Mrs. Rhodes' application on the grounds that the requested use would not be compatible, as it would create higher density in the surrounding residential area. A transcript of the Board of Zoning Adjustment proceedings were furnished the Council prior to the meeting.

Mrs. Helen Rhodes, the applicant, stated that the proposed rest home would house eight elderly, ambulatory, mentally balanced guests. It was her belief that the conditional use permit was denied by the Board of Zoning Adjustment solely on the basis of parking problems of visitors to the home. Photographs indicating an off-street parking area of sufficient size to hold nine cars were shown the Council. She said that the guests did not own cars, had visitors only once or twice a month, and the visits were not simultaneous; that the area of the home is 2,700 square feet, in her opinion more than ample to accommodate eight guests; that a laundromat, a parking area, an apartment house, and a drive-in are in the immediate area of the proposed rest home.

Upon questioning, Mrs. Rhodes said that the home at 202 West Morris was in escrow at the time the conditional use permit was considered by the Board of Zoning Adjustment, and that the escrow was complete at the present time. She said she assumed that approval of the site by the County Welfare Department was sufficient to secure approval for the intended use and also assumed that the area was zoned Multiple Family, inasmuch as an apartment house is located next door.

The City Attorney stated that rest homes are permitted in Single Family residential zones, but only on the granting of a conditional use permit; that under the requirements for a conditional use permit it must be found that the requested use is compatible with other existing and potential uses in the general area.

Jimmy L. Coates, 511 Adam, read a petition from 75 neighboring residents and properties, requesting that permission to operate the rest home be denied. The petition was filed with the City Clerk.

Mr. Coates named the non-conforming uses in the neighborhood and outlined neighborhood traffic and noise problems associated with these uses.

The following spoke in opposition to the granting of the conditional use permit to Mrs. Rhodes: Stanley Peterson, 439 Myrtle, in behalf of his mother, Lottie Peterson; Marcella Johansen, 117 West Morris; Fred Adair, 232 West Morris; Jack Gist, 220 West Morris; William Parker, 423 Elmwood Avenue.

The City Attorney stated that a conditional use permit applies to the property involved and continues in the event of change of ownership.

No one else in the audience asked to be heard, and Mayor pro tempore VanderWall closed the hearing.

Councilman Shastid stated that the street was narrow and traffic extremely heavy during certain hours of the day, and it was his opinion that an added use which involves use of cars will serve to further complicate the traffic problems in this area.

RESOLUTION NO. 62-240

A RESOLUTION AFFIRMING THE DECISION OF THE BOARD OF ZONING ADJUSTMENT DENYING THE APPLICATION OF MRS. HELEN RHODES FOR A CONDITIONAL USE PERMIT FOR A REST HOME TO HOUSE EIGHT (8) ELDERLY PERSONS AT 202 WEST MORRIS AVENUE IN THE CITY OF MODESTO

Introduced by Mitchell Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor pro tempore VanderWall

Noes: None Absent: Mayor Hammond

It was Councilman Johansen's opinion that the Council's decision was the right one in this instance, but he said the fact must be faced that elderly citizens must gradually be integrated into residential areas, and not driven into the country or commercial or industrial zones; that future permits should not be automatically denied merely because they might be requested in an R-1 zone.

The City Manager said that apparently Mrs. Rhodes purchased the property in good faith and with the impression that the intended use at the chosen location would be approved. It was his opinion that any public agency and any real estate broker involved should help make it clear to a prospective buyer that a use permit is required from the City to operate a business of this type in a R-1 zone, and said that if there were no objections by the Council, he would discuss this matter with county representatives and request that applicants for rest home guests be informed that a letter from the Welfare Department approving the operation of a rest home at a certain location is not sufficient authority to permit such operation in any particular area of the City without a conditional use permit issued by the City.

CONSIDER AWARD OF BID FOR PURCHASE OF STREET SWEEPER 6-65

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

CONSIDER AWARD OF BID FOR THE CONSTRUCTION OF A WADING POOL AT ROOSEVELT PARK

The City Manager stated that the one bid received from Carribean Pools in the amount of $6,667 was considerably higher than the engineer's estimate for the construction of the wading pool, and recommended that the bid be rejected and the matter be considered again by the Council in the fall of the year.

RESOLUTION NO. 62-241

A RESOLUTION REJECTING ALL BIDS FOR THE CONSTRUCTION OF A WADING POOL AT ROOSEVELT PARK

Introduced by Johansen Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor pro tempore VanderWall

Noes: None Absent: Mayor Hammond

By order of the Chair, the staff was directed to place this item for consideration at the time of the budget hearing.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR IMPROVEMENT OF TULLY AVENUE BETWEEN STODDARD AND LEONARD AVENUES

The City Manager stated that the plans and specifications for the improvement of Tully Avenue between Stoddard and Leonard Avenues have been cleared with the State.

RESOLUTION NO. 62-242

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR IMPROVEMENT OF TULLY AVENUE BETWEEN STODDARD AND LEONARD AVENUES

Introduced by Mitchell Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor pro tempore VanderWall

Noes: None Absent: Mayor Hammond

June 12, 1962 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

Rights of way yet to be cleared were discussed.

ADOPTION OF ORDINANCE NO. 509-C.S., REZONING THE CORPORATION YARD AREA, SECTION MAP NO. 29

ORDINANCE NO. 509-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 29 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (VICINITY OF ELM, CHESTNUT AND LAUREL STREETS)"

introduced on May 14, 1962 and having been published as required by the Charter, was moved and adopted.

Moved by Johansen Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor pro tempore VanderWall

Noes: None Absent: Mayor Hammond

CONSIDER FURTHER APPLICATION OF MARY BRAME FOR EQUIPMENT RENTAL BUSINESS AT YOSEMITE BOULEVARD AND KERR AVENUE 6-98

Application of Mary Brame for an unclassified use permit to conduct an equipment rental business at the corner of Yosemite Boulevard and Kerr Avenue was carried over from a previous meeting, at which time the staff was directed to submit further information regarding the nature of the building and fence proposed to be constructed, and to find out whether or not a time limitation on the unclassified use permit would be acceptable to Mr. Berry.

Acting Director of Planning Fey said that the granting of an unclassified use permit with a time limitation was discussed with Mr. Berry, who reaffirmed his position that this restriction was not acceptable because of the size of the investment he would be making in the property.

Mr. Berry stated that he proposed to construct a concrete block building.

The City Attorney read a memorandum which outlined the status of the application and the legal issues involved. A copy of the memorandum is on file with the record of the minutes.
Mr. Grimes stated that with the granting of the unclassified use, the Council could impose reasonable conditions to assure compatibility, but that after further study, he did not believe a time limitation was a reasonable condition under the zoning regulations.

The uses permitted in a C-2 zone were discussed.

Edward C. Keller, attorney, representing Elmo Wilson, a property owner in the area, spoke briefly against the granting of an unclassified use permit to Mrs. Brame. A petition signed by fifteen property owners in the immediate area protesting the issuance of the permit was read by Mr. Keller and filed with the City Clerk.

RESOLUTION NO. 62-243

A RESOLUTION REMOVING THE SUSPENSION OF RESOLUTION NO. 62-191 DENYING THE APPLICATION OF MARY BRAME FOR AN UNCLASSIFIED USE PERMIT FOR AN EQUIPMENT RENTAL BUSINESS (YOSEMITE BOULEVARD AND KERR AVENUE)

Introduced by Johansen Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor pro tempore VanderWall

Noes: None Absent: Mayor Hammond

REQUEST OF PETER JANOPUAL FOR RELEASE OF $500 DONATED TO THE CITY FOR FALLOUT SHELTER FUND

The City Clerk stated that Peter Janopaul, 1301 Payne Avenue, had presented $500 to the City towards the construction of community fallout shelters to be located near schools for the protection of children and school teachers, on the premise that donations would be received for this purpose from other sources. No further donations have been received. Mr. Gailfus said that the $500 was deposited in the City Trust Account.

A letter from Mr. Janopaul dated May 21, 1962 requesting that the $500 be released and turned over to the YMCA building fund, was read by the City Clerk.

The City Attorney stated that the City cannot make the contribution to the YMCA; that the donation was not actually presented to the Council and accepted by the City, but the check given to the City Clerk by the Mayor and placed in the City Trust Fund; that a resolution authorizing the return of the money to Mr. Janopaul was in order.

RESOLUTION NO. 62-244

A RESOLUTION DIRECTING THE CITY CLERK OF THE CITY OF MODESTO TO RETURN THE SUM OF $500 CONTRIBUTED BY PETER JANOPAUL, SR., TOWARDS THE CONSTRUCTION OF FALLOUT SHELTERS

Introduced by Shastid Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor pro tempore VanderWall

Noes: None Absent: Mayor Hammond

CONSIDER RESOLUTION APPROVING GAS TAX EXPENDITURES FOR 1962-63

The City Manager stated that only two projects are included in the budget for expenditure of gas tax funds -- the maintenance of major and secondary streets, and the improvement of Roseburg Avenue from Mills Avenue to Carver Road.

RESOLUTION NO. 62-245

A RESOLUTION ADOPTING AND SUBMITTING A BUDGET FOR EXPENDITURE OF FUNDS ALLOCATED FROM THE STATE HIGHWAY FUND TO CITIES (1962-63)

Introduced by Tabbert Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor pro tempore VanderWall

Noes: None Absent: Mayor Hammond

CONSIDER RESOLUTION VACATING AND ABANDONING PUBLIC UTILITY EASEMENTS IN BLOCK 6985 - CITY OF MODESTO (McHENRY HIGHLANDS SUBDIVISION)

The City Attorney stated that at the time McHenry Highlands Subdivision was subdivided, certain public utility easements were provided. The subdivider has now submitted a tentative subdivision map resubdividing this subdivision, which has been approved, showing a relocation of the public utility easements. Mr. Grimes said that it was necessary to vacate and abandon the easements dedicated on the final map of the initial subdivision. This has been recommended by Planning Commission Resolution No. 790.

RESOLUTION NO. 1001 S.P.
RESOLUTION OF INTENTION NO. 282

A RESOLUTION OF INTENTION TO VACATE AND ABANDON PUBLIC SERVICE EASEMENTS IN BLOCK 6985 IN THE CITY OF MODESTO (McHENRY HIGHLANDS SUBDIVISION)

Introduced by Mitchell Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor pro tempore VanderWall

Noes: None Absent: Mayor Hammond

June 18, 1962 at 4:30 P.M. in the Council Chambers, 801 Eleventh Street, was set as the time and place of hearing.

Acting Director of Planning Fey said that there are no objections to the proposed change by the utility companies.

FURTHER INFORMATION REGARDING LETTER FROM WILLIAM A. MARUCA, 1519 ENCINA, SUBJECT: RULES GOVERNING CITY GOLF COURSES

This matter was considered by the Council at its May 21st meeting, and the staff directed to check with the Junior College to see how many college students are affected by the ruling that only students under the age of 21 are eligible for student tickets at the golf courses, and to check whether Mr. Maruca is a full-time student.

A memorandum from Director of Parks and Recreation Cowie dated May 24, 1962, subject, "Rules Governing City Golf Courses (Letter from William A. Maruca)" was furnished the Council, a copy of which is on file with the record of the minutes. Recommendation was made that the rates and requirements established by the Council for student tickets at the golf courses not be changed at this time.

MOTION

That the request of Mr. Maruca that students over 21 years of age be eligible for student tickets at the golf courses be denied, and the City Clerk directed to write a letter to Mr. Maruca outlining the reasons why it is not feasible

Moved by Johansen Seconded by Patton Unanimously carried

REQUEST BY HAROLD M. POWELL, MODESTO POST AMERICAN LEGION, FOR USE OF DEL WEBB FIELD ON JUNE 1, 1962 FOR THE ANNUAL CHARITY CIRCUS

The City Manager stated that this request has been cleared with the Modesto Colts, and there is no conflict of schedules. He recommended that permission be granted the Modesto Post American Legion to use Del Webb Field on June 1 for the annual charity circus, in accordance with the provisions of Resolution No. 61-175.

RESOLUTION NO. 62-246

A RESOLUTION GRANTING A PERMIT TO THE MODESTO POST, AMERICAN LEGION, TO HOLD ITS ANNUAL CHARITY CIRCUS AT DEL WEBB FIELD ON JUNE 1, 1962

Introduced by Shastid Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor pro tempore VanderWall

Noes: None Absent: Mayor Hammond

CONSIDER APPROVAL OF RIGHT OF WAY CONTRACT FOR ACQUISITION OF RIGHT OF WAY FROM WILLIAM R. AND HENRIETTA B. SHERMAN FOR WIDENING OF GRANGER AVENUE (PROJECT 55-2)

The City Manager stated that agreement has been reached with William R. and Henrietta B. Sherman to acquire a 10' right of way for the widening of Granger Avenue, at a cost of $2,000 for removal of improvements and damage to grantors' remaining property, with payment to be made within thirty days after acceptance of agreement. Mr. Miller recommended that the agreement be approved. Funds are budgeted for acquisition of the property.

RESOLUTION NO. 62-247

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND WILLIAM R. SHERMAN AND HENRIETTA B. SHERMAN FOR WIDENING OF GRANGER AVENUE (PROJECT 55-2)

Introduced by Johansen Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor pro tempore VanderWall

Noes: None Absent: Mayor Hammond

CONSIDER REMOVING PARKING METERS ON 13TH STREET, SOUTH OF H STREET

The City Manager stated that parking meters were installed several years ago on H and 13th Streets adjacent to the Tar Scott Drug Store at the request of Mr. Scott because of office workers parking all day in front of and on the side of his store. This office has moved to a new location, and Mr. Scott has now requested that the parking meters on the 13th Street side be removed, and the time limit in the 13th Street area reduced from a two to a one-hour limit.

Copies of a memorandum from Director of Parking and Traffic Carmody dated May 23, 1962, subject, "Parking Meters on 13th - G to H Street," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

Mr. Carmody stated that Mr. Thomas of the U. S. Tire Company has also requested that the meters and the time limit be removed on his side of 13th Street, about one-third of the block. He reviewed the proposed changes.

The City Attorney stated that if there were no objections, the matter could be handled administratively with no Council action needed.

CONSIDER APPROVAL OF RIGHT OF WAY CONTRACT FOR ACQUISITION OF RIGHT OF WAY FROM ROSE BROTHERS FOR WIDENING OF TULLY AVENUE

The City Attorney stated that the proposed contract covers acquisition of a right of way for the widening of Tully Avenue from Rose Brothers for the sum of $500 for damages and removal of improvements on the property, the City to pay all escrow and recording fees, etc., and curbs and gutters to be installed by the City at no cost to the grantor.

RESOLUTION NO. 62-248

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND ROSE BROTHERS FOR WIDENING OF TULLY AVENUE (Project No. 54-1-475-4)

Introduced by Shastid Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Tabbert, Shastid, Mayor pro tempore VanderWall

Noes: None Absent: Mayor Hammond

REPORTS FROM THE PLANNING COMMISSION - None

APPROPRIATION TRANSFERS

(a) Request for transfer of $6,000 from the General Reserve of the Special Capital Outlay Reserve Fund (600-321) to Miscellaneous Street Improvements (503-321)

The City Manager stated that $1,500 of the proposed appropriation transfer of $6,000 is for the purchase of a right of way from Joe Mineni for the widening of Brighton Avenue, and the balance primarily for acquisition of properties on Tully Road and the Lengyel property on Santa Barbara Avenue.

Upon questioning, Director of Public Works Ray stated that $10,000 was originally budgeted for right of way purposes, plus an additional appropriation of $4,500 several months ago.

The City Manager stated that rights of way are being cleared faster than anticipated.

RESOLUTION NO. 62-249

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $6,000 FOR MISCELLANEOUS STREET IMPROVEMENTS

Introduced by Mitchell Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor pro tempore VanderWall

Noes: None Absent: Mayor Hammond

MATTERS FOR THE GOOD OF THE COMMUNITY

Request for funds by California Fryer Festival - Jack Haugen - to construct barbecue pits, Legion Park

Jack Haugen, Chairman, California Fryer Festival, requested that the City purchase 8" x 8" x 16" concrete blocks at an approximate cost of $93.60, for the construction of two portable barbecue pits at Legion Park. The pits formerly at the park were removed to prevent the public from throwing bottles, garbage, etc. into them.

Publicity provided the City by the Fryer Festival was discussed.

Councilman Mitchell suggested that an attempt be made to secure the blocks from the County.

MOTION

That the staff be instructed to purchase or otherwise acquire cement blocks to erect two portable barbecue pits at Legion Park

Moved by Mitchell Seconded by Johansen Unanimously carried

Offer of S.O.S. Club to contribute to fencing between S.O.S. Club and city owned property

The City Manager stated that the S.O.S. Club has offered to buy chain link fencing material to be placed between S.O.S. Club

and adjacent city owned property, the Club to purchase the fencing, the City to furnish labor to construct the fence, and maintenance to be handled jointly. Mr. Miller recommended that the offer be accepted

MOTION

That the staff be authorized to proceed as recommended by the City Manager

Moved by Johansen Seconded by Patton Unanimously carried

REQUEST OF COUNTY PLANNING COMMISSIONER ZIMMERMAN FOR REPORTS, ETC., ON NORTH MODESTO SEWAGE PROBLEMS

Charles Zimmerman, County Planning Commissioner, requested that all copies of reports, suggestions, and matters of interest pertaining to the North Modesto sewage problems be furnished the County Planning Commission. He stressed the importance of cooperation between the two agencies.

Mr. Zimmerman agreed to furnish the City with reports of interest to the City.

REPORT FROM THE STATE DEPARTMENT OF PUBLIC HEALTH ON ANIMAL RABIES

The City Manager stated that a communication from the State Department of Public Health indicates that Modesto is not included in the rabies area, but combined city and county yigilance is recommended in regard to licensing, stray dogs, etc. Mr. Miller said that the City and County both require rabies shots.

REPORT ON "NORTH MODESTO SANITARY SEWER STUDY"

A report entitled "North Modesto Sanitary Sewer Study" prepared by the Department of Public Works, dated May 1, 1962 was submitted to the Council for consideration. Mr. Miller said the report would be discussed by the City Public Projects Committee at its meeting on May 29.

Monty Lukov, Home Builders Association, stated that his organization was very interested in this problem, and asked for a copy of the report.

Director of Public Works Ray suggested that copies of the report be furnished all interested parties, subject to Council approval.

Councilman Shastid commended the staff for the clarity of the report, stating that it was an indication of the financial problems besetting a growing city. Because of the cost involved, and the fact that the project fits into the City's long-range improvement program, he suggested that consideration be given to referring the problem to the Planning Commission for inclusion in the capital improvement program.

The Council directed that this matter be placed on the agenda for the June 11 meeting, and copies of the report furnished the City and County Planning Commissions, and all interested parties.

The City Manager suggested that copies of a letter from J. Frank Pendergast, Acting Director, Federal Housing Administration, dated May 14, 1962, subject, "Storm Drainage Problems, Modesto Metropolitan Area," be furnished all interested parties.

The Council directed that Mr. Pendergast's letter also be placed on the June 11th agenda.

REPORT ON PRESENTATION OF PRELIMINARY OVERALL ECONOMIC DEVELOPMENT PROGRAM TO BOARD OF SUPERVISORS

The City Manager stated that the preliminary overall economic development program was presented to the Board of Supervisors at the direction of the Council, was reviewed by the Economic Development Committee, and will be up for further action shortly.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Mitchell Seconded by Tabbert Unanimously carried

The meeting adjourned at 10:05 P.M.

ATTEST: Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in 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, Vice Mayor VanderWall presiding, to further consider the preliminary budget for the 1962-63 fiscal year.

The City Clerk called the roll and there were

Present: Councilmen: Johansen, Mitchell, Patton, Tabbert, VanderWall

Absent: Councilmen: Mayor Hammond, Councilman Shastid

The Councilmen left the Council Chambers to make an inspection of the Finance and Parks and Recreation Department offices, reconvening to the adjourned meeting at 4:55 P.M.

Parks and Recreation - Recreation, p. 47

120 - Salaries & Wages, Extra Help

Superintendent of Recreation Mary Grogan explained the increase in the 1962-63 budget.

The after-school recreation program was discussed. Miss Grogan stated that this program is in effect at eighteen schools, for approximately thirty-five weeks of the year. During the summer vacation activities are confined mostly to parks where there is shade and water, but schools are used for baseball activities.

Estimated total revenue for recreation - $37,610

Miss Grogan stated that allocations from the County and Schools toward the after-school program are included in the estimated total revenue of $37,610. Also included is income from the swimming pools, adult programs, and rental fees.

No changes were made in the submitted budget.

Parks and Recreation - Maddux Youth Center - p. 49

230 - Services, Prof. & Others

Miss Grogan stated that $690 is budgeted in this account to pay for dance bands for youth dances. If the dances do not prove to be self-supporting, Miss Grogan said that adjustments will be made the forthcoming fiscal year.

Upon questioning, Miss Grogan said that it was her opinion that Maddux Youth Center serves a very useful purpose for the youth of the community; she hoped that if other community centers were constructed they will serve all age groups. Miss Grogan stated that use of the Maddux Youth Center is restricted to youth activities, and adult social uses are not permitted unless directly related to training programs, etc. for young people.

Community cooperation in the conduct of the Center was discussed.

Miss Grogan stated that the janitor assigned to Maddux Youth Center also takes care of the Boy and Girl Scouts' clubhouses. The condition of these buildings and the amount of use was discussed.

No changes were made in the submitted budget.

224 M & R, Buildings and Grounds

Miss Grogan stated that $300 has been budgeted for the replacement of outside doors and repair of the pool.

No changes were made in the submitted budget.

Parks and Recreation - Modesto Community Service Center, p. 51

The City Manager stated that Council policy has been that this activity be self-supporting, and the point has now been reached where there is a small return on the original outlay for improvements.

No changes were made in the submitted budget.

ADJOURNMENT

MOTION

That the adjourned special meeting now in session be adjourned until Thursday, May 31, 1962, for further consideration of the preliminary budget.

Moved by Mitchell Seconded by Patton Unanimously carried

The meeting adjourned at 5:30 P.M.

ATTEST: [signature]

Adjourned Council Meeting
May 31, 1962

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 Hammond presiding, to consider the preliminary budget for fiscal year 1962-63.

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor Hammond
Councilman VanderWall arrived at 4:20 P.M.

Absent: Councilmen: None

PARKS AND RECREATION - Recreation - 32, p. 47

120 - Salaries and Wages Extra

Superintendent of Recreation Grogan stated that the increase of $17,000 in the account during the past two years was due to an increase in the adult and tiny tot program, which are self-supporting, and addition of part of the operational budget for the MJC swimming pool, and of the Children's Park, from which there is no revenue.

Miss Grogan was directed to submit a report indicating the revenue derived from recreational projects in fiscal year 1960-61. Councilman Shastid requested that a report also be submitted detailing the increase in extra help from $50,945 to $67,000 between the years 1960-61 to 1962-63.

PARKS AND RECREATION - PARKS - 35, p. 53

Salaries & Wages, 110, Regular

Director of Parks and Recreation Cowie stated that the increase in this account has been occasioned by salary increases approved by the Council and normal step increases, and not through employment of additional personnel.

Upon questioning, Mr. Cowie said that one man is assigned to the maintenance of each five or six acre park; that the amount of work varies with the age and location of the park. He outlined the maintenance required, stating that during the summer season, sixty per cent of the time is spent on irrigation alone. He said that it was not planned to develop new parks this coming fiscal year.

Mr. Cowie said that installation of automatic sprinklers would cut approximately forty to fifty per cent of the labor costs involved in the present method of irrigation, and that the cost of the automatic sprinklers (from $2,000 to $2,500 per acre) would probably be amortized within six or seven years. Mr. Cowie recommended that automatic sprinklers be installed in future park development.

The feasibility of converting manual to automatic sprinklers was discussed. Mr. Cowie said that the sprinklers at Kewin Park would lend themselves to conversion.

An explanation on the difference in the number of men hired during the fiscal year 1960-61 (18), and the fiscal year 1962-63 (17 5/12) was requested by Councilman Johansen. Director of Finance Bird stated that the 1962-63 figure was in error and should indicate 18 5/12 employees.

Deputy City Manager Keefe stated that the same level of upkeep has been maintained in the parks, despite an approximate 30-acre increase in recreational area, through purchase of larger mowers and other labor saving equipment.

Councilman Mitchell suggested that when the next park is developed, accurate cost figures for automatic sprinklers be made available. It was his opinion that automatic sprinklers should be limited to new park development until such time as they have proven themselves

Councilman VanderWall asked that definite figures be furnished the Council covering the cost of installation of a sprinkling system in a particular park, showing the period of amortization in relation to savings in labor costs under the present system.

130 - Salaries & Wages, Overtime

The need for overtime help was questioned by Councilman Shastid. Deputy City Manager Keefe stated that the overtime budgeted covers the services of two men six hours each weekend, from July to October 31, and May 1 to June 30, to collect garbage at the recreational areas; and the services of five men, seven hours each, on July 4th, to protect the golf courses during the fireworks display.

Mayor Hammond stated that this matter was thoroughly discussed several years ago and determination made at that time that these services were needed.

No changes were made in the submitted budget.

PARKS AND RECREATION - STREET TREES - 36, p. 54-55

Operating Expense - Equipment Rental Charges - 218

Mr. Cowie stated that the increase budgeted in this account covers the purchase of a new High-Ranger.

Services, Professional & Other - 235

Mr. Cowie said the decrease in the amount budgeted is due to completion of removal of mistletoe and "cabling" of the old Modesto Ash trees.

No changes were made in the submitted budget.

PARKS AND RECREATION - 9-HOLE MUNICIPAL GOLF COURSE - 37, p. 56-57

130, Salaries & Wages - Overtime

Mr. Cowie stated that during the growing season, it is necessary to cut the greens more often which necessitates Saturday and Sunday work. Part of the overtime work is paid for and a part is accumulated and taken as compensatory time off during slack winter periods.

The cost of maintenance of parks vs. golf courses was discussed.

Councilman Patton commented on the fine condition of the golf course.

No changes were made in the submitted budget.

Gene Vierra, greenskeeper at the golf course, was introduced to the Council by Mr. Cowie.

DRYDEN PARK MUNICIPAL GOLF COURSE - 38, P. 59

Charles Throssell, President, Modesto Men's Municipal Golf Club, recommended that additional funds be budgeted in Garden Supplies (310) for fertilizer to be used on some of the fairways at Dryden Golf Course. He said that his organization applied fertilizer to approximately twenty acres at its own expense with good results; that to his knowledge, except for the initial fertilizing, no fertilizer has ever been applied to the fairways which has resulted in the Bermuda grass not maturing as it should; in short, that about one-half the fairways have a very light covering of grass. It was his opinion that if this area was fertilized now and during the course of the growing season, a much better turf would be developed, resulting in faster play. He asked that funds be provided in the 1962-63 budget for this purpose, or available funds in the 1961-62 310-Garden Supplies account be used.

Mayor Hammond told Mr. Throssell that his request for fertilizer would be considered as a supplemental request at the appropriate time. The staff was directed to determine the additional funds needed for this purpose and to submit a breakdown of the use of the $4,200 budgeted in Account 310, Gardening Supplies, for Dryden Park Municipal Golf Course - 38.

ADJOURNMENT

MOTION

That the meeting be adjourned to June 5, 1962 at 4:00 P.M.

Moved by VanderWall Seconded by Johansen Unanimously carried

ATTEST: _____
Rex E. Gailfus, City Clerk

Modesto City Council
June 4, 1962

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

The City Clerk called the roll and there were

Present: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Absent: Councilmen: None

The pledge of allegiance to the Flag was given by all those 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 Council meetings of May 14 and 21, 1962, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTERS REGARDING BRICK CURBING AT 1622 AND 1618 WEST ROSEBURG AVENUE

Letters from Robert A. Marshall and Tom Crook, dated May 24 and May 25, 1962, respectively, requesting appearance before the Council to request a variance for brick curbing constructed next to the sidewalk on the public right of way, were read by the City Clerk. A letter from the Director of Public Works requests that the curb be removed before June 8, 1962.

Robert A. Marshall, 1622 West Roseburg, stated that the brick curbing is actually a retaining wall 93 feet long, 5 3/4" high, and 4" wide, separated by a 16' driveway, and was constructed primarily to prevent water runoff while watering the lawn which became more of a problem after sidewalks were installed.

The City Manager pointed out that a permit is required before any construction on public property, and the Code specifically prohibits the construction of structures and facilities in sidewalk areas unless a variance is granted.

The City Attorney reviewed a resolution establishing the basis upon which variances are granted by the Council to construct sidewalks, driveways, driveway approaches, curbs and gutters with materials other than concrete.

Director of Public Works Ray stated that the matter before the Council was an obstruction of a public right of way and injuries which might result from dangerous and deceptive conditions of public property.

Pictures of the retaining wall on the properties were shown the Council. Sharp projections in the retaining wall which could cause serious injury were indicated by Mr. Ray. It was Mr. Ray's opinion that the entire length of the retaining wall was a tripping hazard, and could result in claims for damages under certain conditions.

Mayor Hammond stated that it was not fair to the general taxpayer of the City to be liable for any accident which might occur as a result of a tripping hazard on city property.

Mr. Marshall stated that after being notified by the City that the retaining wall violated the Code, he and Mr. Crook canvassed the area between Tully and Carver Road, West Orangeburg and West Roseburg, and found 43 homes with illegal structures in the public right of way, so he did not feel that a precedent would be established if the Council granted a variance to allow the retaining wall to remain. Mr. Marshall said that he and Mr. Crook were willing to lease the right of way for $1 per year to relieve the City of any liability in connection with the retaining wall.

The City Manager explained that most existing structures in rights of way were built before the areas were annexed to the City.

RESOLUTION NO. 62-250

A RESOLUTION DENYING REQUEST OF ROBERT A MARSHALL AND TOM CROOK TO PERMIT BRICK RETAINING WALL TO REMAIN ON SIDEWALK AREA AT 1622 AND 1618 WEST ROSEBURG AVENUE IN THE CITY OF MODESTO

Introduced by Tabbert Seconded by Mitchell

Ayes: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: Councilmen: None Absent: None

LETTER FROM CLARKSON BRADFORD RE STUDENT VISIT TO COUNCIL MEETING

A letter from Clarkson Bradford, Jr., dated May 29, 1962, stating that three American Field Service students attending their senior high school year in Modesto wished to visit the June 4 Council meeting, was read by the City Clerk.

The letter was ordered filed.

Two of the students, Silvia Vannucci Chiappori, from Sao Paulo, Brazil, and Onsy Inthavong, from Luang Prabang, Laos, were introduced to the Council by Mr. Bradford. Because of

illness, Gunseli Acemi, Istanbul, Turkey, was unable to attend the meeting.

Literature pertaining to the City was given the students.

LETTER FROM JAY PATTEE, GOLF COACH, MODESTO HIGH SCHOOL, IN APPRECIATION FOR USE OF THE GOLF COURSES

A letter from Jay Pattee, Golf Coach, Modesto High School, dated May 24, 1962 expressing appreciation for the use of the Municipal and Dryden Golf Courses by high school students during the past golf season, was summarized by the City Clerk.

The letter was ordered filed.

HEARING ON PROPOSED ANNEXATION OF THE BLOMDAHL ADDITION

Mayor Hammond announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed annexation of the Blomdahl Addition, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on April 26 and May 3, 1962, and notices mailed to property owners and other interested parties on May 3, 1962. No written protests were filed with the City Clerk.

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

The City Attorney stated that Planning Commission Resolution No. 789 recommends the annexation of the Blomdahl Addition to the City. The area comprises 37.014 acres and is located on the east side of Carver Road, south of Mt. Vernon Drive.

ORDINANCE NO. 511-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE BLOMDAHL ADDITION TO THE CITY OF MODESTO"

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

Moved by VanderWall Seconded by Patton

AYES: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond
NOES: None ABSENT: None

LETTER FROM THE DOUGLAS OIL COMPANY OF CALIFORNIA RE: BID AWARD ON ASPHALTIC REQUIREMENTS FOR THE CITY FOR 1962-63

Copies of a letter from Douglas Oil Company of California, dated May 16, 1962 were furnished the Council prior to the meeting.

The letter stated that in its opinion the company was entitled to award of the City's asphaltic needs for the coming fiscal year, inasmuch as they had submitted the lowest responsible bid.

Copies of a letter addressed to Douglas Oil Company, dated May 25, 1962 from E. F. Dunham, City Purchasing Officer, explaining the reasons for awarding the contract to another firm, were furnished each Council member. It was Mayor Hammond's opinion that this letter adequately stated the City's position.

The letter was ordered filed.

LETTER FROM ALFRED M. TELL, 1434 PRINCETON AVENUE, RE: RETURN OF DOG TO POLICE DEPARTMENT

Copies of a letter from Alfred M. Tell, 1434 Princeton Avenue, dated May 28, 1962 were furnished the Council prior to the meeting. The letter complained of lack of cooperation by a police officer

Acting Chief of Police Coulson stated that he had checked the alleged complaint and found Mr. Tell's report to be exaggerated.

The City Manager stated that city employees were expected to extend courtesy and helpfulness to the public, and this phase of the incident has been cleared with the employee involved.

LETTER FROM E. R. BROWN, RE: ORDER TO REMOVE PART OF DWELLING ON 1524 GRAPE AVENUE 4-33

A letter from E. R. Brown, 5113 Tully Road, Modesto, dated May 29, 1962 notifying the Council that he has started construction of the home at 1524 Grape Street, as the building is presently located, without complying with the order of the City's Chief Building Inspector to remove the part of the dwelling too close to the property line, was read by the City Clerk.

MOTION

That the letter be referred to the staff for appropriate enforcement action

Moved by Johansen Seconded by Mitchell Unanimously carried

LETTER FROM LEAGUE OF CALIFORNIA CITIES RE: OPPOSITION TO PROPOSITION NO. 4 - HOUSING FOR ELDERLY AND PHYSICALLY HANDICAPPED

The City Manager stated that a communication from the League of California Cities, dated May 29, 1962 recommends opposition to Proposition No. 4, housing for the elderly and physically handicapped, and Proposition No. 5, endorsement of the Cameron-Unruh Park and Recreation Bond Act.

With unanimous consent, the Council agreed to take no stand on either measure.

COMMUNICATION FROM C. WILLIAM QUEALE, CAMPAIGN COORDINATOR OPPOSING PROPOSITION NO. 4 ON JUNE 5 BALLOT

Copies of a letter from C. William Queale, Campaign Coordinator, California Against Proposition No. 4, dated May 29, 1962 were furnished the Council prior to the meeting.

With unanimous consent, the Council agreed to take no stand on the measure.

CONSIDER BIDS RECEIVED FOR CONSTRUCTION OF TENNIS COURTS

The City Manager stated that the low responsible bid for construction of tennis courts at Roosevelt Park was submitted by George Reed for $9,797. He recommended that the bid be accepted.

RESOLUTION NO. 62-251

A RESOLUTION ACCEPTING THE BID OF GEORGE REED FOR THE CONSTRUCTION OF TENNIS COURTS AT ROOSEVELT PARK

Introduced by VanderWall Seconded by Tabbert

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

CONSIDER BIDS RECEIVED FOR STREET IMPROVEMENT, UNIT A, ROSEBURG AVENUE; UNIT B, GRANGER AVENUE (FLORIDA TO McHENRY)

Director of Public Works Ray reported that the low bid for the improvement of Roseburg Avenue, between Virginia and Alma, and the improvement of Granger Avenue, from Florida to McHenry, was submitted by George Reed in the amount of $31,844, which is below the Engineer's estimate.

RESOLUTION NO. 62-252

A RESOLUTION ACCEPTING THE BID OF GEORGE REED FOR THE IMPROVEMENT OF (UNIT A) ROSEBURG AVENUE, VIRGINIA TO ALMA; AND (UNIT B) GRANGER AVENUE, FLORIDA TO McHENRY

Introduced by Shastid Seconded by VanderWall

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

The City Manager stated that the improvement of Roseburg Avenue, to be financed from gas tax funds, cannot include the Alma to McHenry Avenue portion as rights of way are not yet cleared. He recommended that the staff be authorized to submit estimates on the cost of paving a thirty-foot center section of this block, using Special Capital Outlay funds.

Director of Public Works Ray said that if the City was able to enter into an agreement with the contractor by purchase order on the basis of unit prices submitted in the written bid, cost for improving the center lanes in this block would be about $1,262.

Mr. Miller said that a final attempt will be made to secure the necessary rights of way.

MOTION

That further attempts be made by the staff to secure the necessary rights of way on Roseburg between Alma and McHenry; that if the attempts are unsuccessful, the staff be authorized to negotiate with George Reed by purchase order for improvement of the center lane of Roseburg between Alma and McHenry, on the basis of unit prices submitted by George Reed for the improvement of Roseburg between Virginia and Alma
Moved by VanderWall Seconded by Shastid Unanimously carried

RESOLUTION CALLING FOR BIDS FOR LEGAL ADVERTISING, FISCAL YEAR 1962-63

The City Clerk stated that the Charter requires that bids for legal advertising be called annually, and that a complete report on the costs of legal advertising for the 1961-62 fiscal year would be submitted to the Council shortly.

RESOLUTION NO. 62-253

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE PUBLICATION AND PRINTING OF OFFICIAL ADVERTISING FOR THE FISCAL YEAR 1962-63

Introduced by Johansen Seconded by VanderWall

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

June 14, 1962 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 STREET SWEEPER 5-9

A tabulation of bids received for the street sweeper was presented to the Council at last week's meeting, and the item held over at the request of the staff for further check. Three bids were received, only one bid meeting specifications, the bid of Buran Equipment Company in the total amount of $12,321.20 (trade-in and sales tax included). Mr. Ray said that this figure exceeds the amount budgeted and is higher than the price paid for a sweeper of the same make previously purchased. He recommended that all bids be rejected, and the staff authorized to revise specifications and obtain informal bids for consideration of the Council. Approval was given the staff to secure informal bids.

RESOLUTION NO. 62-254

A RESOLUTION REJECTING ALL BIDS FOR THE PURCHASE OF STREET SWEEPER

Introduced by VanderWall Seconded by Johansen

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

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF CHAIN LINK FENCE AROUND NEW CORPORATION YARD

The City Manager recommended that a portion of the corporation yard site be fenced and lighting installed so that this area may be put to constructive use. This item is included in the 1961-62 budget, with the provision that Council approval be obtained before this project is commenced. He recommended that funds for this project be carried over to the 1962-63 fiscal year, pending final determination of street closings in connection with freeway construction.

Upon questioning, Mr. Miller said that it is not proposed to fence in the homes which are presently rented. $6,000 is budgeted for fencing purposes; the fencing proposed at this time will cost approximately $4,000.

Mayor Hammond stated that he would like to have a report on the exact portion of the property to be fenced and the materials which will be stored there.

MOTION

That the matter be considered at the appropriate budget hearing

Moved by Shastid Seconded by VanderWall Unanimously carried

CONSIDER SALE OF WRECKED POLICE CAR NO. 8 TO TURLOCK AUTO WRECKERS FOR $238

The City Manager stated that Turlock Auto Wreckers has submitted a bid of $238 for a 1959 Ford four door sedan, Police Car No. 8, which was wrecked on May 14, 1962. This car was authorized to be traded in to Dean Jones, Inc. on the purchase of a new patrol car. Repair estimates from two body shops indicate that the cost of repairs will exceed the trade-in value of $600. He recommended that the bid of Turlock Auto Wreckers be accepted.

RESOLUTION NO. 62-255

A RESOLUTION ACCEPTING THE OFFER OF TURLOCK AUTO WRECKERS TO PURCHASE WRECKED POLICE CAR NO. 8

Introduced by Shastid Seconded by Johansen

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

CONSIDER AGREEMENT WITH STATE TO INTERCONNECT NEW SIGNALS AT P, KANSAS AND TULLY WITH OTHER NINTH STREET SIGNALS

The City Manager stated that the proposed agreement with the State covers the interconnection of new signals at P, Kansas and Tully with other 9th Street signals. Total cost of the interconnection is $600, the City's share being $200.

RESOLUTION NO. 62-256

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE OF CALIFORNIA TO INTERCONNECT NEW SIGNALS AT P, KANSAS AND TULLY WITH OTHER 9TH STREET SIGNALS

Introduced by VanderWall Seconded by Tabbert

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

RESOLUTION ACCEPTING IMPROVEMENTS IN SKYLANE PARK NO. 2 SUBDIVISION AS COMPLETE AND AUTHORIZING THE CITY CLERK TO RELEASE SUBDIVISION IMPROVEMENT BOND

The City Manager stated that a memorandum submitted by the City Engineer, dated June 1, 1962 indicates that all work required by the subdivision agreement for Skylane Park Unit No. 2 Subdivision has been completed to the satisfaction of the City, and inspection fees paid by the subdivider. Mr. Miller recommended that work be accepted as complete and the City Clerk be authorized to release the improvement bond.

RESOLUTION NO. 62-257

A RESOLUTION AUTHORIZING THE RELEASE OF CONTINENTAL CASUALTY COMPANY PERFORMANCE BONDS FILED TO GUARANTEE IMPROVEMENTS IN SKYLANE PARK UNIT NO. 2 SUBDIVISION

Introduced by Shastid Seconded by Tabbert

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

RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE SALIDA COUNTY FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (SCOTT MANOR ADDITION)

RESOLUTION NO. 62-258

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE SALIDA COUNTY FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (SCOTT MANOR ADDITION)

Introduced by Johansen Seconded by VanderWall

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

CONSIDER RESOLUTION RELATING TO DESIGNATION OF THE CITY OF BARRANQUILLA OF THE REPUBLIC OF COLOMBIA AS AFFILIATED CITY TO THE CITY OF MODESTO UNDER THE TOWN AFFILIATION PROGRAM

The City Attorney stated that the proposed resolution was prepared at the direction of the Council. Copies of the resolution were furnished the Council prior to the meeting.

RESOLUTION NO. 62-259

A RESOLUTION EXTENDING TO THE CITY OF BARRANQUILLA OF THE REPUBLIC OF COLOMBIA AN INVITATION TO BE DESIGNATED AS AN AFFILIATE CITY TO THE CITY OF MODESTO UNDER THE INTERNATIONAL TOWN AFFILIATION PROGRAM

Introduced by VanderWall Seconded by Shastid

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

The City Clerk was directed to furnish Victor Echeverria, M.J.C. student from Barranquilla, a copy of the resolution.

The City Attorney stated that the Sister City Committee has authorized Mayor Hammond to transmit a copy of the resolution to the Mayor of Barranquilla.

CONSIDER REQUESTING RICHFIELD OIL COMPANY FOR AN EXTENSION OF OUR GASOLINE SUPPLY CONTRACT

The City Manager requested that the staff be authorized to ask the Richfield Oil Company for an extension of the City's gasoline supply contract from April 19, 1963, to June 30, 1963 at the prices prevailing in the City's present contract with this company. This will permit the City's contract to expire at the same time as the County's, making possible a joint City-County bid call for gasoline for the fiscal year 1963-64.

Councilman Mitchell reported on a meeting of members of the City staff with the County Purchasing Agent, Chairman of the Board of Supervisors, and other county officials on this subject. He said that other fields of joint cooperation were discussed, and the City was able to offer helpful information on street paints, which may save expense to the County.

MOTION

That the staff be authorized to request the Richfield Oil Company to extend the City's gasoline contract from April 19, 1963 to June 30, 1963

Moved by Shastid Seconded by Mitchell Unanimously carried

RESOLUTION REFERRING PETITION FOR ANNEXATION OF THE RUFFINO ADDITION TO THE PLANNING COMMISSION FOR CONSIDERATION AND RECOMMENDATION TO THE COUNCIL 7-30

The City Manager stated that the Ruffino Addition comprises 0.176 acres and is located on the west side of Phoenix Avenue, adjacent to the old Phoenix Fire Station.

RESOLUTION NO. 62-261

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

Introduced by Shastid Seconded by Johansen

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

The City Manager said that the area is served by Del Este Water Company. City sewer service is available.

RESOLUTION APPROVING RENTAL OF CITY OWNED PROPERTY

RESOLUTION NO. 62-262

A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND LELA BRIDGES FOR RENTAL OF PREMISES AT 215 ELM STREET ON A MONTH TO MONTH TENANCY ($50 per month, effective May 15, 1962)

Introduced by Johansen Seconded by Tabbert

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

REQUEST OF JUNIOR CHAMBER OF COMMERCE TO HOLD A CIRCUS AT DEL WEBB FIELD JUNE 11, 1962 FROM 10:00 A.M. TO 12:00 MIDNIGHT

The City Manager recommended that the request of the Junior Chamber of Commerce to hold a circus at Del Webb Field on June 11, 1962 from 10:00 A.M. to 12:00 midnight be approved under the same terms and conditions imposed by Resolution No. 62-246, which approved the recent use of Del Webb Field for a circus. The request has been cleared by the Parks and Recreation Department and a certificate of insurance filed with the City Clerk.

RESOLUTION NO. 62-263

A RESOLUTION GRANTING A PERMIT TO THE JUNIOR CHAMBER OF COMMERCE TO HOLD A CIRCUS AT DEL WEBB FIELD ON JUNE 11, 1962

Introduced by Shastid Seconded by Tabbert

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

REPORTS FROM THE PLANNING COMMISSION - None

APPROPRIATION TRANSFERS 6-50

(a) Special Gas Tax Street Improvement Fund, $15,780

Director of Public Works Ray stated that the proposed transfer covers the transfer of unappropriated gas tax funds in the General Reserve of the Special Gas Tax Street Improvements Fund, and unused funds budgeted for the improvement of Roseburg from Tully to McHenry, to the Special Gas Tax Street Improvements Fund for the improvement of Granger from the Tidewater Southern Railroad to Florida Avenue.

(b) New Services, Water (50)

The City Manager stated that the proposed transfer provides for the transfer of $3,600 from the General Fund, General Reserve (101-600) to the General Fund, Water (50), New Services, (101-504) for new water services.

Upon questioning, Director of Finance Bird advised that if the transfer is approved, a balance of $95,615 will remain in the General Fund, General Reserve Fund.

Expenditure of this fund and accounting procedures were discussed.

The staff was directed to submit a report to the Council at the appropriate budget hearings on the amount of City funds advanced by the City for water, sewers and perimeter street lighting.

(c) Signal Interconnections - 9th & P, Kansas and Tully

Director of Finance Bird stated that a $400 appropriation transfer was required for the City's share of financing the interconnection of traffic signals at 9th & P, Kansas and Tully--$200 for the interconnection of the signals, and $200 for right of way acquisition costs. (From Special Fund for Capital Outlays, General Reserve (321-600), to Traffic Signal-9th & P, Kansas and Tully (321-504).

RESOLUTION NO. 62-260

A RESOLUTION APPROVING MISCELLANEOUS APPROPRIATION TRANSFERS

Introduced by Mitchell Seconded by VanderWall

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

MATTERS FOR THE GOOD OF THE COMMUNITY 7-0

APPOINTMENT OF DIRECTOR OF TRAFFIC CARMODY TO COMMITTEE FOR TRAFFIC ACCIDENT REPORTING - UNANIMOUS CONSENT ITEM

The City Manager stated that Director of Traffic Carmody has been asked by the State Department of Public Works to serve on a street committee for traffic accident reporting. Mr. Miller recommended that the request be approved.

MOTION

That the appointment of Director of Traffic Carmody to serve on a state street committee for traffic accident reporting be approved

Moved by VanderWall Seconded by Johansen Unanimously carried

REPORT ON SISTER CITY PROGRAM

The City Manager stated that Victor Echeverria, Modesto Junior College student for Modesto's sister city, Barranquilla, was guest speaker at a meeting of city employees this evening.

FURTHER REPORT ON STORM DRAINAGE - LETTER FROM FEDERAL HOUSING ADMINISTRATION

Councilman VanderWall, Chairman of the Public Projects Committee, requested that the staff work with County representatives on the storm drainage problems referred to in Mr. Pendergast's letter, and that a meeting be set up between members of the Public Projects Committee and county officials at a later date to review the problem.

REPORT ON PROGRESS OF POLICE BUILDING

Acting Chief of Police Coulson stated that Deputy City Manager Keefe, Chief Bowers and himself met with Milton Pfleuger, architect, who has submitted tentative plans for the new police building and communications center. Mr. Coulson said that a full basement was planned and additional information still is needed in the matter of possible Civil Defense matching funds. He said it was not known whether such funds would be available if part of the space is utilized for regular police services, to be converted to civil defense use in case of emergency. This matter is being checked by Mr. Pfleuger, who also learned that if civil defense funds are made available, the facilities must provide a dormitory, dining room, kitchen, plus decontamination rooms, and a private water system. Mr. Coulson said that further report will be made the Council as the various problems are resolved.

Deputy City Manager Keefe stated that eligibility for civil defense participation requires a population of at least 50,000. A joint city-county communications center is under consideration, but the fact that the city and county are on different wave lengths constitutes problems that may be insurmountable. It was his hope that Civil Defense officials would waive this requirement on the premise that the population of Modesto is expected to reach a population of 50,000 at an early date.

The desirability of having county and city communications on the same wave length was discussed.

Acting Chief Coulson stated that in this event it would be necessary to have equipment to monitor the County's calls, and vice versa. Another disadvantage would be a crowded network, which could be serious in the event of an emergency.

FURTHER REPORT ON PRELIMINARY OVER-ALL ECONOMIC DEVELOPMENT PROGRAM

The City Manager reported that extensive progress has been made on the provisional over-all economic development program for Stanislaus County. The draft has been reviewed with both state and local representatives, and clearance is expected shortly.

EXECUTIVE SESSION

At Mayor Hammond's request, the Council agreed to an executive session after adjournment of this meeting to discuss appointments to the Forward Modesto Committee.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Tabbert Unanimously carried

The meeting adjourned at 5:45 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 Hammond presiding, to further consider the preliminary budget for the 1962-63 fiscal year.

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Mitchell, Tabbert, VanderWall, Mayor Hammond
Councilman Shastid arrived at 4:07 P.M.
Councilman Patton arrived at 4:17 P.M.

Absent: Councilmen: None

The following reports requested by the Council, prepared by the Director of Parks and Recreation, were distributed to the Council: "Three-Year Comparison - Parks and Recreation Department Personnel," and "Three-Year Comparative Analysis, Recreation Revenue." Copies of the reports are on file with the record of the minutes.

PARKS AND RECREATION - RECREATION - 32, P.47

The increase in the proposed budget was discussed.

Councilman Shastid asked if the preponderance of the cost of the after-school recreation program should be borne by the City, or by the Schools System; also, if this type of program is prevalent throughout the state, or a local practice only.

Superintendent of Recreation Grogan stated that this type of activity is practiced statewide, and that it was advantageous to the City to be able to use school grounds for recreational purposes inasmuch as the City has insufficient developed parks. She said a survey conducted reveals that costs of the programs, in most cases, are borne by the cities; only in three cities contacted were the total cost of the programs borne by the school districts.

Justification of the after-school recreation program was discussed.

The City Manager stated that added costs of the program have been absorbed by the City, while neither the county nor the Schools have increased their contribution.

Upon questioning, Miss Grogan stated that actual leadership costs for the after-school recreation program are approximately $17,685 per year.

Councilman Shastid suggested that this item be kept in mind in the event that budget cuts are necessary.

The City Manager stated that if this program is eliminated, the Schools' contribution will be eliminated, and the County's allocation could possibly be affected.

DRYDEN PARK MUNICIPAL GOLF COURSE - 38, p. 59

Councilman Patton suggested that attempts be made to develop more playing during slow periods by bringing in outside tournaments and by advertising. He said that this has been done successfully in Stockton. He also suggested that local companies and other cities be contacted for possible scheduling of tournaments during this period.

The number of employees working at the golf courses was discussed.

310 - Garden Supplies

The decrease of $1,000 in the amount budgeted was discussed. Mr. Cowie stated that fertilizer, insecticides, etc. are purchased from this account; that the greens are better rooted now and do not require the former upkeep.

PUBLIC WORKS - ENGINEERING & ADMINISTRATION - 41, p. 61

110 - Salaries & Wages, p. 61

Noting that no laborers were included in the personnel for this department, the Council questioned the salary difference between laborers and maintenance men.

Director of Finance Bird stated that laborers were classed in Range 15½, and maintenance men in Range 17½, a ten per cent differential in salary.

505 - Shelves and Cabinet

Director of Public Works Ray stated that the $400 credit for trade-in of the cabinet presently in use is not reflected in the $750 budgeted for this item, since a trade-in is not planned on this particular purchase.

110 - Salaries & Wages, p. 61

Mr. Ray said that the increase in the amount budgeted is the result of job reclassifications and salary increases approved by the Council.

CITY HALL BUILDING - 19, p. 35

224 - Buildings and Grounds

Mr. Ray said that specifications for the construction of the City Hall building required that the bricks be cleaned, but sealing was not a requirement. The brick has been cleaned twice by the contractor, but the lime coating has come out again. An estimate of $450 has been received for cleaning and sealing the bricks, and is included in the amount budgeted.

Upon questioning, Mr. Ray said that funds were provided in the budget to repair the water damage to the wall in the stairwell. Cause of the damage was explained, Mr. Ray stating that sealing the bricks will solve this problem.

Alternate procedures submitted by the architect for the repair of the crack on the 11th Street side of the building were outlined by Mr. Ray. He said it was the staff's conclusion that the best solution is to mortar the crack as the condition has not progressed since first noted.

No changes were made in the budgeted account.

PUBLIC WORKS - INSPECTIONS - 42, p. 63

No changes were made in the budgeted account.

PUBLIC WORKS - ELECTRICAL - 43, P. 65

210 - Utilities

Mr. Ray said that the increase in this account is due to an increase in the number of lights and signals, and not because of increased electrical rates.

110 - Salaries & Wages, Regular

Mr. Ray said that the increase in this account reflects reclassifications and salary increases approved by the Council.

504-Transformer Structure (2)

Mr. Ray said that installation of the transformer places the City under a lower electrical rate at a considerable savings to the City. The proposed structures are for street lighting. He stated that a tabulation indicating the cost of transformers would be furnished the Council.

PUBLIC WORKS - AIRPORT - 46, p. 67

430 - Taxes

Mr. Ray said that the $2,363 budgeted in this account for taxes is paid to the County for the portion of the Airport which is not annexed to the City.

No changes were made in the amount budgeted.

PUBLIC WORKS - WATER - 50, p. 69

110 - Salaries & Wages, Utility Crew

Mr. Ray said that before the end of the fiscal year, expenditures in this account are charged back to the divisions and departments where they are actually utilized, and are indicated in the Engineering and Administration budget. The amount budgeted is merely an estimate reflecting the anticipated water line growth based upon the rate of building activity this year. Sixteen men are employed in the utility crew.

No changes were made in the amount budgeted.

218 - Equipment Rental Charges

Mr. Ray said that the $11,600 budgeted in this account is based on the same amount of activity as the present fiscal year and is to a considerable degree affected by the amount of operation by the utility crew.

No changes were made in the amount budgeted.

223 - M & R, Equipment & Other

Mr. Ray stated that the increase in this account is not related to the decrease in Account No. 218. This account includes maintenance of wells, and will be used as follows: $3,000 for water meter maintenance, an increase of $500 over last year; $2,500 for maintenance of deep well pumps, $500 more than last year; $2,000 for major overhaul of Pump Station No. 8. He said that the new communications center will eliminate the need for three pump operators.

No changes were made in the submitted budget.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned until Thursday, June 7, 1962 for further consideration of the preliminary budget

Moved by VanderWall Seconded by Johansen 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 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, Mayor Hammond presiding, to further consider the preliminary budget for the 1962-63 fiscal year.

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Mitchell, Tabbert, VanderWall, Mayor Hammond
(Councilman Shastid arrived at 4:10 P.M.)

Absent: Councilmen: Patton

PUBLIC WORKS - WATER - 50, p. 68

Director of Public Works Ray stated that his Department has completed and filed with the City Manager an analysis of water supply and systems, building laws, and structural conditions relating to the grading of Modesto and deficiency points applied by the Fire Rating Bureau; that some of the items recommended by the Bureau and concurred in by the City will require additional appropriations in the water budget; that if all the improvements recommended by the Bureau were made, an additional $21,400 would be needed. If the report is cleared, Mr. Ray suggested that the work proposed be considered with the supplementary requests.

A tabulation of capital expenditures in the Water Department over the past eight years, and the revenue received during a similar period, was furnished the Council. The report indicated that over $250,000 has been expended each year for the past three years for water main extensions, with a direct return of about $200,000.

PUBLIC WORKS - ELECTRICAL - p. 43

A memorandum containing a breakdown of the cost of transformers, requested by the Council at a previous meeting, was distributed to the Council by Mr. Ray.

STREETS - 51 p. 71

130 Salaries & Wages, $1,200

Mr. Ray stated that this account covers overtime pay for employees who are on call-duty; if called out over four hours during the week, overtime is paid.

Granting compensatory time off during slack periods was discussed. The regular wage rate is paid for overtime work for which such compensating time off can not conveniently be granted.

No change was made in the amount budgeted.

321 Construction Materials - $58,000

Mr. Ray stated that $10,000 of this account covers the resurfacing of some road-mix surfaced streets, (three inches thick, with no base) which were constructed under subdivision requirements about five years ago. It is proposed to resurface about one and seven-tenths miles with up to one inch covering of plant mix; this will stop deterioration and extend serviceability for many years. Gravel, oil, and other construction materials are also purchased from this account.

No change was made in the amount budgeted.

226 Laundry and Cleaning - $177

This account is used to pay for renting and cleaning the coveralls used by street sweepers.

No change was made in the amount budgeted.

PUBLIC WORKS - SEWERS - 52, p. 73

110 Salaries & Wages, Regular

Director of Finance Bird said that the increase covers regular step increases and job reclassifications approved by the Council.

503 Miscellaneous Storm Drains - $4,500

Mr. Ray said that funds in this account were primarily used for dry well installations and replacements.

SEWAGE DISPOSAL - p. 75

223 M & R, Equipment & Other

Mr. Ray said that the increase in this account results primarily from the necessity of replacing a distributor on a small bio-filter at a cost of $3,341.

210 Utilities - $25,200

Mr. Ray said that this account covers the cost of gas and electricity.

Reduction of electrical rates occasioned by the purchase of transformers and capacitors was discussed.

PUBLIC WORKS - GARDEN REFUSE SERVICE - 54

110 Salaries & Wages, Regular - $86,578

Mr. Bird stated that the increase of approximately $11,000 over the amount actually expended during fiscal year 1961-62 is occasioned by the fact that a few positions were unfilled last fiscal year during the period when combined garbage and garden refuse collection by private companies was under consideration.

Mr. Ray was directed to submit a report indicating the increase in the garden refuse collection operation area-wise, and number of loads, during the past five years.

Mr. Ray pointed out that the rental figures shown in the budget do not reflect the increase in costs for operating the packer truck and suggested that the rental figures remain as shown until figures are obtained through actual operation.

Upon questioning, Mr. Ray stated that bundling of garden refuse where packer trucks are used would save labor and equipment because collection would be speeded. Councilman Johansen suggested that this possibility be considered this fiscal year.

Councilman Mitchell stated that when considering the bundling of garden refuse, the convenience of the homeowner should be considered; that rather than bundle their garden refuse, residents might prefer to have the City pay the additional costs. Councilman Shastid concurred with Councilman Mitchell's statement, stating that there

might be other areas where reduction of services might cause less community inconvenience.

Upon questioning, Mr. Ray said that use of packer trucks would lower disposal costs since the agreement with Modesto Garbage Company provides that City pay $1 per load, the size of the load not being specified; at least twice as much material is packed in a packer unit. Approximately 7,000 loads of garden refuse are hauled in one year, with more anticipated this coming year.

No changes were made in the amounts budgeted.

WORKING CAPITAL FUND - PUBLIC WORKS - SERVICE DIVISION - 48, p. 99

Mr. Ray said that all of the expenditures budgeted are paid for out of equipment rental charges.

Review of personnel

Mr. Ray said that six men handle the maintenance and repair of equipment, and that it has been found difficult to keep up the maintenance program with this number of employees. The duties of the Service Division Superintendent and Shop Foreman, and other employees, were outlined by Mr. Ray.

The Council declared its intention to visit the corporation yard at 5:00 P.M., June 12, 1962.

Upon questioning, Mr. Ray said that about 150 pieces of rolling stock vehicles are maintained, plus approximately 100 pieces of miscellaneous equipment, mowers, etc.; seasonal type equipment is stored at the sewage treatment plant.

504 Compressor - $4,430

Mr. Ray said that the City's five compressors are used extensively. The 125 cubic foot compressor proposed to be purchased will replace a 105 cubic foot compressor purchased by the City in 1952. The need for a compressor of this size was discussed.

Director of Finance Bird stated that some of the funds built up in the Service Division Working Capital Fund have been used to purchase new equipment.

The replacement program for equipment was discussed, Mr. Ray stating that the replacement program was uniform in respect to automobiles and trucks, but not for heavy equipment, which is used for many more years.

No changes were made in the amounts budgeted.

PARKING AND TRAFFIC - 56 (General Fund) p. 79

120 Salaries & Wages, Extra Help - $1,495

Director of Traffic Carmody stated that the amount budgeted covers the hiring of two men for two months to supplement the striping crew, authorized by the Council last year.

321 Construction Materials

Mr. Carmody stated that this account is higher than last year because of the increased cost of construction materials.

503 Traffic Signs - $6,300

Use of funds from this account was discussed by Mr. Carmody.

504 Parking Meters and Posts, $2,850

Mr. Carmody stated that the City effects considerable savings by buying used meters exclusively and converting them to the City's regulations. He said that it is proposed to install meters in three additional areas -- near the M.I.D. building, out further on H Street, and 14th Street between I and J.

The problem of defective meters was discussed.

No changes were made in the amounts budgeted.

PARKING AND TRAFFIC - 57 (Parking Fund) p. 93

215 Rent of Real Property - $28,301

Mr. Carmody stated that the increase of approximately $200 in this account is occasioned by an anticipated increase in the rental of a lot leased from John Griffin on 13th Street.

Upon questioning, he said that matters involving the leasing of a parking lot in the rear of Montgomery Ward Co. are not as yet resolved.

Increases in the 210, Utilities, and 490, Service Charges, accounts were discussed.

The relative economy of buttons vs. striping was outlined by Mr. Carmody.

No changes were made in the amounts budgeted.

MOTION

That the adjourned special meeting now in session be adjourned until Tuesday, June 12, 1962 for further consideration of the preliminary budget.

Moved by VanderWall Seconded by Shastid Unanimously carried

The meeting adjourned at 5:45 P.M.

ATTEST: Pauline P. Stanley
REX E. GAILFUS, City Clerk
By: Pauline P. Stanley, Acting City Clerk

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

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond
Councilman Shastid arrived at 7:34 P.M.

Absent: Councilmen: None

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

Reverend Dale Sherwood gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the special budget hearing, dated May 22, 1962 and the same being available for public inspection, and there being no objections, the minutes were approved.

SUGGESTION AWARDS

Suggestion awards were presented by Mayor Hammond to the following city employees: $10 to Violet DeFrancia, Finance Department, for suggestion that Planning Department assign house numbers; $15 to John Moseley, Public Works Department, for suggestion that pipe covering be placed on stem rising gates at Sewage Treatment Plant; $25 to Pauline Stanley, City Clerk's office, for suggestion of a means of eliminating duplication of work.

Mayor Hammond and the City Manager congratulated the employees.

LETTER FROM LANCE E. ELLIS RE: PROPOSED PURCHASE OF PARK SITE (JONI MANOR SUBDIVISION)

A letter from Lance E. Ellis, dated June 5, 1962 stating that a tentative map of Joni Manor Subdivision, recently approved by the Planning Commission, shows a park site of approximately five acres in area which is to be acquired by the City, and requesting that the City acquire the park site before the final map of this subdivision is filed, was read by the City Clerk.

By Order of the Chair, the letter was referred to the staff.

LETTER FROM FRANK ANDREWS RE: ANOTHER ATTEMPT TO WRECK OUR DOWNTOWN AREA - MOVING OF MAIN POST OFFICE

Copies of a letter, dated June 6, 1962 from Frank Andrews were furnished the Council prior to the meeting. The letter deplored the moving of the main post office from the downtown area.

The letter was ordered filed.

COMMUNICATION FROM E. R. BROWN RE: BUILDING AT 1524 GRAPE STREET

Copies of a letter from E. R. Brown, dated June 2, 1962 transmitting a copy of a speech he intends to make at the next City

Council meeting was furnished the Council. Copies of a letter filed with the City Clerk on June 7, 1962 requesting return of a petition filed with the Board of Zoning Adjustment, November 30, 1962 were also furnished the Council.

The City Attorney recommended that the original petition be returned to Mr. Brown, inasmuch as an authenticated copy is on file with the City Clerk.

MOTION

That the City Clerk be authorized to return the petition filed with the Board of Zoning Adjustment, as requested by Mr. Brown

Moved by VanderWall Seconded by Johansen Unanimously carried

LETTER FROM THE MODESTO MEAT COMPANY RE: WATER REQUIREMENTS FOR CROWS LANDING INDUSTRIAL AREA

A letter from Ben Allustiarte, The Modesto Meat Company, dated May 29, 1962 requesting that a survey of the water requirements in the Crows Landing Industrial Area be made and that estimated costs of construction of a system to meet the needs be submitted, was read by the City Clerk. Copies of the letter were furnished the Council prior to the meeting.

The City Manager recommended that the request be approved.

MOTION

That the request of Ben Allustiarte, Modesto Meat Company, for a survey of the water requirements, with estimated cost for construction of a system to meet the needs in the Crows Landing Industrial Area, be approved

Moved by Shastid Seconded by VanderWall Unanimously carried

CONSIDER AWARD OF BID FOR INSTALLATION OF WATER MAINS IN DOWNEY PARK NO. 3 AND WILLOW ESTATES NO. 1 SUBDIVISIONS

Director of Public Works Ray said that no bids were received for the installation of water mains in Downey Park No. 3 and Willow Estates No. 1 Subdivisions. Estimated cost of installation is $6,628.44. The City Manager recommended that the work be performed by city forces.

RESOLUTION NO. 62-264

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR THE INSTALLATION OF WATER MAINS IN DOWNEY PARK NO. 3 AND WILLOW ESTATES NO. 1 SUBDIVISIONS

Introduced by Shastid Seconded by VanderWall

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

STORM DRAINAGE AND SANITARY SEWER STUDY MATTERS

(a) Further consideration of the North Modesto Sanitary Sewer Study

The City Manager stated that copies of the report, subject,

"North Modesto Sanitary Sewer Study," were sent to the Council, City Planning Commission, County Board of Supervisors, County Planning Commission, all engineers in the area engaged in subdivision activities, and several copies to the Federal Housing Administration.

A letter from John H. Kirkpatrick, President, Home Builders Association of Central California, Inc., expressing preference for Alternate Plan No. 2 of the above mentioned report, was read by the City Manager. A copy of the letter is on file with the record of the minutes.

The two alternatives listed in the report, and costs, were outlined by Director of Public Works Ray.

The estimated cost of Alternate No. 1, new treatment facilities, Phase 1, $1,590,000; Phase 2, $1,075,000; total, $2,665,000. This is designed to serve a total of 3,400 acres. The estimated cost of Alternate 2, use of the existing treatment plant, Phase 1, $1,359,000; Phase 2, $1,029,000; total, $2,390,000. Mr. Ray said that Alternate No. 2 has the advantage of also serving a large area west of the City, and south of the area where the proposed treatment plant might be located. Because of the difference in cost, and other advantages, Mr. Ray recommended that Alternate No. 2 be considered for any development of sanitary sewers north of the present sanitary sewer system. He said that the annual estimated cost of operation for Alternate 1, a new plant, is about $50,000 per year; estimated additional cost of operation at the existing plant, $22,500, or less than half.

Upon questioning, Mr. Ray said that approval of Alternate No. 2 would be a factor in the hastening of time for construction of additional holding beds at the present sewage treatment plant, and that this would be dependent on river conditions. It was Mr. Ray's opinion that in any event, additional ponds will be required for the existing plant in the not too distant future, and since they will be required, it will be more economical to utilize Alternate No. 2.

It was Councilman Shastid's opinion that before a comprehensive plan of financing is undertaken, a study should be made of the costs and engineering required for the additional expansion of the sewage treatment plant.

Based on the assumption that the northern area will be residential, Mr. Ray said that there will be an approximate 10% to 15% increase in load at the sewage treatment plant; two possibilities are under consideration with respect to remote disposal from the present plant--land farming, and holding ponds, and that both alternatives will need to be studied in detail before a comprehensive report can be given.

MOTION

That the staff be directed to proceed with studies of the North Modesto Sewer Study on the basis of Alternate No. 2, and to include in the report the timing and probable cost of remote disposal

Moved by VanderWall Seconded by Shastid Unanimously carried

(b) Report on storm drainage problems

The City Manager stated that the Federal Housing Administration has expressed a direct concern about both the sewer and storm drainage problems in the City. Copies of a letter from J. Frank Fendergast, Acting Director, FHA, dated May 14, 1962, subject, "Storm Drainage

Problems, Modesto Metropolitan Area," were furnished the Council, and a copy filed with the record of the minutes.

MOTION

That the staff be authorized to coordinate its work in this matter with that of the County and that the Council cooperate with the Board of Supervisors in working out the problem

Moved by VanderWall Seconded by Johansen Unanimously carried

RESOLUTION ACCEPTING IMPROVEMENTS IN ROSEWOOD COURT SUBDIVISION AS COMPLETE AND AUTHORIZING THE CITY CLERK TO RELEASE SUBDIVISION BOND 2-110

The City Manager reported that the City Engineer certifies that all work required by the subdivision agreement between the City and Ray Glenn has been completed to the satisfaction of the Public Works Department. He recommended that the improvements be accepted and the City Clerk authorized to release the improvement bond in the amount of $8,300.

RESOLUTION NO. 62-265

A RESOLUTION AUTHORIZING THE RELEASE OF THE GREAT AMERICAN INSURANCE COMPANY SUBDIVISION BOND, FILED TO GUARANTEE IMPROVEMENTS IN ROSE-WOOD COURT SUBDIVISION

Introduced by VanderWall Seconded by Tabbert

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

REPORT ON STATUS OF APPLICATION TO POLLUTION CONTROL BOARD FOR FEDERAL FUNDS 2-115

The City Manager stated that a communication has been received from the State Water Pollution Control Board which indicates that Modesto's priority rating is such that it may be eligible for federal funds for the construction of aeration facilities at the Sewage Treatment Plant. The City has applied for a grant of $22,740. It was recommended by the staff that call for bids for construction of the aeration facilities be advertised in September.

MOTION

That the staff be authorized to complete plans and specifications for aeration system at Sewage Treatment Plant for submission to State Pollution Control Board.
Moved by Shastid Seconded by Mitchell Unanimously carried

FURTHER REPORT ON ACQUISITION OF RIGHT OF WAY - MINENI PROPERTY ON NORTHWEST CORNER OF BRIGHTON AVENUE AND LOCKE ROAD

The City Manager stated that the Council, at its meeting of May 7, 1962 authorized the staff, by motion, to proceed with the acquisition of a fifteen-foot right of way from Joe Mineni for the widening of Brighton Avenue. At that time, Mr. Mineni offered to take $4,000 for the lot, or to accept $1,500 for a fifteen-foot strip, subject to clearance of a reasonable side yard variance. Because of restrictions in home design on the narrowed lot, Mr. Mineni has now requested that the City purchase the entire lot.

Disposition of the remainder of the lot, if purchased by the City, was discussed. The City Attorney stated that it would be permissible, as a term of the escrow, to permit the buyer to request a side yard variance from the Planning Commission; that the City could not exercise its legislative power to approve the variance in advance.

Councilman Mitchell outlined the disadvantages of condemnation proceedings in this type of action.

MOTION

That the staff be instructed to prepare agreement to acquire the entire lot from Mr. Mineni for $4,000

Moved by Johansen Seconded by Tabbert Unanimously carried

The City Manager stated that an appropriation transfer for $2,500 was necessary to effect the purchase.

RESOLUTION SETTING DATE FOR PUBLIC HEARING ON PROPOSED BUDGET FOR 1962-1963 AS REQUIRED BY THE CHARTER

RESOLUTION NO. 62-266

A RESOLUTION SETTING THE DATE FOR PUBLIC HEARING ON THE PROPOSED BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR 1962-63

Introduced by VanderWall Seconded by Johansen

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

June 25, 1962 at 8:00 P.M. in the Council Chambers was set as the time and place of hearing.

CONSIDER RESOLUTION REJECTING THE CLAIM OF RUBYE L. HAMMONS IN THE AMOUNT OF $10,000 FOR DAMAGES ALLEGED TO HAVE BEEN SUSTAINED ON FEBRUARY 6, 1962 IN AN AUTOMOBILE ACCIDENT INVOLVING A POLICE CAR

RESOLUTION NO. 62-267

A RESOLUTION REJECTING THE CLAIM OF RUBYE L. HAMMONS FOR DAMAGES AGAINST THE CITY OF MODESTO

Introduced by Shastid Seconded by Patton

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

The claim was rejected by reason of its failure to be filed with the City within 100 days after the claim accrued, as required by law.

CLEAR REQUEST THAT CITY MANAGER PARTICIPATE IN PROGRAM OF AMERICAN INSTITUTE OF PLANNERS AT LOS ANGELES IN OCTOBER 4-75

The City Manager stated that as a result of his participation in a panel discussion of "Planning and Politics" at the State Planners Institute at Santa Rosa, he has been asked to speak at the American Institute of Planners at Los Angeles in October, 1962.

MOTION

That the request of the City Manager to participate in a program of the American Institute of Planners at Los Angeles in October, 1962 be approved

Moved by VanderWall Seconded by Shastid Unanimously carried

REPORTS FROM THE PLANNING COMMISSION

(a) Resolution setting date for hearing of proposed annexation of the Ruffino Addition

The City Manager stated that Planning Commission Resolution No. 809 recommends commencement of proceedings to annex the Ruffino Addition, a 0.176 acre parcel located on the west side of Phoenix Avenue adjacent to the old Phoenix Fire Station.

The City Attorney stated that Mr. Ruffino's request for annexation also asked that the property proposed for annexation be interim zoned to Commercial, C-2, upon annexation, and Planning Commission Resolution No. 809, in addition to recommending that annexation proceedings be commenced, further recommended that the interim zoning requested be approved.

Mr. Grimes explained that the zoning regulations provide that property annexed to the City is automatically zoned R-1, but certain provisions authorize the City Council to adopt interim zoning other than R-1 when in the public interest. A grocery store is presently on this property.

Acting Director of Planning Fey outlined instances where interim zoning has been granted upon annexation.

Upon questioning, the City Attorney said that the City has no jurisdiction over the property prior to annexation and therefore cannot hold a public hearing to consider the requested interim zoning prior to annexation.

Councilman Mitchell concurred with Councilman Shastid's views that the Council might consider changing its policy which automatically zones all property R-1 upon annexation to the City, saying that it might be the lesser of two evils to permit the nearest applicable city zone to apply as the property is annexed to the City. Mr. Mitchell listed advantages which would accrue under the suggested change in policy.

Councilman Shastid stated that this change in policy would result in a closer relationship between the City and County.

RESOLUTION NO. 62-268

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

Introduced by Mitchell Seconded by Patton

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

July 23, 1962 at 8:00 P.M. in the Council Chambers was set as the time and place of hearing.

(b) Consider abandonment of streets and alleys in Corporation Yard Site

The City Manager stated that Planning Commission Resolution No. 810 recommends the vacation and abandonment of certain streets and alleys in the Corporation Yard Site, as indicated on the map entitled "Vacation and Abandonment of Streets and Alleys in Corporation Yard Site," dated June 4, 1962. Copies of the map were furnished the Council prior to the meeting.

The City Attorney stated that a resolution of intention to abandon the streets and alleys was needed and a date set for hearing.

RESOLUTION NO. 1002-S.P.
RESOLUTION OF INTENTION NO. 283

A RESOLUTION OF INTENTION TO VACATE AND ABANDON CERTAIN STREETS AND ALLEYS IN THE CORPORATION YARD SITE, IN THE CITY OF MODESTO

Introduced by Shastid Seconded by Johansen

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

July 2, 1962 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

(c) Resolution setting date for public hearing on unclassified use permit of Teakwood Terrace for increase in units in P-D Zone (3)

RESOLUTION NO. 62-269

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON AN UNCLASSIFIED USE PERMIT FOR TEAKWOOD TERRACE FOR INCREASE IN UNITS IN P-D ZONE (3)

Introduced by Johansen Seconded by VanderWall

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

July 2, 1962 at 4:35 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

(d) Approval of community park site adjacent to Davis High School

The City Manager stated that at a previous meeting Council approval was given the staff to apply for federal assistance under the National Open Space Land Program for acquisition of a park site adjacent to Davis High School. The application has now been cleared. Mr. Miller said that acquisition of the park site is proposed for next fiscal year. Cost of the parcel is about $96,000.

Deputy City Manager Keefe said that at least 20% federal participation is anticipated, but there is a possibility that the City will qualify for 30% participation.

MOTION

That the staff be authorized to negotiate for the acquisition of a park site adjacent to Davis High School

Moved by Johansen Seconded by Mitchell Unanimously carried

(e) Resolution referring petition for annexation of the Crestwood Terrace Addition to the Planning Commission

The City Manager stated that the area proposed for annexation comprises 6.356 acres and is located on the north side of Rumble Road east of Sherwood Forest Subdivision.

Director of Public Works Ray stated that the area can be served with city water, but not sewer service.

RESOLUTION NO. 62-270

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 ADDITION

Introduced by Mitchell Seconded by Patton

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

APPROPRIATION TRANSFERS

(a) $850 from General Fund, Salaries and Wages, Regular (101-110), Sewage Disposal (53) to Sewage Disposal (53) Equipment Rental Charges (218)

The City Manager stated that in preparing the current budget, it was anticipated that a dump truck would be used for only four months of the year, but has been used all year at a cost of $94 per month. Because of heavy growth of weeds this year, more equipment was also used for weed control.

(b) $900 from General Fund, Sewers (52), Tools Shop and Field Supplies (101-308) $450, and Sewers (52), Misc. Storm Drains (101-503) $450, to Sewers (52), Equipment Rental Charges (218)

The City Manager stated that additional funds were needed due to additional equipment used in District No. 8, handling storm water, the recent program set up to flush inverted siphons, and an increase in lines and lift pumps maintained.

(c) $1,600 from General Fund, Water (50), Sand Traps (101-503) to Water (50), Equipment Rental Charges (218)

The City Manager stated that additional funds were needed due to the extension of water mains in new subdivisions. He said that subdivisions are continuing to develop at a rapid pace.

(d) $600 from General Fund, Streets (51) Equipment Rental Charges (101-218) to Garden Refuse (54) Equipment Rental Charges (218)

The City Manager stated that continued growth in the amount of refuse in the older areas of the City, and annexation of new areas, has made it necessary to use extra equipment on a periodic basis in order to maintain the collection schedules.

(e) $2,500 from the Special Capital Outlay Fund (321) General Reserve (600) to Miscellaneous Street Improvement (503)

The City Manager said that this amount was needed to supplement the $1,500 recently approved by the Council for the purchase of the entire lot from Joe Mineni for the right of way acquisition on Brighton Avenue.

RESOLUTION NO. 62-271

A RESOLUTION APPROVING MISCELLANEOUS APPROPRIATION TRANSFERS

Introduced by VanderWall Seconded by Johansen

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

CLEAR EFFECTIVE DATES OF SALARY INCREASES FOR CERTAIN EMPLOYEES

Copies of a memorandum from the City Manager, dated April 25, 1962 subject, "Salaries of certain city employees" were submitted to the Council prior to the meeting, a copy of which is on file with the record of the minutes.

The memorandum outlined a suggestion from the Council Public Relations Committee that consideration be given by the Council to increasing the present salary ranges of the Director of Finance, Director of Parks and Recreation, and the Deputy City Manager by 2½% effective July 1, 1962 instead of the times set by Resolution No. 62-32.

RESOLUTION NO. 62-272

A RESOLUTION AMENDING RESOLUTION NO. 62-32 ENTITLED "A RESOLUTION FIXING THE COMPENSATION FOR SPECIFIED POSITIONS IN THE CITY SERVICE"

Introduced by VanderWall Seconded by Mitchell

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

MATTERS FOR THE GOOD OF THE COMMUNITY

Improvement of James Marshall Park

Sam Cook, 614 Annilane, representing residents of the West Modesto Area, requested that the Council consider the immediate improvement of James Marshall Park.

The City Manager stated that the City has been criticized for acquiring park sites which it has failed to develop, but stressed the importance of acquiring park sites while the property is still unimproved.

Mr. Cook referred to the bids for the construction of a wading pool at Roosevelt Park, which were rejected by the Council a short time ago. He suggested that the funds budgeted for this project be diverted to the improvement of James Marshall Park, namely, the planting of grass and installation of a sprinkling system. He pointed out that West Side Modesto has only one developed park, Maze-Wren Park having been condemned because of the new freeway.

The City Manager said that no funds for the improvement of James Marshall Park are budgeted in the Capital Improvement Program.

Mayor Hammond stated that because of the rapid growth of the community, it has been the judgment of the Council that needed park sites should be acquired while the land is open, knowing that it would not be possible to improve the parks. He said that in order to speed development, consideration is being given in some areas to developing park sites acquired by the City through joint efforts of individuals living in the area.

Councilman Patton stated that the 4th Street Park could not be considered a play area for unattended children because of transients frequenting the park. It was his opinion that a play area should be established in the area to compensate for the loss of Maze-Wren Park because of the freeway construction. He said the condition of the tennis court at the 4th Street Park had also been brought to his attention.

Mr. Cook said that the court is overrun with weeds, is cracked, and there is no net.

The City Manager said that maintenance has been kept at a minimum because it is proposed to reconstruct the courts next year. It was his opinion that the freeway would separate the 4th Street Park from the objectional element frequenting the park at the present time. He mentioned the proposal submitted by the Planning Commission that areas be asked to set up improvement districts for park improvements in the outlying areas.

Councilman VanderWall suggested that Director of Parks and Recreation Cowie present an estimate of cost of planting grass and installing sprinklers at James Marshall Park.

By Order of the Chair, the staff was directed to work with Mr. Cook and the people in the area and present a plan of action to the Council.

Upon questioning, Director of Parks and Recreation Cowie stated that the tennis court at the 4th Street Park is paved with two inches of asphalt, has no base, and has been torn up by trees growing in the area. Until now, repair of the court has been deferred pending construction of new courts in the area; however, he said that funds have been requested to repair this court during fiscal year 1962-63.

Letter from Mrs. E. E. Marlett, 1630 Victor Way, Modesto re: budget cuts

A letter from Mrs.E. E. Marlett, dated June 11, 1962 alleging abuse of privileges on the part of garden refuse collectors in connection with coffee breaks, and complaining of lack of parks development on the West Side, was read by the City Clerk.

By Order of the Chair, the letter was referred to the staff.

Letter from Robert A. Marshall, 1622 West Roseburg Avenue re: removal of structures in sidewalk areas

A letter from Robert A. Marshall, dated June 7, 1962 stating that he had complied with the Council's order of June 4, 1962 to remove a brick wall in the sidewalk area of his home, was read by Councilman Shastid. The letter listed two properties which are also in violation of the Code pertaining to structures in sidewalk areas and requested

that the Code be enforced in these instances and all others where this violation exists.

By Order of the Chair, the matter was referred to the staff for checking.

Announcement of death of Fred Curtis

The City Manager announced the death of Fred Curtis, who was extremely interested in civic matters.

REPORT ON COST OF INSTALLATION OF WATER LINES 9-33

Report on cost of installation of water lines to the following subdivisions by city forces was made by the City Manager: Mayfair Estates No. 1 Subdivision; Park Manor No. 4 Unit 2 Subdivision; Village Manor No. 2 Subdivision; Davis Park No. 1 Subdivision.

Upon questioning, Director of Public Works Ray said that inasmuch as the city does not have a trenching machine, the trenching work is hired. All remaining work is performed by city forces.

PRELIMINARY REPORT ON AGREEMENT RE: FLOW OF WATER IN TUOLUMNE RIVER AS IT RELATES TO THE NEW DON PEDRO DAM PROJECT

The City Manager reported that it appears that an agreement may have been reached on the flow of water in the Tuolumne River in connection with the proposed construction of the new Don Pedro Dam. Copies of a letter from Harry Jenks, dated April 24, 1962 pertaining to the effect of the stream flow on sewage disposal matters was submitted to the Council, and a copy filed with the record of the minutes.

INVITATION TO 39TH ANNUAL AMERICAN MUNICIPAL CONGRESS IN PHILADELPHIA, AUGUST 25-29, 1962

The City Manager announced that the annual American Municipal Congress will be held in Philadelphia August 25-29, 1962 and urged that members of the Council attend if possible.

Mayor Hammond stated that he was interested in attending the meeting this year.

Councilman Mitchell stated that he benefited greatly from his attendance to the meeting in Seattle last year, mentioning in particular the sister city program display. He said that inasmuch as Modesto has now extended an invitation to Barranquilla to be a sister city, he hoped that information on participation by residents could be obtained from other cities presently a part of this program.

PRESENTATION OF FINANCIAL STATEMENT FOR MONTH OF MAY 1962

The financial statement for the month of May, 1962 was presented to the Council and ordered filed.

REQUEST OF CITY ATTORNEY FOR VACATION

With the unanimous consent of the Council, the City Attorney requested a three or four day vacation next week. If approved, he said that Mr. Bienvenu would serve in his stead during his absence.

MOTION

That the request of the City Attorney for a vacation next week be approved

Moved by Mayor Hammond Seconded by Johansen Unanimously carried

REPORT ON NEW INSECTICIDE BY DIRECTOR OF PARKS AND RECREATION COWIE

Director of Parks and Recreation Cowie reported on a new insecticide effective against aphids, caterpillars, beetles, and scale, which is applied by injection, permeates the cells of the tree within a period of from four to twenty-four hours, and remains effective for a period of approximately two and one-half months. It is anticipated that the trees will have to be injected about twice a year. The insecticide is not injurious to lady bugs. Mr. Cowie said that while still in the experimental stage, it appears to be successful on all kinds of trees. Total cost of application is approximately sixty cents per tree.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Johansen Unanimously carried

The meeting adjourned at 9:25 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 Hammond presiding, to further consider the preliminary budget for the fiscal year 1962-63.

The City Clerk called the roll and there were

Present: Councilmen: Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond
Councilman Johansen arrived at 4:05 P.M.

Absent: Councilmen: Shastid

Office Services - p.81

Deputy City Manager Keefe distributed a memorandum to the Council, subject, "Analysis of the Salaries of Office Services and Typing Pool," a copy of which is on file with the record of the minutes. He stated that through reorganization, the Office Services Department is now under the supervision of Director of Traffic Carmody, and the Typing Pool under the supervision of the City Manager's office; that it is planned to hire a senior stenographer for the Pool to replace the typist clerk position.

Capital Outlay - 505 - Coin Sorter & Counter

Deputy City Manager Keefe stated that the coin sorter and counter will replace old equipment presently in use.

301 - Office Supplies

Deputy City Manager Keefe said that the decrease in this account from $775 to $200 is due to a change in the accounting system whereby each department is accountable for the stationery it uses.

201 - Postage

Director of Finance Bird stated that the $6,250 covers postage for all City departments excepting postage used by the Police Department in mailing traffic tickets.

120 - Extra Help

Deputy City Manager Keefe stated that Mr. Carmody has requested that $180 be budgeted to cover the extra services of one man on Mondays and Thursdays (when money is collected from parking meters) during the vacation of the three regular office services employees, a period of about six weeks during the year.

The Council directed that this matter be introduced as a supplemental request.

No changes were made in the amounts budgeted.

MUSIC AND PROMOTION - 61

422 - Miscellaneous Promotions - $1,000

Director of Finance Bird stated that this account is used for non-specific promotional activities involving the City, citing as an

example a $42 expenditure for a trophy for the camellia show, and expenditures in connection with meetings for downtown redevelopment.

446 - Special Trade Events - $3,000

Deputy City Manager Keefe stated that this account is budgeted for special trade events for the Downtown Merchants' Association. Upon questioning, he stated that the Downtown Merchants' Association has requested an additional sum of approximately $3,200 for the refurbishing of Christmas street decorations.

Councilman Johansen stated that he had been approached by representatives of shopping centers (Yosemite, Ulrich and Roosevelt) for a similar contribution. It was his opinion that the Council would no doubt be approached formally, necessitating adoption of a policy by the Council.

Allocation of Christmas street decoration funds for the Downtown Merchants' Association, and the desirability of allocating a lump sum to the Chamber of Commerce for distribution to the merchants associations was discussed.

The staff was directed to work with the Downtown Merchants' Association to secure background information on Christmas street decorations, and to survey operations of other cities in this regard.

INSURANCE AND RETIREMENT - 62, p. 85

415 - Public Liability Insurance

Director of Finance Bird stated that the $17,000 budgeted in this account is an estimate of the cost of the coming year's policy furnished by the Modesto Insurance Association; that the cost is based on City growth and experience during the past year.

426 - Group Health Insurance

Employee coverage was discussed. Deputy City Manager Keefe stated that folders containing information on the coverage would be furnished the Council.

Errors and Omissions Insurance

Director of Finance Bird stated that a representative of the City's present carrier is checking this matter for the City with his New York office.

No changes were made in the Insurance and Retirement budget.

LIBRARY - 62, p.91

Salaries & Wages, Regular, 110 - $28,080

Librarian Hamilton stated that the City and County share the cost of the salaries of the non-janitorial service personnel who staff the main service areas of McHenry Library - circulation, reference and children's rooms. Salaries of the administrative staff and the Librarian are paid by the County. Janitorial services are paid by the City. He said that the $28,080 budgeted under salaries, less $4,080 for janitorial services, plus $13,500 budgeted under 240. Contractual Services, constitutes the City's one-half share of the salaries. The breakdown of salaries in the two accounts was explained by Mr. Hamilton.

No changes were made in the budgeted amounts.

Distribution of Report - Cost of Garden Refuse Service

Copies of a report outlining the cost of garden refuse service in connection with annexations to the City were distributed to the Council by Director of Public Works Ray.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned to June 14, 1962 at 4:00 P.M.

Moved by VanderWall Seconded by Tabbert Unanimously carried

The meeting adjourned at 5:01 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 Hammond presiding, to consider the budget for the fiscal year 1962-63.

The City Clerk called the roll and there were

Present: Councilmen: Johansen, Patton, Tabbert, VanderWall, Mayor Hammond

Absent: Councilmen: Mitchell, Shastid

MISCELLANEOUS UNCLASSIFIED - p. 87

Mayor Hammond stated that inasmuch as this is a miscellaneous account, that the Council should discuss each item.

The reason for having a "Miscellaneous Unclassified" account in the Budget was questioned. Mr. Keefe stated that this was a matter of policy to facilitate handling and some of the accounts could be departmentalized, but others were of a more general nature.

Conference Expense - 207 - $3,800

Mr. Keefe stated that this account covers regularly scheduled meetings of a non-departmental nature, such as Valley League Dinners, the Annual League Conference, Youth in Government Day, Business Education Day, City-County meetings, and the American Municipal Association Conference.

No change was made in amount budgeted.

Mtc. of Rental Property - 225 - $250

Mr. Bird stated that this account covers maintenance of City rental properties at the Corporation Yard site, and two houses located on undeveloped park sites, etc.

No changes were made in the amount budgeted.

Roman Litigation - 233 - $750

Mr. Keefe stated that Roman Litigation is being handled by an outside experienced trial attorney, and $750 budgeted for this purpose. This litigation involves controversy over a lot split.

Acting City Manager Keefe stated that $500 has been budgeted for the preparation of briefs, transcripts, expert testimony, etc., i. e., outside expenses involved in litigation.

Independent Audit - 235

Mayor Hammond noted that this is a continuing expense each year for the annual audit conducted by Nattinger & Lowry, Public Accountants.

Elections - 238

Copies of a report from the City Clerk were presented to the Council, listing a breakdown of the amount budgeted. Mr. Gailfus stated that while $13,600 was budgeted, $7,000 will be recovered from the Schools as their share of the election costs.

Membership and Dues - 401 - $1,237

Mr. Keefe stated that this account covers non-departmental membership dues such as for the League of California Cities; Central Valley Division of the League of California Cities; and A.M.A. dues.

Charter Committee - 408 - $450

Upon questioning, Mr. Keefe stated that inasmuch as the Charter Review Committee has completed its revision of the Charter, a check would be made with the City Attorney to see if this account is still needed.

Annual Report - 427 - $1,400

Mr. Keefe stated that the $1,400 in this account is an estimated figure for the annual report, which may or may not be a one-page report as in the past year. He said that the Council would be informed of the type of report contemplated.

Miscellaneous Expense - 428 - $1,000

Upon questioning, Mr. Bird stated that the training expense budgeted under this item is for courses given to the department heads and some of the upper level supervisors; that since this type of course is open to all departments, it is put into this non-classified account.

No change was made in the amount budgeted.

Taxes - 430

Mr. Bird stated that this account represents sales and use taxes which are paid by the City; that whenever the City makes a purchase from a vendor outside of the state, it must pay use tax.

No changes made in the amount budgeted.

Commission on Tax Collections - 431 - $5,115

Mr. Bird said this account covers payment to the County of one half of one per cent of all property taxes collected by the County, in accordance with state law.

Airport Development Fund - Page 95 - $17,000

Mr. Bird stated that all but $3,910 of the $17,000 budgeted in this account will be reimbursed by the County and Federal Aviation Agency. This account covers a taxiway lighting project at the Modesto City-County Airport.

Upon request, Director of Public Works Ray reported on the status of the Airport Control Tower Project.

No changes were made in the amounts budgeted.

Bond Redemption and Interest Requirements - p. 97

Deputy City Manager Keefe stated that these accounts are fixed amounts set each year to cover the City's bonded indebtedness.

The Council briefly reviewed the bonded indebtedness of the City.

PERSONNEL - p. 31

235 - Services, Prof. & Other, $3,472

Mrs. Mitchel reviewed the proposed expenditures in this account. She stated that there was some indication that the Personnel Commission and employees are interested in a study of the administration of the basic pay plan for the City by an outside consultant; $1,500 is budgeted for this purpose.

The need for the proposed study was discussed by the Council. Mayor Hammond stated that unless a definite need for such a study was indicated at this time, the $1,500 should be deleted and brought back to the Council for consideration if the need arises.

MOTION

That the sum of $1,500 set up for study by an outside consultant be deleted from Account No. 235, Services, Prof. & Other

Moved by Johansen Seconded by VanderWall Unanimously carried

110 - Salaries & Wages - Regular

At the request of the Council, Mrs. Mitchel presented a summary showing a comparison of the salaries in the Personnel Department for the past three years to account for the increase in this account from $17,544 to $22,988. Copies of the report were distributed to the Council, a copy of which is on file with the record of the minutes.

Upon questioning, Mrs. Mitchel stated that although a half-time typist clerk is presently employed, she felt it necessary to budget for a full time typist clerk in the event the work load in her department increases.

120 - Extra Help - $244

The Council questioned why there should be a request for extra help when a full time typist clerk is budgeted and utilized on a part time basis only. Mrs. Mitchel explained that a sum has always been budgeted for relief help during vacation periods.

MOTION

That the $244 budgeted for extra help be deleted

Moved by Patton Seconded by VanderWall Unanimously carried

The number of recruitments processed during the past fiscal year was discussed.

A motion proposed by Councilman Johansen that one-half the amount budgeted for a full time typist clerk, not being used at the present time, be deleted, to be considered later if an actual need for such service arises, died for lack of a second.

SUPPLEMENTAL REQUESTS

City Attorney - Copying Machine - p. 24

No action was taken on the supplemental request of the City Attorney for a copy machine to be placed in his office.

Alternate I - Full-time Assistant City Attorney

No action was taken on the request of the City Attorney that a full-time assistant be hired, to be reconsidered at such time as the work load may increase.

Alternate II - Services, Prof. & Other

No action was taken on the request of the City Attorney to pay the present Assistant City Attorney for working 3/4 time during the City Attorney's annual and military leave.

CITY HALL BUILDING - p. 34

Partition for Finance Department

No action was taken on the request for partitioned space in the Finance Department.

FIRE DEPARTMENT - p. 36

The duties of the proposed Fire Prevention Officer were outlined by Chief Wemyss. He said that filling this position will enable the Fire Marshall to catch up on the backlog of inspection work. Possible overlapping areas between the Building Inspection and Fire Departments were discussed. Chief Wemyss pointed out that the man hired to fill this position would also serve as a fireman, both on and off duty, which would be a gain on the manpower requirement.

Upon questioning, Chief Wemyss reported on the number of men necessary to constitute a full staff company requirement in accordance with standards established by the Fire Rating Bureau. Acting City Manager Keefe stated that a manpower deficiency report would be presented to the Council next week.

ADJOURNMENT

MOTION

That the adjourned special meeting now in session be adjourned until Tuesday, June 19, 1962, for further consideration of the preliminary budget

Moved by Tabbert Seconded by VanderWall Unanimously carried

The meeting adjourned at 5:40 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., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Mayor Hammond presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Mitchell, Tabbert, VanderWall, Mayor Hammond
Councilman Patton arrived at 4:32 P.M.

Absent: Councilmen: Shastid

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

Reverend Donald Weston gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the regular council meeting, dated May 28, 1962 and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM GEORGE KATSUFRAKIS, CHAIRMAN OF OPENING CEREMONIES, SEVENTEENTH BIENNIAL NATIONAL CONVENTION, PANCRETAN ASSOCIATION OF AMERICA, REQUESTING USE OF MANCINI BOWL

Copies of a letter from George Katsufrakis, dated June 12, 1962 requesting use of Mancini Bowl on August 20, 1962 from 10:00 A.M. to 12:00 noon for the opening ceremonies of the Seventeenth Biennial National Convention, were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

Acting City Attorney Bienvenu stated that Council Resolution No. 8831, adopted March 15, 1950 restricts the use of Mancini Bowl to juvenile activities only.

The City Manager suggested the use of Legion Park or Del Webb Field, provided there is no conflict in schedules.

MOTION

That appropriate city facilities be offered the Pancretan Association of America for opening ceremonies of the Seventeenth Biennial National Convention provided there is no conflict of schedules

Moved by Mitchell Seconded by Tabbert Unanimously carried

Reverend Weston suggested that the City never again accept any money from any will which restricts the use of the facility to certain groups. He questioned the power of one person, by will, to restrict the use of property for all years to come.

LETTER FROM WESTERN PLUMBING OFFICIALS ASSOCIATION REQUESTING ATTENDANCE OF TOM HERMIDA AT THE OCTOBER CONFERENCE IN SALT LAKE CITY

A letter from Western Plumbing Officials Association, dated June 11, 1962 requesting that T. J. Hermida attend and represent Modesto at the short course school on plumbing and heating codes, combined with the usual conference business session, to be held in Salt Lake City, Utah, October 22-26, 1962, was read by the City Manager.

The City Manager said that he objected to meetings held out-of-state pertaining to matters of State interest. He recommended that authority not be granted unless the City assume expenses only for actual attendance at the meeting, and not for transportation.

There were no objections by the Council.

LETTER FROM FOURTH OF JULY CELEBRATION COMMITTEE RE: ANNUAL CONTRIBUTION

A letter from H. E. Zimmerman, Fourth of July Celebration Committee, dated June 11, 1962 reminding the Council of its past financial support for the Fourth of July Celebration, and requesting that a contribution be made this year as in the past, was read by the City Manager.

Director of Finance Bird stated that the letter was not a request for funds, but merely a request that an amount be budgeted for this purpose the coming fiscal year.

The Council directed that the request be considered at the appropriate budget hearing.

COMMUNICATION FROM JOHN SUTTON, CHAIRMAN, CHRISTMAS STREET DECORATIONS, DOWNTOWN MODESTO ASSOCIATION, RE: REPLACEMENT OF PRESENT FIXTURES

Copies of a letter from John Sutton, dated June 12, 1962 itemizing the cost of refurbishing, renting and replacing Christmas street decorations, was furnished the Council prior to the meeting. Replacement costs are $13,500 plus; three-year rental for average type fixtures, $13,500; cost of refurbishing, $6,537.02. Request was made that the City consider payment of 50% of the cost of refurbishing the fixtures, in the amount of $3,268.51.

The Council directed that the request be considered at the appropriate budget hearing.

PETITION FROM RESIDENTS ON TULLY ROAD REQUESTING STREET IMPROVEMENTS

A petition from residents on Tully Road requesting that Tully Road be improved at the earliest possible time was read by the City Clerk. The petition further requested that standard curbs be installed rather than roll-curbs.

By Order of the Chair, the petition was referred to the staff for handling.

COMMUNICATION FROM CONSISTORY OF THE FIRST CHRISTIAN REFORMED CHURCH OF MODESTO RE: OPENING OF SWIMMING POOL ON SUNDAY

A letter from Reverend Bernard DenOuden, Pastor, Consistory of the First Christian Reformed Church of Modesto, dated June 7, 1962 protesting the recent decision of the Council to open Downey High School swimming pool on Sundays for the purpose of deriving additional revenue was read by the City Clerk.

The City Manager stated that the additional revenue which will be derived was discussed at the time the decision was made to open the pool on Sundays, only to indicate that the program was self-supporting.

Director of Parks and Recreation Cowie stated that the pool will be open from 1:00 P.M. to 6:00 P.M. on Sundays, not during the time that church services are normally held.

The letter was referred to the City Manager for answering.

CONSIDER AWARD OF BID FOR LEGAL ADVERTISING FOR THE FISCAL YEAR 1962-63

The City Clerk presented a tabulation of the two bids received for the City's legal advertising for fiscal year 1962-63. Two bids were submitted, the low bid by The Modesto Tribune.

RESOLUTION NO. 62-273

A RESOLUTION ACCEPTING THE BID OF THE MODESTO TRIBUNE FOR LEGAL ADVERTISING FOR THE FISCAL YEAR 1962-63

Introduced by Mayor Hammond Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

CONSIDER AWARD OF BID FOR IMPROVEMENT OF TULLY ROAD BETWEEN STODDARD AND LEONARD AVENUES

At the request of the Director of Public Works, Marvin Ray, this matter was held over with the consent of the Council, pending approval of the Division of Highways, inasmuch as the low bid received was six per cent above the engineer's estimate. Distribution of the tabulation of bids received was withheld until the item is again placed on the agenda.

CONSIDER PURCHASE OF STREET SWEEPER

Tabulations of the informal bids received were distributed to the Council. Mr. Ray said that the low bid was submitted by Western Traction Company for a Wayne Sweeper, Model 2-770, in the total amount of $9,987.72, which includes credit for the trade-in of an old sweeper. All of the bids met the specifications. Upon questioning, Mr. Ray said that the City presently has two Wayne sweepers and the service has been excellent. Western Traction Company has indicated 30-days delivery.

MOTION

That the bid of Western Traction Company for a Wayne Sweeper, Model 2-770 in the net amount of $9,987.72 be accepted

Moved by Johansen Seconded by Patton Unanimously carried

AGREEMENTS LEASING CERTAIN PREMISES AT THE MODESTO CITY-COUNTY AIRPORT

The City Manager stated that the proposed agreements cover renewal of leases for airplane hangars at the Modesto City-County Airport on the same terms and conditions of previous leases in each case.

(a) Hawke Dusters (lease expired June 30, 1961)

RESOLUTION NO. 62-274

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND WALTER FOUNTAIN, AN INDIVIDUAL, DBA HAWKE DUSTERS FOR LEASE OF AIRPLANE HANGAR (No. 2)

Introduced by Johansen Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

(b) Nathan J. Province (lease expired June 30, 1961)

RESOLUTION NO. 62-275

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND NATHAN J. PROVINCE, FOR LEASE OF AIRPLANE HANGAR (No. 3)

Introduced by VanderWall Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

(c) Darrell Olson (lease expired April 30, 1961)

RESOLUTION NO. 62-276

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DARRELL OLSON FOR LEASE OF AIRPLANE HANGAR (No. 5)

Introduced by Tabbert Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

HEARING ON PROPOSED VACATION OF EASEMENT (McHENRY HIGHLANDS) 2-115

Mayor Hammond announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed vacation of easements in McHenry Highlands Subdivision, and opened the hearing.

The City Clerk reported that the area was posted on June 5, and notice of hearing published in The Modesto Tribune on June 7, 1962. No written protests were filed with the City Clerk.

Assistant Director of Public Works Campbell stated that the subdividers of McHenry Highlands Subdivision have filed a revised tentative map showing a relocation of buildings in the planned development, and the easements provided in the original subdivision map no longer apply. He said that this matter had been cleared with the Planning Commission and utility companies involved.

Director of Public Works Ray said that the revised plans amount to a complete change in the use of the property, which is presently undeveloped, with no utilities actually installed.

No one in the audience asking to be heard, Mayor Hammond declared the hearing closed.

RESOLUTION NO. 1003-S.P.

A RESOLUTION VACATING AND ABANDONING PUBLIC SERVICE EASEMENT IN BLOCK 6985 IN THE CITY OF MODESTO (McHENRY HIGHLANDS SUBDIVISION)

Introduced by VanderWall Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

CONSIDER RENEWAL OF THE CITY'S GENERAL COMPREHENSIVE LIABILITY INSURANCE POLICY

Copies of a memorandum from the Director of Finance, dated June 15, 1962, subject, "Insurance against Liability for Injury to the Public," were mailed to the Councilmen prior to the meeting.

The City Manager stated that the total premium for this insurance for the period June 27, 1962 through June 27, 1963 is $16,807. Cost of Public Liability Insurance at the Airport for a similar period is $904, and is covered by a separate policy.

Upon questioning, Mr. Bird said that the broker handling the above insurance is presently checking Errors and Omissions coverage for the City with his New York office. If approved, an endorsement to the present policy plus an additional premium will be required. Mr. Warren Giddings stated that the City's request for errors and omissions insurance was brought to the attention of the underwriter in New York City, and because this is not a type of liability insurance commonly written, he was unable to obtain a prompt answer. An answer is expected shortly. Mr. Giddings suggested that action on the policies under consideration not be withheld pending a decision on the errors and omissions insurance, as the decision may be delayed beyond the expiration date of the present policies.

RESOLUTION NO. 62-277

A RESOLUTION AUTHORIZING THE CITY TO RENEW ITS GENERAL COMPREHENSIVE LIABILITY INSURANCE AND AVIATION LIABILITY INSURANCE

Introduced by Mitchell Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

ACCEPT IMPROVEMENTS IN VILLAGE MANOR NO. 2 SUBDIVISION AS COMPLETE AND AUTHORIZE THE CITY CLERK TO RELEASE THE SUBDIVISION BOND

The City Manager stated that a memorandum from the Assistant Director of Public Works indicates that all work required by the subdivision agreement for the improvement of Village Manor No. 2 Subdivision has been completed to the satisfaction of the Public Works Department. Mr. Miller recommended that the work be accepted as complete and the City Clerk authorized to release the improvement bond in the amount of $20,300.

RESOLUTION NO. 62-278

A RESOLUTION AUTHORIZING THE RELEASE OF SPRINGFIELD INSURANCE COMPANY PERFORMANCE BOND FILED TO GUARANTEE IMPROVEMENTS IN VILLAGE MANOR NO. 2 SUBDIVISION

Introduced by Johansen Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

YOUTH ADVISORY COMMITTEE

The City Manager said that some time ago a suggestion was made that the Council set up a Youth Advisory Committee to work with the

city high schools in recreational problems for students. A meeting was recently held with two Downey High School students who were directed to work with their student body organization, and contact Grace Davis and Modesto High Schools on the matter, since students of all the high schools will be represented. Mr. Miller said that further report would be made to the Council as the matter progresses.

MOTION

That the Parks and Recreation Department be authorized to handle this matter with school representatives

Moved by Tabbert Seconded by Mitchell Unanimously carried

RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE WOODLAND AVENUE COUNTY FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (BLOMDAHL ADDITION)

RESOLUTION NO. 62-279

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE WOODLAND AVENUE COUNTY FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (BLOMDAHL ADDITION)

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

CONSIDER REVOKING TAXI CERTIFICATE OF YELLOW CAB COMPANY

The City Manager stated that payments due the City are delinquent and suggested that a hearing be set for the Council to consider revoking the taxi certificate of the Yellow Cab Company.

RESOLUTION NO. 62-280

A RESOLUTION SETTING THE DATE OF A PUBLIC HEARING ON THE REVOCATION OF THE CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY ISSUED TO YELLOW CAB COMPANY TO OPERATE TAXICABS WITHIN THE CITY

Introduced by VanderWall Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

July 2, 1962 at 5:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

MOTION APPROVING BILLS FROM THE COUNTY FOR PRISONER CARE FOR THE MONTH OF MAY, 1962

The City Manager stated that the total cost for prisoner care at the County Jail and Road Camp for the month of May, 1962 totals $171.60. He recommended that payment be authorized.

MOTION

That payment of the bill for prisoner care for the month of May, 1962 in the amount of $171.60 be approved

Moved by Mitchell Seconded by VanderWall Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY LOCATED AT 1201 LUCERN AVENUE 3-112

The City Manager stated that this property is located on the northeast corner of Lucern and El Terino Avenue, adjacent to the John Muir Elementary School, and is contiguous to the city limits. A sewer line exists to serve the property. He recommended that sewer service be approved subject to the usual conditions. This property is presently being served by a private well.

MOTION

That the request for sewer service to property located at 1201 Lucern Avenue be approved

Moved by VanderWall Seconded by Johansen Unanimously carried

CONSIDER APPROVAL OF AGREEMENT FOR MAINTENANCE OF STATE HIGHWAYS WITHIN THE CORPORATE CITY LIMITS

The City Manager stated that the proposed agreement covers the maintenance of state highways within the corporate city limits, to be effective July, 1962.

The terms of the agreement were discussed.

RESOLUTION NO. 62-281

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS, FOR THE MAINTENANCE OF STATE HIGHWAYS IN THE CITY OF MODESTO

Introduced by Tabbert Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

REPORTS FROM THE PLANNING COMMISSION

(a) Recommendation for rezoning, west side of Tully, south of Princeton, from R-1 and R-3 to P-D

The City Manager stated that Planning Commission Resolution No. 811 recommends that the application of Iva Causey to rezone property on the west side of Tully Road, south of Princeton from R-1 and R-3 to Planned Development Zone, P-D, be approved.

RESOLUTION NO. 62-282

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

Introduced by Johansen Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

July 9, 1962 at 8:15 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

(b) Recommendation for sewer service as requested by Monighan and Associates

A letter from Acting Planning Director Fey, dated June 14, 1962 recommending that the City enter into an agreement with H. B. Monighan and Associates to provide sewer service, subject to certain conditions, for 125 multiple-family dwelling units on Spencer Avenue north of California Avenue, and adjacent to Lateral No. 5, was read by the City Manager.

A copy of the letter is on file with the record of the minutes.

MOTION

That the matter be referred to the staff for preparation of the necessary documents

Moved by VanderWall Seconded by Mitchell Unanimously carried

APPROPRIATION TRANSFERS

(a) $2,551 - From General Fund, various appropriation savings in Miscellaneous Unclassified Budget (page 52) to Commission on Tax Collections (431) and S.E.R.S. Contributions (425) in Miscellaneous Unclassified budget

(b) $4,580 - From General Fund, Streets, Salaries & Wages, Regular (p. 46) to Salaries and Wages, Regular, in Disaster and Civil Defense (p. 32), Community Service Center (p. 36), Water (p. 45), Garden Refuse (p. 49)

(c) $2,682 - From General Fund Street Trees, Salaries & Wages, Regular (p. 38) and 9-Hole Golf Course, Equipment Rental Charges (p. 39) to Salaries and Wages, Regular in 9-Hole Golf Course (p. 39) and Dryden Park Golf Course (p. 40)

The City Manager stated that the transfers requested are not additional amounts, but merely a balancing of accounts for the end of fiscal year 1961-62.

Upon questioning, Director of Finance Bird stated that additional funds are needed for salaries at the golf courses to adjust the original estimates made at the time salary increases were approved. The proper amount was encumbered, but erroneously budgeted in the Street Trees account.

RESOLUTION NO. 62-283

A RESOLUTION APPROVING MISCELLANEOUS APPROPRIATION TRANSFERS

Introduced by VanderWall Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

MATTERS FOR THE GOOD OF THE COMMUNITY

Introduction of Kay Simms, new Modesto Tribune Reporter 4-60

The City Manager introduced Kay Simms, who will report City Hall news for the Modesto Tribune.

QUARTERLY REPORT FROM THE GREATER MODESTO CHAMBER OF COMMERCE

The quarterly report from the Greater Modesto Chamber of Commerce, submitted in accordance with an agreement with the City, was presented to the Council and ordered filed.

PROGRESS REPORT ON REVISION OF PRETREATMENT FACILITIES BY INDUSTRIES 4-70

The City Manager stated that there has been fine cooperation between the City and the industries involved in this matter, with substantial improvements having been made.

Director of Public Works Ray stated that representatives of the various industries directly affected were present in the audience. The industries most directly affected are Tri-Valley Packing Co., Stanislaus Food Products, and Flotill Products, Modesto Meat Company, the two plants of California Vegetable Concentrates, and California Frozen Foods.

A memorandum prepared by the Director of Public Works, dated June 14, 1962, subject, "Progress Report on Revision of Pretreatment Facilities by Industries" was distributed to the Council, a copy of which is on file with the record of the minutes. The memorandum lists the status of accomplishments of the various industries in reducing the waste load on the Sewage Treatment Plant.

Mr. Ray said that the staff was working closely with the industries and it was his belief that most of the improvements will be completed before the onset of the heavy seasonal load. He said the condition of the river at this time was not high, but not as low as last year. Plans and specifications for installation of an aeration system at the Sewage Treatment Plant have been completed by the consulting engineer, and call for bids scheduled for around September 1. Application for federal funds has been made to pay for a portion of this cost, with present indication that the funds may be approved.

Mr. Ray suggested that the Council, or a Council committee, visit the various industries to get a firsthand picture of what is being accomplished.

Mayor Hammond expressed appreciation to the industries for their cooperation in this matter.

CONSIDER BIDS RECEIVED ON SALE OF SNEDIGAR PROPERTY 5-8

Mayor Hammond stated that the hour of 5:00 P.M. had arrived, the time set for receiving oral bids for the sale of real property belonging to the City, located at the corner of Northern Boulevard and McHenry Avenue.

The provisions of Resolution No. 62-232 setting forth the terms of the sale of the property were read by Acting City Attorney Bienvenu.

A tabulation of the written bids received was distributed to the Council, the high written bid of $18,600 submitted by SWAP, a joint venture, 1130 Yale Avenue, Modesto, through Fonnie Bartholomew, a realtor.

In accordance with the terms of Resolution 62-232, the minimum oral bid was set at $20,030.

Phil Soderstrom, 322 Northwood Drive, submitted the first oral bid and deposited a check for $2,500 with the City Clerk.

SWAP, a joint venture, 1130 Yale, submitted the highest oral bid of $25,000.

The City Manager stated that the high bid of $25,000 represented the minimum value of the property. The legality of withholding a decision on accepting or rejecting the offer to enable the Council to determine whether or not the $25,000 was a fair market price for the property was discussed.

Fonnie Bartholomew, realtor representing SWAP, stated that the property under question has been exposed to potential buyers for a considerable length of time and the value limited because of the narrowness of the parcel and the inaccessibility to Northern Boulevard. He said that these factors limited construction of an economical unit to permit access from the rear of the lot through the alley only. Based on these factors, he considered the price of $25,000 a fair one.

Upon questioning, Mr. Bartholomew said that his clients were willing to waive their rights for an immediate decision from the Council as to acceptance or rejection of the bid, and would grant the Council an extension of one week to render its decision.

MOTION

That the decision of the Council to award or reject the bid submitted by SWAP be carried over to the Council meeting of June 25, 1962, with the understanding that no further bids will be accepted

Moved by Mitchell Seconded by Johansen Unanimously carried

MOTION

That the City Clerk be authorized to return the $2,500 cash deposits of the unsuccessful bidders submitted by Foster Farms, Paul T. Fleming and Phil Soderstrom

Moved by Mitchell Seconded by Tabbert Unanimously carried

REPORT ON STATUS OF ADVANCES BY CITY FOR PERIMETER AND SUBTRUNK SEWERS

A memorandum prepared by the Public Works Department at the request of the Council, dated June 14, 1962, subject, "Status of Advances by City and Returns Thereon for Perimeter and Subtrunk Sewers," 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 Ray stated that the present outstanding balance of funds advanced as of June 1, 1962 is $124,000. A map indicating areas where funds have been advanced for subtrunk and perimeter sewers was shown the Council.

Upon questioning, Mr. Ray stated that rate of return of the funds advanced is unknown because it is contingent upon development of adjacent areas.

REPORT ON STATUS OF ADVANCES BY CITY FOR PERIMETER STREET LIGHTS

A memorandum prepared by the Public Works Department, dated June 14, 1962, subject, "Status of Advances by the City and Returns Thereon for Perimeter Street Lights," was distributed to the Council prior to the meeting, a copy of which is on file with the record of the minutes.

The memorandum indicates that the present outstanding balance of advances made by the City for perimeter street lights is $17,113.52. Mr. Ray said that funds were advanced for this purpose many years ago, and it is conceivable that some of the money will never be recovered. The areas were indicated on the map.

REPORT THAT GREYHOUND BUS COMPANY IS PROPOSING TO REROUTE ITS BAY AREA BUSES SO THAT THEY WILL TRAVEL ON 7TH STREET INSTEAD OF 9TH STREET

The City Manager reported that because of turning movements encountered in entering and leaving 9th Street at G and L, the Greyhound buses would like to reroute their buses to enter and leave its station via G, 7th and L Streets instead of G, 9th and L Streets.

The City Manager stated that in his opinion, this rerouting could be accomplished without any great difficulty, pointing out that because of pending freeway construction, this may be an interim arrangement only.

There were no objections by the Council.

REPORT ON MEETING OF COUNTY ECONOMIC DEVELOPMENT ACTION COMMITTEE

(a) Overall Economic Development Program

The City Manager reported that the final draft of the Provisional Overall Economic Development Program for Stanislaus County was presented to the County Economic Development Action Committee last Thursday, and approved by the Committee for submission to the County Board of Supervisors at its meeting next Tuesday.

Mr. Miller said that copies of the program would be furnished the Council shortly.

(b) Resolution on Farm Labor

The City Manager reported that under Area Redevelopment Administration regulations, in areas designated as having substantial and persistent unemployment, imported labor cannot be obtained without official authorization from the Department of Labor in Washington, D.C. and that all domestic labor must be provided opportunities for employment before foreign labor can be certified to an area.

A report read by the City Manager indicated that because of the unusual unemployment pattern in Stanislaus County, there are certain periods of the year when total employment and total unemployment are simultaneously high, and it is difficult for those not familiar with the agricultural needs of this area to realize that most of those currently unemployed are not capable of performing "stoop" labor to harvest crops; also, that due to the rapid ripening of crops, labor needs may increase by several thousand almost overnight.

Mr. Miller said that at a recent meeting of the County Economic Development Action Committee, action was taken to recommend to the Board of Supervisors that a resolution be prepared and submitted to state and federal legislative representatives and officials concerned, urging that authority for clearance of imported labor needed locally be redelegated to the Department of Labor office in San Francisco, in an effort to minimize costly delays involved with clearing through the Washington, D. C. office. He recommended that the Council adopt a similar resolution.

Councilman Patton commented that the Farm Bureau is greatly concerned over this regulation, since the farmers are greatly dependent on imported labor for the harvesting of their crops, and realize that it will be increasingly difficult to bring in outside labor so long as Stanislaus County is designated as having substantial and persistent unemployment.

PROGRESS REPORT ON POLICE AND COMMUNICATIONS BUILDING

Deputy City Manager Keefe stated that two basic decisions will have to be made by the Council concerning the plans for the police and communications building. Schemes "A" and "B" drawn by Milton Pfleuger, architect, show the building located at the corner of F and 11th Streets; Scheme "A" a two-story building with a basement and no parking and very inadequate setback; Scheme "B" a three-story and basement scheme of same area and at the same corner as Scheme "A", with a better setback, entirely inadequate parking, and distribution of required facilities on three stories instead of two, which is unsuitable to proper and economic operation of the department; Scheme "C" a two-story and basement scheme of area located on the corner of G and 11th Streets, which provides required parking, is in proper relationship to area and established city planning conditions. Comments contained in a letter from the architect were read by Mr. Keefe, indicating that schematic floor plans have been developed for a building based on Scheme "C" plot plan, which have been reviewed on several occasions and revisions made in accordance with the request of the Police Department. The proposed building will serve a population of from 90,000 to 100,000,it being the opinion of Mr. Pfleuger that it is advisable to plan now for anticipated growth, as minor future additions will be costly and impracticable. A preliminary estimated cost of $22 per square foot, or $588,000 was quoted.

Mr. Keefe said that the architect has submitted the plans to Civil Defense to see if they will qualify for federal funds.

Mr. Keefe read comments of Mr. Pfleuger, indicating that in his opinion a separate communications center built as a first unit of a new police-communications center building is impracticable, and that it would be more economical to house the communications center temporarily in the basement of the firehouse if money is not available for the complete police-communications facility.

Upon questioning, Mr. Keefe said that the $588,000 quoted is for the building only and does not include cost of the land. He said that the following decisions will have to be made by the Council: (1) Location of the site must be determined; and (2) A decision reached as to whether or not a communications center will be considered at this time.

The City Manager stated that a further check will be made on the feasibility of securing federal Civil Defense funds for the communications center, which now appears to be desirable.

The staff was directed to supply answers to the following questions: What proportion of the estimated cost of $588,000 applies to the communications center; whether, from a police station standpoint, a meeting room, locker room, records room, room for typing letters, etc., are necessary; the cost of land which is required under Scheme "C".

Mr. Keefe pointed out that Council approval of a plan is necessary before cost of land can be investigated, and upon questioning, said he believed that the engineering costs were included in the $588,000 estimated cost of the building.

Councilman Johansen said that regardless of the schematic plan chosen, consideration must be given to adequate parking.

CITY HONORED BY WRITE-UP IN "HARVEST," CAMPBELL SOUP PUBLICATION

The City Manager reported a four-page spread in the May-June issue of the Campbell Soup Publication, "Harvest," concerning Modesto. He said that efforts are being made through the Chamber of Commerce to obtain reprints of the article for distribution.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Patton Unanimously carried

The meeting adjourned at 6:15 P.M.

ATTEST: Rex E. Gailfus, City Clerk

Adjourned Special Meeting
June 19, 1962

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 pro tempore VanderWall presiding, to further consider the preliminary budget for the fiscal year 1962-63.

The City Clerk called the roll and there were

Present: Councilmen: Johansen, Mitchell, Patton, Tabbert, Mayor pro tempore VanderWall

Absent: Councilmen: Shastid, Mayor Hammond

MISCELLANEOUS UNCLASSIFIED - 65, p. 87

408 - Charter Committee - $450

MOTION

That the $450 budgeted under 408, Charter Committee, be deleted from the budget

Moved by Johansen Seconded by Mitchell Unanimously carried

FIRE DEPARTMENT SUPPLEMENTAL REQUEST, p. 36

Fire Prevention Officer - $5,268

Copies of a memorandum from the Fire Chief, subject, "Fire Department Personnel," dated June 19, 1962 were distributed to the Council.

The duties of the proposed Fire Prevention Officer and the effect his hiring would have on the City's fire rating was discussed. Upon questioning, Chief Wemyss said that the fire prevention officer would also do fire suppression duty; that there has been no increase in Fire Department personnel since 1953 or 1954. The City Manager stated that the last time the number of firemen was increased, the hours were reduced--the overall strength was improved, the on-duty manpower remaining unchanged.

POLICE DEPARTMENT

The supplemental requests of the Police Department for a Junior Typist Clerk to work in the Juvenile Division and the Detective Division, and equipment rental for two additional cars, and related equipment, totaling $6,105, were discussed by the Council.

Chief Bowers stated that an increase of crime in the City has contributed to the backlog of typing work; that the hiring of a clerk typist will relieve officers in the Juvenile and Detective Divisions from typing their own reports.

Chief Bowers stated that thirteen individuals are employed in the Detective and Juvenile Departments, with seven cars assigned, an insufficient number to permit the staff to handle their assignments without doubling up in cars.

DISASTER AND CIVIL DEFENSE - p.42

Radio Equipment - $900

The supplemental request for two radios for use by the Police Department in the two additional cars requested was discussed.

PARKS AND RECREATION - ADMINISTRATION - p. 44

Director of Parks and Recreation Cowie stated that approval of the supplemental request for a Park Superintendent would permit the Director to spend more time on working on park plans, revising the park ordinance, updating the street tree plan, etc. Mr. Cowie stated that the position could be filled by a presently employed individual who has a degree in ornamental horticulture.

Alternate supplemental request No. 2, proposing that professional assistance be obtained for preliminary advance park designs for Garrison School, Veterans Housing and Standiford School park sites, was discussed.

The City Manager stated that if the recommendation of the Planning Commission that new park sites be improved through park improvement districts is adopted by the Council, plans for the improvement of the park sites will be urgently needed.

Parks and Recreation - Parks - pp. 2 & 4 of Report, "Supplemental Requests 1962-63," dated June 11, 1962

(2) 21" Rotary Mowers

Director of Parks Cowie stated that purchase of these rollers would facilitate the cutting of grass around trees. The rotary mowers presently in use have been found to be extremely useful. He said that the City presently has two rotary mowers which are shifted from park to park, and it is hoped that a total of six will eventually be available.

Dryden Municipal Golf Course
Supplemental Request for Fertilizer - Dryden Municipal Golf Course

Mr. Cowie recommended that funds be budgeted in the amount of $684 for two applications of fertilizer at Dryden Municipal Golf Course, one to be applied in the spring and one in the fall. (12 tons, for application to one-half the golf course).

Charles Throssell pointed out that he requested that $1,254 be budgeted, $250 to be used on the 9-hole golf course, and $1,004 to be used on the 18-hole golf course, which request was based on a conversation with park and golf course personnel as to the amount of fertilizer needed to do the job effectively.

Upon questioning, Mr. Cowie stated that funds were still available in this year's budget (Account 310 - Gardening Supplies - Dryden Park Municipal Golf Course, p. 59) and could be utilized for fertilizer if the Council approved the expenditure.

PUBLIC WORKS

Supplemental Request for a Chrome Aluminum Asbestos Roof Coat on Hangar No. 1 and No. 2 Tee Hangar - $2,670

The City Manager stated that it was urgent that these repairs be made to prevent rust and stop leaks.

Reconditioning of taxiway - $1,200

Consideration was requested of a supplemental request for $1,200 to recondition the taxiway at the Airport, the work to be done with city forces.

Director of Public Works Ray stated that this would cover only a portion of the oiled area, with plans to recondition another portion next fiscal year.

Mr. Ray stated that in order to eliminate operating problems it was proposed that the gasoline concession be separated from other activities at the Airport; that the main hangar be partitioned so that two sections may be rented. If approved, it would be necessary to budget approximately $200 to install the partition. This would double the revenue from the large hangar, and this gain applied toward the salary of the gasoline concessionaire.

Mr. Ray also asked the Council to consider the request of the owner of a hangar to dispose of his interest, effective July 1; if approved by the Council, $1,354.17 will need to be budgeted to purchase this interest. He stated that these matters will be presented to the Council at a regular Council meeting.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned to June 21, 1962 at 4:00 P.M.

Moved by Johansen Seconded by Tabbert Unanimously carried

The meeting adjourned at 5:37 P.M.

ATTEST: _____
Rex E. Gailfus, City Clerk

Adjourned Council Meeting
June 21, 1962

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 Hammond presiding, to further consider the preliminary budget for the fiscal year 1962-63.

The City Clerk called the roll and there were

Present: Councilmen: Johansen, Mitchell, VanderWall, Mayor Hammond
Councilman Patton arrived at 4:10 P.M.

Absent: Councilmen: Shastid, Tabbert

SUPPLEMENTAL REQUESTS

Parking and Traffic, p. 78

No action was taken at this time on Director of Parking and Traffic Carmody's supplemental request that $2,664 be approved to extend from two months to six months the working time of two men painting street markings.

Office Services, p. 80

Mr. Carmody requested that additional funds be budgeted for the services of one man for two days (Mondays and Thursdays, when money is collected from parking meters), during the vacation of the three regular office service employees, a period of about six weeks during the year. He suggested that a former employee of the Office Services Department, who is familiar with the routine and presently employed in the Finance Department, be utilized for relief work.

Director of Finance Bird said that his department could get by without hiring additional help under Mr. Carmody's plan, and that he would notify the Council if additional help was needed because of the arrangement.

Music and Promotion, p. 82

With the consent of the Council, this matter was held over for consideration at a later date.

Library - p.91

The City Manager stated that the supplemental request of $1,200 covers rental of property to establish a branch library in the LaLoma business area for a six months period during fiscal year 1962-63, contingent upon funds being budgeted by the County for a similar purpose.

No action was taken, Councilman VanderWall suggesting that the matter be brought up for consideration at a later time when the County's position has been established.

SERVICE WORKING CAPITAL FUND

Police Department - p. 98

Captain Coulsen stated that the two police vehicles requested in the amount of $4,600 are intended for use in the Detective Division; that at the present time seven cars are assigned to the Detective and Juvenile Divisions, and being utilized by a total of thirteen employees.

The possibility of the Police Department using cars from the regular city car pool was discussed. Director of Public Works Ray said that a car might be available occasionally, but the marking indicating the use of the vehicle would have to be removed; most of the cars have only one seat and are not equipped for handling prisoners, and would be available only during the winter months when construction is slack.

Parks and Recreation - Parks, p. 52

The desirability of two additional 21" rotary mowers, brush holder shaft, and pick-tine roter was outlined by Director of Parks Cowie.

Public Works Department - Utility Crew

3" Water Pump with electric starter (2)

Mr. Ray stated that the additional pumps are needed to keep up with requests to pump storm water off the streets and other flooded areas during the rainy season. He described the four units presently in use.

Public Works Department - Streets

Mr. Ray stated that the roller requested weighs approximately 900 pounds and can be fastened to the tailgate of the City's patch truck, which is equipped with all the other facilities for patching. Because of its vibrating effect, it can also be used to a certain degree in the compacting of trenches.

The Council discussed the amount in the General Reserve Fund and whether or not the full-time salary of an Intermediate Typist Clerk should remain in the Personnel budget, since the individual is employed on a half-time basis only, and has been for the past year.

COUNCIL ACTION TAKEN ON SUPPLEMENTAL REQUESTS

Fire Department

MOTION

That the supplemental request of the Fire Department for a Fire Prevention Officer be approved, effective October 1, 1962

Moved by VanderWall Seconded by Johansen Unanimously carried

Police Department

MOTION

That the supplemental request of the Police Department for a Junior Typist Clerk be approved; that its supplemental request for one automobile only, plus related accessories, be approved

Moved by Mitchell Seconded by VanderWall Unanimously carried

Parks and Recreation - Parks

MOTION

That the supplemental request of the Parks and Recreation Department for two 21" rotary mowers be approved

Moved by Mitchell Seconded by VanderWall Unanimously carried

Fertilizer for Golf Course

MOTION

That one application of fertilizer be made at Dryden Municipal Golf Course in the area needed with funds budgeted for fiscal year 1961-62

Moved by Johansen Seconded by VanderWall Unanimously carried

No action was taken on a supplemental request for $648 for two fertilizer applications for fiscal year 1962-63.

Public Works - Airport

MOTION

That the supplemental request for the repair of four hangar roofs and reconditioning of the taxiway be approved ($2,670)

Moved by Johansen Seconded by Patton Unanimously carried

Parking and Traffic

MOTION

That the supplemental request of the Parking and Traffic Department for salaries, equipment rental charges, laundry and cleaning, and construction materials to extend the length of time of "extra help" from two to six months each ($5,090) be approved (stripe painting)

Moved by Johansen Seconded by Mitchell Unanimously carried

Parks and Recreation - Parks

MOTION

That the supplemental request of the Parks and Recreation Department for a brush holder shaft and pick-tine rotor be approved

Moved by Patton Seconded by VanderWall Unanimously carried

Public Works Department - Streets

MOTION

That the supplemental request of the Public Works Department for a roller be approved

Moved by Patton Seconded by Johansen

The motion carried, Mayor Hammond dissenting.

The City Manager stated that the Capital Improvement Program remained to be considered by the Council. It was the Council's decision to adjourn this meeting and consider the Capital Improvement Program in conjunction with the regular Council meetings.

ADJOURNMENT

MOTION

That the Adjourned Council Meeting now in session be adjourned

Moved by VanderWall Seconded by Johansen Unanimously carried

The meeting adjourned at 5:55 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., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Absent: Councilmen: Shastid

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

Reverend Howard W. Potts gave the invocation.

LETTER FROM JACK A. ULRICH RE: INCLUSION OF THE ULRICH SHOPPING CENTER IN ANY DISTRIBUTION OF FUNDS FOR MERCHANT PROMOTION

A letter from Jack A. Ulrich, dated June 15, 1962 reminding the Council that the Ulrich Shopping Center is within the city and should be considered in any distribution of funds for merchant promotion, was read by the City Clerk.

By Order of the Chair, the staff was directed to refer the letter to the Council at the time determination is made as to the distribution of merchant promotion funds.

LETTER FROM MRS. RICHARD L. DINUBILO, 417 BRUCE AVENUE, RE: BLOCK PARTY

A letter from Mrs. Richard L. Dinubilo, 417 Bruce Avenue, dated June 14, 1962 requesting permission to close Bruce Avenue, between Jasmin Avenue and Dana Lane, on July 3, 1962 between 8:00 P.M. and 12:00 Midnight for a block party, was read by the City Clerk.

The City Attorney stated that past approval of block parties by the Council has been based on the permittee assuming responsibility for cleaning the street after its use, clearing of arrangements through the Chief of Police and Director of Parking and Traffic, and the City being held harmless from any and all damages, costs and charges of any kind or character arising out of or in any way connected with the exercise of rights granted.

RESOLUTION NO. 62-285

A RESOLUTION AUTHORIZING THE CLOSING OF BRUCE AVENUE BETWEEN JASMIN AVENUE AND DANA LANE ON THE EVENING OF JULY 3, 1962

Introduced by VanderWall Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

COMMUNICATION FROM LEE DAVIES, CHAIRMAN OF THE CITIZENS' CHARTER COMMITTEE, SUBMITTING REPORT AND RECOMMENDATION

A letter signed by all members of the Charter Revision Committee formally submitting proposed Charter changes, together with the

minutes of the meetings held by the Charter Revision Committee, was presented to the Council by Lee Davies, Chairman of the Citizens' Charter Revision Committee.

Mr. Davies said that the committee met fifteen times during the past year to consider the revisions, and during this time heard charter experts from other cities & members of the staff, regarding the philosophy of city charters, and were furnished reading materials for study. Mr. Davies particularly commended City Attorney Grimes for his assistance in acting as consultant and draftsman to the Committee. Mr. Davies briefly reviewed the types of changes proposed. He recommended that a public hearing be held on the proposed changes, and that they be submitted to the electorate at the November general election, not as individual Charter amendments, but as a proposed new Charter, rewritten to include the recommended changes.

Councilman VanderWall, who represented the Council at the meetings, stated that it was a pleasure working with the Committee and commended the Committee for an outstanding job.

MOTION

That the report of proposed charter revisions presented by the Citizens' Charter Revision Committee be accepted for study

Moved by Mitchell Seconded by Johansen Unanimously carried

Mr. Grimes suggested that the Council review the proposed amendments and take tentative action before the public hearing is held. He said that if the Council followed the suggestion of the Committee to place the matter on the November general election ballot, decision on the proposed changes must be made at least 90 days prior to election day, or by August 1.

Mayor Hammond directed that the matter be placed on next week's agenda at which time a decision will be made on a date for public hearing.

LETTER FROM W. G. BROWN, BROWN NEVADA CORPORATION, OFFERING PROPERTY FOR SALE

A letter from W. G. Brown, dated June 18, 1962, offering to sell a parcel of land surrounding the Christian Scientist Church at 14th and H Streets to the City for the sum of $55,000 was read by the City Clerk.

MOTION

That the offer of W. G. Brown offering to sell land located at the corner of 14th and H Streets for $55,000 not be accepted

Moved by Johansen Seconded by VanderWall Unanimously carried

LETTER FROM HERMAN OSWALD, 1314 TENAYA DRIVE RE: OPENING OF SWIMMING POOL ON SUNDAY

A letter from Herman Oswald, dated June 20, 1962 upholding the City's decision to open Downey High School swimming pool on Sundays from 1:00 to 6:00 P.M., was summarized by the City Clerk.

The letter was ordered filed.

LETTER FROM MRS. CLEO ALEXANDER, 1231 PURDUE AVENUE, RE: BLOCK PARTY JULY 4, 1962 FROM 4:00 TO 9:00 P.M. (1200 BLOCK ON PURDUE)

RESOLUTION NO. 62-286

A RESOLUTION AUTHORIZING THE CLOSING OF THE 1200 BLOCK OF PURDUE AVENUE FOR FOURTH OF JULY BLOCK PARTY

Introduced by Johansen Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

REQUEST OF JOHN McCAFFERY TO CLOSE THE 1500 BLOCK OF CHERRYWOOD DRIVE FOR BLOCK PARTY JULY 4 FROM 4:00 P.M. TO 10:00 P.M.

This matter was introduced by the City Clerk with the unanimous consent of the Council.

RESOLUTION NO. 62-287

A RESOLUTION AUTHORIZING THE CLOSING OF THE 1500 BLOCK OF CHERRYWOOD DRIVE FOR FOURTH OF JULY BLOCK PARTY

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

CONSIDER PURCHASE OF LANDSCAPE MATERIALS FOR MODESTO CHILDREN'S PARK

(a) Mr. and Mrs. Elroy Vaughn

The City Manager said that $5 has been donated by Mr. and Mrs. Vaughn for the purchase of landscape materials in the Birthday Area of Children's Park as a memorial to Alfred Matthews, deceased.

RESOLUTION NO. 62-288

A RESOLUTION ACCEPTING GIFT OF LANDSCAPING MATERIAL IN THE AMOUNT OF $5 FROM MR. AND MRS. ELROY VAUGHN FOR USE AT CHILDREN'S PARK

Introduced by Mitchell Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

(b) Home and Garden Club

The City Manager stated that the Home and Garden Club, through Mrs. Sue Sawdey, President, and Mrs. Myrtle Neal, Corresponding Secretary, have asked the Director of Parks and Recreation to act as its agent in the purchase of landscape material for Modesto Children's Park in the amount of $50.

RESOLUTION NO. 62-289

A RESOLUTION ACCEPTING GIFT OF LANDSCAPE MATERIAL IN THE AMOUNT OF $50 FROM THE HOME AND GARDEN CLUB FOR USE AT CHILDREN'S PARK

Introduced by Tabbert Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

CONSIDER AWARD OF BID FOR IMPROVEMENT OF TULLY ROAD BETWEEN STODDARD AND LEONARD AVENUES

The City Manager stated that the bids have not yet been cleared with the State and requested that the matter be held over for one week.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE IMPROVEMENT OF BOWEN AVENUE BETWEEN TWSRR AND McHENRY AVENUE

RESOLUTION NO. 62-290

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALL FOR BIDS FOR THE IMPROVEMENT OF BOWEN AVENUE BETWEEN THE TIDEWATER SOUTHERN RAILROAD TRACKS AND McHENRY AVENUE

Introduced by Johansen Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

July 10, 1962 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR INDUSTRIAL WASTES TREATMENT WORKS ADDITIONS

The City Manager reported that plans and specifications for the aeration system and degritter have been completed by Harry N. Jenks, consulting engineer, have been checked by the staff, and are now ready for Council approval. Application has been made for federal funds to defray part of the cost.

RESOLUTION NO. 62-291

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR INDUSTRIAL WASTES TREATMENT WORKS ADDITIONS

Introduced by Tabbert Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

CONSIDER DECISION OF SALE OF SNEDIGAR PROPERTY, McHENRY AVENUE AND NORTHERN BOULEVARD

Written and oral bids were received for the sale of this property at the June 18, 1962 meeting, the high bid of $25,000 submitted by SWAP, a joint venture. At this meeting, Fonnie Bartholomew, realtor, representing SWAP, waived its rights for an immediate decision as to acceptance or rejection of the bid, and granted the Council an extension of one week to render its decision.

Councilman Patton stated that his personal check into the value of property indicated it to be a minimum of $500 per foot, or a total of about $30,000. This was weighed against the fact that the City has offered the parcel for sale on two occasions, the odd shape of the parcel, and access from Northern Boulevard prohibited as a term of the

sale. These matters were generally discussed.

MOTION

That the bid of $25,000 of SWAP, a joint venture, for the purchase of City property located at the corner of McHenry Avenue and Northern Boulevard be accepted under the terms of the sale, and the staff instructed to prepare the necessary documents

Moved by Mitchell Seconded by Mayor Hammond

Ayes: Mitchell, Patton, Tabbert, Mayor Hammond

Noes: Johansen, VanderWall Absent: Shastid

HEARING ON PROPOSED 1962-63 BUDGET

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the proposed 1962-63 budget, and opened the hearing.

The City Clerk announced that notice of the hearing was published in the Modesto Tribune on June 14, 1962 and a copy of the preliminary budget available in the Clerk's office for public perusal.

The City Manager pointed out that some matters still remained to be resolved by the Council, including the Capital Improvement Program submitted by the Planning Commission; that if the Council approved the budget at the present meeting, it would not be necessary to appropriate funds on a special basis for payment of the usual current expenses of the City.

REQUEST FOR DEVELOPMENT OF GARRISON PARK

Thomas Harrell, 1508 Del Monte, representing residents of the Garrison School District, stated that representatives from this area have met with the City Parks and Recreation Department, the Planning Commission, the City Manager and other interested parties concerning the improvement and development of Garrison Park.

Mr. Harrell questioned the City's policy of acquiring additional park sites before developing those already acquired, arguing that by the time the parks are developed many years hence, children in the area will be grown.

The importance of acquiring park sites before the property is developed was stressed by Mayor Hammond. The possibility of forming Park Improvement Districts for the improvement of neighborhood parks was mentioned by Mayor Hammond.

Mr. Harrell said that a recent survey of his neighborhood indicates that the people are not in favor of a Park Improvement District.

A petition representing some 1,000 people in the Garrison Park area requesting the first phase development of the park the coming fiscal year (lawn and sprinklers) was filed with the City Clerk.

Don Harmon, 1618 Arlie Court, also expressed the opinion of residents in the area that the City should limit acquisition of new park sites until such time as it is able to develop the park sites already acquired.

REQUEST OF DOWNTOWN MERCHANTS ASSOCIATION FOR CONTRIBUTION OF ONE-HALF THE COST OF REFURBISHING CHRISTMAS STREET DECORATIONS

John Sutton, representing the Downtown Merchants Association, asked the Council the status of the Association's request that the City share one-half the cost of refurbishing the Christmas street decorations, or approximately $3,250.

Mayor Hammond informed Mr. Sutton that no decision has as yet been reached on this matter.

Mr. Sutton said the expenditures of the Downtown Merchants Association for advertising, sales events, sales training clinic, bad check warning flash system, etc., since 1958, total $16,084.38; that since July, 1958, $19,743.99 has been spent by the Association for Christmas street decorations, plus insurance costs of $346. During a corresponding period, the City has contributed $17,225 towards downtown merchants promotion.

Mayor Hammond said that inasmuch as all of the other shopping areas within the City are also asking for contributions for this purpose, a point has been reached where it is felt that the Council s policy on this matter must be reviewed.

FURTHER DISCUSSION OF PARK IMPROVEMENT DISTRICTS

Councilman Mitchell stated that he has given much study and thought to park development. It was his opinion that the Council was duty-bound to acquire and preserve park sites for future generations, and that they should be acquired before the land is developed.

The continuing growth of the City was discussed.

Councilman Mitchell said that if individual neighborhood areas were willing to assume one-half the cost of park development through some city-assisted collection process, a good argument might be made for the balance of the costs to be paid by the City, either by a tax rate increase, or possibly by deferring other expenses. He pointed out that such districts would be under no compulsion to develop their parks in this manner, but area-city participation would undoubtedly result in more rapid development.

Don Harmon asked whether it would be more advantageous to the taxpayer for the City to sponsor a city-wide parks improvement project to develop all parks simultaneously, or to develop each park as a separate improvement district.

The City Manager answered that a two-thirds vote was necessary to approve general obligation bonds, which carries an interest rate about two per cent lower than an improvement district bond. Although improvement districts are more costly, Mr. Miller pointed out that this procedure would permit each area to operate independently, thus expediting development where people were willing to pay the costs. He estimated a cost of $50 or $60 per family, prorated over a period of about ten years.

The City Attorney said that he knew of no legal problems which would prohibit the City from participating in the development of parks on this basis.

Mayor Hammond stated that it should be noted that Modesto has grown rapidly as a residential community, rather than industrially,

a large segment of industry being located outside the city limits; approximately one-half the residents of the area reside outside the city limits, yet utilize facilities supported by city taxpayers. It was his belief that people in the community will have to accept a tax philosophy wherein small areas which benefit from certain services will be taxed directly, rather than the City as a whole.

Mr. Harmon requested that the Council also consider the installation of a Babe Ruth size ball diamond.

Upon questioning, the City Attorney stated that the City could levy a tax on the entire City for park improvement purposes, but to his knowledge could not levy a tax within a geographical area except through improvement district procedure.

Costs of park development and phase development were discussed.

REQUEST FOR IMPROVEMENT OF DRYDEN MUNICIPAL GOLF COURSE BY CHARLES THROSSELL

Charles Throssell, 1203 Wellesley Way, outlined a three-point program for development of Dryden Municipal Golf Course which he had presented to the Planning Commission on March 15, 1962. He stated that at that time, the program had neither been accepted nor rejected. He discussed the history of the acquisition and development of Dryden Municipal Golf Course, quoting the following from an agreement between the City and Horace W. and Dorothy Dryden, dated December 15, 1954: "...City agrees to proceed with due diligence to acquire, construct, maintain and operate an eighteen hole municipal golf course, a portion of which shall be located upon said property, and to complete the development of same without unnecessary or unavoidable delay..." He quoted the following from the minutes of December 8, 1954: "Mayor Marks pointed out that the provision in the agreement which called for the development of the property as a golf course with due diligence might mean at least 5-7 years."

Mr. Throssell said that the condition of the present golf course was appropriately described in the following excerpt from the minutes of the Planning Commission, dated March 15, 1962: "...Mr. Miller stated that he believed a driving range and a clubhouse on the 18-hole course are very desirable -- that we now have two 'second rate' golfing facilities."

Mr. Throssell stated that the "due diligence" period of 5-7 years has passed and urged the Council to take action to complete a first class golf course -- requesting that the driving range be completed in fiscal year 1962-63, a definite program established for incorporating the two golf courses, and that a permanent clubhouse be constructed.

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

Councilman Johansen said that he did not believe the Council should attempt to reach decisions on individual items of the Capital Improvement Program, which has not yet been reviewed as a whole by the Council.

DISCUSSION OF BUDGET MATTERS

Approval at this meeting of only the operational aspects of the budget, plus supplemental requests already cleared, was discussed,

the Downtown Merchants request for funds for promotion and Christmas street decoration, and other unresolved requests, to be considered at a later date.

The City Attorney stated that this could be done, if a revised budget incorporating the changes made by the Council to date, plus changes the Council might wish to make at the present time, was filed with the City Clerk; that acceptance of the budget will not preclude revisions the Council may wish to make at a later date.

The City Manager recommended that the budget be accepted as amended by the Council, stating that approval of the budget as amended at this time will eliminate considerable duplication of accounting procedure, without deterring Council action on changes it may wish to make at a subsequent date.

A "Summary of Changes to 1962-63 Preliminary Budget," prepared by the Finance Department, dated June 25, 1962 was presented to the Council.

The proposed addition of two 3-wheel motocycle replacements in the amount of $3,700, shown on page 3 of the above report, was questioned, Chief Bowers explaining that these were carry-over funds from the 1961-62 budget, covering the purchase of traffic enforcement vehicles.

MUSIC AND PROMOTION - 61, p. 63 of Preliminary Budget

446-Special Trade Events

MOTION

That Item 446 - Special Trade Events, in the amount of $3,000 be deleted from the preliminary budget and the totals changed accordingly

Moved by VanderWall Seconded by Tabbert Unanimously carried

"PROPOSED CHANGES TO PRELIMINARY BUDGET," page 2 of report dated June 25, 1962

MOTION

That the Preliminary Budget be amended to include the following: City Manager, Add Salaries & Wages, Regular, $72; Personnel, Add Salaries & Wages, Regular, $72; Disaster & Civil Defense, Add Salaries & Wages, Regular, $72; Parks & Recreation - Administration, Add Salaries & Wages, Regular, $251, and necessary adjustments made accordingly

Moved by Johansen Seconded by VanderWall Unanimously carried

ADDITION TO SERVICE WORKING CAPITAL FUND

MOTION

That addition of two 3-wheel motorcycle replacements to the Service Working Capital Fund, in the amount of $3,700 be approved, and the totals changed accordingly

Moved by Mitchell Seconded by Patton Unanimously carried

A report prepared by the Finance Department, entitled "Capital Improvements (Excluding Small Capital Outlay Items Included in the Regular Operating Budget)," was distributed to the Council for its review.

A motion introduced by Councilman Johansen, seconded by Councilman Mitchell, to call a special council meeting May 26, 1962 at 4:00 P.M. to consider the Capital Improvement Program, was withdrawn by Councilman Johansen, after determination was made that a quorum would not be present at the meeting.

RESOLUTION RENEWING STATE PERSONNEL BOARD CONTRACT FOR PERSONNEL EXAMINING SERVICES 8-95

The City Manager stated that the proposed contract with the State Personnel Board covers personnel examining services for fiscal year 1962-63, and is substantially the same as the contracts of the past two years. He recommended that it be approved.

RESOLUTION NO. 62-292

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE PERSONNEL BOARD COOPERATIVE PERSONNEL SERVICES TO FURNISH PERSONNEL EXAMINATIONS AS NEEDED

Introduced by VanderWall Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

RESOLUTION APPROVING AGREEMENT BETWEEN CITY AND RICHFIELD OIL CORPORATION EXTENDING PRESENT AGREEMENT COVERING GASOLINE NEEDS TO JUNE 30, 1963

The City Manager stated that the proposed agreement will extend the City's present agreement with Richfield Oil Company, covering the City's gasoline needs, to June 30, 1963 which will permit the City to participate with the County's call for bids for gasoline during fiscal year 1963-64. This procedure was approved by the Council at its meeting of June 4, 1962.

RESOLUTION NO. 62-293

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND RICHFIELD OIL CORPORATION EXTENDING EXPIRATION DATE OF AGREEMENT COVERING THE CITY'S GASOLINE REQUIREMENTS

Introduced by Mitchell Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

CONSIDER LEASE AGREEMENTS FOR RENTAL OF HANGAR AT THE MODESTO CITY-COUNTY AIRPORT (a) H. R. MANNING (b) DONALD R. MONTGOMERY

Director of Public Works Ray stated that this item was directly connected with Item 19 of the agenda, "Consider Agreement between the City and Orville Okerson for operation of gasoline concession business at the Modesto City-County Airport, " and should be discussed simultaneously. The proposed lease agreement leases the west half of Hangar No. 1 to H. R. Manning and the east half to Donald R. Montgomery for a rental of $120 per month for each unit, in lieu of the present rental of $120 per month for the entire hangar. This will require erection of a partial partition. Mr. Ray said that a proposed agreement has been prepared with Orville Okerson for operation of the gasoline concession at the City-County Airport (Item 19) which provides

that Mr. Okerson be paid $120 per month plus a rate of return for the sale of gasoline. If the latter is approved, an additional budget item for professional services will be required and it may also be necessary to budget funds for installation of an office. If leases for the two portions of Hangar No. 1 are approved, an additional budget item of $200 is required to cover costs of installation of the partition. Upon questioning, Mr. Ray said that the additional $120 per month received for the hangar rental will offset the $120 per month proposed to be paid Mr. Okerson to act as assistant to the Airport Manager.

RESOLUTION NO. 62-294

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND H.R. MANNING FOR THE RENTAL OF THE WEST ONE HALF OF HANGAR NO. 1 AT THE MODESTO CITY-COUNTY AIRPORT (for a term of one year beginning July 1, 1962)

Introduced by VanderWall Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

RESOLUTION NO. 62-295

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DONALD R. MONTGOMERY FOR THE RENTAL OF THE EAST ONE HALF OF HANGAR NO. 1 AT THE MODESTO CITY-COUNTY AIRPORT (for a term of one year beginning July 1, 1962)

Introduced by Johansen Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

CONSIDER AGREEMENT BETWEEN THE CITY AND ORVILLE OKERSON FOR OPERATION OF GASOLINE CONCESSION BUSINESS AT THE MODESTO CITY-COUNTY AIRPORT

RESOLUTION NO. 62-296

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ORVILLE OKERSON FOR OPERATION OF GASOLINE CONCESSION BUSINESS AT THE MODESTO CITY-COUNTY AIRPORT (for a term of one year beginning July 1, 1962)

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

The City Attorney stated that the agreement also provides that Mr. Okerson be paid the sum of $120 per month on a contractual basis to act as Airport Manager during the absence of Airport Manager Sham.

INTRODUCTION OF CHARLES BREEN, SECRETARY-MANAGER OF THE STANISLAUS TAXPAYERS ASSOCIATION

Mayor Hammond introduced Charles Breen, new Secretary-Manager of the Stanislaus Taxpayers Association.

CONSIDER RESOLUTION REJECTING THE CLAIM OF JACK A. DORRITY AND MILTON D. EDDIE IN THE AMOUNT OF $58,000 FOR DAMAGES ALLEGED TO HAVE BEEN SUSTAINED ON MAY 4, 1962 AS THE RESULT OF A FIRE AT 426 SEVENTH STREET

RESOLUTION NO. 62-297

A RESOLUTION REJECTING THE CLAIM OF JACK A. DORRITY AND MILTON D. EDDIE FOR DAMAGES AGAINST THE CITY OF MODESTO

Introduced by Johansen Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

RESOLUTION REQUIRING CONSTRUCTION OF CURB AND GUTTER AT 410 COVENA AVENUE (BLOCK 2095 LOT 12)

The City Manager stated that an informal request to install curbs and gutters at 410 Covena Avenue was sent the property owner over thirty days ago, and the work has not been done. He recommended that a resolution be adopted authorizing the Superintendent of Streets to post the property.

RESOLUTION NO. 62-298

A RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF CURBS AND GUTTERS ALONG CERTAIN STREETS IN THE CITY OF MODESTO (BLOCK 2095, LOT 12)

Introduced by Tabbert Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

July 16, 1962 at 5:00 P.M. in the Council Chambers, was set as the time and place of hearing.

RESOLUTION APPROVING FINAL MAP FOR SUBDIVISION OF BLOCK 6985 OF McHENRY HIGHLANDS SUBDIVISION

RESOLUTION NO. 62-299

A RESOLUTION APPROVING THE FINAL MAP OF THE SUBDIVISION OF BLOCK 6985 OF McHENRY HIGHLANDS SUBDIVISION OF THE CITY OF MODESTO

Introduced by Mitchell Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

CONSIDER APPROVAL OF BUDGET FOR ENGINEERING FUNDS FOR CITY STREETS UNDER SECTION 2107.5 OF THE STREETS AND HIGHWAYS CODE 9-47

The City Manager stated that the budget in the amount of $18,000 covers the funds accumulated in 1960-61 and 1961-62, plus the yearly allotment of $6,000 for 1962-63.

RESOLUTION NO. 62-300

A RESOLUTION ADOPTING AND SUBMITTING A BUDGET FOR EXPENDITURE OF STATE ALLOCATED (ENGINEERING) FUNDS

Introduced by VanderWall Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

REPORTS FROM THE PLANNING COMMISSION

(a) Recommendation for unclassified use permit - J. O. Kinney

RESOLUTION NO. 62-301

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON AN UNCLASSIFIED USE PERMIT TO J. O. KINNEY FOR AN EQUIPMENT RENTAL BUSINESS AT 1331-1337 COLDWELL AVENUE

Introduced by Johansen Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

July 16, 1962 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

(b) Report and recommendation - Commencement of annexation proceedings, Crestwood Terrace Addition

The City Manager stated that Crestwood Terrace Addition comprises 6.356 acres located north of Rumble Road extension, east of Sherwood Manor Subdivision. Commencement of proceedings is recommended by Planning Commission Resolution No. 815.

RESOLUTION NO. 62-302

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

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

August 6, 1962 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

(c) Recommendation for neighborhood park site in Joni Manor Subdivision

The City Manager stated that the Planning Commission has recommended that the Council begin proceedings for the acquisition of a five-acre park site in Joni Manor Subdivision. The Stanislaus Union School District is presently negotiating with property owners to the north for a ten-acre site for a proposed school.

Acting Director of Planning Fey stated that the five-acre plot is located in the northwest corner of the city limits.

MOTION

That the staff be authorized to commence preliminary proceedings to acquire a five-acre park site in Joni Manor Subdivision

Moved by Johansen Seconded by VanderWall Unanimously carried

(d) Recommendation for annexation - McBride Addition

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

(e) Request that Council establish policy on Yosemite Boulevard relating to conditions imposed by the City in connection with lot splits, conditional use permits, etc. for guidance of Planning Commission

Acting Director of Planning Fey stated that at the last Planning Commission meeting, the Planning Commission approved a lot split on Yosemite Boulevard, and conditions imposed in connection with the approval included dedication of a full right of way and installation of improvements by the developer. Yosemite Boulevard is a state highway and has been proposed for widening, and although the McHenry Avenue project furnishes a parallel, a Council policy determination is needed regarding standards for the development of Yosemite Boulevard. Mr. Fey said the staff has not yet prepared specific recommendations, and requested Council guidance regarding policy to be followed in connection with lot splits, conditional use permits, unclassified use permits, etc.

The City Manager stated that a report suggesting alternatives would be furnished the Council.

Upon questioning, Mr. Fey said that no study has yet been made of the zoning pattern on Yosemite Boulevard, but that such a study is planned.

APPROPRIATION TRANSFERS

(a) Request for transfer of $1,500 from the General Fund, Streets (51), 321, Construction Materials, $750, and 218, Equipment Rental Charges, $750, To: Streets, Oil, New Streets, Alleys (51-503)

The City Manager stated that this transfer is needed to fill requests for the oiling of alleys. A portion of this cost is covered by revenue from property owners who pay 20¢ per lineal foot for oiling.

(b) Request for transfer of $875 from General Fund, General Reserve (101-600) to Miscellaneous Unclassified (65), 420-Forward Modesto Committee, 1962

The City Manager said $875 is needed to June 30, 1962 for the newly formed Forward Modesto Committee, 1962.

(c) Request for transfer of $3,000 from Engr. and Adminis. (41) Salaries & Wages, Extra (120), to Water (50), Utilities (210)

Director of Finance Bird stated that additional funds are needed in the Water, Utilities account due to added water service and the installation of an additional well.

RESOLUTION NO. 62-303

A RESOLUTION APPROVING APPROPRIATION TRANSFERS (as outlined above)

Introduced by Johansen Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

CONSIDERATION OF 1962-63 BUDGET (continued)

Director of Finance Bird stated that action taken by the Council at this meeting in connection with the engineering account of the State Highway Department necessitates action by the Council to amend the budget to increase revenues by $12,000; that the Contingency Reserve of the General Fund not shown in the preliminary budget should be considered; and that it would be necessary to increase the carry-over balance of the General Fund from $260,000 to $280,000.

The purpose of the Contingency Reserve Fund was discussed.

MOTION

That the Contingency Reserve Fund in the General Fund be reduced from $20,000 to $7,500

Moved by Johansen Seconded by Mitchell Unanimously carried

MOTION

That the carry-over balance of the General Fund be increased from $260,000 to $280,000 and the preliminary budget amended

Moved by Mitchell Seconded by Patton Unanimously carried

MOTION

That the estimate for engineering funds for gas tax purposes be increased from $6,000 to $18,000 and the preliminary budget amended accordingly

Moved by Johansen Seconded by VanderWall Unanimously carried

MOTION

That a General Reserve Fund of $143,610 and a Contingency Reserve Fund of $7,500 (total $151,110) be approved

Moved by VanderWall Seconded by Tabbert Unanimously carried

Three copies of the amended preliminary budget incorporating the changes authorized by the Council were filed with the City Clerk by the Director of Finance.

The proposed ordinance adopting the budget was read by the City Attorney.

ORDINANCE NO. 512-C.S. entitled

"AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 1963, AND PROVIDING FOR CERTAIN TRANSFER OF FUNDS"

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

Moved by VanderWall Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

MATTERS FOR THE GOOD OF THE COMMUNITY

Request of Thomas Harrell for Block Party in 1500 Block of Del Monte Avenue on July 4 from 12:00 noon to 11:00 P.M.

RESOLUTION NO. 62-304

A RESOLUTION AUTHORIZING THE CLOSING OF THE 1500 BLOCK OF DEL MONTE AVENUE FOR FOURTH OF JULY BLOCK PARTY

Introduced by VanderWall Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

Approval of Vacation for City Manager

The request of the City Manager for a portion of his annual vacation during the week of July 2 - 6, 1962 was approved by the Council.

Resolution urging California Fish and Game Commission to ratify agreement between State Department of Fish and Game, Turlock and Modesto Irrigation Districts and the City and County of San Francisco - Construction of New Don Pedro Dam Project

Councilman VanderWall, a member of the Council Public Projects Committee, read a proposed resolution urging the Fish and Game Commission of the State of California to ratify an agreement between the Commission and the Turlock and Modesto Irrigation Districts and the City and County of San Francisco, regarding water releases in the Tuolumne River. He recommended that the Council adopt the resolution as a means of expediting commencement of construction.

RESOLUTION NO. 62-305

A RESOLUTION URGING THE FISH AND GAME COMMISSION OF THE STATE OF CALIFORNIA TO RATIFY AGREEMENT BETWEEN THE STATE DEPARTMENT OF FISH AND GAME, TURLOCK AND MODESTO IRRIGATION DISTRICTS, AND THE CITY AND COUNTY OF SAN FRANCISCO IN CONNECTION WITH THE CONSTRUCTION OF THE NEW DON PEDRO DAM PROJECT

Introduced by VanderWall Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

REPORT ON OVERALL ECONOMIC DEVELOPMENT PROGRAM

The City Manager stated that the proposed Provisional Overall Economic Development Program of Stanislaus County has been submitted to the County Board of Supervisors and will again be considered by that body at its meeting of July 10, 1962.

The City Manager outlined steps taken to secure clearance for imported labor through the Department of Labor in San Francisco, instead of the Washington, D. C. office.

REPORT ON MODEL PLANE FLYING 11-25

Director of Parks and Recreation Cowie recommended that Council approval be given to the use of city-county property located on Finch Road and Snowden Avenue for use of the Modesto Flying Circus, a model plane flying organization. If approved by the City and the County, the City will help the Club prepare the soil, the turf will be seeded and irrigated by the Club, and the City will mow the lawn. The site has been approved by the Airport Manager. The Club has agreed to oil the parking area.

MOTION

That the staff be authorized to contact the County for its approval for use of the City-County owned property by the Modesto Flying Circus

Moved by Mitchell Seconded by VanderWall Unanimously carried

The City Manager pointed out that the Club should understand that the City and County have the right to recover the use of the property if the need arises.

REPORT ON WEST SIDE PARK 11-72

Director of Parks and Recreation Cowie stated that all park areas are being patroled more often to keep them free of undesirables. He said that glass in the west side park is not only due to broken wine bottles, but also to soft drink bottles broken by children. Approximately two five-gallon cans of broken glass are picked up every week. Weeds have been removed from the tennis court area, and plans made to restore it the coming fiscal year.

Chief Bowers said that forty-seven arrests (most of them for intoxication) have been made in the West Side Park since January, 1961. He explained the difficulty of determining whether or not an individual is a resident of the City with a legitimate reason for being in the park.

ADJOURNMENT

MOTION

That the regular meeting now in session be adjourned to 4:00 P.M., June 29, 1962 to consider Capital Improvement Projects

Moved by Johansen Seconded by VanderWall Unanimously carried

The meeting adjourned at 10:15 P.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., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Mayor Hammond presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Absent: Councilmen: Shastid

CONSIDERATION OF CAPITAL IMPROVEMENT PROGRAM

A report entitled "Capital Improvements (Excluding Small Capital Outlay Items included in the Regular Operating Budget)," dated June 25, 1962, was distributed to the Council.

SPECIAL FUND FOR CAPITAL OUTLAYS (321)

Public Works - Fencing of Corporation Yard - $4,000 Carryover

The City Manager stated that the fencing of the Corporation Yard has not yet been encumbered for the coming fiscal year. Director of Public Works Ray stated that no action has been taken on the fencing of the Corporation Yard pending the vacation of streets and alleys, which is now in progress.

Preliminary Plans for Corporation Yard - $2,500

Director of Public Works Ray said $2,500 is proposed to cover the master layout plans for the Corporation Yard, including the buildings; that after the plans are made and approved, the various phases of development can be established.

It was Mayor Hammond's opinion that the funds should be left in the General Reserve Fund until such time as they are needed. He again asked that information be supplied the Council as to what equipment will be stored in the area.

The City Manager explained the accounting procedures set up to enable the staff to keep proper records on the actual cost of capital improvement projects.

Councilman Mitchell stated that after visiting the present Corporation Yard, it was his opinion that the sooner the new site is fenced and placed into use, the greater the savings will be to the City in manhours spent in transporting equipment.

In determining the method to follow in considering capital improvements submitted by the Planning Commission, Councilman Mitchell suggested that all of the items proposed be considered before any deletions or additions are made. He felt that the Council should be able to facilitate review of the 1962-63 Capital Improvement Program, inasmuch as the Planning Commission has given thorough study to the proposals which are within anticipated revenues.

A motion introduced by Councilman VanderWall, seconded by Tabbert, to reduce to $1,500 the $2,500 proposed for preliminary plans for the Corporation Yard, was withdrawn by Councilman VanderWall.

Chlorination Station, Emerald Avenue - $15,300

Director of Finance Bird stated that determination has been made that this item can be rebudgeted in the 1953 Sewer Improvement Bond Fund, where it has been budgeted during the current fiscal year, and the General Reserve increased by a like amount.

Coffee Road Subtrunk - p. 1 - $10,200

Mr. Bird said that this item was originally proposed as a Capital Outlay item, but is now budgeted in the Sewer Service Fund. The totals already reflect this change.

Disposal (Garbage and Refuse) - Purchase land for land fill

Director of Public Works Ray stated that $5,000 is budgeted for the purchase of a parcel of land approximately six acres in area, which adjoins the City's present disposal area, and that it would be desirable to acquire the land this coming fiscal year.

In discussing the cost of the parcel, the City Manager said that the amount budgeted for land acquisition should not be interpreted as the actual cost of the property, but merely as an estimate.

Sewers and Sewage Disposal

Rose Avenue Trunk - $46,500

Director of Public Works Ray said that in the event this area develops, as is presently indicated, installation of a trunk sewer will be necessary.

Maintenance Shop - $10,200

Mr. Ray said that a maintenance and storage shop of metal construction is proposed at the Sewage Treatment Plant for the storage of materials and equipment (tees, fittings, pumps, small motors, etc.) which are now housed in condemned sheds. He said that a visit to the plant will indicate the desirability of a new shop.

Coffee Road Subtrunk - $19,400

Mr. Ray said that this project has been budgeted for several years and is being constructed in stages as areas are developed.

Various Trunk and Subtrunk Extensions - $15,600

Mr. Ray said that use of these funds is contingent upon subdivision development. More funds are budgeted under the Sewer Service Fund for this purpose.

Streets

Briggsmore Avenue Improvement (Carver to Prescott)

The City Manager stated that this is a joint city-county project for the improvement of Briggsmore Avenue, with right of way acquisitions involved.

Mayor Hammond asked the status of plans for the improvement of Briggsmore from Tully to Carver Road, pointing out the importance of a truck route in this area.

Mr. Ray stated that Public Works Department capital improvement recommendations to the Planning Commission proposed the completion of Briggsmore Avenue between Tully and Carver in fiscal year 1963-64, depending upon the availability of funds. There would then be a continuous truck route from Prescott Road to McHenry Avenue. Completion of improvement of Briggsmore between Carver and Prescott is scheduled for September, 1963.

The City Manager stated that an additional sum of $35,000 would need to be budgeted if Briggsmore from Tully to Carver were to be improved during the 1962-63 fiscal year.

Hatch Road Realignment - $4,500

The City Manager stated that this is a joint city-county project, a very small portion of the project applying to the City.

Northern Boulevard (r/w Carver to Prescott) $5,900

Mr. Ray said that this project is tied in with the improvement of Briggsmore Avenue, and $5,900 budgeted to cover acquisition of needed rights of way.

Miscellaneous Street Projects - $15,000

Funds from this account are used for the construction of curbs and gutters on major city streets where rights of way have been dedicated; also, for acquisition of rights of way.

STREET LIGHTING

Junior College Lights (joint city-school) $7,500

Mr. Ray stated that the schools have requested that street lights be installed around the Junior College campus, the schools to furnish the m terials, and the city to bear the costs of installation. $7,500 has been budgeted for installation costs. Nothing further has been heard from the schools since the initial request.

Freeway Utility Relocation - Street Lights and Fire Alarms, $9,000

Mr. Ray said that this work has not yet been done, and is a carryover item. Funds spent will be reimbursed by the State.

PARKING AND TRAFFIC

The four capital improvement projects listed in the report were discussed by Director of Traffic Carmody: Traffic Signals, 9th at Needham, Kansas, Tully, $400, a carryover project; Modernization Downtown, $330 carryover, plus $7,500; R.R. Crossing Signal, Santa Cruz, Kerr, M & ET, $2,000; Traffic Signals, 10th & D, 7th & L, Granger & McHenry, Orangeburg & College, $17,500.

PARKS AND RECREATION

Park Acquisition, Rose Avenue, Neighborhood #11 - $24,900

Mayor Hammond again questioned the advisability of purchasing this parcel of property as a neighborhood park because of its proximity to the land being acquired adjacent to Downey High School for use as a community park.

After general discussion, Mayor Hammond said he was disturbed over the proportion of funds expended for Parks and Recreation and wondered whether such expenditures were out of balance in relation to the City's overall program - street needs, construction of a new fire station and police building, etc.

Dryden Park Neece Drive Entrance - $3,500

Director of Parks and Recreation Cowie stated that as soon as sidewalks, curbs and gutters are installed along the S.O.S. side of the property, the area will be regraded and oiled by the City. Trees have been removed in the right of way and the right of way deeded to the City.

Curbs, Gutters, Sidewalks, Various Parks - $16,500

The City Manager stated that a report would be submitted to the Council indicating the parks where it is proposed to install curbs, gutters and sidewalks.

Park Development, Roosevelt - $2,500

Mr. Cowie stated that the $2,500 included in this account, plus $10,300 budgeted under Park and Recreation Facilities (325), is proposed to be used to construct a wading pool and a walkway between the tennis courts and the pool and the play area.

Light and Repair Parking Lot, Community Service Center - $1,250

Upon questioning, Mr. Cowie stated that revenues from the Community Service Center over and above the cost of operation were ample to pay for these improvements.

Mayor Hammond questioned the use of Capital Outlay Funds for repair of the parking lot.

Mr. Cowie stated that the lot is presently oiled and cap sealing is necessary in order to preserve it, and it is also proposed to improve the entrance into the parking lot. A light and standard are proposed for the parking area.

Councilman Johansen said it was extremely difficult for him to reach a decision on the proposed projects because of the very little related information furnished the Council, and it was his opinion that the Council should not rush through the program, unless it was the intent that the Council merely "rubberstamp" the program submitted by the staff, as was done by the Planning Commission.

The City Manager stated that there was no particular urgency on the part of the staff to clear the Capital Improvement Program; that detailed project statements were available to the Council on all projects listed. He said that the Planning Commission had not "rubberstamped" the program submitted by the staff, but had considered the program for many weeks.

Acting Director of Planning Fey stated that the Capital Improvement Program was discussed by the Planning Commission at about fourteen meetings; that detailed minutes of each meeting are available to the Council, plus any available background information pertaining to the discussions.

Director of Public Works Ray stated that information has been received from the State Water Pollution Control Board that a statement of availability of funds should be submitted in connection with the City's application for federal assistance (approximately $22,000) to cover a portion of the cost of installation of an aeration system at the Sewage Treatment Plant. Director of Finance Bird stated that a transfer of funds was necessary.

RESOLUTION NO. 62-306

A RESOLUTION TRANSFERRING MONEY FOR CONSTRUCTION OF INDUSTRIAL WASTE TREATMENT WORKS ADDITIONS (From 1953 Sewer Improvement Fund Reserve (600) to 1953 Industrial Waste Treatment Works Additions (503)

Introduced by Johansen Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

Time Limit on Consideration of Capital Improvement Program

The City Attorney stated that the Council has a tentative deadline of about August 1, 1962 to determine the items involved in the consolidation of the general election with the special municipal election -- the proposition relating to gambling matters, the recommendations for general obligation bond financing of a police-communications center building and an auditorium, proposed amendments to the Charter; also, the last two Councilmen appointed must run for election. He said that the law requires that the resolution requesting the County to consolidate the two elections must be adopted at least sixty days prior to the election. Sufficient time prior to this deadline is needed for preparation; special counsel is needed if bond issues are involved.

No decision was made as to when the Council would meet to further discuss the capital improvement program.

ADJOURNMENT

MOTION

That the adjourned regular meeting now in session be adjourned

Moved by Johansen Seconded by VanderWall Unanimously carried

The meeting adjourned at 5:41 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., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were (1)

Present: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Absent: Councilmen: None

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

Reverend Stanley Brown gave the invocation.

LETTER FROM CHUCK SARGENT RE: INTEREST IN T-HANGAR AT CITY-COUNTY AIRPORT

A letter from Chuck Sargent, dated June 28, 1962 stating that he has sold his airplane and no longer has need for the T-Hangar secured on a twelve year lease agreement with the City, and requesting that he receive credit for the unearned portion of the lease, was read by the City Clerk.

The City Attorney explained the terms of the agreement, wherein the hangar was built at the expense of the lessee, to become the property of the City, and the cost of the hangar ($2,600) amortized over a period of twelve years, during which period no rent would be paid by the lessee for the use of the premises. Effective date of the agreement is August 8, 1956, and the balance due $1,355.

Deputy City Manager Keefe said that if approved by the Council, either Special Airport Funds or Capital Outlay funds could be used.

MOTION

That the staff be instructed to prepare the necessary documents terminating the T-Hangar agreement with Chuck Sargent, effective July 1, 1962

Moved by VanderWall Seconded by Tabbert Unanimously carried

TELEGRAM FROM CONGRESSMAN JOHN J. McFALL RE: USE OF MEXICAN NATIONALS 1-49

The following telegram from Representative John J. McFall, dated June 28, 1962 was read by the City Clerk: "United States Department of Labor has agreed to delegate to regional office decisions on use of Mexican Nationals effective immediately, subject to existing law and regulations."

Deputy City Manager Keefe stated that a letter confirming the wire was received from Representative McFall. He relayed a message from County Supervisor Ruggieri that the wire represented the efforts of the subcommittee of the Economic Development Action Committee. The telegram was ordered filed.

LETTER RE: S.2009 AND H.R. 10728 1-55

A letter from Jean L. Vincenz, Director of Public Works, County of San Diego, dated June 1, 1962 requesting Council support of

companion bills S.2009 and H.R. 10728, which would provide up to one million dollars for research and technical assistance to cities and counties in connection with the rising costs of refuse and garbage collection, was briefly reviewed by Deputy City Manager Keefe.

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

LETTER FROM MRS. SAM COOK RE: DEVELOPMENT OF JAMES MARSHALL PARK

A letter from Mrs. Sam Cook, 614 Annilane, dated June 28, 1962 requesting Council consideration for the development of James Marshall Park this year was read by the City Clerk.

Mr. Keefe said the letter results from a meeting held with interested residents of the James Marshall Park area and the intent of the letter was consideration of the improvements to the park before final approval of the Capital Improvement Program by the Council.

Councilman Mitchell asked the City Attorney if information was available whereby residents of certain areas might tax themselves by their own vote, with Council cooperation, for a limited period of time, and the funds collected by tax levy rather than through a complicated bond issue.

The City Attorney stated that efforts would be made to submit the requested information at the next meeting.

Mayor Hammond pointed out that James Marshall Park was purchased while still outside the city limits. It was his opinion that since the park will serve many residents living outside the city limits, their intentions as to annexation in order to help support the improvements should be made known.

Councilman Mitchell suggested that school attendance areas might be used as boundary lines for special taxing districts for the improvement of parks after acquisition by the city, inasmuch as most of the park sites recently acquired are adjacent to proposed school sites.

Acting Director of Planning Fey said that some residents of the James Marshall area have already expressed interest in annexation. It was his opinion that if the residents are given official encouragement, annexation of a good portion of the area might be accomplished.

Councilman Johansen stated that he has been asked the City's position on future park development inasmuch as it is being constantly discussed at Council meetings and in press releases. It was his opinion that if the improvement district method of financing is to be recommended by the Council, a policy should be established without delay.

Mayor Hammond agreed that the Council should reach a decision. He expressed his opinion that costs of improving neighborhood parks should be financed by residents living in the immediate area of the park, and not added to the general tax burden of the City.

Deputy City Manager Keefe read a letter from Alan E. Freeborn, Chairman, City Planning Commission, dated April 17, 1962, referring to the Planning Commission's recommendation of June 6, 1961 to the Council, that improvement of neighborhood parks be financed by the primary areas served by appropriate improvement district proceedings or similar means, and advising that on this basis, no funds for improvement of new neighborhood parks are included in the Capital Improvement Program for fiscal year 1962-63.

Upon questioning, Mr. Keefe stated that the improvement of neighborhood parks by means of improvement district proceedings or similar means appears to be a new method of financing, and that a report of all available information would be submitted to the Council shortly.

The Council directed that this matter be placed on the agenda of the July 9, 1962 meeting.

LETTER FROM RICHARD G. BARHITE, DIRECTOR, DEPARTMENT OF PUBLIC WORKS, STANISLAUS COUNTY, RE: JOINT CITY-COUNTY STORM DRAIN STUDY

A letter from Richard G. Barhite, Director, Department of Public Works, Stanislaus County, dated June 19, 1962, was read by the City Clerk. The letter stated that at a regular meeting of the Board of Supervisors on June 12, 1962 participation of both the County Public Works and Planning Departments in reviewing storm drain needs for the greater Modesto area was authorized, and Supervisors C. A. Brink and Francis R. Ruggieri appointed as legislative representatives in this study.

MOTION

That Councilman Tabbert be appointed Council representative for the joint City-County Storm Drain Study, and Councilman Mitchell appointed as alternate

Moved by Shastid Seconded by VanderWall Unanimously carried

CONSIDER AWARD OF BIDS RECEIVED FOR IMPROVEMENT OF TULLY ROAD

Deputy City Manager Keefe stated that bids for the improvement of Tully Road between Stoddard and Leonard Avenues were opened June 12, 1962 at 2:00 P.M., the low bid submitted by Standard Materials Company in the amount of $43,966.50, which exceeded the engineer's estimate by $2,778. Inasmuch as gas tax funds are being expended, approval of the State Division of Highways to award the contract to the low bidder is needed. Approval has been received from the State.

RESOLUTION NO. 62-307

A RESOLUTION ACCEPTING THE BID OF STANDARD MATERIALS COMPANY IN THE AMOUNT OF $43,966.50 FOR THE IMPROVEMENT OF TULLY ROAD BETWEEN STODDARD AND LEONARD

Introduced by VanderWall Seconded by Tabbert

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

HEARING ON PROPOSED VACATION OF STREETS AND ALLEYS IN CORPORATION YARD AREA

Mayor Hammond announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed vacation of streets and alleys in the area recently purchased by the City for a corporation yard site, and opened the hearing.

The City Clerk reported that Resolution of Intention to vacate the streets and alleys was published in the Modesto Tribune on June 14, 1962 and the area posted on June 21, 1962. No written protests were received.

No one in the audience asking to be heard, Mayor Hammond declared the hearing closed.

Deputy City Manager Keefe stated that Planning Commission Resolution No. 810 recommends vacation and abandonment of streets and alleys in the City of Modesto corporation yard site.

RESOLUTION NO. 1004-S.P.

A RESOLUTION VACATING AND ABANDONING CERTAIN STREETS AND ALLEYS IN THE CORPORATION YARD SITE IN THE CITY OF MODESTO

Introduced by VanderWall Seconded by Mitchell

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

FURTHER CONSIDERATION OF REPORT AND RECOMMENDATIONS OF THE CITIZENS' CHARTER REVIEW COMMITTEE 3-1

Mayor Hammond stated that this item was placed on the agenda with the suggestion that the Council determine a procedure for reviewing the Committee's report and recommended Charter changes, and to schedule a public hearing on the recommendations finally approved by the Council.

The City Attorney stated that the Charter in its final form should be approved by August 1, 1962 in order to present it to the electorate on the November ballot.

The Council directed that members of the Committee be asked to attend the public hearing, and that adequate publicity be given the hearing in the newspapers.

MOTION

That the Council declares its intention to adjourn the regular meeting of July 16, 1962 to 7:30 P.M. of that date to discuss the recommended Charter changes submitted by the Citizens' Charter Review Committee

Moved by VanderWall Seconded by Tabbert Unanimously carried

HEARING ON PROPOSED UNCLASSIFIED USE PERMIT - TEAKWOOD TERRACE 3-82

Mayor Hammond announced that the hour of 4:35 P.M. had arrived, the time set for consideration of a proposed unclassified use permit to construct twenty-seven units in Block 6985, an increase of three units over the number approved by Council Resolution No. 61-240, and opened the hearing.

The City Clerk reported that notice of the hearing was posted and distributed in the area on June 21, 1962. No written protests were received by the City Clerk.

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

Deputy City Manager Keefe said that Planning Commission Resolution No. 808 recommends Council approval of the requested modified development plan.

Acting Director of Planning Fey stated that because of a change in the density of the use, it was necessary for the developers to file an application for modification of the original plans.

RESOLUTION NO. 62-308

A RESOLUTION APPROVING A MODIFIED DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D (3) (Teakwood Terrace)

Introduced by VanderWall Seconded by Johansen

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

CONSIDER OPTION TO PURCHASE AGREEMENT TO BE ENTERED INTO BETWEEN CITY AND ARTHUR J. WYLIE AND FLORENCE E. WYLIE

Deputy City Manager Keefe stated that Council authorization was given the staff on February 5, 1962, by motion, to proceed with the acquisition of a park site adjacent to Catherine Everett Elementary School on Mount Vernon between Carver and Tully Roads, subject to consent of the owner to sell the land under Alternate Plan "B" submitted by the Planning Commission at $5,000 per acre. The Council, on this date, also established the policy that parks be surrounded by streets, barring rare and unusual circumstances and by motion, also approved installation of curbs and gutters at the proposed park site, the improvements required of the city to be made simultaneously with those of the subdivider; that cost of similar improvements be considered and budgeted in connection with future park acquisitions.

Mr. Keefe said that the proposed agreement with Arthur and Florence Wylie gives the City an option to purchase the property and contains provisions for compensating for improvements to the property if purchased. The proposed improvements were outlined by the City Attorney. The option period terminates December 31, 1962.

RESOLUTION NO. 62-309

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ARTHUR J. WYLIE AND FLORENCE E. WYLIE COVERING OPTION TO PURCHASE PARK SITE ADJACENT TO CATHERINE EVERETT ELEMENTARY SCHOOL (Land Acquisition Project 62-9)

Introduced by Mitchell Seconded by Shastid

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

REQUEST OF MRS. RYDELIUS, 1334 CYPRESS AVENUE, TO CLOSE ARBOR DRIVE FROM MADRONE TO CYPRESS STREET ON JULY 4 FROM 5:00 P.M. TO 10:00 P.M. FOR BLOCK PARTY

RESOLUTION NO. 62-310

A RESOLUTION AUTHORIZING THE CLOSING OF ARBOR DRIVE FOR FOURTH OF JULY BLOCK PARTY

Introduced by Johansen Seconded by Patton

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

CONSIDER ENDING STARTING TIME AT 9-HOLE GOLF COURSE AT 4:30 P.M., JULY 4, 1962

Deputy City Manager Keefe stated that the Director of Parks and Recreation has requested that 4:30 P.M. be set as the latest starting time at Modesto Municipal Golf Course on July 4, 1962, and each Fourth of July hereafter, to enable the Golf Professional to clear the golf course by 7:00 P.M., in the event fire works are to be displayed at Del Webb Field on this date.

RESOLUTION NO. 62-311

A RESOLUTION AUTHORIZING THE GOLF COURSE PROFESSIONAL TO SET 4:30 P.M. ON JULY 4 AS THE LATEST STARTING TIME AT MODESTO MUNICIPAL GOLF COURSE

Introduced by Shastid Seconded by VanderWall

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

REPORTS FROM THE PLANNING COMMISSION - None

APPROPRIATION TRANSFERS - 3-80

Deputy City Manager Keefe stated that at the last meeting, the Council approved an agreement with Orville Okerson for operation of a gasoline concession business at the Modesto City-County Airport, and providing that he be paid the sum of $120 per month on a contractual basis to act as Airport Manager during the absence of Airport Manager Sham. He said that an appropriation transfer of $1,440 from the General Fund, General Reserve (101-600) to Airport (46) Services, Professional and Other (235) and $200 to Partition (502) was necessary to cover the terms of the agreement.

The duties of Mr. Okerson as Acting Airport Manager were outlined by Director of Public Works Ray.

RESOLUTION NO. 62-312

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $1,640 FROM GENERAL FUND, GENERAL RESERVE TO AIRPORT, SERVICES, PROFESSIONAL AND OTHER, AND PARTITION

Introduced by VanderWall Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: Shastid Absent: None

Appropriation Transfer for improvement of Tully Road from Coldwell to Leonard Avenue

RESOLUTION NO. 62-313

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $46,750 FROM SPECIAL GAS TAX STREET IMPROVEMENT FUND, GENERAL RESERVE, TO TULLY AVE. IMPROVEMENT (PROJECT 60)

Introduced by VanderWall Seconded by Johansen

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

(Special Gas Tax Street Improvement Fund (207) From General Reserve (600) to Tully Road Improvement, Project 60 (503)

HEARING ON THE MATTER OF REVOKING YELLOW CAB COMPANY CERTIFICATE

Mayor Hammond announced that the hour of 5:00 P.M. had arrived, the time set for consideration of the matter of revoking the certificate of Yellow Cab Company because of delinquent payments due the City, and opened the hearing.

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

Deputy City Manager Keefe stated that the delinquent payments of $110.26 had been paid by Mr. Secreto, owner of Yellow Cab Company, and recommended that the matter be dropped.

MOTION

That no further action be taken in this matter

Moved by Shastid Seconded by Patton Unanimously carried

MATTERS FOR THE GOOD OF THE COMMUNITY 5-7

FRANK ANDREWS - Mr. Andrews protested the City's support of the M.I.D.'s stand in its controversy with the California Fish and Game Commission; the disgraceful condition of 10th Street in view of the coming Fourth of July parade; and cited the need of additional policemen to patrol the streets in downtown Modesto.

CLARK SMITH, CHRISTMAS STREET DECORATIONS - Mr. Smith stated that it was essential to the Downtown Merchants Association that the Council make an early decision as to whether or not it will pay fifty per cent of the cost of refurbishing the Christmas street decorations ($3,268.72), as the Association is being pressed to sign a consent to assignment in order to commence refurbishing of the decorations.

Mr. Smith read two resolutions adopted by the Downtown Merchants Association, which indicated that if the allocations are not granted by the City (referring also to the $3,000 annual allocation granted in the past by the City for promotional purposes), the President of the Merchants Association was directed to cancel arrangements with the Valley Decorating Company, Fresno, Modesto Junior of Commerce, and the electrical contractor for refurbishing, hanging and installing the decorations.

Upon questioning, Mr. Smith stated that the $3,000 allocated by the City each year is used primarily for erection and wiring of the decorations.

Mr. Smith outlined the expenses of the Downtown Merchants Association

It was Mayor Hammond's opinion that an early decision should be made on the matter of refurbishing the Christmas street decorations, which he considered a community project, but said he was not ready to make a decision on the Association's request for the $3,000 annual allotment.

Cost of installing the decorations was discussed. Mr. Smith said that in 1959 erection costs were $1,731; in 1960, $1,750, plus $2,600 for conformance with public utility regulations; in 1961, $1,981; estimated for 1962, $2,200.

Councilman Shastid asked if the staff was in a position to provide equipment and manpower to install and remove the decorations, the merchants footing the rest of the bill. He said that if this could be done, all business areas of the City could be treated on a similar basis, with no favoritism shown to any particular area.

Utilization of city crews for this purpose was discussed.

The number of merchants belonging to the Downtown Merchants Association was also discussed, Mayor Hammond stating that the limited membership might be due to the fact that the City is subsidizing the group with its annual allocation.

MOTION

That the City Attorney be directed to prepare a resolution of policy with respect to city participation in Christmas street decorations

Moved by Johansen Seconded by Shastid Unanimously carried

The staff was directed to place this matter on the July 9, 1962 agenda.

APPROVE AGREEMENT RELATING TO SALE OF CITY PROPERTY LOCATED AT CORNER OF McHENRY AND NORTHERN BOULEVARD - UNANIMOUS CONSENT ITEM INTRODUCED BY CITY ATTORNEY

RESOLUTION NO. 62-314

A RESOLUTION APPROVING THE SALE OF CERTAIN REAL PROPERTY BELONGING TO THE CITY OF MODESTO TO S.W.A.P., A JOINT VENTURE

Introduced by Tabbert Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor Hammond

Noes: VanderWall Absent: None

REPORT OF STATE COMPENSATION INSURANCE FUND DIVIDEND FOR POLICY YEAR 1960-61

Deputy City Manager Keefe reported that a State Compensation Insurance Fund dividend for the policy year 1960-61 in the amount of $19,082.72 will be received by the City, representing 47½ per cent of total premiums paid during this fiscal year. An insurance refund will also be received for fiscal year 1957-58, which covers a hold-back on claims which have not materialized. The total refund will be $23,070.82.

REPORT ON APPOINTMENT OF SEWAGE TREATMENT PLANT SUPERINTENDENT

Deputy City Manager Keefe announced the appointment of Joseph O. Cessna of St. Petersburg, Florida, as Sewage Treatment Plant Superintendent effective August 1, 1962.

ANNOUNCEMENT - FOURTH OF JULY PARADE

Councilmen Johansen, Mitchell, Patton, Tabbert, VanderWall and Mayor Hammond stated that they planned to ride in the Fourth of July parade, to begin promptly at 10:00 A.M., July 4, 1962, at 10th and F Streets.

FURTHER DISCUSSION OF CAPITAL IMPROVEMENT PROGRAM

The Council indicated its intention to set Tuesday, July 10, 1962 at 4:00 P.M. as the time to further consider the Capital Improvement Program by adjourning the regular meeting of July 9, 1962 to that time.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Tabbert Unanimously carried

The meeting adjourned at 5:44 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., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Mitchell, Tabbert, VanderWall, Mayor Hammond
Councilman Shastid arrived at 7:32 P.M.

Absent: Councilmen: Patton

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

Reverend Leroy Sharp gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the regular meetings of June 4 and June 11, 1962 and special budget meetings of May 24, 29, May 31, and June 5, 1962 and the same being available for public inspection, and there being no objections, the minutes were approved.

COMMUNICATION FROM THE BOARD OF SUPERVISORS, STANISLAUS COUNTY, RE: ADOPTING PRECISE PLAN FOR COFFEE ROAD

A motion adopted by the Board of Supervisors, Stanislaus County, that the proposed Precise Plan for the section of Coffee Road extending from the Modesto corporate limits to Sylvan Road be adopted, was read by the City Clerk.

The communication was referred to the staff for review and report as to tie-in with City plans on Coffee Road south of the above mentioned section.

APPROVE SPECIFICATIONS AND CALL FOR BIDS FOR SALE OF DRIED SLUDGE AT SEWAGE TREATMENT PLANT FOR FISCAL YEAR 1962-63 1-29

RESOLUTION NO. 62-315

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR SALE OF DRIED DIGESTED SLUDGE AT SEWAGE TREATMENT PLANT FOR FISCAL YEAR 1962-63

Introduced by Johansen Seconded by Mitchell

Ayes: Johansen, Mitchell, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Patton

July 31, 1962 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

CONSIDER MATTER OF CITY PARTICIPATING IN CHRISTMAS STREET DECORATIONS

A proposed resolution relating to allocation of funds for Christmas street decorations was reviewed by the City Attorney. Mr. Grimes stated it was determined, after discussion, that the best formula for allocation of funds to the various business areas requesting funds

for this purpose was the use of lineal feet of public street in front of the business area to be decorated.

Clark Smith, representing the Downtown Merchants Association, outlined the problems facing the Downtown area in comparison with problems facing the smaller outlying business areas. He said that the $3,000 allotted to the Downtown Merchants Association for promotion purposes was used primarily for the installation and removal of the decorations, and if not provided by the City in the future, he doubted that sufficient additional funds for this purpose could be raised by the merchants. He suggested that the cost of installing and removing the decorations and wiring be considered separately from the cost of refurbishing the decorations, and be borne by the City.

Jack Ulrich, representing Ulrich Shopping Center, stated that he did not feel that allocation of funds based on a lineal foot basis was equitable to the small shopping areas. Mayor Hammond explained that the City contributed only to street decorations placed on public rights of way.

The City Manager read a memorandum from Director of Public Works Ray recommending that the City not assume the responsibility of erecting and dismantling the Christmas street decorations because of the liability which would then rest with the City because of increased stresses when decorations are placed on old lighting standards. The memorandum further stated that no personnel from the Public Works Department is available for this purpose.

Mayor Hammond suggested that the Council at this time act on the provision of funds for one-half the cost of refurbishing the Christmas street decorations and defer action on installation and dismantling of the decorations.

The condition of the light standards was discussed.

J. Hamilton briefly protested use of taxpayers funds for Christmas street decorations.

RESOLUTION NO. 62-316

A RESOLUTION APPROVING APPROPRIATION TRANSFER IN THE AMOUNT OF $3,269 FROM GENERAL FUND, GENERAL RESERVE, TO MUSIC AND PROMOTION, CHRISTMAS DECORATIONS

Introduced by VanderWall Seconded by Mitchell

Ayes: Johansen, Mitchell, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Patton

MOTION

That the staff be directed to work with the shopping centers and Downtown Merchants Association to clear the matter of liability in connection with installation and dismantling of the decorations, etc., and that the matter again be placed on the agenda of July 23, 1962

Moved by Johansen Seconded by VanderWall Unanimously carried

HEARING ON PROPOSED ANNEXATION OF THE WYLIE ADDITION 3-23

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

The City Clerk reported that notices of the hearing were published in the Modesto Tribune on May 31, and June 7, 1962 and notices mailed to all property owners in the area, and other interested parties, on June 14, 1962. No written protests were received by the City Clerk.

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

The area proposed for annexation comprises 7.556 acres and is located on the west side of Rose Avenue. Planning Commission Resolution No. 804 recommends commencement of annexation proceedings.

ORDINANCE NO. 513-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE WYLIE ADDITION TO THE CITY OF MODESTO"

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

Moved by VanderWall Seconded by Johansen

Ayes: Johansen, Mitchell, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Patton

HEARING ON PROPOSED ANNEXATION OF THE KLEMM ADDITION 3-35

Mayor Hammond announced that the hour of 8:05 P.M. had arrived, the time set for consideration of the proposed annexation of the Klemm Addition, and opened the hearing.

The City Clerk stated that notice of hearing was published in the Modesto Tribune on May 31, and June 7, 1962 and notices mailed to all property owners in the area and other interested parties on June 14, 1962. No written protests to the proposed annexation were filed with the City Clerk.

The City Manager stated that Planning Commission Resolution No. 805 recommends commencement of proceedings for the annexation. The area comprises 15.59 acres, and is located in Northwest Modesto. City water is available; sewer service is not available.

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

The pattern of subdivision development in Northwest Modesto and extension of water mains to the area were discussed.

The City Attorney stated that a number of annexations were pending, and all were tied in with subdivision development. He said that if the Council wished to change its policy on annexations, it should stop proceedings before tentative maps are submitted by the subdividers.

It was Councilman Shastid's opinion that when the Council considers annexation of a new subdivision, information regarding costs to the City in connection with the furnishing of water and sewer services, storm drainage, parks, police and fire protection, etc. should be made available to the Council for evaluation.

Councilman Mitchell outlined the difficulties entailed in annexing inhabited areas not planned in accordance with city standards, with no provisions made for park sites, etc. He said that if areas

are annexed prior to development, city building requirements must be met, with resultant minimization of future City expenses.

ORDINANCE NO. 514-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE KLEMM ADDITION TO THE CITY OF MODESTO"

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

Moved by Mitchell Seconded by Shastid

Ayes: Johansen, Mitchell, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Patton

HEARING ON PROPOSED ANNEXATION OF THE STENSAAS ADDITION

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

The City Clerk reported that notice of hearing was published in the Modesto Tribune on May 31 and June 7, 1962 and notices mailed to all property owners in the area and other interested parties, on June 14, 1962. No written protests to the proposed annexation were filed with the City Clerk.

The City Manager stated that the area is 2.070 acres in area and is located immediately west of Carver Road to the north and south of Clayton Avenue. Planning Commission Resolution No. 806 recommends commencement of proceedings, indicating that the area can be provided with all city services, including sewer and water facilities.

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

ORDINANCE NO. 515-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE STENSAAS ADDITION TO THE CITY OF MODESTO"

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

Moved by Shastid Seconded by VanderWall

Ayes: Johansen, Mitchell, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Patton

HEARING ON PROPOSED REZONING OF AREA WEST OF TULLY ROAD (APPLICATION OF IVA CAUSEY)

Mayor Hammond announced that the hour of 8:15 P.M. had arrived, the time set for consideration of the proposed rezoning of an area west of Tully Road, south of Princeton Avenue, to reclassify the property from Single-Family Zone, R-1, and Multiple-Family Zone, R-3, to Planned Development Zone, P-D, and opened the hearing.

The City Manager stated that Planning Commission Resolution No. 811 recommends that the property be reclassified to Planned Development Zone P-D (9) in accordance with plan titled, "Proposed Apartment

House Development - 57 Units," dated May 25, 1962 as amended on its face and on file in the office of the Planning Director. A map of the area and minutes of a public hearing held by the Planning Commission on June 12, 1962 were furnished the Council prior to the meeting.

Acting Planning Director Fey outlined the land uses in the immediate area of the property for which reclassification is requested.

The plot plan of the planned development zone was displayed to the Council.

The two phases of development outlined in Planning Commission Resolution No. 811 were reviewed by Mr. Fey, completion of Phase II scheduled on or before August 1, 1966.

John Weber, developer of the property, displayed a map which indicated that the entrance and exit on Tully Road did not line up with either the alley between Princeton and Trinity or Trinity Ave.

Mr. Weber stated that the widening of Tully Avenue to a four lane street will alleviate a great deal of the traffic problems in the area and it was his opinion that 57 or so automobiles would not add any additional problems; that upon completion of the improvement of Tully between Stoddard and Leonard Avenues, Tully Road will be improved up to within 200 feet of the proposed planned development; and with traffic signals being installed at the intersection of 99 Highway and Tully within the year, a large portion of the traffic generated by the planned development will probably use this route to downtown Modesto.

Mr. Weber stated that there was a need in Modesto for multiple housing; that the units are planned to give the utmost privacy; and that the architectural design is compatible with adjacent areas.

Upon questioning, Mr. Weber stated that necessary rights of way for the widening of Tully will be dedicated; that two bachelor apartments will rent for $75 per month, and the remaining units will range from $94 to $140 per month.

The adequacy of one parking unit per apartment was discussed. Mr. Fey stated that 61 spaces were provided, five over the amount required by the Code.

Mr. Weber stated that he was not averse to modifying the plans to provide more parking spaces if the Council so desired.

The City Attorney pointed out that any proposed modification of the plans submitted by the developer--for example, moving the buildings or swimming pool--had no reference to the application presently before the Council; that at the present hearing the Council must consider only the plans actually submitted; that modifications would require new hearings before the Planning Commission and the Council.

The following people spoke against the rezoning: Lincoln Isaac, 1402 Princeton Avenue; Ernest Darpinian, 1417 Louise Avenue; Spud Chaffee, 1312 Princeton Avenue; Bill Hansen, 720 Del Rey Avenue. Their principal arguments were that the applicant had not shown a need for multiple housing units; rezoning of the area did not contribute to the general welfare of the area and community; the rezoning would adversely affect property values in the immediate area; increased traffic in an already congested area would be generated; the parking area in the planned development was inadequate; and drainage problems would be aggravated.

Ronald Dodson spoke in favor of the proposed planned development.

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

Possible development of the area for R-1 uses was discussed.

With reference to Acting Director of Planning Fey's comment that sound planning required more than one parking space per unit, which is provided by the Code at the present time, Mayor Hammond stated that if the Code requirement is inadequate, the matter should be presented to the Council for action.

Councilman Johansen said he thought the developer had submitted a development plan compatible with the neighborhood, but it was his opinion that the application should be referred back to the Planning Commission for reconsideration of the parking space requirement; that it was the Council's concern to require ample parking to preclude further parking and traffic problems in the immediate area.

Completion date of signals at the intersection of Tully and 99 Highway was discussed.

Mayor Hammond stated that in requesting modification of the submitted plan, consideration should be given to the return on the investment, in order not to discourage venture capital in the area.

The City Attorney stated that although the Code requires one parking space per dwelling, Planned Development Zone regulations, Section 10-2.2705, provide that parking requirements shall be established for each P-D zone by the development plan approved by the Council.

It was Councilman Shastid's opinion that if the Council agreed that more than one parking space per unit was needed, the Code should be revised to increase the requirements, and uniform parking space requirements imposed on all multiple housing developments, whether under planned development or otherwise.

Mayor Hammond listed various reasons why he approved the proposed planned development--the shortage of quality R-3 construction in the City; the proposed development is immediately adjacent to a main arterial and traffic not hindered by narrow streets; a heavy industrial district lies immediately to the west; that the plan contributes to the welfare of the neighborhood and community.

Councilman Johansen proposed a resolution that the Council agree with the plan in principle and that the matter be referred back to the Planning Commission for further study, with the recommendation that 1.5 parking spaces per unit be required.

The City Attorney stated that the proposed increase in parking spaces would undoubtedly necessitate a change in the plot plan, and perhaps the arrangement and number of units, with the possibility that the modified plan would no longer be acceptable to the Council.

Mayor Hammond stated that the changed plans would have to be suitable to the Council.

Councilman Johansen stated that this was his intent in proposing the resolution.

RESOLUTION NO. 62-317

A RESOLUTION REFERRING BACK TO THE PLANNING COMMISSION THE APPLICATION OF IVA E. CAUSEY TO RECLASSIFY FROM SINGLE-FAMILY ZONE, R-1, AND MULTIPLE-FAMILY ZONE, R-3, TO PLANNED DEVELOPMENT ZONE, P-D, PROPERTY LOCATED WEST OF TULLY ROAD, SOUTH OF PRINCETON AVENUE

Introduced by Johansen Seconded by Mitchell

Ayes: Johansen, Mitchell, Tabbert, VanderWall, Mayor Hammond

Noes: Shastid Absent: Patton

The Council recessed at 10:14 P.M. and reconvened to regular session at 10:19 P.M.

CONSIDER MATTER OF DEVELOPMENT OF JAMES MARSHALL PARK 11-84

The City Manager stated that this matter was carried over from the July 2, 1962 meeting, at which time a letter from Mrs. Sam Cook, 614 Annilane, was read which requested Council consideration for partial development of James Marshall Park this fiscal year.

A petition, dated June 10, 1962, requesting improvement of James Marshall Park, was filed with the City Clerk.

A report from the Parks and Recreation Department, dated July 9, 1962 subject, "Costs Involved in Developing a Portion of James Marshall Park," was furnished the Council prior to the meeting. The report indicated that it will cost approximately $7,000 to plant a lawn, and about $10,000 to install automatic sprinklers.

Sam Cook, 614 Annilane, listed the school attendance in the area; Marshall School, 752 students; Franklin, 400 students; Washington School, approximately 600; Burbank School, approximately 700 students.

The City Manager indicated the school area boundary on a map. Development of the area was discussed.

Upon questioning, Superintendent of Recreation Grogan stated that the playground area of James Marshall School consists of a ball diamond, a playground unit and open play space.

Mayor Hammond expressed concern over the ratio of the Parks and Recreation budget to the overall needs of the City for street improvements, public buildings, etc., stating that in his judgment the areas deriving the benefit from area improvements should assume costs of improvements.

It was Mr. Cook's contention that the funds received by the City from the State through condemnation of Maze-Wren Park should be expended to plant a lawn and install a sprinkling system in James Marshall Park. He said that the west area of Modesto has only one tennis court, and that tennis courts presently under construction at Roosevelt Park are being paid for with general tax funds.

Upon questioning, Mr. Cook said that the entire City might agree to pay for major park improvements through improvement districts if the City planted the lawns and installed sprinklers; however, he felt that the City should assume more of the costs of developing James Marshall Park than the lawn planting and installation of sprinklers.

The City Manager stated that there was a real need for park facilities on the west side of the City--that there was no ball field in that area and only one tennis court. He defended the City's policy in purchasing sites for parks in developing areas, even though funds are not immediately available for improvements.

Councilman Johansen said that a committee was being formed to consider park matters and hoped that interested citizens would participate in discussions.

Copies of a memorandum from the City Attorney, dated July 3, 1962 subject, "Financing of Neighborhood Park Developments: Application of Special Municipal Tax Districts Law," were furnished the Council prior to the meeting.

Councilman Shastid requested the approximate cost of an election as outlined in the City Attorney's memorandum be furnished the Council; also, the amounts allocated for parks and recreation purposes by cities comparable in size to Modesto.

Discussion on Garrison Park Improvements

Student attendance at schools in vicinity of Garrison Park were listed by Thomas Harrell, 1508 Del Monte, as follows: Garrison School; 600 students; Fremont School, approximately 800; Beard School, over 900.

It was suggested that Mr. Harrell be present at public discussions to be held in connection with future park improvements.

Mr. Harrell stated that residents in the Garrison Park area were opposed both in principle and practice to the concept that neighborhood park sites be developed only through park improvement districts; that establishment of such a policy should be determined by the electorate.

ACCEPT IMPROVEMENTS IN YORKSHIRE MANOR SUBDIVISION NOS. 1, 2 AND 3 AS COMPLETE AND AUTHORIZE CITY CLERK TO RELEASE SUBDIVISION BONDS

The City Manager stated that a memorandum from the City Engineer indicates that all work has been completed to the City's satisfaction and that it would be in order to release the subdivision bonds.

RESOLUTION NO. 62-318

A RESOLUTION AUTHORIZING THE RELEASE OF THE GLENS FALLS INSURANCE COMPANY SUBDIVISION BOND FILED TO GUARANTEE IMPROVEMENTS IN YORKSHIRE MANOR NO. 1 SUBDIVISION

Introduced by Shastid Seconded by Tabbert

Ayes: Johansen, Mitchell, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Patton

RESOLUTION NO. 62-319

A RESOLUTION AUTHORIZING THE RELEASE OF THE BALANCE OF THE CASH DEPOSIT IN THE AMOUNT OF TWO THOUSAND ($2,000) DOLLARS FILED TO GUARANTEE IMPROVEMENTS IN YORKSHIRE MANOR NO. 2 SUBDIVISION

Introduced by Shastid Seconded by VanderWall

Ayes: Johansen, Mitchell, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Patton

RESOLUTION NO. 62-320

A RESOLUTION AUTHORIZING THE RELEASE OF THE BALANCE OF THE CASH DEPOSIT IN THE AMOUNT OF $900 FILED TO GUARANTEE IMPROVEMENTS IN YORKSHIRE MANOR NO. 3 SUBDIVISION

Introduced by Shastid Seconded by VanderWall

Ayes: Johansen, Mitchell, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Patton

RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT WITH CALIFORNIA ATHLETIC CLUB, INC., FOR USE OF DEL WEBB FIELD IN SUMMER MONTHS OF 1962 FOR THE PURPOSE OF PROMOTING PROFESSIONAL WRESTLING SHOWS

The City Attorney stated that the proposed amended agreement changes the dates when wrestling matches are to be held at Del Webb Field.

RESOLUTION NO. 62-321

A RESOLUTION APPROVING AMENDMENT TO AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CALIFORNIA ATHLETIC CLUB, INC., RELATING TO USE OF DEL WEBB FIELD

Introduced by Shastid Seconded by Johansen

Ayes: Johansen, Mitchell, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Patton

CONSIDER AGREEMENT FOR SEWER SERVICE AS REQUESTED BY MONIGHAN AND ASSOCIATES

Assistant Director of Public Works Campbell stated that the proposed agreement provides that the subdivider construct an eight inch sewer line on California, east of Seybold, north on Spencer, to serve property presently outside the city limits; all costs of construction of the line are to be borne by the developer, who will be reimbursed up to the amount of $5,000 as properties connect on to the line, at the rates established by the Code. The City will act as trustee. He said that the agreement also provides for annexation at the earliest possible time. Upon annexation, planned development zoning will be requested by the subdivider.

The possibility of a change in the City's policy to permit property annexed to the City to be classified other than R-1 was discussed. Councilman Mitchell said that the County has been asked to give more consideration to the City's recommendations to zoning of land in the County because of the City's contemplated change in policy. It was his opinion that permitting property to be classified to its intended use upon annexation will eliminate confusion and permit subdividers to annex with the knowledge that their property will be properly zoned.

RESOLUTION NO. 62-322

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MONIGHAN AND ASSOCIATES FOR SEWER SERVICE TO PROPERTY LOCATED AT SPENCER AVENUE, LATERAL NO. 5 AND CALIFORNIA AVENUE

Introduced by VanderWall Seconded by Mitchell

Ayes: Johansen, Mitchell, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Patton

CONSIDER RESOLUTION REJECTING THE CLAIM OF SPRINGFIELD FIRE AND MARINE INSURANCE COMPANY, $10,000, FOR DAMAGES ALLEGED AS RESULT OF FIRE AT 426 SEVENTH STREET 14-82

RESOLUTION NO. 62-323

A RESOLUTION REJECTING THE CLAIM OF SPRINGFIELD FIRE AND MARINE INSURANCE COMPANY FOR DAMAGES AGAINST THE CITY OF MODESTO

Introduced by Shastid Seconded by Johansen

Ayes: Johansen, Mitchell, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Patton

The claim was rejected on the basis of the fact that the City has no liability in this matter.

CONSIDER RESOLUTION REJECTING THE CLAIM OF NEW HAMPSHIRE INSURANCE COMPANY, $5,000, FOR DAMAGES ALLEGED AS A RESULT OF A FIRE AT 426 SEVENTH ST

RESOLUTION NO. 62-324

A RESOLUTION REJECTING THE CLAIM OF NEW HAMPSHIRE INSURANCE COMPANY FOR DAMAGES AGAINST THE CITY OF MODESTO

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Mitchell, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Patton

The claim was rejected on the basis of the fact that the City has no liability in this matter.

RESOLUTION TERMINATING AGREEMENT BETWEEN CITY AND CHARLES E. SARGENT, RELEASING EACH OTHER FROM RESPECTIVE OBLIGATIONS CONTAINED IN LEASE AGREEMENT DATED AUGUST 8, 1956 FOR AN AIRPLANE HANGAR AT MODESTO CITY-COUNTY AIRPORT

The City Manager stated that approval of the termination of agreement will require an appropriation transfer of $1,355.

RESOLUTION NO. 62-325

A RESOLUTION APPROVING TERMINATION OF AGREEMENT BETWEEN THE CITY OF MODESTO AND CHARLES E. SARGENT FOR T-HANGAR NO. 3 IN UNIT NO. 7 OF MODESTO CITY-COUNTY AIRPORT

Introduced by Shastid Seconded by Johansen

Ayes: Johansen, Mitchell, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Patton

INTRODUCTION OF NEW ASSISTANT PLANNER, BILL NICHOLS

Bill Nichols, new Assistant Planner, was introduced to the Council by Acting Director of Planning Fey.

MATTERS FOR THE GOOD OF THE COMMUNITY

Request of Robert Olson for complimentary ad in Modesto Bee for 75th Anniversary, Modesto Irrigation District

The request of Robert Olson that the City place a complimentary ad in the Modesto Bee in observance of the Modesto Irrigation District's Anniversary was denied by the Council. A motion proposed by Councilman VanderWall that the request by approved died for lack of a second.

MOTION

That the staff prepare a resolution congratulating the M.I.D. on its 75th Anniversary

Moved by VanderWall Seconded by Johansen Unanimously carried

REFER

/PETITION FOR ANNEXATION OF RENEE MANOR TO PLANNING COMMISSION FOR REPORT AND RECOMMENDATION - UNANIMOUS CONSENT ITEM

Acting Director of Planning Fey stated that the area proposed to be annexed comprises approximately 54 acres. City water service is available. Sewer service is not available.

A resolution referring the petition for annexation to the Planning Commission, proposed by Councilman Mitchell and seconded by VanderWall, was withdrawn by Councilman Mitchell pending further report from the Acting Director of Planning as to the location of the parcel, costs of furnishing water to the area, etc.

Council policies established for the Planning Commission in connection with annexations were discussed.

APPROPRIATION TRANSFERS

RESOLUTION NO. 62-326

A RESOLUTION APPROVING APPROPRIATION TRANSFER IN THE AMOUNT OF $1,355 FROM SPECIAL AVIATION FUND, GENERAL RESERVE, TO SPECIAL AVIATION, TEE HANGAR ($1,355)

(For payment to Charles E. Sargent in connection with termination of lease agreement for airplane hangar at Modesto City-County Airport)

Introduced by Shastid Seconded by VanderWall

Ayes: Johansen, Mitchell, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Patton

REPORT ON COST OF INSTALLATION OF WATER LINES

The City Manager reported the costs of installation of water lines in the following subdivisions:

(a) Mayfair Estates No. 2 - $2,458.69 (8% below engineer's estimate);
(b) Block 90, $459.94 (21% below engineer's estimate); and
(c) Tracy Heights, $1,046.96 (42% below engineer's estimate)

MISCELLANEOUS

Mayor Hammond announced that the next meeting of the Central Valley Division of the League of California Cities will be held at Tracy, California, on Thursday, July 26, 1962.

The City Manager stated that the spring meeting of City Managers will be held in Berkeley, July 13, 1962 and that probably both he and Mr. Keefe would attend.

ADJOURNMENT

MOTION

That the regular meeting now in session be adjourned to July 10, 1962 at 4:00 P.M.

Moved by VanderWall Seconded by Tabbert Unanimously carried

The meeting adjourned at 11:30 P.M.

ATTEST: Pauline P. Stanley
REX E. GAILFUS, City Clerk
By: PAULINE P. STANLEY, Acting City Clerk

The Council of the City of Modesto met in adjourned regular session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Mayor pro tempore VanderWall presiding, to consider the Capital Improvement Program for fiscal year 1962-63.

The City Clerk called the roll and there were:

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

Absent: Councilmen: Patton, Mayor Hammond

CONSIDERATION OF CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 1962-63

Copies of a memorandum prepared by the Finance Department revised June 29, 1962, subject, "Capital Improvements (Excluding Small Capital Outlay Items Included in the Regular Operating Budget)," were distributed to the Council.

PUBLIC WORKS

Chlorination Station, Emerald Avenue $15,300 (Transferred to 1953 Sewer Improvement Fund)

Assistant Director of Public Works Campbell stated that the purpose of the chlorination station is to help control sewer odors at the Emerald Avenue lift station.

Miscellaneous Street Projects - $13,000 carryover, $15,000 recommended by Planning Commission

The City Manager stated that the $13,000 carryover was allocated to resurface 1.7 miles of various streets in the City with 1" plant mix.

Assistant Director of Public Works Campbell stated that roads in subdivisions in 1952 through 1956 were constructed with a road mix which left a rough, rocky surface exposed, and susceptible to moisture, rain, etc. He stated that resurfacing with 1" plant mix will provide a seal which will not only improve the appearance of the streets, but will preserve them for a period of from five to ten years.

The City Manager spoke briefly on the City's street deficiencies.

Upon questioning, Mr. Campbell stated that present subdivision street requirements provide for four inches of rock base with a two inch plant mix surfacing.

Street Lighting

Junior College Lights (Joint City-School) $7,874

The City Manager stated that the proposed project is a joint City-School project; that the Junior College was not able to budget funds for the entire project, but was able to budget funds in the amount of $800 for two street lights. Mr. Miller recommended that the $7,874 be reduced to $800, to match the Junior College's contribution, stating that if the Junior College is able to finance the remainder of the project during the fiscal year, the matter will again be presented to the Council for consideration. Assistant Director of Public Works Campbell stated that it was planned to install the lamps at the north and south entrances of the center of the campus.

Freeway Utility Relocation - Street Lights and Fire Alarms - $9,000

The City Manager stated that these funds will be reimbursed by the State.

PARKING AND TRAFFIC

The City Manager discussed the following proposed projects: Traffic Signals, 9th at Needham, Kansas, Tully; Modernization Downtown; Railroad Crossing Signals at Santa Cruz, Kerr, M & ET; Traffic Signals at 10th and D, 7th and L, Granger and McHenry, and Orangeburg and College.

PARKS AND RECREATION - Page 2 of Report

Dryden Park Neece Drive Entrance - $3,500

The City Manager stated that this project has already been approved by the Council.

Park Acquisition, Downey High Area - $45,000

Mr. Miller said that it was probable that a portion of the funds proposed for this park site may be recovered, since the entire parcel may not be needed for park purposes.

Park Acquisition, Rose Avenue, Neighborhood #11 - $24,900

The City Manager pointed out that the purchase of this proposed park site has been discussed at prior Council meetings; that condemnation proceedings have been instituted by the School District to secure an adjoining parcel for a school site.

The City Clerk read a letter from Fred Reyland, County Counsel, stating that if it is the City's intention to acquire a portion of the Landini property for a park site, it would be helpful to the School District if the Council gave evidence by resolution of its intent to acquire the property by eminent domain.

Councilman Mitchell urged that the Council take affirmative action.

The City Clerk was directed to place the item on the agenda for the July 16, 1962 meeting.

Park Acquisition, Carver Road, Neighborhood Park #2 - $33,000

Acting Planning Director Fey stated that the proposed park site is adjacent to the Catherine Everett Elementary School; that the funds also cover the Council's informal approval to develop one-half the street, and install curbs and gutters. The City holds an option to purchase the property effective through December 31, 1962.

Mark Twain, Neighborhood #18 - $28,500

The City Manager stated that the proposed park site is adjacent to Mark Twain Junior High School.

Park Acquisition, Davis Community - $76,000

Acting Director of Planning Fey stated that the Planning Commission has established a precise location for Davis Community Park and has submitted its recommendation to the Council by letter.

Park Acquisition, North of Sylvan School, New Site, Neighborhood #4 $35,000

The location of the proposed park site was indicated on a map. Mr. Fey stated that it is possible that land for a new school site will have to be obtained through condemnation proceedings.

Park Development, Whitmore - $11,500

The City Manager stated that the proposed development consists of installation of a picnic area, wading pool, play area, etc.

Councilman Mitchell stated that approval of development of a park to this extent would put the Council at a disadvantage in asking residents to consider park improvement districts for development of park sites in their areas; that in his judgment, it was premature to discuss these improvements until an overall policy has been established by the Council.

Director of Parks and Recreation Cowie described the present development of Whitmore Park.

Park Acquisition, Carver Road, Neighborhood #2A

Mr. Fey stated that the Planning Commission has recommended that this park site, located in Joni Manor Subdivision, be acquired.

Option Park, South of Modesto, Tuolumne School, Neighborhood #26

Mr. Fey stated that plans have been submitted to the County to subdivide the land on the south and west sides of this School; if a park site is to be obtained next to the school, it will have to be in one of the areas proposed for subdivision. The Planning Commission has recommended that the City obtain an option for the purchase of a park site at some future date. The proposed site is outside the city limits.

The availability of City sewer service to this area was discussed by the City Manager. He said that facilities are available to serve approximately 10,000 people, with no cost to the City if they would be willing to pay tie-in costs.

Curbs, Gutters, Sidewalks, Various Parks - $16,500

A tabulation of cost estimates for the installation of curbs, gutters and sidewalks in the various parks was distributed to the Council.

The City Manager stated that residents in the Garrison Park area have requested that the City install sidewalks along the park site on Carver Road, where children are walking to and from school along a busy street.

Park Development, Roosevelt - $2,500

Mr. Miller stated that $2,500, plus a $10,300 carryover listed on page 5 of the report for Roosevelt Park improvements, covers construction of a wading pool, $6,500; walk between tennis courts and play area, $800; and $5,500 for play area equipment. He pointed out that the Council had previously approved construction of a wading pool, which was deferred because the bids received were higher than expected.

Councilman Shastid stated that he would prefer to see curbs, gutters and sidewalks installed in the various park sites rather than wading pools.

Councilman Johansen was excused from the meeting at 5:15 P.M.

FIRE AND POLICE - Page 3 of Report
Fire Station, Kearney-Coldwell Area

The City Manager stated that Council approval has been given for the purchase of a fire station site in this area.

Police Building and Communications Center

The City Manager stated that more details on the cost of this building and the proposed bond issue will be forthcoming shortly.

The City Attorney stated that costs and related information will be available by August 1, 1962; that bond counsel will be needed if the bond issue is placed on the ballot.

Pumper, Station #4 - $27,000

The City Manager stated that the proposed purchase of a 1,250 gallon pumper will replace a 500 gallon pumper.

PUBLIC WORKS - STREETS - SPECIAL GAS TAX STREET IMPROVEMENT

Coffee Road, Block 1032 to city limits - $20,500. The City Manager stated that the City is working with the County on this project;

Tully, 9th to Leonard - $47,000 The City Manager stated that the contract has been let and funds appropriated for this purpose;

Roseburg, Tully to McHenry - $3,750 Proposed for right of way acquisitions;

Granger, TWSRR to Florida - $1,000 Proposed for right of way acquisitions;

Bowen, TWSRR to McHenry - $32,400 The City Manager stated that bids for the improvement of this section were received earlier today;

Roseburg, Mills to Carver - $57,500 The City Manager said that this was a continuation of the Roseburg Avenue Project.

PARKING FUND (209)
Parking Lots (Location Undetermined) - $5,000

The use limitations of the Parking Fund Reserve Fund were discussed. The City Attorney stated that state law requires that these funds must be used for related parking matters. The possibility of using a portion of the funds for the parking lot of the proposed police-communications center building was also discussed.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned, and that further consideration of the Capital Improvement Program be placed on the agenda at the regular Council meeting of July 16, 1962

Moved by Shastid Seconded by Tabbert Unanimously carried

The meeting adjourned at 5:35 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., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond
Councilman Shastid arrived at 4:25 P.M.

Absent: Councilmen: None

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

Reverend Robert Segerhammer gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the regular Council meeting of June 18, 1962 and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM J. G. MEYER, DISTRICT ENGINEER, STATE DIVISION OF HIGHWAYS, DISTRICT X, RE: REPORT ON SCENIC HIGHWAYS AND MEETING IN STOCKTON

A letter from J. G. Meyer, District Engineer, California Division of Highways, inviting the Council to attend a "workshop" meeting to discuss proposed scenic routes with a view to preserving scenic resources, was summarized by the City Clerk. (Copies furnished the Council prior to the meeting.) The meeting will be held at the Pacific Gas and Electric Company Auditorium, 4040 West Lane, Stockton, on September 27, 1962. The letter further stated that it may be desirable to arrange one or more small informal group meetings prior to the "workshop" meeting on September 27, and that such a meeting would be arranged at a time and place convenient to the Council if desired.

The City Manager stressed the importance of the meeting, stating that he would bring the matter to the Council's attention a short time prior to the scheduled date.

The matter was referred to the staff for handling.

LETTER FROM FREDERICK W. REYLAND, JR., COUNTY COUNSEL, RE: PROPOSED PARK SITE ON ROSE AVENUE

A letter from Frederick W. Reyland, Jr., County Counsel, dated July 6, 1962, subject, "Modesto City School District vs. Albert Landini, et al," was read by the City Clerk. The letter stated that condemnation proceedings to acquire a portion of the Landini property for a school site is set for jury trial commencing July 24, 1962, with the possibility that the matter will have to be tried, and suggested that if it is the intention of the City to acquire a five acre parcel as a park site, a resolution be adopted authorizing eminent domain prior to the date set for trial of the action set for July 24.

The City Attorney explained that adoption of a resolution by the Council as suggested by the County Counsel should permit the County to introduce the resolution in Court to show that no severance damages

will be involved, as the entire parcel will be acquired.

Mayor Hammond stated that his original position was unchanged, that in his judgment, because of the proximity of this park site to the proposed Downey High School community park, the funds would be better spent in improving park sites already acquired.

The City Manager stated that if approved by the Council, funds appropriated last fiscal year for acquisition of the park site could be carried over.

MOTION

That the acquisition of the Rose Avenue park site be included in the Park Site Acquisition Program for fiscal year 1962-63 in the Capital Improvement Budget

Moved by VanderWall Seconded by Tabbert Unanimously carried

RESOLUTION NO. 62-327

A RESOLUTION AUTHORIZING THE INSTITUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE CERTAIN REAL PROPERTY WITH IMPROVEMENTS THEREON IN THE CITY OF MODESTO TO BE USED FOR PARK PURPOSES (Rose Avenue Park Site - Landini)

Introduced by Mitchell Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

LETTER FROM CALIFORNIA STATE AUTOMOBILE ASSOCIATION RE: 1961 (AAA) PEDESTRIAN PROGRAM APPRAISAL

A letter from Robert W. Graver, Manager, Public Safety Department, California State Automobile Association, dated July 9, 1962, announcing the results of the 1961 AAA Pedestrian Program Appraisal, was read by the City Clerk.

The letter was ordered filed.

LETTER FROM WALTER H. FIELD, HILLSBOROUGH, CALIFORNIA, RE: PROPERTY AT NORTHEAST CORNER OF NEEDHAM AVENUE AND SYCAMORE AVENUE

A letter from Walter H. Field, 39 Haywood Avenue, Hillsborough, California, dated July 2, 1962 was briefly outlined by the City Clerk. Copies of the letter were furnished the Council prior to the meeting and a copy filed with the record of the minutes. The letter stated that Mr. Fields is the owner of property at the northeast corner of Needham and Sycamore Avenue, presently zoned R-1, and that several applications submitted by Mr. Fields to rezone the property from R-1 to Neighborhood Commercial, C-1, have been denied. Mr. Fields asked for suggestions as to what can be done with his property, and stated that he would contribute land for the widening of Needham Avenue if his property is rezoned as requested.

MOTION

That the City Clerk be directed to write to Mr. Fields requesting that he submit an application to be processed in accordance with zoning regulations

Moved by VanderWall, Seconded by Johansen Unanimously carried

LETTER FROM McHENRY VILLAGE MERCHANTS ASSOCIATION RE: CHRISTMAS STREET DECORATIONS AND FUNDS FOR BUSINESS PROMOTION IN MODESTO

A letter from Eric H. Boese, President, McHenry Village Merchants Association, dated July 5, 1962, 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 letter stated that the Association was not requesting any funds for Christmas street decorations this year, but referred to a gentlemen's agreement established when the City business license registration was initiated in 1935, wherein part of those funds received would be returned to merchants associations for "promoting business in Modesto." $2,250 from this fund was requested for promotional purposes.

The Council directed that the letter be referred to the Council at the appropriate budget hearing.

REPORT ON BIDS RECEIVED FOR IMPROVEMENT OF BOWEN AVENUE 2-22

Director of Public Works Ray reported that bids were opened on July 10, 1962, the low bid submitted by M.J. Ruddy & Son in the amount of $25,392.50. Since the low bid is five per cent over the engineer's estimate, state approval is necessary before award of bid can be made. Approval has not yet been received.

RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR TWO PARKING ENFORCEMENT VEHICLES

RESOLUTION NO. 62-328

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR TWO PARKING ENFORCEMENT VEHICLES

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

August 1, 1962 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE CONSTRUCTION OF WATER LINES IN WYLDEWOOD PARK NO. 1 SUBDIVISION, UNIT A; AND IN KEARNEY AVENUE, UNIT B

RESOLUTION NO. 62-329

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF WATER LINES IN WYLDEWOOD PARK NO. 1 SUBDIVISION - UNIT A; AND IN KEARNEY AVENUE - UNIT B

Introduced by Johansen Seconded by Mitchell

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

July 31, 1962 at 2:15 P.M. in the City Clerk's office was set as the time and place for opening of bids.

CONSIDER MATTERS TO BE SUBMITTED TO THE ELECTORATE AT A SPECIAL MUNICIPAL ELECTION TO BE CONSOLIDATED WITH THE GENERAL STATEWIDE ELECTION NOVEMBER 6, 1962

(a) CARD ROOM PROPOSITION

The City Attorney stated that it was his understanding that at a previous meeting the Council determined that this proposition would be submitted to the electorate at a special municipal election to be consolidated with the general statewide election to be held in November, 1962. Suggested language for the proposition was read by the City Attorney as follows:

"Do you favor the adoption of an ordinance prohibiting the operation in the City of commercial cardrooms open to the public by private owners or operators, such cardrooms being those now required to obtain a license and pay a license fee under the existing provisions of the Modesto Municipal Code relating to the licensing and regulation of cardrooms?"

The length of the proposition was discussed.

Upon questioning, Mr. Grimes said that passage of the proposition would require adoption of an ordinance to place it into effect. Councilman Mitchell suggested that the proposition be shortened to "Shall commercial cardrooms open to the public be prohibited in the City of Modesto?"

MOTION

That the proposition pertaining to cardrooms appear on the November ballot as follows: "Shall commercial cardrooms open to the public be prohibited in the City of Modesto?"

Moved by Mitchell Seconded by Shastid Unanimously carried

(b) POLICE-COMMUNICATIONS BOND ISSUE

The City Manager stated that funds for the following should be included in any bond issue for a police-communications building: (1) acquisition of land; (2) the structure; (3) furnishings; (4) communications center equipment.

Mr. Miller said that cost of the building as presently proposed is approximately $700,000, which includes the police building, basic structural facilities for the communication center, and architectural fees; in addition there would be land acquisition, about $100,000; furniture, about $30,000; communications center equipment, approximately $150,000; total, $980,000. Approximately $162,500 is presently appropriated for the communications center equipment. As proposed, the police-communications building is planned to serve a population of 100,000. Mr. Miller said that the above figures are based on facilities constructed in accordance with city standards, with no federal assistance.

Financing a portion of the costs from current funds and lease-purchase financing were discussed.

Concern over the amount of the proposed bond issue was expressed by several Councilmen.

The City Attorney stated that whether or not the police-communications bond issue is cleared in time to appear on the November ballot, his office would be greatly assisted if the services of special bond

counsel could be obtained to assist in consolidating the remaining matters to be placed on the ballot; that the bond counsel will assist on the other matters whether the police-communications bond issue appears on the November or the April ballot.

MOTION

That the staff be instructed to provide the Council with plans and specifications as drawn by the architect at the earliest possible date, and that the police-communications center bond issue be placed on the April, 1963 Municipal General Election ballot

Moved by Shastid Seconded by Johansen

The motion carried, Councilman Tabbert dissenting.

(c) AUDITORIUM BOND ISSUE

The bonding capacity of the City was discussed, Director of Finance Bird stating that the City's bonding capacity is about $5,000,000.

No action was taken by the Council on this matter.

(d) PROPOSED NEW CHARTER

MOTION

That the Council indicates its intention to include on the November ballot of the Special Municipal Election consolidated with the General State-Wide Election, the cardroom proposition, the proposed new charter, and the election of the two appointed members of the Council

Moved by VanderWall Seconded by Johansen Unanimously carried

HEARING ON UNCLASSIFIED USE PERMIT - J. O. KINNEY

Mayor Hammond announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the application of J. O. Kinney for an unclassified use permit to establish an equipment rental business in a C-M zone, (travel trailers, garden equipment, farm implements, etc.,) at 1331 and 1337 Coldwell Avenue, and opened the hearing.

The City Clerk reported that notices were posted and delivered in the area on July 5, 1962. No written protests were filed with the City Clerk.

Director of Planning Fey described land uses in the immediate area. He stated that Planning Commission Resolution No. 813 recommends that the Council grant an unclassified use permit to Mr. Kinney, subject to conditions outlined in the resolution, which were reviewed by Mr. Fey.

Upon questioning, Mr. Fey stated that no provisions were made with the applicant to post a bond in sufficient amount to guarantee the dedication and conditions imposed under Planning Commission Resolution No. 813.

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

Upon questioning, Mr. Fey stated that no specific time has been set for dedication of the right of way for widening Coldwell Avenue;

that the dedication could be made at any time or upon demand of the City; that the installation of curbs, gutters and sidewalks could be done at the will of the applicant, or by the applicant posting a surety bond, savings and loan certificate, or cash deposit to guarantee that the work would be done at the time of the widening of the street; that the applicant was the owner of the property and in a position to make the required dedication.

It was the opinion of the City Manager that a specific time limit should be set for the requirements imposed by the Planning Commission.

Upon questioning, the City Attorney stated the conditions imposed could be guaranteed through a requirement that a surety bond, savings and loan certificate, or cash deposit be posted, provided that a time limit is set on the requirements; that bonding companies usually demand an 18-month or 24-month limitation.

Revocation of the permit through failure to comply with conditions imposed was discussed, the City Attorney stating that it is sometimes difficult to revoke a permit after a large investment in construction is made; that in most instances the Planning Commission has felt that a surety bond or equivalent is desirable.

MOTION

That the hearing be continued for one week, and the staff instructed to check with the applicant on the posting of a bond, cash deposit, or savings and loan certificate, to guarantee the improvements imposed, and setting a time limit within which conditions imposed must be met

Moved by Mitchell Seconded by Johansen Unanimously carried

July 23, 1962 at 8:05 P.M. was set as the time for continuation of the hearing.

HEARING ON CONSTRUCTION OF CURB AND GUTTER AT 410 COVENA AVENUE, BLOCK 2095, LOT 12

Mayor Hammond announced that the hour of 5:00 P.M. had arrived, the time set for consideration of the requirement that a curb and gutter be constructed at 410 Covena Avenue, Block 2095, Lot 12, and opened the hearing.

The City Clerk announced that the area was posted by the Public Works Department on June 26, 1962, and notice mailed to the owner of the property on the same date.

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

RESOLUTION NO. 62-330

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF CURBS AND GUTTERS ALONG CERTAIN STREETS IN THE CITY OF MODESTO (BLOCK 2095, LOT 12)

Introduced by VanderWall Seconded by Patton

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

CONSIDER EMPLOYMENT OF SPECIAL BOND COUNSEL IN CONNECTION WITH BOND PROCEEDINGS

The City Attorney stated that he has been informed by the law firm of Orrick, Dahlquist, Herrington and Sutcliffe that if this firm is employed as bond counsel for the police-communications bond issue, either in connection with the November, 1962 or April, 1963 election, they are willing to assist the City Attorney with the election matters connected with the consolidation of the special municipal election with the general state-wide election in November, 1962. He requested Council approval for this assistance from the bond counsel. Upon questioning, Mr. Grimes said that the fee for this assistance would be approximately $500.

MOTION

That the City Attorney prepare the necessary documents to employ the bond counsel as outlined

Moved by VanderWall Seconded by Tabbert Unanimously carried

CONSIDER INFORMATION FROM FARM BUREAU RE: NEW DON PEDRO DAM PROJECT 6-100

The City Manager stated that Mr. Thiemann of the Farm Bureau has requested that the City adopt a resolution urging the Fish and Game Commission of the State of California to ratify an agreement between the State Department of Fish and Game, Turlock and Modesto Irrigation Districts. The agreement provides for the maintenance and protection of the king salmon fishery in the Tuolumne River.

MOTION

That the City Clerk be directed to send a copy of Resolution No. 62-305, subject, "A Resolution Urging the Fish and Game Commission of the State of California to Ratify Agreement Between the State Department of Fish and Game, Turlock and Modesto Irrigation Districts, and the City and County of San Francisco in connection with the Construction of the New Don Pedro Dam Project" to the Fish and Game Commission of the State of California

Moved by VanderWall Seconded by Shastid Unanimously carried

CONSIDER RESOLUTION COMMENDING THE MODESTO IRRIGATION DISTRICT ON THE 75TH ANNIVERSARY OF ITS ORGANIZATION 6-110

The proposed resolution was summarized by the City Attorney.

RESOLUTION NO. 62-331

A RESOLUTION CONGRATULATING THE MODESTO IRRIGATION DISTRICT ON ITS 75TH ANNIVERSARY

Introduced by VanderWall Seconded by Tabbert

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

The City Clerk was directed to forward a copy of the resolution to the M.I.D.

APPROVE AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO'S NEIGHBORHOOD CHURCH FOR SEWER SERVICE FOR A SENIOR CITIZENS' DEVELOPMENT LOCATED ON WOODROW NEAR TULLY ROAD

The City Manager stated that the proposed agreement between the City and Modesto's Neighborhood Church was prepared at the direction of the Council at its meeting of May 14, 1962. The agreement provides sewer service for a Senior Citizens' development located on Woodrow Avenue near Tully Road.

Terms of the agreement were outlined by the City Attorney.

RESOLUTION NO. 62-332

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO'S NEIGHBORHOOD CHURCH FOR SEWER SERVICE FOR A SENIOR CITIZENS DEVELOPMENT LOCATED ON WOODROW AVENUE NEAR TULLY ROAD

Introduced by Mitchell Seconded by Patton

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

APPROVAL OF FINAL MAP AND SUBDIVISION AGREEMENT FOR WYLDEWOOD PARK NO. 1 SUBDIVISION 6-110

The City Manager stated that the City Engineer has certified that all the work in this subdivision has been done to the satisfaction of the City. The City Attorney stated that all necessary documents have been received.

RESOLUTION NO. 62-333

A RESOLUTION APPROVING THE FINAL MAP OF THE WYLDEWOOD PARK NO. 1 SUBDIVISION OF THE CITY OF MODESTO

Introduced by Tabbert Seconded by Shastid

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

REPORT OF SUPERINTENDENT OF STREETS ON COST OF CONSTRUCTION OF CURB AND GUTTER AT 421 HILTON STREET

The City Manager stated that a report from the Director of Public Works indicates that all work has been completed in connection with the construction of curb and gutter at 421 Hilton Street at a total cost of $205.25, the amount to be assessed against the property. The work was completed on July 3, 1962.

CONSIDER RESOLUTION ASSUMING RESPONSIBILITY FOR THE ENFORCEMENT OF PART 2 OF DIVISION 13 OF THE HEALTH AND SAFETY CODE OF THE STATE OF CALIFORNIA RELATING TO MOBILE HOMES AND MOBILE HOME PARKS

The City Manager stated that the 1961 Legislature has revised and re-enacted regulations relating to mobile homes and mobile home parks, Section 18010 authorizing local agencies to assume responsibility for enforcement of the act. If the City does not assume enforcement responsibility, the State will assume it and keep the fees.

A report and draft of a suggested resolution was furnished the Council prior to the meeting.

RESOLUTION NO. 62-334

A RESOLUTION ASSUMING RESPONSIBILITY FOR THE ENFORCEMENT OF PART 2 OF DIVISION 13 OF THE HEALTH AND SAFETY CODE OF THE STATE OF CALIFORNIA RELATING TO MOBILE HOMES AND MOBILE HOME PARKS

Introduced by Johansen Seconded by VanderWall

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

RESOLUTION APPROVING RENTAL OF CITY OWNED PROPERTY 7-10

RESOLUTION NO. 62-335

A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND LEOLA JONES FOR RENTAL OF PREMISES AT 223 ELM STREET ON A MONTH TO MONTH TENANCY ($50 per month, effective July 7, 1962)

Introduced by Shastid Seconded by Johansen

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

CONSIDER INCREASE IN FEES CHARGED FOR POLICE RECORD SERVICE

Copies of a memorandum from Chief of Police Bowers, dated July 10, 1962, subject, "Charges for Vehicle Accident Reports," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The memorandum outlined proposed increased charges for reproduced copies of police accident reports, etc., furnished outside agencies, which more accurately reflect the amount of time and materials used in this service.

RESOLUTION NO. 62-336

A RESOLUTION ESTABLISHING FEES TO BE PAID FOR OBTAINING COPIES OF OFFICIAL POLICE DEPARTMENT ACCIDENT REPORTS AND POLICE PHOTOGRAPHS, AND RESCINDING RESOLUTION NO. 55-546

Introduced by Shastid Seconded by Mayor Hammond

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

A RESOLUTION GIVING NOTICE OF PROPOSED DEMOLITION OF BUILDINGS LOCATED AT 118 PLEASANT STREET IN ACCORDANCE WITH PROVISIONS OF SECTION 203 (a) OF THE UNIFORM BUILDING CODE AND FIXING A TIME AND PLACE FOR HEARING PROTESTS THERETO

The City Attorney stated that this was a proposed change in the City's procedure, the Chief Building Official having advised that buildings at 118 Pleasant Street are unsafe under Section 203 (a) of the Uniform Building Code. This section permits the City to demolish the buildings and assess the costs against the property if the owner fails to comply with notice to commence repairs or demolition. The City Attorney recommended that a hearing be conducted to give the property owner an opportunity to present his case, and a finding made by the Council as to whether or not the buildings constitute a public nuisance, before proceeding with a resolution ordering demolition. It was his opinion that this method of procedure would protect the City from liability.

RESOLUTION NO. 62-337

A RESOLUTION GIVING NOTICE OF PROPOSED DEMOLITION OF THE BUILDINGS LOCATED AT 118 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

Introduced by VanderWall Seconded by Tabbert

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

August 6, 1962 at 4:45 P.M. in the Council Chambers, City Hall, was set as the time and place for hearing.

APPROVAL OF BILLS FROM THE COUNTY FOR PRISONER CARE FOR THE MONTH OF JUNE, 1962 ($143.52)

MOTION

That payment of bills from the County of Stanislaus for prisoner care for the month of June, 1962, be approved

Moved by Shastid Seconded by Patton Unanimously carried

REPORTS FROM THE PLANNING COMMISSION 7-48

(a) Policy Statement Regarding Yosemite Boulevard Improvements

The City Manager stated that the State has been asked to furnish a progress schedule on engineering studies giving the approximate time when the City may expect information on established grades in connection with the widening of Yosemite Boulevard.

Councilman VanderWall stated that at a recent meeting of the Highway Committee, he was informed by Mr. Meyers, District Engineer, State Division of Highways, that quicker action might be obtained if a little pressure was exerted by the City; also, that the State is still uncertain from what side of the street dedications will be taken.

Robert Bomberger suggested that property owners involved in lot splits, unclassified use permits, etc., be required to execute an agreement stating that when and if the widening program is initiated and put into effect, the property owner will at that time dedicate the required number of feet for the widening, the agreement to be recorded and be a lien against the property. In fairness to property owners wishing to develop property prior to the widening of Yosemite Boulevard, it was Mr. Bomberger's opinion that the installation of curbs and gutters and street improvements should be deferred until such time as the street is improved, with the costs borne by the State.

The staff was directed to meet with Yosemite Boulevard property owners and bring back recommendations on this matter for Council consideration.

(b) Resolution Referring Petition of Annexation of Gant Addition to Planning Commission for Report and Recommendation

The City Manager reported that approximately two years ago, when the City agreed to furnish Gant Properties with sewer service, the organization agreed to petition for annexation to the City at the end of a two-year period. A petition has now been submitted for annexation by the owners. Water service is furnished by Del Este Water Company.

RESOLUTION NO. 62-338

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

Introduced by Shastid Seconded by VanderWall

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

(c) Resolution Referring Petition for Annexation of Renee Manor Addition to the Planning Commission for Report and Recommendation

At the request of the City Manager, and with the consent of the Council, this matter was held over for one week pending further report from the Planning Department.

(d) Report on Precise Alignment of Coffee Road

Acting Director of Planning Fey stated that a report has been prepared indicating that the precise plans for Coffee Road as shown on the maps adopted by the Board of Supervisors are in conformance with City plans for the development of the Coffee Road area, particularly the widening of Brighton Avenue.

APPROPRIATION TRANSFERS - None

FURTHER CONSIDERATION OF THE CAPITAL IMPROVEMENT PROGRAM AND OTHER BUDGET MATTERS

It was the Council's decision that further consideration of this matter be carried over to the following week.

RESOLUTION NO. 62-339

A RESOLUTION APPROVING APPROPRIATION TRANSFER IN THE AMOUNT OF $23,900 FROM SPECIAL FUND FOR CAPITAL OUTLAYS, GENERAL RESERVE, TO PARK ACQUISITION, ROSE AVENUE NEIGHBORHOOD #11

Introduced by VanderWall Seconded by Mitchell

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

MATTERS FOR THE GOOD OF THE COMMUNITY

Request for Improvement of California-Franklin Park Site

Al Brink, County Supervisor, requested that the Council give special consideration to the improvement of the California-Franklin park site, inasmuch as the site was donated by the County for park purposes.

Reverend Howard Clarke stated that the California-Franklin park site was given the City by the County as a gift replacement for Maze-Wren Park, which was condemned because of freeway construction. He urged that funds be appropriated to improve the park site at once. It was his opinion that funds acquired by the City through condemnation of Maze-Wren Park should be utilized for the improvement of the California-Franklin park site.

Mayor Hammond stated that the matter would be considered at the appropriate budget hearing.

Upon questioning, Director of Parks and Recreation Cowie stated that the California-Franklin park site comprises approximately ten acres, one and one-half acres of which was purchased by the City and the balance donated by the County.

Introduction of Joe Cessna, new Sewage Treatment Plant Superintendent

Joe Cessna, newly appointed Sewage Treatment Plant Superintendent, was introduced to the Council by Director of Public Works Ray.

E. R. Brown - Regarding Council's Denial of Setback Variance, Property Located at 1524 Grape Street

Mr. E. R. Brown spoke briefly to the Council relative to the Council's denial of a variance to permit the garage of his home to remain eight feet from the property line instead of the twenty feet required by the City Municipal Code.

Upon questioning, Mr. Brown stated that he wanted nothing from the Council, except to publicly air the matter.

Councilman Mitchell reminded the Council that the matter was presently under litigation and urged that the matter be left in the hands of the Court.

The City Attorney stated that injunction proceedings have been filed, a preliminary injunction issued by the Court, and the matter set for an Order to Show Cause.

Mr. Brown stated that plans meeting the City's setback requirements, relocating the garage to the rear of his property, were submitted to the Building Inspection Department on March 31, 1962; that the plans remained there for two months before he notified the Council that he did not plan to do anything about them; that the Chief Building Inspector verbally approved the plans, but refused to issue written approval; that he was hesitant to proceed with construction without written approval; that written approval of the plans was needed to meet FHA commitments.

Mr. Brown asked that he be given evidence that the revised plans submitted by him to the Building Inspection Department on March 31, 1962 were on file with the City.

The City Manager stated that he would gladly show Mr. Brown any document on file with the City pertaining to this matter.

Request by Schuyler Hafely for Children's Park Improvements

Schuyler Hafely, representing Children's Park, Inc., requested that the Council consider oiling the parking lot at Children's Park, install a chlorination unit in the wading pool, and construct a restroom in Children's Park. He said that figures submitted by the staff indicate that oiling the parking lot will cost about $250; that if the City was not in a position to supply funds for this purpose, attempts would be made to secure funds from another source.

Director of Parks and Recreation Cowie stated that no funds have been budgeted for the improvement of this park, it being his impression that all capital improvements for this park were to be financed

by Children's Park, Inc. He stated that it was the intention of his department to install the chlorination unit with city forces, but this cannot be done since the services of a technician are required.

The Council directed that Mr. Cowie furnish further information to the Council on this matter.

REPORT TO COUNCIL ON OVERALL ECONOMIC DEVELOPMENT PROGRAM

The City Manager stated that the Overall Economic Development Program was submitted to and approved by the Board of Supervisors and is now in the hands of state and federal officials.

REQUEST OF CITY CLERK FOR VACATION BEGINNING MONDAY, JULY 23 THROUGH AUGUST 3, 1962

The request of the City Clerk for vacation beginning Monday, July 23 through August 3, 1962 was approved by the Council.

ANNOUNCEMENT OF MEETING

Mayor Hammond announced a meeting of the Central Valley Division of the League of California Cities in Tracy, Thursday, July 26, 1962.

ADJOURNMENT

MOTION

That the meeting now in session adjourn to 7:30 P.M. to consider proposed Charter changes recommended by the Citizens' Charter Review Committee

Moved by VanderWall Seconded by Tabbert Unanimously carried

The meeting adjourned at 6:48 P.M.

ATTEST: _____
Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in adjourned regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Mayor Hammond presiding, to consider amendments to the Modesto City Charter, as recommended by the Citizens' Charter Review Committee.

The City Clerk called the roll and there were

Present: Councilmen: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond
Councilman Shastid arrived at 7:39 P.M.

Absent: Councilmen: None

Copies of the proposed amendments to the Charter were furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes.

ALTERNATIVE PROPOSITIONS

Powers and Duties of the Mayor - Revision of Article 6, Section 601

The City Attorney stated that under the provisions of the Charter, alternative propositions may be submitted to the electorate, and if approved by the voters, are made a part of the Charter. He said that this basic provision of the alternative proposition is that "The Mayor shall be charged with the duty of making recommendations to the Council on all major matters of policy and program which require Council decision. The Mayor shall have the primary, but not exclusive responsibility for interpreting the policies, programs and needs of the city government to the community. He may also, on his own account, as may each individual Councilman, inform the community on any matters of policy or program which he believes the welfare of the community makes necessary."

Mr. Grimes recommended that this alternative proposition be submitted to the electorate.

Councilman Shastid stated that it appeared more desirable to submit a straight yes or no charter proposition to the electorate rather than confuse the issue with alternative measures.

The merits of the alternative proposition were discussed by the Council.

City Attorney Grimes stated that he considered this alternative proposition the most important provision in the entire charter and would contribute more to better government than any of the other amendments proposed.

MOTION

That revision of Article 6, Section 601, Powers and Duties of the Mayor, be placed on the November 6 ballot as an alternative measure, as recommended by the Charter Review Committee

Moved by Tabbert Seconded by Mitchell

Ayes: Mitchell, Tabbert, VanderWall, Mayor Hammond

Noes: Johansen, Patton, Shastid Absent: None

The motion carried.

Compensation of the Council, Amendment to Section 703
Compensation of the Mayor, Amendment to Section 604

The City Attorney stated that the proposed amendment to Section 703 of the Charter provides that each member of the Council shall receive $25 per meeting for each Council meeting attended, not to exceed $100 per month, plus reimbursement for expenses incurred while performing official duties. The proposed amendment to Section 604 of the Charter provides that the Mayor shall receive the sum of $25 per Council meeting attended, not to exceed $100 per month, which salary shall be in addition to his salary as a Council member.

It was Councilman Mitchell's opinion that this matter should be brought before the electorate as an alternate measure, as the present salary for Council members has been in effect since 1919, and if the proposed alternative is approved, will likely stay in effect for another forty years. An increase in salary would enable wage earners and people with fixed income to hold public office who could not afford to unless awarded reasonable compensation for time spent; that in a democracy it should not be the prerogative of only the well-to-do to hold public office.

The matter was generally discussed.

MOTION

That the alternate proposition relating to the salaries of the Councilmen and Mayor (Amendment to Sections 703 and 604 of the Charter) not be included in the November 6, 1962 ballot

Moved by VanderWall Seconded by Shastid

Ayes: Johansen, Patton, Shastid, VanderWall, Mayor Hammond

Noes: Mitchell, Tabbert Absent: None

Section 700, Councilmen. Term of Office.

The City Attorney stated that the proposed amendment provides that each elective office shall be deemed a separate office to be filled at any election; that no candidate shall run for a seat other than that which he holds except that any incumbent member of the Council may run for the seat of Mayor, and an incumbent Mayor may run for the seat of Mayor or for any other seat on the Council. The person receiving the highest number of votes for each designated office shall be declared elected. Under present provisions of the Charter, the top three or four with the highest votes are elected.

There were no objections by the Council to this proposed amendment.

Section 107 - Emergency Powers (Council)

The City Attorney stated that he found nothing objectionable in adding this section to authorize emergency powers.

Section 200 - General Powers (Council)

Mr. Grimes said that the proposed amendment deletes the reference to an appropriation for the Fourth of July Celebration, but does not remove the authority of the Council to make such a contribution.

Section 302 - Procedure for Holding Elections

The City Attorney stated that the proposed amendment is technical, changing sixth class cities to general law cities.

Section 500 - Enumeration

The City Attorney stated that the proposed amendment deletes reference to members of the Board of Education, as they are not actually elective officers of the City of Modesto.

Section 502 - Council Vacancies

The proposed amendment to this section provides that Section 1770 of the Government Code of the State of California shall govern the existence of a vacancy.

Section 602 - Vice Mayor

The proposed amendment changes the terminology, with no change to the provisions.

Section 707 - Meetings of the Council

The proposed amendment incorporates the procedures of the Brown Act with respect to special meetings.

Section 800 - City Manager

Mr. Grimes stated that the proposed amendment provides for a "cooling off" period prior to discharge of the City Manager, City Attorney or City Clerk.

Section 1110 - Library and Culture Commission

The City Attorney stated that the proposed amendment to this section of the Charter enlarges the scope of the Board, to be called the Library and Culture Commission, and increases its membership to seven members, two of whom shall live outside the City, but shall be registered electors of the Modesto High School District of Stanislaus County, because of joint city-county operation of the Library; act in an advisory capacity to the Council and City Manager in all matters pertaining to art, literature, music and other cultural activities; promote the preservation of historic sites, landmarks, etc.

Section 1201 - Unclassified and Classified Service

Mr. Grimes stated that the position of City Judge has been deleted from the unclassified service inasmuch as there is no longer a city judge, and the position of Deputy City Manager included in the unclassified service.

Section 1305 - Tax Limit

Mr. Grimes stated that the change recommended uses the state law for the formula of conversion when the city property assessment and tax collection functions are performed by the County, as is done here.

Section 1307 - Public Work to be Done by Contract

Mr. Grimes said that the proposed amendment recommends that limitation of expenditures of city funds when public bids are required for public works be increased to the amount specified in Section 37902

of the Government Code of the State of California, or as it may hereafter be amended. The present limitation is $1,500, and the proposed amendment increases the limitation to $2,500.

Section 1313 - Purchase of Supplies and Equipment

The City Attorney stated that this newly added section makes it mandatory that the Council, by ordinance, within one year following adoption of this section, adopt policies and procedures including bidding regulations, governing purchases of supplies and equipment by the City, which may include provisions authorizing joint purchasing with other local governmental agencies.

Section 1406 - Minimum Compensation

The proposed amendment provides that no franchise or renewal of an existing franchise shall be granted without reserving to the City just and adequate compensation.

Section 1500 - Board of Education

Mr. Grimes stated that the proposed amendment recognizes the fact that the Board of Education governs three school districts, and clarifies the area within which a person shall reside to be eligible to be elected to the Board of Education within any of the school districts. It also changes the present law as it exists pertaining to vacancies and authorizes the City Board of Education to fill its vacancies, instead of the County Superintendent of Schools.

Section 702 - Vacancies - Council 4-55

The City Attorney stated that Section 702 of the present charter provides that if a vacancy occurs in the office of Mayor or Councilman, the Council shall forthwith appoint a person to fill such vacancy; that the appointee shall hold office until his successor is duly elected and qualified; that his successor shall be chosen at the next general municipal election or at the first succeeding special municipal election called for any other purpose. Mr. Grimes said that at the time this section was considered by the Charter Review Committee he recommended that the section be amended to require that the appointee run for office at the next general municipal election. His recommendation was not accepted by the Committee.

After discussion by the Council, and upon being asked for reasons why his recommendation was not considered favorably by the Charter Review Committee, Mr. Grimes read the following excerpt from the Charter Review Committee meeting of November 28, 1962: "Issue - Should section be amended to provide that an appointee shall serve until the next general municipal election, rather than the first succeeding special municipal election called for any other purpose? Some discussion indicated revision not necessary as it was not too important and might interfere with the people's acceptance of other, more important revisions. Some present felt that if an appointee had to run within a very short period for election, it might discourage capable persons from filling a vacancy when asked. If made to run at a special election, it might have some bearing on the outcome of the special question before the voters; therefore; it might be advantageous to have only one issue on ballot. Opinion also presented that the people have greater confidence in the person they elected than someone appointed by the Council; therefore, for protection of the general public, it might be better to leave the section as it is."

MOTION

That Section 702 as proposed by the Charter Review Committee be amended to require that appointees to the City Council run for election at the next general municipal election

Moved by Mayor Hammond Seconded by VanderWall

Ayes: Johansen, Patton, VanderWall, Mayor Hammond

Noes: Mitchell, Shastid, Tabbert Absent: None

The motion carried.

At the request of the City Manager, City Attorney Grimes explained the reason for the Charter Review Committee's amendment to Section 800 - City Manager, pertaining to removal of the City Manager.

Section 601 - Powers and Duties of the Mayor

MOTION

That the Council's motion that revision of Article 6, Section 601, Powers and Duties of the Mayor, be placed on the November 6 ballot as an alternative measure, be reconsidered

Moved by Mitchell Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid

Noes: Tabbert, VanderWall, Mayor Hammond Absent: None

The motion carried.

MOTION

That the alternative measure pertaining to the powers and duties of the Mayor, Article 6, Section 601, as recommended by the Charter Review Committee consultant, be included as a provision of the proposed charter

Moved by Mitchell Seconded by Mayor Hammond

Ayes: Mitchell, Shastid

Noes: Johansen, Patton, Tabbert, VanderWall, Mayor Hammond

Absent: None

The motion failed to carry.

MOTION

That the provisions of the Charter presently in effect pertaining to the powers and duties of the Mayor remain unchanged

Moved by Mitchell Seconded by Mayor Hammond

Ayes: Johansen, Mitchell, Patton, Shastid, Mayor Hammond

Noes: Tabbert, VanderWall Absent: None

The motion carried.

Mayor Hammond was excused from the meeting.

MOTION

That the recommendations of the Charter Review Committee be approved in principle with the following changes: That the alternative propositions be deleted and Section 702 amended to require that City Council appointees be required to run for election at the next general municipal election; that the City Attorney be instructed to draft an entirely new charter incorporating the proposed amendments for submission to the electorate, rather than thirty separate amendments

Moved by Mitchell Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor pro tempore VanderWall

Noes: None Absent: Mayor Hammond Unanimously carried

The Council extended its thanks to the Charter Review Committee and Councilman VanderWall, the Council's representative, for the time and effort expended in reviewing the Charter.

ADJOURNMENT

MOTION

That the adjourned regular meeting now in session be adjourned

Moved by Johansen Seconded by Mitchell Unanimously carried

The meeting adjourned at 9:01 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., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond
Councilman Shastid arrived at 7:38 P.M.

Absent: Councilmen: None

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

Reverend Darrell Thomas gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the regular Council meeting of June 25, 1962, adjourned regular meeting of June 26, 1962 and regular meeting of July 2, 1962, and the same being available for public inspection, the minutes of the adjourned regular meeting of June 26, 1962 and regular meeting of July 2, 1962 were approved by the Council. The Acting City Clerk was directed to correct motion adjourning meeting (page 16) to indicate that the June 25 session be adjourned to 4:00 P.M., June 26, 1962, instead of June 29, 1962.

LETTER FROM FRANK ANDREWS RE: POLICE AND COMMUNICATIONS CENTER AND BOND ISSUE

A letter from Frank Andrews, dated July 16, 1962, subject, "Stop Monkeying with Our Fire and Police Departments," with an advertisement from the Fresno Bee, same subject, attached, was summarized by the Acting City Clerk.

The letter was ordered filed.

LETTER FROM FRED MARTIN, 731 SUTTER AVE., RE: CURB AND GUTTER ALONG NEW PARK SITES 1-45

A letter from Fred Martin, 731 Sutter Avenue, Modesto, dated July 16, 1962 commending the Council for its newly established policy that curbs, gutters and sidewalk be installed on park sites bordering on main thoroughfares, was read by the Acting City Clerk.

The letter was ordered filed.

LETTER FROM MRS. ED WYATT, CHAIRMAN, NINETY-NINES, INC., WOMEN PILOTS RE: PILOTS CONVENTION AND WAIVING OF TIE-DOWN CHARGE

A letter from Mrs. Ed Wyatt, Chairman, Southwest Fall Meeting, Ninety Nines, Inc., dated July 17, 1962, requesting that the tie-down charge at the Modesto City-County Airport be waived for this group during its stay in Modesto on September 28 and 29, 1962, was read by the Acting City Clerk. Director of Public Works Ray recommended that the tie-down charges be waived.

RESOLUTION NO. 62-340

A RESOLUTION APPROVING REQUEST OF NINETY NINES, INC., INTERNATIONAL ORGANIZATION LICENSED WOMEN PILOTS, TO WAIVE THE TIE-DOWN FEE AT THE MODESTO CITY-COUNTY AIRPORT ON SEPTEMBER 28 AND 29, 1962

Introduced by VanderWall Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

LETTER FROM RICHARD ARSLANIAN RE: DELAY IN YEARLY COST FOR RENTAL OF AIRPORT PROPERTY FOR SIXTY DAYS

A letter from Richard Arslanian, 418½ South Conejo, dated July 17, 1962, requesting a 60-day delay in payment due on rental of crop land from the City, was read by the Acting City Clerk.

Director of Public Works Ray stated that the lease agreement with Mr. Arslanian covers rental of approximately 40 acres of Airport property for agricultural purposes, and provides for payment of $900 for the first year's rent at the time of signing the lease and the remaining $900 by July 1, 1962. Mr. Ray recommended that a 60-day extension be granted Mr. Arslanian.

MOTION

That the request of Mr. Arslanian for a 60-day extension for payment of $900 due the City on July 1, 1962 be approved

Moved by VanderWall Seconded by Tabbert Unanimously carried

LETTER FROM MARION H. MOOREHEAD, POSTMASTER, RE: SIGN AT ENTRANCE TO PUBLIC PARKING LOT, 715 KEARNEY AVENUE

A letter from Marion H. Moorehead, Postmaster, dated July 18, 1962 requesting permission to install a sign at the entrance to the public parking lot, 715 Kearney Avenue, from Kearney Avenue, was read by the Acting City Clerk.

Mr. Moorehead requested that permission be granted to have the sign erected next to the curb, which will require that a hole be drilled through the sidewalk and a hole dug to place a post to hold the sign, to be furnished and installed by the California Automobile Association, with the only expense to the City being a crew which may be required to help drill the concrete sidewalk.

The City Manager recommended that a revocable encroachment permit be granted to permit erection of the sign as requested.

The City Attorney recommended that the permittee be required to indemnify and save the City harmless of and from all damages, costs and charges of any kind or character arising out of or relating to the exercise of the rights granted by the permit, but that no public liability or property damage insurance be required.

The City Manager stated that the proposed sign is 36" x 24", double faced, and a message, "U. S. Post Office Entrance" with an arrow.

RESOLUTION NO. 62-341

A RESOLUTION GRANTING A REVOCABLE ENCROACHMENT PERMIT TO THE UNITED STATES POST OFFICE DEPARTMENT TO INSTALL A SIGN IN THE SIDEWALK AREA ON THE WEST SIDE OF KEARNEY AVENUE IN THE CITY OF MODESTO

Introduced by Mitchell Seconded by VanderWall

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

CONSIDER BID ON SURPLUS PROPERTY - OLD AWNING FRAMES, ORIGINALLY USED AT THE McHENRY LIBRARY

RESOLUTION NO. 62-342

A RESOLUTION APPROVING THE SALE OF SURPLUS AWNING FRAMES TO MR. E. H. DRUFFEL (four, at $2.00 each)

Introduced by Shastid Seconded by VanderWall

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

REPORT ON BIDS RECEIVED FOR IMPROVEMENT OF BOWEN AVENUE

The City Manager said that State approval has been received for award of bid for the improvement of Bowen Avenue between Tidewater Southern Railroad and McHenry Avenue. A tabulation of bids received was furnished the Council, which indicated that the low bid in the amount of $25,392.50 was submitted by M. J. Ruddy and Son. He recommended that the low bid be awarded to this firm.

RESOLUTION NO. 62-343

A RESOLUTION ACCEPTING THE BID OF M. J. RUDDY & SON IN THE AMOUNT OF $25,392.50 FOR THE IMPROVEMENT OF BOWEN AVENUE BETWEEN THE TIDEWATER SOUTHERN RAILROAD TRACKS AND McHENRY AVENUE

Introduced by Shastid Seconded by VanderWall

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

RESOLUTION NO. 62-344

A RESOLUTION APPROVING APPROPRIATION TRANSFER IN THE AMOUNT OF $32,151 FROM SPECIAL GAS TAX STREET IMPROVEMENT FUND, GENERAL RESERVE, TO IMPROVE BOWEN, TWSRR TO McHENRY, PROJECT 89

Introduced by VanderWall Seconded by Shastid

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

RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE SALIDA FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (KLEMM ADDITION)

RESOLUTION NO. 62-345

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE SALIDA COUNTY FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (KLEMM ADDITION)

Introduced by Mitchell Seconded by Patton

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

RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (WYLIE ADDITION)

RESOLUTION NO. 62-346

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 ADDITION)

Introduced by VanderWall Seconded by Johansen

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

RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE WOODLAND FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (STENSAAS ADDITION)

RESOLUTION NO. 62-347

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE WOODLAND FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (STENSAAS ADDITION)

Introduced by Johansen Seconded by VanderWall

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

FURTHER REPORT ON PROPOSED McBRIDE ANNEXATION 2-1

The City Manager stated that after review of the proposed annexation with members of the staff and County officials, he recommended that the matter be dropped; that it was determined that obligations assumed by the City (police problems, road improvements, etc.) would outweigh any benefits which might be derived through tax savings. The area proposed for annexation comprises 38.91 acres, is owned by the City, and is located west of Carpenter Road, adjacent to the Tuolumne River.

MOTION

That the staff be authorized to inform the Planning Commission that the Council does not wish to proceed with the annexation of the McBride Addition, citing the reasons therefor as outlined by the City Manager

Moved by Shastid Seconded by VanderWall Unanimously carried

DISCUSSION OF POLICE-COMMUNICATIONS BUILDING

A plot plan of the proposed police-communications center building, based on space requirements submitted by the City to the architect, was displayed to the Council.

The need of the proposed building was reviewed by Mr. Miller, who pointed out the condition of the present police building, the change in the City's fire rating partly due to the condition of the fire alarm system, and the recommendation of the Fire Rating Bureau that the fire alarm operation be modernized and moved to a more strategic location. He discussed possible federal participation if Defense Department requirements are met, which matter is still under discussion. He said that two sites are under consideration - one south and one north of the present fire station; that if desired by the Council, a proposal calling for less space with correspondingly less cost, and less provision for possible long range need, could be furnished the Council.

Mayor Hammond questioned the high cost of the building as planned - $700,000.

Councilman Shastid suggested that data be secured from several cities of comparable size to Modesto as to the number of square feet used for their police operation at the present time, and ten years ago, in order to get an idea of the growth pattern.

Upon questioning, Mr. Miller said that the proposed building would be of reinforced concrete construction at a cost of about $22 per square foot.

With the unanimous consent of the Council, the matter was referred to the Council Public Projects Committee for review with the staff and architect, and report to the Council.

HEARING ON PROPOSED ANNEXATION OF THE RUFFINO ADDITION 1-125

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

The Acting City Clerk stated that notice of the hearing was published in the Modesto Tribune on June 14 and 21, 1962, and notices mailed to all persons owning property in the area, and other interested parties, on July 6, 1962. No written protests were received by the City Clerk.

The City Manager introduced Dan Avila, Acting Planning Director during the absence of vacationing Acting Director of Planning Fey.

The City Manager stated that the area proposed to be annexed is a single lot lying immediately south of the Phoenix Fire Station, with annexation recommended by Planning Commission Resolution No. 809. This resolution recommends that the property be interim zoned General-Commercial, C-2, upon approval of annexation.

Acting Planning Director Avila outlined the land uses of adjacent areas. A grocery store is located on the property proposed for annexation.

The City Attorney said that Mr. Ruffino has stated he would oppose the annexation unless accompanied by interim zoning; that C-2 interim zoning is not guaranteed; that a request for interim zoning will be

placed on the Council agenda following approval of the annexation by the Secretary of State.

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

The City Attorney outlined the City's present Code requirements in connection with zoning of newly annexed areas, which are automatically zoned R-1 upon annexation. Prior to adoption of this policy, he said that property annexed to the City carried the zone most comparable in the City to which it was zoned in the County.

Upon questioning, Mr. Grimes said that there are no provisions in the state law which would prohibit property annexed to the City being zoned as in the County.

The advantages of the City's present policy from the Planning Department's standpoint were discussed by Mr. Grimes, this policy permitting the City to maintain control, with interim zoning procedures taking care of emergency situations.

It was Councilman Shastid's opinion that the City would have more control if the zoning was known at the time of annexation; the owners would be secure in their knowledge, and the entire procedure would be complete upon annexation, without need for further hearings.

Councilman Mitchell suggested that the City's present policy pertaining to zoning of property after annexation not be referred to the Planning Commission for review until such time as a Director of Planning is appointed, in order to secure his advice and opinions. He agreed that from an administrative standpoint, it did not seem economically feasible to require that all property be zoned R-1 upon annexation, followed by hearings to properly zone the property. It was his opinion that City-County cooperation in referral zoning matters would cut down expenses involved in public hearings, and eliminate arguments in connection with the rezoning of property after annexation.

ORDINANCE NO. 516-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE RUFFINO ADDITION TO THE CITY OF MODESTO"

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

Moved by Johansen Seconded by Mitchell

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

MOTION

That the staff be directed to refer to the Planning Commission consideration of a change of the City's policy pertaining to zoning of property upon annexation, the Planning Commission to submit its report and recommendations to the Council

Moved by Shastid Seconded by Patton Unanimously carried

CONTINUATION OF HEARING OF THE REQUEST FOR AN UNCLASSIFIED USE PERMIT J. O. KINNEY - COLDWELL AVENUE

Mayor Hammond announced that the hour of 8:05 P.M. had arrived,

the time set for consideration of the application of J. O. Kinney for an unclassified use permit to operate an equipment rental business in a C-M zone, (travel trailers, garden equipment, farm implements, etc.) at 1331 and 1337 Coldwell Avenue, and opened the hearing.

The Acting City Clerk reported that notices of hearing were posted and delivered in the area on July 5, 1962. No written protests were filed with the City Clerk.

The City Attorney stated that the hearing was opened at the July 16th meeting and carried over for one week for further report from the staff--agreement of the applicant to a time limitation on the installation of the improvements imposed and requirement of a bond to guarantee the improvements.

Approval of the unclassified use permit was recommended by Planning Commission Resolution No. 813.

Acting Planning Director Avila stated that Mr. Berry, who plans to operate the equipment rental business, has agreed to furnish a bond or a cash deposit in the required amount to guarantee the improvements, and to complete the improvements within eighteen months.

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

Upon questioning, the City Attorney stated that the resolution granting the unclassified use permit will contain a clause indicating that the amount of the bond sufficient to guarantee the improvements will be determined by the City Engineer, and that the conditions imposed will be complied with within eighteen months.

RESOLUTION NO. 62-348

A RESOLUTION GRANTING AN UNCLASSIFIED USE PERMIT TO J. O. KINNEY FOR EQUIPMENT RENTAL BUSINESS AT 1331 AND 1337 COLDWELL AVENUE

Introduced by Mitchell Seconded by Shastid

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

REPORT ON MEETING WITH MERCHANTS ON CHRISTMAS STREET DECORATIONS AND POLICY

The City Manager reported that meetings have been held with the merchants on Christmas street decorations, with no agreement as yet reached.

RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY AND JOE MINENI, JR., NINA MINENI AND RETHA FUKUI WHEREBY CITY AGREES TO PURCHASE PARCEL OF LAND FOR THE BRIGHTON AVENUE RIGHT OF WAY (PROJECT NO. 61-18)

The City Attorney stated that the proposed agreement covers the purchase of a lot for $4,000 which is being acquired for the widening of Brighton Avenue.

RESOLUTION NO. 62-349

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JOE MINENI, JR., NINA MINENI AND RETHA FUKUI WHEREBY THE CITY AGREES TO PURCHASE A PARCEL OF LAND FOR THE BRIGHTON AVENUE RIGHT OF WAY (PROJECT 61-18)

Introduced by Shastid Seconded by VanderWall

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

MOTION

That the staff be directed to initiate action for the sale of the balance of the above lot for submission to the Council

Moved by VanderWall Seconded by Tabbert Unanimously carried

RESOLUTION APPROVING AGREEMENT WITH ORRICK, DAHLQUIST, HERRINGTON & SUTCLIFFE FOR SERVICES OF SPECIAL BOND COUNSEL

The City Attorney stated that the proposed agreement covers the services of Orrick, Dahlquist, Herrington & Sutcliffe as special counsel in connection with the proposed bond issue for the Police-Communications Building and consolidated special municipal election to be held with the general election on November 6, 1962 for the purpose of submitting to the electorate the card room proposition, proposed charter, and election of Councilmen.

Terms of payment to the bond counsel in connection with the police-communications center bond issue were outlined by Mr. Grimes.

The fee of $750 in connection with the consolidation of the special municipal election with the general election on November 6 and assistance with the card room proposition and the proposed charter was questioned by the Council.

The need for outside counsel was discussed by the Council, Mr. Grimes stating that their services were needed in connection with the legal proceedings involved in the calling of the election which he did not feel were the duties of the City Attorney.

Councilman Mitchell stated that if outside counsel was hired to help in consolidation of the election, he hoped that the procedure followed would be set up as a guide to eliminate the need for such services in the future.

MOTION

That the City Attorney be directed to renogiate with the special counsel with a view to reducing the $750 fee

Moved by VanderWall Seconded by Johansen Unanimously carried

RESOLUTION APPROVING RENTAL OF CITY OWNED PROPERTY

RESOLUTION NO. 62-350

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DOROTHY MARTIN FOR THE RENTAL OF CITY-OWNED PROPERTY AT 207 ELM STREET ($65 per month, beginning July 10, 1962)

Introduced by Shastid Seconded by Johansen

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

REVIEW OF USE OF MANCINI BOWL

Copies of Resolution No. 8831-N.S., adopted in 1950, setting forth the policy of the Council in connection with the use of Mancini Bowl, a copy of the decree of the Superior Court involving the use of funds willed by Marguerita Minhotti, an Opinion from the City Attorney's office, and an excerpt from provisions of the Educational Code applying to the use of public school buildings, were furnished the Council prior to the meeting.

Councilman Mitchell stated that he requested that this matter be placed for Council consideration because of disappointment over the fact that use of Mancini Bowl was denied a patriotic fraternal organization because of City policy that the use of the Bowl be limited to youth groups (graduation exercises, musical events, dramatic productions, etc.) After reading the City Attorney's memorandum indicating that restriction of the use of Mancini Bowl was a matter of Council policy rather than legal restrictions imposed through the use of funds willed, and because of the lack of auditorium facilities in Modesto, Mr. Mitchell asked that the matter be referred to the staff for investigation and recommendation with a view to liberalizing the Council's policy to permit the use of the Bowl by reputable adult groups with priority to be given to groups presently using the Bowl. He suggested that the following be considered: reasonable use fees (with and without janitorial services); preferred rates for nonprofit organizations; closing time limit in the evenings, since the Bowl is in a residential area; turning-off time for lights and loudspeakers. He felt that the Bowl would lend itself to use for business conventions.

MOTION

That the staff be instructed to review the City's present policy in connection with the use of Mancini Bowl, and bring back to the Council means, rules and regulations to liberalize the Council's policy in the use of Mancini Bowl

Moved by Mitchell Seconded by Shastid Unanimously carried

RESOLUTION APPROVING SUBDIVISION AGREEMENT AND FINAL MAP FOR JONI MANOR SUBDIVISION 5-72

The City Manager stated that the City Engineer has certified that the subdivision agreement has been signed and all fees paid. The City Attorney stated that all necessary documents have been received.

RESOLUTION NO. 62-351

A RESOLUTION APPROVING THE FINAL MAP OF THE JONI MANOR SUBDIVISION

Introduced by Johansen Seconded by VanderWall

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

COMMUNICATION FROM LEAGUE OF CALIFORNIA CITIES RE: INCREASE IN HIGHWAY USE TAXES TO FINANCE CITY STREETS

Copies of a communication from the League of California Cities, dated June 27, 1962, subject, "Increase in Highway User Taxes to Finance City Streets," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

The letter stressed the need for an increase in Highway Users Taxes to provide additional assistance for the improvement of county roads and city streets, and suggested that the administrative staff prepare a street deficiency report in an effort to determine the extent of current and future street financing problems.

The City Manager stated that a street deficiency report would be prepared for Council review.

REPORTS FROM THE PLANNING COMMISSION

(a) Resolution referring petition for annexation of the Renee Manor Addition to the Planning Commission for report and recommendation

The City Manager stated that consideration of this matter was held over from a previous meeting for further report from the staff. A report prepared by Acting Planning Director Fey, dated July 19, 1962, subject, "Report to Council regarding Renee Manor Addition," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. Mr. Miller said that the City Attorney has suggested that the staff prepare a report summarizing policies established by the Council relating to annexations.

Councilman Shastid stated he had requested that the staff submit a brief report to the Council on proposed annexations prior to the time petitions are referred to the Planning Commission, giving the estimated cost to the City for providing the area with water, sewer, police and fire services, etc., thus giving the Council an opportunity to determine the desirability of annexation before the advance of development.

The City Manager stated that stopping annexation at this point was too late from the standpoint of the developer's investment; that if proposed annexations are to be questioned, it must be done long before the petition for annexation is presented to the Council.

Councilman Shastid stated that the City's policies in regard to subdivisions should be reviewed, pointing out that the nearest fire station to the Renee Manor Addition is approximately three miles away, which in his opinion meant that another fire station would likely be needed in the near future to provide service to this area.

Sites for proposed fire stations in the area were discussed by the City Manager. He pointed out that if subdivisions are not annexed and developed in accordance with City standards, they will develop outside the jurisdiction of the City.

RESOLUTION NO. 62-352

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

Introduced by Johansen Seconded by Mitchell

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

MOTION

That the staff be directed to review existing Council policies concerning subdivisions and annexations, and bring back a report to the Council

Moved by Shastid Seconded by Johansen Unanimously carried

(b) Resolution setting date for hearing unclassified use permit application of Neighborhood Church for approval of a modified development plan and development schedule for P-D (7)

RESOLUTION NO. 62-353

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON AN UNCLASSIFIED USE PERMIT TO MODESTO'S NEIGHBORHOOD CHURCH FOR APPROVAL OF A MODIFIED DEVELOPMENT PLAN AND DEVELOPMENT SCHEDULE FOR P-D (7) LOCATED ON WOODROW EAST OF TULLY ROAD

Introduced by VanderWall Seconded by Tabbert

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

August 27, 1962 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

FURTHER CONSIDERATION OF THE CAPITAL IMPROVEMENT PROGRAM

Councilman Johansen requested that a resume of all unappropriated Capital Improvement Program funds be prepared for review of the Council.

With the consent of the Council, this matter was held over for consideration at the end of the meeting.

PARK DEVELOPMENT

Reverend Howard L. Clarke, 716 Marshall Street, requested that consideration be given to the immediate development of the California-Franklin park site with funds derived from the condemnation of Maze-Wren Park.

Lack of funds for park development was discussed. Mayor Hammond stated that it might be advisable to delete some of the contemplated park site acquisitions and use the funds for park development.

It was Councilman Johansen's opinion that the Council should take steps within a short time to establish a policy for the development of park sites.

Councilman VanderWall concurred, adding that because of the loss of Maze-Wren Park, special consideration should be given to developing a park on the west side this year.

Councilman Mitchell said he hoped the Council would continue its policy of giving priority to the acquisition of park sites while the land is still undeveloped. He suggested that a policy be established that as area develops, the City will, as first stage development, provide curbs and gutters, sprinklers, and lawn; and as the area develops further, construct rest rooms. It was his opinion that it would be more equitable to the City as a whole if all park sites were developed in phases as outlined above, before final development of any park is undertaken.

Mr. Mitchell further stated that although he had previously considered developing park sites by means of improvement districts because of the costs involved in such proceedings, and because parks already

developed have been improved with general tax revenues, he now felt it would be more fair and equitable if the expense of developing new park sites were paid from general tax funds.

APPROPRIATION TRANSFERS

(a) $4,100 from Special Capital Outlay Fund Reserve (321-600) to Miscellaneous Street Improvements (321-503)
(for purchase of Mineni lot--widening of Brighton Avenue)

RESOLUTION NO. 62-354

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $4,100 FROM SPECIAL CAPITAL OUTLAY FUND, SPECIAL CAPITAL OUTLAY RESERVE, TO SPECIAL CAPITAL OUTLAY, MISCELLANEOUS STREET IMPROVEMENTS

Introduced by Shastid Seconded by Tabbert

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

(b) $750 from General Fund, General Reserve (101-600) to Miscellaneous Unclassified (65) Elections (238)

The City Attorney requested that the Council reconsider its decision pertaining to his request for special counsel to assist with the consolidation of the general municipal election with the statewide election to be held on November 6, even if approved at a reduced figure. He pointed out the amount of legal work involved with the consolidation of the elections.

The amount of the fee for the type of work was questioned by the Council, and a suggestion made that the City Attorney negotiate with the special counsel in an effort to reduce the fee to at least $500.

MOTION

That the City Attorney be authorized to negotiate with the special bond counsel in an effort to reduce the fee to at least $500

Moved by Mitchell Seconded by VanderWall Unanimously carried

RESOLUTION NO. 62-355

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $500 FROM GENERAL FUND, GENERAL RESERVE TO MISCELLANEOUS UNCLASSIFIED, ELECTIONS

Introduced by Mitchell Seconded by VanderWall

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

Councilman Mitchell was excused from the meeting at 9:30 P.M.

MATTERS FOR THE GOOD OF THE COMMUNITY

Letter from Lois Ritter - Charter Amendments

A letter from Nathan M. McVay and Lois Jean Ritter, dated July 19, 1962, bearing the names of five additional members of the Charter

Review Committee, requesting that the Council reconsider its rejection of alternate proposals placed in the Charter for vote as separate measures, which would more clearly define the duties of the Mayor, and provide a raise in compensation for the Mayor and members of the Council, was read by the Acting City Clerk.

Mayor Hammond stated that the Council had already made its decision and could only reconsider the matter if requested by the Charter Review Committee as a whole, rather than a segment of the Committee. Miss Ritter was directed to proceed in this manner.

Lois Ritter, 910 Annibelle, stated that she contacted a majority of the Committee, who indicated favor of Council consideration.

REQUEST FOR SEWER SERVICE FOR PROPERTY LOCATED AT 1234 McHENRY AVENUE

Wilmar Jensen, attorney, 1118 Columbia Way, representing Frank Helm, owner of property located at 1234 McHenry Avenue, stated that Mr. Helm wishes to connect this property to the City sewer system.

Director of Public Works Ray stated that the City's usual requirements have been met with one exception - Item 5 of the standard agreement has been changed to read: "Comply with City building regulations, with the exception of all that construction authorized under applicable County ordinances for which permits have already been issued." He said the property is contiguous to the city limits, a sewer line to serve the property exists, which was constructed with funds advanced by the City prior to the improvement of McHenry Avenue, and approval of the application would enable the City to get back part of the funds advanced. Annexation to the City is provided upon request of the City. The City Manager recommended that approval be granted.

MOTION

That the request of Frank Helm for sewer service at 1234 McHenry Avenue be approved

Moved by Johansen Seconded by VanderWall Unanimously carried

INTRODUCTION OF CITY PLANNER

Acting Director of Planning Avila introduced Jim Peterson, newly appointed City Planner.

COMMUNICATION FROM FORMER COUNCILMAN MERRILL ADAMS

The City Manager read two postal cards from former Councilman and Mrs. Merrill Adams from Rome.

SUMMARY REPORT ON PARKS AND RECREATION ACTIVITIES, EXPENDITURES, PROGRAMS, ETC.

A report from the Director of Parks and Recreation, dated July 23, 1962, subject, "Summary Report of the Functions and Purpose of the Park and Recreation Department," was furnished each Councilman, a copy of which is on file with the record of the minutes. Page 2 of the report contains information on the total cost of the Parks and Recreation Operations. This report was requested by the Council at a previous meeting.

REPORT BY SUPERINTENDENT OF STREETS ON COST OF SIDEWALK REPAIR IN FRONT OF PROPERTY AT 1515 F STREET

The City Manager stated that a report from Director of Public

Works Ray indicated that all work has been completed in connection with the repair of the sidewalk in front of property located at 1515 F Street, at a total cost of $41.95, the amount of the assessment against said property. Repairs were completed on July 9, 1962.

The report was ordered filed.

REPORT ON MUNICIPAL FIRE DEFENSE INSTITUTE

A report on Municipal Fire Defense Institute was furnished each Council member and ordered filed.

REPORT ON PROGRAM OF A.M.A. CONFERENCE IN PHILADELPHIA, AUGUST 25-29

The City Manager stated that extremely valuable information can be obtained at these meetings and urged that at least one member of the Council attend.

Mayor Hammond stated that attendance to meetings held at distant locations, however informative, should be limited to one a year.

MOTION

That the City Manager be authorized to attend the A.M.A. Conference in Philadelphia, August 25 - 29, 1962

Moved by Shastid Seconded by Johansen Unanimously carried

Mayor Hammond stated that if any member of the Council wished to attend, their intention should be made known so that arrangements can be made.

(b) Fifth Annual Town Affiliation Meeting (Sister City) August 29-31, 1962

The City Manager stated that if no one else planned to attend the A.M.A. Conference in Philadelphia, he would like to attend the Fifth annual Town Affiliation Meeting (Sister City) August 29-31, 1962.

(c) Annual Conference International City Managers Association, Philadelphia, October 14-18, 1962

No action was taken.

PRELIMINARY REPORT ON YEAR-END BALANCES

The City Manager stated that the actual General Fund carryover balance has been determined to be $472,609 instead of $280,000 as estimated in the 1962-63 budget, approved June 25, 1962. He said the increased carryover balance resulted primarily from lower expenditures than originally estimated by departments, and from certain revenues being in excess of amounts estimated. He recommended that the amount of the General Reserve be increased by $250,000. If not transferred to the General Reserve Fund, Mr. Miller said that the funds would stay in the unappropriated reserve.

No action was taken by the Council.

REPORT ON OILING OF CHILDREN'S PARK

The City Manager stated that a communication from Children's Park, Inc., indicates that the parking lot at Children's Park has been oiled by a private organization, at a cost of $210.

MOTION

That the oiling of the parking lot at Children's Park be accepted, and the City Clerk directed to write a letter of appreciation

Moved by Johansen Seconded by VanderWall Unanimously carried

CONSIDER ATTENDANCE OF CITY ATTORNEY AT CONFERENCE OF THE AMERICAN BAR ASSOCIATION IN SAN FRANCISCO, AUGUST 5 THROUGH AUGUST 7, TO ATTEND SESSION ON LOCAL GOVERNMENT LAW

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

Instead, Mr. Grimes substituted a request for two weeks vacation beginning August 13, 1962.

MOTION

That the request of the City Attorney for two weeks vacation beginning August 13, 1962 be approved

Moved by VanderWall Seconded by Patton Unanimously carried

The City Manager stated that he planned to begin his vacation August 13, also.

NOTICE OF CENTRAL VALLEY DIVISION OF LEAGUE OF CALIFORNIA CITIES MEETING

Mayor Hammond announced the meeting of the Central Valley Division of the League of California Cities in Tracy on Thursday, July 26, 1962 at 6:30 P.M.

The City Clerk was directed to check on attendance.

REPORT ON FORWARD MODESTO COMMITTEE '62

Mayor Hammond announced that the Public Relations Committee met with the "Core" Committee of the Forward Modesto Committee '62, and Chairmen of the ten subcommittees, and a list of names submitted for membership consideration. Mayor Hammond suggested that the Council meet in executive session at the end of this meeting to discuss appointments.

It was suggested that this item be placed on the agenda of the next regular meeting for Council discussion.

ADJOURNMENT

MOTION

That the regular meeting now in session be adjourned to 4:00 P.M., July 26, 1962

Moved by VanderWall Seconded by Tabbert Unanimously carried

The meeting adjourned at 10:03 P.M.

ATTEST: Pauline P. Stanley
Pauline P. Stanley
Acting City Clerk

The Council of the City of Modesto met in regular adjourned session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Hammond presiding, to consider the Capital Improvement Program.

The Acting City Clerk called the roll and there were

Present: Councilmen: Johansen, Tabbert, VanderWall, Mayor Hammond
Councilman Shastid arrived at 4:05 P.M.

Absent: Councilmen: Mitchell, Patton

DISCUSSION ON PROPOSED AMENDED CHARTER

The City Attorney stated that the Constitution requires that the Charter be published in the City's official newspaper. He asked the Council to consider whether it wished to publish a notice of availability of the Charter in the City Clerk's office (at a cost of about $55 for ten publications) and have a number of the Charters printed for availability to the public, or, although not legally required, mail copies of the Charter to the electors with the ballot. He said that it would cost approximately $700 to $800 to publish the Charter in the newspaper, with the following cost estimates for publication of the Charter in booklet form: 5,000 copies, about $600, or 12¢ per booklet; 10,000, $1,000, or 10¢ per booklet; 15,000 copies, $1,550, or 9¢ per booklet; 20,000 copies, $1,500, or 8¢ per booklet. It was Mr. Grimes' opinion that 5,000 copies would be adequate.

Upon questioning, Mr. Grimes said that because Modesto's population is under 50,000, it is not necessary to mail a copy of the Charter to the electors with the ballot; in the event the Council follows this procedure, 20,000 copies of the Charter in booklet form will be needed.

The City Manager suggested that the booklet forms be printed on the same size paper as the Municipal Code pages so that they may be used for insertion into the Municipal Code.

Mr. Grimes said that insertion of the booklet form proposed for the electorate into the Municipal Code as a permanent record was objectionable from the standpoint that the paper, type and alignment would not be consistent with the Code pages.

The desirability of using newspaper tear sheets of the Charter for information of the public, rather than incurring the greater expense for printed booklet forms was discussed.

MOTION

That the staff be authorized to publish notice of availability of the Charter in ten issues of the City's official newspaper, The Modesto Tribune

Moved by Johansen Seconded by Tabbert Unanimously carried

MOTION

That 2,000 tear sheets of the Charter be provided for information of the general public

Moved by Shastid Seconded by Johansen Unanimously carried

Mr. Grimes pointed out that it was his understanding that it was the Council's intention that copies of the Charter not be mailed to the voters, as the above Motions will provide adequate notice to the public that the Charter is available in the City Clerk's office to all interested individuals. He said that no doubt pro and con arguments will be presented, which will have to be mailed out with the sample ballots.

The City Manager noted that notice of availability of the Charter would receive wider publicity if published five times in the Modesto Bee and five times in the Modesto Tribune.

MOTION

That notice of availability of the proposed Charter be published ten times, five times in the Modesto Tribune, and five times in the Modesto Bee

Moved by Johansen Seconded by Tabbert Unanimously carried

The City Attorney stated that Orrick, Dahlquist, Herrington and Sutcliffe have consented to reduce their fee for providing assistance in the consolidation of the special municipal election with the general state-wide election of November 6, 1962 to $500. Renegotiation of the amount of the fee was directed by the Council at its July 23rd meeting. A proposed agreement with Orrick, Dahlquist, Herrington and Sutcliffe, covering their services in connection with the consolidation of the general municipal election with the November 6, 1962 general state-wide election, and as special bond counsel for the Police-Communications Center Building, was reviewed by the City Attorney.

RESOLUTION NO. 62-356

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ORRICK, DAHLQUIST, HERRINGTON AND SUTCLIFFE AS SPECIAL BOND COUNSEL, POLICE-COMMUNICATIONS BUILDING AND CONSOLIDATION OF SPECIAL MUNICIPAL ELECTION WITH THE GENERAL STATE-WIDE ELECTION OF NOVEMBER 6,1962

Introduced by Johansen Seconded by VanderWall

Ayes: Johansen, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell, Patton

CAPITAL IMPROVEMENT PROGRAM (Revised report of July 25, 1962)

Special Fund for Capital Outlays (321)
Sewers and Sewage Disposal - Maintenance Shop - $10,200

Director of Public Works Ray stated that this account covers proposed construction of a 30' x 50' concrete block maintenance shop at the Sewage Treatment Plant to be used for storage of equipment.

Councilman Shastid pointed out that a building of steel construction could be erected at a cost of about $2.50 per square foot as opposed to $7 per square foot for a concrete block building.

The advantages of a concrete block building were outlined by Mr. Ray.

MOTION

That the $10,200 recommended by the Planning Commission for construction of a maintenance shop at the Sewage Treatment Plant be reduced to $5,000 and that the Preliminary Plans for the Corporation Yard be reduced to $1,500

Moved by VanderWall Seconded by Shastid Unanimously carried

Chlorination Station, Emerald Avenue - $15,300

Director of Finance Bird stated that this account is not included in the total for the Special Capital Outlay Fund, but is included in the Sewer Improvement Fund (1953), and is shown for informational purposes only.

Junior College Lights (Joint City-School) - $7,874

Director of Public Works Ray stated that present plans are to place lights all around the College and the City's share of the cost covers installation only. The lighting materials will be furnished by the Junior College.

Perimeter Street Lights

Mr. Ray stated that an account covering advances for perimeter street lights in subdivisions in the amount of $3,000 was inadvertently omitted from the report and requested that it be included.

MOTION

That $3,000 covering advances for perimeter street lights in subdivisions be included under "Street Lighting"

Moved by VanderWall Seconded by Shastid Unanimously carried

Streets

Funds budgeted for the improvement of Briggsmore Avenue, Carver to Prescott (scheduled for improvement this fiscal year) and from Tully to Carver (scheduled for improvement next fiscal year) were discussed.

The importance of a truck route in this part of the City was emphasized by Mayor Hammond.

Miscellaneous Street Projects - $15,000

Director of Finance Bird stated that the Council recently approved an appropriation transfer in the amount of $4,100 for the purchase of the Mineni property for the widening of Brighton Avenue, which should have been included in this account. Mr. Ray suggested that the figure remain at $15,000 and additional funds requested at a later date if necessary. There were no objections by the Council.

Traffic Signals - Modernization Downtown, $300 carryover, $7,500 Recommended

Director of Parking and Traffic Carmody stated that this project covers the addition of more and larger signal heads on 10th and 11th Streets, and constitutes the continuation of a program authorized by the Council this year. Use of off-street parking funds and status of parking lot leases were discussed.

MOTION

That the City Attorney be directed to furnish a legal opinion on the utilization of off-street parking funds; that the Director of Parking and Traffic be directed to furnish a report indicating the status of parking lot leases

Moved by Shastid Seconded by VanderWall Unanimously carried

Parks and Recreation

Upon questioning, the City Manager stated that the park acquisitions listed in the report were contemplated for purchase this fiscal year.

The proximity of the proposed park, Carver Road, Neighborhood #2 and Carver Road, Neighborhood #2A, and the possibility of eliminating Park No. 2A, was discussed by the Council.

Director of Public Works Ray stated that the final map of Joni Manor Subdivision in which this proposed park is located, was approved by the Council at its July 23 meeting.

MOTION

That acquisition of Neighborhood Park, Carver Road, No. 2A in the amount of $35,000 be deleted

Moved by Shastid Seconded by Johansen Unanimously carried

Park Development, Roosevelt - $2,500

Director of Parks Cowie stated that this account, together with $10,300 budgeted in another fund, is proposed for the installation of a wading pool and walkway to connect the present tennis court to the pool and play area at Roosevelt Park.

California-Franklin Park, Development of

Councilman Shastid suggested that the $35,000 available through the Council's decision not to acquire Neighborhood Park, Carver Road, #2A, be used for installation of curbs and gutters at California-Franklin Park, and partial development of one-half the park site with sprinklers, sidewalks and lawn.

MOTION

That the staff furnish a report indicating a schedule of development for all City parks, as well as California-Franklin Park, as suggested by Councilman Shastid

Moved by Shastid Seconded by VanderWall Unanimously carried

Children's Park - Installation of filter in wading pool

MOTION

That $300 be budgeted for the installation of a filter in the wading pool at Children's Park

Moved by Shastid Seconded by Tabbert Unanimously carried

APPROPRIATION TRANSFERS

Director of Finance Bird stated that the following appropriation transfers were necessary from the Special Fund for Capital Outlays (321) General Reserve (600):

To: Freeway Utility Relocation and Additional Street Lights (503) $50,000; (These funds will be reimbursed by the State)

To: Miscellaneous Street Improvements (503) $23,900; (Mr. Bird said street work is proceeding and requisitions for materials are being received)

Fencing, Corporation Yard (503) - $4,000

Children's Park Wading Pool (503) - $300

RESOLUTION NO. 62-357

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $78,200 FROM SPECIAL FUND FOR CAPITAL OUTLAYS, GENERAL RESERVE, TO FREEWAY UTILITY RELOCATION AND ADDITIONAL STREET LIGHTS, MISCELLANEOUS STREET IMPROVEMENT AND FENCING - CORPORATION YARD, AND CHILDREN'S PARK WADING POOL

Introduced by Johansen Seconded by Shastid

Ayes: Johansen, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell, Patton

Parks and Recreation - Option Park, So. of Modesto, Tuolumne School, Neighborhood #26 - $500

MOTION

That the $500 covering option on a park site south of Modesto, Tuolumne School, Neighborhood #26, be deleted

Moved by Johansen Seconded by VanderWall Unanimously carried

ADJOURNMENT

MOTION

That the regular adjourned meeting now in session be adjourned to July 31, 1962 at 4:00 P.M.

Moved by VanderWall Seconded by Johansen Unanimously carried

The meeting adjourned at 5:30 P.M.

ATTEST: Pauline P. Stanley
Pauline P. Stanley
Acting City Clerk

The Council of the City of Modesto met in adjourned regular session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Mayor Hammond presiding, to consider the Capital Improvement Program for fiscal year 1962-63.

The Acting City Clerk called the roll and there were

Present: Councilmen: Johansen, Patton, Tabbert, VanderWall, Mayor Hammond
Councilman Shastid arrived at 4:08 P.M.

Absent: Councilmen: Mitchell

CONSIDERATION OF CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 1962-63

Park Acquisition, Carver Road, Neighborhood #2A (in Joni Manor Subdivision)

A memorandum from the Director of Public Works, dated July 31, 1962, subject, "Park Site in Joni Manor Subdivision," was read by the City Manager. The memorandum referred to Council action at its adjourned regular meeting of July 26, 1962 eliminating the provision of funds for the acquisition of Neighborhood Park #2A, located in Joni Manor Subdivision. A copy of the memorandum is on file with the record of the minutes.

The memorandum pointed out that the Planning Commission's recommendation that this park site be acquired was considered by the Council on June 25, 1962, at which time a motion carried unanimously, authorizing the staff to commence preliminary proceedings to acquire a five-acre park site in Joni Manor Subdivision. The final map was filed and accepted by the Council on July 23, 1962, and was prepared on the basis of City acquisition of the 5-acre park site. Melvin Ware, Engineer, representing the subdivider of Joni Manor Subdivision, spoke briefly on the inconvenience caused the subdivider through its action in not following through with the purchase of the park site.

It was Mayor Hammond's opinion that the General Plan for parks should be reconsidered, as the community at large is questioning the continuing acquisition of park sites with no funds available for developing those already acquired.

Councilman Johansen stated that he was in favor of the City's present park site acquisition policy, but he believed that care should be taken not to place parks too closely together.

The advantages of installing well sites in undeveloped areas were outlined by Director of Public Works Ray.

A motion, introduced by Councilman Tabbert, that the Council's recent action deleting the acquisition of Carver Road Neighborhood No. 2A Park from the Capital Improvement Program be rescinded, died for lack of a second.

Whether or not the funds made available through the deletion of the acquisition of Neighborhood No. 2A park site and other deletions made in the Capital Improvement Program should be earmarked for specific purposes was discussed.

Reverend Howard Clarke, representing residents interested in the development of the California-Franklin Park was assured by the Council

that it recognized the need for the development of park sites on the west side of Modesto.

The City Manager stated that a report indicating a schedule of development for all city parks, requested by the Council at the July 26, 1962 meeting, would be presented to the Council at the August 6 meeting.

FIRE AND POLICE

Fire Station, Kearney-Coldwell Area - $16,500

The City Manager pointed out that the $16,500 carryover for this project was an estimate only, but recommended that it remain unchanged.

Pumper, Station #4 - $27,000

The City Manager stated that the proposed 1,250 gallon pumper is intended for use at the Coldwell-Virginia Avenue Fire Station and will replace a 500 gallon pumper.

DISCUSSION ON AMOUNT OF GENERAL RESERVE FUND

The City Manager reported that with the budget changes made by the Council, the amount of the General Reserve Fund at the present is $108,854.

Upon questioning, Director of Finance Bird stated that the balance as of July 1, 1962 was $394,254; estimated revenue, $631,000; that $184,488 is presently appropriated; that the Council has reviewed and tentatively approved projects totaling $654,624.

Submission of Opinion on legality of use of parking meter funds

The City Attorney stated for the record that he had submitted an Opinion requested by the Council on the legality of the use of parking meter funds, a copy of which is filed with the City Clerk.

REPORT ON WATER SHORTAGE IN MEAT PACKING AREA

The City Manager suggested that the Council Public Projects Committee meet with staff members and representatives of the meat-packing area to discuss their problems.

Mr. Miller also suggested that the Council consider the possible acquisition of another private water company.

Mayor Hammond said that the Public Projects Committee was set up to be available to lend assistance to the staff when needed and it was not necessary for the staff to clear a request for assistance through the Council.

McHENRY PUBLIC LIBRARY CAPITAL OUTLAY (301)

LaLoma Branch - $5,000; New Central Library Studies & Plans

The City Manager stated that library funds result from a special library tax levy, with the use restricted for library purposes only.

MOTION

That the $5,000 recommended for the LaLoma Branch Library and the $5,000 recommended for New Central Library Studies & Plans be deleted from the Capital Improvement Program, the funds to remain in the McHenry Public Library Capital Outlay (301) Reserve

Moved by Shastid Seconded by Patton Unanimously carried

CONSIDER ORDINANCE RELATING TO BUDGET

The City Manager suggested that the increased carryover in the General Fund not be appropriated at this time. He said that whether appropriated or unappropriated, Council action would be needed to release the funds.

There were no objections by the Council.

DISCUSSION ON USE OF PARKING METER FUNDS

Robert Bomberger, 915 13th Street, stated that he did not feel the Council should change the allocation of parking meter funds, unless adequate notice is given to the public; that the money was originally allocated for a specific purpose and the Council had no moral right to make any change in use of the funds; that when the parking meters were installed, merchants and property owners were promised that 50% of parking meter proceeds, later increased to 75%, would be used to purchase off-street parking.

MOTION

That the staff be instructed to prepare the necessary documents to adopt the Capital Improvement Program, make such adjustments in the budget as necessary, and the increased carryover appropriated

Moved by Shastid Seconded by Johansen Unanimously carried

DISTRIBUTION OF TIMETABLE - CONSOLIDATION OF ELECTIONS

A timetable prepared by the special counsel employed by the City to assist with the consolidation of the municipal elections with the statewide general election of November 6, 1962, was distributed to the Council.

COMMUNICATION FROM MAYOR OF BARRANQUILLA

A letter from the Mayor of Barranquilla, with resolution attached, was submitted for the record by Mayor Hammond.

REQUEST OF CITY MANAGER TO VISIT BARRANQUILLA

The City Manager stated that Dr. and Mrs. John Woolley are planning to visit Modesto's sister city, Barranquilla, during the latter part of August and the first of September, and that he would also like to visit Barranquilla at the same time as an adjunct to the A.M.A. meeting in Philadelphia. Mr. Miller stated that he would be willing to pay the extra fare and personal expenses involved, with the City assuming only the expenses he might incur as official representative of the City.

No objections were expressed by the Council.

LETTER FROM RICHARD LYNG REQUESTING PERMISSION TO LANDSCAPE THE WALKWAY AT 13TH AND K STREETS

A letter from Richard Lyng, dated July 27, 1962, requesting permission to extend the normal tree planting spaces in the sidewalk area of a building being constructed at 13th and K Street by planting junipers around each tree, was summarized by the City Manager.

Action was deferred pending further report from the staff.

REPORT ON COST OF CHARTER IN BOOKLET AND TEAR SHEET FORM

Mr. Grimes stated that the following costs had been obtained from The Modesto Tribune for the printing of the amended charter, which will be placed on the November 6th ballot: 2,500 tear sheets, $50; 2,500 - $5\frac{1}{4}$ x $8\frac{1}{2}$" booklets of newspaper print, stapled on the folded side, $220; 5,000 booklets, $270.

It was Mayor Hammond's opinion that the booklet form would be more satisfactory as it could be kept as a permanent record.

Upon questioning, the City Attorney stated that the $5\frac{1}{4}$" x $8\frac{1}{2}$" booklet would not fit into the Code and recommended that the newspaper print booklets not be used in place of the usual reprinted Code pages.

MOTION

That the staff be authorized to purchase 2,500 charter booklets from The Modesto Tribune at a cost of $220, plus sales tax

Moved by Johansen Seconded by VanderWall Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Mayor Hammond Unanimously carried

The meeting adjourned at 5:17 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., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Johansen, Patton, Tabbert, VanderWall, Mayor Hammond

Absent: Councilmen: Mitchell, Shastid

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

Reverend Jerry Hiller gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the regular meeting of July 9, 1962, adjourned regular meeting of June 7, 1962, and corrected page 16 of minutes of June 25, 1962, and the same being available for public inspection, and there being no objections, the minutes were approved.

COMMUNICATION FROM MAYOR OF BARRANQUILLA, COLOMBIA, WITH RESOLUTION ACCEPTING MODESTO'S INVITATION - "SISTER CITY" AFFILIATION

Translation of a letter from Mayor Ricardo Gonzales Ripoll, Barranquilla, Republic of Colombia, dated July 25, 1962 accepting the City's invitation to be designated as Modesto's sister city, was read by the City Clerk. Resolution No. 258, 1962 accepting Modesto's invitation (Council Resolution No. 62-259) was attached to the letter.

MOTION

That the City Manager be designated the City's official representative during his forthcoming visit to Barranquilla, Colombia, and that he assume the costs of his transportation

Moved by Johansen Seconded by VanderWall Unanimously carried

LETTER FROM WALTER H. FIELD RE: REZONING OF PROPERTY ON NORTH SIDE OF NEEDHAM AVENUE

A letter from Walter H. Field, dated July 20, 1962 regarding the rezoning of his property located on the northeast corner of Needham and Sycamore Avenues, was summarized by the City Clerk.

By Order of the Chair, the correspondence was referred to the Planning Commission for consideration.

LETTER FROM MYRON MOYLE, ATTORNEY AT LAW, RE: STORM DRAINAGE PROBLEM ON PROPERTY LOCATED AT 429 TULLY ROAD

A letter from Myron Moyle, Attorney at Law, dated July 13, 1962 requesting that the City make arrangements to take care of storm drainage problems at 429 Tully Road, which the owner anticipates will be aggravated by the widening of Tully Road, now in progress, was read by the City Clerk.

By Order of the Chair, the letter was referred to the staff for handling.

WIRE FROM PRESIDENT ASADEBAY, NIGERIA, THANKING THE COUNCIL FOR HOSPITALITY ON RECENT VISIT

A wire from President Asadebay, Nigeria, thanking the Council for its hospitality to the parliamentary delegation from Nigeria a short time ago, was read by the City Clerk.

The communication was ordered filed.

LETTER FROM LOIS L. LANE REQUESTING CERTIFICATE TO OPERATE ONE ADDITIONAL TAXICAB

A letter from Lois L. Lane, Red Top Taxi, dated July 31, 1962, requesting a permit to operate one additional taxi, was read by the City Clerk.

RESOLUTION NO. 62-358

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING IN THE MATTER OF GRANTING A LICENSE FOR THE OPERATION OF TAXICABS IN THE CITY OF MODESTO

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell, Shastid

August 13, 1962 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place for public hearing.

DISCUSSION OF JOINT ELECTION OF CITY AND SCHOOLS NEXT APRIL

Dr. Harry Wiser, Superintendent, Modesto City Schools, requested that the Council consider amending the City Charter to set the date of the general municipal election to the third instead of the second Tuesday in April of odd years. This would permit the City and outlying school district elections to coincide with the elementary school district elections and eliminate confusion in the outlying school districts occasioned by school district elections being held on both the second and third Tuesdays of April. Elementary school district election dates are controlled by state law.

The City Attorney stated that the City could change the date of its election by amending the Charter if it so desired.

MOTION

That the City Attorney be instructed to change the present draft of the Charter to incorporate the change of the municipal election date from the second to the third Tuesday of April

Moved by Johansen Seconded by VanderWall Unanimously carried

RESOLUTION APPROVING AWARD OF BID FOR SALE OF DRIED DIGESTED SLUDGE

Director of Public Works Ray stated that only one bid for the sale of dried digested sludge for fiscal year 1962-63, was received from Hager Supply Co. at 40¢ per cubic yard. He recommended that the offer be accepted.

RESOLUTION NO. 62-359

A RESOLUTION ACCEPTING THE BID OF HAGER SUPPLY COMPANY TO PURCHASE DRIED DIGESTED SLUDGE FROM THE SEWAGE TREATMENT PLANT FOR THE SUM OF 40¢ PER CUBIC YARD FOR FISCAL YEAR 1962-63

Introduced by VanderWall Seconded by Patton

Ayes: Johansen, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell, Shastid

AWARD OF BID FOR INSTALLATION OF WATER MAINS IN UNIT A - WYLDEWOOD PARK NO. 1 SUBDIVISION; UNIT B - KEARNEY AVENUE AT COLLEGE GARDENS SUBDIVISION

Director of Public Works Ray stated that two bids were received, the low bid submitted by Calaveras Plumbing and Heating in the amount of $5,534.10, $1,429.85 more than the engineer's estimate. The City Manager recommended that the Council reject the bids and authorize that the work be done with city forces.

RESOLUTION NO. 62-360

A RESOLUTION REJECTING ALL BIDS AND AUTHORIZING THE WORK TO BE PERFORMED BY THE CITY FOR THE CONSTRUCTION OF WATER LINES IN WYLDEWOOD PARK NO. 1 SUBDIVISION - UNIT A; AND IN KEARNEY AVENUE - UNIT B

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell, Shastid

CONSIDER RESOLUTION FOR PURCHASE OF TWO 3-WHEEL MOTORCYCLES (REPLACEMENTS)

The City Manager stated that two bids were received, the low bid submitted by J.M. Equipment Company in the amount of $2,328. Trade-in allowance and sales tax are included in this figure. He recommended that the low bid of J. M. Equipment Company be accepted.

RESOLUTION NO. 62-361

A RESOLUTION ACCEPTING THE BID OF J. M. EQUIPMENT COMPANY FOR TWO 3-WHEEL MOTORCYCLES FOR THE SUM OF $2,328, INCLUDING TAX AND TRADE-IN

Introduced by Johansen Seconded by Tabbert

Ayes: Johansen, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell, Shastid

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF TRAFFIC SIGNALS AND STREET LIGHTS AT COLLEGE AND ORANGEBURG

The City Manager stated that signalization of the College and Orangeburg intersection will be the only such installation entirely financed by the City this fiscal year.

RESOLUTION NO. 62-362

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF TRAFFIC SIGNALS AND STREET LIGHTS AT COLLEGE AND ORANGEBURG AVENUES

Introduced by VanderWall Seconded by Johansen

Ayes: Johansen, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell, Shastid

August 22, 1962 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 WATER LINES IN UNIT A - JONI MANOR SUBDIVISION; UNIT B - LORENZEN PARK NO. 1 SUBDIVISION; UNIT C - QUARESMA HOMES NO. 4 SUBDIVISION; AND UNIT D - SCOTT MANOR SUBDIVISION

Director of Public Works Ray stated that Lorenzen Park Addition is adjacent to Rose Avenue. Some years ago the Council adopted a policy providing water service to this area. An 8-inch Del Este Water Company main is located in Rose Avenue, almost the full length, north and south. Water service to Lorenzen Park Subdivision will require an 8-inch main, 1000 feet in length, on Rose Avenue, paralleling the Del Este main. Mr. Ray said that although plans prepared some years ago provided a 10-inch city main at this location, it is now felt that because of the development plan of the area, an 8-inch main is adequate.

RESOLUTION NO. 62-363

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE CONSTRUCTION OF WATER LINES IN UNIT A - JONI MANOR SUBDIVISION; UNIT B - LORENZEN PARK NO. 1 SUBDIVISION; UNIT C - QUARESMA HOMES UNIT 4 SUBDIVISION; AND UNIT D - SCOTT MANOR SUBDIVISION

Introduced by Tabbert Seconded by Patton

Ayes: Johansen, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell, Shastid

August 21, 1962 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

CONSIDER RESOLUTION RELATING TO ALLOCATION OF FUNDS FOR CHRISTMAS STREET DECORATIONS 2-52

A letter from Clark Smith, President, Downtown Merchants' Association, E. H. Boese, President, McHenry Village Merchants' Association and Jack Ulrich, President, Ulrich Shopping Center, dated August 3, 1962 was read by the City Clerk. The letter suggested that the proposed resolution prepared by the City Attorney after several meetings of representatives of the three Merchants' Associations and the city staff, be amended to omit the proposed requirement that the associations submit plans covering the erection of decorations, and that paragraph five be amended to provide that the city be responsible for storage of the decorations.

Storage of the decorations was discussed, the City Manager stating that at the present time the City had adequate storage space to house the decorations for the Downtown Merchants' Association, but doubted the wisdom of the City definitely committing itself to store the decorations since the space now used for this purpose is intended for eventual storage of city records.

John Sutton, 2109 Enslen Avenue, stated that the shopping centers have available storage space for their decorations at the present time and have concurred in the proposal that storage space for the Downtown Merchants' decorations be provided by the City.

Councilman Johansen questioned Item 5 of the proposed resolution, "All Christmas decorations must be installed on public streets or over public areas of shopping center." Upon questioning, the City Attorney stated that by "public areas of shopping center" he meant "privately owned public areas;" that all parties involved recognized that the lineal frontage of streets in shopping centers was relatively small contrasted with the downtown area, and that the most desirable approach would be to authorize the decorations either on the public streets or within the shopping center public areas. Mr. Grimes said he has ruled that this is legal. On the matter of City's lack of insurance on private property, Mr. Grimes said that in any agreement with the shopping centers, the City would require that public liability and property damage insurance be furnished.

The formula for prorating funds in the event requests exceed the funds available was discussed--proration on the basis of lineal front footage of active retail businesses bordering streets or shopping area to be decorated.

Oran Lyons, 707 Enslen Avenue, representing Ulrich Shopping Center, spoke in favor of the formula prorating funds contained in the proposed resolution.

The proposal that the City pay 100 per cent of the cost of erection of the Christmas street decorations was discussed.

John Sutton, representing the Downtown Merchants Association, stated that electrical costs involved in erecting the Christmas street decorations have averaged from $1,400 to $2,000 per year, which costs have been absorbed by the merchants; $450 has been given the Junior Chamber of Commerce, and the City last year furnished two men and two pieces of equipment to assist in the erection and dismantling of the decorations. Mr. Sutton said it is intended that the proposal for the City to pay 100 per cent of the cost of erection of the Christmas street decorations also include absorption of the annual electrical costs involved.

Councilman VanderWall suggested that the Council be furnished a report on costs of erection. The City Manager stated that a report would be prepared indicating past erection costs for the Downtown Merchants' Association, plus estimated erection costs for other areas requesting City participation, to give the Council an idea of the total costs to be considered.

Upon questioning, Mr. Sutton stated that $19,743.99 has been expended by the Downtown Merchants' Association for Christmas street decorations the past four years, $17,225 of this amount contributed by the City. It was pointed out that this figure did not include the equipment and manpower furnished by the City, nor the power furnished by M.I.D.

Section 1 of the proposed resolution requiring that the request for the purchase, refurbishing or erection of Christmas street decorations be made in writing to the City Council by a bona fide nonprofit corporation comprised of an organized merchants' group cooperating with and recognized by the Greater Modesto Chamber of Commerce, was discussed.

Oran Lyons stated that a formula based on the front footage of the areas would enable the Council to establish a ratio of the amount any area would receive.

Section 2 of proposed resolution - The City Manager suggested that Section 2 be changed to read that the request must be made and all pertinent data filed prior to April 1st of the budget year immediately preceding the year for which the funds are requested, instead of June 1st. There were no objections by the Council.

Section 3 of proposed resolution - There were no objections by the Council to the City Manager's suggestion that Section 3 of the proposed resolution be amended to include that a proposed method or plan of erection also be furnished.

MOTION

That the Council declares its intent to share the costs for the Christmas decorations on the privately owned public streets in shopping centers

Moved by Johansen Seconded by Patton

The motion carried, Councilman Tabbert casting a dissenting vote.

The staff was directed to recommend a formula for allocation of funds using the past experience of the Downtown Merchants' Association in decorating the downtown area.

MOTION

That the allocations be made on the basis of lineal footage of store frontage and that this be used as a yardstick in making allocations

Moved by Tabbert Seconded by VanderWall Unanimously carried

HEARING ON PROPOSED ANNEXATION OF CRESTWOOD TERRACE ADDITION 7-1

Mayor Hammond announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the annexation of Crestwood Terrace Addition, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on July 5, and 12, 1962, and notices mailed to all persons owning property in the area and other interested parties on July 16, 1962. No written protests were received by the City Clerk.

The City Manager stated that Planning Commission Resolution No. 815 recommends that the area be annexed. The area comprises 6.356 acres and is located north of the Rumble Road Extension, east of Sherwood Manor Subdivision.

Verneal Taylor, 1117 Floyd Avenue, voiced objection to the request of George Pierrou, part owner of Crestwood Terrace, that she dedicate a 30-foot wide, 86 foot long right of way on the west boundary of her property for road purposes.

Acting Director of Planning Fey stated that Mrs. Taylor's property was immediately adjacent to the area proposed for annexation, was not affected by the annexation, but would be affected by subdivision proceedings.

The City Manager suggested that Mrs. Taylor discuss her problem with Acting Director of Planning Fey.

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

ORDINANCE NO. 517-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE CRESTWOOD TERRACE ADDITION TO THE CITY OF MODESTO"

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

Moved by Johansen Seconded by Patton

Ayes: Johansen, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell, Shastid

HEARING ON COST OF CONSTRUCTION OF CURBS AND GUTTERS AT 421 HILTON STREET

Mayor Hammond announced that the hour of 4:35 P.M. had arrived, the time set for confirmation of report of Superintendent of Streets concerning the construction of curbs and gutters at 421 Hilton Street, and opened the hearing.

The City Manager reported that the cost of construction of curbs and gutters at 421 Hilton Street is $205.25, the amount to be assessed against the property. Work was completed on July 3, 1962.

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

RESOLUTION NO. 62-364

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF CURBS AND GUTTERS 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 (BLOCK 6003, HILTON STREET)

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell, Shastid

RESOLUTION CONFIRMING REPORT OF SUPERINTENDENT OF STREETS CONCERNING WORK OF REPAIR OF SIDEWALK AT 1515 F STREET, ASSESSING COST OF CONSTRUCTION AGAINST THE REAL PROPERTY AND DIRECTING METHOD OF COLLECTION OF SAID LIEN

Mayor Hammond announced that the hour of 4:40 P.M. had arrived, the time set for confirmation of report of Superintendent of Streets concerning the repair of sidewalk at 1515 F Street and assessing cost of construction against the real property, and opened the hearing.

The City Manager stated that a certification from the Director of Public Works indicates that the total cost of the repair was

$41.95, the amount to be assessed against the property. The work was completed July 9, 1962.

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

RESOLUTION NO. 62-365

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF REPAIR OF SIDEWALK IN FRONT OF PROPERTY LOCATED AT 1515 "F" STREET 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, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN

Introduced by VanderWall Seconded by Johansen

Ayes: Johansen, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell, Shastid

HEARING ON PROPOSED DEMOLITION OF BUILDINGS AT 118 PLEASANT STREET 7-47

Mayor Hammond announced that the hour of 4:45 P.M. had arrived, the time set for consideration of the demolition of buildings at 118 Pleasant Street, and opened the hearing.

The City Manager read a letter received from Victor Brown, owner of the property, which stated that he was personally undertaking demolition of the building.

The City Manager recommended that the hearing be continued to August 20, 1962 at 4:30 P.M.

MOTION

That the hearing be continued to August 20, 1962 at 4:30 P.M.

Moved by Tabbert Seconded by VanderWall Unanimously carried

CONSIDER SETTLEMENT OF SUIT AGAINST FRANK J. FRANCEK, ET UX, FOR COLLECTION OF MONEYS ALLEGEDLY DUE THE CITY UNDER AGREEMENT FOR THE IMPROVEMENT OF MONTGOMERY VILLAGE NO. 3 SUBDIVISION

With the consent of the Council, this matter was held over for consideration in executive session at the end of the meeting.

FURTHER CONSIDERATION OF POLICY RE: THE LANDSCAPE DEVELOPMENT OF PLANTING STRIPS AND EASEMENTS

(a) Further consideration of request of Richard Lyng re: sidewalk landscaping

The City Manager stated that by letter dated July 27, 1962, Richard Lyng has requested that permission be granted to extend the normal tree planting spaces in the sidewalk area of property located on 13th and K Streets, to allow the planting of junipers around each tree, with ample concrete area to permit access from the parking meters to the sidewalk area. It was Mr. Miller's opinion that this type of landscaping was preferable to potted trees.

Upon questioning, Mr. Miller said that Mr. Lyng has expressed willingness to assume any and all liability involved.

MOTION

That the staff be directed to submit a precise plan of the proposed landscaping at the next meeting

Moved by VanderWall Seconded by Johansen Unanimously carried

FINAL APPROVAL OF THE BUDGET FOR THE 1962-63 FISCAL YEAR 8-22

(a) Report on status of proposed improvement, 7th and Tuolumne

The City Manager stated that under Council direction, the staff has been negotiating with the owner of the property located on the northwest corner of 7th Street and Tuolumne Boulevard, and checking with the State on the cost and feasibility of extending B Street into a straight line into Tuolumne Boulevard. If finally approved, Mr. Miller said that allocation of funds will be needed.

(b) Ordinance appropriating additional revenues and adjusting unappropriated available carryover balances in various funds for the 1962-63 fiscal year

ORDINANCE NO. 518-C.S. entitled

"AN ORDINANCE RELATING TO THE BUDGET FOR THE CITY OF MODESTO FOR THE 1962-63 FISCAL YEAR AND APPROPRIATING ADDITIONAL REVENUES AND ADJUSTED UNAPPROPRIATED AVAILABLE CARRYOVER BALANCES IN VARIOUS FUNDS FOR SAID BUDGET"

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

Moved by Patton Seconded by Johansen

Ayes: Johansen, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell, Shastid

(c) Appropriation transfers establishing capital improvement projects reviewed and approved by the Council

The City Manager stated that the proposed appropriation transfers were tentatively approved by the Council last week and a resolution authorizing the transfers will place the items in the budget.

RESOLUTION NO. 62-366

A RESOLUTION APPROVING APPROPRIATION TRANSFERS

Introduced by Johansen Seconded by Patton

Ayes: Johansen, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell, Shastid

ACCEPT IMPROVEMENTS IN SARATOGA MANOR NO. 1 SUBDIVISION AS COMPLETE AND AUTHORIZE THE CITY CLERK TO RELEASE THE SUBDIVISION BOND

The City Manager stated that a memorandum from the Assistant Director of Public Works, dated August 3, 1962 indicates that all work in this subdivision has been completed to the satisfaction of

the City, and that it would be in order to accept the improvements as complete and authorize the City Clerk to release the balance of the cash deposit in the amount of $1,200. The City Manager recommended that the work be accepted.

RESOLUTION NO. 62-367

A RESOLUTION AUTHORIZING THE RELEASE OF THE BALANCE OF THE CASH DEPOSIT IN THE AMOUNT OF ONE THOUSAND TWO HUNDRED ($1,200) DOLLARS FILED TO GUARANTEE IMPROVEMENTS IN SARATOGA MANOR NO. 1 SUBDIVISION

Introduced by VanderWall Seconded by Johansen

Ayes: Johansen, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell, Shastid

ACCEPT IMPROVEMENTS IN SARATOGA MANOR NO. 3 SUBDIVISION AS COMPLETE AND AUTHORIZE THE CITY CLERK TO RELEASE SUBDIVISION BOND

The City Manager stated that a memorandum from the Assistant Director of Public Works, dated August 3, 1962 indicates that all work in this subdivision has been completed to the satisfaction of the City, and that it would be in order to accept the improvements as complete and authorize the City Clerk to release the balance of the cash deposit in the amount of $3,000. He recommended that the work be accepted.

RESOLUTION NO. 62-368

A RESOLUTION AUTHORIZING THE RELEASE OF THE BALANCE OF THE CASH DEPOSIT IN THE AMOUNT OF THREE THOUSAND ($3,000) DOLLARS FILED TO GUARANTEE IMPROVEMENTS IN SARATOGA MANOR NO. 3 SUBDIVISION

Introduced by VanderWall Seconded by Johansen

Ayes: Johansen, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell, Shastid

REPORT ON PARK DEVELOPMENT

A report from the Director of Parks and Recreation, dated August 3, 1962, subject, "Report on Stage Development, Cost Estimates, Priorities for Parks," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The report was prepared at the direction of the Council. Discussion of the report was withheld pending the presence of a full Council, and tentatively set for consideration at the September 4, 1962 meeting.

The City Manager stated that copies of the report would be furnished all interested parties.

CONSIDER WHETHER CITY COUNCILMEN WISH COVERAGE UNDER CITY'S GROUP HEALTH INSURANCE PLAN

The City Manager stated that Intercoast Life Insurance Company, carriers of the City's employees group insurance, has notified the City that members of the City Council can be included in the plan.

No interested was indicated by the Council.

CONSIDER RESOLUTION OF INTENTION TO AMEND THE CITY'S CONTRACT WITH THE STATE EMPLOYEES' RETIREMENT SYSTEM

The City Manager stated that a change has been made in the state law regulating the retirement system which reduces the qualifying period for employee membership from six months to the first full month following employment. He said that the proposed resolution of intention to amend the City's contract with the State Employees' Retirement System will exclude persons compensated on an hourly basis who are hired after October 1, 1962 (temporary or part-time employees) thus holding down the City's retirement payments and administrative costs. Mr. Miller recommended that the contract amendment be approved.

RESOLUTION NO. 62-369

A RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE CITY OF MODESTO AND THE BOARD OF ADMINISTRATION OF THE STATE EMPLOYEES' RETIREMENT SYSTEM

Introduced by Johansen Seconded by VanderWall

Ayes: Johansen, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell, Shastid

RESOLUTION SETTING DATE FOR PUBLIC HEARING TO CONSIDER APPEAL OF RICHARD C. SMITH TO THE DECISION OF THE PLANNING COMMISSION DENYING REZONING OF PROPERTY (PARCELS 32, 33 AND 36 IN BLOCK 6601 ON THE NORTHWEST CORNER OF TULLY AND BRIGGSMORE)

RESOLUTION NO. 62-370

A RESOLUTION SETTING THE TIME AND PLACE FOR THE HEARING ON THE APPEAL TO THE DECISION OF THE MODESTO CITY PLANNING COMMISSION FILED BY RICHARD C. SMITH ON THE REZONING OF PROPERTY LOCATED IN BLOCK 6601 (NORTHWEST CORNER OF TULLY AND BRIGGSMORE)

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell, Shastid

August 27, 1962 at 8:05 P.M. in the Council Chambers, City Hall, was set as the time and place for hearing.

RESOLUTION SETTING DATE FOR PUBLIC HEARING TO CONSIDER APPEAL OF LUTHER E. FLORENCE TO THE DECISION OF THE PLANNING COMMISSION

RESOLUTION NO. 62-371

A RESOLUTION SETTING THE TIME AND PLACE FOR THE HEARING ON THE APPEAL TO THE DECISION OF THE MODESTO CITY PLANNING COMMISSION FILED BY LUTHER E. FLORENCE ON THE REZONING OF PROPERTY LOCATED IN BLOCK 342

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell, Shastid

August 27, 1962 at 8:10 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP FOR SCOTT MANOR SUBDIVISION

The City Manager reported that the subdivision agreement has been signed and all fees paid. He recommended that the final map for Scott Manor Subdivision be approved, and that execution of the subdivision agreement be authorized.

RESOLUTION NO. 62-372

A RESOLUTION APPROVING THE FINAL MAP OF THE SCOTT MANOR SUBDIVISION

Introduced by Tabbert Seconded by VanderWall

Ayes: Johansen, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell, Shastid

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP FOR MORAN ESTATES NO. 2 SUBDIVISION

The City Manager reported that the subdivision agreement has been signed and all fees paid. He recommended that the final map for Moran Estates Unit No. 2 Subdivision be approved, and that execution of the subdivision agreement be authorized.

RESOLUTION NO. 62-373

A RESOLUTION APPROVING THE FINAL MAP OF THE MORAN ESTATES UNIT NO. 2 SUBDIVISION OF THE CITY OF MODESTO

Introduced by VanderWall Seconded by Patton

Ayes: Johansen, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell, Shastid

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP FOR LORENZEN PARK NO. 1 SUBDIVISION

The City Manager reported that the subdivision agreement has been signed and all fees paid. He recommended that the final map for Lorenzen Park No. 1 Subdivision be approved, and execution of the subdivision agreement be authorized.

RESOLUTION NO. 62-374

A RESOLUTION APPROVING THE FINAL MAP OF THE LORENZEN PARK NO. 1 SUBDIVISION OF THE CITY OF MODESTO

Introduced by Johansen Seconded by VanderWall

Ayes: Johansen, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell, Shastid

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP FOR QUARESMA HOMES UNIT 4 SUBDIVISION

The City Manager reported that the subdivision agreement has been

signed and all fees paid. He recommended that the final map for Quaresma Homes Unit 4 Subdivision be approved, and execution of the subdivision agreement authorized.

RESOLUTION NO. 62-375

A RESOLUTION APPROVING THE FINAL MAP OF QUARESMA HOMES UNIT 4 SUBDIVISION OF THE CITY OF MODESTO

Introduced by VanderWall Seconded by Johansen

Ayes: Johansen, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell, Shastid

CONSIDER REDUCING THE SPEED LIMIT ON TULLY ROAD BETWEEN RUMBLE AND THE NORTHERLY CITY LIMITS TO 35 M.P.H.

The City Manager stated that the present speed limit on Tully Road north of Rumble is 65 M.P.H. Reducing the speed limit to 35 M.P.H. would provide a transition zone between the 65 M.P.H. zone outside the City and the 25 M.P.H. zone south of Rumble. He recommended that the speed limit be reduced.

ORDINANCE NO. 519-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. 486-C.S."

was introduced and ordered published as required by the Charter.

Moved by Johansen Seconded by VanderWall

Ayes: Johansen, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell, Shastid

CONSIDER RESOLUTION AUTHORIZING INSTITUTION OF INJUNCTION PROCEEDINGS AGAINST JACK LAMB, ET UX, FOR VIOLATION OF TRAILER PARKING REGULATIONS

The City Attorney stated that Ordinance No. 496-C.S., effective January 30, 1962, provided for a six-months period for removal of nonconforming house trailers and boats, which six-months period expired July 30, 1962. He said that an inspection of the home of Attorney Jack Lamb by representatives of the Planning Department, Building Inspection Department and City Attorney's office revealed that a trailer parked on the property did not comply with the provisions of the Code. Since Mr. Lamb has alleged that the ordinance is unconstitutional and invalid, that he is not in violation of the ordinance, and the matter should be litigated, Mr. Grimes suggested that the Council consider institution of injunction proceedings.

RESOLUTION NO. 62-376

A RESOLUTION AUTHORIZING THE INSTITUTION OF INJUNCTION PROCEEDINGS TO ENFORCE THE PROVISIONS OF THE MODESTO MUNICIPAL CODE RELATING TO ZONING REGULATIONS (Jack Lamb Trailer - 920 La Loma Avenue)

Introduced by VanderWall Seconded by Johansen

Ayes: Johansen, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell, Shastid

CONSIDER APPROVAL OF RIGHT OF WAY CONTRACT FOR THE ACQUISITION OF RIGHT OF WAY FROM LAUDER E. WICK AND CARRIE WICK FOR TULLY ROAD RIGHT OF WAY PROJECT NO. 56-15 9-55

The City Manager stated that Lauder E. and Carrie Wick have executed a right of way contract with the City and executed a grant deed granting 15 feet of property on Tully Road. The contract provides that the City will acquire this property without cost for the land, and the City, at no cost to the grantors, will install curbs and gutters and improve the street section to the gutter line. Installation of curbs and gutters will include a curb cut at the grantors' driveway and curb cut at an existing concrete parking apron adjacent to the northerly property line. The grantors will replace the northerly curb cut with matching vertical curbing when the concrete parking apron is no longer used for parking purposes.

RESOLUTION NO. 62-377

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND LAUDER E. WICK AND CARRIE WICK FOR TULLY ROAD RIGHT OF WAY PROJECT NO. 56-15

Introduced by Tabbert Seconded by VanderWall

Ayes: Johansen, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell, Shastid

RESOLUTION SETTING DATE FOR PUBLIC HEARING FOR PROPOSED AMENDMENT TO SECTION 21 OF THE ZONING MAP (DRAKE ADDITION-Manuel James DePonte)

RESOLUTION NO. 62-378

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 21 OF THE ZONING MAP BY MANUEL JAMES DePONTE (Drake Addition)

Introduced by Johansen Seconded by VanderWall

Ayes: Johansen, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell, Shastid

September 4, 1962 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place for hearing.

RESOLUTION REFERRING PETITION OF ANNEXATION OF THE ROBERTS ADDITION TO THE PLANNING COMMISSION FOR REVIEW AND RECOMMENDATION

Acting Director of Planning Fey stated that the area petitioned for annexation comprises 2.40 acres and is located on Coffee Road, north of and adjacent to John Muir School. Mr. Fey said that the applicant has also submitted a letter to the Planning Commission requesting planned development zoning; a recommendation will be made by the Planning Commission.

RESOLUTION NO. 62-379

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

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell, Shastid

CONSIDER INTERIM ZONING OF RUFFINO ADDITION

With the unanimous consent of the Council, this matter was introduced by the City Attorney.

Mr. Grimes stated that interim zoning from R-1 to C-2 for the Ruffino Addition has been recommended by the Planning Commission, and annexation approved by the Secretary of State on July 25, 1962; that if the recommended interim zoning is approved by the Council, an ordinance should be adopted as an emergency measure for preserving the public peace, health and safety.

ORDINANCE NO. 520-C.S. entitled

"AN ORDINANCE AMENDING SECTION 27 OF THE ZONING MAP OF THE CITY OF MODESTO TO ESTABLISH INTERIM ZONING FOR CERTAIN PROPERTY LOCATED THEREON NEWLY ANNEXED TO THE CITY (RUFFINO ADDITION)"

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

Moved by Johansen Seconded by Patton

Ayes: Johansen, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell, Shastid

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

Letter from Frank Andrews

A letter from Frank Andrews, dated August 6, 1962, subject, "7 Men on Council and Mayor - But None Seem to Protect our Revenue," was summarized by the City Clerk. The letter was ordered filed.

E. R. Brown, on denial of variance by Board of Zoning Adjustment to permit garage to remain eight feet from property line

E. R. Brown, 3113 Tully Road, spoke to the Council on the above subject, concerning the philosophy of the City organization. He quoted excerpts of conversation from the tape of the meeting of the Board of Zoning Adjustment which took place during intermission of the original hearing of his request for a variance to permit his garage at 1524 Grape Street to remain eight feet from the property line. Mr. Brown expressed his view of the City's philosophy.

Mr. Brown requested answers to the following questions: "Does the Zoning Board have the full power as an agent for the City of Modesto?" "Is the Board of Zoning Adjustment an authorized agency of the City of Modesto, and what are the limitations of this agency?" "Is or is not the Board of Zoning Adjustment an unqualified agent of the City?"

The City Attorney stated that the Board of Zoning Adjustment is charged with the duty of hearing and making decisions on applications for variances, with the applicant having the right to file an appeal to the decision with the City Council. He said that the Board of Zoning

Adjustment has granted Mr. Brown a rehearing, and confirmed Mr. Brown's statement that he was authorized to subpoena any City employee he wished to appear at this hearing, with right of cross-examination.

Answering Mr. Brown's second question, Mr. Grimes said that the Board of Zoning Adjustment is an agency of the government of the City of Modesto. Mayor Hammond added that members of the agency are appointed by the Council to act on requests for variances, and decisions of the Board may be appealed to the Council.

Answering Mr. Brown's question as to whether or not the Board of Zoning Adjustment is an unqualified agent of the City, the City Manager requested that Mr. Brown write out the question, defining "unqualified," and said he would then gladly answer the question.

The City Clerk was directed to mail Mr. Brown a copy of the City Zoning Regulations, specifically earmarking the portion of the regulations which apply to the functions of the Board of Zoning Adjustment.

REPORT FROM SALVATION ARMY FOR SERVICES RENDERED FOR QUARTER ENDING JUNE 30, 1962

A report from The Salvation Army outlining welfare activities for the second quarter of 1962 was presented to the Council.

The report was ordered filed.

PROGRESS REPORT ON FORWARD MODESTO COMMITTEE '62

Copies of a proposed resolution confirming the appointment of members to the Forward Modesto Committee '62, and defining the functions of the Committee, were distributed to the Council.

The resolution was reviewed by the City Manager.

RESOLUTION NO. 62-380

A RESOLUTION CONFIRMING THE APPOINTMENT OF MEMBERS TO THE FORWARD MODESTO COMMITTEE '62 AND DEFINING THE FUNCTION OF SAID COMMITTEE

Introduced by Johansen Seconded by VanderWall

Ayes: Johansen, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell, Shastid

Mayor Hammond commented that the Committee members listed in the resolution represent an array of talent and experience that augurs well for the future of the community.

REPORT ON STATUS OF PARKING LOT LEASES AND FUTURE CAPITAL REQUIREMENTS

A report from the Director of Parking and Traffic, dated July 30, 1962, subject, "Status of Parking Lot Leases and Future Capital Requirements," was 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.

REPORT ON STATUS OF RIGHT OF WAY ACQUISITIONS ON ROSEBURG AT McHENRY

A letter from Cleveland Stockton, Attorney, dated July 26, 1962 subject, "Mensinger Property, Roseburg Avenue," outlining terms under which his clients will dedicate rights of way on Roseburg Avenue, was read by the City Manager.

Based on earlier Council decision, the City Manager stated that unless otherwise directed by the Council, only the center section of Roseburg, between Alma and McHenry, will be paved where rights of way have not been obtained.

There were no objections by the Council.

ADJOURNMENT TO EXECUTIVE SESSION

MOTION

That the Council adjourn to executive session to consider settlement of suit against Frank J. Francek, et ux, Item 17 of the Agenda

Moved by VanderWall Seconded by Tabbert Unanimously carried

The Council adjourned to executive session at 6:30 P.M. and reconvened to regular session at 7:37 P.M.

COUNCIL ACTION ON SUIT BETWEEN CITY AND FRANK J. FRANCEK, ET UX

MOTION

That the offer of settlement for $700 in litigation between City and Frank J. Francek, et ux, for collection of moneys alleged due the City under agreement for the improvement of Montgomery Village No. 3 Subdivision be approved

Moved by Mayor Hammond Seconded by Johansen Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Johansen Unanimously carried

The meeting adjourned at 7:49 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., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Johansen, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Absent: Councilmen: Mitchell

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

A moment of silent prayer was observed.

LETTER FROM LOIS RITTER RE: ALTERNATE PROPOSITIONS SUBMITTED BY CHARTER REVIEW COMMITTEE

A letter from Lois Ritter, 910 Annabelle, dated August 4, 1962 assuring the Council of her full and continued support of the Charter changes accepted by the Council, was read by the City Clerk.

Mayor Hammond stated that he would answer Mrs. Ritter's letter, thanking her for her support.

TELEGRAM FROM CONGRESSMAN JOHN J. McFALL RE: FEDERAL GRANT

A telegram from Representative John J. McFall informing the City that a federal grant of $22,740 for a proposed addition to the Sewage Treatment Plant has been approved, was read by the City Clerk.

RESOLUTION NO. 62-381

A RESOLUTION AUTHORIZING ACCEPTANCE OF FEDERAL GRANT FOR SEWAGE TREATMENT WORKS

Introduced by Tabbert Seconded by Shastid

Ayes: Johansen, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell

COMMUNICATION FROM BEE AND MERRILL ADAMS, FORMER COUNCILMAN

A card from former Councilman Merrill Adams and his wife, who are on a world's tour, and presently in France, was read by the City Manager.

The City Manager stated that photographs of fountains in Bangkok and Thailand have been received from former Councilman Annan, who is also on a world's tour. Pictures of the fountains were shown the Council.

ADOPTION OF ORDINANCE NO. 519-C.S. - SPEED LIMITS ON TULLY ROAD

ORDINANCE NO. 519-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. 486-C.S."

introduced on August 6, 1962 and having been published as required by the Charter, was moved and adopted.

Moved by Shastid Seconded by VanderWall

Ayes: Johansen, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell

ACCEPT AS COMPLETE STANDARD MATERIALS COMPANY CONTRACT FOR THE CONSTRUCTION OF CLARIFIER RELIEF LINE AT SEWAGE TREATMENT PLANT

The City Manager stated that a memorandum from the Assistant Director of Public Works, dated August 13, 1962 indicates that all work has been completed to the satisfaction of the Public Works Department. The contract with Standard Materials Company provided that all work be completed for $8,192; the actual total cost of the work was $8,430.96. Mr. Miller recommended that the amount of $8,192 be authorized for payment and the City Clerk directed to record a notice of completion.

RESOLUTION NO. 62-382

A RESOLUTION ACCEPTING THE CONSTRUCTION OF CLARIFIER RELIEF LINE AT THE SEWAGE TREATMENT PLANT BY STANDARD MATERIALS COMPANY

Introduced by VanderWall Seconded by Shastid

Ayes: Johansen, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell

FURTHER CONSIDERATION OF LANDSCAPING IN PARKING AREAS

(a) Request of Richard Lyng - 13th and K Streets

A memorandum from the Director of Parks and Recreation, subject, "The Installation of Plant Materials and other landscape materials in the Street Right of Way," dated July 31, 1962 was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

The Council directed that a discussion of this matter from a general standpoint be discussed as a separate item at next week's meeting, with the present discussion dealing only with the request of Mr. Lyng to plant junipers to extend the normal tree planting space in his sidewalk area at the company's new building on 13th and K Streets.

A drawing indicating two alternatives in connection with Mr. Lyng's request was shown the Council, the City Manager indicating that the top drawing was preferred by the staff.

Director of Parks and Recreation Cowie recommended that a difference of not more than one inch exist between the planting bed and the top of the concrete so as not to cause a hazard; that low-growing shrubs be planted in an area not more than 39" x 79", not to exceed three feet in height, and not to extend out beyond the planting bed; that the bed of the planting be maintained in a neat manner. and weeds, paper, etc. not permitted to gather; that the plants be watered; that the permittee be required to hold the city harmless from any and all liability in connection with the planting.

The City Manager recommended that the permit be revocable in the event the present or subsequent owner fails to maintain the planted area. The Council directed that the resolution granting the request of Mr. Lyng contain this provision.

RESOLUTION NO. 62-383

A RESOLUTION GRANTING A REVOCABLE PERMIT TO RICHARD LYNG TO PLANT JUNIPERS IN PLANTING BOXES AROUND THE TREES IN THE PLANTING STRIP AT THIRTEENTH AND K STREETS IN THE AREA BETWEEN THE CURB AND THE SIDEWALK IN THE CITY OF MODESTO

Introduced by VanderWall Seconded by Johansen

Ayes: Johansen, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell

CONSIDER HAVING CROCKER-ANGLO BANK SORT AND COUNT PARKING METER MONEY

The City Manager stated that Crocker-Anglo National Bank has agreed to sort and count parking meter money for $50 per month on a six-months trial basis.

Upon questioning, Director of Parking and Traffic Carmody stated that approximately 43 hours per month are spent by city forces on this activity; that he did not believe that it would be possible to reduce the number of personnel if the above plan is adopted, as the present coin counter will be present while the coins are counted by bank personnel. He estimated that eventually approximately 20 hours of City personnel time will be saved under a change of procedure.

Mr. Carmody stated that a survey of other city operations reveals that Hayward and Stockton have their parking meter money counted by banks free of charge, but may probably have to maintain a certain balance. Crocker-Anglo will perform this service free of charge if the City's maintained balance is increased by $35,000.

The possibility of having two bank employees present during the counting of the funds was discussed.

The staff was directed to check with other local banks to see if the service can be performed free of charge.

Mr. Carmody stated that if the proposed plan has not proven feasible at the end of a six-months period, the City's present coin counter will have to be replaced.

MOTION

That the staff be authorized to employ the services of a bank for the counting of parking meter money for a six-months trial period, such bank to be the one offering the best terms to the City, not to exceed $50 per month, with bank personnel to be used.

Moved by Shastid Seconded by VanderWall Unanimously carried

CONSIDER RESOLUTION AUTHORIZING EXECUTION OF RESERVATION OF RIGHTS AGREEMENT WITH GREAT AMERICAN INSURANCE COMPANY IN CONNECTION WITH THE SUIT OF INGRAM VS. CITY OF MODESTO

RESOLUTION NO. 62-384

A RESOLUTION APPROVING RESERVATION OF RIGHTS AGREEMENT BETWEEN THE CITY OF MODESTO AND GREAT AMERICAN INSURANCE COMPANY (In the matter of John S. Ingram, Plaintiff, vs. City of Modesto, Complaint for negligence resulting in death of dog, Stanislaus County Court No. 14547)

Introduced by Shastid Seconded by VanderWall

Ayes: Johansen, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell

RESOLUTION SETTING DATE FOR PUBLIC HEARING ON RECOMMENDED REZONING OF CAUSEY PROPERTY

RESOLUTION NO. 62-385

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 OF MODESTO (Iva Causey property)

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell

August 27, 1962 at 8:15 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

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

RESOLUTION NO. 62-386

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

Introduced by Tabbert Seconded by Johansen

Ayes: Johansen, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell

September 24, 1962 at 8:10 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

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

RESOLUTION NO. 62-387

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

Introduced by Johansen Seconded by Shastid

Ayes: Johansen, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell

September 24, 1962 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

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

The City Manager stated that a letter from Campbell Real Estate, dated August 10, 1962 requests that the Roberts Addition be granted interim planned development zoning upon annexation.

Planning Commission Resolution No. 832 recommends commencement of annexation proceedings and that the area be zoned interim planned development. Mr. Miller said that the legality of this request has not yet been cleared with the City Attorney.

RESOLUTION NO. 62-388

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

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell

September 10, 1962 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

HEARING ON APPLICATION OF LOIS LANE, RED TOP TAXI, FOR ADDITIONAL TAXICAB PERMIT

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the application of Lois Lane, Red Top Taxi, for a permit to operate an additional taxicab, and opened the hearing.

The City Clerk reported that all taxicab companies in the City were notified of the hearing.

A memorandum from the Director of Parking and Traffic, dated August 8, 1962, subject, "Application of Red Top Taxi for a Permit for One Additional Taxicab," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. He recommended that Red Top Taxi be granted a permit to operate one additional taxicab.

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

RESOLUTION NO. 62-389

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 Shastid Seconded by VanderWall

Ayes: Johansen, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell

APPROPRIATION TRANSFERS

(a) Street realignment of 7th Street and Tuolumne Boulevard - $2,000

RESOLUTION NO. 62-390

A RESOLUTION APPROVING APPROPRIATION TRANSFER FROM SPECIAL FUND FOR CAPITAL OUTLAYS, GENERAL RESERVE, TO STREET REALIGNMENT, 7TH AND TUOLUMNE

Introduced by VanderWall Seconded by Shastid

Ayes: Johansen, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell

MATTERS FOR THE GOOD OF THE COMMUNITY

REQUEST OF ACTING PLANNING DIRECTOR FEY TO TEACH PLANNING COURSE IN MERCED

The City Manager stated that the class is scheduled on Saturdays and will not conflict with his employment.

MOTION

That the request of Acting Planning Director Fey to teach a planning course on Saturdays be approved

Moved by VanderWall Seconded by Patton Unanimously carried

PRESENTATION OF TOWN AFFILIATION CHARTER

The City Manager displayed two Town Affiliation Charters received from the American Municipal Association, one for Modesto and one for Barranquilla, Modesto's sister city. With the consent of the Council, Mr. Miller said that the charter would be placed in the show case in the lobby of the City Hall.

AUTHORIZING MANAGER TO LEAVE COUNTRY

The City Manager requested official Council action approving his visit to Barranquilla, specifically authorizing him to leave the country.

MOTION

That the City Manager be authorized to be absent from the United States in connection with his visit to Barranquilla, Colombia

Moved by Johansen Seconded by VanderWall Unanimously carried

The City Manager also requested that he be permitted to extend his leave by at least one week without pay while out of the country, in the event he wishes to do so.

MOTION

That the City Manager be permitted to extend his leave by at least one week without pay while out of the country

Moved by VanderWall Seconded by Shastid Unanimously carried

ANNOUNCEMENT OF RESIGNATION OF GRAHAM MAY AS CHAIRMAN OF A SUBCOMMITTEE OF THE FORWARD MODESTO COMMITTEE '62

Mayor Hammond announced the resignation of Graham May as chairman of the Governmental Facilities Subcommittee of the Forward Modesto Committee '62, stating that the Council has already provided the necessary authorization for the vacancy to be filled.

NOTICE OF ABSENCE FROM NEXT TWO COUNCIL MEETINGS

Councilman Johansen announced that he would be absent from the August 20 and August 27, 1962 meetings.

REPORT ON PROPOSED LEGISLATION RELATING TO PAYMENT OF DISASTER EXPENDITURES

Deputy City Manager Keefe stated that in 1955 and 1956, federal advances were made to the City of Modesto and many other California cities, as a result of flood disasters. Bills submitted by the City were approved by the State, but a federal audit resulted in a request that $516.42 of the funds advanced the City of Modesto be reimbursed the federal government, due to insufficient documentation to establish validity of the claims. Because so many California cities and counties were affected by the suspensions, the League of California Cities has introduced a bill in Congress which, if passed, will relieve the various cities of liability.

The City Manager read the following paragraph from a letter received from the League of California Cities, dated August 2, 1962: "Justification is needed by the Committee on the rental figures charged by the city particularly as compared with similar private rental charges on equipment. It should also be demonstrated by examples that as a matter of practice private rental charges must include overhead costs such as insurance, maintenance, depreciation, etc. The Judiciary Committee is still hearing H.R. 7561; therefore, justifying statements should be sent immediately to the bill's author and Committee Member, Congressman Harold T. (Bizz) Johnson, House of Representatives, Washington, D.C."

MOTION

That the staff be authorized to prepare justification on the rental figures charged by the City, etc., as requested in above quoted paragraph

Moved by Johansen Seconded by VanderWall Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Johansen Unanimously carried

The meeting adjourned at 8:12 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. as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Patton, Tabbert, VanderWall, Mayor Hammond
Councilman Shastid arrived at 4:15 P.M.

Absent: Councilmen: Johansen, Mitchell

The pledge of allegiance to the Flag was given by all those 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 July 23, 1962 and adjourned special meeting of June 14, 1962, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM MRS. JACK L. WELCH, RT. 3, BOX 1661, OAKDALE, RE: INTERSECTION OF McHENRY AND NEEDHAM AVENUES

A letter from Mrs. Jack L. Welch, dated August 13, 1962 requesting that steps be taken to speed up the flow of traffic from Needham onto McHenry Avenue, was read by the City Clerk.

A memorandum from Director of Parking and Traffic Carmody, dated August 20, 1962, subject, "McHenry-Needham Intersection," was distributed to the Council, a copy of which is on file with the record of the minutes.

As McHenry Avenue and J Street are state highways, Deputy City Manager Keefe recommended that the staff be instructed to request that the State participate in the installation of traffic signals at 16th and J Streets or modify the signals at Needham and McHenry.

MOTION

That the staff be authorized to contact the State as outlined by the Deputy City Manager

Moved by Tabbert Seconded by VanderWall Unanimously carried

LETTER FROM WENDELL W. PAGE, 1318 CYPRESS AVENUE, RE: MUNICIPAL NINE-HOLE GOLF COURSE

A letter from Wendell W. Page, dated August 9, 1962 protesting the abandonment of the 9-Hole Golf Course and conversion to a park, was summarized by the City Clerk.

The letter was ordered filed until such time as the matter is considered by the Council.

LETTER FROM E. H. BOESE, PRESIDENT, McHENRY VILLAGE MERCHANTS' ASSOCIATION RE: CHRISTMAS DECORATIONS

A letter from E. H. Boese, President, McHenry Village Merchants'

Association, dated August 13, 1962 itemizing the cost of refurbishing and purchasing Christmas decorations for this year's Christmas season, was read by the City Clerk. Mr. Boese, in behalf of the Association, requested that the City allocate to the Association $595.30, fifty per cent of the total cost of the contemplated expenses.

The Council directed that this letter be considered with Item 10 of the agenda, "Further Consideration of Christmas street decorations."

CONSIDER SPECIFICATIONS AND CALL FOR BIDS FOR ANNUAL REQUIREMENTS OF MUNICIPAL LIGHTING LAMPS

RESOLUTION NO. 62-391

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR FURNISHING INCANDESCENT, FLUORESCENT AND MERCURY VAPOR LAMPS FOR MUNICIPAL LIGHTING TO THE CITY FOR THE PERIOD OCTOBER 1, 1962 TO SEPTEMBER 30, 1963

Introduced by Tabbert Seconded by VanderWall

Ayes: Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Johansen, Mitchell, Shastid

September 5, 1962 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

CONSIDER CLARIFYING THE POLICY REGARDING LANDSCAPE DEVELOPMENT OF PLANTING STRIPS AND EASEMENTS

A report from the Director of Parks and Recreation, dated July 31, 1962, subject, "The Installation of Plant Material and other Landscape Materials in the Street Right of Way," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

A question as to whether the recommendations contained in the report applied to both business and residential areas was raised.

Mr. Cowie stated that the report had been prompted by the request of Richard Lyng to landscape a planting strip in the business area, and that because of varying conditions, traffic and otherwise, landscaping of planting strips in residential areas should be covered as a separate matter.

The hazards of rocks, shavings, plants, etc., in planting strips were outlined by Mr. Cowie.

Director of Public Works Ray stated that the Council has never established a definite policy on the landscaping of planting strips, although the matter has been discussed.

MOTION

That the staff be authorized to prepare a policy pertaining to the landscape development of planting strips and easements in both business and residential areas for consideration of the Council

Moved by Tabbert Seconded by Patton Unanimously carried

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 Addition)

RESOLUTION NO. 62-392

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 Addition)

Introduced by VanderWall Seconded by Tabbert

Ayes: Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Johansen, Mitchell, Shastid

ACCEPT AS COMPLETE W. M. LYLES COMPANY'S CONTRACT FOR PROJECT COVERING UNIT A: SANITARY SEWER RELOCATION BLOCK "W", AND UNIT B: SANITARY SEWER RELIEF LINE IN CARVER ROAD

Deputy City Manager Keefe reported that a memorandum from the Assistant Director of Public Works, dated August 17, 1962 indicates that all work on these projects has been completed by the contractor. He recommended that the work be accepted as complete, that payment be approved, and the City Clerk authorized to file a notice of completion. Total cost of the work done is $9,336.09.

RESOLUTION NO. 62-393

A RESOLUTION ACCEPTING THE CONSTRUCTION OF SANITARY SEWER RELOCATION, BLOCK W (UNIT A); SANITARY SEWER RELIEF LINE IN CARVER ROAD (UNIT B) BY W. M. LYLES COMPANY

Introduced by VanderWall Seconded by Tabbert

Ayes: Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Johansen, Mitchell, Shastid

FURTHER CONSIDERATION OF CHRISTMAS STREET DECORATIONS

A proposed resolution relating to the allocation to merchant groups of funds for Christmas decorations, redrafted at the request of the Council at its meeting of August 6, 1962, was furnished the Council prior to the meeting for its review.

Deputy City Manager Keefe stated that the redrafted resolution provides that allocations be made on the basis of store front footage at a rate of 20¢ per lineal foot, for erection and dismantling costs. He said that on the basis of 10,300 lineal feet of store frontage, the Downtown Merchants' Association would be allowed $2,040; McHenry Village Merchants' Association (2035 lineal feet) $407; Big "U" Merchants' Association, (776 lineal feet) $155.20; or a total cost of approximately $2,600.

Deputy City Manager Keefe compared the provisions of the proposed resolution, as revised, and the original resolution considered by the Council at its August 6 meeting.

It was Councilman Shastid's belief that the decorations should be limited to public streets. He pointed out the added costs to the City as requests are submitted by new areas.

After discussion, the staff was directed to modify the original resolution for resubmission to the Council, Section 6 being revised to omit "and 100% of the cost of erection of the Christmas decorations requested," substituting therefor, "not more than 20¢ per lineal front foot of retail businesses bordering streets or shopping areas to be decorated, for the purpose of defraying costs of erection and removal of Christmas decorations." Mr. Keefe pointed out that Section 10 of the original resolution provides that "The amount of each allocation by City will be determined by the total number of requests approved for the budget year and the total amount of funds budgeted for this purpose by the City Council. The prorations of the total amount -- if the requests exceed the funds available -- shall be made on the basis of lineal front footage of retail businesses bordering street or shopping area to be decorated."

It was determined by the staff, at the suggestion of Councilman VanderWall, that if proportionate amounts based on lineal foot frontage were allocated for the purchase and refurbishing of Christmas decorations, based on the amount of about $3,200 granted the downtown merchants for this purpose, allocations to merchants in McHenry Village and the Big "U" Shopping Centers would be on the order of $600 and $250 respectively.

MOTION

That $3,500 be allocated for the erection and dismantling of Christmas decorations on a 20¢ per lineal foot basis; that proportionate amounts based on lineal foot frontage be allocated the McHenry Village Merchants' Association and Big "U" Merchants' Association for the purchase or refurbishing of Christmas decorations, based on the $3,200 allocated to the Downtown Merchants' Association for this purpose

Moved by VanderWall Seconded by Patton

The motion carried, Councilman Shastid dissenting.

Deputy City Manager Keefe pointed out that the proposed resolution was drafted with the intent that it would be effective for this year only--that its effectiveness was dependent on the number of additional requests received during the coming year.

CONTINUATION OF HEARING ON DEMOLITION OF BUILDINGS AT 118 PLEASANT STREET

Mayor Hammond announced that the hour of 4:30 P.M. had arrived, the time set for continuation of the hearing of the proposed demolition of buildings at 118 Pleasant Street, and opened the hearing.

Deputy City Manager Keefe read a letter from Victor M. Brown, which stated that he was proceeding with the demolition of the buildings. He also read a memorandum from the Chief Building Inspector which stated that he had inspected the property and found that the front porch of the dwelling had been torn down, the front wall knocked in, and the windows removed; that Mr. Brown was informed by letter on June 16, 1962 that in accordance with provisions of the Municipal Code, the building must either be repaired or demolished. The memorandum indicated that Mr. Brown has 23 days left in which to complete demolition. Mr. Keefe recommended that the City withhold action on the matter until September 15.

MOTION

That the hearing be continued until September 17, 1962 at 4:30 P.M.

Moved by VanderWall Seconded by Tabbert Unanimously carried

APPROVAL OF BILLS FROM THE COUNTY FOR PRISONER CARE FOR THE MONTH OF JULY, 1962

MOTION

That payment of a bill from the County for prisoner care for the month of July, 1962 in the amount of $71.76 be approved

Moved by Shastid Seconded by VanderWall Unanimously carried

REPORTS FROM THE PLANNING COMMISSION

Introduction of newly appointed Associate Planner

Acting Director of Planning Fey introduced Jerrold Allaire, newly appointed Associate Planner.

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

City Exemption from County Structural Fire Protection Taxes

Deputy City Manager Keefe stated that the County has granted the City property owners exemption from County Structural Fire Protection Taxes equal to three cents on the tax rate. It was suggested that the Mayor write a letter thanking the Board of Supervisors.

MOTION

That the Mayor write a letter of thanks to the Board of Supervisors

Moved by Shastid Seconded by VanderWall Unanimously carried

DISTRIBUTION OF REPORT ON BRIGHTON AVENUE

Deputy City Manager Keefe announced that a report on Brighton Avenue was distributed to the Council before the meeting; that the matter was now under consideration of the Planning Commission for recommendation to the Council.

REPORT ON COST OF INSTALLATION OF WATER LINES

Deputy City Manager Keefe reported on the costs of installation of the following water lines:

(a) Leonard Avenue, between Haney and Kearney Avenue, $2,355.65;
(b) Downey Park No. 3 Subdivision, $440.97;
(c) Saratoga Manor No. 4 Subdivision, $1,208.09;
(d) Coldwell Avenue between Tully and Myrtle Avenue, $1,515.09.

REPORT ON EXISTING CITY STREET DEFICIENCIES

A report from the City Manager, dated June 1, 1961 subject, "Report on Existing City Street Deficiencies," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. Copies of an excerpt from the Sacramento Newsletter accompanied the report, subject, "Highway Need Projections," which pointed out that there is no possibility in the near future for cities to receive further State allocations of present revenues from gas tax funds for local streets and roads because of the State's expanding highway needs; that new revenues for this purpose will have to be found.

Director of Public Works Ray stated that $13,008,000 is required to correct existing deficiencies in the City's street system; that this figure includes $3,000,000 for storm drainage.

REPORT OF PUBLIC PROJECTS COMMITTEE

Councilman VanderWall reported that the Public Projects Committee met with the staff last Thursday to review various pending public projects, particularly the Police-Communications Center Building; that the Public Projects Committee has recommended that the staff secure land costs for the proposed building.

Three proposed plans for the building were discussed by Deputy City Manager Keefe, who stated that Scheme "C", which locates the building on the site north of the Fire Station, has been recommended by the architect as the best choice because of availability of parking space. Mr. Keefe recommended that authority be given the staff to obtain land costs for this particular site. He listed advantages which would result with the building located at this site.

It was Mayor Hammond's opinion that alternative sites should be considered.

Mr. Keefe stated that upon the return of Councilman Mitchell from vacation, the Public Projects Committee and the staff plan to meet with the architect to see how estimated costs of the building might be reduced.

MOTION

That the staff be authorized to secure costs of land on both the north and south sides of the Fire Station

Moved by VanderWall Seconded by Shastid Unanimously carried

Whether or not appraisals should be secured was discussed.

Councilman Patton suggested that cost of the land purchased by the State for a State Department of Employment office be obtained for comparative purposes.

PROPOSED PURCHASE OF OSTERBERG WATER COMPANY

Councilman VanderWall, as Chairman of the Public Projects Committee, recommended that the staff be authorized to proceed with negotiations for the purchase of the Osterberg Water Company.

Councilman Shastid questioned the expenditure of funds for acquisition of a water company located outside the city limits, when funds are needed so urgently for park development, improvement of streets, sewers, etc.

Mayor Hammond stated that acquisition of this water company would improve the water situation in the meat packing area which must be resolved in the near future.

Mr. Keefe pointed out that cost of the water company would be amortized within a short time, and would then produce revenue for the City.

Water shortage problems in the meat packing area were discussed.

MOTION

That the staff be directed to check with Osterberg Water Company on its willingness to sell its water system to the City, and to obtain a purchase price

Moved by VanderWall Seconded by Tabbert .

The Motion carried, Councilman Shastid dissenting

Deputy City Manager Keefe stated that a resolution adopted by the Council in 1961 declared the Council's intent to acquire private water companies as they become available.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Tabbert Unanimously carried

The meeting adjourned at 5:10 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., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Absent: Councilmen: Johansen

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

Reverend R. Truman Northup gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the regular meeting of July 16, 1962 and the same being available for public inspection, and there being no objections, the minutes were approved.

REQUEST BY 20-30 CLUB FOR USE OF DEL WEBB BASEBALL FIELD FOR ANNUAL DONKEY BASEBALL GAME 1-30

A communication from James R. Tobin, dated August 27, 1962 requesting use of Del Webb Field on September 22, 1962 for a donkey baseball game by the 20-30 Club, was read by the City Clerk.

Deputy City Manager Keefe stated that the request had been cleared with the Modesto Colts, and recommended that permission be granted under the same conditions as last year.

RESOLUTION NO. 62-394

A RESOLUTION GRANTING A PERMIT TO THE 20-30 CLUB OF MODESTO TO USE DEL WEBB BASEBALL FIELD FOR ANNUAL DONKEY BASEBALL GAME ON SEPTEMBER 22, 1962

Introduced by VanderWall Seconded by Shastid

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Johansen

LETTER FROM FRANK ANDREWS RE: ANOTHER COSTLY POWER OUTAGE IN MODESTO

A letter from Frank Andrews, dated August 21, 1962, subject, "Another Costly, Inexcusable Electric Power Outage in Modesto," was summarized by the City Clerk. Copies of the letter were furnished the Council prior to the meeting.

The letter was ordered filed.

PETITION OPPOSING WAREHOUSE TYPE BUILDING BEING MOVED INTO R-1 SINGLE-FAMILY RESIDENTIAL ZONE

A petition from citizens residing on Locust Street, Sherman Avenue and Maze Boulevard opposing the moving of warehouse-type buildings for commercial use into their area, which is zoned R-1, was read by

the City Clerk. The petition contained twelve signatures. The petition indicated that the buildings are being moved on a lot adjoining the City Schools office located at 426 Locust Street.

By Order of the Chair, the matter was referred to the staff for report to the Council at a later Council meeting.

CONSIDER BIDS RECEIVED FOR WATER LINES - JONI MANOR SUBDIVISION, UNIT A; LORENZEN PARK NO. 1 SUBDIVISION, UNIT B; QUARESMA HOMES UNIT NO. 4 SUBDIVISION, UNIT C; AND SCOTT MANOR SUBDIVISION, UNIT D 1-48

Deputy City Manager Keefe reported that no bids were received for these projects and recommended that the work be done by city forces.

RESOLUTION NO. 62-395

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR THE CONSTRUCTION OF WATER LINES IN UNIT A - JONI MANOR SUBDIVISION; UNIT B - LORENZEN PARK NO. 1 SUBDIVISION; UNIT C - QUARESMA HOMES UNIT 4 SUBDIVISION; AND UNIT D - SCOTT MANOR SUBDIVISION

Introduced by Mitchell Seconded by Shastid

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Johansen

CONSIDER BIDS FOR TRAFFIC SIGNALS AT COLLEGE AND ORANGEBURG AVENUES

A tabulation of the bids received was furnished the Council, the low bid submitted by Industrial Electrical Company for $8,144, considerably over the Engineer's estimate for the cost of the installation.

Deputy City Manager Keefe stated that Director of Parking and Traffic Carmody has recommended that the bids be rejected, the project scaled down, and new bids sought.

MOTION

That the staff be authorized to reject all bids submitted for the installation of traffic signals at College and Orangeburg Avenues

Moved by Shastid Seconded by VanderWall Unanimously carried

CONSIDER ADOPTION OF ORDINANCE SETTING THE TAX RATE FOR THE 1962-63 FISCAL YEAR 1-65

A memorandum from the Director of Finance, dated August 22, 1962 subject, "1962-63 City Ad Valorem Tax," was distributed to the Council.

After discussion, the Council determined that the total tax rate should remain at $1.64, but consideration should be given at an early date to secure additional funds for the development of parks and improvement of streets.

Director of Finance Bird outlined the rates of taxation proposed: For the General Fund, $1.42; For Bond Redemption and Interest Fund, $ .11; For the Library Fund, $ .11. (Tax Code Areas Nos. 2-1; 2-2; 2-6; 2-7; 2-8; 2-9; 2-10; 2-16; 2-17; and 2-18); Tax Code Areas Nos. 2-3, 2-4, 2-5 For the General Fund, $1.42; For the Library Fund, $ .11; total, $1.53.

ORDINANCE NO. 521-C.S. entitled

"AN ORDINANCE FIXING THE RATE OF TAXATION IN AND FOR THE CITY OF MODESTO FOR THE FISCAL YEAR 1962-63"

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

Moved by VanderWall Seconded by Mitchell

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Johansen

CONSIDER ORDINANCE TO AMEND THE CITY'S CONTRACT WITH THE STATE EMPLOYEES' RETIREMENT SYSTEM

Deputy City Manager Keefe stated that Council Resolution No. 62-369 indicates the Council's intention to approve an amendment to the contract between the City of Modesto and the Board of Administration of the State Employees' Retirement System to exclude employees compensated on an hourly basis who are hired after October 1, 1962.

The City Attorney stated that the proposed ordinance also authorizes the exclusion of Police Court Department Employees, effective December 1, 1950, as well as persons compensated on an hourly basis who are hired after October 1, 1962.

ORDINANCE NO. 522-C.S. entitled

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MODESTO AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA STATE EMPLOYEES' RETIREMENT SYSTEM"

was introduced and ordered published as required by the Charter.

Moved by Shastid Seconded by VanderWall

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Johansen

RESOLUTION PROPOSING A CHARTER, CALLING A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6. 1962; FIXING THE MANNER OF HOLDING SAID ELECTION AND PROVIDING FOR NOTICE THEREOF; AND CONSOLIDATING SAID SPECIAL MUNICIPAL ELECTION WITH THE STATE OF CALIFORNIA GENERAL ELECTION TO BE HELD ON SAID DATE

RESOLUTION NO. 62-396

PROPOSING A CHARTER ON THE MOTION OF THE COUNCIL, CALLING A SPECIAL MUNICIPAL ELECTION IN THE CITY OF MODESTO TO BE HELD ON TUESDAY, NOVEMBER 6, 1962, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF SAID CITY A PROPOSAL TO ADOPT A NEW CHARTER FOR SAID CITY; FIXING THE MANNER OF HOLDING SAID ELECTION AND PROVIDING FOR NOTICE THEREOF; AND CONSOLIDATING SAID SPECIAL MUNICIPAL ELECTION WITH THE STATE OF CALIFORNIA GENERAL ELECTION TO BE HELD ON SAID DATE

Introduced by Shastid Seconded by Tabbert

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Johansen

RESOLUTION PROVIDING FOR A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 1962

RESOLUTION NO. 62-397

A RESOLUTION AND ORDER OF THE COUNCIL OF THE CITY OF MODESTO PROVIDING FOR A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 1962, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF SAID CITY THE MEASURE HEREIN SET FORTH; FIXING THE MANNER OF HOLDING SAID ELECTION AND PROVIDING FOR NOTICE THEREOF; AND CONSOLIDATING SAID SPECIAL MUNICIPAL ELECTION WITH THE STATE OF CALIFORNIA GENERAL ELECTION TO BE HELD ON SAID DATE

Introduced by VanderWall Seconded by Patton

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Johansen

RESOLUTION PROVIDING FOR ELECTION OF TWO COUNCILMEN AT SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 1962 AND CONSOLIDATING SAID ELECTION WITH THE STATE OF CALIFORNIA GENERAL ELECTION TO BE HELD ON SAID DATE

RESOLUTION NO. 62-398

RESOLUTION AND ORDER OF THE COUNCIL OF THE CITY OF MODESTO PROVIDING FOR ELECTION OF TWO COUNCILMEN AT SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 1962, AND CONSOLIDATING SAID ELECTION OF COUNCILMEN WITH THE STATE OF CALIFORNIA GENERAL ELECTION TO BE HELD ON SAID DATE

Introduced by Tabbert Seconded by Mitchell

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Johansen

RESOLUTION REQUESTING BOARD OF SUPERVISORS OF STANISLAUS COUNTY TO PROVIDE FOR THE CONSOLIDATION OF TWO SPECIAL MUNICIPAL ELECTIONS AND ELECTION OF TWO COUNCILMEN WITH THE STATE OF CALIFORNIA GENERAL ELECTION TO BE HELD ON NOVEMBER 6, 1962

RESOLUTION NO. 62-399

RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO REQUESTING THE BOARD OF SUPERVISORS OF STANISLAUS COUNTY TO PROVIDE FOR THE CONSOLIDATION OF TWO SPECIAL MUNICIPAL ELECTIONS AND ELECTION OF TWO COUNCILMEN WITH THE STATE OF CALIFORNIA GENERAL ELECTION TO BE HELD NOVEMBER 6, 1962

Introduced by Mitchell Seconded by VanderWall

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Johansen

RESOLUTION ACCEPTING IMPROVEMENTS IN DAVIS PARK UNIT NO. 1 SUBDIVISION AS COMPLETE AND RELEASING SUBDIVISION BOND

Deputy City Manager Keefe stated that a memorandum from the Assistant Director of Public Works, dated August 23, 1962 indicates that all improvements in Davis Park Unit No. 1 Subdivision have been

completed to the satisfaction of the Public Works Department, all inspection fees paid and that it would be in order for the Council to accept the improvements as complete and authorize the City Clerk to release the subdivision improvement bond in the amount of $22,800.

RESOLUTION NO. 62-400

A RESOLUTION AUTHORIZING THE RELEASE OF THE GLENS FALLS INSURANCE COMPANY SUBDIVISION BOND FILED TO GUARANTEE IMPROVEMENTS IN DAVIS PARK UNIT NO. 1 SUBDIVISION

Introduced by Shastid Seconded by Tabbert

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Johansen

RESOLUTION RELATING TO THE ALLOCATION OF FUNDS FOR CHRISTMAS STREET DECORATIONS

Copies of a proposed resolution, "A Resolution Relating to the Allocation of Funds for Christmas Decorations," and a memorandum from the Deputy City Manager, dated August 23, 1962 subject, "Christmas Decorations," were furnished the Council prior to the meeting for its review.

Mayor Hammond pointed out that the formula covering the allocation of funds and the allocations will be subject to review next year.

RESOLUTION NO. 62-401

A RESOLUTION RELATING TO THE ALLOCATION OF FUNDS FOR CHRISTMAS DECORATIONS

Introduced by VanderWall Seconded by Patton

Ayes: Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: Shastid Absent: Johansen

MOTION

That the allocation of funds outlined in the memorandum from the Deputy City Manager to the Mayor and Council Members, dated August 23, 1962 be approved

Moved by VanderWall Seconded by Mitchell

The motion carried, Councilman Shastid dissenting

RESOLUTION NO. 62-402

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $3,500 FROM GENERAL FUND, GENERAL RESERVE TO MUSIC AND PROMOTION, SPECIAL TRADE EVENTS

Introduced by VanderWall Seconded by Tabbert

Ayes: Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: Shastid, Absent: Johansen

CORRESPONDENCE REGARDING TWO LEASED PARKING LOTS

Deputy City Manager Keefe stated that owners of the 8th Street

Parking Lot (Southern Pacific Company) and the 12th and I Street Parking Lot (Title Insurance and Trust Company) do not wish to renew the City's leases, but will permit the City to lease the lots on a month to month basis.

Upon questioning, Director of Parking and Traffic Carmody stated that the City's investment in the lots has been amortized.

MOTION

That continued occupancy of the 8th Street and 12th and I Street Parking Lots be authorized on a month to month basis

Moved by Shastid Seconded by VanderWall Unanimously carried

RESOLUTION GIVING NOTICE OF PROPOSED DEMOLITION OF THE BUILDINGS LOCATED AT 102 SPRUCE STREET AND SETTING TIME AND PLACE FOR HEARING

Deputy City Manager Keefe reported that the Chief Building Official has advised that buildings located at 102 Spruce Street are unsafe under Section 203 of the Uniform Building Code, which provides that the City may demolish the buildings and assess the costs against the property if the owner fails to comply with the notice to commence repairs or demolition; that the City Attorney has recommended that a hearing be conducted to give the property owner an opportunity to present his case.

RESOLUTION NO. 62-403

A RESOLUTION GIVING NOTICE OF PROPOSED DEMOLITION OF THE BUILDINGS LOCATED AT 102 SPRUCE 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

Introduced by VanderWall Seconded by Tabbert

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Johansen

September 17, 1962 at 4:35 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

CONSIDER LIBRARIANS' SALARIES

Deputy City Manager Keefe stated that the staff recommends that a 5% increase be granted the three city librarians to keep their salaries at the same range as the county librarians, who have been granted a 5% increase effective November 1, 1962. This is in keeping with the City's policy of the past several years of equating the salaries of the three city librarians with those paid by the County. Mr. Keefe pointed out that the salary increases granted by the City Personnel Commission and Council have not been applicable to these employees.

RESOLUTION NO. 62-404

A RESOLUTION AMENDING RESOLUTION NO. 62-31 ENTITLED "A RESOLUTION ESTABLISHING SALARY SCHEDULES AND FIXING THE COMPENSATION FOR POSITIONS IN THE CITY SERVICE"

Introduced by VanderWall Seconded by Shastid

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Johansen

HEARING ON APPLICATION FOR UNCLASSIFIED USE PERMIT, NEIGHBORHOOD CHURCH

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the application of the Neighborhood Church to modify a development plan and development schedule for P-D (7), located at the corner of Woodrow and Tully, and opened the hearing. The application requested permission to construct 110 apartment units, an increase of seven over and above the number approved by Ordinance No. 500-C.S.; to decrease the off-street parking spaces to 72, a decrease of 20 spaces, and extension of the limits imposed by the development schedule approved by Resolution No. 62-64, to permit construction to begin on or before January 15, 1963, the entire project to be completed on or before January 15, 1964.

Deputy City Manager Keefe read a portion of Planning Commission Resolution No. 820, which recommends approval of the requested modification, subject to certain conditions.

The City Clerk reported that notices were posted and delivered in the area on August 2, 1962. No written protests were filed with the City Clerk.

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

Councilman Mitchell asked the intent of Condition No. 3 of Planning Commission Resolution No. 820, i.e., "That the use of the facilities constructed pursuant to the development plan, and improvements, be limited to residents of the facility." He asked if guests of the residents would be permitted to make use of the services.

Acting Director of Planning Fey stated that the intent of this clause is to limit usage of the commercial services to residents of the project; that it is not the intent of the condition to deprive relatives or visitors of the occupants from availing themselves of the services.

Upon questioning, the City Attorney stated that failure to comply with any of the above conditions is grounds for revocation of the permit.

City water and sewer services are available.

RESOLUTION NO. 62-405

A RESOLUTION APPROVING A MODIFIED DEVELOPMENT PLAN AND DEVELOPMENT SCHEDULE FOR PLANNED DEVELOPMENT ZONE, P-D (7) (MODESTO'S NEIGHBORHOOD CHURCH)

Introduced by VanderWall Seconded by Tabbert

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Johansen

HEARING ON APPEAL OF RICHARD C. SMITH TO DENIAL OF REZONING BY PLANNING COMMISSION 3-65

Mayor Hammond announced that the hour of 8:05 P.M. had arrived, the time set for consideration of the appeal of Richard C. Smith to the decision of the Planning Commission denying reclassification of parcels 32, 33 and 36 in Block 6601 on the northwest corner of Tully

and Briggsmore, from R-3, Multiple Family Residential, to P-D, Planned Development Zone, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on August 16, 1962 and posted and delivered in the area on the same date. No written protests to the proposed zone change were filed with the City Clerk.

Planning Commission Resolution No. 824, "A Resolution Denying an Application for an Amendment to Section 18 of the Zoning Map (Smith)," was read by Deputy City Manager Keefe.

Don Sanders, 2004 Fourth Street, Ceres, representing the applicant, Richard C. Smith, stated that the requested rezoning was denied by the Planning Commission primarily because the Commission believed that the uses proposed would conflict or offer competition to the commercial uses at Gregory Garden Shopping Center to the north; secondly, the Planning Commission objected to access on Briggsmore Avenue as shown on the plan. Mr. Sanders said that the plans have now been modified to remove any possible use conflict with Gregory Garden Shopping Center, with the presently proposed uses confined to professional offices only, except for a TV repair shop. He said that if the modified plan presented is favorable to the Council, rights of way on all frontages will be dedicated to the City, and improvements made in accordance with city standards. It was Mr. Sanders' opinion that elimination of access on Briggsmore will reduce the value of the property by at least one-third.

Mayor Hammond stated that a policy was adopted some years ago to discourage string development of commercial areas on main arterials--that commercial development should be localized as much as possible. It was his opinion that the modified plans outlined by Mr. Sanders should be referred back to the Planning Commission for its reconsideration.

Councilman Mitchell, speaking on the basis of his experience as a former member of the County Planning Commission, said that it has been the hope of both the City and County that subdivisions planned in this area be developed with the houses backing into Briggsmore and Northern Boulevard so that there would be no access other than at the intersecting cross streets.

Acting Director of Planning Fey stated that the only new matter presented by Mr. Sanders, not considered by the Planning Commission, was the suggested modification of the submitted uses. He concurred with the City Attorney that Council consideration should apply only to the application as submitted to and considered by the Planning Commission.

Max Haney, one of the potential developers, spoke of the importance of a controlled exit on Briggsmore Avenue to maintain the valuation of the property. He outlined the land uses of property adjacent to the parcel proposed for rezoning.

Attorney Edward T. Taylor, representing residents in the area along Bispo Drive, recommended that the Council sustain the denial of the Planning Commission.

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

The City Attorney stated that the problem could be approached by

the Council in two ways--the matter could be referred back to the Planning Commission for consideration of the changes in circumstances and facts presented; or, a decision could be reached on the basis of facts presented at the present hearing.

RESOLUTION NO. 62-406

A RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION DENYING THE APPLICATION OF RICHARD C. SMITH TO AMEND SECTION 18 OF THE ZONING MAP AS DESCRIBED IN PLANNING COMMISSION RESOLUTION NO. 824

Introduced by Tabbert Seconded by Shastid

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Johansen

HEARING ON APPEAL OF LUTHER E. FLORENCE TO REZONING DENIAL BY PLANNING COMMISSION

Mayor Hammond announced that the hour of 8:10 P.M. had arrived, the time set for consideration of the appeal of Luther E. Florence to the decision of the Planning Commission denying an application for an amendment to Section 32 of the Zoning Map to reclassify Lots 1 to 6, inclusive, in Block 342, and the southerly 33 feet of Paradise Avenue, from Two-Family Zone, R-2, 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 August 16, 1962 and notices posted and delivered in the area on August 13, 1962. No written protests to the proposed zone change were filed with the City Clerk.

Deputy City Manager Keefe read Planning Commission Resolution No. 822, "A Resolution Denying an Application for an Amendment to Section 32 of the Zoning Map (Luther E. Florence)"

Roland Susich, representing the property owner and Douglas Oil Company, listed the advantages of the proposed site for a service station, stating that this was a prime location for this type of business. Preliminary layouts of the proposed service station and a traffic study prepared in Detroit were distributed to the Council.

Mr. Susich said that one of the primary concerns of the Planning Commission was that a service station at this location would create a traffic hazard. It was Mr. Susich's opinion that demolition of the existing buildings and placement of the sales building at the rear of the property would open up the corner and improve visibility from both streets. He said that it was planned to landscape the area to make it compatible to surrounding areas; that construction of a service station would not increase traffic in the area, as the cars go by this particular site whether or not a service station is located there.

Upon questioning, Mr. Susich stated that three corners zoned C-1 were available in the area, none of which, because of location or otherwise, were suitable for a service station.

Mrs. Thelma Cash, 1306 Tuolumne Boulevard, spoke in opposition to the requested rezoning, stating that a service station in the area would devaluate residential properties.

Henry Hightower, 306 Alturas, filed a petition bearing thirty-six signatures, requesting that the Council affirm the decision of the Planning Commission.

Lee Condit, 904 Yale Avenue, discussed the disruption of business on the west side occasioned by construction of the freeway, which has forced many businesses to relocate. It was his contention that assistance should be given businesses to see that they are properly relocated; that businesses should be located where business is available.

Mrs. Edwin Greaves, 315 Paradise Avenue and Charles Jeffers, 325 Downey Avenue, spoke in favor of the rezoning.

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

The status of west side street plans was discussed by Acting Planning Director Fey, who stated that no specific traffic studies have been made in this particular area.

Director of Parking and Traffic Carmody stated that the Council authorized an expenditure of about $22,000 for traffic signals at the Tuolumne-Paradise intersection two years ago on the basis that the street there would remain, with the possible widening of some or all of the legs, and the widening of Paradise Road to the west of the intersection. He stated that it has been his recommendation to the Planning Commission and City Manager that Paradise-H Street remain the major street; however, the Planning Commission has recommended otherwise.

Answering a question on the proposed width of H and Paradise Streets in the event of future improvement, Mr. Carmody stated that when this matter was reviewed last July, he recommended that if the Council decided on the H Street-Paradise alignment vs. River Road, no substantial building should be permitted which would permanently eliminate the possibility of H Street-Paradise Avenue being widened.

Upon questioning, Mr. Carmody stated that in his opinion, service stations did not generally create hazardous traffic conditions, but that there would be problems connected with left-turning vehicles into and out of the proposed service station; that if H Street is widened, it would have to be widened to 100 feet to align with the part west of Franklin Street; that if symmetrically developed, 17 to 20 foot rights of way would be needed from each side of the street.

The matter was generally discussed.

RESOLUTION NO. 62-407

A RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION DENYING THE APPLICATION OF LUTHER E. FLORENCE TO AMEND SECTION 32 OF THE ZONING MAP AS DESCRIBED IN PLANNING COMMISSION RESOLUTION NO. 822

Introduced by Shastid Seconded by Tabbert

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall

Noes: Mayor Hammond Absent: Johansen

HEARING ON PROPOSED REZONING OF THE CAUSEY PROPERTY 9-45

Mayor Hammond announced that the hour of 8:15 P.M. had arrived, the time set for consideration of a proposed amendment to Section 19 of the Zoning Map requested by Iva E. Causey, to reclassify from R-1 and R-3 to Planned Development Zone, P-D. property located on the west side of Tully Road, and south of Princeton Avenue, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on August 16, 1962 and notices posted and delivered in the area on August 15, 1962. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 827, "A Resolution Recommending to the Council an Amendment to Section 19 of the Zoning Map(Causey)" recommending that Section 19 of the Zoning Map be amended to reclassify the property from R-1 and R-3 to Planned Development Zone, P-D (9) in accordance with the plan titled, "Proposed Apartment House Development 56 Units," dated July 20, 1962, as amended on its face and on file in the office of the Planning Director, was reviewed by Acting Director of Planning Fey.

Council Resolution No.62-317, adopted by the Council on July 9, 1962 referred the application back to the Planning Commission with the recommendation that the parking requirement as shown on the Development Plan be increased to 1.5 parking spaces per unit, and the Plan of Development modified accordingly.

A sketch of the modified plan was shown the Council, and reviewed by Acting Director of Planning Fey. The modifications made to accommodate the additional parking requested by the Council were indicated by Mr. Fey, and the development schedule outlined, construction of Phase 1 to commence on or before August 1, 1963 and completed on or before August 1, 1964; construction of Phase 2 to commence not later than August 1, 1964, and completed on or before August 1, 1966.

John Weber, developer, was questioned by the Council concerning the modified plans submitted.

The following residents of the area spoke in opposition to the requested rezoning: Rush Chaffee, 1312 Princeton Avenue; Ed McClarty, 1238 Princeton Avenue; Bill Hansen, 720 Del Rey Avenue; Mrs. Jean Fehlberg, 829 Del Rey Avenue, Kenneth Nelson, 1318 Princeton Avenue; Lincoln Isaac, 1402 Princeton and Gene Fehlberg, 829 Del Rey Avenue.
Ronald Dodson, 715 Tully Road, owner of the Thunderbird apartments, spoke in favor of the requested planned development.

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

The matter was generally discussed by the Council.

A proposed ordinance affirming the Planning Commission's recommendation that Section 19 of the Zoning Map be amended to reclassify the Causey property from R-1 and R-3 to Planned Development Zone, P-D (9), introduced by Councilman Tabbert and seconded by Councilman Mitchell, failed to carry, with the following vote:

Ayes: Mitchell, Tabbert, Mayor Hammond

Noes: Patton, Shastid, VanderWall Absent: Johansen

By Order of the Chair, the matter was held over pending attendance of a full Council.

RESOLUTION EXTENDING LIMITS IMPOSED BY DEVELOPMENT SCHEDULE FOR P-D ZONE (6) (RAY GLENN PROPERTY)

Deputy City Manager Keefe stated that Planning Commission Resolution No. 838, adopted on August 21, 1962, recommends extension of

limits imposed by the development schedule for P-D (6) to a starting date of September 1, 1963 and a completion date of April 1, 1964. The property is located on the south side of Granger Avenue, west of Melrose Avenue. Ordinance No. 502-C.S., effective March 13, 1962, approved reclassification of the property to P-D (6).

RESOLUTION NO. 62-408

A RESOLUTION EXTENDING THE LIMITS IMPOSED BY THE DEVELOPMENT SCHEDULE APPROVED AS PART OF PLANNED DEVELOPMENT ZONE, P-D (6) (GLENN)

Introduced by VanderWall Seconded by Patton

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Johansen

RESOLUTION RECOMMENDING AMENDMENT TO ZONING MAP SECTION 5, FROM M-1 TO M-2

Deputy City Manager Keefe stated that Planning Commission Resolution No. 836, adopted August 21, 1962, recommends the rezoning of 76.85 acres between Tuolumne River and Crows Landing Road from Light Industrial, M-1 to Heavy Industrial, M-2.

RESOLUTION NO. 62-409

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 OF THE CITY OF MODESTO (PROPERTY LOCATED BETWEEN TUOLUMNE RIVER AND CROWS LANDING ROAD)

Introduced by VanderWall Seconded by Patton

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Johansen

September 17, 1962 at 4:45 P.M. in the Council Chambers, City Hall, was set as the time and place for hearing.

RESOLUTION REFERRING THE PETITION FOR ANNEXATION OF THE RUMBLE ADDITION TO THE PLANNING COMMISSION FOR REPORT

Deputy City Manager Keefe stated that the property proposed for annexation comprises 8.341 acres, and is located between Floyd Avenue and Rumble Road extended, immediately east of Sherwood Manor Addition. City water service is available; sewer service is available to a portion of the area.

RESOLUTION NO. 62-410

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

Introduced by VanderWall Seconded by Mayor Hammond

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Johansen

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

Request of Stanislaus County Democratic Central Committee to set up Registration Booths in Downtown area

MOTION

That the request of Anne Sharyon, Registration Chairman, Stanislaus County Democratic Central Committee, to set up card tables on sidewalks at the corner of 11th and J, 10th and K, and 10th and J Streets on August 30, September 1, 6, 8, 10 and 13, 1962 be approved

Moved by VanderWall Seconded by Mitchell Unanimously carried

Mrs. Sharyon stated that the activities of all deputy registrars have been and will be coordinated through the County Clerk's office to avoid duplication.

LETTER COMMENDING POLICE OFFICER WILLIAM STEWART

A letter from Mrs. L. Wahlgren, Box 335, Kennydale, Washington, dated August 20, 1962, commending Police Officer William Stewart for saving the life of a man at the Greyhound Bus Depot on August 15, 1962 through mouth-to-mouth resuscitation was read by Deputy City Manager Keefe.

Mr. Keefe stated that the matter was not brought to light until the receipt of Mrs. Wahlgren's letter; that the individual who was aided by Police Officer Stewart is alive today.

ANNOUNCEMENT OF BUSINESS-EDUCATION DAY

Deputy City Manager Keefe announced that September 5, 1962 will be Business-Education Day.

REPORT ON SITE FOR POLICE-COMMUNICATIONS CENTER BUILDING

Councilman VanderWall, Chairman of the Public Projects Committee, stated that the staff has proposed that sites other than those immediately north and south of the Fire Station be considered for the proposed police-communications center building. He recommended that the staff be directed to consider other sites for this purpose.

MOTION

That the staff be instructed to consider sites other than those already indicated as possible locations for the proposed police-communications center building

Moved by VanderWall Seconded by Tabbert Unanimously carried

REPORT ON PROPOSED SALE OF MINENI LOT ON BRIGHTON AVENUE

The Deputy City Manager recommended that the Mineni lot on Brighton Avenue not be sold until such time as the street right of way is finally determined.

MOTION

That the Council's previous action authorizing the sale of this parcel be withdrawn

Moved by VanderWall Seconded by Tabbert Unanimously carried

SUBMISSION OF ANNUAL SUMMARY REPORTS OF ACTIVITIES OF ALL CITY DEPARTMENTS FOR FISCAL YEAR 1961-62

Deputy City Manager Keefe stated that the Council has, in previous years, accepted the annual summary reports of activities of all city departments as the Manager's annual report on administrative activities of the City. He recommended that this procedure be followed for fiscal year 1961-62.

MOTION

That the annual summary reports of activities of all city departments be accepted by the Council as the Manager's annual report on administrative activities of the City for fiscal year 1961-62

Moved by Shastid Seconded by Mitchell Unanimously carried

REPORT FROM DIRECTOR OF PARKING AND TRAFFIC CARMODY THAT THE CROCKER-ANGLO BANK IS WILLING TO HANDLE THE COIN COUNT ON A CASH-FREE BASIS FOR A TRIAL PERIOD OF THREE MONTHS

At the direction of the Council, Deputy City Manager Keefe stated that Crocker-Anglo Bank was asked to reconsider its fee of $50 per month to handle the City's parking meter coin and has now offered to perform the service on a cost-free basis for a trial period of three months, at the end of which time the Bank will determine if it can continue on a cost-free basis. Mr. Keefe recommended that the Bank's offer be accepted.

Director of Parking and Traffic Carmody stated that no other banks were solicited.

MOTION

That the staff be authorized to accept Crocker-Anglo National Bank's offer to handle the City's parking meter coin on a cost-free basis for a trial period of three months

Moved by VanderWall Seconded by Shastid Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Mayor Hammond Unanimously carried

The meeting adjourned at 11:15 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., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Absent: Councilmen: None

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

Reverend Charles Treffry gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the regular Council meetings of August 6 and 13, 1962, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM MATHEW FISCALINI, MODESTO IRRIGATION DISTRICT BOARD PRESIDENT, RE: SUPPORT OF NEW DON PEDRO DAM PROJECT

A letter from Mathew Fiscalini, President, Modesto Irrigation District, acknowledging the Council's support of the New Don Pedro Dam Project at the hearing before the California Fish and Game Commission, and notifying that preparations are now being made for the Federal Power Commission hearing on October 16, 1962, was read by the City Clerk.

MOTION

That the staff be authorized to prepare a resolution supporting the New Don Pedro Dam Project

Moved by VanderWall Seconded by Mitchell Unanimously carried

LETTER FROM JACK R. JONES, CHAIRMAN, BOARD OF ZONING ADJUSTMENT, REGARDING RESIGNATION 1-25

A letter from Jack R. Jones, Chairman, Board of Zoning Adjustment, dated August 28, 1962, submitting his resignation as Chairman and member of the Board of Zoning Adjustment, effective forthwith, was read by the City Clerk.

Deputy City Manager Keefe stated that Mr. Jones has agreed to withhold the effective date of his resignation until the end of September. Press of business and other commitments were given as reasons for the resignation.

No action was taken by the Council.

LETTER FROM ROBERT PERKINS, WADLER'S CASH AND CARRY, INC., DEPOT AT THE NORTHEAST CORNER OF TULLY AND GRANGER AVE., REQUESTING A VARIANCE FROM PROVISIONS OF THE MUNICIPAL CODE - BLACKTOP AREAS

A letter from Robert Perkins, dated August 29, 1962 requesting permission to blacktop an area from the gutter to the building along

the length of property on Granger Avenue for a parking area, was read by the City Clerk.

A memorandum from the Director of Public Works, dated August 31, 1962, subject, "Request for Variance to Permit Blacktop in Sidewalk Area at Granger and Tully Avenues," was read by Deputy City Manager Keefe. The memorandum recommended that the request be denied and the property owner be required to install curbs and gutters on the Granger frontage of this property; that while installation of a concrete sidewalk is not required, the owner be urged to make this improvement.

Mr. Perkins stated that he had no objections to cementing the area; however, because of the shallow depth of the parking area, the back wheels of cars go off the curb when cars are backing out of the parking stalls; that his main interest was to have straight-in parking on the lot.

Director of Public Works Ray stated that Mr. Perkins' request was for one long driveway, which is prohibited by the Municipal Code; with curbs and gutters installed, the driveways would have to conform to the Code and the parking space arrangements designed accordingly.

MOTION

That the request of Mr. Perkins for a variance as requested above be denied, and the staff directed to work with Mr. Perkins on his parking problems

Moved by Mitchell Seconded by Tabbert Unanimously carried

LETTER FROM W.T. CHYNOWETH, CLERK OF THE BOARD OF SUPERVISORS, STANISLAUS COUNTY, ASKING WHETHER OR NOT CITIES OF THE COUNTY ARE PREPARED TO ACCEPT THE GENERAL PLAN AT THIS TIME

A letter from W. T. Chynoweth, Clerk, Board of Supervisors, dated August 23, 1962 asking if cities of the County are prepared to adopt the General Plan at this time, was read by the City Clerk. The letter also suggested that if the City contemplated making any changes in the plan, the Board of Supervisors be so advised.

Acting Planning Director Fey stated that because of the time lapse which has occurred since the adoption of the General Plan by the City Council, the City Planning Commission has recommended that the General Plan be adopted by the Board of Supervisors at this time and that changes being considered by the Planning Commission (primarily involving areas of residential use and possible adjustment of areas of commercial use, schools and parks) be considered by the Council and Board as they are presented. Mr. Fey said that the contemplated adjustments do not reflect changes in principle or policy as originally adopted by the City.

MOTION

That the staff be directed to write a letter to the Clerk of the Board of Supervisors informing him that the City approves adoption of the General Plan at this time

Moved by Mitchell Seconded by VanderWall Unanimously carried

RESOLUTION APPROVING SPECIFICATIONS AND CALL FOR BIDS FOR PURCHASE OF A SELF-PROPELLED COMPACTION ROLLER

RESOLUTION NO. 62-411

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING THE CALL FOR BIDS FOR THE PURCHASE OF A SELF-PROPELLED COMPACTION ROLLER

Introduced by VanderWall Seconded by Shastid

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

September 19, 1962 at 2:00 P.M. in the City Clerk's office was set as the time and place of bid opening.

RESOLUTION APPROVING PROPOSAL AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR WATER PIPE, VALVES AND FITTINGS

Deputy City Manager Keefe stated that the proposed purchase will supplement the City's present stock to provide water service to new subdivisions and other areas as required. (cast iron or asbestos cement pipe)

RESOLUTION NO. 62-412

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING THE CALL FOR BIDS FOR THE FURNISHING OF PIPE, VALVES AND FITTINGS FOR FISCAL YEAR 1962-63

Introduced by VanderWall Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

September 18, 1962 at 2:00 P.M. in the City Clerk's office was set as the time and place for bid opening.

RESOLUTION CALLING FOR BIDS FOR THE CONSTRUCTION OF INDUSTRIAL WASTES TREATMENT WORKS ADDITIONS

Deputy City Manager Keefe stated that the plans and specifications for this project have been approved by the U.S. Public Health Service.

Director of Public Works Ray stated that the plans and specifications for the aeration system at the Sewage Treatment Plant were prepared by Harry Jenks, consulting engineer. A federal grant of approximately $22,000 has been received. At the time the plans and specifications were approved by the Council, it was agreed that the call for bids would be advertised in September in order that the work could commence at the end of the heavy industrial wastes season.

RESOLUTION NO. 62-413

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE CONSTRUCTION OF "INDUSTRIAL WASTES TREATMENT WORKS ADDITIONS"

Introduced by VanderWall Seconded by Tabbert

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

October 2, 1962 at 2:00 P.M. in the City Clerk's office was set as the time and place of bid opening.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE CONSTRUCTION OF TRAFFIC SIGNALS AND STREET LIGHTING AT COLLEGE AND ORANGEBURG

Deputy City Manager Keefe stated that bids for this project were received on August 22, 1962, but were higher than the engineer's estimate and rejected by the Council upon the recommendation of Director of Parking and Traffic Carmody. Plans and specifications have been scaled down to reduce the cost and are resubmitted for Council approval.

Upon questioning, Mr. Carmody stated that the new plans provide overhead wiring (a $200 savings) based on the fact that there are a number of overhead wires already in existence at this intersection; that the changed plans also eliminate the pedestrian "walk" and "wait" portion of the signals, at a savings of approximately $1,500.

Councilman Mitchell said that he hoped the Council might set a precedent and require that the wiring be underground.

The matter was discussed by the Council.

Councilman Mitchell suggested that the specifications be amended to include an alternate bid for overhead and underground wiring, the Council to make a decision when the bids are submitted for approval. No action was taken on this suggestion.

RESOLUTION NO. 62-414

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE CONSTRUCTION OF TRAFFIC SIGNALS AND STREET LIGHTING AT COLLEGE AND ORANGEBURG AVENUES

Introduced by VanderWall Seconded by Patton

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

September 26, 1962 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. 522-C.S. AMENDING STATE EMPLOYEES' RETIREMENT CONTRACT 2-95

ORDINANCE NO. 522-C.S. entitled

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MODESTO AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA STATE EMPLOYEES' RETIREMENT SYSTEM"

having been published as required by the Charter, was moved and adopted.

Moved by Shastid Seconded by Johansen

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

CONSIDER ORDINANCE ADDING SECTION 1-2.08 TO CHAPTER 2 OF TITLE I OF THE MODESTO MUNICIPAL CODE RELATING TO PENALTY PROVISIONS

The City Attorney stated that the Municipal Court has questioned the authority of the City to file either small claims actions or actions in the Municipal Court by way of civil complaint to collect an indebtedness owed the City imposed by various provisions of the Municipal Code. Adoption of the proposed ordinance will add Section 1-2.08 to the Municipal Code authorizing collection by civil action of any fee, service charge, utility charge, license or tax of any nature imposed by the Code. Mr. Grimes recommended that the section be added to the Code.

ORDINANCE NO. 523-C.S. entitled

"AN ORDINANCE ADDING SECTION 1-2.08 TO CHAPTER 2 OF TITLE I OF THE MODESTO MUNICIPAL CODE RELATING TO PENALTY PROVISIONS"

was introduced and ordered published as required by the Charter.

Moved by VanderWall Seconded by Mitchell

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

HEARING ON PROPOSED AMENDMENT TO SECTION 21 OF THE ZONING MAP (DRAKE ADDITION) 2-108

Mayor Hammond announced that the hour of 4:30 P.M. had arrived, the time set for consideration of a proposed amendment to Section 21 of the Zoning Map, to rezone property located east of McHenry Avenue, south of McHenry Village Addition, from R-1, Single Family to Commercial-Industrial, C-M, and R-2, and opened the hearing.

The City Clerk reported that notice was published in the Modesto Tribune on August 16, 1962 and notices posted and delivered in the area on August 16, 1962. No written protests to the proposed rezoning were filed with the City Clerk.

Deputy City Manager Keefe stated that Planning Commission resolution No. 823 recommends that the requested rezoning be approved by the Council.

Acting Planning Director Fey stated that this area was zoned C-2 in the County and was annexed to the City as R-1. The Planning Commission's recommendation that the area be rezoned was based on the following:

1. The area is occupied by four nonconforming commercial uses which would become conforming uses;

2. The area is also occupied by four nonconforming industrial uses which would become conforming uses;

3. The area is in the vicinity of and across the street from existing C-M, Commercial-Industrial zoning;

4. The R-2 zoning would provide a transition between the industrial uses and the adjacent residential uses to the east;

5. The R-2 zoning is a continuation of the existing R-2 zoning on the east.

Mr. Fey briefly discussed designs considered by the Planning Commission for the entire 70-acre parcel bounded by Melrose, McHenry, Orangeburg and Granger Avenues.

A letter from J. A. and Alpha Morris, 144 Drake Avenue, dated August 31, 1962, protesting the proposed rezoning and expressing objection to a "junk shop" being located within forty feet of their home, was read by the City Clerk.

Jim DePonte stated that he did not operate a junk shop, but was engaged in the plumbing and heating business. He stated that Mr. Morris was the only resident in the area opposing the proposed rezoning.

Jack Gentry, 129 Drake Street, stated that he lived near Mr. DePonte's place of business, and that it was conducted in a neat and orderly manner.

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

Upon questioning, Acting Planning Director Fey stated that this area was zoned C-2 in the County, which zoning permitted the uses presently in the area. He said that the City's C-2 zoning is more restrictive than that of the County.

It was Councilman Shastid's opinion that this case illustrated the desirability of the staff checking further into the matter of a change in the zoning regulations which now require that areas annexed to the City be automatically zoned R-1.

ORDINANCE NO. 524-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 21 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (DePONTE)"

was introduced and ordered published as required by the Charter.

Moved by Johansen Seconded by VanderWall

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

Councilman Mitchell said that it was possible, through cooperation of the City and County Planning Commissions, for the City and County to adopt similar zoning ordinances which would permit areas to retain the existing county zoning upon annexation to the City, thus eliminating the waste of time and expense involved on the part of both property owners and the City in conducting hearings in connection with interim zoning.

The City Attorney stated that when this matter was last reviewed by the City Planners and the Planning Commission, it was felt that having property zoned R-1 upon annexation to the City enabled the City to maintain control of development.

Acting Director of Planning Fey outlined the continuing work on advanced planning since the preparation of the General Plan; also, the planning staff has been working with the County staff following up the work of the Cities-County Committee on subdivision ordinance definitions. It was his opinion that the zoning ordinance should be handled similarly. He said that this work has been delayed the past few months because of lack of manpower in the Planning Department, but

is going ahead again as vacancies have been filled.

Mr. Fey said that a new zoning map for the urban area is needed.

Deputy City Manager Keefe said that the staff will continue to work on the matter.

CONSIDERATION OF PARK DEVELOPMENT IN MODESTO

A memorandum from the City Manager, subject, "Reports on Parks and Recreation," dated August 4, 1962, was furnished the Council prior to the meeting.

Deputy City Manager Keefe stated that no funds were allocated in the Capital Improvement Program for the development of parks, except for parks already under development, the Planning Commission's recommendation for the past two years being that the improvement of neighborhood parks should be financed by the primary areas they serve.

Deputy City Manager Keefe stated that representatives of the California-Franklin, Garrison and James Marshall Park areas have approached the Council requesting that these park sites be improved.

Councilman Johansen suggested that the Council first consider the Planning Commission's recommendation that the improvement of neighborhood parks be financed by the primary areas served.

Councilman Mitchell stated that it was his present opinion that neighborhood parks should be developed principally from general revenues of the City, stating that improvement districts are very costly because of legal, publication and organizing costs; that in the past, all city owned parks have been developed from general city revenues; that this method of financing the development of parks is more practicable and would be more generally accepted by the community.

Councilman VanderWall agreed, suggesting that a special general tax be levied for perhaps a period of five years or so, to be used for phase development of parks.

Councilman Shastid commented on the difficulties which would be encountered in determining a neighborhood area for park development, adding further his belief that the Council should check its present policy concerning neighborhood parks. It was his opinion that fewer but larger parks, offering more varied activity, would offer more to the community and would be simpler to maintain. He said that from his own personal observation, the City's largest park was more heavily patronized for picnics, tennis, etc., whereas children were rarely seen in some of the smaller parks.

Councilman Mitchell stated that he hoped the Council would continue its policy of obtaining park sites adjacent to schools while the land is still undeveloped; that failure to do so, or disposing of sites already acquired, would be a great injustice to posterity.

Mayor Hammond said he agreed with this policy, but expressed the opinion that some adjustments should be made to the policy to permit development of park sites already acquired, either by an increase in the tax rate, by changing the City's acquisition policy from a standpoint of density, or cutting down on acquisitions and using the funds for park development. He did not feel that other functions of the City should be sacrificed for the Parks and Recreation Department, citing the needs of the fire and police departments, and the need for street improvements.

Upon questioning, Director of Parks and Recreation Cowie stated that the costs of installing a sprinkling system in a park are divided equally between labor and materials.

Councilman Johansen agreed with Councilman VanderWall that a special tax might be levied for a given number of years for park development, and suggested that a schedule of phase development for the various parks be prepared by the staff. He said that if citizens of a given area were unwilling to wait for the scheduled development, the City could cooperate and accept any improvements the area might wish to make on its own.

Councilman Mitchell suggested that density and development of the area be considered when the development schedule is established. He proposed that lawn and trees be planted, and sprinklers installed, as the intital phase of development, and that all park sites be developed to this stage, where population warrants, before consideration is given to the construction of swimming pools, baseball fields, etc. As the next stage, he suggested rest rooms, to be followed with ultimate full development.

Mayor Hammond stated that under existing conditions, it was not possible for the City to continue both the acquisition of park sites and meet the demands of the people to develop the ones already acquired; that in his judgment a thorough study was needed of the potential activities of neighborhood parks as he had also noted neighborhood parks developed with lawn which do not appear to be used in proportion to the City's investment.

Upon questioning, Deputy City Manager Keefe stated that to the best of his knowledge, a survey taken of city and non-city residents some time ago revealed that approximately 40% of the people taking advantage of organized recreational programs resided outside the city limits.

Suggestions for financing development of park sites already acquired were made by Councilman Shastid. He also recommended further study of the Council's policy of purchasing five-acre park sites adjacent to schools, stating that the City could not afford to acquire these parcels and at the same time develop community parks, which, in his opinion, the community needed far more than neighborhood parks, and develop existing park sites, which he felt should be given priority.

Deputy City Manager Keefe stated that residents of new subdivisions want and need neighborhood parks; that perhaps consideration should be given to raising the fee paid by the subdivider for park acquisition purposes. It was his opinion that this could be accomplished with County cooperation.

MOTION

That the Council go on record as not being in favor of park improvement districts or special tax districts

Moved by VanderWall Seconded by Patton Unanimously carried

Upon questioning, Director of Finance Bird stated unappropriated funds in the amount of $186,142 are presently in the Reserve Fund of the Capital Improvement budget; that this did not include the funds allocated for the Police-Communications Center Building.

Mayor Hammond suggested that funds be allocated for the improvement of the various parks, with the staff submitting recommendations on where and how the funds should be expended, on the basis of need (area development, population, availability of play areas in the neighborhood, etc.)

MOTION

That the staff be instructed to submit recommendations on the expenditure of $60,000 for the improvement of various park sites on the basis of need as outlined by Mayor Hammond

Moved by Johansen Seconded by Tabbert Unanimously carried

By Order of the Chair, the Public Projects Committee was directed to work with the staff in preparing concise recommendations based on the discussions at the present meeting, for presentation to the Council.

CONSIDERATION OF POSSIBILITY OF ARRANGING WITH OWNER OF BUILDING (BRACK) NEXT TO 10TH AND H STREET PARKING LOT TO PAINT EXTERIOR WALL FACING PARKING LOT 7-98

Deputy City Manager Keefe stated that a proposal has been submitted by Mr. Brack that the City share the cost of painting the wall of a building owned by Mr. Brack which overlooks the City's leased parking lot at the corner of 10th and H Streets. A previous request that the City paint the wall was denied by the Council.

MOTION

That Mr. Brack's request that the City share in the cost of painting the wall be denied

Moved by VanderWall Seconded by Shastid Unanimously carried

RESOLUTION ACCEPTING AS COMPLETE GEORGE REED'S CONTRACT FOR THE IMPROVEMENT OF ROSEBURG AVENUE BETWEEN VIRGINIA AND ALMA AVENUES (UNIT A); AND GRANGER AVENUE BETWEEN FLORIDA AND McHENRY AVENUES (UNIT B) 8-5

Deputy City Manager Keefe reported that all work on this contract has been completed to the satisfaction of the Public Works Department and that it would be in order to accept the work as complete. He recommended that the work be accepted, the City Clerk authorized to file a notice of completion, and payment made in accordance with the contract.

RESOLUTION NO. 62-415

A RESOLUTION ACCEPTING THE CONSTRUCTION OF THE IMPROVEMENT OF ROSEBURG AVENUE BETWEEN VIRGINIA AND ALMA AVENUES (UNIT A); AND GRANGER AVENUE BETWEEN FLORIDA AND McHENRY AVENUES (UNIT B) BY GEORGE REED

Introduced by Shastid Seconded by Patton

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

RESOLUTION ACCEPTING AS COMPLETE STANDARD MATERIALS COMPANY CONTRACT FOR THE IMPROVEMENT OF TULLY ROAD BETWEEN STODDARD AND LEONARD AVENUES

Deputy City Manager Keefe reported that all work on this contract has been completed to the satisfaction of the Public Works Department, and that it would be in order to accept the work as complete. He

recommended that the work be accepted, the City Clerk authorized to file a notice of completion, and payment authorized in accordance with the contract.

RESOLUTION NO. 62-416

A RESOLUTION ACCEPTING THE CONSTRUCTION OF THE IMPROVEMENT OF TULLY ROAD BETWEEN STODDARD AND LEONARD AVENUES BY STANDARD MATERIALS COMPANY

Introduced by Shastid Seconded by Tabbert

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

RESOLUTION ACCEPTING IMPROVEMENTS IN EMERALD GARDENS SUBDIVISION AS COMPLETE AND AUTHORIZING THE CITY CLERK TO RELEASE SUBDIVISION BOND

Deputy City Manager Keefe stated that all work required by the subdivision agreement has been completed to the City's satisfaction and it would be in order to release the subdivision bond in the amount of $33,000.

RESOLUTION NO. 62-417

A RESOLUTION AUTHORIZING THE RELEASE OF THE CONTINENTAL CASUALTY COMPANY CONTRACT BOND FILED TO GUARANTEE IMPROVEMENTS IN EMERALD GARDENS SUBDIVISION

Introduced by VanderWall Seconded by Johansen

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

RESOLUTION ACCEPTING IMPROVEMENTS IN PARK MANOR NO. 4 SUBDIVISION AS COMPLETE AND AUTHORIZING THE CITY CLERK TO RELEASE SUBDIVISION BOND

Deputy City Manager Keefe reported that all work required by the subdivision agreement has been completed to the satisfaction of the City, all fees paid, and that it would be in order to release the subdivision bond in the amount of $82,000.

RESOLUTION NO. 62-418

A RESOLUTION AUTHORIZING THE RELEASE OF THE GREAT AMERICAN INSURANCE COMPANY CONTRACT BONDS FILED TO GUARANTEE IMPROVEMENTS IN PARK MANOR NO. 4 SUBDIVISION

Introduced by Johansen Seconded by Tabbert

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

RESOLUTION ACCEPTING IMPROVEMENTS IN PARK MANOR NO. 4 UNIT 2 SUBDIVISION AS COMPLETE AND AUTHORIZING CITY CLERK TO RELEASE SUBDIVISION BOND

Deputy City Manager Keefe reported that all work required by the subdivision agreement has been completed to the satisfaction of the City, and that it would be in order to release the subdivision bond in the amount of $11,000.

RESOLUTION NO. 62-419

A RESOLUTION AUTHORIZING THE RELEASE OF THE FIREMAN'S FUND INSURANCE COMPANY SUBDIVISION BOND FILED TO GUARANTEE IMPROVEMENTS IN PARK MANOR NO. 4, UNIT NO. 2 SUBDIVISION

Introduced by VanderWall Seconded by Shastid

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

FURTHER DISCUSSION RELATIVE TO EXISTING STREET DEFICIENCIES AND CONSIDERATION OF RECOMMENDATION OF LEAGUE OF CALIFORNIA CITIES FOR SUPPORT IN AN INCREASE IN THE GASOLINE TAX

Deputy City Manager Keefe stated that a letter from the League of California Cities, subject, "Increase in Highway User Taxes to Finance City Streets," dated June 27, 1962, was received by Mayor Hammond. The letter was read to the Council at a previous meeting, at which time the Council requested that the staff submit a report on existing street deficiencies. A memorandum from the City Manager, subject, "Report on Existing City Street Deficiencies," dated June 1, 1961, was furnished the Council as a result of this request, together with a news item from the Sacramento Newsletter, subject, "Highway Need Projections," which indicated that due to the expanding needs of the State, no further allocation of present revenues could be made to local streets and roads, and that new revenues must be found.

The letter from the League of California Cities requested that the Council review the problem and then take action, either requesting the League to support legislation providing for increased highway user taxes, or indicating no increased revenue is required.

Councilman Shastid asked if there was any assurance that the City would receive gas tax funds if the increase was approved. Mr. Keefe replied that the increase would be shared by the cities and counties, the ratio to be established by negotiation.

MOTION

That the staff prepare a resolution requesting that the League of California Cities support legislation providing for increased highway user taxes

Moved by VanderWall Seconded by Johansen

The motion carried, Councilmen Patton and Shastid dissenting.

CONSIDER CHANGING LIGHTING ARRANGEMENTS ON SEVERAL CITY PARKING LOTS 8-80

Deputy City Manager Keefe stated that Director of Parking and Traffic Carmody has recommended that the lights on the 9th, 13th and 14th Street parking lots be converted to mercury vapor and converted to the street light circuit. This would permit the lights to remain on all night, with a savings of $383 per year for power, and will tend to reduce vandalism and thefts. Cost of the conversion is $1,050.

MOTION

That the request of the Parking and Traffic Director that lights on the 9th, 13th and 14th Street parking lots be converted to mercury vapor be approved

Moved by Shastid Seconded by Tabbert Unanimously carried

RESOLUTION NO. 62-420

A RESOLUTION APPROVING APPROPRIATION TRANSFER IN THE SUM OF $450 FROM PARKING, GENERAL RESERVE, TO PARKING AND TRAFFIC DEPARTMENT, PRESENT LOT DEVELOPMENT

Introduced by Johansen Seconded by Mitchell

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

RESOLUTION ASSIGNING LEASE AGREEMENT, TENTH STREET OFF-STREET PARKING LOT NO. 5

The City Attorney stated that the parking lot located at 10th Street, between K and L Streets, originally leased by the City from Gustave T. and Marguerite M. Allibert, was recently sold and the premises conveyed to Jessie V. Trueblood; that Mrs. Trueblood and the City both wish to continue the off-street parking lot. He said that approval of an Assignment of Lease Agreement will continue in effect the lease agreement entered into October 29, 1956.

RESOLUTION NO. 62-421

A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO, LESSEE, AND GUSTAVE T. ALLIBERT AND MARGUERITE M. ALLIBERT, LESSORS, AND JESSIE V. TRUEBLOOD, ASSIGNEE

Introduced by Patton Seconded by Tabbert

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

CONSIDER SALE OF CITY OF MODESTO PROPERTY AT WASHINGTON & SEVENTH STREETS (BLOCK E, LOT 11)

Deputy City Manager Keefe stated that a letter from Bomberger Brothers, Inc., by Carter H. Harrison, dated July 23, 1962, indicates interest in purchase of a parcel of property owned by the City, described as Lot 11, Block E, located at the corner of Washington and Seventh Streets. Adjacent Lots Nos. 12 and 13 are owned by this company.

A memorandum from the Director of Finance, dated August 29, 1962, subject, "Offer to Purchase City Property," was read by Mr. Keefe. The memorandum stated that a check of all City departments reveals no planned use for the property in the near future.

The following recommendations were made if the Council authorized the sale: After determination of a fair market value by appraisal, that one of the following methods be used to dispose of the property: (1) Advertise and request bids on the same basis as was used in the recent sale of property at 1737 McHenry, or (2) Request a firm offer from the interested party and not ask for other bids.

Deputy City Manager Keefe recommended that the Council consider disposal of the property.

Acting Planning Director Fey said that the parcel is zoned M-1.

MOTION

That the staff be instructed to secure a preliminary appraisal of the property, and negotiate informally for the best price with potential buyers

Moved by Johansen Seconded by VanderWall Unanimously carried

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT AMENDING LEASE WITH JAMES S. MORTENSEN (PARKING LOT ON 11TH STREET BETWEEN F AND G STREETS) 8-128

The City Attorney stated that the proposed agreement amends a lease agreement with James S. Mortensen to increase the number of parking spaces leased by the City from six to eight on the parking lot located on the west side of 11th Street between F and G Streets, effective September 1, 1962, at $5 per month for each lot. (For use of the Police Department)

RESOLUTION NO. 62-422

A RESOLUTION APPROVING AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND JAMES S. MORTENSEN TO INCREASE THE NUMBER OF PARKING SPACES ON THE PARKING LOT LOCATED ON THE WEST SIDE OF 11TH STREET, BETWEEN F AND G STREETS

Introduced by Johansen Seconded by VanderWall

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

CONSIDER LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND JUNIOR ACHIEVEMENT OF GREATER MODESTO, INC. 9-10

The City Attorney said that the proposed lease agreement between the City and Junior Achievement of Greater Modesto, Inc. leases the former City Hall building located at 717 Tenth Street to this organization for a period commencing September 1, 1962 and ending June 1, 1963, at the same terms as last year.

RESOLUTION NO. 62-423

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JUNIOR ACHIEVEMENT OF GREATER MODESTO, INC., FOR THE RENTAL OF THE FORMER CITY HALL BUILDING LOCATED AT 717 TENTH STREET

Introduced by Tabbert Seconded by Shastid

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

Upon questioning, Mr. Keefe stated that a portion of the old city hall is presently being used by the Parking and Traffic Department for a work shop, plus the above organization; that some time ago it was the Council's determination that demolition of the building be withheld for possible credit in the event of urban renewal.

Mayor Hammond stated that a target date of March 1, 1963 has been set for the community development program and suggested that consideration of demolishing the building be held in abeyance until that time.

CONSIDER OFFER OF SETTLEMENT OF LITIGATION BETWEEN CITY VS. THOMAS H. BERRY, ET AL, INVOLVING CONDEMNATION FOR RIGHT OF WAY - WIDENING OF ROSEBURG AVENUE

The City Attorney stated that the owner of this property has offered to settle the condemnation suit for the sum of $825 damages; that this sum is close to the appraisal made by city appraisers.

MOTION

That the City Attorney be authorized to accept Mr. Berry's offer of $825, and prepare and execute the necessary documents to accomplish the settlement

Moved by Johansen Seconded by VanderWall Unanimously carried

REPORTS FROM THE PLANNING COMMISSION - None

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

REQUEST OF LEAGUE OF WOMEN VOTERS TO SET UP REGISTRATION BOOTHS ON PUBLIC SIDEWALKS

Mrs. Richard Chilton, President, League of Women Voters, presented a letter requesting permission to use city sidewalks to set up tables for the purpose of registering voters at the Roosevelt Shopping Center and McHenry Village, on September 8 from 9:30 A.M. to 3:30 P.M., and September 13, 1962 from 9:30 A.M. to 8:30 P.M. The letter was read by the City Clerk.

MOTION

That the request of the League of Women Voters to set up registration tables at the specified times and places be approved

Moved by VanderWall Seconded by Johansen Unanimously carried

OVERALL ECONOMIC DEVELOPMENT PROGRAM - REPORT BY DEPUTY MANAGER KEEFE

Deputy City Manager Keefe reported that word has been received from the Area Redevelopment Administration that the Overall Economic Development Program has been cleared by the technical staff and should be signed by the Administrator within ten days.

COMBINING CAPITAL ACCOUNTS UNDER THE WATER DIVISION BUDGET

Mr. Keefe reported that capital accounts entitled "New Services" and "Water Meters" have been combined under one account, "New Services," in order to simplify accounting procedures, since both items are used in providing new services. However, in preparing the budget, $3,000 required for meters was inadvertently omitted, and Mr. Keefe said it was quite possible that additional funds for this purpose will be needed before the end of the fiscal year.

NOTICE - BUSINESS-EDUCATION DAY

Mayor Hammond announced that Wednesday, September 5, 1962 was Business-Education Day.

ANNOUNCEMENT OF KICKOFF MEETING, SEPTEMBER 11, FORWARD MODESTO COMMITTEE '62

Deputy City Manager Keefe announced a kickoff meeting of the

Forward Modesto Committee '62 in the Council Chambers, September 11, 1962 at 8:00 P.M. All Councilmen were urged to attend.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Johansen Seconded by Tabbert Unanimously carried

The meeting adjourned at 6:13 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., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Absent: Councilmen: None

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

A moment of silent prayer was observed.

WELCOMING OF STUDENTS FROM MODESTO UNION ACADEMY

Mayor Hammond welcomed a group of students from the Modesto Union Academy.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the regular meeting of August 20, 1962, adjourned special meetings of June 12, June 19, and June 21, 1962, and adjourned regular meeting of July 26, 1962, and the same being available for public inspection, and there being no objections, the minutes were approved.

COMMUNICATION FROM ROSS MILLER, MIAMI BEACH, FLORIDA

A postcard, postmarked Miami Beach, Florida, received from City Manager Miller, who is enroute to Modesto's Sister City, Barranquilla, Colombia, was read by the City Clerk.

CONSIDER AWARD OF BIDS RECEIVED ON PURCHASE OF LAMPS FOR THE CITY OF MODESTO

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

ADOPTION OF ORDINANCE NO. 523-C.S., RELATING TO PENALTY PROVISION IN MODESTO MUNICIPAL CODE

ORDINANCE NO. 523-C.S. entitled

"AN ORDINANCE ADDING SECTION 1-2.08 TO CHAPTER 2 OF TITLE I OF THE MODESTO MUNICIPAL CODE RELATING TO PENALTY PROVISIONS"

introduced on September 4, 1962 and having been published as required by the Charter, was moved and adopted.

Moved by VanderWall Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION REQUESTING THE LEAGUE OF CALIFORNIA CITIES TO SUPPORT LEGISLATION PROVIDING FOR INCREASED HIGHWAY USER TAXES TO PROVIDE ADDITIONAL FUNDS FOR CITY STREET CONSTRUCTION

A proposed resolution requesting that the League of California Cities support increased highway user taxes at the 1963 session of the California Legislature to provide additional funds for city street construction was read by Deputy City Manager Keefe. The proposed resolution was prepared at the direction of the Council.

RESOLUTION NO. 62-424

A RESOLUTION REQUESTING THE LEAGUE OF CALIFORNIA CITIES TO SUPPORT LEGISLATION PROVIDING FOR INCREASED HIGHWAY USER TAXES TO PROVIDE ADDITIONAL FUNDS FOR CITY STREET CONSTRUCTION

Introduced by VanderWall Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: Shastid Absent: None

RESOLUTION ACCEPTING IMPROVEMENTS IN BROOKDALE PARK NO. 2 SUBDIVISION AS COMPLETE AND AUTHORIZING RELEASE OF SUBDIVISION BOND

Deputy City Manager Keefe stated that a memorandum from Assistant Director of Public Works Campbell indicates that all work required by the Brookdale Park No. 2 Subdivision Agreement has been completed to the satisfaction of the Public Works Department, all inspection fees paid, and that it would be in order for the Council to accept the improvements as complete and authorize the City Clerk to release the subdivision improvement bond in the amount of $1,000.

RESOLUTION NO. 62-425

A RESOLUTION AUTHORIZING THE RELEASE OF CASH DEPOSIT GUARANTEEING PAVEMENT PATCHING IN BROOKDALE PARK NO. 2 SUBDIVISION

Introduced by Mitchell Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION APPROVING SUBDIVISION AGREEMENT AND FINAL MAP FOR CRESTWOOD TERRACE SUBDIVISION

The City Attorney reported that the subdivision agreement has been executed and all fees paid; that a report from the Finance Department indicates that an $18,000 cash bond has been deposited with the City. Deputy City Manager Keefe recommended that the final map be approved.

RESOLUTION NO. 62-426

A RESOLUTION APPROVING THE FINAL MAP OF THE CRESTWOOD TERRACE SUBDIVISION OF THE CITY OF MODESTO

Introduced by Johansen Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

Water service is available to the subdivision; sewer service is not available.

RESOLUTION SUPPORTING M.I.D. APPLICATION TO FEDERAL POWER COMMISSION 1-65

A proposed resolution approving the New Don Pedro Dam Project on the Tuolumne River, and urging its early construction, was read by Deputy City Manager Keefe.

RESOLUTION NO. 62-427

A RESOLUTION APPROVING THE NEW DON PEDRO DAM PROJECT ON THE TUOLUMNE RIVER AND URGING ITS EARLY CONSTRUCTION

Introduced by VanderWall Seconded by Shastid

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

REPORT FROM STAFF ON THE WAREHOUSE-TYPE BUILDING BEING MOVED INTO R-1 ZONE AT THE SCHOOL ADMINISTRATION BUILDING ON LOCUST STREET

Mr. Keefe stated that Acting Planning Director Fey has met with the School Board and they have agreed to apply for the necessary permit.

MOTION

That the matter be referred to the staff for handling by the proper agency

Moved by VanderWall Seconded by Shastid Unanimously carried

MOTION

That the City Clerk be directed to notify interested parties that the matter has been referred to the proper agency for handling

Moved by Shastid Seconded by VanderWall Unanimously carried

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

RESOLUTION NO. 62-428

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

Introduced by Shastid Seconded by Mitchell

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

October 15, 1962 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION REFERRING TO THE PLANNING COMMISSION PETITION FOR ANNEXATION OF THE ATHENS ADDITION 1-95

Deputy City Manager Keefe stated that the necessary papers for

the proposed annexation have been signed and are ready for referral to the Planning Commission. City sewer and water services are available.

RESOLUTION NO. 62-429

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

Introduced by VanderWall Seconded by Shastid

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

RESOLUTION REFERRING TO THE PLANNING COMMISSION PETITION FOR ANNEXATION OF THE SPENCER ADDITION

Deputy City Manager Keefe stated that the necessary papers for the proposed annexation have been signed and are ready for referral to the Planning Commission. The area comprises 8.796 acres and is located north of California Avenue between Spencer Avenue and M.I.D. Lateral No. 5

RESOLUTION NO. 62-430

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

Introduced by Tabbert Seconded by Patton

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

City sewer service is available; the area is in the Del Este Water Company service area.

CONSIDER RESOLUTION OF INTENTION TO VACATE AND ABANDON ALLEY IN BLOCK 3177 AND PORTION OF SUNSET AVENUE 1-110

Deputy City Manager Keefe reported that the Planning Commission has recommended the closing of the alley in Block 3177, and a portion of Sunset Avenue at Block 3100, as shown on the map entitled, "Abandonment of Alley in Block 3177-LC 62-B, and Sunset Avenue at Block 3100, Land Disposition 62-A, " dated March 28, 1962 - SOS Club and Dryden Park Municipal Golf Course area. He stated that the portion of Sunset Avenue which lies within the city-owned golf course is no longer needed for access, and the design for the turn-around in Neece Drive, approved by the Council on April 23, 1962 has resulted in the determination that it is in the public interest to vacate and abandon the alley in Block 3177. A letter has been received from the property owner requesting that the alley be abandoned. He recommended that a resolution of intention to vacate and abandon the two parcels be adopted, and a date set for hearing.

Upon questioning, Acting Planning Director Fey stated that if abandoned, the alley will revert to the owner of the adjacent property.

Acting Director of Public Works Campbell stated that the additional land needed to complete the turn-around in Neece Drive

has not yet been dedicated to the City; that the owner may be willing to deed the land to compensate the City for permitting the abandoned alley to revert to his possession.

Deputy City Manager Keefe pointed out that the proposed hearing was scheduled for October 1, 1962 at 4:30 P.M., by which time acquisition of the needed property would possibly be cleared by the staff. Mr. Grimes said that if not resolved by that time, the hearing could be continued.

RESOLUTION NO. 1005-S.P.
RESOLUTION OF INTENTION NO. 284

A RESOLUTION OF INTENTION TO VACATE AND ABANDON A PORTION OF SUNSET AVENUE AND THE ALLEY IN BLOCK 3177 IN THE CITY OF MODESTO

Introduced by VanderWall Seconded by Tabbert

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

October 1, 1962 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

REPORTS FROM THE PLANNING COMMISSION - None

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY 2-40

Introduction of Modesto Tribune Reporter

Sally Sawyer, Modesto Tribune reporter, was introduced by Mayor Hammond.

PRESENTATION OF CHECK FOR $1,168.19 BY COUNCILMAN MITCHELL

A check for $1,168.19, payable to the City of Modesto, representing reimbursement to the City from the California Peace Officers/Training Fund was presented to Director of Finance Bird by Councilman Mitchell. Mr. Mitchell stated that the check was presented to him by the Attorney General in behalf of the State. Under recent provisions of the law, lawbreakers are charged an additional five per cent penalty, in addition to their fine, which penalties are remitted to the State. Those cities meeting certain standards of peace officer training and recruitment, are reimbursed to the extent of one-half the salary of the new recruits who attend police training schools.

LETTER FROM NIGERIAN DELEGATION, RECENT MODESTO VISITORS

A letter received by Councilman Mitchell from President of the Senate Asadebay, a member of the Nigerian delegation which recently visited Modesto, was read by the City Clerk.

Mayor Hammond stated that he also received a letter from President Asadebay.

COMMENTS RE: HEARING OF REZONING OF CAUSEY PROPERTY

Mayor Hammond stated that although a full Council was present, the hearing on the proposed rezoning of the Causey property would not be resumed, since the matter had not been placed on the agenda.

He stated that when again considered by the Council, the matter would be open to discussion to the Council only, and for vote of the Council.

MOTION

That the continuation of the hearing of the proposed rezoning of the Causey property be placed on the agenda each week to be considered only upon the presence of a full Council

Moved by Mayor Hammond Seconded by VanderWall Unanimously carried

REPORT OF RESULTS OF SURVEY FOR POLICE BUILDING FACILITIES IN OTHER CITIES OF 90,000 TO 100,000 POPULATION BRACKET

Copies of a memorandum from the Chief of Police, dated August 29, 1962, subject, "Results of Survey for Police Building Facilities," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

CONSIDER APPROVAL OF CITY ATTORNEY SERVING ON LEAGUE OF CALIFORNIA CITIES COMMITTEE RELATING TO MUNICIPAL POLICE POWER 2-100

The City Attorney stated that the League of California Cities has requested that he serve on a committee to consider and recommend a constitutional amendment or legislation to restore the authority of cities with respect to the police power. Mr. Grimes said that this problem has arisen as a result of several recent cases of the California Supreme Court. It is expected that not more than two committee meetings will be necessary, and that one might be arranged in connection with the annual League conference.

MOTION

That the City Attorney be authorized to serve on the committee to consider and recommend a constitutional amendment or legislation to restore the authority of cities with respect to the police power

Moved by Johansen Seconded by Mitchell Unanimously carried

HEARING ON PROPOSED ANNEXATION OF THE ROBERTS ADDITION 2-114

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

The City Clerk reported that Resolution No. 62-388, giving the notice of the proposed annexation, was published in the Modesto Tribune on August 16 and 23, 1962, and notices mailed to all property owners and interested parties in the area on August 23, 1962. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 832, recommending annexation and interim Planned Development zoning for the proposed annexation, was read by Deputy City Manager Keefe.

The City Attorney stated that after this resolution was adopted by the Planning Commission, the matter was set for hearing and the planned development aspect of the proceedings dropped; that the matter before the Council at the present time was the annexation only.

Status of the report requested by the Council on possible amendment of the zoning regulations in connection with the City's present policy pertaining to zoning of property upon annexation, was asked by Councilman Shastid.

Deputy City Manager Keefe said it was his understanding that no action would be taken on this matter until the appointment of a new Planning Director.

Acting Planning Director Fey stated that revision of the zoning map is badly needed and it is hoped, since the General Plan has been adopted, that the zoning map would be revised to reflect the objectives of the General Plan. He said that this was tied in with the suggestion made by the Council that areas annexed to the City assume the zoning most comparable to that existing while in the County; that it should be coordinated with county zoning, so that the zoning map, when revised, will reflect zoning of the areas immediately adjacent to the City, which, it is believed, will eventually annex.

Councilman Shastid stated that his suggestion was merely that areas annexed to the City be zoned the same as they are in the County; that in his opinion, this is a matter of policy, and not a determination of the zoning of all of the areas; that in his judgment action on the matter need not be withheld pending the appointment of a new Planning Director. He said that the suggested change in policy would not only streamline procedure, but would give property owners knowledge of the zoning of their property upon annexation.

Mr. Fey said that the proposed change in procedure was related to City-County zoning coordination as there were many areas adjacent to the City which he would not recommend be annexed to the City as presently zoned in the County; that perhaps a suggestion could be made that the Planning Commission adopt a policy outlining those areas where it agreed or did not agree with county zoning.

Councilman Shastid said it was not his intent that the proposed change in policy require that all property annexed into the City be zoned as it is in the County, but that if the zoning of the property is established at the time of annexation, that it be so outlined and made a part of the annexation proceedings.

The City Attorney stated that this could not be legally accomplished as the Planning Commission cannot hold hearings on the rezoning of property while the property is under the jurisdiction of the County.

Councilman Mitchell stated that the County Planning Commission has spent a great deal of time on county zoning problems since its inception in 1950, and he felt it would be of benefit to the City and a courtesy to the County to change the zoning ordinance to provide that property annexed to the City be automatically zoned to one comparable to that existing in the County; that if the City did not agree with the county zoning, the City, property owner or neighbors could initiate rezoning proceedings. He further stated that he did not believe it possible to annex inhabited territories with varied zonings unless the present zoning regulations are changed; that in most cases, property annexed to the City will retain the zoning established while under the jurisdiction of the County.

MOTION

That the Planning Commission be requested to study the matter of existing zoning practice under which all property annexed to the City is zoned R-1, pending specific action to change to another classification, and to furnish the Council with a recommendation as to whether this policy should be continued or whether it can be streamlined in a manner acceptable to the Planning Commission, as well as the staff

Moved by Shastid Seconded by Mitchell Unanimously carried

ORDINANCE NO. 525-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE ROBERTS ADDITION TO THE CITY OF MODESTO"

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

Moved by VanderWall Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

REMINDER OF QUARTERLY MEETING OF CENTRAL VALLEY DIVISION, LEAGUE OF CALIFORNIA CITIES

Mayor Hammond announced that the quarterly meeting of the Central Valley Division of the League of California Cities would be held in Turlock on Thursday, September 27, 1962.

ANNOUNCEMENT OF KICKOFF MEETING OF FORWARD MODESTO COMMITTEE '62

Mayor Hammond announced that the first general meeting of the Forward Modesto Committee '62 would be held in the Council Chambers beginning at 8:00 P.M. The Council was invited to attend.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Johansen Seconded by Tabbert Unanimously carried

The meeting adjourned at 8:28 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., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Johansen, Patton, Shastid, VanderWall, Mayor Hammond (Councilman Mitchell arrived at 4:08 P.M.)
Absent: Councilmen: Tabbert

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

Reverend R. F. Winkelman gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the regular meeting of August 27, 1962, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM E. R. BROWN REGARDING ATTENDANCE AT SEPTEMBER 20, 1962 MEETING OF THE BOARD OF ZONING ADJUSTMENT

A letter from E. R. Brown, Route 6, 3113 Tully Road, dated September 10, 1962 notifying the Council that he would not appear at the Modesto Board of Zoning Adjustment hearing September 20, 1962 and would not be represented by an attorney, was read by the City Clerk.

The City Attorney stated that a rehearing by the Board of Zoning Adjustment was requested by Mr. Brown through his attorney, Jack Lamb, and date of hearing set for September 20, 1962 at 10:00 A.M. He said that the Board of Zoning Adjustment has no legal alternative but to meet and the witnesses be present at that time to proceed in the event that Mr. Brown is present.

The letter was ordered filed.

LETTER OF RESIGNATION - JOHN W. RAE, FROM CITY PERSONNEL COMMISSION

A letter from John W. Rae, dated September 7, 1962 tendering his resignation as a member of the City Personnel Commission was read by the City Clerk.

RESOLUTION NO. 62-431

A RESOLUTION COMMENDING JOHN W. RAE FOR OUTSTANDING SERVICES RENDERED TO THE CITY OF MODESTO

Introduced by VanderWall Seconded by Shastid

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

CLAIM OF MRS. ROSE L. BAILEY AGAINST THE CITY OF MODESTO

A letter from Mrs. Rose Bailey, 538 Bodem Street, dated September 12,

1962 notifying the Council that she slipped on the floor of the City Hall on September 6, 1962, breaking her left leg, was read by the City Clerk. The letter indicated that Mrs. Bailey will be confined for approximately twelve weeks, and that she felt the City was liable for her doctor, hospital and medical expenses.

The letter was referred to the City Attorney.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE CONSTRUCTION OF WATER LINES IN CRESTWOOD TERRACE SUBDIVISION

Director of Public Works Ray stated that the agenda item provides for construction of water lines in Crestwood Terrace Subdivision. Since the agenda item was prepared, the developer of adjacent Sherwood Manor No. 2 Subdivision has agreed to dedicate an easement over the proposed street right of way and has submitted a check in the amount of $3,450 to cover the cost of a water system in his subdivision in the event that a final map is not filed. Mr. Ray recommended that revised plans and specifications covering the construction of water lines in both subdivisions be approved.

Mr. Ray stated that Sherwood Manor No. 2 subdivision is located in the northeast section of the community, in the vicinity of a new school for which plans are presently underway,with a neighborhood park also planned immediately to the north; that the plans have been made on the basis that this park site will be acquired and a water well developed there, requiring construction of a larger main on two of the streets of the subdivision than would otherwise have been needed. Mr. Ray said that if the Council approved construction of water lines in Crestwood Terrace Subdivision, a resolution approving an agreement with the subdivider of Sherwood Manor No. 2 Subdivision would also be needed.

Deputy Manager Keefe pointed out that the Council was not being asked to make a decision on the acquisition of the park site, but merely being informed that the plans and specifications were prepared on the premise that the park would eventually be acquired and a city well located there.

The City Attorney stated that a deed of easement has been given the City.

RESOLUTION NO. 62-432

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE CONSTRUCTION OF WATER LINES IN CRESTWOOD TERRACE SUBDIVISION - UNIT B; AND IN SHERWOOD MANOR NO. 2 SUBDIVISION-UNIT A

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

RESOLUTION NO. 62-433

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JOHN E. HIRLEMAN, JR. TO CONVEY TO THE CITY A RIGHT OF WAY FOR WATER LINE INSTALLATION TO SERVE SHERWOOD MANOR NO. 2 SUBDIVISION

Introduced by Johansen Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, VanderWall, Mayor Hammond

Noes: None Absent: Tabbert

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE CONSTRUCTION OF CURB, GUTTER AND SIDEWALK IN VARIOUS PARKS: UNIT A - STANDIFORD PARK (CURB, GUTTER AND SIDEWALK): UNIT B - ROOSEVELT PARK (SIDEWALK): UNIT C - GARRISON PARK (SIDEWALK)

Deputy Manager Keefe stated that these improvements were approved by the Council during the consideration of the Capital Improvement Program.

RESOLUTION NO. 62-434

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE CONSTRUCTION OF UNIT A - CURB, GUTTER AND SIDEWALK IN STANDIFORD PARK; UNIT B - SIDEWALK IN ROOSEVELT PARK; AND UNIT C - SIDEWALK IN GARRISON PARK

Introduced by Mitchell Seconded by Patton

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

ADOPTION OF ORDINANCE NO. 524-C.S., SECTION MAP NO. 21 (REZONING DRAKE ADDITION)

ORDINANCE NO. 524-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 21 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (DE PONTE)"

introduced on September 4, 1962 and having been published as required by the Charter, was moved and adopted.

Moved by Johansen Seconded by Mitchell

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

FINAL VOTE OF THE COUNCIL ON THE CAUSEY PROPERTY REZONING OFF TULLY ROAD

This item was held over for consideration when all members of the Council are present.

CONSIDER LETTER AGREEMENT BETWEEN THE CITY OF MODESTO AND MR. LANCE ELLIS FOR THE CONSTRUCTION OF A SUBTRUNK SEWER TO SERVE JONI MANOR SUBDIVISION

Deputy Manager Keefe stated that the total cost of the project is $1,345, of which the City will advance $1,259.05. The money advanced by the City will be reimbursed as adjacent areas develop.

MOTION

That the letter agreement with Mr. Lance Ellis for construction of a subtrunk sewer to serve Joni Manor Subdivision be approved

Moved by VanderWall Seconded by Johansen Unanimously carried

REPORT ON DIFFERENCE BETWEEN PROPOSED COUNTY BUILDING REGULATIONS AND CITY BUILDING REGULATIONS

Deputy Manager Keefe reported that the City and County Building Inspectors have reviewed their respective ordinances governing construction and prepared a comparison of the requirements contained. Copies of the report were distributed to the Council, and a copy filed with the record of the minutes.

Studies of differences existing in the requirements of other city and county regulations will continue..

CONSIDER AUTHORIZING THE MAYOR TO WRITE A LETTER TO THE STATE WATER POLLUTION CONTROL BOARD URGING A RISEARCH PROJECT ON THE HANDLING OF CANNERY WASTES

Director of Public Works Ray stated that each year funds are available from the State Water Pollution Board for various research projects, which are usually performed under contract by universities throughout the State, and in some cases by private engineering firms. The City of San Leandro has requested that Modesto write a letter to the State Water Pollution Control Board, requesting that some of these funds be utilized for a special study to develop means and measures to alleviate the problems of peak cannery waste loads. It was Mr. Ray's opinion that a research project of this nature would be invaluable to the City and recommended that the Board be asked to include Modesto's industrial wastes disposal problems in its research program for the coming year.

MOTION

That the Mayor be authorized to send a letter to the Water Pollution Control Board urging that a study of Modesto's industrial wastes problems be made

Moved by Shastid Seconded by Johansen Unanimously carried

REQUEST BY S.F.O. HELICOPTER AIRLINES, INC., FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Deputy Manager Keefe stated that notice has been received that S.F.O. Helicopter Airlines, Inc., has submitted a motion to the Civil Aeronautics Board requesting a certificate of public convenience and necessity for operation within a 100-mile radius of Oakland International Airport. The company is presently operating in the area under interstate commerce as an air taxi operation.

No action was taken by the Council.

APPROVAL OF BILL FROM THE COUNTY FOR PRISONER CARE FOR THE MONTH OF AUGUST, 1962

Deputy Manager Keefe stated that bills totaling $224.64 for prisoner care at the County Jail and Road Camp have been received for the month of August, 1962.

MOTION

That payment of $224.64 for prisoner care at the County Jail and Road Camp for the month of August, 1962 be approved

Moved by Johansen Seconded by VanderWall Unanimously carried

RESOLUTION REFERRING PETITION FOR ANNEXATION OF THE NORTHLAND ESTATES ADDITION TO THE PLANNING COMMISSION FOR RECOMMENDATION

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

REPORTS FROM THE PLANNING COMMISSION - None

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

Frank Andrews - Water Pollution - Police Building

Frank Andrews spoke briefly on the problems of water pollution and suggested that the police department be housed in the basement of the City Hall.

Mayor Hammond stated that the possibility of housing the Police Department in the court floor of the City Hall was explored thoroughly by the Council at the time the plans for the City Hall were drawn and determination made at that time that it would not be feasible.

LETTER FROM DR. R. W. WATSON, CHAIRMAN, SABIN ORAL POLIO IMMUNIZATION PROGRAM

A letter from Dr. R. W. Watson, Chairman, Sabin Oral Program, dated September 14, 1962 requesting permission to place booths at strategic street corners of downtown Modesto for the purpose of handing out pre-registration forms to individuals wishing to attend the oral polio immunization clinics, was read by the City Clerk. September 20, 21, 22, 27, 28 and 29, 1962 were designated as pre-registration days, with the first of the three clinics to be held on September 30, 1962.

MOTION

That Dr. Watson's request to place booths at strategic street corners of downtown Modesto for the purpose of handing out pre-registration forms on the dates specified be approved

Moved by Johansen Seconded by VanderWall Unanimously carried

REQUEST FOR ASSISTANCE OF CHARTER REVIEW COMMITTEE IN DISSEMINATING INFORMATION RE CHARTER AMENDMENTS TO PUBLIC

Councilman VanderWall moved, seconded by Councilman Johansen, that the Charter Review Committee be formally asked by the Council to assist in placing information pertaining to the proposed charter amendments before the public, and that in the event the amended charter is approved by the electorate, that the alternative measures recommended by the Charter Review Committee pertaining to the duties of the Mayor and an increase in pay for Council members be placed on the ballot at a later date.

Whether or not this would tend to commit or bind a future Council was discussed. The City Attorney stated that this would not bind a future Council because it would take a later and specific action to consolidate the propositions with a specific election.

MOTION

That the motion proposed by Councilman VanderWall be divided to enable the Council to vote on each proposal separately

Moved by Mitchell Seconded by Shastid Unanimously carried

MOTION

That the Charter Review Committee be asked to assist in placing information pertaining to the proposed charter amendments before the public, and the Mayor authorized to write a letter so requesting

Moved by VanderWall Seconded by Johansen Unanimously carried

MOTION

That the Council declares its intent to place the two alternative propositions on the ballot for vote of the people at some subsequent election if the charter carries

Moved by VanderWall Seconded by Johansen Unanimously carried

FRANK ANDREWS - OPPOSING M.I.D.'S NO TAX POLICY

Frank Andrews criticized the M.I.D.'s policy of permitting various areas to be tax-free on the basis that it is unconstitutional.

M.I.D. LITIGATION - PLACEMENT OF UTILITIES IN EASEMENTS - UNANIMOUS CONSENT ITEM

The City Attorney reported that approximately thirty days ago the M.I.D. filed it's opening appellant's brief with the District Court of Appeal in Fresno, and that the City's reply brief would probably be filed this week. He said that the M.I.D. then has twenty days within which to submit a reply brief, and then the matter will be argued before the District Court of Appeal in Fresno.

REQUEST ON STATUS OF PARKS AND RECREATION DEPARTMENT REPORT RE FUNDS EARMARKED FOR PARK DEVELOPMENT

Upon questioning, Director of Parks and Recreation Cowie stated that the report recommending park development expenditures would be placed on the agenda of the September 24, 1962 meeting for Council consideration.

CONSIDER RESOLUTION DIRECTING COLLECTION OF ASSESSMENTS UPON THE ROLLS FOR IMPROVEMENT DISTRICT NO. 8 - UNANIMOUS CONSENT ITEM

Director of Finance Bird stated that this was a routine matter wherein delinquent assessments less than $50 are referred to the County for collection on the regular property tax roll.

RESOLUTION NO. 62-435

A RESOLUTION DIRECTING COLLECTION OF ASSESSMENTS UPON THE ROLLS FOR IMPROVEMENT DISTRICT NO. 8

Introduced by VanderWall Seconded by Patton

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

ATTENDANCE OF CITY ATTORNEY - CONFERENCE OF NATIONAL INSTITUTE OF MUNICIPAL LAW OFFICERS, CHICAGO, ILLINOIS - UNANIMOUS CONSENT ITEM

MOTION

That the attendance of the City Attorney at the National Institute of Municipal Law Officers Conference in Chicago, Illinois September 25-29, 1962 be approved at city expense

Moved by VanderWall Seconded by Johansen Unanimously carried

CONTINUATION OF HEARING ON DEMOLITION OF BUILDINGS AT 118 PLEASANT STREET

Mayor Hammond announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed demolition of buildings at 118 Pleasant Street, and opened the hearing.

The City Clerk reported that the matter was continued from the August 6 and 20th meetings, upon receipt of a letter from Victor Brown, owner of the property, which stated that he was personally undertaking demolition of the buildings.

Chief Building Official Hermida stated that the buildings were condemned by the County Health Department because of unsanitary conditions about one year ago, and later called to his attention by the Fire Department as constituting a fire hazard. A personal investigation showed the buildings to be structurally unsound. He said that only the porch of the structure has been torn down at the present time.

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

RESOLUTION NO. 62-436

A RESOLUTION ORDERING THE BUILDING OFFICIAL OF THE CITY OF MODESTO TO DEMOLISH THE BUILDINGS LOCATED AT 118 PLEASANT STREET IN THE CITY OF MODESTO IN ACCORDANCE WITH THE PROVISIONS OF SECTION 203 (a) OF THE UNIFORM BUILDING CODE

Introduced by Johansen Seconded by Mitchell

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

HEARING ON DEMOLITION OF BUILDINGS AT 102 SPRUCE STREET (W. J. BROWN)

Mayor Hammond announced that the hour of 4:35 P.M. had arrived, the time set for consideration of the demolition of buildings at 102 Spruce Street owned by W. J. Brown, and opened the hearing.

The City Clerk stated that notice of the hearing was mailed to Mr. Brown at 1014 Sixth Street on August 30, 1962 and returned unopened. Notice was posted on the building on September 13, 1962.

Chief Building Official Hermida stated that the unsafe condition of the buildings was called to his attention last November by the Fire Marshall, and at this time Mr. Brown indicated that he would take care of demolition of the buildings. A personal inspection revealed

the buildings to be structurally unsound, a fire hazard, with an unsanitary accumulation of debris in the backyard. Mr. Hermida said that several letters written to Mr. Brown were not answered. The building has not been inhabited for the past three or four years.

Five photographs of the buildings under discussion, taken by Dave Freitas on July 5, 1962 were entered into the record.

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

RESOLUTION NO. 62-437

A RESOLUTION ORDERING THE BUILDING OFFICIAL OF THE CITY OF MODESTO TO DEMOLISH THE BUILDING(S) LOCATED AT 102 SPRUCE STREET IN THE CITY OF MODESTO IN ACCORDANCE WITH THE PROVISIONS OF SECTION 203 (a) OF THE UNIFORM BUILDING CODE
Introduced by VanderWall Seconded by Mitchell

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

HEARING ON PROPOSED REZONING OF AREA WEST OF CROWS LANDING ROAD

Mayor Hammond announced that the hour of 4:45 P.M. had arrived, the time set for consideration of the proposed rezoning of an area west of Crows Landing Road, and opened the hearing.

The City Clerk reported that notice of the proposed rezoning was published in the Modesto Tribune on September 6, 1962 and notices posted and delivered in the area on September 6, 1962. No written protests to the proposed rezoning were filed with the City Clerk.

Deputy Manager Keefe read Planning Commission Resolution No. 836, which recommends that Section 5 of the zoning map be amended to rezone the area from Light-Industrial, M-1, to Heavy Industrial Zone, M-2, for the following reasons: Rezoning as requested would be in harmony with existing uses on the property; a conditional use permit is required for similar uses in the M-2 Zone, or for enlargement of existing uses, to insure continuing reasonable control of dust and odor; the area is shown as industrial on the adopted General Plan.

Assistant Planner Dan Avila indicated on a map the area proposed for rezoning, stating that it encompassed an area of 79 acres, located east of the Tuolumne River and west of Crows Landing Road. The area now contains six industrial uses allied to slaughtering of animals. Uses of adjacent areas were described by Mr. Avila.

Mayor Hammond stated that at the present time the industries are non-conforming uses and are unable to make necessary operational improvements.

The City Attorney stated that at the time this area was annexed, the City did not have an M-2 Zone.

A letter from Mrs. Elmo Wade, 1111 Crows Landing Road, stated that she was the representative of 200 people who opposed the rezoning,

and who made themselves heard at the Planning Commission hearing in August in person or by petition, their chief objection being the obnoxious odors.

Attorney Francis Halley, representing the various industries, stated that rezoning of the area would make the uses more compatible.

Upon questioning, Mr. Avila stated that any of the industries wishing to expand or venture into new fields of operation relating to the slaughter of animals would need a conditional use permit and would have to appear before the Board of Zoning Adjustment, thus insuring continued reasonable control of dust and odor.

ORDINANCE NO. 526-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 5 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (MODESTO MEAT COMPANY, ET AL)"

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

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

QUARTERLY REPORT (APRIL, MAY, JUNE, 1962) SUBMITTED BY THE GREATER MODESTO CHAMBER OF COMMERCE

Deputy Manager Keefe stated that this report is submitted quarterly by the Greater Modesto Chamber of Commerce in accordance with an agreement with the City.

The report was ordered filed.

REPORT ON COMMUNICATION TO STATE POLLUTION CONTROL BOARD

Deputy Manager Keefe stated that the staff received word on September 13th that the City may be eligible for additional federal funds for its treatment plant project, under the recently passed Public Works Acceleration Act. Since the letter required immediate answer to meet a deadline of September 17, Mr. Keefe stated that a letter has been sent to the Board which will result in Modesto being placed on the priority list, but will not bind the City in any way.

MOTION

That the action of the staff in sending a letter to the State Pollution Control Board be ratified

Moved by Mitchell Seconded by Johansen Unanimously carried

REPORT ON PROPOSED POLICE-COMMUNICATIONS CENTER BUILDING 4-75

A memorandum from Chief of Police Bowers dated September 12, 1962 subject, "Police Building - Space Requirements", based on a population

of fifty to sixty thousand, was distributed to the Council, a copy of which is on file with the record of the minutes. A copy of case load comparisons of various cities was also furnished the Council. Mr. Keefe said it was the staff's judgment that population comparisons of cities did not present a true picture, as many cities, particularly in the Bay Area and Los Angeles, are bounded by other cities, with the area served limited to that within the city limits.

REQUEST FOR EXECUTION OF OPTIONS - PURCHASE OF LAND, POLICE BUILDING

Councilman VanderWall, as chairman of the Public Projects Committee, requested that the Council authorize the City Manager to execute options not to exceed $500 for the purchase of land for the proposed police-communications center building.

RESOLUTION NO. 62-438

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE OPTIONS FOR THE PURCHASE OF LAND FOR A PROPOSED POLICE-COMMUNICATIONS BUILDING

Introduced by VanderWall Seconded by Johansen

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

APPOINT SUBSTITUTE MEMBERS FOR PUBLIC PROJECTS COMMITTEE

At the request of Councilman VanderWall, Councilmen Shastid and Johansen were appointed by the Mayor as pro tempore members of the Public Projects Committee during the absence of two regular members.

REPORT ON AREA REDEVELOPMENT PROGRAM

Deputy Manager Keefe stated that the following wire was received from Representative John McFall: "White House today notified John McFall that area redevelopment administration will announce this week approval of overall economic development program for Stanislaus County."

QUARTERLY MEETING OF CENTRAL VALLEY DIVISION, LEAGUE OF CALIFORNIA CITIES

Mayor Hammond announced that the quarterly meeting of the Central Valley Division of the League of California Cities will be held in Turlock, Thursday, September 27, 1962.

ANNUAL CONFERENCE, LEAGUE OF CALIFORNIA CITIES

Mayor Hammond announced that the annual conference of the League of California Cities will be held in Los Angeles October 21 to 24, 1962. Council members were asked to notify the City Clerk of their intent to attend.

CONSIDERATION OF APPOINTMENT OF BOARD OF ZONING ADJUSTMENT MEMBER

The City Attorney reminded the Council of the resignation of Jack Jones from the Board of Zoning Adjustment effective September 30, 1962 and also the need to appoint a new member to the Personnel Commission due to the resignation of John Rae. It was the Council's decision that an executive session would be held at the end of the meeting to consider appointments.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Johansen Seconded by VanderWall

The meeting adjourned at 5:08 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., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor Hammond
Councilman VanderWall arrived at 9:47 P.M.

Absent: Councilmen: None

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

Reverend Bernard denOuden gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the adjourned regular meetings of July 10 and 31, 1962, and the same being available for public inspection, and there being no objections, the minutes were approved.

REQUEST BY ED SWAIN, CHAIRMAN, SIDEWALK SALES COMMITTEE, DOWNTOWN MERCHANTS ASSOCIATION, FOR PERMISSION TO USE SIDEWALK AREAS DURING FALL SALE

A letter from Ed Swain, Chairman, Sidewalk Sale Committee, dated September 18, 1962, requesting permission for merchants in the downtown area to sell from sidewalks during a three-day period--October 4 through October 6, 1962, was read by the City Clerk.

RESOLUTION NO. 62-439

A RESOLUTION APPROVING REQUEST OF DOWNTOWN MODESTO ASSOCIATION TO SELL FROM SIDEWALKS DURING FALL SALE

Introduced by Johansen Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor Hammond

Noes: None Absent: VanderWall

LETTER FROM RICHARD CARPENTER, EXECUTIVE DIRECTOR LEAGUE OF CALIFORNIA CITIES, RE: RESOLUTION SUPPORTING SUGGESTED INCREASE IN HIGHWAY USERS TAX

A letter from Richard Carpenter, Executive Director and General Counsel, League of California Cities, dated September 17, 1962, acknowledging receipt of Resolution No. 62-424 relative to a suggested increase in highway users taxes to finance city streets, and expressing appreciation therefor, was read by the City Clerk.

The letter was ordered filed.

CONSIDER AWARD OF BID FOR PURCHASE OF PIPE, VALVES, AND FITTINGS

A tabulation of bids received was distributed to the Council.

RESOLUTION NO. 62-440

A RESOLUTION ACCEPTING THE BID OF UNITED STATES PIPE AND FOUNDRY COMPANY FOR CAST IRON PIPE

Introduced by Johansen Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor Hammond

Noes: None Absent: VanderWall

(Item 1, 3,000' of 4" CIP and 20,000' of 6" CIP in the total amount of $39,690, plus tax)

Director of Public Works Ray stated that three bids were received for the 8", 10" and 12" CAP, the low bid on Item 3a (8" CAP) submitted by U.S. Industries, Inc., located in Azusa, California. This pipe is manufactured in Japan under the trade name "Nipponite," the submitted bid being ten cents per foot lower than the next lowest bid submitted by Johns-Manville Corporation. He said that the estimated cost of inspecting and testing the pipe is $600, which, when added to the total amount of the bid submitted, is still lower than the bid submitted by Johns-Manville Corporation, the next lowest bidder. He recommended that Item 3a be awarded to U.S. Industries, Inc.

Upon questioning, Mr. Ray stated that the pipe would be hydrostatically tested in Azusa; that it will be necessary for the City to provide an inspector to supervise the testing; that the pipe is manufactured in accordance with A.W.W.A. specifications, as required.

RESOLUTION NO. 62-441

A RESOLUTION ACCEPTING THE BID OF U. S. INDUSTRIES, INC., FOR CEMENT ASBESTOS PIPE

Introduced by Tabbert Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor Hammond

Noes: None Absent: VanderWall

(Item 3a, 15,000' of 8" CAP in the total amount of $26,250, plus tax)

RESOLUTION NO. 62-442

A RESOLUTION ACCEPTING THE BID OF JOHNS-MANVILLE SALES CORPORATION FOR CEMENT ASBESTOS PIPE

Introduced by Mitchell Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor Hammond

Noes: None Absent: VanderWall

(Items 4a, 5,000' 10" CAP; and 5a, 1,000' 12" CAP in the total amount of $15,960, plus tax)

RESOLUTION NO. 62-443

A RESOLUTION ACCEPTING THE BID OF TAY-HOLBROOK, INC. FOR GATE VALVES

Introduced by Shastid Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor Hammond

Noes: None Absent: VanderWall

(Items 6 through 10, gate valves, in total amount of $8,472.39, plus tax)

RESOLUTION NO. 62-444

A RESOLUTION ACCEPTING THE BID OF PARK-SON, INC., FOR PIPE FITTINGS

Introduced by Tabbert Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor Hammond

Noes: None Absent: VanderWall

(Items 11 through 23, pipe fittings, in total amount of $4,035.01, plus tax)

The Director of Public Works stated that the awards made a total of $94,407.40, sales tax not included.

CONSIDER AWARD OF BID FOR COMPACTION ROLLER

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

CONSIDER AWARD OF BID FOR PURCHASE OF LAMPS FOR ONE YEAR COMMENCING OCTOBER 1, 1962

Deputy Manager Keefe stated that three bids were received for the City's annual lamp needs, the low bid submitted by Modesto Industrial Electrical Company, list price less 43½%. He recommended that the bid be awarded to Modesto Industrial Electrical Company.

RESOLUTION NO. 62-445

A RESOLUTION ACCEPTING THE BID OF MODESTO INDUSTRIAL ELECTRICAL COMPANY, INC., FOR INCANDESCENT, FLUORESCENT, AND MERCURY VAPOR LAMPS FOR MUNICIPAL LIGHTING FOR A PERIOD OF ONE YEAR, COMMENCING OCTOBER 1, 1962

Introduced by Mitchell Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor Hammond

Noes: None Absent: VanderWall

RESOLUTION APPROVING SPECIFICATIONS FOR UTILITY DUMP BODY TRACTOR AND CALL FOR BIDS 2-10

Director of Parks and Recreation Cowie stated this tractor will replace a scooter presently being used at the golf course, which is too light for effective use. The scooter will be used by the Public Works Department.

RESOLUTION NO. 62-446

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR UTILITY DUMP BODY TRACTOR

Introduced by Johansen Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor Hammond

Noes: None Absent: VanderWall

October 16, 1962 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

RESOLUTION REFERRING PETITION FOR ANNEXATION OF THE NORTHLAND ESTATES ADDITION TO THE PLANNING COMMISSION FOR RECOMMENDATION

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

FINAL VOTE OF THE COUNCIL ON THE CAUSEY PROPERTY REZONING OFF TULLY ROAD

Mayor Hammond announced that this matter would be considered later in the evening if Councilman VanderWall arrived at the meeting, making a full Council.

RESOLUTION REJECTING CLAIM OF MRS. ROSE L. BAILEY FOR DAMAGES

The City Attorney recommended that the claim for damages filed against the City by Mrs. Rose L. Bailey for doctor, hospital and medical expenses incurred as the result of an injury sustained in a fall in the City Hall Building be rejected.

RESOLUTION NO. 62-447

A RESOLUTION REJECTING THE CLAIM OF ROSE L. BAILEY FOR DAMAGES AGAINST THE CITY OF MODESTO

Introduced by Mitchell Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor Hammond

Noes: None Absent: VanderWall

RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (ROBERTS ADDITION)

RESOLUTION NO. 62-448

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (ROBERTS ADDITION)

Introduced by Shastid Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor Hammond

Noes: None Absent: VanderWall

RESOLUTION ACCEPTING AS COMPLETE GEORGE REED'S CONTRACT FOR THE CONSTRUCTION OF TENNIS COURTS AT ROOSEVELT PARK 2-35

Deputy Manager Keefe stated that a memorandum from the Assistant Director of Public Works dated September 21, 1962 indicates that the tennis courts in Roosevelt Park have been completed to the satisfaction of the City and that it would be in order for the Council to accept the work as complete. He recommended that the work be accepted, the City Clerk authorized to file a notice of completion, and payment made in accordance with the contract. Total cost of work done is $9,797.

RESOLUTION NO. 62-449

A RESOLUTION ACCEPTING THE CONSTRUCTION OF TENNIS COURTS AT ROOSEVELT PARK BY GEORGE REED

Introduced by Tabbert Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor Hammond

Noes: None Absent: VanderWall

RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO CITY SCHOOL DISTRICT OF STANISLAUS COUNTY ON AFTER-SCHOOL RECREATION PROGRAM

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

RESOLUTION TRANSFERRING $617 FROM GENERAL RESERVE, ACCOUNT NO. 600 TO SALARIES-WAGES, ACCOUNT NO. 120-13

The City Attorney requested that $617 be transferred from the General Fund, General Reserve (Account No. 101-600) to Salaries-Wages (Account No. 120-13) the funds being needed to cover cost of replacement of the Senior Legal Stenographer in the City Attorney's Office, who is taking three months leave of absence because of illness. The Senior Legal Stenographer's salary will continue while she is on sick leave.

RESOLUTION NO. 62-450

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $617 FROM GENERAL FUND, GENERAL RESERVE TO CITY ATTORNEY, SALARIES AND WAGES, EXTRA HELP

Introduced by Shastid Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor Hammond

Noes: None Absent: VanderWall

CONSIDER ACCEPTANCE AND APPROPRIATION OF FUNDS RECEIVED AS A MEMORIAL TO ELEANOR DENNETT, DECEASED ($344) 2-57

Deputy Manager Keefe stated that after Miss Dennett's death, relatives asked that in lieu of flowers money be donated to the library. Donations in the amount of $344 have been received and deposited in the Library General Reserve Fund. Mr. Keefe said that it was necessary that the Council officially accept the donations and approve a transfer of the $344 from the Library General Reserve Fund (201-600) to Books and Periodicals (302).

RESOLUTION NO. 62-451

A RESOLUTION APPROVING ACCEPTANCE OF DONATIONS OF $344 IN MEMORY OF ELEANOR DENNETT AND APPROVING APPROPRIATION TRANSFER OF $344 FROM LIBRARY, GENERAL RESERVE, TO BOOKS AND PERIODICALS

Introduced by Johansen Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor Hammond

Noes: None Absent: VanderWall

CONSIDER APPROVAL OF ANNUAL PAYMENT TO THE COUNTY OF STANISLAUS FOR HEALTH SERVICE, FISCAL YEAR 1962-63

Deputy Manager Keefe stated that $3,000 is due the County for health services in accordance with an agreement between the City and County dated May 29, 1957 and revised July 7, 1958.

MOTION

That payment of the annual fee of $3,000 for health services due the County of Stanislaus for fiscal year 1962-63 be approved

Moved by Mitchell Seconded by Patton Unanimously carried

CONSIDER PROPOSAL OF MR. ARCHIE NEY TO HARVEST WALNUTS ON CITY PROPERTY

Deputy Manager Keefe stated that a request has been made by Archie Ney to harvest walnuts on city property located at Dryden Park Golf Course, the former Snedigar property on McHenry Avenue, Roosevelt Park, City Pump Station No. 4 on Virginia Avenue and city property adjacent to the Tuolumne River, on the same basis as last year--the City to receive 55% of the gross proceeds received from the sale of the walnuts. Mr. Ney has requested a time limit of November 20, 1962 to complete the harvesting.

MOTION

That the request of Archie Ney to harvest walnuts on city property be approved, and execution of contract authorized

Moved by Johansen Seconded by Patton Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY LOCATED AT NORTHWEST CORNER OF WHITMORE AND CROWS LANDING ROAD, CONTAINING 52 ACRES OF LAND - SISK PROPERTY

Director of Public Works Ray stated that this 52 acre parcel is located at the northwest corner of Whitmore and Crows Landing Road in South Modesto, and is not contiguous to the city limits; that it is proposed that a lateral sewer be constructed in accordance with Code requirements from a point on Crows Landing Road to the property, with all costs to be borne by the applicant; that regular outside the city sewer service rates will apply until the area is annexed to the City.

Mr. Ray said that the sewer system designed in South Modesto was not designed to serve all of this area, but only the frontage along Crows Landing Road. He recommended that the request for service be granted, but only that portion within 660 feet from the center line of Crows Landing Road be served.

Upon questioning, Mr. Ray said that sewer service to this area will not strain the capacity of the trunk sewer system, as it was designed to serve this area; that the primary development proposed for the area is a discount house.

MOTION

That the request for sewer service to this area be approved on the basis recommended by the Director of Public Works, and execution of an agreement in accordance with usual city policy authorized

Moved by Mitchell Seconded by Johansen Unanimously carried

RESOLUTION SETTING DATE FOR HEARING OF PROPOSED ANNEXATION OF THE ATHENS ADDITION 2-112

Deputy Manager Keefe stated that Planning Commission Resolution No. 841 recommends the commencement of annexation proceedings for the Athens Addition; that the area is proposed to be used for single-family residences; all city services, including sewer and water facilities, can be extended to the area.

RESOLUTION NO. 62-452

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

Introduced by Mitchell Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor Hammond

Noes: None Absent: VanderWall

November 5, 1962 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION SETTING DATE FOR HEARING ON PROPOSED ANNEXATION OF THE SPENCER ADDITION

Deputy Manager Keefe stated that Planning Commission Resolution No. 842 recommends the commencement of annexation proceedings for the Spencer Addition; that the area is proposed for multiple-family development; that all city services, excluding water facilities, can be extended to the area.

RESOLUTION NO. 62-453

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

Introduced by Mitchell Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor Hammond

Noes: None Absent: VanderWall

November 5, 1962 at 4:35 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

HEARING ON PROPOSED ANNEXATION OF THE GANT ADDITION

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

The City Clerk reported that notice of the proposed annexation was published in the Modesto Tribune on August 23 and 30, 1962 and notices mailed to all property owners in the area and interested parties on August 28, 1962. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 835 recommending annexation of the area to the City was read by Deputy Manager Keefe.

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

ORDINANCE NO. 527-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE GANT ADDITION TO THE CITY OF MODESTO"

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

Moved by Johansen Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor Hammond

Noes: None Absent: VanderWall

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

REPORT OF RECENT TRIP TO PHILADELPHIA A.M.A. CONFERENCE, BARRANQUILLA, COLOMBIA, AND OTHER POINTS OF INTEREST BY CITY MANAGER

City Manager Miller gave a brief report to the Council of his recent trip to the A.M.A. conference in Philadelphia, and a side trip to San Juan, Puerto Rico, Barranquilla, Colombia, and other South American countries.

Mr. Miller said that construction activities in Puerto Rico have made tremendous strides under "Operation Bootstrap." He told of the gracious official welcome given him by the Mayor-City Manager of Puerto Rico, a woman who has held this position for eighteen years, whom he had previously met at several Managers' meetings. Mr. Miller suggested that the Council adopt a resolution thanking the officials of San Juan for their hospitality.

Mr. Miller told of the warm welcome received in Barranquilla, not only from city officials, but from citizens generally. A resolution from the Council of the City of Barranquilla expressing its appreciation to the Modesto City Council for joining in the sister city program, designating the Modesto visitors as honored guests of the City, was presented to Mr. Miller Gold keys to San Juan and Barranquilla were also given to Mr. Miller.

Gifts received from various civic organizations were shown by the City Manager. He displayed a preliminary copy of an official document from Barranquilla city officials, signed by the Mayor and principal department heads, a framed copy of which, officially sealed and signed, is forthcoming for display in the City Hall.

Mr. Miller said that he anticipated visits to Modesto by city officials and private citizens of Barranquilla.

RESOLUTION NO. 62-454

A RESOLUTION EXPRESSING THE APPRECIATION OF THE COUNCIL OF THE CITY OF MODESTO FOR THE WELCOME AND HOSPITALITY EXTENDED BY THE MAYOR OF SAN JUAN, PUERTO RICO, TO CITY MANAGER ROSS MILLER

Introduced by Mitchell Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor Hammond

Noes: None Absent: VanderWall

RESOLUTION NO. 62-455

A RESOLUTION EXPRESSING THE APPRECIATION OF THE COUNCIL OF THE CITY OF MODESTO FOR THE WELCOME AND HOSPITALITY EXTENDED BY THE MAYOR OF BARRANQUILLA AND OTHER REPRESENTATIVES OF THAT CITY TO CITY MANAGER ROSS MILLER, SISTER CITY CHAIRMAN DR. JOHN WOOLLEY, AND MRS. WOOLLEY

Introduced by Tabbert Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor Hammond

Noes: None Absent: VanderWall

HEARING ON PROPOSED ANNEXATION OF THE RENEE MANOR ADDITION 4-88

Mayor Hammond announced that the hour of 8:10 P M. had arrived the time set for consideration of the proposed annexation of the Renee Manor Addition, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on August 23 and 30, 1962, and notices mailed to all property owners in the area and other interested parties on August 28, 1962. No written protests to the proposed annexation were filed with the City Clerk.

Planning Commission Resolution No. 834, recommending annexation of the area to the City, was read by Deputy Manager Keefe.

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

ORDINANCE NO. 528-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE RENEE MANOR ADDITION TO THE CITY OF MODESTO"

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

Moved by Tabbert Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor Hammond

Noes: None Absent: VanderWall

CONSIDER STAFF REPORT ON RECOMMENDATIONS FOR PARK DEVELOPMENT TOTALING $60,000 4-115

Deputy Manager Keefe stated that at the September 4, 1962 Council meeting, the staff was directed to submit recommendations on the expenditure of $60,000 for the improvement of various park sites on the basis of need. A memorandum from the Director of Parks and Recreation Department dated September 17, 1962, subject, "Staff Recommendations for Park Development Totaling $60,000" was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. Mr. Keefe recommended that the funds not be appropriated at the present meeting as this will negate the possibility of securing matching federal funds; that $5,000 only be appropriated for engineering purposes to enable the Director of Parks and Recreation to proceed with the plans for improvement. He said that Modesto's priority was low but he felt that application for the funds should nevertheless be made.

Referring to the above memorandum, Councilman Shastid suggested, under the assumption that no federal assistance was forthcoming, that it might be well to defer further improvement of Kewin Park at this time, using these funds towards the construction of restrooms in Garrison and California-Franklin Parks.

Director of Parks and Recreation Cowie stated that development of Kewin Park was long overdue. He pointed out that the $9,300 suggested from the improvement of this park would not be sufficient to construct a restroom in each of the parks, which would total about $13,000. He said it was the hope of the staff, in recommending the listed allocation of the funds, that restrooms could be constructed at Garrison and California-Franklin park sites the coming fiscal year.

A resolution proposed by Councilman Shastid, seconded by Councilman Johansen, that $5,000 be appropriated for engineeing pruposes for California-Frankling and Garrison Parks was amended, at the suggestion of Councilman Mitchell, to include Kewin Park. Mr. Mitchell pointed out that Kewin Park is the only park between Dry Creek and the residential area extending east to the city limits, Legion Park being approximately two or three miles away, beyond incorporated territory; that this area has been in the City for approximately fifteen or twenty years with no park to serve it.

RESOLUTION NO. 62-456

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $5,000 FROM SPECIAL FUND FOR CAPITAL OUTLAYS, GENERAL RESERVE, TO PARK PLANS AND ENGINEERING
(Engineering plans for California-Franklin, Garrison and Kewin Parks)

Introduced by Shastid Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor Hammond

Noes: None Absent: VanderWall

REPORT ON POLICE-COMMUNICATIONS BUILDING

MOTION

That the Council adjourn to executive session to discuss potential condemnation litigation

Moved by Johansen Seconded by Mitchell Unanimously carried

The meeting adjourned to executive session at 8:45 P.M , reconvening at 9:47 P.M.

Councilman VanderWall arrived at 9:47 P.M.

Councilman VanderWall, Chairman of the Public Projects Committee, proposed a motion, seconded by Councilman Johansen, that the area of the proposed police-communications center building be a minimum of 24,000 and a maximum of 26,000 square feet.

It was Councilman Shastid's opinion that by reducing the size of the offices, the area could be reduced to a maximum of 21,000 square feet, effecting a savings of approximately $150,000 to $200,000. He said he was not against federal assistance, providing there were no restrictions on the use of such funds, but that he did not believe one dollar more than necessary should be spent simply because matching funds might be available from federal sources. He commented that a report submitted by the staff indicates that cities with populations ranging from 90,000 to 100,000 have constructed police buildings 25,000 to 28,000 square feet in area during the years 1959-62 which, in his judgment, were planned to take care of anticipated population expansion. He felt that moneys saved could be more advantageously used for the development of parks, water and sewer facilities, street improvements, etc., where funds are badly needed.

Councilman Johansen stated that while Modesto's population is 38,000, the City's police activity is geared to needs created by the large unincorporated areas surrounding the City and this fact should be considered. It was his belief that the Council's decision should be based on a long-range view, since forecasts indicate a large population increase during the next ten years.

Councilman Mitchell said that the architect should be permitted sufficient latitude to design a building which will meet both the City's immediate and future needs.

MOTION

That the area of the proposed police-communications center building be a minimum of 24,000 square feet and a maximum of 26,000 square feet

Moved by VanderWall Seconded by Johansen

The motion carried, Councilman Shastid dissenting.

Deputy Manager Keefe reported that the Planning Commission had approved an alternate site for the Police-Communications Center building.

FINAL VOTE OF THE COUNCIL ON THE CAUSEY PROPERTY REZONING (OFF TULLY ROAD) 6-35

The City Attorney stated this matter was first heard by the Council on July 9, 1962, and referred back to the Planning Commission for further study, with the recommendation that 1.5 parking spaces per unit be required. The matter was again considered by the Council on August 27, 1962, the Mayor and five councilmen being present. A proposed ordinance affirming the Planning Commission's recommendation that the Section 19 of the Zoning Map be amended to reclassify the Causey property from R-1 to R-3 to Planned Development Zone, P-D (9) failed to carry with a split three to three vote. Councilman Johansen was absent from this meeting. Upon questioning, Councilman Johansen stated that he had listened to the recordings of the entire August 27, 1962 meeting, that he had also reviewed the minutes of the previous Planning Commission meeting and the earlier Council hearing, and believed that he was familiar with the matter.

ORDINANCE NO. 529-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 19 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATION THEREON (CAUSEY)"

was introduced and ordered published as required by the Charter.

Moved by Mitchell Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Tabbert, Mayor Hammond

Noes: Shastid, VanderWall Absent: None

A proposed resolution approving a development plan for the Planned Development Zone P-D (9) was reviewed by the City Attorney.

RESOLUTION NO. 62-457

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED-DEVELOPMENT ZONE, P-D (9) (CAUSEY)

Introduced by Johansen Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Tabbert, Mayor Hammond

Noes: Shastid, VanderWall Absent: None

REPORT ON AUTOMATIC SPRINKLER SYSTEM 6-63

A memorandum from the Director of Parks and Recreation dated September 20, 1962, subject, "Report on Automatic Sprinkler Systems," copies of which were furnished the Council prior to the meeting, and a copy of which is on file with the record of the minutes, was discussed.

Manpower savings through installation of automatic sprinklers in parks were discussed, the report indicating that automatic sprinklers in a 7½ acre park would effect a savings of $1,101 per year in labor costs.

REPORT ON OVERALL ECONOMIC DEVELOPMENT PROGRAM

Deputy Manager Keefe reported that Stanislaus County's Provisional Overall Economic Development Program has received federal approval.

NOTICE OF QUARTERLY MEETING OF CENTRAL VALLEY DIVISION OF LEAGUE OF CALIFORNIA CITIES

Mayor Hammond announced that the quarterly meeting of the Central Valley Division of the League of California Cities would be held in Turlock, Thursday evening, September 27, 1962.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Johansen Unanimously carried

The meeting adjourned at 10:10 P.M.

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

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

The City Clerk called the roll and there were

Present: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Absent: Councilmen: None

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

Reverend Luverne Sands gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the adjourned regular meeting of July 16, 1962 and the regular meeting of September 4, 1962, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM MRS. JOHN MENSINGER, VICE CHAIRMAN, CHARTER REVIEW COMMITTEE, RE: SUPPORT OF THE REVISED CHARTER

A letter from Mrs. John Mensinger, Vice Chairman, Charter Review Committee, notifying the Council that a meeting of the Charter Review Committee has been called for Thursday, October 4, 1962 at 7:30 P.M. in the Law Library Conference Room, City Hall, and thanking the Council for its decision to allow the alternative proposals recommended by the Committee to be submitted to the public at a later election if the proposed revised charter is approved, was read by the City Clerk.

LETTER FROM MRS. E. E. MARLETT, 1630 VICTOR WAY, RE: SEWER ODORS IN THE VICINITY OF VICTOR WAY

Copies of a letter from Mrs. E. E. Marlett, 1630 Victor Way, dated September 21, 1962, requesting that a solution be found to alleviate the sewer odors in the vicinity of Victor Way, were distributed to the Council prior to the meeting.

Director of Public Works Ray presented a preliminary oral report, stating that a build-up of the normal Sewage Treatment Plant odors will infrequently occur; that the odors are not caused by any change in the plant operation. He stated that most of the odors from the Treatment Plant have been eliminated and that bids are presently being called for additional facilities and equipment which will further eliminate these odors. The staff was directed to answer Mrs. Marlett's letter.

Mrs. E. E. Marlett, 1630 Victor Way, spoke to the Council, stating that it was her belief that the Council did not have a thorough understanding of the matter. She stated that if the situation could be cleared up within the hour upon notification to the plant, then the odors could certainly be eliminated before becoming too strong and without residents of the area being forced to contact the plant.

Upon questioning, Mrs. Marlett stated that the odors occur infrequently and without pattern, usually between evening and morning, lasting for varied periods of time.

Upon questioning, Mr. Ray stated that the equipment presently planned for purchase will be in operation in the spring of 1963; that the equipment will not be needed before that time as there is very little odor problem during the winter months. He stated that the area under question is also subjected to odors from nearby industrial operations.

The industries and wind variables in the area were discussed by the Council.

Mrs. Marlett stated that she did not feel it necessary to receive a letter from the City on the matter.

ACCEPT BID FOR CONSTRUCTION OF TRAFFIC SIGNS AND STREET LIGHTS AT COLLEGE AND ORANGEBURG 2-22

City Manager Miller stated that the low bidder is Collins Electrical Company of Stockton in the amount of $5,943. He stated that the primary difference between the present bids and those called for August 22, 1962 for the same project, all of which were rejected in order to scale down the specifications to reduce costs, is the omission of "walk" and "wait" signals, and the use of overhead rather than underground wiring.

Councilman Mitchell asked that a change order be issued to place the wires underground rather than overhead. It is his feeling that the Council should adopt a policy of requiring that wires be underground whenever possible.

Upon questioning, Director of Traffic Carmody stated that the cost of placing the wires underground rather than overhead would be approximately $200.

RESOLUTION NO. 62-458

A RESOLUTION ACCEPTING THE BID OF COLLINS ELECTRICAL COMPANY FOR THE CONSTRUCTION OF TRAFFIC SIGNALS AND STREET LIGHTING AT COLLEGE AND ORANGEBURG AVENUES

Introduced by Shastid Seconded by VanderWall

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

MOTION

That an informal quotation be obtained from the contractor on the cost of placing the overhead wires underground on the above project

Moved by Mitchell Seconded by Shastid Unanimously carried

INTRODUCTION OF CHIEF BATHOEN, II, FROM BECHUANALAND, AFRICA

Dr Archie N. Tonge introduced Chief Bathoen, II, from Bechuanaland, Africa, who is presently on tour of the United States.

ADOPTION OF ORDINANCE RECLASSIFYING THE MODESTO INDUSTRIAL AREA

ORDINANCE NO. 526-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 5 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (MODESTO MEAT COMPANY, ET AL)"

introduced on September 17, 1962 and having been published as required by the Charter, was moved and adopted.

Moved by VanderWall Seconded by Johansen

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

RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE EMPIRE FIRE PROTECTION DISTRICT (RUFFINO ADDITION ANNEXATION)

RESOLUTION NO. 62-459

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE EMPIRE FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (Ruffino Addition)

Introduced by Johansen Seconded by Shastid

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

RESOLUTION APPROVING AGREEMENT WITH COUNTY OF STANISLAUS FOR ANNUAL RECREATION ALLOCATION 2-89

Councilman Mitchell stated that although the County has a very fair and equitable formula for dividing recreational funds, the total funds available have been frozen at an original figure which has not taken into account the increased recreational needs and demands of the county as a whole. He did not see any possibility of continuing indefinitely on the present basis. It was Mr. Mitchell's suggestion that the City should approach the County at an earlier date this year on the matter of the annual recreation allocation. He pointed out that although the County's recreation budget as a whole has been increased over the years, the community recreational phase has not been increased.

Community recreational programs and the use of allocated funds were discussed by the Council.

Recreational activities outside the city limits, sponsored by the schools, were also discussed.

Upon questioning, Director of Parks and Recreation Cowie stated that the city does not provide any recreational program outside the city limits; that the only recreational facilities sponsored by the city which take place outside the city limits are the night baseball games played on the state ball diamond at Modesto State Hospital.

RESOLUTION NO. 62-460

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS FOR ANNUAL RECREATION ALLOCATION OF $14,783.08

Introduced by Mitchell Seconded by VanderWall

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

At the request of the City Manager, and with the unanimous consent of the Council, the annual recreation allocation agreement with the Modesto City School District was also considered at this time.

RESOLUTION NO. 62-461

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO CITY SCHOOL DISTRICT OF STANISLAUS COUNTY FOR ANNUAL RECREATION ALLOCATION OF $6,500

Introduced by VanderWall Seconded by Johansen

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

MOTION

That the staff and Council representatives be directed to negotiate with the County and Schools for increased recreation allocations; and that the Council goes on record as being disappointed in the lack of participation of the county in the recreation program

Moved by Johansen Seconded by VanderWall. Unanimously carried

HEARING ON PROPOSED VACATION OF ALLEY IN BLOCK 3177 - NEECE DRIVE

Mayor Hammond announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed vacation of alley in Block 3177, Neece Drive, Modesto, and opened the hearing.

The City Clerk reported that notice of hearing was published in the Modesto Tribune on September 20, 1962 and notices posted in the area on September 19, 1962. No written protests to the proposed vacation were filed with the City Clerk.

City Manager Miller stated that this matter is being considered in connection with access to the Municipal Golf Course. He recommended that at the conclusion of the present hearing, that the hearing be continued to a later date in order that the staff might being back a report on the related aspects of the Golf Course entrance.

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

MOTION

That the matter be continued to the meeting of Monday, October 15, 1962

Moved by Shastid Seconded by Tabbert Unanimously carried

FURTHER CONSIDERATION OF RECREATION PROGRAM

(a) Tiny Tot Program: It was Mayor Hammond's opinion that the extent of government services is a matter of Council policy, and that the program under question originated from the staff rather than from Council action.

Upon questioning, Director of Recreation Grogan stated that the Tiny Tot Program has not been authorized specifically by name; however, the program falls under the budget item, "Boys and Girls," which has been approved by the Council.

City Manager Miller stated that the present Tiny Tot Program will end on October 26, and recommended that the Council permit the session to be completed, even though the Council may wish to eliminate the program in the future.

Councilman Mitchell spoke in favor of the program, pointing out the benefits to children of pre-school age attending such a session. It was his feeling that the program should be continued.

Mayor Hammond stated that pre-school aged children are a parental responsibility and that governmental service should not extend to the raising of children.

Mrs. Laverne Goldberg, 1019 Tully Road, spoke briefly in favor of the program, stating that the program offered by the City constitutes one to which mothers can afford to send their children.

Councilman Johansen stated that it was his opinion, as well as that of several mothers approached by him on the subject, that the governmental services of this city should not be extended this far. He questioned the fact that the program could be self-supporting, particularly if the program should grow and expand.

Upon questioning, Director of Recreation Grogan stated that the supervisor of this program is a part-time employee, as are all recreational leaders and employees, except the director and two full-time supervisors.

In answer to suggestions that programs of this type should be carried by the schools, Councilman Mitchell stated that it was his understanding that the schools are limited to accepting pupils who must be at least five years of age by December 2 of the year the pupil is enrolled in school, the minimum age for state-supported kindergarten.

MOTION

That the Tiny Tot Program not be continued after completion of the the present session

Moved by Johansen Seconded by VanderWall

The motion carried, Councilmen Mitchell and Tabbert dissenting.

(b) Others: Mayor Hammond spoke in favor of the after-school program.

Upon questioning, City Manager Miller stated that the after-school program includes elementary school children.

Councilman Shastid questioned the city's paying high school coaches to supervise the football and basketball clinics one day each week. Director of Recreation Grogan stated that the coaches donate their time for these activities, although there is cost to the city connected with the programs.

Expense to the city on the various recreational programs was discussed by the Council.

REPORT OF SUPERINTENDENT OF STREETS ON COST OF CONSTRUCTION OF CURB AND GUTTER AT 410 COVENA AVENUE 6-5

The City Manager stated that a report from the Director of Public Works indicates that all work has been completed in connection with the construction of curb and gutter at 410 Covena Avenue at a total cost of $152.95, the amount to be assessed against the property. The work was completed on September 20, 1962.

The City Clerk was directed to set a date for hearing on the assessment of the construction costs.

FURTHER REPORT ON SISTER CITY PROGRAM

At the request of the City Manager, and with the consent of the Council, the matter was carried forward to be considered later in the evening, pending the arrival of Dr. John Woolley and Victor Echeverria.

REQUEST FOR REFUND OF BUSINESS LICENSE TAX - SNO WHITE DRIVE-IN

Director of Finance Bird stated that the Sno White Drive-In has requested a refund of $171.74. This amount constitutes an erroneous overpayment of business license tax resulting from the firm's calculating its gross receipts in error at one(1%) per cent instead of one (1) mill. Sec. 6-1.130(c) of the Modesto Municipal Code provides that license taxes may be refunded when the amount paid is in excess of the amount required by law. Sec. 6-1.130(f) of the Code requires that any refund over $100 requires Council action.

Mr. Bird recommended that the refund be authorized.

RESOLUTION NO. 62-462

A RESOLUTION AUTHORIZING THE REFUND OF BUSINESS LICENSE FEE TO SNO WHITE DRIVE-IN FOR THE TAX PERIOD ENDED JUNE 30, 1962

Introduced by Shastid Seconded by Tabbert

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

CONSIDER ACCEPTANCE OF A "PLANTING EASEMENT" FOR THE PURPOSE OF MAINTAINING STREET TREES AT 944 BRADY AVENUE, MODESTO, OWNER, JAMES JONES, JR.

City Manager Miller stated that the trees in question are just off the right of way, are desirable trees; and recommended that the planting easement be provided.

MOTION

That the "planting easement" requested by James Jones, Jr., 944 Brady Avenue, Modesto, be provided

Moved by VanderWall Seconded by Patton Unanimously carried

CONSIDER ONE-WAY COUPLET AT 14TH AND 15TH STREETS

City Manager Miller stated that previous reports have been provided the Council on this matter; and that the project would require substantial expenditures by the City. He also stated that it would not be feasible to improve 15th Street before being fully informed as to the State's intentions with regard to the Needham-McHenry congestion and the improvement of Yosemite Boulevard, which is a state highway.

Upon questioning, Director of Traffic Carmody stated that it would be possible to install three-phase signals at McHenry and Needham to allow traffic on Needham to turn left onto McHenry with all other traffic stopped, but stated that the State would not be willing to slow the McHenry-J Street traffic, which would result from such a change.

Traffic direction which would result from the proposed one-way couplet was discussed.

Upon questioning, Mr. Carmody stated that eventually a two-way traffic signal will be needed at the intersection of 14th and L Streets.

The expense of the proposed project was considered.

MOTION

That no action be taken at this time

Moved by VanderWall Seconded by Shastid Unanimously carried

RESOLUTION DETERMINING THE GENERAL PREVAILING RATE OF PER DIEM WAGES (AS REQUIRED BY SECTION 1773.3 OF THE LABOR CODE OF THE STATE OF CALIFORNIA)

The City Attorney stated that Section 1773.3 of the Labor Code of the State of California requires that the City submit an annual determination of prevailing per diem wage rates in the locality of the City of Modesto. The proposed resolution sets forth the prevailing rates as indicated by data gathered, prepared and submitted by the Director of Public Works.

RESOLUTION NO. 62-463

A RESOLUTION DETERMINING THE GENERAL PREVAILING RATES OF PER DIEM WAGES

Introduced by Johansen Seconded by VanderWall

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

RESOLUTION REFERRING PETITION FOR THE ANNEXATION OF THE PROPOSED HELM ADDITION TO THE PLANNING COMMISSION FOR RECOMMENDATION AND REPORT 7-6

RESOLUTION NO. 62-464

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

Introduced by VanderWall Seconded by Tabbert

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

RESOLUTION REFERRING PETITION FOR THE ANNEXATION OF THE PROPOSED DODSON ADDITION TO THE PLANNING COMMISSION FOR RECOMMENDATION AND REPORT

RESOLUTION NO. 62-465

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

Introduced by Tabbert Seconded by VanderWall

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

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

(a) Adjournment of October 22 meeting to October 29, 1962

Councilman Johansen suggested that the October 22 meeting be postponed to October 29, in view of the fact that the Annual League of California Cities Conference in Los Angeles is to be held October 21 to 24, inclusive.

MOTION

That the City Clerk is directed to adjourn the October 22, 1962 Council meeting to October 29, 1962

Moved by Johansen Seconded by Shastid Unanimously carried

City Manager Miller stated that he had been contacted by Mr. Gardner in connection with the League Conference, who has requested that the City appoint the Mayor or a member of the Council to serve on the International Municipal Cooperation Committee for the League Conference.

MOTION

That Councilman Mitchell is appointed City of Modesto representative to the above League Conference Committee

Moved by VanderWall Seconded by Patton Unanimously carried

(b) Charter Review Committee Meeting and Barranquilla Report

Councilman Tabbert pointed out that the meeting of the Charter Review Committee is to be held on October 4, the same date that City Manager Miller and Dr. John Woolley are to give a complete report of their trip to Barranquilla, Colombia. He stated that he, and probably many others, would like to attend both functions, but did not see how this would be possible.

City Attorney Grimes state that it would be impossible to postpone the Charter Review Committee Meeting.

City Manager Miller stated that he would set a date in the near future, when no other activities are planned, to hold a special session for a report on the Barranquilla, Colombia trip.

(c) Notification of subcommittee meetings for Forward Modesto Committee '62

Councilman Johansen stated that he has been receiving two post cards, as well as a telephone call, for the Forward Modesto Committee '62 subcommittee meetings, and felt that the duplication was unnecessary. Councilmen indicated a desire to receive the following notification: Councilman Johansen, notice of meetings pertaining to urban renewal; Councilman Mitchell, notice of executive meetings; Councilman Patton, notice of executive meetings; Councilman Shastid, notice of executive meetings; Councilman Tabbert,one post card only pertaining to all meetings; Councilman VanderWall, notice of meetings pertaining to urban renewal; and Mayor Hammond, all cards.

(d) Appointment of Gerald V. Underwood to Board of Zoning Adjustment

Mayor Hammond announced that a vacancy still existed on the Modesto City Board of Zoning Adjustment, and that Mr. Gerald V. Underwood had indicated a willingness to serve on the Board.

RESOLUTION NO. 62-466

A RESOLUTION APPOINTING GERALD V. UNDERWOOD A MEMBER OF THE MODESTO CITY BOARD OF ZONING ADJUSTMENT

Introduced by Mitchell Seconded by Shastid

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

(e) Thanks to the Deputy City Manager

Mr. Miller expressed appreciation to Deputy Manager John Keefe for a job well done during his recent absence from the City.

(f) Report on National City Attorney's Conference in Chicago

City Attorney Grimes reported briefly on the National City Attorney's Conference in Chicago, which he attended recently.

Mr. Grimes stated that there was discussion on municipal insurance, with indication that in the future carriers may not want to take municipal business and cities would be in the business of doing their own investigating and carrying their own public liability and property damage insurance.

ACCEPTANCE OF THE ANNUAL AUDIT REPORT AND AUTHORIZATION OF PAYMENT TO NATTINGER AND LOWRY, C.P.A.'s

A letter from Nattinger & Lowry, dated September 20, 1962, covering the city's audit report for the fiscal year ended June 30, 1962, was read by the City Clerk.

MOTION

That payment of the bill, in the amount of $1,650 to cover the annual audit by Nattinger & Lower, Certified Public Accountants, be approved

Moved by Johansen Seconded by VanderWall Unanimously carried

A second letter from Nattinger & Lowry, dated September 20, 1962, offering expansion of audit functions to include quarterly audits, which service would increase annual audit costs to the city by a sum not to exceed $500, was read by the City Clerk.

City Attorney Grimes stated that this offer resulted from studies of fiscal provisions of the Charter by the Charter Review Committee at the time the Charter was being revised. The Committee at that time decided against recommending any change.

City Manager Miller stated that monthly financial statements are prepared by the Finance Department, but are not completely balanced out each month.

MOTION

That no action be taken on the above offer pending a check by the staff into the provisions of the present agreement with Nattinger & Lowry

Moved by VanderWall Seconded by Tabbert Unanimously carried

REPORT ON "WORKSHOP" MEETING IN STOCKTON, SEPTEMBER 27, 1962, RE: REPORT ON SCENIC HIGHWAYS 7-122

City Manager Miller briefly reported on this meeting, pointing out that although Modesto is not on the preliminary plan for scenic highways, we are very near the planned route. He stated that the discussion included types and maintenance of rest stops, along with other aspects of scenic highway development.

FURTHER REPORT ON SISTER CITY PROGRAM, CARRIED OVER FROM EARLIER PART OF MEETING

Dr. John Woolley reported on his recent trip to Barranquilla, Colombia, stating that he was impressed with the sincerity and hospitality shown him and his wife during their stay there. The Woolleys were guests of the parents of Victor Echeverria, a student from Barranquilla, who is attending Modesto Junior College.

Dr. Woolley commended Mr. Miller for his fine representation of Modesto in Barranquilla.

Dr. Woolley stated that Modesto and Barranquilla are well-matched as Sister Cities, mentioning the factors of size, community interest and civic pride and interest.- Dr. Woolley stated that Modesto's affiliation with Barranquilla will represent a pattern for the entire nation.

Upon questioning, Dr. Woolley stated that any channels of communication which might be established through the city councils of both cities would be of great benefit to the entire program.

Mr. Miller gave his impression of the Peace Corps people in Barranquilla, whose quality and dedication he found to be of the highest standard.

Dr. Woolley stated that the Colombian people are interested in the Peace Corps people as individuals; that the actual amount of physical good the Peace Corps can do for the country is rather limited, but the personal effort is greatly appreciated by the Colombians. He reviewed the activities of the Peace Corps, mentioning specifically the work of finding facilities for displaced people coming to Barranquilla.

Both Mr. Miller and Dr. Woolley pointed out the value and necessity of following up the Sister City program to the best and fullest extent possible. Mr. Miller stated that he has received a letter from the Mayor of Stockholm, Sweden, expressing interest in Modesto's Sister City program.

Victor Echeverria, Barranquilla's representative in Modesto, expressed his gratification on the success of the affiliation.

FURTHER REPORT ON POLICE-COMMUNICATIONS CENTER BUILDING 9-29

City Manager Miller stated that a recommendation has been received from the Planning Commission which indicates the desirability of the site at the northwest corner of 11th and F Streets, on the basis of its immediate availability for police building purposes. The Commission also indicated that the Williams site, which includes the location of Fire Station #1 and the present Williams Body Shop, which had been the subject of their original recommendation, was still the more desirable site of the two, due to its immediate relationship to Fire Station No. 1, and to the proposed State Department of Employment Building in the same block and because of its close relationship to the proposed civic center area.

MOTION

That the Council adjourn into executive session to consider the matter of the proposed Police-Communications Building site

Moved by Johansen Seconded by VanderWall Unanimously carried

The Council adjourned into executive session at 6:10 P.M., reconvening at 6:33 P.M.

City Manager Miller briefly reviewed the options to purchase property already obtained for the Police-Communications Building site. The options are as follows: La Reay V. Brahic, Lots 9 and 10, Block 71, in the amount of $14,500; James S. Mortensen, Lots 11, 12 and 13, Block 71, in the amount of $25,000; and Stanislaus Implement and Hardware Co., Ltd., Lots 14, 15 and 16, Block 71, in the amount of $32,500, for a total amount of $72,000. Mr. Miller pointed out that these options are not offers to buy, but merely offers to sell at the named prices if the City wishes to accept. Each option is effective for a period of 90 days from the date of the Agreement.

Mr. Miller stated that the matter has been reviewed by Mr. Keefe and Chief Bowers with the architect, and the architect is proceeding with preliminary plans.

No action was taken on this matter.

PRESENTATION OF ANNUAL INVENTORY OF CITY OF MODESTO FIXED ASSETS

The annual inventory of City of Modesto Fixed Assets was presented to the Council.

Upon questioning, City Clerk Gailfus stated that periodic checks are made on this inventory, both by the Finance Department and Nattinger & Lowry.

REMINDER OF ANNUAL LEAGUE OF CALIFORNIA CITIES CONFERENCE IN LOS ANGELES, OCTOBER 21 TO 24, INCLUSIVE

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Johansen Unanimously carried

The meeting adjourned at 6:40 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 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond
Councilman Shastid arrived at 7:42 P.M.

Absent: Councilmen: None

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

Reverend A. B. Christian gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the regular meetings of September 10, 17 and 24, 1962, and the same being available for public inspection, and there being no objections the minutes were approved.

COMMUNICATION FROM THE DIVISION OF HIGHWAYS RE: 5/8 CENTS GAS TAX EXPENDITURES

A letter from J. G. Meyer, District Engineer, State Division of Highways, dated October 2, 1962, covering a copy of Division Circular Letter No. 62-257, dated September 14, 1962, pertaining to expenditures of 5/8 cents funds for installation of traffic signals and/or safety lighting on city streets, was read by the City Clerk.

The letter and Circular Letter were ordered filed.

RESOLUTION AWARDING BID FOR PURCHASE OF SELF-PROPELLED COMPACTION ROLLER

Purchasing Agent Dunham recommended award of bid to the low bidder, Rix Company, Inc., for the sum of $2,210.

RESOLUTION NO. 62-467

A RESOLUTION ACCEPTING THE BID OF THE RIX COMPANY, INC., FOR ONE SELF-PROPELLED COMPACTION ROLLER

Introduced by VanderWall Seconded by Tabbert

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

CONSIDER AWARD OF BID FOR THE CONSTRUCTION OF CURB, GUTTER AND SIDEWALK IN UNIT A-STANDIFORD PARK; UNIT B-ROOSEVELT PARK; AND UNIT C-GARRISON PARK

Director of Public Works Ray recommended that the bid be awarded the low bidder, Tanner Construction Company, for a total of $4,828.95 covering all three units.

Upon questioning, Mr. Ray stated that the margin of difference between the figures submitted by the bidders and those estimated by the city engineer could possibly be accounted for by the keen competition on this particular project.

Upon further questioning, Mr. Ray stated that the three units were divided only for identification purposes; that bids could not be submitted or awarded on only one or two of the three units.

RESOLUTION NO. 62-468

A RESOLUTION ACCEPTING THE BID OF TANNER CONSTRUCTION COMPANY FOR THE CONSTRUCTION OF UNIT A - CURB, GUTTER AND SIDEWALK IN STANDIFORD PARK; UNIT B - SIDEWALK IN ROOSEVELT PARK; AND UNIT C - SIDEWALK IN GARRISON PARK

Introduced by VanderWall Seconded by Tabbert

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

REPORT ON BIDS RECEIVED FOR SEWAGE TREATMENT PLANT IMPROVEMENTS 1-48

A tabulation of the bids received for this project (opened October 2, 1962) was distributed to the Council prior to the meeting.

Director of Public Works Ray stated the large increase over the engineer's estimate by the lowest submitted bid is due to the fact that the city's consulting engineer prepared an estimate based on preliminary sketches in order that the City could submit the project to the Pollution Control Board in time to qualify for a Public Law 660 grant. Plans and specifications were completed and no further estimate was requested as the application had already been submitted for federal funds.

Mr. Ray stated that determination has been made by the Public Works Department that the bids submitted are reasonable and fair on the basis of the project proposed. He stated, however, that the budget does not provide for the increased costs, and recommended that no action be taken on the bids pending further report from the Public Works Department; he also recommended that the City Manager be authorized to submit an application through the State Pollution Control Board for an additional grant under the Public Works Acceleration Program.

Upon questioning, Mr. Ray stated that the low bidder on the project has given oral consent to the matter being held in abeyance, and the City is awaiting written consent.

MOTION

That no action be taken on this matter at this time, pending further report from the Public Works Department; and that the City Manager be authorized and directed to make application through the State Pollution Control Board for additional federal participation in this project

Moved by Tabbert Seconded by Mitchell Unanimously carried

AWARD OF BID FOR CONSTRUCTION OF WATER LINES IN UNIT A-SHERWOOD MANOR NO. 2 SUBDIVISION; AND UNIT B-CRESTWOOD TERRACE SUBDIVISION

Director of Public Works Ray stated that no bids were received for this project, and recommended that the work be done with city forces. The city engineer's estimate for the total project is $2,440.10.

RESOLUTION NO. 62-469

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR CONSTRUCTION OF WATER LINES IN UNIT A - SHERWOOD MANOR NO. 2 SUBDIVISION; AND UNIT B - CRESTWOOD TERRACE SUBDIVISION

Introduced by VanderWall Seconded by Johansen

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

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE CONSTRUCTION OF CURB, GUTTER AND SIDEWALK IN UNIT A - CALIFORNIA-FRANKLIN PARK; AND UNIT B - JAMES MARSHALL PARK

Director of Public Works Ray stated that funds are budgeted for this project; that the plans and specifications cover construction of sidewalk, curb and gutter on the California Avenue side only of the California-Franklin Park, the reason being that the General Plan shows Franklin Street as a possible major street and contemplated revisions to the General Plan which may affect the width of Franklin have not been finally determined. Also, construction on the Franklin Street side of the park is being withheld pending determination of these matters.

Mr. Ray stated that the sidewalk on the California Avenue side of the park is more urgently needed for school traffic.

Upon questioning, Mr. Ray stated that the present specifications provide for curbs, gutter and sidewalk on the Sutter Avenue side of the James Marshall Park where there are no problems in connection with the width of the street.

Mr. Ray stated that there is a row of olive trees along the north side of California Avenue, so located that the sidewalk, curb and gutter will be to the north of them. It is proposed that the curb, gutter and sidewalk be installed immediately, but that the trees remain until next spring. Mr. Ray stated that the trees will not interfere with traffic. The Parks and Recreation Department will move some of the trees to park locations.

Funds are budgeted for the proposed projects.

RESOLUTION NO. 62-470

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE CONSTRUCTION OF CURB, GUTTER AND SIDEWALK IN UNIT A - CALIFORNIA-FRANKLIN PARK; AND UNIT B - JAMES MARSHALL PARK

Introduced by VanderWall Seconded by Johansen

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

October 23, 1962 at 2:00 P.M. in the City Clerk's office, City Hall, was set as the time and place of bid opening.

ADOPTION OF ORDINANCE NO. 529-C.S., REZONING OF THE CAUSEY PROPERTY

ORDINANCE NO. 529-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 19 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (CAUSEY)"

introduced on September 24, 1962 and having been published as required by the Charter, was moved and adopted.

Moved by Johansen Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Tabbert, Mayor Hammond

Noes: Shastid, VanderWall Absent: None

RESOLUTION APPROVING AGREEMENT WITH DIVISION OF HIGHWAYS FOR RELOCATION OF STREET LIGHT FACILITIES TO ACCOMMODATE THE MODESTO FREEWAY PROJECT 2-5

RESOLUTION NO. 62-471

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE DIVISION OF HIGHWAYS, STATE OF CALIFORNIA, FOR RELOCATION OF STREET LIGHT FACILITIES TO ACCOMMODATE THE MODESTO FREEWAY PROJECT

Introduced by VanderWall Seconded by Johansen

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

RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE BURBANK-PARADISE FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION (GANT ADDITION)

RESOLUTION NO. 62-472

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE BURBANK-PARADISE FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (Gant Addition)

Introduced by Johansen Seconded by Mitchell

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

RESOLUTION APPROVING RENEWAL OF CITY INSURANCE POLICIES (A-Comprehensive Automobile Liability Insurance; B-Boiler and Machinery Insurance) 2-20

Director of Finance Bird stated that the proposed comprehensive automobile liability insurance policy is under the same terms as the previous policy, for a premium of $6,943.48, the policy covering bodily injury liability in the amount of $25,000 for each person or $500,000 for each accident, and property damage liability in the amount of $25,000 for each accident. Mr. Bird stated that five additional units are insured this year.

Upon questioning, Mr. Bird stated that the $25,000 property damage liability coverage for each accident is in line with the recommendations made by Griffenhagen-Kroeger, Inc., in a recent survey conducted for the City.

Mr. Bird stated that the boiler and machinery insurance is a limited coverage policy in the amount of $25,000 per accident for explosion only, the premium being $373.98 for a three year term. This amount represents a slight increase over the previous premium for the same coverage.

Councilman Mitchell asked that in the future, insurance renewals

be brought before the Council at least a month before the expiration date, as the policies under question expire within a week, giving the Council insufficient time for consideration.

Mr. Bird stated that he has been assured by the insurance representative that statements will be received by the City much earlier in the future.

Upon questioning as to whether the $25,000 coverage on boiler and machinery was in line with the Griffenhagen-Kroeger survey recommendations, Mr. Bird stated that he would make a report to the Council before the close of the present meeting.

City Manager Miller stated that it was his belief that Griffenhagen-Kroeger recommended an increase in coverage to 80 or 100 thousand dollars; that after a thorough check by the staff at that time (approximately two years ago) it was recommended to the Council that the present coverage of $25,000 was adequate for the needs of the City.

Mr. Bird stated that the present policy covers three boilers; one each in the City Hall, the McHenry Public Library and the Modesto Community Service Center, and that the boilers in the library and Community Service Center present more of an explosion hazard than the one in the City Hall. He stated that the present insurance carrier recommended that the boiler and machinery insurance coverage be increased; this recommendation was reviewed by the Council at the time the move was made into the new City Hall, and determination made at that time to leave the coverage at its present rate of $25,000.

Upon questioning, Mr. Bird stated that the coverage under question excludes public liability which is covered elsewhere.

Action on this matter was deferred until later in the meeting, pending further information from Director of Finance Bird.

CONSIDER ADDITIONAL OUTSIDE AUDITING SERVICES 2-89

City Manager Miller stated that determination has been made by Director of Finance Bird, concurred in by Mr. Frank Lowry of Nattinger and Lowry, the City's outside auditors, that additional auditing services are not necessary.

Councilman Shastid stated that although he concurred that there was no need for the additional services at an increase charge, it was his opinion that a supplement to the yearly report containing recommendations on internal control would be of considerable value to the Finance Department and to the Council.

The Council discussed the present auditing services.

Upon questioning, Mr. Bird stated that irregular and systematic checks are made of the financial transactions of the Finance Department, but that these checks do not include the actual counting of the cash on hand; that the only actual cash count is made by the outside auditors at the close of the year.

MOTION

That additional outside auditing services are not necessary

Moved by VanderWall Seconded by Shastid Unanimously carried

MOTION

That the outside auditors be requested to provide a supplemental report to the audit of the current and succeeding years, the report to include recommendations on internal control, handling of cash, follow-up on delinquencies, receipts, etc.

Moved by Shastid Seconded by VanderWall Unanimously carried

Upon questioning, the City Attorney stated that under the provisions of the City Charter, the City Auditor is authorized to check the financial transactions of the City at any time that he feels a check is necessary or desirable.

MOTION

That the City Auditor be directed to make irregular, unannounced checks of cash on hand and financial transactions of the Finance Department, and report any findings to the Council

Moved by Mitchell Seconded by Shastid Unanimously carried

HEARING ON THE COST OF CONSTRUCTION OF CURBS AND GUTTERS AT 410 COVENA AVENUE 3-100

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the cost of construction of curbs and gutters at 410 Covena Avenue, and opened the hearing.

The City Clerk stated that notice of the hearing was posted and mailed to John H. Ellie, 410 Covena Avenue, on June 26, 1962, by the Director of Public Works.

A report from the Director of Public Works indicates that the total cost of construction is $152.95.

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

RESOLUTION NO. 62-473

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF CURBS AND GUTTERS 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 (BLOCK 2095, LOT 12)
Introduced by Johansen Seconded by VanderWall

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

FURTHER CONSIDERATION OF RENEWAL OF CITY COMPREHENSIVE AUTOMOBILE LIABILITY AND BOILER AND MACHINERY INSURANCE POLICIES 3-110

Mr. Bird stated that a check of the Griffenhagen-Kroeger report shows that a recommendation was made that the coverage on boiler and machinery insurance be raised to either $50,000 or $100,000.

Upon questioning, Mr. Bird stated that the insurance does cover damage to city property as well as to the property of others; that the policy contains no waiver of subrogation.

Upon questioning, Director of Public Works Ray stated that he did not know the pressure of the boilers located in the library and the Community Service Center, but that the boiler located in the City Hall is a hot water boiler, and therefore contains no steam pressure. The water pressure is controlled by valves, never exceeding 32 to 35 pounds.

It was the Council's determination that in the interest of time, the present policies would be approved for renewal at existing rates; however, the staff was instructed to check thoroughly the damage exposures of the three boilers, the exact coverage of the present policy, and the possible need for increased coverage of boiler and machinery insurance.

RESOLUTION NO. 62-474

A RESOLUTION APPROVING RENEWAL OF COMPREHENSIVE AUTOMOBILE LIABILITY INSURANCE AND BOILER AND MACHINERY INSURANCE FOR THE CITY OF MODESTO

Introduced by VanderWall Seconded by Shastid

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

CONSIDER OFFER OF SETTLEMENT OF LITIGATION BETWEEN THE CITY OF MODESTO VS. SYBIL LENGYEL RE: CONDEMNATION FOR RIGHT OF WAY FOR WIDENING OF SANTA BARBARA AVENUE - PROJECT 57-12

City Attorney Grimes recommended that settlement for the sum of $642.28, of which $246.28 is the cost of removing and reconstructing the fence that now exists on the right of way, be approved.

MOTION

That the settlement offer of $642.28 be approved; and the City Attorney authorized to execute the necessary documents

Moved by Mitchell Seconded by VanderWall Unanimously carried

CONSIDER SETTLEMENT OF LITIGATION IN THE CASE OF ROMAN VS. CITY OF MODESTO AND WILKEN, ET AL

The City Attorney stated that the litigation under question has been pending since 1959 and involves a lot split of property located at the intersection of Orangeburg and Florida Avenues.

Mr. Grimes stated that a variance for a lot split was granted to Mr. Wilken, owner of the south portion of the property under question, on the following conditions: (a) A dedication of twenty feet of frontage on Orangeburg Avenue for street widening; (b) Installation of sidewalk on Orangeburg Avenue adjoining the Wilken lot; and (c) Installation of curbs, gutters and sidewalks on the Florida side of the original Wilken lot. Mr. Wilken failed to make the dedication or to comply, and the City issued a stop order on the use by Mr. Roman of the northerly portion of the lot.

Mr. Grimes stated that at the time of trial, a tentative compromise for stipulative judgment was reached, the basis of the judgment being that the Wilkens will immediately execute a deed conveying the twenty foot strip right of way to the City; that upon such dedication, the City will remove the stop order with respect to the use of the northerly part of the property by the Romans; that the City will, in

accordance with usual policy, install curbs and gutters along the Orangeburg Avenue frontage, but that installation will be delayed for a period of two years after the entry of the judgment; that Roman, Wilken and the City of Modesto will share equally the cost of the curbs, gutters and sidewalks on Florida Avenue and the sidewalks along Orangeburg. Mr. Grimes stated that the final condition is that Roman and Wilken agree that the city's subdivision regulations pertaining to lot splits are valid and constitutional and that the conditions imposed on the Wilken lot split are reasonable and valid.

Since oral agreement in court on the tentative stipulative judgment, Mr. Wilken has raised the point that the southerly portion of the property in question has a separate drainage district assessment against it in the amount of $523.80, of which $118.35 represents a proration in proportion to the street dedication, which proration Mr. Wilken feels should be paid by the City.

Upon questioning, Mr. Grimes stated that the tentative stipulative judgment requires that the City not pave, grade or use the dedication for Orangeburg Avenue at the location of the right of way in question for a period of two years, but Mr. Wilken could request the curbs, gutters, sidewalks, paving and grading sooner, upon which request the improvements could be commenced.

MOTION

That the stipulative judgment as entered in court be approved and the City Attorney instructed to prepare all necessary papers; and if Mr. Wilken will agree to a waiver of the two year requirement regarding the construction of improvements on the right of way, the City will waive the prorated assessment cost, or $118.35; however, if Mr. Wilken stands on the stipulation, enforcing the two year delay in improvement, then he will be required to pay the total assessment

Moved by VanderWall · Seconded by Shastid Unanimously carried

ACCEPT AS COMPLETE A. TEICHERT & SON, INC., CONTRACT FOR CONSTRUCTION OF CHLORINE CONTROL STRUCTURES AT SEWAGE TREATMENT PLANT

The City Manager stated that the work was completed on September 25, 1962 for a total cost of $7,562, and recommended that the work be accepted as complete and the City Clerk authorized to file a notice of completion.

RESOLUTION NO. 62-475

A RESOLUTION ACCEPTING THE CONSTRUCTION OF CHLORINE CONTROL STRUCTURES AT THE SEWAGE TREATMENT PLANT BY A. TEICHERT & SON, INC.

Introduced by Johansen Seconded by Shastid

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

RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE WOODLAND FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (RENEE MANOR ADDITION) 5-44

RESOLUTION NO. 62-476

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE WOODLAND FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (Renee Manor Addition)

Introduced by VanderWall Seconded by Shastid

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

RESOLUTION TO VACATE AND ABANDON EASEMENT IN BLOCK 6534 (Park Manor #4)

The City Manager stated that the vacation and abandonment is approved by Planning Commission Resolution No. 845, adopted September 18, 1962.

RESOLUTION NO. 1006-S. P.
RESOLUTION OF INTENTION NO. 285

A RESOLUTION OF INTENTION TO VACATE AND ABANDON AN EASEMENT IN BLOCK 6534, LOT 2, IN THE CITY OF MODESTO (PARK MANOR NO. 4 SUBDIVISION)

Introduced by VanderWall Seconded by Johansen

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

November 5, 1962 at 4:40 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION SETTING DATE FOR PUBLIC HEARING ON PROPOSED REZONING OF PROPERTY ON THE NORTH SIDE OF TOKAY AVENUE EAST OF McHENRY AVENUE

RESOLUTION NO. 62-477

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 OF MODESTO

Introduced by VanderWall Seconded by Shastid

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

November 5, 1962 at 4:45 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION SETTING DATE FOR PUBLIC HEARING ON PROPOSED ANNEXATION OF DODSON ADDITION

RESOLUTION NO. 62-478

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

Introduced by VanderWall Seconded by Tabbert

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

November 19, 1962 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

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

RESOLUTION NO. 62-479

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

Introduced by Mitchell Seconded by VanderWall

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

November 13, 1962 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

APPROPRIATION TRANSFERS

Director of Finance Bird stated that a transfer of $570 is necessary to cover additional cost of the general comprehensive liability insurance policy for the period June 27, 1961 to June 27, 1962. Mr. Bird explained that at the close of each year, the company covering the city's public liability insurance makes an audit and the cost of the policy based on a composite rate times the salaries. This year the amount was underestimated.

RESOLUTION NO. 62-480

A RESOLUTION APPROVING APPROPRIATION TRANSFER FROM GENERAL FUND, GENERAL RESERVE, TO INSURANCE AND RETIREMENT, PUBLIC LIABILITY INSURANCE

Introduced by Shastid Seconded by VanderWall

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

MATTERS FOR THE GOOD OF THE COMMUNITY

(a) Use of the Council Chambers by state officials

Mr. Miller stated that a request has been made by state officials to use the Council Chambers on October 18, 1962 from 9:30 A.M. to 4:30 P.M. to consider matters in regard to the Public Works Acceleration Act.

MOTION

That the State be granted permission to use the Council Chambers on October 18, 1962 from 9:30 A.M. to 4:30 P.M.

Moved by VanderWall Seconded by Johansen Unanimously carried

(b) Councilman Johansen attendance at October 15 meeting

Councilman Johansen stated that he would not be present at the October 15 Council meeting.

REPORT ON USE OF MANCINI BOWL 5-91

The possible uses of Mancini Bowl, along with the present uses and the possibility of establishing a schedule of fees for use of the Bowl, were discussed by the Council at some length.

Upon questioning, City Attorney Grimes stated that the city cannot discriminate against any political, commercial or religious group for use of the Bowl if any or all of these types of activities are to be permitted; i.e., if one application for political activity in the Bowl is approved, why should another be denied? Mr. Grimes said that the same rule would apply to any fee schedule which might be higher for one type of activity than for another.

Councilman Johansen stated that a restriction should be imposed which will limit the use to events of a special nature to insure against any meetings of a regular nature being held in the Bowl.

It was Councilman Shastid's opinion that by establishing a schedule of fees and opening Mancini Bowl to more extensive uses, the City will have a new source of revenue, and will also be provided a yardstick to measure the need for and the extent that a future auditorium will be put to use.

It was Mayor Hammond's opinion that each application should be reviewed individually by the Council to broaden the Council's scope and to help establish a pattern for the use of the Bowl.

Councilman Shastid concurred with the recommendation of the Parks and Recreation Department that events of a non-commercial, non-political or non-religious nature be handled by the Parks and Recreation Department; those of a commercial, religious or political nature to be handled individually by the Council as the need arises.

MOTION

That the staff is instructed to prepare ground rules and regulations and a schedule of fees for new uses of Mancini Bowl; that applications for activities of a non-commercial, non-religious or non-political nature be handled by the Parks and Recreation Department with periodic report to the Council; that applications for activities of a commercial, political or religious nature be submitted to the Council for individual handling

Moved by Shastid Seconded by Mitchell Unanimously carried

The City Attorney cited the past problems encountered regarding the use of loudspeakers in the Bowl, and the traffic generated by past events held there, which may be an indication of future problems.

REPORT ON USE OF RIGID CONDUIT IN ELECTRICAL INSTALLATIONS 7-37

A memorandum, subject, "Use of Rigid Conduit in Electrical Installations," dated October 1, 1962 was distributed to the Council prior to the meeting.

Upon questioning, Assistant Director of Public Works Campbell stated that the report is a result of meetings with electrical contractors to discuss use of rigid conduit, and that further recommendations will be made.

REPORT ON BIDS RECEIVED FOR SEWAGE TREATMENT PLANT IMPROVEMENTS 7-51

This matter was considered earlier in the meeting. Director of Public Works Ray stated that at the time of the report, mention was not made of the fact that the Public Works Department wishes to recommend that the second portion of the project, the degritter, be dropped at this time and that no award be made on that portion of the project. He stated that the item which is of concern at this time is the aeration system. He stated that although the construction of the degritter is contained in the plans and specifications, an evaluation indicates that this work should be deferred. No action was taken.

REPORT ON COSTS OF OPERATING THE GARBAGE DISPOSAL AREA 7-60

The City Manager stated that this report is a follow-up on a revision of fees for the disposal site, effective January 1, 1962. He stated that the operation appears to be running about even, and recommended that the fees continue for another six months on the present basis, at which time further report will be made to the Council.

By Order of the Chair, the operation of the garbage disposal site will continue for six months at the present schedule of fees, at the end of which time report will be made to the Council.

REPORT ON COST OF INSTALLATION OF WATER LINES IN (a) SKYLANE PARK NO. 2 SUBDIVISION; (b) GLEN AULEN, ROSEMEAD TERRACE AND NORTH STAR ESTATES SUBDIVISIONS; AND (c) WILLOW ESTATES NO. 1 SUBDIVISION

The City Manager stated that the estimated cost for the installation of water lines to Skylane Park No. 2 was $18,886.40 - actual cost, $15,090.36; Glen Aulen, Rosemead Terrace and North Star Estates estimate - $6,707.15 - actual cost, $4,757.15; Willow Estates No. 1 estimate - $6,039.24 - actual cost, $4,825.16.

REPORT ON POLICE-COMMUNICATIONS BUILDING 7-70

Plans for the proposed Police-Communications Building were distributed to the Council prior to the meeting. Councilman VanderWall, Chairman of the Council Public Projects Committee, which has met regarding the proposed building, stated that the new plan contains a square footage of 25,336 feet. He stated that the Committee studied the plan thoroughly and concluded it would not be feasible to cut down the area of the present plan.

The proposed layout, uses of the areas and storage spaces and costs were discussed by the Council.

It was pointed out by Deputy City Manager Keefe that the present proposed plan provides for 38 parking spaces. Mr. Keefe, upon questioning, stated that the architect is studying the possibility of tilt-up construction in the interests of economy.

City Manager Miller stated that the proposed plans do not provide for possible future construction of a third floor. Upon questioning, Mr. Keefe stated that the proposed building is expected to serve the needs of the community for a period of fifteen to twenty years.

Councilman Mitchell stated that the Public Projects Committee conferred with Police Chief Bowers on the proposed plans and that Chief Bowers has suggested various changes; i.e., that radio equipment be installed on the second floor, rather than in the basement, as shown on the plan, for better transmission and reception.

Councilman Mitchell stated that it is the recommendation of the Council Public Projects Committee that the proposed plan be approved, with minor changes suggested by the Committee, in order that the architect may proceed to instruct the mechanical and electrical engineers. Councilman Mitchell pointed out the necessity for immediate action so that first priority may be given the application for federal assistance on the project.

Upon questioning, Chief Bowers stated that no persons would be in the radio room in the event of fall-out, and that fall-out would not have any effect on the radio equipment, nor on its use.

Councilman Shastid expressed objection to the size and cost of the proposed building, stating that the city does not need a building as large as the one proposed for construction.

MOTION

That the proposed plan as submitted, subject to some minor modifications, be approved

Moved by VanderWall Seconded by Mitchell

The motion carried, Councilman Shastid dissenting.

It was pointed out that the approval of the proposed plan does not include the exact location of the proposed building.

REPORT ON PROGRESS CONCERNING NEW CITY CHARTER TO BE SUBMITTED TO THE ELECTORS FOR APPROVAL OR REJECTION AT ELECTION TO BE HELD NOVEMBER 6, 1962 9-80

Copies of the proposed new charter in booklet form were distributed to the Council prior to the meeting. The City Attorney stated that extra copies of the charter booklet are available in the City Clerk's office.

City Attorney Grimes reported that the Charter Review Committee has been active as an educational and informative agency to the public on the proposed new charter.

REPORT ON MEETING OF SISTER CITY COMMITTEE

City Manager Miller reported that a meeting of the Sister City Committee was held last week, and that the Committee is and will continue to be active.

REMINDER: ANNUAL LEAGUE CONFERENCE IN LOS ANGELES, OCTOBER 21 TO 24, INCLUSIVE

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Johansen Unanimously carried

The meeting adjourned at 9:44 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., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers, City Hall, at 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Mitchell, Tabbert, VanderWall, Mayor Hammond
Councilman Patton arrived at 4:02 P.M.

Absent: Councilmen: Johansen, Shastid

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

Reverend Robert F. Richter, Jr. gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of October 1, 1962, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM THE SAN JOAQUIN VALLEY NINETY-NINES RE: APPRECIATION FOR USE OF MUNICIPAL AIRPORT

A letter from Mrs. Edwin J. Wyatt, General Chairman, San Joaquin Valley Ninety-Nines, expressing thanks and appreciation for the free tie-down courtesy extended to the pilots attending its convention, was read by the City Clerk.

The letter was ordered filed.

PETITION REQUESTING CURBS AND GUTTERS AROUND BLOCK 614A, A SMALL PARK IN THE JOHN MUIR SUBDIVISION, LOCATED ON CHABOT COURT

A petition from residents of Chabot Court, requesting that the City install curbs and gutters around a small park located on Chabot Court, was read by the City Clerk.

By Order of the Chair, the matter was referred to the staff for review and report.

INTRODUCTION OF JOHN RYAN, REPRESENTATIVE, NATIONAL SAFETY COUNCIL INVENTORY PROGRAM - UNANIMOUS CONSENT ITEM

A certificate of achievement from the National Safety Council was presented to the City by Mr. Ryan, in behalf of its accomplishments in the field of traffic engineering. Modesto's score was 96.

Mr. Ryan pointed out the importance of organization for traffic safety improvement. He said that Modesto was in need of an official action committee in the traffic field, composed of representatives from the city government (traffic and police personnel), the schools and the courts, which would meet at least once quarterly to discuss mutual problems in the traffic safety field. Also needed was a citizens' action group to work with the above mentioned committee. He urged that the Council lend its support to this endeavor, stating that the inventory submitted contains a format for the establishment of such committees.

RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR ONE POLICE CAR

RESOLUTION NO. 62-481

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR ONE POLICE CAR

Introduced by VanderWall Seconded by Tabbert

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

October 30, 1962 at 2:00 P.M. in the City Clerk's office was set as the time and place of bid opening.

CONSIDER DECISION ON PROPOSED VACATION OF ALLEY IN BLOCK 3177 - NEECE DRIVE AND SUNSET AVENUE

At the request of Deputy City Manager Keefe, and with the consent of the Council, this matter was held over for two weeks.

ACCEPT IMPROVEMENTS IN GLEN AULEN SUBDIVISION AS COMPLETE AND AUTHORIZE THE CITY CLERK TO RELEASE THE SUBDIVISION BOND

Deputy City Manager Keefe stated that a memorandum from the Assistant Director of Public Works indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Public Works Department, all inspection fees paid, and that it is in order for the Council to accept the work as complete. He recommended that the improvements be accepted and release of the subdivision bond in the amount of $37,000 authorized.

RESOLUTION NO. 62-482

A RESOLUTION AUTHORIZING THE RELEASE OF THE UNITED PACIFIC INSURANCE COMPANY PERFORMANCE BOND FILED TO GUARANTEE IMPROVEMENTS IN GLEN AULEN SUBDIVISION

Introduced by Tabbert Seconded by VanderWall

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

ACCEPT AS COMPLETE M. J. RUDDY & SON'S CONTRACT FOR THE IMPROVEMENT OF BOWEN AVENUE BETWEEN TIDEWATER SOUTHERN RAILROAD AND McHENRY AVENUE

Deputy City Manager Keefe stated that a memorandum from the Assistant Director of Public Works indicates that the improvement of Bowen Avenue between Tidewater Southern Railroad and McHenry Avenue has been completed to the satisfaction of the Public Works Department and that it would be in order to accept the work. Mr. Keefe recommended that the work be accepted as complete, the City Clerk authorized to file a notice of completion, and payment in accordance with the contract authorized.

RESOLUTION NO. 62-483

A RESOLUTION ACCEPTING THE CONSTRUCTION OF THE IMPROVEMENT OF BOWEN AVENUE BETWEEN TIDEWATER SOUTHERN RAILROAD AND McHENRY AVENUE BY M.J. RUDDY & SON

Introduced by VanderWall Seconded by Mitchell

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

APPLICATION FOR PUBLIC WORKS ACCELERATION ACT FUNDS - AERATION FACILITIES, SEWAGE TREATMENT

Deputy City Manager Keefe stated that the two resolutions proposed on the agenda authorizing the Manager to submit an application for federal funds and providing for an increase in the planned total expenditures for capital improvement were unnecessary inasmuch as the project has already been approved by the City Council; that a letter application for funds, signed by the City Manager, was in process of preparation and would be submitted shortly.

APPROVAL OF BILLS FROM THE COUNTY FOR PRISONER CARE FOR THE MONTH OF SEPTEMBER, 1962

Deputy City Manager Keefe stated that bills have been submitted by Stanislaus County for prisoner care in the county jail and road camp for the month of September, 1962 in the amount of $305.76.

MOTION

That payment to Stanislaus County of $305.76 for prisoner care for the month of September, 1962 be authorized

Moved by Mitchell Seconded by Tabbert Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY LOCATED AT THE NORTHWEST CORNER OF YOSEMITE BOULEVARD AND COLFAX AVENUE, BY DOUGLAS OIL COMPANY OF CALIFORNIA

Director of Public Works Ray stated that the area in which this property is located is not contiguous to the City at the present time, but is served by an existing sewer lateral. He recommended that the request of the Douglas Oil Company for sewer service at the northwest corner of Yosemite Boulevard and Colfax Avenue be approved. The applicant has signed the agreement which provides for annexation, etc.

MOTION

That the request of Douglas Oil Company for sewer service at the northwest corner of Yosemite Boulevard and Colfax Avenue be approved

Moved by VanderWall Seconded by Tabbert Unanimously carried

CONSIDER REQUEST OF PROPERTY OWNER FOR SEWER SERVICE AT 120 SOUTH SANTA ANA AVENUE - UNANIMOUS CONSENT ITEM

Director of Public Works Ray stated that the owner of property located at 120 South Santa Ana Avenue has requested that sewer service be furnished to this property. The area is contiguous to the City and requires extension of a sewer lateral which will be installed at the property owner's expense. The individual has signed the regular agreement required by the City wherein the owner agrees to annex to the City, etc. He recommended that the request be approved.

MOTION

That the request for sewer service at 120 South Santa Ana be approved

Moved by Mitchell Seconded by VanderWall Unanimously carried

REPORTS FROM THE PLANNING COMMISSION - None

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

POSITION OF COUNCIL ON NOVEMBER 6 BALLOT ISSUES

No action was taken on Councilman Mitchell's suggestion that the Council take a position on the issues placed on the November 6 ballot-the Charter revisions and the card room issue.

LETTER FROM GREATER MODESTO CHAMBER OF COMMERCE REQUESTING PAYMENT OF $11,000 BUDGETED FOR ADVERTISING AND PROMOTION

A letter from Joseph M. Good, Manager, Greater Modesto Chamber of Commerce, dated October 5, 1962 requesting payment of $11,000 budgeted for advertising and promotion, was read by the City Clerk.

MOTION

That payment of $11,000 budgeted for advertising and promotion purposes be made to Greater Modesto Chamber of Commerce

Moved by VanderWall Seconded by Mitchell Unanimously carried

REPORT FROM SALVATION ARMY OF SERVICES RENDERED FOR QUARTER ENDING SEPTEMBER 30, 1962 AND REQUEST FOR ANNUAL ALLOCATION

Deputy City Manager Keefe stated that the Salvation Army has submitted its quarterly report listing expenditures for family service and transient relief for the quarter ending September 30, 1962. The letter report, dated October 5, 1962, requested payment of the $300 budgeted annually for this purpose.

MOTION

That payment of $300 to the Salvation Army for family and transient services be authorized

Moved by VanderWall Seconded by Mayor Hammond Unanimously carried

REPORT ON "UMBRELLA" LIABILITY INSURANCE POLICY

Copies of a letter from W. W. Giddings, dated June 30, 1962, and a memorandum from the Director of Finance, dated October 5, 1962 subject, "Umbrella Liability Policy," were furnished the Council prior to the meeting.

Mayor Hammond and Councilman Mitchell expressed the opinion that no action should be taken at this time since funds have not been budgeted to cover the increased insurance premium, and that the matter should be presented for discussion at the budget hearing for fiscal year 1962-63.

Further discussion was withheld pending the arrival of W. W. Giddings, representative of Giddings, Cory, Hynes and Lyng, Inc.

REPORT ON POLICE-COMMUNICATIONS BUILDING

A drawing of a proposed police-communications center building of tilt-up slab construction was displayed to the Council. Chief of Police Bowers reported on discussions with the architect, stating that

although slab construction will cost approximately 28¢ more per square foot than poured concrete, this increased cost will be compensated by the savings effected in shading the windows, heat and light control, and insulation. Other proposed phases of construction were outlined by Chief Bowers. He said that no conclusions have been reached as to who will provide auxiliary power.

Chief Bowers stated that the architect has suggested that determination be made as to whether the cables in the communication room are to be exposed or placed under a false floor. The false floor would cost approximately $4,000. The architect recommended cable racks which would make the communication room appear like a work room and the cables would be exposed. The architect was instructed to proceed with cable rack design. Chief Bowers said that direction must also be given the architect as to the type of communications equipment which will be installed and the location of electrical outlets and telephones, in order for the plans to proceed.

Upon questioning, Chief Bowers stated that under general policy, the public will not be admitted into the communications center, with the exception of planned tours by special groups, such as Boy Scouts, etc.

The City Council authorized the engagement of Gage-Babcock & Associates in accordance with their proposal, dated October 11, 1962, to do the necessary engineering and studies concerning the police, fire and water communications. The fee is to be on a time and expense basis with a maximum limitation of $4,200 which cannot be exceeded without further authorization.

MOTION

That the proposal of Gage-Babcock & Associates, Inc., to assist in planning and designing the police-communications building as outlined in letter of October 11, 1962 be accepted

Moved by Mitchell Seconded by VanderWall Unanimously carried

Deputy City Manager Keefe suggested that installation of the fire alarm system be included in the bids as an alternate proposal to be accepted only if building costs prove to be less than anticipated. He said it was possible that federal assistance for this phase of construction might be forthcoming. Anticipated cost of the fire alarm system is $50,000.

MOTION

That installation of the fire alarm system be included as an alternate item in the call for bids for the police-communications center building

Moved by VanderWall Seconded by Patton Unanimously carried

Deputy City Manager Keefe stated that in order to submit an application to the Housing and Home Finance Agency for financial assistance, information is needed from the architect to complete resolutions to be adopted by the Council. He suggested that the present meeting be adjourned to 9:00 A.M., October 19, 1962 to consider the proposed resolutions, in the event the needed information is received from the architect by that time.

HEARING ON PROPOSED ANNEXATION OF THE RUMBLE ADDITION.

Mayor Hammond announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed annexation of the

Rumble Addition, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on September 13 and 20, 1962 and notices mailed to all property owners in the area and other interested parties on September 20, 1962. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 839 recommends commencement of proceedings to annex the area.

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

ORDINANCE NO. 530-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE RUMBLE ADDITION TO THE CITY OF MODESTO"

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

Moved by Mitchell Seconded by Patton

Ayes: Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Johansen, Shastid

REPORT ON "UMBRELLA" LIABILITY INSURANCE POLICY

W. W. Giddings discussed the insurance limits of the City's present coverage under its basic comprehensive liability policy - $250,000, the maximum amount which can be paid to any one person, and $1,000,000, the maximum amount which will be paid in any one policy year. He pointed out that the recommendation made approximately two years ago by Griffenhagen-Kroeger, the City's insurance consultant, was made prior to the time a catastrophe type of coverage, or "umbrella" policy, was available. It was his opinion that the City should consider the expanded coverage because of the increase in population, the growth of city business, and the higher incidence of exposure.

The proposal outlined by Mr. Giddings would amend the limits of the City's present basic general comprehensive liability policy to $200,000 and $500,000, and add over and above the basic policy an "umbrella" policy in the amount of $1,000,000. All exposures, unless covered under the basic liability and property damage policy, would be subject to a $25,000 deductible feature. Five exclusions in the policy were outlined by Mr. Giddings. Placing the policy in effect would cost the City $1,644 per year.

Councilman Mitchell suggested that Griffenhagen-Kroeger, Inc., for a nominal charge, might be willing to advise the City on the "umbrella" type coverage.

MOTION

That action on this matter be deferred for further consideration when the City's insurance needs are discussed at the budget hearings for next fiscal year

Moved by Mitchell Seconded by VanderWall Unanimously carried

REPORT ON UNDERGROUND WIRING FOR INSTALLING TRAFFIC SIGNALS AT THE CORNER OF ORANGEBURG AND COLLEGE AVENUES

Director of Parking and Traffic Carmody stated that the low bidder for installation of traffic signals at Orangeburg and College Avenues, Collins Electric Company, has offered to supply the necessary labor and materials to install street light wires underground for approximately $530; city forces can perform the work for approximately $325. An original estimate indicated that the underground installation would cost about $200.

MOTION

That the matter of placing street light wiring underground at College and Orangeburg Avenues be dropped

Moved by Mitchell Seconded by VanderWall Unanimously carried

REPORT ON ASSESSED VALUES FOR STANISLAUS COUNTY AND CITIES

A report prepared by the Director of Finance, subject, "Assessed Values for Stanislaus County and Cities," dated October 4, 1962 was furnished the Council prior to the meeting.

The report was ordered filed.

REPORT ON APPLICATION FOR OPEN SPACE PROGRAM

At the request of Deputy City Manager, and with the consent of the Council, this matter was held over for consideration at the adjourned regular meeting of October 19, 1962 at 9:00 A.M.

PRESENTATION OF FINANCIAL STATEMENT FOR MONTH OF SEPTEMBER, 1962

The financial statement for the month of September, 1962 was presented to the Council and ordered filed.

REMINDER - Mayor Hammond reminded the Council of the Annual League of California Cities Conference to be held in Los Angeles, October 21 to 24, 1962.

RESOLUTION EXPRESSING APPRECIATION TO TOM MELLIS FOR INVITING THE YANKEES AND GIANTS BASEBALL TEAMS TO MODESTO FOR PRACTICE SESSION

Councilman Patton commended Director of Parks and Recreation Cowie and Chief of Police Bowers for their efforts in making Del Webb Field available to the Yankee and Giants baseball teams on Sunday, October 14, 1962, thus giving Modesto residents an opportunity to see the teams in action. He said that Roy Hamey, general manager of the New York Yankees, and Del Webb, owner, both asked him to convey their thanks to the City.

RESOLUTION NO. 62-484

A RESOLUTION EXPRESSING APPRECIATION TO TOM MELLIS FOR EXTENDING INVITATION TO NEW YORK YANKEES AND SAN FRANCISCO GIANTS TO USE DEL WEBB FIELD FOR BATTING PRACTICE

Introduced by Patton Seconded by VanderWall

Ayes: Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Johansen, Shastid

ADJOURNMENT

MOTION

That the meeting now in session be adjourned to October 19, 1962 at 9:00 A.M.

Moved by VanderWall Seconded by Tabbert Unanimously carried

The meeting adjourned at 5:15 P.M.

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

The Council of the City of Modesto met in regular adjourned session this date at 5:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Mayor Hammond presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Tabbert, VanderWall, Mayor Hammond

Absent: Councilmen: Mitchell, Patton, Shastid

POLICE-COMMUNICATIONS CENTER BUILDING - APPLICATION FOR FEDERAL GRANT

Outline Specifications for the Police-Communications Building, dated October 17, 1962 prepared by Milton T. Pflueger, Architect, were distributed to the Council, a copy of which is on file with the record of the minutes.

Deputy City Manager Keefe stated that the total project will cost approximately $709,208, and an application for a federal grant of $354,604 is being made under the recently authorized Public Works Acceleration Act. He pointed out the possibility of disallowance of some of the items requested, stating that compromises will no doubt have to be made as the plans progress.

The City Attorney outlined a proposed resolution increasing the planned total expenditure for capital improvement projects for the fiscal year ending June 30, 1963, stating that the increase covered by the resolution is contingent upon approval of the grant by the federal government.

RESOLUTION NO. 62-485
(Project No. CFA-1101)

RESOLUTION PROVIDING FOR INCREASE IN PLANNED TOTAL EXPENDITURE FOR CAPITAL IMPROVEMENT PROJECTS

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell, Patton, Shastid

Mr. Grimes stated that certain legal data is required to be submitted with the application and requested that he be authorized to furnish the information requested.

MOTION

That the City Attorney be authorized to furnish the information requested by the federal government in connection with the City's application for a federal grant (Form CAF-1101-3)

Moved by VanderWall Seconded by Tabbert Unanimously carried

RESOLUTION NO. 62-486

RESOLUTION AUTHORIZING FILING OF APPLICATION WITH THE HOUSING AND HOME FINANCE AGENCY, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE TERMS OF PUBLIC LAW 345, 84TH CONGRESS, AS AMENDED BY THE PUBLIC WORKS ACCELERATION ACT

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell, Patton, Shastid

Deputy City Manager Keefe stated that the architect is proceeding with preparation of the final working drawings and specifications in accordance with paragraph 3 of the agreement between the City and Mr. Pfleuger, but has requested a letter from the City authorizing him to so proceed. Mr. Keefe said that in the event the federal grant is approved, work on the building can begin in January.

MOTION

That the City Manager be authorized to write a letter to the architect authorizing him to proceed with the final working plans and specifications, in accordance with the agreement with him for architectural services

Moved by VanderWall Seconded by Johansen Unanimously carried

APPLICATION FOR GRANT TO ACQUIRE OPEN-SPACE LAND

Mrs. Ada Hubbard, Secretary to the City Manager, summarized the information requested with the application, stating that basically the federal agency desires to be sure that the applying agency is fiscally responsible and is the appropriate agency to acquire open-space land in the area indicated, that there is a comprehensive general plan for the community, that there is an active planning program being carried on, and that the proposed open-space land parcel covered by the application conforms with the provisions of the general plan.

The City Manager stated that the proposed 20.9 acre parcel is adjacent to the Modesto city limits, that it is so located that it will provide the community park adjacent to the Davis High School in northern Modesto as indicated in the General Plan, and that a letter has been received from the County Board of Supervisors authorizing the City of Modesto to act as agent for the County in this and other open-space land acquisitions for park and recreational purposes in the Modesto urban area included in the General Plan.

The City Attorney stated that approximately $104,500 is needed to acquire the park site and that application for a federal grant of $31,350 is being made. The City Manager pointed out that the price quoted is the maximum amount estimated to cover all costs of land acquisition, and that the actual purchase price is still to be agreed upon.

RESOLUTION NO. 62-488

RESOLUTION AUTHORIZING FILING OF APPLICATION WITH THE HOUSING AND HOME FINANCE AGENCY, UNITED STATES OF AMERICA, FOR A GRANT TO ACQUIRE OPEN-SPACE LAND

Introduced by Johansen Seconded by VanderWall

Ayes: Johansen, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell, Patton, Shastid

APPROVAL OF AGREEMENT AUTHORIZING INSTALLATION OF "ISLAND SERVICE STATION" AT MODESTO CITY-COUNTY AIRPORT

Airport Manager Harry Sham stated that the proposed agreement covers the installation of an "island service station" at the Modesto

City-County Airport, which is similar to an ordinary gas station, but will contain a small house which will be occupied by an attendant at all times. He said that the present installation, acquired by the City approximately three years ago, is over twenty years old. The proposed service station will be constructed at no cost to the City and will be amortized in approximately five years, at which time the City will receive an additional 1½ cents per gallon of gasoline sold.

The City Attorney outlined the terms of the agreement, stating that the Standard Oil Company is expending about $11,694 to install the service station (as per exhibit attached to the agreement). The plans have been approved by the Airport Manager and Director of Public Works. He said that upon amortization, the service station will become the property of the City; that the agreement is effective October 1, 1962 through September 20, 1967, or until such time as the cost of the installation is amortized.

RESOLUTION NO. 62-487

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STANDARD OIL COMPANY OF CALIFORNIA, WESTERN OPERATIONS, INC., FOR A SITE FOR AIRPLANE FUELING FACILITIES AT MODESTO CITY-COUNTY AIRPORT

Introduced by VanderWall Seconded by Johansen

Ayes: Johansen, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell, Patton, Shastid

REPORT ON POSSIBLE LOCATION OF NEW INDUSTRY IN MODESTO - AREA REDEVELOPMENT ACT PROGRAM

The City Manager stated that representatives of the City, Chamber of Commerce and other interested parties have been working with industries which have expressed an interest in establishing in this area under the Area Redevelopment Act program. This program permits a favorable rate of interest on federal loans to qualifying, job-providing businesses locating in an area designated by the government as one of substantial and persistent unemployment. Stanislaus County has been so designated.

Mr. Miller said that under the terms of the program, the local community must furnish ten per cent of the total cost of the project to provide a valid indication of local interest in improving economic conditions.

The City Manager stated that a firm is now ready to locate in this area if the ten per cent "local" money can be assured. Approximately $20,500 is needed. He suggested that steps be taken immediately, working with the Chamber of Commerce and others interested in the development of industry in this area, to form a local development corporation to assist in such matters. He pointed out that in this instance the loan would be secured by the personal note of the owner of the proposed new firm.

Upon questioning, Mr. Miller said that private funds are required for the ten per cent loan.

Mayor Hammond stated that the community should use whatever means are available to secure additional full time industry to ease the seasonal unemployment problem. He concurred with the City Manager's suggestion that the staff should work with the Chamber of Commerce, and other interested groups and citizens in the community toward establishing the necessary local development corporation.

MOTION

That the staff be authorized to work with the Chamber of Commerce and interested citizens, to obtain whatever publicity is needed, to secure the proper leadership for the establishment of a local development corporation under the provisions of the Small Business Investment Company Act

Moved by Mayor Hammond Seconded by Johansen Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Tabbert 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 special session this date at 7:30 P.M., as provided by Section 2-1.02 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Mayor Hammond presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Absent: Councilmen: None

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

Reverend Charles W. Williams gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of October 8 and 15, 1962, and the same being available for public inspection, and there being no objections, the minutes were approved.

REQUEST BY STANISLAUS COUNTY BOARD OF SUPERVISORS FOR COUNCIL CONSIDERATION OF A RESOLUTION SUPPORTING PROPOSITION 1-A ON THE NOVEMBER 6, 1962 BALLOT

A letter from W. T. Chynoweth, Clerk, Board of Supervisors, dated October 15, 1962 requesting that the Council adopt a resolution urging a "Yes" vote on Proposition 1-A of the November 6 ballot, was read by the City Clerk.

RESOLUTION NO. 62-485A

A RESOLUTION SUPPORTING PROPOSITION 1-A ON THE NOVEMBER 6, 1962 BALLOT

Introduced by Johansen Seconded by VanderWall

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

LETTER FROM VICTOR E. CAPPA, ATTORNEY AT LAW, SAN FRANCISCO RE: ESTABLISHMENT OF A "TWIN SISTER CITY" IN ITALY

A letter from Attorney Victor E. Cappa, San Francisco, dated October 8, 1962 asking the City to consider a sister city relationship with the City of Castellamonte, Province of Piedmont, in Northern Italy, was read by the City Clerk.

Councilman Mitchell stated that until the present program with Modesto's sister city, Barranquilla, gets underway, it would be premature to consider a second sister city.

With the consent of the Council, the matter was referred to Dr. John Woolley, Chairman of the Sister City Committee, for review and report back to the Council.

LETTER FROM FLORABEL M. BRENNAN, 156 DAVITT STREET, OAKDALE, RE: STANISLAUS COUNTY LIBRARIES

A letter from Florabel M. Brennan, 156 Davitt Street, Oakdale, dated October 16, 1962 citing the inadequacies of Stanislaus County

libraries, and urging that the Council take a greater interest in improving them, was read by the City Clerk.

With the consent of the Council, the letter was referred to Librarian Carl Hamilton for answer.

CONSIDER AWARD OF BID FOR DUMP BODY

Deputy City Manager Keefe stated that the low bid for a gasoline powered tractor with a one cubic yard dump box body for golf course use, was submitted by Nance Ford Tractor Company for $2,890. He recommended that the bid be awarded to the low bidder.

RESOLUTION NO. 62-486A

A RESOLUTION ACCEPTING THE BID OF NANCE FORD TRACTOR COMPANY IN THE SUM OF $2,890, INCLUDING SALES TAX, FOR ONE GASOLINE POWERED TRACTOR WITH ONE CUBIC YARD DUMP BOX BODY FOR GOLF COURSE USE

Introduced by VanderWall Seconded by Patton

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

CONSIDER DECISION ON PROPOSED VACATION OF ALLEY IN BLOCK 3177 - NEECE DRIVE AND SUNSET AVENUE

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

PROPOSED REPEAL OF MUNICIPAL COURT PROVISIONS RELATING TO SHORT WAVE RADIOS AND RADIO INTERFERENCE

The City Attorney stated that the Chief of Police has recommended the repeal of the provisions of Article 8 of Chapter 7 of Title IV of the Municipal Code relating to short wave radios and radio interference inasmuch as Federal Communications Commission regulations now govern all of the matters covered in these provisions.

ORDINANCE NO. 531-C.S. entitled

"AN ORDINANCE REPEALING ARTICLE 8 OF CHAPTER 7 OF TITLE IV OF THE MODESTC MUNICIPAL CODE RELATING TO SHORT WAVE RADIOS AND RADIO INTERFERENCE"

was introduced and ordered published as required by the Charter.

Moved by Mitchell Seconded by Tabbert

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

CONSIDER ADOPTION OF ORDINANCE AMENDING SECTION 2-2.08 OF THE MODESTO MUNICIPAL CODE TO SET FORTH THE EFFECT OF A TIE VOTE

The City Attorney stated that the proposed ordinance provides that in the event that the roll call vote on the introduction or adoption of an ordinance or a resolution results in a tie vote, the motion shall be deemed lost and provides that the matter shall be placed on subsequent Council agendas until such time as the matter is resolved. He explained that this procedure will eliminate the necessity of completely new hearings.

ORDINANCE NO. 532-C.S. entitled

"AN ORDINANCE AMENDING SECTION 2-2.08 OF CHAPTER 2 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO MAJORITY VOTE"

was introduced and ordered published as required by the Charter.

Moved by VanderWall Seconded by Johansen

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

CONSIDER ADDITIONAL LIMITS FOR GENERAL COMPREHENSIVE LIABILITY - AUTOMOBILE, AND BOILER AND MACHINERY INSURANCE

A report from the Director of Finance, dated October 25, 1962, subject, "Report on Premium Costs for Additional Insurance Coverage," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

Director of Finance Bird stated that the local insurance association has recommended a coverage of $100,000 for boiler insurance.

Upon questioning, Mr. Bird stated that Griffenhagen-Kroeger, the City's insurance consultant, has recommended a $100,000 coverage for automobile general comprehensive liability insurance; that Griffenhagen-Kroeger has recommended a coverage of $100,000 for boiler insurance; that the City's present coverage for automobile general comprehensive liability is $25,000; $100,000 for general comprehensive insurance other than automobile.

The report indicated that the increased coverage for a three-year period for the boiler and machinery and automobile general comprehensive liability can be obtained for an additional cost of $237.41.

RESOLUTION NO. 62-487A

A RESOLUTION INCREASING THE LIMITS FOR GENERAL COMPREHENSIVE AUTOMOBILE LIABILITY, AND BOILER AND MACHINERY INSURANCE COVERAGE TO $100,000 EACH

Introduced by Shastid Seconded by VanderWall

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

Director of Finance Bird stated that an appropriation transfer covering the increase in the cost of premiums was needed.

RESOLUTION NO. 62-488A

A RESOLUTION APPROVING APPROPRIATION TRANSFERS TO INCREASE THE LIMITS OF LIABILITY FOR PROPERTY DAMAGE COVERED BY THE BOILER AND MACHINERY, AND AUTOMOBILE GENERAL COMPREHENSIVE LIABILITY INSURANCE POLICIES TO $100,000 EACH

Introduced by Shastid Seconded by VanderWall

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

CONSIDER ACQUISITION OF NEIGHBORHOOD PARK SITE NORTH OF PROPOSED SYLVAN ELEMENTARY SCHOOL ON THE NORTH SIDE OF RUMBLE ROAD, APPROXIMATELY HALF WAY BETWEEN COFFEE ROAD AND McHENRY AVENUE

A letter from Russell C. Fey, Secretary, City Planning Commission, dated October 17, 1962 stating that a school site for the proposed Sylvan Elementary School, located on the north side of Rumble Road approximately half way between Coffee Road and McHenry Avenue, is now being acquired by the Schools, was read by Deputy City Manager Keefe. The Planning Commission recommended that the City undertake negotiations to acquire a park site north of the proposed school site. Funds in the amount of $35,000 have been budgeted in the Special Fund for Capital Outlay for this purpose.

Acting Director of Planning Fey stated that the proposed park site of approximately six acres lies immediately north of the proposed Sylvan Elementary School site, is adjacent on the east to Sherwood Forest Subdivision, and is presently outside the city limits. Mr. Fey outlined the development and population of areas adjacent to the park site, stating that it is estimated that ultimate development will result in a population of 8,500 in the area extending from McHenry Avenue to Coffee Road, up to Sylvan Road, which, in his opinion, justified two elementary schools, and in accordance with the standards recommended by the Planning Commission, more than enough population to justify two neighborhood park sites adjacent to the schools. Location of other neighborhood park sites in the area were indicated on a map.

Councilman Mitchell upheld the City's policy of acquiring neighborhood park sites adjacent to schools, pointing out the advantages accruing to both agencies.

Councilman Shastid voiced his objections to expenditure of $35,000 to acquire this park site outside the city limits when funds are not available to develop park sites within the city limits. He stated that he would prefer concentration on development of parks within the City.

Mayor Hammond agreed that the City's park acquisition program was more than the City could afford under present policy, but he believed that in the interest of future generations, the land should be acquired, but that neighborhood areas should provide their own park development. It was his opinion that the City could no longer consider the acquisition of park sites under its present policy, and at the same time continue with a development program, pointing out that $60,000 has been appropriated from the General Reserve Fund for park development purposes, this amount being over and above regular budgeted items for the Department.

Upon questioning, Mr. Fey stated that most of the park sites acquired by the City within the past several years, have been outside the city limits at the time of acquisition. He said that a drop-off period of park site acquisitions is anticipated for a period of a few years, during which time the areas will develop up to and around the park sites acquired.

It was Councilman VanderWall's opinion that consideration should be given to a tax levy for park development purposes, with no change in the City's present policy of park site acquisitions.

Councilman Tabbert stated that a citizen's committee is working diligently on a solution to this problem, and that Council action on policy at this time would be premature, inasmuch as recommendations will be forthcoming in the near future.

Councilman Shastid stated that this committee would probably submit a report on the relative values of the neighborhood parks vs. the larger community parks for community-wide recreation. He suggested that acquisition of this park site be delayed until recommendations are submitted by the committee.

Deputy City Manager Keefe pointed out that the funds budgeted for the acquisition of the proposed park site do not reflect the actual value of the land, as this will be established by appraisal.

MOTION

That the staff be authorized to proceed with negotiations for the acquisition of a park site adjacent to the proposed Sylvan Elementary School, with further report to the Council on cost

Moved by Mitchell Seconded by VanderWall

The motion carried, Councilmen Shastid and Patton dissenting.

RESOLUTION APPROVING RENTAL OF CITY OWNED PROPERTY

RESOLUTION NO. 62-489

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND LEROY AND HELEN EAMES FOR THE RENTAL OF CITY OWNED PROPERTY AT 217 ELM STREET ON A MONTH TO MONTH TENANCY FOR THE SUM OF $60 PER MONTH (Effective November 1, 1962)

Introduced by Johansen Seconded by Shastid

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

CONSIDER RESCINDING COUNCIL RESOLUTION NO. 62-467 AWARDING THE RIX COMPANY A SALES CONTRACT FOR THE PURCHASE OF A COMPACTION ROLLER

Deputy City Manager Keefe stated that the roller delivered under a sales contract with the Rix Company failed to meet specifications, and recommended that the resolution awarding the bid to this company be rescinded, and that the offer of the second low bidder conforming with specifications be accepted.

Purchasing Agent Dunham stated that the second low bid is $208 higher than the bid submitted by the Rix Company; that the roller delivered by the Rix Company has only one speed forward and one speed in reverse, whereas the specifications call for two speeds forward and two in reverse.

Councilman VanderWall introduced a resolution, seconded by Councilman Tabbert, rescinding Resolution 62-267, which was subsequently withdrawn.

Holding the Rix Company to its bid and demanding delivery of a roller meeting specifications, or seeking damages for breach of contract were discussed. The function of the ten per cent bond required with submitted bids was also discussed, several Councilmen expressing the opinion that if the ten per cent bond did not cover performance of the contract, the specifications should indicate other means to guarantee performance.

Upon questioning, Director of Public Works Ray said that a ten per cent bid bond guarantees only that the low bidder will enter into

contract if awarded the contract, and any further guarantee beyond this point would need to be covered by a performance bond and would usually be furnished at the time of acceptance of the contract. He said that in some instances, specifications covering equipment have required that the ten per cent bid bond also guarantee performance, in like amount, and the bond is held until completion of the contract.

The City Attorney stated that to his knowledge it has been the policy of the City to require a performance bond on all public works contracts, but not on the purchase of certain supplies and equipment on the premise that these purchases did not justify an added bond premium.

Deputy City Manager Keefe stated that Ricker Machinery Company, the second low bidder, has agreed to enter into a contract with the City for a compaction roller at the price quoted, $2,418.

Legal problems which might arise because of award of the bid to the Rix Company before determination was made that the equipment did not meet specifications were discussed.

Mr. Grimes said that as City Attorney, he could not say that neither the City nor the Council individually might not be responsible for damages which might arise if the resolution awarding the contract is rescinded.

RESOLUTION NO. 62-490

A RESOLUTION RESCINDING COUNCIL RESOLUTION NO. 62-467

Introduced by VanderWall Seconded by Shastid

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

CONSIDER PROPOSAL TO REQUEST A POPULATION STUDY TO BE MADE BY THE STATE DEPARTMENT OF FINANCE BY DECEMBER 1, 1962, EFFECTIVE JANUARY 15, 1963

Deputy City Manager Keefe stated that the last special census taken by the State Department of Finance was effective September 1, 1961 and indicated the City's population to be 38,300. Since that date, the Building Inspection Department reports construction of 901 individual dwellings, seven duplexes, and five apartment houses totaling 75 units. Based on the increase in dwelling units, Mr. Keefe estimated the City's population to be at least 40,000. He recommended that a special census be requested from the State Department of Finance, and that an appropriation transfer of $270 be approved to cover the cost.

MOTION

That a special census of the City's population be requested from the State Department of Finance

Moved by Shastid Seconded by Johansen Unanimously carried

RESOLUTION NO. 62-491

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $270 FROM GENERAL FUND, GENERAL RESERVE, TO MISCELLANEOUS UNCLASSIFIED, SPECIAL SURVEYS

Introduced by Johansen Seconded by Shastid

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

RESOLUTION REFERRING PETITION FOR ANNEXATION OF THE NORTHLAND ESTATES ADDITION TO THE PLANNING COMMISSION FOR CONSIDERATION AND REPORT

Deputy City Manager Keefe stated that the proposed Northland Estates Addition comprises 13.328 acres and is located along the east side of Tidewater Southern Railroad between Woodrow Avenue and Leveland Drive. The parcel will be developed as a residential subdivision. The parcel is located in the Sylvan School District and will remain in said district; and in the McHenry-Dry Creek Fire District, from which it will be withdrawn.

Acting Director of Planning Fey stated that all city services except sewer service can be extended to the area; however, the subdivider has submitted his tentative map with dry sewers installed.

RESOLUTION NO. 62-492

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

Introduced by Mitchell Seconded by Johansen

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

RESOLUTION SETTING DATE FOR HEARING OF RECOMMENDATION TO AMEND SECTION 21 OF THE ZONING MAP FROM R-1 TO C-2, AND FROM R-1 TO R-3

RESOLUTION NO. 62-493

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 21 OF THE ZONING MAP (Portion of Block 649 - Allen Addition)

Introduced by Shastid Seconded by Tabbert

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

November 19, 1962 at 4:30 P.M. in the Council Chambers was set as the time and place of hearing.

RESOLUTION SETTING DATE FOR HEARING RECOMMENDATION TO AMEND SECTION 27 OF THE ZONING MAP FROM INTERIM C-2 AND R-1, TO C-2

RESOLUTION NO. 62-494

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 (Ruffino and Phoenix Fire Station Site)

Introduced by Johansen Seconded by Mitchell

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

November 19, 1962 at 4:45 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION SETTING DATE FOR HEARING ON RECOMMENDED AMENDMENT TO SECTION 28 OF THE ZONING MAP (Ghilotti) 5-55

RESOLUTION NO. 62-495

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 (Ghilotti)

Introduced by Mitchell Seconded by Shastid

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

November 26, 1962 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION SETTING DATE FOR HEARING ON RECOMMENDATION FOR REZONING OF PROPERTY ON THE WEST SIDE OF COFFEE ROAD, NORTH OF JOHN MUIR SCHOOL, FROM R-1 TO P-D

RESOLUTION NO. 62-496

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 21 OF THE ZONING MAP (Roberts)

Introduced by Tabbert Seconded by Shastid

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

November 26, 1962 at 8:15 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

Tiny Tot Program

A petition bearing 254 signatures, requesting that the Tiny Tot Program, sponsored by the City Department of Parks and Recreation, be continued, was read by Mrs. Al J. Woods, and filed with the City Clerk.

The petition listed the following arguments in favor of the program: (1) The petitioners believe that the pre-school educational opportunities of group citizenship are very important; (2) The program has been a genuine public service and a credit to the City; (3) The program is not a baby-sitting service for working mothers, but provides a chance for three and four year olds to participate in group activities; (4) The program is self-supporting; (5) Discontinuance will benefit no one, but will be a tragic loss to the tiny tots.

The following spoke in favor of continuing the program, basing their presentations on the arguments listed above: Mrs. Al J. Woods, 222 El Rio; Mrs. Warren Storer, 1338 Del Mar; Betty Brower, 1921 John Street; Margaret Dudley, 2213 Monte Vista; Mrs. Willard Leuthard,

520 Tokay Avenue; Mrs. Esther Montez, 917 Leon Avenue; Mrs. Martin Vacca, 114 John Muir Court; Jack Raisbank, 1713 Carpenter Road; and Mrs. Ewing, address unknown.

Mayor Hammond stated that there were many factors which the Council needed to discuss and evaluate before a program of this nature could be approved, and that it was unfortunate that the program had been initiated without the knowledge of the Council. He pointed out that the program had been discontinued for this reason, until such time as the Council can evaluate all ramifications of the program, at which time the Council would be in a better position to make a decision as to whether or not the program should continue. It was his opinion that continuance of the project was not of such urgency that it could not be held over for consideration at the budget hearings for next fiscal year.

Mayor Hammond said that the community has many fine private nurseries and church organizations which provide youth programs, and questioned whether or not this type of program was within the scope of governmental activity.

Councilman Johansen stated that he was not aware until recently of the existence of the Tiny Tot Program, and that he did not recall the program being mentioned during the last budget hearings; that in his opinion, the program was not completely self-supporting; that if it was available to a few, it should be available to all, in which event the City would have to provide more facilities and more supervision, with increased overhead costs. He said that it was for these reasons that he personally wished to review the program before making a decision as to whether or not it should be continued.

Councilman Mitchell stated that he voted to continue the program as he believed that there was a need for this type of program in the community, and that he was hopeful that the Council would find that the Tiny Tot Program is a proper function of the government.

Charles Breen, Secretary, Stanislaus County Tax Association, stated that at the next meeting of the Association, he would ask for a standing ovation for the Council on its stand. He said that the community of Palo Alto faced this same problem some years ago, and has successfully met it with cooperative nursery schools. He invited the Council and staff members to attend the Taxpayers' Association's annual dinner meeting on November 8, 1962, stating that Carl Wenty will be the guest speaker.

Councilman VanderWall stated that he would like to know why enrollment in the program was limited to 60 children, if the demand was greater and the program self-supporting.

MOTION

That the staff be directed to furnish information to the Council on the operation of the Tiny Tot Program; where the meeting quarters are, the expense of the quarters, insurance coverage of the participating children, why it is essential that the city step into pre-school educational training and recreation, when schools have restrictive age limitations, the past demonstrated demand for the program, a report on the ramifications if the program is opened to all rather than a limited number

Moved by Tabbert Seconded by Mitchell Unanimously carried

MOTION

That Superintendent of Recreation Mary Grogan contact the City of Palo Alto immediately for information pertaining to cooperative nurseries and make information available to interested mothers

Moved by Patton Seconded by VanderWall Unanimously carried

REPORT ON INCREASED EFFICIENCY IN THE PARKING AND TRAFFIC DEPARTMENT

Deputy City Manager Keefe stated that the Department of Parking and Traffic is maintaining spot maps for accidents, traffic control devices and traffic counts with the latest information available, which saves many manhours per year in research and study when complaints are received or information requested.

A copy of a memorandum from Director of Parking and Traffic Carmody, dated October 17, 1962, subject, "Spot Maps have Improved the Efficiency of this Department," were furnished the Council, and a copy filed with the record of the minutes.

LETTER FROM TOM BOYLE SUBMITTING RESIGNATION FROM FORWARD MODESTO COMMITTEE '62

A letter from Tom Boyle, dated October 18, 1962, submitting his resignation from the Forward Modesto Committee '62, was read by the City Clerk.

The letter was ordered filed.

LETTER FROM LEE DAVIES COMMENDING THE MODESTO POLICE FORCE

A letter from Lee H. Davies, 1116 M Street, dated October 24, 1962, expressing his appreciation and commending the police department on its periodic security check on his home during his vacation, was read by the City Clerk.

The letter was ordered filed.

LETTER OF CONGRATULATIONS FROM STATE COMPENSATION INSURANCE FUND RE: CITY'S FINE ACCIDENT PREVENTION RECORD

A letter from Earl R. Howard, General Manager, State Compensation Insurance Fund, dated October 22, 1962 congratulating the City on its fine accident prevention record in the 1961-62 Cities Employee Safety Contest, was read by the City Clerk. The City earned third place among the cities in Group IV (301 to 600 employees).

The letter was ordered filed.

RESOLUTION AWARDING BID FOR CONSTRUCTION OF CURBS, GUTTERS AND SIDEWALKS AT CALIFORNIA-FRANKLIN AND JAMES MARSHALL PARKS 9-127

Deputy City Manager Keefe stated that four bids were received for this project, the low bid submitted by Tanner Construction Company for $3,939.28. He recommended that the bid be awarded to the low bidder.

RESOLUTION NO. 62-497

A RESOLUTION ACCEPTING THE BID OF TANNER CONSTRUCTION COMPANY FOR THE CONSTRUCTION OF CURBS, GUTTERS AND SIDEWALKS AT UNIT A - CALIFORNIA-FRANKLIN PARK; AND UNIT B - JAMES MARSHALL PARK FOR A TOTAL SUM OF $3,939.28

Introduced by Shastid Seconded by VanderWall

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

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE RELOCATION OF STREET LIGHTING FACILITIES TO ACCOMMODATE THE MODESTO FREEWAY PROJECT

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

LETTER FROM NORTH BAY CONSTRUCTION COMPANY REGARDING EXTENSION OF TIME FOR AWARD OF CONTRACT - AERATION FACILITIES

Deputy City Manager Keefe stated that North Bay Construction Company, low bidder for the installation of aeration facilities at the Sewage Treatment Plant, has agreed to extend award of the contract to November 30, 1962 pending approval of a possible federal grant of approximately $33,000 to assist in financing the project.

RESOLUTION ACCEPTING IMPROVEMENTS IN SARATOGA MANOR NO. 4 SUBDIVISION AS COMPLETE AND AUTHORIZING THE CITY CLERK TO RELEASE SUBDIVISION IMPROVEMENT BOND 10-15

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

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY LOCATED ADJACENT TO THE MODESTO RACQUET CLUB ON NORWEGIAN AVENUE BETWEEN McHENRY AND SUNRISE AVENUES, ALSO KNOWN AS FELLOWSHIP HOMES PROPERTY

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

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY LOCATED AT 822 EL VECINO AVENUE

Deputy City Manager Keefe stated that the property for which sewer service is requested is located on the east side of El Vecino Avenue between Blair and Fairmont Avenues, and is not contiguous to the city limits. The applicant will assume the costs of constructing the sewer lateral, and has signed the usual agreement with the City agreeing to annex, etc.

MOTION

That the request for sewer service to property located at 822 El Vecino Avenue be approved

Moved by Shastid Seconded by Johansen Unanimously carried

RESOLUTION APPROVING SUBDIVISION AGREEMENT AND FINAL MAP FOR SHERWOOD MANOR NO. 2 SUBDIVISION

Deputy City Manager Keefe reported that the subdivision agreement for Sherwood Manor No. 2 Subdivision has been signed and all fees paid. The subdivision contains 4.42 acres and is located south of Rumble Road and west of Coffee Road. He recommended that the subdivision agreement and final map be approved.

RESOLUTION NO. 62-498

A RESOLUTION APPROVING THE FINAL MAP OF THE SHERWOOD MANOR NO. 2 SUBDIVISION

Introduced by VanderWall Seconded by Mitchell

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

RESOLUTION APPROVING SUBDIVISION AGREEMENT AND FINAL MAP FOR NORTHGATE ESTATES SUBDIVISION 10-60

Deputy City Manager Keefe reported that the subdivision agreement has been signed and all fees paid. Northgate Estates Subdivision contains 9.2 acres and is located west of Sherwood Avenue, south of Leveland Avenue.

Edward Lacy , attorney at law, representing Mr. and Mrs. John Winning, whose home is located in the middle of the proposed subdivision, stated that in order to develop the subdivision, it is necessary to run streets, curbs, gutters, sidewalks, sewer lines, etc. past his home; that Mr. Winning was asked to donate ten feet of his property for right of way purposes, also to participate in the expense of a portion of the improvements running by his home. In this connection he wrote a letter to the City Planning Commission indicating that he was agreeable to paying for curbs, gutters, sidewalk and street improvements along Leveland Lane in front of his property, and although not saying so, was also willing to donate ten feet for street widening purposes. Mr. Winning has since received a bill from the subdivider indicating a proposed charge of $1,181 as his share of the improvement costs, a sum much higher than he contemplated. Mr. Lacy stated that Mr. Winning wished to put the Council on notice that he is not agreeable to paying the proposed charge of $1,181 to the subdivider, nor is he agreeable to paying for any improvements at the present time other than the cost of installing a curb, gutter and sidewalk; that when he agreed by letter to the Planning Commission to pay for street improvements, he assumed that the improvements would consist of blacktopping the area from the curb line to the edge of the present pavement, at a cost of approximately $200.

Acting Director of Planning Fey stated that when the property was purchased by the Winnings, the lot split was effected without official approval of the Planning Commission; that when it was brought to the attention of the Planning Commission, Mr. Winning was informed that a lot split action would be necessary before the subdivision could be approved. He was notified of the standard requirements of a right of way dedication for widening of the street, street improvements, and posting of a bond in the amount of $750 to guarantee installation of the curb, gutter and sidewalk. This Mr. Winning agreed to do. Planning Commission Resolution No. 797 sets forth the conditions of the lot split..

Assistant Director of Public Works Campbell stated that filing of the final map was independent of the differences between Mr. Winning and the subdivider.

Mr. and Mrs. Winning spoke briefly on what they considered exorbitant charges by both the subdivider and the City.

Lee White, representing George Reed, contractor, stated that the Winning property is excluded from and not a part of the subdivision and that in his opinion there was no reason why they should be charged any part of the subdivision improvement costs, other than installation of the curb, gutter and sidewalk.

Councilman Mitchell suggested that Mr. and Mrs. Winning meet with the subdivider in an effort to bring the matter to a conclusion satisfactory to both parties.

Attorney Lacy stated that Mr. and Mrs. Winning purchased the property in the fall of 1960; that his clients did not have actual notice of the lot split ordinance at that time.

RESOLUTION NO. 62-499

A RESOLUTION APPROVING THE FINAL MAP OF THE NORTHGATE ESTATES SUBDIVISION OF THE CITY OF MODESTO

Introduced by Mitchell Seconded by Shastid

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

RESOLUTION APPROVING SUBDIVISION AGREEMENT AND FINAL MAP FOR NORTHGATE NO. 4 SUBDIVISION

The City Attorney stated that all documents were in order for approval of the subdivision agreement and final map for Northgate No. 4 Subdivision.

RESOLUTION NO. 62-500

A RESOLUTION APPROVING THE FINAL MAP OF THE NORTHGATE SUBDIVISION NO. 4 OF THE CITY OF MODESTO

Introduced by Shastid Seconded by Johansen

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

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF WATER LINES IN NORTHGATE NO. 4 AND NORTHGATE ESTATES SUBDIVISIONS

RESOLUTION NO. 62-501

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF WATER LINES IN NORTHGATE NO. 4 AND NORTHGATE ESTATES SUBDIVISIONS

Introduced by Tabbert Seconded by VanderWall

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

November 13, 1962 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

RESOLUTION APPROVING SUBDIVISION AGREEMENT AND FINAL MAP FOR SARATOGA MANOR NO. 5 SUBDIVISION

Deputy City Manager Keefe stated that the subdivision agreement has been signed and all fees paid. Saratoga Manor No. 5 Subdivision contains 12.68 acres and is located north of M.I.D. Lateral No. 3, and east of Carver Road.

RESOLUTION NO. 62-502

A RESOLUTION APPROVING THE FINAL MAP OF THE SARATOGA MANOR NO. 5 SUBDIVISION OF THE CITY OF MODESTO

Introduced by VanderWall Seconded by Shastid

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

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF WATER LINES IN SARATOGA MANOR NO. 5 SUBDIVISION

RESOLUTION NO. 62-503

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF WATER LINES IN SARATOGA MANOR NO. 5 SUBDIVISION

Introduced by Shastid Seconded by Johansen

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

November 13, 1962 at 2:15 P.M. in the City Clerk's office was set as the time and place for opening of bids.

RESOLUTION APPROVING LEASE AGREEMENT WITH THE FEDERAL AVIATION AGENCY COVERING LAND FOR THE TERMINAL TVOR FACILITY TO BE INSTALLED AT THE CITY-COUNTY AIRPORT

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

CONSIDER REQUEST BY HARRY E. BROWN, BUILDING CONTRACTOR, FOR VARIANCE TO PERMIT ENCROACHMENT ON THE PUBLIC RIGHT OF WAY

Deputy City Manager Keefe stated that Harry E. Brown has requested permission to place a brick veneer on the H Street front of the Hudson Post Office Building at 18th and H Streets. The building is constructed on the property line and any veneer on the wall will encroach on the public right of way.

Copies of a letter from Mr. Brown, dated October 24, 1962 making the request were furnished the Council, and a copy filed with the record of the minutes.

Director of Public Works Ray stated that Mr. Brown, in his letter, requested one of two alternatives: To install brick veneer which would encroach approximately five inches; if not approved, to be permitted to install quarry tile on the pilasters next to the doors, which would encroach approximately one inch from the existing building line.

Mr. Ray said that either of the suggested alternatives would beautify the building, but would encroach upon the public right of way, and that the Building Code does not provide for the granting of this type of variance. He recommended that if the Council wished to grant the request, that it approve the request to install quarry tile on the pilasters next to the doors.

Councilman Shastid proposed a resolution granting Mr. Brown a revocable permit to place one-inch quarry tile on the pilasters next to the doors of the building on the H Street side of the building, subject to the conditions that the permit be revocable only if the entire side of the building is taken down and remodeled, and that the City shall be saved harmless from any and all damages, costs and charges of any kind arising out of or in any way connected with the exercise of the rights granted by the permit.

RESOLUTION NO. 62-504

A RESOLUTION GRANTING HARRY E. BROWN A PERMIT TO ENCROACH ON THE PUBLIC RIGHT OF WAY

Introduced by Shastid Seconded by Mitchell

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

RECONSIDER ENCROACHMENT PERMIT GRANTED TO FRANK HELM TO BLOCK THE "M" STREET ALLEY APPROACH TO BLOCK 90

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

RESOLUTION REQUIRING CONSTRUCTION OF CURB AND GUTTER AT 218 WALDEN (BLOCK 212, PORTION OF LOT 4) 14-14

Deputy City Manager Keefe stated that the owner of this property was informally requested over thirty days ago to install a curb and gutter at 218 Walden Street, and has not complied with the request. The Public Works Department has recommended that the Superintendent of Streets be authorized to post the property.

RESOLUTION NO. 62-505

A RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF CURBS AND GUTTERS ALONG CERTAIN STREETS IN THE CITY OF MODESTO (Block 212, Portion of Lot 4)

Introduced by Shastid Seconded by Patton

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

November 13, 1962 at 8:05 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

REPORT ON ANNEXATION OF NORTH STAR ESTATES SUBDIVISION

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

RESOLUTION APPROVING AGREEMENT WITH STATE OF CALIFORNIA FOR CONSTRUCTION OF TRAFFIC SIGNALS AND STREET LIGHTS AT 7TH AND L STREETS, AND McHENRY AND GRANGER AVENUES

Deputy City Manager Keefe stated that the proposed agreement with the State of California, Division of Highways, covers the installation of traffic signals at 7th and L Streets and McHenry and Granger Avenues. Under the terms of the agreement, the City will prepare plans and will let the contract and inspect the work. Mr. Keefe referred to a memorandum from the Director of Parking and Traffic, subject, "Status of Traffic Signal Construction for fiscal year 1962-63," dated October 26, 1962, a copy of which is on file with the record of the minutes, which indicates that the work proposed for this fiscal year exceeds the amount budgeted by $3,443, and an appropriation transfer for this amount will be needed at some future date. Mr. Keefe stated that a copy of this memorandum will be furnished the Council.

Director of Parking and Traffic Carmody stated the cost of the projects was estimated last March, with the State Division of Highways setting the City's share of the cost at $11,000. The City requested, and the State agreed, to permit the City to draw its own plans at an anticipated savings of $2,000. Mr. Carmody stated that this savings has been effected, but the cost of the projects is still $2,000 more than was budgeted, as the State has required that walk-wait signals be installed at both of the locations, in addition to the normal red-yellow-green signals.

Mr. Carmody stated that a new state policy requires that any traffic signal within 200 feet of a railroad crossing must have railroad crossing protection in addition to the traffic signal, which is primarily the reason why proposed 9th Street signals on Coldwell, Tully, Kansas and P Streets have been delayed for about a year, as the intersections are all within 200 feet of railroad crossings. This requirement has contributed to the need of funds over the amount budgeted in connection with the proposed signals at 10th and D Street, where two railroad crossings are within 200 feet of the intersection. Mr. Carmody stated that at the P Street intersection alone, the interconnection with the adjacent railroad signals will add $17,500 to the cost of the signalization.

RESOLUTION NO. 62-506

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STATE OF CALIFORNIA, DIVISION OF HIGHWAYS, FOR CONSTRUCTION OF TRAFFIC SIGNALS AND STREET LIGHTS (Granger & McHenry Aves. and 7th & L Streets)

Introduced by VanderWall Seconded by Shastid

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

RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (RUMBLE ADDITION)

RESOLUTION NO. 62-507

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (RUMBLE ADDITION)

Introduced by Johansen Seconded by Mitchell

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

RESOLUTION REFERRING PETITION FOR ANNEXATION OF ATHENS NO. 2 ADDITION TO PLANNING COMMISSION FOR REPORT AND RECOMMENDATION

Deputy City Manager Keefe stated that the proposed Athens No. 2 Addition comprises 5.437 acres and is located west of Coffee Road immediately adjacent to the Cavil Drain. The area is located and will remain in the Sylvan School District; it is located in the McHenry-Dry Creek Fire District from which it will be withdrawn. City water and sewer facilities are available.

RESOLUTION NO. 62-508

A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS ATHENS NO. 2 ADDITION

Introduced by Shastid Seconded by VanderWall

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

RESOLUTION REFERRING PETITION FOR ANNEXATION OF CRESTVIEW II ADDITION TO PLANNING COMMISSION FOR REPORT AND RECOMMENDATION

Deputy City Manager Keefe stated that the area proposed for annexation contains 1.89 acres, is located on the north side of Crestview Drive, east of Clifton Drive, and is developed with residences. It lies in the Modesto Elementary School District and in the McHenry-Dry Creek Fire District, from which it will be withdrawn. The area is now served with city sewer and water facilities.

RESOLUTION NO. 62-509

A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS CRESTVIEW NO. 2 ADDITION

Introduced by VanderWall Seconded by Shastid

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

TRANSFER OF $1,200 FROM THE GENERAL FUND, GENERAL RESERVE TO MAINTENANCE AND REPAIR, BUILDINGS AND GROUNDS 14-95

Deputy City Manager Keefe reported that the cost estimate for re-oiling the taxiway at the City-County Airport was based on the use of .25 gallons of road oil per square yard, but actual conditions encountered required the use of .55 gallons per square yard. The actual cost has depleted the airport maintenance funds and the transfer of $1,200 is needed to maintain the airport for the balance of the fiscal year.

RESOLUTION NO. 62-510

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $1,200 FROM GENERAL FUND, GENERAL RESERVE, TO AIRPORT, MAINTENANCE AND REPAIR, BUILDINGS AND GROUNDS

Introduced by Shastid Seconded by VanderWall

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

PRESENTATION OF ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDING JUNE 30, 1962

The Annual Financial Report for the fiscal year ending June 30, 1962 was presented to the Council and ordered filed.

REPORT ON LEAGUE OF CALIFORNIA CITIES CONFERENCE IN LOS ANGELES

A brief report on the League of California Cities Conference recently held in Los Angeles was made by several of the Councilmen.

FURTHER REPORT ON INDUSTRIAL DEVELOPMENT ACTIVITIES

Deputy City Manager Keefe stated that the Industrial Development Committee would meet tomorrow at noon and he urged the Council to attend the meeting.

A letter, dated October 29, 1962 signed by Charles V. Duncan, Walter L. Bozarth, S. W. Berge, Orlena Hawkins, Kathryn McClure, Shirley E. Powell, Carolyn P. Osterholm, Lola I. Wolcott, Mrs. Walter Gnesa, Ray S. Dix, and Hazel M. Foletta, opposing the acceptance of federal funds for the formation of any corporation, or for the building of any plant under any Area Redevelopment Act, was read by the City Clerk.

The letter was ordered filed.

REPORT ON POLICE-COMMUNICATIONS BUILDING

Deputy City Manager Keefe stated that the City's application for federal funds has been forwarded for approval. He stated that the architect has changed the plans and specifications for the police-communications center building to provide for less expensive windows, non-automatic lawn sprinklers, wall-mounted toilet fixtures as being safer in a public building, and the elevator designed for a weight capacity of from 1600 to 2000 pounds. Mr. Keefe stated that the staff has agreed to the recommended changes, subject to any changes desired by the Council; that upon the advice of the engineers, the building's fire alarm system has been eliminated as being unnecessary.

No objections to the suggested changes were made by the Council.

MISCELLANEOUS

Deputy City Manager Keefe announced an Open House to be held by the Industrial Accident Commission at 115 North Sutter Street, Stockton, on November 1, 1962 from 4:00 to 6:00 P.M.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Tabbert Unanimously carried

The meeting adjourned at 10:50 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., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Mayor Hammond presiding.

The Acting City Clerk called the roll and there were:

Present: Councilmen: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond
Councilman Shastid arrived at 5:20 P.M.
Absent: Councilmen: None

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

Reverend L. B. Lewis gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the regular adjourned meeting of October 19, 1962, and the same being available for public inspection, and there being no objections, the minutes were approved.

PETITION REQUESTING HIGHER RESTRICTIONS THAN ARE NOW IMPOSED ON R-1 SINGLE FAMILY RESIDENTIAL AREAS

A petition bearing 51 signatures, dated April 5, 1962, requesting that the zoning ordinance be amended to impose higher restrictions than are now generally imposed upon an R-1 single-family zone, was summarized by the Acting City Clerk. Cited as an example was the limited number of roomers and boarders presently permitted by the zoning ordinance in R-1 single-family zones. A map delineating the specific area within the City of immediate concern to the petitioners was attached to the petition.

Copies of the petition were furnished the Council prior to the meeting.

The petition was referred to the staff for presentation to the Planning Commission.

COMMUNICATION REGARDING QUARANTINE ORDER COVERING STANISLAUS COUNTY RABIES - SKUNKS

A quarantine order, dated November 1, 1962 issued by the Stanislaus County Health Officer directing all local health officers to establish a quarantine of pet skunks and making it a misdeameanor to trap or capture skunks for pets; to trap, capture or hold skunks in captivity for sale, barter, exchange or gift; or to transport, import, or export skunks into, or out of the quarantine area except by permit issued by the Department of Public Health, State of California to recognized zoological gardens or research institutions, was summarized by the Acting City Clerk.

The communication was ordered filed.

LETTER FROM FLORABEL M. BRENNAN, 156 DAVITT STREET, OAKDALE RE: COUNTY LIBRARIES, ETC.

A letter from Mrs. Brennan, dated October 31, 1962 commending the Council for their consideration of a proposed establishment of a

Library and Culture Commission, and noting the lack of emphasis on cultural activities and the dearth of cultural leadership in the City, was summarized by the Acting City Clerk. The letter also commented on the lack of sanitary inspection of eating places in Modesto.

The letter was ordered filed.

LETTER FROM SALVATION ARMY REQUESTING PERMISSION TO PLACE KETTLE HOUSE ON 10TH STREET

A letter from Captain James F. Schaal, Commanding Officer, Salvation Army, dated October 25, 1962 requesting permission to place the Salvation Army Christmas Kettle House in its usual location (two parking spaces in front of S. H. Kress & Co., 944 Tenth Street) was summarized by the Acting City Clerk.

RESOLUTION NO. 62-511

A RESOLUTION GRANTING A PERMIT TO THE SALVATION ARMY TO PLACE A KETTLE HOUSE IN FRONT OF THE S. H. KRESS & COMPANY STORE, 944 TENTH STREET, IN THE CITY OF MODESTO DURING THE CHRISTMAS SEASON

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

A draft of a proposed ordinance granting authority to the Chief of Police to issue permits for the temporary use of on-street and off-street parking spaces, sidewalk areas, or the temporary closing of city streets, was distributed to the Council by the City Attorney for study.

LETTER OF RESIGNATION BY. C. W. SEGUIN FROM BOARD OF ZONING ADJUSTMENT

A letter from C. W. Seguin, dated October 25, 1962, tendering his resignation from the Board of Zoning Adjustment, as he is moving outside the city limits, was summarized by the Acting City Clerk.

Councilman Mitchell stated that he was hopeful that the City would, without too much further delay, take the initiative in encouraging annexation of inhabited areas contiguous to the City, pointing out the loss to the City in not being able to utilize many qualified individuals as city commission members because they do not reside within the city limits.

RESOLUTION NO. 62-512

A RESOLUTION COMMENDING C. WAYNE SEGUIN FOR OUTSTANDING SERVICES RENDERED TO THE CITY OF MODESTO

Introduced by Mayor Hammond Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

LETTER FROM JAY CLINE, 905 DURANT STREET, MODESTO, RE: NEIGHBORHOOD PARKS 1-70

A letter from Jay Cline, 905 Durant Street, dated October 31, 1962 urging the city to continue its acquisition of park sites, was summarized by the Acting City Clerk.

The letter was ordered filed.

LETTER FROM FRANKLIN AND DOWNS FUNERAL HOME REQUESTING A VARIANCE FOR DRIVEWAY APPROACH TO FUNERAL HOME

A letter from Lewis E. Franklin and Saxon L. Downs requesting a variance to permit complete repair of a driveway ramp at their place of business on 12th Street, was read by the Acting City Clerk. Copies of the letter were furnished the Council prior to the meeting.

Director of Public Works Ray stated that after sidewalks were installed on the property adjoining the Franklin-Downs Funeral Home, a request was submitted to rebuild the existing driveway in the manner previously constructed. He said that the Municipal Code provides that a permit must be secured in order to construct or reconstruct a driveway, sidewalk, curb and gutter, and also provides that any reconstruction or construction must conform to the standard plans and specifications adopted by the City; that the existing driveway also violates the Code in that it projects out into the street area a distance of approximately four feet from the face of the curb, with a waterway underneath it to prevent obstruction of the gutter, constituting a hazard to vehicular travel.

A sketch of the existing driveway was shown to the Council. Mr. Ray also indicated to the Council a proposal submitted by the staff to reconstruct the driveway in conformance with the Code, which was not acceptable to the applicants. Mr. Ray stated that the staff could not recommend that the request be granted on the basis that a standard driveway approach can be constructed without undue harm to the property; that other mortuaries in the city have standard approaches with no problems resulting in the operation of hearses.

Upon questioning, Mr. Ray stated that he knew of no accidents, either vehicular or pedestrian, having been caused by the projection of the driveway into the street area.

Councilman Mitchell suggested that the permit be issued with a condition that the driveway approach is to be abandoned in the event the property reverts to some other use.

The City Attorney stated that he was informed by Mr. Franklin that he is willing to indemnify and save the City harmless of and from all damages and costs which might arise from the projecting driveway.

The problems involved were discussed by the Council.

RESOLUTION NO. 62-513

A RESOLUTION GRANTING ENCROACHMENT PERMIT TO FRANKLIN & DOWNS FUNERAL HOME FOR CONSTRUCTION OF A DRIVEWAY APPROACH OVER THE PUBLIC RIGHT OF WAY

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

CONSIDER AWARD OF BID TO HELM CHEVROLET COMPANY, LOW BIDDER, FOR ONE FOUR-DOOR SEDAN POLICE CAR

The City Manager reported that three bids were submitted for a police car, the low bid submitted by Helm Chevrolet Company. He

recommended that the alternate bid of $2,139.60 for a car equipped with laminated glass, except in the rear window, be accepted.

RESOLUTION NO. 62-514

A RESOLUTION ACCEPTING THE BID OF HELM CHEVROLET COMPANY FOR ONE POLICE CAR (BISCAYNE 4-DOOR SEDAN WITH LAMINATED GLASS)

Introduced by VanderWall Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR RELOCATION OF STREET LIGHTING FACILITIES TO ACCOMMODATE THE MODESTO FREEWAY PROJECT

RESOLUTION NO. 62-515

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR RELOCATION OF STREET LIGHTING FACILITIES TO ACCOMMODATE THE MODESTO FREEWAY PROJECT

Introduced by Johansen Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

November 27, 1962 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 ANNEXATION OF THE ATHENS ADDITION

Mayor Hammond announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed annexation of the Athens Addition, and opened the hearing.

The Acting City Clerk reported that notice of the proposed annexation was published in the Modesto Tribune on October 4 and 11, 1962, and notices mailed to all property owners in the area and other interested persons, on October 11, 1962. No written protests were filed with the City Clerk.

The City Manager stated that the area proposed for annexation contains 20.01 acres, and is located on the west side of Coffee Road between Tokay and Athens Avenues.

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

ORDINANCE NO. 533-C.S. entitled "AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE ATHENS ADDITION TO THE CITY OF MODESTO"

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

Moved by Mitchell Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

CONSIDER DECISION ON PROPOSED VACATION OF ALLEY IN BLOCK 3177 - NEECE DRIVE AND SUNSET AVENUE

Council Resolution No. 1005-S.P., Resolution of Intention No. 284, declared the Council's intention to vacate and abandon a portion of Sunset Avenue and the alley in Block 3177, as shown on a map entitled, "Abandonment of Alley in Block 3177, LD 62-B, and Sunset Avenue at Block 3100, Land Disposition 62-A," dated March 20, 1962, on file in the office of the Secretary of the Planning Commission. October 1, 1962 at 4:30 P.M. in the Council Chambers, was set as the time and place for hearing. No action was taken at this time, but the matter was carried over to the present meeting.

RESOLUTION NO. 1007-S.P.

A RESOLUTION VACATING AND ABANDONING A PORTION OF SUNSET AVENUE AND THE ALLEY IN BLOCK 3177 IN THE CITY OF MODESTO

Introduced by Johansen Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

FINAL ADOPTION OF ORDINANCE NO. 531-C.S., SHORT WAVE RADIOS AND RADIO INTERFERENCE

ORDINANCE NO. 531-C.S. entitled

"AN ORDINANCE REPEALING ARTICLE 8 OF CHAPTER 7 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO SHORT WAVE RADIOS AND RADIO INTERFERENCE"

introduced on October 29, 1962 and having been published as required by the Charter, was moved and adopted.

Moved by VanderWall Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

FINAL ADOPTION OF ORDINANCE NO. 532-C.S., RELATING TO TIE VOTE

ORDINANCE NO. 532-C.S. entitled

"AN ORDINANCE AMENDING SECTION 2-2.08 OF CHAPTER 2 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO MAJORITY VOTE"

introduced on October 29, 1962 and having been published as required by the Charter, was moved and adopted.

Moved by Tabbert Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

CONSIDER ORDINANCE AMENDING THE MODESTO MUNICIPAL CODE RELATING TO LICENSING OF BICYCLES

The City Manager stated that the proposed amendments have been suggested by the Chief of Police to effect the following changes in the bicycle regulations: (1) Licenses would be issued on a

permanent basis, to be valid until the bicycle is sold or traded by the licensee; (2) The licenses would be of metal type; (3) A fee of $1 would be charged; (4) A fee of 50 cents would be charged the new owner upon transfer of ownership.

Mr. Miller stated that the slight loss of revenue occasioned by the change would be offset by a reduction in manhours in processing the applications.

Chief Bowers stated that bicycles are presently licensed on an annual basis, beginning January 1, and that it was proposed to have the change in procedure become effective January 1, 1963.

ORDINANCE NO. 534-C.S. entitled

"AN ORDINANCE AMENDING SECTIONS 3-3.02, 3-3.03, 3-3.07 AND 3-3.08 OF CHAPTER 3 OF TITLE III OF THE MODESTO MUNICIPAL CODE, RELATING TO BICYCLES"

was introduced and ordered published as required by the Charter.

Moved by VanderWall Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

HEARING ON PROPOSED ANNEXATION OF THE SPENCER ADDITION 3-55

Mayor Hammond announced that the hour of 4:35 P.M. had arrived, the time set for consideration of the proposed annexation of the Spencer Addition, and opened the hearing.

The Acting City Clerk reported that notice of the proposed annexation was published in the Modesto Tribune on October 4 and 11, 1962 and mailed to property owners in the area and other interested persons, on October 11, 1962. No written protests to the proposed annexation were filed with the City Clerk.

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

Acting Director of Planning Fey stated that a letter, dated October 30, 1962 was received from H. B. Monighan & Associates, requesting that the hearing be deferred until the next regular Council meeting; that because of a delay in financing arrangements, the developers were unable at this time to start construction under the present county zoning. The letter also requested that at its November 6th meeting, the City Planning Commission approve interim R-3 (P-D) zoning for the parcel so that both annexation and interim zoning might be submitted to the Council at the same time.

The City Attorney pointed out that action on the interim zoning could not be taken by the Council until the property is annexed to the City.

MOTION

That the hearing be continued to November 13, 1962 at 8:10 P.M.

Moved by Mitchell Seconded by VanderWall Unanimously carried

HEARING ON PROPOSED VACATION AND ABANDONMENT OF EASEMENT IN BLK 6534

Mayor Hammond announced that the hour of 4:40 P.M. had arrived,

the time set for consideration of the proposed vacation and abandonment of an easement in Block 6534, and opened the hearing.

The Acting City Clerk reported that notice of the hearing was published in the Modesto Tribune on October 18, 1962 and notices posted in the area on October 23, 1962. No written protests were filed with the City Clerk.

The City Manager stated that Planning Commission Resolution No. 845 recommends the abandonment of the five foot public utility easement along the north line of Lot 2 in Block 6534.

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

Acting Director of Planning Fey stated that two subdivisions have been joined together in this area; the design of the subdivisions are such that the properties are generally rectangular, with a diagonal street cutting through them. Where the two subdivisions have joined, the subdivisions are designed so that two triangular shaped lots abut each other, the easement going diagonally across the lot. No utilities have ever been installed in the easement proposed for abandonment, and it was there in case the second subdivision was not developed. Both subdivisions are now being developed by the same developer and the easement is no longer necessary.

RESOLUTION NO. 1008-S.P.

A RESOLUTION VACATING AND ABANDONING AN EASEMENT IN BLOCK 6534, LOT 2 OF PARK MANOR NO. 4 SUBDIVISION IN THE CITY OF MODESTO

Introduced by Mitchell Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

HEARING ON PROPOSED REZONING OF PROPERTY AT McHENRY AND TOKAY

Mayor Hammond announced that the hour of 4:45 P.M. had arrived, the time set for consideration of the proposed rezoning of property from Planned Development Zone, P-D (2), to One-Family, R-1, portion of Lots 7 and 8 of the Pomona Villa Tract, located north of Tokay Avenue east of McHenry Avenue, and opened the hearing.

The Acting City Clerk reported that notice of the proposed rezoning was published in the Modesto Tribune on October 18, 1962 and notices posted and delivered in the area on October 18, 1962. No written protests to the proposed rezoning were filed with the City Clerk.

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

Acting Director of Planning Fey stated that the P-D (2) development was a proposed motel, and under the provisions of the ordinance approving the development, the Planning Commission may initiate proceedings to rezone the property to its original or other appropriate zoning, if the development schedule set forth is not met. The developer has requested that an alternate plan be considered for the rezoning of this area. Planning Commission Resolution No. 848 recommends to the Council that Section 16 of the Zoning Map be amended to reclassify the above described property from P-D (2) to One-Family, R-1.

ORDINANCE NO. 535-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 16 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (OVERHOLTZER AND MAY) AND REPEALING ORDINANCE NO. 450-C.S. ENTITLED, 'AN ORDINANCE AMENDING SECTION MAP 16 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (OVERHOLTZER AND MAY)'"

was introduced and ordered published as required by the Charter.

Moved by VanderWall Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

The City Attorney stated that in connection with the above action, it was necessary to rescind Resolution No. 61-147, which setsforth the development plan and schedule for the property.

RESOLUTION NO. 62-526

A RESOLUTION RESCINDING RESOLUTION NO. 61-147 ENTITLED, 'A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED-DEVELOPMENT ZONE, P-D (2) (OVERHOLTZER AND MAY)'"

Introduced by Johansen Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

CONSIDER OFFER OF THE ORGANIC COMPANY OF TURLOCK TO PURCHASE THE 1962 HARVEST OF LEAVES FOR $250

The City Manager stated that an offer has again been received from the Organic Company of Turlock to purchase the 1962 harvest of leaves for $250. He recommended that the offer be accepted.

RESOLUTION NO. 62-516

A RESOLUTION AUTHORIZING THE SALE OF ALL THE LEAVES COLLECTED BY THE CITY CREWS AND STOCKPILED AT THE MODESTO CITY SEWER FARM FOR THE BALANCE OF THE FISCAL YEAR 1962-63 TO THE ORGANIC COMPANY OF TURLOCK FOR THE SUM OF $250

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

CONSIDER REDUCED RATE ON 14TH AND J STREET PARKING LOT TO FIVE CENTS PER HOUR AND ELIMINATE THE TIME LIMIT

Director of Traffic Carmody stated that it was proposed to reduce the rate of the 14th and J Street Parking Lot to five cents per hour, and install ten-hour meters, effective from 9:00 A.M. to 10:00 P.M. The lot is presently operated at ten cents per hour with a three-hour limit. It was his opinion that the change would attract all-day parking and result in an increase in revenue. He suggested that it be tried for a limited period of time, and if not successful that

consideration be given, after the first of the year, to renting parking spaces on a monthly basis. He said that the lot is bringing in sufficient money to pay the rent, but not enough to amortize the improvements nor pay for the operational expenses.

Councilman Tabbert questioned the principle of charging ten cents per hour for off-street parking and five cents per hour for on-street parking, asking if it would not be more advantageous to reverse the principle to encourage more off-street parking.

Mr. Carmody stated that the change proposed was a step in this direction; that the present on-street charge policy was set by the City Council, and the off-street policy established by the Parking Authority. It was his opinion that the most desirable parking spaces were immediately in front of stores and should be more expensive.

ORDINANCE NO. 536-C.S. entitled

"AN ORDINANCE AMENDING SECTION 3-2.1501 OF ARTICLE 15 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO PARKING METERS IN THE CITY OF MODESTO"

was introduced and ordered published as required by the Charter.

Moved by VanderWall Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

CONSIDER AUTHORIZING CENTRAL CALIFORNIA ART LEAGUE TO PAINT MURALS ON WALLS OF LOWER LEVEL OF CITY HALL GARAGE

The City Manager stated that the Central California Art League has agreed to paint murals on certain sections of the City Hall garage wall at a cost of approximately $100 for materials, with no monetary compensation to the artists. He said that an alternative would be to paint the ceiling and walls, preferably white, to improve the lighting, at a cost of approximately $500. Funds from the Parking Reserve Fund are available.

Director of Parking and Traffic Carmody stated that the murals would be of local scenes - six contemporary scenes of Modesto, and one of an older residence in the City. He said that no arrangements were discussed for the upkeep of the murals, but that the Art League could either be asked to repaint them when needed, or they could be painted out to match the adjacent walls.

Upon questioning, Mr. Carmody stated that a complete paint job would last about five years.

Councilman Mitchell stated that public interest in the murals might well result in attracting additional parking in the City Hall garage.

MOTION

That neither the painting of the ceiling and walls, nor the painting of murals on the walls of the City Hall garage be authorized

Moved by Tabbert Seconded by Patton

The motion carried, Councilmen Johansen and Mitchell dissenting.

Answering a suggestion made by the City Manager, the Council indicated that it would have no objections to having the matter again presented if funds for the materials were raised elsewhere.

CONSIDER CONSTRUCTION OF CURBS AND GUTTERS ON PARKWAY ISLANDS, CHABOT COURT, MYRTLE AND HARVARD AVENUES 5-48

The City Manager stated that cost of construction of curbs and gutters in the parkway islands at Chabot Court, Myrtle and Harvard Avenues would be approximately $790, and that a balance of $6,000 remained in the special funds for capital outlay, curbs, gutters and sidewalks for various parks, to pay for the improvements. Mr. Miller said that construction of the curbs and gutters would be in line with the Council's policy to install curbs and gutters in neighborhood parks.

MOTION

That the construction of curbs and gutters on parkway islands at Chabot Court, Myrtle and Harvard Avenues be approved

Moved by Johansen Seconded by Tabbert Unanimously carried

PERMISSION REQUESTED TO FILL THE SUNKEN GARDEN AT WEST SIDE PARK

The City Manager stated that the Parks and Recreation Department has requested permission to fill the sunken garden area at West Side Park adjacent to the Maddux Youth Center because of undesirable activities going on in the area. Removal of stone abutments, walls and steps, and an additional soil fill of approximately 100 cubic yards are required. Mr. Miller recommended that approval to fill the garden area be granted.

MOTION

That the request of the Parks and Recreation Department to fill in the sunken garden area at West Side Park be approved

Moved by VanderWall Seconded by Patton Unanimously carried

CONSIDERATION OF PROJECTS TO BE CONTEMPLATED BY PUBLIC WORKS ACCELERATION ACT 5-62

Deputy City Manager Keefe stated that two projects have been submitted to the federal government for approval under the Public Works Acceleration Act: installation of an aeration system at the Sewage Treatment Plant, and construction of the police-communications center building; that within the near future the Parks and Recreation Department will submit an application for federal funds to be used in conjunction with the funds budgeted by the Council for the development of various park sites.

Mr. Keefe asked if the Council wished to have the staff seek federal assistance for any other projects than those enumerated above, pointing out that all available funds have been encumbered, and approval of additional projects will require bond issues. He said that it was possible to make application for federal funds, and go to bond next April in the event the application is approved.

Mr. Keefe submitted the following proposed projects for Council consideration: Alternate 2, North Modesto Sewer, Phase 1, $1,359,000 with approximately $675,000 to be bonded (set up in the Capital Improvement Program for 1963-65); corporation yard, $420,000, (set up in the Capital Improvement Program for 1965-68); two fire stations, (set up in

the Capital Improvement Program for 1963-65) at a total estimated cost of $106,580; airport administration building, (set up in the Capital Improvement Program for 1963-65) in the amount of $25,000; a library (1963-65), $1,215,000; constructing a second level on the 9th Street parking lot (Parking Funds could be utilized for this project), $400,000-$500,000.

Upon questioning, Mr. Keefe stated that he did not know how long the federal funds would be available; that to his knowledge, federal funds for sewage treatment facilities have been depleted, but that Congress will review the applications that have been submitted with possible additional appropriations made to fill the requests.

Mayor Hammond suggested that the proposed projects be reviewed by the Public Projects Committee.

Councilman Johansen suggested that some of the projects might be referred to appropriate subcommittees of the Forward Modesto Committee '62.

Councilman Mitchell stated that before further applications are made, it might be well to await results of the applications already submitted.

City Manager Miller stated that the need for two fire stations was urgent, (moving the Virginia Avenue Fire Station to Coldwell and a new station needed in the northern section of the City) and suggested that these projects be given priority. He said that construction of these two fire stations, plus an administration building at the Airport, would not entail too great an outlay, and the Council might wish to consider application for federal assistance for these projects.

MOTION

That the proposed projects be referred to the Public Projects Committee and the appropriate subcommittees of the Forward Modesto Committee '62

Moved by Johansen Seconded by Patton Unanimously carried

CONSIDER LEASE AGREEMENT BETWEEN THE CITY AND EARLEY ELLERD

The City Manager stated that Earley Ellerd has requested permission to lease the future Downey Park site for the period beginning November 6, 1962 and ending September 15, 1963. Mr. Miller said that development of the park is not probable during this period, and recommended that the lease agreement be approved.

RESOLUTION NO. 62-517

A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND EARLEY ELLERD FOR CITY OWNED PROPERTY (FUTURE DOWNEY PARK SITE) FOR THE PERIOD FROM NOVEMBER 6, 1962 TO SEPTEMBER 15, 1963

Introduced by VanderWall Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY LOCATED AT 916 ATHENS AVE.

The City Manager stated that a request has been made for sewer service to serve property located on the southwest corner of Athens

Avenue and Terrance Way, that the property is contiguous to the city limits and a line exists to serve the property. The owner has agreed to meet the usual requirements.

MOTION

That the request for sewer service to property located on the southwest corner of Athens Avenue and Terrance Way be approved

Moved by Mitchell Seconded by Johansen Unanimously carried

RESOLUTION REFERRING PETITION FOR ANNEXATION OF THE FRANCEK ADDITION TO THE PLANNING COMMISSION FOR REPORT AND RECOMMENDATION

RESOLUTION NO. 62-518

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

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

Councilman Shastid arrived at 5:20 P.M.

MOTION ACCEPTING LANDSCAPE MATERIALS FOR CHILDREN'S PARK

(a) In memory of Mr. Ed Whitmore

MOTION

That the Director of Parks and Recreation be permitted to act as agent of Miss Doris Johanson and Miss Billie Russell to purchase landscaping materials for Children's Park in memory of Mr. Ed Whitmore in the amount of $7.50

Moved by Johansen Seconded by Mitchell Unanimously carried

(b) In memory of Mrs. C. R. Tillson

MOTION

That the Director of Parks and Recreation be permitted to act as agent of the Jean Smith family to purchase landscaping material for Children's Park in memory of Mrs. C. R. Tillson in the amount of $2.50

Moved by Tabbert Seconded by VanderWall Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY LOCATED ADJACENT TO THE MODESTO RACQUET CLUB ON NORWEGIAN AVENUE, BETWEEN McHENRY AND SUNRISE AVENUE, ALSO KNOWN AS FELLOWSHIP HOMES PROPERTY

The City Manager stated that the City has been requested to furnish sewer service to property located on Norwegian Avenue, adjacent to the Modesto Racquet Club, between McHenry and Sunrise Avenue, and that the property is contiguous to the city limits. A line exists to serve the property. Mr. Miller said that the annexation of the property is presently underway.

MOTION

That the request for sewer service to property located on Norwegian Avenue, between McHenry and Sunrise Avenue, known as Fellowship Homes property, and adjacent to the Racquet Club, be approved

Moved by Mitchell Seconded by Patton Unanimously carried

RESOLUTION APPROVING LEASE AGREEMENT WITH THE FEDERAL AVIATION AGENCY COVERING LAND FOR THE TERMINAL TVOR FACILITY TO BE INSTALLED AT THE CITY-COUNTY AIRPORT

Director of Public Works Ray stated that the proposed agreement provides for the lease of a small portion of property in the middle of the air field between the two runways for the TVOR facility for a rental fee of $1 per year for the period beginning October 1, 1962 for one year, and providing for extensions of the lease through 1983. Mr. Ray said that he felt that the special provisions as revised were now satisfactory to the City. The restrictions were outlined by Mr. Ray. He recommended that the lease agreement be approved.

RESOLUTION NO. 62-519

A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND THE FEDERAL AVIATION AGENCY COVERING LAND FOR THE TERMINAL TVOR FACILITY TO BE INSTALLED AT THE CITY-COUNTY AIRPORT

Introduced by Patton Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

RECONSIDER ENCROACHMENT PERMIT GRANTED TO FRANK HELM TO BLOCK THE "M" STREET ALLEY APPROACH TO BLOCK 90

Director of Public Works Ray stated that in 1961, a permit was granted Mr. Helm by resolution to install a chain across the "M" Street alley approach of Block 90. At that time, the alley did not exist and blocking the alley approach was a means to prevent and discourage indiscriminate parking in the lot. The chain was installed on the street between the sidewalk and the curbline. The alley has been since dedicated to public use, and one lot on the property is now developed and occupied. He recommended that the encroachment permit be revoked as provided by the terms under which the permit was granted.

Wilmar Jensen, attorney at law, 1138 Purdue, representing Frank Helm, stated that the reasons for which the encroachment permit was originally requested still exist; that if the permit is revoked and the chain removed, the property will again be used as a parking lot. It was his opinion that the L Street alley opening was adequate for the building presently constructed on the property. He said that his client is willing to continue indemnification of the City; that to his knowledge, closing of the alley has presented no particular problem to anyone. He requested that the encroachment permit not be revoked.

Upon questioning, Mr. Carmody stated that permitting the alley to remain closed will not contribute to traffic congestion in the area.

The matter was discussed by the Council, and the City Attorney stated that if the matter was tabled, the alley could continue to be closed.

MOTION

That the matter be tabled

Moved by VanderWall Seconded by Shastid Unanimously carried

RESOLUTION APPROVING SUBDIVISION AGREEMENT AND FINAL MAP FOR MORADA ESTATES SUBDIVISION

The City Manager stated that the subdivision agreement has been signed and all fees paid, and that it would be in order to approve the subdivision agreement and final map for Morada Estates Subdivision. The area is located west of Tully Road between Rumble Road and Higbee Avenue, and contains 16.8 acres.

RESOLUTION NO. 62-520

A RESOLUTION APPROVING THE FINAL MAP OF THE MORADA ESTATES SUBDIVISION OF THE CITY OF MODESTO

Introduced by VanderWall Seconded by Tabbert

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

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY LOCATED AT 1313 NELSON AVENUE

The City Manager stated that this property is not contiguous to the City, but a line exists to serve it. He said that the owner has agreed to comply with the usual city requirements.

MOTION

That the request for sewer service to property located at 1313 Nelson Avenue be approved

Moved by VanderWall Seconded by Tabbert Unanimously carried

CONSIDER SUBDIVISION AGREEMENT FOR ROSELENE TERRACE SUBDIVISION

Assistant Director of Public Works Campbell stated that this subdivision is outside the city limits, and the final map will be filed in the County. The subdivider has asked for sewer service and can be served off the Rose Avenue trunk. He said that the proposed agreement is standard form for this type of service, provides for annexation to the City upon request, and requires that the improvements meet city subdivision standards.

Upon questioning, Mr. Campbell stated that the Planning Department has been notified that the agreement provides for annexation when it becomes contiguous to the City; that the agreement provides that outside-the-city sewer rates will apply until annexation; that the street lights will not be energized until annexation; that city water rates will apply unless otherwise set by the Council.

Director of Public Works Ray stated that the agreement further provides that if the subdivision is not annexed within one year from the date of the agreement, the City reserves the right to install water meters in the subdivision.

RESOLUTION NO. 62-521

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT THOMSEN FOR DEVELOPMENT OF ROSELENE TERRACE SUBDIVISION

Introduced by VanderWall Seconded by Tabbert

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

RESOLUTION SETTING DATE FOR PUBLIC HEARING ON UNCLASSIFIED USE PERMIT TO MODESTO NEIGHBORHOOD CHURCH FOR PAROCHIAL SCHOOL

RESOLUTION NO. 62-522

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON AN UNCLASSIFIED USE PERMIT TO MODESTO NEIGHBORHOOD CHURCH FOR PAROCHIAL SCHOOL

Introduced by Shastid Seconded by Johansen

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

November 26, 1962 at 8:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION SETTING DATE FOR PUBLIC HEARING ON GRANTING OF UNCLASSIFIED USE PERMIT TO JOHN DEETER FOR INCREASE IN UNITS IN P-D(3) AND TO CHANGE FROM OWN-YOUR-OWN TO RENTAL

RESOLUTION NO. 62-523

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON AN UNCLASSIFIED USE PERMIT TO JOHN DEETER FOR INCREASE IN UNITS IN P-D (3) AND TO CHANGE FROM OWN-YOUR-OWN TO RENTAL (Development located on Floyd Avenue)

Introduced by Shastid Seconded by Patton

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

November 26, 1962 at 8:35 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

Request by Reverend Bogue, Central Assembly of God Church for Angle Parking on 6th and G Streets

Reverend Bogue, pastor of Central Assembly of God Church located at the corner of 6th and G Streets, requested that the Council give favorable consideration to diagonal parking at this location, stating that traffic problems exist with the adjacent Salvation Army Headquarters during peak church attendance periods. Construction of the freeway has also contributed to the parking problems. Reverend Bogue stated that the angle parking was requested for seven days a week, as opposed to Sundays only, because of conflicting church and Salvation Army functions on week days, and that it remain in effect only until the freeway is completed, or until such time as the church may

relocate, whichever is first. He said that efforts to obtain a private parking area in the neighborhood have been unsuccessful.

Director of Traffic Carmody stated that a report on the matter would be furnished the Council.

MOTION

That the matter be placed on the agenda of the November 13, 1962 meeting

Moved by VanderWall Seconded by Johansen Unanimously carried

Recommendation of Director of Parks and Recreation that reduced rate golf play begin at 3:00 P.M. instead of 4:00 P.M. during Pacific Standard Time

Director of Parks and Recreation Cowie stated that Resolution No. 61-355 establishes a reduced rate of $1 for golf play after 4:00 P.M. He recommended that the time be changed to 3:00 P.M. during such time as Pacific Standard Time is in effect, stating that a survey of several valley cities indicates that this practice is followed. It was his opinion that the change in time will increase late afternoon play.

RESOLUTION NO. 62-524

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. 61-355

Introduced by Mitchell Seconded by Patton

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

Display of scrap book on Modesto to be forwarded to Barranquilla

A scrap book prepared by Girl Scout Troop No. 145 containing post cards and information about Modesto to be forwarded to Sister City Barranquilla, was displayed to the Council.

Mr. Miller reported that the adult Spanish classes at Modesto Junior College have increased from three to nine this year, stating that it was the consensus that the increased interest was undoubtedly due to Modesto's affiliation with Barranquilla.

Resolution approving agreements between the City and owners of proposed police communications center building site for test borings

RESOLUTION NO. 62-525

A RESOLUTION APPROVING AGREEMENTS BETWEEN THE CITY OF MODESTO AND LA REAY V. BRAHIC, JAMES S. MORTENSEN AND STANISLAUS IMPLEMENT AND HARDWARE CO., LTD. FOR TEST BORINGS (Proposed Police-Communications Center Building Site)

Introduced by VanderWall Seconded by Johansen

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

Report on Industrial Redevelopment Corporation

The City Manager stated that the staff is working with representatives of the Chamber of Commerce and other interested parties on the formation of an industrial development corporation, and that further reports will be made to the Council as matters develop.

Report by Councilman Mitchell - Sister City Program

Councilman Mitchell stated that an announcement was made at the recent League of California Cities Conference in Los Angeles that a premiere motion picture film might be available for a one-night showing for fund raising purposes for the Sister City Program. He said that he had received information from the League that it was hoped the film would be available soon after the first of the year.

REPORT ON COST OF INSTALLATION OF WATER LINES IN: QUARESMA HOMES NO. 4 SUBDIVISION, SCOTT MANOR SUBDIVISION AND WYLDEWOOD PARK NO. 1 SUBDIVISION

The City Manager reported that the actual cost of installation of water lines to Quaresma Homes No. 4 Subdivision was $645.03, the estimated cost $1,107.70; Scott Manor Subdivision, actual cost, $1,423.01, estimated cost, $1,968.73; Wyldewood Park No. 1 Subdivision, actual cost, $1,681.08, estimated cost, $3,149.25.

Director of Public Works Ray stated that the over-estimation of cost on the last two projects listed above was partly due to the fact that the City was able to have the pipe delivered directly to the job site, thus saving hauling costs from the Sewage Treatment Plant.

REPORT ON PURCHASING PROCEDURE FOR PURCHASE OF COMPACTION ROLLER

Deputy City Manager Keefe stated that the Rix Company has agreed to accept return of the compaction roller delivered to the City, which did not meet specifications.

APPROVE REQUEST OF COUNCILMAN SHASTID TO LEAVE COUNTRY (Unanimous consent Item)

MOTION

That the request of Councilman Shastid to leave the Country, and be absent from the next two Council meetings 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 Johansen Unanimously carried

The meeting adjourned at 6:02 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., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Mayor Hammond presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Absent: Councilmen: Shastid

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

Captain J. Schaal gave the invocation.

LETTER FROM CENTRAL ASSEMBLY OF GOD CHURCH, REVEREND DONALD J. BOGUE, REQUESTING ANGLE PARKING AT THE CORNER OF 6TH AND G STREETS

Copies of a letter from Reverend Donald J. Bogue, Central Assembly of God Church, requesting angle parking at the corner of 6th and G Streets, were furnished the Council prior to the meeting. This matter was held over from the November 5th meeting.

The City Manager read a memorandum from Director of Parking and Traffic Carmody, dated November 13, 1962, subject, "Diagonal Parking on East side of 6th Street between F and G Streets," recommending that the request be granted on an indefinite time basis rather than as requested by Reverend Bogue (until such time as the freeway project is completed, or the church is relocated, whichever occurs first).

The Council discussed the merits of granting the request on an indefinite time basis as opposed to the request of Reverend Bogue.

The City Attorney stated that there would be procedural complications if approval of diagonal parking at this location was separated from the resolution approving diagonal parking in the remainder of the City; that establishing an indefinite time limit could contribute to enforcement problems in the event of legal controversy; that approval could be granted with the understanding that it was done on the basis of the original request, with monitoring by the staff.

The City Manager suggested that approval, if given, be based on Reverend Bogue's request, with the staff reporting to the Council when the freeway structures are completed. There were no objections by the Council.

RESOLUTION NO. 62-527

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."

Introduced by VanderWall Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

Mr. Miller pointed out that the staff's recommendation that diagonal parking be approved at this location was based on the premise that the approval did not invalidate the original standards set for diagonal parking, but simply to meet an emergency situation.

REQUEST BY DERRICK WOOD, 341 ROSINA AVENUE, TO PRESENT A PETITION TO THE COUNCIL CONCERNING THE EAST SIDE ROAD PLAN

At the request of Mr. Wood, and with the consent of the Council, this matter was carried over to the November 19 meeting.

LETTER FROM HARRY D.WISER, SUPERINTENDENT OF SCHOOLS, REGARDING PROPOSED DEVELOPMENT AT 803 COFFEE ROAD

A letter from Harry D. Wiser, Superintendent of Schools, dated November 5, 1962 addressed to the City Planning Commission, was read by the City Clerk. The letter referred to the change of zone boundaries and classification of a parcel of land at 803 Coffee Road, which will permit construction of medical offices and off-street parking at that address. It was Mr. Wiser's opinion that addition of this facility adjacent to the John Muir School across from Downey High School might constitute additional hazards for children walking to and from the schools, as well as increasing traffic congestion on Coffee Road. Mr. Wiser pointed out that it was not the intent of the Schools to object to the facility itself.

The City Manager stated that Council consideration of the rezoning of the property is scheduled for hearing November 26, 1962.

Action on the letter was deferred until November 26, 1962.

LETTER FROM JOHN C. SUTTON, CHRISTMAS DECORATIONS CHAIRMAN, DOWNTOWN MODESTO ASSOCIATION, REGARDING ERECTION OF CHRISTMAS DECORATIONS

A letter from John C. Sutton, Chairman, Christmas Decoration Committee, Downtown Modesto Association, dated November 6, 1962, was read by the City Clerk. The letter advised that the Christmas decorations for the Downtown Modesto area will be erected November 18 and taken down and stored on January 7, 1963. The letter requested the use of the City's high-ranger and aerial ladder truck, plus one man per piece of equipment, on the above mentioned dates.

MOTION

That the request of the Downtown Modesto Association for use of the City's high-ranger and aerial ladder truck, and services of one man per piece of equipment, be approved

Moved by Johansen Seconded by Tabbert Unanimously carried

REQUEST BY THE DOWNTOWN MODESTO ASSOCIATION FOR REIMBURSEMENT FOR REFURBISHING CHRISTMAS DECORATIONS

The City Manager stated that the Council has approved the payment of $3,268.72 to the Downtown Modesto Association as its share of the cost of refurbishing the Christmas decorations.

MOTION

That payment of $3,268.72 to the Downtown Modesto Association for refurbishing Christmas decorations be approved

Moved by Mitchell Seconded by Johansen Unanimously carried

COMMUNICATION FROM DOUGLAS L. TYNER RE: ANNEXATION OF NORTH STAR ESTATES

A letter from Douglas L. Tyner, 712 Standiford Avenue, Modesto, requesting an opportunity to appear before the Council to discuss problems which have arisen relative to annexation to the City of his property located at 712 Standiford Avenue, Modesto, was read by the City Clerk.

The City Manager stated that the proposed annexation was being considered later in the meeting for referral to the Planning Commission.

Mr. Tyner read a prepared statement, copies of which were distributed to the Council, and a copy filed with the record of the minutes.

Mr. Tyner stated that he was opposed to the proposed annexation of the North Star Estates Addition; that he was able to find only one person buying property in the subdivision who was aware than an annexation agreement existed between the subdivider and the City.

The City Attorney outlined the standard policy of the City pertaining to subdivision agreements, whereby the subdivider agrees to annex to the City at the earliest possible opportunity. He stated that the agreement prepared in his office carries the annexation provision; also, the provision that this will be binding on the successors and assigns of the parties thereto, and obligates the subdivider to advise the purchasers. Mr. Grimes stated that in this case it appeared that sales in the subdivision were made without the purchasers being advised; that it was not the policy of the City in the past to record these agreements, as in most instances the subdivisions are annexed prior to any substantial sales. He said that the subdividers still possess sufficient property to file a petition for annexation, and the number of registered voters at the time of the filing of the petition such that it is still uninhabited property; that Mr. Tyner was one of the owners of property in the subdivision; the preliminary title report did not show the existence of the subdivision agreement, and apparently the subdivider did not inform the prospective buyers of its existence.

Councilman Mitchell outlined the advantages of annexation, stating that he hoped Mr. Tyner, after a thorough analysis of his current resentment, would approve the annexation when the matter was formally considered by the Council.

RESOLUTION NO. 62-528

RESOLUTION REFERRING PETITION FOR ANNEXATION OF THE NORTH STAR ESTATES ADDITION TO THE PLANNING COMMISSION FOR REPORT

Introduced by VanderWall Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE CONSTRUCTION OF WATER LINES IN MORADA ESTATES 3-110

RESOLUTION NO. 62-529

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE CONSTRUCTION OF WATER LINES IN MORADA ESTATES SUBDIVISION

Introduced by Johansen Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

November 27, 1962 at 2:15 P.M. in the City Clerk's office was set as the time and place for opening of bids.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE CONSTRUCTION OF WATER LINES IN NORTHLAND ESTATES SUBDIVISION

RESOLUTION NO. 62-530

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE CONSTRUCTION OF WATER LINES IN NORTHLAND ESTATES SUBDIVISION

Introduced by Johansen Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

November 27, 1962 at 2:30 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 CONSTRUCTION OF TRAFFIC SIGNALS AND LIGHTING AT GRANGER-McHENRY AND 7TH AND L STREETS

RESOLUTION NO. 62-531

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE CONSTRUCTION OF TRAFFIC SIGNALS AND STREET LIGHTING AT GRANGER & McHENRY AVENUES, AND AT 7TH AND L STREETS

Introduced by Tabbert Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

December 19, 1962 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

CONSIDERATION OF BIDS RECEIVED FOR WATER MAINS - NORTHGATE NO. 4 AND NORTHGATE ESTATES SUBDIVISIONS

Director of Public Works Ray stated that no bids were received for this project; that estimated costs of installation as approved by the City Manager are $3,641.98. The City Manager recommended that the work be performed by city forces.

RESOLUTION NO. 62-532

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR THE CONSTRUCTION OF WATER MAINS IN NORTHGATE NO. 4 AND NORTHGATE ESTATES SUBDIVISIONS

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

CONSIDERATION OF BIDS RECEIVED FOR WATER MAINS, SARATOGA MANOR NO. 5 SUBDIVISION

Director of Public Works Ray stated that no bids were received for the installation of water mains in this subdivision; the estimated cost of installation with city forces is $1,797.75. The City Manager stated that the estimated cost of installation was approved, and recommended that the work be performed by city forces.

RESOLUTION NO. 62-533

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR THE CONSTRUCTION OF WATER MAINS IN SARATOGA MANOR NO. 5 SUBDIVISION

Introduced by Johansen Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

HEARING ON PROPOSED ANNEXATION OF HELM ADDITION

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

The City Clerk reported that notice of the annexation was published in the Modesto Tribune on October 11, 1962 and notices mailed to all property owners in the area, and other interested parties, on October 18, 1962. No written protests to the annexation were filed with the City Clerk.

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

ORDINANCE NO. 537-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE HELM ADDITION TO THE CITY OF MODESTO"

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

Moved by VanderWall Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

ADOPTION OF ORDINANCE NO. 534-C.S. AMENDING THE CODE RELATING TO BICYCLES

ORDINANCE NO. 534-C.S. entitled

"AN ORDINANCE AMENDING SECTIONS 3-3.02, 3-3.03, 3-3.07 AND 3-3.08 OF CHAPTER 3 OF TITLE III OF THE MODESTO MUNICIPAL CODE, RELATING TO BICYCLES"

introduced on the 5th day of November, 1962, and having been published as required by the Charter, was moved and adopted.

Moved by VanderWall Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

ADOPTION OF ORDINANCE NO. 536-C.S. AMENDING THE CODE RELATING TO PARKING METERS

ORDINANCE NO. 536-C.S. entitled

"AN ORDINANCE AMENDING SECTION 3-2.1501 OF ARTICLE 15 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO PARKING METERS IN THE CITY OF MODESTO"

introduced on November 5, 1962 and having been published as required by the Charter, was moved and adopted.

Moved by Johansen Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

CONSIDER ORDINANCE ADDING ARTICLE 17 TO CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO TRAFFIC REGULATIONS

The City Attorney stated that the proposed ordinance relates to the temporary use of sidewalks, streets, on-street and off-street parking spaces, adding to the Code a set of standards for issuing permits for the temporary use of city sidewalks, thus making it unnecessary for the requests to be submitted to the Council.

ORDINANCE NO. 538-C.S. entitled

"AN ORDINANCE ADDING ARTICLE 17 TO CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE, RELATING TO TRAFFIC REGULATIONS"

was introduced and ordered published as required by the Charter.

Moved by VanderWall Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

ACCEPTING IMPROVEMENTS IN SARATOGA MANOR NO. 4 SUBDIVISION AS COMPLETE

The City Manager stated that the City Engineer has certified that all work required by the subdivision agreement has been completed to the satisfaction of the City and that it would be in order to accept the improvements. All inspection fees have been paid.

RESOLUTION NO. 62-534

A RESOLUTION ACCEPTING AS COMPLETE THE IMPROVEMENTS IN SARATOGA MANOR NO. 4 SUBDIVISION

Introduced by Mitchell Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

RESOLUTION ACCEPTING AS COMPLETE TANNER CONSTRUCTION COMPANY'S CONTRACT FOR CONSTRUCTION OF UNIT A - CURB, GUTTER AND SIDEWALK AT STANDIFORD PARK; UNIT B - SIDEWALK AT ROOSEVELT PARK; AND UNIT C - SIDEWALK AT GARRISON PARK

The City Manager reported that the City Engineer has certified that the work has been completed to the satisfaction of the Public

Works Department and that it would be in order to accept the work as complete. The bid price was $4,828.95; the total cost of work done was $4,823.27; completion date, November 7, 1962. He recommended that the work be accepted, the City Clerk authorized to file a notice of completion, and payment authorized in accordance with the contract.

RESOLUTION NO. 62-535

A RESOLUTION ACCEPTING THE CONSTRUCTION OF UNIT A - CURB, GUTTER AND SIDEWALK AT STANDIFORD PARK; UNIT B - SIDEWALK AT ROOSEVELT PARK; AND UNIT C - SIDEWALK AT GARRISON PARK BY TANNER CONSTRUCTION COMPANY

Introduced by VanderWall Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

HEARING ON REQUIREMENT OF CURBS AND GUTTERS AT 218 WALDEN

Mayor Hammond announced that the hour of 8:05 P.M. had arrived, the time set for consideration of the requirement of curbs and gutters at 218 Walden Street, and opened the hearing.

The City Clerk reported that Mr. R. W. Oxsen, owner of the property was notified of the hearing by the Director of Public Works on November 1, 1962 and notice of the hearing posted on the property.

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

RESOLUTION NO. 62-538

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF CURBS AND GUTTERS ALONG CERTAIN STREETS IN THE CITY OF MODESTO (Block 212, Portion Lot 4)

Introduced by VanderWall Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

CONTINUATION OF HEARING ON PROPOSED ANNEXATION OF THE SPENCER ADDITION

Mayor Hammond announced that the hour of 8:10 P.M. had arrived, the time set for consideration of the continued hearing on the proposed annexation of the Spencer Addition, and opened the hearing.

The hearing was continued from the November 5, 1962 meeting at the request of H. B. Monighan & Associates.

Acting Director of Planning Fey stated that the continuance permitted the Planning Commission to act on further questions which arose in connection with the proposed annexation, and that a recommendation is not yet forthcoming from the Planning Commission. He requested that the matter be continued to 8:00 P.M., December 10, 1962.

MOTION

That the hearing on the proposed annexation of the Spencer Addition be continued to December 10, 1962 at 8:00 P.M.

Moved by VanderWall Seconded by Mitchell Unanimously carried

CONSIDER AGREEMENT BETWEEN THE CITY AND JOHN KIRKPATRICK, DEVELOPER OF NORTHLAND ESTATES SUBDIVISION, FOR WATER SERVICE TO THE SUBDIVISION 4-72

Director of Public Works Ray stated that because the final map of Northland Estates Subdivision has not yet been filed, the proposed agreement provides for the deposit of a cash bond of $10,400 to insure repayment to the City of the cost of installing water mains in the event the final map is not filed, and provides for temporary rights of way for construction of water lines by the City. Upon questioning, Mr. Ray stated that a tentative map has been filed, and the agreement provides that the subdivider will file a final map within six months.

RESOLUTION NO. 62-536

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JOHN KIRKPATRICK FOR WATER SERVICE TO NORTHLAND ESTATES SUBDIVISION

Introduced by Johansen Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

CONSIDER FLASHING SIGNALS AND IMPROVED LIGHTING AT 14TH & K STREETS

A memorandum from the Director of Parking and Traffic, dated October 29, 1962, subject, "Proposed Flashing Signals at 14th and K Street," was furnished the Council prior to the meeting. The memorandum indicated that accidents at 14th and K Streets have continued to mount even after installation of double stop signs, and suggested that flashing red-amber signals and one mercury vapor street light be installed over the roadway as a means of reducing the number and severity of accidents.

The City Manager stated that an appropriation transfer of $515 was necessary if approved.

Director of Parking and Traffic Carmody described the proposed installation.

RESOLUTION NO. 62-537

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $515 FROM PARKING AND TRAFFIC, SIGNALS MODERNIZATION - DOWNTOWN, TO SIGNALS, 14TH AND K STREETS
(From 321-503, Signals Modernization-Downtown to 321-503, Signals 14th and K Streets)

Introduced by Mitchell Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

CONSIDER PURCHASE OF PARK SITE ON SOUTH SIDE OF MT. VERNON DRIVE, IMMEDIATELY WEST OF THE EVERETT GRAMMAR SCHOOL

The City Manager stated that the Council approved an option-to-purchase agreement for this park site in July, 1962, which agreement terminates December 31, 1962. He said that improvements around the park site have been completed by the subdivider, and all costs determined; that the City is now ready to proceed with acquisition of the park site.

Assistant Director of Public Works Campbell stated that the option agreement indicates a price of $26,515 for the parcel, plus cost of improvements in the sum of $5,923.57, or a total of $32,438.57.

MOTION

That the staff proceed with the preparation of the necessary documents to acquire the park site on the south side of Mt. Vernon Drive, immediately west of the Everett Grammar School

Moved by Mitchell Seconded by Tabbert Unanimously carried

REQUEST FOR COUNCIL APPROVAL FOR TRAFFIC CENSUS - H, I, 10TH AND 11TH STREETS

The City Manager stated that the proposed census will cost approximately $2,000.

Director of Parking and Traffic Carmody said that the proposed origin-destination study along the City's one-way streets will be made on Tuesdays and Wednesdays over a four-week period, and will consist of stopping a percentage of the traffic on each of the one-way streets and asking motorists their origins and destinations. He stated that such information is useful in spotting poor traffic routing and in planning improved street development; that the proposed study will amount to about 300 manhours in the field, plus a like amount of time for data reduction, and can be handled by Parking and Traffic employees; that if approved, the survey would be conducted in April, 1963. He said that the survey would provide information to merchants and other interested parties, and would provide a factual basis for consideration of alternative traffic routings in the downtown area.

Upon questioning, Mr. Carmody stated that he did not believe the opening of the freeway would affect the result of the survey; that there might be temporary inconvenience due to the closing of the bridges.

Mr. Carmody outlined the value of the survey. Upon questioning, he stated that funds from the Parking and Traffic general fund would be utilized.

MOTION

That the traffic census as outlined by Director of Parking and Traffic Carmody be approved

Moved by VanderWall Seconded by Johansen Unanimously carried

APPROPRIATION TRANSFERS - None

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

RESOLUTION NO. 62-539

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

Introduced by Patton Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

January 7, 1963 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION SETTING DATE FOR PUBLIC HEARING ON PROPOSED ANNEXATION OF CRESTVIEW NO. 2 ADDITION

RESOLUTION NO. 62-540

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

Introduced by Tabbert Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

January 7, 1963 at 4:35 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

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

RESOLUTION NO. 62-541

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

Introduced by VanderWall Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

January 7, 1963 at 4:40 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

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

J. H. Kirkpatrick, developer of Northland Estates Addition, stated that he had been led to believe that the Northland Estates Addition would be annexed the first of December, and that a delay of one month will cost him about $700.

Adjournment of the regular Council meeting of December 24, 1962 to a more convenient time was discussed.

Mr. Kirkpatrick removed his objections to the delay caused by a January 7, 1963 hearing.

RESOLUTION NO. 62-542

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

Introduced by VanderWall Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

January 7, 1963 at 4:45 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

MATTERS FOR THE GOOD OF THE COMMUNITY

Councilman VanderWall, Chairman of the Public Projects Committee, stated that at a meeting held November 8, 1962 the feasibility of securing federal grants for various capital improvement projects was discussed. Six projects were considered, and final determination reached that application be made for one-half the funds needed for the North Modesto Sewer System, Phase I (at a total cost of $1,359,000). Mr. VanderWall pointed out that if the federal grant is approved, support of interested parties will be needed to raise the City's share of the funds through bond issue. Mr. VanderWall said that the Public Projects Committee also recommends that application be made at this time for federal funds to construct fire stations on Coldwell Avenue at a cost of $61,580 (replacing the Virginia Avenue station), and on Orangeburg Avenue at a cost of $45,000.

Councilman Mitchell stated that the Public Projects Committee was unanimous in its choice of projects.

The first construction phase of the proposed sewer system was outlined by Assistant Director of Public Works Campbell.

Councilman VanderWall stated that it was necessary that preliminary architectural plans be forwarded with the application for a federal grant for the fire stations, and suggested that the services of an architect, preferably local, be retained for this purpose.

Upon questioning, the City Manager stated that capital improvement funds would be used for payment of the architectural services.

Councilman Mitchell stated that it was the Committee's intent to hire a local architect to prepare the preliminary plans for a nominal amount, and in the event the application is approved, the same architect could be retained to draw up the final plans.

John Kirkpatrick, representing the Home Builder's Association, stated that a committee of his organization is active in the proposed development of sewers in the northern area of the City, and pledged the organization's 100% support.

MOTION

That the staff be authorized to make application for federal grants for the North Modesto sewer development, Phase I, and fire stations on Coldwell and Orangeburg Avenues, as outlined by the Chairman of the Public Projects Committee

Moved by Tabbert Seconded by Patton Unanimously carried

LETTER FROM HARRY BROWN REQUESTING PERMIT TO INSTALL TILE WAINSCOAT ON BUILDING LOCATED AT 18TH & H STREETS

A letter from Harry Brown, dated November 9, 1962 requesting an encroachment permit to install a tile wainscoat approximately four feet high the full length of the building to tie in with the pilasters was read by the City Manager. At the meeting of October 29, 1962 a permit was granted Mr. Brown to encroach on the public right of way

to permit installation of one-inch quarry tile on the pilasters next to the doors of the Hudson Post Office Building at 18th and H Streets.

RESOLUTION NO. 62-543

A RESOLUTION GRANTING HARRY E. BROWN A PERMIT TO ENCROACH ON THE PUBLIC RIGHT OF WAY AND AMENDING COUNCIL RESOLUTION NO. 62-504

Introduced by Johansen Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

PAINTING OF MURALS IN CITY HALL GARAGE BY CALIFORNIA ART LEAGUE (Unanimous Consent Item)

Councilman Johansen suggested that the Council reconsider its decision of November 5, wherein the Council denied the request of the California Art League to paint a number of murals in the city hall garage. It was his opinion that acceptance of the offer would be good public relations, and a means of advertising the parking garage. He recommended that funds, not to exceed $100, be appropriated for the supplies needed; that the murals not be placed in the driveway of the garage, and that sketches of the proposed murals be previewed by the Council.

RESOLUTION NO. 62-544

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $100 FROM PARKING FUND, GENERAL RESERVE, TO PARKING AND TRAFFIC, PRESENT LOT DEVELOPMENT

Introduced by Johansen Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

REQUEST FOR SEWER SERVICE AT 1700 IRENE AVENUE (Unanimous Consent Item)

The City Manager stated that a request has been received for sewer service to property located at 1700 Irene Avenue. The property is not contiguous to the City but a line exists to serve it. The owner, Mrs. Frank Monaco, has signed an agreement to meet the usual city requirements. He recommended that the service be approved.

MOTION

That the request of Mrs. Monaco for sewer service to property located at 1700 Irene Avenue be approved

Moved by Johansen Seconded by Mitchell Unanimously carried

OBJECTION TO PRESENTATION OF CITY MATTERS UNDERS "MATTERS FOR THE GOOD OF THE COMMUNITY"

Councilman Tabbert questioned the presentation by the staff of items not appearing on the agenda under "Matters for the Good of the Community."

The City Attorney stated that the presentation of matters for consideration of the Council, not appearing on the agenda, required the unanimous consent of the Council, and one objecting member could prevent the matter from being considered.

REPORT ON ANALYSIS OF GRADING BY BOARD OF FIRE UNDERWRITERS 7-40

An analysis of grading by the Board of Fire Underwriters, covering only those items to which deficiency points were given, prepared by the Public Works Department, was presented to the Council, a copy of which is on file with the record of the minutes.

The City Manager commented on the fact that the City's fire rating has dropped to Grade 4, stating that it is hoped by making certain improvements which can be accomplished without major capital improvements, to increase the rating to Grade 3.

The analysis was referred to the Public Projects Committee for its review and report.

REPORT ON POLICE-COMMUNICATIONS BUILDING

Approval of estimate of the Twining Laboratories, Inc., for drilling five test holes on proposed police-communications building site

Deputy City Manager Keefe stated that a report received from the HHFA presents an optomistic outlook on the City's application for a federal grant to construct the Police-Communications Center building.

He stated that the low bid for drilling five test holes on the proposed police-communications building site was submitted by Twining Laboratories, Inc., at an estimated cost of from $800 to $1,000. He recommended that the bid be awarded to this company.

MOTION

That the employment of Twining Laboratories, Inc., for drilling five test holes on the proposed police-communications building site be approved

Moved by VanderWall Seconded by Tabbert Unanimously carried

Approve engagement of Gage-Babcock for preparation of specifications for fire alarm system to be bid on for police-communications building

Deputy City Manager Keefe said that at its October 15, 1962 meeting, the Council authorized the engagement of Gage-Babcock & Associates to do the necessary engineering studies connected with the police, fire and water communications, to enable the architect to proceed with his plans, the fee to be on a time and expense basis with a maximum limit of $4,200, not to be exceeded without further authorization.

Mr. Keefe recommended that the sum of $2,700 be allocated to engage this firm to prepare plans and specifications for the fire alarm system of the communications center, stating that they have agreed to perform the service on a time and expense basis, with a maximum limit of $2,700. He said that engagement of this firm will eliminate this cost from the architect's fee, and by working directly with the engineering firm, the City will save the contractor's 15% fee.

MOTION

That the engagement of Gage-Babcock and Associates to prepare specifications for the fire alarm system for the police-communications center building be approved as outlined by the Deputy City Manager

Moved by VanderWall Seconded by Mitchell Unanimously carried

REPORT ON ELECTION

The City Clerk submitted a semi-official report of election totals of the special municipal election, consolidated with the State General Election on November 6, 1962, as follows:

William R. Patton ----------12,776 votes
Jon B. Shastid ----------11,987 votes

City of Modesto Charter Proposal, Yes---------9,622
No----------2,909

City of Modesto Advisory Measure - Prohibition of Card Rooms - Yes------ 8,716
No------- 5,440

The City Attorney stated that formal canvass of the returns will be placed on next week's agenda, and submitted to the State Legislature when it convenes in January, 1963. After adoption, the Assembly Concurrent Resolution is filed with the Secretary of State, at which time the Charter will become effective.

Mr. Grimes said that the card room advisory measure was not legally binding on the Council, but merely an indication of the will of the people.

MOTION

That the City Attorney be directed to prepare a proposed ordinance prohibiting card rooms within the City, consistent with the vote of the people, to be presented at an evening meeting for the convenience of interested parties; that the proposed ordinance become effective April 1, 1963.

Moved by Mitchell Seconded by VanderWall Unanimously carried

Councilman Tabbert stated that prior to the election, he was informed by the Board of Supervisors that if the prohibition of card rooms in Modesto was approved by the electorate, the County would probably take measures to prohibit public card rooms in the County. He suggested that the County be advised of the City's intention.

The City Attorney stated that a draft of the City's previous ordinance has been furnished the District Attorney and Sheriff at their request.

A draft of the proposed ordinance was presented to the Council, the City Attorney pointing out that the draft was reviewed by the City Manager, Chief of Police and City Attorney at the time that prohibition of the card rooms was considered by the Council. Provisions of the ordinance were outlined by Mr. Grimes.

MOTION

That consideration of a proposed ordinance prohibiting card rooms in the City of Modesto be set for November 26, 1962 at 8:45 P.M.

Moved by VanderWall Seconded by Johansen Unanimously carried

REPORT ON ROMEX VS. CONDUIT, AS RELATES TO ELECTRICAL INSTALLATIONS

Copies of a memorandum, dated November 2, 1962, prepared by the Assistant Director of Public Works, subject, "Electrical Code Requirement - Conduit vs. Romex," were distributed to the Council, a copy of which is on file with the record of the minutes.

The City Manager stated that it was the staff's recommendation that the electrical code be revised to standardize county and city regulations so that Romex could be used in certain zones at a substantial savings to developers.

Upon questioning, Assistant Director of Public Works Campbell stated that the report was independently prepared by the Public Works Department, and not in conjunction with the electrical committee appointed by the Council; that the proposed changes were discussed with various members and the report read to the committee in draft form. Mr. Campbell pointed out that Item 5 (d), "Each motel, hotel or apartment building or other multiple dwelling more than 2 stories in height," does not appear in the county code, and was included in the report as a result of a meeting with the electrical committee because of the safety factor. Mr. Campbell stated that the proposed changes conform city standards to those of the county with the exception of Item 5 (d) listed above.

He stated that the City is also working with the county in an effort to standardize the building and plumbing codes, but that there will always be areas of disagreement because of the differences in the nature of rural and urban building.

Upon questioning, Mr. Campbell stated that the use of Romex is not permitted in Fire Zone 1, the City's most restrictive area (heavy commercial), but is permitted in Fire Zones 2 and 3.

Use of rigid conduit in electrical installations by other cities in general order of severity of regulations was discussed. Mr. Campbell stated that the staff was mainly interested in the basic requirements providing reasonable minimum standards for the safety, health and welfare of the community; that in reviewing the problems of Romex, the only two things found against its use were the ease of making illegal splices or connections to it and the possibility of driving nails into it during construction. He said that a lengthy investigation was made by the County prior to the time it's standards were established, the matter was discussed and reviewed with the County, and it was the opinion of the staff that the proposed change was reasonable in light of the information obtained by the staff.

Mr. Campbell stated that amendments to the electrical code were being prepared and would probably be ready for distribution to industries and the electrical committee by the end of the week for review prior to presentation to the Council.

Upon questioning, Mr. Campbell stated that he did not believe the use of Romex would contribute greatly to fire grading deficiency points.

MOTION

That the staff be directed to prepare the necessary documents to effect the proposed code changes outlined in the memorandum prepared by the Assistant Director of Public Works, dated November 2, 1962, and to check with the County on possible conformity with Item 5 (d) of the report

Moved by Johansen Seconded by VanderWall Unanimously carried

PRESENTATION OF FINANCIAL STATEMENT FOR MONTH OF OCTOBER, 1962

A copy of the financial statement for the month of October, 1962, was distributed to the Council, and a copy ordered filed with the record of the minutes.

ANNOUNCEMENT OF HEARING - MODESTO IRRIGATION DISTRICT VS CITY OF MODESTO

The City Attorney stated that he would appear in Fresno in the morning to argue the City's case in the appeal involving the M.I.D. litigation regarding the placement of overhead electrical facilities.

ANNOUNCEMENT OF EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS

Mayor Hammond announced an executive session at the termination of this meeting to discuss personnel matters.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Johansen Seconded by VanderWall Unanimously carried

The meeting adjourned at 9:30 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., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Johansen, Patton, Tabbert, VanderWall, Mayor Hammond
Councilman Mitchell arrived at 4:05 P.M.

Absent: Councilmen: Shastid

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

Reverend R. Truman Northup gave the invocation.

INTRODUCTION OF MR. EUSOF, CIVIL SERVICE OFFICER, MALAYA

The City Manager introduced Mr. Eusof, Civil Service Officer from Malaya, who is paying an official visit to the City for a two-week period as part of the State Department's Foreign Leaders Exchange Program, to see local government in operation.

Mr. Eusof spoke briefly, thanking the Council for the hospitality and assistance received.

LETTER FROM V. G. McHENRY, McHENRY INSURANCE AGENCY, RE: ACCIDENT AND SICKNESS INSURANCE PROGRAM FOR CITY EMPLOYEES

A letter from V. G. McHenry, dated November 8, 1962 requesting an opportunity to bid on the accident and sickness insurance program for city employees was read by the City Clerk.

The letter was referred to the staff for handling.

LETTER FROM DERRICK WOOD, 341 ROSINA AVENUE, TO PRESENT PETITION

A petition protesting the east side road plan, signed by residents on Rosina, Severin and Covena Avenues, was filed with the City Clerk.

Mr. Wood spoke briefly, giving the following reasons for their objections: (1) High density traffic patterns will be caused in school and residential neighborhoods; (2) Increase in safety hazards; (3) Property values will be lowered; (4) Another bridge across Dry Creek will destroy the natural scenic beauty of Dry Creek Area; (5) The anticipated expenditures for the project are not necessary.

By Order of the Chair, the petition was referred to the Planning Commission for review and report to the Council.

Acting Planning Director Fey stated that this matter will again be considered by the Planning Commission on December 4,; that the matter has not yet been set for public hearing by the Planning Commission.

The Council directed that Mr. Wood be notified when the matter is considered by the Planning Commission.

LETTER FROM PERRY REEL, PRESIDENT, DOWNTOWN MODESTO ASSOCIATION, RE: USE OF VACATED HELM GARAGE FOR CITY PARKING FACILITIES 1-110

A letter from Perry Reel, President, Downtown Modesto Association, stating that merchants and property owners in the vicinity of 11th and K Streets have raised pledges of $445 per month toward making a self-supporting city parking facility out of the former Helm new car sales area, was read by the City Clerk. The Association asked that the City develop the parking lot immediately, and continue its operation through the remainder of the Helm lease, which expires August 31, 1964; that the amount pledged is about $195 a month short of the amount necessary to make the lot truly self-supporting.

A memorandum from Director of Parking and Traffic Carmody, dated November 15, 1962, subject, "Proposed Parking Lot Former Helm New Car Sales Area - SW Corner 11th & K Streets," was furnished to each Council member prior to the meeting, a copy of which is filed with the record of the minutes.

The memorandum was reviewed by Mr. Carmody. He reported that Mr. Helm is unwilling to sublet the property to the City for the coming Christmas season only, when increased shopping activity might possibly cause the lot to be self-supporting.

Upon questioning, Mr. Carmody stated that revenue from the City's present parking lot at 10th & K Streets is about $85 per space per year; revenue from the 9th Street lot with the same rate and time limit is about $200 per space per year; that the City is losing approximately $5,000 a year on the operation of the 10th and K Street lot; that the lot proposed at the vacated Helm garage is approximately one block away from this lot; that he did not believe it possible to secure further pledges.

It was the City Manager's opinion that it would not be practical to establish a parking lot in this general area which failed to be self-supporting, and cautioned against long-term commitments until parking plans have been established. He said that two committees are working on various phases of this problem at the present time. He suggested that a concerted effort to secure increased pledges might be made.

Mr. Reel spoke briefly in behalf of the proposal.

MOTION

That the request of the Downtown Modesto Association that the City develop a parking facility at the former Helm new car sales area, as presented in undated letter from Perry Reel, President, be denied, and the Director of Parking and Traffic directed to work with the association to help solve its parking problems

Moved by Johansen Seconded by Mitchell Unanimously carried

LETTER FROM RICHARD A. GAARD REGARDING CONDITION OF THE TIDEWATER SOUTHERN RAILROAD RIGHT OF WAY ALONG VIRGINIA AVENUE

A letter from Richard A. Gaard, D.D.S., dated November 12, 1962, stating that the Tidewater right of way along Virginia from Princeton to Roseburg "is an eyesore due to its use by adjacent residents for storage of house trailers, a shack, building materials, trash, etc.," and requesting that the City take steps to eliminate the problem, was read by the City Clerk.

The letter was referred to the staff.

LETTER FROM PROPERTY OWNERS IN THE CROWS LANDING INDUSTRIAL AREA RE: IMPROVED WATER SUPPLY 3-46

Copies of this letter were furnished the Council prior to the meeting. The letter, which was summarized by the City Clerk, requested that city water service be furnished property owners along the Tuolumne River, the area encompassing the Modesto Meat Packing Company, Modesto Tallow Company, Tocalino properties, Arnopole Meat Company, and Zeff Meat Company.

The City Manager expressed the City's thanks to the companies involved for their cooperation and assistance in studies of the feasibility and costs of extending such service, and said further report would be made to the Council as the studies progress.

The letter was referred to the staff.

LETTER AND RESOLUTION FROM CITY OF LONG BEACH RE: POLITICAL DESIGNATION IN MUNICIPAL ELECTIONS

A letter from the City of Long Beach, with a Resolution attached opposing legislation permitting or sanctioning the use of partisan political labels for municipal office, was summarized by the City Clerk.

The Council reaffirmed its position taken March 20, 1961 when it indicated opposition to a partisan election bill before the State Assembly at that time.

MOTION

That the Council reaffirms its opposition to use of partisan political designation for municipal office

Moved by VanderWall Seconded by Johansen Unanimously carried

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE CONSTRUCTION OF WATER LINES TO SERVE ROSELENE TERRACE SUBDIVISION

RESOLUTION NO. 62-545

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE CONSTRUCTION OF WATER LINES TO SERVE ROSELENE TERRACE SUBDIVISION

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

December 4, 1962 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 ANNEXATION OF THE DODSON ADDITION 3-78

Mayor Hammond announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed annexation of the Dodson Addition, and opened the hearing.

The City Clerk reported that notice of the proposed annexation was published in the Modesto Tribune and in the Turlock Daily Journal on October 18 and 25, 1962, and notices mailed to all property owners

in the area and other interested persons, on October 22, 1962. No written protests to the proposed annexation were filed with the City Clerk.

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

Upon questioning, Acting Director of Planning Fey said that the proposed annexation did not extend to the new freeway.

Planning Commission Resolution No. 851 recommends the commencement of proceedings to annex this area.

ORDINANCE NO. 539-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE DODSON ADDITION TO THE CITY OF MODESTO"

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

Moved by VanderWall Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

HEARING ON PROPOSED AMENDMENT OF SECTION MAP 21 OF THE ZONING REGULATIONS (NORTHEAST CORNER OF McHENRY & HINTZE - ALLEN PROPERTY)

Mayor Hammond announced that the hour of 4:35 P.M. had arrived, the time set for consideration of the proposed amendment of Section Map 21 of the zoning regulations to rezone portions of Block 649 (the Allen Addition) from one-family R-1, to general commercial zone, C-2, and multiple family R-3, and opened the hearing.

The City Clerk reported that notice of the proposed hearing was published in the Modesto Tribune on October 4, 1962 and notices posted and delivered in the area on October 5, 1962. No written protests to the proposed rezoning were filed with the City Clerk.

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

The City Attorney stated that Planning Commission Resolution No. 855, adopted October 16, 1962, recommends that the property be rezoned as outlined above.

ORDINANCE NO. 540-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 21 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (ALLEN ADDITION PORTION OF BLOCK 649)"

was introduced and ordered published as required by the Charter.

Moved by VanderWall Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

HEARING ON PROPOSED AMENDMENT OF SECTION MAP 27 OF THE ZONING REGULATIONS (RUFFINO ADDITION AND PHOENIX AVENUE FIRE STATION)

Mayor Hammond announced that the hour of 4:45 P.M. had arrived, the time set for consideration of the proposed amendment to Section Map 27 of the zoning regulations to establish interim General Commercial, C-2 zoning for Lot 14, Block 2196 (the Ruffino Addition) and to rezone the adjoining city-owned Lot 13 in Block 2196, from General Commercial Zone, C-2, to Multiple Family, R-3, and opened the hearing.

The City Clerk reported that notice of the proposed hearing was published in the Modesto Tribune on October 4, 1962 and notices delivered and posted in the area on October 5, 1962. No written protests to the proposed rezoning were filed with the City Clerk.

The City Manager stated that the Phoenix Fire Station site is city owned and has been used for C-2 purposes for many years; that it could continue to be used for commercial purposes but not for residential purposes with the present building.

The City Attorney outlined the provisions of Planning Commission Resolution No. 854, which indicates that rezoning of the fire station site to R-3 would constitute a buffer between the present C-2 zoning to the south and residential properties to the north, whereas rezoning the property to General Commercial would extend commercial zoning into a residential street. Acting Director of Planning Fey stated that the reasons for the recommendation were supplemented by both the existing uses and the zones of property in back of the fire house station site. The surrounding uses were outlined by Mr. Fey.

Mayor Hammond stated that since the building on the site was adaptable for commercial use only, practical aspects should be considered, even though the property is city owned.

Mr. Fey said that the practical aspects were considered by the Planning Commission, and why R-3 zoning was recommended, as flexibility of R-3 as opposed to R-1 or R-2 zoning would not eliminate use of the building by fraternal groups, institutional uses, etc.

Councilman Mitchell stated that a C-2 zoning would permit more flexibility in the use of the building, after being informed by Mr. Fey that the building could be used by fraternal groups under this classification. He suggested that the matter be sent back to the Planning Commission for further consideration and study.

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

It was Councilman Johansen's opinion that a buffer zone already existed with the duplex dwelling to the north, and the R-2 use across the street, and concurred with the suggestion that the matter be referred back to the Planning Commission for reconsideration.

RESOLUTION NO. 62-546

A RESOLUTION REFERRING BACK TO THE PLANNING COMMISSION ITS APPLICATION TO AMEND SECTION 27 OF THE ZONING MAP OF THE CITY OF MODESTO (RUFFINO ADDITION AND PHOENIX FIRE STATION SITE)

Introduced by Johansen Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

ADOPTION OF ORDINANCE NO. 535-C.S. REZONING MAP 16 OF THE ZONING REGULATIONS 4-85

ORDINANCE NO. 535-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 16 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (OVERHOLTZER AND MAY) AND REPEALING ORDINANCE NO. 450-C.S. ENTITLED, 'AN ORDINANCE AMENDING SECTION MAP 16 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (OVERHOLTZER AND MAY)'"

introduced on November 5, 1962, and published as required by the Charter, was adopted.

Moved by VanderWall Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

RESOLUTION CONFIRMING CANVASS BY BOARD OF SUPERVISORS OF STANISLAUS COUNTY OF ELECTION OF TWO COUNCILMEN AND TWO SPECIAL MUNICIPAL ELECTIONS HELD ON NOVEMBER 6, 1962

At the request of the City Attorney, and with the consent of the Council, this matter was held over for hearing later in the meeting.

RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (ATHENS ADDITION)

RESOLUTION NO. 62-547

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (ATHENS ADDITION)

Introduced by Mitchell Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

CONSIDER INFORMAL OFFER BY RICKER MACHINERY COMPANY FOR ONE NEW SELF-PROPELLED COMPACTION ROLLER ($2,418 INCLUDING SALES TAX)

The City Manager stated that the bid of Ricker Machinery Company in the sum of $2,148 for a self-propelled compaction roller was the second low bid received as a result of formal bids opened on September 19, 1962. A compaction roller delivered by The Rix Company, did not meet specifications and was returned by the City. He recommended that award be made to the Ricker Machinery Company.

RESOLUTION NO. 62-548

A RESOLUTION ACCEPTING THE BID OF RICKER MACHINERY COMPANY FOR ONE SELF-PROPELLED COMPACTION ROLLER FOR A TOTAL SUM OF $2,418, INCLUDING SALES TAX

Introduced by Johansen Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

CONSIDER SKETCHES OF CENTRAL CALIFORNIA ART LEAGUE FOR CITY HALL GARAGE MURALS

Mrs. C. Gonzales stated that the colors of the sketches submitted to the Council for consideration were chosen to harmonize with the color scheme of the multi-purpose room. Five sketches were available for Council consideration, Mrs. Gonzales stating that another was under preparation.

The sketches were reviewed by the Council, the consensus being that scenes depicting the community or historical happenings would be generally satisfactory.

Councilman Mitchell questioned the advertising on one of the sketches, bearing the name of a business presently in existence, stating that if names were depicted on existing businesses, they should be fictitious.

MOTION

That the staff be authorized to clear the proposed sketches on the basis outlined by the Council

Moved by VanderWall Seconded by Johansen Unanimously carried

RESOLUTION ACCEPTING IMPROVEMENTS IN TRACY HEIGHTS SUBDIVISION AS COMPLETE AND AUTHORIZING CITY CLERK TO RELEASE SUBDIVISION BOND

The City Manager stated that the City Engineer has certified that all work required by the subdivision agreement has been completed to the satisfaction of the City and that it would be in order to release the subdivision improvement bond in the amount of $24,400.

RESOLUTION NO. 62-549

A RESOLUTION AUTHORIZING THE RELEASE OF THE GLENS FALLS INSURANCE COMPANY SUBDIVISION BOND FILED TO GUARANTEE IMPROVEMENTS IN TRACY HEIGHTS SUBDIVISION

Introduced by Johansen Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

APPROVAL OF BILLS FROM THE COUNTY FOR PRISONER CARE FOR THE MONTH OF OCTOBER, 1962

MOTION

That payment of bills for prisoner care for the month of October, 1962 in the amount of $66.64 to the County of Stanislaus be authorized

Moved by VanderWall Seconded by Tabbert Unanimously carried

DISCONTINUANCE OF PLACING BILLS FOR PRISONER CARE UNDER $100 ON AGENDA FOR INFORMATION OF COUNCIL

MOTION

That only bills for prisoner care over the amount of $100 be placed on the agenda for information of the Council

Moved by Mitchell Seconded by Johansen Unanimously carried

RESOLUTION REFERRING PETITION FOR ANNEXATION OF THE YOUNG ADDITION TO THE PLANNING COMMISSION FOR REPORT

The City Manager stated that the area proposed for annexation comprises 34.319 acres and is adjacent to the Dryden Municipal Golf Course on the east side of Colorado Avenue. City sewer service is presently available.

Director of Public Works Ray stated that the property can be served by either the City or the Moore Water Company, recently acquired by Del Este Water Company. He said that in order to supply adequate water service to the area, it would be necessary for the City to extend an 8-inch line along Figueroa Avenue, a distance of 1,450 feet, duplicating a Moore Water Company line, at an estimated cost of $5,600. He outlined plans to provide water to the area, stating that this would result in increased fire protection to this and adjacent areas.

Areas served by the Moore Water Company in the area were indicated by Mr. Ray.

Mr. Ray said that it was economically feasible to serve the area, and in compliance with a resolution adopted by the Council with respect to water service areas; that no additional wells would be needed in the area at this time.

The City Manager recommended that the petition for annexation of the Young Addition be referred to the Planning Commission for review and report, and that the staff be authorized to proceed on the basis that the area will be served with city water service.

MOTION

That the staff proceed on the basis that the area will be served with city water service

Moved by VanderWall Seconded by Mitchell Unanimously carried

RESOLUTION NO. 62-550

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

Introduced by VanderWall Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

REPORTS FROM THE PLANNING COMMISSION

Resolution referring petition for annexation of the Gould Addition to the Planning Commission for report and recommendation

The City Manager stated that the area comprises 4.837 acres located between Coffee Road and Sunnyside Avenue, north of Lucern Avenue, and is now served by city sewer and water facilities.

RESOLUTION NO. 62-551

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

Introduced by VanderWall Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

RESOLUTION CONFIRMING CANVASS BY BOARD OF SUPERVISORS OF STANISLAUS COUNTY OF ELECTION OF TWO COUNCILMEN AND TWO SPECIAL MUNICIPAL ELECTIONS HELD ON NOVEMBER 6, 1962

County Election Clerk Mervin Mattos stated that the total vote cast in the City was 16,787; for the office of Councilman, William R. Patton, 12,776; Jon B. Shastid, 11,987; Charter Amendment, Yes, 9,622; No, 3,879; Card room proposition, 8,807, yes; 5,400,no.

RESOLUTION NO. 62-552

RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO CONFIRMING CANVASS BY BOARD OF SUPERVISORS OF STANISLAUS COUNTY OF ELECTION OF TWO COUNCILMEN AND OF TWO SPECIAL MUNICIPAL ELECTIONS HELD NOVEMBER 6, 1962

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

The City Attorney stated that the terms of the newly elected Councilmen begin upon receipt of the certificate of election and being sworn into office.

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

Report on Improvement of Briggsmore Avenue - Unanimous consent item

Director of Public Works Ray stated that a cooperative agreement exists between the City and County for the improvement of Briggsmore-Northern Boulevard and the Prescott connection thereto in the northern part of the City; that the agreement provides for the City to acquire the necessary rights of way, and the County to prepare the plans and specifications for the relocation of Modesto Irrigation District Lateral No. 3, and for the improvement of Briggsmore Avenue and the Prescott connection, the cost to be shared on a 50-50 basis. The canal relocation is to be completed this winter, and construction of the street to be completed next summer.

Mr. Ray stated that a meeting was held with the staffs of the Modesto Irrigation District and County Public Works Department last Friday, with respect to a possible cooperative project involving the relocation of all the canal from the east side of the Winn property, to a connection with piping to be done by the Division of Highways in connection with the new freeway. By piping, there would be some reduction in cost to the County and City because smaller diameter pipe could be used. Original cost estimates for the relocation of the canal were $42,000, to be shared equally by the City and County. These estimates have been updated and now indicate a cost of about $50,000.

Mr. Ray presented a proposal, prepared with the cooperation of the Modesto Irrigation District staff, whereby the combined costs to the City and County would be $41,000. most of which would be paid to the Modesto Irrigation District, either upon execution of the agreement, or after completion of the project, the M.I.D. to pipe the entire canal

by contract, underground, from the east side of the Winn property completely across Prescott Road, with the two street crossings to be of reinforced pipe. Actual payment to the M.I.D. would be $39,500 for the piping. Removal of the existing lined canal and bridge is proposed to be done with county forces at an estimated cost of $1,500, the City sharing equally in these costs. The balance of the costs involved would be assumed by the District.

Mr. Ray said that the proposal was approved in principle by the M.I.D. Board of Directors, and would be submitted to the County Board of Supervisors for consideration at its meeting tomorrow; that if approved by all parties, a written agreement was needed for execution by the three parties involved. He recommended that the proposal be approved by the Council.

Need for the relocation of the canal was outlined by Mr. Ray.

MOTION

That the staff be authorized to proceed on the basis recommended by the Director of Public Works

Moved by VanderWall Seconded by Mitchell Unanimously carried

REPORT ON ADDING POSITION OF LIBRARIAN II TO COUNTY LIBRARY STAFF

The City Manager stated that a county resolution adopted October 30, 1962 indicates that a position of Librarian II will be added to the staff of the County Library, effective November 1, 1962.

REPORT ON HARVEST OF WALNUTS ON CITY-OWNED PROPERTY

The City Manager reported that $335.69 has been received as the City's share from the sale of walnuts through agreement with Archie Ney.

QUARTERLY REPORT FROM GREATER MODESTO CHAMBER OF COMMERCE (QUARTER ENDING SEPTEMBER, 1962)

The quarterly report submitted by the Greater Modesto Chamber of Commerce in compliance with an agreement with the City was presented to the Council and ordered filed.

REPORT ON VARIOUS PUBLIC WORKS ACCELERATION PROJECTS

Sewage Treatment Plant

Deputy City Manager Keefe stated that word has been received from Congressman McFall that no action has yet been taken on the City's application for a federal grant for improvement of the Sewage Treatment Plant; that no action is anticipated for at least three weeks. He said that a thirty-day extension of the award of bid for the installation of the aeration system, approved by the low bidder, expires November 30, 1962 and that a further extension will be requested.

Police-Communications Center - Landscaping

Deputy City Manager Keefe stated that plans for the landscaping of the police-communications center will be prepared by the Parks and Recreation Department, and will result in savings to the City of from $500 to $1,000.

Communications Center Equipment

Deputy City Manager Keefe reported that the architect has recommended that the communications center equipment, presently under

contract with the architect, be transferred to the firm of Gage-Babcock & Associates for handling. He said that this would enable the City to have more control over the equipment, enabling it to deal directly with the supplier; that a meeting was planned with representatives of the engineering firm and further report would be made to the Council shortly. He pointed out that there would be no additional cost to the City - merely a transfer of charges from the architect to the engineering firm.

REPORT CONCERNING GREYHOUND BUS ROUTES

The City Manager reported that construction of freeway structures will cause a change in scheduled Greyhound bus routes, that the staff had no objections to the temporary rerouting.

REPORT ON CONFERENCE RE: URBAN EXPANSION INTO AGRICULTURAL AREAS

Copies of a talk given by the City Manager at a meeting November 8, 1962 in Berkeley regarding urban expansion into agricultural areas were distributed to the Council. The City Manager said that he participated in a panel discussion and upon request presented a summation of the discussion. He said that about 120 farm leaders, city and county officials from California counties north of the Tehachapi's were present, and that in his opinion, the problem of illogical, expensive "scatteration" of subdivisions was one of the most serious problems facing cities today.

Mr. Miller stated that he has been requested to serve on a core group to retain and spur the momentum gathered at the above meeting, and that he would like to accept the offer, if approved by the Council.

MOTION

That the City Manager be authorized to accept the offer to serve on a core group pertaining to urban expansion into agricultural areas

Moved by VanderWall Seconded by Patton Unanimously carried

PAINTING OF BUILDING OVERLOOKING CITY PARKING LOT, 10TH & H STREETS

Councilman VanderWall suggested that a letter be sent to Mr. F. M. Brack thanking him for painting the building overlooking the City's parking lot at 10th and H Street. He noted that the Black Building is being repainted, stating that recognition might induce others to follow suit.

MOTION

That a letter be sent to Mr. F. M. Brack thanking him for painting the building overlooking the City's parking lot at 10th and H Street

Moved by VanderWall Seconded by Tabbert Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Tabbert Unanimously carried

The meeting adjourned at 5:45 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., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Absent: Councilmen: None

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

Reverend Robert Segerhammer gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of October 29 and November 5, 1962, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER RE: STATE REGULATION OF PARACHUTING WITHIN THE STATE OF CALIFORNIA

A letter from the State of California Aeronautics Division, dated November 1, 1962 enclosing regulations establishing rules for parachute jumping in the State, was summarized by the City Clerk.

The regulations were ordered filed.

LETTER FROM FELISA R. DE GAUTIER, MAYOR OF SAN JUAN, PUERTO RICO

A letter from Felisa Rincon de Gautier, Mayor, San Juan Bautista, Puerto Rico, dated November 9, 1962 was read by the City Clerk. The letter expressed gratitude for the resolution adopted by the City thanking the Mayor for her courtesy to the City Manager during his visit to San Juan in October.

The letter was ordered filed.

The City Manager stated that a letter has been received from the new mayor of Barranquilla, Colombia, acknowledging receipt of the Council's resolution expressing appreciation for the welcome given the City Manager during his visit in that City.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF A CHAIN LINK FENCE AT THE CORPORATION YARD SITE

The City Manager stated that it is proposed to fence only a portion of the site, excluding the homes located on the site. He said that fencing the area will permit immediate use of the area for storage of pipe and various pieces of heavy equipment.

RESOLUTION NO. 62-553

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE CONSTRUCTION OF A CHAIN LINK FENCE AT THE CORPORATION YARD SITE (BLOCKS 433 AND 434)

Introduced by VanderWall Seconded by Mitchell

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

December 18, 1962 at 2:00 P.M. in the City Clerk's office, City Hall was set as the time and place for opening of bids.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF WATER MAINS TO BROOKDALE PARK NO. 4 SUBDIVISION

RESOLUTION NO. 62-554

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE CONSTRUCTION OF WATER MAINS TO BROOKDALE PARK NO. 4 SUBDIVISION

Introduced by Johansen Seconded by Mitchell

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

December 11, 1962 at 2:00 P.M. in the City Clerk's office, City Hall, was set as the time and place for opening of bids.

ADOPTION OF ORDINANCE NO. 538-C.S. RELATING TO TRAFFIC REGULATIONS

ORDINANCE NO. 538-C.S. entitled

"AN ORDINANCE ADDING ARTICLE 17 TO CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE, RELATING TO TRAFFIC REGULATIONS"

introduced on November 13, 1962 and having been published as required by the Charter, was moved and adopted. (To be effective Dec. 4, 1962)

Moved by VanderWall Seconded by Tabbert

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

ORDINANCE AMENDING CHAPTER 4 OF TITLE XII OF THE MODESTO MUNICIPAL CODE RELATING TO THE USE OF PARK AND RECREATION AREAS AND FACILITIES

Provisions of the proposed ordinance were outlined by City Attorney Grimes. He stated that drafts of the ordinance were studied by the Public Projects Committee, which recommended that the Council consider adoption. Copies of the proposed ordinance were distributed to the Council.

In discussing fees for use of Mancini Bowl, Councilman Mitchell explained that the higher fee established for day or night use with concessions was established to compensate for the increased policing which will result from this type of activity. He also pointed out that the fees were established by resolution to permit adjustment of the fees with a minimum of expense. He said that it was the opinion of the committee that if the Council was permitted to retain specific control over each use requested, within the course of a year or two, the types of uses requested and the problems presented to the City and neighbors will permit establishment of a consistent policy whereby more authority for granting of permits may be relegated to the staff. He pointed out that under the proposed ordinance, the staff will grant permits only for presently permitted uses, and the Council will approve new uses.

ORDINANCE NO. 541-C.S. entitled

"AN ORDINANCE AMENDING CHAPTER 4 OF TITLE XII OF THE MODESTO MUNICIPAL CODE RELATING TO THE USE OF PARK AND RECREATION AREAS AND FACILITIES"

was introduced and ordered published as required by the Charter.

Moved by VanderWall Seconded by Shastid

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

The City Attorney's suggestion that adoption of the resolution setting fees for the use of Mancini Bowl be withheld until the ordinance is adopted was approved.

CONSIDER ACCEPTANCE OF $600 FROM MODESTO ROTARY CLUB FOR FILTER SYSTEM IN WADING POOL AT CHILDREN'S PARK

The City Manager stated that acceptance of a donation of $600 from the Modesto Rotary Club, together with the $300 budgeted for the installation of a filter system in the wading pool at Children's Park, will enable the staff to proceed with the project. He recommended that the donation be accepted.

MOTION

That the donation of $600 be accepted, the staff authorized to proceed with the installation of a filter system in the wading pool at Children's Park, and the City Clerk directed to write a letter thanking the Modesto Rotary Club for its donation

Moved by Shastid Seconded by VanderWall Unanimously carried

CONSIDER RIGHT OF WAY AGREEMENT BETWEEN CITY OF MODESTO AND GEORGE A. AND MARGARET E. LOUDENBACK (TULLY ROAD WIDENING) (2609 Tully Road)

The City Manager stated that the proposed right of way agreement sets forth work to be done by the City in removing and relocating existing improvements, and provides for the payment of $190 to take care of the relocation of sprinklers. He recommended that the agreement be approved.

RESOLUTION NO. 62-555

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND GEORGE A. AND MARGARET E. LOUDENBACK FOR THE WIDENING OF TULLY ROAD (Parcel 55-20-6621-2)

Introduced by Shastid Seconded by Johansen

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

CONSIDER RIGHT OF WAY AGREEMENT BETWEEN CITY OF MODESTO AND GLEN A. DELAPLANE (TULLY ROAD WIDENING) 2-49

The City Manager stated that the proposed agreement sets forth work to be done by the City and provides for payment of $75 to cover the relocation of sprinklers and removal of hedge. He recommended that the agreement be approved.

RESOLUTION NO. 62-556

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND GLEN A. DELAPLANE FOR THE WIDENING OF TULLY ROAD (Parcel 55-9-6075-1)

Introduced by VanderWall Seconded by Shastid

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

CONSIDER PAYMENT OF DRAINAGE ASSESSMENT ON PARCEL OF RIGHT OF WAY DEDICATED BY R. C. BURROWS FOR THE WIDENING OF ROSEBURG AVENUE

The City Manager stated that the drainage assessment on the right of way dedicated to the City by R. C. Burrows for the widening of Roseburg Avenue was paid by Mr. Burrows prior to the dedication; that in the past the City has paid the drainage assessment for the right of way area when it was dedicated but in this instance payment was overlooked. He recommended that Mr. Burrows be reimbursed in the amount of $50.87.

RESOLUTION NO. 62-557

A RESOLUTION AUTHORIZING PAYMENT OF DRAINAGE ASSESSMENT ON RIGHT OF WAY DEDICATED BY R. C. BURROWS TO THE CITY OF MODESTO FOR THE WIDENING OF ROSEBURG AVENUE (Improvement District No. 8, Parcel 741-9)

Introduced by Shastid Seconded by VanderWall

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

RESOLUTION AUTHORIZING EXECUTION OF ESCROW INSTRUCTIONS FOR ACQUISITION BY THE CITY OF A PARK SITE ADJACENT TO CATHERINE EVERETT ELEMENTARY SCHOOL ON SOUTH SIDE OF MT. VERNON DRIVE

The City Attorney stated that at a previous meeting, the Council, by motion, instructed the staff to proceed with the acquisition of a park site adjacent to Catherine Everett School, and that a resolution was needed at this time to authorize the City Manager to sign the necessary documents to complete the transaction. He said that cost of the property was $26,515, plus $5,923.57 needed for improvements, a total of $32,438.57.

Upon questioning, the staff submitted the following information: That the cost of the property was $26,515 for about 5.5 acres (the cost of the land to the subdividers); that the improvements costing $5,923.57 covered street improvements, curbs, gutters and sidewalks in the park site, and a portion of the sewer costs.

Councilman Shastid suggested that in the future, when matters involving previous Council action are placed on the agenda, a summary be given of the previous actions taken--when the purchase was authorized, acquisition and improvement costs, etc.

RESOLUTION NO. 62-558

A RESOLUTION AUTHORIZING THE EXECUTION OF ESCROW INSTRUCTIONS BY THE CITY MANAGER FOR ACQUISITION BY THE CITY OF MODESTO OF A PARK SITE ADJACENT TO CATHERINE EVERETT ELEMENTARY SCHOOL ON THE SOUTH SIDE OF MT. VERNON DRIVE FROM AUTHUR J. AND FLORENCE E. WYLIE (Project 62-9)

Introduced by Johansen Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: Shastid Absent: None

RESOLUTION ACCEPTING AS COMPLETE TANNER CONSTRUCTION COMPANY'S CONTRACT FOR THE CONSTRUCTION OF CURB, GUTTER AND SIDEWALK IN UNIT A - CALIFORNIA AVENUE PARK; AND UNIT B - JAMES MARSHALL PARK 2-92

The City Manager reported that a memorandum from the Assistant Director of Public Works indicates that all work on this contract has been completed to the satisfaction of the City and that it would be in order to accept the work as complete. The contract bid price was $3,939.28; total cost of work done, $3,860.56. He recommended that the work be accepted, the City Clerk authorized to file a notice of completion, and payment made in accordance with the contract.

RESOLUTION NO. 62-559

A RESOLUTION ACCEPTING THE CONSTRUCTION OF CURB, GUTTER AND SIDEWALK IN UNIT A - CALIFORNIA-FRANKLIN PARK; AND UNIT B - JAMES MARSHALL PARK BY TANNER CONSTRUCTION COMPANY

Introduced by Shastid Seconded by VanderWall

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

RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (HELM ADDITION)

RESOLUTION NO. 62-560

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (HELM ADDITION)

Introduced by VanderWall Seconded by Johansen

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

CONSIDER ACCEPTANCE OF A PLANTING EASEMENT FOR THE PURPOSE OF MAINTAINING STREET TREES ON THE CORNER OF KAVANAUGH AND McHENRY AVENUES

Upon questioning, Mayor Hammond stated that the fact that Councilmen Mitchell and VanderWall were members of the Y.M.C.A. Board of Directors presented no conflict of interest in the matter under consideration.

The City Manager reported that the Y.M.C.A. has offered to dedicate a planting easement to the City, located on the Kavanaugh Street side of the property, in which it is proposed that the City will plant and maintain trees.

MOTION

That the planting easement offered by the Y.M.C.A. be accepted as outlined

Moved by Shastid Seconded by Tabbert Unanimously carried

CONSIDER AGREEMENT BETWEEN THE CITY AND JOHN E. HIRLEMAN, JR. FOR WATER SERVICE TO BROOKDALE PARK NO. 4 SUBDIVISION 2-115

The City Manager stated that Brookdale Park No. 4 Subdovision is in the process of being annexed, and until such time as the area is annexed, the final map of the subdivision cannot be filed. The proposed agreement provides that water service be furnished prior to the filing of the final map.

Director of Public Works Ray stated that the agreement provides that the subdivider post a cash deposit with the City Clerk to guarantee the costs of the installation of the water mains in the event the final map is not filed, and also provides for temporary easements over the proposed street rights of way for construction of the mains.

RESOLUTION NO. 62-561

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JOHN E. HIRLEMAN, JR. FOR WATER SERVICE TO BROOKDALE PARK NO. 4 SUBDIVISION

Introduced by Mitchell Seconded by Tabbert

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

RESOLUTION APPROVING SUBDIVISION AGREEMENT AND FINAL MAP FOR RENEE MANOR NO. 1 SUBDIVISION

The City Manager stated that this subdivision contains 25.81 acres and is located on the northeast corner of Carver and Rumble Roads. The subdivision agreement has been signed, all fees paid, and all documents in order. He recommended that the subdivision agreement and final map be approved.

RESOLUTION NO. 62-562

A RESOLUTION APPROVING THE FINAL MAP OF THE RENEE MANOR UNIT NO. 1 SUBDIVISION OF THE CITY OF MODESTO

Introduced by Johansen Seconded by Mitchell

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

PROPOSAL FOR IMPROVED STREET LIGHTING AT 8TH, WASHINGTON, AND S.P.R.R. INDUSTRIAL TRACK

A memorandum from the Director of Parking and Traffic, dated November 16, 1962, subject, "Street Lighting at Washington and S.P.R.R. Industrial Track," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

The memorandum indicated that additional intersection lighting is needed at the Washington and 8th Streets crossing, as box cars within the street roadway are not discernible from a distance of more than a few feet. The total cost of the project is $400. The Southern Pacific has agreed to share in the costs on a 50-50 basis, not to exceed $200. Since one-half the City's costs are reimbursible from the P.U.C. Grade Crossing Protection Fund, the City's cost will be $100.

The City Manager stated that if approved by the Council, an appropriation transfer of $200 was needed, with authorization to apply

to the Public Utilities Commission for reimbursement to the City of one-half the City's share of the costs.

The City Manager suggested that the transfer of $600 by the Rotary Club from the Special Fund for Capital Outlays Reserve Fund to the Children's Park Wading Pool be accomplished in the same resolution.

RESOLUTION NO. 62-563

A RESOLUTION APPROVING APPROPRIATION TRANSFERS ($200 for the 8th and Washington Streets lighting, and $600 accepted from Rotary Club for installation of filter system in Children's Park wading pool)

Introduced by Shastid Seconded by VanderWall

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

RESOLUTION NO. 62-564

A RESOLUTION AUTHORIZING APPLICATION TO THE PUBLIC UTILITIES COMMISSION FOR REIMBURSEMENT TO CITY FOR ONE-HALF THE CITY'S SHARE OF COSTS IN INSTALLING TWO STREET LIGHTS AT INTERSECTION OF 8TH AND WASHINGTON STREETS

Introduced by VanderWall Seconded by Tabbert

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

RECOMMENDATION REGARDING PROPOSED NORTH STAR ESTATES ADDITION

A letter from Russell Fey, Secretary of the Planning Commission, dated November 21, 1962 recommending that commencement of proceedings to annex the uninhabited territory known as the North Star Estates Addition to the City of Modesto be dropped at this time because of circumstances under which the subdivision is being annexed, was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. Council Resolution No. 62-528, adopted November 13, 1962 referred the petition for annexation of this subdivision to the Planning Commission for report and recommendation.

In its letter, the Planning Commission further recommended that the Council encourage the residents of this area to initiate inhabited annexation proceedings by election.

The City Manager stated that the agreement with the subdivider provided that the City would install city water service at regular city rates and that if the subdivision was not annexed within one year, the City reserved the right to install water meters for any or all water users in the subdivision. Mr. Miller said that this matter would need to be resolved by the Council.

RESOLUTION NO. 62-565

A RESOLUTION DECLINING TO CONSENT TO THE COMMENCEMENT OF PROCEEDINGS FOR ANNEXATION OF UNINHABITED TERRITORY KNOWN AS THE NORTH STAR ESTATES ADDITION

Introduced by Mitchell Seconded by VanderWall

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

Out-of-city water rates were discussed, the City Manager stating that water services in areas outside the City are usually metered. He suggested that before a decision was made by the Council, the inhabitants of the North Star Estates Addition be given an opportunity to annex to the City in accordance with the Annexation of Inhabited Territory Act, stating that sixty days, or perhaps more, would be needed to initiate this type of annexation.

MOTION

That the matter of water rates to North Star Estates Subdivision be placed on the agenda in sixty days to enable the Council to check the progress of annexation proceedings

Moved by VanderWall Seconded by Mitchell Unanimously carried

By Order of the Chair, the City Clerk was directed to advise all residents in the area of the action taken by the Council, and to advise that the help of the staff in initiating inhabited annexation proceedings is available.

The City Manager pointed out that it should be made clear to the residents of the area that city water service was furnished on the basis of the agreement - if annexed, the area will be furnished water at regular city rates; if not annexed, out-of-city water rates will apply.

RESOLUTION RECOMMENDING THE COMMENCEMENT OF ANNEXATION PROCEEDINGS FOR THE YOUNG ADDITION

RESOLUTION NO. 62-566

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

Introduced by Mitchell Seconded by Johansen

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

January 7, 1963 at 4:55 P.M. in the Council Chambers, City Hall, was set as the time and place for hearing.

Planning Commission Resolution No. 869 recommends commencement of proceedings.

REPORT AND RECOMMENDATION FOR COMMENCEMENT OF ANNEXATION PROCEEDINGS FOR THE GOULD ADDITION

The City Attorney stated that Planning Commission Resolution No. 870 recommends the commencement of proceedings for the annexation to the City of uninhabited territory known as the Gould Addition.

RESOLUTION NO. 62-567

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

Introduced by Shastid Seconded by Tabbert

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

January 7, 1963 at 4:50 P.M. in the Council Chambers, City Hall, was set as the time and place for hearing.

HEARING ON PROPOSED AMENDMENT TO THE ZONING MAP, SECTION 28, GHILOTTI PROPERTY

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the time set for consideration of an amendment to Section 28 of the Zoning Map to reclassify from one-family, R-1, to planned development zone, P-D, property located at the southeast corner of Lucern and El Vecino Avenues, and opened the hearing.

The City Clerk reported that notice of the proposed hearing was published in the Modesto Tribune on November 15, 1962, and notices posted in the area on November 13, 1962 and delivered on November 19, 1962. No written protests to the proposed amendment were filed with the City Clerk.

Acting Director of Planning Fey stated that the area is located to the south of Lucern Avenue, east of Coffee Road, contains about 1.8 acres, and is presently zoned R-1.

Planning Commission Resolution No. 857, adopted October 16, 1962, recommends that the area be rezoned as requested, subject to certain conditions.

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

Mr. Fey asked that the development schedule incorporated in Resolution No. 857, Section 3, Phase 1, page 2, be corrected to read "....construction of a 6-foot masonry wall along the east property line from the alley on the south to within 15 feet of the property line of Lucern Avenue;....."

The City Attorney stated that the development schedule provides for four single-story apartment buildings, containing a total of 15 apartment units, the entire construction program to be accomplished in four phases.

Upon questioning, the City Attorney stated that the Planning Commission is presently considering suggested amendments and revisions to the zoning regulations, including planned development. The Planned Development Committee has advised the Planning Commission of its conclusions pertaining to the requirement of a bond in connection with planned development accomplished in phases, one conclusion being that the zoning regulations should be changed to require a corporate surety bond to cover only the estimated cost by the City Engineer of the public improvements to be installed or constructed on the property (curbs, gutters, sidewalk, streets, similar to subdivision improvements). No such requirement was recommended for the present matter.

The accuracy of the description under Phase 3 of the resolution was questioned. Mr. Fey stated that the description would be checked.

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 VanderWall Seconded by Johansen

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

The City Attorney stated that the proposed resolution approving the development plan and schedule for P-D (11) was prepared in accordance with the provisions of Planning Commission Resolution No. 857, to become effective on the effective date of the above ordinance.

RESOLUTION NO. 62-568

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED-DEVELOPMENT ZONE, P-D (11) (GHILOTTI)

Introduced by Johansen Seconded by Patton

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

HEARING ON PROPOSED AMENDMENT TO THE ZONING MAP, SECTION 21, ROBERTS PROPERTY

Mayor Hammond announced that the hour of 8:15 P.M. had arrived, the time set for consideration of the proposed amendment to Section 21 of the zoning map requested by Emmett L. and Caryl V. Roberts on September 28, 1962, to reclassify from One-Family Zone, R-1, to Planned Development Zone, P-D, property located on the west side of Coffee Road north of John Muir School and opened the hearing.

The City Clerk reported that notice of the proposed rezoning was published in the Modesto Tribune on November 15, 1962 and notices posted and delivered in the area on November 13 and 19, 1962, respectively. A letter from Harry D. Wiser, Superintendent of Schools, dated November 5, 1962, offered no objections to the nature of the facilities planned for the location, but called attention to the fact that addition of a new facility adjacent to John Muir School and across from Downey High School might constitute additional hazards for children walking to and from the schools. A letter from Attorney Elmer L. Winger, representing Dr. Frederic L. Baer, owner of property on Coffee Road adjacent to the parcel for which rezoning is requested, requesting that the Council defer action on the application until such time as he could be present to represent his client, was also filed with the City Clerk.

Planning Commission Resolution No. 856 adopted October 16, 1962 recommends that Section 21 of the zoning map be amended to grant the requested reclassification.

Acting Director of Planning Fey stated that the area proposed for rezoning has a 165-foot frontage on Coffee Road, and a depth of approximately 634 feet (about 2.5 acres in area). Eight medical offices are proposed, each building to contain two or three doctor or dental offices, the Planning Commission approving, in addition, medical pharmacies and laboratories as may be needed.

Dr. Frederic Baer stated that he owned property north of and adjacent to the area proposed for rezoning, and asked that action be deferred to give him an opportunity to meet with the developers of the property to discuss joint development of both parcels. Dr. Baer said it was his desire that 25 feet be dedicated from each parcel to provide a 50-foot street with a cul-de-sac, stating that this would not only be more attractive, but more economical and in keeping with good planning.

Upon questioning, Dr. Baer said that he was not notified of the hearing held by the Planning Commission when the rezoning of the Roberts Addition was considered, nor had he seen the notice of hearing published in the newspaper, or postings on the property.

The abovementioned letters from Superintendent of Schools Harry Wiser and Attorney Elmer Winger were read by the City Clerk.

H. E. Brooks, 1004 13th Street, representative of the real estate agency handling the sale of the Roberts property to the present developers, spoke briefly of his meeting with Dr. Baer, stating that there had been sufficient meetings and discussions between Dr. Baer and Acting Planning Director Fey prior to the Planning Commission meeting to eliminate the necessity of having action on the proposed rezoning deferred. Referring to the letter received by the Planning Commission from the Superintendent of Schools, Mr. Brooks said that he was informed by Mr. Wiser that the letter was written at the request of city officials and that he did not intend to appear at the present meeting to substantiate his point that construction of the medical facility might constitute additional traffic hazards for children walking to and from schools.

The proposed planned development was outlined by Mr. Brooks, who presented a sketch of a planned development which he said was approved by the Board of Zoning Adjustment, rather than the sketch introduced by the Planning Department as being the one approved by the Planning Commission, the difference being a driveway through the center of the lot connecting the north and south drives.

Acting Director of Planning Fey said that the sketch submitted by Mr. Brooks was not approved by the Planning Commission; that the sketch submitted by the Planning Department was the one considered and approved by the Planning Commission at its hearing, and the one to be considered by the Council at the present hearing. He explained the circumstances which led Mr. Brooks to believe that the Roberts Addition was annexed under interim P-D zoning.

The City Manager stated that the Schools are advised of all proposed rezonings near schools to give them an opportunity to submit their protests, if any.

Mr. Brooks pointed out that Planning Commission Resolution No. 856 provides for a temporary driveway connecting the north and south drives, the temporary driveway to remain until such time as Phase 2 is completed, at which time the driveway will be extended the depth of the property to loop around the end, and the temporary driveway abandoned.

Upon questioning, Mr. Fey said that the property proposed for rezoning was annexed to the City September 10, 1962; that Dr. Baer's property was still outside the city limits; that the Roberts property was zoned R-2 while in the County; that during the course of the Planning Commission hearing, joint development of the two parcels was discussed, the staff recommending that the use be approved, but that the matter be held over to give the property owners an opportunity to get together to resolve their differences. He said that Dr. Baer was not present at the Planning Commission meeting, and because no one was present to represent his interests, the Planning Commission assumed that he was not interested in developing his property at this time, and approved the requested rezoning with minor modifications.

Dr. Baer said that he was not interested in appearing at the annexation hearing of the Roberts Addition, but was informed at that time that he would be notified when the planned development of the

area was scheduled for hearing, but was not informed; that he was left assured by the real estate representatives that the parties buying the Roberts parcel would be willing to discuss joint development of both parcels.

Wilmar Jensen, 1138 Purdue, stated that he was the purchaser of the property as trustee for a group of doctors and dentists; that Mr. Brooks and Mr. Bennett had no authority to lead Dr. Baer to believe that their clients would develop the properties jointly; that all of the points discussed at the present meeting were also discussed at the Planning Commission meeting. He referred the Council to three sketches displayed on the tack board, one calling for each property owner to dedicate 25 feet; the second calling for Dr. Baer to dedicate a full 50 feet; the third calling for the medical center to be constructed on the back half of both parcels. He said that these plans were prepared by the Planning Department, discussed by the Planning Commission, which unanimously recommended the planned development presently under discussion. Mr. Jensen said he did not think it reasonable that he and his clients, as a condition of the planned development, should be required to harness development of their property to Dr. Baer's, who might or might not develop his property; that requiring his clients to dedicate 25 feet for street purposes as a condition of approval of the planned development would not necessarily require that Dr. Baer dedicate 25 feet; that a continuance for the purpose of further discussion between his clients and Dr. Baer seemed purposeless in view of the fact that two prior meetings were ineffectual, and would serve only to delay his clients' plans for a month or six weeks. He recommended that the planned development zoning be granted.

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

The matter was generally discussed by the Council.

A proposed ordinance amending Section Map 21 to reclassify the property from R-1 to P-D (10) was outlined by the City Attorney.

ORDINANCE NO. 543-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 21 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (ROBERTS)"

was introduced and ordered published as required by the Charter.

Moved by Shastid Seconded by VanderWall

Ayes: Johansen, Patton, Shastid, VanderWall, Mayor Hammond

Noes: Mitchell, Tabbert Absent: None

RESOLUTION NO. 62-569

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED-DEVELOPMENT ZONE P-D (10) (Roberts)

Introduced by VanderWall Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: None

HEARING ON UNCLASSIFIED USE PERMIT-NEIGHBORHOOD CHURCH-PAROCHIAL SCHOOL 7-108

Mayor Hammond announced that the hour of 8:30 P.M. had arrived,

the time set for consideration of an application for an unclassified use permit submitted by the Modesto Neighborhood Church for a parochial school at 3200 Tully Road, and opened the hearing.

The City Clerk reported that notices were delivered in the area on November 20, 1962 and posted in the area on November 13, 1962. No written protests were received by the City Clerk.

Acting Director of Planning Fey stated that an application has been submitted for an unclassified use permit for a parochial school for 30 full-time students and two instructors, grades 1 through 6, in the existing Neighborhood Church building, to be conducted during normal school hours. Planning Commission Resolution No. 859 recommends that the unclassified use permit be granted.

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

RESOLUTION NO. 62-573

A RESOLUTION GRANTING AN UNCLASSIFIED USE PERMIT TO MODESTO NEIGHBORHOOD CHURCH FOR A PAROCHIAL SCHOOL

Introduced by Johansen Seconded by Shastid

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

HEARING ON UNCLASSIFIED USE PERMIT - JOHN DEETER PROPERTY

Mayor Hammond announced that the hour of 8:35 P.M. had arrived, the time set for consideration of the application of John Deeter (Teakwood Terrace) for an unclassified use permit for an increase of fourteen rental units in Planned Development Zone, P-D (3), and to change twenty-two originally approved units from own-your-own to rental units, and opened the hearing.

The City Clerk reported that notices were posted in the area on November 13, 1962, and delivered in the area on November 20, 1962. No written protests were received by the City Clerk.

Acting Planning Director Fey stated that the property was located in the McHenry Highlands Subdivision, north of Floyd Avenue, east of McHenry; that the original McHenry Highlands Subdivision was originally zoned P-D (3) as follows: one section, consisting of two own-your-own apartment units, a section of multiple-family units, and the third section a single-family subdivision. Because the first portion of the own-your-own project has not reached expectations, the developer has requested that the second unit of the own-your-own apartments be changed from 22 own-your-owns to 36 rental units. Mr. Fey said that a comparison survey of population density between the own-your-own and rental units indicated that there were fewer persons living in the rental units, thus the change to rental units would decrease the density in the area; that it was planned to increase the parking spaces to permit 1.5 parking spaces per additional unit.

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

RESOLUTION NO. 62-570

A RESOLUTION GRANTING AN UNCLASSIFIED USE PERMIT TO JOHN DEETER (TEAKWOOD TERRACE) FOR INCREASE IN UNITS IN P-D (3)

Introduced by VanderWall Seconded by Mitchell

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

INFORMAL HEARING ON CARD ROOM ORDINANCE

The City Attorney stated that at the direction of the Council, a draft of a proposed ordinance prohibiting card rooms in the City of Modesto was prepared, copies of which were distributed to the Council. He called attention to a minor change suggested by Councilman Mitchell, pertaining to notice of revocation, suspension, or denial of the license, requiring that notice be mailed with postage fully prepaid thereon. If adopted, he said that the ordinance would be effective April 1, 1963.

Reverend R. Truman Northup, 402 Alturas Avenue, spoke briefly on the card room measure, stating that the vote of the people was a decisive vote of the majority that card rooms be prohibited in the City, and requested that the Council uphold the mandate of the people. He offered the support of fellow ministers and many citizens to work creatively with the City for the welfare of the persons directly involved in the decision to abolish the commercial card rooms; that if unemployment was created that required job retraining, the necessary programs would be supported; that if lack of recreational facilities was found to be evident, the churches would attempt to fill this need.

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

The proposed ordinance prohibiting commercial card rooms in the City of Modesto was outlined by the City Attorney.

ORDINANCE NO. 544-C.S. entitled

"AN ORDINANCE AMENDING ARTICLE 7 OF CHAPTER 1 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, RELATING TO PROHIBITION OF GAMBLING AND REPEALING SECTION 6-1.220 OF ARTICLE 2 OF CHAPTER 1 OF TITLE VI OF THE MODESTO MUNICIPAL CODE, RELATING TO BUSINESS LICENSING"

was introduced and ordered published as required by the Charter.

Moved by Shastid Seconded by Johansen

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

MATTERS FOR THE GOOD OF THE COMMUNITY

Employees Group Insurance - Unanimous Consent Item

Copies of a memorandum from Deputy City Manager Keefe, dated November 23, 1962, subject, "Employees' Group Hospital-Medical Insurance," were distributed to the Council.

The City Manager stated that unless otherwise directed by the Council, the staff would prepare specifications based on the present

plan to be submitted to approximately ten firms, with bids to be received on or before December 10, 1962, and submitted to the Council for consideration on December 17, 1962. There were no objections by the Council.

Advertising Sign, East Side of 8th, Between H and I Streets - Unanimous Consent Item

A memorandum from Director of Parking and Traffic Carmody, dated November 23, 1962, subject, "Dean Jones Advertising Sign East side 8th Between H and I Street," was furnished the Council prior to the meeting. The memorandum indicated that the erection of the sign will cause a severe sight restriction at the H Street crossing of the Southern Pacific Company; that the work is being done by Dean Jones, Inc., under city permit No. 27586 for "400' of 12' wall." Because of the presence of railroad machinery and an offer to reduce the sign by 25 feet, the sign will be about 300 feet long and 12 feet high. The memorandum indicated that there is no limit on the length of ground mounted signs, but they cannot exceed 20 feet in height.

Mr. Carmody stated that erection will make it impossible for motorists approaching the H Street track crossing (traveling east) to see trains on the westerly track until they are crossing the tracks; that a survey made several years ago indicated that signals at this crossing went into operation about three times more often than a train actually went through the crossing, because of shifting to side tracks.

Councilman Shastid suggested that the long-delayed sign study requested by the Council also include some recommendation or comment on the prohibition of signs blocking visibility, whether it be railroad or automotive traffic. He requested that the report also provide answers to the following questions: (1) Can and should the City control those signs which obstruct traffic visibility? (2) Can, should, and how would the City define signs which are so obtrusive that they are thoroughly objectionable?

Answering question (2), the City Attorney said that there was apparently nothing that the City could do about the appearance of the signs, but the size could be controlled.

Councilman Mitchell said that he hoped the property owner, the railroad company, and the company installing the sign would cooperate in setting the sign back further. He questioned the need for a 300-foot sign for advertising purposes which will create a hazard for the entire community.

Mayor Hammond stated that the intent of the structure is to provide a more orderly outside display area, although advertising will be used to some extent. He said that it was possible that a roof might be added at some later date. He pointed out that the setback of the sign was further than would be necessary if a building was erected on the property.

Councilman Mitchell suggested that perhaps the sign could be broken at intervals to improve visibility as drivers approach the tracks.

Councilman Johansen suggested that the City's present sign ordinance pertaining to the size and height limitations, flashing on-and-off signs within the City which present safety hazards be reviewed, and that the staff work more closely with the County.

Deputy City Manager Keefe stated that this matter is presently under discussion with the County, the next meeting to be held next Thursday.

Councilman Mitchell stated that the County does have sign regulations in its zoning ordinance, with flashing signs prohibited in neighborhood-commercial C-1 zones; that there were many flashing signs within the City which he considered traffic hazards.

The City Attorney stated that the Code presently contains an anti-flashing sign provision.

Further Discussion on Employees Group Health Insurance

Deputy City Manager Keefe pointed out that the present Employees' Group Health Insurance policy expires at the end of the year, thus making it mandatory that a decision be reached on the coverage for the coming year at the December 17th meeting. He suggested that the Council present any questions it might have at the present meeting to enable the staff to present a full report at that time.

Councilman Shastid stated that he thought it an excellent idea to solicit bids from ten companies, and consideration should be given to follow this practice in connection with all of the City's coverage.

Mayor Hammond said that every attempt should be made to keep the City's participation to the $5 limitation established by the Council.

The Deputy City Manager stated that he was doubtful that a figure lower than $5.45 could be obtained; that the increase over the $5 figure last year was absorbed by the employees; that the carrier of the present policy has offered the same policy at a 15% increase in premium, or $5.75 per employee with the dependency rate at $13.64. Informal solicitation has indicated that a policy with identical coverage can be obtained at a lower rate. He said that an alternate was being considered which would delete one phase of the coverage if it proved to be monetarily feasible.

PROPOSED RESOLUTION COMMENDING FRANK MANCINI - Unanimous Consent Item

A proposed resolution commending Professor Frank Mancini for his contribution to the community's musical activities was read by Councilman VanderWall.

RESOLUTION NO. 62-571

A RESOLUTION COMMENDING PROFESSOR FRANK MANCINI FOR HIS CONTRIBUTION TO THE CULTURAL ENRICHMENT OF THE MODESTO COMMUNITY

Introduced by VanderWall Seconded by Johansen

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

REPORT ON MODEL PLANE FLYING SITE 10-105

Copies of a memorandum from the Director of Parks and Recreation, dated November 21, 1962, subject, "Location of Model Airplane Flying Site," were distributed to the Council, a copy of which is on file with the record of the minutes.

The memorandum indicated that the proposed alternate site was located adjacent to Conejo Avenue, south of the City Airport; that irrigation water was not available at the site located at the corner of Snowden and Finch, originally suggested for use by the group.

Because of the specialized proposed use of the area, Mayor Hammond questioned the expense to the City of providing power equipment to grade and prepare the soil for lawn seeding, mowing the lawn with city owned power equipment, and providing the necessary water (from Del Este Water Company) to irrigate the lawn areas.

Mr. Cowie stated that the site has been used by the club for the past six months, with no complaints arising out of its use for this purpose. Upon questioning, Mr. Cowie stated that this activity was permitted at Beard Brook Park before the inception of Children's Park; that it is hazardous and not permitted in other City parks. He pointed out that the area could also be used by other groups.

Participation of the Club in paying its own water bill and for a portion of the lawn-mowing expenses was discussed, Mayor Hammond stating that he did not believe it the function of the City to provide these services free of costs for a particular group.

Future extension of the area for general park use was discussed.

Councilman Shastid suggested that any agreement should require that the group carry adequate insurance to hold the city harmless in the event of accident or damages arising out of the use of the area.

Robert Boranian, 141 Las Flores Avenue, referring to the statement made that the City should not subsidize private clubs, stated that the group was composed of youngsters from the age of 8 to 18, paying dues of 25¢ each per month, which are mainly used to pay for insurance premiums and to promote the activity. He pointed out that the program was also educational, the airplanes being constructed by the children, and in some instances also designed. He stated that any surface other than lawn was harmful to the planes upon landing.

Mr. James H. Faber, 1916 Valle Vista Avenue, informed the Council that he would personally be responsible for payment of the water bill to the area if the City approved the use of the area with the remaining improvements requested. He said that there were no houses in the area and because of the location, doubted if the area would build up residentially.

A sketch outlining the proposed development of the area for use of the club was displayed to the Council, Mr. Cowie explaining that the club planned to develop one circle only at this time, and to oil the parking area.

MOTION

That the staff be instructed to prepare an agreement with the Club proceeding as outlined in memorandum prepared by Director of Parks and Recreation Cowie, dated November 21, 1962, with the exception that the airplane flying club be required to pay its own water bill

Moved by Johansen Seconded by VanderWall Unanimously carried

REPORT ON CITY'S INTEREST IN BROUGHTON PROPERTY AT 115 DOWNEY AVENUE

The City Manager stated that the will of the late Esto B. Broughton granted a life tenancy to her son, Jackson B. Broughton, and his wife, Merna Broughton, of a home located at 115 Downey Avenue, upon their demise to become the property of the City of Modesto as a memorial to her father, J. R. Broughton, to be used for educational purposes, including library, museum, art or theatrical purposes, and if not so used, to revert to her heirs.

Mr. Miller said that Mr. and Mrs. Jackson Broughton now wish to have the title to the property cleared, with either one or the other of the parties relinquishing interest. He suggested that the staff be directed to review the matter from the standpoint of value of the property and the value of the City's interest, for report to the Council.

The City Attorney stated that the only practicable way of resolving the matter would be for the City to divest of its interest for a consideration.

MOTION

That the staff be directed to review the matter from the standpoint of value of the property and the value of the City's interest for report to the Council

Moved by VanderWall Seconded by Tabbert Unanimously carried

REPORT ON STATUS OF SEWAGE TREATMENT PLANT IMPROVEMENTS

Deputy City Manager Keefe stated that the result of the City's application for a federal grant for the Sewage Treatment Plant improvements will not be known for at least two weeks.

Director of Public Works Ray stated that a further extension of at least one month for award of bid for construction of the project has been requested from the successful low bidder. The low bidder has indicated verbally that he is willing to grant the extension, provided there is reasonable assurance that the City will proceed with the installation whether or not a federal grant is approved; that the low bidder has been informed by letter that the Director of Public Works and the City Manager will strongly recommend that the Council proceed with the contract whether or not federal funds are available.

CONSIDER APPOINTMENTS TO PERSONNEL COMMISSION AND BOARD OF ZONING ADJUSTMENT

The City Clerk was directed by the Council to place this item on the next meeting's agenda.

ADJOURNMENT

MOTION

That the meeting adjourn to executive session to consider appointments to the Personnel Commission and Board of Zoning Adjustment

Moved by VanderWall Seconded by Johansen Unanimously carried

The meeting adjourned at 10:37 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., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Mayor Hammond presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Mitchell, Tabbert, VanderWall, Mayor Hammond
Councilman Patton arrived at 4:01 P.M.
Councilman Shastid arrived at 4:24 P.M.

Absent: Councilmen: None

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

Reverend Luvern W. Sands gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Council members having received copies of the minutes of the regular meeting of November 13, 1962 and the same being available for public inspection, and there being no objections, the minutes were approved.

PETITION FROM RESIDENTS OF SEVERIN AVENUE, BETWEEN MILLER AND YOSEMITE BOULEVARD, IN REGARD TO GRADE, CURB AND RAIN WATER

A petition signed by seventeen residents of Severin and Miller Avenues, and Yosemite Boulevard, requesting that the grade of Severin Avenue, between Miller and Yosemite Boulevard, be raised several inches to eliminate excess rain water flushed on the street after a rain, was read by the City Clerk. The petition stated that the problem was not so severe prior to the time the street was graded and curbed.

Director of Public Works Ray stated that there is presently no drainage in this area, and the street grades are designed with low areas to serve as pick-up points for ultimate drainage; that until a drainage system is provided, there will be ponding in various locations throughout the community. He pointed out that storm drainage can be provided in this area at a much lower cost than in many; that to his knowledge there is no activity underway to initiate a storm drainage district in this area, which may be because of the proposed cooperative project with the State for the improvement of Yosemite Boulevard. This will provide a trunk storm drain as a part of that improvement and affect the cost of the entire LaLoma drainage district. He said that dry wells have been provided by the City, but do not function well in the location under complaint. He questioned the legality and feasibility of covering over a graded and curbed street in order to raise the grade; that although it was the Council's policy to encourage installation of curbs and gutters, in some instances drainage problems can be intensified by their installation. The interests of the City are better served in some areas if such installations are not made until drainage has been provided.

Fred Brewster, 143 Severin, stated that there was no drainage problem in the area until Miller Avenue was resurfaced; that water from Miller Avenue drains into his block and continues to do so two or three hours after the rain has ceased. It was his opinion that a dry well at the Miller-Severin intersection would alleviate the problem.

Coston Trent, owner of Trent Tile, 1601½ Yosemite Boulevard, stated that since the lowering of the grade of Severin Avenue, water ponds at the entrance of his place of business to a depth where equipment cannot be moved without the brakes getting wet; that during the rainy season he suffers business losses because his place of business is inaccessible.

Monty Schach, 409 North Wilson Avenue, stated that his business was located on Yosemite Boulevard; that he was informed by city personnel that installation of curbs and gutters would eliminate ponding problems, which did not prove to be correct. He suggested that the curbs and gutters be removed and the grade of the street raised.

The City Manager stated that curb and gutter grades have been established to fit the ultimate design of a drainage system; that because of the problems created by the installation of curbs and gutters in certain areas, it might be well to suspend such installations until the drainage system is constructed.

Mr. Schach suggested that the proposed installation of curbs and gutters by Sam Fusco be held up to prevent more severe ponding in the area.

Mr. Ray said that the permit issued to Mr. Fusco covered installation of curbs and gutters on the west side of Severin and would not contribute additional drainage problems as the property is graded to the proper level; that unless there is a change in Council policy, permits for the installation of curbs and gutters cannot be denied when requested.

The City Manager said that it would be quite some time before the grades for Yosemite Boulevard are established by the State; that although the costs would be higher, initiation of a storm drainage district in the area could be commenced at once, with the knowledge of possible State cooperation.

By Order of the Chair, the matter was referred to the staff to explore the possibility of a storm drainage district in the area.

LETTER FROM ERNEST LACOSTE, ATTORNEY, RE: CEMETERY ASSOCIATION

A letter from Attorney Ernest LaCoste, dated November 20, 1962, subject, "Cemetery Association," was read by the City Clerk.

The letter stated that records indicate that the City of Modesto is the legal owner of the cemetery land, having acquired the property in November, 1945, as a result of a quiet title action in the Superior Court of Stanislaus County; that the present members of the Board have expressed a desire to resign from their positions; that approximately $121,000 belonging to the Association is in a local savings institution, which the Board feels should be made available to the City; that the Board requests that the City take over the maintenance of the cemetery.

The letter further stated that the Board would under no circumstances accept a deed to the real property on which the cemetery is located, and that if a compromise could not be resolved, a declaratory relief action would be filed.

The City Attorney stated that title to the property was acquired by the City through a tax deed; that this placed the Board members of the cemetery in an embarrassing position if plots of land which they did not own have been sold. Mr. Grimes said that while the City may have technical legal title to the property, in his opinion, it behooved the Cemetery Association to clarify its status, redeem the property, and carry on its trust under the statutes and laws of the articles of

incorporation. Or, the Council might wish to take over and operate the cemetery.

Upon questioning, Mr. Grimes stated that a declaratory relief action enables two parties to declare their respective rights and duties when a controversy has arisen, i.e., the interpretation of contracts, ordinances, etc.

Details of the City's acquisition of the property involved were discussed.

MOTION

That the City Attorney be instructed to answer Mr. LaCoste's letter to the effect that the City does not desire to go into the cemetery business, and to defend the City against any suit which might be brought against the City for declaratory relief

Moved by Mitchell Seconded by VanderWall Unanimously carried

LETTER FROM ARTHUR J. WYLIE REGARDING SEWER SERVICE

A letter from Arthur J. Wylie, dated November 28, 1962 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 letter requested sewer service to a 23-acre area, immediately east of the proposed Bel Air No. 3 Subdivision, and north of the proposed Rumble Road extension east of Davis High School.

Mr. Wylie indicated in his letter that he thought it an unfair practice for the City to reserve sewer services for indefinite periods of time for undeveloped properties located within the sewer service periphery established by the City, and to force developers of land outside this area to build new homes with septic tanks.

Director of Public Works Ray stated that permitting sewer service outside the area established by the City would place the City in an untenable position if the sewer service was granted to outside areas, overloading the system to a point where it might be necessary later to deny service within the established area.

The matter was discussed by the Council.

The capacity of the trunk lines in northern Modesto and of the sewage treatment plant was discussed.

MOTION

That the request of Mr. Wylie for sewer service to a 23-acre area immediately east of Bel Air Subdivision No. 3 be denied

Moved by Johansen Seconded by Mitchell Unanimously carried

LETTER FROM J. W. COLEMAN, NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION, RE: MODESTO ELECTRICAL CODE

A letter from J. W. Coleman, Manager of the San Joaquin Valley Chapter of the National Electrical Contractors Association, Inc., dated November 29, 1962, 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.

Mr. Coleman, in his letter, objected to the fact that a proposed ordinance change concerning the use of conduit vs. romex in the construction of apartment buildings was presented to the Council for consideration, before a Committee established earlier this year to review the Modesto Electrical Code had submitted its report to the Council.

Ronald Camp, 809 Barham Court, chairman of the Committee appointed to review the Modesto Electrical Code, stated that his committee was not appointed by the Council but was composed of a group of people interested in improving the City's Electrical Code; that on July 12, 1962 he called Mayor Hammond and was told that any proposed changes would best be submitted to the Council for consideration at the conclusion of all meetings.

It was Mr. Camp's opinion that the City should not downgrade its standards to conform with those of the County. He stated that he had not been furnished a copy of the report, dated November 2, 1962, prepared by the Assistant Director of Public Works, subject, "Electrical Code Requirement - Conduit vs Romex;" that the safety factors in the use of romex in apartment buildings should be considered, as well as the monetary savings. He asked that the Council defer its decision on a proposed ordinance change permitting the use of romex in apartment buildings until such time as the committee's complete report is submitted to the Council.

MOTION

That the matter of romex vs conduit be placed on the agenda in two weeks to consider a report from the committee reviewing the Modesto Electrical Code and a proposed ordinance effecting proposed Code changes outlined in memorandum prepared by the Assistant Director of Public Works, dated November 2, 1962

Moved by VanderWall Seconded by Shastid Unanimously carried

The City Manager stated that a copy of the above mentioned memorandum would be furnished Mr. Camp.

CONSIDER AWARD OF BID FOR RELOCATION OF FREEWAY STREET LIGHTING

Director of Public Works Ray stated that five bids were received, the low bid submitted by Industrial Electrical Company in the amount of $17,030.65, well below the engineer's estimate. He recommended that award be made to Industrial Electrical Company. The cost of relocation of the freeway street lighting will be borne by the State Division of Highways.

RESOLUTION NO. 62-574

A RESOLUTION ACCEPTING THE BID OF INDUSTRIAL ELECTRICAL COMPANY FOR THE RELOCATION OF FREEWAY STREET LIGHTING FOR THE TOTAL SUM OF $17,030.65

Introduced by VanderWall Seconded by Shastid

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

CONSIDER AWARD OF BID FOR WATER LINES, MORADA ESTATES SUBDIVISION

Director of Public Works Ray stated that no bids were received. Estimated cost of installation is $2,177.90. The City Manager recommended that the work be done with city forces.

RESOLUTION NO. 62-575

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR THE CONSTRUCTION OF WATER LINES TO SERVE MORADA ESTATES SUBDIVISION

Introduced by Johansen Seconded by VanderWall

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

AWARD OF BID FOR INSTALLATION OF WATER LINES IN NORTHLAND ESTATES SUBDIVISION

Director of Public Works Ray stated that no bids were received for the installation of water lines in Northland Estates Subdivision. Estimated cost of installation is $1,993.35. The City Manager recommended that the work be done with city forces.

RESOLUTION NO. 62-576

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR THE INSTALLATION OF WATER LINES IN NORTHLAND ESTATES SUBDIVISION

Introduced by Shastid Seconded by Johansen

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

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF WATER MAINS TO RENEE MANOR NO. 1 SUBDIVISION

RESOLUTION NO. 62-577

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE CONSTRUCTION OF WATER MAINS TO SERVE RENEE MANOR NO. 1 SUBDIVISION

Introduced by Mitchell Seconded by Tabbert

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

December 18, 1962 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. 540-C.S. AMENDING ZONING MAP 21, ALLEN ADDITION, PORTION OF BLOCK 649

ORDINANCE NO. 540-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 21 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (ALLEN ADDITION-PORTION OF BLOCK 649)"

introduced on November 19, 1962, and having been published as required by the Charter, was moved and adopted. (To be effective Dec. 18, 1962)

Moved by Johansen Seconded by Shastid

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

ADOPTION OF ORDINANCE NO. 541-C.S. RELATING TO THE USE OF PARK AND RECREATION AREAS AND FACILITIES (Mancini Bowl)

ORDINANCE NO. 541-C.S. entitled

"AN ORDINANCE AMENDING CHAPTER 4 OF TITLE XII OF THE MODESTO MUNICIPAL CODE RELATING TO THE USE OF PARK AND RECREATION AREAS AND FACILITIES"

introduced on November 26, 1962 and having been published as required by the Charter, was moved and adopted. (To be effective Dec. 18, 1962)

Moved by VanderWall Seconded by Shastid

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

ADOPTION OF ORDINANCE NO. 544-C.S. RELATING TO THE PROHIBITION OF GAMBLING IN THE CITY OF MODESTO

ORDINANCE NO. 544-C.S. entitled

"AN ORDINANCE AMENDING ARTICLE 7 OF CHAPTER 1 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, RELATING TO PROHIBITION OF GAMBLING, AND REPEALING SECTION 6-1.220 OF ARTICLE 2 OF CHAPTER 1 OF TITLE VI OF THE MODESTO MUNICIPAL CODE, RELATING TO BUSINESS LICENSING

introduced on November 26, 1962 and having been published as required by the Charter, was moved and adopted. (To be effective April 1, 1963)

Moved by Shastid Seconded by Johansen

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

ORDINANCE ADDING ARTICLE 6 OF CHAPTER 4 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO SAVINGS AND LOAN CERTIFICATES AND SHARES

The City Attorney stated that the proposed ordinance authorizes the use of savings and loan certificates and shares as security in guaranteeing performance to the City, in lieu of corporate surety or performance bonds, or cash deposits, as presently required.

ORDINANCE NO. 545-C.S. entitled

"AN ORDINANCE ADDING ARTICLE 6 TO CHAPTER 4 OF TITLE II OF THE MODESTO MUNICIPAL CODE, RELATING TO SAVINGS AND LOAN CERTIFICATES AND SHARES"

was introduced and ordered published as required by the Charter.

Moved by Mitchell Seconded by Shastid

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

The City Attorney stated that the proposed ordinance amends various sections of the Code outlining specifically where the savings and loan certificates and shares may be used as a security device in lieu of performance or corporate surety bonds, or cash deposits.

ORDINANCE NO. 546-C.S. entitled

"AN ORDINANCE AMENDING SECTIONS 4-3.06 AND 4-3.07.1 OF CHAPTER 3 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, RELATING TO MOVING OF BUILDINGS; AMENDING SECTION 4-4.605 OF ARTICLE 6 OF CHAPTER 4 OF TITLE IV, RELATING TO SUBDIVISION OF LAND; AMENDING SECTION 4-7.704 OF ARTICLE 7 OF CHAPTER 7 OF TITLE IV, RELATING TO SALE OF JEWELRY AT AUCTION; AMENDING SECTION 4-7.1405 OF ARTICLE 14 OF CHAPTER 7 OF TITLE IV, RELATING TO GOING OUT OF BUSINESS SALES, REMOVAL OF BUSINESS SALES AND FIRE AND OTHER ALTERED GOODS SALES; AMENDING SECTION 5-5.19 OF CHAPTER 5 OF TITLE V, RELATING TO GARBAGE DISPOSAL; AND AMENDING SECTION 6-1.128 OF ARTICLE 1 OF CHAPTER 1 OF TITLE VI, RELATING TO LICENSING IN GENERAL

Moved by VanderWall Seconded by Patton

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

RESOLUTION ACCEPTING AS COMPLETE TRAFFIC SIGNALS AND STREET LIGHTING AT COLLEGE AND ORANGEBURG AVENUE AND AUTHORIZING FINAL PAYMENT TO COLLINS ELECTRICAL COMPANY

The City Manager reported that the construction of traffic signals and street lighting at College and Orangeburg Avenues has been completed in accordance with plans and specifications within the time limit prescribed, and recommended that the work be accepted as complete, the City Clerk authorized to file a notice of completion, and payment authorized in accordance with the contract. The contract price is $5,943.

RESOLUTION NO. 62-578

A RESOLUTION ACCEPTING THE CONSTRUCTION OF TRAFFIC SIGNALS AND STREET LIGHTING AT COLLEGE AND ORANGEBURG AVENUES BY COLLINS ELECTRICAL COMPANY

Introduced by Shastid Seconded by VanderWall

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

RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE WOODLAND FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (DODSON ADDITION)

RESOLUTION NO. 62-579

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE WOODLAND FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (DODSON ADDITION)

Introduced by VanderWall Seconded by Tabbert

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

RESOLUTION APPROVING AGREEMENT WITH DEPARTMENT OF FINANCE, STATE OF CALIFORNIA, FOR CITY POPULATION ESTIMATE

The City Manager stated that the proposed agreement provides for the services of the State of California Department of Finance in making an official population estimate for the City, effective December 1, 1962, at a cost of $270.

RESOLUTION NO. 62-580

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DEPARTMENT OF FINANCE, STATE OF CALIFORNIA, FOR A CITY POPULATION ESTIMATE

Introduced by Shastid Seconded by VanderWall

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

CONSIDER EXERCISE OF OPTIONS TO PURCHASE PARCELS OF REAL PROPERTY FOR POLICE-COMMUNICATIONS BUILDING SITE

The City Attorney stated that options for three parcels of property for the proposed site of the police-communications center building expire December 17, 1962; that if the Council wished to exercise the options to acquire the parcels, resolutions authorizing the acquisitions were needed. Estimated cost of acquisition is $72,000.

RESOLUTION NO. 62-581

A RESOLUTION AUTHORIZING THE EXECUTION OF ESCROW INSTRUCTIONS BY THE CITY MANAGER FOR ACQUISITION BY THE CITY OF MODESTO OF CERTAIN REAL PROPERTY, TO BE USED FOR THE PROPOSED SITE FOR THE CONSTRUCTION OF A POLICE-COMMUNICATIONS FACILITY, FROM STANISLAUS IMPLEMENT AND HARDWARE COMPANY, LTD. (Project No. 62-15) (Lots 14, 15 and 16 of Block 71, for $32,000, plus costs)

Introduced by VanderWall Seconded by Johansen

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

RESOLUTION NO. 62-582

A RESOLUTION AUTHORIZING THE EXECUTION OF ESCROW INSTRUCTIONS BY THE CITY MANAGER FOR ACQUISITION BY THE CITY OF MODESTO OF CERTAIN REAL PROPERTY TO BE USED FOR THE PROPOSED SITE FOR THE CONSTRUCTION OF A POLICE-COMMUNICATIONS FACILITY FROM LA REAY V. BRAHIC (Project No. 62-15) (Lots 9 and 10 of Block 71, for $14,500 plus costs)

Introduced by Johansen Seconded by Mitchell

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

RESOLUTION NO. 62-583

A RESOLUTION AUTHORIZING THE EXECUTION OF ESCROW INSTRUCTIONS BY THE CITY MANAGER FOR ACQUISITION BY THE CITY OF MODESTO OF CERTAIN REAL PROPERTY, TO BE USED FOR THE PROPOSED SITE FOR THE CONSTRUCTION OF A POLICE-COMMUNICATIONS FACILITY, FROM JAMES S. MORTENSEN (Project No. 62-15) (Lots 11, 12 and 13 of Block 71, for $25,000 plus costs)

Introduced by VanderWall Seconded by Tabbert

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

The fact that actual construction of the police-communications center building in the near future was contingent upon approval of a federal grant for this purpose was discussed.

MOTION AUTHORIZING PAYMENT TO THE COUNTY OF ELECTION EXPENSE FOR THE NOVEMBER 6, 1962 MUNICIPAL ELECTION

MOTION

That payment of $1,560 covering the City's election expense for the November 6, 1962 election be approved

Moved by Johansen Seconded by Tabbert Unanimously carried

RESOLUTION ACCEPTING IMPROVEMENTS IN WYLDEWOOD PARK NO. 1 SUBDIVISION AS COMPLETE AND AUTHORIZING THE CITY CLERK TO RELEASE THE SUBDIVISION IMPROVEMENT BOND

The City Manager reported that a memorandum from the City Engineer, dated November 28, 1962, indicates that all work required by the subdivision agreement for the improvement of Wyldewood Park No. 1 Subdivision has been completed to the satisfaction of the Public Works Department, all inspection fees paid, and that it would be in order for the Council to accept the improvements as complete, and the City Clerk authorized to release the subdivision improvement bond in the amount of $49,000.

RESOLUTION NO. 62-584

A RESOLUTION AUTHORIZING THE RELEASE OF THE GLENS FALLS INSURANCE COMPANY SUBDIVISION BOND FILED TO GUARANTEE IMPROVEMENTS IN WYLDEWOOD PARK NO. 1 SUBDIVISION

Introduced by Shastid Seconded by Tabbert

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

APPLICATION FOR FEDERAL GRANT - GARRISON PARK SITE; CALIFORNIA-FRANKLIN PARK SITE

The City Manager stated that Council action was needed to authorize the application for a federal grant for the development of the Garrison Park and California-Franklin Park sites, under the terms of Public Law 345 as amended by the Public Works Acceleration Act.

Deputy City Manager Keefe stated that funds are sought to match the $50,000 authorized by the Council for partial improvement of the two sites this fiscal year; that if federal funds are not approved, the City will proceed with its intent to partially develop the sites.

RESOLUTION NO. 62-585

A RESOLUTION AUTHORIZING THE FILING OF APPLICATION WITH THE HOUSING AND HOME FINANCE AGENCY, U.S.A., FOR A GRANT UNDER THE TERMS OF PUBLIC LAW 345, 84TH CONGRESS, AS AMENDED BY THE PUBLIC WORKS ACCELERATION ACT, AND PROVIDING FOR INCREASE IN PLANNED TOTAL EXPENDITURE FOR CAPITAL IMPROVEMENT PROJECTS (Garrison Park Site)

Introduced by VanderWall Seconded by Shastid

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

The above resolution covers request for a grant of $23,400 and increases the capital improvement budget for the fiscal year by $46,800.

RESOLUTION NO. 62-586

A RESOLUTION AUTHORIZING FILING OF APPLICATION WITH THE HOUSING AND HOME FINANCE AGENCY, U.S.A., FOR A GRANT UNDER THE TERMS OF PUBLIC LAW 345, 84TH CONGRESS, AS AMENDED BY THE PUBLIC WORKS ACCELERATION ACT AND PROVIDING FOR INCREASE IN PLANNED TOTAL EXPENDITURES FOR CAPITAL IMPROVEMENT (California-Franklin Park Site)

Introduced by Shastid Seconded by VanderWall

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

The above resolution covers request for a grant of $27,200 and increases the capital improvement budget for the fiscal year by $54,400.

RESOLUTION ACCEPTING IMPROVEMENTS IN MORAN ESTATES NO. 2 SUBDIVISION EXCEPT FOR THE NORTH ALLEY, AND AUTHORIZING THE CITY CLERK TO RELEASE IMPROVEMENT BOND 6-40

The City Manager reported that a memorandum from the City Engineer indicates that all improvements to the subdivision, with the exception of improvement of the north alley, have been completed to the satisfaction of the City, and that it would be in order to release $13,200 of the cash improvement bond (leaving a balance of $850 to guarantee improvement of the north alley). Mr. Miller recommended that $13,200 of the cash improvement bond be released.

RESOLUTION NO. 62-587

A RESOLUTION APPROVING REDUCTION OF THE CASH DEPOSIT FILED BY PHILIP MORAN, JUSTINA GONI, CARMEN POLSTON AND JOSIE JOHNSON TO GUARANTEE IMPROVEMENTS IN MORAN ESTATES NO. 2 SUBDIVISION

Introduced by Tabbert Seconded by Shastid

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

RESOLUTIONS APPROVING RENTAL OF CITY OWNED PROPERTY

(a) David Newsome, 202 Laurel Street

RESOLUTION NO. 62-588

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DAVID NEWSOME FOR THE RENTAL OF CITY OWNED PROPERTY AT 202 LAUREL STREET ON A MONTH TO MONTH TENANCY BEGINNING OCTOBER 1, 1962 AT A RENTAL RATE OF $75 PER MONTH

Introduced by Patton Seconded by Shastid

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

(b) Ila Breaux and Gloria Arnold, 206 Laurel Street

RESOLUTION NO. 62-589

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ILA BREAUX AND GLORIA ARNOLD FOR THE RENTAL OF CITY-OWNED PROPERTY AT 206 LAUREL STREET ON A MONTH TO MONTH TENANCY BEGINNING NOVEMBER 10, 1962 AT A RENTAL RATE OF $75 PER MONTH

Introduced by Shastid Seconded by Tabbert

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

(c) Betty Jean Threadgill, 701 South Franklin

RESOLUTION NO. 62-590

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND BETTY JEAN THREADGILL FOR THE RENTAL OF CITY OWNED PROPERTY AT 701 SOUTH FRANKLIN STREET ON A MONTH TO MONTH TENANCY BEGINNING DECEMBER 1, 1962 AT A RENTAL RATE OF $55 PER MONTH

Introduced by VanderWall Seconded by Tabbert

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

CONSIDERATION OF FIRE HYDRANT STANDARDS AND EFFICIENCY

A memorandum from the Assistant Fire Chief, dated November 27, 1962, subject, "Fire Hydrant Standards and Efficiency," was distributed to the Council, a copy of which is on file with the record of the minutes. Assistant Chief Oliveria recommended that a policy be adopted to approve the use of No. 75 hydrants (with two outlets, one $2\frac{1}{2}$" and the other $4\frac{1}{2}$" in diameter) on all future installations, instead of the present policy whereby No. 74 hydrants (with two outlets each $2\frac{1}{2}$" in diameter) are installed on the smaller mains and in residential areas, while No. 75's have been used on the larger mains and in areas of potentially large fire losses. It was his contention that the City would benefit not only from increased flow available, but also by the standardization of hydrants, which will eliminate some deficiency points in National Board of Fire Underwriters gradings of Modesto's protection facilities. The memorandum indicated a cost of $131.45 for No. 74 hydrants, and $160.16 for No. 75 hydrants, a difference of $28.71 per hydrant.

Upon questioning, Director of Public Works Ray stated that approximately one hundred hydrants are installed per year.

MOTION

That the recommendation of the Assistant Fire Chief that the City install No. 75 hydrants on all future installations be approved

Moved by Shastid Seconded by Patton Unanimously carried

REQUEST OF LAWRENCE ROBINSON & SONS FOR CHANGE IN FIRE ZONING OF THE EASTERLY PORTION OF THEIR PROPERTY ON McHENRY FROM ZONE NO.2 TO ZONE NO. 3

Copies of a letter from Lawrence R. Robinson, Jr., dated November 24, 1962 requesting that the rear portion of his firm's property located on McHenry Avenue be rezoned to Fire Zone Three were furnished

the Council prior to the meeting, a copy of which is on file with the record of the minutes. The letter stated that the entire parcel was rezoned to Fire Zone Two several months ago; that the company is in accord with the rezoning of the 300 feet fronting on McHenry Avenue to a depth of approximately 300 feet; and that the requested rezoning of the portion of the property lying behind that to Fire Zone Three would, in their opinion, provide adequate regulation to their planned construction program and in no way endanger the efforts of the Fire Department to develop a sound and reasonable program for fire purposes.

MOTION

That the staff be instructed to prepare the necessary documents to effect the rezoning requested by Lawrence Robinson & Sons in letter dated November 24, 1962

Moved by Shastid Seconded by Patton Unanimously carried

RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF CURBS AND GUTTERS ALONG CERTAIN STREETS IN THE CITY OF MODESTO 6-84

(a) Lot E, Block 2016 (119 Wilson Avenue)
(b) Portion of Lots G & H, Block 2016 (Wilson Avenue at 919 Yosemite Boulevard)

Director of Public Works Ray stated that the property owners were informally requested to install curbs and gutters at the above locations over thirty days ago and have not complied with the request. Upon questioning, Mr. Ray stated that drainage problems exist in this area, but that construction of curbs and gutters will make no appreciable difference, as the street has been graded and curbs and gutters installed in all of the properties in the block with the exception of these two parcels; that conditions may improve slightly with the installation of a dry well at the Norman Fine Foods corner.

RESOLUTION NO. 62-591

A RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF CURBS AND GUTTERS ALONG CERTAIN STREETS IN THE CITY OF MODESTO (Block 2016, Lot E, and Block 2016, portion Lots G and H)

Introduced by Shastid Seconded by Johansen

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

December 10, 1962 at 8:10 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY LOCATED ON THE NORTHWEST CORNER OF BUTTE AVENUE AND CROWS LANDING ROAD IN SOUTH MODESTO

The City Manager stated that sewer service has been requested to serve property located at the northwest corner of Butte Avenue and Crows Landing Road in South Modesto; that the property is contiguous to the City, and an agreement containing the usual city requirements has been signed by the property owner. He recommended that the sewer service be granted.

MOTION

That sewer service to property located on the northwest corner of Butte Avenue and Crows Landing Road in South Modesto be approved

Moved by Shastid Seconded by VanderWall Unanimously carried

RECOMMENDATION FOR ANNEXATION OF BRIGHTON AVENUE PARK ADDITION

The City Manager stated that the Brighton Avenue Park site is city owned, and Planning Commission Resolution No. 791 recommends that the area be annexed to the City.

RESOLUTION NO. 62-592

A RESOLUTION DECLARING THE INTENTION OF THE COUNCIL OF THE CITY OF MODESTO TO INITIATE ON ITS OWN MOTION PROCEEDINGS TO ANNEX CERTAIN UNINHABITED TERRITORY, HEREINAFTER DESCRIBED AND DESIGNATED AS BRIGHTON AVENUE PARK ADDITION TO THE CITY OF MODESTO, AND AUTHORIZING AND DIRECTING THE CITY CLERK TO FILE SUCH PROPOSAL WITH, AND SUBMIT SUCH PROPOSAL TO, THE BOUNDARY COMMISSION OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, FOR A REPORT THEREON AS REQUIRED BY LAW

Introduced by Tabbert Seconded by Shastid

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

RESOLUTION REFERRING PETITION OF ANNEXATION OF THE FAIR ADDITION TO THE PLANNING COMMISSION FOR REPORT AND RECOMMENDATION 7-2

The City Manager stated that the Fair Addition is located on the east side of McHenry Avenue north of Hintze Avenue to Roseburg, and comprises 9.755 acres. The annexation petition has been signed by owners of more than two-thirds of the land within the proposed addition.

The uneven pattern of annexation in the area was discussed.

RESOLUTION NO. 62-593

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

Introduced by VanderWall Seconded by Tabbert

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

APPROPRIATION TRANSFERS

Director of Finance Bird stated that receipt of bills for county taxes has made it necessary to increase the amount budgeted for such taxes on City property, making an appropriation transfer of $1,495 necessary.

RESOLUTION NO. 62-594

A RESOLUTION APPROVING APPROPRIATION TRANSFER FROM GENERAL FUND, GENERAL RESERVE, TO PARKS AND RECREATION, PARKS. AIRPORT, MISCELLANEOUS UNCLASSIFIED

(From General Fund, General Reserve (101-600) $1,495; to Parks and Recreation, Parks, Taxes (35-430) $406, Airport Taxes (46-430) $466; Miscellaneous Unclassified Taxes (65-430) $623)

Introduced by Mitchell Seconded by Patton

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

MATTERS FOR THE GOOD OF THE COMMUNITY

L. Ratti, requesting zoning of parcel located on northeast corner of 13th and G

Mr. Ratti stated that at one time he was informed that it would be permissible to have a bakery on property located at the corner of 13th and G Streets, but was recently told that this was not permissible, and asked that the matter be clarified. He was directed to meet with Acting Director of Planning Fey.

REPORT ON U.S. 99 FREEWAY SIGNING AT PRESCOTT ROAD INTERCHANGE

Director of Parking and Traffic Carmody reported that a letter has been received from the California Division of Highways stating that overhead illuminated signs naming Orangeburg Avenue and Briggsmore-Northern Expressway are included in the Modesto Freeway signing plans, but suggesting that a shorter road name be considered for Briggsmore-Northern Expressway because of the two-line message limitation. Mr. Carmody stated that the simplest solution, unless the Council wished to rename the streets, would be to leave them as they are presently, namely, Briggsmore Avenue and Northern Boulevard.

The matter was discussed by the Council.

MOTION

That the street names remain as they are presently -- Briggsmore Avenue and Northern Boulevard -- and the staff directed to so inform the California Division of Highways

Moved by VanderWall Seconded by Johansen Unanimously carried

REPORT TO THE CITY COUNCIL ON THE STATUS OF THE CITY OF MODESTO VS. ROBERT R. ELLEDGE

The City Attorney reported that in the case of the City of Modesto vs. Robert R. Elledge, the defendant has filed a notice of appeal and the matter will be litigated in the District Court of Appeals. He said that Mr. Elledge is questioning the validity of the provisions of the business license tax as applied to attorneys. The Superior Court has ruled by demurrer that the city ordinance is valid.

REPORT ON POLICE-COMMUNICATIONS CENTER BUILDING

The City Manager reported that plans for the police-communications center building are progressing.

CONSIDER APPOINTMENTS TO PERSONNEL COMMISSION AND BOARD OF ZONING ADJUSTMENT

RESOLUTION NO. 62-595

A RESOLUTION APPOINTING FRANK RUSSO A MEMBER OF THE MODESTO CITY PERSONNEL COMMISSION TO FILL THE VACANCY CREATED BY THE RESIGNATION OF JOHN W. RAE (for a term expiring January 1, 1964)

Introduced by VanderWall Seconded by Mitchell

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

RESOLUTION NO. 62-596

A RESOLUTION APPOINTING WILBUR M. NICHOLS A MEMBER OF THE MODESTO CITY BOARD OF ZONING ADJUSTMENT TO FILL THE VACANCY CREATED BY THE RESIGNATION OF C. WAYNE SEGUIN (for a term expiring January 1, 1966)

Introduced by VanderWall Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond
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 6:56 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., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Absent: Councilmen: None

The pledge of allegiance to the Flag was given by all those 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 November 19, 1962 and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM E. R. BROWN, 1524 GRAPE AVENUE RE: CASE NO. 78731, STANISLAUS SUPERIOR COURT 1-9

Copies of a letter from E. R. Brown, dated December 3, 1962, subject, "Case No. 78731, Stanislaus Superior Court," were furnished the Council prior to the meeting, the original of which is on file with the record of the minutes.

MOTION

That the letter be filed

Moved by Shastid Seconded by Mitchell Unanimously carried

LETTER FROM OLIVER DEATSCH, SECRETARY, MODESTO BAND OF STANISLAUS COUNTY, INC., REQUESTING ANNUAL APPROPRIATION

A letter from Oliver Deatsch, Secretary, Modesto Band of Stanislaus County, Inc., dated December 2, 1962, requesting payment of $1,550 budgeted by the City to defray the expenses of the municipal band concerts and representation of the Modesto Band of Stanislaus County at the state fair, was read by the City Clerk.

MOTION

That the payment of $1,550 to Modesto Band of Stanislaus County, Inc. for fiscal year 1962-63 be approved

Moved by Shastid Seconded by VanderWall Unanimously carried

LETTER FROM HARRY D. WISER, SUPERINTENDENT OF MODESTO CITY SCHOOLS RE: ABANDONMENT OF DEDICATED STREETWAY 1-17

A letter from Harry D. Wiser, Superintendent, Modesto City Schools, dated December 4, 1962, acting in behalf of the Modesto City Board of Education, was read by the City Clerk.

The letter stated that the Modesto Junior College District has

acquired the property located north of Coldwell Avenue, and west of College Avenue, for the primary purpose of providing additional space in which to locate future buildings for expansion of the college; that as a part of the Sander's subdivision acquired by the College the extension of Harvard Avenue was dedicated to the City for street development purposes. Mr. Wiser asked that the dedicated area for the extension of Harvard Avenue located on this parcel be abandoned.

MOTION

That the request of the Modesto City Board of Education for abandonment of street dedication on property located north of Coldwell Avenue west of College Avenue be referred to the Planning Commission

Moved by Shastid Seconded by VanderWall Unanimously carried

LETTER FROM CHET SPEARING, 149 COVENA AVENUE RE: PROPOSED ROAD AND BRIDGE CROSSINGS, DRY CREEK AND TUOLUMNE RIVER IN EAST MODESTO

A letter from Chet Spearing, dated December 2, 1962 approving a proposed road and bridges crossing Dry Creek and the Tuolumne River in East Modesto 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 send a copy of the letter to the Planning Commission.

LETTER FROM ANTHONY E. BESIO, DEPUTY ASSISTANT SUPERINTENDENT, MODESTO CITY SCHOOLS RE: INVITATION TO DEDICATION OF CATHERINE EVERETT SCHOOL

A letter from Anthony E. Besio, Deputy Assistant Superintendent of Schools, inviting the Council and staff members to attend the dedication ceremonies of the Catherine Everett School to be held on Sunday, December 16, 1962 at 2:00 P.M., was read by the City Clerk.

The letter was ordered filed.

CONSIDER AWARD OF BID FOR WATER LINES, ROSELENE TERRACE SUBDIVISION

Director of Public Works Ray reported that no bids were received for this project. The Engineer's estimate for installation is $1,640. The City Manager recommended that the work be done with city forces.

RESOLUTION NO. 62-597

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR THE CONSTRUCTION OF WATER LINES TO SERVE ROSELENE TERRACE SUBDIVISION

Introduced by Mitchell Seconded by Patton

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

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF WADING POOLS AT UNIT A - ROOSEVELT PARK; UNIT B - WHITMORE PARK

RESOLUTION NO. 62-598

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE CONSTRUCTION OF WADING POOLS AT UNIT A - ROOSEVELT PARK; AND UNIT B - WHITMORE PARK

Introduced by VanderWall Seconded by Tabbert

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

January 2, 1963 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. 542-C.S. AMENDING ZONING MAP NO. 28 (GHILOTTI PROPERTY) TO P-D (11) (El Vecino and Lucern)

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 on November 26, 1962 and having been published as required by the Charter, was moved and adopted. (To be effective Dec. 25, 1962)

Moved by VanderWall Seconded by Johansen

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

ADOPTION OF ORDINANCE NO. 543-C.S. AMENDING ZONING MAP NO. 21 (ROBERTS PROPERTY NORTH OF JOHN MUIR SCHOOL) TO P-D (10) ZONE

ORDINANCE NO. 543-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 21 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (ROBERTS)"

introduced on November 26, 1962 and having been published as required by the Charter, was moved and adopted. (To be effective Dec. 25, 1962)

Moved by Johansen Seconded by Shastid

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

ADOPTION OF ORDINANCE NO. 545-C.S. RELATING TO SAVINGS AND LOAN CERTIFICATE AND SHARE AS SURETY BONDS

ORDINANCE NO. 545-C.S. entitled

"AN ORDINANCE ADDING ARTICLE 6 TO CHAPTER 4 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO SAVINGS AND LOAN CERTIFICATES AND SHARES"

introduced on December 3, 1962 and having been published as required by the Charter, was moved and adopted. (To be effective Dec. 25, 1962)

Moved by Shastid Seconded by Tabbert

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

ADOPTION OF ORDINANCE NO. 546-C.S. RELATING TO MOVING OF BUILDINGS, SUBDIVISION OF LAND, SALE OF JEWELRY AT AUCTION, GOING OUT OF BUSINESS SALES, GARBAGE DISPOSAL AND LICENSING IN GENERAL, PERMITTING USE OF SAVINGS AND LOAN CERTIFICATES AND SHARES IN LIEU OF BONDS AND CASH DEPOSITS

ORDINANCE NO. 546-C.S. entitled

"AN ORDINANCE AMENDING SECTIONS 4-3.06 AND 4-3.07.1 OF CHAPTER 3 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO MOVING OF BUILDINGS; AMENDING SECTION 4-4.605 OF ARTICLE 6 OF CHAPTER 4 OF TITLE IV RELATING TO SUBDIVISION OF LAND; AMENDING SECTION 4-7.704 OF ARTICLE 7 OF CHAPTER 7 OF TITLE IV RELATING TO SALE OF JEWELRY AT AUCTION; AMENDING SECTION 4-7.1405 OF ARTICLE 14 OF CHAPTER 7 OF TITLE IV, RELATING TO GOING OUT OF BUSINESS SALES, REMOVAL OF BUSINESS SALES AND FIRE AND OTHER ALTERED GOODS SALES; AMENDING SECTION 5-5.19 OF CHAPTER 5 OF TITLE V RELATING TO GARBAGE DISPOSAL; AND AMENDING SECTION 6-1.128 OF ARTICLE 1 OF CHAPTER 1 OF TITLE VI RELATING TO LICENSING IN GENERAL"

introduced on December 3, 1962 and having been published as required by the Charter, was moved and adopted. (To be effective Dec. 25, 1962)

Moved by VanderWall Seconded by Shastid

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

CITY EMPLOYEES' GROUP HOSPITAL-MEDICAL INSURANCE - RECOMMENDATION OF PERSONNEL COMMISSION THAT THE CITY PAY THE INDIVIDUAL EMPLOYEE PREMIUMS NOT TO EXCEED $6 PER MONTH

The City Manager stated that the Council's present policy, under the provisions of Resolution No. 58-289, authorizes city participation in the premium payment for group health insurance for city employees in an amount not to exceed $5. Since preliminary investigation indicates that the policy for the coming year will require an employee's premium of about $5.45, the Personnel Commission has recommended that the Council approve full payment of the employee's premium in an amount not to exceed $6.

MOTION

That the matter be held over and considered simultaneously with the overall bids received

Moved by Johansen Seconded by VanderWall Unanimously carried

REQUEST OF LAWRENCE ROBINSON AND SONS FOR CHANGE IN FIRE ZONING OF THE EASTERLY PORTION OF THEIR PROPERTY ON McHENRY AVENUE FROM FIRE ZONE 2 TO FIRE ZONE 3

The City Attorney stated that a change was being proposed in the manner of establishing fire districts by adopting a key map of the City, and then sectional maps showing the fire zoning on each of the maps. The section maps will be incorporated in the Code, thus enabling those interested to more readily determine the fire zoning of certain areas, which presently must be determined from legal descriptions or a map on file in the office of the City Clerk. He said that the proposed ordinance adopts a new key map and the sectional maps, and also effects the fire zoning change requested by Lawrence Robinson & Sons in an area located on the rear portion of its property on McHenry Avenue, approved by Council motion December 3, 1962.

ORDINANCE NO. 547-C.S. entitled

"AN ORDINANCE AMENDING SECTION 3-1.201 OF ARTICLE 2 OF CHAPTER 1 OF TITLE III OF THE MODESTO MUNICIPAL CODE, RELATING TO FIRE PREVENTION"

was introduced and ordered published as required by the Charter.

Moved by VanderWall Seconded by Mitchell

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

AGREEMENT BETWEEN CITY AND RAYMOND V. ALESSI, ADELINE ALESSI AND VERNON DANTE ALESSI WHEREBY THE CITY WILL OBTAIN AN EXCLUSIVE OPTION TO PURCHASE REAL PROPERTY FROM THE ALESSIS FOR GRACE DAVIS HIGH SCHOOL COMMUNITY PARK SITE IN BLOCK 6738

The City Manager stated that the City desires to enter into an option-to-purchase agreement with the above named parties covering the purchase of real property for the proposed Grace Davis High School Community Park. The option is for a period of six months at a cost of $1,000, with the right to renew for an additional six months and additional payment of $1,000, the moneys paid under the agreement to be applied toward a total purchase price of $85,725. Mr. Miller said that funds were budgeted, but suggested that the Council might wish to discuss the litigation aspects involved in executive session.

By Order of the Chair, it was directed that the litigation aspects of the matter be discussed in executive session at the end of the present meeting.

RESOLUTION REFERRING THE PETITION FOR ANNEXATION OF THE CRESTVIEW NO. 3 ADDITION TO THE PLANNING COMMISSION FOR REPORT

At the request of the City Manager, and with the consent of the Council, this matter was held over to the January 7, 1963 meeting.

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY AT 321 EL VISTA AVENUE 2-36

The City Manager stated that the owner of property located at 321 El Vista Avenue has requested sewer service; a line exists to serve the property, which is contiguous to the city limits. The owner has signed an agreement with the City covering the usual requirements pertaining to annexation, etc.

Upon questioning, Director of Public Works Ray stated that in the event the property is sold prior to annexation, the purchaser is not bound by the agreement between the previous owner and the City to annex to the City.

MOTION

That the request for sewer service to property located at 321 El Vista Avenue be approved

Moved by VanderWall Seconded by Johansen Unanimously carried

COUNCIL REFERRAL - REZONING OF PHOENIX FIRE STATION SITE

The City Manager reported that a hearing of the rezoning of the Ruffino Addition and Phoenix Fire Station site was held by the Council at its meeting on November 19, 1962 and the matter referred back to the Planning Commission for reconsideration of its decision that Lot 13 (Phoenix Fire Station site) be rezoned R-3, on the basis that a buffer zone already existed between the present C-2 zoning and residential properties to the north, and because the present structure on the lot can more readily be utilized for C-2 uses than R-3. After reconsideration, the Planning Commission adopted Resolution No. 873 on December 4, 1962 reaffirming its recommendation that Lot 13 (Phoenix Fire Station site) be rezoned to R-3.

Councilman Mitchell asked if it would be possible to request a variance at a later time to permit C-2 uses if an R-3 zoning proved to be unfeasible.

Director of Planning Fey stated that a variance is usually requested for a use permitted in the zone which, because of conditions existing on the property, cannot properly be utilized; that a request for a variance not permitted in a zone is actually a rezoning matter. He said that granting a use variance of this kind to the City might violate a principle and set an undesirable example.

Upon questioning, Mr. Fey said that in reaching its decision, the Planning Commission's primary concern was to prevent an obtrusion of commercial zoning into a residential area.

Mayor Hammond stated that he had read the Planning Commission's view of the matter at hand, and that if the matter before the Council had been requested by a private individual, he was sure that the Council would act favorably upon the request. He said that there have been instances where the Council has denied such requests, but only where spot zoning would be created. It was his opinion that in instances where the construction or features of a building were such to preclude any use other than commercial, and the property was contiguous to a commercial area, it was not sensible nor practicable to adhere too strongly to principle and theory.

Possible use of the building as a branch library was suggested by Councilman Tabbert.

ORDINANCE NO. 548-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 27 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (RUFFINO AND PHOENIX FIRE STATION SITE)" (Lots 13 and 14 to General Commercial C-2)

was introduced and ordered published as required by the Charter.

Moved by VanderWall Seconded by Johansen

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

NAME STREET SERVING CROWS LANDING ROAD INDUSTRIAL AREA

The City Manager stated that the Planning Commission has recommended that the presently unnamed road extending from River Road to Pecos Avenue, serving the Crows Landing industrial area, be named "Zeff Road."

RESOLUTION NO. 62-599

A RESOLUTION NAMING THE ROAD EXTENDING FROM RIVER ROAD TO SOUTH OF PECOS AVENUE WEST OF THE CROWS LANDING ROAD AS ZEFF ROAD

Introduced by Johansen Seconded by Mitchell

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

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

RESOLUTION NO. 62-600

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

Introduced by VanderWall Seconded by Patton

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

January 21, 1963 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place for hearing.

CONTINUATION OF HEARING OF PROPOSED ANNEXATION OF THE SPENCER ADDITION 3-65

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the time set for further consideration of the proposed annexation of the Spencer Addition, and opened the hearing.

The City Attorney stated that the present hearing on the proposed annexation of the Spencer Addition was continued from the November 5, 1962 meeting and carried over at the request of the developer, through the Planning Department, to permit the processing of a P-D zone application.

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

The City Attorney stated that the application for P-D would be presented to the Council for its consideration after the area is annexed to the City.

ORDINANCE NO. 549-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE SPENCER 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 Tabbert

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

HEARING ON REQUIREMENT OF CURBS AND GUTTERS AT LOT E, BLOCK 2016 (119 WILSON) AND PORTION OF LOTS G AND H, BLOCK 2016 (WILSON AVENUE AT 919 YOSEMITE)

Mayor Hammond announced that the hour of 8:10 P.M. had arrived, the time set for consideration of the requirement of curbs and gutters at the above locations, and opened the hearing.

Director of Public Works Ray stated that because the property was not posted in accordance with Resolution No. 62-591, it was necessary to adopt a new resolution instructing the Superintendent of Streets to give notice requiring the construction of the curbs and gutters at the designated areas.

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

RESOLUTION NO. 62-601

A RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF CURBS AND GUTTERS ALONG CERTAIN STREETS IN THE CITY OF MODESTO (BLOCK 2016, LOT E; AND BLOCK 2016, PORTIONS OF LOTS G AND H) AND RESCINDING RESOLUTION NO. 62-591 ENTITLED "A RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF CURBS AND GUTTERS ALONG CERTAIN STREETS IN THE CITY OF MODESTO (BLOCK 2016, LOT E; AND BLOCK 2016, PORTION LOTS G AND H)"

Introduced by Mitchell Seconded by VanderWall

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

January 7, 1963 at 5:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

Hugh Prickett, 111 Wilson, stated that there were four lots in the block which were not curbed and guttered, and asked why only two were being required to construct curbs and gutters. He also questioned a statement in the Modesto Bee attributed to a city staff member that the residents of Wilson Avenue were advised not to install curbs and gutters because of drainage problems.

Director of Public Works Ray stated that two lots are located on each side of the block and requests have only been received by the City to require construction on the two lots on one side of the street.

The City Attorney stated that the law requires each side of the street to be treated separately between intersections.

APPROPRIATION TRANSFERS - MISCELLANEOUS LITIGATION, ACCOUNT NO. 234-65, $300, FOR VARIOUS LITIGATION COSTS INCURRED BY CITY ATTORNEY'S OFFICE

The City Attorney stated that a $300 appropriation transfer (from the General Fund, General Reserve to Account No. 234-65) was needed to cover the cost of briefs and miscellaneous costs connected with pending litigation involving the City.

RESOLUTION NO. 62-602

A RESOLUTION APPROVING APPROPRIATION TRANSFER FROM GENERAL FUND, GENERAL RESERVE TO MISCELLANEOUS UNCLASSIFIED, MISCELLANEOUS LITIGATION ($300)

Introduced by Shastid Seconded by VanderWall

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

MATTERS FOR THE GOOD OF THE COMMUNITY - None

CODIFICATION OF ORDINANCES OF THE CITIES OF CLOVIS AND MONTCLAIR BY CITY ATTORNEY - OUTSIDE EMPLOYMENT

MOTION

That outside employment of the City Attorney to codify ordinances of the cities of Clovis and Montclair be approved

Moved by Shastid Seconded by Johansen Unanimously carried

NOTIFICATION THAT GOVERNOR BROWN HAS DECLARED DECEMBER 31, 1962 A HOLIDAY FOR STATE EMPLOYEES AND HOPES ALL CITIES AND COUNTIES WILL FOLLOW SUIT

The City Manager stated that the occasion for the holiday for state employees on December 31, 1962, granted by Governor Brown, was the celebration of California becoming the most populous State in the union, and that this was reported to the Council for whatever action it might wish to take.

A letter from Mrs. E. E. Marlett, 1630 Victor Way, opposing the holiday for city, county and state employees, was read by the City Clerk.

Charles Breen, Stanislaus County Tax Association, asked if any additional overtime costs would be incurred as the result of the holiday.

A suggestion was made that wherever possible, employees be permitted to use accrued overtime on the day in question.

MOTION

That the City employees' established holiday schedule continue without change

Moved by Shastid Seconded by Tabbert Unanimously carried

REPORT ON POLICE-COMMUNICATIONS CENTER BUILDING

Deputy City Manager Keefe stated that the general specifications for the police-communications center building have been prepared by the architect and are ready for approval, and unless otherwise directed by the Council, there would be one set of specifications for the job with one general contractor; that the interests of the sub-bidders would be protected by the general contractor being required to name the low sub-bidder in the bid. He said that this was being presented to the Council in view of the fact that bids for the construction of the city hall were awarded on the basis of segregated bids.

The advantages and disadvantages of general contracts vs. segregated bids were discussed by the Council, Mayor Hammond stating that the savings gained through segregated bids in connection with the city hall more than offset the additional fee paid the architect for preparing the segregated bids.

By Order of the Chair, the matter was held over for discussion at the December 17 meeting, and the staff directed to submit a report on the following: (1) The additional fee paid the architect for preparing segregated bids for the construction of the city hall; (2) the fee to be charged by the architect for preparing segregated bids for the police-communications center; (3) whether or not the interests of local sub-contractors can be protected when they submit a low bid to a general contractor; (4) an analysis of general contract and segregated bids received for the construction of the city hall.

PROGRESS REPORT RE: ANALYSIS OF FIRE STATION LOCATION

Deputy City Manager Keefe stated that because of the continued growth of the City to the north, it is now the judgment of the staff that a fire station site located in a more northerly location will be more satisfactory than the Orangeburg Avenue site acquired by the City a few years ago. He said that Paul Seely has agreed to lease a site to the City in McHenry Village in the event the City is unable to acquire a suitable site elsewhere. Mr. Keefe listed three suitably located sites which might be acquired for this purpose.

MOTION

That the staff be authorized to investigate possible fire station sites in North Modesto and the costs thereof

Moved by Johansen Seconded by VanderWall Unanimously carried

PRESENTATION OF FINANCIAL STATEMENT FOR MONTH OF NOVEMBER, 1962

The Financial Statement for the month of November, 1962 was presented to the Council, a copy of which was ordered filed.

REPORT ON LITIGATION - JACK LAMB vs. CITY OF MODESTO - Unanimous Consent Item

The City Attorney stated that the trial of Jack Lamb vs. City of Modesto is scheduled for trial December 17, 1962 at 10:00 A.M.

MOTION

That the Council meet in executive session to discuss litigation in connection with Item 17 of the agenda

Moved by Johansen Seconded by VanderWall Unanimously carried

The meeting adjourned to executive session at 8:45 P.M., returning to regular session at 9:17 P.M.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Tabbert Unanimously carried

The meeting adjourned at 9:18 P.M.

ATTEST: _____
Rex E. Gailfus, City Clerk

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

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Absent: Councilmen: None

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

Reverend Charles W. Foley, Jr. gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the regular meeting of November 26, 1962 and the same being available for public inspection, and there being no objections, the minutes were approved.

EMPLOYEE SUGGESTION AWARDS

Mayor Hammond presented employee suggestion awards to the following: $25 to John Moseley, Public Works Department, for constructing a device for pulling gears and bearings at the Sewage Treatment Plant; $50 to Dave Freitas, Public Works Department, for a revised procedure to simplify application for building permits.

The two employees were congratulated by Mayor Hammond.

LETTER FROM HARRY D. WISER, SUPERINTENDENT OF SCHOOLS, MODESTO CITY SCHOOLS, RE: RECENT CIVIL DEFENSE DRILL

A letter from Harry D. Wiser, Superintendent of Schools, dated December 4, 1962 thanking the City for its cooperation in the recent civil defense drill, was read by the City Clerk.

The letter was ordered filed.

FURTHER CONSIDERATION OF THE ELECTRICAL CODE - REPORT BY RONALD CAMP, CHAIRMAN, ELECTRICAL CODE REVIEW COMMITTEE

Ronald Camp, 809 Barham Court, distributed copies of a memorandum, dated December 5, 1962, subject, "Proposed Amendments to Electrical Code," to the Council and members of the staff, a copy of which is on file with the record of the minutes. A memorandum, dated December 14, 1962, same subject, prepared by the Public Works Department, was delivered to the Council prior to the meeting.

Mr. Camp referred to the Council's action of November 13, 1962 when it directed the staff, by motion, to prepare the necessary documents to effect proposed code changes outlined in a memorandum from the Assistant Director of Public Works, dated November 2, 1962, to permit the use of romex in conformance with County standards. He reaffirmed his previous stand that the City should not downgrade its standards to conform with those of the County; that safety factors as well as monetary savings should be considered.

Monty Lukov, executive vice-president, Home Builders Association of Central California, spoke briefly in support of the proposed code change which would permit a greater latitude in the use of romex, saying that his organization agreed that conduit was superior to romex, but that romex met the minimum safety requirements of the state and national electrical codes, and provided a means of lessening construction costs. Upon questioning, Mr. Lukov stated that the Electrical Committee's vote on the romex vs. conduit issue was evenly divided.

The matter was generally discussed by the Council.

Assistant Director of Public Works Campbell suggested that the Council set an evening hearing date in January, 1963 to consider the proposed amendments to the electrical code submitted by the Electrical Committee, saying that the proposed amendments were the final report of the committee and its recommendation to the Council to amend the City's electrical code.

Galen Young, representing the Electrical Workers' Union, stated that it was the unanimous opinion of the union that the City's standards should not be lowered; that the proponents of the proposed changes to liberalize the use of romex have considered only the financial savings involved. It was his opinion that the cost estimates on the use of romex vs. conduit should have been obtained from unbiased firms rather than companies specializing in only romex or conduit. He said that he had yet to hear an individual associated with electrical work who was in favor of the City lowering its standards to meet those of the County.

MOTION

That the staff be instructed to prepare an ordinance in accordance with previous Council instruction, also including all recommended code changes incorporated in memorandum dated December 5, 1962, subject, "Proposed Amendments to Electrical Code"

Moved by Johansen Seconded by VanderWall Unanimously carried

Upon questioning, Assistant Director of Public Works Campbell stated that the proposed code changes pertaining to the use of romex and metallic raceway will bring the City and County codes in line, with the exception that the City will still require metal raceway in commerical establishments; the County code does not as yet require metal raceway in commercial establishments.

MOTION

That the hearing on the proposed amendments to the electrical code be set for January 14, 1963 at 8:30 P.M.

Moved by Johansen Seconded by Shastid Unanimously carried

LETTER FROM ESTHER S. MERRIAM, PRESIDENT, WOMEN'S PROGRESSIVE CLUB RE: ADEQUATE FACILITIES FOR ITS CULTURAL NEEDS 5-37

Copies of a letter from Esther S. Merriam, President, Women's Progressive Club, dated December 11, 1962 were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

The letter, briefly summarized by the City Clerk, stated that community groups interested in art, gardening, literature, lectures, music, etc. are interested in the construction of a library-cultural building, preferably on city-owned property located on 15th Street.

The City Clerk was directed to forward the letter to the appropriate subcommittee of Forward Modesto Committee '62.

Councilman Patton was excused from the meeting.

APPROVE SPECIFICATIONS AND CALL FOR BIDS FOR PORTABLE COMPRESSOR

The City Manager stated that the specifications call for a 125 cfm rotary compressor to replace a 105 cfm piston type 1952 Leroi. Funds are budgeted.

RESOLUTION NO. 62-603

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR ONE 125 CFM ROTARY COMPRESSOR TO REPLACE A 105 CFM PISTON TYPE 1952 LEROI COMPRESSOR

Introduced by VanderWall Seconded by Johansen

Ayes: Johansen, Mitchell, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Patton

January 8, 1963 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

Councilman Patton returned to the meeting.

APPEAL BY CORPORATION FILLES DE JESUS, NOTRE DAME CONVENT

RESOLUTION NO. 62-604

A RESOLUTION SETTING THE TIME AND PLACE FOR HEARING ON THE APPEAL TO THE DECISION OF THE MODESTO CITY PLANNING COMMISSION FILED BY FILLES DE JESUS, NOTRE DAME CONVENT ON THE REZONING OF PROPERTY LOCATED BETWEEN GRANGER AND BRIGGSMORE AVENUES, EAST OF TIDEWATER SOUTHERN RAILROAD TRACK

Introduced by VanderWall Seconded by Mitchell

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

January 14, 1963 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place for hearing.

CONSIDER ORDINANCE REPEALING SECTIONS 4-2.17 AND 4-2.18 OF CHAPTER 2 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO POOL ROOMS

A memorandum from Chief of Police Bowers, dated December 3, 1962, subject, "Poolrooms," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The memorandum indicated that when the card room ordinance was revised last year, the poolroom regulations were eliminated, with only Section 4-2.17 of the Code remaining in force; that the playing of pool and poolrooms, like bowling, has become wholly acceptable as a legitimate form of recreation, the City recently issuing a business license to a poolroom on McHenry Avenue catering to children under the age of 21.

Upon questioning, Chief Bowers stated that the City's curfew ordinance is actually an anti-loitering law, thus the City cannot prevent minors having the consent of their parents from indulging in legitimate entertainment past the hour of 11:00 P.M.

ORDINANCE NO. 550-C.S. entitled

"AN ORDINANCE REPEALING SECTIONS 4-2.17 AND 4-2.18 OF CHAPTER 2 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, RELATING TO POOLROOMS"

was introduced and ordered published as required by the Charter.

Moved by VanderWall Seconded by Mitchell

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

CONSIDER ORDINANCE REPEALING ARTICLE 2 OF CHAPTER 8 OF TITLE VI OF THE MODESTO MUNICIPAL CODE, RELATING TO DETECTIVE AGENCIES 5-86

The City Attorney stated that it was his opinion that Sections 6-8.201 through 6-8.210 of the Municipal Code are unenforceable as the State has preempted the field by expressly adopting regulations pertaining to the licensing of private detectives. He recommended that the sections be repealed.

ORDINANCE NO. 551-C.S. entitled

"AN ORDINANCE REPEALING ARTICLE 2 OF CHAPTER 8 OF TITLE VI OF THE MODESTO MUNICIPAL CODE, RELATING TO DETECTIVE AGENCIES"

was introduced and ordered published as required by the Charter.

Moved by Shastid Seconded by Tabbert

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

CONSIDER SALE OF FIFTEEN SURPLUS PAVEMENT MARKING STENCILS TO THE CITY OF CERES

A memorandum from Director of Finance Bird indicates that the City of Ceres has offered $5 for fifteen pavement marking stencils surplus to the needs of the Parking and Traffic Department. The stencils were made obsolete by a change in state standards for pavement lettering.

RESOLUTION NO. 62-605

A RESOLUTION APPROVING THE SALE OF SURPLUS PAVEMENT MARKING STENCILS TO THE CITY OF CERES

Introduced by Shastid Seconded by VanderWall

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

RESOLUTION ACCEPTING IMPROVEMENTS IN LORENZEN PARK NO. 1 SUBDIVISION AS COMPLETE AND AUTHORIZING CITY CLERK TO RELEASE SUBDIVISION IMPROVEMENT BOND

The City Manager reported that the City Engineer has certified that all work required by the subdivision agreement has been completed to the City's satisfaction, all fees paid, and that it would be in order to release the subdivision improvement bond.

RESOLUTION NO. 62-606

A RESOLUTION AUTHORIZING THE RELEASE OF THE GLENS FALLS INSURANCE COMPANY SUBDIVISION BOND FILED TO GUARANTEE IMPROVEMENTS IN LORENZEN PARK NO. 1 SUBDIVISION

Introduced by Johansen Seconded by Mitchell

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

CONSIDER AWARDING OF CONTRACT FOR EMPLOYEES GROUP HOSPITAL-MEDICAL INSURANCE 5-100

Deputy City Manager Keefe stated that four bids were received for the employees group hospital-medical insurance for 1963, the low bid submitted by California Physicians Service (C.P.S.) at a monthly rate of $5.45 for each employee, and $12.83 for family coverage. The plan is the same one now in effect with Intercoast Life Insurance Company which proposed a rate of $5.75 and $13.64. The Employees Insurance Committee and the staff recommended that the bid of California Physicians Service be accepted. Funds are budgeted.

Mr. Corby, representing the Modesto Insurance Agents, stated that four additional insurance companies were solicited but did not choose to submit bids on the specifications calling for the use of a relative value schedule. Upon questioning, Mr. Corby stated that there was a possibility of a dividend in the event the loss ratio is below a given figure; that in the event a dividend was received, it would be prorated to both the City and employees with dependent coverage.

Councilman Shastid stated that he approved acceptance of the bid of California Physicians Service with city participation at a monthly rate of $5.45 per employee, with the understanding that the approved increase from a maximum of $5 would not be construed as establishing Council policy.

RESOLUTION NO. 62-607

A RESOLUTION ACCEPTING THE BID OF CALIFORNIA PHYSICIANS SERVICE FOR EMPLOYEES GROUP HOSPITAL-MEDICAL INSURANCE FOR A MONTHLY RATE OF $5.45 FOR INDIVIDUAL EMPLOYEE AND $12.83 FOR FAMILY COVERAGE

Introduced by Shastid Seconded by VanderWall

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

RESOLUTION NO. 62-614

A RESOLUTION AUTHORIZING CITY PARTICIPATION IN THE PREMIUM PAYMENT FOR A GROUP HEALTH INSURANCE PLAN FOR EMPLOYEES OF THE CITY OF MODESTO AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE INSURANCE APPLICATION FORM ON BEHALF OF THE CITY AND AUTHORIZING PAYROLL DEDUCTION FOR PREMIUMS IN EXCESS OF CITY PARTICIPATION

Introduced by Shastid Seconded by VanderWall

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

CONSIDER AGREEMENT WITH THE MODESTO IRRIGATION DISTRICT AND COUNTY OF STANISLAUS FOR RECONSTRUCTION OF PORTION OF M.I.D. LATERAL NO. 3

Director of Public Works Ray stated that the proposed agreement with the Modesto Irrigation District and Stanislaus County was approved in principle by the Board of Directors of the M.I.D., will be finally approved at next Monday's meeting, and will be submitted to the Board of Supervisors at its meeting of Tuesday, December 18, 1962. The M.I.D. canal is being realigned in connection with the joint city-county contract to improve certain sections of Prescott Road, Briggsmore Avenue and Northern Boulevard. The City Manager recommended that the agreement be approved by the Council.

RESOLUTION NO. 62-608

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO IRRIGATION DISTRICT AND THE COUNTY OF STANISLAUS FOR RECONSTRUCTION OF A PORTION OF MODESTO IRRIGATION DISTRICT LATERAL NO. 3

Introduced by Mitchell Seconded by Johansen

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

AGREEMENT BETWEEN THE CITY AND RAYMOND V. ALESSI, ADELINE ALESSI AND VERNON DANTE ALESSI WHEREBY THE CITY WILL OBTAIN AN EXCLUSIVE OPTION TO PURCHASE REAL PROPERTY FROM THE ALESSIS FOR GRACE DAVIS HIGH SCHOOL COMMUNITY PARK SITE IN BLOCK 6738 6-54

The City Manager stated that the proposed option-to-purchase agreement provides for a six-months option at a cost of $2,500 to the City for exercise of the option, plus a six-months option renewal at an additional cost of $2,500, the moneys paid under the option-to-purchase agreement to be applied toward the total purchase price of $76,200. Mr. Miller stated that there were 19-plus acres, a portion of which will be available for resale.

Mayor Hammond stated that a taxpayer had called to his attention the fact that Whitmore Park is only two blocks away from the proposed Davis High School Community Park Site.

The two park sites were indicated on a map.

Councilman VanderWall was excused from the meeting at 5:27 P.M.

The City Manager stated that the Davis High School park site had been approved in the General Plan by the Planning Commission and the Council, and an application submitted to the federal government for funds under the Open Space Land Program; but that if the Council so wished, the application for federal grant could be withdrawn.

Councilman Shastid asked if it would be possible to eliminate Whitmore Park upon development of the community park. Mayor Hammond replied that it would not be feasible to do so inasmuch as the park is substantially developed, with plans underway to install a wading pool.

Councilman Mitchell pointed out that neighborhood and community parks serve different functions regardless of proximity, neighborhood parks being primarily for use of neighborhood pre-school and elementary school children, and community parks attracting people from a wider area.

Mayor Hammond asked if the staff had considered utilizing the improvements of Whitmore Park as a phase of the proposed Davis High

Community Park which would result in lessening the acreage of the latter park by five or six acres.

Councilman Johansen stated that he had discussed the proposed park site with several people and asked if the playground facilities would be duplicated in the two parks, or if the larger park would be developed to attract a different age group.

The questions raised were discussed.

The City Manager stated that it would be possible to acquire a site to the north of Davis High School in order to locate the park a greater distance from Whitmore Park, but in his opinion this would not constitute a savings to the city.

Upon questioning, the City Manager explained that a portion of the proposed Davis High community park will be available for resale because of the design of the College Avenue extension, approved by both the Planning Commission and the Council, which will cut through the proposed park site; that the Planning Department has prepared a proposed layout of the parcel which will be isolated on the other side of the street, to assure a logical use of the area; that having the park adjacent to the school with a common boundary will tie in the facilities of the school and park.

It way Mayor Hammond's opinion that because of the proximity of the two parks, and shortage of city funds, the area of the Davis High park site could be cut back and the facilities presently installed in Whitmore Park not duplicated.

The City Manager suggested that the City's park plan be placed on the agenda for discussion in order to clear the standards and principles of park acquisition already cleared by the Planning Commission. He said that during the past two years, considerable staff work had been done towards negotiations for the proposed site.

Councilman Shastid suggested that the staff prepare a plan for utilization of a 13-acre community park site with the idea of minimizing duplication of facilities existing at Whitmore Park.

Councilman Johansen said he realized that duplication could not be eliminated completely, namely, restrooms, trees and benches, and asked if baseball diamonds would be duplicated in the parks.

Mayor Hammond concurred with Councilman Shastid's suggestion that the staff be directed to submit a plan for a 13-acre community park site, eliminating duplicate facilities for the two parks where possible, thus making a larger area of the proposed site available for resale.

Councilman Shastid stated that the City could well concentrate on the development of park sites already acquired.

RESOLUTION NO. 62-609

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND RAYMOND V. ALESSI, ADELINE ALESSI AND VERNON DANTE ALESSI FOR OPTION TO PURCHASE REAL PROPERTY FOR GRACE DAVIS HIGH SCHOOL COMMUNITY PARK SITE IN BLOCK 6738 (Land Acquisition Project No. 62-17)

Introduced by Tabbert Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Tabbert, Mayor Hammond

Noes: Shastid Absent: VanderWall

MOTION

That the staff be instructed to submit a proposal to the Council for the joint utilization of the proposed Davis High School community park and Whitmore Park in an effort to eliminate a duplication of facilities, on the basis of a site approximately thirteen acres in area

Moved by Mayor Hammond Seconded by Shastid Unanimously carried

Councilman Mitchell stated that he hoped the result of the motion would lead to a thorough discussion of the City's overall cooperative agreement with the Schools, wherein the City Schools when purchasing a proposed school site, rely upon the City to buy a site of an established acreage adjacent to the proposed site for park purposes. He said that this policy has enabled the Schools to purchase school sites of a lessened acreage with the knowledge that the site would be complemented with a park site of an acreage established by certain standards. Mr. Mitchell pointed out the desirability of acquiring park sites for posterity, stating that he was confident that means would eventually be found to develop the park sites.

RESOLUTION ESTABLISHING CHARGES FOR SUPPLYING VARIOUS ASPECTS OF THE MODESTO MUNICIPAL CODE TO THE PUBLIC AND RESCINDING RESOLUTION NO. 54-360

Copies of a memorandum from the City Attorney, dated December 4, 1962, subject, "Maintenance of Modesto Municipal Code," were distributed to the Council prior to the meeting, a copy of which is on file with the record of the minutes. He said that the proposed resolution established charges for supplying various aspects of the Modesto Municipal Code to the public.

RESOLUTION NO. 62-610

A RESOLUTION ESTABLISHING CHARGES FOR SUPPLYING VARIOUS ASPECTS OF THE MODESTO MUNICIPAL CODE TO THE PUBLIC, AND RESCINDING RESOLUTION NO. 54-360

Introduced by Shastid Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor Hammond

Noes: None Absent: VanderWall

RESOLUTION APPROVING AGREEMENT WITH COUNTY OF STANISLAUS FOR CITY TO DESIGN AND INSPECT CONSTRUCTION OF TRAFFIC SIGNALS AT SCENIC DRIVE AND OLD OAKDALE ROAD

The City Manager stated that the proposed agreement provides for Parking and Traffic Department personnel to design and inspect construction of traffic signals at Scenic Drive and Old Oakdale Road, the City to be reimbursed for expenses estimated to be $800. Funds are budgeted.

RESOLUTION NO. 62-611

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS WHEREBY THE CITY SHALL DESIGN AND INSPECT CONSTRUCTION OF TRAFFIC SIGNALS AT SCENIC DRIVE AND OLD OAKDALE ROAD

Introduced by Johansen Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor Hammond

Noes: None Absent: VanderWall

CONSIDER APPROVAL OF RIGHT OF WAY CONTRACT FOR THE ACQUISITION OF RIGHT OF WAY FROM JOHN LAURENS MACFARLANE AND ELIZABETH F. MACFARLANE FOR WIDENING OF ROSEBURG AVENUE

The City Manager stated that the proposed right of way agreement grants the City a ten-foot right of way for the widening of Roseburg Avenue and that the grantors may retain an existing six-foot fence at its present location in non-conformance with City standards.

RESOLUTION NO. 62-612

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND JOHN LAURENS MACFARLANE AND ELIZABETH F. MACFARLANE FOR WIDENING OF ROSEBURG AVENUE (Project No. 55-16, Parcel 6012-6)

Introduced by Tabbert Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor Hammond

Noes: None Absent: VanderWall

REPORTS FROM THE PLANNING COMMISSION - None

APPROPRIATION TRANSFERS

The City Manager stated that an additional appropriation of $1,500 is needed for the balance of fiscal year 1962-63 to increase the amount budgeted for stamps in the Office Services Division. The increase results from the increase in postage rates on first class mail of approximately 25%, effective January 7, 1963, and the volume of mail occasioned by the election and Forward Modesto Committee activities.

RESOLUTION NO. 62-613

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $1,500 FROM GENERAL FUND, GENERAL RESERVE; TO OFFICE SERVICES, POSTAGE

Introduced by Shastid Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor Hammond

Noes: None Absent: VanderWall

MATTERS FOR THE GOOD OF THE COMMUNITY

Request for lease of portion of old city hall - Amateur Radio Club

Lawrence H. DeWitt, President of the Modesto Amateur Radio Club, requested the lease of a portion of the old City Hall for use of the Club, a non-profit organization, on the second Tuesday of each month at 7:30 P.M. There are approximately 35 members.

Deputy City Manager Keefe stated that space was available in the old city hall building.

Upon questioning, Mr. DeWitt stated that an active Television Interference Committee, composed of club members, is registered with the Federal Communications Commission in Washington, D.C., and is responsible for correcting any interference problems involving club members as well as city-wide complaints referred to it by the Federal Communications Commission. He stated that if permission is granted to use the old city hall, no experimentations will be conducted; that the premises will be used primarily for classroom purposes; that the club has a direct tie with civil defense.

MOTION

That the staff be instructed to work with the Modesto Amateur Radio Club to determine if facilities in the old city hall can be made available for the use requested with consideration being given to a hold harmless clause for the protection of the City and the fact that incidental expenses incurred in the use of the premises are to be borne by the club

Moved by Shastid Seconded by Mitchell Unanimously carried

PRELIMINARY REPORT ON SIGN REGULATIONS 9-16

MOTION

That consideration of this matter be held over for two weeks

Moved by Tabbert Seconded by Shastid Unanimously carried

REPORT ON CITY-COUNTY DRAINAGE COMMITTEE MEETING

Councilman Tabbert reported that the City-County Drainage Committee met on November 29, 1962. The County was represented by Supervisors Ruggieri and Brink, and Director of Public Works Barhite. Besides himself, the City was represented by Director of Public Works Ray, City Engineer Campbell and Associate Engineer Frank Reynolds. Reports made on storm drainage problems during the past few years were presented to the group by Mr. Ray, including discussions on the use of M.I.D. canals. Mr. Tabbert stated that the main thing accomplished at this first meeting was the outlining of goals to be met and that the City Director of Public Works consented to prepare maps of the urban area indicating where the most severe drainage problems occur. He said that the next meeting would be held when more map data is available.

REPORT OF CITY ATTORNEY ON DECISION OF THE FIFTH DISTRICT COURT OF APPEAL IN THE CASE OF MODESTO IRRIGATION DISTRICT VS. CITY OF MODESTO

The City Attorney reported that a decision favorable to the City was rendered by the Fifth District Court of Appeal in the case of Modesto Irrigation District vs. City of Modesto. He said that the M.I.D. may petition for a hearing before the California Supreme Court.

REPORT ON POLICE-COMMUNICATIONS CENTER - DISCUSSION ON METHOD OF BIDDING

Whether or not bids for the construction of the proposed police-communications center building should be by single general contract or by segregated bids was discussed by the Council.

Deputy City Manager Keefe stated that an additional sum of $1,200 would need to be paid to the architect if specifications were to be prepared on the basis of segregated bids; that a Clerk of the Works would be needed whether the bids were awarded under general contract or segregated bids.

It was Councilman Mitchell's opinion that soliciting bids from general contractors only saves the extra architect fees, facilitates preparation of plans, generally results in the receipt of more bids from contractors, many of whom will not submit bids in competition with subcontractors, and fixes the responsibility for the whole project on the general contractor. He urged that the recommendation of the staff that bids be solicited from general contractors only be approved.

Deputy City Manager Keefe pointed out that in connection with City Hall construction, only two bids out of eleven solicited, were received from general contractors. It was his opinion that the fact

that both general and segregated bids were solicited contributed to the lack of bids received.

MOTION

That plans and specifications for the proposed police-communications building be prepared for submission on the basis of a single general contract only

Moved by Mitchell Seconded by Tabbert

The motion carried, Councilman Shastid dissenting.

REPORT ON ANNUAL APPOINTMENT TO LEAGUE COMMITTEE

The City Manager stated that the following appointments to League of California Cities committees have been made, subject to Council approval: Harry Sham - Committee on Aviation Problems; William Mitchell - International Municipal Cooperation; Allen Grimes - Municipal Home Rule and Police Power; Mayor Don Hammond - Streets and Highways; and Marvin Ray - Water Pollution Control.

MOTION

That the appointments to League of California Cities Committees as outlined by the City Manager be approved

Moved by Shastid Seconded by Tabbert Unanimously carried

REPORT ON LEAF COLLECTION PROGRAM

Copies of a memorandum from the Director of Public Works, dated December 10, 1962, subject, "Ingenuity pays off in Leaf Collection Program - Public Works Department, Streets Division," were furnished the Council prior to the meeting. The memorandum outlined an invention by Charles White, Department of Public Works employee, whereby the normal tailgate of a dump truck, placed in a horizontal position, becomes a part of the truck bed upon which a three-sided box is placed, manufactured out of steel airplane landing mat in city storage for many years, adding 4½ cubic yard capacity to the truck for the collection of leaves.

A copy of the memorandum is on file with the record of the minutes.

SUGGESTION THAT REGULAR MEETING OF MONDAY, DECEMBER 24, 1962 BE ADJOURNED BY CITY CLERK TO WEDNESDAY, DECEMBER 26, 1962 AT 7:30 P.M.

MOTION

That the regular meeting of Monday, December 24, 1962 be adjourned by the City Clerk to December 26, 1962 at 7:30 P.M.

Moved by Shastid Seconded by Patton Unanimously carried

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

Modesto City Council

December 24, 1962

Due to the lack of a quorum, the regularly scheduled Council meeting of Monday, December 24, 1962 was adjourned to Wednesday, December 26, 1962 at 7:30 P.M. by the City Clerk.

ATTEST: REX E. GAILFUS
City Clerk

12-24-62

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

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Absent: Councilmen: Mitchell

The pledge of allegiance to the Flag was given by all those 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 meetings of December 3 and 10, 1962, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM McHENRY INSURANCE AGENCY THANKING COUNCIL FOR USE OF BID METHOD IN CALLING FOR RENEWAL OF INSURANCE COVERAGE

A letter from V. G. McHenry, dated December 18, 1962, thanking the Council for being given an opportunity to submit a bid on the employees' group health insurance and suggesting that the same procedure be followed with other types of insurance, was read by the City Clerk.

The letter was ordered filed.

LETTER FROM MARION H. MOOREHEAD, POSTMASTER, THANKING COUNCIL FOR COOPERATION DURING PAST YEAR

A letter from Postmaster Marion H. Moorehead, dated December 17, 1962 thanking the Council for city cooperation was read by the City Clerk.

The letter was ordered filed.

CARD FROM GEORGE SMEATH

A Christmas card from Mr. and Mrs. George Smeath was read by the City Clerk. The card was ordered filed.

LETTER FROM JOHN W. BOMBERGER, ARCHITECT RE: PROPOSED NEW FIRE STATION

A letter from John W. Bomberger, dated December 18, 1962, subject, "New Fire Station," was read by the City Clerk. Mr. Bomberger requested that his office be considered for architectural services in connection with a proposed new fire station for the City.

The City Manager stated no outside architectural services for the fire station were necessary, as the plans are prepared by the staff.

The City Clerk was directed to so inform Mr. Bomberger.

LETTER FROM DAHLTON O. ASEMOTA, SENATOR, NIGERIA RE: VISIT TO THE CITY OF MODESTO

A letter from Senator Dahlton O. Asemota of Benin, Nigeria, thanking the City and Modesto Junior College staff for their hospitality during his visit to Modesto earlier in the year was read by the City Clerk.

The City Clerk was directed to send a copy of Mr. Asemota's letter to all individuals and agencies specifically mentioned in his letter.

LETTER FROM THE MODESTO CITY SCHOOLS RE: FIRE AND POLICE PROTECTION FOR THE ROSE AVENUE ELEMENTARY SCHOOL

A letter from Harry D. Wiser, Superintendent, Modesto City Schools, dated December 18, 1962, subject, "Fire and Police Protection for the Rose Avenue Elementary School," was read by the City Clerk.

Mr. Wiser requested that immediate regular police patrol service and fire protection be authorized for the Rose Avenue Elementary School, presently outside the city limits, stating that it is the intent of the Board of Education to incorporate this area into the city limits after the development of the school and at such time as is deemed desirable by interested parties. Mr. Wiser further requested that excerpts of the minutes pertaining to this matter be forwarded to his office.

MOTION

That fire and police protection be furnished the Rose Avenue Elementary School on the same basis as granted in the case of Grace M. Davis High School and Catherine E. Everett School

Moved by VanderWall Seconded by Tabbert Unanimously carried

CONSIDER AWARD OF BID FOR CONSTRUCTION OF WATER MAINS TO RENEE MANOR NO. 1 SUBDIVISION

Director of Public Works Ray stated that no bids were received for construction of water mains to Renee Manor No. 1 Subdivision; that the estimated cost of installation by city forces is $4,659.35. The City Manager recommended that the work be done with city forces.

RESOLUTION NO. 62-615

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR THE CONSTRUCTION OF WATER MAINS TO RENEE MANOR NO. 1 SUBDIVISION

Introduced by Johansen Seconded by VanderWall

Ayes: Johansen, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell

CONSIDER AWARD OF BID FOR WATER LINE, BROOKDALE PARK NO. 4 SUBDIVISION

Director of Public Works Ray stated that no bids were received for installation of a water line to Brookdale Park No. 4 Subdivision; estimated cost of installation is $744.

The City Manager recommended that the work be done with city forces.

RESOLUTION NO. 62-616

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR THE CONSTRUCTION OF WATER MAINS IN BROOKDALE PARK NO. 4 SUBDIVISION

Introduced by Shastid Seconded by Tabbert

Ayes: Johansen, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell

CONSIDER AWARD OF BID FOR THE CONSTRUCTION OF A CHAIN LINK FENCE AT THE CORPORATION YARD SITE, BLOCKS 433 AND 434 1-85

Director of Public Works Ray stated that five bids were received for the construction of a chain link fence at the corporation yard site, the low bid submitted by Stockton Fence and Materials in the amount of $2,638.75, which is lower than the Engineer's estimate. He recommended that award be made to this firm.

RESOLUTION NO. 62-617

A RESOLUTION ACCEPTING THE BID OF STOCKTON FENCE AND MATERIAL COMPANY IN THE AMOUNT OF $2,638.75 FOR THE CONSTRUCTION OF A CHAIN LINK FENCE AT THE CORPORATION YARD SITE (BLOCKS 433 AND 434)

Introduced by Shastid Seconded by VanderWall

Ayes: Johansen, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell

The City Manager stated that it is proposed to improve the lighting of the corporation yard site at an estimated cost of $300. Funds are budgeted for this purpose.

RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING OF REVISED OR SUPPLEMENTAL PAGES OF THE MODESTO MUNICIPAL CODE FOR CALENDAR YEAR 1963

The City Clerk stated that the proposed resolution approves specifications for the furnishing of revised or supplemental pages of the Modesto Municipal Code for calendar year 1963 and authorizes a call for bids; that a complete tabulation of costs for calendar year 1962 would be furnished the Council at a later meeting.

RESOLUTION NO. 62-618

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR FURNISHING REVISED OR SUPPLEMENTAL PAGES OF THE MODESTO MUNICIPAL CODE FOR CALENDAR YEAR 1963

Introduced by Shastid Seconded by Johansen

Ayes: Johansen, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell

January 11, 1963 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. 550-C.S. RELATING TO POOLROOMS

ORDINANCE NO. 550-C.S. entitled

"AN ORDINANCE REPEALING SECTIONS 4-2.17 AND 4-2.18 OF CHAPTER 2 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO POOLROOMS"

introduced on December 17, 1962 and having been published as required by the Charter, was moved and adopted. (Effective January 10, 1963)

Moved by VanderWall Seconded by Tabbert

Ayes: Johansen, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell

ADOPTION OF ORDINANCE NO. 551-C.S. RELATING TO DETECTIVE AGENCIES

ORDINANCE NO. 551-C.S. entitled

"AN ORDINANCE REPEALING ARTICLE 2 OF CHAPTER 8 OF TITLE VI OF THE MODESTO MUNICIPAL CODE RELATING TO DETECTIVE AGENCIES"

introduced on December 17, 1962 and having been published as required by the Charter was moved and adopted. (Effective date, January 10, 1963)

Moved by Johansen Seconded by Patton

Ayes: Johansen, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell

RESOLUTION ESTABLISHING RENTAL FEES TO BE CHARGED FOR THE USE OF MANCINI BOWL IN GRACEADA PARK AND RESCINDING RESOLUTION NO. 8831-N.S.

The City Attorney stated that at the time Ordinance No. 541-C.S. was adopted, amending the Code to extend the use of Mancini Bowl, it was proposed that a resolution be prepared establishing fees for use of the Bowl for special events or meetings. He said that the ordinance was now effective and it would be in order to adopt a resolution establishing fees.

RESOLUTION NO. 62-619

A RESOLUTION ESTABLISHING RENTAL FEES TO BE CHARGED FOR THE USE OF MANCINI BOWL IN GRACEADA PARK AND RESCINDING RESOLUTION NO. 8831-N.S.

Introduced by VanderWall Seconded by Shastid

Ayes: Johansen, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell

RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE WOODLAND FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (SPENCER ADDITION)

RESOLUTION NO. 62-620

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE WOODLAND FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (SPENCER ADDITION)

Introduced by Shastid Seconded by Johansen

Ayes: Johansen, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell

CONSIDER LETTER AGREEMENT BETWEEN THE CITY AND JOHN HIRLEMAN, SUBDIVIDER OF BROOKDALE PARK NO. 4 SUBDIVISION

The City Manager stated that the City is requiring that the depth of a 6" VCP sewer lateral in the Brookdale Park No. 4 Subdivision be increased approximately five feet, and that the proposed letter agreement provides for an advance of $673.86 by the City to cover the cost of the project; that the City will be reimbursed for the advance when service is extended to adjacent areas.

Upon questioning, Director of Public Works Ray stated that the subtrunk sewer is designed to benefit people beyond the subdivision and not the subdivision specifically.

MOTION

That the letter agreement between the City and John Hirleman be approved

Moved by VanderWall Seconded by Tabbert Unanimously carried

CONSIDER AMENDMENT TO AGREEMENT WITH SOUTHERN PACIFIC COMPANY FOR ROAD EASEMENT ACROSS SOUTHERN PACIFIC RIGHT OF WAY AT KANSAS AVENUE

The City Manager stated that the proposed supplemental agreement extends the time for the exercise of an easement across the Southern Pacific right of way at Kansas Avenue to November 10, 1963 in connection with the signalization of Grade Crossing B-112.3. The status of the proposed signalization of this intersection was briefly discussed.

RESOLUTION NO. 62-621

A RESOLUTION APPROVING AMENDMENT TO AGREEMENT BETWEEN THE CITY OF MODESTO AND SOUTHERN PACIFIC COMPANY EXTENDING TIME FOR EXERCISE OF EASEMENT ACROSS SOUTHERN PACIFIC RIGHT OF WAY AT KANSAS AVENUE

Introduced by Tabbert Seconded by Patton

Ayes: Johansen, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell

CONSIDER PLAN FOR THE REALIGNMENT OF TUOLUMNE BOULEVARD BETWEEN CALAVERAS AND SEVENTH STREETS

The City Manager stated that if the Council wished to proceed with the realignment of Tuolumne Boulevard in cooperation with the Division of Highways, it was necessary that an alignment be adopted, necessary rights of way acquired, and authorization given the staff to negotiate a cooperative agreement with the Division of Highways. Estimated cost of street improvements is $17,000, and about $2,000 for changes which will be required in signalization of the intersection. A sketch of the realignment of Tuolumne Boulevard recommended by the staff (Tuolumne Boulevard Alignment, Alternate "A") was displayed to the Council. Mr. Miller said that at the March 26, 1962 meeting, the staff was authorized to negotiate with property owners in the area for rights of way, but no specific alignment was approved.

Director of Public Works Ray said that the State is finalizing its plans, estimates and specifications for the last phase of the freeway construction, which includes a connection into Tuolumne Boulevard; that if the City wishes to enter into a cooperative project with the State, the City's portion of the work will be included with the State's plans and specifications to permit the work to be done at one time, with the City paying its share of the costs; that the State wishes the City's decision as soon as possible in order to complete plans and specifications.

It was Councilman Patton's opinion that costs of necessary rights of way should be obtained before definite action is taken by the Council, as the cost may be prohibitive.

MOTION

That the staff be instructed to informally negotiate for the acquisition of the necessary rights of way, the Council indicating its intent to adopt alignment shown in sketch entitled "Alternate A - Tuolumne Boulevard Alignment"

Moved by Johansen Seconded by Patton Unanimously carried

CONSIDER DESIGN OF NEIGHBORHOOD FIRE STATIONS

The City Manager stated that the staff has been authorized by the Council to submit applications for federal funds to assist with the cost of construction of two fire stations - one on Kearney Avenue and one in the north McHenry area; that it has been the practice in the past, whenever fire stations are in or near residential areas, to design them to blend architecturally with such areas.

Two sketches with identical floor plans were presented to the Council, the only difference being the roofline of the equipment room -- one sketch having a flat and the other a peak roof.

Councilman VanderWall, Chairman of the Public Projects Committee, said that the committee has recommended that the design with the peak roof be approved and that the design be established as a standard for future fire stations.

Upon questioning, the City Manager stated that if the applications for federal funds are approved, it is planned to budget funds for the construction of the fire stations next fiscal year; that funds are presently budgeted to purchase a fire station site in the Kearney-Coldwell area; that with federal participation, the City's share of construction costs for each fire station will be from $18,000 to $20,000; that as part of the application, the City must certify that its share of construction costs is available.

Director of Public Works Ray stated that the peak roof design will cost about $600 more than the flat roof design.

MOTION

That the fire station design with a peak roof be approved as the standard design for fire stations, as recommended by the Public Projects Committee (per sketch entitled, "Preliminary Plans Fire Station No. 5," dated February 25, 1959 on file in the Public Works Department)

Moved by VanderWall Seconded by Tabbert Unanimously carried

CONSIDER ACQUISITION OF RIGHT OF WAY REQUIRED FOR PRESCOTT-BRIGGSMORE-NORTHERN BOULEVARD RIGHT OF WAY

The City Manager briefly reviewed an agreement with the County for improvement of Prescott Road, Briggsmore Avenue and Northern Boulevard, and one with the County and Modesto Irrigation District for the relocation and piping of M.I.D. Lateral No. 3 in connection with the above improvements. He said that negotiations were presently underway to acquire rights of way for the canal relocation; that the owner of the property has agreed to provide rights of way for the improvement of Prescott Road and Briggsmore Avenue for a payment of $9,834, and the rights of way necessary for the extension of Northern Boulevard across his property, subject to the following conditions: (1) That a public street opening be provided to his property immediately across from the Prescott-Briggsmore intersection; (2) That a 36-foot curb cut be guaranteed providing ingress only from Northern Boulevard to his property at a point not less than 225 feet from the center line of Orangeburg Avenue.

The City Manager said that inasmuch as Northern Boulevard has been designated an expressway, the ingress to the property requested in Item 2 above could be granted only if warranted by development plans and approved by the Planning Commission at the time development of the property is under consideration. He suggested that if a satisfactory agreement could not be reached now with the owner, condemnation proceedings be instituted for the rights of way urgently needed for the realignment of the canal, and problems involved with the acquisition of rights of way for Northern Boulevard be resolved at a later date.

Wilbur Grant, 213 Las Palmas, distributed a map of the Winn property to the Council, which indicated the proposed Prescott-Briggsmore-Northern Boulevard improvements with the realignment of the M.I.D. canal, and indicating the portions acquired by the State for right of way purposes and those requested by the City. He stated that a small triangular portion of the Winn property at the top of the map tied in with a proposed shopping center immediately above it; that the Planning Commission has tentatively expressed its desire that the area be zoned commercial; that the larger area of the Winn property designated on the map was presently zoned R-A, but that it was the intent of the owner to work with the City toward eventual annexation and rezoning.

Mr. Grant stated that the triangular section at the top of the map, comprising 3-plus acres, has been designated by a major oil company as a tentative service station site, the company indicating that terms of the lease are dependent upon whether or not ingress will be provided at a point indicated on the map submitted by Mr. Grant as access point No. 3. Mr. Grant contended that ingress at this point would not be detrimental to the flow of traffic, and was well within bounds of sound engineering principles. He said that the City has not agreed to this access point.

Upon questioning, Mr. Grant said that there were no problems connected with access points 4 and 5; that they would be granted upon application; that agreement had been reached on ingress and egress at access point No. 2. The City Manager pointed out that there was agreement on 4 and 5, except for determination of the exact location.

Mr. Grant pointed out that the amount of southbound traffic coming into Modesto at the Orangeburg, Briggsmore, Northern Boulevard intersection will make the property in question a strategic location for a business presently under discussion with a major oil company. He said that his client and the City were in disagreement over ingress and egress at access point No. 1

Traffic problems which might result from ingress and egress at access point No. 1 were discussed. It was Mr. Grant's opinion that no problems would arise with controlled flow at the Orangeburg intersection and access point No. 2, with right turns only into an acceleration lane.

Mayor Hammond explained the Council's policy in connection with access points on Briggsmore Avenue and Northern Boulevard, stating that it was desired to preserve the fundamental characteristics of an expressway by keeping points of ingress and egress to a minimum.

The City Manager stated that although the sketch presented by Mr. Grant indicated four lanes of traffic possible on Prescott Road, present proposals call for the paving of two lanes only; that one of the points covered in discussions with the parties involved was that an outside lane adjacent to the Winn property might be used for an acceleration and deceleration lane. It was the opinion of Councilmen VanderWall and Shastid that costs for the improvement of any acceleration or deceleration lane should be borne by the developer.

MOTION

That the following is the intent of the Council: Access Point No. 1, as indicated on map presented by Wilbur Grant (a copy of which is on file in the office of the City Clerk) -- that ingress only be approved at a point lying between the centerline of Orangeburg Avenue and Access Point No. 2 of said map, the exact location to be determined by the Planning Commission when development of the property is under consideration; Access Point No. 2 -- that both ingress and egress be approved at this point, as mutually agreed upon; Access Point No. 3 -- that ingress only be approved, the exact location to be determined by the Planning Commission when development of the property is under consideration; that if the City requests suitable deceleration lanes at some future date, the cost of improving such deceleration lanes be borne by the developer.

Moved by VanderWall Seconded by Johansen Unanimously carried

Upon questioning, Mr. Grant stated that the above concessions were agreeable to his client.

RESOLUTION NO. 62-622

A RESOLUTION AUTHORIZING THE INSTITUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE CERTAIN REAL PROPERTY IN THE CITY OF MODESTO REQUIRED FOR RIGHT OF WAY FOR PRESCOTT-BRIGGSMORE-NORTHERN BOULEVARD PROJECT (PROJECT NO. 61-1, WINN PROPERTY)

Introduced by VanderWall Seconded by Shastid

Ayes: Johansen, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell

The City Attorney stated that an agreement would be prepared as directed by the Council; that if executed by both parties a special Council meeting would be called to approve the agreement; that if the agreement was not executed within a reasonable time, condemnation proceedings would be instituted for the rights of way involved.

LEASE AGREEMENT BETWEEN CITY AND INDUSTRIAL WASTE COMPANY TO LEASE 40 ACRES OF LAND AT MODESTO CITY-COUNTY AIRPORT FOR A PERIOD OF FIVE YEARS

The City Manager stated that the proposed agreement covers the lease of approximately 40 acres of city-owned land at the Modesto

City-County Airport to Industrial Waste Company for general agricultural purposes, or as emergency percolation beds in the event of failure of the transmission line serving the industrial tract to the north of the Airport, for a period of five years commencing January 1, 1963 at a yearly rental of $1,000.

Director of Public Works Ray reviewed the terms of the proposed agreement, stating that it provides for re-entry by the City for inspection, etc., and gives the City the right to terminate the agreement at any time prior to the expiration of the term of the lease in the event the Director of Public Works finds that the emergency use granted the lessee constitutes a public nuisance or a situation injurious to the health, welfare or safety, and is not corrected to his satisfaction within a specified time. Mr. Ray said that past attempts to use the land for agricultural purposes have not been satisfactory; that approval of the lease will provide an income to the City for the next five years and at the same time eliminate maintenance costs. He suggested that the Council take no action on the matter until the next meeting to give the staff an opportunity to submit information on the possible desirability of including a clause providing for earlier termination of the lease on one portion of the area, if re-entry by the City is desired before five years. The area referred to was indicated on a map.

Upon questioning, Mr. Ray said that the area would be used for percolation beds only in the event of failure of the transmission line, and that it was not possible to determine the frequency of failure; that rental of the property was actually insurance to the Company.

The matter was discussed by the Council.

Councilman Patton suggested that the agreement also contain a termination clause based on possible F.A.A. ruling that a longer eastern runway is needed by United Airlines.

Mr. Hansen, 931 Moffatt Street, spoke briefly opposing the proposed agreement because of odor problems. He suggested that action be withheld pending a hearing.

Mr. A. E. Zimmerman, 2701 River Road, recommended that the lease be for a period of one year only instead of five years, which would tend to guarantee that the area would be used for emergency ponding only. It was his opinion that action should be withheld and representatives of the Industrial Waste Company asked to express their need for the lease and how it will affect the area.

The City Manager stated that if the Council wished to consider the matter further, the staff would review the problems with the parties concerned and submit a full report to the Council, and interested parties given an opportunity to be heard.

MOTION

That the matter be held over to the next meeting

Moved by VanderWall Seconded by Johansen Unanimously carried

ANNEXATION - DOWNEY PARK ADDITION

The City Attorney stated that the property has been acquired by the city for a park site, that the petition for annexation was initiated by Council motion, and the proposed resolution will be the Council's declaration to initiate proceedings to annex the Downey Park Addition to the City. (Formerly designated as Brighton Avenue Park Site in previous documents)

RESOLUTION NO. 62-623

A RESOLUTION DECLARING THAT PROCEEDINGS HAVE BEEN INITIATED BY THE COUNCIL OF THE CITY OF MODESTO TO ANNEX TO SAID CITY CERTAIN UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS DOWNEY PARK ADDITION, AND GIVING NOTICE OF SUCH PROPOSED ANNEXATION

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Mitchell

February 11, 1963 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place for hearing.

REPORTS FROM THE PLANNING COMMISSION - None

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

The City Manager announced pending visits to Modesto of Mrs. Wheeler, a relative of Victor Echiverria, Barranquilla, Colombia, presently living in Peru, and Miss Colombia, also a relative of Mr. Echiverria, who will represent that country in the Miss Universe contest in Long Beach in August, 1963 and will visit Modesto during her sojourn in the United States. A picture of Miss Colombia was shown the Council.

REPORT BY CITY MANAGER RELATING TO FALL-OUT SHELTERS WITHIN THE CITY LIMITS

A list of facilities to be used as fall-out shelters in the City of Modesto was distributed to the Council.

Ira Wilson, Stanislaus County Civil Defense Coordinator, reported that the buildings in this area designated as suitable for fall-out shelters are being approriately marked and survival supplies are being provided for all shelters falling under Category 4 or above.

Mr. Wilson stated that signed agreements have been executed by 33 owners of the 67 buildings in the County designated as suitable for fall-out shelters.

REPORT ON POLICE-COMMUNICATIONS BUILDING 12-50

The City Manager stated that no word has been received in connection with the City's application for a federal grant to assist in the construction of the police-communications building.

INTRODUCTION OF POLICE CAPTAIN

Chief of Police Bowers introduced Sergeant Joe McKinsey of the County Sheriff's office, the successful candidate for the position of Captain with the City police force, effective January 16, 1963.

ADJOURNMENT

MOTION

That the present meeting adjourn to executive session

Moved by VanderWall Seconded by Tabbert Unanimously carried

The meeting adjourned at 10:45 P.M.

ATTEST: Rex E. Gailfus, City Clerk